

STATE BOARD OF ELECTIONS BOARD MEETING

Monday, June 9, 2008

MINUTES

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

VIA TELEPHONE: Wanda L. Rednour, Member

ABSENT: 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. with six members present and led everyone in the pledge of allegiance. Member Smart held Member Walter's proxy and Vice Chairman Schneider held Member Brady's proxy until his arrival at 10:36 a.m.

Vice Chairman Schneider moved to recess to the State Officers Electoral Board at 10:33 a.m. Member Smart seconded the motion which passed unanimously by ayes in unison.

The meeting of the State Board of Elections resumed at 11:40 a.m.

Executive Director White presented the minutes with one revision on page 7, second paragraph, fifth line which would read "matters on the tape recorder may have ceased operating without the Board being aware of it." Member Smart moved to adopt the minutes of the May 19th meeting as corrected. Member Brady seconded the motion which passed unanimously by ayes in unison.

Roll call was taken at 11:41 a.m. with 7 members present. Member Smart held Member Walter's proxy.

Mr. White began his report with an update on the \$2 million federal grant that the agency applied for and won. This competitive grant will be utilized to collect voter data from the November election. He submitted a press release by the EAC and a letter from the state of Wisconsin suggesting a meeting to pool resources in communication and moving forward.

He indicated that Assistant General Counsel Steve Sturm, the Chairman of the Grant Committee has recommended in a memorandum in the Board packet that the best way to move forward would be to award a sole source contract to Catalyst because they are very familiar with the county clerks' operations and have a good working relationship with them. The Board had questions regarding sole source justification. Mr. White indicated that if the sole source approach was not approved that valuable time would be expended and we would likely come to the same end result. The Board asked the General Counsel to check the anti-stringing provision in using Catalyst and if time constraints justify the sole source award. This matter was continued to the July 8th meeting for further review. The Chairman stated that a debt of gratitude is owed to the Executive Director and staff as it is an honor to have been chosen.

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Vice Chairman Schneider moved to recess the State Board of Elections and reconvene as the State Officers Electoral Board. Member Smart seconded the motion which passed unanimously by ayes in unison. The meeting recessed at 11:58 a.m. and reconvened at 12:01 p.m.

Roll call was taken and 7 members were present. Mr. Walters was absent and Member Smart held his proxy.

Vice Chairman Schneider reiterated that there will be a special Board meeting July 8th and asked Mr. White to report back to the Board that sole sourcing is the appropriate way to go with the federal grant.

Mr. White said that the fifth and last filing period for the November election, the New and Independent Candidates filing period will run from June 16 through June 23. He added that it is not as large as the primary election filing period, but equally important and asked Mark Mossman, Director of Election Information, who was present via telephone for his comments. Mr. Mossman stated that in prior years, approximately 25 candidates filed with the most activity occurring the last day. Filing period activities will be conducted in the large board room with petitions secured in the mini board room. Staff from the Division of Election Information will be responsible for all aspects of the filing period except for voter searches conducted under the direction of Kyle Thomas. However, IT staff will be required during filing and other staff involvement will be on limited basis.

The Chairman suspended the Director's Report to accommodate parties present for Campaign Disclosure matters and called *SBE v. Salamanca for Change*, but no one was present for the parties. The matter was passed until later in the meeting.

Mr. Sandvoss continued with *SBE v. Bilotta*, L10811, 07MA032, a carryover Motion for Reconsideration from the May meeting. Mr. John Countryman was present for the respondent committee and made a settlement offer of \$5,550.00. He indicated that Mr. Bilotta is a Will County board member running for reelection and faces ballot forfeiture if the fine is not paid. Member Smart moved to accept the settlement offer of \$5,550 to be paid by August 15, 2008. Member McGuffage seconded the motion which passed 6-2 with Members Brady and Keith voting no.

