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
William M. McGuffage, Chairman
Jesse R. Smart, Vice Chairman
Harold D. Byers
Betty J. Coffrin
Ernest L. Gowen
Judith C. Rice
Bryan A. Schneider
Charles W. Scholz

EXECUTIVE DIRECTOR
Rupert T. Borgsmiller

- AMENDED -

AGENDA
STATE BOARD OF ELECTIONS
BOARD MEETING
Monday, September 19, 2011
10:30 a.m.

1020 South Spring Street
Springfield, Illinois
and via videoconference
James R. Thompson Center – Suite 14-100
Chicago, Illinois

Roll call.

1. **Presentation of resolution for retiring staff member Jim Withers.**

2. **Approval of the minutes from the August 16 meeting. (pgs.1-5)**

3. **Report of the General Counsel**
   a. **Campaign Disclosure;**
      Motion for reconsideration
      1) *SBE v, Kane County Republican Advisory Council,* 11MA015; (pgs.6-8)
      1.5) *Zurek v. Pedersen,* 11CD025; (sent under separate cover)
      Appeal of campaign disclosure fines – carryover from August – hearing officer recommendation appeal be denied
      2) *SBE v. IL Coin Machine Operators Assoc. PAC,* 712, 11AM012; (pgs.9-11)
      Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeals be granted
      3) *SBE v. McLean County Republican Central Committee,* 276, 11AM004; (pgs.12-27)
      4) *SBE v. Associated General Contractors of IL PAC,* 649, 10AG065; (pgs.28-31)
      5) *SBE v. Brady for Senate Inc.,* 7537, 10AG072; (pgs.32-36)
      6) *SBE v. Friends of Susana Mendoza,* 18308, 11AM037; (pgs.37-40)
      7) *SBE v. Friends of Wayne Rosenthal,* 21785, 11MA021; (pgs.41-47)
      8) *SBE v. Committee to Elect Chuks Onyezia,* 22702, 11AM049; (pgs.48-52)
      9) *SBE v. Friends of John Phelan,* 23434, 11AM152; (pgs.43-58)
      Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeals be denied
      10) *SBE v. Sangamon County Republican Central Committee,* 1132, 11MA013; (pgs.49-84)
      11) *SBE v. Democratic Party of Illinois,* 6239, 10AG070; (pgs.85-87)

12) *SBE v. Vote for Sam Cahnman,* 15077, 11MA029; (pgs.88-90)
13) *SBE v. Citizens to Elect Lewis W. Powell III,* 16532, 11DS328; (pgs.91-95)
14) *SBE v. Citizens for Segvich,* 17403, 11AM091; (pgs.96-99)
15) *SBE v. Committee to Re-Elect Larry R. Rogers Jr.,* 18001, 11AM093; (pgs.100-102)
16) *SBE v. 613PAC,* 19647, 10AG076; (pgs.103-106)
17) *SBE v. Friends of John Bracamontes,* 22106, 10GE033; (pgs.107-110)
18) *SBE v. Chang for Change Committee,* 22418, 10AG086; (pgs.111-113)
19) *SBE v. Vanguard Health Management IL PAC,* 22673, 11AM120; (pgs.114-117)

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

20) *SBE v. RPAC,* 1126, 10AG068; (pgs.118-131)
21) *SBE v. Friends of "AJ" Wilhelmi,* 18614, 11MA016; (pgs.132-148)
22) *SBE v. Friends of William J. Kelly,* 22238, 10AP066 & 10JS229; (pgs.149-154)

Other campaign disclosure items

23) Request for payment plan – *Friends of Marla Wilson*; (pg.155)
24) Assessments/Final Orders; (pgs.156-158)
25) Payment of civil penalties – informational; (pg.159)

Complaint following closed hearing (separate packet)

26) *Holzer v. Friends for Dobrzycki,* 11CD210; (pgs.1-11)

Motion for reconsideration (separate packet)

27) *Sorock v. Citizens for Wilmette Schools and Thomason,* 11CD026. (pgs.12-)

4. Report of the Executive Director
   a. Report on Advisory Committee Meeting; (pgs.160-161)
   b. Electronic canvass update; (pg.162)
   c. Declaration of judicial vacancies; (pgs.163-165)
   d. Consideration of approval of engineering change orders for ES&S voting equipment; (pgs.166-168)
   e. Legislative update/supplemental appropriation; (pgs.169-171)
   f. Campaign Finance Reform Task Force meeting; (pg.172)
   g. Legislative maps/redistricting update; (pg.173)
   h. IVRS update – informational; (sent under separate cover)
   i. Census data versus registered voters; (pg.174)
   j. Report on HAVA site visits; (pgs.175-176)
   k. Springfield office facility update; (sent under separate cover)
   l. Fiscal status reports – informational;
      1) FY11 – month ending August 31; (pgs.177-184)
      2) FY12 – month ending August 31; (pgs.185-193)
      3) Help Illinois Vote Fund; (pgs.194-205)
   m. Two year plan of staff activity for the months of September & October – informational. (pgs.206-207)

5. Follow up;
   a. Statewide Election Management System update. (pgs.208)

6. Comments from the general public. (pg.209)

7. Next Board meeting, Tuesday, October 18, 2011 in Chicago. (pg.209)

8. Executive session. (pgs.210-216)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

In the Matter Of:

KEN ZUREK

Complainant,

vs.

BARRETT F. PEDERSEN as Treasurer of the Committee FRIENDS OF BARRETT F. PEDERSEN, BARRETT F. PEDERSEN as Chairman of the Committee DEMOCRATIC PARTY OF LEYDEN TOWNSHIP, BARRETT F. PEDERSEN in his individual capacity,

Respondents.

RECEIVED
AUG 26 2011
State Board of Elections

11 CD 25

MOTION FOR RECONSIDERATION AND REHEARING OF BOARD'S FINAL ORDER DATED AUGUST 19, 2011

NOW COMES Ken Zurek who requests Reconsideration and Rehearing of the Board's Final Order dated August 19, 2011. In support of said request, complainant states as follows:

I.

