STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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

EXECUTIVE DIRECTOR
Daniel W. White

AGENDA
STATE BOARD OF ELECTIONS
BOARD MEETING
Friday, December 5, 2008
10:30 a.m.

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

Call State Board of Elections to order.

1. **Report of the Executive Director**
   a. **Presentation of staff service awards;**
      1) **20 year award – Jim Withers;**
      2) **25 year award – Darlene Gervase;**
      3) **30 year award – Tom Cloonan;**
   b. **Voting system certification – consideration of Premier modification - Updated Digital Certificate Required for SSL Authentication; (pg.1)**
   c. **Consideration of Contract for 2010 Redistricting Project; (pgs.2-41)**
   d. **Consideration of SBE FY10 appropriation request; (pg. 42)**
   e. **Fiscal status reports; (pg.43)**
   f. **Two year plan of staff activity for the months of December and January – informational. (pgs.44-49)**

2. **Report of the General Counsel**
   a. **Campaign Disclosure;**
      Motion for reconsideration
      1) *SBE v. Citizens to Elect Eddie Washington,* **08AP052; (pgs.50-52)**
      2) *SBE v. Friends of Laura Bertucci Smith,* **08AP053; (pgs.53-54)**
      Appeal of campaign disclosure fines – carryover from November - hearing officer recommendation appeal be granted
      3) *SBE v. Citizens for Judy Fiske,* **L12438, 08JS056; (pgs.55-58)**
      Appeals of campaign disclosure fines – new appeals - hearing officer recommendation appeals be granted
      4) *SBE v. Nicole Villani for State's Attorney* **L14509, 08AP036; (pgs.59-78)**
      5) *SBE v. Committee to Elect Andy Goitia,* **L14527, 08AP037; (pgs.79-83)**
      6) *SBE v. Committee to Elect Mary Sue Ruot for Circuit Clerk,* **L14646, 08D112; (pgs.84-95)**
      7) *SBE v. Friends of Krenz,* **S9545, 08AP075; (pgs.96-99)**
      Appeals of campaign disclosure fines – new appeals - hearing officer recommendation appeals be denied
      8) *SBE v. Carlisle for Council,* **L13921, 08JS227; (pgs.100-108)**
      9) *SBE v. Build the Future 203,* **L14494, 08AP035; (pgs.109-115)**

10) *SBE v. Vermilion County Democratic Party,* S1100, 08JS122; (pgs.116-120)

Other campaign disclosure items

11) Payment of civil penalties – informational; (pg.121)

Complaint following public hearing

12) *SBE v. Citizens for David Webb,* 08CD007; (pgs.122-127)

Complaints following closed hearing – carryovers (separate packet)

13) *Stern v. Colgan & The New Wheaton Central Foundation/New Wheaton Central Foundation Brochure,* 08CD038 - carryover from October; (pgs.1-41)

14) *Pfeifer & Venturi v. Friends of Terry Link,* 08CD040 - carryover from November; (pgs.42-139)

Complaints following closed hearing – no further action

15) *SBE v. Coalition for Quality Vocational Education,* 08CD044; (pgs.140-147)
16) *SBE v. Friends of Tommy Brewer,* 08CD045; (pgs.148-157)
17) *SBE v. Citizens to Elect Robert Bank,* 08CD049; (pgs.158-163)
18) *SBE v. Citizens for Mary Margaret Maule,* 08CD054; (pgs.164-169)
19) *SBE v. Citizens for Cass School District 63,* 08CD055; (pgs.170-177)
20) *SBE v. Citizens for Felicia Simmons Stovall,* 08CD056; (pgs.178-187)
21) *SBE v. Harwood Heights Resident Awareness Group,* 08CD061; (pgs.188-194)
22) *SBE v. Committee to Elect Germain Castellanos,* 08CD062; (pgs.195-202)
23) *SBE v. Committee to Re-elect Mike Slape,* 08CD063; (pgs.203-208)
24) *SBE v. Acorn PAC,* 08CD065; (pgs.209-213)
25) *SBE v. Citizens for April Troope,* 08CD066; (pgs.214-218)
26) *SBE v. Illinois New Party Political Committee,* 08CD067; (pgs.219-224)
27) *SBE v. Taxpayers United for Fairness,* 08CD078; (pgs.225-232)

Complaints following closed hearing – recommend public hearing

28) *SBE v. 16th Ward Regular Democratic Org.,* 08CD046; (pgs.233-237)
29) *SBE v. Citizens for Gaughan,* 08CD047; (pgs.238-242)
30) *SBE v. Friends of David Askew,* 08CD053; (pgs.243-247)
31) *SBE v. Friends of Mickie Polk,* 08CD057; (pgs.248-252)
32) *SBE v. Citizens United for Change in the 20th Ward,* 08CD060; (pgs.253-257)
33) *SBE v. Citizens for Mike Psak,* 08CD070; (pgs.258-262)
34) *SBE v. 25th Ward Democratic Political Alliance,* 08CD076; (pgs.263-267)

b. Consideration of AG Opinion regarding Debt Collection Procedures; (pgs.128-138)

c. Proposed emergency rule – new ethics legislation – "pay to play." (pgs.139-156)

3. Other business. (pg.157)

4. Comments from the Chairman and Vice Chairman. (pg.157)

5. Comments from the general public. (pg.157)

6. Next Board meeting Tuesday, January 20, 2008 at 10:30 a.m. in Springfield. (pg.157)

7. Executive Session. (pgs.158-170)

INTEROFFICE MEMORANDUM

To: Dan White, Executive Director

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

Subject: Premier's SSL Digital Certificate Update

Date: November 24, 2008

This is a minor modification for Premier products. Their software uses certificates to encrypt the communication between pieces of the system. The existing Secure Socket Layer certificates will expire at the end of January which is prior to our next regular election. Premier is asking if its customers may install new certificates with a new expiration date of July 3, 2013. These certificate updates would apply to the GEMS(management program) and to the AccuVote-TS and TSX touch screen units.

This is a security feature to their system. It permits each party in a data transfer operation to verify the identity of the other party.

The vendor sent the application along with a SysTest (Voting System Testing Laboratory) report. I have discussed this with our IT Director, Steve Flowers and he too believes it is a minor modification.

VOSS recommends Board approval of these certificate updates.

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Members of the Board

SUBJECT: 2010 Census Redistricting Data Program

DATE: November 25, 2008

Public Law (P.L.) 94-171, enacted by Congress in December 1975, requires the U.S. Census Bureau to provide state legislators with census population data necessary for legislative redistricting.

In early 2007, Illinois chose to participate in this voluntary program and I am designated the non-partisan liaison for the 2010 Census Redistricting Data Program (Program).

The Program began in mid-2007 and since then there have been several meetings attended by U.S. Census Bureau representatives, the Governor's office, the representatives of the four legislative leaders and SBE.

We are at a point in the Program (Phase 2) where Illinois must provide voting district plans, codes, and other technical data to the Census Bureau.

The SBE has neither the resources nor the expertise to proceed with Phase 2 of the Program.

Last month we held a meeting of involved parties and it was agreed to contract with an outside technical expert to provide data to proceed with Phase 2.

The agreed upon contractor is Kimball W. Brace, of Manassas, VA.

I have attached Mr. Brace's vita and the proposed contract for your review and approval.

As you recall, the legislature has appropriated $350,000 for this project and it is in our current FY-09 budget.

Attachments

Election Data Services

Kimball W. Brace

Kimball Brace is the president of Election Data Services Inc., a political consulting firm in Washington, D.C., that specializes in redistricting and election administration. Since founding Election Data Services in 1977, Mr. Brace has provided software, databases, and consulting services to redistricting commissions and state and local legislatures throughout the United States. As a nationally recognized expert on redistricting and the census, he has delivered speeches, conducted seminars, and testified as an expert witness in numerous court cases. He has also testified as an expert on voting equipment design, conducted studies on statewide voter registration systems for both federal and state election agencies, coordinated workshops on election administration, and participated in international election conferences. Mr. Brace testified on voting equipment in Florida's Bush vs. Gore case in 2000.

At Election Data Services, Mr. Brace has directed the development of several political information products, including nationwide databases of congressional and legislative district boundaries, election returns and voting statistics, and statistics on voting equipment usage. He was the author of the Election Assistance Commissions' major studies on their 2004 and 2006 Election Day Survey. He has maintained affiliations with organizations such as the American Political Science Association and the Association of Public Data Users. In 1992 he edited *The Election Data Book: A Statistical Portrait of Voting in America* (Bernan Press). Prior to founding Election Data Services, he was an associate editor of the biweekly newsletter, *Election Administration Reports*. Mr. Brace is a graduate of American University in Washington, D.C.

VITA

KIMBALL WILLIAM BRACE

Election Data Services, Inc.
6171 Emerywood Court
Manassas, VA 20112-3078

703 580.7267 or 202 789.2004 phone
703 580.6258 fax
kbrace@electiondataservices.com or kbrace@aol.com

Kimball Brace is the president of Election Data Services Inc., a consulting firm that specializes in redistricting, election administration, and the analysis and presentation of census and political data. Mr. Brace graduated from the American University in Washington, D.C., (B.A., Political Science) in 1974 and founded Election Data Services in 1977.

Redistricting Consulting

Activities include software development; construction of geographic, demographic, or election databases; development and analysis of alternative redistricting plans; general consulting, and onsite technical assistance with redistricting operations.

Congressional and Legislative Redistricting

Arizona Independent Redistricting Commission: Election database, 2001

Arizona Legislature, Legislative Council: Election database, 2001

Colorado General Assembly, Legislative Council: Geographic, demographic, and election databases, 1990–91

Connecticut General Assembly
- Joint Committee on Legislative Management: Election database, 2001; and software, databases, general consulting, and onsite technical assistance, 1990–91
- Senate and House Democratic Caucuses: Demographic database and consulting, 2001

Florida Legislature, House of Rep.: Geographic, demographic, and election databases, 1989–92

Illinois General Assembly
- Speaker of House and Senate Minority Leader: Software, databases, general consulting, and onsite technical assistance, 2000–02
- Speaker of House and President of Senate: Software, databases, general consulting, and onsite technical assistance, 1990–92, and 1981-82

Iowa General Assembly, Legislative Service Bureau and Legislative Council: Software, databases, general consulting, and onsite technical assistance, 2000–01 and 1990–91

Kansas Legislature: Databases and plan development (state senate and house districts), 1989

Massachusetts General Court
- Senate Democratic caucus: Election database and general consulting, 2001–02
- Joint Reapportionment Committees: Databases and plan development (cong,, state senate, and state house districts), 1991–93

(Redistricting Consulting, cont.)

Michigan Legislature: Geographic, demographic, and election databases, 1990–92; databases and plan development (cong., state senate, and state house districts), 1981-82

Missouri Redistricting Commission: General consulting, 1991–92

Commonwealth of Pennsylvania: General consulting, 1992

Rhode Island General Assembly and Reapportionment Commissions
- Software, databases, plan development, and onsite assistance (cong., state senate, and state house districts), 2001–02 and 1991–92
- Databases and plan development (state senate districts), 1982-83

State of South Carolina: Plan development and analysis (senate), U.S. Dept. of Justice, 1983–84

Local Government Redistricting

Orange County, Calif.: Plan development (county board), 1991–92

City of Bridgeport, Conn.: Databases and plan development (city council), 2002–03

Cook County, Ill.: Software, databases, and general consulting (county board), 2001–02, 1992–1993, and 1989

Lake County, Ill.: Databases and plan development (county board), 1981

City of Chicago, Ill.: Software, databases, general consulting, and onsite technical assistance (city wards), 2001–02 and 1991–92

City of North Chicago, Ill.: Databases and plan development (city council), 1991 and 1983

City of Annapolis, Md.: Databases and plan development (city council), 1984

City of Boston, Mass.: Databases and plan development (city council), 1993

City of New Rochelle, N.Y.: Databases and plan development (city council), 1991–92

City of New York, N.Y.: Databases and plan development (city council), 1990–91

Cities of Pawtucket, Providence, East Providence, and Warwick, and town of North Providence, R.I.: Databases and plan development (city wards and voting districts), 2002

City of Woonsocket and towns of Charlestown, Lincoln, and Westerly, R.I.: Databases and plan development (voting districts), 2002; also Westerly 1993

City of Houston, Tex.: Databases and plan development (city council), 1979 — recommended by U.S. Department of Justice

City of Norfolk, Va.: Databases and plan development (city council), 1983–84 — for Lawyers' Committee for Civil Rights

Virginia Beach, Va.: Databases and plan development (city council), 2001–02, 1995, and 1993

Other Activities

International Foundation for Electoral Systems (IFES) and U.S. Department of State: redistricting seminar, Almaty, Kazakhstan, 1995

Library of Congress, Congressional Research Service: Consulting on reapportionment, redistricting, voting behavior and election administration

Election Administration Consulting

Activities include seminars on election administration topics and studies on voting behavior, voting equipment, and voter registration systems.

U.S. Election Assistance Commission (EAC): Compile, analyze, and report the results of a survey distributed to state election directors during FY–2007. Survey results were presented in the following reports of the EAC: *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2005–2006, A Report to the 110th Congress,* June 30, 2007; *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), Survey Report Findings,* September, 2007; and *The 2006 Election Administration and Voting Survey, A Summary of Key Findings,* December, 2007.

U.S. Election Assistance Commission (EAC): Compile, analyze, and report the results of three surveys distributed to state election directors during FY–2005: Election Day, Military and Overseas Absentee Ballot (UOCAVA), and Voter Registration (NVRA) Surveys. Survey results were presented in the following reports: *Final Report of the 2004 Election Day Survey,* by Kimball W. Brace and Dr. Michael P. McDonald, September 27, 2005; and *Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2003–2004, A Report to the 109th Congress,* June 30, 2005.

Rhode Island Secretary of State: Verification of precinct and district assignment codes in municipal registered voter files and production of street files for a statewide voter registration database, 2004-2006 and 2008-present.

District of Columbia, Board of Elections and Ethics (DCBOEE): Verification of election ward, Advisory Neighborhood Commission (ANC), and Single-Member District (SMD) boundaries and production of a new street locator, 2003. Similar project, 1993.

Harris County, Tex.: Analysis of census demographics to identify precincts with language minority populations requiring bilingual assistance, 2002–03

Cook County, Ill., Election Department and Chicago Board of Election Commissioners:

- Analysis of census demographics to identify precincts with language minority populations requiring bilingual assistance, 2002–03
- Study on voting equipment usage and evaluation of punch card voting system, 1997

Library of Congress, Congressional Research Service: Nationwide, biannual studies on voter registration and turnout rates, 1978–2002

U.S. General Accounting Office (GAO), U.S. Dept. of Justice, and numerous voting equipment vendors and media: Data on voting equipment usage throughout the United States, 1980–present

Needs assessments and systems requirement analyses for the development of statewide voter registration systems:

- Illinois State Board of Elections: 1997
- North Carolina State Board of Elections, 1995
- Secretary of Commonwealth of Pennsylvania, 1996

Federal Election Commission, Office of Election Administration:
- Study on integrating local voter registration databases into statewide systems, 1995
- Nationwide workshops on election administration topics, 1979–80
- Study on use of statistics by local election offices, 1978–79

Cuyahoga County, Ohio, Board of Elections: Feasibility study on voting equipment, 1979

Winograd Commission, Democratic National Committee: Analysis of voting patterns, voter registration and turnout rates, and campaign expenditures from 1976 primary elections

Mapping and GIS

Activities include mapping and GIS software development (geographic information systems) for election administration and updating TIGER/Line files for the decennial census.

2000 Census Transportation Planning Package (CTPP), 1998–99: GIS software for the U.S. Department of Transportation to distribute to 400 metropolitan planning organizations (MPOs) and state transportation departments for mapping traffic analysis zones (TAZs) for the 2000 census; provided technical software support to MPOs

Census 2000 Redistricting Data Program, Block Boundary Suggestion Project (Phase 1) and Voting District Project (Phase 2), 1995–99: GIS software and provided software, databases, and technical software support to the following program participants:
- Alaska Department of Labor
- Connecticut Joint Committee on Legislative Management
- Illinois State Board of Elections
- Indiana Legislative Services Agency
- Iowa Legislative Service Bureau
- New Mexico Legislative Council Service
- Rhode Island General Assembly
- Virginia Division of Legislative Services

Developed PRECIS® Precinct Information System—GIS software to delineate voting precinct boundaries—and delivered software, databases, and technical software support to the following state and local election organizations (with date of installation):
- Cook County, Ill., Department of Elections (1993)
- Marion County, Fla., Supervisor of Elections (1995)
- Berks County Clerk, Penn. (1995)
- Hamilton County, Ohio, Board of Elections (1997)
- Brevard County, Fla., Supervisor of Elections (1999)
- Osceola County, Fla., Supervisor of Elections (1999)
- Multnomah County, Ore, Elections Division (1999)
- Chatham County, Ga., Board of Elections (2000)
- City of Chicago, Ill., Board of Election Commissioners (2000)
- Mahoning County, Ohio, Board of Elections (2000)
- Iowa Secretary of State, Election and Voter Registrations Divisions (2001)
- Woodbury County, Iowa, Elections Department (2001)
- Franklin County, Ohio, Board of Elections (2001)
- Cobb County, Ga., Board of Elections and Voter Registration (2002)

Illinois State Board of Elections, Chicago Board of Election Commissioners, and Cook County Election Department: Detailed maps of congressional, legislative, judicial districts, 1992

Associated Press: Development of election night mapping system, 1994

Litigation Support

Activities include data analysis, preparation of court documents and expert witness testimony. Areas of expertise include the census, demographic databases, district compactness and contiguity, racial bloc voting, communities of interest, and voting systems. Redistricting litigation activities also include database construction and the preparation of substitute plans.

United States of America v. Osceola County, Florida, (2006), county commissioner districts.

Indiana Democratic Party, et al., v. Todd Rokita, et al. (2005), voter identification.

Linda Shade v. Maryland State Board of Elections (2004), electronic voting systems

Gongaley v. City of Aurora, Ill. (2003), city council districts

State of Indiana v. Sadler (2003), ballot design (city of Indianapolis-Marion County, Ind.)

Peterson v. Borst (2002–03), city-council districts (city of Indianapolis-Marion County, Ind.)

New Rochelle Voter Defense Fund v. City of New Rochelle, City Council of New Rochelle, and Westchester County Board Of Elections (2003), city council districts (New York)

Charles Daniels and Eric Torres v. City of Milwaukee Common Council (2003), council districts (Wisconsin)

The Louisiana House of Representatives v. Ashcroft (2002–03), state house districts

Camacho v. Galvin and *Black Political Caucus v. Galvin* (2002–03), state house districts (Massachusetts)

Latino Voting Rights Committee of Rhode Island, et al., v. Edward S. Inman, III, et al. (2002–03), state senate districts

Metts, v. Harmon, Almond, and Harwood, et al. (2002–03), state senate districts (Rhode Island)

Joseph F. Parella, et al. v. William Irons, et al. (2002–03), state senate districts (Rhode Island)

Jackson v. County of Kankakee (2001–02), county commissioner districts (Illinois)

Corbett, et al., v. Sullivan, et al. (2002), commissioner districts (St Louis County, Missouri)

Harold Frank, et al., v. Forest County, et al. (2001–02), county commissioner districts (Wisc.)

Albert Gore, Jr., et al., v. Katherine Harris as Secretary of State, State of Florida, et al., and The Miami Dade County Canvassing Board, et al., and The Nassau County Canvassing Board, et al., and The Palm Beach County Canvassing Board, et al., and George W. Bush, et al (2000), voting equipment design — Leon County, Fla., Circuit Court hearing, December 2, 2000, on disputed ballots in Broward, Volusia, Miami-Dade, and Palm Beach counties from the November 7, 2000, presidential election.

Barnett v. Daley/PACI v. Daley/Bonilla v. Chicago City Council (1992–98), city wards

(Litigation Support, cont.)

Donald Moon, et al. v. M. Bruce Meadows, etc and Curtis W. Harris, et al. (1996–98), congressional districts (Virginia)

Melvin R. Simpson, et al. v. City of Hampton, et al. (1996–97), city council districts (Va.)

In the Matter of the Redistricting of Shawnee County Kansas and Kingman, et al. v. Board of County Commissioners of Shawnee County, Kansas (1996), commissioner districts

Vecinos de Barrio Uno v. City of Holyoke (1992–96), city council districts (Massachusetts)

Torres v. Cuomo (1992–95), congressional districts (New York)

DeGrandy v. Wetherell (1992–94), congressional, senate, and house districts (Florida)

Johnson v. Miller (1994), congressional districts (Georgia)

Jackson, et al v Nassau County Board of Supervisors (1993), form of government (N.Y.)

Gonzalez v. Monterey County, California (1992), county board districts

LaPaille v. Illinois Legislative Redistricting Commission (1992), senate and house districts

Black Political Task Force v. Connolly (1992), senate and house districts (Massachusetts)

Nash v. Blunt (1992), house districts (Missouri)

Fund for Accurate and Informed Representation v. Weprin (1992), assembly districts (N.Y.)

Mellow v. Mitchell (1992), congressional districts (Pennsylvania)

Phillip Langsdon v. Milsaps (1992), house districts (Tennessee)

Smith v. Board of Supervisors of Brunswick County (1992), supervisor districts (Virginia)

People of the State of Illinois ex. rel. Burris v. Ryan (1991–92), senate and house districts

Good v. Austin (1991–92), congressional districts (Michigan)

Neff v. Austin (1991–92), senate and house districts (Michigan)

Hastert v. Illinois State Board of Elections (1991), congressional districts

Republican Party of Virginia et al. v. Wilder (1991), senate and house districts

Jamerson et al. v. Anderson (1991), senate districts (Virginia)

Ralph Brown v. Iowa Legislative Services Bureau (1991), redistricting database access

Williams, et al. v. State Board of Election (1989), judicial districts (Cook County, Ill.)

Fifth Ward Precinct 1A Coalition and Progressive Association v. Jefferson Parish School Board (1988–89), school board districts (Louisiana)

Michael V. Roberts v. Jerry Wamser (1987–89), St. Louis, Mo., voting equipment

Brown v. Board of Commissioners of the City of Chattanooga, Tenn. (1988), county commissioner districts

Business Records Corporation v. Ransom F. Shoup & Co., Inc. (1988), voting equip. patent

East Jefferson Coalition for Leadership v. The Parish of Jefferson (1987–88), parish council districts (Louisiana)

(Litigation Support, cont.)

Buckanaga v. Sisseton School District (1987–88), school board districts (South Dakota)

Griffin v. City of Providence (1986–87), city council districts (Rhode Island)

United States of America v. City of Los Angeles (1986), city council districts

Latino Political Action Committee v. City of Boston (1984–85), city council districts

Ketchum v. Byrne (1982–85), city council districts (Chicago, Ill.)

State of South Carolina v. United States (1983–84), senate districts — U.S. Dept. of Justice

Collins v. City of Norfolk (1983–84), city council districts (Virginia) — for Lawyers' Committee for Civil Rights

Rybicki v. State Board of Elections (1981–83), senate and house districts (Illinois)

Licht v. State of Rhode Island (1982–83), senate districts (Rhode Island)

Agerstrand v. Austin (1982), congressional districts (Michigan)

Farnum v. State of Rhode Island (1982), senate districts (Rhode Island)

In Re Illinois Congressional District Reapportionment Cases (1981), congressional districts

Publications

"EAC Survey Sheds Light on Election Administration", *Roll Call*, October 27, 2005 (with Michael McDonald)

Developing a Statewide Voter Registration Database: Procedures, Alternatives, and General Models, by Kimball W. Brace and M. Glenn Newkirk, edited by William Kimberling, (Washington, D.C.: Federal Election Commission, Office of Election Administration, Autumn 1997).

The Election Data Book: A Statistical Portrait of Voting in America, 1992, Kimball W. Brace, ed., (Bernan Press, 1993)

"Geographic Compactness and Redistricting: Have We Gone Too Far?", presented to Midwestern Political Science Association, April 1993 (with D. Chapin and R. Niemi)

"Whose Data is it Anyway: Conflicts between Freedom of Information and Trade Secret Protection in Redistricting", *Stetson University Law Review*, Spring 1992 (with D. Chapin and W. Arden)

"Numbers, Colors, and Shapes in Redistricting," *State Government News*, December 1991 (with D. Chapin)

"Redistricting Roulette," *Campaigns and Elections*, March 1991 (with D. Chapin)

"Redistricting Guidelines: A Summary", presented to the Reapportionment Task Force, National Conference on State Legislatures, November 9, 1990 (with D. Chapin and J. Waliszewski)

"The 65 Percent Rule in Legislative Districting for Racial Minorities: The Mathematics of Minority Voting Equality," *Law and Policy*, January 1988 (with B. Grofman, L. Handley, and R. Niemi)

"Does Redistricting Aimed to Help Blacks Necessarily Help Republicans?" *Journal of Politics*, February 1987 (with B. Grofman and L. Handley)

"New Census Tools," *American Demographics*, July/August 1980

Professional Activities

Member, 2010 Census Advisory Committee, a 20-member panel advising the Director of the Census on the planning and administration of the 2010 census.

Delegate, Second Trilateral Conference on Electoral Systems (Canada, Mexico, and United States), Ontario, Canada, 1995; and Third Trilateral Conference on Electoral Systems, Washington, D.C., 1996

Member, American Association of Political Consultants

Member, American Association for Public Opinion Research

Member, American Political Science Association

Member, Association of American Geographers, Census Advisory Committee

Member Board of Directors, Association of Public Data Users

Member, National Center for Policy Alternatives, Voter Participation Advisory Committee

Member, Urban and Regional Information Systems Association Mar-2008

LICENSING AND PROFESSIONAL SERVICES AGREEMENT

WHEREAS, *the United States Bureau of the Census has implemented the Public Law 94-171 (P.L.94-171) which allows the states to voluntarily participate in a program to delineate census block boundaries (under phase one) in preparation for the 2000 Census;*

WHEREAS, *the State of Illinois, through its Governor and legislative leaders, in a letter dated* ***June 23, 1995****, has agreed to participate in the P.L. 94-171 program;*

WHEREAS, *the Illinois State Board of Elections has been designated by the Governor and legislative leaders in a letter dated* ***July 1, 1996*** *to coordinate and oversee the project;*

WHEREAS, *in the furtherance of its duties, the Illinois State Board of Elections may contract with appropriate persons to provide data processing, staff support and other services and supplies it considers appropriate for the completion of the project;*

WHEREAS*, as a part of its* ***July 1, 1996*** *letter, the Governor and legislative leaders must approve any contractual agreements referred to above;*

WHEREAS, *monies for contracts referred to above shall be paid from appropriations made to the Illinois State Board of Elections;*

WHEREAS*, the Illinois State Board of Elections has determined that ELECTION DATA SERVICES, INC., a District of Columbia corporation, with offices at 6171 Emerywood Court, Manassas, VA 20112 possesses the professional and technical skill and ability to assist the Illinois State Board of Elections in implementing the various aspects of phase one of the PL 94-171 program; and*

WHEREAS, *ELECTION DATA SERVICES, INC., is willing to provide its services to the Illinois State Board of Elections under this Agreement;*

NOW, THEREFORE, THE ILLINOIS STATE BOARD OF ELECTIONS AND ELECTION DATA SERVICES, INC., IN CONSIDERATION OF THE MUTUAL PROMISES, COVENANTS AND REPRESENTATIONS HEREIN CONTAINED, ENTER INTO THIS AGREEMENT COMMENCING OCTOBER 1, 2008 AND TERMINATING JUNE 30, 2010, AS FOLLOWS:

SECTION I: IDENTITY OF PARTIES; NOTICES

1) The Illinois State Board of Elections (hereafter referred to as "STATE BOARD") and Election Data Services, Inc. (hereafter referred to as "E.D.S., Inc.") are the parties to this Agreement. For the purposes of mailing, providing, or delivering any item, notice, or

property under this Agreement, the STATE BOARD and E.D.S., Inc. shall use the following addresses:

ILLINOIS STATE BOARD OF ELECTIONS
Attn: Daniel White, Executive Director
1020 South Spring Street
Springfield, IL 62704

ELECTION DATA SERVICES,INC
Attn: Kimball W. Brace
6171 Emerywood Court
Manassas, VA 20112-3078

SECTION II: SERVICES

2). Election Data Services shall provide services to the STATE BOARD during both the Phase 2 and the Verification phase of the Census Bureau's Voting District Tabulation Program (VDT), as describe below. It is expected that the Phase 2 work will take place in the current Fiscal Year (ending June 30, 2009) and the Verification phase will take place in Fiscal Year 2009-2010 (ending June 30, 2010).

