

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
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James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago Illinois 60601  
312/814-6440 TTY: 312/814-6431  
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BOARD MEMBERS  
Bryan A. Schneider, Chairman  
Wanda L. Rednour, Vice Chairman  
Patrick A. Brady  
John R. Keith  
William M. McGuffage  
Albert S. Porter  
Jesse R. Smart  
Robert J. Walters

EXECUTIVE DIRECTOR  
Daniel W. White

AGENDA  
STATE BOARD OF ELECTIONS  
BOARD MEETING  
Monday, September 21, 2009  
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.

1. Approval of the minutes from the August 18 regular meeting and the September 4 special meeting. (pgs.1-7)
2. Report of the Executive Director
  - a. Voting systems testing – Accu-Vote under-vote feature; (pg.8)
  - b. Report on Advisory Committee Meeting; (pgs.9-11)
  - c. Legislative update; (pgs.12-15)
  - d. BEREPA update; (pg.16)
  - e. Consideration of Voter Awareness Program; (pgs.17-23)
  - f. FY10 budget update; (pgs.24-25)
  - g. IVRS update – informational; (pgs.26-29)
  - h. Fiscal status reports – informational;
    - 1) FY09 & FY10 – month ending August 31; (pgs.30-46)
    - 2) Help Illinois Vote Fund; (pgs.47-57)
    - 3) EAC Data Collection Grant; (pgs.58-61)
  - i. Two year plan of staff activity for the months of September & October – informational. (pgs.62-64)
3. Report of the General Counsel
  - a. Campaign Disclosure;  
Motion for Reconsideration
    - 1) *SBE v. Committee to Elect Eddie Washington*, 08AG074; (pgs.65-66)  
Appeal of campaign disclosure fines – carryover from August– hearing officer recommendation appeal be denied
    - 2) *SBE v. Citizens to Elect Andre Thapedi*, S9041, 09DS185; (pgs.67-70)  
Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeal be granted
    - 3) *SBE v. 23<sup>rd</sup> Ward Regular Democratic Organization*, L13083, 08AG059; (pgs.71-79)
    - 4) *SBE v. Friends of Pam Helsel Hoffman*, L14411, 08AG061; (pgs.80-87)

- 5) *SBE v. Friends for Henry Vicenik*, L14903, 09CE019; (pgs.88-91)
- 6) *SBE v. Team Nunda*, L14937, 09AE003; (pgs.92-95)
- 7) *SBE v. Bob Hausler 4 Mayor*, L15282, 09CE063; (pgs.96-100)
- 8) *SBE v. Friends of Dianne McGuire*, L15370, 08AG062; (pgs.101-114)
- 9) *SBE v. Citizens for Edward Acevedo*, S6877, 08AG071; (pgs.115-120)
- 10) *SBE v. Citizens for Elaine Nekritz*, S7957, 08AG072; (pgs.121-133)
- 11) *SBE v. Friends of Kwame Raoul*, S8749, 08AG075; (pgs.134-140)
- 12) *SBE v. Citizens for Connelly*, S9570, 08AG077; (pgs.141-158)
- 13) *SBE v. Friends to Elect Jim Hagerty*, S9752, 08AG081; (pgs.159-163)
- 14) *SBE v. Friends of Riley Rogers*, S9856, 09AC003; (pgs.164-167)

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

- 15) *SBE v. Cunningham Campaign Committee*, L9059, 09MA012; (pgs.168-172)
- 16) *SBE v. Citizens for Officer*, L11408, 04DS082; (pgs.173-176)
- 17) *SBE v. Citizens for Karen Fields*, L12901, 09MA013; (pgs.177-179)
- 18) *SBE v. The Best 2005 Referendum Committee*, L13066, 09DS256; (pgs.180-183)
- 19) *SBE v. Highwood United*, L15058, 09CE029; (pgs.184-187)
- 20) *SBE v. Citizens to Elect Paul Hinterlong*, L15095, 09MA014; (pgs.188-191)
- 21) *SBE v. Committee to Re-elect Bracco & Graves*, L15232, 09AE007 & 09CE049; (pgs.192-196)
- 22) *SBE v. Committee to Elect Fritz Gohl*, L15239, 09CE050; (pgs.197-199)
- 23) *SBE v. Citizens for Kay*, S9631, 08AG078; (pgs.200-204)
- 24) *SBE v. Citizens for Mark Walker*, S9654, 08AG079; (pgs.205-210)

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

- 25) *SBE v. Committee to Elect tom Strickland*, L15300, 09AE009; (pgs.211-223)

Complaints following public hearing

- 26) *Emilio Cundari v. Cicero Equality Committee*, 09CD002; (pgs.224-229)
- 27) *Judy Brown-Moreno v. New Broadview Tea Party*, 09CD009; (pgs.230-243)
- 28) *SBE v. 16<sup>th</sup> Ward Regular Democratic Organization*, 09CD019; (pgs.244-249)
- 29) *SBE v. Frinds of Mickie Polk*, 09CD025; (pgs.250-255)
- 30) *SBE v. Citizens for Munoz*, 09CD039; (pgs.266-261)
- 31) *SBE v. 22<sup>nd</sup> Ward Democratic Committeeman Fund*, 09CD042; (pgs.262-267)
- 32) *SBE v. Taxpayers United For Fairness*, 09CD051; (pgs.268-273)
- 33) *SBE v. Committee to Elect James Larry Karraker*, 09CD031; (pgs.274-280)

Other campaign disclosure items

- 34) Potential ballot forfeiture for 2010 – informational; (pgs.281-288)
- 35) Payment of civil penalties – informational; (pg.289)

Complaints following closed hearing (separate packet)

- 36) *Matt Ames v. Charles Ferral, M. Ferral, Thomas Hendrix, American Campaigns*, 09CD059;

- b. Consideration of memorandum on apparent conformity of nominating petitions. (pgs.290-294)

4. Other business. (pg.295)
5. Comments from the Chairman and Vice Chairman. (pg.295)
6. Comments from the general public. (pg.295)
7. Next Board meeting Tuesday, October 20, 2009 at 10:30 a.m. in Chicago. (pg.295)
8. Executive Session. (pgs.296-319)

# STATE BOARD OF ELECTIONS

## MINUTES

Tuesday, August 18, 2009

### MINUTES

PRESENT: Bryan A. Schneider, Chairman  
Wanda L. Rednour, Vice Chairman (via telephone)  
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

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Chairman Schneider called the regularly scheduled monthly board meeting to order at 10:30 a.m. and lead everyone in the pledge of allegiance. All members were present with Vice Chairman Rednour present via telephonic conference.

Chairman Schneider removed 3.a.14, *SBE v. Citizens to Elect Andre Thapedi*, S9041, 09DS251; and 3.1.16, *SBE v. Will County Democratic Central Committee*, S560, 08AG037 for continuance to the September meeting. Hearing no objection both cases were continued.

The minutes of the June 15 and July 1 regular meetings were presented for adoption. Executive Director White noted changes proposed by Member Keith. Member Smart moved to adopt the minutes with the changes proposed and Brady seconded the motion. The motion passed unanimously by roll call vote.

Mr. White began his report with a request from VOSS Director, Dianne Felts, for a two year interim approval for modifications to the Sequoia WinEDS 4.0; the ES&S M100 In-Precinct Scan (v5.2.1.0); and M650 (central count scan) and Auto-MARK. Ms. Felts began with asking for modification approval for the 400C central count scan, the Insight Plus, in-precinct scan, the Edge2Plus, DRE, the HAAT, activator of the voter's access card, accumulator of DRE and In-precinct scan totals, and transmitter to central counting location, and also the WinEDS, election management application, which was a major upgrade to their previously approved system. She indicated that the generosity of CMS afforded the start of each of the tests promptly and that CMS provided the facility free of charge. She indicated that the test was extensive and hundreds of thousands of voting ballots were tested with favorable outcome. She thanked CMS for the facility at no cost and excellent assistance from Cook County and the city of Chicago. She asked for interim approval. Member Keith asked about the feasibility of testing before receiving federal approval. Ms. Felts said that testing was conducted by a federally approved lab and they have the results. If approval has been granted and there is a federal change we would require Chicago and Cook County to make changes. Mr. James Scanlon, attorney for the Chicago Board and Mr. Lance Gough, Executive Director of the Chicago Board were present and Mr. Scanlon was asked to comment on the issue at hand. Mr. Scanlon found no federal or state law requiring that a voting system be approved by the EAC. It must meet certain requirements as set out by voting system standards 2002 which the board adopted in 2003 and it was tested and it meets all the requirements and certain functional requirements as in section 24B optical scan and 24C electronic test screen system. It also requires that 24C be tested by a federal approved testing lab and that is what occurred. Mr. Sandvoss concurred with Mr. Scanlon's findings. Chairman Schn for the record that interim approval is for 2 years

from the date of the motion. Member Smart moved and Member McGuffage seconded a motion to approve the modification as recommended by VOSS Director Felts for a 2-year interim approval. The motion prevailed by 6-2 vote with Members Brady and Keith voting against the motion.

Ms. Felts presented her report on the test for the undervote feature on the ES&S M100 In-Precinct Scan (v5.2.10). She said that passage in 2007 of SB662/Public Act 95-699 resulted in 5/24B-16 to include identifying when a voter has not voted for all statewide constitutional offices. The ES&S system returned tabulated all one thousand test ballots correctly. To protect the secrecy of the voter, General Counsel Sandvoss requested changing the screen to not be specific on which office was under-voted. Director Felts asked the Board to approve the system's constitutional officers undervote feature. Member Porter moved to recommend that the Board approve the undervote feature on the ES&S M100 and grant a 2-year interim approval. Member Smart seconded the motion which passed 8-0 by roll call vote.

The final approval requested by VOSS was for diminimus changes to AutoMARK environmental hardware changes. Ms. Felts indicated that this involved parts that were not longer available and provided those parts in a memorandum. She asked for 1 approval to the M100; 4 for the AutoMARK and the entire page for the M650 and confirmed that the tests were performed by a federal accredited lab. Ms. Sue Munguia, Director of Certification with ES&S' Omaha office was present by telephone to respond to any questions the Board might have. Member Smart moved and Member McGuffage seconded a motion to approve the requested 2-year interim approvals. The motion passed by 6-2 with Members Keith and Walters voting no.

Mr. White was pleased to announce that the Business Entity Registration Program "BEREP" program went live on the SBE website and offered a short update of the program. He said that the legislature granted an extension to provide for the electronic filing and we have 3,000 business entities that have reregistered and they continue to flow. He asked Sharon Steward, present in the Springfield office, to respond to the Board's questions. Some of Ms. Steward's comments covered: registrations coming in steadily and they have impacted the daily operations of campaign disclosure staff; support for Phase I may diminish after September 30<sup>th</sup>; timeline demands were met; large and small businesses are accommodated on the website; and she received a registration from a company in Germany. She thanked the disclosure staff and IT.

The Executive Director asked Cris Cray, present in Springfield, for a legislative update. She indicated that five election related bills were signed by the Governor, as well as one of the Freedom of Information bills. However, HB 7 regarding campaign disclosure and SB51, BEREP are sitting on the Governor's desk. Ms. Cray said special sessions are being heard regarding redistricting. Mr. Sandvoss continued with a summary of SB 1938, a bill creating additional judgeships in several judicial circuits. Discussion ensued about the additional judgeships. Due to the complexity of interpretation of SB1938, Member Keith moved to delay this matter until the September meeting; send letters to the 4 leaders; and publish responses on our website to make everyone aware of any issues or problems before the Board votes on it. Member Walters seconded the motion which prevailed 5-2-1 with Members Porter and Smart voting no and Member Brady abstained.

Mr. White presented an update on the budget that included a summary and charts. Chart 1 was divided into 2 parts: basic operation and special items, lump sums and grants. He said the FY10 budget appropriation request for basic agency operations is fully funded minus the state paid retirement. Special items, lump sums and grants are funded at 50% of the total amount requested. He requested full funding for the HAVA maintenance and FY09 additional HAVA money to qualify for additional federal funds. Mr. White proposed reducing the decennial redistricting project to the remainder of the contract and requested the remainder of the lump sum appropriation for the antiquated IDIS system, which is running on borrowed time. Discussion among the board included funding for: election consolidation and the polling place extended hours, election judge stipends, the e-can mandate, BEREP, and furloughs. Ms. Cray responded to a question regarding the legislature taking furlough days. She indicated that the General Assembly was taking 12 days that will not impact their pension, salary or other benefits. However, their staff is not required to take any furlough days. Member Porter moved with respect to the lump sum on the nonoperating funds to adopt the budget as proposed by the Executive Director. Member Smart seconded the motion. The motion prevailed by 5-3 with Members Brady, Keith and Chairman Schneider

voting no. To monitor the budget situation closely, the Chairman asked that this matter be updated monthly and that the 70 questions asked and answered be submitted to the entire board.

The Executive Director introduced Kyle Thomas, IVRS Director, who presented an update for informational purposes. He confirmed that the site features "Am I Registered" and "Check Polling Place" are up and running and there have been 1200 hits on them. He indicated that the project State Data Base continues with personnel training.

Mr. White continued with informational reports on the fiscal status. He said that a complete report of FY09 will be available at the September meeting; that there was little activity with HAVA; and the Data Collection Grant was continued to June, 2010.

Item 2.f of the Executive Director's report was informational purposes.

The Report of the General Counsel was considered. Member Smart moved to grant the appeals in 3.a.1, 5, 6, 7, and 8 consistent with the recommendations of the hearing officer and general counsel. Member Walters seconded the motion which passed unanimously. Appeals were granted in: *SBE v. Citizens for Joe Moore*, L2617, 09DS010; *SBE v. Committee to Elect Denny Gardner*, L14562, 09DS235; *SBE v. Citizens for John Cullerton*, S1866, 08AG027; *SBE v. Democratic Party of Illinois*, S4866, 08AG035; and *SBE v. Senate Democratic Victory Fund*, S9796, 08AG057.

General Counsel Sandvoss summarized *SBE v. Citizens for Karen McConnaughay*, L3899, 08AG018. He said the Hearing Officer recommended granting the appeal based on the respondent having a death in the family group. Because the report was received on October 28 and the death occurred on October 31<sup>st</sup>, Mr. Sandvoss disagreed with the recommendation. Mr. Andy Raucci, attorney for the respondent committee was introduced and indicated that respondent was involved in the daily care of the family member. Member McGuffage moved to deny the appeal, but assess 25% of the fine or \$250. Member Walters seconded the motion which passed 7-0-1. Member Brady abstained from the vote.

Mr. Sandvoss continued with *SBE v. The new 29<sup>th</sup> Ward Democratic Organization*, L9791, 09MA007 wherein the hearing examiner recommended granting the appeal. Mr. Sandvoss disagreed, and noted that it is commendable that the committee brought the discrepancies to the attention of the board, but it does not excuse the penalty and no defense is offered. Mr. Jim Nally, was present for the respondent and indicated that a CPA was hired to audit the committee back to 2003. He said that the violations were beyond 2 years and that they were reported, but the timing was off. He asked that the appeal be granted. Member McGuffage moved to grant the appeal. Member Smart seconded the motion which prevailed by 6-2 vote with Members Keith and Walters voting no.

Mr. Nally asked the Board if they would hear item 3.1.18, an outside complaint following public hearing, as he represents the complainant in this case. The Board agreed and Mr. Sandvoss summarized *Orland Township First Party v. The Orland Township Board*, 09CD011 a complaint of election interference in the production and distribution of a Newsletter by the Orland Park Township. He indicated that the hearing officer recommended that the Board find a violation of 10 ILCS 5/9-25, and that the members return their share of the production of the newsletter to the Township and he concurs with that recommendation. Mr. Sandvoss advised the Board that finding a violation of the Act would require them to refer this matter to the State's Attorney's Office. Member Brady moved to adopt the recommendations of the Hearing Officer and General Counsel; that the members reimburse their *pro rata* share of \$1,333.00 to the Orland Park Township; that the final order be directed to the individual's named as respondents in the complaint as opposed to the Orland Township Board; and that this matter be referred to the appropriate State's Attorney's office. Member Keith seconded the motion which passed unanimously by roll call vote.

Mr. Sandvoss continued with *SBE v. Maine Teachers Assn PACE*, L14252, 09DS235 and indicated that medical hardship is usually denied. In this case, the semi-annual report was received 34 days late and a \$1700 fine was assessed. In addition, a penalty of \$125 for late filing of the June 2008 sr

the appeal be granted for medical hardship experienced by the treasurer and his family. General Counsel Sandvoss disagreed and recommended the appeal be denied. The Board was concerned that the respondent might think the appeal was granted because of the hearing examiner's report. Mr. Sandvoss indicated that all parties are advised that recommendations may be adopted or rejected. Denying the appeal would lift the \$125 stayed penalty. Member Walters moved and Member Smart seconded the motion to approve the recommendation of the General Counsel and deny the appeal. The motion passed unanimously by roll call vote.

The Board considered items 10, 12, 13 and 15; new appeals wherein the hearing officer recommended be denied. Mr. Sandvoss concurred with the recommendations and noted a Scrivener's error in #10 where the fine should be \$206. Member Smart moved and Member Keith seconded a motion to accept the recommendations and deny the appeals. The motion carried unanimously and appeals were denied in *SBE v. Citizens for Flores*, L14641, 08AG022; *SBE v. Citizens for Arthur Turner*, S1841, 08AG026; *SBE v. Volunteers for Delgado*, S6409, 08AP090; and *SBE v. Friends of Tom Cullerton*, S9784, 09DS251.

Mr. Sandvoss continued with 3.a.9., *SBE v. West Frankfort Area Democrat Club*, L2025, 09SD227 and 3.a.11., *SBE v. Friends of the Cornbelt Fire Protection District*, L14920, 09DS113. The hearing examiner recommended the appeals be denied but reduce the penalties and the General Counsel concurred. Member Keith moved and Member Smart seconded the motion to deny the appeal, but reduced the penalty as recommended by the hearing examiner and general counsel. The motion passed unanimously by roll call vote.

The General Counsel summarized *SBE v. The 27<sup>th</sup> Ward Regular Democratic Organization*, S6805, 08AG043 and concurred that the appeal should be granted in part and denied in part and further that the \$75 penalty be reduced to 10% of the original amount and as a first violation the \$8 penalty is stayed. Member Keith moved to adopt the General Counsel's recommendation and Member Smart seconded the motion. The motion passed unanimously.

Mr. Sandvoss presented complaints following public hearing and agreed with the hearing officer's recommendations. The recommendations included Board staff assessing an amount calculated by statute. Member Smart moved to accept the recommendation and staff to assess penalties with respect to: *SBE v. George O. Wendt Campaign Committee*, 09CD034; *SBE v. 8<sup>th</sup> Ward Regular Democratic Organization*, 09CD038; *SBE v. Pulaski County Republican Boosters Club*, 09CD040; *SBE v. Citizens for Jenisch*, 09CD043; and *SBE v. Committee to Elect Dennis Barnard*, 09CD055. Member Brady seconded the motion which passed unanimously.

Pages 260-262 of the Board packet were presented for assessments and final orders. Member Keith moved and Member Smart seconded the motion to assess and issue final orders to the committees on the referenced pages. The motion passed unanimously.

Payments of civil penalties were presented for informational purposes only.

The memorandum on apparent conformity was continued to the September meeting.

Chairman Schneider asked for a motion to recess to executive session to discuss campaign disclosure matters, litigation and personnel. Member Brady so moved and Member Walters seconded the motion. The motion passed by 8 voices in unison. The meeting recessed at 1:24 p.m.

The Board returned to open session at 2:09 p.m. with all members present by roll call vote.

Member Keith moved to find the complaint in *SBE v. Independent Democracy*, 09CD036, was filed on justifiable grounds and a public hearing will be set more than 31 days after today. Further, that if the final report is electronically filed within 30 days, the public hearing will be cancelled and the n ith administratively with appropriate fines. But, if the

final report is not filed electronically within 30 days, it will be deemed not filed and a public hearing will commence. Member Brady seconded the motion which passed unanimously by 8 ayes in unison and none opposed.

As to *Stocks v. Friends of Tim Dudley for Senate*, 09CD033, Member Keith moved to find the complaint was filed on justifiable grounds and based upon the stipulations and admissions of the complainant, an order be entered that no penalty will be imposed for the violation admitted to, but that any subsequent violation of 10 ILCS 5/9-9 within 12 months from the entry of the order will result in a fine to be assessed up to and including \$5,000. Member Smart seconded the motion which passed unanimously by 8 ayes in unison and none opposed.

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

The meeting adjourned at 2:12 p.m.

Dated: August 31, 2009

Respectfully submitted,



Daniel W. White, Executive Director



Darlene Gervase

STATE BOARD OF ELECTIONS  
Special Board Meeting Via Videoconference  
September 4, 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  
Steve Sandvoss, General Counsel  
Amy Calvin, Administrative Specialist II

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The special meeting of the State Board of Elections was called to order via videoconference means at 9:39 a.m. with six Members present. Members Keith and Smart were present in Springfield, Chairman Schneider and Member Brady were present in Chicago, Member Walters was present at Lewis and Clark College in Godfrey and Vice Chairman Rednour was connected via teleconference. Members McGuffage and Porter were absent and Member Keith held their proxies.

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

The Executive Director thanked the Board for assembling on such short notice and also thanked Cris Cray, Mark Mossman, Steve Sandvoss and Ken Menzel for their efforts in compiling an agreed upon listing of new judgeships created by SB1938. The General Counsel indicated the State Board of Elections has the statutory authority to create new judgeships to be filled at the next General Election and that staff has concluded the following additional judgeships have been created. In the 12<sup>th</sup> Judicial Circuit, 3<sup>rd</sup> and 4<sup>th</sup> Subcircuits, Additional Judgeship A is created and in the 5<sup>th</sup> Subcircuit, Additional Judgeship B is created. In the 13<sup>th</sup> Judicial Circuit Additional Judgeship A is created and in the 16<sup>th</sup> Judicial Circuit three Additional Judgeships A are created in Kane, DeKalb and Kendall Counties. In the 17<sup>th</sup> Judicial Circuit Additional Judgeship A is created in Boone County. In 19<sup>th</sup> Judicial Circuit, 4<sup>th</sup> Subcircuit, Additional Judgeship A is created and in the 22<sup>nd</sup> Judicial Circuit additional judgeship A is created. The General Counsel then asked the Board for a motion to officially declare the additional judgeships so candidates may circulate petitions. Member Keith requested that

all of the transmittal correspondence, orders and other material included in the Board packet from the Administrative Office of the Illinois Courts and the Supreme Court of the State of Illinois become a part of the official record of the meeting. Member Smart moved to approve the list of judgeships as presented by the General Counsel. Member Brady seconded the motion which passed by roll call vote of 8-0.

With there being no further business before the Board Member Keith moved to adjourn until Monday, September 21, 2009 at 10:30 a.m. in Springfield and Chicago via videoconference or until call of the Chairman whichever occurs first. Member Brady seconded the motion which passed unanimously. The meeting adjourned at 9:45 a.m.

Respectfully submitted,



Amy Calvin, Administrative Specialist II



Daniel W. White, Executive Director

# **STATE BOARD OF ELECTIONS**

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**MEMORANDUM**

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

**TO:** Members of the Board  
**SUBJECT:** Voting Systems Testing  
**DATE:** September 9, 2009

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At the time the Board packet materials were being assembled, our Voting Systems staff was conducting a test of the Accu-Vote under-vote feature. As soon as it is complete, a report will be sent under separate cover.

# **STATE BOARD OF ELECTIONS**

**MEMORANDUM**

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

**TO:** Members of the SBE Advisory Committee

**SUBJECT:** Meeting

**DATE:** September 1, 2009

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Attached you will find an agenda for the meeting of the SBE Advisory Committee on Monday, September 21, 2009 scheduled to begin at 9:30 a.m. in our Springfield office. Also attached is a listing of the 2009-2011 SBE Advisory Committee.

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 21st.

Attachments

**STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
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**EXECUTIVE DIRECTOR**  
Daniel W. White

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

**ADVISORY COMMITTEE  
AGENDA**

**Monday, September 21, 2009  
9:30 a.m.  
1020 S. Spring Street  
Springfield, Illinois**

- 1. SBE Budget – Stipends and Election Judge Reimbursement**
- 2. Constitutional officers – kickback of ballots**
- 3. Statewide database update.**
- 4. Legislation.**
- 5. Other business.**
- 6. Next meeting.**

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

**SBE ADVISORY COMMITTEE  
2009 - 2011**

**ZONE 1**

Kerry Hirtzel  
Effingham County

Dave Dobill  
Franklin County Clerk

Pat Laramore  
Randolph County Clerk

**ZONE 3**

Bill Downey  
Clark County Clerk

Julie Gentry  
Cumberland County Clerk

Pat Rhoades  
Piatt County Clerk

**ZONE 2**

Jim Nelson  
Fulton County

Bill Blessman  
Mason County Clerk

Barbara Gross  
Morgan County Clerk

**ZONE 4**

JoAnn Carretto  
LaSalle County Clerk

Kathie Schultz  
McHenry County Clerk

Dick Leibovitz  
Rock Island County Clerk

**BOARDS OF ELECTION COMMISSIONERS**

Linda Fechner, Executive Director – Aurora Board of Election Commissioners

Barbara Dreher, Executive Director - Danville Board of Election Commissioners

**ASSOCIATION PRESIDENTS**

Michele Zippay, Macoupin County Clerk (IACCR)

Nancy Strain, Executive Director, Rockford Board of Election Commissioners (AECOI)

**AT LARGE MEMBERS**

David Orr, Cook County Clerk

Terri Braun, Fayette County Clerk

Peggy Ann Milton, McLean County Clerk

Joe Aiello, Sangamon County Clerk

Lance Gough, Chicago Board of Election Commissioners

# **STATE BOARD OF ELECTIONS**

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**MEMORANDUM**

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

**TO:** Members of the Board

**SUBJECT:** Legislative Update

**DATE:** September 10, 2009

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All legislative initiatives passed this session have finally been acted upon by the Governor. Accordingly, for your information Cris Cray has prepared the following 2009 Legislative Recap report.

Cris will be available at the meeting to answer any questions.

Attachment



House Bill 1131      Myers/Cullerton      military delivery of ballots  
Public Act 96-0512      Effective date: January 1, 2010

Permits the spouse and dependents of an active-duty member of the U.S. armed forces to vote military absentee ballots. Permits return delivery of a military or overseas ballot (i) by mail, (ii) in person by a specified relative of the voter, or (iii) by a licensed motor carrier engaged in the delivery of property.

House Bill 3972      Jackson/Jones III      notice on absentee applications  
Public Act 96-0312      Effective date: January 1, 2010

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

House Bill 4051      Froehlich/Harmon      Local records  
Public Act 96-475      Effective date: August 14, 2009

Provides that the provisions of the Election Code do not supersede the provisions of the Local Records Act with regard to procedures for the disposal of election records. Provides that local election authorities must comply with the provisions of the Local Records Act when destroying or disposing of public records. Amends the Election Code to make conforming changes.

House Bill 4077      Jakobsson/Frerichs      Voter ID  
Public Act 96-0317      Effective date: January 1, 2010

Adds a lease or contract for a residence to the acceptable forms of proof of a voter's residence. Where not already listed in the Code as acceptable proof of residence, adds a photo identification card issued by a university or college and mail addressed to the voter at the address of residence.

Senate Bill 51      Schoenberg/Madigan      BEREPP  
Amendatorally Vetoed

Senate Bill 1662      Murphy/Mathias      D-1's  
Amendatorally Vetoed



# **STATE BOARD OF ELECTIONS**

**MEMORANDUM**

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

**TO:** Members of the Board

**SUBJECT:** Electronic Business Entity Registration Program (BEREP) Update

**DATE:** September 11, 2009

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Within the next couple of days we expect to go live with the BEREP public website. We will have an oral BEREP update report at the meeting.

# **STATE BOARD OF ELECTIONS**

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**MEMORANDUM**

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

**TO:** Members of the Board

**SUBJECT:** Voter Awareness Program for the February 2, 2010 General Primary Election

**DATE:** September 11, 2009

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In 2006 the General Assembly passed legislation authorizing early voting and grace period registration in Illinois. In 2006 and 2008 we developed public awareness programs to educate voters about these new procedures. These programs have been very successful and in 2008 we saw record numbers of early voters and voter turnout.

This past session two bills passed and were signed into law that impact early voting and grace period registration procedures. Public Act 96-0441, effective January 1, 2010, extends the time for grace period registration until the seventh day (formally fourteenth day) before the election. Public Act 96-0637, effective January 1, 2010, requires that permanent early voting polling places designated in certain municipalities by election authorities of certain populous counties and municipalities must remain open additional hours on holidays during the early voting period and the final weekend of the early voting period.

As part of our 2010 Voter Awareness Program we will feature the above changes and publicize the significance of our recently completed Illinois Voter Registration System, its many applications and our administration of HAVA.

I have asked communications professional Al Manning to submit proposals for the 2010 Primary Election. For your review and consideration are those proposals and a copy of Mr. Manning's resume.

Attachments

## **AL MANNING**

2407 Thayer Street  
Evanston, Illinois 60201  
Residence: 847-328-3242  
Cellular: 847-477-0466  
al.manning@sbcglobal.net

### **SUMMARY**

An experienced communications professional with a background in a large association and state government. Expertise in communication planning, media relations and public affairs. Strategic thinker with keen judgment who excels at developing goals, crafting a message and targeting key audiences. A self-starter who generates ideas and focuses on achieving results.

### **PROFESSIONAL EXPERIENCE**

#### **PUBLIC RELATIONS CONSULTANT, Evanston, IL** **January to February 2005**

Provided superb communications counsel to Institute for Emerging Issues at North Carolina State University in Raleigh for its health care forum chaired by former Governor Jim Hunt and attended by nearly 1,000 leaders in business, government and higher education.

- Secured maximum statewide coverage of forum by arranging interviews of national figures such as former Speaker Newt Gingrich and former Health Secretary Tommy Thompson discussing complex health care policy issues.
- Wrote strategic communication plan by helping small staff craft a message and focus on targeted audiences; led implementation of plan over seven week period.
- Worked with university news service to develop a credentialing system that registered 100 journalists; created media contact lists and systems that will greatly assist institute in its future marketing campaigns.

#### **AMERICAN BAR ASSOCIATION, Chicago, IL** **1999 to 2004**

The ABA, the largest professional association in the world, acts as the national voice of the legal profession.

##### **Manager, Media Relations**

Worked with the news media on a daily basis to support the ABA president who serves as the spokesperson. Provided public relations counsel to staff and volunteer leaders.

- Raised profile of the association by obtaining news coverage for ABA president unmatched in quantity and quality. Coordinated a record number of editorial board visits. Helped proactive president deliver a message focused on legal issues and the need for a fair and impartial judiciary. Contributed significantly to the team planning for the president's term of office, then implemented the communication portion of the plan by working on a daily basis with the president and news media.
- Led team effort in strategic communication planning as Media Division strived to improve communication services to vast number of volunteer leaders and staff. Worked with various committees and officers who serve as experts in their particular area of the law, produced improved news coverage and better understanding of mass communication.
- Increased the percentage of membership retained by proposing to Membership and Marketing Division that more emphasis be placed on substantive policy issues. Implemented the marketing plan by writing letter explaining association's advocacy on behalf of the profession. Also served as media liaison to entities such as Business Law and Legal Education.

**INDEPENDENT PR PRACTITIONER, Evanston, IL 1995 to 1999**

Provided excellent public relations counsel to variety of businesses and politicians.

- Increased news coverage in five Midwest states for a Fortune 500 company that targeted mid-market companies for more business. Extracted information from numbers in a quarterly opinion survey to craft simplified message that news media found interesting and informative.
- Helped create great first impressions of Navy Pier, now one of Chicago's premier tourist attractions. Proposed and implemented a luncheon for media and public officials at the client's office, with a trolley tour of Navy Pier prior to the official grand opening of the re-developed Pier. The event's success contributed to the initial buzz about the site and the long-term understanding of its architectural details.
- Provided communication counsel and strategic advice to several political campaigns. Played a significant role in helping Dick Durbin develop and implement a successful beginning to his first general election campaign for the U.S. Senate.

**STATE OF ILLINOIS, Office of Attorney General, Chicago, IL 1984 to 1987 & 1991 to 1995**

The Attorney General is the chief legal officer for the state and employs 700 people in Chicago, Springfield and regional offices.

**Director of Communications**

Served as office spokesperson and supervised 12-person staff responsible for news releases, media queries, speeches, and photography.

- Contributed significantly to Attorney General Neil Hartigan's ability to maximize news coverage of activities such as environmental regulation and consumer protection.
- Developed communication plan resulting in trial lawyers and public information officers delivering a consistent message on active cases.
- Served as legal spokesperson for Attorney General Roland Burris on death penalty appeals and at the penitentiary during the state's first involuntary execution.

**STATE OF ILLINOIS, Office of Comptroller, Chicago, IL 1987 to 1991**

As the chief financial officer for the state, the Comptroller pays the state's bills from a \$20 billion annual budget and serves as the fiscal "watchdog" over state expenditures.

**Director of Communications**

Served as office spokesperson and supervised a diverse, five-person staff responsible for news releases, media queries and speeches.

- Increased profile of Comptroller Burris on tax and spending issues and crafted more easily understood messages on the state's complex financial structure.
- Played a significant volunteer role in helping Burris win election as first African-American Democratic Attorney General in the nation.

**STATE JOURNAL-REGISTER, Springfield, IL 1969 to 1984**

A Copley newspaper that serves the capital city and Central Illinois.

Wrote a daily political column, syndicated by *Copley News* to 30 newspapers, that was a must-read for government workers, political activists and persons interested in our democracy. Prior to writing a column served as court reporter and legislative correspondent covering legal affairs and public policy issues.

**EDUCATION**

B.S., Journalism, Southern Illinois University at Carbondale

## **HELP AMERICA VOTE ACT PROPOSAL 2010 PRIMARY ELECTION**

Al Manning shall direct a public information campaign on the implementation of the Help America Vote Act of 2002 for the State Board of Elections.

Manning shall utilize the new Illinois Voter Registration System database as a major resource for the public information campaign.

All work shall be conducted with the understanding that a primary goal of the Board is to help bring about greater understanding and participation in the electoral process and that the Board works closely with election authorities in all regions of the state. All work shall be performed at the direction of Executive Director Dan White or his designee and in conjunction with Board staff.

State election administrators and many of the local election officials should be prepared to explain HAVA implementation and the importance of the newly implemented statewide database because the public must have confidence in the integrity of the state's voting system and its voting equipment.

Manning shall:

- Write one or more news releases on the Illinois Voter Registration System database.
- Write a news release and/or text for a Public Service Announcement that explains the role of the State Board of Elections in administering HAVA.
- Oversee the production of materials for posting on the SBE website.
- Work with Board staff to ensure that all appropriate public information is placed on the Board's website in a timely manner.
- Assist executive director in crafting a message on HAVA implementation that can be utilized in discussing HAVA issues with the news media or other target audiences.
- Monitor news coverage of electronic voting equipment and other HAVA issues and discuss regularly with executive director.
- Provide other appropriate communication services regarding HAVA as deemed necessary by the executive director;
- Work a maximum of 45 hours in any given month.

The State Board of Elections, through Executive Director Dan White or his designee, shall:

- Assist, as needed, in obtaining, interpreting and delivering HAVA information necessary for a successful public information campaign, particularly information from the Illinois Voter Registration System database.
- Work with vendor to assure that assignments can be completed by working 45 hours or less per month,
- Pay Manning for his communication services and appropriate travel expenses a total of \$4,950 for the HAVA campaign. The money shall be paid upon the

submission of invoices that detail the work completed at a rate of \$45 per hour or a maximum of \$275 per day.

Submitted on this 11th day of September, 2009

Al Manning  
2407 Thayer St.  
Evanston, IL 60201

**PROPOSAL  
EARLY VOTING AND GRACE PERIOD REGISTRATION  
2010 GENERAL ELECTION**

Al Manning shall provide communications services for the State Board of Elections as needed in preparation for the Feb. 2, 2010 primary election.

Almost all of this work will be related to the fact that Illinois holds the earliest primary in the nation and that Illinois citizens will begin casting ballots soon after New Year's Day. In addition, there will be a focus on new state laws that apply to early voting and Grace Period Registration.

This will be the first statewide election since the November 2008 election – the election that set records in Illinois for the highest turnout in state history and the highest turnout of early voters in Illinois since the inception of the new early voting law.

All work shall be conducted with the understanding that a primary goal of the Board is to help bring about greater understanding and participation in the electoral process and that the Board works closely with election authorities in all regions of the state. All work shall be performed at the direction of Executive Director Dan White or his designee and in conjunction with Board staff.

Manning shall:

- Work with staff to determine the proper number to use for publicity purposes regarding early voting. By informal definition, SBE has defined early voting at the conclusion of the election as the total number of people who voted at Early Voting Centers plus those casting absentee, Grace Period and military ballots. During the three-week early voting period, SBE has attempted to define early voting as the number of people who have voted at an Early Voting Center.
- Work with staff to educate public and election officials on new election laws, specifically Public Act 96-0441 which extends Grace Period Registration by one week and Public Act 96-0637 which requires some election authorities to remain open extra hours on holidays during the Early Voting period and during the final weekend of the Early Voting period.
- Write text suitable for publication in brochures, news releases and other materials explaining new laws minimizing the difference between in-person early voting and absentee voting.
- As directed, contact media and handle media queries on subjects not related to the Help America Vote Act.
- With the approval of the executive director, write and provide written material to county clerks and other election authorities so they can deliver similar election information in a timely manner;
- Update and maintain an e-mail contact list for media seeking and needing voting information,
- Coordinate Hispanic outreach by working with Board staff to produce audio Public Service Announcements in Spanish and update media contact lists.

- Provide other appropriate communication services as deemed necessary by the executive director;
- Comply with all state laws and requirements that apply to a contractor with the State Board of Elections.

The State Board of Elections, through Executive Director Dan White or his designee, shall:

- Make available office space and equipment on a part-time basis as needed, and coordinate staff, as needed, to assist in the implementation of the public information campaigns;
- Assist, as needed, in obtaining, interpreting and delivering information necessary for a successful public information campaign;
- Pay Manning for his communication services and appropriate travel expenses a total of \$3,000 for the Early Voting/Grace Period public information campaign. The money shall be paid upon the submission of invoices that detail the work completed at a rate of \$45 per hour or a maximum of \$275 per day.

Submitted on this 11th day of September, 2009

Al Manning  
2407 Thayer St.  
Evanston, IL 60201

# **STATE BOARD OF ELECTIONS**

**MEMORANDUM**

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

**TO:** Members of the Board

**SUBJECT:** FY10 Budget

**DATE:** September 11, 2009

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At the August meeting I reviewed with the Board our FY10 budget appropriation that was approved by the legislature and signed by the Governor this summer.

I reported that with the exception of state paid retirement, our operational budget is fully funded at amounts requested in our initial FY10 Budget Appropriation Request. However, with regard to Special Items, Lump Sums and Grants, these ten items are funded at 50% of the total lump-sum request. Since these items are grouped in a lump-sum appropriation, we are afforded discretion in funding allocation.

At the meeting, the Board had questions regarding the proposed lump-sum funding allocation and suggested that this item be placed on the September meeting agenda for further discussion. In addition, Chairman Schneider indicated this matter should be reviewed periodically over the course of the fiscal year.

In response, I have convened several meetings with SBE staff and we have revised the proposed allocation of FY10 Reduced Lump-Sum Appropriations (RLSA) chart (attached) to reflect those proposed changes.

The chart reflects the revised lump-sum spending allocations. To summarize, there is a significant reduction in the Disclosure Reform/Replace IDIS System item. This is the direct result of several staff meetings and discussions and the enunciation by IT Director Steve Flowers that once the candidates' petition filing period is complete, IT staff will be able to dedicate significant in-house time and resources towards rebuilding of the IDIS system rather than attacking this project through previously allocated contractual funding. This frees up significant lump-sum funding that can be devoted to other programs, such as Voting System Integrity Center and E-Canvass. Also, after discussing with the General Counsel regarding legal ramifications of reducing the Clerk's stipend in mid-term, I am proposing restoration of the Clerk's stipend to full funding.

For the remainder of the fiscal year, the RLSA will become a part of our monthly fiscal report.

Attachment

**State Board of Elections**  
**Proposed Allocation of FY2010 Reduced Lump-Sum Appropriations**  
**To Reflect 50% Cut in Total Lump-Sum Amount**  
**As of 9/10/2009**

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

Lump-Sum Appropriation Item	Amount Requested In FY2010 Original Budget Submission	Original Allocation Of Actual Lump-Sum Approp. (8/3/09)	Revised Allocation of Actual Lump-Sum Approp. (9/10/09)
Annual HAVA Maint. Of Effort	\$550,000	\$550,000	\$550,000
State Match - FY09 Add'l HAVA Money	220,698	220,700	220,700
IVRS System Operations/Assistance	3,174,500	1,587,300	1,587,300
County Clerk/Recorder Stipends	806,000	403,000	806,000
Election Day Judge Reimbursements	2,700,000	1,350,000	1,350,000
Early Voting Assistance to Local Gov.	1,300,000	650,000	650,000
Decennial Redistricting Project	350,000	100,000	100,000
VSIC (Voting Systems Integrity Center)	1,096,300	0	350,000
Electronic Canvassing Implementation	476,400	0	150,000
Disclosure Reform/Replace IDIS System	1,587,400	1,269,700	366,700

<b>Totals</b>	<b>\$6,130,700</b>	<b>\$6,130,700</b>
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Jurisdiction	June Matches	July Matches	August Matches	September Matches	Oldest Match Date
Adams County	226	209	188	135	2/6/2009
Alexander County	228	221	190	150	2/6/2009
Bond County	188	181	148	127	2/6/2009
Boone County	450	399	327	96	2/6/2009
Brown County	5	3	6	1	5/26/2009
Bureau County	240	226	178	143	2/6/2009
Calhoun County	6	6	6	12	2/6/2009
Carroll County	124	115	87	63	2/6/2009
Cass County	49	43	30	26	2/6/2009
Champaign County	206	203	200	35	2/6/2009
Christian County	40	5	3	4	8/27/2009
Clark County	47	33	24	15	2/6/2009
Clay County	127	123	129	115	2/6/2009
Clinton County	119	119	105	57	2/6/2009
Coles County	344	314	431	191	2/6/2009
Cook County	18388	15,898	15,007	12,375	2/6/2009
Crawford County	168	160	158	140	2/6/2009
Cumberland County	46	44	30	14	2/6/2009
DeKalb County	707	567	333	249	2/6/2009
DeWitt County	254	217	189	143	2/6/2009
Douglas County	15	10	9	2	5/26/2009
DuPage County	1906	1,673	1604	1398	2/6/2009
Edgar County	23	20	18	10	2/6/2009
Edwards County	14	13	2	4	2/6/2009
Effingham County	57	48	52	14	2/6/2009
Fayette County	370	351	308	232	2/6/2009
Ford County	92	84	44	15	2/6/2009
Franklin County	261	247	206	173	2/6/2009
Fulton County	164	141	79	29	2/6/2009
Gallatin County	1	1	0	0	n/a
Greene County	28	28	33	19	2/6/2009
Grundy County	318	230	57	41	2/6/2009
Hamilton County	7	3	5	0	n/a

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

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

Woodford County	87	65	13	6	2/6/2009
City of Aurora	239	194	135	134	2/6/2009
City of Bloomington	347	324	251	202	2/6/2009
City of Chicago	14655	11,478	11015	9273	2/6/2009
City of Danville	13	7	3	2	2/6/2009
City of East St. Louis	433	421	137	128	2/6/2009
City of Galesburg	99	90	37	37	2/6/2009
City of Peoria	848	485	35	1	2/6/2009
City of Rockford	466	399	291	173	2/6/2009

69312	57,030	46,319	36,583
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# **STATE BOARD OF ELECTIONS**

**MEMORANDUM**

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

**TO:** Members of the Board  
**SUBJECT:** FY09 & FY10 Fiscal Status Reports  
**DATE:** September 11, 2009

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Following are two fiscal year status reports – the final fiscal report of 2009 and the initial report of 2010. As you can see on the summary page of the FY09 report, we have met all our fiscal obligations and we are returning a little over \$400,000 in operational funds to the state treasury and approximately \$2.4 million in pass-thru funding.

Early in FY10, there is little activity to report.

