

STATE BOARD OF ELECTIONS
Board Meeting
Tuesday, January 22, 2008
Springfield, Illinois

MINUTES

PRESENT:

Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady, Member
John R. Keith, Member
William McGuffage, Member
Wanda Rednour, 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 10:50 a.m. with five members present. Chairman Porter, Vice Chairman Schneider and Member Brady were delayed. Member McGuffage was present in the Chicago office and connected via videoconference.

Member Keith, serving as temporary Chairman until Chairman Porter arrived, opened the meeting by leading everyone in the pledge of allegiance.

Member Keith presented the minutes of the November 19 and December 6 regular monthly Board meetings, and the December 21 and December 28 special meetings. Member Keith noted that revised minutes were distributed to Board members. Member Walters questioned his attendance in one set of minutes and staff will review this. Member Smart moved to approve the minutes as amended. Member Rednour seconded the motion which passed by roll call vote of 6-0 with Member Smart voting Vice Chairman Schneider's proxy.

Member Keith noted the need to convene as the State Officers Electoral Board to approve minutes from the November 19, December 6 and December 21 Electoral Board meetings. Member Rednour moved to recess as the State Board of Elections and convene as the State Officers Electoral Board. Member Smart seconded the motion which passed unanimously. Meeting recessed at 10:55 a.m. and reconvened at 10:56 a.m. Chairman Porter arrived at this time.

The Executive Director indicated that Lance Gough, Executive Director of the Chicago Board of Election Commissioners, was present to request approval of a modification to their voting system. Dianne Felts indicated there was insufficient time for staff to test the modification and indicated that Mr. Gough believes that their testing of the change was thorough. Mr. Gough indicated the test consisted of 2000 transmissions and tested 100% accurate. Mark McKinney, representative from Sequoia, spoke of the need for the modification and indicated it only affects the reconciliation between the two systems, Edge II and Insight. Member Smart moved that with confidence in Mr. Gough's statement and with staff's approval to allow the Chicago Board to proceed with the modification of the HAAT for the February 5, 2008 primary election. Mrs. Felts indicated there was no choice at this time but to rely on Mr. Gough's confidence that the system will work properly. Member Rednour seconded the motion which passed by roll call vote of 8-0. Member Brady and Vice Chairman Schneider arrived at 11:10 a.m.

Director White discussed the preparations for the February 5 primary election day. There will be a limited number of staff in the field for the primary and staff will also be present in the 14th Congressional District for the special election also to be held on February 5. Pre-election day meetings would take place later this week. This year's public information program was the farthest reaching awareness program to date. There has been an increase in early voting numbers and today is the last day for grace period registration. A listing of the election judge's schools was also included in the packet. Director White presented an Election Day Contingency plan which was also discussed at the Advisory Committee meeting held earlier this morning. Other states were surveyed and a brief contingency plan was prepared although there is no authority in Illinois to cancel an election. Member Smart moved to approve the Election Day Contingency Plan. Member Rednour seconded the motion which passed by roll call vote of 8-0 with Member Smart voting Member Walter's proxy as he had stepped out of the room. Director White indicated he would distribute it to all election authorities.

Director White reported on the Advisory Committee meeting held just prior to the start of the Board meeting this morning. It was a small group but there was good discussion on legislative

activity, pre-primary election plans, statewide database and the Election Day Contingency Plan. The next Advisory Committee meeting is scheduled for May 19, 2008.