THE BOARD IMPROPERLY RELIED ON THE STATEMENTS OF COUNSEL AS EVIDENCE TO REJECT THE HEARING OFFICERS RECOMMENDATION REGARDING THE DEMOCRATIC PARTY OF LEYDEN TOWNSHIP AND WHETHER PEDERSEN COULD RECEIVE RENT PAYMENTS

On August 16, 2011 counsel for respondent make the statement that Barrett Pedersen owns the 9701 W. Grand commercial building. This statement is belied by the record in this matter. Complainant's Exhibit 9 clearly demonstrates that the 9701 property was owned by the Jessica J. Pedersen Trust. That Complainant checked the Cook County Recorder of Deeds records on August 26, 2011 and those records show that ownership of the 9701 property has not changed and the property is still owned by the Jessica J. Pedersen Trust. See *Exhibit 1 attached*. Therefore, Pedersen had no right to receive rent payments and correspondingly

record them as a loan to himself. Moreover, the statements of counsel are not evidence and cannot be considered as such. Hence, the D-2's are still not true, accurate and complete.

Further, the record establishes that the Democratic Party of Leyden Township has office and meeting space at 9701 W. Grand Ave. in Franklin Park which has not been accounted for on their D-2 Quarterly Reports.

II.

THE BOARD ERRED IN READING A *DE MINIMIS* EXCEPTION INTO THE PLAIN MEANING OF THE ELECTION CODE TO REJECT THE HEARING OFFICERS RECOMMENDATIONS

The Board erred in reading a *de minimus* exception into the plain meaning of the Election Code to reject the Hearing Officer's recommendation regarding the Democratic Party of Leyden Township and the Friends of Barrett F. Pedersen. Court's have consistently refused to read *de minimis* exceptions into the plain language of a statute because that is a matter best resolved by the Legislature. *See* People v. Howard, 228 Ill. 2d 428 (2008).

III.

THE BOARD ERRED IN FAILING TO INCORPORATE A WARNING AS RECOMMENDED BY THE HEARING OFFICER IN IT'S ORDER REGARDING FRIENDS OF BARRETT F. PEDERSEN'S FAILURE TO COMPLY WITH THE ATTRIBUTION RULES

The Christmas cards sent out by The Friends of Barrett F. Pedersen failed to include a statement that they were paid for by "The Friends of Barrett F. Pedersen." The Hearing Officer recommended that the Board warn the Friends of Barrett F. Pedersen that any repeat violation of attribution of source could subject the Friends of Barrett F. Pedersen to a penalty not exceeding $5,000 for failure to comply with said Board Order. Report of Examiner, June 8, 2011, P. 4.

IV.

THE BOARD ERRED IN FAILING TO IMPOSE A CIVIL PENALTY ON FRIENDS OF BARRETT F. PEDERSEN FOR WILLFULLY FILING A FALSE AND INCOMPLETE D-2 QUARTERLY REPORT

10 ILCS 5/9-11(f) which was effective 1-1-2011 is strongly suggestive of the following:

1. That a civil fine must be imposed herein unless the Board finds that the filing of the two amended D-2's by Friends of Barrett F. Pedersen were due to **technical or inadvertent errors** in the original filing; and

2. That the burden of establishing **technical or inadvertent errors** in the original filing is on the respondent herein Friends of Barrett F. Pedersen.

Unquestionably in this case the manifest weight of the evidence establishes that when Barrett F. Pedersen signed and filed the original D-2 Quarterly Report for the period 1-1 to 3-31, 2011 for the Friends of Barrett F. Pedersen he know or should have known that the original D-2 was **not** true, correct and complete as required by the Campaign Disclosure Act and the Rules of the Board promulgated thereunder. The Hearing Officer also found that "Mr. Pedersen should have known or had an idea that the employers and occupations were not reported correctly." *Report of Examiner*, June 8, 2011, P. 3. Furthermore, Friends of Barrett F. Pedersen has failed to submit any credible or competent evidence establishing that the filing of the two amended D-2's were due to technical or inadvertent errors in the original filing.

Complainant would also suggest that the filing in the first instance of a Report that is **not** true, correct and complete is akin to the filing of **no** Report at all in other words a non-filing subjecting the Friends of Barrett F. Pedersen additionally to a late filing civil fine.

Further, there are aggravating circumstances that support imposition of a civil penalty in this case. In March 2011 a complaint was found to be filed on justifiable grounds against another political committee under the control of Barrett Pedersen. *See Final Order Dated March 22, 2011* - 11 CD 007.

V.

THE BOARD ERRED IN FAILING TO FIND A DIVERSION OF CAMPAIGN FUNDS TO PERSONAL USE AND ITS MISREPORTING ON THE D-2 QUARTERLY REPORT

The Hearing Officer concluded that "the card appears to be personal in nature." *Report of Examiner*, June 8, 2011, P. 4.

The Christmas Cards are therefore not an expenditure under 5/9-1.5(A) as it is not a payment in connection with the nomination for election, election, or retention of any person to or in public office or in connection with any question of public policy. Consequently, its reporting on the D-2 Schedule B as a campaign expenditure of the Friends of Barrett F. Pedersen is erroneous.

Additionally, the use of campaign funds to pay a purely personal expense and then to represent the payment as a campaign expenditure is strongly suggestive of a design and intent to evade and defeat federal income tax laws thereby violating 5/9-8.10 which prohibits the expenditure of political committee funds in violation of any law of the United States.

Wherefore, Complainant respectfully requests that the Board reconsider its final order as follows:

1) impose an appropriate civil penalty on the Friends of Barrett F. Pedersen;

2) warn the Friends of Barrett F. Pedersen that any repeat violation of attribution of source rules could subject the Friends of Barrett F. Pedersen to a penalty not exceeding $5,000 for failure to comply with said Board's Order; and

3) otherwise adopt the recommendations of the Hearing Officer for a public hearing.