3). Phase 2 services shall consist of services provided by Election Data Services during the initial parts of the Census Bureau's Precincting Program, including any of the following:

A) Assistance in the acquisition of hardware, to include at least two notebook computers.
B) Attend Census Bureau training class on Phase 2 program and software.
C) Installation of Census Bureau provided software and TIGER files onto notebook computers.
D) Updating of Illinois precinct boundaries currently maintained by Election Data Services, Inc. to reflect the precinct boundaries used in the November, 2008 general election.
E) Conversion of Illinois precinct boundaries currently maintained by Election Data Services, Inc. to 2000 block equivalency files.
F) Loading of block equivalency files into Census Bureau provided software and data files.
G) Follow the Census Bureau Guidelines for participants in submitting precinct configurations to the Census Bureau
H) Clean up of precinct boundaries in Census Bureau provided software, including the splitting of any 2000 blocks so as to accurately reflect the real precinct boundaries used in the 2008 election.
I) Check Congressional and State Legislative boundaries in Census files for

accuracy and correctness. Make changes where necessary to conform with official plans for state.

J) Travel to a county or city's election office, if necessary, to confer with local authorities concerning proper address breaks for precincts, street name changes, or other changes that need to be reflected in the TIGER files.
K) On-going hourly support to the project.
L) Using the Census Bureau provided software, submit all necessary files to the Census Bureau to reflect the Illinois submission for the Bureau's Precincting Program.
M) Create precinct boundary shape files of the precincts used in the 2008 general election.
N) Work with the Census Bureau geographer assigned to the state to answer any questions that might arise in their evaluation and insertion into the Bureau's TIGER database.

4). Verification of Phase 2 services (expected to take place in Fall, 2009) shall consist of the following:

A) Installation of any Census Bureau provided software upgrades on project notebook computers.
B) Attend Census Bureau training class on Verification program and software.
C) Install updated TIGER files and Verification boundary files on project notebook computers.
D) On-going hourly support to the project.
E) Follow the Census Bureau Guidelines for participants in checking the precinct configurations that were submitted to the Census Bureau.
F) Check the precinct configurations submitted to the Census Bureau, and modify if necessary.
G) Travel to a county or city's election office, if necessary, to confer with local authorities concerning proper address breaks for precincts, street name changes, or other changes that need to be reflected in the TIGER files.
H) Make polygons of existing precinct boundaries.
I) Submit any corrections of either precinct or state legislative boundaries to the Census Bureau.
J) Work with the Census Bureau geographer assigned to the state to answer any questions that might arise in their evaluation and insertion into the Bureau's TIGER database.

5) It is understood that these services can be preformed by EDS, Inc. staff located in Manassas, VA.. It is also understood that the STATE BOARD would use it's best efforts to secure new precinct maps from Illinois County and City Election authorities.

SECTION III: TIMETABLE

6) E.D.S., Inc. shall be considered to have commenced performance under this Agreement on October 1, 2008, and shall continue to provide such services through June 30, 2010.

SECTION IV: PAYMENT SCHEDULE: COSTS

7) Including expenses, which would include, but not be limited to, travel, housing, shipping, postage, telephone, necessary office supplies, and other such expenses necessary to carry out the services listed in this Agreement, the STATE BOARD shall pay to E.D.S., Inc. no more than the sum of $350,000 for the services under this Agreement.

8) The itemized budget for this contract is attached as Attachment B to this document. For full time Election Data Services staff geographers, Election Data Services will bill them at a rate of $125.00 per hour. Election Data Services supervisory personnel will be billed at a rate of $175.00 per hour.

9) E.D.S., Inc. shall submit an itemized invoice for all payments due as part of this Agreement. Not later than thirty (30) days from the date noted on an acceptable invoice, the STATE BOARD shall submit the required documentation to the office of the Illinois Comptroller for payment. All payments under this Agreement shall be sent to E.D.S., Inc. at 6171 Emerywood Court, Manassas, VA, 20112-3078. Any unreasonable delay in payment will result in immediate stoppage of work by E.D.S., Inc. Payments under this Agreement are governed by Illinois Code 5-17-5 (incorporated by reference into this Agreement), which provides for penalties for late payments by Illinois state and local government agencies.

SECTION V: TRAVEL

10) Any travel by any employee, representative, or agent of E.D.S., Inc. required to perform work under this Agreement and for which reimbursement is sought shall be undertaken only with the prior approval of the STATE BOARD, or its designee(s).

SECTION VI: INDEPENDENT CONTRACTORS

11) The STATE BOARD and E.D.S., Inc., in the performance of this Agreement, will be acting in an individual capacity, and not as agents, employees, partners, joint ventures, or associates of one another. The employees or agents of one party shall not be deemed or construed to be the employees or agents of the other party for any purposes whatsoever.

12) Neither party will assume any liability for any injury (including death) to any persons, or any damage to any property arising out of the acts or omissions of the agents, employees, or subcontractors of the other party.

SECTION VII: GOVERNING LAWS

13) This Agreement shall be construed in accordance with and governed by the laws of the State of Illinois. Suit, if any, must be brought in the County of Sangamon, State of Illinois.

SECTION VIII: NONDISCRIMINATION REQUIREMENTS

14) E.D.S., Inc. and its subcontractors, if any, shall not discriminate against any employee or applicant for employment, to be employed in the performance of this Agreement, with respect to this hire, tenure, terms, or conditions of employment, or any matter directly or indirectly related to employment, because of the employee's or applicant's race, color, religion, sex, disability, national origin, or ancestry.

SECTION IX: ASSIGNMENT OF CLAIMS

15) E.D.S., Inc. may not sell, assign, or pledge this Agreement as collateral for a loan or take any other action which may tend to encumber the direct contractual relationship between the STATE BOARD and E.D.S., Inc., without the express written permission of the Executive Director of the Illinois State Board of Elections.

SECTION X: COMPLIANCE WITH LAWS

16) E.D.S., Inc. agrees to comply with all applicable federal, state, and local laws, rules, regulations, or ordinances. All provisions required thereby to be included in this Agreement are incorporated by reference.

17) The enactment of any state or federal statute or the promulgation of rules or regulations under a statute after the execution of this Agreement shall be reviewed by the STATE BOARD and E.D.S., Inc. to determine whether the provisions of this Agreement require formal amendment.

SECTION XI: OWNERSHIP OF MATERIALS AND EQUIPMENT

18) The data collected and the maps prepared by E.D.S., Inc. under this Agreement are the property of the STATE BOARD. All original copies of returns and maps are to be returned to the STATE BOARD at an appropriate, agreed-upon time. E.D.S., Inc. shall have the right to retain a copy of the data in electronic format during the duration of the contract and to use such only for its internal purposes. Any election data and/or electronic data created under this Agreement and retained by E.D.S., Inc., shall be made available with documentation at no additional cost to the STATE BOARD, the four Illinois legislative caucuses and the Illinois Office of the Governor.

SECTION XII: WARRANTY

19) EXCEPT FOR THE EXPRESS WARRANTIES SET FORTH IN THIS AGREEMENT, THE PRODUCT IS PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. E.D.S., Inc. represents and warrants that it has the full power and authority to enter into this Agreement, to carry out its obligations hereunder and to grant the rights granted to the STATE BOARD. E.D.S., Inc. further represents and warrants that the Product provided hereunder is owned by E.D.S., Inc. and that the use of the Product permitted in this Agreement will not infringe any patent, copyright, trademark or other intellectual property right of any third party.

SECTION XIII: LIABILITY

20) E.D.S., INC. SHALL NOT BE LIABLE TO THE STATE BOARD OR ANY OTHER PERSON, FIRM, OR ENTITY WITH RESPECT TO ANY LOSS OR DAMAGES, WHETHER DIRECT, INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL OR EXEMPLARY, ARISING OUT OF ANY BREACH OF THIS AGREEMENT, OR IN CONNECTION WITH, THE USE OF THE PRODUCT AND SERVICES FURNISHED UNDER THIS AGREEMENT. E.D.S., INC.'S LIABILITY SHALL BE LIMITED TO THE AGGREGATE AMOUNT OF FEES PAID TO E.D.S., INC. UNDER THIS AGREEMENT. IN NO EVENT SHALL E.D.S., INC. BE LIABLE WITH RESPECT TO ANY CLAIM MADE AGAINST THE STATE BOARD BY ANY THIRD PERSON, PARTY, FIRM, OR OTHER ENTITY, EXCEPT TO THE EXTENT E.D.S., INC. IS OR MAY BE LIABLE TO THIRD PARTIES.

SECTION XIV: CONFIDENTIALITY

21) The STATE BOARD and its respective employees and agents shall hold in confidence all confidential and proprietary information which is disclosed in connection with this Agreement and the transactions contemplated herein. The STATE BOARD shall use reasonable diligence, and in no event less than the degree of care which such party uses in respect to its own confidential and proprietary information of like nature, to prevent the unauthorized disclosure or reproduction of such information. This provision shall not include information: (I) in the public domain; (ii) known to the recipient party as of February 1, 1998, unless the recipient party agreed to keep such information in confidence at the time of its receipt; and (iii) hereafter obtained by the recipient party from a source not under an obligation of confidentiality to the other party. Upon the expiration or termination of this Agreement for cause, the STATE BOARD shall promptly destroy or return all tangible embodiments of confidential and proprietary information in the STATE BOARD's possession or under its control, and provide an affidavit affirming the destruction or return of such information.

SECTION XV: TRADE SECRETS

22) The Product, services and information provided by E.D.S., Inc. are a trade secret. The Product, services and information are considered proprietary and any disclosure of such Product, services and information may cause competitive harm to E.D.S., Inc. The use by the STATE BOARD of any of these property rights is authorized only for the purposes herein set forth, and upon expiration or termination of this Agreement for any reason, such authorization shall cease.

SECTION XVI: TERMINATION

23) This Agreement may be terminated as follows:

> (i) for cause, if either party commits a material breach of this Agreement. To terminate for cause, the non-breaching party must provide written notice of such breach and the party in breach must fail to promptly cure the breach within a reasonable time to the reasonable satisfaction of the non-breaching party, or,
>
> (ii) without cause. To terminate without cause, a party must provide written notice, at least 15 days from the expiration of this Agreement.

24) If this Agreement is terminated, without cause, by the STATE BOARD, then the STATE BOARD must send to E.D.S., Inc., by express courier to E.D.S., Inc.'s address, a notice of termination. The notice may specify the circumstances which have given rise to the termination, and the effective date of the termination (not less than 60 days from the date of the notice). If applicable, E.D.S., Inc. shall be given a reasonable amount of time to cure any non-material breaches of this Agreement alleged by the STATE BOARD.

25) E.D.S., Inc. may, at its sole option, terminate this Agreement if the STATE BOARD fails to pay, in a timely fashion, any money due under this Agreement, or, if the STATE BOARD materially breaches the terms and conditions of this Agreement. E.D.S., Inc. may terminate this Agreement by sending to the STATE BOARD, by express courier, a notice of termination. The notice shall specify the circumstances which have given rise to the termination, and the effective date of the termination. The STATE BOARD shall be given a reasonable amount of time to cure any breaches of this Agreement alleged by E.D.S., Inc.

SECTION XVII: ENTIRE AGREEMENT

26) This Agreement constitutes the entire Agreement between E.D.S., Inc. and the STATE BOARD and supersedes all prior negotiations, agreements, communications, and represents the complete and exclusive statement of the terms and conditions agreed to by both parties. No oral representations or other documents shall be considered part of this Agreement. This Agreement may not be altered, amended or modified except by a written instrument signed by representatives of E.D.S., Inc. and the STATE BOARD authorized to modify this Agreement. Any such modification of this Agreement becomes an integral part of this Agreement.

SECTION XVIII: SEVERABILITY

27) If any part, term or provision of this Agreement is held by a court of competent jurisdiction to be illegal or in conflict with any law of the State of Illinois, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

SECTION XIX: WAIVER

28) The failure of either party to insist, in any one or more instances, upon the performance of any provision of this Agreement shall not be construed as a waiver or relinquishment of the party's rights to future performance of such provisions, and the other party's obligation in respect to such future performance shall continue in full force and effect.

SECTION XX: ARBITRATION

29) Any controversy or claim arising out of or relating to this Agreement, or the breach hereof, shall be settled by arbitration. Judgment upon the award or decision rendered may be entered into any court in Illinois having jurisdiction, or application may be made to such court for an order of enforcement.

SECTION XXI: NOTICE

30) All notices required under this Agreement shall be in writing and shall be sent to the parties by certified mail at their respective addresses set forth in Paragraph 1) of this Agreement. Notice shall be effective upon receipt.

SECTION XXII: LIMITATION ON LEGAL PROCEEDINGS

31) No action or proceeding shall be brought in connection with this Agreement unless commenced within one year of the expiration or termination of this Agreement, as applicable. In the event legal proceedings are brought to enforce any provision of this Agreement, the prevailing party shall be entitled to recover reasonable costs including attorney's fees and expenses in the manner permitted under Illinois Code 34-4-2.

SECTION XXIII: FORCE MAJEURE

32) Neither party shall be liable for any failure or delay in its performance under this Agreement due to causes which are beyond its reasonable control and not caused by the negligence of the non-performing party, including, but not limited to, an Act of God, an act of civil or military authority, fire, epidemic, flood, earthquake, riot, war, sabotage, labor shortage or dispute, failure of suppliers, lack of transportation and governmental action, provided that the delaying party: (a) gives the other party written notice of such cause promptly and, in any event, within fifteen (15) days of discovery thereof, and (b) uses its reasonable efforts to correct such failure or delay in its performance.

SECTION XXIV: COUNTERPARTS

33) This Agreement may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one instrument.

SECTION XXV: ATTACHMENTS

34) The following Attachments are attached to, and made part of this Agreement:

i) Attachment A (Certifications)
ii) Attachment B (Contract Budget)
iii) Attachment C (Disclosure forms A, B and C)

WITNESSETH, the parties hereto affix their signatures.

ELECTION DATA SERVICES, INC.

By: _____
KIMBALL WILLIAM BRACE
President

_____
Date of Signature

ILLINOIS STATE BOARD OF ELECTIONS

By: _____
DANIEL W. WHITE
Executive Director

_____
Date of Signature

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

By: _____

_____
Title

_____
Date

ATTACHMENT B
Contract Budget

Phase 2 and Verification Services Budget:

Phase 2 Budget:

Two notebooks for project @ $ 3,000 each	$ 6,000
Programming and processing necessary for conversion of Illinois precinct boundaries from old base geography to new TIGER base	$85,500

STAFF	MAN-HOURS	RATE	COST
EDS staff	540	$125	$67,500
QC process	280	$175	$49,000
General project management & software support 8 months @ $2,000/month			$16,000
Travel & per diem expenses			$25,000
Shipping & other expense			$ 1,000
	SUBTOTAL		*$250,000*

Verification Budget:

STAFF	MAN-HOURS	RATE	COST
EDS staff	300	$125	$37,500
QC process	190	$175	$33,250
Programming	75	$150	$11,250
General project management & software support 6 months @ $2,000/month			$12,000
Travel & per diem expenses			$ 5,000
Shipping & other expense			$ 1,000
	SUBTOTAL		*$100,000*

TOTAL BUDGET FOR PROJECT: $350,000

CONTRACT

The Parties to this Contract are the State of Illinois acting through the undersigned Agency/Buyer (collectively the State) and the Vendor. The Contract consists of this signature page, the following pages detailing the contents described below, and any attachments identified on these pages.

1. **TERM AND TERMINATION**
2. **DESCRIPTION OF SUPPLIES / SERVICES**
3. **PRICING**
4. **STANDARD TERMS AND CONDITIONS**
5. **CERTIFICATIONS AND CONFLICTS**
6. **DISCLOSURE INFORMATION**
7. **SUPPLEMENTAL PROVISIONS**

In consideration of the mutual covenants and agreements contained in this Contract, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to the terms and conditions set forth herein and have caused this Contract to be executed by their duly authorized representatives on the dates shown below.

VENDOR
(show name) Election Data Services (EDS), Inc.

Signature _____

Printed Name Kimball W. Brace

Title President Date _____

Address 6171 Emerywood Court

Manassas, VA 60606

Phone _____ Fax _____

E-mail _____

Dept. of Human Rights Public Contract # _____

STATE OF ILLINOIS
(name of Agency/Buyer) State Board of Elections (SBE)

Signature _____

Printed Name Daniel W. White

Title Executive Director Date _____

Address 1020 South Spring Street

Springfield, IL 62704

Phone (217) 782-4141 Fax (217) 782-5959

E-mail dwhite@elections.il.gov

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Official Signature N/A

Printed Name _____

Title _____ Date _____

Address _____

Phone _____ Fax _____

E-mail _____

Designee Signature _____

Printed Name _____

Title _____ Date _____

CPO #33 -- Approved by General Counsel

Signature _____

Printed Name _____ Date _____

STATE USE ONLY - Procurement Method (IFB, RFP, Small, etc): _____ Award Code: _____
IPB Publication Date: _____ IPB Ref. # _____ Subcontractor Utilization? Y / N Subcontractor Disclosure? Y / N
(Fiscal Use Only) Obligation # _____

Ver. 2-5-2008

1. TERM AND TERMINATION

1.1 TERM OF THIS CONTRACT

This Contract shall begin upon the last dated signature of the Parties, and terminate upon successful completion of Contract deliverables or 6/30/2010, whichever is earlier.

1.2 RENEWAL

This Contract may not be renewed unless the renewal period(s) and any applicable conditions are shown below. The renewal shall be subject to the same terms and conditions as the original Contract unless otherwise stated below. Renewal pricing is shown in Section 3. However, the Contract may not renew automatically, nor may the contract renew solely at the Vendor's option.

1.3 TERMINATION FOR CAUSE

The State may terminate this Contract, in whole or in part, immediately upon notice to the Vendor if it is determined that the actions, or failure to act, of the Vendor, its agents, employees or subcontractors have caused, or reasonably could cause jeopardy to health, safety, or property. If Vendor fails to perform to the State's satisfaction any material requirement of this Contract or is in violation of a material provision of this Contract, the State shall provide written notice to the Vendor requesting that the breach or noncompliance be remedied within the period of time specified in the State's written notice. If the breach or noncompliance is not remedied by that date the State may either: (a) immediately terminate the Contract without additional written notice or, (b) enforce the terms and conditions of the Contract, and in either event seek any available legal or equitable remedies and damages.

1.4 TERMINATION FOR CONVENIENCE

Following thirty (30) days written notice, the State may terminate this Contract in whole or in part without the payment of any penalty or incurring any further obligation to the Vendor. Following any such termination for convenience, the Vendor shall be entitled to compensation upon submission of invoices and proof of claim for services provided under this Contract up to and including the date of termination.

2. DESCRIPTION OF SUPPLIES AND SERVICES

2.1 NEED FOR SUPPLIES AND/OR SERVICES

The State Board of Elections hereby contracts with Election Data Services, Inc. (EDS) to provide various professional project management & implementation services to the State of Illinois in relation to its participation in the United States Bureau of the Census 2010 legislative redistricting program (implemented by the US Census Bureau under Public Law 94-171).

2.2 GOALS AND OBJECTIVES

Primary goal of this contract is to provide technical and managerial assistance necessary for successful implementation necessary for successful completion of Illinois duties related to the US Census 2010 redistricting program, as referenced in Section 2.1, above.

2.3 SUPPLIES AND/OR SERVICES REQUIRED

Specific descriptions of supplies/services required and contracting specifications are identified in Attachment A, which is included and considered an integral part of this Contract.

2.4 MILESTONES AND DELIVERABLES

Milestones and Deliverables of this Contract are identified in Attachment A, which is included and considered an integral part of this Contract.

2.5 VENDOR / STAFF SPECIFICATIONS

Vendor shall provide staff with the necessary technical expertise to competently perform the required duties of this Contract.

2.6 WHERE SERVICES ARE TO BE PERFORMED

Services shall be primarily performed at EDS offices in Manassas, Virginia. Additional work may be necessary at SBE offices, local election jurisdiction facilities or other locations if jointly deemed necessary by the President of EDS and the Executive Director of the State Board of Elections.

All services shall be performed in the United States. If the Vendor creates or manufactures the supplies or performs any of the work in another country in violation of the Contract, such action may be deemed a breach of the Contract.

2.7 SCHEDULE OF WORK

Any work performed on State premises shall be done during the hours designated by the State and performed in a manner that does not interfere with the State and its personnel.

2.8 WARRANTIES FOR SUPPLIES AND SERVICES

2.8.1 Vendor warrants that the supplies furnished under this Contract (a) will conform to the State's manufacturing standards, specifications, drawing, samples or descriptions furnished by the State, including but not limited to all specifications attached as exhibits hereto, (b) will be merchantable, of good quality and workmanship, free from defects for a period of twelve months or longer if specified in writing, and fit and sufficient for the intended use (c) will comply with all federal and state laws, regulations and ordinances pertaining to the manufacturing, packing, labeling, sale and delivery of the supplies (d) will be of good title and be free and clear of all liens and encumbrances and (e) will not infringe any patent, copyright or other intellectual property rights of any third party. Vendor agrees to reimburse the State for any losses, costs, damages or expenses, including without limitations, reasonable attorney's fees and expenses, arising from failure of the supplies to meet such warranties. These warranties shall be in addition to all other warranties, express, implied or statutory, and shall survive the State's payment, acceptance, inspection or failure to inspect the supplies.

2.8.2 Vendor warrants that all services will be performed in a good and professional manner to industry standards by trained and competent personnel. Vendor shall monitor performances of each individual and shall reassign immediately any individual who is not performing to professional standards, who is not efficient or effective in performing the work of the contract, who is disruptive or not respectful of others in the workplace, or who in any way violates the Contract or State policies.

2.9 REPORTING, STATUS AND MONITORING SPECIFICATIONS

2.9.1 Vendor shall immediately notify the State of any event that may have a material impact on Vendor's ability to perform the Contract.

2.9.2 Upon request and on forms provided by Agency/Buyer, Vendor shall report the number of qualified veterans and certain ex-offenders hired during Vendor's last completed fiscal year. Vendor may be entitled to employment tax credit for hiring individuals in those groups (PA 94-1067).

2.10 BREACH

Should Vendor breach the Contract and not cure any breach susceptible of being cured within the time specified by the State, the State may cancel the Contract and seek any available legal or equitable remedies, including but not limited to monetary damages and reasonable attorney fees and costs.

2.11 OTHER SPECIFICATIONS

SBE retains the right to withhold payment for services rendered if services performed to date are not considered adequate for execution of contractually required tasks. Such determination shall be made by the Director of the Information Technology Division.

3. PRICING

3.1 METHOD AND RATE OF COMPENSATION

Vendor shall be compensated by the following method:

- ☒ hourly Various hourly rates per Attachment A Contract Budget (attached)
- ☐ monthly _____
- ☐ annually _____
- ☒ project – not to exceed $350,000 for total contract term. See Attachment A for comprehensive cost detail.
- ☐ item _____

3.2 MAXIMUM COMPENSATION FOR SUPPLIES AND SERVICES

- ☒ Firm Price Total contract costs/fees/reimbursements not to exceed $350,000 for total contract term.
- ☐ Estimated Price _____

3.3 RENEWAL COMPENSATION

Renewal term is not applicable to this contract.

3.4 EXPENSES

This contract allows for reimbursement of qualifying expenses incurred by the Vendor in the execution of Contract deliverables to the extent, nature and amounts listed in Appendix A. Such expenses shall not be incurred without the prior approval of the SBE Executive Director. Any approved travel expenses shall be reimbursed in accordance with the Travel Regulation Council and Governor's Travel Board rules. Total qualifying expenses and contract billings shall not exceed the total contract term amount as specified above.

3.5 DISCOUNT

N/A% discount for payment within N/A days of receipt of invoice

3.6 TAX

Vendor shall not bill for any taxes unless accompanied by proof the State is subject to the tax. If necessary, Vendor may request the applicable Agency/Buyer's Illinois tax exemption number and federal tax exemption information.

3.7 INVOICING

EDS shall submit itemized invoices for all payments due as part of this Contract. For billable services and costs successfully performed after the start of this contract through the end of the FY2009 fiscal year (6/30/2009), EDS shall submit an itemized billing of hours of work performed in billable categories, along with documentation of other related billable costs and expenses to the State Board of Elections Springfield fiscal office no later than July 15, 2009. For billable services and costs successfully performed in the FY2010 fiscal year, EDS shall submit an itemized billing of hours of work performed in billable categories, along with documentation of other related billable costs and expenses to the State Board of Elections Springfield fiscal office no later than 30 days after successful project completion, or July 15, 2010, whichever is earlier. Upon review and validation by SBE as a properly documented and submitted billing, payment shall be submitted to the Comptroller in accordance with applicable State law & rules, including those terms specified in "Payment Terms and Conditions", below.

3.8 PAYMENT TERMS AND CONDITIONS

3.8.1 By submitting an invoice, Vendor certifies that the supplies or services provided meet all requirements of the Contract, and the amount billed and expenses incurred are as allowed in the Contract. Invoices for supplies purchased, services performed and expenses incurred through June 30 of any year must be submitted to the State no later than July 31 of that year; otherwise Vendor may have to seek payment through the Illinois Court of Claims **(30 ILCS 105/25).**

3.8.2 Payments, including late payment charges, will be paid in accordance with the State "Prompt Payment Act" **(30 ILCS 540)** and rules **(74 Ill. Adm. Code 900)** when applicable. Payments delayed at the beginning of the State's fiscal year (July and August payments) because of the appropriation process shall not be considered a breach.

3.8.3 The State shall not be liable to pay for supplies provided or services rendered, including related expenses incurred prior to the execution of this Contract by the Parties and the beginning of the term of this Contract.

3.8.4 As a condition of receiving payment Vendor must pay its employees prevailing wages when required by law (e.g., public works, printing, janitorial, window washing, building and grounds services, site technician services, natural resource services, security guard and food services). Vendor is responsible for contacting the Illinois Dept. of Labor (217-782-6206; http://www.state.il.us/agency/idol/index.htm) to ensure understanding of prevailing wage requirements **(30 ILCS 500/25-60(b)).**

3.8.5 As a condition of receiving payment Vendor must pay its suppliers and subcontractors according to the terms of their respective contracts. Vendor shall provide lien waivers to the State upon request.

4. STANDARD TERMS AND CONDITIONS

4.1 AVAILABILITY OF APPROPRIATION (30 ILCS 500/20-60)

State shall use its best efforts to secure sufficient appropriations to fund this Contract. However, the State, at its sole option, may terminate or suspend this contract, in whole or in part, without penalty or further payment being required, if the Illinois General Assembly or the federal funding source fails to make an appropriation sufficient to pay such obligation, or if funds needed are insufficient for any reason.

