

STATE BOARD OF ELECTIONS BOARD MEETING

Monday, August 20, 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
Robert J. Walters, Member

ABSENT: Wanda L. Rednour, Member

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

Chairman Porter called the meeting to order shortly after 10:30 and led everyone in the pledge of allegiance. Mr. Keith held Mrs. Rednour's proxy and Vice Chairman Schneider held Mr. Brady's proxy until his arrival at 10:40 a.m. and after his departure at 12:40 p.m.

The minutes of the July 2nd regular meeting were presented. Mr. Smart moved to adopt the minutes as presented and Mr. McGuffage seconded the motion which passed unanimously.

Mr. White began his report with an informational update of petition filing preparations. He said that since the Illinois Primary Election was moved to February 5, 2008, all petition filing dates are six weeks earlier. The main candidate petition filing period is October 29 to November 5, a special judicial filing period November 19 to November 26, 2007 for judicial vacancies, and the Presidential preference and delegate filing period from November 28 to December 5, 2007. Mr. White noted that the 2008 Candidate's Guide and 2008 Presidential Preference and Delegate Guide, revised candidate information, downloadable forms, and a list of judicial vacancies have been posted on our website and sent to all election authorities and vendors. He indicated that Mark Mossman, Director of Election Information, has conducted several pre-petitions planning sessions and anticipates a large number of candidates and media the first day of filing. The Director presented a calendar that listed three objection periods which may require the Board to convene to hear cases, but that the Board can meet via video conference. He asked for a motion to set November 19, 2007 (regular meeting date), December 10, 2007 and December 18, 2007 as special meeting dates. Vice Chairman Schneider so moved and Member McGuffage seconded the motion which passed unanimously by ayes in unison and none opposed.

The Director began a legislative update calling the Board's attention to additional materials supplied by Legislative Liaison Cris Cray. He acknowledged and thanked Ms. Cray stating that she is a tireless advocate for the Board and has gone above and beyond by being there every step of the way ensuring that election legislation received a full hearing. He said that supplemental legislation to satisfy the *King* claim has been appropriated, but the full SBE budget approved by the legislature is limited. The Voting Testing Center will not happen this fiscal year as well as several other projects we requested. Further, election legislation is pending that provides vendors will file a nonrefundable fee for testing. Staff will research having those fees used towards funding the Voting Testing Center and promulgate rules for appropriate fee structure. Other pending action include requiring write-in candidates to file 61 days before election; clarify statutory direction for counting ballots without postmarks; abolish the requirement that voters present government issued photo IDs when early voting; reduce from 4 to 2 the number of paper copies of voting results that must be produced at polling places; changes in signature requirements for referenda; and eliminating unnecessary and costly consolidated primary where possible. He added that none of the election legislation has yet been signed by the Governor. He confirmed that the Governor may amendatorily veto legislation.

Mr. White presented a list of names to the SBE Advisory Committee of Election Officials for the July 1, 2007 through June 30, 2009 term and asked for a motion to confirm the appointments. Mr. Smart moved and Mr. Brady seconded the motion to confirm the appointments listed on page 12 of the board packet. The motion passed unanimously.

An update of a U.S. Election Assistance Commission (EAC) audit regarding Help America Vote Act (HAVA) funds was presented. Mr. White indicated that obtaining revised equipment inventories from three local election jurisdictions has been completed. Efforts to retrieve outstanding interest funds continue, and a request for a special appropriation from the legislature will be needed for repayment of \$3,889 in HAVA funds. The EAC has not responded to our appeal of the matching funds calculation finding. Vice Chairman Schneider moved to authorize staff to seek a special appropriation for \$3,889 to return the funds to the EAC for educational books. Mr. McGuffage seconded the motion which passed unanimously.

Executive Director White concluded his report with an informational report of the two year plan of staff activity for the months of August and September.

