

**STATE BOARD OF ELECTIONS
Board Meeting
Monday, September 15, 2008
Springfield, Illinois**

MINUTES

PRESENT: Albert Porter, Chairman
Bryan Schneider, Vice Chairman
Patrick Brady, Member
John 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 10:45 a.m. with eight members present. Chairman Porter, Vice Chairman Schneider and Member Brady were present in the Chicago office and connected via videoconference. Member Smart was connected via telephone.

The Executive Director welcomed Member Smart to the meeting wishing him a speedy recovery from his recent surgery.

The Executive Director reported on the Advisory Committee meeting held this morning. Discussions took place on the November 2008 general election, including the issue of the canvassing, and legislation. Staff also updated the committee on the progress of the statewide voter registration database and the EAC data collection grant. The next meeting of the Advisory Committee will be January 20, 2009.

Director White discussed the preparations for the November 4, 2008 General Election and indicated that Premier (Diebold) voting equipment encountered problems in Ohio. Dianne Felts presented proposed directives for Premier clients to follow on election night so none of the problems encountered in Ohio happen in Illinois. Ms. Felts indicated that there was a sharing violation with the voting equipment and if multiple memory cards are uploaded simultaneously the vote totals would not be correct. Nothing has been changed with the software or hardware and staff will be testing two

jurisdictions who use this equipment. The Board agreed that staff should proceed with the directives and distribute to the election authorities.

Director White commented on the public information program and the recent press release distributed on voter registration figures. A public service announcement has been filmed and will be distributed.

Over 120 judges of election training schools have been scheduled for the upcoming weeks. An update will be provided at the next meeting.

The Executive Director presented for Board consideration a withdrawal from Susan Radzinowicz, a Republican candidate for State Representative in the 11th district. Discussion ensued on accepting or not accepting the withdrawal and the consequences for each. The Chicago Board has indicated that after September 5 they would not be willing to change the ballot. The General Counsel discussed the court case in DuPage County where the county was sued for not removing a name from the ballot. The State Board of Elections amended the certification but DuPage was not going to follow suit and remove the candidate from the ballot. The lawsuit ordered DuPage to comply with our amended certification but included a statement saying that if it was a practical impossibility to comply with it that the election authority not be compelled to file that certification or the amended certification.

Following further discussion Member Keith moved to accept the withdrawal of candidacy, amend the certification and request the election authority to remove the name from the ballot if it is a practicality that they can do so and cite the DuPage County case including the “practical impossibility” language. Member Smart seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented for Board consideration another amendment to the 2008 General Election ballot certification. A candidate was on the primary ballot as A. Ghani (formerly known as Abdul Ghani) but on the general ballot certified just as A. Ghani due to a glitch. The Election Code requires any candidate whose name has changed during the three year period preceding the filing of his nominating papers to have included on the ballot his former name and date of the name change, along with his current name. Member Brady moved to amend the certification consistent with the name change as indicated in the memorandum from the General Counsel. Member Keith seconded the motion which passed by roll call vote of 8-0.

The Executive Director discussed legislative activity indicating the House met last week to discuss ethics legislation, sweeps of agency funds and restoration of funds for some state agencies. Several e-mails were exchanged between SBE staff and legislative staff explaining that our federal funding is dedicated to fulfilling HAVA requirements and we were able to convince them these could not be used in the sweep. The House restored some of the funds cut from agencies budgets and allotted the SBE \$425,000 for the purpose of preventing layoffs and maintaining basic operations. Director White noted that the Senate is not likely to return before November. He thanked Cris Cray and Mike Roate for their efforts on behalf of the SBE. In response to a request from Member Keith, Director White indicated information would be prepared on what exactly what was requested in our original budget and what we received (which was reduced from our request) for our FY 10 budget and how to prioritize these additional funds if we do in fact receive them. Discussion ensued on the requested testing center which would require approximately \$1 million to get started. This included leasing a location as well as ten staff positions. Cris Cray indicated she currently has a chart with the requested information and she would include a new column for the additional funds.

Ms. Cray reviewed her legislative wrap up memo of last week's House actions. House Bill 824 contains the exact language that was in the ethics bill as now shown in the lottery lease bill which takes effect January 1. She suggested asking for a supplemental to cover costs incurred from the Ethics bill. Mike Hoffman was at the session last week and on behalf of the County Clerk's Association filed support for our budget supplemental. Discussion ensued on next year's legislative proposals and Member McGuffage suggested including a proposal regarding campaign disclosure fines and the ability to assess on a percentage basis, and a proposal to have an outcome of a 4-4 tie vote of the Board.

The Executive Director presented a review of the legislative program and the procedures from start to finish. The past two years have been difficult but on the whole the SBE has had considerable success. Director White discussed some points where we could do better including making more frequent contact with legislative staff, individual legislators, contact with the Governor's office, seeking support from election authorities for our budget, and Board member participation. Member Keith thanked Dan White, Cris Cray, Steve Sandvoss and Mike Roate for preparing this information

and indicated there are some good ideas. He also suggested that staff meet personally with the committee chairs as well as everyone on the committee and the Governor's office, and inviting committee chairmen, committee leadership or whomever would be interested, to visit the SBE during a testing season or campaign filing period.

