

**STATE BOARD OF ELECTIONS  
Regular Board Meeting  
Monday, September 20, 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 at 10:50 a.m. with all Members present. The meeting was connected via videoconference with the Chicago office and Member Brady was connected via teleconference.

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

Member Keith moved to recess the State Board of Elections and convene as the State Officers Board to approve minutes. Member Smart seconded the motion which passed unanimously. The meeting recessed at 10:53 a.m. and reconvened at 10:55 a.m. Another roll call was taken and all Members were present as noted in the initial roll call.

The minutes of the July 26, August 6, 17 and 27 meetings were presented with revisions as noted. Vice Chairman Rednour moved to approve the minutes as presented. Member Smart seconded the motion which passed unanimously.

The Executive Director presented a withdrawal from Supreme Court Judge Thomas Fitzgerald from the First District that was filed at the SBE last week. Mark Mossman indicated that the impacted jurisdictions, Cook County and the Chicago Board of Election Commissioners, were contacted and he was informed it was too late for those jurisdictions to amend their ballots. Jan Kralovec from the Cook County Clerk's office and Lance Gough from the Chicago Board of Election Commissioners' office were present in Chicago and asked the Board to not amend the certification. The Board took no action on the matter.

Next item on the agenda was a modification to Dominion Voting System and Page Barnes and Eric Coomer from Dominion were present in the Chicago office. Ms. Kralovec and Mr. Gough were also present in Chicago. Dianne Felts summarized her report and noted the current two year certification was contingent on positive the results of the iBeta acceptance report. The report included some minor security issues and vendor documentation problems, therefore, the Voting Systems and Standards staff performed new tests on the amended version. Staff found one minor item concerning

the statistical sum on the ballot report that had changed from previous testing and it did not affect the correct tabulation. A letter will be sent to the Election Assistance Commission to request a return to the original statistic. Ms. Felts recommended a two year interim approval. Member Smart moved to adopt a two year interim approval for the modification. Member Walters seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented the Interstate Voter Registration Crosscheck Program and asked Kyle Thomas to summarize the document. Mr. Thomas explained the Memorandum of Understanding is an agreement among thirteen states to perform data checking for duplicate voter registration records and invites Illinois to be the fourteenth state to join to send voter names, dates of birth and voting history to Kansas so they can match it with all the other states in the agreement. Matches will then be sent to the State Board of Elections (SBE) to notify Illinois election jurisdictions of potential duplicate registrations across state lines. In response to a question regarding costs, Mr. Thomas indicated this program is already included in the contract with Catalyst at a very minimal cost but implementation was delayed due to other mandates. After discussion Mr. Thomas indicated he would supply a cost breakout and it was agreed to place this matter on the October meeting agenda for consideration.

A demonstration of the MOVE (Military and Overseas Voters Empowerment act) website was next on the agenda and the Executive Director indicated that Illinois was one of the first states to comply with the Act and have the website in place prior to the November General Election. The Executive Director thanked the IT Department, Kyle Thomas and Cheryl Hobson for their hard work. Ms. Hobson, who spear headed the project, gave a very detailed demonstration of how a military and/or overseas voter would navigate through the website including step by step instructions. The Board was very impressed with the demonstration and Mr. Thomas and Ms. Hobson answered some technical questions regarding the website. The Executive Director indicated that a press release was sent to media outlets across the state and posted on the SBE website and additional efforts will be made to publicize the MOVE website. Costs of creating the MOVE website were discussed and the matter was placed on the October meeting agenda to discuss financial figures for the possibility of creating a similar website for all voters when allowed by law.

The Executive Director presented the 2010 Voter Awareness/Public Information Program proposal submitted by Al Manning who has directed the program for past elections. The focus of the program for the past February Primary Election highlighted two new election bills that provided additional time for early voting and grace period registration and required some permanent early voting places to remain open additional hours and on holidays on the final weekend of early voting. The 2010 General Election program will focus on these changes as well as HAVA goals to improve voter awareness and increase participation. Member Keith moved to approve the Voter

Awareness/Public Information Program. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

The election judge training schools schedule was presented for informational purposes and the Executive Director noted that at this point more than 150 schools were scheduled across the state.

