

**STATE BOARD OF ELECTIONS  
Regular Board Meeting  
July 19, 2010**

**MINUTES**

**PRESENT:**

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

**ALSO PRESENT:**

Daniel W. White, Executive Director  
Rupert Borgsmiller, Assistant Executive Director  
Steve Sandvoss, General Counsel  
Amy Calvin, Administrative Specialist II

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The regular meeting of the State Board of Elections was called to order via videoconference means at 10:30 a.m. with all Members present. Chairman Schneider and Members Brady, Keith, McGuffage and Porter were present in the Chicago office and Vice Chairman Rednour and Members Smart and Walters were present in the Springfield office. Member Brady exited the meeting at 12:05 p.m. and Chairman Schneider held his proxy.

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

Member Brady moved to recess the State Board of Elections and reconvene as the State Officers Electoral Board. Member Keith seconded the motion which passed unanimously. The meeting recessed at 10:34 a.m. and reconvened at 10:40 a.m. A second roll call was taken with all members present.

The Executive Director presented the minutes from the June 11 regular Board meeting and noted that there were a few minor revisions as suggested by Member Keith. Member McGuffage moved to approve the minutes with the changes presented. Member Porter seconded the motion which passed unanimously.

The Executive Director began his report with preparations for the November 2, 2010 General Election and indicated that legislation was passed that revised a number of election dates including the date of certification. And thus the August Board meeting date needs to be changed accordingly. The election judge training schools listing was presented for informational purposes and noted that a number of training schools were already scheduled. The last item was consideration of the ES&S AccuVote (under-vote) modification and the Executive Director asked Dianne Felts to give a report. Ms. Felts explained that last December the Board approved the modification to the in-precinct optical scan system only for the General Primary Election due to time restraints at that time. Staff tested twenty-one mock precincts and ran 155,000 votes marked on the ballots and all were counted accurately. The only issue found is when the system operates on battery back-up power it will lock

up, but once electricity is restored the machine returns to normal procedures. Ms. Felts then asked the Board for two year approval of the modification. In response to a question Ms. Felts explained that Populex chose not to go back for testing and ES&S cannot go back for testing because the Department of Justice will not allow them to change their firmware. Member Smart moved to approve the modification for two years as recommended by Ms. Felts. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

To accommodate a scheduling request of legal counsel for three campaign disclosure matters, the Chairman moved to item 3.a.11, *SBE v. 8<sup>th</sup> Ward Regular Democratic Org.*, 10DS109. Michael Kasper was present on behalf of the committee. The General Counsel summarized the appeal and indicated he did not concur with the recommendation of the hearing officer and recommended the appeal be granted due to electronic filing issues. Mr. Kasper also concurred with the General Counsel. Member Smart moved to accept the recommendation of the General Counsel and grant the appeal. Member McGuffage seconded the motion which passed by roll call vote of 6-2 with Members Keith and Walters voting in the negative.

The Chairman presented item 3.a.3, *SBE v. Fair Illinois Committee*, 10DS238. Mr. Kasper indicated he did not file an appearance in this matter because he understood the committee had terminated. The General Counsel explained that termination of the committee does not moot the case, however, if the committee remains dissolved for a period of two years following the final order issued in this case the penalty would be abated. According to SBE rules, the committee has an obligation to pay the fine prior to going out of existence if they have the funds and if proceedings have begun the committee is prohibited from termination prior to paying the penalty. After discussion it was determined that Mr. Kasper would file an appearance and the matter be placed on the August meeting agenda upon the order of the Chairman at the request of Mr. Kasper.

The Chairman returned to the report of the Executive Director. Mr. White presented the HAVA audits and informed the Board that staff was conducting on-site visits to local jurisdictions to ensure HAVA funds have been properly spent. Staff physically inspects equipment to ensure it has been properly inventoried and identified and also checks other accessibility items purchased with HAVA funds. He verified that these are not financial audits and the jurisdictions are chosen randomly by geographical location and size. Mr. White indicated he would forward the internal audit reports to the Board so they may be informed as to what jurisdictions are being audited and the results of those visits.

