

# STATE BOARD OF ELECTIONS BOARD MEETING

Tuesday, February 17, 2009

## MINUTES

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

VIA VIDEO CONFERENCE: Robert J. Walters, Member

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

---

Chairman Porter called the meeting to order at 10:31 a.m. and led everyone in the pledge of allegiance. Six members were present in Chicago, Member Brady arrived 1 minute after roll call was taken and Member Walters was present in the Springfield office via video conference.

The Chairman noticed several people were present for Campaign Disclosure matters under the General Counsel's Report and called those matters out of order.

Attorney Robert Mancilla was present regarding Item 3.a.13, *SBE v. Chicago Latino 100*, S8634, 08JS263. General Counsel Sandvoss noted that the June 2008 late filing resulted in an a fine of \$4,200; a fine of \$500 for the late filing of the June 2006 Semi Annual Report; and a penalty of \$2,200.00 for the delinquent filing of the December 2007 Annual Report. He concurred with the Hearing Examiner's recommendation to deny the appeal and assess the total fine of \$10,100.00. Mr. Mancilla indicated that the committee wanted to file a final report and close the committee, and added that their defense still stands. The Board indicated that the fine would be abated if the committee was inactive for 2 years from the date of the order. Member Keith moved and Vice Chairman Schneider seconded a motion to deny the appeal. The motion passed unanimously.

Member Keith moved to recess to executive session to consider 3.a.22, a complaint following closed hearing. Member Rednour seconded the motion which passed by 8 ayes in unison. The Board recessed at 10:39 a.m.

The Board returned to open session at 11:20 a.m. with all members present.

Regarding the complaint following closed hearing heard in Executive Session, *Roberto Garcia vs. Cicero Voters Alliance (The Larry Dominick Team) 09CD001*, Member Keith moved to continue Counts I and II to the next regular board meeting on March 16, 2009. Vice Chairman Schneider seconded the motion which passed unanimously by roll call vote. As to Count III, Member Keith moved and Member Rednour seconded a motion to proceed to public hearing. The motion passed 6-2 with Member Brady and Chairman Porter voting against the motion.

Executive Director White began his report with item 2.c., a Voting System Issue for the 2010 elections. He indicated that a backlog at the federal testing level seriously impairs the ability to obtain approval of equipment upgrades and modifications in time for the 2010 Primary Election. Further that the Chicago Board urges the SBE to be prepared to test and approve WinEDS 4.0 prior to 2010. Mr. White asked the General Counsel to review HAVA and the Election Code and

## State Board of Elections Minutes

February 17, 2009

Page #2

has asked Director Dianne Felts to be present today. Mr. White introduced Director Lance Gough of the Chicago Board of Election Commissioners and Director Jan Kralovec of the Cook County Board of Election Commissioners. They reiterated Mr. White's comments and added that several states have taken independent action to test and certify voting systems and charge a fee. Ms. Kralovec stated that Ms. Felts is known for her thorough testing and does more testing than any other state. Ms. Sandy Green, a representative of Sequoia Voting Systems confirmed that other states charge a fee for testing and that they expect to pay for testing, she also said that they continue with ITA testing. Member Smart moved to continue, there was no second to this motion. Ms. Felts was asked how long testing would take and she answered 1-2 months and indicated that her testing is as good as or better than what is required. Member Smart moved to ask staff to give an estimate of costs; how much vendors pay other states; and that staff is to proceed as if we are going to do the testing. Member McGuffage seconded the motion which passed unanimously by roll call vote.

The Board returned to the approval of minutes from the January 20 regular meeting and the January 26 special meeting. Mr. White read the changes suggested by Members Keith and Brady. Vice Chairman Schneider moved to approve the minutes of the January 20 regular meeting and the January 26 special meeting with the changes suggested. Member Smart seconded the motion which passed unanimously by 8 voices in unison.

Chairman Porter asked if there was anyone present for Campaign Disclosure matters. Attorney John Fogarty stepped up and indicated he was representing the respondent in *SBE v. Citizens to Elect Darlene Senger*, S9722, 08AG016, a new appeal wherein the hearing officer recommended the appeal be granted. Mr. Sandvoss agreed with the hearing officer's recommendation as did Mr. Fogarty. Member Smart moved to accept the recommendations of the hearing officer and general counsel and grant the appeal. Member Keith added that an amended report be filed within 30 days of the date of the order. Member Smart accepted the amendment to his motion and Member Rednour seconded the motion. The motion passed unanimously 8-0.

Ms. Felicia Simmons Stovall was present, representing herself in *SBE v. Citizens for Felicia Simmons Stovall*, S9287, 08MA013. The General Counsel reviewed the activities of the committee and indicated that Ms. Simmons Stovall filed a final report on November 17, 2008. Ms. Simmons Stovall apologized for the late filing, but said that her mother's untimely death outweighed other concerns. The hearing examiner recommended that the appeal be granted and in consideration of the filing of a Final Report, that any assessed civil penalty pending be abated if the committee remains dissolved for two years following the date of the Final Order of the Board. General Counsel Sandvoss concurred with the recommendation. Member Smart moved and Member Rednour seconded a motion to grant the appeal. The motion passed 6-2 with Members Brady and Keith voting no.

