

**STATE BOARD OF ELECTIONS
Board Meeting
January 19, 2010
Springfield, Illinois**

MINUTES

PRESENT:

**Bryan Schneider, Chairman
Wanda Rednour, Vice Chairman
Patrick Brady, Member
John R. Keith, Member
William McGuffage, Member
Albert Porter, Member
Jesse Smart, Member
Robert Walters, Member**

ALSO PRESENT:

**Dan White, Executive Director
Steve Sandvoss, General Counsel
Rebecca Glazier, Assistant to Executive Director**

The regular monthly meeting of the State Board of Elections was called to order at 10:35 a.m. with eight members present. Chairman Schneider, Member McGuffage and Member Porter were present in the Chicago office. Vice Chairman Rednour, Member Keith, Member Smart and Member Walters were present in the Springfield office. Member Brady was connected via telephone.

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

Member McGuffage moved to recess to the State Officers Electoral Board for the purpose of approving minutes of the November 17, December 2, 10 and 17 electoral board meetings. Member Porter seconded the motion which passed unanimously. Meeting recessed at 10:48 a.m. and reconvened at 10:50 a.m.

Upon reconvening with all members present, the Executive Director presented the minutes of the November 17 regular meeting, November 25 special meeting, December 2 regular meeting and December 10 and December 17 special meetings. He discussed revisions to the minutes. Member Smart moved to approve the minutes as revised. Member Porter seconded the motion which passed by roll call vote of 8-0.

The Executive Director indicated that two staff members were to receive service awards today. Director White introduced Mark Mossman who presented Jane Gasperin with an award for 20 years of service to the State Board of Elections. Mr. Mossman congratulated Mrs. Gasperin for an excellent job, tremendous work ethic and her exceptional contribution to the State Board of Elections. Director White thanked Jane for her dedication to the election field and for her 20 years of outstanding service to the Board.

Director White presented Becky Glazier with an award for 25 years of service to the State Board of Elections. He remarked on her attitude, dedication and work ethic as she progressed to the position she currently holds where she represents the agency in many aspects. Chairman Schneider thanked both Jane and Becky for their years of excellent service.

The Executive Director discussed events leading up to today's request by the Tazewell State's Attorney to decertify the Accuvote undervote feature. Stewart Umholtz, Tazewell State's Attorney, was present and discussed his request that the State Board of Elections rescind the certification of the undervote fix for the Accuvote voting machine. One of the main concerns is the lack of ballot secrecy. He explained that an overvote is most likely an error by the voter but an undervote is usually an intentional act by the voter as they exercise their constitutional right. Chairman Schneider suggested that the election judges receive appropriate training so that voters are aware they do not have to vote any of the undervoted races and that their ballot will still count. No one from ES&S was present in person or on the phone line. Director White indicated that the staff recommendation has not changed and does not recommend rescinding the feature. Member Smart indicated that this was discussed at the Advisory Committee meeting this morning and it sounds like the election authorities are working with the legislature on this issue.

The Executive Director discussed preparations for the February 2, 2010 General Primary Election. Staff has been providing assistance to Alexander County which has been experiencing financial and staffing difficulties. The State Board of Elections has provided judges of election training, voting systems testing assistance and general election administration support. A staff member will be in the county office on election day. Mark Mossman was pleased with the progress that the county clerk has been making since she was appointed on November 9 and encouraged other election authorities to show their support.

Director White reported on the statewide awareness program which focused on early voting, grace period registration and voting, and no excuse absentee voting; staff assignments on election day; and election judges schools.

The Executive Director provided further update on the AccuVote issue including two letters received from county clerk's expressing their opinions on the AccuVote undervote modification. In response to discussion, Member Keith moved to implement and continue the process that staff has started in response to the Board's suggestion in November to provide funds from HAVA for updating the AccuVote to provide for the compliance and the certification made at that time. Member Smart seconded the motion which passed by roll call vote of 8-0.

Dianne Felts, Director of Voting Systems and Standards, indicated that staff is testing four jurisdictions. Scott County was tested and staff found a few small issues. The other jurisdictions to be tested are Pulaski County, Alexander County and Brown County and an update on these tests will be on the February agenda.

Director White noted that he recently updated the election day contingency plan in case of inclement weather or ways to prepare in the event of a disaster or emergency. This advisory has been distributed to the election authorities.

Director White reported on the Advisory Committee meeting which given the weather and closeness to the election, had a small number of attendees present. Concerns were raised with the secrecy issue of the AccuVote ballots and this may have some effect on the voters. The clerks are discussing legislation that would repeal this provision in the law. Kyle Thomas discussed the voter registration database and indicated that duplicate registrations have been reduced dramatically and 23 jurisdictions have no duplicates at all at this time. Cris Cray presented a legislative update on State Board of Elections legislation as well as other legislative initiatives.

