

STATE BOARD OF ELECTIONS BOARD MEETING

Thursday, December 6, 2007

MINUTES

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

PRESENT VIA TELEPHONE: Robert J. Walters, Member

ABSENT: Wanda L. Rednour

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

Chairman Porter called the meeting to order at 10:45 a.m. and led everyone in the pledge of allegiance. Roll call indicated that Member Rednour was absent and her proxy was held by Member Keith.

Vice Chairman Schneider moved to recess to the State Officers Electoral Board at 10:45 a.m. Member Keith seconded the motion which passed unanimously.

The meeting of the State Board of Elections resumed at 11:25 a.m. Member Keith moved to adopt the minutes of the November 14th meeting. Vice Chairman Schneider seconded the motion which passed unanimously.

Executive Director White asked to move the certification of the February primary ballot to the end of the meeting. He indicated that unresolved objections will be certified with a notation "objection pending". As the objections are resolved, staff will send amended certifications to the appropriate jurisdictions. Mr. White reminded the Board that they will have to meet each time a withdrawal is submitted. The Chairman moved ballot certification to the last item on the Agenda prior to "Other Business".

He continued with an update of the petition and objection filing period. He noted that only one vacancy would be filled in the special Judicial Filing Period, a county judgeship in Massac County. He gave the board the dates they would have to meet if objections were filed in this vacancy or the Republican President and Delegate filing. He confirmed that the Board will meet Friday, December 21 at 10:30 a.m. via videoconference to certify Republican Presidential and Delegate candidates. Finally, he said that a special election to fill the vacancy of Congressman Hastert may be held in conjunction with the February 5 primary. Further, that if February 5 is designated, a special filing period will be conducted December 10-17.

Mr. White continued with a request from the Department of Defense's Federal Voting Assistance Program (FVAP) to assist in facilitating military and overseas voting for the Presidential elections. He presented a letter from Cris Cray,

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FVAP coordinator which asks the SBE to encourage local election officials to utilize the FVAP feature to electronically complete the Federal Postcard Application to register to vote and request an absentee ballot. Mr. White asked for a motion of the board to direct staff to notify election authorities of the program and encourage their participation. Member Brady so moved and Member McGuffage seconded the motion which passed unanimously. This matter will be revisited at the clerk's Advisory Committee meeting.

The Director submitted legislative proposals for 2008, which are not presented for adoption at this time. These proposals and other initiatives will be considered at the January meeting and will be placed on the agenda for final action.

Mr. White concluded his report with informational fiscal status reports and the two year plan of staff activity for December.

The General Counsel began his report with an appeal carried over from November wherein the hearing officer recommended the appeal be denied. Mr. Donald Kean, Treasurer, was present for the respondent in *SBE v. Frankfort Township Democratic Organization*, S8789, 07KS052. Mr. Sandvoss agreed with the hearing officer to deny the appeal and assess a fine of \$475.00. Mr. Kean made a settlement offer of \$150. Member Smart moved and Chairman Porter seconded a motion to accept the \$150 settlement. The motion passed 6-2 with Members Brady and Keith voting no.

Mr. Sandvoss presented *SBE v. Citizens for Dwight Welch*, L3237, 07AE031 and agreed with the hearing officer to grant the new appeal. Member Smart moved to adopt the hearing officer and general counsel's recommendations. Member Keith seconded the motion which passed unanimously.

The Chairman called three new appeals of campaign disclosure fines where the hearing officer recommended the appeals be denied. Mr. Sandvoss indicated that he agreed with the recommendation of the hearing officer. Member Keith moved and Member Smart seconded a motion to adopt the recommendations of the hearing officer and general counsel and deny the appeals. The motion passed unanimously. Appeals were denied in *SBE v. Cunningham Campaign Committee*, L9059, 07AE032; *SBE v. Citizens Action Party*, L14011, 07JS093; and *SBE v. Citizens for Sycamore Education*, L14019, 07JS094.

Mr. Sandvoss submitted a list of committees that have been assessed a civil penalty for delinquent filing of December 2007 and June 2007 Semi annual reports, schedule A-1s in conjunction with the February 2007 and April 2007 elections, and multiple assessments. These violations were not appealed and should be issued a Final Board Order. Two candidates are on the ballot, Friends of "Bill Dock" Walls/Walls for Mayor and Neighbors for Naisy Dolar. Member Keith moved to issue final orders assessing civil penalties consistent with Board policy and rules against those committees that did not appeal the assessments. The motion was seconded by Member Smart and passed unanimously.

Fines were paid by the following candidates: Derrick Prince, William Davis, William Walls III, and Michael Mayden. A list of candidates who face possible ballot forfeiture was presented for informational purposes. Richard Means, representing Judy Baar Topinka was acknowledged. He said that his client was not notified as to some of these matters and only after the appeals period passed and she would like to get back into the appeal process. Further, that she filed 1 day late; is not on the February General Primary ballot; and will have a proposal by the January meeting.

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Mr. Sandvoss presented a list of committees who made payment of outstanding civil penalties for the period Nov 8, 2007 to November 28, 2007.

Chairman Porter called for a motion for a short recess. Mr. Keith moved and Chairman Porter seconded the motion which passed unanimously by ayes in unison. The board recessed at 12:30 p.m.

The Board returned at 12:45 p.m. Chairman Porter continued L17249 to the January meeting with notice to the respondent.

Vice Chairman Schneider moved that all candidates be certified whose names are listed on the proposed official certification for the 2008 General Primary Election other than the name of Scott Summers, Green Party candidate for Congressman from the 16th Congressional District and Norm Hill, Republican Party candidate for U.S. Senate. In addition, the words "objection pending" shall be included next to the names of those candidates whose objections have not been disposed of and provided that the Board hereby directs the staff to issue an amended certification removing the names of any candidate who fails to pay their assessed civil penalty within 30 days of the effective date of the written order to do so.

There being nothing further before the board, Vice Chairman Schneider moved to recess until 10:30 a.m., December 21, 2007 or the call of the Chair. Member Brady seconded the motion which passed by 8 ayes in unison.

The meeting adjourned at 1:00 p.m.

Dated: December 26, 2007

Respectfully Submitted,

Daniel W. White, Executive Director

Darlene Gervase, Administrative Specialist II