

**STATE BOARD OF ELECTIONS**  
**MINUTES**  
Wednesday, February 17, 2010

MINUTES

PRESENT: Bryan A. Schneider, Chairman  
Wanda L. Rednour, Vice Chairman  
Patrick A. Brady, Member  
John R. Keith, Member  
Albert S. Porter, Member  
William M. McGuffage, Member  
Jesse R. Smart, Member  
Robert J. Walters, Member (Springfield, IL)

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

---

The Chairman called the meeting to order at 10:33 a.m. and led everyone in the pledge to the flag. All members were present: seven members in Chicago; and Mr. Walters present in the Springfield office via video conference.

Executive Director White began his report with consideration of the January 19, 2010 minutes and noted two changes suggested by Mr. Keith. On page 4 at the end of the second paragraph to indicate that Item 16 was continued to the March meeting upon order of the Chairman; and on page 6 to add the letter “d” to Mr. Nauman’s first name. Member Brady moved to adopt the minutes of the January 19<sup>th</sup> meeting as corrected. Member McGuffage seconded the motion that passed by 8 ayes in unison.

Chairman Schneider noted that the parties in items 3.a.10 and 11 have agreed that those matters be rescheduled to March 5<sup>th</sup>. There being no objection from any Board member, by order of the Chairman, *Thompson v. Gorman*, 10CD001; and *Gorman v. Mark Thompson Campaign Committee*, 10CD003 were continued to the March 5<sup>th</sup> meeting.

Mr. White continued his report with an overview of the February 2<sup>nd</sup> General Primary Election and began by saying that Illinois had the honor of holding the first primary election in the country this year. He said it was very quiet in both Chicago and Springfield with very few calls and no complaints of a serious nature. From an administrative point it was one of the most efficient in the agency’s history. But, due to close, high profile contests, a statewide election contest looms and election contest procedures have been included in the packet. Very few calls were received regarding the under vote voter notification feature and Mr. White said 12 counties did not comply with the under vote law. He added that the voter awareness campaign ended with press releases on the early voting deadline, hotline telephone numbers, voter registration numbers and past election turnout statistics. Early voting was popular as 144,000 people took advantage of early voting as well as a large number of absentees for a primary. So a large number of the electorate are casting ballots before the polls open on election day and these numbers are courtesy of the statewide database. Mr. White indicated that he easily found the number of early voters and absentees daily, which helped responding to calls. The Director confirmed that

final election results will not be ready until the March 5<sup>th</sup> meeting, which is the last day the Board certifies the election. Turnout was estimated between 20 and 25 percent. Mr. White asked Election Information Director, Mark Mossman, for his comments.

Although Mr. Mossman anticipated a large number of calls concerning the undervote for the constitutional statewide offices, very few materialized. The majority of complaints centered on the administration of the election judges at the polls rather than with the law itself. He summarized a few of the complaints; added that he has received hostile calls since Election Day complaining of the violation of the voters constitutional rights; and received several complaints about declaring party affiliation and not being able to cross over to vote for other party candidates. Mr. Mossman was checking into the percentage of the early and absentee voters by party. He reported that he has received canvasses from 20 jurisdictions and expects many of them after February 23<sup>rd</sup>, but the statewide canvass will be presented to the Board on March 5<sup>th</sup>, the last day to proclaim the results of the primary. He added that the weighted vote for the Democrat State Central Committee should be ready by March 5<sup>th</sup> also.

Mr. White thanked the staff and added that although the volume was low; his staff performed their usual, great job.