4.2 AUDIT/RETENTION OF RECORDS (30 ILCS 500/20-65)

Vendor and its subcontractors shall maintain books and records relating to the performance of the Contract or subcontract and necessary to support amounts charged to the State under the Contract or subcontract. Books and records, including information stored in databases or other computer systems, shall be maintained by the Vendor for a period of three years from the later of the date of final payment under the Contract or completion of the Contract, and by the subcontractor for a period of three years from the later of final payment under the term or during the three year period thereafter. Books and records required to be maintained under this section shall be available for review or audit by representatives of the State, the Auditor General, the Executive Inspector General and other governmental entities with monitoring authority, upon reasonable notice and during normal business hours. Vendor and its subcontractors shall cooperate fully with any such audit and with any investigation conducted by any of these entities. Failure to maintain books and records required by this section shall establish a presumption in favor of the State for the recovery of any funds paid by the State under the Contract for which adequate books and records are not available to support the purported disbursement. The Vendor shall not impose a charge for audit or examination of the Vendor's books and records. If federal funds are used to pay contract costs, the Vendor must retain its records for five years. Vendor shall take reasonable steps to insure that any subcontractor is in compliance with the requirements of this section.

4.3 TIME IS OF THE ESSENCE

Time is of the essence with respect to Vendor's performance of this Contract. Except as specifically waived in writing, failure by either Party to exercise or enforce a right shall not affect any subsequent ability to exercise or enforce a right.

4.4 FORCE MAJEURE

Failure by either Party to perform its duties and obligations will be excused by unforeseeable circumstances beyond its reasonable control and not due to its negligence including acts of nature, acts of terrorism, riots, labor disputes, fire, flood, explosion, and governmental prohibition. The non-declaring party may cancel the Contract without penalty if performance does not resume within 30 days of the declaration.

4.5 CONFIDENTIAL INFORMATION

Each Party, including its agents and subcontractors, to this Contract may have or gain access to confidential data or information owned or maintained by the other Party in the course of carrying out its responsibilities under this Contract. The receiving Party shall presume all information received or to which it gains access pursuant to this Contract is confidential unless otherwise designated by the disclosing Party. No confidential data collected, maintained, or used in the course of performance of the Contract shall be disseminated except as authorized by law and with the written consent of the disclosing Party, either during the period of the Contract or thereafter. The receiving Party must return any and all data collected, maintained, created or used in the course of the performance of the Contract, in whatever form it is maintained, promptly at the end of the Contract, or earlier at the request of the disclosing Party, or notify the disclosing Party in writing of its destruction. The foregoing obligations shall not apply to confidential data or information lawfully in the receiving Party's possession prior to its acquisition from the disclosing Party; received in good faith from a third-party not subject to any confidentiality obligation to the disclosing Party; now is or later becomes publicly known through no breach of confidentiality obligation by the receiving Party; or is independently developed by the receiving Party without the use or benefit of the disclosing Party's confidential information.

4.6 USE AND OWNERSHIP

All work performed or supplies created by Vendor under this Contract, whether written documents or data, goods or deliverables of any kind, shall be deemed work-for-hire under copyright law and all intellectual property and other laws, and the State of Illinois is granted sole and exclusive ownership to all such work, unless otherwise agreed to herein. Vendor hereby assigns to the State all right, title, and interest in and to such work including any related intellectual property rights, and/or waives any and all claims that Vendor may have to such work including any so-called "moral rights" in connection with the work. Confidential data or information contained in such work shall be subject to Section 4.5 herein.

4.7 INDEMNIFICATION AND LIABILITY

The Vendor agrees to indemnify and hold harmless the State of Illinois, its agencies, officers, employees, agents and volunteers from any and all costs, demands, expenses, losses, claims, damages, liabilities, settlements and judgments, including in-house and contracted attorneys' fees and expenses, arising out of (a) any breach or violation by Vendor of any of its representations, warranties, covenants or agreements set forth herein, (b) any actual or alleged death or injury to any person, damage to any property or any other damage or loss by whomsoever suffered, claimed to result in whole or in part from vendor's negligent performance hereunder, (c) any act, activity or omission of Vendor or any of its employees, representatives, subcontractors or agents. Neither party shall be liable for incidental, special, consequential or punitive damages.

4.8 INSURANCE

Vendor shall, at all times during the term and any renewals, maintain and provide a Certificate of Insurance naming the State as additional insured for all required bonds and insurance. Certificates may not be modified or canceled until at least 30 days notice has been provided to the State. Vendor shall provide: (a) General Commercial Liability-occurrence form in amount of $1,000,000 per occurrence (Combined Single Limit Bodily Injury and Property Damage) and $2,000,000 Annual Aggregate; [illegible] including Hired Auto and Non-owned Auto, (Combined Single Limit Bodily Injury and Property Damage) in amount of $1,000,000 [illegible] nd (c) Worker's Compensation Insurance in amount required by law. Insurance shall not limit Vendor's obligation to indemnify, defe[illegible] laims.

4.9 INDEPENDENT CONTRACTOR

Vendor shall, in the performance of this Contract, be an independent contractor and not an agent or employee of, or joint venturer with the State. All payments by the State shall be made on that basis.

4.10 ASSIGNMENT AND SUBCONTRACTING

This Contract may not be assigned, transferred or subcontracted in whole or in part by the Vendor without the prior written consent of the State. Vendor shall describe, as a supplemental provision to this Contract, the names and addresses of all authorized subcontractors utilized by Vendor in the performance of this Contract, together with a description of the work to be performed by the subcontractor and the anticipated amount of money that each subcontractor is expected to receive pursuant to this Contract. For purposes of this section, subcontractors are those specifically hired to perform all or part of the work or to provide the supplies covered by the Contract.

4.11 SOLICITATION AND EMPLOYMENT

Vendor shall not employ any person employed by the State during the term of this Contract to perform any work under this Contract. Vendor shall give notice immediately to the Agency/Buyer's director if Vendor solicits or intends to solicit State employees to perform any work under this Contract.

4.12 COMPLIANCE WITH THE LAW

The Vendor, its employees, agents, and subcontractors shall comply with all applicable federal, state, and local laws, rules, ordinances, regulations, orders, federal circulars and all license and permit requirements in the performance of this Contract. Vendor shall be in compliance with applicable tax requirements and shall be current in payment of such taxes.

4.13 BACKGROUND CHECK

Whenever the State deems it reasonably necessary for security reasons, the State may conduct, at its expense, criminal and driver history background checks of Vendor's officers, employees or agents. Vendor shall reassign immediately any such individual who does not pass the background checks.

4.14 APPLICABLE LAW

This Contract shall be construed in accordance with and is subject to the laws and rules of the State of Illinois. The Department of Human Rights' Equal Opportunity requirements **(44 Ill. Adm. Code 750)** are incorporated by reference. Any claim against the State arising out of this Contract must be filed exclusively with the Illinois Court of Claims **(705 ILCS 505/1)**. The State shall not enter into binding arbitration to resolve any Contract dispute. The State of Illinois does not waive sovereign immunity by entering into this Contract. The official text of cited statutes is incorporated by reference (An unofficial version can be viewed at *http://www.ilga.gov/legislation/ilcs/ilcs.asp.* *In compliance with the Illinois and federal Constitutions, the Illinois Human Rights Act, the U. S. Civil Rights Act, and Section 504 of the federal Rehabilitation Act and other applicable laws and rules the State does not unlawfully discriminate in employment, contracts, or any other activity.*

4.15 ANTI-TRUST ASSIGNMENT

If Vendor does not pursue any claim and cause of action it has arising under federal or state antitrust laws relating to the subject matter of the Contract, then upon request Vendor shall assign to the State all right, title and interest in and to the claim or cause of action.

4.16 AUTHORIZATION

Each Party to this Contract represents and warrants to the other that: (a) it has the right, power and authority to enter into and perform its obligations under this Contract and (b) it has taken all requisite action (corporate, statutory or otherwise) to approve execution, delivery and performance of this Contract, and (c) this Contract constitutes a legal, valid and binding obligation upon itself in accordance with its terms.

4.17 CONTRACTUAL AUTHORITY

The Agency/Buyer that signs for the State of Illinois shall be the only State entity responsible for performance and payment under the Contract. When the Department of Central Management Services (CMS) signs in addition to an Agency/Buyer, CMS does so as approving officer and shall have no liability to Vendor. When CMS signs a Master Contract on behalf of State agencies, only the Agency/Buyer that places an order with the Vendor shall have any liability to Vendor.

4.18 NOTICES

Notices and other communications provided for herein shall be given in writing by registered or certified mail, return receipt requested, by receipted hand delivery, by courier (UPS, Federal Express or other similar and reliable carrier), by e-mail, or by fax showing the date and time of successful receipt. Notices shall be sent to the individuals who signed the Contract using the contact information following the signatures. Each such notice shall be deemed to have been provided at the time it is actually received. By giving notice, either Party may change the contact information.

5. CERTIFICATIONS AND CONFLICTS

Vendor certifies it is under no legal prohibition on contracting with the State of Illinois, has no known conflicts of interest and further specifically certifies that:

5.1 Vendor, its employees and subcontractors will comply with applicable provisions of the U.S. Civil Rights Act, Section 504 of the Federal Rehabilitation Act, the Americans with Disabilities Act **(42 U.S.C. § 12101 et seq.)** and applicable rules in performance under this Contract.

5.2 Vendor is not in default on an educational loan **(5 ILCS 385/3)**.

5.3 Vendor has informed the director of the Agency/Buyer in writing if he/she was formerly employed by that agency and has received an early retirement incentive prior to 1993 under Section 14-108.3 or 16-133.3 of the Illinois Pension Code, **40 ILCS 5/14-108.3** and **40 ILCS 5/16-133.3**, and acknowledges that contracts made without the appropriate filing with the Auditor General are not payable from the "contractual services" or other appropriation line items. Vendor has not received an early retirement incentive on or after 2002 under Section 14-108.3 or 16-133.3 of the Illinois Pension Code, **40 ILCS 5/14-108.3** and **40 ILCS 5/16-133.3**, and acknowledges that contracts in violation of Section 15a of the State Finance Act are not payable from the "contractual services" or other appropriation line items **(30 ILCS 105/15a)**.

5.4 Vendor certifies (i) that it will offer to assume the collective bargaining obligations of the prior employer, including any existing collective bargaining agreement with the bargaining representative of any existing collective bargaining unit or units performing substantially similar work to the services covered by the contract subject to its bid or offer, and (ii) that it shall offer employment to all employees currently employed in any existing bargaining unit performing substantially similar work that will be performed under this contract **(30 ILCS 500/25-80).**

5.5 Vendor has not been convicted of bribing or attempting to bribe an officer or employee of the State of Illinois or any other State, nor has Vendor made an admission of guilt of such conduct that is a matter of record **(30 ILCS 500/50-5)**.

5.6 If Vendor has been convicted of a felony, at least five years have passed after the date of completion of the sentence for such felony, unless no person held responsible by a prosecutor's office for the facts upon which the conviction was based continues to have any involvement with the business **(30 ILCS 500/50-10)**.

5.7 If Vendor, or any officer, director, partner, or other managerial agent of Vendor, has been convicted of a felony under the Sarbanes-Oxley Act of 2002, or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953, at least five years have passed since the date of the conviction. Vendor further certifies that it is not barred from being awarded a contract and acknowledges that the State shall declare the Contract void if this certification is false **(30 ILCS 500/50-10.5)**.

5.8 Vendor and its affiliates are not delinquent in the payment of any debt to the State (or if delinquent has entered into a deferred payment plan to pay the debt), and Vendor and its affiliates acknowledge the State may declare the Contract void if this certification is false **(30 ILCS 500/50-11)** or if Vendor or an affiliate later becomes delinquent and has not entered into a deferred payment plan to pay off the debt **(30 ILCS 500/50-60)**.

5.9 Vendor and all affiliates shall collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with provisions of the Illinois Use Tax Act **(30 ILCS 500/50-12)** and acknowledges that failure to comply can result in the Contract being declared void.

5.10 Vendor certifies that it has not committed a willful or knowing violation of the Environmental Protection Act (relating to Civil Penalties under the Environmental Protection Act) within the last five years, and is therefore not barred from being awarded a contract. If the State later determines that this certification was falsely made by the Vendor, the Vendor acknowledges that the State may declare the Contract void **(30 ILCS 500/50-14)**.

5.11 Vendor has not paid any money or valuable thing to induce any person to refrain from bidding on a State contract, nor has Vendor accepted any money or other valuable thing, or acted upon the promise of same, for not bidding on a State contract **(30 ILCS 500/50-25)**.

5.12 Vendor is not in violation of the "Revolving Door" section of the Illinois Procurement Code **(30 ILCS 500/50-30)**.

5.13 Vendor will report to the Illinois Attorney General and the Chief Procurement Officer any suspected collusion or other anti-competitive practice among any bidders, offerors, contractors, proposers or employees of the State **(30 ILCS 500/50-40, 50-45, 50-50)**.

5.14 In accordance with the Steel Products Procurement Act, steel products used or supplied in the performance of a contract for public works shall be manufactured or produced in the United States, unless the executive head of the procuring agency grants an exception **(30 ILCS 565)**.

5.15 Vendor will, pursuant to the Drug Free Workplace Act, provide a drug free workplace and Vendor and its employees shall not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance during the performance of the Contract. This certification applies to contracts of $5000 or more with individuals; and to entities with 25 or more employees **(30 ILCS 580)**.

5.16 Neither Vendor nor any substantially owned affiliate is participating or shall participate in an international boycott in violation of the U.S. Export Administration Act of 1979 or the applicable regulations of the U.S. Department of Commerce. This certification applies to contracts that exceed $10,000 **(30 ILCS 582)**.

5.17 Vendor has not been convicted of the offense of bid rigging or bid rotating or any similar offense of any state or of the United States **(720 ILCS 5/33 E-3, E-4)**.

5.18 Vendor complies with the Illinois Department of Human Rights Act and rules applicable to public contracts, including equal employment opportunity, refraining from unlawful discrimination, and having written sexual harassment policies **(775 ILCS 5/2-105)**.

5.19 Vendor does not pay dues to, or reimburse or subsidize payments by its employees for any dues or fees to any "discriminatory club" **(775 ILCS 25/2)**.

5.20 Vendor complies with the State Prohibition of Goods from Forced Labor Act, and certifies that no foreign-made equipment, materials, or supplies furnished to the State under the Contract have been or will be produced in whole or in part by forced labor, or indentured labor under penal sanction **(30 ILCS 583)**.

5.21 Vendor certifies that no foreign-made equipment, materials, or supplies furnished to the State under the Contract have been produced in whole or in part by the labor or any child under the age of 12 **(30 ILCS 584)**.

5.22 Vendor certifies that it is not in violation of Section 50-14.5 of the Illinois Procurement Code **(30 ILCS 500/50-14.5)** that states: "Owners of residential buildings who have committed a willful or knowing violation of the Lead Poisoning Prevention Act **(410 ILCS 45)** are prohibited from doing business with the State until the violation is mitigated".

5.23 Vendor warrants and certifies that it and, to the best of its knowledge, its subcontractors have and will comply with **Executive Order No. 1 (2007)**. The Order generally prohibits Vendors and subcontractors from hiring the then-serving Governor's family members to lobby procurement activities of the State, or any other unit of government in Illinois including local governments if that procurement may result in a contract valued at over $25,000. This prohibition also applies to hiring for that same purpose any former State employee who had procurement authority at any time during the one-year period preceding the procurement lobbying activity.

5.24 Vendor has disclosed if required, on forms provided by the State, and agrees it is under a continuing obligation to disclose to the State, financial or other interests (public or private, direct or indirect) that may be a potential conflict of interest or which would prohibit Vendor from having or continuing the Contract. This includes, but is not limited to conflicts under the "Infrastructure Task Force Fee Prohibition" section of the State Finance Act **(30 ILCS 105/8.40)**, Article 50 of the Illinois Procurement Code **(30 ILCS 500/50)**, or those which may conflict in any manner with the Vendor's obligation under this Contract. Vendor shall not employ any person with a conflict to perform under this Contract. If any elected or appointed State officer or employee, or the spouse or minor child of same has any ownership or financial interest in the Vendor or the Contract, Vendor certifies it has disclosed that information to the State if required, on forms provided by the State, and any waiver of the conflict has been issued in accordance with applicable law and rule. A waiver is required if:

5.24.1 the person intending to contract with the State, their spouse or child: (i) holds an elective office in Illinois; (ii) holds a seat in the Illinois General Assembly; (iii) is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority; or holds an appointed position or is employed in any of the offices or agencies of the State government and who receives compensation for such employment in excess of 60% of the salary of the Governor **(currently $90,414.60)**. (The conflict of interest threshold of 60% of the Governor's salary set forth in Section 50-13 does not apply to elective office holders, legislators, and officers or employees of the Capital Development Board or the Illinois Toll Highway Authority.);

5.24.2 the contract is with a firm, partnership, association or corporation in which a person referenced in 5.23.1 above receives more than 7.5% of the total distributable income or an amount in excess of the salary of the Governor **(currently $150,691.00)**.

5.24.3 the contract is with a firm, partnership, association or corporation in which a person referenced in 5.23.1 above, together with their spouse or minor child, receives more than 15% in the aggregate of the total distributable income or an amount in excess of 2 times the salary of the Governor **(currently $301,382.00)** from the firm, partnership, association or corporation.

6. CONFLICTS OF INTERESTS DISCLOSURES

Instructions. The Illinois Procurement Code requires that vendors desiring to enter into certain contracts with the State of Illinois must disclose the financial and potential conflict of interest information that is specified below (**30 ILCS 500/50-13 and 50-35 a,b,h**).

Vendor shall disclose the financial interest, potential conflict of interest and contract information identified in Sections 1, 2, 3 and 4 below as a condition of receiving an award or contract. Please submit this information along with your bid or offer.

Section 1 applies to all contracts regardless of dollar amount. Sections 2, 3 and 4 apply to contracts with an annual value exceeding $10,000 that must be procured using one of the authorized competitive methods of source selection.

If the Vendor is a wholly owned subsidiary of a parent organization, separate disclosures (sections 2, 3, and 4 below) must be made by the Vendor and the parent. For purposes of this form, a parent organization is any entity that owns 100% of the Vendor.

When determining ownership or distributive income shares, use the most current information that you consider reliable, but in no event for a period before your last completed fiscal period.

A designee may submit this form on behalf of the vendor (or its parent). However, that person must have verified the information with each affected individual.

Vendor Information. This disclosure information is submitted on behalf of (show official name of Vendor, and if applicable, d.b.a. and parent):

(Name of vendor)_____

(d.b.a., if used)_____

(Name of any parent organization)_____

Address_____

Contact Person:

Name:_____

Title:_____

Address:_____

Phone/Fax:_____

Section I Sec. 50-13 Conflicts of Interest.

(1) Prohibition. It is unlawful for any person holding an elective office in this State holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois **[$90,414.60]**, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority.

(2) Interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive (i) more than 7 1/2% of the total distributable income or (ii) an amount in excess of the salary of the Governor **[$150,691.00]**, to have or acquire any such contract or direct pecuniary interest therein.

(3) Combined interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive (i) more than 15%, in the aggregate, of the total distributable income or (ii) an amount in excess of 2 times the salary of the Governor **[$301,382.00]**, to have or acquire any such contract or direct pecuniary interest therein.

(4) Securities. Nothing in this Section invalidates the provisions of any bond or other security previously offered or to be offered for sale or sold by or for the State of Illinois.

(5) Prior interests. This Section does not affect the validity of any contract made between the State and an officer or employee of the State or member of the General Assembly, his or her spouse, minor child or any combination of those persons if that contract was in existence before his or her election or employment as an officer, member, or employee. The contract is voidable, however, if it cannot be completed within 365 days after the officer, member, or employee takes office or is employed.

(6) Exceptions.

(a) Public aid payments. This Section does not apply to payments made for a public aid recipient.

(b) Teaching. This Section does not apply to a contract for personal services as a teacher or school administrator between a member of the General Assembly or his or her spouse, or a State officer or employee or his or her spouse, and any school district, public community college district, or State University.

(c) Ministerial duties. This Section does not apply to a contract for personal services of a wholly ministerial character, including but not limited to services as a laborer, clerk, typist, stenographer, page, bookkeeper, receptionist, or telephone switchboard operator, made by a spouse or minor child of an elective or appointive State officer or employee or of a member of the General Assembly.

(d) Child and family services. This Section does not apply to payments made to a member of the General Assembly, a State officer or employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department of Children and Family Services.

(e) Licensed professionals. Contracts with licensed professionals, provided they are competitively bid or part of a reimbursement program for specific, customary goods and services through the departments of Children and Family Services, Human Services, Public Aid, Public Health, or Aging.

CHECK ONE:

_____ No Conflict of Interest

_____ Potential Conflict of Interest. If checked, name each conflicted individual, the nature of the conflict, and the name of the state agency that is associated directly or indirectly with the conflicted individual.

Section 2: Disclosure of Financial Interest in the Vendor

All vendors, except for publicly traded corporations subject to SEC reporting requirements and privately held corporations with more than 400 shareholders, must complete subsection "a," below. Publicly traded corporations may complete subsection "b" and privately held corporations with more than 400 shareholders may complete subsection "c" in lieu of completing subsection "a".

a. **General disclosure.** For each individual having any of the following financial interests in the vendor (or its parent), please mark each that apply and show the applicable name and address. Then complete Sections 3 and 4. If no individual has any of the following financial interests in the vendor (or its parent), check this blank _____, skip Section 3, but complete Section 4.

Ownership exceeding 5% (_____)
Ownership value exceeding $90,414.60 (_____)
Distributive Income Share exceeding 5% (_____)
Distributive Income Share exceeding $90,414.60 (_____)

Name: _____

Address: _____

_____

For each individual identified above, show:

the dollar value of the ownership interest: $_____

or

the proportionate share of the ownership interest: _____%*

and

the type of ownership/distributable income share:

sole proprietorship _____ stock _____ partnership _____ other (explain) _____

** For partnerships with more than 50 but fewer than 400 partners, the proportionate share of ownership interest of each individual identified above may be shown in the following ranges:*

1%_____ 1 up to 2%_____ 2 up to 3%_____ 3 up to 4%_____
4 up to 5%_____ and in additional 1% increments as appropriate_____%

For partnerships with more than 400 partners, the proportionate share of ownership may be shown in the following ranges:

0.5% or less_____ >0.5 to 1.0% _____ >1.0 to 1.5%_____
and as appropriate in additional 0.5 increments _____%

b. **Publicly traded corporations subject to SEC reporting requirements.** These Vendors may submit their 10k disclosure (*include proxy if referenced in 10k*) in satisfaction of the financial and conflict of interest disclosure requirements set forth in subsections **50-35 a** and **b** of the Procurement Code. FORM SEC 20f or 40f, supplemented with the names of those owning in excess of 5% and up to the ownership percentages disclosed in those submissions, may be accepted as being substantially equivalent to 10k. Vendor may skip Section 3 of this form, but must complete Section 4.

Check here if submitting a 10k _____, 20f _____, or 40f _____.

c. **Privately held corporations with more than 400 shareholders.** These Vendors may submit the information identified in 17 CFR 229.401 and list the names of any person or entity holding any ownership share in excess of 5% in satisfaction of the financial and conflict of interest disclosure requirements set forth in subsections **50-35 a** and **b** of the Procurement Code. Vendor may skip Section 3 of this form, but must complete Section 4.

Check here if submitting 17 CFR information _____.

Section 3: Disclosure of Potential Conflicts of Interest.

For each individual having the level of financial interest identified in Section 2(a) above, indicate which, if any, of the following potential conflict of interest relationships apply. If "Yes," please describe each situation (label with appropriate letter) using the space at end of this Section 3 (attach additional pages as necessary).

a.	State employment, currently or in the previous 3 years, including contractual employment of services [directly with the individuals identified in Section "1" in their individual capacity unrelated to the Vendor's contract. Identify contracts with the VENDOR in Section "4"].	Yes ____	No ____
b.	State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years.	Yes ____	No ____
c.	Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years.	Yes ____	No ____
d.	Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter.	Yes ____	No ____
e.	Appointive office; the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years.	Yes ____	No ____
f.	Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter.	Yes ____	No ____
g.	Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government.	Yes ____	No ____
h.	Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter.	Yes ____	No ____
i.	Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.	Yes ____	No ____
j.	Relationship to anyone; spouse, father, mother, son, or daughter; who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.	Yes ____	No ____

Explanation of potential conflicts of interest:

Section 4: Current and Pending Contracts and Offers (bids and proposals).

a. VENDOR shall identify each contract it has with other units of State of Illinois government by showing agency name and other descriptive information such as purchase order or contract reference number (attach additional pages as necessary). Show "none" if appropriate.

b. VENDOR shall identify whether it has pending contracts (including leases), bids, proposals, or other ongoing procurement relationships with other units of State of Illinois government by showing agency name and other descriptive information such as bid or project number (attach additional pages as necessary). Show "none" if appropriate.

This information is submitted on behalf of:_____
(name of vendor)

Official authorized to sign on behalf of vendor:

Name (printed)_____ Title_____

Signature_____ Date_____

7. SUPPLEMENTAL PROVISIONS

7.1 ENTIRE CONTRACT

This Contract, consisting of the signature page, sections one through six, and any attachments marked (X) below, constitutes the entire Contract between the Parties concerning the subject matter of the Contract, and supersedes all prior proposals, contracts and understandings between the Parties concerning the subject matter of the Contract. Amendments, modifications and waivers must be in writing and signed by authorized representatives of the Parties. Any provision of this Contract officially declared void, unenforceable, or against public policy, shall be ignored and the remaining provisions shall be interpreted, as far as possible, to give effect to the Parties' intent. All provisions that by their nature would be expected to survive, shall survive termination. In the event of a conflict between the State's and the Vendor's terms, conditions and attachments, the State's terms, conditions and attachments shall prevail.

_____Definitions

_____Public Works Requirements (820 ILCS 130/4)

_____Prevailing Wage (janitorial cleaning, window cleaning, building and grounds, site technician, natural resources, food services, and security services, if valued at more than $200 per month or $2000 per year (30 ILCS 500/25-60)

_____Prevailing Wage (all printing contracts) (30 ILCS 500/25-60)

_____Prohibition on Contingent Fees (certain federally funded contracts)

_____BEP Subcontracting Requirements

_____State Supplemental Terms and Conditions

_____Vendor Supplemental Terms and Conditions

_____Other (describe)

Taxpayer Identification Number

I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), **and**
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, **and**
3. I am a U.S. person (including a U.S. resident alien).

Company Name: _____

Taxpayer Identification Number:

Social Security Number _____
or
Employer Identification Number _____

(If you are an individual, enter your name and SSN as it appears on your Social Security Card. If completing this certification for a sole proprietorship, enter the owner's name followed by the name of the business and the owner's SSN or EIN. For all other entities, enter the name of the entity as used to apply for the entity's EIN and the EIN.)

Legal Status (*check one*):

- ☐ Individual
- ☐ Sole Proprietor
- ☐ Partnership/Legal Corporation
- ☐ Tax-exempt
- ☐ Corporation providing or billing medical and/or health care services
- ☐ Corporation NOT providing or billing medical and/or health care services
- ☐ Other:_____
- ☐ Governmental
- ☐ Nonresident alien
- ☐ Estate or trust
- ☐ Pharmacy (Non-Corp.)
- ☐ Pharmacy/Funeral Home/Cemetery (Corp.)
- ☐ Limited Liability Company (select applicable tax classification)
  - ☐ D = disregarded entity
  - ☐ C = corporation
  - ☐ P = partnership

VENDOR (Official Name and D/B/A)

_____

_____
Signature Date

_____
Printed Name Title

Attachment A: EDS Services Schedule & Contract Budget

SECTION I: SERVICES

1. Election Data Services shall provide services to the STATE BOARD during both the Phase 2 and the Verification phase of the Census Bureau's Redistricting Project Voting District Tabulation Program (VDT), as described below. It is expected that the Phase 2 work will take place in the current Fiscal Year (ending June 30, 2009) and the Verification phase will take place in Fiscal Year 2009-2010 (ending June 30, 2010).

