STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
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James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago Illinois 60601
312/814-6440 TTY: 312/814-6431
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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, November 17, 2009
10:30 a.m.

James R. Thompson Center – Room 9-040
Chicago, Illinois
And via videoconference
1020 South Spring Street
Springfield, Illinois

Call State Board of Elections to order.

Recess as the State Board of Elections and convene as the State Officers Electoral Board (SOEB agenda sent under separate cover).

Recess as the State Officers Electoral Board and reconvene as the State Board of Elections.

1. **Approval of the minutes from the October 20 regular meeting. (pgs.1-5)**

2. **Report of the Executive Director**
   - a. **Preparations for the February 2, 2010 General Primary Election;**
     - 1) **Candidate petition filing; (pgs.6-8)**
     - 2) **December special Board meeting; (pg.9)**
     - 3) **Election judge training schools – informational; (pgs.10-11)**
   - b. **Voting systems testing;**
     - 1) **Sequoia system modification; (pg.12)**
     - 2) **AccuVote modification; (pg.13)**
     - 3) **Status of under-vote feature; (pgs.14-15)**
   - c. **Alexander County update; (pgs.16-17)**
   - d. **BEREP update; (oral report)**
   - e. **Legislative update; (pgs.18-45)**
   - f. **IVRS update – informational; (pgs.46-49)**
   - g. **Lump-Sum update; (pgs.50-51)**
   - h. **Fiscal status reports – informational;**
     - 1) **FY10 – month ending October 31; (pgs.52-60)**
     - 2) **Help Illinois Vote Fund; (pgs.61-66)**
     - 3) **EAC Data Collection Grant; (pgs.67-68)**
   - i. **Two year plan of staff activity for the months of November and December – informational. (pgs.69-71)**

3. **Report of the General Counsel**
   - a. **Campaign Disclosure;**

Motion for Reconsideration
1) *SBE v. Friends of Kris Wasowicz,* L14885, 09JS079; (pgs.72-76)
2) *SBE v. New Broadview Tea Party,* S9988, 09JS211; (pgs.77-82)

Consideration of civil penalty assessment for failure to comply with a Board Order
3) *SBE v. Citizens for Munoz,* 09CD039; (pgs.83-86)
4) *SBE v. 22nd Ward Democratic Committeeman Fund,* 09CD042; (pgs.87-90)

Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeals be granted
5) *SBE v. Pangle for the People,* L13223, 09JS045; (pgs.91-93)
6) *SBE v. WCHS District 308 Referendum Committee,* L15085 09JS093; (pgs.94-96)
7) *SBE v. Friends of Rachel Shattuck,* S9731, 08AG017; (pgs.97-103)

Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeals be denied
8) *SBE v. Citizens for O'Halloran,* L5248, 09JS011; (pgs.104-106)
9) *SBE v. Burns for Mayor,* L10125, 09JS022; (pgs.107-110)
10) *SBE v. Citizens to Elect Sue Low,* L12396, 09CE009; (pgs.111-114)
11) *SBE v. Friends of ECC,* L13221, 09JS044; (pgs.115-117)
12) *SBE v. Citizens for Naperville Township Republicans,* L15109, 09CE037; (pgs.118-120)
13) *SBE v. The Fifth District Ward PAC,* S6360, 09JS152; (pgs.121-123)
14) *SBE v. The Fifth District Precinct Fund,* S7115, 09JS156; (pgs.124-126)
15) *SBE v. Citizens to Elect Eddie Washington,* S8022, 08AG074; (pgs.127-133)

Other campaign disclosure items
16) Hearing officer report on unauthorized practice of law involving New Broadview Tea Party and American Campaigns; (pgs.134-141)
17) Request for payment plan – *Cunningham Campaign Committee;* (pgs.142-145)
18) Potential ballot forfeiture for 2010 – informational; (pgs.146-152)
19) Payment of civil penalties – informational; (pg.153)

Complaint following closed hearing (separate packet)
20) *Gerry Walsh v. John Heisler, Nunda Township Supervisor,* 09CD064;

b. Request for AG Opinion on Acceptance of Resolutions to Fill Vacancies in Judicial Nominations. (pgs.154-155)

4. Other business. (pg.156)

5. Comments from the Chairman and Vice Chairman. (pg.156)

6. Comments from the general public. (pg.156)

7. Next Board meeting Thursday, December 3, 2009 at 10:30 a.m. in Chicago. (pg.156)

8. Executive Session. (pgs.157-165)

STATE BOARD OF ELECTIONS
MINUTES
Tuesday, October 20, 2009

MINUTES

PRESENT:
Bryan A. Schneider, Chairman
Wanda L. Rednour, Vice Chairman
Patrick A. Brady, Member
John R. Keith, Member
Albert S. Porter, Member
William M. McGuffage, Member
Jesse R. Smart, Member
Robert J. Walters, Member (arrived at 11:12 a.m.)

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

Chairman Schneider called the regularly scheduled monthly board meeting to order at 10:49 a.m. and lead everyone in the pledge of allegiance. Seven members were present with Member Keith present via video conference in the Springfield office. Member Smart held Mr. Walters proxy until his arrival at 11:12 a.m.

The minutes of the September 21 regular meeting were presented for adoption. Executive Director White noted changes proposed by Member Keith. Member Porter moved to accept the minutes as revised and Member Smart seconded the motion which passed unanimously by 8 voices in unison.

To clarify a motion from the September 21st, Member Keith moved to confirm the action taken in executive session in September and offer the position of Director of Campaign Disclosure to Sharon Steward. Member Smart seconded the motion which passed unanimously by 8 voices in unison.

The Director indicated an addition to the agenda, a proposal by staff to move the November Board meeting, but will be addressed when we get to that item.

Mr. White began his report seeking support of a resolution presented to McHenry County Clerk Kathy Schultz, who celebrated 50 years in government service, serving 31 years as Clerk. Ken Menzel and the Director attended a reception in Clerk Schultz' honor on Friday, October 16th. Member Smart moved to approve the resolution and Vice Chairman Rednour seconded the motion. The motion passed unanimously by roll call vote.

Mrs. Felts, VOSS Director, was asked for an update on the Accu-Vote under vote feature. Mr. Steve Pearson and Ms. Kathy Rogers of Premier/ES&S were present via teleconference. Ms. Felts confirmed that she has had several contacts with both Mr. Pearson and Ms. Rogers and that progress has been made, however, according to the vendor's plan, the voter will be notified of all under and over voted offices. At that time the voter may override those votes, or change the ballot. Discussion ensued among the board regarding secrecy of the ballot if the voter has to leave the voting booth; costs to the counties; and the possibility of a special meeting to consider approval of the voting system. Director Felts indicated that this change is going through an EAC approved lab, and her staff will test at the same time. Mr. Bob Saar, Executive Director of the DuPage County Board of Election Commissioners asked to speak to this matter. He indicated concerns regarding software changes; if it audits the ballot for every office, not just constitutional offices, we may run into a very

serious problem. He said that the Department of Justice had many questions regarding equal protection if all counties did not audit for undervotes in federal offices. Mr. Tim Berthel from Vermillion County asked if the Board had any information on internet voting in Illinois. The Chairman advised him that would be an issue for the legislature. Mrs. Felts concluded that no action is required today, but a special meeting may be necessary when iBeta and the SBE complete their testing.

Mr. White brought the news of serious financial problems plaguing Alexander County to the Board's attention and indicated that he invited Clerk Kline to attend the meeting to discuss the matter and consider options for assistance. He said that the SBE and Alexander County have a partnership in aiding elections. Election Information Director, Mark Mossman, contacted Alexander County officials and was informed that ES&S had been paid and they are fully prepared for the February Primary. Mr. Mossman confirmed that we will send staff to Alexander County to assist them during the primary.

Preparations for the February 2 General Primary Election, including candidate petition filing and judges of election schools were presented for informational purposes. Mr. White added that this is where he added consideration of changing the November Board meeting. He recommended conducting the SBE and the State Officers Electoral Board (SOEB) meeting simultaneously in Chicago on Tuesday, November 17th as that would accommodate objection filed on the second to the last date. The Board agreed to the schedule the November meeting as recommended.

To enforce Business Entity Registration Reporting, Mr. White presented a written report and Assistant Executive Director, Rupert Borgsmiller, reported on 7 steps implemented for compliance. The complaint procedure would follow the hearing procedure and schedule outlined in 9-20. He added that pre complaint letters have been sent to business entities that registered on paper but have not re-registered with the SBE. One outstanding issue regarding publishing businesses who have not re-registered on the SBE website and when it should be posted was discussed at length. Member Keith moved to publish business names on the SBE website who have not re-registered after completion of the complaint procedures. Member McGuffage seconded the motion which passed unanimously by roll call vote.

Director White asked Cris Cray, Director of Legislative Affairs, to report on legislation. Ms. Cray said that a Constitutional Amendment, dealing with Recall, will be on the November 2010 ballot. HB 723, states that a managing committee make still make an appointment, but that person must go-out and collect-signatures. This bill was overridden in the House and will go to the Senate next week. Expect a trailer bill. SB 51 regarding Business Entity Registration Program "BEREP" has a trailer bill, SB1732. This is still a work in progress. SB1466, Ethics, is now unofficially on Amendment #4 and has not passed either chamber. There will be a supplemental, however one appropriation-director stated that they will only add money that the Governor cannot sweep. This includes our Retirement line, Election Judges, etc. Also, there will be a bill to sweep and increase funds for agricultural and natural resources.

Mr. White continued his report with a review of the minutes of Executive Session. He indicated that General Counsel Sandvoss and he reviewed the minutes and concluded that with the exception of April 20, 2009, Discussion of *Jerry Lemmons v. Douglas* Aurand, 09CD 008, following closed preliminary hearing; and May 18, 2009, discussion of *Jerry Lemmons v. Douglas* Aurand, 09CD014 following closed preliminary hearing, confidentiality does not exists as to the remaining minutes. He added that release of the minutes for public inspection does not release the verbatim recording of the session and specific authorization from the Board is required to release such recordings. Member Smart moved and Member McGuffage seconded a motion to make the executive session minutes public other than the items on page 29. The motion passed unanimously by roll call vote.

The Director presented an IVRS report on pages 30 through 33 as a regular monthly item from Kyle Thomas, Voting Registration Services Director. Chairman Schneider noted that the report is helpful information and shows the power of the statewide database. The Board had no questions for Mr. Thomas.

Director White noted that there has been little activity and presented a revised FY10 Lump Sum Appropriation and copy of the summary page of the monthly fiscal report containing the allocations and spending activity to date.

Fiscal status reports for FY10 month ending September 30; Help Illinois Vote Fund' and EAC Data Collection Grant; as well as the two-year plan of staff activity for October and November were presented for informational purposes. This concluded the Executive Directors Report.

Steve Sandvoss, General Counsel began his report with a violation of a board order and summarized the *SBE v. Friends of Alderman Madeline Haithcock*, 08CD036 matter. He said that a Final Order was issued by the Board on May 19, 2009 where the committee was ordered to correct discrepancies within 90 days of the Order. He recommended that the Committee be given an additional 60 days to correct discrepancies. Mr. Robert L. Andersen was recognized as an attorney for the Respondent. He indicated that the committee has been working towards a goal of clarifying certain information with a goal to get the amended report filed. Member Porter moved to adopt the recommendation of the General Counsel and issue a second Order to file completed reports within 60 days. Member Smart seconded the motion which passed unanimously by roll call vote.

Mr. Sandvoss continued with an appeal carried over from August wherein the Hearing officer recommended the appeal in *SBE v. Will County Democratic Central Committee,* S560, 08AG037 be denied. The Hearing Examiner recommended granting the appeal of a $10,000 contribution that was received, but not honored by the bank. But, that the appeal be denied for newspaper ads of $4500. Further, to reduce the $4500 penalty by 50% equaling $2250 and Mr. Sandvoss concurred. The Chairman recognized Ms. Natalie Manley, an accountant and Diane Nyman for the Committee. Ms. Manley indicated that her firm had been hired by the Committee to handle future filings and they will try not to let this happen again. Member Smart moved to adopt the Hearing Examiner and General Counsel's recommendations to deny the appeal and assess the 50% of the fine resulting in a civil penalty of $2250. Member McGuffage seconded the motion which passed unanimously by roll call vote.

The General Counsel agreed with the Hearing Examiner that the appeal be granted in *SBE v. Citizens to Elect Andre Thapedi,* S9041, 09DS185. He said that the documents were damaged in a flood and the committee submitted evidence supporting that fact. Chairman Schneider acknowledged Mr. John Fogarty, attorney for the Respondent. Member Porter moved to adopt the recommendations of the hearing examiner and general counsel and grant the appeal. Member Walters seconded the motion which passed 8-0 by roll call vote.

SBE v. Mason County Democratic Central Committee, S388, 08DS122; *SBE v. St. Clair County Republican Central Committee,* S962, 08GE060; *SBE v. Citizens for Rosemary Mulligan,* S4707, 08AG032 & 08AG065; and *SBE v.Coulson Campaign Committee*, S6476, 08AG068 were presented wherein the hearing examiner recommended the appeal be granted and Mr. Sandvoss concurred. Member Smart moved and Vice Chairman Rednour seconded the motion to grant the appeals. The motion passed unanimously by roll call vote.

Mr. Sandvoss presented *SBE v. GOP Action Team,* L15257, 09AE008. He noted that documents were submitted to support the electronic error and agreed with the Hearing Examiner that a "cloning error" caused the report to be timely filed. Further that the appeal be granted, but that any future electronic problems will not be looked on favorably. Member Keith so moved and Vice Chairman Rednour seconded the motion which passed 7-0-1 with Member Brady's abstention.

A new appeal in the matter of *SBE v. Citizens for Durkin,* S6345, 08AG068 was filed. The hearing officer found that the documents and statements submitted were received following the close of the Schedule A-1 filing period and no filing was required. He recommended the committee amend its December 2008 semiannual report to correct the date the contributions were acknowledged within 30 days of the Board's order. Further that the appeal be granted and the General Counsel concurred. Mr. John Fogarty filed an appearance on behalf of the committee and was present. Member Walters moved to accept the recommendations of the Hearing Examiner and General Counsel to grant the appeal and the

committee be required to file amended reports within 30 days of the Board's Order. Member McGuffage seconded the motion which passed unanimously by roll call vote.

General Counsel Sandvoss summarized *SBE v. The Committee to Elect Jeremy Karpen for State Representative*, S9734, 09DS249. The hearing examiner recommended granting the appeal as the treasurer had a new computer that was not compatible with Vista. Further, to be consistent with previous Board decisions when electronic filing is used as a defense, since the problem has been resolved this defense will not be looked on favorably a second time. Mr. Sandvoss agreed with the recommendation. Member Smart moved to grant the appeal based on the recommendations of the hearing examiner and general counsel. Vice Chairman Rednour seconded the motion which passed 7-1 with Member Keith voting no.

New appeals of campaign disclosure fines wherein the hearing examiner recommends denial were presented. Mr. Sandvoss concurred with the hearing examiner's recommendation. Member Smart moved and Member Keith seconded the motion to deny the appeals in the following cases: *SBE v. Westmont Village Committee,* L12726, 09CD013; *SBE v. Committee to Elect Pamela Palmer,* L13577, 08GA20; *SBE v. The PEP Party,* L 15097, 09AE006; *SBE v. Graham for 202,* L15242, 09CE051; *SBE v. Committee to Elect Rickey Hendon*, S6825, 08AP041; *SBE v. Friends of Mattie Hunter,* S8427, 08AG046; *SBE v. Citizens for Beaubien,* S6518, 08AG070; *SBE v. Committee to Elect Laura Morask*, S9501, 08AG051; and *SBE v. Cook County Bar Association PAC*, S9836, 08DS252. The motion passed unanimously by roll call vote.

The General Counsel presented a summary of *SBE v. Vermilion County Democratic Party,* S1100, 08AG082. Mr. Tim Berthel, treasurer for the respondent, was present and reiterated his reasons for the appeal that he thinks that a new treasurer should be given a clean slate. Mr. Sandvoss agreed with the Hearing Examiner that the appeal be denied for lack of an adequate defense and allowing each new treasurer to begin with a clean slate would potentially open a large loophole in enforcement. Further that the violation was inadvertent and unintentional and that the penalty be reduced 50% of the assessed civil penalty, or $1000 since this is a second penalty assessment. Member Keith moved to deny the appeal and adopt the recommendations of the Hearing Examiner and General Counsel. Member Brady seconded the motion which passed 8-0 by roll call vote.

Mr. Sandvoss presented *SBE v. Citizens for Ronald A. Wait,* S2926, 08AG082. He indicated that the committee was fined $71,960 for failure to timely file A-1s. Mr. John Fogarty filed an appearance for the respondent, but left the premises. The Hearing Examiner recommended the appeal be denied, but since this is the first delinquent filing of an A-1 by this committee the penalty being reduced to 10% of the original assessment or $7,197. The General Counsel concurred. Member Porter moved and Member Keith seconded a motion to adopt the recommendations of the Hearing Office and concurred by the General Counsel to deny the appeal and assess the penalty. The motion passed unanimously by roll call vote.

General Counsel Sandvoss presented an appeal for a delinquent filing of an A-1 and concurred with the recommendation of the Hearing Examiner. The committee did not present a valid defense, but since this was a first violation the civil penalty be reduced to 10% of the original assessment or $290. Further the stay be lifted from the $142 civil penalty totaling $432. Mr. Rich Kelly was present, he said that the first fine was a mistake and should not have been assessed. Mr. Sandvoss indicated that the committee has 7 days to appeal an order of the Board and Mr. Kelly did not appeal that order. Member Walters moved to accept the recommendations of the Hearing Examiner and General Counsel and deny the appeal and assess the penalty. Member Keith seconded the motion which passed 7-1 with Member Smart voting no.

With the exception of one committee, Citizens Organized for Public Safety, L4214, who paid their fine, Mr. Sandvoss asked the Board to issue Final Board Orders to committees listed on pages 221, 222, and 223 of the Board packet. Member Keith so moved and Member Smart seconded the motion. The motion passed 8-0 by roll call vote.

Chairman Schneider asked for a motion to recess to executive session to discuss campaign disclosure matters, litigation and personnel. Member Brady so moved and Vice Chairman Rednour seconded the motion. The motion passed by 8 voices in unison. The meeting recessed at 12:53 p.m.

The Board returned to open session at 1:35 p.m. with all members present by roll call vote.

Member Keith moved to accept the recommendation of the Hearing Officer in finding justifiable grounds, but no public hearing and refer *Adam Moodhe v. Committee to Elect Lisa Stone Buffalo Grove* Trustee, 09CD061; *Jeff Kissinger v. Party for Yesterday, Today,* Tomorrow, 09CD062; and *Gerry Walsh v. Nunda Neighbors for Open* Space, 09CD063 to the Campaign Disclosure staff for assessment. Member Brady seconded them motion which passed unanimously by roll call vote.

Member Keith moved to approve a new four year term for Director of Elections, Mark Mossman and Member Brady seconded the motion. The motion passed unanimously by roll call vote.

Member Walters moved to authorize the Executive Director to allot annual increases to the directors as directed in Executive Session. Member Brady seconded the motion which passed 8-0 roll call vote.

There being nothing further before the Board, Member Brady moved to adjourn. Member Smart seconded the motion and the motion passed unanimously by 8 ayes in unison and none opposed.

The meeting adjourned at 1:40 p.m.

Dated: October 26, 2009

Respectfully submitted,

Daniel W. White, Executive Director

Darlene Gervase

Darlene Gervase

STATE BOARD OF ELECTIONS

From the desk of.... Mark Mossman, Director of Election Information
Phone: 217-557-0855
Email: mmossman@elections.il.gov

To: Daniel W. White, Executive Director
Re: October 26 through November 2 Filing Period
Date: November 6, 2009

The October 26 through November 2 filing period was one of the most successful ever despite numerous challenges. Staff received many compliments for conducting an efficient process and for treating filers with courtesy, compassion, and respect. One filer wrote "Thank you for doing such a good job. You made what could be an unpleasant, hectic experience a lesson in how government agencies should work." This success is the culmination of several months of planning, excellent procedures, an aggressive training program for staff, and exemplary performance by each staff member. Recognition and appreciation of staff is in order for their outstanding performance.

A total of 859 petitions were filed with 568 (542 8:00 AM filers) being filed on the first day. Filers started lining up at noon on Saturday, October 24; on the 26th the line extended north along Spring Street and east along Scarritt Street beyond the next block. All 8:00 AM filers were processed by 10:30 AM on the first day even though we had four fewer data entry stations than we had in 2007 due to a significant reduction of available space.

Staff performance on the last day of the filing period was simply phenomenal. The number (205) of petitions filed on November 2 was one of the largest last-day filings ever and was conducted flawlessly and simultaneously with petition viewing and copying, scanning and voter searches. Again, staff should be recognized and commended for this tremendous accomplishment.

To give you some idea of the volume of work performed during this time, 859 petitions were filed, consisting of 174,475 pages. By the morning on November 5, 703 requests for copies of petitions (totaling 160,335 pages) had been processed. Copy requests are completed each day, with staff copying until 11:00 PM on October 26th due to the large number of petitions requested that day. Copy requests are not accepted until 3:00 PM the first day to allow IT staff time to install necessary equipment. Petition requests for viewing totaled 187 (consisting of 63,676 pages). All petitions must be inventoried and discrepancies logged each time a petition is disassembled, copied, made available for viewing and returned for storage; a very labor intensive, time consuming process.

For the first time ever, all petitions were scanned (conducted simultaneously with petition copying) with all 174,475 pages completely scanned by 5:00 PM on November 3. The scanning of all documents added significantly to the amount of work; as a result, temporary help (10 temps. from the Alice Campbell Agency) were used starting at 3:00 PM on October 26 through November 3 to assist staff with copy requests, scanning and viewing. During this time, only one or two election staff (division heads) were available to provide phone coverage and other support services as all other staff were involved with copying, viewing, scanning and voter searches: not an ideal situation.

The benefits of scanning are several. Most notably, and for the first time, imaging creates a permanent record of all filings. Printing from the scanned copy rather than handling the original petition for additional requests, enhances the security and protects the integrity of these documents. Once petitions are scanned, copies of the petition can be printed in the Chicago office rather than printed in Springfield and shipped to Chicago. This enables a quicker turn around, benefiting the requestor as well as providing cost savings for the SBE.

For this filing period, a compact disc (CD) containing a scanned copy of each petition requested was provided in addition to each printed copy. This has been well received by petition requestors. Some individuals just wanted the CD, a practice which we will encourage in the future as we migrate away from printed copies. At some point, we may even consider making this information available on the SBE website.

I am most sincerely grateful to all staff for their efforts during this time and want to congratulate each for a job "well-done".

Law Offices of Fred M. Morelli, Jr.

403 W. Galena Blvd., P.O. Box 1416
Aurora, IL 60507-1416
630-892-6665

Fred M. Morelli, Jr. ***Nischal Raval***

October 27, 2009

Director and Staff
State Board of Elections
1020 South Spring Street
P.O. Box 4187
Springfield, IL 62708

Dear Director and Staff:

Having been a recipient of your services in 2007 and 2009, I had to write this letter and let you know what a pleasure it was to be at your facility, have my petitions accepted for filing and be treated with such courtesy, efficiency, pleasantness and respect.

Thank you for doing such a good job. You made what could be an unpleasant, hectic experience a lesson in how government agencies should work.

Very truly yours,

LAW OFFICES OF FRED M. MORELLI, JR.

Fred M. Morelli, Jr.
FMM:meh

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Members of the Board

SUBJECT: December Special Board Meeting

DATE: November 4, 2009

The Special Judicial Filing Period is November 16 – November 23 and objections to candidates filing during this period can be filed November 24 – December 1. Based on statutory requirements and likelihood that any objection will be filed at the end of the objection period, staff proposes that the Board set Thursday, December 10 or Friday, December 11 as the first day to meet as the State Officers Electoral Board should such a meeting be required.

Judges Schools GP 2010

Date	Jurisdiction	No. of Schools	Attendance	Zone
Monday, December 28, 2009	Aurora	2	0	Four
Tuesday, December 29, 2009	Aurora	2	0	Four
Wednesday, December 30, 2009	Aurora	2	0	Four
Monday, January 04, 2010	Alexander	1	0	One
Monday, January 04, 2010	Marion	1	0	One
Tuesday, January 05, 2010	Marion	2	0	One
Tuesday, January 05, 2010	Saline	2	0	One
Wednesday, January 06, 2010	Gallatin	2	0	One
Wednesday, January 06, 2010	Menard	2	0	Two
Wednesday, January 06, 2010	Montgomery	3	0	Two
Thursday, January 07, 2010	Massac	2	0	One
Thursday, January 07, 2010	Morgan	2	0	Two
Friday, January 08, 2010	Morgan	2	0	Two
Monday, January 11, 2010	Coles	3	0	Three
Monday, January 11, 2010	Union	2	0	One
Tuesday, January 12, 2010	Greene	2	0	Two
Tuesday, January 12, 2010	Jackson	2	0	One
Tuesday, January 12, 2010	Scott	1		Two
Wednesday, January 13, 2010	Jackson	2	0	One
Wednesday, January 13, 2010	Macoupin	2	0	Two
Wednesday, January 13, 2010	Vermilion	3	0	Two
Thursday, January 14, 2010	Calhoun	2	0	Two
Thursday, January 14, 2010	Hardin	1	0	One
Thursday, January 14, 2010	Pope	1	0	One
Thursday, January 14, 2010	Whiteside	2	0	Four
Thursday, January 14, 2010	Woodford	2	0	Three

Date	Jurisdiction	No. of Schools	Attendance	Zone
Monday, January 18, 2010	Cass	2	0	Two
Tuesday, January 19, 2010	Brown	2	0	Two
Tuesday, January 19, 2010	Monroe	3	0	One
Wednesday, January 20, 2010	Effingham	3	0	One
Wednesday, January 20, 2010	Monroe	3	0	One
Wednesday, January 20, 2010	Pike	2	0	Two
Thursday, January 21, 2010	Effingham	3	0	One
Thursday, January 21, 2010	Fayette	2	0	One
Thursday, January 21, 2010	Henderson	2	0	Two
Saturday, January 23, 2010	E St Louis	2	0	One
Tuesday, January 26, 2010	Iroquois	3	0	Three
Tuesday, January 26, 2010	Williamson	3	0	One
Wednesday, January 27, 2010	Iroquois	1	0	Three
Wednesday, January 27, 2010	Pulaski	1	0	One
Thursday, January 28, 2010	Christian	2	0	Three

INTEROFFICE MEMORANDUM

To: Dan White, Executive Director

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

Subject: Sequoia Voting System modification to WinEDS v4.0.148

Date: November 4, 2009

Sequoia is requesting Board approval of WinEDS v4.0.148. This modification involves minor code changes that Cook and Chicago BEC discovered they needed prior to this upcoming Primary. The changes address three issues: the first issue deals with increasing the speed of uploading Early Vote cartridges, the second deals with a mapping file missing for the HAAT equipment when the jurisdiction uses the "batch cartridge creation" process, and lastly, it deals with the stacking or sorting of write-in ballots etc. in the different bins of the ballot box.