The Executive Director discussed an IVRS update for informational purposes and the campaign disclosure satellite downlink seminar held at 11 locations simultaneously across the state. Rupert Borgsmiller, Assistant Executive Director, indicated that people were connecting through their home computers as well and the streaming video worked well. He indicated with the changes in the law he is not sure how the next seminar will be conducted.

The Executive Director presented for informational purposes the IVRS update, the FY 10 fiscal status report for the periods ending November 30 and December 31, the FY 10 fiscal report for the Help Illinois Vote Fund, the FY 10 fiscal report for the EAC Data Collection grant, and the two year plan of activity for the months of January and February.

The General Counsel presented appeals of campaign disclosure fines that the hearing officer recommends be granted for agenda items 3.a.1-8: 1) *SBE v. South Sangamon Republican Club*, 09JS008; 2) *SBE v. Friends of Keith E. Turner*, 09JS047; 3) *SBE v. Concerned Citizens of Hazel Crest*, 09JS215; 4) *SBE v. Friends of Marcia Phillips*, 09JS083; 5) *SBE v. Citizens for Wepler*, 09JS090; 6) *SBE v. Contractors for Free Enterprise*, 09JS175; 7) *SBE v. Citizens to Elect Shawn D. Monroe*, 09JS115; and 8) *SBE v. Committee to Elect Thomas Wronski*, 09JS204. Mr. Sandvoss concurred with the recommendation of the hearing officer in each case with the exception of 3.a.3 which would be taken separately. No one was present in these matters. Member Smart moved to grant the appeals in these matters and as to agenda items 3.a. 1, 2 and 4 through 8. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE Concerned Citizens of Hazel Crest*, 09JS215 an appeal of campaign disclosure fines that the hearing officer recommends be granted. No one was present in this matter. Mr. Sandvoss discussed the activities of the committee and indicated he disagreed with the recommendation of the hearing officer. He did not feel that this was a problem with electronic filing as it did not appear there were any technical issues addressed. The committee was given the full 30 days to submit a report and did not file within that time line. Member McGuffage moved to follow the recommendation of the General Counsel and deny the appeal. Member Smart seconded the motion. In response to a question Mr. Sandvoss explained that in this case the penalty would be stayed and not have to be paid as long as the committee had no further violations. The motion was called and passed by roll call vote of 8-0.

The General Counsel presented appeals of campaign disclosure fines that the hearing officer has recommended be denied for agenda items 3a.9-28: 9) *SBE v. United Progressive Party of Alsip*, 09JS002; 10) *SBE v. Citizens for Classrooms Plainfield School District 202*, 09JS013; 11) *SBE v. Citizens for Pat Dowell*, 09JS025; 12) *SBE v. Citizens for Wayne Motley*, 09JS224; 13) *SBE v. Democratic Organization of Troy Township*, 09JS039; 14) *SBE v. Citizens to Elect Robert E. Howard*, 09CE080; 15) *SBE v. Families for Osborn*, 09JS229; 16) *SBE v. J Thornton Sr Annual Fund Raiser Committee*, 09JS051; 17) *SBE v. Citizens for Tellalian*, 9JS056; 18) *SBE v. Friends of Nanci Barfoot*, 09JS068; 19) *SBE v. ReNew it! Now*, 09JS235; 20) *SBE v. WCHS District 308 Referendum Committee*, 09AE021; 21) *SBE v. Friends of Kyle Ham*, 09JS213; 22) *SBE v. Friends of John Cielenski*, 09JS124; 23) *SBE v. Maine Township Regular Republican Org.*, 08AG041; 24) *SBE v. Belvidere Education Association PAC*, 09JS153; 25) *SBE v. Laborers Local 397 PAC*, 09JS159; 26) *SBE v. Warren Township Democrats*, 09JS172; 27) *SBE v. The Republican Organization of Elk Grove Township*, 08JS219; and 28) *SBE v. Parker for Peoria*, 09JS205. Mr. Sandvoss indicated that items 3.a.9, 14 and 21 would be taken separately as parties were present in those matters and item 16 was continued to the March Board meeting upon the order of the Chairman to prevent any possible interpretation that same was accomplished by Mr. Sandvoss unilaterally.

The General Counsel presented *SBE v. United Progressive Party of Alsip*, 09JS002, an appeal of a campaign disclosure fine that the hearing officer recommends be denied. Joe Caincar was present on behalf of the committee. Mr. Sandvoss reviewed the activities of the committee indicating that the committee was previously assessed \$1,600 which was stayed but would now be lifted and an additional \$400 would now be assessed due to the late filing. Mr. Caincar offered a settlement for one-half of the total due and owing. Member McGuffage moved to accept the settlement offer of \$1,000 in this matter to be paid within 30 days. The balance of the \$2,000 fine will

be stayed for two years if there are no further violations but will be due and owing if another violation occurs. Member Porter seconded the motion which passed by roll call vote of 5-3 with Members Brady, Keith and Walters voting in the negative.

