

STATE BOARD OF ELECTIONS BOARD MEETING

Monday, October 20, 2008

MINUTES

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

ALSO PRESENT: Daniel W. White, Executive Director
Steve Sandvoss, General Counsel
Darlene Gervase, Administrative Specialist II

Chairman Porter called the meeting to order at 10:33 a.m. with all members present and led everyone in the pledge of allegiance.

Executive Director White presented the minutes with revisions suggested by Member Keith. Vice Chairman Schneider moved to adopt the revised minutes of August 29 and September 15, and to adopt the minutes of September 5th as submitted. Member Keith seconded the motion which passed unanimously by roll call vote.

Mr. White indicated that the agenda was amended to include voting systems certification for the Hart PCMCIA Card Reader which is under his report at "e."

The Executive Director began his report with a synopsis of preparations for the November 4th General Election. Election Day assignments were presented and Mr. White noted that Alexander County, East St. Louis and St. Clair County requested assistance. Staff members Jeff Berry, Eric Donnewald and Brent Davis will be at those counties respectively.

To increase voter awareness, we focused on voter registration, early voting and grace period registration, Mr. White said. Further, that press releases were sent to our media list via email, fax and hand delivery; new release templates were provided to election authorities so they could publicize early voting in their jurisdictions; Public Service Announcements in English and Spanish were produced in cooperation with the Illinois Information Services; and distributed to 125 media outlets across the state. The press releases and PSA's are available on our website. Vice Chairman Schneider asked about the effect foreclosures had on voters. Mr. White responded that a press release regarding that subject was distributed to statewide media outlets and to all Illinois Election Authorities.

Mr. White introduced the Director of Voting Systems and Standards, Dianne Felts, who submitted information regarding pre-tests in Clay, Marion and Pike counties.

The Director indicated that over 4,000 judges had been trained and schools will continue through October 31st. The list of training schools was presented for the Board's information.

Mr. White continued with a summary of the EAC Data Collection Grant. He indicated that spending authority approval has been obtained and Mark Mossman, Director of Election Information is working with Catalyst on the

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project. The collection grant is only for collecting data from the November 4th General Election. Further, that seven jurisdictions, selected for their geographic location and voting systems have been targeted for the pilot program, they are Cook, Jackson, Kane, Kankakee, Lake, and Madison Counties and the DuPage Board of Elections.

An update of the Illinois Voter Registration System (IVRS) was presented by Mr. White. He indicated that 108 election jurisdictions were connected and using the system daily and Cook and McHenry Counties would be connected before the weekend. Also, signatures in the VISTA system have been copied to IVRS; programming is nearly complete to allow batch matching of all records for potential errors or fraud. The SBE has provided training on IVRS and many jurisdictions have taken advantage of training. The Department of Corrections has not yet returned the user agreement, but once the paper work is signed this part of the project will move quickly; and the only vendor that has not completed their work is VOTEC, who supplies 52 jurisdictions. They will complete their modifications following the election.

Director White said that Cristina Cray, Legislative Liaison, was available to offer a legislative update and she sent a listing of proposals to get a start on our legislative program. Ms. Cray asked the Board to review the proposals that are a carryover from last year and indicated that the final deadline is in January. Mr. White continued with a report on the Board's appropriation request and submitted a chart that identifies line items the legislature has restored. A supplemental appropriation bill will be submitted to the General Assembly in veto session, scheduled to begin November 12th.

The Agenda had been amended to include a voting system certification of the Hart PCMCIA Card Reader. Mr. White introduced Dianne Felts, Director of Voting Systems and Standards who said that Hart used a commercial off the shelf card that had been discontinued, however the replacement works exactly as the original. Ms. Felts introduced Jay Bennet from Kane County who uses the Hart System and he agrees that the replacement works fine. Ms. Felts asked the Board to certify the replacement card. Member Smart moved to approve a 2 year interim approval of the modification to the Hart PCMCIA Card Reader and Member Brady seconded the motion. The motion passed unanimously by roll call vote.

For informational purposes, Mr. White presented a State Disclosure 2008 Report, fiscal status reports for September SY09 and HAVA funds and a two year plan of staff activity for the October and November.

General Counsel Sandvoss began his report with appeals of campaign disclosure fines where the hearing officer recommended the appeals be granted and concurred with the recommendation. Member Rednour moved to adopt the recommendations of the hearing officer and general counsel and grant the appeals in *SBE v. Rock Island County Democratic Women's Club*, L2079, 08JS009; *SBE v. Home Builders Assn. of the Greater Rockford Area PAC*, L7847, 08JS022; *SBE v. Friends of Jeff Terronez*, L11758, 08JS044; *SBE v. Committee to Elect Pamela Palmer*, 13577, 08JS071; *SBE v. Bob Mitchell's Campaign*, S9269, 08JS179; and *SBE v. Friends of Eddie Winters*, S9623, 08JS213. Member Smart seconded the motion which passed unanimously by roll call vote.