Attachments

**STATE BOARD OF ELECTIONS**  
**FY09 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

AGENCY TOTALS MONTH ENDING: August 31, 2009	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$3,171,480.00	\$2,981,108.86	\$0.00	\$190,371.14	94.00%
STATE PAID RETIREMENT	\$127,110.00	\$116,017.33	\$0.00	\$11,092.67	91.27%
RETIREMENT (inc. supplemental)	\$659,910.00	\$625,269.17	\$0.00	\$34,640.83	94.75%
SOCIAL SECURITY	\$230,300.00	\$218,150.38	\$0.00	\$12,149.62	94.72%
CONTRACTUAL SERVICE	\$737,765.00	\$626,571.78	\$0.00	\$111,193.22	84.93%
TRAVEL	\$107,350.00	\$72,366.52	\$0.00	\$34,983.48	67.41%
PRINTING	\$42,360.00	\$38,477.69	\$0.00	\$3,882.31	90.83%
COMMODITIES	\$29,925.00	\$27,699.62	\$0.00	\$2,225.38	92.56%
EQUIPMENT	\$165,525.00	\$156,292.21	\$0.00	\$9,232.79	94.42%
TELECOMMUNICATIONS	\$106,780.00	\$100,613.21	\$0.00	\$6,166.79	94.22%
OPERATION OF AUTO EQUIPMENT	\$3,515.00	\$2,939.79	\$0.00	\$575.21	83.64%
HAVA MAINTENANCE OF EFFORT	\$550,000.00	\$550,000.00	\$0.00	\$0.00	100.00%
ELECTION CODE BOOKS	\$14,250.00	\$13,167.50	\$0.00	\$1,082.50	0.00%
<b>SUB-TOTAL (OPERATIONS)</b>	<b>\$5,946,270.00</b>	<b>\$5,528,674.06</b>	<b>\$0.00</b>	<b>\$417,595.94</b>	<b>92.98%</b>
CO CLERK & RECORDER STIPENDS	\$806,000.00	\$805,679.45	\$0.00	\$320.55	99.96%
ELECTION JUDGE REIMBURSEMENT	\$5,850,000.00	\$4,198,155.00	\$0.00	\$1,651,845.00	71.76%
ELECTION JUDGES/EARLY VOTING	\$2,875,000.00	\$2,471,630.00	\$0.00	\$403,370.00	85.97%
VOTER REGISTRATION TAPES	\$20,250.00	\$0.00	\$0.00	\$20,250.00	0.00%
IVRS LUMP SUM	\$2,498,700.00	\$2,240,155.58	\$0.00	\$258,544.42	89.65%
REDISTRICTING	\$350,000.00	\$252,125.71	\$0.00	\$97,874.29	72.04%
ADDITIONAL STATE MATCH	\$671,022.00	\$671,022.00	\$0.00	\$0.00	100.00%
DISALLOWED HAVA EXPENDITURES	\$3,889.00	\$3,889.00	\$0.00	\$0.00	100.00%
<b>SUB-TOTAL (GRANTS)</b>	<b>\$13,074,861.00</b>	<b>\$10,642,656.74</b>	<b>\$0.00</b>	<b>\$2,432,204.26</b>	<b>81.40%</b>
<b>TOTAL APPROPRIATION</b>	<b>\$19,021,131.00</b>	<b>\$16,171,330.80</b>	<b>\$0.00</b>	<b>\$2,849,800.20</b>	<b>85.02%</b>

**STATE BOARD OF ELECTIONS**  
**FY09 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

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

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

**STATE BOARD OF ELECTIONS**  
**FY09 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

ADMINISTRATION MONTH ENDING: August 31, 2009	FY09 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE	
<b>PERSONAL SERVICE</b>	\$534,185.00	\$517,374.78	\$16,810.22	96.85%	
1129 State Paid Retirement	\$21,470.00	\$19,286.08	\$2,183.92	89.83%	
1161 Retirement	\$90,495.00	\$90,414.45	\$80.55	99.91%	
1161-008 Compt. Supplemental Retirement	\$23,000.00	\$16,052.50	\$6,947.50	69.79%	
1170 Social Security	\$38,935.00	\$36,906.14	\$2,028.86	94.79%	
<b>CONTRACTUAL SERVICE</b>					
1201 Petty Cash	\$270.00	\$223.31	\$46.69	82.71%	
1205 Freight Express & Drayage	\$570.00	\$520.44	\$49.56	91.31%	
1221 Repair/Maint. Furn./Office Equipment	\$11,410.00	\$11,406.97	\$3.03	99.97%	
1223 Repair/Maint. Real Property					
1230 In-House Repair & Maintenance					
1231 Rental, Office Equipment	\$10,250.00	\$10,231.15	\$18.85	99.82%	
1232 Rental, Motor Vehicles	\$4,600.00	\$4,600.00	\$0.00	100.00%	
1233 Rental, Real Property	\$202,200.00	\$202,172.61	\$27.39	99.99%	
1234 Rental, Machinery & Mechanical Eqmt					
1239 Rental, NEC	\$400.00	\$400.00	\$0.00	100.00%	
1240 Statistical & Tabulation Services	\$7,000.00	\$6,940.63	\$59.37	99.15%	
1242 Auditing & Management Services					
1248 Building & Grounds Maintenance	\$11,900.00	\$11,823.09	\$76.91	99.35%	
1251 Gas	\$9,100.00	\$9,002.95	\$97.05	98.93%	
1252 Electricity	\$49,000.00	\$48,939.09	\$60.91	99.88%	
1253 Water	\$800.00	\$744.65	\$55.35	93.08%	
1255 Utilities, NEC	\$500.00	\$460.35	\$39.65	92.07%	
1261 Postage	\$42,300.00	\$42,247.84	\$52.16	99.88%	
1266 Court Reporting					
1274 Reg Fees & Conf. Expenses (Vendor)					
1275 Subscription & Information Services	\$2,175.00	\$2,171.93	\$3.07	99.86%	
1276 Reg. Fees & Conf. Expenses (Employee)					
1277 Association Dues	\$1,700.00	\$1,645.00	\$55.00	96.76%	
1281 Interviewee Expense - To Vendors					
1285 Taxes, Licenses & Fees					
1289 Contractual Services, NEC	\$300.00	\$255.00	\$45.00	85.00%	
<b>TRAVEL</b>					
1291 In-State	\$16,575.00	\$9,556.92	\$7,018.08	57.66%	
1292 Out-of-State	\$1,000.00		\$1,000.00	0.00%	
<b>PRINTING</b>	\$10,070.00	\$8,975.70	\$1,094.30	89.13%	
<b>COMMODITIES</b>					
1304 Office/Library Supplies	\$11,300.00	\$9,397.88	\$1,902.12	83.17%	
1391 Household & Cleaning Supplies	\$3,000.00	\$2,968.59	\$31.41	98.95%	
1394 Office/Library Equip., Not exc. \$100	\$380.00	\$327.35	\$52.65	86.14%	
1398 Equipment, NEC	\$500.00	\$455.66	\$44.34	91.13%	
1399 Commodities, NEC	\$400.00	\$331.04	\$68.96	82.76%	
<b>EQUIPMENT</b>					
1510 Office Furniture & Equipment	\$1,900.00	\$1,765.69	\$134.31	92.93%	
1599 Equipment NEC	\$0.00		\$0.00	0.00%	
<b>TELECOMMUNICATIONS</b>					
1710 Repair/Maintenance Telecom					
1721 Rental, Telephone Serv. & Equip.	\$45,000.00	\$41,976.72	\$3,023.28	93.28%	
1722 Rental, Data Comm. Serv. & Equip.	\$52,680.00	\$49,736.79	\$2,943.21	94.41%	
1728 Videoconferencing	\$6,900.00	\$6,773.19	\$126.81	98.16%	
1729 Rental, Other Comm. Serv. & Equip.	\$1,500.00	\$1,440.00	\$60.00	96.00%	
1730 Parts & Supplies for Telephone	\$700.00	\$686.51	\$13.49	98.07%	
<b>OPERATION OF AUTO EQUIPMENT</b>					
1893 Repair & Maint., Auto. Equipment	\$700.00	\$130.98	\$569.02	18.71%	
1894 Parts & Fittings, Auto Equipment	\$500.00	\$496.69	\$3.31	99.34%	
1896 Gasoline, Oil & Antifreeze	\$2,315.00	\$2,312.12	\$2.88	99.88%	
1899 Auto. Expenses, NEC					
<b>ADMINISTRATION GRAND TOTAL</b>	<b>FY09 APPROPRIATION</b>	<b>YEAR TO DATE EXPENDITURE</b>	<b>OBLIGATED MONEY</b>	<b>% OF BALANCE EXPENDITURE</b>	
PERSONAL SERVICE	\$534,185.00	\$517,374.78	\$16,810.22	96.85%	
STATE PAID RETIREMENT	\$21,470.00	\$19,286.08	\$2,183.92	89.83%	
RETIREMENT (incl. supplemental funding)	\$113,495.00	\$106,466.95	\$7,028.05	93.81%	
SOCIAL SECURITY	\$38,935.00	\$36,906.14	\$2,028.86	94.79%	
CONTRACTUAL SERVICE	\$354,475.00	\$353,785.01	\$689.99	99.81%	
TRAVEL	\$17,575.00	\$9,556.92	\$8,018.08	54.38%	
PRINTING	\$10,070.00	\$8,975.70	\$1,094.30	89.13%	
COMMODITIES	\$15,580.00	\$13,480.52	\$2,099.48	86.52%	
EQUIPMENT	\$1,900.00	\$1,765.69	\$134.31	92.93%	
TELECOMMUNICATIONS	\$106,780.00	\$100,613.21	\$6,166.79	94.22%	
OPERATION OF AUTO EQUIPMENT	\$3,515.00	\$2,939.79	\$575.21	83.64%	
<b>TOTAL</b>	<b>\$1,217,980.00</b>	<b>\$1,171,150.79</b>	<b>\$0.00</b>	<b>\$46,829.21</b>	<b>96.16%</b>

**STATE BOARD OF ELECTIONS**  
**FY09 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

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

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

**STATE BOARD OF ELECTIONS**  
**FY09 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>GENERAL COUNSEL</b> <b>MONTH ENDING: August 31, 2009</b>	<b>FY09</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$237,025.00	\$192,081.13	\$44,943.87	81.04%
1129 State Paid Retirement	\$9,500.00	\$6,976.02	\$2,523.98	73.43%
1161 Retirement	\$40,535.00	\$40,441.23	\$93.77	99.77%
1170 Social Security	\$16,940.00	\$14,203.91	\$2,736.09	83.85%
<b>CONTRACTUAL SERVICE</b>				
1145 Contractual Payroll				
1205 Freight Express & Drayage	\$500.00		\$500.00	0.00%
1221 Repair/Maint. Furn./Office Equipment				
1244 Legal Fees	\$37,300.00	\$14,611.00	\$22,689.00	39.17%
1245 Professional & Artistic Services, NEC	\$12,700.00		\$12,700.00	0.00%
1266 Court Reporting & Filing Services	\$18,000.00	\$6,594.78	\$11,405.22	36.64%
1273 Advertising				
1274 Reg Fees & Conf. Expenses (Vendor)	\$1,500.00	\$480.00	\$1,020.00	32.00%
1275 Subscription & Information Services	\$3,100.00	\$1,680.10	\$1,419.90	54.20%
1276 Reg. Fees & Conf. Expenses (Employee)		\$75.00		
1277 Association Dues	\$2,000.00	\$1,920.00	\$80.00	96.00%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	\$5,000.00		\$5,000.00	0.00%
1284 Computer Software				
1289 Contractual Services, NEC	\$5,400.00	\$5,348.82	\$51.18	99.05%
<b>TRAVEL</b>	\$9,785.00	\$4,975.10	\$4,809.90	50.84%
<b>EQUIPMENT</b>				
1510 Office Furniture & Equipment	\$475.00		\$475.00	0.00%

<b>GENERAL COUNSEL GRAND TOTAL</b>	<b>FY09</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$237,025.00	\$192,081.13		\$44,943.87	81.04%
<b>STATE PAID RETIREMENT</b>	\$9,500.00	\$6,976.02		\$2,523.98	73.43%
<b>RETIREMENT</b>	\$40,535.00	\$40,441.23		\$93.77	99.77%
<b>SOCIAL SECURITY</b>	\$16,940.00	\$14,203.91		\$2,736.09	83.85%
<b>CONTRACTUAL SERVICE</b>	\$85,500.00	\$30,709.70		\$54,790.30	35.92%
<b>TRAVEL</b>	\$9,785.00	\$4,975.10		\$4,809.90	50.84%
<b>EQUIPMENT</b>	\$475.00	\$0.00		\$475.00	0.00%
<b>TOTAL</b>	<b>\$399,760.00</b>	<b>\$289,387.09</b>	<b>\$0.00</b>	<b>\$110,372.91</b>	<b>72.39%</b>

**STATE BOARD OF ELECTIONS**  
**FY09 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

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

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

**STATE BOARD OF ELECTIONS**  
**FY09 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>INFORMATION TECHNOLOGY</b>	<b>FY09</b>	<b>YEAR TO DATE</b>		<b>% OF</b>	
<b>MONTH ENDING: August 31, 2009</b>	<b>APPROPRIATION</b>	<b>EXPENDITURE</b>	<b>BALANCE</b>	<b>EXPENDITURE</b>	
<b>PERSONAL SERVICE</b>	\$391,305.00	\$360,312.50	\$30,992.50	92.08%	
1129 State Paid Retirement	\$15,675.00	\$14,424.90	\$1,250.10	92.02%	
1161 Retirement	\$65,790.00	\$65,736.39	\$53.61	99.92%	
1161-0008 Compt. Supplemental Retirement	\$17,000.00	\$10,171.89	\$6,828.11	59.83%	
1170 Social Security	\$28,925.00	\$27,240.38	\$1,684.62	94.18%	
<b>CONTRACTUAL SERVICE</b>					
1145 Contractual Payroll	\$2,000.00	\$1,800.00	\$200.00	90.00%	
1205 Freight Express & Drayage					
1221 Repair/Maint. Furn./Office Equipment	\$8,000.00		\$8,000.00	0.00%	
1223 Repair/Maint. Real Property	\$6,000.00	\$5,981.87	\$18.13	99.70%	
1225 Repair/Maint. EDP Equipment	\$16,900.00	\$6,899.82	\$10,000.18	40.83%	
1230 In-House Repair of Equipment					
1234 Rental, Machinery and Mech. Equip					
1239 Rental, NEC					
1242 Auditing & Management Services	\$103,000.00	\$102,483.88	\$516.12	99.50%	
1244 Legal Fees					
1245 Professional & Artistic Services, NEC	\$25,065.00	\$20,000.00	\$5,065.00	79.79%	
1271 Surety Bond & Ins. Prem.	\$600.00	\$349.00	\$251.00	58.17%	
1272 Travel & Expense Reimbursement (Vendor)					
1274 Reg Fees & Conf. Expenses (Vendor)	\$4,000.00		\$4,000.00	0.00%	
1275 Subscription & Information Services	\$2,800.00	\$2,586.94	\$213.06	92.39%	
1276 Reg. Fees & Conf. Expenses (Employee)	\$300.00	\$198.00	\$102.00	66.00%	
1277 Association Dues					
1279 Employee Tuition and Fees	\$10,000.00	\$9,100.00	\$900.00	91.00%	
1284 Computer Software	\$63,000.00	\$51,059.35	\$11,940.65	81.05%	
1285 Operating Taxes, Licenses & Fees					
1286 Travel, Non-State Employee					
1289 Contractual Services, NEC	\$9,100.00	\$9,065.00	\$35.00	99.62%	
<b>TRAVEL</b>					
1291 In-State	\$5,500.00	\$5,421.71	\$78.29	98.58%	
1292 Out-of-State	\$5,520.00		\$5,520.00	0.00%	
<b>PRINTING</b>					
<b>COMMODITIES</b>					
1304 Office/Library Supplies	\$12,445.00	\$12,357.98	\$87.02	99.30%	
1332 Industrial & Shop Materials					
1394 Office/Library Equip. under \$100					
1398 Equipment, NEC	\$850.00	\$831.12	\$18.88	97.78%	
1399 Commodities, NEC	\$1,050.00	\$1,030.00	\$20.00	98.10%	
<b>EQUIPMENT</b>					
1510 Office Furniture & Equipment					
1515 EDP Equipment	\$150,325.00	\$147,593.93	\$2,731.07	98.18%	
<b>INFORMATION TECHNOLOGY GRAND TOTAL</b>	<b>FY09</b>	<b>YEAR TO DATE</b>	<b>OBLIGATED</b>	<b>% OF</b>	
	<b>APPROPRIATION</b>	<b>EXPENDITURE</b>	<b>MONEY</b>	<b>BALANCE</b>	
<b>PERSONAL SERVICE</b>	\$391,305.00	\$360,312.50	\$30,992.50	92.08%	
<b>STATE PAID RETIREMENT</b>	\$15,675.00	\$14,424.90	\$1,250.10	92.02%	
<b>RETIREMENT</b>	\$82,790.00	\$75,908.28	\$6,881.72	91.69%	
<b>SOCIAL SECURITY</b>	\$28,925.00	\$27,240.38	\$1,684.62	94.18%	
<b>CONTRACTUAL SERVICE</b>	\$250,765.00	\$209,523.86	\$41,241.14	83.55%	
<b>TRAVEL</b>	\$11,020.00	\$5,421.71	\$5,598.29	49.20%	
<b>PRINTING</b>	\$0.00	\$0.00	\$0.00	0.00%	
<b>COMMODITIES</b>	\$14,345.00	\$14,219.10	\$125.90	99.12%	
<b>EQUIPMENT</b>	\$150,325.00	\$147,593.93	\$2,731.07	98.18%	
<b>TOTAL</b>	<b>\$945,150.00</b>	<b>\$854,644.66</b>	<b>\$0.00</b>	<b>\$90,505.34</b>	<b>90.42%</b>

**STATE BOARD OF ELECTIONS**  
**FY09 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b><u>IVRS LUMP SUM</u></b> <b><u>MONTH ENDING: August 31, 2009</u></b>	<b><u>YEAR TO DATE</u></b> <b><u>EXPENDITURE</u></b>
<b>PERSONAL SERVICE</b>	\$163,016.00
1129 State Paid Retirement	\$5,950.08
1161 Retirement	\$34,328.35
1170 Social Security	\$11,958.85
<b>CONTRACTUAL SERVICE</b>	
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	
<b>TRAVEL</b>	\$1,738.62
<b>COMMODITIES</b>	
1304 Office Supplies	
1398 Equipment Less than \$100	\$1,400.00
<b>EQUIPMENT</b>	
1510 Office Furniture & Equipment	\$6,452.10
<b>LOCAL GRANTS</b>	
4453 Reimbursement to Governmental Units	\$2,015,311.58
4458 Services, NEC	
4470 Grants to Local Governments	
4479 Payments to Other State Agencies	
<b>LUMP SUM APPROPRIATION FOR YEAR</b>	<b>\$2,498,700.00</b>
<b>TOTAL LUMP SUM EXPENDITURES</b>	<b>\$2,240,155.58</b>
<b>REMAINING LUMP SUM APPROPRIATION</b>	<b>\$258,544.42</b>

**STATE BOARD OF ELECTIONS**  
**FY10 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

AGENCY TOTALS MONTH ENDING: August 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	OBLIGATED MONEY	BALANCE	% OF EXPENDITURE
PERSONAL SERVICE	\$4,023,000.00	\$560,917.67	\$0.00	\$3,462,082.33	13.94%
STATE PAID RETIREMENT	\$161,100.00	\$21,522.13	\$0.00	\$139,577.87	13.36%
RETIREMENT (inc. supplemental)					
SOCIAL SECURITY	\$307,900.00	\$41,269.74	\$0.00	\$266,630.26	13.40%
CONTRACTUAL SERVICE	\$1,100,600.00	\$77,754.06	\$365,092.10	\$657,753.84	7.06%
TRAVEL	\$121,900.00	\$10,014.70	\$0.00	\$111,885.30	8.22%
PRINTING	\$44,500.00	\$2,039.12	\$0.00	\$42,460.88	4.58%
COMMODITIES	\$37,600.00	\$2,108.47	\$0.00	\$35,491.53	5.61%
EQUIPMENT	\$261,500.00	\$0.00	\$0.00	\$261,500.00	0.00%
TELECOMMUNICATIONS	\$142,100.00	\$277.88	\$0.00	\$141,822.12	0.20%
OPERATION OF AUTO EQUIPMENT	\$4,400.00	\$106.14	\$0.00	\$4,293.86	2.41%
HAVA MAINTENANCE OF EFFORT	\$550,000.00	\$0.00	\$0.00	\$550,000.00	0.00%
ELECTION CODE BOOKS	\$15,000.00	\$0.00	\$0.00	\$15,000.00	0.00%
<b>SUB-TOTAL (OPERATIONS)</b>	<b>\$6,769,600.00</b>	<b>\$716,009.91</b>	<b>\$365,092.10</b>	<b>\$5,688,497.99</b>	<b>10.58%</b>
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	\$29,951.67	\$0.00	\$1,557,348.33	1.89%
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%
<b>SUB-TOTAL (GRANTS)</b>	<b>\$5,580,700.00</b>	<b>\$29,951.67</b>	<b>\$0.00</b>	<b>\$5,550,748.33</b>	<b>0.54%</b>
<b>TOTAL APPROPRIATION</b>	<b>\$12,350,300.00</b>	<b>\$745,961.58</b>	<b>\$365,092.10</b>	<b>\$11,239,246.32</b>	<b>6.04%</b>

**STATE BOARD OF ELECTIONS**  
**FY10 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>BOARD</b> <b>MONTH ENDING: August 31, 2009</b>	<b>FY10</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>CONTRACTUAL SERVICE</b>				
1205 Freight Express & Drayage	\$2,500.00	\$156.78	\$2,343.22	6.27%
1221 Repair/Maint. Furn./Office Equipment			\$0.00	0.00%
1232 Rental Motor Vehicles	\$1,000.00	\$1,000.00	\$0.00	100.00%
1239 Rental, NEC			\$0.00	0.00%
1243 Book Binding Services			\$0.00	0.00%
1266 Court Reporting & Filing Services	\$17,000.00	\$560.50	\$16,439.50	3.30%
1274 Reg. Fees & Conf. Expenses (Vendor)	\$400.00		\$400.00	0.00%
1275 Subscriptions				
1276 Reg. Fees & Conf. Expenses (Employee)	\$100.00		\$100.00	0.00%
1277 Association Dues			\$0.00	0.00%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	\$100.00		\$100.00	0.00%
1286 Travel, Non-State Employee			\$0.00	0.00%
1289 Contractual Services, NEC	\$100.00		\$100.00	0.00%
<b>TRAVEL</b>	<b>\$19,000.00</b>	<b>\$1,483.22</b>	<b>\$17,516.78</b>	<b>7.81%</b>
<b>EQUIPMENT</b>				
1510 Office Furniture & Equipment	\$700.00		\$700.00	0.00%

<b>BOARD GRAND TOTAL</b>	<b>FY10</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>	<b>BALANCE</b>
CONTRACTUAL SERVICE	\$21,200.00	\$1,717.28		\$19,482.72
TRAVEL	\$19,000.00	\$1,483.22		\$17,516.78
EQUIPMENT	\$700.00	\$0.00		\$700.00
<b>TOTAL</b>	<b>\$40,900.00</b>	<b>\$3,200.50</b>	<b>\$0.00</b>	<b>\$37,699.50</b>

**STATE BOARD OF ELECTIONS**  
**FY10 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

ADMINISTRATION MONTH ENDING: August 31, 2009	FY10 APPROPRIATION	YEAR TO DATE EXPENDITURE	BALANCE	% OF EXPENDITURE
<b>PERSONAL SERVICE</b>	\$673,100.00	\$98,935.65	\$574,164.35	14.70%
1129 State Paid Retirement	\$27,000.00	\$3,968.79	\$23,031.21	14.70%
1161 Retirement				
1161-008 Compt. Supplemental Retirement				
1170 Social Security	\$51,500.00	\$7,285.93	\$44,214.07	14.15%
<b>CONTRACTUAL SERVICE</b>				
1201 Petty Cash	\$500.00		\$500.00	0.00%
1205 Freight Express & Drayage	\$700.00		\$700.00	0.00%
1221 Repair/Maint. Furn./Office Equipment	\$12,500.00	\$876.88	\$11,623.12	7.02%
1223 Repair/Maint. Real Property	\$4,500.00		\$4,500.00	0.00%
1230 In-House Repair & Maintenance				
1231 Rental, Office Equipment	\$35,600.00	\$345.58	\$35,254.42	0.97%
1232 Rental, Motor Vehicles	\$4,600.00	\$1,150.00	\$3,450.00	25.00%
1233 Rental, Real Property	\$206,300.00	\$51,127.95	\$155,172.05	24.78%
1234 Rental, Machinery & Mechanical Eqmt				
1239 Rental, NEC	\$1,400.00		\$1,400.00	0.00%
1240 Statistical & Tabulation Services	\$10,000.00		\$10,000.00	0.00%
1242 Auditing & Management Services				
1248 Building & Grounds Maintenance	\$13,000.00	\$251.71	\$12,748.29	1.94%
1251 Gas	\$9,500.00	\$120.14	\$9,379.86	1.26%
1252 Electricity	\$52,000.00	\$5,401.80	\$46,598.20	10.39%
1253 Water	\$1,000.00	\$66.77	\$933.23	6.68%
1255 Utilities, NEC	\$700.00	\$37.43	\$662.57	5.35%
1261 Postage	\$64,000.00		\$64,000.00	0.00%
1266 Court Reporting	\$800.00		\$800.00	0.00%
1274 Reg Fees & Conf. Expenses (Vendor)				
1275 Subscription & Information Services	\$2,500.00	\$682.50	\$1,817.50	27.30%
1276 Reg. Fees & Conf. Expenses (Employee)	\$1,000.00		\$1,000.00	0.00%
1277 Association Dues	\$2,200.00	\$850.00	\$1,350.00	38.64%
1281 Interviewee Expense - To Vendors				
1285 Taxes, Licenses & Fees	\$100.00			
1289 Contractual Services, NEC	\$1,300.00		\$1,300.00	0.00%
<b>TRAVEL</b>				
1291 In-State	\$18,000.00	\$1,320.40	\$16,679.60	7.34%
1292 Out-of-State	\$1,800.00		\$1,800.00	0.00%
<b>PRINTING</b>	\$10,900.00	\$38.30	\$10,861.70	0.35%
<b>COMMODITIES</b>				
1304 Office/Library Supplies	\$14,000.00	\$509.73	\$13,490.27	3.64%
1391 Household & Cleaning Supplies	\$2,000.00	\$242.23	\$1,757.77	12.11%
1394 Office/Library Equip., Not exc. \$100				
1398 Equipment, NEC	\$700.00		\$700.00	0.00%
1399 Commodities, NEC	\$400.00		\$400.00	0.00%
<b>EQUIPMENT</b>				
1510 Office Furniture & Equipment	\$2,100.00		\$2,100.00	0.00%
1599 Equipment NEC	\$1,000.00		\$1,000.00	0.00%
<b>TELECOMMUNICATIONS</b>				
1710 Repair/Maintenance Telecom				
1721 Rental, Telephone Serv. & Equip.	\$46,900.00		\$46,900.00	0.00%
1722 Rental, Data Comm. Serv. & Equip.	\$84,800.00		\$84,800.00	0.00%
1728 Videoconferencing	\$6,400.00		\$6,400.00	0.00%
1729 Rental, Other Comm. Serv. & Equip.	\$3,700.00		\$3,700.00	0.00%
1730 Parts & Supplies for Telephone	\$300.00	\$277.88	\$22.12	92.63%
<b>OPERATION OF AUTO EQUIPMENT</b>				
1893 Repair & Maint., Auto. Equipment	\$1,500.00		\$1,500.00	0.00%
1894 Parts & Fittings, Auto Equipment	\$200.00		\$200.00	0.00%
1896 Gasoline, Oil & Antifreeze	\$2,700.00	\$106.14	\$2,593.86	3.93%
1899 Auto. Expenses, NEC				
<b>ADMINISTRATION GRAND TOTAL</b>	<b>FY10 APPROPRIATION</b>	<b>YEAR TO DATE EXPENDITURE</b>	<b>OBLIGATED MONEY</b>	<b>% OF BALANCE EXPENDITURE</b>
PERSONAL SERVICE	\$673,100.00	\$98,935.65	\$574,164.35	14.70%
STATE PAID RETIREMENT	\$27,000.00	\$3,968.79	\$23,031.21	14.70%
RETIREMENT (incl. supplemental funding)	\$0.00	\$0.00	\$0.00	0.00%
SOCIAL SECURITY	\$51,500.00	\$7,285.93	\$44,214.07	14.15%
CONTRACTUAL SERVICE	\$424,200.00	\$60,910.76	\$159,852.10	14.36%
TRAVEL	\$19,800.00	\$1,320.40	\$18,479.60	6.67%
PRINTING	\$10,900.00	\$38.30	\$10,861.70	0.35%
COMMODITIES	\$17,100.00	\$751.96	\$16,348.04	4.40%
EQUIPMENT	\$3,100.00	\$0.00	\$3,100.00	0.00%
TELECOMMUNICATIONS	\$142,100.00	\$277.88	\$141,822.12	0.20%
OPERATION OF AUTO EQUIPMENT	\$4,400.00	\$106.14	\$4,293.86	2.41%
<b>TOTAL</b>	<b>\$1,373,200.00</b>	<b>\$173,595.81</b>	<b>\$159,852.10</b>	<b>\$1,039,752.09 12.64%</b>

**STATE BOARD OF ELECTIONS**  
**FY10 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>ELECTIONS</b> <b>MONTH ENDING: August 31, 2009</b>	<b>FY10</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$1,618,500.00	\$218,486.02	\$1,400,013.98	13.50%
1129 State Paid Retirement	\$64,800.00	\$8,141.22	\$56,658.78	12.56%
1161 Retirement				
1161-008 Compt. Supplemental Retirement				
1170 Social Security	\$123,900.00	\$16,051.95	\$107,848.05	12.96%
<b>CONTRACTUAL SERVICE</b>				
1145 Contractual Payroll				
1205 Freight Express & Drayage	\$4,800.00		\$4,800.00	0.00%
1221 Repair/Maint. Furn./Office Equipment	\$200.00		\$200.00	0.00%
1231 Rental, Office Equipment				
1232 Rental, Motor Vehicles				
1237 Rental, Film & Audio/Visual Aids	\$100.00		\$100.00	0.00%
1239 Rental, NEC	\$2,200.00	\$100.00	\$2,100.00	4.55%
1242 Auditing & Management Services				
1245 Professional & Artistic Services, NEC	\$40,000.00		\$40,000.00	0.00%
1266 Court Reporting & Filing Services				
1273 Advertising				
1274 Reg Fees & Conf. Expenses (Vendor)	\$2,300.00		\$2,300.00	0.00%
1275 Subscription & Information Services	\$2,500.00		\$2,500.00	0.00%
1276 Reg. Fees & Conf. Expenses (Employee)	\$1,600.00		\$1,600.00	0.00%
1277 Association Dues	\$1,900.00		\$1,900.00	0.00%
1279 Employee Tuition & Fees	\$2,500.00		\$2,500.00	0.00%
1280 Copying, Photographic & Printing Services	\$2,300.00		\$2,300.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1289 Contractual Services, NEC	\$16,500.00		\$16,500.00	0.00%
<b>TRAVEL</b>	\$48,400.00	\$5,451.82	\$42,948.18	11.26%
<b>PRINTING</b>	\$23,700.00	\$2,000.82	\$21,699.18	8.44%
<b>EQUIPMENT</b>				
1510 Office Furniture & Equipment	\$4,300.00		\$4,300.00	0.00%
<b>HAVA - Maintenance of Effort</b>	\$550,000.00		\$550,000.00	0.00%
<b>ELECTION CODE BOOKS</b>	\$15,000.00		\$15,000.00	0.00%

<b>ELECTIONS GRAND TOTAL</b>	<b>FY10</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$1,618,500.00	\$218,486.02		\$1,400,013.98	13.50%
<b>STATE PAID RETIREMENT</b>	\$64,800.00	\$8,141.22		\$56,658.78	12.56%
<b>RETIREMENT (incl. supplemental funding)</b>					
<b>SOCIAL SECURITY</b>	\$123,900.00	\$16,051.95		\$107,848.05	12.96%
<b>CONTRACTUAL SERVICE</b>	\$76,900.00	\$100.00		\$76,800.00	0.13%
<b>TRAVEL</b>	\$48,400.00	\$5,451.82		\$42,948.18	11.26%
<b>PRINTING</b>	\$23,700.00	\$2,000.82		\$21,699.18	8.44%
<b>EQUIPMENT</b>	\$4,300.00	\$0.00		\$4,300.00	0.00%
<b>HAVA - Maintenance of Effort</b>	\$550,000.00	\$0.00		\$550,000.00	0.00%
<b>ELECTION CODE BOOKS</b>	\$15,000.00	\$0.00		\$15,000.00	0.00%
<b>TOTAL</b>	<b>\$2,525,500.00</b>	<b>\$250,231.83</b>	<b>\$0.00</b>	<b>\$2,275,268.17</b>	<b>9.91%</b>

**STATE BOARD OF ELECTIONS**  
**FY10 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>GENERAL COUNSEL</b> <b>MONTH ENDING: August 31, 2009</b>	<b>FY10</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$284,600.00	\$41,884.00	\$242,716.00	14.72%
1129 State Paid Retirement	\$11,400.00	\$1,342.52	\$10,057.48	11.78%
1161 Retirement				
1170 Social Security	\$21,800.00	\$3,078.44	\$18,721.56	14.12%
<b>CONTRACTUAL SERVICE</b>				
1145 Contractual Payroll			\$600.00	0.00%
1205 Freight Express & Drayage	\$600.00			
1221 Repair/Maint. Furn./Office Equipment				
1244 Legal Fees	\$56,000.00	\$1,965.00	\$54,035.00	3.51%
1245 Professional & Artistic Services, NEC				
1266 Court Reporting & Filing Services	\$15,000.00	\$490.00	\$14,510.00	3.27%
1273 Advertising				
1274 Reg Fees & Conf. Expenses (Vendor)	\$1,500.00		\$1,500.00	0.00%
1275 Subscription & Information Services	\$3,500.00		\$3,500.00	0.00%
1276 Reg. Fees & Conf. Expenses (Employee)	\$1,500.00		\$1,500.00	0.00%
1277 Association Dues	\$1,500.00		\$1,500.00	0.00%
1279 Employee Tuition & Fees				
1280 Copying, Photographic & Printing Services	\$600.00		\$600.00	0.00%
1284 Computer Software				
1289 Contractual Services, NEC	\$5,000.00		\$5,000.00	0.00%
<b>TRAVEL</b>	\$10,700.00	\$543.70	\$10,156.30	5.08%
<b>EQUIPMENT</b>				
1510 Office Furniture & Equipment	\$500.00		\$500.00	0.00%

<b>GENERAL COUNSEL GRAND TOTAL</b>	<b>FY10</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$284,600.00	\$41,884.00		\$242,716.00	14.72%
<b>STATE PAID RETIREMENT</b>	\$11,400.00	\$1,342.52		\$10,057.48	11.78%
<b>RETIREMENT</b>					
<b>SOCIAL SECURITY</b>	\$21,800.00	\$3,078.44		\$18,721.56	14.12%
<b>CONTRACTUAL SERVICE</b>	\$85,200.00	\$2,455.00	38,035.00	\$44,710.00	2.88%
<b>TRAVEL</b>	\$10,700.00	\$543.70		\$10,156.30	5.08%
<b>EQUIPMENT</b>	\$500.00	\$0.00		\$500.00	0.00%
<b>TOTAL</b>	<b>\$414,200.00</b>	<b>\$49,303.66</b>	<b>\$38,035.00</b>	<b>\$326,861.34</b>	<b>11.90%</b>

**STATE BOARD OF ELECTIONS**  
**FY10 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>CAMPAIGN DISCLOSURE</b> <b>MONTH ENDING: August 31, 2009</b>	<b>FY10</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$799,800.00	\$117,606.00	\$682,194.00	14.70%
1129 State Paid Retirement	\$32,000.00	\$4,706.92	\$27,293.08	14.71%
1161 Retirement				
1161-0008 Compt. Supplemental Retirement				
1170 Social Security	\$61,200.00	\$8,550.62	\$52,649.38	13.97%
<b>CONTRACTUAL SERVICE</b>				
1205 Freight Express & Drayage	\$100.00		\$100.00	0.00%
1221 Repair & Maint, Furn & Office Equipment	\$600.00	\$529.00	\$71.00	88.17%
1225 Repair & Maint, EDP				
1229 Repair & Maint, NEC				
1232 Rental, Motor Vehicles				
1239 Rental, NEC	\$3,500.00		\$3,500.00	0.00%
1245 Professional & Artistic Services, NEC	\$4,300.00		\$4,300.00	0.00%
1248 Building & Ground Maintenance				
1266 Court Reporting & Filing Services	\$600.00	\$560.00	\$40.00	93.33%
1274 Reg Fees & Conf. Expenses (Vendor)	\$900.00		\$900.00	0.00%
1275 Subscription & Information Services				
1276 Reg. Fees & Conf. Expenses (Employee)				
1277 Association Dues				
1279 Employee Tuition and Fees	\$600.00		\$600.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	\$500.00	\$412.02	\$87.98	82.40%
<b>TRAVEL</b>				
1291 In-State	\$8,000.00	\$740.90	\$7,259.10	9.26%
1292 Out-of-State	\$3,300.00		\$3,300.00	0.00%
<b>PRINTING</b>	\$9,200.00		\$9,200.00	0.00%
<b>EQUIPMENT</b>				
1510 Office Furniture & Equipment	\$9,300.00		\$9,300.00	0.00%

<b>CAMPAIGN DISCLOSURE GRAND TOTAL</b>	<b>FY10</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$799,800.00	\$117,606.00		\$682,194.00	14.70%
<b>STATE PAID RETIREMENT</b>	\$32,000.00	\$4,706.92		\$27,293.08	14.71%
<b>RETIREMENT (incl. supplemental funding)</b>					
<b>SOCIAL SECURITY</b>	\$61,200.00	\$8,550.62		\$52,649.38	13.97%
<b>CONTRACTUAL SERVICE</b>	\$11,100.00	\$1,501.02		\$9,598.98	13.52%
<b>TRAVEL</b>	\$11,300.00	\$740.90		\$10,559.10	6.56%
<b>PRINTING</b>	\$9,200.00	\$0.00		\$9,200.00	0.00%
<b>EQUIPMENT</b>	\$9,300.00	\$0.00		\$9,300.00	0.00%
<b>TOTAL</b>	<b>\$933,900.00</b>	<b>\$133,105.46</b>	<b>\$0.00</b>	<b>\$800,794.54</b>	<b>14.25%</b>

**STATE BOARD OF ELECTIONS**  
**FY10 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b>INFORMATION TECHNOLOGY</b> <b>MONTH ENDING: August 31, 2009</b>	<b>FY10</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$647,000.00	\$84,006.00	\$562,994.00	12.98%
1129 State Paid Retirement	\$25,900.00	\$3,362.68	\$22,537.32	12.98%
1161 Retirement				
1161-0008 Compt. Supplemental Retirement				
1170 Social Security	\$49,500.00	\$6,302.80	\$43,197.20	12.73%
<b>CONTRACTUAL SERVICE</b>				
1145 Contractual Payroll				
1205 Freight Express & Drayage				
1221 Repair/Maint. Furn./Office Equipment	\$13,000.00		\$13,000.00	0.00%
1223 Repair/Maint. Real Property				
1225 Repair/Maint. EDP Equipment	\$32,000.00		\$32,000.00	0.00%
1230 In-House Repair of Equipment				
1234 Rental, Machinery and Mech. Equip				
1239 Rental, NEC				
1242 Auditing & Management Services	\$340,000.00	\$11,070.00	\$328,930.00	3.26%
1244 Legal Fees				
1245 Professional & Artistic Services, NEC				
1271 Surety Bond & Ins. Prem.	\$600.00		\$600.00	0.00%
1272 Travel & Expense Reimbursement (Vendor)				
1274 Reg Fees & Conf. Expenses (Vendor)	\$6,000.00		\$6,000.00	0.00%
1275 Subscription & Information Services	\$3,100.00		\$3,100.00	0.00%
1276 Reg. Fees & Conf. Expenses (Employee)				
1277 Association Dues				
1279 Employee Tuition and Fees	\$5,000.00		\$5,000.00	0.00%
1284 Computer Software	\$66,300.00		\$66,300.00	0.00%
1285 Operating Taxes, Licenses & Fees				
1286 Travel, Non-State Employee				
1289 Contractual Services, NEC	\$16,000.00		\$16,000.00	0.00%
<b>TRAVEL</b>				
1291 In-State	\$5,500.00	\$474.66	\$5,025.34	8.63%
1292 Out-of-State	\$7,200.00		\$7,200.00	0.00%
<b>PRINTING</b>	\$700.00			
<b>COMMODITIES</b>				
1304 Office/Library Supplies	\$20,500.00	\$1,356.51	\$19,143.49	6.62%
1332 Industrial & Shop Materials				
1394 Office/Library Equip. under \$100				
1398 Equipment, NEC				
1399 Commodities, NEC				
<b>EQUIPMENT</b>				
1510 Office Furniture & Equipment	\$32,000.00			
1515 EDP Equipment	\$211,600.00		\$211,600.00	0.00%

<b>INFORMATION TECHNOLOGY GRAND TOTAL</b>	<b>FY10</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>	<b>BALANCE</b>	<b>% OF</b> <b>EXPENDITURE</b>
<b>PERSONAL SERVICE</b>	\$647,000.00	\$84,006.00		\$562,994.00	12.98%
<b>STATE PAID RETIREMENT</b>	\$25,900.00	\$3,362.68		\$22,537.32	12.98%
<b>RETIREMENT</b>					
<b>SOCIAL SECURITY</b>	\$49,500.00	\$6,302.80		\$43,197.20	12.73%
<b>CONTRACTUAL SERVICE</b>	\$482,000.00	\$11,070.00	\$167,205.00	\$303,725.00	2.30%
<b>TRAVEL</b>	\$12,700.00	\$474.66		\$12,225.34	3.74%
<b>PRINTING</b>	\$700.00	\$0.00		\$700.00	0.00%
<b>COMMODITIES</b>	\$20,500.00	\$1,356.51		\$19,143.49	6.62%
<b>EQUIPMENT</b>	\$243,600.00	\$0.00		\$243,600.00	0.00%
<b>TOTAL</b>	<b>\$1,481,900.00</b>	<b>\$106,572.65</b>	<b>\$167,205.00</b>	<b>\$1,208,122.35</b>	<b>7.19%</b>

**STATE BOARD OF ELECTIONS**  
**FY10 MONTHLY FISCAL REPORT**  
**General Revenue Fund**

<b><u>IVRS LUMP SUM</u></b> <b><u>MONTH ENDING: August 31, 2009</u></b>	<b><u>YEAR TO DATE</u></b> <b><u>EXPENDITURE</u></b>
<b>PERSONAL SERVICE</b>	\$27,033.00
1129 State Paid Retirement	\$866.31
1161 Retirement	
1170 Social Security	\$1,965.36
<b>CONTRACTUAL SERVICE</b>	
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	
<b>TRAVEL</b>	\$87.00
<b>COMMODITIES</b>	
1304 Office Supplies	
1398 Equipment Less than \$100	
<b>EQUIPMENT</b>	
1510 Office Furniture & Equipment	
<b>LOCAL GRANTS</b>	
4453 Reimbursement to Governmental Units	
4458 Services, NEC	
4470 Grants to Local Governments	
4479 Payments to Other State Agencies	
<b>LUMP SUM APPROPRIATION FOR YEAR</b>	<b>\$1,587,300.00</b>
<b>TOTAL LUMP SUM EXPENDITURES</b>	<b>\$29,951.67</b>
<b>REMAINING LUMP SUM APPROPRIATION</b>	<b>\$1,557,348.33</b>

# **STATE BOARD OF ELECTIONS**

**MEMORANDUM**

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

**TO:** Members of the Board  
**SUBJECT:** FY09 & FY10 HAVA Fiscal Status Reports  
**DATE:** September 11, 2009

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Although HAVA funds do not expire in a given fiscal year, attached are reports from the end of FY09 and beginning of FY10. The EAC grant expires June 30, 2010.

Attachments

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

AGENCY TOTALS	SECTION 101	SECTION 102	SECTION 261	SECTION 251	TOTAL
MONTH ENDING: August 31, 2009	<u>Discretionary Funds</u>	<u>Entitlement Payments</u>	<u>EAIID Disbursements</u>	<u>Requirements</u>	<u>Fund Activity</u>
<b>CASH BALANCE AT BEGINNING OF YEAR</b>	\$3,624,058.92	\$136,049.00	-\$16,261.10	\$17,903,538.09	\$21,647,384.91
Program Revenues from Federal Govt	\$0.00	\$0.00	\$608,895.34	\$0.00	\$608,895.34
Miscellaneous Revenues					\$0.00
Interest Earned on Comptroller Balances	\$82,179.17	\$0.00	\$0.00	\$363,926.83	\$446,106.00
Interest Penalties Received				\$376.66	\$376.66
State Match Receipts				\$341,749.00	\$341,749.00
<b>TOTAL CASH REVENUES</b>	<b>\$82,179.17</b>	<b>\$0.00</b>	<b>\$608,895.34</b>	<b>\$706,052.49</b>	<b>\$1,397,127.00</b>
<b>YEAR TO DATE CASH EXPENDITURES</b>					
PERSONAL SERVICE	\$122,649.51			\$0.00	\$122,649.51
STATE-PAID RETIREMENT	\$4,306.98			\$0.00	\$4,306.98
RETIREMENT	\$25,821.40			\$0.00	\$25,821.40
SOCIAL SECURITY	\$9,089.55			\$0.00	\$9,089.55
GROUP INSURANCE	\$28,618.10			\$0.00	\$28,618.10
CONTRACTUAL SERVICE	\$21,372.58			\$1,287,220.66	\$1,308,593.24
TRAVEL	\$11,976.32			\$0.00	\$11,976.32
PRINTING	\$0.00			\$0.00	\$0.00
COMMODITIES	\$0.00			\$0.00	\$0.00
EQUIPMENT	\$0.00			\$412,022.37	\$412,022.37
TELECOMMUNICATIONS	\$1,914.90			\$67,117.67	\$69,032.57
OPERATION OF AUTO. EQUIPMENT	\$0.00			\$0.00	\$0.00
INDIRECT COST REFUNDS	\$349,943.64			\$815,665.36	\$1,165,609.00
<b>SUB-TOTAL CASH EXPENDITURES (OPERATIONS)</b>	<b>\$575,692.98</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,582,026.06</b>	<b>\$3,157,719.04</b>
AWARDS & GRANTS	\$168,214.96	\$0.00	\$592,634.24	\$4,998,089.02	\$5,758,938.22
<b>TOTAL CASH EXPENDITURES</b>	<b>\$743,907.94</b>	<b>\$0.00</b>	<b>\$592,634.24</b>	<b>\$7,580,115.08</b>	<b>\$8,916,657.26</b>
<b>CASH BALANCE AT END OF MONTH</b>	<b>\$2,962,330.15</b>	<b>\$136,049.00</b>	<b>\$0.00</b>	<b>\$11,029,475.50</b>	<b>\$14,127,854.65</b>

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

<u>SECTION 101 - DISCRETIONARY FUNDS</u> <u>MONTH ENDING: August 31, 2009</u>	<u>FY09</u> <u>APPROPRIATION</u>	<u>YEAR TO DATE</u> <u>EXPENDITURE</u>	
<b>PERSONAL SERVICE</b>	\$122,649.51	\$122,649.51	
1129 State Paid Retirement	\$4,306.98	\$4,306.98	
1161 Retirement	\$25,821.40	\$25,821.40	
1170 Social Security	\$9,089.55	\$9,089.55	
1180 Group Insurance	\$28,618.10	\$28,618.10	
<b>CONTRACTUAL SERVICE</b>			
1205 Freight Express/Drayage	\$48.38	\$48.38	
1223 Repair & Maintenance Real Property			
1225 Repair & Maintenance, EDP Equip.			
1231 Rental, Office Equipment			
1232 Rental, Motor Vehicles			
1237 Rental, Film & Audio/Visual Aids			
1239 Rental, NEC			
1242 Auditing & Management Services	\$20,874.20	\$20,874.20	
1243 Book Binding & Processing Services			
1244 Legal Fees			
1245 Professional & Technical Services, NEC			
1261 Postage			
1266 Court Reporting & Filing Services			
1273 Advertising			
1274 Registration Fees & Conf. Exp. (Vendor)	\$450.00	\$450.00	
1276 Registration Fees & Conf. Exp. (Employee)			
1280 Copying, Photographic & Printing Serv.			
1284 Computer Software			
1286 Travel, Reimb. to Non-State Employees			
1289 Contractual Services, NEC			
<b>TRAVEL</b>			
1291 In-State	\$10,431.59	\$10,431.59	
1292 Out-of-State	\$1,544.73	\$1,544.73	
<b>PRINTING</b>			
<b>COMMODITIES</b>			
1304 Office/Library Supplies			
1308 Educational & Instructional Materials			
1394 Office/Library Equip., Not Exceed. \$100			
1398 Equipment, NEC			
1399 Commodities, NEC			
<b>EQUIPMENT</b>			
1510 Office Furniture & Equipment			
1515 EDP Equipment			
1561 Training Equipment			
6625 Leasehold Improvements			
<b>TELECOMMUNICATIONS</b>			
1721 Rental, Telephone Serv. & Equip.	\$464.47	\$464.47	
1722 Rental, Data Comm. Serv. & Equip.	\$1,450.43	\$1,450.43	
1728 Video Conferencing			
1729 Rental, Other Comm. Serv. & Equip.			
1730 Parts & Supplies for Telephone			
1740 Answering & Pag. Comm. Serv. Equip.			
1750 Telephone, Data, Radio & Other Equip.			
1799 Telecommunication Services, NEC			
<b>OPERATION OF AUTO EQUIPMENT</b>			
1893 Repair & Maint., Automotive Equipment			
1894 Parts & Fittings, Automotive Equipment			
1896 Gasoline, Oil & Antifreeze			
1898 Automotive Services, NEC			
1899 Automotive Expenses, NEC			
<b>INDIRECT COST REFUNDS</b>			
1993 Indirect Cost Allocation Refund	\$349,943.64	\$349,943.64	
<b>GRANTS</b>			
4453 Reimbursement to Governmental Units			
4458 Services, NEC			
4470 Grants to Local Governments (PPA)			
4470 Grants to Local Governments (EAI)			
4470 Grants to Local Governments (AAG)	\$168,214.96	\$168,214.96	
4470 Grants to Local Governments			
4479 Payments to Other State Agencies			
<b>SECTION 101 GRAND TOTAL</b>	<b>FY09</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>
<b>PERSONAL SERVICE</b>	\$122,649.51	\$122,649.51	
<b>STATE PAID RETIREMENT</b>	\$4,306.98	\$4,306.98	
<b>RETIREMENT</b>	\$25,821.40	\$25,821.40	
<b>SOCIAL SECURITY</b>	\$9,089.55	\$9,089.55	
<b>GROUP INSURANCE</b>	\$28,618.10	\$28,618.10	
<b>CONTRACTUAL SERVICE</b>	\$21,372.58	\$21,372.58	
<b>TRAVEL</b>	\$11,976.32	\$11,976.32	
<b>PRINTING</b>	\$0.00	\$0.00	
<b>COMMODITIES</b>	\$0.00	\$0.00	
<b>EQUIPMENT</b>	\$0.00	\$0.00	
<b>TELECOMMUNICATIONS</b>	\$1,914.90	\$1,914.90	
<b>OPERATION OF AUTO EQUIPMENT</b>	\$0.00	\$0.00	
<b>INDIRECT COST REFUNDS</b>	\$349,943.64	\$349,943.64	
<b>GRANTS</b>	\$168,214.96	\$168,214.96	
<b>TOTAL</b>	<b>\$743,907.94</b>	<b>\$743,907.94</b>	<b>\$0.00</b>

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

**SECTION 102 - ENTITLEMENT PAYMENTS**  
**MONTH ENDING: August 31, 2009**

**FY09**  
**APPROPRIATION**

**YEAR TO DATE**  
**EXPENDITURE**

**PERSONAL SERVICE**

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

**CONTRACTUAL SERVICE**

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

**TRAVEL**

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

**PRINTING**

**COMMODITIES**

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

**EQUIPMENT**

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

**TELECOMMUNICATIONS**

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

**OPERATION OF AUTO EQUIPMENT**

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

**GRANTS**

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

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

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

**SECTION 261 - EAID DISBURSEMENTS**  
**MONTH ENDING: August 31, 2009**

**FY09**  
**APPROPRIATION**

**YEAR TO DATE**  
**EXPENDITURE**

**PERSONAL SERVICE**

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

**CONTRACTUAL SERVICE**

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

**TRAVEL**

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

**PRINTING**

**COMMODITIES**

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

**EQUIPMENT**

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

**TELECOMMUNICATIONS**

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

**OPERATION OF AUTO EQUIPMENT**

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

**GRANTS**

- 4453 Reimbursement to Governmental Units
- 4470 Grants to Local Governments (VAID)
- 4470 Grants to Local Governments (VAID II) \$592,634.24 \$592,634.24

**SECTION 261 GRAND TOTAL**

**FY09**  
**APPROPRIATION**

**YEAR TO DATE**  
**EXPENDITURE**

**OBLIGATED**  
**MONEY**

<b>PERSONAL SERVICE</b>	\$0.00	\$0.00	
<b>STATE PAID RETIREMENT</b>	\$0.00	\$0.00	
<b>RETIREMENT</b>	\$0.00	\$0.00	
<b>SOCIAL SECURITY</b>	\$0.00	\$0.00	
<b>CONTRACTUAL SERVICE</b>	\$0.00	\$0.00	
<b>TRAVEL</b>	\$0.00	\$0.00	
<b>PRINTING</b>	\$0.00	\$0.00	
<b>COMMODITIES</b>	\$0.00	\$0.00	
<b>EQUIPMENT</b>	\$0.00	\$0.00	
<b>TELECOMMUNICATIONS</b>	\$0.00	\$0.00	
<b>OPERATION OF AUTO EQUIPMENT</b>	\$0.00	\$0.00	
<b>GRANTS</b>	\$592,634.24	\$592,634.24	

