

STATE BOARD OF ELECTIONS

MINUTES

Wednesday, December 2, 2009

MINUTES

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

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

The Chairman called the meeting to order at 11:07 a.m. and began the meeting with the pledge to the flag. Six members were present in Chicago with Mrs. Rednour and Mr. Walters present in the Springfield office via video conference.

Member Keith moved to recess the State Board of Elections at 11:08 a.m. Member Smart seconded the motion which passed unanimously by 8 voices in unison.

The State Board of Elections returned to regular session at 11:26 a.m. Roll call was taken for attendance with all members present.

Executive Director White began with the pleasant duties acknowledging staff. He began with a 15-year service award for Anne Barnes. He added that she has been with the state closer to 20 years. Mr. White said that Anne worked for him several years ago and did a great job; her duties now are as general support for the entire office and special projects and recently assisted with the records check in the Chicago office. He thanked her for the years of service with him and the agency. On behalf of the Board, Chairman Schneider thanked Anne for her hard work and especially for keeping the Board organized and everyone signed in at the Board meetings.

Mr. White continued with presentation of resolutions to two employees who are retiring. The first, Tony Morgando, Deputy Director of Campaign Disclosure, retired in September. Tony started almost at the beginning of the Board's inception and has been a great resource not only for campaign disclosure but a supervisor and manager of the largest division in the Chicago office. Mr. White offered to deliver the resolution to Mr. Morgando's permanent home in Florida. Tom Cloonan, another member of campaign disclosure is another long-standing staff member with a wealth of institutional knowledge in campaign disclosure which won't easily be replaced. Tom has been with the agency for 31 years and there is no one more knowledgeable or helpful when it came to assisting campaign committees. He offered the resolution to the board and will present it to him at the appropriate time. Member Brady moved to adopt the resolutions for Messrs Morgando and Cloonan and Member Keith seconded the motion. The motion passed unanimously by roll call vote.

Preparations for the February 2nd general primary election include certification of the ballot. December 3rd is the last day to certify the ballot for the February 2nd election, Mr. White said. Because the Board met on the 2nd, the General Counsel drafted a motion to that effect, allowing staff to amend the certification if there are any withdrawals and accept any payments of civil penalties that might impact the ballot and will present it to the board for their consideration. Any candidate with an unresolved objection will be certified with an "objection pending" designation and as those are concluded, staff would be authorized to forward certified certifications to the appropriate election jurisdiction. Finally, that if any candidates withdraw after December 3rd, the board would require a special meeting via video conference. Mr. White presented the certification to the Board for their signatures. Mr. White thanked Mr. Mossman and his staff for the hard work performed in this tedious operation. Mr. Borgsmiller affirmed that all civil penalties affecting ballot forfeiture subject to the SBE's certification have been paid. Member Keith moved that the ballot certification for the February 2, 2010 general primary election as presented by staff be approved and adopted and staff be directed to issue the certification to the Illinois election authorities at 12:00 noon Thursday, December 3, 2009 and make any revisions to the certification necessitated by candidate withdrawals prior to that time and indicate objections that are currently pending including objections to candidates filing in the special judicial filing period. Member Brady seconded the motion which passed 8-0 by roll call vote. The Board signed the certifications.

Member McGuffage asked the General Counsel to affirm that the Board may issue subpoenas with an affirmative vote of five. Mr. Sandvoss indicated that the language is in Article 9, 9-18.

Election Judges training schools were presented for informational purposes.

The Director continued with a legislative and veto session update. He introduced Cris Cray, Legislative Liaison who advised the Board that only 7 pieces of proposed legislation are prepared for the upcoming session of the General Assembly, which is an emergency year and the Speaker has limited members to three bills each. Two outstanding bills are on the Governor's desk, Senate Bill 146 and Senate Bill 1466. The reason to limit the agenda was that a large workload is expected with Senate Bill 1466, it's an emergency year and adjournment is scheduled for May 7. Member Smart moved to adopt Items 1 through 7 on page 4 of the Board's packet as the Board's legislative package for the upcoming session. Mr. McGuffage seconded the motion which passed unanimously by roll call vote.