Since this modification involved a source code change, VOSS felt that a small test needed to be performed on the system to make sure that no tally function was negatively impacted. We ran 3,180 optical scan ballots through the in-precinct tabulators with no tabulation errors. We also marked a total of 200 ballots throughout ninety-one precincts on the DREs with no miscounts. Additionally, we tested eight precincts on the HAATs with correct results.

Voss recommends Board approval of this modification.

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Members of the Board

SUBJECT: Accu-Vote

DATE: November 5, 2009

Dianne is scheduled to test the under-vote feature of ES&S's Accu-Vote next week. She will have an oral report for the November 17th meeting.

INTEROFFICE MEMORANDUM

To: Dan White, Executive Director

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

Subject: Discussion of under-vote statutory requirement

Date: November 9, 2009

Hopefully, at the November Board meeting I will be asking the Board for ES&S's Accu-Vote modification for the under-vote feature. The plan is to test for approval on the 12th and 13th of this month. With this aside I have been informed from the DuPage BEC's Executive Director, Bob Saar, that DuPage is planning to file a lawsuit in federal court regarding this law and that it feels that is too late to implement the change in the tabulators for the upcoming February Primary. As you already know the Champaign County Clerk, Mark Shelden, has indicated that he also plans to file a lawsuit.

We have also been informed that zone III of the County Clerks' association has voted as a group to not follow the under-vote feature of Public Act 95-699. I verified this with the zone president, the Shelby County Clerk, Kathy Lantz. This zone feels that it is too late to alter the voting equipment at this time. The zone includes Accu-Vote customers along with M-100 customers. As you recall the Board has already approved for use the ES&S M-100 along with Sequoia's Insight 2Plus (Cook and Chicago).

After this verification from the zone President, I received an e-mail from an ES&S representative questioning their company's liability for adhering to the requests of their clients in not setting all the tabulators to conform to the new law. Please see the attached e-mail.

The above is presented as a basis for Board discussion on the under-vote statutory requirement.

Calvin, Amy

From: Felts, Dianne
Sent: Monday, November 09, 2009 10:37 AM
To: Calvin, Amy
Subject: FW: Programming for Under Votes

From: Hoffman, Bryan [mailto:bjhoffman@essvote.com]
Sent: Monday, November 09, 2009 9:01 AM
To: Felts, Dianne
Cc: Mack, Ryan; Weber, Kyle
Subject: Programming for Under Votes

Diane, I just wanted to give you a "heads up" that we have received notification from a County in Illinois who stated that the zone in which they reside have voted to ignore the under vote legislation for the upcoming February election. From ES&S' perspective we are concerned with any liability this may place on us if we are asked to program contrary to the law. We are in the process of developing a statement we will ask the Counties to sign, releasing ES&S from any liability for this decision and will be sure to forward you a copy of this once written.
If you wish to discuss feel free to call me.
Thank you.

Bryan Hoffman
ES&S Regional Account Manager, PMP
320-267-4631

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Members of the Board

SUBJECT: Alexander County

DATE: November 5, 2009

At the October meeting, I advised the Board about financial problems in Alexander County and reported that the financial issues between Alexander and election vendor ES&S appeared to have been reconciled.

At the time of this writing we have heard reports that the Alexander County Clerk has resigned or will be resigning shortly. We are contacting county officials to gather more information and I will have an update report at the Board meeting.

Attachment

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

October 8, 2009

The Honorable Nancy Kline
Alexander County Clerk & Recorder
2000 Washington
Cairo, IL 62914

Dear Ms. Kline:

The State Board of Elections has become aware of financial difficulties that have beset Alexander County. Difficulties that potentially could impact the county's ability to administer the February 2, 2010 General Primary Election.

The State Board has long considered itself partners with Alexander County in helping conduct elections and on many occasions have sent staff to assist election administration.

This is to let you know that I have placed this matter on the State Board of Elections' October 20 meeting Agenda and to invite you or a representative of your office to attend and participate in that discussion. The purpose of the discussion is to update the Board on this matter and consider possible options for assistance to your jurisdiction. The meeting will be conducted via videoconference in Chicago and our Springfield office located at 1020 South Spring Street, Springfield, Illinois.

If you have any questions please contact my office.

Sincerely,

Daniel W. White
Executive Director

DWW/alc
Cc: Mark Mossman

Memorandum

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

To: Chairman Schneider
Vice-Chairman Rednour
Board Members
Subject: Legislative Update
Date: November 4, 2009

Following please find:

A two page summary on four bills we were tracking during the just completed Fall Veto Session. Two bills (House Bill 723 and Senate Bill 51) had been Amendatorally vetoed by the Governor. Both of these bills were overridden. Senate Bill 1732 was a trailer bill to SB 51 and Senate Bill 146 was a trailer bill to both SB 51 and HB 732.
House Bill 723 provides changes to the vacancy in nomination process. Senate Bill 51 provides changes to BEREP.

An analysis of Senate Bill 1466; this is the Campaign Finance Reform legislation of 2009.

A copy of the 2010 Spring Session Calendar.

I will be at the meeting to provide an additional oral update and to answer any questions.

Thank you.

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

PUBLIC ACT 96-0809 (HOUSE BILL 723; EFFECTIVE DATE January 1, 2010)

Amends the Election Code to provide that a vacancy in nomination shall be filled only by a person designated by the appropriate committee of the political party and only if that designated person files nominating petitions with the number of signatures required for an established party candidate for that office within 75 days after the day of the general primary. The circulation period for those petitions begins on the day the appropriate committee designates that person. The person must file his or her nominating petitions, statements of candidacy, notice of appointment by the appropriate committee, and receipt of filing his or her statement of economic interests together. Provides that the State Board of Elections shall hear and pass upon all objections to nomination petitions filed by candidates under these provisions.

PUBLIC ACT 96-0795 (SENATE BILL 51; EFFECTIVE DATE October 29, 2009)

Creates the Local Government Electronic Reverse Auction Act. Authorizes the use of electronic reverse auctions by units of local government. Amends the Deposit of State Moneys Act, Department of Transportation Law, Illinois Finance Authority Act, Fiscal Control and Internal Auditing Act, Illinois Procurement Code, the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, and Illinois Grant Funds Recovery Act. Makes changes with respect to: Finance Authority project and action summaries; State agency internal auditors; chief procurement officers; State leases; the Procurement Policy Board; the Illinois Procurement Bulletin; competitive sealed bidding; State emergency and sole source procurements; State contractor and bidder qualifications; State contract subcontractors; prohibited campaign contributions by State contractors and bidders; State contract certifications and disclosures; State contract conflicts of interests; State bond issuance contracts; State contract voidability; State property concessions; duties of State grant applicants and recipients; associate procurement officers; contract compliance monitors; an Executive Procurement Officer; and suspension of State grants. Effective immediately. Changes certain references from "10 days" to "10 business days". Makes changes with respect to the Executive Procurement Officer's responsibilities.

PUBLIC ACT 96-0793 (SENATE BILL 1732; EFFECTIVE DATE October 29, 2009)

Provides that, if and only if Senate Bill 51 of the 96th General Assembly, as enrolled, becomes law, then the effective date of Senate Bill 51 of the 96th General Assembly is changed from immediate to July 1, 2010. Effective immediately.

PUBLIC ACT 96-0000 (SENATE BILL 146; EFFECTIVE DATE for HB 723 provisions is January 1, 2010l EFFECTIVE DATE for SB 51 provisions is January 1, 2010 in part and July 1, 2010 in part)

If and only if House Bill 723 of the 96th General Assembly becomes law, amends the Election Code. In the event a person is designated by a party nominating committee to fill a vacancy in nomination for a general election, requires that the person file the required candidate documents at the location otherwise required for filing documents with respect to the office sought (now, with the State Board of Elections), and requires that objections to the person's nominating petitions be heard by the electoral board that otherwise has jurisdiction with respect to objections to nominating petitions for the office sought (now, heard by the State Board of Elections). Amends the Illinois Procurement Code. Makes changes with respect to pay-to-play provisions, including definitions and the deadlines for filing updated business entity registration information with the State Board of Elections. If and only if Senate Bill 51 becomes law, amends the Illinois Procurement Code. In the pay-to-play provisions, redefines the terms "affiliated person", "affiliated entity", and "executive employee". Effective January 1, 2010 in part and July 1, 2010 in part.

State Board of Elections Analysis

BILL: **Senate Bill 1466** **DATE:** 11.02.09

SENATE SPONSOR: Harmon **COMMITTEE:** Elections 8-0
Executive 7-5
HFA #3

HOUSE SPONSOR: Madigan **COMMITTEE:** Executive 7-4
HA #1
Executive 7-4
HFA #3

EFFECTIVE DATE: None stated

HOUSE THIRD READING VOTE: **66-49** (10.29.09)

SENATE THIRD READING VOTE: **57-0-1** (04.02.09)
Concurrence in HFA #3 36-22 (10.30.09)

COMMENTS: **House Floor Amendment #3 becomes the 2009 Campaign Finance Reform Bill**

On the Original bill - See also HB 3972/Jackson (identical to this bill)

EFFECT AS INTRODUCED: With respect to absentee ballots, provides that those returned by mail must be postmarked by midnight preceding Election Day, for counting no later than during the period for counting provisional ballots.

EFFECT AS PASSED COMMITTEE:

DETAIL: On the applications for absentee (including military absentee) ballots, shall be the wording, "...if returned by mail, postmarked no later than midnight preceding election day, for counting no later than during the period for counting provisional ballots, the last day of which is the 14th day following election day..."

Ballots voted under Article 20, "must be returned postmarked no later than midnight preceding election day and received for counting at the central ballot counting location of the election authority during the period for counting provisional ballots, the last day of which is the 14th day following election day."

CURRENT LAW: **19-8 and 20-8**

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(10 ILCS 5/20-8) (from Ch. 46, par. 20-8)
    Sec. 20-8. Time and place of counting ballots.
    (a) (Blank.)
    (b) Each absent voter's ballot returned to an election authority, by any
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means authorized by this Article, and received by that election authority before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted in the central ballot counting location of the election authority on the day of the election after 7:00 p.m., except as provided in subsections (g) and (g-5).

(c) Each absent voter's ballot that is mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the period for counting provisional ballots.

Each absent voter's ballot that is mailed to an election authority absent a postmark, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt, opened to inspect the date inserted on the certification, and, if the certification date is a date preceding the election day and the ballot is otherwise found to be valid under the requirements of this Section, counted at the central ballot counting location of the election authority during the period for counting provisional ballots. Absent a date on the certification, the ballot shall not be counted.

REASON FOR CHANGE:

PROPONENTS: Mike Hoffman, IL Assoc of County Clerks

NEUTRAL:

COMMENTS: Current law requires election authorities to count absentee ballots postmarked prior to midnight on the day before the election, but received after the election, to be counted during the period for counting provisional ballots (14 days after the election). This legislation makes the language of absentee ballot applications comport with the statutes on counting absentee ballots (5/19-8, 20-8)

HOUSE COMMITTEE AMENDMENT #1: Replaces everything after the enacting clause. Amends the Election Code. Makes a technical change in a Section concerning the short title.

2009 Campaign Finance Reform Legislation
HOUSE FLOOR AMENDMENT #3:

Article 9

9-1.4 Contribution definitions

Adds the term "retention"
"In connection with the nomination for election, election, or retention of any candidate or person to or in public office"
HB 24/SB 1406

(1;5) Contribution can include electioneering communication "made in concert or cooperation with…"

Contribution does not include:

(c) any communication on any subject by a corporation, to their stockholders/personnel/families;
(d) any communication on any subject by an association to their stockholders/personnel/families;
(e) voter registration and get out the vote campaigns that make no mention of any clearly identified candidate, public question or political party
(f) a secured loan of money by a national or state bank or credit union
(g) an independent expenditure

(C) interest or other investment incomes shall not be considered contributions but shall be listed on disclosure reports required by this Article

9-1.5 Expenditure definitions

Adds the term "retention"
"In connection with the nomination for election, election, or retention of any person to or in public office"
HB 24/SB 1406

Adds (A) (3) A transfer of funds from one political committee to another political committee

9-1.6 Person

Means a natural person

9-1.8 State political committee

Political Committees are: candidate committee, political party committee, political action committee and a ballot initiative committee.

Candidate Committee: accepts contributions or makes expenditures during any 12-month period in an aggregate amount exceeding $3,000 on behalf of the candidate
Political Party Committee: means the State Central Committee, a county central committee, or a committee formed by a ward or township committeeman. Also means legislative leaders committee or a committee established by 5 or more members of the Senate or 10 or more members of the House of Representatives.

Political Action Committee: 12-month, $3000 on behalf of or in opposition to a candidate or candidates for public office. Includes electioneering communications during the 12-month period in an aggregate amount exceeding $3,000 related to any candidate(s) for public office.

Ballot Initiative Committee: 12-month, $3,000 in support of or in opposition to any question of public policy to be submitted to the electors. Includes electioneering communications during the 12-month period in an aggregate amount exceeding $3,000 related to any candidate(s) for public office.

9-1.9 Election Cycle

Candidate at a general primary election or general election: the period beginning January 1, following the general election for the office to which a candidate seeks nomination and ending on the day of the next general primary for that office

Or, the period beginning the day after a general primary election for the office to which the candidate seeks nomination and ending on December 31 following the general election.

For a candidate for the General Assembly: the period beginning January 1 following a general election and ending on the day of the next general primary election.

Or, the period beginning the day after the general primary election and ending on December 31 following the general election.

Candidate at a consolidated primary or consolidated election: the period beginning July 1 following a consolidated election and ending on the day of the consolidated primary election.

Or, the period beginning the day after the consolidated primary election and ending on June 30 following a consolidated election.

For a political party committee/political action committee/ballot initiative committee: the period beginning January 1 and ending on December 31 of each calendar year.

For Retention: for a candidate political committee organized to support a candidate for a retention election, the period beginning January 1 following the general election at which the candidate was elected through the day the candidate files a declaration of intent to seek retention or the period beginning the day after the candidate files a declaration of intent to seek retention through December 31 following the retention election.

Any candidate for the General Assembly has a 2 year election cycle regardless of the length of their term. An incumbent State Senator (with a 4 year term) would have 2 election cycles.

9-1.10 Public Office

Expanding to include: "judicial office subject to retention."

9-1.12 Anything of Value

Adds the word "item."

9-1.13 Transfer of Funds

Means any conveyance of money from one political committee to another. Removes, "purchase of tickets."

9-1.14 Electioneering communication

Adds the words "broadcast, cable or satellite" removes the word "newspaper"
Adds the word "retention"

Electioneering communication will now be a communication "targeted to the relevant electorate and is susceptible to no reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate for nomination, political party or question of public policy"

This Section takes effect July 1, 2010.

See People United to Save the Tax Cap vs. the IL State Board of Elections. We believe this language addresses that court decision.

9-1.15 Independent Expenditure

"Not made in connection, consultation, or concert…"

This Section takes effect July 1, 2010.

9-2 Political Committee Designations

No public official or candidate may maintain or establish more than one political committee for each office the candidates holds or is seeking.

The name of the committee shall include the name of the candidate and the office the candidate holds or is seeking.

If a candidate establishes committees for multiple offices, they shall designate an election cycle.

No political committee, other than a candidate committee, may include the name of a candidate in its name.

No state central or county central committee may establish more than one political party committee. The name of the political party must be in the title.

Persons/trusts/partnerships, etc. shall not form more than one committee.

The name of a ballot initiative committee must include words describing the question of public policy, whether the group supports or opposes the question. (This was changed at the request of the SBE.)

(b), (c) (d) and (e) "beginning January 1, 2011, no public official or candidate may maintain or establish more than one candidate political committee for each office that the candidate holds or is seeking..."

Every political committee shall make the designation required by this Section by December 31, 2010.

This Section takes effect July 1, 2010.

9-3 Statement of organization

D-1's must be filed within 10 business days of the creation of the committee. Except any committee established within the 30 days before an election shall file a D-1 within 2 business days in person, by fax or by e-mail.
SB 1662

A committee serves as both a state and local committee, the statement of organization must be filed with both the SBE and the county clerk.

We recommend deleting all references to state and local political committees. (For examples see page 18, lines 24 and 25; page 19, lines 1, 2, and 3)

Any change in information to the D-1 must be reported within 10 days following that change.

The SBE shall impose a penalty of $50 (now $25) per business day for failing to file or late filing.

Lists the information that must be included on a Statement of Organization.

Each statement shall be verified, dated and signed by either the treasurer or the candidate.

Ballot initiative committees shall also include a verification form signed by the chairperson of the committee.

Every political committee shall file the statement required by this Section with the SBE by December 31, 2010.

This Section takes effect July 1, 2010.

9-5 Dissolved or Inactive Committee

Eliminates 10 day change language.

9-6 Accounting for Contributions

Any person who collects or accepts a contribution, shall within 5 days after receipt submit to the treasurer a detailed account of the contribution.

A committee shall disclose any person(s) who collect or accept contributions from at least 5 persons in the aggregate of $3,000 or more outside of the presence of a candidate or in connection with a fundraising event. This does not include an officer of the committee, a compensated employee or an entity used for processing financial transactions by credit card or other means.

9-7 The Treasurer

Removes references to "in excess of $20."

We will now start at ground zero - $1.

9-8 Not authorized by committee

Adds disclaimer for those committees not authorized by the said committee and that mentions the candidate.

Perhaps it might read better if written as, "authorized by that committee"

9-8.5 Limitations on contributions

During an election cycle:	Individual	Corp/Labor/ Assoc	Candidate/ Political	Political Party
Candidate committee:	$5,000	$10,000	$50,000	Unlimited*#
Political Party++	$10,000	$20,000	$50,000	Unlimited**
Political Action	$10,000	$20,000	$50,000	
Ballot Initiative	May accept contributions in any amount from any source			

*A candidate committee may accept contributions from only 1 political party committee.

#A candidate committee may accept contributions in any amount from a political party committee except during a primary election cycle in which the candidate is on the ballot.

++Political Party and legislative caucus committees during Primary Elections:
The aggregate amount between state, county, township and city political committees can not exceed:

- $200,000 to statewide candidates
- $125,000 to any state Senate candidate, SC or AC (1st District), or an office elected by all voters in a county with 1,000,000 or more residents;
- $75,000 to any state House candidate, the SC or AC (other than the 1st District), an office elected by all voters of a count of fewer than 1,000,000 and municipal and county offices in Cook County other than those elected by all voters of Cook County; and
- $50,000 for a candidate committee established to support a candidate to any other office.

++During the primary election, a political party committee may not accept contributions with an aggregate value over $50,000 from a candidate committee or political party committed. A political party committee may accept contributions in any amount from another political party committee or a candidate committee if the committee receiving the contribution filed a state of nonparticipation in the primary.

(b), (c) & (d): "candidate committee/a political party committee/political action committee/ may not accept contributions from a ballot initiative committee"

(c): "A political party committee established by a legislative caucus may not accept contributions from another political party committee established by a legislative caucus"

Nothing in this Section shall limit the amounts that may be transferred between a state political committee and a federal political committee.
State political committee is a committee that is required to file with the SBE and a federal political committee is required to file with the FEC.

"(c-10) a political party committee may file a statement of nonparticipation in a primary election." This is explained. This subsection becomes inoperative on July 1, 2013.
When must this statement be filed?

(d): "...a corporation/labor organization/association may act as a conduit in facilitating the delivery to a political action committee of contributions made through dues, levies, ..."

The Task Force on Campaign Finance Reform shall study and make recommendations on the provisions of this subsection to the Governor and GA by September 30, 2012. This subsection becomes inoperative on July 1, 2013 and therefore no longer applies.

Joint fundraising

(f) Nothing in this Section shall prohibit political committees from dividing the proceeds of joint fundraising efforts; all individual/party/corporation limits must still be honored.
HB 24/SB 1406

(g) On January 1 of every odd-number year, the SBE shall adjust the limits established for inflation as determined by the Consumer Price Index.
HB 24/SB 1406

The SBE will need an appropriation for this mandate.

(h) Self-funding candidates

If an official/candidate or their immediate family contributes or loans to the candidates political committee (or to other political committees that transfer funds to the officials political committee or makes independent expenditures for the benefit of the officials campaign) during the 12 months prior to an election in an aggregate amount of more than 1) $250,000 for statewide office or 2) $100,000 for all other election offices, then the official shall file with the SBE, within one day, a Notification of Self-funding.

Within two days of the filing of a Notification, the SBE must post the Notification on our website and the Board shall give official notice of the filing to each candidate for the same office as the candidate making the filing. Upon receiving notice, all candidates for that office (including the self-funder) shall be permitted to accept contributions in excess of any limits imposed by 9-8.5.
When does this notice have to be given and to whom if it happens piror to the filing of nominating petitions? House Democrat Staff believes this should be addressed by Board rule.

Immediate family means the spouse, parent, or child.

The millionaire's amendment established by McCain/Feingold was struck down by the U.S. Supreme Court. The Supreme Court held (5-4 decision) that imposing different limits on candidate for the same office was unconstitutional. This language is different because it removes limits from both.

(Davis v. Federal Election Commission was a case decided by the United States Supreme Court on June 26, 2008. Wealthy industrialist and three-time candidate for New York's 26th congressional district Jack Davis brought the suit against the Federal Election Commission as a challenge to the so-called "millionaire's amendment" to the Bipartisan Campaign Reform Act. This amendment allowed candidates special fund-raising privileges if they were running against a candidate who spent $350,000 or more of their own money on their campaign.

The case was decided by a 5-4 vote in favor of Davis. Justice Samuel Alito wrote the majority opinion. Justice John Paul Stevens wrote the dissenting opinion.

The Court basically found that the law discriminated against someone who was spending their own money to advocate their own election, which violates the First Amendment to the United States Constitution.)

(i) Corporations/Labor/ Associations may collect, accept and facilitate the delivery of contributions made through dues to a political action committee, provided the contribution does not exceed the limits set forth in this Section.

Violations

(j) Contributions received in violation of this Section shall be returned to the contributor, or donating the equal amount to a charity. A contribution in violation of this subsection no disposed of within 30 days shall escheat to the General Revenue Fund.
SB 1345 – "escheat to the State Treasury"

Does the whole amount escheat to the State or just the amount that was in excess of the contribution limit?

(l) This Section is repealed if and when the United States Supreme Court invalidates contribution limits.

9-8.6 Disclosure of independent expenditures

Defines: Independent expenditure:

An independent expenditure is not considered a contribution to a political committee.

That is made by a natural person for the purpose of making electioneering communications that is made in connection, consultation, or concert with or at the request or suggestion of the public official or candidate/designated committee or agent shall not be considered an independent expenditure.

A person that makes an independent expenditure during any 12-month period, that alone or with other independent expenditures equals an aggregate value of at least $3,000 must file a written disclosure with the benefiting public office and the SBE within 2 business days. Each disclosure must identify the person, occupation and employer, date, amount and nature of each expenditure.

Any entity, other than a natural person, that makes expenditures, of any kind, in an aggregate amount exceeding $3,000 during any 12-month period must organize as a political committee.

We read this to imply that labor unions and corporations will now need to file.

This Section takes effect July 1, 2010.

9-9 Disclaimer

When soliciting funds, the disclaimer must appear. It is amended to read, "A copy of our report filed with the SBE is or will be available on line at www.elections.il.gov or for purchase..."

9-10 Financial Reports

Provides for quarterly reports. The reports shall cover:

January 1 – March 31
April 1 – June 30
July 1 – September 30
October 1 – December 31

Reports shall be filed no later than 15 days after the close of the reporting period.

Reports must be filed even though no contributions or expenditures may have been received or made during the period.

The SBE shall assess a civil penalty not to exceed $5,000 for failure to file a report required; the fine however shall not exceed $1,000 for a first violation if the committee files less than 10 days after the deadline. Gives the Board discretion in accessing fines.

A report of any contribution of more than $1000, received shall be filed electronically with the SBE within 5 business days after receipt of the contribution. However, those contributions received within 30 days of an election must be filed with the SBE within 2 business days.

HB 717 – recommended 2 day reporting beginning 60 days prior to an election; HB 1061 – recommended 2 day reporting at any time a committee receives a $10,000 or more contribution

A contribution is considered received on the date "a monetary contribution was deposited in a bank."

What about "cash" that is not deposited?

This could be considered a large loophole. This definition was negotiated by the caucuses with CHANGE ILLINOIS.

Failure to report each contribution is a separate violation of this subsection. The Board may impose fines for "willful or wanton" violations of this subsection not to exceed 150% (now 100%) of the total amount of the contributions.

The Board may impose fines for "negligent, inadvertent or technical" violations of this subsection not to exceed 50% of the total amount of contributions. The Board may waive the fine. Amendment #3 adds factors the Board may consider when imposing fines including: "(4) whether the violation arose from a discrepancy between the date the contribution was reported

transferred by a political committee and the date the contribution was received by a political committee…"

A political committee that makes independent expenditures of more than $1,000 during the 30 days prior to an election shall file electronically with the SBE within 5 business days.

The SBE will need an appropriation for this mandate.

9-11 Financial reports

Outlines disclosure forms. Amendment #3 adds a new (14): "the value of each asset held as an investment, as of the final day of the reporting period"

(b) Rolling A-1's

We believe the words, "in the aggregate" need to be added.

Adds verification statement.

(f): "a political committee may amend a report filed under subsection (a) or (b). The Board may reduce or waive a fine if the amendments is due to a technical or inadvertent error and is amended within 5 business days. The Board may promulgate rules to enforce this subsection."

9-13 Audits

The Board shall have the authority to order a political committee to conduct an audit. Reasons are outlined. Prior to ordering an audit, the SBE shall afford the political committee due notice and an opportunity for a closed preliminary hearing.

In each calendar year, the SBE shall order an audit of not more than 3% of registered political committees. They shall be selected at random using a standard, scientific method.

9-15 (not in the bill) #4 can be deleted

The political committee is ordered to conduct the audit; the political committee pays fo the audit.

The Baord does not have to file a complaint or access a penalty against any committee that files an amended report.

9-16 Notice of obligations

Eliminates the filing of disclosure reports with county clerks. The notice of obligations shall be prepared by the Board.

9-21 Closed Preliminary hearing upon complaint

Upon receipt of a complaint, as provided in 9-20, the Board shall hold a closed preliminary hearing to determine whether or not the complain appears to have been filed on justifiable grounds. Any additional hearings shall be open to the public.

Board decisions must be made in an open meeting.

9-23.5 Public database of complaints

The SBE shall establish and maintain on its official website a searchable database, of each complaint filed with the Board and the disposition of that complaint, including all board actions and penalties imposed. The SBE must update the database within 5 business days after an action taken or a penalty imposed to include that complaint, action or penalty in the database.

"The Task Force on Campaign Finance Reform shall make recommendations on improving access to information related to founded complaints."

The SBE will need an appropriation for this mandate.

We fear this may have the possibility of abuse as opposing committees may file nuisance complaints the closer it gets to the election date to use in mailings, radio ads, etc.

