

State Board of Elections Board Meeting
Thursday, August 31, 2006
10:30 a.m.

MINUTES

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

ABSENT: Vice Chairman Wanda L. Rednour

ALSO PRESENT: Daniel W. White, Executive Director
Steve Sandvoss, General Counsel
Rupert Borgsmiller, Director/Public Disclosure
Dianne Felts, Director/Voting Systems and Standards
Mark Mossman, Director/Election Information
Darlene Gervase, Assistant to the Executive Director

The regular monthly meeting of the State Board of Elections was called to order at 10:30 a.m. with 7 members present. Mr. Keith held Vice Chairman Rednour's proxy.

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

At 10:34 a.m., Mr. Porter moved to recess to the State Officers Electoral Board. Mr. Schneider seconded the motion which passed unanimously. The Board returned to regular session at 11:37 a.m.

The Chairman presented the minutes of the July 17 regular Board meeting and the August 11 and 16 special Board meetings. Member Keith had one change to the August 11th minutes and moved to adopt the minutes with that change. Mr. Brady seconded the motion which passed by roll call vote of 8-0.

Director White introduced new employee, Ken Menzel, an Election Specialist in Election Information. He had been the General Counsel with the DuPage Board of Election Commissioners and has extensive experience in election law, including municipal, township and local elections. The Director thanked Rose Rodriguez, Steve Flowers and his Information Technology staff, and Cris Cray, for their work creating the Internet Voters Guide. He also noted that a demonstration of the Internet Voters Guide is available in the Board's conference room.

Certification of the November 7, 2006 General Election ballot was tabled until later in the meeting.

The Director indicated that his HAVA report consisted of two items. The first was an update on the Statewide Voter Registration Project. Mr. White was pleased that progress made with the project enabled us to respond positively to the Department of Justice's questions. IVRS Coordinator Kyle Thomas, stated that all jurisdictions are cooperating and more jurisdictions are using IVRS system to remove duplications, deaths and pre-election ballots. Minor problems still exist, but steady improvements are evident. Mr. Thomas introduced Arvin Talwar, Scott Kelton and Jeff Young of Catalyst Consulting. Mr. Young gave a short overview of the system and noted they expect to be completed by the end of fiscal year 2007.

Mr. White's HAVA update continued with a report on funds. He explained that Rock Island County is cooperating with return of the \$300,000 in unused funds and he expected an invoice for approximately \$100,000 that morning. The Board directed Mr. White to request immediate return of at least \$250,000 since that amount was not in dispute. Chairman Smart offered to contact the County Board Chairman to advise him of the situation and that the entire accrued interest belongs to the state. Mr. Schneider suggested reimbursement upon receipt of a paid invoice and Mr. White stated that he will make it known that the Board is considering that option. The Director indicated that Rock Island is the only county that is not in compliance.

Voting Systems and Standards Director, Dianne Felts, reported the results of the Sequoia Optech 400 central count scan modification and recommended granting 2-year interim approval for the system. Mr. Porter moved and Mr. Schneider seconded a motion to grant the 2-year interim approval for the system. The motion carried 8-0 by roll call vote.

Director White presented a proposal from communications consultant Al Manning, to develop a statewide public education program informing voters about early and grace period voting for the November 7th General Election. Member McGuffage moved to retain Al Manning as a consultant and to renew and extend his contract. Mr. Porter seconded the motion which passed unanimously.

Mr. White presented election judge training schools for informational purposes.

An updated SBE Policy Manual was presented by the Director. Discussion was had among the Board members. Mr. Keith moved to place this matter on the agenda for the September meeting. Mr. McGuffage seconded the motion which passed unanimously.

Mr. White concluded his report with the fiscal status reports and two year plan of staff activity for the months of August and September.

A request to continue the *SBE v. Friends of Michael D. Nardello*, S8955, 06MA15 matter until the October 16 meeting in Chicago was granted.

General Counsel Sandvoss' report began with a matter held over from the June meeting, *SBE v. Committee to Elect Linda Shelton*, S8845, 06DS112. Mr. Sandvoss summarized the activities of the committee and noted that none of the committee's reports exceeded \$20 and that the committee finalized. The Hearing examiner recommended the appeal be granted and the General Counsel concurred. Mr. Keith moved that the appeal be denied. Mr. Schneider seconded the motion which passed 6-2 with Mr. Porter and Chairman Smart voting against the motion.

The Chairman noted that Mr. Gary Mueller, was present for the *SBE v. Support our Senior Referendum, I L13416, 06MA011*. Mr. Mueller indicated that the committee was comprised of senior citizens who formed the committee to levy for transportation for senior citizens. The committee filed a final report and intends to remain inactive indefinitely. Mr. Keith moved to adopt the recommendations of the Hearing examiner and General Counsel to deny the appeal and added that the fine will be abated if the committee is inactive for 2 years. Mr. Schneider seconded the motion which passed unanimously.