<b>TOTAL</b>	\$592,634.24	\$592,634.24	\$0.00
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**STATE BOARD OF ELECTIONS**  
**FY09 MONTHLY FISCAL REPORT**  
 Help Illinois Vote Fund

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

**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: August 31, 2009</u>	<u>Discretionary Funds</u>	<u>Entitlement Payments</u>	<u>E A I D</u> Disbursements	<u>Requirements</u>	<u>Fund Activity</u>
<b>CASH BALANCE AT BEGINNING OF YEAR</b>	\$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		\$0.00	\$0.00
Miscellaneous Revenues					\$0.00
Interest Earned on Comptroller Balances	\$2,342.25	\$0.00	\$0.00	\$8,337.75	\$10,680.00
Interest Penalties Received					\$0.00
State Match Receipts					\$0.00
<b>TOTAL CASH REVENUES</b>	<b>\$2,342.25</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$8,337.75</b>	<b>\$10,680.00</b>
<b>YEAR TO DATE CASH EXPENDITURES</b>					
PERSONAL SERVICE	\$11,300.00			\$0.00	\$11,300.00
STATE-PAID RETIREMENT	\$452.12			\$0.00	\$452.12
RETIREMENT	\$3,207.40			\$0.00	\$3,207.40
SOCIAL SECURITY	\$783.40			\$0.00	\$783.40
GROUP INSURANCE	\$2,975.92			\$0.00	\$2,975.92
CONTRACTUAL SERVICE	\$3,264.55			\$0.00	\$3,264.55
TRAVEL	\$6,740.43			\$0.00	\$6,740.43
PRINTING	\$0.00			\$0.00	\$0.00
COMMODITIES	\$0.00			\$0.00	\$0.00
EQUIPMENT	\$0.00			\$0.00	\$0.00
TELECOMMUNICATIONS	\$0.00			\$0.00	\$0.00
OPERATION OF AUTO. EQUIPMENT	\$0.00			\$0.00	\$0.00
INDIRECT COST REFUNDS	\$0.00			\$0.00	\$0.00
<b>SUB-TOTAL CASH EXPENDITURES (OPERATIONS)</b>	<b>\$28,723.82</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$28,723.82</b>
AWARDS & GRANTS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL CASH EXPENDITURES</b>	<b>\$28,723.82</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$28,723.82</b>
<b>CASH BALANCE AT END OF MONTH</b>	<b>\$2,935,948.58</b>	<b>\$136,049.00</b>	<b>\$0.00</b>	<b>\$11,037,813.25</b>	<b>\$14,109,810.83</b>

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

<u>SECTION 101 - DISCRETIONARY FUNDS</u> <u>MONTH ENDING: August 31, 2009</u>	<u>FY10</u> <u>APPROPRIATION</u>	<u>YEAR TO DATE</u> <u>EXPENDITURE</u>	
<b>PERSONAL SERVICE</b>	\$11,300.00	\$11,300.00	
1129 State Paid Retirement	\$452.12	\$452.12	
1161 Retirement	\$3,207.40	\$3,207.40	
1170 Social Security	\$783.40	\$783.40	
1180 Group Insurance	\$2,975.92	\$2,975.92	
<b>CONTRACTUAL SERVICE</b>			
1205 Freight Express/Drayage	\$16.55	\$16.55	
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			
1261 Postage			
1266 Court Reporting & Filing Services			
1273 Advertising			
1274 Registration Fees & Conf. Exp. (Vendor)	\$849.00	\$849.00	
1276 Registration Fees & Conf. Exp. (Employee)	\$399.00	\$399.00	
1280 Copying, Photographic & Printing Serv.			
1284 Computer Software			
1286 Travel, Reimb. to Non-State Employees			
1289 Contractual Services, NEC			
<b>TRAVEL</b>			
1291 In-State	\$2,700.73	\$2,700.73	
1292 Out-of-State	\$4,039.70	\$4,039.70	
<b>PRINTING</b>			
<b>COMMODITIES</b>			
1304 Office/Library Supplies			
1308 Educational & Instructional Materials			
1394 Office/Library Equip., Not Exceed. \$100			
1398 Equipment, NEC			
1399 Commodities, NEC			
<b>EQUIPMENT</b>			
1510 Office Furniture & Equipment			
1515 EDP Equipment			
1561 Training Equipment			
6625 Leasehold Improvements			
<b>TELECOMMUNICATIONS</b>			
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			
<b>OPERATION OF AUTO EQUIPMENT</b>			
1893 Repair & Maint., Automotive Equipment			
1894 Parts & Fittings, Automotive Equipment			
1896 Gasoline, Oil & Antifreeze			
1898 Automotive Services, NEC			
1899 Automotive Expenses, NEC			
<b>INDIRECT COST REFUNDS</b>			
1993 Indirect Cost Allocation Refund			
<b>GRANTS</b>			
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			
<b>SECTION 101 GRAND TOTAL</b>	<b>FY10</b> <b>APPROPRIATION</b>	<b>YEAR TO DATE</b> <b>EXPENDITURE</b>	<b>OBLIGATED</b> <b>MONEY</b>
<b>PERSONAL SERVICE</b>	\$11,300.00	\$11,300.00	
<b>STATE PAID RETIREMENT</b>	\$452.12	\$452.12	
<b>RETIREMENT</b>	\$3,207.40	\$3,207.40	
<b>SOCIAL SECURITY</b>	\$783.40	\$783.40	
<b>GROUP INSURANCE</b>	\$2,975.92	\$2,975.92	
<b>CONTRACTUAL SERVICE</b>	\$3,264.55	\$3,264.55	
<b>TRAVEL</b>	\$6,740.43	\$6,740.43	
<b>PRINTING</b>	\$0.00	\$0.00	
<b>COMMODITIES</b>	\$0.00	\$0.00	
<b>EQUIPMENT</b>	\$0.00	\$0.00	
<b>TELECOMMUNICATIONS</b>	\$0.00	\$0.00	
<b>OPERATION OF AUTO EQUIPMENT</b>	\$0.00	\$0.00	
<b>INDIRECT COST REFUNDS</b>	\$0.00	\$0.00	
<b>GRANTS</b>	\$0.00	\$0.00	
<b>TOTAL</b>	<b>\$28,723.82</b>	<b>\$28,723.82</b>	<b>\$0.00</b>

**STATE BOARD OF ELECTIONS  
FY10 MONTHLY FISCAL REPORT**

Help Illinois Vote Fund

**SECTION 102 - ENTITLEMENT PAYMENTS**  
**MONTH ENDING: August 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 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	
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	
<b>TOTAL</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

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

**SECTION 261 - EAID DISBURSEMENTS**  
**MONTH ENDING: August 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)
- 4470 Grants to Local Governments (VAID II)

\$592,634.24

\$592,634.24

**SECTION 261 GRAND TOTAL**

**FY10**  
**APPROPRIATION**

**YEAR TO DATE**  
**EXPENDITURE**

**OBLIGATED**  
**MONEY**

<b>PERSONAL SERVICE</b>	\$0.00	\$0.00	
<b>STATE PAID RETIREMENT</b>	\$0.00	\$0.00	
<b>RETIREMENT</b>	\$0.00	\$0.00	
<b>SOCIAL SECURITY</b>	\$0.00	\$0.00	
<b>CONTRACTUAL SERVICE</b>	\$0.00	\$0.00	
<b>TRAVEL</b>	\$0.00	\$0.00	
<b>PRINTING</b>	\$0.00	\$0.00	
<b>COMMODITIES</b>	\$0.00	\$0.00	
<b>EQUIPMENT</b>	\$0.00	\$0.00	
<b>TELECOMMUNICATIONS</b>	\$0.00	\$0.00	
<b>OPERATION OF AUTO EQUIPMENT</b>	\$0.00	\$0.00	
<b>GRANTS</b>	\$0.00	\$0.00	

<b>TOTAL</b>	\$0.00	\$0.00	\$0.00
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**STATE BOARD OF ELECTIONS**  
**FY10 MONTHLY FISCAL REPORT**  
 Help Illinois Vote Fund

SECTION 251 - REQUIREMENTS  
 MONTH ENDING: August 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

**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 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	\$0.00	\$0.00	\$261,239.00
TRAVEL	\$0.00	\$0.00	
PRINTING	\$0.00	\$0.00	
COMMODITIES	\$0.00	\$0.00	
EQUIPMENT	\$0.00	\$0.00	
TELECOMMUNICATIONS	\$0.00	\$0.00	
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00	
INDIRECT COST REFUNDS	\$0.00	\$0.00	
GRANTS	\$0.00	\$0.00	
<b>TOTAL</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$261,239.00</b>

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

AGENCY TOTALS  
MONTH ENDING: August 31, 2009

TOTAL  
Fund Activity

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

**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	\$983,853.99
TRAVEL	\$2,104.51
PRINTING	\$0.00
COMMODITIES	\$0.00
EQUIPMENT	\$0.00
TELECOMMUNICATIONS	\$0.00
OPERATION OF AUTO. EQUIPMENT	\$0.00
INDIRECT COST REFUNDS	\$0.00
<b>SUB-TOTAL CASH EXPENDITURES (OPERATIONS)</b>	<b>\$985,958.50</b>
 AWARDS & GRANTS	 \$0.00
<b>TOTAL CASH EXPENDITURES</b>	<b>\$985,958.50</b>

<b>CASH BALANCE AT END OF MONTH</b>	<b>\$97,344.50</b>
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**STATE BOARD OF ELECTIONS  
FY09 MONTHLY FISCAL REPORT  
EAC DATA COLLECTION GRANT**

<u>MONTH ENDING: August 31, 2009</u>	<u>FY09 APPROPRIATION</u>	<u>YEAR TO DATE EXPENDITURE</u>	
<b>PERSONAL SERVICE</b>			
1129 State Paid Retirement			
1161 Retirement			
1170 Social Security			
1180 Group Insurance			
<b>CONTRACTUAL SERVICE</b>			
1205 Freight Express/Drayage	\$17.99	\$17.99	
1223 Repair & Maintenance Real Property			
1225 Repair & Maintenance, EDP Equip.			
1231 Rental, Office Equipment			
1232 Rental, Motor Vehicles			
1237 Rental, Film & Audio/Visual Aids			
1239 Rental, NEC			
1242 Auditing & Management Services	\$983,836.00	\$983,836.00	
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			
<b>TRAVEL</b>			
1291 In-State	\$2,104.51	\$2,104.51	
1292 Out-of-State			
<b>PRINTING</b>			
<b>COMMODITIES</b>			
1304 Office/Library Supplies			
1308 Educational & Instructional Materials			
1394 Office/Library Equip., Not Exceed. \$100			
1398 Equipment, NEC			
1399 Commodities, NEC			
<b>EQUIPMENT</b>			
1510 Office Furniture & Equipment			
1515 EDP Equipment			
1561 Training Equipment			
6625 Leasehold Improvements			
<b>TELECOMMUNICATIONS</b>			
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			
<b>OPERATION OF AUTO EQUIPMENT</b>			
1893 Repair & Maint., Automotive Equipment			
1894 Parts & Fittings, Automotive Equipment			
1896 Gasoline, Oil & Antifreeze			
1898 Automotive Services, NEC			
1899 Automotive Expenses, NEC			
<b>INDIRECT COST REFUNDS</b>			
1993 Indirect Cost Allocation Refund			
<b>GRANTS</b>			
4453 Reimbursement to Governmental Units			
4458 Services, NEC			
4470 Grants to Local Governments			
4470 Grants to Local Governments			
4479 Payments to Other State Agencies			
<b>GRAND TOTAL</b>	<b>FY09 APPROPRIATION</b>	<b>YEAR TO DATE EXPENDITURE</b>	<b>OBLIGATED MONEY</b>
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	\$983,853.99	\$983,853.99	
TRAVEL	\$2,104.51	\$2,104.51	
PRINTING	\$0.00	\$0.00	
COMMODITIES	\$0.00	\$0.00	
EQUIPMENT	\$0.00	\$0.00	
TELECOMMUNICATIONS	\$0.00	\$0.00	
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00	
INDIRECT COST REFUNDS	\$0.00	\$0.00	
GRANTS	\$0.00	\$0.00	
<b>TOTAL</b>	<b>\$985,958.50</b>	<b>\$985,958.50</b>	<b>\$0.00</b>

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

AGENCY TOTALS  
MONTH ENDING: August 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	\$399.00
Interest Penalties Received	\$0.00

**TOTAL CASH REVENUES** **\$921,586.00**

**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	\$0.00
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)** **\$0.00**

AWARDS & GRANTS \$0.00

**TOTAL CASH EXPENDITURES** **\$0.00**

**CASH BALANCE BEFORE OBLIGATED FUNDS** **\$1,018,930.50**

**OUTSTANDING CONTRACTUAL OBLIGATIONS** **\$813,394.00**

**AVAILABLE CASH BALANCE AT END OF MONTH** **\$205,536.50**

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

<u>MONTH ENDING: August 31, 2009</u>	<u>FY09 APPROPRIATION</u>	<u>YEAR TO DATE EXPENDITURE</u>	
<b>PERSONAL SERVICE</b>			
1129 State Paid Retirement			
1161 Retirement			
1170 Social Security			
1180 Group Insurance			
<b>CONTRACTUAL SERVICE</b>			
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			
1286 Travel, Reimb. to Non-State Employees			
1289 Contractual Services, NEC			
<b>TRAVEL</b>			
1291 In-State			
1292 Out-of-State			
<b>PRINTING</b>			
<b>COMMODITIES</b>			
1304 Office/Library Supplies			
1308 Educational & Instructional Materials			
1394 Office/Library Equip., Not Exceed. \$100			
1398 Equipment, NEC			
1399 Commodities, NEC			
<b>EQUIPMENT</b>			
1510 Office Furniture & Equipment			
1515 EDP Equipment			
1561 Training Equipment			
6625 Leasehold Improvements			
<b>TELECOMMUNICATIONS</b>			
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			
<b>OPERATION OF AUTO EQUIPMENT</b>			
1893 Repair & Maint., Automotive Equipment			
1894 Parts & Fittings, Automotive Equipment			
1896 Gasoline, Oil & Antifreeze			
1898 Automotive Services, NEC			
1899 Automotive Expenses, NEC			
<b>INDIRECT COST REFUNDS</b>			
1993 Indirect Cost Allocation Refund			
<b>GRANTS</b>			
4453 Reimbursement to Governmental Units			
4458 Services, NEC			
4470 Grants to Local Governments			
4470 Grants to Local Governments			
4479 Payments to Other State Agencies			
<b>GRAND TOTAL</b>	<b>FY09 APPROPRIATION</b>	<b>YEAR TO DATE EXPENDITURE</b>	<b>OBLIGATED MONEY</b>
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	\$0.00	\$0.00	\$813,394.00
TRAVEL	\$0.00	\$0.00	
PRINTING	\$0.00	\$0.00	
COMMODITIES	\$0.00	\$0.00	
EQUIPMENT	\$0.00	\$0.00	
TELECOMMUNICATIONS	\$0.00	\$0.00	
OPERATION OF AUTO EQUIPMENT	\$0.00	\$0.00	
INDIRECT COST REFUNDS	\$0.00	\$0.00	
GRANTS	\$0.00	\$0.00	
<b>TOTAL</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$813,394.00</b>

# **STATE BOARD OF ELECTIONS**

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**MEMORANDUM**

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

**TO:** Members of the Board  
**SUBJECT:** Two Year Plan of Activity  
**DATE:** September 9, 2009

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

Attachment

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

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

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

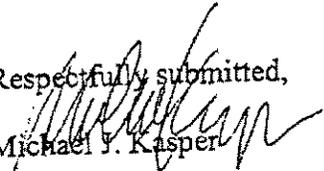
Illinois State Board of Elections,	)
	)
Complainant,	)
	)
v.	)
	)
Committee to Elect Eddie Washington,	)
	)
Respondent.	)

STATE BOARD OF ELECTIONS  
09 AUG 21 PM 2:14

MOTION TO RECONSIDER

NOW COMES, Respondent Committee to Elect Eddie Washington, by its attorney, Michael J. Kasper, and respectfully moves that the Illinois State Board of Elections reconsider its final decision in the above referenced matter, and in support thereof states as follows:

1. In correspondence dated June 25, 2009, the State Board of Elections instituted this matter by citing Respondent for a single alleged violation of Article 9 of the Election Code.
2. Upon receipt of the correspondence, the Committee retained counsel and prepared the Appeal Affidavit, in order to demonstrate why the assessment was incorrect. The appeal affidavit was filed with the State Board on July 30, 2009, five days after the expiration of the 30 day period referenced in the appeal.
3. Respondent respectfully prays that the Board reconsider its decision, allow the appeal affidavit and schedule this matter for a hearing at which Respondent may present its evidence regarding the assessment.

Respectfully submitted,  
  
Michael J. Kasper

Michael J. Kasper  
222 N. LaSalle, Suite 300  
Chicago, IL 60601  
312.704.3292

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

In the Matter Of: )  
 )  
State Board of Elections )  
Complainant(s), )  
Vs. ) 08 AG 074  
 )  
Citizens to Elect Eddie Washington )  
Respondent(s). )

**FINAL ORDER**

TO: Citizens to Elect Eddie Washington S8022  
POB 865  
Waukegan, IL 60079

This matter coming to be heard this 18<sup>th</sup> day of August, 2009 as an imposition of a civil penalty under Article 9 of the Illinois Election Code (10 ILCS 5/9-1 *et. seq.*), and the State Board of Elections being fully advised in the premises,

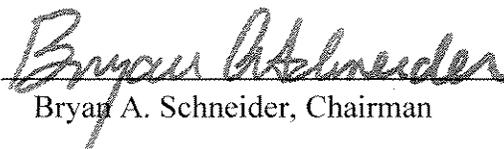
**THE BOARD FINDS**

1. In case number 08 AG 074, a \$2000.00 civil penalty was initially assessed against the Respondent for failing to file a Schedule A-1 report in conjunction with the November 2008 election; and
2. An appeal of the civil penalty was not timely filed by the committee, and
3. The committee was previously assessed a penalty of \$5000.00 for failing to file Schedule A-1 reports in conjunction with the November 2006 election (06 AG 108). This assessment was not appealed, the amount reduced to \$500.00 by the Board, and has been paid in full by the committee, and
4. Pursuant to section 9-10 of the Code, the assessment is reduced to \$1000.00 (50% of the value of the delinquently reported contributions).

**IT IS ORDERED:**

1. A civil penalty in the amount of \$1000.00 is imposed and is now due and owing within 30 days of the effective date of this Order; and
2. The effective date of this Order is August 19, 2009, and
3. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 8/19/2009

  
Bryan A. Schneider, Chairman

**STATE OF ILLINOIS  
COUNTY OF COOK**

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

Illinois State Board of Elections  
**Complainant**

vs.

Case no. **09 DS 185**

Citizens to Elect Andre Thapedi      S9041  
**Respondent**

**REPORT OF HEARING EXAMINER**

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

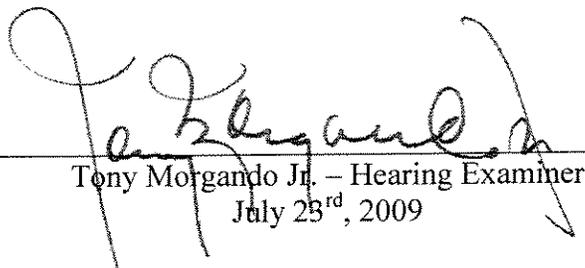
The political committee's December 2008 Semi-Annual Report was received by the State Board of Elections (herein referred to as SBE) on February 2<sup>nd</sup>, 2009, nine (9) days late. As such, the political committee has been assessed a fine of \$900.00. In addition, the political committee was previously assessed a penalty of \$25.00 for the delinquent filing of the June 30<sup>th</sup>, 2008 Semi-Annual Report. The total assessment is \$925.00. Since this is a subsequent violation, it will be required to be paid by the political committee within thirty (30) days of the issuance of a Final Board Order.

Mr. Llwellyn Thapedi, Chairman/Treasurer, filed a Request for Hearing and Appeal Affidavit, on March 26<sup>th</sup>, 2009, indicating: "Record was accidentally destroyed and had to be reconstructed".

Hearing in this matter was set for Tuesday, April 21<sup>st</sup>, 2009, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 10:00 a.m., rescheduled by request of the Respondent to Thursday, May 6<sup>th</sup>, 2009, at 10:00 a.m.

Ms. Llwellyn Thapedi, Chairman/Treasurer, appeared on behalf of the political committee. Ms. Thapedi indicated that a water pipe broke in the basement of her residence ten (10) days prior to the filing of the political committee's December 31<sup>st</sup> 2008 Semi-Annual Report. Ms. Thapedi indicated financial records were lost in the flooding, causing a request for duplicate bank records. Ms. Thapedi indicated the delay in filing the delinquent report was caused by the delay in receiving duplicate records from the political committee's financial institution. The Hearing Examiner continued this matter to Wednesday, May 20<sup>th</sup>, 2009, to allow Ms. Thapedi the opportunity to secure confirmation from the bank, that duplicate records were actually requested and received by the political committee. As of the date this report has been prepared, Thursday, July 23<sup>rd</sup>, 2009, no documentation or communiqué from the Respondent has been received by the Hearing Examiner.

Based upon a review of the documents/statements submitted in this matter, and consideration of a prior filing delinquency, the Hearing Examiner finds that there are no reasonable grounds for the 2008 December Semi-Annual to have been filed late. Therefore, it is the recommendation of the Hearing Examiner that the appeal in this matter be DENIED, and the total assessed fine of \$925.00 be due and owing.



---

Tony Morgando Jr. – Hearing Examiner  
July 23<sup>rd</sup>, 2009

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
February 27, 2009

Citizens to Elect Andre Thapedi  
Llwellyn Thapedi  
6901 Oglesby Ave  
Chicago, IL 60649

S9041

Dear Citizens to Elect Andre Thapedi;

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

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

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on February 2, 2009, 9 day(s) late. As such, this committee has been assessed a fine of \$900.00.

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

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

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
1/1/2008 - 6/30/2008	Semi-annual	\$25.00
<b>TOTAL AMOUNT NOW DUE</b>		<b>\$925.00</b>

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

Sincerely,  
  
Rupert T. Borgsmuller  
Director, Division of Campaign Disclosure

RTB:sm  
Enclosure(s) appeal documents

State of Illinois )  
County of Cook )

STATE BOARD OF ELECTIONS  
09 MAR 26 PM 3:10

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. 09 DS 185

APPEAL AFFIDAVIT

I, Llwellyn Thapedi, the Chairman/Treasurer of the  
(Name) (Chairman/Treasurer)  
Citizens to Elect Andre Thapedi  
(Name of the Committee)

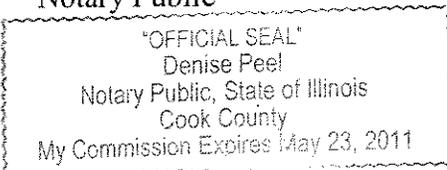
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

Record was accidentally destroyed and  
had to be reconstructed

Signed and Sworn to by:  
Llwellyn Thapedi  
before me this 17 Day of  
March, 2009

Llwellyn Thapedi  
(Signature of Chairman/Treasurer)

Denise Peel  
Notary Public



STATE OF ILLINOIS  
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections  
**Complainant**

v.

**08 AG 059**

23<sup>rd</sup> Ward Regular Democratic Organization      L 13083  
**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Delinquently Filing a  
Schedule A-1 for the 2008 General Election

This Committee received two contributions from Charles Thiese, one of \$450 and one of \$150, the first on 10/28/08 and the second on 10/29/08, and failed to list them on a Schedule A-1. In addition the Committee received two contributions of \$300 each from Terrence and Susan Wenta on 10/24/08 and also failed to list them on a Schedule A-1. The total assessment is \$450.

Michae R. Zalewski, the Chairman of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

Attached to the Affidavit, was a letter from J.Quinn Mucker, Ltd., the Accounting firm responsible for preparing the Committee's disclosure reports. Upon review of the contributions, they found that the \$150 was from Joanna Thiese, not Charles Thiese as reported, and the \$300 was from Nicholas Wenta, not Terrence Wenta as reported. They were careless errors and they apologize and will take more care in recording contributions. After the corrections, no A-1 would have been required. Attached to the Appeal were copies of the four checks in question.

I recommend that the appeal be granted. Copies of the checks verify the explanation on the Affidavit. In addition, the Committee filed an amended 2008 December Semi-Annual Report on 7/1/09, reflecting the corrected information.



Sharon Steward – Hearing Examiner

August 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  
June 25, 2009

23rd Ward Regular Democratic Organization  
Michael Zalewski, James Cacciottolo  
5838 S Archer Ave.  
Chicago, IL 60638

L13083

Dear 23rd Ward Regular Democratic Organization;

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

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Charles Thiese	10/28/08		**450.00		
Charles Thiese	10/29/08	150.00	150.00	*not filed	1
Terrence & Susan Wenta	10/24/08		**300.00		
Terrence & Susan Wenta	10/24/08	300.00	300.00	*not filed	4

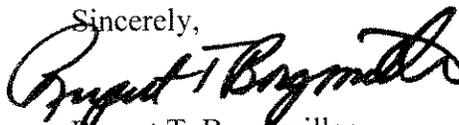
The committee is fined a **total** of \$450.00 for delinquent filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

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

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$45.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. *If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.* Notice of Appeal must be filed within 30 days of the date of this assessment for it to be considered. If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

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

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

State of Illinois )  
 )  
County of Cook )

STATE BOARD OF ELECTIONS

09 JUL -6 AM 11:38

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

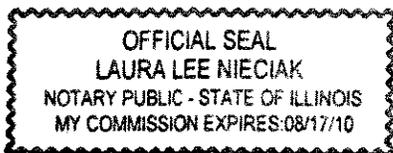
IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
 )  
Complainant )  
 )  
vs. )  
 )  
23rd Ward Regular Democratic Organization )  
Respondent(s). )

No. 08 AG 059

APPEAL AFFIDAVIT

I, Michael R. Zalewski, the Chairman of the  
(Name) (Chairman/Treasurer)  
23rd Ward Regular Democratic Organization  
(Name of the Committee)

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



Subscribed and Sworn to Before me  
This 2 Day Of July, 2009  
Laura Lee Nieciak  
NOTARY PUBLIC

Michael R. Zalewski  
(Signature of Chairman/Treasurer)

# J. Quinn Mucker, Ltd.

## Certified Public Accountant

July 1, 2009

State Board of Election  
State of Illinois  
1020 South Spring St  
Springfield, IL 62708

Attn: Rupert Borgsmiller/Sue McArthur

RE: 23<sup>rd</sup> Ward Regular Democratic Organization  
L13083

Ms. McArthur:

At the request of our client named above and as the one responsible for preparing the D2 report we write to respond to the June 25<sup>th</sup> 2009 letter sent by the State Board of Elections, copy enclosed.

Upon review of the contributions we find that the \$150.00 was from Joanna Thiese not Charles Thiese as reported and the \$300.00 was from Nicholas Wenta not Terrence Wenta as reported. They were careless input errors on our part; we apologize for the inconvenience and will take more care in recording contributions. After the corrections no AI would have been required therefore we respectfully request that the penalty be abated.

We enclose the following to comply with your procedures:

- Completed Appeal Affidavit
- Completed Waiver of Appearance
- Copies of the 4 contribution checks
- Copy of the Amended Report Filing Acknowledgement

Thank you for your attention to this matter.

Kindly acknowledge receipt of this letter on the copy, which is provided for your convenience.

Sincerely,  
J. Quinn Mucker, Ltd.

*J. Quinn Mucker, Ltd.*

.....

ORLAND PARK

Date OCTOBER 27, 2008

Pay to the Order of

23rd Ward Reg Democ Org

Jessica Thase  
6048 McVicker  
Chgo 60638  
\$150.00\*\*

\*\*ONE HUNDRED FIFTY DOLLARS AND 00 CENTS\*\*

Not Valid Over \$1000

Bank of America is not liable for lost or stolen Money Orders. For your protection against loss or theft, sign and complete this Money Order as soon as possible.

*Jessica Thase*  
Signature Of Purchaser (Drawer)  
*Jessica Thase*  
Name Of Purchaser (Drawer)

Bank of America, N.A. 8890121 00008 000088681  
San Antonio, Texas

Address City, State, Zip

⑈0088681⑈ ⑆114000019⑆ 001641004100⑈



TCF National Bank  
800 Burr Ridge Parkway  
Burr Ridge, IL 60527-6486

OFFICIAL CHECK 300153779

56-1551/441  
600055232

DATE  
OCTOBER 23, 2008

\*\*\*FOUR HUNDRED FIFTY AND 00/100\*\*\*USDOLLARS\*\*\*

MATCH THE AMOUNT IN WORDS WITH THE AMOUNT IN NUMBERS

\$\$\$\$\$\$\$450.00\*\*\*\*\*

PAY TO THE ORDER OF: 23RD WARD REGULAR DEMOCRATIC ORGANIZATION

ACCOUNT NO. \*\*\*\*\*3678

11804

Drawer: TCF National Bank

MEMO: RE: CHARLES J THIESE JR  
TCF National Bank  
JPMC, NA, Delaware, Ohio 43015

*Tom Jasper*  
COUNTER SIGNATURE REQUIRED FOR AMOUNTS OVER \$5,000.00

⑈300153779⑈ ⑆044115511⑆ 6000555232⑈

Terrence M. Wenta 08-01  
Susan Wenta  
5601 S. Menard  
Chicago, IL 60638

2-7103/2710

9512

10/21 2008

Pay to the Order of *23rd Ward* \$300.00  
*Three Hundred and no/100 Dollars*

LOOMIS FEDERAL SAVINGS

6350 W 63RD ST  
CHICAGO, IL 60638

From

*Terrence M. Wenta*

⑆ 2710710331⑆ ⑈ 0180000496⑈ 9512

TCF BANK www.tcfexpress.com

NICHOLAS E WENTA  
5601 S MENARD  
CHICAGO, IL 60638

284

70-7257/2719 104  
6875893453

22 OCT 08 Date

Pay to the Order of

*23RD WARD*

\$ 300.00

*Three hundred dollar zero cents* Dollars

TCF BANK  
Chicago's Most Convenient Bank™

TCF National Bank  
4530 N. Milwaukee Avenue  
Chicago, IL 60630  
847-879-6900

SECURITY DESIGN PAT. 5,111,111

EXPRESS TELLER

For

*Robert Wenta*

⑆ 2719725720⑆ 6875893453⑈ 0284

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 Wed Jul 01 11:51:14 2009, and was assigned the Filing ID of: IL-111492

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: FID3423  
Committee Name: 23rd Ward Regular Democratic Organization  
Filing Type: D-2 (Amended)  
From/Through: 20080701 - 20081231

Cover/Summary Page Totals for Form: D-2

Line No.	Dollar Total
=====	=====
1A	49,950.00
1B	9,770.00
2A	7,950.00
2B	150.00
3A	0.00
3B	0.00
4A	347.50
4B	0.00
TOT1-4	68,167.50
5A	0.00
5B	0.00
TOT5	0.00
6A	3,100.00
6B	0.00
7A	1,700.00
7B	0.00
8A	74,945.00
8B	6,154.40
TOT6-8	85,899.40
9A	0.00
9B	0.00
TOT9	0.00
A	59,685.36
B	68,167.50
C	127,852.86

COPY

D	85,899.40
E	41,953.46
F	0.00

>>>----> 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.

08 AG 061

Friends of Pam Helsel Hoffman  
**Respondent**

L 14411

**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 contributions of more than \$500 from one source on 10/16/08, but failed to file a Schedule A-1. The total assessed penalty is \$500.

Pam Helsel Hoffman, the chairman of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

Ms. Hoffman stated that this was a typographical error. They accidentally typed one contribution twice. It was the same amount (\$500) of the next item, which was not typed. Therefore, all sums/totals remained the same. She attached copies of the checks.

I recommend that the Appeal be granted. Copies of the checks reflect two loans from different accounts and with different signatures on the checks. I also recommend that the Committee file an amended 2008 December Semi-Annual Report within 30 days of the effective date of the Final Board Order reflecting the correct information, since although the totals are the same, the lenders are different.



Sharon Steward – Hearing Examiner  
August 26, 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  
June 25, 2009

Friends of Pam Helsel Hoffman  
Pam Helsel Hoffman, Kevin Hoffman  
1330 E Bemis Rd  
Crete, IL 60417

L14411

Dear Friends of Pam Helsel Hoffman;

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>
Kevin Hoffman	10/16/08		**500.00		
Kevin Hoffman	10/16/08	500.00	500.00	*not filed	10

The committee is fined a **total** of \$500.00 for delinquent filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

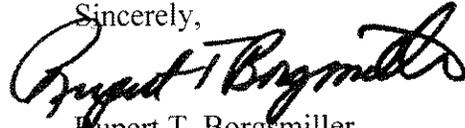
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than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

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$50.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. Since your committee has no other civil penalty assessments and only one delinquent Schedule A-1 amount is listed above, the penalty will be **stayed** as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee.

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

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

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

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

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

State of Illinois )  
County of WILL )

STATE BOARD OF ELECTIONS

09 JUL 13 PM 1:10

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. 08 AG 0601

APPEAL AFFIDAVIT

I, PAM HELSEL HOFFMAN, the CHAIRMAN of the  
(Name) (Chairman/Treasurer)  
FRIENDS OF PAM HELSEL HOFFMAN  
(Name of the Committee)

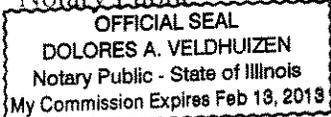
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

TYPOGRAPHICAL ERROR - ACCIDENTALLY TYPED  
ONE CONTRIBUTION TWICE. IT WAS THE SAME  
AMOUNT (\$500) OF THE NEXT ITEM - WHICH WAS  
NOT TYPED. THEREFORE, ALL SUMS/TOTALS  
REMAINED THE SAME, SEE ATTACHED.

Signed and Sworn to by:

before me this 10 Day of  
July, 2009

Dolores A. Veldhuizen  
Notary Public



Pam Hesel Hoffman  
(Signature of Chairman/Treasurer)



FORM

REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES  
(CHECK APPROPRIATE BOXES PLEASE TYPE OR PRINT IN BLACK INK)

1 / 11

D-2

- Pre-Election Report - Election Date \_\_\_\_\_
- Semi-Annual Report
- Non-Participation - Election Date \_\_\_\_\_
- FINAL REPORT
- Amendment of Report indicated above

Full name and complete mailing address of Political Committee

Friends of Pam Helsel Hoffman  
P. O. Box 142

**FOR OFFICE USE ONLY**

IDENTIFICATION NO.

Crete IL 60417

CHECK IF ADDRESS CHANGE

REPORTING PERIOD 07/01/2008 FROM 12/31/2008 THRU	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD \$ 8926.38	STATE POLITICAL COMMITTEES RETURN TO: STATE BOARD OF ELECTIONS 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
---	---	---	---

SEE GUIDE TO CAMPAIGN DISCLOSURE FOR INSTRUCTIONS

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) .. \$ 1600.00 (1a)
    - b. Not-Itemized ..... \$ 350.00 (1b)
  2. Transfers In:
    - a. Itemized (from Schedule A) .. \$ 0.00 (2a)
    - b. Not-Itemized ..... \$ 0.00 (2b)
  3. Loans Received:
    - a. Itemized (from Schedule A) .. \$ 25486.31 (3a)
    - b. Not-Itemized ..... \$ 0.00 (3b)
  4. Other Receipts:
    - a. Itemized (from Schedule A) .. \$ 0.00 (4a)
    - b. Not-Itemized ..... \$ 0.00 (4b)
    - TOTAL RECEIPTS (1-4) ..... \$ 27436.31
- \*\*\*\*\*
5. In-kind Contributions:
    - a. Itemized (from Schedule I) .. \$ 0.00 (5a)
    - b. Not-Itemized ..... \$ 0.00 (5b)
    - TOTAL IN-KIND ..... \$ 0.00

**SECTION B - EXPENDITURES**

6. Transfers Out:
  - a. Itemized (from Schedule B).. \$ 773.79 (6a)
  - b. Not-Itemized ..... \$ 0.00 (6b)
7. Loans Made:
  - a. Itemized (from Schedule B).. \$ 0.00 (7a)
  - b. Not-Itemized ..... \$ 0.00 (7b)
8. Expenditures:
  - a. Itemized (from Schedule B).. \$ 35588.90 (8a)
  - b. Not-Itemized ..... \$ 0.00 (8b)
  - TOTAL EXPENDITURES (6-8) \$ 36362.69

**SECTION C - DEBTS AND OBLIGATIONS**

- (Include previously reported unpaid debts)
9. a. Itemized (from Schedule C) .. \$ 34202.93 (9a)
  - b. Not-Itemized ..... \$ 70.99 (9b)
  - TOTAL DEBTS & OBLIGATIONS \$ 34273.92

**SECTION D - CASH BALANCE**

- Funds available at the beginning of the reporting period ..... \$ 8926.38 (A)
- Total Receipts (Section A) ..... \$ 27436.31 (B)
- Subtotal ..... \$ 36362.69 (C)
- Total Expenditures (Section B) .. \$ 36362.69 (D)
- Funds available at the close of the reporting period ..... \$ 0.00 (E)
- \*\*\*\*\*
- Investment Total ..... \$ 0.00 (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.

Kevin Hoffman  
SIGNATURE OF TREASURER OR CANDIDATE

1/15/09  
DATE

THIS FORM MAY BE REPRODUCED)

Printed on Recycled Paper

REPORTING PERIOD: FROM 07/01/2008 THRU 12/31/2008

# SCHEDULE A

INDICATE THE PART OF FORM D-2 BEING ITEMIZED:

- PART 1 - INDIVIDUAL CONTRIBUTIONS  
INCLUDING TICKET AND RAFFLE SALES
- PART 3 - LOANS RECEIVED  
INCLUDING ENDORSER
- PART 2 - TRANSFERS IN  
POLITICAL COMMITTEE CONTRIBUTIONS  
INCLUDING TICKET AND RAFFLE SALES
- PART 4 - OTHER RECEIPTS

<b>FOR OFFICE USE ONLY</b>
IDENTIFICATION NO.

**SEE GUIDE TO CAMPAIGN DISCLOSURE FOR INSTRUCTIONS**

ITEMIZED RECEIPTS FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE RECEIVED	AMOUNT OF EACH RECEIPT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
Charles Helsei 20506 Dutra Ave. Chicago Heights IL 60411	10/27/2008	400.00	400.00
		EMPLOYER :	OCCUPATION :
Kevin Hoffman 1330 E. Bemis Road Crete IL 60417	10/16/2008	500.00	1000.00
		EMPLOYER : retired	OCCUPATION : retired
<i>Should be DAMELA HOFFMAN</i> <del>Kevin Hoffman</del> 1330 E. Bemis Road Crete IL 60417	<del>10/16/2008</del> 10/20/08	500.00	1000.00
		EMPLOYER : retired	OCCUPATION : retired
Joan & John Roggeveen 23758 Sara Ct. Crete IL 60417	09/09/2008	200.00	200.00
		EMPLOYER :	OCCUPATION :

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

TOTAL THIS PERIOD \$ 1600.00  
(LAST PAGE OF THIS PART ONLY)



DATE: 6/12/08

DEBIT TO: Class 100 (5100 0000) Savings (5300 0000) Consumer Loan (5310 0000) Other (for 2 digit head #)

ACCOUNT NUMBER: HARRIS N.A. 4801120830

ACCOUNT NAME: K. B. HOFFMAN

ADDRESS: 1300 E. BEAVER RD. CRETE, IL 60417

SIGNATURE: K. B. Hoff

AMOUNT: \$10,000.00

ACCOUNT NUMBER: 4801120830

11/06/08 \$10,000.00

DATE: 6/12/08

DEBIT TO: Class 100 (5100 0000) Savings (5300 0000) Consumer Loan (5310 0000) Other (for 2 digit head #)

ACCOUNT NUMBER: HARRIS N.A. 4801120830

ACCOUNT NAME: K. B. HOFFMAN

ADDRESS: 1300 E. BEAVER RD. CRETE, IL 60417

SIGNATURE: K. B. Hoff

AMOUNT: \$399.96

ACCOUNT NUMBER: 4801120830

11/06/08 \$399.96

DATE: 10/20/08

DEBIT TO: Class 100 (5100 0000) Savings (5300 0000) Consumer Loan (5310 0000) Other (for 2 digit head #)

ACCOUNT NUMBER: HARRIS N.A. 4801120830

ACCOUNT NAME: K. B. HOFFMAN

ADDRESS: 1300 E. BEAVER RD. CRETE, IL 60417

SIGNATURE: K. B. Hoff

AMOUNT: \$500.00

ACCOUNT NUMBER: 4801120830

1117 10/20/08 \$500.00

DATE: 11/03/08

DEBIT TO: Class 100 (5100 0000) Savings (5300 0000) Consumer Loan (5310 0000) Other (for 2 digit head #)

ACCOUNT NUMBER: HARRIS N.A. 4801120830

ACCOUNT NAME: K. B. HOFFMAN

ADDRESS: 1300 E. BEAVER RD. CRETE, IL 60417

SIGNATURE: K. B. Hoff

AMOUNT: \$48.00

ACCOUNT NUMBER: 4801120830

1118 11/03/08 \$48.00

DATE: 10/30/08

DEBIT TO: Class 100 (5100 0000) Savings (5300 0000) Consumer Loan (5310 0000) Other (for 2 digit head #)

ACCOUNT NUMBER: HARRIS N.A. 4801120830

ACCOUNT NAME: K. B. HOFFMAN

ADDRESS: 1300 E. BEAVER RD. CRETE, IL 60417

SIGNATURE: K. B. Hoff

AMOUNT: \$22,500.00

ACCOUNT NUMBER: 4801120830

1119 10/30/08 \$22,500.00

7/1/2009 10:46 AM

**KEVIN B. HOFFMAN**  
**PAMELA H. HOFFMAN**  
 1330 E. BEMES RD.  
 CRETE, IL 60417-4540

**SchwabOne** 118  
 3-6/310  
 150

DATE Oct. 20, 2008

PAY TO THE ORDER OF Friends of Pam Helisel Hoffman \$ 500.<sup>00</sup>  
Five hundred and  $\frac{00}{100}$  DOLLARS

Charles Schwab  
 PNC BANK N.A.  
 Philadelphia, PA

FOR loan

Pamela H. Hoffman

⑆03 1000053⑆ 7029432222⑆ 20118

⑆03 1000053⑆ 7029432222⑆ 20118

PAY TO THE ORDER OF  
 FIRST UNITED BANK CRETE 60417  
 071923750  
 FOR DEPOSIT ONLY 140740  
 FRIENDS OF PAM HEISEL HOFFMAN

Account	Serial	Sequence	Paid Date	Amount
7029432222	20118	88053170	10/21/2008	\$500.00

STATE OF ILLINOIS  
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections  
**Complainant**

v.

Case No. 09 CE 019

Friends for Henry Vicenik  
**Respondent**

L14903

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment for Failure to File the  
April 2009 Pre-Election Election Report in a Timely Manner

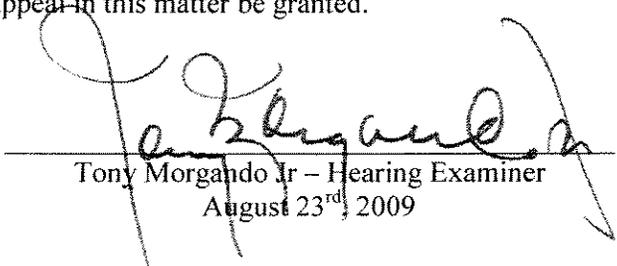
According to the Illinois State Board of Elections Disclosure Division, it received a Pre-Election Report for the April 2008 Consolidated, from the Friends for Henry Vicenik, on May 29<sup>th</sup>, 2009. Such Pre-Election Report was filed eleven (11) days late requiring an assessed penalty of \$2,200.00.

Mr. Henry Vicenik, Candidate/Chairman, filed a Request for Hearing and Appeal Affidavit, on July 17<sup>th</sup>, 2009, indicating in part as a reasonable defense: "During the month of April and May numerous attempts were made to complete, file and upload the information electronically to the State Board of Elections. I am not computer savvy, therefore, each and every attempt I made to validate the completed form failed. Several calls were made to Mr. Thomas Cloonan – Chicago and Mr. Thomas Newman – Springfield for help; however I was still unable to validate the completed form. Mr. Newman had me e-mail him my completed form so that he could view my errors and either fix my errors or instruct me as to what to do to fix the errors. After his help I still received a couple of errors that we were able to fix, but I received a transmission error that he was unable to identify. I spoke to my son (he's a custom software developer) about my problem and what error I was receiving. He suggested I upgrade the computer from Windows 98 to Windows XP; he felt that Windows 98 might not be compatible. I installed Windows XP and validated the completed form and uploaded the information to the State Board of Elections. This process, from the beginning to end, spans a total of 45 days, from April 14<sup>th</sup> to May 29<sup>th</sup>. I have always filed all reports within the required time frame, but this was the first time I filed electronically, and had a difficult time".

Hearing in this matter was scheduled for Tuesday, August 18<sup>th</sup>, 2009, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 11:00 a.m. This matter was discussed via teleconferencing on Thursday, August 14<sup>th</sup>, 2009, at 8:00 a.m.

Mr. Henry Vicenik, Candidate/Chairman, spoke on behalf of the Respondent. Mr. Vicenik confirmed statements contained in his Appeal Affidavit.

Based upon a review of documents, and discussions with Mr. Henry Vicenik, as well as Disclosure staff, it is the opinion of the Hearing Examiner that the Respondent incurred technical difficulty in operating the IDIS program for the first time. The Hearing Examiner notes six (6) prior filings submitted on paper, as well as two (2) subsequent electronic filings were received by the Board in a timely manner. Therefore it is the recommendation of the Hearing Examiner that the appeal in this matter be granted.

  
Tony Morgando Jr – Hearing Examiner  
August 23<sup>rd</sup>, 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  
June 25, 2009

Friends of Henry Vicenik  
3318 W 95th St  
Evergreen Park, IL 60805

L14903

Dear Committee;

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

Report Type:	Pre-Election Report of Campaign Contributions
Report Period:	January 26, 2009 through March 8, 2009
Filing Period:	March 9, 2009 through March 23, 2009

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received by the Board on May 29, 2009, 11 day(s) late. As such, this committee has been assessed a fine of \$2200.00.

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

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

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

Sincerely,

Rupert T. Borgsmiller  
Director, Campaign Disclosure

RTB:sm

Enclosure(s): appeal packet

State of Illinois )  
 )  
County of \_\_\_\_\_ )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. 09CE019

APPEAL AFFIDAVIT

I, HENRY VICENIK, the CHAIRMAN of the  
(Name) (Chairman/Treasurer)  
FRIENDS FOR HENRY VICENIK  
(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:

REFER TO ATTACHED PAGE

Signed and Sworn to by:

before me this 14 Day of  
July, 2009  
Cindy Ramirez  
Notary Public

Henry Vicenik  
(Signature of Chairman/Treasurer)



## Friends for Henry Vicenik

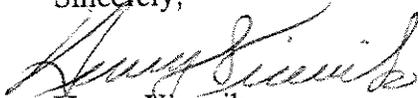
3048 South 24<sup>th</sup> Avenue  
Broadview, Illinois 60155

During the months of April and May numerous attempts were made to complete, file and upload the information electronically to the State Board of Elections. I am not computer savvy, therefore, each and every attempt I made to validate the completed form failed, and I received numerous errors and/or warnings. Several calls were placed to Mr. Thomas Cluennon - Chicago and Mr. Thomas Newman - Springfield for help, however, I was still unable to validate the completed form. Mr. Newman had me e-mail him my completed form so that he could view my errors and either fix my errors or instruct me as to what to do to fix the errors. After his help I still received a couple of errors that we were able to fix, but I received a transmission error that he was unable to identify. I tried for several days to figure out the problem only to have it fail again. I spoke to my son (he's a custom software developer) about my problem and what error I was receiving. He suggested I upgrade the computer from Windows 98 to Windows XP; he felt that Windows 98 might not be compatible. I installed Windows XP and validated the completed form and uploaded the information to the State Board of Elections. This process, from beginning to end, span a total of 45 days, from April 14<sup>th</sup> to May 29<sup>th</sup>.

I filed the first half report on July 6<sup>th</sup> without any problems; I did have to call about the filing date which was not a problem. I have always filed all reports within the required time frame, but this was the first time I filed electronically, and had a difficult time.

I understand the need for disclosure in a timely manner and I do not take the requirements lightly, however, in light of the problems I experienced for the first time filing electronically I ask the Board to grant my appeal.

Sincerely,



Henry Vicenik

STATE OF ILLINOIS  
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections  
**Complainant**

v.

09 AE 003

Team Nunda  
**Respondent**

L 14937

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Delinquently Filing a  
Schedule A-1 for the 2009 Consolidated Election

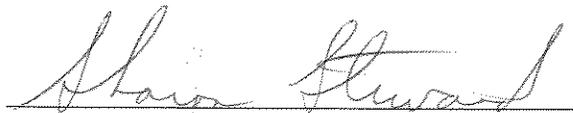
This Committee received two contributions on 3/27/09, one for \$1500 and the other for \$1000, but delinquently listed them on a Schedule A-1 on 4/16/09, 5 days late. The total civil penalty assessment is \$2500.

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

On the Affidavit, Mr. Schlader stated that he had problems filing due to computer issues. He also had difficulties understand the filing procedure. He worked over the phone with disclosure staff to resolve the issues.