2. Phase 2 services shall consist of services provided by Election Data Services during the initial parts of the Census Bureau's Precincting Program, including any of the following:

A) Assistance in the acquisition of hardware, to include at least two notebook computers.
B) Attend Census Bureau training class on Phase 2 program and software.
C) Installation of Census Bureau provided software and TIGER files onto notebook computers.
D) Updating of Illinois precinct boundaries currently maintained by Election Data Services, Inc. to reflect the precinct boundaries used in the November, 2008 general election.
E) Conversion of Illinois precinct boundaries currently maintained by Election Data Services, Inc. to 2000 block equivalency files.
F) Loading of block equivalency files into Census Bureau provided software and data files.
G) Follow the Census Bureau Guidelines for participants in submitting precinct configurations to the Census Bureau
H) Clean up of precinct boundaries in Census Bureau provided software, including the splitting of any 2000 blocks so as to accurately reflect the real precinct boundaries used in the 2008 election.
I) Check Congressional and State Legislative boundaries in Census files for accuracy and correctness. Make changes where necessary to conform with official plans for state.
J) Travel to a county or city's election office, if necessary, to confer with local authorities concerning proper address breaks for precincts, street name changes, or other changes that need to be reflected in the TIGER files.
K) On-going hourly support to the project.
L) Using the Census Bureau provided software, submit all necessary files to the Census Bureau to reflect the Illinois submission for the Bureau's Precincting Program.
M) Create precinct boundary shape files of the precincts used in the 2008 general election.
N) Work with the Census Bureau geographer assigned to the state to answer any questions that might arise in their evaluation and insertion into the Bureau's TIGER database.

3. Verification of Phase 2 services (expected to take place in Fall, 2009) shall consist of the following:

A) Installation of any Census Bureau provided software upgrades on project notebook computers.
B) Attend Census Bureau training class on Verification program and software.
C) Install updated TIGER files and Verification boundary files on project notebook computers.
D) On-going hourly support to the project.
E) Follow the Census Bureau Guidelines for participants in checking the precinct configurations that were submitted to the Census Bureau.
F) Check the precinct configurations submitted to the Census Bureau, and modify if necessary.
G) Travel to a county or city's election office, if necessary, to confer with local authorities concerning proper address breaks for precincts, street name changes, or other changes that need to be reflected in the TIGER files.
H) Make polygons of existing precinct boundaries.
I) Submit any corrections of either precinct or state legislative boundaries to the Census Bureau.
J) Work with the Census Bureau geographer assigned to the state to answer any questions that might arise in their evaluation and insertion into the Bureau's TIGER database.

It is understood that these services can be preformed by EDS, Inc. staff located in Manassas, VA.. It is also understood that the STATE BOARD would use it's best efforts to secure new precinct maps from Illinois County and City Election authorities.

SECTION II: CONTRACT BUDGET

Fiscal Year One Budget (through 6/30/09):

Two notebooks for project @ $ 3,000 each	$ 6,000
Programming and processing necessary for conversion of Illinois precinct boundaries from old base geography to new TIGER base	$85,500

EDS Staff Services:

STAFF	MAN-HOURS	RATE	COST
EDS staff	540	$125	$67,500
QC process	280	$175	$49,000

General project management & software support 8 months @ $2,000/month	$16,000
Travel & per diem expenses	$25,000
Shipping & other expense	$ 1,000
Subtotal For Year One (FY2009)	**$250,000**

Fiscal Year Two Budget (7/1/2009 – 6/30/2010):

EDS Staff Services:

STAFF	MAN-HOURS	RATE	COST
EDS staff	300	$125	$37,500
QC process	190	$175	$33,250
Programming	75	$150	$11,250

General project management & software support 6 months @ $2,000/month	$12,000
Travel & per diem expenses	$ 5,000
Shipping & other expense	$ 1,000
Subtotal For Year Two (FY2010)	**$100,000**

Total Budget for Project:	**$350,000**

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Members of the Board

SUBJECT: FY2010 Budget Appropriation Request

DATE: November 26, 2008

We have been asked by the Governor's Office of Budget and Management to accelerate submission of our FY2010 Budget Appropriation Request.

Accordingly, for your consideration I am forwarding under separate cover, a copy of the SBE FY2010 Budget Appropriation Request.

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Members of the Board

SUBJECT: FY09 Fiscal Reports

DATE: November 25, 2008

Due to the short timeframe between Board meetings, the fiscal reports were not available. An update will be included on the January 20, 2009 Board meeting Agenda.

STATE BOARD OF ELECTIONS

MEMORANDUM

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

TO: Members of the Board

SUBJECT: Two Year Plan of Activity

DATE: November 25, 2008

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

Attachment

Start Date	End Date	Activity	Division
11/18/2008	11/20/2008	(dates subject to change) Veto Session	LEG
11/24/2008		Complete analysis of Referenda Profile for the General Election. 10 ILCS 5/1A-8 (1, 2, 12)	VOSS
11/25/2008		Notify election officials who failed to submit their computer operator's log or analogous information. 10 ILCS 5/24A-13, 24B-13, 24C-14 (Rules and Regulations)	VOSS
11/25/2008		Link report due form LEO's to the SBE. 10 ILCS 5/19-20, 20-20.	LEG
11/26/2008		Begin preparing 2009 FEDERAL AND STATE OFFICERS booklet. Send camera-copy to printer by February 27. General Assembly member room assignments and telephone number information may be not be available in time to meet our printing schedule. Our goal is to have the books printed and available for distribution no later than March 30, 2009. 10	ET&RD
11/26/2008		Send notice to election authorities who failed to submit a computerized voter registration file, for the General Election 2008 submission. Rules and Regulations	VRS
11/26/2008		Send letters to county clerks to obtain information required for the 2009 COUNTY OFFICERS booklet. Send camera-copy to printer by January 5, 2009. Not all the information may be available in time to meet our schedule. Our goal is to have the books printed by February 15. ILCS 5/1A-8 (1, 2)	ET&RD
11/26/2008		Send to each election authority a current computerized voter registration error report, from the General Election submission	VRS
11/26/2008		Civic Organization certification cutoff date prior to the Feb 24, 2009 Consolidated Primary. 10 ILCS 5/1A-8 (1, 2, 12) (Board Rule)	ET&RD
11/28/2008		Prepare camera-copy of the General Election "OFFICIAL VOTE" book and submit for printing. 10 ILCS 5/1A-8 (1, 2, 12)	ET&RD
12/1 /2008		Notify election authorities of requirement to submit computerized voter registration information for December 15, 2008 submission in a format prescribed by the SBE	VRS
12/1 /2008		Post Election Day Survey due from the LEO's to the SBE.	LEG

Start Date	End Date	Activity	Division
12/1 /2008		Begin planning for the printing and distribution of campaign financing material to political committees for the Pre-Election Report for the April 7, 2009 Consolidated Election. (Packets to be mailed February 6, 2009) 10 ILCS 5/9-10	CAMP DISC
12/2 /2008	12/4 /2008	(dates subject to change) Veto Session	LEG
12/2 /2008		Last day to notify political committees that have filed a Statement of Organization of their obligation to file a SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. 10 ILCS 5/9-10, 9-16(7)	CAMP DISC
12/5 /2008		Complete CANVASS of November General Election. 10 ILCS 5/1A-19(c)	EL INFO
12/5 /2008		BOARD MEETING (Proclamation). 10 ILCS	EXEC DIR
12/5 /2008		Complete proclamation for each office elected at the General Election for the Governor's office. Generate material for the "Official Vote" book and submit to ET&RD division for	EL INFO
12/7 /2008		Complete the development and distribution to appropriate election authorities the general election MANUALS OF INSTRUCTIONS FOR ELECTION JUDGES for 2009. (Project began February 6, 2008.)	ET&RD
12/8 /2008	12/15/2008	Candidate filing period. (For the Consolidated Primary Election in 2009.)	EL INFO
12/11/2008		The Board will refer to the Attorney General of Illinois for compliance enforcement each jurisdiction whose computerized voter registration submission has not been received for the General Election 2008 submission	VRS
12/15/2008		First day for election authority to submit computerized voter registration file for the December 15, 2008 submission. 10 ILCS 5/4-8,5-7,6-36	VRS
12/15/2008		Present to the Board a list of legislative proposals for introduction in the next session.	LEG
12/26/2008		Notify election authorities to send referenda information. 10 ILCS 5/1A-8 (1, 2, 12)	VOSS
12/26/2008		Send notice (form) to election authorities to obtain voting system information to be used for the Consolidated Primary Election. (Rules and Regulations)	VOSS

Start Date	End Date	Activity	Division
12/26/2008		The last day that the State Board of Elections shall notify political committees that have filed a Statement of Organization of their obligation to file a PRE-ELECTION REPORT OF CAMPAIGN CONTRIBUTIONS for the February 24, 2009 Consolidated Primary	CAMP DISC
12/26/2008		Last day for election authority to submit computerized voter registration file for the December 15, 2008 submission. 10 ILCS 5/4-8,5-7,6-36	VRS
12/26/2008		Last day for election authorities to submit request for extension to file computerized voter registration information for the December 15, 2008 submission. Rules and Regulations	VRS
12/31/2008		Send notification to election authorities re: Voting Equipment Test. 10 ILCS 5/24B-9, 24C-	VOSS
1 /1 /2009		Voter Registration Commission is abolished and this section of the Election Code is repealed. 10 ILCS 5/1A-40	LEG
1 /2 /2009		First day political committees shall file their SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. 10 ILCS 5/9-10	CAMP DISC
1 /2 /2009		Begin preparation of packet material for political committees for Pre-Election Report for April 7, 2009 Consolidated Election. (Packets to be mailed February 6, 2009) 10 ILCS 5/9-10	CAMP DISC
1 /2 /2009		Begin preparing the CANDIDATE'S GUIDE for candidates running for office in 2010. Submit to legal for review by May 16. (Print by June 30, 2009) 10 ILCS 5/1A-8 (1, 2, 4, 7, 11)	ET&RD
1 /5 /2009		Submit COUNTY OFFICERS booklet for printing. Preparations began November 26, 2008. 10 ILCS 5/1A-8 (1, 2, 11)	ET&RD
1 /9 /2009		Send an updated listing of certified civic organizations to all election authorities. SBE Rule 207.50	ET&RD
1 /9 /2009		Each election authority shall send to the SBE written notice on a form prescribed and supplied by the Board of the type of voting system it will use for the Consolidated Primary Election. (Rules and Regulations)	VOSS
1 /12/2009		Date of Municipal Caucus. 10 ILCS 5/10-1	EL INFO

Start Date	End Date	Activity	Division
1 /12/2009		Begin work on signature requirements for the 2010 General Primary Election.	EL INFO
1 /13/2009		Date of Township Caucus	EL INFO
1 /14/2009		Date of Multi-Township Caucus	EL INFO
1 /14/2009		(2nd Wednesday) General Assembly swearing-in ceremony. (IL CONST, Art. 4, Sec. 5)	LEG
1 /16/2009		Finalize 2009 SBE Legislative Program for the 95th General Assembly. Process involves bill drafting, obtaining sponsorship, bill introduction, monitoring. 10 ILCS 5/1A-8 (8)	LEG
1 /20/2009		Last day for SBE to certify to the election authorities each unit school district, the counties contained therein and the Regional Superintendent having supervision and control over each district. 105 ILCS 5/6-5	EL INFO
1 /20/2009	1 /27/2009	Filing period for municipal, township candidates, educational service region trustees, schools, colleges, parks, library, fire and the Fox Waterway Agency trustees. 10	EL INFO
1 /20/2009		Notify election authorities of requirement to submit computerized voter registration information for the Consolidated Primary 2009 submission in a format prescribed by the SBE	VRS
1 /20/2009		Last day political committees shall file their SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS with the Board or the Board and county clerk. 10 ILCS 5/9-10	CAMP DISC
1 /20/2009		BOARD MEETING. 10 ILCS 5/1A7	EXEC DIR
1 /23/2009		Begin testing of automatic tabulating equipment. 10 ILCS 5/24B-9, 24C-9	VOSS
1 /26/2009		Send notice to election authorities who failed to submit a computerized voter registration file, for the December 15, 2008 submission. Rules and Regulations	VRS
1 /26/2009		Send to each election authority a current computerized voter registration error report, from the December 15, 2008 submission	VRS

Start Date	End Date	Activity	Division
1 /26/2009		First day of period during which any receipt by a political committee of a contribution in an aggregate of more than $500 must be reported within 2 business days following receipt. 10 ILCS 5/9-10	CAMP DISC
1 /26/2009		First day political committees shall file their PRE-ELECTION REPORT OF CAMPAIGN CONTRIBUTIONS or in lieu thereof a Statement of Nonparticipation for the February 24, 2009 Consolidated Primary Election with the Board or the Board and county clerk. 10	CAMP DISC
1 /27/2009		Last day for voter registration or transfer of registration prior to the Consolidated Primary.	EL INFO
1 /27/2009		Notify election authorities to forward a copy of their computer operator's log or analogous information following the proclamation of election results. 10 ILCS 5/24A-13, 24B-13, 24C-14 (Rules and Regulations)	VOSS
1 /28/2009		First day for grace period registration, change of address and voting begins. 10 ILCS 5/4-50, 5-50, 6-100	EL INFO
1 /28/2009		(4th Wednesday in January) Governor's State of the State message. Const. Art. 5, Sec. 13	LEG
2 /2 /2009		Date upon which the State Board of Elections shall notify political committees that have failed to file a SEMI-ANNUAL REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES that an assessment will be levied against the committee for failure to file the report in a timely fashion. Rules and	CAMP DISC
2 /2 /2009		First day for early voting and the office of the Election Authority and locations designated by the Election Authority. 10 ILCS 5/19A-15	EL INFO
2 /3 /2009		Objection deadline filing for candidates who filed January 20 - 27, 2009. 10 ILCS 5/10-8	EL INFO
2 /3 /2009		Complete profile of pre-election Referenda. 10 ILCS 5/1A-8 (1, 2, 12)	VOSS
2 /3 /2009		Send letter to those jurisdictions where in-precinct counting equipment is utilized requesting a list of those precincts involved in the election. 10 ILCS 5/24B-15, 24C-15	VOSS

STATE BOARD OF ELECTIONS
2008 NOV 25 AM 10:42

STATE BOARD OF ELECTIONS
STATE OF ILLINPOIS

In the Matter of:

State Board of Elections,	)	
	)	
Complainant,	)	
	)	
v.	)	08 AP 052
	)	
Citizens to Elect Eddie Washington,	)	
	)	
Respondent.	)	

MOTION FOR RECONSIDERATION

NOW COMES Respondent, Citizens to Elect Eddie Washington, and respectfully moves the Board to reconsider its Final Order of November 18, 2008, and in support thereof states as follows:

1. This matter arises from Respondent's alleged failure to file an A1 in conjunction with the February 5, 2008 primary election.
2. Upon receipt of the Notice of Violation, Dorothy Armsted, Respondent's Treasurer completed the Appeal Affidavit and Request for Hearing and mailed them to the Illinois State Board of Elections as directed by counsel.
3. Respondent did not receive any notice of a hearing at which it could present evidence that the penalty was wrongfully assessed. Instead, the next communication received from the Board was the Final Order imposing a $500.00 penalty.
4. Respondent therefore requests an opportunity to present evidence as to why the penalty assessment should be reversed.

WHEREFORE, for the foregoing reasons, Respondent respectfully prays that the Motion to Reconsider be granted.

Respectfully submitted,

By: _____

Michael J. Kasper
222 N. LaSalle, Suite 300
Chicago, IL 60601
312.704.3292
312.368.4944 (fax)

AFFIDAVIT

I, Dorothy Armstead, being first duly sworn state as follows:

1. I am the Treasurer of the Citizens to Elect Eddie Washington committee.

2. Upon receipt of the Notice of Violation in the matter of 08 AP 052, I completed the Appeal Affidavit and Request for Hearing forms and mailed them to the Illinois State Board of Elections at the address indicated on the correspondence from the Board.

3. The Committee did not receive any additional correspondence from the Board of Elections regarding this matter until the Final Order arrived in the mail on Friday, November 21, 2008.

4. Further Affiant sayeth not.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and ~~correct, except as to matters therein stated to be on~~ information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Dorothy Armstead

Dorothy Armstead

Date: 11/24/08

Fax receipt back to: 847 662-[redacted] 8414

This document received by _____

Date: _____

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:	)	
	)	
State Board of Elections	)	
Complainant(s),	)	
Vs.	)	08 AP 052
	)	
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 17th day of November, 2008, 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 AP 052, a $1000.00 civil penalty was initially assessed against the Respondent for failing to file a Schedule A-1 report in conjunction with the February 2008 election; and
2. An appeal of the civil penalty was not submitted 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, reduced to $500.00 by the Board and has been paid by the committee, and
4. Pursuant to section 9-10 of the Code, the assessment is reduced to $500.00 (50% of the value of the delinquently reported contributions).

IT IS ORDERED:

1. A civil penalty in the amount of $500.00 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 November 18, 2008, and
3. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 11/18/2008

Albert S Porter, Chairman

STATE BOARD OF ELECTIONS
08 NOV 20 AM 11:15

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:	)	
	)	
State Board of Elections,	)	
Complainant	)	
	)	
vs	)	08 AP 053
	)	
Friends of Laura Bertucci Smith	)	
Respondent	)	

Motion to Reconsider

Now Comes the Respondent by and through its Treasurer William F. Smith and respectfully request the Board of Elections to reconsider the fine imposed against it. In support thereof, Respondent states as follows:

1. Respondent filed the necessary reports required by the law. The fine imposed relates to donations by Michael Smith and Jake Sullivan. Donor Smith made 2 contributions to the Respondent Committee and donor Sullivan made one. Due to a clerical error Respondent listed Sullivan as having made two contributions and Smith as having made three contributions. In fact Sullivan made one contribution and Smith made 2.
2. The actual contributions were reported appropriately.
3. Respondent is in the process of filing an amended report for the covered time and a final report for the committee.

Wherefore Respondent respectfully requests this Board vacate the final order imposed November 18, 2008.

Respectfully submitted,

By: _____
William F. Smith

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:	)	
	)	
State Board of Elections	)	
Complainant(s),	)	
Vs.	)	08 AP 053
	)	
Friends of Laura Bertucci Smith	)	
Respondent(s).	)	

FINAL ORDER

TO: Friends of Laura Bertucci Smith S8163
1440 N Bell
Chicago, IL 60622

This matter coming to be heard this 17th day of November, 2008, 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 AP 053, a $10,500.00 civil penalty was initially assessed against the Respondent for failing to file Schedule A-1 reports in conjunction with the February 2008 election; and
2. An appeal of the civil penalty was not submitted by the committee, and
3. The committee was previously assessed a penalty of $25.00, which was stayed as a first violation, for the delinquent filing of the December 2006 Semi-annual report (07 DS 110). This assessment was not appealed, and
4. Pursuant to section 9-10 of the Code, the assessment is reduced to $1050.00 (10% of the value of the delinquently reported contributions).

IT IS ORDERED:

1. A civil penalty in the amount of $1050.00 is imposed and the stay is lifted from the previously assessed penalty of $25.00. The total amount of $1075.00 is now due and owing within 30 days of the effective date of this Order; and
2. The effective date of this Order is November 18, 2008, and
3. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 11/18/2008

Albert S Porter, Chairman

STATE OF ILLINOIS
COUNTY OF COOK

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections
Complainant

v. **08 JS 056**

Citizens for Judy Fiske L-12438
Respondent

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment for Delinquently Filing the
June 30th, 2008 Semi-Annual Report

The political committee's June 2008 Semi-Annual Report was received by the State Board of Elections (herein referred to as SBE) on July 28th, 2008, five (5) days late. As such, the political committee has been assessed a fine of $250.00. In addition, the political committee was previously assessed a penalty of $50.00 for the delinquent filing of the December 31st, 2007 Semi-Annual Report. The total assessment is $300.00. 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. Robert E. Janes, Treasurer, filed a Request for Hearing and Appeal Affidavit, on September 15th, 2008, indicating: The D-2 Report for the period ending June 30, 2008 on July 28, 2008 after a telephone call from your office that the due date had passed. It was completed with the assistance of Tom Cloonan of your Chicago office. An acknowledgement was received to that effect. Your notice relating to the late filing was issued on August 28, 2008, a month after the report was filed. The Treasurer was previously filing for another organization, but had retired from that position, thus not realizing that this committee must also file as it had been totally inactive for two years. The prior semi-annual report was filed on schedule, but was not accepted by the Board, then as electronic report was submitted on January 18, 2008, which was within your timing parameter. We request your forgiveness for these two infractions".

Hearing in this matter was set for Wednesday, October 15th, 2008, to be conducted at the Chicago Board office, 100 W. Randolph, Suite 14-100, Chicago, Illinois at 10:30 a.m. Mr. Janes requested an expedited hearing in this matter, which was rescheduled for Monday, October 6th, 2008, at 9:30 a.m.

Mr. Robert E. Janes, Treasurer, appeared on behalf of the political committee. Mr. Jones indicated that he has been filing electronic disclosure documents with the SBE since January 1st, 2005, with only recent mishaps. Mr. Janes indicated he's experienced upload concerns which he sought assistance from SBE staff members, Mr. Tom Cloonan, and Mr. Andy Nauman, which the Hearing Examiner verified with staff. My discussion with Mr. Janes would indicate that he experienced difficulty while attempting to upload the June 2008 Semi-Annual Report, which didn't occur during prior electronic flings.

I feel based upon a review of the documents/statements presented in this matter, and discussions with SBE staff, an electronic filing issue did occur. It therefore is the recommendation of the Hearing Examiner that Mr. Janes' electronic filing concerns is an acceptable defense, and therefore recommends that the appeal be granted. Mr. Janes should be advised that subsequent electronic filing mishaps will not be looked upon favorably as a defense.

Tony Morgando Jr. – Hearing Examiner
October 7th, 2008

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

August 28, 2008

Citizens for Judy Fiske
Judy Fiske
2319 Sherman Ave
Evanston, IL 60201

L12438

Dear Citizens for Judy Fiske;

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

Report Type:	Semiannual Report of Campaign Contribution and Expenditures
Report Period:	January 1, 2008 through June 30, 2008
Filing Period:	July 1, 2008 through July 21, 2008

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on July 28, 2008, 5 day(s) late. As such, this committee has been assessed a fine of $250.00.

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

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

Reporting Period	Report Type	Previous Fine Amount
7/1/2007 – 12/31/2007	Semi-annual	$50.00
TOTAL AMOUNT NOW DUE		**$300.00**

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

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB:sm
Enclosure(s) appeal documents

State of Illinois)
)
County of Cook)

CHICAGO

2008 SEP 15 PM 2:17

STATE BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;

ILLINOIS STATE BOARD OF ELECTIONS,

Complainant

Vs.

Citizens for Judy Fiske
Respondent(s).

Case No. 08 JS056

APPEAL AFFIDAVIT

I, Robert E Janes (Name), the Treasurer (Chairman/Treasurer) of the Citizens for Judy Fiske (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 D-2 Report for the period ending June 30, 2008 on July 28, 2008 after a telephone call from your office that the due date had passed. It was completed with the assistance of Tom Cronan of your Chicago office. An acknowlegement was received to that effect. Your notice relating to the late filing was issued on August 28, 2008, a month after the report was filed

The Treasurer was previously filing for another organization, but had retired from that position, thus, not realizing that this committee must also file as it had been totally inactive for two years. The prior semi-annual report was filed on schedule, but was not accepted by the Board, then an electronic report was submitted on January 19, 2008, which was within your timing parameter. We request your forgiveness for these two infractions

Signed and Sworn to by:
Robert E. Janes
before me this 15 Day of
September, 2008
Maria C. Carbajal
Notary Public

Robert E Janes
(Signature of Chairman/Treasurer)

OFFICIAL SEAL
MARIA C. CARBAJAL
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION 2010

State of Illinois)
)
County of Cook)

CHICAGO

2009 SEP 15 PM 2: 17

STATE
BOARD OF ELECTIONS

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;

ILLINOIS STATE BOARD OF ELECTIONS,

Complainant

Vs.

Citizens for Judy Fiske

Respondent(s).

Case No._____

REQUEST FOR HEARING

I, ROBERT E JANES, the Treasurer
(Name) (Chairman/Treasurer)

Citizens for Judy Fiske
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee requests a public hearing at which it will appear to offer reasons and defenses why the proposed assessment should not be imposed.

Robert E Janes
(Signature of Chairman/Treasurer)

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections

Complainant

v. **08 AP 036**

Nicole Villani for State's Attorney L 14509

Respondent

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

This Committee received one in-kind contribution valued at $2100, but failed to list it on a Schedule A-1, resulting in a civil penalty assessment of $2100.

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

On the Affidavit, Ms. Villani stated that the date of the contribution listed on Form D-2 for the in-kind contribution by Mid-America Advertising was incorrect. Graphic design services were not performed until February 19, 2008. An amended D-2 Semi-Annual Report has been filed to reflect this correction and is attached.

I contacted Ms. Villani by telephone and requested additional documentation in support of her affidavit. She provided a letter and several e-mails which supported the defense she presented in her affidavit. Based upon her affidavit, the documentation supplied by the respondent, and the amended semi-annual report filed to correct the reporting error, I recommend that the appeal be granted.

Sharon Steward – Hearing Examiner
November 13, 2008

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

October 2, 2008

Nicole Villani for State's Attorney
Nicole Villani, Henry Villani, Stacey Martinez
POB 1593
Mt Vernon, IL 62864

L14509

Dear Nicole Villani for State's Attorney;

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

Contributed By	Date of Contribution	Fine Assessed	Amount of Contribution	Date A-1 Received	Days Late
Mid America Advertising	1/22/08	$2100.00	$2100.00	*not filed	8

The committee is fined a **total** of $2100.00 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 $210.00, (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 mailing of this assessment for it to be considered.

State of Illinois)
)
County of Jefferson)

STATE BOARD OF ELECTIONS
08 OCT -7 PM 2:26

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.) Case No 08 AP 036
)
Nicole Villani for State's Attorney)
Respondent(s).)

APPEAL AFFIDAVIT

I, Nicole Villani (Name), the Chairman (Chairman/Treasurer) of the

Nicole Villani for State's Attorney
(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 date of contribution listed on Form D-2 for the in-kind contribution by Mid-America Advertising was incorrect. Graphic design services were not performed until February 19, 2008. An Amended D-2 Semi Annual Report has been filed to reflect this correction and is attached as Exhibit A.