Respectfully submitted,

Ken Zurek

3229 George Street
Franklin Park, IL 60131

847-529-8431

EXHIBIT 1

Cook County Recorder of Deeds

Eugene "Gene" Moore

Home Page
Biography
Locations
Interesting Links
Fee Schedule
What's New
FAQ
Search Menu

Grantor / Grantee
Document Number
Legal Search
PIN Search
Trust Number
Subdivision Search

Forms

View Purchased Documents

Support | Help | Document Container | Account Information | Search Menu

[Back One Page]

Add To Document Container

Result Matches:[1 - 19 of 19]

Documents for PIN:**12-28-401-017-0000**

	Document No.	Document Type	Date Recorded	Grantor/Trust No.	Grantee/Trust No.	Prior Document
	1032035069	MORTGAGE	11/16/2010	PEDERSEN JESSICA J TR	BELMONT B&T CO	
	1032035070	ASSIGNMENT	11/16/2010	PEDERSEN JESSICA J TR	BELMONT B&T CO	
	0021441753	CONTRACT	12/27/2002	PEDERSEN BARRETT F	HARRIS BK ELK GRDVE	
	0020591514	DEED IN TRUST	05/24/2002	PEDERSEN BARRETT F	PEDERSEN JESSICA J TR	
	0020591513	DEED IN TRUST	05/24/2002	PEDERSEN BARRETT F	PEDERSEN BARRETT F TR	
	0020436051	AMENDMENT	04/16/2002	PEDERSEN BARRETT F	BARRETT PEDERSEN F	98195120
	98210419	ASSIGNMENT	03/18/1998	PEDERSEN BARRETT F	HARRIS BK ELK GROVE	
	98210418	MORTGAGE	03/18/1998	PEDERSEN BARRETT F	HARRIS BK ELK GRDVE	
	98210417	WARRANTY DEED	03/18/1998	FOX LOIS	PEDERSEN BARRETT	
	98210416	DEED	03/18/1998	ALOIS LORETTA JOAN IND EXTR	ALOIS LORETTA JOAN	
	98195120	FINANCING STATEMENT	03/12/1998	PEDERSEN BARRETT F	HARRIS BK ELK GRDVE	
	96151288	WARRANTY DEED	02/20/1996	ALOIS MICHAEL	ALOIS MICHAEL	
	96151287	QUIT CLAIM DEED	02/20/1996	ALOIS MICHAEL	ALOIS MICHAEL	
	95353686	WARRANTY DEED	06/01/1995	ALOIS MICHAEL	ALOIS MICHAEL	
	95050690	TRUSTEES DEED	01/23/1995	ARTHUR P LEBEAU TRUST	ALOIS MICHAEL	
	03064493	DEED IN TRUST	12/27/1993	LE BEAU ARTHUR P	LA GRANGE MEM FOUND TR	
	03064492	DEED IN TRUST	12/27/1993	DAVIN ANNE F	LA GRANGE MEM FOUND TR	
	03064491	DEED IN TRUST	12/27/1993	FRYMARK ANNETTE M	LA GRANGE MEM FOUND TR	
	03064490	CERTIFICATE OF TITLE	12/27/1993	COOK COUNTY REG TITLES	DAVIN WILLIAM T	

COOK COUNTY RECORDER OF DEEDS DISCLAIMER

While the Cook County Recorder of Deeds (CCRD) attempts to keep this website up to date with existing law and policies, the CCRD does not guarantee the accuracy of any of the information contained herein, including, but not limited to, database information and document images. CCRD also does not guarantee the legality of the documents and database information contained herein and accepts no liability for any damages incurred, whether directly, indirectly, incidental, punitive or consequential, as a result of any errors, omissions or discrepancies in any information published on this website or any use of this website, including, but not limited to use of on-line forms or affidavits.

Copyright © 2010 Cook County Recorder of Deeds, All rights reserved.

Please Call 312-603-5050 if you have general information questions(such as which is my deed, how can I look up a property, etc.). At the end of the message a live operator will assist you.

For assistance with computer problems associated with the use of our website (such as document not displaying or not printing), please click here rod.support@cookcountyil.gov or call 312-603-4777 or 312-603-5070 Monday - Friday between the hours of 8:30 a.m. and 4:30 p.m. CDT.

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

In the Matter Of: KEN ZUREK Complainant, vs. BARRETT F. PEDERSEN as Treasurer of the Committee FRIENDS OF BARRETT F. PEDERSEN, BARRETT F. PEDERSEN as Chairman of the Committee DEMOCRATIC PARTY OF LEYDEN TOWNSHIP, BARRETT F. PEDERSEN in his individual capacity, Respondents.	11 CD 25

Certificate of Service

I hereby certify pursuant to Section 1-109 of the Illinois Code of Civil Procedure that on August 26, 2011, I caused true and correct copies of the foregoing **MOTION FOR RECONSIDERATION AND REHEARING OF BOARD'S FINAL ORDER DATED AUGUST 19, 2011 and EXHIBIT 1**, to be served by first class mail (certified 7010 1870 0002 2728 2191), postage prepaid, at the addresses listed below by depositing the same into the United States mail before 5:00 pm, upon:

James P. Nally
Law Offices
Eight South Michigan Ave., Suite 3500
Chicago, Illinois 60603

Ken Zurek
3229 George Street
Franklin Park, Illinois 60131

847-529-8431

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

v. **10 AG 068**

RPAC ID# 1126
Respondent

REPORT OF HEARING OFFICER
Appeal of Civil Penalty Assessment for Failure to File Schedule A-1 Reports
for the 2010 General Election

The Committee received a $1,000 contribution on 10/12/10 and a $474,363.60 contribution on 10/25/10, but failed to report either on a Schedule A-1. The total assessment is $475,363.60.

Leonard Taylor, the Treasurer of the Committee, filed a Request for Hearing, and submitted an Appeal Affidavit.