In order to obtain additional information in support of his defense, I contacted Mr. Schlader by phone. He stated that he had been having computer issues off and on with his six year old Dell until the hard drive finally crashed. He purchased another computer after the election which had VISTA as its windows operating system. If a computer is using VISTA, there is an additional step the user must accomplish each time the IDIS software is open, and Mr. Schlader was not aware of that.

Therefore, in order to be consistent with other Board decisions when an electronic filing issue is used as a defense, I recommend that the appeal be granted.



Sharon Steward – Hearing Examiner

August 24, 2009

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
June 25, 2009

Team Nunda  
Tom Palmer  
6801 Concord Trail  
Crystal Lake, IL 60012

L14937

Dear Team Nunda;

CORRECTED COPY

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>
Nunda Twp Republican Central Cmte	3/27/09	1500.00	1500.00	4/16/09	5
Brent Smith	3/27/09	1000.00	1000.00	4/16/09	5

The committee is fined a **total** of \$2500.00 for delinquent filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

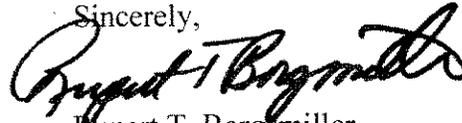
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than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

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$250.00, (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

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

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

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

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

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

State of Illinois )  
County of McHenry )

STATE BOARD OF ELECTIONS  
09 JUL 23 AM 11:56

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. 09AE003

APPEAL AFFIDAVIT

I, Jim Schoder, the Treasurer of the  
(Name) (Chairman/Treasurer)  
TEAM MUNDA  
(Name of the Committee)

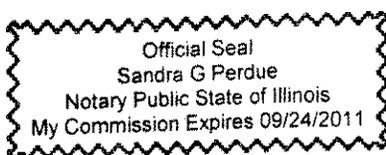
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

- ① Problems filing due to computer issues
- ② Difficulties understanding filing procedure.  
Walked over phone with Springfield  
disclosure staff to resolve.

Signed and Sworn to by:

JAMES SCHODER  
before me this 21 Day of  
JULY, 2009  
Sandra G Perdue  
Notary Public

James C. Schoder  
(Signature of Chairman/Treasurer)



STATE OF ILLINOIS  
COUNTY OF SANGAMON

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

Illinois State Board of Elections  
**Complainant**

v.

**09 CE 063**

Bob Hausler 4 Mayor L 15282  
**Respondent**

**REPORT OF HEARING EXAMINER**

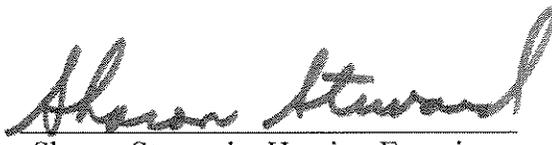
Appeal of Civil Penalty Assessment for Delinquently Filing  
The Pre-Election Report for the 2009 Consolidated Election

The Report was received by the Board on March 25, 2009, 2 days late, resulting in a civil penalty assessment of \$200. The total assessment is \$200.

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

On the Affidavit, Mr. Clemmons stated that the pre-election report was mailed on March 19, 2009, the same day they faxed a Schedule A-1 to the Board. The pre-election report arrived in the office on March 25<sup>th</sup>; the receipt for that report, which he attached, reads 'Postmark illegible'. In dealing with the US Postal Service, they have experienced that letters sent within the state of Illinois can take several days to be delivered.

Section 100.125(b) of Board Rules and Regulations reads in part: "*...If the envelope containing ...the Reports... 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 delinquently 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. Clemmons stated in his notarized Appeal Affidavit that he mailed the report on March 19<sup>th</sup>, 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.



Sharon Steward – Hearing Examiner  
August 28, 2009

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
June 25, 2009

Bob Hausler 4 Mayor  
Chris Clemmons  
8124B Finie Rd  
Neward, IL 60541

L15282

Dear Bob Hausler 4 Mayor;

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

Report Type:	Pre-Election Report of Campaign Contributions
Report Period:	January 26, 2009 through March 8, 2009
Filing Period:	March 9, 2009 through March 23, 2009

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received by the Board on March 25, 2009, 2 day(s) late. As such, this committee has been assessed a fine of \$200.00.

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

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

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

Sincerely,

Rupert T. Borgsmiller  
Director, Campaign Disclosure

RTB:sm

Enclosure(s): appeal packet

State of Illinois )  
 )  
County of \_\_\_\_\_ )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
 )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
 )  
Complainant )  
 )  
Vs. )  
 )  
BOB HAUSLER 4 MAYOR )  
Respondent(s). )

Case No. 09CE 063

APPEAL AFFIDAVIT

I, CHRIS CLEMMONS, the TREASURER of the  
(Name) (Chairman/Treasurer)  
BOB HAUSLER 4 MAYOR  
(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:

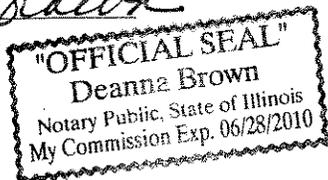
Please see attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed and Sworn to by:

Chris Clemmons  
before me this 17 Day of

July, 2009

Deanna Brown  
Notary Public



Chris Clemmons  
(Signature of Chairman/Treasurer)

**From:** The committee of Bob Hausler 4 Mayor L 15282  
**To:** The State Board of Elections  
**Subject:** Appeal of delinquent filing of required campaign disclosure

Dear State Board of Elections,

The committee of Bob Hausler 4 Mayor respectfully wishes to appeal the assessed fine of \$200.00. The following are our reasons for this appeal:

- 1) Our committee mailed the D-2 Pre Election report the same day we faxed a Schedule A-1 report, which was confirmed, received and timely on 3/19.
- 2) The State Board of Elections records along with our receipt indicate that our D-2 pre election report arrived 42 hours and 39 minutes past the filing cut off time of 5:00 PM, March 23rd.
- 3) However, our receipt from the State Board also says "**Postmark illegible**". (See attached copy)
- 4) The states election rules say that "Reports that are postmarked more than 72 hours prior to the filing deadline will be considered a timely filing even if received after the deadline."
- 5) In dealing with the US Postal service, we have experienced that letters sent within our state of Illinois can take several days to be delivered. For example, the State Board of Elections mailed our committee our late notice, dated 4/6. The notice was postmarked 4/7 but our committee did not receive the notice until 4/14. It took 8 days for the letter to travel from Springfield, IL to Newark, IL.

Our committee questions that it took less than 43 hours for our D-2 Pre Election form to arrive in Springfield. This coupled with the State Boards 72 hour post mark allowance, combined with the fact that the Boards own findings were that the postmark was "**illegible**", leads our committee to respectfully request that our case be declared inconclusive and dismissed.

Thank you for your time and consideration in this matter.

Sincerely,  
Chris Clemmons- Treasurer

  
Bob Hausler 4 Mayor L15282

3/30/2009

Bob Hausler 4 Mayor  
8124B Finnie Rd  
Newark, IL 60541-9143

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 15282  
Bob Hausler 4 Mayor

**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.

25/2009 11:39:49AM

Received in Springfield D-2 Pre-Election Report 2009CE  
Postmark illegible



BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections  
**Complainant**

v. **Case No. 08 AG 062**

Friends of Dianne McGuire  
**Respondent** L15370

**REPORT OF HEARING EXAMINER**

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

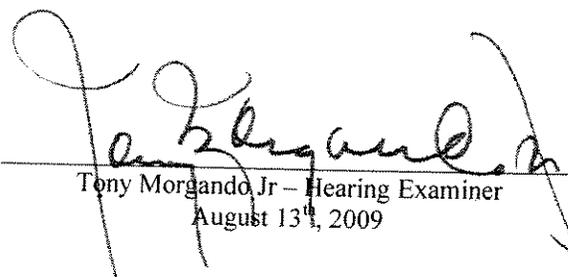
According to the political committee's December 2008 Semi Annual Report, it received eight (8) contributions totaling \$10,880.28, during the Schedule A-1 filing period, October 6<sup>th</sup>, 2008 through and including November 3<sup>rd</sup>, 2008, which failed to be reported as required by statute. The political committee has been fined an assessed civil penalty in the amount of \$10,880.28.

Ms. Molly Dickman, Treasurer, filed a Request for Hearing and Appeal Affidavit, on July 6<sup>th</sup>, 2009, indicating as good reason or defense in part: "Democratic Party of IL contributions of 10/8/08 and 10/9/08 were reported on 10/10/08 (A-1 attached). I thought they had been uploaded properly. It must have been a technical error. IPACE contributions of 10/17/08 and 10/28/08 were not reported to us until 1/5/09 (letter attached)".

Attached to the Appeal Affidavit (1) Two Schedule A-1's, dated October 10<sup>th</sup>, 2008, reflecting assessed in-kind contributions originating from the Democratic Party of IL; (2) In-Kind Notification Forms, originating from the Democratic Party of IL to the Friends of Dianne McGuire, detailing in-kinds provided and their cost; and (3) Correspondence originating from the IL Political Action Committee for Education, dated January 5<sup>th</sup>, 2009, to Ms. Dianne McGuire indicating "that the expenditures outlined on the enclosed printout were made by the IEA-IPACE on your behalf".

Hearing in this matter was scheduled for Tuesday, August 18<sup>th</sup>, 2009, to be conducted at the Chicago Board office, 100 W. Randolph, 14<sup>th</sup> Floor, at 10:00 a.m. Discussion related to this matter was conducted via teleconference call with Ms. Molly Dickman, Treasurer on Thursday, August 13<sup>th</sup>, at approximately 9:00 a.m. Ms. Dickman indicated all prior A-1's were filed in an appropriate and timely manner, causing questions directed towards technical procedures. Ms. Dickman stated the Schedule A-1's were prepared on October 10<sup>th</sup>, 2008, as introduced in evidence, but apparently were not properly uploaded.

After reviewing the documents in this matter, and discussions with Ms. Dickman, it is the opinion of the Hearing Examiner that (1) a technical error in the attachment or cloning of information related to the in-kind contributions received from the Democratic Party of IL occurred. The Hearing Examiner notes the political committee filed 32 Schedule A-1's during the 2008 November General Elections in a timely manner; and (2) It is apparent the notification by the IL Political Action Committee for Education, dated January 5<sup>th</sup>, 2009, was received by the political committee following the close of the A-1 filing period. It is therefore the recommendation of the Hearing Examiner that the appeal be *granted* in this matter. The Hearing Examiner further recommends that the political committee amend its December 2008 Semi-Annual Report to correctly reflect the date such contributions were acknowledged to be received within 30 days of the effective date of the Final Board Order, and also strongly encourages the political committee in the future to view contents of electronic transmissions to assure completeness.

  
Tony Morgando, Jr - Hearing Examiner  
August 13<sup>th</sup>, 2009



www.ieanea.org

Illinois Education Association

# Illinois Political Action Committee for Education

100 East Edwards Street  
Springfield, IL 62704-1999

217/544-0706 • 800-252-8076 • Fax 217.544.0691

\*\*\*\*\*

*1/18/09  
checked & added*

January 5, 2009

Ms. Dianne McGuire  
1235 Tennyson Lane  
Naperville, IL 60540

Dear Ms. McGuire: *Dianne*

Our records indicate that the expenditure(s) outlined on the enclosed printout were made by IEA-IPACE on your behalf. The total amount(s) listed will be reported to the Secretary of State's office on IEA's semi-annual (July 1 – December 31) expenditure report for 2008.

Sincerely,

Jim Reed  
IPACE Coordinator

JWR/dp  
Enclosure

ILLINOIS EDUCATION ASSOCIATION/IPACE  
 ETHICS REPORT DATA  
 July 1, 2008 through December 31, 2008

Title	First Name	Last Name	Date of Expense	Desc.	Amt Reportable	Lobbyist
Ms.	Dianne	McGuire	8/4/2008	Breakfast	\$9.80 ✓	Gaye Larison
Ms.	Dianne	McGuire	10/17/2008	In-Kind - postage for mail	\$930.72 ✓	Michelle Ishmael
Ms.	Dianne	McGuire	8/7/2008	In-Kind - postage for mail <i>Already there</i>	\$34.44 X	Michelle Ishmael
Ms.	Dianne	McGuire	10/28/2008	Mail Service & Robo Calls	\$964.17 ✓	Michelle Ishmael

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
June 25, 2009

Friends of Dianne McGuire  
Molly Dickman  
415 Vaughn  
Aurora, IL 60504

L15370

Dear Friends of Dianne McGuire;

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>
Democratic Party of IL	10/8/08	1185.22	1185.22	*not filed	15
Democratic Party of IL	10/8/08	1717.68	1717.68	*not filed	15
Democratic Party of IL	10/8/08	831.35	831.35	*not filed	15
Democratic Party of IL	10/8/08	1098.10	1098.10	*not filed	15
Democratic Party of IL	10/9/08	2076.52	2076.52	*not filed	14
Democratic Party of IL	10/9/08	2076.52	2076.52	*not filed	14
IPACE	10/17/08	930.72	930.72	*not filed	9
IPACE	10/28/08	964.17	964.17	*not filed	2

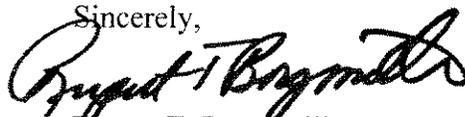
The committee is fined a **total** of \$10880.28 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

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 \$1089.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. ***If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.*** Notice of Appeal must be filed within 30 days of the date of this assessment for it to be considered. If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

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

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

State of Illinois )  
County of DuPage )

STATE BOARD OF ELECTIONS  
09 JUL -6 PM 12:54

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. 08AG-062

APPEAL AFFIDAVIT

I, Molly Dickman, the Treasurer of the  
(Name) (Chairman/Treasurer)  
Friends of Dianne McGuire  
(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:

- \* Democratic Party of IL contributions of 10/8/08 and 10/9/09 were reported on 10/10/09. (A1 attached)
- \* IPACE Contributions of 10/17/08 and 10/28/08 were not reported to us until 1/5/09. (letter attached)
- ▷ I thought they had been uploaded properly. It must have been a technical error.

Signed and Sworn to by:  
Molly Dickman  
before me this 30<sup>th</sup> Day of  
June, 2009

Laura A Consigny  
Notary Public

[Signature]  
(Signature of Chairman/Treasurer)





# SCHEDULE A-1

## REPORT OF CAMPAIGN CONTRIBUTIONS OF \$500 OR MORE

1 / 2

Full name and complete mailing address of Political Committee

Friends of Dianne McGuire  
1235 Tennyson Lane  
Naperville IL 60540

**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
Democratic Party of Illinois 1201 S. Veterans Pkwy. Suite C Springfield IL 62704 <b>payroll</b>	<input type="checkbox"/> Individual Monetary Contributions <input type="checkbox"/> Transfers In <input type="checkbox"/> Loans Received <input type="checkbox"/> Other Receipts (No In-kind) <input checked="" type="checkbox"/> In-kind Contributions	10/08/2008	831.35
Democratic Party of Illinois 1201 S. Veterans Pkwy. Suite C Springfield IL 62704 <b>Payroll</b>	<input type="checkbox"/> Individual Monetary Contributions <input type="checkbox"/> Transfers In <input type="checkbox"/> Loans Received <input type="checkbox"/> Other Receipts (No In-kind) <input checked="" type="checkbox"/> In-kind Contributions	10/08/2008	1717.68
Democratic Party of Illinois 1201 S. Veterans Pkwy. Suite C Springfield IL 62704 <b>Payroll</b>	<input type="checkbox"/> Individual Monetary Contributions <input type="checkbox"/> Transfers In <input type="checkbox"/> Loans Received <input type="checkbox"/> Other Receipts (No In-kind) <input checked="" type="checkbox"/> In-kind Contributions	10/08/2008	1098.10
Democratic Party of Illinois 1201 S. Veterans Pkwy. Suite C Springfield IL 62704 <b>Employee Insurance</b>	<input type="checkbox"/> Individual Monetary Contributions <input type="checkbox"/> Transfers In <input type="checkbox"/> Loans Received <input type="checkbox"/> Other Receipts (No In-kind) <input checked="" type="checkbox"/> In-kind Contributions	10/08/2008	449.64
Democratic Party of Illinois 1201 S. Veterans Pkwy. Suite C Springfield IL 62704 <b>Employee Insurance</b>	<input type="checkbox"/> Individual Monetary Contributions <input type="checkbox"/> Transfers In <input type="checkbox"/> Loans Received <input type="checkbox"/> Other Receipts (No In-kind) <input checked="" type="checkbox"/> In-kind Contributions	10/08/2008	1185.22

Molly McGuire-Dickman

SIGNATURE OF TREASURER OR CANDIDATE

10/10/2008

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



# SCHEDULE A-1

## REPORT OF CAMPAIGN CONTRIBUTIONS OF \$500 OR MORE

2 / 2

Full name and complete mailing address of Political Committee

Friends of Dianne McGuire  
1235 Tennyson Lane  
Naperville IL 60540

**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
Democratic Party of Illinois 1201 S. Veterans Pkwy. Suite C Springfield IL 62704 postage	<input type="checkbox"/> Individual Monetary Contributions <input type="checkbox"/> Transfers In <input type="checkbox"/> Loans Received <input type="checkbox"/> Other Receipts (No In-kind) <input checked="" type="checkbox"/> In-kind Contributions	10/09/2008	2076.52
Democratic Party of Illinois 1201 S. Veterans Pkwy. Suite C Springfield IL 62704 postage	<input type="checkbox"/> Individual Monetary Contributions <input type="checkbox"/> Transfers In <input type="checkbox"/> Loans Received <input type="checkbox"/> Other Receipts (No In-kind) <input checked="" type="checkbox"/> In-kind Contributions	10/09/2008	2076.52

Molly McGuire-Dickman

SIGNATURE OF TREASURER OR CANDIDATE

10/10/2008

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

# IN-KIND CONTRIBUTION NOTIFICATION

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days. Do not send this form to the State Board of Elections or the County Clerk.

**TO:**  
Friends of Dianne McGuire  
1235 Tennyson Ln  
Naperville, IL 60540-0333

**FROM:**  
Democratic Party of Illinois  
PO Box 518  
Springfield, IL 62704

## In-Kind Contribution(s)

Vendor	Date/Time	Value	Description
Moeen Zahdan 7129 S Mill Chicago IL 60629	10/8/08	831.36	payroll

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

Democratic Party of Illinois  
Signature of Contributor

Revised December 1, 1998

TOTAL P.06

# IN-KIND CONTRIBUTION NOTIFICATION

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days. Do not send this form to the State Board of Elections or the County Clerk.

**TO:**  
 Friends of Dianne McGuire  
 1235 Tennyson Ln  
 Naperville, IL 60540-0333

**FROM:**  
 Democratic Party of Illinois  
 PO Box 518  
 Springfield, IL 62704

## In-Kind Contribution(s)

Vendor	Date	Value	Description
Liz Moe Garcia 1177 Comiskey N Aurora IL 60542	10/8/08	1717.68	payroll

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

Democratic Party of Illinois  
Signature of Contributor

Revised December 1, 1998

# IN-KIND CONTRIBUTION NOTIFICATION

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days. Do not send this form to the State Board of Elections or the County Clerk.

**TO:**  
 Friends of Dianne McGuire  
 1235 Tennyson Ln  
 Naperville, IL 60540-0333

**FROM:**  
 Democratic Party of Illinois  
 PO Box 518  
 Springfield, IL 62704

## In-Kind Contribution(s)

Vendor	Date/Time	Value	Description
Sara Harbin 211 Troulet Benld IL	10/8/08	1098.10	payroll

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

**Democratic Party of Illinois**  
Signature of Contributor

Revised December 1, 1998

# IN-KIND CONTRIBUTION NOTIFICATION

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days. Do not send this form to the State Board of Elections or the County Clerk.

**TO:**  
Friends of Dianne McGuire  
1235 Tennyson Ln  
Naperville, IL 60540-0333

**FROM:**  
Democratic Party of Illinois  
PO Box 518  
Springfield, IL 62704

## In-Kind Contribution(s)

Vendor	Date/Time	Value	Description
Central Management Services PO Box 10077 Springfield, IL 6291	10/8/08	1185.22	Moe-Garcia insurance

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

**Democratic Party of Illinois**  
Signature of Contributor

Revised December 1, 1998

# IN-KIND CONTRIBUTION NOTIFICATION

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days. Do not send this form to the State Board of Elections or the County Clerk.



**TO:**  
 Friends of Dianne McGuire  
 1235 Tennyson Ln  
 Naperville, IL 60540-0333

**FROM:**  
 Democratic Party of Illinois  
 PO Box 518  
 Springfield, IL 62704

## In-Kind Contribution(s)

Vendor/Service	Date/Time	Value	Description
US Post Office 2105 E Cook Springfield, IL 62703	10/9/08	2076.52	postage

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

**Democratic Party of Illinois**  
 Signature of Contributor

Revised December 1, 1998

# IN-KIND CONTRIBUTION NOTIFICATION

The contributor shall notify the committee of donated goods or services of more than \$50 within five (5) business days. Do not send this form to the State Board of Elections or the County Clerk.

**TO:**  
 Friends of Dianne McGuire  
 1235 Tennyson Ln  
 Naperville, IL 60540-0333

**FROM:**  
 Democratic Party of Illinois  
 PO Box 518  
 Springfield, IL 62704

## In-Kind Contribution(s)

Vendor	Date/Time	Value	Description
US Post Office 2105 E Cook Springfield, IL 62703	10/9/08 4:22 PM	\$ 2,076.52	postage

The political committee must report these donations on a Form D-2, Report of Campaign Contributions and Expenditures, Part 5.

Democratic Party of Illinois  
Signature of Contributor

Revised December 1, 1988

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

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

Illinois State Board of Elections  
**Complainant**

v.

**08 AG 071**

Citizens for Edward Acevedo      S 6877  
**Respondent**

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

The Committee received one contribution of \$963.13 on 10/15/08, but failed to list it on a Schedule A-1. The total assessment is \$963.13

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

On the Affidavit, Mr. Ruiz stated that the deposit of \$963.13 from LaConcha A Renaissance Resort was not a contribution; it was a refund for an expenditure on 10/2/08, an overcharge.

I recommend that the Appeal be granted. A Schedule B was included showing the expenditure on 10/2/08, and a Schedule A shows a Part 4-Other Receipt, with the description 'refund'. Refunds are not required to be reported on a Schedule A-1.



Sharon Steward – Hearing Examiner  
August 27, 2009

LaCSTATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
June 25, 2009

Citizens for Edward Acevedo  
Frank Gallardo Jr  
2131 S. Albany  
Chicago, IL 60623

S6877

Dear Citizens for Edward Acevedo;

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>
LaConcha A Renaissance Resort	10/15/08	963.13	963.13	*not filed	11

The committee is fined a **total** of \$963.13 for delinquent filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

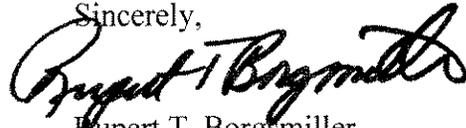
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than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

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$97.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. Since your committee has no other civil penalty assessments and only one delinquent Schedule A-1 amount is listed above, the penalty will be **stayed** as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee.

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

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

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

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

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

State of Illinois )  
County of Cook )

09 JUL -2 PM 1:34

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. 08AG 071

APPEAL AFFIDAVIT

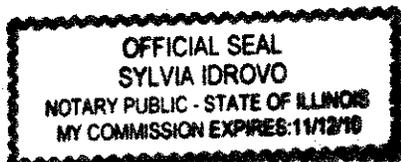
I, Michael Ruiz, the Treasurer of the  
(Name) (Chairman/Treasurer)  
Citizens for Edward Acevedo  
(Name of the Committee)

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 deposit of 963.13 from LaConcha A Renaissance Resort was not a contribution, it was a refund for an expenditure on 10/2/08, a duplicate over charge.

Signed and Sworn to by:  
MICHAEL RUIZ  
before me this 30 Day of  
JUNE, 2009  
[Signature]  
Notary Public

[Signature]  
(Signature of Chairman/Treasurer)



REPORTING PERIOD: FROM 07/01/2008 THRU 12/31/2008

## SCHEDULE B

INDICATE THE PART OF FORM D-2 BEING ITEMIZED:

- PART 6 — TRANSFERS OUT  
 EXPENDITURES TO POLITICAL COMMITTEES —  
 INCLUDING TICKET & RAFFLE PURCHASES
- PART 7 — LOANS MADE
- PART 8 — EXPENDITURES

<b>FOR OFFICE USE ONLY</b>
IDENTIFICATION NO.

**SEE GUIDE TO CAMPAIGN DISCLOSURE FOR INSTRUCTIONS**

ITEMIZED EXPENDITURES <small>FULL NAME, MAILING ADDRESS, AND ZIP CODE</small>	DATE OF EXPENDITURE	BENEFICIARY	AMOUNT OF EACH EXPENDITURE THIS REPORTING PERIOD	AGGREGATE AMOUNT THIS REPORTING PERIOD
UNITED AIRLINES 20 N. Clark  CHICAGO IL 60602 PURPOSE: travel - / luggage	10/01/2008	CITZ FOR ED- WARD ACEVEDO	89.00	700.60
La Concha A Renaissance Resort 1077 Ashford Avenue  San Juan PR 00907 PURPOSE: travel - lodging - staff	10/02/2008	CITZ FOR ED- WARD ACEVEDO	952.54	2899.87
La Concha A Renaissance Resort 1077 Ashford Avenue  San Juan PR 00907 PURPOSE: travel - lodging - candidate	10/02/2008	CITZ FOR ED- WARD ACEVEDO	833.16	2899.87
La Concha A Renaissance Resort 1077 Ashford Avenue  San Juan PR 00907 PURPOSE: travel - lodging - candidate	10/02/2008	CITZ FOR ED- WARD ACEVEDO	963.13	2899.87

REPORTING PERIOD: FROM 07/01/2008 THRU 12/31/2008

# SCHEDULE A

INDICATE THE PART OF FORM D-2 BEING ITEMIZED:

PART 1 - INDIVIDUAL CONTRIBUTIONS  
INCLUDING TICKET AND RAFFLE SALES

PART 3 - LOANS RECEIVED  
INCLUDING ENDORSER

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

PART 4 - OTHER RECEIPTS

**FOR OFFICE USE ONLY**

IDENTIFICATION NO.

**SEE GUIDE TO CAMPAIGN DISCLOSURE FOR INSTRUCTIONS**

ITEMIZED RECEIPTS FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE RECEIVED	AMOUNT OF EACH RECEIPT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
Edward Acevedo 2243 S. Oakley  Chicago IL 60608	08/06/2008	2000.00 loan repayment of 8-24-07	9000.00
		<b>EMPLOYER :</b> State of Illinois	<b>OCCUPATION :</b> State Representative
SYLVIA IDROVO 5240 S. ARTESIAN  CHICAGO IL 60632	08/06/2008	1000.00 loan repayment of 12-13-02	1850.00
		<b>EMPLOYER :</b> STATE OF ILLINOIS	<b>OCCUPATION :</b> ADMINISTRATIVE ASSISTANT
SYLVIA IDROVO 5240 S. ARTESIAN  CHICAGO IL 60632	08/06/2008	500.00 loan repayment of 12-18-2000	1850.00
		<b>EMPLOYER :</b> STATE OF ILLINOIS	<b>OCCUPATION :</b> ADMINISTRATIVE ASSISTANT
SYLVIA IDROVO 5240 S. ARTESIAN  CHICAGO IL 60632	12/31/2008	350.00 repayment of 4-27-04 loan	1850.00
		<b>EMPLOYER :</b> STATE OF ILLINOIS	<b>OCCUPATION :</b> ADMINISTRATIVE ASSISTANT
Sylvia Idrovo 4521 W. 125th Street  Alsip IL 60803	08/06/2008	4200.00 loan repayment of 6-12-08	4200.00
		<b>EMPLOYER :</b> State of Illinois	<b>OCCUPATION :</b> Administrative Assistant
La Concha A Renaissance Resort 1077 Ashford Avenue  San Juan PR 00907	10/15/2008	refund 963.13	963.13
		<b>EMPLOYER :</b>	<b>OCCUPATION :</b>

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

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

**STATE OF ILLINOIS  
COUNTY OF COOK**

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

Illinois State Board of Elections  
**Complainant**

v.

**Case No. 08 AG 072**

Citizens for Elaine Nekritz                      S7957  
**Respondent**

**REPORT OF HEARING EXAMINER**

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

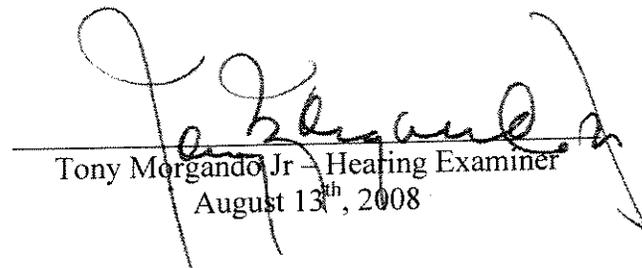
According to the political committee's December 2008 Semi Annual Report, it received three (3) contributions totaling \$3,750.00, during the Schedule A-1 filing period, October 6<sup>th</sup>, 2008 through and including November 3<sup>rd</sup>, 2008, which failed to be reported as required by statute. The political committee has been fined an assessed civil penalty in the amount of \$3,750.00.

Mr. Michael Kreloff, Chairman, filed a Request for Hearing and Appeal Affidavit, on July 22<sup>nd</sup>, 2009, indicating as good reason or defense in part: "on each of the three campaign contributions in question, the Committee erroneously entered, on its D-2 semiannual report, the date the contribution check was issued, rather than the date of receipt of the contribution by the Committee. Because all three of these contributions were not received until after the November 4, 2008 General Election, no A-1 disclosures were warranted and no fines should be assessed".

Attached to the Appeal Affidavit (1) a Photostat copy of a check originating from Terry Athas, payable to the Citizens for Elaine Nekritz, dated 11-2-08, in the amount of \$750, along with the carrier envelope indicating a postage date of November 3<sup>rd</sup>, 2008; (2) a "Donation Listing" ledger maintained by the Citizens for Elaine Nekritz, reflecting receipt of the Athas contribution on November 7<sup>th</sup>, 2008; (3) a Photostat copy of a check originating from Foley & Lardner LLP, payable to the Citizens for Elaine Nekritz, issued November 3<sup>rd</sup>, 2008, in the amount of \$1,000.00; (4) a "Donation Listing" ledger maintained by the Citizens for Elaine Nekritz, reflecting receipt of the Foley & Lardner LLP contribution on November 6<sup>th</sup>, 2008; (5) A Photostat copy of a check originating from CSX Transportation, Inc., payable to the Citizens for Elaine Nekritz, dated October 3<sup>rd</sup>, 2008, in the amount of \$2,000.00; (6) a deposit slip related to the political committee's bank account, held at JPMorgan Chase Bank, Northbrook, IL, reflecting a total deposit of \$5,415.12, on December 31<sup>st</sup>, 2008, which statements indicate the CSX Transportation contribution was integrated; and (7) The Affidavit of Thomas Livingston, Resident Vice President, State Relations, CSX Transportation, stating said "check issued on October 30, 2008, was received by the affiant at some time in early, November, 2008. He held this check in his possession for several weeks and then sent it by U.S. Mail to the Committee's post office box at some time in December 2008"; and

Hearing in this matter was scheduled for Tuesday, August 18<sup>th</sup>, 2009, to be conducted at the Chicago Board office, 100 W. Randolph, 14<sup>th</sup> Floor, at 9:00 a.m. Such matter was telephonically discussed with Mr. Michael Kreloff, Chairman, on Tuesday, August 11<sup>th</sup>, 2008. Mr. Kreloff confirmed statements provided in the Respondents Appeal Affidavit.

After reviewing the documents in this matter, and discussions with Mr. Kreloff, it is the opinion of the Hearing Examiner that contributions were actually received by the political committee following the close of the A-1 filing period; therefore no filing obligation was required. It is therefore the recommendation of the Hearing Examiner that the appeal be *granted* in this matter. The Hearing Examiner further recommends that the political committee amend its December 2008 Semi-Annual Report to correctly reflect the date such contributions were acknowledged to be received within 30 days of the effective date of the Final Board Order.



Tony Morgando Jr - Hearing Examiner  
August 13<sup>th</sup>, 2008

CHICAGO

State of Illinois )  
 )  
County of Cook )

09 AUG 11 AM 8:06

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, )  
 )  
CITIZENS FOR ELAINE NEKRITZ, )  
 )  
Respondent. )

S957

AFFIDAVIT OF THOMAS LIVINGSTON

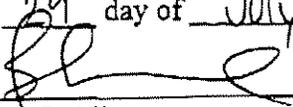
LIVINGSTON (T-L)  
Thomas XXXXXX, first being duly sworn, deposes and states that, concerning the State Board of Elections letter of June 25, 2009:

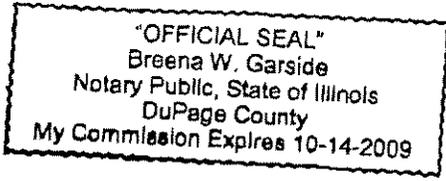
1. He is employed by CSX Transportation, Inc. as Resident Vice President, State Relations.
2. He was sent a campaign contribution from his employer to deliver to Citizens for Elaine Nekritz.
3. Said check, issued on October 30, 2009, was received by affiant at some time in early November, 2008.
4. He held this check in his possession for several weeks and then sent it by U.S. Mail to the Committee's post office box at some time in December of 2008.

Further Affiant sayeth not.

  
THOMAS LIVINGSTON

Signed and sworn to before me by THOMAS LIVINGSTON  
this 29 day of July, 2009.

  
Notary Public



STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
June 25, 2009

Citizens for Elaine Nekritz  
Michael Kreloff  
1884 Stockton  
Northfield, IL 60093

S7957

Dear Citizens for Elaine Nekritz;

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>
Terry Athas	11/2/08	750.00	750.00	*not filed	1
CSX Transportation	10/30/08	2000.00	2000.00	*not filed	1
Foley & Lardner LLP	11/3/08	1000.00	1000.00	*not filed	1

The committee is fined a **total** of \$3750.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

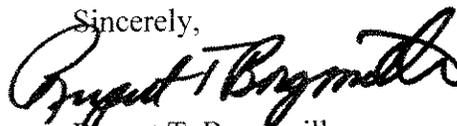
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 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 \$375.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

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

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

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

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

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

State of Illinois )  
 ) SS.  
County of Cook )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF: )  
 )  
**ILLINOIS STATE BOARD OF ELECTIONS,** )  
 )  
Complainant, )  
 )  
**CITIZENS FOR ELAINE NEKRITZ,** )  
 )  
Respondent. )

*08 AG 072*

**APPEAL AFFIDAVIT**

Michael Kreloff, the Chairman of the Citizens for Elaine Nekritz Committee, first being duly sworn, deposes and states that, concerning the State Board of Elections letter of June 25, 2009, he represents that said Committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

On each of the three campaign contributions in question, the Committee erroneously entered, on its D-2 semiannual report, the date the contribution check was issued, rather than the date of receipt of the contribution by the Committee. Because all three of these contributions were not received until after the November 4, 2008 General Election, no A-1 disclosures were warranted and no fines should be assessed.

**1. Terry Athas Contribution \$750.00**

Although the Committee's D-2 Report shows the receipt of this contribution to be November 2, 2008, this was incorrect on its face. Exhibit 1A, attached hereto and made a part hereof, is a true photocopy of the check, first issued on November 2, 2008. Also attached in Exhibit 1A is a true photocopy of the envelope showing that the contribution was mailed to the Committee, with a postal zip code postmark of 60610, dated November 3, 2008, to a Committee post office box (proving the November 2<sup>nd</sup> receipt date undoubtedly erroneous). This post office box was not checked on Election Day but was checked on November 7<sup>th</sup>, when the Athas check actually arrived and was received by the Committee). Exhibit 1B, attached hereto and made a part hereof, is the correct campaign spreadsheet, prepared on November 11, 2008, disclosing the accurate receipt date was, in fact, not November 2<sup>nd</sup>, but November 7, 2008. Received after the November 4, 2008 election, no Schedule A-1 was needed.

**2. CSX Transportation Contribution \$2,000.00**

Although the Committee's D-2 Report shows the receipt of this contribution to be October 30, 2008, this was incorrect on its face. Exhibit 2A, attached hereto and made a part hereof, is a true photocopy of the check, first issued on October 30, 2008, from the Jacksonville, Florida contributor. This check was received by the Committee via U.S. Mail, and not personal delivery, and was not received until after the November 4, 2008 election. (In fact, this contribution was not received by the Committee for many weeks. Attached hereto and made a part hereof is Exhibit 2B, the December 31, 2008 bank deposit ticket which contained this contribution.) Received after the November 4, 2008 election, no Schedule A-1 was needed.

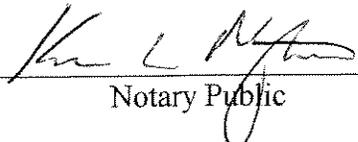
**3. Foley & Lardner LLP Contribution \$1,000.00**

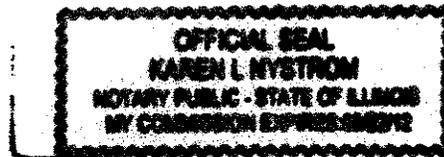
Although the Committee's D-2 Report shows the receipt of this contribution to be November 3, 2008, this was incorrect on its face. Exhibit 3A, attached hereto and made a part hereof, is a true photocopy of the check, first issued on November 3, 2008, from the Milwaukee, Wisconsin contributor. This check was received by the Committee's fundraising consultant in Chicago, IL via U.S. Mail, and not personal delivery, and was not received until November 6, 2008. Exhibit 1B attached hereto and made a part hereof, is the correct campaign spreadsheet, prepared on November 11, 2008, disclosing the accurate receipt date was, in fact, not November 2<sup>nd</sup>, but November 6, 2008. Received after the November 4, 2008 election, no Schedule A-1 was needed.

Because there was no violation of 10 ILCS 5/9-10(b-5), the Committee maintains that no civil penalty is warranted and asks the instant complaint be dismissed, and for other relief as is appropriate.

  
CHAIRMAN

Signed and sworn to by:  
Michael Kreloff  
before me this 21<sup>st</sup> day of  
July, 2009.

  
Notary Public

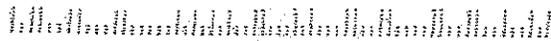




321 North Clark Street, Chicago, Illinois 60610



*Citizens for Elaine Nekritz*  
*PO Box 2536<sup>63</sup>*  
*Glenview, IL*  
*60025*



**Terry Athas** 08-93  
**Suzan Athas**  
 1110 Glenview Rd  
 Glenview, IL 60025-3108

4872  
70-2030719

11-2 1108

PAY TO THE ORDER OF *Citizens for Elaine Nekritz* \$ *750<sup>00</sup>*  
*Seven hundred fifty* — *00/100*

**GLENVIEW STATE BANK**  
 Glenview, Illinois 60025

FILE \_\_\_\_\_ *[Signature]*

⑆071920300⑆ ⑆490 522⑈2⑆ 4872

# Donation Listing

#Name?

Name	Address	City	State	Zip	RecType	Employer	Home Phone	FaxPhone	Date	Amount	Member	Period Cycle	Batch	Source Code
						Occupation	Work Phone	Ext	ID			Attribution		Date2
Athas, Terry	1110 Glenview Rd	Glenview	IL	60025-3108	I	Mesirow Financial	(847) 657-8159		11/7/2008	\$750.00	Nekritz	G	2008	0 Miscella
Bingle, Robert	336 Hillcrest Ave	Hinsdale	IL	60521-4738	I	Corboy & Demetrio	(630) 325-4516		11/11/2008	\$150.00	Nekritz	G	2008	0 NekrTLO
BlueStar Energy Services	31uestar Energy Services	Chicago	IL	60610	O				11/7/2008	\$300.00	Nekritz	G	2008	0 Miscella
Boehringer Ingelheim Pharmaceuticals	300 Ridgebury Rd	Ridgefield	CT	06877	O	Boehringer Ingelheim Ph			11/6/2008	\$500.00	Nekritz	G	2008	0 Miscella
Bruce, Devon	1868 N Leavitt St	Chicago	IL	60647-4425	I		(773) 489-4878		11/11/2008	\$150.00	Nekritz	G	2008	0 NekrTLO
Dan Figola	600 ... Street, Suite 403	Springfield	IL	62704	P				11/6/2008	\$1,000.00	Nekritz	G	2008	0 Miscella
Ellen, Ian	551 ... er Ave.	Chicago	IL	60637	I				11/11/2008	\$150.00	Nekritz	G	2008	0 NekrTLO
Ellen, Roger	PO Box 710	Momence	IL	60954	I				11/11/2008	\$150.00	Nekritz	G	2008	0 NekrTLO
Evers, Mike	9047 W 22nd St	Brookfield	IL	60513	I	Elfenbaum, Evers & Am	(708) 485-6634		11/11/2008	\$150.00	Nekritz	G	2008	0 NekrTLO
Foley & Lardner	777 East Wisconsin Avenue	Milwaukee	WI	53202	O	Alty	(312) 226-2650	910	20694			G	2008	0 Miscella
Ganschow, Chris	345 Bloom St.	Highland Park	IL	60035	I	Cagwood Consulting	(847) 825-1120		11/7/2008	\$50.00	Nekritz	G	2008	0 Miscella

Tuesday, November 11, 2008

EX. 1B



P.O. Box 44057  
Jacksonville, FL 32231-4057

DO NOT FORWARD



ADDRESS INQUIRES TO  
MANAGER - ACCOUNTS PAYABLE SIC J882  
P.O. BOX 44057, JACKSONVILLE, FL 32231-4057

00007 - RAIL

CITIZENS FOR ELAINE NEKRITZ  
PO BOX 2563  
GLENVIEW, IL 60025-6563



For Payment of Invoices Or Items Listed Below	
Payee Number:	1123466 4092054
Date:	10-30-08
Check No.:	5030219
Check Amount:	\$2,000.00

- ADJUSTMENT CODES
- |                       |                    |
|-----------------------|--------------------|
| 1 - FREIGHT ALLOWANCE | 5 - CAN G.S.T.     |
| 2 - SHIPPING CHARGES  | 6 - CREDIT         |
| 3 - TAX               | 7 - FREIGHT CHARGE |
| 4 - MISC              | 8 - STOCK ADJ.     |
|                       | 9 - DISCOUNT       |

INVOICE NUMBER	PURCHASE ORDER	GROSS AMOUNT	ADJUSTMENT AMOUNT	C O D E	NET AMOUNT	INVOICE NUMBER	PURCHASE ORDER	GROSS AMOUNT	ADJUSTMENT AMOUNT	C O D E	NET AMOUNT
780		200000			200000						



CSX TRANSPORTATION, INC.

52-153/112

Payee Number  
4092054

Date  
OCTOBER 30, 2008

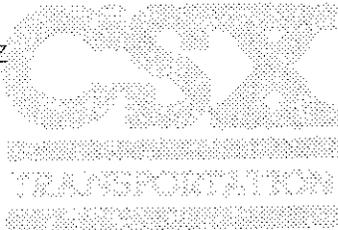
Check Number  
5030219

Pay To The  
Order Of

CITIZENS FOR ELAINE NEKRITZ  
PO BOX 2563  
GLENVIEW, IL 60025-6563

\$ \*\*\*\*\*2,000.00

Not Negotiable After 90 Days



*[Signature]*  
Chief Financial Officer

11 MAINE  
11 PORTLAND, ME

⑈ 5030219⑈ ⑈ 011201539⑈ 130 12521⑈

EX. 2 A



FOLEY & LARDNER LLP  
777 East Wisconsin Avenue  
MILWAUKEE, WISCONSIN 53202

NO. 1146436

Date Nov 03, 2008  
Void After 90 Days

79-1160759

PAY ONE THOUSAND AND 00/100 Dollars

AMOUNT
1,000.00

U.S. BANK WAUSAU, WISCONSIN

PAY TO THE ORDER OF

CITIZENS FOR ELAINE NEKRITZ  
101 W. GRAND AVENUE - SUITE 200  
CHICAGO, IL 60654

*Tom I Budd*

FOR \_\_\_\_\_

CHECKS OVER \$15,000 REQUIRE TWO SIGNATURES

⑈ 1146436 ⑆ ⑆ 0759 1 1603 ⑆ 75570 1992 ⑆

Illinois Land Title Assn - PAC 225 East Cook Street Springfield, IL 62704	BANK OF SPRINGFIELD 2600 Stevenson Drive (217) 528-5555 Springfield, IL 62703 70,855/711	1234
		10/29/2008
PAY TO THE ORDER OF Citizens for Elaine Nekritz		
One Hundred Fifty and 00/100	**150.00 \$	DOLLARS
Citizens for Elaine Nekritz 101 W Grand Ave. #200 Chicago, IL 60610		
OR		
⑆ 00 1234 ⑆ ⑆ 07 1 108559 ⑆ 03 1 14597 ⑆		

ANDREA L. SOLOW OR ALAN R. SOLOW 900 N. KINGSBURY ST. APT. 1031 CHICAGO, IL 60610-7449	01-94	2390
		2-50/710
		<u>October 28, 2008</u> Date
Pay to the Order of <u>Citizens for Elaine Nekritz</u>		
<u>Michael C. [unclear]</u>	\$ 100. <sup>00</sup>	Dollars
<b>Bank of America</b>		
For _____		
⑆ 07 1000 50 5 ⑆ 0008 2 18 2 1 ⑆ 0 2390		

EX 3A

# Donation Listing

#Name?

Name	Address1	City	State	Zip	RecType	Employer	Occupation	Home Phone	Work Phone	Ext	FaxPhone	Date	ID	Amount	Member	Attribution	Period Cycle	Batch	Source Code	
<b>Athas, Terry</b>	1110 Glenview Rd	Glenview	IL	60025-3108	I	Mesrow Financial	Senior Managing Direct	(847) 657-8159	(312) 595-6181			11/7/2008	10085	\$750.00	Nekritz	G	2008	0	Miscella	
<b>Bingle, Robert</b>	336 Hillcrest Ave	Hinsdale	IL	60521-4738	I	Corboy & Demetrio	Attorney	(630) 325-4516				11/11/2008	7033	\$150.00	Nekritz	G	2008	0	NekrTLO	
<b>BlueStar Energy Services</b>					O															
Bluestar Energy Services	Chicago	Chicago	IL	60610								11/7/2008	21435	\$300.00	Nekritz	G	2008	0	Miscella	
<b>Boehringer Ingelheim Pharmaceuticals</b>					O	Boehringer Ingelheim Ph														
900 Ridgebury Rd	Ridgefield	Ridgefield	CT	06877								11/6/2008	26304	\$500.00	Nekritz	G	2008	0	Miscella	
<b>Bruce, Devon</b>	1868 N Leavitt St	Chicago	IL	60647-4425	I			(773) 489-4878				11/11/2008	10607	\$150.00	Nekritz	G	2008	0	NekrTLO	
<b>Elliott, Roger</b>	PO Box 710	Momence	IL	60954	I							11/11/2008	26366	\$150.00	Nekritz	G	2008	0	NekrTLO	
<b>Evers, Mike</b>	9047 W 22nd St	Brookfield	IL	60513	I	Eifenbaum, Evers & Am	Alty	(708) 485-6634	(312) 226-2650	910		11/11/2008	20694	\$150.00	Nekritz	G	2008	0	NekrTLO	
<b>Foley &amp; Lardner</b>	777 East Wisconsin Avenue	Milwaukee	WI	53202	O							11/6/2008	26337	\$1,000.00	Nekritz	G	2008	0	Miscella	
<b>Ganschow, Chris</b>	345 Bloom St.	Highland Park	IL	60035	I	Cagwood Consulting	Director of Government	(847) 825-1120				11/7/2008	25634	\$50.00	Nekritz	G	2008	0	Miscella	

Tuesday, November 11, 2008

EX. 3B

STATE OF ILLINOIS  
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections

**Complainant**

v.

08 AG 075

Friends of Kwame Raoul

S 8749

**Respondent**

**REPORT OF HEARING EXAMINER**

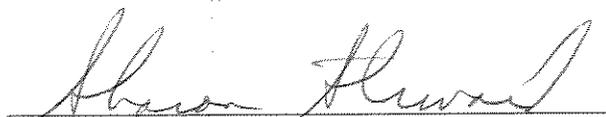
Appeal of Civil Penalty Assessment for Delinquently Filing a  
Schedule A-1 for the 2008 General Election

This Committee received 4 contributions of more than \$500 and which totaled \$11,500, but failed to list them on a Schedule A-1. The total assessment is \$11,500.

Alan S. King, the Chairman of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. King referenced two attachments. It is stated on Attachment A that the Committee submits that the determination and all fines should be rescinded in their entirety because, during the subject reporting period, the Committee was a 'non-participating' committee as defined by Election Code (10 ILCS 5/9) and the Board website, and the Committee was therefore, not required to file any A-1 reports. The law at the time defined a 'non-participating' committee as a committee that 'has not spent more than \$500 supporting or opposing a candidate or question of public policy on the ballot.' There was no mention in the law to the \$500 spending limit being \$500 in aggregate. The law has since been amended to add the words 'in aggregate', but this law did not take effect until January 1, 2009. The committee made several contributions on behalf of candidates on the 2008 General Election ballot, but none exceeded the \$500 threshold. The Committee did file four Schedule A-1s, but ceased filing them upon the advice of Board staff, that a non-participating committee was not required to file Schedule A-1s. Attachment B is an informational piece from the Board website which also supports the position of the Committee.