The next item on the agenda was an update on the Campaign Disclosure Information System (IDIS) upgrade. The Executive Director indicated that we are nearing completion of the upgrade and Campaign Disclosure and IT staff have been working very hard on the system. Sharon Steward, Director of Campaign Disclosure, explained that IDIS began in 1999 with an outside vendor and other

than a few minor changes in 2002, there have been no changes to the program. The program was functional but outdated and because an outside vendor was involved, staff could not make any changes to the program. The new version of IDIS was released to approximately forty committees who volunteered to test the program and positive feedback has been received. The download and installation has been somewhat problematic mostly due to user computers and IT staff has provided support as needed anywhere from five minutes to an hour and a half or two depending on the problem.

The new program under current law will go live on July 26 and training sessions will be conducted in Springfield and Chicago. When the new laws go into effect January 1, IT will make the changes to the system and the user programs will be automatically updated. The Executive Director thanked everyone for their hard work, especially Campaign Disclosure and IT staff.

The Executive Director presented the legislative update and pointed out three pieces of legislation that has been recently signed by the Governor. Public Act 96-1003 deals with the student absent form notice and also provides that only election judges may deliver the tally sheets to the election authority. Public Act 96-1004 expands the special write-in and absentee blank ballot, with respect to military and overseas voters to the primary as well as the general election. The third piece of legislation impacts a number of filing dates and the certification date as well. Mr. White explained that House Bill 5820 provides for the joint nomination of candidates for the offices of Governor and Lieutenant Governor and that, secondly, the Governor also signed legislation that would eliminate declaration of party by voters in the primary election. He noted the dates of the veto session and said that we will plan on asking for supplemental legislation.

The Executive Director discussed the budget and explained that even though the budget was greatly reduced it increased by \$1.2 million from what was appropriated last year. The budget is crafted in a lump sum form into two categories – operations, and grants and awards. The grants and awards proposal include reductions in election judge reimbursement funding and clerks stipend. There is sufficient funding for the voting integrity center, electronic canvassing and IDIS replacement project. IVRS funding will be split into maintenance for the system and grants to the local jurisdictions and funding for the county clerk stipends was reduced by fifty percent. He explained that the lump sum budget is allocated in the best interest of the operation in a very difficult fiscal year understanding that some required mandated items will not be fully funded. Mr. White stated that it would be appropriate to discuss the operations portion of the budget in executive session as it relates to personal services. In a response to a question the Executive Director indicated that a report will be generated as soon as possible to include comparisons to how other state agencies are handling their stipends to county officials and will report back to the Board to address the matter.

Mr. White presented the Governor's Executive Order requiring additional spending reductions and it was noted that the State Board of Elections is not bound to follow the Governor's Orders

because of independence granted to the Board by the Constitution. However, it was determined that staff have already been addressing some of the situations outlined in the Order and would prepare an Agency proposal following the outline of the Governor's Order and adding additional items if needed that might be unique to the Agency. The Executive Director indicated that he would report to the Board on this matter at next month's meeting.

The IVRS update concerning duplicate voter registrations was presented for informational purposes and suggested the number may go down as the November election approaches.

The Executive Director discussed the FY10 Lump Sum Update and noted that if there are any leftover funds after all financial obligations have been met, those funds would be allocated for the early voting judges of election.

The two year plan of staff activity was presented for informational purposes.

The General Counsel presented a motion to reconsider submitted by the 34<sup>th</sup> Ward Regular Democratic Organization, S594, 10AP005 requesting either a reduction in the amount of the fine or set up a payment plan. No one was present for the committee. The General Counsel recommended the motion to reconsider be denied, however, allow the committee to submit a payment plan in writing within ten days and place on the August agenda for consideration. Member Smart moved to accept the recommendation of the General Counsel. Member Brady seconded the motion which passed by roll call vote of 8-0.

The General Counsel discussed *SBE v. Citizens for Brenda Roosevelt*, L13480, 10DS218. Greg Roosevelt was present on behalf of the respondent committee. The hearing officer recommended the appeal be denied and the General Counsel concurred. Mr. Roosevelt thanked the campaign disclosure staff for their assistance and explained that the committee has a \$1,100.00 balance at this time. He offered a settlement offer of \$800 and indicated he could pay that amount today. Member McGuffage moved to deny the appeal and accept Mr. Roosevelt's settlement offer to be paid today. Member Porter seconded the motion which passed by roll call vote of 5-3 with Members Brady, Keith and Walters voting in the negative.