The General Counsel concurred with the Hearing examiner that the appeal be granted in the *SBE v. Citizens for Patrick O'Connor*, L809, 06 AP001 as the committee mistakenly entered a non-itemized contribution twice. Mr. Porter moved to adopt the recommendations of the Hearing examiner and General Counsel and grant the appeal. Mr. Keith seconded the motion which passed by roll call vote of 8-0.

Mr. Sandvoss summarized the *SBE v. Citizens for Kyle Hastings*, L7309, 06AP003 complaint and agreed with the recommendation of the Hearing examiner. After discussion, Mr. Brady moved to deny the appeal and reduce the penalty to 10% of the fine. Mr. Keith seconded the motion which passed 8-0.

The General Counsel gave a short summary of the *SBE v. District 96 Referendum Committee's*, L13199, 06DS055, activities and noted that bank statement supported the chairman's statement that the filing threshold was not met until February. Furthermore, the committee filed a final report. He concurred with the Hearing examiner to grant the appeal. Discussion ensued among the Board members. Mr. Keith moved and Mr. Brady seconded a motion to deny the appeal, assess a first offense fine in the amount of \$225 and stay the fine. The motion passed 6-1-1. Mr. Porter voted no and Mr. McGuffage passed.

Mr. Sandvoss concurred with the recommendation to grant the appeal of the *SBE v. Friends of Lapidus*, S9093, 06AP028 committee. Mr. Borgsmiller explained to the Board that the committee attempted to electronically upload a Schedule A-1, but it was blank. Since an attempt was made by the committee to timely file the Schedule A-1, the Hearing examiner recommended granting the appeal. Mr. Brady moved and Mr. Porter seconded his motion to adopt the recommendations of the Hearing examiners and General Counsel. The motion passed unanimously.

Mr. Porter moved to accept the recommendations of the Hearing examiner and General Counsel with regard to denying the appeal in *SBE v. Citizens for Excellence in Education CUSD 303*, L8696, 06AP004; *SBE v. Citizens for Inclusive Government*, L13029, 06DS020; *SBE v. Citizens for Tommy Abina*, L13156, 06DS136. Mr. Keith seconded the motion which passed 8-0. In the matter of *SBE v. Yorkville Education Committee*, L13432, 06MA014 the motion passed 7-0-1. Mr. Brady abstained from the vote.

The matter of *SBE v. Citizens for Calvin L. Giles*, S5806, 06AP015 was summarized and discussion ensued among the Board regarding unpaid collectable debts. Mr. Sandvoss concurred with the Hearing examiner to deny the appeal and assess \$2,000 in addition to the \$80,250 already due, resulting in a total amount of \$82,250 due and owing. Mr. Brady moved and Mr. McGuffage seconded a motion to adopt the recommendation of the Hearing examiner and General Counsel to deny the appeal and assess a \$2,000 penalty. The motion passed unanimously.

At 1:00 p.m., the Chairman asked for a motion to recess to executive session to consider resolution of a complaint following closed hearing. Mr. Keith moved and Mr. McGuffage seconded the motion which passed unanimously.

The Board returned to open session at 1:10 p.m. Mr. Keith moved to adopt the recommendation of the Hearing examiner and General Counsel in the *Ryan v. Advance 300*, 06CD031 matter and find that the complaint was filed on justifiable grounds, that no public hearing is ordered, and to assess a civil penalty for the political committee's failure to file the required Schedule A-1. Mr. Schneider seconded the motion which passed by roll call vote of 8-0.

Director of Campaign Finance, Rupert Borgsmiller, reported that all candidates for the November 7th General Election have paid their fines.

Mr. Borgsmiller also presented a list of committee assessed a civil penalty for delinquent filing of the June 2005 and December 2005 semi-annual reports. These violations were not appealed. Mr. Keith moved to issue a final order to assess the amount of the fine against: Illinois Evening Republican Club; Citizens for Donald H. Jeanes; Committee to Elect Daniel F. (Danny) Osborn; Chaney/Monge School Improvement Committee; R.I.D.; Friends of Richard Capt; Nuessen for Mayor; and Families First Party. Mr. Schneider seconded the motion which passed unanimously.

Payment of Civil Penalties was presented for informational purposes.

The General Counsel presented procurement rules. After discussion, Mr. Porter moved and Mr. McGuffage seconded a motion to approve the procurement rules subject to amendments. The motion passed unanimously.

