



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

November 18, 2025

FILE NO. 25-001

PENSIONS:
Felony Forfeiture of
Pension Benefits

Mr. Timothy Blair
Executive Secretary
General Assembly Retirement System
2101 South Veterans Parkway
P.O. Box 19255
Springfield, Illinois 62794-9255

Dear Mr. Blair:

COPY

I have your letter inquiring whether, pursuant to section 2-156 of the Illinois Pension Code (Pension Code) (40 ILCS 5/2-156 (West 2024)), Michael Madigan, a member of the General Assembly Retirement System, has forfeited his pension benefits as a result of his convictions of conspiracy to commit an offense against the United States (18 U.S.C. §§ 2, 371 (2018)), federal program bribery (18 U.S.C. §§ 2, 666(a)(1)(B) (2018)), wire fraud (18 U.S.C. §§ 1343, 1346 (2018)), and the use of interstate facilities to promote unlawful activity (18 U.S.C. §§ 2, 1952(a)(3) (2018)). For the reasons stated below, it is my opinion that Madigan has

forfeited his pension benefits under section 2-156 of the Pension Code because his felony convictions related to, arose out of, and were in connection with his service as a member of the General Assembly.

BACKGROUND

According to the records of the United States District Court for the Northern District of Illinois, on October 12, 2022, a special grand jury returned a 23-count Superseding Indictment against Madigan. Superseding Indictment, *United States v. Madigan*, No. 22-CR-115 (N.D. Ill. October 12, 2022) (Superseding Indictment). Following a trial, Madigan was found guilty of ten counts, including one count of conspiracy to commit an offense against the United States (18 U.S.C. §§ 2, 371 (2018)) (Count Two), two counts of bribery concerning programs receiving federal funds (18 U.S.C. §§ 2, 666(a)(1)(B) (2018)) (Counts Four and Six), three counts of wire fraud (18 U.S.C. §§ 1343, 1346 (2018)) (Counts Eight, Nine, and Ten), and four counts of using interstate facilities to promote unlawful activity in violation of the Travel Act (18 U.S.C. §§ 2, 1952(a)(3) (2018)) (Counts Five, Twelve, Thirteen, and Fourteen). Judgment in a Criminal Case, *United States v. Madigan*, No. 22-CR-115 (N.D. Ill. July 15, 2025) (Judgment).¹ The court sentenced Madigan to 90 months imprisonment for each of the bribery and wire fraud offenses, and 60 months imprisonment for each of the Travel Act violations and for the conspiracy conviction, all to run concurrently. Judgment, at 2. Madigan was also ordered to

¹Madigan was found not guilty on Counts Three, Seven, Eleven, Fifteen, Sixteen, Seventeen, and Eighteen of the Superseding Indictment. Judgment, at 1. The jury was unable to reach a unanimous verdict as to the six counts charging Madigan and former ComEd lobbyist, Michael McClain, as codefendants. Docket Entry No. 331, *United States v. Madigan*, No. 22-CR-115 (N.D. Ill. February 12, 2025); Judgment, at 1. Accordingly, Counts One, Nineteen, Twenty, Twenty-One, Twenty-Two, and Twenty-Three of the Superseding Indictment were dismissed on the motion of the United States. Judgment, at 1.

complete three years of supervised release for each count, all to run concurrently (Judgment, at 3), and pay a fine of \$2.5 million (Judgment, at 7). All of the offenses for which the jury returned guilty verdicts and the court sentenced Madigan are felonies under federal law.²

The Superseding Indictment against Madigan details the conduct giving rise to his charges and the guilty verdicts. At all times material to the Superseding Indictment, Madigan was the Representative for the State of Illinois' Twenty-Second District, Speaker of the Illinois House of Representatives (Speaker), and Chairman of the Democratic Party of Illinois. Superseding Indictment, at 8. Madigan was also the Chairman of the Thirteenth Ward Democratic Organization (Superseding Indictment, at 8), a political committee that campaigned for candidates for public office (Superseding Indictment, at 3-4). The Twenty-Second District largely consisted of the Thirteenth and the Twenty-Third Wards of Chicago. Superseding

²When a federal offense is not specifically classified in the section defining it, it is classified by the maximum term of imprisonment authorized in that statutory provision. 18 U.S.C. § 3559(a) (2018). An offense with a maximum term of imprisonment of more than one year is classified as a felony under federal law. 18 U.S.C. § 3559(a) (2018).