Signed and Sworn to by:

before me this 6th Day of October, 2008

Stacey Martinez
Notary Public

OFFICIAL SEAL
STACEY MARTINEZ
Notary Public, State of Illinois
My Commission Expires 04-13-09

(Signature of Chairman/Treasurer)

Nicole Villani

☆For State's Attorney ☆

320 S. 11th Street
P.O. Box 1593
Mt. Vernon, Illinois 62864
Telephone: (618) 242-2220
www.VoteVillani.com

November 11, 2008

VIA FACSIMILE ONLY

State Board of Elections
ATTN: Sharon Steward
1020 S. Spring Street
Springfield, IL 62704

Dear Ms. Steward:

Faxed herewith please find copies of e-mail communications with Mid-America Advertising regarding the graphic design work that was done for my campaign. As stated in our Appeal Affidavit, the graphic designer at Mid-America Advertising did not forward to my attention drafts of any donated designs until February 19, 2008. I had initially met with the designer in January to discuss concepts and the design for the bumper sticker. The design for the bumper sticker was not considered a part of Mid-America's in-kind contribution as I paid full market value for these services. The "donated" designs were for yard signs, 4 x 8 mini-billboards and car magnets. As reflected by the attached e-mail correspondence, Angela Pifer, the graphic designer with Mid-America Advertising began to forward various designs for my review after the primary election. These designs went through numerous revisions until June. My campaign received the final versions of the donated designs and ordered our signs using these designs from victorystore.com on July 1, 2008 and August 14, 2008 as reflected by our prior D-2 disclosure.

The initially reflected inaccurate date was based upon a notation of a scheduled meeting with the graphic designer. The attached e-mail correspondence demonstrates that my campaign did not initially begin to receive anything of value as an in-kind contribution until at least February 19, 2008 and the contribution was not finalized until well after the primary election. If you have any further questions, feel free to contact me at your convenience.

Sincerely,

Nicole L. Villani

FORM	REPORT OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (CHECK APPROPRIATE BOXES)(PLEASE TYPE OR PRINT IN BLACK INK)
D-2	[ ] Pre-Election Report - Election Date _____ [X] Semi-Annual Report [ ] Non-Participation - Election Date _____ [ ] FINAL REPORT [X] Amendment of Report indicated above

Full name and complete mailing address of Political Committee

Nicole Villani for State's Attorney
P.O. Box 1593

Mt. Vernon IL 62864

☐ CHECK IF ADDRESS CHANGE

FOR OFFICE USE ONLY

IDENTIFICATION NO.

REPORTING PERIOD	CASH AVAILABLE AT THE BEGINNING OF THE REPORTING PERIOD	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
01/01/2008 FROM – 06/30/2008 THRU	$ 1754.33		

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) .. $ 2250.00 **(1a)**
   b. Not-Itemized ..... $ 2575.00 **(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) .. $ 1979.91 **(3a)**
   b. Not-Itemized ..... $ 0.00 **(3b)**

4. Other Receipts:
   a. Itemized (from Schedule A) .. $ 0.00 **(4a)**
   b. Not-Itemized ..... $ 100.00 **(4b)**
   TOTAL RECEIPTS (1-4) ..... $ 6904.91

* * * * * * * *

5. In-kind Contributions:
   a. Itemized (from Schedule I) .. $ 3300.00 **(5a)**
   b. Not-Itemized ..... $ 75.00 **(5b)**
   TOTAL IN-KIND ..... $ 3375.00

SECTION B - EXPENDITURES

6. Transfers Out:
   a. Itemized (from Schedule B).. $ 0.00 **(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).. $ 4112.73 **(8a)**
   b. Not-Itemized ..... $ 751.86 **(8b)**
   TOTAL EXPENDITURES (6-8)$ 4864.59

SECTION C - DEBTS AND OBLIGATIONS

(Include previously reported unpaid debts)

9. a. Itemized (from Schedule C) . $ 1302.25 **(9a)**
   b. Not-Itemized ..... $ 677.66 **(9b)**
   TOTAL DEBTS & OBLIGATIONS$ 1979.91

SECTION D - CASH BALANCE

Funds available at the beginning of the reporting period	$ 1754.33	**(A)**
Total Receipts (Section A)	$ 6904.91	**(B)**
Subtotal	$ 8659.24	**(C)**
Total Expenditures (Section B) ..	$ 4864.59	**(D)**
Funds available at the close of the reporting period	$ 3794.65	**(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.

Nicole Villani — 10/06/2008
SIGNATURE OF TREASURER OR CANDIDATE — DATE

(THIS FORM MAY BE REPRODUCED)

Printed on Recycled Paper

EXHIBIT A

NAME OF POLITICAL COMMITTEE: **Nicole Villani for State's Attorney**

REPORTING PERIOD: FROM 01/01/2008 THRU 06/30/2008

SCHEDULE A

INDICATE THE PART OF FORM D-2 BEING ITEMIZED:

☒ PART 1 - INDIVIDUAL CONTRIBUTIONS INCLUDING TICKET AND RAFFLE SALES

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

☐ PART 3 - LOANS RECEIVED INCLUDING ENDORSER

☐ 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
David E. Busby Trust P.O. Box 1025 Mt. Vernon IL 62864	01/16/2008	100.00	600.00
		EMPLOYER : N/A	OCCUPATION : Retired
David E. Busby Trust P.O. Box 1025 Mt. Vernon IL 62864	06/20/2008	500.00	600.00
		EMPLOYER : N/A	OCCUPATION : Retired
Carol Hamerski 18488 E Fairfield Rd Mt. Vernon IL 62864	05/08/2008	200.00	200.00
		EMPLOYER :	OCCUPATION :
Jefferson County Republican Women P.O. Box 893 Mt. Vernon IL 62864	04/11/2008	200.00	200.00
		EMPLOYER :	OCCUPATION :
Ronald Kruep 16249 N Hawthorne Drive Mt. Vernon IL 62864	05/08/2008	200.00	200.00
		EMPLOYER :	OCCUPATION :
Beth Lundius 305 West Third Street Ina IL 62846	05/08/2008	200.00	200.00
		EMPLOYER :	OCCUPATION :

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

TOTAL THIS PERIOD $ _____
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NAME OF POLITICAL COMMITTEE: Nicole Villani for State's Attorney

REPORTING PERIOD: FROM 01/01/2008 THRU 06/30/2008

SCHEDULE A

INDICATE THE PART OF FORM D-2 BEING ITEMIZED:

☒ PART 1 - INDIVIDUAL CONTRIBUTIONS INCLUDING TICKET AND RAFFLE SALES

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☐ PART 3 - LOANS RECEIVED INCLUDING ENDORSER

☐ PART 4 - OTHER RECEIPTS

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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
Roy Schmidt 1 Ford Place Mt. Vernon IL 62864	05/08/2008	250.00 EMPLOYER :	250.00 OCCUPATION :
Sibel Products, Inc. PO Box 184 Mt. Vernon IL 62864	05/08/2008	200.00 EMPLOYER :	200.00 OCCUPATION :
Southern Illinois Accute Care Consultants 1708 Jefferson Mt. Vernon IL 62864	05/08/2008	200.00 EMPLOYER :	200.00 OCCUPATION :
The Insurance Store 102 N 9th Street Mt. Vernon IL 62864	05/08/2008	200.00 EMPLOYER :	200.00 OCCUPATION :

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

TOTAL THIS PERIOD $ 2250.00
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NAME OF POLITICAL COMMITTEE: **Nicole Villani for State's Attorney**

REPORTING PERIOD: FROM 01/01/2008 THRU 06/30/2008

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

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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
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864 REF-ID: A-P3.121	03/18/2008	100.00 EMPLOYER :	1979.91 OCCUPATION :
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864 REF-ID: A-P3.122	03/18/2008	400.00 EMPLOYER :	1979.91 OCCUPATION :
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864 REF-ID: A-P3.123	03/20/2008	150.00 EMPLOYER :	1979.91 OCCUPATION :
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864 REF-ID: A-P3.127	03/25/2008	106.58 EMPLOYER :	1979.91 OCCUPATION :
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864 REF-ID: A-P3.128	03/27/2008	500.00 EMPLOYER :	1979.91 OCCUPATION :
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864 REF-ID: A-P3.129	03/31/2008	196.72 EMPLOYER :	1979.91 OCCUPATION :
		TOTAL THIS PERIOD $ (LAST PAGE THIS PART ONLY)	

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

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NAME OF POLITICAL COMMITTEE: **Nicole Villani for State's Attorney**

REPORTING PERIOD: FROM 01/01/2008 THRU 06/30/2008

SCHEDULE A

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☒ PART 3 - LOANS RECEIVED INCLUDING ENDORSER

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

☐ PART 4 - OTHER RECEIPTS

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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
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864 REF-ID: A-P3.130	04/07/2008	120.00 EMPLOYER : OCCUPATION :	1979.91
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864 REF-ID: A-P3.203	04/30/2008	89.46 EMPLOYER : OCCUPATION :	1979.91
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864 REF-ID: A-P3.132	05/12/2008	15.91 EMPLOYER : OCCUPATION :	1979.91
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864 REF-ID: A-P3.133	06/14/2008	205.53 EMPLOYER : OCCUPATION :	1979.91
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864 REF-ID: A-P3.134	06/19/2008	95.71 EMPLOYER : OCCUPATION :	1979.91

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TOTAL THIS PERIOD $ 1979.91
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NAME OF POLITICAL COMMITTEE:
Nicole Villani for State's Attorney

REPORTING PERIOD

01/01/2008	06/30/2008
FROM	THRU

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IDENTIFICATION NO.

SCHEDULE I
IN-KIND CONTRIBUTIONS

FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE INCURRED	AMOUNT OF EACH RECEIPT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
CONTRIBUTOR Mid America Advertising 904 Fournie Ln Collinsville IL 62234	02/19/2008	2100.00 EMPLOYER :	2100.00 OCCUPATION :
VENDOR PAID (if applicable) Mid America Advertising 904 Fournie Ln Collinsville IL 62234	DESCRIPTION graphic design services		
CONTRIBUTOR Central Wholesale 718 Shawnee Mt. Vernon IL 62864	05/08/2008	400.00 EMPLOYER :	400.00 OCCUPATION :
VENDOR PAID (if applicable) Central Wholesale 718 Shawnee Mt. Vernon IL 62864	DESCRIPTION Wine provided for fundraiser event		
CONTRIBUTOR The Rex 824 Main Street Mt. Vernon IL 62864	05/08/2008	800.00 EMPLOYER :	800.00 OCCUPATION :
VENDOR PAID (if applicable) The Rex 824 Main Street Mt. Vernon IL 62864	DESCRIPTION Banquet Facilities		

TOTAL THIS PERIOD $ 3300.00

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NAME OF POLITICAL COMMITTEE: Nicole Villani for State's Attorney

REPORTING PERIOD: FROM 01/01/2008 THRU 06/30/2008

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

FOR OFFICE USE ONLY
IDENTIFICATION NO.

SEE GUIDE TO CAMPAIGN DISCLOSURE FOR INSTRUCTIONS

ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	BENEFICIARY	AMOUNT OF EACH EXPENDITURE THIS REPORTING PERIOD	AGGREGATE AMOUNT THIS REPORTING PERIOD
All Things Creative 5242 Nagel Ave St. Louis MO 63109 PURPOSE: Website Design	03/27/2008	Nicole Villani for State's Attorney	500.00	500.00
Azusa Printing 1406 Salem Road Mt. Vernon IL 62864 PURPOSE: T-Shirts	01/22/2008	Nicole Villani for State's Attorney	553.73	553.73
JCSA PO Box 2184 Mt. Vernon IL 62864 PURPOSE: Advertising - Sign Sponsor	03/18/2008	Nicole Villani for State's Attorney	400.00	400.00
Mid America Advertising 904 Fournie Ln Collinsville IL 62234 PURPOSE: Bumper Stickers	03/20/2008	Nicole Villani for State's Attorney	800.00	950.00

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

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TOTAL THIS PERIOD $_____
(LAST PAGE OF THIS PART ONLY)

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NAME OF POLITICAL COMMITTEE: Nicole Villani for State's Attorney

REPORTING PERIOD: FROM 01/01/2008 THRU 06/30/2008

SCHEDULE B

INDICATE THE PART OF FORM D-2 BEING ITEMIZED:

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

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ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	BENEFICIARY	AMOUNT OF EACH EXPENDITURE THIS REPORTING PERIOD	AGGREGATE AMOUNT THIS REPORTING PERIOD
Mid America Advertising 904 Fournie Ln Collinsville IL 62234 PURPOSE: Bumper Stickers	03/20/2008	Nicole Villani for State's Attorney	150.00	950.00
Once Upon a Lifetime Photography 16529 E Liberty Rd Mt. Vernon IL 62864 PURPOSE: Campaign Headshots	01/24/2008	Nicole Villani for State's Attorney	120.00	270.00
Once Upon a Lifetime Photography 16529 E Liberty Rd Mt. Vernon IL 62864 PURPOSE: Campaign Photos	01/28/2008	Nicole Villani for State's Attorney	100.00	270.00
Once Upon a Lifetime Photography 16529 E Liberty Rd Mt. Vernon IL 62864 PURPOSE: Campaign Photos	01/28/2008	Nicole Villani for State's Attorney	50.00	270.00

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

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TOTAL THIS PERIOD $_____
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NAME OF POLITICAL COMMITTEE: Nicole Villani for State's Attorney

REPORTING PERIOD: FROM 01/01/2008 THRU 06/30/2008

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

FOR OFFICE USE ONLY

IDENTIFICATION NO.

SEE GUIDE TO CAMPAIGN DISCLOSURE FOR INSTRUCTIONS

ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	BENEFICIARY	AMOUNT OF EACH EXPENDITURE THIS REPORTING PERIOD	AGGREGATE AMOUNT THIS REPORTING PERIOD
The Pasta House 300 S. 44th Street Mt. Vernon IL 62864 PURPOSE: fund raising - food	05/09/2008	Nicole Villani for State's Attorney	451.24	451.24
VistaPrint 8877 Inkster Rd Taylor MI 48180 PURPOSE: Campaign Brochures	02/08/2008	Nicole Villani for State's Attorney	225.79	987.76
VistaPrint 8877 Inkster Rd Taylor MI 48180 PURPOSE: promotional items	02/11/2008	Nicole Villani for State's Attorney	20.44	987.76
VistaPrint 8877 Inkster Rd Taylor MI 48180 PURPOSE: promotional items	02/13/2008	Nicole Villani for State's Attorney	22.69	987.76

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

(THIS FORM MAY BE REPRODUCED)

TOTAL THIS PERIOD $_____
(LAST PAGE OF THIS PART ONLY)

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NAME OF POLITICAL COMMITTEE: **Nicole Villani for State's Attorney**

REPORTING PERIOD: FROM 01/01/2008 THRU 06/30/2008

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

FOR OFFICE USE ONLY

IDENTIFICATION NO.

SEE GUIDE TO CAMPAIGN DISCLOSURE FOR INSTRUCTIONS

ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	BENEFICIARY	AMOUNT OF EACH EXPENDITURE THIS REPORTING PERIOD	AGGREGATE AMOUNT THIS REPORTING PERIOD
VistaPrint 8877 Inkster Rd Taylor MI 48180 PURPOSE: promotional items	02/18/2008	Nicole Villani for State's Attorney	24.90	987.76
VistaPrint 8877 Inkster Rd Taylor MI 48180 PURPOSE: Car Magnets	03/25/2008	Nicole Villani for State's Attorney	106.58	987.76
VistaPrint 8877 Inkster Rd Taylor MI 48180 PURPOSE: Flyers	03/31/2008	Nicole Villani for State's Attorney	196.72	987.76
VistaPrint 8877 Inkster Rd Taylor MI 48180 PURPOSE: promotional items	05/30/2008	Nicole Villani for State's Attorney	89.40	987.76

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

TOTAL THIS PERIOD $_____
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NAME OF POLITICAL COMMITTEE: **Nicole Villani for State's Attorney**

REPORTING PERIOD: FROM 01/01/2008 THRU 06/30/2008

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

FOR OFFICE USE ONLY

IDENTIFICATION NO.

SEE GUIDE TO CAMPAIGN DISCLOSURE FOR INSTRUCTIONS

ITEMIZED EXPENDITURES FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE OF EXPENDITURE	BENEFICIARY	AMOUNT OF EACH EXPENDITURE THIS REPORTING PERIOD	AGGREGATE AMOUNT THIS REPORTING PERIOD
VistaPrint 8877 Inkster Rd Taylor MI 48180 PURPOSE: Brochures	06/14/2008	Nicole Villani for State's Attorney	205.53	987.76
VistaPrint 8877 Inkster Rd Taylor MI 48180 PURPOSE: promotional items	06/19/2008	Nicole Villani for State's Attorney	95.71	987.76

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

(THIS FORM MAY BE REPRODUCED)

TOTAL THIS PERIOD $ 4112.73
(LAST PAGE OF THIS PART ONLY)

Printed on Recycled Paper

NAME OF POLITICAL COMMITTEE: **Nicole Villani for State's Attorney**

REPORTING PERIOD: FROM 01/01/2008 THRU 06/30/2008

SCHEDULE C

DEBTS AND OBLIGATIONS

FOR OFFICE USE ONLY
IDENTIFICATION NO.

SEE GUIDE TO CAMPAIGN DISCLOSURE FOR INSTRUCTIONS

FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE INCURRED	ORIGINAL AMOUNT	CUMULATIVE PAYMENT TO DATE ON DEBT	OUTSTANDING BALANCE AT THE CLOSE OF THIS PERIOD
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864	03/18/2008	400.00	0.00 (A-P3.122)	400.00
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864	03/27/2008	500.00	0.00 (A-P3.128)	500.00
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864	03/31/2008	196.72	0.00 (A-P3.129)	196.72
Villani & Villani 320 S. 11th Street Mt. Vernon IL 62864	06/14/2008	205.53	0.00 (A-P3.133)	205.53

TOTAL THIS PERIOD $ 1302.25

ILLINOIS STATE BOARD OF ELECTIONS

FAX COVER SHEET

DATE: Monday, October 06, 2008 2:54:38 PM

TO: Nicole Villani for State's Attorney

FAX #: 6182425884

FROM: Disclosure Fax Back

FAX #: 217-782-5959

PHONE #: 217-782-4141

Number of pages, including cover sheet: 03

COMMENTS:

DISCLOSE -- Illinois Political Financial Disclosure Filing Acknowledgement

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

Your filing was received and accepted by our system at Mon Oct 06 14:54:38 2008, and was assigned the Filing ID of: IL-95579

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: FID4687
Committee Name: Nicole Villani for State's Attorney
Filing Type: D-2 (Amended)
From/Through: 20080101 - 20080630