Cris Cray discussed the 2008 legislative program which was included in the Board packet. She indicated that this session is deemed an “emergency” year and was not sure how many bills will be let out. Ms. Cray discussed the proposals and noted that a number of the proposals in the packet can actually be combined. Chairman Porter felt that the letter the General Counsel sent to the legislative leadership addressing the gap that exists in 7-10 regarding signature requirements for nominating petitions of established political party candidates seeking the office of Representative in Congress should be submitted as well. The letter advised them of the situation with the Green Party and the fact that staff applied the default number of 600 signatures because the applicable provisions of Section 7-10 did not apply to the Green Party. The letter also indicated the Board has taken no position on how any amendment should be drafted but wanted to bring to the leadership’s attention and request an appropriate amendment to the statute that would clear up the ambiguity. This will be added to the proposals as item 16. Discussion ensued on item 3 which would allow federal committees to access the pre-ballot request website. Current law allows state and local committees access but it appears there was an oversight and federal committees were left out. Member Brady suggested wording it “committee’s registered under federal law”. Discussion returned to item 16 and the General Counsel noted that it was not a recurring problem as this was the first time he has seen it happen and noted that the party did not seek judicial review. Member Smart moved to approve the legislative proposals including item 16. Member Rednour seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented a proposal to reduce the price charged to registered political committees for the voter registration data. This is a benefit of the statewide system and the SBE will no longer need to reimburse jurisdictions for payment to their vendors for creating a file in our suggested format. The new system does the translation and goes into their database and pulls the data out. Member Keith asked how the new prices were determined. Kyle Thomas noted that other states were surveyed and Mike Roate noted that it would be hard to actually do a cost accounting analysis on such a program. The money received from the voter registration data goes into the

General Revenue Fund, not the State Board of Elections budget. Member Smart moved to approve the price schedule as presented and monitor the situation and if it does not appear to be working to return to the Board. Member Rednour seconded the motion which passed by roll call vote of 8-0.

Director White presented for Board consideration the FY 09 appropriation request indicating it is a sizeable request over last year's budget. However, the request will provide funding necessary to move forward with major mandated federal and state initiatives such as the Statewide Voter Registration System, the Voting Systems Testing Center, electronic canvassing of statewide vote totals and website enhancements to the Voter's Guide and IDIS. The request also includes the additional funding for the increased pay for election judges, four additional staff members, telecommunications upgrades, authority to spend the HAVA funds, and one time funds to host COGEL. In response to a question it was indicated that election judge reimbursements are for the actual number of judges used in a particular election. Discussion ensued on the county clerk stipends and the fact that it is a mandate and in our budget. Member McGuffage felt it should be included is another agency's budget. Staff indicated they would check to see what the law actually requires. Member Smart moved to approve the budget request as presented that will include any action taken in Executive Session the affects the budget. Member Brady seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented the FY 08 fiscal status report for the period ending December 31, the FY 08 fiscal report for the Help Illinois Vote Fund, and the two year plan of activity for the months of January and February.

The General Counsel presented two matters for consideration of civil penalty assessments for failure to comply with a Board order. Mr. Sandvoss reviewed the activities of both committees in the matters of *SBE v. Friends of Don Patterson*, and *SBE v. Citizens for Hawkins*. He concurred with the hearing officer's recommendation that the Board assess civil penalties not to exceed \$5,000. No one was present for either of the committees. Discussion ensued on the probability of ever receiving anything from these committees as neither have appeared at any proceeding to explain why they have failed to file the appropriate report. Member Smart moved to approve the recommendation of the

hearing officer and General Counsel. Vice Chairman Schneider seconded the motion which passed by roll call vote of 8-0. Vice Chairman Schneider voted Member Brady's proxy as he had stepped out of the room.

The General Counsel presented two motions for reconsideration. The first matter, *SBE v. Citizens to Elect Edward Chaney*, has no supporting documentation for reconsideration and no one was present. In the matter of *SBE v. Kankakee Federation of Labor*, Dan Baisden was present. Mr. Sandvoss recommended both motions for reconsideration be denied. Mr. Baisden indicated this committee was small and in May of last year he was diagnosed with throat cancer and was undergoing chemotherapy. No one else had access to the information. They now have a second person who has access to the computer. Mr. Sandvoss indicated if the Board grants the motion for reconsideration it vacates the Board order and allows the matter to go to a hearing. Vice Chairman Schneider moved that based on circumstances presented today to grant the motion for reconsideration in the matter of *SBE v. Kankakee Federation of Labor* and refer to a hearing officer. Member Smart seconded the motion which passed by roll call vote of 8-0.

