

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

AGENDA
STATE BOARD OF ELECTIONS
BOARD MEETING
Tuesday, January 19, 2010
10:30 a.m.

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

Call State Board of Elections to order.

Recess the State Board of Elections and convene as the State Officers Electoral Board to approve the minutes of the November 17 and December 2, 10 and 17 meetings. (pgs.1-19)

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

1. Approval of the minutes from the November 17 regular meeting, November 25 special meeting, December 2 regular meeting and December 10 & 17 special meetings. (pgs.20-37)
2. Report of the Executive Director
 - a. Presentation of staff service awards;
 - 1) 20 year award – Jane Gasperin;
 - 2) 25 year award – Becky Glazier;
 - b. Request for AccuVote decertification; (pgs.38-67)
 - c. Preparations for the February 2, 2010 Primary Election; (pg.68)
 - 1) Alexander County update; (pgs.69-72)
 - 2) Public awareness program; (pg.73)
 - 3) Election day assignments; (pg.74)
 - 4) Election day monitoring meetings; (pg.75)
 - 5) Election judge training schools – informational; (pgs.76-77)
 - 6) AccuVote update; (pgs.78-82)
 - 7) Pre-election testing of voting equipment; (pg.83)
 - 8) Contingency plan; (pgs.84-87)
 - d. Report on Advisory Committee Meeting; (pgs.88-89)
 - e. Legislative update; (pgs.90-91)
 - f. IVRS update – informational; (pgs.92-95)
 - g. Campaign Disclosure satellite downlink seminar – informational; (pgs.96-98)
 - h. Fiscal status reports – informational;
 - 1) FY10 – months ending November 30 and December 31; (pgs.99-115)
 - 2) Help Illinois Vote Fund; (pgs.116-126)
 - 3) EAC Data Collection Grant; (pgs.127-130)
 - i. Two year plan of staff activity for the months of January & February – informational. (pgs.131-137)

3. Report of the General Counsel

a. Campaign Disclosure;

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

- 1) *SBE v. South Sangamon Republican Club*, L4121, 09JS008; (pgs.138-142)
- 2) *SBE v. Friends of Keith E. Turner*, L13455, 09JS047; (pgs.143-146)
- 3) *SBE v. Concerned Citizens of Hazel Crest*, L14891, 09JS215; (pgs.147-150)
- 4) *SBE v. Friends of Marcia Phillips*, L14931, 09JS083; (pgs.151-153)
- 5) *SBE v. Citizens for Weppler*, L15006, 09JS090; (pgs.154-156)
- 6) *SBE v. Contractors for Free Enterprise*, S9045, 09JS175; (pgs.157-159)
- 7) *SBE v. Citizens to Elect Shawn D. Monroe*, S9293, 09JS115; (pgs.160-163)
- 8) *SBE v. Committee to Elect Thomas Wronski*, S9873, 09JS204; (pgs.164-166)

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

- 9) *SBE v. United Progressive Party of Alsip*, L836, 09JS002; (pgs.167-169)
- 10) *SBE v. Citizens for Classrooms Plainfield School District 202*, L6448, 09JS013; (pgs.170-173)
- 11) *SBE v. Citizens for Pat Dowell*, L11104, 09JS025; (pgs.174-176)
- 12) *SBE v. Citizens for Wayne Motley*, L11445, 09JS224; (pgs.177-179)
- 13) *SBE v. Democratic Organization of Troy Township*, L12857, 09JS039; (pgs.180-182)
- 14) *SBE v. Citizens to Elect Robert E. Howard*, L13013, 09CE080; (pgs.183-185)
- 15) *SBE v. Families for Osborn*, L13588, 09JS229; (pgs.186-190)
- 16) *SBE v. J Thornton Sr Annual Fund Raiser Committee*, L13970, 09JS051; (pgs.191-195)
- 17) *SBE v. Citizens for Tellalian*, L14124, 9JS056; (pgs.196-198)
- 18) *SBE v. Friends of Nanci Barfoot*, L14624, 09JS068; (pgs.199-203)
- 19) *SBE v. ReNew it! Now*, L14803, 09JS235; (pgs.204-206)
- 20) *SBE v. WCHS District 308 Referendum Committee*, L15085, 09AE021; (pgs.207-209)
- 21) *SBE v. Friends of Kyle Ham*, L15313, 09JS213; (pgs.210-212)
- 22) *SBE v. Friends of John Cielenski*, L15436, 09JS124; (pgs.213-215)
- 23) *SBE v. Maine Township Regular Republican Org.*, S645, 08AG041; (pgs.216-224)
- 24) *SBE v. Belvidere Education Association PAC*, S6928, 09JS153; (pgs.225-227)
- 25) *SBE v. Laborers Local 397 PAC*, S7452, 09JS159; (pgs.228-234)
- 26) *SBE v. Warren Township Democrats*, S8976, 09JS172; (pgs.235-240)
- 27) *SBE v. The Republican Organization of Elk Grove Township*, S9737, 08JS219; (pgs.241-243)
- 28) *SBE v. Parker for Peoria*, S9881, 09JS205; (pgs.244-246)

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

- 29) *SBE v. Friends for Fred*, S9956, 09D1-12 and 09JS210; (pgs.247-252)

Other campaign disclosure items

- 30) Request for payment plan – *Committee to Elect Robert Eastern, III*; (pg.253)
- 31) Assessments/Final Orders; (pgs.254-255)
- 32) Payment of civil penalties – informational; (pg.256)

4. Other business. (pg.257)

5. Comments from the Chairman and Vice Chairman. (pg.257)

6. Comments from the general public. (pg.257)

7. Next Board meeting Wednesday, February 17, 2010 at 10:30 a.m. in Chicago. (pg.257)

8. Executive Session. (pgs.258-269)

STATE OFFICERS ELECTORAL BOARD

MINUTES

Tuesday, November 17, 2009

MINUTES

PRESENT: Bryan A. Schneider, Chairman
Wanda L. Rednour, Vice Chairman (via Video Conference)
Patrick A. Brady, Member
John R. Keith, Member
Albert S. Porter, Member
William M. McGuffage, Member
Jesse R. Smart, Member
Robert J. Walters, Member

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

Chairman Schneider called the State Officers Electoral Board to order at 10:53 a.m. with all members present. The Board is meeting to call cases and accept appearances for objections to candidates' nominating petitions for the February 2, 2010 General Primary Election. He indicated that he would call the cases in the order as posted on the agenda and asked the parties to come forward to confirm the appropriate appearances are on file. Following is that information:

2.
 - a. *Ferritto v. Scheurer*, 09SOEBGP500;
Sally Saltzberg and Mike Kreloff for the Objector; Andrew Finko for the Candidate
 - b. *Hamos v. Mayers*, 09SOEBGP501;
Mike Kreloff for the Objector; No one appeared for the Candidate
 - c. *Ferritto v. Farnick*, 09SOEBGP502;
Sally Saltzberg and Mike Kreloff for the Objector; Jonathan Farnick for the Candidate
 - d. *Nybo v. Manzo*, 09SOEBGP503;
Christopher Nybo, *pro se*; Richard Means for the Candidate
 - e. *Bartholomae v. Boland*, 09SOEBGP504;
James Nally for the Objector; William Berry for the Candidate
 - f. *Bartholomae v. Link*, 09SOEBGP505;
James Nally for the Objector; Andrew Raucci for the Candidate
 - g. *Bartholomae v. Castillo*, 09SOEBGP506;
James Nally for the Objector; Thomas Castillo *pro se*
 - h. *Zeidman v. Bird*, 09SOEBGP507;
Lawrence Zdarsky for the objector; Patricia Bird *pro se*
There was confusion regarding a withdrawal that Ms. Bird had filed. She explained that she was not withdrawing and was only confused about the objection process.
 - i. *Arnold v. Votaw*, 09SOEBGP508;

Stephen Arnold, *pro se*; Mr. Sandvoss indicated that the candidate received his notice yesterday and would not be prepared to appear today. He advised the Hearing Officer to contact Ms. Votaw and schedule a case management

- j. *Perrin v. Forte-Scott*, 09SOEBGP509;
John Countryman and John Fogarty for the objector; Andrew Spiegel for the candidate
- k. *Bednar v. Blezien*, 09SOEBGP510;
Andrew Raucci for the objector; no one appeared for the candidate
- l. *True v. Zadek*, 09SOEBGP511;
Peck & Zimmerman for the objector; no one appeared for the candidate
- m. *True v. Kuna*, 09SOEBGP512;
Peck & Zimmerman for the objector; Thomas "Tom" Kuna for the candidate
- n. *Reeves v. McQuillan*, 09SOEBGP513;
Karl Ottosen and Shawn Flaherty for the objector; Bob McQuillan, *pro se*
- o. *Hale v. Doyle*, 09SOEBGP514;
Josh Karsh and Cara Hendricksen for the objector ; James Nally for the candidate
- p. *Pituc v. Mayers*, 09SOEBGP515;
Andrew Finko for the objector; no one appeared for the candidate
- q. *Dortch v. Walls, III*, 09SOEBGP516;
Sarah Gadold, Burt Odelson for the objector; Sidney Smith and Andrew Spiegel for the candidate
- r. *Svitak v. Krishnamoorthi*, 09SOEBGP517;
Jim Nally for the objector and James Nally for the candidate
- s. *Dunaway v. Scanlan*, 09SOEBGP518;
James Nally for the objector; Adam Lasker for the candidate
- t. *Roth v. Dabney*, 09SOEBGP519;
Michael Kreloff and Joshua Karsch for the objector; Dan Johnson Weinberger for the candidate
- u. *Emami v. Krislov*, 09SOEBGP520;
Jim Nally for the objector; Adam Lasker for the candidate
- v. *Rosenzweig v. Hebda*, 09SOEBGP521;
James Nally for the objector; John Countryman and John Fogarty for the candidate
- w. ~~*Panico v. Pistorius*, 09SOEBGP522;~~ (candidate withdrew)
- x. *Cattron v. Kairis*, 09SOEBGP523;
Mike Kasper for the Objector; Andrew Finko for the candidate
- y. *Wagner v. Barnes*, 09SOEBGP524;
Jay Rowell and Mike Kasper for the Objector; Terrell Barnes for the candidate
- z. *Hossfeld v. Rauschenberger*, 09SOEBGP525;
Mike Kasper & Courtney Nottage for the objector; Sarah Godola, Burt Odelson for the candidate
- aa. *Lipsman v. Boyd, Jr.*, 09SOEBGP526;

Mike Kreloff and Josh Karsh for the objector; William Boyd, Jr., *pro se*

- bb. *Juarez v. Boland*, 09SOEBGP527;
Andrew Raucci for the objector; William Barry for the candidate
- cc. *Reidy v. Pilmer* , 09SOEBGP528;
Richard Beemster for the objector; John Countryman and John Fogarty for the candidate
- dd. *Else v. Moy*, 09SOEBGP529;
Patrick Bond for the objector; Kenneth Moy, *pro se*
- ee. *Josifovic v. Dabney*, 09SOEBGP530;
Richard Means for the objector; Dan Johnson-Weinberger for the candidate
- ff. *Barnes, Hendon v. Turner*, 09SOEBGP531;
Rickey Hendon and Bernetta Barnes for the objector; Mike Kasper for the candidate
- gg. *Clark v. Boyd*, 09SOEBGP532.
Richard Means for the objector; Willie "Will" Boyd, Jr., *pro se*

The chairman thanked everyone for their cooperation and announced the next order of business is the approval of the Board's Rules of Procedures. Mr. Sandvoss presented Item 3, Rules of Procedure used by the Board, and indicated the rules have not been changed substantially since the last State Officers Electoral Board convened. He added that changes proposed by Member Keith were incorporated into the rules and outlined rules to be used for the records examination. Other than that, the rules are fairly set forward, the Board has copies, they are on the website, and he offered them to the Board for adoption. Member Porter moved to adopt the Rules of Procedure as presented. Member Smart seconded the motion which passed unanimously by roll call vote.

General Counsel Sandvoss asked the Board to authorize him to appoint hearing officers as required. Member Porter so moved and Member Smart seconded the motion which passed unanimously by 8 voices in unison. Mr. Sandvoss introduced the Hearing Officers and asked them to stand to be identified by the pertinent parties in the trial docket call.

A deadline was proposed to ensure uniformity to file motions. Respondent-Candidates to file by 5:00 p.m. November 18; Petitioner Objectors to file by 5:00 p.m. November 20; and replies due no later than close of business on November 23rd. Member Keith moved to adopt the motion presented by the General Counsel and to provide the hearing officers with discretion to deviate from same under what they consider to be extraordinary circumstances. Member Brady seconded the motion which passed unanimously by 8 voices in unison.

Chairman Schneider asked everyone involved in the election challenges to proceed to Board's offices on the 14th floor.

Member Keith moved to recess as the State Officers Electoral Board until the call of the Chairman. Member Smart seconded the motion which passed unanimously by 8 voices in unison.

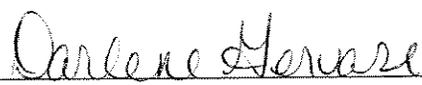
The meeting recessed at 11:27 a.m.

Dated: November 18, 2009

Respectfully submitted,



Daniel W. White, Executive Director



Darlene Gervase, Administrative Specialist II

STATE OFFICERS ELECTORAL BOARD

MINUTES

Wednesday, December 2, 2009

MINUTES

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

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 State Officers Electoral Board to order at 11:08 a.m. with all members present. Vice Chairman Rednour and Member Walters were present in the Springfield office via video conference.

General Counsel Sandvoss summarized the first case, *Ferritto v. Farnick*, 09SOEBGP502. Candidate Farnick is seeking the office of Congressman from the 8th Congressional District for the Democratic Party and is appearing *Pro Se*. The objector, Mr. Gregory Ferritto is represented by Sally Saltzberg and Mike Kreloff. The statutes require a minimum of 890 signatures. The candidate submitted 876. The objector claimed that the petition contained 14 signatures short of the statutory minimum. The hearing officer recommended sustaining the objection and that the candidate's name not be placed on the ballot for the 2010 general primary elections. Mr. Sandvoss concurred. Ms. Saltzberg asked the Board to affirm the General Counsel and hearing officer's recommendations. Mr. Farnick concurred with the findings also and was present for formality. Member Smart moved to accept the recommendation of the hearing officer and General Counsel and the candidate's name not be printed on the ballot. Member McGuffage seconded the motion which passed unanimously.

The next matter, *Bednar v. Blezien*, 09SOEBGP510 was called. Mr. Sandvoss indicated that the objector claimed that the nomination papers contained names of persons who are not qualified to sign the petition; the statement of candidate is defective and the candidate's residency was challenged. A motion for summary judgment as to residency was submitted and the hearing officer recommended the motion be granted. It's a dispositive motion and if the Board accepts the motion, the objection would be sustained and the candidate would not appear on the ballot. Mr. Sandvoss concurred with the recommendation that the motion be granted. Mr. Andrew Raucci was present for the objector and no one appeared for the candidate. Mr. Raucci indicated that the candidate did not appear before the hearing officer but submitted a letter apologizing to the Board and other people for creating difficulties. He asked that letter be part of the record. Member Brady moved to accept the recommendation of the hearing officer and General Counsel and not certify Mr. Blezien to the ballot. Member Smart seconded the motion which passed unanimously by roll call vote.

A challenge to the nominating papers of Mr. Thomas Kuna for the office of United States Senator for the Republican Party was called. Objector Raymond True was represented by Eric Peck of Peck & Zimmerman and no one appeared for the candidate. Mr. Sandvoss said the candidate submitted 405 signatures, 4,595 short of

the statutory minimum. The hearing officer recommended and Mr. Sandvoss concurred that the candidate's name not appear on the ballot for the office he is seeking at the general primary election. Member Porter moved to adopt the hearing officer and general counsel's recommendations and not certify the name of Thomas Kuna to the ballot. Member Smart seconded the motion which passed 8-0 by roll call vote.

Mr. Sandvoss indicated that a subpoena request was made by the objector in the case of *Reidy v. Pilmer*, 09SOEBGP528.

The Rules of Procedure, Item 8 stated that the decision of the hearing officer to issue subpoenas may be overruled by a voter of five concurring members of the Board. The General Counsel submitted this request to the Board to determine if any member wished to block the hearing officer's decision to issue the subpoena. Discussion was had among the Board. Member Keith moved to approve the hearing officer's order to issue the subpoena. Member Brady seconded the motion which passed 8-0.

The Chairman proposed to recess the State Officers Electoral Board to the call of the Chair. Member Brady so moved and Member McGuffage seconded the motion. The motion passed unanimously by 8 voices in unison.

The meeting recessed at 11:26 a.m.

Dated: December 21, 2009

Respectfully submitted,



Daniel W. White, Executive Director



Darlene Gervase, Administrative Specialist II

STATE OFFICERS ELECTORAL BOARD

MINUTES

Thursday, December 10, 2009

MINUTES

PRESENT:

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

ALSO PRESENT:

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

The Chairman called the meeting of the State Officers Electoral Board to order at 2:13 p.m. The roll call resulted in five members present in Chicago; Mrs. Rednour and Mr. Keith present via telephone conference and Mr. Walters present in Godfrey via video conference.

Mr. Sandvoss asked the Board to consider Item 4(g), *Hossfeld v. Rauschenberger*, 09SOEBGP525 first. Attorneys for the objector, Michael Kasper and Courtney Nottage; and attorneys for the candidate, Sarah Gadola Gallagher and Burton S. Odelson requested the change. The Board agreed and Mr. Sandvoss summarized the matter. The objection alleges that the candidate is ineligible based on the decision of *Cullerton v. DuPage County Officers Electoral Board*, and Mr. Rauschenberger is locked in as a Democratic since he chose and voted a Democratic ballot at the consolidated primary election. Further that the Court held that person is locked into that party until the next general primary election which would be February 2, 2010. The candidate contends that *Cullerton* is limited to one election cycle, not from one general primary to the next general primary. The hearing officer recommended sustaining the objection and not to certify Mr. Cullerton to the ballot. Mr. Sandvoss concurred. Both parties presented their case to the Board and lengthy discussion was had among the Board. Mr. Porter moved to follow the recommendation of the hearing officer and General Counsel, to sustain the objection and enter an order that the candidate's name will not appear on the ballot. Member McGuffage seconded the motion. The Chairman asked for discussion on the motion. Member Smart was recognized. He stated that he would vote to the contrary of the motion. As a non attorney he was more persuaded with Mr. Odelson's presentation which he considered right on point. Member McGuffage stated he would vote to accept the recommendation of the hearing officer and General Counsel. Mr. Sandvoss presented the Candidate's Motion to Strike which he said should be addressed and could be combined as they allege the same arguments that were made in the merits of the case. Member Porter moved to include a motion to deny the motion to strike made by the candidate. Member McGuffage accepted the amendment to the motion. Chairman Schneider pointed out that he opposed the motion and clarified that he found Mr. Odelson's arguments persuasive. The Chairman called for the motion which resulted in a 4-4 split vote. Members Brady and Walters also voted no, concurring with the reasoning that Chairman Schneider articulated. Member Smart moved to overrule the objection with Mr. Brady's second. Member Keith said he would vote against the motion as he is persuaded by the presentations of the hearing officer, General Counsel, and supplemented by Mr.

Kasper's arguments. The motion resulted in a 4-4 split vote. There being no further motions, Chairman Schneider passed on the case recognizing that judicial relief is available to the parties if they choose to secure it.

The Chairman returned to Item f(a), *Ferritto v. Scheurer*, 09SOEBGP500 and asked Mr. Sandvoss to present the case. Attorneys for the objector are Sally Saltzberg and Mike Kreloff and the Candidate is represented by Andrew Finko. He said this is similar to the previous case and the objector relies on the *Cullerton v. DuPage County Officers Electoral Board*. The Candidate filed a Motion to Strike to deny the objection and argued the same issues as they did on the merits. The hearing officer recommendation was to sustain the objection and the General Counsel concurred. The only difference was the candidate was running as a Green Party candidate in this matter. Counsel for both sides presented their case. Member McGuffage moved to accept the recommendations of the hearing officer and General Counsel to sustain the objections; enter an order that the candidate's name not be printed on the Ballot and include a denial of the motion to strike. Member Porter seconded the motion. The motion resulted in a 4-4 split vote. Member Brady stated that he votes no for the reasons articulated in *Hossfeld v. Rauschenberger* without necessarily adopting the supplemental arguments made by Mr. Finko today. Members Smart and Walter voted against the motion. Chairman Schneider voted no and explained that he adopts his own reasons as expressed in the *Hossfeld v. Rauschenberger* case. Member Brady moved to grant the motion to strike. Member Smart seconded the motion which failed in a 4-4 split vote. Member Keith voted against the motion as articulated by the hearing officer and General Counsel and supplemented by the arguments of Attorney Kreloff. Members Keith, McGuffage, Smart, and Vice Chairman Rednour voted against the motion.

Mr. Sandvoss continued with Item 4(b), *Bartholomae v. Boland*, 09SOEBGP504. He added that Mr. Boland is seeking the Democratic nomination for Lieutenant Governor of Illinois. The attorneys of record are James P. Nally for the objector and William L. Berry for the candidate; neither was present at the Board Meeting. The objection involved the number of signatures submitted on the nomination papers. After a records exam, 6,372 valid signatures remained; 1,372 signatures above the necessary minimum. The hearing officer recommended the objection be overruled and the candidate certified to the ballot. Mr. Sandvoss concurred. The candidate filed a Motion to Strike defending against the allegations contained in the objection. Issues that were raised in the motion were all resolved either at the records examination or that the candidate's attorney did not proceed any further once the results of the exam were concluded, and did not offer any evidence to support his contentions with regards to the challenges to the circulator or the pattern of fraud allegation. The only issue remains whether the candidate had a sufficient number of signatures to appear on the ballot and a typographical error in the word "November." Member Smart moved to accept the recommendation of the hearing officer and General Counsel to deny the motion to strike and overrule the objection. The motion was adopted 8-0; the motion to strike is denied and objection is overruled. The candidate's name will be printed on the ballot.

Item 4(c) *Bartholomae v. Link*, 09SOEBGP505, was an objection against Candidate Terry Link for the office of Lieutenant Governor of Illinois for the Democratic nomination. The objector was represented by James P. Nally and the candidate by Andrew M. Raucci. A record examination determined that 7,546 valid signatures remained; 2,546 above the statutory minimum. The candidate filed a motion to strike contesting pagination issues. The hearing officer recommended granting the motion to strike on the pagination issue and to overrule the objection and to place the candidate's name on the ballot as having the required number of signatures to qualify and Mr. Sandvoss concurred. Member McGuffage moved to accept the recommendations of the hearing officer and General Counsel to grant the motion to strike for pagination; the candidate's name be place on the ballot and overrule the objection. Member Smart seconded the motion which passed unanimously.

The Chairman called Item 4(d), *Perrin v. Forte-Scott*, 09SOEBGP509. Mr. Sandvoss said this objection to candidate Anita Forte-Scott, Republican for State Representative of the 56th District consists of an allegation of

a pattern of fraud and false swearing; and a false affidavit of the circulator wherein signatures were collected in 2007 rather than 2009. The objector is represented by Mr. John Countryman, present in our Springfield office and Mr. John Fogarty in our Chicago office. Attorney for the candidate is Andrew Spiegel, also present in Chicago. The candidate filed a dispositive motion, a Motion to Strike and Dismiss stating the objection should be stricken because an appendix identifying line by line objections was not included. The hearing officer recommended overruling the objection. He did not find the four petition sheets at issue were inconsistent or not uniform enough to constitute fraud or be confusing to signers. Further, that the objector did not meet the burden to prove pattern of fraud with the signatures, as they may have signed both in 2007 and 2009. The hearing officer concluded that the objection should be overruled, and the portion of the motion to strike and dismiss dealing with the merits of the objection should be granted and the part that alleged did not include an appendix or recapitulation sheet specifically identifying objections should be denied as this case was not challenging specific signatures. Mr. Sandvoss concurred with the recommendations. The attorneys reiterated their cases to the Board and Chairman Schneider thanked them for their concise and forceful advocacy of all the litigants. Member Brady moved to deny the recommendation of the hearing officer and General Counsel and grant the objections. Member Smart seconded the motion. Member Keith said that he would vote in opposition to this motion as the Board appoints hearing officers to time take testimony and determine credibility of the witnesses and that credibility was found by the hearing officer. Member Brady amended his motion to reject the recommendation of the hearing officer and the General Counsel and accept the recommendation of the General Counsel to deny that portion of the motion to strike relating to the appendix recapitulation sheet. Member Smart agreed to the amendment. The motion failed 4-4. Chairman Schneider explained that he voted contrary to the recommendation of the hearing officer and General Counsel because he read the record to suggest that all witnesses presenting their testimony were credible and on that basis, all of the credible testimony taken in its totality, he thinks there is a pattern of fraud. Member Brady adopted the rationale articulated by Chairman Schneider. Member Keith moved to grant in part and deny in part the motion to strike and dismiss in accordance with the recommendation of the General Counsel and the recommendation of the hearing officer and deny the objection and adoption of the recommendation of the hearing officer and General Counsel. Member Porter seconded the motion which failed by 4-4 vote.

Chairman Schneider called 4(e) *Roth v. Dabney*, 09SOEB519. This challenge was to the validity of signatures, the General Counsel said. The total number submitted was 6,634, and 5,693 were objected to. The Candidate filed a dispositive motion to strike the objection as the objector did not state with specificity each objection he is making and the reason why. Candidate believes this objection was a "shotgun" objection and is a violation of 10-8. The objector was represented by Sally Saltzberg and Michael Kreloff and Joshua Karsh. Attorney for the candidate, Dan Johnson-Weinberger, was present in the Springfield office. Mr. Sandvoss continued that after the records exam, enough of objected signatures were sustained to render the candidate below the minimum necessary to appear on the ballot. He concurred with that recommendation and added that he recommended the Board deny the motion to strike and dismiss. He added that the candidate was 1,858 signatures below the 5,000 minimum. Attorney for both parties spoke to the merits of their cases. After questions and discussion, Member McGuffage moved to deny the motion to strike and sustain the objection and Member Smart seconded the motion which passed 8-0 by roll call vote. The motion is adopted and the candidate's name will not be printed on the ballot.

The General Counsel continued with 4(f), *Josifovic v. Dabney*, 09SOEBGP530, another objection against Corey Dabney, Democratic candidate for U.S. Senate. Mr. Richard Means represented the objector and Mr. Dan Johnson-Weinberger was present in Springfield for the candidate. The objection alleged that the nominating papers contain an insufficient number of valid signatures. A records exam revealed that the candidate was found to have 5,197 valid signatures and was over the 5,000 minimum. The hearing officer recommended the objection be overruled. However, unless the previous objection goes up on appeal and the Board's decision is

overruled, this may be moot. But to maintain a complete record, he concurred with the recommendation of the hearing officer as to this particular objection. Member Brady moved to accept the recommendation of the hearing officer and general counsel and overrule the objection. Member Smart seconded the motion which passed 8-0 by roll call vote; the motion was adopted and the objection in this case was overruled.

The Chairman indicated no further action was necessary in 4(h) *Lipsman v. Boyd* and 4(i) *Clark v. Boyd* as the Board has accepted the candidate's withdrawal and the withdrawal is irrevocable. To clarify the record the Chairman asked if anyone represented the parties. Mr. Means, represented objector Clark and Mr. Kreloff represented objector Lipsman. They agreed no further action was required.

Chairman Schneider made a change to page 4 of the November 17th minutes, changing the word "officers" to "offices" and Member Smart moved to approve the minutes from the State Officers Electoral Board meeting of Tuesday, November 17th. Member Brady seconded the motion which passed by 8 ayes in unison.

Mr. Sandvoss concluded his report with a list of objections that were withdrawn. They are: *Emami v. Krislov*, 09SOEBGP520; *Svitak v. Krishnamoorthi*, 09SOEBGP517; *Juarez v. Boland*, 09SOEBGP527; and *Nybo v. Manzo*, 09SOEBGP503. It was agreed that this matter would be taken up at the State Board of Elections' meeting.

Member Smart moved that the State Officers Electoral Board adjourn until Thursday, December 17th at 9:30 a.m. or call of the chair, whichever comes first. Member Porter seconded the motion which passed by 8 ayes in unison.

The meeting adjourned at 4:42 p.m.

DATED: December 28, 2009

Respectfully submitted,



Daniel W. White, Executive Director



Darlene Gervase, Administrative Assistant II

STATE OFFICERS ELECTORAL BOARD
Meeting Via Videoconference
Thursday, December 17, 2009

MINUTES

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

ALSO PRESENT: Daniel W. White, Executive Director
Rupert Borgsmiller, Assistant Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Specialist II

The special meeting of the State Officers Electoral Board was called to order via videoconference means at 9:40 a.m. Chairman Schneider and Members Brady, Keith, McGuffage, Porter and Smart were present in the Chicago office and Member Walters present in Godfrey at Lewis and Clark College. Vice Chairman Rednour was present via teleconference.

The General Counsel presented *Hamos v. Mayers*, 09SOEBGP501. Mike Kreloff was present on behalf of the objector and Mr. Mayers was not present nor anyone present on his behalf. The General Counsel indicated this case was a challenge to Richard B. Mayers, Green Party nomination for office of Congressman in the 10th Congressional District. The minimum number of signatures required was 23, the candidate submitted 31 and 9 of those were objected to. After a records exam was conducted it was determined that the candidate had 26 valid signatures which was 3 above the necessary 23. The hearing officer recommended the objection be overruled and the General Counsel concurred with the recommendation. Mr. Kreloff also accepted the recommendation. Member Brady moved to accept the recommendation of the hearing officer and General Counsel and overrule the objection. Member Keith seconded the motion which passed by roll call vote of 7-1 with Member Walters voting in the negative.

The General Counsel presented *Bartholomae v. Castillo*, 09SOEBGP506 and it was agreed to hear this case later in the meeting when Mr. Nally could be present after his court hearing.

The Chairman indicated no further action was necessary in *True v. Zadek*, 09SOEBGP511 because the Board had already accepted the withdrawal from the candidate rendering the objection moot.

The General Counsel presented *Reeves v. McQuillan*, 09SOEBGP513. Donald Potts was present on behalf of John Reeves and Bob McQuillan was present pro se. The General Counsel stated this was a challenge to candidate Bob McQuillan who is seeking republican nomination for the office of State Representative in the 50th District. The minimum number of signatures required was no less than 500 and the candidate submitted 609 signatures of which 169 were objected to. A records examination was conducted and an evidentiary hearing in which the candidate submitted affidavits to rehabilitate signatures. A Motion to Strike was also filed alleging the SBE failed to comply with its notice requirements. After considering the affidavits and the results of the records exam, the hearing officer recommended the candidate had 497 valid signatures and that the additional supplemental affidavits were not timely followed and recommended they not be considered. The General Counsel concurred with the recommendation of the hearing officer and verified that notice was timely sent out. Mr. Potts agreed with the recommendation of the hearing officer and Mr. McQuillan disagreed with the recommendation and stated he was being denied valid ballot access and that he should have been granted an extension on the 48 hour time limit to verify the signatures in question. Mr. Potts noted that Mr. McQuillan had nearly one month to collect the affidavits but waited until the last minute to do so. The General Counsel indicated that his recommendation still remained the same. After discussion, Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and deny the motion to strike in both counts and sustain the objection. Vice Chairman Rednour seconded the motion which failed by roll call vote of 3-4-1 with Members McGuffage, Porter Smart and Walters voting in the negative and Member Brady abstaining. Member Smart moved to deny the recommendation of the hearing officer and allow the candidate to be on the ballot. Member Porter seconded the motion which failed by roll call vote of 4-3-1 with Member Keith, Vice Chairman Rednour and Chairman Porter voting in the negative and Member Brady abstaining.

The General Counsel presented *Pituc v. Mayers*, 09SOEBGP515 and it was agreed to hear the case later in the meeting when all parties could be present.

The General Counsel presented *Dunaway v. Scanlan*, 09SOEBGP518. James Nally was present on behalf of the objector and no one was present for either the candidate or anyone representing the candidate. This was a challenge to the candidacy of Ed Scanlan who is seeking the Democratic nomination for office of Governor of Illinois. The minimum number of signatures required is 5,000 and the maximum is 10,000. The candidate submitted 10,446 signatures but only the first 10,000 were considered for validity and the number of signatures objected to were 6,566. After an evidentiary hearing it was found that the Rule 9 Motion had been timely filed and some of the signatures were rehabilitated. However, the results of the records examination determined that only 4,917 signatures were valid which was still 76 below the statutory minimum. The hearing officer recommended the objection be sustained and the General Counsel concurred. Mr. Nally also concurred. Member Brady moved to accept the recommendation of the hearing officer and General Counsel and sustain the objection. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The Chairman indicated no further action was necessary in *Dortch v. Walls, III*, 09SOEBGP516 because the Board had already accepted the withdrawal from the candidate rendering the objection moot. The General Counsel confirmed that a candidate withdrawal is irrevocable.

The Board returned to *Bartholomae v. Castillo*, 09SOEBGP506. James Nally was present on behalf of the objector and neither the candidate nor anyone on his behalf was present. This was a challenge to the validity of signatures submitted by Michael Castillo who is running as a Democrat for Lieutenant Governor. The minimum number of signatures required was 5,000 and 8,000 were submitted of which 4,297 were objected to. There was also an allegation of a pagination error and a motion to strike was granted. After a records examination was conducted it was determined the candidate had 351 valid signatures over the statutory minimum and the hearing officer recommend the objection be overruled. The General Counsel concurred. With no further discussion Member

Keith moved to grant the motion to strike relative to the pagination issue and overrule the objection. Member Brady seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Rosenzweig v. Hebda*, 09SOEBGP521. Mike Kreloff was present on behalf of the objector and John Countryman was present on behalf of the candidate. The objection was a challenge to the candidacy of Cynthia Hebda who is a Republican candidate for State Representative in the 59th district. It is alleged that the candidate, by signing the petition of a democratic candidate, renders her candidacy as a candidate of the Republican party invalid based on the holding in Cullerton case. The candidate filed a motion to strike the interpretation of Cullerton and arguing the Election Code does not mandate the removal of a candidate from the ballot simply by signing the petition of a different political party. Furthermore, the candidate argues that a 'qualified primary elector' is determined by what ballot they choose at the election, not the party of another candidate's petition that was signed. Ms. Hebda insisted that because she is a member of the Republican party and took a Republican ballot in the 2008 election the challenge should be denied and that the Cullerton decision was not applicable to her case. The hearing officer recommended the objection be sustained because the signing of the petition for the Democratic party established Ms. Hebda's party affiliation and rendered her candidacy as a Republican invalid. The General Counsel indicated he did not concur with the recommendation of the hearing officer and feels the objection should be overruled because of his interpretation of the Cullerton decision which is that it was a narrow decision and it applied to the party status of a particular candidate based on what ballot that candidate or person chose at the next preceding election. Ms. Hebda's status as a qualified primary elector of the Republican party was established by applying the Cullerton decision until the next primary election which is 2010. The General Counsel also noted that in 7-10 it seems the intent was to allow the situation that occurred with this case, where a person could sign for one party and choose another party's ballot. Mr. Kreloff gave his interpretation of the Cullerton decision and indicated that there was language that states that a qualified primary elector of a party may not sign petitions for or be a candidate in the primary of more than one party. Furthermore, Mr. Kreloff feels that Cullerton establishes these limits and that Ms. Hebda cannot switch back to Republican after signing a

Democratic petition. He also noted that the candidate could have struck her name from the Democratic candidate's petition she signed but chose not to do anything to disaffiliate herself from the Democratic party. Mr. Countryman indicated that facts in the Cullerton case were not the same as in this case and concurred with the General Counsel's recommendation. He further stated that the penalty for Ms. Hebda signing the Democratic petition would be for someone to challenge her signature on that candidate's petition and should not prevent her from being on the ballot in her own party. After discussion, Mr. Countryman asked the Board to overrule the objection.

The Board took a short recess at 10:45 a.m. due to a technical difficulty with the videoconference equipment and resumed the meeting at 11:00 a.m.

Mr. Kreloff reiterated his interpretation and stated that Ms. Hebda made her choice and the result of her actions should bar her from the ballot. After further discussion, Member Brady moved to accept the recommendation of the General Counsel, reject the recommendation of the hearing officer for the reasons stated by the General Counsel, overrule the objection and order that the candidate's name appear on the ballot. Member Smart seconded the motion which passed by roll call vote of 7-1 with Member Keith voting in the negative.

The General Counsel presented *Pituc v. Mayers*, 09SOEBGP515. Andrew Finko was present on behalf of the objector and neither the candidate nor anyone on his behalf was present. The objection was against the signatures on the petition of Richard Mayers who is a Green party candidate for congressman for the 10th Congressional District. A records exam was conducted and it was determined the candidate was 2 signatures short of the minimum number 23 required. A challenge was also made to the qualifications and eligibility to be a member of the Green party. The hearing officer rejected the challenge to his qualifications and membership of the Green party but recommended the objection be sustained due to lack of valid signatures. The General Counsel concurred. Mr. Finko also accepted the hearing officer's findings. Member Smart moved to accept the recommendation of the hearing officer and General Counsel and sustain the objection. Member Porter seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Cattron v. Kairis*, 09SOEBGP523. Michael Kasper was present on behalf of the objector and Andrew Finko was present on behalf of the candidate. This was a challenge to the validity of signature on the petition of Daniel J. Kairis who is running for congressman in the 14th Congressional District as a Green party candidate. After a records exam was conducted it was determined the number of valid signatures was 5 above the minimum number of required signatures which was 39. The hearing examiner recommended the objection be overruled and the General Counsel concurred. Both Mr. Kasper and Mr. Finko accepted the recommendation. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and overrule the objection. Member Smart seconded the motion which passed by roll call vote of 7-0-1 with Member Brady abstaining.

The General Counsel presented *Wagner v. Barnes*, 09SOEBGP524. Mike Kasper was present on behalf of the objector and neither the candidate nor anyone on his behalf was present. The General Counsel informed the Board that the candidate attempted to submit a withdrawal via e-mail but was told he would have to submit a written notarized statement of withdrawal and that had not been received. This was an objection to the candidacy of Terrell Barnes who is running as a Democratic candidate for State Central Committeeman in the 6th Congressional District. The minimum number of signatures was 100 and the candidate submitted 253 of which 152 were challenged. After a records exam was conducted it was determined that only 145 signatures were valid. The objector requested a Rule 9 hearing to present evidence of a pattern of fraud. The hearing officer recommended the objection be sustained because he felt that the signatures on pages 9 through 17 should be stricken because the objector did submit sufficient evidence to establish a pattern of fraud and those sheets be disregarded and that the number of valid signatures was below the statutory minimum. The General Counsel concurred and also suggested that pages 9 through 17 be referred to the DuPage County State's Attorney's office for review. Mr. Kasper disagreed with the General Counsel concerning the pages in question and then asked the Board to adopt the hearing examiner's recommendation. Member Keith moved to concur with the recommendation of the hearing officer and General Counsel and sustain the objection for the reasons stated and strike the candidate's name

from the ballot. Member Porter seconded the motion which passed by roll call vote of 8-0. Member Keith moved to refer the matter to the State's Attorney's office in DuPage and Sangamon Counties so they may determine if they have jurisdiction or if they wish to proceed if they do have jurisdiction on the issues of forgery and other matters as set forth in the recommendations of the General Counsel and the hearing officer. Member Brady seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Reidy v. Pilmer*, 09SOEBGP528. Richard Veenstra was present on behalf of the objector and John Countryman was present on behalf of the candidate. This was a challenge to the candidate Robert P. "Bob" Pilmer who is a Republican candidate for the office of Resident Judge, 16th Judicial Circuit, Kendall County, Additional Judgeship A. The objector alleges the candidate subsequent to circulating the nominating petitions altered the heading of the petition by filling in a blank on two of the pages, inserting the word "Kendall" following the words "resident circuit court judge." Following the hearing it was determined that 11 pages contained the blank line during circulation but when filed with the State Board of Elections, the word "Kendall" had been inserted after the petition had been circulated. The candidate filed a motion to strike alleging the objection misnamed the candidate, the objection raised challenges to an insufficient number of signatures and that it only related to specifically two signature pages and argued that no voter confusion resulted from the omitted word because it was elsewhere in the heading. The hearing officer recommended that filling in the blank following circulation was a nonmaterial alteration and was not a pattern of fraud or amount to voter confusion and that even if pages at issue were stricken the candidate would still have a sufficient number of valid signatures. He recommended the objection be overruled the motion to strike be denied and the General Counsel concurred. Mr. Veenstra thanked Mr. Herman for his time in resolving the matter. Mr. Countryman commended Mr. Herman as well and agreed with the recommendation of the hearing officer. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and deny the motion to strike, overrule the objection and permit the candidate's name to remain on the ballot. Member Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Else v. Moy*, 09SOEBGP529. Mary Dickson was present on behalf of the objector and neither the candidate nor his attorney were present. This was a challenge to Kenneth Moy who is a Republican candidate for 2nd District Appellate Court Judge, vacancy of the Honorable Callum. The minimum number of signatures was no less than 1,535 and the candidate submitted 2,803 signatures of which 980 were objected to. The basis was that 442 signatures were not qualified voters of the Republican party but were qualified voters of the Democratic party and, therefore, are not valid signatures. The candidate filed a motion to strike claiming the 442 allegedly Democrat voters were not prohibited from signing the petition and also objected to certain categories of signature challenges. The results of the records exam indicated that the candidate had 2,347 valid signatures which was 812 more than the statutory minimum. The hearing officer rejected the objector's contention that the Cullerton decision required the disqualification of the 442 petition signers and also recommended that part of the motion to strike be granted as well as the allegation of the bad address contained in the recap sheet. The hearing officer recommended the objection be overruled based on the results of the records examination and the General Counsel concurred. Ms. Dickson felt this was another Cullerton case and indicated that to be a qualified voter you must live at the residence you are registered and affiliated with the party of the candidate whose petition you sign. Furthermore, she noted that those 442 signers were affiliated with the Democratic party but couldn't verify exactly when they voted. Member Keith moved that the motion to strike be denied in part and granted in part and the objection be overruled as recommended by the hearing officer and General Counsel. Member Porter seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *Barnes, Hendon v. Turner*, 09SOEBGP531. Neither the objectors nor anyone on their behalf were present and Mike Kasper was present on behalf of the candidate. The challenge was against Arthur L. Turner who is a Democratic candidate for Lieutenant Governor and the validity of the signatures on the petition. The minimum number of signatures required was 5,000 and 9,960 were submitted of which 6,607 were objected to. The results of the records exam showed 5,677 valid signatures which was 677 above the statutory minimum. The objector filed a Rule 9 motion challenging 1,496 of the rulings but the hearing officer rejected the

motion because evidence was not submitted. The candidate filed 29 affidavits to rehabilitate signatures but the hearing officer did not rule on those due the results of the records exam. The hearing officer recommended the objection be overruled and the General Counsel concurred. Mr. Kasper had no comments for the Board. Member Keith moved to accept the recommendation of the hearing officer and General Counsel to grant the candidate's motion to strike and overrule the objection. Member Brady seconded the motion which passed by roll call vote of 8-0.

The Chairman asked if there was any other business and General Counsel Sandvoss indicated he would like to take a few minutes to speak on behalf of the staff. Mr. Sandvoss noted all of the hard work and dedication by the agency staff during the objection process performed in a very short time period, specifically praising his staff members, Bernadette Harrington and Mark Greben. Also, kudos to Ken Menzel, who spent two weeks in Springfield assisting him with main records exam. Mr. Sandvoss thanked them tremendously and indicated he would not have been able to finish the process without their assistance. Furthermore, he noted specific staff members from Springfield who assisted with the records exams: Jeff Berry; Rupert Borgsmiller; Bruce Brown; Kim Brown; Amy Calvin; Erica Christell; Cris Cray; Brent Davis; Amy Evans; Jane Gasperin; Becky Glazier; Dave Grubb; Michael Heap; Jason Hinds; Cheryl Hobson; Jason Kilhoffer; Terra Lamb; John Levin; Brian Matthews; Mike Montney; Gary Nerone; Tom Newman; Clayton Nicholson; Erick Pitchford; Mickey Reinders; Jamye Sims; Carol Skaggs; Sharon Steward; Kay Walker; Linda Went; and Brian Zilm. Also, Mr. Sandvoss recognized the following staff members from the Chicago office who also assisted with the records exams: Anne Barnes; Tara Cachur; Tom Cloonan; Monique Franklin; Rick Fulle; Darlene Gervase; Tia Jefferson; Clinton Jenkins; Darcell McAllister; Andy Nauman; and Rose Rodriguez. Mr. Sandvoss also recognized former employee Pat Freeman who performed the data entry and number crunching during the process and recommended hiring her back temporarily during the next objection process. The Executive Director also added General Counsel Steve Sandvoss to the list of employees recognized for their hard work. Chairman Schneider, on behalf of the entire Board, thanked all of the staff for their hard work.