The Executive Director indicated that several news stories were published concerning Alexander County's voting age population and their number of registered voters. SBE staff has been in contact with Alexander County on several occasions and noted that Alexander County has been using the IVRS system effectively and SBE will continue to offer our assistance to ensure clean voter registration rolls and fair and honest elections.

Next on the agenda was a report on the Advisory Committee Meeting and the Executive Director indicated it was a small group but a very good exchange of useful election information. Mark Mossman gave an update on the Constitution Party's legal proceedings and also absentee ballot application procedures. Rupert Borgsmiller gave a report on Senate Bill 1466 and its impact on changes in Campaign Disclosure filings. Kyle Thomas briefed the committee on the Interstate Voter Registration Data Crosscheck Program and Cheryl Hobson discussed the newly implemented MOVE website. The next Advisory Committee Meeting is scheduled for Tuesday, January 18, 2011.

The Executive Director presented an IVRS report for informational purposes and noted that duplicate matches continue to decline. Kyle Thomas indicated he would do some research into other state's VRS duplicate match figures, how Illinois compares and how their systems resolve those issues.

The FY11 Cost Control and Spending Reduction Plan was presented and the Executive Director indicated this was a carryover from last month's meeting so comments from staff and Board Members could be shared and addressed. Jim Withers and Mike Roate responded to Member Keith's comments that were included in the Board packet. The SBE conducts an annual inventory and submits surplus property to Central Management Services (CMS) and in the future will increase the inventory process as major movement of equipment occurs. The sale of surplus property benefits the State; therefore, the State Board of Elections receives no direct monetary benefit from the sale of the property.

Jim Withers reported on the possibility of a new Springfield office facility and indicated that the space needs assessment was submitted and accepted by CMS. Mr. Withers explained that the building lease expires January, 2012 and it will take about six months to one year to finalize the process. He also noted that until a new agreement is reached the SBE could go to a month to month lease once the current lease expires, but at that time the building owner could require SBE removal from the building if the owner were to find a tenant and a new lease agreement. Mr. Withers suggested

at an appropriate time the building owners will be notified of a possible move out by the SBE and our dealings with CMS.

As to the Ballot Integrity Center, Mr. Withers stated the current proposal includes all staff and the testing center in one building. The Chairman suggested seeking a Request for Information from the vendors to compile information for possible outsourcing as to the testing center and Agency space needs.

Staff travel was discussed and it was suggested that it could be of great benefit to circulate out of state staff travel reports and other relevant reports to Board Members and other appropriate staff.

The Executive Director noted that the costs for the new telecommunications were paid from FY10 funds except for one very small \$700 cost for cabling from FY11 funds.

Information Technology staff attendance at technical conferences was discussed as well as agency subscriptions. Steps have already taken place to reduce travel and subscriptions as necessary.

Personnel costs, overtime compensation and support for Campaign Disclosure were discussed and various suggestions and scenarios were proposed by staff and Board Members.

The Executive Director presented the lump sum update and proposed allocations for the judges of election reimbursement and county clerk stipends. In response to a Board question regarding the reimbursement, an e-mail was sent to all election jurisdictions inquiring how they address shortfalls in judges of election reimbursement. Of the sixty jurisdictions that responded, forty-seven found the funds to pay the judges the additional state reimbursement of \$45 from their local funds and thirteen did not. The FY11 proposal includes 100% funding for election judges reimbursement for the November General Election and no reimbursement for the remaining FY11 local elections unless a supplemental appropriation is approved.

The County Clerk's stipend issue was presented and the Executive Director noted that the proposed FY11 allocation request was reduced by 50%. He also informed the Board that he received a document from the Department of Revenue indicating that there numerous other cuts to public officials who receive some type of stipend or additional funds from the state. The General Counsel stated that in the court's opinion that a stipend and a salary are interchangeable, which would impact the interpretation of Article VII, Section 9(b) of the Illinois Constitution which says that an increase or decrease in the salary of an elected officer of any unit of local government shall not take effect during the term for which that officer is elected. The General Counsel felt that a reduction in the salary could not take place once the term begins which is December 1. After discussion, it was agreed to add the county clerk's stipend matter to future Board meeting agendas for further discussion from the clerks and/or appropriate staff on any new matters that might arise. Member Smart moved to accept the

FY11 lump sum allocation as presented on lower half (Operations) of page sixty-one of the Board packet. Member Porter seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented the fiscal status reports and two year plan of staff activity for the months of September and October for informational purposes. The final FY10 report includes a substantial amount of returned funds to the state treasury and pursuant to the Board's action the FY11 reports will be distributed later.