Member Smart then moved to deny the motion for reconsideration in the matter of *SBE v. Citizens to Elect Edward Chaney*. Member Brady seconded the motion which passed by roll call vote of 8-0.

The General Counsel then presented two carryovers from the November meeting which were appeals of campaign disclosure fines which the hearing officer recommended be denied. Mr. Sandvoss indicated in the matter of *SBE v. Friends of Judy Stearns*, they have asked that this be placed on the February meeting agenda. Member Smart moved to continue the matter *SBE v. Friends of Judy Stearns* to the February meeting. Member Rednour seconded the motion which passed by roll call vote of 7-1 with Member Walters voting in the negative.

The General Counsel indicated he concurred with the hearing officer's recommendation that the appeal be denied in the matter of *SBE v. Committee to Elect Edward "Ed" Russell*. Angela Perry, Treasurer of the committee, and Ed Russell were present in this matter. Ms. Perry indicated an honest mistake was made and the report contained the date the three checks were written rather than

received. Mr. Sandvoss indicated the checks were received at a fundraiser and an A-1 was required to be submitted within 2 business days. The penalty was reduced in this case. Discussion ensued on the reports that were filed and Mr. Sandvoss revised his recommendation to change the recommendation on the A-1 because that they were timely reported although on a wrong form and the appeal be granted in this case. The only penalty due and owing would be for \$1,000. Member Keith moved to grant the appeal of the civil penalty of \$3,000 leaving a balance of \$1,000 due and owing. Member Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented appeals of civil penalties which the hearing officer has recommended be granted and he concurred with the recommendations. Member Smart moved to grant the appeals in the matters of *SBE v. Democratic Citizens Assoc. of Caseyville Twp.*, *SBE v. St. Clair County Democratic Central Committee.*, *SBE v. North Central IL Laborers Council PAC*, *SBE v. IL Committee for Honest Government.*; *SBE v. Citizens to Elect Mark Riefenberg*, *SBE v. Basic Crafts Council of Mid-Central Illinois*, *SBE v. Friends for Michelle Chavez*. Member Keith seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented appeals of civil penalties that the hearing officer recommended be denied. Dave Chapman was present in the matter of *SBE v. Citizens for John Cullerton* and did not dispute the fine. He indicated they inadvertently checked the nonparticipating committee box and as a result failed to file an A-1 and were assessed a penalty. He requested leniency in the assessment of the penalty because they did in fact file a report. Mr. Sandvoss indicated it was a valid assessment because nothing was reported on the nonparticipation report and believed this assessment for failing to file a pre-election report is valid and concurred with the recommendation of the hearing officer. Member Smart moved to deny the appeal. Member Walters seconded the motion which passed by roll call vote of 8-0.

The Board recessed at 1 p.m. and reconvened at 1:10 p.m.

The General Counsel reported back to the Board on the matter of the county clerk stipends. There is a provision in the county's Code, 55 ILCS 5/4-6001 which requires the county clerk stipend to be appropriated by the General Assembly to the State Board of Elections which then turns around and

distributes the awards in annual lump sum payments to the clerks.

The General Counsel returned to the appeals of fines which the hearing officer recommended be denied and he concurred in all recommendations. No one was present in any of the cases. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and deny the appeals in the matters of *SBE v. Pulaski County Democratic Central Committee*, *SBE v. Vision for the Future*, *SBE v. Moraine 2001*, *SBE v. Citizens for Reilly*, *SBE v. Friends of Randy Lewis*, *SBE v. Citizens for Jamal Barnes*, *SBE v. AFSCME IL Council 31 PAC*, *SBE v. Good Government Council*, *SBE v. Operating Engineers Local 965 Political Education Committee*, *SBE v. Chicago Latino 100*, *SBE v. Sherrill for State Senate*, *SBE v. Restore Illinois Now*. Member Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a listing of committees who received assessment letters and did not appeal the penalty and asked the Board to approve final orders. Member Keith moved to enter Board orders on committees listed on Mr. Borgsmiller's letter of January 22, 2008. Member Smart seconded the motion which passed by roll call vote of 8-0 with Member Brady abstaining from the Citizens for Stephanie Neely committee. Member Walters questioned who was the Sportsman's Committee on Political Education. Mr. Sandvoss indicated he would look into this.