With there being no further business before the State Officers Electoral Board Member Keith moved to recess until January 19, 2010 at 10:30 a.m., or until call of the Chairman whichever occurs first. Member Brady seconded the motion which passed unanimously. The meeting recessed at 11:55 a.m.

Respectfully submitted,



Amy Calvin, Administrative Specialist II



Daniel W. White, Executive Director

STATE BOARD OF ELECTIONS
MINUTES
Tuesday, November 17, 2009

MINUTES

PRESENT: Bryan A. Schneider, Chairman
Wanda L. Rednour, Vice Chairman (via Video Conference)
Patrick A. Brady, Member
John R. Keith, Member
Albert S. Porter, Member
William M. McGuffage, Member
Jesse R. Smart, Member
Robert J. Walters, Member

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

The Chairman called the meeting to order at 10:51 a.m. and lead everyone in the pledge of allegiance. All members were present; with Mrs. Rednour present in the Springfield office via video conference.

Member Keith moved to recess the State Board of Elections at 10:53 a.m. Member Walters seconded the motion which passed unanimously by 8 voices in unison.

The State Board of Elections returned to regular session at 11:36 a.m. Roll call was taken for attendance with all members present.

Executive Director White began with the presentation of the October 20th minutes from the regular meeting and explained revisions proposed by Member Keith. Member Smart moved and Member McGuffage seconded a motion to approve the minutes as corrected. The motion passed 8 voices in unison.

Mr. White reported that this is the heart of our preparations and our administrative responsibilities. He first thanked the staff and particularly Mark Mossman and said that as the Board knows, the agency was mobilized for this one day. The office was reconfigured to ensure the filing moved smoothly. We used walkie-talkies and utilized Chicago staff as well as Springfield. It was a very good day for us and we are very proud. As he introduced Mark Mossman, Director of Election Information, he said that Mr. Mossman has taken great pride in making this the best day for the agency. Mr. Mossman thanked Dan for his kind remarks, but said he wanted to give all the praise and thanks to all the staff for the most successful filing ever. He added that 859 filed between October 26 and November 6 with 568 filed on the first day. Of those, 542 were 8:00 a.m. filers. Over 700 requests for copies resulted in staff working to 11:00 p.m. He thanked IT staff as petitions were copied and scanned at the same time and all petitions were scanned allowing us to have a permanent record and the ability to make copies from the scanned document rather than the original petition. In closing, Mr. Mossman thanked his staff for their long hours and all of the staff that assisted. Chairman Schneider joined in echoing all the thanks and praise. Mr. White explained the objection phase noting that it went very well even though a large number were filed and we processed all of the objections. Mr. Mossman drove back to Springfield with IT Director Steve Flowers and Kim Matrisch. They arrived at the Springfield office and 1:00 a.m. and were back

at work the next morning. Mr. White concluded that the lottery was conducted and within 15 minutes, all the 8'clock candidates were in ballot order on our website and then subsequent filings.

Mr. White continued with a request for a special board meeting date for the filing of objections to the special judicial filing period. With the filing November 16 – November 23, staff proposed December 10 or 11 as the first day to meet as the State Officers Electoral Board if necessary. The Board set December 10 at 3:00 p.m. to the extent necessary for a meeting. The meeting will be held between Chicago, Springfield and Godfrey, IL.

Election Judges training schools were presented for informational purposes.

Mr. White said that Public Service Announcements were being prepared to bring awareness to early voting.

The next item on the Executive Director's report was Voting Systems issues and Mr. White indicated that the under vote feature was of particular interest and recognized several clerks present in both Springfield and Chicago. Also, representatives from the vendors are present or on the telephone.

The Director asked Dianne Felts, Director of Voting Systems and Standards to address the Board on the Sequoia Voting System modification to WinEDS version 4.0.148. She explained that this modification involved minor code changes that address three issues: increasing the speed of uploading Early Voting cartridges; mapping file missing for the HAAT equipment; and stacking or sorting write in ballots in the different bins of the ballot box. VOSS ran a test on the optical scan in-precinct and HAAT's with no errors. She recommends Board approval of this permanent modification and introduced Eric Coomer of Sequoia, who was available to answer any questions for the vendor. Member McGuffage moved to adopt the permanent modification and Member Smart seconded the motion which passed unanimously by roll call vote. Mr. White thanked the City of Chicago and Cook County for their cooperation and use of their facilities and Mr. Coomer for attending.

The next item on the agenda was the AccuVote modification. Mr. White said that testing was ongoing when the board packet was being prepared. He asked Ms. Felts for an oral report and recommendation on the under vote statutory requirement. Director Felts introduced Mr. Todd Weber of ES&S, who was present in the Chicago office and Steve Pearson, Kathy Rogers and Herb Deutsch who were on the phone. She said that fixing the under-vote feature would require replacing 2 chips on each tabulator at a cost of \$135 each and the cost of the 2800 chips needed for the counties involved would be borne by the election authority. While testing the previous weekend, they did not receive a tabulation error, but they discovered a slight "bug", but, it should be corrected and testing would only take one and one-half days. Mr. Pearson, Vice President of ES&S indicated that his staff uncovered a flaw over the weekend. This flaw is located in a low level utility. The flaw has been diagnosed and quality controlled; and they will be submitting it to the EAC Lab so they may resume testing. He added that Ms. Felts would be able to continue testing Monday, November 23rd. Chairman Schneider called Mr. Bob Saar, Executive Director of the DuPage County Board of Election Commissioners. Mr. Saar began by saying that "it didn't matter how we got here, there is no good solution and no happy ending." He added that the Accuvote was never intended to record under voting, and it was never intended for this wear and tear. Further, that the federal government wanted only under vote on federal constitutional offices – not state offices and 63 counties will not be checking for that. He stated that they intend to file a law suit in Federal Court and he has been empowered by his board to tell the SBE that they will not comply unless they lose in court. Ms. Kathy Schultz, McHenry County Clerk was recognized. Her concern was the time frame. She stated: that the election is only 77 days away; her county does not have the \$26,000 for the chips in their budget; Absentee and Overseas Voting ballots will be mailed out December 24th; January 11th is the first day for early voting and she has 190 units in McHenry County and 2 chips in each to be changed. Ms. Schultz said that she does not know how they can get all of this done and that she believes they will be opening themselves up for lawsuits.

Mr. McGuffage sympathized with her, but suggested the clerks contact the legislative leaders between now and the primary to make their case to delay this and open the door for discussion. Mr. Saar said that he has given the leaders a 23 page document that explains all the problems related in this and he has had hours of conversation with them. However, the best way to resolve this before February is a law suit as they will only be in session for three days in January. Member Keith suggested contacting the Illinois Attorney General and Attorney General Holder to see if HAVA funds could be jeopardized and if HAVA funds would be available to solve some of these problems. The Chairman asked if anyone in the Springfield office would like to be recognized on the record as appearing on this issue. The following clerks Steve Bean, Macon County clerk; Bill Downey, Clark County clerk; Tom LaCaze, Clinton County clerk; Sharon Hoelscher, Chief Deputy, Clinton County; Pat Laramore Randolph County clerk; Terri Braun, Fayette County Clerk; Linda Curtin, Christian County clerk; Georgia England, Moultrie County clerk; Kathy Lantz, Shelby County clerk; and Mark Sheldon, Champaign County clerk are aligned with Mr. Saar and Ms. Schultz. Ms. Felts confirmed that the vendor requested testing. The Board will meet Wednesday, November 25, 2009 to hear the results of the test.

The next matter for discussion was an update on the financial difficulties in Alexander County. Mr. White advised the Board that County Clerk Nancy Klein resigned and as acting county clerk, Frances Lee has been appointed. Mr. Mossman added that he has spoken with the State's Attorney, the new clerk and Angela Greenwell indicating that staff was ready to assist them. Mr. White will keep the Board advised of any developments in Alexander County.

Mr. White introduced Rupert Borgsmiller, Assistant Executive Director, to report on the BEREPA filings. He said that JCAR approved the rules and it reflects the language removing minor children which was an issue with a lot of people. Of the 7500 businesses that are registered, approximately 530 business entities have not yet re-registered and staff is contacting them to get as many off the list before complaints are filed for failure to re-register. Member Brady inquired as to annual registering and Mr. Borgsmiller responded that they will have to file quarterly as current legislation required on the last day of January, April, July and October. However the law does not account for ending their involvement. He also clarified the duty to update, and if they don't have a contract, even if there has been a change, they would not be required to continue updating their registrations.

The Director continued with a legislative and veto session update. He said that Cris Cray, Legislative Liaison supplied a review; synopsis of some of the acts that were passed; a complete summary of the campaign finance bill' listing of the dates, the calendar for the legislative session and new legislation from the federal level that we will be required to implement for military and overseas voters. He added that the president signed a bill that requires procedures for electronic transmission of absentee voter registrations and absentee ballots as well as a web site for tracking. This is an additional mandate that will have to be in place for the November 2010 election. Mr. White then asked Cris for her comments. She said that SB51 and HB723 were overridden and we had two trailer bills, SB146 and SB1732 that dealt with those bills. When SB146 is sent to the Governor, SB51 will become effective January 1. We're waiting on SB1456 and HB723 to be sent to the Governor and signed. SB1466, the campaign finance bill, will become effective in 2011 and for the first time in Illinois, there will be contribution limits. A trailer bill, SB1466, had a few minor technical issues, but we expect it to be approved, we simply ran out of time. An ambitious calendar has been submitted as scheduled adjournment is May 7th. Ms. Cray concluded with her intention to present next spring's legislative agenda at the December meeting. Member McGuffage asked for a meeting with Mr. Borgsmiller, Mr. Sandvoss and Ms. Steward when the bill is in place to fully understand the bill.

Chairman Schneider asked for an IVRS update. Mr. White asked Kyle Thomas, Director IVRS for his report. Mr. Thomas indicated that the jurisdictions work on it daily and are diligently going through the system.

Mr. White continued with fiscal status reports and indicated there was no change with lump sum appropriations. He said IDIS will definitely have an impact, but it must be moved forward. He added that work is being done regarding VSIC. Although this is the busiest time for the agency, Mr. White said that the budget is in good shape and he foresees no problems. HAVA and EAC data collection grant had very little activity and the two-year plan of activity was included for informational purposes.

General Counsel Sandvoss began his report with a motion to reconsider filed by the Friends of Kris Wasowicz Committee. He said the committee denied receiving one notice, but acknowledged another which was confusing. Mr. Sandvoss recommended granting the motion and allowing the committee to file an appeal of the \$800 penalty for late filing of the June, 2009 semi-annual report. No one appeared for the movant either in Springfield or Chicago. Member Smart moved to grant the motion to reconsider so the movant could appeal a \$100 penalty. Member Brady seconded the motion passed unanimously by roll call vote.

Another motion to reconsider the imposition of a civil penalty that was alleged against the New Broadview Tea Party was presented. Mr. Sandvoss indicated the matter was similar to the previous motion. Member Brady moved to accept the recommendation of the General Counsel and grant the motion for reconsideration. Mr. Smart seconded the motion which passed 8-0 by roll call vote.

The Chairman recognized Frank Avila who filed an appearance on the previous case and asked him to clarify his appearance. Mr. Avila indicated he was present on another matter where New Broadview Tea Party is listed as well as American Campaigns, and he represents the latter. After discussion, the board decided to consider #16, a hearing officer's report on unauthorized practice of law involving New Broadview Tea Party and American Campaigns. Mr. Sandvoss concurred with the hearing officer and his report, that there was enough evidence that this may have constituted the unauthorized practice of law to at least merit referral to the ARDC. After testimony from interested parties and discussion of the Board, Mr. Sandvoss reiterated his concurrence with the hearing officer's recommendation. Member Keith moved to table this matter for future consideration and Member Brady seconded the motion. After discussion the motion was withdrawn. The General Counsel clarified that the matter considered is not a complaint; it is consideration of a hearing officer's supplemental recommendation. Member Brady moved to reject the recommendation of the hearing officer and General Counsel in this matter and not refer this to the ARDC. Member Smart seconded the motion. Discussion ensued among the Board and General Counsel. The motion was adopted 5-3 with Members Keith, McGuffage, and Chairman Schneider voting no.

Continuing with the General Counsel's Report, Mr. Sandvoss recommended taking 3(a)3 and 3(a)4 together as they were identical circumstances. Both respondents were ordered by the Board to file their December 2009 semi-annual report within 30 days from the date of the order. They failed to do so and the order stated if they did not comply they would be subjected with a fine not to exceed \$5,000. Mr. Sandvoss recommended a penalty of \$5,000. Member Smart so moved and Vice Chairman Porter seconded a motion to impose a penalty of \$5,000 in *Citizens for Munoz*, 09CD039 and *SBE v. 22nd Ward Democratic Committeeman Fund*, 09CD042. The motion was adopted unanimously by roll call vote.

Mr. Sandvoss presented items 5, 6, 7 and added item 15 as the hearing examiner withdrew her recommendation and substituted a recommendation similar to the others. The General Counsel agreed with the recommendations of the hearing examiner to grant the appeals. Member Smart moved to grant the appeals in all four cases and as to the Washington matter, added filing an amended report. Member Porter seconded the motion which passed unanimously. Those matters are: *SBE v. Pangle for the People*, L13223, 09JS045; *SBE v. WCHS District 308 Referendum Committee*, L15085, 09JS093; *SBE v. Friends of Rachel Shattuck*, S9731, 08AG017; and *SBE v. Citizens to Elect Eddie Washington*, S8022, 08AG074.

New Appeals wherein the hearing officer recommended the appeals be denied were considered and the General Counsel concurred. No one appeared for any of the committees. Member Porter moved to accept the hearing officer and General Counsel's recommendation and deny the appeals on 8, 9, 11, 12, 13 and 14. Member Walters seconded the motion which passed unanimously. Member Brady abstained from items 9 and 11. Appeals were denied in: *SBE v. Citizens for O'Halloran*, L5248, 09JS011; *SBE v. Burns for Mayor*, L10125, 09JS022; *SBE v. Friends of EED*, L13221, 09JS044; *SBE v. Citizens for Naperville Township Republicans*, L15109, 09CE037; *SBE v. The Fifth District Ward PAC*, S6369, 09JS152; and *SBE v. The Fifth District Precinct Fund*, S7115, 09JS 156.

Mr. Sandvoss presented item #10 *SBE v. Citizens to Elect Sue Low*, L12396, 09CD009. Mr. Tom Low, Chairman and Mr. Steven Murgatroyd, Treasurer of the committee were present to address the Board. Member McGuffage believed the committee made a good faith effort and warranted an offer of settlement rather than the entire fine. Member McGuffage moved to accept the recommendation of the hearing officer and General Counsel and settle this matter for a fine of \$250 indicating that there was no willfulness and unidentified staff may have given this committee incorrect information. Member Walters seconded the motion which passed 5-3 with Members Brady, Keith and Chairman Schneider voting against the motion.

The General Counsel continued with a request for a payment plan from the Cunningham Campaign Committee. They paid \$500 and will pay the remainder in \$200 installments. Mr. Sandvoss agreed with the acceptance of this payment plan. Member Keith moved to accept the payment order of \$200 per month on the last day of each month commencing November, 2009 until paid in full.

Items 18 and 19 were presented for informational purposes. Page 146 of the Board's packet lists candidates who filed petitions with the SBE and are candidates who have campaign committees or candidate committees that could face ballot forfeiture for nonpayment of fines. The committees on the remaining pages, 147-152 are general candidate campaign committees that are local and could face ballot forfeiture also.

The Chairman called Item 3(b), Request for an Attorney General Opinion on acceptance of resolutions to fill vacancies in judicial nominations. Mr. Sandvoss said it clarifies House Bill 723 which requires judicial candidates who are selected by the managing committee to also file nominating petitions which could be considered to satisfy the deficiency explained in the *Bonaguro* decision. Mr. Sandvoss asked the Board to allow him to request an AG opinion whether or not we are empowered to accept them or if there is another reason why we shouldn't accept them. Member Brady moved to grant the General Counsel's request to ask for an Attorney General opinion. Member McGuffage seconded the motion. The motion was agreed to by 8-0 roll call vote.

Member Keith moved to recess into Executive Session for purposes of campaign disclosure, closed preliminary hearing and potential litigation. Member seconded the motion which passed by 8 ayes in unison.

The Board recessed into Executive Session at 2:28 p.m. and reconvened at 2:35 p.m. Seven members were present, Member Smart held Member Walter's proxy.

Member Keith moved as to 09CD065, that a finding of not being filed upon justifiable grounds and there is no necessity to proceed to any further hearing and the case be dismissed. Member Smart seconded the motion which passed by 8 ayes in unison.

Member Keith moved to direct the General Counsel to handle potential litigation as discussed in Executive Session with the Attorney General as discussed in Executive Session. Member Smart seconded the motion which passed by 8 ayes in unison.

Chairman Schneider asked if there was an objection to moving the December meeting to the Wednesday, the 2nd. If the Board meeting was moved to the 2nd, Mr. White asked for the Board to authorize staff to accept withdrawals on the 3rd, up until the close of business. Also, that staff be authorized to accept fines owed regarding ballot forfeiture and amend the certification appropriately with regard to payment of those fines and amend the certifications for any withdrawals as well. He added that if withdrawals are received after the 3rd, close of business the board would need to reconvene to consider those. Mr. White said the certification would be mailed and sent electronically after the close of business on the 3rd.

Preparations for the November 25th special meeting were discussed. Director White indicated that the video equipment and conference room were not available for that date, but arrangements were made with the Capital Development Board to use their room and equipment. Chairman Schneider left meeting arrangements to Mr. White and his staff.

Mr. Sandvoss advised the Board that not many objection matters will be ripe for discussion by December 2nd.

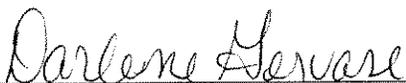
There being nothing further before the Board, Chairman Schneider asked for a motion to adjourn to Wednesday, November 25th at 9:00 a.m. or the call of the chair, whichever occurs first. Member Keith so moved and was seconded by Member Brady. The motion passed unanimously by 8 ayes in unison. The meeting of the State Board of Elections adjourned at 2:45 p.m.

DATED: December 9, 2009

Respectfully submitted,



Daniel W. White, Executive Director



Darlene Gervase, Administrative Assistant II

STATE BOARD OF ELECTIONS
Special Board Meeting Via Videoconference
Wednesday, November 25, 2009

MINUTES

PRESENT:

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

ALSO PRESENT:

Daniel W. White, Executive Director
Rupert Borgsmiller, Assistant Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Specialist II

The special meeting of the State Board of Elections was called to order via videoconference means at 9:00 a.m. with all Members present. Chairman Schneider and Members Brady, McGuffage and Porter were present in the Chicago office and Members Keith and Smart present in the Springfield office. Member Walters was present in Godfrey at Lewis and Clark Community College and Vice Chairman Rednour was present via teleconference.

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

The Executive Director presented the first item on the agenda which was consideration of the AccuVote modification and asked Dianne Felts, Director of Voting Systems and Standards to give an oral report. Ms. Felts explained this was a modification to the AccuVote only to satisfy change in state law, specifically Sections 24b-16 and 17.11. Staff ran 3,790 ballots in the general primary on models, A, B, C and D without tabulation errors and the audit logs were not an issue as far as changing the paper rolls. Ms. Felts then asked for two year interim approval for the general primary election only and indicated that testing for the general election will take place after the primary election.

Chairman Schneider recognized that several election authorities were present and asked if any of them would like to discuss the testing question. Tom LaCaze, Clinton County Clerk, inquired about changing the paper rolls and Ms. Felts indicated that if paper rolls do not need to be changed under the current system they shouldn't need to be changed under the new version. In response to a

question from Katherine Schultz, McHenry County Clerk, Ms. Felts verified that she did not have any feed errors when the ballots were inserted. Bob Saar, Executive Director of the DuPage County Board of Election Commissioners, indicated the software/firmware overshoots the intent of the law and that he received a risk assessment from ES&S which was troublesome and that the Board should receive the same risk assessment as well. In response to an inquiry from Dick Leibovitz, Rock Island County Clerk, Ms. Felts explained that if a ballot is kicked back it could be put right back through without waiting forty-five seconds. Ms. Felts also verified that she has received the application, fee and source code and the system meets applicable technical standards for the 2010 General Primary Election. Member Porter then moved to approve the modification. Member McGuffage seconded the motion which passed by roll call vote of 7-1.

The General Counsel gave a brief oral report on the status of the objection process. He indicated that five statewide records exams have been completed to date and is anticipating the third week of December for disposition of those cases.

Member Porter moved to recess to executive session to discuss pending litigation. Member Brady seconded the motion which passed unanimously. The meeting recessed at 9:20 a.m. and reconvened at 9:30 a.m.

With there being no further business before the Board Member McGuffage moved to adjourn until 11:00 a.m. on December 2, 2009, or until call of the Chairman whichever occurs first. Member Porter seconded the motion which passed unanimously. The meeting adjourned at 9:33 a.m.

Respectfully submitted,



Amy Calvin, Administrative Specialist II



Daniel W. White, Executive Director

STATE BOARD OF ELECTIONS
MINUTES
Wednesday, December 2, 2009

MINUTES

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

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

The Chairman called the meeting to order at 11:07 a.m. and began the meeting with the pledge to the flag. Six members were present in Chicago with Mrs. Rednour and Mr. Walters present in the Springfield office via video conference.

Member Keith moved to recess the State Board of Elections at 11:08 a.m. Member Smart seconded the motion which passed unanimously by 8 voices in unison.

The State Board of Elections returned to regular session at 11:26 a.m. Roll call was taken for attendance with all members present.

Executive Director White began with the pleasant duties acknowledging staff. He began with a 15-year service award for Anne Barnes. He added that she has been with the state closer to 20 years. Mr. White said that Anne worked for him several years ago and did a great job; her duties now are as general support for the entire office and special projects and recently assisted with the records check in the Chicago office. He thanked her for the years of service with him and the agency. On behalf of the Board, Chairman Schneider thanked Anne for her hard work and especially for keeping the Board organized and everyone signed in at the Board meetings.

Mr. White continued with presentation of resolutions to two employees who are retiring. The first, Tony Morgando, Deputy Director of Campaign Disclosure, retired in September. Tony started almost at the beginning of the Board's inception and has been a great resource not only for campaign disclosure but a supervisor and manager of the largest division in the Chicago office. Mr. White offered to deliver the resolution to Mr. Morgando's permanent home in Florida. Tom Cloonan, another member of campaign disclosure is another long-standing staff member with a wealth of institutional knowledge in campaign disclosure which won't easily be replaced. Tom has been with the agency for 31 years and there is no one more knowledgeable or helpful when it came to assisting campaign committees. He offered the resolution to the board and will present it to him at the appropriate time. Member Brady moved to adopt the resolutions for Messrs Morgando and Cloonan and Member Keith seconded the motion. The motion passed unanimously by roll call vote.

Preparations for the February 2nd general primary election include certification of the ballot. December 3rd is the last day to certify the ballot for the February 2nd election, Mr. White said. Because the Board met on the 2nd, the General Counsel drafted a motion to that effect, allowing staff to amend the certification if there are any withdrawals and accept any payments of civil penalties that might impact the ballot and will present it to the board for their consideration. Any candidate with an unresolved objection will be certified with an "objection pending" designation and as those are concluded, staff would be authorized to forward certified certifications to the appropriate election jurisdiction. Finally, that if any candidates withdraw after December 3rd, the board would require a special meeting via video conference. Mr. White presented the certification to the Board for their signatures. Mr. White thanked Mr. Mossman and his staff for the hard work performed in this tedious operation. Mr. Borgsmiller affirmed that all civil penalties affecting ballot forfeiture subject to the SBE's certification have been paid. Member Keith moved that the ballot certification for the February 2, 2010 general primary election as presented by staff be approved and adopted and staff be directed to issue the certification to the Illinois election authorities at 12:00 noon Thursday, December 3, 2009 and make any revisions to the certification necessitated by candidate withdrawals prior to that time and indicate objections that are currently pending including objections to candidates filing in the special judicial filing period. Member Brady seconded the motion which passed 8-0 by roll call vote. The Board signed the certifications.

Member McGuffage asked the General Counsel to affirm that the Board may issue subpoenas with an affirmative vote of five. Mr. Sandvoss indicated that the language is in Article 9, 9-18.

Election Judges training schools were presented for informational purposes.

The Director continued with a legislative and veto session update. He introduced Cris Cray, Legislative Liaison who advised the Board that only 7 pieces are prepared for the upcoming session of the General Assembly, which is an emergency year and the Speaker has limited members to three bills. Two outstanding pieces are on the Governor's desk, Senate Bill 146 and Senate Bill 1466. The reason to limit the agenda was that a large workload is expected with Senate Bill 1466, it's an emergency year and adjournment is scheduled for May 7. Member Smart moved to adopt Items 1 through 7 on page 4 of the Board's packet as the Board's legislative package for the upcoming session. Mr. McGuffage seconded the motion which passed unanimously by roll call vote.

Mr. White continued with consideration of the FY-11 budget appropriation request. He thanked all the division directors for submitting their requests promptly. He wanted to specifically thank Rupert Borgsmiller, Assistant Executive Director; Administrations Director Jim Withers; and most of all Chief Fiscal Officer Mike Roate. All three have been involved in every step of this process. Mr. White briefly summarized, analyzed and reviewed the budget request. Member Smart moved to adopt the proposed budget. Member Brady seconded the motion which passed unanimously.

Because there is such a short time frame between meetings no fiscal report and no minutes were in the packet. He added that the two-year plan of activity is presented for informational purposes.

General Counsel Sandvoss began his report asking for the Board's consideration of civil penalty assessments for failure to comply with the Board's order in four separate matters. He recommended assessment of \$5,000 in each case. The record reflected that no one appeared for the 16th Ward Regular Democratic Organizations; the Friends of Mickie Polk, the Committee to Elect James Larry Karraker, or the Taxpayers United for Fairness. Member Smart moved to fine all four committees \$5,000 and Member Walters seconded the motion. The motion passed unanimously.

Mr. Sandvoss continued with civil penalty assessments in which the hearing officer recommended be granted. He concurred with the hearing officer. The record indicted no one present for *SBE v. Citizens for John Ryan* and *SBE v. Illinois Vendors PAC*. Member Porter moved that appeals be granted for Citizens for John Ryan, L14242 and Illinois Vendors PAC S978. Member Brady seconded the motion which passed 8-0 by roll call vote.

The General Counsel presented appeals of civil penalty assessments in which the hearing officer recommended the appeals be denied and he concurred with the recommendations. The Chairman noted that no one was present for either the *SBE v. Thompson for Sheriff* or *SBE v. 18th Congressional District COPE Committees*. Member Smart moved and Member Porter seconded a motion to deny the appeals in both cases. The motion was unanimously adopted by roll call vote.

Mr. Sandvoss presented a list of civil penalties that have been paid to date on page 48 of the Board packet for the Board's information.

Member Keith moved to recess into Executive session for consideration of closed preliminary hearings; campaign disclosure matters; and pending or potential litigation. Member Brady seconded the motion which passed unanimously by 8 ayes in unison. The Board recessed at 12:04 p.m.

The Board reconvened in open session at 12:51 p.m. with all members present.

Member Keith moved to find the complaint in *Atkinson v. Committee to Elect Sandy Kim*, 09CD65, was not filed upon justifiable grounds and dismiss the complaint. Member Brady seconded the motion which passed by 8 ayes in unison.

As to *Atkinson v. Friends of Kim Savage*, 09CD66, Member Keith moved to find that the complaint was not filed upon justifiable grounds and that there was no evidence presented to sustain the objections and the case be dismissed. Member McGuffage seconded the motion which passed by 8 ayes in unison.

As to *Atkinson v. Friends for Education*, 09CD67, Member Keith moved to find the complaint was filed upon justifiable grounds, but due to the intervening file of amended reports that there be no public hearing and the matter be dismissed. Member Porter seconded the motion which passed by 8 ayes in unison.

Member Keith moved to deny the motion to submit evidence and that as part of the motion thereafter find that the complaint, *Grace v. Pattri Krueger, MVP Party*, 09CD68, was filed upon justifiable grounds, that the matter be ordered to proceed to public hearing and that Steven Mazur be added as an additional third party, and after he has been given proper notice, the public hearing proceed. Member Smart seconded the motion which passed by 8 ayes in unison.

As to *Canary, Morrison v. 22nd Ward Democratic Committeeman Fund*, 09CD69 and jointly with *Canary, Morrison v. Citizens for Munoz*, 09CD70, Member Keith moved to find the complaints were filed upon justifiable grounds, that the filings for the December 20089 semiannual reports, the complaint relative to them are moot having been previously determined by other proceedings before this Board and the matter proceed to public hearing on the issues regarding the semiannual reports relative to filing period of June 2009. Member Brady seconded the motion which passed unanimously by 8 ayes in unison.

There being nothing further before the Board, Member Brady moved to adjourn the State Board of Elections to January 19, 2010 at 10:30 a.m. in Springfield or the call of the chair, whichever occurs first. Member Porter

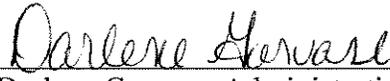
seconded the motion which passed unanimously by 8 ayes in unison. The meeting of the State Board of Elections adjourned at 1:02 p.m.

DATED: December 18, 2009

Respectfully submitted,



Daniel W. White, Executive Director



Darlene Gervase, Administrative Assistant II

STATE BOARD OF ELECTIONS

MINUTES

Thursday, December 10, 2009

MINUTES

PRESENT:

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

ALSO PRESENT:

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

The Chairman called the meeting to order at 2:07 a.m. and began the meeting with the pledge to the flag. Five members were present in Chicago; Mrs. Rednour and Mr. Keith were present via telephone conference and Mr. Walters present in Godfrey via video conference.

Director White apologized for the close quarters, but no other shared conference rooms were available to us. When Chicago, Springfield and Godfrey are connected, it may complicate communication. He asked for the record and benefit of the court reporter that anyone speaking identify themselves and the parties they're representing. Also, to speak clearly and slowly as there is a short delay in the remote locations. Finally he asked that the background noises be kept to a minimum as the speaker phones are very good and pick up the slightest sounds.

Mr. White said that nine candidates have submitted withdrawals and he asked Director of Elections, Mark Mossman, to read the candidates and offices. Mr. Mossman recited the following names for the Board's consideration: Mark Vargas for the Republican Party, 14th Congressional District; Willie "Will" Boyd, Jr., Democratic Party, United States Senate; Jeff Danklefsen, Republican Party, 14th Congressional District; James Edward Hanlon, Democratic Party, Cook County Judicial Circuit, vacancy of the Honorable Philip L. Bronstein; Melanie Rose Nuby, Democratic Party, Cook County Judicial Circuit, vacancy of the Honorable James P. O'Malley; Al Hofeld, Jr., Democratic Party, State Senate, 13th Legislative District; Milton J. Sumption, Democratic Party, Representative in Congress, 10th Congressional District; Joseph Sneed, Democratic Party, State Central Committeeman, 7th Congressional District; and Mark Doyle, Democratic Party for State Treasurer. Mr. Mossman added that he has spoken to the election authorities with the exception of the two statewide offices. They have no objection to the Board accepting those withdrawals from any of the election authorities he contacted. Member McGuffage moved to accept the withdrawals. Member Smart seconded the motion which passed unanimously except that Member Brady abstained as regards to Messrs Vargas and Danklefsen.

Member Brady moved and Member Porter seconded a motion to recess the State Board of Elections at 2:13 p.m. The motion was adopted by unanimously by 8 voices in unison.

The State Board of Elections returned to regular session at 4:42 p.m. Roll call was taken for attendance with all members present.

The Chairman asked if there was other business to be brought before the State Board of Elections. Mr. Sandvoss indicated that the issue of the four withdrawn objections and authorization to remove objection pending from the official certification as to the four objections noted during the State Officers Electoral Board meeting. Member Board moved and Member Smart seconded the motion which passed 8-0 by roll call vote.

Mr. Sandvoss asked for direction in terms of the official certification for the Rauschenberger, Forte-Scott and Scheurer cases that were considered today but not disposed of. He added that a 4-4 vote does not overrule the objection and the objection is still pending. He suggested the certification should indicate that language. Chairman Schneider asked if anyone would suggest a motion to do something. Hearing none, the Board moved onto the next matter.

Chairman Schneider asked if there was any other business before the Board. Member Keith responded that having voted on the prevailing side in the certification of Ricardo Munoz for the office of 4th District Central Committeeman on the Democratic Party, he moved to reconsider same to address the issue of payment of a civil penalty assessed against the candidate by the Board; that this matter be placed on the agenda for the next meeting of the SBE; and the candidate be given notice of same so that he may appear if he desires relative to the matter. Member McGuffage seconded the motion. Member Keith clarified that due to a computer issue regarding a punctuation mark in the Candidate's name, it incorrectly was reported that his fine had been paid when we did the certification. He believes the Board needs to address that issue and would like to reconsider it at the next meeting. Richard Means, an attorney who represents Mr. Munoz on other matters offered to communicate with him and inform him that the matter will arise at 9:30 December 17th before the Board. The motion passed unanimously by roll call vote.

Member Keith moved to amend the certification to reflect the disposition of the nine cases that were considered by the State Officers Electoral Board in the manner they were determined. Mr. Brady seconded the motion. The motion was adopted by 8-0 vote.

Staff confirmed that no withdrawals were received while the Board was in session.

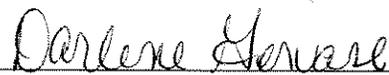
Executive Session was not necessary and Chairman Schneider asked for a motion to adjourn the State Board of Elections to Thursday, December 17th at 9:30 am., or the call of the Chair, whichever occurs first. Member Brady so moved, Mr. Porter seconded and 8 ayes in unison adopted the motion. The Board adjourned at 4:52 p.m.

DATED: December 18, 2009

Respectfully submitted,



Daniel W. White, Executive Director



Darlene Gervase, Administrative Assistant II

STATE BOARD OF ELECTIONS
Special Board Meeting Via Videoconference
Thursday, December 17, 2009

MINUTES

PRESENT:

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

ALSO PRESENT:

Daniel W. White, Executive Director
Rupert Borgsmiller, Assistant Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Specialist II

The special meeting of the State Board of Elections was called to order via videoconference means at 9:30 a.m. Chairman Schneider and Members Brady, Keith, McGuffage, Porter and Smart were present in the Chicago office and Member Walters present in Godfrey at Lewis and Clark College. Vice Chairman Rednour was present via teleconference.

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

The Executive Director informed the Board that as of this morning, eight candidate withdrawals had been received and asked Mark Mossman, Director of Election Information to read the names of the candidates. Mr. Mossman indicated the following candidates filed withdrawals in the SBE from December 11-16, 2009: William J. Cadigan, Republican, 10th Congressional District; Brad Trowbridge, Democrat, Cook County Judicial Circuit, vacancy of the Honorable Carol Pearce McCarthy; James P. Pieczonka, Democrat, Cook County Judicial Circuit, vacancy of the Honorable Carol Pearce McCarthy; Elliot L. Powell, Democrat, Cook County Judicial Circuit, 1st Subcircuit, Judgeship A; William "Dock" Walls, III, Democrat, Governor; Robert L. "Bob" Zadek, Republican, United States Senate; Jessica A. O'Brien, Democratic, Cook County Judicial Circuit, vacancy of the Honorable Carol Pearce McCarthy; and Kenneth Williams, Democrat, Representative in the General Assembly, 29th District. Member Porter moved to accept the candidate withdrawals. Member Smart seconded the motion which passed by roll call vote of 8-0.

Member Brady moved to recess the State Board of Elections and reconvene as the State Officers Electoral Board. Member McGuffage seconded the motion which passed unanimously. The meeting recessed at 9:40 a.m. and reconvened at 11:55 a.m. A second roll call was taken with all members present.

Member Keith moved to amend the certification of the ballots for the general primary to be held on February 2, 2010, to reflect all decisions of other electoral boards that affect our certification and all court decisions affecting our certification that have been received prior hereto to reflect the withdrawals that were approved this morning and to also reflect the actions of the State Officers Electoral Board this morning specifically overruling the objection in *Bartholomae v. Castillo*, 09SOEBGP506; overruling the objection in *Rosenzweig v. Hebda*, 09SOEBGP521; overruling the objection in *Reidy v. Pilmer*, 09SOEBGP528; overruling the objection in *Else v. Moy*, 09SOEBGP529; overruling the objection in *Barnes, Hendon v. Turner*, 09SOEBGP531; sustaining the objection in *Pituc v. Mayers*, 09SOEBGP515; overruling the objection in *Hamos v. Mayers*, 09SOEBGP501, but striking the candidate from the ballot in accordance with the Pituc case; sustaining the objection in *Dunaway v. Scanlan*, 09SOEBGP518; sustaining the objection of *Wagner v. Barnes*, 09SOEBGP524; and taking no action in *Reeves v. McQuillan*, 09SOEBGP513. Member Brady seconded the motion which passed by roll call vote of 8-0.

Member Keith moved to amend the certification showing the objection in *Catron v. Kairis*, 09SOEBGP523 be overruled. Member Brady seconded the motion which passed by roll call vote of 8-0.

Member Keith moved to authorize that staff be permitted, directed to make any necessary amendments to the official certification approved by the Board at its meeting on December 3, 2009, and as subsequently amended from time to time relative to the February 2, 2010 general primary as a result of any decisions of appropriate electoral boards and/or court orders that are received, and, furthermore, to authorize staff to accept future withdrawals from any candidates if they, being staff, are advised by all election authorities affected by any such withdrawal, and accepting the withdrawal

will not adversely affect the efficient administration of the general primary election to be held on February 2, 2010, and to amend the official certification as is necessary from time to time upon receipt and completion of background action thereof. Member Brady seconded the motion. Member Keith then amended his motion to change December 3 to December 2 and was agreed to by Member Brady. The motion passed by roll call vote of 8-0.

General Counsel Sandvoss indicated he had another item under other business that was a carryover from the December 10 meeting dealing with Ricardo Munoz, who is a candidate for Democratic State Central Committeeman. Mr. Munoz was assessed a civil penalty in the amount of \$5,000 for failure to comply with the Board order that was issued for failure to file the December 2009 semi-annual report. That report has been filed but the fine is still outstanding and due and owing which means the candidate should not appear on the ballot according to Section 9-30 of the Campaign Finance Act. Attorney Richards Means, on behalf of Mr. Munoz, verified that the candidate was in compliance by filing the reports in question on IDIS earlier today and was prepared to pay the fine immediately today and offered a settlement amount of \$2,500. After discussion, Member Keith moved to upon reconsideration, which was the matter that was scheduled for today, the certification of Ricardo Munoz as being a candidate on the ballot for the February 2, 2010 primary for Democratic State Central Committeeman in the 4th Congressional District, due to the fact there is an unpaid fine, that his name be removed from the certification unless that fine is paid in full in the stated amount of \$5,000 on or before 2:00 p.m. today. Member Smart seconded the motion. Member Keith amended his motion to include in the event that it is paid and the funds are found to be insufficient that the certification then be amended by staff upon notification of that. The motion passed by roll call vote of 8-0.

The General Counsel informed the Board that he received a notice from the attorney from one of the cases that was disposed of last week indicating he filed a petition for judicial review and submitted via certified mail to the Springfield office and asked the Board for authorization to seek representation from the Attorney General. Member Keith moved to authorize the General Counsel on

any matters that were determined by the State Officers Electoral Board that upon receipt of any appropriate legal process that he can refer same to the Attorney General without further action of the Board. Member Brady seconded the motion which passed unanimously.

With there being no further business before the Board Member Brady moved to adjourn until January 19, 2010 at 10:30 a.m., or until call of the Chairman whichever occurs first. Member Porter seconded the motion which passed unanimously. The meeting adjourned at 12:20 p.m.

Respectfully submitted,



Amy Calvin, Administrative Specialist II



Daniel W. White, Executive Director

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Bryan Schneider, Chairman
Wanda Rednour, Vice Chairman
Members of the Board

SUBJECT: Request for Decertification of AccuVote Undervote Feature

DATE: January 7, 2010

We have received the attached request from the Tazewell County State's Attorney to rescind certification of the undervote voter notification feature of ES&S's AccuVote voting device that was approved at the November 25, 2009 Special Board Meeting. Also attached is a printout of a series of e-mails exchanged between myself and State's Attorney Umholtz.

To reconstruct the progression of events.

- Monday, January 4: E-mail from State's Attorney Umholtz requesting decertification.
- Monday, January 4: E-mail response from D. White that the request is under review.
- Tuesday, January 5: E-mail from Umholtz that a response is needed today.
- Tuesday, January 5: E-mail from D. White that staff meetings would take place today but that the Board was not scheduled to meet until January 19.
- Tuesday, January 5: E-mail from Umholtz that he would like to converse today via telephone.
- Tuesday, January 5: Staff meeting to discuss with D. White, Steve Sandvoss, Dianne Felts and Bernadette Harrington. Staff recommendation to approve the modification remains unchanged.
- Tuesday, January 5: Conference call with Umholtz, D. White, S. Sandvoss, D. Felts and B. Harrington to discuss. Mr. Umholtz informed that the staff recommendation remains unchanged. Mr. Umholtz will discuss further with the County Clerk and respond if further action is requested.

Thursday, January 7: E-mail from D. White to Umholtz indicating the matter would be placed on the January 19 Agenda as an informational update.

Thursday, January 7: E-mail and telephone call from Umholtz to D. White requesting matter be placed on the January 19 Agenda as a formal request to rescind certification.

Also included for background information are the SBE Rules regarding approval/withdrawal of Approval of Voting Systems and the memorandum of law from the Champaign County case.

State's Attorney Umholtz will be present to address the Board. ES&S and all AccuVote jurisdictions will be notified that this is on our Agenda.

Attachments

STEWART J. UMHOLTZ
TAZEWELL COUNTY STATE'S ATTORNEY

TAZEWELL COUNTY COURTHOUSE
342 COURT STREET, SUITE 6
PEKIN, ILLINOIS 61554-3298



TELEPHONE: 309-477-2205
FACSIMILE: 309-477-2729
HTTP://WWW.TAZEWELL.COM

January 4, 2010

SENT VIA E-MAIL AND REGULAR MAIL

Mr. Daniel W. White, Executive Director
Illinois State Board of Elections
100 W. Randolph Street, Suite 14-100
Chicago, IL 60601
DWhite@elections.il.gov

Mr. Ken Menzel, Esquire
Illinois State Board of Elections
100 W. Randolph Street, Suite 14-100
Chicago, IL 60601
KMenzel@elections.il.gov

Mr. Steve Sandvoss, General Counsel
Illinois State Board of Elections
1020 S. Spring Street
Springfield IL 62704
SSandvoss@elections.il.gov

Dear Sirs:

First of all, the Tazewell County Clerk concurs with the concerns expressed by many other County Clerks throughout the State relative to the implementation of the "under-vote" provisions of Public Act 95-699 now codified at 10 ILCS 5/24B-16(e-5), hereinafter ("under-vote provisions") in the upcoming February 2, 2010 General Primary Election.

I am writing to request that the ISBE rescind its certification of the under-vote fix for the Accu-Vote voting machines and to notify all County Clerks that the Accu-Vote voting machine, as previously certified for past elections, may continue to be used to conduct the 2010 Primary Election.

As you know, the County of Tazewell utilizes the "Accu-Vote" voting machines. The "Accu-Vote" voting machines were not originally designed to comply with the under-vote provisions. The Illinois State Board of Elections, on the day before Thanksgiving, certified the "proposed fix" to the "Accu-Vote" voting machines. At the time of certification, the ISBE may not have been aware of the following facts: (1) that there

would be uncontested races at both the statewide and local level; (2) that the “undervote fix” for the Accu-Vote machine cannot distinguish between local and statewide races; (3) voter’s right to cast a secret ballot is automatically denied for those voters who cast a vote in all races since we now know with certainty that uncontested positions will be on the ballot.

The Accu-Vote machine utilizing the under-vote fix would automatically deny the right of all voters to cast a secret ballot if they cast a vote for all positions on the ballot. As certified, the Accu-Vote machine will reject any ballot that does not contain a vote cast in every race. As you know, the Accu-Vote fix does not differentiate between statewide and local races. We now know that there will be uncontested races at both the statewide and local levels. If a voter casts a vote for every position on the ballot, the ballot will not be rejected. The fact that the ballot is not rejected will destroy the secret ballot in total since it will inform election judges and poll watchers that this particular voter cast a vote for each candidate who is running uncontested. Likewise, if a ballot is rejected then judges and poll watchers are alerted that a voter is “under-voting”. This absurd result violates the very principles of a free society that “free elections” are intended to support. Not only do voters have a right to vote but they also retain the right not to cast a vote for a particular position. A voter retains the right to “under-vote” in secret.

We realize that it could not have been the intention of the ISBE to certify a voting mechanism that will necessarily result in the denial of a voter’s right to cast a secret ballot. We also realize that it could not have been the intention of the legislature to enact a mandate that would fly in the face of its obligations contained in Article III, Sec. 4 of the Constitution of the State of Illinois. We express no opinion regarding Gov. Rod Blagojevich’s intentions.