Eight appeals of campaign disclosure fines wherein hearing officers recommended and the General Counsel agreed that the appeals be denied were submitted to the Board. Member Keith moved to adopt the recommendations of the hearing officers and general counsel and deny the appeals. Member Smart seconded the motion which passed 8-0. Appeals are denied in the matters of: *SBE v. DeWitt County Republican Central Comm.*, L1672, 08JS005; *SBE v. Supporters of Rich Johnson*, L12186, 08JS049; *SBE v. Massac County Republican Women's Club*, S1589, 08JS124; *SBE v. Citizens to Elect Paula M. Lingo*, S7553, 08JS149; *SBE v. Citizens to Elect Judge William D. O'Neal*, S7946, 08JS199; *SBE v. Chicago Young Republicans*, S9003, 08JS168; *SBE v. Friends 4 Jaramillo*, S9578, 08JS223; and *SBE v. Committee to Elect Liz Ellis*, S9664, 08JS216.

The Chairman called *SBE v. Emma Tate Higginbottom*, L14436, 08JS100 and noted the appearance of Mrs. Tate Higginbottom for the committee. The General Counsel summarized the activities of the committee and said that a \$325 penalty was assessed against the committee, but the committee filed a final report. He explained to the respondent that if the committee stays out of existence for 2 years the penalty is abated automatically. The General Counsel concurred with the hearing officer to deny the appeal.

Mr. Sandvoss called the matter of *SBE v. Friends of Kevin Quinlan*, L11495, 08JS5043. Kevin Quinlan was present for the committee. Mr. Sandvoss explained that this matter was different than the previous as Mr. Quinlan did not file a final report. The Hearing Examiner recommended denying the appeal and assessing a \$4,200 penalty due to multiple violations and a stay is not involved. If the committee files a final report and remains inactive for 2 years the fines are abated. Member Brady moved and Member McGuffage seconded a motion to dispose of the case, assess the penalty with the understanding that if Mr. Quinlan files a final report within 30 days, and remains inactive for 2 years, the penalty will be abated. The motion passed unanimously.

Chairman Porter called *SBE v. Committee to Elect Furmin Sessoms*, S9532, 08JS199 and noted the appearance of Nathan Kirkwood, III for the committee. Mr. Sandvoss indicated that a \$400 penalty was assessed and the appeal denied for failure to file the semiannual report because the hearing officer was not satisfied with their explanation. Mr. Sandvoss indicated that the appeal is stayed as it is a first violation and will be abated if the committee timely files all future reports for two years.

Mr. Keith moved to adopt the recommendations of the hearing officer and general counsel and deny the appeals on numbers 7 through 17, subject to Mr. Quinlan. Member Rednour seconded the motion which passed unanimously. Appeals were denied in *SBE v. DeWitt County Republican Central Committee*, L1672; *SBE v. Supporters of Rich Johnson*, L12186, 08JS049; *SBE v. Emma Tate Higginbottom*, L14436, 08JS100; *SBE v. Massac County Republican Women's Club*, S1589, 08JS124; *SBE v. Citizens to Elect Paula M. Lingo*, S7553, 08JS149; *SBE v. Citizens to Elect Judge William D. O'Neal*, S7946, 08JS154; *SBE v. Chicago Young Republicans*, S9003, 08JS168; *SBE v. Committee to Elect Furmin Sessoms*, S9532, 08JS199; *SBE v. Friends 4 Jaramillo*, S9578, 08JS223; and *SBE v. Committee to Elect Liz Ellis*, S9664, 08JS216.

Item 18, Assessments and Final Orders were continued to the November meeting in Springfield.

Payments of civil penalties were presented for informational purposes only.

For the Board's consideration, Mr. Sandvoss presented proposed wording for a standing order as suggested by Member Keith when the board has a 4-4 tie vote. Member Keith added that this applies to any vote at any time regardless of any combination of votes. Discussion ensued among the board. Member McGuffage moved to approve the standing order of the Board regarding tie votes. Member Brady seconded the motion which passed unanimously.

Item 3.c., consideration of JCAR's objection of obituary rule was continued for 30 days.

At 11:52 a.m. Vice Chairman Schneider moved to proceed to Executive Session for the purpose of matters involving closed preliminary hearings. Member Rednour seconded the motion which passed unanimously by 8 yeas in unison.

The Board returned to open session at 12:42 p.m.

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In the matter of *Mark Stern v. Paul Colgan & The New Wheaton Central Foundation/New Wheaton Central Foundation Brochure*, 08CD038, Member Keith moved to continue to December 5th and all parties allowed leave to file all papers at least 14 days before the meeting. Vice Chairman Schneider seconded the motion which passed 8-0 by roll call vote.

In the matter of *Frank Calabrese v. Pat Devaney*, 08CD039, Member Keith moved to find that the matter was not filed on justifiable grounds and no further proceedings are necessary. Vice Chairman Schneider seconded the motion which passed 8-0 by roll call vote.

Member Keith moved and Member Rednour seconded a motion that *SBE v. Citizens for David Webb*, 08CD007; *SBE v. Friends of Alderman Madeline Haithcock*, 08CD036; and *SBE v. Citizens to Elect Lovelace*, 08CD017 were filed on justifiable grounds; to adopt the recommendation of the Hearing Officer and General Counsel and proceed to public hearing. The motion passed 8-0 by roll call vote.

Executive Director White confirmed dates for the next meetings: November 17th regular monthly Board meeting in Springfield; Sunday, November 30th video conference call to proclaim the results of the election; and December 5th in Chicago.

There being no further business before the Board, Member Rednour moved to recess and Vice Chairman Schneider seconded the motion. The motion passed by 8 yeas in unison.

The meeting adjourned at 12:47 p.m.

Dated: October 29, 2008

Respectfully Submitted,

Daniel W. White, Executive Director

Darlene Gervase, Administrative Specialist II