Next was the report of the General Counsel and he asked the Chairman to begin with agenda items 3.a.7 and 3.a.8 to accommodate the parties present in those matters. Without objection from the Board the General Counsel presented *Gorman v. Mark Thompson Campaign Committee*, 10CD003 and summarized the case. This was a complaint following closed hearing and it was ordered that the matter proceed to public hearing which was conducted. The hearing officer found that there were reporting irregularities including failure to file Schedule A-1s in relation to contributions that were received. He also found the committee guilty of filing a report of a contribution in the name of another and accepted that contribution. The hearing officer recommended that the Bard enter findings consistent with that, and that the committee be ordered to conduct an audit of its receipts and expenditures in light of the irregularities that the hearing officer noted and also be directed to only report contributions in instances where money is actually received as opposed to money that is pledged to the committee. The General Counsel concurred with the recommendation of the hearing officer as to all of the items except Item 2 which dealt with two \$1,000 contributions that were received from two contributors and listed on the December 2009 Semi-annual report as having been received from those contributors. Attorney Burt Odelson was present on behalf of the complainant and he concurred with the hearing officer and General Counsel. Attorney Rich Means was present on behalf of the respondent and he felt this was an accounting error and the public was not deprived as to who made the contribution and the amount but rather informed prematurely because it was filed on the wrong report. He agreed to amend to amend the reports according the Board orders and did not object to an audit. The General Counsel recommended staff review the amended reports that will be submitted by the committee to determine if, in fact, they meet with their satisfaction, and if so, then a formal audit would not be necessary. Member Smart moved to accept the recommendation of the hearing officer along with the modification of the General Counsel that the committee not be found to have violated the provision that prohibits receipt and reporting of a contribution in the name of another, but rather, that a contribution was reported. However, it was misreported in the sense that the receipt of the two \$1,000 contributions was in January of 2010 requiring a Schedule A-1 to be filed as opposed to being pledged in 2009 and being contained on the semiannual report. Also, the committee will be required to file an amended return no later than October 31, 2010. Member Porter seconded the motion which passed by roll call vote of 8-0.

Without objection from the Board the Chairman moved to take item 3.a.8, motion to settle civil assessments, *SBE v. Citizens for Munoz and SBE v. 22<sup>nd</sup> Ward Democratic Committeeman Fund*. The General Counsel reviewed the matters and noted that counsel for the two committees indicated on his settlement that there were some health issues related to Mr. Munoz that caused the delinquent filings and they propose as a settlement of these civil penalties payment of an additional \$4,000. That is in addition to a penalty of \$5,200 that has already been submitted by the committee, although those were for different reports. The General Counsel recommended the Board consider this matter since there is precedent for reopening a case that has already been disposed of by the Board through the issuance of a final order. As far as the settlement, he informed the Board that he is of the opinion that the Board lacks authority to settle cases in which the violation is for the late filing of a pre-election or a semiannual report. The General Counsel also noted that the Board has accepted such settlements in the past. Mr. Means was present on behalf of both respondent committees and explained the committees have had a very good history of compliance up until the period during with the health problems occurred. He stated that if his settlement was accepted, the additional \$4,000 in fines would be paid by October 31, 2010. After discussion Mr. Means suggested a settlement offer of \$12,600 to be paid by the end of October. Member McGuffage moved to accept the settlement offer of an additional \$12,600 for both cases to be paid by October 31, 2010. Vice Chairman Rednour seconded the motion which passed by roll call vote of 5-3 with Members Brady, Keith and Walters voting in the negative.