Since the amendment which included the 'in aggregate' language was not effective until January 1, 2009, the Committee was operating under the law as it existed at the time these contributions were made. I therefore recommend that the Appeal be granted.



Sharon Steward – Hearing Examiner

August 24, 2009

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
June 25, 2009

Friends of Kwame Raoul  
1507 E 53rd St, ste 909  
Chicago, IL 60615

S8749

Dear Friends of Kwame Raoul;

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>
Friends of Clayborne	10/23/08	10000.00	10000.00	*not filed	5
RPAC Realtors	10/15/08		**500.00		
RPAC Realtors	10/28/08	500.00	500.00	*not filed	2
Building Owners & Managers Assoc	10/23/08	1000.00	1000.00	*not filed	5

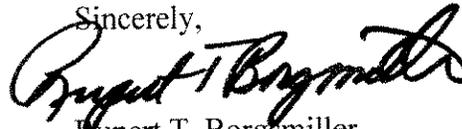
The committee is fined a **total** of \$11500.00 for delinquent filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total *does not* reflect any previously assessed fines.

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

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$1150.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. *If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.* Notice of Appeal must be filed within 30 days of the date of this assessment for it to be considered. If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

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

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

State of Illinois )  
County of Cook )

STATE BOARD OF ELECTIONS

09 JUL 21 AM 11:11

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. 08 AG 075

APPEAL AFFIDAVIT

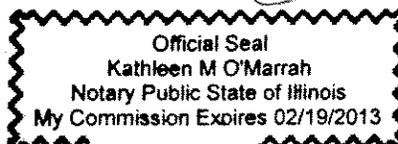
I, Alan S. King, the Chairman of the  
(Name) (Chairman/Treasurer)  
Friends of Kwame Raoul  
(Name of the Committee)

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 Exhibits A and B attached.

Signed and Sworn to by:  
Kathleen M. O'Marrak  
before me this 21<sup>st</sup> Day of  
July, 2009  
Kathleen M. O'Marrak  
Notary Public

[Signature]  
(Signature of Chairman/Treasurer)



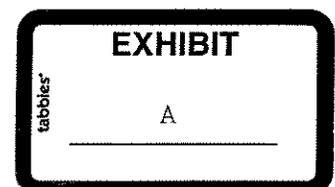
The Friends of Kwame Raoul Committee ("Committee") appeals the determination and proposed fine (communicated to the Committee by letter dated June 25, 2009) for allegedly failing to file Schedule A-1 reports on three occasions during the Fall 2008 pre-election reporting period. The Committee respectfully submits that the determination and all fines should be rescinded in their entirety because, during the subject reporting period, the Committee was a "non-participating" committee as defined by the Election Code (10 ILCS 5/9) and the Board of Elections website, and the Committee was, therefore, not required to file any A-1 reports.

At all relevant times, the Board of Elections website defined a "non-participating" committee as a committee that "has not spent more than \$500 supporting or opposing a candidate or question of public policy on the ballot." [Emphasis added.] (See <http://www.elections.state.il.us/CampaignDisclosure/StateNonPart.aspx>); and Exhibit B attached hereto, statement from Board of Elections website during the relevant period.) The website made no reference to the \$500 spending limit being \$500 *in the aggregate*, and the Committee reasonably relied on the Board's statement on its website.

The Illinois Election Code has since been amended to change this definition to cover committees that spend in excess of \$500 *in the aggregate* on behalf of or against a candidate or candidates, or a public question or public questions on the ballot. (10 ILCS 5/9-10). However, this provision making the non-participation exemption applicable only to committees who have not made donations in the aggregate in excess of \$500 did not take effect until **January 1, 2009**. (*Id.*)

The Committee made several contributions prior to January 1, 2009 on behalf of candidates on the November 4, 2008 ballot, but none exceeded \$500 for any single candidate. The following contributions were made to candidates on the ballot: \$500 to Dan Kotowski for Senate on October 30, 2008, and \$500 to Friends of Peter Gutzmer on October 24, 2008. Other contributions that might be characterized as indirect contributions on behalf of candidates on the ballot were \$250 to the Fourth Ward Democratic Organization on July 14, 2008, and \$400 to the Senate Democratic Fund on September 18, 2008. Under existing law at the time, none of these contributions exceeded the threshold amount that would require a committee to file Schedule A-1 reports or a pre-election report.

It should be noted that the Committee filed four Schedule A-1 reports during the pre-election period in question, but ceased filing such reports when Oreal James, Committee Campaign Director, consulted with Tara Cachur (Campaign Disclosure Specialist for the Board of Elections) and learned that "non-participating" committees were not required to file Schedule



A-1 reports. James also reviewed the Board of Elections website to confirm that the Committee fell within the definition of a “non-participating” committee. (See Exhibit B attached.)<sup>1</sup>

Wherefore, the Committee respectfully requests that the determination that it was in violation of the Election Code for failure to file Schedule A-1 reports be reversed and all associated fines be rescinded. Thank you for your consideration.

CH01/25360143.1

---

<sup>1</sup> The Committee filed its Statement of Non-Participation, which was received and accepted by the Board on October 18, 2008.

## Statement of Non-Participation

### Statement of Non-Participation

A political committee that is not participating in an election may file a Statement of Non-Participation in lieu of a Pre-Election Report.

"Not participating" means the committee has not spent more than \$500 supporting or opposing a candidate or question of public policy on the ballot. This includes expenditures for any form of communication that mentions the name of a candidate or party 60 days before a general election or 30 days before a primary election.

Committees organized to support or oppose a candidate or question of public policy on the ballot cannot file a Statement of Non-Participation for that election – they must always file a Pre-Election Report, unless the election in question is a General Primary Election.

### **No Pre-Election Report or Statement of Non-Participation is required in connection with a General Primary Election.**

A Statement of Non-Participation must be filed according to the Pre-Election schedule, but does not require the political committee to disclose any financial activity. A political committee would only be required to mark on the form D-2: (a) Non-Participation, indicating the election date; (b) the name and mailing address of the political committee; and, (c) the signature of the treasurer or candidate.

If a Statement of Non-Participation is filed and the committee subsequently makes a contribution to a candidate or to support or oppose a proposition, a Pre-Election Report must be filed within five days, or within 24 hours in the period five days prior to the election.

EXHIBIT

B

**STATE OF ILLINOIS  
COUNTY OF COOK**

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

Illinois State Board of Elections  
**Complainant**

**Vs.**

**Case No. 08 AG 077**

Citizens for Connelly           S9570  
**Respondent**

**REPORT OF HEARING EXAMINER**

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

According to the political committee's December 2008 Semi Annual Report, it received a contribution from the IL Chamber PAC, dated October 17<sup>th</sup>, 2008, in the amount of \$1,000.00, during the Schedule A-1 filing period, October 6<sup>th</sup>, 2008 through and including November 3<sup>rd</sup>, 2008, which failed to be reported as required by statute. The political committee has been fined an assessed civil penalty in the amount of \$1,000.00.

Citizens for Connelly, by its attorneys, Robbins, Salomon & Patt, Ltd., filed a Request for Hearing and Appeal Affidavit, on July 24<sup>th</sup>, 2009, indicating as good reason or defense: "The said committee requests a public hearing at which it will appear to offer reasons and defenses as to why the proposed assessments should not be imposed".

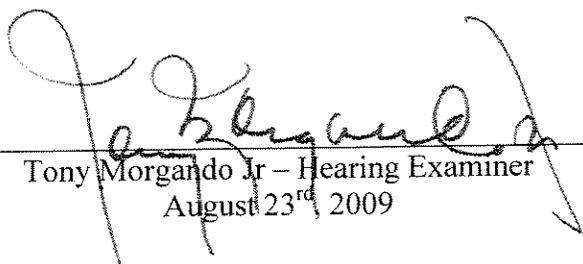
Attached to the Appeal Affidavit (1) the Appeal Affidavit of Scott D. Spears, indicating in part "Citizens for Connelly retained me as their attorney to provide advice regarding the Illinois Election Code, and particularly the Illinois Campaign Disclosure Act"; "In this capacity, I am personally responsible for preparing all candidate filings required under the Act based on information provided by Michael Connelly"; I was trained on the proper use of IDIS by the Illinois State Board of Elections and have used IDIS continuously since November, 2002"; I prepare and submit reports through IDIS for seven different political committees"; "On October 17, 2008, I received an email communication from Connelly that the Committee received an in-kind contribution of \$1,000.00 from the Illinois Chamber of Commerce (Exhibit A)"; "I researched the name of the Illinois Chamber of Commerce's PAC as it is on file with the Illinois State Board of Elections, and determined that it was a state committee. I confirmed this information with Connelly. A copy of these e-mails attached as Exhibit B"; "I prepared both the Committee's Pre-Election Report and the A-1 for the Contributions. A true and correct copy of this A-1 is attached hereto as Exhibit C"; "The Contribution is the only receipt for the Committee that was filed on Form A-1 on October 17, 2008"; "I submitted the A-1 for the Contribution through IDIS, and received a confirmation e-mail from the Illinois State Board of Elections indicating that the A-1 was received and accepted at 2:08 p.m. on October 17, 2008" (Exhibit D); "I received a copy of a June 25, 2009 letter from the Illinois State Board of Elections assessing a fine against the Committee for the Contribution"; "On July 1, 2009, I reviewed the Committee's IDIS computer file to confirm that I had prepared and submitted an A-1 for the Contribution".

"I next reviewed the Committee's filings as reported on the Illinois State Board of Elections web site, and confirmed that there was an entry for the A-1 at 2:08 p.m. on October 17, 2008 (Exhibit E)"; "I observed that the entry for the relevant A-1 was identified as having zero pages"; After reviewing the entry for the Contribution, staff confirmed that I had entered the information, including date of election, into IDIS properly"; "Any failure of the A-1 to properly transmit was not the result of the Committee's inadvertence or negligence. Additionally, the Committee did not knowingly or intentionally cause the A-1 to improperly transmit"; The Committee has no past violations of Sections 9-3 and 9-10 of the Act"; (2) the Appeal Affidavit of Michael Connelly, Chairman/Treasurer, Citizens for Connelly, indicating in part "In my role as Treasurer, I personally receive, record, and deposit all contributions for the Committee, including the \$1,000.00 in-kind contribution made by the Illinois Chamber PAC on October 17, 2008"; "Based on the information I provide, Mr. Spears prepares all candidate filings required under the Act, and submits said filings electronically through the Illinois Disclosure Information System"; "On October 17, 2008 I advised Mr. Spears by e-mail that the Committee had received the Contribution" (Exhibit A); "At 2:10 p.m. on October 17, 2008, Mr. Spears advised that my filings were up to date" (Exhibit B).

Hearing in this matter was scheduled for Tuesday, August 18<sup>th</sup>, 2009, to be conducted at the Chicago Board office, 100 W. Randolph, 14<sup>th</sup> Floor, at 10:00 a.m. This matter was discussed via teleconferencing on Friday, August 13<sup>th</sup>, 2009, at approximately 12-noon.

Mr. Scott Spears, counsel, via teleconferencing, spoke on behalf of the Respondent. Mr. Spears confirmed statements submitted by written affidavit, and Exhibits attached therein.

After a review of the documents submitted in this matter, discussions with Disclosure staff, and Mr. Scott Spears, counsel for the Respondent, it is the opinion of the Hearing Examiner that a technical error in cloning the Illinois Chamber of Commerce PAC \$1,000 in-kind contribution dated October 17<sup>th</sup>, 2008 did occur. This error inadvertently caused the Schedule A-1 to be electronically uploaded blank. The Hearing Examiner truly believes the Schedule A-1 uploaded at 2:08 p.m., on October 17<sup>th</sup>, 2008, was transmitted with the intent to disclose the Illinois Chamber of Commerce PAC's in-kind contribution. It is therefore the recommendation of the Hearing Examiner that the appeal be granted in this matter.

  
Tony Morgando Jr – Hearing Examiner  
August 23<sup>rd</sup>, 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  
June 25, 2009

Citizens for Connelly  
Michael Connelly  
2641 Brunswick Ct  
Lisle, IL 60532

S9570

Dear Citizens for Connelly;

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>
IL Chamber PAC	10/17/08	1000.00	1000.00	*not filed	9

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

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

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$100.00, (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. If your committee has no other civil penalty assessments and only one delinquent Schedule A-1 amount is listed above, the penalty will be **stayed** as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee.

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

CHICAGO

2009 JUL 24 AM 11:00

STATE BOARD OF ELECTIONS

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. )  
CITIZENS FOR CONNELLY, )  
Respondent. )

No. 08 AG 077

**APPEAL AFFIDAVIT OF MICHAEL CONNELLY**

I, Michael Connelly, the Chairman and Treasurer of Citizens for Connelly (the "Committee"), first being sworn, deposes and states that the Committee can offer a defense to the assessment of a civil penalty in this matter, and that such defense is:

1. I have personal knowledge of the facts stated herein, and, if called to testify, am competent to testify about same.
2. At all relevant times hereto, I have been the Chairman and Treasurer of the Committee.
3. In my role as Treasurer, I personally receive, record, and deposit all contributions for the Committee, including the \$1,000.00 in-kind contribution made by the Illinois Chamber PAC on October 17, 2008 (the "Contribution").

4. The Committee retained Scott D. Spears, an attorney licensed to practice law in the State of Illinois, for legal advice and to ensure the Committee's compliance with the Illinois Election Code, and, particularly, the Illinois Campaign Disclosure Act (the "Act").

5. Based on the information I provide, Mr. Spears prepares all candidate filings required under the Act, and submits said filings electronically through the Illinois Disclosure Information System.

6. On October 17, 2008, I advised Mr. Spears by e-mail that the Committee had received the Contribution. A copy of my e-mail to Mr. Spears is attached hereto as Exhibit A.

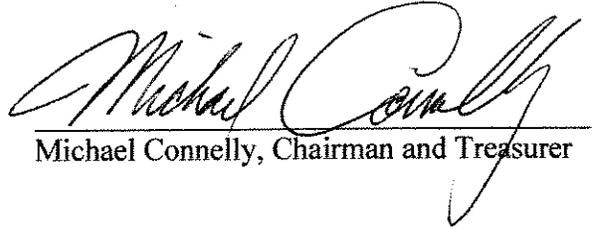
7. I advised Mr. Spears of the Illinois Chamber contribution because I was aware that any contribution received in the 30 day period preceding an election exceeding \$500 must be filed with the Illinois State Board of Elections within two business days, and the Committee received the Contribution within 30 days of the November 4, 2008 General Election.

8. The Contribution was the Committee's only receipt for October 17, 2008, that was in excess of \$500.

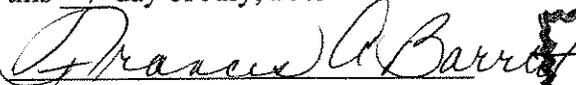
9. At 2:10 p.m. on October 17, 2008, Mr. Spears advised that my filings were up to date. A copy of Mr. Spears' e-mail is attached hereto as Exhibit B.

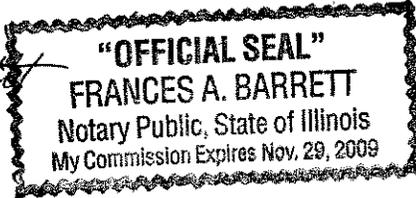
10. I received no further communications regarding the Contribution until receiving a letter from the Illinois State Board of Elections dated June 25, 2009 advising that a fine had been levied against the Committee.

AFFIANT FURTHER SAYETH NAUGHT.

  
Michael Connelly, Chairman and Treasurer

Subscribed and Sworn to before me  
this 27 day of July, 2009

  
Notary Public



**Spears, Scott D.**

---

**From:** Mgconnellylaw@aol.com  
**Sent:** Friday, October 17, 2008 8:46 AM  
**To:** Spears, Scott D.  
**Subject:** In-Kind

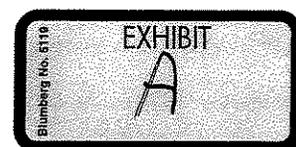
I received a letter from the Illinois Chamber of Commerce stating that they paid \$1000 for a poll in my race.

The vendor for the service was:

Revere Strategies  
200 Evans Lane  
Alexandria, VA 22305

---

New **MapQuest Local** shows what's happening at your destination. Dining, Movies, Events, News & more. [Try it out!](#)



**Spears, Scott D.**

---

**From:** Spears, Scott D.  
**Sent:** Friday, October 17, 2008 2:10 PM  
**To:** 'Mgconnellylaw@aol.com'  
**Subject:** RE: In-Kind  
**Attachments:** image001.png

Mike:

You are all up to date on your filings. Please keep me advised of anything you receive in excess of \$500 between now and 11/3.

Good luck!

sds

---

Scott D. Spears  
Robbins, Salomon & Patt, LTD.  
25 East Washington Street - Suite 1000  
Chicago, Illinois 60602  
Email: [sspears@rsplaw.com](mailto:sspears@rsplaw.com)  
Direct Line: (312) 456-0393

---

**From:** Mgconnellylaw@aol.com [mailto:Mgconnellylaw@aol.com]  
**Sent:** Friday, October 17, 2008 8:46 AM  
**To:** Spears, Scott D.  
**Subject:** In-Kind

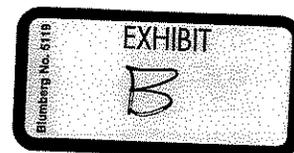
I received a letter from the Illinois Chamber of Commerce stating that they paid \$1000 for a poll in my race.

The vendor for the service was:

Revere Strategies  
200 Evans Lane  
Alexandria, VA 22305

---

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CHICAGO

APR 24 AM 11:00

STATE BOARD OF ELECTIONS

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. )  
CITIZENS FOR CONNELLY, )  
Respondent. )

No. \_\_\_\_\_

**APPEAL AFFIDAVIT OF SCOTT D. SPEARS**

Scott D. Spears, having been duly sworn on oath, deposes and states as follows:

1. I have personal knowledge of the facts stated herein, and, if called to testify, am competent to testify about same.
2. I am an attorney, admitted to the Illinois Bar in 2001, and licensed to practice law in the State of Illinois. I am employed by the law firm of Robbins, Salomon & Patt, Ltd. in Chicago, Illinois.
3. In 2005, Citizens for Connelly (the "Committee") retained me as their attorney to provide advice regarding the Illinois Election Code, and particularly the Illinois Campaign Disclosure Act (the "Act").

4. In this capacity, I am personally responsible for preparing all candidate filings required under the Act based on information provided by Michael Connelly ("Connelly"). I then submit these filings electronically using the Illinois Disclosure Information System ("IDIS").

5. I was trained on the proper use of IDIS by the Illinois State Board of Elections, and have used IDIS continuously since November, 2002.

6. I use IDIS Version 1.2, which, upon information and belief, is the latest version of the IDIS software.

7. I prepare and submit reports through IDIS for seven different political committees.

8. On October 17, 2008, I received an e-mail communication from Connelly that the Committee received an in-kind contribution of \$1,000.00 from the Illinois Chamber of Commerce. A copy of this e-mail is attached hereto as Exhibit A.

9. Upon receipt of Connelly's e-mail, I researched the name of the Illinois Chamber of Commerce's PAC as it is on file with the Illinois State Board of Elections, and determined that it was a state committee. I confirmed this information with Connelly. A copy of these e-mails is attached hereto as Exhibit B.

10. I prepared both the Committee's Pre-Election Report and the A-1 for the Contribution. A true and correct copy of this A-1 is attached hereto as Exhibit C.

11. The Contribution is the only receipt for the Committee that was filed on Form A-1 on October 17, 2008.

12. I submitted the A-1 for the Contribution through IDIS, and received a confirmation e-mail from the Illinois State Board of Elections indicating that the A-1 was received and accepted at 2:08 p.m. on October 17, 2008. This submission was assigned a Filing ID of IL-97637. A copy of this e-mail is attached hereto as Exhibit D.

13. I had no further communications regarding the Contribution until I received a copy of a June 25, 2009 letter (the "Letter") from the Illinois State Board of Elections assessing a fine against the Committee for the Contribution.

14. On July 1, 2009, I received the Letter, and I reviewed the Committee's IDIS computer file to confirm that I had prepared and submitted an A-1 for the Contribution.

15. I next reviewed the Committee's filings as reported on the Illinois State Board of Elections web site, and confirmed that there was an entry for the A-1 at 2:08 p.m. on October 17, 2008. A copy of this page of the Illinois State Board of Elections web site is attached hereto as Exhibit E.

16. On July 1, 2009, I observed that the entry for the relevant A-1 was identified as having zero pages. I contacted the Illinois State Board of Elections in an effort to determine why the relevant A-1 had zero pages. After reviewing the entry for the Contribution, staff confirmed that I had entered the information, including date of election, into IDIS properly. Staff could not explain why the data supporting the A-1 did not post properly.

17. The Committee complied with Section 9-10(b-5) of the Act by reporting the Contribution on Form A-1 on the date of its receipt.

18. The Committee had no reason to believe that the A-1 for the Contribution was not received by the Illinois State Board of Elections.

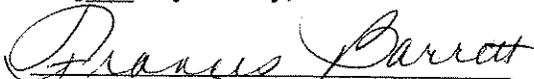
19. Any failure of the A-1 to properly transmit was not the result of the Committee's inadvertence or negligence. Additionally, the Committee did not knowingly or intentionally cause the A-1 to improperly transmit.

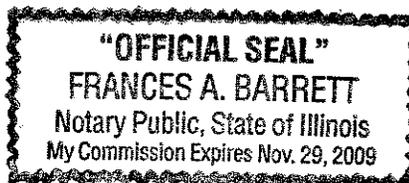
20. The Committee has no past violations of Sections 9-3 and 9-10 of the Act.

AFFIANT FURTHER SAYETH NAUGHT.

  
\_\_\_\_\_  
Scott D. Spears

Subscribed and Sworn to before me  
this 24 day of July, 2009

  
\_\_\_\_\_  
Notary Public



**Spears, Scott D.**

---

**From:** Mgconnellylaw@aol.com  
**Sent:** Friday, October 17, 2008 8:46 AM  
**To:** Spears, Scott D.  
**Subject:** In-Kind

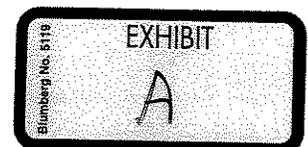
I received a letter from the Illinois Chamber of Commerce stating that they paid \$1000 for a poll in my race.

The vendor for the service was:

Revere Strategies  
200 Evans Lane  
Alexandria, VA 22305

---

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## Spears, Scott D.

---

**From:** Spears, Scott D.  
**Sent:** Friday, October 17, 2008 8:47 AM  
**To:** 'Mgconnellylaw@aol.com'  
**Subject:** RE: In-Kind

Is this the Illinois Chamber of Commerce PAC?

sds

---

Scott D. Spears  
Robbins, Salomon & Patt, LTD.  
25 East Washington Street - Suite 1000  
Chicago, Illinois 60602  
Email: [sspears@rsplaw.com](mailto:sspears@rsplaw.com)  
Direct Line: (312) 456-0393

---

**From:** Mgconnellylaw@aol.com [mailto:Mgconnellylaw@aol.com]  
**Sent:** Friday, October 17, 2008 8:46 AM  
**To:** Spears, Scott D.  
**Subject:** In-Kind

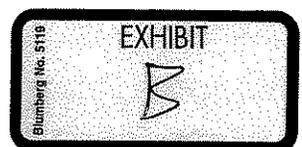
I received a letter from the Illinois Chamber of Commerce stating that they paid \$1000 for a poll in my race.

The vendor for the service was:

Revere Strategies  
200 Evans Lane  
Alexandria, VA 22305

---

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**Spears, Scott D.**

---

**From:** Mgconnellylaw@aol.com  
**Sent:** Friday, October 17, 2008 9:45 AM  
**To:** Spears, Scott D.  
**Subject:** Re: In-Kind

Yes

---

New **MapQuest Local** shows what's happening at your destination. Dining, Movies, Events, News & more. [Try it out!](#)



# SCHEDULE A-1

## REPORT OF CAMPAIGN CONTRIBUTIONS OF \$500 OR MORE

1 / 1

Full name and complete mailing address of Political Committee

Citizens for Connelly

2641 Brunswick Court

Lisle IL 60532

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
Illinois Chamber PAC 215 E. Adams  Springfield IL 62701  Polling	<input type="checkbox"/> Individual Monetary Contributions <input type="checkbox"/> Transfers In <input type="checkbox"/> Loans Received <input type="checkbox"/> Other Receipts (No In-kind) <input checked="" type="checkbox"/> In-kind Contributions	10/17/2008	1000.00



Michael Connelly

SIGNATURE OF TREASURER OR CANDIDATE

10/17/2008

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

**Spears, Scott D.**

---

**From:** Disclose@elections.il.gov  
**Sent:** Friday, October 17, 2008 2:08 PM  
**To:** Spears, Scott D.  
**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 Fri Oct 17 14:08:03 2008, and was assigned the Filing ID of: IL-97637

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: FID3218  
Committee Name: Citizens for Connelly  
Filing Type: A-1

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



[Return to Committee List](#)

Citizens for Connelly

Purpose: Support campaign of Michael G Connelly

2641 Brunswick Ct  
Lisle, IL 60532-3211

Active  
State 9570  
Local 12594

Creation Date: 2/7/2005

[Officers](#) [Previous Officers](#) [Candidates](#) [Propositions](#)

Report Type	Reporting Period	Filed	Pages	Clarification
<a href="#">D-2 Semiannual Report</a>	1/1/2009 to 6/30/2009	7/20/2009 3:00 PM Filed electronically	0	
<a href="#">D-2 Non Participation Report</a>	2009 CE	3/23/2009 12:52 PM Filed electronically	1	
<a href="#">D-2 Non Participation Report</a>	2009 CP	2/9/2009 11:29 AM Filed electronically	1	
<a href="#">D-2 Semiannual Report (Amendment)</a>	7/1/2008 to 12/31/2008	1/23/2009 3:21 PM Filed electronically	14	
<a href="#">D-2 Semiannual Report</a>	7/1/2008 to 12/31/2008	1/19/2009 3:50 PM Filed electronically	14	
<a href="#">A-1 (\$500+ 30 days prior)</a>	2008 GE	10/27/2008 5:04 PM Filed electronically	1	
<a href="#">A-1 (\$500+ 30 days prior)</a>	2008 GE	10/17/2008 2:08 PM Filed electronically	0	
<a href="#">D-2 Pre-election Report</a>	2008 GE 7/1/2008 to 10/5/2008	10/17/2008 2:07 PM Filed electronically	4	
<a href="#">A-1 (\$500+ 30 days prior)</a>	2008 GE	10/16/2008 12:50 PM Filed electronically	1	
<a href="#">D-2 Semiannual Report</a>	1/1/2008 to 6/30/2008	7/17/2008 8:33 AM Filed electronically	13	
<a href="#">A-1 (\$500+ 30 days prior)</a>	2008 GP	2/1/2008 10:57 AM Filed electronically	1	
<a href="#">D-2 Semiannual Report</a>	7/1/2007 to 12/31/2007	1/22/2008 8:08 AM Filed electronically	13	
<a href="#">A-1 (\$500+ 30 days prior)</a>	2008 GP	1/15/2008 9:17 AM Filed	1	



STATE OF ILLINOIS  
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections  
**Complainant**

v.

**08 AG 081**

Friends to Elect Jim Hagerty  
**Respondent**

S 9752

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Delinquently Filing a  
Schedule A-1 for the 2008 General Election

This Committee received one contribution of \$3000 on 10/15/08, but failed to list it on a Schedule A-1. The total assessment is \$3000.

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

On the Affidavit, Mr. Hagerty stated that a sum of \$3000 was inadvertently listed as a contribution on 10/15/08, whereas the amount was \$300. A copy of the check is attached. The Will County Carpenters Local 174 PAC contributed \$300, not \$3000.

I recommend that the Appeal be granted. The copy of the check reflected the \$300 contribution. This Committee has also filed an amended report reflecting the correct amount.



Sharon Steward – Hearing Examiner  
August 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  
June 25, 2009

Friends to Elect Jim Hagerty  
Jim Hagerty  
23W671 Walnut Ave  
Roselle, IL 60172

S9752

Dear Friends to Elect Jim Hagerty;

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>
Will County Carpenters Local 174 PAC	10/15/08	3000.00	3000.00	*not filed	11

The committee is fined a **total** of \$3000.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

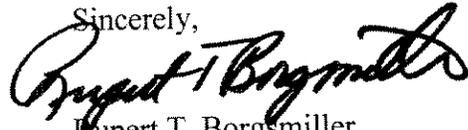
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 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 \$300.00, (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. If your committee has no other civil penalty assessments and only one delinquent Schedule A-1 amount is listed above, the penalty will be **stayed** as a first violation and would only become due and owing upon any subsequent delinquent filings by the committee.

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

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

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

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

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

State of Illinois )  
County of DuPage )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
Friends to Elect Jim Hagerty )  
Respondent(s). )

Case No. 08AG-081

CHICAGO  
JUL 1 11 31 AM  
STATE BOARD OF ELECTIONS

APPEAL AFFIDAVIT

I, Jim Hagerty, the Chairman/Treasurer of the  
(Name) (Chairman/Treasurer)  
Friends to Elect Jim Hagerty  
(Name of the Committee)

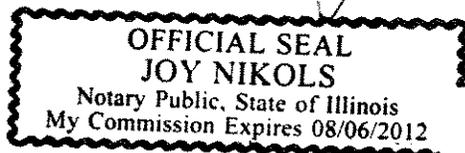
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

A sum of \$3,000<sup>00</sup> was inadvertently listed as  
a contribution on 10/15/08 whereas the  
amount was \$300<sup>00</sup>. A copy of the check  
is attached to Appeal. Will County Carpenters  
LU 174 contributed \$300<sup>00</sup> Not \$3,000<sup>00</sup>

Signed and Sworn to by:

before me this 1 Day of  
July, 2009  
Joy Nikols  
Notary Public

Jim Hagerty  
(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 AC 003

Friends of Riley Rogers  
**Respondent**

S 9856

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Delinquently Filing a  
Schedule A-1 for the 2009 Consolidated Primary Election

This Committee received a contribution of \$900 on 2/20/09, a second contribution of \$1050 on 2/21/09, and a third contribution of \$3202 on 2/21/09, and listed them on a Schedule A-1 filed on 2/25/09, one day late. The total assessment is \$5152.

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

On the Affidavit, Ms. Jones stated that several attempts were made to file the A-1 report in a timely manner on 2/22 and 2/24, but glitches with the software caused many issues. They finally contacted Mr. Clinton Jenkins, an Elections Specialist in the Chicago office on 2/25/09 after another attempt until midnight on 2/24/09.

I contacted Ms. Jones in order to determine the nature of the problems she was having with the IDIS program. The problem was that she has VISTA on her computer and that requires an additional step each time the program is opened. She had previously filed a Schedule A-1, with the assistance of staff, but did not realize that she had to choose to run the program as administrator each time she opened it. She finally went into the Chicago office for assistance in the filing of this Schedule A-1.

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, as this was the first election for which this Committee was filing a Schedule A-1, I recommend that the appeal be granted. This Committee has since filed a Final Report.



Sharon Steward – Hearing Examiner

August 20, 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  
June 25, 2009

Friends of Riley Rogers  
Cynthia Jones  
7 Wood Ct  
Bolingbrook, IL 60440

S9856

Dear Friends of Riley Rogers;

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>
Cmte to Elect Larry Rogers Jr	2/20/09	900.00	900.00	2/25/09	1
Thornton Township Z Team	2/21/09	1050.00	1050.00	2/25/09	1
Thornton Township Z Team	2/21/09	3202.00	3202.00	2/25/09	1

The committee is fined a **total** of \$5152.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

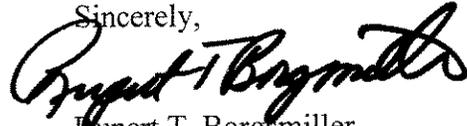
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 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 \$516.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

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

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

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

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

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

State of Illinois )  
County of Cook )

STATE BOARD OF ELECTIONS

09 JUL 27 AM 11:13

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. \_\_\_\_\_

APPEAL AFFIDAVIT

I, Cynthia Jones, the Treasurer of the  
(Name) (Chairman/Treasurer)  
FRIENDS OF RILEY ROGERS  
(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:

Several attempts were made to file the A-7 report in a timely manner (2-22 and 2-24), but glitches with the software caused many issues. We finally contacted Mr. Clinton Jenkins at 100 W. Randolph, Chicago (State Board of Elections office) on 2/25 after another attempt until midnight on 2-24. We appreciate your consideration.

Signed and Sworn to by:

before me this 23<sup>rd</sup> Day of  
July, 2009

Cynthia Jones  
(Signature of Chairman/Treasurer)

[Signature]  
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 MA 012**

Cunningham Campaign Committee      L 9059  
**Respondent**

**REPORT OF HEARING EXAMINER**

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

The Pre-Election Report was received by the Board on March 27, 2009, 9 days late, resulting in a civil penalty assessment of \$500. In addition, on February 21, 2009, this Committee received two contributions of more than \$500 in the 30 day period prior to the 2009 Consolidated Primary Election, one of \$1000 and one of \$2000, and listed them on a Schedule A-1 filed on 2/25/09, 1 day late. In addition, this Committee had previously been assessed a \$100 civil penalty (appealed, appeal denied, stayed) for failure to file a Schedule A-1 for the 2007 Consolidated Election. The total assessment is \$3600.

Sheila J. Fort, the Treasurer of the Committee, filed a Waiver of Appearance and submitted on the Affidavit the following:

On the Affidavit, Ms. Fort stated that the pre-election report was prepared prior to the date due; however, due to the demand in her office during tax season, the report was inadvertently not uploaded. It was filed as soon as they noticed the filing date was missing. The A-1 reports were prepared on February 21<sup>st</sup>, a non-business day, but were still submitted within the two business day rule.

In regards to the delinquently filed pre-election report, the fact that she was busy during tax season and therefore didn't realize the report had not been uploaded is not a valid defense. In regards to the delinquently filed Schedule A-1, a contribution received on the 21<sup>st</sup> of February would have to have been received by the Board by February 24<sup>th</sup> in order to be timely. Therefore, I recommend that the Appeal be denied. Since the Schedule A-1 violation was the second for this Committee, I also recommend that the penalty for the delinquent Schedule A-1 be reduced to 50% of the original assessment or \$1500. If this recommendation is accepted by the Board, the stay will be lifted from the previously assessed \$100. The civil penalty totaling \$2100 will be due and owing. This includes the \$500 penalty for the delinquent pre-election report, \$1500 for the current delinquent Schedule A-1 and \$100 for the previously assessed penalty.



Sharon Steward – Hearing Examiner  
August 27, 2009

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
June 25, 2009

Cunningham Campaign Committee  
Samuel Cunningham Jr  
411 McKinley  
Waukegan, IL 60085

L9059

Dear Cunningham Campaign Committee;

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

Report Type:	Pre-Election Report of Campaign Contribution and Expenditures
Report Period:	January 1, 2009 through January 25, 2009
Filing Period:	January 26, 2009 through February 9, 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 27, 2009, 9 day(s) late. As such, this committee has been assessed a fine of \$500.00.

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

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

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
Sheila January Fort CPA	2/21/09	1000.00	1000.00	2/25/09	1
Rick Hammond	2/21/09	2000.00	2000.00	2/25/09	1

The committee is fined a **total** of \$3000.00 for delinquent filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total *does not* reflect any previously assessed fines.

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

Since this is the second delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$1500.00, (50% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

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

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

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
3/19/07 – 4/16/07	Schedule A-1	\$100.00
<b><i>TOTAL AMOUNT NOW DUE</i></b>		<b>\$2100.00</b>

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

Sincerely,



Rupert T. Borgsmiher  
 Director, Division of Campaign Disclosure

RTB:sm  
 Enclosure(s) appeal documents

State of Illinois )  
County of Lake )

STATE BOARD OF ELECTIONS  
09 JUL 14 AM 11:53

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. 09MA 012

APPEAL AFFIDAVIT

I, Sheila J. Fort, the Treasurer of the  
(Name) (Chairman/Treasurer)  
Cunningham Campaign Committee  
(Name of the Committee)

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

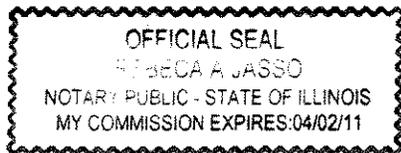
The Pre-election Report of Campaign Contributions and Expenses was prepared prior to the date due, however due to the demand in my office during the tax season, the report was inadvertently not uploaded; it was filed as soon as we noticed

the filing date was missing. The A-1 reports were pre-prepared on Feb. 21, a non business day but were still submitted within the two business day rule.

Signed and Sworn to by:  
Sheila J Fort  
before me this 10th Day of  
July, 2009

Sheila J. Fort  
(Signature of Chairman/Treasurer)

Rebecca Jasso  
Notary Public



09 JUL -6 PM 12:54

## January Accounting Service

1101 Chestnut Street

Waukegan, Illinois 60085

847-263-0074 - 847-263-0579 fax

June 29, 2009

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

Re: L9059 – Cunningham Campaign

Dear Mr. Borgsmiller

We are in receipt of your notice of failure to file documents, 'Pre-Election Report of Campaign Contribution and Expenditures' and 'Schedule A-1's Report of Campaign Contributions' during the requisite filing period.

We choose to appeal under the Board's present policy and have attached the 'Waiver of Appearance'. The Pre-election Report of Campaign Contributions and Expenses was prepared prior to the due date, but because of the demand on my office, during the Tax Preparation season, it was inadvertently not sent. As soon as I noticed that there was no filed on date the report was filed.

The A-1 reports were pre-pared for me by a part-time member of my staff who is not familiar with the Board's requirements. The 21<sup>st</sup> of February was on a non-business day so the entries should have been dated the 23<sup>rd</sup> but even so we still were within the **2 business day rule**. We feel that these fines were assessed in error.

I will be available for questions and can be reached at 847-263-0074.

Respectfully,

  
Sheila J Fort, Treasurer  
Cunningham Campaign

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

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

Illinois State Board of Elections  
**Complainant**

v.

**04 DS 082**

Citizens for Officer  
Carl Officer, Girthal Clemons  
2229 St. Louis Avenue  
East St. Louis, IL 62205

L 11408

**Respondent**

**REPORT OF HEARING EXAMINER**

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

The Report was received March 9, 2009, 32 days late, resulting in a penalty of \$1,600. Girthal Clemons, the Treasurer of the Committee, filed an Appeal Affidavit and Request for Hearing. The appeal hearing was scheduled for 10am on Wednesday, September 9, 2009, in the board's Springfield office. No one appeared on behalf of the committee.

On the appeal affidavit, Treasurer Clemons listed the following as reasons for (delinquently) filing the December, 2008, Semi Annual report:

- 1. Since the campaign was over for Mr. Officer, I did not realize that I had to continue filing the reports.**
- 2. Since there were no transactions during that period, I did not realize that I had to file a report.**

I recommend that the appeal be denied. The Treasurer is responsible for filing the statements and reports required under the Campaign Disclosure Act. The committee was notified of its requirement to file the report in question on two occasions, December 2, 2008, and January 12, 2009. Additionally, the committee has been in existence since January 17, 2003, and the candidate was on the ballot only in 2003 and 2007, so similar circumstances existed in the past.

The Committee has a previous outstanding penalty of \$25 for the late filing of a Semi Annual report for the period ending December 31, 2007; that assessment was not appealed. Therefore, if the Board accepts this recommendation, the stay on the \$25 penalty will be lifted, and the total amount due will be \$1,625.



---

John Levin – Hearing Examiner  
September 9, 2009

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
April 29, 2009

Citizens for Officer  
Carl Officer, Girthal Clemons  
2229 St Louis Ave.  
East St. Louis, IL 62205

L11408

Dear Citizens for Officer;

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

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

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

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

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

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
7/1/2007 – 12/31/2007	Semi-annual	\$25.00
<b>TOTAL AMOUNT NOW DUE</b>		<b>\$1625.00</b>

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

Sincerely,  
  
Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm  
Enclosure(s) appeal documents

State of Illinois )  
County of \_\_\_\_\_ )

STATE BOARD OF ELECTIONS

09 MAY 27 PM 3:11

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. 09 DS 229

APPEAL AFFIDAVIT

I, Girthea Clemens, the Treasurer of the  
(Name) (Chairman/Treasurer)  
Citizen For Officer  
(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:

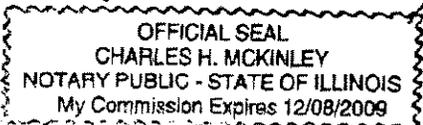
The reasons for not filing the report ending 2008

1. Since the campaign was over for Mr. Officer, I did not realize that I had to continue filing the reports.
2. Since there were no transactions during that period, I did not realize that I had to file a report.

Signed and Sworn to by:

Charles H. McKinley  
before me this 27th Day of  
May 2008  
Charles H. McKinley  
Notary Public

Girthea Clemens  
(Signature of Chairman/Treasurer)



**STATE OF ILLINOIS  
COUNTY OF COOK**

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

Illinois State Board of Elections  
**Complainant**

v.

Case No. **09 MA 013**

Citizens for Karen Fields     L12901  
**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment for the delinquent Filing of the D-1  
Statement of Organization and the 2009 Pre-Election Election Report

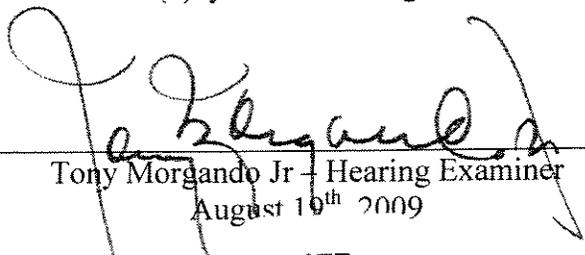
According to the Illinois State Board of Elections Disclosure Division, it received a Form D-1, Statement of Organization from the Citizens for Karen Fields, on January 29<sup>th</sup>, 2009, thirty-one (31) days late (\$775.00 assessed penalty). The Disclosure Division also received the political committees Pre-Election Report for the 2009 Consolidated Primary Election, on February 17<sup>th</sup>, 2009, four (4) days late (\$400.00 assessed penalty). The political committee has been assessed a total civil penalty of \$1,175.00. Since this is a subsequent violation, it will be required to be paid by the political committee within thirty (30) days of the issuance of a Final Board Order.

Ms. Karen Y. Fields, Candidate, filed a Request for Hearing and Appeal Affidavit, on June 29<sup>th</sup>, 2009, indicating as defense in part: "I did comply, and have no receipts. An amendment was done on 2/2/09. It created, recreated on time. Didn't have a committee until 1/27/09".

Hearing in this matter was scheduled for Tuesday, August 18<sup>th</sup>, 2009, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 10:00 a.m.

Ms. Karen Fields appeared on behalf of the political committee. Ms. Fields indicated that assistance in understanding the requirements of the statute were provided by Disclosure Specialist Andy Nauman. Ms. Fields stated any errors committed were unintentional and inadvertent. Ms. Fields indicated that a Final Report was filed on April 20<sup>th</sup>, 2009, terminating the activities of the political committee.

Based upon a review of the documents/statements submitted in this matter, the Hearing Examiner finds that there are no reasonable grounds for the Statement of Organization or the 2009 Pre-election Report to have been filed late. Therefore it is the recommendation of the Hearing Examiner that the appeal in this matter be denied, and the assessed fine of \$1,175.00 be due and owing. Since the political committee has filed a Final Report, it is further recommended that such penalty be abated if the political committee remains dissolved for a period of two (2) years following the date of the Final Order of the Board imposing the penalty.

  
Tony Morgando Jr - Hearing Examiner

August 10<sup>th</sup> 2009

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
June 25, 2009

Citizens for Karen Fields  
Karen Fields  
373 Paxton Ave  
Calumet City, IL 60409

L12901

Dear Citizens for Karen Fields;

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 January 29, 2009, 31 day(s) late. As such, this committee has been assessed a fine of \$775.00.

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

Report Type:	Pre-Election Report of Campaign Contributions
Report Period:	January 1, 2009 through January 25, 2009
Filing Period:	January 26, 2009 through February 9, 2009

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on February 17, 2009, 4 day(s) late. As such, this committee has been assessed a fine of \$400.00.

Enclosed please find Section 10 ILCS 5/9-3 of the Election Code and the forms with which you may appeal the assessed fines if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

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

Sincerely,  
  
Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm  
Enclosure(s): appeal packet

State of Illinois )  
County of COOK )

CHICAGO

BEFORE THE STATE BOARD OF ELECTIONS JAN 29 PM 12: 55  
OF THE STATE OF ILLINOIS

STATE  
BOARD OF ELECTIONS

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

Case No. 09 MA 013

APPEAL AFFIDAVIT

I, KAREN Y. Fields, the CHAIRMAN KAREN Y. Fields of the  
(Name) (Chairman/Treasurer)  
CITIZENS FOR KAREN Y. Fields  
(Name of the Committee)

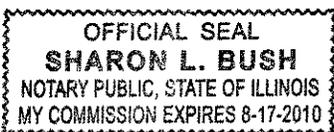
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

I did comply, AND HAVE ALL RECEIPTS  
AN AMENDMENT WAS DONE ON 02/02/09. IT WAS  
CREATED, RECREATED ON TIME. DID NOT HAVE A  
COMMITTEES UNTIL 01-29-09

Signed and Sworn to by:

before me this 29th Day of Jan, 2009  
Sharon L. Bush  
Notary Public

Karen Fields  
(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 DS 256**

The Best 2005 Referendum Committee      L13066  
**Respondent**

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

The Board received this report on May 22, 2009, 86 days late, resulting in a civil penalty assessment of \$5000. In addition, it had previously been assessed a \$100 civil penalty (not appealed, paid) for failure to file a Schedule A-1 for the 2005 Consolidated Election; a \$120 civil penalty (not appealed, paid) for failure to file a Schedule A-1 for the 2005 Consolidated Election; a \$250 civil penalty (not appealed, not paid) for delinquently filing the 2007 December Semi-Annual Report; and a \$700 civil penalty (not appealed, not paid) for delinquently filing the 2008 June Semi-Annual Report. The total assessment is \$5950.

Henry Swan Jr., the Chairman of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Swan stated that the Elementary School District 159 has not participated in a referendum since November of 2007. There has been a great deal of transition at the administrative center and people who have been providing technical assistance in making sure all reports were filed have left the district, and new employees, due too their lack of knowledge regarding these matters, have not followed through as necessary. This past spring, committee members worked with Chicago staff to assist in the filing of the delinquent reports. The final report to close the committee was submitted to the Board on June 18, 2009, with no cash balance.

I recommend that the Appeal be denied for lack of an adequate defense. If this recommendation is accepted by the Board, the total assessment is \$5950. However, since this Committee has filed a Final Report, I further recommend that should the Committee remain dissolved for a period of two years following the date of the Final Order imposing the fine, the fine be abated.



Sharon Steward – Hearing Examiner  
August 27, 2009

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
June 25, 2009

The Best 2005 Referendum Committee  
Keith Jackson  
23021 Greenfield Blvd.  
Richton Park, IL 60471

L13066

Dear The Best 2005 Referendum Committee;

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

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

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on May 22, 2009, 86 day(s) late. As such, this committee has been assessed a fine of \$5000.00.

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

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

<u>Reporting Period</u>	<u>Report Type</u>	<u>Previous Fine Amount</u>
7/1/2007 – 12/31/2007	Semi-annual	\$225.00
1/1/2008 – 6/30/2008	Semi-annual	\$700.00
<b>TOTAL AMOUNT NOW DUE</b>		<b>\$5925.00</b>

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

Sincerely,  
  
Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm  
Enclosure(s) appeal documents

09 JUL 27 AM 8:51

State of Illinois )  
County of Cook )

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )  
ILLINOIS STATE BOARD OF ELECTIONS, )  
Complainant )  
Vs. )  
BEST 2005 Referendum Committee )  
Respondent(s). )

Case No. 09 DS 256

APPEAL AFFIDAVIT

I, Henry Swan Jr., the Chairman of the  
(Name) (Chairman/Treasurer)  
BEST 2005 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:

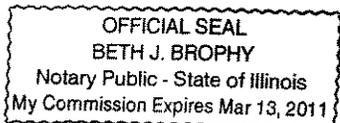
Elementary School District 159 has not participated in a referendum since November of 2007. There has been a great deal of transition at the administration center and people who have been providing technical assistance in making sure all reports were filed have left the district. The district has seen a change in superintendent (Dr. Eric King), business manager (Therese O'Neill) and executive assistant to the superintendent (Anita Howard.) Additionally, the new employees, due to their lack of knowledge regarding these matters, have not followed through as necessary. This past spring Anita Howard, on my behalf prior to her departure from the district, worked with Mr. Cloonan with the State Board of Elections in the Chicago office, as well as Ms. O'Neill, to assist in filing the delinquent reports. The final report to close the committee was submitted to the State Board of Elections on June 18 2009 with no cash balance.

Signed and Sworn to by:

Henry Swan  
before me this 22 Day of  
July 2009

Beth J. Brophy  
Notary Public

Henry Swan  
(Signature of Chairman/Treasurer)



July 21, 2009

Ms. Sue McArthur  
Illinois State Board of Elections  
1020 S. Spring St.  
PO Box 4187  
Springfield, IL 63708

Dear Ms. McArthur:

I am in receipt of your notice of fines totaling \$5,925 for the BEST 2005 Referendum Committee (L13066). I am submitting this letter to formally appeal the fine. I have also attached the appeal affidavit and the waiver of appearance.