The hearing was held on 8/9/11 with Mr. Taylor present, as well as attorney Steve Bochenek and Illinois Association of Realtors officials Greg St. Aubin, Cathy Madaus, and Jan Patterson. In regards to the $1,000 contribution, the Committee indicated the failure to file an A-1 was a clerical oversight, and they did not contest the violation. In regards to the larger contribution, Mr. Taylor explained that the money involved was a funds transfer resulting from changes to Illinois disclosure law barring any group from having more than one political action committee. The Illinois Association of Realtors previously operated RPAC (Realtors PAC) and IMPAC (Issues Mobilization PAC), but opted to dissolve IMPAC and transfer the remaining funds from that Committee into the RPAC committee. The date of the transfer was somewhat arbitrary, coming after the Realtors group officially voted to dissolve IMPAC, but unfortunately falling within an A-1 reporting period. Mr. Taylor stated that no A-1 was filed partly because of the unusual nature of the fund transfer, which the Committee did not consider to be an actual contribution. He added that the funds in question were not used in connection with the 2010 General Election, and also pointed out that the details of where that money came from had already been reported under the IMPAC filings.

Effective January 1, 2011, no group in Illinois is allowed to maintain more than one political action committee. The Illinois Association of Realtors was therefore correct in dissolving one of its two committees, and in fact should be commended for doing so well in advance of the deadline. I agree with the Committee that the transfer of funds, while sizable, should not be considered to be an actual contribution in the traditional sense. The movement of funds from one Committee to the other was essentially an internal transfer and did not represent an influx of new, outside contributions. Therefore, no A-1 was required, despite the fact that the transfer took place in the 30 day period before the 2010 General Election. I recommend that the appeal in regards to the $474,363.60 contribution be granted. In regards to the $1,000 contribution, I recommend the appeal be denied for lack of an adequate defense. However, since there is no indication the violation was anything other than inadvertent and unintentional, and since this is the first A-1 violation for this Committee, I recommend the penalty be reduced to 10% of the original assessment, or $100. As a first violation, the penalty is stayed. (As of 6/30/11, this Committee reported a funds available balance of $786,614.65.)

Tom Newman – Hearing Officer
August 9, 2011

STATE OF ILLINOIS
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs. 11 MA 016

Friends of "AJ" Wilhelmi 18614
Respondent

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment for Delinquently Filing
A Schedule A-1 for the 2010 General Election
A Schedule A-1 for the 1st Quarter of 2011

This committee received one $750 contribution, three $1,000 contributions, and two $1,500 contributions on 10/9/10, one $5,000 contribution on 10/25/10, one $11,130 contribution on 10/26/10, one $2,000 contribution on 1/5/11, three $1,000 contributions on 3/24/11, and two $1,000 contributions on 3/31/11 and failed to file these contributions on a Schedule A-1. The total assessment is $29,880.

The Respondent was represented by Michael Kasper at the August 10 appeal hearing. Also in attendance was Steve Wilhelmi the treasurer of the Committee.

Mr. Kasper indicated that the contributions from Sears Holding Management Corp ($750), Exelon Generating Company PAC ($1,000), IL State AFL-CIO PAC ($1,500), SFAA-PAC ($1,000), SUAAction ($1,000), and Associated General Contractors of IL PAC ($1,500) were all received prior to the Schedule A-1 reporting period and were all deposited on 10/9/10 (the deposit slip and checks are attached). Mr. Wilhelmi was not sure of the actual receipt dates during the hearing but he indicated that he would amend the December 2010 Semi-Annual Report to show the actual receipt dates.

In relation to the $5,000 contribution received from Senator John Sullivan the Committee had no defense other than they had only missed one Schedule A-1 contribution out of hundreds of contributions.

In relation to the IL Farm Bureau Activator in-kind contribution Mr. Kasper indicated that the Committee received two in-kind contribution notifications (attached) from this group and that the wrong date was entered as the receipt date for the $11,130 in-kind contribution. Mr. Kasper indicated that the 10/18/10 notification was received on 11/16/10 and that the Committee would amend the December 2010 Semi-Annual Report to reflect this receipt date.

In relation to the D Construction Inc contribution Mr. Kasper indicated that the contribution was actually received in 2010. The 1/5/11 date that was reported on the 1st Quarterly Report of 2011 was the deposit date as per Mr. Kasper. Mr. Wilhelmi also indicated that he would amend the Committee's reports to reflect the contribution was actually received in 2010.

In relation to the Ameren (3/31/11), Foresight Energy LLC (3/24/11), Titlemax (3/24/11), Dent-IL PAC (3/31/11) and IL State Medical Society PAC (3/24/11) contributions Mr. Kasper indicated that the Committee misunderstood the new law in that contributions of $1,000 or more must be filed on a Schedule A-1. The contributions were all for $1,000 and the old law in relation to Schedule A-1 contributions was in an aggregate of more than $500. Mr. Kasper stated that this can be confusing, because it was more than the amount in the old law and with the new law it includes the amount.

In relation to the Sears Holding Management Corp, Exelon Generating Company PAC, IL State AFL-CIO PAC, SFAA-PAC, SUAAction, and Associated General Contractors of IL PAC contributions Mr. Kasper indicated that these contributions were received prior to the A-1 period. The deposit slip and checks that were provided in relation to the deposit slip indicate that it appears the Committee may have used the deposit date rather than the receipt date on the Semi-Annual Report. In review of the dates the checks were written, the deposit slip and consideration of when the Schedule A-1 reporting period began it is conceivable that the checks could have been received prior to the Schedule A-1 reporting period as the Committee indicated. The actual receipt dates are not known to the hearing officer but based on the forgoing reasons I recommend the appeal be granted in regards to the Sears Holding Management Corp (10/9/10 $750), Exelon Generating Company PAC (10/9/10 $1,000), IL State AFL-CIO PAC (10/9/10 $1,500), SFAA-PAC (10/9/10 $1,000), SUAAction (10/9/10 $1,000), and Associated General Contractors of IL PAC (10/9/10 $1,500) contributions. Furthermore, I recommend the Committee amend the December 2010 Semi-Annual Report to reflect the actual receipt date of the contributions within 30 days of the Boards Final Order. Failure to comply with the said Order could subject the Committee to a penalty not to exceed $5,000.

In relation to the $5,000 contribution received from Senator John Sullivan I recommend the appeal be denied for a lack of an adequate defense. In addition, since there is no indication that this violation was anything other than inadvertent and unintentional, I also recommend that the penalty be reduced to 10% of the original assessment, or $500.