Director White indicated the Veteran's Administration has reversed their position on the issue of voter registration activities at their facilities. This was on last month's agenda and representatives from the Veteran's Administration as well as League of Women Voters appeared and discussed the issue. The Veteran's Administration will now allow non-partisan voter registration drives at the VA facilities.

The Executive Director presented the final FY 08 fiscal status report for the period ending August 31 and the FY 08 and FY 09 fiscal reports for the Help Illinois Vote Fund. All 2008 obligations have been met and approximately \$494,000 will be returned to the State Treasury. Also presented for informational purposes was the two year plan of activity for the months of September and October.

The General Counsel presented *SBE v. Annual Roosevelt Cocktail Party*, 07CD069. Mr. Sandvoss reviewed the background of the complaint indicating the committee has been given ample opportunity to resolve the issues. Staff has not received satisfactory resolution of the issues at hand. Mr. Sandvoss noted that this matter has been carried over for many months and it seems there is a pattern that they do just enough to avoid getting a penalty assessed but do not fully resolve the issues. He recommended that the Board issue an order commanding them to file amendments to the reports at issue to the satisfaction of the campaign disclosure staff within 30 days of the issuance of the order or they will be assessed a penalty of \$5,000 for failure to comply with such an order. Vice Chairman Schneider moved to file the order as recommended by the General Counsel. Member Keith seconded the motion but also asked for an amendment that after the 30th day it be a penalty of \$100 a day up to \$5,000 rather than the \$5,000 penalty immediately. Vice Chairman Schneider accepted the amendment. The motion passed by roll call vote of 8-0.

The General Counsel presented for Board consideration a request for a payment plan from the 34th Ward Democratic Organization. The organization has submitted \$500 with a request to follow up with \$1,000 to be paid in December 2008, \$1,000 to be paid in March of 2009 and the remaining \$1,000

to be paid in June of 2009. Member Keith moved to accept the payment plan as presented with each payment to be due by the end of each month as outlined in the letter. Member Rednour 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 complaints following public hearings. No one was present in any of these matters. Mr. Sandvoss concurred with the recommendation of the hearing officers that in all these cases the board issue an order compelling the respondents to file the reports within 30 days of the Board order with two exceptions: *SBE v. Committee to Election Joseph McAfee for the 8th Ward*, that there be no further action as they filed the report other than referral to staff for appropriate assessment of civil penalties and *SBE v. Citizens to Election Alvin Parks, Jr.*, that no further action is necessary as they amended the report to the satisfaction of the staff. In response to a question, the General Counsel noted that in *SBE v. Citizens for Catherine Zaryczny*, the language will be changed to “may” result in a fine. Member Keith moved with that change to adopt the recommendations of the hearing officer and General Counsel in the matters of *SBE v. 16th Ward Democratic Organization*, 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. Friends of Don Patterson*, 08CD027; *SBE v. Citizens for Catherine Zaryczny*, 08CD028 and *SBE v. Citizens to Elect Alvin Parks, Jr.*, 08CD035. Member Rednour seconded the motion. Mr. Borgsmiller asked that in the *Parks* case that it be required all subsequent reports should be filed in substantial compliance for one year because of the filing irregularities the committee has had. Member Keith and Member Rednour accepted the amendment and the motion passed by roll call vote of 8-0.

Member Keith moved to recess to executive session for the purpose of discussing a campaign disclosure matter and pending litigation. Member Rednour seconded the motion which passed unanimously. Meeting recessed at 12 noon and reconvened at 12:15 p.m.

Member Keith moved in the matter of *David Reece v. Citizens for Judge Golden*, 08CD37 it be found filed on justifiable grounds and no further action is necessary and an order be placed upon the

respondent committee to timely and completely comply with all requirements for the next 12 months or stand subject to being fined in violation of a Board order. Member Rednour seconded the motion which passed unanimously.

The General Counsel noted that there has been communication between himself, Member Brady and Member Keith regarding the issuance of a standing order by the State Board of Elections which was tied into discussion on September 5 regarding the authority given by the Board to any member to enter into the official record a statement of explanation of a vote, whether it is pursuant to a court order or otherwise. He submitted proposed language to both members. He will present a final draft to the Board for consideration at the October meeting. In response to a request from Member Brady, Mr. Sandvoss noted he would draft a Board procedure so that this scenario could be avoided in the future.

The next regular meeting of the State Board of Elections will be held on Monday, October 20, 2008 at 10:30 a.m. in Chicago.

With there being no further discussion, Member Schneider moved to adjourn until October 20 or the call of the chair. Member Smart seconded the motion which passed unanimously. The meeting adjourned at 12:20 p.m.

Respectfully submitted,

Assistant to Executive Director

Executive Director