Evaluating the certification of a system that monitors an over-vote as opposed to an under-vote should be dramatically different when considering the impact on the voter’s right to cast a secret ballot. A voter has no right to over-vote but retains the privilege and right to under-vote. An over-vote is likely an error by the voter. An under-vote is most likely an intentional act by the voter, exercising their constitutional rights. The fact is evident from the wide disparity in the number of over-votes as opposed to under-votes. In Tazewell County, during the February 2008 Primary Election, the Accu-Vote system detected six over-votes while, at the same time, it detected 6182 under-votes.

The County Clerk is charged with the statutory duty to administer voting and election procedures in Tazewell County in accordance with the Constitutional requirement that all elections be free and equal and conducted fairly. The Clerk took an oath pursuant to Article XIII Section 3 of the Illinois Constitution wherein she did solemnly swear that she would support the Constitution of the United States, and the Constitution of the State of Illinois, and faithfully discharge the duties of the office of Tazewell County Clerk to the best of her ability. Therefore, the Clerk feels obligated to not take any action which she believes could vitiate the fundamental fairness of the upcoming February 2, 2010 General Primary Election or violate voter’s rights to cast a secret ballot.

Certification of the Accu-Vote “under-vote fix” by the ISBE is unconstitutional on its face in that we now know with absolute certainty that it will result in the denial of the voter’s right to cast a secret ballot. I have advised my County Clerk that the Constitution mandates that any election law passed by the General Assembly must insure the secrecy of voting.

Absent action by the ISBE, County Clerks utilizing the Accu-Vote system are faced with the choice between complying with a legislative mandate that violates a mandate set forth in the State Constitution or conducting the election with the same Accu-Vote system which was previously certified by the ISBE which has proven to be effective in providing a free and equal election that insures the secrecy of the ballot.

The County Clerk requests the ISBE to rescind its certification of the under-vote fix for the Accu-Vote voting machines and to notify all County Clerks that the Accu-Vote voting machine, as previously certified for past elections, may continue to be used to conduct the 2010 Primary Election.

Sincerely,

Stewart J. Umholtz
State’s Attorney

cc: Hon. Christie Webb, County Clerk of Tazewell County

White, Dan

From: Stu Umholtz [SUMHOLTZ@tazewell.com]
Sent: Thursday, January 07, 2010 12:49 PM
To: White, Dan
Subject: RE: request to certify Accu-Vote w/o under vote fix

Dir. White:

Thank you for your time in considering the concerns presented on behalf of the Tazewell County Clerk.

I have further reviewed this issue, including further consideration of the Memorandum of law filed by the Attorney General in Sheldon v. ISBE in Champaign County. I would like to have our formal request considered by the Board at its January 19th meeting. I believe a discussion would be beneficial regardless of the outcome of this request.

As further basis for requesting a review by both your staff and the ISBE, I would urge consideration of the requirements of Sec. 24B-16(a) which provides that tabulation equipment not be certified unless "it enables the voter to vote in absolute secrecy." Based upon the facts that we no know, with the certainty of uncontested races, a voter who casts a vote for every position and proposition on the ballot will have surrendered his/her secrecy of the ballot in each of those uncontested races.

I would be honored to have the opportunity to participate in a discussion at the January 19 Board Meeting with regard to this issue.

Please advise me as to when and where the meeting will take place and I will make every effort to provide positive input on this matter. I fully understand the difficulty that these matters present and understand the position that of both your staff and the ISBE.

Thank you.

Stewart Umholtz

Stewart J. Umholtz
State's Attorney
Tazewell County Courthouse
342 Court St., Suite 6
Pekin, Illinois 61554
309-477-2205

>>> "White, Dan" <DWhite@elections.il.gov> 01/07/10 12:27 PM >>>
Mr. Umholtz

Thank you for your time and understanding Tuesday.

By the end of the day I will have finalized the Agenda for the January 19 Board Meeting.

If I don't hear anything to the contrary from you office today, I am preparing to update the Board on this issue, including your request, but based on our conversation Tuesday, will not be presenting this matter as a formal request to rescind certification. You are certainly welcome to attend the meeting and participate in the discussion.

Again thanks time and consideration.

Dan White

-----Original Message-----

From: Stu Umholtz [mailto:SUMHOLTZ@tazewell.com]
Sent: Tuesday, January 05, 2010 9:41 AM
To: White, Dan
Subject: RE: request to certify Accu-Vote w/o undervote fix

I would like to have the best information available in order to provide the best possible advice to my County Clerk today since the vendor has some sort of technology driven deadline today. I realize you cannot make any decisions today but if you could give me a call to give me some insight ... I would appreciate it. My direct extension is 309-478-5802 or my mobile is 309-241-7100.

Thank you.

Stewart

>>> "White, Dan" <DWhite@elections.il.gov> 01/05/10 9:10 AM >>>

I will meet with appropriate staff today to discuss this matter, however, the authority to certify or decertify a voting system rests with the eight member Board, not the staff of the State Board of Elections.

The next scheduled meeting of the Board is Tuesday, January 19, 2010.

From: Stu Umholtz [SUMHOLTZ@tazewell.com]
Sent: Tuesday, January 05, 2010 8:47 AM
To: White, Dan
Cc: Christie Webb
Subject: RE: request to certify Accu-Vote w/o undervote fix

Director White:

Thank you for your prompt response. This is an urgent issue that may require a decision as early as the end of this day. I am hopeful that the ISBE understands the difficult situation that faces County Clerks.

In Tazewell County alone, we expect that over 6,000 voters will be undervoting and we are concerned about the disruption and confusion that may result from this newly mandated process.

Please understand that our County Clerk's principle concern is to conduct a fair election.

Stewart Umholtz

Stewart J. Umholtz
State's Attorney
Tazewell County Courthouse
342 Court St., Suite 6
Pekin, Illinois 61554
309-477-2205

>>> "White, Dan" <DWhite@elections.il.gov> 01/04/10 5:36 PM >>>

Honorable State's Attorney Umholtz:

Thank you for your below email.

I am referring this matter to our General Counsel and Director of Voting Systems for review.

Dan White
Executive Director

From: Stu Umholtz [SUMHOLTZ@tazewell.com]
Sent: Monday, January 04, 2010 4:27 PM
To: White, Dan; Menzel, Ken; Sandvoss, Steve
Cc: Christie Webb
Subject: request to certify Accu-Vote w/o undervote fix

SENT VIA E-MAIL AND REGULAR MAIL

Mr. Daniel W. White, Executive Director
Esquire
Illinois State Board of Elections
Board of Elections
100 W. Randolph Street, Suite 14-100
Suite 14-100
Chicago, IL 60601
60601
DWhite@elections.il.gov
KMenzel@elections.il.gov

Mr. Ken Menzel,
Illinois State
100 W. Randolph Street,
Chicago, IL

Mr. Steve Sandvoss, General Counsel
Illinois State Board of Elections
1020 S. Spring Street
Springfield IL 62704
SSandvoss@elections.il.gov

Dear Sirs:

First of all, the Tazewell County Clerk concurs with the concerns expressed by many other County Clerks throughout the State relative to the implementation of the "under-vote" provisions of Public Act 95-699 now codified at 10 ILCS 5/24B-16(e-5), hereinafter ("under-vote provisions") in the upcoming February 2, 2010 General Primary Election.

I am writing to request that the ISBE rescind its certification of the under-vote fix for the Accu-Vote voting machines and to notify all County Clerks that the Accu-Vote voting machine, as previously certified for past elections, may continue to be used to conduct the 2010 Primary Election.

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Likewise, if a ballot is rejected then judges and poll watchers are alerted that a voter is "under-voting". This absurd result violates the very principles of a free society that "free elections" are intended to support. Not only do voters have a right to vote but they also retain the right not to cast a vote for a particular position. A voter retains the right to "under-vote" in secret.

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The County Clerk is charged with the statutory duty to administer voting and election procedures in Tazewell County in accordance with the Constitutional requirement that all elections be free and equal and conducted fairly. The Clerk took an oath pursuant to Article XIII Section 3 of the Illinois Constitution wherein she did solemnly swear that she would support the Constitution of the United States, and the Constitution of the State of Illinois, and faithfully discharge the duties of the office of Tazewell County Clerk to the best of her ability. Therefore, the Clerk feels obligated to not take any action which she believes could vitiate the fundamental fairness of the upcoming February 2, 2010 General Primary Election or violate voter's rights to cast a secret ballot.

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Sincerely,

Stewart J. Umholtz
State's Attorney

cc: Hon. Christie Webb, County Clerk of Tazewell County

Stewart J. Umholtz
State's Attorney
Tazewell County Courthouse
342 Court St., Suite 6
Pekin, Illinois 61554
309-477-2205

From: Sandvoss, Steve
Sent: Thursday, January 07, 2010 1:18 PM
To: White, Dan
Cc: Felts, Dianne
Subject: Emailing: Section 204.htm

Joint Committee on Administrative Rules
ADMINISTRATIVE CODE

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONS
PART 204 APPROVAL OF VOTING SYSTEMS
SECTION 204.120 WITHDRAWAL OF APPROVAL OF VOTING SYSTEMS

Section 204.120 Withdrawal of Approval of Voting Systems

- a) If, at any time subsequent to the Board's approval or interim approval of a voting system, the Board determines that the approved voting system fails to fulfill the criteria prescribed in Section 204.40, or the vendor failed to submit or use the proper Computer Code or the Computer Code has not been used for at least 23 months to tabulate ballots in an election, the Board shall notify any users or vendors of that particular voting system that the Board's approval of that system is to be withdrawn. The notice shall be in writing, shall specify the reasons why approval of the system is being withdrawn, and shall specify the date on which the withdrawal is to become effective.
- b) Any vendor or user of a voting system may request, in writing, that the Board reconsider its decision to withdraw approval of the voting system. Upon receipt of a request, the Board shall hold a public hearing for the purpose of reconsidering the decision to withdraw approval and any interested person shall be given an opportunity to make a presentation either in support of or in opposition to the Board's decision.
- c) The Board shall, on the basis of the record before it, either affirm or reverse its decision to withdraw approval. In the alternative, the Board may also order that the voting system be given further review by the Board's staff in accordance with this Part and also, if appropriate, order that the voting system be subject to interim approval as determined by the Board.

(Source: Amended at 29 Ill. Reg. 13734, effective August 25, 2005)

COPY

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY, ILLINOIS

MARK SHELDEN, in his capacity as)
Champaign County Clerk,)
)
Plaintiff,)
)
-vs-)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Defendant.)

FILED
SIXTH JUDICIAL CIRCUIT

DEC 16 2009

No. 09-CH-432 31 *Linda S. Frank*
CLERK OF THE CIRCUIT COURT
CHAMPAIGN COUNTY, ILLINOIS

**MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION**

COMES NOW the defendant, Illinois State Board of Elections, by and through its counsel, LISA MADIGAN, Attorney General of the State of Illinois, and hereby submits this memorandum of law in opposition to the motion for temporary restraining order and/or preliminary injunction filed by the plaintiff. In support thereof, the following statements are made.

I. FACTS

Plaintiff, the Champaign County Clerk, in his official capacity, has brought this action to enjoin himself from utilizing the equipment plaintiff has chosen as a means of complying with §17-43(b) of the Election Code (10 ILCS 17-43(b)).¹ Plaintiff also asks this Court to enter a mandatory injunction compelling the State Board of Elections to decertify the equipment plaintiff has chosen to use in the primary election which is scheduled to be held in February 2010.

¹Section 17-43(b) was amended by P.A. 95-699 (effective November 9, 2009). Plaintiff cites to 24B-16(e)(5) (10 ILCS 5/24B-16(e)(5)), which provides that the State Board of Elections shall not certify optical scan rating equipment unless it will identify when a voter has not cast a vote for a statewide constitutional officer.

The essence of plaintiff's complaint is that, in addition to notification of rejection of a ballot, the equipment selected by plaintiff will send an audible beep when a voter fails to vote for a candidate for a statewide constitutional office. The beep will also sound when a voter casts more than one vote for an office.²

While plaintiff ostensibly challenges the Election Code provisions which mandate identification of undervotes, the audible beep, which forms the gravamen of plaintiff's complaint, is not required by the Election Code. Furthermore, plaintiff is not required by the State Board of Elections to use this equipment. In fact, the Board has certified other equipment, which does not sound the audible beep, and plaintiff is free to use that other equipment.

Plaintiff's only other challenge to the statute is that it violates the equal protection clause of the Illinois Constitution of 1970. Plaintiff's equal protection claim is that the statute only requires notification of undervotes for some offices, but not all.

II. ARGUMENT

A. PLAINTIFF LACKS STANDING TO RAISE THE ISSUES CONTAINED IN HIS COMPLAINT

Standing is shown by demonstrating some injury to a legally cognizable interest that is actual or threatened, distinct and palpable, fairly traceable to the defendant's actions, and substantially likely to be prevented or redressed by the grant of relief requested. *Village of Chatham v. County of Sangamon*, 216 Ill.2d 402, 419 (2005).

Plaintiff in this action is the Champaign County Clerk in his official capacity. In an official capacity action, the party is, in effect, the office held by the named official. *Carver*

²The overvote notification is required by federal law, as noted in plaintiff's memorandum.

v. Sheriff of LaSalle County, 203 Ill.2d 497 (2003); *Redwood v. Lierman*, 331 Ill.App.3d 1073, 1088 (2002). Plaintiff is, therefore, the Office of the County Clerk of Champaign County. The rights plaintiff raises are those of the voters, not those of the office of the Champaign County Clerk.

The right to vote is not a common right of the public; rather, it is personal to each voter. *Kluk v. Lang*, 125 Ill.2d 306, 317 (1988). Plaintiff does not allege any authority permitting him to file suit on behalf of the voters of Champaign County, and no such authority exists. See §3-2001 *et seq.* of the Counties Code (55 ILCS 5/3-2001 *et seq.*)(setting forth the powers and duties of the county clerks). In *City of Rockford v. Gill*, 75 Ill. 2d 334, 342–43 (1979), the Supreme Court of Illinois held that the county clerk had no standing to challenge a municipal ordinance on the grounds that it was void for failure to comply with statutorily prescribed procedures. The Court noted that the county clerk's duties with respect to the extension of taxes were purely ministerial and that no statute authorizes a county clerk to determine whether a tax levy is illegal and void. *Id.* at 342. The county clerk cited no decision, and the Court found none, in which a court allowed the county clerk, rather than the taxpayer, to challenge a taxing ordinance. *Id.* In this case, plaintiff cites no authority, and none has been found, that permits a county clerk, rather than a voter, to challenge an election law on the basis of rights belonging to the voters.

Plaintiff cites *People ex rel. Hopf v. Barger*, 30 Ill.App.3d 525 (1975) for the proposition that plaintiff has standing to bring this action. In fact, *Hopf* stands for the opposite proposition. In that case, a complaint for mandamus was brought to compel public officials to comply with the Open Meetings Act. The public officials challenged the Act as unconstitutional on the ground that it violated their equal protection rights. The

essence of the challenge was that it was unconstitutional for the legislature to exempt itself. The *Hopf* Court found that the defendants had standing to raise the defense of unconstitutionality because they were within the class of persons who allegedly suffered discrimination under the Act and because the defendants, as public officials, were subject to possible criminal penalties. The *Hopf* court did not, as plaintiff would suggest, exempt public officials from general principles of standing or allow a public official to assume the rights of his constituents. In fact, it held the general principles of standing limit the issues which officials may raise in proceedings involving their public offices. *Id.* at 532.

Plaintiff also lacks standing as to his constitutional claims in Counts II and III and his declaratory judgment claim in Count IV because the Office of County Clerk is not in any immediate danger of sustaining a direct injury by the enforcement of use of the challenged equipment; does not fall within the class aggrieved by alleged unconstitutionality; and has no personal claim, status, or right capable of being affected by the relief sought. "A court will not determine the constitutionality of a provision of a statute which does not affect the parties to the cause under consideration." *People v. Hamm*, 149 Ill.2d 201, 214 (1992), *overruled on other grounds by People v. Sharpe*, 216 Ill. 2d 481 (2005).

B. PLAINTIFF CANNOT BRING AN EQUAL PROTECTION CLAIM ON BEHALF OF THE COUNTY OR THE OFFICE OF COUNTY CLERK

Even if plaintiff could make a showing that the county or his office has a cognizable interest in the constitutionality of §24B-16(e), he still cannot bring this action in his capacity as the county clerk. Illinois law does not permit municipal corporations, local units of government, or their officers to challenge the validity of a statute on due process or equal protection grounds. *Cronin v. Lindberg*, 66 Ill.2d 47, 56 (1976); *Meador v. City of Salem*,

51 Ill.2d 572 (1972); *People v. Valentine*, 50 Ill.App.3d 447, 452 (1977); see also Ill. Const. of 1970, art. VII, §1 (defining counties as "local units of government"); 55 ILCS 5/3-2001 to 3-2013 (counties and the offices of county clerk are created by statute).

In *Cronin v. Lindberg*, 66 Ill.2d 47, 56 (1976), neither the school board nor its superintendent had standing to question the validity of statute on due process grounds, being creatures of the legislature and subject to its will. Although *Cronin* suggested that a school board *could* assert a denial of equal protection if it could show that it was a member of a class suffering discrimination, the appellate court, citing *Meador v. City of Salem*, 51 Ill.2d 572 (1972), has questioned the viability of the equal protection holding in *Cronin*. *Village of Schaumburg v. Doyle*, 277 Ill.App.3d 832, 835–837 (1996). The appellate court noted that in *Meador*, the Supreme Court had held that a city had no standing to make constitutional attacks on a statute. *Doyle*, 277 Ill.App.3d at 835. The reasoning behind the Court's holding was that municipal corporations are created by a state for the better order of government and therefore have no privileges or immunities that they can invoke in opposition to the will of their creator. *Id.* The appellate court explained that although *Meador* is usually cited as a due-process case, the city-defendant had made an equal protection argument against the statute. *Id.* The appellate court also noted that *Cronin* appears to have ignored the earlier-decided *Meador*, and that subsequent standing cases have cited to *Meador* and not *Cronin*.

Other appellate case law holds that political subdivisions and their officers cannot challenge a statute's constitutionality under due process or equal protection. See *People v. Valentine*, 50 Ill.App.3d 447, 452 (1977) ("In the performance of governmental functions, the State has the power to control units of local government through legislation without

regard to considerations of due process or equal protection of the laws both as to substance and procedure, and it may require a city to perform acts through its officers and employees against its corporate will."); *Village of Northbrook v. County of Cook*, 126 Ill.App.3d 145, 147–48 (1984)("A municipality cannot assert a constitutional claim against the State or its statutes, by a direct claim against the state or by a claim against one of its municipalities. The rationale for this denial of due process is the protection of the sovereignty of the state from the subdivisions it has created.")(citations omitted).

Furthermore, "a litigant may not challenge a classification scheme on the basis that the classifications are discriminatory unless the litigant is a member of the class allegedly being discriminated against." *People ex rel. Hopf v. Barger*, 30 Ill.App.3d 525, 532 (1975). Here, the Office of County Clerk is not a member of the allegedly disadvantaged class and may not, therefore, bring an equal protection claim. Accordingly, plaintiff, as County Clerk, cannot assert equal protection claims against the State.

C. PLAINTIFF HAS NO RIGHT TO PROCEED UNLESS REPRESENTED BY THE CHAMPAIGN COUNTY STATE'S ATTORNEY

Plaintiff, the Office of the Champaign County Clerk, has brought this action through private counsel who has not been appointed as an Assistant State's Attorney of Champaign County.³ The State's Attorney has the exclusive province to represent the county in litigation in which the county is the real party in interest. *County of Cook v. Bear Sterns & Co., Inc.*, 215 Ill.2d 466, 468 (2005). "[T]he State's Attorney is a constitutional officer whose powers may not be stripped or transferred to others by a legislative body."

³The complaint was signed by Mark Shelden who is not a licensed attorney and cannot represent his office or anyone other than himself in his individual capacity.

Id. at 475. The State's Attorney is deemed to have powers like those of the Attorney General. *Id.* at 478.

The State's Attorney is, pursuant to §3-9005 of the Counties Code (55 ILCS 5/3-9005) the sole attorney authorized to represent county officers in their official capacities. The discretion afforded the State's Attorney to bring an action necessarily includes the power to decide not to bring the action. Thus, the Supreme Court struck down a statute which authorized private citizens to bring certain actions in the event the State's Attorney neglected or refused to bring those actions. *People ex rel. Kuntsman v. Nagano*, 389 Ill. 231, 247-51 (1945).

Because plaintiff is not represented by the State's Attorney or an attorney appointed as an Assistant State's Attorney, the complaint in this action was not authorized and should be dismissed.

D. PLAINTIFF IS NOT ENTITLED TO A TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION

"The purpose of a preliminary injunction is to preserve the status quo pending a decision on the merits of a cause. It is an extraordinary remedy which should apply only in situations where an extreme emergency exists and serious harm would result if the injunction is not issued. A party seeking a preliminary injunction must establish that: (1) a clearly ascertained right in need of protection exists; (2) irreparable harm will occur without the injunction; (3) there is no adequate remedy at law for the injury; and (4) there is a likelihood of success on the merits." *Beahringer v. Page*, 204 Ill.2d 363, 379 (2003); *Sunbelt Rentals, Inc. v. Ehlers*, 394 Ill.App.3d 421, 865-66 (2009).

1. Plaintiff has no clearly ascertained right in need of protection

Although plaintiff is correct that voters in Illinois have a constitutional right to vote in secrecy, plaintiff has not filed suit as a voter. As noted previously, plaintiff, in his official capacity as the County Clerk of Champaign County, has no standing to assert the constitutional claims of voters in his county. Plaintiff argues that he has a protected right in ensuring that the secrecy of all votes cast in Champaign County is preserved. Plaintiff has cited no authority for the existence of such *right* as an officer of the county. The right is also not found in the Counties Code, which sets out the powers and duties of plaintiff's office. Furthermore, the Supreme Court has explicitly held that for a governmental body to have standing to raise an issue, that governmental body must, itself, suffer an actual or threatened injury. *Village of Chatham*, 216 Ill.2d at 421-24. A party must have "a personal stake in the outcome of the controversy" or, with respect to equal protection claims, be a member of the class allegedly facing discrimination. *Id.* at 532. Plaintiff has not made such a showing.

Plaintiff has not pleaded or explained how or why his office will be unable to fulfill his duties. Not only has plaintiff failed to show that his office will suffer any harm, he has admitted that the State Board of Elections has certified the equipment which plaintiff has chosen to use in the primary election.

2. Plaintiff has not shown that irreparable harm will occur without the injunction

Since a preliminary injunction is an extraordinary remedy, it should only be applied where an "extreme emergency exists and serious harm [will] result if the injunction is not issued." *Beahringer*, 204 Ill.2d at 379; *Lumbermen's Mutual Casualty Co. v. Sykes*, 384

Ill.App.3d 207, 230 (2008); *Stenstrom Petroleum Services Group, Inc. v. Mesch*, 375 Ill. App.3d 1077, 1089 (2007); *Jones v. Department of Public Aid*, 373 Ill.App.3d 184, 192–93 (2007). Further, “[a] preliminary injunction concerns only those damages which might arise prior to the final decision of the court.” *Petrzilka v. Gorscak*, 199 Ill.App.3d 120, 124 (1990).

Plaintiff has not explained the harm that will result if a temporary restraining order or preliminary injunction is not issued. No election is scheduled until February 2010. Thus, there is no need for interim relief on less than a full record. Furthermore, the only potential for harm to plaintiff arises from an order granting the relief sought. If relief is granted, plaintiff will be prohibited from using the voting equipment he presently has and will be required to use other means of complying with the law. Plaintiff is not prohibited from choosing other voting equipment without Court intervention. There is no showing of an “extreme emergency” requiring a preliminary injunction.

3. Plaintiff has not shown a likelihood of success on the merits

“Although . . . the purpose of a preliminary injunction is to preserve the status quo between the parties and not to determine the ultimate factual issues, such relief is not warranted where there is no possibility of success on the merits. *Lake in the Hills Aviation Group, Inc. v. Village of Lake in the Hills*, 298 Ill.App.3d 175, 184–85 (1998). Plaintiff’s failure to demonstrate that either it or Champaign County is compelled to choose the voting machine to which it objects is fatal to its claim. See 10 ILCS 5/24B-4 (Precinct Tabulation Optical Scan Technology voting systems *may* be used in elections); see also 10 ILCS 5/24-1 (election authorities shall provide a voting machine, rather than a *particular* voting machine); 10 ILCS 5/24A-3 (election authorities *may* adopt *any* electronic, mechanical, or

electric voting system approved for use by the State Board of Elections and may use other voting machines). "A court will not determine the constitutionality of a provision of a statute which does not affect the parties to the cause under consideration." *People v. Hamm*, 149 Ill.2d 201, 214 (1992) *overruled on other grounds*, *People v. Sharpe*, 216 Ill.2d 481 (2005).

a. Right to vote

Even if plaintiff was entitled to assert the rights of voters, plaintiff has failed to show that the use of the notification equipment violates their rights. "[I]t is . . . well established that the legislature has the right to reasonably regulate the time, place and manner in which the citizens exercise their right to vote. Legislation that affects voting in this regard is subject to the rational basis analysis." *Orr v. Edgar*, 298 Ill.App.3d 432, 438 (1998)(citations omitted). There is a judicial presumption in favor of finding a statute constitutional. *Id.* at 441. The court may dispose of the issue of the constitutionality of §24B-16(e), because "a legislative choice is not subject to courtroom fact-finding and may be based on rational speculation unsupported by evidence or empirical data." *Id.* at 439.

"In order to survive the rational basis test, the method or means employed in the statute to achieve the stated goal or purpose of the legislation [must be] rationally related to that goal." *Id.* at 438 (quotation omitted). A system that merely regulates the manner in which citizens exercise the right to vote represents legislation that is rationally related to a legitimate government interest. *Orr*, 298 Ill.App.3d at 439.

A court considering a challenge to a state election law must weigh the character and magnitude of the asserted injury against the precise interests put forward by the State as justifications for the burden imposed, taking into consideration the extent to which those interests make it necessary to burden the plaintiff's rights. . . . [W]hen a state election law provision imposes only reasonable, nondiscriminatory restrictions upon the . . . right of voters, the State's important regulatory interests are generally sufficient

to justify the restrictions.

Burdick v. Takushi, 504 U.S. 428, 433 (1992).

As the courts have recognized, overvotes, undervotes, and other mechanical and human errors may thwart voter intent. See generally *Bush v. Gore*, 531 U.S. 98 (2000); see also *Weber v. Shelley*, 347 F.3d 1101, 1106 (9th Cir. 2003). A system designed to minimize the unintentional presence of undervotes is therefore rationally related to the important state interest of free and fair elections. Election laws will invariably impose some burden upon individual voters, and no balloting system is perfect. *Burdick*, 504 U.S. at 433. However, where a system brings about numerous positive changes, such as increased voter turnout, greater accuracy in the system and decreases in the number of mismatched ballots, without placing a “severe” restriction on the right to vote, that system is constitutional. See *Weber*, 347 F.3d at 1106.

Section 24B-16(e) merely sets out the qualifications for certified voting machines, thereby indirectly regulating the manner in which Illinois citizens exercise their right to vote, if in fact those citizens use machines authorized under Article 24B of the Election Code, and not, for example, machines authorized under Article 24 or 24A. See 10 ILCS 5/24-1 to 24-23, 24A-1 to 24-22 (setting forth permissible uses for voting machines or electronic voting machines *without* precinct tabulation optical scan technology). Because those qualifications are designed to decrease unintentional errors in marking of ballots, §24B-16(e) represents legislation that is rationally related to a legitimate government interest. See *Orr*, 298 Ill.App.3d at 439.

While plaintiff attempts to suggest to the Court that there is a fundamental right to a secret ballot, no such right exists. *Burson v. Freeman*, 504 U.S. 191 (1992), which was

cited by the plaintiff, involved the question of whether the State had a compelling interest in the election process which would justify restricting the free speech rights of those who wanted to campaign within 100 feet of the polls. Not only were secret ballots *not* guaranteed by the Constitution of the United States, but secret ballots were also not used anywhere in the United States until 1888. *Id.* at 203.

Instead, the Supreme Court has recognized that as long as State officials do not discriminate against voters in violation of the fifteenth amendment, the power to regulate State elections shall be left in the hands of State officials. *Northwest Austin Municipal Utility District v. Holder*, ___ U.S. ___, 129 S. Ct. 2504, 2519-20 (2009). The issue of secrecy of the ballot is, therefore, a question of State, not federal, law.

b. Secrecy of voting

Article III, §4 of the Illinois Constitution of 1970 provides that the General Assembly shall “insure secrecy of voting and the integrity of the election process....” That section, then, is a command to the legislature to enact legislation which addresses these objectives. Accordingly, §24B-16 of the Election Code provides that the State Board of Elections shall not approve optical scan precinct tabulation equipment unless the equipment, among other things, “enables a voter to vote in absolute secrecy” and will identify when a voter has not voted for all statewide constitutional offices.

Pursuant to §6 of the Statute on Statutes (5 ILCS 70/6), the statute must be construed to give effect to both of these provisions. Thus, the Election Code must be understood to be a legislative determination that voter notification of an undervote for a State office does not violate the requirement of secrecy of voting. The audible notification by the equipment at issue reflects that a voter has cast too many votes for an unspecified

race, not voted in an unspecified race, or made some other error, which causes the equipment to reject the ballot.

The equipment conveys scant information to an observer and does not impact the ability of a voter to cast his vote in secrecy. While plaintiff presumes that the right to vote in secrecy encompasses secrecy in the decision not to vote, plaintiff has cited no authority for that proposition. Indeed, the records of who has not voted at all are available for public inspection. Plaintiff has cited no authority which would imply that greater secrecy is constitutionally mandated in the choice not to vote in a specific race or in specific races.

Court cases from other jurisdictions are persuasive on the issues before this Court. In a Kentucky Supreme Court case, *Ford v. Carlisle County*, 361 S.W.2d 757 (Ky. 1962), the Court held that a machine that made an audible sound when a write-in vote was cast did not violate the voter's right to secrecy. The plaintiff argued that a person would know that a voter did not completely support his or her party if the sound was heard. The Court noted that a person would know that a voter had not voted straight-party if the voter spent a large amount of time in the voting booth. Despite the chance of disclosure, the Court was "not prepared to say that such a disclosure is a material violation of secrecy requirements." *Id.* at 760.

In a Florida federal district court case, *American Association of People with Disabilities v. Smith*, 227 F.Supp.2d 1276 (M.D. Florida 2002), the Court held that the certification of voting equipment that did not allow visually or manually impaired voters to vote without assistance did not violate the "direct and secret" voting clause in Florida's constitution. The Court found that Florida's constitutional protection of the secrecy of the ballot is directed toward the voter's right to not be influenced by others in his or her voting.

Id. at 1286. Florida law permitted a voter to request assistance from two election officials or any other person of his or her own choice. *Id.* at 1285. The Court found that "secrecy" could be construed to contemplate information known by a few or information not publicly known. *Id.* Under that construction, Florida's voter-assistance procedures, which permitted a person to seek the aid of two election officials or any other person of their choice, did not violate Florida's constitutional protection of the secrecy of the ballot. *Id.* at 1285–86. The Court noted that Florida had recently passed a new voting law requiring that before a voting system could be certified, it must have a procedure to alert a voter if the voter's ballot contained an undervote. The law permitted audible signals to be used, as long as there are corresponding visual cues and information. The statute was not directly at issue, (nor was the audible signal provision specifically discussed), but the Court stated in dicta that it would not change the Court's ruling on the constitutionality of Florida's voter assistance procedures. *Id.* at 1287 n.11.

Here, similar to *Ford*, 361 S.W.2d 757, the challenged voting machine produces an audible beep to convey to the voter that an undervote or overvote is present on the voter's ballot. That beep *may* convey a limited amount of information to persons within hearing range who also are privy to the implications of that beep. As in *Ford*, the information conveyed by this beep is speculative at best. It could mean an assortment of outcomes, such as the presence of an undervote, an overvote, or both. It does not convey the intention of the voter with respect to such undervote or overvote. As in *Smith*, 227 F. Supp.2d 1276, any information conveyed is likely to be limited to a very few individuals and not generally publicly known. Following the Courts' logic in *Ford* and *Smith*, the operation of a voting machine that presents an audible notification to a voter that he or she has

marked his or her ballot with an undervote does not constitute a "severe" restriction on the right to vote and is unlikely to present a material violation of the secrecy protections of the Illinois Constitution of 1970.

c. Equal protection claim

Plaintiff also lacks a likelihood of success on his equal protection claim. Plaintiff contends that the provisions of the Election Code requiring notification of undervotes are unconstitutional because they pertain only to the elections of constitutional officers and not to votes for other offices. According to plaintiff, the equal protection clause of the Illinois Constitution of 1970 prohibits treating the different levels of elective office differently.

The guarantee of equal protection requires that the government treat similarly situated persons in a similar manner. *Jacobson v. Department of Public Aid*, 171 Ill.2d 314, 322 (1996). In the present case, plaintiff is not complaining that similarly situated persons were treated differently. Instead, plaintiff is claiming that different offices were treated differently on the ballot.⁴ The equal protection clause has no application to this situation.

As support for its equal protection argument, plaintiff cites *People ex rel. Barrett v. Barrett*, 31 Ill.2d 360 (1964), a case that does not discuss equal protection. Instead, the issue in *Barrett* was whether the use of voting machines for judicial retention votes violated a provision of the Illinois Constitution of 1870, which required the use of separate ballots for retention votes.

⁴While plaintiff attempts to plead that the law treats that those who vote for constitutional officers differently from those who vote for other officers, the assertion is simply saying that those who perform the acts covered by the statute are treated differently than those who do not. By definition, the groups are not similarly situated.

Even if the use of voter notification equipment as to the undervotes for some offices and not others constitutes classification of persons for equal protection purposes, the legislature is not prohibited from drawing such proper distinctions among different categories of people. *In re A.A.*, 181 Ill.2d 32, 37 (1998). In cases where fundamental rights are not involved and classifications are not drawn based upon race, national origin, gender, or legitimacy, legislation will be upheld, if there is a rational basis for the classifications. *Jacobson*, 171 Ill.2d at 322, 23. While legislation that implicates the right to vote is subject to strict scrutiny, legislation concerning time, place, and manner of voting are analyzed with a rational-basis test. *Orr v. Edgar*, 298 Ill.App.3d 432, 437-38 (1998)(legislative elimination of option of straight-party voting upheld as having a rational basis).

When a rational basis test is employed, the legislative classification is not subject to fact finding by the Court and may be upheld based upon speculation as to the legislative goal. *Allen v. Woodfield Chevrolet*, 332 Ill.App.3d 605, 611 (2002). Such speculation need not be supported by evidence or empirical data. *Id.* If there is any conceivable basis for the classification, it will be upheld. *Alamo Rent A Car, Inc. v. Ryan*, 268 Ill.App.3d 268, 273 (1994). As the party challenging the classification, it is plaintiff's burden "to negate every conceivable basis which supports it." *Id.*

"The equal protection clauses of the State and Federal Constitutions do not prohibit the legislature from pursuing a reform in 'one step at a time' or from applying a remedy to the one selected phase of a field while neglecting the others." *Wright v. Chicago Municipal Employees Credit Union*, 265 Ill.App.3d 1110, 1118 (1994). The legislature can consider degrees of evil and proceed one step at a time. *Alamo Rent A Car, Inc. v. Ryan*, 268

Ill.App.3d 268, 275 (1994).

The legislature could rationally consider that, as an initial step, the notification for undervotes and overvotes be tried out on elections for statewide constitutional offices. Problems could be assessed, including the degree to which notification and corrections of undervotes slow the voting process. The legislature could also determine that, until the system was completely assessed, the potential for disruption of voting caused by increasing time needed to vote was too great to try it out on all offices. Accordingly, the legislation has a rational basis and does not violate equal protection.

4. The Court may not grant plaintiff his requested relief because it constitutes the ultimate relief sought

"A trial court errs when it enters a permanent injunction after a hearing on a motion for a preliminary injunction or grants the ultimate relief sought." *Petrzilka v. Gorscak*, 199 Ill.App.3d at 123 (citation omitted); *See also Grillo v. Sidney Wanzer & Sons, Inc.*, 26 Ill.App.3d 1007, 1011–12 (1975); *Knuppel v. Adams*, 12 Ill.App.3d 708, 711 (1973); *Levy v. Rosen*, 258 Ill.App. 262 (1930). "It is established that a temporary or preliminary injunction should not be granted where its effect would be to give all the relief that could be obtained after a final hearing on the merits of the dispute. The purpose of a preliminary injunction is not to finally decide the controverted facts or merits of a case. . . . [It] is merely provisional in nature and concludes no rights." *PSL Realty Co. v. Granite Inv. Co.*, 42 Ill.App. 3d 697, 699–700 (1976) (citations omitted).

In the present motion, plaintiff is not asking this Court to preserve the status quo. Rather, plaintiff is asking this Court to disrupt the status quo as it relates to the 2010 primary. Plaintiff seeks, by its motion for preliminary injunction, to obtain the entire relief

requested in his complaint, *i.e.*, that the Board of Elections be required to decertify the challenged voting machine, thereby preventing its use in Champaign County and the State. A mere showing of a likelihood of success, which plaintiff has failed to establish here, would not be sufficient to support an order granting the ultimate relief at this stage of the proceedings. Such ultimate relief should not be granted without allowing the parties to present all necessary evidence and be fully heard. Accordingly, plaintiff's motion for temporary restraining order or preliminary injunction must be denied.

Wherefore, defendant respectfully requests that this honorable Court deny the injunctive sought by plaintiff.

Respectfully submitted,

ILLINOIS STATE BOARD OF ELECTIONS,

Defendant,

LISA MADIGAN, Attorney General
State of Illinois,

Attorney for Defendant.

Terence J. Corrigan, #6191237
Karen L. McNaught #6200462
Joshua D. Ratz, #6293615
Assistant Attorney General
500 South Second Street
Springfield, IL 62706
Telephone: (217)782-1841
Fax: (217) 524-5091
E-mail: tcorrigan@atg.state.il.us

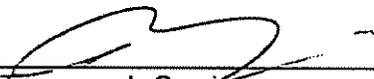
By: 
TERENCE J. CORRIGAN
Assistant Attorney General

CERTIFICATE OF SERVICE

Terence J. Corrigan, Assistant Attorney General, hereby certifies that he caused a copy of the foregoing Memorandum of Law in Opposition to Plaintiff's Motion for Temporary Restraining Order And/or Preliminary Injunction to be served upon:

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, IL 60613

by depositing a copy of same in a correctly addressed, prepaid envelope and depositing same in the United States Mail in Springfield, Illinois, on December 15, 2009.



Terence J. Corrigan
Assistant Attorney General

Terence J. Corrigan
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
(217)782-5819

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Bryan Schneider, Chairman
Wanda Redhour, Vice Chairman
Members of the Board

SUBJECT: Preparations for the February 2, 2010 General Primary Election

DATE: January 7, 2010

Preparations for the February 2, 2010 General Primary Election have been well underway for some time now. Following for your review and information are a series of reports regarding plans for the Primary Election, the earliest primary in the nation.

- 1) Alexander County Update.
- 2) Public Awareness Program.
- 3) Election Day Assignments.
- 4) Election Day Monitoring Meeting.
- 5) Judges of Election Schools.
- 6) Pre-election Testing.
- 7) AccuVote Update.
- 8) Contingency Plan.

Attachments

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Bryan Schneider, Chairman
Wanda Rednour, Vice Chairman
Members of the Board

SUBJECT: Alexander County Update

DATE: January 11, 2010

You recall that I have reported on Alexander County's financial difficulties (attached October 8 memo and letter) and the resignation of the County Clerk in November. In response we have provided the new County Clerk, Francis Lee with extensive resources to assist in conducting the February 2 Primary Election.

As you can see in the attached e-mail from Director of Election Information Mark Mossman we have provided: judges of election training; voting system testing assistance; and general election administration support. We are very pleased with Alexander County's response and are confident that statutory provisions are being followed and that the Primary Election will be administered in a fair and professional manner.

Of course we will continue to support Alexander County and will have a physical presence in their office on election day.

Mark Mossman will have an oral report update at the meeting.

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Members of the Board

SUBJECT: Alexander County

DATE: October 8, 2009

Recently, news articles have appeared in Southern Illinois newspapers chronicling financial problems plaguing Alexander County. One article (attached) reported that a new computer recently purchased for voter registration and election purposes may not be available for use at the upcoming February 2, 2010 General Primary Election. Another related county layoffs – one in the Clerk's office.

In response to these reports I have asked staff to contact Alexander County officials to inquire about plans for the Primary Election and obtain additional information. I have sent a letter inviting them to the Board meeting to discuss this matter.

Attachments

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,

A handwritten signature in black ink, appearing to read "Dan White", written over a horizontal line.

Daniel W. White
Executive Director

DWW/alc
Cc: Mark Mossman

White, Dan

From: Mossman, Mark
Sent: Thursday, December 31, 2009 10:45 AM
To: White, Dan
Cc: Borgsmiller, Rupert; Felts, Dianne; Thomas, Kyle; Donnewald, Eric; Berry, Jeffrey; Brown, Bruce; Heap, Michael; List - Elec Information; Glazier, Becky
Subject: Alexander County Update

Jeff Berry is scheduled to conduct schooling for election judges on January 4. He will arrive at the Clerk's office at approximately 10:00 AM to discuss several issues (provisional voting, election day procedures and etc.) with the CC prior to the judges school at 4:00 PM. I have scheduled Jeff for election day support in Alexander and have asked Jeff to be present during the afternoon on February 1 to assist the CC with any last minute issues.

Michael Heap, Bruce Brown and I will be in Alexander County on January 5 (1:00 PM) through January 6. Training on the 5th will center on IVRS and will be provided by Michael.

Bruce will give instruction concerning testing procedures, public test, post test, retabulation, computer logs, tabulator "trouble-shooting" and other issues associated with tabulating equipment. He is also currently scheduled to test Alexander on January 21.

I will be discussing general election administration issues with Frances such as publication/notice requirements, absentee/early voting, central tabulation, canvassing and etc.

Frances e-mailed ballot proofs to me on Tuesday, December 28. These were reviewed by Kay and were found to be in good order. Absentee voting (by mail) has commenced in Alexander with no in-person application being made for absentee voting as of this morning.

Please keep in mind that Frances resigned as Treasurer on November 9 and was appointed "interim" CC that same day. She has very limited experience concerning election administration. I have been pleasantly surprised with her progress since her appointment. We want to exercise caution when providing training so that we don't completely intimidate/overwhelm her. Proceed slowly and keep it as simple as possible. If an additional trip is necessary, we will try to accommodate her dependent upon the availability of resources and the close proximity to election day.

Please don't hesitate to contact me should you have any questions. Thanks.

Mark Mossman
Director, Election Information
Illinois State Board of Elections
217-557-0855

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Bryan Schneider, Chairman
Wanda Rednour, Vice Chairman
Members of the Board

SUBJECT: SBE 2010 Public Awareness Program

DATE: January 7, 2010

This election cycle our statewide public awareness program focused on the fact that Illinois has the earliest primary date in the nation, new no-excuse absentee voting regulations, early voting and grace period registration.

The SBE 2010 Public Awareness Campaign began in October with announcement of the candidate petition filing period and reference to the Green Party as the third established party in Illinois. We revised our Early Voting and Grace Period Registration brochures, posted them on our website and provided to election authorities across the state. We followed up in November and December with news releases about new election laws for 2010, the new "Am I Registered" online feature on our website, and no-excuse absentee voting by mail. We also produced three 30 second Public Service Announcements – no excuse absentee voting by mail, grace period registration and the new "Am I Registered" feature. The no excuse absentee and grace period spots were also translated into Spanish and all were posted on our website. All three were distributed by Illinois Information Services to over 100 news outlets across the state. Additional DVD's are available and have been distributed as needed.

Press releases were e-mailed to a media listing of 40 journalists across the state. Printed copies were delivered to the Statehouse Press Room and faxed to twelve additional outlets.

A news release template for election authorities on voter registration procedures was forwarded for distribution in local jurisdictions.

The following press releases were distributed across the state.

- 1) October 20, 2009 – Candidate Filing Begins Monday.
- 2) November 5, 2009 – New Law Allows No-Excuse Absentee Voting.
- 3) December 18, 2009 – Voter Registration Deadline January 5.
- 4) December 22, 2009 – No Excuse Need to Vote Absentee.
- 5) January 4, 2010 – Early Deadline For Registering to Vote.
- 6) January 6, 2010 – Grace Period Registration Begins.
- 7) January 7, 2010 – Early Voting Begins January 11.

Lastly, I like to thank SBE staff John Levin and Rose Rodriguez for taping the PSA's and Communications Consultant Al Manning for a great job writing, editing and producing the PSA's and press releases.