Member Smart moved and Member Rednour seconded his motion to adopt the recommendations of the hearing examiner and general counsel and grant the appeals in *SBE v. Hudspetch4SA*, L14620, 08GE013 and *SBE v. Citizens for Ruth Munson*, S8396, 08AG012. The motion passed unanimously by roll call vote.

The Executive Director returned to his report and submitted staff assignments for the February 24 Consolidated Primary Election. He indicated primaries will occur in 24 jurisdictions. However, no staff has been assigned to any jurisdiction at this time. A list of election judge training schools was presented for informational purposes.

Mr. White continued with staff assignments for the March 3 Special Congressional Primary Election for U.S. Representative in the 5<sup>th</sup> Congressional District, which is wholly contained in Cook County. Staff is not assigned to observe Election Day procedures in the 5<sup>th</sup> Congressional District. He indicated that 23 candidates are on the ballot: 12 Democrat; 6 Republican; and 5 Green Party.

## State Board of Elections Minutes

February 17, 2009

Page #3

Director White indicated that Cris Cray was in the Springfield office to offer a legislative update. He said that Mr. James Lewis, Executive Director of the East St. Louis Elections Board intended to address the board about a proposal that deals with precinct redistricting within 90 days of a presidential election. He is looking to have that increased from 90 to 180 days and asked the Board's support. After discussion, Member Smart moved to support Mr. Lewis' proposal to move the date to 180 days to redistrict precincts. Member Rednour seconded the motion which passed unanimously by 8 voices in unison.

Ms. Cray told the Board that she is busy with bill analyses, getting sponsors and committees. She indicated that the Governor has not yet signed 761, the bill that give our agency an extension and staff does not know if or when it will be signed. Legislative Liaison Cray indicated that staff continues to accept and administer PA95-0971, Ethics Legislation. Rupert Borgsmiller, Assistant Executive Director/Campaign Disclosure Director added that 3,130 business entities have filed with the SBE as of last Friday and we have 100-125 file on a daily basis and 60% register via email. Certifications are sent out the next day. He indicated that IT Director, Steve Flowers, has done a lot of work on this system assuming the Governor signs the bill and said that they hope to beat the August 1 deadline by one month.

Mr. Borgsmiller reviewed the Campaign Disclosure Downlink Seminar held on February 7, 2009. The streaming video had a small glitch that dial up users experienced. The video is available on our website and will be available until the next down link seminar. The Chairman indicated that he had viewed the video and had a problem trying to stop and restart without returning to the beginning. Mr. Borgsmiller offered to check on that problem and get back to the Chairman with an answer.

The Executive Director concluded with informational reports on the fiscal status ending January 31, 2009; the Help America Vote Fund; the EAC Data Collection Grant; and the two year plan of staff activity for February and March. Member Smart asked for clarification of the cuts requested by the former and present governor. The former requested 3% and the present 1%. Mr. White considered it a 4% request for agencies under the governor; he indicated that the Governor's requests will be given the utmost consideration.

General Counsel Sandvoss began his report with *SBE v. Friends of Kevin Perkins*, S9287, 08MA013, an appeal of campaign disclosure fine, which was carried over from January. No one appeared for the respondent. Mr. Sandvoss agreed with the recommendation of the hearing officer to grant the appeal in regards to the Pre Election Report for the 2007 April Consolidate Election and the June and December 207 Semi Annuals and to deny the appeal regarding the June 2008 Semi Annual Report and to stay the \$75 fine be stayed as a first violation. Member Brady moved to accept the recommendation of the General Counsel and grant in part and deny in part the appeal as reported by the General Counsel. Member Keith seconded the motion which passed unanimously by roll call vote.

The Chairman called for a motion regarding new appeal items 3.a.6, 7, 10, 12 and 14. Member Keith moved to adopt the recommendations of the General Counsel and Hearing Officer and deny the appeals. Member Smart seconded the motion and the motion passed 8-0 by roll call vote. The Appeals were denied in *SBE v. Citizens for Hoyle*, L11823, 08GE008; *SBE v. Citizens for Catherine Zaryczny*, L13770, 07JS137; *SBE v. Edgar County Democratic Central Committee*, S1338, 08GE032; *SBE v. Citizens for Noland*, S815, 08AG011; and *SBE v. Citizens for Judy Cates*, S9466, 08AP067.

Chairman Porter acknowledged Messrs. Bryan and James McTague, respondents in *SBE v. Friends of James McTague*, L13708, 08GE012. The hearing examiner recommended that the appeal be denied for lack of an adequate defense. Mr. Bryan McTague moved from his father's home and changed his address with the U.S. Post Office and mistaken thought that was sufficient for the Campaign Disclosure records. The address of the committee was reaffirmed on an amended D-1 filed in January, 2009. General Counsel Sandvoss concurred with the recommendation. Member Keith moved to adopt the

State Board of Elections Minutes

February 17, 2009

Page #4

hearing officer and general counsel's recommendations and deny the appeal. Member Smart seconded the motion which passed unanimously by roll call vote.