Dianne Felts, Director of Voting Systems and Standards, was asked to approach the Board and review the issues encountered in the pre election testing and their resolution. Although four jurisdictions were tested, Ms. Felts compared it to conducting twelve tests as the Democrats, Republicans and Green Parties were tested in different combinations. In Alexander County the test went very well. The only problem occurred with the AutoMARKS and difficulty reading where to vote. The vendor has been contacted and is working on the problem. Brown County had insignificant problems. One problem with the write-in votes was that the ink cartridge was so light it was unreadable and replacing the ink cartridge corrected the problem. Director Felts said that Pulaski County had the most significant problems as the treasurer's race did not specify State or County and the AccuVote froze the entire ballot for under and over votes. The vendor has been contacted and Ms. Felts and her staff will work with them to correct the problem before fall. Also, the tabulator incorrectly showed 31,543 votes for one of the candidates who received only 5 votes on the tabulator sheet. Before Ms. Felts could suggest using another memory card, the memory card was erased, the test restarted and the correct votes were shown. Lastly, Scott County had problems again with memory cards and the vendor suggested it might be a bad pin. The vendor has been contacted because there were too many affected to blame the pin. The problem will be corrected before November.

The next matter on the agenda was a review of the judges of election schools. The Executive Director indicated that over 100 training schools were held with nearly 2,000 participants across the state including one session with the Attorney General's office which was held in Springfield.

The last item regarding the primary review is a summary of the statewide election contest procedures provided by Article 23 of the Election Code. Member McGuffage questioned Mr. Sandvoss about circuit judges appointing the State Board of Elections to perform the recount and compensation for the work. Member Keith concurred with Member McGuffage and asked where we would get the money; how do we get the money; and if we have started a process to keep track of how we will make our request? Mr. White replied that the request would be supplemental and staff would keep track of the time, once we are involved. But, he admits the language is curious as it says "entitled to compensation" but is that compensation taxed and paid? Member Keith agreed that this would mean significant out of pocket expenses that would affect our budget for the rest of the year and suggested contacting the four leaders of the legislature and having the bill ready to submit to them

when appropriate. He added that having better detail will give a better chance of compensation. Mr. Mossman was asked to detail the canvass process. He said they ensure the canvass submitted by each jurisdiction is accurate because they look at the number of ballots cast by each party, the number of central ballots cast by each party as well as the number of nonpartisan ballots cast equals the total number of ballots cast they show on the report. Also, in the case of a constitutional office, they check to see if the ballots cast are actually greater than the total number of ballots cast for that jurisdiction – which can happen. If there is a discrepancy, the jurisdiction is contacted, their canvass amended and the discrepancy resolved prior to the statewide canvass being approved by the board.

Member Walters asked if Mr. White had any information on the status of the Democratic candidate for lieutenant governor. Mr. White responded by reading the official declination of Mr. Scott Lee Cohen filed with the agency office on February 16<sup>th</sup> and followed up with another original today. “Effective immediately, upon declaration and proclamation of the results from the February 2, 2010, primary election by the Illinois State Board of Elections, I hereby decline the nomination and resign as a candidate of the Democratic Party for the Office of Lieutenant Governor for the general election to be held November 2, 2010. If you require any additional information, please contact me.” He added that Mr. Cohen signed the letter and it was duly notarized with carbon copies to the Secretary of State, chairman of the Democratic Party and himself.

Mr. White continued with a response to a report submitted by Member Keith regarding the Council and Governmental Ethics Laws (COGEL) December session. The report, carried over from the January meeting, brought the Board’s attention to a session regarding Voting Centers utilized in Larimer County, Colorado and “Increasing Voter Turnout: What Role Can Electoral Agencies Play.” He said that internet research was performed regarding vote centers and a meeting with our legal department and division directors reviewed and discussed the matter. A chart was submitted on pages 24 and 25 of the packet and Mr. White indicated that the increased turnout was due to the voting centers and absentee voting. Once an absentee ballot is requested it is automatically sent to those voters until they move or change their registration. It’s the consensus of staff that they’re doing good things in Colorado to increase voter turnout. The next step would be to get the election authorities input and if acceptable to the board it could be discussed at their advisory committee meeting in May. Other matters to consider would be improving the absentee procedures and electronic voting. Mr. White also suggested meeting with the state of Indiana, who sent a delegation to Colorado to review the centers and how they work. No questions were asked by the Board and the Chairman said it was a reasonable approach and asked that the advisory committee members be supplied with materials or be advised in advance of this matter.

