



General Assembly

Amendment

January Session, 2009

LCO No. 8807

SB0091008807SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. FASANO, 34th Dist.

SEN. RORABACK, 30th Dist.

To: Subst. Senate Bill No. 910

File No. 191

Cal. No. 190

"AN ACT CONCERNING PERMANENT ABSENTEE BALLOT STATUS."

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, any violation of the state
17 codes of ethics, any legal or ethical wrong or other conduct that
18 materially impairs the ability of the member to perform the duties of
19 his or her office or undermines public trust and confidence in the
20 Senate. Nothing in this section shall be construed to affect the powers
21 and duties of the Office of State Ethics or the Citizen's Ethics Advisory
22 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) In the event that a complaint concerns alleged misconduct by the
28 president pro tempore, the duties of the president pro tempore under
29 this section shall become the duties of the Senate majority leader. If
30 such complaint concerns alleged misconduct of the Senate minority
31 leader, the duties of the Senate minority leader under this section shall
32 become the duties of the Senate minority leader pro tempore.

33 (e) The committee shall conduct a preliminary investigation into any
34 such complaint of misconduct by any member of the Senate. Any such
35 preliminary investigation of a complaint shall be confidential and not
36 subject to disclosure. Upon the conclusion of any preliminary
37 investigation, the committee shall vote to either (1) dismiss the
38 complaint, or (2) make a finding of probable cause that misconduct has
39 occurred. Upon a finding of probable cause by the committee, all
40 information relating to the preliminary investigation shall, to the
41 extent allowed by state and federal law, be made available to the
42 public.

43 (f) The committee shall undertake a full investigation only after a
44 finding of probable cause. All information relating to a full
45 investigation shall, to the extent allowed by state and federal law, be

46 made available to the public. All proceedings relating to a full
47 investigation shall be open to the public. Upon the completion of a full
48 investigation, the committee shall report its findings and
49 recommendation in the form of a resolution to be voted upon by the
50 Senate. Such recommendation shall include one of the following: (1)
51 Expulsion, (2) censure, (3) reprimand, or (4) no action. The full Senate
52 shall vote on any such resolution not later than ten days after the
53 committee reports out any such resolution.

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

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