Cover/Summary Page Totals for Form: D-2

Line No.	Dollar Total
1A	2,250.00
1B	2,575.00
2A	0.00
2B	0.00
3A	1,979.91
3B	0.00
4A	0.00
4B	100.00
TOT1-4	6,904.91
5A	3,300.00
5B	75.00
TOT5	3,375.00
6A	0.00
6B	0.00
7A	0.00
7B	0.00
8A	4,112.73
8B	751.86
TOT6-8	4,864.59
9A	1,302.25
9B	677.66
TOT9	1,979.91
A	1,754.33
B	6,904.91
C	8,659.24

```
 D                    4,864.59
 E                    3,794.65
 F                        0.00

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

State of Illinois)
)
County of Jefferson)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;	)	
	)	
ILLINOIS STATE BOARD OF ELECTIONS,	)	
Complainant	)	
	)	
Vs.	)	Case No._____
Nicole Villani for State's Attorney	)	
Respondent(s).	)	

WAIVER OF APPEARANCE

I, Nicole Villani (Name), the Chairman (Chairman/Treasurer) of the

Nicole Villani for State's Attorney
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

(Signature of Chairman/Treasurer)

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections

Complainant

v. **08 AP 037**

Committee to Elect Andy Goitia L 14527

Respondent

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

This Committee received one contribution of $3200 on 1/1/08, but failed to list it on a Schedule A-1, resulting in a civil penalty assessment of $3200.

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

On the Affidavit, Mr. Kadlec stated that the Committee's D-1 reported $3200 as the amount available for campaign expenditures as of January 1, 2008, the date the Committee was created. According to Section III.2. of *A Guide to Campaign Disclosure*, the Committee was not required to report the $3200 on an A-1, ("The requirements to disclose contributors and committee expenses take effect once the committee has accepted contributions or made expenditures in excess of $3000. The contribution or expenditure that places the campaign committee over the threshold is the first item reported.") Because the Committee's D-2 for January 1 – June 30, 2008 incorrectly reported $0, instead of $3200, as *Funds available at the beginning of the report period*, the Committee will file, if needed, an amended D-2 after an appeal ruling is made. Please note that the Committee to Elect Andy Goitia has been dissolved.

Section 5/9-1.7 of the Campaign Disclosure Act reads in part: *' "Local political committee" means the candidate himself or any individual, trust, partnership, committee, association, corporation, or any other organization or group of persons which – (a) accepts contributions...during any 12-month period in an aggregate amount exceeding $3000 on behalf of or in opposition to a candidate...for public office...'* A political committee has no filing obligations until it exceeds this threshold. The *Guide to Campaign Disclosure* instructs the filer, when faced with the situation in question, to report the beginning funds available figure as $0 and to report the entire contribution as a receipt on the first required report. The implication is that a contribution cannot be split and should be reported in its entirety. The Act is unclear in regards to how this type of a contribution should be reported. A political committee does not exist until the $3000 threshold is exceeded; so it could be argued that the original $3000 would not be considered when determining if a Schedule A-1 filing was required; the remainder of the contribution in question, which is $200, would not meet the A-1 filing threshold. Since arguments can be made for both interpretations, I believe that under these circumstances, the Respondent must be given the benefit of the doubt, and I therefore recommend that the appeal be granted. I would like to remind the Respondent, however, that the last report he filed was not a Final Report, but rather a Pre-Election Report; until a Final Report is filed, the Committee must continue to file disclosure reports.

Sharon Steward – Hearing Examiner
November 18, 2008

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

October 2, 2008

Committee to elect Andy Goitia
POB 7396
Romeoville, IL 60446

L14527

Dear Committee to elect Andy Goitia;

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

Contributed By	Date of Contribution	Fine Assessed	Amount of Contribution	Date A-1 Received	Days Late
Citizens for Goitia	1/1/08	$3200.00	$3200.00	*not filed	22

The committee is fined a **total** of $3200.00 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 $320.00, (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 mailing 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 June 2008 Semi-annual Report but should have been reported on a Schedule A-1 Report of Campaign Contributions of more than $500.00, within 2 business days of receipt.

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

STATE BOARD OF ELECTIONS
08 NOV -3 PM 3:11

State of Illinois)
)
County of Will)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
vs.) No. 08 AP 037
)
Committee to Elect Andy Goitia (Local #14527))
Respondent(s).)

APPEAL AFFIDAVIT

I, James F. Kadlec (Name), the Treasurer (Chairman/Treasurer) of the Committee to Elect Andy Goitia (Name of the Committee)

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

The Committee's D-1 reported $3,200 as the amount available for campaign expenditures as of January 1, 2008, the date the Committee was created. According to Section III. 2. of *A Guide to Campaign Disclosure*, the Committee was not required to report the $3,200 on an A-1, ("The requirements to disclose contributors and committee expenses take effect once the committee has accepted contributions or made expenditures in excess of $3,000. The contribution or expenditure that places the campaign committee over the threshold is the first item reported.") Because the Committee's D-2 for January 1 – June 30, 2008 incorrectly reported $0, instead of $3,200, as *Funds available at the beginning of the report period*, the Committee will file, if needed, an amended D-2 after an appeal ruling is made. Please note that the Committee to Elect Andy Goitia has been dissolved.

Subscribed and Sworn to Before me
This 31st Day Of October, 2008

Sandra L. Rzeszutko
NOTARY PUBLIC

James F. Kadlec
(Signature of Chairman/Treasurer)

OFFICIAL SEAL
SANDRA L. RZESZUTKO
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 04-29-2009

State of Illinois)
)
County of Will)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

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

WAIVER OF APPEARANCE

I, James E. Kadlec, the Treasurer of the
(Name) (Chairman/Treasurer)
Committee to Elect Andy Goitia
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

James E. Kadlec
(Signature of Chairman/Treasurer)

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections

Complainant

v. **08 D1 12**

Comm to Elect Mary Sue Ruot for Circuit Clerk L 14646

Respondent

REPORT OF HEARING EXAMINER
Appeal of Civil Penalty Assessment for Delinquently Filing
A D-1 Statement of Organization

This Committee filed its D-1 Statement of Organization on May 16, 2008, 83 days late, resulting in a civil penalty assessment of $2075.

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

On the Affidavit, Mr. Ruot stated that this was their first election and they were unfamiliar with the disclosure forms. A typographical error was made on the D-2 Form Schedule A and C. It should have been 6/2/08 on each form instead of 1/2/08. They have submitted amended forms.

In order to obtain additional documentation in support of Mr. Rout's affidavit, I contacted the candidate. She provided copies of the ledger kept by the Committee from its inception. This ledger supports the Respondent's defense that this was a typographical error; that the $3000 threshold was not exceeded until May of 2008. I therefore recommend that the appeal be granted.

Sharon Steward – Hearing Examiner
November 19, 2008

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

October 2, 2008

Committee to Elect Mary Sue Ruot for Circuit Clerk L14646
Marsha Wodtka
Rt1, Box 283
Vandalia, IL 62471

Dear Committee to Elect Mary Sue Ruot for Circuit Clerk;

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 May 16, 2008, 83 day(s) late. As such, this committee has been assessed a fine of $2075.00.

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 mailing of this assessment notice. If you fail to file a Notice of Appeal within this 30 day period, you forfeit the right to contest this assessment.

Since this is a first time violation, the assessed civil penalty will be *stayed.* Please be advised that 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.

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
cc: Officer(s)
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.) No. 08 DI-12
)
Committee to Elect Mary Sue Ruot Circuit Clerk)
Respondent(s).)

APPEAL AFFIDAVIT

I, Chuck Ruot (Name), the Treasurer (Chairman/Treasurer) of the Committee to Elect Mary Sue Ruot, Circuit Clerk (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:

This is our first election and we were unfamiliar with the disclosure forms. A typographical error was made on D-2 Form Schedule A and C. It should have been 6/2/08 on each form instead of 1/2/08. (See amended D-2 Forms.)

Subscribed and Sworn to Before me
This 14th Day Of October, 20 08

Kelly A. Taylor
NOTARY PUBLIC

Chuck Ruot
(Signature of Chairman/Treasurer)

OFFICIAL SEAL
LY A. TAYLOR
UBLIC, STATE OF ILLINOIS
SION EXPIRES 12-30-2010

NAME OF POLITICAL COMMITTEE:
Committee to Elect Mary Sue Ruot Circuit Clerk
Chuck Ruot, Treasurer
429 N 8th Street
Vandalia, IL 62471

REPORTING PERIOD
1/1/08 FROM — 6/30/08 THRU

FOR OFFICE USE ONLY
STATE BOARD OF ELECTIONS
08 OCT 16 AM 11:19

AMENDED

SCHEDULE A

INDICATE THE PART OF FORM D-2 BEING ITEMIZED:

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

POLITICAL COMMITTEE IDENTIFICATION NO.
14
L14646

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

ITEMIZED RECEIPTS FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE RECEIVED	AMOUNT OF EACH RECEIPT	AGGREGATE AMOUNT FOR THIS REPORTING PERIOD
Mary Sue Ruot 429 N 8th St Vandalia, IL 62471	6/2/08	$3,115.91 EMPLOYER:	OCCUPATION:
		EMPLOYER:	OCCUPATION:
		EMPLOYER:	OCCUPATION:
		EMPLOYER:	OCCUPATION:
		EMPLOYER:	OCCUPATION:
		EMPLOYER:	OCCUPATION:
		EMPLOYER:	OCCUPATION:
		EMPLOYER:	OCCUPATION:

USE SEPARATE PAGE(S) FOR EACH NUMBERED PART

TOTAL THIS PERIOD $ 3,115.91
(LAST PAGE OF THIS PART ONLY)

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

PAGE 4

NAME OF POLITICAL COMMITTEE:
Committee to elect Mary Sue Ruot for Circuit Clerk
Chuck Ruot, Treasurer

REPORTING PERIOD

1/1/08	6/30/08
FROM	THRU

FOR OFFICE USE ONLY
STATE BOARD OF ELECTIONS
08 OCT 16 AM 11:19

POLITICAL COMMITTEE IDENTIFICATION NO.
L14646

AMENDED

SCHEDULE C
DEBTS AND OBLIGATIONS

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

FULL NAME, MAILING ADDRESS, AND ZIP CODE	DATE INCURRED	ORIGINAL AMOUNT	CUMULATIVE PAYMENT TO DATE ON DEBT	OUTSTANDING BALANCE AT THE CLOSE OF THIS PERIOD
Mary Sue Ruot 429 N 8th St Vandalia, IL 62471	6/2/08	$3,115.91	0	$3,115.91

TOTAL THIS PERIOD $ 3,115.91

(THIS FORM MAY BE REPRODUCED)

(LAST PAGE OF THIS PART ONLY)

SEE INSTRUCTIONS ON REVERSE SIDE

PAGE 6

2007-2008 Campaign Expenditures

6/21/07	Ramsey News Journal open - 8AM-5PM Mon - Fri Ordered 500 small note pads Contact: Sharon Mueller Phone 423-2411- Rec'd 6/27/07 - pd. per chk.	125.00	
6/20/07	Ordered 100 2-sided 18"x24" yard signs + stands from signelect.com Contact - Sabrina Huston ext. 11 Order #10393 $219. + shipping 50.25 pd - mastercard	269.25	
6/21/07	Ordered - 125 @ $1.01 ea. Bumper Stickers 1000 pencils @ $.14 ea. from Heritage Adv. - Pam Crane Contact Person - (706) 374-0710 Bumper Stickers $126.25 Pencils 140.00 266.25 Artwork 20.00 Shipping 29.75 pd. mastercard. 316.00	316.00	
6/2007	Ordered - 15 T-shirts from Champion Trophies + T's picked up 6/28/07 pd. by per. check $60 Ck #5463 $60.67 5835	120.67	

Camp Exp

Page 2

2007-2008 Campaign Expenditures

6/21/07	Ordered 100 Campaign buttons from Shelly Sells Buttons.com - Shelly - Contact Person: Phone: (937) 839-1068 Rec'd 7/2/07 Pd - Mastercard	67	50
6/21/07	Ordered 1 stamp from - rubberstampchamp.com $6.25 + $4.95 shipping Rec'd 6/29/07 - pd Discover	11	20
6/28/07	Ordered 2 more large T-shirts from Champion	16	26
7/3/07	picked up + pd 6x per check #5889		
7/12/07	Ordered 13 more t-shirts from Champion - pd. $70 ck# 5467 (me) 44.45 ck # 5866	114	45
2/8/07	Ordered: 2xL Denim Shirts from Champion - pd	59	50
8/15/07	Ordered 12 more t-shirts from Champion - pd. 2525 Veterans Ave. Vandalia IL (618) 283-7062 ck# 5908	97	75

2007-2008 Campaign Expenditures

1/22 07	Ordered 1 zip hoody from Champions - pd.	30	00	
1/15 07	Pd. for T-Shirts	137	86	
1/5 07	Postage to mail out petitions	8	20	
1/4 07	Postage to mail out Thank-you notes	16	40	
1/22 07	Wal-mart - Receipt for Halloween Parade	169	56	
1/25 07	Wal-Mart - Receipt for Halloween Parade	96	23	
1/25 07	Wal-mart - Receipt for Halloween Parade	3	17	
1/7 07	Wal-mart - Receipt for Ledger -	4	24	
2/2 07	Ordered 1000 pens from 4imprint. Com. recd - pd. mastercard	260	80	

Page 4 2007-2008 Campaign Expenditures

1/18	08	St. Elmo Banner Newspaper Ads for Primary - Pd. by pers. check.		74	75
1/18	08	Beecher City Journal Newspaper Ads for Primary Pd. by pers. check		54	00
1/18	08	St. Elmo Devonian Newspaper Ads for Primary Pd. by pers. check		64	00
1/18	08	Ramsey News Journal Newspaper Ads for Primary pd. by pers. check #6015		51	00
1/18	08	Farina News Newspaper Ads for Primary pd by pers. check		56	00
1/18	08	Vandalia Leader Union Newspaper Ads for Primary pd by pers. check # 6011		69	20
10/	07	Nedra's Printing pd by Pers. check 1000 handouts		192	00
2/14	08	Jason Ruot picked up all of my signs after Primary - Gas Exp.		75	00

Page 5 2007-2008 Campaign Expenditures

1	21	08	Cont. to Dem. Party (Yearly)	120 00	pd by ck
8	31	07	12 T-shirts Champion CK # 5912	97 75	
10		07	Sam's - Candy for Parade Chuck's Debit Card	55 56	
6	14	08	Parade Candy	105 00	ck # 5519 pd by ck to Terri Braun
6	18	08	Printed Plastic Bags 4 imprint -	296 08	pd. M/C
6	27	08	Ramsey News Journal 500 Printed Note Pads & printing on 500 labels for Water Bottles	170 00	Camp. Acct. ck # 1001
6	28	08	500 labels - Online labels. Com	64 90	M/c pd.
6	29	08	Candy for 4th of July Parade - Sam's Club 5 x $6.22	31 10	pd cash
6	29	08	Breakfast for Parade Walkers	21 12	pd - my debit card

Page 6 2007-2008 Campaign Expenditure

6/30 08	Jason Ruot Gas & Mileage - 2 parades	50 00	Campaign Acc ck# 1000
6/30 08	SAFE - Sponsorship of hole - + luncheon ticket	58 00	ck# 5516 pers. acct.
6/30 08	Bottled water for Parade Wal-mart	50 00	pd by cash
	Total Expenditures for period ending 6/30/08		3684.50
	Cont.		- 1665.00
			2019.50
	Bank bal. as of 6/30/08	+	1096.41
	my Loan to Camp.	6/2	3115.91
7/01 08	Thank-you Cards Dollar General	16 55	my debit card
7/01 08	FlashingBlinkLights.com	37 45	credit card
7/01 08	Premiumgraphic3@yahoo.com 300 yard signs & wire stands $735.00 +57.58 shipping 792.58	792 58	Chuck's - debit Card
7/2 08	RP Lumber - Lumber for pa gn	13 71	Chuck's Debit Card

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.	)	No._____
Committee to Elect Mary Sue Ruot Circuit Clerk	)	
Respondent(s).	)	

WAIVER OF APPEARANCE

I, Chuck Ruot, the Treasurer of the
(Name) (Chairman/Treasurer)

Committee to elect Mary Sue Ruot Circuit Clerk
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

Charles Ruot
(Signature of Chairman/Treasurer)

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections

Complainant

v. **08 AP 075**

Friends of Krenz S 9545

Respondent

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

This Committee received one contribution of $7000 on 1/14/08, but failed to list it on a Schedule A-1. The assessed penalty is $7000.

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

On the Affidavit, Ms. Krenz stated that they attempted to upload the A-1 on 1/16/08, but the state's website was not accepting the upload. They called the help phone number and were told to mail in the copy. They have a copy of the A-1 that was mailed on 1/16/08; they were not attempting to hide this.

In order to be consistent with previous Board decisions when an electronic filing issue is presented as a reasonable defense, I recommend that the appeal be granted. During this same filing period, this Committee filed 6 other Schedule A-1s, demonstrating that the Committee was aware of its A-1 filing responsibilities and was not deliberately attempting to circumvent the law. This Committee has subsequently filed a Final Report.

Sharon Steward – Hearing Examiner
November 6, 2008

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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

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

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

EXECUTIVE DIRECTOR
Daniel W. White

October 2, 2008

S9545

Friends of Krenz
Patricia Krenz
3228 Oak Knoll Rd
Carpentersville, IL 60110

Dear Friends of Krenz;

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

Contributed By	Date of Contribution	Fine Assessed	Amount of Contribution	Date A-1 Received	Days Late
John Roeser	1/14/08	$7000.00	$7000.00	*not filed	13

The committee is fined a **total** of $7000.00 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 $700.00, (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 mailing of this assessment for it to be considered.

STATE BOARD OF ELECTIONS

08 OCT 27 AM 10: 17

State of Illinois)
)
County of Kane)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.) Case No. 08 AP075
)
Friends of Krenz)
Respondent(s).)

APPEAL AFFIDAVIT

I, Patricia Krenz (Name), the treasurer (Chairman/Treasurer) of the Friends of Krenz (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:

We attempted to upload the A-1 on 1/16/2008 but the State's website was not accepting the upload. We called the help phone # and were told to mail in the copy. We have a copy of the A-1 that was mailed on 1/16/08 - We were not attempting to hide this.

Signed and Sworn to by:
Patricia Krenz
before me this 17th Day of
October, 2008

Notary Public

Patricia Krenz
(Signature of Chairman/Treasurer)

OFFICIAL SEAL
ROBERTA F ANDRESEN
NOTARY PUBLIC - STATE OF I
MY COMMISSION EXPIRES:0

State of Illinois)
)
County of Kane)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
)
Vs.) Case No._____
Friends of Krenz)
Respondent(s).)

WAIVER OF APPEARANCE

I, Patricia Krenz, the Treasurer of the
(Name) (Chairman/Treasurer)

Friends of Krenz
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

Patricia Krenz
(Signature of Chairman/Treasurer)

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections

Complainant

v. **08 JS 227**

Carlisle for Council L 13921

Respondent

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

This report was electronically re-filed September 18, 2008, 42 days late, resulting in a civil penalty assessment of $2100. In addition, this Committee was previously assessed a $5000 civil penalty (not appealed, stayed) for delinquently filing the 2007 June Semi-Annual Report. The total assessment is $7100.

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

On the Affidavit, Ms. Carlisle referenced an attached statement. In the Affidavit, Ms. Carlisle stated that neither she, her husband, the candidate, nor Richard Mason, their personal accountant, had had any previous experience with reporting requirements. They made errors which they corrected with Board assistance. They learned they had to file the 2007 June Semi-Annual Report electronically, and were able to do it with considerable effort and assistance from Board staff. Well after the election and when all activity of the Committee had long since ended, they erred by wrongfully filing the 2008 June Semi-Annual Report manually instead of electronically. The Board gave them a 30-day deadline to re-file. In a series of missed communications on their part, they missed the deadline by 13 days. She stresses that errors they made were due to inexperience and some clumsiness, not negligence.

Ms. Carlisle further states that they became aware of their electronic filing requirement after filing the 2007 June Semi-Annual Report on paper. Board staff assisted them in re-filing this report electronically. Board staff also assisted the Committee in re-filing the 2007 December Semi-Annual Report electronically. Ms. Carlisle received the packet and notification for the 2008 June Semi-Annual Report and forwarded it to Mr. Mason for completion. He completed it on paper and it was signed and filed by the July 21st deadline. There was no activity. Both the Treasurer, Ms. Carlisle, and Mr. Mason unintentionally overlooked the electronic filing requirement. An August 6th letter to the Committee advising them that the report had to be re-filed electronically within 30 days was forwarded to Wisconsin where the family was staying. They returned home to Wheaton on August 13th and then returned to

Wisconsin over Labor Day and saw the letter. She did not open the letter and instead forwarded it to Mr. Mason sometime during the first week of September. Mr. Mason received the letter on September 17th and then re-filed the report electronically. To avoid further problems, the Committee address has been changed to that of Mr. Mason.

I recommend that the appeal be denied for lack of an adequate defense. This Committee exceeded the $10,000 threshold for mandatory electronic filing during the 2007 June Semi-Annual Reporting period. They were notified and re-filed the report electronically. They also filed the 2007 December Semi-Annual Report electronically. When notified of the 2008 June Semi-Annual report, they admittedly overlooked, although unintentionally, the fact that the report needed to be filed electronically. The notification to file the 2008 June Semi-Annual Report, which was received by the Committee, includes language that states that once a committee has qualified to file electronically, all subsequent reports must also be filed electronically. As it applies to this Committee in regards to the 2008 June Semi-Annual Report, Section 100.150 of Board Rules and Regulations states that if the report required to be filed electronically is filed timely on paper and re-filed electronically within 30 days, it shall be considered a timely filing, but if not re-filed within 30 days of notice, the paper report will be considered as never having been filed and penalties for late filing will accrue from the date of the filing deadline. When notified in August that the 2008 June Semi-Annual Report had to be re-filed electronically, the letter to the Committee address and the letter to the Treasurer were forwarded to Wisconsin. When discovered in Wisconsin Labor Day weekend, the letter was not opened, but forwarded to Mr. Mason later in the week. In addition to the two letters that were forwarded to Wisconsin, there was a third letter sent to the address of the Committee Chairman, Blair Stevens, dated August 6th. The law is clear regarding these filing obligations and the Committee received sufficient notice of that fact; therefore, even though it was not the intent of the Committee to violate the Act, I recommend that the appeal be denied. If this recommendation is accepted by the Board, the total amount of $7100 will be due and owing.

Sharon Steward – Hearing Examiner
November 21, 2008

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

October 2, 2008

L13921

Carlisle for Council
Mary Carlisle
510 N Gary Ave
Wheaton, IL 60187

Dear Carlisle for Council;

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

Report Type:	Semiannual Report of Campaign Contributions and Expenditures
Report Period:	January 1, 2008 through June 30, 2008
Filing Period:	July 2, 2008 through July 21, 2008

Based upon this committee's failure to comply with the provisions of Section 100.150 Rules & Regulations, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was electronically re-filed by your Committee on September 18, 2008, 42 day(s) late. As such, this committee has been assessed a fine of $2100.00.

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

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

Reporting Period	Report Type	Previous Fine Amount
1/1/2007 – 6/30/2007	Semi-annual	$5000.00
TOTAL AMOUNT NOW DUE		**$7100.00**

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

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB:sm
Enclosure(s): appeal forms

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

EXECUTIVE DIRECTOR
Daniel W. White

August 6, 2008

Carlisle for Council
510 Gary Ave
Wheaton, IL 60187

Re: Semi-Annual Report (L-13921)

Dear Committee:

Thank you for filing a Semi-Annual Report with us. However, please be advised that under the Campaign Disclosure Act, your committee is required to file its reports electronically. The act states:

"Beginning July 1, 2003, electronic filing is required for all political committees that during the reporting period (i) had at any time a balance or an accumulation of contributions of $10,000 or more, (ii) made aggregate expenditures of $10,000 or more, or (iii) received loans of an aggregate of $10,000 or more."

Because your committee exceeded the $10,000 threshold, it is required to file its reports electronically. Electronic filing software is available free of charge at the State Board of Elections website at www.elections.il.gov, or by contacting us at (217) 782-4141. Technical support in using the software is similarly available.

Your committee's report must be re-filed electronically within 30 days of this notice. Since your paper report was received by the Board by the filing deadline, if the report is re-filed electronically within 30 days of this notice the paper report will be considered a timely filing. If the report is not filed electronically within 30 days of this notice, the paper report will be considered as never having been filed and penalties for late filing will accrue from the date of the filing deadline.

This letter serves as your committee's written warning, under Section 100.150 of the Board's Rules and Regulations, that your committee's reports must be filed electronically. This is the one and only time a report filed on paper by your committee can qualify as a timely filing. In the future, reports from your committee will not be considered filed until they are filed electronically.

If you have any questions or if you need assistance please contact the Campaign Disclosure Division at (217) 782-4141.

Sincerely,

Rupert T. Borgsmiller, Director
Division of Campaign Disclosure

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

EXECUTIVE DIRECTOR
Daniel W. White

December 2, 2008

Dear Political Committee:

Your committee is obligated to file under the Illinois Act to Regulate Campaign Financing, Public Act 78-1183.

Report Type: Semi-Annual Report of Campaign Contributions and Expenditures.
Report Period: July 1, 2008 through December 31, 2008.
Filing Period: January 2, 2009 through January **20**, 2009.

For political committees created during the reporting period, the reporting period begins with the date of creation and continues through the end of the reporting period.

Reports may be filed in either the Springfield or Chicago offices at the addresses above or via electronic filing. The Board must receive this report by 5:00 p.m. when filing on paper or by 11:59:59 p.m. when filing electronically on the last day of filing. 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. Faxed reports will not be accepted.

If your committee is a State & Local or a Local committee, you are required to file a copy of this report with the office of the County Clerk in **each** county in which your Committee is active. However, if you file this report electronically and your County has opted to participate in the Electronic Filing Waiver Program you will not be required to submit a copy of the report to the County clerk. For a complete listing of all counties that are participating in the Electronic Filing Waiver Program please go to the SBE website at www.elections.il.gov to see if your county is participating.

If the Board does not receive this report on time, the Board will issue an order assessing a civil penalty not to exceed $5,000. For statewide offices the civil penalty may not exceed $10,000.

Items to be reported on the D-2 form include the reporting period, beginning funds available, Section A 'Receipts', Section B 'Expenditures', Section C 'Debts and Obligations' (including debts from previous years that remain outstanding), and Section D 'Cash Balance'. The report must be dated and signed by the committee treasurer, or for a candidate committee, by the treasurer or the candidate. Remember that any committee that has **$10,000** or more in receipts, expenditures, or a balance at any time during the reporting period, must file its disclosure report electronically. Furthermore once a committee has qualified to file electronically, all subsequent reports must also be filed electronically.

I invite you to use our website whenever possible. You will find all of your required forms available for printing, plus all of the agency pamphlets relating to your reporting requirements. Many of the answers to your questions can be found by looking in these campaign disclosure pamphlets. I also urge you to file your reports electronically. Filing electronically is safe, fast, and accurate. The electronic service is available 24 hours a day and 7 days a week in your office or the convenience of your home. Our website address is: www.elections.il.gov .

My staff and I are available to answer any questions you may have.

Sincerely,

Rupert T. Borgsmiller
Director, Campaign Disclosure
Enclosure(s)

STATE BOARD OF ELECTIONS
08 OCT 31 AM 9:41

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.) No. 08 JS 227
)
CARLISLE FOR COUNCIL)
Respondent(s).)

APPEAL AFFIDAVIT

I, MARY CARLISLE, the TREASURER of the
(Name) (Chairman/Treasurer)

CARLISLE FOR COUNCIL (L13921)
(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 STATEMENT

Subscribed and Sworn to Before me
This 30th Day Of October, 20 08

Mary A. Carlisle
(Signature of Chairman/Treasurer)

NOTARY PUBLIC

OFFICIAL SEAL
PETER F. ALLEGRA, JR.
Public - State of Illinois
sion Expires Oct 21, 2012

Carlisle for Council
Sworn Statement
Page 2.

spring of 2007 there had been no activity with the committee and the form was completed with each line indicating "None." Both Mr. Mason and I overlooked the ongoing requirement that reports were required to be filed electronically. I have discussed this with Mr. Mason and on his behalf I can assure you that this oversight on his part, as well as mine, was completely unintentional. As I mentioned above, both Mr. Mason and myself have had no working experience with requirements of the State Board of Elections filings.

Shortly after this report was filed by hand we were notified by Rupert Borgsmiller, in his letter dated August 6, 2008, that the report needed to be re-filed electronically. His letter stated that the re-filing must be completed within thirty days of his letter. Unfortunately, my family was in Wisconsin. I had our mail forwarded to Wisconsin through August 11th. I returned home to Wheaton on August 13th. In the interim, Mr. Borgsmiller's August 6th letter was forwarded to Wisconsin. The mail forwarding was running approximately two weeks behind and as such I had not received his letter in Wisconsin by the time I left to return to Wheaton. My husband and I returned to Wisconsin over the Labor Day holiday and saw Mr. Borgsmiller's August 6th letter. Unfortunately, I failed to open the letter, knowing I was going to forward it to Mr. Mason upon my return to Wheaton. We returned to Wheaton on September 3rd and I did forward the unopened letter to Mr. Mason sometime the following week. Mr. Mason received the letter on September 17th. Mr. Mason contacted Mr. Nauman the next day to immediately take care of re-filing the report electronically. I was told by Mr. Mason that Mr. Nauman was again very helpful.

As I hope you can see from the above explanation, due to an unfortunate chain of events we failed to re-file the January 1, 2008 through June 30, 2008 report by Mr. Borgsmiller's required date of September 5th (thirty days from his August 6th letter). One again, the failure to file the report electronically originally and the re-filing requirement was totally unintentional.

To insure future filing requirements are timely complied with, and with the advice of Mr. Borgsmiller, we have notified Mr. Borgsmiller that the mailing address of the committee should be changed to Mr. Mason's address.

Based upon the above, we respectfully request that you abate the Civil Penalty being assessed.

Should you have any further questions, please do not hesitate to contact me at 630-346-0300. Mr. Mason is also available at 847-509-8088. We thank you for your attention and consideration in this matter.

Carlisle for Council
L13921

Report Type: D-2
Report Period: 01/01/08 through 06/30/08

Sworn Statement of Good Reason for Late Filing

I, Mary Carlisle, am the treasurer of this committee. My husband, Robert Carlisle, ran unsuccessfully for a Wheaton City Council position in the spring of 2007. He had never run for public office before, and neither he nor I had any prior experience with reporting requirements. We asked our personal accountant, Richard Mason, to prepare the filings. Mr. Mason also had no prior experience with election reporting, but he agreed to help. The three of us tried to conscientiously comply with the regulations and we prepared the forms as accurately and completely as we could. However, there were inevitable rookie mistakes. When the Board notified us of the errors we made the corrections, with the generous assistance of the Board's staff. Things got more difficult when we were told we had to file electronically, but we were able to comply, with considerable effort and again with aid of Board staff. In the first half of 2008, well after the election and when all activity of the committee had long since ended, we erred again by wrongly filing a report manually instead of electronically. The Board notified us of this and set a thirty day deadline to re-file. In a series of missed communications on our part, we missed the deadline by thirteen days, thereby being levied a Civil Penalty of $2,100.

We all worked hard to comply with the letter and spirit of the reporting requirements. All required information has been honestly disclosed from the start. None of the problems concerned the accuracy or completeness of the disclosures. The mistakes we made were due to inexperience and some clumsiness, not negligence. We respectfully request an abatement of the Civil Penalty.

What follows is more detail on the events.

With the filing of the Form D-2 for the period January 29, 2007 through June 30, 2007 the committee had become subject to the electronic report filing requirement. We became aware of this requirement only after we had submitted the report prepared by hand. Mr. Mason worked with Andy Nauman, Staff Specialist with the Illinois State Board of Elections, in re-filing this report electronically. Mr. Nauman was extremely helpful to Mr. Mason not only in completing the report properly but also by helping him extensively with the electronic filing process. At the same time, Mr. Nauman also assisted Mr. Mason in re-filing the Form D-2 for the period July 1, 2007 through December 31, 2007 which had also been originally filed by hand.

I received the packet of information regarding the Form D-2 for the period January 1, 2008 through June 30, 2008 and forward it to Mr. Mason for completion. Mr. Mason completed the form by hand and forwarded it to my husband for signature and mailing. My husband did indeed file the Form D-2 by is due date of July 21, 2008, albeit manually and not electronically. After the election in the