The Director said that the legislature is back in session and Ms. Cristina Cray was at the Elections Committee meeting yesterday. He asked Legislative Liaison Cray to update the Board on legislative activity. She said that two bills were moved; one to clean up the voting rolls with deceased voters and to clean up the Upper Mississippi Port Authority District. Ms. Cray added that the 12 bills in the General Assembly concerned moving the primary anywhere from May to September and some have the presidential years being held in March and nonpresidential in September. Calendars are being created for the staff, special 2012 calendars, to see how moving a primary will affect redistricting. Six bills being considered include abolishing the Lieutenant Governor’s office and one was posted to House Elections Committee. Ms. Cray said she would keep the Board advised of the Senate Executive Committee meeting at 2:00 p.m. today regarding Senate Bill 1466, limits for contributions except for legislative leaders in the primary and Executive Appointments meeting at 4:30.

Mr. White continued with the IVRS update and noted that duplicates are close to being eliminated. Kyle Thomas, Director of IVRS, said that maintenance will resume and pick back up over the next several months and he expected the duplicates getting closer to zero as the system is utilized.

The Director's Fiscal Report was next. Mr. White said the Board is in good shape meeting obligations this year. He appreciated Mr. Keith's question about moving the ten lump sum allocations that were reduced to \$6 million and reallocated. They consist of expenses not included in this month's fiscal report that will be paid which were not exactly obligated funds. Mike Roate, confirmed that the contractor submitted their bill and is waiting to be paid, but the \$100,000 redistricting funds have been spent. Mr. White added that the additional state match will be spent as well. The additional state match to the \$2.8 million in requirements money that Congress has appropriated will result in an additional state match of \$148,000. He said that \$70,000 is available due to the insight of Mr. Roate, but another \$70,000 will be taken from the lump sum as well. The total so far is \$400,000. The judges of election reimbursement, was slashed in half for both Election Day and early voting judges. The expected request is approximately \$3.5 million and we have only \$2 million in the judges of election lump sum. There will not be enough money to make that up.

Other items of fiscal interest are the Voting Systems Integrity Center (VSIC), the E-Canvass and IDIS replacement. Although nothing has been expended and obtaining a physical site for the VSIC will take some time, hiring some staff may be the initial step, depending on next year's funding. Mr. White also expected to step up activity with E-Canvass by hiring a staff person to run it and then contact the election authorities and perform the technical formatting and data that will be submitted for the electronic canvass. E-Canvass will be headed up by Mark Mossman. With regard to IDIS replacement it appears that only \$60,000 has been spent which leaves a little over \$300,000 remaining. Our IT department is testing IDIS II and we anticipate the new IDIS project beginning in April. Director White added that there is insufficient funding in our lump sum appropriation to meet all of these things. But, if we are unable to utilize that money in this fiscal year with regard to VSIC, E-Canvass and IDIS, it will be reallocated to the judges of election which is approximately \$2 million short. We may need to apply for a supplemental for this year, particularly for the judges of election funding. Member Keith asked how the judges' payment requests will be handled and Mr. White said that it would be dealt with as one voucher. Member Keith moved to direct staff not to voucher anything for the election judges until further Board approval so we can do all those things and that we're all on line as to what we're doing, where we're cutting, and then we know how much we are going to short them and why we're going to short them if we don't get a supplemental. Member Brady seconded the motion which passed by 8 ayes in unison.

Director White concluded his report with the two-year plan of activity for informational purposes for the Board.

General Counsel Steve Sandvoss' first item on his report was a Board order issued against the committee Friends of Alderman Madeline Haithcock. He said the committee has not complied with the Board's order to file amended reports within 90 days of the effective date of Mary 19, 2009. Subsequently, counsel for the committee was supposedly taking steps to get the information to file the amended reports by December 22<sup>nd</sup> which was 60 days after the issuance of a second order. That order was not complied with either. Mr. Sandvoss recommended placing this matter on the March agenda for consideration of imposing a fine not to exceed \$5,000 for failing to comply with the Board orders and to provide the requisite notice to the committee that this will be on the March agenda. Member Smart moved to accept the General Counsel's recommendation and Vice Chairman Rednour seconded the motion. Chairman Schneider asked if anyone was present for the committee Friends of Alderman Madeline Haithcock and no one was present. The record will indicate that no one was present for the respondent. There being no further discussion on the motion the Chairman called the motion and 8 ayes in unison responded and none opposed. The motion was adopted and is the Board's order.