In relation to the IL Farm Bureau Activator in-kind contribution, I find it kind of hard to understand that the Committee received the 10/26/10 $57.99 in-kind contribution notification within 8 business days but it took the 10/18/10 $11,130 in-kind contribution notification 20 business days to be received. However, these are the dates the Committee indicated they received the notifications at the appeal hearing, and I therefore recommend the appeal be granted in relation to this violation. The date of 11/16/10 fell outside of the Schedule A-1 reporting period. Therefore, I further recommend the Committee amend the December 2010 Semi-Annual Report to reflect the actual receipt date of this contribution within 30 days of the Boards Final Order. Failure to comply with the said Order could subject the Committee to a penalty not to exceed $5,000.

In relation to the D Construction Inc contribution the Respondent did not have the deposit slip at the appeal hearing, however, it has since been submitted (attached). However, the deposit slip shows that the check was deposited on 1/7/11, not 1/5/11 as Mr. Kasper indicated. Therefore, the reason the Committee listed 1/5/11 as the receipt date is unknown at this time. The date on the check reflects the check was made out on 12/23/10, so it is conceivable that the check was received by the Committee in 2010, and this would correspond with the Committee's defense that they reported the wrong date. This does not prove that these contributions were received in 2010, but the date on the check backs up Mr. Kasper's defense that the contributions were received in 2010. The actual receipt dates are not known to the hearing officer but based on the check date and the Committee's attorney stating that the contributions were received in 2010 I recommend the appeal be granted in regards to the D Construction Inc contribution. I further recommend that the committee appropriately change the contribution received date for this contribution on an amended December 2010 Semi-Annual Report and then

file the subsequent Quarterly Report that will then need to be filed as a result to the contribution being reported in the prior report within 30 days of the Boards Final Order. Failure to comply with the said Order could subject the Committee to a penalty not to exceed $5,000.

In relation to the Ameren, Foresight Energy LLC, Titlemax, Dent-IL PAC and IL State Medical Society PAC contributions the Committee's misunderstanding of the new law is not an excuse for failing to file required reports. Section 5/9-10 (c) of the Campaign Disclosure Act states that *"A political committee shall file a report of any contribution of **$1,000 or more** electronically with the Board within 5 business days after receipt of the contribution, except that the report shall be filed within 2 business days after receipt if (i) the contribution is received 30 or fewer days before the date of an election and (ii) the political committee supports or opposes a candidate or public question on the ballot at that election or makes expenditures in excess of $500 on behalf of or in opposition to a candidate, candidates, a public question, or public questions on the ballot at that election.* Therefore, I recommend the appeal be denied for a lack of an adequate defense. In addition, since there is no indication that this violation was anything other than inadvertent and unintentional, I also recommend that the penalties be reduced to 50% of the original assessment, or $1250.00.

If these recommendations are accepted by the Board, a $1750.00 civil penalty will be due and owing. (As of 6/30/11, this Committee reported a funds available balance of $45,070.81.)

Andy Nauman

Andy Nauman – Hearing Officer
September 1, 2011

ANDREW FINKO

ATTORNEY AT LAW

P.O. Box 2249
Chicago, IL 60690

Tel: (773) 480-0616
Fax: (773) 453-3266
Green.Attorney@yahoo.com

September 14, 2011

Via EMAIL to SSandvoss@elections.il.gov

Steve Sandvoss, General Counsel
Illinois State Board of Elections
1020 South Spring St.
Springfield, IL 62704

STATE BOARD OF ELECTIONS
11 SEP 15 AM 8:48

Re: ***Friends of William J. Kelly (S10016-02)***
Campaign Disclosure Matter 10AP066/10JS229

Dear Mr. Sandvoss:

I am writing on behalf of the campaign committee "Friends of Williams J. Kelly" (the "Committee") in advance of the Board's September 19, 2011 meeting at which the Committee's campaign disclosure civil penalty will be addressed. I have received and reviewed the Report of the Hearing Examiner, and do not disagree with the factual determinations therein, but am writing for settlement purposes regarding the assessment of the late-filing civil penalty.

Specifically, the Committee was assessed a civil penalty of $2,100 for being 42 days late, at $50 per day since the Committee's expenditures during this reporting period exceeded $5,000.

On behalf of the Committee, I am requesting a reduction in the assessment of this civil penalty for the following reasons:

(1) for the reporting period at issue, the Committee's expenditures exceeded the $5,000.00 threshold by only $355.40, and otherwise, for this reporting period, the prior balance was $1,323.17, the receipts were $4,295.46, and the remaining balance was $263.23;

(2) the Committee has had little overall activity, with a fund balance of $981.86 remaining as of June 30, 2011; and

(3) the delayed filing was not due to any malfeasance, but rather the Committee's inability to locate and retain a qualified person to prepare and file the semi-annual report.

Accordingly, the Committee is requesting a variance from the civil penalty calculation provisions provided in Section 125.425, a recalculation of the civil penalty for late filing at $25 per day ($1,050 penalty), and an overall reduction of all civil penalties from $2,301 to to $1,251. For purposes of settlement pursuant to 10 ILCS 5/9-21 prior to issuance of final judgment, the Committee offers $500, which would be paid within seven (7) days. This would be the Committee's first civil penalty.

Please let me know if the Board would accept this offer, or if you would recommend a different amount. Thank you.

Sincerely,

Andrew Finko

Memorandum

From the desk of....Cristina Cray, Director of Legislation
Phone: 217-782-1577
Email address: ccray@elections.il.gov

To: Rupert Borgsmiller, Executive Director
Chairman McGuffage
Vice Chairman Smart
Subject: Campaign Finance Reform Task Force
Date: September 15, 2011

The Illinois Campaign Finance Task Force met on Thursday, September 15, 2011 at 1:00 pm in the offices of the State Board of Elections. The agenda is attached.

An Illinois version of a Clean Elections Act (public financing of campaigns) was discussed. Task Force Member William McNary will present the top issues that must be resolved regarding this issue at the October meeting. These issues include but are not limited to: who would participate (judicial, statewide, or legislative candidates); where would the funding come from (tax check off, disclosure fines or other method); how does the candidate qualify (matching donations, voluntary participation), etc.

