

**STATE BOARD OF ELECTIONS
Board Meeting
Friday, March 7, 2008
Springfield, Illinois**

MINUTES

PRESENT: Albert Porter, Chairman
Patrick Brady, Member
John Keith, Member
William McGuffage, Member
Wanda Rednour, Member
Jesse Smart, Member
Robert Walters, Member

ABSENT: Bryan Schneider, Vice Chairman

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 seven members present. Chairman Porter, Member Brady and Member McGuffage were present in the Chicago office and connected via videoconference. Member Rednour was connected via telephone and Vice Chairman Schneider was absent. Member Smart held Vice Chairman Schneider's proxy.

Chairman Porter presented the minutes of the February 13 special meeting and the revised minutes of the February 19 regular monthly Board meeting. Director White discussed the revisions which were distributed to the members. Member Brady moved to approve the minutes as amended. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The Executive Director indicated the meeting was being held on this date to certify the results of the February 5 primary election. Director White indicated that Illinois hit a record of 7.3 million registered voters for this election. Turnout was high at 40.89% of registered voters which was a dramatic increase from prior primary elections. In the Democratic Presidential Primary candidate Barack Obama came in first with 64% of the vote and candidate Hillary Clinton came in second with 33% of the vote. In the Republican Presidential Primary candidate John McCain received 47%, candidate Mitt Romney received 28% and candidate Mike Huckabee received 16% of the vote. In the special primary election held in the 14th Congressional District candidates Bill Foster (Democrat) and

Jim Oberweis (Republican) won and will move to the March 8, 2008 Special General Election. Director White thanked all staff for assisting in the canvass in order to get it done in a timely manner with special thanks to Mark Mossman and his staff. Mr. Mossman reviewed the canvassing procedures including the allocation of delegates. He also thanked many other staff members for assisting in the canvassing process as the job could not have been finished that quickly without their help. Member Smart moved to officially certify the results of the February 5, 2008 Primary Election. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The Executive Director discussed the preparations for the special congressional general election which will take place on Saturday, March 8, 2008. Staff will be available in the Springfield office and two staff members will be in the field. Discussion ensued on a date for certifying the results of this election. Mr. Mossman indicated March 29 is the deadline to complete the tabulation of provisional and absentee ballots and April 5 is the last day for election authorities to canvass. It should not take SBE staff long to canvass the results from all nine jurisdictions. Discussion then moved to the request from the Clerk of the U.S. House of Representatives for unofficial election results of the March 8 special election. Member Brady indicated that he spoke with the Clerk's office and it is their practice to evaluate unofficial results. If it is clear from the unofficial results who the victor is they would act immediately and seat the member. However, if it is a close election and they were unable to determine the results the Clerk's office would not act on unofficial results. The General Counsel had reservations with releasing results other than our final canvassed results. Director White indicated it has been the policy not to divulge unofficial results but if the Board so directed, it may not be a problem attempting to provide unofficial numbers to them. Chairman Porter felt uncomfortable releasing unofficial totals. Member Keith indicated that if we did not provide unofficial results the district will be without representation for a period of time. As of the date of the special election, all office staff are released from their jobs with the Representative's office. Discussion ensued on the length of time that would be required to canvass and report official totals. Jack Cunningham, Kane County Clerk, was present and indicated that they would cooperate to the fullest extent in providing unofficial results to the State Board of Elections. After further discussion

Member Brady moved to authorize staff to forward the information that we have received from the Clerk of the House and request that each of the election authorities in the 14th Congressional District forward to the SBE unofficial results and authorize Dan or staff to transmit those unofficial results to the Clerk of the House as soon as possible. Member Smart seconded the motion and accepted the amendment to the motion to include with the unofficial candidate totals, the number of uncounted absentee ballots and number of provisional ballots that have yet to be counted. Discussion continued on the motion and the motion passed by roll call vote of 8-0.

Member Keith then moved to schedule the official certification for a date set at the call of the chair upon receipt of information from the nine jurisdictions. Member Smart seconded the motion which passed by roll call vote of 8-0. Chairman Porter voted Member McGuffage's proxy as he had stepped out of the room.

