

**STATE BOARD OF ELECTIONS
Board Meeting
March 5, 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
Rupert Borgsmiller, Asst. 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 Brady, 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.

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

The Executive Director presented the minutes of the February 3 special meeting and discussed revisions that were made to the minutes. Member Brady moved to approve the minutes as revised. Member Porter seconded the motion which passed unanimously.

The Executive Director presented for Board certification the official results of the February 2, 2010 General Primary Election noting this election had a record low turnout. Director White then distributed an official canvass for Board signature. Member Brady moved to certify the results of the February 2, 2010 General Primary Election. Member McGuffage seconded the motion which passed by roll call vote of 8-0. Director White thanked all staff involved in the canvassing process as well as the election authorities.

Cris Cray presented a legislative update and discussed current bills: SB 355 which would move the primary back to March; HB 5820 would make the nomination of Lt. Governor and Governor a joint nomination; SB 2503 pertaining to undervotes; and HB 6077 which includes language for the MOVE Act.

Director White discussed new statutory language passed in last year's legislative session that impacts the filling of vacancies in nomination where no candidate was nominated at the primary election. This new language provides that when a political party committee fills a vacancy in nomination occurring where no candidate was nominated at the primary election, the designated person must file nominating petitions with the number of signatures required for an established party candidate for that office within 75 days after the day of the general primary election. They must also file a statement of candidacy, a notice of appointment and a receipt of statement of economic interest. Any objection to these nominating papers are to be heard by the electoral board that has jurisdiction to hear objections for the office sought. Mark Mossman presented information on possible dates the Board may choose to meet as the State Officers Electoral Board. The Board agreed to meet sometime between April 26 and May 3 depending on if and when an objection is filed.

The Executive Director presented for informational purposes the IVRS update, the FY 10 fiscal status report for the period ending February 28, 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 March and April. Kyle Thomas discussed the number of duplicate registrations indicating that right before an election the number of duplicates may increase as registrations continue to come in during grace period registration and the time that registration is closed. These numbers will go down as the election authorities work to remove duplicates from the list.

The General Counsel presented *SBE v. Friends of Alderman Madeline Haithcock*, 08CD036. This matter was for failure to comply with a Board order. No one was present in this matter. Mr. Sandvoss indicated that given the fact there has been no attempt by the committee to comply he recommended the Board assess a penalty of \$5,000 against the committee. Mr. Borgsmiller indicated that all mailings have been sent first class mail and nothing has been returned. Member Smart moved to assess a penalty of \$5,000 for failure to comply with a Board order. Member Brady seconded the motion which passed by roll call vote of 8-0. Discussion ensued on enforcing such penalty if the committee fails to make the payment. Member Keith moved to direct the General Counsel to take steps to enforce the just adopted order of the Board. Member Brady seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. J. Thornton Sr. Annual Fund Raiser Committee*, 09JS051, an appeal of a campaign disclosure fine that the hearing officer recommended be denied. This matter was carried over from the January meeting. No one was present concerning this

matter. Mr. Sandvoss indicated the hearing officer recommended the appeal be denied and he concurred with the recommendation. If the Board denies the appeal the committee will be assessed a total of \$5,950. Member Keith moved to adopt the recommendation of the General Counsel and hearing officer and deny the appeal. Member Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented appeals of campaign disclosure fines that the hearing officer recommended be granted for agenda items 3.a.3-7: 3) *SBE v. Democratic Citizens Association of Caseyville Township*, 09JS005; 4) *SBE v. Edgar County Democrat Boosters*, 09JS019; 5) *SBE v. The Committee to Elect Cindy Williams*, 09AE033; 6) *SBE v. Friends of Barrett F. Pederson*, 09AE044; and 7) *SBE v. Citizens to Re-elect John Pope*, 09JS179. No one was present in these matters. Member Brady asked that item #7 be taken separately. Mr. Sandvoss concurred with the recommendation of the hearing officer in each case. No one was present in these matters. Member Brady moved to grant the appeals in 3.a.3, 4, 5, and 6. Member Porter seconded the motion which passed by roll call vote of 8-0.

The General Counsel then presented 3.a.7, *SBE v. Citizens to Re-elect John Pope*, 09JS17. No one was present in this matter. The hearing officer recommended the appeal be granted based on past practice of electronic filing problems. Mr. Sandvoss agreed with the recommendation indicating the committee attempted to file both reports and encountered technical difficulties. Member Brady questioned if the two committee's were related. It was agreed to hold this for further discussion while staff could research the question.