Mr. Sandvoss presented a memorandum regarding the effect of recent changes to the Open Meetings Act. The Board directed the Executive Director to research video conferencing as available through CMS, purchasing equipment from an outside contractor, hourly fees, etc., and to have a report available for the September 18th meeting.

The Board returned to the Certification of the Ballot for the November 7, 2006 General Election. Mr. White reported that the last day to certify names of candidates and statewide questions of public policy is Friday, September 1st. He indicated that certifications will be mailed to all jurisdictions and, for the first time, transmitted electronically to several jurisdictions. Mr. White advised the Board that if there are unresolved objections, the words "objection pending" will be affixed next to the candidate's name and a conference call meeting will be required to address any subsequent candidate withdrawal requests. The Director introduced Mark Mossman, Director of Election Information who was available to answer questions. Mr. Mossman advised the Board that one candidate, Charles Cohen, a write in candidate for Regional School Superintendent for Alexander, Johnson, Pulaski, Massac, and Union counties, still has not submitted the appropriate documents to be certified for the ballot. Further that several written requests have been made for these documents with the candidate responding that he will file them. After a 10 minute break, Mr. Mossman advised the Board that the documents still had not been received. Mr. Keith moved to certify the ballot as presented by the staff except for the candidacy of Joseph J. Parnaruskis and with the proviso that staff accepts

withdrawals and vacancies by 5:00 p.m. Also, as to Mr. Cohen's certification, if the certification is not received from the Board of Education, he will not be certified. Mr. Brady seconded the motion. After discussion Mr. Keith withdrew his motion.

The Chairman asked for a motion to certify the ballot for everything except the 52nd senatorial district. Mr. Brady so moved. Discussion was had among the Board.

Mr. Schneider moved to recess to State Officers Electoral Board at 2:06 p.m. Mr. Brady seconded the motion which passed 5-0-3. Members Keith, McGuffage and Vice Chairman Rednour passed.

The Board returned to regular session at 3:26 p.m. Mr. Keith moved and Mr. McGuffage seconded a motion to adopt attendance as reconvened earlier. The motion passed unanimously.

A motion by Mr. McGuffage pursuant to Sections 7-60 and 10-14 of the Election Code, to certify to the county clerks the names of the candidates that have been nominated or who have been nominated to fill a vacancy in nomination by petition, if we have any of those, certified to the county clerks to direct the county clerks to place on the official ballot in the same manner and same order as shown upon the certification, except for the Socialist Equality Party candidate for the 52nd Legislative District and direct staff in valid withdrawals those names be removed, and in the event that Charles Cohen, Candidate for Regional School Superintendent files the affidavit, is certified by 5:00 p.m., September 1, 2006 was seconded by Mr. Porter. The motion failed by 4-4 vote with Members Brady, Schneider, Walters and Chairman Smart voting no.

The Chairman restated and clarified Mr. McGuffage's motion which was to certify ballot candidates who have been proclaimed as winners of the primary and nominated under Section 10 for the General Election Ballot in November with the exception of the Socialist Equality Candidate for the 52nd District; and to include candidates who withdraw up until the deadline September 1, 2006; or vacancies as of the deadline tomorrow will also be included in the certification; and pending receipt of the letter of qualification from the State Board of Education for the Candidate for the Regional superintendent. The certification becomes official at 5:00 p.m. September 1, 2006. Mr. Schneider moved to amend the motion and delete that portion which refuses to certify Parnaruskis and substitute that he be certified. Mr. Walters seconded the motion. Mr. McGuffage did not accept the amendment. The motion failed 4-4. Members Keith, McGuffage, Porter and Vice Chairman Rednour voted no. Mr. Porter called for Mr. McGuffage's original motion. The motion failed 4-4. Members Brady, Schneider, Walters and Chairman Smart voted no.

Mr. Schneider moved to reconsider the Board's decision with respect to Mr. McGuffage's motion, but withdrew his motion. Mr. Brady moved that Mr. McGuffage's motion be reconsidered and Mr. Porter seconded the motion. Reconsideration passed 6-2 with Mr. Schneider and Mr. Walters voting no. Mr. McGuffage's motion was reconsidered. The Chairman asked for roll call on the motion which certifies everyone except the Socialist Equality candidate for the 52nd legislative District Senate effective 5:00 p.m., September 1, 2006. The motion passed by a 5-3 vote. Members Brady, Schneider and Walters voted no.

Mr. Keith moved to adjourn until September 7, 2006 at 9:30 a.m. or at the call of the Chair. Mr. Schneider seconded the motion which passed unanimously. The Board recessed at 4:02 p.m.

DATED: September 22, 2006

Respectfully submitted,

Darlene Gervase, Administrative Specialist II

Daniel W. White, Executive Director