

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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James R. Thompson Center
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BOARD MEMBERS
Bryan A. Schneider, Chairman
Wanda L. Rednour, Vice Chairman
Patrick A. Brady
John R. Keith
William M. McGuffage
Albert S. Porter
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

AGENDA
STATE BOARD OF ELECTIONS
BOARD MEETING
Tuesday, August 18, 2009
10:30 a.m.

James R. Thompson Center – Room 2-025
Chicago, Illinois
And via videoconference
1020 South Spring Street
Springfield, Illinois

Call State Board of Elections to order.

1. Approval of the minutes from the June 15 and July 1 regular meetings. (pgs.1-10)
2. Report of the Executive Director
 - a. Voting Systems Testing; (pg.11)
 - 1) Sequoia;(pgs.12-14)
 - 2) ES&S; (sent under separate cover)
 - b. BEREP update; (pgs.15-18)
 - c. Legislative update; (pg.19)
 - 1) SB 1938; (pgs.20-24)
 - 2) Fiscal Year 2010 Budget; (pgs.25-27)
 - d. IVRS update – informational; (pgs.28-31)
 - e. Fiscal status reports – informational;
 - 1) FY09 – month ending July 31; (pgs.32-40)
 - 2) Help Illinois Vote Fund; (pgs.41-46)
 - 3) EAC Data Collection Grant; (pgs.47-48)
 - f. Two year plan of staff activity for the months of August and September – informational. (pgs.49-50)
3. Report of the General Counsel
 - a. Campaign Disclosure;
Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeal be granted
 - 1) *SBE v. Citizens for Joe Moore*, L2617, 09DS010; (pgs.51-56)
 - 2) *SBE v. Citizens for Karen McConnaughay*, L3899, 08AG018; (pgs.57-64)
 - 3) *SBE v. The New 29th Ward Democratic Organization*, L9791, 09MA007; (pgs.65-70)
 - 4) *SBE v. Maine Teachers Assn PACE*, L14252, 09DS235; (pgs.71-82)
 - 5) *SBE v. Committee to Elect Denny Gardner*, L14562, 09DS237; (pgs.83-91)
 - 6) *SBE v. Citizens for John Cullerton*, S1866, 08AG027; (pgs.92-101)
 - 7) *SBE v. Democratic Party of Illinois*, S4866, 08AG035; (pgs.102-108)

8) *SBE v. Senate Democratic Victory Fund*, S9796, 08AG057; (pgs.109-119)

Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeals be denied

9) *SBE v. West Frankfort Area Democrat Club*, L2025, 09DS227; (pgs.120-128)

10) *SBE v. Citizens for Flores*, L14641, 08AG022; (pgs.129-132)

11) *SBE v. Friends of the Cornbelt Fire Protection District*, L14920, 09DS113; (pgs.133-140)

12) *SBE v. Citizens for Arthur Turner*, S1841, 08AG026; (pgs.141-144)

13) *SBE v. Volunteers for Delgado*, S6409, 08AP090; (pgs.145-149)

14) *SBE v. Citizens to Elect Andre Thapedi*, S9041, 09DS185; (pgs.150-153)

15) *SBE v. Friends of Tom Cullerton*, S9784, 09DS251; (pgs.154-158)

Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeals be granted & denied

16) *SBE v. Will County Democratic Central Committee*, S560, 08AG037; (pgs.159-173)

17) *SBE v. The 27th Ward Regular Democratic Organization*, S6805, 08AG043; (pgs.174-180)

Complaints following public hearing

18) *Orland Township First Party v. The Orland Township Board*, 09CD011; (pgs.181-231)

19) *SBE v. George O. Wendt Campaign Committee*, 09CD034; (pgs.232-238)

20) *SBE v. 8th Ward Regular Democratic Organization*, 09CD038; (pgs.239-243)

21) *SBE v. Pulaski County Republican Boosters Club*, 09CD040; (pgs.244-248)

22) *SBE v. Citizens for Jenisch*, 09CD043; (pgs.249-254)

23) *SBE v. Committee to Elect Dennis Barnard*, 09CD055; (pgs.255-259)

Other campaign disclosure items

24) Assessments/Final Orders; (pgs.260-262)

25) Payment of civil penalties – informational; (pg.263)

Complaints following closed hearing (separate packet)

26) *SBE v. Independent Democracy*, 09CD036 – continued from June; (pgs.1-5)

27) *SBE v. Friends of Tim Dudley for Senate*, 09CD033; (pgs.6-12)

b. Consideration of memorandum on apparent conformity of nominating petitions. (pgs.264-318)

4. Other business. (pg.319)

5. Comments from the Chairman and Vice Chairman. (pg.319)

6. Comments from the general public. (pg.319)

7. Next Board meeting Monday, September 21, 2009 at 10:30 a.m. in Springfield. (pg.319)

8. Executive Session. (pgs.320-344)

STATE BOARD OF ELECTIONS BOARD MEETING

Monday, June 15, 2009

MINUTES

PRESENT:

Albert S. Porter, Chairman
Bryan A. Schneider, Vice Chairman
Patrick A. Brady, Member
John R. Keith, Member
William M. McGuffage, Member
Wanda L. Rednour, Member
Jesse R. Smart, Member
Robert J. Walters, Member

ALSO PRESENT:

Daniel W. White, Executive Director
Steve Sandvoss, General Counsel
Rupert Borgsmiller, Assistant Executive Director
Darlene Gervase, Administrative Assistant II

Chairman Porter called the meeting to order at 10:31 a.m. with all members present and led everyone in the pledge of allegiance. Present via telephone were: Vice Chairman Schneider (at 11:57 a.m.), Members Brady and Rednour. Present via video conference were Members Smart and Walters in the Springfield office.

As is the Chairman's policy to accommodate guests, the Chairman called matters out of order. Mr. White requested that all parties identify themselves by stating their name, the case name, and number for the benefit of the court reporter.

The Chairman called Item 3.a.1., a Motion for Reconsideration in the matter of *SBE v. Illinois Academy of Physicians Assistants PAC*, S6880, 08GE042. Member Keith moved to grant the Motion. Member McGuffage seconded the motion which passed by ayes in unison and none opposed. Ms. Kari Catton, Executive Director for the respondent, was present in the Springfield office. General Counsel Steve Sandvoss said the PAC filed the Motion to Reconsider the decision made by the Board at its May 18th meeting to assess a \$1400 civil penalty because it was unable to attend the meeting and present an explanation. Ms. Catton indicated that the report was delayed through no fault of their own as delivery by the U.S. Postal Service took 9 days. Mr. Sandvoss' reaffirmed his recommendation that the appeal be denied for lack of an adequate defense and concurred with the hearing examiner's recommendation to apply the \$1400 civil penalty. Member Keith moved to deny the appeal. Member Brady seconded the motion which passed 5-3 with Members Smart, Walters and Chairman Porter voting against the motion.

The Chairman recognized Mr. Sylvio Bartolo in item 3.a.6, *SBE v. Int'l Union of Operating Engineers Local 150 State & Local Area PAC*, S2759, 08AP34. Mr. Sandvoss explained that the contributions in question were a percentage of the members' dues and no individual member's amount was \$500 or more. As the Labor Union makes donations strictly from the Union's treasurer, it is not covered by the Illinois Campaign Disclosure Act, no penalty should be assessed and the Appeal granted. The General Counsel concurred. Member Smart moved and Member Keith seconded a motion to grant the appeal. The motion passed by ayes in unison and none opposed.

The Board continued with a motion by Member Smart to grant the appeals in items 3.a.2, 3, 4,5,7,8,9,10 and 11. Member Rednour seconded the motion which passed by ayes in unison and none opposed. Appeals are granted in: 2) *SBE v. Westmont Village Committee*, L12726, 09DS053; 3) *SBE v. Citizens for Linda Painter*, L14278, 08JS097; 4) *SBE v. Citizens for Responsible Garden Prairie Government*, L14492, 08JS230; 5) *SBE v. Sangamon County Democratic Central Committee*, S481 08AG034; 7) *SBE v. Illinois Cable PAC (Comcast Cable)*, S3482, 08AG028; 8) *SBE v. Friends of George P.*

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Shadid, S5785, 08AG039; 9) *SBE v. Citizens for Bomke*, S6377, 08AG040; 10) *SBE v. Downers Grove Township Republican Organization*, S8211, 08JS156; and 11) *SBE v. Friends to Elect Eugene "Gene" Staples*, S9751, 08JS240.

The Chairman welcomed Mr. David Morrison, Director of the Illinois Campaign for Political Reform and 4 summer interns.

Chairman Porter called Mr. Don Vopalensky, the State's Certification Manager with Premier Election Solutions. Mr. White was asked to summarize item 2.b. of the Agenda. He indicated that this matter was on the agenda at the May meeting for discussion that centered around Article 24 of the Election Code that requires voting systems identify ballots that do not have votes cast for state offices. This had been discussed earlier at our advisory meeting and how it would play out in the 2010 primary election. He said that the Board directed him to contact Premier and find out where they are at on this issue and as a result sent a letter which is contained in the board packet. During a conference call meeting among Dianne Felts, Don Vopalensky and Kathy Rogers of Premier, Premier Staff agreed to put into writing their responses and we appreciate the responses and the efforts of Mr. Vopalensky and Ms. Rogers. Mr. Vopalensky noted that the board was aware that vendors have gone through the testing since 2006 and this process has been taking numerous years because it is under the 2002 standards. He said they have a system in place that rejects all or nothing and what Illinois requires is something that is not what we do. This is not an easy change for us to make. If someone did not vote or over voted will have to be identified by a poll watcher and given a new ballot. Member Keith asked if there is a kickback for undervoting, does the equipment specify which race or races are undervoted. Mr. Vopalensky answered yes, that the LCD screen will displace an undervote - if the voter did not vote for 5 races, it would kick it back 5 times. But, Premier has an extra that is required by statute. Member Keith asked if there could be instructions to say there is no need to advise the voter that there is an undervote unless it is one of the statewide races, and, if that's something the Board could authorize. Mr. Sandvoss indicated that a directive by our agency might be more appropriate than authorization county by county. Mr. Vopalensky confirmed that the feature could be turned off for local elections. Champaign County Clerk Mark Shelden was recognized by the Chairman. He added that he has posted on his web site, champaigncountyclerk.com, a link to the questions the other clerks have and a compilation of letters and administrative regulations. He added that the only other state, New York, requires it and they have not had an election run under this provision. No other states have it and other states have specific provisions against it. Director White said that he expected letters from various election officials regarding this concern, but they had not yet been received. He offered to forward them to the Board Members, Mr. Sandvoss and Ms. Felts. Mr. Keith asked about financial costs passed onto the customers, the counties. Mr. Vopalensky answered that it would be an estimated 2-3 months to make these changes; another 2-3 months for testing and then it would take extensive development costs at about one-quarter million dollars, but Mr. Vopalensky could not guarantee any figure. As it is unique to Illinois, they would charge the 60 counties in Illinois because they would have to physically touch the systems incurring travel, labor, screen and have new software for Illinois' 3500 optical scans. The costs for EAC testing is already at \$4 million and that is spread between all of our customers, however only one system has gone through 2002 standards and then it is a whole new game again. Ms. Felts approved the system as long as the General Counsel believes it complies with the law and added that very long lines resulted in kicked back under votes. Bill Barrett, a Liberty representative, was introduced.

Executive Director White reported that the General Counsel and he reviewed minutes of the executive sessions from October 15, 2007 through March 16, 2009 for confidentiality issues. The necessity of confidentiality exists to closed preliminary cases as follows: February 17, 2009 regarding *Garcia v. Cicero Voters Alliance*; February 23, 2009, *Cundari v. Cicero Equality Committee*; and March 9, 2009, *Swiss, et al., v. Roupas and Wiggins v. Foster*. All other minutes may be released. However, verbatim recordings require specific authorization. In the future, Messrs. White and Sandvoss will review closed meeting minutes every April and October. Member Keith moved to release minutes of executive session meetings from October 15, 2007 through March 16, 2009 with the exception of *Garcia*, *Cundari*, *Swiss* and *Wiggins*. Member Smart seconded the motion which passed unanimously by ayes in unison and none opposed.

Mr. White asked for approval of the Minutes from the May 8 special meeting and the May 18 regular meeting. Member Keith so moved and Member Smart seconded to adopt the minutes as presented. The motion passed unanimously by ayes in unison and none opposed

Mr. White reported that his brief update of legislation and legislative liaison Cris Cray's report categorizing the issues before the legislature; a listing of election related bills by category; and the status of bills were included in the packet. He indicated that HB07, ethics legislation, and SB52 business registration provisions will be summarized. He added that a budget was passed, but is it described as a temporary or stop gap and the Governor would like to see additional revenues so talk continues. Mr. White thanked Ms. Cray for all the long hours she puts in and added that the legislature did not adjourn on the 31st until well after midnight. She added that no bills have been sent to the Governor's desk as of this morning. Ms. Cray advised the board that hearing around the state for redistricting will begin in July and continue all summer. She expects to write trailer bills for SB51 and HB07 which the General Assembly has already agreed to and understands our concerns so we know they are technically written and answers the questions correctly. Mr. Rupert Borgsmiller, Assistant Executive Director and Director of Campaign Finance, detailed the changes in SB51 and noted the need for clarification and solutions. He indicated that electronic registration is close to completion and an agreement with the Department of Revenue matches FEIN numbers, individual tax number and social security numbers to ensure the registrations are real. In SBE51, the term "minor children" was deleted from affiliated persons, which was a big concern. The Governor has not yet signed the bill. Mr. Borgsmiller said that over 5600 business entities have filed with us, but we don't know how many have existing contracts or are bidding on a contract. Discussion was had among the Board. General Counsel Sandvoss and Assistant Director Borgsmiller will present a summary for the next meeting. Mr. White was asked to prepare a contingency plan if there is no agreed budget July 1.

Director White continued with an update of IVRS and a presentation by Catalyst. He expressed his thanks to Arvind Talwar, CEO of Catalyst and his staff, SBE's partners, for their exceptional work. He added that Catalyst stuck with us prior to HAVA and kept the project alive. Kyle Thomas, IVRS Director, thanked the Chairman and Board for allowing Catalyst to make their presentation. Mr. Talwar declared HAVA compliance and that it was a collaborative effort and without Kyle and his staff, and Steve Flowers and his team, they would not be at this point. Mr. Scott Hilkerk gave a project history and presentation of the IRVR capability and functionality. Chairman Porter thanked Catalyst and Kyle for the presentation. Mr. Thomas added that his department has created a 155 page manual and has travelled to the 4 zones in the state to sign up for training and receive recommendations on the use of the system. Member Keith suggested a monthly history be reported by Mr. Thomas.

Mr. White offered fiscal status reports including the FY09 report ending May 31, 2009; Help Illinois Vote Fund; and EAC Data Collection Grant for informational purposes. He indicated that we are 11 months into the fiscal years and have executed transfers mostly related to the retirement line items, which are always underfunded.

The Chairman returned to items 3(a) 12 through 16 which are appeals of civil penalties where the hearing officer recommended the appeals be denied. The General Counsel concurred with the recommendations of the hearing officers. Member Smart moved to deny the appeals on Items 12, 13, 14 15 and 16 and Member Rednour seconded the motion. The motion passed by 8 voices in unison and none opposed. Appeals were denied to *SBE v. Citizens to Elect Robert Eastern III*, L14197, 08JS091; *SBE v. LaSalle County Republican Century Club*, S3515, 09DS141; *SBE v. Tri-City Building Trades Council PAC*, S46666, 09DS145; *SBE v. Concerned Citizens for a Better Peoria*, S9836, 09MA004; and *SBE v. More with Lattimore's Campaign*, S9841, 09DS221.

General Counsel Sandvoss continued his report with a recommendation that the matter of *SBE v. Committee to Elect Lori De Young*, S9711, 08AG014. Mr. Sandvoss concurs with the hearing examiner that the appeal be denied in part and granted in part since the \$2924 would not have been timely filed but the duplicate filings totaling \$1722.84 be granted.

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AS it is the Committee's first violation, the penalty for that one violation be reduced to 10% of the original assessment or \$293 and as a first violation the penalty is stayed. Member Smart moved to accept the hearing officer and general counsel's recommendations. Member McGuffage seconded the motion which passed by 8 voices in unison and none opposed.

Mr. Sandvoss presented Civil penalty assessments necessitating a Final Board Order. Member Keith moved to issue Final Board Orders in the amounts listed on the committees listed on pages 149 and 150 of the Board's agenda. Member Smart seconded the motion which passed unanimously by 8 ayes in unison.

The General Counsel submitted a list of civil penalties that have been paid by committees and a year to date accounting of total amounts of civil penalties collected by the State Board of Elections for informational purposes.

The Political Activity Waiver form regarding temporary/contractual employees was presented for informational purposes. No action was taken.

Consideration of the proposed rule to implement ranked balloting was discussed by the Board. Mr. Sandvoss indicated that this would be used for people living outside the U.S., who want to vote in the Consolidated Primary and Consolidate Elections or municipal and township races; and who lived in those municipalities that use the ranked ballot procedure. Member McGuffage moved to submit the rule to JCAR to begin implementation of Part 218, Procedures for Ranked Balloting. Vice Chairman Schneider seconded the motion this passed unanimously by roll call vote.

A response to Champaign County Clerk Mark Shelden was presented for informational purposes.

Member Keith moved to recess to Executive Session for pending litigation, personnel and closed preliminary hearings and Member Smart seconded the motion. The motion passed unanimously by 8 ayes in unison.

The Board recessed at 12:20 p.m. and returned to open session at 12:42 p.m.

Roll call was taken and all members were present.

Mr. Keith reported the outcome of executive session and began with case #27. Upon Motion of the Chairman regarding *SBE v. Independent Democracy*, 09CD036, the case was continued until the August 17, 2009 meeting.

The hearing officer recommended items 20 through 26, 28 and 41 were filed on justifiable grounds and no further action except in accord with the standard rule for violation of fines. The General Counsel concurred. Member Keith moved to adopt the hearing officer and general counsel's recommendations. Vice Chairman Schneider seconded the motion which passed by 8 voices in unison. The cases are: *Atkinson v. Committee to Elect Kathy Wessel*, 09CD017; *Atkinson v. Committee to Elect Sandy Kim*, 09CD018; *SBE v. Friends of George A. Cardenas*, 09CD022; *SBE v. The Best 2005 Referendum Committee*, 09CD023; *SBE v. Friends for Derrick Prince*, 09CD026; *SBE v. Ed Smith for Recorder of Deeds*, 09CD030; *SBE v. Committee to Elect George Hess*, 09CD032; *SBE v. Realtors PAC of IL*, 09CD041; and *SBE v. Tax Payers Alliance of Northern IL*, 09CD050.

Member Keith moved to set for public hearing items 29 through 40 and 42 through 45; and to adopt the hearing officer and general counsel's recommendations that the complaints were filed on justifiable grounds. Member Rednour seconded the motion which passed unanimously. Public Hearings will be held in: *SBE v. 16th Ward Regular Democratic Organization*, 09CD019; *SBE v. Friends of Mickey Polk*, 09CD025; *SBE v. Salamanca for Change*, 09CD027; *SBE v. Friends of Tony Fabri*, 09CD029; *SBE v. Committee to Elect James Larry Kar*. 31; *SBE v. George O. Wendt Campaign Committee*,

09CD034; *SBE v. Citizens for Nimrod for State Senate*, 09CD037; *SBE v. 8th Ward Regular Democratic Org.*, 09CD038; *SBE v. Pulaski County Republican Boosters Club*, 09CD040; *SBE v. 22nd Ward Democratic Committeeman Fund*, 09CD042; *SBE v. Citizens for Jenisch*, 09CD043; *SBE v. Taxpayers United for Fairness*, 09CD051; *SBE v. Committee to Elect Dennis Barnard*, 09CD055; *SBE v. Friends of Frank Calabrese*, 09CD056; and *SBE v. Citizens for Marijan*, 09CD057.

Member Keith moved to reappoint Dianne Felts and Mike Roate to four-year terms. Member Smart seconded the motion which passed unanimously by ayes in unison and none opposed.

In the matter of *Citizens United to Save the Tax Cap v. SBE*, Member Keith moved in accordance with the directions given in executive session. Member McGuffage seconded the motion which passed by 8 ayes in unison.

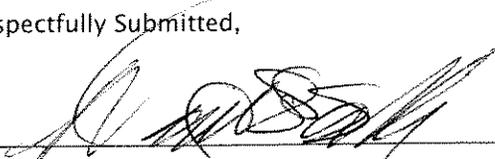
The Chairman announced that the next meeting is July 1st in Springfield for election of new officers. There are no comments from the Chairman or Vice Chairman.

There being nothing further before the State Board of Elections, Member Smart moved to adjourn until Wednesday, July 1st at 10:30 a.m. or the call of the Chairman. Member Walters seconded the motion which passed unanimously by 8 ayes in unison.

The Board adjourned at 12:46 p.m.

Dated: June 24, 2009

Respectfully Submitted,



Daniel W. White, Executive Director



Darlene Gervase, Administrative Assistant II

**STATE BOARD OF ELECTIONS
Board Meeting
Wednesday, July 1, 2009
Springfield, Illinois**

MINUTES

PRESENT:

**Bryan Schneider, Chairman
Wanda Rednour, Vice Chairman
Patrick Brady, Member
John R. Keith, Member
William McGuffage, Member
Albert Porter, Member
Jesse Smart, Member
Robert Walters, Member**

ALSO PRESENT:

**Dan White, Executive Director
Steve Sandvoss, General Counsel
Rebecca Glazier, Assistant to Executive Director**

The regular monthly meeting of the State Board of Elections was called to order at 10:30 a.m. with eight members present.

Chairman Porter opened the meeting by leading everyone in the pledge of allegiance.

The Executive Director noted that every two years the election of a new chairman and new vice chairman is held. Also, if new members are appointed they would take office today. However, there was no action on the appointment process so the current members will continue to serve until current members are reappointed or new ones are confirmed. The first order of business is the election of the new Chairman and new Vice Chairman. Director White then recognized outgoing Chairman Porter and noted how fortunate he was to serve with him and discussed the many accomplishments of the Board during this two-year period. On behalf of the Board and staff, Director White presented Chairman Porter with an engraved gavel commemorating his two years as Chairman and thanked him for his service to the State Board of Elections and the State of Illinois. Chairman Porter thanked Director White and noted his appreciation for the support of staff of the State Board of Elections. He thanked the Board members and indicated it will be a pleasure to be able to help the new Chairman carry out the responsibilities of the chairmanship.

At this time Chairman Porter called for the election of officers, beginning with chairman. Member Smart nominated Bryan Schneider for chairman. Member Brady seconded the nomination. With no objections, the motion was called and passed unanimously.

Newly elected Chairman Schneider then opened the floor for nominations for vice chairman. Member McGuffage nominated Wanda Rednour to serve as vice chairman. Member Keith seconded the nomination. With there being no further nominations and no objections the motion for election of vice chairman passed unanimously. At this time the Board took a recess for a Board picture.

Director White noted there were no minutes for approval because of the short time frame between the June and July meetings.

The Executive Director noted the change in the order of the agenda in order to accommodate Dianne Felts who is testing off-site. Dianne Felts presented modifications of ES&S's Auto-MARK and M-100 voting equipment. Steve Pearson was present on behalf of ES&S and discussed the de minimis modifications. The modifications are engineering change orders which change hardware only. All of the changes that are submitted today have been approved by an Election Assistance Commission (EAC) accredited laboratory. The de minimis changes are so minor they do not have to be tested by the EAC but rather a testing laboratory. The current ES&S systems being used in Illinois were approved by NASED and the EAC will not start looking at any engineering orders until they certify a system. Once upgrades are made to the system it will be submitted to the EAC for approval. After discussion, Member Smart moved and Vice Chairman Rednour seconded to approve changes presented by Dianne Felts and ES&S. Discussion ensued on what the changes actually are and Mrs. Felts distributed a listing of the engineering change orders noting that she did not include this in the packet as she was told it was confidential and could not distribute it. The General Counsel reviewed the listing with Mrs. Felts and indicated that the list could be approved in its entirety as these changes were either de minimis or tested at the laboratory. After further discussion Member McGuffage offered a substitute motion to approve the 22 de minimis changes to

the M-100 and the 38 de minimis changes to the AutoMARK. Member Smart seconded the motion which passed by roll call vote of 8-0. Mrs. Felts indicated she would perform a test on the other changes that were not de minimis and would report back to the Board. Discussion ensued on having a technical engineer on staff which Director White noted was included in the request for a Testing Center the last two years.

Director White discussed the legislative session indicating the Governor addressed a rare joint session and indicated there is a \$9.2 billion deficit. The fiscal year ended June 30 with no budget in place and the Governor is expected to take veto action at 1:30 p.m. today. State Board of Elections staff has been notified to report to work as usual. Discussion ensued on the current FY 09 bills which are processed before any FY 10 bills will be processed. Cris Cray discussed the two budget bills which are on the Governor's desk and are expected to be included in the veto action. All election bills provided to the Board last month have been sent to the Governor's office and he has 60 days to act.

The Executive Director noted that with the short time between the June and July meetings the FY07 fiscal report for the period ending June 30, 2009 and the fiscal report for the Help Illinois Vote Fund will be sent to the Board members at a later date. Director White presented the two year plan of activity for the months of July and August for informational purposes.

Rupert Borgsmiller indicated that staff has completed a presentation for the Board on the progress of the Business Entity Registration website. Sharon Steward and Kim Matrisch presented a demonstration of the electronic program which will be up and running on our website by August 1. Mr. Borgsmiller will send out a letter around July 27 to all current registrants informing them that they will need to re-register by October 1. The Board commended staff for their work on this project.

The Executive Director presented the FY 10 Board meeting schedule for further review. Director White explained that the video equipment in the Thompson Center is unavailable on the Chicago Board meeting dates as the Governor's office reserves the equipment every Monday for the

entire day. He presented options for Board consideration. Member Smart moved to change the Chicago meetings as follows, August 18, October 20, February 17, April 20 and June 15. Member Walters seconded the motion which passed by roll call vote of 8-0.

Director White presented for informational purposes an IVRS update on duplicate registrations as requested by the Board. This will be an informational item on each Board agenda starting this month. Member Keith suggested adding the previous month's duplicates to each report so they can tell which jurisdictions had the changes.

The General Counsel presented an appeal of a campaign disclosure fine that the hearing officer recommends be granted in the matter *SBE v. Grundy County Republican Central Committee*, 08AG038 and noted his concurrence with the hearing officer recommendations. No one was present in this matter. Member Smart moved to grant the appeal. Member Brady seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented an appeal of a campaign disclosure fine that the hearing officer has recommended be denied in the matter of *SBE v. Cynthia Pruim Haran*, 08AG021 and concurred with the recommendation. No one was present in this matter. Member Keith moved to accept the recommendation and the appeal be denied. Member Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a request for a payment plan from the Republican Organization of Elk Grove Township. The committee proposes a payment schedule for eleven months beginning with two payments in June 2009 with final payment in April 2010. Mr. Sandvoss had no objection to the proposed payment plan. Member Smart moved to accept staff recommendation and accept the payment plan. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented for informational purposes a listing of committees that paid civil penalties.

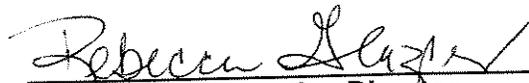
Member Keith moved to recess to executive session to discuss pending litigation and personnel issues. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0. Meeting recessed at 11:55 a.m. and reconvened at 12:15 p.m.

Member Keith moved to direct the General Counsel to advise the Attorney General of the sense of the Board in the case of *Maddox v. Blagojevich* in accordance with the action taken in executive session. Member Smart seconded the motion which passed by roll call vote of 8-0.

The next regular meeting of the State Board of Elections will be held on Tuesday, August 18, 2009 at 10:30 a.m. in Chicago or at the call of the chair whichever occurs first.

With there being no further discussion, Member Walters moved to adjourn. Member McGuffage seconded the motion which passed unanimously. The meeting adjourned at 12:18 p.m.

Respectfully submitted,


Assistant to Executive Director


Executive Director

STATE BOARD OF ELECTIONS

MEMORANDUM

*From the desk of:
Daniel W. White, Executive Director*

TO: Members of the Board
SUBJECT: Voting Systems Testing
DATE: August 6, 2009

Attached is a report from Dianne Felts regarding a request for certification of several modifications to Sequoia Voting Systems.

At the time the Board packet materials were being assembled, Dianne was testing a modification to ES&S voting systems. We hope to have this test completed prior to the meeting and a report forwarded under separate cover.

Attachment

INTEROFFICE MEMORANDUM

To: Dan White, Executive Director

From: Dianne Felts, Director of Voting Systems and Standards (VOSS)

Subject: Sequoia WinEDS 4.0

Date: July 31, 2009

Sequoia has applied for a modification approval for their equipment, the 400C (central count scan), the InsightPlus (in-precinct scan), the Edge2Plus (DRE), the HAAT (activator of the voter's access card, accumulator of DRE and In-precinct scan totals, and transmitter to central counting location), and also the WinEDS (election management application). This modification was a major upgrade to their previously approved system.

With assistance and generosity of the state's Central Management Services' agency, VOSS tested off-site at its facility on Sixth Street for roughly six weeks. This was a big plus to us because we could then have all the equipment set-up at the same time. In addition, the Chicago Board's and the Cook County Clerk's Election's staff assisted VOSS with marking all of our test ballots. This was unbelievably helpful. It saved us at least six weeks of marking time and having to wait to perform the test on the system in late summer instead of June. We received all the marked ballots on schedule so that we could start each of our mock tests promptly.

VOSS started with a General Election mock test. We tested 100 precincts on each type of counting equipment. The combined number of ballots was over 130,000. We soon learned that it takes a few days to get the settings accurate on a brand new 400C central count scan. However, the first real problem that we encountered was with the HAAT for Golf 2 precinct. One of the functions of the HAAT is to accumulate the precinct totals of the DRE and the in-precinct scan so that everyone can have Election Day precinct totals. We discovered that the HAAT had a memory capacity problem. It could not handle accumulating the Gulf precinct because it was over 1600 ballots. This needed to change for us as well as for the federal testing laboratory. The next problem was that 15 packs from the Insights, the in-precinct scans needed to be rerun because the packs' programming chips could not be uploaded. 15% is a very high rate for problems with uploading the precinct data to create jurisdictional reports etc. The vendor discovered that their manufacturer supplied our test packs with wrong (old) programming chips. This was why we had such a high failure rate to upload. We received new packs with new chips and reran the 15 precincts. We then discovered that one of the special political subdivision reports created from this version had inaccurate blank ballot totals. Both Chicago and Cook said that they will not be including blanks in this report. All of the other totals of this special report were accurate along with accurate canvasses.

VOSS then started the Consolidated Election mock test. This went very well. We ran 43,920 ballots through the 400C and 53,680 ballots through twenty Insights. We concluded this test on twenty Edge2Plus' to make the grand total, 97,748 ballots cast for the

Consolidated mock test. After this test but prior to the next mock test, the vendor representative informed us that we were going to use another version of the system. The vendor had changed a feature to allow the jurisdictions' to try to upload an Insight pack a second time if the upload failed the first time.

We concluded our testing with a General Primary mock test. This consisted of a five party primary with two nonpartisan questions. It included one hundred precincts with 876,721 votes which had 11,710 ballots cast centrally and 44,436 cast in-precinct. Initially, we discovered that the Insight was not notifying the voter of an under-vote if the voter over-voted an office on the same ballot. The under-votes refer to the new law which specifies that if a voter does not vote for all constitutional officers, the machine must notify the voter of this fact. We had the problem that the machine always informed the voter of the over-vote first and if the voter chose to over-ride this feature, he/she would not receive a notification of an under-vote. After the vendor representative discussed this problem with a Sequoia technical person on the phone and we consulted our General Counsel, we resolved the problem. If the voter under-votes the constitutional officers and over-votes an office on the ballot, the machine will notify the voter of an over-vote/under-vote at the same time. This was a good resolution to the problem. We also requested after watching the LCD and the paper tape that the instructions to the voter and the manuals for judges of election need to reflect that the voter is to watch the information on the paper tape and not the LCD for warnings of an under-vote/over-vote situation on his/her ballot. The two do not inform with the same notices. We discovered no tabulation errors and all reports were accurate except for the blank ballot tabulation on a special report which we resolved earlier in this report. The blanks will not be listed on the report.

All in all the testing went very well. Our best estimate is that the equipment tabulated over three million votes. The vendor needed to replace only two or three Insights during our six weeks of testing. For each test we used twenty or more Insights and twenty or more Edge2Plus'. As previously stated the 400C took a few days to tweak but it worked fine after that.

VOSS discussed at length with our General Counsel the ability to approve the WinEDS 4.0 version. The General Counsel also researched this situation. The only prerequisite is that the vendor and election authorities understand that the interim approval would need to change if the version number changes as a result of the EAC testing. If a change occurs VOSS may or may not need to test again.

VOSS wants to thank Jim Withers for securing the off-site space. We appreciate that CMS furnished it to VOSS. Also, thanks to agency Directors, Rupert Borgsmiller, Mark Mossman and Eric Donnewald for lending staff to assist VOSS. Some Directors had to lend their staff for almost the whole six weeks. We are also grateful for Jayme, Gary, Jeff, Brian Z. Kim B. and Jason Hinds' help in assisting our division through this long process. Thanks to the vendor staff assisting us with the running of ballots through the Insights. And lastly many thanks to the election staff of Cook and Chicago who marked the ballots. This allowed us to complete the project on schedule.

Attached are the specific versions of all the voting equipment.



July 20, 2009

Dianne Felts
Illinois State Board of Elections
1020 S. Spring St.
Springfield, IL 62704

Ms. Felts,

Enclosed you will find a CD containing the re-submittal of Sequoia WinEDS 4.0 source code used in Illinois certification testing:

Machine/Application	S/W or Firmware Version
E2P	1.2.67
E2P P168	7.66
HAAT 100	2.6.25
HAAT 3200 Controller	4.3
HAAT ICR	2.14
HAAT Listener	1.6.9
Insight HPX	K1.44.080501.1500
Insight APX	K2.16.090716.1500
MPR	MPR3.01.080422.0552
WinEDS	4.0.141
WinEDS Extended Services	1.0.62
WinEDS Reporting	4.0.60
WinETP (400C)	1.16.7

Regards,

Sequoia Voting Systems, Inc.

Judy Sargent
QA Director
720-746-2605 – Office
720-878-5689 – Cell
jsargent@sequoiavote.com

STATE BOARD OF ELECTIONS

MEMORANDUM

*From the desk of:
Daniel W. White, Executive Director*

TO: Members of the Board

SUBJECT: Electronic Business Entity Registration Program (BEREP) Update

DATE: August 6, 2009

After months of hard work and extensive testing, on July 29, our electronic Business Entity Registration Program (BEREP) went live on the SBE website. At the time of this writing, almost 1,500 businesses had re-registered. The deadline for re-registration is September 30.

Please find attached a report on the BEREP from Campaign Disclosure Deputy Director Sharon Steward and copies of notices sent to businesses.

We will have an oral update at the meeting.

Attachments

STATE BOARD OF ELECTIONS

1020 South Spring Street
Springfield, Illinois 62704
217/782-4141

Sharon Steward

Deputy Director, Campaign Disclosure

To: Members of the Board, Daniel W. White, Executive Director, & Steve Sandvoss, General Counsel

Re: BEREP Program

Date: Wednesday, August 5, 2009

The divisions of Informational Technology and Campaign Disclosure have been working hand-in-hand, not only during the last couple of weeks, but since the BEREP program was in its infancy, to make sure that this program was a success. The implementation of Phase I began on July 27th.

On Monday, July 27th the Board mailed approximately 6500 letters to businesses which had registered on paper and by e-mail with the Board since January 1st. These letters advised them they were required to re-register with the Board electronically by September 30th. In addition on Wednesday, July 29th, we sent the same letter by e-mail to all of these same businesses. On July 29th we went live with the electronic registration, and immediately had businesses register. The notifications we had given to the businesses stated that they could file on paper until July 31st, and that electronic registration would be available beginning August 1st. We wanted a few days of minimal traffic on the site, so that we could make any modifications we thought necessary. A few small modifications were made and a handful of problems were resolved during that period of time. Late Friday afternoon, July 31st we stopped accepting paper and e-mail registrations. After that, if someone attempted to register by e-mail, they would get a response advising them that all registrations must now be electronic and instructed them where to go to register electronically. Any paper registrations received after that have been returned with the same message.

Registrations have been coming in steadily. The volume of support calls varies from day to day, but they have had a significant impact on the daily operations of Campaign Disclosure, and I would assume, IT as well. As of Wednesday, August 5th, approximately 1500 businesses had registered with the Board. During the weeks preceding the August 1st deadline, the Board averaged about twenty to twenty-five new businesses registering on paper and by e-mail each day. Therefore, after September 30th, the support required for Phase I may diminish, but we do not know how much support the second phase, the Public Site, will require.

NOTICE from the Illinois State Board of Elections

ELECTRONIC BUSINESS ENTITY REGISTRATION

AUGUST 1, 2009

Beginning August 1, 2009, all business entity registrations and all amendments to previously filed registrations must be done electronically. **After July 31, 2009, e-mail and paper registrations will no longer be accepted as valid registrations and will be returned to the filer unprocessed.**

Beginning August 1, 2009, a business entity mandated by Public Act 95-0971 to register with the Board of Elections must register on-line by going to <https://BEREP.elections.il.gov>. The first step in the registration process is to create a user account. The user account must be activated by clicking on the link in the e-mail which will be sent from the Board to the person registering the account. After the account has been created and activated, the user will enter the business name, address, identification number, phone number, and e-mail address. At the time of submission, the business name and identification number will be verified by the Department of Revenue. If verified, the user may begin entering affiliated entities and affiliated persons. An updated certificate of registration is produced upon registration, as well as each time any information is changed by the user, and may be printed at any time.

Every effort has been made to make this process as uncomplicated as possible; however, if a problem arises or you need assistance, please contact the Board of Elections at 217-782-4141.

Rupert T Borgsmiller, Director
Division of Campaign Disclosure

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 S. Spring Street
PO Box 4187
Springfield, Illinois 62708-4187
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 W. Randolph Street, Ste 14-100
Chicago Illinois 60601-3232
312/814-6440
Fax: 312/814-6485



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Patrick Brady
John Keith
William McGuffage
Albert Porter
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
July 27, 2009

Bus Name
Address
City, State ZIP

RE: ELECTRONIC BUSINESS ENTITY REGISTRATION AVAILABLE AUGUST 1, 2009

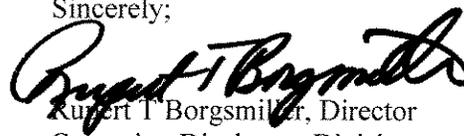
This business is on file as having registered with the State Board of Elections pursuant to Public Act 95-0971. This Public Act also required that this registration be electronic; however, at the time the law became effective on January 1, 2009, the capability to electronically register did not exist. Public Act 95-1038 was passed which allowed for paper filing until August 1, 2009, when on-line registration will be available for your use. At that time, **all must re-register.**

All businesses that have registered previously must re-register electronically by September 30, 2009. This includes those that are no longer required to update their registrations; for example, a business which registered and bid on a contract valued at more than \$50,000 during the first seven months of 2009, but which was not awarded the contract, still must re-register electronically. This is necessary to ensure a complete record of all businesses which have registered since the law became effective on January 1, 2009.

Beginning August 1, 2009, a business may register electronically by going to <https://BEREP.elections.il.gov>. The first step in the registration process is to create a user account. The user account must be activated by clicking on the link in the e-mail which will be sent from the Board to the person registering the user account. After the account has been created and activated, the user will enter the business name, address, identification number, phone number, and e-mail address. At the time of submission, the business name and identification number will be verified by the Illinois Department of Revenue. If verified, the user may begin entering affiliated entities and affiliated persons. An updated certificate of registration is produced upon registration as well as each time any required information is changed by the user, and may be printed at any time.

Every effort has been made to make this process as uncomplicated as possible; however, if a problem arises or you need assistance, please contact the State Board of Elections at 217-782-4141.

Sincerely;


Rupert T. Borgsmiller, Director
Campaign Disclosure Division

RTB: sm

STATE BOARD OF ELECTIONS

MEMORANDUM

*From the desk of:
Daniel W. White, Executive Director*

TO: Members of the Board

SUBJECT: Legislative Update

DATE: August 6, 2009

Attached for your review is a synopsis of SB 1938 signed into law by the Governor on July 30. As you can see this bill creates additional judgeships in several judicial circuits.

Please see the attached memorandum from Steve Sandvoss regarding this legislation.

At the meeting we will have an update of any further legislative activity.

Attachments

White, Dan

From: Cray, Cris
Sent: Monday, August 03, 2009 10:50 AM
To: White, Dan; Borgsmiller, Rupert; List - Division Directors
Cc: Patrick Brady; John Keith; William McGuffage; Albert Porter; Bryan Schneider; Jesse Smart; Robert Walters; 'Rednour Wanda (RightFax)'
Subject: Senate Bill 1938

Follow Up Flag: Follow up
Flag Status: Flagged

Please be advised that SB 1938 was signed by the Governor on Thursday, July 30th. It is now Public Act 96-0108. This is the only elections bill to be signed to date.

Amends the Circuit Courts Act. In the 19th judicial circuit (Lake County), adds 3 resident judgeships and converts the first 3 vacant at large judgeships into resident judgeships, all for allotment and election as subcircuit judgeships. Specifies the order of allotment. In the 12th judicial circuit (Will County), adds 3 resident judgeships and converts the first 2 vacant at large judgeships into resident judgeships, all for allotment and election as subcircuit judgeships. Specifies the order of allotment. Effective immediately.

Changes provisions regarding the assignment or allotment of certain resident judgeships. Adds the following resident judgeships: 16th circuit (Kane, Kendall, and DuPage Counties), 13th circuit (Grundy County), and 17th circuit (Boone County). Provides for appointments until judgeships are filled by election. Provides that certain judgeships are not subcircuit judgeships. Makes other changes. Amends the Associate Judges Act. Adds one additional associate judge in each of the 16th and 17th judicial circuits and 2 additional associate judges in the 18th judicial circuit.

Adds a resident judgeship in the 22nd circuit. Adds an associate judgeship in the 13th circuit.

Makes a change in a reference to the number of 16th circuit resident judgeships to conform to the number of 16th circuit resident judgeships added by the amendatory Act. In provisions concerning the allotment of 16th circuit vacancies, changes "the first 3 Kane County vacancies in resident judgeships" to "the first 3 eligible Kane County vacancies in resident judgeships".

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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Albert S. Porter
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

MEMORANDUM

TO: Mark Mossman, Director of Election Information
Steve Sandvoss, General Counsel

From: Kenneth R. Menzel, Legal Counsel

Re: Judicial Elections 2010, Circuit Court Judge Elections In Light Of SB 1938 (PA 96-108)

Date: August 6, 2009

On Thursday, July 30, 2009, Governor Quinn signed Senate Bill 1938 (SB 1938), which became PA 96-108. SB 1938 made numerous amendments to the Circuit Courts Act (705 ILCS 35-0.01 et seq.). The main import of SB 1938 is the creation of several additional judgeships over six northeastern Illinois circuits, some to be elected in 2010. It is the province of the State Board of Elections (SBE) to declare or certify for election such newly created judgeships.

The creation of the new judicial positions is generally very straight forward, but there are issues as to 2 of the 6 circuits (the 12th Circuit and the 19th Circuit) that we ought to call to the Board's attention.

In sum, as further detailed herein below, it would appear that the appropriate action of the SBE would be to certify the following new judicial seats for the 2010 election cycle:

12 th Judicial Circuit	3 rd Subcircuit	Additional Judgeship A
	4 th Subcircuit	Additional Judgeship A
	5 th Subcircuit	Additional Judgeship B *
13 th Judicial Circuit	Resident, Grundy County	Additional Judgeship A
16 th Judicial Circuit	Resident, Kane County	Additional Judgeship A
	Resident, DeKalb County	Additional Judgeship A
	Resident, Kendall County	Additional Judgeship A
17 th Judicial Circuit	Resident, Boone County	Additional Judgeship A
19 th Judicial Circuit	6 th Subcircuit	Additional Judgeship A
22 nd Judicial Circuit	Resident	Additional Judgeship A **

* There is a pre-existing vacancy for the 5th Subcircuit which has already been certified as Additional Judgeship A.

** The 22nd Judicial Circuit is a single county circuit, consisting solely of McHenry County.

12th Judicial Circuit (705 ILCS 35/2f-4)

Prior to 2003, the 12th Circuit had 8 at large seats and 2 resident seats. PA 93-541 created 5 subcircuits, each of which was to ultimately have 1 subcircuit judge. The first at large seat to go vacant was to be eliminated. The second at large vacancy was to be converted to a resident position and assigned to a subcircuit. The General Assembly (GA) provided for 1 new subcircuit seat to be elected in 2006, and 2 new subcircuit seats to be elected in 2008. The GA also set the total number of seats in the circuit at 12.

In 2007, the GA provided for an additional subcircuit seat (a 13th judicial position, while leaving the 12 judge maximum for the circuit elsewhere) as follows:

705 ILCS 35/2f-4 (b-5) In addition to the number of circuit judges and resident judges otherwise authorized by law, and notwithstanding any other provision of law, beginning on April 1, 2006 there shall be one additional resident judge who is a resident of and elected from the fourth judicial subcircuit of the 12th judicial circuit. That additional resident judgeship may be filled by appointment by the Supreme Court until filled by election at the general election in 2008, regardless of whether the judgeships for subcircuits 1, 2, and 3 have been filled.

SB 1938 establishes a second subcircuit seat for each subcircuit, with 2 of those seats to be filled by converting “at-large” seats to subcircuit seats (as “at-large” seats become vacant) and the other 3 to be new subcircuit seats to be filled by election in 2010. SB 1938 provides for the new resident subcircuit seats to be assigned and filled in the following order: 3, 4, 5, 1, then 2.

It must be noted that SB 1938 also provided that the total number of judges in the circuit shall be raised from 12 to 15. Because the circuit currently has 13 judges (due to the implementation of subsection (b-5) quoted above), adding the 3 new subcircuit seats provided by SB 1938 will raise the total number of judges to 16. It would seem that the only way to give full effect to all of the statutory language is to read SB 1938 as authorizing 3 new subcircuit seats, while reading subsection (b-5) as having continuing effect in providing for one additional judge for the circuit above and beyond the cap on the total number of judges otherwise set in therein.

The Supreme Court has previously certified to us an “Additional Judgeship A” in the 5th Subcircuit for election in 2010, as a conversion of the “at-large” seat previously held by Judge Rodney B. Lechwar (so as to finish fully staffing the first seat in each subcircuit). The newly created judgeship in the 5th Subcircuit under SB 1938 would then need to be deemed “Additional Judgeship B”.

On that basis, it would appear that the Board’s appropriate action would be to certify an “Additional Judgeship A” in both the 3rd Subcircuit and the 4th Subcircuit, and an “Additional Judgeship B” in the 5th Subcircuit, in the 12th Judicial Circuit for the 2010 election cycle.

13th Judicial (705 ILCS 35/2p)

SB 1938 creates an additional county based resident judge seat for Grundy County to be elected in 2010.

On that basis, it would appear that the Board's appropriate action would be to certify an "Additional Judgeship A" for a resident judge for Grundy County in the 13th Judicial Circuit for the 2010 election cycle.

16th Judicial (705 ILCS 35/2f-9, 2k, 2m, and 2n)

SB 1938 creates 3 additional county based resident judge seats, one each for Kane County, DeKalb County and Kendall County, all of which are to be elected in 2010.

I would note that the 16th Circuit does have subcircuits (5 of them), but these new seats under SB 1938 are specifically provided as county based resident judge positions, which are not to be assigned to the subcircuits.

On that basis, it would appear that the Board's appropriate action would be to certify an "Additional Judgeship A" for a resident judge for each of Kane County, DeKalb County and Kendall County in the 16th Judicial Circuit for the 2010 election cycle.

17th Judicial (705 ILCS 35/2q)

SB 1938 creates an additional county based resident judge seat for Boone County to be elected in 2010.

I would note that the 17th Circuit does have subcircuits (4 of them), but this new seat under SB 1938 is specifically provided as a county based resident judge position, which is not to be assigned to a subcircuit.

On that basis, it would appear that the Board's appropriate action would be to certify an "Additional Judgeship A" for a resident judge for Boone County in the 17th Judicial Circuit for the 2010 election cycle.

19th Judicial (705 ILCS 35/2f-2)

The GA has previously established subcircuits in the 19th Circuit (6 of them), which were each to have a single subcircuit seat, to be filled by conversion of existing resident judge seats (as they became vacant through attrition). SB 1938 establishes a second subcircuit seat for each subcircuit, to be filled by conversion of 3 "at-large" judge seats (as they became vacant through attrition) and by the creation of 3 new subcircuit seats. 1 of the new subcircuit seats is to be elected in 2010 and the other 2 new subcircuit seats are to be elected in 2012. The new subcircuit seats created under SB 1938 are to be filled in reverse numerical order (i.e. beginning with Subcircuit 6 and progressing in descending numerical order to Subcircuit 1).

The Board should be aware that SB 1938 includes the following provision as to the conversion of the "at-large" seats:

(a-5) Of the at large judgeships of the 19th judicial circuit, the first 3 that are or become vacant on or after the effective date of this amendatory Act of the 96th General Assembly shall become resident judgeships of the 19th judicial circuit to be allotted by the Supreme Court under subsection (c) and filled by election, except that the Supreme Court may fill those judgeships by appointment for any remainder of a vacated term until the resident judgeships are filled initially by election.

The Supreme Court has previously certified to the SBE 2 “at-large” positions in the 19th Circuit to be filled by election in 2010. Based upon the language of subsection (a-5) quoted above, we should anticipate that the next certification from the Supreme Court would drop those two “at-large” seats and substitute 2 subcircuit seats in their place.

On that basis, it would appear that the Board’s appropriate action would be to certify an “Additional Judgeship A” in the 6th Subcircuit of the 19th Judicial Circuit for the 2010 election cycle. We should also anticipate the Supreme Court’s change of 2 “at-large” seats (previously certified to us) to new subcircuit seats for the 5th Subcircuit and the 4th Subcircuit.

22nd Judicial (705 ILCS 35/2r)

SB 1938 creates an additional county based resident judge seat for the 22nd Circuit to be elected in 2010 (the circuit consists of a single county, McHenry County).

I would note that the 22nd Circuit does have subcircuits (4 of them), but this new seat under SB 1938 is specifically provided as a county based resident judge position, which is not to be assigned to a subcircuit.

On that basis, it would appear that the Board’s appropriate action would be to certify an “Additional Judgeship A” for a resident judge for the 22nd Judicial Circuit.

Kenneth R. Menzel
Legal Counsel

STATE BOARD OF ELECTIONS

MEMORANDUM

*From the desk of:
Daniel W. White, Executive Director*

TO: Members of the Board

SUBJECT: FY10 Budget

DATE: August 6, 2009

Following is a review of recent budget related activity.

In mid-July the legislature passed and the Governor signed the FY10 state budget, allowing state paychecks to be processed and distributed, albeit a day or two late. This spending plan gave the Governor discretion in spending lump sums appropriated for state agencies. It provided additional funding by short-term borrowing and left the Governor to cut an additional \$1 billion in spending.

On July 31, the Governor announced \$1 billion in cuts funded in part by cutting about 2,500 jobs and asking state workers to take twelve unpaid furlough days. The \$1 billion in cuts to state operations targets some programs, grants and state agencies but the SBE is not included. A general category of "other state offices, departments and agencies" identifies \$25 million in reductions in the Governor's budget plan but no details have been made available.

The Governor continues to urge passage of a state income tax increase to address the fiscal deficit.

To illustrate our present fiscal status we have devised two charts. Please see the attached fiscal charts which 1) compares our FY10 request to the lump-sum budget signed by the Governor and 2) identifies proposed cuts to special items, lump sums and grants.

With regard to chart #1 you can see that it is divided into two parts: 1) Basic Agency Operations and 2) Special Items, Lump Sums and Grants. With the exception of \$847,500 in state paid retirement, our FY10 budget appropriation request for Basic Agency Operations is fully funded. Special Items, Lump Sums and Grants are funded at 50% of the total amount requested.

Taking into consideration the 50% funding reductions, chart #2 identifies our proposed allocation of the reduced amount - \$6,130,700 - for each of ten special items, lump sums and grants.

At the meeting I will review these materials with the Board and respond to any questions.

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State Board of Elections
 Comparison of FY10 GRF 'Lump-Sum' Budget Bills with FY10 Agency Request
 As of 6/2/2009

Division/Line	FY10 SBE Budget Request	FY10 'Lump-Sum' Budget Bills	Dollar Change From FY10 Request	Percentage Change
<u>Basic Agency Operations</u>				
Personal Services	4,023,000	4,023,000	0	0.0%
State-Paid Retirement (Pick-up)	161,100		(161,100)	-100.0%
State-Paid Retirement	847,500		(847,500)	-100.0%
Social Security	307,900	307,900	0	0.0%
Contractual Services	1,100,600		(1,100,600)	-100.0%
Travel	121,900		(121,900)	-100.0%
Commodities	37,600		(37,600)	-100.0%
Printing	44,500		(44,500)	-100.0%
Equipment	261,450		(261,450)	-100.0%
Telecommunications	142,100		(142,100)	-100.0%
Operation of Automotive Equipment	4,400		(4,400)	-100.0%
Election Codes	15,000		(15,000)	-100.0%
Operational Expenses 'Lump-Sum'	0	1,888,700	1,888,700	100.0%
Total Basic GRF Operations	7,067,050	6,219,600	(847,450)	-12.0%
<u>Special Items, Lump Sums and Grants</u>				
HAVA Annual Maintenance of Effort	550,000		(550,000)	-100.0%
IVRS System Operations & Grants	3,174,500		(3,174,500)	-100.0%
County Clerk/Recorder Stipends	806,000		(806,000)	-100.0%
Election Judges - Election Day	2,700,000		(2,700,000)	-100.0%
Early Voting Assistance	1,300,000		(1,300,000)	-100.0%
Decennial Redistricting	350,000		(350,000)	-100.0%
Voting System Integrity Center	1,096,300		(1,096,300)	-100.0%
Elect. Vote Canvassing Project	476,400		(476,400)	-100.0%
IDIS Reporting System Replacement	1,587,400		(1,587,400)	-100.0%
Additional State Match for New HAVA	220,698		(220,698)	-100.0%
FY10 Single Approp. for 'Lump Sum' Items		6,130,700	6,130,700	100.0%
Total Special Items, Lump & Grants	12,261,298	6,130,700	(6,130,598)	-50.0%
Total For Agency - GRF	19,328,348	12,350,300	(6,978,048)	-36.1%

#2

State Board of Elections
Proposed Allocation of FY2010 Reduced Lump-Sum Appropriations
To Reflect 50% Cut in Total Lump-Sum Amount
As of 8/3/2009

Total Lump-Sum Amount Requested in Original FY2010 Budget = \$12,261,298
 Actual Total Lump-Sum Amount Received in Final FY2010 Budget = \$6,130,700 (approx. 50% appropriation cut)

Lump-Sum Appropriation Item	Amount Requested In FY2010 Original Budget Submission	Proposed Allocation Of Actual Lump-Sum Approp. after 50% Cuts	Allocation Comments/Justification
Annual HAVA Maint. Of Effort	\$550,000	\$550,000	Full funding required to keep qualification for Federal funds
State Match - FY09 Add'l HAVA Money	220,698	220,700	Full match contribution needed to qualify for additional Federal funds
IVRS System Operations/Assistance	3,174,500	1,587,300	50% reduction to match appropriation cut
County Clerk/Recorder Stipends	806,000	403,000	50% reduction to match appropriation cut
Election Day Judge Reimbursements	2,700,000	1,350,000	50% reduction to match appropriation cut
Early Voting Assistance to Local Gov.	1,300,000	650,000	50% reduction to match appropriation cut
Decennial Redistricting Project	350,000	100,000	Reduce appropriation to remainder of EDS contract
VSIC (Voting Systems Integrity Center)	1,096,300	0	Reschedule project to FY2011 fiscal year
Electronic Canvassing Implementation	476,400	0	Reschedule project to FY2011 fiscal year
Disclosure Reform/Replace IDIS System	1,587,400	1,269,700	Remainder of available lump-sum appropriation

Totals	\$12,261,298	\$6,130,700
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Jurisdiction	June Matches	July Matches	August Matches	Oldest Match Date
Adams County	226	209	188	2/6/2009
Alexander County	228	221	190	2/6/2009
Bond County	188	181	148	2/6/2009
Boone County	450	399	327	2/6/2009
Brown County	5	3	6	5/26/2009
Bureau County	240	226	178	2/6/2009
Calhoun County	6	6	6	2/6/2009
Carroll County	124	115	87	2/6/2009
Cass County	49	43	30	2/6/2009
Champaign County	206	203	200	2/6/2009
Christian County	40	5	3	8/3/2009
Clark County	47	33	24	2/6/2009
Clay County	127	123	129	2/6/2009
Clinton County	119	119	105	2/6/2009
Coles County	344	314	431	2/6/2009
Cook County	18388	15,898	15,007	2/6/2009
Crawford County	168	160	158	2/6/2009
Cumberland County	46	44	30	2/6/2009
DeKalb County	707	567	333	2/6/2009
DeWitt County	254	217	189	2/6/2009
Douglas County	15	10	9	5/26/2009
DuPage County	1906	1,673	1604	2/6/2009
Edgar County	23	20	18	2/6/2009
Edwards County	14	13	2	2/6/2009
Effingham County	57	48	52	2/6/2009
Fayette County	370	351	308	2/6/2009
Ford County	92	84	44	2/6/2009
Franklin County	261	247	206	2/6/2009
Fulton County	164	141	79	2/6/2009
Gallatin County	1	1	0	n/a
Greene County	28	28	33	2/6/2009
Grundy County	318	230	57	2/6/2009
Hamilton County	7	3	5	5/26/2009

Hancock County	13	11	8	2/6/2009
Hardin County	19	12	9	2/6/2009
Henderson County	8	2	1	8/3/2009
Henry County	447	414	171	2/6/2009
Iroquois County	179	166	30	2/6/2009
Jackson County	434	402	350	2/6/2009
Jasper County	36	36	38	2/6/2009
Jefferson County	143	116	87	2/6/2009
Jersey County	348	302	91	2/6/2009
JoDaviess County	12	12	3	5/26/2009
Johnson County	8	9	14	2/6/2009
Kane County	1135	951	739	2/6/2009
Kankakee County	45	43	55	2/6/2009
Kendall County	762	403	236	2/6/2009
Knox County	167	146	93	2/6/2009
Lake County	3340	2,619	1988	2/6/2009
LaSalle County	367	334	295	2/6/2009
Lawrence County	102	89	91	2/6/2009
Lee County	197	152	13	2/6/2009
Livingston County	51	15	15	2/6/2009
Logan County	214	193	60	2/6/2009
Macon County	560	294	211	2/6/2009
Macoupin County	337	221	79	2/6/2009
Madison County	1228	1,055	193	2/6/2009
Marion County	468	457	375	2/6/2009
Marshall County	90	75	19	2/6/2009
Mason County	17	7	1	8/3/2009
Massac County	78	57	51	2/6/2009
McDonough County	218	197	129	2/6/2009
McHenry County	2042	1,399	853	2/6/2009
McLean County	924	851	749	2/6/2009
Menard County	124	101	51	2/6/2009
Mercer County	182	176	168	2/6/2009
Monroe County	92	89	71	2/6/2009

Montgomery County	41	36	12	6/19/2009
Morgan County	149	121	54	2/6/2009
Moultrie County	7	6	5	5/26/2009
Ogle County	803	624	135	2/6/2009
Peoria County	416	281	156	2/6/2009
Perry County	4	2	3	8/3/2009
Piatt County	57	49	12	2/6/2009
Pike County	97	91	71	2/6/2009
Pope County	7	7	7	2/6/2009
Pulaski County	113	109	78	2/6/2009
Putnam County	8	1	2	5/26/2009
Randolph County	53	54	7	8/3/2009
Richland County	180	167	163	2/6/2009
Rock Island County	455	436	374	2/6/2009
Saline County	21	5	2	6/12/2009
Sangamon County	463	350	230	2/6/2009
Schuyler County	26	10	2	8/3/2009
Scott County	15	3	7	5/26/2009
Shelby County	46	25	15	2/6/2009
Stark County	45	38	28	2/6/2009
St. Clair County	1200	1,123	560	2/6/2009
Stephenson County	216	180	114	2/6/2009
Tazewell County	387	248	118	2/6/2009
Union County	116	112	101	2/6/2009
Vermilion County	40	36	27	2/6/2009
Wabash County	26	13	8	2/6/2009
Warren County	64	61	59	2/6/2009
Washington County	243	240	68	2/6/2009
Wayne County	86	87	83	2/6/2009
White County	24	23	20	2/6/2009
Whiteside County	137	62	38	2/6/2009
Will County	5598	4,455	3412	2/6/2009
Williamson County	376	359	312	2/6/2009
Winnebago County	1001	812	596	2/6/2009

Woodford County	87	65	13	2/6/2009
City of Aurora	239	194	135	2/6/2009
City of Bloomington	347	324	251	2/6/2009
City of Chicago	14655	11,478	11015	2/6/2009
City of Danville	13	7	3	2/6/2009
City of East St. Louis	433	421	137	2/6/2009
City of Galesburg	99	90	37	2/6/2009
City of Peoria	848	485	35	2/6/2009
City of Rockford	466	399	291	2/6/2009
	69312	57,030	46,319	

STATE BOARD OF ELECTIONS

MEMORANDUM

*From the desk of:
Daniel W. White, Executive Director*

TO: Members of the Board
SUBJECT: FY09 Fiscal Status Report
DATE: August 6, 2009

The fiscal status report for FY09 for the month ending July 31 is attached for your information. There is one month left in the lapse period for FY09 which means I will have a final FY09 report at the September monthly meeting. The report indicates we will meet all FY09 obligations.

We are now one month in FY10 and expenditures have been few. At the conclusion of the lapse period August 31, we will close FY09 books and provide a final accounting.

Attachment

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
General Revenue Fund

AGENCY TOTALS MONTH ENDING: July 31, 2009	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$3,171,480.00	\$2,981,108.86	\$0.00	\$190,371.14	94.00%
STATE PAID RETIREMENT	\$127,110.00	\$116,017.33	\$0.00	\$11,092.67	91.27%
RETIREMENT (inc. supplemental)	\$659,910.00	\$625,269.17	\$0.00	\$34,640.83	94.75%
SOCIAL SECURITY	\$230,300.00	\$218,150.38	\$0.00	\$12,149.62	94.72%
CONTRACTUAL SERVICE	\$749,765.00	\$625,544.77	\$75,193.38	\$49,026.85	83.43%
TRAVEL	\$107,350.00	\$72,366.52	\$0.00	\$34,983.48	67.41%
PRINTING	\$42,360.00	\$38,477.69	\$0.00	\$3,882.31	90.83%
COMMODITIES	\$29,925.00	\$27,699.62	\$0.00	\$2,225.38	92.56%
EQUIPMENT	\$153,525.00	\$135,942.21	\$10,065.20	\$7,517.59	88.55%
TELECOMMUNICATIONS	\$106,780.00	\$96,365.60	\$0.00	\$10,414.40	90.25%
OPERATION OF AUTO EQUIPMENT	\$3,515.00	\$2,856.66	\$0.00	\$658.34	81.27%
HAVA MAINTENANCE OF EFFORT	\$550,000.00	\$550,000.00	\$0.00	\$0.00	100.00%
ELECTION CODE BOOKS	\$14,250.00	\$13,167.50	\$0.00	\$1,082.50	0.00%
SUB-TOTAL (OPERATIONS)	\$5,946,270.00	\$5,502,966.31	\$85,258.58	\$358,045.11	92.54%
CO CLERK & RECORDER STIPENDS	\$806,000.00	\$798,093.15	\$0.00	\$7,906.85	99.02%
ELECTION JUDGE REIMBURSEMENT	\$5,850,000.00	\$4,198,155.00	\$0.00	\$1,651,845.00	71.76%
ELECTION JUDGES/EARLY VOTING	\$2,875,000.00	\$2,471,630.00	\$0.00	\$403,370.00	85.97%
VOTER REGISTRATION TAPES	\$20,250.00	\$0.00	\$0.00	\$20,250.00	0.00%
IVRS LUMP SUM	\$2,498,700.00	\$2,238,622.83	\$0.00	\$260,077.17	89.59%
REDISTRICTING	\$350,000.00	\$250,000.00	\$100,000.00	\$0.00	71.43%
ADDITIONAL STATE MATCH	\$671,022.00	\$595,552.00	\$0.00	\$75,470.00	88.75%
DISALLOWED HAVA EXPENDITURES	\$3,889.00	\$3,889.00	\$0.00	\$0.00	100.00%
SUB-TOTAL (GRANTS)	\$13,074,861.00	\$10,555,941.98	\$100,000.00	\$2,418,919.02	80.73%
TOTAL APPROPRIATION	\$19,021,131.00	\$16,058,908.29	\$185,258.58	\$2,776,964.13	84.43%

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
General Revenue Fund

BOARD MONTH ENDING: July 31, 2009	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
CONTRACTUAL SERVICE				
1205 Freight Express & Drayage	\$2,200.00	\$2,105.44	\$94.56	95.70%
1221 Repair/Maint. Furn./Office Equipment			\$0.00	0.00%
1232 Rental Motor Vehicles	\$1,000.00	\$1,000.00	\$0.00	100.00%
1239 Rental, NEC			\$0.00	0.00%
1243 Book Binding Services			\$0.00	0.00%
1266 Court Reporting & Filing Services	\$13,600.00	\$11,026.25	\$2,573.75	81.08%
1274 Reg. Fees & Conf. Expenses (Vendor)	\$50.00		\$50.00	0.00%
1275 Subscriptions	\$200.00	\$155.94	\$44.06	77.97%
1276 Reg. Fees & Conf. Expenses (Employee)			\$0.00	0.00%
1277 Association Dues	\$50.00		\$50.00	0.00%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	\$450.00	\$413.70	\$36.30	91.93%
1286 Travel, Non-State Employee			\$0.00	0.00%
1289 Contractual Services, NEC	\$500.00	\$469.41	\$30.59	93.88%
TRAVEL	\$18,145.00	\$12,267.57	\$5,877.43	67.61%
EQUIPMENT				
1510 Office Furniture & Equipment	\$475.00	\$399.95	\$75.05	0.00%

BOARD GRAND TOTAL	FY08 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE
CONTRACTUAL SERVICE	\$18,050.00	\$15,170.74		\$2,879.26
TRAVEL	\$18,145.00	\$12,267.57		\$5,877.43
EQUIPMENT	\$475.00	\$399.95		\$75.05
TOTAL	\$36,670.00	\$27,838.26	\$0.00	\$8,831.74

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
General Revenue Fund

ADMINISTRATION MONTH ENDING: July 31, 2009	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE	
PERSONAL SERVICE	\$534,185.00	\$517,374.78	\$16,810.22	96.85%	
1129 State Paid Retirement	\$21,470.00	\$19,286.08	\$2,183.92	89.83%	
1161 Retirement	\$90,495.00	\$90,414.45	\$80.55	99.91%	
1161-008 Compt. Supplemental Retirement	\$23,000.00	\$16,052.50	\$6,947.50	69.79%	
1170 Social Security	\$38,935.00	\$36,906.14	\$2,028.86	94.79%	
CONTRACTUAL SERVICE					
1201 Petty Cash	\$300.00	\$223.31	\$76.69	74.44%	
1205 Freight Express & Drayage	\$600.00	\$520.44	\$79.56	86.74%	
1221 Repair/Maint. Furn./Office Equipment	\$10,600.00	\$10,570.46	\$29.54	99.72%	
1223 Repair/Maint. Real Property					
1230 In-House Repair & Maintenance					
1231 Rental, Office Equipment	\$10,300.00	\$10,231.15	\$68.85	99.33%	
1232 Rental, Motor Vehicles	\$4,600.00	\$4,600.00	\$0.00	100.00%	
1233 Rental, Real Property	\$202,200.00	\$202,172.61	\$27.39	99.99%	
1234 Rental, Machinery & Mechanical Eqmt					
1239 Rental, NEC	\$400.00	\$400.00	\$0.00	100.00%	
1240 Statistical & Tabulation Services	\$7,000.00	\$6,940.63	\$59.37	99.15%	
1242 Auditing & Management Services					
1248 Building & Grounds Maintenance	\$11,900.00	\$11,823.09	\$76.91	99.35%	
1251 Gas	\$9,400.00	\$9,002.95	\$397.05	95.78%	
1252 Electricity	\$49,000.00	\$48,939.09	\$60.91	99.88%	
1253 Water	\$800.00	\$744.65	\$55.35	93.08%	
1255 Utilities, NEC	\$600.00	\$460.35	\$139.65	76.73%	
1261 Postage	\$42,300.00	\$42,247.84	\$52.16	99.88%	
1266 Court Reporting					
1274 Reg Fees & Conf. Expenses (Vendor)	\$200.00		\$200.00	0.00%	
1275 Subscription & Information Services	\$2,175.00	\$2,171.93	\$3.07	99.86%	
1276 Reg. Fees & Conf. Expenses (Employee)					
1277 Association Dues	\$1,700.00	\$1,645.00	\$55.00	96.76%	
1281 Interviewee Expense - To Vendors					
1285 Taxes, Licenses & Fees	\$100.00		\$100.00	0.00%	
1289 Contractual Services, NEC	\$300.00	\$255.00	\$45.00	85.00%	
TRAVEL					
1291 In-State	\$16,575.00	\$9,556.92	\$7,018.08	57.66%	
1292 Out-of-State	\$1,000.00		\$1,000.00	0.00%	
PRINTING	\$10,070.00	\$8,975.70	\$1,094.30	89.13%	
COMMODITIES					
1304 Office/Library Supplies	\$11,300.00	\$9,397.88	\$1,902.12	83.17%	
1391 Household & Cleaning Supplies	\$3,000.00	\$2,968.59	\$31.41	98.95%	
1394 Office/Library Equip., Not exc. \$100	\$380.00	\$327.35	\$52.65	86.14%	
1398 Equipment, NEC	\$500.00	\$455.66	\$44.34	91.13%	
1399 Commodities, NEC	\$400.00	\$331.04	\$68.96	82.76%	
EQUIPMENT					
1510 Office Furniture & Equipment	\$1,900.00	\$1,765.69	\$134.31	92.93%	
1599 Equipment NEC	\$0.00		\$0.00	0.00%	
TELECOMMUNICATIONS					
1710 Repair/Maintenance Telecom					
1721 Rental, Telephone Serv. & Equip.	\$45,500.00	\$38,293.46	\$7,206.54	84.16%	
1722 Rental, Data Comm. Serv. & Equip.	\$52,680.00	\$49,736.79	\$2,943.21	94.41%	
1728 Videoconferencing	\$6,400.00	\$6,208.84	\$191.16	97.01%	
1729 Rental, Other Comm. Serv. & Equip.	\$1,500.00	\$1,440.00	\$60.00	96.00%	
1730 Parts & Supplies for Telephone	\$700.00	\$686.51	\$13.49	98.07%	
OPERATION OF AUTO EQUIPMENT					
1893 Repair & Maint., Auto. Equipment	\$700.00	\$130.98	\$569.02	18.71%	
1894 Parts & Fittings, Auto Equipment	\$500.00	\$496.69	\$3.31	99.34%	
1896 Gasoline, Oil & Antifreeze	\$2,315.00	\$2,228.99	\$86.01	96.28%	
1899 Auto. Expenses, NEC					
ADMINISTRATION GRAND TOTAL	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	% OF EXPENDITURE	
PERSONAL SERVICE	\$534,185.00	\$517,374.78	\$16,810.22	96.85%	
STATE PAID RETIREMENT	\$21,470.00	\$19,286.08	\$2,183.92	89.83%	
RETIREMENT (incl. supplemental funding)	\$113,495.00	\$106,466.95	\$7,028.05	93.81%	
SOCIAL SECURITY	\$38,935.00	\$36,906.14	\$2,028.86	94.79%	
CONTRACTUAL SERVICE	\$354,475.00	\$352,948.50	\$1,526.50	99.57%	
TRAVEL	\$17,575.00	\$9,556.92	\$8,018.08	54.38%	
PRINTING	\$10,070.00	\$8,975.70	\$1,094.30	89.13%	
COMMODITIES	\$15,580.00	\$13,480.52	\$2,099.48	86.52%	
EQUIPMENT	\$1,900.00	\$1,765.69	\$134.31	92.93%	
TELECOMMUNICATIONS	\$106,780.00	\$96,365.60	\$10,414.40	90.25%	
OPERATION OF AUTO EQUIPMENT	\$3,515.00	\$2,856.66	\$658.34	81.27%	
TOTAL	\$1,217,980.00	\$1,165,983.54	\$0.00	\$51,996.46	95.73%