Updates and outstanding issues regarding Illinois' recently enacted campaign finance law were also discussed. Specifically, three drafts of proposed legislative changes were discussed and will be redrafted and presented at the October 13th meeting based on Members' comments. The Task Force desires an agreement on these three pieces of legislation in time for the Fall Veto Session.

The next two meeting dates were set. They will be Thursday, October 13 and Thursday, November 17 in the State Board of Elections Springfield and Chicago offices.

Thank you.

Attachment

OFFICE OF THE GOVERNOR OF ILLINOIS
JRTC, 100 WEST RANDOLPH, SUITE 16-100
CHICAGO, ILLINOIS 60601

Illinois Campaign Finance Reform Task Force

September 15, 2011, 1-3 PM
State Board of Elections Conference Room
JRTC 100 W. Randolph, 14th Floor (Chicago)/1020 South Spring Street (Springfield)

Agenda

I. Public Finance Report
   a. The Lincoln Act (HB 1273 – 97th General Assembly)
   b. The Clean Elections Act (HB 1242/SB 1298 – 97th General Assembly)
   c. Partial Public Financing for Gubernatorial candidates (SB 938/HB 2012 – 83rd General Assembly)

II. Issues to be voted on by the Task Force – Illinois Campaign Finance Law
   a. State Political Committee definition
   b. Conduit organization contributions
   c. Contribution penalties

III. Outstanding issues
   a. Self-funded candidates' families – Rule 100.75 (i)
   b. Aggregate contributions
   c. Election Cycles: Municipalities

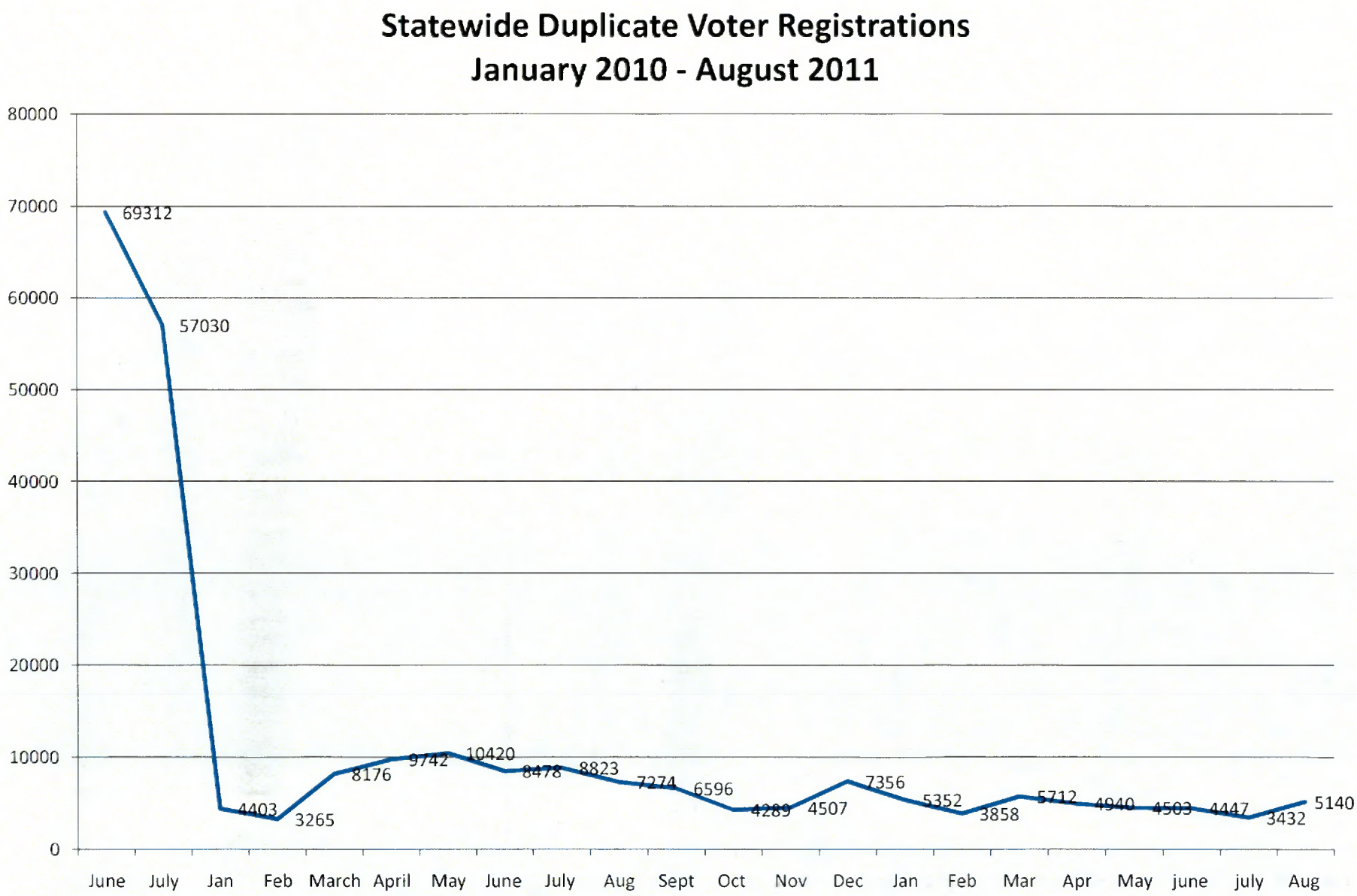
IV. Future meeting dates and next steps for reporting