The Chairman called *SBE v. Committee to Elect Germain Castellanos*, L14309, 08JS256 and recognized Mr. Castellanos appearing *pro se*. The hearing officer found no reasonable grounds for the report to have been filed late. A previous fine of \$25 was assessed for late filing of the 2007 December Semi-Annual Report. The committee filed a final report on October 31, 2008. He recommended the total assessed fine of \$3,625 be due and owing, but the fine be abated if the committee remains dissolved for a period of two years following the date of the final order of the Board. Mr. Sandvoss concurred with the recommendation. Member Smart moved to adopt the recommendation of the Hearing Officer and General Counsel and deny the appeal. Member Brady seconded the motion which passed 8-0.

*SBE v. IL Association of Mortgage Brokers PAC*, S5063, 08GE039 was called and Mr. Marvin Stockert was recognized for the respondent. The hearing officer recommended that the appeal be denied for lack of an adequate defense; the stay lifted from the previous assessment; and the total amount of \$2160 is now due and owing. General Counsel Sandvoss agreed with the recommendation. Member McGuffage moved to adopt the hearing officer and general counsel's recommendations. Member Smart seconded the motion which passed unanimously.

Item 3.1.15, *SBE v. Committee for Ed Smith* L822, 08MA011 asked for a continuance. Member Smart moved and Member Rednour seconded a motion that was unanimously approved by 8 ayes in unison. This matter is continued until April 20<sup>th</sup> in Chicago.

Mr. Sandvoss presented a list of civil penalty assessments necessitating final board orders. He indicated that Rosemont Voters League and Citizens for Suarez paid their fines and are removed from this list. Member Keith moved to issue final orders on assessments contained on pages 149 and 150 of the board packet and removal of 2 committees. Member Smart seconded the motion which passed 8-0. Member McGuffage voted Present on Committee Number 6929.

Mr. Sandvoss asked for orders of the board regarding items 3.a.18-25. He concurred with the recommendation of the hearing examiner in all matters. Member Keith moved to adopt the recommendations of the hearing examiners and general counsel. Member Rednour seconded the motion which passed unanimously by roll call vote. In the matters of *SBE v. 16<sup>th</sup> Ward Democratic Organization*, 08CD046 and *SBE v. 25<sup>th</sup> Ward Democratic Political Alliance*, 08CD076 the committees have not filed the reports at issue and no one appeared at the public hearing. Committees are ordered to file the required reports within 30 days or are ordered to file the reports at issue or be assessed a penalty not to exceed \$5000. The required reports were filed in *SBE v. Friends of David Askew*, 08CD053 and *SBE v. Citizens for Mike Psak*, 08CD070 and no further action will be taken except to refer these matters to staff for appropriate penalty.

The General Counsel indicated that 2 documents were received from Cook County; one was a withdrawal of Pete Dagher. The other, an Electoral Board decision from Cook County, indicated an objection was sustained to the nomination papers of Roger A. Thompson III. Member Keith moved to remove the names of Pete Dagher and Roger A. Thompson III from the Special Primary in the 5<sup>th</sup> Congressional District. Member Rednour seconded the motion which passed unanimously by roll call vote. The Board thanked Ken Menzel for getting this matter done so quickly as not to have another meeting.

At 1:20 p.m., Member Keith moved to retire to executive session to discuss personnel. Member Rednour seconded the motion which passed by 8 ayes in unison.

The board returned to open session at 1:25 p.m. with all members present.

State Board of Elections Minutes

February 17, 2009

Page #5

The Chairman commented that he received an invitation from Lawrence Oliver, a member of the commission that Governor Quinn appointed to bring transparency into elections, a commission that the new governor brought in to clean up Illinois government. He summarized the conversation with Mr. Oliver and indicated that he accepted the invitation to attend at their office in Springfield Monday, February 23<sup>rd</sup>. Vice Chairman Schneider, Executive Director White, Assistant Executive Director Borgsmiller, and other Directors were invited and supply information to the commission.

Mr. White confirmed the following Board Meeting schedule: a special board meeting on Tuesday, March 10 at 5:00 p.m.; the regular monthly Board Meeting in the Springfield office on Monday, March 16; and a special meeting to hear campaign disclosure complaints under the 7 day calendar for Monday February 23 at 3:00 p.m. The special meetings will utilize the video conferencing equipment at the Chicago and Springfield offices and Lewis & Clark College in Godfrey, IL.

There being nothing further before the State Board of Elections, Member Keith moved to adjourn until February 23, 2009 or the call of the Chairman. Member McGuffage seconded the motion which passed unanimously by 8 ayes in unison.

The Board adjourned at 1:34 P.M.

Dated: February 24, 2009

Respectfully Submitted,

---

Daniel W. White, Executive Director

---

Darlene Gervase, Administrative Assistant II