General Counsel Sandvoss began his report with a request for an amended Board Order from the Committee to Elect John Johnsen, 04 S083. Mr. George Mahoney, attorney for the committee, stated that Mr. Johnson requests the board confirm the recommendation of the General Counsel. Mr. Sandvoss indicated that the correct amount should have been \$325. After a short discussion, Mr. Smart moved to adopt the recommendation of the Hearing Examiner and General Counsel to amend the Board Order and reissue the order in the amount of \$325. Mr. McGuffage seconded the motion which passed 5-3. Members Brady, Keith and Rednour voted against the motion.

Mr. Sandvoss presented new appeals of campaign disclosure fines and agreed with the Hearing Examiner that the appeals be granted. Typographical errors were discussed. He stated that none of the corrections would change the Board Order in relation to the recommendation of the Hearing Examiner.

Mr. Smart moved to adopt the recommendations of the General Counsel and Hearing Examiner to grant the appeals and to file amended reports where required. Mr. Keith seconded the motion which passed by roll call vote of 8-0, the committees are: *SBE v. Friends for Larry M. Doody*, L13501, 07AC028; *SBE v. Melrose Freedom Political Committee*, L14055; *SBE v. Friends for John Bradley, Inc.*, S 8471, 06AG096; and *SBE v. Friends for Anna Klocek*, S9335, 07AC025. The matter of *SBE v. SEIU Illinois Council PAC*, S8810, 07AC 018 passed by vote of 7-0-1 with Member Brady abstaining.

New Appeals of campaign disclosure fines where the Hearing Examiner recommended the appeals be denied were presented. Mr. Sandvoss agreed with the recommendations of the Hearing Examiner and added that a previous assessment of \$50 should be added to the *Friends of Alderman Madeline Haithcock* matter bringing the total amount to \$41,675 and further that the penalty will be abated if the committee remains inactive for 2 years. Mr. Smart moved to adopt the recommendations of the Hearing Examiner and General Counsel to deny the appeals and to change the penalty in the *Haithcock* matter. Mr. Keith seconded the motion which passed 8-0. Ms. Felicia Simmons Stovall asked the Board to note her appearance. Appeals denied in *SBE v. Alderman Madeline Haithcock* L5723, 07MA007; *SBE v. Citizens for Felicia Simmons Stovall*, L13650, 07AC012; *SBE v. Friends of Moraine*, L14005, 07AE009; *SBE v. Citizens for Rory Hoskins*, L14078, 07D112; *SBE v. Marie Slater Campaign '07*, L14177, 07D116; *SBE v. Citizens Action Team*, L14185, 07D117; *SBE v. Friends of Rita Gonzalez*, S9350, 07MA011; and *SBE v. Citizens to Elect Bob Peickert*, S9352, 07MA012.

General Counsel Sandvoss summarized *SBE v. JoAnn Thompson*, L10807, 07AC006 and agreed with the recommendation of the Hearing Examiner. Attorney Michael Kreloff was present for the respondent and reiterated their defense. Mr. Walters moved to adopt the recommendation of the Hearing Examiner and General Counsel to deny the appeal, reduce the fine to 10% and stay the fine as a first violation. Mr. Smart seconded the motion which passed 6-2 with Members McGuffage and Chairman Porter voting no.

No one appeared for the respondent in *SBE v. Citizens for Carina Sanchez*, L13751, 07AC013. The Hearing Examiner recommended granting the appeal for four in-kind contributions totaling \$6,044.70; denying the appeal for three in-kind contributions totaling \$2,353.25; reducing the penalty to 10% of the fine; and abating the penalty if the committee remains inactive for a period of two years following the date of the Final Order of the Board imposing penalty. Mr. Keith moved and Mr. Brady seconded a motion to adopt the recommendations of the Hearing Examiner and General Counsel. The motion passed unanimously.