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
General Revenue Fund

ELECTIONS MONTH ENDING: July 31, 2009	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$1,351,185.00	\$1,260,654.45	\$90,530.55	93.30%
1129 State Paid Retirement	\$54,150.00	\$49,288.66	\$4,861.34	91.02%
1161 Retirement	\$230,925.00	\$230,467.92	\$457.08	99.80%
1161-008 Compt. Supplemental Retirement	\$47,000.00	\$34,945.59	\$12,054.41	74.35%
1170 Social Security	\$96,255.00	\$92,669.19	\$3,585.81	96.27%
CONTRACTUAL SERVICE				
1145 Contractual Payroll				
1205 Freight Express & Drayage	\$4,350.00	\$327.40	\$4,022.60	7.53%
1221 Repair/Maint. Furn./Office Equipment	\$200.00	\$192.00	\$8.00	96.00%
1231 Rental, Office Equipment				
1232 Rental, Motor Vehicles				
1237 Rental, Film & Audio/Visual Aids	\$100.00		\$100.00	0.00%
1239 Rental, NEC	\$200.00	\$100.00	\$100.00	50.00%
1242 Auditing & Management Services				
1245 Professional & Artistic Services, NEC				
1266 Court Reporting & Filing Services				
1273 Advertising				
1274 Reg Fees & Conf. Expenses (Vendor)	\$1,300.00	\$717.00	\$583.00	55.15%
1275 Subscription & Information Services	\$1,900.00	\$1,298.00	\$602.00	68.32%
1276 Reg. Fees & Conf. Expenses (Employee)	\$900.00	\$688.00	\$212.00	76.44%
1277 Association Dues	\$1,900.00	\$1,877.00	\$23.00	98.79%
1279 Employee Tuition & Fees	\$3,080.00	\$175.00	\$2,905.00	5.68%
1280 Copying, Photographic & Printing Services	\$750.00	\$240.99	\$509.01	32.13%
1285 Operating Taxes, Licenses & Fees				
1289 Contractual Services, NEC	\$6,600.00	\$6,523.96	\$76.04	98.85%
TRAVEL	\$41,420.00	\$34,269.36	\$7,150.64	82.74%
PRINTING	\$21,090.00	\$19,095.24	\$1,994.76	90.54%
EQUIPMENT				
1510 Office Furniture & Equipment	\$3,705.00	\$3,187.00	\$518.00	86.02%
HAVA - Maintenance of Effort	\$550,000.00	\$550,000.00	\$0.00	100.00%
ELECTION CODE BOOKS	\$14,250.00	\$13,167.50	\$1,082.50	92.40%

ELECTIONS GRAND TOTAL	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	% OF BALANCE	EXPENDITURE
PERSONAL SERVICE	\$1,351,185.00	\$1,260,654.45		\$90,530.55	93.30%
STATE PAID RETIREMENT	\$54,150.00	\$49,288.66		\$4,861.34	91.02%
RETIREMENT (incl. supplemental funding)	\$277,925.00	\$265,413.51		\$12,511.49	95.50%
SOCIAL SECURITY	\$96,255.00	\$92,669.19		\$3,585.81	96.27%
CONTRACTUAL SERVICE	\$21,280.00	\$12,139.35		\$9,140.65	57.05%
TRAVEL	\$41,420.00	\$34,269.36		\$7,150.64	82.74%
PRINTING	\$21,090.00	\$19,095.24		\$1,994.76	90.54%
EQUIPMENT	\$3,705.00	\$3,187.00		\$518.00	86.02%
HAVA - Maintenance of Effort	\$550,000.00	\$550,000.00		\$0.00	100.00%
ELECTION CODE BOOKS	\$14,250.00	\$13,167.50		\$1,082.50	0.00%
TOTAL	\$2,431,260.00	\$2,299,884.26	\$0.00	\$131,375.74	94.60%

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
General Revenue Fund

GENERAL COUNSEL MONTH ENDING: July 31, 2009	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$237,025.00	\$192,081.13	\$44,943.87	81.04%
1129 State Paid Retirement	\$9,500.00	\$6,976.02	\$2,523.98	73.43%
1161 Retirement	\$40,535.00	\$40,441.23	\$93.77	99.77%
1170 Social Security	\$16,940.00	\$14,203.91	\$2,736.09	83.85%
CONTRACTUAL SERVICE				
1145 Contractual Payroll			\$500.00	0.00%
1205 Freight Express & Drayage	\$500.00			
1221 Repair/Maint. Furn./Office Equipment				
1244 Legal Fees	\$37,300.00	\$14,611.00	\$22,689.00	39.17%
1245 Professional & Artistic Services, NEC	\$12,700.00		\$12,700.00	0.00%
1266 Court Reporting & Filing Services	\$18,000.00	\$6,404.28	\$11,595.72	35.58%
1273 Advertising				
1274 Reg Fees & Conf. Expenses (Vendor)	\$1,500.00	\$480.00	\$1,020.00	32.00%
1275 Subscription & Information Services	\$3,100.00	\$1,680.10	\$1,419.90	54.20%
1276 Reg. Fees & Conf. Expenses (Employee)		\$75.00		
1277 Association Dues	\$2,000.00	\$1,920.00	\$80.00	96.00%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	\$5,000.00		\$5,000.00	0.00%
1284 Computer Software				
1289 Contractual Services, NEC	\$5,400.00	\$5,348.82	\$51.18	99.05%
TRAVEL	\$9,785.00	\$4,975.10	\$4,809.90	50.84%
EQUIPMENT				
1510 Office Furniture & Equipment	\$475.00		\$475.00	0.00%

GENERAL COUNSEL GRAND TOTAL	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$237,025.00	\$192,081.13		\$44,943.87	81.04%
STATE PAID RETIREMENT	\$9,500.00	\$6,976.02		\$2,523.98	73.43%
RETIREMENT	\$40,535.00	\$40,441.23		\$93.77	99.77%
SOCIAL SECURITY	\$16,940.00	\$14,203.91		\$2,736.09	83.85%
CONTRACTUAL SERVICE	\$85,500.00	\$30,519.20	30,895.00	\$24,085.80	35.69%
TRAVEL	\$9,785.00	\$4,975.10		\$4,809.90	50.84%
EQUIPMENT	\$475.00	\$0.00		\$475.00	0.00%
TOTAL	\$399,760.00	\$289,196.59	\$30,895.00	\$79,668.41	72.34%

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
General Revenue Fund

CAMPAIGN DISCLOSURE MONTH ENDING: July 31, 2009	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$657,780.00	\$650,686.00	\$7,094.00	98.92%
1129 State Paid Retirement	\$26,315.00	\$26,041.67	\$273.33	98.96%
1161 Retirement	\$110,165.00	\$110,030.80	\$134.20	99.88%
1161-0008 Compt. Supplemental Retirement	\$35,000.00	\$27,008.40	\$7,991.60	77.17%
1170 Social Security	\$49,245.00	\$47,130.76	\$2,114.24	95.71%
CONTRACTUAL SERVICE				
1205 Freight Express & Drayage	\$100.00		\$100.00	0.00%
1221 Repair & Maint, Furn & Office Equipment	\$1,500.00	\$1,337.82	\$162.18	89.19%
1225 Repair & Maint, EDP				
1229 Repair & Maint, NEC				
1232 Rental, Motor Vehicles				
1239 Rental, NEC	\$1,750.00	\$835.25	\$914.75	47.73%
1245 Professional & Artistic Services, NEC				
1248 Building & Ground Maintenance				
1266 Court Reporting & Filing Services				
1274 Reg Fees & Conf. Expenses (Vendor)	\$1,800.00	\$960.00	\$840.00	53.33%
1275 Subscription & Information Services				
1276 Reg. Fees & Conf. Expenses (Employee)	\$200.00	\$150.00	\$50.00	75.00%
1277 Association Dues				
1279 Employee Tuition and Fees	\$245.00		\$245.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	\$2,100.00	\$1,960.05	\$139.95	93.34%
TRAVEL				
1291 In-State	\$8,405.00	\$5,101.43	\$3,303.57	60.70%
1292 Out-of-State	\$1,000.00	\$774.43	\$225.57	77.44%
PRINTING	\$11,200.00	\$10,406.75	\$793.25	92.92%
EQUIPMENT				
1510 Office Furniture & Equipment	\$8,645.00	\$3,345.64	\$5,299.36	38.70%

CAMPAIGN DISCLOSURE GRAND TOTAL	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$657,780.00	\$650,686.00		\$7,094.00	98.92%
STATE PAID RETIREMENT	\$26,315.00	\$26,041.67		\$273.33	98.96%
RETIREMENT (incl. supplemental funding)	\$145,165.00	\$137,039.20		\$8,125.80	94.40%
SOCIAL SECURITY	\$49,245.00	\$47,130.76		\$2,114.24	95.71%
CONTRACTUAL SERVICE	\$7,695.00	\$5,243.12		\$2,451.88	68.14%
TRAVEL	\$9,405.00	\$5,875.86		\$3,529.14	62.48%
PRINTING	\$11,200.00	\$10,406.75		\$793.25	92.92%
EQUIPMENT	\$8,645.00	\$3,345.64		\$5,299.36	38.70%
TOTAL	\$915,450.00	\$885,769.00	\$0.00	\$29,681.00	96.76%

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
General Revenue Fund

INFORMATION TECHNOLOGY MONTH ENDING: July 31, 2009	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$391,305.00	\$360,312.50	\$30,992.50	92.08%
1129 State Paid Retirement	\$15,675.00	\$14,424.90	\$1,250.10	92.02%
1161 Retirement	\$65,790.00	\$65,736.39	\$53.61	99.92%
1161-0008 Compt. Supplemental Retirement	\$17,000.00	\$10,171.89	\$6,828.11	59.83%
1170 Social Security	\$28,925.00	\$27,240.38	\$1,684.62	94.18%
CONTRACTUAL SERVICE				
1145 Contractual Payroll	\$2,000.00	\$1,800.00	\$200.00	90.00%
1205 Freight Express & Drayage				
1221 Repair/Maint. Furn./Office Equipment	\$8,000.00		\$8,000.00	0.00%
1223 Repair/Maint. Real Property	\$6,000.00	\$5,981.87	\$18.13	99.70%
1225 Repair/Maint. EDP Equipment	\$16,900.00	\$6,899.82	\$10,000.18	40.83%
1230 In-House Repair of Equipment				
1234 Rental, Machinery and Mech. Equip				
1239 Rental, NEC				
1242 Auditing & Management Services	\$103,000.00	\$102,483.88	\$516.12	99.50%
1244 Legal Fees				
1245 Professional & Artistic Services, NEC	\$35,065.00	\$20,000.00	\$15,065.00	57.04%
1271 Surety Bond & Ins. Prem.	\$600.00	\$349.00	\$251.00	58.17%
1272 Travel & Expense Reimbursement (Vendor)				
1274 Reg Fees & Conf. Expenses (Vendor)	\$6,000.00		\$6,000.00	0.00%
1275 Subscription & Information Services	\$2,800.00	\$2,586.94	\$213.06	92.39%
1276 Reg. Fees & Conf. Expenses (Employee)	\$300.00	\$198.00	\$102.00	66.00%
1277 Association Dues				
1279 Employee Tuition and Fees	\$10,000.00	\$9,100.00	\$900.00	91.00%
1284 Computer Software	\$63,000.00	\$51,059.35	\$11,940.65	81.05%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	\$9,100.00	\$9,065.00	\$35.00	99.62%
TRAVEL				
1291 In-State	\$5,500.00	\$5,421.71	\$78.29	98.58%
1292 Out-of-State	\$5,520.00		\$5,520.00	0.00%
PRINTING				
COMMODITIES				
1304 Office/Library Supplies	\$12,445.00	\$12,357.98	\$87.02	99.30%
1332 Industrial & Shop Materials				
1394 Office/Library Equip. under \$100				
1398 Equipment, NEC	\$850.00	\$831.12	\$18.88	97.78%
1399 Commodities, NEC	\$1,050.00	\$1,030.00	\$20.00	98.10%
EQUIPMENT				
1510 Office Furniture & Equipment				
1515 EDP Equipment	\$138,325.00	\$127,243.93	\$11,081.07	91.99%

INFORMATION TECHNOLOGY GRAND TOTAL	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$391,305.00	\$360,312.50		\$30,992.50	92.08%
STATE PAID RETIREMENT	\$15,675.00	\$14,424.90		\$1,250.10	92.02%
RETIREMENT	\$82,790.00	\$75,908.28		\$6,881.72	91.69%
SOCIAL SECURITY	\$28,925.00	\$27,240.38		\$1,684.62	94.18%
CONTRACTUAL SERVICE	\$262,765.00	\$209,523.86	\$44,298.38	\$8,942.76	79.74%
TRAVEL	\$11,020.00	\$5,421.71		\$5,598.29	49.20%
PRINTING	\$0.00	\$0.00		\$0.00	0.00%
COMMODITIES	\$14,345.00	\$14,219.10		\$125.90	99.12%
EQUIPMENT	\$138,325.00	\$127,243.93	\$10,065.20	\$1,015.87	91.99%
TOTAL	\$945,150.00	\$834,294.66	\$54,363.58	\$56,491.76	88.27%

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
General Revenue Fund

<u>IVRS LUMP SUM</u>	<u>YEAR TO DATE</u>
<u>MONTH ENDING: July 31, 2009</u>	<u>EXPENDITURE</u>
PERSONAL SERVICE	\$163,016.00
1129 State Paid Retirement	\$5,950.08
1161 Retirement	\$34,328.35
1170 Social Security	\$11,958.85
CONTRACTUAL SERVICE	
1205 Freight Express & Drayage	
1221 Repair/Maint. Furn./Office Equipment	
1232 Rental Motor Vehicles	
1239 Rental, NEC	
1243 Book Binding Services	
1266 Court Reporting & Filing Services	
1274 Reg. Fees & Conf. Expenses (Vendor)	
1275 Subscriptions	
1276 Reg. Fees & Conf. Expenses (Employee)	
1277 Association Dues	
1279 Employee Tuition & Fees	
1280 Copying, Photographic & Printing Services	
1286 Travel, Non-State Employee	
1289 Contractual Services, NEC	
TRAVEL	\$1,738.62
COMMODITIES	
1304 Office Supplies	\$1,953.14
1398 Equipment Less than \$100	\$1,400.00
EQUIPMENT	
1510 Office Furniture & Equipment	\$2,966.21
LOCAL GRANTS	
4453 Reimbursement to Governmental Units	\$2,015,311.58
4458 Services, NEC	
4470 Grants to Local Governments	
4479 Payments to Other State Agencies	
LUMP SUM APPROPRIATION FOR YEAR	\$2,498,700.00
TOTAL LUMP SUM EXPENDITURES	\$2,238,622.83
REMAINING LUMP SUM APPROPRIATION	\$260,077.17

STATE BOARD OF ELECTIONS

MEMORANDUM

*From the desk of:
Daniel W. White, Executive Director*

TO: Members of the Board
SUBJECT: FY09 HAVA Fiscal Status Reports
DATE: August 6, 2009

For your information, following are the HAVA and EAC Data Collection Grant reports.

Attachments

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
 Help Illinois Vote Fund

AGENCY TOTALS	SECTION 101	SECTION 102	SECTION 261	SECTION 251	TOTAL
MONTH ENDING: July 31, 2009	<u>Discretionary Funds</u>	<u>Entitlement Payments</u>	<u>EAIID Disbursements</u>	<u>Requirements</u>	<u>Fund Activity</u>
CASH BALANCE AT BEGINNING OF YEAR	\$3,624,058.92	\$136,049.00	-\$16,261.10	\$17,903,538.09	\$21,647,384.91
Program Revenues from Federal Govt	\$0.00	\$0.00	\$608,895.34	\$0.00	\$608,895.34
Miscellaneous Revenues					\$0.00
Interest Earned on Comptroller Balances	\$82,179.17	\$0.00	\$0.00	\$363,926.83	\$446,106.00
Interest Penalties Received				\$376.66	\$376.66
State Match Receipts				\$341,749.00	\$341,749.00
TOTAL CASH REVENUES	\$82,179.17	\$0.00	\$608,895.34	\$706,052.49	\$1,397,127.00
YEAR TO DATE CASH EXPENDITURES					
PERSONAL SERVICE	\$122,649.51			\$0.00	\$122,649.51
STATE-PAID RETIREMENT	\$4,306.98			\$0.00	\$4,306.98
RETIREMENT	\$25,821.40			\$0.00	\$25,821.40
SOCIAL SECURITY	\$9,089.55			\$0.00	\$9,089.55
GROUP INSURANCE	\$28,618.10			\$0.00	\$28,618.10
CONTRACTUAL SERVICE	\$21,372.58			\$1,287,220.66	\$1,308,593.24
TRAVEL	\$11,976.32			\$0.00	\$11,976.32
PRINTING	\$0.00			\$0.00	\$0.00
COMMODITIES	\$0.00			\$0.00	\$0.00
EQUIPMENT	\$0.00			\$412,022.37	\$412,022.37
TELECOMMUNICATIONS	\$1,878.78			\$67,117.67	\$68,996.45
OPERATION OF AUTO. EQUIPMENT	\$0.00			\$0.00	\$0.00
INDIRECT COST REFUNDS	\$349,943.64			\$815,665.36	\$1,165,609.00
SUB-TOTAL CASH EXPENDITURES (OPERATIONS)	\$575,656.86	\$0.00	\$0.00	\$2,582,026.06	\$3,157,682.92
AWARDS & GRANTS	\$168,214.96	\$0.00	\$592,634.24	\$4,998,089.02	\$5,758,938.22
TOTAL CASH EXPENDITURES	\$743,871.82	\$0.00	\$592,634.24	\$7,580,115.08	\$8,916,621.14
CASH BALANCE AT END OF MONTH	\$2,962,366.27	\$136,049.00	\$0.00	\$11,029,475.50	\$14,127,890.77

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
 Help Illinois Vote Fund

<u>SECTION 101 - DISCRETIONARY FUNDS</u> <u>MONTH ENDING: July 31, 2009</u>	<u>FY09</u> <u>APPROPRIATION</u>	<u>YEAR TO DATE</u> <u>EXPENDITURE</u>	
PERSONAL SERVICE	\$122,649.51	\$122,649.51	
1129 State Paid Retirement	\$4,306.98	\$4,306.98	
1161 Retirement	\$25,821.40	\$25,821.40	
1170 Social Security	\$9,089.55	\$9,089.55	
1180 Group Insurance	\$28,618.10	\$28,618.10	
CONTRACTUAL SERVICE			
1205 Freight Express/Drayage	\$48.38	\$48.38	
1223 Repair & Maintenance Real Property			
1225 Repair & Maintenance, EDP Equip.			
1231 Rental, Office Equipment			
1232 Rental, Motor Vehicles			
1237 Rental, Film & Audio/Visual Aids			
1239 Rental, NEC			
1242 Auditing & Management Services	\$20,874.20	\$20,874.20	
1243 Book Binding & Processing Services			
1244 Legal Fees			
1245 Professional & Technical Services, NEC			
1261 Postage			
1266 Court Reporting & Filing Services			
1273 Advertising			
1274 Registration Fees & Conf. Exp. (Vendor)	\$450.00	\$450.00	
1276 Registration Fees & Conf. Exp. (Employee)			
1280 Copying, Photographic & Printing Serv.			
1284 Computer Software			
1286 Travel, Reimb. to Non-State Employees			
1289 Contractual Services, NEC			
TRAVEL			
1291 In-State	\$10,431.59	\$10,431.59	
1292 Out-of-State	\$1,544.73	\$1,544.73	
PRINTING			
COMMODITIES			
1304 Office/Library Supplies			
1308 Educational & Instructional Materials			
1394 Office/Library Equip., Not Exceed. \$100			
1398 Equipment, NEC			
1399 Commodities, NEC			
EQUIPMENT			
1510 Office Furniture & Equipment			
1515 EDP Equipment			
1561 Training Equipment			
6625 Leasehold Improvements			
TELECOMMUNICATIONS			
1721 Rental, Telephone Serv. & Equip.	\$428.35	\$428.35	
1722 Rental, Data Comm. Serv. & Equip.	\$1,450.43	\$1,450.43	
1728 Video Conferencing			
1729 Rental, Other Comm. Serv. & Equip.			
1730 Parts & Supplies for Telephone			
1740 Answering & Pag. Comm. Serv. Equip.			
1750 Telephone, Data, Radio & Other Equip.			
1799 Telecommunication Services, NEC			
OPERATION OF AUTO EQUIPMENT			
1893 Repair & Maint., Automotive Equipment			
1894 Parts & Fittings, Automotive Equipment			
1896 Gasoline, Oil & Antifreeze			
1898 Automotive Services, NEC			
1899 Automotive Expenses, NEC			
INDIRECT COST REFUNDS			
1993 Indirect Cost Allocation Refund	\$349,943.64	\$349,943.64	
GRANTS			
4453 Reimbursement to Governmental Units			
4458 Services, NEC			
4470 Grants to Local Governments (PPA)			
4470 Grants to Local Governments (EAI)			
4470 Grants to Local Governments (AAG)	\$168,214.96	\$168,214.96	
4470 Grants to Local Governments			
4479 Payments to Other State Agencies			
SECTION 101 GRAND TOTAL	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY
PERSONAL SERVICE	\$122,649.51	\$122,649.51	
STATE PAID RETIREMENT	\$4,306.98	\$4,306.98	
RETIREMENT	\$25,821.40	\$25,821.40	
SOCIAL SECURITY	\$9,089.55	\$9,089.55	
GROUP INSURANCE	\$28,618.10	\$28,618.10	
CONTRACTUAL SERVICE	\$21,372.58	\$21,372.58	
TRAVEL	\$11,976.32	\$11,976.32	
PRINTING	\$0.00	\$0.00	
COMMODITIES	\$0.00	\$0.00	
EQUIPMENT	\$0.00	\$0.00	
TELECOMMUNICATIONS	\$1,878.78	\$1,878.78	
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00	
INDIRECT COST REFUNDS	\$349,943.64	\$349,943.64	
GRANTS	\$168,214.96	\$168,214.96	
TOTAL	\$743,871.82	\$743,871.82	\$0.00

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
 Help Illinois Vote Fund

SECTION 102 - ENTITLEMENT PAYMENTS
MONTH ENDING: July 31, 2009

FY09
APPROPRIATION

YEAR TO DATE
EXPENDITURE

PERSONAL SERVICE

- 1129 State Paid Retirement
- 1161 Retirement
- 1170 Social Security

CONTRACTUAL SERVICE

- 1205 Freight Express/Drayage
- 1225 Repair & Maintenance, EDP Equip.
- 1231 Rental, Office Equipment
- 1237 Rental, Film & Audio/Visual Aids
- 1239 Rental, NEC
- 1242 Auditing & Management Services
- 1243 Book Binding & Processing Services
- 1244 Legal Fees
- 1245 Professional & Technical Services, NEC
- 1261 Postage
- 1266 Court Reporting & Filing Services
- 1274 Registration Fees & Conf. Exp. (Vendor)
- 1276 Registration Fees & Conf. Exp. (Employee)
- 1280 Copying, Photographic & Printing Serv.
- 1284 Computer Software
- 1289 Contractual Services, NEC

TRAVEL

- 1291 In-State
- 1292 Out-of-State

PRINTING

COMMODITIES

- 1304 Office/Library Supplies
- 1394 Office/Library Equip., Not Exceed. \$100
- 1398 Equipment, NEC
- 1399 Commodities, NEC

EQUIPMENT

- 1510 Office Furniture & Equipment
- 1515 EDP Equipment
- 1599 Equipment, NEC

TELECOMMUNICATIONS

- 1721 Rental, Telephone Serv. & Equip.
- 1722 Rental, Data Comm. Serv. & Equip.
- 1728 Video Conferencing
- 1729 Rental, Other Comm. Serv. & Equip.
- 1730 Parts & Supplies for Telephone
- 1740 Answering & Pag. Comm. Serv. Equip.
- 1750 Telephone, Data, Radio & Other Equip.
- 1799 Telecommunication Services, NEC

OPERATION OF AUTO EQUIPMENT

- 1893 Repair & Maint., Automotive Equipment
- 1894 Parts & Fittings, Automotive Equipment
- 1896 Gasoline, Oil & Antifreeze
- 1898 Automotive Services, NEC
- 1899 Automotive Expenses, NEC

GRANTS

- 4453 Reimbursement to Governmental Units
- 4458 Services, NEC
- 4470 Grants to Local Governments, NEC

<u>SECTION 102 GRAND TOTAL</u>	<u>FY09</u> <u>APPROPRIATION</u>	<u>YEAR TO DATE</u> <u>EXPENDITURE</u>	<u>OBLIGATED</u> <u>MONEY</u>
PERSONAL SERVICE	\$0.00	\$0.00	
STATE PAID RETIREMENT	\$0.00	\$0.00	
RETIREMENT	\$0.00	\$0.00	
SOCIAL SECURITY	\$0.00	\$0.00	
CONTRACTUAL SERVICE	\$0.00	\$0.00	
TRAVEL	\$0.00	\$0.00	
PRINTING	\$0.00	\$0.00	
COMMODITIES	\$0.00	\$0.00	
EQUIPMENT	\$0.00	\$0.00	
TELECOMMUNICATIONS	\$0.00	\$0.00	
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00	
GRANTS	\$0.00	\$0.00	
TOTAL	\$0.00	\$0.00	\$0.00

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
 Help Illinois Vote Fund

SECTION 261 - EAID DISBURSEMENTS
MONTH ENDING: July 31, 2009

FY09
APPROPRIATION

YEAR TO DATE
EXPENDITURE

PERSONAL SERVICE

- 1129 State Paid Retirement
- 1161 Retirement
- 1170 Social Security

CONTRACTUAL SERVICE

- 1205 Freight Express/Drayage
- 1225 Repair & Maintenance, EDP Equip.
- 1231 Rental, Office Equipment
- 1237 Rental, Film & Audio/Visual Aids
- 1239 Rental, NEC
- 1242 Auditing & Management Services
- 1243 Book Binding & Processing Services
- 1244 Legal Fees
- 1245 Professional & Technical Services, NEC
- 1261 Postage
- 1266 Court Reporting & Filing Services
- 1274 Registration Fees & Conf. Exp. (Vendor)
- 1276 Registration Fees & Conf. Exp. (Employee)
- 1280 Copying, Photographic & Printing Serv.
- 1284 Computer Software
- 1289 Contractual Services, NEC

TRAVEL

- 1291 In-State
- 1292 Out-of-State

PRINTING

COMMODITIES

- 1304 Office/Library Supplies
- 1394 Office/Library Equip., Not exc. \$100
- 1398 Equipment, NEC
- 1399 Commodities, NEC

EQUIPMENT

- 1510 Office Furniture & Equipment
- 1515 EDP Equipment
- 1599 Equipment, NEC

TELECOMMUNICATIONS

- 1721 Rental, Telephone Serv. & Equip.
- 1722 Rental, Data Comm. Serv. & Equip.
- 1728 Video Conferencing
- 1729 Rental, Other Comm. Serv. & Equip.
- 1730 Parts & Supplies for Telephone
- 1740 Answering & Pag. Comm. Serv. Equip.
- 1750 Telephone, Data, Radio & Other Equip.
- 1799 Telecommunication Services, NEC

OPERATION OF AUTO EQUIPMENT

- 1893 Repair & Maint., Automotive Equipment
- 1894 Parts & Fittings, Automotive Equipment
- 1896 Gasoline, Oil & Antifreeze
- 1898 Automotive Services, NEC
- 1899 Automotive Expenses, NEC

GRANTS

- 4453 Reimbursement to Governmental Units
- 4470 Grants to Local Governments (VAID)
- 4470 Grants to Local Governments (VAID II)

\$592,634.24

\$592,634.24

SECTION 261 GRAND TOTAL

FY09
APPROPRIATION

YEAR TO DATE
EXPENDITURE

OBLIGATED
MONEY

- PERSONAL SERVICE
- STATE PAID RETIREMENT
- RETIREMENT
- SOCIAL SECURITY
- CONTRACTUAL SERVICE
- TRAVEL
- PRINTING
- COMMODITIES
- EQUIPMENT
- TELECOMMUNICATIONS
- OPERATION OF AUTO EQUIPMENT
- GRANTS

\$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$592,634.24

\$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00
 \$592,634.24

\$0.00

TOTAL

\$592,634.24

\$592,634.24

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
Help Illinois Vote Fund

SECTION 251 - REQUIREMENTS	FY09	YEAR TO DATE	
MONTH ENDING: July 31, 2009	APPROPRIATION	EXPENDITURE	
PERSONAL SERVICE			
1129 State Paid Retirement			
1161 Retirement			
1170 Social Security			
1180 Group Insurance			
CONTRACTUAL SERVICE			
1205 Freight Express/Drayage			
1223 Repair & Maintenance Real Property			
1225 Repair & Maintenance, EDP Equip.			
1231 Rental, Office Equipment			
1232 Rental, Motor Vehicles			
1237 Rental, Film & Audio/Visual Aids			
1239 Rental, NEC			
1242 Auditing & Management Services	\$1,145,436.32	\$1,145,436.32	
1243 Book Binding & Processing Services			
1244 Legal Fees			
1245 Professional & Technical Services, NEC	\$8,736.15	\$8,736.15	
1261 Postage			
1266 Court Reporting & Filing Services			
1273 Advertising			
1274 Registration Fees & Conf. Exp. (Vendor)			
1276 Registration Fees & Conf. Exp. (Employee)			
1280 Copying, Photographic & Printing Serv.			
1284 Computer Software	\$133,048.19	\$133,048.19	
1289 Contractual Services, NEC			
TRAVEL			
1291 In-State			
1292 Out-of-State			
PRINTING			
COMMODITIES			
1304 Office/Library Supplies			
1308 Educational & Instructional Materials			
1394 Office/Library Equip., Not Exceed. \$100			
1398 Equipment, NEC			
1399 Commodities, NEC			
EQUIPMENT			
1510 Office Furniture & Equipment			
1515 EDP Equipment	\$412,022.37	\$412,022.37	
1561 Training Equipment			
6625 Leasehold Improvements			
TELECOMMUNICATIONS			
1721 Rental, Telephone Serv. & Equip.			
1722 Rental, Data Comm. Serv. & Equip.			
1728 Video Conferencing			
1729 Rental, Other Comm. Serv. & Equip.			
1730 Parts & Supplies for Telephone			
1740 Answering & Pag. Comm. Serv. Equip.			
1750 Telephone, Data, Radio & Other Equip.			
1799 Telecommunication Services, NEC	\$67,117.67	\$67,117.67	
OPERATION OF AUTO EQUIPMENT			
1893 Repair & Maint., Automotive Equipment			
1894 Parts & Fittings, Automotive Equipment			
1896 Gasoline, Oil & Antifreeze			
1898 Automotive Services, NEC			
1899 Automotive Expenses, NEC			
INDIRECT COST REFUNDS			
1993 Indirect Cost Allocation Refund	\$815,665.36	\$815,665.36	
GRANTS			
4453 Reimbursement to Govt Units (AVE)	\$213,952.06	\$213,952.06	
4453 Reimbursement to Govt Units (Phase II)	\$3,782,612.80	\$3,782,612.80	
4453 Reimbursement to Govt Units (ALA)	\$678,952.45	\$678,952.45	
4453 Reimbursement to Govt Units (EDG)			
4470 Grants to Local Governments (VRS)	\$322,571.71	\$322,571.71	
4479 Payments to Other State Agencies			
SECTION 101 GRAND TOTAL	FY09	YEAR TO DATE	OBLIGATED
	APPROPRIATION	EXPENDITURE	MONEY
PERSONAL SERVICE	\$0.00	\$0.00	
STATE PAID RETIREMENT	\$0.00	\$0.00	
RETIREMENT	\$0.00	\$0.00	
SOCIAL SECURITY	\$0.00	\$0.00	
GROUP INSURANCE	\$0.00	\$0.00	
CONTRACTUAL SERVICE	\$1,287,220.66	\$1,287,220.66	\$193,783.68
TRAVEL	\$0.00	\$0.00	
PRINTING	\$0.00	\$0.00	
COMMODITIES	\$0.00	\$0.00	
EQUIPMENT	\$412,022.37	\$412,022.37	\$21,963.00
TELECOMMUNICATIONS	\$67,117.67	\$67,117.67	
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00	
INDIRECT COST REFUNDS	\$815,665.36	\$815,665.36	
GRANTS	\$4,998,089.02	\$4,998,089.02	
TOTAL	\$7,580,115.08	\$7,580,115.08	\$215,746.68

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
EAC Data Collection Grant

AGENCY TOTALS
MONTH ENDING: July 31, 2009

TOTAL
Fund Activity

Program Revenues from Federal Govt	\$1,078,813.00
Miscellaneous Revenues	\$0.00
Interest Earned on Comptroller Balances	\$4,490.00
Interest Penalties Received	\$0.00
TOTAL CASH REVENUES	\$1,083,303.00

YEAR TO DATE CASH EXPENDITURES

PERSONAL SERVICE	\$0.00
STATE-PAID RETIREMENT	\$0.00
RETIREMENT	\$0.00
SOCIAL SECURITY	\$0.00
GROUP INSURANCE	\$0.00
CONTRACTUAL SERVICE	\$772,181.99
TRAVEL	\$2,104.51
PRINTING	\$0.00
COMMODITIES	\$0.00
EQUIPMENT	\$0.00
TELECOMMUNICATIONS	\$0.00
OPERATION OF AUTO. EQUIPMENT	\$0.00
INDIRECT COST REFUNDS	\$0.00
SUB-TOTAL CASH EXPENDITURES (OPERATIONS)	\$774,286.50

AWARDS & GRANTS	\$0.00
TOTAL CASH EXPENDITURES	\$774,286.50

CASH BALANCE AT END OF MONTH	\$309,016.50
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**STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
EAC DATA COLLECTION GRANT**

<u>MONTH ENDING: July 31, 2009</u>	<u>FY09 APPROPRIATION</u>	<u>YEAR TO DATE EXPENDITURE</u>	
PERSONAL SERVICE			
1129 State Paid Retirement			
1161 Retirement			
1170 Social Security			
1180 Group Insurance			
CONTRACTUAL SERVICE			
1205 Freight Express/Drayage	\$17.99	\$17.99	
1223 Repair & Maintenance Real Property			
1225 Repair & Maintenance, EDP Equip.			
1231 Rental, Office Equipment			
1232 Rental, Motor Vehicles			
1237 Rental, Film & Audio/Visual Aids			
1239 Rental, NEC			
1242 Auditing & Management Services	\$772,164.00	\$772,164.00	
1243 Book Binding & Processing Services			
1244 Legal Fees			
1245 Professional & Technical Services, NEC			
1261 Postage			
1266 Court Reporting & Filing Services			
1273 Advertising			
1274 Registration Fees & Conf. Exp. (Vendor)			
1276 Registration Fees & Conf. Exp. (Employee)			
1280 Copying, Photographic & Printing Serv.			
1284 Computer Software			
1286 Travel, Reimb. to Non-State Employees			
1289 Contractual Services, NEC			
TRAVEL			
1291 In-State	\$2,104.51	\$2,104.51	
1292 Out-of-State			
PRINTING			
COMMODITIES			
1304 Office/Library Supplies			
1308 Educational & Instructional Materials			
1394 Office/Library Equip., Not Exceed. \$100			
1398 Equipment, NEC			
1399 Commodities, NEC			
EQUIPMENT			
1510 Office Furniture & Equipment			
1515 EDP Equipment			
1561 Training Equipment			
6625 Leasehold Improvements			
TELECOMMUNICATIONS			
1721 Rental, Telephone Serv. & Equip.			
1722 Rental, Data Comm. Serv. & Equip.			
1728 Video Conferencing			
1729 Rental, Other Comm. Serv. & Equip.			
1730 Parts & Supplies for Telephone			
1740 Answering & Pag. Comm. Serv. Equip.			
1750 Telephone, Data, Radio & Other Equip.			
1799 Telecommunication Services, NEC			
OPERATION OF AUTO EQUIPMENT			
1893 Repair & Maint., Automotive Equipment			
1894 Parts & Fittings, Automotive Equipment			
1896 Gasoline, Oil & Antifreeze			
1898 Automotive Services, NEC			
1899 Automotive Expenses, NEC			
INDIRECT COST REFUNDS			
1993 Indirect Cost Allocation Refund			
GRANTS			
4453 Reimbursement to Governmental Units			
4458 Services, NEC			
4470 Grants to Local Governments			
4470 Grants to Local Governments			
4479 Payments to Other State Agencies			
GRAND TOTAL			
	<u>FY09 APPROPRIATION</u>	<u>YEAR TO DATE EXPENDITURE</u>	<u>OBLIGATED MONEY</u>
PERSONAL SERVICE	\$0.00	\$0.00	
STATE PAID RETIREMENT	\$0.00	\$0.00	
RETIREMENT	\$0.00	\$0.00	
SOCIAL SECURITY	\$0.00	\$0.00	
GROUP INSURANCE	\$0.00	\$0.00	
CONTRACTUAL SERVICE	\$772,181.99	\$772,181.99	\$605,312.00
TRAVEL	\$2,104.51	\$2,104.51	
PRINTING	\$0.00	\$0.00	
COMMODITIES	\$0.00	\$0.00	
EQUIPMENT	\$0.00	\$0.00	
TELECOMMUNICATIONS	\$0.00	\$0.00	
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00	
INDIRECT COST REFUNDS	\$0.00	\$0.00	
GRANTS	\$0.00	\$0.00	
TOTAL	\$774,286.50	\$774,286.50	\$605,312.00

STATE BOARD OF ELECTIONS

MEMORANDUM

*From the desk of:
Daniel W. White, Executive Director*

TO: Members of the Board

SUBJECT: Two Year Plan of Activity

DATE: August 6, 2009

Attached is the two-year plan of staff activity for the months of August and September for your review and information.

Attachment

Start Date	End Date	Activity	Division
8 /1 /2009		Submit MILITARY/OVERSEAS booklet to printers. Project started July 1, 2009. 10 ILCS 5/1A-8 (1,2,3,7,11)	ET&RD
8 /10/2009		The date that a second letter goes out to all delinquent committees advising them that an assessment for late filing is continuing and that a complaint will be filed if the committee fails to file a SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Rules and Regulations	CAMP DISC
8 /18/2009		BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR
8 /31/2009		Make certain that all county clerks have a sufficient inventory of campaign financing material for the October petition filing for local candidates. 10 ILCS 5/9-15	CAMP DISC
9 /1 /2009		Complete updating the DEPUTY REGISTRAR GUIDELINES booklet. Project began on July 1, 2009 10 ILCS 5/1A-8 (1, 2, 12)	ET&RD
9 /1 /2009		Complete updating the SBE GUIDE FOR POLLWATCHERS. 10 ILCS 5/1A-8 (1, 2, 4, 11)	ET&RD
9 /1 /2009		Begin to develop 2010 SBE Legislative Program – 95th General Assembly - for the upcoming legislative session, beginning January 2010. 10 ILCS 5/1A-8 (8)	LEG
9 /8 /2009		Begin to update the COUNTY OFFICERS book for the year 2010. Submit for printing by November 5, 2009. (Target completion date: December 3, 2009.) 10 ILCS 5/1A-8 (1, 2, 4,	ET&RD
9 /8 /2009		Begin to update the FEDERAL AND STATE OFFICERS book for the year 2010. Submit for printing by November 5, 2009. (Target completion date: December 3, 2009.) 10 ILCS 5/1A-8 (1, 2, 4, 11)	ET&RD
9 /9 /2009		Call Department of Public Health to obtain LISTING OF FACILITIES licensed or certified under the NURSING HOME CARE REFORM ACT OF 1979. Send listing to election authorities by October 5, 2009. 10 ILCS 5/19-	ET&RD
9 /17/2009		Complete updating and printing all agency BROCHURES. (Project began July 1, 2009.) 10 ILCS 5/1A-8 (1, 2, 4, 11)	ET&RD
9 /21/2009		BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

vs.

09 DS 010

Citizens for Joe Moore
Respondent

L 2617

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment for Delinquently Filing
the 2008 December Semi-Annual Report

The Report was received on January 21, 2009, 1 day late, resulting in a civil penalty assessment of \$100. In addition, the Committee was assessed a \$50 civil penalty (not appealed, paid) for delinquently filing the 2006 December Semi-Annual Report; a \$250 civil penalty (not appealed, paid) for delinquently filing a Schedule A-1 for the 2007 Consolidated Primary Election; and \$200 in civil penalties (appeal denied, paid) for failing to file a Schedule A-1 for the 2007 Consolidated Primary Election. The total outstanding penalty is \$100.

Sebastian James, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, he referenced an attached letter. In the letter he stated that he tried to file multiple times, but couldn't because of "HDR" errors. He tried it on multiple computers and still couldn't clear up this error. Then he decided to e-mail the file to Board staff prior to the midnight deadline on 1/20/09. He asks that the Board waive the fine because it was in possession of the report before the deadline and also that he attempted to fix the problem which was preventing him from filing the report.

The "HDR" errors Mr. James was getting are related to the location in which the program was installed on his computer, not as the result of any problems with Board equipment. But, in order to be consistent with previous Board decisions when an electronic filing issue is presented as a defense, I recommend that the appeal be granted. However, since Mr. James is aware that this problem exists, it is doubtful the Board would look favorably upon the use of the defense a second time.



Sharon Steward – Hearing Examiner

June 23, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
February 27, 2009

Citizens for Joe Moore
1413 W Fargo Ave
Chicago, IL 60626

L2617

Dear Citizens for Joe Moore;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Semiannual Report of Campaign Contribution and Expenditures
Report Period:	July 1, 2008 through December 31, 2008
Filing Period:	January 2, 2009 through January 20, 2009

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on January 21, 2009, 1 day(s) late. As such, this committee has been assessed a fine of \$100.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

If the above listed violation is not appealed and since this is a subsequent violation it is required to be paid by the committee within 30 days:

If you have any questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB:sm
Enclosure(s) appeal documents

State of Illinois)
County of _____)

STATE BOARD OF ELECTIONS

09 JUN 17 AM 9:59

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)

Complainant)

Vs.)

Respondent(s).)

Case No. 09 05010

APPEAL AFFIDAVIT

I, SEBASTIAN JAMES, the Treasurer of the
(Name) (Chairman/Treasurer)

CITIZENS FOR JOE ROOPE L 2617
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

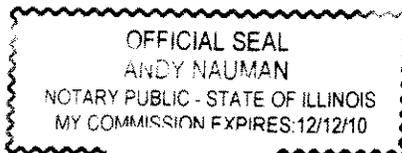
SEE PREVIOUSLY SUBMITTED JUNE 5, 2009

Signed and Sworn to by:

Sebastian James
before me this 15 Day of
June, 2009

Andy Nauman
Notary Public

[Signature]
(Signature of Chairman/Treasurer)



09 JUN -4 PM 4:07

June 1, 2009

State Board of Elections
Campaign Disclosure
1020 S Spring St
Springfield, IL 62704

Regards:

My name is Sebastian James, Treasurer for the Citizens for Joe Moore. Thank you for granting our Motion to Reconsider the civil penalty.

This motion is in response to a fine levied by the Board in response to a civil penalty resulting from a finding that our organization didn't file our 2nd half 2008 Semiannual Report on time. We ask that the Board waive the fine because they had possession of the report before the midnight 1/20/09 deadline.

Our position is that the problem is not with our inability to deliver the report on time. The problem is with the Board's computer equipment responsible for accepting files online. Despite problems with Board equipment, we found a way to deliver the report prior to the deadline. We feel we are being fined for reasons out of our control and range of responsibility.

I attempted to upload the report multiple times on 1/20/09. According to the IDIS software error report, the program wouldn't accept the upload because of "HDR" errors. After looking over my emails, at 11:17 pm CST on 1/20/09, I stopped trying to fix the problem, and emailed the files to Andy Nauman at the Board's Chicago office.

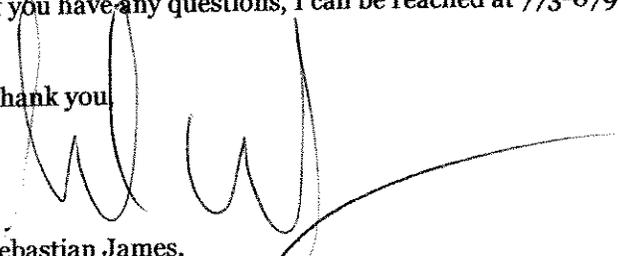
The time-stamp in the header of my sent email shows the report was delivered to the Board before the deadline.

This was not a new problem. When I have brought it to the attention of staff at the Board's Chicago office, they have been proactive in helping me find a solution. While trying to fix the problems on the night of 10/20, I referred to a set of solutions sent to my by your Chicago office staff regarding where the files and IDIS program resides in the root structure of the computer. I followed these instructions multiple times, and still couldn't clear the errors. I reinstalled the program on multiple machines and couldn't clear the errors. It was at that point I decided to email the file to the Board.

Regardless of the problems I had in uploading the file, Citizens for Joe Moore was still able to provide the report to the Board before the end of the filing deadline. We feel that even being fined a nominal amount for a problem with Board equipment still finds us at certain level of fault.

If you have any questions, I can be reached at 773-879-3538.

Thank you



Sebastian James,
Treasurer, Citizens for Joe Moore

andy

Search Mail

Search the Web

Open search results
Create a file

Compose Mail

Block Spam with Google - www.google.com/postini - Google Can Help Your Business Block Spam Before It Reaches the Network.

Inbox (13)

Back to Search Results Archive Report spam Delete Move to Inbox Labels More actions

Starred

Chats

Sent Mail

Drafts (2)

All Mail

Spam (750)

Trash

Contacts

Tasks

Labels

Citizens for Joe Moore

Collective Interest

Facebook

IRS

Job (31)

Semmerision (117)

Treva

Edit labels

Chat

Search, add, or invite

Sebastian James

Sign into chat

actonia

cgunkle

Daryn Suharto

Gat Weiss

Hallie Kushner

Jarolyn Davis

Jason Way

Jimmy Hum

John Keller

Laura Weingast

Mike "Jack" Wollen

Options

Add Contact

Invite a friend

See Details

Same Header Problems, Attaching Files

Citizens for Joe Moore X

from Sebastian James <sabbadoo32@gmail.com>
to "Nauman, Andy" <ANauman@elections.il.gov>
cc "Ald. Joe Moore" <aldmoore@aol.com>,
Scott Kastrup <skastrup@yahoo.com>
date Tue, Jan 20, 2009 at 11:17 PM
subject Same Header Problems, Attaching Files
mailed-by gmail.com

hide details Jan 20

Reply

Andy,

I tried uploading from the new computer, and got header errors. So I emailed it to the old computer, got the same problem and couldn't upload. I found your email from when I had these same problems the last time. I reinstalled IDIS and the problem didn't go away.

Now I can't upload the other files you need to verify the contribution/expenditure thing. I can email the rest tomorrow.

So I made a .pdf of the validation report after filing the report. You'll see it had no errors other than the HDR. I'll attach it and the screwed up IDIS file.

Thanks,
Sebastian James

<http://www.collectiveinterest.us>
<http://www.linkedin.com/in/sebastianjames>

2 attachments — Download all attachments

Semi to 12-31-08.pdf
6K View Download

Semi to 12-31-08.DCI
1201K Download

Reply Reply to all Forward

Nauman, Andy to me

show details Jan 21

Reply

Sebastian,

The file or the program is not located on the C drive in its own root file. What is the password. I can file it from here with your permission.

andy

Close

New window

Print all

Close all

Forward all

Turn off highlight

Sponsored I

[Email Marketing](#)
All-in-One Email M
Is Fast, Reliable, &
Lyns.com/ListMan

[Organize Your I](#)
Get Organized and
Never Lose a File
www.infoexcellenc

[Grommet Mach](#)
Sale. Call Us 1-80
City. Discount Up 1
www.grommetmar

[Expert Comput](#)
Forensically traine
simplifying electri
www.VestigeLtd.c

[Squid Server R](#)
More flexible, pow
for Squid log files.
www.WebSpy.com

[Scrub Your Em](#)
Improve delivery, I
Avoid spamtraps &
www.FreshAddres

[Block Email Att](#)
Stop confidential c
your company. No
InterGuard Softwar

[Cuttlebug SALL](#)
A2 Embossing Fo
Nauman, Andy

[Address]

facsimile transmittal

To: **Andy Nauman** Fax: **312-814-6485**
From: **Sebastian James** Date: **6/1/2009**
Re: **Copy of Reconsideration Sent to BOE's
Springfield Office** Pages: **4**
Cc: **[Name]**

Urgent For review Please comment Please reply Please recycle

Andy,

**I'm sending this to Springfield today. I want you to have a copy just in case there's a problem with the
trusty USPS.**

confidential

**STATE OF ILLINOIS
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

v.

Case No. 08 AG 018

Citizens for Karen McConnaughay L3899
Respondent

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment for Failure to File a Schedule A-1
In conjunction with the November 4th General Election

According to the political committee's December 2008 Semi-Annual Report, it received a contribution from the Keep Our Mission PAC, dated October 25th, 2008, in the amount of \$1,000.00, during the Schedule A-1 filing period, October 6th, 2008 through and including November 3rd, which failed to be reported as required by statute. The political committee therefore has been assessed a civil penalty in the amount of \$1,000.00.

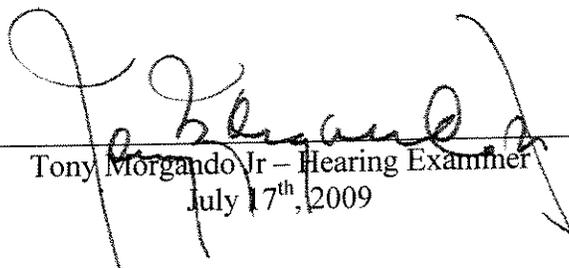
Ms. Jan Carlson, Chairman, filed a Request for Hearing and Appeal Affidavit, on May 28th, 2009, indicating as good reason or defense: "The \$1,000 check from Keep Our Mission PAC was received by me on October 25, 2008. Between that time and the due date of the Schedule A-1, my brother-in-law died. In the aftermath of his death and my duties in that regard, I failed to take the necessary steps to accomplish the filing of the Schedule A-1. The failure was not done intentionally and was inadvertent".

Attached to the Affidavit is an Appearance notice filed by Mr. Andrew M. Raucci, Attorney for Respondent(s), indicating his appearance as counsel for the Citizens for Karen McConnaughay. Also submitted by counsel, a notice of service, issued by the Congregational Church of Batavia, indicating a Service of Thanksgiving to God for the life of Wayne W. Nelson, March 2nd, 194 7- October 31st, 2008.

Hearing in this matter was set for Monday, June 29th, 2009, to be conducted at the State Board of Elections Office, 100 W. Randolph, Suite 14-100, Chicago, Illinois, commencing at 9:00 a.m. This hearing was subsequently continued and conducted via teleconference call on Wednesday, July 1st, 2009.

Mr. Andrew M. Raucci, counsel, appeared on behalf of the Respondent(s). Mr. Raucci indicated that Ms. Jan Carlson, Chairman, assumed responsibility for preparation of disclosure documents for the political committee. Mr. Raucci stated due to the death of Ms. Carlson's brother-in-law on October 31st, 2008, Ms. Carlson's immediate concern and focus was with her family. Mr. Raucci indicated due to family concerns of Ms. Carlson, the failure to file the Schedule A-1 was inadvertent and unintentional.

After a review of the documents/statements presented in this matter, it is the opinion of the Hearing Examiner that the death of a family member certainly hindered concerns for the filing of a Schedule A-1. The Hearing Examiner sympathizes with the political committee, and therefore recommends that the appeal in this matter be granted.



Tony Morgando Jr - Hearing Examiner
July 17th, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

Citizens for Karen McConnaughay
102 Creekside Ct
St Charles, IL 60174

L3899

Dear Citizens for Karen McConnaughay;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Keep Our Mission PAC	10/25/08	\$1000.00	\$1000.00	*not filed	4

The committee is fined a **total** of \$1000.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the second delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$500.00, (50% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the date of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Robert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

* This contribution was reported on the December 2008 Semi-Annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

** This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois)
County of KANE)

STATE BOARD OF ELECTIONS

09 MAY 28 PM 2:06

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF:)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)

vs.)
CITIZENS FOR KAREN McCONNAUGHAY)
Respondent(s).)

No. 08 AG 018

APPEAL AFFIDAVIT

I, JAN CARLSON, the CHAIRMAN of the
(Name) (Chairman/Treasurer)
CITIZENS FOR KAREN McCONNAUGHAY
(Name of the Committee)

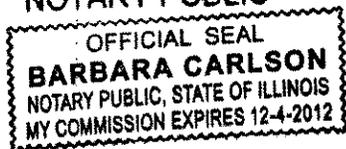
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

The \$1,000 check from Keep Our Mission PAC was received by me on October 25, 2008. Between that time and the due date of the Schedule A-1, my brother-in-law died. In the aftermath of his death and my duties in that regard, I failed to take the necessary steps to accomplish the filing of the Schedule A-1. The failure was not done intentionally and was inadvertent.

Subscribed and Sworn to Before me
This 26 Day Of May, 2009

Barbara Carlson
NOTARY PUBLIC

[Signature]
(Signature of Chairman/Treasurer)



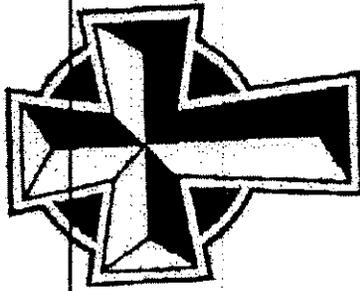
**A SERVICE OF THANKSGIVING
TO GOD
FOR THE LIFE OF**

WAYNE W. NELSON

March 2, 1947 - October 31, 2008

*In lieu of flowers,
the family requests that contributions
be made directly to the family.*

*The family invites you to attend
a Celebration of Wayne's Life
at the VFW, Rte. 25, Batavia,
today, at 1:00 pm.*



**11:00 a.m.
Saturday, November 8, 2008**

**Congregational Church of Batavia
21 S. Batavia Avenue
Batavia, IL 60510**

A Service of Thanksgiving to God
for the Life of

Wayne W. Nelson

March 2, 1947 - October 31, 2008

PRELUDE

"Undoumy Day" by Rev. J. Alwood

Stephanie Keifer, vocalist; Marty Keifer, guitar

Gene Ton, organist

CALL TO WORSHIP

Rev. Dr. David Foxgrover, Pastor

SONG: "The Gift of Love"

Stephanie Keifer

WORDS OF HOPE FROM THE PSALMS

Psalms 23. "The Lord is my shepherd, I shall not want..."

Psalms 139. "Even the darkness is not dark to you, O Lord..."

WORDS OF LIFE FROM THE NEW TESTAMENT

John 14: 1-6 "In my Father's house are many rooms..."

Romans 8: 31-39 "Neither death... nor anything else... will be able to separate us from the love of God in Christ Jesus..."

1 Corinthians 13: 4-13 "...and the greatest of these is love."

REFLECTIONS

Lori Dieter, Tom Carlson

MEDITATION

Rev. David Foxgrover

PRAYER OF THANKSGIVING FOR WAYNE'S LIFE

THE LORD'S PRAYER

SONG: "Amazing Grace"

Stephanie Keifer

BENEDICTION

POSTLUDE

Gene Ton, organist

The Lord is my shepherd, I shall not want.

He makes me lie down in green pastures; he leads me beside still waters; he restores my soul.

He leads me in the paths of righteousness for his name's sake.

Even though I walk through the valley of the shadow of death, I fear no evil; for you are with me; your rod and your staff—they comfort me.

You prepare a table before me in the presence of my enemies; you anoint my head with oil; my cup overflows.

Surely goodness and mercy shall follow me all the days of my life, and I shall dwell in the house of the Lord forever.

Psalms 23

For God so loved the world that he gave his only Son, so that everyone who believes in him may not perish but have eternal life.

John 3: 16

Love is patient; love is kind; love is not envious or boastful or arrogant or rude. It does not insist on its own way; it is not irritable or resentful; it does not rejoice in wrongdoing, but rejoices in truth. It bears all things, believes all things, hopes all things, endures all things. Love never ends.

For now we see in a mirror, dimly, but then we will see face to face. Now I know only in part; then I will know fully, even as I have been fully known. Now faith, hope, and love abide, these three; and the greatest of these is love.

1 Corinthians 13: 4-8, 12-13

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

In the Matter of:

Illinois State Board of Elections,

Complainant,

versus

Citizens for Karen McConnaughay,

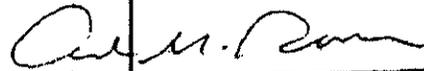
Respondent.

NO.

APPEARANCE

The undersigned hereby enters the appearance of the Respondent Citizens for Karen McConnaughay, and his appearance as counsel for the Respondent Citizens for Karen McConnaughay, in the above-captioned matter and represents that the information below is where the attorney may be contacted during the pendency of this case.

I will accept service of documents via FAX transmission.



ANDREW M. RAUCCI

ANDREW M. RAUCCI
Attorney for Respondent
3000 North Sheridan Road
Suite 18C
Chicago, Illinois 60657
Ph: 312/203-2700
Fax: 773/348-3524
Cell: 312/203-2700
Email: ilobby30n@aol.com

**STATE OF ILLINOIS
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

v.

09 MA 007

The New 29th Ward Democratic Organization L9791
Respondent

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment for Failure to File Schedule A-1's
In conjunction with the 2003 February Consolidated Primary, 2004 General Election,
& the 2007 April Consolidated Election.

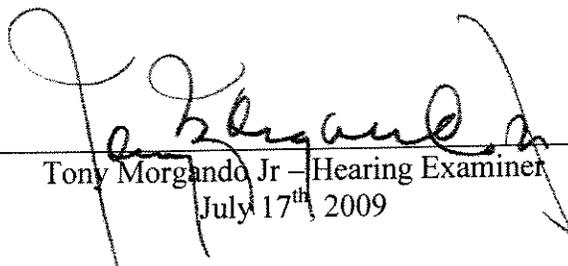
According to the political committee's June 2003 Semi Annual Report, December 2004 Semi Annual Report, and the June 2007 Semi Annual Report, it received a total of seven (7) contributions totaling \$9,000.00, during the Schedule A-1 filing periods, which failed to be reported as required by statute. The political committee is therefore fined an assessed civil penalty in the amount of \$9,000.00.

Mr. Gardner E. McFadden, Treasurer, filed a Request for Hearing and Appeal Affidavit, on May 14th, 2009, indicating as good reason or defense: "Due to mitigating circumstances, the committee, in prior years, had problems with the accurate recording of receipts & disbursements. They became aware of the problem and hired someone to assist them in correcting the prior years. They voluntarily went back to 2003 and amended all D-2 Reports to accurately report all activity".

Hearing in this matter was originally set for Monday, June 29th, 2009, by request of James Nally, counsel, the matter was continued to Wednesday, July 8th, 2009, at 10:00 a.m.

Mr. James Nally, counsel, appeared on behalf of the Respondent(s). Mr. Nally indicated due to concerns about the correctness of the political committees finances, a forensic accounting was requested. Mr. Nally stated based upon the results of such review, the political committee filed amended reports, dating back six (6) years, beginning with the June 2003 Semi-Annual Report. Mr. Nally indicated the audit, its cost, and subsequent amendments were self imposed actions taken by the political committee. Mr. Nally stated as requested by the Chairman, a new Treasurer was appointed to assume filing responsibilities of the political committee. Ms. Shirley Tatel, Certified Public Accountant, via teleconference, confirmed the six (6) contributions which have triggered the pending assessment, were identified during the forensic accounting. Ms. Tatel indicated her continued assistance to the political committee.

After a review of the documents/statements presented in this matter, it is the opinion of the Hearing Examiner that information uncovered through the audit process was not known at the time original reports were filed, therefore, the requirement to submit Schedule A-1's did not exist. Also with the installation of a new Treasurer, it is also the opinion of the Hearing Examiner, that the "succeeding treasurer shall not be held responsible for the veracity or accuracy of the records of the predecessors", RR 100.40 (c). It is therefore the recommendation of the Hearing Examiner that the appeal be granted in this matter.



Tony Morgando Jr - Hearing Examiner
July 17th, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
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Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

The New 29th Ward Democratic Org.
Gardner McFadden Sr
1615 N. Lockwood
Chicago, IL 60644

L9791

Dear The New 29th Ward Democratic Org.;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
JYZ Inc	2/19/03	\$1500.00	\$1500.00	*not filed	2
Building Owners & Managers	2/19/03	\$2000.00	\$2000.00	*not filed	2
Kyle Smith	2/24/03	\$200.00	\$200.00	*not filed	1

The committee is fined a **total** of \$3700.00 for delinquent filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the second delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$1850.00, (50% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

In addition, this committee failed to file the following documents during the requisite filing period:

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Kyle Smith	10/20/04	\$300.00	\$300.00	*not filed	6

The committee is fined a **total** of \$300.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the third delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$225.00, (75% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

In addition, this committee failed to file the following documents during the requisite filing period:

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
I Like Ike Campaign Committee	4/9/07	\$4500.00	\$4500.00	*not filed	4
Peoples Energy PAC	4/9/07		\$500.00**		
Peoples Energy PAC	4/9/07	\$500.00	\$500.00	*not filed	4

The committee is fined a **total** of \$5000.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the fourth delinquent Schedule A-1 filing by your committee, the civil penalty will be \$5000.00, (100% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

* This contribution was reported on a Semi-Annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

** This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois)
County of Cook)

CHICAGO

MAY 14 PM 4:41

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

STATE
BOARD OF ELECTIONS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
vs.)

No. 09 MA 007

The New 29th Ward Campaign Committee
Respondent(s).

APPEAL AFFIDAVIT

I, Gardner E. McFallen, the Treasurer of the
(Name) (Chairman/Treasurer)
The New 29th Ward Campaign Committee
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

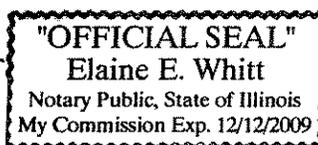
Due to mitigating circumstances, the Committee, in prior years, had problems with the accurate recording of receipts + disbursements. They became aware of the problems and hired someone to assist them in correcting the prior years. They voluntarily went back to 2003 and amended all D-2 Reports to accurately report all activity.

Subscribed and Sworn to Before me
This 14 Day of May, 2009

Elaine E. Whitt
NOTARY PUBLIC

70

[Signature]
(Signature of Chairman/Treasurer)



**STATE OF ILLINOIS
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

v.

Case No. **09 DS 235**

Maine Teachers Assn PACE L14252
Respondent

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment for Delinquently Filing the
December 2008 Semi-Annual Report

The political committee's December 2008 Semi-Annual Report was received by the State Board of Elections (herein referred to as SBE) on March 11th, 2009, thirty-four (34) days late. As such, the political committee has been assessed a fine of \$1,700.00. In addition, the political committee was previously assessed a penalty of \$125 for filing its June 2008 Semi-Annual Report late. Since this is a subsequent violation, it will be required to be paid by the political committee within thirty (30) days of the issuance of a Final Board Order.

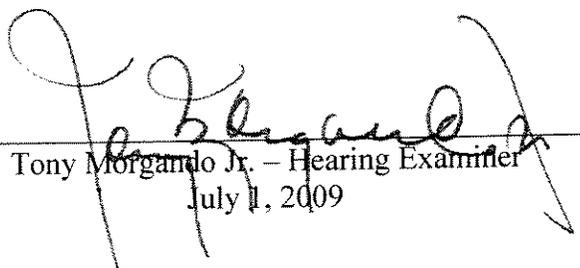
Mr. Steven Krasinski, Treasurer, filed a Request for Hearing and Appeal Affidavit, on May 11th, 2009, indicating as a defense in part: "My wife was diagnosed with an advanced stage of breast cancer in late June 2008. Since that time, my family has dealt with double mastectomy, a follow-up surgery to remove additional lymph nodes, 5-months of chemotherapy and 2-months of daily radiation treatment. I have two young children at home. Taking care of my wife and children has been my primary concern for these past 10 months and I have not been able to complete other responsibilities in the timely manner that they require. I have not had the time to attend training seminars or research the appropriate filing methods, nor read the consequences of failing to report on time. I request that you consider these difficulties and grant any possible leniency regarding the fine levied".

Attached to the Appeal Affidavit, (1) documents originating from North Shore University Health System detailing Ms. Jolie Krasinski's physical progress notes, prepared by Ms. Carole Martz, APN-CAN, Clinical Coordinator; (2) North Shore University Health System, Hospital Billing, dated January 7th, 2009, reflecting account summary for Jolie Krasinski, Cancer Care Center, and (3) Certified Birth Certificates indicating Clayton Krasinski, born August 11th, 2005, and Kathleen Krasinski, born December 17th, 2002.

Hearing in this matter was set for Monday, June 29th, 2009, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 10:00 a.m. This hearing was subsequently held via teleconference call on Wednesday, Friday, June 16th, at approximately 10:30 a.m.

Ms. Emma Visee, Chairwoman, spoke on behalf of the Respondent. Ms. Visee confirmed statements contained in the Appeal Affidavit filed by Mr. Steven Krasinski.

I feel based upon a review of the statements/documents presented in this matter, serious personal concerns related to Mr. Krasinski spouse and their children overshadowed his responsibilities as Treasurer of the Maine Teachers Association PAC. The Hearing Examiner sympathizes with Mr. Krasinski's family concerns, and therefore recommends that the appeal be granted in this matter and the previously assessed penalty of \$125 remains stayed as a first violation. The Hearing Examiner further recommends that Mr. Krasinski assess his future availability to fully and completely comply with the disclosure requirements.



Tony Morgando Jr. – Hearing Examiner
July 1, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

Maine Teachers Assn PACE
POB 2460
Des Plaines, IL 60017

L14252

Dear Maine Teachers Assn PACE;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Semiannual Report of Campaign Contribution and Expenditures
Report Period:	July 1, 2008 through December 31, 2008
Filing Period:	January 2, 2009 through January 20, 2009

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on March 11, 2009, 34 day(s) late. As such, this committee has been assessed a fine of \$1700.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. *Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.*

If the above listed violation is not appealed and since this is a subsequent violation the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days:

Reporting Period	Report Type	Previous Fine Amount
1/1/2008 – 6/30/2008	Semi-annual	\$125.00
TOTAL AMOUNT NOW DUE		\$1825.00

If you have any questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

 Rupert T. Borgsmiller
 Director, Division of Campaign Disclosure

RTB:sm
Enclosure(s) appeal documents

State of Illinois)
County of _____)

STATE BOARD OF ELECTIONS
09 MAY 11 AM 11:19

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs.)
Respondent(s).)

Case No. 09 DS 235

APPEAL AFFIDAVIT

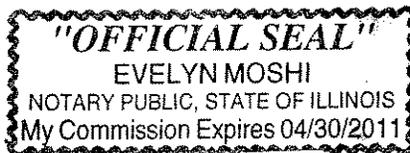
I, Steven Krasinski, the Treasurer of the
(Name) (Chairman/Treasurer)
Maine Teachers Ass PACE
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

PLEASE SEE ATTACHED

Signed and Sworn to by:
Steven Krasinski
before me this 7th Day of
March, 2009
Notary Public

[Signature]
(Signature of Chairman/Treasurer)



To Whom It May Concern:

The attached are addenda to the appeal affidavit sent by me as the treasurer of the Maine Teachers Association, responsible for PACE reports.

In the appeal affidavit, I noted both my wife's medical circumstances and the additional burden of child care accompanying her condition as a result of my two young children. Attached are supporting documents to those claims.

The first attached document (3 pages in length) is a synopsis of her diagnosis, initial surgery and primary chemotherapy treatments.

The second attached document shows a mistake in the first document. The first document notes that her taxol treatments ended 11/10/08. The second document is evidence that she received chemotherapy through 12/8/08. Our calendar and recollection shows her last treatment 12/15/08. I can request further confirmation if necessary for medical records at the hospital where she received treatment.

We do not yet have a synopsis report of her radiation treatments. Our calendar shows she received daily treatments (weekends excluded) from 1/12/09 until 2/24/09. I can request further confirmation if necessary for medical records at the hospital where she received treatment.

She still continues to receive herceptin every third week (and will continue to do so until September of this year). Although the symptoms are milder, she is still generally worn down.

The final two documents provide evidence that my wife and I have two young children, ages three and six.

Please contact me with further questions.



Steven Krasinski
Treasurer, MTA
Work Phone: 847-803-5700
Cell Phone: 847-644-1217
Home Phone: 847-424-0552

Krasinski, Jolie **MRN** **Sex** **DOB** **AGE** **SSN**
 011359429 Female 08/05/1972 36 xxx-xx-1747

Martz, Carole Sims Henn Advanced Practice Nurse

Progress Notes 04/21/2009 1509



**Living in the Future (LIFE) Cancer Survivorship Program
 Survivorship Care Plan
 Risk Adaptive Visit**

Patient Name: Jolie Krasinski

Age at Diagnosis: 35

Hormonal Status at Time of Diagnosis: Premenopausal

Family History of Cancer: Information on medical genetics was provided. She plans to seek counseling.

Family History

Problem	Relation
• Cancer <i>colon cancer age 89, uterine cancer age 70</i>	Paternal Grandmother
• GI <i>polyps</i>	Mother
• Genetic <i>Italian, German, Irish, Swedish</i>	Neg Hx
• Cancer <i>questionable early colon cancer</i>	Father

Date of Tissue Diagnosis: 6-10-08 Right breast palpation-guided breast biopsy by Dr. David P. Winchester.

Pathological findings:

Right: Infiltrating ductal carcinoma (IDC) 3.0 cm, grade 2, ductal carcinoma in situ (DCIS), 6 axillary lymph nodes involved with cancer out of 26 removed, microscopic extranodal extension, size of largest metastasis 12 mm, positive posterior margin with lymph vascular invasion noted, estrogen receptor (ER) and progesterone receptor (PR) negative, HER 2 neu oncogene positive by FISH.
 Left: Negative for malignancy.

Stage: IIIA T2N2aM0

Initial Treatment Plan: Bilateral mastectomy (patient choice), sentinel node biopsy, chemotherapy and herceptin. Pretreatment work-up: MUGA (LVEF 62% NMH), CT chest, abdomen and pelvis, brain MRI.

Surgery: Dr. David P. Winchester performed a right modified radical mastectomy (positive sentinel node) and left prophylactic mastectomy on 7-1-08. Delayed reconstruction is planned. Her recovery was complicated by range-of-motion and cording issues requiring prolonged physical therapy. She also developed lymphedema.

Chemotherapy: Under the supervision of Dr. Elaine Wade, the patient received dose dense adriamycin and cytoxan followed by weekly taxol and herceptin for 12 weeks, then every 3 week herceptin via an implanted chest port. She also received neulasta and neupogen support at times. She received adriamycin (doxorubicin, estimated total dose 358 mg) and cytoxan (cyclophosphamide, estimated total dose 3580 mg) every 2 weeks from 7-24-08 to 9-4-08 with several days of delay. Concurrent taxol (paclitaxel, estimated total dose 1387 mg) with herceptin was started on 9-22-08 and completed on 11-10-08. Every 3 week herceptin was started on 11-20-08 and is ongoing. She experienced nausea, memory changes, fatigue, constipation, photosensitivity, vaginal spotting, lack of appetite, mouth sores, bone pain, taste changes, runny nose, anxiety, vision changes, paresthesias, URI, and hair loss.

Radiation Therapy: The patient received right chest wall radiation therapy at Northwestern Medical Center in Chicago under the supervision of Dr. Laura Milender. Treatment summary information will be added when provided.

Hormonal therapy: None.

Unusual or unexpected toxicities during treatment: Severe nausea and vision changes (ZOFTRAN?) during chemotherapy

Potential short and long term effects of treatment: Nausea, fatigue, memory changes, taste changes, mouth sores, range of motion limitations, weight gain, low blood counts, menopausal symptoms, bowel changes, wound tenderness, skin changes, lymphedema, wound paresthesias, neuropathies, arthralgias, emotional distress, and hair loss.

Potential late effects of treatment: Premature menopause, infertility, fatigue, weight gain, memory changes, osteoporosis, neuropathies, lymphedema, blood dyscrasias, thyroid dysfunction, cardiac toxicity, rib fracture, pneumonitis, pulmonary fibrosis, telangiectasias of the skin in the radiation field, bladder scarring, rare bladder malignancy and emotional distress.

Late toxicity monitoring needed: Ms. Krasinski has periodic thyroid function testing done but may see a change in her tests due to the radiation treatments that she received and risk for hypothyroidism. Bone mineral density should be done every 2 years once she is postmenopausal. Physical examination to include FBS, cholesterol and lipid levels, blood pressure monitoring and height and weight evaluation should be performed annually. Lymphedema assessment and periodic review of precautions should be done. She has consulted with Dr. Feldman. Additional evaluations should be symptom-directed. Blood tests will be ordered by Dr. Wade per her routine (CBC, CMP, LDH). The patient's emotional health should be evaluated at each healthcare visit. Of note, she has a history of hyperthyroidism treated with propylthiouracil, fractured ankle, hemorrhoids and varicose veins.

Surveillance for potential recurrence of primary cancer: The patient should have a semi-annual chest wall examinations. She should also perform monthly self-chest wall examinations and be advised to report any new lumps over her chest wall or in her axillae, skin rashes or redness, or other unusual physical changes in her breast examination. She should also report any potential symptoms of metastasis such as blurred or double vision, new cough, persistent headaches, new shortness of breath, new fatigue, new and persistent bone pain unrelieved by over-the-counter medications, any unexplained weight loss or persistent abdominal symptoms. Of note, she recently had a right axillary lymph node removed by Dr. Kevin Bethke at Northwestern Medical Center that was benign.

Surveillance needed to monitor for second primary malignancies: The patient is at slight increased risk for the development uterine, ovarian, colon and skin cancers. She should undergo a colonoscopy every 5-10 years and be advised to report any changes in her bowel habits. She had a colonoscopy in 2004 for rectal bleeding. She should undergo annual pelvic examinations with pap smears and be advised to report any vaginal bleeding, new pelvic pain, urinary frequency, abdominal fullness or persistent indigestion. Her last pap smear was done July 2008. She should undergo an annual skin examination by her primary care doctor and be instructed to report any changes in her skin or moles.

Physicians identified for monitoring toxicity, recurrence and secondary malignancies:

Oncology: Dr. Elaine Wade, Evanston, IL every 4-6 months for examination and blood work for 5 years, then annually.

Primary Care: MD for annual physical examinations, routine blood work and to order bone mineral density and colonoscopy.

Gynecologist: Debbie Lesniak, NP for annual pelvic exam, pap smear.

Surgeon: Kevin Bethke, MD, Chicago, IL every 6-12 months for 5 years.

Identified psychosocial and health concerns: Concern over cancer recurrence, physician referral, lymphedema, neuropathy, ROM problems and relationship issues

Prescription for LIFE - Recommended Prevention and Screening Behaviors: Ms. Krasinski was informed about the importance of maintaining a low fat diet, higher in fruits and vegetables and lower in red meats, to reduce the likelihood of breast cancer recurrence and to promote her overall health. WINS nutrition counseling

was encouraged and contact information provided. The importance of regular exercise, 30-60 minutes 5-7 days a week (3-5 hours) was also discussed as it relates to a reduced risk of recurrence. She will be walking 40 minutes 4 times a week soon as she returns to work. She also enjoys yoga. Her BMI is 19.8 within the normal range.

