

**STATE BOARD OF ELECTIONS
Board Meeting
Monday, July 21, 2008
Springfield, Illinois**

MINUTES

PRESENT: Albert Porter, Chairman
Bryan Schneider, Vice Chairman
John Keith, Member
William McGuffage, Member
Wanda Rednour, Member
Jesse Smart, Member
Robert Walters, Member

ABSENT: Patrick Brady, 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 10:40 a.m. with seven members present. Member Brady was absent and Vice Chairman Schneider held his proxy. Member Smart was connected via telephone. The Chicago office was connected via videoconference.

Vice Chairman Schneider moved to recess to the State Officer's Electoral Board. Member Rednour seconded the motion which passed by roll call vote of 8-0. Meeting recessed at 10:42 a.m. and reconvened at 11:20 a.m.

Chairman Porter presented the minutes of the June 9 regular monthly Board meeting and the June 24 special meeting. Vice Chairman Schneider moved to approve the minutes as presented. Member Keith seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented a legislative update which included the State Board of Elections budget activities. The SBE fared a bit better than some of the other agencies but received a 5% reduction from the FY 08 spending levels. The request for \$2 million spending authority for the EAC grant was vetoed although it was explained to the Governor's office that this was not a request for funding but just for spending authority. The EAC understands the situation and is willing to work with the SBE to enable us to still request the funds. The EAC has indicated that the HAVA spending authority is strictly for HAVA spending and the \$2 million spending authority cannot come from that.

Discussion ensued on different options and it was agreed that the General Counsel will prepare a letter asking for an opinion from the Attorney General as to what options we have and a letter to the Comptroller asking if the unappropriated spending authority would be an option. Member Keith suggested that staff review activity to see what we did, didn't do and what can be done better in future as far as the budgetary process. Cris Cray presented a legislative update indicating two pieces of campaign disclosure legislation is awaiting the Governor's signature and it is said the ethics bill will be amendatorily vetoed.

The Executive Director presented an update on preparations for the November 2008 general election. Election judges training schools are already being scheduled. Director White presented proposals for a contract with AI Manning on voter awareness programs. This would include early voting as well as the Help America Vote Act. Member Schneider thought the program looked good but in light of the budget was unsure it should move forward. Member Smart agreed and did not think this program was a high priority as there was plenty of awareness out there already with there being a high profile candidate from Illinois. Member Keith discussed the funds and the amount that would come from HAVA and from the GRF. Member Keith moved to approve the contracts. Member Rednour seconded the motion which passed by roll call vote of 5-3 with Members Brady, Smart and Walters voting in the negative.

The Executive Director presented the FY 08 fiscal status report for the period ending June 30, 2008, the FY 08 fiscal report for the Help Illinois Vote Fund, and the two year plan of activity for the months of July and August for informational purposes. In response to a question, Director White again briefly reviewed the FY 09 budget and indicated the budget will be tight but with current staffing levels and no promotions or increases we should be able manage operations effectively with the transferability option between funds.

The General Counsel presented *SBE v. Annual Roosevelt Cocktail Party Committee, 07CD069* and reviewed the committee's activities. The Committee failed to comply with a Board order and Mr. Sandvoss recommended a civil penalty be assessed but noted the committee is now in the process of working with staff on becoming compliant. Mr. Sandvoss recommended holding this to a later

meeting. Member Keith moved to continue this matter to the September 15 meeting. Vice Chairman Schneider seconded the motion which passed unanimously.

The General Counsel presented appeals of civil penalties that the hearing officer recommended be granted and concurred with the recommendations. No one was present in these matters. Member Keith moved to grant the appeals in *SBE v. Friends of Elga Jefferies*, 08AG012; *SBE v. Committee to Elect Thaddeus Wilson*, 08AG015; *SBE v. Committee to Elect Jesse Reyes*, 08AG016; and *SBE v. The Committee to Elect John M. Allegretti*, 08AG018. Member Rednour seconded the motion which passed unanimously.

The General Counsel presented appeals of civil penalties that the hearing officer recommended be denied. Parties were present in agenda item #10 and this would be taken separate. Member Porter requested to take agenda item #9 separate as well. The General Counsel concurred with the recommendations of the hearing officer. He noted in the recommendation of item #7 the ultimate assessment did not change but the amount needed to be clarified at the beginning of the report. The correct amount is \$4,675 as opposed to \$4,900. An amount of \$225 was assessed from a previous violation and if the Board votes today to assess a penalty the total of the penalties owed will be \$4,900. Member Keith moved to adopt the hearing officer's recommendation and the General Counsel's recommendation including the amendment on #7 in the matters of *SBE v. Citizens for Hunter*, 08DS059; *SBE v. La Grange United Party*, 08MA003; *SBE v. Indian Prairie Education Assn. PAC for Education*, 08MA009; *SBE v. Citizens for Honest Government*, 08MA008; *SBE v. Citizens to Elect George L. Straton Judge*, 08AG021. No one was present in these matters. Member Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. Community BANC PAC*, 08AG008 and reviewed the complaint noting the \$20,000 assessment plus a previous fine of \$150. The hearing officer felt that these were inadvertent and unintentional violations and recommended reducing the penalty to 50% (\$10,000) and the stay lifted from the \$150 penalty for a total fine of \$10,150. Jerry Cavanaugh was present and indicated the mistakes were clearly unintentional and as soon as the person filing the reports discovered her error she contacted the Board staff and filed corrected reports. Mr. Cavanaugh asked the Board to consider reducing the fine to \$2,000-\$3,000. Member McGuffage moved to reduce