The maximum term of imprisonment for conspiracy to commit an offense against the United States (Count Two) is 5 years. 18 U.S.C. § 371 (2018). If, however, the object of the conspiracy is a misdemeanor offense, "the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor." 18 U.S.C. § 371 (2018). The objects of the conspiracy described in Count Two are felony offenses. *See* Superseding Indictment, at 23-24, citing 18 U.S.C. § 666(a)(1)(B) (2018) (an agent of a state that receives more than \$10,000 in federal funding a year who solicits a bribe valued at \$5,000 or more, intending to be influenced and rewarded in connection with state business, may be imprisoned for up to 10 years); 18 U.S.C. § 666(a)(2) (2018) (a person who corruptly gives, offers, or agrees to give a bribe valued at \$5,000 or more, intending to influence an agent of a state that receives more than \$10,000 in federal funding in a year may be imprisoned for up to 10 years); and 15 U.S.C. § 78m(b)(5) (2018) (a person who "knowingly circumvent[s] or knowingly fail[s] to implement a system of internal accounting controls or knowingly falsif[ies] any book, record, or account" required of issuers of certain securities, may be imprisoned for up to 20 years (15 U.S.C. § 78ff(a) (2018))).

Wire fraud is punishable by up to 20 years imprisonment. 18 U.S.C. § 1343 (2018). The use of an interstate facility to promote an unlawful activity is punishable by up to 5 years imprisonment. 18 U.S.C. § 1952(a)(3)(A) (2018). Accordingly, all offenses for which Madigan was convicted are classified as felonies. 18 U.S.C. § 3559(a) (2018).

Mr. Timothy Blair - 4

Indictment, at 3. Madigan was also a partner at Madigan & Getzendanner (Superseding Indictment, at 8), a law firm specializing in contesting property tax assessments (Superseding Indictment, at 4).

Commonwealth Edison Bribery Scheme

Counts Two, Four, Five, and Six of the Superseding Indictment, pursuant to which Madigan was convicted, relate to his criminal dealings with Commonwealth Edison Company (ComEd), the largest utility company in the State of Illinois. Superseding Indictment, at 15. According to the Superseding Indictment, over an eight-year period, Madigan conspired with ComEd executives, consultants, lobbyists, and others to funnel money and job opportunities to a number of Madigan's political allies and associates who performed political work on Madigan's behalf. Superseding Indictment, at 15-63. The underlying purpose of the scheme was to influence and reward Madigan for his help in securing favorable legislative outcomes for ComEd through his official actions as a member and Speaker of the House of Representatives. Superseding Indictment, at 24.

In 2011, Madigan approved a plan for ComEd to make indirect payments to five of Madigan's political allies and associates through third-party intermediaries connected to the company. Superseding Indictment, at 25-26, 61. These individuals were referred to as "subcontractors," even though they performed little to none of the work that ComEd purportedly hired them to do. Superseding Indictment, at 25-27. According to the information in the Superseding Indictment, ComEd paid these so-called subcontractors \$4,000 to \$5,000 each

Mr. Timothy Blair - 5

month, with several receiving hundreds of thousands of dollars over the course of the conspiracy.³ Superseding Indictment, at 36-47, 49-52, 54-55, 58-59.

The conspirators created or caused others to create false and misleading documents to circumvent internal accounting controls at ComEd and its parent company, Exelon Corporation (Exelon), and to conceal the fact that a substantial portion of ComEd's payments to the third-party intermediaries went to Madigan's associates.⁴ Superseding Indictment, at 5-26, 51-62.

As part of the bribery scheme, ComEd hired the law firm of a Madigan ally (Law Firm A) for the years 2011 through 2016. Superseding Indictment, at 27-28. At the insistence of one of Madigan's co-conspirators, ComEd contracted with Law Firm A to perform 850 hours of legal work each year even when there was not enough appropriate legal work for the law firm to perform.⁵ Superseding Indictment, at 27-28, 48-51.