Ms. Krasinski was advised that she should perform weight bearing activity to protect her bones and that the use of hand-held weights is permitted within lymphedema precautions. She was also advised to make certain that her diet is adequate in calcium and vitamin D or to supplement. She was advised to drink no more than one alcoholic drink daily, if at all, to reduce her risk of other cancer development.

Lymphedema precautions were reviewed briefly. She has been well educated by the lymphedema staff and continues to receive treatment for cording and range of motion issues.

Genetic counseling was discussed. She was provided with a medical genetics brochure. Dr. Wade had discussed her seeing genetics once she has completed her treatments.

We discussed many of her concerns at this visit and her questions were answered. She indicated that she had a better idea of why certain follow-up recommendations have been made (or not made) by her doctors.

Neuropathy continues to be present in her toes but is not affecting her ability to walk. She was advised that most neuropathies wax and wane in character, but should resolve within 12-18 months. She was encouraged to tell Dr. Wade if her symptoms worsen.

She was provided with a Livestrong TM Survivorship Notebook, and was encouraged to attend the Myra Rubenstein Weis Celebrate LIFE - Living in the future Cancer Survivorship Program lecture series. She was directed to the NorthShore LIFE website to receive survivorship news and was encouraged to investigate the programs at the Cancer Wellness Center and Gilda's Club.

The Screening and Prevention Guidelines for Cancer Survivors was reviewed with her in detail. Lists of expected side effects and those that would require the notification of her healthcare providers were provided.

She was advised to call me should she have any other questions or concerns.

CAROLE MARTZ, APN-CNS
Clinical Coordinator
Living in the Future (LIFE) Cancer Survivorship Program
(847) 926-5818

NorthShore

University HealthSystem

Hospital Billing
23056 Network Place
Chicago, IL 60673-1230

Billing Office

EVANSTON HOSPITAL
GLENBROOK HOSPITAL
HIGHLAND PARK HOSPITAL

Phone Number

(847) 570-5000
8:00 to 5:30 M-F

January 07, 2009

FORWARDING SERVICE REQUESTED



STEVEN P KRASINSKI
1330 SOUTH BLVD
EVANSTON IL 60202-2726

Important Message

Thank you for choosing NorthShore University HealthSystem as your healthcare provider. This statement summarizes your recent account activity. Once we receive your insurance payment or it is determined that you have a responsibility, we will send you a statement with the amount due.

Account Summary

Patient Name **KRASINSKI JOLIE**
Type of Service **CANCER CARE CENTER**
Account Number **011359429-9555**

-- WE HAVE BILLED THE FOLLOWING INSURANCE(S) --
BLUE CROSS 121 PPO POS 12/01/08 - 12/08/08

Previous Balance	\$20,738.80
New Charges	\$13,946.43
Payments	\$-20,738.80
Adjustments (Debits/Credits)	\$0.00
Account Balance	<u>\$13,946.43</u>
Estimated Insurance Claim Outstanding	\$13,946.43
*Amount Due From Patient - See Back Side	<u>\$0.00</u>

This statement reflects hospital charges only. You may also receive a physician bill.

Visit www.northshore.org/billing to make payments online and to learn about how you may view your account details.

Hospital or Facility Services Provided

DATE	DESCRIPTION	AMOUNT
NorthShore University HealthSystem		
12/01/08	CVC BLOOD DRAW KCCC	\$78.00
12/01/08	COMPREHENSIVE METABOLIC PANEL*	\$165.00
12/01/08	FERRITIN*	\$165.00
12/01/08	FOLIC ACID/FOLATE*	\$170.00
12/01/08	VITAMIN B12*	\$166.00
12/01/08	HEMOGRAM/AUTO DIFF*	\$91.00
12/01/08	CHEMOTX IV EA ADD SEQ. DIFF S	\$217.00
12/01/08	CHEMOTHERAPY-INFUSION UP TO 1	\$632.00
12/01/08	NONCHEMO IVP DRUG ADM EA ADD (QTY OF 3)	\$489.00
12/01/08	MEDICATIONS/INJECTIONS/ORAL	\$2,396.85
12/04/08	NON-CHEMO SQ/IM INJECTION KCCC	\$95.00
12/04/08	MEDICATIONS/INJECTIONS/ORAL	\$656.31
12/05/08	NON-CHEMO SQ/IM INJECTION KCCC	\$95.00
12/05/08	MEDICATIONS/INJECTIONS/ORAL	\$656.31
12/08/08	COMPREHENSIVE METABOLIC PANEL*	\$165.00
12/08/08	HEMOGRAM/AUTO DIFF*	\$91.00
12/08/08	CHEMOTX IV EA ADD SEQ. DIFF S	\$217.00

Continued on next page

ENH IS NOW

NorthShore

University HealthSystem

CERTIFICATION OF VITAL RECORD

EVANSTON, ILLINOIS
EVANSTON HEALTH DEPARTMENT - OFFICE OF VITAL RECORDS

STATE OF ILLINOIS CHILD'S BIRTH NUMBER
CERTIFICATE OF LIVE BIRTH 112-
REGISTRATION DISTRICT NO. 16.23
REGISTERED NUMBER
CHILD'S NAME FIRST ANGELO LAST KRASINSKI
DATE OF BIRTH (MONTH, DAY, YEAR) 2. Aug. 11, 2005 TIME OF BIRTH 3. 07:45A
SEX 4. Male CHILD'S BLOOD TYPE 5. - CITY, TOWN, TWP., ROAD DIST. NO., OR LOCATION OF BIRTH 6. EVANSTON COUNTY OF BIRTH 7. COOK
PLACE OF BIRTH 8. Hospital FACILITY NAME (IF NOT INSTITUTION, GIVE STREET AND NUMBER) 9. ST FRANCIS HOSPITAL
10a. CERTIFIER ATTENDANT: LORETTA PEARSON BIRTH CERTIFIER
ATTENDANT'S NAME AND TITLE (IF OTHER THAN CERTIFIER) (TYPE/PRINT) 11. DEBORA LESNICK Certified Nurse Midwife
ATTENDANT'S MAILING ADDRESS (STREET AND NUMBER OR RURAL ROUTE NUMBER, CITY OR TOWN, STATE, ZIP CODE) 13. 2500 RIDGE AVENUE EVANSTON IL 60201
LOCAL REGISTRAR'S SIGNATURE 14. JAY W. TERRY DATE FILED BY LOCAL REGISTRAR (MONTH, DAY, YEAR) 15. AUG 19 2005
MOTHER'S NAME (FIRST, MIDDLE, LAST) 16. JOLIE MARIE DIMONTE DATE OF BIRTH (MONTH, DAY, YEAR) 17. 08/05/1972 BIRTH PLACE (STATE OR FOREIGN COUNTRY) 18. ILLINOIS
RESIDENCE, STREET AND NUMBER 19a. 1330 SOUTH BLVD CITY, TOWN, TWP., OR ROAD DIST. NO. 19b. EVANSTON INSIDE CITY (YES/NO) 19c. YES
COUNTRY 19d. COOK STATE 19e. IL MOTHER'S MAILING ADDRESS (IF SAME AS RESIDENCE, ENTER ZIP CODE ONLY) 19f. 60202
FATHER'S NAME (FIRST, MIDDLE, LAST) 20. STEVEN PAUL KRASINSKI DATE OF BIRTH (MONTH, DAY, YEAR) 21. 04/03/1973 BIRTH PLACE (STATE OR FOREIGN COUNTRY) 22. ILLINOIS
INFORMANT'S SIGNATURE (OPTIONAL) 23.

This is to certify that this is a true and correct copy from the official record filed with the Evanston Health Department.

No 122324



JAY W. TERRY LOCAL REGISTRAR



DEC 08 2005

Not valid without the embossed seal of the Evanston Health Department

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

CERTIFICATION OF VITAL RECORD

EVANSTON, ILLINOIS
EVANSTON HEALTH DEPARTMENT - OFFICE OF VITAL RECORDS

TYPE/PRINT IN PERMANENT BLACK INK FOR INSTRUCTIONS SEE HANDBOOK

MATCHING DC REGISTRATION DISTRICT NO. 16.23 REGISTERED NUMBER

STATE OF ILLINOIS CHILD'S BIRTH NUMBER 112- CERTIFICATE OF LIVE BIRTH

CHILD: 1. KATHLEEN MARIE KRASINSKI 2. Dec. 17, 2002 3. 12:08P M
CERTIFIER ATTENDANT: 10a. PATRICIA WOOLLCOTT Certified Nurse Midwife
MOTHER: 16. JOLIE MARIE DIMONTE 17. 08/05/1972 18. ILLINOIS
FATHER: 20. STEVEN PAUL KRASINSKI 21. 04/03/1973 22. ILLINOIS

This is to certify that this is a true and correct copy from the official record filed with the Evanston Health Department.

No 64163



JAN 08 2003

Jay W. Terry
JAY W. TERRY
LOCAL REGISTRAR



Not valid without the embossed seal of the Evanston Health Department

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

To Whom It May Concern:

As treasurer of the union, it is my responsibility to complete State Board of Elections paperwork. I took over this responsibility in July of 2008, the time of our committee's first late filing. Since then there have been two additional late filings, for a total of 3. The late filings are:

Semi-annual report 1/1/2008-6/30/2008

Semi-annual report 7/1/2008-12/31/2008

Pre-election report 1/26/2009-3/8/2009 (mailed 5/5/09)

Schedule A-1: Expenditures supporting candidates for April 7th election (faxed and mailed 5/5/09)

My wife was diagnosed with an advanced stage of breast cancer in late June 2008. Since that time, my family has dealt with double mastectomy, a follow-up surgery to remove additional lymph nodes, 5 months of chemotherapy and 2 months of daily radiation treatment.

I have two young children at home. Taking care of my wife and children has been my primary concern for these past 10 months and I have not been able to complete other responsibilities in the timely manner that they require. I have not had the time to attend training seminars or research the appropriate filing methods, nor read the consequences of failing to report on time.

I request that you consider these difficulties and grant any possible leniency regarding the fine levied.

Documentation of my wife's medical condition can be provided at your request.

Please contact me with any questions.



Steven Krasinski

MTA treasurer

skrasinski@maine207.org

847-424-0552

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

09 DS 237

Committee to Elect Denny Gardner
Respondent

L 14562

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment for Delinquently Filing the
2008 December Semi-Annual Report

The Report was received March 9, 2009, 32 days late, resulting in a civil penalty assessment of \$1600. In addition, this Committee was previously assessed a \$25 civil penalty (not appealed, stayed) for delinquently filing the 2008 June Semi-Annual Report. The total assessment is \$1625.

John Thomas Halloran, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Halloran stated that he had never served as treasurer to a committee and had no experience filing with the Board. They received the packet for the 2008 December Semi-Annual Report in mid-December 2008. The treasurer prepared and submitted a report to the Board on January 16, 2009. He inadvertently marked the report as a pre-election report for the February 2009 election, when it was intended that such report be the Semi-Annual Report. At the time of filing and subsequent to the filing, he did not catch the error. Such error was not intentional and the report contained the information that would be required in a Semi-Annual Report. He was contacted by the Board and still thought he had filed the Semi-annual timely. On March 6th, he again called staff and finally realized that he had mismarked the report. At that time, he refiled the report as a Semi-Annual Report. At no time did he knowingly fail to file any report and all errors in reporting were inadvertent on behalf of the Committee. Mr. Halloran and the candidate have talked extensively regarding reporting procedures so that there will be no reoccurrences of any misfiling or failure to file reports.

I have reviewed both reports that were filed, the one filed January 20, 2009, marked as a pre-election report and the one filed March 9, 2009, marked as a semi-annual report. The reports are identical and cover a reporting period of 10/2008 through 1/2009. The itemized information on the report is from 2008. It is clear that Mr. Halloran's intent was to file the 2008 December Semi-Annual report, but he marked it as a pre-election report for the February 2009 Consolidated Primary Election. The only other error made by Mr. Halloran was that the report was not all inclusive from July 1, 2008 (he had filed a pre-election report for the 2008 General Election and then just picked up the semi annual report from that point forward, rather than going back to July 1 as is required). I recommend that the Appeal be granted as the report filed on March 9, 2009 was identical to the one filed January 20, 2009, except for checking the incorrect box at the top of the report. He clearly intended for it to be a semi-annual report.



Sharon Steward – Hearing Examiner
June 23, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



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Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

Committee to Elect Denny Gardner
Dennis Gardner
POB 25
Ridge Farm, IL 61870

L14562

Dear Committee to Elect Denny Gardner;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type: Semiannual Report of Campaign Contribution and Expenditures
Report Period: July 1, 2008 through December 31, 2008
Filing Period: January 2, 2009 through January 20, 2009

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on March 9, 2009, 32 day(s) late. As such, this committee has been assessed a fine of \$1600.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. *Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.*

If the above listed violation is not appealed and since this is a subsequent violation the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days:

Reporting Period	Report Type	Previous Fine Amount
1/1/2008 – 6/30/2008	Semi-annual	\$25.00
TOTAL AMOUNT NOW DUE		\$1625.00

If you have any questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

A handwritten signature in black ink, appearing to read "Rupert T. Borgsmiller".

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB:sm
Enclosure(s) appeal documents

STATE OF ILLINOIS
COUNTY OF VERMILION

STATE BOARD OF ELECTIONS
09 MAY 26 PM 12:16

In the Matter of

The Illinois State Board of Elections,
Complainant,

vs.

The Committee to Elect Denny Gardner,
Respondent.

No. 09 DS 237

APPEAL AFFIDAVIT

I, John Thomas Halloran, the Treasurer of the Committee to Elect Denny Gardner, first being duly sworn deposes and states that he represents said committee and avers the following:

- 1) The Committee to Elect Denny Gardner was formed on January 22, 2008.
- 2) Upon formation, the affiant was appointed as the Treasurer for said Committee.
- 3) Affiant had never served in the role as treasurer for any committee.
- 4) Affiant was relied upon to make the appropriate filings to the State Board of Elections for the State of Illinois.
- 5) Prior to this appointment affiant had no experience making filings to the State Board of Elections, or with communicating with the State Board of Elections.
- 6) The Committee to Elect Denny Gardner is a small committee that retains no paid staff, and all work done by said committee is done on a volunteer basis.

7) The current balance of our committee's account is less than fifty dollars (\$50.00).

8) After receiving the Semi-Annual report packet in mid-December 2008, affiant prepared a report and submitted a report to the Illinois State Board of Elections, dated January 16, 2009.

9) Affiant inadvertently marked such report as a Pre-Election Report for the February 2009 election, when it was intended that such report be the Semi-Annual Report. At the time of filing and subsequent to the filing, affiant did not catch the error in the report. Such error was not intentional and the report contained the information that would be required in a Semi-Annual Report.

10) After receiving a letter from the Illinois State Board of Elections, signed by Jason Hinds and dated January 23, 2009, affiant still did not understand the error in the report. Affiant called Jason Hinds to ask about this and left a message. Affiant failed to follow up with Mr. Hinds.

11) After receiving the notice of failure to file the Semi-Annual Report, dated February 6, 2009, affiant was again confused as he remained under the understanding that a Semi-Annual Report was filed on January 16, 2009.

12) After receiving another notice of failure to file, affiant again called Jason Hinds on March 6, 2009. After speaking with Mr. Hinds affiant realized that he had mislabeled and misfiled the report of January 16, 2009. Mr. Hinds patiently explained to affiant that he needed to file a Semi-Annual report and a pre-election report.

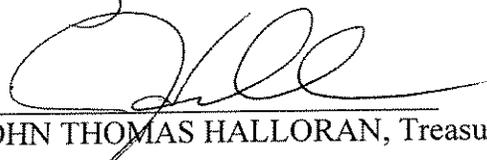
13) Once the error in our reporting was understood, amended reports were filed promptly, dated March 6, 2009 and received by the Illinois State Board of Elections on March 9, 2009.

14) The report dated March 6, 2009 was identical to the report dated January 16, 2009, except for the fact that the box marked "Semi-Annual Report" was checked instead of the box marked "Pre-Election Report."

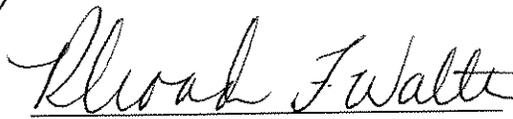
15) At no time did affiant knowingly fail to file any report before the State Board of Elections, and all errors in reporting were inadvertent on behalf of the affiant.

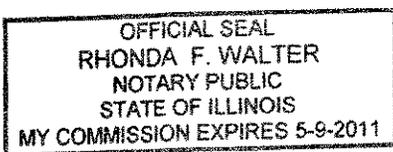
16) Any fault that lies in the unknowing misfiling of disclosure reports to the Board of Elections lies with affiant, affiant accepts full responsibility for the mistakes that were made in this reporting cycle; and affiant has engaged in a plan of remedial education to ensure that future reports will be filed correctly.

DATED this 22 day of May, 2009.


JOHN THOMAS HALLORAN, Treasurer

Subscribed and sworn to before me, a Notary Public, this
22nd day of May, 2009.


NOTARY PUBLIC



09 MAY 26 PM 12:16

STATE OF ILLINOIS
COUNTY OF VERMILION

In the Matter of

The Illinois State Board of Elections,
Complainant,

vs.

The Committee to Elect Denny Gardner,
Respondent.

No. _____

APPEAL AFFIDAVIT

I, Denny Gardner, the Chairman of the Committee to Elect Denny Gardner, first being duly sworn deposes and states that he represents said committee and avers the following:

- 1) The Committee to Elect Denny Gardner was formed on January 22, 2008.
- 2) Upon formation, the affiant appointed John Thomas Halloran as the Treasurer for said Committee.
- 3) Affiant relied upon John Thomas Halloran to make the appropriate filings to the State Board of Elections for the State of Illinois.
- 4) After receiving the packet in mid-December 2008, and conferring with John Thomas Halloran in early January 2009, affiant was under the understanding that the Semi-Annual Report was filed on January 16, 2009.
- 5) After receiving the notice of failure to file the Semi-Annual Report, dated February 6, 2009, affiant again conferred with John Thomas Halloran and was again under the understanding that a Semi-Annual Report was filed on January 16, 2009.

6) Once the error in our reporting was understood, amended reports were filed promptly.

7) At no time did affiant knowingly fail to file any report before the State Board of Elections, and all errors in reporting were inadvertent on behalf of the affiant.

8) Once the error in our reporting was finally understood, amended reports were filed promptly with the Illinois State Board of Elections, dated March 6, 2009.

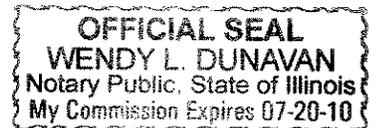
9) Following March 6, 2009, affiant has had extensive conversations with his treasurer, John Thomas Halloran, in an attempt to put procedures in place so that there are no recurrences of any misfiling or failure to file reports. Additionally, John Thomas Halloran has been requested by this Committee to participate in remedial education about reporting to the Illinois State Board of Elections.

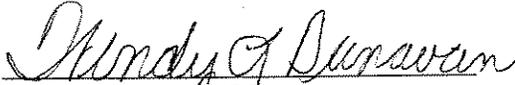
10) The current balance of our committee's account is less than fifty dollars (\$50.00).

DATED this 21st day of May, 2009.


DENNY GARDNER, Chairperson

Subscribed and sworn to before me, a Notary Public, this
22 day of May, 2009.




NOTARY PUBLIC

09 MAY 26 PM 12: 16

STATE OF ILLINOIS

COUNTY OF VERMILION

In the Matter of

The Illinois State Board of Elections,
Complainant,

vs.

The Committee to Elect Denny Gardner,
Respondent.

No. _____

STATEMENT OF APPEAL POSITION

I, John Thomas Halloran, the Treasurer of the Committee to Elect Denny Gardner, appeals on behalf of said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal this statement of appeal position, avering the following, to-wit:

1) The failure to file the Semi-Annual report in January 2009 was inadvertent and a product of a series of mistakes. It has been the intention of the Committee since formation to comply with the laws of the State of Illinois and to be as transparent as possible in its fundraising activities and in its payables.

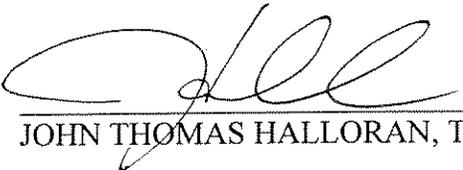
2) The Committee substantially complied with the intent of the campaign disclosure laws when it filed the Pre-Election report containing information that was substantially similar to the information that would have been contained in the Semi-Annual report.

3) Due to the amount of money raised by the Committee since formation, and the current account balance of the Committee the fine as assessed in the April 29, 2009

letter is disproportionately severe. The Committee's current account balance is less than fifty dollars (\$50), and the fine levied would be more than thirty times the amount currently held by the committee. Such a large fine to a small revenue committee is an unduly burdensome penalty for the offense committed. Any fine that the Illinois State Board of Elections should chose to levy should be consummate with the revenue of the Committee.

4) The Committee would request that any fine that the Illinois State Board of Elections should chose to levy be payable over the period of a year in equal monthly installments.

5) The Committee would request that any fine that the Illinois State Board of Elections should chose to levy be made personal to the Treasurer, John Thomas Halloran, at whose fault the error in filing lay, and not levied against the Committee.



JOHN THOMAS HALLORAN, Treasurer

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

08 AG 027

Citizens for John Cullerton
Respondent

S 1866

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment for Failing to File a
Schedule A-1 for the 2008 General Election

This Committee received two contributions of \$1000 each on 10/27/08, but failed to list them on a Schedule A-1, resulting in a civil penalty assessment of \$2000. In addition, this Committee had previously been assessed a \$500 civil penalty (appealed, appeal denied, paid) for failing to file a pre-election report for the 2007 General Primary Election, and a \$150 civil penalty (appealed, appeal denied, paid) for failing to file a Schedule A-1 for the 2007 General Primary Election. The total outstanding assessment is \$2000.

David Chapman, the Chairman of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Chapman stated that the A-1s in question were filed under the wrong committee; one of which has the same chairman/treasurer. Using the ELECT software, they inadvertently reported these contributions as being received by the Senate Democratic Victory Fund and not the actual recipient, the Citizens for Cullerton. As soon as they realized that they had reported these two contributions as being received by the wrong committee, they called the Board and, at the direction of the Board, were told not to file a corrected A-1, but rather send correspondence explaining the situation, which they did. (Attached)

The two contributions in question were inadvertently reported as being received by the wrong committee. Following Board instructions, the Citizens for Cullerton sent a letter of explanation within two days of the reporting of the contributions, which was also within two days after receipt of the contributions in question. I therefore recommend that the appeal be granted. Since there is no way to electronically amend a Schedule A-1, the Committee did all that it could to correct the initial error and accomplished that in a timely manner.



Sharon Steward – Hearing Examiner
June 23, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



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Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

Citizens for John Cullerton
David Chapman
4004 Old Mill Lane
Springfield, IL 62711

S1866

Dear Committee;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Tom Collins	10/27/08	\$1000.00	\$1000.00	*not filed	3
Larry Rosenthal	10/27/08	\$1000.00	\$1000.00	*not filed	3

The committee is fined a **total** of \$2000.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the second delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$1000.00, (50% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. *If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.* Notice of Appeal must be filed within 30 days of the date of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgstaller

Director, Division of Campaign Disclosure

RTB:sm

* This contribution was reported on the December 2008 Semi-Annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

** This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

09 MAY 13 AM 10:16

State of Illinois)
County of Sangamon)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
vs.)
Citizens for John Cullerton)
Respondent(s).)

No. 08 AG 027

APPEAL AFFIDAVIT

I, David Chapman, the _____ of the
(Name) (Chairman/Treasurer)
Citizens for John Cullerton
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

A1's were filed for contributions (Collins \$1000 & Rosenthal \$1000) in dispute by the SBE. These A1's were filed under the wrong committee; one of which has the same chairman/treasurer. It was the push of a wrong button on the computer. Once we realized that we had filed under the Senate Democratic Victory Fund and not the proper committee Citizens for Cullerton we called the SBE and at their direction were told NOT to file a corrected A1. We were told that having filed an A1 for these two checks to the wrong committee was somewhat ok, but whatever we did we SHOULD NOT FILE ANOTHER, but send a correspondence explaining the situation and we did. (see attached correspondence with confirmation from SBE that the correspondence was received.) The person explained how filing another A1 would confuse the auditors, so we listened to her direction. This is not consistent with what I was told on the phone when I called to inquire about the appeal. Mr. Borgsmiller told me "The State Board of Elections was wrong" and "You were right", but you must still file the appeal.

I ask that you consider this appeal and waive the charges that the committee was at fault in any way.



Subscribed and Sworn to Before me
This 11 Day Of May, 2008

[Signature]
(Signature of Chairman/Treasurer)

10/31/2008

Citizens for John Cullerton
4004 Old Mill Ln
Springfield, IL 62711-8094

State of Illinois
State Board of Elections
Campaign Disclosure Division

1020 South Spring St.
PO Box 4187
Springfield, Illinois 62708

100 West Randolph St.
Suite 14-100
Chicago, Illinois 60601

S 1866 L 9536 02
Citizens for John Cullerton

PLEASE RETAIN THIS RECEIPT FOR YOUR RECORDS

The Illinois State Board of Elections has received the following document(s) from your committee.
If this information is incorrect, notify our office at (217)782-4141 or (312)814-6440.

10/29/2008 12:50:03PM - Received in Springfield - Letter/Correspondence
Download problems

October 27, 2008

State Board of Elections
Campaign Disclosure
1020 South Spring Street
Springfield, IL 62704

VIA: Fax: 217/782-5959

RE: **Senate Democratic Victory Fund – S9796**
Citizens for Cullerton – S 1866
A-1's Filed to wrong committee

To Whom It May Concern:

At the SBE's recommendation the committee is informing the State Board of Elections that on 10/27/08 @ 6:15 pm an A-1 was filed under the committee of Senate Democratic Victory Fund for a donation from Collins in the amount of \$1000 and from Rosenthal in the amount of \$1000 and should have been filed under Citizens for Cullerton.

It was your recommendation not to file another A-1, but to explain by correspondence the circumstance. Thank you for your attention to this matter and if you have questions, please contact us at 217/836-8844.

Sincerely,

David L. Chapman
Treasurer, Citizens for Cullerton



SDVFund@comcast.net • 217-836-8844

Paid for by the SDVF, 4004 Old Mill Lane, Springfield, IL 62711.
A copy of our report is (or will be) available for purchase from the
Illinois State Board of Elections, 1020 South Spring Street,
Springfield, IL 62704. Contributions are not tax deductible.



SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTIONS OF \$500 OR MORE

THIS FORM MAY BE TRANSMITTED BY FAX. THE ORIGINAL MUST BE FORWARDED ON THE DAY OF FAX TRANSMITTAL.

Full name and complete mailing address of Political Committee
 Citizens for Cullerton
 4004 Old Mill Lane
 Springfield, IL 62711

FOR OFFICE USE ONLY
IDENTIFICATION NO.
FID576

INSTRUCTIONS

ANY CONTRIBUTION IN AN AGGREGATE OF MORE THAN \$500.00 RECEIVED IN THE THIRTY DAY PERIOD PRECEDING ANY ELECTION MUST BE REPORTED WITHIN TWO BUSINESS DAYS OF RECEIPT.
 CONTRIBUTIONS MUST ALSO BE REPORTED ON THE NEXT REGULAR CAMPAIGN CONTRIBUTION REPORT - FORM D2 - SCHEDULE A.

RECEIVED FROM: FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE	AMOUNT
Larry Rosenthal 6107 North 29th Street Arlington, VA 22207	10/27/2008	\$1,000.00
Tom Collins 333 South Madison LaGrange, IL 60525	10/27/2008	\$1,000.00

filed under
 SOVF -
 sent corresp.
 to SBE
 10/27
 tof

SIGNATURE OF TREASURER OR CANDIDATE
DATE

THE ILLINOIS STATE BOARD OF ELECTIONS IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY IF YOU QUALIFY AS A POLITICAL COMMITTEE AS OUTLINED UNDER PUBLIC ACT 78-1183. DISCLOSURE OF THIS INFORMATION IS REQUIRED. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN A FINE UP TO \$1,000.00. THIS FORM IS IN COMPLIANCE WITH THE FORMS MANAGEMENT PROGRAM.

STATE POLITICAL COMMITTEE
 RETURN TO:
 STATE BOARD OF ELECTIONS
 1020 SOUTH SPRING STREET
 P.O. BOX 4187
 SPRINGFIELD, IL 62708

LOCAL POLITICAL COMMITTEES AND
 STATE AND LOCAL POLITICAL COMMITTEES
 RETURN ORIGINAL TO:
 STATE BOARD OF ELECTIONS
 AND COPY TO:
 APPROPRIATE COUNTY CLERK

THOMAS J. COLLINS 07-77 2-139 12862
ROXANNE H. COLLINS 710
 333 S. MADISON 240619892
 LA GRANGE, IL 60525 DATE 10/9/08

PAY TO THE ORDER OF CITIZENS FOR COLLERTON \$ 1,000.00
ONE THOUSAND AND 00/100 DOLLARS

CHASE
 JPMorgan Chase Bank, N.A.
 Chicago, Illinois 60670
 www.Chase.com

MEMO Thom Collins NP

⑆071000013⑆ 240619892⑆12862

LARRY ROSENTHAL
 6107 N 29TH STREET
 ARLINGTON, VA 22207

15-7434/2540
 007799510

6421

DATE 10/2/08

Pay to the Order of Citizens for Collerton \$ 1,000.00
one thousand & 00/100 DOLLARS

CONGRESSIONAL
 FEDERAL
 CREDIT UNION
 Our Members are a Source of Pride, Not Profit.®

FOR _____

Ly P...

⑆254074345⑆⑆007799510⑆ 6421

DISCLOSE -- Illinois Political Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at Mon Oct 27 18:15:00 2008, and was assigned the Filing ID of: IL-100058

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

For your reference, the output of the validation check was as follows:

Illinois PDP File Validator Ver: IL-1.00.17

Developed by NIC Technologies, Inc. 1996-2001

=====

Committee ID: FID4970
Committee Name: Senate Democratic Victory Fund
Filing Type: A-1

← wrong
should
be Citizens
see correspond

>>>-----> PDP data file PASSED validation! <-----<<<

ILLINOIS STATE BOARD OF ELECTIONS

FAX COVER SHEET

DATE: Monday, October 27, 2008 6:15:00 PM

TO: Senate Democratic Victory Fund

FAX #: 2175463902

FROM: Disclosure Fax Back

FAX #: 217-782-5959

PHONE #: 217-782-4141

Number of pages, including cover sheet: 02

COMMENTS:

STATE OF ILLINOIS
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

vs.

Case No. **08 AG 035**

Democratic Party of Illinois S4866
Respondent

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment for Failure to File a Schedule A-1
In conjunction with the 2008 General Election

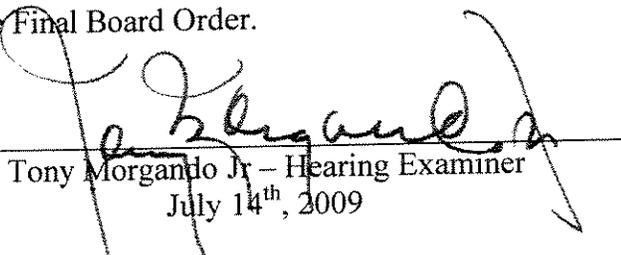
According to the political committee's December 2008 Semi Annual Report, it received a contribution from the Racing Association of Illinois, dated November 3rd, 2008, in the amount of \$5,000.00, during the Schedule A-1 filing period, October 6th, 2008 through and including November 3rd, 2008, which failed to be reported within two (2) business days of receipt as required by statute. The political committee has been assessed a civil penalty in the amount of \$5,000,000.

Mr. Michael Kasper, Treasurer, filed a Request for Hearing and Appeal Affidavit, on December 30th, 2008, indicating: "The Semi-Annual Report contains a typographical error indicating a contribution received on 11/3/08. It was actually received on 11/12/08, outside the A-1 period".

Hearing in this matter was originally set for Monday, June 29th, 2009, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 11:00 a.m. The hearing was subsequently continued to Thursday, July 9th, at 1:00 a.m.

Mr. Michael Kasper, Treasurer, appeared on behalf of the political committee. Mr. Kasper presented the Hearing Examiner with (1) a copy of the \$5,000.00 contribution check, originating from the Racing Association of Illinois, dated October 2nd, 2008, (2) a copy of the Democratic Party of Illinois itemized deposit slip, dated November 13th, 2008, totaling \$132,160.73, reflecting inclusion of the \$5,000.00 Racing Association of Illinois contribution, and, (3) the actual deposit receipt from the National City Bank of Michigan/Illinois, dated November 14th, 2009.

Based upon a review of the documents/statements submitted in this matter, the Hearing Examiner finds that the reporting date of the contribution from the Racing Association of Illinois should be November 13th, 2008, rather than November 3rd, 2008, as initially reported. Such receipt date lies outside the Schedule A-1 filing requirement, therefore, it is the recommendation of the Hearing Examiner that the appeal in this matter be granted. The Hearing Examiner further recommends that the political committee amend its December 2008 Semi-Annual Report to correctly reflect the date such contribution was acknowledged to be received within 30 days of the effective date of the Final Board Order.


Tony Morgando Jr - Hearing Examiner
July 14th, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

Democratic Party of Illinois
Michael Madigan, Michael Kasper
POB 518
Springfield, IL 62705

S4866

Dear Democratic Party of Illinois;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Racing Associations of IL	11/3/08	\$5000.00	\$5000.00	*not filed	1

The committee is fined a **total** of \$5000.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

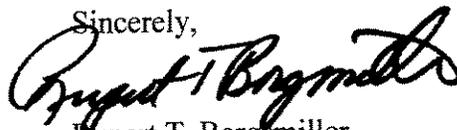
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$500.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. Since your committee has no other civil penalty assessments and only one delinquent Schedule A-1 amount is listed above, the penalty will be **stayed** as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the date of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

* This contribution was reported on the December 2008 Semi-annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

** This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois)
County of _____)

STATE BOARD OF ELECTIONS
09 MAY -4 AM 11:07

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)

Complainant

Vs.

DEMOCRATIC PARTY of Illinois
Respondent(s).

Case No. 08 AG 035

APPEAL AFFIDAVIT

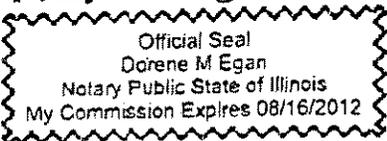
I, MICHAEL KASPER, the TREASURER of the
(Name) (Chairman/Treasurer)
DEMOCRATIC PARTY of Illinois
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

THE SEMI-ANNUAL REPORT CONTAINS
A TYPOGRAPHICAL ERROR INDICATING A
CONTRIBUTION RECEIVED ON 11/9/08. IT
WAS ACTUALLY RECEIVED ON 11/12/08, OUTSIDE
THE A-1 PERIOD.

Signed and Sworn to by:
Michael J Kasper
before me this 4th Day of
May, 2009
Dorene M Egan
Notary Public

Michael Kasper
(Signature of Chairman/Treasurer)



DEMOCRATIC PARTY OF ILLINOIS
NON FEDERAL ACCOUNT
P.O. BOX 518
SPRINGFIELD, IL 62705

ENCL # 21, 22, 23

National City, 25

National City Bank of Michigan/Illinois
Springfield, Illinois

DATE 11/13/08
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

1007192189115111433111
NORFOLK: 5,000.00
LAW 2500 5000
001
13216073

CURRENCY	DOLLARS	CENTS
COIN		
CHECKS LIST EACH SEPARATELY		
1 CSX	2,000	00
2 DUC	5,600	73
3 PEIZER	7,500	00
4 J P MORGAN	1,000	00
5 PEOPLE HELPING	1,000	00
6 COLVIN	7,000	00
7 J P MORGAN	9,000	00
8 UNITED	2,000	00
9 MCCABY	8,000	00
10 ACEVEDO	1,500	00
11 BURLE	10,000	00
12 ALTRIA	4,000	00
13 BERRIOS	4,000	00
14 MID AMERICA	500	00
15 MAYFIELD	500	00
16 MANASCHE	500	00
17 NUCARE	5,000	00
18 BRIGHTVIEW	500	00
19 WALKERMAN	1,000	00
20 FISH MIND	1,000	00
21 INTER CARE	500	00
22 W3 PNE	33,000	00
23 TURNER	1,500	00
24 PCL	1,000	00
25 GRAND JUNK	2,500	00
26 HEALTH CARE	10,000	00
27 RACINER	5,000	00
28 FINANCIAL US	1,500	00
TOTAL FROM OTHER SIDE (IF ATTACHED LIST)		
PLEASE PRINT TOTAL HERE	132,160	73

ok deposit
ok idis
w/ part 1 part 2
errors
+ fees & deposited NF

132,160.73

Checks and other items are received for deposit subject to the provisions of the Uniform Commercial Code, or any applicable collection agreement.

National City®

1101 Centre West
Springfield, IL 62704

Branch ID: 00108

CSR/CB ID: 01

Time: 11:46 A.M.

Calendar Date: 11/14/08

Business Date: 11/14/08

Checking Deposit**Transaction Number: 29****Region: 0056****Account Number: XXXXXXXX41****Amount: \$132,160.73****Check Amount: \$132,160.73**

Deposited funds available next
business day unless noted above, visit
www.NationalCity.com/FundsAvailability
for further details on the funds availability policy.

Please take a brief survey to tell us about your
experience today and enter for a chance to win
100,000 points from National City.
Call 1-866-388-5797 or visit
www.NationalCityListens.com

For Official Sweepstakes Rules, including
alternate methods of entry, visit
www.NationalCityListens.com.

No purchase necessary. Winner of monthly
drawing may choose to receive a \$200 National
City Visa Gift Card in lieu of points.

You must be 18 to enter.

Sweepstakes ends 12/31/2008. Ask us for details.

All transactions are subject to proof and
verification by Bank.

Thank-you for Banking With Us!

FDIC

RACING ASSOCIATIONS OF ILLINOIS

26435 S DIXIE HWY.
CRETE, IL 60417-4313

1529

DATE October 2, 2008

$\frac{2-1}{710}$ 900

PAY TO THE ORDER OF Democratic Party of Illinois

\$ 5,000⁰⁰

Five Thousand and 00/100

DOLLARS



JPMorgan Chase Bank, N.A.
Chicago, Illinois 60670
www.Chase.com

FOR _____

John A. Johnston MP

⑈001529⑈ ⑆071000013⑆ 6115005644649⑈

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

08 AG 057

Senate Democratic Victory Fund
Respondent

S 9796

REPORT OF HEARING EXAMINER

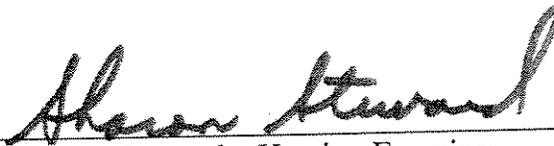
Appeal of Civil Penalty Assessment for Failing to File a
Schedule A-1 in conjunction with the 2008 General Election

This Committee received one contribution of \$5000 on 10/17/08, but failed to list it on a Schedule A-1, resulting in a civil penalty assessment of \$5000.

David Chapman, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Chapman stated that an A-1 was timely filed for the \$5000 contribution to this Committee. However, the A-1 was inadvertently filed by the Citizens for Cullerton, instead of the Senate Democratic Victory Fund. Per advice from Board staff, the Committee was instructed to send in correspondence to the Board explaining the situation, which they did on 10/15/08. (Attached)

According to documentation submitted and after a review of the filing histories of these two committees, it appears that the contribution from Power Rogers & Smith PC was indeed inadvertently reported on a Schedule A-1 by the Citizens for Cullerton as being received on 10/9/09. The 2008 December semi-annual filed by Citizens for Cullerton does not reflect this contribution. However, the 2008 December semi-annual filed by the Senate Democratic Victory Fund does reflect this contribution, albeit shown as being received 10/17/08. Mr. Chapman did as instructed when he discovered this error by contacting the Board and submitting a written explanation. The contribution was reported timely, but was reported incorrectly as being received by the Citizens for Cullerton rather than the Senate Democratic Victory Fund. I therefore recommend that the appeal be granted.



Sharon Steward – Hearing Examiner

June 23, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

Senate Democratic Victory Fund
David Chapman
4004 Old Mill Ln
Springfield, IL 62707

S9796

Dear Senate Democratic Victory Fund;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Power Rogers & Smith PC	10/17/08	\$5000.00	\$5000.00	*not filed	9

The committee is fined a **total** of \$5000.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

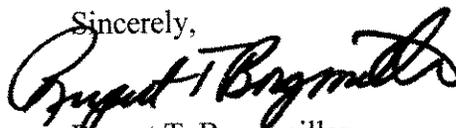
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$500.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. Since your committee has no other civil penalty assessments and only one delinquent Schedule A-1 amount is listed above, the penalty will be **stayed** as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the date of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

* This contribution was reported on the December 2008 Semi-annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

** This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois)
County of Cook)

STATE BOARD OF ELECTIONS

09 MAY 26 AM 9:54

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
vs.)
Senate Democratic Victory Fund)
Respondent(s).)

No. 08 AG 057

APPEAL AFFIDAVIT

I, David Chapman, the Treasurer of the
(Name) (Chairman/Treasurer)
Senate Democratic Victory Fund
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

an A-1 was timely filed for the \$5,000 contribution to the Senate Democratic Victory Fund from Powers Rogers & Smith P.C. However, the A-1 was inadvertently filed by the wrong committee. The A-1 was filed by Citizens for Cullerton instead of the Senate Democratic Victory Fund (Senate President Cullerton is the Chairman of the SDVF). Per the recommendation of Sharon at the Illinois State Board of Elections (ISBE), we were told not to file an additional A-1 for that contribution. Instead we were instructed to send in a correspondence to the ISBE explaining the situation which we did on 10/15/2008. That correspondence is attached. We believe this fine should be waived as we complied with the instructions of ISBE in this matter.

Subscribed and Sworn to Before me
This 21 Day Of May, 2009
Rebecca L. Minder
NOTARY PUBLIC

[Signature]
(Signature of Chairman/Treasurer)



09 MAY 26 AM 9:54

May 2009

State Board of Elections
1020 South Spring St.
P.O. Box 4187
Springfield, IL 62708

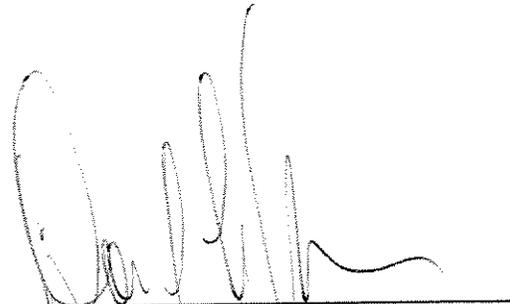
To Whom It May Concern:

Attached is our request for a hearing on our appeal of a fine assessed on the Senate Democratic Victory Fund by the State Board of Elections. Included are documents filed with the State Board of Elections in October of 2008 to rectify this matter. If the State Board of Elections decides based on the attached documentation that the assessed fine should be waived, then we withdraw our request for a hearing. If a hearing is necessary, then the Senate Democratic Victory Fund will be represented in this matter by our attorney and Executive Director Jay H. Rowell. We would prefer that the hearing take place in your Chicago Office.

Thank you for your assistance with this matter and if you have any questions, please feel free to contact me.

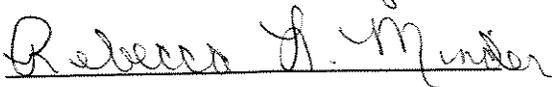
Sincerely,

David Chapman
Treasurer
Senate Democratic Victory Fund



(Signature of Treasurer)

Subscribed and Sworn Before me
This 21 Day Of May, 2009



NOTARY PUBLIC



SDVFund@comcast.net • 217-836-8844

Paid for by the SDVF, 4004 Old Mill Lane, Springfield, IL 62711.
A copy of our report is (or will be) available for purchase from the Illinois State Board of Elections, 1020 South Spring Street, Springfield, IL 62704. Contributions are not tax deductible.

Senate Democratic Victory Fund
Senator John Cullerton, Chairman



CITIZENS FOR JOHN J. CULLERTON

4004 Old Mill Lane
Springfield, IL 62711

217/836-8844

TO: Sharon – Campaign Disclosure

FROM: David Chapman, Treasurer, **Citizens for John Cullerton**
S1866

RE: 10/09/08 - A1 filing

PAGES: 5



CITIZENS FOR JOHN J. CULLERTON

October 15, 2008

State Board of Elections
Campaign Disclosure – Attn: Sharon
1020 South Spring Street
Springfield, IL 62704



VIA: Fax: 217/782-5959

RE: **Citizens for Cullerton – State 1866 – Local 9536**
A-1 Filed to wrong committee

Dear Sharon:

At your recommendation the committee is informing the State Board of Elections that on 10/9/08 an A-1 was filed under the committee of Citizens for Cullerton for a donation from Powers Rogers & Smith PC in the amount of \$5000 and should have been filed under the PAC Senate Democratic Victory Fund.

That day, Citizens for Cullerton who is also affiliated with Senate Democratic Victory Fund received two checks from Powers, Rogers & Smith PC for \$5000 each. One was made out to Citizens for Cullerton and the other to Senate Democratic Victory Fund. Inadvertently, both checks were filed under Citizens for Cullerton's A1 report.

It was your recommendation not to file another A-1, but to explain by correspondence the circumstance. Thank you for your attention to this matter and if you have questions, please contact us at 217/836-8844.

Sincerely,

David L. Chapman
Treasurer, Citizens for Cullerton

SCHEDULE A-1
REPORT OF CAMPAIGN CONTRIBUTIONS
OF
\$500 OR MORE

THIS FORM MAY BE TRANSMITTED BY FAX. THE ORIGINAL MUST BE FORWARDED ON THE DAY OF FAX TRANSMITTAL.

Full name and complete mailing address of Political Committee
 Citizens for Cullerton
 4004 Old Mill Lane
 Springfield, IL 62711

FOR OFFICE USE ONLY
IDENTIFICATION NO.
FID576

INSTRUCTIONS

ANY CONTRIBUTION IN AN AGGREGATE OF MORE THAN \$500.00 RECEIVED IN THE THIRTY DAY PERIOD PRECEDING ANY ELECTION MUST BE REPORTED WITHIN TWO BUSINESS DAYS OF RECEIPT.
 CONTRIBUTIONS MUST ALSO BE REPORTED ON THE NEXT REGULAR CAMPAIGN CONTRIBUTION REPORT - FORM D2 - SCHEDULE A.

RECEIVED FROM: FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE	AMOUNT
Power Rogers & Smith P.C 70 W. Madison Street Suite 5500 Chicago, IL 60602-4212	10/9/2008	\$5,000.00
	10/9/2008	\$5,000.00

SIGNATURE OF TREASURER OR CANDIDATE

DATE

THE ILLINOIS STATE BOARD OF ELECTIONS IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY IF YOU QUALIFY AS A POLITICAL COMMITTEE AS OUTLINED UNDER PUBLIC ACT 72-1183. DISCLOSURE OF THIS INFORMATION IS REQUIRED. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN A FINE UP TO \$1,000.00. THIS FORM IS IN COMPLIANCE WITH THE FORMS MANAGEMENT PROGRAM.

STATE POLITICAL COMMITTEE
 RETURN TO:
 STATE BOARD OF ELECTIONS
 1026 SOUTH SPRING STREET
 P.O. BOX 4187
 SPRINGFIELD, IL 62769

LOCAL POLITICAL COMMITTEES AND
 STATE AND LOCAL POLITICAL COMMITTEES
 RETURN ORIGINAL TO:
 STATE BOARD OF ELECTIONS
 AND COPY TO:
 APPROPRIATE COUNTY CLERK

POWER ROGERS & SMITH, P.C.
LAW OFFICES
18 WEST MADISON STREET, SUITE 4000
CHICAGO, IL 60602-4212

THE NORTHERN TRUST COMPANY
CHICAGO, ILLINOIS

001157

2-15
710

FIVE THOUSAND AND XX / 100 DOLLARS

DATE
10/07/2008

AMOUNT
\$*****000.00

Cheques for John Cullerton

PAY TO THE ORDER OF

VOID AFTER 6 MONTHS

Michael M. Robinson
AUTHORIZED SIGNATURE

POLITICAL CONT.

⑈001157⑈ ⑆071000152⑆ 380053486⑈

POWER ROGERS & SMITH, P.C.
LAW OFFICES
18 WEST MADISON STREET, SUITE 4000
CHICAGO, IL 60602-4212

THE NORTHERN TRUST COMPANY
CHICAGO, ILLINOIS

001158

2-15
710

FIVE THOUSAND AND XX / 100 DOLLARS

DATE
10/07/2008

AMOUNT
\$*****000.00

STATE DEMOCRATIC VICTORY FUND

PAY TO THE ORDER OF

VOID AFTER 6 MONTHS

Michael M. Robinson
AUTHORIZED SIGNATURE

POLITICAL CONTRIBUTION

⑈001158⑈ ⑆071000152⑆ 380053486⑈

ILLINOIS STATE BOARD OF ELECTIONS

FAX COVER SHEET

DATE: Thursday, October 09, 2008 2:31:46 PM
TO: Citizens For John Cullerton
FAX #: 2175463902

FROM: Disclosure Fax Back
FAX #: 217-782-5959
PHONE #: 217-782-4141

Number of pages, including cover sheet: 02

COMMENTS:

DISCLOSE -- Illinois Political Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at Thu Oct 09 14:31:47 2008, and was assigned the Filing ID of: IL-96084

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

For your reference, the output of the validation check was as follows:

Illinois PDP File Validator Ver: IL-1.00.17
Developed by NIC Technologies, Inc. 1996-2001

=====
Committee ID: FID576
Committee Name: Citizens for Cullerton
Filing Type: A-1

>>----> PDP data file PASSED validation! <----<<<

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

09 DS 227

West Frankfort Area Democrat Club
Respondent

L2025

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment for Delinquently
Filing the 2008 December Semi-Annual Report

The Report was received March 9, 2009, 32 days late, resulting in a civil penalty assessment of \$800. In addition, the Committee has previously been assessed a \$100 (not appealed, stayed) civil penalty for delinquently filing the pre election report for the 2007 Consolidated Election. The total assessment is \$900.

Nancy D. Bundy, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Ms. Bundy stated that she thought she had filed all required reports for the period through 3/18/09. She attached copies of D-2s for Pre-election reports for the 11/4/08 reporting period from 10/22/08-12/31/08 and 7/1/08 through 10/5/08 which were faxed 2 times to 217-782-5959 on 2/6/09 and 3/9/09.

Ms. Bundy stated in her affidavit that she faxed this report to the Board on 2/6/09. There was a report filed on that date, a statement of nonparticipation for the 2/24/09 consolidated primary election; however, the semi-annual report was not received by this Office on that date. I recommend that the appeal be denied; however, since there was a report filed on 2/6/09, since she believed she had faxed the report on that date, and since the semi-annual report that was ultimately received on 3/9/09, included a signature and date of 2/5/09, I recommend that the penalty be reduced to \$325, the amount the civil penalty would have been if the report had been received on 2/6/09. If this recommendation is accepted by the Board, the total amount of \$425 will be due and owing.



Sharon Steward – Hearing Examiner
July 28, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

West Frankfort Area Democrat Club
Nancy Bundy
209 West St Louis
West Frankfort, IL 62896

L2025

Dear West Frankfort Area Democrat Club;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Semiannual Report of Campaign Contribution and Expenditures
Report Period:	July 1, 2008 through December 31, 2008
Filing Period:	January 2, 2009 through January 20, 2009

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on March 9, 2009, 32 day(s) late. As such, this committee has been assessed a fine of \$800.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. *Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.*

If the above listed violation is not appealed and since this is a subsequent violation the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days:

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
1/29/2007 - 3/18/2007	Pre-election	\$100.00
TOTAL AMOUNT NOW DUE		\$900.00

If you have any questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB:sm
Enclosure(s) appeal documents

State of Illinois)
County of Franklin)

STATE BOARD OF ELECTIONS
09 MAY -8 PM 12:45

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs.)
West Frankfort Area Democrats)
Respondent(s).)

Case No. 09 DS 227

APPEAL AFFIDAVIT

I, Nancy D Bundy, the Treasurer (Pro-tem) of the
(Name) (Chairman/Treasurer)
West Frankfort Area Democrat Club
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

I thought I had filed all required reports for period thru 3-18-2009. Attached is a copy of our D-2 for Pre-election Rep 11-4-2008 and 7/1-10/08 reporting period 10/22/08-12/31/08 which was filed 2 times to 217/782-5959 on 2/6/09 and 3/9/09. Please let me know if more is required.

Signed and Sworn to by:

Nancy D. Bundy
before me this 6 Day of
May 2009
Cheryl A. Huite

Notary Public



Nancy D. Bundy
(Signature of Chairman/Treasurer)

213-217 S. Horn St.
West Frankfort, IL 62896
618) 932-6212 - 932-3565
FAX # 618)937-3692
Nancy D. Bundy, Supervisor



Fax

To: St. Bernard Election From: West Frankfort Area Democrats
Fax: 217 782-5959 Pages: 12025
Phone: Dec. 08 Semi Annual Date: 3-9-09
Re: _____ CC: _____

Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

Sharon, here are the forms we discussed by phone today. I apologize for all the trouble, but hope this takes care of now. I am aware I should only file one D-2 for the period.

Thank you
all your help.

Nancy Bundy

Handwritten initials

FAXED
3-9-09



FORM	REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (CHECK APPROPRIATE BOXES) (PLEASE TYPE OR PRINT IN BLACK INK)		FOR OFFICE USE ONLY
	D-2	<input checked="" type="checkbox"/> Pre-Election Report - Election Date: <u>11/4/2008</u> <input type="checkbox"/> Semi-Annual Report <input type="checkbox"/> Non-Participation - Election Date: _____ <input type="checkbox"/> Final Report <input type="checkbox"/> Amendment of Report Indicated Above	

Full name and complete mailing address of Political Committee:

West Frankfort Area Democrats
209 W. 3rd. Louis St.
West Frankfort, IL 62896

CHECK IF ADDRESS CHANGE

POLITICAL COMMITTEE: L 2005

IDENTIFICATION NO.:

REPORTING PERIOD <u>10/22/08</u> <u>12/31/08</u> FROM THRU	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD: \$ <u>1685.66</u>	STATE POLITICAL COMMITTEES RETURN TO: STATE BOARD OF ELECTIONS PO BOX 4187 SPRINGFIELD, IL 62708-4187	LOCAL POLITICAL COMMITTEES AND STATE AND LOCAL POLITICAL COMMITTEES RETURN ORIGINAL TO: STATE BOARD OF ELECTIONS AND A COPY TO EACH APPROPRIATE COUNTY CLERK.
--	---	--	---

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

COMPLETE 1-7 FOR PRE-ELECTION REPORTS.

COMPLETE ALL SECTIONS FOR SEMI-ANNUAL AND FINAL REPORTS.

SECTION A - RECEIPTS

1. Individual Contributions:

a. Itemized (from Schedule A) \$ _____ (1a)

b. Not-Itemized \$ 187.33 (1b)

2. Transfers In:

a. Itemized (from Schedule A) \$ _____ (2a)

b. Not-Itemized \$ _____ (2b)

3. Loans Received:

a. Itemized (from Schedule A) \$ _____ (3a)

b. Not-Itemized \$ _____ (3b)

4. Other Receipts:

a. Itemized (from Schedule A) \$ _____ (4a)

b. Not-Itemized \$ _____ (4b)

TOTAL RECEIPTS (1-4) \$ 187.33

5. In-Kind Contributions:

a. Itemized (from Schedule I) \$ _____ (5a)

b. Not-Itemized \$ _____ (5b)

TOTAL IN-KIND \$ _____

SECTION B - EXPENDITURES

6. Transfers Out:

a. Itemized (from Schedule B) \$ _____ (6a)

b. Not-Itemized \$ _____ (6b)

7. Loans made:

a. Itemized (from Schedule B) \$ _____ (7a)

b. Not-Itemized \$ _____ (7b)

8. Expenditures:

Itemized (from Schedule B) \$ _____ (8a)

Not-Itemized \$ 310.56 (8b)

TOTAL EXPENDITURES (6-8) \$ 310.56

SECTION C - DEBTS AND OBLIGATIONS

(Include previously reported unpaid debts)

9. a. Itemized (from Schedule C) \$ _____ (9a)

b. Not-Itemized \$ _____ (9b)

TOTAL DEBTS & OBLIGATIONS \$ _____

SECTION D - CASH BALANCE

Funds available at the beginning of the reporting period: \$ 1685.66 (A)

Total Receipts (Section A) \$ 187.33 (B)

Subtotal \$ _____ (C)

Total Expenditures (Section B) \$ 310.56 (D)

Funds available at the close of the reporting period: \$ 1562.43 (E)

INVESTMENT TOTAL \$ _____ (F)

VERIFICATION

I DECLARE THAT THIS REPORT OF CAMPAIGN CONTRIBUTIONS OR THIS SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE REPORT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE REPORT IS A BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO \$5000.

[Signature]
SIGNATURE OF TREASURER OR CANDIDATE

124

2-5-2009
DATE



FORM	REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (CHECK APPROPRIATE BOXES) (PLEASE TYPE OR PRINT IN BLACK INK)		FOR OFFICE USE ONLY
	<input checked="" type="checkbox"/> Pre-Election Report - Election Date: <u>November 4, 2008</u>		
D-2	<input type="checkbox"/> Semi-Annual Report		
	<input type="checkbox"/> Non-Participation - Election Date: _____		
	<input type="checkbox"/> Final Report		
	<input type="checkbox"/> Amendment of Report Indicated Above		

Full name and complete mailing address of Political Committee:

West Frankfort Area Democrat Club
209 West St. Louis Street
West Frankfort, Illinois 62896

POLITICAL COMMITTEE

2025

CHECK IF ADDRESS CHANGE

IDENTIFICATION NO.

REPORTING PERIOD 07/01/08 10/05/08 FROM THRU	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD: \$ 617.80	STATE POLITICAL COMMITTEES RETURN TO: STATE BOARD OF ELECTIONS PO BOX 4187 SPRINGFIELD, IL 62708-4187	LOCAL POLITICAL COMMITTEES AND STATE AND LOCAL POLITICAL COMMITTEES RETURN ORIGINAL TO: STATE BOARD OF ELECTIONS AND A COPY TO EACH APPROPRIATE COUNTY CLERK.
SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.			

COMPLETE 1-7 FOR PRE-ELECTION REPORTS.

COMPLETE ALL SECTIONS FOR SEMI-ANNUAL AND FINAL REPORTS.

SECTION A - RECEIPTS

1. Individual Contributions:

a. Itemized (from Schedule A) \$ 250.00 (1a)
b. Not-Itemized..... \$ _____ (1b)

2. Transfers In:

a. Itemized (from Schedule A) \$ _____ (2a)
b. Not-Itemized..... \$ 1649.00 (2b)

3. Loans Received:

a. Itemized (from Schedule A) \$ _____ (3a)
b. Not-Itemized..... \$ _____ (3b)

4. Other Receipts:

a. Itemized (from Schedule A) \$ _____ (4a)
b. Not-Itemized..... \$ _____ (4b)
TOTAL RECEIPTS (1-4) \$ 1899.00

5. In-Kind Contributions:

a. Itemized (from Schedule I) \$ _____ (5a)
b. Not-Itemized \$ _____ (5b)
TOTAL IN-KIND \$ _____

SECTION B - EXPENDITURES

6. Transfers Out:

a. Itemized (from Schedule B) \$ 303.95 (6a)
b. Not-Itemized..... \$ 536.16 (6b)

7. Loans made:

a. Itemized (from Schedule B) \$ _____ (7a)
b. Not-Itemized..... \$ _____ (7b)

8. Expenditures:

Itemized (from Schedule B) \$ _____ (8a)
Not-Itemized..... \$ _____ (8b)
TOTAL EXPENDITURES (6-8) \$ 840.14

SECTION C - DEBTS AND OBLIGATIONS

(Include previously reported unpaid debts)

9. a. Itemized (from Schedule C) \$ _____ (9a)
b. Not-Itemized..... \$ _____ (9b)
TOTAL DEBTS & OBLIGATIONS \$ _____

SECTION D - CASH BALANCE

Funds available at the beginning of the reporting period: \$ 627.80 (A)
Total Receipts (Section A) \$ 1899.00 (B)
Subtotal \$ _____ (C)
Total Expenditures (Section B) \$ 840.14 (D)
Funds available at the close of the reporting period: \$ 1686.66 (E)

INVESTMENT TOTAL \$ _____ (F)

VERIFICATION

I DECLARE THAT THIS REPORT OF CAMPAIGN CONTRIBUTIONS OR THIS SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE REPORT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE REPORT IS A BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO \$5000.

Wanda Bender
SIGNATURE OF TREASURER OR CANDIDATE

2-3-09
DATE

P:

125

AXED (THIS FORM MAY BE REPRODUCED)

-6-09

NAME OF POLITICAL COMMITTEE:

REPORTING PERIOD

7-1-08 10-5-08
FROM THRU

FOR OFFICE USE ONLY

SCHEDULE A

INDICATE THE PART OF FORM D-2 BEING ITEMIZED:

PART 1-

INDIVIDUAL CONTRIBUTIONS
INCLUDING TICKETS AND RAFFLE SALES

PART 3- LOANS RECEIVED
INCLUDING
ENDORSER

PART 2- TRANSFERS IN
POLITICAL COMMITTEE CONTRIBUTIONS
INCLUDING TICKET AND RAFFLE SALES

PART 4- OTHER RECEIPTS

POLITICAL COMMITTEE

IDENTIFICATION NO.

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

ITEMIZED RECEIPTS FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE RECEIVED	AMOUNT OF EACH RECEIPT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
Tom Tedeschi 4800 Deering Rd. Benton IA 62816	8/16/08	250.00 EMPLOYER: Assn. Rep. St. A 574.	250.00 OCCUPATION: Judicial Cand.
Raffle Receipts		1649.00 EMPLOYER:	1649.00 OCCUPATION:
		EMPLOYER:	OCCUPATION:

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

TOTAL THIS PERIOD \$ 1899.00
(LAST PAGE OF THIS PART ONLY)

THIS FORM MAY BE REPRODUCED)
SEE INSTRUCTIONS ON REVERSE SIDE

FAXED
2-6-09

NAME OF POLITICAL COMMITTEE:

REPORTING PERIOD

FOR OFFICE USE ONLY

West Frankfort Area Democrats
209 W. St. Louis St
West Frankfort IL 62896

7/1/08 | 10/5/08
FROM THRU

SCHEDULE B

INDICATE THE PART OF FORM D-2 BEING ITEMIZED:

PART 6- TRANSFERS OUT
EXPENDITURES TO POLITICAL
COMMITTEES - INCLUDING TICKET &
RAFFLE PURCHASES

PART 7- LOANS MADE

PART 8- EXPENDITURES

POLITICAL COMMITTEE
IDENTIFICATION NO.

L 2025

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	PURPOSE	BENEFICIARY	AMOUNT OF EACH EXPENDITURE THIS REPORTING PERIOD	AGGREGATE AMOUNT THIS REPORTING PERIOD
First Bank	8/16/08	303.95 Cash Card		303.95	303.95

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

TOTAL THIS PERIOD \$ 303.95
(LAST PAGE OF THIS PART ONLY)

(THIS FORM MAY BE REPRODUCED)
SEE INSTRUCTIONS ON REVERSE SIDE

PAGE 3

FAXED
2-6-09

TRANSMISSION VERIFICATION REPORT

TIME : 03/09/2009 09:16
NAME : DENNING TOWNSHIP
FAX : 6189373692
SER.# : BROK8F712513

DATE, TIME	03/09 09:14
FAX NO./NAME	12177825959
DURATION	00:01:43
PAGE(S)	05
RESULT	OK
MODE	STANDARD ECM

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

vs.

08 AG 022

Citizens for Flores
Respondent

L14641

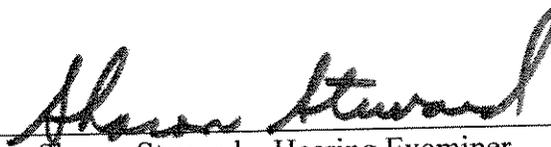
REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment for Failing to File a
Schedule A-1 for the 2008 General Election

This Committee received two contributions, one of \$1000 on 10/21/08 and one of \$1053.92 on 10/11/08, but failed to list them on a Schedule A-1, resulting in a civil penalty assessment of \$2053.92.

Trevor Montgomery, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Montgomery stated that the two A-1s were not filed because of an oversight by their accountant. He has taken note of the errors and corrected them by amendment.

I recommend that the Appeal be denied for lack of an adequate defense. However, since there is no indication that these violations were anything other than inadvertent and unintentional, I also recommend that the penalty be reduced to 10% of the original assessment, or \$205.



Sharon Steward – Hearing Examiner

June 23, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

Citizens for Flores
Trevor Montgomery
1123 W Patterson
Chicago, IL 60613

L14641

Dear Citizens for Flores;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Real Simple Inc	10/21/08	\$1000.00	\$1000.00	*not filed	7
Friends of Flores	1011/08	\$1053.92	\$1053.92	*not filed	13

The committee is fined a **total** of \$2053.92 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

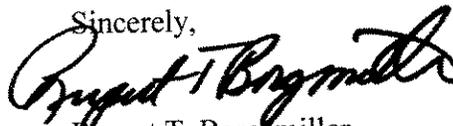
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$206.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. *If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.* Notice of Appeal must be filed within 30 days of the date of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

* This contribution was reported on the December 2008 Semi-annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

** This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois)
County of COOK)

STATE BOARD OF ELECTIONS
09 MAY 22 PM 1:39

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs.)
CITIZENS FOR FLORES)
Respondent(s).)

Case No. 08 AG 022

APPEAL AFFIDAVIT

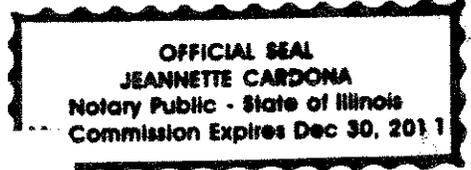
I, TREVOR MONTGOMERY, the TREASURER of the
(Name) (Chairman/Treasurer)
CITIZENS FOR FLORES
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

THE TWO A-1'S WERE NOT FILED BECAUSE OF AN OVERSIGHT BY OUR ACCOUNTANT. HE HAS TAKEN NOTE OF THE ERRORS AND CORRECTED THEM BY AMENDMENT.

Signed and Sworn to by:
Trevor J. Montgomery
before me this 20th Day of
May, 2008
Jeannette Cardona
Notary Public

T. J. Montgomery
(Signature of Chairman/Treasurer)



STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

09 DS 113

Friends of the Cornbelt Fire Protection District L14920
Respondent

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment for Delinquently Filing
The 2008 December Semi-Annual Report

The Report was received by the Board on February 9, 2009, 14 days late, resulting in a civil penalty assessment of \$350.

James E. Jeffers, Jr., the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, he stated that he did not fully understand how to fill out the forms and did not have any idea on the time line. When he received the first late letter, someone helped him fill it out; he faxed it that night, but the Board did not receive it. He also references an attached letter that he sent along with the report the next time he sent it. He reiterates that when he was given the responsibility of treasurer, he did not realize that the job included filling out the D-2. He also states that it is his understanding that the Form D-2 is actually not required because this Committee will not reach the \$3,000 threshold in donations.

Mr. Jeffers states that he wasn't completely advised of his responsibilities as treasurer; this is an internal committee matter and not the responsibility of the Board. He also states that since they won't reach the \$3,000 threshold the Committee does not have to file D-2 reports. The Committee established its Date of Creation as December 1, 2008. Although it had raised no funds at that point in time, it became a political committee and agreed to abide by the Campaign Financing Act when it filed a D-1 Statement of Organization. If it chooses to discontinue fundraising, stop its political activity, dispose of any residual funds, and file a final report, it may do so. But if it chooses to remain an active political committee, it must file all reports timely or be penalized for late filing. Therefore, I recommend that the Appeal be denied; however, since Mr. Jeffers stated in his affidavit that he originally faxed the report on February 6th, and he submitted phone records to document that, I recommend that the penalty be reduced to \$300. As a first violation, the penalty is stayed.



Sharon Steward – Hearing Examiner
June 17, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
February 27, 2009

Friends of the Cornbelt Fire Protection District
Derrick Odle
1414 E Kimela
Mahomet, IL 61853

L14920

Dear Friends of the Cornbelt Fire Protection District;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Semiannual Report of Campaign Contributions and Expenditures
Report Period:	July 1, 2008 through December 31, 2008
Filing Period:	January 2, 2009 through January 20, 2009

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received by the Board on February 9, 2009, 14 day(s) late. As such, this committee has been assessed a fine of \$350.00.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

Since this is a first time violation, the assessed civil penalty will be *stayed*. Any subsequent violation of any provision of Article 9 of the Election Code or of a Board Order shall result in the assessment of an additional penalty as provided in Section 125.425 of the Rules and Regulations governing the State Board of Elections, with that civil penalty and any previously assessed penalty to be paid within 30 days. Therefore, you need not pay this assessed civil penalty unless another violation occurs.

If you have questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB:sm
Enclosure(s): appeal forms

09 MAR 16 AM 10:07

State of Illinois)
County of Champaign)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs.)
James E. Jeffers Jr)
Respondent(s).)

Case No. 09.DS.113

APPEAL AFFIDAVIT

I, James E. Jeffers Jr, the Treasurer of the
(Name) (Chairman/Treasurer)
Friends of Cornbelt Fire Dept.
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

I did fully understand how to fill the forms out and did not have any idea on the timeline the paperwork was given to me (opposed). When I recieved the 1st late letter a lady helped me fill it out. That night I faxed it from work and you did not recieve it. See attached letter.

Signed and Sworn to by:
James E. Jeffers, Jr.
before me this 12 Day of
March, 2009
Carol Morris
Notary Public

James E. Jeffers Jr.
(Signature of Chairman/Treasurer)

OFFICIAL SEAL
Carol J. Morris
Notary Public, State of Illinois
My Commission Expires: 6/6/12

STATE BOARD OF ELECTIONS

Enclosed please find the following forms:

1. Form D-2 for the reporting period of December 1 through December 31, 2008
2. Form D-2 for the reporting period of January 1 through January 25, 2009
3. Form D-2 for the reporting period of January 26 through March 8, 2009

I received notice that the Report of Campaign Contributions and Expenditures (Form D-2), numbers 1 and 2 above, were not filed in a timely manner.

I, James Jeffers, Jr., along with Derrick Odle are running for Trustees for Cornbelt Fire Protection District in Mahomet, Illinois. I was given the responsibility of the Treasurer. I was not aware that job included filling out a D-2 Form. The first time I was aware of this responsibility was when I received a notice from the State of Board of Elections stating that I was late on a filing. I immediately telephoned the Board on February 6, 2009. The lady I talked to was very helpful and gave me instructions on how to fill out the required Form D-2. She said the Board would accept tendering the Form D-2 by fax. I went to my office that same evening and faxed 1 and 2 above. A few weeks later I received notice from the Board that the Form D-2 forms (1 and 2 above) I had faxed were not received. I am enclosing a copy of telephone bill I have obtained to prove that I faxed them to the number I was told (i.e., (217) 782-5959) on February 6, 2009.

It is my understanding that the Form D-2 is actually not required in this instance because the Friends of Cornbelt Fire Protection District will not reach the \$3,000.00 in donations. Unfortunately, this was not explained or understood at the time the initial paperwork was completed. Nevertheless, I am trying to abide by the directions that were given to me and am again sending the all three completed Form D-2.

Please review the enclosed Form D-2 forms and if you have any questions, feel free to call me at any of the numbers below:

Home: (217) 586-2242

Work: (217) 586-4988

Cell: (217) 377-9180

I am sorry for any confusion this may have caused and I would like you to contact me as soon as you have had a chance to review the enclosures to make sure that everything is in order in connection with this misunderstanding.

Thank you for your attention to this matter.

Jim Jeffers, Jr.