STATE BOARD OF ELECTIONS



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

To: Dan White, Executive Director
Re: Election Day Assignments – February 2, 2010
Date: January 8, 2010

Springfield Office **(5:00 a.m. – 1:00 a.m.)**

5:00 a.m. – 1:00 a.m.	Mark Mossman	(break 2:00 p.m. – 5:00 p.m.)
5:30 a.m. – 4:00 p.m.	Jane Gasperin	(break 11:00 a.m. – Noon)
6:00 a.m. – 4:00 p.m.	Bernadette Harrington	(break 11:00 a.m. – Noon)
6:00 a.m. – 4:00 p.m.	Bruce Brown	(break 11:30 a.m. – 12:30 p.m.)
6:30 a.m. – 5:00 p.m.	Kay Walker	(break Noon – 1:00 p.m.)
8:00 a.m. – 6:00 p.m.	Brian Zilm	(break Noon – 1:00 p.m.)
10:00 a.m. – 8:00 p.m.	Jamye Sims	(break 2:00 p.m. – 3:00 p.m.)
11:00 a.m. – 9:30 p.m.	Gary Nerone	(break 3:00 p.m. – 4:00 p.m.)
4:00 p.m. – 1:00 a.m.	Steve Sandvoss	(break 6:30 p.m. – 7:30 p.m.)
4:00 p.m. – 1:00 a.m.	Dianne Felts	(break 7:00 p.m. – 8:00 p.m.)

Chicago Office **(6:00 a.m. – 11:00 p.m.)**

6:00 a.m. - 4:00 p.m.

Ken Menzel	break Noon – 1:00 p.m.
Marc Petrone	break 12:30 p.m. – 1:30 p.m.
Rose Rodriguez	break 12:30 p.m. – 1:30 p.m.

Noon - 11:00 p.m.

Marc Greben	break 3:00 p.m. – 4:00 p.m.
Darcell McAllister	break 3:00 p.m. – 4:00 p.m.
Rick Fulle	break 4:00 p.m. – 5:00 p.m.

FIELD PROGRAM

Alexander County (request)	Jeff Berry, Mike Heap
East St. Louis (counting center) (request)	Eric Donnewald
St. Clair County (counting center) (request)	Brent Davis

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Bryan Schneider, Chairman
Wanda Rednour, Vice Chairman
Members of the Board

SUBJECT: Election Day Monitoring Meetings

DATE: January 7, 2010

We will conduct pre-election day monitoring meetings for both the Springfield and Chicago offices to review election procedures, anticipated questions and revisions to election law.

We will also conduct a pre-election day monitoring meeting in Chicago to coordinate election day activities among the following agencies: U.S. Attorney's office, IL Attorney General's office, the Cook County State's Attorney's office, the Cook County Clerk's office and the Chicago Board of Election Commissioners' office.

Judges Schools GP 2010

Date	Jurisdiction	No. of Schools	Attendance Zone	
Monday, December 28, 2009	Aurora	2	40	Four
Tuesday, December 29, 2009	Aurora	2	62	Four
Wednesday, December 30, 2009	Aurora	2	43	Four
Monday, January 04, 2010	Alexander	1	30	One
Monday, January 04, 2010	Marion	1	74	One
Tuesday, January 05, 2010	Marion	2	90	One
Tuesday, January 05, 2010	Saline	2	75	One
Wednesday, January 06, 2010	Gallatin	2	0	One
Wednesday, January 06, 2010	Menard	2	0	Two
Wednesday, January 06, 2010	Montgomery	4	0	Two
Thursday, January 07, 2010	Galesburg	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	Hamilton	2	0	One
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

Date	Jurisdiction	No. of Schools	Attendance Zone	
Thursday, January 14, 2010	Whiteside	2	0	Four
Thursday, January 14, 2010	Woodford	2	0	Three
Monday, January 18, 2010	Cass	2	0	Two
Tuesday, January 19, 2010	Brown	2	0	Two
Tuesday, January 19, 2010	Monroe	4	0	One
Wednesday, January 20, 2010	Effingham	3	0	One
Wednesday, January 20, 2010	Monroe	4	0	One
Wednesday, January 20, 2010	Pike	2	0	Two
Wednesday, January 20, 2010	Putnam	2	0	Four
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	Logan	1	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
Thursday, January 28, 2010	Edwards	2	0	One
Friday, January 29, 2010	Attorney General	1	0	One

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Bryan Schneider, Chairman
Wanda Rednour, Vice Chairman
Members of the Board

SUBJECT: AccuVote Update

DATE: January 7, 2010

At the November 25 meeting, the Board voted to approve the AccuVote modification that conforms with the provisions of Public Act 95-699, the undervote voter notification feature. This past month has produced considerable discussion among the election administration community regarding this statutory provision and the undervote feature.

For your information I have attached two letters that offer one point of view shared by some election officials.

Attachments



Daniel White, Executive Director
Illinois State Board of Elections
100 W Randolph St Suite 14-100
Chicago Ill 60601
Dwhite@elections.il.gov

Steve Sandvoss, General Counsel
Illinois State Board of Elections
1020 S Spring St
Springfield Ill 62704
SSandvoss@elections.il.gov

Via: email and Postal

Dear Sirs:

In regards to the “under-vote” provisions of Public Act 95-699 now codified at 10 ILCS 5/24B-16(e-5). Rock Island County uses the “Accu-Vote” Optical scan voting for over 95% of the voters in the County.

As the Election Authority for Rock Island County, I am charged with assuring that all elections are run accurately and, therefore, must see that all precautions are taken to preserve the integrity of the election process.

The changes that have been made in the firmware, to allow the Accu-Vote to comply with the under-vote provision, do not comply with the law. It also has not been properly tested, as prescribed by the Federal Election Commission or the Illinois State Board of Elections (SBE).

In my testing, it was found that the modified firmware would cause the Accu-Vote to lock up when battery powered. By running the Accu-vote circuitry underpowered it may result in a complete hardware failure. Representatives of ES&S have stated that we are working with old firmware that was never designed to do what we are now asking of it.

The SBE has advised that, if the equipment locks up, we should instruct our Election Judges to have the voters put their ballots into the auxiliary bin until power is restored. Or, if electricity is not restored, Judges should return the ballots to the Election Authority for a central count. This process would completely by-pass checking for over-votes and blank ballots, the very purpose for which the Help America Vote Act was intended.

It was also brought out at the SBE Board meeting on October 20, 2009, in a discussion between the SBE and representatives of ES&S, that this change in firmware, when installed, would (in their words) unleash a “bug” in the tabulation software that could cause additional problems with the Accu-Vote equipment.

RICHARD “DICK” LEIBOVITZ
COUNTY CLERK

OFFICE OF
COUNTY CLERK
Rock Island County, Illinois
1504 Third Avenue, Rock Island, IL 61201
Phone: (309) 551-7900 (309) 786-7381
ricoc st

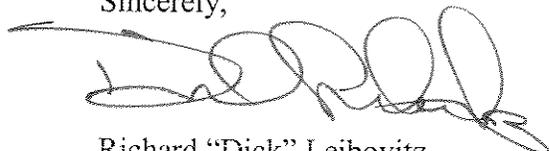
PATRICK J. BRANDLE
CHIEF DEPUTY

This firmware modification, would also affect the voting process in jurisdictions using differing equipment for election of a non-constitutional office running in multiple counties.

In addition, the firmware modification will unavoidably compromise ballot secrecy, as provided by in the Illinois Constitution. Everyone in a polling place will know if a voter did or did not vote for any race in which a candidate is running unopposed.

Having knowledge of the above facts and inequities, I cannot fulfill my duty as an Election Authority if I were to comply with the under-vote provision by installing defective, untested firmware that will compromise the integrity of the voting process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Leibovitz', written over a horizontal line.

Richard "Dick" Leibovitz
Rock Island County Clerk

Cc: Jeff Terronez, Rock Island County States Attorney
Jim Bohnsack, Rock Island County Board Chairman
Bryan Schneider, State Board of Elections Board Member Chairman
Albert Porter, State Board of Elections Board Member
Jesse R. Smart, State Board of Elections Board Member
Wanda L. Rednour, State Board of Elections Board Member
Robert J. Walters, State Board of Elections Board Member
Patrick A. Brady, State Board of Elections Board Member
William M. McGuffage, State Board of Elections Board Member
John R. Keith, State Board of Elections Board Member



OFFICE OF
KATHERINE C. SCHULTZ
McHENRY COUNTY CLERK
McHENRY COUNTY GOVERNMENT CENTER
2200 N. SEMINARY AVENUE
WOODSTOCK, ILLINOIS 60098
PHONE 815/334-4242 • FAX 815/334-8727
E-MAIL countyclerk@co.mchenry.il.us

December 23, 2009

SENT VIA E-MAIL AND REGULAR MAIL

Mr. Daniel W. White, Executive Director
Illinois State Board of Elections
100 W. Randolph Street, Suite 14-100
Chicago, IL 60601
DWhite@elections.il.gov

Mr. Ken Menzel, Esquire
Illinois State Board of Elections
100 W. Randolph Street, Suite 14-100
Chicago, IL 60601
KMenzel@elections.il.gov

Mr. Steve Sandvoss, General Counsel
Illinois State Board of Elections
1020 S. Spring Street
Springfield IL 62704
SSandvoss@elections.il.gov

Dear Sirs:

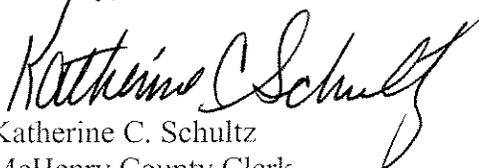
I am writing to inform you of my intentions relative to the implementation of the “under-vote” provisions of Public Act 95-699 now codified at 10 ILCS 5/24B-16(e-5), hereinafter (“under-vote provisions”) in the upcoming February 2, 2010 General Primary Election. The County of McHenry predominately utilizes the “Accu-Vote” voting machines; however, it also owns a limited number of “Touch Screen” voting machines. The County can only provide one “Touch Screen” voting machine per voting site. The “Touch Screen” voting machines can comply with the under-vote provisions and will be utilized to the greatest extent possible.

However, as you know, the “Accu-Vote” voting machines were not originally designed to comply with the under-vote provisions. As you are undoubtedly likewise aware, the Illinois State Board of Elections, on the day before Thanksgiving, certified the “proposed fix” to the “Accu-Vote” voting machines. Thus, there is simply not enough time to adequately install the “proposed fix” in each “Accu-Vote” voting machine and then undertake an appropriate testing procedure to insure that votes are tabulated correctly throughout McHenry County. In addition, I am aware of unique problems with the “proposed fix” in McHenry County that could lock voting machines and cause a loss of confidence in the electoral process.

I am charged with the statutory duty to administer voting and election procedures in McHenry County in accordance with the Constitutional requirement that all elections be free and equal and conducted fairly. In addition, I have taken an oath pursuant to Article XIII Section 3 of the Illinois Constitution wherein I did solemnly swear that I would support the Constitution of the United States, and the Constitution of the State of Illinois, and that I would faithfully discharge the duties of the office of McHenry County Clerk to the best of my ability. Therefore, I am obligated to not take any action which I believe could vitiate the fundamental fairness of the upcoming February 2, 2010 General Primary Election.

In light of the above facts I cannot authorize the use of the "proposed fix" of recent vintage in the "Accu-Vote" voting machines, and am duty bound to not fully comply with the "under-vote" provisions of Public Act 95-699 for the upcoming February 2, 2010 General Primary Election as it pertains to our "Accu-Vote" voting machines.

Sincerely,



Katherine C. Schultz
McHenry County Clerk

KCS/

Cc: Louis A. Bianchi, McHenry County State's Attorney
Peter Austin, McHenry County Administrator for McHenry County Board

INTEROFFICE MEMORANDUM

To: Dan White, Executive Director
From: Dianne Felts, Director of Voting Systems and Standards (VOSS)
Subject: General Primary Pre-tests
Date: January 6, 2010

Staff has chosen four counties to conduct pre-tests for the February General Primary.

They are Alexander, Brown, Pulaski and Scott.

Alexander and Brown counties use the M-100 in-precinct tabulator on election day along with the Auto-MARK for the disabled voters. Both jurisdictions have two very newly appointed clerks.

Pulaski and Scott counties use the Accu-Vote in-precinct tabulator on election day along with the direct recording electronic TSX for the disabled voters.

Staff will begin a day of testing on the 8th of January. The last test is scheduled for January 21st.

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Bryan Schneider, Chairman
Wanda Rednour, Vice Chairman
Members of the Board

SUBJECT: Election Day Contingency Plan

DATE: January 7, 2010

Two years ago in preparation for the earliest primary in Illinois history, we developed an advisory memorandum and contingency plan overview to assist election authorities in the event of an election day emergency or disaster.

Attached for your information is an updated copy of the memorandum and contingency plan overview that has been sent to all election authorities.

Attachments

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

To: Illinois Election Authorities
From: Daniel W. White, Executive Director
Re: Election Day Contingency Plan
Date: January 7, 2010

Two years ago, we addressed the issue of inclement weather forcing closure of polling places and the possibility of postponement of the February Primary Election. In response, we developed an advisory memorandum and steps to be taken to prepare for a natural disaster or other emergency event that may force disruption of the election process.

We have updated the memorandum and it is offered for your review and election planning.

DWW/alc
Attachment

**STATE BOARD OF ELECTIONS
ADVISORY MEMORANDUM
ON
CANCELLATION OR POSTPONEMENT OF AN ELECTION**

There is no federal authority to direct cancellation or postponement of an election, state or federal.

In addition, there are no provisions in Illinois statutes that allow for the emergency postponement of an election. While other states have provisions that permit an official such as the Governor, Secretary of State, or Chief Election Official to declare an emergency and postpone an election, Illinois law is silent on this issue. The Governor does have authority to declare emergencies in specific instances for disaster relief or establishing a temporary seat of government, but not for elections.

The only section of the election code that remotely addresses this issue is contained in Section 18A-5(3) which makes general reference to provisional voting and suggests that a federal or state court order may extend the time for closing the polls beyond the time period established by state law.

As a precautionary measure, we suggest you consult with your local state's attorney or legal counsel and that jurisdictions have a pleading prepared in advance and a judge standing by for expedited action in the event of extraordinary circumstances.

In the absence of any direct statutory authority to close or postpone elections, the SBE offers the following information in the name of statewide uniformity, preparedness, and guidance in the event of a disaster or emergency.

The following is intended to assist in planning for emergencies that may impact Election Day operations. Much of the information provided has been gleaned from the best practices and procedures of other states and contingency and disaster planning publications from the U.S. Election Assistance Commission.

Each election jurisdiction should develop some type of a contingency or Disaster Recovery Plan (DRP) that addresses what to do in case of an emergency on Election Day. The plan should seek to ensure the continuity of the election process by anticipating, assessing, and managing potential problems.

Below is a summary overview of matters to consider in planning for an emergency Election Day situation and suggestions for establishing a DRP.

- There is no way one can totally prepare for an election day disaster, however, one of the most important and useful tools is development of a ready listing of emergency telephone numbers, faxes and emails addresses of key staff and contacts including your local Emergency Management/Disaster Agency, law enforcement, fire and medical services. Also check to see if your jurisdiction (county/city) has a DRP.
- Have a ready supply of emergency and backup supplies, including backup power sources.
- Have a back-up listing of alternative polling places.
- Back-up voting equipment.
- Listing of emergency back-up poll workers.
- Back-up communication generator, cell phones.
- Access to four wheel drive emergency vehicles.
- Alternative Election Central location.
- Plans to alert voters and news media to election polling places changes and other announcements.
- Provide instructions for judges of election in the event of power outages during Election Day.
- Operational procedures in the event of a bomb threat.
- Examine storage facilities utilized for computer systems and voting systems.
- Establish evacuation procedures in your office for staff to follow.
- Be prepared to respond to media and arrange for press conference.
- Contact your election vendor to inquire if they have an emergency plan in place.
- Develop a complete “to-do” check list of items to be performed. Review and update regularly.

The above listing is by no means exhaustive and intended only as a helpful tool for beginning your Election Day contingency planning.

We hope that you find the above information useful in preparing for the 2010 elections.

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Members of the SBE Advisory Committee

SUBJECT: Meeting

DATE: January 11, 2010

Attached you will find an agenda for the meeting of the SBE Advisory Committee on Tuesday, January 19, 2010 scheduled to begin at 9:30 a.m. in our Springfield office.

In addition to the agenda items listed feel free to bring anything else to the table, and hopefully we will have time to discuss any and all items of concern to you during the course of the meeting.

We look forward to seeing you on the 19th.

Attachments

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
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EXECUTIVE DIRECTOR
Daniel W. White

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

ADVISORY COMMITTEE
AGENDA

Tuesday, January 19, 2010
9:30 a.m.
1020 S. Spring Street
Springfield, Illinois

1. February 2, 2010 Primary Election Update.
2. Statewide database update.
3. Legislation.
4. Other business.
5. Next meeting.

The State Board of Elections Regular monthly meeting will begin at 10:30 a.m.

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Bryan Schneider, Chairman
Wanda Rednour, Vice Chairman
Members of the Board

SUBJECT: Legislative Update

DATE: January 6, 2010

The legislature is scheduled to meet three days in January (calendar attached). Cris had been active drafting our legislative proposals and securing sponsorship.

We will have an oral update report at the Board meeting.

Attachment



ILLINOIS HOUSE OF REPRESENTATIVES
 96th General Assembly
 Michael J. Madigan, Speaker

January 2010

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

IMPORTANT DATES

15—House Deadline LRB Requests

S—Senate in Session

Jurisdiction	June	July	August	September	October	November	December	January	Oldest Match Date
Adams County	226	209	188	135	123	105	76	3	2/6/2009
Alexander County	228	221	190	150	152	148	147	127	2/6/2009
Bond County	188	181	148	127	125	105	96	21	2/6/2009
Boone County	450	399	327	96	28	21	16	15	2/6/2009
Brown County	5	3	6	1	3	1	2	0	n/a
Bureau County	240	226	178	143	132	126	124	4	2/6/2009
Calhoun County	6	6	6	12	8	5	5	1	8/27/2009
Carroll County	124	115	87	63	59	45	27	2	2/6/2009
Cass County	49	43	30	26	25	25	22	1	9/25/2009
Champaign County	206	203	200	35	16	17	7	6	2/6/2009
Christian County	40	5	3	4	1	3	3	1	10/2/2009
Clark County	47	33	24	15	14	14	13	12	2/6/2009
Clay County	127	123	129	115	99	59	59	58	2/6/2009
Clinton County	119	119	105	57	48	39	39	12	2/6/2009
Coles County	344	314	431	191	164	138	107	29	2/6/2009
Cook County	18388	15,898	15,007	12,375	7,086	2,792	2,544	991	2/6/2009
Crawford County	168	160	158	140	137	121	121	71	2/6/2009
Cumberland County	46	44	30	14	10	4	5	2	10/23/2009
DeKalb County	707	567	333	249	210	174	127	63	2/6/2009
DeWitt County	254	217	189	143	134	126	127	104	2/6/2009
Douglas County	15	10	9	2	1	0	0	0	n/a
DuPage County	1906	1,673	1604	1398	709	570	462	198	2/6/2009
Edgar County	23	20	18	10	12	14	13	9	2/6/2009
Edwards County	14	13	2	4	6	4	3	4	2/6/2009
Effingham County	57	48	52	14	1	1	1	2	11/13/2009
Fayette County	370	351	308	232	198	163	157	18	2/6/2009
Ford County	92	84	44	15	4	5	5	2	2/6/2009
Franklin County	261	247	206	173	147	123	111	70	2/6/2009
Fulton County	164	141	79	29	10	3	2	2	2/6/2009
Gallatin County	1	1	0	0	0	0	0	0	n/a
Greene County	28	28	33	19	12	4	3	5	2/6/2009
Grundy County	318	230	57	41	36	14	14	13	2/6/2009
Hamilton County	7	3	5	0	0	0	0	0	n/a

Hancock County	13	11	8	10	10	11	5	1	1	2/6/2009
Hardin County	19	12	9	3	3	3	3	1	1	5/26/2009
Henderson County	8	2	1	1	0	0	0	0	0	n/a
Henry County	447	414	171	94	89	82	81	30	30	2/6/2009
Iroquois County	179	166	30	24	19	15	17	2	2	2/6/2009
Jackson County	434	402	350	303	274	253	232	60	60	2/6/2009
Jasper County	36	36	38	30	28	25	23	16	16	2/6/2009
Jefferson County	143	116	87	38	29	15	13	0	0	n/a
Jersey County	348	302	91	58	16	9	9	6	6	2/6/2009
JoDaviness County	12	12	3	2	1	0	0	0	0	n/a
Johnson County	8	9	14	4	2	2	3	0	0	n/a
Kane County	1135	951	739	535	110	71	73	36	36	2/6/2009
Kankakee County	45	43	55	73	57	44	40	12	12	2/6/2009
Kendall County	762	403	236	181	123	71	66	41	41	2/6/2009
Knox County	167	146	93	79	66	43	42	2	2	5/26/2009
Lake County	3340	2,619	1988	1569	660	581	510	77	77	2/6/2009
LaSalle County	367	334	295	179	192	171	165	44	44	2/6/2009
Lawrence County	102	89	91	84	62	60	60	14	14	2/6/2009
Lee County	197	152	13	16	6	2	3	1	1	10/23/2009
Livingston County	51	15	15	12	6	2	2	1	1	9/11/2009
Logan County	214	193	60	53	23	22	20	18	18	2/6/2009
Macon County	560	294	211	103	39	14	12	1	1	2/6/2009
Macoupin County	387	221	79	20	8	5	4	6	6	2/6/2009
Madison County	1228	1,055	193	141	79	49	45	10	10	2/6/2009
Marion County	468	457	375	120	116	98	95	33	33	2/6/2009
Marshall County	90	75	19	2	3	5	5	4	4	10/30/2009
Mason County	17	7	1	0	0	0	0	0	0	n/a
Massac County	78	57	51	27	26	25	23	14	14	2/6/2009
McDonough County	218	197	129	80	57	30	18	4	4	2/6/2009
McHenry County	2042	1,399	853	672	0	15	23	49	49	10/16/2009
McLean County	924	851	749	526	433	422	402	303	303	2/6/2009
Menard County	124	101	51	47	49	50	42	38	38	2/6/2009
Mercer County	182	176	168	162	168	157	154	136	136	2/6/2009
Monroe County	92	89	71	42	20	8	5	4	4	2/6/2009

Montgomery County	41	36	12	6	10	7	8	1	10/16/2009
Morgan County	149	121	54	24	9	5	4	3	6/12/2009
Moultrie County	7	6	5	0	0	0	0	0	n/a
Ogle County	803	624	135	77	6	5	3	0	n/a
Peoria County	416	281	156	78	70	11	10	7	2/6/2009
Perry County	4	2	3	0	1	1	1	0	n/a
Piatt County	57	49	12	5	3	2	3	1	2/6/2009
Pike County	97	91	71	41	26	13	15	7	2/6/2009
Pope County	7	7	7	5	2	2	3	0	n/a
Pulaski County	113	109	78	28	31	31	31	33	2/6/2009
Putnam County	8	1	2	1	0	0	0	0	n/a
Randolph County	53	54	7	4	3	1	0	0	n/a
Richland County	180	167	163	140	116	14	13	13	2/6/2009
Rock Island County	455	436	374	331	326	330	330	132	2/6/2009
Saline County	21	5	2	1	0	0	0	0	n/a
Sangamon County	463	350	230	199	183	186	173	99	2/6/2009
Schuyler County	26	10	2	1	3	0	0	0	n/a
Scott County	15	3	7	1	2	1	1	1	10/7/2009
Shelby County	46	25	15	12	0	1	1	0	n/a
Stark County	45	38	28	13	10	4	1	0	n/a
St. Clair County	1200	1,123	560	360	190	149	135	66	2/6/2009
Stephenson County	216	180	114	98	80	77	58	9	2/6/2009
Tazewell County	387	248	118	64	52	19	4	0	n/a
Union County	116	112	101	94	90	82	81	59	2/6/2009
Vermilion County	40	36	27	22	17	15	14	8	2/6/2009
Wabash County	26	13	8	8	5	5	5	1	8/27/2009
Warren County	64	61	59	48	13	3	3	1	9/25/2009
Washington County	243	240	68	15	13	9	9	6	2/6/2009
Wayne County	86	87	83	67	65	21	23	24	2/6/2009
White County	24	23	20	5	2	3	1	0	n/a
Whiteside County	137	62	38	35	26	15	15	13	2/6/2009
Will County	5598	4,455	3412	2912	2278	1388	992	68	2/6/2009
Williamson County	376	359	312	247	200	137	108	65	2/6/2009
Winnebago County	1001	812	596	367	245	230	102	21	2/6/2009

Woodford County	87	65	13	6	0	0	0	0	0	n/a
City of Aurora	239	194	135	134	32	20	21	2	2	2/6/2009
City of Bloomington	347	324	251	202	142	138	116	59	59	2/6/2009
City of Chicago	14655	11,478	11015	9273	6530	3415	2739	840	840	2/6/2009
City of Danville	13	7	3	2	1	2	1	1	1	2/6/2009
City of East St. Louis	433	421	137	128	66	56	52	40	40	2/6/2009
City of Galesburg	99	90	37	37	30	24	25	2	2	2/6/2009
City of Peoria	848	485	35	1	1	3	0	0	0	n/a
City of Rockford	466	399	291	173	115	106	54	11	11	2/6/2009
	69312	57,030	46,319	36,583	23,478	13,860	11,788	4,403	4,403	

STATE BOARD OF ELECTIONS

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

Sharon Steward

Director, Division of Campaign Disclosure

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

Re: Campaign Disclosure Seminar

Date: December 29, 2009

The Campaign Disclosure Seminar was held on December 12, 2009. Presentations and discussions were limited to the current law since that will still be in effect for the February 2nd Primary Election. Assuming no news is good news, apparently all went well technologically at the downlink locations. The seminar is archived on the Board website. Attached is the Flyer with the list of downlink locations.

In addition to the various downlink locations, the presentation was available in streaming video on any computer with access to the internet. We are certain that some people availed themselves of this opportunity, as some of the questions came from callers watching and listening on their home computers.



*ILLINOIS STATE BOARD OF ELECTIONS
PROUDLY PRESENTS*

CAMPAIGN DISCLOSURE SEMINAR December 12, 2009

Via satellite downlink for new and existing
Political Committees and Candidates

December 12, 2009
10:00 AM to 12:00 PM

Located at 11 sites statewide (see reverse side for listings). More locations will be added if they become available. Please check the State Board of Elections website for location updates.

What is a downlink seminar?

Here you will have the opportunity to simultaneously view the same presentation seen by other committees and candidates around the state. There is no cost to attend the seminar and no pre-registration is necessary. The presentation is broadcast from a central location and immediately following is a live question and answer session based on calls we receive from you (hotlines are provided at all locations). The seminar may also be viewed from any computer as a streaming video presentation. Please go to our home page, www.elections.il.gov and click on the "Campaign Disclosure" tab. A link will be provided that takes you to the streaming video broadcast.

What you will learn about:

- 📖 The Campaign Disclosure Act and its' most recent changes
- 📖 What you need to know for reporting in order to comply with the Act (Please review the forms you received in your most recent packet or on our website before attending.)
- 📖 Your option to file electronically using IDIS (Please note: This is not an electronic filing workshop.)

To download the IDIS software for electronic filing click here:
www.elections.il.gov/CampaignDisclosure/IDISElecFiling.aspx

All other forms & brochures may be found here:
www.elections.il.gov/CampaignDisclosure/PoliticalCommittee.aspx

Please call Sue Klos at (217) 782-1543 for information on site locations or if you have any questions about the seminar. Please check our website for any changes/additions to the downlink site locations.

***CAMPAIGN DISCLOSURE SEMINAR
DOWNLINK LOCATIONS***

**December 12, 2009
10:00 am – 12:00 pm**

Cook County

Prairie State College
202 S. Halsted Street
Auditorium
Chicago Heights, IL 60411

Champaign County

Champaign Co. Clerk's Office
1776 E Washington St
County Board Meeting Room
Urbana, IL 61802

DuPage County

College of DuPage
425 Fawell Blvd.
Room OCC106
Glen Ellyn, IL 60137

Kane County

Elgin Community College
1700 Spartan Drive
Training Room UBC 103
Elgin, IL 60123

Lake County

College of Lake County
19351 W. Washington
Room C-003
Grayslake, IL 60030

McHenry County

McHenry County College
8900 US Highway 14
Room B168-169
Crystal Lake, IL 60012

McLean County

McLean County Clerk's Office
115 E Washington, Room 400
Bloomington, IL 61701

Sangamon County

State Board of Elections
1020 S Spring Street
Board Room
Springfield, IL 62704

Will County

Joliet Junior College
1215 Houbolt Rd.
TV Studio J-3011
Joliet, IL 60431

Williamson County

John A. Logan College
700 Logan College Rd.
Room C138
Carterville, IL 62918

Winnebago County

Rock Valley College
3301 N. Mulford Rd.
Student Center Room 1224
Rockford, IL 61114

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Bryan Schneider, Chairman
Wanda Rednour, Vice Chairman
Members of the Board

SUBJECT: FY10 Fiscal Status Reports

DATE: January 7, 2010

As you recall, the November fiscal reports were unavailable at the time of the early December meeting. Please find following the monthly status reports for November and December.

At the midpoint in FY10 expenditures are within anticipated projections.

Attachments

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

<u>AGENCY TOTALS</u> <u>MONTH ENDING: November 30, 2009</u>	<u>FY10</u> <u>APPROPRIATION</u>	<u>YEAR TO DATE</u> <u>EXPENDITURE</u>	<u>OBLIGATED</u> <u>MONEY</u>	<u>BALANCE</u>	<u>% OF</u> <u>EXPENDITURE</u>
PERSONAL SERVICE	\$4,023,000.00	\$1,419,456.98	\$0.00	\$2,603,543.02	35.28%
STATE PAID RETIREMENT	\$161,100.00	\$54,864.46	\$0.00	\$106,235.54	34.06%
RETIREMENT (inc. supplemental)					
SOCIAL SECURITY	\$307,900.00	\$103,593.16	\$0.00	\$204,306.84	33.65%
CONTRACTUAL SERVICE	\$1,100,600.00	\$259,547.56	\$312,604.17	\$528,448.27	23.58%
TRAVEL	\$121,900.00	\$25,651.54	\$0.00	\$96,248.46	21.04%
PRINTING	\$44,500.00	\$8,683.12	\$0.00	\$35,816.88	19.51%
COMMODITIES	\$37,600.00	\$16,829.68	\$0.00	\$20,770.32	44.76%
EQUIPMENT	\$261,500.00	\$50,831.05	\$250.00	\$210,418.95	19.44%
TELECOMMUNICATIONS	\$142,100.00	\$26,703.80	\$0.00	\$115,396.20	18.79%
OPERATION OF AUTO EQUIPMENT	\$4,400.00	\$642.77	\$0.00	\$3,757.23	14.61%
HAVA MAINTENANCE OF EFFORT	\$550,000.00	\$261,239.00	\$0.00	\$288,761.00	47.50%
ELECTION CODE BOOKS	\$15,000.00	\$0.00	\$0.00	\$15,000.00	0.00%
SUB-TOTAL (OPERATIONS)	\$6,769,600.00	\$2,228,043.12	\$312,854.17	\$4,228,702.71	32.91%
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	\$91,302.88	\$0.00	\$1,495,997.12	5.75%
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	\$91,302.88	\$0.00	\$5,489,397.12	1.64%
TOTAL APPROPRIATION	\$12,350,300.00	\$2,319,346.00	\$312,854.17	\$9,718,099.83	18.78%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

BOARD	FY10	YEAR TO DATE		% OF
MONTH ENDING: November 30, 2009	APPROPRIATION	EXPENDITURE	BALANCE	EXPENDITURE
CONTRACTUAL SERVICE				
1205 Freight Express & Drayage	\$2,500.00	\$587.21	\$1,912.79	23.49%
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	\$16,800.00	\$3,728.50	\$13,071.50	22.19%
1274 Reg. Fees & Conf. Expenses (Vendor)	\$500.00	\$480.00	\$20.00	96.00%
1275 Subscriptions				
1276 Reg. Fees & Conf. Expenses (Employee)	\$100.00	\$0.00	\$100.00	0.00%
1277 Association Dues			\$0.00	0.00%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	\$100.00	\$0.00	\$100.00	0.00%
1286 Travel, Non-State Employee			\$0.00	0.00%
1289 Contractual Services, NEC	\$200.00	\$130.50	\$69.50	65.25%
TRAVEL	\$19,000.00	\$5,027.89	\$13,972.11	26.46%
EQUIPMENT				
1510 Office Furniture & Equipment	\$700.00	\$0.00	\$700.00	0.00%

BOARD GRAND TOTAL	FY10	YEAR TO DATE	OBLIGATED	BALANCE
	APPROPRIATION	EXPENDITURE	MONEY	
CONTRACTUAL SERVICE	\$21,200.00	\$5,926.21		\$15,273.79
TRAVEL	\$19,000.00	\$5,027.89		\$13,972.11
EQUIPMENT	\$700.00	\$0.00		\$700.00
TOTAL	\$40,900.00	\$10,954.10	\$0.00	\$29,945.90

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

ADMINISTRATION MONTH ENDING: November 30, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$699,600.00	\$253,616.73	\$445,983.27	36.25%
1129 State Paid Retirement	\$28,100.00	\$10,136.98	\$17,963.02	36.07%
1161 Retirement				
1161-008 Compt. Supplemental Retirement				
1170 Social Security	\$53,600.00	\$17,748.27	\$35,851.73	33.11%
CONTRACTUAL SERVICE				
1201 Petty Cash	\$500.00	\$0.00	\$500.00	0.00%
1205 Freight Express & Drayage	\$700.00	\$12.00	\$688.00	1.71%
1221 Repair/Maint. Furn./Office Equipment	\$12,500.00	\$4,280.23	\$8,219.77	34.24%
1223 Repair/Maint. Real Property	\$4,500.00	\$0.00	\$4,500.00	0.00%
1230 In-House Repair & Maintenance				
1231 Rental, Office Equipment	\$30,600.00	\$4,825.23	\$25,774.77	15.77%
1232 Rental, Motor Vehicles	\$4,600.00	\$2,300.00	\$2,300.00	50.00%
1233 Rental, Real Property	\$206,300.00	\$102,255.90	\$104,044.10	49.57%
1234 Rental, Machinery & Mechanical Eqmt				
1239 Rental, NEC	\$1,400.00	\$0.00	\$1,400.00	0.00%
1240 Statistical & Tabulation Services	\$10,000.00	\$4,103.95	\$5,896.05	41.04%
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	\$798.78	\$8,701.22	8.41%
1252 Electricity	\$52,000.00	\$20,450.27	\$31,549.73	39.33%
1253 Water	\$1,000.00	\$293.00	\$707.00	29.30%
1255 Utilities, NEC	\$700.00	\$201.74	\$498.26	28.82%
1261 Postage	\$64,000.00	\$21,525.84	\$42,474.16	33.63%
1266 Court Reporting	\$800.00	\$0.00	\$800.00	0.00%
1274 Reg Fees & Conf. Expenses (Vendor)				
1275 Subscription & Information Services	\$2,500.00	\$901.50	\$1,598.50	36.06%
1276 Reg. Fees & Conf. Expenses (Employee)	\$1,000.00	\$0.00	\$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	\$0.00	\$100.00	0.00%
1289 Contractual Services, NEC	\$1,300.00	\$0.00	\$1,300.00	0.00%
TRAVEL				
1291 In-State	\$18,000.00	\$3,583.92	\$14,416.08	19.91%
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	\$4,859.30	\$9,140.70	34.71%
1391 Household & Cleaning Supplies	\$2,000.00	\$698.34	\$1,301.66	34.92%
1394 Office/Library Equip., Not exc. \$100				
1398 Equipment, NEC	\$700.00	\$0.00	\$700.00	0.00%
1399 Commodities, NEC	\$400.00	\$121.00	\$279.00	30.25%
EQUIPMENT				
1510 Office Furniture & Equipment	\$2,100.00	\$443.52	\$1,656.48	21.12%
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	\$1,728.00	\$1,972.00	46.70%
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	\$622.77	\$2,077.23	23.07%
1899 Auto. Expenses, NEC				
ADMINISTRATION GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	% OF BALANCE EXPENDITURE
PERSONAL SERVICE	\$699,600.00	\$253,616.73	\$445,983.27	36.25%
STATE PAID RETIREMENT	\$28,100.00	\$10,136.98	\$17,963.02	36.07%
RETIREMENT (incl. supplemental funding)	\$0.00	\$0.00	\$0.00	0.00%
SOCIAL SECURITY	\$53,600.00	\$17,748.27	\$35,851.73	33.11%
CONTRACTUAL SERVICE	\$424,200.00	\$164,994.62	\$103,960.15	38.90%
TRAVEL	\$19,800.00	\$3,583.92	\$16,216.08	18.10%
PRINTING	\$10,900.00	\$205.30	\$10,694.70	1.88%
COMMODITIES	\$17,100.00	\$5,678.64	\$11,421.36	33.21%
EQUIPMENT	\$3,100.00	\$443.52	\$2,656.48	14.31%
TELECOMMUNICATIONS	\$142,100.00	\$26,703.80	\$115,396.20	18.79%
OPERATION OF AUTO EQUIPMENT	\$4,400.00	\$642.77	\$3,757.23	14.61%
TOTAL	\$1,402,900.00	\$483,754.55	\$103,960.15	\$815,185.30 34.48%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

ELECTIONS MONTH ENDING: November 30, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$1,567,000.00	\$555,898.49	\$1,011,101.51	35.48%
1129 State Paid Retirement	\$62,700.00	\$21,611.52	\$41,088.48	34.47%
1161 Retirement				
1161-008 Compt. Supplemental Retirement				
1170 Social Security	\$119,800.00	\$40,891.83	\$78,908.17	34.13%
CONTRACTUAL SERVICE				
1145 Contractual Payroll				
1205 Freight Express & Drayage	\$4,800.00	\$161.32	\$4,638.68	3.36%
1221 Repair/Maint. Furn./Office Equipment	\$200.00	\$0.00	\$200.00	0.00%
1231 Rental, Office Equipment				
1232 Rental, Motor Vehicles				
1237 Rental, Film & Audio/Visual Aids	\$100.00	\$0.00	\$100.00	0.00%
1239 Rental, NEC	\$2,200.00	\$720.00	\$1,480.00	32.73%
1242 Auditing & Management Services				
1245 Professional & Artistic Services, NEC	\$40,000.00	\$0.00	\$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	\$0.00	\$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	\$140.00	\$1,760.00	7.37%
1279 Employee Tuition & Fees	\$2,500.00	\$0.00	\$2,500.00	0.00%
1280 Copying, Photographic & Printing Services	\$2,300.00	\$0.00	\$2,300.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1289 Contractual Services, NEC	\$16,500.00	\$6,424.02	\$10,075.98	38.93%
TRAVEL	\$48,400.00	\$10,154.96	\$38,245.04	20.98%
PRINTING	\$23,700.00	\$5,997.82	\$17,702.18	25.31%
EQUIPMENT				
1510 Office Furniture & Equipment	\$4,300.00	\$0.00	\$4,300.00	0.00%
HAVA - Maintenance of Effort	\$550,000.00	\$261,239.00	\$288,761.00	47.50%
ELECTION CODE BOOKS	\$15,000.00	\$0.00	\$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	\$555,898.49		\$1,011,101.51	35.48%
STATE PAID RETIREMENT	\$62,700.00	\$21,611.52		\$41,088.48	34.47%
RETIREMENT (incl. supplemental funding)					
SOCIAL SECURITY	\$119,800.00	\$40,891.83		\$78,908.17	34.13%
CONTRACTUAL SERVICE	\$76,900.00	\$7,665.34	\$3,000.00	\$66,234.66	9.97%
TRAVEL	\$48,400.00	\$10,154.96		\$38,245.04	20.98%
PRINTING	\$23,700.00	\$5,997.82		\$17,702.18	25.31%
EQUIPMENT	\$4,300.00	\$0.00		\$4,300.00	0.00%
HAVA - Maintenance of Effort	\$550,000.00	\$261,239.00	\$0.00	\$288,761.00	47.50%
ELECTION CODE BOOKS	\$15,000.00	\$0.00		\$15,000.00	0.00%
TOTAL	\$2,467,800.00	\$903,458.96	\$3,000.00	\$1,561,341.04	36.61%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

GENERAL COUNSEL MONTH ENDING: November 30, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$284,600.00	\$107,205.21	\$177,394.79	37.67%
1129 State Paid Retirement	\$11,400.00	\$3,789.53	\$7,610.47	33.24%
1161 Retirement				
1170 Social Security	\$21,800.00	\$7,887.19	\$13,912.81	36.18%
CONTRACTUAL SERVICE				
1145 Contractual Payroll				
1205 Freight Express & Drayage	\$600.00	\$0.00	\$600.00	0.00%
1221 Repair/Maint. Furn./Office Equipment				
1244 Legal Fees	\$56,000.00	\$6,411.84	\$49,588.16	11.45%
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	\$416.65	\$3,083.35	11.90%
1276 Reg. Fees & Conf. Expenses (Employee)	\$1,500.00	\$0.00	\$1,500.00	0.00%
1277 Association Dues	\$1,500.00	\$289.00	\$1,211.00	19.27%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	\$600.00	\$0.00	\$600.00	0.00%
1284 Computer Software				
1289 Contractual Services, NEC	\$5,000.00	\$1,709.88	\$3,290.12	34.20%
TRAVEL	\$10,700.00	\$1,659.62	\$9,040.38	15.51%
EQUIPMENT				
1510 Office Furniture & Equipment	\$500.00	\$0.00	\$500.00	0.00%

GENERAL COUNSEL GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$284,600.00	\$107,205.21		\$177,394.79	37.67%
STATE PAID RETIREMENT	\$11,400.00	\$3,789.53		\$7,610.47	33.24%
RETIREMENT					
SOCIAL SECURITY	\$21,800.00	\$7,887.19		\$13,912.81	36.18%
CONTRACTUAL SERVICE	\$85,200.00	\$13,026.87	38,588.16	\$33,584.97	15.29%
TRAVEL	\$10,700.00	\$1,659.62		\$9,040.38	15.51%
EQUIPMENT	\$500.00	\$0.00		\$500.00	0.00%
TOTAL	\$414,200.00	\$133,568.42	\$38,588.16	\$242,043.42	32.25%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

CAMPAIGN DISCLOSURE MONTH ENDING: November 30, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$799,800.00	\$284,175.40	\$515,624.60	35.53%
1129 State Paid Retirement	\$32,000.00	\$10,808.42	\$21,191.58	33.78%
1161 Retirement				
1161-0008 Compt. Supplemental Retirement				
1170 Social Security	\$61,200.00	\$20,680.62	\$40,519.38	33.79%
CONTRACTUAL SERVICE				
1205 Freight Express & Drayage	\$100.00	\$0.00	\$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	\$0.00	\$3,500.00	0.00%
1245 Professional & Artistic Services, NEC	\$4,300.00	\$0.00	\$4,300.00	0.00%
1248 Building & Ground Maintenance				
1266 Court Reporting & Filing Services	\$600.00	\$0.00	\$600.00	0.00%
1274 Reg Fees & Conf. Expenses (Vendor)	\$900.00	\$480.00	\$420.00	53.33%
1275 Subscription & Information Services				
1276 Reg. Fees & Conf. Expenses (Employee)				
1277 Association Dues				
1279 Employee Tuition and Fees	\$600.00	\$0.00	\$600.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	\$500.00	\$0.00	\$500.00	0.00%
TRAVEL				
1291 In-State	\$8,000.00	\$2,082.30	\$5,917.70	26.03%
1292 Out-of-State	\$3,300.00	\$0.00	\$3,300.00	0.00%
PRINTING	\$9,200.00	\$2,480.00	\$6,720.00	26.96%
EQUIPMENT				
1510 Office Furniture & Equipment	\$9,300.00	\$443.52	\$8,856.48	4.77%

CAMPAIGN DISCLOSURE GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$799,800.00	\$284,175.40		\$515,624.60	35.53%
STATE PAID RETIREMENT	\$32,000.00	\$10,808.42		\$21,191.58	33.78%
RETIREMENT (incl. supplemental funding)					
SOCIAL SECURITY	\$61,200.00	\$20,680.62		\$40,519.38	33.79%
CONTRACTUAL SERVICE	\$11,100.00	\$1,009.00		\$10,091.00	9.09%
TRAVEL	\$11,300.00	\$2,082.30		\$9,217.70	18.43%
PRINTING	\$9,200.00	\$2,480.00		\$6,720.00	26.96%
EQUIPMENT	\$9,300.00	\$443.52		\$8,856.48	4.77%
TOTAL	\$933,900.00	\$321,679.26	\$0.00	\$612,220.74	34.44%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

