

**STATE BOARD OF ELECTIONS
Board Meeting
Monday, October 20, 2003
Chicago, Illinois**

MINUTES

PRESENT:

**John R. Keith ,Chairman
Jesse Smart, Vice Chairman
William McGuffage, Member
David E. Murray, Member
Philip O'Connor, Member
Albert Porter, Member
Wanda L. Rednour, Member
Elaine Roupas, Member**

ALSO PRESENT:

**Dan White, Executive Director
Colleen Burke, General Counsel
Rebecca Glazier, Assistant to Executive Director**

The regular monthly meeting of the State Board of Elections was called to order at 11:10 a.m. with eight members present.

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

Chairman Keith then presented the minutes of the September 15 regular monthly Board meeting. Vice Chairman Smart moved to approve the minutes as presented. Member Roupas seconded the motion which passed by roll call vote of 8-0.

The Executive Director informed the Board of two service awards to be presented. Mr. White then indicated Darlene Gervase has been with the State Board of Elections for 20 years. He hired Darlene himself when he was working in the General Counsel's office those many years ago. On behalf of the Board, Chairman Keith presented Darlene with a personalized desk clock for her 20 years of service and thanked her for her dedication.

The Executive Director then indicated Tom Cloonan, Division of Campaign Disclosure, has been with the office for 25 years. Chairman Keith presented Tom with a personalized pen set for his 25 years of great service to the State Board of Elections. Tom spoke of his tenure with the Board and indicated that he works with a lot of great people at the Board.

On another personnel note, the Executive Director introduced Elizabeth Hirsley Beckman, the newly hired attorney in the General Counsel's office.

The Executive Director discussed the HAVA Voting System Reimbursement Application as revised by staff and the Board subcommittee. Mr. White thanked Members Murray and Porter for their extensive assistance in revising the language for the application. He reviewed the revisions that were made to the application since the distribution of the board packet and also discussed the three options for the payout: 1) reimbursement for equipment purchased, 2) payment for equipment to be purchased, and 3) payment for a lease or lease to purchase. Discussion ensued on the example resolution which is required with submission with the application. Member Porter indicated it is a suggested resolution and also felt we may receive some feedback on the indemnification paragraph. The Board discussed the application and offered a few minor revisions. Chairman Keith thanked Members Murray and Porter for their efforts. Vice Chairman Smart moved to approve the minor points suggested and distribute to the jurisdictions. Member Murray seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented for discussion clean-up legislation for SB 428. The bill itself is quite lengthy and the suggested language changes are presented for clarification. Member McGuffage was concerned that some of the language in the bill was agreed to by leadership and did not feel they would agree to any revisions. It was noted that Cris Cray's flight was delayed so she would not be able to make the meeting. Discussion continued on the nine recommendations and the fact that the Governor's office had requested SBE staff prepare language for the clean-up bill at a previous meeting. It was noted that some of the recommendations were received from the election authorities and were included at their request. The apparent conformity issue was discussed and the Board agreed to remove this from the recommendations for this clean-up language. Member Murray then moved to authorize Cris Cray to proceed with the first eight recommendations and remove number nine (apparent conformity). Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

Mr. White also indicated that we will request two supplemental requests during veto session: 1) judges of election reimbursement monies, and 2) retirement monies restored.

The Executive Director reported on the COGEL conference held September 21-24 in Austin, Texas. Mr. White, the Chairman, the Vice Chairman, Rupert Borgsmiller and Sharon Steward attended the conference. Mr. White indicated this was his first COGEL conference and was impressed with the quality of attendees and educational sessions. He complimented Mr. Borgsmiller and Ms. Steward for their presentation. Chairman Keith and Vice Chairman Smart both agreed it was an excellent conference and the SBE is keeping the torch running as Mr. Borgsmiller and Ms. Steward have been working with the Model Law project. One suggestion received during a HAVA session was to find someone with knowledge of federal compliance guidelines to ensure total compliance. Member O'Connor applauded staff and their efforts toward electronic filing.