9-28 Electronic filing and availability

Electronic filing is required for all political committees that (1) had a balance of $10,000; (2) made expenditures of $10,000; or (3) received loans of $10,000. (The current limit on each of these is $25,000)

9-28.5 Injunctive relief for electioneering communications

Whenever the Attorney General or a State's Attorney believes that someone is making an electioneering communication, who has not complied with the registration and disclosure requirements, may bring action against such person to restrain by injunction such electioneering communication until the registration and disclosure requirements have been met.

Any person may bring action in a circuit court.

This Section takes effect July 1, 2010.

9-30 Ballot forfeiture

Local election authorities will now be bound by ballot forfeiture. The election authority shall not place upon the ballot the name of any candidate appearing on a list generated by the SBE and given to the election authorities.

SBE wrote this language; testimony given at a Joint Commission Hearing by Sen. Garrett

9-40 Campaign Finance Reform Task Force

Conduct a thorough review of the implementation of campaign finance reform legislation and the feasibility of implementing a mechanism of campaign finance regulation that would subsidize political campaigns in exchange for voluntary adherence to specified expenditure limitations.

The Task Force shall consist of 11 members:

2 each by the Speaker of the House
2 each by the Minority Leader of the House
2 each by the Senate President
2 each by the Minority Leader of the Senate
3 by the Governor – one of whom shall serve as Chairperson

Members shall serve without compensation, but may be reimbursed for expenses.

Appointments shall be made within 60 days after the effective date of this amendatory Act.

The Task Force Report shall be submitted to the Governor, the SBE and the GA.

The SBE shall provide administrative support to the Task Force.

The Report shall be submitted no later than December 31, 2011.

A report on Section 9-8.5 shall be submitted no later than September 30, 2012. Additional reports are due no later than March 1, 2013 and March 1, 2015.

The Task Force is abolished on March 15, 2015 and this Section is repealed on March 10, 2015.

Effective date is January 1, 2011 expect that Sections 9-1.14, 9-1.15, 9-2, 9-3, 9-8.6, 9-28.5 and 9-40 take effect on July 1, 2010.

ILLINOIS HOUSE OF REPRESENTATIVES

96th General Assembly

Michael J. Madigan, Speaker

January 2010

IMPORTANT DATES

15—House Deadline LRB Requests

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1 *New Year's Day* **STATE HOLIDAY**	2
3	4 Perfunctory **SESSION**	5	6	7	8	9
10	11	12 **SESSION** S	13 **SESSION** **Governor State of State Address** S	14 **SESSION** S	15 Perfunctory **SESSION** **HOUSE DEADLINE LRB Requests**	16
17	18 *Martin Luther King Jr. Day* **STATE HOLIDAY**	19	20	21 Perfunctory **SESSION**	22	23
24 31	25 Perfunctory **SESSION**	26	27	28	29 Perfunctory **SESSION**	30

S—Senate in Session

ILLINOIS HOUSE OF REPRESENTATIVES

96th General Assembly

Michael J. Madigan, Speaker

February 2010

IMPORTANT DATES

11—Deadline Introduction of House Bills

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 Perfunctory SESSION	2 Primary Election	3 SESSION	4 SESSION	5 Perfunctory SESSION	6
7	8 S	9 SESSION S	10 SESSION S	11 SESSION DEADLINE Introduction of House Bills S	12 *Lincoln's Birthday* STATE HOLIDAY	13
14 *Valentine's* Day	15 *Presidents' Day* STATE HOLIDAY	16 SESSION S	17 SESSION S *Ash Wednesday*	18 SESSION S	19	20
21	22	23 SESSION	24 SESSION	25 SESSION	26	27
28		S	S	S		

S—Senate in Session

ILLINOIS HOUSE OF REPRESENTATIVES

96th General Assembly

Michael J. Madigan, Speaker

March 2010

IMPORTANT DATES

12—Deadline Committee Substantive House Bills

26—Deadline 3rd Reading House Bills

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2 SESSION S	3 SESSION S	4 SESSION S	5 S	6
7	8	9 SESSION S	10 SESSION S	11 SESSION S	12 SESSION **DEADLINE Committee Substantive HBs** S	13
14 *Daylight Savings Time*	15 S	16 SESSION S	17 SESSION *St. Patrick's Day* S	18 SESSION S	19 SESSION S – 3rd Reading	20 *Spring begins*
21	22 SESSION	23 SESSION S	24 SESSION S	25 SESSION S	26 SESSION **DEADLINE 3rd Reading House Bills**	27
28 *Palm Sunday*	29 Perfunctory **SESSION** *Passover*	30	31			

S—Senate in Session

ILLINOIS HOUSE OF REPRESENTATIVES

96th General Assembly

Michael J. Madigan, Speaker

April 2010

IMPORTANT DATES

23—Deadline Committee Senate Bills

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		Spring Break		1	2 *Good Friday*	3
4 *Easter*	5	6 ***Spring Break***	7 ***Spring Break***	8	9	10
11	12	13 SESSION S	14 SESSION S	15 SESSION S	16	17
18	19	20 SESSION S	21 SESSION *Administrative Professional Day* S	22 SESSION S	23 SESSION **DEADLINE Committee SB's** S	24
25	26	27 SESSION S	28 SESSION S	29 SESSION S	30 SESSION S	

S—Senate in Session

ILLINOIS HOUSE OF REPRESENTATIVES

96th General Assembly

Michael J. Madigan, Speaker

May 2010

IMPORTANT DATES

7—Deadline 3rd Senate Bills

ADJOURNMENT

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1 SESSION S
2 SESSION S	3 SESSION S	4 SESSION S	5 SESSION S	6 SESSION S	7 SESSION DEADLINE 3rd Reading –SB's ADJOURNMENT S	8
9 *Mother's Day*	10 **SESSION**	11 **SESSION**	12 **SESSION**	13 **SESSION**	14 **SESSION**	15 *Armed Forces Day*
16	17 **SESSION**	18 **SESSION**	19 **SESSION**	20 **SESSION**	21 **SESSION**	22
23	24 **SESSION**	25 **SESSION**	26 **SESSION**	27 **SESSION**	28 **SESSION**	29 **SESSION**
30 **SESSION**	31 **SESSION** *Memorial Day* **State Holiday**					

S—Senate in Session

Memorandum

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

To: Chairman Schneider
Vice-Chairman Rednour
Members of the Board
Subject: Federal Legislation
Date: November 4, 2009

Please be advised that on October 28, 2009, the President signed the Military and Overseas Voter Empowerment Act (MOVE). A summary of the Act is attached.

To implement this legislation, we will need to update our HAVA State Plan. In addition, we will be updating our public website and our IVRS web services.

We will be in contact with the local election authorities shortly to bring them on board with this project.

The SBE staff will be available at the Board Meeting to answer any questions you may have.

Thank you.

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

NASS
National Association of Secretaries of State

NASS Summary of the Military and Overseas Voter Empowerment Act (MOVE Act)
Passed by Congress on October 22nd, 2009
The President is expected to sign the bill on Wednesday, October 28, 2009

I. PROVISIONS CONCERNING STATES

A. Clarification of State Responsibilities (Sec. 576)

- States may delegate the responsibilities under the Act to jurisdictions within the State.

B. Transmitting Voter Registration Applications & Absentee Ballot Applications (Sec. 577)

- States must establish procedures that allow UOCAVA voters to request voter registration applications and absentee ballot applications by mail or electronically for general, special, primary, and runoff elections for Federal office. The procedures must include a means for the voter to designate how they want to receive the application – by mail or electronically.
- The State must transmit the voter registration application or absentee ballot application based on the preference selected by the voter. If the voter does not indicate a preference, the application must be delivered in accordance with State law. In the absence of any relevant State law, the application must be delivered by mail.
- To the extent practicable, the procedures must :(1) protect the security and integrity of the voter registration and absentee ballot application request process and (2) protect the privacy of the identity and personal data of the UOCAVA when the voter requests, and is sent a voter registration application or absentee ballot application.
- **The above provisions apply with respect to the November 2010 General Election.**

C. Designating a Means of Electronic Communication (Sec. 577)

- Each State must designate at least one means of electronic communication for the following purposes: (1) for use by UOCAVA voters to request voter registration applications and absentee ballot applications; (2) for use by the States to send voter registration and absentee ballot applications to voters; and (3) for providing UOCAVA voters with election and voting information.
- In addition to the means of electronic communication designated by the State, the State may provide a means of electronic communication for jurisdictions within the State to communicate with UOCAVA voters.
- The State must include the designated means of electronic communication on all information and instructional materials that accompany balloting materials sent by the State to UOCAVA voters.
- **The above provisions apply with respect to the November 2010 General Election.**

D. Transmitting Blank Ballots (Sec. 578)

- The States must develop procedures for transmitting blank ballots to UOCAVA voters by mail and electronically for general, special, primary, and runoff elections for Federal office.
- The procedures must include a means for the voter to designate how they want to receive the blank ballot – by mail or electronically. The State must transmit the ballot based on the preference selected by the voter. If the voter does not indicate a preference, the ballot must be delivered in accordance with State law. In the absence of any relevant State law, the ballot must be delivered by mail.

- To the extent practicable, the procedures must :(1) protect the security and integrity of absentee ballots and (2) protect the privacy of the identity and personal data of the UOCAVA voter throughout the transmission process
- **The above provisions apply with respect to the November 2010 General Election.**

E. Ballot Tracking Mechanism (Sec. 580(h))

- Each Chief State Election Official must work with local jurisdictions to develop a free access system that allows a UOCAVA voter to determine whether his/her absentee ballot was received by the election official.
- **The above provision applies with respect to the November 2010 General Election.**

F. Accepting UOCAVA Ballot Materials (Sec. 581(a) & 582)

- Expands the use of the Federal Write-In Absentee Ballot (FWAB) to include all special, primary, and runoff elections for Federal office. **This requirement goes into effect on December 31, 2010.**
- Prohibits States from refusing to accept and process an otherwise valid voter registration application, absentee ballot application, voted ballot, or FWAB from an overseas voter due to notarization requirements, paper type, weight and size, or envelope type, weight and size. **These provisions apply with respect to the November 2010 General Election.**

G. Single Application for Multiple Elections (Sec. 585)

- Removes the UOCAVA requirement that a single absentee ballot request serve as a request to receive absentee ballots through the subsequent two Federal election cycles.

H. Ballot Transmittal Time (Sec. 579)

- Absentee ballots must be sent at least 45 days before the election to any UOCAVA voter who has submitted a request by that date. **Note**: In 2010, 45 days before the November 2nd Election is Saturday, September 18th.
- If the request is received less than 45 days before the election, the ballot may be sent in accordance with State law and, if practicable, in an expedited manner.
- A State may request a waiver from the 45 day transit time provision if the Chief State Election Official determines that the State cannot meet the requirements due to undue hardship. The undue hardship must be one of the following: (1) the date of the State primary; (2) a delay in generating ballots due to a legal contest; or (3) the State constitution prohibits the state from complying with the time frame requirements.
- The waiver request must include: (1) a recognition that the purpose of the 45 day transit time is to allow UOCAVA voters enough time to vote in Federal elections; (2) an explanation of why the State cannot meet the requirement; (3) the number of days prior to Federal elections that the State requires absentee ballots be sent to UOCAVA voters; and (4) a comprehensive plan to ensure that overseas voters are able to receive and submit an absentee ballot in time for it to be counted.
- If the undue hardship is based on either the State primary date or the State constitution, the waiver request must be submitted no later than 90 days before the upcoming election. **Note**: In 2010, 90 days before the November 2nd Election is Wednesday, August 4th. After consulting with the Attorney General, the Department of Defense must grant the waiver request if the comprehensive plan is deemed sufficient. The Department of Defense must approve or deny a waiver request based on

the State primary date or State constitution no later than 65 days before the Election. **Note**: In 2010, 65 days before the November 2nd Election is Sunday, August 29th.

- If a State requests a waiver based on a delay in generating ballots due to a legal contest, the request must be submitted as soon as practicable. The Department of Defense must approve or deny the request no later than 5 days after the waiver request is received.
- If a waiver request is granted, it is valid only for the Election for which the request was submitted.
- **The above provisions apply with respect to the November 2010 General Election.**

I. Runoff Election Plan (Sec. 579(b))

- If a State holds a runoff election, it must have a written plan to make absentee ballots available to UOCAVA voters with sufficient time to vote.
- **The above provision applies with respect to the November 2010 General Election.**

J. Requirements Payments (Sec. 588)

- Amends the Help America Vote Act (HAVA) by authorizing the appropriation of "such sums as necessary" for FY 2010 and beyond as requirements payments to the States specifically for implementing the MOVE Act. Any funds appropriated under this provision may only be used to carry out the requirements of the MOVE Act.
- Nothing in the MOVE Act prohibits the States from using existing HAVA funds (or those authorized by a future appropriations bill) to implement the MOVE Act.
- If a State receives a FY 2010 requirements payment specifically authorized for implementation of the MOVE Act, it has until the last day of the 2011 fiscal year (September 30, 2012) to comply with the 5% match requirement.
- States must amend their State plans to indicate how they will comply with the requirements of the MOVE Act.

II. PROVISIONS CONCERNING THE DEPARTMENT OF DEFENSE/FVAP

A. Election Official Database (Sec. 577(e)(4))

- The Federal Voting Assistance Program (FVAP) must maintain a public online database that includes state contact information for Federal elections, including the single State office designated under UOCAVA and the designated means of electronic communication that each State has established to communicate with UOCAVA voters.
- **The above provision applies with respect to the November 2010 General Election.**

B. Ballot Collection/Delivery (Sec. 580)

- The Department of Defense must establish procedures for collecting and delivering the absentee ballots of voters who are overseas by reason of active duty or service. The procedures only apply to regularly scheduled general elections for Federal office.
- The Department of Defense must utilize the United States Postal Service expedited delivery service for mailing voted absentee ballots to the appropriate State election official in time to be counted.
- The expedited service must be available for any ballot collected before noon on the seventh day preceding the date of the election. **Note**: In 2010, the seventh day before the general election is Tuesday, October 26th. If the Department of Defense determines that that this deadline is not

sufficient for timely delivery due to remoteness of location or other factors, the Department may establish an earlier deadline for those locations.

- No postage is required on the absentee ballots collected and delivered under these procedures.
- The ballots collected under these procedures are postmarked as of the date they are mailed.
- The Department of Defense must inform and educate uniformed service voters about the ballot collection and delivery procedures.
- The Department of Defense must take action to: (1) ensure the privacy of voters who cast ballots at Department of Defense locations or facilities and (2) protect the privacy of absentee ballots when the ballots are in the control or possession of the Department.
- **The above provisions apply with respect to the November 2010 General Election.**

C. Voter Registration Outreach (Sec. 583)

- The Federal Voting Assistance Program (FVAP) must develop online portals to inform absent uniformed service voters about voter registration and absentee ballot procedures.
- FVAP must establish a program to provide absent uniformed service voters with voter registration information and resources through the military Global Network. The information must be provided 90, 60, and 30 days prior to each Federal election.
- No later than 180 days after the MOVE Act is enacted, the Secretaries of each military department must designate an office on each installation to provide voter registration and absentee ballot information to uniformed service members and their family members. The Department of Defense must inform absent uniformed service members of the assistance available at the designated offices.
- The Secretary of Defense may authorize the Secretaries of the military departments to designate offices on military installations as voter registration agencies under the National Voter Registration Act.
- **The above provisions apply with respect to the November 2010 General Election.**

D. Reporting (Sec. 584 & 586)

- The Department of Defense must work with the Election Assistance Commission (EAC) and the Chief Election Official in each State to develop standards for the States to report on the number of ballots transmitted and received and other data as the Department determines appropriate.
- No later than 180 days after enactment of the MOVE Act, the Department of Defense must submit to Congress a report on (1) the status of implementing the ballot collection and delivery procedures; (2) an assessment of the effectiveness of the Voting Assistance Officer Program; and (3) a description of steps taken towards implementation of voter registration assistance on military installations.
- No later than March 31st of each year, the Department of Defense must submit to Congress a report containing: (1) an assessment of FVAP activities; (2) an assessment of voter registration and participation by absent uniformed service voter; (3) an assessment of voter registration and participation by overseas voters not affiliated with the uniformed services; (4) a description of the cooperation between States and the Federal Government; (5) a description of voter registration assistance programs implemented by each military department; (6) the number of absent uniformed service voters who utilized voter registration assistance provided at military installations; and (7) in the case of a report submitted in the years following a regularly scheduled Federal election, a description of the procedures used to collect and deliver absentee ballots for expedited service,

including the number of ballots collected and delivered, and the number of ballots which were not delivered by the time the polls closed on Election Day.

- **The above provisions apply with respect to the November 2010 General Election.**

E. Utilizing Technology (Sec. 581(b) & 589)

- Requires that the Department of Defense utilize technology to implement a system that allows a UOCAVA voter to enter his/her address or other information relevant to the local election jurisdiction and receive a list of all candidates for Federal office in that jurisdiction. The voter must also be able to print the FWAB with instructions for submitting it to the appropriate State election office, and the mailing address of the singe State office designated under UOCAVA. **This provision must be implemented by December 31st, 2011.**
- The Department of Defense may establish pilot programs to test technology that assists UOCAVA voters. Issues to be considered for any pilot program include: the secure electronic transmittal of voting materials; information security techniques; utilizing vote stations at military bases; and document delivery and upload systems.
- The Department of Defense must submit a report to Congress on the outcomes of any pilot program and recommendations for any additional programs.
- The EAC and the National Institute of Standards and Technology (NIST) must provide the Department of Defense with standards to support the pilot program(s). The standards must be in accordance with the electronic absentee voting guidelines established under the 2005 National Defense Authorization Act (which delayed the implementation of an electronic voting demonstration project until the EAC developed guidelines).
- If the EAC has not established electronic absentee voting guidelines required under the 2005 NDAA within 180 days of the enactment of the MOVE Act, the EAC must submit to Congress a report containing: (1) the reasons the guidelines have not been established by that date; (2) a detailed timeline for the establishment of the guidelines; and (3) a detailed explanation of the EAC's actions in establishing the guidelines since the date of enactment of the 2005 NDAA.

Jurisdiction	June	July	August	September	Ocotober	November	Oldest Match Date
Adams County	226	209	188	135	123	105	2/6/2009
Alexander County	228	221	190	150	152	148	2/6/2009
Bond County	188	181	148	127	125	105	2/6/2009
Boone County	450	399	327	96	28	21	2/6/2009
Brown County	5	3	6	1	3	1	5/26/2009
Bureau County	240	226	178	143	132	126	2/6/2009
Calhoun County	6	6	6	12	8	5	8/27/2009
Carroll County	124	115	87	63	59	45	2/6/2009
Cass County	49	43	30	26	25	25	2/6/2009
Champaign County	206	203	200	35	16	17	2/6/2009
Christian County	40	5	3	4	1	3	10/2/2009
Clark County	47	33	24	15	14	14	2/6/2009
Clay County	127	123	129	115	99	59	2/6/2009
Clinton County	119	119	105	57	48	39	2/6/2009
Coles County	344	314	431	191	164	138	2/6/2009
Cook County	18388	15,898	15,007	12,375	7,086	2,792	2/6/2009
Crawford County	168	160	158	140	137	121	2/6/2009
Cumberland County	46	44	30	14	10	4	2/6/2009
DeKalb County	707	567	333	249	210	174	2/6/2009
DeWitt County	254	217	189	143	134	126	2/6/2009
Douglas County	15	10	9	2	1	0	n/a
DuPage County	1906	1,673	1604	1398	709	570	2/6/2009
Edgar County	23	20	18	10	12	14	2/6/2009
Edwards County	14	13	2	4	6	4	2/6/2009
Effingham County	57	48	52	14	1	1	10/30/2009
Fayette County	370	351	308	232	198	163	2/6/2009
Ford County	92	84	44	15	4	5	2/6/2009
Franklin County	261	247	206	173	147	123	2/6/2009
Fulton County	164	141	79	29	10	3	2/6/2009
Gallatin County	1	1	0	0	0	0	n/a
Greene County	28	28	33	19	12	4	2/6/2009
Grundy County	318	230	57	41	36	14	2/6/2009
Hamilton County	7	3	5	0	0	0	n/a
Hancock County	13	11	8	10	10	11	2/6/2009

Hardin County	19	12	9	3	3	3	5/26/2009
Henderson County	8	2	1	1	0	0	n/a
Henry County	447	414	171	94	89	82	2/6/2009
Iroquois County	179	166	30	24	19	15	2/6/2009
Jackson County	434	402	350	303	274	253	2/6/2009
Jasper County	36	36	38	30	28	25	2/6/2009
Jefferson County	143	116	87	38	29	15	2/6/2009
Jersey County	348	302	91	58	16	9	2/6/2009
JoDaviess County	12	12	3	2	1	0	n/a
Johnson County	8	9	14	4	2	2	2/6/2009
Kane County	1135	951	739	535	110	71	2/6/2009
Kankakee County	45	43	55	73	57	44	2/6/2009
Kendall County	762	403	236	181	123	71	2/6/2009
Knox County	167	146	93	79	66	43	2/6/2009
Lake County	3340	2,619	1988	1569	660	581	2/6/2009
LaSalle County	367	334	295	179	192	171	2/6/2009
Lawrence County	102	89	91	84	62	60	2/6/2009
Lee County	197	152	13	16	6	2	9/3/2009
Livingston County	51	15	15	12	6	2	9/11/2009
Logan County	214	193	60	53	23	22	2/6/2009
Macon County	560	294	211	103	39	14	2/6/2009
Macoupin County	337	221	79	20	8	5	2/6/2009
Madison County	1228	1,055	193	141	79	49	2/6/2009
Marion County	468	457	375	120	116	98	2/6/2009
Marshall County	90	75	19	2	3	5	2/6/2009
Mason County	17	7	1	0	0	0	n/a
Massac County	78	57	51	27	26	25	2/6/2009
McDonough County	218	197	129	80	57	30	2/6/2009
McHenry County	2042	1,399	853	672	0	15	10/16/2009
McLean County	924	851	749	526	433	422	2/6/2009
Menard County	124	101	51	47	49	50	2/6/2009
Mercer County	182	176	168	162	168	157	2/6/2009
Monroe County	92	89	71	42	20	8	2/6/2009
Montgomery County	41	36	12	6	10	7	8/3/2009
Morgan County	149	121	54	24	9	5	6/12/2009

Moultrie County	7	6	5	0	0	0	n/a
Ogle County	803	624	135	77	6	5	2/6/2009
Peoria County	416	281	156	78	70	11	2/6/2009
Perry County	4	2	3	0	1	1	10/7/2009
Piatt County	57	49	12	5	3	2	2/6/2009
Pike County	97	91	71	41	26	13	2/6/2009
Pope County	7	7	7	5	2	2	2/6/2009
Pulaski County	113	109	78	28	31	31	2/6/2009
Putnam County	8	1	2	1	0	0	n/a
Randolph County	53	54	7	4	3	1	10/23/2009
Richland County	180	167	163	140	116	14	2/6/2009
Rock Island County	455	436	374	331	326	330	2/6/2009
Saline County	21	5	2	1	0	0	n/a
Sangamon County	463	350	230	199	183	186	2/6/2009
Schuyler County	26	10	2	1	3	0	n/a
Scott County	15	3	7	1	2	1	10/7/2009
Shelby County	46	25	15	12	0	1	10/30/2009
Stark County	45	38	28	13	10	4	2/6/2009
St. Clair County	1200	1,123	560	360	190	149	2/6/2009
Stephenson County	216	180	114	98	80	77	2/6/2009
Tazewell County	387	248	118	64	52	19	2/6/2009
Union County	116	112	101	94	90	82	2/6/2009
Vermilion County	40	36	27	22	17	15	2/6/2009
Wabash County	26	13	8	8	5	5	5/26/2009
Warren County	64	61	59	48	13	3	8/3/2009
Washington County	243	240	68	15	13	9	2/6/2009
Wayne County	86	87	83	67	65	21	2/6/2009
White County	24	23	20	5	2	3	2/6/2009
Whiteside County	137	62	38	35	26	15	2/6/2009
Will County	5598	4,455	3412	2912	2278	1388	2/6/2009
Williamson County	376	359	312	247	200	137	2/6/2009
Winnebago County	1001	812	596	367	245	230	2/6/2009
Woodford County	87	65	13	6	0	0	n/a
City of Aurora	239	194	135	134	32	20	2/6/2009
City of Bloomington	347	324	251	202	142	138	2/6/2009

City of Chicago	14655	11,478	11015	9273	6530	3415	2/6/2009
City of Danville	13	7	3	2	1	2	2/6/2009
City of East St. Louis	433	421	137	128	66	56	2/6/2009
City of Galesburg	99	90	37	37	30	24	2/6/2009
City of Peoria	848	485	35	1	1	3	10/30/2009
City of Rockford	466	399	291	173	115	106	2/6/2009
	69312	57,030	46,319	36,583	23,478	13,860	

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Members of the Board

SUBJECT: Lump-Sum Appropriation Budget

DATE: November 5, 2009

Attached is a copy of our Lump Sum Appropriation for FY10. There are no changes to this appropriation.

Attachment

State Board of Elections
Proposed Allocation of FY2010 Reduced Lump-Sum Appropriations
To Reflect 50% Cut in Total Lump-Sum Amount
As of 9/30/2009

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	Present Allocation of Actual Lump-Sum Approp. (as of 9/30/09)
Annual HAVA Maint. Of Effort	$550,000	$550,000
State Match - FY09 Add'l HAVA Money	220,698	220,700
IVRS System Operations/Assistance	3,174,500	1,587,300
County Clerk/Recorder Stipends	806,000	806,000
Election Day Judge Reimbursements	2,700,000	1,350,000
Early Voting Assistance to Local Gov.	1,300,000	650,000
Decennial Redistricting Project	350,000	100,000
VSIC (Voting Systems Integrity Center)	1,096,300	350,000
Electronic Canvassing Implementation	476,400	150,000
Disclosure Reform/Replace IDIS System	1,587,400	366,700
Totals	**$12,261,298**	**$6,130,700**

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Members of the Board

SUBJECT: FY10 Fiscal Status Report

DATE: November 5, 2009

The following report reflects fiscal activity of the first four months of FY10 and spending is well within projected limits. We are now in the midst of the candidate filing and objection periods and anticipated increases in expenditures will be reflected in the next several months' reports.