INFORMATION TECHNOLOGY	FY10	YEAR TO DATE		% OF	
MONTH ENDING: November 30, 2009	APPROPRIATION	EXPENDITURE	BALANCE	EXPENDITURE	
PERSONAL SERVICE	\$672,000.00	\$218,561.15	\$453,438.85	32.52%	
1129 State Paid Retirement	\$26,900.00	\$8,518.01	\$18,381.99	31.67%	
1161 Retirement					
1161-0008 Compt. Supplemental Retirement					
1170 Social Security	\$51,500.00	\$16,385.25	\$35,114.75	31.82%	
CONTRACTUAL SERVICE					
1145 Contractual Payroll					
1205 Freight Express & Drayage					
1221 Repair/Maint. Furn./Office Equipment	\$13,000.00	\$0.00	\$13,000.00	0.00%	
1223 Repair/Maint. Real Property					
1225 Repair/Maint. EDP Equipment	\$32,000.00	\$212.50	\$31,787.50	0.66%	
1230 In-House Repair of Equipment					
1234 Rental, Machinery and Mech. Equip					
1239 Rental, NEC					
1242 Auditing & Management Services	\$340,000.00	\$64,357.05	\$275,642.95	18.93%	
1244 Legal Fees					
1245 Professional & Artistic Services, NEC					
1271 Surety Bond & Ins. Prem.	\$600.00	\$0.00	\$600.00	0.00%	
1272 Travel & Expense Reimbursement (Vendor)					
1274 Reg Fees & Conf. Expenses (Vendor)	\$6,000.00	\$0.00	\$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	\$2,095.00	\$2,905.00	41.90%	
1284 Computer Software	\$66,300.00	\$0.00	\$66,300.00	0.00%	
1285 Operating Taxes, Licenses & Fees					
1286 Travel, Non-State Employee					
1289 Contractual Services, NEC	\$16,000.00	\$0.00	\$16,000.00	0.00%	
TRAVEL					
1291 In-State	\$5,500.00	\$3,142.85	\$2,357.15	57.14%	
1292 Out-of-State	\$7,200.00	\$0.00	\$7,200.00	0.00%	
PRINTING	\$700.00	\$0.00			
COMMODITIES					
1304 Office/Library Supplies	\$20,200.00	\$10,888.05	\$9,311.95	53.90%	
1332 Industrial & Shop Materials					
1394 Office/Library Equip. under \$100					
1398 Equipment, NEC					
1399 Commodities, NEC	\$300.00	\$262.99	\$37.01	87.66%	
EQUIPMENT					
1510 Office Furniture & Equipment	\$32,000.00	\$0.00	\$32,000.00	0.00%	
1515 EDP Equipment	\$211,600.00	\$49,944.01	\$161,655.99	23.60%	
INFORMATION TECHNOLOGY GRAND TOTAL	FY10	YEAR TO DATE	OBLIGATED	% OF	
	APPROPRIATION	EXPENDITURE	MONEY	EXPENDITURE	
PERSONAL SERVICE	\$672,000.00	\$218,561.15	\$453,438.85	32.52%	
STATE PAID RETIREMENT	\$26,900.00	\$8,518.01	\$18,381.99	31.67%	
RETIREMENT					
SOCIAL SECURITY	\$51,500.00	\$16,385.25	\$35,114.75	31.82%	
CONTRACTUAL SERVICE	\$482,000.00	\$66,925.52	\$167,055.86	13.88%	
TRAVEL	\$12,700.00	\$3,142.85	\$9,557.15	24.75%	
PRINTING	\$700.00	\$0.00	\$700.00	0.00%	
COMMODITIES	\$20,500.00	\$11,151.04	\$9,348.96	54.40%	
EQUIPMENT	\$243,600.00	\$49,944.01	\$193,405.99	20.50%	
TOTAL	\$1,509,900.00	\$374,627.83	\$167,305.86	\$967,966.31	24.81%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

<u>IVRS LUMP SUM</u> <u>MONTH ENDING: November 30, 2009</u>	<u>YEAR TO DATE</u> <u>EXPENDITURE</u>
PERSONAL SERVICE	\$82,166.44
1129 State Paid Retirement	\$3,071.71
1161 Retirement	
1170 Social Security	\$5,977.73
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	\$91,302.88
REMAINING LUMP SUM APPROPRIATION	\$1,495,997.12

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

AGENCY TOTALS MONTH ENDING: December 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$4,023,000.00	\$1,731,887.78	\$0.00	\$2,291,112.22	43.05%
STATE PAID RETIREMENT	\$161,100.00	\$66,795.35	\$0.00	\$94,304.65	41.46%
RETIREMENT (inc. supplemental)	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
SOCIAL SECURITY	\$307,900.00	\$126,491.07	\$0.00	\$181,408.93	41.08%
CONTRACTUAL SERVICE	\$1,100,600.00	\$344,989.26	\$264,741.79	\$490,868.95	31.35%
TRAVEL	\$121,900.00	\$43,096.32	\$0.00	\$78,803.68	35.35%
PRINTING	\$44,500.00	\$9,319.42	\$0.00	\$35,180.58	20.94%
COMMODITIES	\$37,600.00	\$18,918.27	\$0.00	\$18,681.73	50.31%
EQUIPMENT	\$261,500.00	\$51,160.19	\$250.00	\$210,089.81	19.56%
TELECOMMUNICATIONS	\$142,100.00	\$43,516.44	\$0.00	\$98,583.56	30.62%
OPERATION OF AUTO EQUIPMENT	\$4,400.00	\$783.15	\$0.00	\$3,616.85	17.80%
HAVA MAINTENANCE OF EFFORT	\$550,000.00	\$261,239.00	\$0.00	\$288,761.00	47.50%
ELECTION CODE BOOKS	\$15,000.00	\$0.00	\$0.00	\$15,000.00	0.00%
SUB-TOTAL (OPERATIONS)	\$6,769,600.00	\$2,698,196.25	\$264,991.79	\$3,806,411.96	39.86%
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	\$136,362.67	\$0.00	\$1,450,937.33	8.59%
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	\$136,362.67	\$0.00	\$5,444,337.33	2.44%
TOTAL APPROPRIATION	\$12,350,300.00	\$2,834,558.92	\$264,991.79	\$9,250,749.29	22.95%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

BOARD	FY10	YEAR TO DATE		% OF
MONTH ENDING: December 31, 2009	APPROPRIATION	EXPENDITURE	BALANCE	EXPENDITURE
CONTRACTUAL SERVICE				
1205 Freight Express & Drayage	\$2,450.00	\$745.80	\$1,704.20	30.44%
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	\$16,800.00	\$6,160.00	\$10,640.00	36.67%
1274 Reg. Fees & Conf. Expenses (Vendor)	\$500.00	\$480.00	\$20.00	96.00%
1275 Subscriptions				
1276 Reg. Fees & Conf. Expenses (Employee)	\$100.00	\$0.00	\$100.00	0.00%
1277 Association Dues			\$0.00	0.00%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	\$100.00	\$0.00	\$100.00	0.00%
1286 Travel, Non-State Employee			\$0.00	0.00%
1289 Contractual Services, NEC	\$250.00	\$209.00	\$41.00	83.60%
TRAVEL	\$19,000.00	\$9,106.53	\$9,893.47	47.93%
EQUIPMENT				
1510 Office Furniture & Equipment	\$700.00	\$0.00	\$700.00	0.00%

BOARD GRAND TOTAL	FY10	YEAR TO DATE	OBLIGATED	BALANCE
	APPROPRIATION	EXPENDITURE	MONEY	
CONTRACTUAL SERVICE	\$21,200.00	\$8,594.80		\$12,605.20
TRAVEL	\$19,000.00	\$9,106.53		\$9,893.47
EQUIPMENT	\$700.00	\$0.00		\$700.00
TOTAL	\$40,900.00	\$17,701.33	\$0.00	\$23,198.67

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

<u>ADMINISTRATION</u> <u>MONTH ENDING: December 31, 2009</u>	<u>FY10</u> <u>APPROPRIATION</u>	<u>YEAR TO DATE</u> <u>EXPENDITURE</u>	<u>BALANCE</u>	<u>% OF</u> <u>EXPENDITURE</u>
PERSONAL SERVICE	\$699,600.00	\$310,391.53	\$389,208.47	44.37%
1129 State Paid Retirement	\$28,100.00	\$12,362.20	\$15,737.80	43.99%
1161 Retirement	\$0.00	\$0.00	\$0.00	0.00%
1161-008 Compt. Supplemental Retirement	\$0.00	\$0.00	\$0.00	0.00%
1170 Social Security	\$53,600.00	\$21,602.76	\$31,997.24	40.30%
CONTRACTUAL SERVICE				
1201 Petty Cash	\$500.00	\$0.00	\$500.00	0.00%
1205 Freight Express & Drayage	\$700.00	\$12.00	\$688.00	1.71%
1221 Repair/Maint. Furn./Office Equipment	\$12,500.00	\$5,300.87	\$7,199.13	42.41%
1223 Repair/Maint. Real Property	\$4,500.00	\$0.00	\$4,500.00	0.00%
1230 In-House Repair & Maintenance				
1231 Rental, Office Equipment	\$30,600.00	\$4,984.32	\$25,615.68	16.29%
1232 Rental, Motor Vehicles	\$4,600.00	\$2,300.00	\$2,300.00	50.00%
1233 Rental, Real Property	\$206,300.00	\$119,298.55	\$87,001.45	57.83%
1234 Rental, Machinery & Mechanical Eqmt				
1239 Rental, NEC	\$1,400.00	\$410.00	\$990.00	29.29%
1240 Statistical & Tabulation Services	\$10,000.00	\$4,953.27	\$5,046.73	49.53%
1242 Auditing & Management Services	\$5,000.00	\$1,170.00	\$3,830.00	23.40%
1248 Building & Grounds Maintenance	\$13,000.00	\$841.67	\$12,158.33	6.47%
1251 Gas	\$9,500.00	\$1,415.55	\$8,084.45	14.90%
1252 Electricity	\$52,000.00	\$24,483.71	\$27,516.29	47.08%
1253 Water	\$1,000.00	\$353.29	\$646.71	35.33%
1255 Utilities, NEC	\$700.00	\$201.73	\$498.27	28.82%
1261 Postage	\$64,000.00	\$21,724.37	\$42,275.63	33.94%
1266 Court Reporting	\$800.00	\$0.00	\$800.00	0.00%
1274 Reg Fees & Conf. Expenses (Vendor)				
1275 Subscription & Information Services	\$2,500.00	\$1,591.10	\$908.90	63.64%
1276 Reg.Fees & Conf. Expenses (Employee)	\$1,000.00	\$0.00	\$1,000.00	0.00%
1277 Association Dues	\$2,200.00	\$1,695.00	\$505.00	77.05%
1281 Interviewee Expense - To Vendors				
1285 Taxes, Licenses & Fees	\$100.00	\$0.00	\$100.00	0.00%
1289 Contractual Services, NEC	\$1,300.00	\$0.00	\$1,300.00	0.00%
TRAVEL				
1291 In-State	\$18,000.00	\$6,161.58	\$11,838.42	34.23%
1292 Out-of-State	\$1,800.00	\$0.00	\$1,800.00	0.00%
PRINTING	\$10,900.00	\$205.30	\$10,694.70	1.88%
COMMODITIES				
1304 Office/Library Supplies	\$14,000.00	\$4,926.36	\$9,073.64	35.19%
1391 Household & Cleaning Supplies	\$2,000.00	\$902.39	\$1,097.61	45.12%
1394 Office/Library Equip., Not exc. \$100				
1398 Equipment, NEC	\$700.00	\$0.00	\$700.00	0.00%
1399 Commodities, NEC	\$400.00	\$121.00	\$279.00	30.25%
EQUIPMENT				
1510 Office Furniture & Equipment	\$2,100.00	\$443.52	\$1,656.48	21.12%
1599 Equipment NEC	\$1,000.00	\$0.00	\$1,000.00	0.00%
TELECOMMUNICATIONS				
1710 Repair/Maintenance Telecom				
1721 Rental, Telephone Serv. & Equip.	\$46,900.00	\$16,887.81	\$30,012.19	36.01%
1722 Rental, Data Comm. Serv. & Equip.	\$84,800.00	\$21,801.20	\$62,998.80	25.71%
1728 Videoconferencing	\$6,400.00	\$2,821.55	\$3,578.45	44.09%
1729 Rental, Other Comm. Serv. & Equip.	\$3,700.00	\$1,728.00	\$1,972.00	46.70%
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	\$0.00	\$200.00	0.00%
1896 Gasoline, Oil & Antifreeze	\$2,700.00	\$763.15	\$1,936.85	28.26%
1899 Auto. Expenses, NEC				
ADMINISTRATION GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	% OF EXPENDITURE
PERSONAL SERVICE	\$699,600.00	\$310,391.53	\$389,208.47	44.37%
STATE PAID RETIREMENT	\$28,100.00	\$12,362.20	\$15,737.80	43.99%
RETIREMENT (incl. supplemental funding)	\$0.00	\$0.00	\$0.00	0.00%
SOCIAL SECURITY	\$53,600.00	\$21,602.76	\$31,997.24	40.30%
CONTRACTUAL SERVICE	\$424,200.00	\$190,735.43	\$86,917.50	44.96%
TRAVEL	\$19,800.00	\$6,161.58	\$13,638.42	31.12%
PRINTING	\$10,900.00	\$205.30	\$10,694.70	1.88%
COMMODITIES	\$17,100.00	\$5,949.75	\$11,150.25	34.79%
EQUIPMENT	\$3,100.00	\$443.52	\$2,656.48	14.31%
TELECOMMUNICATIONS	\$142,100.00	\$43,516.44	\$98,583.56	30.62%
OPERATION OF AUTO EQUIPMENT	\$4,400.00	\$783.15	\$3,616.85	17.80%
TOTAL	\$1,402,900.00	\$592,151.66	\$86,917.50	\$723,830.84 42.21%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
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ELECTIONS MONTH ENDING: December 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$1,567,000.00	\$689,699.28	\$877,300.72	44.01%
1129 State Paid Retirement	\$62,700.00	\$26,608.13	\$36,091.87	42.44%
1161 Retirement	\$0.00	\$0.00	\$0.00	0.00%
1161-008 Compt. Supplemental Retirement	\$0.00	\$0.00	\$0.00	0.00%
1170 Social Security	\$119,800.00	\$50,797.82	\$69,002.18	42.40%
CONTRACTUAL SERVICE				
1145 Contractual Payroll				
1205 Freight Express & Drayage	\$4,800.00	\$161.32	\$4,638.68	3.36%
1221 Repair/Maint. Furn./Office Equipment	\$200.00	\$0.00	\$200.00	0.00%
1231 Rental, Office Equipment				
1232 Rental, Motor Vehicles				
1237 Rental, Film & Audio/Visual Aids	\$100.00	\$0.00	\$100.00	0.00%
1239 Rental, NEC	\$2,200.00	\$720.00	\$1,480.00	32.73%
1242 Auditing & Management Services				
1245 Professional & Artistic Services, NEC	\$40,000.00	\$0.00	\$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	\$0.00	\$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	\$140.00	\$1,760.00	7.37%
1279 Employee Tuition & Fees	\$2,500.00	\$0.00	\$2,500.00	0.00%
1280 Copying, Photographic & Printing Services	\$2,300.00	\$0.00	\$2,300.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1289 Contractual Services, NEC	\$16,500.00	\$6,604.02	\$9,895.98	40.02%
TRAVEL	\$48,400.00	\$18,367.74	\$30,032.26	37.95%
PRINTING	\$23,700.00	\$6,611.62	\$17,088.38	27.90%
EQUIPMENT				
1510 Office Furniture & Equipment	\$4,300.00	\$329.14	\$3,970.86	7.65%
HAVA - Maintenance of Effort	\$550,000.00	\$261,239.00	\$288,761.00	47.50%
ELECTION CODE BOOKS	\$15,000.00	\$0.00	\$15,000.00	0.00%
Redistricting	\$100,000.00	\$0.00	\$100,000.00	0.00%
Election Judge Reimbursements	\$1,350,000.00	\$0.00	\$1,350,000.00	0.00%
Stipends	\$806,000.00	\$0.00	\$806,000.00	0.00%
Early Voting Election Judges	\$650,000.00	\$0.00	\$650,000.00	0.00%
State HAVA Match	\$220,700.00	\$0.00	\$220,700.00	0.00%
Voting System Integrity Center	\$350,000.00	\$0.00	\$350,000.00	0.00%
Electronic Canvassing Implementation	\$150,000.00	\$0.00	\$150,000.00	0.00%
IDIS Replacement System	\$366,700.00	\$0.00	\$366,700.00	0.00%
ELECTIONS GRAND TOTAL				
	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	% OF EXPENDITURE
PERSONAL SERVICE	\$1,567,000.00	\$689,699.28		44.01%
STATE PAID RETIREMENT	\$62,700.00	\$26,608.13		42.44%
RETIREMENT (incl. supplemental funding)	\$0.00	\$0.00		0.00%
SOCIAL SECURITY	\$119,800.00	\$50,797.82		42.40%
CONTRACTUAL SERVICE	\$76,900.00	\$7,845.34	\$3,000.00	10.20%
TRAVEL	\$48,400.00	\$18,367.74		37.95%
PRINTING	\$23,700.00	\$6,611.62		27.90%
EQUIPMENT	\$4,300.00	\$329.14		7.65%
HAVA - Maintenance of Effort	\$550,000.00	\$261,239.00	\$0.00	47.50%
ELECTION CODE BOOKS	\$15,000.00	\$0.00		0.00%
Redistricting	\$100,000.00	\$0.00		0.00%
Election Judge Reimbursements	\$1,350,000.00	\$0.00	\$1,350,000.00	0.00%
Stipends	\$806,000.00	\$0.00	\$806,000.00	0.00%
Early Voting Election Judges	\$650,000.00	\$0.00	\$650,000.00	0.00%
State HAVA Match	\$220,700.00	\$0.00	\$220,700.00	0.00%
Voting System Integrity Center	\$350,000.00	\$0.00	\$350,000.00	0.00%
Electronic Canvassing Implementation	\$150,000.00	\$0.00	\$150,000.00	0.00%
IDIS Replacement System	\$366,700.00	\$0.00	\$366,700.00	0.00%
TOTAL	\$6,461,200.00	\$1,061,498.07	\$3,000.00	16.43%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

GENERAL COUNSEL MONTH ENDING: December 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$284,600.00	\$129,565.19	\$155,034.81	45.53%
1129 State Paid Retirement	\$11,400.00	\$4,684.21	\$6,715.79	41.09%
1161 Retirement	\$0.00	\$0.00	\$0.00	0.00%
1170 Social Security	\$21,800.00	\$9,534.96	\$12,265.04	43.74%
CONTRACTUAL SERVICE				
1145 Contractual Payroll				
1205 Freight Express & Drayage	\$600.00	\$0.00	\$600.00	0.00%
1221 Repair/Maint. Furn./Office Equipment				
1244 Legal Fees	\$56,000.00	\$8,706.84	\$47,293.16	15.55%
1245 Professional & Artistic Services, NEC				
1266 Court Reporting & Filing Services	\$15,000.00	\$11,910.30	\$3,089.70	79.40%
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	\$416.65	\$3,083.35	11.90%
1276 Reg. Fees & Conf. Expenses (Employee)	\$1,500.00	\$0.00	\$1,500.00	0.00%
1277 Association Dues	\$1,500.00	\$289.00	\$1,211.00	19.27%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	\$600.00	\$0.00	\$600.00	0.00%
1284 Computer Software				
1289 Contractual Services, NEC	\$5,000.00	\$2,142.50	\$2,857.50	42.85%
TRAVEL	\$10,700.00	\$3,063.47	\$7,636.53	28.63%
EQUIPMENT				
1510 Office Furniture & Equipment	\$500.00	\$0.00	\$500.00	0.00%

GENERAL COUNSEL GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$284,600.00	\$129,565.19		\$155,034.81	45.53%
STATE PAID RETIREMENT	\$11,400.00	\$4,684.21		\$6,715.79	41.09%
RETIREMENT	\$0.00	\$0.00		\$0.00	0.00%
SOCIAL SECURITY	\$21,800.00	\$9,534.96		\$12,265.04	43.74%
CONTRACTUAL SERVICE	\$85,200.00	\$24,575.29	38,588.16	\$22,036.55	28.84%
TRAVEL	\$10,700.00	\$3,063.47		\$7,636.53	28.63%
EQUIPMENT	\$500.00	\$0.00		\$500.00	0.00%
TOTAL	\$414,200.00	\$171,423.12	\$38,588.16	\$204,188.72	41.39%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

CAMPAIGN DISCLOSURE MONTH ENDING: December 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$799,800.00	\$333,524.38	\$466,275.62	41.70%
1129 State Paid Retirement	\$32,000.00	\$12,782.92	\$19,217.08	39.95%
1161 Retirement	\$0.00	\$0.00	\$0.00	0.00%
1161-0008 Compt. Supplemental Retirement	\$0.00	\$0.00	\$0.00	0.00%
1170 Social Security	\$61,200.00	\$24,263.07	\$36,936.93	39.65%
CONTRACTUAL SERVICE				
1205 Freight Express & Drayage	\$100.00	\$0.00	\$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	\$0.00	\$3,500.00	0.00%
1245 Professional & Artistic Services, NEC	\$4,300.00	\$0.00	\$4,300.00	0.00%
1248 Building & Ground Maintenance				
1266 Court Reporting & Filing Services	\$600.00	\$0.00	\$600.00	0.00%
1274 Reg Fees & Conf. Expenses (Vendor)	\$900.00	\$480.00	\$420.00	53.33%
1275 Subscription & Information Services				
1276 Reg. Fees & Conf. Expenses (Employee)				
1277 Association Dues				
1279 Employee Tuition and Fees	\$600.00	\$0.00	\$600.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	\$500.00	\$0.00	\$500.00	0.00%
TRAVEL				
1291 In-State	\$8,000.00	\$2,517.81	\$5,482.19	31.47%
1292 Out-of-State	\$3,300.00	\$0.00	\$3,300.00	0.00%
PRINTING	\$9,200.00	\$2,502.50	\$6,697.50	27.20%
EQUIPMENT				
1510 Office Furniture & Equipment	\$9,300.00	\$443.52	\$8,856.48	4.77%

CAMPAIGN DISCLOSURE GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$799,800.00	\$333,524.38		\$466,275.62	41.70%
STATE PAID RETIREMENT	\$32,000.00	\$12,782.92		\$19,217.08	39.95%
RETIREMENT (incl. supplemental funding)	\$0.00	\$0.00		\$0.00	0.00%
SOCIAL SECURITY	\$61,200.00	\$24,263.07		\$36,936.93	39.65%
CONTRACTUAL SERVICE	\$11,100.00	\$1,009.00		\$10,091.00	9.09%
TRAVEL	\$11,300.00	\$2,517.81		\$8,782.19	22.28%
PRINTING	\$9,200.00	\$2,502.50		\$6,697.50	27.20%
EQUIPMENT	\$9,300.00	\$443.52		\$8,856.48	4.77%
TOTAL	\$933,900.00	\$377,043.20	\$0.00	\$556,856.80	40.37%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

INFORMATION TECHNOLOGY MONTH ENDING: December 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$672,000.00	\$268,707.40	\$403,292.60	39.99%
1129 State Paid Retirement	\$26,900.00	\$10,357.89	\$16,542.11	38.51%
1161 Retirement	\$0.00	\$0.00	\$0.00	0.00%
1161-0008 Compt. Supplemental Retirement	\$0.00	\$0.00	\$0.00	0.00%
1170 Social Security	\$51,500.00	\$20,292.46	\$31,207.54	39.40%
CONTRACTUAL SERVICE				
1145 Contractual Payroll	\$2,000.00	\$1,957.50	\$42.50	97.88%
1205 Freight Express & Drayage	\$300.00	\$256.14	\$43.86	85.38%
1221 Repair/Maint. Furn./Office Equipment	\$9,900.00	\$0.00	\$9,900.00	0.00%
1223 Repair/Maint. Real Property	\$800.00	\$748.50	\$51.50	93.56%
1225 Repair/Maint. EDP Equipment	\$32,000.00	\$3,468.50	\$28,531.50	10.84%
1230 In-House Repair of Equipment				
1234 Rental, Machinery and Mech. Equip				
1239 Rental, NEC				
1242 Auditing & Management Services	\$340,000.00	\$95,176.78	\$244,823.22	27.99%
1244 Legal Fees				
1245 Professional & Artistic Services, NEC				
1271 Surety Bond & Ins. Prem.	\$600.00	\$350.00	\$250.00	58.33%
1272 Travel & Expense Reimbursement (Vendor)				
1274 Reg Fees & Conf. Expenses (Vendor)	\$6,000.00	\$0.00	\$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	\$2,095.00	\$2,905.00	41.90%
1284 Computer Software	\$66,300.00	\$7,916.01	\$58,383.99	11.94%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	\$16,000.00	\$0.00	\$16,000.00	0.00%
TRAVEL				
1291 In-State	\$5,500.00	\$3,879.19	\$1,620.81	70.53%
1292 Out-of-State	\$7,200.00	\$0.00	\$7,200.00	0.00%
PRINTING	\$700.00	\$0.00	\$700.00	0.00%
COMMODITIES				
1304 Office/Library Supplies	\$19,500.00	\$12,045.53	\$7,454.47	61.77%
1332 Industrial & Shop Materials				
1394 Office/Library Equip. under \$100				
1398 Equipment, NEC	\$700.00	\$660.00	\$40.00	94.29%
1399 Commodities, NEC	\$300.00	\$262.99	\$37.01	87.66%
EQUIPMENT				
1510 Office Furniture & Equipment	\$32,000.00	\$0.00	\$32,000.00	0.00%
1515 EDP Equipment	\$211,600.00	\$49,944.01	\$161,655.99	23.60%
INFORMATION TECHNOLOGY GRAND TOTAL	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	% OF EXPENDITURE
PERSONAL SERVICE	\$672,000.00	\$268,707.40	\$403,292.60	39.99%
STATE PAID RETIREMENT	\$26,900.00	\$10,357.89	\$16,542.11	38.51%
RETIREMENT	\$0.00	\$0.00	\$0.00	0.00%
SOCIAL SECURITY	\$51,500.00	\$20,292.46	\$31,207.54	39.40%
CONTRACTUAL SERVICE	\$482,000.00	\$112,229.40	\$136,236.13	23.28%
TRAVEL	\$12,700.00	\$3,879.19	\$8,820.81	30.54%
PRINTING	\$700.00	\$0.00	\$700.00	0.00%
COMMODITIES	\$20,500.00	\$12,968.52	\$7,531.48	63.26%
EQUIPMENT	\$243,600.00	\$49,944.01	\$250.00	20.50%
TOTAL	\$1,509,900.00	\$478,378.87	\$136,486.13	\$895,035.00 31.68%

STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
General Revenue Fund

IVRS LUMP SUM	YEAR TO DATE
<u>MONTH ENDING: December 31, 2009</u>	<u>EXPENDITURE</u>
PERSONAL SERVICE	\$102,737.97
1129 State Paid Retirement	\$3,894.59
1161 Retirement	
1170 Social Security	\$7,483.11
CONTRACTUAL SERVICE	
1205 Freight Express & Drayage	
1221 Repair/Maint. Furn./Office Equipment	
1232 Rental Motor Vehicles	
1239 Rental, NEC	
1242 Auditing & Management Services	\$22,160.00
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	\$136,362.67
REMAINING LUMP SUM APPROPRIATION	\$1,450,937.33

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Bryan Schneider, Chairman
Wanda Rednour, Vice Chairman
Members of the Board

SUBJECT: FY10 HAVA Fiscal Status Reports

DATE: January 7, 2010

Following are HAVA and EAC Grant reports for November and December.

Attachments

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

AGENCY TOTALS	SECTION 101	SECTION 102	SECTION 261	SECTION 251	TOTAL
<u>MONTH ENDING: November 30, 2009</u>	<u>Discretionary Funds</u>	<u>Entitlement Payments</u>	<u>EAIID Disbursements</u>	<u>Requirements</u>	<u>Fund Activity</u>
CASH BALANCE AT BEGINNING OF YEAR	\$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	\$17,256.56	\$0.00	\$17,256.56
Miscellaneous Revenues					\$0.00
Interest Earned on Comptroller Balances	\$9,286.86	\$0.00	\$0.00	\$32,561.14	\$41,848.00
Interest Penalties Received					\$0.00
State Match Receipts					\$0.00
TOTAL CASH REVENUES	\$9,286.86	\$0.00	\$17,256.56	\$32,561.14	\$59,104.56
YEAR TO DATE CASH EXPENDITURES					
PERSONAL SERVICE	\$28,250.00			\$0.00	\$28,250.00
STATE-PAID RETIREMENT	\$1,130.30			\$0.00	\$1,130.30
RETIREMENT	\$8,018.50			\$0.00	\$8,018.50
SOCIAL SECURITY	\$1,958.50			\$0.00	\$1,958.50
GROUP INSURANCE	\$7,439.80			\$0.00	\$7,439.80
CONTRACTUAL SERVICE	\$4,390.44			\$205,613.42	\$210,003.86
TRAVEL	\$8,753.99			\$0.00	\$8,753.99
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)	\$168,741.86	\$0.00	\$0.00	\$1,378,585.91	\$1,547,327.77
AWARDS & GRANTS	\$0.00	\$0.00	\$21,991.56	\$0.00	\$21,991.56
TOTAL CASH EXPENDITURES	\$168,741.86	\$0.00	\$21,991.56	\$1,378,585.91	\$1,569,319.33
CASH BALANCE AT END OF MONTH	\$2,802,875.15	\$136,049.00	-\$4,735.00	\$9,683,450.73	\$12,617,639.88

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

SECTION 101 - DISCRETIONARY FUNDS MONTH ENDING: November 30, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	
PERSONAL SERVICE	\$28,250.00	\$28,250.00	
1129 State Paid Retirement	\$1,130.30	\$1,130.30	
1161 Retirement	\$8,018.50	\$8,018.50	
1170 Social Security	\$1,958.50	\$1,958.50	
1180 Group Insurance	\$7,439.80	\$7,439.80	
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)	\$1,324.00	\$1,324.00	
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	\$4,714.29	\$4,714.29	
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	\$28,250.00	\$28,250.00	
STATE PAID RETIREMENT	\$1,130.30	\$1,130.30	
RETIREMENT	\$8,018.50	\$8,018.50	
SOCIAL SECURITY	\$1,958.50	\$1,958.50	
GROUP INSURANCE	\$7,439.80	\$7,439.80	
CONTRACTUAL SERVICE	\$4,390.44	\$4,390.44	\$13,375.00
TRAVEL	\$8,753.99	\$8,753.99	
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	\$168,741.86	\$168,741.86	\$13,375.00

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

SECTION 102 - ENTITLEMENT PAYMENTS
MONTH ENDING: November 30, 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

<u>SECTION 102 GRAND TOTAL</u>	<u>FY10</u> <u>APPROPRIATION</u>	<u>YEAR TO DATE</u> <u>EXPENDITURE</u>	<u>OBLIGATED</u> <u>MONEY</u>
PERSONAL SERVICE	\$0.00	\$0.00	
STATE PAID RETIREMENT	\$0.00	\$0.00	
RETIREMENT	\$0.00	\$0.00	
SOCIAL SECURITY	\$0.00	\$0.00	
CONTRACTUAL SERVICE	\$0.00	\$0.00	
TRAVEL	\$0.00	\$0.00	
PRINTING	\$0.00	\$0.00	
COMMODITIES	\$0.00	\$0.00	
EQUIPMENT	\$0.00	\$0.00	
TELECOMMUNICATIONS	\$0.00	\$0.00	
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00	
GRANTS	\$0.00	\$0.00	
TOTAL	00	\$0.00	\$0.00

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

SECTION 261 - EAID DISBURSEMENTS
MONTH ENDING: November 30, 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)

\$21,991.56

\$21,991.56

<u>SECTION 261 GRAND TOTAL</u>	<u>FY10</u> <u>APPROPRIATION</u>	<u>YEAR TO DATE</u> <u>EXPENDITURE</u>	<u>OBLIGATED</u> <u>MONEY</u>
PERSONAL SERVICE	\$0.00	\$0.00	
STATE PAID RETIREMENT	\$0.00	\$0.00	
RETIREMENT	\$0.00	\$0.00	
SOCIAL SECURITY	\$0.00	\$0.00	
CONTRACTUAL SERVICE	\$0.00	\$0.00	
TRAVEL	\$0.00	\$0.00	
PRINTING	\$0.00	\$0.00	
COMMODITIES	\$0.00	\$0.00	
EQUIPMENT	\$0.00	\$0.00	
TELECOMMUNICATIONS	\$0.00	\$0.00	
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00	
GRANTS	\$21,991.56	\$21,991.56	
TOTAL	\$21,991.56	\$21,991.56	\$0.00

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

<u>SECTION 251 - REQUIREMENTS</u>	<u>FY10</u>	<u>YEAR TO DATE</u>	
<u>MONTH ENDING: November 30, 2009</u>	<u>APPROPRIATION</u>	<u>EXPENDITURE</u>	
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	YEAR TO DATE	OBLIGATED
	APPROPRIATION	EXPENDITURE	MONEY
PERSONAL SERVICE	\$0.00	\$0.00	
STATE PAID RETIREMENT	\$0.00	\$0.00	
RETIREMENT	\$0.00	\$0.00	
SOCIAL SECURITY	\$0.00	\$0.00	
GROUP INSURANCE	\$0.00	\$0.00	
CONTRACTUAL SERVICE	\$205,613.42	\$205,613.42	\$24,100.00
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	\$24,100.00

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

AGENCY TOTALS	SECTION 101	SECTION 102	SECTION 261	SECTION 251	TOTAL
<u>MONTH ENDING: December 31, 2009</u>	<u>Discretionary Funds</u>	<u>Entitlement Payments</u>	<u>EAID Disbursements</u>	<u>Requirements</u>	<u>Fund Activity</u>
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	\$21,991.56	\$0.00	\$21,991.56
Miscellaneous Revenues					\$0.00
Interest Earned on Comptroller Balances	\$11,705.81	\$0.00	\$0.00	\$40,544.19	\$52,250.00
Interest Penalties Received					\$0.00
State Match Receipts					\$0.00
TOTAL CASH REVENUES	\$11,705.81	\$0.00	\$21,991.56	\$40,544.19	\$74,241.56
YEAR TO DATE CASH EXPENDITURES					
PERSONAL SERVICE	\$33,900.00			\$0.00	\$33,900.00
STATE-PAID RETIREMENT	\$1,356.36			\$0.00	\$1,356.36
RETIREMENT	\$9,622.20			\$0.00	\$9,622.20
SOCIAL SECURITY	\$2,350.20			\$0.00	\$2,350.20
GROUP INSURANCE	\$8,927.76			\$0.00	\$8,927.76
CONTRACTUAL SERVICE	\$6,117.45			\$205,613.42	\$211,730.87
TRAVEL	\$10,505.69			\$0.00	\$10,505.69
PRINTING	\$0.00			\$0.00	\$0.00
COMMODITIES	\$0.00			\$0.00	\$0.00
EQUIPMENT	\$5,930.50			\$0.00	\$5,930.50
TELECOMMUNICATIONS	\$180.45			\$0.00	\$180.45
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)	\$181,652.19	\$0.00	\$0.00	\$1,378,585.91	\$1,560,238.10
AWARDS & GRANTS	\$0.00	\$0.00	\$26,033.56	\$0.00	\$26,033.56
TOTAL CASH EXPENDITURES	\$181,652.19	\$0.00	\$26,033.56	\$1,378,585.91	\$1,586,271.66
CASH BALANCE AT END OF MONTH	\$2,792,383.77	\$136,049.00	-\$4,042.00	\$9,691,433.78	\$12,615,824.55

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

<u>SECTION 101 - DISCRETIONARY FUNDS</u>	<u>FY10</u>	<u>YEAR TO DATE</u>	
<u>MONTH ENDING: December 31, 2009</u>	<u>APPROPRIATION</u>	<u>EXPENDITURE</u>	
PERSONAL SERVICE	\$33,900.00	\$33,900.00	
1129 State Paid Retirement	\$1,356.36	\$1,356.36	
1161 Retirement	\$9,622.20	\$9,622.20	
1170 Social Security	\$2,350.20	\$2,350.20	
1180 Group Insurance	\$8,927.76	\$8,927.76	
CONTRACTUAL SERVICE			
1205 Freight Express/Drayage	\$58.06	\$58.06	
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	\$1,769.40	\$1,769.40	
1261 Postage			
1266 Court Reporting & Filing Services			
1273 Advertising			
1274 Registration Fees & Conf. Exp. (Vendor)	\$1,324.00	\$1,324.00	
1276 Registration Fees & Conf. Exp. (Employee)	\$399.00	\$399.00	
1280 Copying, Photographic & Printing Serv.			
1284 Computer Software	\$566.99	\$566.99	
1286 Travel, Reimb. to Non-State Employees			
1289 Contractual Services, NEC			
TRAVEL			
1291 In-State	\$6,465.99	\$6,465.99	
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.	\$180.45	\$180.45	
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	<u>FY10</u>	<u>YEAR TO DATE</u>	<u>OBLIGATED</u>
	<u>APPROPRIATION</u>	<u>EXPENDITURE</u>	<u>MONEY</u>
PERSONAL SERVICE	\$33,900.00	\$33,900.00	
STATE PAID RETIREMENT	\$1,356.36	\$1,356.36	
RETIREMENT	\$9,622.20	\$9,622.20	
SOCIAL SECURITY	\$2,350.20	\$2,350.20	
GROUP INSURANCE	\$8,927.76	\$8,927.76	
CONTRACTUAL SERVICE	\$6,117.45	\$6,117.45	
TRAVEL	\$10,505.69	\$10,505.69	\$13,375.00
PRINTING	\$0.00	\$0.00	
COMMODITIES	\$0.00	\$0.00	
EQUIPMENT	\$5,930.50	\$5,930.50	
TELECOMMUNICATIONS	\$180.45	\$180.45	
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00	
INDIRECT COST REFUNDS	\$102,761.58	\$102,761.58	
GRANTS	\$0.00	\$0.00	
TOTAL	\$181,652.19	\$181,652.19	\$13,375.00

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

SECTION 102 - ENTITLEMENT PAYMENTS
MONTH ENDING: December 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

<u>SECTION 102 GRAND TOTAL</u>	<u>FY10</u> <u>APPROPRIATION</u>	<u>YEAR TO DATE</u> <u>EXPENDITURE</u>	<u>OBLIGATED</u> <u>MONEY</u>
PERSONAL SERVICE	\$0.00	\$0.00	
STATE PAID RETIREMENT	\$0.00	\$0.00	
RETIREMENT	\$0.00	\$0.00	
SOCIAL SECURITY	\$0.00	\$0.00	
CONTRACTUAL SERVICE	\$0.00	\$0.00	
TRAVEL	\$0.00	\$0.00	
PRINTING	\$0.00	\$0.00	
COMMODITIES	\$0.00	\$0.00	
EQUIPMENT	\$0.00	\$0.00	
TELECOMMUNICATIONS	\$0.00	\$0.00	
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00	
GRANTS	\$0.00	\$0.00	
TOTAL	\$0.00	\$0.00	\$0.00

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

SECTION 261 - EAID DISBURSEMENTS
MONTH ENDING: December 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)

\$26,033.56

\$26,033.56

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	\$26,033.56	\$26,033.56	

TOTAL	\$26,033.56	\$26,033.56	\$0.00
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STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
 Help Illinois Vote Fund

SECTION 251 - REQUIREMENTS
MONTH ENDING: December 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
- 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
- 1289 Contractual Services, NEC

	\$53,100.00	\$53,100.00
	\$2,608.90	\$2,608.90
	\$149,904.52	\$149,904.52

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
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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

<u>SECTION 101 GRAND TOTAL</u>	<u>FY10</u> <u>APPROPRIATION</u>	<u>YEAR TO DATE</u> <u>EXPENDITURE</u>	<u>OBLIGATED</u> <u>MONEY</u>
PERSONAL SERVICE	\$0.00	\$0.00	
STATE PAID RETIREMENT	\$0.00	\$0.00	
RETIREMENT	\$0.00	\$0.00	
SOCIAL SECURITY	\$0.00	\$0.00	
GROUP INSURANCE	\$0.00	\$0.00	
CONTRACTUAL SERVICE	\$205,613.42	\$205,613.42	\$24,100.00
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	\$24,100.00

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

AGENCY TOTALS
MONTH ENDING: November 30, 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	\$1,410.00
Interest Penalties Received	\$0.00

TOTAL CASH REVENUES **\$922,597.00**

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 **\$970,766.50**

OUTSTANDING CONTRACTUAL OBLIGATIONS **\$795,019.25**

AVAILABLE CASH BALANCE AT END OF MONTH **\$175,747.25**

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

<u>MONTH ENDING: November 30, 2009</u>	<u>FY09 APPROPRIATION</u>	<u>YEAR TO DATE EXPENDITURE</u>	
PERSONAL SERVICE			
1129 State Paid Retirement			
1161 Retirement			
1170 Social Security			
1180 Group Insurance			
CONTRACTUAL SERVICE			
1205 Freight Express/Drayage			
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			

<u>GRAND TOTAL</u>	<u>FY09 APPROPRIATION</u>	<u>YEAR TO DATE EXPENDITURE</u>	<u>OBLIGATED MONEY</u>
PERSONAL SERVICE	\$0.00	\$0.00	
STATE PAID RETIREMENT	\$0.00	\$0.00	
RETIREMENT	\$0.00	\$0.00	
SOCIAL SECURITY	\$0.00	\$0.00	
GROUP INSURANCE	\$0.00	\$0.00	
CONTRACTUAL SERVICE	\$49,175.00	\$49,175.00	\$795,019.25
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	\$795,019.25

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

AGENCY TOTALS MONTH ENDING: December 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	\$2,930.00
Interest Penalties Received	\$0.00
TOTAL CASH REVENUES	\$924,117.00
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	\$305,303.00
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)	\$305,303.00
AWARDS & GRANTS	\$0.00
TOTAL CASH EXPENDITURES	\$305,303.00
CASH BALANCE BEFORE OBLIGATED FUNDS	\$716,158.50
OUTSTANDING CONTRACTUAL OBLIGATIONS	\$538,891.25
AVAILABLE CASH BALANCE AT END OF MONTH	\$177,267.25

**STATE BOARD OF ELECTIONS
FY10 MONTHLY FISCAL REPORT
EAC DATA COLLECTION GRANT**

<u>MONTH ENDING: December 31, 2009</u>	<u>FY10 APPROPRIATION</u>	<u>YEAR TO DATE EXPENDITURE</u>	
PERSONAL SERVICE			
1129 State Paid Retirement			
1161 Retirement			
1170 Social Security			
1180 Group Insurance			
CONTRACTUAL SERVICE			
1205 Freight Express/Drayage			
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	\$305,303.00	\$305,303.00	
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			
	<u>FY09</u>	<u>YEAR TO DATE</u>	<u>OBLIGATED</u>
	<u>APPROPRIATION</u>	<u>EXPENDITURE</u>	<u>MONEY</u>
PERSONAL SERVICE	\$0.00	\$0.00	
STATE PAID RETIREMENT	\$0.00	\$0.00	
RETIREMENT	\$0.00	\$0.00	
SOCIAL SECURITY	\$0.00	\$0.00	
GROUP INSURANCE	\$0.00	\$0.00	
CONTRACTUAL SERVICE	\$305,303.00	\$305,303.00	\$538,891.25
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	\$305,303.00	\$305,303.00	\$538,891.25

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: January 7, 2010

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

Attachment

2 Year Plan 2010-2011

Start Date	End Date	Activity	Division
12/4 /2009		Send notice (form) to election authorities in order to obtain voting system information to be used for the General Primary Election. (Rules and Regulations)	VOSS
12/9 /2009		Send notification to election authorities re: Voting Equipment Test. 10 ILCS 5/24B-9, 24C-9	VOSS
12/14/2009		Election authorities must submit to SBE a copy of the specimen ballot that is to be tested for General Primary. 10 ILCS 5/24B-9	VOSS
12/18/2009		Each election authority shall send to the SBE written notice on a form prescribed and supplied by the Board of the type of voting system it will use for the General Primary Election. (Rules and Regulations)	VOSS
12/29/2009		Notify election authorities of their need to give public test notification and re-tabulation notification for General Primary.	VOSS
1 /1 /2010		Begin testing of the automatic tabulating equipment. 10 ILCS 5/24B-9, 24C-9	VOSS
1 /1 /2010		First day of period during which any receipt by a political committee of a contribution in an aggregate of more than \$500 must be reported within 2 business days following receipt. 10 ILCS 5/9-10	CAMP DISC
1 /4 /2010		First day that any political committee shall file its SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES with the Board or the Board and the county clerk. 10 ILCS 5/9-10	CAMP DISC
1 /5 /2010		Complete draft of Board's field and office plan for Election Day.	EL INFO
1 /5 /2010		Notify election authorities to forward a copy of their computer operator's log or analogous information following the proclamation of election results. 10 ILCS 5/24A-13, 24B-13, 24C-14 (Rules and Regulations)	VOSS
1 /5 /2010		Last day for voter registration or transfer of registration prior to February 2nd General Primary Election. 10 ILCS 5/4,5,6	EL INFO