Mr. Sandvoss called *SBE v. Citizens for Elizabeth Hernandez*, S8255, 08DS183 and summarized the activities of the committee. He indicated that the candidate filed a motion to reconsider a \$286 penalty that was issued by the Board on April 23rd for a delinquent filing of the December 2007 semiannual report. A previous assessment for late filing an A-1 report from the March 2006 election had been stayed. The \$286 penalty is a combination of the stayed and current penalties. Mr. Michael Kasper was present for the Committee as well as Representative Elizabeth Hernandez. He said that the committee attempted to file its D-2 on January 22nd and was prompted with a virus error. When they contacted the SBE the next day, they were able to file the report, but it resulted in a one day delinquency. They received inaccurate information from Board staff and did not file an appeal. Member McGuffage suggested giving them a first time pass because of electronic problems and moved to grant the Motion for Reconsideration and Grant the Appeal. The Chairman asked Mr. Sandvoss for his recommendation and he concurred. Member Rednour seconded the motion which passed unanimously.

The General Counsel called *SBE v. Bremen Township Regular Democratic Organization*, S742, 08DS125 and noted that Mr. John Lord was present for the committee. Mr. Lord filed an appeal of campaign disclosure fines, wherein the hearing officer recommended the appeal be denied. Mr. Sandvoss indicated that this was a carryover from a previous meeting and although he was sympathetic he concurred with the hearing officer that there is a pattern of delinquent filing as 3 reports, previous to this one, were filed late, resulting in a higher penalty. Member McGuffage

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moved to accept the settlement offer of \$700 and accept the finding of the hearing officer but mitigating the fine from \$1400 to \$700. Chairman Porter seconded the motion which passed 5-3 with Members Brady, Keith and Walters voting against the motion.

Chairman Porter continued *SBE v. Committee to Elect Brenda L. Thompson*, L13794, 07AE050 to the August meeting to give Ms. Thompson a chance to consider her options. Mrs. Thompson was encouraged to contact the staff for assistance with understanding the implications of what was discussed.

General Counsel Sandvoss presented three new appeals of campaign disclosure fines wherein the hearing officer recommended the appeals be granted. Member Smart moved and Member Keith seconded a motion to grant the appeals in *SBE v. Citizens for Prorok*, L14435, 08AG004; *SBE v. Meeks for Senate*, S8290, 08AG010; and *SBE v. Friends of Luis Arroyo*, S9349, 08AG013. The motion passed 8-0 by roll call vote.

Mr. Sandvoss concurred with the hearing officers' recommendations on new appeals of campaign disclosure fines wherein the hearing officer recommended the appeals be denied. Member Smart moved to accept the recommendation of the hearing officer and general counsel and deny the appeals in *SBE v. Citizens for Patel*, L13950, 08DS254; *SBE v. Residences Ridgewood*, L14574, 08AG006; *SBE v. Samuel Johnson*, L14617, 08 MA005; and *SBE v. Dunn for Judge Committee*, S7515, 08MA006. Member Keith seconded the motion which passed unanimously.

The General Counsel recognized Suzanne Petrella, respondent in *SBE v. Suzanne Petrella*, L14392, 08MA004, a new appeal where the hearing officer recommended the appeal be denied. Mr. Sandvoss noted that the 2007 Semi-annual report was filed late resulting in a total fine of \$2,550 and he concurred with the hearing officers' recommendation. Member McGuffage moved to accept the recommendation to deny in part and reject the recommendation to deny in part as it relates to the A-1 violation. The \$100 penalty is stayed. Member Smart seconded the motion which passed 6-2 with Members Brady and Keith voting no.

Member Brady moved that the Board recognize that an in-kind contribution was made from Mr. Peter Couvall to the Friends of Terry Link Committee and that, within 30 days, the committee for Mr. Link amend its report to reflect the in-kind contribution. The general counsel's position was contrary to the motion. Discussion ensued among the board. Vice Chairman Schneider seconded the motion which failed by 4-4 vote with Members Keith, McGuffage, Rednour and Chairman Porter voting against the motion.