The Executive Director presented for informational purposes the FY 04 fiscal status report for the period ending September 30. Mr. White also presented the first fiscal report on HAVA funds indicating this will be a monthly agenda item. This current report shows little activity but this will change once the punch card buyout funds start flowing. He also presented the two year plan of staff activity for the months of October and November.

The General Counsel presented four appeals of civil penalties and reviewed the activities of the committees. No one was present for any of the cases. Ms. Burke indicated she concurred with the recommendation of the hearing officer in all four cases that the appeals be granted. Member Murray moved to approve the recommendation of the hearing officer and General Counsel in the matters of 03JS10, 29, 76, 124. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel then presented a consideration of a rule to show cause in the matter of *SBE v. I Love Lucy for Waukegan City Clerk*, 03CD24. Ms. Burke reviewed the background of the committee's activities indicating the committee is under a Section 9-23 order for failure to file an amended final report and recommended a civil penalty of \$500. No one appeared on this matter at the September meeting in Springfield and they have been notified multiple times. Vice Chairman Smart moved to approve the legal counsel's recommendation and assess a penalty of \$500 for failure to comply. Member Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a status report on *Donahue v. Moreno* indicating staff has received a copy of the contract between Moreno and the accounting firm. Mr. Donahue was present. No one was present for the respondent. Staff is anticipating work will be done by next month's board meeting but cannot guarantee it. Rupert Borgsmiller explained that the accounting firm will look at all activities and verify all expenditures and contributions. Member Murray moved to continue the motion to reconsider to the November Board meeting in Springfield. Member O'Connor seconded the motion which passed unanimously (Member Porter has recused himself from this case).

The General Counsel presented the campaign disclosure waiver program revised by staff in response to comments from the Board at the September meeting. In response to a comment, the General Counsel indicated they would add the effective date of this program. Member Roupas moved to approve the letter staff prepared to send to the clerks with the minor addition discussed today. Member Murray seconded the motion which passed by roll call vote of 8-0.

Member Porter moved to recess to executive session to consider campaign disclosure matters following closed preliminary hearings. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0. Meeting recessed at 12:30 p.m. and reconvened at 1 p.m.

Upon reconvening the General Counsel recommended the matters of 03CD32, 34, 36, 38, 39, 40, 42, 45, 46, 53, 54, 55, and 59 be taken together. Ms. Burke indicated she concurred with the recommendation of the hearing officer in all cases. Member Murray moved to approve the recommendations. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel then presented *SBE v. Gay & Lesbian Victory Fund*, 03CD31 and recommended the complaint be found filed on justifiable grounds and the matter proceed to a public hearing. Member Murray moved to approve the recommendation. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel then recommended the following matters be taken together: 03CD33, 35, 37, 41, 43, 49, 51, 57 and 58. Member Porter moved to concur with the recommendation of the hearing officer and General Counsel and proceed to a public hearing. Member Roupas seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. Friends of Bob Love*, 03CD44. Member Murray moved to continue the matter to the December meeting in Chicago. Member Porter seconded the motion which passed by roll call vote of 8-0.

The Executive Director reported that the Chicago Board of Election Commissioners will hold a public exhibition of voting systems beginning Thursday at McCormick Place and indicated all Board members have been invited to attend.

Member Murray then moved to recess to executive session to discuss pending litigation and personnel matters. Vice Chairman Smart seconded the motion which passed unanimously. Meeting recessed at 1:10 p.m. and reconvened at 1:50 p.m.

The next regular meeting of the State Board of Elections will be held on Monday, November 17, 2003 at 11 a.m. in Springfield.

With there being no further discussion, the meeting adjourned at 1:50 p.m.

Respectfully submitted,

Rebecca L. Glazier
Assistant to Executive Director

Daniel W. White
Executive Director