Verizon Long Distance

Operator Assistance Calls

Date	Time	Place called	Number called	
1 Jan 26	9:34 am	Dir Asst	309 555-1212	1.99
2 Feb 2	9:33 am	Dir Asst	920 555-1212	1.99
3 Feb 3	9:36 am	Dir Asst	309 555-1212	1.99
Total				\$ 5.97

FirmRate Advantage Plan

For 217 586-2113

Direct Dialed Calls

Date	Time	Place called	Number called	Min	
4 Jan 20	10:00 am	Pleasapri	WI 262 947-9505	1.2	.08
5 Jan 21	11:19 am	Winona	MN 507 474-1606	0.7	.04
6 Jan 21	3:38 pm	Loda	IL 217 386-2672	1.4	.09
7 Jan 26	11:32 am	Arighnhts	IL 847 342-7501	2.4	.15
8 Jan 26	2:31 pm	Loda	IL 217 386-2672	1.2	.08
9 Jan 27	10:30 am	Germatnhts	IL 309 383-2018	1.0	.06
10 Jan 27	3:19 pm	Peoria	IL 309 677-7950	7.8	.50
11 Jan 27	3:29 pm	Peoria	IL 309 677-7950	0.8	.05
12 Jan 27	4:48 pm	Peoria	IL 309 677-7905	0.4	.03
13 Jan 27	4:52 pm	Peoria	IL 309 677-7950	0.8	.05
14 Jan 27	4:54 pm	Peoria	IL 309 677-7950	0.8	.05
15 Jan 28	8:26 am	Peoria	IL 309 677-7950	0.7	.04
16 Jan 28	3:37 pm	Loda	IL 217 386-2672	1.2	.08
17 Jan 29	8:16 am	Pleasapri	WI 262 947-9505	2.6	.17
18 Jan 29	9:08 am	Pleasapri	WI 262 947-9505	3.2	.20
19 Jan 30	11:01 am	Pleasapri	WI 262 947-9703	1.0	.06
20 Feb 2	2:23 pm	Loda	IL 217 386-2672	1.6	.10
21 Feb 4	2:13 pm	Loda	IL 217 386-2672	1.3	.08
22 Feb 5	8:27 am	Pleasapri	WI 262 947-9505	0.9	.06
23 Feb 5	12:11 pm	Decatur	IL 217 424-6964	1.0	.06
24 Feb 5	3:16 pm	Minneapolis	MN 952 914-5699	0.7	.04
25 Feb 5	3:58 pm	Naperville	IL 630 778-3406	0.5	.03
26 Feb 5	5:21 pm	Peoria	IL 309 686-9342	0.5	.03
27 Feb 5	5:23 pm	Peoria	IL 309 686-9342	0.9	.06
28 Feb 6	6:44 pm	Chicago	IL 312 782-5959	0.6	.04
29 Feb 6	6:49 pm	Springfld	IL 217 782-5959	0.4	.03
30 Feb 6	6:51 pm	Springfld	IL 217 782-5959	0.7	.04
31 Feb 7	1:40 pm	Winona	MN 507 474-1606	0.6	.04
32 Feb 9	2:09 pm	Pleasapri	WI 262 947-9279	1.5	.10
33 Feb 9	2:44 pm	Loda	IL 217 386-2672	1.3	.08
34 Feb 9	2:47 pm	Elk Grove	IL 847 228-1611	0.5	.03
35 Feb 11	10:58 am	Minneapolis	MN 763 545-1045	0.4	.03
36 Feb 11	2:10 pm	Loda	IL 217 386-2672	1.3	.08
37 Feb 11	2:18 pm	Lkozksobch	MO 573 964-5949	0.5	.03
38 Feb 11	2:50 pm	Lemont	IL 630 685-3462	0.7	.04
39 Feb 11	2:52 pm	Springfld	IL 217 557-1947	0.6	.04
40 Feb 12	3:14 pm	FarmerCity	IL 309 928-2384	1.3	.08
41 Feb 12	9:35 pm	Peoria	IL 309 686-9342	0.9	.06
42 Feb 16	10:44 am	Springfld	IL 217 585-9776	0.3	.02
43 Feb 16	10:45 am	Springfld	IL 217 585-9776	0.4	.03

Forecast - 4



FORM	REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (CHECK APPROPRIATE BOXES) (PLEASE TYPE OR PRINT IN BLACK INK)		FOR OFFICE USE ONLY
	D-2	<input type="checkbox"/> Pre-Election Report - Election Date: <u>4-7-09</u> <input checked="" type="checkbox"/> Semi-Annual Report <input type="checkbox"/> Non-Participation - Election Date: _____ <input type="checkbox"/> Final Report <input type="checkbox"/> Amendment of Report Indicated Above	

Full name and complete mailing address of Political Committee:

Friends of the Cornbelt Fire Protection District
1414 E Kimela Dr
Mahomet, IL 61853-2745

POLITICAL COMMITTEE

14

L 14920

CHECK IF ADDRESS CHANGE

IDENTIFICATION

REPORTING PERIOD <u>12-1</u> <u>12-31</u> FROM THRU	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD: \$ <u>0</u>	STATE POLITICAL COMMITTEES RETURN TO: STATE BOARD OF ELECTIONS PO BOX 4187 SPRINGFIELD, IL 62708-4187	LOCAL POLITICAL COMMITTEES AND STATE AND LOCAL POLITICAL COMMITTEES RETURN ORIGINAL TO STATE BOARD OF ELECTIONS AND A COPY TO EACH APPROPRIATE COUNTY CLERK.
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SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

COMPLETE 1-7 FOR PRE-ELECTION REPORTS.

COMPLETE ALL SECTIONS FOR SEMI-ANNUAL AND FINAL REPORTS.

SECTION A - RECEIPTS

- Individual Contributions:
 - a. Itemized (from Schedule A) \$ 0 (1a)
 - b. Not-Itemized \$ 0 (1b)
 - Transfers In:
 - a. Itemized (from Schedule A) \$ 0 (2a)
 - b. Not-Itemized \$ 0 (2b)
 - Loans Received:
 - a. Itemized (from Schedule A) \$ 0 (3a)
 - b. Not-Itemized \$ 0 (3b)
 - Other Receipts:
 - a. Itemized (from Schedule A) \$ 0 (4a)
 - b. Not-Itemized \$ 0 (4b)
 - TOTAL RECEIPTS (1-4) \$ 0
- *****
- In-Kind Contributions:
 - a. Itemized (from Schedule I) \$ 0 (5a)
 - b. Not-Itemized \$ 0 (5b)
 - TOTAL IN-KIND \$ 0

SECTION B - EXPENDITURES

- Transfers Out:
 - a. Itemized (from Schedule B) \$ 0
 - b. Not-Itemized \$ 0
- Loans made:
 - a. Itemized (from Schedule B) \$
 - b. Not-Itemized \$ 0
- Expenditures:
 - Itemized (from Schedule B) \$
 - Not-Itemized \$ 0
 - TOTAL EXPENDITURES (6-8) \$ 0

SECTION C - DEBTS AND OBLIGATIONS

- (Include previously reported unpaid debts)
- a. Itemized (from Schedule C) \$ 0
 - b. Not-Itemized \$ 0
 - TOTAL DEBTS & OBLIGATIONS \$ 0

SECTION D - CASH BALANCE

- Funds available at the beginning of the reporting period: \$ 0
- Total Receipts (Section A) \$ 0
- Subtotal \$ 0
- Total Expenditures (Section B) \$ 0
- Funds available at the close of the reporting period: \$ 0
- *****
- INVESTMENT TOTAL \$ 0

VERIFICATION

I DECLARE THAT THIS REPORT OF CAMPAIGN CONTRIBUTIONS OR THIS SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE REPORT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE REPORT IS A BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO \$5000.

James E. Jellison
SIGNATURE OF TREASURER OF CANDIDATE

138

2-6-09
DATE

Page 26



FORM	REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (CHECK APPROPRIATE BOXES) (PLEASE TYPE OR PRINT IN BLACK INK)		FOR OFFICE USE ONLY
	D-2	<input checked="" type="checkbox"/> Pre-Election Report - Election Date: <u>4-7-09</u> <input type="checkbox"/> Semi-Annual Report <input type="checkbox"/> Non-Participation - Election Date: _____ <input type="checkbox"/> Final Report <input type="checkbox"/> Amendment of Report Indicated Above	

Full name and complete mailing address of Political Committee:
 Friends of the Cornbelt Fire Protection District
 1414 E Kimela Dr
 Mahomet, IL 61853-2745

POLITICAL COMMITTEE
14
L 14920

CHECK IF ADDRESS CHANGE

IDENTIFICATION NO.

REPORTING PERIOD <u>1-1-09</u> / <u>1-25-09</u> FROM THRU	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD: \$ <u>0</u>	STATE POLITICAL COMMITTEES RETURN TO: STATE BOARD OF ELECTIONS PO BOX 4187 SPRINGFIELD, IL 62708-4187	LOCAL POLITICAL COMMITTEES AND STATE AND LOCAL POLITICAL COMMITTEES RETURN ORIGINAL TO: STATE BOARD OF ELECTIONS AND A COPY TO EACH APPROPRIATE COUNTY CLERK.
SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.			

COMPLETE 1-7 FOR PRE-ELECTION REPORTS.

SECTION B - EXPENDITURES

COMPLETE ALL SECTIONS FOR SEMI-ANNUAL AND FINAL REPORTS.

SECTION A - RECEIPTS

- Individual Contributions:
 - Itemized (from Schedule A) \$ _____ (1a)
 - Not-Itemized \$ 620.00 (1b)
- Transfers In:
 - Itemized (from Schedule A) \$ 0 (2a)
 - Not-Itemized \$ 0 (2b)
- Loans Received:
 - Itemized (from Schedule A) \$ 0 (3a)
 - Not-Itemized \$ 0 (3b)
- Other Receipts:
 - Itemized (from Schedule A) \$ 0 (4a)
 - Not-Itemized \$ 0 (4b)

TOTAL RECEIPTS (1-4) \$ 0

- In-Kind Contributions:
 - Itemized (from Schedule I) \$ 0 (5a)
 - Not-Itemized \$ 0 (5b)

TOTAL IN-KIND \$ 0

- Transfers Out:
 - Itemized (from Schedule B) \$ 0 (6a)
 - Not-Itemized \$ 0 (6b)
- Loans made:
 - Itemized (from Schedule B) \$ 0 (7a)
 - Not-Itemized \$ 0 (7b)
- Expenditures:
 - Itemized (from Schedule B) \$ 0 (8a)
 - Not-Itemized \$ 0 (8b)

TOTAL EXPENDITURES (6-8) \$ 0

SECTION C - DEBTS AND OBLIGATIONS

- (Include previously reported unpaid debts)
- Itemized (from Schedule C) \$ 0 (9a)
 - Not-Itemized \$ 0 (9b)

TOTAL DEBTS & OBLIGATIONS \$ 0

SECTION D - CASH BALANCE

- Funds available at the beginning of the reporting period: \$ 0 (A)
- Total Receipts (Section A) \$ 620.00 (B)
- Subtotal \$ _____ (C)
- Total Expenditures (Section B) \$ 0 (D)
- Funds available at the close of the reporting period: \$ 620.00 (E)
- *****
- INVESTMENT TOTAL \$ 0 (F)

VERIFICATION

I DECLARE THAT THIS REPORT OF CAMPAIGN CONTRIBUTIONS OR THIS SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE REPORT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE REPORT IS A BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO \$5000.

James E. Jefferson
SIGNATURE OF TREASURER OR CANDIDATE

139

2-6-09
DATE



FORM D-2	REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (CHECK APPROPRIATE BOXES) (PLEASE TYPE OR PRINT IN BLACK INK)	FOR OFFICE USE ONLY
	<input checked="" type="checkbox"/> Pre-Election Report - Election Date: _____ <input type="checkbox"/> Semi-Annual Report _____ <input type="checkbox"/> Non-Participation - Election Date: _____ <input type="checkbox"/> Final Report _____ <input type="checkbox"/> Amendment of Report Indicated Above	

Full name and complete mailing address of Political Committee:
 Friends of the Cornbelt Fire Protection District
 1414 E Kimela Dr
 Mahomet, IL 61853-2745

POLITICAL COMMITTEE
 14
 L 14920
 IDENTIFICATION

CHECK IF ADDRESS CHANGE

REPORTING PERIOD <u>1-26</u> <u>3-8</u> FROM THRU	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD: \$ <u>620.00</u>	STATE POLITICAL COMMITTEES RETURN TO: STATE BOARD OF ELECTIONS PO BOX 4187 SPRINGFIELD, IL 62708-4187	LOCAL POLITICAL COMMITTEES AND STATE AND LOCAL POLITICAL COMMITTEES RETURN ORIGINAL TO STATE BOARD OF ELECTIONS AND A COPY TO EACH APPROPRIATE COUNTY CLERK.
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SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

COMPLETE 1-7 FOR PRE-ELECTION REPORTS.

COMPLETE ALL SECTIONS FOR SEMI-ANNUAL AND FINAL REPORTS.

SECTION A - RECEIPTS

1. Individual Contributions:

a. Itemized (from Schedule A) \$ 500.00 (1a)
 b. Not-Itemized \$ 1155.00 (1b)

2. Transfers In:

a. Itemized (from Schedule A) \$ 0 (2a)
 b. Not-Itemized \$ 0 (2b)

3. Loans Received:

a. Itemized (from Schedule A) \$ 0 (3a)
 b. Not-Itemized \$ 0 (3b)

4. Other Receipts:

a. Itemized (from Schedule A) \$ 0 (4a)
 b. Not-Itemized \$ 0 (4b)
 TOTAL RECEIPTS (1-4) \$ 0

5. In-Kind Contributions:

a. Itemized (from Schedule I) \$ 0 (5a)
 b. Not-Itemized \$ 0 (5b)
 TOTAL IN-KIND \$ 0

SECTION B - EXPENDITURES

6. Transfers Out:

a. Itemized (from Schedule B) \$ 0
 b. Not-Itemized \$ 0

7. Loans made:

a. Itemized (from Schedule B) \$ 0
 b. Not-Itemized \$ 0

8. Expenditures:

Itemized (from Schedule B) \$ 0
 Not-Itemized \$ 0
 TOTAL EXPENDITURES (6-8) \$ 0

SECTION C - DEBTS AND OBLIGATIONS

(Include previously reported unpaid debts)

9. a. Itemized (from Schedule C) \$ 0
 b. Not-Itemized \$ 0
 TOTAL DEBTS & OBLIGATIONS \$ 0

SECTION D - CASH BALANCE

Funds available at the beginning of the reporting period: \$ 620.00

Total Receipts (Section A) \$ 1655.00

Subtotal \$ 0

Total Expenditures (Section B) \$ 0

Funds available at the close of the reporting period: \$ 2275.00

INVESTMENT TOTAL \$ 2275.00

I DECLARE THAT THIS REPORT OF CAMPAIGN CONTRIBUTIONS OR THIS SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE REPORT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE REPORT IS A BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO \$5000.

James E. Jellison
 SIGNATURE OF TREASURER OR CANDIDATE

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

08 AG 026

Citizens for Arthur Turner
Respondent

S1841

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment for Failing to File a
Schedule A-1 for the 2008 General Election

This Committee received one contribution of \$550 on 10/24/08, but failed to list it on a Schedule A-1, resulting in a civil penalty assessment of \$550. In addition, the Committee had previously been assessed \$154.91 (not appealed, paid) for failure to report two contributions on a Schedule A-1 for the 2008 General Primary Election and \$2000 (not appealed, paid) for delinquently filing the pre-election report for the 2008 General Election. The total assessment is \$550.

Richard Barnett, the Chairman of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Barnett stated that the error was due to new volunteer/staff familiarity with the submittal process. They processed all A-1 related contributions and this one was thought to have been processed. To assure this type of mistake does not happen, they will use Board resources and put in place check and balance processes/measure for all incoming contributions.

I recommend this appeal be denied for lack of an adequate defense. However, since there is no indication that this violation was anything other than inadvertent and unintentional, I also recommend that since this is the second election for which a Schedule A-1 violation has occurred, the penalty be reduced to 50% of the original assessment, or \$275. If this recommendation is accepted by the Board, this amount will be due and owing.



Sharon Steward – Hearing Examiner

June 24, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

Citizens for Arthur Turner
Richard Barnett
3915 W. 18th St.
Chicago, IL 60623

S1841

Dear Committee;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Chicagoland Chamber of Commerce PAC	10/24/08	\$550.00	\$550.00	*not filed	4

The committee is fined a **total** of \$550.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the second delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$275.00, (50% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the date of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Robert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

* This contribution was reported on the December 2008 Semi-Annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

** This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

09 MAY 28 AM 11:30

State of Illinois)
County of Cook)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs.)
CITIZENS FOR ARTHUR L. TURNER)
Respondent(s).)

Case No. 08 AG 026

APPEAL AFFIDAVIT

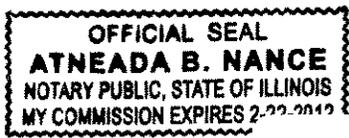
I, Richard Barnett, the Chairman of the
(Name) (Chairman/Treasurer)
CITIZENS FOR ARTHUR L. TURNER
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

Due to new volunteer/staff familiarity with
submittal process, we processed all AI related
contributions and this one was thought to have
been processed. To assure this type of mistake does not
happen we will use BOE resources and put in place
check and balance processes/measures for all incoming contributions.

Signed and Sworn to by:
Atneada B. Nance
before me this 26th Day of
May 2008
Atneada B. Nance
Notary Public

Richard Barnett
(Signature of Chairman/Treasurer)



STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

08 AP 090

Volunteers for Delgado
Respondent

S6409

REPORT OF HEARING EXAMINER

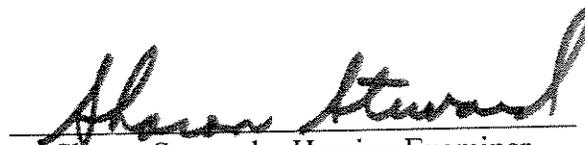
Appeal of Civil Penalty Assessment for Failing to File a
Schedule A-1 for the 2009 Consolidated Primary Election

This Committee received one contribution of \$5000 on 1/14/08, but failed to list it on a Schedule A-1, resulting in a civil penalty of \$5000. In addition, this Committee had previously been assessed a \$50 civil penalty (paid, not appealed) for delinquently filing the 2008 December Semi-Annual Report; \$1600 (not appealed, paid) for failing to file two contributions on a Schedule A-1 for the 2006 General Election; \$1987.61 for failing to file two contributions on a Schedule A-1 for the 2006 General Primary Election; and other previous Schedule A-1 violations. The total outstanding assessment is \$5000.

William Delgado, the Candidate, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Delgado stated that the check was reported 1/15/08 inadvertently on a report amendment filed based on information received by the Board. After reviewing records, it was realized that in fact the check was not received until 1/22/08, the same day it was deposited (Attachment). The Committee failed to report the check because of the highly contested campaign in need of cash and rush to deposit the check without obtaining a copy for their records. This was not intentional, but negligence by the volunteer campaign committee.

It doesn't matter whether the check was received on 1/15/08 or on 1/22/08; it would have been subject to disclosure on a Schedule A-1 regardless of which date it was received. The Committee offers no defense other than the fact that it was a very busy time which is understandable, but which does not constitute a valid defense. Therefore, I recommend that the appeal be denied. If this recommendation is accepted by the Board, the \$5000 civil penalty will be due and owing.



Sharon Steward – Hearing Examiner

June 24, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

Volunteers for Delgado
4325 W. Shakespeare Ave
Chicago, IL 60639

S6409

Dear Volunteers for Delgado;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Illinois Trial Lawyers Association PAC	1/14/08	\$5000.00	\$5000.00	*not filed	13

The committee is fined a **total** of \$5000.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

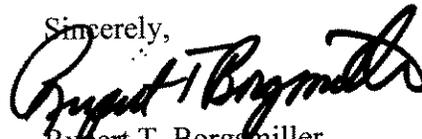
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. *If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*

Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you do not choose to file an appeal and since this is the fourth violation for a delinquent Schedule A-1 filing by your committee, the civil penalty will be assessed at 100% of the total amount reflected above. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of a Final Board Order.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

* This contribution was reported on the June 2008 Semi-Annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

** This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois)
County of COOK)

CHICAGO

2008 JUN 12 32

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

STATE
BOARD OF ELECTIONS

IN THE MATTER OF;)

ILLINOIS STATE BOARD OF ELECTIONS,)

Complainant)

Vs.)

Case No. 08AP090

Volunteers for Delgado)
Respondent(s).)

APPEAL AFFIDAVIT

I, William Delgado, the Chairman of the
(Name) (Chairman/Treasurer)

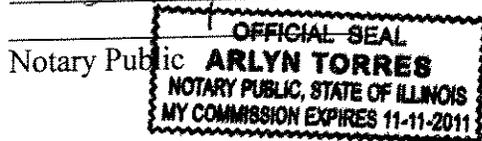
Volunteers for Delgado
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

The check was reported 1/15/08 inadvertently on a report Amendment Filed
BASED on information received by the Bd. of ELECTIONS. After reviewing,
it was realized that in fact the check was not received until 1/23/08,
the same day it was deposited (see enclosed). The Committee failed to
report the check because of the highly contested campaign
in need of cash and rush to deposit the check without obtaining
a copy for our records. This was not intentional
but negligence by ^{the} volunteer ~~of~~ ^{of} ~~the~~ campaign committee

Signed and Sworn to by:
Arlyn Torres
before me this 25 Day of
May, 2008

William Delgado
(Signature of Chairman/Treasurer)



ILLINOIS TRIAL LAWYERS ASSOCIATION POLITICAL ACTION COMMITTEE 401 W. EDWARDS ST SPRINGFIELD, IL 62704-1917 PH. (217) 789-0755		BANK OF SPRINGFIELD SPRINGFIELD, IL 62711 70-0007711	4035 1/15/2008 \$ 5,000.00 DOLLARS
PAY TO THE ORDER OF Volunteers for Delgado Five Thousand and 00/100	Volunteers for Delgado 4325 W. Shakespeare Ave Chicago IL 80638	<i>James McCall</i> AUTHORIZED SIGNATURE	MEMO ⑆004035⑆ ⑆07110855⑆ ⑆3119815⑆ ⑆0000500000⑆

446181690210 01/22/2008
 APWA 4071914624
 21908250

AS 11 08

POSTED
 10695

1039 10695

FOR DEPOSIT ONLY
 DEPOSIT ONLY
 DEPOSIT ONLY

1039 10695

Posting Bank	00000
RTABA (Transit Number)	7110855
Account Number	3119815
Check Number	4035
Amount	\$5,000.00
Posting Date	2008 Jan 22
Control Number	3195688230
Tran Code	0
Document Type	10
D/C	D

**STATE OF ILLINOIS
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

vs.

Case no. **09 DS 185**

Citizens to Elect Andre Thapedi S9041
Respondent

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment for Delinquently Filing
the December 2008 Semi-Annual Report

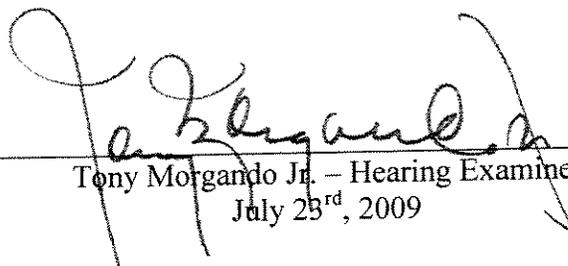
The political committee's December 2008 Semi-Annual Report was received by the State Board of Elections (herein referred to as SBE) on February 2nd, 2009, nine (9) days late. As such, the political committee has been assessed a fine of \$900.00. In addition, the political committee was previously assessed a penalty of \$25.00 for the delinquent filing of the June 30th, 2008 Semi-Annual Report. The total assessment is \$925.00. Since this is a subsequent violation, it will be required to be paid by the political committee within thirty (30) days of the issuance of a Final Board Order.

Mr. Llwellyn Thapedi, Chairman/Treasurer, filed a Request for Hearing and Appeal Affidavit, on March 26th, 2009, indicating: "Record was accidentally destroyed and had to be reconstructed".

Hearing in this matter was set for Tuesday, April 21st, 2009, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 10:00 a.m., rescheduled by request of the Respondent to Thursday, May 6th, 2009, at 10:00 a.m.

Ms. Llwellyn Thapedi, Chairman/Treasurer, appeared on behalf of the political committee. Ms. Thapedi indicated that a water pipe broke in the basement of her residence ten (10) days prior to the filing of the political committee's December 31st 2008 Semi-Annual Report. Ms. Thapedi indicated financial records were lost in the flooding, causing a request for duplicate bank records. Ms. Thapedi indicated the delay in filing the delinquent report was caused by the delay in receiving duplicate records from the political committee's financial institution. The Hearing Examiner continued this matter to Wednesday, May 20th, 2009, to allow Ms. Thapedi the opportunity to secure confirmation from the bank, that duplicate records were actually requested and received by the political committee. As of the date this report has been prepared, Thursday, July 23rd, 2009, no documentation or communiqué from the Respondent has been received by the Hearing Examiner.

Based upon a review of the documents/statements submitted in this matter, and consideration of a prior filing delinquency, the Hearing Examiner finds that there are no reasonable grounds for the 2008 December Semi-Annual to have been filed late. Therefore, it is the recommendation of the Hearing Examiner that the appeal in this matter be DENIED, and the total assessed fine of \$925.00 be due and owing.



Tony Morgando Jr. – Hearing Examiner
July 23rd, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
February 27, 2009

Citizens to Elect Andre Thapedi
Llwellyn Thapedi
6901 Oglesby Ave
Chicago, IL 60649

S9041

Dear Citizens to Elect Andre Thapedi;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Semiannual Report of Campaign Contribution and Expenditures
Report Period:	July 1, 2008 through December 31, 2008
Filing Period:	January 2, 2009 through January 20, 2009

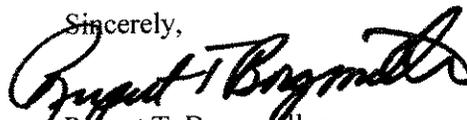
Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on February 2, 2009, 9 day(s) late. As such, this committee has been assessed a fine of \$900.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

If the above listed violation is not appealed and since this is a subsequent violation the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days:

Reporting Period	Report Type	Previous Fine Amount
1/1/2008 - 6/30/2008	Semi-annual	\$25.00
TOTAL AMOUNT NOW DUE		\$925.00

If you have any questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB:sm
Enclosure(s) appeal documents

State of Illinois)
County of Cook)

STATE BOARD OF ELECTIONS
09 MAR 26 PM 3:10

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs.)
Citizens to Elect Andre Thapedi)
Respondent(s).)

Case No. 09DS185

APPEAL AFFIDAVIT

I, Llwellyn Thapedi, the Chairman/Treasurer of the
(Name) (Chairman/Treasurer)
Citizens to Elect Andre Thapedi
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

Record was accidentally destroyed and
had to be reconstructed

Signed and Sworn to by:
Llwellyn Thapedi
before me this 17 Day of
March, 2009
Denise Peel
Notary Public

Llwellyn Thapedi
(Signature of Chairman/Treasurer)

"OFFICIAL SEAL"
Denise Peel
Notary Public, State of Illinois
Cook County
My Commission Expires May 23, 2011

**STATE OF ILLINOIS
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

vs.

09 DS 251

Friends of Tom Cullerton
Respondent

S9784

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment for Delinquently Filing the
December Semi-Annual Report

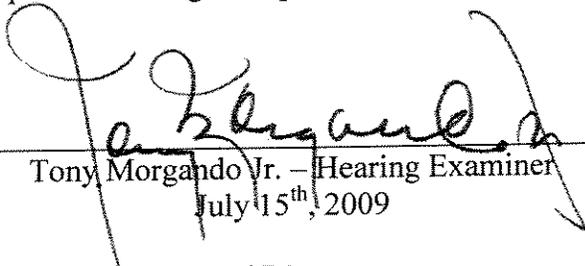
The political committee's December 31st, 2008 Semi-Annual Report was received by the State Board of Elections (herein referred to as SBE) on March 23rd, 2009, forty-two (42) days late. As such, the political committee has been assessed a fine of \$2,100.00

Mr. Thomas Cullerton, Candidate/Chairman, filed a Request for Hearing and Appeal Affidavit, on May 28th, 2009, indicating as a defense in part: "I enlisted the help of my stepfather to be Treasurer for my campaign. I was unable to get him any documents in a timely manner as he resides in Evanston and I live in Villa Park. Needless to say my campaign was disorganized. I ran my own campaign. I am asking for a waiver of any and all fines. I am also asking for help. At this point I'm not even sure what has or hasn't been filed. I need help. I can provide a complete summary of all monies with copies of bank records and receipts of dollars spent".

Hearing in this matter was set for Monday, June 29th, 2009, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 11:30 a.m. This hearing was subsequently continued to Wednesday, July 1st, 2009, at 10:00 a.m.

Mr. Thomas Cullerton and Mr. Tony Ferrone, Treasurer appeared on behalf of the political committee. Mr. Cullerton confirmed statements contained in his affidavit. Mr. Cullerton and Mr. Ferrone accepted the assistance of Staff Specialist Tom Cloonan for instruction on the SBE IDIS program.

Based upon a review of the statements/documents presented in this matter, the Hearing Examiner finds that there are no reasonable grounds for the December 2008 Semi-Annual Report to have been filed late. Therefore, it is the recommendation of the Hearing Examiner that the appeal in this matter be denied. The Hearing Examiner further recommends considering this a first violation, that the assessed fine of \$2,100.00 be STAYED. The Final Order of the Board should note any subsequent violations shall result in the assessment of additional penalties being incorporated with any previous assessments.



Tony Morgando Jr. - Hearing Examiner
July 15th, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

Friends of Tom Cullerton
Thomas Cullerton
126 N Charles Ave
Villa Park, IL 60181

S9784

Dear Friends of Tom Cullerton;

As you have been previously notified, this committee failed to file the following document during the requisite filing period:

Report Type:	Semiannual Report of Campaign Contributions and Expenditures
Report Period:	July 1, 2008 through December 31, 2008
Filing Period:	January 2, 2009 through January 20, 2009

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received by the Board on March 23, 2009, 42 day(s) late. As such, this committee has been assessed a fine of \$2100.00.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. *Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.*

Since this is a first time violation, the assessed civil penalty will be *stayed*. Any subsequent violation of any provision of Article 9 of the Election Code or of a Board Order shall result in the assessment of an additional penalty as provided in Section 125.425 of the Rules and Regulations governing the State Board of Elections, with that civil penalty and any previously assessed penalty to be paid within 30 days. Therefore, you need not pay this assessed civil penalty unless another violation occurs.

If you have questions regarding the appeal process, please call Sue McArthur at 217/782-1543.

Sincerely,

A handwritten signature in black ink that reads "Rupert T. Borgsmiller".

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB:sm
Enclosure(s): appeal forms

State of Illinois)
County of _____)

STATE BOARD OF ELECTIONS
09 MAY 28 AM 11:09

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs.)
Friends of Tom Cullerton)
Respondent(s).)

Case No. 09 DS 251

APPEAL AFFIDAVIT

I, Thomas Cullerton, the Chairman of the
(Name) (Chairman/Treasurer)
Friends of Tom Cullerton
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

Please see attached pages.
Phone - cell 773-213 5461
home 630-516-9074
could the hearing, if permitted, be held
in Chicago

Signed and Sworn to by:

before me this 27th Day of
May, 2009.

Maria Martinez
Notary Public

Thomas Cullerton
(Signature of Chairman/Treasurer)



09 MAY 28 AM 11:09

To whom it may concern

As the chairman of the Friends of Tom Cullerton I bit off more than I can chew. I enlisted the help of my stepfather to be the Treasurer for my campaign. I was unable to get him any documents in a timely manner as he resides in Evanston and I live in Villa Park. I ended up filing all previous campaign disclosures after notices were sent.

Needless to say my campaign was disorganized. I ran my own campaign, worked for IBC 50+ hours a week, stayed up to speed on all 3 of my boys extracurricular activities, their school events and continued to volunteer with the Lions Club and St. Alexander's Church. Much fell through the cracks. Including my campaign disclosures.

I am asking for a waiver of any and all fines. I am also asking for help. At this point I'm not even sure what has or hasn't been filed. I need help. I can provide a complete summary of all monies with copies of bank records and receipts of dollars spent.

While I cannot change what has already occurred I can make sure that it doesn't happen again. Please help me by allowing me to catch up with all disclosures missed and waiving my fine. As the sole income provider for a family of 5 I will not be able to afford any fine. Please allow me to speak at a hearing of the Board so I can plead my case. While that is pending if someone would be willing to sit with me and show me what needs to be done to catch up and how to not let this happen again I would truly appreciate it.

Thank you for your consideration
Sincerely,

Tom Culler

**STATE OF ILLINOIS
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

v.

Case No. 08 AG 037

Will County Democratic Central Committee S560
Respondent

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment for Failure to File Schedule A-1's
in conjunction with the 2008 General Election.

According to the political committee's December 2008 Semi Annual Report, it received a three (3) contributions totaling \$14,500.00, during the Schedule A-1 filing period, October 6th, 2008 through and including November 3rd, 2008, which failed to be reported as required by statute. The political committee is therefore fined an assessed civil penalty in the amount of \$14,500.00.

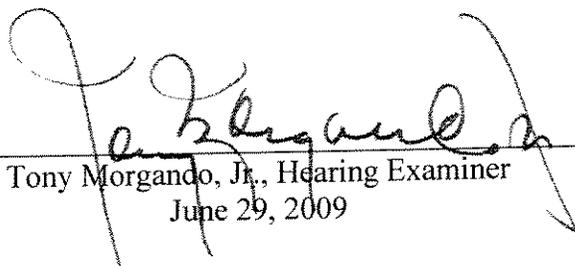
Mr. Thomas M. Brislane, Treasurer, filed a Request for Hearing and Appeal Affidavit, on May 26th, 2009, indicating as good reason or defense: "I will stipulate that these three contributions were indeed made and except for the Friends of Debbie Halvorson contribution, the contributions were made on the days indicated in your letter".

Attached to the Affidavit is a copy of a cancelled check originating from the Friends of Debbie Halvorson, dated October 24th, 2008, in the amount of \$10,000.00, marked "return reason - endorsement missing".

Hearing in this matter was originally set for Monday, June 29th, 2009, telephonically conducted on Thursday, June 25th, 2009.

Mr. Brislane, treasurer spoke on behalf of the political committee. Mr. Brislane indicated that these filings were his first experience as the Treasurer of the Will County Democratic Central Committee, which incurred confusion from his unfamiliarity with the electronic filing software. Mr. Brislane stated the contribution received from the Friends of Debbie Halvorson in the amount of \$10,000.00 dated October 24th, 2008 was debited from the political committee's account due to an endorsement missing. Mr. Brislane stated such check cleared on November 3rd, 2009, at which time a Schedule A-1 was filed, but filed electronically incorrect. Mr. Brislane indicated the contributions received from Glasgow for State's Attorney (\$3,000) and from Friends of Karen Stukel (\$1500) were payments received from the candidates for newspaper ads taken out by the Will County Central Democratic Party promoting several countywide candidates. Mr. Brislane stated his confusion over the proper method to report these reimbursements which he considered expenditures, or a conduit for the ads.

After reviewing statements and the extensive documents provided by the Respondent in this matter, it is the opinion of the Hearing Examiner that (1) due to the debit of the Friends of Debbie Halverson's \$10,000 contribution, the filing of a Schedule A-1 within two (2) business days as reported on the December 2008 Semi-Annual report does not apply, and would ask that the Board grant the Respondents appeal in this instance; and (2) an advance or reimbursements for newspaper ads are considered contributions by the statute, therefore the political committee had an obligation to file Schedule A-1's reporting their receipt, therefore the Hearing Examiner would ask that the Board deny the Respondent's appeal in this instance, and the assessed fine of \$4,500.00 be due and owing. Since this is the second delinquent Schedule A-1 filing by the political committee, the Hearing Examiner recommends that the assessed civil penalty be reduced to \$2,250.00 (or 50% of the amount reflected above).



Tony Morgando, Jr., Hearing Examiner
June 29, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

Will County Democratic Central Committee
Thomas Brislane
529 Highlington Ct
Beecher, IL 60401

S560

Dear Will County Democratic Central Committee;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Glasgow for State's Attorney	10/29/08	\$3000.00	\$3000.00	1/20/09	1
Friends of Debbie Halvorson	10/28/08	\$10000.00	\$10000.00	1/20/09	1
Friends of Karen Stukel	10/24/08	\$1500.00	\$1500.00	1/20/09	4

The committee is fined a **total** of \$14500.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the second delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$7250.00, (50% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the date of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgstaller

Director, Division of Campaign Disclosure

RTB:sm

* This contribution was reported on the December 2008 Semi-Annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

** This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois)
County of _____)

CHICAGO

MAY 26 PM 1:41

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

STATE
BOARD OF ELECTIONS

IN THE MATTER OF;)

ILLINOIS STATE BOARD OF ELECTIONS,)

Complainant)

Vs.)

Case No. 08AG037

Will County Democratic Central Committee)
Respondent(s).)

APPEAL AFFIDAVIT

I, Thomas M. Brislane, the Treasurer of the
(Name) (Chairman/Treasurer)

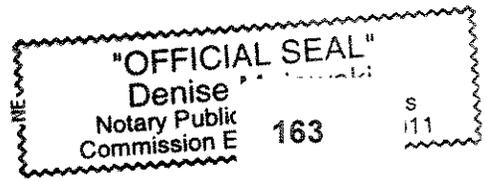
Will County Democratic Central Committee
(Name of the Committee)

Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

Please See Attached letter and Statement

Signed and Sworn to by:
Thomas M. Brislane
before me this 26 Day of
MAY, 2009
Denise Mayhew
Notary Public

[Signature]
(Signature of Chairman/Treasurer)



Will County Democratic Central Committee

Post Office Box 4242
Joliet, Illinois 60434
Telephone 815-727-1313

May 26, 2009

State Board of Elections
100 West Randolph Street
Suite 14-1400
Chicago, Illinois 60601

Re: Will County Democratic Central Committee
Committee: State 560 Local 228

Dear Members of the Board:

This following is a statement of explanation in response to your letter of April 29, 2009 assessing our Committee fines in the amount of \$14,500 for late filings of three (3) Schedule A-1s as required by the Illinois Campaign Disclosure Act. I will stipulate that these three contributions were indeed made and except for the "Friends of Debbie Halvorson" contribution, the contributions were made on the days indicated in your letter. In turn, I ask that the Board recognize that we did voluntarily report these contributions on our December 31, 2008 Semi-Annual D-2 and we filed the A-1s at that time. I respectfully request a Hearing from the Board on these matters.

I will address the cases individually.

1. A \$10,000 contribution from "Friends of Debbie Halvorson":
This contribution had two elements of confusion. First, on or about October 29, 2008 our office received a telephone call from First Midwest Bank informing us that the check presented in payment of this contribution had been dishonored due to a lack of second signature. I was finally able to determine that the check had indeed been paid on Monday November 3, 2008.

The second element of confusion resulted from my unfamiliarity with the IDIS filing software. On November 5, 2008 I filed an A-1 for this contribution but I mistakenly attributed the contribution to a \$10,000 contribution made by the "Construction and General Laborer' District Council of Chicago" that we received on November 4, 2008. This occurred because I selected the wrong contribution to classify as MEMO in the software and the Laborer's District Council contribution was assigned the A-1, not the Halvorson contribution as intended. You can see that by the photocopy of the check received from the Laborer's District Council that we were not required to report it as an A-1 event because it was received after the date of the election.

I have attached documentation as to the debit to our bank account for the Halvorson contribution as well as the photocopy of the Laborer's District Council check that was mistakenly reported on the November 5, 2008 A-1. Should you grant us a hearing I will present an affidavit from our bank regarding this event. I repeatedly called the bank and was able to determine the status of the check until I received the enclosed documentation. Our bank officer, Ms. Kelly Troha of First Midwest was aware of this event.

2. A \$3,000 contribution from "Glasgow For State's Attorney" received on 10/29/08 and a \$1,500 contribution from "Friends of Karen Stukel" received on 10/24/08. Both of these payments were received for a newspaper ad taken by the Will County Democratic Party promoting several countywide candidates. I had a certain amount of confusion about how to report this, as I viewed our committee as a conduit for this ad. I recognize that this is no defense but I request that the Board take into account that this was my first experience as Treasurer in a Presidential election with all the complications and confusion that entailed.

Sincerely,



Thomas M. Brislane
Treasurer, Will County Democratic Central Committee

(708) 946-6550 (Office)
(708) 946-6664 (Fax)
(708) 254-8191 (Cellular)
tbrislane@aol.com (e-mail)

Enclosures:

1. First Midwest Bank documentation of the debit to WCDCC account for the "Friends of Debbie Halvorson" contribution.
2. Photocopy of the Laborer's District Council check dated November 4, 2008
3. Schedule A-1s as filed
4. Will County Democratic Central Committee December 31, 2008 D-2 pertinent pages
5. Board of Elections letter of April 29, 2008
6. Appeal Affidavit and Request for Hearing



First Midwest Bank

⑆071000301⑆
11/03/2008
⑆217877075

This is a LEGAL COPY of
your check. You can use it
the same way you would
use the original check.

RETURN REASON - I
ENDORSEMENT
MISSING

9E2EED10000000
P002/E2/01 EN910B1603

FRIENDS OF DEBBIE HALVORSON 0348 SENATOR DEBBIE DEFRANCO HALVORSON P.O. BOX 229 STEGER, IL 60171		4578 10/24/2008
RETURN REASON - I ENDORSEMENT MISSING NBOR for the Minnesota Central Courts 10,000.00 for thousand dollars and 00/100 DOLLARS @		
FIRST UNITED BANK PARTNER IN PROGRESS WWW.FIRSTMIDWESTBANK.COM FOR <u>contribution</u> <u>Susan Mjenkel</u>		
⑆071923750⑆		4578 ⑆128848⑆

⑆071923750⑆ 4578 ⑆128848⑆ ⑆0001000000⑆

Ck #: 0 - Amt: \$10,000.00 - 11/03/2008

First Midwest Bank
 ---Deposit Adjustment Advice---

Processing Date: 10282008

The following details an adjustment made to your account.

Account Number: 0026045230

WILL COUNTY DEMOCRATIC CENTRAL
 PO BOX 4242
 JOLIET IL 60434-4242

Adjustment Amount: \$445.00
 Adjustment Reason: Addition Error Adjustment Cr
 Adjustment Reference: 019000157

COMMENT:

(Not available)

Related Item, Id# = 017050570:

'Proof' Tape:
 (Not available)

DEPOSIT TICKET FOR CLEARING, INSTANTLY
 DATE: 10-27-08
 CHECK NO: 366003
 CHECK FEES: 1000 P/O 366003
 18493
 308
 TOTAL: 427.99

WILL COUNTY DEMOCRATIC CENTRAL COMMITTEE
 P.O. BOX 4242
 JOLIET, IL 60434

First Midwest Bank
 www.firstmidwest.com

427.99

⑆071901604⑆ 0026045230⑆ 600

1	303	2888	036	1.5	0044	MONEY - CLEARING	10/23/08	02/22/09	4,277.99
---	-----	------	-----	-----	------	------------------	----------	----------	----------

CONSTRUCTION AND GENERAL LABORERS'
DISTRICT COUNCIL OF CHICAGO & VICINITY
WORKERS' POLITICAL ACTION & EDUCATION LEAGUE
999 McCLINTOCK DRIVE, SUITE 300 - BURR RIDGE, IL 60527

Amalgamated
Bank of Chicago

4584

2-340/710

11/4/2008

PAY TO THE ORDER OF Will County Democratic Central Committee

**10,000.00

\$

Ten Thousand and 00/100

DOLLARS

Will County Democratic Central Committee
P.O. Box 4242
Joliet, IL 60434

Richard J. Ryan
Joseph Courato

MEMO

⑈004584⑈ ⑆071003405⑆ ⑈150001244⑈



UAW ILLINOIS POLITICAL ACTION COMMITTEE (PAC)
680 Barclay Blvd.
Lincolnshire, IL 60069

AMALGAMATED
Bank of Chicago
2-340/710

15898

UNION TREASURY FUNDS, FEDERAL LAW PROHIBITS
USE IN CONNECTION WITH FEDERAL ELECTION
This Payment Made Possible by UNION LABOR

PAY TWO HUNDRED AND 00/100 DOLLARS
TO THE ORDER OF

DATE AMOUNT

10/24/08

***200.00

VOID AFTER 180 DAYS

WILL COUNTY DEMOCRATS
C/O DIANE NYMAN
20 EAST CASS STREET
JOLIET IL 60432

Dennis E. Kinn
Homer E. Spaulding

MEMO

⑈015898⑈ ⑆071003405⑆ ⑈150004811⑈

DEPOSIT TICKET

FOR CLEAR COPY, PRESS FIRMLY

DATE

11.7-2008

DATE	CURRENCY	COINS	CHECKS LIST EACH SEPARATELY	DOLLARS	CENTS
				1195.00	
1				100	00
2				100	00
3				100	00
4				50	00
5				50	00
6				50	00
7				25	00
8				25	00
9				25	00
10				16,000	00
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
				TOTAL	12585.00

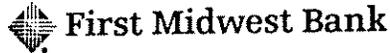
70-160/719
10116

TOTAL ITEMS

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT. DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

WILL COUNTY DEMOCRATIC
CENTRAL COMMITTEE
P.O. BOX 4242
JOLIET, IL 60434

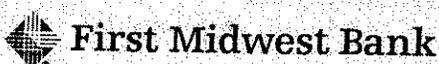
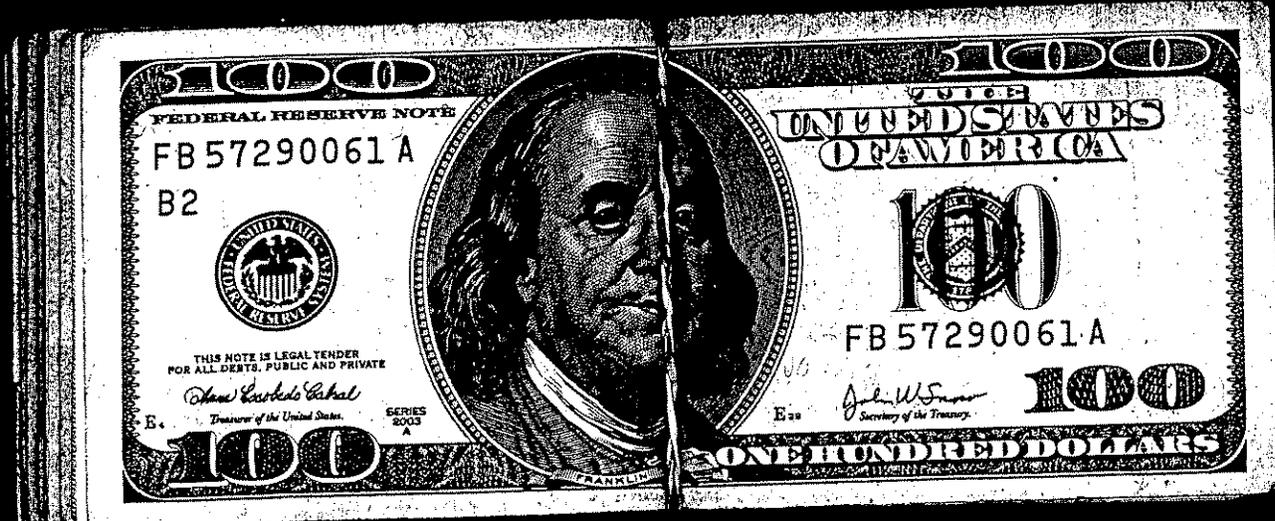
02-83



\$

12585.00

⑆071901604⑆ 0026045230⑈ 600



Transaction Receipt

MEMBER FDIC
THE TRANSACTION FOR WHICH THIS RECEIPT IS ISSUED IS ACCEPTED SUBJECT TO THE RULES, REGULATIONS, AND CONDITIONS COVERING THE ACCEPTANCE OF DEPOSITS BY THE BANK. DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL. THIS TRANSACTION ACCEPTED SUBJECT TO VERIFICATION AND THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE. ALWAYS OBTAIN AN OFFICIAL RECEIPT WHEN MAKING A DEPOSIT. THANK YOU.

BANK SYMBOL, TRANSACTION NUMBER, DATE AND AMOUNT OF DEPOSIT ARE SHOWN BELOW

TR:107 104-300 11/07/08 04:10 PM
:XXX5230 Ck Deposit \$12,585.00
Current balance: \$39,574.30
available Balance: \$28,904.30
Thank you for banking with us.

Will County Democratic Central Committee
Post Office Box 4242
Joliet, Illinois 60434
Telephone 815-727-1313

June 22, 2009

Mr. Tony Morgando
State Board of Elections
100 West Randolph Street
Suite 14-1400
Chicago, Illinois 60601

Re: Will County Democratic Central Committee
Committee: State 560 Local 228

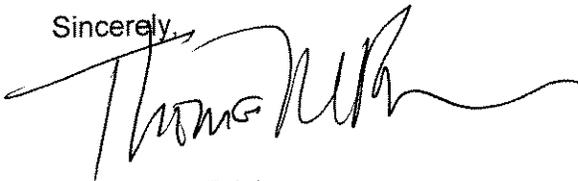
Dear Mr. Morgando:

Attached is the documentation you requested on the "Friends of Debbie Halvorson" contribution to the Will County Democratic Central Committee. Please note that the check appeared to have been paid by the Halvorson campaign bank on October 29, 2008, but as their Treasurer, Susan Jenkins states, was subsequently rejected by that bank on October 31st, the day after I received a call from Ms. Kelly Troja of First Midwest Bank, (our bank) informing me of the debit to our account due to the dishonored check on October 30th.

I have recently been informed that the check presented was not dishonored due to a lack of second signature, as I first thought, but rather for an insufficient endorsement, i.e., "For Deposit" with no depositor name or account number. I surmise that this was due to the Federal banking regulations regarding transactions of \$10,000 or more. Again, please note that this check was not credited to our account until November 3, 2009, so we did not have access to the funds until that date, and hence I concluded that no valid contribution had been made. When I did discover the error, I then misreported the contribution as coming from the Laborer's Council, not the Halvorson campaign.

Please contact me at your earliest convenience regarding this matter.

Sincerely,



Thomas M. Brislane
Treasurer, Will County Democratic Central Committee

(708) 946-6550 (Office)
(708) 946-6664 (Fax)
(708) 254-8191 (Cellular)
tbrislane@aol.com (e-mail)

Enclosures:

1. First United documentation of the checks paid 170 "Friends of Debbie Halvorson" account

**Friends of Debbie Halvorson
P.O. Box 229
Steger, IL 60475**

June 19, 2009

To: Tom Brislane

946-6664

**From: Susan Jenkins, Treasurer
(708) 679-9490, (708) 606-2711 (cell)**

No. of Pages: (including cover)

Tom –

This is the story of check # 4578 for \$10,000 to the Will County Democratic Central Committee. It was presented on October 30, 2008, with "For Deposit" marked on the back. The bank accepted it that day, but rejected it on 10/31 for an insufficient endorsement. On 11/4, it was re-presented with a proper endorsement and was accordingly cashed. I've checked both my bank statements, with photocopies of the checks, and talked to the bank. I also have a note on the October statement, because I was really confused about what happened. I believe I talked to Dianne Nyman at the time, and she let me know about what the problem had been before the bank documentation was available.

Let me know if I can give you any further information.

Susan

FRIENDS OF DEBBIE HALVORSON

Account: 128848

Page: 3 of 3

FRIENDS OF DEBBIE HALVORSON
 SENATOR DEBBIE DEFRANCESCO HALVORSON
 P.O. BOX 129
 STEGER, IL 60075

4577
 10/10/2008

PAY TO Illinois Senate Democratic Fund \$ 1000.00
 THE ORDER OF One thousand and 00/100 DOLLARS

FIRST UNITED BANK
 PARTNER IN PROGRESS
 WWW.FIRSTUNITEDBANKONLINE.COM

FOR Contribution Susan Jenkins

⑆071923750⑆ 4577 ⑆128848⑆ ⑆0000100000⑆

10/16/2008 4577 \$1,000.00

FOR DEPOSIT ONLY
 IL Senate Democratic Fund
 713202955A

0137 49105

0525504726
 10160005
 0718-0050-1
 5N1-1578 TRC=1578

PO#10001244
 6558932520 6104143744

FRIENDS OF DEBBIE HALVORSON
 SENATOR DEBBIE DEFRANCESCO HALVORSON
 P.O. BOX 129
 STEGER, IL 60075

4578
 10/24/2008

PAY TO Will County Democratic Central Coms 10,000.00
 THE ORDER OF Ten thousand dollars and 00/100 DOLLARS

FIRST UNITED BANK
 PARTNER IN PROGRESS
 WWW.FIRSTUNITEDBANKONLINE.COM

FOR Contribution Susan Jenkins

⑆071923750⑆ 4578 ⑆128848⑆

10/30/2008 4578 \$10,000.00

1 184 26681823 1 3 8155 485TR-TEL#18

FOR DEPOSIT

FRIENDS OF DEBBIE HALVORSON
 SENATOR DEBBIE DEFRANCESCO HALVORSON
 P.O. BOX 129
 STEGER, IL 60075

4580
 10/26/2008

PAY TO Martin Turner \$ 1374.29
 THE ORDER OF One thousand three hundred seventy four and 29/100 DOLLARS

FIRST UNITED BANK
 PARTNER IN PROGRESS
 WWW.FIRSTUNITEDBANKONLINE.COM

FOR Contribution, outages Susan Jenkins

⑆071923750⑆ 4580 ⑆128848⑆ ⑆0000137429⑆

10/29/2008 4580 \$1,374.29

RES CITIZENS NR 007E
 EPROH. 61 10/27/2008
 5013500120c
 0076410690

FOR DEPOSIT

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

08 AG 043

The 27th Ward Regular Democratic Organization S 6805
Respondent

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment for Failing to File a
Schedule A-1 for the 2008 General Election

This Committee received 3 contributions of more than \$500, but failed to list them on a Schedule A-1. It received a contribution of \$1200 and on 10/30/08, a contribution of \$1000 on 10/30/08, and a contribution of \$75 on 10/18/09. The total assessment is \$2275.

Leo Louchios, the Treasurer of the Committee, filed a Waiver of Appearance, and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Louchios stated that the contributions from Terrance Travis and Harold Parker were not received until 11/19/08 even though the checks are dated 10/30/08, as shown on the attached bank statements. Therefore, the Committee did not file them as A-1s. The contribution made by Geraldine Johnson was their error.

In order to obtain additional documentation, I contacted the Committee and received copies of both the \$1200 and the \$1000 check. The copies of the checks verified that they were both dated 10/30/08; Mr. Louchios also included a copy of the bank statement showing a \$19,670 deposit on 11/19/08. Checks dated 10/30/08 may well not have been received prior to Election Day, 11/04/08. I therefore recommend that the appeal in regards to the \$1200 contribution and the \$1000 contribution be granted. In regards to the \$75 contribution, Mr. Louchios admits that they did not file a Schedule A-1 for the \$75 check from Geraldine Johnson, because they didn't realize that total contributions from her had exceeded \$500. I therefore recommend the appeal in regards to the \$75 contribution be denied. My recommendation is that the appeal be granted in part and denied in part. However, since there is no indication that this violation was anything other than inadvertent and unintentional, I also recommend that the \$75 penalty be reduced to 10% of the original amount, or \$7.50. As a first violation, the penalty is stayed.



Sharon Steward – Hearing Examiner

July 28, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady
John Keith
William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

The 27th Ward Regular Democratic Organization
1452 N Sedgwick St
Chicago, IL 60610

S6805

Dear The 27th Ward Regular Democratic Organization;

This committee has failed to file the following Schedule A-1's, Report of Campaign contributions of more than \$500.00, within 2 business days of receipt as required by the Illinois Campaign Disclosure Act:

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Terrance Travis	10/30/08	\$1200.00	\$1200.00	*not filed	1
Harold Parker	10/30/08	\$1000.00	\$1000.00	*not filed	1
Geraldine Johnson	10/18/09	\$75.00	\$75.00	*not filed	9

The committee is fined a **total** of \$2275.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

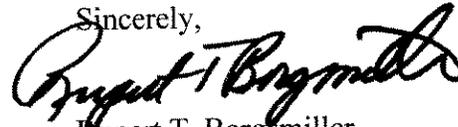
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 10% of the total amount of the contributions that were untimely reported.

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$228.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the date of this assessment for it to be considered.

If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

* This contribution was reported on the December 2008 Semi-annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than \$500.00, within 2 business days of receipt.

** This contribution did not, by itself, necessitate filing of a Schedule A-1. No fine was assessed for this contribution – it is listed for informational purposes only. A subsequent contribution, when aggregated with this contribution, exceeded the "more than \$500.00" threshold and was used as the basis for the fine assessment.

State of Illinois)
County of COOK)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
vs.)
27th WARD REGULAR DEMOCRATIC ORG.)
Respondent(s).)

No. 08 AG 043

APPEAL AFFIDAVIT

I, LEO LOUCHIOS, the TREASURER of the
(Name) (Chairman/Treasurer)
27th WARD REGULAR DEMOCRATIC ORGANIZATION
(Name of the Committee)

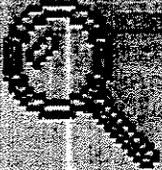
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

THE CONTRIBUTIONS FROM TERRANCE TRAVIS and HAROLD PARKER WERE NOT RECEIVED UNTIL 11/19/08 EVEN THOUGH THE CHECKS ARE DATED 10/30/08. (PLEASE SEE THE ATTACHED BANK STATEMENTS) THEREFORE, THE COMMITTEE DID NOT FILE THEM AS A-1s. THE CONTRIBUTION MADE BY GERALDINE JOHNSON WAS OUR ERROR/OMISSION.



Subscribed and Sworn to Before me
This 26 Day Of MAY, 2009
Marilyn A. Reda
NOTARY PUBLIC

[Signature]
(Signature of Chairman/Treasurer)



HAROLD L. PARKER
255 COLLEGE HILL CIRCLE 847-397-8820
SCHALM-BURG, IL 60173

4263

DATE 10-30-08

Pay to the order of 27th Ward Rep. for Democratic Caucus \$ 1,000

ONE THOUSAND 00/100 DOLLARS



HARRIS

Harold Parker

⑆071025661⑆ 360095485⑆ 4263 ⑈0000100000⑈

SiteID:0
ProcDate:11/19/2008
CaptDate:11/30/1999
MfilmSeqNum:0
ItemSeqNum:310432336
TracerNum:230000036
SerialNum:0
TrRoutNum:71025661
TransCode:4263
AccountNum:1
CheckAmt:1000.00
CHKOF6:

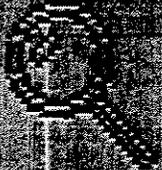
Pay to the order of 27th Ward Rep. for Democratic Caucus

ONE THOUSAND 00/100



Harold Parker

⑆071025661⑆ 360095485⑆ 4263 ⑈0000100000⑈



Bank of America

Cashier's Check

No. 0122986

NOV 19 2008

ISSUE DATE

ISSUES MADE PAYABLE TO

ISSUE TO ORDER OF

AT THE END OF THE MONTH OF NOVEMBER 2008 \$1200.00

[Handwritten Signature]
Authorized Signatory

VOID AFTER 90 DAYS

Bank of America, N.A.
200 Branch, TX

⑆0122986⑆ ⑆0000120000⑆

⑆0000120000⑆

Shield 50
ProcDate: 11/19/2008
CapturDate: 11/30/1999
MfUmSeqNum: 0
ItemSeqNum: 310432346
TraceNum: 230000036
SerialNum: 122986
TRAILER: 114000019
TransCode: 0
AccountNum: 1
CheckAmt: 1200.00
CHKOFF:

Cashier's Check

No. 0122986

NOV 19 2008

ISSUE DATE

ISSUES MADE PAYABLE TO

ISSUE TO ORDER OF

[Handwritten Signature]
Authorized Signatory

VOID AFTER 90 DAYS

Bank of America, N.A.
200 Branch, TX

⑆0122986⑆ ⑆0000120000⑆

⑆0000120000⑆



PREMIER BANK

ACCOUNT STATEMENT

236 00002 01
ACCOUNT:
DOCUMENTS:

PAGE: 1
230000036 11/28/2008
15

27TH WARD REGULAR DEMOCRATIC
ORGANIZATION
ROBERT LOZINS
1452 N SEDGWICK
CHICAGO IL 60610

LVS
11/16

30
0
15



PLEASE BE ADVISED THAT EFFECTIVE JANUARY 1, 2008 PREMIER BANK WILL BE
CHANGING ITS NSF/RETURN CHECK FEE TO \$30.00
LOBBY HOURS - WILMETTE AND ADAMS LOCATIONS
MON, TUES, THURS AND FRI: 9:00 AM TO 5:00 PM
WED AND SAT: 9:00 AM TO 1:00 PM
DRIVE UP HOURS - WILMETTE AND ADAMS LOCATIONS
MON, TUES, WED, THURS AND FRI: 8:00 AM TO 6:00PM
SATURDAY: 8:30 AM TO 1:00 PM

PREMIER BUSINESS ACCOUNT 230000036

LAST STATEMENT 10/31/08 29,454.74
2 CREDITS 19,720.00
17 DEBITS 22,248.42
THIS STATEMENT 11/28/08 26,926.32

----- DEPOSITS -----
REF #.....DATE.....AMOUNT REF #.....DATE.....AMOUNT REF #.....DATE.....AMOUNT
11/19 19,670.00 ✓

----- OTHER CREDITS -----
DESCRIPTION DATE AMOUNT
ERROR IN ADDITION DEPOSIT \$ 19,670.00 11/20 50.00 ✓

----- CHECKS -----
CHECK #..DATE.....AMOUNT CHECK #..DATE.....AMOUNT CHECK #..DATE.....AMOUNT
1252 11/03 510.25 1258 11/03 188.30 1263 11/10 2,454.00
1253 11/03 126.10 1259 11/03 750.00 1264 11/10 10,770.00
1254 11/03 57.76 1260 11/03 50.00 1265 11/25 1,000.00
1255 11/03 579.35 1261 11/12 59.92 1266 11/19 56.12
1256*11/03 3,750.00 1262 11/10 1,200.00 1267 11/24 492.12

(*) INDICATES A GAP IN CHECK NUMBER SEQUENCE
* * * C O N T I N U E D * * *

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

**BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS**

In the Matter of:

ORLAND TOWNSHIP FIRST PARTY, and)
PAUL O'GRADY,)

Complainant(s),)

vs.)

Board File # 09 CD 011

THE ORLAND TOWNSHIP BOARD,)
ROBERT MAHER, Supervisor, PATRICIA)
ANN THOMPSON, Clerk, JOAN)
HERMAN, Trustee, MARTY MCGUIRE,)
Trustee, MAGGIE O'HERN, Trustee, KAY)
YUNKER, Trustee, RICH E. KELLY, Trustee,)
DON YUNKER, Highway Commissioner,)
LORI BUTLER, Collector, in their)
individual capacities, THE ORLAND)
TOWNSHIP PROGRESSIVE PARTY,)
ROBERT MAHER, Chairman, and)
PATRICIA ANN THOMPSON, Treasurer,)
in their individual capacities,)

Respondent(s).)

**PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW
AND RECOMMENDATIONS**

This matter coming before the State Board of Elections and before the undersigned Hearing Examiner pursuant to the Appointment and Notice issued previously, the Hearing Examiner makes the following Findings of Fact and Conclusions of Law and Recommendations:

I. PROCEDURAL HISTORY

On April 1, 2009, a closed preliminary hearing was held at the Chicago Office of the State Board of Elections as a result of a Verified Complaint filed by the Orland Township First Party and Paul O'Grady (collectively referred to as the "Complainants"), pursuant to 10 ILCS § 5/9-1 et seq., alleging that the Respondents the Orland Township Board, Robert Maher, Patricia

Ann Thompson, Joan Herman, Marty McGuire, Maggie O'Hern, Kay Yunker, Rich Kelly, Don Yunker, Lori Butler and the Orland Township Progressive Party (collectively referred to as the "Respondents") created and published a newsletter paid for with public funds in violation of 10 ILCS § 5/9-25.1. Complainants were represented by Michael Stillman from Querry & Harrow and James Nally. Burt Odelson and Elizabeth Shines Hermes, both from Odelson & Sterk, Ltd., filed an appearance on behalf of the Respondents and Erik Peck represented Don Yunker, the Orland Township Highway Commissioner. At the conclusion of the preliminary hearing, the Hearing Examiner recommended that the matter not proceed to an open public hearing.

On April 22, 2009, the State Board of Elections entered an Order finding that the Complaint was filed upon justifiable grounds and directing that a public hearing be conducted in the matter.

On April 29, 2009, the State Board of Elections served a Notice that the undersigned Hearing Examiner be appointed to conduct a public hearing on the matter. On April 29, 2009, the State Board of Elections served a Notice that the public hearing be set for May 13, 2009. Upon the request of Complainant's attorney, the public hearing was continued until June 2, 2009 at 10:00 a.m. pursuant to Notice by the Hearing Examiner.

The public hearing was held on June 2, 2009 at 10:00 a.m. at the Chicago office of the State Board of Elections. The Complainants were represented by James Nally. All of the Respondents were represented by Erik Peck.

II. PRE-HEARING MATTERS

At the commencement of the hearing, Mr. Peck asked to clarify whether the Complainants intended to proceed with the Orland Township Board as a defendant since Mr. O'Grady, one of the Complainants, was now the Supervisor of the Board, whereas he was not part of the Board when the Verified Complaint was filed. Complainants confirmed that they were not seeking relief against the Orland Township Board but only against the Orland Township Progressive Party and its members. (Transcript of June 2, 2009 public hearing at pp. 5-6).

III. EVIDENCE

A. Exhibits

Complainants introduced the following documents into evidence without objection:

Complainants' Exhibit 1 – The first page of the Orland Township Focus newsletter for Mid-Winter 2009 (the "Mid-Winter Newsletter");

Complainants' Exhibit 2 – A March 19, 2009 letter from Keith Keogh to the Orland Township Clerk, Patricia Ann Thompson, requesting documents pertaining to the costs and expenses incurred for the publishing and issuing of the Mid-Winter Newsletter pursuant to the Freedom of Information Act;

Complainants' Exhibit 3 – A March 27, 2009 letter from Ms. Thompson to Mr. Keogh stating that the Orland Township office had not received the billing for the Mid-Winter Newsletter;

Complainants' Exhibit 4 – A March 20, 2009 Southtown Star newspaper article entitled, "Orland Township Candidates Spar over Newsletter;" and

Complainants' Exhibit 5 – A page from the Orland Township website stating that the Focus newsletter is “published quarterly and is inserted in the Chicago Tribune Local Values Flyer that is delivered every Wednesday to your mailbox. Watch for the Focus newsletter in February, May, August and November for important information about the services and programs that Orland Township has to offer.”

Respondents did not introduce any documents into evidence.

The Hearing Examiner requested that the parties provide her with a complete copy of the Mid-Winter Newsletter which was subsequently provided by Mr. Peck and marked as Exhibit 6. Both parties agreed that the entire copy of the subject newsletter was made part of the record in the preliminary hearing.

B. Sworn Testimony

Paul O'Grady was the only witness that testified on behalf of the Complainants. Mr. O'Grady testified that on April 7, 2009, he was elected to the office of the Orland Township Supervisor and that prior to that date, he was a member of the Orland Township First Party.

Mr. O'Grady received the Mid-Winter Newsletter on approximately March 18, 2009 when he received his Chicago Tribune newspaper as it was part of the insert of the newspaper. The first page of the Mid-Winter Newsletter included a photo of each of the office holders of the Orland Township. The headline on the first page of the Mid-Winter Newsletter is in large type letters and states: “No Need for Change Here.” The first sentence in the article that follows states: “As we reflect on the concept of change as the national theme in 2008, it is no secret that it certainly does not apply to Orland Township.” There is nothing in the article which identifies the incumbent Orland Township officials as candidates in an upcoming election. There is nothing in the article that discusses voting.

When Mr. O'Grady read this part of the Mid-Winter Newsletter, it was his opinion that the headline and foregoing language seemed to be picking up on the national theme of then President-Elect Barack Obama who was running on a platform of change and that the office holders of Orland Township, who were running for re-election, were countering this theme.

Mr. O'Grady and the other Orland Park First Party candidates received approximately twenty (20) complaints from supporters, neighbors and citizens complaining that the Mid-Winter Newsletter seemed to be using public funds for a political purpose.

The Mid-Winter Newsletter was distributed three (3) weeks prior to the April 7, 2009 election of the Orland Township Board. Early voting started on March 16, 2009. In January 2009, the Orland Township Progressive Party and the Orland Township First Party filed their petitions to run for office.

No witnesses testified on behalf of the Respondents.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The following facts are not in dispute:

1. In January 2009, the Orland Park Progressive Party and the Orland Park First Party filed their petitions for their respective slates to run for office.
2. From January 2009 until at least April 7, 2009, Respondents Robert Maher, Patricia Ann Thompson, Joan Herman, Marty McGuire, Maggie O'Hern, Kay Yunker, Rich E.

Kelly, Don Yunker and Lori Butler were the only members of the Orland Park Progressive Party and were also officials of the Orland Township Board.

3. Early voting for the April 7, 2009 election of the Orland Township Board began on March 16, 2009.

4. The Mid-Winter Newsletter was distributed on or about March 18, 2009 as an insert to the Chicago Tribune.

5. In an article in the Southtown Star dated March 20, 2009 (Complainant's Exhibit 2), Orland Township Administrator Ellen Freidl states that each newsletter costs approximately \$16,000.

6. Public funds were used to publish and distribute the Mid-Winter Newsletter.

7. The Mid-Winter Newsletter consists of 24 pages. (Exhibit 6).

8. The article under the headline "No Need for Change Here" consists of 2 pages.

(Exhibit 6).

10 ILCS § 5/9-25.1 of the Election Code is entitled "Election Interference," and states:

(a) As used in this Section, "public funds" means any funds appropriated by the Illinois General Assembly or by any political subdivision of the State of Illinois.

(b) No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated for political or campaign purposes to any candidate or political organization. This Section shall not prohibit the use of public funds for dissemination of factual information relative to any proposition appearing on an election ballot, or for dissemination of information and arguments published and distributed under law in connection with a proposition to amend the Constitution of the State of Illinois.

(c) The first time any person violates any provision of this Section, that person shall be guilty of a Class B misdemeanor. Upon the second or any subsequent violation of any provision of this Section, the person violating any provision of this Section shall be guilty of a Class A misdemeanor.

10 ILCS § 5/9-25.1.

The issue in this case is whether the headline "No Need for Change Here" and the article that follows would "urge any elector to vote for or against any candidate" in violation of 10 ILCS § 5/9-25.1. In resolving this issue, the meaning of "urge" is relevant.

Although there are no reported Illinois cases that directly address the issue presented in this matter, at least one Illinois case, *Jenner v. Wissore*, 164 Ill. App. 3d 259, 517 N.E.2d 1220 (5th Dist. 1988), discusses the purpose of 10 ILCS § 5/9-25.1 and sheds some light on the meaning of "urge." The issue in *Jenner* was whether the plaintiff had standing to bring a lawsuit against the defendant, a college chancellor, for allegedly using the college's funds and property to support a tax increase in violation of 10 ILCS § 5/9-25.1. In ruling on the standing issue, the court noted that 10 ILCS § 5/9-25.1 appeared to have the following objectives:

First, it helps to ensure that public funds will be devoted to the public purposes for which they were levied and not to the personal political interests of public

officeholders. Taxes should, after all, support the operation of government; they ought not to be treated as campaign contributions to government officials. Similarly, the statute serves to eliminate the advantage which incumbent officeholders might have in affecting the electoral process if they were permitted to use the public monies at their disposal in support of their own political agendas.

* * * *

The statute implements these objectives by imposing on public officials the duty not to use public funds to try to sway voters on how they should vote

Jenner, 164 Ill. App. 3d at 269-70. Based on the foregoing discussion in *Jenner*, the use of public funds to “sway voters on how they should vote” is a violation of 10 ILCS § 5/9-25.1.

The case of *Godwin v. East Baton Rouge Parish School Board*, 372 So. 2d 1060 (La. Ct. App. 1979) provides additional guidance on the meaning of “urge.” Although *Godwin* is a Louisiana state court case, the pertinent part of 10 ILCS § 5/9-25.1 is nearly identical to Article XI, Section 4 of the Louisiana Constitution which provides:

Section 4. No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated to a candidate or political organization. This provision shall not prohibit the use of public funds for dissemination of factual information relative to a proposition appearing on an election ballot.

La. Const. art XI, § 4.

In *Godwin*, the plaintiffs brought action against the school board, board members and school staff and supervisory personnel alleging that the defendants used public facilities and employed the school’s employees for the purposes of promoting the passage of two school tax proposals in violation of Louisiana’s constitutional prohibition against expending public funds in the promotion of elections. *Godwin*, 372 So. 2d at 1062. The trial court ruled in favor of the defendants. *Id.* at 1060.

On appeal, the defendants argued, *inter alia*, that they could not be found guilty of wrongdoing under article XI, section 4, because the constitutional section was “vague and uncertain such that it is impossible to determine with accuracy the type of conduct proscribed.” *Id.* at 1063. In rejecting the defendants’ argument and reversing the trial court’s judgment, the Louisiana appellate court held:

We find “urge” to be readily understood by an ordinarily informed and reasonable individual. According to Webster’s Third New International Dictionary, Unabridged (1963), “urge” means “. . . . to insist upon to advocate or demand with importunity to prosecute vigorously solicit be a compelling . . . influence upon” **We believe the average individual understands “urge” to mean promote, take a position favorable or opposed to a particular candidate or proposition, or openly and publicly seek the election or defeat of a particular candidate or the passage or defeat of a proposition submitted to the electorate.**

Id. at 1063-64 (emphasis added).

Under *Godwin* and *Jenner*, the use of public funds for the purposes of promoting a candidate and swaying voters on how to vote is a violation of 10 ILCS § 5/9-25.1.

V. RECOMMENDATION

I recommend that the Board find that there was a violation of 10 ILCS § 5/9-25.1. The front page heading of the Mid-Winter Newsletter and the article that follows, with photos of the Orland Park Progressive party incumbent candidates and phrases such as “No Need for Change Here,” “[a]s we reflect on the concept of change as the national theme in 2008, it is no secret that it certainly does not apply to Orland Township” and “[s]o . . . why change great things” can be interpreted as promoting the incumbent candidates for the April 7, 2009 election and swaying voters on how to vote in the upcoming election. It is also noteworthy that one of the Respondents, Patricia Thompson, admitted in an article in the Southtown Star dated March 20, 2009 that the article in the Mid-Winter Newsletter was “borderline campaigning.” (See Complainants’ Exhibit 2).

I further recommend that the Orland Park Progressive Party and the individual Respondents reimburse the Orland Park public fund the total amount of \$1,333.00. 10 ILCS § 5/9-25.1 does not specifically state whether public funds should be returned to the public fisc upon finding a violation.¹ However, 10 ILCS § 5/9-21 provides:

Whenever in the judgment of the Board, after affording due notice and an opportunity for a public hearing, any person has engaged . . . in an act or practice which constitutes . . . a violation of any provision of this Article or any regulation or order issued thereunder, the Board shall issue an order directing such person to take such action as the Board determines may be necessary to the public interest to correct the violation.