The General Counsel presented appeals of campaign disclosure fines that the hearing officer recommended be granted for agenda items 3.a.4-8: 4) *SBE v. Fraternal Order of Police*, L12536, 10DS040; 5) *SBE v. Citizens for David E. Miller*, S7508, 10AP012; 6) *SBE v. Committee to Elect Judge Thaddeus L. Wilson*, S9953, 10AP021; 7) *SBE v. Southland Success PAC*, S10263, 10DS201; and 8) *SBE v. Voters' Matter*, S10280, 10AP007. The General Counsel concurred with the recommendation of the hearing officer in all cases. Member Porter moved to accept the recommendation of the hearing officer and General Counsel in the matters of 3.a.4-8. Member Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented appeals of campaign disclosure fines that the hearing officer

recommended be denied for agenda items 3.a.9, 10, 12, 13 & 14: 9) *SBE v. Citizens for David Webb*, L10269, 10MA009; 10) *SBE v. Painters Local 147 Political Action Committee*, L13060, 10MA003; 12) *SBE v. Citizens for Judge Allen Murphy*, S10063, 10AP023; 13) *SBE v. STOP-IT*, S9909, 10DS241; and 14) *SBE v. Friends of Judge Geary Kull*, S10005, 10D1006. Agenda item 3.a.9 was carried over to a future meeting and item 3.a.14 will be taken separately. The General Counsel concurred with the recommendation of the hearing officer and no one was present concerning the matters. Member Keith moved to accept the recommendation of the hearing officer and General Counsel in agenda items 3.a.10, 12 and 13. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel summarized *SBE v. Friends of Judge Geary Kull*, S10005, 10D1006 and disagreed with the recommendation of the hearing officer that the appeal be denied because the committee submitted a signed affidavit asserting the report was mailed more than 72 hours prior to the due date. No one was present concerning this matter. Member Smart moved to accept the recommendation of the General Counsel and grant the appeal. Member Porter seconded the motion which passed by roll call vote of 8-0.

The General Counsel discussed *SBE v. Citizens to Elect Judge Wojtecki*, S10081, 10AP030 and indicated he concurred with the hearing officer recommendation to grant the appeal as to the \$6,262.00 contribution and deny the appeal as to the \$100.00 contribution. No one was present on behalf of the committee. Member Smart moved to accept the recommendation of the hearing officer and General Counsel. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The General Counsel then presented *Gorman v. Mark Thompson Campaign Committee*, 10CD003 and requested this matter be rescheduled for another meeting due to an illness of counsel for the respondent committee. The Board agreed and the matter is carried over to the September meeting.

The General Counsel presented a draft rulemaking concerning the electronic filing defense stating the factors the Board will have to take into account when this defense is offered. It was agreed to address this issue at the February meeting to allow time to deal with any issues arising from IDIS 2.

Potential ballot forfeiture for 2010 was presented for informational purposes and the General Counsel indicated that letters have been sent out the candidates on the listing and the appropriate county clerks.

Payment of civil penalties was also presented for informational purposes listing the fines paid in the last month and year to date totals.

The General Counsel indicated there was one item to consider that was not listed on the agenda and asked the Board to consider a request from Citizens to Elect Norman Bolden to enter into a payment plan of \$135.00 per month until the total fine of \$675.00 is paid in full. The General Counsel recommended to accept the payment plan. Member Smart moved to accept the payment plan

proposed by Citizens to Elect Norman Bolden. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

Member Keith moved to recess to executive session to consider complaints following closed hearings, personnel matters and pending litigation. Member Smart seconded the motion which passed unanimously. The meeting recessed 12:20 p.m. and reconvened at 1:55 p.m.

A roll call was taken and six Members were present. Chairman Schneider and Members Keith, McGuffage and Porter were present in Chicago and Members Smart and Walters were present in Springfield. Vice Chairman Rednour and Member Brady were absent and Member Keith and Chairman Schneider held their proxies respectively.

Concerning *SBE v. People for Pierce*, 10CD070, Member Keith moved to find that the complaint was filed upon justifiable grounds, but there is no need for the matter to proceed to public hearing and the subsequent filings be considered by our staff in due course. Member Porter seconded the motion which passed unanimously.