Elementary School District 159 has not participated in a referendum since November of 2007. There has been a great deal of transition at the administration center and people who have been providing technical assistance in making sure all reports were filed have left the district. The district has seen a change in superintendent (Dr. Eric King), business manager (Therese O'Neill) and executive assistant to the superintendent (Anita Howard.) Additionally, the new employees, due to their lack of knowledge regarding these matters, have not followed through as necessary. This past spring Anita Howard, on my behalf prior to her departure from the district, worked with Mr. Cloonan with the State Board of Elections in the Chicago office, as well as Ms. O'Neill, to assist in filing the delinquent reports. The final report to close the committee was submitted to the State Board of Elections on June 18 2009 with no cash balance.

I am respectfully, therefore appealing the fine. Anita can be reached at her new employment at 708/524-3004 and I can be reached at 708/720-2900. Thank you for your consideration and please do not hesitate to contact Anita or myself.

Sincerely,

  
Henry Swan, Jr.

Encls.

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

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

Illinois State Board of Elections  
**Complainant**

v.

**09 CE 029**

Highwood United  
**Respondent** L 15058

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

The Report was received by the Board on March 24, 2009, 1 day late, resulting in a civil penalty of \$200. The total assessment is \$200.

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

On the Affidavit, Ms. Hospodarsky stated that the report was one day late because on the date that she planned to mail the report, she called to ask a question. During the conversation, the state employee informed her that the report would be late, even if the envelope was postmarked on the due date. She assumed that a post mark date would be acceptable as it is by the IRS for tax filings. This is her first offense.

I recommend that the Appeal be denied for lack of an adequate defense. Section 5/9-10(b) states that there shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. This report was hand delivered to the Chicago office on March 24<sup>th</sup>. As a first violation, the penalty of \$200 is stayed.

  
\_\_\_\_\_  
Sharon Steward – Hearing Examiner  
August 28, 2009

STATE OF ILLINOIS  
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections

**Complainant**

v.

09 CE 029

Highwood United

L 15058

**Respondent**

**REPORT OF HEARING EXAMINER**

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

The Report was received by the Board on March 24, 2009, 1 day late, resulting in a civil penalty of \$200. The total assessment is \$200.

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

On the Affidavit, Ms. Hospodarsky stated that the report was one day late because on the date that she planned to mail the report, she called to ask a question. During the conversation, the state employee informed her that the report would be late, even if the envelope was postmarked on the due date. She assumed that a post mark date would be acceptable as it is by the IRS for tax filings. This is her first offense.

I recommend that the Appeal be denied for lack of an adequate defense. Section 5/9-10(b) states that there shall be no fine if the report is mailed and postmarked at least 72 hours prior to the filing deadline. This report was hand delivered to the Chicago office on March 24<sup>th</sup>. As a first violation, the penalty of \$200 is stayed.

  
Sharon Steward – Hearing Examiner  
August 28, 2009

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR

Daniel W. White  
May 27, 2009

Highwood United  
Lucy Hospodarsky  
786 DeRoo Loop  
Highwood, IL 60040

L15058

Dear Highwood United;

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

Report Type:	Pre-Election Report of Campaign Contributions
Report Period:	January 26, 2009 through March 8, 2009
Filing Period:	March 9, 2009 through March 23, 2009

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received by the Board on March 24, 2009, 1 day(s) late. As such, this committee has been assessed a fine of \$200.00.

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

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

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

Sincerely,

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

Rupert T. Borgsmiller  
Director, Campaign Disclosure

RTB:sm

Enclosure(s): appeal packet

MAY-27-2009 11:40

STATE BOARD OF ELECTIONS

217 782 5959 P.04

State of Illinois )  
County of \_\_\_\_\_ )

STATE BOARD OF ELECTIONS

09 MAY 29 AM 9:40

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )

ILLINOIS STATE BOARD OF ELECTIONS, )

Complainant )

Vs. )

Case No. \_\_\_\_\_

Highwood United )  
Respondent(s). )

APPEAL AFFIDAVIT

I, Lucy Hospodarsky, the Treasurer of the  
(Name) (Chairman/Treasurer)  
Highwood United  
(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:

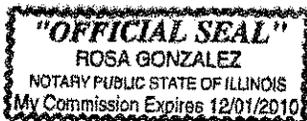
(1)  
The report was one day late because on the date that I  
planned to mail the report, I called to ask a question. During  
the conversation, the state employee informed me that the report  
would be late, even if the envelope was post marked on the  
due date. I assumed that a post mark date would be acceptable  
as it is by the IRS for tax filings. This is my first offense

Signed and Sworn to by:

before me this 28<sup>th</sup> Day of  
MAY, 2009

Lucy Hospodarsky  
(Signature of Chairman/Treasurer)

[Signature]  
Notary Public



STATE OF ILLINOIS  
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections

**Complainant**

v.

Case No. 09 MA 014

Citizens to Elect Paul Hinterlong

L15095

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment for the Late Filing of a D-1  
Statement of Organization and the December 2008 Semi-Annual Report

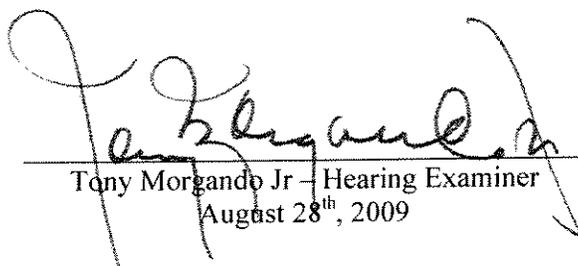
According to the Illinois State Board of Elections Disclosure Division, it received a Form D-1, Statement of Organization from the Citizens for Paul Hinterlong, on February 4<sup>th</sup>, 2009, twenty-five (25) days late (\$625.00 assessed penalty). The Disclosure Division also received the political committees 2008 December Semi-Annual Report, on February 4<sup>th</sup>, 2009, eleven (11) days late (\$275.00 assessed penalty). The political committee has been assessed a total civil penalty of \$900.00.

Mr. Dennis R. Wencel, Treasurer, filed a Request for Hearing and Appeal Affidavit, on July 21<sup>st</sup>, 2009, indicating as defense in part: "Misinterpretation of the guidelines regarding loans to self. That being said is also the reason I was late. It is my 1<sup>st</sup> time running for an office and didn't realize the complications of filing. I thought when you received donations and paid expenditures totaling \$3,000 is when it triggered filing. I didn't realize a loan to myself was also a donation".

Hearing in this matter was scheduled for Tuesday, August 18<sup>th</sup>, 2009, to be conducted at the Chicago Board office, 100 W. Randolph, 14-100, at 10:00 a.m. This matter was discussed via teleconference call on Friday, August 14<sup>th</sup>, 2009, and Thursday, August 27<sup>th</sup>, 2009.

Mr. Wencel spoke on behalf of the political committee. Mr. Wencel confirmed statements contained in the Appeal Affidavit, and stated any errors committed were unintentional and inadvertent. Mr. Wencel also indicated that a Final Report was filed on August 27<sup>th</sup>, 2009, terminating the activities of the political committee.

Based upon a review of the documents/statements submitted in this matter, the Hearing Examiner finds that there are no reasonable grounds for the Statement of Organization or 2008 December Semi-Annual Report to have been filed late. Therefore it is the recommendation of the Hearing Examiner that the appeal in this matter be denied, and the assessed fine of \$900.00 be due and owing. Since the political committee has filed a Final Report, it is further recommended that such penalty *be abated* if the political committee remains dissolved for a period of two (2) years following the date of the Final Order of the Board imposing the penalty.

  
Tony Morgando Jr - Hearing Examiner  
August 28<sup>th</sup>, 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  
June 25, 2009

Citizens for Paul Hinterlong  
15 N Laird St  
Naperville, IL 60540

L15095

Dear Committee;

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 February 4, 2009, 25 day(s) late. As such, this committee has been assessed a fine of \$625.00.

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

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

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on February 4, 2009, 11 day(s) late. As such, this committee has been assessed a fine of \$275.00.

Enclosed please find Section 10 ILCS 5/9-3 of the Election Code and the forms with which you may appeal the assessed fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

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

Sincerely,



Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm

Enclosure(s): appeal packet

State of Illinois )  
County of DuPAGE/WM )

STATE BOARD OF ELECTIONS

09 JUL 21 AM 11:13

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. 09MA014

APPEAL AFFIDAVIT

I, DENNIS R WENZEL the TREASURER of the  
(Name) (Chairman/Treasurer)  
CITIZENS TO ELECT PAUL HINTERLONIG  
(Name of the Committee)

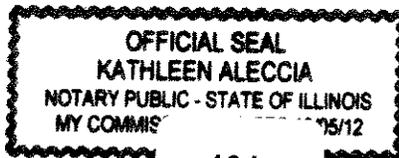
Committee, first being duly sworn deposes and states that he/she represents that the said committee can offer a good reason or defense to the assessment of a civil penalty in this matter, and that such reasons and defenses are:

Misinterpretation of the guidelines regarding loans to  
Self. That being said is also the reason I was  
late. Its my 1<sup>st</sup> time running for an office and  
Didn't realize the complications of filing. I thought

When you received donations and paid expenditures totaling \$3000 is  
when it triggered filing. I didn't realize a loan to myself was also a  
Donation!

Signed and Sworn to by:  
DENNIS R WENZEL  
before me this 20<sup>th</sup> Day of  
JULY, 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 AE 007

09 CE 049

Committee to Re-elect Bracco & Graves L 15235

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Delinquently Filing a Pre-Election  
Report and a Schedule A-1 for the 2009 Consolidated Election

The Pre-Election Report was received by the Board on March 24, 2009, 1 day late, resulting in a civil penalty assessment of \$100. In addition, this Committee received one contribution on 3/10/09 of \$2000, and listed it on a Schedule A-1 filed on March 24, 2009, 8 days late, resulting in a civil penalty assessment of \$2000.

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

On the Affidavit, Mr. Schumacker referenced an attached letter signed by him. The letter stated that there was no intent by any member of the Committee to mislead, deceive, or evade any reporting requirements. The Committee was made up of four volunteers, including the two candidates, the chairperson, and the treasurer, who had no prior experience with campaign finance disclosure requirements or the online information system. As treasurer, he was unaware of the date requirements for filing the specific reports due to his lack of experience. During the time period when the reports were filed after the due dates, he was in the midst of dealing with his gravely ill mother as her power of attorney. As a result, he was distracted from focusing on the responsibility of his position as campaign treasurer.

I recommend the appeal be denied for lack of an adequate defense. However, since there is no indication that these violations were anything other than inadvertent and unintentional, I also recommend that the \$2000 penalty assessed for the delinquent Schedule A-1 filing, be reduced to 10% of the original assessment, or \$200. Therefore, if this recommendation is accepted by the Board, the total assessment of \$300 will be due and owing.



Sharon Steward – Hearing Examiner

August 25, 2009

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
June 25, 2009

Committee to Re-elect Bracco & Graves  
John Mullins  
620 S Schoville  
Oak Park, IL 60304

L15235

Dear Committee to Re-elect Bracco & Graves;

As you have been previously notified, this committee failed to file the following documents 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 24, 2009, 1 day(s) late. As such, this committee has been assessed a fine of \$100.00.

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

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

<u>Contributed By</u>	<u>Date of Contribution</u>	<u>Fine Assessed</u>	<u>Amount of Contribution</u>	<u>Date A-1 Received</u>	<u>Days Late</u>
John & Norene Mullins	3/10/09	2000.00	2000.00	3/24/09	8

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

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

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$200.00, (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 fine if you believe the civil penalty has been assessed in error. Notice of Appeal must be filed within 30 days of the date of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

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

Sincerely,



Rupert T. Borgsmiller  
Director, Division of Campaign Disclosure

RTB:sm  
Enclosure(s) appeal documents

State of Illinois )  
County of COOK )

STATE BOARD OF ELECTIONS

09 JUL 17 PM 12:23

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

IN THE MATTER OF; )

ILLINOIS STATE BOARD OF ELECTIONS, )

Complainant )

Vs. )

Case No. 09AE 007  
09CE 049

COMMITTEE TO RE-ELECT BRACCO + GRAVES  
Respondent(s). )

APPEAL AFFIDAVIT

I, JAMES SCHUMACKER, the TREASURER of the  
(Name) (Chairman/Treasurer)

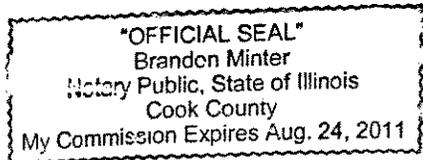
COMMITTEE TO RE-ELECT BRACCO + GRAVES  
(Name of the Committee)

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

SEE ATTACHED.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed and Sworn to by:  
James Schumacker  
before me this 14 Day of  
July, 2009  
Brandon Minter  
Notary Public

James Schumacker  
(Signature of Chairman/Treasurer)



July 13, 2009

To the State Board of Elections of the State of Illinois

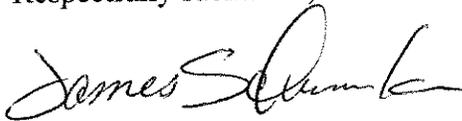
From Committee to Re-elect Bracco & Graves

RE: Appeal Affidavit for Civil Penalty Assessments

The defense of the assessment of the civil penalty in this matter is as follows:

- There was no intent by any member of the committee to mislead, deceive, or evade any reporting requirements.
- The committee was made up of four volunteers, including the two candidates, the chairperson, and myself as treasurer, who had no prior experience with campaign finance disclosure requirements or the online information system.
- As treasurer, I was unaware of the date requirements for filing the specific reports due to my lack of experience.
- During the time period when the reports were filed after the due dates, I was in the midst of dealing with my gravely ill mother as her power of attorney. As a result, I was distracted from focusing on the responsibility of my position as campaign treasurer.

Respectfully submitted,



James Schumacker  
609 Clinton Ave.  
Oak Park, IL 60304

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

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

Illinois State Board of Elections

**Complainant**

v.

**09 CE 050**

Committee to Elect Fritz Gohl

L 15239

**Respondent**

**REPORT OF HEARING EXAMINER**

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

The Pre-Election Report for the 2009 Consolidated Election was received by the Board on March 30, 2009, 5 days late, resulting in a civil penalty assessment of \$500. The total assessment is \$500.

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

On the Affidavit, Mr. Gohl stated that he was contacted by staff on 3/27/09 to advise him that he had failed to file his Pre-Election Report. He was told that since this was his first violation, he would not be penalized. He faxed the report on 3/30/09. He contacted staff again after he received the assessment letter, and was again told that he would not have to pay a fine. He had closed out the campaign.

I recommend that the appeal be denied for lack of an adequate defense. As a first violation, the penalty is stayed. In addition, since the Committee filed a Final Report on 6/15/09, during the two year period beginning with the date of the final Board Order, any successor committee shall be considered, for assessment purposes, as not having violated Section 9-10 if it is assessed no other penalty.



Sharon Steward – Hearing Examiner  
August 26, 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  
June 25, 2009

Committee to Elect Fritz Gohl  
Fritz Gohl, Janice Gohl  
POB 3193  
Barrington, IL 60011

L15239

Dear Committee to Elect Fritz Gohl;

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

Report Type:	Pre-Election Report of Campaign Contributions
Report Period:	January 26, 2009 through March 8, 2009
Filing Period:	March 9, 2009 through March 23, 2009

Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received by the Board on March 30, 2009, 5 day(s) late. As such, this committee has been assessed a fine of \$500.00.

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

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

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

Sincerely,

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

Rupert T. Borgsmiller  
Director, Campaign Disclosure

RTB:sm

Enclosure(s): appeal packet

State of Illinois )  
Lake )  
County of Cook )  
McHenry )  
Rene )

STATE BOARD OF ELECTIONS

09 JUL 16 PM 4:16

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. 09CE050

APPEAL AFFIDAVIT

I, Faite Gohl, the Chairman of the  
(Name) (Chairman/Treasurer)  
Committee to Elect Faite Gohl  
(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:

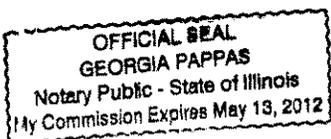
I had received a phone call from Mr. Andy Nauman on 3/27/09  
I returned his call 3/30/09. He told me that I was delinquent  
on my campaign reports. But, since <sup>this</sup> was the 1st time I would  
not be penalized, I faxed him campaign report 3/30/09 at 8:09am.

I gave a call to Mr. Nauman 6/30/09 at 8:30 am about your  
letter dated 6/25/09. He told me again not to worry because I had  
Signed and Sworn to by: closed out campaign. IF I do not receive for 1/2 years  
I should be OK!!

before me this 16 Day of  
July 2009  
Notary Public

Faite Gohl  
(Signature of Chairman/Treasurer)

847-382-1231



STATE OF ILLINOIS  
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

Illinois State Board of Elections

**Complainant**

v.

08 AG 078

Citizens for Kay

S 9631

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Delinquently Filing a  
Schedule A-1 for the 2008 General Election

This Committee received two in-kind contributions exceeding \$500, one valued at \$867.90 on 10/16/08, and a second valued at \$4235.70 on 10/17/08, but failed to list them on a Schedule A-1. The total assessment is \$5103.60.

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

On the Affidavit, Ms. Gates references an attached letter from herself. In this letter, Ms. Gates apologizes and states that this was unintentional. She was unaware that in-kind contributions fall under the same reporting standards as financial contributions. She was unaware that a mistake had been made until she received this assessment. She assures the Board that this will not happen again.

I contacted Ms. Gates to determine whether or not the Committee had knowledge of these in-kind contributions at the time. She stated that she was gone at the time, but was sure that there was coordination and that the Committee knew of the radio ads and automated calls at the time. I therefore recommend that the Appeal be denied, but since there is no indication that these violations were anything other than inadvertent and unintentional, I also recommend that the penalty be reduced to 10% of the original assessment or \$510. If this recommendation is accepted by the Board, the \$510 civil penalty will be due and owing.



Sharon Steward – Hearing Examiner

August 24, 2009

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

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



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

EXECUTIVE DIRECTOR  
Daniel W. White  
June 25, 2009

Citizens for Kay  
Emily Gates  
831 Amherst Pl  
Edwardsville, IL 62025

S9631

Dear Citizens for Kay;

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>
Family PAC	10/17/08	4235.70	4235.70	*not filed	9
Family PAC	10/16/08	867.90	867.90	*not filed	10

The committee is fined a **total** of \$5103.60 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

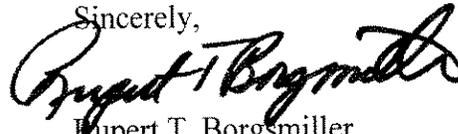
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 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 \$511.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

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

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

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

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

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

State of Illinois )  
County of Madison )

**FILED**  
State Board of Elections  
SPRINGFIELD, ILLINOIS

JUL 23 2009 PM

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

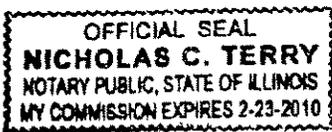
No. 08AG078

APPEAL AFFIDAVIT

I, Emily Gates, the Treasurer of the  
(Name) (Chairman/Treasurer)  
Citizens For Kay  
(Name of the Committee)

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

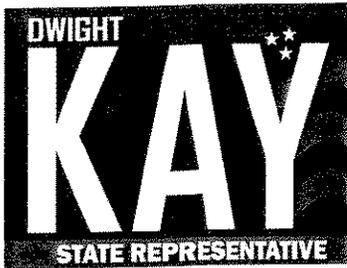
*Please see attached letter.*



Subscribed and Sworn to Before me  
This 11 Day Of AUGUST, 2009

[Signature]  
NOTARY PUBLIC

[Signature]  
(Signature of Chairman/Treasurer)



# Citizens For Kay

P.O. Box 129 - Glen Carbon, IL 62034

\*\*\*\*\*09 JUN 23 AM 10:55

618.980.6809 - DwightKay@DwightKay.com

"Restoring Trust In Our State Government"

STATE BOARD OF ELECTIONS  
AM ID: 55

July 21, 2009

State Board of Elections  
Attn: Campaign Disclosure  
1020 S Spring Street, PO Box 41287  
Springfield, IL 62708

Dear Mr. Borgsmiller,

I am writing in defense of Citizens for Kay, appealing the State Board of Election's fine for failure to file Schedule A-1's within 2 business days of receipt as required by the Illinois Campaign Disclosure Act.

First and foremost, I apologize for my failure to file Schedule A-1's within 2 business days of receipt. It was an unintentional mistake on my part. I was unaware that in-kind contributions fall under the same reporting standards as financial contributions. I realize that ignorance of the law is no excuse; however, until I received your notice in the mail on June 26, I was unaware that I made the oversight. I pride myself on the accuracy of my work and am deeply troubled by my mistake.

I appreciate your understanding and patience with this manner and assure you it will not happen again.

If you have any questions, please do not hesitate to contact me at (618) 656-3566.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily K. Gates".

Emily K. Gates  
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 079**

Citizens for Mark Walker                      S 9654  
**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Delinquently Filing a  
Schedule A-1 for the 2008 General Election

This Committee received 4 contributions exceeding \$500 within 30 days prior to the 2008 General Election, and failed to list them on a Schedule A-1, resulting in a civil penalty assessment of \$7400.

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

On the Affidavit, Mr. Schmitt referenced an attached statement. On the Affidavit he stated that the omissions were not intentionally committed. The checks from the Governmental Consulting Solutions (\$1000) and the Il Trial Lawyers PAC (\$3400) were received November 3<sup>rd</sup>, Election Day Eve. As treasurer, he contacted the Board and was told that after Election Day the A-1 was not required. He misinterpreted this information. His understanding was that since the A-1 would not be due until two days after receipt of the contribution, which fell on November 5<sup>th</sup>, the day after the election, it was not required. In regards to the remaining two items, the contributions from Citizens for Lou Lang (\$1000) and Friends of John Fritchey (\$200), neither Mark Walker nor Mr. Schmitt were aware of the receipt of these contributions until the deposit slips were sent to him for preparation of the semi-annual report. This oversight can be attributed to lack of experience in their mostly volunteer staff.

In regards to the contributions which were not reported because the Treasurer believed such contributions did not have to be reported if received the day before the Election, I recommend that the appeal be denied. The law, as well as all publications available in paper and on our website, are clear that contributions received up to and including the day before the election, must be reported on a Schedule A-1 within 2 business days. That portion of the law has been in effect since the Disclosure Law was implemented in Illinois in 1973. By using the rationale that A-1s due after Election Day need not be reported, a Committee would not have to report contributions received on the Friday prior to the Election, as the filing must be within 2 business days. I believe that he truly misinterpreted what was told to him, but that interpretation would be inconsistent with the purpose of disclosure.

In regards to the two contributions not filed on a Schedule A-1 because the Treasurer did not get notice of them until he began the preparation of the Semi-Annual Report, I also recommend that the appeal be denied. Section 5/9-6(a) of the Act requires any person receiving contributions on behalf of the Committee to provide information regarding the contribution to the Treasurer within five days after receipt. It is clear that there was a breakdown in communication between members of the Committee; however, that breakdown deprived the public of information it was entitled to prior to the Election.

I recommend that the appeal be denied. However, since there is no indication that these violations were anything other than inadvertent and unintentional, I also recommend that the penalties be reduced to 10% of the original amount or \$740. If this recommendation is accepted by the Board, the \$740 civil penalty shall be due and owing.

  
\_\_\_\_\_  
Sharon Steward – Hearing Examiner  
August 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  
June 25, 2009

Citizens for Mark Walker  
Bert Schmitt  
POB 470656  
Chicaago, IL 60647

S9654

Dear Citizens for Mark Walker;

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>
Governmental Consulting Solutions	11/3/08	1000.00	1000.00	*not filed	1
Il Trial Lawyers PAC	11/3/08	3400.00	3400.00	*not filed	1
Citizens for Lou Lang	10/22/08	1000.00	1000.00	*not filed	6
Friends of John Fritchey	10/22/08	2000.00	2000.00	*not filed	6

The committee is fined a **total** of \$7400.00 for delinquent filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total **does not** reflect any previously assessed fines.

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

Since this is the first delinquent Schedule A-1 filing by your committee, the civil penalty will be automatically reduced to \$740.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

Enclosed please find Section 125.425 Civil Penalty Assessments and the forms with which you may appeal the assessed fines if you believe the civil penalties have been assessed in error. *If you have a legitimate reason for your delinquent filing, it would behoove you to send in the appeal form since the Board has the discretion to take extenuating and other circumstances into account in determining the amount of your penalty.* Notice of Appeal must be filed within 30 days of the date of this assessment for it to be considered. If you have any questions regarding the appeal procedure, please call Sue McArthur at 217/782-1543.

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

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

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

State of Illinois )  
County of COOK )

STATE BOARD OF ELECTIONS

09 JUL -8 AM 11:20

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. 08 AG 079

APPEAL AFFIDAVIT

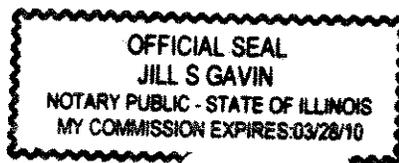
I, BERT SCHMITT, the Treasurer of the  
(Name) (Chairman/Treasurer)  
CITIZENS for MARK WALKER  
(Name of the Committee)

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:

STATEMENT ATTACHED

Signed and Sworn to by:  
Bert Schmitt  
before me this 6<sup>th</sup> Day of  
July, 2009  
Jill S. Gavin  
Notary Public

Bert Schmitt  
(Signature of Chairman/Treasurer)



## APPEAL AFFIDAVIT STATEMENT

The Citizens for Mark Walker Committee respectfully requests abatement of penalties under Section 9-10(b) (5) of the Election Code because the omissions were not intentionally committed. It is the Committee's intent to comply fully with the rules of the Election Code.

The checks for the first two line items listed Governmental Consulting Solutions (\$1,000) and Il Trial Lawyers PAC (\$3,400) were received November 3<sup>rd</sup> Election Day eve. As treasurer, I personally discussed the filing requirement of A-1's with an employee at the Chicago office of the State Board of Elections and was told that after Election Day disclosure form A-1 was not required. I apparently misinterpreted this information. My understanding was since the A-1 would not be due until two days after receipt of the contribution, which fell on November 5<sup>th</sup> the day after the election, it was not required.

For the remaining two items, Citizens for Lou Lang and Friends of John Fritchey, neither Mark Walker nor I were aware of the receipt of these contributions until the deposit slips were sent to me for preparation of the semiannual report. This oversight can be attributed to lack of experience in our mostly volunteer staff.

It has always been our policy to fully comply with law and file all required reports.

**STATE OF ILLINOIS  
COUNTY OF SANGAMON**

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

Illinois State Board of Elections

**Complainant**

v.

**09 AE 009**

Committee to Elect Tom Strickland

L 15300

**Respondent**

**REPORT OF HEARING EXAMINER**

Appeal of Civil Penalty Assessment For Delinquently Filing a  
Schedule A-1 for the 2009 Consolidated Election

This Committee received one contribution of \$1000 on 3/9/09 and listed it on a Schedule A-1 received by the Board on 3/13/09; a second contribution of \$1000 on 3/12/09 and listed it on a Schedule A-1 received by the Board on 3/18/09; and a third contribution of \$2000 on 3/25/09 and listed it on a Schedule A-1 received by the Board on 3/30/09. The total assessment is \$4000.

Thomas W. Strickland, the Chairman of the Committee, filed a Waiver of Appearance and submitted on the Appeal Affidavit the following:

On the Affidavit, Mr. Strickland stated that he did file Schedule A for Northern II Building and Construction on 4/17/09. He contends the Board must have a clerical error. He also includes the three Schedule A-1 forms in question. He said all A-1 forms were mailed within 2 days or less from the date received. As a separate note at the bottom, he states he tried to use the internet/e-mail to file these papers but could not make it work. He even contacted people at the Board and they walked him through it and it still would not work. So he had to mail them.

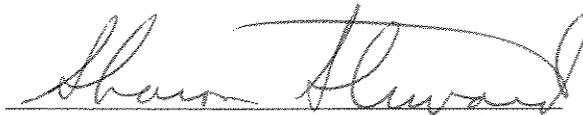
I do not understand the references to a 4/17/09 filing; also, this is not the subject of this appeal. The appeal is in regards to the 3 contributions which were filed on Schedule A-1s for the 2009 Consolidated Election. I will address each separately:

- (1) The Schedule A-1 on which Mr. Strickland reported the first \$1000 was received by the Board on 3/13/09; he listed the received date as 3/9/09. He states on an attachment that the real received date was 3/11/09, which is also the date on which he signed the A-1. The attached check is dated 3/9/09; if the check were mailed or hand-delivered, it is feasible that it would not have been received until 3/11/09. Therefore, in regards to this \$1000 contribution, I recommend that the appeal be granted as a 3/13/09 filing of a contribution received on 3/11/09, would be timely.

- (2) The Schedule A-1 on which Mr. Strickland reported receiving a second \$1000 was received by the Board on 3/18/09; he listed the received date as 3/12/09. He states on an attachment that the real received date was 3/14/09, which is also the date on which he signed the A-1. The attached check is dated 3/12/09; the signature at the bottom of the form 3/14/09. The Board received the Schedule A-1 on the afternoon of 3/18/09, 2 business days late, resulting in a civil penalty of \$1000. Even with using the 3/14/09 date as the received date, the 3/18/09 filing is still delinquent. Therefore, in regards to this \$1000 contribution, I recommend that the Appeal be denied.
- (3) The Schedule A-1 on which Mr. Strickland reported the \$2000 contribution was received by the Board on 3/30/09; he listed the received date as 3/25/09. He states that 3/25/09 was the actual received date. The attached check is dated 3/25/09 and the 3/25/09 is the date the form was signed. The Board received the Schedule A-1 on 3/30/09, 1 business day late, resulting in a \$2000 civil penalty. Using the 3/25/09 date as the received date the 3/30/09 filing is delinquent. Therefore, in regards to this \$2000 contribution I recommend that the Appeal be denied.

At the very bottom of his appeal form he makes reference to electronic filing by saying he tried to use internet/e-mail and that Board staff walked him through the process, but it didn't work. However the forms he submitted were paper forms, not produced by the program, and no Filer Identification Number was ever issued to this Committee. Therefore, if he did use IDIS at all, the Schedule A-1 forms would have been those produced by the program, and they aren't. In fact, none of the reports he submitted, up through and including the Final Report, were IDIS forms. In addition, these are three separate Schedule A-1 forms, mailed on different days, not all at once.

Therefore, I recommend that in regards to contribution #1, the appeal be granted. In regards to contributions # 2 and 3, I recommend that the appeal be denied. He states that he had to mail them; however Board rules provide for the faxing of Schedule A-1 reports. Section 5/9-10(b-5) states that the A-1 filing must be received by the Board within 2 business days after receipt of the contribution. However, since there is no indication that these violations were anything other than inadvertent and unintentional, I also recommend that the penalty be reduced to 10% of the original assessment, or \$300. (The \$300 is arrived at as a result of the granting of the appeal in regards to #1 if that recommendation is accepted by the Board.) In addition, since this Committee has filed a Final Report, I further recommend that should the Committee remain dissolved for a period of 2 years following the date of the Final Order imposing the penalty, the fine be abated.



Sharon Steward – Hearing Examiner

August 20, 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  
June 25, 2009

Committee to Elect Tom Strickland  
Tom Strickland, Shirley Strickland  
8718 VanGuard  
Machesney Park, IL 61115

L15300

Dear Committee to Elect Tom Strickland;

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>
Northern Illinois	3/9/09	1000.00	1000.00	3/13/09	2
Northwestern IL Building & Construction	3/12/09	1000.00	1000.00	3/18/09	2
Northwestern IL Building & Construction	3/25/09	2000.00	2000.00	3/30/09	1

The committee is fined a **total** of \$4000.00 for delinquently filing Schedule A-1 reports as required by the Illinois Campaign Disclosure Act. This total *does not* reflect any previously assessed fines.

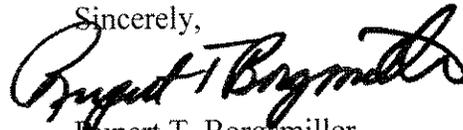
Based upon this committee's failure to comply with the provision of 10 ILCS 5/9-10(b-5) of the Election Code, the Board may impose fines for violations not to exceed 100% of the total amount of the contributions that were untimely reported, but in no case when a fine is imposed shall it be less than 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 \$400.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order.

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

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

Sincerely,



Rupert T. Borgsmiller

Director, Division of Campaign Disclosure

RTB:sm

cc: Officer(s), Candidate(s)

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

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

State of Illinois )  
County of WINNEBAGO )

STATE BOARD OF ELECTIONS

09 JUL -8 AM 8:52

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

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

Case No. LI 5300

APPEAL AFFIDAVIT

I, THOMAS W STRICKLAND, the THOMAS W STRICKLAND of the  
(Name) (Chairman/Treasurer)

COMMITTEE TO ELECT TOM STRICKLAND  
(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:

AS PER COPY'S ATTACHED I DID FILE SCHEDULE "A" FORM  
NORTHERN ILL. BUILDING AND CONSTRUCTION ON 4-17-09.  
YOU MUST HAVE A CLERICAL ERROR, PLS LET ME KNOW  
IF YOU NEED ANY FUTURE INFO. I ALLSO HAVE INCLUDED

"A-1" FORMS DATED 3-25-09 FOR \$2000.00 DATED 3-11-09 FOR \$1000.00  
DATE 3-11-09 FOR \$1000.00, ALL A-1 FORMS WERE MAILED WITH IN 2 DAYS  
OR LESS FROM THE DATE RECIEVED.

Signed and Sworn to by:  
Thomas W Strickland  
before me this 29 Day of  
June 2009

Tom Strickland  
(Signature of Chairman/Treasurer)

D.L. Andersson  
Notary Public  
OFFICIAL SEAL  
D.L. ANDERSSON  
Notary Public, State of Illinois  
My Commission Expires 05/01/2012

215

NOTE! I TRIED TO USE THE INTERNET /EMAIL TO FILE THESE  
PAPER BUT I COULD NOT MAKE IT WORK, I EVEN CONTACTED  
PEOPLE IN YOUR OFFICE AND THEY WALKED ME THROUGH

# SCHEDULE A-1

## REPORT OF CAMPAIGN CONTRIBUTIONS OF MORE THAN \$500

FOR OFFICE USE ONLY

Full name and complete mailing address of Political Committee:

*COMMITTEE TO ELECT TOM STRICKLAND  
8718 VANBOARD DRIVE  
MAGNIFY PARK, ILL 61115*

POLITICAL COMMITTEE  
IDENTIFICATION NO.

*30-0536735*

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

This form must be on file within **TWO** business days of receipt of a contribution in an aggregate of more than \$500 received in the thirty day period preceding any election (up through and including the day before any election) by either:

1. **HAND DELIVERY** - to a state board of elections office (see bottom of form for addresses),
2. **FACSIMILE** - to (217)-557-5630 or (217)-782-5959. Please retain a confirmation transmission for your records, or
3. **ELECTRONIC TRANSMISSION**

Postal service or other mail services may be used. **CAUTION:** such services do not guarantee that the A-1 form will be received by our office prior to the deadline. **A POSTMARK IS NOT USED TO DETERMINE WHETHER AN A-1 FORM HAS BEEN TIMELY FILED.**

This form must be on file with the State Board of Elections within two business days of receipt of a contribution of more than \$500 or penalties will be levied for late filings. Report may be hand delivered or faxed to (217)-557-5630 or (217)-782-5959.

**THESE CONTRIBUTIONS MUST ALSO BE REPORTED ON THE NEXT REGULARLY SCHEDULED FORM D-2 REPORT, SCHEDULE A.**

RECEIVED FROM: FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE	AMOUNT
<i>NORTHERN ILLINOIS BUILDING CONTRACTORS ASSOC ROCKFORD, IL 61108</i>	<i>3-9-09</i>	<i>\$ 1000.00</i>
		\$
		\$
		\$
		\$

*Thomas W Strickland*

*3-11-09*  
DATE

SIGNATURE OF TREASURER OR CANDIDATE

THE ILLINOIS STATE BOARD OF ELECTIONS IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY IF YOU QUALIFY AS A POLITICAL COMMITTEE AS OUTLINED UNDER PUBLIC ACT 78-1163. DISCLOSURE OF THIS INFORMATION IS REQUIRED. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN A FINE UP TO \$5,000. THIS FORM IS IN COMPLIANCE WITH THE FORMS MANAGEMENT PROGRAM ACT

STATE POLITICAL COMMITTEES RETURN TO:  
STATE BOARD OF ELECTIONS OR  
1020 SOUTH SPRING STREET  
PO BOX 4187  
SPRINGFIELD, IL 62708-4187  
(217) 557-5630 FAX, (217) 782-5959 FAX

STATE BOARD OF ELECTIONS  
JAMES R. THOMPSON CENTER  
100 WEST RANDOLF, SUITE 14-100  
CHICAGO, IL 60601

LOCAL POLITICAL COMMITTEES AND STATE  
AND LOCAL POLITICAL COMMITTEES SHALL  
FILE WITH THE STATE BOARD OF ELECTIONS  
AND EACH APPROPRIATE COUNTY CLERK.

THIS CHECK WAS REC. ON 3-11-09

9931

NORTHERN ILLINOIS  
BUILDING CONTRACTORS ASSOC.  
ROCKFORD, IL 61108

AMCORE Bank  
1-888-4-AMCORE www.AMCORE.com

70-45-719

Memo:

One Thousand and 00/100 Dollars

DATE

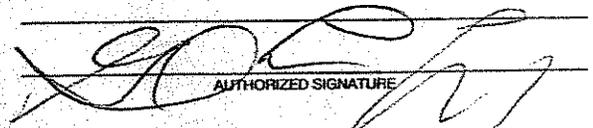
AMOUNT

Mar 9, 2009

\*\*\*\*\*\$1,000.00

PAY  
TO THE  
ORDER  
OF

Campaign to Elect Strickland

  
AUTHORIZED SIGNATURE

217

⑈00009936⑈ ⑆071900456⑆ ⑈6076608⑈

# SCHEDULE A-1

## REPORT OF CAMPAIGN CONTRIBUTIONS OF MORE THAN \$500

FOR OFFICE USE ONLY

Full name and complete mailing address of Political Committee:

*COMMITTEE TO ELECT TOM STRICKLAND  
8718 VANGUARD DRIVE  
MACHESNEY PARK, IL. 61115*

POLITICAL COMMITTEE  
IDENTIFICATION NO.

*30-0536735*

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

This form must be on file within **TWO** business days of receipt of a contribution in an aggregate of more than \$500 received in the thirty day period preceding any election (up through and including the day before any election) by either:

1. **HAND DELIVERY** - to a state board of elections office (see bottom of form for addresses),
2. **FACSIMILE** - to (217)-557-5630 or (217)-782-5959. Please retain a confirmation transmission for your records, or
3. **ELECTRONIC TRANSMISSION**

Postal service or other mail services may be used. **CAUTION:** such services do not guarantee that the A-1 form will be received by our office prior to the deadline. **A POSTMARK IS NOT USED TO DETERMINE WHETHER AN A-1 FORM HAS BEEN TIMELY FILED.**

This form must be on file with the State Board of Elections within two business days of receipt of a contribution of more than \$500 or penalties will be levied for late filings. Report may be hand delivered or faxed to (217)-557-5630 or (217)-782-5959.

**THESE CONTRIBUTIONS MUST ALSO BE REPORTED ON THE NEXT REGULARLY SCHEDULED FORM D-2 REPORT, SCHEDULE A.**

RECEIVED FROM: FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE	AMOUNT
<i>NORTHWESTERN ILLINOIS BUILDING AND CONSTRUCTION TRADES COUNCIL 4477 LINDEN ROAD, SUITE "C" ROCKFORD, IL. 61109</i>	<i>3-12-09</i>	<i>\$ 1,000.00</i>
		\$
		\$
		\$
		\$

*Thomas Strickland*  
SIGNATURE OF TREASURER OR CANDIDATE

*3-14-09*  
DATE

THE ILLINOIS STATE BOARD OF ELECTIONS IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY IF YOU QUALIFY AS A POLITICAL COMMITTEE AS OUTLINED UNDER PUBLIC ACT 78-1183, DISCLOSURE OF THIS INFORMATION IS REQUIRED. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN A FINE UP TO \$5,000. THIS FORM IS IN COMPLIANCE WITH THE FORMS MANAGEMENT PROGRAM ACT

STATE POLITICAL COMMITTEES RETURN TO:  
STATE BOARD OF ELECTIONS OR STATE BOARD OF ELECTIONS  
1020 SOUTH SPRING STREET JAMES R. THOMPSON CENTER  
PO BOX 4187 100 WEST RANDOLF, SUITE 14-100  
SPRINGFIELD, IL. 62708-4187 CHICAGO, IL. 60601  
(217) 557-5630 FAX, (217) 782-5959 FAX

LOCAL POLITICAL COMMITTEES AND STATE AND LOCAL POLITICAL COMMITTEES SHALL FILE WITH THE STATE BOARD OF ELECTIONS AND EACH APPROPRIATE COUNTY CLERK.

218



**NORTHWESTERN ILLINOIS BUILDING AND  
CONSTRUCTION TRADES COUNCIL  
POLITICAL ACTION COMMITTEE**

NATIONAL CITY

1365

70-2189/719

3/12/2009

PAY TO THE  
ORDER OF

Committee to Elect Tom Strickland

\$ \*\*1,000.00

DOLLARS

One Thousand and 00/100\*\*\*\*\*

Committee to Elect Tom Strickland  
8718 Vanguard  
Machesney Park, IL 61115

Payment possible by UNION LABOR & WAGES!

*[Signature]*  
PRESIDENT  
*[Signature]*  
SECRETARY/TREASURER

MEMO

Campaign Donation

⑈001365⑈ ⑆071921891⑆ 0108055006⑈

*THIS CHECK WAS REC 3-14-09*

# SCHEDULE A-1

## REPORT OF CAMPAIGN CONTRIBUTIONS OF MORE THAN \$500

FOR OFFICE USE ONLY

Full name and complete mailing address of Political Committee:

COMMITTEE TO ELECT TOM STRICKLAND  
8718 VANGUARD DRIVE  
MACHESNEY PARK, IL 61115

POLITICAL COMMITTEE  
IDENTIFICATION NO.

30-0536735

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

This form must be on file within TWO business days of receipt of a contribution in an aggregate of more than \$500 received in the thirty day period preceding any election (up through and including the day before any election) by either:

1. **HAND DELIVERY** - to a state board of elections office (see bottom of form for addresses),
2. **FACSIMILE** - to (217)-557-5630 or (217)-782-5959. Please retain a confirmation transmission for your records, or
3. **ELECTRONIC TRANSMISSION**

Postal service or other mail services may be used. **CAUTION:** such services do not guarantee that the A-1 form will be received by our office prior to the deadline. **A POSTMARK IS NOT USED TO DETERMINE WHETHER AN A-1 FORM HAS BEEN TIMELY FILED.**

This form must be on file with the State Board of Elections within two business days of receipt of a contribution of more than \$500 or penalties will be levied for late filings. Report may be hand delivered or faxed to (217)-557-5630 or (217)-782-5959.

**THESE CONTRIBUTIONS MUST ALSO BE REPORTED ON THE NEXT REGULARLY SCHEDULED FORM D-2 REPORT, SCHEDULE A.**

RECEIVED FROM: FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE	AMOUNT
NORTHWESTERN ILLINOIS BUILDING AND CONSTRUCTION TRADES COUNCIL 4477 LINDEM ROAD SUITE "C" ROCKFORD, IL 61109	3-25-09	\$ 2000.00
		\$
		\$
		\$
		\$

*Tom Strickland*  
SIGNATURE OF TREASURER OR CANDIDATE

3-25-09  
DATE

THE ILLINOIS STATE BOARD OF ELECTIONS IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY IF YOU QUALIFY AS A POLITICAL COMMITTEE AS OUTLINED UNDER PUBLIC ACT 78-1103, DISCLOSURE OF THIS INFORMATION IS REQUIRED. FAILURE TO PROVIDE ANY INFORMATION COULD RESULT IN A FINE UP TO \$3,000. THIS FORM IS IN COMPLIANCE WITH THE POLDS MANAGEMENT PROGRAM ACT

STATE POLITICAL COMMITTEES RETURN TO:  
STATE BOARD OF ELECTIONS OR STATE BOARD OF ELECTIONS  
1828 SOUTH SPRING STREET JAMES R. THOMPSON CENTER  
PO BOX 4187 100 WEST RANDOLF, SUITE 14-100  
SPRINGFIELD, IL 62702-4187 CHICAGO, IL 60681  
(217) 557-5630 FAX, (217) 782-5959 FAX

LOCAL POLITICAL COMMITTEES AND STATE  
AND LOCAL POLITICAL COMMITTEES SHALL  
FILE WITH THE STATE BOARD OF ELECTIONS  
AND EACH APPROPRIATE COUNTY CLERK.



**NORTHWESTERN ILLINOIS BUILDING AND  
CONSTRUCTION TRADES COUNCIL  
POLITICAL ACTION COMMITTEE**

NATIONAL CITY

1377

70-2189719

3/25/2009

PAY TO THE  
ORDER OF

Committee to Elect Tom Strickland

\$\*\*2,000.00

DOLLARS

Two Thousand and 00/100\*\*\*\*\*

Committee to Elect Tom Strickland  
8718 Vanguard  
Machesney Park, IL 61115

Payment possible by UNION LABOR & WAGES!

*Bob Long*

PRESIDENT

*Joseph*

SECRETARY/TREASURER

MEMO

Campaign Donation

⑈001377⑈ ⑆071921891⑆ 0108055006⑈

*THIS CHECK WAS REC ON 3-25-09*

NAME OF POLITICAL COMMITTEE:  
 Committee to Elect  
 Tom Strickland  
 8718 Vanguard  
 Machesney Park FL 61115

REPORTING PERIOD

3/8/09 FROM 4/17/09 THRU

FOR OFFICE USE ON

SCHEDULE A

INDICATE THE PART OF FORM D-2 BEING ITEMIZED:

PART 1- INDIVIDUAL CONTRIBUTIONS  
 INCLUDING TICKETS AND RAFFLE SALES

PART 3- LOANS RECEIVED  
 INCLUDING ENDORSER

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

PART 4- OTHER RECEIPTS

POLITICAL COMMITTEE

IDENTIFICATION

30-0536735

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

ITEMIZED RECEIPTS FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE RECEIVED	AMOUNT OF EACH RECEIPT	AGGREGATE AMOUNT FOR REPORTING PERIOD
Northern IL Building PAC Construction & Trade Council 4477 Linden Rd. suite 201 Rockford, IL 61109	✓ 3-16-09 3-22-09 3-25-09	1,000.00 1,000.00 2,000.00	4,000.00
plumbers & pipefitters local 23 PAC 4525 Boeing DR. Rockford IL 61109	✓ 3-19-09	200.00 EMPLOYER:	200.00 OCCUPATION:
Ancore Financial INC PAC 501 7th st Rockford, IL 61104	✓ 3/16/09	50.00 EMPLOYER:	50.00 OCCUPATION:
united Union of Roofers local 11 PAC 9838 W. Roosevelt rd westchester, IL 60154	✓ 3/6/09	100.00 EMPLOYER:	100.00 OCCUPATION:
		EMPLOYER:	OCCUPATION:

TOTAL THIS PERIOD \$ 4,350.00  
 (LAST PAGE OF THIS PART ON

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

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

5/12/2009

Committee to Elect Tom Strickland  
8718 VanGuard Dr  
Machesney Park, IL 61115-2262

---

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 15300 14  
Committee to Elect Tom Strickland

**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.

4/20/2009 9:36:10AM Received in Springfield Letter/Correspondence

---

4/20/2009 9:37:00AM Received in Springfield D-2 Final Report  
two reports combined actually make

STATE OF ILLINOIS)  
)  
COUNTY OF COOK)

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

Emilio Cundari )  
Complainant )  
)  
vs. ) 09 CD 002  
Cicero Equality Committee )  
Respondent )  
)

**REPORT OF HEARING EXAMINER**

**HISTORY**

On 2/4/09, Complainant filed a complaint against Respondent, pursuant to An Act to Regulate Campaign Financing (Illinois Compiled Statutes, Chapter 10, Article 5, Section 9-1, et seq., hereafter referred to as the "Act") alleging inaccuracies in Respondent's 12/31/08 Semi-Annual report.

The State Board of Elections ("SBOE") thereafter appointed Sharon Steward as Hearing Officer to conduct a closed preliminary hearing.

The closed preliminary hearing was convened and on 2/23/09, Ms. Steward issued a report finding that the complaint was not filed on justifiable grounds.

On 2/24/09, the Board issued an order indicating that "the complaint was filed on justifiable grounds as to the allegation of failure to disclose expenditures for campaign-related materials" but that "the complaint was not filed on justifiable grounds as to the unreported contribution and the unreported expenditure to a political operative involved in the campaign."

On 3/3/09 Philip Krasny was appointed as Hearing Officer to conduct a Public Hearing as to the allegation of Respondent's failure to disclose expenditures for campaign-related materials.

Respondent filed a motion to reconsider the Board's order, which was denied.

On 3/29/09, a pre-hearing conference was held at the SBOE offices in Chicago. Complainant was represented by Michael Lavelle. Respondent was represented by Frank Avila.