10 ILCS § 5/9-21.

10 ILCS § 5/9-21 provides the Board with authority to issue an order directing any person who violates 10 ILCS § 5/9-25.1 to take such action as may be necessary to the public interest to correct the violation. 10 ILCS § 5/9-21. Citing to this statute, the Illinois Supreme Court has acknowledged: “The Board also would have had the power and duty to issue an order directing the plaintiffs to take such action as the Board deemed necessary to correct the violation.” *Walker v. State Board of Elections*, 65 Ill. 2d 543, 551, 359 N.E. 2d 113, 117 (1977) (citing to Ill. Rev. Stat. 1975, ch. 46, par. 9-21)). Black Law Dictionary defines “public interest” as “[t]he general welfare of the public that warrants recognition and protection.” *Black’s Law Dictionary* (7th Edition). If the Board finds a person to have violated 10 ILCS § 5/9-25.1, then under 10 ILCS § 5/9-21, the Board has the authority to order said person(s) to return the public funds to the appropriate public fisc as the return of said funds is necessary for the protection of the general welfare of the public from which the funds were taken.

The *Godwin* case provides additional support for the Board’s authority to order the return of public funds. *Godwin*, 372 So. 2d at 1063. In *Godwin*, the defendants argued that there can be no personal liability on their part on the grounds that the constitutional prohibition against

¹ 10 ILCS § 5/9-25.1 does state that the first time any person violates this Section, that person “shall be guilty of a Class B misdemeanor.” 10 ILCS § 5/9-25.1(c). The State Board of Elections does not have the authority to find the defendants guilty of any crimes but may only refer such matter to the State’s Attorneys Office.

expending public funds in the promotion of elections was not "self operative." *Id.* The Louisiana appellate court rejected the defendants' argument and found:

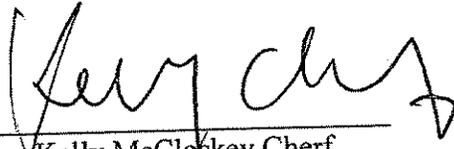
It was obviously intended to protect the public fisc by prohibiting expenditure of public funds for expressly proscribed purposes, namely, to promote or oppose any candidate for office, to promote or oppose the cause of any political organization, or to promote or oppose passage of any proposition submitted to the electorate.

Godwin, 372 So. 2d at 1063.

Although, pursuant to the agreement of both parties, the Orland Township Board is no longer a Respondent to this matter, the Orland Township Progressive Party and the individual candidates are Respondents. The caption of the complaint makes clear that Respondents Robert Maher, Patricia Ann Thompson, Joan Herman, Marty McGuire, Maggie O'Hern, Kay Yunker, Rich E. Kelly, Don Yunker and Lori Butler are being charged in "their individual capacities." At the time the Mid-Winter Newsletter was issued and disseminated to the public, the Orland Township Progressive Party and its only members, the individual Respondents, were the Orland Township Board officials who caused the Mid-Winter Newsletter to be issued. Although the individual Respondents are no longer officials of the Orland Township Board,² they remain subject to the jurisdiction of the Board; the Board has the authority to order "any person" who has engaged in an act or practice that violates Article 9 of the Election Code to take corrective election, regardless of whether that "person" wins or loses an election. 10 ILCS § 5/9-21.

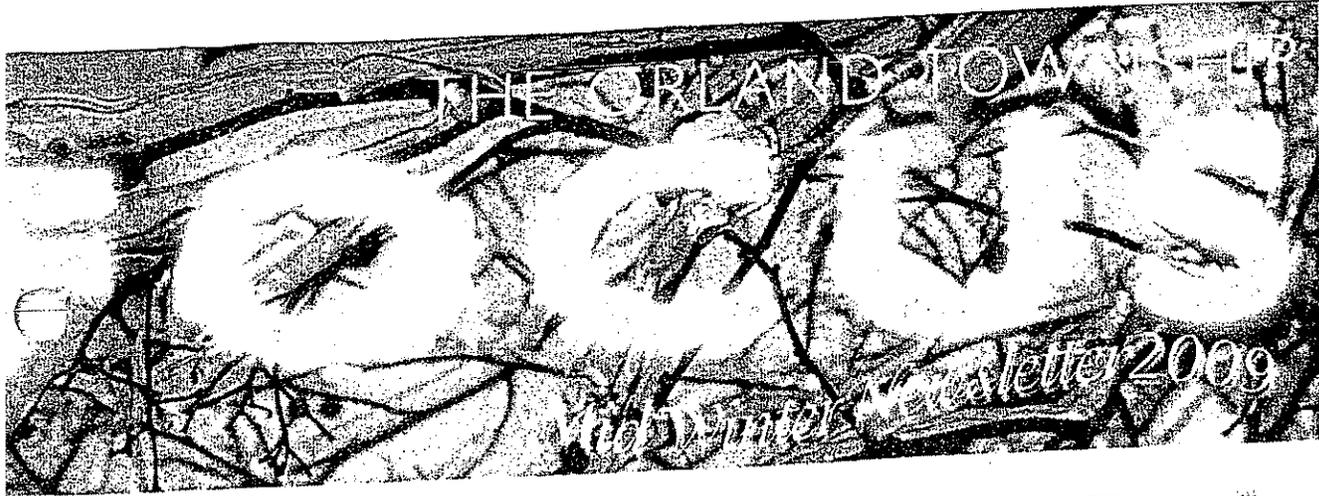
The evidence presented at the public hearing demonstrated that the Mid-Winter Newsletter cost approximately \$16,000. At the public hearing, counsel for the Complainants asked that the entire or prorated amount be placed back in the Orland Township public funds. (Transcript of June 2, 2009 public hearing at p. 32-33). The article alleged to violate 10 ILCS §5/9-25.1 consists of two (2) pages of the twenty four (24) page Mid-Winter Newsletter. I therefore recommend to the Board that 2/24 of the \$16,000.00, or \$1,333.00, be returned to Orland Park Township by the Orland Township Progressive Party or its members.

Date: July 6, 2009



Kelly McCloskey Cherf
Hearing Examiner

² The individual Respondents were officials of the Orland Township Board when the Verified Complaint was filed on March 19, 2009.



**Supervisor
Robert
Maher**



**Clerk
Patricia Ann
Thompson**



**Trustee
Joan Herman**



**Trustee
Marty
McGuire**



**Trustee
Maggie
O'Hern**



**Trustee
Kay Yunker**



**Assessor
Rich E. Kelly**



**Highway
Commissioner
Don Yunker**



**Collector
Lorie Butler**

Year In Review 2008 in Orland Township

No Need for Change Here

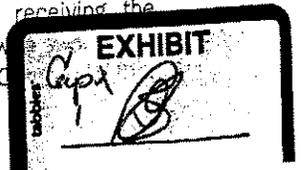
As we reflect on the concept of change as the national theme in 2008, it is no secret that it certainly does not apply to Orland Township! We had a blockbuster year and will continue into 2009 delivering the same outstanding, award winning, affordable programs and services. Your Township Board of Trustees, Administration and Staff are and will continue to be committed to the provision of programs and services that you can depend on. These include activities, instructionals and various services spanning the life cycle. So.....why change great things?

Supervisor Robert Maher, who first instituted the now annual Golf Outing, and chairs the Scholarship Foundation, can be commended once again for exceeding the amount of awards distributed the previous year. This year's allotment totaled \$17,000.00, and was distributed between 12 successful young

people. Kudos also to Supervisor Maher for holding the line on taxes as close as he did. Thanks Supervisor Maher!

Trustee Marty McGuire is also to be commended on his exceptional dedication to the success of the Golf Outing, as it is the major contributing entity to the Scholarship Foundation. Our team is seriously invested in not only the dignity, health and happiness of our seniors, but as you can see, their foresight includes our future leaders. Thanks Trustee McGuire for chairing the Golf Outing and your guidance to the Finance Committee and the Senior Department.

Sue Bienias, Orland Township's Health Department Coordinator is to be applauded for receiving the "Champion of Immunization" Award. It was given to her by the Chicago Area Immunization Council.



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312.726.1092
FAX 312.726.1093

March 19, 2009

VIA CERTIFIED MAIL

Ms. Patricia Ann Thompson
Orland Township Clerk
15100 South 94th Avenue
Orland Park, IL 60462

Dear Madam Clerk:

This is a request for information made under the Illinois Freedom of Information Act (5 ILCS 141.1). Pursuant to 5 ILCS 140/2(c), please provide documentation regarding all costs and expenses associated with the publishing and issuing of The Orland Township FOCUS Mid Winter Newsletter 2009 which was received by residents approximately March 18, 2009.

Further, please provide the information or the denial of the request for information within seven (7) working days pursuant to 5 ILCS 140/3(c).

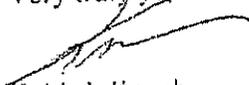
"(c) Each public body shall, promptly, either comply with or deny a written request for public records within seven (7) working days after its receipt. Denial shall be by letter as provided in Section 9 of this Act. Failure to respond to a written request within seven (7) working days after its receipt shall be considered a denial of the request.

Further, pursuant to 5 ILCS 140/6 if Orland Township wishes to charge a "reasonably calculated fee to reimburse actual cost for reproducing," I will pay for the "actual" reproduction cost.

Finally, if the possible fee contemplated to be charged by Orland Township is not consistent with 5 ILCS 140/6(a)(b), I will consider it a denial pursuant to 5 ILCS 140/6(c) of public records for purposes of judicial review.

I look forward to receiving the requested information as described in the before mentioned Act.

Very truly yours,


Keith J. Keogh

KJK/lmb

Copy 2



TOWNSHIP OF ORLAND

Robert J. Maher
Supervisor

Patricia Ann Thompson
Clerk

Joan Herman
Martin McGuire
Maggie O'Hern
Kay Yunker
Trustees

Rich E. Kelly
Assessor

Donald F. Yunker
Highway Commissioner

Lorie Butler
Collector

Office Locations

Administrative Office &
Assessor's Office
15100 South 94th Avenue
Orland Park • IL • 60462

Telephone Number
(708) 403-4222

Fax Number
(708) 403-4260

Youth & Family Services Office
14671 West Avenue
Orland Park • IL • 60462

Telephone Number
(708) 403-4001

Fax Number
(708) 403-9981

Highway Department Office
16125 South Wolf Road
Orland Park • IL • 60467

Telephone Number
(708) 403-5148

Fax Number
(708) 403-5165

Website
www.orlandtwp.org

March 27, 2009

Law Office of Keith J. Keogh, Ltd.
Mr. Keith J. Keogh
227 W. Monroe Street Suite 2000
Chicago, Illinois 60606

Dear Mr. Keogh:

This is in response to your Freedom of Information request (copy enclosed) dated March 19, 2009, received in my office on March 20, 2009, in which you narrowed the scope of your request specifying that you wished to receive "documentation regarding all costs and expenses associated with the publishing and issuing of Orland Township FOCUS Mid-Winter Newsletter 2009, which was received by residents approximately March 18, 2009.

As of March 27, 2009, the Orland Township office has not received the billing for the Mid-Winter Newsletter. Therefore, I can not provide the information you have requested. Please feel free to submit this request again at a later date.

If you have any question, please feel free to contact me at 708 479-4542 or my cell number 708 528-6353.

Sincerely yours,

Patricia Ann Thompson
Clerk
Orland Township

Cap 23

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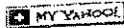
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- Phil Kadner
- Marlene Lang
- Kristen McQueary
- Rich Miller
- Guy Tridgell



Orland Township candidates spar over newsletter

March 20, 2009

By Elisabeth Kilpatrick, Staff Writer

When is a newsletter not just a newsletter? When it launches a lawsuit.

Members of the Orland Township First Party, a slate challenging the township's incumbent board on the ballot next month, are alleging that township board members broke the law by publishing a newsletter this week touting the board's accomplishments. The part they're the most steamed about? The headline on the newsletter's front page, which proclaims, "No need for change here."

"It implies a vote for them and against change," said Paul O'Grady, the First Party's supervisor candidate.

O'Grady filed a lawsuit Thursday against the township board, saying the newsletter constitutes campaigning on the taxpayer's dime.

O'Grady also asked the Cook County state's attorney's office to look into whether township board members violated election laws by publishing the newsletter, he said.

Attorney Mike Stillman, who is representing the First Party, said the goal of the lawsuit is to get board members to reimburse the township for the newsletter.

"It would all go away if they called up and said, 'Here's the check,'" Stillman said.

The Focus newsletter, which is published four times a year as an insert in the Chicago Tribune, costs about \$16,000 each time, township administrator Ellen Freidl said. The township has published the newsletter in the Tribune since 2004, she said, and it costs about 32 cents a copy.

"We feel it's a very cost-effective way of getting programs and services out to community," she said.

Township attorney Burt Odelson, who represents the board in legal matters, said Thursday that he hadn't yet seen a copy of the lawsuit. But township Clerk Pat Thompson railed against criticism of the newsletter, calling O'Grady's complaint "ridiculous."

"Is it borderline campaigning? Yes? Was it a year ago? Yes," she said. "We are the ones who are making all the accomplishments over there. ... These are not campaign photos, these are photos we've used in every Focus newsletter. That's what we're doing - we're promoting township government."

Elisabeth Kilpatrick can be reached at ekilpatrick@southtownstar.com or (708) 633-5983.

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From OrlandParker

The views expressed in these blog posts are those of the author and not of the SouthtownStar

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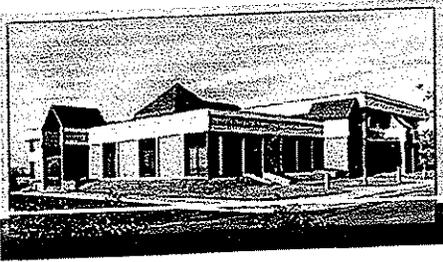


Canon EOS
Price: \$569.95



Nikon D90
Price: \$1089.99

Product Search:



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Monday, June 01, 2009

[A](#) [A](#) [A](#)

Newsletter

The Orland Township "FOCUS" newsletter is published quarterly and is inserted in the Chicago Tribune Local Values Flyer that is delivered each Wednesday to your mailbox. Watch for your "FOCUS" newsletter in February, May, August, and November for important information about the services and programs that Orland Township has to offer.



15100 S. 94th Avenue, Orland Park, IL 60462

708 403 4222

www.orlandtwp.org

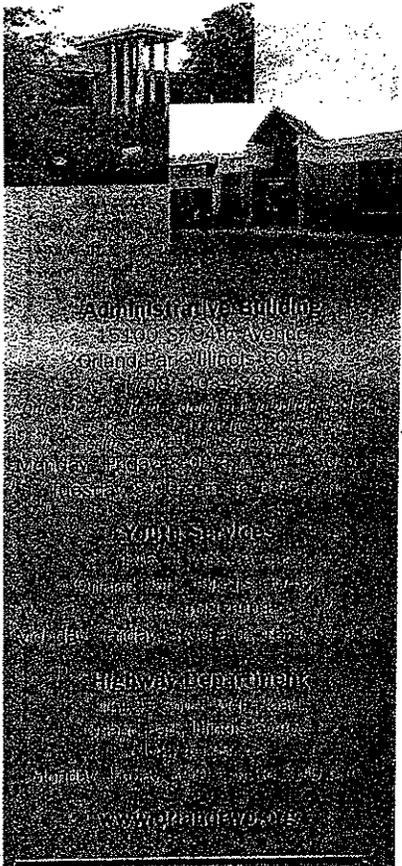
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Cap 5

WORKING FOR YOU
ORLAND TOWNSHIP

THE ORLAND TOWNSHIP FOCUS

Mid Winter Newsletter 2009



**Supervisor
Robert
Maher**



**Clerk
Patricia Ann
Thompson**



**Trustee
Joan Herman**



**Trustee
Marty
McGuire**



**Trustee
Maggie
O'Hern**



**Trustee
Kay Yunker**



**Assessor
Rich E. Kelly**



**Highway
Commissioner
Don Yunker**



**Collector
Lorie Butler**

Year In Review 2008 in Orland Township

No Need for Change Here

As we reflect on the concept of change as the national theme in 2008, it is no secret that it certainly does not apply to Orland Township! We had a blockbuster year and will continue into 2009 delivering the same outstanding, award winning, affordable programs and services. Your Township Board of Trustees, Administration and Staff are and will continue to be committed to the provision of programs and services that you can depend on. These include activities, instructionals and various services spanning the life cycle. So.....why change great things?

Supervisor Robert Maher, who first instituted the now annual Golf Outing, and chairs the Scholarship Foundation, can be commended once again for exceeding the amount of awards distributed the previous year. This years' allotment totaled \$17,000.00, and was distributed between 12 successful young

people. Kudos also to Supervisor Maher for holding the line on taxes as close as he did. **Thanks Supervisor Maher!**

Trustee Marty McGuire is also to be commended on his exceptional dedication to the success of the Golf Outing, as it is the major contributing entity to the Scholarship Foundation. Our team is seriously invested in not only the dignity, health and happiness of our seniors, but as you can see, their foresight includes our future leaders. **Thanks Trustee McGuire for chairing the Golf Outing and your guidance to the Finance Committee and the Senior Department.**

Sue Bienias, Orland Township's Health Department Coordinator is to be applauded for receiving the "Champion of Immunization" Award. It was awarded to her by the Chicago Area Immunization Campaign, that

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Exhibit C



has as its' mission the improvement of adult and children's health by increasing immunizations. The Health Department continuously provides our community with first rate clinics, testing, health fairs and speakers that include the entire life span. The Nurse's Closet provides medical equipment to residents who are infirmed. We offer something for everyone! Trustee Kay Yunker and Trustee Joan Herman are the Health and Youth Department committee members. Continue with your excellent recommendations Trustee Herman and Trustee Yunker.

This year the Youth and Family Service Department, under the clinical direction of Kathy Passafiume received the 2008 Township of Illinois Youth Service Department of the Year Award. The department, although largely youth focused, provides clinical services to people of all ages. Services include individual, couple and family counseling, along with outreach programming for the community, and a youth group.

Senior Services include transportation, Medicare issues, and social opportunities. These programs embody the services necessary for our senior population to maintain the highest possible quality of life. Trustee Maggie O'Hern ensures that the quality of programming reflects the needs of our aging population. Thank you Trustee O'Hern for that and your counsel to the Finance Committee.

The Food Pantry that offers as its' flagship event, The Holiday Program, which includes Adopt-a-Family, also provides throughout the year, a line up of seasonal and holiday opportunities to extend the community's generosity.

Last, but not least, our Clerk, Patricia Ann Thompson, won the 2008-2009 Township of Illinois Clerk of the Year award for her dedication and devotion in years of various service. Clerk Thompson, your hard work has paid off.

Just when you think that Orland Township Government has outdone itself, with health clinics for all ages, award winning programming, character education and scholarships for youth, dynamic senior services, transportation and trips, a food pantry for the needy, a nurse's closet for the infirm, holiday programs, recreational opportunities, tax assessment issues and more, we are pleased to be able to provide more outstanding programs and award-winning services, serve more of our awesome residents, and have more places for you to park in our new location in 2009 (see more information on back page) thanks to an outstanding administration and staff!

Bingo With Santa



Frank & Laverne Zaccone received the Volunteer of the Year award from Age Options. They were nominated by for their dedication & service to seniors by Orland Township.



Congresswoman Judy Biggert (pictured 2nd from left in front row) graciously volunteered her services during the Holiday 2008 Distribution.



Trustee Joan Herman (center) congratulates seniors Dorothy Parks (left) and Lottie Zyla (right) who were awarded with the Volunteer of the Year award from PLOWS Council on Aging. Dorothy and Lottie were nominated for the award by Orland Township for their volunteer spirit. Thanks Dorothy & Lottie!

Orland Township FOOD PANTRY

Hours of Operation:
Monday - Friday
9:00 a.m. - 11:00 a.m. and
2:00 p.m. - 4:00 p.m.

The Orland Township Food Pantry provides emergency food to residents who need immediate assistance. After completing a brief application, families will go home with bags of non-perishable items, frozen and refrigerated food, along with bakery goods.

HOLIDAY 2008

Holiday 2008 provided food, new toys, and clothes to Orland Township families in need. We also sponsored the Adopt-a-Family program, which allows groups, businesses or individuals to buy specifically for a family.

To kick off our program we offered Bingo with Santa on November 21 in the Orland Township Activity Room from 6:00 p.m. to 8:00 p.m. A donation of \$7.00, along with a new toy, was needed for this fun filled night. Donation included: 4 Bingo cards, hot dog, chips, beverage and dessert. Participants enjoyed the evening with fabulous raffle prizes and Santa calling bingo.

Volunteers were scheduled to help sort food on Wednesday evenings from 5:00 p.m. - 7:00 p.m. and Saturday mornings from 9:00 a.m. - 11:00 a.m. Donations of food were accepted at the Orland Township office during normal business hours.

To qualify for Holiday 2008, residents needed to fill out a brief application, along with a wish list, and meet income guidelines. Distribution day was held on Thursday, December 18, between 1:00 p.m. - 3:00 p.m. in the Orland Township Activity Room. The Orland Park Firefighters, along with volunteers and staff were on hand to help. Approximately 206 families received holiday bags, which included food, new clothes, toys and gift certificates.

THANK YOU

The Orland Township Officials and staff would like to thank all those who donated generously to our Holiday 2008 Program, Adopt-a-Family program, and food pantry. We also appreciate and thank those volunteers who worked endlessly to help sort and fill holiday bags. Because of your generosity and commitment, 206 Orland Township families had a very happy holiday.

ORLAND TOWNSHIP HOLIDAY 2008 OUTSTANDING CONTRIBUTORS

ALL SAINTS LUTHERAN CHURCH
BAIRD & WARNER
CENTENNIAL SCHOOL
CENTER SCHOOL
CENTER SCHOOL STAFF
CENTURY JR. HIGH SCHOOL
MR. & MRS. JOSEPH CROWTHER
FAITH UNITED METHODIST CHURCH - MEN
FAITH UNITED METHODIST CHURCH - WOMEN
HIGH POINT SCHOOL
KIWANIS CLUB OF ORLAND PARK
KRUSE SCHOOL
MIKE & MARILYN KRZUS
LIBERTY SCHOOL
MARQUETTE BANK
MEADOW RIDGE SCHOOL
MEADOW RIDGE SCHOOL STAFF
MIDAS MUFFLER
ORLAND JR. HIGH SCHOOL
ORLAND PARK CHAMBER OF COMMERCE
ORLAND PARK FIREFIGHTERS
ORLAND PARK LIONS CLUB
ORLAND PARK ROTARY CLUB
PRAIRIE SCHOOL
PRAIRIE VIEW MIDDLE SCHOOL
RIVIERA COUNTRY CLUB MEMBERS
SCHOOL DISTRICT 230
SILO RIDGE, INC.
ST. ELIZABETH SETON CHURCH
ST. FRANCIS OF ASSISI CHURCH
VEW POST #2604
VILLAGE OF ORLAND PARK
MANAGER'S OFFICE & STAFF

SPECIAL THANKS TO THE ORLAND
PARK FIREFIGHTERS FOR
VOLUNTEERING THEIR TIME TO HELP
DISTRIBUTE HOLIDAY 2008 BAGS



ENTERTAINMENT BOOKS - \$20.00

The Orland Township Food Pantry is selling the 2009 Entertainment books at the Orland Township Office, 15100 S. 94th Avenue. The Entertainment book offers thousands of dollars in local and national restaurants, hotels, resorts, and entertainment venues. Proceeds from the sale of the coupon books will be used for the various food pantry programs, including the school supply and Holiday Program.

MARK YOUR CALENDAR

The Annual Orland Park Post Office Food Drive is scheduled for Saturday, May 9, 2009. Please leave your non-perishable food donations by your mailbox for collection by the Orland Park Post Office postal carriers on May 9th. Thank you for helping the Orland Township Food Pantry.

EASTER BASKETS

Donations of Easter Baskets are now being accepted for Orland Township low-income families. Please label each basket girl or boy, along with age and bring into the Orland Township office. Attention:

Community Service: For every basket brought in, 1 hour of community service will be given. (Up to 5 baskets will be accepted). For guidelines and information, please call Marianne Hill, at (708) 403-4222.



Orland Township Clerk's Office



...what an honor it was to be selected to receive the Clerk of the Year Award "at the Township Clerks of Cook County meeting in December. This is one of the most memorable events of my political career. To be recognized by my peers - was a highlight I will remember over and over with gratitude.

I was overwhelmed to receive this award, and honored, but what an honor it is to serve not only my fellow clerk's but also my community.

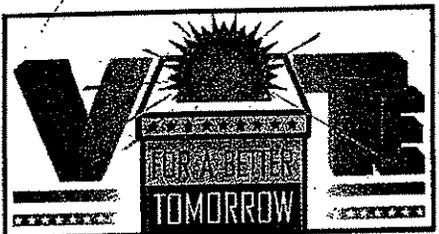
Vote?

Well, it's almost that time of the year again; it's going to be Election Day. All across America, tens of millions of people will be thinking, "I've got to lose some weight," or "How am I going to pay these bills?" And then, about 7:30 p.m. in the evening, millions of them will think, "I forgot to vote." But then they will watch TV and forget about how they feel guilty about not having voted.

Some do not vote. They think voting only encourages politicians. Some think of it as making half of them feel miserable, some of them for the rest of their lives. They will spend years thinking, "If only I had....."

Why should you vote? To speak your mind, to make politicians listen, for your children, for your community, for yourself, to honor history, to control your future, to stop something, to start something, to win.

Voting isn't all bad. Your vote counts.



- * Trustees
- * Park Districts, Library Districts, Elementary and High School Districts, Community College Districts, Township School Trustees, and Metropolitan Districts.

ARE YOU REGISTERED TO VOTE?

Have you moved recently, even within the community? Turned 18? Need absentee ballot forms for college students or applications for handicapped voting? Voter registration is one of the most important services that the Township Clerk provides. If you are not registered to vote, you must do so by March 10, 2009.

Register to Vote

Registering to vote allows you to participate in the electoral process and gives you the power to make a difference in deciding who will serve elected office.

With more venues offering different ways to sign up, registering to vote has never been easier or more convenient.

A new law called "grace-period registration and voting" extends the regular registration deadline by 14 days, allowing voters to register to vote up to two weeks before an election. As a result, there are new guidelines that determine when and where you can vote if you sign up during that time.

Voter qualifications

- To register to vote, you must be:
1. A U.S. citizen
 2. At least 18 years old by Election Day
 3. A resident of your precinct at least 30 days prior to an election

Illinois voters do not need to register by political party or declare a political party membership or preference. However, voters may select a specific political party's ballot at their polling place when voting in a primary election.

Where and how to register

There are several convenient methods of registering

1. Mail-in application form

You can complete a mail-in voter application form and return it to the Cook County Clerk's office. Voter registration applications are available in English, Spanish and Chinese (select from the list on the right). Also, instructions are available in Korean and Polish.

The Clerk's office can also mail you an application form. Call (312) 603-0908 to request one.

When submitting a voter registration application:

- Fill out the entire application
- Sign the application
- Mail the completed, signed application to: David Orr, Cook County Clerk, 69 W. Washington St., Room 500, Chicago, IL 60602

Illinois voters can also register to vote in person by going to one of the Cook County Clerk's office locations.

A village, city or township clerk voter registration is available at the Township office; hours are 8:00 a.m. to 4:30 p.m. Monday thru Friday. Or call the Clerks office and she will be glad to assist you at your convenience...

An Illinois Secretary of State's drivers license facility. You can register to vote when you obtain or renew your driver's license or state identification card at any of the license facilities. Registration is also available at other state government offices, including public assistance offices and military recruitment offices.

3. Deputy registrars

Trained volunteer deputy registrars may register you to vote.

How do I know I'm registered? - After processing your registration application, the Clerk's office will mail you a voter identification card. The card lists your precinct information and voting districts.

You may also check your voting eligibility online. If you have questions about your voting status, please e-mail voterreg@cookcounty.gov or call (312) 603-0908.

When to re-register - Your registration is permanent unless you move or change your name.

Address changes - If you have moved within suburban Cook County; you must transfer your registration by re-registering. You may choose to write your new address on the back of your voter identification card and mail it to the Clerk's downtown Chicago office.

You must re-register with the local election authority or county clerk if you move to an address outside suburban Cook County.

Name changes - Voters, who legally change their name, but not their address, no longer have to re-register. If you have changed your name, you can vote after updating your information at the polls.

Election judges needed.

Cook County Clerk David Orr is looking to recruit hundreds of new election judges needed to work the election's.

Election judges open polling places, certify that voters are registered and qualified to vote, explain procedures, issue ballots and activate cards for touch screens, operate election equipment and transmit the voters at the end of the day.

Election Judge receive \$150 for their work. That includes \$100 for working Election Day and \$50 for attending a three-hour training session prior to the election. Judges begin work at 5:15 a.m. and work until the polling place votes are transmitted after the polls close at 7 p.m.

People interested in serving on Election Day can call

Election Information

The date for the next election is:
April 7, 2009 - Consolidated Election
Polling place hours for all elections: 6 a.m. to 7 p.m.

Monday, March 16 - Thursday, April 2 - Early Voting Period

Offices to be Elected

- The offices up for election in suburban Cook County are:
- Municipal**
 - * Mayor or President
 - * Clerk
 - * Treasurer
 - * Alderman, Council Members or Trustees
 - Township**
 - * Supervisor
 - * Clerk
 - * Assessor
 - * Highway Commissioner
 - * Collector

(312) 603-0970 to sign up or by completing an online application at voterinfo.net.com election judge page.

To be eligible to serve as an election judge, you must be:

- A U.S. citizen
- A resident of Cook County
- A registered voter
- Able to speak, read and write English
- Of good understanding and capable of performing duties

Responsibilities

Election judges have major responsibilities and perform several tasks on Election Day, including:

- Opening the polling place in the morning and closing it at night
- Setting up election equipment
- Providing assistance to voters
- Signing in voters
- Verifying voter qualifications
- Distributing ballots/issuing activation cards for touch-screen machines
- Operating voting equipment
- Filling out forms
- Processing and transmitting votes at the end of the day
- Certifying vote totals

High school seniors serve as election judges

First Judge

Student election judges who participate in the First Judge program play a crucial role by serving as the gatekeepers of the privacy.

As part of a team of judges, you'll be responsible for helping voters and supervising polling place activity. You also will be responsible for... Student election judges can earn up to \$150 every election.

If you're a high school senior, you may apply to serve as a student election judge even though you're not old enough to vote.

Qualifications

To qualify as a student judge, you must:

- Be a high school senior in good standing
- Maintain at least a 3.0 GPA on a 4.0 scale
- Be a U.S. citizen by the next election
- Successfully complete an election judge training course conducted by the Clerk's office

Clerk's office

- Be nominated by your high school principal
- Have written approval from a parent or legal guardian

Responsibilities

Student judges share the same responsibilities, hold the same authority and perform the same tasks as other election judges. They include:

- Opening the polling place in the morning and closing it at night
- Setting up election equipment
- Providing assistance to voters
- Signing in voters
- Verifying voter qualifications
- Distributing ballots/issuing activation cards for touch screens
- Operating voting equipment
- Filling out forms
- Processing and transmitting votes at the end of the day
- Certifying vote totals

Hours - As an election judge, you'll be expected to work long hours. You must arrive at the polling place at 5:15 a.m. and stay until the precinct votes are counted and transmitted after the polls close at 7 p.m.

Training - To prepare for Election Day, you must attend a two-hour training session conducted by the Clerk's office. The training sessions are held at convenient locations throughout the county.

The training designed to prepare you to carry out your polling place responsibilities will provide hands-on instruction that focuses on election procedures and voting equipment.

Compensation - Election judges receive a total of \$150 for their work. That

includes \$100 for working the entire Election Day and \$50 for attending a training session prior to the election. You must do both to earn \$150.

Party affiliation - State law requires that on Election Day you represent either the Democratic or Republican party as an election judge. Five election judges are assigned to a precinct or polling place. Previous precinct election results determine if more Democratic or Republican judges will serve in a precinct.

Restrictions - No more than two student judges - one from each political party - can serve in a single precinct.

Placement - The Clerk's office will notify you once you have been appointed to serve and will assign you to a polling place located near your home or school.

Misleading school - If you serve as a student election judge, you will not be counted absent from school on Election Day.

Bilingual judges - Although state law maintains that all election judges must read and write English, the Clerk's office recruits bilingual election judges. Federal election laws require that the Clerk's office target precincts in suburban Cook County with high concentrations of Spanish and Chinese speaking voters who are not proficient in English and may need special assistance at the polls.

Application/Deadline - Please complete the First Judge application form and submit it to your teacher. Cook County Clerk's office must receive your application at least 60 days before the next election.

If you have any questions about the Clerk's First Judge Program please call (312) 603-0970 or e-mail teach@cookcounty.gov.

No more excuses - Voters are not allowed to provide an excuse or reason why they cannot make it to the polls on Election Day. You are required to fill out an application at the early voting center.

Bring Photo ID - In an effort to prevent voter fraud and double voting, state law requires early voters to display valid identification to an election official before receiving a ballot. Acceptable forms of ID include a state-issued driver's license, state-issued ID card, a federal government-issued ID card or passport.

Voting Equipment - Early voting will be available on touch-screen kiosks that store encrypted ballots from the county, permitting only voters in suburban Cook to vote at any

poll location. All ballots will remain secret and securely stored. Just as state law prohibits election judges from making available the names of traditional absentee voters, the same law prohibits early voters from making available the names of early voters are considered public records and are updated on a daily basis.

Early voting records - The names of the early voters are available to the public and are updated each day during early voting. Please call (312) 603-0900 for early voting information.

In-person voting only - Voters who participate in early voting must vote in person. Voters who cannot make it to their polling place on Election Day and can provide a valid reason or excuse under the law may vote absentee by mail or in person. Laws governing absentee voting have not changed as a result of early voting.

NOTARY SERVICE

Free of charge to Orland Township residents.

BOARD MEETINGS

Township Board Meetings are held on the third Tuesday of every month at 7:30 a.m. in the Township Activity Center. The public is welcome.

LINKS

- www.cookcountyclerk.com
- www.orland-park.il.us
- www.theloypark.org
- www.orlandhills.org
- www.voterinfo.net.com
- www.eos.state.il.us
- www.tol.org



Report From HIGHWAY DEPARTMENT

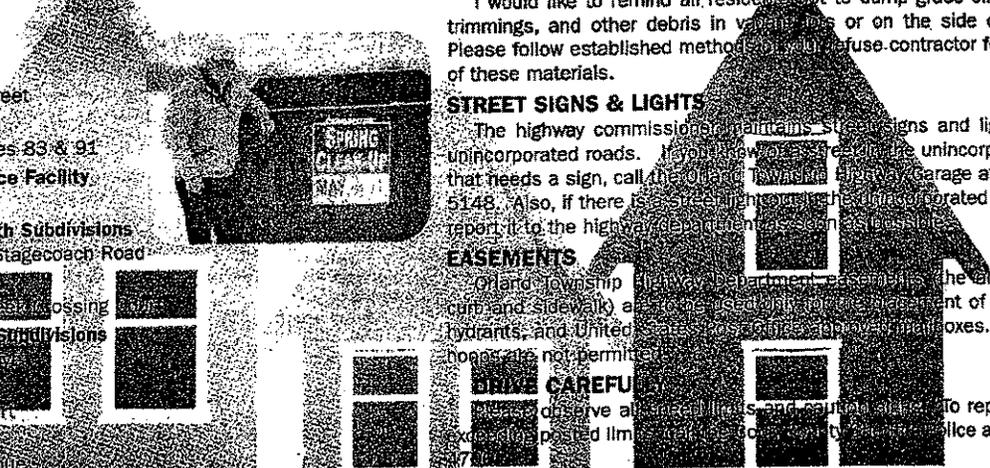


**Highway
Commissioner
Don Yunker**

SPRING CLEAN UP FOR UNINCORPORATED ORLAND TOWNSHIP MAY 16-17, 2009

The Orland Township Highway Commissioner has scheduled a Clean-Up Weekend for all of the unincorporated areas. Trash bins will be located at nine sites to give residents an opportunity to dispose of unwanted articles. Trash bins will be located at:

- Alpine Heights Subdivision**
16545 Orange Avenue
- Gee Subdivision**
109th Avenue and 151st Street
- Heather Estates Subdivision**
Ruggles Court between homes 83 & 91
- Orland Township Maintenance Facility**
16125 South Wolf Road
- Orland Trails/Pinewood North Subdivisions**
McCabe Drive cul-de-sac at Stagecoach Road
- Pinewood East Subdivision**
Creek Crossing Drive and Stagecoach Road
- Pinewood/Pinewood South Subdivisions**
14400 block of Pinewood Drive
- Silver Lake Subdivision**
Meadow Lane and Silver Court
- Wooded Estates Subdivision**
156th Street and 156th Avenue



Please do not leave any refuse outside the containers. If you have any questions about Clean-Up Weekend, call the Orland Township Highway Garage and Maintenance Facility at (708) 403-5148. Please take this opportunity to dispose of unwanted articles.

STREET CLEANING

In conjunction with clean-up weekend, street sweeping will be done throughout the unincorporated subdivisions on May 20 & 21, 2009. Please cooperate by having vehicles moved from the street.

ATTENTION HOMEOWNERS

Township residents who experience flooded basements can call the highway department for assistance. Water pumps will be manned by township personnel. If need arises, please call (708) 403-5148 between the hours of 8:00 a.m. and 3:00 p.m.

After hours, contact your local law enforcement agency.

YARD WASTE

I would like to remind all residents not to dump grass clippings, tree trimmings, and other debris in yards, lots or on the side of the road. Please follow established methods for yard refuse contractor for disposing of these materials.

STREET SIGNS & LIGHTS

The highway commissioner maintains street signs and lights for the unincorporated roads. If you know of a street in the unincorporated area that needs a sign, call the Orland Township Highway Garage at (708) 403-5148. Also, if there is a street light in the unincorporated area please report it to the highway department as soon as possible.

EASEMENTS

Orland Township Highway Department easements are the area between curb and sidewalk and are used for the placement of utilities, fire hydrants, and United States Postal Service mailboxes. Basketball hoops are not permitted.

DRIVE CAREFULLY

Residents should observe all posted limits and caution signs. To report vehicles exceeding posted limits, call the Orland Township Highway Garage at (708) 865-4777.

Orland Township GENERAL ASSISTANCE



**Supervisor
Robert
Maher**

General Assistance is a financial aid program to help residents meet basic needs until employment or other sources of income such as social security, disability or public aid is obtained. Eligibility is determined by established guidelines based on income, assets and household size. Applicants must have no other potential means of income and have applied for all possible benefits.

Emergency Assistance is financial aid granted to qualified individuals and families on a short-term basis to alleviate life-threatening circumstances, or to assist in obtaining self-sufficiency. If an individual or family



The Orland Township General Assistance Office provides financial assistance and referral information to Orland Township individuals and families during severe economic crisis. The Orland Township Supervisor manages and controls the General Assistance Program.

is eligible, they may receive assistance once in a 12-month period to meet basic expenses.

In both General and Emergency Assistance, the applicant must meet certain financial and non-financial eligibility requirements, and must supply Social Security cards, lease or mortgage statements, pay stubs (past 30 days), bank statements, and proof of registry with Public Aid and the Illinois Job Service.

Applications to determine eligibility for General/Emergency Assistance are available at the Orland Township Office. When the application has been completed and all documentation is gathered, please contact Orland Township at (708)403-4222 to schedule an appointment to review your application.

Orland Township HEALTH SERVICES



**Trustee
Kay Yunker
Health
Services
Committee
Chairperson**

Orland Township Health Services promotes and provides services to residents of Orland Township and all of Tinley Park, focusing on wellness, preventive health care and health education. There are no age or income guideline requirements to use the services. There are no income guidelines to qualify for the immunization clinic services.

FREE IMMUNIZATION CLINIC

Orland Township immunization clinics are monthly and held in various locations. All vaccines are administered free of charge to anyone under the age of 19 years and

a resident of Orland Township, unincorporated Orland Township and Tinley Park. Adult vaccine appointments may be made by calling Orland Township Health Services. We now have most adult vaccines including Zostavax (Shingles). You may call Health Services to find out the cost, as there is a fee for all adult vaccines.

- April 4** 9:00 a.m.-Noon
Grissom Jr. High (Health Fair),
17000 S. 80th Ave., TP
- May 2** 9:00 a.m. - 11:00 a.m.
Orland Township 15100 S. 94th Ave., OP
- June 6** 9:00 a.m. - Noon
To Be Determined (Health Fair)
- July 11** 9:00 a.m. - 11:00 a.m.
Orland Township
(Exact location to be announced)



For future clinic dates, call (708) 403-4222. All childhood vaccines are available at all clinics with the exception of Varicella, which is only given at clinics held at Orland Township Activity

Center. Children age 18 and under, must be accompanied by a parent unless special arrangements have been made with the health services department the week before the clinic. A written immunization record must be presented at the clinic and proof of residency will be checked. Those receiving shots must eat before attending the clinic.

The following shots are offered, free of charge, for all individuals under the age of 19 years, at every clinic and health fair, with the exception of Varicella, which is only offered at clinics that take place at Orland Township:

- Diphtheria, Tetanus, Pertussis (Dtap)
- Inactivated Poliovirus (IPV)
- Hepatitis B
- Measles, Mumps, Rubella (MMR)
- Varicella (Chickenpox)
- Pneumococcal
- Haemophilus Influenzae type b (Hib)
- Meningitis
- Tetanus, Diphtheria, Pertussis (Tdap)
- Hepatitis A
- Human Papillomavirus (HPV)
- Influenza

All health fairs offer school physicals (\$15.00), free dental screenings, free vision screenings, and free immunizations.

WELLNESS SERVICES

Orland Township Health Services focuses on preventive health care. The following fees represent discounts of as much, if not more, than 50% per medical service to maintain one's health. Please visit the Orland Township office at 15100 S. 94th Ave., to select a physician from the list of those participating and to pay for the service. The resident must schedule appointments with the health service provider.

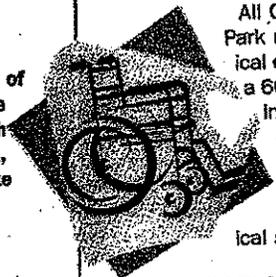
HEALTH SERVICE FEE SCHEDULE

Youth Physical Examination.....	\$30.00
Senior Podiatry	\$20.00
Adult Physical Examination	\$35.00
Routine Podiatry Exam	\$25.00
Complete Vision Exam	\$40.00
Dental Screening	\$15.00
(does not include x-rays)	
Dental Exam & Cleaning.....	\$45.00
Dental Exam/Cleaning & X-rays.....	\$100.00

Chiropractic Examination\$50.00
(Please note that the physical examination may not be used for an illness. Proof of residency will be required at the time of discount voucher purchase.)

NURSES CLOSET

All Orland Township and Tinley Park residents can borrow medical equipment and supplies for a 60-day period of time. Items include wheelchairs, crutches, canes, walkers, commodes, tub and shower seats, lift chairs, hospital beds and various medical supplies.



EMERGENCY ID BRACELETS

Emergency ID bracelets are available to all residents with a medical problem, as well as those who simply want their vital emergency information on record. The purpose of the bracelet is to allow emergency personnel quick access to important facts when accidents, etc., occur. Bracelets may be purchased for \$8.00 for stainless steel and \$10.00 for gold at the Orland Township office.

BLOOD PRESSURE SCREENING

- Wal Mart Last Wednesday of each month
1:00 p.m. - 3:00 p.m.
- K Mart 3rd Wednesday of each month
9:30 a.m. - 11:30 a.m.
- Orland Township 3rd Friday of each month
9:00 a.m. - 11:00 a.m.

BLOOD PRESSURE/CHOLESTEROL/ BLOOD SUGAR SCREENINGS

Orland Township
4th Wednesday of each month
8:30 a.m. - 10:30 a.m.
These services are performed by volunteers from various home care agencies.

STATE OF ILLINOIS HANDICAPPED PARKING PLACARDS

Temporary (three months only) window handicapped parking placards may be obtained at the Orland Township office.

PODIATRY SCREENINGS

A local podiatrist offers free podiatry screenings for all Orland Township residents

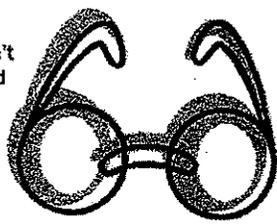
at the Orland Township office on the third Wednesday of every other month from 9:00 a.m. to 11:00 a.m. To schedule an appointment, please call (708) 403-4222.

TOTAL LIPID PROFILE TESTING

On the third Thursday of each month Orland Township offers a complete cholesterol work-up (Total Lipid Profile Testing). This test provides total cholesterol, triglycerides, LDL (bad cholesterol), HDL (good cholesterol) and a ratio of all of these tests. You can also have a glucose test at this time. The cost for residents is \$25.00 for the total lipid profile test, plus \$5.00 for the glucose test. For non-residents the cost is \$30.00 for the total lipid profile test, and \$5.00 for the glucose. To schedule an appointment you may call Orland Township at (708) 403-4222 Monday through Friday 8:00 a.m. to 4:30 p.m. and Tuesday from 8:00 a.m. to 6:00 p.m.

GUILD FOR THE BLIND

If you have new vision loss and don't know where to go for help and resources, this program is for you! This community-based program is designed to help you learn practical ways to make your life easier and safer so you can continue to live independently.



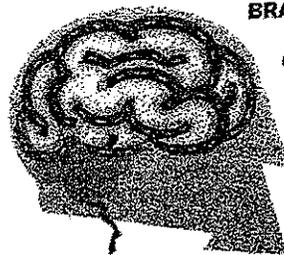
New Visions is a four-session workshop that introduces participants to vision rehabilitation. Important information and hands-on demonstrations are shared in an interactive and supportive environment. Topics include: Emotional aspects of vision loss; sighted guide and self-advocacy; labeling and organizing techniques to better manage your time, money, and household; strategies and factors to consider to maximize remaining vision; magnification products; talking and large print products; techniques for dining with confidence; and adaptations for recreational pastimes.

A friend or family member is welcome to attend to gain a better understanding of what a person with low vision experiences on a daily basis and how they can provide the best support to meet your needs. Participants will receive a resource guide and audiocassette complete with all program information and additional resources.

This program will take place on Thursdays, March 19 and 26, 2009 at 10:00 a.m., at Orland Township, 15100 S. 94th Ave., Orland Park. To register for this program you can call (708) 403-4222, Monday through Friday, 8:00 a.m. to 4:30 p.m. and Tuesdays from 8:00 a.m. until 6:00 p.m.

BRAIN HEALTH

On Thursday, April 2, 2009 from 6:00 p.m. to 7:30 p.m., the Alzheimer's Association - Greater Illinois Chapter, with the cooperation of Orland Township Health Services, will present a program about Alzheimer's disease at the Orland Township Activity Center, 15100 S. 94th Ave., Orland Park. This interactive program includes informa-



tion about serious memory loss, what new research studies have found out about Alzheimer's Disease and other dementias, what to do about symptoms you suspect may be related to one of these, and how to cope while caring for someone who has a diagnosis of Alzheimer's or a related dementia. To register for this free program you may call (815) 744-0804.

WOMEN'S WORKSHOP

Dr. Adam Hayes, a chiropractor from Chiro One, will be at Orland Township, 15100 S. 94th Avenue, Orland Park, on Saturday, May 9, 2009, from 9:00 a.m. to 12:00 p.m. to present a seminar on natural solutions for premenstrual syndrome and menopause. His staff will accompany him and offer many wonderful services including FREE health screenings, FREE massages, and FREE facials. They will also provide you with a complimentary continental breakfast.



To make reservations for this presentation, or to obtain more information, call the Orland Township offices at (708) 403-4222. Office hours are Monday through Friday 8:00 a.m. to 4:30 p.m. and Tuesday from 8:00 a.m. to 6:00 p.m.

Seminars

Advocate Health Services, in partnership with Orland Township, will be offering the following Seminars:

He's from Mars... She's from Venus!
 This seminar will discuss how men and women think. Aline Process for Men and Women will help you understand how men and women think. She will give you a lot of insight into how men and women think. A male physician will help you learn more about what men and women are thinking through out the same time. Aline Process for Men and Women.
 Date: Thursday, May 7, 2009. Time: 8:00 - 7:00 p.m.

Andropause - Male Menopause?
 Men are not feeling healthy? Are there such things as menopause for men? Yes! It's called andropause. Join Dr. Andrew Health Center physician to learn about risk factors, diagnosis, and treatment for andropause. Remember that this lecture is for men only, women are invited as well.
 Date: Thursday, June 18, 2009. Time: 6:30 - 7:30 p.m.

Presentments show highlights will be given. All events are held at the Orland Township Activity Center, 15100 S. 94th Ave., Orland Park, IL 60467. For more information, call (708) 403-4222.

SENIOR SERVICES



**Trustee
Maggie O'Hern
Senior Services
Committee Chairperson**

SENIOR TRANSPORTATION

Orland Township provides curbside service to seniors age 55 and older that live within the boundaries of Orland Township. Transportation is available to shopping areas, senior centers and other service providers within Orland Township. Transportation to medical appointments outside Orland Township boundaries can be provided. Transportation service is available Monday through Friday from 8:15 a.m. to 4:00 p.m. Reservations can be made by calling (708) 403-4222. Monday through Friday from 9:00 a.m. to 3:00 p.m. There is a \$2.00 per one-way trip for rides inside the boundaries of Orland Township and \$4.00 per one-way trip to providers outside Orland Township boundaries. Based on the actual cost of each unit of service, this is a great deal for the seniors of our community.

You may use transportation coupons in place of a cash payment for your ride. Booklets containing 10 (ten) coupons are available and cost you \$20.00 each at the Orland Township Office, 15100 S. 94th Ave., Orland Park, on our regular business hours (Monday through Friday from 8:00 a.m. to 4:30 p.m. and Tuesday evenings until 6:00 p.m.). Coupon booklets cannot be purchased from transportation drivers. Each coupon has a \$2.00 cash value. If you have any questions, please contact the Orland Township office at (708) 403-4222.

SENIOR HEALTH INSURANCE PROGRAM

Orland Township's FREE Senior Health Insurance Program (SHIP) provides assistance to persons who may need help with Medicare claims and statements, as well as help with Medicare Part D Prescription Drug Coverage. Counselors, trained and certified with the Illinois Department

of Insurance, are available by appointment to answer questions about Medicare and Medicare Supplemental Insurance. Counselors provide accurate and objective one-on-one counseling sessions. They are not affiliated with any insurance company and do not sell or solicit any type of insurance. Call (708) 403-4222 to schedule an appointment.

RULES OF THE ROAD

This is a review test for those who must take the written or driving test to renew their driver's license. This FREE class is offered six times a year. The next upcoming class date is April 27, 2009 from 1:30 p.m. to 3:30 p.m.

55 ALIVE

This two-day class is designed to help older drivers improve their skills and prevent traffic accidents. Course completion may qualify you for a discount on the liability portion of your automobile insurance. Classes are held in the Orland Township Activity Center from 9:00 a.m. to 1:00 p.m. Upcoming class dates: May 4 & 5, 2009 and July 6 and 7, 2009. You must attend both days. There is a \$12.00 fee for AARP members and a \$24.00 fee for non-members. This fee is payable to the instructor on the first day of the class. Registration is required. Mark your calendars!

SENIOR DROP IN CENTER

The Orland Township Activity Center is open on Wednesday and Friday from 9:00 a.m. until 3:00 p.m. Residents can participate both days if they choose to play cards, bingo and have refreshments. This popular social opportunity offers seniors a place to gather and make new friends.

DIABETIC SHOE ENTITLEMENT PROGRAM

Orland Township, in conjunction with EMB Suppliers, sponsors a Diabetic Shoe Entitlement Program to benefit individuals with diabetes. The program, certified by Medicare and partnered with the American Diabetes Association, provides protective and therapeutic footwear at no cost for individuals living with diabetes. Diabetics, who are covered by Medicare, are entitled to one pair of shoes per year plus three pairs of insoles. The individually fitted shoes feature extra-depth molded insoles and protected toes designed exclusively for comfort and support. In order to qualify for the program, you must be under a comprehensive plan of care for diabetes with a physician and have him/her sign a certification state-

ment. For more information, please contact the Orland Township office at (708) 403-4222.

HOME REPAIR PROGRAM

How can a senior citizen find a dependable handyman (someone who typically deals with projects that are too small for large contractors and too tricky or time-consuming for the average homeowner) to do some work around the house? Hiring a local handyman can be a challenge. How do you find someone who will return your calls, show up on time, do the job right and finish it? Senior citizens want someone reliable, who will return phone calls, show up on time, do the job right and finish it in a timely manner! Orland Township has expanded their handyman program to include qualified and professional "handymen" to handle your minor home repair needs. For more information, please contact Kathy Kenyeri, Senior Services Coordinator at (708) 403-4222.

FREE AMPLIFIED PHONE PROGRAM

The Illinois Telecommunications Corporation (ITAC) has expanded its mandated program to include free amplified telephones for those who qualify. Requirements are: the applicant must be a resident of Illinois, they must have a standard phone service in their home, and they must have their physician certify that they are unable to use the standard phone service. There are no age or income requirements. If you or someone you know is in need of this service, please stop by the Orland Township Office to pick up an application.

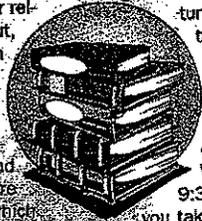


BENEFITS CHECK-UP PROGRAM

SENIORS... Are you getting all the benefits that you are entitled to? Are you aware of all governmental programs and services available to persons over the age of 60? Let us help you with BCU - the Benefits Check-Up Program. It's a free and confidential service to help you find out about benefits and programs that you may be entitled to such as: Circuit Breaker & Illinois Cares Rx; Real Estate Tax Deferral; Community Spousal Impoverishment; Supplemental Security Income (SSI); Qualified Medicare Beneficiary (QMB); Specified Low-Income Medicare Beneficiary (SLMB); Food Stamp Program; Senior Homestead Exemption; and Chore/Housekeeping Service.

The BCU form is a simple document, asking for the ages of household members, monthly income, asset information, sources of other income, major household expenses, medical expenses, home ownership status, and other relevant data. You will then receive a printout, which lists not only the benefits for which you may be entitled, but also an individual fact sheet, which gives application information for each benefit program.

Call today or stop in for a BCU application. Simply complete the information and return the forms to us for processing. We are here to help you receive the benefits to which you are entitled or are not now receiving!



ORLAND TOWNSHIP SENIOR READING PROGRAM

Orland Township, in conjunction with the Village of Orland Park Library, provides an opportunity to sign up for library cards and take out books & DVD's during Orland Township's regularly scheduled Drop-In Center Program. The Orland Park Library will be bringing their book carts to the activity center on the first and third Wednesday of every month from 9:30 a.m. to 11:00 a.m. Make sure

you take advantage of this great opportunity to pick up a good book, whether it's a good mystery, romance novel, or nonfiction. Reading is an essential life skill, and remember, there are many benefits that come along with reading. Research shows that avid readers can concentrate better, have a better chance for a successful fulfilling adult life, have many interests, develop an ability to understand how other people think and feel, and tend to be more flexible in their thinking and more open to new ideas. People who read a lot also weather personal problems better. Stimulate your mind - by reading. Reading.

FIVE WISHES PROGRAM

There are many things in life that are out of our hands. Five Wishes gives you a way to control something very important how you are treated if you become seriously ill. It is an easy to complete form that lets you say exactly what you want. Once it is filled out and properly signed it is valid under the law in Illinois.

Five Wishes is the first living will that talks about your personal, emotional and spiritual needs as well as your medical wishes. Let us choose the person you want to make your medical decisions for you if you are unable to make them for yourself. Five Wishes lets you say exactly how you wish to be treated if you become seriously ill. It was written with the help of The American Bar Association's Commission on the Legal Problems of the Elderly and the nation's leading experts in end-of-life care. It's also easy to use. All you have to do is check a box, print a direction, or write a few sentences. For more information, contact the Orland Township office.

S.A.L.T. (SENIORS & LAW ENFORCEMENT TOGETHER)

The Cook County Sheriff's Office has an innovative program. Meetings are held on Tuesday mornings from 9:30 a.m. to 11:00 a.m. in the Orland Township Activity Center. Each meeting will focus on crime and justice issues as related to the older individual. After attending, you will become more informed about the criminal justice system, become an informed support & public relations group, provide information exchange between the community's seniors and law enforcement. Upcoming S.A.L.T. meeting dates for 2009 are: March 24, April 28, May 26, June 23 and July 28. To register for the S.A.L.T. Program, contact the Orland Township office at (708) 403-4222.

gram is administered by the Illinois Department on Aging. Income levels for eligibility range from \$22,218 to \$36,740. For more information call Orland Township at (708) 403-4222.

SENIOR SEMINARS

Seminars are held in the Orland Township Activity Center. Seminar topics include a wide variety of issues that affect the daily living of senior citizens in our community. Call the Orland Township office for more information about the schedule for seminars.

ORLAND TOWNSHIP SENIOR CITIZEN ADVISORY COUNCIL

The Orland Township Senior Council serves as an advisory board, making recommendations to the Orland Township Board of Trustees regarding senior programs and services. The meetings are held quarterly at the Orland Township Activity Center. Call the Orland Township office for more information.

SENIOR LUNCHEONS

Orland Township hosts afternoon luncheons that include a hot catered meal and enjoyable entertainment. These luncheons are held at the Orland Township Activity Center. Tickets are \$5.50. Call the office for more information.

Road Trip Roundup

MONTHLY TRIPS

Orland Township provides monthly day and overnight trips to various locations. Ticket prices include meals, entrance fees (when appropriate), and motor coach transportation. For information regarding the bus pick-up and drop off locations please contact the Orland Township office at (708) 403-4222.

SENIOR PROGRAM REGISTRATION INFORMATION

All residents are encouraged to register for a permanent senior identification number. Proof of residency is required to obtain an ID card. Trip/event tickets are sold on a first come, first serve basis. Tickets for each event go on sale at 8:00 a.m. on the specified date. Tickets are limited to two per person for trips and luncheons and ten per person for tickets purchased for dinner dances and luncheons held at the Orland Chateau. All tickets are non-transferable.

RTA SENIORS RIDE FREE PERMIT

Senior citizens aged 65 or over living in the RTA service region (Cook, DuPage, Kane, Lake, McHenry and Will counties) are eligible for free transit on fixed routes operated by the Chicago Transit Authority (CTA), Metra and Pace. Orland Township is a Key Center, providing photo service and registration. Residents who live within Orland Township boundaries are charged a photo fee, non-residents are charged \$8.00. The office will process the free ride permit and send the cardholder a new "Smart Card."

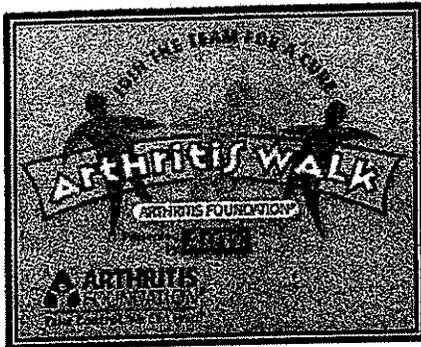
RTA PEOPLE WITH DISABILITIES' RIDE FREE PROGRAM

The Regional Transportation Authority (RTA) has begun partnering with the Illinois Department on Aging to implement the People with Disabilities Ride Free program after Senate Bill 1920 became law in August 2008. The new legislation provides free rides on fixed transit routes (regularly scheduled CTA, Metra, and Pace buses and trains) to any Illinois resident who has been enrolled as a person with a disability. To be eligible for the People with Disabilities Ride Free program there is one important qualifier: the individual MUST be enrolled in the Illinois Circuit Breaker program as a person with a person with disability. The Circuit Breaker

Team Orland Township

Help Support The Arthritis Foundation

Join Our Team!!!



BE A PART OF
"TEAM ORLAND TOWNSHIP"
 AS WE PARTICIPATE IN THE
 ARTHRITIS WALK ON
 SATURDAY, MAY 30 AT THE
 BEAUTIFUL NAPERVILLE RIVER
 WALK. WE WILL MEET IN THE
 ORLAND TOWNSHIP PARKING
 LOT, 15100 S. 94th Ave.,
 ORLAND PARK AT
 8:00 A.M. TO GO TO
 NAPERVILLE.
 SOUND INTERESTING?
 THEN READ ON!!!
Walk with us!!!!

The Arthritis Walk® is the Arthritis Foundation's annual nationwide event that raises awareness and funds to fight arthritis, the nation's leading cause of disability. It is a tremendous opportunity to help improve the lives of the 46 million men, women and children doctor-diagnosed with arthritis. Get your company involved or recruit friends and family members to help build our team. Best of all, walk in honor of a loved one with arthritis and know you're making a difference by raising funds to support Arthritis Foundation research, public health and public policy efforts to improve the lives of people with arthritis.

At the Event...

- Choose from a three-mile or one-mile walk route
- Write an inspirational message on the Wall of Heroes.
- Wear a blue "hero" hat if you have arthritis
- Enjoy the fun, festivities and free health information

Register Today

Register online today! Raise \$100 or more and earn an official Arthritis Walk® T-shirt. Simply go to their website and enter your information to register - <http://2009ArthritisWalkNaperville.kintera.org> OR you can register the day of the event OR you can use the attached registration form. There is no fee to register.

Our team goal is to raise at least \$1000.00

CONTACT ELLEN AT (708) 403-4222 IF YOU WILL BE WALKING WITH US OR FOR MORE INFORMATION!!!!

If you would like to make a donation but are unable to walk with us, you can do so over the Internet at:
<http://2009ArthritisWalkNaperville.kintera.org/orlandtwp>

The mission of the Arthritis Foundation is to improve lives through leadership in the prevention, control and cure of arthritis and related diseases.

ORLAND ARTHRITIS

(Sanctioned by



The Orland Township Arthritis Foundation program designed to help those who strength and endurance in order to overcome are far greater than just inflammation of arthritis and related inflammatory conditions such as inflammation that affects joints. If you're not doing high-intensity exercise stimulates an anti-inflammatory program, offered by certified Arthritis Relaxation.

The Orland Township Arthritis Foundation Self-Help Course teach you the latest pain management techniques; help you learn to manage fatigue and stress more use of medications; help you find solutions to problems caused by anger, fear, frustration and depression; discuss the role of new ways to communicate with family and friends; and to health care team. Join the list of the many past participants: increased knowledge about their arthritis; increased confidence; decreased depression; decreased pain, and decreased



The Orland Township Arthritis Foundation is on the third Thursday of support; an opportunity to socialize; activities presented by role models who encourage and reinforce desired changes; help; encouragement to members to help others and in self-esteem, self-determination and self-efficacy; and opportunity to overcome some limitations caused by arthritis.

All classes are held in 15100 S.

Registration is required! Call

Participants will be required to submit an application.

TOWNSHIP PROGRAMS

Arthritis Foundation

Arthritis is a leading cause of disability in the United States. It affects more than 50 million people, and its prevalence is expected to increase as the population ages. The Arthritis Foundation is a national organization that provides information, support, and advocacy for people with arthritis and their families. The foundation's mission is to help people with arthritis live better lives by providing information, support, and advocacy.

The Arthritis Foundation's mission is to help people with arthritis live better lives by providing information, support, and advocacy. The foundation's programs include education, support groups, and advocacy. The foundation's website is www.arthritis.org.

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Orland Township Activity Center
and Park

Call 222 for more information

Arthritis Foundation

Are You In Charge Of Your Health or Is Your Disease?

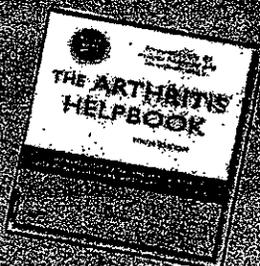
Don't Miss This Educational & Informative Program!

Dealing with Arthritis: New Information Can Help You

Dr. Cory Conniff, Rheumatologist
Illinois Arthritis Center, Orland Park

Smoke, Fire and Mirrors: Fact & Fiction of "Minimally Invasive" Hip and Knee Surgery

Dr. Daniel Weber, Orthopaedic Surgeon
Integrity Orthopaedics, Tinley Park



Tuesday, June 9, 2009
9:00 a.m. to 11:30 a.m.
(Breakfast will be served at 8:30 a.m.)
Orland Township
Activity Center
15100 S. 94th Ave.,
Orland Park



This Program is Sponsored by Abbott, Stryker Orthopaedics, and Orland Township



Please call
800-735-0096 or
312-372-2080
to register or for more
information.

SENIOR CITIZEN LAW ENFORCEMENT ACADEMY AT ORLAND TOWNSHIP



Cook County Sheriff Thomas J. Dart and Orland Township invite all Township senior citizens who are interested in law enforcement and crime awareness issues to enroll in the Senior Citizen Law Enforcement Academy to be held from 1:00 p.m. to 3:00 p.m. on Mondays, June 1 through July 6 at the Orland Township Activity Center, 15100 So. 94th Ave., Orland Park.

The Sheriff's Office designed the program to open the lines of communication between senior citizens and law enforcement officials. Participants will gain a better understanding of the responsibilities and duties of law enforcement officials as well as receive advice on personal safety and crime prevention.

Top Sheriff's Office staff members will conduct the six-week session Academy. Each speaker provides pertinent information on an array of topics, including crimes against seniors, gang and drug awareness, understanding the role of the sheriff in the criminal justice system, K-9 demonstration, overview of alternative sentencing programs and functions of the Cook County Jail.

All participants will be presented with Certificates of Completion and honored at a graduation ceremony and reception the final day of the program.

For more information on the program or to register for the Senior Citizen Law Enforcement Academy at Orland Township, call Kathy Kenyeri, Senior Services Coordinator, at (708) 403-4222.



OLDER AMERICANS MONTH May 2009

"Working Together for Stronger, Healthier, Supportive Communities"

In May, we celebrate two wonderful aspects of the beauty of spring: the arrival of warmer weather and the month of Older Americans. For more than 38 years, the President of the United States has designated the month of May as Older Americans Month - the month with the most 65 and over 40 million older Americans. This year's Older Americans Month is "Working Together for Strong, Healthier, Supportive Communities." This theme gives us the opportunity to highlight issues that directly relate to the senior community. Helping older people stay active, healthy, and independent is the mission of the Orland Township Senior Services Department. Older Americans are not only adding years to their lives, but also improving the quality of their lives.

In keeping with the theme, Orland Township offers you these exciting and interesting programs to help you improve the quality of your life! Make sure to get involved and take advantage of the exciting programs and services provided just for you:

More information about these programs can be found elsewhere in the newsletter or by contacting the Orland Township office at (708) 403-4222.

- May 4 Murder Mystery Trip, Geneva, IL
- May 4 55 Alive Class 9 a.m. - 1 p.m.
- May 5 55 Alive Class 9 a.m. - 1 p.m.
- May 6 Cinco De Mayo
- May 7 Seminar "He's From Mars....She's From Venus" 6:30 p.m. - 7:30 p.m.
- May 8 Cinco De Mayo
- May 12 Bowling Bash, Orland Bowl
- May 13 Orland Park Fire Protection - Home Safety
- May 15 Orland Park Fire Protection - Home Safety
- May 15 Blood Pressure Screening
- May 18 Senior Health Fair 9:00 a.m. - 12:00 p.m.
- May 19 Senior Luncheon
- May 21 Cholesterol Screening (by appointment only)
- May 21 Health Awareness Seminar 7:00 a.m. - 8:30 p.m.
- May 22 Pizza/Bingo Bash 5:00 p.m. - 8:00 p.m.
- May 26 S.A.L.T. (Seniors and Law Enforcement Together) Meeting
- May 27 Blood Pressure/Blood Sugar/Cholesterol Screening
- May 28 Salute to our Senior Citizens

You're Invited...Orland Township Senior "Mini-Health Fair"

Orland Township cares about your health and well-being! Enjoy a month of valuable free screenings and information. Meet and talk with agencies that provide services to older adults.

Monday, May 18, 2009
9:00 a.m. to 12:00 p.m.
Orland Township Activity Center
15100 So. 94th Ave., Orland Park

For more information or to schedule an appointment, please call (708) 403-4222.
Free admission. Refreshments. Games.
Giveaway. Goodie bags.



Services and Information Available

- * Total Cholesterol & Glucose Blood Tests
- * Blood Pressures
- * Hearing Screenings (by appointment)
- * Computerized Spinal Screenings
- * Mini Massages
- * Osteoporosis Screenings
- * Advocate Christ Medical Center
- * Providence Life Service
- * Home Instead Senior Care
- * Marquette Bank
- * Alden-Orland Park
- * Plus much, much more!!!!

SENIOR TRIPS

Orland Township offers a variety of month- and overnight trips that are cost effective, enjoyable, and appeal to diverse interests and expectations. Trip escorts are provided by Orland Township. In the event of an emergency, trip escorts will make arrangements for transportation to the local health care facility, but must remain with the group, unless a participant is traveling alone. All participants are required to provide an alternate emergency contact name and phone number at the time of ticket purchase. Please make yourself aware of any unusual medical conditions you may have. We also ask that you inform us of any important medication and health information with you at all times.

Trip tickets are sold on a first come, first served basis. Tickets for each event go on sale at 8:00 a.m. on the specified date. Tickets are limited to two per person and are non-transferable. In the event of a cancellation, a full refund will be given prior to the deadline on the ticket. After the deadline, no refunds will be given if the ticket can be sold to someone on the waiting list if applicable.

Seating for all trips leave from the parking lot behind ROBERT MORRIS COLLEGE next to the FINANCIAL building which is located on the west corner of 151st Street and 94th Street.

Participants will now also designate how much walking is involved. The walking required is subjective, what might be easy for one person could be hard for another.

Walking:

Walking: Example: walking on bus to the Theatre and restaurant

Long Distance Walking: Example: tours that require longer walks, or tours

Lots of Walking: Example: tours, museums, shopping at several stores

We encourage you to participate in the upcoming senior trips, designed specifically for you!

ISLE OF CAPRI/MESKWAKI CASINO TRIP

Our first stop will be at the "Caribbean-Style" Isle of Capri in Bettendorf, IA. The Isle of Capri package includes 5 1/2 hours of gaming, \$5 in Slot Play and a free lunch buffet. After collecting your winnings we will then proceed to the Meskwaki Casino in Tama, Iowa for a two-night stay where you can choose from over 1650 of the newest and hottest reel and video slots in denominations from a penny to \$100. Table Games feature all the popular Vegas style games including Blackjack, Craps, Roulette, Let It Ride and Three Card Boker. With five restaurant venues, indoor pool, and the new Winding Stream Spa, there is something for everyone. The Meskwaki package includes \$20 match play each day and \$3 food vouchers each day. Ticket price includes a continental breakfast on the bus, games and prizes, deluxe coach transportation and overnight accommodations. **Trip Limit: 92**

Date: Wednesday, April 1 - Friday April 3, 2009
Place: Tama, Iowa
Time: 6:30 a.m. Wednesday - 6:30 p.m. Friday
Fee: \$165.00 residents - on sale now
 \$170.00 non-residents - on sale now

WHITE PINES DINNER THEATER

White Pines is a warm and inviting, kind luncheon theater experience that everyone will enjoy, so don't miss this opportunity to have a great day. Join Orland Township as we travel to Mt. Morris, IL to see "Everybody Still Likes Ray". Ray and Debra Barone, played by Ray and Nancy Jane, are everybody's favorite couple, who put the fun in dysfunctional as they navigate the ups and

downs of married life and the mayhem that they experience with Doris and Frank, Ray's mother and father. Our trip includes a delicious meal at White Pines, the live stage show and luxury coach transportation, with games and prizes and a continental breakfast on the bus. **Trip Limit: 92**

Date: Wednesday, April 15, 2009
Place: Mt. Morris, IL
Time: 8:30 a.m. to 5:00 p.m.
Fee: \$60.00 residents - on sale now
 \$65.00 non-residents - on sale now

MURDER MYSTERY TRIP

Join Orland Township on this "Murder Mystery" Trip at the Oscar Swan Estate in Geneva, IL where guests will receive new identities and clues to help solve this murderous crime. Upon arrival, there will be a Clue Hunt and Will Reading. As you are putting all the pieces together, enjoy a lunch of a Green Salad with Fresh Herbs and Dressing, Chicken Breast with Rice Pilaf, Vegetable, Sweet Treats, and Coffee or Tea. After turning in your Who-Dun-It Sheets, the mystery will be solved and the murderer will be revealed. Following the above event, seniors will have an opportunity to take advantage of the many quaint and picturesque shops along the Fox River. Ticket price includes the "Murder Mystery", lunch, and deluxe coach transportation. **Trip Limit: 92**

Date: May 4, 2009
Place: Geneva, IL
Time: 9:15 a.m. to 5:00 p.m.
Fee: \$75.00 residents - on sale now
 \$80.00 non-residents - on sale now

MILWAUKEE LAND AND SEA TOUR

On this tour you will explore Milwaukee with a professional step-on-guide, learning about the city's history, its people and seeing all the new developments that have taken place recently. You'll visit several different neighborhoods, see the lakefront mansions and enjoy some of Milwaukee's ethnic culture. Milwaukee has a revived downtown area

alongside the Milwaukee Art Museum with new skyscrapers, luxury housing, fine dining and upscale nightlife establishments. Then you will board the Edelweiss for lunch and a sightseeing tour on the Milwaukee River through downtown and out into Lake Michigan to enjoy the beautiful views of the Milwaukee skyline. Expect to learn of Milwaukee's Brewing History, German heritage, manufacturing contributions, famous locals and its current Renaissance. This is truly a day to add to your memory book! Ticket price includes continental breakfast on the bus, games and prizes, lunch and tours, plus deluxe coach transportation. **Trip Limit: 92**
Date: June 15, 2009
Place: Milwaukee, WI
Time: 7:00 a.m. to 6:00 p.m.
Fee: \$92.00 residents - on sale April 14, 2009
 \$97.00 non-residents - on sale April 28, 2009



ITALIAN FEST

Come with us to the 32nd Annual Festa Italiana in Milwaukee, Wisconsin. We're talking Italian food, Italian music, and lots of Italian family FUN. It's America's premiere Italian cultural event offering nine stages of world-renowned and local entertainment and cultural exhibits. Ticket price includes deluxe motor coach transportation. **Trip Limit: 92**
Date: July 17, 2009
Place: Milwaukee, Wisconsin
Time: 10:00 a.m. to 9:30 p.m.
Fee: \$26.00 residents - on sale June 1
 \$31.00 non-residents - on sale June 15



ORLAND TOWNSHIP TO SPONSOR TRIP TO BRANSON, MISSOURI

Orland Township will be heading to Branson, Missouri to get an early start on celebrating the Christmas Holiday. Accommodations have been booked at the famous, Walk-Resort from Monday, November 9 through Friday, November 12, 2009. We are organizing plans for the Branson package, which will include deluxe accommodations, various shows, and deluxe motor coach transportation, continental breakfast on the bus, as well as games and prizes. To learn more about the Branson Trip or to register, call Kathy Kenner, Senior Services Coordinator at 708-403-4222.