Among the other benefits to Madigan, ComEd set aside positions in a paid summer internship program for individuals associated with the Thirteenth Ward. Superseding Indictment, at 15, 28. Madigan, through his co-conspirators, pressured ComEd to hire certain internship applicants, and ComEd waived minimum academic requirements for individuals

³The payments to the subcontractors totaled \$1.3 million. Government's Sentencing Memorandum, *United States v. Madigan*, No. 22-CR-115 (N.D. Ill. May 30, 2025), at 15.

⁴ComEd and Exelon issued a class of securities that were registered according to section 12 of the Securities and Exchange Act of 1934 (15 U.S.C. § 78a *et seq.* (2018)). Superseding Indictment, at 15. Therefore, ComEd and Exelon were required to keep a system of internal accounting controls pursuant to the Foreign Corrupt Practices Act of 1977 (15 U.S.C. § 78dd-1 *et seq.* (2018)). Superseding Indictment, at 16.

⁵Law Firm A was the law firm of a valuable fundraiser. Over the course of the conspiracy, ComEd paid Law Firm A \$1.8 million. Government's Sentencing Memorandum, *United States v. Madigan*, No. 22-CR-115 (N.D. Ill. May 30, 2025), at 5-6.

referred from the Thirteenth Ward. Superseding Indictment, at 29, 47, 52-54. Finally, Madigan pressed for the appointment of an individual to ComEd's board of directors, and ComEd's chief executive officer arranged for this individual's appointment despite pushback from other executives. Superseding Indictment, at 29-30, 57.

In exchange for these benefits, Madigan worked to advance ComEd's legislative goals in the General Assembly. Superseding Indictment, at 27. In particular, the Superseding Indictment cites Madigan's vote for the Energy Infrastructure Modernization Act (EIMA) (Public Act 97-616, effective October 26, 2011), and his vote to override the Governor's veto of EIMA. Superseding Indictment, at 31. EIMA amended the regulatory process for setting the rates that ComEd could charge its customers for electricity delivery and helped stabilize the company financially. Superseding Indictment, at 20. Madigan also voted in favor of Senate Bill 9 (Public Act 98-015, effective May 22, 2013), which nullified an agency interpretation of EIMA that was unfavorable to ComEd. Superseding Indictment, at 21, 31. He then voted to override the Governor's veto of Senate Bill 9. Superseding Indictment, at 31. The Superseding Indictment also cites to the passage of the Future Energy Jobs Act (FEJA) (Public Act 99-906, effective June 1, 2017), which extended the favorable regulatory process created by EIMA. Superseding Indictment, at 21, 50.⁶ Further, ComEd opposed House Bill 5626 (100th Ill. Gen. Assem., House Bill 5626, 2018 Sess.), a bill that would have "impose[d] certain obligations upon alternative

⁶While the Superseding Indictment only indicates that Madigan called FEJA for a vote in the House on December 1, 2016 (Superseding Indictment, at 50) and does not detail Madigan's efforts to pass FEJA, it describes multiple communications between Madigan's co-conspirators and ComEd's project manager associated with FEJA (and unconnected to the legal department), where the company was pressured to renew Law Firm A's contract. Superseding Indictment, at 27-28, 49. These discussions took place around the same time as FEJA's passage. Superseding Indictment, at 49-51.

Mr. Timothy Blair - 7

retail electric suppliers[.]" Superseding Indictment, at 21. Madigan gave his co-conspirator permission to "go ahead and kill" the bill, and House Bill 5626 did not pass. Superseding Indictment, at 58.

Wire Fraud/Honest Services Scheme

Counts Eight, Nine, Ten, Twelve, Thirteen, and Fourteen relate to a separate scheme "to defraud the people of Illinois of the intangible right to the honest services of MADIGAN through bribery and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises[.]" Superseding Indictment, at 70. This scheme centered around Madigan's agreement to help then-Chicago Alderman of the Twenty-Fifth Ward (Alderman A) obtain a lucrative State board position upon Alderman A's retirement from the Chicago City Council (the City Council). Superseding Indictment, at 70-71. Madigan also agreed to help Alderman A's relative find a State government job. Superseding Indictment, at 74. In exchange, Madigan agreed that Alderman A would direct business to Madigan's private law firm. Superseding Indictment, at 70-71. Madigan also asked Alderman A to help Madigan's relative obtain business from a Chicago-based community organization. Superseding Indictment, at 69, 72.