In the matter of *Goldman v. Friends of Annazette Collins*, 10CD009, Member Keith moved to adopt the written motion that was read in Executive Session and it make a part of the record and have the matter proceed to public hearing in accordance with that on the three issues as recommended by the hearing officer and General Counsel and not proceed to hearing on the other issues as set forth in the written motion that was read in Executive Session:

1. The Board find that the allegations relative to the questioned expenditures made to Exxon-Mobile and Enterprise Rental were not filed upon justifiable grounds and order that no public hearing be held relative to same.
2. The Board find that the allegations relative to the questioned expenditures made to Toyota Motor Credit, Government Employee Insurance Company and multiple gas stations were filed on justifiable grounds and order that a public hearing be held on the following issues relative to same:
  - (a) Was the \$10,000.00 expended to Toyota Motor Credit relative to Ms. Collins' motor vehicle?
  - (b) If a motor vehicle was purchased, does said purchase meet the required finding that the purchase was more economical than leasing said motor vehicle?
  - (c) If a motor vehicle was purchased, does said purchase meet the required finding that the motor vehicle is used primarily for campaign purposes or governmental duties?
  - (d) Were such expenditures the total actual costs paid for said items or were they appropriately prorated between any use not for political or governmental purposes?

3. The Board find that the allegations of improper reporting of funds loaned to Annazette Collins by the committee were not filed upon justifiable grounds and order that no public hearing be held relative to same.
4. The Board find that the allegations relative to the loans made to Annazette Collins were filed on justifiable grounds and order that a public hearing be held on the following issues relative to same:
  - (a) Were the transactions actually loans?
  - (b) If the transactions were loans, were they permissible loans or actually payment for services rendered?
5. The Board find that the allegations relative to payment of bank fees and charges totaling approximately \$3,100.00 made during the last four months of 2005 were filed on justifiable grounds and order that a public hearing be held relative to same.
6. The Board find that the allegations relative to payment of bank fees and charges other than noted above were not filed upon justifiable grounds and order that no public hearing be held relative to same.
7. The Board find that the allegations relative to payments made to Target were not filed upon justifiable grounds and order that no public hearing be held relative to same.
8. The Board find that the allegations relative to an alleged failure to issue a public apology as required by a previous Board Order resulting from a settlement agreement were not filed upon justifiable grounds and order that no public hearing be held relative to same.
9. The Board find that the allegations relative to an alleged failure to properly account prior to filing amended reports on February 19, 2010 for six specific contributions received by the committee in 2008 and 2009 were not filed upon justifiable grounds and order that no public hearing be held relative to same.
10. The Board find that the allegations relative to an alleged failure to properly report matters relative to legal services provided to the committee by Attorney Michael Kasper were not filed upon justifiable grounds and order that no public hearing be held relative to same.
11. The Board find that the allegations relative to an alleged failure to properly report matters relative to legal services provided to the committee by Fletcher, O'Brien, Kasper & Nottage, P.C. were withdrawn by the Complainant, Jonathan Goldman, and order that no public hearing be held relative to same.

12. The Board find any other allegations which may be contained in the Complaint presently on file herein were not filed upon justifiable grounds and order that no public hearing be held relative to same.

Member Porter seconded the motion which passed unanimously.

Member Keith moved to adopt the employment contracts of Executive Director White, Assistant Executive Director Borgsmiller and General Counsel Sandvoss in accordance with the salaries adopted in Executive Session and that those matters be completed and executed by the Chairman and those employees with the salary adjustments to be made retroactive to July 1 in accordance with the previous order adopted by the Board. Member Smart seconded the motion which passed unanimously.

With there being no further business before the Board Member Keith moved to adjourn until July 26, 2010 at 10:00 a.m. to be noticed in Springfield, Chicago, and Godfrey; and then the regular August meeting be rescheduled to 9:00 a.m. August 17, 2010 via videoconference in Springfield and Chicago, and then a tentative Board meeting scheduled for August 27<sup>th</sup> at 10:00 a.m. via videoconference in Springfield, Chicago and Godfrey for possible amendment of any certification of the General Election ballot and anything else that is scheduled. Member Smart seconded the motion which passed unanimously. The meeting adjourned at 2:00 p.m.

Respectfully submitted,

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Amy Calvin, Administrative Specialist II

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Daniel W. White, Executive Director