A DAY AT THE RACES— ARLINGTON PARK RACE COURSE

Spend an unforgettable afternoon at the world's most exciting facility. The afternoon will include admission to the park, the daily racing guide, a two-hour scrumptious buffet, plus coffee, tea, or non-alcoholic beverage in a garden setting next to the windows so you'll have a great view, ability to bet on the horses, as tellers are directly in the meeting room. A cash bar will be available for anyone that wishes an alcoholic beverage. Ticket price includes admission, buffet and deluxe motor coach transportation. The dress code is business casual. So if you feel lucky, join us as we take a ride to the winners circle. **Trip Limit: 92**



Date: Wednesday, August 5, 2009
Place: Arlington Heights, IL
Time: 10:15 a.m. to 6:30 p.m.
Fee: \$62.00 residents - on sale June 16
 \$67.00 non-residents - on sale June 30

SENIOR LUNCHEONS

Orland Township offers luncheons that include a hot catered meal and an afternoon of entertainment by fantastic performers such as singers, musicians, and comedians. Lunch generally consists of an entrée, vegetable, potato, salad, rolls, dessert, and beverage served promptly at noon. Tickets are sold on a first come, first serve basis. Tickets for each event go on sale at 8:00 a.m. on the specified date. Tickets are limited to two per person and are non-transferable. In the event of a cancellation, a full refund will be given prior to the refund deadline on the ticket. After the deadline, refunds will be given if the ticket can be resold to someone on the waiting list if applicable.

We encourage you to participate in these luncheons that are cost-effective and very enjoyable!

MAY LUNCHEON

Our menu for this Patriotic Luncheon includes Roast Pork and Dressing, Mashed Potatoes and Gravy, Vegetable Medley, Applesauce, Rolls and Butter, Dessert and Beverage. Our entertainment for the afternoon will be the versatile singer and entertainer Alex Bably.

Date: May 19, 2009

Place: Orland Township Activity Center

Time: 11:30 a.m. to 2:30 p.m.

Fee: \$7.00 residents only - on sale April 8

JULY LUNCHEON

Enjoy the "Lazy Days of Summer" with a delicious luncheon of Breaded Chicken, Mini Beef Sandwiches, Potato Wedges, Cole Slaw, Pasta Salad, Dessert and Beverage. Our entertainment for the afternoon will be Edizon R. Dayao, Keyboard Artist and Vocalist.

Date: July 28, 2009

Place: Orland Township Activity Center

Time: 11:30 a.m. to 2:30 p.m.

Fee: \$7.00 residents only - on sale June 16



Community Events

Active Senior Expo

The Active Senior Expo is "Dedicated to inform, educate and entertain senior citizens." Since its debut in spring 2002, more than 45,000 seniors have enriched their lives through a variety of event offerings. Active Senior Expo features hundreds of products and services designed specifically for seniors. Exhibitors include healthcare, financial, insurance, retirement communities, assisted living, consumer products, government programs and more. The Active Senior Expo will be held at Georgio's Banquets, 8800 W. 159th St., Orland Hills, on Wednesday, April 22, 2009 from 9:00 a.m. to 2:00 p.m. Special attractions include Free Krispy Kreme Doughnuts; Free Health Screenings and Seminars; Musical Entertainment; Giveaways; Door Prizes; and Free Parking. To receive your free admission coupon, visit the Orland Township office at 15100 S. 94th Ave., Orland Park.

SENIOR DANCES



Supervisor Robert Maher (center) enjoys an evening with residents at the New Year's Eve Dinner Dance at the Oriand Chateau.



Dancing the night away at the very popular New Year's Eve Dinner Dance!

Seven themed dinner dances are held each year and offer you the opportunity to enjoy a delicious family style meal and an evening of live entertainment with your family, friends, and neighbors. Dinner dance tickets are sold on a first come, first serve basis. Tickets go on sale at 8:00 a.m. on the specified date. Tickets are limited to

ten per person and are non-transferable. In the event of a cancellation, a full refund will be given prior to the refund deadline on the ticket. After the deadline, refunds will be given if the ticket can be resold to someone on the waiting list if applicable.

We invite you to participate in the following upcoming dinner dances where you are sure to have a great time!

SALUTE TO OUR TROOPS DINNER DANCE

This very special evening is always a sell out! We dedicate this evening to our veterans who have given of themselves to help our country. Please join us as we salute these wonderful men and women. Ticket price includes another fabulous family style meal and entertainment by one of your favorites, The Swinging Times.

Date: Thursday, May 28, 2009
Time: 5:00 p.m. to 10:00 p.m.

Place: Oriand Chateau - 14500 S. LaGrange Rd.
Fee: \$16.00 residents - on sale April 14
\$21.00 non-residents - on sale April 28

RETRO/JUMP AND JIVE DINNER DANCE

Join Oriand Township and be entertained by the Flat Cat's with their blend of vintage and modern music, which includes the hottest swinging jazz and blues, standards, contemporary classics, and toe-tapping western swing and is guaranteed to entertain you. The Oriand Chateau will provide another great meal. Door prizes and our 50/50 raffle will be part of the evening as well. Make sure you join us.

Date: Thursday, July 23, 2009.
Time: 5:00 p.m. to 10:00 p.m.

Place: Oriand Chateau - 14500 S. LaGrange Rd.
Fee: \$16.00 residents - on sale June 8
\$21.00 non-residents - on sale June 23

Special Events

PIZZA/BINGO BASH!!!!

Back again by popular demand and just for you!!! Don't miss this intergenerational event as Oriand Township's wonderful Youth Commission members serve dinner, pizza, bingo, and present you with awesome prizes! This free event is offered as part of May Older American's Month theme, "Workin' Together for Strong, Healthy Supportive Communities." To register, please call the Oriand Township office to reserve your space.

Date: Friday, May 22, 2009

Place: Oriand Township Activity Center

Time: 5:00 p.m. to 7:30 p.m.

Fee: Free - Free - Free

SENIOR PICNIC

This annual event is co-sponsored by Oriand Township and the Village of Oriand Park. So come and enjoy a great time - without worrying about rain or ants! Lunch will include freshly grilled hot dogs, chips, watermelon, ice cream and beverage. After lunch get ready for an afternoon of bingo and raffle prizes!

Date: Thursday, June 25, 2009

Place: Oriand Park Civic Center

147th & Ravinia, Oriand Park

Time: 10:00 a.m. to 3:00 p.m.

Fee: \$3.00 residents only

BOWLING BASH

As part of Older American's Month, get your friends and neighbors together and have some fun! Ticket price includes two games of bowling and shoe rental; all you can eat pizza, pop, coffee and much more. While you're waiting to step up to the line, you'll have the opportunity to participate in putting contests and there will also be red pin bowling prizes! To register, please call the Oriand Township office. Participation is limited, so make sure to reserve your space.

Date: Tuesday, May 5, 2009

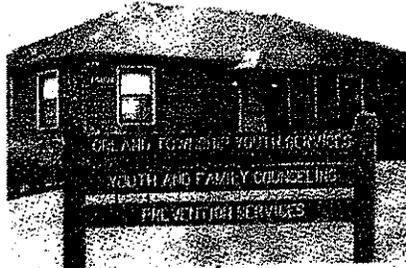
Place: Oriand Bowl

Time: Noon

Fee: \$8.00



ORLAND TOWNSHIP'S 2009 CHARACTER EDUCATION YOUTH LEADERSHIP CONFERENCE



Orland Township YOUTH & FAMILY SERVICES

14671 West Avenue, Orland Park, Illinois 60467 (708) 403-4001



Trustee Joan Herman Youth Services Committee Chairperson

CSI: OT Character Strengthens Integrity!

Attention Parents &... Orland Township Kids 5th through 8th grade

Orland Township Youth and Family Services is offering a FREE youth leadership conference for Orland Township youth, 5th through 8th grade. The goal of Orland Township's program is to encourage character-based principles that will counterbalance negative influences inundating adolescents everyday such as bullying, drugs, tobacco and alcohol. In addition to the myriad of character traits being introduced throughout the day, we will focus on six pillars of character: respect, responsibility, integrity, citizenship, fairness, and trustworthiness.

This FREE one-day event will be held on Saturday, March 4, 2009 at Orland Junior High School, 14855 West Avenue, Orland Park from 9:00 a.m. to 3:30 p.m. and will include fascinating guest speakers.

It's going to be a terrific day, full of FUN large and all group activities, presented by FANTASTIC local youth leaders, with FREE giveaways, including a FREE breakfast and delicious lunch!

DON'T MISS OUT ON THIS AWESOME DAY!

Stop by the Orland Township Youth and Family Services Office, 14671 West Avenue and sign up for this FREE event. Registration forms are also available at your school. Last day to register for this incredible day is March 27, 2009. For additional information, please call (708) 403-4001.

Orland Township Youth and Family

Services' function is to promote and deliver programs to youth and families that teach and build skills, provide information, lend support and act as a referral source to ensure appropriate service provision to our community. Our goal is to empower youth and families to make healthy decisions, and choose "alternate" behaviors conducive to the promotion of healthy lifestyles. All clinical services are subsidized by Orland Township tax dollars. Our services include:

Counseling Services

Individual (Adult & Youth), Couple & Family, by appointment only, offered on a sliding scale fee.

Adult and Youth Groups - Classes - Workshops

Please call Orland Township Youth & Family Services at (708) 403-4001 for group starting dates, additional information on services, groups and workshops or stop by Orland Township Youth and Family Services office located at 14671 West Avenue, Orland Park Monday through Thursday, 9:00 a.m. to 4:30 p.m. and Friday by appointment only.

SPEAKER'S SERVICE

Orland Township Youth & Family Services Professional Staff is available to speak to community organizations (youth and adults) and private groups regarding a variety of topics related to the well being of youth and families.

If interested in the Speaker's Service or would like to learn about topics, please call Orland Township Youth and Family Services for additional information at (708) 403-4001.

GROUPS, CLASSES AND WORKSHOPS SCHEDULE

THE "FOCUS" GROUP (Focus On Character to Succeed)

This group for teens will focus on the six pillars of character, 1. Caring, 2. Respect, 3. Trustworthiness, 4. Responsibility, 5. Citizenship and 6. Fairness and offers an alternative to immediate gratification. Explore the "focus" from self to others.

Date: Every Tuesday, excluding holidays

Time: 5:00 p.m. to 6:00 p.m.

Fee: \$20 per session / Township Residents

\$25 per session / Non-Residents

Place: Orland Township Youth and Family Services 14671 West Avenue, Orland Park

SYSTEMATIC TRAINING FOR EFFECTIVE PARENTING - S.T.E.P. PARENTING CLASSES

This class is designed for parents of school-aged children, and provides valuable training with the goal of: improving communication among family members and lessening conflict. Topics covered include: •Understanding yourself and your child, •Understanding

beliefs and feelings, •Encouraging yourself and your child, •Listening and talking to your child, •Helping children learn to cooperate, •Discipline that makes sense, and •Choosing your approach. Price includes parent's handbook and class material. This workshop is offered monthly and is also offered on an individual basis. For more information or to register call (708) 403-4001.

New workshop Start Date: March 14, 2009

New workshop Start Date: April 18, 2009

New workshop Start Date: May 30, 2009

New workshop Start Date: June 13, 2009

New workshop Start Date: July 18, 2009

Time: 9:00 a.m. to 2:30 p.m.

Place: Orland Township Youth

& Family Services

14671 West Avenue, Orland Park

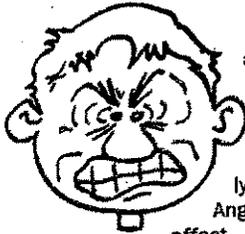
Fee: \$120 per person/

\$140 per couple Township Residents

\$150 per person/

\$170 per couple Non-Residents

ANGER MANAGEMENT - ADULTS & EARLY TEENS & PARENT / TEENS



Anger is a normal and unavoidable feeling, yet many of us are not equipped to handle anger effectively and constructively. Anger can adversely affect many different

aspects of life including friendships, family, school and employment. The good news is that people can learn anger-management skills and apply them constructively to the problems that arise in all areas of their own lives. Through four-week anger management workshops offered by Orland Township Youth and Family Services, skills in the following areas will be covered for early teens, teens, and adults: •Understanding that anger is a normal human feeling, •Recognizing the difference between angry feelings and angry behavior, •Identifying what triggers your anger, •Becoming familiar with your physical anger warning signs, •Identifying your characteristic way of expressing anger, •Considering the consequences of angry behavior, •Developing constructive and effective ways of expressing and handling your anger, and

•Responding effectively to someone else's anger.

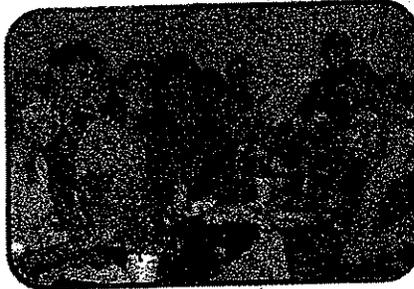
Adult Anger Management Workshop

New workshop Start Dates: TBD

Fee: \$80 for Township Residents

\$100 for Non-Residents

Please call (708) 403-4001 for details



Early Teen (6th - 8th grade)

New Group Start Date: March 5, 12, 19 and 26, 2009

New Group Start Date: May 7, 14, 21 and 28, 2009

New Group Start Date: June 4, 11, 18 and 25, 2009

Time: 5:00 p.m. to 6:00 p.m.

Fee: \$80 for Township Residents

\$100 for Non-Residents

Parent/Teen (9th - 12th grade with parents)

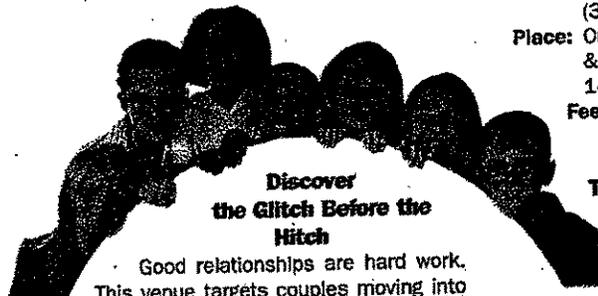
High School students and their parents discuss how developmental issues may impact management of their anger.

New workshop Start Date: TBD

Fee: \$100 for Township Residents

\$120 for Non-Residents

Please call (708) 403-4001 for details



Discover the Glitch Before the Hitch

Good relationships are hard work. This venue targets couples moving into the committed phase of serious relationships. Individual differences, family of origin systems, communication and personality styles will be addressed. Offered to couples or couples in a group format.

Please call (708) 403-4001 for details.

TEAMWORK! - SOCIAL SKILLS GROUP

(3rd through 5th grades) or

(6th through 8th grades)

Some children understand social conventions from a very early age by watching and interacting with others, while some have trouble making and keeping friends. At Orland Township Youth and Family Services Social Skills Group, children will observe, practice, and refine vital skills that will be important



throughout life. The importance of building self-esteem, self-control, respect for others, and a sense of responsibility for one's actions will be explored through games and activities. Enroll your child on our "TEAM" where they can meet new friends and further their social skills! Social Skill-building is also offered on an individual basis.

New Group Start Date: April 7, 14, 21 and 28, 2009

New Group Start Date: May 5, 12, 19 and 26, 2009

New Group Start Date: July 7, 14, 21 and 28, 2009

Time: 5:30 p.m. to 6:45 p.m.

(3rd through 5th grades)

Place: Orland Township Youth & Family Services

14671 West Avenue, Orland Park

Fee: \$100 for Township Residents

\$125 for Non-Residents

TRANSITION GROUP

A direct connection exists between emotions and behavior. Significant life changes such as death, divorce, moving...often create feelings of grief, fear and anger, which can create behavior problems. Orland Township's Transition Group can help young people navigate challenging changes by helping to equip them with skills to deal with life's rough spots. This group can be tailored to specific

ices of loss or change, and may be on an individual basis. Please call Orland Township Youth and Family Services at (708) 403-4001 for additional information regarding this group.



Group Start Date: March 2, 9, 16 and 23, 2009
Group Start Date: May 4, 11, 18 and 25, 2009
Group Start Date: July 6, 13, 20 and 27, 2009
Time: 6:00 p.m. to 7:00 p.m.
Location: Orland Township Youth & Family Services
 14671 West Avenue, Orland Park
Fee: \$80.00 for Township Residents
 \$100.00 for Non-Residents

1st Straight - Drug Facts 101 for Parents and Teens

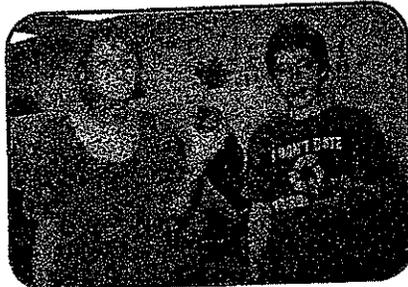
Have you noticed recent changes in your child's behavior, poor choices, suspecting that your child has experimented with alcohol or drugs? This week informative work-



shops will allow parents and adolescents to explore the ambiguous world of substance use and abuse. The groups' focus is directed toward adolescents ages 12-17 that are at risk of developing substance abuse problems. Their concerned parents who want to know more about what their children are exposed to.

Topics covered include:

- Week 1:** A description of drugs and alcohol including symptoms of a user, withdrawal symptoms and warning signs- Teens only
- Week 2:** The addiction process, use, abuse and dependence, societal views of substance use and dealing with life stressors- parent and Teen



Week 3: The Consequences of Substance Abuse, peer pressure and developing refusal skills

Teens only

An individual screening is needed prior to the start of the group, and is included in the fee.

New Group Start Date: March 2, 9 and 16, 2009
New Group Start Date: April 6, 13 and 20, 2009
New Group Start Date: May 4, 11 and 25, 2009
New Group Start Date: June 15, 22 and 29, 2009
New Group Start Date: July 6, 13 and 20, 2009
Time: 6:00 p.m. to 8:00 p.m.
Place: Orland Township Youth & Family Services
 14671 West Avenue, Orland Park
Fee: \$140 for Township Residents (parent/s & teen)
 \$175 for Non-Residents (parent/s & teen)

Please Call Orland Township Youth and Family Services at (708) 403-4001 for starting dates or for additional information on these and other Groups/Classes/Services.

- GirlPower
- Reminiscence
- Learning From Others and About Yourself Support Groups

ALL GROUP SERVICES ARE OFFERED ON AN INDIVIDUAL BASIS



Community Outreach

"LADIES CHILL" GROUP

Ladies...Come "CHILL" with us! (Conversation Helps in Ladies Lives)

Orland Township Youth and Family Services will be offering women an opportunity to join us for lively conversation on a variety of topics that you'll choose. Have a cup of coffee and spend time conversing with others on a variety of subjects of interest: those that effect our lives.

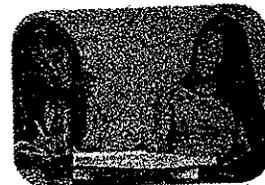
Group Dates: Every Wednesday (except holidays)

Time: 10:00 a.m. to 11:30 a.m.

Fee: FREE

"Homework Hotshots"

Homework Hurdles Handled Here - at Orland Township Youth & Family Services' 'Kid'chen Table



Kids in 1st through 5th grades can receive help tackling those homework assignments from local caring teens whose special help and encouragement builds self-esteem and motivates them to succeed in tackling those homework assignments. Start off the new school year with your child on the school bus headed towards academic success!

Date: Every Thursday (except holidays)

Time: 4:00 p.m. to 5:00 p.m.

Place: Orland Township Youth & Family Service

Fee: FREE

"Mommy sitting"

Hey preschoolers! Do you need a place for your Mom to hang out while you are in the morning preschool session? We have just what you may be looking for. Orland Township Youth & Family Services now offers "Mommy sitting". Your Mom will be in a safe chaperoned environment and will be able to "hang out" with other Moms. We'll have fun

people, interesting conversation and coffee flavored drinks. Have your Mom call to register.

Date: Every Wednesday (except holidays)

Time: 10:00 a.m. to 11:30 a.m.

Place: Orland Township Youth & Family Services

Fee: FREE

Read to Kids

This is the Spring edition of our popular Christmas Read to Kids program. This program is directed towards children in grades 1 through 5 and will consist of OTYC members sharing some of their favorite childhood stories as your children enjoy great company and some treats! Please call to register at (708) 403-4001.

Date: March 23, 2009

Time: 1:00 p.m. to 3:00 p.m.

Place: Orland Township Youth & Family Services

Fee: FREE



Mind/Body Connection

With difficult financial times and the stress of everyday life, many people find themselves trying to find healthy ways to cope. Want to learn how to relax and ease stress away while learning how to cope with future anxieties? Orland Township Youth and Family Services wants to help! We are offering a 3 hour workshop in which participants will learn how to relax your mind and gain control over your body. Please call to register at (708) 403-4001!

Date: March 25, 2009

Time: 6:00 p.m. to 9:00 p.m.

Place: Orland Township Youth & Family Services

Fee: FREE

Women's Self Defense

In today's society, it is important for women of all ages to learn how to protect themselves. Orland Township Youth and Family Services is excited to host Adam Grisko, martial arts instructor, who will teach participants how to avoid conflict and how to protect themselves when conflict is unavoidable. Please call to register at (708) 403-4001.

Date: April 27, 2009

Time: 6:00 p.m. to 7:00 p.m.

Place: TBD

Fee: \$5

GRANDPARENTS RAISING GRANDCHILDREN II

As part of our effort to help those in need, we currently offer a very successful support group for grandparents raising their grandchildren and also relatives raising relatives. However, since our core group has been together for such a long time, it can be somewhat



difficult for newcomers to integrate into our present group. Orland Township has now started a second support group for those adults who may require information or education to help them meet their needs. Current statistics show that the number of children raised by relatives is increasing. To that end, we will be offering the chance for grandparents to network with each other, learn about state and local programs such as the Child-Only Grant through the State of Illinois, guardianship laws, free legal assistance, and many other topics of interest will be presented by speakers who are well educated in their fields of expertise. For those that are interested we will make arrangements with a babysitter for their grandchildren. If you are interested or have any questions, please call Allison at (708) 403-4001.

DIVORCE SUPPORT GROUP

It can be difficult transitioning into the single life after divorce. Loneliness, single parenting and changes in the "dating scene" are some of the struggles you may be encountering. Orland Township Youth and Family Services hopes to be a support to you by offering a Divorce Support Group to provide a forum to talk about these concerns and more. Join us in whatever phase of the process you are in. Please call (708) 403-4001 to register for this support group.

Group Meeting Dates: Thursday (except holidays) starting Jan. '5, 2009

Time: 6:30 p.m. to 8:00 p.m.

Place: 14671 West Ave., Orland Park

Fee: FREE

Please Call Orland Township Youth and Family Services at (708) 403-4001 for starting dates or for additional information on these and other Groups/Classes/Services.



New Year, New Beginning...Eliminate Financial Stress

Have more bills than paycheck? Have difficulties managing your finances? Will I ever be able to pay off my debt? Are you living beyond your means? Have you looked at your record keeping system recently? How long do I need to keep my records and paper work? Do you know how much you are spending each month? If you answered yes to any of these questions, register NOW for one or all three FREE workshops, presented by Susan Taylor, Consumer and Family Economics Educator from the University of Illinois Extension, Matteson Center. A WEALTH of information will be provided to help eliminate the financial stress in your life! Registration is required. Call (708) 403-4001 to register NOW for these FREE WORKSHOPS or for more information.

Date: April 8, 2009 - Decluttering

April 15, 2009 - What's Your Credit History and Score?

April 22, 2009 - Record Keeping

Time: 6:00 p.m. to 7:30 p.m.

Place: Orland Township Youth & Family Services

Fee: FREE



Community Service Opportunities & Fun Things to Do Just for Middle and High School Students

MEETINGS & WHAT'S HAPPENING???

Looking to have some fun while earning Community Service Hours? Join us at the next OTYC MEETING and Learn How!!! OTYC meets on the second Wednesday of the month at the Orlando Township Activity Center, 15100 South 94th Avenue, unless otherwise noted, from 6:30 p.m. to 8:00 p.m. You can also earn community service hours during a meeting doing a service project. Pizza and pop is always served too! If you have any questions just give us a call, if not, pe to see you at our meetings.

OTYC Meeting Schedule

ORLAND TOWNSHIP YOUTH COMMISSION

March 11, April 8, May 13, July 6

Orland Township Activity Center, 15100 South 94th Avenue

T-2 KNOW US - GET 2 KNOW YOU / Teen Barbecue

Are you an energetic Orland Township Middle or High School teen looking to have some fun while developing great leadership skills, filling your school community service requirements, participating in some cool recreational activities while making some new friends? Then come hang out with the Orland Township Youth Commission at a Get 2 Know U - Get 2 know US BBQ! We'll have plenty of good food, D.J. entertainment and planned activities. Call us at (708) 403-4001 by June 4, and let us know if you can make it!

Date: Wednesday, June 10, 2009

Time: 6:00 p.m. to 9:00 p.m.

Place: Orland Township Youth & Family Services
14671 West Avenue, Orland Park

H.A.M.P.S. CAMP

Has your child had a socially and/or an emotionally rough school year?

Then, enroll him/her in Orland Townships one of a kind camp facilitated by Orland Township clinical staff and send them back to school a CHAMP!

C.H.A.M.P.S. (Children Having A More Productive Summer) Camp will focus on self-esteem, social skills and decision-making. Each day starts with social and emotional skill building activities, followed by reinforcement activities. After lunch participants develop team building, sports, leadership skills and much more.

Grades 3 thru 6.

Registration begins May 11th.

Dates: August 17, 18, 19, 20, 24, 25, 26 and 27

Time: 11:00 a.m. to 3:00 p.m.

Fee: \$150.00



Sports Week

Join Youth Service staff members for a week full of summer fun. You'll recognize some of the programs, while others will be new. Monday thru Friday, with a physical activity offered on each day.



Monday, June 8th: Soccer Clinic: 6:00 p.m. - 8:30 p.m. Non-competitive soccer skills taught by a local college coach with the help of high school soccer players.

Tuesday, June 9th: Basketball: 1:00 p.m. - 3:00 p.m. OTYC members will teach participants the basics of basketball and practice the new skills in a non-competitive environment.

Wednesday, June 10th: Get to Know Us / Get to Know You BBQ with a D.J. and dancing 6 p.m. to 9 p.m.

Thursday, June 11th: Yard Games; bean bags, volleyball, water balloon activities 1:00 p.m. - 3:00 p.m.

Friday, June 12th: Cosmic Bowling at Orland Bowl (See below)

UP FOR SOME FUN?

FUN FREE NIGHT JUST FOR ORLAND TOWNSHIP KIDS!!!!!!!

BRING A DONATION OF CAN GOODS OR NON PERISHABLE GOODS FOR THE ORLAND TOWNSHIP FOOD PANTRY AND ENJOY A NIGHT OF FREE BOWLING, FREE PIZZA, FREE RAFFLE PRIZES, & FREE FUN AIII

Calling all kids ages 7-17 (parental supervision **required for children 1st through 5th grade) to join Orland Township Youth & Family Services for a fun night of FREE Cosmic Bowling at the Orland Bowl, 8801 West 159th Street in Orland Park from 6:30 p.m. to 8:30 p.m. Proof of Residency and School Report Card is required for all participants! Advance Registration is required!

Date: Friday, June 12, 2009

Time: 6:30 p.m. to 8:30 p.m.

Place: Orland Bowl

8801 West 159th Street, Orland Park

Registrations taken May 12th through June 9th

Attention High School Students...

... Great opportunities to EARN THOSE COMMUNITY SERVICE HOURS

HELP WANTED - STUDENTS for Sports Clinics... (Soccer, Tennis), Summer Camp...

Help us help you get your community service hours!

If you are a high school student and have a special talent you would like to share with other young people, call us. Assist us with our programs, projects and sports clinics and we'll provide you with the opportunities to earn community service hours. It's much more fun earning community service hours doing something you enjoy! Call Orland Township Youth and Family Services for other opportunities at (708) 403-4001

Orland Township Youth and Family Services Receives the Youth and Family Services Organization of the Year Award

In review of the departments' significant contributions made this year to the youth and families of the communities we serve, Kathy Passafiume thought it appropriate to nominate Orland Township Youth and Family Services for the "2008 Youth and Family Services Organization Award".

In keeping with that thought, Kathy Passafiume submitted the nomination to the AITCOY Awards Screening Committee (Association of Illinois Township Committees of Youth) by the September 1, 2008 deadline date. In mid-September we received outstanding news from the Screening Committee Chairperson, Susan Peterson, that Orland Township Youth and Family Services was selected as the recipient of this year's award. This truly is an outstanding accomplishment and we are honored to

have this title bestowed upon us. Kathy Passafiume accepted the award that was presented at the TOI Awards Breakfast on November 14, 2008 in Springfield.

Lastly, the department extends their sincere appreciation to Trustee Joan Herman and Trustee Kay Kunker, Youth and Family Services Committee Members, Supervisor Robert Maher, the Board of Trustees and Executive Administrator Ellen Fradd for their support but most of all to the dedicated staff of the department who are the inspirations behind this accomplishment.



Your Town Fund and the Minimal Cost of Township Government

**Supervisor
Robert
Maher
Finance
Committee
Chairperson**

Did you know that Orland Township government actually collects three separate taxes from you, the homeowner? These taxes are the Orland Township Town Fund, the Road & Bridge Fund, and the General Assistance Fund. The programs and services that are provided for the community are managed and paid for through these funds.

The Town Fund helps maintain many of the outstanding and award-winning outreach programs at the Township, including the Senior Transportation and the Food Pantry programs. The Township can keep the Town Fund costs to a minimum, thanks to the hundreds of community volunteers and donations. Other programs and services, such as the maintenance of the three park areas in the unincorporated area of Orland Township, are also managed through this fund.

The Orland Township Road District is a government agency charged with responsibility for roads in unincorporated Orland Township. The Highway Commissioner oversees maintenance of roads and right of ways. This maintenance includes resurfacing, patching, crack sealing, plowing, and salting roads. Sidewalk repair, traffic signs, culvert replacement, sewer and ditch maintenance also fall under his jurisdiction. Spring Clean Up weekend is held for unincorporated residents in May.

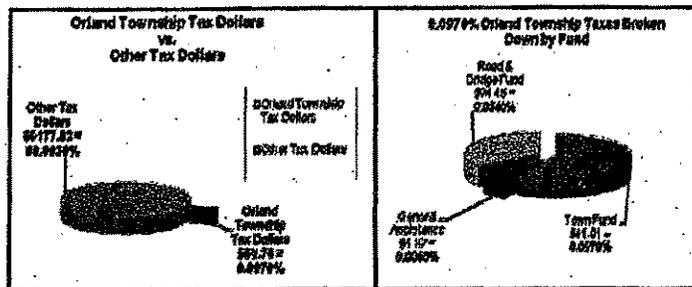
The General Assistance Fund provides financial assistance to people who are not eligible for any other state or federal assistance and do not have sufficient income or resources to provide for their basic needs until employment or other sources of income such as social security, disability or public aid is obtained. Basic

needs may include shelter, food, household supplies, utilities, personal essentials, and other expenses deemed necessary to the health and well being of the family or individual. Eligibility is determined by established guidelines based on income, assets and household size. Applicants must have no other potential means of income and have applied for all possible benefits.

The yearly cost for these funds on the 2007 tax bill (payable in 2008) of a homeowner whose home is valued at \$310,000 was only \$69.79. As you read more in this newsletter about the many worthwhile programs and services that are provided by the Township, we are sure you'll agree that Township Government is a true bargain. Please take advantage of what Orland Township has to offer you!

Below are charts showing the minimal amount of 2007 taxes Orland Township collected for each of the three funds.

**Trustee
Marty
McGuire
Finance
Committee**



WATCH FOR THE NEXT EDITION OF THE ORLAND TOWNSHIP FOCUS DELIVERED TO YOU IN THE CHICAGO TRIBUNE SHOP LOCAL IN MID-MAY FOR MORE EXCITING PROGRAMS OFFERED FOR YOUTH AND FAMILIES!

H

Court of Appeal of Louisiana, First Circuit.
Fannie GODWIN et al.

v.

EAST BATON ROUGE PARISH SCHOOL
BOARD et al.
No. 12451.

March 5, 1979.

Rehearing Denied May 1, 1979.

Writ Refused June 15, 1979.

Taxpayers brought action against school board, board members and certain staff and supervisory personnel for declaratory judgment decreeing defendants in violation of constitutional provision and for judgment ordering reimbursement to public fisc of funds allegedly illegally spent. Following remand, 342 So.2d 867, the Nineteenth Judicial District Court, East Baton Rouge Parish, Eugene W. McGehee, J., sustained exception of no cause of action by all individual defendants, and plaintiffs appealed. The Court of Appeal, Landry, J., held that: (1) provision of Constitution prohibiting use of public funds to urge support of or opposition to any political candidate or proposition is self-operative; (2) such provision of the Constitution was not vague and uncertain absent legislative implementation, and (3) where taxpayer's petition alleged acts on part of defendants in violation of express terms of constitutional provision prohibiting use of public funds to wage support of or opposition to any political candidate or proposition and alleged that such violations were engaged in by defendant without due care and reasonable diligence and with reckless disregard for such constitutional provision, such petition sufficiently alleged cause of action.

Reversed and remanded.

West Headnotes

[1] Pleading 302 ↪228.17302 Pleading302V Demurrer or Exception

302k228.16 Hearing and Matters Considered
302k228.17 k. In General. Most Cited

Cases**Pleading 302 ↪228.20**302 Pleading302V Demurrer or Exception302k228.16 Hearing and Matters Considered302k228.20 k. Facts. Most Cited Cases

For purposes of deciding exception of no cause of action, all well-pleaded allegations of petition, as well as those appearing from annexed documents, must be taken as true; any doubt as to sufficiency of the petition must be resolved in favor of plaintiff. LSA-C.C.P. art. 927(4).

[2] Constitutional Law 92 ↪65192 Constitutional Law92V Construction and Operation of Constitutional Provisions92V(E) Self-Executing Provisions92k641 Particular Provisions92k651 k. Taxation and Revenue. MostCited Cases

(Formerly 92k31)

Provision of Constitution prohibiting use of public funds to urge support of or opposition to any political candidate or proposition is self-operative. LSA-Const. art. 11, § 4.

[3] Elections 144 ↪311.2(1)144 Elections144XI Violations of Election Laws144k311.2 Political Activity by Public Employees144k311.2(1) k. In General. Most CitedCases**States 360 ↪119**360 States360IV Fiscal Management, Public Debt, and Securities360k119 k. Limitation of Use of Funds or Credit. Most Cited Cases

Provision of Constitution prohibiting use of public

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 (Cite as: 372 So.2d 1060)

funds to urge support of or opposition to any political candidate or proposition does not prohibit public officials from supporting or opposing candidates, parties or propositions with their personal funds and resources; it only prevents their doing so with public funds. LSA-Const. art. 11, § 4.

[4] States 360 ↪ 119

360 States

360IV Fiscal Management, Public Debt, and Securities

360k119 k. Limitation of Use of Funds or Credit. Most Cited Cases
 "Urge," as used in provision of Constitution prohibiting use of public funds to urge support of or opposition to any political candidate or proposition, may be readily understood by ordinarily informed and reasonable individual, and thus clause "urge any elector to vote for or against any candidate or proposition" was clear as to what was prohibited and word "urge" did not render the provision vague and uncertain absent legislative implementation. LSA-Const. art. 11, § 4.

[5] States 360 ↪ 119

360 States

360IV Fiscal Management, Public Debt, and Securities

360k119 k. Limitation of Use of Funds or Credit. Most Cited Cases
 For purposes of constitutional provision prohibiting use of public funds to urge support of or opposition to any political candidate or proposition, average individual understands "urge" to mean promote, take position favorable or oppose to particular candidate or proposition, or openly and publicly seek election or defeat of particular candidate, or passage or defeat of proposition submitted to electorate. LSA-Const. art. 11, § 4.

[6] States 360 ↪ 119

360 States

360IV Fiscal Management, Public Debt, and Securities

360k119 k. Limitation of Use of Funds or Credit. Most Cited Cases
 The authority to disseminate factual information rela-

tive to proposition appearing on election ballot encompasses all empirical data required by public to intelligently decide whether to vote for or against the issue, and thus provision of Constitution prohibiting use of public funds to urge support of or opposition to any political candidate or proposition was not vague and uncertain absent legislative implication. LSA-Const. art. 11, § 4.

[7] Schools 345 ↪ 62

345 Schools

345II Public Schools
 345II(C) Government, Officers, and District Meetings

345k51 District Boards
 345k62 k. Liabilities of Members. Most Cited Cases

Schools 345 ↪ 63(3)

345 Schools

345II Public Schools
 345II(C) Government, Officers, and District Meetings

345k63 District and Other Local Officers
 345k63(3) k. Powers, Duties, and Liabilities in General. Most Cited Cases

Schools 345 ↪ 147

345 Schools

345II Public Schools
 345II(K) Teachers
 345II(K)I In General
 345k147 k. Duties and Liabilities. Most

Cited Cases

School board members and certain staff and supervisory personnel did not have sovereign immunity in taxpayers' action against them for declaratory judgment declaring them in violation of constitutional provision and for judgment ordering reimbursement to public fisc of funds allegedly illegally spent, since state, its agencies and subdivisions no longer possess such immunity.

[8] Schools 345 ↪ 62

345 Schools

345II Public Schools

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345II(C) Government, Officers, and District Meetings

345k51 District Boards

345k62 k. Liabilities of Members. Most Cited Cases

Schools 345 ↪ 63(3)

345 Schools

345II Public Schools

345II(C) Government, Officers, and District Meetings

345k63 District and Other Local Officers

345k63(3) k. Powers, Duties, and Liabilities in General. Most Cited Cases

Schools 345 ↪ 147

345 Schools

345II Public Schools

345II(K) Teachers

345II(K)1 In General

345k147 k. Duties and Liabilities. Most Cited Cases

Conduct by school board members and certain board staff and supervisory personnel in violation of provision of Constitution prohibiting use of public funds to wage support of or opposition to any political candidate or proposition, engaged in without due care and reasonable diligence and with reckless disregard for such constitutional provision, if established, would be conduct done in bad faith and with malice for purposes of imposing liability on such individuals to reimburse the public fisc. LSA-Const. art. 11, § 4.

[9] Officers and Public Employees 283 ↪ 116

283 Officers and Public Employees

283III Rights, Powers, Duties, and Liabilities

283k115 Liabilities for Negligence or Misconduct

283k116 k. In General. Most Cited Cases

Knowing violation of express constitutional provision subjects public official to vulnerability to legal action if done with malice or in bad faith. LSA-Const. art. 11, § 4.

*1061 Woodrow W. Wyatt, Baton Rouge, of counsel, for plaintiffs-appellants Fannie Godwin, et al.

John F. Ward, Jr., Baton Rouge, of counsel, for de-

fendants-appellees East Baton Rouge Parish School Board, et al.

Before LANDRY, COVINGTON and PONDER, JJ.

*1062 LANDRY, Judge.

Plaintiffs (Appellants), citizens-taxpayers of East Baton Rouge Parish, instituted this action against the East Baton Rouge Parish School Board (School Board), the School Board's members individually and certain School Board staff and supervisory personnel, for a declaratory judgment decreeing defendants in violation of La.Const.1974, Article XI, Section 4 (which prohibits use of public funds to urge support of or opposition to any political candidate or proposition) and for a judgment ordering reimbursement to the public fisc of such funds found to have been thus illegally expended. The trial court sustained an exception of no cause of action by all individual defendants, from which judgment Appellants have appealed. We reverse and remand this matter to the trial court for further proceedings.

An exception of no cause of action, also based on a plea of governmental immunity, was filed on behalf of defendant School Board as an agency of the state. The trial court sustained this exception and plaintiffs applied to the Supreme Court for supervisory writs. Upon granting writs, the Supreme Court reversed the judgment sustaining the School Board's exception of no cause of action and remanded for trial as against the School Board. See Godwin v. East Baton Rouge Parish School Board, 342 So.2d 867 (La.1977).

La.Const.1974, Article XI, Section 4, provides:

"Section 4. No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated to a candidate or political organization. This provision shall not prohibit the use of public funds for dissemination of factual information relative to a proposition appearing on an election ballot."

Appellants allege that on January 27, 1977, the School Board, as governing authority, School District Number 1, East Baton Rouge Parish, called an election to be held March 8, 1977, for the purpose of submitting to the electorate two separate tax propos-

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als for school purposes. Assertedly, the School Board Superintendent, the School Board, individual members of the School Board, members of the Superintendent's staff and certain employees, entered into a concerted plan of action to promote, encourage and achieve passage of the proposals submitted. In achieving such alleged illegal activity, defendants are charged with improperly using public funds, using public facilities such as printing equipment, computers and telephones, and employing the time of employees on duty. Defendants are expressly charged with issuing brochures, utilizing billboards, conducting a public opinion poll, employing the services of approximately 60 School Board employees to assist in taking the public opinion poll, requiring teachers to attend promotional sessions concerning the proposed taxes, and engaging School Board staff members during working hours to urge other employees and electors to support the proposals. These and other alleged illegal activities are asserted to have been engaged in by defendants without due care and reasonable diligence and with knowledge of and reckless disregard for the constitutional prohibition against expending public funds in the promotion of elections.

[1] LSA-CCP Article 927(4) provides for the peremptory exception of no cause of action. The purpose of such an exception is to test whether plaintiff's allegations entitle him to any remedy whatsoever at law. For purposes of deciding such an exception, all well pleaded allegations of the petition, as well as those appearing from annexed documents, must be taken as true. Elliott v. Dupuy, 242 La. 173, 135 So.2d 54 (La.1961). Any doubt as to the sufficiency of the petition must be resolved in favor of plaintiff. Geiger v. State, Department of Institutions, 242 So.2d 606 (La.App. 1st Cir. 1970).

Historically and traditionally our jurisprudence has held that there is no personal liability on the individual members of a public body or agency, who are public officials or officers, when they act in good faith and without malice, as the official action of *1063 the members becomes merged in the official body as an entity. Strahan v. Fussell, 218 La. 682, 50 So.2d 805 (1951); Tucker v. Edwards, 214 La. 560, 38 So.2d 241 (1948); Monnier v. Godbold, 116 La. 165, 40 So. 604 (1906). The apparent rationale of this line of jurisprudence is that members of state agencies are immune when acting in their official capacities in good faith and without malice, because in such

instances their actions merge with that of the represented agency which itself is immune and that, for public policy reasons, members of public bodies should not be held liable in the absence of malice or bad faith. Monnier v. Godbold, *Supra*.

Strahan v. Fussell, *supra*, involved a suit against a police juror, individually, for allegedly illegal activity in negligently spending funds improperly allocated to him by the police jury of which he was a member. The official was held amenable to suit on the ground that he acted illegally, outside the scope of his authority, thus usurping the authority of the agency represented. Under such circumstances, he was held to be without immunity as a public official.

In LaFleur v. Roberts, 157 So.2d 340 (La.App. 3rd Cir. 1963), a mayor appealed from judgment mandating the dismissal of an illegally appointed Director of Public Works. The question was whether the appointee possessed certain qualifications required by municipal charter. The court found the appointee lacking in qualifications. In sustaining the injunction to dismiss the employee, the court noted that a mayor must be accorded wide discretion in administering the affairs of a municipality and that the proper exercise thereof will be presumed in the absence of a showing to the contrary. It was also noted that courts cannot and should not interfere with the exercise of such discretion absent a clear showing of illegality or abuse thereof. Another issue in LaFleur was whether the mayor could be required to reimburse the City the full sum paid as salary to the invalidly appointed Director of Public Works. The court held the mayor could not be so required because there was no showing that either the municipality suffered any pecuniary damage or that the mayor was in bad faith. In effect, LaFleur, *Supra*, held that where a public official acts contrary to express statutory provision, such action is illegal and personal liability may result if the official is found to be in bad faith.

Defendants, School Board members and supervisory personnel, maintain there can be no personal liability on their part because La.Const.1974, Article XI, Section 4 is not self-operative and requires legislative implementation. Alternatively, they contend they cannot be held guilty of wrongdoing because the constitutional provision is vague and uncertain such that it is impossible to determine with accuracy the type of conduct proscribed.

[2][3] We find no merit in the argument that the provision is not self-operative. It was obviously intended to protect the public fisc by prohibiting expenditure of public funds for expressly proscribed purposes, namely, to promote or oppose any candidate for office, to promote or oppose the cause of any political organization, or to promote or oppose passage of any proposition submitted to the electorate. Additionally, the provision is designed to prevent public officials from using public funds to support or oppose candidates, parties or propositions. We note particularly that the provision does not prohibit public officials from supporting or opposing candidates, parties or propositions with their personal funds and resources, which admittedly they have a right to do. It only prevents their doing so with public funds.

[4][5] Nor do we find substance in Appellees' contention that the constitutional article requires legislative implementation because it is vague and uncertain in that it is not clear what is prohibited by the clause "urge any elector to vote for or against any candidate or proposition," or what is permitted expenditure for "the dissemination of factual information relative to a proposition appearing on an election ballot." We find "urge" to be readily understood by an ordinarily informed and reasonable individual.*1064 According to Webster's Third New International Dictionary, Unabridged (1963), "urge" means "... to insist upon to advocate or demand with importunity to prosecute vigorously solicit be a compelling ... influence upon. . . ." We believe the average individual understands "urge" to mean promote, take a position favorable or opposed to a particular candidate or proposition, or openly and publicly seek the election or defeat of a particular candidate, or the passage or defeat of a proposition submitted to the electorate.

[6] In our view, the authority to disseminate factual information relative to a proposition appearing on an election ballot encompasses all empirical data required by the public to intelligently decide whether to vote for or against the issue. Included in such information would of course be tax rates, if any, interest rates on bonds or other evidence of indebtedness purported to be issued and the term and provisions thereof, and an explanation of the expenditures contemplated. Such information may be disseminated in brochures or otherwise, provided they are purely factual and suggest no position for or against and make

it clear that the data is published and disseminated solely and only for informational purposes.

[7] We find that defendants herein possess no sovereign immunity for the basic reason that the state, its agencies and subdivisions no longer enjoy such immunity. We deem the pivotal issue to be, therefore, not one of immunity but rather what duty of care is owed by public officials in the exercise of their official duties. In this regard, we deem our historical and traditional concepts of liability, as set forth in the hereinabove cited authorities, set reasonable and practical standards which afford ample protection to public officials performing their duties in good faith and without malice. We can readily understand the need for such protection in order to attract qualified persons to public office and thus promote efficient and orderly performance of governmental activities and public services. For these imperative reasons, we apply these established principles to determine whether Appellants' petition states a cause of action herein.

[8][9] Appellants' petition alleges acts on the part of defendants which, if true, are in violation of the express prohibitory terms of a constitutional provision. It is also alleged that these violations were engaged in by defendants without due care and reasonable diligence and with reckless disregard for the constitutional provision they contravened. In our judgment such conduct, if established, must be deemed in bad faith and with malice. If conduct on the part of the mayor in appointing a municipal employee contrary to a municipal ordinance is actionable if done with malice or in bad faith, LaFleur v. Roberts, Supra, we have no hesitancy in holding that a knowing violation of an express constitutional provision also subjects a public official to vulnerability to legal action if done with malice or in bad faith.

The judgment sustaining the exception of no cause of action filed herein on behalf of the individual defendants A. Bridger Eglin, Eileen Armstrong, J. O. Claudel, Randall Goodwin, L. L. Hines, Donald D. Hunt, Martial J. LaFleur, Jr., T. H. Montgomery, B. H. Peabody, George H. Richard, Pat Screen, W. W. Wells, Clyde Lindsey, Pat McCoy, Arthur Lamb, Graydon Walker and Richard Faether, is hereby reversed and set aside and judgment rendered herein in favor of plaintiffs overruling said exception of no cause of action and remanding this matter to the trial

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court for further proceedings consistent with the views herein expressed, costs of this present appeal to be paid by defendants-exceptors.

Reversed and remanded.

La.App., 1979.
Godwin v. East Baton Rouge Parish School Bd.
372 So.2d 1060

END OF DOCUMENT

McArthur, Sue

From: Rita Sterr [rsterr@querrey.com]
Sent: Friday, May 01, 2009 12:38 PM
To: McArthur, Sue
Cc: Michael Stillman
Subject: FW: 09 CD 011 Public Hearing Notice

Dear Ms. McArthur:

This e-mail will confirm that we are in receipt of the Notice of Public Hearing and Notice of Appointment of Hearing Examiner in the matter of *Orland Township First Party v. Orland Township Board*, No. 09 CD 011.

Thank you,
Rita Sterr

Rita A. Sterr
Legal Assistant to Michael B. Stillman
Querrey & Harrow, Ltd.
175 W. Jackson Blvd., Suite 1600
Chicago, IL 60604
Direct Line: (312) 540-7553
E-mail: rsterr@querrey.com

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From: McArthur, Sue [mailto:SMcArthur@elections.il.gov]
Sent: Wednesday, April 29, 2009 8:36 AM
To: jpnlaw@att.net; Michael Stillman; attybur@aol.com; epeck@rzllc.com; eshine@odelsonsterk.com
Subject: 09 CD 011 Public Hearing Notice

Attached please find Notice of Public Hearing for *Orland Township First Party vs. Orland Township Board*. Originals are also attached.

Sue McArthur
Division Secretary
Campaign Disclosure Division

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

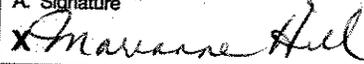
1. Article Addressed to:

The Orland Township Board
15100 S 94th Avenue
Orland Park, IL 60462

2. Article Number

223

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee

B. Received by (Printed Name)
 MARIANNE HILL

C. Date of Delivery
 5-1-09

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



FORM
D-4

COMPLAINT FOR VIOLATION OF
THE CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS AND TELEPHONE NUMBER:

See Attached Complaint for Caption

vs.

NAME AND ADDRESS OF RESPONDENT:

See Attached Complaint for Caption

No. 09 CD 0-11

STATE BOARD OF ELECTIONS

MAR 23 11:19

CHICAGO

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE STATE BOARD OF ELECTIONS, COUNTY CLERK, OR NONE. IF FILED WITH THE COUNTY CLERK IDENTIFY COUNTY:
Cook

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9, ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)
9-25.1

SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)
See Attached Complaint

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT.

March 19, 2009

DATE

Paulo Grady
SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN VERIFICATION MUST BE SIGNED BY AN AUTHORIZED OFFICER AND ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

I, Patrick E Connelly HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

Robert J. Maher, Patricia Ann Thompson, Rich E. Kelly, Donald E. Yunker, Lori L. Butler, Maggie O'Hern, Martin J. McGuire, Joan Herman Catherine Yunker, The Orland Township Progressive Party via Robert J. Maher, and Patricia Ann Thompson.

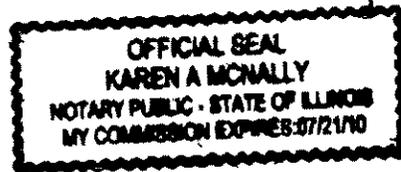
a) BY PERSONALLY DELIVERING THE SAME ON THE ___ DAY OF ___, 20__ AT ___ O'CLOCK ___ M.

b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE 19th DAY OF March, 2009, AT 5pm THE MAIL BOX OR POSTAL STATION LOCATED AT: 175 W. Jackson Chicago, IL 60604

[Signature]
SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 19 DAY OF MARCH, 2009

[Signature]
NOTARY PUBLIC



INSTRUCTIONS

- 1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
- 2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
- 3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS
1020 S SPRING ST
SPRINGFIELD, ILLINOIS 62704-2924

STATE BOARD OF ELECTIONS
100 W RANDOLPH ST, STE 14-100
CHICAGO, IL 60601-3232

Before the Illinois State Board of Elections

<p>THE ORLAND TOWNSHIP FIRST PARTY, PAUL A. O'GRADY, Treasurer/Secretary, Complainant</p>	<p>No. _____</p>
<p>v.</p> <p>Respondents</p>	
<p>THE ORLAND TOWNSHIP BOARD, ROBERT MAHER, Supervisor, PATRICIA ANN THOMPSON, Clerk, JOAN HERMAN, Trustee, MARTY MCGUIRE, Trustee, MAGGIE O'HERN, Trustee, Kay Yunker, Trustee, RICH E. KELLY, Trustee, DON YUNKER, Highway Commissioner, LORI BUTLER, Collector, in their individual capacities, THE ORLAND TOWNSHIP PROGRESSIVE PARTY, ROBERT MAHER, Chairman, and PATRICIA ANN THOMPSON, Treasurer in their individual capacities</p>	

Verified Complaint

NOW COMES the Complainant, THE ORLAND TOWNSHIP FIRST PARTY, PAUL A. O'GRADY, Chairman, by and through their attorneys, QUERREY & HARROW, LTD., and complaining of the Respondents, THE ORLAND TOWNSHIP BOARD, ROBERT MAHER, Supervisor, PATRICIA ANN THOMPSON, Clerk, , JAN HERMAN, Trustee, MARTY MCGUIRE, Trustee, MAGGIE O'HERN, Trustee, Kay Yunker, Trustee, Rich E. Kelly, Trustee, individually, Don Yunker, Highway Commissioner, Lori Butler, Collector, THE ORLAND TOWNSHIP PROGRESSIVE

PARTY, ROBERT MAHER, Chairman, and PATRICIA ANN THOMPSON, Treasurer, (Collectively referred to as Respondents) states as follows:

THE PARTIES

1. Respondent, THE ORLAND TOWNSHIP BOARD, is the governing body of an Illinois political subdivision.
2. Individual Respondents, ROBERT MAHER, Supervisor, PATRICIA ANN THOMPSON, Clerk, JOAN HERMAN, Trustee, MARTY MCGUIRE, Trustee, MAGGIE O'HERN, Trustee, Kay Yunker, Trustee, Rich E. Kelly, Trustee, Don Yunker, Highway Commissioner, and Lori Butler, Collector, are all elected officers of the Orland Township Board and are seeking reelection on April 7, 2007
3. Respondent, THE ORLAND TOWNSHIP PROGRESSIVE PARTY, is a political committee comprised entirely by the current elected officials of the ORLAND TOWNSHIP BOARD with its principal place of business 11618 Valleybrook Dr., Orland Park, IL, 60467
4. Respondents ROBERT MAHER and PATRICIA ANN THOMPSON are the Chairman and Treasurer, respectively, of the ORLAND TOWNSHIP PROGRESSIVE PARTY.
5. Complainant, THE ORLAND TOWNSHIP FIRST PARTY is a political committee comprised of candidates for various positions on the Orland Township Board and whose address is PO Box 2306, Orland Park, Illinois 60462.

6. Complainant, Paul A. O'Grady is the Secretary/Treasurer of THE ORLAND TOWNSHIP FIRST PARTY.

COUNT 1

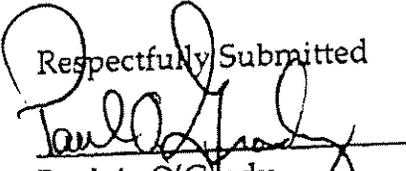
Violation of Section 9-25.1 of the Illinois Election Code

7. Each of the individual respondents is an elected official of the Orland Township Board.
8. Each of the individual Respondents is running for reelection to the Orland Township Government.
9. Sole discretion and authority to appropriate and spend Orland Township public funds lies within the ORLAND TOWNSHIP BOARD and the individual Respondents
10. The Orland Township "FOCUS" newsletter is created, published, and distributed quarterly by the Respondents using Orland Township public funds.
11. The Orland Township "FOCUS" newsletter is inserted in the Chicago Tribune Local Values Flyer and delivered quarterly throughout the Township.
12. The insertion of the Orland Township "FOCUS" into the Chicago Tribune Local Values Flyer is paid for by public funds.
13. The stated purpose of the Orland Township FOCUS is to inform Township residents about the services and programs provided by Orland Township. (See attached Exhibit A)
14. Early voting for each position in the Orland Township Government began on March 16, 2009 and runs through April 2, 2009 and Election Day is April 7, 2009.

15. On or about March 10, 2009 the Respondents caused the "FOCUS" to be delivered and distributed throughout the township via the Chicago Tribune.
16. The Headline of this edition reads: "NO NEED FOR CHANGE HERE"
17. The first sentence of this edition reads: "As we reflect on the concept of change as the national theme in 2008, it is no secret that it certainly does not apply to Orland Township."
18. The last sentence of the first paragraph of this edition reads: "So....who needs change?"
19. Section 9-25.1 of the Illinois Election Code, 10 ILCS 5/9-25.1, provides in relevant part:
 - (a) As used in this Section, "public funds" means any funds appropriated by the Illinois General Assembly or by any political subdivision of the State of Illinois.
 - (b) No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated for political or campaign purposes to any candidate or political organization. This Section shall not prohibit the use of public funds for dissemination of factual information relative to any proposition appearing on an election ballot, or for dissemination of information and arguments published and distributed under law in connection with a proposition to amend the Constitution of the State of Illinois.
 - (c) The first time any person violates any provision of this Section, that person shall be guilty of a Class B misdemeanor. Upon the second or any subsequent violation of any provision of this Section, the person violating any provision of this Section shall be guilty of a Class A misdemeanor.
20. The Respondents, on or about March 18, 2009 violated Section 9-25.1 of the Illinois Election Code by.

- (a) Using public funds to produce, create, publish, and distribute a township newsletter urging voters to reelect the Respondents
- (b) Using public funds to produce, create, publish, and distribute a township newsletter for political or campaign purposes.
- (c) Using public funds to produce, create, publish, and distribute a township newsletter to voters blatantly stating that there is "NO NEED FOR CHANGE" in Orland Township
- (d) Using public funds to produce, create, publish and distribute a township newsletter to voters blatantly stating that "As we reflect on the concept of change as the national theme in 2008, it is no secret that it certainly does not apply to Orland Township."
- (e) Using public funds to produce, create, publish and distribute a township newsletter to voters blatantly stating "So... Who needs change?"

Wherefore, Complainant , ORLAND TOWNSHIP FIRST PARTY, PAUL A. O'GRADY, Chairman, respectfully requests this Honorable Board to enter an Order against Respondents, requiring Respondents to (1) reimburse the public fund of Orland Township for the amount it took to create, publish, and distribute the above mentioned edition of the "Focus" plus costs, (2) reimburse the Complainant for attorney's fees and costs, and (3) provide whatever other relief this Board deems appropriate.

Respectfully Submitted
By: 
Paul A. O'Grady
Orland Township First Party

I declare that this Complaint (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true and correct complaint as required by Article 9 of the Election Code. I understand that the penalty for willfully filing a false complaint shall be a fine not to exceed \$500 or imprisonment in a penal institution other than the penitentiary not to exceed 6 months, or both fine and imprisonment.

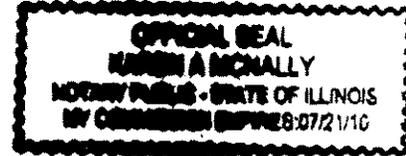
Dated: March 19, 2009

Paul A. O'Grady
Paul A. O'Grady
Orland Township First Party

Signed and sworn to before me this 19 day of MARCH, 2009. My commission expires on 7/21/2010.

Karla McPhally
Notary Public

Michael Stillman
Querrey & Harrow, Ltd.
175 W. Jackson Blvd.
Suite 1600
Chicago, IL 60604
312/ 540-7000
I.D.# 90663



**STATE OF ILLINOIS
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

Vs.

Case No. Board File No: 09 CD 034

George O. Wendt Campaign Committee L14774
Respondent

REPORT OF HEARING EXAMINER
Report of Public Hearing For
Failure to File December 2008 Semi Annual Report

PROCEDURAL HISTORY

On May 5, 2009 the above referenced Complainant filed a Form D-4, Complaint for violation of the Campaign Disclosure Act wherein it is specifically alleged that pursuant to 10 ILCS 5/9-10, 5/9-13, and 5/9-14 of the Campaign Disclosure Act, the Respondent failed to file Semi a Annual Report for the period specified above.

On May 27, 2009 a Closed Preliminary Hearing was convened in the Springfield Offices of the State Board of Elections. No appearance was entered by the Respondent. As a result, it was the opinion of the Hearing Examiner that the complaint was filed on justifiable grounds, and therefore recommended that a Public Hearing be conducted in this matter. On June 16, 2009 the Board issued an Order for a Public Hearing to be conducted.

PUBLIC HEARING

On July 20, 2009 the Respondent Committee filed the report at issue thereby making it unnecessary to conduct a Public Hearing.

CONCLUSIONS AND RECCOMENDATION

Given the fact that the Respondent/Committee has filed its December 2008 Semi Annual Report, it is my recommendation that the Division of Campaign Disclosure assess a civil penalty in an amount to be calculated pursuant to the guidelines set forth by Statute and/or Board Rule.



Mark D. Greben- Hearing Examiner
Dated: July 23, 2009



FORM

D-2

REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (CHECK APPROPRIATE BOXES) (PLEASE TYPE OR PRINT IN BLACK INK)

Pre-Election Report - Election Date: _____
 Semi-Annual Report
 Non-Participation - Election Date: _____
 Final Report
 Amendment of Report Indicated Above

FOR OFFICE USE ONLY

STATE BOARD OF ELECTIONS
09 III 20 AM 9:41

POLITICAL COMMITTEE

14
L 14774

IDENTIFICATION NO.

Full name and complete mailing address of Political Committee:

George O Wendt Campaign Committee
c/o Charles Sila
112 Landmark Dr Ste B
Normal, IL 61761-2197

CHECK IF ADDRESS CHANGE

REPORTING PERIOD FROM 07-01-2008 THRU 12-31-2008	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD: \$ 0	STATE POLITICAL COMMITTEES RETURN TO: STATE BOARD OF ELECTIONS PO BOX 4187 SPRINGFIELD, IL 62708-4187	LOCAL POLITICAL COMMITTEES AND STATE AND LOCAL POLITICAL COMMITTEES RETURN ORIGINAL TO: STATE BOARD OF ELECTIONS AND A COPY TO EACH APPROPRIATE COUNTY CLERK.
---	--	--	---

SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.

COMPLETE 1-7 FOR PRE-ELECTION REPORTS.

COMPLETE ALL SECTIONS FOR SEMI-ANNUAL AND FINAL REPORTS.

SECTION A - RECEIPTS

1. Individual Contributions:

a. Itemized (from Schedule A) \$ 450.00 (1a)

b. Not-Itemized \$ 900.00 (1b)

2. Transfers In:

a. Itemized (from Schedule A) \$ 2,000.00 (2a)

b. Not-Itemized \$ 0 (2b)

3. Loans Received:

a. Itemized (from Schedule A) \$ 0 (3a)

b. Not-Itemized \$ 500.00 (3b)

4. Other Receipts:

a. Itemized (from Schedule A) \$ 0 (4a)

b. Not-Itemized \$ 0 (4b)

TOTAL RECEIPTS (1-4) \$ 3,850.00

5. In-Kind Contributions:

a. Itemized (from Schedule I) \$ 0 (5a)

b. Not-Itemized \$ 0 (5b)

TOTAL IN-KIND \$ 0

SECTION B - EXPENDITURES

6. Transfers Out:

a. Itemized (from Schedule B) \$ 0 (6a)

b. Not-Itemized \$ 0 (6b)

7. Loans made:

a. Itemized (from Schedule B) \$ 0 (7a)

b. Not-Itemized \$ 0 (7b)

8. Expenditures:

Itemized (from Schedule B) \$ 0 (8a)

Not-Itemized \$ 3,850.00 (8b)

TOTAL EXPENDITURES (6-8) \$ 3,850.00

SECTION C - DEBTS AND OBLIGATIONS

(Include previously reported unpaid debts)

9. a. Itemized (from Schedule C) \$ 0 (9a)

b. Not-Itemized \$ 0 (9b)

TOTAL DEBTS & OBLIGATIONS \$ 0

SECTION D - CASH BALANCE

Funds available at the beginning of the reporting period: \$ 0 (A)

Total Receipts (Section A) \$ 3,850.00 (B)

Subtotal \$ 3,850.00 (C)

Total Expenditures (Section B) \$ 3,850.00 (D)

Funds available at the close of the reporting period: \$ -0- (E)

INVESTMENT TOTAL \$ -0- (F)

VERIFICATION

I DECLARE THAT THIS REPORT OF CAMPAIGN CONTRIBUTIONS OR THIS SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE REPORT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE REPORT IS A BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO \$5000.

Charles Sila
SIGNATURE OF TREASURER OR CANDIDATE

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

George O Wendt Campaign Committee
Mike O'Shea
16164 E Raintree Td
Bloomington, IL 61704

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent
 Addressee

B. Received by (Printed Name) Mike O'Shea C. Date of Delivery 7-9-09

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number (Transfer from service label) 7008 1300 0000 0170 7125

Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

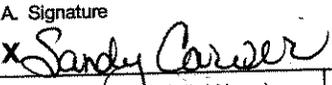
SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

George O Wendt Campaign Committee
Charles Sila
112 Landmark Dr, ste B
Norman, IL 61761

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent
 Addressee

B. Received by (Printed Name) Sandy Carver C. Date of Delivery 7/10/09

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number (Transfer from service label) 7008 1300 0000 0170 7118

Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
)
State Board of Elections,)
Complainant(s),)
Vs.) 09 CD 034
)
George O Wendt Campaign)
Committee,)
Respondent(s).)

ORDER

TO: George O Wendt Campaign Committee L14774
112 Landmark Dr, ste B
Norman, IL 61761

This matter coming to be heard this 15th day of June, 2009, following a Closed Preliminary Hearing as a result of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the "Act"), alleging that the Respondent violated 10 ILCS 5/9-10, 5/9-13 and 5/9-14 in that respondent failed to file the December 2008 Semi-annual report of Campaign Contributions & Expenditures; and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. The complaint was filed on justifiable grounds; and
2. There was no appearance by the Respondent at the closed preliminary hearing, and
3. The report at issue remains unfiled.

IT IS ORDERED:

1. That a Public Hearing be held in this matter; and
2. The effective date of this Order is June 16, 2009.

DATED: 6/16/2009



Albert S Porter, Chairman



FORM

D-4

COMPLAINT FOR VIOLATION OF THE CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections
1020 S. Spring Street
Springfield, IL 62704
(217) 782-4141

Case No. 09 CD 034

Vs.

NAME AND ADDRESS OF RESPONDENT:

L14774
George O Wendt Campaign Committee/Charles Sila
112 Landmark Dr, ste B
Norman, IL 61761

Mike O'Shea
16164 E Raintree Td
Bloomington, IL 61704

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE STATE BOARD OF ELECTIONS, COUNTY CLERK, OR NONE. IF FILED WITH THE COUNTY CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9, ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

10 ILCS 5/9-10, 5/9-13 & 5/9-14

SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

Failure to file the December 2008 Semi-annual report of Campaign Contributions

And Expenditures

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

May 5, 2009

DATE

Signature of complainant

SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN VERIFICATION MUST BE SIGNED BY AN AUTHORIZED OFFICER AND ATTESTED TO BY THE SECRETARY)

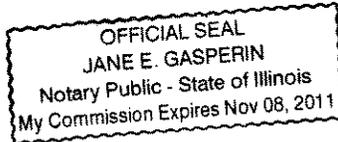
PROOF OF SERVICE

I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

- a) BY PERSONALLY DELIVERING THE SAME ON THE ___ DAY OF _____, 2009 AT ___ O'CLOCK ___ M.
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE **5th** DAY OF MAY, 2009 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: **2105 E. COOK STREET, SPRINGFIELD IL 62703.**

Sue A. McArthur
SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 5th DAY OF MAY, 2009



Jane E. Gasperin
NOTARY PUBLIC

INSTRUCTIONS

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET
SPRINGFIELD, ILLINOIS 62704

STATE BOARD OF ELECTIONS
100 WEST RANDOLPH, SUITE 14-100
CHICAGO, ILLINOIS 60601

**STATE OF ILLINOIS
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

Vs.

Case No. Board File No: 09 CD 038

8th Ward Regular Democratic Organization
Respondent

S776

REPORT OF HEARING EXAMINER
Report of Public Hearing For
Failure to File December 2008 Semi Annual Report

PROCEDURAL HISTORY

On May 5, 2009 the above referenced Complainant filed a Form D-4, Complaint for violation of the Campaign Disclosure Act wherein it is specifically alleged that pursuant to 10 ILCS 5/9-10, 5/9-13, and 5/9-14 of the Campaign Disclosure Act, the Respondent failed to file Semi a Annual Report for the period specified above.

On May 28, 2009 a Closed Preliminary Hearing was convened in the Chicago Offices of the State Board of Elections. No appearance was entered by the Respondent. As a result, it was the opinion of the Hearing Examiner that the complaint was filed on justifiable grounds, and therefore recommended that a Public Hearing be conducted in this matter. On June 16, 2009 the Board issued an Order for a Public Hearing to be conducted.

PUBLIC HEARING

On June 18, 2009 the Respondent Committee filed the report at issue thereby making it unnecessary to conduct a Public Hearing.

CONCLUSSIONS AND RECCOMENDATION

Given the fact that the Respondent/Committee has filed its December 2008 Semi Annual Report, it is my recommendation that the Division of Campaign Disclosure assess a civil penalty in an amount to be calculated pursuant to the guidelines set forth by Statute and/or Board Rule.



Mark D. Greben- Hearing Examiner

Dated: July 23, 2009

FORM D-2

REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES
Semiannual Report

FOR OFFICE USE ONLY
IDENTIFICATION NO.

S 776
L 358

8th Ward Regular Democratic Org
575 Thayer Ave, Apt 505
Silver Spring, MD 20910-5377

FILED
6/18/2009
1:32:32PM

REPORTING PERIOD 7/1/2008 thru 12/31/2008	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD	SECTION B - EXPENDITURES	
	\$4,548.67		
SECTION A - RECEIPTS			
1. Individual Contributions:		6. Transfers Out:	
a. Itemized (from Schedule A)	\$ 68,500.00	a. Itemized (from Schedule B)	\$ 0.00
b. Not-Itemized.....	\$ 17,830.00	b. Not-Itemized.....	\$ 0.00
2. Transfers In:		7. Loans made:	
a. Itemized (from Schedule A)	\$ 11,900.00	a. Itemized (from Schedule B)	\$ 0.00
b. Not-Itemized.....	\$ 425.00	b. Not-Itemized.....	\$ 0.00
3. Loans Received:		8. Expenditures:	
a. Itemized (from Schedule A)	\$ 0.00	a. Itemized (from Schedule B)	\$ 102,102.44
b. Not-Itemized.....	\$ 0.00	b. Not-Itemized.....	\$ 0.00
4. Other Receipts:		TOTAL EXPENDITURES (6-8)..	\$ 102,102.44
a. Itemized (from Schedule A)	\$ 0.00		
b. Not-Itemized.....	\$ 0.00	SECTION C - DEBTS AND OBLIGATIONS	
TOTAL RECEIPTS (1-4).....	\$ 98,655.00	9. a. Itemized (from Schedule C)...	\$ 0.00
		b. Not-Itemized.....	\$ 0.00
5. In-Kind Contributions:		TOTAL DEBTS AND OBLIGATIONS	\$ 0.00
a. Itemized (from Schedule I)	\$ 0.00		
b. Not-Itemized.....	\$ 0.00	SECTION D - CASH BALANCE	
TOTAL IN-KIND.....	\$ 0.00	Funds available at the beginning	
		of the reporting period.....	\$ 4,548.67
		Total Receipts (Section A).....	\$ 98,655.00
		Subtotal.....	\$ 103,203.67
		Total Expenditures (Section B).....	\$ 102,102.44
		Funds available at the close of	
		the reporting period.....	\$ 1,101.23

		Investment Total.....	\$ 0.00

Filed Electronically

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
)
State Board of Elections,)
Complainant(s),)
Vs.) 09 CD 038
)
8th Ward Regular Democratic Org.,)
Respondent(s).)

ORDER

TO: 8th Ward Regular Democratic Org. S776
8539 S Cottage Grove Ave.
Chicago, IL 60619

This matter coming to be heard this 15th day of June, 2009, following a Closed Preliminary Hearing as a result of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the "Act"), alleging that the Respondent violated 10 ILCS 5/9-10, 5/9-13 and 5/9-14 in that respondent failed to file the December 2008 Semi-annual report of Campaign Contributions & Expenditures; and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. The complaint was filed on justifiable grounds; and
2. There was no appearance by the Respondent at the closed preliminary hearing, and
3. The report at issue remains unfiled.

IT IS ORDERED:

1. That a Public Hearing be held in this matter; and
2. The effective date of this Order is June 16, 2009.

DATED: 6/16/2009



Albert S Porter, Chairman



FORM

D-4

COMPLAINT FOR VIOLATION OF THE CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections
1020 S. Spring Street
Springfield, IL 62704
(217) 782-4141

Case No.

09CD 038

NAME AND ADDRESS OF RESPONDENT:

S776
8th Ward Regular Democratic Org.
575 Thayer Ave #505
Silver Spring, MD 20910

John H Stroger Jr, Eugene Mullins Jr
8539 S Cottage Grove Ave
Chicago, IL 60619

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE STATE BOARD OF ELECTIONS, COUNTY CLERK, OR NONE. IF FILED WITH THE COUNTY CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9, ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

10 ILCS 5/9-10, 5/9-13 & 5/9-14

SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

Failure to file the December 2008 Semi-annual report of Campaign Contributions
And Expenditures

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

May 5, 2009
DATE

SIGNATURE OF COMPLAINANT

See A. McArthur

(IF COMPLAINANT IS A CORPORATION THEN VERIFICATION MUST BE SIGNED BY AN AUTHORIZED OFFICER AND ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

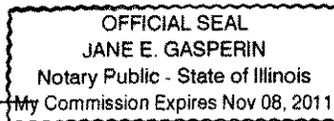
I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

- a) BY PERSONALLY DELIVERING THE SAME ON THE ___ DAY OF _____, 2009 AT ___ O'CLOCK ___ M.
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE **5th** DAY OF MAY, 2009 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: **2105 E. COOK STREET, SPRINGFIELD IL 62703.**

Sue A. McArthur
SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 5th DAY OF MAY, 2009

Jane E. Gasperin
NOTARY PUBLIC



INSTRUCTIONS

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET
SPRINGFIELD, ILLINOIS 62704

STATE BOARD OF ELECTIONS
100 WEST RANDOLPH, SUITE 14-100
CHICAGO, ILLINOIS 60601

**STATE OF ILLINOIS
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

Vs.