Alderman A's support for or opposition to proposed real estate projects was instrumental in deciding whether those projects could move forward in the Twenty-Fifth Ward. See Superseding Indictment, at 2-3. Alderman A was also the Chairman of the Committee on Zoning, Landmarks & Building Standards (Zoning Committee) on the City Council. Superseding Indictment, at 3-4. The Zoning Committee decided zoning changes and had the

power to grant other authorizations required for real estate development projects. Superseding Indictment, at 3-4. In his capacity as Chairman, Alderman A decided which matters the Zoning Committee would consider. Superseding Indictment, at 4.

Madigan met repeatedly with Alderman A to discuss, among other things, a plan for Alderman A to refer real estate developers involved in projects in the Twenty-Fifth Ward to Madigan's law firm and Madigan's plan to recommend the alderman to the Governor-elect for appointment to various State board positions, in Madigan's official capacity as Speaker. Superseding Indictment, at 69-74. In several instances, Madigan used or caused others to send emails and place telephone calls to further the scheme, giving rise to several wire fraud and Travel Act charges for which Madigan was convicted (Counts Eight, Nine, Ten, Twelve, Thirteen, and Fourteen). Superseding Indictment, at 69-77, 79-81.

ANALYSIS

Section 2-156 of the Pension Code requires the forfeiture of retirement annuities and other pension benefits upon a member's conviction of a service-related felony and provides, in pertinent part:

Felony conviction. *None of the benefits* herein provided for shall be paid to any person who is convicted of any felony *relating to or arising out of or in connection with his or her service as a member.*⁷ (Emphasis added.)

⁷This language is substantially similar to the language found in other provisions of the Pension Code that address the forfeiture of pension benefits subsequent to a felony conviction of public employees, judges, and public officers. See 40 ILCS 5/3-147, 4-138, 5-227, 6-221, 7-219, 8-251, 9-235, 10-109, 11-230, 12-191, 13-807, 14-149, 15-187, 16-199, 17-149.1, 18-163 (West 2024).

The purpose of the felony forfeiture provisions in the Pension Code is to discourage official misconduct and to implement the public's right to conscientious service from those in governmental positions by denying retirement benefits to public servants convicted of violating the public's trust. *Ryan v. Board of Trustees of the General Assembly Retirement System*, 236 Ill. 2d 315, 322 (2010); *Kerner v. State Employees' Retirement System*, 72 Ill. 2d 507, 513 (1978), *cert. denied*, 441 U.S. 923 (1979). The critical inquiry in determining if a felony "relat[es] to or aris[es] out of or in connection with" public service turns on whether a nexus exists between the public servant's criminal wrongdoing and the performance of his or her official duties. *Devoney v. Retirement Board of the Policemen's Annuity & Benefit Fund for the City of Chicago*, 199 Ill. 2d 414, 419 (2002); *Bauer v. State Employees' Retirement System*, 366 Ill. App. 3d 1007, 1015-16 (2006), *appeal denied*, 222 Ill. 2d 567 (2006). Further, the language of pension statutes must be liberally construed in favor of the rights of the pensioner. *Carmichael v. Laborers' & Retirement Board Employees' Annuity & Benefit Fund of Chicago*, 2018 IL 122793, ¶ 24; *Kanerva v. Weems*, 2014 IL 115811, ¶ 36. There must be "a clear and specific connection between the felony committed and the participant's" service to justify a forfeiture of pension benefits. *Taddeo v. Board of Trustees of the Illinois Municipal Retirement Fund*, 216 Ill. 2d 590, 597 (2005).

Illinois courts have employed three alternative tests for evaluating whether the requisite nexus exists. *Abbate v. Retirement Board of the Policemen's Annuity & Benefit Fund of Chicago*, 2022 IL App (1st) 201228, ¶ 44, *appeal denied*, No. 128684 (Illinois Supreme Court, September 28, 2022). Specifically, a forfeiture of pension benefits occurs if the facts and