The Chairman presented *SBE v. Illinois Fair Map Amendment Initiative*, S10227, 10AP031 and the General Counsel agreed with the hearing officer that the appeal be granted. No one was present on behalf of the respondent committee. Member Keith moved to accept the recommendation of the hearing officer and General Counsel and grant the appeal. Member Smart seconded the motion which passed by roll call vote of 8-0.

The Chairman presented the following appeals of campaign disclosure fines that the hearing officer recommended be denied for agenda items 3.a.3-6: 3) *SBE v. Citizens to Elect Tim Brouillet County Recorder*, L14656, 10MA011; 4) *SBE v. Friends of Laura Bertucci Smith*, S8163, 09JS263; 5) *SBE v. Citizens to Elect Darlene Senger*, S9722, 10AP028; and 6) *SBE v. Working People's Campaign Committee for Elections of Honest IL Governors*, S9920, 10DS256. The General Counsel concurred with the recommendation of the hearing officer in all cases and no one was present for any of the respondent committees in the matters. Member Smart moved to accept the recommendation of the hearing officer and General Counsel and deny the appeals for agenda items 3.a.3-6. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. Vermilion County Young Republicans*, L13289, 10DS217 and 09JS261 and summarized the matters. The recommendation of the hearing officer was to deny the appeal in both cases. The hearing officer did not make a recommendation in terms of

acceptance of the settlement in 09JS261 as he felt that that was the discretion of the Board. However, the recommendation in the first case, 10DS217, was that the appeal be denied and that the assessed penalty of \$2,475 be due and owing. The General Counsel concurred with with the hearing officer's recommendation offered no comment on the offer of settlement in the second case. Dennis Miller was present on behalf of the respondent committee and asked the Board to assess both fines together and asked for a reduced penalty of \$1,000. Member Smart moved to accept a total settlement offer of \$1,000 for both cases to be paid by October 31, 2010. Member McGuffage seconded the motion which passed by roll call vote of 6-2 with Members Brady and Keith voting in the negative.

The General Counsel presented a request for payment plan from Democratic Leadership for the 21<sup>st</sup> Century in the amount of \$100 per month until the fine is paid in full. No one was present for the committee. The total fine was \$5,600 minus \$200 that was enclosed with the payment plan, therefore, it would take longer than a year to pay it in full. The General Counsel suggested the committee restructure the payment plan to fall within a twelve month period. Member Keith moved to reject the payment plan because the term exceeded one year. Member Smart offered an amendment to the motion to instruct staff to explain to the committee that the Board will be looking for a payment plan within a twelve month timeframe consistent with past practices and they have the option to present a revised plan, including payment amounts, to the Board at a future meeting. Member Smart seconded the motion with the amendment which passed by roll call vote of 8-0.

The General Counsel presented a request for payment plan from Friends of Robert Steele in the amount of three \$700 installments for a total of a \$2,100 fine. The first installment of \$700 was also included with the plan. The General Counsel recommended the plan be accepted. No one was present on behalf of the committee. After discussion, it was noted that Mr. Steele is certified for the November General Election and faces ballot forfeiture. Member Keith moved to reject the payment plan, accept the first \$700 installment and order the remaining \$1,400 due and owing immediately. Member Smart seconded the motion which passed by roll call vote of 8-0. Member Keith moved to institute a policy that when a committee submits a request for payment plan, at a minimum they must indicate the total fine, the proposed payments, and when the proposed payments will be made before the Board will consider the request. Member Porter seconded the motion which passed by roll call vote of 8-0.

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

Member Keith moved to recess to executive session to discuss pending litigation and personnel matters and the motion passed unanimously. The meeting recessed at 1:55 p.m. and reconvened at 2:30 p.m. Another roll call was taken and all Members were present as noted in the first and second roll calls.

With there being no further business before the Board, the Chairman moved to adjourn until Tuesday, October 19, 2010 at 10:30 a.m. in Chicago and Springfield via videoconference or call of the Chairman, whichever occurs first. The motion passed unanimously and the meeting adjourned at 2:32 p.m.

Respectfully submitted,

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Amy Calvin, Administrative Specialist II

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Daniel W. White, Executive Director