Attachment

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

AGENCY TOTALS MONTH ENDING: October 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	$4,023,000.00	$1,130,720.99	$0.00	$2,892,279.01	28.11%
STATE PAID RETIREMENT	$161,100.00	$43,495.92	$0.00	$117,604.08	27.00%
RETIREMENT (inc. supplemental)					
SOCIAL SECURITY	$307,900.00	$82,987.17	$0.00	$224,912.83	26.95%
CONTRACTUAL SERVICE	$1,100,600.00	$197,352.50	$289,444.15	$613,803.35	17.93%
TRAVEL	$121,900.00	$20,695.75	$0.00	$101,204.25	16.98%
PRINTING	$44,500.00	$4,285.12	$0.00	$40,214.88	9.63%
COMMODITIES	$37,600.00	$7,421.57	$0.00	$30,178.43	19.74%
EQUIPMENT	$261,500.00	$41,956.76	$0.00	$219,543.24	16.04%
TELECOMMUNICATIONS	$142,100.00	$24,975.80	$0.00	$117,124.20	17.58%
OPERATION OF AUTO EQUIPMENT	$4,400.00	$513.17	$0.00	$3,886.83	11.66%
HAVA MAINTENANCE OF EFFORT	$550,000.00	$193,379.00	$67,860.00	$288,761.00	35.16%
ELECTION CODE BOOKS	$15,000.00	$0.00	$0.00	$15,000.00	0.00%
SUB-TOTAL (OPERATIONS)	$6,769,600.00	$1,747,783.75	$357,304.15	$4,664,512.10	25.82%
CO CLERK & RECORDER STIPENDS	$806,000.00	$0.00	$0.00	$806,000.00	0.00%
ELECTION JUDGE REIMBURSEMENT	$1,350,000.00	$0.00	$0.00	$1,350,000.00	0.00%
ELECTION JUDGES/EARLY VOTING	$650,000.00	$0.00	$0.00	$650,000.00	0.00%
IVRS LUMP SUM	$1,587,300.00	$70,773.06	$0.00	$1,516,526.94	4.46%
REDISTRICTING	$100,000.00	$0.00	$0.00	$100,000.00	0.00%
ADDITIONAL STATE MATCH	$220,700.00	$0.00	$0.00	$220,700.00	0.00%
VOTING SYSTEMS INTEGRITY CENTER	$350,000.00	$0.00	$0.00	$350,000.00	0.00%
ELEC. CANVASSING IMPLEMENTATION	$150,000.00	$0.00	$0.00	$150,000.00	0.00%
IDIS SYSTEM REPLACEMENT	$366,700.00	$0.00	$0.00	$366,700.00	0.00%
SUB-TOTAL (GRANTS)	$5,580,700.00	$70,773.06	$0.00	$5,509,926.94	1.27%
TOTAL APPROPRIATION	$12,350,300.00	$1,818,556.81	$357,304.15	$10,174,439.04	14.72%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

BOARD MONTH ENDING: October 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
CONTRACTUAL SERVICE				
1205 Freight Express & Drayage	$2,500.00	$463.72	$2,036.28	18.55%
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	$17,000.00	$2,752.00	$14,248.00	16.19%
1274 Reg. Fees & Conf. Expenses (Vendor)	$400.00		$400.00	0.00%
1275 Subscriptions				
1276 Reg. Fees & Conf. Expenses (Employee)	$100.00		$100.00	0.00%
1277 Association Dues			$0.00	0.00%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	$100.00		$100.00	0.00%
1286 Travel, Non-State Employee			$0.00	0.00%
1289 Contractual Services, NEC	$100.00		$100.00	0.00%
TRAVEL	$19,000.00	$3,834.07	$15,165.93	20.18%
EQUIPMENT				
1510 Office Furniture & Equipment	$700.00		$700.00	0.00%

BOARD GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE
CONTRACTUAL SERVICE	**$21,200.00**	**$4,215.72**		**$16,984.28**
TRAVEL	**$19,000.00**	**$3,834.07**		**$15,165.93**
EQUIPMENT	**$700.00**	**$0.00**		**$700.00**
TOTAL	**$40,900.00**	**$8,049.79**	**$0.00**	**$32,850.21**

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

ADMINISTRATION MONTH ENDING: October 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	$699,600.00	$199,580.29	$500,019.71	28.53%
1129 State Paid Retirement	$28,100.00	$8,005.93	$20,094.07	28.49%
1161 Retirement				
1161-008 Compt. Supplemental Retirement				
1170 Social Security	$53,600.00	$14,427.91	$39,172.09	26.92%
CONTRACTUAL SERVICE				
1201 Petty Cash	$500.00		$500.00	0.00%
1205 Freight Express & Drayage	$700.00		$700.00	0.00%
1221 Repair/Maint. Furn./Office Equipment	$12,500.00	$3,259.59	$9,240.41	26.08%
1223 Repair/Maint. Real Property	$4,500.00		$4,500.00	0.00%
1230 In-House Repair & Maintenance				
1231 Rental, Office Equipment	$30,600.00	$2,663.31	$27,936.69	8.70%
1232 Rental, Motor Vehicles	$4,600.00	$1,150.00	$3,450.00	25.00%
1233 Rental, Real Property	$206,300.00	$85,213.25	$121,086.75	41.31%
1234 Rental, Machinery & Mechanical Eqmt				
1239 Rental, NEC	$1,400.00		$1,400.00	0.00%
1240 Statistical & Tabulation Services	$10,000.00	$1,526.20	$8,473.80	15.26%
1242 Auditing & Management Services	$5,000.00	$1,170.00	$3,830.00	23.40%
1248 Building & Grounds Maintenance	$13,000.00	$626.18	$12,373.82	4.82%
1251 Gas	$9,500.00	$360.55	$9,139.45	3.80%
1252 Electricity	$52,000.00	$15,953.10	$36,046.90	30.68%
1253 Water	$1,000.00	$213.27	$786.73	21.33%
1255 Utilities, NEC	$700.00	$122.01	$577.99	17.43%
1261 Postage	$64,000.00	$21,279.92	$42,720.08	33.25%
1266 Court Reporting	$800.00		$800.00	0.00%
1274 Reg Fees & Conf. Expenses (Vendor)				
1275 Subscription & Information Services	$2,500.00	$682.50	$1,817.50	27.30%
1276 Reg.Fees & Conf. Expenses (Employee)	$1,000.00		$1,000.00	0.00%
1277 Association Dues	$2,200.00	$1,250.00	$950.00	56.82%
1281 Interviewee Expense - To Vendors				
1285 Taxes, Licenses & Fees	$100.00			
1289 Contractual Services, NEC	$1,300.00		$1,300.00	0.00%
TRAVEL				
1291 In-State	$18,000.00	$3,105.32	$14,894.68	17.25%
1292 Out-of-State	$1,800.00		$1,800.00	0.00%
PRINTING	$10,900.00	$205.30	$10,694.70	1.88%
COMMODITIES				
1304 Office/Library Supplies	$14,000.00	$3,350.64	$10,649.36	23.93%
1391 Household & Cleaning Supplies	$2,000.00	$679.02	$1,320.98	33.95%
1394 Office/Library Equip., Not exc. $100				
1398 Equipment, NEC	$700.00		$700.00	0.00%
1399 Commodities, NEC	$400.00	$121.00	$279.00	30.25%
EQUIPMENT				
1510 Office Furniture & Equipment	$2,100.00		$2,100.00	0.00%
1599 Equipment NEC	$1,000.00		$1,000.00	0.00%
TELECOMMUNICATIONS				
1710 Repair/Maintenance Telecom				
1721 Rental, Telephone Serv. & Equip.	$46,900.00	$9,924.25	$36,975.75	21.16%
1722 Rental, Data Comm. Serv. & Equip.	$84,800.00	$13,080.72	$71,719.28	15.43%
1728 Videoconferencing	$6,400.00	$1,692.95	$4,707.05	26.45%
1729 Rental, Other Comm. Serv. & Equip.	$3,700.00		$3,700.00	0.00%
1730 Parts & Supplies for Telephone	$300.00	$277.88	$22.12	92.63%
OPERATION OF AUTO EQUIPMENT				
1893 Repair & Maint., Auto. Equipment	$1,500.00	$20.00	$1,480.00	1.33%
1894 Parts & Fittings, Auto Equipment	$200.00		$200.00	0.00%
1896 Gasoline, Oil & Antifreeze	$2,700.00	$493.17	$2,206.83	18.27%
1899 Auto. Expenses, NEC				

ADMINISTRATION GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	**$699,600.00**	**$199,580.29**		**$500,019.71**	**28.53%**
STATE PAID RETIREMENT	**$28,100.00**	**$8,005.93**		**$20,094.07**	**28.49%**
RETIREMENT (incl. supplemental funding)	**$0.00**	**$0.00**		**$0.00**	**0.00%**
SOCIAL SECURITY	**$53,600.00**	**$14,427.91**		**$39,172.09**	**26.92%**
CONTRACTUAL SERVICE	**$424,200.00**	**$135,469.88**	**$123,084.80**	**$165,645.32**	**31.94%**
TRAVEL	**$19,800.00**	**$3,105.32**		**$16,694.68**	**15.68%**
PRINTING	**$10,900.00**	**$205.30**		**$10,694.70**	**1.88%**
COMMODITIES	**$17,100.00**	**$4,150.66**		**$12,949.34**	**24.27%**
EQUIPMENT	**$3,100.00**	**$0.00**		**$3,100.00**	**0.00%**
TELECOMMUNICATIONS	**$142,100.00**	**$24,975.80**		**$117,124.20**	**17.58%**
OPERATION OF AUTO EQUIPMENT	**$4,400.00**	**$513.17**		**$3,886.83**	**11.66%**
TOTAL	**$1,402,900.00**	**$390,434.26**	**$123,084.80**	**$889,380.94**	**27.83%**

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

ELECTIONS MONTH ENDING: October 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	$1,567,000.00	$438,604.09	$1,128,395.91	27.99%
1129 State Paid Retirement	$62,700.00	$16,916.74	$45,783.26	26.98%
1161 Retirement				
1161-008 Compt. Supplemental Retirement				
1170 Social Security	$119,800.00	$32,247.95	$87,552.05	26.92%
CONTRACTUAL SERVICE				
1145 Contractual Payroll				
1205 Freight Express & Drayage	$4,800.00		$4,800.00	0.00%
1221 Repair/Maint. Furn./Office Equipment	$200.00		$200.00	0.00%
1231 Rental, Office Equipment				
1232 Rental, Motor Vehicles				
1237 Rental, Film & Audio/Visual Aids	$100.00		$100.00	0.00%
1239 Rental, NEC	$2,200.00	$100.00	$2,100.00	4.55%
1242 Auditing & Management Services				
1245 Professional & Artistic Services, NEC	$40,000.00		$40,000.00	0.00%
1266 Court Reporting & Filing Services				
1273 Advertising				
1274 Reg Fees & Conf. Expenses (Vendor)	$2,300.00	$160.00	$2,140.00	6.96%
1275 Subscription & Information Services	$2,500.00		$2,500.00	0.00%
1276 Reg. Fees & Conf. Expenses (Employee)	$1,600.00	$60.00	$1,540.00	3.75%
1277 Association Dues	$1,900.00	$90.00	$1,810.00	4.74%
1279 Employee Tuition & Fees	$2,500.00		$2,500.00	0.00%
1280 Copying, Photographic & Printing Services	$2,300.00		$2,300.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1289 Contractual Services, NEC	$16,500.00	$247.50	$16,252.50	1.50%
TRAVEL	$48,400.00	$8,812.13	$39,587.87	18.21%
PRINTING	$23,700.00	$3,704.82	$19,995.18	15.63%
EQUIPMENT				
1510 Office Furniture & Equipment	$4,300.00		$4,300.00	0.00%
HAVA - Maintenance of Effort	$550,000.00	$193,379.00	$356,621.00	35.16%
ELECTION CODE BOOKS	$15,000.00		$15,000.00	0.00%

ELECTIONS GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	**$1,567,000.00**	**$438,604.09**		**$1,128,395.91**	**27.99%**
STATE PAID RETIREMENT	**$62,700.00**	**$16,916.74**		**$45,783.26**	**26.98%**
RETIREMENT (incl. supplemental funding)					
SOCIAL SECURITY	**$119,800.00**	**$32,247.95**		**$87,552.05**	**26.92%**
CONTRACTUAL SERVICE	**$76,900.00**	**$657.50**		**$76,242.50**	**0.86%**
TRAVEL	**$48,400.00**	**$8,812.13**		**$39,587.87**	**18.21%**
PRINTING	**$23,700.00**	**$3,704.82**		**$19,995.18**	**15.63%**
EQUIPMENT	**$4,300.00**	**$0.00**		**$4,300.00**	**0.00%**
HAVA - Maintenance of Effort	**$550,000.00**	**$193,379.00**	**$67,860.00**	**$288,761.00**	**35.16%**
ELECTION CODE BOOKS	**$15,000.00**	**$0.00**		**$15,000.00**	**0.00%**
TOTAL	**$2,467,800.00**	**$694,322.23**	**$67,860.00**	**$1,705,617.77**	**28.14%**

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

GENERAL COUNSEL MONTH ENDING: October 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	$284,600.00	$85,754.21	$198,845.79	30.13%
1129 State Paid Retirement	$11,400.00	$2,931.21	$8,468.79	25.71%
1161 Retirement				
1170 Social Security	$21,800.00	$6,308.95	$15,491.05	28.94%
CONTRACTUAL SERVICE				
1145 Contractual Payroll				
1205 Freight Express & Drayage	$600.00		$600.00	0.00%
1221 Repair/Maint. Furn./Office Equipment				
1244 Legal Fees	$56,000.00	$3,861.84	$52,138.16	6.90%
1245 Professional & Artistic Services, NEC				
1266 Court Reporting & Filing Services	$15,000.00	$3,089.50	$11,910.50	20.60%
1273 Advertising				
1274 Reg Fees & Conf. Expenses (Vendor)	$1,500.00	$1,110.00	$390.00	74.00%
1275 Subscription & Information Services	$3,500.00		$3,500.00	0.00%
1276 Reg. Fees & Conf. Expenses (Employee)	$1,500.00		$1,500.00	0.00%
1277 Association Dues	$1,500.00		$1,500.00	0.00%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	$600.00		$600.00	0.00%
1284 Computer Software				
1289 Contractual Services, NEC	$5,000.00	$1,277.26	$3,722.74	25.55%
TRAVEL	$10,700.00	$1,007.05	$9,692.95	9.41%
EQUIPMENT				
1510 Office Furniture & Equipment	$500.00		$500.00	0.00%

GENERAL COUNSEL GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	**$284,600.00**	**$85,754.21**		**$198,845.79**	**30.13%**
STATE PAID RETIREMENT	**$11,400.00**	**$2,931.21**		**$8,468.79**	**25.71%**
RETIREMENT					
SOCIAL SECURITY	**$21,800.00**	**$6,308.95**		**$15,491.05**	**28.94%**
CONTRACTUAL SERVICE	**$85,200.00**	**$9,338.60**	**36,138.16**	**$39,723.24**	**10.96%**
TRAVEL	**$10,700.00**	**$1,007.05**		**$9,692.95**	**9.41%**
EQUIPMENT	**$500.00**	**$0.00**		**$500.00**	**0.00%**
TOTAL	**$414,200.00**	**$105,340.02**	**$36,138.16**	**$272,721.82**	**25.43%**

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

CAMPAIGN DISCLOSURE MONTH ENDING: October 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	$799,800.00	$236,700.40	$563,099.60	29.59%
1129 State Paid Retirement	$32,000.00	$8,908.88	$23,091.12	27.84%
1161 Retirement				
1161-0008 Compt. Supplemental Retirement				
1170 Social Security	$61,200.00	$17,241.56	$43,958.44	28.17%
CONTRACTUAL SERVICE				
1205 Freight Express & Drayage	$100.00		$100.00	0.00%
1221 Repair & Maint, Furn & Office Equipment	$600.00	$529.00	$71.00	88.17%
1225 Repair & Maint, EDP				
1229 Repair & Maint, NEC				
1232 Rental, Motor Vehicles				
1239 Rental, NEC	$3,500.00		$3,500.00	0.00%
1245 Professional & Artistic Services, NEC	$4,300.00		$4,300.00	0.00%
1248 Building & Ground Maintenance				
1266 Court Reporting & Filing Services	$600.00	$560.00	$40.00	93.33%
1274 Reg Fees & Conf. Expenses (Vendor)	$900.00		$900.00	0.00%
1275 Subscription & Information Services				
1276 Reg. Fees & Conf. Expenses (Employee)				
1277 Association Dues				
1279 Employee Tuition and Fees	$600.00		$600.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	$500.00	$412.02	$87.98	82.40%
TRAVEL				
1291 In-State	$8,000.00	$1,533.30	$6,466.70	19.17%
1292 Out-of-State	$3,300.00		$3,300.00	0.00%
PRINTING	$9,200.00	$375.00	$8,825.00	4.08%
EQUIPMENT				
1510 Office Furniture & Equipment	$9,300.00		$9,300.00	0.00%

CAMPAIGN DISCLOSURE GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	**$799,800.00**	**$236,700.40**		**$563,099.60**	**29.59%**
STATE PAID RETIREMENT	**$32,000.00**	**$8,908.88**		**$23,091.12**	**27.84%**
RETIREMENT (incl. supplemental funding)					
SOCIAL SECURITY	**$61,200.00**	**$17,241.56**		**$43,958.44**	**28.17%**
CONTRACTUAL SERVICE	**$11,100.00**	**$1,501.02**		**$9,598.98**	**13.52%**
TRAVEL	**$11,300.00**	**$1,533.30**		**$9,766.70**	**13.57%**
PRINTING	**$9,200.00**	**$375.00**		**$8,825.00**	**4.08%**
EQUIPMENT	**$9,300.00**	**$0.00**		**$9,300.00**	**0.00%**
TOTAL	**$933,900.00**	**$266,260.16**	**$0.00**	**$667,639.84**	**28.51%**

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

INFORMATION TECHNOLOGY MONTH ENDING: October 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	$672,000.00	$170,082.00	$501,918.00	25.31%
1129 State Paid Retirement	$26,900.00	$6,733.16	$20,166.84	25.03%
1161 Retirement				
1161-0008 Compt. Supplemental Retirement				
1170 Social Security	$51,500.00	$12,760.80	$38,739.20	24.78%
CONTRACTUAL SERVICE				
1145 Contractual Payroll				
1205 Freight Express & Drayage				
1221 Repair/Maint. Furn./Office Equipment	$13,000.00		$13,000.00	0.00%
1223 Repair/Maint. Real Property				
1225 Repair/Maint. EDP Equipment	$32,000.00		$32,000.00	0.00%
1230 In-House Repair of Equipment				
1234 Rental, Machinery and Mech. Equip				
1239 Rental, NEC				
1242 Auditing & Management Services	$340,000.00	$45,783.81	$294,216.19	13.47%
1244 Legal Fees				
1245 Professional & Artistic Services, NEC				
1271 Surety Bond & Ins. Prem.	$600.00		$600.00	0.00%
1272 Travel & Expense Reimbursement (Vendor)				
1274 Reg Fees & Conf. Expenses (Vendor)	$6,000.00		$6,000.00	0.00%
1275 Subscription & Information Services	$3,100.00	$260.97	$2,839.03	8.42%
1276 Reg. Fees & Conf. Expenses (Employee)				
1277 Association Dues				
1279 Employee Tuition and Fees	$5,000.00		$5,000.00	0.00%
1284 Computer Software	$66,300.00		$66,300.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	$16,000.00	$125.00	$15,875.00	0.78%
TRAVEL				
1291 In-State	$5,500.00	$2,403.88	$3,096.12	43.71%
1292 Out-of-State	$7,200.00		$7,200.00	0.00%
PRINTING	$700.00			
COMMODITIES				
1304 Office/Library Supplies	$20,200.00	$3,007.92	$17,192.08	14.89%
1332 Industrial & Shop Materials				
1394 Office/Library Equip. under $100				
1398 Equipment, NEC				
1399 Commodities, NEC	$300.00	$262.99		87.66%
EQUIPMENT				
1510 Office Furniture & Equipment	$32,000.00			
1515 EDP Equipment	$211,600.00	$41,956.76	$169,643.24	19.83%

INFORMATION TECHNOLOGY GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	**$672,000.00**	**$170,082.00**		**$501,918.00**	**25.31%**
STATE PAID RETIREMENT	**$26,900.00**	**$6,733.16**		**$20,166.84**	**25.03%**
RETIREMENT					
SOCIAL SECURITY	**$51,500.00**	**$12,760.80**		**$38,739.20**	**24.78%**
CONTRACTUAL SERVICE	**$482,000.00**	**$46,169.78**	**$130,221.19**	**$305,609.03**	**9.58%**
TRAVEL	**$12,700.00**	**$2,403.88**		**$10,296.12**	**18.93%**
PRINTING	**$700.00**	**$0.00**		**$700.00**	**0.00%**
COMMODITIES	**$20,500.00**	**$3,270.91**		**$17,229.09**	**15.96%**
EQUIPMENT	**$243,600.00**	**$41,956.76**		**$201,643.24**	**17.22%**
TOTAL	**$1,509,900.00**	**$283,377.29**	**$130,221.19**	**$1,096,301.52**	**18.77%**

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

IVRS LUMP SUM MONTH ENDING: October 31, 2009	YEAR TO DATE EXPENDITURE
PERSONAL SERVICE	$63,717.50
1129 State Paid Retirement	$2,333.73
1161 Retirement	
1170 Social Security	$4,634.83
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	$87.00
COMMODITIES	
1304 Office Supplies	
1398 Equipment Less than $100	
EQUIPMENT	
1510 Office Furniture & Equipment	
LOCAL GRANTS	
4453 Reimbursement to Governmental Units	
4458 Services, NEC	
4470 Grants to Local Governments	
4479 Payments to Other State Agencies	

LUMP SUM APPROPRIATION FOR YEAR	**$1,587,300.00**
TOTAL LUMP SUM EXPENDITURES	**$70,773.06**
REMAINING LUMP SUM APPROPRIATION	**$1,516,526.94**

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Members of the Board

SUBJECT: FY10 HAVA Fiscal Status Reports

DATE: November 5, 2009

There is very little HAVA activity to report this past month.

Attachments

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
Help Illinois Vote Fund

AGENCY TOTALS MONTH ENDING: October 31, 2009	SECTION 101 Discretionary Funds	SECTION 102 Entitlement Payments	SECTION 261 EAID Disbursements	SECTION 251 Requirements	TOTAL Fund Activity
CASH BALANCE AT BEGINNING OF YEAR	$2,962,330.15	$136,049.00	$0.00	$11,029,475.50	$14,127,854.65
Program Revenues from Federal Govt	$0.00	$0.00	$6,271.00	$0.00	$6,271.00
Miscellaneous Revenues					$0.00
Interest Earned on Comptroller Balances	$4,928.55	$0.00	$0.00	$17,630.45	$22,559.00
Interest Penalties Received					$0.00
State Match Receipts					$0.00
TOTAL CASH REVENUES	$4,928.55	$0.00	$6,271.00	$17,630.45	$28,830.00
YEAR TO DATE CASH EXPENDITURES					
PERSONAL SERVICE	$22,600.00			$0.00	$22,600.00
STATE-PAID RETIREMENT	$904.24			$0.00	$904.24
RETIREMENT	$6,414.80			$0.00	$6,414.80
SOCIAL SECURITY	$1,566.80			$0.00	$1,566.80
GROUP INSURANCE	$5,951.84			$0.00	$5,951.84
CONTRACTUAL SERVICE	$3,915.44			$205,613.42	$209,528.86
TRAVEL	$7,526.64			$0.00	$7,526.64
PRINTING	$0.00			$0.00	$0.00
COMMODITIES	$0.00			$0.00	$0.00
EQUIPMENT	$5,930.50			$0.00	$5,930.50
TELECOMMUNICATIONS	$108.25			$0.00	$108.25
OPERATION OF AUTO. EQUIPMENT	$0.00			$0.00	$0.00
INDIRECT COST REFUNDS	$102,761.58			$1,172,972.49	$1,275,734.07
SUB-TOTAL CASH EXPENDITURES (OPERATIONS)	$157,680.09	$0.00	$0.00	$1,378,585.91	$1,536,266.00
AWARDS & GRANTS	$0.00	$0.00	$17,256.56	$0.00	$17,256.56
TOTAL CASH EXPENDITURES	$157,680.09	$0.00	$17,256.56	$1,378,585.91	$1,553,522.56
CASH BALANCE AT END OF MONTH	$2,809,578.61	$136,049.00	-$10,985.56	$9,668,520.04	$12,603,162.09

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
Help Illinois Vote Fund

SECTION 101 - DISCRETIONARY FUNDS MONTH ENDING: October 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE
PERSONAL SERVICE	$22,600.00	$22,600.00
1129 State Paid Retirement	$904.24	$904.24
1161 Retirement	$6,414.80	$6,414.80
1170 Social Security	$1,566.80	$1,566.80
1180 Group Insurance	$5,951.84	$5,951.84
CONTRACTUAL SERVICE		
1205 Freight Express/Drayage	$37.44	$37.44
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	$2,000.00	$2,000.00
1243 Book Binding & Processing Services		
1244 Legal Fees		
1245 Professional & Technical Services, NEC	$630.00	$630.00
1261 Postage		
1266 Court Reporting & Filing Services		
1273 Advertising		
1274 Registration Fees & Conf. Exp. (Vendor)	$849.00	$849.00
1276 Registration Fees & Conf. Exp. (Employee)	$399.00	$399.00
1280 Copying, Photographic & Printing Serv.		
1284 Computer Software		
1286 Travel, Reimb. to Non-State Employees		
1289 Contractual Services, NEC		
TRAVEL		
1291 In-State	$3,486.94	$3,486.94
1292 Out-of-State	$4,039.70	$4,039.70
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	$5,930.50	$5,930.50
1561 Training Equipment		
6625 Leasehold Improvements		
TELECOMMUNICATIONS		
1721 Rental, Telephone Serv. & Equip.	$108.25	$108.25
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	$102,761.58	$102,761.58
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)		
4470 Grants to Local Governments		
4479 Payments to Other State Agencies		

SECTION 101 GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY
PERSONAL SERVICE	$22,600.00	$22,600.00	
STATE PAID RETIREMENT	$904.24	$904.24	
RETIREMENT	$6,414.80	$6,414.80	
SOCIAL SECURITY	$1,566.80	$1,566.80	
GROUP INSURANCE	$5,951.84	$5,951.84	
CONTRACTUAL SERVICE	$3,915.44	$3,915.44	
TRAVEL	$7,526.64	$7,526.64	
PRINTING	$0.00	$0.00	
COMMODITIES	$0.00	$0.00	
EQUIPMENT	$5,930.50	$5,930.50	
TELECOMMUNICATIONS	$108.25	$108.25	
OPERATION OF AUTO EQUIPMENT	$0.00	$0.00	
INDIRECT COST REFUNDS	$102,761.58	$102,761.58	
GRANTS	$0.00	$0.00	
TOTAL	$157,680.09	$157,680.09	$0.00

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
Help Illinois Vote Fund

SECTION 102 - ENTITLEMENT PAYMENTS MONTH ENDING: October 31, 2009	FY10 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		

SECTION 102 GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED 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**	
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
FY10 MONTHLY FISCAL REPORT
Help Illinois Vote Fund

SECTION 261 - EAID DISBURSEMENTS MONTH ENDING: October 31, 2009	FY10 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 II)		
4470 Grants to Local Governments (VAID III)	$17,256.56	$17,256.56

SECTION 261 GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED 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**	
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	**$17,256.56**	**$17,256.56**	
TOTAL	**$17,256.56**	**$17,256.56**	**$0.00**

