

STATE BOARD OF ELECTIONS
Board Meeting
Monday, November 13, 2006
Springfield, Illinois

MINUTES

PRESENT:

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

ALSO PRESENT:

Dan White, Executive Director
Steve Sandvoss, General Counsel
Rebecca Glazier, Assistant to Executive Director

The regular monthly meeting of the State Board of Elections was called to order at 10:30 a.m. with eight members present. Member Brady was present via telephone connection.

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

Chairman Smart presented the minutes of the October 16 regular meeting and the minutes of the October 13, 19, 20 and 25 conference calls. After a question from Member Keith, Member Porter moved to approve the minutes as presented. Vice Chairman Rednour seconded the motion which passed unanimously.

The Executive Director indicated that there were two staff service awards to be presented today. Chairman Smart presented a 15 year service certification to Carole Skaggs and thanked her for her work. Director White indicated that Ms. Skaggs' knowledge and helpfulness has helped him much as well as the entire agency. Chairman Smart presented Rupert Borgsmiller a crystal box for his 30 years of service to the agency and indicated his appreciation for his hard work. Director White thanked Mr. Borgsmiller for all of his work and especially his work over the past year in the many marathon Board meetings.

The Executive Director indicated that Cris Cray has assembled initial legislative proposals which have been distributed to the Board members. This is for information and review and will be

placed on the December agenda for action. In response to a question from Member Walters Member Keith explained the issues on the advisory public question and his suggestion it be included with the legislative package.

Director White reviewed activities from the November 7 general election. This was the second election in Illinois where all polling places had at least one accessible piece of voting equipment, early voting and grace period registration. However, it was the first general election for all three and was one of the most challenging elections faced not only in Illinois but throughout the country. Overall, things went well in Illinois due to all the hard work and preparedness of the election authorities. The State Board of Elections had a very large statewide awareness program. Early voting was a challenge but a tremendous success. Voter turnout was average but with the early voting it is a possibility turnout figures could be higher. An International Delegation of Chinese officials was in Illinois and met with Mark Mossman and Rupert Borgsmiller to discuss election related issues. Director White met with a delegation of Russian election officials prior to the election. Director White explained that it was a normal election in terms of types of calls received. There were isolated incidences of polls opening late in some jurisdictions, equipment malfunctions, electioneering and slow transmission of returns. Mark Mossman indicated many calls were received from citizens wondering if they were registered to vote and where to vote, concerns with the new equipment, and also noted that a few jurisdictions had court orders to extend their voting hours. Director White noted that Kane County was one of the jurisdictions with a court order and two SBE staff went to observe the process. Any voter who voted after the polls closed during the extended hours were to vote provisional ballots. Marion County had 32,000 ballots cast in the 107th Representative race with only 100-110 votes separating the two candidates. No one from that jurisdiction has indicated if there will be a contest filed. Election authorities processed absentee ballots throughout election day but did not tabulate until that night. Mark Mossman explained the process for the transfer of the ballots from polling places indicating there is a statutory requirement for the election authorities to follow. In response to a question, it was noted that it is possible to have a very high number of registered voters compared

with the total populations with NVRA active and inactive voters. The statewide database will help with duplicate registrations, deceased registrants and felon registrants.

Dianne Felts discussed the pretest report that was included in the Board packet indicating that staff tested four jurisdictions and out of the four one had a very serious problem that would have been disastrous on election day. All of the ballots in this jurisdiction had to be remade. Ms. Felts indicated she would have liked to test more jurisdictions but optical scan testing takes much longer to prepare for as well as test in the jurisdiction. It took six staff from 8:30 a.m. to 6:00 p.m. to test 57 precincts in one jurisdiction. Member Schneider thanked Dianne for doing such a good job and asked if there was a way to provide some confidence that the voting systems counted as a voter actually voted. Dianne explained the 5 percent tabulation requirement as well as the different voting equipment procedures for the retabulation. In response to discussion Dianne indicated that she actually needs a separate building for testing and certification of voting equipment as well as additional staff. Most all vendors will be returning for further modifications to their voting equipment. Discussion ensued on the early allegations in Cook and Chicago where some voters were pressing one candidate but a vote for another candidate actually showed up. There were additional problems in these two jurisdictions and both were invited to attend today's meeting for the discussion on election day activities. Director White indicated that for the first time since 1986 it appears there will be a third established party that will qualify in every unit of government and this party will retain this status until the next gubernatorial election. However, this will not effect the selection of election judges because these are based on the last three gubernatorial elections. Director White then indicated that Cook County, Chicago Board of Election Commissioners and Kane County will be asked to attend the December Board meeting.

The Executive Director presented a HAVA update indicating all jurisdictions have submitted documentation and/or returned funds. Discussion ensued on possible procedures for receiving HAVA funds. There are 11 grant agreements that have been distributed to jurisdictions. Staff now withholds payment until all paperwork is submitted for a jurisdiction requesting additional funds. A draft HHS grant agreement was included in the packet for discussion and contains language on interest.

Discussion ensued on the language with suggestions for further change. This will be included on the December agenda for discussion.

Director White indicated the IVRS newsletter was included in the packet for informational purposes. Member Keith suggested sending Mark Shelden a letter thanking him for contributing his informative article for the newsletter.