Mr. White continued with consideration of the FY-11 budget appropriation request. He thanked all the division directors for submitting their requests promptly. He wanted to specifically thank Rupert Borgsmiller, Assistant Executive Director; Administrations Director Jim Withers; and most of all Chief Fiscal Officer Mike Roate. All three have been involved in every step of this process. Mr. White briefly summarized, analyzed and reviewed the budget request. Member Smart moved to adopt the proposed budget. Member Brady seconded the motion which passed unanimously.

Because there is such a short time frame between meetings no fiscal report and no minutes were in the packet. He added that the two-year plan of activity is presented for informational purposes.

General Counsel Sandvoss began his report asking for the Board's consideration of civil penalty assessments for failure to comply with the Board's order in four separate matters. He recommended assessment of \$5,000 in each case. The record reflected that no one appeared for the 16th Ward Regular Democratic Organizations; the Friends of Mickie Polk, the Committee to Elect James Larry Karraker, or the Taxpayers United for Fairness. Member Smart moved to fine all four committees \$5,000 and Member Walters seconded the motion. The motion passed unanimously.

Mr. Sandvoss continued with civil penalty assessments in which the hearing officer recommended the appeals be granted. He concurred with the hearing officer. The record indicted no one present for *SBE v. Citizens for John Ryan* and *SBE v. Illinois Vendors PAC*. Member Porter moved that appeals be granted for Citizens for John Ryan, L14242 and Illinois Vendors PAC S978. Member Brady seconded the motion which passed 8-0 by roll call vote.

The General Counsel presented appeals of civil penalty assessments in which the hearing officer recommended the appeals be denied and he concurred with the recommendations. The Chairman noted that no one was present for either the *SBE v. Thompson for Sheriff* or *SBE v. 18th Congressional District COPE Committees*. Member Smart moved and Member Porter seconded a motion to deny the appeals in both cases. The motion was unanimously adopted by roll call vote.

Mr. Sandvoss presented a list of civil penalties that have been paid to date on page 48 of the Board packet for the Board's information.

Member Keith moved to recess into Executive session for consideration of closed preliminary hearings; campaign disclosure matters; and pending or potential litigation. Member Brady seconded the motion which passed unanimously by 8 ayes in unison. The Board recessed at 12:04 p.m.

The Board reconvened in open session at 12:51 p.m. with all members present.

Member Keith moved to find the complaint in *Atkinson v. Committee to Elect Sandy Kim*, 09CD65, was not filed upon justifiable grounds and dismiss the complaint. Member Brady seconded the motion which passed by 8 ayes in unison.

As to *Atkinson v. Friends of Kim Savage*, 09CD66, Member Keith moved to find that the complaint was not filed upon justifiable grounds and that there was no evidence presented to sustain the objections and the case be dismissed. Member McGuffage seconded the motion which passed by 8 ayes in unison.

As to *Atkinson v. Friends for Education*, 09CD67, Member Keith moved to find the complaint was filed upon justifiable grounds, but due to the intervening file of amended reports that there be no public hearing and the matter be dismissed. Member Porter seconded the motion which passed by 8 ayes in unison.

Member Keith moved to deny the motion to submit evidence and that as part of the motion thereafter find that the complaint in *Grace v. Pattri Krueger, MVP Party*, 09CD68, was filed upon justifiable grounds, that the matter be ordered to proceed to public hearing and that Steven Mazur be added as an additional third party, and after he has been given proper notice, the public hearing proceed. Member Smart seconded the motion which passed by 8 ayes in unison.

As to *Canary, Morrison v. 22nd Ward Democratic Committeeman Fund*, 09CD69 and jointly with *Canary, Morrison v. Citizens for Munoz*, 09CD70, Member Keith moved to find the complaints were filed upon justifiable grounds, that due to the filings for the December 2008 semiannual reports, the complaint relative to them are moot having been previously determined by other proceedings before this Board and the matter proceed to public hearing on the issues regarding the semiannual reports relative to filing period of June 2009. Member Brady seconded the motion which passed unanimously by 8 ayes in unison.

There being nothing further before the Board, Member Brady moved to adjourn the State Board of Elections to January 19, 2010 at 10:30 a.m. in Springfield or the call of the chair, whichever occurs first. Member Porter

seconded the motion which passed unanimously by 8 ayes in unison. The meeting of the State Board of Elections adjourned at 1:02 p.m.

DATED: December 18, 2009

Respectfully submitted,

Daniel W. White, Executive Director

Darlene Gervase, Administrative Assistant II