The General Counsel presented *SBE v. Citizens to Elect Robert E. Howard*, 09CE080, an appeal of a campaign disclosure fine that the hearing officer recommends be denied. John Anderson was present on behalf of the committee. Mr. Sandvoss reviewed the activities of the committee and concurred with the recommendation of the hearing officer. He indicated the committee was previously assessed \$30 and it is recommended a \$1,100 penalty be assessed for this violation. Thus, \$1,130 would be due and owing. Mr. Anderson discussed the personal problems of the person filing the report. As soon as the candidate learned of the error the correct report was filed. Mr. Anderson asked that if the Board chooses to impose a fine that it be reduced from the \$1,130 and offered a settlement of \$500. Member McGuffage moved to accept the settlement offer to be paid in 30 days and the remainder of the fine be suspended but if another violation occurs within two years the total fine is due and owing. Member Porter seconded the motion which passed by roll call vote of 5-3 with Members Brady, Keith and Walters voting in the negative.

The General Counsel presented *SBE v. Friends of Kyle Ham*, 09JS213, an appeal of a campaign disclosure fine that the hearing officer recommends be denied. Kyle Ham was present. Mr. Sandvoss discussed the activities of the committee and concurred with the recommendation that the appeal be denied and a penalty of \$1,275 be assessed. Mr. Ham indicated he was new to the process and a first time candidate and relied on someone else to take care of the paperwork. He did not dispute the fine but asked for leniency and offered to pay one-half of the fine. Member McGuffage moved to accept the settlement offer of one-half the fine to be paid within 30 days and the remainder of the fine be stayed if there are no further violations for two years. Member Smart seconded the motion which passed by roll call vote of 6-2 with Members Brady and Keith voting in the negative.

The General Counsel returned to the appeals of campaign disclosure fines that the hearing officer has recommended be denied for agenda items 3a.10-13, 15, 17-20, 22-28. No one was present in these matters. Mr. Sandvoss concurred with the recommendation of the hearing officer. Member Smart moved to accept the hearing officer and General Counsel's recommendations and deny the appeals. Member Walters seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. Friends for Fred*, 09D1-12 and 09JS210 an appeal of a campaign disclosure fine that the hearing officer recommends be granted and denied in part. Paul

Santucci was present on behalf of the committee. Mr. Sandvoss discussed the activities of the committee and indicated he had recused himself from this matter as he is friends with Mr. Santucci and assigned this to Assistant Legal Counsel Bernadette Harrington. Ms. Harrington concurred that appeal be granted with regard to the electronic filing issue and concurred that the appeal be denied for the delinquent filing of the D-1 Statement of Organization for lack of an adequate defense and the committee be assessed a civil penalty in the amount of \$950 but the penalty stayed as this is a first violation. Mr. Santucci agreed with the recommendation of the hearing officer but was present for any questions. Member Smart moved to accept the recommendation of the hearing officer and Assistant Legal Counsel. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a request for a payment plan from the Committee to Elect Robert Eastern III. The committee made a payment of \$300 and offers to pay \$295 a month as outlined on the payment plan starting January 2010. Member Keith moved to accept the payment plan as outlined. Member Porter seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a listing of committees that were assessed a penalty and did not appeal and asked the Board to issue final orders to the committees listed on pages 254 and 255 in the Board packet. Member Smart moved to approve final orders for these committees. Member Walters seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented for informational purposes a listing of committees that paid civil penalties for the period of November 20, 2009 through December 31, 2009..

Member Keith discussed his attendance at the COGEL conference along with Rupert Borgsmiller and Andy Nauman. Director White indicated he would submit Member Keith's summary of the conference to the Board members. Member Keith indicated one of the presentations was the use of voting centers and ballot on demand and suggested staff look into this. If there is interest legislation would have to be enacted to allow for this.

Member McGuffage moved to recess to executive session to discuss pending litigation. Member Porter seconded the motion which passed unanimously. Meeting recessed at 12:45 p.m. and reconvened at 12:50 p.m.

The next regular meeting of the State Board of Elections will be held on Wednesday, February 17, 2010 at 10:30 a.m. in Chicago or at the call of the chair whichever occurs first.

With there being no further discussion, Member McGuffage moved to adjourn. Member Porter seconded the motion which passed unanimously. The meeting adjourned at 12:51 p.m.

Respectfully submitted,

Assistant to Executive Director

Executive Director