Start Date	End Date Activity	Division
1 /6 /2010	Finalize 2010 SBE LEGISLATIVE PROGRAM – 96th General Assembly – 2nd year - process of bill drafting, obtaining sponsorship, bill introduction, monitoring, etc. 10 ILCS 5/1A-8	LEG
1 /6 /2010	First day for grace period registration, change of address and voting begins. 10 ILCS 5/4-50, 5-50, 6-100	EL INFO
1 /8 /2010	Send an updated listing of certified civic organizations to all election authorities SBE Rule 207.50	ET&RD
1 /10/2010	Date of Municipal Caucus. 10 ILCS 5/10-1	EL INFO
1 /11/2010	First day for early voting at the office of the Election Authority and locations designated by the Election Authority. 10 ILCS 5/19A-15	EL INFO
1 /12/2010	Complete profile of pre-election Referenda. 10 ILCS 5/1A-8 (1, 2, 12)	VOSS
1 /12/2010	Send letter to those jurisdictions where in-precinct counting equipment is utilized requesting a list of those precincts involved in the election. 10 ILCS 5/24B-15, 24C-15	VOSS
1 /15/2010	First day for election authority to submit computerized voter registration file for the Primary Election 2010. 10 ILCS 5/4-8,5-7,6-36	VRS
1 /19/2010	Send letter to the county clerks asking for total number of registered voters and precincts (completion date: January 26, 2010). 10 ILCS 5/1A-8 (1, 2, 6, 11)	EL INFO
1 /19/2010	BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR
1 /20/2010	Last day that a political committee shall file its SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES with the Board or the Board and the county clerk. 10 ILCS 5/9-10	CAMP DISC
1 /22/2010	Date those jurisdictions utilizing in-precinct counting equipment must submit list of those precincts that will be open for the election. 10 ILCS 5/24B-15, 24C-15	VOSS

Start Date	End Date Activity	Division
1 /22/2010	Notify state central committee chairmen of the time and place of SBE's random selection procedure for the election jurisdictions' 5% re-tabulation of precincts. 10 ILCS 5/24B-15 and 5/24C-15	VOSS
1 /25/2010	Last day for election authorities to submit computerized voter registration file, for the Primary Election 2010. 10 ILCS 5/4-8,5-7,6-36	VRS
1 /25/2010	Complete the final list of the total number of registered voters and precincts in each county. 10 ILCS 5/1A-8 (1, 2, 6, 11)	EL INFO
1 /25/2010	Last day for election authorities to submit request for extension to file computerized voter registration information, for the Primary Elections 2010.	VRS
1 /25/2010	Send notice to election authorities who failed to submit computerized voter registration file, for the December 15, 2009 submission. Rules and Regulations	VRS
1 /25/2010	Send each election authority a current computerized voter registration file error report, for the December 15, 2009 submission.	VRS
1 /26/2010	Last day for election authority to notify public of time, date, and place of public test for General Primary. 10 ILCS 5/24B-9	VOSS
1 /26/2010	Send verification letter to election authorities to confirm the precinct data they originally submitted for their 5% retabulation. 10 ILCS	VOSS
1 /26/2010	Last day of grace period registration, change of address and voting. 10 ILCS 5/4-50, 5-50, 6-	EL INFO
1 /27/2010	Governor's State of the State Message Constitution Art. V Sec. 13. (4th Wednesday in January)	LEG
1 /28/2010	Last day to conduct SBE tests of automatic tabulating equipment. 10 ILCS 5/24B-9, 24C-9	VOSS
1 /28/2010	Last day for early voting at the office of the Election Authority and locations designated by the Election Authority. 10 ILCS 5/19A-15	EL INFO
1 /29/2010	Bill Introduction Deadline. Last day to file a legislative bill with either HOUSE. (H/S Rule) (date subject to change)	LEG

Start Date	End Date	Activity	Division
2 /1 /2010		Last day of period during which any receipt by a political committee of a contribution in an aggregate of more than \$500 must be reported within 2 business days following its receipt. 10 ILCS 5/9-10	CAMP DISC
2 /1 /2010		Date upon which the State Board of Elections shall notify political committees that have failed to file a SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES that an assessment will be levied against the committee for failure to file the report in a timely fashion. Rules and	CAMP DISC
2 /1 /2010		Last day for election authorities to send a sealed copy of each tested program for the upcoming election to the State Board of Elections. The SBE secures the programs until the next General Primary Election, and if no contest or appeal is pending - destroys them.	VOSS
2 /1 /2010		Begin planning for the printing and distribution of CAMPAIGN FINANCING MATERIALS to political committees for the 2010 Semi-Annual Report. Notification packets to be mailed to political committees by June 1, 2010. 10 ILCS 5/1A-8 (1, 2, 4, 11)	CAMP DISC
2 /2 /2010		GENERAL PRIMARY ELECTION 10 ILCS	EL INFO
2 /3 /2010		Begin review and update of the SBE ELECTION JUDGES TRAINING PROGRAM and TESTS for election judges. Complete by June 30, 2010. 10 ILCS 5/1A-8 (1,2,3,6,11)	ET&RD
2 /3 /2010		Begin development of the MANUALS OF INSTRUCTION FOR ELECTION JUDGES FOR 2011 Our goal will be to have the drafts ready for legal review by July 31. We must begin work on these books early so as to avoid scheduling conflicts with other projects such as any work required on possible statewide petition filing's) during the summer months and election judges' training sessions during the 2-month period before the General Election. (Distribution: December 7, 2008.) 10 ILCS 5/1A-8 (1, 2, 3, 4, 11)	ET&RD
2 /3 /2010		Provide the election authorities in those jurisdictions where in-precinct counting equipment is utilized a list of the precincts selected on a random basis by the State Board of Elections. 10 ILCS 5/24B-15, 24C-15	VOSS

Start Date	End Date	Activity	Division
2 /8 /2010		Send notice to the county chairmen reminding them of their legal responsibility to provide the SBE with a list of their PRECINCT OFFICIALS. Their statutory deadline: March 15, 2010. 10 ILCS 5/7-9	ET&RD
2 /9 /2010		Begin review of computer operator's logs for the performance of automatic tabulating equipment used in the General Primary Election. (Rules and Regulations)	VOSS
2 /9 /2010		The Board will refer to the Attorney General of Illinois for compliance enforcement each jurisdiction whose computerized voter registration submission has not been received for the December 15, 2009 submission.	VRS
2 /16/2010		Begin canvass as soon as abstracts are received from county clerks. (Complete by: March 5, 2010 - depends on how soon abstracts are received from county clerks.) 10 ILCS 5/1A-8 (1, 2, 6, 11)	EL INFO
2 /16/2010		Last day for local election authorities to count absentee, military & overseas ballots which were postmarked by midnight February 1, 2010. 10 ILCS 5/19-8©, 20-8[c]	LEG
2 /16/2010		The date that a second letter goes out to all delinquent committees advising them that an assessment for late filing is continuing and that a complaint will be filed if the committee fails to file a SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Rules and Regulations	CAMP DISC
2 /17/2010		BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR
2 /17/2010		Governor's budget message. 15 ILCS 20/50-5 (3rd Wednesday)	LEG
2 /21/2010		Last day for election authority to notify public of time, date, and place of re-tabulation for General Primary. 10 ILCS 5/24B-15	VOSS
2 /23/2010		Link report due from the LEO's to the SBE. 10 ILCS 5/19-20, 20-20	LEG
2 /23/2010		Have petitions available for new political party and independent candidates. (Candidates may begin to circulate petitions March 23, 2010). 10 ILCS 5/1A-8 (4)	EL INFO

Start Date	End Date Activity	Division
2 /23/2010	Notify election officials who failed to submit their computer operator's log or analogous information. 10 ILCS 5/24A-13, 24B-13, 24C-14 (Rules and Regulations)	VOSS
2 /23/2010	Last day for canvassing of election results (February 2nd Primary Election) by proper canvassing boards. (Exception: SBE as canvassing board) 10 ILCS 5/18A-15(a)	EL INFO
2 /24/2010	Send to each election authority a current computerized voter registration error report, from the Primary Election 2010 submission.	VRS
2 /25/2010	Committee Deadline Final day for SENATE committee action on SENATE bills. (Senate Rule) Final day for HOUSE committee action on HOUSE bills. (House Rule)	LEG
2 /27/2010	Send notice to election authorities who failed to submit a computerized voter registration file, for the Primary Election 2010. Rules and	VRS
3 /2 /2010	Complete preparation of camera-ready copy of the General Primary Election OFFICIAL VOTE book and send same to printer. Print by March 30, 2010. 10 ILCS 5/1A-8 (1, 2, 11)	ET&RD
3 /5 /2010	BOARD MEETING. (Proclamation) 10 ILCS 5/1A7, 22-7	EXEC DIR
3 /5 /2010	Complete CANVASS. Completion date depends on how soon abstracts are received from the county clerks. Generate material for the "List of Candidates Elected and Nominated" and for the "Official Vote" book. 10 ILCS 5/1A-8(1, 2, 6, 11); 18A-15(a)	EL INFO
3 /5 /2010	Begin preparing the Certificates of Nomination and Election (Complete by: March 17, 2010). 10 ILCS 5/1A-8 (1, 2) 5/7-58	EL INFO
3 /5 /2010	Secure from each election authority a copy of precinct voting abstracts for the General Primary Election for filing in the SBE Research Library. 10 ILCS 5/1A-8 (11), 22-15	EL INFO
3 /5 /2010	Post election survey due from the LEO's to the SBE.	LEG
3 /8 /2010	Begin compiling weighted vote figures for legislative and representative committees.	EL INFO

**STATE OF ILLINOIS
COUNTY OF SANGAMON**

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

Illinois State Board of Elections
Complainant

v.

09 JS 008

South Sangamon Republican Club L 4121
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 23, 2009, 3 days late, resulting in a civil penalty assessment of \$75. This is the first assessment for the Committee.

Tim Mate, the Treasurer of the Committee, filed a Waiver of Appearance and an Appeal Affidavit in this matter.

On the Affidavit, Mr. Mate explained that he became Treasurer of the Committee in late April but was not given financial information required to file the Report until June. While he learned of his reporting duties and deadlines at that time, he acknowledged his lack of familiarity with the Illinois Disclosure Information System used for electronic filing caused him to submit the Report late.

In keeping with past Board practice, I recommend the Committee be given a one-time waiver of the assessment because of electronic filing issues. Having spoken with Mr. Mate, I am confident he will familiarize himself with the IDIS software and is aware that Board staff is available to assist if any problems arise.



John Levin – Hearing Examiner
December 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

South Sangamon Republican Club
Tim Mate
100 Keystone
Chatham, IL 62629

L4121

Dear South Sangamon Republican Club;

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

Report Type:	Semiannual Report of Campaign 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 23, 2009, 3 day(s) late. As such, this committee has been assessed a fine of \$75.00.

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,

A handwritten signature in black ink that reads "Rupert T. Borgsmiller". The signature is written in a cursive style.

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk

State of Illinois)
County of Sangamon)

STATE BOARD OF ELECTIONS
09 SEP 28 AM 10:59

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

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

Case No. 09 JS 008

APPEAL AFFIDAVIT

I, Tim Mate, the Treasurer of the
(Name) (Chairman/Treasurer)
South Sangamon Republican Club
(Name of the Committee)

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

I took over the treasurers responsibilities
and did not get notice of the
Semiannual Report of Campaign Contributions
and Expenditures by July 20, 2009.

Signed and Sworn to by:
Brenda K. Stephens
before me this 17 Day of
September, 2009

X Tim Mate
(Signature of Chairman/Treasurer)

Notary Public



State Board of Elections
1020 South Spring Street
P.O. Box 4187
Springfield, Illinois 62708

September 15, 2009

Re: South County Republican Club Appeal of Affidavit for Semi annual Report of
Campaign Contributions and Expenditures
Report Period January 1, 2009 through June 30, 2009
L4121

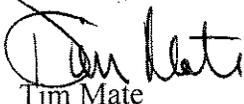
Dear Robert T. Borgsmiller,

I have attached an Appeal Affidavit & Waver of Appearance, in response to your letter for our Semiannual Report of Campaign Contributions and Expenditures. L4121

The SSRD asks that the State Board of Elections stay this fine. I have recently assumed the position as Treasurer of the South Sangamon Republican Club. I did not have notice that this report was due by July 20, 2009. The previous treasurer did not forward the notice to me in order to make this report on time. We regret this occurrence and will do all possible to see that it does not happen again.

I thank you for review of these items and ask that you contact me if you have any further questions regarding this matter.

Sincerely,



Tim Mate
South Sangamon Republican Club Treasurer

09 DEC -1 AM 10:39

John Levin
Illinois State Board of Elections
1020 South Spring Street
Box 4187
Springfield, Illinois 62708

Re: South County Republican Club
File Number: L4121

Dear Mr. Levin,

L 4121-14

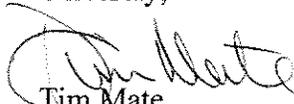
This letter is to supplement my earlier correspondence dated September 15, 2009, for the late financial report submitted for our Club.

I was appointed the position of Treasurer for the South County Republican Club on April 28, 2009. I was not given the club material for until sometime in June. I learned of my reporting duties and deadlines at that time. I did not understand the electronic filing system. Regrettably, I did not submit this report until several days after the deadline date due to my lack of understanding of the electronic filing system. You advised that this club has had no other late reporting issues on file.

I ask that you rule favorably in this appeal.

If you have further questions please call me at 217-483-5792

Sincerely,



Tim Mate

Treasurer

South County Republican Club

**STATE OF ILLINOIS
COUNTY OF COOK**

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

Illinois State Board of Elections
Complainant

Vs.

09 JS 047

Friends of Keith E Turner L13455
Respondent

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

The Report was received by the Board on July 22, 2009, 2 days late, resulting in a civil penalty assessment of \$100. In addition, this Committee had previously been assessed a \$175 civil penalty (not appealed, stayed) for delinquently filing the December 2007 Semi-Annual Report. The total assessment is \$275.

Keith Turner, the Candidate and Lawrence McShane the treasurer of the committee, appeared on December 1, 2009 for the appeal hearing.

In the hearing Mr. McShane stated that he mailed the Final Report for Friends of Keith E Turner and Runyard for Sheriff on July 16, 2009, more than 72 hours prior to the deadline to the State Board of Elections and the Lake County Clerk. Mr. McShane presented a receipt with four first class \$.88 cent postage purchases with two going to zip code 60085 (Lake County Clerk) and two going to zip code 62708 (State Board of Elections, Springfield Office). He said he mailed all four reports in the envelopes provided by the State Board of Elections. Mr. McShane then presented two receipts from the Lake County Clerk showing the receipt of two Final reports for both committees and a third receipt from the State Board of Elections reflecting the Final Report receipt for Runyard for Sheriff received on July 20th. Mr. McShane checked the State Board of Elections web page on July 21, 2009 and was in shock when he did not see the report for Friends of Keith E Turner. He then called and talked to a campaign disclosure staff member in the Springfield office and made them aware of the situation. The staff member who he did not recall the name of told him that this sort of thing happens all of the time and to give it a day or two. Mr. McShane then waited until the next day and when he did not see the report he faxed the Final Report, a letter of correspondence explaining what happened and the receipt of his postage purchase from July 16, 2009. Mr McShane concluded with that he believes no violation took place and no penalty should be assessed as per Section 100.25 (b)

Section 100.125 (b) of Board Rules and Regulations reads: *“If the envelope containing either of the Reports named in subsection (a) of this Section is not received by the Board, the envelope is received but does not have a postmark printed by the United States Postal Service, or if the postmark is illegible, the report will either be deemed to have not been received or deemed to have been received on the date the envelope officially arrives in the office of the State Board of Elections. However, if the political committee is assessed a civil penalty for failing to file or delinquent filing either of the reports and, as part of the committee's appeal of the civil penalty assessment, it is alleged by the treasurer, chairman or candidate on a signed and notarized affidavit verifying that the report was mailed more than 72 hours prior to the filing deadline, and this is the first time the committee has made this claim as part of its appeal, the presumptive date of receipt will be rebutted by the testimony contained in the affidavit and the report will be deemed to have been timely received. Since Mr. McShane stated on the notarized Appeal Affidavit that he mailed the Final Report on July 16th, more than 72 hours prior to the filing deadline, and since this is the first time the committee has made this claim, I recommend that the appeal be granted. If this recommendation is accepted by the Board, the previously assessed fine of \$175 will remain stayed as a first violation.*



Andy Nauman – Hearing Examiner
December 2, 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



EXECUTIVE DIRECTOR
Daniel W. White
September 8, 2009

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

Friends of Keith Turner
Lawrence McShane
1525 North Ave, apt #1
Waukegan, IL 60085

L13455

Dear Friends of Keith Turner;

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 22, 2009, 2 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:

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
7/1/2007 - 12/31/2007	Semi-annual	\$175.00
TOTAL AMOUNT NOW DUE		\$275.00

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 LAKE)

STATE BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

09 OCT -6 PM 12:18

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

Case No. 09 JS047

APPEAL AFFIDAVIT

I, Lawrence E. McShane, the Treasurer of the
(Name) (Chairman/Treasurer)
Friends of Keith Turner
(Name of the Committee)

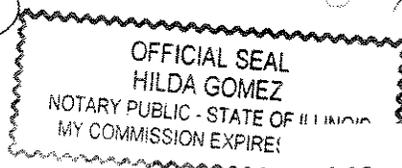
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

timely final D-2 was sent via U.S. Mail on July 16, 2009, well before the filing deadline of July 20, 2009. We have so stated this in letter sent to you on July 22, 2009 and which is on the Board's internal website along with a full explanation. We have a receipt from the U.S. Postal Service which documents this. We are not at fault.

Signed and Sworn to by:
LAWRENCE E. MCSHANE
before me this 1ST Day of
OCTOBER, 2009

Hilda Gomez
Notary Public

Lawrence E. McShane
(Signature of Chairman/Treasurer)
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 215

Concerned Citizens of Hazel Crest L 14891
Respondent

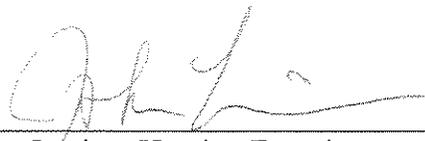
REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the June 2009 Semi-Annual Report

The Report was received on 3, 2009, 32 days late, resulting in a civil penalty assessment of \$1600. This is the first assessment for the Committee.

Mary Grant, the Treasurer of the Committee, filed a Waiver of Appearance and an Appeal Affidavit in this matter.

On the Affidavit, Ms. Grant noted that the Committee had originally filed the Report in a timely manner. However, the Report was filed on paper (and received in the Board's Springfield office three days before the July 20, 2009, deadline). The Committee had receipts and expenditures in excess of \$10,000 and, accordingly, was notified of the requirement to re-file the report electronically, as required by 10 ILCS 5/9-28. The Committee received a letter dated August 3, 2009, from the Board indicating it had 30 days to re-file the Report electronically. The letter was sent to a post office box the Committee had listed as its mailing address on its D-1 Statement of Organization. However, Ms. Grant indicated the committee only picked up its mail "every couple of weeks", and the letter was not opened until around August 25, 2009. Ms. Grant said she contacted Andy Nauman, Election Specialist in the Board's Chicago office, on August 28, 2009 and again on September 2 and 3, 2009, and – after receiving assistance on several occasions from Mr. Nauman -- electronically filed the Report on September 3, 2009. Ms. Grant said in the affidavit that she had been assured by an unidentified staff member in the Chicago office that a September 3rd filing would be timely.

In keeping with past Board practice, I recommend the Committee be given a one-time waiver of the assessment because of electronic filing issues. The Committee should now be more familiar with the IDIS electronic filing software and aware of the need to check its post office box on a more regular basis.



John Levin – Hearing Examiner
December 4, 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

Concerned Citizens Party of Hazel Crest
POB 637
Hazel Crest, IL 60429

L14891

Dear Committee;

As you have been previously notified, this committee failed to electronically re-file the following document as required:

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 provisions of Section 100.150 Rules & Regulations, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was electronically filed by your committee on September 3, 2009, 32 day(s) late. As such, this committee has been assessed a fine of \$1600.00.

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,

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

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk
Enclosure(s): appeal forms

State of Illinois)
County of Cook)

STATE BOARD OF ELECTIONS

09 OCT -5 PM 12:27

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

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

Case No. 09 JS 215

APPEAL AFFIDAVIT

I, Mary Emily Grant, the Treasurer of the
(Name) (Chairman/Treasurer)
Concerned Citizens of Hazel Crest
(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:

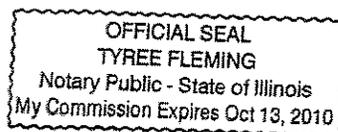
The Concerned Citizens Party of Hazel Crest properly filed via paper their Semi-Annual Report (1/1/09-6/30/09). We subsequently received a letter from the State Board of Elections dated August 3, 2009, stating that our committee was required to file its reports electronically because we had exceeded the \$10,000 threshold and that our committee's report must be re-filed electronically within 30 days of the notice. This letter was sent to our committee's post

Signed and Sworn to by:

Mary E Grant
before me this 1 Day of
October, 2009

Tyree Fleming
Notary Public

Mary Emily Grant
(Signature of Chairman/Treasurer)



(continued)

office box, which was most appropriate; however, the mail from this post office box is generally picked up every couple of weeks and was opened around the 25th of the month. I had been in contact with Andy Nauman, Election Specialist in the Chicago Office, on Friday, August 28th, on another matter and asked for his assistance in the electronic filing. He walked me through downloading the electronic filing software and guided me through the next steps. I thought I had inputted all the required data (itemized items) when I realized I had to enter **ALL** of the receipts and expenditures and that the software would segregate the itemized and non-itemized. I called on September 2nd in the afternoon to ask Andy Nauman to help me through the filing but he had gone for the day, and the young lady who answered the phone was not sure about first time filing. I asked her if I had till September 3rd to file since the letter was dated August 3rd and she assured me that it would be okay to file the next day when Andy would be back in the office. I contacted Andy early around 8:44 a.m. on September 3rd and asked for his help. He told me I had a couple more steps to complete before he could walk me through the actual filing. I completed the additional steps and called him back. With Andy's assistance, our committee's report was re-filed electronically on Thursday, September 3, 2009 at 9:03:06 AM. I thought I was in good shape until I received the letter from the State Board of Elections dated September 8th stating that we had failed to comply and had been assessed a civil penalty. Immediately upon receiving the letter (sent directly to my home) on September 10th, I called the number provided (217/782-1543) and spoke with Mr. Borgsmiller who recommended that I complete this affidavit, explaining my plight. Thank you for your consideration. If you need any additional information, please contact me at 708-335-4349 (home) or 312-919-4349 (cell).

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections

Complainant

v.

09 JS 083

Friends of Marcia Phillips

L 14931

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 23, 2009, 3 days late, resulting in a civil penalty assessment of \$150.

John R. Phillips, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Phillips states that he originally attempted to file the Semi-Annual Report electronically on May 15, 2009 but it was rejected as being too early (the filing period began on July 1). He says he then attempted to file on July 8 and thought he had succeeded until he was notified on July 23 that the report had not been filed. He blames the IDIS software as not being user-friendly and himself for not using the software correctly as the reasons for the late filing.

In order to be consistent with prior Board decisions when an electronic filing issue is presented as a defense and since this defense has not previously been offered by the Committee, I recommend the appeal be granted.



Tom Newman – Hearing Examiner
December 4, 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

Friends of Marcia Phillips
John Phillips
80 Allen Bend Dr
Decatur, IL 62521

L14931

Dear Friends of Marcia Phillips;

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 23, 2009, 3 day(s) late. As such, this committee has been assessed a fine of \$150.00.

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

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk

State of Illinois)
County of Macouh)

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.)
FRIENDS OF MARCIA PHILLIPS)
Respondent(s).)

Case No. 09 JS 083

APPEAL AFFIDAVIT

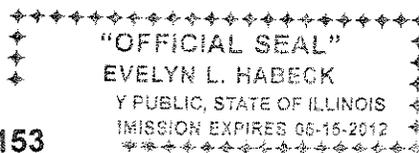
I, JOHN R. PHILLIPS, the Treasurer of the
(Name) (Chairman/Treasurer)
FRIENDS OF MARCIA PHILLIPS
(Name of the Committee)

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:

ATTEMPTED TO FILE MAY 15 - REJECTED AS TOO EARLY
ATTEMPTED TO FILE JULY 8 - DID NOT REALIZE IT FAILED TO
FILE. UPON NOTICE OF FAILURE - CALLED AND FILED IMMEDIATELY
JULY 23. THIS IS VERY OLD SOFTWARE (NOT USER FRIENDLY) THAT
AS A FIRST TIME USER I FAILED TO USE CORRECTLY.

Signed and Sworn to by:
JOHN PHILLIPS
before me this 11th Day of
September, 2009
Evelyn L. Habeck
Notary Public

[Signature]
(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 090

Citizens for Wepler L15006
Respondent

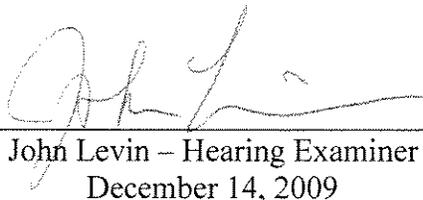
REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the June 2009 Semi-Annual Report

The Report was received on July 22, 2009, 2 days late, resulting in a civil penalty assessment of \$100. This is the Committee's first assessment.

Terry Wepler, the Candidate supported by the Committee, filed a Waiver of Appearance and Appeal Affidavit in this matter.

On the Affidavit, Mr. Wepler said the Committee attempted to electronically file the Report on the due date, July 20, 2009, but was "unable to get the program to work." He said he was not able to reach Board staff by phone and sent the Report via certified mail. Mr. Wepler said, in light of the problems he was having in uploading the Report, the Committee filed the report in the only manner it believed available at the time.

The Committee had previously filed two Reports electronically. While it's possible Mr. Wepler was unable to reach Board staff by phone initially, it is unlikely he would not have received a return call had he left a message. Board staff frequently talks Committees all the way through the process of electronically filing a Report. However, in keeping with the past practice of the Board, I recommend the appeal be granted, as it is the first time the Committee has raised an electronic filing defense. If the Board denies the appeal, the fine would be stayed as a first assessment.



John Levin – Hearing Examiner
December 14, 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

Citizens for Weppler
121 W Church St
Libertyville, IL 60048

L15006

Dear Citizens for Weppler;

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 22, 2009, 2 day(s) late. As such, this committee has been assessed a fine of \$100.00.

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 Lake)

STATE BOARD OF ELECTIONS

09 SEP 30 PM 2:08

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

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

Case No. 09 JS 090

APPEAL AFFIDAVIT

I, Terry L. Wepler, the Candidate of the
(Name) (Chairman/Treasurer)
Citizens For Wepler
(Name of the Committee)

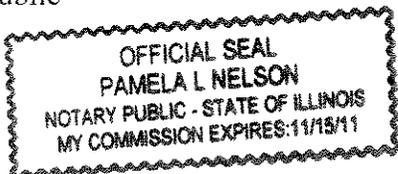
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

~~The committee attempted to file the required campaign report on the due date, July 20th, and was unable to get the computer program to work. At that time we attempted to get through to the State Board of Elections by phone and we were unable to reach anyone. In an attempt to file in a timely manner we then sent the campaign disclosure via certified mail, mailed on the due date of the disclosure. While we were unable to comply with filing electronically on the 20th, we did file in the only manner available once we determined we were unable to get the computer program to work.~~

Signed and Sworn to by:

before me this 28th Day of
Sept, 2009
Pamela L Nelson
Notary Public

[Signature]
(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 175

Contractors for Free Enterprise

S 9045

Respondent

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

The report was received July 27, 2009, 5 days late, resulting in a civil penalty assessment of \$250.

Rob Winchester, Jr., Treasurer of the Committee, filed a Request for Hearing and submitted on the Appeal Affidavit, the following:

On the Affidavit, Mr. Winchester stated that his assistant had the semi-annual report filled out and ready to file on-line. She time-stamped and signed the report, but forgot to hit the send option. This is the first Semi-Annual Report that she has filed without guidance from anyone else. She has realized her mistake and will be more diligent in filing further reports.

The hearing was held Monday, December 7, 2009, at 10:00 AM in the Springfield office of the Board of Elections. Appearing on behalf of the Committee were Rob Winchester, Jr., the Treasurer of the Committee, and Kari Selk, the Committee's bookkeeper. Ms. Selk testified that this was the first time she had attempted to file electronically on her own. She had the report completed on 7/2/09, as indicated on a paper copy of the report submitted at the hearing, but failed to upload the report. Upon Mr. Winchester's receipt of a call from the Board, Ms. Selk completed the process and uploaded the report. She now understands the procedure and also is aware that she can check the Committee's filing status on-line on the Board's website.

In order to be consistent with previous decisions of the Board when an electronic filing defense is presented, I recommend that the appeal be granted. However, the Committee should be aware that the Board would not look favorably upon the use of this defense a second time.



Sharon Steward – Hearing Examiner
December 7, 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

Contractors for Free Enterprise
Rob Winchester
1224 Centre West
Springfield, IL 62704

S9045

Dear Contractors for Free Enterprise;

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 27, 2009, 5 day(s) late. As such, this committee has been assessed a fine of \$250.00.

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,

A handwritten signature in black ink, appearing to read 'Rupert T. Borgsmiller', written in a cursive style.

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk

09 OCT -2 PM 4:03

State of Illinois)
County of Sangamon)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
vs.)
Contractors for Free Enterprise)
Respondent(s).)

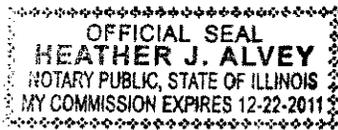
No. 09 JS175

APPEAL AFFIDAVIT

I, Rob Winchester, Jr, the Treasurer of the
(Name) (Chairman/Treasurer)
Contractors for Free Enterprise
(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:

My assistant had the Semi-Annual Report filled out and ready to file online. She time-stamped and signed the report but forgot to hit the sent option. This is the first Semi-Annual Report that she has filed without guidance from anyone else. She has realized her mistake and will be more diligent in filing further reports. We pray that the Board will take into consideration that this is our first offense and offer leniency.



Subscribed and Sworn to Before me
This 2 Day Of October, 2009

Heather Alvey
NOTARY PUBLIC

Rob Winchester, Jr
(Signature of Chairman/Treasurer)

STATE OF ILLINOIS
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

09 JS 115

Citizens to Elect Shawn D Monroe S9293
Respondent

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

The Report was received by the Board on August 20, 2009, 23 days late, resulting in a civil penalty assessment of \$1,150. In addition, this Committee had previously been assessed a \$1,050 civil penalty (not appealed, stayed) for delinquently filing the June 2007 Semi-Annual Report. The total assessment is \$2,200.

Shawn Monroe, the candidate of the committee, appeared on December 1, 2009 for the appeal hearing.

In the hearing Mr. Monroe stated that he had electronically filed the Semi-Annual Report on July 20, 2009. He provided a receipt of that filing. He went on to say that he didn't understand why he received a letter dated August 6, 2009 regarding the committee's failure to file the June Semi-Annual Report. Once Mr. Monroe received this notice his wife attempted to file the report again but he could not get the report to file. He didn't know why he had to file the report again but he just went ahead and filed the report for a second time. Mr. Monroe said his wife had to change the date to file the second time but he didn't know what that entailed. Mr. Monroe was under the assumption that the report they filed on July 20th was the Semi-Annual Report and he claimed he did not realize that the report they filed on that day was actually a Non-participation Report until I informed him of this during the hearing.

In order to be consistent with previous Board decisions when an electronic filing issue was presented as a defense, I recommend that the appeal be granted. However, since the committee is now aware that they need to make sure the correct report is selected when they upload a report it is unlikely the Board would look favorably upon the use of this defense a second time. Furthermore, the committee had very little activity during this reporting period spending less than \$15 and Mr. Monroe said he would be filing a Final Report in the near future. If this recommendation is accepted by the Board, the previously assessed fine of \$1,050 will remain stayed.



Andy Nauman – Hearing Examiner
December 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



EXECUTIVE DIRECTOR
Daniel W. White
September 8, 2009

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

Citizens to Elect Shawn D Monroe
Shawn Monroe
6640 S Talman Ave
Chicago, IL 60629

S9293

Dear Citizens to Elect Shawn D Monroe;

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 20, 2009, 23 day(s) late. As such, this committee has been assessed a fine of \$1150.00.

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

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

Reporting Period	Report Type	Previous Fine Amount
1/1/2007 - 6/30/2007	Semi-annual	\$1050.00
TOTAL AMOUNT NOW DUE		\$2200.00

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 _____)

CHICAGO

OCT -5 PM 2:21

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

STATE
BOARD OF ELECTIONS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.)
)
Citizens to Elect Shawn D.)
Respondent(s). MONROE)

Case No. 09 JS 183

APPEAL AFFIDAVIT

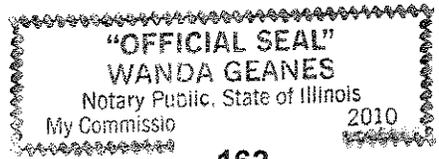
I, Shawn D. Monroe, the Chairman of the
(Name) (Chairman/Treasurer)
Citizens to Elect Shawn D Monroe
(Name of the Committee)

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 am submitting documentation showing that on July 20,
2009 at 11:06pm that I did file a semi-annual
report and that it was received by your system on 7/20/2009
at 23:06 and assigned the filing ID of IL-114383.

Signed and Sworn to by:
SHAWN D MONROE
before me this 5th Day of
10, 2009
Wanda Geanes
Notary Public

Shawn D. Monroe
(Signature of Chairman/Treasurer)





Illinois Electronic Filing Acknowledgement

Monday, July 20, 2009 11:06 PM

From: "Disclose@elections.il.gov" <Disclose@elections.il.gov>
To: bridgdoug_892@yahoo.com

DISCLOSE – Illinois Political Financial Disclosure Filing Acknowledgement

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

Your filing was received and accepted by our system at Mon Jul 20 23:06:45 2009, and was assigned the Filing ID of: IL-114383

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

CHICAGO
2009 OCT -5 PM 2: 21
STATE
BOARD OF ELECTIONS

=====
Committee ID: FID4524
Committee Name: Citizens to Elect Shawn D. Monroe
Filing Type: D-2

Cover/Summary Page Totals for Form: D-2

Line No. Dollar Total
=====

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

STATE OF ILLINOIS
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

09 JS 204

Committee to Elect Thomas Wronski S9873
Respondent

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

The Report was received by the Board on July 27, 2009, 5 days late, resulting in a civil penalty assessment of \$250.

Brian Bishop, the treasurer of the committee, appeared on December 1, 2009 for the appeal hearing.

In the hearing Mr. Bishop stated that he tried to file the report electronically on July 20, 2009 and he could not get the report filed. He was receiving header errors that were preventing him from being able to file the report. Mr. Bishop was attempting to file the report from home since he works during the day and he attempted to call the State Board of Elections but since it was after hours he could not reach anyone. He also tried to use the phone number that was listed in the IDIS program with no luck. After many attempts his computer cursor became an hour glass cursor for several minutes and then it went away and he thought the report was filed since he did not get an error statement. Mr. Bishop assumed the report was filed until Tara Cachur from the Chicago Campaign Disclosure staff called him on July 23rd while he was at work. Since he was at work when he received the call he could not file the report at that time because the IDIS program was on his computer at home. When Mr. Bishop got home that night he attempted to file the report again with no luck. He emailed Tara Cachur the next morning and she emailed him detailed instructions on what could be causing the header errors. Mr. Bishop took those instructions home with him that night and tried to file the report over the weekend with no success. Mr. Bishop then on Monday, July 27, downloaded the program on his work computer and filed the report.

In order to be consistent with previous Board decisions when an electronic filing issue was presented as a defense, I recommend that the appeal be granted. However, since the committee is now aware that an additional step is required when Windows Vista is involved, the IDIS program must be installed on the C Drive or Local Disk C and the .dcf file must be located in the IDIS folder located on the C Drive or the Local Disk C, it is unlikely the Board would look favorably upon the use of this defense a second time.



Andy Nauman – Hearing Examiner

December 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

Committee to Elect Thomas Wronski S9873
Brian Bishop
1421 S Wabash 2W
Chicago, IL 60605

Dear Committee to Elect Thomas Wronski;

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 27, 2009, 5 day(s) late. As such, this committee has been assessed a fine of \$250.00.

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

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk

State of Illinois)
County of _____)

CHICAGO

BEFORE THE STATE BOARD OF ELECTIONS OF THE STATE OF ILLINOIS

2009 OCT -7 PM 2:19
STATE BOARD OF ELECTIONS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs.)
Committee to Elect Thomas J Wronski)
Respondent(s).)

Case No. 09JS204

APPEAL AFFIDAVIT

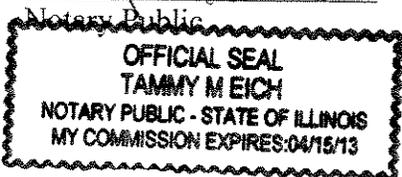
I, Brian P. Bishop, the Treasurer of the
(Name) (Chairman/Treasurer)
Committee to Elect Thomas J Wronski
(Name of the Committee)

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:

When filing on July 20th 2009 I received an error message "Unable to read header to ISg Sac. Jk". The program then seemed to process the info then says not responding. I tried to call that night but there is no one on the hotline after hours. I work during the day and the info is stored at my home computer. I spoke w/ Tara Cochran and she gave me instructions to ~~fix~~ correct this error. I then filed on Monday July 27, 2009

Signed and Sworn to by:
Tammy M. Eich
before me this 7th Day of
October, 2009
Tammy M. Eich

Brian P. Bishop
(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 002

United Progressive Party of Alsip L 836
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 25, 2009, 4 days late, resulting in a civil penalty assessment of \$400. In addition, the Committee had previously been assessed a \$1600 civil penalty (not appealed) for delinquently filing the 2008 June Semi-annual Report. The \$1600 penalty was stayed. The total assessment is \$2000.

James Quinn, the Chairman of the Committee, filed a Waiver of Appearance and submitted an Appeal Affidavit.

On the Affidavit, Mr. Quinn said the Committee's treasurer inadvertently filed the Report late. He said the total assessment would represent 14 percent of the Committee's current balance and respectfully requested relief from the Board.

I recommend that the appeal be denied for lack of an adequate defense. The committee has been in existence since 1985 and should be well aware of the need to file Reports in a timely manner. While I understand the concern of the Chairman with respect to the assessment amount, the fines are clearly laid out in Section 125.420 of the rules accompanying the Illinois Campaign Finance Act. If the Board accepts this recommendation, the stay on the \$1600 assessment for the late 2008 June Semi-annual Report would be lifted, and the total assessment of \$2000 would be due and owing.



John Levin – Hearing Examiner
December 11, 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

United Progressive Party of Alsip
Jim Quinn
4947 W 118th St
Alsip, IL 60803

L836

Dear United Progressive Party of Alsip;

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 25, 2009, 4 day(s) late. As such, this committee has been assessed a fine of \$400.00.

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

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

Reporting Period	Report Type	Previous Fine Amount
1/1/2008 – 6/30/2008	Semi-annual	\$1600.00
TOTAL AMOUNT NOW DUE		\$2000.00

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)

CHICAGO

2009 OCT -5 PM 2:01

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
vs.)
)
United Progressive Party of Alsip)
Respondent(s).)

No. 09 JS 002

APPEAL AFFIDAVIT

I, James Quinn, the Chairman of the
(Name) (Chairman/Treasurer)
United Progressive Party of Alsip
(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 United Progressive Party of Alsip missed its filing period deadline for its Semiannual Report of Campaign Contribution and Expenditures for the reporting period 1/1/09 - 6/30/09 by four (4) days. The Committee's failure was due to the inadvertence of its treasurer. The fine amount of \$400.00, in addition to a previous fine now being assessed (\$1,600.00) totals \$2,000.00. The total amount of monies in its account is \$13,988.17. The total fines, if assessed, will account for 14% of the Committee's funds. The Committee respectfully requests relief from the total amount of fines to be assessed.

OFFICIAL SEAL
NINA M. JOINER
Notary Public - State of Illinois
My Commission Expires Sep 18, 2010

Subscribed and Sworn to Before me
This 1 Day Of October, 2009

James Quinn
(Signature of Chairman/Treasurer)

Nina M. Joiner
NOTARY PUBLIC

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

Illinois State Board of Elections
Complainant

v.

09 JS 013

Citizens for Classrooms Plainfield School Dist 202
Respondent

L 6448

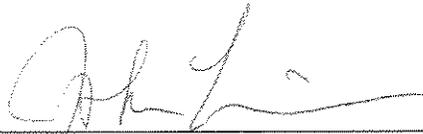
REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the June 2009 Semi-Annual Report

The Report was received on August 2, 2009, 9 days late, resulting in a civil penalty assessment of \$450. In addition, the Committee had previously been assessed a \$2600 civil penalty for delinquently filing the 2007 December Semi-Annual Report.

Melanie Jones, the Treasurer and Chairman of the Committee, filed a Waiver of Appearance and Appeal Affidavit in this matter.

On the Affidavit, Ms. Jones acknowledged the late filing of the Report. She said the Committee has been essentially inactive for the last three years but that she was busy with family responsibilities over the summer and simply forgot to file the Report in a timely manner.

I recommend that the appeal be denied for lack of an adequate defense. The Committee has been in existence since 1994 and has routinely been notified in advance of pending Reports by the Board, as required by law. Additionally, the State Board of Elections web site provides ample filing information, including a Campaign Disclosure calendar featuring due dates for all Reports. The Committee also had the option of disbursing its funds and filing a Final Report at any time since the last time it was actively engaged in referendum support. If the Board accepts this recommendation, the stay on the \$2600 assessment for delinquently filing the 2007 December Semi-Annual Report would be lifted, and \$3050 would be due and owing.



John Levin – Hearing Examiner
December 7, 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

Citizens for Classrooms Plainfield School Dist. 202
Melanie Jones
5305 Whispering Oaks Dr
Plainfield, IL 60568

L6448

Dear Citizens for Classrooms Plainfield School Dist. 202;

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 2, 2009, 9 day(s) late. As such, this committee has been assessed a fine of \$450.00.

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	\$2600.00
TOTAL AMOUNT NOW DUE		\$3050.00

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

Sincerely,

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

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk
Enclosure(s) appeal documents

State of Illinois)
County of _____)

STATE BOARD OF ELECTIONS

09 OCT -5 AM 9:07

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs.)
Citizens for Classrooms)
Respondent(s).)
Plainfield School District 202)

Case No. 09 JS 013

APPEAL AFFIDAVIT

I, Melanie Jones, the Chairman/Treasurer of the
(Name) (Chairman/Treasurer)
Citizens for Classrooms Plainfield School District 202
(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:

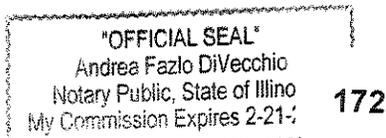
Please see attached

Signed and Sworn to by:

Melanie Jones
before me this 1 Day of
October 2009

Andrea Fazlo DiVecchio
Notary Public

[Signature]
(Signature of Chairman/Treasurer)



September 22, 2009

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

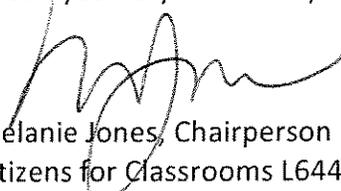
Dear Board of Elections:

The Citizens for Classrooms committee has not been active since 2006, other than to pay off existing obligations, and has funds of only \$973. The committee's checking account remains open because there may be a need for a future referendum and should a referendum become necessary, it reduces the startup requirements for the next group of members.

Currently, the Citizens for Classrooms committee has no active members. I was a co-chairperson for the last referendum, which was the last time this committee was active, so I was asked to complete the paperwork when the previous treasurer resigned. I am very sorry that I did not submit the documents during the allowed time period. During the summer months, my family is out of town a great deal as our son is in travel baseball and during the month of July, I was busy getting everything ready for our daughter to head off to college. Truly, my failure to file was not intentional. My only excuse is that it was a very busy summer and I simply forgot.

As you can see, this committee is small in terms of dollars and activity. We do not have the funds to pay a fine and I hope that you understand the situation. I promise I will do my best to file all subsequent reports by the required due dates. I have setup calendar reminders so that this does not occur again. Please consider staying the assessed penalty.

Thank you very much for your understanding and consideration.