circumstances establish that: (1) "but for" the fact that the pension claimant was a public official or employee, he would not have been in a position to commit the felony in question (*Devoney*, 199 Ill. 2d at 423); (2) the pension claimant's service in public office or employment "'was a material element and a substantial factor'" in bringing about the subsequent criminal offense (*Katalinic v. Board of Trustees of the Municipal Employees', Officers', & Officials' Annuity & Benefit Fund*, 386 Ill. App. 3d 922, 928 (2008), *appeal denied*, 231 Ill. 2d 633 (2009), quoting *Bloom v. Municipal Employees' Annuity & Benefit Fund of Chicago*, 339 Ill. App. 3d 807, 815 (2003), *appeal denied*, 205 Ill. 2d 576 (2003)); or (3) the conviction is "in *some way* connected with the employment so that there is a causal connection" between the employment and the conviction (emphasis in original) (*Goff v. Teachers' Retirement System*, 305 Ill. App. 3d 190, 195 (1999), *appeal denied*, 185 Ill. 2d (1999), quoting *Consolidated R. Corp. v. Liberty Mutual Insurance Co.*, 92 Ill. App. 3d 1066, 1068-69 (1981)). We will apply each of these tests to the facts and circumstances of Madigan's convictions set out in the court records provided to this office to determine whether the nexus exists.⁸

"But For" Test

In *Devoney*, a police lieutenant was convicted of federal mail fraud as the result of his involvement in a scheme to defraud an insurance company. *Devoney*, 199 Ill. 2d at 415.

⁸Several of the felonies for which Madigan was convicted, by their own terms, call for proof of official misconduct. For example, Madigan was convicted of federal program bribery (*see* 18 U.S.C. § 666(a)(1)(B) (2018)) in Counts Four and Six, in which the government charged and proved that Madigan accepted bribes as an agent of the State of Illinois and in connection with State business. The Travel Act violations in Counts Five, Twelve, Thirteen, and Fourteen resulted from the use of interstate facilities to promote unlawful activities in violation of Illinois State law, namely, Illinois criminal statutes related to bribery of government officials. *See* Superseding Indictment, at 66, 79-81, citing 720 ILCS 5/33-1(a), (d), (e), 33-8 (West 2018).

Under section 5-227 of the Pension Code (40 ILCS 5/5-227 (West 1998)), a provision that contains language substantially similar to that used in section 2-156, Devoney was denied his pension benefits upon a finding that "but for" the fact that Devoney was a high-ranking police officer, "he would not have been in a position or selected to participate in the scheme to defraud[.]" (Internal quotations omitted.) *Devoney*, 199 Ill. 2d at 423. The Illinois Supreme Court concluded that the requisite nexus was present, stating "[b]ecause Devoney's participation in the scheme to defraud was the product of his status as a law enforcement official, we believe that the nexus required by section 5-227 of the Pension Code [citation] was present." *Devoney*, 199 Ill. 2d at 423.

Here, as in *Devoney*, Madigan's felonious criminal conduct was a product of his official status. But for the fact that Madigan was a General Assembly member, he would not have been in the position to accept bribes from ComEd in exchange for his vote and influence on legislation affecting ComEd and its affiliates. Madigan's status as a member of the Illinois House of Representatives, and in particular, his role as Speaker, uniquely positioned him to influence the direction of ComEd's legislative projects. *See* Superseding Indictment, at 2. Madigan's formal and informal powers as Speaker (*see* Superseding Indictment, at 2) almost certainly influenced his co-conspirators to cultivate a relationship with him and to stay in his good graces. *See* Superseding Indictment, at 59 (quoting ComEd chief executive officer who, in a phone call with another co-conspirator, said "[y]ou take good care of me and so does our friend^[9] and I will do the best that I can to * * * take care of you"); *see also Devoney*, 199 Ill. 2d

⁹The co-conspirators frequently referred to Madigan as "our Friend." Superseding Indictment, at 31.

at 423 ("[T]he conditions which gave rise to Devoney's conviction originated from his friendship with codefendant David Ballog, Jr. Ballog cultivated his relationship with Devoney because Ballog was a criminal who considered it advantageous to have police connections"). But for Madigan's status as a General Assembly member and Speaker, he would not have been in the position to agree to recommend, in his official capacity as Speaker (*see* Superseding Indictment, at 70-71), Alderman A to the future Governor for a State board position in exchange for Alderman A's business referrals. *See* Superseding Indictment, at 70 ("Certain salaried positions on the State boards * * * were filled by appointment of the Governor of the State of Illinois. In selecting candidates to fill such positions, the Governor would consider the advice of other public officials concerning suitable candidates").