The Executive Director presented a legislative update and reported that at our two budgetary appropriation hearings the SBE was complimented for our operations and the professional job we do. Cris Cray discussed the legislative items that are being debated including the open primary, a requirement of a photo ID for everyone voting, and allowing 17 year olds the right to vote.

Director White discussed the testimonial for former Board member Mike Lavelle which will be held in Chicago on March 19. The organizers have asked the Board to prepare a resolution which is included in the Board packet. Director White reviewed the revisions which were made on the final copy. Member McGuffage moved to adopt the resolution in honor of Mike Lavelle. Member Keith seconded the motion which passed by roll call vote of 8-0. Member Smart voted Member Brady's proxy as he had stepped out of the room.

The Executive Director indicated the FY 08 fiscal status report for the period ending February 29 and the FY 08 fiscal report for the Help Illinois Vote Fund were sent out under separate cover. The two year plan of activity for the months of March and April was presented for informational purposes.

The General Counsel presented appeals of civil penalties that the hearing officer recommends be denied and concurred with the recommendations. Member Smart moved to deny the appeals in the

matters of *SBE v. Citizens for a Better 24th Ward (CB24)*, 07JS119; *SBE v. J. Thornton Sr. Annual Fund Raiser Committee*, 07JS121; *SBE v. Horsepower PAC LTD*, 07JS125; and *SBE v. ESPA District #15 PAC*, 07MA030. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented for informational purposes a listing of committees who have paid civil penalties.

The General Counsel presented *SBE v. Friends of Don Patterson*, a complaint following a public hearing. Mr. Sandvoss explained the committee failed to file a semi annual report and did not appear at the hearing. He concurred with the recommendation that the Board issue an order that the committee file a semi-annual report within 30 days of the issued order and failure to comply with the Board order will subject the committee to a civil penalty not to exceed \$5,000. Member Keith moved to issue the order. Member Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a proposed amendment to Part 216.50 of the State Board of Elections Rules and Regulations. The revision would allow the use of obituaries to remove deceased voters from voter registration rolls. Mark Shelden, Champaign County Clerk, had suggested the change and was present. He noted his concern with seeking confirmation of a death from a spouse or relative of a deceased voter and discussed the proposed language as prepared by SBE staff. Discussion ensued on the proposed language and the definition of "newspaper" and it was suggested that the sentence requiring confirmation of an obituary be removed. Clerk Shelden explained the process should someone be removed from the polls accidentally. Mr. Sandvoss indicated the language requiring the clerk's office to confirm an obituary with the funeral home was included as a precaution. Member Keith moved to direct staff to draft revised language in accordance with discussion today and place on the April agenda as well as providing to Clerk Shelden and other interested parties. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented for discussion an issue involving a political committee, Act Blue Illinois, on file with the SBE and its website which invites a visitor to click a link to any candidate on the site for the purpose of making a contribution to such candidate. The committee is a pass through or a conduit for contributions to candidates and does not keep any of the money. The

committee files reports of receipts and expenditures and the candidate also files the reports which is actually double reporting. John Countryman, former Board member, was present on behalf of the House Republicans, and commented on the situation including the time frames for the committee to be forwarding funds. Jonathan Zucker was present on behalf of Act Blue Illinois and indicated they have this same kind of website in other states as well. It was indicated that the General Counsel would research other states and gather additional information as to other states rules as well as federal rules. This will be continued to the April meeting presuming the General Counsel is able to gather information in time.

Mark Mossman indicated that County Clerk Cunningham had his staff contact seven of the eight other jurisdictions involved in the special election and they all indicated they would cooperate in sending the unofficial results to the SBE.

The next meeting of the State Board of Elections to canvass the results of the special March 8, 2008 general election will be held at the call of the chair.

The next regular meeting of the State Board of Elections will be held on Monday, April 21, 2008 at 10:30 a.m. in Chicago.

With there being no further discussion, Member Keith moved to adjourn until the call of the chair. Member Brady seconded the motion which passed unanimously. The meeting adjourned at 12:40 p.m.

Respectfully submitted,

Assistant to Executive Director

Executive Director