Melanie Jones, Chairperson
Citizens for Classrooms L6448
5305 Whispering Oaks Dr
Plainfield, IL 60586
Home/Cell 815.260.6358
Work 815.577.5587

STATE OF ILLINOIS
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

09 JS 025

Citizens for Pat Dowell L11104
Respondent

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

The Report was received by the Board on July 30, 2009, 8 days late, resulting in a civil penalty assessment of \$800. In addition, this Committee had previously been assessed a \$300 civil penalty (not appealed, expired) for delinquently filing the December 2003 Semi-Annual Report; a \$25 civil penalty (not appealed, paid) for delinquently filing the June 2006 Semi-Annual Report; a \$200 civil penalty (not appealed, paid) for delinquently filing the Pre-Election Report for the 2007 Consolidated Election; a \$100 civil penalty (not appealed, paid) for failure to file a Schedule A-1 for the 2008 General Primary; a \$100 civil penalty (not appealed, paid) for failure to file a Schedule A-1 for the 2008 General Primary; and a \$100 civil penalty (not appealed, paid) for failure to file a Schedule A-1 for the 2008 General Primary. The total assessment is \$800.

Pat Dowell, the Candidate of the committee, appeared on November 30, 2009 for the appeal hearing.

In the hearing Ms. Dowell stated that during the filing period her mother had serious health concerns and was hospitalized outside of Chicago. Ms. Dowell is an only child and she stated that she is the sole person responsible for her mothers' care. Ms. Dowell went on saying that she does not have the necessary infrastructure set in place to assist her in the required filings, she does it all herself. She then went on and explained that she prepares her reports in the Chicago office with the assistance of Campaign Disclosure staff.

I understand that her mother's condition was her primary concern but I recommend that the appeal be denied for lack of an adequate defense. I recommend that the committee is assessed a fine of \$800. If this recommendation is accepted by the Board, the amount of \$800 will be due and owing.



Andy Nauman – Hearing Examiner
December 1, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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

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



BOARD MEMBERS
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

Citizens for Pat Dowell
Phillip Beckham III
4201 S Martin Luther King Dr
Chicago, IL 60653

L11104

Dear Citizens for Pat Dowell;

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 30, 2009, 8 day(s) late. As such, this committee has been assessed a fine of \$800.00.

Enclosed please find the Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the 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 of Illinois)
County of Cook)

CHICAGO

2009 OCT -7 PM 1:16

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

STATE
BOARD OF ELECTIONS

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

Case No. 09 JS 025

APPEAL AFFIDAVIT

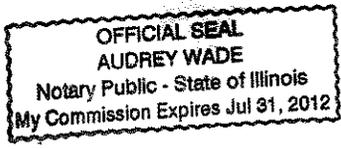
I, Phillip Beckham, the Chairman of the
(Name) (Chairman/Treasurer)
Citizens for Pat Dowell
(Name of the Committee)

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 candidate, Pat Dowell, has traditionally filed the campaign reports for the Committee. During the filing period, the candidate's mother who lives outside of Chicago was hospitalized and/or under the care of her doctor for a serious health concern. As the only child, Pat Dowell was directly responsible for her care and unable to file the report on time.

Signed and Sworn to by:
PHILLIP BECKHAM
before me this 6th Day of
OCTOBER, 2009
[Signature]
Notary Public

[Signature]
(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 224

Citizens for Wayne Motley
Respondent

L11445

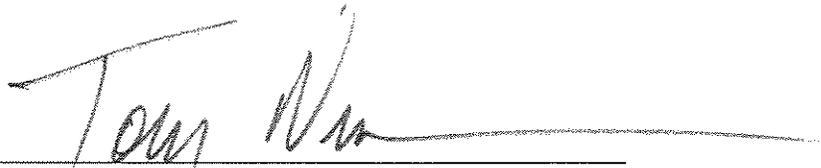
REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the 2009 June Semi-Annual Report

The Semi-Annual Report was received by the Board on October 9, 2009, 58 days late, resulting in a civil penalty assessment of \$2900. In addition, the Committee has previously been assessed a \$100 (not appealed, stayed) civil penalty for delinquently filing a Schedule A-1 for the 2009 Consolidated Primary Election. The total assessment is \$3000.

Wayne Motley, the Candidate, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Motley states that his committee reports had previously been filed by the Waukegan Democratic Party, and that he was unaware they were not being filed in a timely manner.

I recommend the appeal be denied for lack of an adequate defense. If this recommendation is accepted by the Board the total amount of \$3000 will be due and owing.



Tom Newman – Hearing Examiner
December 18, 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
November 18, 2009

Citizens for Wayne Motley
Wayne Motley
3124 E. Newcastle Court
Waukegan, IL 60087

L11445

Dear Citizens for Wayne Motley;

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 October 9, 2009, 58 day(s) late. As such, this committee has been assessed a fine of \$2900.00.

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
1/26/09 - 2/23/09	Schedule A-1	\$100.00
TOTAL AMOUNT NOW DUE		\$3000.00

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 Lake)

STATE BOARD OF ELECTIONS

09 DEC -4 AM 11:47

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

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

Case No. 09 JS 224

APPEAL AFFIDAVIT

I, Wayne Motley, the Chairman of the
(Name) (Chairman/Treasurer)
Citizens for Wayne Motley
(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:

Previous reporting requirement were filed by the Waukegan Democratic Party.

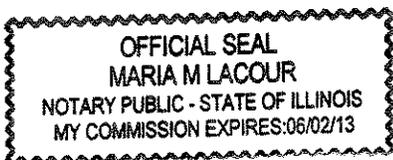
I was not aware that the reports were not being filed in a timely manner.

All future reports will be filed as requested.

Signed and Sworn to by:

before me this 2nd Day of
December, 2009
M. Kacour
Notary Public

Wayne Motley
(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 039

Democratic Organization of Troy Township

L 12857

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 27, 2009, 5 days late, resulting in a civil penalty assessment of \$250. In addition, the Committee has previously been assessed a \$200 (not appealed, stayed) civil penalty for delinquently filing the 2007 December Semi-Annual Report. The total assessment is \$450.

Daniel L. Kennedy, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Kennedy states that his daughter suffered a major knee injury in early July, resulting in numerous doctors' appointments and surgery on July 21, 2009. He adds that he is a single father.

I recommend the appeal be denied for lack of an adequate defense. The report in question was very brief, containing no receipts and two small expenditures, and there should have been ample time to submit it to the Board prior to the due date. If this recommendation is accepted by the Board, the stay would be lifted from the previous assessment and the total amount of \$450 will be due and owing.



Tom Newman – Hearing Examiner
November 10, 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

Democratic Organization of Troy Township
Daniel Kennedy
54 N Ottawa #260
Joliet, IL 60432

L12857

Dear Democratic Organization of Troy Township;

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 27, 2009, 5 day(s) late. As such, this committee has been assessed a fine of \$250.00.

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:

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
7/1/2007 – 12/31/2007	Semi-annual	\$200.00
TOTAL AMOUNT NOW DUE		\$450.00

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 Will)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.)
)
Democratic Org. of Troy Township)
Respondent(s).)

Case No. 09 JS 039

APPEAL AFFIDAVIT

I, Daniel L. Kennedy, the Treasurer of the
(Name) (Chairman/Treasurer)
Democratic Organization of Troy Township
(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:

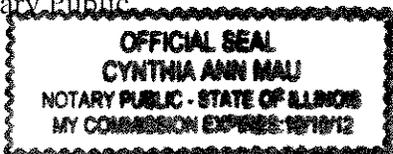
My freshman daughter suffered a major knee injury in the
first week of July. Had to attend numerous doctor appointments
which resulted in her having reconstruction knee surgery
July 21, 2009. I am a single father.

Signed and Sworn to by:

DANIEL L. KENNEDY
before me this 11 Day of
September, 2009
Cynthia Ann Mau
Notary Public



(Signature of Chairman/Treasurer)



**STATE OF ILLINOIS
COUNTY OF COOK**

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

Illinois State Board of Elections
Complainant

Vs.

09 CE 080

Citizens to Elect Robert E Howard L13013
Respondent

REPORT OF HEARING EXAMINER

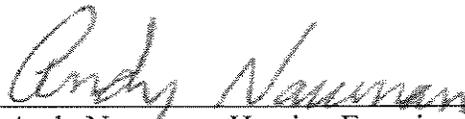
Appeal of Civil Penalty Assessment for Delinquently Filing
The Pre-Election Report for the 2009 Consolidated Election

A Nonparticipation Report was received by the Board on March 23, 2009 when a Pre-Election Report should have been filed resulting in a civil penalty assessment of \$1,100 for being 11 days late. In addition, this Committee had previously been assessed a \$30 civil penalty (not appealed, stayed) for failing to file a Schedule A-1 for the 2008 General Election. The total assessment is \$1,130.

Robert Howard, the Candidate of the committee, appeared on December 1, 2009 for the appeal hearing.

In the hearing Mr. Howard indicated that the person who was filing the reports on his behalf is an alcoholic. This person has since gone into treatment but it was his understanding that the reports were being filed appropriately. After review of the committee's filings the candidate realized that this person accidentally filed a Nonparticipation Report on the last day to file the 2009 Consolidated Election Pre-Election Report on time but electronically filed the wrong report. Mr. Howard was also running un-opposed in the 2009 Consolidated Election.

I understand that the person filing the reports has an addiction and is seeking help but I recommend that the appeal be denied for lack of an adequate defense. In the IDIS program when the committee prepares to file a pre-election or a nonparticipation report you must choose which report you would like to file. The default in the program is the pre-election report so the person filing the report must make a conscious effort to select nonparticipation and then click OK. The candidate was on the ballot even if he was un-opposed so the committee was required to file a pre-election report. I recommend that the committee is assessed a fine of \$1,100. If this recommendation is accepted by the Board, the amount of \$1,130 will be due and owing.



Andy Nauman – Hearing Examiner
December 2, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street
Springfield, Illinois 62704
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

Citizens to Elect Robert Howard
Bob Howard, Mary Howard
32245 S Kleeme Rd
Beecher, IL 60401

L13013

Dear Citizens to Elect Robert Howard:

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 March 23, 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 the previously stayed fine(s) for delinquent filing is now also required to be paid by the committee within 30 days of the issuance of a Final Board Order:

Reporting Period	Report Type	Previous Fine Amount
November 2008 General Election	Schedule A-1	\$30.00
TOTAL AMOUNT NOW DUE		\$1130.00

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

Sincerely,

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

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk
Enclosure(s) appeal documents

State of Illinois)
County of Will)

CHICAGO

BEFORE THE STATE BOARD OF ELECTIONS ^{2009 OCT 13 PM 2:39}
OF THE STATE OF ILLINOIS

STATE
BOARD OF ELECTIONS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs. CITIZENS TO ELECT)
ROBERT HOWARD)
Respondent(s).)

Case No. _____

APPEAL AFFIDAVIT

I, ROBERT HOWARD, the CANDIDATE of the
(Name) (Chairman/Treasurer)
CITIZENS TO ELECT ROBERT E HOWARD
(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:

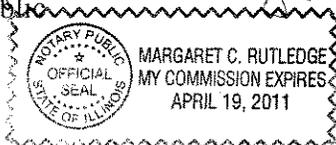
The person I had filing my reports is currently in alcoholic rehabilitation and I am currently trying to figure out what exactly happened and how to correct it. I do not have access to my full file. THANK YOU very much.

Signed and Sworn to by:

Margaret C. Rutledge
before me this 8 Day of
October, 2009

Margaret C. Rutledge
Notary Public

[Signature]
(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 229

Families for Osborn L13588
Respondent

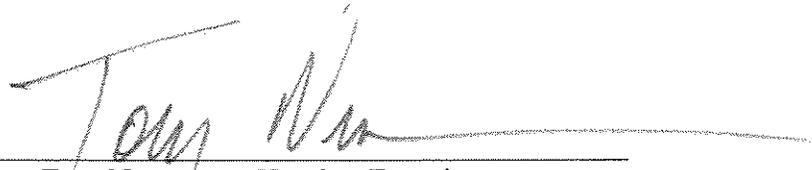
REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the 2009 June Semi-Annual Report

A Final Report was received by the Board on September 11, 2009, 38 days late, resulting in a civil penalty assessment of \$1900. In addition, the Committee has previously been assessed a \$1175 (not appealed, stayed) civil penalty for delinquently filing the 2008 December Semi-Annual Report. The total assessment is \$3075.

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

On the Affidavit, Ms. Osborn states that she was abandoned by her committee and no longer had any help in preparing her reports. She contacted the Board and believed that if she filed a Final Report the committee's fines would be waived. She adds that she does not plan to run for public office again.

I recommend that the appeal be denied for lack of an adequate defense. If this recommendation is accepted by the Board, the total assessment will be \$3075. Ms. Osborn apparently misunderstood about the committee's fines being waived, but since the committee has filed a Final Report I do recommend that if the Committee remains dissolved for a period of two years following the date of the Final Order imposing the fine, the fine be abated.



Tom Newman – Hearing Examiner
December 18, 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



EXECUTIVE DIRECTOR
Daniel W. White
November 18, 2009

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

Families for Osborn
Mary Osborn
1042 Portsmouth Dr
Rockford, IL 61102

L13588

Dear Families for Osborn;

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 September 11, 2009, 38 day(s) late. As such, this committee has been assessed a fine of \$1900.00.

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
7/1/08 – 12/31/08	Semi-annual	\$1175.00
TOTAL AMOUNT NOW DUE		\$3075.00

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

09 NOV 25 AM 11:48

State of Illinois)
County of Winnebago)

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 229

Families For Osborn)
Respondent(s).)

APPEAL AFFIDAVIT

I, Mary Osborn, the Chairman of the
(Name) (Chairman/Treasurer)

(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:

My committee abandoned me and I no longer had any help. I finally called the state office and they told me to file a ~~per~~ report closing the committee and fines/penalties would be waived. I did so and was surprised to receive this notice. I no longer have a committee and am not ever going to

Signed and Sworn to by:

before me this 23rd Day of November, 2009



Mary Osborn ^{run for office}
(Signature of Chairman/Treasurer)

again. I would really appreciate receiving forgiveness for this fine. After I sent all my reports in I thought I libe d n d n x



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

Full name and complete mailing address of Political Committee:

Families for Osborn
1042 Ports Mouth Dr.
Rockford, IL 61102

CHECK IF ADDRESS CHANGE

POLITICAL COMMITTEE

213588

IDENTIFICATION NO.

REPORTING PERIOD 11/01/09 6/30/09 FROM THRU	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD: \$ 0	STATE POLITICAL COMMITTEES RETURN TO: STATE BOARD OF ELECTIONS PO BOX 4187 SPRINGFIELD, IL 62708-4187	LOCAL POLITICAL COMMITTEES AND STATE AND LOCAL POLITICAL COMMITTEES RETURN ORIGINAL TO: STATE BOARD OF ELECTIONS AND A COPY TO EACH APPROPRIATE COUNTY CLERK.
---	--	--	---

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

COMPLETE 1-7 FOR PRE-ELECTION REPORTS.

COMPLETE ALL SECTIONS FOR SEMI-ANNUAL AND FINAL REPORTS.

SECTION A - RECEIPTS

1. Individual Contributions:

a. Itemized (from Schedule A) \$ 0 (1a)
b. Not-Itemized..... \$ 0 (1b)

2. Transfers In:

a. Itemized (from Schedule A) \$ 0 (2a)
b. Not-Itemized..... \$ 0 (2b)

3. Loans Received:

a. Itemized (from Schedule A) \$ 0 (3a)
b. Not-Itemized..... \$ 0 (3b)

4. Other Receipts:

a. Itemized (from Schedule A) \$ 0 (4a)
b. Not-Itemized..... \$ 0 (4b)
TOTAL RECEIPTS (1-4) \$ 0

5. In-Kind Contributions:

a. Itemized (from Schedule I) \$ 0 (5a)
b. Not-Itemized \$ 0 (5b)
TOTAL IN-KIND \$ 0

SECTION B - EXPENDITURES

6. Transfers Out:

a. Itemized (from Schedule B) \$ 0 (6a)
b. Not-Itemized..... \$ 0 (6b)

7. Loans made:

a. Itemized (from Schedule B) \$ 0 (7a)
b. Not-Itemized..... \$ 0 (7b)

8. Expenditures:

Itemized (from Schedule B) \$ 0 (8a)
Not-Itemized..... \$ 0 (8b)
TOTAL EXPENDITURES (6-8) \$ 0

SECTION C - DEBTS AND OBLIGATIONS

(Include previously reported unpaid debts)

9. a. Itemized (from Schedule C) \$ 0 (9a)
b. Not-Itemized..... \$ 0 (9b)
TOTAL DEBTS & OBLIGATIONS \$ 0

SECTION D - CASH BALANCE

Funds available at the beginning of the reporting period: \$ 0 (A)
Total Receipts (Section A) \$ 0 (B)
Subtotal \$ 0 (C)
Total Expenditures (Section B) \$ 0 (D)
Funds available at the close of the reporting period: \$ 0 (E)

INVESTMENT TOTAL \$ 0 (F)

VERIFICATION

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

Harry Osborn
SIGNATURE OF TREASURER OR CANDIDATE

9/4/09
DATE



WINNEBAGO COUNTY CLERK

MARGIE M. MULLINS

404 ELM STREET • ROCKFORD, ILLINOIS 61101 • ADMINISTRATION/VITAL RECORDS 815/987-3050
ELECTIONS 815/319-4250 • TAX REDEMPTIONS 815/319-4253 • FAX 815/319-4251

RECEIPT FOR CAMPAIGN DISCLOSURE FILING

Name of Committee: Families for Osborn

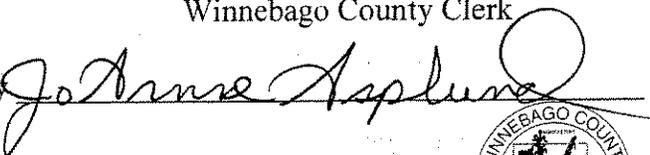
Address: 1042 Portsmouth Dr., Rockford, IL 61102

On Sept. 11, 2009, we received the following documents from your political committee.

D-1 Statement of Organization	Amended
D-2 Pre-Election Report	Amended
X D-2 Semi-Annual Report	Amended
Non-Participation	Amended
Schedule A	Amended
Schedule A-1	Amended
Schedule B	Amended
Schedule C	Amended
Schedule I	Amended
Asset Schedule	Amended
Investment Schedule	Amended
X Final Report	Amended

If this information is incorrect, please notify our office at once. Identification No. 754

MARGIE M. MULLINS
Winnebago County Clerk

By 



Winnebago County Mission Statement
It is our mission to provide high quality services &
a safe community for all people in Winnebago C

**STATE OF ILLINOIS
COUNTY OF SANGAMON**

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

Illinois State Board of Elections
Complainant

v.

09 JS 051

J Thornton Sr Annual Fund Raiser Committee
Respondent

L13970

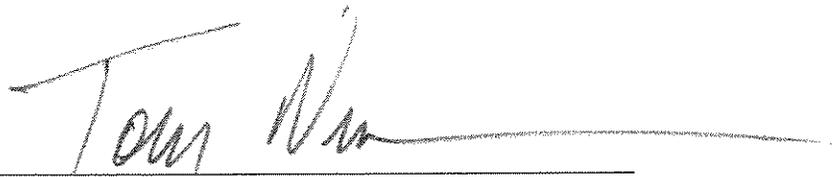
REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the 2009 June Semi-Annual Report

The Semi-Annual Report was received by the Board on August 18, 2009, 21 days late, resulting in a civil penalty assessment of \$2100. In addition, the Committee had previously been assessed a \$3850 (appealed, appeal denied, stayed) civil penalty for delinquently filing the 2007 June Semi-Annual Report. The total assessment is \$5950.

John Thornton Sr., the Chairman of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Thornton states that the report in question was filed late as a result of an ongoing federal investigation involving his previous Treasurer, Linda Cannon-Connor. Mrs. Cannon-Connor was convicted in May of embezzling money from the village of Washington Park, where she also served as an assistant to Mr. Thornton. As a result of this investigation, Mr. Thornton indicates computers, documents and files were seized from his office, and he claims this left his hands tied in respect to getting his disclosure reports filed. He also claims he was unable to replace Mrs. Cannon-Connor while the investigation continued.

While the federal investigation clearly caused some disruption in the Washington Park village office, it appears Mr. Thornton's political committee should still have been able to file its disclosure reports in a timely manner. I contacted Katina Morrow, who Mr. Thornton indicates has been brought in to get the reports caught up. She stated the computers and documents in question were seized in early 2007. This, and the fact that the Semi-Annual Report filed by the committee was only two pages long and contained just three itemized receipts, indicates to me that the committee had sufficient information and resources available to file the report by the required deadline. I therefore recommend the appeal be denied. If this recommendation is approved by the Board the stay would be lifted from the previous assessment and the total amount of \$5950 will be due and owing.



Tom Newman – Hearing Examiner
December 17, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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

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



BOARD MEMBERS
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

J Thornton Sr Annual Fund Raiser Committee
PO Box 1161
Washington Park, IL 62204

L13970

Dear J Thornton Sr Annual Fund Raiser 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 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 18, 2009, 21 day(s) late. As such, this committee has been assessed a fine of \$2100.00.

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

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

Reporting Period	Report Type	Previous Fine Amount
1/1/2007 - 6/30/2007	Semi-annual	\$3850.00
TOTAL AMOUNT NOW DUE		\$5950.00

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 St. Clair)

STATE BOARD OF ELECTIONS

09 OCT -5 AM 8:33

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

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

Case No. 09 JS051

APPEAL AFFIDAVIT

I, John Thornton Sr, the Chairman of the
(Name) (Chairman/Treasurer)
J Thornton Sr. Annual Fund Raiser Committee
(Name of the Committee)

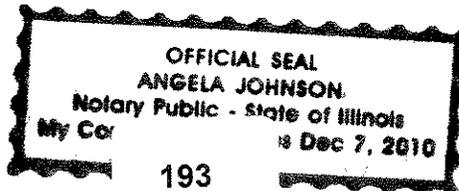
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

I, John Thornton Senior, Chairman of this committee is appealing to have these violation charges dropped against my committee, due to the fraudulent and embezzlement that occurred and brought to my knowledge by the FED at the time of the reporting period.

Signed and Sworn to by:

before me this 29th Day of
September, 2009
[Signature]
Notary Public

John Thornton Sr.
(Signature of Chairman/Treasurer)



My office has been under some heavy investigation by the FED, due to Linda Cannon-Connor, who was the previous Treasurer/Secretary. Mrs. Cannon-Connor handled the reporting and submitting them to the board. Through the reporting period you have stated on the report is right around the same time the FEDS came and brought me in to let me know what have being occurring at the office. They have taken many documents and files and computers from my office at the time of Mrs. Cannon-Connor arrest. During this period of the Treasurer/Secretary was termination, I wasn't able to hire some to replace her, due to the investigation. My hands have being tied with the lack of documents and files that have been obtained, but I have asked a Katina Morrow to come in and help get some of the office paperwork submitted to the different boards, and offices. She have been working very hard to getting the reports caught up and submitting them to the board. She has called the board on many occasions of trying to set up new files and excess to be able to submit the reports. In regards to having a point of contact from the FEDS office, I really do apologize because I don't. I'm asking if I can request adequate amount of time to reach the agent or agents from the FED'S office to contact, so they can inform the board their suit of actions occurred within the office to verify the time frames. I have requested newspaper article if that will help, just to verify these actions of documents and files had been removed by the FED'S and also article stating the conviction of embezzlement dealing with Linda Cannon-Connor and other employees. As I stated earlier, I haven't received none of my files, documents, hardware from the computers yet from the FED'S, due to they are still investigating the office. If you have any other question please contact Katina Morrow 314-504-0853 if you have any questions, or if you need her to get whatever document that is needed to help support this case.

Thank you

John Thornton Sr:km

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # 194B-SI-50415

On (date) 10-23-2019

- item(s) listed below were:
- Received From
- Returned To
- Released To
- Seized

(Name) Kimberly Lewis - Deputy Clark - Village of Washington Park

(Street Address) 5218 N. Park Ave

(City) Washington Park, IL.

Description of Item(s): 1 Alak Plastic cards - M.S. Records

Boxes - 1 6, 9, 11, 12, 13, 15, 16, 17, 18, 19, 20, 23,
 24, 25, 27, 30, 33, 34, 36, 38, 40, 41, 44-50,
 52, 56

Nothing Else

Received By: [Signature]
(Signature)

Received From: [Signature]
(Signature)

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

Illinois State Board of Elections
Complainant

v.

09 JS 056

Citizens for Tellalian L 14124
Respondent

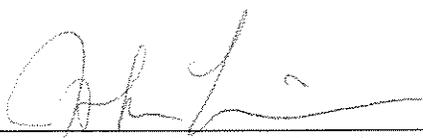
REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the June 2009 Semi-Annual Report

The Report was received on July 27, 2009, 5 days late, resulting in a civil penalty assessment of \$250. In addition, the Committee had previously been assessed a \$50 civil penalty for delinquently filing the 2008 June Semi-Annual Report.

Martin Tellalian, the Treasurer and Chairman of the Committee, as well as the Candidate supported by the Committee, filed a Waiver of Appearance and Appeal Affidavit in this matter.

On the Affidavit, Mr. Tellalian acknowledged the late filing was entirely his fault, as he mistakenly believed the Report was due July 30th, 2009. He said the assessment is excessive because of the Committee's balance and lack of significant activity during the past two years.

I recommend that the appeal be denied for lack of an adequate defense. The Committee has been in existence for more than two years and has routinely been notified in advance of pending Reports by the Board, as required by law. Additionally, the State Board of Elections web site provides ample filing information, including a Campaign Disclosure calendar featuring due dates for all Reports. The assessment level already takes into account factors including the committee's balance. If the Board accepts this recommendation, the stay on the \$50 assessment for delinquently filing the 2008 June Semi-Annual Report would be lifted, and \$300 would be due and owing.



John Levin – Hearing Examiner
December 7, 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

Citizens for Tellalian
Martin Tellalian
7335 Jackson Blvd
Forest Park, IL 60130

L14124

Dear Citizens for Tellalian;

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 27, 2009, 5 day(s) late. As such, this committee has been assessed a fine of \$250.00.

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:

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
1/1/2008 - 6/30/2008	Semi-annual	\$50.00
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 Will)

STATE BOARD OF ELECTIONS

09 OCT -5 PM 12:28

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

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

Case No. 09JS056

APPEAL AFFIDAVIT

I, MARTIN L. TELLALIAN, the CHAIRMAN & TREASURER of the
(Name) (Chairman/Treasurer)

CITIZENS FOR TELLALIAN
(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:

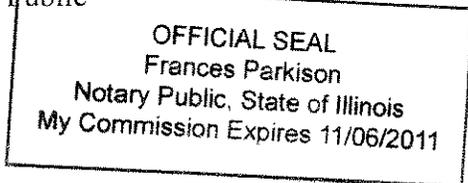
THE ASSESSMENT IS EXCESSIVE BASED ON THE CURRENT SIGNIFICANT BALANCE, LACK OF ACTIVITY SINCE APRIL OF 2007, AND THE LIMITED ACTIVITY OF THE COMMITTEE SINCE IT WAS FORMED. THE PROPOSED PENALTY IS ROUGHLY

HALF OF THE CURRENT BALANCE. WHILE IT IS ENTIRELY MY FAULT, I THOUGHT THE DUE DATE WAS JULY 30TH AND I APOLOGIZE FOR BEING LATE.

Signed and Sworn to by:
Frances Parkison
before me this 2nd Day of
October, 2009

Martin L. Tellalian
(Signature of Chairman/Treasurer)

Frances Parkison
Notary Public



STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

v.

09 JS 068

Friends of Nanci Barfoot L 14624
Respondent

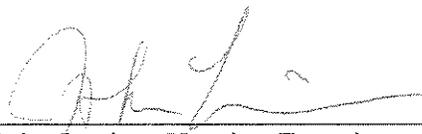
REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the June 2009 Semi-Annual Report

The Report (a Final Report filed in lieu of the required Semi-annual Report) was received on July 22, 2009, 2 days late, resulting in a civil penalty assessment of \$100. This is the Committee's first assessment.

Nanci Barfoot, the Treasurer of the Committee and the Candidate supported by the Committee, filed a Waiver of Appearance and Appeal Affidavit in this matter.

On the Affidavit, Ms. Barfoot indicated she was under the impression the Report would be considered timely if postmarked on or before July 20, 2009 (the postmark date on the Report). I recommend that the appeal be denied for lack of an adequate defense. Section 100.125 of the Illinois Campaign Finance Act clearly states that reports filed by mail must be *received* by the Board by the due date (emphasis added).

If the Board accepts this recommendation, the assessment would be stayed because this is the Committee's first offense.



John Levin – Hearing Examiner
December 8, 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

Friends of Nanci Barfoot
James Jones, Nanci Barfoot
5155 Fairgrounds Ct
Monee, IL 60449

L14624

Dear Friends of Nanci Barfoot;

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 22, 2009, 2 day(s) late. As such, this committee has been assessed a fine of \$100.00.

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 Will)

STATE BOARD OF ELECTIONS

09 SEP 23 PM 3:17

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

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

Case No. 09 JS 068

APPEAL AFFIDAVIT

I, Nanci Burfoot, the Chairman of the
(Name) (Chairman/Treasurer)
Friends of Nanci Burfoot
(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:

Prior to 7/20/09 I handed in my Report
to clerk office see enclosed I then
mailed my Report to Springfield I was
under the impression that like the DES it
just needed to be post marked by 7/20/09 see
enclosed.

Signed and Sworn to by:

Nanci Burfoot
before me this 23rd Day of September
2009
Notary Public State of Illinois
My Commission Expires 07/14/2012
Notary Public

Nanci Burfoot
(Signature of Chairman/Treasurer)

7/24/2009

Friends of Nanci Barfoot
5155 Fairgrounds Ct
Monee, IL 60449-8702

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

L 14624
Friends of Nanci Barfoot

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.

7/22/2009 11:34:23AM

Received in Springfield D-2 Final Report
Postmarked 7/20/09



FORM

REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (CHECK APPROPRIATE BOXES) (PLEASE TYPE OR PRINT IN BLACK INK)

FOR OFFICE USE ONLY

D-2

Pre-Election Report - Election Date: _____

Semi-Annual Report _____

Non-Participation - Election Date: _____

Final Report _____

Amendment of Report Indicated Above

1295

FILED

2009 JUL 16 2:46

L 14624

CLERK

STATE BOARD OF ELECTIONS

SPRINGFIELD, ILLINOIS

Full name and complete mailing address of Political Committee:

Friends of Nanci Barfoot
 5155 Fairgrounds Ct
 Monee, IL 60449-8702

POLITICAL COMMITTEE

CHECK IF ADDRESS CHANGE

IDENTIFICATION NO.

REPORTING PERIOD 11-09/7-20-09 FROM THRU	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD: \$ 2566.11	STATE POLITICAL COMMITTEES RETURN TO: STATE BOARD OF ELECTIONS PO BOX 4187 SPRINGFIELD, IL 62708-4187	LOCAL POLITICAL COMMITTEES AND STATE AND LOCAL POLITICAL COMMITTEES RETURN ORIGINAL TO: STATE BOARD OF ELECTIONS AND A COPY TO EACH APPROPRIATE COUNTY CLERK.
SEE PAMPHLET "A GUIDE TO CAMPAIGN DISCLOSURE" FOR GUIDANCE.			

COMPLETE 1-7 FOR PRE-ELECTION REPORTS.

COMPLETE ALL SECTIONS FOR SEMI-ANNUAL AND FINAL REPORTS.

SECTION A - RECEIPTS

1. Individual Contributions:

a. Itemized (from Schedule A) \$ 500 (1a)

b. Not-Itemized..... \$ 1182.46 (1b)

2. Transfers In:

a. Itemized (from Schedule A) \$ 0 (2a)

b. Not-Itemized..... \$ 0 (2b)

3. Loans Received:

a. Itemized (from Schedule A) \$ 0 (3a)

b. Not-Itemized..... \$ 0 (3b)

4. Other Receipts:

a. Itemized (from Schedule A) \$ 0 (4a)

b. Not-Itemized..... \$ 0 (4b)

TOTAL RECEIPTS (1-4) \$ 1,682.46

5. In-Kind Contributions:

a. Itemized (from Schedule I) \$ 0 (5a)

b. Not-Itemized \$ 0 (5b)

TOTAL IN-KIND \$ 0

SECTION B - EXPENDITURES

6. Transfers Out:

a. Itemized (from Schedule B) \$ 0 (6a)

b. Not-Itemized \$ 0 (6b)

7. Loans made:

a. Itemized (from Schedule B) \$ 0 (7a)

b. Not-Itemized \$ 1528.87 (7b)

8. Expenditures:

Itemized (from Schedule B) \$ 3964.98 (8a)

Not-Itemized \$ 812.35 (8b)

TOTAL EXPENDITURES (6-8) \$ 4777.83

SECTION C - DEBTS AND OBLIGATIONS

(Include previously reported unpaid debts)

9. a. Itemized (from Schedule C) \$ 0 (9a)

b. Not-Itemized \$ 0 (9b)

TOTAL DEBTS & OBLIGATIONS \$ 0

SECTION D - CASH BALANCE

Funds available at the beginning of the reporting period: \$ 2566.11 (A)

Total Receipts (Section A) \$ 1682.46 (B)

Subtotal \$ 4248.57 (C)

Total Expenditures (Section B) loan \$ (528.87) (D)

Funds available at the close of the reporting period: \$ 0 (E)

INVESTMENT TOTAL \$ 0 (F)

VERIFICATION

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

SIGNATURE OF TREASURER OR CANDIDATE

203

7-20-09
DATE

**STATE OF ILLINOIS
COUNTY OF SANGAMON**

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

Illinois State Board of Elections
Complainant

v.

09 JS 235

ReNew it! Now
Respondent

L14803

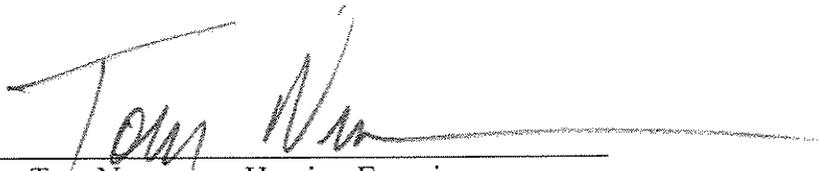
REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the 2009 June Semi-Annual Report

The Semi-Annual Report was received by the Board on August 31, 2009, 30 days late, resulting in a civil penalty assessment of \$1500. In addition, the Committee has previously been assessed a \$500 civil penalty (not appealed, \$61.62 paid) for delinquently filing the Pre-Election Report for the 2008 General Election. The total assessment is \$1938.38.

Lynn Hippensteel, the interim Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Ms. Hippensteel offers no actual defense, other than to say that the Committee has disbanded and the official Treasurer of the committee could not be contacted. Ms. Hippensteel took control of the committee's finances to complete the report.

I recommend the appeal be denied for lack of an adequate defense. If this recommendation is accepted by the Board the total amount of \$1938.38 will be due and owing. However, since the Committee has filed a Final Report I recommend that if the Committee remains dissolved for a period of 2 years following the date of the Final Order imposing the penalty, the fine be abated.



Tom Newman – Hearing Examiner
December 21, 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
November 18, 2009

ReNew it! Now
305 S Ardmore Ave
Villa Park, IL 60181

L14803

Dear ReNew it! Now;

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 31, 2009, 30 day(s) late. As such, this committee has been assessed a fine of \$1500.00.

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:

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
1/1/08 - 10/5/08	Pre-election	\$438.38
TOTAL AMOUNT NOW DUE		\$1938.38

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

Sincerely,

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

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk
Enclosure(s) appeal documents

State of Illinois)

County of DuPage)

STATE BOARD OF ELECTIONS

09 DEC 16 AM 9:11

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)

ILLINOIS STATE BOARD OF ELECTIONS,)

Complainant)

Vs.)

ReNew it! Now)

Respondent(s).)

Case No. 09 JS 235

APPEAL AFFIDAVIT

I, Lynn Hippensteel, the Treasurer (interim) of the
(Name) (Chairman/Treasurer)

ReNew It! Now

(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:

Committee was disbanded and official
Treasurer couldn't be contacted. I, the interim
Treasurer took control of the finances to complete
all necessary paperwork.

Signed and Sworn to by:

LYNN M HIPPENSTEEL

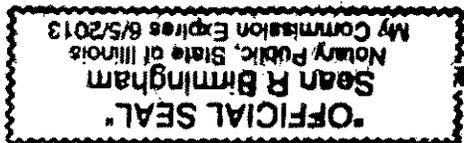
before me this 15 Day of

DECEMBER, 2009

Sean R B...

Notary Public

[Signature]
(Signature of Chairman/Treasurer)



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

Illinois State Board of Elections
Complainant

v.

09 AE 021

WCHS District 308 Referendum Committee
Respondent

L15085

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment for Delinquently Filing
Schedule A-1s in conjunction with the April 2009 Election

The Committee failed to file required Schedule A-1s with respect to contributions on March 9, 2009; March 16, 2009; March 21, 2009; and March 30, 2009. The total assessment is \$4610. A previous \$300 assessment for delinquently filing the June 2009 Semi-annual Report was waived on appeal.

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 the Committee misread the Illinois Campaign Finance Act and Rules and Regulations and believed the filing of a Semi-annual Report would render unnecessary the filing of any Schedule A-1s. He said there was no intent to file incorrectly.

I recommend the appeal be denied. While the Committee may well have made an innocent mistake, the law is clear on the need to file Schedule A-1s within two business days for all receipts in excess of \$500 within 30 days of an election in which the Committee is participating. If the Board concurs with this recommendation, the assessment would be automatically reduced to 10% of the total amount of the receipts in question, under Section 125.425(e)(5), making the assessment \$461. The Committee filed a Final report on September 12, 2009. Accordingly, the assessment will be abated two years following the effective date of the Final Board Order if the committee remains dissolved until that time without forming a Successor committee pursuant to Rules and Regulations 100.110(b).



John Levin – Hearing Examiner
January 5, 2010

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
November 18, 2009

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

L15085

Dear WCHS District 308 Referendum Committee;

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

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
BLDD Architects	3/16/09	1000.00	1000.00	*not filed	6
Ideal Environmental	3/9/09	1500.00	1500.00	*not filed	19
Morton Community Bank	3/30/09	1000.00	1000.00	*not filed	4
Washington Education Association	3/21/09	1110.00	1110.00	*not filed	10

The committee is fined a **total** of \$4610.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

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

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$461.00, (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.

State of Illinois)
)
County of Tazewell)

STATE BOARD OF ELECTIONS

09 DEC -2 PM 3:07

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.)
)
WCHS DISTRICT 308 Referendum Comm.)
Respondent(s).)
L15085)

Case No. 09AE021

APPEAL AFFIDAVIT

I, Kevin Doglio, the Treasurer of the
(Name) ↳ 309-253-9236 (Chairman/Treasurer)
WCHS DISTRICT 308 Referendum Committee
(Name of the Committee)

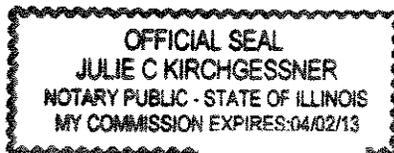
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

(Spring 2009)
This was an ad-hoc committee set up for this election.
After reading the rules, the committee thought the Semi-
Annual filing was all that was needed. There was no
intent to file incorrectly. The committee is done + has made
the final filing. As treasurer, I am requesting the fine be
forgiven for these infractions.

Signed and Sworn to by:

Kevin Doglio
before me this 02nd Day of
November, 2009
Julie C Kirchgessner
Notary Public

Kevin D. Doglio
(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 213

Friends of Kyle Ham L 15313
Respondent

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

The Report was received on September 1, 2009, 31 days late, resulting in an assessment of \$775. The Committee was previously fined \$500 (not appealed) for delinquently filing the CE 2009 Pre-election Report.

Kyle Ham, the Chairman of the Committee and the Candidate supported by the Committee, filed a Waiver of Appearance and submitted an Appeal Affidavit.

On the Affidavit, Mr. Ham stated that he relied on someone else to keep the Committee in compliance with the Illinois Campaign Finance Act, and that person failed to file the Report in a timely manner. Mr. Ham said he is on top of the situation now and is requesting a waiver of the assessment.

I recommend the appeal be denied. Given the failure to file the CE 2009 Pre-election Report by the deadline, Mr. Ham should have gone to great lengths to ensure that the Report in question was filed on time and, perhaps, should have taken direct responsibility over its filing. There were no transactions identified on the Semi-annual Report, and it should have taken mere minutes to complete and send. Additionally, the Committee was notified twice, in accordance with the statute, of the pending deadline for filing the Report. If the Board accepts this recommendation, the stay on the assessment for the late CE 2009 Pre-election Report would be lifted, and \$1275 would be due and owing.



John Levin – Hearing Examiner
January 5, 2010

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

Friends of Kyle Ham
Kyle Ham
700 S Whittaker St
Toulon, IL 61483

L15313

Dear Friends of Kyle Ham;

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 September 1, 2009, 31 day(s) late. As such, this committee has been assessed a fine of \$775.00.

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
1/26/09 - 3/8/09	Pre-election	\$500.00
TOTAL AMOUNT NOW DUE		\$1275.00

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 Stark)

STATE BOARD OF ELECTIONS
09-05-09 10:24 AM

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

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

Vs.)
Friends of Kyle Ham)
Respondent(s).)

Case No. 09 JS 213

APPEAL AFFIDAVIT

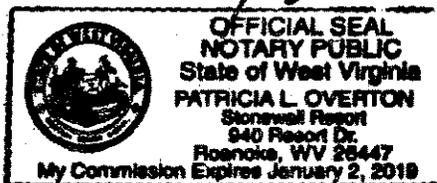
I, Kyle Ham, the Chairman of the
(Name) (Chairman/Treasurer)
Friends of Kyle Ham
(Name of the Committee)

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 am a first time / New Committee and my best defence is that I relied on someone else to keep current w/ my paperwork. That did not happen. I am on top of this now I would request a waiver of fee or I'm willing to settle. Please contact me w/ questions. Thanks for your consideration.

Signed and Sworn to by:
Kyle Ham
before me this 5th Day of
October, 2009
Patricia L Overton
Notary Public

[Signature]
(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 124

Friends of John Cielenski L 15436
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 27, 2009, 5 days late, resulting in a civil penalty assessment of \$125. This is the Committee's first assessment.

Grant Spooner, the Treasurer of the Committee, filed a Waiver of Appearance and Appeal Affidavit in this matter.

On the Affidavit, Mr. Spooner offered a number of lines of defense: the Committee did not meet the minimum income requirement for filing, he was inexperienced in completing the campaign disclosure forms, he could not figure out how to file the report electronically, and he was out of town on the due date and received bad advice from another Committee treasurer on the due date.

I recommend that the appeal be denied for lack of an adequate defense. The Committee is required to comply with all filing deadlines once it files a D-1 Statement of Organization and was notified and later reminded by the Board of its filing obligations and the actual due date, as required by law. The report in question was fairly short and straightforward, and the Committee did not appear to meet the mandatory electronic filing threshold. In any event, the Committee could have received assistance from Board staff with respect to filing the Report at any time. If the Board accepts this recommendation, the assessment would be stayed because this is the Committee's first offense.



John Levin – Hearing Examiner
December 8, 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

Friends of John Cielenski
Grant Spooner
14200 High Rd
Lockport, IL 60441

L15436

Dear Friends of John Cielenski;

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 27, 2009, 5 day(s) late. As such, this committee has been assessed a fine of \$125.00.

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,

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

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk

State of Illinois)
)
County of Will)

STATE BOARD OF ELECTIONS
09 SEP 28 PM 2:02

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 124
)
Friends of John Cielenski)
Respondent(s).)

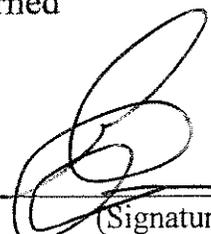
APPEAL AFFIDAVIT

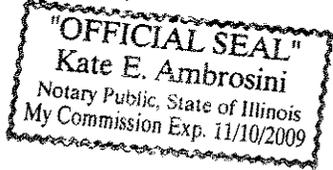
I, Grant Spooner, the Treasurer of the
(Name) (Chairman/Treasurer)
Friends of John Cielenski
(Name of the Committee)

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:

- 1. The Committee did not meet the minimum income requirement for filing.
- 2. As we are a new entity, I needed some experience in completing the returns, which is the reason for filing
- 3. We had no luck in figuring out how to file electronically
- 4. I was out of town during to due date, and received some bad advise from another committee treasurer on the due date. That error was corrected as soon as I returned

Signed and Sworn to by:
Grant Spooner
before me this 25th Day of
Sept, 2009
Kate E. Ambrosini
Notary Public


(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.

08 AG 041

Maine Township Regular Republican Org S 645
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 in-kind contribution valued at \$815.50 on 10/28/08, but failed to list it on a Schedule A-1. The assessed penalty is \$815.50. In addition, the Committee was previously assessed a \$50 civil penalty (appealed, denied, paid) for delinquently filing the 2006 December Semi-Annual Report and a \$200 civil penalty (not appealed, paid) for delinquently filing the 2007 Semi-Annual Report. The total outstanding assessment is \$815.50.