The General Counsel presented appeals of campaign disclosure fines that the hearing officer has recommended be denied for agenda items 3a.8-18: 8) *SBE v. Pulaski County Democratic Central Committee*, 09JS219; 9) *SBE v. Citizens for Matthew Goetten*, 09JS030; 10) *SBE v. Friends of Vito Manola*, 09JS227; 11) *SBE v. Friends of Stephanie Kifowit*, 09AE018; 12) *SBE v. Village Pride*, 09AE023; 13) *SBE v. What's Best for the Sunnybrook Kids Committee*, 09JS240; 14) *SBE v. Citizens for Bob Brilley II*, 09AE025; 15) *SBE v. Residents for Progress*, 09AE027; 16) *SBE v. Student Success Alliance*, 09AE028; 17) *SBE v. Committee to Elect Dennis Barnard*, 09DS264; 18) *SBE v. People Empowering Ethical Politics*, 09AE041. No one was present in these matters. Mr. Sandvoss indicated that he disagreed with the recommendation in 3.a.11 and would discuss that under separate consideration. Correspondence was received from the committee's treasurer in 3.a.13 requesting this be held over to the April meeting. The Chairman then directed 3.a.13 be placed on the April Board meeting agenda. Mr. Sandvoss indicating in 3.a.15 that the recommendation was the appeal be granted and denied and he agreed with that recommendation. Member Brady moved

to accept the recommendation of the hearing officer and General Counsel in 3.a.8-10, 12, 14, and 16-18 to grant deny the appeals and in 3.a.15 to grant the appeal and deny the appeal in part. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented then presented 3.a.11, *SBE v. Friends of Stephanie Kifowit*, 09AE018 indicating that the committee should have filed a non-participation report. Contributions were reported but no schedule A-1 was required. He recommended that the appeal be granted. Stephanie Kifowit was present and thanked the Board for their consideration. Member Smart moved to grant the appeal. Member Brady seconded the motion which passed by roll call vote of 8-0.

Discussion returned to 3.a.7, *SBE v. Citizens to Re-elect John Pope*. Mr. Borgsmiller indicated it appears that the two committees both support John Pope but there is no rule that a candidate can have only one committee. The officers are the same for both committees and both cases grew out of the same circumstances at the same time. Member Brady moved to accept the recommendation of the hearing officer and General Counsel and grant the appeal. Member Porter seconded the motion which passed by roll call vote of 6-2 with Members Keith and Walters voting in the negative.

The General Counsel presented for informational purposes a listing of committees that paid civil penalties for the period of February 5, 2010 through February 24, 2010. In response to a question it was agreed that staff would provide a monthly status report on payments made by committees who were approved for payment plans.

Member Brady moved to recess to executive session to discuss complaints following closed preliminary hearings, personnel matters and pending litigation. Member McGuffage seconded the motion which passed unanimously. Meeting recessed at 11:30 p.m. and reconvened at 12:40 p.m. Member Rednour left the meeting during executive session.

Member Keith moved to confirm the transmittal of Case 10CA605, currently pending in the Circuit Court of McHenry County, to the Attorney General for representation as appropriate. Member Brady seconded the motion which passed unanimously.

Member Keith moved in the matter of *Thompson v. Gorman*, 10CD001 that the complaint be found not to have been filed on justifiable grounds and should not proceed to a public hearing. Member Brady seconded the motion which passed unanimously.

Member Keith moved in the matter of *Gorman v. Mark Thompson Campaign Committee*, 10CD003 that the complaint was found to be filed on justifiable grounds and order that the matter proceed to a public hearing. Member Brady seconded the motion which passed unanimously.

Member Keith moved in the matter of *Laiacona & Lozano v. Mell, Burke, Zalewski & Sente*, 10CD004 that as to Counts 4 and 6 the committee has satisfactorily complied and no further action is necessary. Member Brady seconded the motion which passed unanimously.

With no objection, Chairman Schneider moved the matter of *Peraica v. Friends of Todd Stroger*, 10CD005 to the April meeting.

Member Keith moved in the matter of *Tisch v. Friends of John Fairman*, 10CD006 that the matter to found to have been filed on justifiable grounds and to proceed to a public hearing. Member Brady seconded the motion which passed unanimously.

Member Keith moved in the matter of *Citizens for Skoien State Committee v. Citizens for Aaron Del Mar*, 10CD007 to dismiss the complaint for want of prosecution. Member Brady seconded the motion which passed unanimously.

Member Smart asked that the matter of canvassing, specifically how better canvasses can be provided to the State Board of Elections, be included on the next Advisory Committee agenda.

The General Counsel discussed two pending opinions from the Attorney General's office noting that the requests are handled in the order received. It was agreed that Mr. Sandvoss contact the Attorney General's office indicating that the Board's request for an opinion on whether we should still refuse to accept resolutions to fill vacancies in nomination for judicial office even if they are accompanied by nominating petitions is of an urgent nature.

Discussion ensued about amending canvasses and it was noted that the Board would take it under advisement if and when the situation may be presented.

The next regular meeting of the State Board of Elections will be held on Wednesday, April 14, 2010 at 10:30 a.m. posted for both the Chicago and Springfield offices.

With there being no further discussion, Member McGuffage moved to adjourn. Member Brady seconded the motion which passed unanimously. The meeting adjourned at 12:55 p.m.

Respectfully submitted,

Assistant to Executive Director

Executive Director