Board File No: 09 CD 040

Pulaski County Republican Boosters Club
Respondent (S6188)

S6188

REPORT OF HEARING EXAMINER
Report of Public Hearing For
Failure to File December 2008 Semi Annual Report

PROCEDURAL HISTORY

On May 5, 2009 the above referenced Complainant filed a Form D-4, Complaint for violation of the Campaign Disclosure Act wherein it is specifically alleged that pursuant to 10 ILCS 5/9-10, 5/9-13, and 5/9-14 of the Campaign Disclosure Act, the Respondent failed to file Semi a Annual Report for the period specified above.

On May 27, 2009 a Closed Preliminary Hearing was convened in the Springfield Offices of the State Board of Elections. No appearance was entered by the Respondent. As a result, it was the opinion of the Hearing Examiner that the complaint was filed on justifiable grounds, and therefore recommended that a Public Hearing be conducted in this matter. On June 16, 2009 the Board issued an Order for a Public Hearing to be conducted.

PUBLIC HEARING

On June 15, 2009 the Respondent Committee filed the report at issue thereby making it unnecessary to conduct a Public Hearing.

CONCLUSIONS AND RECCOMENDATION

Given the fact that the Respondent/Committee has filed its December 2008 Semi Annual Report, it is my recommendation that the Division of Campaign Disclosure assess a civil penalty in an amount to be calculated pursuant to the guidelines set forth by Statute and/or Board Rule.



Mark D. Greben- Hearing Examiner

Dated: July 23, 2009



FORM D-2	REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (CHECK APPROPRIATE BOXES) (PLEASE TYPE OR PRINT IN BLACK INK)	FOR OFFICE USE ONLY
	<input type="checkbox"/> Pre-Election Report - Election Date: _____ <input checked="" type="checkbox"/> Semi-Annual Report _____ <input type="checkbox"/> Non-Participation - Election Date: _____ <input type="checkbox"/> Final Report _____ <input type="checkbox"/> Amendment of Report Indicated Above	STATE BOARD OF ELECTIONS 09 JUN 15 AM 9:19

Full name and complete mailing address of Political Committee:

Pulaski County Republican Boosters Club
 c/o Warren E Crain
 PO Box 177
 Villa Ridge, IL 62996-0177

POLITICAL COMMITTEE
 S 6188 11
 L 2489

IDENTIFICATION NO.

CHECK IF ADDRESS CHANGE

REPORTING PERIOD FROM <u>July</u> THRU <u>Dec.</u>	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD: \$ _____	STATE POLITICAL COMMITTEES RETURN TO: STATE BOARD OF ELECTIONS PO BOX 4187 SPRINGFIELD, IL 62708-4187	LOCAL POLITICAL COMMITTEES AND STATE AND LOCAL POLITICAL COMMITTEES RETURN ORIGINAL TO: STATE BOARD OF ELECTIONS AND A COPY TO EACH APPROPRIATE COUNTY CLERK.
SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.			

COMPLETE 1-7 FOR PRE-ELECTION REPORTS.

COMPLETE ALL SECTIONS FOR SEMI-ANNUAL AND FINAL REPORTS.

SECTION A - RECEIPTS

1. Individual Contributions:
 - a. Itemized (from Schedule A) \$ _____ (1a)
 - b. Not-Itemized \$ _____ (1b)
2. Transfers In:
 - a. Itemized (from Schedule A) \$ _____ (2a)
 - b. Not-Itemized \$ _____ (2b)
3. Loans Received:
 - a. Itemized (from Schedule A) \$ _____ (3a)
 - b. Not-Itemized \$ _____ (3b)
4. Other Receipts:
 - a. Itemized (from Schedule A) \$ _____ (4a)
 - b. Not-Itemized \$ 785⁰⁰ (4b)
 - TOTAL RECEIPTS (1-4)** \$ 785⁰⁰

5. In-Kind Contributions:
 - a. Itemized (from Schedule I) \$ _____ (5a)
 - b. Not-Itemized \$ _____ (5b)
 - TOTAL IN-KIND** \$ _____

SECTION B - EXPENDITURES

6. Transfers Out:
 - a. Itemized (from Schedule B) \$ _____ (6a)
 - b. Not-Itemized \$ _____ (6b)
7. Loans made:
 - a. Itemized (from Schedule B) \$ _____ (7a)
 - b. Not-Itemized \$ _____ (7b)
8. Expenditures:
 - Itemized (from Schedule B) \$ None (8a)
 - Not-Itemized \$ _____ (8b)
 - TOTAL EXPENDITURES (6-8)** \$ _____

SECTION C - DEBTS AND OBLIGATIONS

- (Include previously reported unpaid debts)
9. a. Itemized (from Schedule C) \$ _____ (9a)
 - b. Not-Itemized \$ _____ (9b)
 - TOTAL DEBTS & OBLIGATIONS** \$ _____

SECTION D - CASH BALANCE

- Funds available at the beginning of the reporting period: \$ _____ (A)
- Total Receipts (Section A) \$ _____ (B)
- Subtotal \$ _____ (C)
- Total Expenditures (Section B) \$ _____ (D)
- Funds available at the close of the reporting period: \$ _____ (E)
- *****
- INVESTMENT TOTAL** \$ 785⁰⁰ (F)

VERIFICATION

I DECLARE THAT THIS REPORT OF CAMPAIGN CONTRIBUTIONS OR THIS SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (INCLUDING ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE REPORT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE REPORT IS A BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO \$5000.

Warren E Crain
 SIGNATURE OF TREASURER OR CANDIDATE

6/9/09
 DATE
 (THIS FORM MAY BE REPRODUCED)

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
)
State Board of Elections,)
Complainant(s),)
Vs.) 09 CD 040
)
Pulaski County Republican)
Boosters Club,)
Respondent(s).)

ORDER

TO: Pulaski County Republican Boosters Club S6188
POB 177
Villa Ridge, IL 62996

This matter coming to be heard this 15th day of June, 2009, following a Closed Preliminary Hearing as a result of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the "Act"), alleging that the Respondent violated 10 ILCS 5/9-10, 5/9-13 and 5/9-14 in that respondent failed to file the December 2008 Semi-annual report of Campaign Contributions & Expenditures; and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. The complaint was filed on justifiable grounds; and
2. There was no appearance by the Respondent at the closed preliminary hearing, and
3. The report at issue remains unfiled.

IT IS ORDERED:

1. That a Public Hearing be held in this matter; and
2. The effective date of this Order is June 16, 2009.

DATED: 6/16/2009


Albert S Porter, Chairman



FORM

D-4

COMPLAINT FOR VIOLATION OF THE CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections
1020 S. Spring Street
Springfield, IL 62704
(217) 782-4141

Case No. 09 CD 040

Vs.

NAME AND ADDRESS OF RESPONDENT:

S6188
Pulaski County Republican Boosters Club/Warren Crain
POB 177
Villa Ridge, IL 62996

Becky Kleckner
4614 S Shiloh Rd
Villa Ridge, IL 62996

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE
[X] STATE BOARD OF ELECTIONS, [] COUNTY CLERK, OR [] NONE. IF FILED WITH THE COUNTY CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9, ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

10 ILCS 5/9-10, 5/9-13 & 5/9-14

SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

Failure to file the December 2008 Semi-annual report of Campaign Contributions
And Expenditures

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

May 5, 2009
DATE

See A. McArthur
SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN VERIFICATION MUST BE SIGNED BY AN AUTHORIZED OFFICER AND ATTESTED TO BY THE SECRETARY)

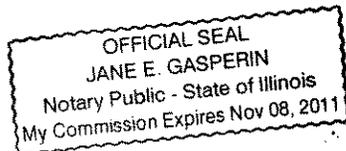
PROOF OF SERVICE

I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

- a) BY PERSONALLY DELIVERING THE SAME ON THE ___ DAY OF _____, 2009 AT ___ O'CLOCK ___ M.
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE **5th** DAY OF MAY, 2009 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: **2105 E. COOK STREET, SPRINGFIELD IL 62703.**

Sue A. McArthur
SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 5th DAY OF MAY, 2009



Jane E. Gasperin
NOTARY PUBLIC

INSTRUCTIONS

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS
1020 SOUTH SPRING STREET
SPRINGFIELD, ILLINOIS 62704

STATE BOARD OF ELECTIONS
100 WEST RANDOLPH, SUITE 14-100
CHICAGO, ILLINOIS 60601

STATE OF ILLINOIS
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

Board File No: 09 CD 043

Citizens for Jenisch
Respondent

S7175

REPORT OF HEARING EXAMINER
Report of Public Hearing For
Failure to File December 2008 Semi Annual Report

PROCEDURAL HISTORY

On May 5, 2009 the above referenced Complainant filed a Form D-4, Complaint for violation of the Campaign Disclosure Act wherein it is specifically alleged that pursuant to 10 ILCS 5/9-10, 5/9-13, and 5/9-14 of the Campaign Disclosure Act, the Respondent failed to file Semi a Annual Report for the period specified above.

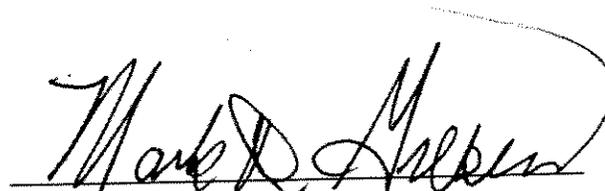
On May 28, 2009 a Closed Preliminary Hearing was convened in the Chicago Offices of the State Board of Elections. No appearance was entered by the Respondent. As a result, it was the opinion of the Hearing Examiner that the complaint was filed on justifiable grounds, and therefore recommended that a Public Hearing be conducted in this matter. On June 16, 2009 the Board issued an Order for a Public Hearing to be conducted.

PUBLIC HEARING

On July 17, 2009 the Respondent Committee filed the report at issue thereby making it unnecessary to conduct a Public Hearing.

CONCLUSIONS AND RECCOMENDATION

Given the fact that the Respondent/Committee has filed its December 2008 Semi Annual Report, it is my recommendation that the Division of Campaign Disclosure assess a civil penalty in an amount to be calculated pursuant to the guidelines set forth by Statute and/or Board Rule.



Mark D. Greben- Hearing Examiner

Dated: July 23, 2009

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

**BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS**

In the Matter of:

State Board of Elections)
)
)
)
)
Complainant(s))

Vs.) Board File#: 09 CD 043
)
)

Citizens for Jenisch)
)
)
)
)
Respondent(s))
)
)

NOTICE OF PUBLIC HEARING

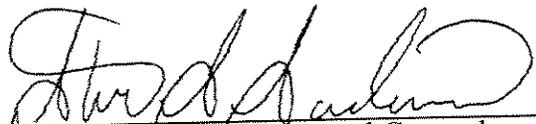
TO: Citizens for Jenisch Richard Jenisch, Patricia Jenisch
POB 665 133 Country Club Dr
Bloomingtondale, IL 60108 Bloomingtondale, IL 60108

Please take notice that in accordance with the Order of the State Board of Elections, dated and entered on and pursuant to the provisions of "An Act to Regulate Campaign Financing" (10 ILCS 5/9-1 et seq.) and Rules and Regulations adopted pursuant thereto, and by the power vested in me, the Public Hearing to be conducted in the above captioned matter is set for July 30, 2009 at 9:30 AM, at the State Board of Elections, 100 W Randolph, Suite 14-100, Chicago IL.

The parties have the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections.

Any party involved in any proceeding has the right to the presence and participation of additional persons, in addition to, or instead of an attorney, in order to provide technical assistance and consultation.

DATED: July 8, 2009



Steven S. Sandvoss, General Counsel

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
)
State Board of Elections,)
 Complainant(s),)
 Vs.) 09 CD 043
)
Citizens for Jenisch,)
 Respondent(s).)

ORDER

TO: Citizens for Jenisch S7175
 POB 665
 Bloomingtondale, IL 60108

This matter coming to be heard this 15th day of June, 2009, following a Closed Preliminary Hearing as a result of a Complaint filed pursuant to “An Act to Regulate Campaign Financing” (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the “Act”), alleging that the Respondent violated 10 ILCS 5/9-10, 5/9-13 and 5/9-14 in that respondent failed to file the December 2008 Semi-annual report of Campaign Contributions & Expenditures; and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. The complaint was filed on justifiable grounds; and
2. There was no appearance by the Respondent at the closed preliminary hearing, and
3. The report at issue remains unfiled.

IT IS ORDERED:

1. That a Public Hearing be held in this matter; and
2. The effective date of this Order is June 16, 2009.

DATED: 6/16/2009



Albert S Porter, Chairman



FORM

D-4

COMPLAINT FOR VIOLATION OF THE CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections
1020 S. Spring Street
Springfield, IL 62704
(217) 782-4141

Case No. 09 CD 043

Vs.

NAME AND ADDRESS OF RESPONDENT:

S7175
Citizens for Jenisch
POB 665
Bloomington, IL 60108

Richard Jenisch, Patricia Jenisch
113 Country Club Dr
Bloomington, IL 60108

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE STATE BOARD OF ELECTIONS, COUNTY CLERK, OR NONE. IF FILED WITH THE COUNTY CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9, ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

10 ILCS 5/9-10, 5/9-13 & 5/9-14

SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

Failure to file the December 2008 Semi-annual report of Campaign Contributions
And Expenditures

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

May 5, 2009
DATE

See A. McArthur
SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN VERIFICATION MUST BE SIGNED BY AN AUTHORIZED OFFICER AND ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

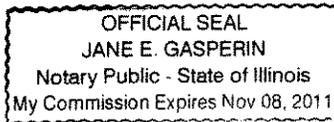
I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

- a) BY PERSONALLY DELIVERING THE SAME ON THE ___ DAY OF _____, 2009 AT ___ O'CLOCK ___ M.
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE **5th** DAY OF MAY, 2009 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: **2105 E. COOK STREET, SPRINGFIELD IL 62703.**

Sue A. McArthur

 SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME
 THIS 5th DAY OF MAY, 2009



Jane E. Gasperin

 NOTARY PUBLIC

INSTRUCTIONS

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS
 1020 SOUTH SPRING STREET
 SPRINGFIELD, ILLINOIS 62704

STATE BOARD OF ELECTIONS
 100 WEST RANDOLPH, SUITE 14-100
 CHICAGO, ILLINOIS 60601

**STATE OF ILLINOIS
COUNTY OF COOK**

**BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS**

Illinois State Board of Elections
Complainant

Vs.

Board File No: 09 CD 055

Committee To Elect Dennis Barnard
Respondent

S9728

REPORT OF HEARING EXAMINER
Report of Public Hearing For
Failure To File December 2008 Semi Annual Report

PROCEDURAL HISTORY

On May 5, 2009 the above referenced Complainant filed a Form D-4, Complaint for violation of the Campaign Disclosure Act wherein it is specifically alleged that pursuant to 10 ILCS 5/9-10, 5/9-13, and 5/9-14 of the Campaign Disclosure Act, the Respondent failed to file Semi a Annual Report for the period specified above.

On May 27, 2009 a Closed Preliminary Hearing was convened in the Springfield Offices of the State Board of Elections. No appearance was entered by the Respondent. As a result, it was the opinion of the Hearing Examiner that the complaint was filed on justifiable grounds, and therefore recommended that a Public Hearing be conducted in this matter. On June 16, 2009 the Board issued an Order for a Public Hearing to be conducted.

PUBLIC HEARING

On June 26, 2009 the Respondent Committee filed the report at issue thereby making it unnecessary to conduct a Public Hearing.

CONCLUSIONS AND RECCOMENDATION

Given the fact that the Respondent/Committee has filed its December 2008 Semi Annual Report, it is my recommendation that the Division of Campaign Disclosure assess a civil penalty in an amount to be calculated pursuant to the guidelines set forth by Statute and/or Board Rule.



Mark D. Greben- Hearing Examiner

Dated: July 23, 2009

FORM D-2

REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES
Semiannual Report

FOR OFFICE USE ONLY
IDENTIFICATION NO.

S 9728 13
L 14627

Committee to Elect Dennis Barnard
8699 Zion Chapel Rd
Blue Mound, IL 62513-8649

FILED
6/26/2009 11:43:55 AM

REPORTING PERIOD	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD	SECTION B - EXPENDITURES	
7/1/2008 thru 12/31/2008	\$ 179.56	6. Transfers Out:	
SECTION A - RECEIPTS		a. Itemized (from Schedule B)	0.00
Individual Contributions:		b. Not-Itemized.....	0.00
a. Itemized (from Schedule A)	\$ 10,190.67	7. Loans made:	
b. Not-Itemized.....	\$ 392.05	a. Itemized (from Schedule B)	0.00
Transfers In:		b. Not-Itemized.....	0.00
a. Itemized (from Schedule A)	\$ 0.00	8. Expenditures:	
b. Not-Itemized.....	\$ 0.00	a. Itemized (from Schedule B)	\$ 10,304.30
Loans Received:		b. Not-Itemized.....	\$ 460.93
a. Itemized (from Schedule A)	\$ 0.00	TOTAL EXPENDITURES (6-8)..	\$ 10,765.23
b. Not-Itemized.....	\$ 0.00	SECTION C - DEBTS AND OBLIGATIONS	
Other Receipts:		9. a. Itemized (from Schedule C)...	\$ 0.00
a. Itemized (from Schedule A)	\$ 0.00	b. Not-Itemized.....	\$ 0.00
b. Not-Itemized.....	\$ 0.00	TOTAL DEBTS AND OBLIGATIONS	\$ 0.00
TOTAL RECEIPTS (1-4).....	\$ 10,582.72	SECTION D - CASH BALANCE	
In-Kind Contributions:		Funds available at the beginning	\$ 179.56
a. Itemized (from Schedule I)	\$ 8,570.20	of the reporting period.....	\$ 10,582.72
b. Not-Itemized.....	\$ 0.00	Total Receipts (Section A).....	\$ 10,762.28
TOTAL IN-KIND.....	\$ 8,570.20	Subtotal.....	\$ 10,765.23
		Total Expenditures (Section B).....	\$ 10,765.23
		Funds available at the close of	\$ -2.95
		the reporting period.....	

		Investment Total.....	\$ 0.00

Filed Electronically

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
)
State Board of Elections,)
Complainant(s),)
Vs.) 09 CD 055
)
Committee to Elect Dennis Barnard,)
Respondent(s).)

ORDER

TO: Committee to Elect Dennis Barnard S9728
8699 Zion Chapel Rd
Blue Mound, IL 62513

This matter coming to be heard this 15th day of June, 2009, following a Closed Preliminary Hearing as a result of a Complaint filed pursuant to “An Act to Regulate Campaign Financing” (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the “Act”), alleging that the Respondent violated 10 ILCS 5/9-10, 5/9-13 and 5/9-14 in that respondent failed to file the December 2008 Semi-annual report of Campaign Contributions & Expenditures; and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. The complaint was filed on justifiable grounds; and
2. There was no appearance by the Respondent at the closed preliminary hearing, and
3. The report at issue remains unfiled.

IT IS ORDERED:

1. That a Public Hearing be held in this matter; and
2. The effective date of this Order is June 16, 2009.

DATED: 6/16/2009



Albert S Porter, Chairman



FORM
D-4

COMPLAINT FOR VIOLATION OF THE
CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections
1020 S. Spring Street
Springfield, IL 62704
(217) 782-4141

Vs.

Case No. 09 CD055

NAME AND ADDRESS OF RESPONDENT:

S9728
Committee to Elect Dennis Barnard
8699 Zion Chapel Rd
Blue Mound, IL 62513

Douglas Reimer
RR2, Box 154B
Shelbyville, IL 62565

Bob Boarman
224 W Main St
Shelbyville, IL 62565

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE
 STATE BOARD OF ELECTIONS, COUNTY CLERK, OR NONE. IF FILED WITH THE COUNTY
CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9,
ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND
REFER TO THIS SECTION.)

10 ILCS 5/9-10, 5/9-13 & 5/9-14

SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN
SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

Failure to file the December 2008 Semi-annual report of Campaign Contributions
And Expenditures

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS
COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN
EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS
REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A
FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER
THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

May 5, 2009
DATE

See A. McArthur
SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN
VERIFICATION MUST BE SIGNED BY AN AUTHORIZED
OFFICER AND ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

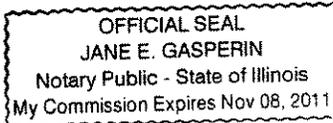
I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

- a) BY PERSONALLY DELIVERING THE SAME ON THE ___ DAY OF _____, 2009 AT ___ O'CLOCK ___ M.
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE **5th** DAY OF MAY, 2009 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: **2105 E. COOK STREET, SPRINGFIELD IL 62703.**

Sue A. McArthur

 SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME
 THIS 5th DAY OF MAY, 2009



Jane E. Gasperin

 NOTARY PUBLIC

INSTRUCTIONS

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS
 1020 SOUTH SPRING STREET
 SPRINGFIELD, ILLINOIS 62704

STATE BOARD OF ELECTIONS
 100 WEST RANDOLPH, SUITE 14-100
 CHICAGO, ILLINOIS 60601

STATE BOARD OF ELECTIONS
1020 South Spring Street
Springfield, Illinois 62704
217/782-4141

Rupert T. Borgsmiller

Director, Campaign Disclosure

To: Members of the Board, Daniel W. White, Executive Director, Steve Sandvoss, General Counsel

Re: Civil Penalty Assessments Necessitating a Final Board Order

Date: 8/18/2009

Listed below are committees that have been assessed a civil penalty for delinquently filing the D1 Statement of Organization, the December 2008 Semi-annual report, the June 2008 Semi-annual report, the November 2008 Pre-election report, Schedule A-1's in conjunction with the 11/08 election, the 2/09 election & the 4/09 election, the February & April 2009 Pre-election report and "multi - assessments". These violations were not appealed & should be issued a Final Board Order.

D-1 Statement of Organization			
Cmte Name	Cmte No	Amt of Fine	Previous Violations
Orland Township Progressive Party**	L15117	\$225.00	None
June 2008 Semi-annual Report			
Cmte Name	Cmte No	Amt of Fine	Previous Violations
Friends of Don Patterson**	L13749	\$5000.00	1 semi, 1 pre
November 2008 Pre-election Report			
Cmte Name	Cmte No	Amt of Fine	Previous Violations
McGuire for Treasurer	L13197	\$1100.00	none
February 2009 Pre-election Report			
Cmte Name	Cmte No	Amt of Fine	Previous Violations
Committee for Thornton	L14781	\$100.00	1 semi
April 2009 Pre-election Report			
Cmte Name	Cmte No	Amt of Fine	Previous Violations
Heritage Party of South Holland	L3258	\$300.00	None
Citz for O' Halloran	L5248	\$2200.00	None
Citz to Elect Cheri Neal Ditzig	L7719	\$500.00	None
Citz to Re-elect Lolie	L9945	\$1100.00	None
South Rock Island Twp Republicans **	L10382	\$1100.00	None
Friends of Zenovia Evans	L10677	\$500.00	1 semi
Cmte to Elect James Boyajian	L11601	\$100.00	None
Friends of Dale Berman	L12478	\$500.00	None
Citz for Delores Holmes	L12573	\$300.00	None
Summers for D65 **	L12694	\$300.00	None
Country Oaks Cmte to Elect Robert Abboud	L13000	\$500.00	None
Hinsdale First	L14613	\$200.00	None
Citz to Re-Elect Kathy Svoboda	L14857	\$200.00	None
Friends of Kris Wasowicz	L14885	\$500.00	1 semi
Citz for Dan Ryan **	L14892	\$2200.00	None
Wauconda United	L14907	\$200.00	None
Friends of Gene Marks	L14924	\$500.00	None
Tony for the People	L14925	\$500.00	None
Schwab for Treasurer **	L14961	\$500.00	None
Friends of Sandy Frum	L15000	\$200.00	None

Cmte Name	Cmte No	Amt of Fine	Previous Violations
Citz to Elect Linda Soto **	L15012	\$1100.00	None
Citz for Schaumburg Township	L15044	\$400.00	None
Steven Kasper for Village Trustee **	L15049	\$500.00	None
Friends of AJ Pearson	L15051	\$100.00	None
Jeff Bradley	L15063	\$400.00	None
Meade for Mayor **	L15078	\$500.00	None
Citz for George Szczepakiak **	L15086	\$400.00	None
Citz for Deyon Dean	L15088	\$200.00	None
Friends of Guadalupe Jesse Barrios	L15089	\$300.00	None
Cmte to Elect Bohler Mayor	L15103	\$100.00	None
E Wayne Johnson for Alderman	L15115	\$100.00	None
Citz for Kamala Martinez **	L15158	\$200.00	None
Citz of Dave Desanti	L15164	\$1100.00	None
Heart of Bellwood Party	L15168	\$1100.00	None
Alsip Coalition for Excellence	L15172	\$200.00	None
Citz to Elect Mark Anglewicz **	L15182	\$300.00	None
Friends of Finnegan **	L15183	\$100.00	None
Citz for Garner **	L15194	\$500.00	None
Parents for District 203 **	L15207	\$500.00	None
Winfield 4 **	L15210	\$400.00	None
Mark Bonne for Alderman	L15224	\$200.00	None
Concerned Citz of Orland Park	L15246	\$1100.00	None
Student Success Alliance **	L15247	\$500.00	None
Friends for David Hewson Jr **	L15249	\$500.00	None
Christianaire	L15254	\$1100.00	None
Friends of Aktipis	L15259	\$100.00	None
Citz for Elaine Zannis	L15261	\$200.00	None
Citz for Ron Zanko **	L15264	\$500.00	None
Citz for Lori Filippone **	L15265	\$500.00	None
Citz to elect Algie Crivens III	L15266	\$1100.00	None
Will Co Progressive Political Action	L15271	\$1100.00	None
Friends of Murfin & Sarkees	L15279	\$200.00	None
Friends of Kyle Ham	L15313	\$500.00	None
Vote River Forest.org	L15321	\$500.00	None
Vote for Hoke.org	L15322	\$400.00	None
Friends of Jack Callahan **	L15332	\$1100.00	None
Friends of Sarah Delano Pavlik	L15338	\$100.00	None
Harger for Mayor **	L15343	\$200.00	None
Tendam for Mayor	L15360	\$500.00	None
Northfield Township Regular Republican Org	S464	\$200.00	None
Citz for Noak	S8853	\$200.00	None
Blackhawk Township Democrats	S9844	\$300.00	None
Friends of Nicholas Sauer	S9849	\$200.00	None
Parker for Peoria	S9881	\$1100.00	None
Friends for Ledonne	S9883	\$400.00	None
Citz for Tyler Smith	S9884	\$500.00	None
North Aurora Firefighters Assoc	S9893	\$200.00	None
Multi-Assessments			
Cmte Name	Cmte No	Amt of Fine	Previous Violations
Citz to Elect Bob Caulfield Mayor	L15087	\$1400.00	None
Committee to Elect Cindy Williams	L15375	\$3103.00	None

December 2008 Semi-annual Report			
Cmte Name	Cmte No	Amt of Fine	Previous Violations
Friends of George Cardenas	L11456	\$4300.00	None
Ed Smith for Recorder of Deeds	L14412	\$4400.00	None
Realtors PAC of IL	S6339	\$5000.00	1 semi
Schedule A-1 (November '08 election)			
Cmte Name	Cmte No	Amt of Fine	Percentage Reduction
Citz to Elect Robert Howard	L13013	\$300.00	\$30.00
Friends for Laurie Smith	L14291	\$304.00	\$31.00
Will Co Democratic Central Cmte	S560	\$61.73	\$7.00
Citz for Bill Black	S3785	\$1000.00	\$100.00
Plumbing Industry PAC	S5740	\$360.00	\$36.00
Friends of Don Harmon	S7965	\$1000.00	\$100.00
Citz to Elect Eddie Washington	S8022	\$2000.00	\$1000.00
Citz for Fred Crespo	S8813	\$3706.23	\$1854.00
Jim Parks for State Rep**	S9708	\$4852.90	\$486.00
Schedule A-1 (February '09 election)			
Cmte Name	Cmte No	Amt of Fine	Percentage Reduction
Citz for Wayne Motley	L11445	\$1000.00	\$100.00
Schedule A-1 (April '09 election)			
Cmte Name	Cmte No	Amt of Fine	Percentage Reduction
Renner for Mayor **	L14689	\$1000.00	\$100.00
Citz for Hanusiak	L15027	\$1000.00	\$100.00
South Dolton Suburban Party	L15389	\$10000.00	\$1000.00
People's Energy PAC	S2157	\$1878.79	\$188.00

(** - DENOTES COMMITTEES THAT HAVE FILED A FINAL REPORT)

STATE BOARD OF ELECTIONS

1020 South Spring Street
Springfield, Illinois 62704
217/782-4141

Rupert T. Borgsmiller

Director, Campaign Disclosure

To: Daniel W. White, Executive Director, Members of the Board

Re: Payment of Civil Penalties - Informational

Date: 8/5/2009

The following committees have made payment of outstanding civil penalties for the period of 6/19/2009 – 8/5/2009:

- § Democratic Central Cmte of Stephenson County - \$612.51
- § Citizens for Nicholas Milissis - \$100.00
- § Tooling & Manufacturing Assn PAC - \$250.00
- § Petroleum Political Education Committee of Illinois - \$377.00
- § The Republican Organization of Elk Grove Township - \$200.00
- § LaSalle County Republican Century Club - \$125.00
- § Alliance for Living PAC - \$3320.00
- § Illinois Academy of Physicians Assistants PAC - \$1400.00
- § The Committee to Elect Cindy Williams - \$378.00
- § Friends of Terry Link - \$200.00
- § TLC Finance Committee - \$470.00
- § Friends of Travis Loyd - \$200.00
- § Democratic Citizens of Berwyn - \$20.00
- § Citizens for Mariyana Spyropoulos - \$10,509.00

Total Amount Paid for this Period- \$18,161.51.00

Year to Date:

1/8/09 – 2/4/09 - \$4305.50
2/5/09 – 3/5/09 - \$9722.50
3/6/09 – 4/9/09 - \$19,354.50
4/10/09 – 5/6/09 - \$6375.00
5/7/09 – 6/4/09 - \$9640.00
6/5/09 – 6/18/09 - \$200.00
6/19/09 – 8/5/09 - \$81,161.51

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141 TTY: 217/782-1518
Fax: 217/782-5959

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601
312/814-6440 TTY: 312/814-6431
Fax: 312/814-6485



BOARD MEMBERS
Bryan A. Schneider, Chairman
Wanda L. Rednour, Vice Chairman
Patrick A. Brady
John R. Keith
William M. McGuffage
Albert S. Porter
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

MEMORANDUM

TO: Chairman Schneider
Vice Chairman Rednour
Members of the Board
Executive Director Dan White

From: Steve Sandvoss, General Counsel

Re: Apparent Conformity, Nominating Petitions

Date: August 5, 2009

With the upcoming petition filing period fast approaching and in light of the recent decision of the Appellate Court in Druck v. ISBE (included with this Memo), I feel it is necessary to bring to the attention of the Board the issue of apparent conformity of nominating petitions and to request that the Board determine to what extent, if any, it should enforce this provision in regards to nominating petitions filed with the State Board of Elections (SBE).

Section 10-8 of the Election Code [10 ILCS 5/10-8, "the Code"] provides in part: "nomination papers,...being filed as required by this Code, and *being in apparent conformity* with the provisions of this Act, shall be deemed to be valid unless objection thereto is duly made in writing within 5 business days after the last day for filing...". Section 7-14 of the Code provides that "Not less than 61 days before the date of the general primary the State Board of Elections shall meet and shall *examine all petitions filed* under this Article 7...The State Board of Elections shall then certify to the county clerk of each county, the names of all candidates whose nomination papers... have been filed with the Board...". (emphasis added) Despite these provisions and for the reason stated below, the SBE has not recently enforced them but in general, has accepted all nominating petitions submitted thereto as long as such submissions were within the statutory time frame and were in relation to an office for which the SBE was the proper filing location.

Legislative History of Apparent Conformity

The apparent conformity and examination provisions quoted above have been a part of the Code for as long as the SBE has been in existence. Prior to 1984, the SBE enforced these provisions by refusing to certify candidates whose nominating petitions did not meet the requirements of the Code (eg: no Statement of Candidacy, insufficient signatures, etc.) In 1984, a legislative candidate sought a

mandamus action against the SBE, to compel placement on the ballot following the SBE's decision to refuse to certify him. In granting the writ of mandamus, the circuit court determined that the examination provision contained in Section 7-14 did not apply to legislative candidates, since they are nominated under the provisions of Article 8 (See Freddie Johnson v. SBE, included with this Memo.) The court did not question the authority of the SBE to refuse to certify candidates whose unqualified petitions are filed pursuant to Article 7. As a result of this decision, the SBE proposed HB 1802 in 1985; legislation that would have provided specific statutory authority to the Board to examine all petitions filed with it and to refuse to certify those petitions that were not in compliance with the requirements of the Code. In addition, this legislation set forth specific procedures to be followed in exercising this authority, including notice to the affected candidates and an opportunity for hearing. Following the non-passage of HB 1802, the SBE ceased to enforce the apparent conformity provision as to all petitions filed therewith.

Legislation was again introduced in the 1995/1996 session as an amendment to HB 1887, that would have authorized election authorities to examine nominating petitions to determine whether such petitions contained the required number of signatures and to reject those that did not. It also provided the same notice and hearing procedures contained in HB 1802. Interestingly, HB 1887 did not give such authorization to the SBE, nor did it go beyond signature requirement deficiency as a basis for rejection. HB 1887 failed to pass. In 1997, the SBE once again sought statutory authority to enforce the apparent conformity provision through SB 433. This bill contained very similar language to HB 1802 (enforcement of apparent conformity as to all petitions filed with the SBE and procedures for giving notice and a hearing to affected candidates). Once again, this legislation failed to pass.

A review of the 1998 decision in North v. Hinkle (also included with this Memo), led the General Counsel's office to believe that the SBE finally had the necessary authority to enforce the apparent conformity provision. As such, the SBE attempted to promulgate rulemaking to that affect. JCAR however, rejected the rulemaking on the basis of a lack of specific statutory authority. Understandably, the SBE regarded the previous actions of the General Assembly and JCAR's rejection as a repudiation of the enforcement of apparent conformity by the SBE. Thus the current policy of relying on the objection procedures contained in Article 10 of the Code as the sole method of rejection of non-compliant nominating petitions was adopted. The SBE then abandoned any further attempts to seek legislative authority to enforce apparent conformity.

In 2006, 2007 and 2008, Representative Dan Brady reintroduced legislation (HB 5261, HB 195 and HB 4254 respectively) that would have allowed the SBE to refuse to certify petitions for legislative candidates which did not contain the requisite number of signatures; effectively overturning the circuit court's decision in Johnson. All three bills however died in Rules Committee.

The Druck Case

In 2008, the Appellate Court for the 1st Judicial District rendered its decision in Dan Druck v. Illinois State Board of Elections 387 Ill.App.3d. This was the first appellate court decision to date that has specifically stated that the SBE has a duty to enforce the examination requirement and the notion of apparent conformity by rejecting those nominating papers that are not in such conformity with the provisions of the Code. The pertinent language is as follows: "This court has held that the election official with whom the nomination papers have been filed, herein the SBOE, has a duty, before they certify a candidate's name for placement on the ballot, to examine the nomination papers to determine whether upon their face they are in apparent conformity with the Election Code...Section 10-14 of the Election Code empowers the SBOE to certify and therefore, to prevent a candidate's name from being placed on the ballot if his nomination papers are not valid." Though this statement was not critical to the determination of the central issue in the decision, I feel that it did constitute one of the bases for rejecting the Plaintiff's claim that his name should have been certified for the ballot. This statement

was not, in my opinion, dicta that could otherwise be ignored, rather I feel it should be treated as a directive to the SBE that at least some enforcement of apparent conformity is a duty that must be performed.

Options

Should the Board determine that some sort of apparent conformity check by the SBE is necessary, the next step is to decide which approach is the most appropriate, taking into account the extent of the duty on the SBE as set forth in the holding of the relevant cases, the limitations on the SBE in terms of its resources and any other considerations the Board may have. I propose three options for the Board to consider:

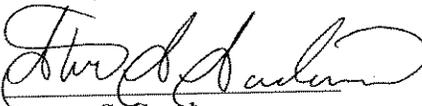
Option A: Apply a limited standard of review to the nominating petitions; rejecting those that after a casual glance a reasonable person could only conclude that the petition is so woefully deficient, that it warrants immediate disqualification. An example of this would be a petition entirely lacking a Statement of Candidacy or Economic Interest receipt or a petition that requires 5,000 signatures, but contains less than 10.

Option B: Apply a more strict standard of review by looking at the petition more closely and rejecting those that while not as obviously deficient as the example in Option A, but upon a more careful examination are definitely lacking in terms of conformity with the Code. An example of this would be a petition with numerous sheets, but upon flipping through them, it is determined that the vast majority are blank or contain one or two signatures or after reviewing the Statement of Candidacy, it is determined to be unsigned, or not notarized, or it does not identify the office sought by the candidate.

Option C: Apply a strict scrutiny standard of review, by checking all aspects of the petition for compliance. An example would be a review of the items contained in the checklist used currently by DuPage County (also included with this Memo); pagination of the petition sheets, notarization of each page, a signed circulator statement and circulator address on each page, a signature count to determine whether the minimum signature requirement has been met, etc.

I propose, at least for the upcoming filing period the adoption of Option A, with the additional requirement that any Statement of Candidacy be signed and notarized. It is the simplest option to administer and at the same time would eliminate those petitions that are so woefully inadequate that certification would cause embarrassment to the SBE. Summarily rejecting them however would unlikely cause controversy and would at the same time lessen the total number of objections filed. Should this, or one of the other Options be adopted by the Board, procedures consistent with those contained in the legislation and rulemaking referred to above should be established to provide the requisite notice and opportunity for hearing in order to satisfy the candidate's due process rights. After this filing period, staff would assess the effects of the application of this new policy and if necessary make adjustments for future filing periods.

As a final recommendation and consistent with current case law, any decision of the Board that makes a significant policy change such as this must be conveyed to as many interested parties as possible, in advance of its implementation. I would suggest sending notice to persons who have requested nominating petitions from the SBE, posting notice on the website, and in the office during the filing period and distributing the notice to all petition filers at the time of filing.


Steven S. Sandvoss
General Counsel

899 N.E.2d 437
387 Ill.App.3d 144, 899 N.E.2d 437, 326 Ill.Dec. 220
(Cite as: 387 Ill.App.3d 144, 899 N.E.2d 437, 326 Ill.Dec. 220)

Appellate Court of Illinois,
First District, Fourth Division.
Dan DRUCK, Libertarian Party Candidate for United
States Representative in the 14th Congressional Dis-
trict, Petitioner-Appellant,
v.

ILLINOIS STATE BOARD OF ELECTIONS,
State Officers Electoral Board, and Albert Porter,
Bryan Schneider, Patrick A. Brady, John R. Keith,
Jessie Smart, Wanda Rednour, William M. McGuf-
fage and Robert J. Walters, in their official capacities
as members of the duly Constituted State Officers
Electoral Board, and Brett Haase, the Objector, Res-
pondents-Appellees.
No. 1-08-2440.

Nov. 26, 2008.

Background: Candidate for House of Representatives
filed petition challenging a decision of State Officers
Electoral Board (SOEB) removing his name from the
ballot for failure to satisfy the signature requirement.
The Circuit Court, Cook County, Alfred J. Paul, J.,
awarded summary judgment to SOEB and its mem-
bers. Candidate appealed.

Holdings: The Appellate Court, Neville, J., held that:
(1) exclusion of candidate did not violate his or the
voters' constitutional rights, and
(2) signature requirement was not enforceable only by
means of objections.

Affirmed.

West Headnotes

[1] Elections 144 ↪ 154(6)

144 Elections
144VI Nominations and Primary Elections
144k148 Objections and Contests
144k154 Trial and Determination by Courts
144k154(6) k. Appeal and Error. Most
Cited Cases
Because the legislature vested electoral boards, and

not the circuit court, with original jurisdiction over
objections to nomination petitions, Appellate Court
reviews the decisions of the electoral board rather than
the circuit court on appeal from a circuit court order
reviewing a decision of the electoral board. S.H.A. 10
ILCS 5/10-9.

[2] Elections 144 ↪ 54

144 Elections
144III Election Districts or Precincts and Officers
144k54 k. Powers and Proceedings of Officers
in General. Most Cited Cases
Because Appellate Court views electoral boards as
administrative agencies, the standards of review are
essentially identical.

[3] Elections 144 ↪ 54

144 Elections
144III Election Districts or Precincts and Officers
144k54 k. Powers and Proceedings of Officers
in General. Most Cited Cases
An electoral board's findings of fact are deemed to be
prima facie true and correct and will not be overturned
on appeal unless they are against the manifest weight
of the evidence.

[4] Elections 144 ↪ 54

144 Elections
144III Election Districts or Precincts and Officers
144k54 k. Powers and Proceedings of Officers
in General. Most Cited Cases
Appellate Court is not bound by an electoral board's
decisions on questions of law; therefore, those ques-
tions are given de novo review.

[5] Elections 144 ↪ 54

144 Elections
144III Election Districts or Precincts and Officers
144k54 k. Powers and Proceedings of Officers
in General. Most Cited Cases

An electoral board's rulings on mixed questions of law and fact where the historical facts are admitted, where the rule of law is undisputed, and where the only remaining issue is whether the facts satisfy a statutory standard, will not be disturbed unless clearly erroneous.

[6] Elections 144 ↪21

144 Elections

144I Right of Suffrage and Regulation Thereof in General

144k20 Power to Regulate Nominations and Ballots

144k21 k. In General. Most Cited Cases

There cannot be unfettered access to the ballot, and states may, and inevitably must, enact reasonable regulations of parties, elections, and ballots to reduce election and campaign-related disorder.

[7] Elections 144 ↪18

144 Elections

144I Right of Suffrage and Regulation Thereof in General

144k18 k. Power to Prescribe Qualifications. Most Cited Cases

States may impose reasonable restrictions upon political parties because states have an interest in requiring a demonstration of qualification in order for the elections to be run fairly and effectively; this is not only a state's right, it is a duty. U.S.C.A. Const. Art. 1, § 4, cl. 1.

[8] Elections 144 ↪22

144 Elections

144I Right of Suffrage and Regulation Thereof in General

144k20 Power to Regulate Nominations and Ballots

144k22 k. Official Ballots. Most Cited

Cases

States have an interest in limiting ballot access to serious candidates who can demonstrate a measurable quantum of support or a level of political viability.

[9] Elections 144 ↪22

144 Elections

144I Right of Suffrage and Regulation Thereof in General

144k20 Power to Regulate Nominations and Ballots

144k22 k. Official Ballots. Most Cited

Cases

The requirement that candidates for election make a preliminary demonstration of a significant modicum of support in order to appear on the ballot furthers the state's legitimate interest of avoiding confusion, deception, and even frustration of the democratic process at the general election.

[10] Elections 144 ↪22

144 Elections

144I Right of Suffrage and Regulation Thereof in General

144k20 Power to Regulate Nominations and Ballots

144k22 k. Official Ballots. Most Cited

Cases

Statutory requirement that a new political party file nominating petitions containing 5,000 signatures in the first election that follows a redistricting was a reasonable and nondiscriminatory way to have a party and its candidate demonstrate a modicum of support before being placed on the ballot. S.H.A. 10 ILCS 5/10-2.

[11] Elections 144 ↪22

144 Elections

144I Right of Suffrage and Regulation Thereof in General

144k20 Power to Regulate Nominations and Ballots

144k22 k. Official Ballots. Most Cited

Cases

Statutory requirement that, in elections subsequent to first election following redistricting, a new political party file nominating petitions containing signatures from five percent of the qualified voters who voted in most recent regular election was a reasonable and nondiscriminatory way to have party and its candidate demonstrate a modicum of support before being

placed on ballot, and thus exclusion from ballot of candidate for House of Representatives who submitted petitions containing fewer than the required number of signatures did not violate the right to vote or the right to associate for political purposes of either the candidate or the voters in his district. U.S.C.A. Const.Amends. 1, 14; S.H.A. Const. Art. 1. §§ 2, 4, 5; S.H.A. 10 ILCS 5/10-2.

[12] Elections 144 ↪ 144

144 Elections

144VI Nominations and Primary Elections

144k140 Nomination by Electors

144k144 k. Requisites of Petition, Certificate, or Nomination Papers. Most Cited Cases

Elections 144 ↪ 153

144 Elections

144VI Nominations and Primary Elections

144k148 Objections and Contests

144k153 k. Determination by Public Officers. Most Cited Cases

Statutory requirement that new political parties or candidates file nominating petitions containing a certain number of signatures was not enforceable only by means of objections; statute governing objections provided that nomination papers were to be deemed valid absent an objection only if they were in apparent conformity with the requirements of the Election Code, and election board had the authority to certify nomination papers as valid, giving it the power to refuse to do so if they were invalid. S.H.A. 10 ILCS 5/10-2, 5/10-8, 5/10-14.

****439** Andrew B. Spiegel, Lemont, IL, for Petitioner-Appellant.

Ancel, Glink, Diamond, Bush, DiCanni & Krafthefer, P.C., Chicago, IL, Jeffrey R. Jurgens, Keri-Lyn Krafthefer, of counsel, Lisa Madigan, Attorney General, Chicago, IL, James Lang, of counsel, for Respondents-Appellees.

Justice NEVILLE delivered the opinion of the court:

*****222 *146** Dan Druck, the candidate, filed nomination papers to have his name placed on the ballot for

the November 4, 2008, general election in the 14th Congressional District. Brett Hasse, the objector, filed objections that challenged Druck's nomination papers. The Illinois State Board of Elections (SBOE), sitting as the State Officers Electoral Board (SOEB) (1) found that it lacked the authority to address the constitutional issues raised by Druck, but (2) found that Druck failed to secure enough signatures on his nominating petitions to have his name placed on the ballot. Accordingly, the SOEB invalidated Druck's nomination papers and sustained the objections.

After Druck's name was removed from the ballot, he filed an expedited petition in the circuit court that challenged the SOEB's decision that his nomination petitions did not contain a sufficient number of signatures for him to be certified as a candidate entitled to have his name placed on the November 2008 ballot. Druck's petition also alleged that sections 10-2 and 10-8 of the Election Code, (10 ILCS 5/10-2, 10-8 (West 2006)) interfered with his right to ballot access and placed restrictions on his and on the voters in the district's first and fourteenth amendment right (U.S. Const.Amends. I, XIV). Druck and the state defendants filed cross-motions for summary judgment, and Hasse filed a response to Druck's motion for summary judgment. The circuit court granted the state defendants' motion for summary judgment and Druck filed this appeal.

****440 ***223** Druck filed a memorandum in the appellate court and maintains that the circuit court erred when it entered an order that granted the SOEB's motion for summary judgment thereby affirming the SOEB's decision to remove Druck's name from the ballot. Druck presents the following issues for our review: (1) whether it is a violation of Druck's first and fourteenth amendment rights for section 10-2 of the Election Code, in elections subsequent to the first election following a redistricting, to impose a minimum signature requirement for ballot access of 5% of the voters who voted in the next preceding regular ***147** election in the district; (2) whether Druck's first and fourteenth amendments rights are violated if the signature requirements for ballot access in section 10-2 of the Election Code are only enforced when objections are filed pursuant to section 10-8 of the Election Code; and (3) whether the signature requirements for ballot access in section 10-2 of the

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Election Code for a new party formed in a district, which are different from the signature requirements for a new party formed in the entire state, violate Druck's first and fourteenth amendment constitutional rights and his rights under article I, sections 2, 4, and 5, of the Illinois Constitution (Ill. Const.1970. art. I. §§ 2, 4, 5). For the reasons that follow, we affirm the circuit court's September 4, 2008, order that affirmed the decision of the SOEB that removed Druck's name from the ballot.

BACKGROUND

Dan Druck filed nominating petitions containing 7,131 signatures in order to have his name placed on the ballot as the Libertarian candidate for the office of representative in the 14th Congressional District in the November 4, 2008, general election. On June 30, 2008, Brett Haase filed objections to Druck's nominating petitions that alleged that Druck failed to meet the minimum signature requirement to have his name appear on the ballot.

On July 21, 2008, the SBOE, sitting as the SOEB, considered Haase's objections to Druck's nomination petitions. The SOEB found that Druck was required to file nominating petitions that contained no fewer than 9,995 signatures. The SOEB also found that Druck's nominating petitions only contained 7,131 signatures. The SOEB further found (1) that Druck's nominating petitions did not contain the number of signatures required to place his name on the ballot; and (2) that the SOEB lacked the authority to rule on any of the Druck's constitutional issues. Accordingly, the SOEB sustained Brett Haase's objections to Druck's nominating petition and removed Druck's name from the ballot.

On July 30, 2008, Druck filed an expedited petition in the circuit court for judicial review of the SOEB's decision (10 ILCS 5/10-10.1(West 2006)(section 10.1 provides for judicial review of the decisions of an electoral board)), and he argued that sections 10-2 and 10-8 of the Election Code (10 ILCS 5/10-2, 10-8 (West 2006)), individually or collectively, violated the state and federal constitutions (1) because the number of signatures required was so high that it violated constitutional principles promoting access to the ballot; (2) because it is unfair for him to be removed from

the ballot for having collected too few signatures when other candidates who do likewise but whose *148 eligibility is unchallenged remain on the ballot; and (3) because Illinois has determined that 5,000 signatures are a sufficient showing of support to merit ballot access and, thus, it is a violation to ever require a greater number of signatures.

On August 13, 2008, Druck filed a motion for summary judgment in which he argued that sections 10-2 and 10-8 of the ***224 **441 Election Code, when taken together, result in an unconstitutional denial of ballot access in the 14th Congressional District. Druck's summary judgment motion maintained that "the issue [before the circuit court was] whether the disparity in treatment of new versus established party candidates has any rational basis in view of the detrimental impact such ballot access restrictions place on the first and fourteenth amendment rights of the candidate." Druck also maintained that if 5,000 signatures are a sufficient showing of a modicum of support after redistricting, then there is no rational basis for a different number of signatures (5% of the voters voting in the district) in the elections subsequent to the first election following a redistricting. Finally, Druck maintained that section 10-8 of the Election Code virtually eliminates the signature requirement if no one files a challenge.^{FN1}

^{FN1}. Druck's claim that section 10-8 of the Election Code virtually eliminates the signature requirement if no one files a challenge is unsupported by case or statutory authority. Druck also claims that 107 of 110 electoral districts require the filing of an actual objection. However, he does not cite authority for the proposition that, absent the filing of an objection, a candidate can get on the ballot without first filing the requisite number of signatures.

On August 19, 2008, the SOEB filed a cross-motion for summary judgment and argued that the issues raised by Druck have been addressed by the Seventh Circuit in Libertarian Party of Illinois v. Rednour, 108 F.3d 768 (7th Cir.1997). The SOEB argued, based upon Rednour, that, although the rights to vote and to associate are fundamental, those rights are not absolute because the State is permitted to impose reason-

able restrictions on access to the ballot and has a duty to ensure the electoral process is orderly.

The circuit court found that, although established party candidates are required to collect a smaller number of signatures in order to secure a position on the ballot, they have a requirement that Druck does not, namely, that they must also prevail in a primary election. The circuit court also found (1) that the decision of the SOEB was not against the manifest weight of the evidence; and (2) that the decision of the SOEB was not contrary to the applicable statute. Finally, Druck appeals from the circuit court's September 4, 2008, order that granted the SOEB's motion for summary judgment thereby affirming the *149 SOEB's decision that removed Druck's name from the November 4, 2008 ballot.

ANALYSIS

Standard of Review

[1] This court views electoral boards, such as the SOEB, as administrative agencies. Cinkus v. Village of Stickney Municipal Officers Electoral Board, 228 Ill.2d 200, 209, 319 Ill.Dec. 887, 886 N.E.2d 1011 (2008)(citing Kozel v. State Board of Elections, 126 Ill.2d 58, 68, 127 Ill.Dec. 714, 533 N.E.2d 796 (1988)) (“ ‘As an administrative agency established by statute, an electoral board may exercise only the powers conferred upon it by the legislature’ ”). Because the legislature vested electoral boards, and not the circuit court, with original jurisdiction over objections to nomination petitions (Cinkus, 228 Ill.2d at 209, 319 Ill.Dec. 887, 886 N.E.2d 1011 (citing Geer v. Kadera, 173 Ill.2d 398, 407, 219 Ill.Dec. 525, 671 N.E.2d 692 (1996), and 10 ILCS 5/10-9 (West 2006))), this court reviews the decisions of the electoral board, herein the SOEB, rather than the circuit court. ***225Siegel v. Lake County Officers Electoral Board, 385 Ill.App.3d 452, 455, 324 Ill.Dec. 69, 895 N.E.2d 69 (2008) (citing **442Cinkus v. Village of Stickney Municipal Officers Electoral Board, 228 Ill.2d 200, 212, 319 Ill.Dec. 887, 886 N.E.2d 1011 (2008), and Bergman v. Vachata, 347 Ill.App.3d 339, 344, 282 Ill.Dec. 934, 807 N.E.2d 558 (2004) (citing Lockhart v. Cook County Officers Electoral Board, 328 Ill.App.3d 838, 841, 262 Ill.Dec. 968, 767 N.E.2d 428 (2002))).

[2][3][4][5] Moreover, because this court views electoral boards as administrative agencies (Kozel v. 126 Ill.2d at 69, 127 Ill.Dec. 714, 533 N.E.2d 796), the standards of review are essentially identical. Siegel, 385 Ill.App.3d at 455, 324 Ill.Dec. 69, 895 N.E.2d 69, citing Cullerton v. Du Page County Officers Electoral Board, No. 2-08-0605, 384 Ill.App.3d 989, 990, 323 Ill.Dec. 748, 894 N.E.2d 774 (2008). An electoral board's findings of fact are deemed to be *prima facie* true and correct and will not be overturned on appeal unless they are against the manifest weight of the evidence. Siegel, 385 Ill.App.3d at 455, 324 Ill.Dec. 69, 895 N.E.2d 69 (citing Cullerton, 384 Ill.App.3d at 990, 323 Ill.Dec. 748, 894 N.E.2d 774, citing Cinkus, 228 Ill.2d at 210, 319 Ill.Dec. 887, 886 N.E.2d 1011). However, this court is not bound by the electoral board's decisions on questions of law; therefore, those questions are given *de novo* review. Siegel, 385 Ill.App.3d at 455, 324 Ill.Dec. 69, 895 N.E.2d 69 (citing Cullerton, 384 Ill.App.3d at 990-91, 323 Ill.Dec. 748, 894 N.E.2d 774, citing Cinkus, 228 Ill.2d at 210-11, 319 Ill.Dec. 887, 886 N.E.2d 1011). Finally, an electoral board's rulings on mixed questions of law and fact (1) where the historical facts are admitted, (2) where the rule of law is undisputed, and (3) where the only remaining issue is whether the facts satisfy a statutory standard, will not be disturbed unless clearly erroneous. Siegel, 385 Ill.App.3d at 455, 324 Ill.Dec. 69, 895 N.E.2d 69 (citing Cullerton, 384 Ill.App.3d at 991, 323 Ill.Dec. 748, 894 N.E.2d 774, citing Cinkus, 228 Ill.2d at 211, 319 Ill.Dec. 887, 886 N.E.2d 1011).

Signature Requirements for Nomination

The threshold question this court must answer is whether the minimum signature requirements in section 10-2 of the Election *150 Code violate Druck's constitutional rights. Druck argues that the collective application of sections 10-2 and 10-8 of the Election Code violates his first and fourteenth amendment rights. According to Druck, (1) his constitutional rights are violated by the minimum signature requirement for ballot access for a new party in section 10-2 of the Election Code, *i.e.*, in elections subsequent to the first election following a redistricting, section 10-2 requires a new party's nomination petitions to have signatures from 5% of the voters who voted in the next preceding regular election in the district; (2)

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there is a violation of the first and fourteenth amendments rights of candidates and voters if the signature requirements in section 10-2 of the Election Code are only enforced when objections are filed pursuant to section 10-8 of the Election Code; and (3) the signature requirements for ballot access in section 10-2 of the Election Code for a new party formed in a district, which are different from the signature requirements for a new party formed in the entire state, violate Druck's first and fourteenth amendment constitutional rights and his rights under article I, sections 2, 4, and 5, of the Illinois Constitution.

The SOEB and Brett Haase, the objector, argue that the Election Code does not violate Druck's constitutional rights (1) because section 10-2 of the Election Code does not impose a severe burden on new party candidates seeking to secure ballot access; and (2) because section 10-2 of the Election Code, whether considered individually or collectively with section 10-8 of ***226 **443 the Election Code, is supported by a legitimate governmental interest.

In Illinois, candidates that seek to have their names placed on the ballot, whether for statewide office or for political subdivisions of the state, must comply with the Election Code. 10 ILCS 5/1-1 et seq. (West 2006). Section 10-2 of the Election Code prescribes the signature requirements for political parties that seek to file nomination papers to have their candidate's names placed on the ballot both before and after redistricting. 10 ILCS 5/10-2 (West 2006). Section 10-8 of the Election Code prescribes the rules (1) for making objections to a candidate's nomination papers, (2) for making objections to public question petitions, and (3) for making objections to constitutional amendment petitions. 10 ILCS 5/10-8 (West 2006).

[6] It is axiomatic that there cannot be unfettered access to the ballot and that “[s]tates may, and inevitably must, enact *reasonable* regulations of parties, elections, and ballots to reduce election- and campaign-related disorder.” (Emphasis added.) Timmons v. Twin Cities Area New Party, 520 U.S. 351, 358, 117 S.Ct. 1364, 1369, 137 L.Ed.2d 589, 595 (1997)(citing Burdick v. Takushi, 504 U.S. 428, 433, 112 S.Ct. 2059, 2063, 119 L.Ed.2d 245, 253 (1992)) (“[A]s a practical matter, *151 there must be a substantial regulation of elections if they are to be fair and honest

and if some sort of order, rather than chaos, is to accompany the democratic process’”)(quoting Storer v. Brown, 415 U.S. 724, 730, 94 S.Ct. 1274, 1279, 39 L.Ed.2d 714, 723 (1974), and citing Tashjian v. Republican Party of Conn., 479 U.S. 208, 217, 107 S.Ct. 544, 549-50, 93 L.Ed.2d 514 (1986) (“The Constitution grants States broad power to prescribe the ‘Times, Places and Manner of holding Elections for Senators and Representatives,’ Art. I, § 4, cl. 1, which power is matched by state control over the election process for state offices”)).

[7][8][9] We are mindful of the fact that the right of qualified voters to vote and the right of citizens to associate for political purposes are considered among our more fundamental constitutionally protected rights; however, those rights are not absolute. Munro v. Socialist Workers Party, 479 U.S. 189, 193, 107 S.Ct. 533, 536, 93 L.Ed.2d 499, 504 (1986). States may impose reasonable restrictions upon political parties because states have an interest in requiring a demonstration of qualification in order for the elections to be run fairly and effectively. Munro, 479 U.S. at 193, 107 S.Ct. at 536, 93 L.Ed.2d at 504, citing Storer, 415 U.S. at 730, 94 S.Ct. at 1279, 39 L.Ed.2d at 723. This is not only a State's right, it is a duty. Rednour, 108 F.3d at 774, citing Storer, 415 U.S. at 729, 94 S.Ct. at 1278-79, 39 L.Ed.2d at 723, and U.S. Const. art. I, § 4, cl. 1. States also have an interest in limiting ballot access to serious candidates who can demonstrate a measurable quantum of support or a level of political viability. Lee v. Keith, 463 F.3d 763, 769 (7th Cir.2006), citing Anderson v. Celebrezze, 460 U.S. 780, 788 n. 9, 103 S.Ct. 1564, 1570 n. 9, 75 L.Ed.2d 547, 557 n. 9, and Jenness v. Fortson, 403 U.S. 431, 442, 91 S.Ct. 1970, 29 L.Ed.2d 554 (1971). The “preliminary demonstration of a ‘significant modicum of support’ furthers the state's legitimate interest of ‘avoiding confusion, deception, and even frustration of the democratic process at the general election.’ ” Rednour, 108 F.3d at 774, quoting Jenness, 403 U.S. at 442, 91 S.Ct. at 1976, 29 L.Ed.2d at 562-63 (1971).

Whether an election takes place before or immediately after redistricting, we find that Illinois has an interest in requiring candidates and political parties seeking access to the ballot to demonstrate a modicum of support. ***227**444 Vestrup v. Du Page County

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Election Comm'n, 335 Ill.App.3d 156, 165, 268 Ill.Dec. 762, 779 N.E.2d 376 (2002)(quoting Munro, 479 U.S. at 193, 107 S.Ct. at 536, 93 L.Ed.2d at 504-05, and citing Huskey v. Municipal Officers Electoral Board, 156 Ill.App.3d 201, 206, 108 Ill.Dec. 859, 509 N.E.2d 555 (1987) (“the purpose of conditioning ballot access on a candidate's obtaining voter signatures is ‘to reduce the electoral process to *152 manageable proportions by confining ballot positions to a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters’ ”)). The Illinois Election Code provides for two categories of political parties, established and new, and, except for the first election that follows redistricting, Illinois employs a percentage-based qualification system to determine into which category a given candidate or party falls. 10 ILCS 5/10-2 (West 2006); see also Rednour, 108 F.3d at 771. Section 10-2 of the Election Code provides that, in the first election following a redistricting of congressional districts, a petition to form a new party in a congressional district shall be signed by at least 5,000 qualified voters of the congressional district. 10 ILCS 5/10-2 (West 2006). Section 10-2 of the Election Code also provides that for elections other than the first election following a redistricting, a new political party that is formed for any district less than the entire state must file petitions signed by qualified voters of not less than 5% of the voters who voted at the next preceding regular election in such district. 10 ILCS 5/10-2 (West 2006). However, whenever the minimum signature requirement for the district exceeds the minimum signature requirement for the statewide new political party petitions at the next preceding statewide general election, the statewide petition signature requirements shall be the minimum for the district's new political party petition. 10 ILCS 5/10-2 (West 2006).

The United States Supreme Court has held that systems like Illinois's of “ [d]ecennial reapportionment appears to be a rational approach to readjustment of legislative representation in order to take into account population shifts and growth.” Political Action Conference of Illinois v. Daley, 976 F.2d 335, 339 (7th Cir.1992), quoting Reynolds v. Sims, 377 U.S. 533, 583-84, 84 S.Ct. 1362, 1392-93, 12 L.Ed.2d 506, 539 (1964). The United States Supreme Court has also held that 5% is a permissible minimum signature requirement for placing third-party or independent

candidates on the ballot. Jenness, 403 U.S. at 442, 91 S.Ct. at 1976, 29 L.Ed.2d at 563; see also American Party v. White, 415 U.S. 767, 782 n. 14, 94 S.Ct. 1296, 1307 n. 14, 39 L.Ed.2d 744, 761 n. 14 (1974).

[10][11] In light of Jenness and White, we find that the requirement in section 10-2 of the Election Code of having of a new political party file nominating petitions containing 5,000 signatures in the first election that follows a redistricting is a reasonable and nondiscriminatory way to have a party and its candidate demonstrate a modicum of support. Jenness, 403 U.S. at 442, 91 S.Ct. at 1976, 29 L.Ed.2d at 562; see also American Party of Texas v. White, 415 U.S. 767, 782 n. 14, 94 S.Ct. 1296, 1307 n. 14, 39 L.Ed.2d 744, 761 n. 14 (1974). We also find, following *153 Jenness and White, that the requirement in section 10-2 of the Election Code, in elections subsequent to the first election following redistricting, that a new party file nominating petitions containing signatures from 5% of the qualified voters who voted in the next preceding regular election in such district is a reasonable and nondiscriminatory way to have the new party and its candidate, Druck, demonstrate a modicum ***228 **445 of support in the 14th Congressional District. Jenness, 403 U.S. at 442, 91 S.Ct. at 1976, 29 L.Ed.2d at 562; see also American Party v. White, 415 U.S. 767, 782 n. 14, 94 S.Ct. 1296, 1307 n. 14, 39 L.Ed.2d 744, 761 n. 14 (1974); Rednour, 108 F.3d at 775. In light of our finding that the 5% requirement in section 10-2 of the Election Code for a new party and its candidate in an election subsequent to the first election following redistricting is reasonable and nondiscriminatory, we hold that Druck's first and fourteenth amendment rights and his Illinois constitutional rights were not violated, and that the federal and Illinois constitutional rights of other citizens in the 14th Congressional District were not violated by the signature requirement. Jenness, 403 U.S. at 442, 91 S.Ct. at 1976, 29 L.Ed.2d at 562-63; see also American Party v. White, 415 U.S. 767, 782 n. 14, 94 S.Ct. 1296, 1307 n. 14, 39 L.Ed.2d at 761 n. 14 (1974); see also Timmons, 520 U.S. at 358, 117 S.Ct. at 1369, 137 L.Ed.2d at 598 (states must enact reasonable regulations of parties, elections, and ballots to reduce election-and campaign-related disorder). Accordingly, we affirm the SOEB's decision not to place Druck's name on the November 2008 ballot because Druck obtained 7,131 signatures but was required to have 9,995 sig-

natures in order for his nomination petitions, as the Libertarian party candidate, to comply with section 10-2 of the Election Code. Munro, 479 U.S. at 193, 107 S.Ct. at 536, 93 L.Ed.2d at 504 (states may require a showing of a modicum of support).

Challenged and Unchallenged Nomination Petitions

Next, we examine the signature requirements for nomination petitions in section 10-2 of the Election Code and the procedure for filing objections to nomination papers in section 10-8 of the Election Code to determine whether the provisions, individually or collectively, violate Druck's or voters' first and fourteenth amendment rights. Druck argues that the signature requirements in section 10-2 of the Election Code are illusory because the signature requirements are only enforced when objections are filed by an objector pursuant to section 10-8 of the Election Code. Therefore, Druck maintains that the state does not have interest in the signature requirement because it is not the state but objectors that enforce the signature requirements*154 in section 10-2 of the Election Code. The SOEB argues that Druck's argument is contradicted by the plain language of section 10-8 of the Election Code, which provides that nomination papers are deemed valid if they are in apparent conformity with the other requirements of the Election Code.

This issue requires this court to examine the Election Code. Illinois courts are guided by established rules of statutory construction. "The cardinal rule of statutory construction, and the one to which all other canons and rules must yield, is to ascertain and give effect to the true intent and meaning of the legislature." State Farm Mutual Automobile Insurance Co. v. Illinois Farmers Insurance Co., 226 Ill.2d 395, 401, 314 Ill.Dec. 809, 875 N.E.2d 1096 (2007)(citing Progressive Universal Insurance Co. of Illinois v. Liberty Mutual Fire Insurance Co., 215 Ill.2d 121, 134, 293 Ill.Dec. 677, 828 N.E.2d 1175 (2005), citing Country Mutual Insurance Co. v. Teachers Insurance Co., 195 Ill.2d 322, 330, 253 Ill.Dec. 904, 746 N.E.2d 725 (2001)). Our supreme court has consistently held that "[t]he most reliable indicator of legislative intent is found in the language of the statute." State Farm, 226 Ill.2d at 401, 314 Ill.Dec. 809, 875 N.E.2d 1096 (citing Midstate Siding & Window Co. v. Rogers, 204

Ill.2d 314, 320, 273 Ill.Dec. 816, 789 N.E.2d 1248 (2003), citing **446Michigan Avenue National Bank v. County of Cook, 191 Ill.2d 493, 504, 247 Ill.Dec. 473, 732 N.E.2d 528 (2000)). When evaluating a statute, we recognize that "[s]tatutory language is afforded its plain and ordinary meaning." State Farm, 226 Ill.2d at 401, 314 Ill.Dec. 809, 875 N.E.2d 1096 (citing Midstate Siding & Window Co., 204 Ill.2d at 320, 273 Ill.Dec. 816, 789 N.E.2d 1248, citing ***229Michigan Avenue National Bank, 191 Ill.2d at 504, 247 Ill.Dec. 473, 732 N.E.2d 528). Courts review all provisions of a statutory enactment as a whole. Brucker v. Mercola, 227 Ill.2d 502, 514, 319 Ill.Dec. 543, 886 N.E.2d 306 (2007), citing People ex rel. Sherman v. Cryns, 203 Ill.2d 264, 279, 271 Ill.Dec. 881, 786 N.E.2d 139 (2003). We do not construe statutes in isolation and, therefore, interpret all of the words and phrases in the statute in light of other relevant provisions of the statute. Brucker, 227 Ill.2d at 514, 319 Ill.Dec. 543, 886 N.E.2d 306, citing Cryns, 203 Ill.2d at 279-80, 271 Ill.Dec. 881, 786 N.E.2d 139. Accordingly, to avoid rendering any portion of the statute superfluous, courts must give each word, clause and sentence of the statute, if possible, its reasonable meaning. Brucker, 227 Ill.2d at 514, 319 Ill.Dec. 543, 886 N.E.2d 306, citing Sylvester v. Industrial Commission, 197 Ill.2d 225, 232, 258 Ill.Dec. 548, 756 N.E.2d 822 (2001).

With these principles in mind, having previously found the signature requirements at issue in section 10-2 are reasonable and nondiscriminatory, we examine each word, clause and sentence of section 10-8 of the Election Code. Section 10-8 of the Election Code provides, in pertinent part:

"Certificates of nomination and nomination papers, and petitions to submit public questions to a referendum, *being filed as required* by this Code, and *being in apparent conformity* with the provisions of this Act, shall be deemed to be valid unless objection thereto is duly made in writing within 5 business days after the last day for *155 filing the certificate of nomination or nomination papers or petition for a public question." (Emphasis added.) 10 ILCS 5/10-8 (West 2006).

We find that Druck's argument that nominating papers are automatically considered valid unless objections

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are filed pursuant to section 10-8 of the Election Code fails to consider all the words and phrases in section 10-8 of the Election Code. After reviewing all the words and phrases in section 10-8 of the Election Code, we discovered that section 10-8 clearly codifies two conditions precedent that must be complied with in order for nomination papers to be valid: (1) the nomination papers have to be filed as required by the Code, and (2) the nomination papers have to be in apparent conformity with the provisions the Election Code. 10 ILCS 5/10-8 (West 2006). Before the nomination papers are deemed valid, it is clear that the nomination papers have to be filed with the right election authority and the nomination papers have to be in apparent conformity with the Code's provisions, like the signature requirements in section 10-2 of the Election Code. 10 ILCS 5/10-8 (West 2006). Accordingly, we find that section 10-8 of the Election Code imposes conditions precedent before nomination papers are deemed valid. 10 ILCS 5/10-8 (West 2006).

We note that nomination papers for a congressional office are to be filed with the SBOE. 10 ILCS 5/10-6 (West 2006). We also note that section 10-14 of the Election Code provides that the SBOE is required to certify to the county clerk the name of each candidate whose nomination papers have been filed with the SBOE and direct the county clerk to place such candidates' names on the official ballot for the general election. 10 ILCS 5/10-14 (West 2006); see also ***230**447 Kozel, 126 Ill.2d at 68, 127 Ill.Dec. 714, 533 N.E.2d 796. This court has held that the election official with whom the nomination papers have been filed, herein the SBOE, has a duty, before he or she certifies a candidate's name for placement on the ballot, to examine the nominating papers to determine whether upon their face they are in apparent conformity with the Election Code. Jenkins v. McIlvain, 338 Ill.App.3d 113, 117, 272 Ill.Dec. 758, 788 N.E.2d 62 (2003); North v. Hinkle, 295 Ill.App.3d 84, 229 Ill.Dec. 579, 692 N.E.2d 352 (1998). Nomination petitions that on their face lack the number of signatures required for ballot access in section 10-2 are not in conformity of the Election Code. 10 ILCS 5/10-2 (West 2006). Section 10-14 of the Election Code empowers the SBOE to certify and, therefore, to prevent a candidate's name from being placed on the ballot if his nomination papers are not valid. 10 ILCS 5/10-14 (West 2006); also see Jenkins, 338 Ill.App.3d

at 117, 272 Ill.Dec. 758, 788 N.E.2d 62; Hinkle, 295 Ill.App.3d at 87, 229 Ill.Dec. 579, 692 N.E.2d 352. By requiring an election official to certify nomination papers for ballot access, the SBOE, like the objector, can prevent a candidate from gaining access to the ballot. Accordingly, section*156 10-8 makes it clear that there are conditions precedent that must be complied with for nomination papers to be valid, and section 10-14 makes it clear that election officials must certify a candidate's nomination papers as valid in order for the candidate's name to appear on the ballot. Jenkins, 338 Ill.App.3d at 117, 272 Ill.Dec. 758, 788 N.E.2d 62; Hinkle, 295 Ill.App.3d at 87, 229 Ill.Dec. 579, 692 N.E.2d 352.