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

On the Affidavit, Mr. Schram stated that the in-kind contribution from LightCraft Graphics, Inc., was generated as a discount in the amount of \$815.50 on invoice number 4402 dated October 28, 2008 in the net amount of \$1203.80. This invoice was for the printing of sample ballots for the General Election. The invoice (notice) was mailed on or after Tuesday, October 28, 2008, and they did not receive it until Monday, November 3, 2008. The item reported as delinquent was not received until after the 10-6-08 through 11-03-08 reporting period, and therefore was not delinquent and no penalty should be assessed. The fine was assessed based upon information reported on the Semi-Annual Report where they reported 10/28/08 as the transaction date rather than the actual transaction date of 11/17/08.

In addition, I contacted Mr. Schram on 11/9/09 in order to determine when the Committee actually had possession of the sample ballots. He indicated that he would check his records to see if he had that information; as of this date, I have not received any further documentation from him.

The amount of the in-kind contribution was the discount given to the Committee. The invoice showing the entire billed amount and the discount was dated 10/28/08. Although one could argue that the Committee may not have known the exact value of the in-kind contribution, since the in-kind contribution consisted of sample ballots and those sample ballots would have been in their possession prior to election day, according to the Board rules, the in-kind would be deemed to have been received on the date of receipt of the sample ballots. Section 100.120(c) of Board Rules states in part: "...A contribution of goods actually received by the Committee is deemed to be made on the date the goods are transferred to the possession of the recipient..." I therefore recommend that the Appeal be denied. However, since there is no indication that this violation was anything other than inadvertent and unintentional, I also recommend that the penalty be reduced to 10% of the original assessment, or \$82. If this recommendation, the \$82 civil penalty will be due and owing.



Sharon Steward – Hearing Examiner
November 25, 2009

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR
Daniel W. White
April 29, 2009

Maine Township Regular Republican Organization
PO Box 2172
Des Plaines, IL 60017

S645

Dear Maine Township Regular Republican Organization;

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

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Lightcraft Graphics Inc	10/28/08	\$815.50	\$815.50	*not filed	2

The committee is fined a **total** of \$815.50 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 \$82.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

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

THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

5. The notice further indicated that this contribution did not, by itself, necessitate filing of a Schedule A-1, that 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.
6. The said non-cash contribution, from LightCraft Graphics, Inc., was generated as a discount in the amount of \$815.50 on their invoice number 4402 dated October 28, 2008 in the net amount of \$1,203.80. This invoice was for the service of printing sample ballots for the General Election.
7. This invoice was mailed on or after Tuesday, October 28, 2008 and we did not receive it until after Monday, November 3, 2008 which was the end of the reporting period for the Schedule A-1. A copy of this invoice is attached.
8. The last deposit of contributions for this reporting period (10/06/08 through 11/03/08) was made on October 28, 2008 and was properly reported on Schedule A-1 electronically on October 28, 2008. A copy of this Schedule A-1 is attached.
9. The penalty was based upon the late filing of Schedule A-1 for contributions received during the period 10/06/08 through 11/03/08. The item reported as delinquent was not received until after the reporting period and therefore in fact was not delinquent and no penalty should have been assessed.
10. The statement that a subsequent contribution, when aggregated with the indicated contribution, exceeded the "more than \$500.00 threshold and was used as a basis for the fine assessment, was incorrect since there were no subsequent unreported contributions until after the reporting period.
11. The State Board of Elections assessed this fine based on the information reported on our Semi-Annual Form D-2, whereby in error we reported the LightCraft Graphics Inc. transaction as incurring on 10/28/09 as opposed to the actual transaction date of 11/17/08.

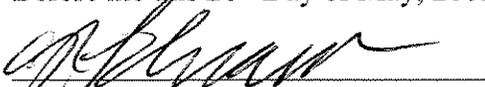
THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

For the reasons outlined above, the Organization respectfully requests that the penalty be waived.

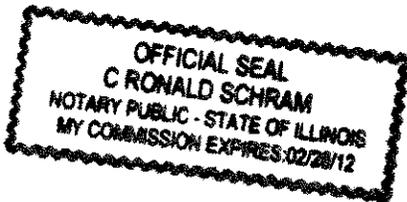


Jason C. Schram, Treasurer

Signed and Sworn to by:
Jason C. Schram
Before me this 26th Day of May, 2009



Notary Public



Jason C. Schram, Treasurer
Maine Township Regular Republican Organization, Inc.
644 West Armitage Ave - 2nd Floor
Chicago, IL 60614



SCHEDULE A-1

REPORT OF CAMPAIGN CONTRIBUTIONS

OF

\$500 OR MORE

1/1

Full name and complete mailing address of Political Committee

Maine Township Reg Republican Organization

P O Box 2172

Des Plaines IL 60017-2172

THIS FORM MAY BE
TRANSMITTED BY FAX.

FOR OFFICE USE ONLY

IDENTIFICATION NO.

INSTRUCTIONS

ANY CONTRIBUTION IN AN AGGREGATE OF \$500.00 OR MORE RECEIVED IN THE THIRTY DAY PERIOD PRECEDING ANY ELECTION MUST BE REPORTED WITHIN TWO BUSINESS DAYS OF RECEIPT.

CONTRIBUTIONS MUST ALSO BE REPORTED ON THE NEXT REGULAR CAMPAIGN CONTRIBUTIONS REPORT - FORM D-2 - SCHEDULE A.

RECEIVED FROM: FULL NAME, MAILING ADDRESS, AND ZIP CODE	RECEIPT TYPE	DATE	AMOUNT
Committee for Laura J. Morask 2701 Cherry Street Park Ridge IL 60068-2684	<input type="checkbox"/> Individual Monetary Contributions <input checked="" type="checkbox"/> Transfers In <input type="checkbox"/> Loans Received <input type="checkbox"/> Other Receipts (No In-kind) <input type="checkbox"/> In-kind Contributions	10/28/2008	600.00
Citizens for Rosemary Mulligan P O Box 1327 Park Ridge IL 60068	<input type="checkbox"/> Individual Monetary Contributions <input checked="" type="checkbox"/> Transfers In <input type="checkbox"/> Loans Received <input type="checkbox"/> Other Receipts (No In-kind) <input type="checkbox"/> In-kind Contributions	10/28/2008	600.00

Mr. Jason C. Schram
SIGNATURE OF TREASURER OR CANDIDATE

10/28/2008
DATE

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

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

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

ILLINOIS STATE BOARD OF ELECTIONS

FAX COVER SHEET

DATE: Tuesday, October 28, 2008 4:26:28 PM
TO: Maine Township Regular Republican Organization
FAX #: 7735491956

FROM: Disclosure Fax Back

FAX #: 217-782-5959

PHONE #: 217-782-4141

Number of pages, including cover sheet: 02

COMMENTS:

DISCLOSE -- Illinois Political Financial Disclosure Filing Acknowledgement

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

Your filing was received and accepted by our system at Tue Oct 28 16:26:27 2008, and was assigned the Filing ID of: IL-100187

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

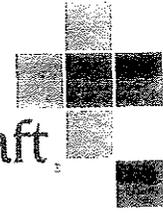
=====

Committee ID: FID988
Committee Name: Maine Township Reg Republican Organization
Filing Type: A-1

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

Invoice 4402

LightCraft



Date 10/28/2008

To

MTRRO
770 Lee St
Des Plaines IL 60016

Project	P.O. No.	Terms	Due Date
sample ballot	Mark Thompson	Due on receipt	10/28/2008
Description	Quantity	Rate	Amount
print 2/2 122+k on 8.5x11 80 lb gl text tri-fold	20,000	0.08155	1,631.00
materials paper and ink		353.00	353.00T
less special considerations		-815.50	-815.50
10.00% IL sales tax		10.00%	35.30

MAINE TOWNSHIP REGULAR REPUBLICAN ORG
P.O. BOX 2172
DES PLAINES, IL 60017

07/02
Date 11-10-08

2383
70-160/719
50416

Pay to the Order of Lightcraft

ONE THOUSAND TWO HUNDRED THIRTY THREE \$ 1,203.80

Dollars

First Midwest Bank
www.firstmidwest.com

For Sample Ballot Printing

⑆071901604⑆ 0545126503⑈ 2383

Total \$1,203.80

**STATE OF ILLINOIS
COUNTY OF SANGAMON**

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

Illinois State Board of Elections
Complainant

v.

09 JS 153

Belvidere Education Assn PAC S 6928
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 22, 2009, 2 days late, resulting in a civil penalty assessment of \$50. This is the Committee's first assessment.

Mary Lang, the Chairman and Treasurer of the Committee and the Candidate supported by the Committee, filed a Waiver of Appearance and Appeal Affidavit in this matter.

On the Affidavit, Ms. Lang indicated that members of the Belvidere Education Association responsible for preparing the committee's Reports did not pick up the mail at the Association office until after the due date of the Report.

I recommend that the appeal be denied. It is incumbent upon the Committee to provide the Board with a mailing address that will provide the most efficient form of communication between the Board and the Committee and to collect the mail on a regular basis. Additionally, the Board web site includes a Campaign Disclosure calendar that includes all deadlines for Reports. If the Board accepts this recommendation, the \$50 fine would be stayed as a first offense.



John Levin – Hearing Examiner
November 16, 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

Belvidere Education Association PAC
504 N State St
Belvidere, IL 61008

S6928

Dear Belvidere Education Association 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 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 22, 2009, 2 day(s) late. As such, this committee has been assessed a fine of \$50.00.

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,

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

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk

State of Illinois)
County of Boone)

STATE BOARD OF ELECTIONS
09 SEP 21 PM 2:16

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

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

Vs.)

Case No. 09 JS 153

Belvidere Education Association)
Respondent(s))
Political Action Committee)

APPEAL AFFIDAVIT

I, Mary Lang, the Chairman of the
(Name) (Chairman/Treasurer)

Belvidere Education Association Political Action 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:

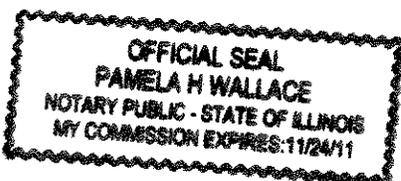
The notices are mailed to the Belvidere Education Association office and members do not go there all summer. The mail was picked up after the due date for the Semiannual Report of Campaign Contributions and Expenditures, due by July 20, 2009.

Signed and Sworn to by:

Mary Lang
before me this 15 Day of
September, 2009

Pamela H. Wallace
Notary Public

Mary Lang
(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 159

Laborers Local 397 PAC
Respondent

S7452

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 August 11, 2009, 16 days late, resulting in a civil penalty assessment of \$800.

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

On the Affidavit, Mr. Failoni states the committee experienced a computer crash, causing them to lose all their documents. The computer was sent to a recovery service and returned to the committee on or about July 21. Mr. Failoni then attempted to electronically file the Semi-Annual Report on July 28 by e-mailing the committee's file to the Board. He did not realize the report had not been successfully filed until he received a notice to that effect on August 10, and he successfully uploaded the report the next day.

The file e-mailed to the Board on July 28 was in a .pdp format, which is not acceptable for electronic filing. An e-mail was returned to Mr. Failoni that same morning, explaining the format that was needed, but no response was received. Since the committee did not attempt to file its Semi-Annual Report until a week after having its computer returned, I recommend the appeal be denied for lack of an adequate defense. However, because the committee did make a good faith attempt to file the report on July 28, I recommend that the penalty be reduced to \$300, the amount the civil penalty would have been if the report had been received on 7/28/09. As a first violation, the penalty is stayed.



Tom Newman – Hearing Examiner
December 18, 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

Laborer's Local 397 PAC
Joe Failoni
105 Behrens Dr
Edwardsville, IL 62025

S7452

Dear Laborer's Local 397 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 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 11, 2009, 16 day(s) late. As such, this committee has been assessed a fine of \$800.00.

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,

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

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk

State of Illinois)
County of Madison)

STATE BOARD OF ELECTIONS

09 SEP 16 PM 12:53

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs.)
Laborevs Local 397PAC)
Respondent(s).)

Case No. 09JS159

APPEAL AFFIDAVIT

I, Joe Failoni, the Chairman of the
(Name) (Chairman/Treasurer)
Laborevs Local 397PAC
(Name of the Committee)

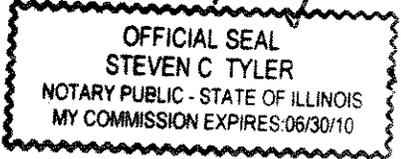
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

Laborevs Local 397PAC experienced a computer crash and all documents were lost. The computer was sent to Computer Data Recovery for help and on or about 7/21/09 the computer was returned. On 7/28/2009 the Semiannual report was validated and sent (response enclosed) via e-mail to John Levin. I received notice on or about 8/10/09 that the report was not accepted. On 8/11/09 the report was filed and accepted (copy enclosed). Laborevs Local 397PAC had not been late in reporting until this computer problem. Measures have been taken to back up data in the future. We request the wavier of any penalty but understand if this is not honored.

Signed and Sworn to by:
Joe Failoni
before me this 14 Day of
September, 2009

Joe Failoni
(Signature of Chairman/Treasurer)

Notary Public [Signature]



STATE BOARD OF ELECTIONS

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

STATE OF ILLINOIS



EXECUTIVE DIRECTOR
Daniel W. White

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

Laborer's Local 397 PAC
518 Henry St
Edwardsville, IL 62025-1001

8/6/2009

Laborer's Local 397 PAC
S7452 L9379

- PDP Formate
- DCF

Dear Political Committee:

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

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 remains 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.

If you fail to file a report, a complaint may be filed against this committee.

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

Sincerely yours,

Rupert Borgsmiller
Director of Campaign Disclosure

7-28-09 10:47 am
Levin @ Clerk IL Gov -

- YOUR Server was Down! -

Laborers Local 397

From: "Brown, Kim" <KBrown@elections.il.gov>
To: <laborerslocal397@sbcglobal.net>
Sent: Tuesday, August 11, 2009 10:01 AM
Subject: FW:

From: Levin, John
Sent: Tuesday, August 11, 2009 10:00 AM
To: Brown, Kim
Subject: FW:

From: Levin, John
Sent: Tuesday, July 28, 2009 10:50 AM
To: 'Laborers Local 397'
Subject: RE:

I should have specified that I need this in a .dcf format.

From: Laborers Local 397 [mailto:laborerslocal397@sbcglobal.net]
Sent: Tuesday, July 28, 2009 10:47 AM
To: Levin, John
Subject:

397PAC

Laborers Local 397

From: <Disclose@elections.il.gov>
To: <laborerslocal397@sbcglobal.net>
Sent: Tuesday, August 11, 2009 10:05 AM
Subject: Illinois Electronic Filing Acknowledgement

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 Aug 11 10:05:31 2009, and was assigned the Filing ID of: IL-114635

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: FID2527
 Committee Name: Laborer's Local 397PAC
 Filing Type: D-2
 From/Through: 20090101 - 20090630

Cover/Summary Page Totals for Form: D-2

<u>Line No.</u>	<u>Dollar Total</u>
1A	7,915.49
1B	670.52
2A	0.00
2B	0.00
3A	0.00
3B	0.00
4A	0.00
4B	0.00

8/24/2009

TOT1-4	8,586.01
5A	0.00
5B	0.00
TOT5	0.00
6A	1,795.00
6B	900.00
7A	0.00
7B	0.00
8A	2,120.00
8B	125.00
TOT6-8	4,940.00
9A	0.00
9B	0.00
TOT9	0.00
A	7,207.70
B	8,586.01
C	15,793.71
D	4,940.00
E	10,853.71
F	2,500.00

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

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

v.

09 JS 172

Warren Township Democrats
Respondent

S 8976

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 27, 2009, 5 days late, resulting in a civil penalty assessment of \$250. In addition, the Committee has previously been assessed a \$100 (not appealed, stayed) civil penalty for delinquently filing the 2008 December Semi-Annual Report. The total assessment is \$350.

James C. Neel, the Chairman of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Neel blames the failure to timely file both Semi-Annual reports on the organization's treasurer, who he says suffered some sort of mental breakdown and a number of personal problems beginning in late 2008. Mr. Neel says this resulted in the late filing of the December Semi-Annual Report. He says the treasurer then "seemed OK", despite missing a number of committee meetings in 2009, and it was not until after the July 2009 filing deadline that the committee discovered she had again failed to file a Semi-Annual Report. Mr. Neel additionally cites the financial hardship the assessed fines would cause the committee.

While I am sympathetic to the difficulties faced by this Committee and its Treasurer, I recommend that the appeal be denied for lack of an adequate defense. The Committee had sufficient cause for concern about the Treasurer fulfilling her filing duties following the first late report, but instead chose to allow her to make the same mistake again. I should also note that the Committee does not currently list a Treasurer on file with the Board and under Section 5/9-2 this matter must be addressed for the Committee to be able to conduct financial business.

If this recommendation is accepted by the Board, the total amount of \$350 will be due and owing.



Tom Newman – 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
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

Warren Township Democrats
POB 8061
Gurnee, IL 60031

S8976

Dear Warren Township Democrats;

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 27, 2009, 5 day(s) late. As such, this committee has been assessed a fine of \$250.00.

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:

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
7/1/2008 - 12/31/2008	Semi-annual	\$100.00
TOTAL AMOUNT NOW DUE		\$350.00

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 Lake)

STATE BOARD OF ELECTIONS
09 SEP 18 PM 12:34

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

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

Case No. 09 IS 172

APPEAL AFFIDAVIT

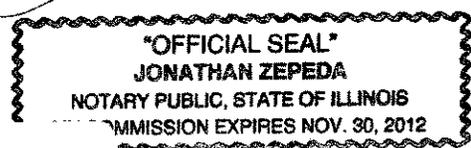
I, James C. Neel, the CHAIRMAN of the
(Name) (Chairman/Treasurer)
WARREN TOWNSHIP DEMOCRATS
(Name of the Committee)

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 INABILITY of our Treasurer to file the appropriate report due - because of her mental breakdown and her disappearance for a critical period of time, due to personal problems, (Please see attached letter of appeal.) as well as the financial hardship this file would cause.

Signed and Sworn to by:
Jonathan Zepeda
before me this 16th Day of
September, 2009
Jonathan Zepeda
Notary Public

James C. Neel
(Signature of Chairman/Treasurer)



STATE BOARD OF ELECTIONS

09 SEP 18 PM 12:04

James C. Neel, Chair
Warren Township Democrats
P.O. Box 8061
Gurnee, Illinois 60031
September 15, 2009

Mr. Rupert Borgsmiller
Director of Campaign Disclosure
Illinois State Board of Elections
P.O. Box 4187
1020 South Spring Street
Springfield, Illinois 62708

Dear Mr. Borgsmiller:

We of the Warren Township Democrats appeal to you and the Illinois State Board of Elections to set aside the \$350 fine you have recently imposed upon our organization because we have tried our best to comply with sending you the reports. Circumstances, however, and human failure on the part of our Treasurer had prevented our turning in a second report on time: The Semi-Annual Report on Campaign Contributions and Expenditures, for January 1, 2009 through June 30, 2009, due July 20th. (We refer to this report as Report #2)

To recap all the events from our end, our Treasurer, Elizabeth Biondi, had a mental breakdown, or "meltdown" as she called it, sometime toward the end of December, 2008. This "meltdown," she said was caused by her personal problems, notably the serious illness her husband suffered just then, her daughter running away from home, and the demands of involvement with too many other civic organizations. This "Meltdown" caused her to disappear from the area for around 50 days. She finally surfaced again at her home again after a long vacation in February, 2009, after a number of E-mails, telephone calls, and one final personal visit by me had been made. Her absence left us with no alternative for my wife and I but to recreate the file by hand from bank records for our Campaign Disclosures Report Due in January, 2009, which we refer to as Report #1. We got this report in late, for which the Warren township Democrats was assessed a fine of \$100.00, which your office "stayed," upon our appeal. (This report covered the period from 7/01/2008 to 12/31/08.) (Thank you ever so much.) My wife and I successfully created the Pre-Elections Report for March, 2009, and got it in on time.

In the meantime, our Treasurer, Elizabeth Biondi, helped to conduct the March Meeting of the Warren Township Democrats as Treasurer and did the same for the April Meeting, run by our Vice Chair, she gave her report at that meeting, but in the absence on business of my wife (our Secretary) and myself (The Chair), lost all her important notes (as Acting Secretary for April) concerning our developing By-Laws. She still seemed OK, though, as our Treasurer, despite being absent off and on at several subsequent meetings. It was almost July 25th before we discovered she had failed to submit to your office our Report #2, Campaign Contributions & Expenditures for January 1, 2009 through June 30th, 2009. My wife and I frantically worked on this report until it was done and submitted it the next morning via the mail. You then received it a few days late. Soon after, my wife and I took over the Board of Elections Reporting completely and left her to handle the bank account and disbursements only. As of now, we have the situation in hand and my wife and I will send in all the reports concerning our organization.

Jan

II.

As if this was not enough problem, we nearly lost our Post Office Box 8061 because of Mrs. Biondi's problems. She had called me the morning it was due---from the Post Office---and asked me if we should contract for it for ½ a year or a full year. I asked her to contract it for a full year and she said she would. Somehow, she became "distracted," as she called it and never made the payment. I happened to check the Box a few days later and found it closed. It took a fast payment by credit card of \$62.00 from my own funds to re-open the Box and get several important letters from it that had been held back. (This was in August, 2009.) At our August Meeting soon after, our poor Treasurer submitted another accurate Treasurer's Report. She seemed to be OK again, but more problems developed. Two young members of her household moved back home with her and are pregnant.

We appeal to you to stay the \$350 fine levied against us because we are a small, poor organization in terms of donations and received-membership fees. We have just around \$908.00 in the bank We have saved and saved for the last five years to get to this level and when we have sufficient funds, our objective is to contact by mail at \$1.00 each all 2,260 Independent Voters in Warren, contact them by phone, or go see them.(based on Primary Election Results) We have already had to contend this year and all previous five years with a \$162.50 fee to rent a Booth at Gurnee Days each August , as well as rising P.O. Box Fees of \$62.00 this year. (This represents expenditures that possibly total \$812.50 over our total existence and could reach higher if individual reimbursements for small expenses are included.) All the while, we supported every one of the Democratic Candidates running in Warren Township by collecting Petition signatures for them, promoting them door-to-door to all the people of Warren Township, marching in every known parade in both Lake & McHenry Counties with them and recruiting Precinct Committeemen to serve them. Last time I knew, we had only a handful of paid members of the Warren Township Democrats, despite all our efforts with phone calls, E-mails, appeal letters, and applications being sent out.

A payment for a fine of \$350.00 would just about dash our hopes of ever reaching the 2,260 Independent Voters and of becoming an efficient P.A.C. Organization. Next year, it would leave us in December, 2010, with only \$326.50, assuming that neither the Post Office Box or Gurnee Days Fees rise. That is hardly enough with which to do anything.

In Warren Township, some gave no voice to the average voter, but we of the Warren Township Democrats did. We have worked since 2004 to give all voters, especially the working and middle-management voters both a voice and a choice in Lake County and especially Warren government. We've achieved a number of near-impossible victories, but the main work lies ahead. Just now, we can't afford a fine like that you've given us and humbly ask that you stay this one for us and what we stand for.

All the time we have existed as a township organization, we have supported those Democratic Candidates running in Warren Township. All the time, we have spent our own hours and gasoline contacting all the Democratic & Independent Voters we could by going door-to-door, letting them know personally the viewpoints our Candidates have held on all federal, state, and local issues. All the time, we have been out

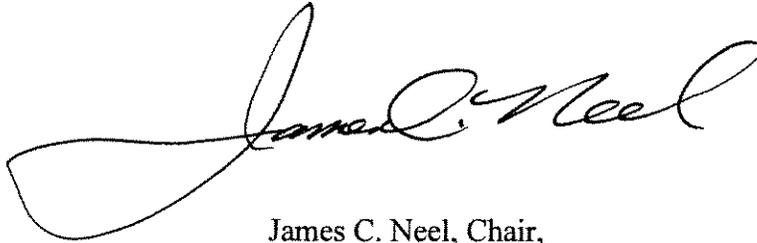


III.
there for all of the voters in our precincts, working tirelessly to see that the American Political Process remained clean, honest, and full of choices.

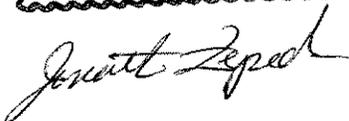
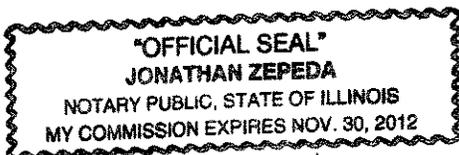
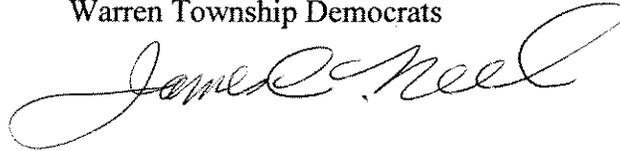
We ask not for your thanks, not for your accolades, and not for your vote, unless you happen to live in Warren Township. We ask only for one more chance to get it right and to stay this \$350 fine that could kill us as an Organization and dash the hopes and the spirit of a lot of otherwise voiceless voters in Warren Township. We are a poor organization with no access to any major funding and with the Recession we have nowadays, we need every cent to keep afloat.

We pledge, without reservation, that we will have all the reports about our organization that your office requires created accurately and in your hands on-time for the life of our organization. We humbly ask your forgiveness for our past mistakes and shall make no more in the future. Please stay the \$350 fine this time and we as an organization will forever thank you.

May the coming year bring you and our state peace and prosperity,



James C. Neel, Chair,
Warren Township Democrats



STATE OF ILLINOIS
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

Vs.

08 JS 219

The Republican Organization of Elk Grove Twp S9737
Respondent

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

The Report was received by the Board on August 4, 2009, 11 days late, resulting in a civil penalty assessment of \$1,100. In addition, this Committee had previously been assessed a \$100 civil penalty (not appealed, paid) for delinquently filing the June 2008 Semi-Annual Report and a \$2,200 civil penalty (appealed, denied, paid \$1,300) for delinquently filing the pre election report for the 2008 General Election. The total assessment is \$2,000.

Andrea Koshaba, the treasurer of the committee, appeared on December 1, 2009 for the appeal hearing.

In the hearing Ms. Koshaba pointed to section 10ILCS 5/9-28 and said it does not say anywhere in here that once you file electronically you are required to continue filing electronically. She was under the impression that if they fell under \$10,000 they were then allowed to file on paper. The Semi-Annual Report was filed with the State Board of Elections and the County Clerk on July 16, 2009 prior to the July 20th deadline. The report was filed on paper and she believes the State Board of Elections should have called and notified her that the report should have been filed electronically. She filed the report early yet she was not notified until several days after the filing deadline. Ms. Koshaba claimed she was not aware that she was required to file electronically. Once she received notice that the report was required to be filed electronically she filed the report on that day, August 4, 2009.

Section 100.150 (c) of the Board Rules and Regulations reads: "*Once a committee is required to file its reports electronically under Section 9-28 of the Election Code, it must continue to file all reports (semiannual, amended semiannual, pre-election, amended pre-election, final, amended final, Schedule A-1) electronically, except as follows:*

2) *A paper report shall be considered a non-filing if the committee has previously received the notification referred to in subsection (c)(1). If the report is not filed electronically by the filing deadline, it shall be considered as having never been filed and the civil penalties mandated by 26 Ill. Adm. Code 125.425 will accrue until such time as it is filed electronically.*" Since The Republican Organization of Elk Grove Twp received this notification on January 27, 2009 I recommend the appeal be denied for lack of an adequate defense. If this recommendation is accepted by the Board, the total assessment of \$2,200 will be due and owing.



Andy Nauman – Hearing Examiner
December 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 Porter
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White
September 8, 2009

The Republican Organization of Elk Grove Township
Andrea Koshaba
1124 Lancaster
Elk Grove Village, IL 60007

S9737

Dear The Republican Organization of Elk Grove Township;

As you have been previously notified, this committee failed to electronically file the following document as required:

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 provisions of Section 100.150 Rules & Regulations, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was electronically re-filed by your Committee on August 4, 2009, 11 day(s) late. As such, this committee has been assessed a fine of \$1100.00.

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

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

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
7/1/2008 - 10/5/2008	Pre-election	\$1700.00
TOTAL AMOUNT NOW DUE		\$2800.00

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
Enclosure(s): appeal forms

State of Illinois)
County of _____)

STATE BOARD OF ELECTIONS

09 OCT -7 PM 2:12

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
Vs.)
THE REPUBLICAN ORG.)
OF ELK GROVE TWP)
Respondent(s).)

Case No. 09 JS 216

APPEAL AFFIDAVIT

I, ANDREA KOSHABA, the TREASURER of the
(Name) (Chairman/Treasurer)
REPUBLICAN ORGANIZATION OF ELK GROVE TOWNSHIP
(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:

RULES REGARDING UNDER/OVER \$10,000 IN CONTRI-
BUTIONS OR EXPENSES ARE AMBIGUOUS. PERIOD REPORTED
UNDER \$10,000, SO IT WASN'T EVIDENT THAT PAPER
RETURN WAS NOT ACCEPTABLE. REPORT WAS FILED EARLY,
YET WE WERE NOT NOTIFIED UNTIL SEVERAL DAYS AFTER
DEADLINE.

Signed and Sworn to by:

Andrea Koshaba
before me this 05th Day of
October, 2009
Monica Barreto

Andrea Koshaba
(Signature of Chairman/Treasurer)

Notary Public
"OFFICIAL SEAL"
MONICA BARRETO
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 05/16/2010

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

v.

09 JS 205

Parker for Peoria S9881
Respondent

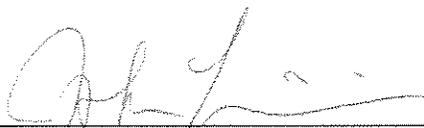
REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment
For Delinquently Filing the June 2009 Semi-Annual Report

The Report was received on July 22, 2009, 2 days late, resulting in a civil penalty assessment of \$100. The Report was postmarked July 21, 2009. The Committee had previously been fined \$1100 for delinquently filing the 2009 CP Pre-election Report.

General Parker, the Treasurer of the Committee and the Candidate supported by the Committee, filed a Waiver of Appearance and Appeal Affidavit in this matter.

On the Affidavit, Mr. Parker indicated he had attempted to file the Report electronically and did not receive the Illinois Disclosure Information System password until the deadline date. He said he could not understand the electronic filing format, so he mailed in paper forms he had already prepared.

The defense outlined in the Affidavit rings somewhat hollow, in that the Committee based on the paper version of the Report that was received by the Board of July 22nd, did not need to file its report electronically. Additionally, it's the responsibility of a Committee to contact the Board to receive a Filer Identification number and give the Board its password. While a Committee that *must* file its Reports electronically may be granted a one-time waiver under Section 100.150 (5), the Committee here apparently could have filed the Report in question on paper. I recommend the appeal be denied. If the Board accepts this recommendation, the stay on the previous \$1100 assessment for delinquent filing of the 2009 CP Pre-election report would be lifted, and \$1200 would be due and owing.



John Levin – Hearing Examiner
November 19, 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

Parker for Peoria
Rachael Parker, General Parker
2101 N Bigelow St
Peoria, IL 61604

S9881

Dear Parker for Peoria;

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 22, 2009, 2 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:

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
1/26/2009 – 3/8/2009	Pre-election	\$1100.00
TOTAL AMOUNT NOW DUE		\$1200.00

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 PEORIA)

STATE BOARD OF ELECTIONS

09 OCT -2 AM 8:36

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

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

Case No. 09JS205

APPEAL AFFIDAVIT

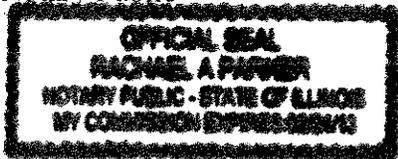
I, GENERAL PARKER, the TREASURER of the
(Name) (Chairman/Treasurer)
PARKER FOR PEORIA
(Name of the Committee)

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

I did not receive the passwords until late
in the day on the last date to file. Once it
was received, it was in format I couldn't understand
It was nothing like the paper forms, so I just
went ahead and mailed the forms I had already written out.

Signed and Sworn to by:
General Parker
before me this 1st Day of
October 2009
Rachael A. Parker
Notary Public

General Parker
(Signature of Chairman/Treasurer)



**STATE OF ILLINOIS
COUNTY OF COOK**

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

Illinois State Board of Elections
Complainant

Vs.

09 D1-12
09 JS 210

Friends for Fred S9956
Respondent

REPORT OF HEARING EXAMINER

Appeal of Civil Penalty Assessment for Delinquently Filing
The D-1 Statement of Organization and the June 2009 Semi-annual report

The D-1 Statement of Organization was received by the Board on July 10, 2009, 38 day late, resulting in a civil penalty assessment of \$950.00. The Committee has also been assessed a \$50.00 civil penalty for delinquently filing the 2009 June Semi-Annual Report. The total civil penalty assessment is \$975.00.

Paul Santucci, the treasurer of the Committee, and Alred Spitzzeri, the candidate of the Committee, appeared on December 1, 2009 for the appeal hearing of both cases.

In the hearing Mr. Santucci said he had attempted to fax the D-1 Statement of Organization via eFax but he was having difficulty with the fax and he has no back evidence of the fax. Since he was having problems with the fax he then emailed the D-1 Statement of Organization to Rupert Borgsmiller at RBorgsmiller@elections.state.il.us and carbon copied Mr. Spitzzeri on April 22, 2009 and presented a copy of that email. Mr. Spitzzeri also presented a copy of that same email and his reply to Mr. Santucci saying a spelling error was in the previous copy please use this one. Mr. Santucci then presented another email he sent to Rupert Borgsmiller at RBorgsmiller@elections.il.gov with the correct spelling. The committee was under the assumption that the report was filed and believes they made a good faith effort. It was not until when the committee started to prepare the Semi-Annual Report that they could not find a record of the D-1 being on file with the State Board of Elections. Mr. Santucci called John Levin in the Campaign Disclosure Springfield office and was informed that the State Board of Elections has no record of the Statement of Organization. Mr. Santucci then emailed the D-1 Statement of Organization to John Levin.

Mr. Santucci presented the emails that were sent to RBorgsmiller@elections.state.il.us and I informed him that our email extension had changed more than three years ago and after some research it actually changed in April of 2005 to @elections.il.gov. Furthermore, Mr. Santucci said he did not get an auto reply when he sent the email saying that the email recipient did not receive the email and those are actually generated by his provider not the State Board of Elections.

In regards to the delinquent filing of the June 2009 Semi-annual report, Mr. Santucci said he started to enter the information in the IDIS program around two weeks prior to the filing deadline in the IDIS program. He then had to switch computers and he completed the data entry around 6:00 PM on July 20, 2009 the last day to file. When Mr. Santucci attempted to file the report he received an error. He continued having technical difficulties trying to file the report and finally got the report to go through at 12:15 AM on July 21, 2009 fifteen minutes late.

In order to be consistent with previous Board decisions when an electronic filing issue was presented as a defense, I recommend that the appeal in case number 09 JS 210 be **granted**. However, since the committee is now aware that the FID number must be entered in its entirety, it is unlikely the Board would look favorably upon the use of this defense a second time. I further recommend that the appeal of the delinquent filing of the D-1 Statement of Organization be **denied** for lack of an adequate defense, and the assessed civil penalty in the amount of \$950.00 be stayed as a first violation.



Andy Nauman – Hearing Examiner
December 4, 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

Friends for Fred
Paul Santucci
49 Breckenridge
Aurora, IL 60504

S9956

Dear Friends for Fred;

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 21, 2009, 1 day(s) late. As such, this committee has been assessed a fine of \$50.00.

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,
A handwritten signature in black ink, appearing to read 'Rupert T. Borgsmiller'.

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB: sk

State of Illinois)
County of DuPage)

CHICAGO

2009 OCT -7 PM 3:40

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

STATE
BOARD OF ELECTIONS

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

Case No. 09JS210

APPEAL AFFIDAVIT

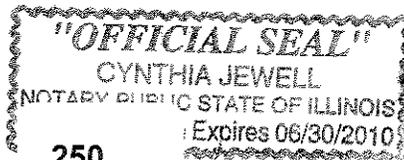
I, Paul J. Santucci, the Treasurer of the
(Name) (Chairman/Treasurer)
Friends for Fred
(Name of the Committee)

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

Due to trouble validating I was filing on the last day. I corrected problems and validated at 11:00pm and then experienced technical difficulties trying to file and finally solved issue and the electronic filing went through at 12:15 AM.

Signed and Sworn to by:
PAUL SANTUCCI
before me this 7 Day of
OCTOBER, 2009
Cynthia Jewell
Notary Public

[Signature]
(Signature of Chairman/Treasurer)



STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 South Spring Street
Springfield, Illinois 62704
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
November 18, 2009

Friends for Fred
Paul Santucci
49 Breckenridge
Aurora, IL 60504

S9956

Dear Friends for Fred;

This letter is to inform you that this committee failed to file its' D-1 Statement of Organization during the requisite 10-day filing period.

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-3 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 10, 2008, 38 day(s) late. As such, this committee has been assessed a fine of \$950.00.

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 of the issuance of the Final Board Order:

Reporting Period	Report Type	Previous Fine Amount
1/1/09 – 6/30/09	Semi-annual	Pending appeal
TOTAL AMOUNT NOW DUE		\$950.00

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

Sincerely,

Rupert T. Borgsmiller
Assistant Executive Director

RTB: sk

09 DEC -3 AM 8:56

State of Illinois)
County of DuPage)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
vs.)
Friends for Fred)
Respondent(s).)

No. _____

APPEAL AFFIDAVIT

I, Paul J. Santucci, the Treasurer of the
(Name) (Chairman/Treasurer)
Friends for Fred
(Name of the Committee)

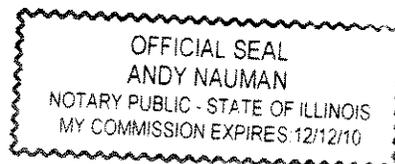
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

DI was attempted to be filed on April 20, 2009 via fax and email, but was not confirmed by SBOE.

Subscribed and Sworn to Before me
This 1 Day Of December, 2009

Andy Nauman
NOTARY PUBLIC

[Signature]
(Signature of Chairman/Treasurer)



STATE BOARD OF ELECTIONS

10 JAN -8 AM 9:52

P.o. box 2645
East S. all ,Louis 62205
(618)570-0943
r.easterniii@yahoo.com

December 22, 2009

To the board of Elections committee

I'm requesting the following payment agreements for the outstanding balance for the Committee to elect Robert Eastern Iii 3250.00 ^{295.00}
Payment schedule as follows ~~210.00~~ per month starting Jan2010 till ~~Jan 2011~~ Nov 2010
Enclosed is a good faith payment of 300.00.

Sincerely, Robert Eastern Iii

Signature 

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: Civil Penalty Assessments Necessitating a Final Board Order

Date: 1/8/2010

Listed below are committees that have been assessed a civil penalty for delinquently filing the D1 Statement of Organization, the June 2009 Semi-annual report, the April 2009 Pre-election report, Schedule A-1's in conjunction with the April 2009 election and "multi - assessments". These violations were not appealed & should be issued a Final Board Order.

D-1 Statement of Organization			
Cmte Name	Cmte No	Amt of Fine	Previous Violations
Friends for Paul Guerino **	L15459	\$200	None
Friends of Derrick Smith	L15591	\$600	None
April 2009 Pre-election Report			
Cmte Name	Cmte No	Amt of Fine	Previous Violations
Bensenville Community Party	L963	\$1100	None
June 2009 Semi-annual Report			
Cmte Name	Cmte No	Amt of Fine	Previous Violations
Edwardsville Township Democratic Club	L2151	\$1850	None
Citz for Debbie Cimarossa	L5791	\$1450	None
Plainfield Township Republican Org	L7206	\$3300	None
Cmte to Elect Ricky Heck	L9537	\$2300	None
Citz for Curtis McCall	L11702	\$1850	None
Cmte to Elect Gina Glasgow Recorder of Deeds **	L12184	\$1675	None
Centreville Twp Democratic Org	L13280	\$1850	None
Nunda Neighbors for Open Space	L14070	\$975	None
Friends of Eloise Gerson	L14370	\$1625	None
Citz for Anne Marie Manzo **	L14573	\$50	None
Cmte to Elect Rex Bradfield **	L14675	\$5000	2 semi (pd)
Cmte for Homes of the Prairie	L14706	\$1425	None
Cmte for Thornton **	L14781	\$2300	1 semi, 1 pre
Citz for Lofchie **	L14921	\$1700	1 semi
Cmte to Elect Rich Janor	L14995	\$3500	None
Jeff Bradley **	L15063	\$425	1 pre

Cmte Name	Cmte No	Amt of Fine	Previous Violations
Citz for Deyon Dean	L15088	\$2750	1 pre
Friends of Lynch	L15190	\$1875	None
Vote for River Forest-Org	L15321	\$2550	1 pre
Vote for Hoke-Org	L15322	\$2500	1 pre
Citz for Arbor Park **	L15399	\$925	D-1
Kaptain for DeKalb	L15454	\$1875	None
Lead 3000	S7427	\$2100	None
Friends of Kenny Johnson **	S9324	\$5000	1 semi
Mexicanos for Political Progress **	S9331	\$5000	2 semi
Cmte to Elect Fred Morelli Circuit Judge	S9462	\$950	None
Friends of Dave Tomlinson	S9485	\$1875	None
Centreville Twp Dem Central Cmte	S9637	\$1850	None
Friends to Elect Eugene "Gene" Staples **	S9751	\$1025	None
Citz for Marijan	S9816	\$1875	None
STOP-IT	S9909	\$700	None
Schedule A-1			
Cmte Name	Cmte No	Amt of Fine	Percentage Reduction
Aurora Twp Dem Central Cmte	L1719	\$2256.23	\$226
The Progressive Party	L8049	\$400	\$40
Maywood United Party	L12335	\$100	\$10
Citz for Muehfelt	L12703	\$210	\$21
St Clair Twp Continued Progress Party **	L14759	\$2000	\$200
Citz for Township Change	L15057	\$563	\$57
Citz for Pignato **	L15105	\$750	\$75
Winnebago Co Neighbors for Good Gov't **	L15123	\$1485	\$149
Friends of Bernie Anderson	L15221	\$1303	\$131
Citz for Elaine Zannis	L15261	\$10756	\$1076
Friends of Mike Christoffersen **	L15269	\$1000	\$100
Citz for Ryan "Todd" Weihofen	L15357	\$1000	\$100
Friends of Tom Wendorf	L15383	\$4139	\$414
Citz for Dale Adams	L15391	\$1000	\$100
Citz for Jim Moustis **	L15395	\$2000	\$200
Citz to Elect Denise Lacure	L15405	\$750	\$75
42 nd Ward Republican Org	S7748	\$800	\$80
Friends of Tom Weisner	S8460	\$1500	\$150
Dundee Twp Dem Central Cmte	S8687	\$400	\$40
Multi-Assessments			
Elect Laura Bartell **	S9704	\$10000	None
Citizens to Elect Jim Hickey	S9922	\$785.00	1 semi

(** - DENOTES COMMITTEES THAT HAVE FILED A FINAL REPORT)

STATE BOARD OF ELECTIONS

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

Rupert T. Borgsmiller

Assistant Executive Director

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

Re: Payment of Civil Penalties - Informational

Date: January 4, 2010

The following committees have made payment of outstanding civil penalties for the period of 11/20/2009 – 12/31/09:

- § Citizens for Nicholas Milissis - \$300.00
- § Committee to Elect Pamela Palmer - \$305.00
- § Balanoff Political Fund - \$425.00
- § Friends of Peter Grant - \$235.00
- § The East St Louis Democratic Club - \$200.00
- § Citizens for Tyler Smith - \$308.00
- § Citizens to Elect Sue Low - \$250.00
- § Citizens for Beaubien - \$175.00
- § Lincoln Club of Champaign County - \$200.00
- § Vermilion County Democratic Party - \$1000.00
- § Friends of Arnold Crater - \$50.00
- § Friends of Annazette Collins - \$9600.00
- § Committee to Elect Rickey Hendon - \$1800.00
- § Dr Charles Flowers & Friends - \$300.00
- § The Republican Organization of Elk Grove Township - \$200.00
- § Citizens for Munoz - \$200.00
- § Burns for Mayor - \$900.00
- § Harger for Mayor - \$100.00
- § Citizens for O'Halloran - \$2400.00
- § Friends of ECC - \$300.00
- § Democratic Central Cmte of Stephenson County - \$408.34
- § Citizens for Munoz - \$5000.00
- § Cunningham Campaign Committee - \$200.00

Total Amount Paid for this Period- \$24,856.34

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
11/5/09 – 11/19/09 - \$4182.00
11/20/09 – 12/31/09 - \$24,856.34

4. **Other business.**
5. **Comments from the Chairman and Vice Chairman.**
6. **Comments from the general public.**
7. **Next Board meeting Wednesday, February 17, 2010 at 10:30 a.m. in Chicago.**
8. **Executive Session.**