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
Help Illinois Vote Fund

SECTION 251 - REQUIREMENTS MONTH ENDING: October 31, 2009	FY10 APPROPRIATION	YEAR TO DATE 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	$53,100.00	$53,100.00
1243 Book Binding & Processing Services		
1244 Legal Fees		
1245 Professional & Technical Services, NEC	$2,608.90	$2,608.90
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	$149,904.52	$149,904.52
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		
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	$1,172,972.49	$1,172,972.49
GRANTS		
4453 Reimbursement to Govt Units (AVE)		
4453 Reimbursement to Govt Units (Phase II)		
4453 Reimbursement to Govt Units (ALA)		
4453 Reimbursement to Govt Units (EDG)		
4470 Grants to Local Governments (VRS)		
4479 Payments to Other State Agencies		

SECTION 101 GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED 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	$205,613.42	$205,613.42	$261,239.00
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	
INDIRECT COST REFUNDS	$1,172,972.49	$1,172,972.49	
GRANTS	$0.00	$0.00	
TOTAL	$1,378,585.91	$1,378,585.91	$261,239.00

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
EAC Data Collection Grant

AGENCY TOTALS MONTH ENDING: October 31, 2009	TOTAL Fund Activity
CASH BALANCE FROM PREVIOUS FISCAL YEARS	**$97,344.50**
Program Revenues from Federal Govt	$921,187.00
Miscellaneous Revenues	$0.00
Interest Earned on Comptroller Balances	$723.00
Interest Penalties Received	$0.00
TOTAL CASH REVENUES	**$921,910.00**
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	$49,175.00
TRAVEL	$0.00
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)	**$49,175.00**
AWARDS & GRANTS	$0.00
TOTAL CASH EXPENDITURES	**$49,175.00**
CASH BALANCE BEFORE OBLIGATED FUNDS	**$970,079.50**
OUTSTANDING CONTRACTUAL OBLIGATIONS	**$764,219.00**
AVAILABLE CASH BALANCE AT END OF MONTH	**$205,860.50**

STATE BOARD OF ELECTIONS
FY09 MONTHLY FISCAL REPORT
EAC DATA COLLECTION GRANT

MONTH ENDING: October 31, 2009	FY09 APPROPRIATION	YEAR TO DATE 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	$49,175.00	$49,175.00
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		
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	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED 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	$49,175.00	$49,175.00	$764,219.00
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	
INDIRECT COST REFUNDS	$0.00	$0.00	
GRANTS	$0.00	$0.00	
TOTAL	$49,175.00	$49,175.00	$764,219.00

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: November 4, 2009

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

Attachment

Start Date	End Date	Activity	Division
10/1 /2009		Begin planning for the printing and distribution of campaign financing material for political committees for February 2, 2010 General Primary Election.	CAMP DISC
10/1 /2009		Begin planning for the printing and distribution of Campaign Financing materials to political committees for the December 31, 2009 Semi-Annual Report. (Packets to be mailed December 4, 2009) 10 ILCS 5/9-10	CAMP DISC
10/5 /2009		Send to all election authorities a LIST OF FACILITIES licensed or certified pursuant to the NURSING HOME CARE REFORM ACT OF 1979. 10 ILCS 5/19-12.2	ET&RD
10/20/2009		BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR
10/26/2009	11/2 /2009	Candidate filing period. 10 ILCS 5/7-12	EL INFO
11/2 /2009		Begin preparation of packet material for Semi-Annual Reports. (Packets to be mailed December 4, 2009.) 10 ILCS 5/9-10	CAMP DISC
11/4 /2009		Submit FEDERAL AND STATE OFFICERS book for printing. Books should be printed by December 3, 2009. 10 ILCS 5/1A-8 (1, 2, 3, 11)	ET&RD
11/4 /2009		Submit COUNTY OFFICERS book for printing. Books should be printed by December 3, 2009. 10 ILCS 5/1A-8 (1, 2, 3, 11)	ET&RD
11/4 /2009		Civic Organization certification cutoff date prior to the February 2, 2010 General Primary Election. 10 ILCS 5/1A-8 (1, 2, 12) (Board Rule)	ET&RD
11/9 /2009		Deadline for filing objections to petitions of candidates who filed October 26 - November 2, 2009. 10 ILCS 5/10-8	EL INFO
11/12/2009		Last day to transmit objections and call for electoral board hearings. 10 ILCS 5/10-8	EL INFO
11/12/2009		Last day to conduct lottery to determine ballot position for 8 a.m. simultaneous filings for November 16 - 23, 2009 filing period. 10 ILCS 5/7-7-12 (6)	EL INFO
11/17/2009		BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR
11/16/2009	11/23/2009	Special filing period for judicial vacancies which occurred October 12 - November 2, 2009.	EL INFO
11/17/2009	11/19/2009	(date subject to change) Veto Session	LEG

Start Date	End Date	Activity	Division
11/30/2009		Notify election authorities of requirement to submit computerized voter registration information for the December 15, 2009 submission in a format prescribed by the SBE	VRS
12/1 /2009	12/3 /2009	(date subject to change) Veto Session	LEG
12/2 /2009		Objection filing deadline to nomination papers of candidates who filed for judicial office during the November 16 - 23, 2009 filing period. (Special judicial filing) 10 ILCS 5/7-12.1	EL INFO
12/2 /2009		Last day to conduct lottery to determine ballot position for 8 a.m. simultaneous filings for November 16 - 23, 2009 filing period.	EL INFO
12/3 /2009		BOARD MEETING. Certification of the February Primary Election ballot. 10 ILCS	EXEC DIR
12/3 /2009		Mail February General Primary certifications to county clerks. 10 ILCS 5/1A-8 (1, 2, 11)	EL INFO
12/4 /2009		Last day to transmit objections and call for electoral board hearings.	EL INFO
12/4 /2009		The last date that the State Board of Elections shall notify political committees that have filed a Statement of Organization of their obligation to file a SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. 10 ILCS 5/9-16	CAMP DISC
12/7 /2009		Prepare and have available for distribution the listing of candidates for the February 2, 2010 General Primary Election. 10 ILCS 5/1	EL INFO, ET&RD
12/15/2009		First day for election authority to submit computerized voter registration file for the December 15, 2009 submission. 10 ILCS 5/4-8,5-7,6-36	VRS
12/26/2009		Last day for election authorities to submit request for extension to file computerized voter registration information for the December 15, 2009 submission. Rules and Regulations	VRS
12/26/2009		Last day for election authority to submit computerized voter registration file for the December 15, 2009 submission. 10 ILCS 5/4-8,5-7,6-36	VRS
1 /1 /2010		Present to the Board a list of legislative proposals for introduction in the next session.	LEG

Friends of Kris Wasowicz
7551 Blazer
Justice, IL.60458 L14885

STATE BOARD OF ELECTIONS
09 OCT 28 PM 3:27

October 27, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS
1020 S SPRING STREET
SPRINGFIELD, IL. 62708-4187

In reference to the Board of Elections Final Order notice, case 09 JS 079, State Board of Elections, Complainant(s), Vs. Friends of Kris Wasowicz, Respondent(s) #L14885, in response to the matter which was heard before the State Board of Elections on the 20th day of October, 2009, we are in request to file a motion for Right to Appeal.

MOTION FOR RIGHT TO APPEAL.

We are in request, that the State Board of Elections, grant our Motion for Right to Appeal, for the reasons aforementioned, as follows:

1. In case # 09 JS 079, for June 2009 Semi-annual report filing, delinquent. Appeal paperwork was not received and the notice was received after the original one week period after the due date.
2. In case #09 DS 110 for December 2008 Semi-annual report , was the first filing from for this organization, which we had contact with your office and were instructed that this first offense will be allowed. However, no instructions were given to us nor was a notice sent to us regarding the delinquency involved in this matter.
3. In case #09 CE 017 for April 2009 Pre-election report, upon the notice received, we did not receive the proper paperwork to Appeal your findings of being delinquent. After several attempts by advisor and assistant, we had requested paperwork to be sent to us and give us instructions on proper procedure of Appealing your findings, we received neither form nor instructions from the office of the State Board of Elections.
4. Finally in an attempt, to resolve and prevent delinquencies of filing dates, we had tried to install the available software, but after several attempts to request help from your support, we have given up on the software.

It is by these points that we respectfully request your approval of our Motion for Right of Appeal. Thank you for your consideration.

Respectfully yours,

Kris Wasowicz,
Chairman, Friends for Kris Wasowicz

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

STATE BOARD OF ELECTIONS
09 OCT 28 PM 3:27

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:	)	
	)	
State Board of Elections	)	
Complainant(s),	)	
Vs.	)	
	)	09 JS 079
Friends of Kris Wasowicz	)	
Respondent(s).	)	

FINAL ORDER

TO: Friends of Kris Wasowicz L14885
7551 Blazer
Justice, IL 60458

This matter coming to be heard this 20th day of October, 2009, as an imposition of a civil penalty under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), and the State Board of Elections being fully advised in the premises,

THE BOARD FINDS

1. In case number 09 JS 079, a $100.00 civil penalty was assessed against the Respondent for the delinquent filing of the June 2009 Semi-annual report; and
2. An appeal of the civil penalty was not submitted by the committee, and
3. The committee was previously assessed a penalty of $200.00 for the delinquent filing of the December 2008 Semi-annual report (09 DS 110) and a penalty of $500.00 for the delinquent filing of the April 2009 Pre-election report (09 CE 017). These assessments were not appealed and remain unpaid.

IT IS ORDERED:

1. A civil penalty in the amount of $100.00 is imposed and the previously assessed penalty of $700.00 remains unpaid. The total amount of $800.00 is now due and owing within 30 days of the effective date of this Order; and
2. The effective date of this Order is October 21, 2009, and
3. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 10/21/2009

Bryan A. Schneider, Chairman

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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Patrick A. Brady
John R. Keith
William M. McGuffage
Albert S. Porter
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

Krzysztof Wasowicz
7510 S Cronin
Justice, IL 60458

8/6/2009

Friends of Kris Wasowicz
L14885

Dear Krzysztof Wasowicz:

Our records indicate that your committee has failed to file the following document during the filing period.

Report Type: Semiannual Report of Campaign Contributions and Expenditures
Report Period: Jan 1, 2009 through Jun 30, 2009
Filing Period: Jul 1, 2009 through Jul 20, 2009

Your Semiannual Report was received on 7/22/2009 at 2:36 PM

Based upon your committee's failure to comply with the provisions of 10 ILCS 5/9-10 of the Election Code, it is being assessed a civil penalty for each day this report was unfiled.

After your report is received in this office, you will be mailed an assessment notice, advising you of the amount of the civil penalty being assessed against this committee. You will also be provided with forms with which to appeal such penalty, if you feel you have been assessed such penalty 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 of time, you forfeit the right to contest this assessment notice at any time in the future.

The assessed civil penalty shall be stayed for a first time violation. Any subsequent violation of any provision of Article 9 of the Election Code or of a Board Order shall result in the assessment of another 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.

My staff and I are available to provide assistance in this matter.

Sincerely yours,

Rupert Borgsmiller
Director of Campaign Disclosure

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

EXECUTIVE DIRECTOR
Daniel W. White

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Albert S. Porter, Chairman
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William M. McGuffage
John R. Keith
Wanda L. Rednour
Jesse R. Smart
Robert J. Walters

Krzysztof Wasowicz
7510 S Cronin
Justice, IL 60458

4/6/2009

Friends of Kris Wasowicz
L1488

Dear Krzysztof Wasowicz:

Our records indicate that your committee has failed to file the following document during the filing period.

Report Type: Pre-election Report of Campaign Contributions for the 2009 Consolidated Election
Report Period: Feb 8, 2009 through Mar 8, 2009
Filing Period: Mar 9, 2009 through Mar 23, 2009

Your Pre-election Report was received on 3/26/2009 at 2:20 PM

Based upon your committee's failure to comply with the provisions of 10 ILCS 5/9-10 of the Election Code, it is being assessed a civil penalty for each day this report was unfiled.

After your report is received in this office, you will be mailed an assessment notice, advising you of the amount of the civil penalty being assessed against this committee. You will also be provided with forms with which to appeal such penalty, if you feel you have been assessed such penalty 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 of time, you forfeit the right to contest this assessment notice at any time in the future.

The assessed civil penalty shall be stayed for a first time violation. Any subsequent violation of any provision of Article 9 of the Election Code or of a Board Order shall result in the assessment of another 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.

My staff and I are available to provide assistance in this matter.

Sincerely yours,

Rupert Borgsmiller
Director of Campaign Disclosure

SmartZone Communications Center Collaboration Suite adamdanielewicz@comcast.net

RE: Notice of Appeal paperwork 05/07/2009 8:16:57 AM

From: TNewman@elections.il.gov
To: adamdanielewicz@comcast.net

The appeal paperwork will be included in the assessment notice you will be sent in a few weeks. Those papers will spell out exactly how much the fine is as well.

If you have questions or need assistance, I can be reached at 217/782-1558.

Tom Newman
Campaign Disclosure Specialist
State Board of Elections

From: adamdanielewicz@comcast.net [mailto:adamdanielewicz@comcast.net]
Sent: Wednesday, May 06, 2009 11:51 AM
To: Webmaster
Subject: Notice of Appeal paperwork

Dear Sirs,

My, name is Adam Danielewicz, I represent "Friends of Kris Wasowicz". We recently received a letter stating that our Pre-election Report was received by you on 3/26/09 at 2:20PM. In addition, your letter also mentions the reight of appealing your decision and that we are to receive paperwork to file an Appeal. It is for this reason I am writing to you again, stating we as of May 5, 2009 have not received any paperwork to file an appeal.

I am asking for someone's help in this matter. Please!.....

Adam Danielewicz
filing for "Friends of Kris Wasowicz"

P.S. I can be reached at 708-275-3491

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

STATE BOARD OF ELECTIONS)
)
Complainant,)
v.) No.: 09 JS 211
)
NEW BROADVIEW TEA PARTY)
)
Respondent.)

STATE BOARD OF ELECTIONS
09 OCT 27 AM 10:19

Motion To Reconsider Final Order

Motion For Reinstatement Of Case With Notice To Parties And An Opportunity To Defend

Pursuant to 25 Ill. Admin. Code §§125.440, now come Respondents, The New Broadview Tea Party and its officers, by and through their attorney, Richard K. Means, and they hereby move this Honorable Board to reconsider its final order entered on October 21, 2009 because, through a clerical error by Board Staff, the Committee and its attorney had no notice of the proceeding, the assessment, the opportunity to appeal, the fact that there was no appeal or the fact that the fine assessment was going to the Board for issuance of a final order assessing a fine.

In support of their motions, the Respondents allege as follows:

1. On August 6, 2009 an amended D-1 filing for the Committee was made showing a change of address for the Committee and its officers to "c/o Means Law Offices, 806 Fair Oaks Avenue, Oak Park, Illinois 60302" and that address change was then and is currently reflected on the State Board's Web site;

2. The notice of assessment and opportunity to appeal, notice that an appeal had not been taken and, in addition, notice that the matter would be before the State Board at its meeting on October 20, 2009 were apparently sent to the Committee and its officers to various addresses ***none of which were the complete address of the Committee including "c/o Means Law Offices" and none of those notices were received*** in a fashion that the Committee and its attorney had actual notice of any aspect of the proceeding;

3. If the Committee had had notice of this proceeding, it would have appealed the assessment because the financial details subject to the allegedly late filing were in active litigation before this Board in docket 09 CD 009 and the Committee was actively attempting to timely file the June 2009 semiannual report ***when and as soon as it could be determined what entries should appear on the report.*** Indeed, it would have been a violation of Illinois law to have filed before the Committee knew what entries should appear on said report. As soon as the last hearing in docket 09 CD 009 concluded, the D-2 report was filed.

Wherefore, Respondents pray that their motion to reconsider be granted and that they be allowed to defend against the assessment.

Respectfully submitted,

October 26, 2009

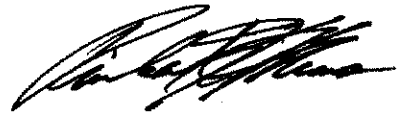
Richard K. Means
Attorney for Respondents

Richard K. Means
ARDC Attorney #01874098
Cook County Attorney # 27351
24 hour 7 day contact information:
Email: Rmeans@RichardMeans.com
Web site: www.RichardMeans.com

806 Fair Oaks Avenue
Oak Park, Illinois 60302
Telephone: (708) 386-1122
Facsimile: (708) 383-2987
Cellular (312) 391-8808

VERIFICATION BY CERTIFICATION

Under penalty of perjury as provided in Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth above in this Motion are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Richard K. Means

Dated: October 26, 2009

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 JS 211
New Broadview Tea Party	)	
Respondent(s).	)	

FINAL ORDER

TO: New Broadview Tea Party S9988
806 Fair Oaks Ave
Oak Park, IL 60302

This matter coming to be heard this 20th day of October, 2009, as an imposition of a civil penalty under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), and the State Board of Elections being fully advised in the premises,

THE BOARD FINDS

1. In case number 09 JS 211, a $325.00 civil penalty was assessed against the Respondent for the delinquent filing of the June 2009 Semi-annual report; and
2. An appeal of the civil penalty was not submitted by the committee.

IT IS ORDERED:

1. A civil penalty in the amount of $325.00 is imposed and is stayed as a first violation; and
2. The effective date of this Order is October 21, 2009, and
3. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 10/21/2009

Bryan A. Schneider, Chairman

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
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

September 8, 2009

New Broadview Tea Party S9988
Matthew Ames
806 Fair Oaks Ave
Oak Park, IL 60302

Dear New Broadview Tea Party;

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:	January 1, 2009 through June 30, 2009
Filing Period:	July 1, 2009 through July 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 August 6, 2009, 13 day(s) late. As such, this committee has been assessed a fine of $325.00.

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 Klos at 217/782-1543.

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk

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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William M. McGuffage
Albert S. Porter
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

September 8, 2009

New Broadview Tea Party
Sherman Jones
1837 S 15th Ave
Broadview, IL 60155

S9988

Dear New Broadview Tea Party;

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:	January 1, 2009 through June 30, 2009
Filing Period:	July 1, 2009 through July 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 August 6, 2009, 13 day(s) late. As such, this committee has been assessed a fine of $325.00.

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 Klos at 217/782-1543.

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:	)	
	)	
State Board of Elections,	)	
Complainant(s),	)	
Vs.	)	09 CD 039
	)	
Citizens for Munoz,	)	
Respondent(s).	)	

FINAL ORDER

TO: Citizens for Munoz
2500 S Saint Louis Ave
Chicago, IL 60623

This matter coming to be heard this 21st day of September, 2009, following a Public 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(s) 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 and 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 Public Hearing, and
3. The report as issue remains unfiled.

IT IS ORDERED:

1. That the Respondent file the December 2008 Semi-annual report within 30 days of the effective date of this Order; and
2. Failure to do so will result in the imposition of a civil penalty not to exceed $5000.00, and
3. The effective date of this Order is September 22, 2009, and
4. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 9/22/2009

Bryan A. Schneider, Chairman

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 039**

Citizens for Munoz (S5774)
Respondent

REPORT OF HEARING EXAMINER
Report of Public Hearing For
Failure to File the December 2008Semi 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 Annual Reports for the periods specified above.

On May 28, 2009 a Closed Preliminary Hearing was convened in the Springfield Office of the State Board of Elections with a video hook-up in Chicago. At that time the Respondent failed to appear. 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.

On July 29, 2009, after acknowledging receipt of proof of service upon the Respondent, a Public Hearing was conducted. Andy Nauman, Campaign Disclosure Specialist appeared on behalf of the Complainant. No appearance was entered on behalf of the Respondent. Mr. Nauman testified that the Respondent has not contacted the State Board of Election in reference to this matter and has yet to file the report at issue.

CONCLUSSIONS AND RECCOMENDATIONS

Given the fact that the Respondent/Committee has yet to file both the above referenced Semi Annual Reports, it is my recommendation that pursuant to 10 ILCS 5/9-21, the Board issue an Order to the Respondent to file said report forthwith within 30 days of the date of said order.

Mark D. Greben- Hearing
August 25, 2009

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 CD 039

NAME AND ADDRESS OF RESPONDENT:
S5774
Citizens for Munoz/Ricardo Munoz
2500 S Saint Louis Ave
Chicago, IL 60623

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

Sue 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

OFFICIAL SEAL
JANE E. GASPERIN
Notary Public - State of Illinois
My Commission Expires Nov 08, 2011

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)
) SS
COUNTY OF SANGAMON)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:	)	
	)	
State Board of Elections,	)	
Complainant(s),	)	
Vs.	)	09 CD 042
	)	
22nd Ward Democratic	)	
Committeeman Fund,	)	
Respondent(s).	)	

FINAL ORDER

TO: 22nd Ward Democratic Committeeman Fund
2500 S Saint Louis Ave
Chicago, IL 60623

This matter coming to be heard this 21st day of September, 2009, following a Public 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(s) 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 and 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 Public Hearing, and
3. The report as issue remains unfiled.

IT IS ORDERED:

1. That the Respondent file the December 2008 Semi-annual report within 30 days of the effective date of this Order; and
2. Failure to do so will result in the imposition of a civil penalty not to exceed $5000.00, and
3. The effective date of this Order is September 22, 2009, and
4. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 9/22/2009

Bryan A. Schneider, Chairman

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 042**

22nd Ward Democratic Committeeman Fund/Ricardo Munoz
Respondent

REPORT OF HEARING EXAMINER
Report of Public Hearing For
Failure to File the 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 Annual Reports for the periods specified above.

On May 28, 2009 a Closed Preliminary Hearing was convened in the Springfield Office of the State Board of Elections with a video hook-up in Chicago. At that time the Respondent failed to appear. 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.

On July 29, 2009 after acknowledging receipt of proof of service upon the Respondent, a Public Hearing was conducted. Andy Nauman, Campaign Disclosure Specialist appeared on behalf of the Complainant. No appearance was entered on behalf of the Respondent. Mr. Nauman testified that the Respondent has not contacted the State Board of Election in reference to this matter and has yet to file the report at issue.

CONCLUSSIONS AND RECCOMENDATIONS

Given the fact that the Respondent/Committee has yet to file aforementioned Semi Annual Reports, it is my recommendation that pursuant to 10 ILCS 5/9-21, the Board issue an Order to the Respondent to file said report forthwith within 30 days of the date of said order.

Mark D. Greben- Hearing Examiner
August 25, 2009

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 CD 042

NAME AND ADDRESS OF RESPONDENT:
S6626
22nd Ward Democratic Committeeman Fund/Ricardo Munoz
2500 S Saint Louis Ave
Chicago, IL 60623

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

Steven 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

OFFICIAL SEAL
JANE E. GASPERIN
Notary Public - State of Illinois
My Commission Expires Nov 08, 2011

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 SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

vs. **09 JS 045**

Pangle for the People L13223
Respondent

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the 2009 June Semi-Annual Report

The Semi-Annual Report was received by the Board on July 29, 2009, 7 days late, resulting in a civil penalty assessment of $175.

Cheryl Van Dyke, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Ms. Van Dyke acknowledges that the report was received late as a result of an error on her part to affix the appropriate postage to the supplied report return envelope. She admits she did not take the time to check the postage rate, so although she did add extra stamps to the envelope the postage was still 13 cents short – resulting in the mailing being returned to her. By the time the additional postage was paid, the report was late.

I reviewed the envelope in which the report was received by the Board and found it was indeed returned to the committee for insufficient postage. Additionally, the original postmark shows the envelope was sent the first time on July 15, which would have constituted a timely filing. Section 5/9-10(b) states that a filing mailed and postmarked at least 72 hours prior to the filing deadline shall not be assessed a fine. Since the committee has not previously raised a "postmark defense" and it appears the committee attempted to file the report on time, with the shortage of postage being an inadvertent mistake, I recommend that the Appeal be granted.

Tom Newman – Hearing Examiner
November 3, 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
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

September 8, 2009

Pangle for the People
POB 383
Grant Park, IL 60940

L13223

Dear Pangle for the People;

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:	January 1, 2009 through June 30, 2009
Filing Period:	July 1, 2009 through July 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 July 29, 2009, 7 day(s) late. As such, this committee has been assessed a fine of $175.00.

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 Klos at 217/782-1543.

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk

State of Illinois)
)
County of KANKAKEE)

STATE BOARD OF ELECTIONS
09 SEP 11 PM 1:19

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.) Case No. 09 JS 045
)
PANGLE FOR THE PEOPLE #L13223)
Respondent(s).)

APPEAL AFFIDAVIT

I, CHERYL VAN DYKE, the TREASURER of the
(Name) (Chairman/Treasurer)

PANGLE FOR THE PEOPLE
(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:

Semi-Annual Report WAS LATE because I did not Take The Time To Check The New postage Rate on The envelope. I Added Additional Postage, but it was .13¢ OFF And envelope was Returned, causing The report to be Late. This was TOTALLY My error. I am asking to please give me another Chance. This will not happen again, as I do Know MY Responsibilities In Proper, Timely Reporting. Thank You.

Signed and Sworn to by:

Cheryl Van Dyke, Treasurer
(Signature of Chairman/Treasurer)

before me this 10th Day of
September, 2009

Sherry L Johnson
Notary Public

"OFFICIAL SEAL"
SHERRY L. JOHNSON
Notary Public, State of Illinois
My Commission Expires 9-27-2009

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

v. **09 JS 093**

WCHS District 308 Referendum Committee L 15085
Respondent

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the 2009 June Semi-Annual Report

The Report was received on July 28, 2009, 6 days late, resulting in an assessment of $300. This is the Committee's first assessment.

Kevin Doglio, the Chairman and Treasurer of the Committee, filed a Waiver of Appearance and submitted an Appeal Affidavit.

On the Affidavit, Mr. Doglio stated that he used the IDIS software to electronically file the Report. He placed a filed on date on the report and assumed he was done. Upon receiving notice the Committee was late in filing the report, he contacted Board staff and learned he still needed to upload the report.

In order to be consistent with prior Board decisions when an electronic filing defense is presented by a Committee for the first time, I recommend the appeal be granted. The Committee filed its Final Report on September 12, 2009. It has been audited and accepted, and the Committee is no longer active.

John Levin – Hearing Examiner
November 3, 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
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

September 8, 2009

WCHS District 308 Referendum Committee
Kevin Doglio
1744 Kingsbury Rd
Washington, IL 61571

L15085

Dear WCHS District 308 Referendum Committee;

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:	January 1, 2009 through June 30, 2009
Filing Period:	July 1, 2009 through July 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 July 28, 2009, 6 day(s) late. As such, this committee has been assessed a fine of $300.00.

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 Klos at 217/782-1543.

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk

State of Illinois)
)
County of Tazewell)

STATE BOARD OF ELECTIONS
09 SEP 14 PM 2:21

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.) Case No. 09 JS 093
)
WCHS DISTRICT 308 Referendum)
Respondent(s). Committee)

APPEAL AFFIDAVIT

I, Kevin Doglio (Name), the Chairman (Chairman/Treasurer) of the WCHS DISTRICT 308 Referendum 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:

I used the IDIS software and completed the process on-time. The software said "filed". After I got the notice I was late, I called and learned I had to "upload".

