

**STATE BOARD OF ELECTIONS
Board Meeting
Monday, July 2, 2007
Springfield, Illinois**

MINUTES

PRESENT:

**Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady, Member
John R. Keith, Member
William McGuffage, Member
Wanda Rednour, Member
Jesse Smart, Member
Robert Walters, Member**

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 10:30 a.m. with eight members present. Member Brady was present via telephonic connection.

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

The Executive Director noted that every two years the election of a new chairman and new vice chairman is held. Also, if new members are appointed they would take office today. However, there was no action on the appointment process so the current members will continue to serve until current members are reappointed or new ones are confirmed. The first order of business is the election of the new Chairman and new Vice Chairman. Director White then recognized outgoing Chairman Smart and noted how fortunate he was to serve with two fine Chairmen since his appointment as Executive Director. Director White noted that these past two years have been challenging but Chairman Smart provided great leadership and was endorsed by the county clerks for reappointment to the Board. On behalf of the Board and staff, Director White presented Chairman Smart with an engraved gavel commemorating his two years as Chairman and thanked him for his service to the State Board of Elections and the State of Illinois. Chairman Smart thanked Director White and noted his appreciation for the tremendous staff of the State Board of Elections. He thanked the Board members for working

together with him and their support for his term as Chairman. Member Keith thanked Mrs. Susan Smart for her assistance in communication with Mr. Smart during his term.

At this time Chairman Smart called for the election of officers, beginning with chairman. Member McGuffage nominated Albert Porter for Chairman. Member Schneider seconded the nomination. With no objections, the motion was called and passed unanimously.

Newly elected Chairman Porter thanked the Board for the opportunity to serve as Chairman for the next two years and indicated his open door leadership.

Chairman Porter then opened the floor for nominations for Vice Chairman. Member Smart nominated Bryan Schneider to serve as Vice Chairman. With there being no further nominations and no objections the motion for election of Vice Chairman passed unanimously. At this time the Board took a recess for a Board picture. Meeting recessed at 10:50 a.m. and reconvened at 11:00 a.m.

Chairman Porter presented the minutes of the June 11, 2007 regular monthly Board meeting. Director White discussed revisions submitted by Member Keith and minutes reflecting those revisions were distributed to Board members. Member Rednour moved to approve the minutes as amended. Member Smart seconded the motion which passed by roll call vote of 8-0.

Director White thanked and commended the outgoing Chairman and Vice Chairman for their service the past two years and congratulated the new Chairman and Vice Chairman.

A legislative update was distributed to the Board and it was noted the legislature met in extended session this month and just last week passed an interim 30 day budget. Cris Cray discussed legislative activity noting that the Governor signed the bill which moves the primary to February 5, 2008 and there are two pending election bills. In response to a question Ms. Cray indicated that the SBE budget submitted for FY08 has requested funds to cover electronic canvassing. Member Keith suggested staff research the possibility of requesting the *King* supplemental being moved to a one month budget as a separate bill away from the bill it is currently attached to.

The Executive Director presented an informational update on HAVA funds and noted the steps that are being taken to conform with the federal audit. Correspondence was sent to all election authorities indicating items that impact them: 1) complying with the signed Agreements and timely

expending the funds, 2) maintaining proper inventory records and 3) checking the excluded party list before making any purchase with HAVA funds. A letter was also sent to the three jurisdictions that had inadequate records of equipment inventory. Work continues on receiving records necessary to assess interest charges to the three jurisdictions found not to be in compliance with timely expenditure of funds. Director White indicated that although we were attempting to return funds from our FY07 budget to repay the \$3,800 for voter education activity books that were ruled an inappropriate expense the Comptroller's office indicated that it can only be paid through a separate appropriation.

The Executive Director noted that with the short time between the June and July meetings the FY07 fiscal report for the period ending June 30, 2007 and the fiscal report for the Help Illinois Vote Fund will be sent to the Board members at a later date. Director White presented the two year plan of activity for the months of July and August noting that it is being updated with new dates because of the change to a February primary. Discussion was held on filing dates for established parties and independent candidates and the federal court ruling that indicates the current statute is unconstitutional for independent candidates. Vice Chairman Schneider moved to authorize the General Counsel to contact the Attorney General to seek a declaratory judgment from the Federal Court or offer an opinion on the Federal Court ruling. Member McGuffage seconded the motion which passed unanimously.

Member McGuffage asked if staff could consider returning to JCAR on the issue of apparent conformity as he felt this issue should be revisited.

The General Counsel congratulated Chairman Porter and Vice Chairman Schneider. He then presented a motion for reconsideration in the matter of *SBE v. Phillips for Mayor, 07DS047*. The committee was assessed a penalty of \$575 and was planning on attending the previous meeting but was involved in a car accident and did not make it. Mr. Phillips would still like to appeal the penalty. There is question of whether notice was received of today's meeting. Mr. Sandvoss suggested postponing this matter until the August or September meeting at which time notice would be given and Mr. Phillips could attend. Vice Chairman Schneider moved to grant the motion for reconsideration

and schedule this matter for the September meeting. Member Keith 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 recommends be granted in the matters of agenda items 3.a.2-3 and noted his concurrence with the hearing officer recommendations. No one was present in these matters. Member Smart moved to grant the appeals in the matters of *SBE v. Friends of Debbie Halvorson, 06AG082*, and *SBE v. Friends to Elect Toni Foulkes, 07AC024*. Member Rednour 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 has recommended be denied in agenda items 3.a.4-10. Representatives were present in agenda items #6, 7 and 9 and Member Keith asked to pull #4 for separate consideration. Mr. Sandvoss discussed *SBE v. Citizens to Elect George Edwards* and concurred with the recommendation of the hearing officer although he did sympathize with the large amount of the penalty. George Edwards was presented and apologized for the late filing and asked for reconsideration of the amount of the fine. Mr. Edwards indicated that staff did offer a remedy if he chose to dissolve the committee but he indicated it was not an option at this time. He did not realize that loaning himself money resulted in a filing and he did not do it intentionally. He offered a \$500 settlement. Member Smart moved to accept the offer of \$500. Member Walters seconded the motion which passed by roll call vote of 6-2 with Members Brady and Keith voting in the negative.