Director White presented for discussion the "additional comments" section of the disclosure website which had also been discussed at a previous Board meeting. This section is designed to permit political committees to clarify items contained in electronically filed campaign disclosure reports. There have been comments posted that are a misuse of this section. Discussion ensued on the purpose of this section and options that may take the place of this. Rupert Borgsmiller explained that most of these "clarifications" are proper and explain items contained in the report. Director White asked the Board to revisit this issue and allow staff to screen and edit information not relevant to the filing of a report. Member McGuffage moved to eliminate the additional comments section of the Campaign Disclosure website. Vice Chairman Rednour seconded the motion. Discussion continued on what editing standards would be if staff had that authorization and also on the Records Act. The motion was then amended to eliminate the additional comments section under electronic reports of the Campaign Disclosure website and replace with another mode of communication in relation to the report. The motion was called and passed by roll call vote of 8-0.

The Executive Director presented for informational purposes 1) the FY 07 fiscal report for the period ending October 31, 2) the fiscal report for the Help Illinois Vote Fund, and 3) the two year plan of activity for the months of November and December.

Director White indicated that in response to a suggestion of Member McGuffage, Mr. David Robin will be present at the December Board meeting and make a presentation on ballot security issues. All election authorities and legislative staff have been invited and this will be part of the regular meeting agenda.

The General Counsel presented a motion for reconsideration in the matter of an appeal of the 25th Ward Independent Democratic Organization, 06AP031. Mr. Sandvoss reviewed the matter

indicating a \$1,250 civil penalty was assessed at the October Board meeting and the appeal denied. Today's defense is a rehash of the original defense and he did not feel it was an adequate defense. Linda Johnson was present indicating that there was no malice intended but her mother is 87 and in a hospital and the Chairman of the committee has no computer skills to file electronically. Mr. Sandvoss indicated there are two separate violations and a 10% reduction was given. Member Keith moved to deny the motion for reconsideration. Member Walters seconded the motion which passed by roll call vote of 5-3 with Members McGuffage, Porter and Vice Chairman Rednour voting in the negative.

The General Counsel presented appeals of civil penalties that the hearing officer has recommended be granted and noted his concurrence with the recommendation. Member Porter discussed *SBE v. Friends of Don Forest* and *SBE v. Citizens for Elect Alvin Parks, Jr.* and agreed with the hearing officer but only with the elimination of the wording "granted for this time only." Mr. Borgsmiller indicated that language would be taken out. Member Walters moved and Vice Chairman Rednour seconded that the matters of *SBE v. Friends of Don Forrest*, 06JS027; *SBE v. Citizens to Elect Alvin Parks, Jr.*, 06JS062; and *SBE v. Friends of Dan Brady*, 06AP056, be granted with Member Porter's clarification. The motion was called and passed by 8-0.

The General Counsel presented appeals of civil penalties that the hearing officer has recommended be denied noting his concurrence with the recommendations. Member Porter moved to deny the appeals in the matters of *SBE v. Jeff Lair for Sheriff*, 06JS007; *SBE v. U 4 Excellence*, 06AP040; *SBE v. Community Citizens Referendum Committee 2006*, 06AP042; *SBE v. Citizens for Novacich*, 06D113; *SBE v. IFAPAC-IL*, 06AP044; *SBE v. Tazewell County Republican Central Committee*, 06AP074; *SBE v. Illinois Cemetery PAC*, 06GP068; and *SBE v. MPower PAC – Futures in Rehabilitation*, 06AP051. Member Walters seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented an appeal of a civil penalty that the hearing officer has recommended be granted in part and denied in part. Discussion ensued on *SBE v. Citizens for Mangieri*, 06AO058 and the General Counsel indicated that there were contributions at issue and a couple were granted and a couple denied. He concurred with the hearing officer's recommendation. Member Walters moved to accept the recommendation of the hearing officer. Vice Chairman Rednour

seconded the motion. Discussion continued on A-1 assessments and the multiple violations. A fine of \$9,300 would be imposed and not be stayed. The motion was called and passed by 7-0-1 with Member McGuffage voting present.

The General Counsel presented civil penalty assessments necessitating a final Board order. Seven committees have filed appeals since this list was prepared and should be removed from the list. These committees to be removed are: Citizens to Re-elect Robert Tolentino, Citizens for Lawrence Oliver for Lake Co. Sheriff, Friends of Denny Jacobs, Friends of Moraine Valley, Lisle Township Republican Org., Friends of Joy Cunningham and Citizens for Esther Golar. Member McGuffage recused himself from voting on Friends of Dart, S9018. Member Keith moved to issue final orders to all committees listed on pages 149 and 150 with the removal of the seven designated as having filed appeals. Member Walters seconded the motion which passed by roll call vote of 8-0 with Member McGuffage recusing himself from the one case.

The General Counsel presented for informational purposes a listing of civil penalties paid and a listing of candidates with unpaid fines that face ballot forfeiture for 2007.

The General Counsel presented a proposed rule to implement a provision of the Open Meetings Act. Section 120/7 of the Open Meetings Act provides for members appearing at a Board meeting by "other means" in accordance with and to the extent allowed by rules adopted by the public body. Member Brady had submitted suggested revisions to the language and Member Keith had questions regarding specifics of the Act. All suggestions would be incorporated and distributed to the Board for action at the December meeting.

Member Keith moved to recess to executive session to discuss pending litigation and personnel matters. Vice Chairman Rednour seconded the motion which passed unanimously. Meeting recessed at 1:20 p.m. and reconvened at 1:45 p.m.

Upon reconvening Member Schneider moved to approve action taken in executive session and renew the term appointments of Cris Cray, Eric Donnewald and Jim Withers. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The next regular meeting of the State Board of Elections will be held on Friday, December 1, 2006 at 10:30 a.m. in Chicago.

With there being no further discussion, Member Schneider moved to adjourn. Member Keith seconded the motion which passed unanimously. The meeting adjourned at 1:46 p.m.

Respectfully submitted,

Assistant to Executive Director

Executive Director