Signed and Sworn to by:
Kevin Doglio
before me this 11th Day of
September, 2009
Julie C Kirchgessner
Notary Public

Ken D. Doglio
(Signature of Chairman/Treasurer)

OFFICIAL SEAL
JULIE C KIRCHGESSNER
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:04/02/13

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections

Complainant

v. **08 AG 017**

Friends of Rachel Shattuck S 9731

Respondent

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment For Delinquently Filing
A Schedule A-1 for the 2008 General Election

The Committee received two in-kind contributions, one valued at $3045.40 and one valued at $1722.24 on 10/15/08, and listed them on a Schedule A-1 filed 10/20/08, 1 day late resulting in civil penalty assessments totaling $4767.64.

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

On the Affidavit, Ms. Shattuck referenced attached correspondence and documents. From 10/14/08 through 10/17/08, the Treasurer worked with Board staff as she worked on her first electronically filed D-2. On 10/20/08, she uploaded the D-2 and the Schedule A-1 in question. She inadvertently listed the vendors as contributors on that Schedule A-1, and corrected them on a subsequent Schedule A-1 filed the next day. I contacted Ms. Shattuck to determine if she could locate the in-kind contribution notification form the Committee received from Personal PAC. I didn't receive anything from her, so assume that she was unable to locate the form.

Ms. Schattuck's Affidavit referenced, at least in part, the fact that she incorrectly listed the vendors as contributors; that is not at issue here. The penalties were assessed based upon the 10/20/08 receipt date of the original Schedule A-1, not the 10/21/08 receipt date of the corrected Schedule A-1.

In order to be consistent with previous Board decisions when an electronic filing defense was presented as a defense for a delinquent filing, I recommend that the Appeal be granted this time, even though she was working exclusively on the completion of her D-2 Pre-election report with only vague reference to the Schedule A-1 in her Appeal Affidavit. However, in addition, although she was unable to locate the in-kind notification form they received from Personal PAC, the notification could not have been received prior to the 10/15/08, the date reported by the Committee as the received date. Therefore, if the notification was received on 10/15/08, according to Section 100.120 (c), the date of receipt is deemed to be two days after the date the certificate is received. That would make the receipt date 10/17/08, and the filing of the Schedule A-1 on Monday, October 20th would be timely. Therefore, based upon the date of the notification, and the electronic filing defense, I recommend that the Appeal be granted.

Sharon Steward – Hearing Examiner
November 5, 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

December 16, 2008

Friends of Rachel Shattuck
Rachel Shattuck, Elizabeth Shattuck
35W650 Parsons Rd
Dundee, IL 60118

S9731

Dear Friends of Rachel Shattuck;

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:

Contributed By	Date of Contribution	Fine Assessed	Amount of Contribution	Date A-1 Received	Days Late
Corsair Systems & Equipment	10/15/08	$3045.40	$3045.40	10/20/08	1
Sioux Printing	10/15/08	$1722.24	$1722.24	10/20/08	1

The committee is fined a **total** of $4767.64 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 $477.00, (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 mailing of this assessment for it to be considered.

State of Illinois)
)
County of _____)

STATE BOARD OF ELECTIONS
09 JAN -7 PM 12:06

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.) Case No. 08 AG 017
)
Friends of Rachel Shattuck)
Respondent(s).)

APPEAL AFFIDAVIT

I, Rachel Shattuck (Name), the Chairman (Chairman/Treasurer) of the Friends of Rachel Shattuck (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:

Attached is the detail of the events and defense. Correspondence surrounding the event are also attached.

Respectfully,

Signed and Sworn to by:
Elizabeth Shattuck
before me this 3rd Day of
January, 2008-2009
Elizabeth M. Shattuck
Notary Public

Rachel Shattuck
(Signature of Chairman/Treasurer)

"OFFICIAL SEAL"
ELIZABETH M SHATTUCK
NOTARY PUBLIC STATE OF ILLINOIS
COMMISSION EXPIRES 01/06/10

January 3, 2009

State Board of Elections
Attn: Campaign Disclosure
1020 S Spring Street
Springfield, IL 62704

To Whom It May Concern:

In early Oct. 2008, this new committee was realizing that we would have to file our first electronic D-2 for the reporting period ending 10/5/08. On Oct. 13, 2008, Treasurer Elizabeth Shattuck attempted to contact the State Board for assistance. This was her first opportunity to do so, since she was off of work for the Columbus Day holiday. Unfortunately, the board was also closed for the holiday.

Oct. 14 through Oct. 17, 2008 Treasurer Shattuck spoke to Tom Newman at the State Board of Elections in Springfield several times, as he assisted in the committee's first electronic D-2 filing.

On Oct. 20 at 9:50 a.m., Treasurer Shattuck attempted to upload the D-2 for the first time. Initially, the upload would not work, since the election board system was down. Later that same day the report successfully uploaded.

During this process, Treasurer Shattuck expressed concern about A-1 reports that were pushing deadlines. Tom Newman did mention, if there was a problem, that this appeal process did exist.

Oct. 20 the first electronic A-1s, for the 2 items listed as delinquent in the Board's Dec. 16, 2008 letter to the committee, were processed electronically. Both A-1 contributions were incorrectly filed.

Oct 21, after speaking to Tom Newman, these contributions were re-filed correcting the contributor name for both A-1s, as "Personal Pac" not "Corsair Systems & Equipment" and "Sioux Printing". Corsair and Sioux were corrected to show them as vendors. That same day Treasurer Shattuck sent an email to Tom Newman about the error. Per Newman, this was the way to remedy the error, since there was no way to delete the incorrect A-1s filed.

Oct. 22, 2008 the committee received confirmation of email receipt by the Board via paper mail. Copies of correspondence are included in this appeal.

The committee respectfully asks for the Board's leniency in this matter. At no time did the committee, willfully withhold full disclosure. The intent was always to provide full disclosure in a timely manner to comply with the state's disclosure laws.

Sincerely,

Rachel Shattuck
Friends of Rachel Shattuck
35W650 Parsons Road
Dundee, IL 60118
847-452-3580

Resent Corrected A-1

Illinois Electronic Filing Acknowledgement

Tuesday, October 21, 2008 8:58 AM

From: "Disclose@elections.il.gov" <Disclose@elections.il.gov>
To: betty.shattuck@sbcglobal.net

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 Tue Oct 21 08:58:11 2008, and was assigned the Filing ID of: IL-99317

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: FID5001
Committee Name: Friends of Rachel Shattuck
Filing Type: A-1

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

10/22/2008

Friends of Rachel Shattuck
35W650 Parsons Rd
Dundee, IL 60118-9294

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 9731 10
Friends of Rachel Shattuck

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.

10/21/2008 9:22:06AM Received in Springfield Letter/Correspondence

Web Yellow Pages Real Estate Shopping Images Video More
Search the Web... Search
AT&T Home More Welcome, betty.shattuck@sb... [Sign Out] Account Info All-new Mail Help
Mail Contacts Calendar Notepad What's New? Mobile Mail Options

Send Save as a Draft Cancel

Insert addresses (separated by commas) Show Bcc

To: tnewman@elections.il.gov

Cc:

Subject: Corrected A-1

Attach Files Plain Text

Tom,
I've sent the corrected A-1 I discussed with you this morning.
The previous A-1 uploaded 10/20/08 am, had incorrectly stated the vendors as the contributors. Today's A-1 has the contributor as Personal Pac on both of the contributions and Corsair & Sioux Printing are now the vendors.

Thanks you,
Elizabeth Shattuck
847-791-1341

Send Save as a Draft Cancel

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STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

v. **09 JS 011**

Citizens for O'Halloran L5248
Respondent

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the June 2009 Semi-Annual Report

The Report was received on July 24, 2009, 4 days late, resulting in a civil penalty assessment of $200. In addition, the Committee had previously been assessed a $2200 civil penalty (not appealed) for delinquently filing the 2007 Consolidated Election Pre-election Report. The $2200 penalty was stayed. The total assessment is $2400.

Brad S. O'Halloran, the Chairman of the Committee, filed a Waiver of Appearance and submitted an Appeal Affidavit.

On the Affidavit, Mr. O'Halloran offered as a defense the following: "Illness of treasurer."

I recommend that the appeal be denied for lack of an adequate defense. The committee has been in existence since 1993 and should be well aware of the need to file reports in a timely manner. While I understand the illness of the treasurer may have been an issue in getting the report filed on time, the report in question was relatively brief and should have been handled by a committee official who either had access or made preparations to gain access to the committee's records. Absent any other information from the Respondent to the contrary, I have to assume this was possible. If the Board accepts this recommendation, the stay on the $2200 assessment for the late 2007 Consolidated Election Pre-election Report would be lifted, and the total assessment would be $2400.

John Levin – Hearing Examiner
October 28, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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

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EXECUTIVE DIRECTOR
Daniel W. White

September 8, 2009

Citizens for O'Halloran
Brad O'Halloran, Jan O'Halloran
8021 Kristo Ln.
Orland Park, IL 60462

L5248

Dear Citizens for O'Halloran;

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:	January 1, 2009 through June 30, 2009
Filing Period:	July 1, 2009 through July 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 July 24, 2009, 4 day(s) late. As such, this committee has been assessed a fine of $200.00.

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
1/26/2009 – 3/8/2009	Pre-election	$2200.00
TOTAL AMOUNT NOW DUE		**$2400.00**

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

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk
Enclosure(s) appeal documents

State of Illinois)
)
County of COOK)

STATE BOARD OF ELECTIONS
09 SEP 18 AM 9:35

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.) Case No. 09 JS 011
)
CITIZENS FOR O'HALLORAN)
Respondent(s).)

APPEAL AFFIDAVIT

I, BRAD S. O'HALLORAN the CHAIRMAN of the
(Name) (Chairman/Treasurer)

CITIZENS FOR O'HALLORAN
(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:

ILLNESS OF TREASURER

Signed and Sworn to by:
Brad O'Halloran
before me this 16th Day of
September, 2009
Pamela S. Bender
Notary Public

OFFICIAL SEAL
PAMELA S. BENDER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 3-1-2011

Brad S. O'Halloran
(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

v. Case No. **09 JS 022**

Burns for Mayor L10125
Respondent

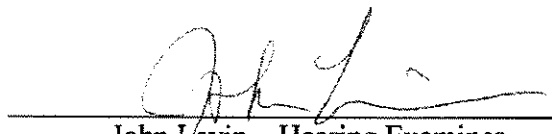
REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the June 2009 Semi-Annual Report

The Report was received on August 5, 2009, 12 days late, resulting in a civil penalty assessment of $900. In addition, the Committee had previously been assessed a $25 civil penalty (resolved by expiration) for delinquently filing the 2003 June Semi-Annual Report, a $275 civil penalty (paid) for delinquently filing the 2006 December Semi-Annual Report, and a $200 civil penalty (paid) for delinquently filing the 2008 June Semi-Annual Report.

Douglas Cuscaden, the Treasurer of the Committee, filed a Waiver of Appearance in this matter. Kevin Burns, the Chairman of the Committee and Candidate, submitted an Appeal Affidavit.

On the Affidavit, Mr. Burns explained that, due to the dissolution of his marriage, he had moved from the address which doubled as the Committee address and had not been forwarded mail including notices from the State Board of Elections. Mr. Burns indicated the Committee promptly filed the Report when it learned in August of the delinquency. Mr. Burns indicated the Committee has since changed its mailing address. He also sought leniency based on the relatively small balance amount and the fact the Candidate has not been involved in a contested election for "some time." Mr. Burns submitted a copy of his divorce petition, along with a court order in the matter, and a clarifying letter from Treasurer Cuscaden.

I recommend that the appeal be denied for lack of an adequate defense. The Committee has been in existence since 2000 and should be well aware of the need to file Reports in a timely manner. While I am sympathetic to the Candidate's situation, the Committee has the responsibility to notify the Board in a timely manner when it becomes necessary to receive notices at a new address. The Board's web site also provides ample information with respect to filing dates and responsibilities. If the Board accepts this recommendation, the penalty assessment of $900 would be due and owing.



John Levin – Hearing Examiner
October 23, 2009

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STATE OF ILLINOIS

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Chicago Illinois 60601
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Albert S. Porter
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

September 8, 2009

Burns for Mayor
232 Kenston Ct
Geneva, IL 60134

L10125

Dear Burns for Mayor;

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:	January 1, 2009 through June 30, 2009
Filing Period:	July 1, 2009 through July 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 August 5, 2009, 12 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 it is now also required to be paid by the committee within 30 days:

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

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk
Enclosure(s) appeal documents

STATE BOARD OF ELECTIONS
09 OCT -7 PM 2:17

STATE OF ILLINOIS)
)
COUNTY OF KANE)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF:)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant,)
)
Vs.) Case No.: 09 JS 022
)
BURNS FOR MAYOR,)
)
Respondent.)

APPEAL AFFIDAVIT

I, Kevin Burns, the Chairman of the Burns for Mayor Committee, being duly sworn and under oath represents that the said Committee can offer a good reason or defense to the assessment of the civil penalty imposed by the State Board of Elections through its letter of September 8, 2009, and that said reasons and defenses are as follows:

1. That the Burns for Mayor Committee is a valid and existing Local Political Committee in the State of Illinois to further the political efforts of Kevin R. Burns, the current Mayor of the City of Geneva.

2. That in June of 2009 a request was sent by the State Board of Elections to the Committee for the filing of its Semiannual Report. This request was sent to the Committee at its then mailing address of 746 N. Lincoln Avenue, Geneva, Illinois.

3. That in June of 2009 Mayor Burns no longer resided at 746 N. Lincoln Avenue in Geneva as he had left the home due to a bitter divorce proceeding that was pending between Mr. Burns and his then wife, Therese Burns, who was residing in the marital residence. (Copies of the Petition for Dissolution of Marriage and the Order granting Therese Burns possession of the residence are attached hereto and incorporated herein as "Exhibit A" and "Exhibit B", respectively.)

4. That in and around June of 2009 Therese Burns often deliberately failed and refused to forward mail to Mr. Burns causing him to miss numerous deadlines for paying bills and otherwise attending to his business.

5. That immediately upon receiving the request for filing from the State Board of Elections on August 2, 2009, Mayor Burns tendered the request to the Committee's Treasurer, Douglas R. Cuscaden, on the same date. The Treasurer promptly prepared the Report and sent it via overnight mail to the State Board of Elections on August 3, 2009. With the Report the Treasurer included a letter confirming the cause of the delay in filing the Report. (A copy of said letter is attached hereto and incorporated herein as "Exhibit C.")

6. That the Committee recognizes its obligations and did not willfully fail to meet them, the late filing resulting from the factors set forth above. To avoid future problems the Committee has changed its mailing address to Mayor Burns' new residential address of 232 Kenston Court, Geneva, Illinois.

7. That additionally, the Burns for Mayor Committee is a small Local Committee that has not been involved in a contested election for some time. The Committee has only $437.42 in current funds, far less than the fine imposed for the late filing.

WHEREFORE, the Burns for Mayor Committee would respectfully request that the State Board of Elections vacate the Civil Penalty Assessment imposed September 8, 2009, or in the alternative, that the Board of Elections reduce the fine imposed commensurate with the facts set forth above.

Respectfully submitted,

By: _____
Kevin R. Burns, Chairman

SUBSCRIBED and SWORN TO before me this 14th day of September, 2009.

_____
Notary Public

"OFFICIAL SEAL"
Douglas R Cuscaden
Notary Public, State of Illinois
My Commission Expires 3/26/2013

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections

Complainant

v. **09 CE 009**

Citizens to Elect Sue Low L 12396

Respondent

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment For Delinquently Filing the
Pre-Election Report for the 2009 Consolidated Election

The Report was received on April 13, 2009, 11 days late, resulting in a civil penalty assessment of $1100. In addition, the Committee had previously been assessed a $50 civil penalty (not appealed, paid) for delinquently filing the 2008 June Semi-Annual Report and a $400 civil penalty (not appealed, paid) for delinquently filing the 2008 December Semi-Annual Report. The total assessment is $1100.

Steven C. Murgatroyd, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Murgatroyd referenced an attachment. On the Attachment, he stated that he took over as Treasurer when the old treasurer moved out of town and admits he has made some filing errors. However, he called the Board in late February of 2009 to make sure that he clearly understood the filing requirements before the April 7, 2009 consolidated election. He was told that if the Committee did not receive or make payments in excess of $500 to one entity prior to the election, then no additional reporting was necessary prior to the regular semi-annual report for the first half of 2009. He went over the filing requirements at least two times during the phone conversation. When he got the delinquency notice, he filed the report and also submitted a letter stating basically what he is saying in this Appeal. He wants the Board to understand that at no time did he intentionally neglect his duties as Treasurer of this Committee. He asks that the fine be set aside as there was never any intent to sidestep the process. They were simply given inaccurate information.

Section 5/9-10 (b) of the Campaign Disclosure Act requires a pre-election report to be filed if the Committee, by terms of its Statement of Organization, is organized to support or oppose a candidate on the ballot at the next election. Deborah Graham was on the 2009 Consolidated Election ballot. The Act is clear in regards to this filing obligation. It is explained in the 'Guide to Campaign Disclosure'. I cannot explain the information Mr. Murgatroyd received, nor the circumstances under which it was asked for and given, but the law requires anyone on the ballot to file a pre-election report for that election. I therefore recommend that the appeal be denied. If this recommendation is accepted by the Board, the $1100 civil penalty will be due and owing.

Sharon Steward – Hearing Examiner
October 8, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street
Springfield, Illinois 62704
217/782-4141
Fax: 217/782-5959

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Chicago Illinois 60601
312/814-6440
Fax: 312/814-6485

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William McGuffage
Wanda Rednour
Jesse Smart
Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White

June 25, 2009

Citizens to Elect Sue Low
6012 Barkley Ct
McHenry, IL 60050

L12396

Dear Citizens to Elect Sue Low:

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

Report Type:	Pre-Election Report of Campaign Contribution and Expenditures
Report Period:	January 26, 2009 through March 8, 2009
Filing Period:	March 9, 2009 through March 23, 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 April 13, 2009, 11 day(s) late. As such, this committee has been assessed a fine of $1100.00.

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 of the issuance of a Final Board Order:

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 McHenry)

STATE BOARD OF ELECTIONS
09 JUL 21 AM 11:13

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.) Case No. 09CE009
)
Citizens To Elect Sue Low)
Respondent(s).)

APPEAL AFFIDAVIT

I, Steven C. Murgatroyd the Treasurer of the
(Name) (Chairman/Treasurer)

Citizens To Elect Sue Low
(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 Murgatroyd
Barbara Mullen
before me this 25 Day of
July, 2009
Barbara A. Mullen
Notary Public

OFFICIAL SEAL
BARBARA A MULLEN
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:11/09/12

Steven C Murgatroyd
(Signature of Chairman/Treasurer)

July 15, 2009

To Whom It May Concern:

I became the Treasurer of the committee for Citizens To Elect Sue Low when the former Treasurer, Deborah Hester, moved out of town. This responsibility is new for me and I admit that I have made errors with filings.

I filed the campaign report for the period of July 1, 2008 through December 31, 2008 late. We were fined, and paid the fine.

I called the Election Board help line in late February of 2009 to make sure that I clearly understood the filing requirements before the April 7, 2009 general election. I was told by the person at that help line that if our campaign committee did not receive or make payments in excess of $500 to **one entity** prior to the election, then no additional reporting was necessary prior to the regular semi-annual report for the period of January 1, 2009 through June 30, 2009. I went over the filing requirements at least two times during that phone conversation. Each time I was told the same answer and was repeatedly assured that if there were no receipts or payments exceeding $500 for the month before the election, that no other additional reporting was required prior to the semi-annual report. I repeatedly stated that I wanted to be sure that I understood him correctly, as I did not want to have any more report filing problems. He said that if I did what he said that I would have met the filing requirements.

We then received a late filing notice on April 9, 2009. I completed the form that the notice instructed me to fill out and sent it with a handwritten letter on April 10, 2009. That report indicated that there were expenditures totally $1,280 and no money taken in. Again I will stress that **I did what the help line advised me to do.** I immediately filed the required report when I was told that the information I had relied on from the help line was inaccurate.

As I stated at the beginning of this letter, this is new to me and if I have made errors in filing, it is because I relied on the help line to guide me through it.

I am asking the State Board of Elections to understand that at no time did I intentionally neglect my duties as Treasurer of this committee. We are people of strong moral character. We are trustworthy and we respect the rules of the State Board of Elections. I am asking that you set aside this fine as there was never the intent to sidestep the process. We simply were given inaccurate information and we should not have relied on the help line.

Thank you very much for your consideration in this matter. I assure you that this will never happen again.

Sincerely,

Steven Murgatroyd

Steven Murgatroyd 815-385-4497

(CELL) 815-482-8069

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

v. Case No. **09 JS 044**

Friends of ECC L13221
Respondent

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the 2009 June Semi-Annual Report

The Report was received on July 21, 2009, 1 day late, resulting in a penalty assessment of $100. This Committee has previously been assessed penalties for delinquently filing 2 amounts on Schedule A-1 forms for the 2006 GP; those penalties have been paid in full. Additionally, the Committee was assessed a $200 penalty (stayed) for delinquently filing the 2008 December Semi-Annual Report.

Richard Nay, the Chairman of the Committee, filed a Waiver of Appearance and submitted an Appeal Affidavit.

On the Affidavit, Mr. Nay stated a campaign volunteer made several attempts to electronically file the Report on the evening of July 20, 2009. Mr. Nay indicated the volunteer realized her Internet was out of service after receiving many error messages. Mr. Nay requested the fine be waived due to the "unforeseen inability to submit the report electronically."

I sympathize with the Committee. However, this marks the third time it has offered electronic filing issues in appealing an assessment. The Report could have been filed from virtually any computer with access to the Internet the evening of July 20th. Furthermore, State Board of Elections staff is available throughout the filing period to assist the committee in filing its Report electronically. If the Board accepts this recommendation, the penalty assessment of $300 -- $100 for the delinquent 2009 June Semi-Annual Report and $200 for the lifting of the stay on the delinquent 2008 December Semi-Annual Report – would be due and owing.

John Levin – Hearing Examiner
October 22, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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Chicago Illinois 60601
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Patrick A. Brady
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William M. McGuffage
Albert S. Porter
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

September 8, 2009

Friends of ECC
Nathaniel Edmond
1280 Summit St
Elgin, IL 60120

L13221

Dear Friends of ECC;

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:	January 1, 2009 through June 30, 2009
Filing Period:	July 1, 2009 through July 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 July 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 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
7/1/2008 – 12/31/2008	Semi-annual	$200.00
TOTAL AMOUNT NOW DUE		**$300.00**

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

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk
Enclosure(s) appeal documents

State of Illinois)
)
County of Kane)

STATE BOARD OF ELECTIONS
09 OCT -7 PM 2:12

BEFORE THE STATE BOARD OFELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.)
)
FRIENDS OF ECC)
)

09 JS 044

APPEAL AFFIDAVIT

I, Richard Nay, the Chairman of the Friends of ECC 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:

On the evening of July 20, 2009, Friends of ECC volunteer, Robin Arnold, made several attempts to submit the Semi-Annual Report of Campaign Contribution and Expenditures through the IDIS electronic system. After receiving many error messages, she realized that her internet was out of service. This report was submitted to and received by the State Board of Elections at 7:15 a.m. on the morning of July 21, 2009 which was the earliest she could obtain internet access. I am requesting that this fine be waived due to the unforeseen inability to submit the report electronically.

Signed and Sworn to by:
Robin S Arnold
Before me this 30th day of
September, 2009.

Robin S Arnold
Notary Public

"OFFICIAL SEAL"
ROBIN S. ARNOLD
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 2/3/2012

Richard Nay
(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

v. **09 CE 037**

Citizens for Naperville Township Republicans L 15109

Respondent

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment For Delinquently Filing the
Pre-Election Report for the 2009 Consolidated Election

The Report was received by the Board on March 26, 2009, 3 days late, resulting in a civil penalty assessment of $500.

Gayle Sabdo, the Treasurer, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Ms. Sabdo stated that early March was a stressful time for her. Her daughter-in-law delivered twins on March 4th, 10 weeks early. Her major focus was on the babies for the month they stayed in the special care nursery. She had the date of 3/25 in her mind as the due date for the report. Since she had taken the class, she thought things would go smoothly. She was wrong. She didn't understand the program at all and was delayed even more.

Ms. Sabdo stated that she thought the filing deadline was March 25th when the actual deadline was March 23rd. The Committee was sent a report notification on February 20th and a reminder on March 16th. She mentions the filing software, but since the date she actually filed the report was only one day later than the date she thought was the deadline, it apparently was not the direct cause of the delinquency. I therefore recommend that the appeal be denied for lack of an adequate defense. As a first violation, the penalty is stayed.

Sharon Steward – Hearing Examiner
October 8, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187
Springfield, Illinois 62708
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Chicago Illinois 60601
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William McGuffage
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Robert Walters

EXECUTIVE DIRECTOR
Daniel W. White

June 25, 2009

Citizens for Naperville Township Republicans
Gayle Sabdo
324 Whispering Hills Dr
Naperville, IL 60540

L15109

Dear Citizens for Naperville Township Republicans;

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

Report Type:	Pre-Election Report of Campaign Contributions
Report Period:	January 26, 2009 through March 8, 2009
Filing Period:	March 9, 2009 through March 23, 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 26, 2009, 3 day(s) late. As such, this committee has been assessed a fine of $500.00.

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,

Rupert T. Borgsmiller
Director, Campaign Disclosure

RTB:sm
Enclosure(s): appeal packet

State of Illinois)
)
County of DuPage)

STATE BOARD OF ELECTIONS
09 JUL 20 PM 3:16

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.) Case No. 09CE037
)
Citizens for Naperville Township)
Respondent(s). Republicans)

APPEAL AFFIDAVIT

I, Gayle Sabdo, the Treasurer of the
(Name) (Chairman/Treasurer)

Citizens for Naperville Township Republicans
(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:

Early March was a stressful time for me. My daughter-in-law delwered twins on March 4th - 10 weeks early. My major focus was on the babies for the month they stayed in the special care nursery. I had the date of 3/25 in my mind as the due date for the report. Since I had taken the class I thought things would go smoothly. I was WRONG. I didn't understand the program at all & was delayed even more

Signed and Sworn to by:
Gayle Sabdo
before me this 17 Day of
July, 2009
Christine Wolf
Notary Public

NOTARY PUBLIC OFFICIAL SEAL STATE OF ILLINOIS
CHRISTINE F WOLF
MY COMMISSION EXPIRES
JANUARY 13, 2013

Gayle Sabdo
(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

v. **09 JS 152**

The Fifth District Ward PAC S6360
Respondent

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment
For Delinquently Filing the June 2009 Semi-Annual Report

The Report was received on July 31, 2009, 9 days late, resulting in a civil penalty assessment of $900. In addition, the Committee had previously been assessed a $200 civil penalty (unsuccessfully appealed) for delinquently filing the 2007 December Semi-Annual Report. The $200 penalty was stayed. The total assessment is $1100.