General Counsel Sandvoss presented *SBE v. Randolph County Democratic Central Committee* and concurred with the recommendation of the hearing officer that the appeal be denied. Robert Paulter was present and indicated the committee had a new treasurer who did not realize an A-1 report was required to be filed. The penalty was already reduced from \$3,000 to \$300 but he requested a smaller amount. Mr. Sandvoss indicated in this situation the statute is very specific and cannot be reduced lower than ten percent. Member Smart moved to accept the recommendation and the appeal be denied. Member Keith seconded the motion which passed by roll call vote of 7-0-1 with Member Rednour recusing herself from this matter.

The General Counsel presented *SBE v. IL Fire Sprinkler Contractors PAC* indicating his concurrence with the hearing officer's recommendation that the appeal be denied. Margaret Vaughn was present and indicated this is a new committee and there was a lack of communication. Once they were made aware that pre-election reports needed to be filed they did so. Ms. Vaughn realized that this fine could not be reduced below the \$500 but did want the Board to know they take this seriously. Member McGuffage felt that this has to do with national committee to local committees and questioned if it was really a violation. Mr. Sandvoss indicated he felt it was a contribution and to make an exception on this one the Board would have to make an exception on all. Member McGuffage felt that the statutes should be revisited as they are too strict in cases like this. Member Smart moved to accept the recommendation and deny the appeal. Member Rednour seconded the motion which passed by roll call vote of 7-0-1 with Member Keith recusing himself from this matter.

The General Counsel presented *SBE v. Friends of Larry M. Doody, SBE. V. Neighbors for Naisy Dolar*, and *SBE v. Committee to Retain Judge Spears*, and concurred with the recommendation of the hearing officer that the appeals be denied. No one was present in these matters. Member Keith moved to deny the appeals in the above matters. Member Brady seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. Citizens for Saville* and agreed with the hearing officer's recommendation. Member Keith disagreed with the recommendation of the hearing officer and felt that the affidavit was sufficient in indicating the report was put in the mail on March 30. Mr. Sandvoss indicated that the statute says there should be no fine if a report is mailed and postmarked within the 72 hours of the due date. Member Keith moved to grant the appeal based on Board rule and on the affidavit and this be a first time exclusion. Member Walters seconded the motion which passed by roll call vote of 7-1 with Member Smart voting in the negative.

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

Vice Chairman Schneider moved to recess to executive session to consider the complaints following closed preliminary hearings and pending litigation. Member Keith seconded the motion

which passed unanimously. Meeting recessed at 12:00 p.m. and reconvened at 12:15 p.m. Member Brady left the meeting during Executive Session.

Upon reconvening Member Keith moved in the matter of *SBE v. Citizens for Jim Rowe*, 07CD037 the complaint was filed on justifiable grounds and a public hearing be conducted; *SBE v. Committee to Elect John A. Lartz*, 07CD038 the complaint was filed on justifiable grounds and a public hearing be conducted; *SBE v. Friends of Angel Rivera for Governor*, 07CD041 the complaint was filed on justifiable grounds but no public hearing be conducted as internal proceedings will begin to assess civil penalties for the delinquent filing; *SBE v. 25th Ward Democratic Political Alliance*, 07CD042 the complaint was filed on justifiable grounds and a public hearing be conducted; *SBE v. Citizens for Hoyle/James L. Hoyle*, 07CD044 the complaint was filed on justifiable grounds but no further action be taken beyond the imposition of a civil penalty; *SBE v. Citizens for Hawkins*, 07CD046 the complaint was filed on justifiable grounds and a public hearing be conducted; *SBE v. Citizens for Bilotta/James Bilotta*, 07CD047 the complaint was filed on justifiable grounds but no public hearing be conducted and internal proceedings begin to assess civil penalties for the delinquent filing; *SBE v. Citizens for Theodore Thomas*, 07CD048 the complaint was filed on justifiable grounds but no public hearing be conducted and internal proceedings begin to assess civil penalties for the delinquent filing; *SBE v. Citizens to Elect Curtis C. Abrams*, 07CD051 the complaint was filed on justifiable grounds but no public hearing be conducted and internal proceedings begin to assess civil penalties for the delinquent filing; *SBE v. AARC of Illinois*, 07CD053 the complaint was filed on justifiable grounds but no public hearing be conducted and internal proceedings begin to assess civil penalties for the delinquent filing. Member Smart seconded the motion which passed unanimously with Member Smart voting Member Brady's proxy.

The next regular meeting of the State Board of Elections will be held on Monday, August 20 2007 at 10:30 a.m. in Chicago.

With there being no further discussion, Member Keith moved to adjourn. Vice Chairman Schneider seconded the motion which passed unanimously. The meeting adjourned at 12:20 p.m.

Respectfully submitted,

Assistant to Executive Director

Executive Director