



General Assembly

Amendment

January Session, 2009

LCO No. 8778

HB0643508778SRO

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FASANO, 34th Dist.

SEN. RORABACK, 30th Dist.

To: Subst. House Bill No. 6435

File No. 1004

Cal. No. 696

**"AN ACT CONCERNING ELECTION DAY REGISTRATION AND
PRESIDENTIAL BALLOT PROCEDURES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) Any member of the
4 Senate may submit a complaint, under penalty of false statement,
5 concerning alleged misconduct by a member of the Senate to the
6 president pro tempore and the Senate minority leader. Not later than
7 seven days after receipt of such a complaint, the president pro tempore
8 shall appoint a bipartisan committee on ethics that shall consist of six
9 members, three of whom shall be appointed with the concurrence of
10 the Senate minority leader. The president pro tempore shall appoint
11 two cochairpersons of the committee, one of whom shall be appointed
12 upon the recommendation of the Senate minority leader.

13 (b) Said committee shall have cognizance of any official Senate

14 action in response to any such complaint of misconduct by any
15 member of the Senate. As used in this section, "misconduct" means any
16 violation of state or federal election laws, including, but not limited to,
17 voter registration fraud, any violation of the state codes of ethics, any
18 legal or ethical wrong or other conduct that materially impairs the
19 ability of the member to perform the duties of his or her office or
20 undermines public trust and confidence in the Senate. Nothing in this
21 section shall be construed to affect the powers and duties of the Office
22 of State Ethics or the Citizen's Ethics Advisory Board.

23 (c) A quorum, consisting of not less than two members of each
24 caucus, shall be required to conduct any official business of the
25 committee. All committee decisions shall require four affirmative
26 votes.

27 (d) The committee shall conduct a preliminary investigation into
28 any such complaint of misconduct by any member of the Senate. Any
29 committee member who is the subject of such a complaint shall recuse
30 himself or herself from any committee action pertaining to such
31 complaint. Such member shall be replaced, for purposes of committee
32 action on such complaint, in the same manner in which such member
33 was appointed. In the event that a complaint concerns alleged
34 misconduct by the president pro tempore, the duties of the president
35 pro tempore under this section shall become the duties of the Senate
36 majority leader. If such complaint concerns alleged misconduct of the
37 Senate minority leader, the duties of the Senate minority leader under
38 this section shall become the duties of the Senate minority leader pro
39 tempore.

40 (e) Any such preliminary investigation of a complaint shall be
41 confidential and not subject to disclosure. Upon the conclusion of any
42 preliminary investigation, the committee shall vote to either (1)
43 dismiss the complaint, or (2) make a finding of probable cause that
44 misconduct has occurred. Upon a finding of probable cause by the
45 committee, all information relating to the preliminary investigation
46 shall, to the extent allowed by state and federal law, be made available

47 to the public.

48 (f) The committee shall undertake a full investigation only after a
49 finding of probable cause. All information relating to a full
50 investigation shall, to the extent allowed by state and federal law, be
51 made available to the public. All proceedings relating to a full
52 investigation shall be open to the public. Upon the completion of a full
53 investigation, the committee shall report its findings and
54 recommendation in the form of a resolution to be voted upon by the
55 Senate. Such recommendation shall include one of the following: (1)
56 Expulsion, (2) censure, (3) reprimand, or (4) no action. The full Senate
57 shall vote on any such resolution not later than ten days after the
58 committee reports out any such resolution.

59 (g) The subject of any such complaint or investigation may be
60 represented by counsel and may appear before the committee on his or
61 her own behalf.

62 (h) The committee shall adopt rules and procedures to govern its
63 proceedings. Such rules shall include, but not be limited to, standards,
64 rules and methodology for conducting such preliminary and full
65 investigation, respectively."