Mr. Sandvoss continued with items 2 and 3, *State Board of Elections v. Illinois Association of Mortgage Brokers PAC*; and *State Board of Elections v. Friends of John Pope* and recommended the appeals be granted. Member Keith asked to consider the committees separately and the Chairman agreed. Member Keith said that he read the IAMB PAC appeal as they were fined and after they were fined, they resolved the issue and then requested that its appeal be granted. He did not agree with that precedent. Member Keith moved to deny the appeal for the reason that there is nothing in the record to show any justification for the noncompliance. Member McGuffage seconded the motion. Chairman Schneider recognized Mr. Marvin Stockert, Executive Director for the Illinois Association. Mr. Stockert said that they had contacted the hearing officer or an officer at the SBE office and discussed the violation; they believed that by correcting the issue corrected the problem. But when they filed for a raffle they were advised the violation. Member Smart spoke against the motion. He said the motion puts the emphasis on the wrong point and that is the fine, rather than correcting the omission. He added that he is against the motion because the objective should be strictly to clear these matters up, get them taken care of and not penalize the people. Member Porter asked Mr. Sandvoss to clarify his recommendation and if he changed his position. Mr. Sandvoss concurred with the hearing officer because the issue was failure to file Schedule A-1 reports and the contributions at issue were not received during a time when A-1s are required to be filed. He again concurred with the hearing officer and added that the semi-annual report listed incorrect information that has been corrected. Member Keith amended his motion to not deny the appeal, rather to find that there was a violation and place this committee under a Board order to have no further violations for the next 12 months rather than a fine at this time which would address the situation and based upon what we have here that we are saying corrections after a fine are acceptable as a precedent. Member McGuffage agreed to the amendment. Mr. Sandvoss restated the motion and second as Granting the Appeal to the extent that the Board is not assessing the amount that was originally assessed. However, we find a violation of the Act in that the committee failed to accurately disclose the date of the receipt of contributions in a timely manner; and, therefore, the committee will be put under a 12-month Board order to refrain from further violations of the Campaign Finance Act, and if they are found to have violated it, then they could face a fine up to \$5,000 for failure to comply with the Board order. The committee did not address the revised motion. Discussion ensued among the board. Member Porter thought the motion was unnecessary and Member Smart agreed. The Chairman called the motion. The motion failed with Members Brady, Porter, Smart and Walters voting no. Member Smart moved to accept the general counsel and hearing officer's recommendations to grant the appeal. Member Porter seconded the motion which passed 6-2 with member Keith, McGuffage voting no.

The Chairman called *SBE v. Friends of John Pope*, 09JS158 and noted no one present for the respondent. Mr. Sandvoss concurred with the hearing officer to grant the appeal. Member Smart moved to accept the staff's recommendation and grant the appeal with Vice Chairman Rednour's second. The motion passed 7-1 with Member Keith voting against the motion.

Mr. Sandvoss continued with an appeal of a civil penalty assessment in the matter of *SBE v. George O. Wendt Campaign Committee*. He concurred with the recommendation of the hearing officer that the appeal be denied. The record will show that no one appeared for the committee. Member Porter moved to adopt the position of the hearing officer and General Counsel. Member Brady seconded the motion which passed unanimously by roll call vote.

The Chairman called Item 5, *Grave v. Krueger*, a complaint following public hearing and appearances were filed by Respondent Patricia Krueger and M. Yaser Tabbara for the complainant. Mr. Sandvoss said that the committee listed a contribution from a business and the business denied making the contribution. Mr. Mazur, the person who made the cash contribution was joined as a respondent and was notified of these proceedings. The hearing officer recommended the respondent MVP Party was not in violation because they had been told by

the person who conveyed the contribution that it was from his business. The General Counsel concurred with the recommendation and added that Mr. Mazur be found to have violated Section 9-25 which prohibits a person from making a contribution in the name of another person and Mr. Mazur be placed under Board order requiring him to fully comply with all appropriate laws and rules in reporting any contributions made by him either personally or on behalf of any other person or entity. Member Keith moved to dismiss the complaint against the committee, find a violation by Mr. Mazur and place him under an order of compliance with the recommendation of the General Counsel. Member Brady seconded the motion which passed unanimously by roll call vote.