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

On the Affidavit, Mr. Difiore wrote that the bank at which the Committee had its account was sold to another bank. He said the committee was unable to obtain its returned checks nor statements [in time] to complete the Report. Mr. Difiore indicated the committee has always balanced its Reports to the penny and did not want to file inaccurate information. The Committee has since changed banks. He also wrote the committee acknowledges the Report in question was nine days late but believes $900 is a "large fine."

I recommend that the appeal be denied for lack of an adequate defense. The committee has been in existence since 1995 and should be well aware of the need to file Reports in a timely manner. While I am sympathetic to the committee's frustration with respect to the issue with its former bank, the Report included only six itemized transactions and should not have overwhelmed anyone charged with preparing it and filing it in a timely manner. If the Board accepts this recommendation, the penalty assessment of $1100 - $900 for the late 2009 June Semi-Annual report and $200 for the lifting of the stay on the late 2007 December Semi-Annual report would be due and owing. It should be noted the circumstances here are almost identical to those involving another committee Mr. Difiore chairs, The Fifth District Precinct Fund.

John Levin – Hearing Examiner
October 27, 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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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

September 8, 2009

5th District Ward PAC
Joseph Di Fiore
9851 W Irving Park Rd
Schiller Park, IL 60176

S6360

Dear 5th District Ward PAC;

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:	January 1, 2009 through June 30, 2009
Filing Period:	July 1, 2009 through July 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 July 31, 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
7/1/2007 – 12/31/2007	Semi-annual	$200.00
TOTAL AMOUNT NOW DUE		**$1100.00**

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

Sincerely,

Robert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk
Enclosure(s) appeal documents

State of Illinois)
)
County of COOK)

STATE BOARD OF ELECTIONS
09 OCT -8 AM 8:17

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.) Case No. 09 JS 152
)
5TH DISTRICT WARD PAC.)
Respondent(s).)

APPEAL AFFIDAVIT

I, JOSEPH DIFIORE, the CHAIRMAN of the
(Name) (Chairman/~~Treasurer~~)

5TH DISTRICT WARD PAC
(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 BANK WE HAD OUR FINANCIAL ACCOUNT WITH SOLD TO ANOTHER BANK AND WE COULD NOT GET THE RETURNED CHECKS NOR THE STATEMENT TO COMPLETE OUR REPORT. WE HAVE ALWAYS BALANCED TO THE PENNY AND DID NOT WANT TO SEND INACURATE INFORMATION. WE NOW CHANGED AND BANK WITH MIDWEST BANK.

Signed and Sworn to by:

before me this 7 Day of
2009

Notary Public

OFFICIAL SEAL
CHRISTINA M ANTONETTI
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:09/12/11

Joseph DiFiore
(Signature of Chairman/Treasurer)

WE WERE 9 DAYS LATE & WE KNOW WE WERE WRONG 900.= IS A LARGE FINE

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

v. Case No. **09 JS 156**

The Fifth District Precinct Fund S7115
Respondent

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment
For Delinquently Filing the June 2009 Semi-Annual Report

The Report was received on July 31, 2009, 9 days late, resulting in a civil penalty assessment of $900. In addition, the Committee had previously been assessed a $200 civil penalty (unsuccessfully appealed) for delinquently filing the 2007 December Semi-Annual Report. The $200 penalty was stayed. The total assessment is $1100.

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

On the Affidavit, Mr. Difiore wrote that the bank at which the Committee had its account was sold to another bank. He said the committee was unable to obtain its returned checks nor statements [in time] to complete the Report. Mr. Difiore indicated the committee has always balanced its Reports to the penny and did not want to file inaccurate information. The Committee has since changed banks. He also wrote the committee acknowledges the Report in question was nine days late but believes $900 is a "large fine."

I recommend that the appeal be denied for lack of an adequate defense. The committee has been in existence since 1997 and should be well aware of the need to file Reports in a timely manner. While I am sympathetic to the committee's frustration with respect to the issue with its former bank, the Report included only three itemized transactions and should not have overwhelmed anyone charged with preparing it and filing it in a timely manner. If the Board accepts this recommendation, the penalty assessment of $1100 -- $900 for the late 2009 June Semi-Annual report and $200 for the lifting of the stay on the late 2007 December Semi-Annual report would be due and owing.

John Levin – Hearing Examiner
October 22, 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
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

September 8, 2009

The Fifth District Precinct Fund
Joseph Difiore
9851 W Irving Park Rd
Schiller Park, IL 60176

S7115

Dear The Fifth District Precinct Fund;

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:	January 1, 2009 through June 30, 2009
Filing Period:	July 1, 2009 through July 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 July 31, 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
7/1/2007 – 12/31/2007	Semi-annual	$200.00
TOTAL AMOUNT NOW DUE		**$1100.00**

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

Sincerely,

Robert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk
Enclosure(s) appeal documents

STATE BOARD OF ELECTIONS
09 OCT -8 AM 8:17

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.) Case No. 09 JS 156
)
THE FIFTH DIST PRECINCT FUND)
Respondent(s).)

APPEAL AFFIDAVIT

I, JOSEPH DIFIORE, the CHAIRMAN of the
(Name) (Chairman/Treasurer)

THE FIFTH DIST PRECINCT 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:

THE BANK WE HAD OUR FINANCIAL ACCOUNT WITH SOLD TO ANOTHER BANK AND WE COULD NOT GET THE RETURN CHECKS AND THE STATEMENT TO COMPLETE OUR REPORT. WE HAVE ALWAYS BALANCED TO THE PENNY AND DID NOT WANT TO SEND INACCURATE INFORMATION.. WE NOW CHANGED AND BANK WITH FIRST CHICAGO.

Signed and Sworn to by:

Before me this 7 Day of OCTOBER, 2009

Notary Public

OFFICIAL SEAL
CHRISTINA M ANTONETTI
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:09/12/11

(Signature of Chairman/Treasurer)

WE WERE 9 DAYS LATE & WE KNOW WE WERE WRONG, $900.= IS A LARGE FINE.

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

v. **08 AG 074**

Citizens to Elect Eddie Washington S8022
Respondent

REPORT OF HEARING EXAMINER

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

This Committee received one contribution of $2000 on 10/21/08, but failed to list it on a Schedule A-1. In addition, the Committee has previously been assessed three civil penalties totaling $800 (not appealed, paid) for failing to file three Schedule A-1's for the 2006 General Election. The total outstanding penalty is $2000.

Michael Kasper, attorney for the Committee, filed a Request for Hearing and Appeal Affidavit.

The hearing was held via conference call at 10:00 am on Friday October, 23, 2009. Representing the Appellant were Michael Kasper, Attorney, and Dorothy Armsted, Treasurer. Ms. Armsted stated that the check was dated 10/21/08 and was mailed. It was deposited on 11/10/08 along with other checks totaling $2615. Ms. Armsted testified that she would have received the check no earlier than Saturday, November 8th, as it was her practice to deposit checks as soon as received. Submitted as evidence were copies of the check reflecting the 10/21/08 date and a deposit slip dated 11/10/08. Ms. Armsted indicated that she would provide additional information that would show the breakdown of checks deposited on 11/10/08. As of this date, I have not received that additional documentation.

Based upon the testimony of the Respondent, there was a 2 ½ week delay from the date of the check, which was mailed, until the date of receipt. Due to that fact plus the Respondent's failure to provide the additional breakdown which could demonstrate that the $2000 check in question was part of the 11/10/08 deposit, I recommend that the Appeal be denied. However, since there is no indication that this violation was anything other than inadvertent and unintentional, and since this is the second election for which a Schedule A-1 has been delinquently filed, I also recommend that the amount be reduced to 50% of the original assessment or $1000. Therefore, if this recommendation is accepted, the total amount of $1000 will be due and owing.

Sharon Steward – Hearing Examiner
November 6, 2009

FROM : ARMSTED & JONES FAX NO. : 8473600469 Oct. 22 2009 10:56AM P1

DEPOSIT TICKET

70-160/719
40316

CITIZENS TO RE-ELECT EDDIE WASHINGTON
DOROTHY C. ARMSTED-CHAIRPERSON
2044 NORTH AVE.
WAUKEGAN, IL 60087

DATE 11/10/08

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

CASH — 2615.00

CHECKS — .

CHECKS OR TOTAL FROM OTHER SIDE — .

NET DEPOSIT $ 2615.00

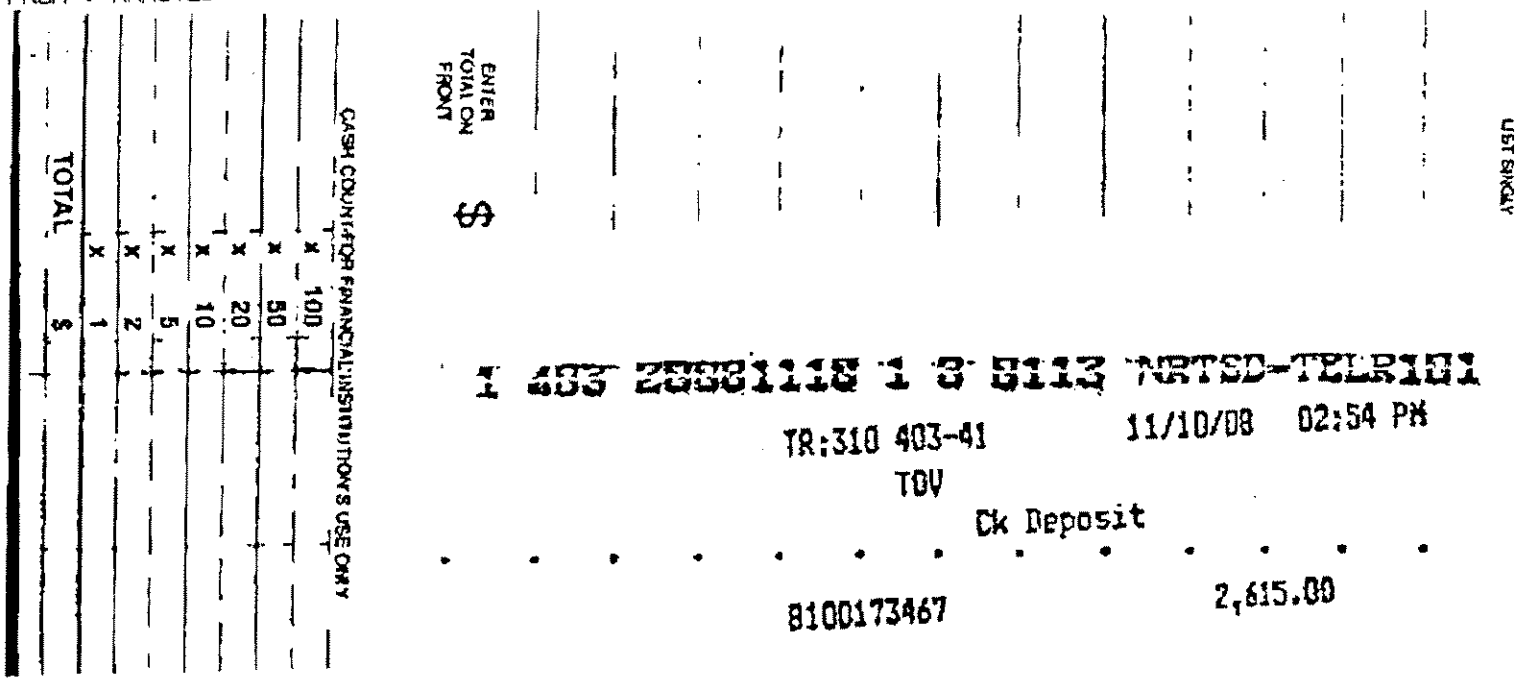
First Midwest Bank
www.firstmidwest.com

600

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT.

FROM : ARMSTED & JONES

FAX NO. : 8473600469 Oct. 22 2009 10:58AM P1



FROM : ARMSTED & JONES FAX NO. : 8473600469 Oct. 22 2009 10:53AM P1

Date	Check Number
10/21/08	55-10785

ComEdPAC
1 Financial Place
33rd Floor
Chicago, IL 60605

PAY EXACTLY
****$2,000.00

PAY *Two thousand and 00/100 Dollars*

TO THE ORDER OF Citizens for Eddie Washington

COMERICA Bank
DETROIT, MICHIGAN

John T. Hooker

CP02279 (8/03)

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

June 25,2009

Citizens to Elect Eddie Washington
POB 865
Waukegan, IL 60079

S8022

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:

Contributed By	Date of Contribution	Fine Assessed	Amount of Contribution	Date A-1 Received	Days Late
ComEd PAC	10/21/08	2000.00	2000.00	*not filed	7

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,

Rubert 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 _____)

STATE BOARD OF ELECTIONS
09 JUL 30 PM 1:54

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.) Case No._____
Committee to Elect Eddie)
Respondent(s). Washington)

APPEAL AFFIDAVIT

I, Michael Kasper, the Attorney of the
(Name) (~~Chairman/Treasurer~~)
Committee to Elect Eddie Washington
(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 appeal was improperly assessed b/c all contributions were timely reported and thus the assessment should be reversed for reasons to be presented at hearing

Signed and Sworn to by:
Michael J Kasper
before me this 30th Day of
July, 2009
Dorene M Egan
Notary Public

Official Seal
Dorene M Egan
Notary Public State of Illinois
My Commission Expires 08/16/2012

Michael Kasper
(Signature of Chairman/Treasurer)

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: Hearing Officer Report on Unauthorized Practice of Law, involving the New Broadview Tea Party and American Campaigns

Date: November 5, 2009

On the following page, please find the Report of Hearing Officer Philip Krasny on the issue of whether American Campaigns engaged in the unauthorized practice of law, when they provided advice to the New Broadview Tea Party regarding the NBTP's obligations under the Campaign Finance Act. I agree with Hearing Officer Krasny's conclusions and recommend that the matter be referred to the Attorney Registration and Disciplinary Commission for review.

Steven S. Sandvoss
General Counsel

October 16, 2009

To: Steve Sandvoss
From: Phil Krasny
Re: Assessment of whether American Campaigns' conduct constituted the unlawful practice of law

I have been asked to review Matthew Ames' sworn testimony at the August 4, 2009 hearing and assess whether any of American Campaigns' activities with the New Broadview Tea Party ("NBTP") could be construed as "practicing law". In performing my analysis, the threshold question pertains to the issue of what constitutes the practice of law.

The State requires minimum levels of education, training, and character before granting a license to practice law. The purpose of doing so is to protect the public from potential injury resulting from laypersons performing acts that require the training, knowledge, and responsibility of a licensed attorney. *Herman v. Prudence Mutual Casualty Co.*, 41 Ill. 2d 468, 479-80 (1969).

Our supreme court has described the practice of law as:

> "`* * * [T]he giving of advice or rendition of any sort of service by any person, firm or corporation when the giving of advice or rendition of such service requires the use of any degree of legal knowledge or skill.'" (*People ex rel. Illinois State Bar Association v. Schafer* (1949), 404 Ill. 45, 51, 87 N.E.2d 773.)

> "The practice of law involves not only appearance in court in connection with litigation but also services rendered out of court, and it includes the giving of advice or the rendering of any services requiring the use of legal skill or knowledge, such as preparing a will, contract or other instrument, the legal effect of which, under the facts and conditions involved, must be carefully determined." (*People ex rel. Illinois State Bar Ass'n v. Schafer*, 404 Ill. 45, 50.

Furthermore, the Model Code of Professional Responsibility drafted by the American Bar Association states that the practice of law cannot be specifically defined but it "relates to the rendition of services for others that call for the professional judgment of a lawyer." Model Code of Professional Responsibility EC 3-5 (1981); See *Mendelsohn v. CNA Insurance Co.* (1983), 115 Ill. App.3d 964, 967 451 N.E.2d 919. (5th Dist. 1983),

It is often difficult, if not impossible, to lay down a formula or definition of what constitutes the practice of law, *People ex rel. Illinois State Bar Ass'n v. Schafer*, 404 Ill. 45, 50-51, 87 N.E.2d 773, 776 (1949), and "whether a defendant charges a fee for the act is not decisive of whether it is unauthorized practice." *King v. First Capital Financial Services Corp.*, 343 Ill. App. 3d 404, 407, 798 N.E.2d 118, 121 (2003), aff'd, 215 Ill. 2d 1, 828 N.E.2d 1155 (2005), citing *Chicago Bar Ass'n v. Quinlan & Tyson, Inc.*, 34 Ill. 2d 116, 120, 214 N.E.2d 771, 773 (1966). Thus, while the definition of the term "practice of law" defies mechanistic formulation, the Illinois Supreme Court has indicated that in deciding whether acts amount to the unauthorized practice of law, "it is the character of the acts themselves that determines the issue." *Chicago Bar Ass'n v. Quinlan & Tyson, Inc.*, 34 Ill. 2d 116, 120, 214 N.E.2d 771, 774 (1966).

In Gra*fner v. Department of Employment* Security -08-1858 (Ill. App. 8-6-2009), the appellate court identified the following activities as constituting the "practice of law":

> "appearing in court or before tribunals representing one of the parties, counseling, advising such parties and preparing evidence, documents and pleadings to be presented. It has been defined as preparing documents the legal effect of which must be carefully determined according to law. It has been defined as referral to attorneys for service; advising or filling out of forms; negotiations with third parties and, in short, engaging in any activities which require the skill, knowledge, training and responsibility of an attorney." ISBA Op. No. 93-15, at 2 (March 1994), citing *Barasch*, 406 Ill. at 256, 94 N.E.2d at 150.

In *Chicago Bar Ass'n v. Quinlan & Tyson, Inc.*, 34 Ill. 2d 116, 214 N.E.2d 771 (1966), our supreme court held that an individual who merely provides simple fact-based answers, which do not require legal skill or knowledge, has not engaged in the unauthorized practice of law. The *Quinlan* court determined that real estate brokers could fill in blanks on customary contract-of-sale forms or offers to purchase without engaging in the practice of law because these documents "require no more than ordinary business intelligence and do not require the skill peculiar to one trained and experienced in the law." *Quinlan*, 34 Ill. 2d at 121, 214 N.E.2d at 774. However, the line was drawn by the court's understanding that, upon execution of such contracts, the broker has fully performed his obligation and could not fill in the blanks on deeds or mortgages and other legal instruments because those documents require the peculiar skill of a lawyer and constitute the practice of law. *Quinlan* ,34 Ill. 2d at 122, 214 N.E.2d at 774.

In *People ex rel. Chicago Bar Ass `n v. Goodman*, 366 Ill. 346, 357, 8 N.E.2d 941, 944 (1937), the Supreme Court's focus was upon Respondent's representation of participants in administrative proceedings before the Industrial Commission. Although the Respondent was not an attorney, he extensively engaged in the business of handling workmen's compensation claims. His activities routinely involved the solicitation of

clients, providing advice concerning potential recoveries, negotiating settlements with insurance carriers, maintaining actions before the Industrial Commission and securing orders approving settlements. *Goodman*, 366 Ill. at 351-52, 8 N.E.2d at 944-45. Based upon these activities, our supreme court determined that the Respondent was indeed engaged in the practice of law. *Goodman*, 366 Ill. at 357, 8 N.E.2d at 944-45:

> "It is immaterial whether the acts which constitute the practice of law are done in an office, before a court or before an administrative body. The character of the act done, and not the place where it is committed, is the factor which is decisive of whether it constitutes the practice of law."

The Goodman court's rationale was rooted in the recognition that the legal ramifications of workmen's compensation practice were pervasive. As the court noted, practitioners should be able to weigh evidence and coordinate the testimony and its application to the statute. Moreover, the practice required a trained legal mind to intelligently grasp "the substantive provisions of (1) the Workmen's Compensation act, (2) the Federal Employer's Liability act and (3) the common law, as related to liability for damages for traumatic injuries." *Goodman*, 366 Ill. at 356, 8 N.E.2d at 946.

Conversely, in Gra*fner v. Department of Employment* Security -08-1858 (Ill. App. 8-6-2009), the appellate court recently held that a non-lawyer representing an employer in unemployment compensation proceedings before a referee was not engaged in the practice of law. In making its ruling, the court noted that the non-lawyer did not offer any factual or legal information during the hearing.

> Simplicity and informality are the intended features of unemployment compensation hearings. Here, all of the parties in the hearing participated via telephone. The nonattorney representative did not present case or statutory support for the employer's position and did not offer closing remarks. The representative's fact clarifying questions were not of the nature requiring complex legal analysis but the type of questions that would have been asked by someone with experience representing employers. Moreover, the rules of evidence governing trial procedures are inapplicable to the hearing. Evaluating the character of the acts performed here by the nonattorney representative Johnson, a lawyer's training for their proper performance was not required and the nature of the hearing was not akin to the formality of proceedings occurring in a court of law.

Likewise, in *Perto v. Board of Review,* 274 Ill. App. 3d 485, 493, 654 N.E.2d 232, 238 (1995), the appellate court was asked to decide whether a nonattorney representative was engaged in the unauthorized practice of law in a matter involving a request for unemployment benefits before the Illinois Department of Employment Security. The court in *Perto* adopted the principle articulated in *Goodman*, 366 Ill. 346, 357, 8 N.E.2d

941, 944 (1937), and held that it was "the character of the act done, and not the place it was done, that was the decisive factor in determining whether it constituted the practice of law." *Perto,* 274 Ill. App. 3d at 494, 654 N.E.2d at 239. The nonattorney representative in *Perto* did not participate in the hearing before the Referee. *Perto*, 274 Ill. App. 3d at 494, 654 N.E.2d at 239. Rather, the employer's nonattorney representative responded to a Department form letter, sent the Department a letter requesting a rehearing and detailed the employer's position in a letter with facts. Based upon the foregoing the court concluded that the representative did not engage in the unauthorized practice of law. *Perto,* 214 Ill. App. 3d at 493, 654 N.E.2d at 238. The *Perto* court concluded that the employer's nonattorney representative's "acts were simple, fact-based responses to determinations that plaintiff was eligible for unemployment benefits by the Department." *Perto*, 274 Ill. App. 3d at 494, 654 N.E.2d at 239.

The Illinois case law regarding the unlawful practice of law cannot be viewed in isolation. Rather, it must be viewed through the prism of the applicable provisions of the Illinois Administrative Code, which outline the practices and procedures of the State Board of Elections[1].

Title 26 Section 125.60 is entitled "Appearances", and provides, in pertinent part, as follows:

> a) Any person entitled to participate in Board proceedings may appear as follows:
>
> 1) A natural person may appear in his own behalf or by an attorney at law licensed and registered to practice in the State of Illinois, or both;
>
> 2) A business, unincorporated association, nonprofit, or government organization may appear by any bona fide officer, employee, or representative, or may be represented by an attorney licensed and registered to practice in the State of Illinois, or both.

Additionally, 26 Ill. Adm. Code 125.70, entitled "Non-legal Assistance", provides as follows:

> Any party involved in any proceeding conducted pursuant to this Part shall have the right to the presence and participation of

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[1] 26 Ill. Adm. Code 125.5, is entitled "Applicability"

> This Subpart A shall apply to the practices and procedures of the State Board of Elections, and all proceedings conducted by the Board under Subpart A. This Part is not intended to apply to State Electoral Board hearings, or to proceedings under Subpart B of this Part (closed preliminary hearings) where any provisions of Subpart B makes a more specific or contradictory provision to anything contained in Subpart A.

> additional persons, in addition to, or instead of an attorney, in order **to provide technical assistance and consultation**. The Hearing Examiner may at his discretion restrict the number of such additional persons who may attend and participate in the proceedings. (emphasis added).

Accordingly, while the State Board of Elections administrative regulations recognize and allow for the participation of non attorneys "to provide technical assistance and consultation", it does not authorize non attorneys to practice law; i.e.; to provide any services requiring the use of legal skill or knowledge, such as preparing a will, contract or other instrument, the legal effect of which, under the facts and conditions involved, must be carefully determined." *People ex rel. Illinois State Bar Ass'n v. Schafer*, 404 Ill. 45, 50.

Based upon the aforementioned case law and applicable regulations, the remaining issue is whether, based upon Matthew Ames' sworn testimony at the August 4, 2009 hearing, American Campaigns' activities with the New Broadview Tea Party ("NBTP") could be construed as "practicing law".

At the August 4, 2009 hearing, Ames testified that in December 2008, he requested American Campaigns to prepare printed material for NBTP's slate of candidates running in the April 2009 Broadview election. Although NBTP and American Campaigns never entered into a written agreement (see page 37 of 8/4/09 hearing), American Campaign's role with NBTP evolved from providing printed campaign materials to eventually running/managing NBTP's election campaign (See page 36 of 8/4/09 hearing).

According to Ames, American Campaigns recruited "volunteers" to circulate NBTP nominating petitions (see pages 42, 62-63 of 8/4/09 hearing), negotiated and rented a campaign office for NBTP(see pages 63-64, 128-130, 161-162 of 8/4/09 hearing), hired/provided NBTP with an office manager (see page 43 of 8/4/09 hearing), hired/provided attorneys to defend the objections to NBTP's nominating petitions (see pages 76-79 of 8/4/09 hearing), and provided NBTP with advice, as well as documents, regarding defending the complaint filed against NBTP by Judy Brown-Moreno.

Specifically, as regards the filing of NBTP's initial Statement of Organization in March 2009, Ames testified that NBTP's initial D-1 Statement of Organization was prepared only after Brown-Marino filed her complaint against NBTP. (see pages 47-48, 70-71 of 8/4/09 hearing). According to Ames, after receiving the complaint, NBTP consulted with Charlie Farel from American Campaigns, who advised that NBTP expenditures need not be reported, since they were only incurred and not yet billed. (see pages 50-53, 111-112 of 8/4/09). Farel prepared a spreadsheet of NBTP expenditures as well as provided the content of a letter, which Ames presented to the State Board of Elections at the closed preliminary hearing conducted by hearing officer Morgando on March 30, 2009. (see pages 50-53, 73-75).

In assessing whether American Campaigns activities exceeded the technical assistance and consultation limitations provided for in 26 Ill. Adm. Code 125.70, it must be noted that, once Moreno-Brown filed her complaint against NBTP, the State Board of Elections could assess civil penalties against the NBTP as well as report the alleged violation to the Attorney General or State's Attorney for possible criminal prosecution under 10 ILCS 5/9-26. (see 26 Ill. Adm. Code 125.420). Thus, unlike the Respondents in Gra*fner* and *Perto,* whose appearance at an administrative proceeding was to consider the payment of statutory benefits, the appearance of NBTP before the State Board could result in the assessment of fines and/or the possibility of criminal sanctions being imposed.

Further, unlike the consultants in Gra*fner* and *Perto,* who merely provided fact based responses for their clients at administrative proceedings, NBTP's consultation with American Campaigns resulted in American Campaigns providing NBTP with its legal defense to the complaint; i.e.; based upon its interpretation of the Election Code, American Campaigns advised NBTP that it need not report incurred expenditures. American Campaigns also prepared a spreadsheet and provided NBTP with the content of a letter which NBTP presented as its defense to the Brown-Moreno complaint at the close preliminary hearing in March 2009. (See pages 50-53 of 8/4/09 hearing).