[12] We find, based upon our reading of the Election Code, (1) that section 10-2 of the Election Code imposes signature requirements; (2) that section 10-8 imposes conditions precedent for nomination papers to be valid before a candidate's name is placed on the ballot; (3) that section 10-14 requires the SBOE, the election authority with whom the nomination papers are filed, to certify the papers; and (4) that, if the nomination papers are valid on their face and the election official does not remove the candidate's name from the ballot, section 10-8 provides a vehicle for an objector to challenge the nomination papers. 10 ILCS 5/10-2, 10-8 (West 2006). Reviewing sections 10-2, 10-8, and 10-14 of the Election Code, it is clear that the Election Code gives the SBOE the power to invalidate a congressional candidate's nominating petitions. Jenkins v. McIlvain, 338 Ill.App.3d 113, 117, 272 Ill.Dec. 758, 788 N.E.2d 62 (2003), citing North v. Hinkle, 295 Ill.App.3d 84, 85, 87-89, 229 Ill.Dec. 579, 692 N.E.2d 352 (1998). In light of the preceding, Druck is incorrect when he argues that only objectors enforce the signature requirements in section 10-2 of the Election Code. Therefore, we find that Druck's reading of sections 10-2 and 10-8 is inconsistent with the provisions in the Election Code. Brucker, 227 Ill.2d at 514, 319 Ill.Dec. 543, 886 N.E.2d 306, citing Sylvester, 197 Ill.2d at 232, 258 Ill.Dec. 548, 756 N.E.2d 822.

New Party Congressional Elections in Districts Versus New Party Statewide Elections

Next, Druck argues that the 5% signature requirement for a new party and its candidate formed in a district

less than the entire state restricts ballot access and violates his constitutional rights because, if the new party is formed in the entire state and runs candidates in every congressional district, it would be required to obtain a smaller number of signatures: 1% of the voters who voted in the state or 25,000 signatures, whichever is less.

The SOEB argues that Druck has forfeited this issue because this argument ***231 **448 was not the basis of his constitutional challenge below. According to the SOEB, the focus of Druck's constitutional challenge is the application of a 5,000-signature requirement in the first election following redistricting in a given congressional district as compared with the 5% requirement in elections that are subsequent to the first election following redistricting. The SOEB also argues that Druck lacks standing to raise this issue because there is no evidence that the *157 Libertarian party sought to field candidates in all of the congressional districts.

We have found that states have a right to enact reasonable regulations for parties, elections, and ballots to reduce election and campaign disorder. We have also found that the signature requirements in section 10-2 for new parties and their candidates, (1) signatures from 5,000 voters for the first election that follows redistricting and (2) signatures from 5% of the voters in the district for the election subsequent to the first election following redistricting, are reasonable and nondiscriminatory. There is no evidence in this record that indicates it is unreasonable or discriminatory for the State to have one signature requirement for new parties formed in the entire state and a different signature requirement for new parties formed in districts.

We also note that Druck is a Libertarian candidate for election in the 14th Congressional District, and he is not a candidate with a new party formed in the entire state. Second, we note that there is no evidence in the record that the Libertarian party was formed for the entire state or attempted to run candidates in all 19 congressional districts. Third, we note that there are no other Libertarian party candidates from other districts that are parties to this appeal. Fourth, there is no evidence in the record that the minimum signature requirement for the district exceeds the minimum sig-

nature requirement for statewide new political party petitions, thus bringing into play the state-wide petition requirements. Accordingly, we see no need to consider the signature requirements for a new party formed in the entire state. DeLuna v. Burciaga, 223 Ill.2d 49, 82, 306 Ill.Dec. 136, 857 N.E.2d 229 (2006) (we forgo the determination of issues unnecessary to the outcome of the case).

CONCLUSION

In light of the foregoing, we affirm the SOEB's invalidation of Druck's nomination papers and his removal from the ballot for the November 4, 2008, election in the 14th Congressional District.

Affirmed.

CAMPBELL, J., and GALLAGHER, J., concur.
Ill.App. 1 Dist., 2008.

Druck v. Illinois State Bd. of Elections
387 Ill.App.3d 144, 899 N.E.2d 437, 326 Ill.Dec. 220

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Westlaw

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295 Ill.App.3d 84, 692 N.E.2d 352, 229 Ill.Dec. 579

Page 1

▷ Appellate Court of Illinois, Second District.
Rhonda S. NORTH et al., Plaintiffs-Appellants,
v.
Darlene HINKLE, as City Clerk for the City of
Amboy and as a Local Election Official, Defend-
ant-Appellee.
No. 2-97-0225.

March 6, 1998.

Candidates for city office sought writ of mandamus compelling city clerk to certify their names for placement on ballot for municipal election. The Circuit Court, Lee County, Tomas M. Magdich, J., denied writ. Candidates appealed. The Appellate Court, Doyle, J., held that: (1) candidates' appeal fell within public interest exception to mootness doctrine, and (2) city clerk was under no obligation to certify candidates' names for ballot upon determining that candidates' nominating papers did not include required statement of candidacy.

Affirmed.

West Headnotes

[1] Mandamus 250 ↪ 187.9(.5)

250 Mandamus
250III Jurisdiction, Proceedings, and Relief
250k187 Appeal and Error
250k187.9 Review
250k187.9(.5) k. In General. Most

Cited Cases

Candidates' appeal from trial court's denial of their request for writ of mandamus compelling city clerk to certify their names for placement on ballot for municipal election fell within public interest exception to mootness doctrine, and therefore Appellate Court would consider merits of candidates' appeal despite fact election had already occurred; procedures for certifying candidates for election to public office were of substantial public interest, Illinois

courts had not directly addressed issue presented in case in more than 80 years, and facts of case were likely to recur. S.H.A. 10 ILCS 5/10-8, 10-15.

[2] Action 13 ↪ 6

13 Action

131 Grounds and Conditions Precedent
13k6 k. Moot, Hypothetical or Abstract Questions. Most Cited Cases
Court may resolve otherwise moot issue if issue involves substantial public interest, and criteria for application of this public interest exception are (1) public nature of question, (2) desirability of authoritative determination for purpose of guiding public officers, and (3) likelihood that question will recur.

[3] Elections 144 ↪ 144

144 Elections

144VI Nominations and Primary Elections
144k140 Nomination by Electors
144k144 k. Requisites of Petition, Certificate, or Nomination Papers. Most Cited Cases
City clerk had authority to determine whether candidates' nominating papers apparently conformed with requirements of Election Code and, upon determining that candidates' papers did not include required statement of candidacy, was under no obligation to certify candidates' names for placement on ballot for municipal election. S.H.A. 10 ILCS 5/10-5, 10-8, 10-15.

[4] Appeal and Error 30 ↪ 893(1)

30 Appeal and Error

30XVI Review
30XVI(F) Trial De Novo
30k892 Trial De Novo
30k893 Cases Triable in Appellate Court
30k893(1) k. In General. Most

Cited Cases

Construction of statute is question of law which Appellate Court reviews de novo.

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[5] Statutes 361  181(2)

361 Statutes
361VI Construction and Operation
361VI(A) General Rules of Construction
361k180 Intention of Legislature
361k181 In General
361k181(2) k. Effect and Con-
sequences. Most Cited Cases

Statutes 361  206

361 Statutes
361VI Construction and Operation
361VI(A) General Rules of Construction
361k204 Statute as a Whole, and Intrinsic
Aids to Construction
361k206 k. Giving Effect to Entire
Statute. Most Cited Cases
Statute must be construed to avoid absurd results,
and interpretation that renders any part of that stat-
ute superfluous must be avoided.

****353 ***580 *85** M. Thomas Suits, Law Offices
of M. Thomas Suits, P.C., Polo, for Christopher A.
Jacobs, Carl J. McCaffrey, Rhonda S. North,
Rolfe R. Ehrmann, Ehrmann, Gehlbach, Beckman,
Badger & Lee, Dixon, for Darlene Hinkle.

Justice DOYLE delivered the opinion of the court:
Plaintiffs, Rhonda S. North, Carl J. McCaffrey, and
Christopher A. Jacobs, sought a writ of *mandamus*
to compel defendant, Darlene Hinkle, as the city
clerk of the City of Amboy, to certify plaintiffs'
names for placement on the ballot for Amboy's
April 7, 1997, municipal election. The trial court
denied plaintiffs' request, and plaintiffs appealed.
We affirm.

I. FACTS

The facts of this case are not in dispute. The
plaintiffs sought to have their names placed on the
ballot for the City of Amboy's April 7, 1997, mu-
nicipal election. Plaintiff Rhonda S. North was run-
ning for city clerk, and plaintiffs Carl J. McCaffrey

and Christopher A. Jacobs were running for seats as
aldermen. On the last day for the filing of nominat-
ing papers, each of the plaintiffs filed with defend-
ant a "nonpartisan petition for nomination" and a
"statement of economic interest." However, none
of the plaintiffs filed a "statement of candidacy."
Shortly thereafter, defendant certified the names for
the April 7, 1997, ballot and did not include any of
the plaintiffs' names in that certification.

Plaintiffs then filed a complaint for *mandamus* to
compel defendant to certify their names for the bal-
lot. Plaintiffs argued that defendant lacked the au-
thority to withhold plaintiffs' names from the ballot.
In support, plaintiffs cited section 10-15 of the
Election Code (the Code) (10 ILCS 5/10-15 (West
1996)). Under this section, plaintiffs argued, de-
fendant can withhold a candidate's name from the
ballot only if an objection to that candidate's nom-
inating papers has been properly filed. Because no
objections were filed against plaintiffs' papers, de-
fendant was legally obligated to certify their names
for the ballot.

In response, defendant argued that, under section
10-8 of the Code (10 ILCS 5/10-8 (West 1996)),
she has a duty to determine ***86** whether a candi-
date's nominating papers are in apparent conformity
with the Code when filed. If they are, defendant
may withhold that candidate's name from the ballot
only if ****354 ***581** an objection has been filed.
However, if the papers do not apparently conform
to the Code, defendant is under no obligation to
certify that candidate's name for the ballot. Defend-
ant contends that this is critical because, although
section 10-5 of the Code (10 ILCS 5/10-5 (West
1996)) states that all nominating papers must in-
clude a statement of candidacy, plaintiffs did not
file statements of candidacy. Therefore, plaintiffs'
nominating papers were not "in apparent conform-
ity" with the Code and defendant was under no ob-
ligation to certify their names for the ballot.

The trial court agreed with defendant. In its memor-
andum order, the trial court explained that, because
plaintiffs neglected to file statements of candidacy,

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their nominating papers were not "in apparent conformity" with the Code. Absent apparent conformity, defendant was under no obligation to certify plaintiffs' names for the ballot. The trial court therefore denied plaintiffs' request for a writ of *mandamus*. This timely appeal followed.

II. ANALYSIS

A. Mootness

[1] At the outset, we note that the April 7, 1997, election already has occurred and that all of the offices sought by plaintiffs in that election have been filled. Nevertheless, we will not treat this cause as moot.

[2] One exception to the mootness doctrine allows a court to resolve an otherwise moot issue if the issue involves a substantial public interest. *Bonaguro v. County Officers Electoral Board*, 158 Ill.2d 391, 395, 199 Ill.Dec. 659, 634 N.E.2d 712 (1994). The criteria for the application of the public interest exception are (1) the public nature of the question, (2) the desirability of an authoritative determination for the purpose of guiding public officers, and (3) the likelihood that the question will recur. *Bonaguro*, 158 Ill.2d at 395, 199 Ill.Dec. 659, 634 N.E.2d 712.

In this case, we are satisfied that the public interest criteria have been met. The procedures for certifying candidates for election to public office are doubtless of substantial public interest. In addition, the Illinois courts have not directly addressed the issue presented by this case in more than 80 years. Finally, we are convinced that the facts of this case are not unusual and are likely to recur. Accordingly, we will address the merits of this appeal. See *Bonaguro*, 158 Ill.2d at 395-96, 199 Ill.Dec. 659, 634 N.E.2d 712.

B. Certification of Candidates

[3][4] The issue presented in this case is whether

the trial court *87 properly concluded that, under section 10-8 of the Code, defendant possessed the authority to determine whether plaintiffs' nominating papers apparently conformed to the Code's requirements. The construction of a statute is a question of law, and therefore our review is *de novo*. *Peterson v. Aldi, Inc.*, 288 Ill.App.3d 57, 63, 223 Ill.Dec. 518, 679 N.E.2d 1291 (1997).

The procedures for certifying a candidate's nominating papers are set forth, in relevant part, in sections 10-8 and 10-15 of the Code. Section 10-15 states:

"[E]ach local election official with whom certificates of nomination or nominating petitions have been filed shall certify * * * the names of all candidates entitled to be printed on the ballot." 10 ILCS 5/10-15 (West 1996).

Of course, this language begs the question of which candidates' names are "entitled to be printed on the ballot." To answer this question, we must turn to section 10-8 of the Code. Section 10-8 states:

"Certificates of nomination and nomination papers * * *, being filed as required by this Code, and being in apparent conformity with the provisions of this Act, shall be deemed to be valid unless objection thereto is duly made in writing." (Emphasis added.) 10 ILCS 5/10-8 (West 1996).

Thus, as we read the Code, the candidates whose names are "entitled to be printed on the ballot" are those whose nominating papers are (1) filed as required by the Code, (2) in apparent conformity with the Code when filed, and (3) not subject to a duly filed objection.

In this case, there is no dispute that plaintiffs followed the appropriate procedures for **355 ***582 filing their nominating papers. Plaintiffs filed their papers on time and with the appropriate local election official. In addition, the parties agree both that no objections were filed against plaintiffs' nominating papers and that the local electoral board did not invalidate those papers. The dispute thus arises over

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whether plaintiffs' nominating papers were "in apparent conformity" with the Code when filed and whether defendant possesses the authority to make that determination.

The resolution of this issue is controlled by the Illinois Supreme Court's decision in *People ex rel. Giese v. Dillon*, 266 Ill. 272, 275-76, 107 N.E. 583 (1914). Although the court rendered *Dillon* prior to the legislature's enactment of the Code in its current form, the issue in *Dillon* is identical to that presented in this appeal. In addition, despite its octogenarian distinction, the analysis set forth in *Dillon* remains both sensible and relevant.

In *Dillon*, the residents of La Salle filed a petition with the town clerk to have the question, "Shall this town become anti-saloon territory?" placed upon the ballot. *Dillon*, 266 Ill. at 273, 107 N.E. 583. When the clerk *88 refused to place the question on the ballot, the residents filed a petition for a writ of *mandamus* to compel the clerk to place the question on the ballot. *Dillon*, 266 Ill. at 273, 107 N.E. 583. In response to the petition, the clerk argued that he was under no obligation to place the question on the ballot because the submitted petition did not comply with the law. *Dillon*, 266 Ill. at 274, 107 N.E. 583. Specifically, the clerk argued that (1) the signatures on the ballot were not those of legal voters and were not given in person, and (2) the sworn statements at the bottom of each page were neither signed by a resident of La Salle nor sworn to by an officer having authority to administer an oath. *Dillon*, 266 Ill. at 274, 107 N.E. 583.

In affirming the trial court's granting of the writ of *mandamus*, the Illinois Supreme Court explained that the responsibility for determining whether an election petition apparently conforms to the law rests with the town clerk. *Dillon*, 266 Ill. at 275-76, 107 N.E. 583. Specifically, the clerk's duty is "to determine whether, upon the face of the petition, it is in compliance with the law." *Dillon*, 266 Ill. at 276, 107 N.E. 583. If the petition on its face appears to comply with the statutory requisites, the clerk may not look outside the petition to determine

whether in fact it does comply; he must submit the question to the voters. *Dillon*, 266 Ill. at 276, 107 N.E. 583. Because the validity of signatures and the authority of officers cannot be determined by examining the face of an election petition, the court concluded that the petition was in apparent conformity with the law and thus that the clerk was obligated to submit the question to the voters. *Dillon*, 266 Ill. at 276, 107 N.E. 583.

However, the court continued, had the petition *not* appeared on its face to have complied with the statutory requisites, the clerk would have had no duty to submit the question to the voters. *Dillon*, 266 Ill. at 276, 107 N.E. 583. For example, by examining the face of the petition, a clerk can determine whether it contains the requisite number of signatures. *Dillon*, 266 Ill. at 276, 107 N.E. 583. If it does not, the petition is not in apparent conformity with the election statutes and the clerk has no duty to certify the question for the ballot. *Dillon*, 266 Ill. at 276, 107 N.E. 583.

In this case, plaintiffs concede that their nominating papers were not in apparent conformity with the Code when filed. Indeed, although section 10-5 of the Code states that all nominating papers *shall* include a statement of candidacy (10 ILCS 5/10-5 (West 1996)), plaintiffs did not file statements of candidacy with their papers. Whether nominating papers include statements of candidacy is not a question whose resolution demands a convening of the local electoral board. On the contrary, this is precisely the type of question that can be answered by a facial examination of the papers themselves. Plaintiffs' nominating papers were not in apparent conformity with the Code, and defendant was empowered to make that ministerial *89 determination. See *Dillon*, 266 Ill. at 276, 107 N.E. 583. Having made that determination, defendant was under no obligation to certify plaintiffs' names for the ballot. See *Dillon*, 266 Ill. at 276, 107 N.E. 583.

356 [5] *583 As our conclusion suggests, we find plaintiffs' position unconvincing. First, plaintiffs' reading of section 10-8 is contradicted by

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the plain language of that section. Section 10-8 does *not* state that *all* nominating papers are deemed valid unless they are subject to a duly filed objection. Rather, the Code states that all nominating papers, "*being filed as required by this Code, and being in apparent conformity with the provisions of this Act,*" are deemed valid unless they are subject to a duly filed objection. (Emphasis added.) 10 ILCS 5/10-8 (West 1996). Clearly, section 10-8 contemplates that the question of whether papers were duly filed and in apparent conformity with the law when filed is a threshold question that will be answered through a procedure other than statutory objection. Otherwise, the qualification, "*being filed as required by this Code, and being in apparent conformity with the provisions of this Act,*" aside from making no sense, would be wholly superfluous. A statute must be construed to avoid absurd results, and an interpretation that renders any part of that statute superfluous must be avoided. *Cummings v. City of Waterloo*, 289 Ill.App.3d 474, 480, 225 Ill.Dec. 559, 683 N.E.2d 1222 (1997). Because plaintiffs' reading of section 10-8 results in both absurdity and superfluity, we decline to adopt that reading.

We also emphasize that our conclusion is supported not only by the language of the Code and the decision in *Dillon* but also by concerns for public policy. Consider the consequences if we were to abandon *Dillon* and adopt the rule urged by plaintiffs, namely, that a local election official must certify all nominating papers unless a written objection to those papers is duly filed. A candidate who filed his nominating papers 30 days after the deadline would be entitled to have his name appear on the ballot unless some member of the public took affirmative steps to challenge those papers. Any scrap of paper containing only a scribbled name and the words "nominating papers" would have to be treated as valid, at least until the local electoral board ruled otherwise. Clearly, this rule is unworkable. There must be a gatekeeper to turn away nominating papers that do not even purport to conform to the law. As did the court in *Dillon*, we believe

that the local election official serves this function.

III. CONCLUSION

Accordingly, because plaintiffs' nominating papers were facially deficient, defendant was under no obligation to certify plaintiffs' names for the ballot. The trial court therefore properly denied plaintiffs' request for a writ of *mandamus*.

*90 For the foregoing reasons, the judgment of the circuit court of Lee County is affirmed.

Affirmed.

INGLIS and McLAREN, JJ., concur.
Ill.App. 2 Dist., 1998.
North v. Hinkle
295 Ill.App.3d 84, 692 N.E.2d 352, 229 Ill.Dec. 579

END OF DOCUMENT

July 16, 1998
Bd. meeting

CLERK OF COURT
STATE BOARD OF ELECTIONS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, COUNTY DIVISION

202 W. WELLS ST.
CHICAGO, IL 60606

FREDDIE L. JOHNSON,)
)
 Plaintiff,)
)
 vs.)
)
 STATE BOARD OF ELECTIONS,)
)
 Defendant.)

8400 -0067

No.

PETITION FOR WRIT OF MANDAMUS

NOW COMES the Plaintiff, Freddie L. Johnson, by his attorneys Andrew M. Raucci and Michael P. McClelland and petition this Court to issue its Writ of Mandamus, and in support thereof, he states the following:

1. The Plaintiff, Freddie L. Johnson, hereinafter referred to as "Johnson", is a qualified registered voter of the City of Chicago, and resides at 2209 West Warren in the 19th Representative District of Illinois.

2. The Defendant, State Board of Elections, hereinafter referred to as "Board", is a state agency, and is statutorily mandated to certify to the County Clerk for each County, the names of all candidates for legislative offices.

3. On or about December 16, 1983, Johnson filed with the Board his nominating papers as a candidate of the Democratic Party for nomination to the office of Representative in the General Assembly for the 19th Representative District to be nominated at the March 20, 1984 Primary Election.

4. The nominating papers contained a Statement of Candidacy, Loyalty Oath and approximately 3200 signatures of registered voters contained on 128 nominating petitions.

5. The first day to file nominating papers for the legislature was Monday, December 12, 1983. The last day to file nominating papers for legislative office was December 19, 1983.

6. December 24, 1983 was the last day for filing objections to nominating papers of candidates seeking nomination for legislative office.

7. No objector's petition was ever filed with the Board objecting to the nominating papers of "Johnson".

8. On or about January 4, 1984 the Board directed a letter to Johnson, a copy of which is attached hereto, marked Exhibit A, and made a part hereof, alleging the existence of "possible statutory defects or insufficiencies" in the nominating papers which he had filed. The letter did not specify the alleged "possible statutory defects or insufficiencies".

9. On January 23, 1984 the Board directed a letter to Johnson, a copy of which is attached hereto, marked as Exhibit B, and made a part hereof, stating that on January 19, 1984 it decided that his name would not be certified or printed on the March 20, 1984 ballot.

10. From on or about January 1, 1984 through and including February 10, 1984, Johnson was in Memphis, Tennessee attending to the funeral and final affairs of his uncle, aunt, and two (2) nephews.

11. Johnson never received any notice of any action by the Board until he returned from Memphis, Tennessee.

12. Illinois Revised Statutes (1981) Chapter 46, Section 10-8 provides in pertinent part:

Section 10-8. Certificates of nomination and nomination papers, and petitions to submit public questions to a referendum, being filed as required by this Code, and being in apparent conformity with the provisions of this Act, shall be deemed to be valid unless objection thereto is duly made

in writing within 5 days after the last day for filing the certificate of nomination or nomination papers or petition for a public question, with the following exceptions: (Emphasis supplied)

13. In contravention to Illinois Revised Statutes (1981), Chapter 46, Section 10-8, the Board has refused to certify the name of Johnson to be placed on the March 20, 1984 Primary Election Ballot.

14. Illinois Revised Statutes (1981) Chapter 46, Section 8-10 provides in pertinent part:

Section 8-10. Not less than 61 days prior to the date of the primary, the State Board of Elections shall certify to the county clerk for each county, the names of all candidates for legislative offices, as specified in the petitions for nominations on file in its office, which are to be voted for in such county, stating in such certificates the political affiliation of each candidate for nomination, as specified in the petitions. The State Board of Elections shall, in its certificate to the county clerk, certify to the county clerk the names of the candidates in the order in which the names shall appear upon the primary ballot, the names to appear in the order in which petitions have been filed.

Not less than 55 days prior to the date of the primary, the county clerk shall certify to the board of election commissioners if there be any such board in his county, the names of all candidates so certified to him by the State Board of Elections in the districts wholly or partly within the jurisdiction of said board and in the order in which such names are certified to him. (Emphasis supplied)

15. The Board has refused to certify the that name of Johnson as Democratic Party candidate for Representative in the General Assembly for the 19th Representative District be printed on the March 20, 1984 Primary Election Ballot.

16. The Plaintiff has a clear, legal right to have the Defendant, State Board of Elections, not act in arbitrary, capricious and illegal manner in considering said nominating papers of Johnson.

17. The State Board of Elections has a constitutional and statutory duty not to act in an arbitrary and capricious manner.

18. The January 19, 1984 decision of the State Board of Elections which was arbitrary, capricious and against the manifest weight and law.

19. The arbitrary, capricious, and illegal actions and decision by the State Board of Elections refusing to certify the name of Johnson is contrary to law and exceeded the statutory authority vested in the State Board of Elections.

20. The State Board of Elections has refused to act in a reasonable and just manner.

21. The State Board of Elections exceeded their authority by refusing to certify the name of Johnson when no objections were filed against the nominating papers of Johnson.

22. The arbitrary, capricious and illegal decision of the State Board of Elections violates the constitutional rights of the Plaintiff to politically associate, and has violated his constitutional rights of due process and equal protection of the laws as guaranteed under the Illinois Constitution.

23. By reason of the arbitrary, capricious and illegal decision of the State Board of Elections, the Plaintiff has been precluded from having his name printed on the March 20, 1984 Primary Election Ballot as a candidate of the Democratic Party for Representative in the General Assembly for the 19th Representative District.

24. The Plaintiff has no adequate legal remedy to have the decision of the State Board of Elections set aside.

WHEREFORE, the Plaintiff, Freddie L. Johnson prays this Court to:

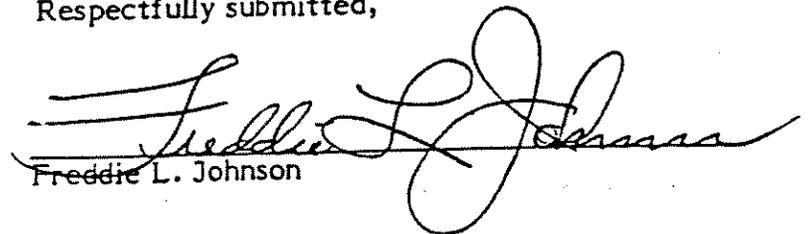
A. Issue its Writ of Mandamus, directing the State Board of Elections to reverse its decision of January 19, 1984 as it relates to the Certification of the name of Freddie L. Johnson as a candidate of the Democratic Party as Representative in the General Assembly for the 19th Representative District.

B. Direct the State Board of Elections to certify the name of Freddie L. Johnson be printed on the Official March 20, 1984 Primary Election Ballot as a Democratic party Candidate for the office of Representative in the General Assembly for the 19th Representative District.

C. Assess costs of suit against the Defendant, State Board of Elections.

D. Grant such other and further relief as this Court may deem meet and just.

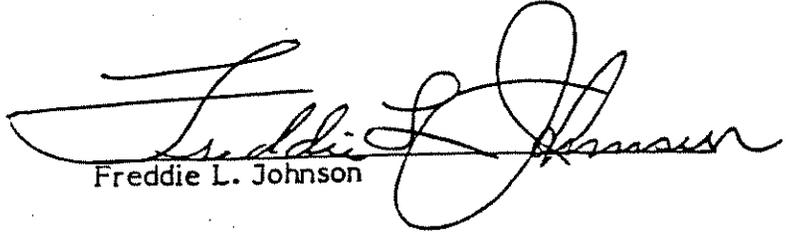
Respectfully submitted,


Freddie L. Johnson

VERIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

Freddie L. Johnson, being duly sworn on oath deposes and states that he has read the foregoing Petition for Writ of Mandamus, by him subscribed and the same is true in substance and in fact.


Freddie L. Johnson

Subscribed and Sworn to before
me this _____ day of February, 1984.

Notary Public

Andrew M. Raucci, #28160
Michael P. McClelland, #23620
Suite 3400
30 North LaSalle Street
Chicago, Illinois 60602
332-5000

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141

201 North Wells, Suite 500
Chicago, Illinois 60606
312/793-6440



EXECUTIVE DIRECTOR
Ronald D. Michaelson

BOARD MEMBERS
Michael J. Hamblet, Chairman
J. Phil Gilbert, Vice Chairman
Richard A. Cowen
Carolyn R. Eyre
Joshua Johnson
John J. Lanigan
Theresa M. Petrone
Norma J. Shapiro

January 4, 1984

Mr. Freddie L. Johnson
2209 W. Warren
Chicago, IL 60612

Dear Mr. Johnson:

This letter is to notify you of the possible statutory defects or insufficiencies in the petitions you have filed with the State Board of Elections as a candidate for Representative in the General Assembly, 19th District, Democratic Party.

The State Board of Elections will meet on Thursday, January 19, 1984, at 12:00 P.M. in our Springfield office, 1020 South Spring Street, for the purpose of determining the legal sufficiency of your petitions. This will be done prior to official action by the Board to certify candidates for the March 20, 1984 primary ballot.

If you so desire, you may appear at the meeting to explain your position on this matter or be represented by counsel. Should you have any questions on this matter, please do not hesitate to contact our Associate Director, Mr. Kel Hudson, in our Springfield office, (217)782-1547).

Sincerely,

Kelvin Hudson
KELVIN HUDSON
Associate Director

/mjf

EXHIBIT "A"
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STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
217/782-4141

201 North Wells, Suite 500
Chicago, Illinois 60606
312/793-6440



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Carolyn R. Eyre
Joshua Johnson
John J. Lanigan
Teresa M. Petrone
Norma J. Shapiro

January 23, 1984

Mr. Freddie L. Johnson
2209 West Warren
Chicago, IL 60612

Dear Mr. Johnson:

Pursuant to action taken by the State Board of Elections at a meeting held January 19, 1984, you are hereby notified that your name will not be certified for Democratic candidate for Representative in the General Assembly, 19th Representative District.

The Board voted not to certify your name on the ballot because you failed to file an ethics report and the Statement of Candidacy was inconsistent with your petition.

Therefore, as stated above, your name will not be certified or printed on the March 20, 1984 ballot.

Sincerely,

A handwritten signature in cursive script that reads "Kelvin Hudson".

KELVIN HUDSON
Associate Director

/mjf

E) 289 PIT "B"

Westlaw

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Page 1

C
Appellate Court of Illinois, First District, Third Division.

Ralph JENKINS and Clifton Graham, Jr.,
Plaintiffs-Appellants,

v.

Deborah M. McILVAIN, individually and in her capacity as City Clerk for the City of Country Club Hills, and David Orr, in his capacity as the Cook County Clerk, Defendants-Appellees.

No. 1-03-0646.

March 24, 2003.

Prospective election candidates brought action against city and county clerks, seeking to require their names be placed on election ballot and enjoining the printing of any ballots that did not contain their names. The Circuit Court, Cook County, Raymond L. Jagielski, J., found in favor of clerks. Candidates appealed. The Appellate Court, Hoffman, J., held that Election Code required that candidates file their statements of economic interest in the same year as they filed their nomination papers with city clerk.

Affirmed.

West Headnotes

[1] Elections 144 ↪ 144

144 Elections

144VI Nominations and Primary Elections

144k140 Nomination by Electors

144k144 k. Requisites of Petition, Certificate, or Nomination Papers. Most Cited Cases
City clerk properly refused to certify prospective election candidates as candidates to be listed on election ballot, despite fact that candidates' nomination papers had not been invalidated by the electoral board, where nomination papers were deficient on their face and not in conformity with the Election Code in that the candidates did not file state-

ments of economic interest in the same calendar year as their nomination papers. S.H.A. 10 ILCS 5/10-5, 10-15.

[2] Elections 144 ↪ 144

144 Elections

144VI Nominations and Primary Elections

144k140 Nomination by Electors

144k144 k. Requisites of Petition, Certificate, or Nomination Papers. Most Cited Cases
Section of Election Code regarding the filing of statements of economic interest by candidates in order for candidates to be placed on ballot requires that a candidate must file his statement of economic interests both by the end of the period for the filing of nomination papers and during the same calendar year in which he files the nomination papers. S.H.A. 10 ILCS 5/10-5.

[3] Elections 144 ↪ 144

144 Elections

144VI Nominations and Primary Elections

144k140 Nomination by Electors

144k144 k. Requisites of Petition, Certificate, or Nomination Papers. Most Cited Cases
The purpose behind the statutory requirement that a candidate file a statement of economic interests is to facilitate the public's right to information regarding financial dealings between the candidate and the unit of government in which he seeks an elected office. S.H.A. 10 ILCS 5/10-5.

63 *759 Ancel, Glink, Diamond, Bush, DiCianni & Rolek, Chicago (Keri-Lyn J. Krafthefer, Robert K. Bush & Brad C. Perri, of counsel), for Appellants.
Odelson & Sterk, Evergreen Park (Burton S. Odelson, of counsel); Rosenthal, Murphey & Coblenz (Judith N. Kolman, of counsel); Lord, Bissell & Brook (Hugh C. Griffin and Stevie A. Starnes, of counsel), Chicago, for Appellees.

Justice HOFFMAN delivered the opinion of the

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court:

*115 The plaintiffs, Ralph Jenkins and Clifton Graham, Jr., brought the instant action seeking to obtain court orders requiring Deborah M. McIlvain, City Clerk for the City of Country Club Hills, to certify their names as candidates to be placed on the ballot for the city's April 1, 2003, consolidated election and enjoining David Orr, Cook County Clerk, from printing election ballots that did not contain their names. The circuit court entered judgment in favor of the defendants on three counts of the plaintiffs' five count complaint, and the plaintiffs now appeal.

The plaintiffs, Jenkins and Graham, timely filed nomination papers seeking to have their names placed on the ballot for the City of Country Club Hills' April 1, 2003, consolidated election as candidates for the offices of alderman of the city's Fifth Ward and mayor, respectively. The plaintiffs included with their nomination papers receipts from the Cook County Clerk verifying that each had filed a statement of economic interests on December 27, 2002. No objections were filed to the plaintiffs' nomination papers. On January 23, 2003, McIlvain wrote to each of the plaintiffs and informed them that they would not be certified as a candidates for the April 1, 2003, election because: 1) their statements of economic interests were not filed in the same calendar year as their nominating petitions and 2) their nominating petitions were not bound when filed as required by section 10-4 of the Election Code (10 ILCS 5/10-4 (West 2000)). On January 30, 2003, McIlvain certified to the Cook County Clerk the names to be listed on the ballot for the city's April 1, 2003, election. She did not include the plaintiffs' names.

*116 On February 14, 2003, the plaintiffs filed a five count complaint against McIlvain, both personally and in her capacity as City Clerk, and Orr, in his capacity as Cook County Clerk. In count I of the complaint, the plaintiffs sought a temporary restraining order and preliminary and permanent injunctions compelling McIlvain to file an amended

certification of ballot certifying their names as candidates for the April 1, 2003, election and enjoining Orr from printing and distributing election ballots without their names. In count II, the plaintiffs sought a writ of *mandamus* compelling McIlvain to certify their names as candidates in the April 1, 2003, election. In count III, the plaintiffs sought a declaratory judgment that McIlvain had no discretion to refuse to certify their names to Orr. In counts IV and V of their complaint, the plaintiffs alleged causes of action under 42 U.S.C. § 1983 (1996) against McIlvain.

On February 24, 2003, the plaintiffs filed a memorandum of law in support of their complaint, to which they attached their own affidavits. Each plaintiff averred that **64 ***760 his nomination papers were bound at the time of filing.

On February 26, 2003, McIlvain answered the plaintiffs' complaint, denying allegations that her failure to certify the plaintiffs as candidates in the April 1, 2003, election was improper. That same day, McIlvain filed a memorandum of law in opposition to the plaintiffs' complaint, to which she attached two affidavits from Alison Brothen, the Finance Director for the City of Country Club Hills. Brothen averred that she accepted the plaintiffs' nominating petitions for filing and that the petitions were not bound in any manner.

On February 27, 2003, following a hearing, the circuit court entered an order stating its finding that McIlvain "acted within her duties as mandated within the Election Code in refusing to certify the plaintiffs' names" because they did not file their statements of economic interests in the same calendar year as their nomination papers and, in doing so, entered judgment in favor of the defendants on counts I through III of the plaintiffs' complaint. The court did not address the issues relating to the binding of the plaintiffs' nomination papers. The circuit court's written order included the requisite language to permit the plaintiffs to appeal its ruling pursuant to Supreme Court Rule 304(a) (155Ill.2dR. 304(a)).

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On March 6, 2003, the plaintiffs filed their notice of appeal from the circuit court's February 27, 2003, order. Due to the imminence of the April 1, 2003, election, we set an expedited briefing schedule and took the matter under advisement without oral argument. For the reasons which follow, we affirm the circuit court's judgment.

The plaintiffs' entitlement to relief under counts I through III *117 of their complaint depends upon the resolution of two issues: (1) whether McIlvain has the authority to refuse to certify for placement on the ballot the name of a candidate whose nomination papers are not in apparent conformity with the Election Code; and (2) whether section 10-5 of the Election Code (10 ILCS 5/10-5 (West 2000)) requires that a candidate file a statement of economic interests during the same calendar year that he files his nomination papers. As the answer to each of these questions is a matter of statutory interpretation, our review is *de novo*. *Sylvester v. Industrial Comm'n*, 197 Ill.2d 225, 232, 258 Ill.Dec. 548, 756 N.E.2d 822 (2001).

[1] The plaintiffs first argue that, pursuant to the Election Code, a local election authority does not have the authority to refuse to certify a person as a candidate to be listed on the election ballot, regardless of any deficiencies with his nomination papers, unless that person's nominating petitions have been invalidated by the electoral board. In support of this argument, the plaintiffs rely on section 10-15 of the Election Code (10 ILCS 5/10-15 (West 2000)). In relevant part, section 10-15 of the Election Code requires that, not less than 61 days before the date of a consolidated election, each local election official with whom nomination papers have been filed must certify to the appropriate election authority:

"the names of all candidates entitled to be printed on the ballot for offices of that political subdivision to be voted upon at such election and direct the election authority to place upon the official ballot for such election the names of such candidates in the same manner and in the same order as shown upon the certification." 10 ILCS 5/10-15

(West 2000).

Section 10-15 further provides:

"The local election officials shall certify such candidates for each office in the **65 ***761 order in which such candidates' certificates of nomination or nominating petitions were filed in his office. However, subject to appeal, the names of candidates whose petitions have been held invalid by the appropriate electoral board provided in Section 10-9 of this Act shall not be so certified." 10 ILCS 5/10-15 (West 2000).

This court has already rejected the plaintiffs' proposed interpretation of section 10-15 in *North v. Hinkle*, 295 Ill.App.3d 84, 85, 87-89, 229 Ill.Dec. 579, 692 N.E.2d 352 (1998), where we held that a local election official has a responsibility to examine nominating papers to determine whether, upon their face, they are in apparent conformity with the Election Code and the authority to refuse to certify the name of any candidate whose papers are not. Compare *118 *Welch v. Educational Officers Electoral Board for Proviso High School District 209*, 322 Ill.App.3d 568, 255 Ill.Dec. 641, 750 N.E.2d 222 (2001) (court held that election official did not have the authority to refuse to certify candidates' names for placement on ballot on basis that their nomination papers were untimely filed where untimeliness was not apparent on face of papers and determination as to timeliness would require investigation of facts surrounding filing). Each of the alleged deficiencies which McIlvain cited for refusing to certify the plaintiffs' names for placement on the ballot was apparent on the face of the nomination papers. Accordingly, we reject the plaintiffs' contention that McIlvain was required to certify their names for placement on the ballot simply because their nominating petitions had not been invalidated by the local electoral board.

We now consider the plaintiffs' contention that their nomination papers were in apparent conformity with the Election Code. Specifically, we begin with the plaintiffs' assertion that there is no statutory requirement that a candidate's statement of economic

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interests be filed within the same calendar year as his nomination papers.

Pursuant to section 10-5 of the Election Code, all petitions for nomination must be accompanied by a statement of candidacy which shall include, *inter alia*, a statement that the candidate "has filed (or will file before the close of the petition filing period) a statement of economic interests as required by the Illinois Governmental Ethics Act." (10 ILCS 5/10-5 (West 2000)). Section 10-5 further provides that:

"[n]omination papers filed under this Section are not valid if the candidate named therein fails to file a statement of economic interests as required by the Illinois Governmental Ethics Act in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed." 10 ILCS 5/10-5 (West 2000).

Contrary to McIlvain's assertion, this court did not, in *Allord v. Municipal Officers Electoral Board for the Village of South Chicago Heights*, 288 Ill.App.3d 897, 224 Ill.Dec. 564, 682 N.E.2d 125 (1997), construe the statutory section at issue here and determine that a candidate is, in fact, required to file a statement of economic interests during the same calendar year as his nomination papers. Rather, it appears that the construction of section 10-5 of the Election Code, as it pertains to the question of the commencement of the time period during which a candidate must file a statement of economic interests, is one of first impression.

****66 *119 ***762** The primary rule of statutory construction is to ascertain and give effect to the intent of the legislature. *Kavanagh v. County of Will*, 293 Ill.App.3d 880, 882, 228 Ill.Dec. 427, 689 N.E.2d 299 (1997). The language of the statute is the best indicator of legislative intent and, where it

is clear, it must be given effect without resort to other interpretive aids. *County of Knox ex rel. Masterson v. Highlands. L.L.C.*, 188 Ill.2d 546, 556, 243 Ill.Dec. 224, 723 N.E.2d 256 (1999). Where statutory language is clear, a court should not depart from its plain meaning by reading into it exceptions, limitations, or conditions not expressed by the legislature. *Gibbs v. Madison County Sheriff's Department*, 326 Ill.App.3d 473, 476, 260 Ill.Dec. 276, 760 N.E.2d 1049 (2001). If, however, the language of the statute is ambiguous in that it is susceptible to more than one reasonable interpretation, we may look to extrinsic aids of interpretation, such as the reason and necessity for the statute and the purpose to be served by it. *People v. Whitney*, 188 Ill.2d 91, 97-98, 241 Ill.Dec. 770, 720 N.E.2d 225 (1999); *People v. Davis*, 296 Ill.App.3d 923, 926, 231 Ill.Dec. 244, 695 N.E.2d 1363 (1998). Where statutory language permits two constructions, one of which would render the provision absurd and illogical and the other of which would render the provision reasonable and sensible, the former construction must be avoided. *Kaszubowski v. Board of Education of the City of Chicago*, 248 Ill.App.3d 451, 457, 188 Ill.Dec. 39, 618 N.E.2d 609 (1993).

As stated, section 10-5 of the Election Code provides that a candidate's nomination papers are not valid if the candidate fails to file a statement of economic interests in relation to his candidacy "by the end of the period for the filing of nomination papers unless he has filed a statement of economic interests in relation to the same governmental unit with that officer during the same calendar year as the year in which such nomination papers were filed." 10 ILCS 5/10-5 (West 2000). The plaintiffs maintain that section 10-5 requires only that a candidate file a statement of economic interests in relation to his candidacy before the end of the filing period for nomination papers. They assert that the same is also true of section 4A-105(a) of the Local Governmental Ethics Act (Ethics Act), which provides that a candidate must file his statement of economic interests "not later than the end of the

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period during which he can take the action necessary under the laws of this State to attempt to qualify for nomination, election, or retention to such office if he has not filed a statement in relation to the same unit of government within a year preceding such action." 5 ILCS 420/4A-105(a) (West 2000). The plaintiffs further maintain that the phrase "during the same calendar year as the year in which such nomination papers were filed", as used in section 10-5 of the Election Code, applies only to an incumbent candidate who does not file a statement of economic interests in relation to his candidacy prior to the end of the filing period for nomination papers and who wishes to avail himself of the stated exception to this filing requirement by relying on a previously filed statement of economic interests. McIlvain, on the other hand, asserts that the requirement that a statement of economic interests be filed "during the same calendar year as the year in which such nominations papers were filed" applies equally to a candidate who files an economic statement in relation to his candidacy *120 prior to the end of the filing period for nomination papers and to an incumbent candidate who does not file an economic statement in relation to his candidacy but relies on a previously filed statement in relation to that same unit of government.

67 *763 [2] Based upon our review of the plain language of section 10-5, without more, we conclude that the statutory provision could be interpreted in more than one manner, specifically in the manner proposed by the plaintiffs and in the manner proposed by McIlvain. We may, therefore, consider extrinsic aids of interpretation, such as the reason and necessity for the statute and the purpose to be served by it, in determining the proper construction. *Whitney*, 188 Ill.2d at 97-98, 241 Ill.Dec. 770, 720 N.E.2d 225; *Davis*, 296 Ill.App.3d at 926, 231 Ill.Dec. 244, 695 N.E.2d 1363. For the reasons which follow, we find that the plaintiffs' proposed interpretation of section 10-5 must be rejected.

[3] The purpose behind the statutory requirement

that a candidate file a statement of economic interests is to facilitate the public's right to information regarding financial dealings between the candidate and the unit of government in which he seeks an elected office. *Requena v. Cook County Officers Electoral Board*, 295 Ill.App.3d 728, 730, 230 Ill.Dec. 51, 692 N.E.2d 1217 (1998). Pursuant to the plaintiffs' proposed interpretation of section 10-5 of the Election Code, there is a final deadline for the filing of a statement of economic interests, namely the last date for the filing of nomination papers, but there is no initial date to the period for the filing of such statements. Under such an interpretation, a statement filed 3 years, 5 years, or even 10 years prior to the end of the filing period for nomination papers would satisfy the requirements of section 10-5 of the Election Code. This would certainly not facilitate the public's right to information regarding current financial dealings between a candidate and the unit of government to which he seeks election. We note that, even under the circumstances here, where the plaintiffs filed their statements of economic interests just weeks before their nomination papers, but in a different calendar year, the public's right to information about the candidate's financial dealings with the unit of government to which they seek to be elected would be compromised. A person making a statement of economic interests is making disclosures regarding his financial interests in the preceding *121 calendar year. 5 ILCS 420/4A-102 through 4A-104 (West 2000). Thus, as the plaintiffs here filed their statements of economic interests in December 2002, they were disclosing their financial interests for the year 2001, not the year 2002. Under McIlvain's proposed interpretation of section 10-5, however, the public is ensured the most current information available about the candidate's relevant financial dealings. Further, this interpretation would place a non-incumbent candidate on the same footing as an incumbent candidate, by requiring that both file statements of economic interest within the same calendar year as their nomination papers. As we have stated, where statutory language permits two constructions, one of which would render the provision

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absurd and illogical and the other of which would render the provision reasonable and sensible, the former construction must be avoided. *Kaszubowski*, 248 Ill.App.3d at 457, 188 Ill.Dec. 39, 618 N.E.2d 609. Accordingly, we interpret section 10-5 of the Election Code to require that a candidate must file his statement of economic interests both by the end of the period for the filing of nomination papers and during the same calendar year in which he files the nomination papers.

The period for the filing of nomination papers for the April 1, 2003, election in the City of Country Club Hills commenced on January 13, 2003, and ended on January 21, 2003. The plaintiffs filed their statements of economic interests on December 27, 2002. As such, we find that the circuit court properly ruled that McIlvain was **68 ***764 justified in refusing to certify the plaintiffs' names for placement on the ballot as candidates in the April 1, 2003, election. Due to our resolution of this issue, we find it unnecessary to consider the issues related to the binding of the plaintiff's nomination papers.

For the foregoing reasons, we affirm the judgment of the circuit court.

Affirmed.

WOLFSON and HALL, JJ., concur.
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END OF DOCUMENT

1-08-2786

TYRONE HAYMORE,)	Appeal from the
)	Circuit Court
Plaintiff-Appellee,)	of Cook County
)	
v.)	
)	No. 08 COEL 0013
DAVID ORR, Clerk of the County of Cook,)	
PAMELA M. BRADLEY, Clerk of the)	
Village of Robbins and VILLAGE OF)	
ROBBINS, a municipal corporation,)	The Honorable
)	Nathaniel Howse
Defendants-Appellants.)	Judge Presiding.

JUSTICE TULLY delivered the opinion of the court:

Plaintiff, Tyrone Haymore, sought a writ of mandamus to compel defendant, Pamela M. Bradley, as the village clerk of the Village of Robbins, to certify a binding referendum for placement on the ballot for the November 4, 2008, general election. The trial court granted plaintiff's request and defendants appealed. We reverse.

FACTS

The facts of this case are not in dispute. The plaintiff sought to have a binding referendum question placed on the ballot in the Village of Robbins for the November 4, 2008 general election. The plaintiff timely filed nine petition sheets containing 142 signatures with the Village Clerk of Robbins. The Village Clerk certified the question on August 22, 2008, and sent the certification to Cook County Clerk David Orr for placement of the referendum on the ballot. On September 10, 2008, the Village Clerk withdrew the certification because the petition filed by

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the plaintiff did not contain a sufficient number of signatures to put the question on the ballot.

Plaintiff then filed a complaint for mandamus to compel defendants to certify the question for the ballot. Plaintiff argued that the village clerk lacked the authority to withdraw the certification because she had previously accepted and certified the petition and the deadline for her to certify the question to the County Clerk had expired. Plaintiff further argued that pursuant to section 10-8 of the Election Code (the Code) (10 ILCS 5/10-8 (West 2004)), any petition which is in apparent conformity with the Illinois Election Code is deemed valid unless timely objected to. Because no objections were filed against plaintiff's papers, defendant was legally obligated to certify the question for the ballot.

On October 8, 2008, the trial court entered judgment and ordered Defendant Orr to "include plaintiff's public question *** on a paper ballot to be counted downtown." ¹ This appeal followed.

DISCUSSION

The issue presented in this case is whether under section 10-8 of the Code, defendant possessed the authority to determine whether plaintiff's petition apparently conformed to the Code's requirements. The construction of a statute is a question of law, and therefore our review is de novo. Peterson v. Aldi, Inc., 288 Ill. App.3d 57, 63, 679 N.E.2d 1291 (1997).

The procedures for certifying a public question are set forth, in relevant part, in sections 28-5 and 10-15 of the Code. Section 28-5 states:

¹The trial court entered a 24-hour stay of the order and this Court entered a stay pending our ruling. Early voting began on October 13, 2008.

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"Not less than 61 days before a regularly scheduled election, each local election official shall certify the public questions to be submitted to the voters of or within his political subdivision at that election which have been initiated by petitions filed in his office*** " 10 ILCS 5/28-5 (West 2004).

There is no dispute that here the Village Clerk timely certified the plaintiff's question. The plaintiff argues the Clerk does not have the authority to change the certification after the 61-day deadline has passed. Plaintiff maintains to find otherwise would render Section 28-5 superfluous.

However, Section 10-15 states:

"The local election official shall issue an amended certification whenever it is discovered that the original certification is in error." 10 ILCS 5/10-15 (West 2004).

The statute does not state a deadline for the amendment of an erroneous certification. So we turn to the question of whether the Village Clerk possessed the authority to determine whether the plaintiff's petition was valid. Section 10-8 provides:

"Certificates of nomination and nomination papers, and petitions to submit public questions to a referendum, being filed as required by this Code, and being in apparent conformity with the provisions of this Act, shall be deemed to be valid unless objection thereto is duly made in writing *** " 10 ILCS 5/10-8 (West 2004).

Thus, as we read the Code, public questions are to appear on the ballot if the petition was (1) filed as required by the Code, (2) in apparent conformity with the Code when filed, and (3) not subject to a duly filed objection. In this case, there is no dispute that plaintiff followed the

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appropriate procedures for filing his petition. Plaintiff filed his petition on time and with the appropriate local election official. In addition, the parties agree that no objections were filed against plaintiff's petition and that the local electoral board did not invalidate the petition. The dispute thus arises over whether plaintiff's petition was "in apparent conformity" with the Code when filed and whether defendant possesses the authority to make that determination.

The resolution of this issue is controlled by the Illinois Supreme Court's decision in People ex rel. Giese v. Dillon, 266 Ill. 272, 275-76, 107 N.E. 583 (1914). Although the court rendered Dillon prior to the legislature's enactment of the Code in its current form, the issue in Dillon is identical to that presented in this appeal. In addition, the Second District addressed the issue in 1998 in North v. Hinkle, 295 Ill. App. 3d 84, 692 N.E.2d 352 (1998), and found the analysis in Dillon "sensible and relevant." We agree.

In Dillon, the residents of La Salle filed a petition with the town clerk to have the question, "Shall this town become anti-saloon territory?" placed upon the ballot. Dillon, 266 Ill. at 273, 107 N.E. 583. When the clerk refused to place the question on the ballot, the residents filed a petition for a writ of mandamus to compel the clerk to place the question on the ballot. Dillon, 266 Ill. at 273, 107 N.E. 583. In response to the petition, the clerk argued that he was under no obligation to place the question on the ballot because the submitted petition did not comply with the law. Dillon, 266 Ill. at 274, 107 N.E. 583. Specifically, the clerk argued that (1) the signatures on the ballot were not those of legal voters and were not given in person, and (2) the sworn statements at the bottom of each page were neither signed by a resident of La Salle nor sworn to by an officer having authority to administer an oath. Dillon, 266 Ill. at 274, 107 N.E.

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583.

In affirming the trial court's granting of the writ of mandamus, the Illinois Supreme Court explained that the responsibility for determining whether an election petition apparently conforms to the law rests with the town clerk. Dillon, 266 Ill. at 275-76, 107 N.E. 583. Specifically, the clerk's duty is "to determine whether, upon the face of the petition, it is in compliance with the law." Dillon, 266 Ill. at 276, 107 N.E. 583. If the petition on its face appears to comply with the statutory requisites, the clerk may not look outside the petition to determine whether in fact it does comply; he must submit the question to the voters. Dillon, 266 Ill. at 276, 107 N.E. 583. Because the validity of signatures and the authority of officers cannot be determined by examining the face of an election petition, the court concluded that the petition was in apparent conformity with the law and thus that the clerk was obligated to submit the question to the voters. Dillon, 266 Ill. at 276, 107 N.E. 583.

However, the court continued, had the petition not appeared on its face to have complied with the statutory requisites, the clerk would have had no duty to submit the question to the voters. Dillon, 266 Ill. at 276, 107 N.E. 583. For example, by examining the face of the petition, a clerk can determine whether it contains the requisite number of signatures. Dillon, 266 Ill. at 276, 107 N.E. 583. If it does not, the petition is not in apparent conformity with the election statutes and the clerk has no duty to certify the question for the ballot. Dillon, 266 Ill. at 276, 107 N.E. 583.

Section 10-8 does not state that all petitions to submit a public question are deemed valid

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unless they are subject to a duly filed objection. Rather, the Code states that all petitions, “being filed as required by this Code, and being in apparent conformity with the provisions of this Act,” are deemed valid unless they are subject to a duly filed objection. 10 ILCS 5/10-8 (West 2004). Clearly, section 10-8 contemplates that the question of whether papers were duly filed and in apparent conformity with the law when filed is a threshold question that will be answered through a procedure other than statutory objection. Otherwise, the qualification, “being filed as required by this Code, and being in apparent conformity with the provisions of this Act,” aside from making no sense, would be wholly superfluous.

Accordingly, because plaintiff's petition was facially deficient, defendant was within her authority when she withdrew the certification of plaintiff's question for the ballot. The trial court erred in granting injunctive relief to plaintiff and the court should have denied plaintiff's request for a writ of mandamus.

For the foregoing reasons, the judgment of the circuit court is reversed.

Reversed.

O'MARA FROSSARD and TOOMIN, JJ., concur.

REPORTER OF DECISIONS - ILLINOIS APPELLATE COURT

TYRONE HAYMORE,

Plaintiff-Appellee,

v.

DAVID ORR, Clerk of the County of Cook; PAMELA M. BRADLEY, Clerk of the
Village of Robbins; and VILLAGE OF ROBBINS, a Municipal Corporation,

Defendants-Appellants.

No. 1-08-2786

Appellate Court of Illinois
First District, FIFTH DIVISION

October 16, 2008

Justice John P. Tully authored the opinion of the court:

Justice O'Mara Frossard and Justice Toomin concur.

Appeal from the Circuit Court of Cook County.
The Hon. Nathaniel Howse, Judge Presiding.

Counsel for Defendants-Appellants

Odelson & Sterk, Ltd., Evergreen Park, IL 60805
OF COUNSEL: Burton S. Odelson

Counsel for Plaintiff-Appellee

Klein, Thorpe and Jenkins, Ltd., Chicago, IL 60606
OF COUNSEL: Scott F. Uhler and Brian M. Funk

**CANDIDATE CHECKLIST
FOR FILING OF NOMINATING PAPERS FOR
COUNTY AND LOCAL OFFICES**

Receipt from County Clerk evidencing the filing of the Statement of Economic Interests (must be filed by the last day of filing)*

Statement of Candidacy
Complete:

- Proper Designation of office sought & political subdivision
- Attestation
- Candidate's Signature
- Notarization of Candidates signature with Notary Seal
- Proper Designation of Term of Office (Full 4yr/ Unexpired 2yr)

Loyalty Oath (optional)

NOMINATING PETITION(S) :

- Proper Designation of office sought & political subdivision
- Signator's affixed name and address
- Circulator completed the circulator's statement
- Petitions notarized
- Original petition sheets must be consecutively numbered
- Circle appropriate address designation

All filings must be neatly fastened together in a secure and suitable manner

*** Statement of Economic Interests must be filed with the County Clerk.**

Pursuant to Illinois Election law, the Election Commission is obligated to assess documents filed by candidates, seeking to have their names put on the ballot, for apparent conformity. At the time of filing the above items will be verified. This assessment is not intended to certify that the filing is error free; it is only designed to establish whether the papers filed are in apparent conformity with the Election Code.

07/09

CHICAGO BOARD OF ELECTION COMMISSIONERS

APPARENT CONFORMITY CHECKLIST

(Petitions to submit public questions)

Text of public question:

Political subdivision, district, ward, or precinct(s) in which the public question is to be submitted:

	Yes	No
1. Was the petition filed within the time required by law?		
2. Do the petition sheets contain the number of signatures required by law? ¹ Number of signatures required by law: _____ Number of signatures on the petition sheets: _____		
3. Do the petition sheets contain above the space for signatures an appropriate heading which is the same for each sheet giving the following information:		
a. The text of the question of public policy to be submitted?		
b. The political subdivision or district or precinct or combination of precincts or other territory in which the public question is to be submitted?		
c. Where by law the public question must be submitted at a particular election, the election at which it is to be submitted?		
4. Does the bottom of each petition sheet contain a signed statement?		
a. Does the statement at the bottom of each petition sheet:		
(i) state the street address and city of the person signing the statement?		
(ii) certify that the signatures on that sheet were signed in his or her presence?		
(iii) certify that the signatures are genuine?		
(iv) certify that to the best of his or her knowledge and belief the persons signing the petition were at the time of signing the petition duly registered voters of the political subdivision or district or precinct or combination of precincts in which the question of public policy is to be submitted?		
(v) certify that their respective residences are correctly stated therein?		
(vi) contain an indication that the statement was signed and sworn to by the person purporting to circulate the petition sheet?		
5. Are the petition sheets original sheets and not photocopies or duplicates?		

Date checked: _____

Checked by: _____
Signature of Board Employee

Signature of Board Employee

INSTRUCTIONS: Each petition to submit a question of public policy must be checked and signed by at least two Board employees. If any of the checklist boxes is checked "No," immediately notify the Board's attorney, who shall submit the Apparent Conformity Checklist, along with the original petition, to the Board for review and determination whether the petition is in apparent conformity with the provisions of the Election Code.

¹ At least 8% of the votes cast for Governor in the preceding gubernatorial election in the precinct or precincts.

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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Springfield, Illinois 62705
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State of Illinois Center
100 West Randolph, Suite 14-100
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EXECUTIVE DIRECTOR
Ronald D. Michaelson

BOARD MEMBERS:
Richard A. Cowen, Chairman
Theresa M. Petrone, Vice Chairman
Carolyn R. Eyn
J. Phil Gilber
Joshua Johnson
John J. Lanigan
David E. Murra
Langdon D. Nea

TO: Richard A. Cowen, Chairman
Theresa M. Petrone, Vice Chairman
Members of the Board
Ronald D. Michaelson, Executive Director
Kel Hudson, Associate Director

FROM: James Tenuto, Acting General Counsel *J.T.*

RE: Examination of Nomination Petitions by the State Board
of Elections

DATE: October 7, 1985

A recurring problem involves candidates who file nomination papers with the Board that are not in "apparent conformity" with the Election Code. Among the defects likely to be found: (1) the nomination papers contain less than the minimum number of signatures required by the Election Code; (2) failure to attach a receipt for the filing of the ethics statement; (3) while filing a statement of candidacy stating that he is a member of an established political party, the nomination sheets indicate that he is an independent. In other words, it is unclear whether the candidate is seeking election as an established party candidate which would cause his name to be placed on the ballot for the general primary election or as an independent which would cause his name to appear on the ballot at the general election.

In most instances, objections will be filed against candidates who file nomination petitions that are not in apparent conformity or otherwise objectionable. However, as has occurred in the past, objections sometimes are not filed though the nomination petitions are not in apparent conformity. Thus, a determination must be made as to whether or not the names of the candidates will be certified for the ballot.

The relevant provisions that address certification are found in Article 7 (established political party candidates),

Article 8 (candidates for state representative and state senator) and Article 10 (independents and new political party candidates).

Section 7-14 states as follows:

"Not less than 61 days before the date of the primary the State Board of Elections shall meet and shall examine all petitions filed under this Article 7, in the office of the State Board of Elections. The State Board of Elections shall then certify to the county clerk of each county, the names of all candidates for the President of the United States, and of all candidates for members of the State central committee, and of all candidates for delegates and alternate delegates to National nominating conventions, and of all candidates for nomination for all offices, as specified in the petitions for nomination on file in the office of the State Board of Elections, which are to be voted for in such county, stating in such certificates the political affiliation of each candidate for nomination, or for committeemen, as specified in the petitions. (emphasis added)

Section 8-10 states:

"Not less than 61 days prior to the date of the primary, the State Board of Elections shall certify to the county clerk for each county, the names of all candidates for legislative offices, as specified in the petitions for nominations on file in its office, which are to be voted for in such county, stating in such certificates the political affiliation of each candidate for nomination, as specified in the petitions. The State Board of Elections shall, in its certificate to the county clerk, certify to the county clerk the names of the candidates in the order in which the names shall appear upon the primary ballot, the names to appear in the order in which petitions have been filed. (emphasis added)

Section 10-14 provides in relevant part as follows:

"Not less than 61 days before an election to fill any public office the State Board of Elections shall certify to the county clerk of each county within which any of the electors may by law vote for candidates for such office, the name of each person nominated for such office, as specified in the nomination papers presented to and endorsed by the State Board of Elections. The name of no candidate for an office to be filled by the electors of the entire state shall be placed upon the official ballot unless his name is duly certified to the county clerk upon a certificate signed by the members of the State Board of Elections.
(emphasis added)

It has been the practice of the Board to examine nomination petitions that are filed with the Board to determine they are in apparent conformity, i.e., on their face the nomination petitions appear to comply with the statutory requirements.

The practice of examining nomination petitions was based upon the case of Daly v. Stratton.

In Daly v. Stratton, 215 F. Supp. 244 (Northern Dist. of Illinois, 1963) affirmed 326 Fed. 2d 340 (1964), the State Electoral Board met and refused to certify plaintiff as a candidate. The refusal was based upon an examination of the nomination petitions which disclosed that 266 signers were not qualified for not being on voting lists (230) or were not registered at the address set forth in the petition (36). This lowered the number of valid signatures to below the required 5,000 primary electors.

Deciding that the duty of the electoral board to certify candidates was not purely ministerial, the court stated at 215 F. Supp. 244, 245:

"The board's duties are set forth in ch. 46, sec. 7-14:

"Not less than sixty-one (61) days prior to the date of the primary the electoral board shall meet in the office of the Secretary of State at a time to be fixed by

him, and shall examine all petitions filed under this Article 7, in the office of said Secretary of State, and said electoral board shall then certify to the county clerk of each county, the names of all candidates * * * for nomination for all offices, as specified in the petitions for nomination on file in said office, which are to be voted for in such county, * * *"

An election official whose obligation is to "examine" and to "certify" a petition has authority at least

"to determine whether the paper is genuine and such as he is required to receive and make the basis of his action." People ex rel. Erundage v. Righeimer, 1921, 298 Ill. 611, 919, 132 N.E. 229, 232.

When a cursory comparison of a petition and the relevant voting lists reveals, as it does here, that fewer than the statutorily required number of signatories appearing in the former also appear in the latter, the petition is not genuine and the candidate need not be certified."

Similarly, section 7-14 requires the State Board of Elections to meet and examine all petitions filed under Article 7.

The procedure followed in the past was the following:

After a cursory examination was made of the nomination petitions to which objections were not filed though the petitions were not in apparent conformity, the Board would notify the candidate that (1) the nomination petitions contained possible statutory defects or were otherwise legally insufficient, and (2) affording the candidate an opportunity to appear before the Board at a public hearing for the purpose of determining the legal sufficiency of the petitions.

For the November, 1984 General Election one of the candidates who filed nomination petitions was Freddie L. Johnson. Mr. Johnson was a candidate for state representative in the 19th Representative District. No objections were filed to his nomination petitions.

A cursory examination by the Board staff disclosed that Mr. Johnson's nomination petitions were defective for the following reasons: (1) the candidate did not attach a receipt during the filing period indicating he had filed an ethics statement with the Secretary of State. In fact, the candidate never did file a statement of economic interest with the Secretary of State. (2) The nomination petitions failed to properly designate whether the candidate was running as an independent or in the Democratic Primary Election.

The candidate was sent a letter informing him of the fact that his petitions contained possible statutory defects or were otherwise legally insufficient. In addition, the candidate was informed that the legal sufficiency of his nomination petitions would be determined at a Board meeting.

Mr. Johnson failed to appear and the Board ordered that his name not appear on the ballot.

Subsequent to the Board ordering that his name not be certified for the ballot Mr. Johnson filed a petition for Writ of Mandamus, Freddie L. Johnson v. State Board of Elections, 84CD-0067, in the Circuit Court of Cook County.

Upon the conclusion of a hearing, Judge Schneider ordered that a Writ of Mandamus be issued directing the Board to certify to the Cook County Clerk, the name of Freddie L. Johnson, as a candidate for the Democratic Party for the Office of Representative in the General Assembly in the 19th District. Judge Schneider based his order on statements in the record, that in his opinion, the Board did not have the authority under Article 8 of the Election Code to "examine" the nomination petitions filed by Mr. Johnson, nor did the Board have the authority to refuse to certify Mr. Johnson's name as a candidate for the March 20, 1984 General Primary election.

Although Judge Schneider did not disagree that the Board may have such authority under Article 7 of the Election Code, he apparently felt that because Article 8 did not contain language similar to that contained in Section 7-14 directing the Board to "examine" all petitions filed with it, he ruled that in the absence of such expressed statutory authority the Board did not have authority under Article 8. Thus, Judge Schneider ruled that the Board did not have the authority to refuse to certify Mr. Johnson as a candidate.

Thus, it would appear from Judge Schneider's ruling that the Board does not have the authority, pursuant to Article 8 of the Election Code, to examine the nomination papers filed by candidates for State Senator or Representative in the General Assembly.

As a result of Judge Schneider's ruling, it was recommended that the Board cease to exercise any of its authority to examine nomination papers and cease to refuse to certify any candidates whose nomination papers are not in apparent conformity with the Election Code. The reasoning behind the recommendation was that if the Board were to refuse to certify the names of candidates who filed nomination papers under Article 7 but did not exercise such authority with respect to candidates who filed nomination papers pursuant to Articles 8 and 10, such selective implementation of the Board's authority would be viewed as an unconstitutional implementation of such authority in that it would differentiate between a similar class of candidates.

Nevertheless, the need for the Board to scrutinize nomination papers that are filed with it in order to determine whether or not such nomination papers meet the minimum requirements provided by the Election Code was recognized. Therefore, it was suggested that the Board seek to have legislation introduced which would clearly indicate that the State Board of Elections would have the power to examine all nomination petitions that are filed with it in order to determine whether such nomination papers meet the minimum requirements of the Election Code and, in cases where such nomination papers do not meet the minimum requirements to refuse to certify the names of those candidates whose nomination papers are defective. The legislation would also clearly set out the procedures for exercising the Board's authority in this area so that candidates would be adequately informed in advance that the Board has such authority and are informed as to the procedures for exercising such authority.

In addition, it was also discussed that the authority to examine nomination papers be extended to the various county clerks and boards of election commissioners. It would be inconsistent to confer such authority on the State Board of Elections while at the same time refusing to confer such authority on county clerks and boards of election commissioners who stand in the same place concerning their role as the recipient of nomination papers.

Re: Examination of Nomination Petitions by the SBE
October 7, 1985
Page 7

Legislation that would have accomplished the above-named purposes was part of the 1985 State Board of Elections Legislative Program and introduced as House Bill 1802. A copy of HB 1802 is attached as Exhibit A. HB 1802, unfortunately, was not enacted into legislation.

Based upon the inability to have legislation enacted that would have enabled the Board to examine nomination petitions filed pursuant to Articles 7, 8 and 10 it would appear that the Board is, once again, restricted to examining nomination petitions filed pursuant to Article 7. As indicated above, if the Board refuses to certify the names of candidates who file nomination papers under Article 7 (as the Board appears to be authorized to do) but does not exercise authority with respect to candidates who file nomination papers pursuant to Articles 8 and 10 (as the Board does not appear to be authorized to do), such selective implementation of the Board's authority may constitute an unconstitutional implementation of such authority in that it would differentiate between candidates similarly situated.

Therefore, I would recommend that in the absence of the passage of legislation that would have remedied the problem the Board cease to exercise its authority to examine nomination papers and cease to refuse to certify any candidates whose nomination papers are not in apparent conformity with the Election Code.

SB 433

90TH GENERAL ASSEMBLY

State of Illinois

1997 and 1998

HOUSE

INTRODUCED

2-5-97 BY *Butler*

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-12.2 new
10 ILCS 5/8-9.2 new
10 ILCS 5/10-7.1 new

Amends the Election Code. Provides the State Board of Elections shall examine nominating petitions filed with it to determine whether those petitions are in apparent conformity with the requirements of the Code. Further provides for an informal hearing to determine whether candidates, whose petitions the Board has determined are not in apparent conformity, shall be certified. Effective immediately.

LRB9000588MWpc

A BILL FOR

1 reasons why the nomination petition is not in apparent
2 conformity with the requirements of this Article, shall 87
3 inform the candidate that the Board will be conducting an 88
4 informal hearing to decide whether or not to certify the name 89
5 of the candidate to be placed upon the official ballot, and 90
6 shall inform the candidate that he or she has the right to 91
7 appear before the Board at the hearing. The notice shall be
8 sent by certified mail by the Board within 5 business days 92
9 following the last day for the filing of nomination petitions 93
10 and shall be addressed to the candidate at the address listed 94
11 on the candidate's statement of candidacy. Service shall be 95
12 deemed complete when the notice is sent by certified mail to 96
13 the address listed on the candidate's statement of candidacy. 97
14 (c) Before the date set for its certification for the 99
15 general primary election, the Board shall conduct an informal 101
16 hearing to determine whether the names of those candidates, 102
17 who have been notified as provided in this Section that their
18 nomination petitions are not in apparent conformity with the 103
19 requirements of this Article, shall be certified for 104
20 placement on the ballot. Candidates so notified shall have 105
21 the right to appear before the Board at the hearing, to 106
22 present evidence and argument why the nomination petitions
23 are in apparent conformity with the requirements of this 107
24 Article, and to be represented by counsel of his or her 108
25 choice and at his or her expense at the hearing. If upon 109
26 conclusion of the informal hearing the Board determines that 110
27 a candidate's nomination petition is not in apparent 111
28 conformity with the requirements of this Article, the
29 nomination petition shall be deemed invalid and the Board 112
30 shall not include the name of the candidate in its 113
31 certification of candidates. The decision of the Board shall 114
32 be in writing, shall state the underlying reasons supporting 115
33 the decision, and shall be served upon the candidate either 116
34 personally or by certified mail. Any candidate adversely 117

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28 the decision, and shall be served upon the candidate either 179
29 personally or by certified mail. Any candidate adversely 180
30 affected by the Board's decision may secure judicial review 181
31 of the decision in the circuit court in the same manner as 182
32 provided in Section 10-10.1 of this Code.
33 (10 ILCS 5/10-7.1 new) 185

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25 affected by the Board's decision may secure judicial review 244
26 of the decision in the circuit court in the same manner as 245
27 provided in Section 10-10.1 of this Code.

28 Section 99. This Act takes effect upon its becoming a 248
29 law.

Section 201.70 Examination of Petitions for apparent conformity

Authority: 1A-8, 7-12.1, 8-9.1, 10-8,28-4

1. All nominating petitions and petitions for referenda filed with the State Board of Elections ("Board"), shall be examined to determine if they are in apparent conformity with the Sections of the Election Code which authorize them to be filed.
2. A petition is in apparent conformity if it:
 - (A) Includes all papers and forms which are required by the Article for the office for which the candidate is seeking nomination or election;
 - (B) Appears to contain all of the information and statements, sworn and attested to where necessary, as required by the Article and Statutes under which an office is sought, or where the petitioner seeks a referendum, appears to set out the question in the manner the statutes requires.
 - (C) Appears to contain, where required by an Article of the Election code or any other statute, the requisite number of presumptively valid signatures; and
 - (D) Appears to contain original petition sheets which are not photocopies or duplicates of any other petition sheets.
3. Within five (5) business days after a petition is filed, the Board or its staff shall examine the petition for apparent conformity. If the petition is determined not to be in apparent conformity, it shall be stamped with the words "challenged, not in apparent conformity" and the candidate, in the case of nominating petitions, or the certifying elector whose name appears at the bottom of the first page of a referendum petition in the case of a referendum petition, will be sent, within 24 hours of the declaration of want

of apparent conformity, by certified mail, return receipt requested, notice of the rejection of petition for want of apparent conformity.

4. The notice shall inform the recipient that the petition will not be accepted and the candidates or proposition not certified to the ballot unless the administrative decision is reversed after a hearing to be held to officer or review the administrative decision that the petition lacks apparent conformity.
5. If the candidate or certifying elector who has submitted a petition not in apparent conformity having first been notified of such want of apparent conformity, fails to request a hearing before the close of the pertinent objection period, the administrative decision shall stand. If a hearing is requested in apt time, it shall proceed according to the statute and rules governing objections to petitions, except that (1) the complaint shall be filed by the Board or a Board staff member, who need not be a registered voter of the district with respect to which the petition has been filed, and (2) the notification provisions of Section 10-1 of the Election Code (10 ILCS 5/10-10) shall be superseded by the notices provided by this section.
6. If an objector's petition is filed by an elector against a petition which is not in apparent conformity, the Board may consolidate its complaint with the objection, or may stay or withdraw its staff complaint as circumstances may direct.

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4. **Other business.**

5. **Comments from the Chairman and Vice Chairman.**

6. **Comments from the general public.**

7. **Next Board meeting Monday, September 21, 2009 at 10:30 a.m. in Springfield.**

8. **Executive Session.**