Member Keith moved to recess to Executive Session to hear 08 CD 002, *Illinois Campaign for Political Reform and Redfield v. Friends of Annazette R. Collins*. Vice Chairman Schneider seconded the motion which passed by ayes in unison.

The meeting recessed at 1:13 and returned at 1:34 p.m.

Roll call was taken. Seven members were present, Mr. Walters was absent and Member Smart held his proxy.

Payments of civil penalties were presented for informational purposes.

Mr. Sandvoss called 07CD100 and no one was present. He said that the committee was issued an order on April 22 to file the June 2007 semi annual report within 30 days of the effective date of the order and failure to do so would subject the committee to a civil penalty not to exceed \$5,000. The report has not been filed and notice was timely sent to the committee advising them that the Board would consider the imposition of the civil penalty at today's

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meeting. Mr. Sandvoss recommended to assess the full \$5,000 as this committee has had adequate notice and they have ignored the order to file the report. Member Smart moved to assess a \$5,000 civil penalty for failure to comply with a board order in *SBE v. Salamanca for Change*, L13747, 07CD100. Vice Chairman Schneider seconded the motion which passed unanimously by roll call vote.

Mr. Borgsmiller reported on the ballot forfeiture information and noted that Mariyana Spyropoulos is not on the ballot and is not facing ballot forfeiture. She was listed by mistake, but four local candidates do owe us money and are facing ballot forfeiture. He indicated that notices to all those candidates and county clerks will be sent unless the Board has a different position.

The Chairman returned to the Legislative update under the Executive Director's report. Mr. White said that Legislative Liaison, Cris Cray, was there until the bitter end. The much debated recall proposal did not pass; straight party voting did not pass, and the ethics requirement bill is awaiting the governor's signature. But, we are pleased with the response from the legislature in regards to language clean up regarding write-ins; two campaign disclosure bills and the budget; however the governor has not signed them yet. There is nothing we have to do now in anticipation of the constitutional convention as the Secretary of State certifies that to us and we certify in August.

The Board meeting schedule update was discussed. To satisfy the statute regarding sitting of judicial winners on the first Monday of December, the Board considered meeting Sunday, November 30, 2008 at 5:00 p.m., via video conference call. Staff will make arrangements to ensure both offices are open for business. Vice Chairman Schneider moved and Member Smart seconded a motion to schedule a meeting for November 30, 2008 at 5:00 p.m. via video conference call. The motion passed 7-0-1, with Member Walter's voted as "present."

September 5, 2008 at 10:00 a.m. was suggested as a special board meeting date to certify Republican Presidential and Vice Presidential Candidates. Member Keith so moved and Vice Chairman Schneider seconded the motion which passed unanimously by 8 ayes in unison.

Member Keith moved to direct the General Counsel to proceed in the matter of *IL Campaign for Political Reform and Redfield v. Friends of Annazette R. Collins*; 08CD002 as directed in Executive Session and continue that matter for hearing on July 8. Member McGuffage seconded the motion which passed 8-0.

Vice Chairman Schneider moved to recess to executive session for campaign disclosure, personnel and litigation matters. Member Brady seconded the motion which passed unanimously. The Board recessed to executive session at 2:10 p.m. and returned at 4:15 p.m.

Roll call was taken. Seven members present, Mr. Walters was absent and Member Smart held his proxy.

Member Keith moved to direct the general counsel to proceed in the Illinois Campaign for Political Honesty case in the manner directed in Executive Session. Member Smart seconded the motion which passed unanimously.

Member Keith moved to direct the General Counsel to proceed with finalization of the General Counsel, Executive Director and Assistant Executive Director contracts as directed in Executive Session. Member Smart seconded the motion which passed 8-0.

Member Smart moved to adjourn until July 8 or the call of the Chair. Member Rednour seconded the motion which passed unanimously by 8 ayes in unison.

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The Board adjourned at 4:17 p.m.

Dated: June 19, 2008

Respectfully Submitted,

Daniel W. White, Executive Director

Darlene Gervase, Administrative Specialist II