At the hearing, Mr. Avila indicated that he was intending to appeal the Board's order and made an oral motion to stay the Public Hearing, pending a ruling by the appellate court. The motion to stay the proceedings was denied, but Mr. Avila was instructed to provide the hearing officer with a copy of the order if the appellate court issued an order staying the Public Hearing.

Mr. Lavelle filed a written discovery motion which requested that Respondent file a list of witnesses and expert witnesses it intended to call. Mr. Lavelle also requested the issuance of 5 subpoenas "for attendance at depositions and to include a command to produce records, books papers, documents, and tangible things in connection with the subpoena".

5 subpoenas "for attendance at depositions and to include a command to produce records, books papers, documents, and tangible things in connection with the subpoena".

Your hearing officer ordered that Respondent submit a list of witnesses and experts it intended to call. Mr. Lavelle was also ordered to submit to Mr. Avila a copy of the subpoena identifying the witnesses he wanted to depose and identifying the documents he wanted produced. The hearing was continued to 4/17/09 for ruling on the discovery request and setting a date for a Public Hearing.

On 3/27/09, the appellate court issued an order staying the Public Hearing.

On 3/30/09 your hearing officer issued an order staying the Public Hearing and striking the 4/17/09 status date.

The complaint was reset for a Public Hearing on 8/24/09. On that date, James Nally filed an appearance on behalf of Respondent. Mr. Lavelle represented the Complainant and appeared at the hearing telephonically.

Mr. Lavelle requested a continuance and indicated that he would be ready to proceed to hearing on 8/31/09. No request for the issuance of subpoenas was made by Complainant and Complainant's motion for a continuance was granted. The parties were ordered to provide opposing counsel with copies of all documents they intended to use at hearing.

On 8/31/09 the Public Hearing was reconvened. Complainant was represented by Michael Lavelle. Respondent was represented by James Nally. Mr. Lavelle orally moved to continue the matter in order to issue subpoenas. Based upon Mr. Lavelle's 8/24/09 representations that he would be ready to proceed to hearing on 8/31/09, your hearing officer found the oral motion to be untimely and it was denied.

The matter then proceeded to hearing.

#### **EVIDENCE**

At the hearing, Emilio Cundari testified that he has worked on political campaigns for several years and was familiar with the costs of yard signs. He opined that a 2' by 2' yard sign cost approximately \$3.00. When questioned about the how many signs the Respondent had distributed in Cicero prior to 12/31/09, Mr. Cundari indicated that he did not know.

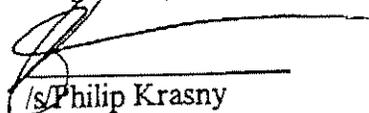
No other evidence was presented.

Respondent presented no evidence and the parties waived closing arguments.

#### **FINDINGS OF FACT AND RECOMMENDATIONS**

Complainant has failed to present any evidence in support of its allegations that the Cicero Equality Committee's 12/31/08 semi annual failed to adequately disclose expenditures for campaign-related materials. Accordingly, it is the recommendation that the complaint is unfounded and that no sanctions be imposed against Respondent.

Respectfully Submitted,

  
/s/Philip Krasny

dated: 9/1/09





FORM  
D-4

COMPLAINT FOR VIOLATION OF  
THE CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS AND TELEPHONE NUMBER:

Emilio CUNDARI  
3611 S. 55TH COURT  
CICERO, IL 60804

EMAIL: Chiefemo@YAHOO.COM  
PHONE: 773-842-8951

STATE BOARD OF ELECTIONS  
CHICAGO  
NOV 19 11 56

vs.

No. \_\_\_\_\_

NAME AND ADDRESS OF RESPONDENT:

CICERO EQUALITY Committee  
8639 PLAINFIELD RD.  
LYONS, IL 60534-1057

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE  STATE BOARD OF ELECTIONS,  COUNTY CLERK, OR  NONE. IF FILED WITH THE COUNTY CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9, ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

10 ILCS 5/9-11, 9-12, 9-13, 9-14

SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

FAILURE TO REPORT CERTAIN CAMPAIGN EXPENDITURES & CONTRIBUTIONS. (SEE ATTACHED)

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

2/4/09

DATE

SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN VERIFICATION MUST BE SIGNED BY AN AUTHORIZED OFFICER AND ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

I, Emilio CUNDARI HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

a) BY PERSONALLY DELIVERING THE SAME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_ M.

✓ b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE 4<sup>TH</sup> DAY OF FEB 2009 AT THE \_\_\_\_\_ MAIL \_\_\_\_\_ BOX \_\_\_\_\_ OR \_\_\_\_\_ POSTAL \_\_\_\_\_ STATION \_\_\_\_\_ LOCATED AT: 24<sup>TH</sup> & LARAMIE, CICERO, IL 60804

[Signature]  
SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4<sup>TH</sup> DAY OF FEB, 2009

[Signature]  
NOTARY PUBLIC



INSTRUCTIONS

- 1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
- 2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
- 3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS  
1020 S SPRING ST  
SPRINGFIELD, ILLINOIS 62704-2924

STATE BOARD OF ELECTIONS  
100 W RANDOLPH ST, STE 14-100  
CHICAGO, IL 60601-3232

I understand from reliable sources within the organization of the Cicero Equality Committee that their principal candidate, Mr. Robert Garcia, and members of his campaign committee, including campaign advisors are knowingly violating various provisions of the Illinois Election Code as it pertains to reporting campaign expenditures and campaign contributions.

I cannot personally verify all of the items identified below, and thus am requesting the State Board of Elections look into this matter to ensure the integrity of the upcoming local election in the Town of Cicero.

Campaign expenditures not reported:

- (1) **Yardsigns.** Mr. Garcia and candidates running with him have yardsign up around town and yet no expenditure for yardsigns (in-kind or direct payment) is indicated on their most recent filing.
- (2) **Campaign consultant.** It is widely known that a campaign consultant named Dave Donahue is running Mr. Garcia's campaign. No expenditures for Mr. Donahue's services (in-kind or direct payment) are reported on their most recent filing.

Campaign contributions not reported:

- (1) **Michael G. Wellek.** It is my understanding that Mr. Wellek made a \$40,000 contribution to the Cicero Equality Committee which has not been reported on their most recent filing and which the Cicero Equality Committee has no intention of reporting.

I do not have hard evidence of this (e.g. a copy of the check), this is just something that was told to me by someone I consider a highly credible source.



3. From the initiation of their candidacies until the open hearing stage of these proceedings. Respondents did not have legal counsel for campaign finance matters

4. Respondents are relatively inexperienced at political campaigns and, prior to circulating petitions and through their successful election, Respondents hired and delegated the authority to run their campaign to American Campaigns, a firm of political consultants and printers;

5. American Campaigns thus has business records of expenditures made on behalf of the Respondents; goods and services provided to and for Respondents and moneys paid by or for Respondents for such goods and services all of which are required to be reported under the Campaign Finance Act;

6. Though not lawyers (or even legal paraprofessionals). American Campaigns advised Respondents respecting their duties under the Campaign Finance Act and even how to defend the above-captioned complaint prior to the appearance of present counsel. Although much of that advice was erroneous, the Respondents followed that advice;

7. In the defense of the above-captioned complaint, present Respondents' counsel has undertaken to bring Respondents into compliance with the Campaign Finance Act and therefore sought contemporaneously-created business records of transactions required to be reported from American Campaigns. Specifically, Respondents' counsel has had numerous in-person meetings, telephone conversations and correspondence with American Campaigns and their attorney. Frank B. Avila, all of which has resulted in a complete refusal by American Campaigns to supply contemporaneously-created business records such as checks, money orders, credit card records, orders, writings memorializing the completion and delivery of political signage and literature, invoices, *etc.* Appendix A

Appendix A consisted of a May 22, 2009 letter to attorney Frank Avila, which provides, in pertinent part, as follows:

Thank you for taking the time last night and this morning to discuss this case. After I talked to you this morning, Tom Hendrix called me very angry and stated that he would not voluntarily produce any further records and that I should not speak to him further - that I should address all further communications to you. So that is what I am doing.

I know that Tom and Charlie Ferral are angry with my clients here who have apparently seriously abused the generosity of American Campaigns and are now asking for American Campaigns' assistance in defending the above-captioned State Board of Elections Campaign Finance Act complaint case. What Tom and Charlie apparently do not understand is that assisting in this matter *is in their interest* and that their decision to assist us should be based only on what would serve their own interests and *not for the benefit of their former ungrateful clients.*

This is a case in which American Campaigns made significant expenditures on behalf of my clients to third parties and printed and delivered a great deal of campaign signage and political literature all of which are plainly all of which are campaign expenditures which must be reported regardless of whether they were timely paid for by my clients or constitute a legal indebtedness which are obligated to pay. (The Campaign

Finance Act simply does not penult a candidate to run a campaign on credit and never report on the grounds that *he* didn't spend any money.) As soon as these expenditures amounted to \$3,000.00, your clients should have reported that fact to my clients and my clients should have filed a D-1 Statement of Organization. They did not file a D-1 based on these expenditures, apparently because your client did not notify them timely or in a way so that they would understand their obligation to report. Some of these expenditures were made during the period so far prior to the election so that they should have been included on a D-2 pre-election report but *no such report was filed*, apparently because your client did not notify them timely or in a way so that they would understand their obligation to report. Most critically from the point of view of campaign finance violation fines, a very large portion of the expenditures valued in excess of \$500 came in the last 30 days before the election, and each such item should have been reported within *1* business days *and not a single one was*. Finally, although Torn Hendrix denies it, I am informed, do believe (and expect to be required to prove) that substantial campaign donations for the benefit of my clients were given directly to American Campaigns *and never reported*. This is an aggravated case and the only sensible way to defend it is to make full disclosure by filing each and every report which should have been filed and then arguing that, as a first offense, we should only be fined 10% and that the necessity of payment should be stayed pending fixture good behavior. We may well be looking at a \$50,000 fine.

As you stressed to me in our phone conversation this morning, my clients are legally responsible for the filing of the plainly missing reports. That is certainly true. However, it is also true that your client is obligated to bill my clients timely enough and in such a way that they can make the reports.

Based upon the representations in the motion, and without objection by the Complainant, a subpoena was issued to Thomas Hendrix/American Campaigns for the production of records returnable on June 15, 2009.

On June 15, 2009, the hearing was reconvened. Complainant appeared Pro Se and Richard Means appeared on behalf of Respondent. Additionally, Frank Avila appeared on behalf of Thomas Hendrix and American Campaigns. Mr. Avila agreed to supplement the materials that had been previously provided to Mr. Means and to have his clients submit an affidavit of compliance. The matter was continued to June 29, 2009 for compliance with the subpoena.

On June 29, 2009 the matter was reconvened. Complainant appeared Pro Se and Richard Means appeared on behalf of Respondent. Frank Avila did not appear. Based upon Mr. Means' representations that Mr. Avila had not complied with the subpoena, a Rule to Show Cause was issued and returnable on July 7, 2009.

On July 1, 2009, an e-mail correspondence was sent to the parties by Mr. Avila indicating that he was attempting to obtain all required documents and would have his clients submit an affidavit, "as soon as possible".

On July 7, 2009, the matter was reconvened. Complainant appeared Pro Se and Richard Means appeared on behalf of Respondent. Frank Avila appeared telephonically. Mr. Means indicated that he had received some additional documents from American Campaigns as well as an affidavit, which Mr. Means argued was deficient. Mr. Avila indicated that he had neither drafted nor seen the affidavit. He agreed to prepare a pro  
submit bated stamped copies of all documents  
232  
d affidavit for his clients' signature and provided in response to the subpoena by

July 10, 2009. The matter was continued to July 20, 2009.

On July 10, 2009, Richard Means e-mailed a note to the hearing officer and Complainant indicating that Mr. Avila had been involved in an automobile crash and was hospitalized. Based upon the information, your hearing officer sent the following e-mail to all parties

In spite of the unfortunate development, I believe we need to move forward. I suggest that the New Broadview Tea Party prepare all applicable schedules and filings based upon the information it can glean from the documents previously tendered by American Campaigns as well as information it has from other sources.

It is my intent to proceed with the open preliminary hearing on the next scheduled date, July 20, 2009. At that time the Respondent will be able to present evidence as to why any of its schedules were untimely filed. Additionally, I would request that the Respondent provide copies of documents it received from American Campaign documents pursuant to subpoena to the Hearing officer on July 20, 2009 so that they may be part of the record. Finally, should Mr. Avila condition improve before July 20, 2009, I would ask that he have his clients sign an affidavit of compliance, along with bate stamped copies of all documents.

On July 20, 2009, the hearing was reconvened. Complainant appeared Pro Se and Richard Means appeared on behalf of Respondent. Matthew Ames, a representative of the New Broadview Tea Party, was also present.

It was reported that Mr. Avila had been released from the hospital and was recuperating at home. Mr. Means filed a copy of all documents that Respondent received from American Campaigns and indicated that Respondent had prepared its semi-annual return. However, Respondent would need additional time to file an amended D-1 Statement of Organization, a D-2 pre-election report and A-1 schedules. A copy of the semi-annual return had not previously been provided to Complainant, so a short recess was held to allow Complainant an opportunity to review the proposed filing.

Following the recess, Mr. Means acknowledged that the semi-annual return was incomplete and he needed time to obtain certain bank records. Mr. Means agreed that he would provide copies of an amended D-1 Statement of Organization, an amended D-2 pre-election report, A-1 schedules, and a semi-annual report to Complainant on or before July 31, 2009. Additionally, Respondent agreed to provide Complainant with copies of all documents requested in her May 7, 2009 Request for Production.

The matter was then adjourned to August 3, 2009 at which time Respondent was to file an amended D-1 Statement of Organization, an amended D-2 pre-election report, A-1 schedules, and a semi-annual report and present evidence as to why it had been delinquent in accurately filing the aforementioned reports and schedules.

On August 3, 2009, the hearing was reconvened. Complainant appeared Pro Se and Richard Means appeared on behalf of Respondent. Matthew Ames, a representative of the New Broadview Tea Party, was also present.

Complainant acknowledged that Respondent had provided the Complainant with copies of the documents he intended to file with the SBOE.

Frank Avila, appearing on behalf of Thomas Hendrix and American Campaigns, presented an affidavit indicating that the documents provided to Mr. Means complied with the previously issued subpoena.

## EVIDENCE

Mr. Means acknowledged that Respondent's D-1 Statement of Organization and D-2 Pre-Election report, filed with the SBOE on 3/17/09 and March 23, 2009, respectively, were in error and would be amended. He also acknowledged that Respondent failed to timely file the required D-2 Semi-Annual Report and A-1 Schedules. Mr. Means further indicated that the aforementioned documents would be filed with the SBOE by Friday, August 7, 2009.

Matthew Ames was called as a witness on behalf of Respondent to explain why the New Broadview Tea Party's ("NBTP") D-1 and D-2 Pre-Election Report contained errors and why other documents had not been timely filed.

Mr. Ames testified that he is 45 years old, resides in Broadview and is the owner of Matthew MFA Construction Company, a general contracting company located in Hillside. He indicated that he has a felony conviction. Mr. Ames indicated that he was a founding member of the NBTP and was involved in its management activities. He testified that he recently replaced Maxine Johnson as NBTP's treasurer.

In 2007, Mr. Ames became involved in local politics and worked with Judy Brown Marino in supporting candidates for trustee of the Village of Broadview. While working on the 2007 campaign, Mr. Ames met Charlie Ferral, who operated American Campaigns, a printing company located on Lake Street in Chicago. American Campaigns provided printed material and palm cards for the 2007 campaign.

In December 2008, Mr. Ames once again became involved with Broadview politics and, as a member of the NBTP, slated candidates for the April 7, 2009 election of trustees and mayor. He met with Charlie Ferral from American Campaigns, who provided printed campaign materials for the NBTP candidates.

Mr. Ames denied that Charlie Ferral was a member of the NBTP. However, he explained that the relationship between NBTP and American Campaigns evolved and was not limited to printing campaign literature. Rather, beginning in January 2009, Charlie Ferral became more intertwined in the operations of NBTP's campaign. Although NBTP never entered into a contract with American Campaigns to serve as a campaign consultant, Mr. Ferral recruited "volunteers" who circulated nominating petitions for NBTP's candidates. He secured a campaign office for NBTP. He provided NBTP with an office manager. He also provided NBTP with an attorney who represented NBTP when its nominating petitions were challenged in February 2009.

Mr. Ames testified that he never received any bills or invoices for the services rendered by American Campaigns or Charlie Ferral. When he questioned Mr. Ferral about bills, he was told that NBTP would receive bills after the campaign was over.

Mr. Ames claimed that he first became aware of campaign disclosure requirements after Complainant had filed her complaint against NBTP in March 2009. He testified that he did not recall being advised by Judy Brown Moreno in 2007 that there were state disclosure requirements for political committees. Nor did he recall reviewing any literature from the SBOE or Cook County Clerk regarding campaign disclosure requirements. Rather, Ames testified that during the

campaign, his primary efforts was working with NBTP's slate of candidates meet their constituents and that he relied on American Campaigns and Mr. Ferral to advise NBTP on what documents needed to be filed with the SBOE.

Mr. Ames acknowledged that over the course of the campaign disputes arose between NBTP and American Campaigns regarding the manner in which the campaign was being run. Mr. Ames testified that NBTP and American Campaigns apparently had different agendas, but that he continued to focus on working with his slate of candidates and bringing their message of good government to the community.

After receiving the complaint, Ames contacted Mr. Ferral who advised him that no filings were required, since all expenses incurred by NBTP had yet to be billed. Mr. Ferral provided Mr. Ames with the text for letters, as well as a spreadsheet of expenses, which Mr. Ames filed with the SBOE and which Mr. Ames relied on at the closed preliminary hearing held on March 30, 2009.

One of the letters, dated March 26, 2009, was signed by Maxine Johnson, Treasurer of the NBTP, and indicated that "Matthew Ames has been named to the Board of Directors of the New Broadview Tea Party and has also been elected to the position of Sergeant of Arms" and that he was authorized to represent NBTP.

Another letter, dated March 26, 2009, was also signed by Maxine Brown. The letter stated that "the New Broadview Tea Party met the threshold for \$3,000 in contributions or expenditures on March 8, 2009". The letter also contained a spreadsheet, entitled "New Broadview Tea Party Master List" which "detail[ed] debts and obligations of the committee". The letter indicated that the spreadsheet reflected "unpaid debt owed to patient vendors, not receipts or expenditures".

Mr. Ames was shown NBTP's D-1, Statement of Organization, signed by Maxine Brown, and filed with the SBOE on March 17, 2009 as well as NBTP's D-2, Pre-election report, which was electronically filed with the SBOE on 3/23/09.

Mr. Ames testified that the date on the D-1, which indicated that the committee was formed on 3/8/09, and which was used in preparing the D-2 Pre election report, were in error. He indicated that the reports had been filed based upon actual expenditures he made totaling \$3,300 and included payments for the renovation of the NBTP's campaign office in Broadview and the installation of the telephone at the campaign office. However, Mr. Ames further indicated that those expenditures were made on or about January 18, 2009, two days before the NBTP campaign office was opened.

Mr. Ames was shown a lease dated January 18, 2009 for the NBTP's campaign office. He testified that the first time he saw the lease was after it was produced by American Campaigns in response to the subpoena. The January 18, 2009 lease, which ran through April 18, 2009, identified John Lee as the Lessor and American Campaign as the Lessee, and showed the rent as \$500 a month. Mr. Ames testified that he was unaware of the terms of the lease prior to its production.

Mr. Ames was also shown the NBTP's banking statements from Harris bank for March and April 2009 and which were produced pursuant to Complainant's Production Request. Mr. Ames indicated that he was not the treasurer of NPTP when the bank account was open and could not account for several deposits, which the bank account shows were made into the accounts.

Mr. Ames testified that after the SBOE determined that the instant complaint was filed on justifiable grounds, the NBTP decided to retain the services of Richard Means, an established election law attorney, to assist the committee in complying with the Campaign Disclosure Act. Mr. Ames provided Mr. Means with all NBTP's financial records he could locate. Mr. Means used those records, together with the records obtained from American Campaigns pursuant to subpoena, and prepared NBTP's amended D-1 Statement of Organization, amended D-2 Pre-Election report as well as the committee's D-2 Semi -Annual Report and A-1 Schedules.

## **PERTINENT STATUTES**

10 ILCS 5/9-1.7

"Local political committee" means the candidate himself or any individual, trust, partnership, committee, association, corporation, or other organization or group of persons which:

(a) accepts contributions or grants or makes expenditures during any 12-month period in an aggregate amount exceeding \$3,000 on behalf of or in opposition to a candidate or candidates for public office who are required by the Illinois Governmental Ethics Act to file statements of economic interests with the county clerk, or on behalf of or in opposition to a candidate or candidates for election to the office of ward or township committeeman in counties of 3,000,000 or more population;

10 ILCS 5/9-2

Every political committee shall designate a chairman and a treasurer. ....The treasurer of a political committee shall be responsible for keeping the records and filing the statements and reports required by this Article.

10 ILCS 5/9-3

Every state political committee and every local political committee shall file with the State Board of Elections, and every local political committee shall file with the county clerk, a statement of organization within 10 business days of the creation of such committee, except any political committee created within the 30 days before an election shall file a statement of organization within 5 business days.... The Board shall impose a civil penalty of \$25 per business day upon political committees for failing to file or late filing of a statement of organization...Such penalties shall not exceed \$5,000, and shall not exceed \$10,000 for statewide office political committees.

10 ILCS 5/9-7. The treasurer of a political committee shall keep a detailed and exact account of-

(a) the total of all contributions made to or for the committee

## FINDINGS OF FACT

It is undisputed that Respondent filed a D-1 Statement of Organization and D-2 Pre-Election report which contained errors and failed to timely file its Semi-annual report and A-1 Schedules. The issue before your hearing officer is whether the Respondent's nonfeasance and misfeasance was mitigated by its reliance on information provided by American Campaigns.

All citizens are presumptively charged with knowledge of the law, *Atkins v. Parker*, 472 U.S. 115, 130, 86 L. Ed. 2d 81, 93, 105 S. Ct. 2520, 2529 (1985). *People v. Boclair* 202 Ill.2d 89, 789 N.E.2d 734 (2002). However, the law recognizes circumstances under which individuals are relieved from strictly complying with the law. For example, under the Illinois Post Conviction Act, 725 ILCS 5/122-1(c) (West 2000), defendants are required to file petitions under the Act within a specified period of time following their conviction. However, where a defendant establishes that he was not "culpably negligent" in failing to timely file a petition, the supreme court has allowed late petitions to be heard. *People v. Rissley*, 206 Ill. 2d 403 (2003)

In *Rissley*, the defendant alleged the attorney who represented him in his direct appeal wrongly informed him any post conviction proceeding would have to be filed within three years after the date of his conviction. *Rissley*, 206 Ill. 2d at 417-18. In an attached affidavit, the defendant's direct appeal counsel confirmed he gave the defendant this advice. *Rissley*, 206 Ill. 2d at 418.

The Supreme Court found the defendant had no reason to question the advice he received from his direct appeal counsel. Based on this advice, the defendant reasonably believed he had timely filed his petition. *Rissley*, 206 Ill. 2d at 421. The court found the defendant's conduct could not fairly be viewed as blameable and did not evince an indifference to the likely consequences of his acts. *Rissley*, 206 Ill. 2d at 421. Accordingly, the court held the defendant had established the delay in filing his petition was not due to his culpable negligence and the petition was allowed to be filed. *Rissley*, 206 Ill. 2d at 421.

In the instant case, Respondent contends that its reliance on American Campaigns advice justified its filing erroneous and late reports. In determining whether Respondent's reliance on American Campaigns was justified, your hearing officer is guided by the case law involving causes of action where plaintiffs must establish that they justifiably relied on statements of others.

Our supreme court stated that the question of a plaintiff's right to rely on representations which turn out to be false focuses on:

"whether, under all the circumstances, plaintiff had a right to rely on the false representations. This question is to be answered while viewing the representation in light of all the facts of which plaintiff had actual knowledge as well as those of which he might have availed himself by the exercise of ordinary prudence." *Schmidt v. Landfield* (1960), 20 Ill. 2d 89, 94, [169 N.E.2d 229, 232,] quoting *Dillman v. Nadlehoffer* (1886), 119 Ill. 567, 577[, 7 N.E. 88]. See also *Bundesen v. Lewis* (1938), 368 Ill. 623, 632-37[, 15 N.E.2d 520]." *Soules*, 79 Ill. 2d at 286-87.

In *Bundesen*, our supreme court expounded on this point as follows:

**"If it appears that there were facts and circumstances present at the time the false representations were made sufficient to put the injured party upon his guard or to cast suspicion upon their truth, and he neglected to avail himself of the warning thus given, he will not afterwards be heard to complain, for the reason that his own conduct contributed to his injury. \*\*\* A person in possession of his mental faculties is not justified in relying upon representations made when he has ample opportunity to ascertain the truth of the representations before he acts.** When he is offered the opportunity of knowing the truth of the representations, he is chargeable with knowledge. If he does not avail himself of the means of knowledge open to him[,] he cannot be heard to say he was deceived by the misrepresentations. (Dickinson v. Dickinson, 305 Ill. 521 [, 137 N.E. 468]; Hustad v. Cerny, [321 Ill. 354, 151 N.E. 871].) It is only in cases where the parties do not have equal knowledge or means of knowledge of the facts represented that equity will afford relief on the ground of fraud and misrepresentation. Johnson v. Miller, 299 Ill. 276[, 132 N.E. 490]."  
(Emphasis added.) *Bundesen*, 368 Ill. at 633, quoting *Morel v. Masalski*, 333 Ill. 41, 46-47, 164 N.E. 205 (1928). (emphasis added)

In *Gerill Corp. v. Jack L. Hargrove Builders, Inc.*, 128 Ill. 2d 179, 195, 538 N.E.2d 530 (1989), the supreme court, citing to *Bundesen*, 368 Ill. at 633, stated:

"[O]ne is justified in relying upon the representations of another, without independent investigation, where the person to whom the representations are made does not have the same ability to discover the truth as the person making the representations."

Similarly, in *Neptuno Treuhand-und Verwaltungsgesellschaft MBH v. Arbor*, 295 Ill. App. 3d 567, 575, 692 N.E.2d 812 (1998), the court stated:

"In determining whether there was justifiable reliance, it is necessary to consider all of the facts within a plaintiff's actual knowledge as well as those that he could have discovered by the exercise of ordinary prudence. *Marino v. United Bank of Illinois, N.A.*, 137 Ill. App. 3d 523, 527[, 484 N.E.2d 935] (1985), citing *Soules v.*

General Motors Corp., 79 Ill. 2d 282, 286[, 402 N.E.2d 599] (1980). If ample opportunity existed to discover the truth, then reliance is not justified. Central States Joint Board v. Continental Assurance Co., 117 Ill. App. 3d 600, 607[, 453 N.E.2d 932] (1983). \*\*\*

‘A plaintiff has a duty to investigate further when the circumstances "reasonably require, as a matter of prudence, that an investigation be undertaken." [Citation.] \*\*\* "In short, the crucial question is whether the plaintiffs' conduct was unreasonable under the circumstances and "in light of the information open to him, that the law may properly say that this loss is his own responsibility.'" [Citation.] West v. Western Casualty & Surety Co., 846 F.2d 387, 394 (7th Cir.1988)."

Accordingly, under the foregoing authority, the answer to whether someone can justifiably rely on the statements of another is the confluence of the duty to investigate together with the means to ascertain the truth. Applying the above to the instant case, it appears that NBTP’s reliance on the statements of Charlie Ferral and American Campaigns regarding NBTP’s filing obligations under the Act was unreasonable.

In concluding that the reliance was unreasonable, your hearing officer is persuaded by the testimony of Mr. Ames, the various documents presented, as well as the opportunity for the NBTP to avail itself of multiple resources from which it could have received accurate information on what was required under the Act. For example, at the closed preliminary hearing, Mr. Ames presented a spreadsheet that he received from American Campaigns. The spreadsheet, entitled “New Broadview Tea Party Master List”, indicated that on 3/12/09 and 3/13/09, Mr. Ames’s company, MFA Construction, had “invoiced” the campaign \$3,300 for “redecorating” and “AT&T Service”.

The spreadsheet is clearly at odds with Mr. Ames testimony that the \$3,300 was provided on or about 1/18/09, when, in preparation of the opening of the NBTP’s campaign office in Broadview, Mr. Ames remodeled NBTP’s campaign office and had the phones installed. Clearly, the discrepancy on the date in the spreadsheet on the items Mr. Ames provided for the campaign, should have triggered an inquiry into the authenticity of the other items listed in the spreadsheet, especially in light of Mr. Ames’ suspicions that American Campaigns had a different agenda than the NBTP.

One must question whether the NBTP acted reasonably when it allowed American Campaigns to lease NBTP a campaign office, retain an office manager for NBTP, and obtain an attorney on NBTP’s behalf, without ever entering into a consulting agreement with American Campaigns and without ever being told the costs or expenses being spent on its behalf. Clearly, someone from NBTP should have determined what those expenses were and should not have been satisfied with American Campaign’s representations that NBTP would be billed after the campaign was over.

Likewise, one must question whether NBTP reasonably relied on American Campaigns for advice on its reporting requirements under the Act. Other than American Campaigns providing printed literature in 2007, and other than knowing that American Campaigns had some experience in running campaigns for other candidates, NBTP has presented no evidence indicating that American Campaigns had the experience, expertise or knowledge regarding the reporting requirements under the Act. Considering the statutorily imposed responsibility under 10 ILCS 5/9-2 that "The treasurer of a political committee shall be responsible for keeping the records and filing the statements and reports required by this Article", your hearing officer believes that NBTP failed to meet its statutorily imposed responsibility under the Act and improperly relied on the advice given to it by American Campaigns.

Finally, in concluding that NBTP did not reasonably rely on American Campaigns, it is clear that NBTP never availed itself of the many opportunities it had to actually learn the correct reporting requirements under the Act. Information was available to NBTP at the SBOE website as well as from the county clerk when the NBTP's nominating petitions were filed. The SBOE has a staff of professionals, who will spend all the time necessary to consult with the public on what is required to be filed by a committee under the Act. However, NBTP never sought out these resources but, instead, unreasonably abdicated its responsibilities to American Campaigns.

#### **CONCLUSIONS AND RECOMMENDATIONS**

In concluding that the NBTP unreasonably relied on American Campaigns, your hearing officer wants to stress that he found Mr. Ames to be a sincere individual who appeared to be interested in bringing good government to the Village of Broadview. Unfortunately, it appears he spent too much time in working with NBTP's slate of candidates in meeting constituents and getting them elected and not enough time on focusing on the reporting requirements under the Act.

In determining the penalty that should be assessed against the NBTP, it is recommended that NBTP's amended D-1 Statement of Organization and amended D-2 Pre-Election Report, as well as its Semi-annual Report and A-1 Schedules, be referred to the SBOE compliance staff, who should perform an audit on those documents and issue a report to the SBOE indicating the accuracy and completeness of those filings. It is recommended that any penalty be commensurate to the deficiencies discovered by audit.

Respectfully Submitted,

dated 8/12/09



/s/Philip Krasny  
Hearing Examiner

STATE OF ILLINOIS        )  
                                  )  
COUNTY OF COOK        )        SS

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

In the Matter Of:                                )  
  )  
Judy Brown Marino,                             )  
  )  
                          Complainant(s),        )  
  )  
                          vs.                                )        09 CD 009  
  )  
New Broadview Tea Party,                     )  
  )  
                          Respondent(s).         )

**ORDER**

TO:    Judy Brown Marino                                New Broadview Tea Party  
          2841 S 10th Ave.                                1707 W. Roosevelt Rd.  
          Broadview, IL 60155                            Broadview, IL 60155

This matter coming to be heard this 20<sup>th</sup> day of April, 2009, following a Closed Preliminary Hearing of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the "Act"), alleging that the respondent(s) violated 10 ILCS 5/9-1.7 and 5/9-3 in that the Respondent made expenditures in an aggregate amount exceeding \$3000.00 without filing as a political committee as required by the Campaign Disclosure Act; and the State Board of Elections having read the report of the Hearing Officer and hearing the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. That the complaint was filed upon justifiable grounds.

IT IS HEREBY ORDERED:

1. That a Public Hearing be conducted in this matter; and
2. The effective date of this Order is April 22, 2009.

DATED: 4/22/2009

  
Albert S. Porter, Chairman



<b>FORM</b>  <b>D-4</b>	<b>COMPLAINT FOR VIOLATION OF THE CAMPAIGN DISCLOSURE ACT</b>
-------------------------------	---

COMPLAINANT NAME, ADDRESS AND TELEPHONE NUMBER:

Judy Brown-Marino  
 2841 S. 10th Ave.  
 Broadview, IL 60155  
 708-945-4942  
 BROADVIEWNEWS@YAHOO.COM

vs.

No. 09 CD 009  
 STATE BOARD OF ELECTIONS  
 CHICAGO  
 MAR 9 9 PM 4:46

NAME AND ADDRESS OF RESPONDENT:

New Broadview Tea Party  
 1707 W. Roosevelt Rd.  
 Broadview, IL 60155

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE  STATE BOARD OF ELECTIONS,  COUNTY CLERK, OR  NONE. IF FILED WITH THE COUNTY CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9, ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)  
 10 ILCS 5/9-1.7 10 ILCS 5/9-3

SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

The New Broadview Tea Party has made expenditures in an aggregate amount exceeding \$3,000 on behalf of their candidacy for public office in the April 7, 2009 election but have not filed a Statement of Organization or other reports as required by the Illinois Campaign Disclosure Act.

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

March 9, 2009  
 \_\_\_\_\_  
 DATE

*Judy Brown-Marino*  
 \_\_\_\_\_  
 SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN VERIFICATION MUST BE SIGNED BY AN AUTHORIZED OFFICER AND ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

1. JUDY BROWN-MARINO HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:  
SHERMAN JONES 1837 S. 15TH AVE, BROADVIEW - MAIL + AT HOUSE  
MAXINE JOHNSON 2616 S. 10TH AVE, BROADVIEW - LEFT AT HOUSE  
KEVIN MC BRIDER 2509 S. 11TH AVE, BROADVIEW - GAVE IN PERSON  
MATTHEW AMES 1906 S. 14TH AVE, BROADVIEW - LEFT AT HOUSE  
NICOLE BENSON 2316 S. 17TH AVE, BROADVIEW - GAVE TO MOTHER  
NEW BROADVIEW TEA PARTY 1707 ROOSEVELT, BROADVIEW - MAIL

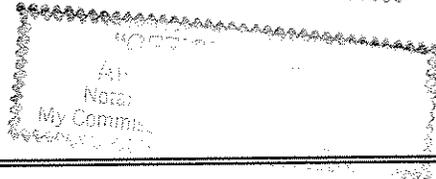
a) BY PERSONALLY DELIVERING THE SAME ON THE 9<sup>TH</sup> DAY OF MARCH, 2009 AT 3:00-3:30 O'CLOCK P. M.

b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE 9<sup>TH</sup> DAY OF MARCH 2009 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: BROADVIEW, IL

Judy Brown-Marino  
SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9<sup>th</sup> DAY OF March, 2009

Angelic Garcia  
NOTARY PUBLIC



INSTRUCTIONS

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS  
1020 S SPRING ST  
SPRINGFIELD, ILLINOIS 62704-2924

STATE BOARD OF ELECTIONS  
100 W RANDOLPH ST, STE 14-100  
CHICAGO, IL 60601-3232

**STATE OF ILLINOIS  
COUNTY OF COOK**

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

Illinois State Board of Elections  
**Complainant**

**Vs.**

**Board File No: 09 CD 019 (L3161)**

16<sup>th</sup> Ward Regular Democratic Organization  
**Respondent**

**REPORT OF HEARING EXAMINER**

Report of Public Hearing For  
Failure to File the June 2007, December of 2007, June 2008,  
and December 2008 Semi Annual Reports

**PROCEDURAL HISTORY**

On May 5, 2009, the above referenced Complainant filed a Form D-4, Complaint for violation of the Campaign Disclosure Act wherein it is specifically alleged that pursuant to 10 ILCS 5/9-10, 5/9-13, and 5/9-14 of the Campaign Disclosure Act, the Respondent failed to file Semi Annual Reports for the periods specified above.

On May 26, 2009 a Closed Preliminary Hearing was convened in the Chicago Offices of the State Board of Elections. At that time the Respondent failed to appear. As a result, it was the opinion of the Hearing Examiner that the complaint was filed on justifiable grounds, and therefore recommended that a Public Hearing be conducted in this matter. On June 16, 2009, the Board issued an Order for a Public Hearing to be conducted.

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

**CONCLUSSIONS AND RECCOMENDATIONS**

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

  
Mark D. Greben- Hearing Examiner  
August 25, 2009

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

16th Ward Regular Democratic Org.  
Deborah P. Turner  
725 W. 60th Pl.  
Chicago, IL 60621

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

Received by (Printed Name)  Agent

Date of Delivery  Addressee

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number 7008 1300 0000 0170 7170  
(Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt

102596-02-M-1540







FORM

D-4

COMPLAINT FOR VIOLATION OF THE CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections
1020 S. Spring Street
Springfield, IL 62704
(217) 782-4141

Vs. Case No. 09 CD 019

NAME AND ADDRESS OF RESPONDENT:

L3161
16th Ward Regular Democratic Org. Deborah P. Turner James B. Evans
1842 W 50th St. 725 W. 60th Pl. 6127 S Justine
Chicago, IL 60609 Chicago, IL 60621 Chicago, IL 60636

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE
[X] STATE BOARD OF ELECTIONS, [ ] COUNTY CLERK, OR [ ] NONE. IF FILED WITH THE COUNTY
CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9,
ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND
REFER TO THIS SECTION.)

10 ILCS 5/9-10, 5/9-13 & 5/9-14

SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN
SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

Failure to file the June 2007, December 2007, June 2008 and the December 2008 Semi-annual report of
Campaign Contributions and Expenditures

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS
COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN
EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS
REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A
FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER
THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

May 5, 2009
DATE

Signature of Sue A. McArthur
SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN
VERIFICATION MUST BE SIGNED BY AN AUTHORIZED
OFFICER AND ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

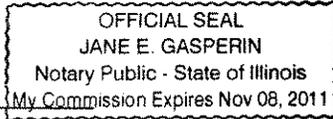
I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

- a) BY PERSONALLY DELIVERING THE SAME ON THE \_\_\_ DAY OF \_\_\_\_\_, 2009 AT \_\_\_ O'CLOCK \_\_\_ M.
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE **5th** DAY OF MAY, 2009 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: **2105 E. COOK STREET, SPRINGFIELD IL 62703.**

  
 \_\_\_\_\_  
 SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 5th DAY OF MAY, 2009

  
 \_\_\_\_\_  
 NOTARY PUBLIC



**INSTRUCTIONS**

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS  
 1020 SOUTH SPRING STREET  
 SPRINGFIELD, ILLINOIS 62704

STATE BOARD OF ELECTIONS  
 100 WEST RANDOLPH, SUITE 14-100  
 CHICAGO, ILLINOIS 60601

**STATE OF ILLINOIS  
COUNTY OF COOK**

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

Illinois State Board of Elections  
**Complainant**

**Vs.**

**Board File No: 09 CD 025**

Friends of Mickie Polk (L13670)  
**Respondent**

**REPORT OF HEARING EXAMINER**  
Report of Public Hearing For  
Failure to File the June and December 2008 Semi Annual Reports

**PROCEDURAL HISTORY**

On May 5, 2009, the above referenced Complainant filed a Form D-4, Complaint for violation of the Campaign Disclosure Act wherein it is specifically alleged that pursuant to 10 ILCS 5/9-10, 5/9-13, and 5/9-14 of the Campaign Disclosure Act, the Respondent failed to file Semi Annual Reports for the periods specified above.

On May 26, 2009 a Closed Preliminary Hearing was convened in the Chicago Offices of the State Board of Elections. At that time the Respondent failed to appear. As a result, it was the opinion of the Hearing Examiner that the complaint was filed on justifiable grounds, and therefore recommended that a Public Hearing be conducted in this matter. On June 16, 2009, the Board issued an Order for a Public Hearing to be conducted.

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

**CONCLUSSIONS AND RECCOMENDATIONS**

Given the fact that the Respondent/Committee has yet to file both the June and December 2008 Semi Annual Reports, it is my recommendation that pursuant to 10 ILCS 5/9-21, the Board issue an Order to the Respondent to file said reports forthwith within 30 days of the date of said order.



Mark D. Greben- Hearing Examiner  
August 25, 2009

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Friends of Mickie Polk  
 1310 W Northwest Highway  
 Arlington Heights, IL 60004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  Express Mail  
 Certified Mail  Return Receipt for Merchandise  
 Registered  C.O.D.  
 Insured Mail

4. Restricted Delivery? (Extra Fee)  Yes

102595-02-M-1540

2. Article Number (Transfer from service label) 7008 1300 0000 0170 7217

Domestic Return Receipt

PS Form 3811, February 2004



STATE OF ILLINOIS        )  
                                  ) SS  
COUNTY OF COOK         )

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

In the Matter Of:                 )  
                                  )  
State Board of Elections,         )  
                  Complainant(s),     )  
      Vs.                             )       09 CD 025  
                                  )  
Friends of Mickie Polk,            )  
                  Respondent(s).     )

**ORDER**

TO: Friends of Mickie Polk                             L13670  
      1310 W Northwest Highway  
      Arlington Heights, IL 60004

This matter coming to be heard this 15<sup>th</sup> day of June, 2009, following a Closed Preliminary Hearing as a result of a Complaint filed pursuant to “An Act to Regulate Campaign Financing” (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the “Act”), alleging that the Respondent violated 10 ILCS 5/9-10, 5/9-13 and 5/9-14 in that respondent failed to file the June 2008 and the December 2008 Semi-annual report of Campaign Contributions & Expenditures; and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. The complaint was filed on justifiable grounds; and
2. There was no appearance by the Respondent at the closed preliminary hearing, and
3. The reports at issue remain unfiled.

IT IS ORDERED:

1. That a Public Hearing be held in this matter; and
2. The effective date of this Order is June 16, 2009.

DATED: 6/16/2009

  
\_\_\_\_\_  
Albert S Porter, Chairman



FORM  
D-4

COMPLAINT FOR VIOLATION OF THE  
CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections  
1020 S. Spring Street  
Springfield, IL 62704  
(217) 782-4141

Vs.

Case No. 09 CD 025

NAME AND ADDRESS OF RESPONDENT:

L13670  
Friends of Mickie Polk  
1310 W Northwest Highway  
Arlington Heights, IL 60004

Patrick Botterman, Mickie Polk  
1635 N. Arlington Heights Rd, ste 103  
Arlington Heights, IL 60004

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE  
 STATE BOARD OF ELECTIONS,  COUNTY CLERK, OR  NONE. IF FILED WITH THE COUNTY  
CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9,  
ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND  
REFER TO THIS SECTION.)

10 ILCS 5/9-10, 5/9-13 & 5/9-14

SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN  
SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

Failure to file the June 2008 and the December 2008 Semi-annual report of Campaign Contributions

And Expenditures

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS  
COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN  
EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS  
REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A  
FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER  
THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

May 5, 2009

DATE

See A. McArthur

SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN  
VERIFICATION MUST BE SIGNED BY AN AUTHORIZED  
OFFICER AND ATTESTED TO BY THE SECRETARY)

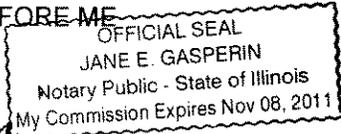
PROOF OF SERVICE

I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

- a) BY PERSONALLY DELIVERING THE SAME ON THE \_\_\_ DAY OF \_\_\_\_\_, 2009 AT \_\_\_ O'CLOCK \_\_\_ M.
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE **5th** DAY OF MAY, 2009 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: **2105 E. COOK STREET, SPRINGFIELD IL 62703.**

*Sue A. McArthur*  
SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 5th DAY OF MAY, 2009



*Jane E. Gasperin*  
NOTARY PUBLIC

---

INSTRUCTIONS

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
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STATE BOARD OF ELECTIONS  
1020 SOUTH SPRING STREET  
SPRINGFIELD, ILLINOIS 62704

STATE BOARD OF ELECTIONS  
100 WEST RANDOLPH, SUITE 14-100  
CHICAGO, ILLINOIS 60601

**STATE OF ILLINOIS  
COUNTY OF COOK**

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

Illinois State Board of Elections  
**Complainant**

**Vs.**

**Board File No: 09 CD 039**

Citizens for Munoz (S5774)  
**Respondent**

**REPORT OF HEARING EXAMINER**  
Report of Public Hearing For  
Failure to File the December 2008 Semi Annual Report

**PROCEDURAL HISTORY**

On May 5, 2009 the above referenced Complainant filed a Form D-4, Complaint for violation of the Campaign Disclosure Act wherein it is specifically alleged that pursuant to 10 ILCS 5/9-10, 5/9-13, and 5/9-14 of the Campaign Disclosure Act, the Respondent failed to file Semi Annual Reports for the periods specified above.

On May 28, 2009 a Closed Preliminary Hearing was convened in the Springfield Office of the State Board of Elections with a video hook-up in Chicago. At that time the Respondent failed to appear. As a result, it was the opinion of the Hearing Examiner that the complaint was filed on justifiable grounds, and therefore recommended that a Public Hearing be conducted in this matter. On June 16, 2009, the Board issued an Order for a Public Hearing to be conducted.

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

**CONCLUSSIONS AND RECCOMENDATIONS**

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



Mark D. Greben- Hearing  
August 25, 2009

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*Munoz*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*R.P.*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7008 1300 0000 0170 7200

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



STATE OF ILLINOIS        )  
                                  ) SS  
COUNTY OF COOK         )

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

**ORDER**

TO:    Citizens for Munoz                         S5774  
       2500 S Saint Louis Ave  
       Chicago, IL 60623

This matter coming to be heard this 15<sup>th</sup> day of June, 2009, following a Closed Preliminary Hearing as a result of a Complaint filed pursuant to “An Act to Regulate Campaign Financing” (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the “Act”), alleging that the Respondent violated 10 ILCS 5/9-10, 5/9-13 and 5/9-14 in that respondent failed to file the December 2008 Semi-annual report of Campaign Contributions & Expenditures; and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1.     The complaint was filed on justifiable grounds; and
2.     There was no appearance by the Respondent at the closed preliminary hearing, and
3.     The report at issue remains unfiled.

IT IS ORDERED:

1.     That a Public Hearing be held in this matter; and
2.     The effective date of this Order is June 16, 2009.

DATED: 6/16/2009



Albert S Porter, Chairman



FORM  
D-4

COMPLAINT FOR VIOLATION OF THE  
CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections  
1020 S. Spring Street  
Springfield, IL 62704  
(217) 782-4141

Case No. 09 CD 039

NAME AND ADDRESS OF RESPONDENT:

S5774  
Citizens for Munoz/Ricardo Munoz  
2500 S Saint Louis Ave  
Chicago, IL 60623

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE  
 STATE BOARD OF ELECTIONS,  COUNTY CLERK, OR  NONE. IF FILED WITH THE COUNTY  
CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9,  
ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND  
REFER TO THIS SECTION.)

10 ILCS 5/9-10, 5/9-13 & 5/9-14

SECTION 3. STATE THE NATURE OF THE OFFENSE(s) OR VIOLATION(s), IF APPLICABLE. (USE ADDITIONAL PLAIN  
SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

Failure to file the December 2008 Semi-annual report of Campaign Contributions

And Expenditures

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS  
COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN  
EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS  
REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A  
FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER  
THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

May 5, 2009

DATE

See A. McArthur

SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN  
VERIFICATION MUST BE SIGNED BY AN AUTHORIZED  
OFFICER AND ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

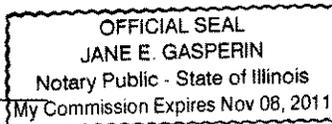
I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

- a) BY PERSONALLY DELIVERING THE SAME ON THE \_\_\_ DAY OF \_\_\_\_\_, 2009 AT \_\_\_ O'CLOCK \_\_\_ M.
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE **5th** DAY OF MAY, 2009 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: **2105 E. COOK STREET, SPRINGFIELD IL 62703.**

*Sue A. McArthur*  
 \_\_\_\_\_  
 SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 5th DAY OF MAY, 2009

*Jane E. Gasperin*  
 \_\_\_\_\_  
 NOTARY PUBLIC



**INSTRUCTIONS**

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS  
 1020 SOUTH SPRING STREET  
 SPRINGFIELD, ILLINOIS 62704

STATE BOARD OF ELECTIONS  
 100 WEST RANDOLPH, SUITE 14-100  
 CHICAGO, ILLINOIS 60601

STATE OF ILLINOIS  
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

Illinois State Board of Elections  
**Complainant**

**Vs.**

**Board File No: 09 CD 042**

22<sup>nd</sup> Ward Democratic Committeeman Fund/Ricardo Munoz  
**Respondent**

**REPORT OF HEARING EXAMINER**

Report of Public Hearing For  
Failure to File the December 2008 Semi Annual Report

**PROCEDURAL HISTORY**

On May 5, 2009 the above referenced Complainant filed a Form D-4, Complaint for violation of the Campaign Disclosure Act wherein it is specifically alleged that pursuant to 10 ILCS 5/9-10, 5/9-13, and 5/9-14 of the Campaign Disclosure Act, the Respondent failed to file Semi Annual Reports for the periods specified above.