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.) No._____
CARLISLE FOR COUNCIL)
Respondent(s).)

WAIVER OF APPEARANCE

I, MARY CARLISLE, the TREASURER of the
(Name) (Chairman/Treasurer)

CARLISLE FOR COUNCIL (L13921)
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

Mary A. Carlisle
(Signature of Chairman/Treasurer)

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections

Complainant

v. **08 AP 035**

Build the Future 203 L 14494

Respondent

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

This Committee received 4 in-kind contributions, but failed to list them on a Schedule A-1, resulting in a civil penalty assessment of $4585. In addition, this Committee had previously been assessed a civil penalty of $50 for delinquently filing the 2007 December Semi-Annual Report. The total assessment is $4635.

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

On the Affidavit, Ms. Wong referenced an attachment she had written. She did not know that in-kind contributions needed to be filed on a Schedule A-1. For all cash contributions, Schedule A-1s were timely filed. She, as the treasurer, believed that Schedule A-1s were for cash contributions only. She did understand that she needed to have In-kind Contribution Notification forms completed by the contributor. This form does not say that it is subject to the Schedule A-1 filing requirement. Based upon the above reasons, she did not have any reason to believe that the In-kind contributions needed to be reported on a Schedule A-1. If she thought they were, since she reported all of the cash contributions on a Schedule A-1, she would have certainly filed a Schedule A-1 for in-kind contributions. This was an inadvertent error on her part. She certainly did not do it intentionally. She does not believe she was negligent as she did try to complete all of the required forms, as she did file timely, Schedule A-1s for the cash contributions. She respectfully requests that the Board consider the above facts and abate the penalty.

Section 5/9-10(b-5) of the Campaign Disclosure Act provides that contributions in excess of $500 received from January 1st through February 4th prior to this year's general primary election must be filed on a Schedule A-1. The definition of 'contribution' includes 'anything of value'. It is clear from Ms. Wong's affidavit that there was no intent to violate the law; however, regardless of her intention, the law was violated. The public was deprived of information it was legally entitled to; therefore I recommend that the appeal be denied. But since there was no intent to violate the law and since this is this Committee's first such violation, I also recommend

that the penalty be reduced to 10% of the original assessment or $459. If this recommendation is accepted by the Board, the stay will be lifted from the previous penalty, and the total assessment will be $509. 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
November 10, 2008

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

October 2, 2008

L14494

Build the Future 203
Jim Dennison
1528 Bradley Ct
Naperville, IL 60565

Dear Build the Future 203;

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

Contributed By	Date of Contribution	Fine Assessed	Amount of Contribution	Date A-1 Received	Days Late
Belgios Catering	1/26/08	$847.50	$847.50	*not filed	5
Holiday Inn Select	1/19/08	$1500.00	$1500.00	*not filed	9
Holiday Inn Select	1/26/08	$1500.00	$1500.00	*not filed	5
Sodexho	1/19/08	$737.50	$737.50	*not filed	9

The committee is fined a **total** of $4585.00 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 $459.00, (10% of the total amount reflected above) if you do not choose to file an appeal under the Board's present policy. The total amount due will be imposed with the issuance of a Final Board Order after the 30-day appeal period had expired. This amount must be paid (including any previously assessed fines), within 30 days of the issuance of the Order

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

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB:sm
cc: Officer(s), Candidate(s)

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

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

State of Illinois)
)
County of DuPage)

STATE BOARD OF ELECTIONS
08 OCT 31 AM 9:41

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.) Case No. 08AP035
)
Build the Future 203)
Respondent(s).)

APPEAL AFFIDAVIT

I, Mary Wong (Name), the Treasurer (Chairman/Treasurer) of the Build the Future 203 (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:
Mary Wong
before me this 30 Day of
October, 2008
M. Dianne Smith
Notary Public

Mary Wong
(Signature of Chairman/Treasurer)

OFFICIAL SEAL
M DIANNE SMITH
NOTARY PUB
MY COMMIS 113 INOIS
4/10

Build the Future 203

ATTACHMENT TO APPEAL AFFADAVIT FOR CIVIL PENALTY ASSESSMENTS

A civil penalty has been assessed for failing to file Schedule A-1's, Report of Campaign contributions of more than $500 within 2 business days of receipt. These contributions were in-kind contributions. For all cash contributions, Schedule A-1s were timely filed. I as the treasurer believed that Schedule A-1s were for cash contributions only and I understood that I needed to have the In-Kind Contribution Notification form completed by the contributor. When I looked at the In-Kind Contribution Notification form, it stated that the contributor needed to notify the committee of donated goods and services within 5 business days if the value of the contribution exceeded fifty dollars. The form also states that the form should not be sent to the State Board of Elections. In addition, at the bottom of the form it states that the political committee should report these donations on the Form D-2, Report of Campaign Contributions and Expenditures, Part 5. No where does it state that if the contribution exceeds $500, it must be reported on Schedule A-1. In fact, in kind contributions are reported on Form D-2, Schedule A, Line 5. Amounts reported on Form D-2, Schedule A, line 1 are cash contributions.

Based on the above, I did not have any reason to believe that the In Kind contributions needed to be reported on Schedule A-1. If I thought they were, since I reported all of the cash contributions on Schedule A-1. I would have certainly filed Schedule A-1 for in kind contributions. This was an inadvertent error on my part. I certainly did not do it intentionally. I do not believe I was negligent as I did try to complete all of the required forms, as I did file timely, Schedule A-1s for the cash contributions. I respectfully request that you consider the above facts and abate the penalty.

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.) Case No. L 14494
Build the Future 203)
Respondent(s).)

WAIVER OF APPEARANCE

I, Mary Wong (Name), the Treasurer (Chairman/Treasurer) of the Build the Future 203 (Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

Mary Wong
(Signature of Chairman/Treasurer)

STATE OF ILLINOIS
COUNTY OF SANGAMON

BEFORE THE STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

Illinois State Board of Elections

Complainant

v. **08 JS 122**

Vermilion County Democratic Party S 1100

Respondent

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

The Semi-Annual Report was received on July 23, 2008, 2 days late, resulting in a civil penalty assessment of $200. In addition, this Committee had previously been assessed a $1000 civil penalty (appealed, appeal granted using an electronic filing defense) for failure to file a Schedule A-1 for the 2004 General Election; a $1000 civil penalty (appealed, appeal denied, paid) for delinquently filing the December 2006 Semi-Annual Report; a $1000 civil penalty (appealed, appeal denied, paid) for failure to file a Schedule A-1 for the 2006 General Election. The total outstanding penalty is $200.

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

On the Affidavit, Mr. Berthel stated that the technical problem reported by fax could not be avoided. For safety, he will report before the deadline from now on.

I contacted Mr. Berthel by phone and asked him to provide more documentation regarding what steps he had taken to attempt to file electronically. He faxed me the original fax that he had faxed to the Board 2 days after the filing deadline, which read: "Due to a computer problem I was not able to file on time." In addition, a previous appeal had been granted because the Committee used an electronic filing defense. Since the Committee had already been granted an appeal based upon the use of an electronic filing defense, and since the only additional information I was able to obtain from Mr. Berthel as a result of my phone call was the fax referenced above, I recommend that the appeal be denied. If this recommendation is accepted by the Board, the civil penalty of $200 will be due and owing.

Sharon Steward – Hearing Examiner
November 19, 2008

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

August 28, 2008

Vermilion County Democratic Party
Don Dunavan
25195 State Route 1
Danville, IL 61832

S1100

Dear Vermilion County Democratic Party;

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

Report Type:	Semiannual Report of Campaign Contribution and Expenditures
Report Period:	January 1, 2008 through June 30, 2008
Filing Period:	July 1, 2008 through July 21, 2008

Based upon this committee's failure to comply with the provision of 10 ILCS 5-9-10 of the Election Code, it has been assessed a civil penalty for each day this report remained unfiled. According to Board records, this report was received on July 23, 2008, 2 day(s) late. As such, this committee has been assessed a fine of $200.00.

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

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

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

Sincerely,

Rupert T. Borgsmiller
Director, Division of Campaign Disclosure

RTB:sm
Enclosure(s) appeal documents

State of Illinois)
)
County of Vermilion)

STATE BOARD OF ELECTIONS
08 SEP 24 PM 2:43

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
)
Complainant)
)
Vs.) Case No. 08JS122
)
Vermilion County Democratic Party)
Respondent(s).)

APPEAL AFFIDAVIT

I, Tim Berthel, the Treasurer of the
(Name) (Chairman/Treasurer)

Vermilion County Democratic Party
(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 technical problem reported by fax could not be avoided!

For safety, I will report before the deadline from now on.

I only wish I was being paid to keep up this information!

Signed and Sworn to by:

before me this 19 Day of September, 2008

Notary Public

(Signature of Chairman/Treasurer)

OFFICIAL SEAL
KF WARD
Notai 118 of Illinois
My Cor res 07/15/09

From: Vermilion County Democrats

Due to a computer problem I was not able to file on time. As a result I have a new E-mail: taberthel@comcast.net.

Enclosed are raffle reports to date!

Thank you.

Tim Berthel
Treasurer

Steward

Stewart: This was FAX 2-days after deadline!

217-504-3148

State of Illinois)
)
County of Vermilion)

BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS

IN THE MATTER OF;)
)
ILLINOIS STATE BOARD OF ELECTIONS,)
Complainant)
)
Vs.) Case No._____
Vermilion County Democratic Party)
Respondent(s).)

WAIVER OF APPEARANCE

I, Tim Berthel, the Treasurer of the
(Name) (Chairman/Treasurer)

Vermilion County Democratic Party
(Name of Committee)

Committee, appeals on behalf of the said committee the assessment of civil penalty proposed in this matter and submits in support of that appeal the accompanying affidavit. The said committee waives personal appearance before the State Board of Elections for hearing on this appeal and agrees that the State Board of Elections may enter its order with respect to this appeal in the absence of a representative of the committee.

(Signature of Chairman/Treasurer)

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

Rupert T. Borgsmiller **Director, Campaign Disclosure**

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

Re: Payment of Civil Penalties - Informational

Date: November 24, 2008

The following committees have made payment of outstanding civil penalties for the period of 11/7/2008 – 11/24/2008:

- Citizens for Arthur Turner - $107.00
- Friends of Sandi Jackson - $455.00
- Citizens to Elect Alvin Parks Jr - $300.00
- Greene County Republican Central Committee - $175.00
- Citizens to Elect Paula Lingo - $1000.00

Total Amount Paid for this Period- $2037.00

Year to Date:
1/10/08 – 2/7/08 - $8147.00
2/8/08 – 2/26/08 - $3430.00
2/27/08 – 4/10/08 - $31,544.14
4/11/08 – 5/7/08 - $9597.35
5/8/08 -5/29/08 - $4078.00
5/30/08 – 7/10/08 - $5019.00
7/11/08 – 8/14/08 - $12134.50
8/15/08 – 9/4/08 - $31,761.50
9/5/08 – 10/7/08 - $5569.50
10/8/08 – 11/6/08 - $2526.17

RTB:sm

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: 08 CD 007**

Citizens for David Webb
Respondent (L10269)

REPORT OF HEARING EXAMINER

Report of Public Hearing For
Failure to File the June 2007 and December 2007 Semi Annual Report

PROCEDURAL HISTORY

On June 6, 2008, 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 June 23, 2008 a Closed Preliminary Hearing was convened in the Chicago Offices of the State Board of Elections. Mr. David Webb, the Mayor of Markham, and the newly appointed Treasurer, Mr. Al Payne appeared on behalf of the committee. Mr. Payne indicated that he was assuming the responsibility for the filing of the above mentioned delinquent reports and furthermore indicated that he would have said reports on file by July 25, 2008. 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 September 2, 2008, the Board issued an Order for a Public Hearing to be conducted.

PUBLIC HEARING

On November 10, 2008, after acknowledging receipt of proof of service upon the Respondent, a Public Hearing was conducted. Ms. Tara Cachur, Campaign Disclosure Specialist appeared on behalf of the Complainant. No appearance was entered on behalf of the Respondent. Ms. Cachur testified that the Respondent has not contacted the State Board of Election in reference to this matter. She had also indicated that the Respondent has still not filed the reports for the June 2007 and December 2007 reporting period.

Ms. Cachur requested that this Hearing Examiner recommend to the Board that the Board issue an Order directing the Respondent to file the reports at issue within 30 days of the date of such an Order.

CONCLUSSIONS AND RECOMMENDATIONS

Given the fact that the Respondent/Committee has yet to file its June and December 2007 Semi Annual Reports, it is my recommendation that pursuant to 10 ILCS 5/9-21, that 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
November 18, 2008

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 David Webb
David Webb
16530 Marshfield Ave.
Markham, IL 60428

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X David Webb
☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery 10-28-08

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) 7007 0710 0002 8628 7883

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 CD 007
	)	
Citizens for David Webb,	)	
	)	
Respondent(s).	)	

ORDER

TO: Citizens for David Webb L10269
16530 Marshfield Ave.
Markham, IL 60428

This matter coming to be heard this 20th day of October, 2008, 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 5/9-10, 5/9-13 & 5/9-14 in that the respondent committee failed to file the June 2007 and December 2007 Semi-annual Report of Campaign Contributions and Expenditures; 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 on justifiable grounds; and
2. The respondent was ordered by the Board to file the reports at issue no later than September 30, 2008, and
3. Presently, the reports remain un-filed.

IT IS HEREBY ORDERED:

1. That a Public hearing be conducted in this matter; and
2. The effective date of this Order is October 21, 2008, and
3. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 10/21/2008

Albert S. Porter, Chairman

FORM	COMPLAINT FOR VIOLATION OF THE CAMPAIGN DISCLOSURE ACT
D-4	

COMPLAINANT NAME, ADDRESS, AND TELEPHONE NUMBER:

State Board of Elections
1020 S. Spring Street
Springfield, IL 62704
(217) 782-4141

Vs.

Case No. 08 CD 007

NAME AND ADDRESS OF RESPONDENT:
L10269
Citizens for David Webb/David Webb
16530 Marshfield Ave.
Markham, IL 60428

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 2007 & the December 2007 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

June 6, 2008
DATE

Sue A. McArthur
SIGNATURE OF COMPLAINANT

(IF COMPLAINANT IS A CORPORATION THEN VERIFICATION MUST BE SIGNED BY AN AUTHORIZED OFFICER AND ATTESTED TO BY THE SECRETARY)

PROOF OF SERVICE

I, Sue A. McArthur HEREBY SWEAR OR AFFIRM THAT I SERVED A COPY OF THE FOREGOING COMPLAINT UPON THE FOLLOWING:

a) BY PERSONALLY DELIVERING THE SAME ON THE ___ DAY OF _____, 2008 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 **6th** DAY OF June, **2008** 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 6th DAY OF JUNE, 2008

Cheryl Kay Walker

NOTARY PUBLIC

NOTARY PUBLIC OFFICIAL SEAL STATE OF ILLINOIS
CHERYL KAY WALKER
MY COMMISSION EXPIRES
MARCH 4, 2010

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

EXECUTIVE DIRECTOR
Daniel W. White

MEMORANDUM

TO: Chairman Albert Porter
Vice Chairman Bryan Schneider
Members of the Board
Executive Director Dan White

From: Steve Sandvoss, General Counsel

Re: Debt Collection Procedures in light of Attorney General Opinion

Date: November 24, 2008

Attached is an unofficial opinion from the Attorney General's Office regarding the State Board of Elections' debt collection obligations in response to a request made by the Board last year.

In general, the AG is of the opinion that the Board is obligated to use all reasonable administrative means to collect unpaid debt (unpaid civil penalties assessed for violations of Article 9, including penalties for delinquently filed campaign disclosure reports and penalties assessed for failure to comply with a Board order issued under Art. 9 of the Election Code), but it is not authorized to contract with private debt collection agencies to achieve this. Listed below are steps that the Board staff currently follows after a debt is past 30 days due.

- Civil penalty letter is sent, informing committee they have been assessed a civil penalty for delinquently filing a required report.
- Committee is given 30 days to appeal the penalty or pay the assessment (assessment is stayed for a first violation)
- Final Board Order is issued imposing the penalty if the committee fails to appeal, or if the appeal is denied.
- 1st Notice collection letter is sent 30 days after the effective date of the Final Board Order if payment is not received. Committee and its debt is posted on the Board website.
- Final Collection Notice is sent 30 days after the first notice is sent if the penalty remains unpaid.

- Committees with outstanding civil penalties are prohibited from receiving a raffle license and face ballot forfeiture if they are a candidate at an upcoming election.

Based on the Attorney General opinion, I recommend that staff, after utilizing the above described means to collect unpaid debt, be directed to refer such debt to the Debt Collection Bureau for further collection efforts.

Steven S. Sandvoss
General Counsel

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 30, 2008

I - 08-028

STATE MATTERS:
Authority of the State Board of Elections to Collect Monetary Penalties Assessed Against Political Committees

Mr. Steven S. Sandvoss
General Counsel
State Board of Elections
1020 South Spring Street
P.O. Box 4187
Springfield, Illinois 62708

Dear Mr. Sandvoss:

I have your letter regarding the extent to which the State Board of Elections (the Board) is obligated to seek to collect monetary penalties assessed against political committees pursuant to section 9-10 of the Election Code (the Code) (10 ILCS 5/9-10 (West 2007 Supp.)). You have specifically inquired whether the Board is authorized to contract with private collection agencies as a means of seeking to collect such outstanding civil penalties. For the reasons set out below, the Board is required to employ "all reasonable [administrative] means" to seek to collect past due penalties from political committees. The Board may not, however, contract with private collection agencies to collect outstanding civil penalties.

BACKGROUND

Article 9 of the Election Code

Article 9 of the Code (10 ILCS 5/9-1 *et seq.* (West 2006)) addresses the disclosure of campaign contributions and expenditures. The purpose of article 9 is to ensure fair elections by requiring political committees to disclose their contributions and expenditures. *Brennan v. Illinois State Board of Elections*, 336 Ill. App. 3d 749, 759 (2002), *appeal denied*, 204 Ill. 2d 656

500 South Second Street, Springfield, Illinois 627 .090 • TTY: (217) 785-2771 • Fax: (217) 782-7046
100 West Randolph Street, Chicago, Illinois 60601 • (312) 814-3000 • TTY: (312) 814-3374 • Fax: (312) 814-3806

(2003). Pursuant to section 9-10 of the Code, the treasurer of every State and local political committee[1] is required to file reports of campaign contributions and semi-annual reports of campaign contributions and expenditures at specified times.[2] Failure to timely file required reports may result in the assessment of a monetary civil penalty. 10 ILCS 5/9-10 (West 2007 Supp.). Specifically, subsection 9-10(b), which sets forth the filing requirements for campaign contributions with respect to elections other than general primary elections, and subsection 9-10(c), which sets forth the filing requirements for semi-annual reports of campaign contributions and expenditures, provide, in pertinent part:

> The Board shall assess a civil penalty not to exceed $5,000 for a violation of this subsection, except that for State officers and candidates and political committees formed for statewide office, the civil penalty may not exceed $10,000. The fine, however, shall not exceed $500 for a first filing violation for filing less than 10 days after the deadline. 10 ILCS 5/9-10(b), (c) (West 2007 Supp.).

---

[1]As used in the Code, the term "State political committee" means the candidate himself or any individual, trust, partnership, committee, association, corporation, or other organization or group of persons which generally accepts contributions 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 to file statements of economic interest or in support of or in opposition to a question of public policy submitted to the electors of an area encompassing more than one county; has as its primary purpose the furtherance of governmental, political, or social values, is organized on a not-for-profit basis, and publicly endorses or opposes a candidate or candidates for public office; or accepts for electioneering communications relating to any candidate or question of public policy described above. 10 ILCS 5/9-1.8 (West 2006).

The definition of "local political committee" is substantially similar to that of a "State political committee" except that it applies to contributions or expenditures in support of or in opposition to questions of public policy submitted to electors only of an area encompassing no more than one county and also includes contributions or expenditures related to a candidate or candidates for the office of ward or township committeeman in counties of 3,000,000 or more in population. 10 ILCS 5/9-1.7, 9-1.8, 9-1.9 (West 2006).

[2]Specifically, reports of campaign contributions for elections other than general primary elections must be filed "no later than the 15th day next preceding each election in connection with which the political committee has accepted or is accepting contributions or has made or is making expenditures." 10 ILCS 5/9-10(b) (West 2007 Supp.). Exceptions apply for continuing political committees that do not make expenditures in excess of $500 on behalf of or in opposition to any candidate or public question on the ballot at an election. With respect to all elections, including general primary elections, contributions of more than $500 that are received within specified time periods must be filed with and received by the Board within two business days after receipt of the contribution. 10 ILCS 5/9-10(b-5) (West 2007 Supp.). Finally, semi-annual reports of campaign contributions and expenditures must be filed no later than July 20th for the period covering January 1st through June 30th immediately preceding, and no later than January 20th for the period covering July 1st through December 31st of the immediately preceding calendar year. 10 ILCS 5/9-10(c) (West 2007 Supp.).

Additionally, subsection 9-10(b-5), which sets out the filing requirements for campaign contributions in excess of $500 for all elections, provides:

> the Board may impose fines for violations of this subsection 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. 10 ILCS 5/9-10(b-5) (West 2007 Supp.).

The State Board of Elections

The Board is an administrative agency charged with the general supervision of the registration and election laws throughout the State. Ill. Const. 1970, art. III, §5; 10 ILCS 5/1A-1 (West 2006). Among the Board's duties is the development of forms for notice to political committees of their reporting obligations under article 9 of the Code and the promulgation of such rules and regulations as may be necessary to carry out article 9. 10 ILCS 5/9-15(1), (3) (West 2006). The Board has adopted rules regarding civil penalty assessments. 26 Ill. Adm. Code §125.425(h), as amended by 31 Ill. Reg. 16738, 16748 (effective December 14, 2007). Specifically, the rules provide for the sending of a notice of delinquency, the calculation of the civil penalty, and a request for hearing. 26 Ill. Adm. Code §125.425(d), (e), (f), as amended by 31 Ill. Reg. 16738, 16744, 16746 (effective December 14, 2007). With respect to the collection of penalties, the rules provide that the Board "shall proceed with efforts at collection pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210]" whenever a political committee fails to make a full payment of an assessed civil penalty after having received notice and opportunity to contest the assessment. 26 Ill. Adm. Code §125.425(h), as amended by 31 Ill. Reg. 16738, 16748 (effective December 14, 2007); *see also* 26 Ill. Adm. Code §125.425(d), as amended by 31 Ill. Reg. 16738, 16744 (effective December 14, 2007) (setting forth the requirements for notices of delinquent reports).

Your letter states that the amount of assessed but unpaid civil penalties involving various political committees exceeds $200,000.

ANALYSIS

The Board's Authority to Collect Outstanding Civil Penalties

Administrative agencies of the State, such as the Board, possess no general or common law powers. *See Vuagniaux v. Department of Professional Regulation*, 208 Ill. 2d 173, 186 (2003); *Nader v. Illinois State Board of Elections*, 354 Ill. App. 3d 335, 340 (2004). As a result, any power or authority for the Board to act must arise from the express language of its

enabling statute, or devolve by fair implication and intendment from those express provisions as an incident to achieving the objectives for which it was created. 10 ILCS 5/1A-1 (West 2006); *Schalz v. McHenry County Sheriff's Department Merit Comm'n*, 113 Ill. 2d 198, 202-03 (1986).

Nothing in the Code expressly requires the Board to seek to collect outstanding penalties.[3] As noted above, however, under its administrative rules the Board is required to "proceed with efforts at collection pursuant to the Illinois State Collection Act of 1986" whenever a political committee fails to make a full payment of an assessed civil penalty after having received notice and opportunity to contest the assessment.

The Illinois State Collection Act of 1986 (the Collection Act) (30 ILCS 210/1 *et seq*. (West 2006)) provides general guidelines for State agencies[4] to follow when collecting on accounts or claims due the State. Section 3 of the Collection Act (30 ILCS 210/3 (West 2006)) provides, in pertinent part:

> It is hereby declared to be the public policy of this State to aggressively pursue the collection of accounts or claims due and payable to the State of Illinois *through all reasonable means*. * * *

---

[3]The Code indicates that the failure to pay a civil penalty may result in the forfeiture of that person's name from any ballot until the penalty is paid (10 ILCS 5/9-30 (West 2006)) or the institution of misdemeanor charges (10 ILCS 5/29-12 (West 2006)). Additionally, the willful failure to file reports of campaign contributions and expenditures or semi-annual reports could result in a prosecution for a business offense with a fine of up to $5,000 (10 ILCS 5/9-26 (West 2006)).

[4]As used in the Collection Act, the term "State agencies" generally has the same meaning ascribed to that term as the Illinois State Auditing Act (30 ILCS 5/1-1 (West 2006)). The Illinois State Auditing Act defines "State agencies" to include:

> all * * * boards * * * and agencies created by the Constitution, whether in the executive, legislative or judicial branch * * *; all * * * boards, * * * agencies * * * which are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners[.] 30 ILCS 5/1-7 (West 2006).

The Board is provided for in article III, section 5, of the Illinois Constitution of 1970 and established by statute (10 ILCS 5/1A-1 (West 2006)). As such, the Board is a "State agency" as that term is used in the Collection Act.

> Except as provided in Section 8,[5] each State agency shall have the principal responsibility for the timely collection of accounts or claims owed to the State agency. (Emphasis added.)

The primary purpose of statutory construction is to ascertain and give effect to the intent of the General Assembly (*Illinois Department of Healthcare & Family Services v. Warner*, 227 Ill. 2d 223, 229 (2008)); legislative intent is best evidenced by the language used in the statute. *DeLuna v. Burciaga*, 223 Ill. 2d 49, 59 (2006). If statutory language is clear and unambiguous, it must be given effect as written. *DeLuna*, 223 Ill. 2d at 59. Further, where two legislative acts address the same subject, they should be construed with reference to one another so that they may be given harmonious effect. *Land v. Board of Education of the City of Chicago*, 202 Ill. 2d 414, 422 (2002); *Geisler v. City of Wood River*, 383 Ill. App. 3d 828, 921 (2008).

Under the plain and unambiguous language of section 3 of the Collection Act, each State agency is responsible for collecting past due accounts or claims "through all reasonable means." The meaning of the phrase "all reasonable means" was addressed in opinion No. 83-010, issued August 19, 1983 (1983 Ill. Att'y Gen. Op. 25). In opinion No. 83-010, Attorney General Hartigan construed that phrase in the context of the Uncollected State Claims Act (30 ILCS 205/0.01 *et seq.* (West 2006)), which sets forth the procedures for declaring uncollectible past due accounts owed to the State. At the time, the Uncollected State Claims Act required State agencies to "attempt[ ] to collect the claim or account by all reasonable means," if no procedures for collecting the debt were prescribed by law. *See* Ill. Rev. Stat. 1981, ch. 15, par. 102.[6] After determining that no law prescribed particular collection procedures for the State agency at issue, Attorney General Hartigan concluded that the phrase "all reasonable means" was not an implied statutory grant of power to pursue legal remedies. Rather, he determined that the Uncollected State Claims Act authorized the State agency to do that which was administratively reasonable in terms of collecting claims or accounts due:

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[5]Section 8 of the Collection Act (30 ILCS 210/8 (West 2006)) creates the Debt Collection Board and charges it with "establish[ing] a centralized collections service to undertake further collection efforts on delinquent accounts or claims of the State *which have not been collected through the reasonable efforts of the respective State agencies*." (Emphasis added.) Accordingly, section 8 does not abrogate a State agency's duty to make reasonable efforts to collect past due accounts. Rather, it provides an avenue for collecting debt when the State agency's efforts to collect debt "through all reasonable means" fail.

In 2003, section 10 was added to the Collection Act (30 ILCS 210/10 (West 2006)) and designates the Department of Revenue's Debt Collection Bureau (the Bureau) as the primary debt-collecting entity for the State. Accordingly, section 8 of the Collection Act now prohibits the Debt Collection Board from collecting debt that is required to be referred to and for which the referral is accepted by the Bureau.

[6]The Uncollected State Claims Act now requires State agencies to take "all reasonable and appropriate procedures available to the agenc[ies] to effectuate collection" if no law or applicable rule or regulation prescribes collection procedures. 30 ILCS 205/2 (West 2006).

> The Act must be construed as authorizing an agency to do what is administratively reasonable in terms of collecting claims or accounts due. Procedures may vary with the type of debt due and the measures available to an agency. However, the following could be included as reasonable under most circumstances: appropriate demand and follow-up demands for payment; collection by offset where feasible in accordance with section 10.05 of the State Comptroller Act [citation]; where feasible, personal interviews with the debtor for the purposes of explaining amounts owed, collection of information necessary to collect the debt and establishing installment payment plans where claims cannot be collected in one lump sum; suspension or revocation of licenses or other privileges, where legally permissible, for any inexcusable, prolonged, or repeated failure to pay, assuming that the debtor has been advised in advance of such consequences. 1983 Ill. Att'y Gen. Op. 25, 27-28.

Both the Uncollected State Claims Act and the Collection Act concern the collection of debt owed to the State. Accordingly, the two acts are *in pari materia* and should be construed with reference to one another. Applying Attorney General Hartigan's construction of the phrase "all reasonable means" in the Uncollected State Claims Act to the same phrase as it is used in the Collection Act, leads to the conclusion that the Board is obligated to seek to collect monetary penalties assessed against political committees by pursuing those collection actions which are: (1) specifically prescribed by law; and/or (2) administratively reasonable.[7]

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[7]Section 26.40.10 of the Comptroller's Statewide Accounting Management System Manual (SAMS Manual) echoes the Uncollected State Claims Act's requirement that State agencies establish their own "reasonable and appropriate" policies for the collection of past due accounts. State of Illinois, Office of the Comptroller, SAMS Manual, §26.40.10, at 1 (July 1, 2006, rev. No. 07-001), *available at* http://www.ioc.state.il.us/library/samsmanual.cfm. While collection policies may vary among State agencies depending upon the size and nature of the debt, the SAMS Manual sets forth suggested collection guidelines. Specifically, once an account is 60 days past due, reasonable and appropriate collection efforts include the following: issuing registered letters and telephone contact at scheduled intervals; face-to-face meetings with the debtor; conducting asset searches; confirming the current location of the debtor; determining if there are any predecessor-successor relationships; reviewing the debtor's books and records; notifying credit reporting agencies; performing bank levies; and filing appropriate liens and judgments. SAMS Manual, §26.40.10, at 1-2 (July 1, 2006, rev. No. 07-001). The Board has not promulgated rules establishing procedures for the collection of past due accounts. Moreover, while the SAMS Manual provides that notifying credit reporting agencies, performing bank levies, and filing liens and judgments are "reasonable and appropriate" procedures for collecting debt, the Collection Act delegates these responsibilities to the Bureau, and not State agencies. In the absence of a law specifically authorizing the Board to take on these duties, the Board does not have the authority to do so.