"Material Element and Substantial Factor" Test

In *Bloom*, an alderman pled guilty to filing a federal tax return that falsely listed certain cash payments as rental income. In exchange for the cash payments, Bloom used his name, official position, and influence as an alderman to obtain city-funded services for the private businessman tendering the cash payments and to otherwise assist the businessman in obtaining and operating sites for his private business. In his plea agreement, Bloom admitted to falsifying his tax return in two respects that were unrelated to his office, therefore "negat[ing] a 'but for' connection between his position and his crime." *Bloom*, 339 Ill. App. 3d at 815. The *Bloom* court noted that *Devoney* did not mandate the "but for" test to find causation, and instead employed a "substantial factor" test, holding that the necessary causal link, or nexus, is established if the public official's position "'was a material element and a substantial factor' in

bringing about the subsequent [criminal acts]." *Bloom*, 339 Ill. App. 3d at 815, quoting *Thacker v. UNR Industries, Inc.*, 151 Ill. 2d 343, 354-55; *see also Bauer*, 366 Ill. App. 3d at 1022-23.

Applying *Bloom* to the current circumstances, a nexus clearly exists between Madigan's felony convictions and his service as Speaker. Madigan's position was a material element and a substantial factor in his resulting convictions. Like Bloom, Madigan used his name, official position, and influence as a General Assembly member and Speaker to enrich himself and his loyalists. He prioritized the financial wellbeing of a private energy company over his constituents' interests. Additionally, he deprived the people of Illinois of his honest services when he agreed to recommend Alderman A for a State board position in exchange for private business opportunities. Madigan's convictions directly resulted from his misuse of his official positions.

"Causal Connection" Test

In *Goff*, a retired teacher pled guilty to the aggravated sexual abuse of children attending the school in which he worked. Although the conduct underlying the convictions never took place on school property, Goff used his position as a teacher to take sexual advantage of his victims, and, as a consequence, the court found that he "used and abused" his service as a teacher to perpetrate the felonies to which he pled guilty, justifying the forfeiture of his pension benefits. *Goff*, 305 Ill. App. 3d at 195-97. The reviewing court held that there is a nexus between an employee's criminal wrongdoing and the performance of his or her official duties if the conviction is "in *some way* connected with the employment so that there is a causal

connection" between the employment and the conviction. (Emphasis in original.) *Goff*, 305 Ill. App. 3d at 195.

Here, Madigan's convictions are in some way connected to his service as a General Assembly member and Speaker. The words of Madigan's co-conspirator illuminate how he wielded power. A then-Exelon senior executive cautioned ComEd's senior vice president of external and governmental affairs not to change a contract with one of the third-party intermediaries in charge of passing money to the no-work subcontractors: "we do not want to get caught up in a, you know, disruptive battle where, you know, somebody gets their nose out of joint and we're trying to move somebody off, and then we get forced to give 'em a five year contract because we're in the middle of needing to get something done in Springfield." Superseding Indictment, at 61. Like the plaintiff in *Goff*, Madigan "used and abused" his official status as a tool to achieve unlawful ends. Indeed, Madigan's criminal conduct not only related to his official duties as General Assembly member and Speaker but, in fact, depended on the exercise of those very duties. *See* Ill. Att'y Gen. Op. No. 11-003, issued December 8, 2011, at 9. Accordingly, based on the information provided to this office, there is a causal connection between the felonies Madigan committed and his service as a General Assembly member and Speaker of the Illinois House of Representatives.

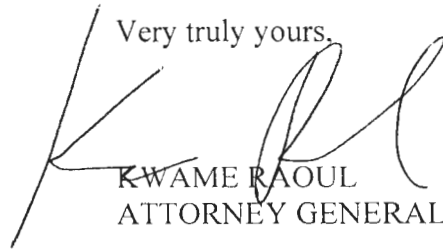
CONCLUSION

Applying any of the available tests employed by Illinois courts, based on the records of the United States District Court of the Northern District of Illinois, it is my opinion

Mr. Timothy Blair - 15

that Michael Madigan was convicted of felonies that require the forfeiture of his pension benefits under the General Assembly Retirement System pursuant to section 2-156 of the Illinois Pension Code.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kwame Raoul', is written over the typed name. The signature is fluid and cursive, with a large 'K' and a long, sweeping 'R'.

KWAME RAOUL
ATTORNEY GENERAL