The General Counsel presented for informational purposes a listing of committees who have paid civil penalties for the period November 29, 2007 through January 9, 2008.

The General Counsel presented complaints following public hearings. In the matter of *SBE v. Citizens for Jim Rowe*, the hearing officer recommends no further action be taken as the committee has filed the reports at issue, however staff will assess an appropriate civil penalty for late filing. In the matter of *SBE v. Vision 81*, the hearing officer found that the complaint was filing on justifiable grounds but the committee has filed the reports and paid the penalties assessed and the recommendation was that no further action be taken. Vice Chairman Schneider moved to adopt the recommendation of the hearing officer in the matters of *SBE v. Citizens for Jim Rowe* and *SBE v. Vision 81*. Member Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented complaints following closed preliminary hearings which will

be heard in closed session. Vice Chairman Schneider moved to recess to executive session for consideration of campaign disclosure matters, pending litigation and personnel matters. Member Rednour seconded the motion which passed unanimously. Meeting recessed at 1:25 and reconvened at 3:05 p.m.

Vice Chairman Schneider moved to accept the recommendation of the hearing officer and general counsel in the matter of *Coats v. Citizens for Hutchinson*, to find the complaint was filed on justifiable grounds however all necessary amendments to complaints having been made that no public hearing is required and the matter is disposed of. Member Keith seconded the motion which passed unanimously.

Vice Chairman Schneider moved to accept the recommendation of the hearing officer and General Counsel in the matters of *SBE v. The Illinois Business PAC*, *SBE v. Citizens for a Better 24th Ward*, *SBE v. Michael Bowens for 4th Ward Alderman*, *SBE v. Sportsman's Committee on Political Education (SCOPE)*, *SBE v. Citizens to Elect Anthony McCaskill*, *SBE v. Citizens for Honest Government*, *SBE v. Committee to Elect Michael Baxton*, *SBE v. East St. Louis City Democratic Club*, *SBE v. 16th Ward Regular Democratic Organization*, *SBE v. Friends of Robert A. Ingrassia*, *SBE v. Citizens for Bilotta*, *SBE v. Maywood United Party*, *SBE v. 1st Ward Republican Organization*, *SBE v. Salamanca for Change*, *SBE v. Friends of Don Patterson*, 07CD101; *SBE v. Friends of Julius Anderson*, *SBE v. Citizens for Juanaid M. Afeef*, *SBE v. Friends of Hawthorne*, and *SBE v. Committee to Elect Keith Lawler*. No one was present in these matters. Member Keith seconded the motion which passed by roll call vote of 8-0.

Vice Chairman Schneider moved in the matters of *SBE v. Niles Township Regular Republican Organization*, *SBE v. Horsepower PAC LTD dba Thoroughbred Industry*, to accept the recommendation of the hearing officer with the amendment there be no additional order to file electronically. Member Smart seconded the motion which passed by roll call vote of 8-0.

Vice Chairman Schneider moved to direct the Executive Director to implement one time salary adjustments as discussed in executive session. Member Keith seconded the motion which passed by roll call vote of 8-0.

In regard to “other business” Vice Chairman Schneider indicated he had nothing to discuss on the Jeffrey Hurst nominating petitions matter.

The next meeting of the State Board of Elections will be Wednesday, February 13, 2008 at 10:30 a.m. to canvass the special election.

The next regular meeting of the State Board of Elections will be held on Tuesday, February 19, 2008 at 10:30 a.m. in Chicago.

With there being no further discussion, Vice Chairman Schneider moved to adjourn until February 13 or the call of the chair. Member Keith seconded the motion which passed unanimously. The meeting adjourned at 3:10 p.m.

Respectfully submitted,

Assistant to Executive Director

Executive Director