As items 6 and 7, *Illinois Campaign for Political Reform against the 22<sup>nd</sup> Ward Democratic Committeeman Fund*, 09 CD 069 and *Illinois Campaign for Political Reform v. Citizens for Munoz*, 09 CD 070, were parallel matters, they were considered together. In both cases, complainant alleged the committees failed to file the December 2008 and June 2009 semi-annual reports. The respondents did not appear at the closed preliminary hearing and a public hearing was ordered. Respondents filed the semi-annual reports at issue before the public hearing was held. It was the recommendation of the hearing officer in both of these cases that no further action be taken against the committees other than referring the late filed reports to the Campaign Disclosure staff for the assessment of any of appropriate penalties. Mr. Sandvoss concurred with the recommendation. Chairman Schneider recognized Mr. David Morrison for the Campaign for Political Reform and complainant in both cases and Mr. Richard Means for Alderman Munoz and the Campaign committee. Member Keith moved to concur with the recommendation of the General Counsel and proceed accordingly and Member McGuffage seconded the motion. The motion passed unanimously by roll call vote.

Mr. Brady moved to proceed to Executive Session for purposes of considering matters following closed preliminary hearing. Mr. Keith seconded the motion which passed by 8 ayes in unison. The Board recessed into Executive Session at 12:09 p.m.

The meeting reconvened at 2:19 p.m. Roll call resulted in all members present.

Member Keith moved as to 09CD071, *Sloan v. Olson*, that Count I was not filed on justifiable grounds and dismiss same; that Count II was filed upon justifiable grounds, but based upon subsequent actions by the committee, no further action is necessary at this time other than the staff having the ability to review any filings as are appropriate for further action. Member Brady seconded the motion which passed unanimously by roll call vote.

Returning to the General Counsel's report, Mr. Sandvoss presented a proposed rule that would make the existing rules that implement the Business Entity Registration System (BEREP) consistent with recent amendments to the legislation that created the BEREP system. The changes require businesses to update their registration on a quarterly basis following the final day of January, April, July and October. It clarifies the certificate of registration may serve as the required notice required to be given to affiliated persons, entities and political committees. An amendment to 100.180(m) requires keeping and maintaining paper registration submitted by business entities for 3 years following the creation of the electronic registration system. Mr. Sandvoss asked for a motion to approve these changes. Member Smart moved to proceed with the rule and send it to JCAR. Vice Chairman Rednour seconded the motion which passed 8-0.

The meeting continued with Mr. Sandvoss offering a memorandum detailing steps taken to create rule-making that would implement the recently enacted Campaign Finance Reform Legislation and to conduct the public hearing in conjunction with the April and May meetings. His goal is to have the rules adopted on or before the

effective date of the Campaign Finance Reform Legislation of January 1, 2011. He further recommended the Board appoint a subcommittee consisting of two members, who would review the proposed drafts, assist with any necessary changes, be available for consultation, and expedite the process of getting them enacted so they are in place on the effective date. Mr. Sandvoss indicated that interested parties would have input into the process with the Board generating as much notice and discussion as possible. Discussion was had among the board and further discussion is expected at the next meeting.

The Chairman asked if the April board meeting could be changed. Alternate dates for the conference room, video needs and hotel reservations would be considered.

There being nothing further before the Board, Member Keith moved to adjourn to Friday, March 5<sup>th</sup> at 10:30 a.m. Member Brady seconded the motion that passed by 8 ayes in unison and none opposed.

The Board adjourned at 12:30 p.m.

DATED: March 3, 2010

Respectfully submitted,

---

Daniel W. White, Executive Director

---

Darlene Gervase, Administrative Assistant II