Jurisdiction	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Oldest Match Date
Adams County	0	0	5	4	7	7	8	5	8	7	8	6	4	16	2/6/2009
Alexander County	41	41	40	41	5	3	3	4	7	5	5	6	5	5	2/6/2009
Bond County	3	3	5	1	5	6	1	1	2	8	9	8	12	1	8/3/2009
Boone County	12	11	14	5	6	5	9	4	5	3	8	6	5	10	2/6/2009
Brown County	0	1	1	0	0	0	0	0	0	0	0	1	2	4	2/12/2010
Bureau County	11	5	3	4	0	2	6	0	0	5	0	0	4	2	2/6/2009
Calhoun County	0	0	0	1	0	1	1	1	0	0	0	0	0	0	n/a
Carroll County	2	3	2	0	3	1	0	0	5	1	1	1	0	1	2/6/2009
Cass County	16	16	19	0	0	5	8	0	3	1	1	0	0	2	9/2/2011
Champaign County	39	24	42	13	43	129	12	10	88	110	16	17	10	195	2/6/2009
Christian County	0	0	3	13	7	13	3	3	3	2	2	3	2	1	2/6/2009
Clark County	6	6	6	6	7	8	5	5	6	6	5	5	4	4	2/6/2009
Clay County	69	79	58	60	60	62	52	52	58	65	62	67	57	46	2/6/2009
Clinton County	50	50	30	28	16	20	15	16	17	16	21	11	3	6	2/6/2009
Coles County	38	34	29	31	18	16	14	14	14	5	4	4	2	6	2/6/2009
Cook County	3,231	2,477	2,277	1,271	1,446	2,357	1,770	1,393	1,988	1,773	1,679	1,717	1,270	1,943	2/6/2009
Crawford County	48	49	43	47	17	22	19	18	11	11	11	13	7	21	2/6/2009
Cumberland County	4	4	5	8	4	1	0	0	1	0	0	1	0	0	n/a
DeKalb County	66	43	35	31	22	29	20	19	23	4	4	4	4	12	2/6/2009
DeWitt County	66	61	2	4	2	4	3	2	2	2	2	6	3	2	2/6/2009
Douglas County	1	1	1	0	1	2	404	0	1	1	0	0	0	0	n/a
DuPage County	328	135	69	41	183	368	0	34	51	25	47	29	27	60	2/6/2009
Edgar County	12	12	1	1	0	0	0	0	0	0	0	0	1	0	n/a
Edwards County	3	4	2	5	2	2	2	2	2	4	4	4	5	4	2/6/2009
Effingham County	6	6	6	2	0	1	1	1	0	0	0	1	0	2	3/18/2011
Fayette County	18	15	15	13	12	11	11	10	11	11	9	14	12	17	2/6/2009
Ford County	2	4	8	3	4	22	1	1	1	2	1	1	2	0	n/a
Franklin County	69	68	73	82	65	70	60	59	62	60	58	60	61	60	2/6/2009
Fulton County	11	11	15	7	5	9	7	4	7	7	4	4	5	6	2/6/2009
Gallatin County	0	0	0	1	2	2	1	1	1	1	1	1	1	1	7/29/2011
Greene County	7	2	1	1	4	4	3	4	1	1	4	3	7	1	3/18/2011
Grundy County	19	15	19	9	30	42	25	27	52	0	2	3	9	10	2/6/2009
Hamilton County	0	1	1	0	0	0	0	0	0	0	0	0	2	0	n/a
Hancock County	1	1	2	1	3	3	1	1	1	2	2	1	0	2	2/6/2009
Hardin County	6	4	0	0	1	1	0	0	0	1	2	1	0	0	n/a
Henderson County	0	0	0	0	0	0	0	0	1	0	0	0	0	0	n/a
Henry County	27	25	22	17	17	20	17	17	19	17	13	5	6	5	12/17/2010
Iroquois County	14	20	24	28	7	15	5	5	1	2	1	2	1	5	2/6/2009
Jackson County	26	24	24	28	16	28	15	14	20	22	17	20	15	14	2/6/2009
Jasper County	5	6	7	10	5	3	4	0	0	0	1	2	2	4	5/26/2099

Jurisdiction	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Oldest Match Date
Jefferson County	6	6	1	0	0	0	0	0	1	0	0	1	0	0	n/a
Jersey County	6	6	6	8	11	9	13	12	15	15	17	17	17	19	2/6/2009
JoDaviess County	0	0	0	0	1	0	0	0	0	0	0	0	0	0	n/a
Johnson County	13	11	8	7	1	2	1	1	1	0	0	1	0	0	n/a
Kane County	117	50	37	51	44	92	32	19	35	17	21	16	5	27	2/6/2009
Kankakee County	41	44	45	55	67	93	9	5	21	8	12	18	7	90	5/26/2009
Kendall County	50	23	18	9	15	12	6	4	5	0	4	2	5	6	9/3/2009
Knox County	13	15	16	18	1	5	7	7	0	1	1	5	9	9	9/10/2010
Lake County	157	118	152	47	44	214	193	18	51	23	54	32	16	36	2/6/2009
LaSalle County	106	82	17	10	10	21	14	6	22	11	16	9	4	14	2/6/2009
Lawrence County	2	2	2	2	1	2	1	0	1	0	1	1	1	0	n/a
Lee County	4	3	2	1	4	3	0	0	1	0	0	0	0	0	n/a
Livingston County	4	8	9	6	8	12	1	1	3	5	4	1	1	3	5/13/2011
Logan County	13	13	4	2	6	5	4	5	12	5	5	4	4	4	2/6/2009
Macon County	4	5	8	21	7	25	8	4	8	3	3	1	2	45	2/6/2009
Macoupin County	4	6	5	11	4	12	5	6	8	3	1	0	1	5	2/6/2009
Madison County	30	26	46	27	29	35	18	17	34	16	27	20	13	18	2/6/2009
Marion County	53	64	35	39	26	27	18	18	29	24	29	22	20	33	2/6/2009
Marshall County	2	2	1	1	1	0	3	2	0	1	2	6	0	2	6/17/2011
Mason County	1	0	0	0	1	1	0	3	1	0	0	0	0	0	n/a
Massac County	6	6	6	9	4	4	3	3	5	3	3	3	3	3	2/6/2009
McDonough County	3	3	6	6	9	9	6	2	5	2	2	2	3	5	2/6/2009
McHenry County	31	15	50	92	35	125	50	4	7	34	69	74	4	10	2/6/2009
McLean County	39	30	3	3	6	44	7	4	20	21	9	13	5	32	2/6/2009
Menard County	38	5	5	8	2	3	3	2	2	1	1	1	1	1	2/6/2009
Mercer County	139	141	142	142	146	148	150	148	149	131	113	12	12	10	2/6/2009
Monroe County	1	5	5	6	8	6	2	2	2	2	6	7	0	2	2/6/2009
Montgomery County	0	4	2	2	4	13	4	3	9	10	13	7	10	1	3/18/2011
Morgan County	19	16	16	12	3	11	4	3	6	3	2	0	9	12	2/12/2010
Moultrie County	0	0	1	0	3	0	0	0	0	0	0	1	0	0	n/a
Ogle County	1	3	0	1	2	7	10	0	1	0	1	1	3	3	2/6/2009
Peoria County	7	4	4	0	4	19	1	2	2	2	4	0	3	5	2/6/2009
Perry County	0	3	6	5	1	4	0	0	1	0	0	0	0	0	n/a
Piatt County	6	2	2	6	1	4	2	2	1	2	2	2	1	0	n/a
Pike County	7	7	7	9	9	12	10	10	9	11	12	13	3	0	n/a
Pope County	5	1	1	1	1	2	0	0	1	2	1	1	2	1	3/18/2011
Pulaski County	20	20	16	20	4	4	0	0	2	2	1	1	2	2	2/6/2009
Putnam County	2	2	1	2	0	2	0	0	2	0	0	0	0	0	n/a
Randolph County	2	4	3	3	2	3	0	0	3	0	1	3	0	0	n/a
Richland County	20	22	15	20	11	13	7	6	5	6	5	6	6	7	2/6/2009