On May 28, 2009 a Closed Preliminary Hearing was convened in the Springfield Office of the State Board of Elections with a video hook-up in Chicago. At that time the Respondent failed to appear. As a result, it was the opinion of the Hearing Examiner that the complaint was filed on justifiable grounds, and therefore recommended that a Public Hearing be conducted in this matter. On June 16, 2009, the Board issued an Order for a Public Hearing to be conducted.

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

**CONCLUSSIONS AND RECCOMENDATIONS**

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



Mark D. Greben- Hearing Examiner  
August 25, 2009

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

22nd Ward Democratic Committeeman Fund  
 Ricardo Munoz  
 2500 S Saint Louis Ave  
 Chicago, IL 60623

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
 B. Received by (Printed Name) C. Date of Delivery  
 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
 Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7008 1300 0000 0170 7194  
 PS Form 3811, February 2004 Domestic Return Receipt

102595-02-M-1540

STATE OF ILLINOIS        )  
                                  )  
COUNTY OF COOK        )        SS

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

**In the Matter of:**

                                  )  
                                  )  
State Board of Elections        )  
                  **Complainant(s)**        )  
                                  )  
**Vs.**                                )        Board File#: 09 CD 042  
                                  )  
                                  )  
22nd Ward Democratic        )  
Committeeman Fund        )  
                  **Respondent(s)**        )  
                                  )  
                                  )

**NOTICE OF PUBLIC HEARING**

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

Please take notice that in accordance with the Order of the State Board of Elections, dated and entered on and pursuant to the provisions of "An Act to Regulate Campaign Financing" (10 ILCS 5/9-1 et seq.) and Rules and Regulations adopted pursuant thereto, and by the power vested in me, the Public Hearing to be conducted in the above captioned matter is set for July 29, 2009 at 12:00 PM, at the State Board of Elections, 100 W Randolph, Suite 14-100, Chicago IL.

The parties have the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections.

Any party involved in any proceeding has the right to the presence and participation of additional persons, in addition to, or instead of an attorney, in order to provide technical assistance and consultation.

DATED: July 8, 2009

  
\_\_\_\_\_  
Steven S. Sandvoss, General Counsel

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

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

**ORDER**

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

S6626

This matter coming to be heard this 15<sup>th</sup> day of June, 2009, following a Closed Preliminary Hearing as a result of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the "Act"), alleging that the Respondent violated 10 ILCS 5/9-10, 5/9-13 and 5/9-14 in that respondent failed to file the December 2008 Semi-annual report of Campaign Contributions & Expenditures; and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises,

**THE BOARD FINDS:**

1. The complaint was filed on justifiable grounds; and
2. There was no appearance by the Respondent at the closed preliminary hearing, and
3. The report at issue remains unfiled.

**IT IS ORDERED:**

1. That a Public Hearing be held in this matter; and
2. The effective date of this Order is June 16, 2009.

DATED: 6/16/2009



Albert S Porter, Chairman



<b>FORM</b>  <b>D-4</b>	<b>COMPLAINT FOR VIOLATION OF THE CAMPAIGN DISCLOSURE ACT</b>
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COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections  
1020 S. Spring Street  
Springfield, IL 62704  
(217) 782-4141

Vs.

Case No. 09 CD 042

NAME AND ADDRESS OF RESPONDENT:

S6626  
22nd Ward Democratic Committeeman Fund/Ricardo Munoz  
2500 S Saint Louis Ave  
Chicago, IL 60623

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE  
 STATE BOARD OF ELECTIONS,  COUNTY CLERK, OR  NONE. IF FILED WITH THE COUNTY  
 CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9,  
 ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND  
 REFER TO THIS SECTION.)

10 ILCS 5/9-10, 5/9-13 & 5/9-14

SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN  
 SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

Failure to file the December 2008 Semi-annual report of Campaign Contributions  
And Expenditures

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS  
 COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN  
 EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS  
 REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A  
 FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER  
 THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

May 5, 2009  
DATE

*See A. McArthur*  
SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN  
 VERIFICATION MUST BE SIGNED BY AN AUTHORIZED  
 OFFICER AND ATTESTED TO BY THE SECRETARY)

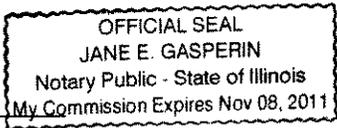
PROOF OF SERVICE

I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

- a) BY PERSONALLY DELIVERING THE SAME ON THE \_\_\_ DAY OF \_\_\_\_\_, 2009 AT \_\_\_ O'CLOCK \_\_\_ M.
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE **5th** DAY OF MAY, 2009 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: **2105 E. COOK STREET, SPRINGFIELD IL 62703.**

*Sue A. McArthur*  
 \_\_\_\_\_  
 SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME  
 THIS 5th DAY OF MAY, 2009



*Jane E. Gasperin*  
 \_\_\_\_\_  
 NOTARY PUBLIC

---

INSTRUCTIONS

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
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3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS  
 1020 SOUTH SPRING STREET  
 SPRINGFIELD, ILLINOIS 62704

STATE BOARD OF ELECTIONS  
 100 WEST RANDOLPH, SUITE 14-100  
 CHICAGO, ILLINOIS 60601

STATE OF ILLINOIS  
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS  
OF THE STATE OF ILLINOIS

Illinois State Board of Elections  
**Complainant**

Vs.

Board File No: 09 CD 051

Taxpayers United For Fairness (S9370)  
**Respondent**

**REPORT OF HEARING EXAMINER**

Report of Public Hearing For  
Failure to File the June and December of 2008 Semi Annual Report

**PROCEDURAL HISTORY**

On May 5, 2009 the above referenced Complainant filed a Form D-4, Complaint for violation of the Campaign Disclosure Act wherein it is specifically alleged that pursuant to 10 ILCS 5/9-10, 5/9-13, and 5/9-14 of the Campaign Disclosure Act, the Respondent failed to file Semi Annual Reports for the periods specified above.

On May 26, 2009 a Closed Preliminary Hearing was convened in the Offices of the State Board of Elections. At that time the Respondent failed to appear. As a result, it was the opinion of the Hearing Examiner that the complaint was filed on justifiable grounds, and therefore recommended that a Public Hearing be conducted in this matter. On June 16, 2009, the Board issued an Order for a Public Hearing to be conducted.

On July 30, 2009, after acknowledging receipt of proof of service upon the Respondent, a Public Hearing was conducted. Andy Nauman, Campaign Disclosure Specialist appeared on behalf of the Complainant. No appearance was entered on behalf of the Respondent. Mr. Nauman testified that the Respondent has not contacted the State Board of Election in reference to this matter and has yet to file the reports at issue.

**CONCLUSIONS AND RECCOMENDATIONS**

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



Mark D. Greben- Hearing Examiner  
August 25, 2009

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Taxpayers United for Fairness  
 500 N. Michigan Ave, ste 300  
 Chicago, IL 60611

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  
 K Restrepo  Addressee
- B. Received by (Printed Name)  C. Date of Delivery  
Restrepo
- D. Is delivery address different from item 1?  Yes  
 if YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (transfer from service label) 7008 1300 0000 0170 7132

PS Form 3811, February 2004 Domestic Return Receipt 102596-02-M-1540







FORM  
D-4

COMPLAINT FOR VIOLATION OF THE  
CAMPAIGN DISCLOSURE ACT

COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections  
1020 S. Spring Street  
Springfield, IL 62704  
(217) 782-4141

Case No. 09 CD 051

Vs.

NAME AND ADDRESS OF RESPONDENT:

S9370  
Taxpayers United for Fairness  
500 N. Michigan Ave, ste 300  
Chicago, IL 60611

David Sipich  
660 N. Dearborn  
Chicago, IL 60610

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE  
 STATE BOARD OF ELECTIONS,  COUNTY CLERK, OR  NONE. IF FILED WITH THE COUNTY  
CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9,  
ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND  
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SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN  
SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

Failure to file the June 2008 and December 2008 Semi-annual report of Campaign Contributions  
And Expenditures

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS  
COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN  
EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS  
REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A  
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THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

May 5, 2009  
DATE

See A. McArthur  
SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN  
VERIFICATION MUST BE SIGNED BY AN AUTHORIZED  
OFFICER AND ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

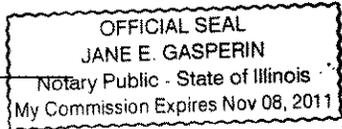
I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

- a) BY PERSONALLY DELIVERING THE SAME ON THE \_\_\_ DAY OF \_\_\_\_\_, 2009 AT \_\_\_ O'CLOCK \_\_\_ M.
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE 5th DAY OF MAY, 2009 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: 2105 E. COOK STREET, SPRINGFIELD IL 62703.

*Sue A. McArthur*  
SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 5th DAY OF MAY, 2009

*Jane E. Gasperin*  
NOTARY PUBLIC



**INSTRUCTIONS**

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
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STATE BOARD OF ELECTIONS  
1020 SOUTH SPRING STREET  
SPRINGFIELD, ILLINOIS 62704

STATE BOARD OF ELECTIONS  
100 WEST RANDOLPH, SUITE 14-100  
CHICAGO, ILLINOIS 60601

**STATE OF ILLINOIS  
COUNTY OF COOK**

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

Illinois State Board of Elections  
**Complainant**

**Vs.**

**Board File No: 09 CD 031**

Committee to Elect James Larry Karraker (L14485)  
**Respondent**

**REPORT OF HEARING EXAMINER**

Report of Public Hearing for Failure

To File the June 2008 and the December 2008 Semi Annual Report

**PROCEDURAL HISTORY**

On May 5, 2009, the above referenced Complainant filed a Form D-4, Complaint for violation of the Campaign Disclosure Act wherein it is specifically alleged that pursuant to 10 ILCS 5/9-10, 5/9-13, and 5/9-14 of the Campaign Disclosure Act, the Respondent failed to file Semi Annual Reports for the periods specified above.

On May 28, 2009 a Closed Preliminary Hearing was convened in the Offices of the State Board of Elections. At that time the Respondent failed to appear. As a result, it was the opinion of the Hearing Examiner that the complaint was filed on justifiable grounds, and therefore recommended that a Public Hearing be conducted in this matter. On June 16, 2009 the Board issued an Order for a Public Hearing to be conducted.

On July 30, 2009 after acknowledging receipt of proof of service upon the Respondent, a Public Hearing was conducted. Andy Nauman, Campaign Disclosure Specialist appeared on behalf of the Complainant. No appearance was entered on behalf of the Respondent. Mr. Nauman testified that the Respondent has not contacted the State Board of Election in reference to this matter and has yet to file the reports at issue.

Subsequent to the hearing on July 30, 2009, the Respondent, Mr. James Larry Karraker contacted this hearing examiner and indicated that nobody had explained to him what needed to be done and that he did not understand that he had an obligation to file his reports in light of the fact that he had already lost his election. This hearing examiner explained to him that his obligation to timely file reports continued until such time he filed all reports for the periods in which they were due. He was also informed that he would also have to file a final report as well. He was granted one week (until August 6, 2009) to consult a campaign disclosure specialist to assist him with these filings. He assured me he would do so. The August 6, 2009 deadline has long passed, and to date, the Respondent still has not contacted the State Board of Elections, and he still has not filed the abovementioned reports.

## CONCLUSSIONS AND RECCOMENDATIONS

Given the fact that the Respondent/Committee has yet to file both the June and December 2008 Semi Annual Reports, it is my recommendation that pursuant to 10 ILCS 5/9-21, the Board issue an Order to the Respondent to file said reports forthwith within 30 days of the date of said order.

A handwritten signature in black ink, appearing to read "Mark D. Greben". The signature is written in a cursive style with a large, sweeping flourish at the end.

Mark D. Greben- Hearing  
August 25, 2009

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse that we can return the card to you if space permits.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) Steven Lee

C. Date of Delivery 7/13/09

D. Is delivery address different from item 1?  Yes  No

If YES, enter delivery address below:

by Kuraker  
 date

Service Type

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

Restricted Delivery? (Extra Fee)  Yes

008 1300 0000 0170 7095

Domestic Return Receipt

102595-02-M-1640



STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

In the Matter Of: )  
 )  
State Board of Elections, )  
Complainant(s), )  
Vs. ) 09 CD 031  
 )  
Committee to Elect James Larry )  
Karraker, )  
Respondent(s). )

**ORDER**

TO: Committee to Elect James Larry Karraker L14485  
305 Wiedlocher Rd.  
Anna, IL 62906

This matter coming to be heard this 15<sup>th</sup> day of June, 2009, following a Closed Preliminary Hearing as a result of a Complaint filed pursuant to "An Act to Regulate Campaign Financing" (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the "Act"), alleging that the Respondent violated 10 ILCS 5/9-10, 5/9-13 and 5/9-14 in that respondent failed to file the December 2008 Semi-annual report of Campaign Contributions & Expenditures; and the State Board of Elections having read the report of the Hearing Officer and reading the recommendation of the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. The complaint was filed on justifiable grounds; and
2. There was no appearance by the Respondent at the closed preliminary hearing, and
3. The report at issue remains unfiled.

IT IS ORDERED:

1. That a Public Hearing be held in this matter; and
2. The effective date of this Order is June 16, 2009.

DATED: 6/16/2009



Albert S Porter, Chairman



<b>FORM</b>  <b>D-4</b>	<b>COMPLAINT FOR VIOLATION OF THE CAMPAIGN DISCLOSURE ACT</b>
-------------------------------	---

COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections  
1020 S. Spring Street  
Springfield, IL 62704  
(217) 782-4141

Vs. Case No. 09 CD 031

NAME AND ADDRESS OF RESPONDENT:

L14485  
Committee to Elect James Larry Karraker/Lorraine Karraker, James Karraker  
305 Wiedlocher Rd.  
Anna, IL 62906

SECTION 1. HAS RESPONDENT FILED A STATEMENT OF ORGANIZATION AS A POLITICAL COMMITTEE WITH THE  
 STATE BOARD OF ELECTIONS,  COUNTY CLERK, OR  NONE. IF FILED WITH THE COUNTY  
CLERK IDENTIFY COUNTY;

SECTION 2. STATUTORY PROVISIONS: STATE THE PORTIONS OF THE CAMPAIGN DISCLOSURE ACT (ARTICLE 9,  
ELECTION CODE) THAT HAVE BEEN VIOLATED. (USE ADDITIONAL PLAIN SHEETS IF NECESSARY AND  
REFER TO THIS SECTION.)

10 ILCS 5/9-10, 5/9-13 & 5/9-14

SECTION 3. STATE THE NATURE OF THE OFFENSE(S) OR VIOLATION(S), IF APPLICABLE. (USE ADDITIONAL PLAIN  
SHEETS IF NECESSARY AND REFER TO THIS SECTION.)

Failure to file the June 2008 and the December 2008 Semi-annual report of Campaign Contributions  
And Expenditures

SECTION 4. ATTACH ALL STATEMENTS, SCHEDULES, OR OTHER DOCUMENTS REFERRING TO THIS  
COMPLAINT.

VERIFICATION

I DECLARE THAT THIS COMPLAINT (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN  
EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE AND CORRECT COMPLAINT AS  
REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT THE PENALTY FOR WILLFULLY FILING A  
FALSE COMPLAINT SHALL BE A FINE NOT TO EXCEED \$500 OR IMPRISONMENT IN A PENAL INSTITUTION OTHER  
THAN THE PENITENTIARY NOT TO EXCEED 6 MONTHS, OR BOTH FINE AND IMPRISONMENT

May 5, 2009  
DATE

*See A. McArthur*  
SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN  
VERIFICATION MUST BE SIGNED BY AN AUTHORIZED  
OFFICER AND ATTESTED TO BY THE SECRETARY)

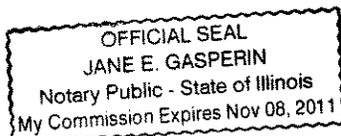
PROOF OF SERVICE

I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

- a) BY PERSONALLY DELIVERING THE SAME ON THE \_\_\_ DAY OF \_\_\_\_\_, 2009 AT \_\_\_ O'CLOCK \_\_\_ M.
- b) BY PLACING A COPY THEREOF IN THE UNITED STATES POSTAL SERVICES, PROPER POSTAGE PREPAID, TO THE ABOVE INDICATED ADDRESSES, ON THE 5th DAY OF MAY, 2009 AT THE MAIL BOX OR POSTAL STATION LOCATED AT: 2105 E. COOK STREET, SPRINGFIELD IL 62703.

*Sue A. McArthur*  
 \_\_\_\_\_  
 SIGNATURE OF COMPLAINANT OR AGENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 5th DAY OF MAY, 2009



*Jane E. Gasperin*  
 \_\_\_\_\_  
 NOTARY PUBLIC

INSTRUCTIONS

1. THIS FORM IS USED TO FILE COMPLAINTS FOR VIOLATIONS ARISING OUT OF AN ACT TO REGULATE CAMPAIGN FINANCING (ILLINOIS REVISED STATUTES, CHAPTER 46, ART. 9-1 ET SEQ.). SEE RULES AND REGULATIONS OF THE STATE BOARD OF ELECTIONS FOR THE FILING AND HEARING OF COMPLAINTS.
2. THE FILING AND HEARING OF COMPLAINTS ARE GOVERNED BY RULES AND REGULATIONS ADOPTED BY THE BOARD. IF A COMPLAINT IS FILED WITHIN 60 DAYS PRIOR TO THE DATE OF AN ELECTION IN REFERENCE TO WHICH THE COMPLAINT IS FILED, THE COMPLAINANT MUST SERVE A COPY OF THE COMPLAINT UPON ALL RESPONDENTS PRIOR TO THE TIME OF FILING. COPIES OF THE RULES AND REGULATIONS ARE AVAILABLE UPON REQUEST.
3. COMPLAINTS MUST BE FILED BY MAIL OR IN PERSON AT EITHER OF THE FOLLOWING LOCATIONS:

STATE BOARD OF ELECTIONS  
 1020 SOUTH SPRING STREET  
 SPRINGFIELD, ILLINOIS 62704

STATE BOARD OF ELECTIONS  
 100 WEST RANDOLPH, SUITE 14-100  
 CHICAGO, ILLINOIS 60601

**STATE BOARD OF ELECTIONS**

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

**Rupert T. Borgsmiller**

**Director, Campaign Disclosure**

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

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

Date: September 10, 2009

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

Active Committees - Fines Due

Cmte No	Cmte Name	Candidate	Last Office Sought	Fine amount
L00822	Committee for Ed Smith	Ed Smith	Alderman/Chicago	\$24,550.00
L03899	Citizens for Karen McConnaughay	Karen McConnaughay	County Board Chairman/Kane Co	\$250.00
L07542	Citizens for Olszewski	Michael Olszewski	County Board Member/Cook	\$1,800.00
L08214	Citizens for Steve Kim	Steve Kim	Northfield Township Trustee	\$800.00
L08526	Gonzalez for Commissioner	James Gonzalez	Water Reclamation Dist/Chicago	\$1,525.00
L09588	Citizens to Elect Steve Riess	Steve Riess	Village Trustee/ Hawthorne Woods	\$725.00
L09904	Citizens for Gaughan	David Gaughan	State's Attorney/Cook	\$16,550.00
L10258	Citizens for David Webb	David Webb	Mayor/Markham	\$20,000.00
L10677	Friends of Zenovia Evans	Zenovia Evans	Mayor/Riverdale	\$550.00
L11237	Citizens to Elect Norman Bolden	Norman Bolden	Alderman/Chicago	\$600.00
L11593	Citizens for Brenda Rodgers	Brenda Rodgers	City Councilman/Elgin	\$325.00
L12177	Citizens for Michael Jacobs	Michael Jacobs	State's Attorney/Lake	\$2,550.00
L12749	Committee to Elect David Evans	David Evans	County Board Member/Will	\$325.00
L12986	Phillips for Mayor	Chuck Phillips	Mayor/Alton	\$225.00
L13611	Citizens for Waguespack	Scott Waguespack	Alderman/Chicago	\$1,050.00
L13647	Citizens for John Sweeney	John Sweeney	County Board Member/Winnebago Co	\$450.00
L13698	Citizens for Marius "Mark" Jackson	Marius Jackson	Mayor/Centreville	\$575.00
L13711	Friends for Del Valle	Aaron Del Valle	Alderman/Chicago	\$2,600.00
L13747	Salamanca for Change	Joaquin Salamanca	Alderman/Chicago	\$5,200.00
L13755	Citizens for Stephanie Neely	Stephanie Neely	City Treasurer/Chicago	\$250.00
L14197	Citizens to Elect Robert Eastern III	Robert Eastern III	City Councilman/ E St Louis	\$3,250.00
L14641	Citizens for Flores	Manuel Flores	Alderman/Chicago	\$206.00
L14781	Committee for Thornton	Michael Thornton	Mayor/Lincoln	\$475.00
L14885	Friends of Kris Wasowicz	Kris Wasowicz	Mayor/Justice	\$700.00
L15087	Citizens to Elect Bob Caulfield Mayor	Bob Caulfield	Mayor/Antioch	\$500.00
S1900	Committee to Re-elect Mike Slape	Mike Slape	State Representative/110th Dist	\$5,050.00
S5774	Citizens for Munoz	Ricardo Munoz	Alderman/Chicago	\$200.00
S6409	Volunteers for Delgado	William Delgado	State Senator/2nd Dist	\$5,000.00
S7066	Concerned Voters for Protter	Steven Protter	State Senator/8th Dist	\$1,475.00
S7707	Friends of Annazette Collins	Annazette Collins	State Representative/10th Dist	\$9,600.00
S7868	Citizens for Leys	Eric Leys	School Board Member/Dist 207	\$2,700.00
S8022	Citizens to Elect Eddie Washington	Eddie Washington	State Representative/60th Dist	\$1,000.00
S8163	Friends of Laura Bertucci Smith	Laura Bertucci Smith	Judge/Cook County	\$1,075.00
S8813	Citizens for Fred Crespo	Fred Crespo	State Representative/44th Dist	\$1,854.00
S9027	Citizens to Elect Michael E Mayden	Michael Mayden	State Representative/28th Dist	\$300.00
S9241	Citizens for Hackney	William Hackney	State Senator/6th Dist	\$8,350.00
S9286	Friends of Kevin Perkins Committee	Kevin Perkins	Alderman/Chicago Heights	\$5,075.00
S9374	Citizens to elect Willie B Cochran	Willie Cochran	Alderman/Chicago	\$1,675.00
S9378	Friends of Joseph Bertrand Jr	Joseph Bertrand Jr	School Board Trustee	\$1,075.00

Active Committees - Fines Due

S9542	Friends for Clayton Harris III	Clayton Harris III	State's Attorney/Cook	\$2,800.00
S9616	Citizens to Elect Patrick Sherlock	Patrick Sherlock	Judge/Cook County	\$1,250.00
S9642	Friends of Travis Loyd	Travis Loyd	State Representative/107th Dist	\$1,000.00
S9647	Committee to Elect Gary Nowak	Gary Nowak	State Representative/46th Dist	\$3,112.00
S9864	Friends of Peter Grant	Peter Grant	County Board Member/Lake	\$235.00

Active Committees - Appeal Pending

Cmte No	Cmte Name	Candidate	Last Office Sought	fine amount
L09095	Cunningham Campaign Committee	Samuel Cunningham	Alderman/Waukegan	\$4,500.00
L11408	Citizens for Officer	Carl Officer	Mayor/ East St Louis	\$1,625.00
L12396	Citizens to Elect Sue Low	Sue Low	Mayor/McHenry	\$1,100.00
L13577	Committee to Elect Pamela Palmer	Pamela Palmer	County Auditor/McHenry Co	\$2,600.00
L15235	Comittee to Re-elect Bracco & Graves	Martin Bracco/Christine Graves	Park Dist Commissioner/Oak Park	\$2,100.00
L15370	Friends of Dianne McGuire	Dianne McGuire	State Representative/96th Dist	\$10,880.28
S2926	Citizens for Ronald Wait	Ronald Wait	State Representative/69th Dist	\$71,960.00
S4707	Citizens for Rosemary Mulligan	Rosemary Mulligan	State Representative/65th Dist	\$15,451.69
S6345	Citizens for Durkin	James Durkin	State Representative/82nd Dist	\$5,000.00
S6474	Coulson Campaign Committee	Elizabeth Coulson	State Representative/17th Dist	\$17,051.47
S6518	Citizens for Beaubien	Mark Beaubien	State Representative/52nd Dist	\$1,750.00
S6825	Committee to Elect Rickey Hendon	Rickey Hendon	State Senator/5th Dist	\$18,000.00
S7957	Citizens for Elaine Nekritz	Elaine Nekritz	State Representative/57th Dist	\$3,750.00
S8749	Friends of Kwame Raoul	Kwame Raoul	State Senator/13th Dist	\$11,500.00
S9041	Citizens to Elect Andre Thapedi	Andre Thapedi	State Representative/32nd Dist	\$925.00
S9501	Committee to Elect Laura Morask	Laura Morask	Judge, Cook County Sub Circuit	\$10,000.00
S9631	Citizens for Kay	Dwight Kay	State Representative/112th Dist	\$5,103.60
S9654	Citizens for Mark Walker	Mark Walker	State Representative/66th Dist	\$7,400.00
S9712	Friends of Rich Kelly	Richard Kelly	State Representative/81st Dist	\$3,040.68
S9731	Friends of Rachel Shatuck	Rachel Shattuck	State Representative/49th Dist	\$4,767.64

Final Committees - Fines Due

<b>Cmte No</b>	<b>Cmte Name</b>	<b>Candidate</b>	<b>Last Office Sought</b>	<b>Fine amount</b>
L01345	Citizens for Hansen	Bruce Hansen	County Board Member/Lake	\$3,688.00
L02917	Citizens for Troutman	Arenda Troutman	Alderman/Chicago	\$330.00
L05723	Friends of Alderman Madeline Haithcock	Madeline Haithcock	Alderman/Chicago	\$42,375.00
L06293	Friends of Judy Yeager	Judy Yeager	Alderman/Springfield	\$525.00
L06370	Committee to Elect Pat Dutcher	Pat Dutcher	City Treasurer/Waukegan	\$425.00
L08512	Citizens for Gomez	Jose Gomez	County Assessor/Cook Co	\$825.00
L09121	Citizens for John Sweeney	John Sweeney	County Board Member/Lake	\$275.00
L10041	Committee To Elect Marcella Teplitz	Marcella Teplitz	City Council/Peoria	\$1,715.19
L10307	Citizens for Thomas Julian	Thomas Julian	Village Trustee/Downers Grove	\$1,000.00
L10752	Supporters for Dorene Hoosman	Dorene Hoosman	City Clerk/E St Louis	\$1,675.00
L11495	Friends of Kevin Quinlan	Kevin Quinlan	Village President/Oak Park	\$4,200.00
L11823	Citizens for Hoyle	James Hoyle	State's Attorney/McDonough Co	\$2,450.00
L12089	Citizens to Elect Robert Bank	Robert Bank	Alderman/Chicago	\$2,850.00
L12182	Party to Elect Egan	Timothy Egan	Alderman/Chicago	\$350.00
L12599	Friends for John Wassinger	John Wassinger	Village President/Bensenville	\$4,925.00
L12791	Friends of Mike Wakeland	Mike Wakeland	Twp Suprvisor/Decatur township	\$1,825.00
L12901	Citizens for Karen Fields	Karen Fields	Alderman/Calumet City	\$1,175.00
L13181	Committee to Elect Michael Baxton	Michael Baxton	Mayor/Centreville	\$4,575.00
L13481	Friends of David Askew	David Askew	Alderman/Chicago	\$11,287.05
L13484	Citizens for Mary Margaret Maule	Mary Margaret Maule	County Board Member/McHenry	\$5,300.00
L13515	Friends to Elect David Webb Jr	David Webb Jr	Ward Committeeman/Thornton	\$8,200.00
L13550	Friends of Paul Stewart	Paul Stewart	Alderman/Chicago	\$2,000.00
L13620	Friends of Mike Richards	Mike Richards	County Clerk/Champaign	\$850.00
L13650	Citizens for Felicia Simmons Stovall	Felicia Stovall	Alderman/Chicago	\$7,450.00
L13660	Friends of Randy Lewis	Randy Lewis	County Board Member/Sangamon	\$1,825.00
L13685	Citizens to Elect Thomas Worthy	Thomas Worthy	Alderman/Chicago	\$7,454.00
L13712	Citizens to Elect Leroy Jones Jr	Leroy Jones Jr	Alderman/Chicago	\$10,127.49
L13722	Friends of Derrick Prince	Derrick Prince	Alderman/Chicago	\$975.00
L13734	Citizens to Elect Edward Chaney	Edward Chaney	Alderman/Chicago	\$3,800.00
L13749	Friends of Don Patterson	Don Patterson	Alderman/Chicago	\$15,625.00
L13770	Citizens for Catherine Zaryczny	Catherine Zaryczny	Alderman/Chicago	\$7,750.00
L13794	Citizens to Elect Brenda Thompson	Brenda Thompson	Mayor/Harvey	\$3,700.00
L13803	Tebben for Mayor Committe	R David Tebben	Mayor/Pekin	\$400.00
L13815	Friends for Eric P McKennie	Eric McKennie	Alderman/Chicago	\$1,150.00
L13820	Citizens for Jamal Barnes	Jamal Barnes	Alderman/Country Club Hills	\$2,300.00
L13821	Elect Jesse Granato	Jesse Granato	Alderman/Chicago	\$15,540.00
L13825	Friends for Julius Anderson	Julius Anderson	Alderman/Chicago	\$4,500.00
L13835	Citizens for Junaid M Afeef	Junaid M Afeef	Village Trustee/Hoffman Estates	\$6,950.00
L13841	Friends for Juan Soliz	Juan Soliz	Alderman/Chicago	\$8,433.25

Final Committees - Fines Due

L13849	Citizens to Elect Dennis Allen	Dennis Allen	Alderman/Chicago	\$7,950.00
L13866	Citizens for Michael Wolczyk	Michael Wolczyk	Village Trustee/Antioch	\$2,575.00
L13885	Eugene C Davis Campaign Committee	Eugene Davis	Alderman/Chicago	\$750.00
L13905	Friends of Denise Brown	Denise Brown	Alderman/Chicago	\$420.00
L13921	Carlisle for Council	Robert Carlisle	City Council/Wheaton City	\$7,100.00
L13924	Citizens for Frank Amaro	Frank Amaro	Park District Commissioner/Berwyn	\$1,000.00
L13950	Citizens for Patel	Mohammad Patel	Village Trustee/Hoffman Estates	\$2,750.00
L13983	Citizens for Wagner	David Wagner	Village Trustee/Orland Park	\$950.00
L14105	Citizens for Donald India	Donald India	School Board Member/Dist 67	\$4,850.00
L14156	Friends for Michael Chiras	Michael Chiras	Alderman/Washington	\$1,125.00
L14234	Citizens to Elect Richard Dickinson	Richard Dickinson	Alderman/Elmhurst	\$2,050.00
L14299	Friends of Susie Barber	Susie Barber	City Council/Joliet	\$1,900.00
L14309	Committee to Elect Germain Castellanos	Germain Castellanos	County Board Member/Lake	\$3,625.00
L14415	Citizens for Jesus de la Isla	Jesus de la Isla	County Board Member/Kane	\$418.33
L14474	Citizens for Marlon Rush	Marlon Rush	Water Reclamation Dist/Chicago	\$2,575.00
L14519	Friends of Gerald Frazier	Gerald Frazier	Ward Committeeman/Chicago	\$625.00
L14522	Donna Jungwirth for Rock Island	Donna Jungwirth	City Councilman/Rock Island	\$9,875.00
L14617	Samuel Johnson	Samuel Johnson	Mayor/Mound City	\$11,100.00
L14757	Grayson Gile for the People of Johnson Co	Grayson Gile	State's Attorney/Johnson Co	\$18,484.00
L14847	Friends for Mark Fumagalli	Mark Fumagalli	County Board Member/Will	\$1,175.00
L15095	Citizens for Paul Hinterlong	Paul Hinterlong	City Councilman/Naperville	\$900.00
L15300	Committee to Elect Tom Strickland	Tom Strickland	Village President/Machesney Park	\$4,000.00
S3424	Richards for Circuit Judge Cmte	J William Richards	none listed	\$650.00
S5032	Citizens for Karen Elder	Karen Elder	Alderman/Chicago	\$400.00
S7515	Dunn for Judge Cmte	Thomas Dunn	Appellate Court Judge/3rd Dist	\$9,050.00
S7569	Citizens for Phil Pritzker	Phil Pritzker	State Senator/28th Dist	\$1,425.00
S8056	Citizens for April Troope	April Troope	State Representative/6th Dist	\$5,750.00
S8063	Citizens to Elect Kevin Gallaher	Kevin Gallaher	Forest Preserve Commissioner	\$1,050.00
S8709	Sherill for State Senate	David Sherill	State Senator/56th Dist	\$1,925.00
S8828	Citizens for Jim Rowe	Jim Rowe	State Senator/39th Dist	\$15,000.00
S8872	Citizens for Sexton	Patrick Sexton	Park District Commissioner/Lemont	\$800.00
S9070	Ramon Ocasio for Judge	Ramon Ocasio	Judge/Cook County	\$800.00
S9071	Citizens to Elect Jill Marisie	Jill Marisie	Judge/Cook County	\$900.00
S9162	Committee to Elect Greg Smith	Greg Smith	Judge/Circuit Court	\$75.00
S9246	Ginderske 2007	Jim Ginderske	Alderman/Chicago	\$3,100.00
S9257	Friends of Angel Rivera for Governor	Angel Rivera	Governor	\$4,809.00
S9273	Friends of Ron David	Ron David	Alderman/Chicago	\$4,000.00
S9312	Citizens to Elect Theilma Andrews	Theilma Andrews	Alderman/Chicago	\$5,125.00
S9329	Citizens to Elect Anthony McCaskill	Anthony McCaskill	Mayor/Harvey	\$5,325.00
S9330	People for Stewart	none listed		\$3,000.00

Final Committees - Fines Due

S9407	Patchett for Judge	John Patchett	Judge/Circuit Court	\$450.00
S9427	Committee to Elect Scott Patrick Delaney	Scott Patrick Delaney	Judge/Circuit Court	\$2,800.00
S9482	Friends of Jonathan Bedi	Jonathan Bedi	State Senator/5th Dist	\$390.00
S9578	Friends 4 Jaramillo	Jessica Jaramillo	State Senator/20th Dist	\$1,200.00
S9597	Friends of Judge Snyder	James Snyder	Judge/Circuit Court	\$2,975.00
S9623	Friends of Eddie Winters	Eddie Winters	State Representative/10th Dist	\$120.00
S9676	Friends for Alex M Lyons	Alex Lyons	Alderman/Chicago	\$10,000.00
S9708	Jim Parks for State Representative	Jim Parks	State Representative/61st Dist	\$486.00

Final Committees - Pending Appeal

<b>Cmte No</b>	<b>Cmte Name</b>	<b>Candidate</b>	<b>Last Office Sought</b>	<b>Fine Amount</b>
L12901	Citizens for Karen Fields	Karen Fields	Alderman/ Calumet City	\$1,175.00
L15095	Citizens for Paul Hinterlong	Paul Hinterlong	City Council/Naperville	\$900.00
L15300	Committee to Elect Tom Strickland	Tom Strickland	Village President/Machesney Park	\$4,000.00
S9856	Friends of Riley Rogers	Riley Rogers	Mayor/Dolton	\$5,152.00

**STATE BOARD OF ELECTIONS**

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

**Rupert T. Borgsmiller**

**Director, Campaign Disclosure**

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

Re: Payment of Civil Penalties - Informational

Date: September 10, 2009

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The following committees have made payment of outstanding civil penalties for the period of 8/6/2009 – 9/10/2009:

- ⌘ The New 37th Ward Democratic Organization - \$300.00
- ⌘ Cynthia Pruiam Haran - \$760.00
- ⌘ The Republican Organization of Elk Grove Township - \$200.00
- ⌘ Friends of Travis Loyd - \$250.00
- ⌘ ReNew it! Now - \$86.62
- ⌘ Citizens for Arthur Turner - \$275.00
- ⌘ Central IL Democratic Women Inc - \$175.00
- ⌘ Citizens for Bill Black - \$100.00
- ⌘ West Frankfort Area Democrat Club - \$425.00
- ⌘ The Republican Organization of Elk Grove Township - \$200.00

**Total Amount Paid for this Period- \$2771.62**

**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 - \$81,161.51  
8/6/09 – 9/10/09 - \$2771.62

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 South Spring Street, P.O. Box 4187  
Springfield, Illinois 62708  
217/782-4141 TTY: 217/782-1518  
Fax: 217/782-5959

James R. Thompson Center  
100 West Randolph, Suite 14-100  
Chicago, Illinois 60601  
312/814-6440 TTY: 312/814-6431  
Fax: 312/814-6485



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

EXECUTIVE DIRECTOR  
Daniel W. White

**MEMORANDUM**

**TO:** Chairman Schneider, Vice Chairman Rednour, Members of the Board  
Executive Director Dan White

**From:** Steve Sandvoss, General Counsel

**Re:** Apparent Conformity

**Date:** September 10, 2009

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**A. Applicability of Apparent Conformity Doctrine to Article 7 and 8**

A question was raised at the last Board meeting regarding the applicability of Sections 5/10-8 through 5/10-10.1 of the Election Code (the objection provisions) as they relate to the issue of "apparent conformity", to established party candidates who file under the provisions of Article 7 and legislative candidates who file under the provisions of Article 8. The pertinent portion of Section 10-8 reads as follows:

"Certificates of nomination and nomination papers, and petitions to submit public questions to a referendum, being filed as required by this Code, and being in apparent conformity with the provisions of this Act, shall be deemed to be valid unless objection thereto is duly made in writing within 5 business days after the last day for filing the certificate of nomination or nomination papers or petition for a public question,".

Neither Article 7 nor Article 8 contains any language referring to apparent conformity. In fact, with one minor exception, neither of these Articles contains any procedures for the hearing and passing upon objections to nominating petitions<sup>1</sup>. Both Articles do however, contain a provision which applies the provisions of Section 5/10-8 through 5/10-10.1 as they relate to objections, to candidates who run for office under both of those Articles respectively. These two "bootstrap" provisions are as follows:

"Sec. 7-12.1. The provisions of Sections 10-8 through 10-10.1 relating to objections to certificates of nomination and nomination papers, hearings on objections, and judicial review, shall also apply to and govern objections to petitions for nomination filed under this Article,"

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<sup>1</sup> Section 7-13 does provide specific procedures for the hearing and passing upon objections to the office of ward committeeman in the City of Chicago.

“Sec. 8-9.1. The provisions of Sections 10-8 through 10-10.1 relating to objections to certificates of nomination and nomination papers, hearings on objections, and judicial review, shall also apply to and govern objections to petitions for nomination filed under this Article.”

The specific issue before the Board is whether the clause “being in apparent conformity”, which is contained in the first sentence of the first paragraph of Section 5/10-8, applies to Article 7 and Article 8. In my opinion, Sections 5/7-12.1 and 5/8-9.1 are ambiguous, since I believe they can be read two ways in the context of the above question. One way to read these Sections is that they apply all of the objection provisions including the apparent conformity reference, to Article 7 and 8; treating the enumerated procedures contained therein (objections to nomination papers, hearings thereon and judicial review) as a general description of the contents of 10-8 through 10-10.1. Another way to read these Sections is to apply to Articles 7 and 8 only those provisions in Section 10-8 through 10-10.1 that specifically relate to objections to nominating papers, hearings thereon and judicial review, since those three procedures are specifically enumerated in the language of the bootstrap provisions. This would treat the clause “being in apparent conformity” as not relating to objections to petitions and would therefore exclude it from the applicability of the objection provisions to Articles 7 and 8.

Courts have held that when a statute is reasonably subject to more than one meaning, that is; ambiguous, extrinsic evidence can be considered so as to ascertain the intent of the drafters of the statute. “Where the meaning of a statute is ambiguous, courts may look beyond the statutory language and consider the purpose of the law, the evils it was intended to remedy, and the legislative history of the statute.” Cinkus v. Village of Stickney Municipal Officers Electoral Board 228 Ill.2d 200. Unfortunately, there is no record of any legislative debate connected with Sections 5/7-12.1 or 5/8-9.1; (Debate transcription only began following the passage of the 1970 Illinois Constitution. These two Sections were enacted prior thereto.) and there is no case law or any other commentary that I could find, that would provide an interpretation of the applicability of these Sections.

As the court stated in Cinkus, in addition to extrinsic evidence, the courts will also look at the nature and purpose of the statute, within the context of related statutory provisions to assist in the interpretation. In this case, the substantive statutes in question are Sections 5/10-8 through 5/10-10.1. Their general purpose is to provide procedures for the hearing upon objections, the assignment of jurisdiction to various electoral boards, and to provide for judicial review of the decisions of the electoral boards. The pertinent part of these Sections in terms of the issue confronting the Board, is the first sentence of the first paragraph. This sentence establishes three criteria to determine the validity of a given nominating petition; 1) filed as required by this Code, 2) being in conformity with the provisions of this Act and 3) the absence of a timely filed objection. I don't believe that the Board should interpret the bootstrap provisions as excluding one criterion out of three (being in apparent conformity with the provisions of this Act) from the application of 5/10-8 through 5/10-10.1, without a clear statutory provision to that effect. This recommendation is reinforced by the case law previously provided to the Board at its last meeting (Druck v. ISBE, 387 Ill.App.3d 144, North v. Hinkle, 295 Ill.App.3d 84, Jenkins v. McIlvain, 338 Ill.App.3d 113 and Haymore v. Orr, 385 Ill.App.3d 915). All of these cases held that the filing office or certifying officer, whether it was the local election official, the county clerk or the State Board of Elections, had the authority and duty to enforce the apparent conformity provision so as not to certify candidates whose nominating papers were legally deficient on their face. None of these cases suggested that the doctrine of apparent conformity was limited to only those candidates who filed their nominating papers under Article 10. In fact, in Haymore v. Orr, the issue was whether the clerk exceeded her authority by withdrawing the certification of a binding referenda (filed under Article 28) on the grounds that the petition initiating the referenda did not contain a sufficient number of signatures. The Appellate court held that the clerk was within her authority to withdraw the certification and also held that the circuit court erred by granting the petitioner's writ of mandamus. It should be noted that Article 28 contains an identical bootstrap

provision linking the provisions of Sections 5/10-8 through 5/10-10.1 to petitions filed under Article 28.

Finally, the Cinkus decision held that a “court presumes that the legislature intended that two or more statutes which relate to the same subject are to be operative and harmonious. A court must compare statutes relating to the same subject and construe them with reference to each other, so as to give effect to all of the provisions of each if possible.” This is known as the doctrine of *in pari materia*. As applied to this issue, the fact that Sections 5/10-8 through 5/10-10.1 is applicable through three bootstrap provisions contained in Articles 7, 8 and 28 weighs heavily in favor of the interpretation that Sections 5/10-8 through 5/10-10.1 in their entirety apply to the bootstrap Sections, not the Sections in their entirety minus one, small clause. If the legislature intended to exclude that clause, they most likely would have specified as such.

On a final note, the Board should be aware that if they were to take the position that it will only enforce the apparent conformity provisions as to Independent and new political party candidates and not to established party candidates and/or candidates for legislative office, it could expose itself to an equal protection challenge; treating similarly situated candidates and/or parties differently, without clear authority to do so. When doing this in the context of ballot access, the Board would be subject to higher scrutiny. The U.S. Supreme Court in ISBE v. Socialist Workers Party et al. 440 U.S. 173, held that “Restrictions on access to the ballot burden two distinct and fundamental rights, the right of individuals to associate for the advancement of political beliefs, and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively.” (internal quotations omitted). The court determined that such freedom to associate as a political party is a fundamental right, therefore any infringement on that right must be narrowly tailored to achieve a compelling state interest. In the present case, even if there was a specific statutory provision excluding established parties from the ballot access restriction resulting from the application of the apparent conformity standard, the statute would appear to be vulnerable to Constitutional attack, for the State would have to demonstrate a compelling interest in placing a greater ballot access restriction on independent candidates and new party candidates, and would have to justify why the different treatment of the two types of candidates is the least restrictive means to achieve that interest. Since there is no such specific statutory exclusion of established parties from the apparent conformity provision, interpreting the statute to provide such an exclusion would seem to place the Board in a much more vulnerable position.

Based on the above rationale, I am of the opinion that the apparent conformity language contained in Section 5/10-8 does apply to established party candidates filing under the provisions of Article 7, legislative candidates filing under the provisions of Article 8 and referenda petitions under Article 28.

### **B. Process of Review**

The following is a proposal for adoption of an apparent conformity policy regarding nominating petitions that was discussed at the August Board meeting. It was my recommendation that the Board apply a limited standard of review for the upcoming filing period that would reject only those nominating petitions that after conducting a cursory examination of those petitions, a reasonable person could only conclude that they are so obviously deficient as to warrant immediate disqualification. In response to the Board’s request for a more specific proposal, I propose the following procedures to implement this apparent conformity policy.

A process of review should be applied to eliminate those nominating petitions that fail to conform to the requirements of the Election Code. Such review would examine three components of the petition: (1) the statement of candidacy, (2) the statement of economic interest (if necessary) and (3) the

maximum number of possible signatures. This review would take place after the conclusion of the petition filing period; October 26 – November 2.

### **1. Statement of Candidacy**

The first step of review would be to determine that the nominating petition contains a statement of candidacy that is signed and notarized, and generally identifies the office sought. This is not likely to be an issue since at the time of filing, if a nominating petition does not contain a statement of candidacy or the statement is un-signed, not notarized or doesn't identify the office, staff would alert the filer that the statement is either missing or is deficient. This would allow the filer to correct the problem on the spot, so to speak. If an agent files on behalf of a candidate, the agent would be alerted to the deficiency as well, and presumably would confer with the candidate and correct the deficiency. Candidates who mail their petitions that lack a sufficient statement of candidacy are at a disadvantage however, due to the fact that immediate notice of the deficiency is not possible. However, such candidates would be sent a written notice to that effect, and if time permits, would also be able to correct the problem.

### **2. Statement of Economic Interest**

The next step of review would be to determine that the nominating petition contains a receipt for a statement of economic interest (for those offices which require such a statement to be on file). At this stage of review, staff would not examine the receipt beyond the candidate's name being printed thereon; for purposes of the apparent conformity review, the existence of the receipt would be deemed sufficient.

### **3. Signatures**

The final step of review would be to determine if, upon its face, the nominating petition contains the required minimum number of signatures. To decide this quickly and objectively, I propose that staff multiply the total number of signature sheets indicated by the numerical designation of the last signature page by the number of available signature lines on the first page of the petition. If this number is equal to or greater than the minimum signature requirement for the specific office sought, the nominating petition would satisfy this stage of the apparent conformity review.

This proposed review process is the easiest option to merge with the filing procedures for the upcoming filing period. After this filing period, staff can assess the effects of the application of this review process and, if appropriate, make adjustments for future filing periods.

### **C. Timeline of the Review Process**

After the initial review by Board staff, a list of petitions, determined by staff to be not in apparent conformity with the established criteria listed above, will be submitted to the General Counsel for a second review, to be certain that the petition is deserving of being submitted to the Board for a final determination of insufficiency. Such list will include the candidate's name, party affiliation, office sought, and the reason for disqualification.

At the conclusion of business at the initial meeting of the State Officers Electoral Board (required to be held between 3 and 5 days following receipt of petitions and the objections thereto by the Chairman; [10 ILCS 5/10-10]), when the Board recesses as the State Officers Electoral Board and reconvenes as the State Board of Elections, the Board will be presented with the list of petitions determined by staff

and the General Counsel to be not in apparent conformity. If the Board concurs with the list, it would then authorize the Executive Director to send to those candidates a notice, informing them that their petitions have been determined to not be in apparent conformity. The notice will inform the candidates of their right to appear at the certification meeting of the State Board of Elections (required to be held no later than the 61<sup>st</sup> day prior to the General Primary Election; [10 ILCS 5/7-14]) to offer evidence and give reasons as to why the Board's determination should be rescinded and their names be certified for the ballot.

Please note that the initial determination of non-apparent conformity by the Board occurs following the period in which to file objections. Therefore, the inclusion by Board staff of a candidate's petition on the list of those not being in apparent conformity does NOT preclude an objection from being filed against that petition and it does not act as a stay against proceeding on such objection. At the same time however, an objection to a nominating petition does not remove that petition from the non-apparent conformity list. Whether the Board ultimately sustains or overrules an objection to a petition that has been deemed non-conforming, the Board should still disqualify that petition if it is indeed not in apparent conformity. The rationale is that if the Board sustains the objection, the decision could be reversed by a court during the judicial review process. If the Board strikes or otherwise overrules the objection, it is likely that such decision was based on grounds other than the petition not being in apparent conformity. The Board would still want to disqualify the petition if its deficiency is patently obvious, even though the objection thereto was equally deficient.

#### **D. Notice**

Finally, to be consistent with case law, any policy change adopted by the Board should be conveyed to as many interested parties as possible before the new policy is implemented. In order to provide the requisite notice, I recommend posting notice of the policy on the SBE website and posting it in both offices of the SBE during the petition filing period and mailing the notice to all persons who have requested nominating petitions from the SBE.

4. **Other business.**
5. **Comments from the Chairman and Vice Chairman.**
6. **Comments from the general public.**
7. **Next Board meeting Tuesday, October 20, 2009 at 10:30 a.m. in Chicago.**
8. **Executive Session.**