Mr. Sandvoss presented a supplemental list of committees that did not appeal civil penalty assessments and asked the Board to issue final orders to all committees with the exception of *SBE v. Committee to Elect Art Schultz*. Mr. Keith so moved, Mr. McGuffage seconded the motion and the motion passed unanimously.

The Chairman noted the appearance of attorney George Mahoney for the respondent in *SBE v. Committee to Elect Art Schultz*. Mr. Sandvoss noted that an assessment letter indicated an incorrect amount. A corrected letter was sent, but a check had already been submitted by the committee for payment. As the committee acted on information supplied by the SBE, Mr. Sandvoss asked the board for a motion to acknowledge the check of \$950 as total settlement in this case. Mr. Smart so moved and

Mr. McGuffage seconded the motion. The motion passed by 6-2 vote with Members Brady and Keith dissenting.

The General Counsel submitted June 2007 Semi-annual reports/Amnesty and payment of civil penalties for informational purposes.

Mr. Sandvoss summarized the activities of the *SBE v. Committee to Elect John A. Lartz*, 07CD038 and agreed with the recommendation of the Hearing Examiner following Public Hearing. He asked the Board to issue an order directing the Respondent to file a semi-annual report for the period of July through December, 2006 within 30 days of the date of its order. Mr. Smart so moved and Mr. McGuffage seconded the motion. The motion passed by 7-0-1 vote with Mr. Brady abstaining.

By mutual agreement the *Citizens Organized to Save the Tax Cap v. Northfield Township HS District 225*, 07CD35 was heard in open session. Attorney Richard Becker was present for the complainant and Attorneys Anthony G. Scarianno and John J. Murphy were present for the respondent. Mr. Sandvoss summarized the complaint and agreed with the hearing officer that the complaint was not filed on justifiable grounds and no further action is required. Attorneys for respondent and complainant spoke to the merits of their case. After discussion Mr. Smart moved to adopt the recommendations of the Hearing Examiner and General Counsel. Mr. McGuffage seconded the motion which passed 6-2 with Member Brady and Vice Chairman Schneider dissenting.

Mr. Keith moved to adjourn to Executive Session to hear Campaign Disclosure Items 22 through 33, complaints following closed hearings, pending litigation and personnel matters. Mr. Smart seconded the motion which passed by 8 ayes in unison and none opposed.

The Board adjourned to Executive Session at 12:40 p.m. and returned to open session at 1:10 p.m. Mr. Brady left at 12:40 p.m. and Vice Chairman Schneider held his proxy.

Mr. Keith moved to adopt the recommendations of the Hearing Examiner and clarified by the General Counsel in *SBE v. William Davis for State Representative*, 07CD052; *SBE v. Citizens for Gaughan*, 07CD055; *SBE v. Friends to Election Patricia Jones*, 07CD057; *SBE v. Citizens to Elect Dennis Allen*, 07CD056; *SBE v. Friends of Jim Nesbitt*, 07CD060; *SBE v. Proviso Township Democratic Organization*, 07CD062; *SBE v. The Committee to Elect Joseph McAfee for 8th Ward*, 07CD063; *SBE v. Citizens for Washington*, 07CD064; *SBE v. Vision 81/Frances Locke/Mary Jane Goldwaite*, 07CD065; *SBE v. Friends of Don Patterson*, 07CD067; *SBE v. Sustain Education Excellence (SEE)*, 07CD068; and *Naughton v. Chillmon, Miwa and Koepp*, 07CD056; dismissed for lack of prosecution. Mr. Smart seconded the motion which passed unanimously.

Determination of additional judgeships was continued to September.

There being no further business before the Board, Vice Chairman Schneider moved to adjourn until 10:30 a.m., Friday, September 14, 2007 in the Board's Springfield office or call of the Chairman. Mr. Walters seconded the motion which passed unanimously. The meeting adjourned at 1:15 p.m.

Dated: August 23, 2007

Respectfully Submitted,

Daniel W. White, Executive Director

Darlene Gervase, Administrative Specialist II