Jurisdiction	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Oldest Match Date
Rock Island County	135	138	151	154	163	178	180	188	124	182	177	75	70	63	2/6/2009
Saline County	1	0	1	1	1	2	4	4	2	1	7	8	8	2	5/31/2011
Sangamon County	60	29	37	42	21	63	15	20	42	16	15	21	14	16	2/6/2009
Schuyler County	2	1	4	2	4	9	9	0	4	1	2	0	0	0	n/a
Scott County	3	2	6	1	0	5	2	2	3	3	2	3	8	3	12/22/2010
Shelby County	1	1	1	3	1	2	0	0	0	1	1	1	0	3	2/6/2009
Stark County	0	0	0	1	0	0	0	0	0	0	1	2	2	2	2/6/2009
St. Clair County	47	41	46	43	50	77	26	28	43	29	46	38	16	16	2/6/2009
Stephenson County	0	1	3	2	1	2	2	2	12	2	3	2	4	7	2/6/2009
Tazewell County	17	14	37	19	17	81	19	24	16	29	39	29	21	27	2/6/2009
Union County	32	35	30	33	24	33	17	17	28	29	24	22	20	25	2/6/2009
Vermilion County	6	6	6	3	3	3	3	3	4	3	4	3	2	3	8/27/2009
Wabash County	0	1	1	0	0	2	1	0	0	0	1	1	3	6	2/6/2009
Warren County	8	9	9	3	5	7	2	0	2	1	1	2	1	5	3/18/2011
Washington County	11	13	14	16	7	7	5	4	4	4	6	6	6	6	2/6/2009
Wayne County	34	41	30	35	34	31	28	28	31	33	34	37	34	16	2/6/2009
White County	1	2	0	0	1	3	2	2	1	3	3	3	4	5	11/8/2010
Whiteside County	6	9	9	8	7	11	7	6	9	5	6	2	2	2	6/18/2010
Will County	380	265	357	340	420	578	437	412	596	586	193	138	50	233	2/6/2009
Williamson County	93	95	94	102	57	65	43	42	45	43	45	46	45	48	2/6/2009
Winnebago County	28	19	14	46	35	39	25	8	10	7	10	5	4	6	2/6/2009
Woodford County	1	1	1	0	0	4	0	0	0	0	0	0	0	2	8/3/2009
City of Aurora	27	14	19	7	17	6	12	14	3	14	2	3	4	20	2/6/2009
City of Bloomington	9	9	9	14	11	15	5	6	6	4	5	8	4	4	2/6/2009
City of Chicago	2,620	2,449	2,056	899	1,037	1,755	1,382	985	1,714	1,346	1,383	1,626	1,349	1,703	2/6/2009
City of Danville	2	2	3	2	3	7	3	2	6	3	8	3	6	4	2/6/2009
City of East St. Louis	45	18	9	5	3	12	5	5	10	8	6	11	4	3	2/6/2009
City of Galesburg	5	8	8	7	2	6	10	4	3	3	3	3	5	6	9/3/2010
City of Peoria	6	2	13	2	4	39	2	2	23	35	20	9	14	19	2/6/2009
City of Rockford	14	11	16	20	18	17	8	4	19	5	10	10	10	12	2/6/2009
	8,823	7,274	6,596	4,289	4,507	7,356	5,352	3,858	5,712	4,940	4,503	4,447	3,432	5,140	

Statewide Duplicate Voter Registrations
June 2009 - April 2011



MEMORANDUM

From the desk of… ***Jim Withers, Director of Administrative Services***
State Board of Elections
Phone: 217-782-1595
Email address: jwithers@elections.il.gov

TO: Members of the Board

RE: Facility update

Date: September 12, 2011

The selection recommendation is complete and was posted September 7 to the Procurement System. The selected site is the facility located at 2329 S. Macarthur Blvd.

Now the following steps must occur:

- Negotiations begin with proposer to iron-out all the details of the deal,
- Negotiated deal is reduced to writing in the form of a Lease contract,
- The contract is then signed by the Lessor and our Agency,
- The contract is Published on the State Procurement Purchasing site where it must sit for at least 30-days,
- After 30-day posting period is complete the State Purchasing Officer and CMS Director will sign the Lease,
- The Lessor's architect/space planner will have a meeting with us and CMS to determine the layout of the Facility,
- Construction/remodeling will begin. (approximate date November 1).
- Agency will move into the remodeled facility. (approximate date January 28).

Executive Director Borgsmiller, myself, Kelley Gray and Kevin Turner met with two of the building owners, and a representative from CMS Property Management on Friday, September 8 to determine a preliminary layout of the facility and to answer any questions.