the penalty to 25% of the original penalty for an amount of \$5,000 in addition to the \$150 for a total of \$5,150. Member Keith seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. 34th Ward Regular Democratic Organization*, 08AG007. Chairman Porter questioned how the hearing officer determined the report was late. The treasurer was unable to provide any documentation to support her contention that the date of receipt of the checks was actually 1/30/08 rather than 1/14/08. The hearing officer recommended that the penalty be reduced to 75% of the original amount or \$7,500 because the violation was inadvertent and unintentional. No one was present in this matter. Member McGuffage moved the fine be reduced to 35% of the original amount and assess a penalty of \$3,500. Member Walters seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. Friends of Jay Paul Deratany*, 08AG017 in which the hearing officer recommended the appeal be denied in regard to the delinquent filing of the \$1,000 contribution but granted in regard to the contributions from Arthur Johnson and Citizens for Houlihan and the penalty be reduced to 10% of the original assessment or \$100 and as this is a first violation the penalty be stayed. No one was present in this matter. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and grant the appeal in part and deny the appeal in part. Member Smart seconded the motion which passed by roll call vote of 7-0-1 with Member McGuffage recusing himself from this matter.

The General Counsel reviewed a request for a payment plan from *Friends of Vito Manola* indicating \$125 has been tendered with a request to pay the remaining balance over the next three months. Following discussion on the payment plan Vice Chairman Schneider moved to accept the payment plan. Member Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented an updated listing of candidates with unpaid fines that face potential ballot forfeiture noting that *Stout for Senate Committee* has paid its fine and should be removed from the listing.

The General Counsel presented a listing of committees who received assessment letters and did not appeal the penalty and asked the Board to issue final orders assessing the penalties. Vice Chairman Schneider moved to enter Board orders on committees listed on Mr. Borgsmiller's

memorandum as follows: Friends of Sallas, Voices of Worth, Citizens for Michael Wolczyk, Citizens for Mike Powers, Friends of the Park District, Illinois Business PAC, and Greviskes for Judge. Member Rednour seconded the motion which passed unanimously.

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

Vice Chairman Schneider moved to recess to executive session for the purpose of discussing campaign disclosure matters following closed preliminary hearings. Member Rednour seconded the motion which passed unanimously. Meeting recessed at 12:45 p.m. and reconvened at 1:15 p.m. Member Smart left during executive session and Vice Chairman Schneider held his proxy.

Upon reconvening Member Keith moved in the matters of *SBE v. Citizens Classrooms Plainfield School Dist. 202*, 08CD004; *SBE v. Greviskes for Judge*, 08CD005; *SBE v. Democratic Party of Evanston*, 08CD012; *SBE v. Friends of Chris Harris*, 08CD013; *SBE v. Citizens for Michael Wolczyk*, 08CD016; *SBE v. Maine Township Republican Women's PAC*, 08CD020; *SBE v. Nelson for Judge Campaign Committee*, 08CD021; *SBE v. Metro Chicago Initiative LLC*, 08CD022; *SBE v. Democratic Leadership for Centreville Township*, 08CD032; *SBE v. Committee to Elect James Larry Karraker*, 08CD033; *SBE v. IL School Psychologists PAC*, 08CD034 (agenda items 20-31 excluding 25) that the complaints were filed on justifiable grounds and no further action be taken with the note in matters #20 and #21 language be stricken from the recommendation requiring subsequent reports be filed electronically or a civil penalty will be assessed. Vice Chairman Schneider seconded the motion which passed unanimously.

Member Keith moved in the matters of *SBE v. 16th Ward Regular Democratic Org.*, 08CD006; *SBE v. New Lenox Democrats*, 08CD009; *SBE v. Bellwood Pride Party*, 08CD014; *SBE v. 25th Ward Democratic Political Alliance*, 08CD023; *SBE v. Committee to Elect Joseph McAfee for the 8th Ward*, 08CD024; *SBE v. Citizens for Brewer*, 08CD025; *SBE v. Friends of Don Patterson*, 08CD027; *SBE v. Citizens for Catherine Zaryczny*, 08CD028; *SBE v. Citizens for Hackney*, 08CD031; *SBE v. Citizens to Elect Alvin Parks, Jr.*, 08CD035 and *SBE v. Committee About Recreation*, 08CD019 (agenda items 32-41 and 25) the complaints were filed on justifiable grounds and these matters proceed to a public hearing. No one was present in these matters. Vice Chairman Schneider seconded the motion which passed

unanimously.

Mr. Bradley Carter was present and commented on his experience as running as a minor party candidate and the difficulty of ballot access. Discussion continued on Illinois statutes as it relates to minor party candidates and that it would take legislative action for any change to take place.

The next regular meeting of the State Board of Elections will be held on Friday, August 29, 2008 at 10:30 a.m. in Chicago.

With there being no further discussion, Member Schneider moved to adjourn until August 29, 2008 or the call of the chair. Member Rednour seconded the motion which passed unanimously. The meeting adjourned at 1:35 p.m.

Respectfully submitted,

Assistant to Executive Director

Executive Director