Contracting with Private Agencies

You have specifically asked whether the Board is authorized to enter into contracts with private collection agencies to collect outstanding civil penalties. In informal opinion No. I-06-047, issued December 29, 2006, we were asked whether the clerk of the circuit court is authorized to enter into a contract with a private collection agency for the collection of delinquent traffic fines. In reaching our conclusion that the circuit clerk is not authorized to enter into such a contract, we reviewed the pertinent statutory provisions and, based on the principle that public officers possess only those powers granted to them by the Constitution or statute, concluded that although the clerk was granted the statutory authority to enter into certain, specified contracts, the circuit clerk lacked the authority to enter into a contract with a private collection agency for the collection of delinquent traffic fines.

Neither the Code nor the Collection Act expressly authorizes the Board to enter into contractual relationships with private collection agencies.[8] Indeed, the Collection Act was amended to delete a provision which had specifically authorized agencies to contract for "collection assistance" and "legal assistance in collecting past due accounts."[9] *See* 30 ILCS 210/7 (West 2002); Public Act 93-570, effective August 20, 2003. Additionally, section 5 of the Collection Act was subsequently amended (*see* Public Act 95-331, effective August 21, 2007) to eliminate the authority to enter into contracts with collection agencies:

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[8]*Cf.* 510 ILCS 77/11 (West 2006) (authorizing the Illinois Department of Agriculture to refer debt to private collection agencies); *see also* 225 ILCS 650/19.2 (West 2006); 20 ILCS 2505/2505-400 (West 2006) (authorizing the Illinois Department of Revenue to enter into contracts with collection agencies); 30 ILCS 210/10 (West 2007 Supp.).

[9]Prior to being amended by Public Act 93-570, section 7 of the Collection Act provided, in pertinent part:

> Upon agreement of the Attorney General, agencies may contract for legal assistance in collecting past due accounts. In addition, agencies may contract for collection assistance where such assistance is determined by the agency to be in the best economic interest of the State. 30 ILCS 210/7 (West 2002).

Currently, section 7 provides:

> Upon agreement of the Attorney General, the Bureau may contract for legal assistance in collecting past due accounts. Any contract entered into under this Section before the effective date of this amendatory Act of the 93rd General Assembly shall remain valid but may not be renewed. 30 ILCS 210/7 (West 2006).

> (a) *Until* * * * *July 1, 2005* for [State agencies other than the Department of Public Aid], *State agencies shall adopt rules* * * * *for the referral of seriously past due accounts to private collection agencies* * * *.
>
> * * *
>
> (g) *Beginning* * * * *July 1, 2005* for * * * State agencies [other than the Department of Public Aid], *State agencies shall refer to the Department of Revenue Debt Collection Bureau (the Bureau) all debt to the State*, provided that the debt satisfies the requirements for referral of delinquent debt as established by rule by the Department of Revenue. (Emphasis added.) 30 ILCS 210/5 (West 2007 Supp.).

Pursuant to section 5 of the Collection Act, State agencies are no longer permitted to adopt rules for the referral of past due debt to collection agencies. Rather, debts which satisfy the requirements for referral of delinquent debt must be referred to the Bureau for collection. *See also* Remarks of Sen. Demuzio, May 31, 2003, Senate Debate on Senate Bill No. 1923, at 230-31. The Bureau, and not the Board, has the authority to contract with private collection agencies to collect debt and, with the agreement of the Attorney General, to contract for legal assistance in collecting past due accounts.[10] 30 ILCS 210/10 (West 2007 Supp.); 30 ILCS 210/7 (West 2006). Accordingly, in the absence of a specific statutory provision otherwise providing, the Board is not authorized to contract with private collection agencies to collect outstanding civil penalties.

CONCLUSION

Pursuant to rules promulgated by the State Board of Elections, the Board must collect past due accounts in accordance with the Illinois State Collection Act of 1986. Under the Collection Act, each State agency is responsible for collecting past due accounts "through all reasonable means," *i.e.*, collection actions that are either specifically prescribed by law or otherwise administratively reasonable (*see* text accompanying note 7 above). Because neither the

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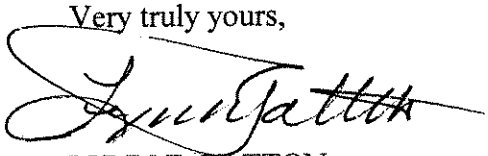
[10]During the 95th General Assembly, House Bill 4565 was introduced to amend section 9-30 of the Code by authorizing the Board to: (1) petition the circuit court for an order to enforce collection of civil penalties which are not paid within 30 days after entry of the Board's order; and (2) seek injunctive relief against a political committee for failure or refusal to pay any civil penalty imposed pursuant to a final order of the Board for violation of article 9 of the Code if the petition is unsuccessful. House Bill 4565 was referred to the House Rules Committee on January 1, 2008. If House Bill 4565 is adopted, the Bureau would be required to attempt to collect debts referred by the Board.

Election Code nor the Collection Act grants the Board the authority to contract with private collection agencies, the Board may not contract with private collection agencies to collect outstanding civil penalties.[11]

In closing, I would note that the Department of Revenue's Debt Collection Bureau is authorized to contract with private collection firms for the collection of a certified debt referred to and accepted by the Bureau in accordance with its rules. 30 ILCS 210/10(a) (West 2007 Supp.); 74 Ill. Adm. Code §1200.100, as adopted at 29 Ill. Reg. 12505, 12514 (effective July 27, 2005). Based on this office's discussions with the Debt Collection Bureau, it is our understanding that the Bureau would be willing to accept, for the limited purpose of using the services of the private collection firms with whom the Bureau has contracted, delinquent debts related to monetary penalties assessed against political committees by the State Board of Elections pursuant to section 9-10 of the Election Code. Therefore, you may wish to contact the Debt Collection Bureau in this regard.

This is not an official opinion of the Attorney General. If we may be of further assistance, please advise.

Very truly yours,



LYNN E. PATTON
Senior Assistant Attorney General
Chief, Opinions Bureau

LEP:KMC:an:lk

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[11]During the 95th General Assembly, Senate Bill 2367 was introduced to amend section 10 of the Collection Act to add the following provision:

> (m) Any fines imposed on a State or local political committee by the State Board of Elections may be referred to the Department of Revenue based upon the Board's evaluation and upon written notification to the committee. The State Board of Elections shall adopt rules governing the factors under which debt may be referred. The Bureau shall attempt to collect the debts referred by the State Board of Elections.

Senate Bill 2367 remains in the Senate Rules Committee.

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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Fax: 217/782-5959

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Chicago, Illinois 60601
312/814-6440 TTY: 312/814-6431
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Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

MEMORANDUM

TO: Chairman Albert Porter
Vice Chairman Bryan Schneider
Members of the Board
Executive Director Dan White

From: Steve Sandvoss, General Counsel

Re: Proposed Emergency Rules – Pay to Play Legislation

Date: November 24, 2008

On the following pages please find a proposed emergency rule that would implement the registration provisions of P.A. 95-0971 (the new "Pay to Play" legislation). Since the electronic registration database contemplated by this legislation will not be in place on its effective date (January 1, 2009) this proposed rule would require the registration to be done on paper as opposed to electronically. If accepted by JCAR, the emergency rule will be in effect for 150 days, a time frame in which staff anticipates the development of such a database assuming the necessary resources become available.

In addition to paper registration, this rule provides for the business entities receiving a certificate of registration consisting of a time-stamped copy of the first page of their registration. Such certificate must be included with any bid or proposal on a State contract and for those businesses with an existing contract, must be filed with the chief procurement officer of the agency responsible for awarding the contract.

I would like to note that a proposal to limit the listing of a business entity's affiliated entities and affiliated persons will likely be presented at the December meeting, as this is a specific concern that was raised by representatives of businesses likely to be impacted by this legislation. Additional material on this issue is expected and will be sent under separate cover.

A copy of this legislation is also included for your reference.

Steven S. Sandvoss
General Counsel

Section 100.180

The State Board of Elections (the Board) currently lacks sufficient resources to fully implement the provisions of Public Act 95-0971 (the Act). As a result, the Board adopts the following emergency rulemaking to comply with the spirit of the Act to the fullest extent possible. With the understanding that the Act requires the electronic registration of business entities that have existing state contracts whose value exceeds $50,000 in aggregate, or that submit bids or proposals for state contracts whose value exceeds $50,000 in aggregate, or a combination thereof, the Board is implementing a temporary filing system by which such entities may file the required registration on paper forms provided by the Board and receive registration certificates on paper from the Board. Upon completion of the electronic registration system required by the Act, the Board will accept such registrations exclusively by electronic means and issue the certificate of registration electronically as well. The Board intends to adopt permanent rulemaking to effectuate the requirements of Section 9-35 of the Act prior to the expiration of this emergency rulemaking.

a) For purposes of this Section, the terms "business entity", "state contract", "affiliated entity" and "affiliated person" have the meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code [30 ILCS 500/1-1 et seq.]

b) No later than February 2, 2009 business entities whose existing State contracts have an aggregate value in excess of $50,000, or whose aggregate bids and proposals on State contracts, either separately or combined with existing State contracts, exceed $50,000 in value, shall register with the State Board of Elections in one of the following ways:

    1) On a paper form provided by the Board. (See Appendix A.)

    2) Using a form contained on the Board's website whereby the registrant can fill out the form while accessing the website and then print out the completed form.

    Once the form is completed, the business entity shall submit the paper form to the Board at its principal office in Springfield. The paper form must contain an original signature of the business entity representative; faxed copies will not be accepted. Upon receipt of such form, the Board will provide a stamped copy of the form to the business entity, which is deemed to be the certificate of registration to be provided to the applicable chief procurement officer as provided in Section 20-160 (c) of the Illinois Procurement Code.

    A copy of the form shall be provided to any affiliated person or affiliated entity of the business entity by first class mail or hand delivery within 10 days following the registration. The failure to timely provide such notice to the recipient persons or entities is a business offense, and shall subject the business entity to a civil penalty not to exceed $1,001. Complaints for violations of this paragraph shall be resolved in the same manner as those referred to in paragraph (e).

Business entities that are required to register with the Board pursuant to Section 20-160 of the Procurement Code, shall notify any political committee to which it makes a contribution that it is registered with the Board. Any affiliated person or affiliated entity of such business entity that makes a contribution to any political committee shall also notify such committee of its affiliation with the business entity.

A business entity whose aggregate bids and proposals on State contracts exceed $50,000 has a continuing duty to update the information provided on its registration form, and such update must be submitted to the Board in paper form within 2 business days following the change in information.

c) The registration form must contain the following information:

1) The name and address of the business entity

2) The name and address of any affiliated entity of the business entity, including a description of the affiliation.

3) The name and address of any affiliated person of the business entity, including a description of the affiliation.

4) The original signature of the agent or business entity representative, who shall be a person who has authority to act on behalf of the business entity.

d) The provisions of Article 9 relating to complaints for violations of that Article shall apply to complaints for violations of Section 9-35, specifically, but not limited to 9-35(d); failure to notify affiliated persons and entities of a business entity that such entity is registered with the Board and 9-35(e); failure to update a registration and intentional, willful or material failure to disclose information required for registration. In addition to third parties, the Board is authorized to initiate a complaint pursuant to this Section.

e) Failure to update a registration pursuant to 30 ILCS 500/20-160 (d) and (e); Any change in information must be reported to the SBE within 2 business days of such change, will result in a $1,000 per day penalty for each day the information remains unreported. Recognizing the fact that this 2-day reporting period is premised upon an electronic system whereby such changes are reported electronically, and the fact that under this Rulemaking any updates to the registration would be reported to the Board on paper via hand delivery or mail, in the event of a complaint for failing to timely report such an update, the Board will take into consideration the method of reporting such a change when determining whether a violation has occurred.

f) The willful or intentional failure to disclose material information on a business entity's registration shall subject such entity to a civil penalty assessed by the Board not to exceed $5,000.

g) Upon the establishment of a fully functional and statutorily compliant electronic registration system, business entities will be required to submit their registrations electronically consistent with Section 9-35 of the Act and accompanying Rules and Regulations to be promulgated. Within 60 days of the establishment of such an electronic system, all business entities that have submitted their registrations on paper pursuant to this Rule shall re-submit such registration electronically. At such time of re-submission, the SBE shall provide an electronic certificate of registration to the business entity.

h) The State Board of Elections shall retain the paper registrations submitted by business entities for a period of at least 6 months following the establishment of the electronic registration system referred to in paragraph (h).

APPENDIX A

Business Entity Registration

PLEASE TYPE OR PRINT IN BLACK INK

FOR OFFICE USE ONLY

Full name and complete mailing address of Business Entity:

IDENTIFICATION NO.

E-MAIL ADDRESS:

☐ **CHECK HERE IF NAME OR ADDRESS CHANGE**

SEE 10 ILCS 5/9-35 FOR GUIDANCE.

1. AFFILIATED ENTITY: [List all affiliated entities as defined in 30 ILCS 50-37(a) of the Illinois Procurement Code]

NAME:
STREET ADDRESS:
CITY:
STATE:
ZIP CODE
NATURE OF AFFILIATION:

NAME:
STREET ADDRESS:
CITY:
STATE:
ZIP CODE
NATURE OF AFFILIATION:

NAME:
STREET ADDRESS:
CITY:
STATE:
ZIP CODE
NATURE OF AFFILIATION:

*IF MORE SPACE FOR INFORMATION IS REQUIRED, PLEASE ATTACH ADDITIONAL SHEETS.

NAME OF BUSINESS ENTITY	IDENTIFICATION NUMBER:

2. AFFILIATED PERSON: [List all affiliated persons as defined in 30 ILCS 50-37(a) of the Illinois Procurement Code]

NAME:
MINOR AGE PERSON: YES ☐ NO ☐
RESIDENTIAL STREET ADDRESS:
RESIDENTIAL CITY:
RESIDENTIAL STATE:
RESIDENTIAL ZIP CODE:
NATURE OF AFFILIATION:

NAME:
MINOR AGE PERSON: YES ☐ NO ☐
RESIDENTIAL STREET ADDRESS:
RESIDENTIAL CITY:
RESIDENTIAL STATE:
RESIDENTIAL ZIP CODE:
NATURE OF AFFILIATION:

NAME:
MINOR AGE PERSON: YES ☐ NO ☐
RESIDENTIAL STREET ADDRESS:
RESIDENTIAL CITY:
RESIDENTIAL STATE:
RESIDENTIAL ZIP CODE:
NATURE OF AFFILIATION:

*IF MORE SPACE FOR INFORMATION IS REQUIRED, PLEASE ATTACH ADDITIONAL SHEETS.

VERIFICATION OF ACCURACY

I DECLARE THAT THIS CERTIFICATE OF REGISTRATION (INCLUDING ALL AFFILIATED BUSINESSES AND AFFILIATED PERSONS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE CERTIFICATE OF REGISTRATION AS REQUIRED BY ARTICLE 9-35 OF THE ELECTION CODE. I UNDERSTAND THAT A COPY OF THIS CERTIFICATE WILL BE PROVIDED TO EACH AFFILIATED ENTITY AND EACH AFFILIATED PERSON WITHIN 10 BUSINESS DAYS OF REGISTRATION. VIOLATION OF THIS REQUIREMENT IS SUBJECT TO A FINE NOT TO EXCEED $1001. **I UNDERSTAND ANY CHANGE IN THE INFORMATION PROVIDED IN THIS REGISTRATION SHALL BE REPORTED TO THE ILLINOIS STATE BOARD OF ELECTIONS WITHIN 2 BUSINESS DAYS. FAILURE TO DO SO IS SUBJECT TO A CONTINUING PENALTY OF $1000 PER DAY.**

PRINTED NAME AND SIGNATURE OF BUSINESS ENTITY AGENT **DATE**

THE ILLINOIS STATE BOARD OF ELECTIONS REQUIRES A CERTIFICATE OF REGISTRATION IF YOU QUALIFY AS A BUSINESS ENTITY, AFFILIATE OF A BUSNESS ENTITY, OR A AFFILIATED PERSON OF A BUSINESS ENTITY AS OUTLINED UNDER PUBLIC ACT 95-0971. WILLFUL FAILURE TO FILE OR WILLFUL FILING OF FALSE OR INCOMPLETE INFORMATION REQUIRED BY THIS ARTICLE SHALL CONSTITUTE A BUSINESS OFFENSE SUBJECT TO A FINE OF UP TO $5000 PER DAY. THIS FORM IS IN COMPLIANCE WITH THE FORMS MANAGEMENT PROGRAM ACT.

BUSINESS ENTITIES FILE THIS FORM AT:
STATE BOARD OF ELECTIONS
1020 S SPRING ST
SPRINGFIELD, IL 62704-2924

AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by adding Section 9-35 as follows:

(10 ILCS 5/9-35 new)

Sec. 9-35. Registration of business entities.

(a) This Section governs the procedures for the registration required under Section 20-160 of the Illinois Procurement Code.

For the purposes of this Section, the terms "officeholder", "State contract", "business entity", "State agency", "affiliated entity", and "affiliated person" have the meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code.

(b) Registration under Section 20-160 of the Illinois Procurement Code, and any changes to that registration, must be made electronically. The State Board of Elections by rule shall provide for electronic registration, which must contain substantially the following:

(1) The name and address of the business entity.

(2) The name and address of any affiliated entity of the business entity, including a description of the

1 affiliation.
2 (3) The name and address of any affiliated person of
3 the business entity, including a description of the
4 affiliation.
5 (c) The Board shall provide a certificate of registration
6 to the business entity. The certificate shall be electronic and
7 accessible to the business entity through the State Board of
8 Elections' website and protected by a password.
9 (d) Any business entity required to register under Section
10 20-160 of the Illinois Procurement Code shall provide a copy of
11 the registration certificate, by first class mail or hand
12 delivery within 10 days after registration, to each affiliated
13 entity or affiliated person whose identity is required to be
14 disclosed. Failure to provide notice to an affiliated entity or
15 affiliated person is a business offense for which the business
16 entity is subject to a fine not to exceed $1,001.
17 (e) In addition to any penalty under Section 20-160 of the
18 Illinois Procurement Code, intentional, willful, or material
19 failure to disclose information required for registration is
20 subject to a civil penalty imposed by the State Board of
21 Elections. The State Board shall impose a civil penalty of
22 $1,000 per business day for failure to update a registration.
23 (f) Any business entity required to register under Section
24 20-160 of the Illinois Procurement Code shall notify any
25 political committee to which it makes a contribution, at the
26 time of the contribution, that the business entity is

registered with the State Board of Elections under Section 20-160 of the Illinois Procurement Code. Any affiliated entity or affiliated person of a business entity required to register under Section 20-160 of the Illinois Procurement Code shall notify any political committee to which it makes a contribution that it is affiliated with a business entity registered with the State Board of Elections under Section 20-160 of the Illinois Procurement Code.

(g) The State Board of Elections on its official website shall have a searchable database containing (i) all information required to be submitted to the Board under Section 20-160 of the Illinois Procurement Code and (ii) all reports filed under this Article with the State Board of Elections by all political committees. For the purposes of databases maintained by the State Board of Elections, "searchable" means able to search by "political committee", as defined in this Article, and by "officeholder", "State agency", "business entity", "affiliated entity", and "affiliated person". The Board shall not place the name of a minor child on the website. However, the Board shall provide a link to all contributions made by anyone reporting the same residential address as any affiliated person. In addition, the State Board of Elections on its official website shall provide an electronic connection to any searchable database of State contracts maintained by the Comptroller, searchable by business entity.

(h) The State Board of Elections shall have rulemaking

1 authority to implement this Section.

2 Section 10. The Illinois Procurement Code is amended by
3 adding Sections 20-160 and 50-37 as follows:

4 (30 ILCS 500/20-160 new)
5 Sec. 20-160. Business entities; certification;
6 registration with the State Board of Elections.
7 (a) For purposes of this Section, the terms "business
8 entity", "contract", "State contract", "contract with a State
9 agency", "State agency", "affiliated entity", and "affiliated
10 person" have the meanings ascribed to those terms in Section
11 50-37.
12 (b) Every bid submitted to and every contract executed by
13 the State on or after the effective date of this amendatory Act
14 of the 95th General Assembly shall contain (1) a certification
15 by the bidder or contractor that either (i) the bidder or
16 contractor is not required to register as a business entity
17 with the State Board of Elections pursuant to this Section or
18 (ii) the bidder or contractor has registered as a business
19 entity with the State Board of Elections and acknowledges a
20 continuing duty to update the registration and (2) a statement
21 that the contract is voidable under Section 50-60 for the
22 bidder's or contractor's failure to comply with this Section.
23 (c) Within 30 days after the effective date of this
24 amendatory Act of the 95th General Assembly, each business

entity (i) whose aggregate bids and proposals on State contracts annually total more than $50,000, (ii) whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, or (iii) whose contracts with State agencies, in the aggregate, annually total more than $50,000 shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code. A business entity required to register under this subsection shall submit a copy of the certificate of registration to the applicable chief procurement officer within 90 days after the effective date of this amendatory Act of the 95th General Assembly. A business entity required to register under this subsection due to item (i) or (ii) has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded; any change in information must be reported to the State Board of Elections within 2 business days following such change. A business entity required to register under this subsection due to item (iii) has a continuing duty to ensure that the registration is accurate in accordance with subsection (f).

(d) Any business entity, not required under subsection (c) to register within 30 days after the effective date of this amendatory Act of the 95th General Assembly, whose aggregate bids and proposals on State contracts annually total more than

1 $50,000, or whose aggregate bids and proposals on State
2 contracts combined with the business entity's aggregate annual
3 total value of State contracts exceed $50,000, shall register
4 with the State Board of Elections in accordance with Section
5 9-35 of the Election Code prior to submitting to a State agency
6 the bid or proposal whose value causes the business entity to
7 fall within the monetary description of this subsection. A
8 business entity required to register under this subsection has
9 a continuing duty to ensure that the registration is accurate
10 during the period beginning on the date of registration and
11 ending on the day after the date the contract is awarded. Any
12 change in information must be reported to the State Board of
13 Elections within 2 business days following such change.
14 (e) A business entity whose contracts with State agencies,
15 in the aggregate, annually total more than $50,000 must
16 maintain its registration under this Section and has a
17 continuing duty to ensure that the registration is accurate for
18 the duration of the term of office of the incumbent
19 officeholder awarding the contracts or for a period of 2 years
20 following the expiration or termination of the contracts,
21 whichever is longer. Any change in information shall be
22 reported to the State Board of Elections within 10 days
23 following such change; however, if a business entity required
24 to register under this subsection has a pending bid or
25 proposal, any change in information shall be reported to the
26 State Board of Elections within 2 business days.

1 (f) A business entity's continuing duty under this Section
2 to ensure the accuracy of its registration includes the
3 requirement that the business entity notify the State Board of
4 Elections of any change in information, including but not
5 limited to changes of affiliated entities or affiliated
6 persons.
7 (g) A copy of a certificate of registration must accompany
8 any bid or proposal for a contract with a State agency by a
9 business entity required to register under this Section. A
10 chief procurement officer shall not accept a bid or proposal
11 unless the certificate is submitted to the agency with the bid
12 or proposal.
13 (h) A registration, and any changes to a registration, must
14 include the business entity's verification of accuracy and
15 subjects the business entity to the penalties of the laws of
16 this State for perjury.
17 In addition to any penalty under Section 9-35 of the
18 Election Code, intentional, willful, or material failure to
19 disclose information required for registration shall render
20 the contract, bid, proposal, or other procurement relationship
21 voidable by the chief procurement officer if he or she deems it
22 to be in the best interest of the State of Illinois.
23 (i) This Section applies regardless of the method of source
24 selection used in awarding the contract.

25 (30 ILCS 500/50-37 new)

1 Sec. 50-37. Prohibition of political contributions.
2 (a) As used in this Section:
3 The terms "contract", "State contract", and "contract
4 with a State agency" each mean any contract, as defined in
5 this Code, between a business entity and a State agency let
6 or awarded pursuant to this Code. The terms "contract",
7 "State contract", and "contract with a State agency" do not
8 include cost reimbursement contracts; purchase of care
9 agreements as defined in Section 1-15.68 of this Code;
10 grants, including but are not limited to grants for job
11 training or transportation; and grants, loans, or tax
12 credit agreements for economic development purposes.
13 "Contribution" means a contribution as defined in
14 Section 9-1.4 of the Election Code.
15 "Declared candidate" means a person who has filed a
16 statement of candidacy and petition for nomination or
17 election in the principal office of the State Board of
18 Elections.
19 "State agency" means and includes all boards,
20 commissions, agencies, institutions, authorities, and
21 bodies politic and corporate of the State, created by or in
22 accordance with the Illinois Constitution or State
23 statute, of the executive branch of State government and
24 does include colleges, universities, public employee
25 retirement systems, and institutions under the
26 jurisdiction of the governing boards of the University of

Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Illinois Board of Higher Education.

"Officeholder" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer. The Governor shall be considered the officeholder responsible for awarding all contracts by all officers and employees of, and vendors and others doing business with, executive branch State agencies under the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, or the Treasurer.

"Sponsoring entity" means a sponsoring entity as defined in Section 9-3 of the Election Code.

"Affiliated person" means (i) any person with any ownership interest or distributive share of the bidding or contracting business entity in excess of 7.5%, (ii) executive employees of the bidding or contracting business entity, and (iii) the spouse and minor children of any such persons.

"Affiliated entity" means (i) any subsidiary of the bidding or contracting business entity, (ii) any member of

1 the same unitary business group, (iii) any organization
2 recognized by the United States Internal Revenue Service as
3 a tax-exempt organization described in Section 501(c) of
4 the Internal Revenue Code of 1986 (or any successor
5 provision of federal tax law) established by the bidding or
6 contracting business entity, any affiliated entity of that
7 business entity, or any affiliated person of that business
8 entity, or (iv) any political committee for which the
9 bidding or contracting business entity, or any 501(c)
10 organization described in item (iii) related to that
11 business entity, is the sponsoring entity.
12 "Business entity" means any entity doing business for
13 profit, whether organized as a corporation, partnership,
14 sole proprietorship, limited liability company or
15 partnership, or otherwise.
16 "Executive employee" means the President, Chairman,
17 Chief Executive Officer, or other employee with executive
18 decision-making authority over the long-term and
19 day-to-day affairs of the entity employing the employee, or
20 an employee whose compensation is determined directly, in
21 whole or in part, by the award or payment of contracts by a
22 State agency to the entity employing the employee.
23 (b) Any business entity whose contracts with State
24 agencies, in the aggregate, annually total more than $50,000,
25 and any affiliated entities or affiliated persons of such
26 business entity, are prohibited from making any contributions

1 to any political committees established to promote the
2 candidacy of (i) the officeholder responsible for awarding the
3 contracts or (ii) any other declared candidate for that office.
4 This prohibition shall be effective for the duration of the
5 term of office of the incumbent officeholder awarding the
6 contracts or for a period of 2 years following the expiration
7 or termination of the contracts, whichever is longer.
8 (c) Any business entity whose aggregate pending bids and
9 proposals on State contracts total more than $50,000, or whose
10 aggregate pending bids and proposals on State contracts
11 combined with the business entity's aggregate annual total
12 value of State contracts exceed $50,000, and any affiliated
13 entities or affiliated persons of such business entity, are
14 prohibited from making any contributions to any political
15 committee established to promote the candidacy of the
16 officeholder responsible for awarding the contract on which the
17 business entity has submitted a bid or proposal during the
18 period beginning on the date the invitation for bids or request
19 for proposals is issued and ending on the day after the date
20 the contract is awarded.
21 (d) All contracts between State agencies and a business
22 entity that violate subsection (b) or (c) shall be voidable
23 under Section 50-60. If a business entity violates subsection
24 (b) 3 or more times within a 36-month period, then all
25 contracts between State agencies and that business entity shall
26 be void, and that business entity shall not bid or respond to

1 any invitation to bid or request for proposals from any State
2 agency or otherwise enter into any contract with any State
3 agency for 3 years from the date of the last violation. A
4 notice of each violation and the penalty imposed shall be
5 published in both the Procurement Bulletin and the Illinois
6 Register.
7 (e) Any political committee that has received a
8 contribution in violation of subsection (b) or (c) shall pay an
9 amount equal to the value of the contribution to the State no
10 more than 30 days after notice of the violation concerning the
11 contribution appears in the Illinois Register. Payments
12 received by the State pursuant to this subsection shall be
13 deposited into the general revenue fund.

14 Section 97. Severability. If the provisions of this Act or
15 its application to any person or circumstance is held invalid,
16 the invalidity of that provision or application does not affect
17 the other provisions or applications of this Act that can be
18 given effect without the invalid provision or application.

3. Other business.

4. Comments from the Chairman and Vice Chairman.

5. Comments from the general public.

6. Next Board meeting Tuesday, January 20, 2009 at 10:30 a.m. in Springfield and Chicago via videoconference.

7. Executive Session.