Clearly, American Campaign's advice to NBTP required a careful review and interpretation of the Election Code, since the legal ramifications of providing the wrong advice, which occurred here, could result in severe sanctions being imposed against NBTP. Accordingly, if Ames' testimony remains unrefuted[2], then the aforementioned activities by American Campaigns could be considered as more than "technical assistance and consultation", and can be construed as "practicing law", since American Campaigns was providing "any services requiring the use of legal skill or knowledge,..., the legal effect of which, under the facts and conditions involved, must be carefully determined." *People ex rel. Illinois State Bar Ass'n v. Schafer*, 404 Ill. 45, 50.

ADDENDUM

After reviewing Ames' testimony in its entirety, one is left with the distinct impression that American Campaigns managed and, at some point in time, took over control of the NBTP and, eventually, ran its own "shadow campaign", since, according to Ames, as the relationship between American Campaigns and NBTP evolved, two separate campaigns emerged.

> Q. ...But at what point did you talk to someone from American Campaigns about managing the campaign?
> A. I think that was more of a transition type of a relationship. We went to them for print. And before we knew it, we're definitely in a disagreement about how we wanted to proceed as the individual candidates here in the community, and

[2] I have reviewed 20 affidavits presented by American Campaigns in the complaint entitled Matt Ames v. Charles Ferral, et.al. There was no affidavit from Charlie Ferral. Nor does Tom Hendrix' affidavit directly refute Ames' testimony regarding the circumstances surrounding the defense of the complaint filed against NBTP by Brown-Moreno in case 09 CD 009

what American Campaign was, for lack of a better term, almost compelling us to do.

Q. Compelling you?
A. Yeah, yeah. We kind of ran two separate campaigns. You know, while we were out doing the tea sips, we trusted American Campaign to do whatever it is that they wanted to do. (See pages 59-60 of August 4, 2009 hearing)
****
A…So -- and if I could, sir, there is one thing, after the objections to our petition, I know myself and some members of American Campaign, we were just at odds. And for lack of a better term, we were running two campaigns. We had -- at least I had determined that number one, that they didn't have our best interest, meaning the collective group, okay?
And Charlie and I actually got into a confrontation right here in the office at one of our Saturday morning meetings, and which I expressed -- you know, and of course everybody is around, but that being said, he was adamant about no, we're not going to run two campaigns. Well, I can't tell you what to do, but this is what we're going to do.
(See Pages 158-159 of August 4, 2009 hearing)

STATE BOARD OF ELECTIONS
1020 South Spring Street
Springfield, Illinois 62704
217/782-4141

Rupert T. Borgsmiller **Assistant Executive Director**

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

Re: Request for Payment Plan – Cunningham Campaign Committee

Date: November 4, 2009

I have been contacted by a representative of the above referenced committee requesting a payment plan for their outstanding civil penalty assessment in the amount of $2100.00 (attached). The committee has tendered a good faith payment in the amount of $500.00.

RTB:sk

January Accounting Service

09 OCT 26 PM 2:44
STATE BOARD OF ELECTIONS

October 21, 2009

Illinois State Board of Elections
Attn: Steve Sandvoss
Campaign Disclosure
1020 S Spring Street
Springfield, Illinois 62704

Dear State Board:

We are in receipt of the State Board of Election' s notice of Final Order for Cunningham Campaign Committee. The Board has fined us a total of $2100 for late filings and civil penalties. Because we do not maintain a sizeable balance in our account between campaigns, we do not have the funds available to pay the fines at this time.

We are requesting an extension to pay the balance due and would further like to ask that we be allowed to make the payment in installments. We propose a down payment of $500, enclosed to show our good intentions, and monthly installment payments of $200 until paid in full.

We hope that this proposed payment plan meets with your approval and look forward to hearing from you.

Thanking you in advance.

Sheila January Fort CPA, Treaurer
Cunningham Campaign Committee

1101 Chestnut Street - Waukegan, Illinois 60085 - 847-263-0074 - 847-263-0579 Fax

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:	)	
Illinois State Board of Elections	)	
Complainant(s),	)	
Vs.	)	09 MA 012
	)	
Cunningham Campaign Committee	)	
Respondent(s).	)	

FINAL ORDER

TO: Cunningham Campaign Committee L9059
1101 Chestnut St
Waukegan, IL 60085

This matter coming to be heard this 21st day of September, 2009, as an appeal of the imposition of a civil penalty under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), 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. In case number 09 MA 012, a $500.00 civil penalty was initially assessed against the Respondent for the delinquent filing of the February 2009 Pre-election report; appeal was taken from this assessment, and
2. In case number 09 MA 012, a $3000.00 civil penalty was initially assessed against the Respondent for the delinquent filing of a Schedule A-1 reports in conjunction with the February 2009 election; appeal was taken from this assessment, and
3. The committee was previously assessed a penalty of $1000.00, which was stayed as a first violation, for failing to file a Schedule A-1 in conjunction with the April 2007 election (07 AE 032). The appeal of this assessment was denied and the amount was reduced to $100.00 by the Board, and
4. The recommendation of the Hearing Officer, in which the General Counsel concurs, is that the appeal be denied for lack of an adequate defense, but that pursuant to section 9-10 of the Code, the Schedule A-1 assessment be reduced to $1500.00 (50% of the value of the delinquently reported contributions).

IT IS ORDERED:

1. The recommendation of the Hearing Officer and the General Counsel is adopted and the appeal is DENIED; and
2. A civil penalty in the amount of $2000.00 is imposed and the stay is lifted on the previously assessed penalty of $100.00. The total amount of $2100.00 is now due and owing within 30 days of the effective date of this Order, and
3. The effective date of this Order is September 22, 2009, and
4. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 9/22/2009

Bryan A. Schneider, Chairman

STATE BOARD OF ELECTIONS
1020 South Spring Street
Springfield, Illinois 62704
217/782-4141

Rupert T. Borgsmiller **Assistant Executive Director**

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

Re: Update/Candidates with unpaid files-potential Ballot Forfeiture for 2010

Date: November 5, 2009

Listed below are the candidate-related committees with unpaid fines that have filed nominating petitions with our office:

Committee	Candidate	Office Sought	Fine Owed
Cmte for Ed Smith	Ed Smith	10th Representative	$24,550.00
Citizens for Beaubien	Mark Beaubien	52nd Representative	$1750.00
Cmte to Elect Rickey Hendon	Rickey Hendon	9th Congress/Lt Gov	$1800.00
Friends of Annazette Collins	Annazette Collins	7th Congress/10th Rep	$9600.00

Also, attached is a list of candidate-related committees, both active and final, with unpaid fines as of today's date. These committees have the potential to face ballot forfeiture for 2010 if they choose to run for office. Please be aware that this list is fluid and may change as a result of fine payments, appeals granted, etc.

Active Committees - Fines Due

Cmte No	Cmte Name	Candidate	Last Office Sought	Fine amount
L05131	Citizens for Sig	Vaznelis Sig	Highway Commissioner/Lemont Twp	$650.00
L07542	Citizens for Olszewski	Michael Olszewski	County Board Member/Cook	$1,800.00
L08526	Gonzalez for Commissioner	James Gonzalez	Water Reclamation Dist/Chicago	$1,525.00
L09095	Cunningham Campaign Committee	Samuel Cunningham	Alderman/ Waukegan	$4,500.00
L09904	Citizens for Gaughan	David Gaughan	State's Attorney/Cook	$16,550.00
L10258	Citizens for David Webb	David Webb	Mayor/Markham	$20,000.00
L10677	Friends of Zenovia Evans	Zenovia Evans	Mayor/Riverdale	$550.00
L11237	Citizens to Elect Norman Bolden	Norman Bolden	Alderman/Chicago	$600.00
L11593	Citizens for Brenda Rodgers	Brenda Rodgers	City Councilman/Elgin	$325.00
L12177	Citizens for Michael Jacobs	Michael Jacobs	State's Attorney/Lake	$2,550.00
L12401	Citizens for Nicholas Milissis	Nicholas Milissis	none listed	$300.00
L12749	Committee to Elect David Evans	David Evans	County Board Member/Will	$325.00
L12986	Phillips for Mayor	Chuck Phillips	Mayor/Alton	$225.00
L13000	Country Oaks Cmte to Elect Robert Abboud	Robert Abboud	Viilage President/Barrington Hills	$600.00
L13577	Committee to Elect Pamela Palmer	Pamela Palmer	County Auditor/McHenry Co	$2,600.00
L13611	Citizens for Waguespack	Scott Waguespack	Alderman/Chicago	$1,050.00
L13647	Citizens for John Sweeney	John Sweeney	County Board Member/Winnebago Co	$450.00
L13698	Citizens for Marius "Mark" Jackson	Marius Jackson	Mayor/Centreville	$575.00
L13711	Friends for Del Valle	Aaron Del Valle	Alderman/Chicago	$2,600.00
L13747	Salamanca for Change	Joaquin Salamanca	Alderman/Chicago	$5,200.00
L13973	Friends of Arnold Crater	Arnold Crater	School Board Member/Dist 161	$50.00
L14197	Citizens to Elect Robert Eastern III	Robert Eastern III	City Councilman/ E St Louis	$3,250.00
L14304	Citizens for Mike Hakanson	Mike Hakanson	County Auditor/Winnebago Co	$1,625.00
L14384	Citizens to Elect Dini	Anthony Dini	County Board Member/Boone	$25.00
L14634	Dr Charles Flowers & Friends	Charles Flowers	Regional Superintendant of Schools	$300.00
L14885	Friends of Kris Wasowicz	Kris Wasowicz	Mayor/Justice	$700.00
L15087	Citizens to Elect Bob Caulfield Mayor	Bob Caulfield	Mayor/Antioch	$500.00
L15235	Comittee to Re-elect Bracco & Graves	Martin Bracco/Christine Graves	Park Dist Commissioner/Oak Park	$2,100.00
S1206	Balanoff Political Fund	Clement Balanoff	Board of Tax Appeals/Cook	$425.00
S1900	Committee to Re-elect Mike Slape	Mike Slape	State Representitive/110th Dist	$5,050.00
S5774	Citizens for Munoz	Ricardo Munoz	Alderman/Chicago	$200.00
S7066	Concerned Voters for Protter	Steven Protter	State Senator/8th Dist	$1,700.00
S7868	Citizens for Leys	Eric Leys	School Board Member/Dist 207	$2,700.00
S8163	Friends of Laura Bertucci Smith	Laura Bertucci Smith	Judge/Cook County	$1,075.00
S8677	Friends of Dr Bob Tiballi	Bob Tiballi	City Council/Elgin	$75.00
S8936	Friends for Michelle Chavez	Michelle Chavez	State Reprensentative/24th Dist	$100.00
S9241	Citizens for Hackney	William Hackney	State Senator/6th Dist	$8,350.00
S9272	Citizens for Karin Norrington Reaves	Karin Norington Reaves	Alderman/Chicago	$300.00
S9286	Friends of Kevin Perkins Committee	Kevin Perkins	Alderman/Chicago Heights	$5,075.00

S9374	Citizens to elect Willie B Cochran	Willie Cochran	Alderman/Chicago	$775.00
S9378	Friends of Joseph Bertrand Jr	Joseph Bertrand Jr	School Board Trustee	$1,075.00
S9501	Committee to Elect Laura Morask	Laura Morask	Judge, Cook County Sub Circuit	$10,000.00
S9616	Citizens to Elect Patrick Sherlock	Patrick Sherlock	Judge/Cook County	$1,600.00
S9642	Friends of Travis Loyd	Travis Loyd	State Representative/107th Dist	$1,050.00
S9647	Committee to Elect Gary Nowak	Gary Nowak	State Representative/46th Dist	$3,112.00
S9712	Friends of Rich Kelly	Richard Kelly	State Representative/81st Dist	$432.00
S9864	Friends of Peter Grant	Peter Grant	County Board Member/Lake	$235.00

Active Committees - Appeal Pending

Cmte No	Cmte Name	Candidate	Last Office Sought	fine amount
L12396	Citizens to Elect Sue Low	Sue Low	Mayor/McHenry	$1,100.00
S8022	Citizens to Elect Eddie Washington	Eddie Washington	State Representative/60th Dist	$1,000.00
S9731	Friends of Rachel Shatuck	Rachel Shattuck	State Representative/49th Dist	$4,767.64

Cmte No	Cmte Name	Candidate	Last Office Sought	Fine amount
L01345	Citizens for Hansen	Bruce Hansen	County Board Member/Lake	$3,688.00
L02917	Citizens for Troutman	Arenda Troutman	Alderman/Chicago	$330.00
L06293	Friends of Judy Yeager	Judy Yeager	Alderman/Springfield	$525.00
L06370	Committee to Elect Pat Dutcher	Pat Dutcher	City Treasurer/Waukegan	$425.00
L08512	Citizens for Gomez	Jose Gomez	County Assessor/Cook Co	$825.00
L09121	Citizens for John Sweeney	John Sweeney	County Board Member/Lake	$275.00
L10041	Committee To Elect Marcella Teplitz	Marcella Teplitz	City Council/Peoria	$1,715.19
L10307	Citizens for Thomas Julian	Thomas Julian	Village Trustee/Downers Grove	$1,000.00
L10752	Supporters for Dorene Hoosman	Dorene Hoosman	City Clerk/E St Louis	$1,675.00
L11495	Friends of Kevin Quinlan	Kevin Quinlan	Villlage President/Oak Park	$4,200.00
L11823	Citizens for Hoyle	James Hoyle	State's Attorney/McDonough Co	$2,450.00
L12089	Citizens to Elect Robert Bank	Robert Bank	Alderman/Chicago	$2,850.00
L12182	Party to Elect Egan	Timothy Egan	Alderman/Chicago	$350.00
L12599	Friends for John Wassinger	John Wassinger	Village President/Bensenville	$4,925.00
L12791	Friends of Mike Wakeland	Mike Wakeland	Twp Suprvisor/Decatur township	$1,825.00
L12901	Citizens for Karen Fields	Karen Fields	Alderman/ Calumet City	$1,175.00
L13181	Committee to Elect Michael Baxton	Michael Baxton	Mayor/Centreville	$4,575.00
L13481	Friends of David Askew	David Askew	Alderman/Chicago	$11,287.05
L13484	Citizens for Mary Margaret Maule	Mary Margaret Maule	County Board Member/McHenry	$5,300.00
L13515	Friends to Elect David Webb Jr	David Webb Jr	Ward Committeeman/Thornton	$8,200.00
L13550	Friends of Paul Stewart	Paul Stewart	Alderman/Chicago	$2,000.00
L13620	Friends of Mike Richards	Mike Richards	County Clerk/Champaign	$850.00
L13650	Citizens for Felicia Simmons Stovall	Felicia Stovall	Alderman/Chicago	$7,450.00
L13660	Friends of Randy Lewis	Randy Lewis	County Board Member/Sangamon	$1,825.00
L13685	Citizens to Elect Thomas Worthy	Thomas Worthy	Alderman/Chicago	$7,454.00
L13712	Citizens to Elect Leroy Jones Jr	Leroy Jones Jr	Alderman/Chicago	$10,127.49
L13722	Friends of Derrick Prince	Derrick Prince	Alderman/Chicago	$975.00
L13734	Citizens to Elect Edward Chaney	Edward Chaney	Alderman/Chicago	$3,800.00
L13749	Friends of Don Patterson	Don Patterson	Alderman/Chicago	$15,625.00
L13770	Citizens for Catherine Zaryczny	Catherine Zaryczny	Alderman/Chicago	$7,750.00
L13794	Citizens to Elect Brenda Thompson	Brenda Thompson	Mayor/Harvey	$3,700.00
L13803	Tebben for Mayor Committee	R David Tebben	Mayor/Pekin	$400.00
L13815	Friends for Eric P McKennie	Eric McKennie	Alderman/Chicago	$1,150.00
L13820	Citizens for Jamal Barnes	Jamal Barnes	Alderman/Country Club Hills	$2,300.00
L13821	Elect Jesse Granato	Jesse Granato	Alderman/Chicago	$15,540.00
L13825	Friends for Julius Anderson	Juluis Anderson	Alderman/Chicago	$4,500.00
L13835	Citizens for Junaid M Afeef	Junaid M Afeef	Village Trustee/Hoffman Estates	$6,950.00
L13841	Friends for Juan Soliz	Juan Soliz	Alderman/Chicago	$8,433.25
L13849	Citizens to Elect Dennis Allen	Dennis Allen	Alderman/Chicago	$7,950.00

L13866	Citizens for Michael Wolczyz	Michael Wolczyz	Village Trustee/Antioch	$2,575.00
L13885	Eugene C Davis Campaign Committee	Eugene Davis	Alderman/Chicago	$750.00
L13921	Carlisle for Council	Robert Carlisle	City Council/Wheaton City	$7,100.00
L13950	Citizens for Patel	Mohammad Patel	Village Trustee/Hoffman Estates	$2,750.00
L13983	Citizens for Wagner	David Wagner	Village Trustee/Orland Park	$950.00
L14105	Citizens for Donald India	Donald India	School Board Member/Dist 67	$4,850.00
L14156	Friends for Michael Chiras	Michael Chiras	Alderman/Washington	$1,125.00
L14234	Citizens to Elect Richard Dickinson	Richard Dickinson	Alderman/Elmhurst	$2,050.00
L14299	Friends of Susie Barber	Susie Barber	City Council/Joliet	$1,900.00
L14309	Committee to Elect Germain Castellanos	Germain Castellanos	County Board Member/Lake	$3,625.00
L14415	Citizens for Jesus de la Isla	Jesus de la Isla	County Board Member/Kane	$418.33
L14474	Citizens for Marlon Rush	Marlon Rush	Water Reclamation Dist/Chicago	$2,575.00
L14519	Friends of Gerald Frazier	Gerald Frazier	Ward Committeeman/Chicago	$625.00
L14522	Donna Jungwirth for Rock Island	Donna Jungwirth	City Councilman/Rock Island	$9,875.00
L14617	Samuel Johnson	Samuel Johnson	Mayor/Mound City	$11,100.00
L14757	Grayson Gile for the People of Johnson Co	Grayson Gile	State's Attorney/Johnson Co	$18,484.00
L14781	Committee for Thornton	Michael Thornton	Mayor/Lincoln	$475.00
L14847	Friends for Mark Fumagalli	Mark Fumagalli	County Board Member/Will	$1,175.00
L15095	Citizens for Paul Hinterlong	Paul Hinterlong	City Council/Naperville	$900.00
L15300	Committee to Elect Tom Strickland	Tom Strickland	Village President/Machesney Park	$4,000.00
S3424	Richards for Circuit Judge Cmte	J William Richards	none listed	$650.00
S5032	Citizens for Karen Elder	Karen Elder	Alderman/Chicago	$1,750.00
S7175	Citiens for Jenisch	Roger Jenisch	State Representative/45th Dist	$5,175.00
S7515	Dunn for Judge Cmte	Thomas Dunn	Appellate Court Judge/3rd Dist	$9,050.00
S7569	Citizens for Phil Pritzker	Phil Pritzker	State Senator/28th Dist	$1,425.00
S8056	Citizens for April Troope	April Troope	State Representative/6th Dist	$5,750.00
S8063	Citizens to Elect Kevin Gallaher	Kevin Gallaher	Forest Preserve Commissioner	$1,050.00
S8709	Sherill for State Senate	David Sherill	State Senator/56th Dist	$1,925.00
S8828	Citizens for Jim Rowe	Jim Rowe	State Senator/39th Dist	$15,000.00
S8872	Citizens for Sexton	Patrick Sexton	Park District Commissioner/Lemont	$800.00
S9070	Ramon Ocasio for Judge	Ramon Ocasio	Judge/Cook County	$800.00
S9071	Citizens to Elect Jill Marisie	Jill Marisie	Judge/Cook County	$900.00
S9162	Committee to Elect Greg Smith	Greg Smith	Judge/Circuit Court	$75.00
S9246	Ginderske 2007	Jim Ginderske	Alderman/Chicago	$3,100.00
S9273	Friends of Ron David	Ron David	Alderman/Chicago	$4,000.00
S9312	Citizens to Elect Thelma Andrews	Thelma Andrews	Alderman/Chicago	$5,125.00
S9329	Citizens to Elect Anthony McCaskill	Anthony McCaskill	Mayor/Harvey	$5,325.00
S9330	People for Stewart	none listed		$3,000.00
S9407	Patchett for Judge	John Patchett	Judge/Circuit Court	$450.00
S9427	Committee to Elect Scott Patrick Delaney	Scott Patrick Delaney	Judge/Circuit Court	$2,800.00

S9482	Friends of Jonathan Bedi	Jonathan Bedi	State Senator/5th Dist	$390.00
S9542	Friends for Clayton Harris III	Clayton Harris III	State's Attorney/Cook	$2,800.00
S9578	Friends 4 Jaramillo	Jessica Jaramillo	State Senator/20th Dist	$1,200.00
S9597	Friends of Judge Snyder	James Snyder	Judge/Circuit Court	$2,975.00
S9676	Friends for Alex M Lyons	Alex Lyons	Alderman/Chicago	$10,000.00
S9708	Jim Parks for State Representative	Jim Parks	State Representative/61st Dist	$486.00

STATE BOARD OF ELECTIONS
1020 South Spring Street
Springfield, Illinois 62704
217/782-4141

Rupert T. Borgsmiller **Assistant Executive Director**

To: Daniel W. White, Executive Director, Members of the Board

Re: Payment of Civil Penalties - Informational

Date: October 4, 2009

The following committees have made payment of outstanding civil penalties for the period of 10/8/09 through 11/4/09:

- Committee to Elect Judge Marilyn Johnson - $525.00
- Regular Republican Party of River Forest - $425.00
- DuPage County Democratic Central Committee - $550.00
- Citizens for Flores - $256.00
- The Republican Organization of Elk Grove Township - $200.00
- Peoples Energy – PAC - $388.00
- Citizens Organized for Public Safety - $200.00
- Will County Democratic Central Committee - $31.00
- Citizens for Officer - $812.50
- Citizens for Ronald A. Wait - $7197.00
- Citizens for Steve Kim - $100.00
- Citizens to Elect Steve Riess - $725.00
- Cunningham Campaign Committee - $500.00
- Citizens to Elect Patrick M Gordon - $250.00
- Citizens for Fred Crespo - $1854.00
- Committee to Elect Laura Morask - $1000.00
- Democratic Central Cmte of Stephenson County - $408.34
- Citizens to Elect Michael Mayden - $300.00
- Friends of Eddie Winters - $120.00
- Will County Democratic Central Committee - $2250.00
- Friends of Travis Loyd - $100.00

Total Amount Paid for this Period- $18,191.84
Year to Date Totals:
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 - $18,161.51
8/6/09 – 9/10/09 - $2771.62
9/11/09 – 10/7/09 - $10,251.00
10/8/09 – 11/4/09 - $18,191.84

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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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: Request for Attorney General Opinion on Acceptance of Resolutions to Fill Vacancies in Judicial Nominations

Date: November 4, 2009

In anticipation of inquiries regarding the issue raised below, I am requesting authorization from the Board to submit two questions to the Attorney General for opinion; questions that I feel need to be addressed as soon as possible, but in any event no later than the General Primary Election next February.

HB 723, which had been amendatorily vetoed by the Governor, was recently enacted into law as a result of the General Assembly overriding the veto. This Bill[1] pertains to vacancies in nomination filled by managing committees, and requires any person appointed to fill a vacancy in nomination to file a nominating petition containing the requisite number of signatures, in addition to the resolution of the managing committee and other required documents. This petition filing requirement is applicable only in the event that the vacancy in nomination is the result of the political party failing to nominate a candidate at the General Primary Election.

The issue I present is whether this new petition filing requirement contained in HB 723 would satisfy the Constitutional deficiency that the Illinois Supreme Court found in its 1994 decision in Bonaguro v. County Officers Electoral Board 158 Ill.2d 391 and allow the State Board of Elections to accept nominating papers from judicial nominees who have been appointed by their respective political party managing committees.[2]

[1] There is a pending trailer bill to HB 723 (SB 146) that if signed by the Governor, would further amend HB 723. The amendment language however is not relevant to the issue before you.

[2] The State Board of Elections, through its Rulemaking, provides that "where an established political party and/or the members thereof fail to nominate a candidate for any office provided for in Article 7 of the Election Code, this vacancy in nomination may be filled by the proper party committee of the political party, except candidates for judicial office." 26 Ill.Adm.Code Sec. 207.10 (1992)

Before I elaborate on the issue in the above paragraph, I first note that the main basis for the Court's decision in Bonaguro was the fact that there was no specific judicial managing committee provided in Section 7-7 of the Election Code [10 ILCS 5/7-7]. Since Section 7-7 specifically empowered those enumerated committees contained therein to make nominations, and since there was no judicial committee included in that Section, the court reasoned that it was not the intent of the legislature to allow for managing committees to fill vacancies in judicial nominations by appointment. (The Court did note the existence of a judicial district committee in Section 7-8. However, since Section 7-8 does not have similar language to Section 7-7 empowering committees under Section 7-8 to make nominations, the court did not read into that Section such a power.) This deficiency seems to have been corrected by the inclusion in Section 7-7 of a Judicial Sub-circuit committee, which presumably is empowered to appoint nominees to fill vacancies in judicial sub-circuit offices. This of course begs the question of whether such appointment power is limited to judicial sub-circuit vacancies in nomination, leaving full circuit vacancies in nomination unfilled; a question that I would also like included in my request to the Attorney General if the answer to the primary question is in the affirmative.

The Constitutional issue was indirectly addressed by the Court when it referred to a 1972 Attorney General Opinion [1972 Ill.Att'y Gen.Op. 96,97) in support of its interpretation of Article 7 of the Election Code. The first question asked of the Attorney General, which is the only one relevant to this issue, was "by what method, if any, may vacancies in nomination for the office of judge in any particular circuit or district be filled…? The Attorney General opined that there was no method to fill a judicial vacancy in nomination, and in his response, basically stated that it was the intent of the framers of the 1970 Constitution to eliminate party conventions or caucuses from the nominating process of judicial candidates. He further went on to quote Article VI, Section 12(a) which provides for the nomination "of judges at primary elections or by petition", and noted that the Constitution of 1870 included the words "by party convention or primary" which were then deleted in the current version of the Constitution, further evidencing the framers intent to remove party committees from the nomination process.

Given that the Supreme Court based at least a portion of its ultimate conclusion on the Constitutional restrictions, the primary question to be addressed is whether HB 723, by requiring nominees appointed by party managing committees (which arguably could include judicial nominees) to file petitions along with their other required paperwork, sufficiently addressed the Constitutional issue raised by the Court in the Bonaguro decision so that judicial nominees appointed by party committee would have their nomination papers accepted by the State Board of Elections and if in order, would be certified for the ballot. It is this question, along with the question raised above regarding the limitation of Section 7-7 to judicial sub-circuit nominees, that I would like authorization from the Board to present to the Attorney General for an opinion. In the event that an opinion is received that would necessitate a change in Board policy as to the acceptance of judicial nominations, updates to SBE Rules, and publications would need to commence immediately.

4. Other business.

5. Comments from the Chairman and Vice Chairman.

6. Comments from the general public.

7. Next Board meeting Thursday, December 3, 2009 at 10:30 a.m. in Chicago.

8. Executive Session.