

STATE BOARD OF ELECTIONS

December 3, 2010

MINUTES

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

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

Acting Chairman Smart called the meeting to order at 2:38 p.m. and led everyone in the Pledge of Allegiance to the flag. Vice Chairman Rednour and Member Walters were present via telephonic conference call and six members were present in Chicago. Member Keith announced that Member Smart was presiding as Acting Chairman by agreement of all Board Members.

Mr. Smart asked Executive Director, Dan White, to come forward and presented him with a resolution of the Board to acknowledge his commitment and expertise; his more than 36 years of service and dedication; and expressed the respect and esteem of the Board for his contributions to the successes of the Illinois State Board of Elections. Mr. White thanked the Board for the opportunity to serve as Executive Director. He said it was his honor to work with so many talented, dedicated, and hard-working people who responded without question to all the challenges asked of them.

Mr. White began his report with certification of the statewide results from the November 2nd General Election and to proclaim those votes. He said the statewide canvass is a huge undertaking that must be completed in a short period of time, and again the staff answered the call. He thanked Election Information Director, Mark Mossman, and his staff but added that everyone pitches in when needed. Mr. White noted that 7,500,000 registered voters are contained in the canvass which is down from the presidential general election in 2008 which showed 7.8 million registered voters. Although early voting was popular, the turnout was just over 50 percent. At the top of the ballot, Senator Kirk won a six year term by about 59,000 votes and Governor Quinn won by almost 31,800 votes and the proposed recall statement amendment passed with over 65 percent the Director said. Mr. Mossman was asked to address the Board. He said that an independent candidate won a judicial seat in the 17th Judicial Circuit in Boone County for Additional Judgeship A which was unique; and the Green Party will be an established party in four congressional districts and in six of the state representative districts. Mr. Mossman added that all judges seeking retention were retained and the canvass consists of approximately 583 candidates plus the constitutional amendment for the recall of the governor and commented on a couple of the closest races. A motion was in order and Mr. Keith moved to adopt the official canvass and certify the election as presented by staff. Member Brady seconded the motion which passed unanimously by roll call vote.

The legislative update was presented by Legislative Liaison, Cris Cray. She said that two bills are currently active; the first, House Bill 5057, referred to as the Fumigation Bill in which the

State Board of Elections is specifically exempted in Senate Amendment Number 3, passed the Senate 52-0 and will go through the House when it comes back on Monday, January 3rd. The second, Senate Bill 362, extends the Sunset Provision on cumulative voting for Peoria to December 31, 2011.

Mr. White continued his report with the proposed FY12 budget appropriation request and offered a brief summary. He asked Mike Roate and Jim Withers to be available for questions and thanked the staff for putting this together over the Thanksgiving holiday so it could get into the submission process. He specifically thanked Mike Roate, saying that he does an unbelievable job in answering questions, getting things together, and meeting with staff to get this together. Although it appears to be a significant increase, it is over \$2.2 million lower than last year's request. Larger increases include the state pay retirement, contractual services, a new physical facility in Springfield, IVRS maintenance and a significant increase request from Cook County regarding their antiquated statewide voter registration system. Other increases include some other jurisdictions upgrades, the clerks' stipend, the voting systems and integrity center and the E-canvass which is mandated. Discussion ensued regarding AFSCME contract raises; and HAVA funding. Mr. Keith moved to adopt the FY-12 budget as presented, amended by providing for a 5.5 percent personnel services increase from the FY-11 and \$100,000 increase for lump sum retirement costs and anticipated promotions, and otherwise adjust it in order to bring that in line. Mr. Brady seconded the motion which passed 8-0 by roll call vote.

Current fiscal reports and the two-year plan of activity were submitted by the director for informational purposes.

Acting Chairman Smart asked if there was any Other Business to be discussed. Mr. McGuffage asked that the record reflect that he personally voted aye on Mr. Borgsmiller's promotion to Executive Director at the November meeting.

Mr. Smart moved to delay an appeal carried over from November, *SBE v. Coalition for Property Rights*, 20951, 10JS117, until the January meeting. Mr. Keith seconded the motion and there being no objection, that is the Board's unanimous order.

A motion to settle a civil penalty assessment in *SBE v. Citizens for Collins*, was considered. Mr. McGuffage moved to grant the motion to reconsider and vacate the final order from the date of the last meetings and a 90-day payment plan. Member Smart seconded the motion which passed 6-2 with Messrs. Brady and Keith voting no.

Chairman Schneider noted that the civil penalties contained on page 19 of the Board's packet is for information.

Other Business was considered. Mr. Mossman advised the board that he received an amended certification for the special election for U.S. senate -- the unexpired term. One county had inadvertently sent the results for the full term. Mr. Sandvoss indicated that November 24th was the last date for certification as ordered by Judge Grady and the amended certification was received after that date. Mr. Keith suggested taking no action for certification since the last date for certification under the Court order expired prior to receiving these matters; and as in the primary, the board did not statutorily find that it had jurisdiction in the primary and that it does not have jurisdiction now. Chairman Schneider found Mr. Keith's points well taken and the meeting will proceed without further action unless a Board member wished to make a motion at this point in time. Hearing none, he thanked staff for bringing this matter to the board's attention.

Under Other Business, General Counsel Sandvoss asked the Board to designate Mr. Rupert Borgsmiller as Illinois' Chief Election Official for the purposes of HAVA, effective January 1, 2011. Mr. Brady so moved with Mr. McGuffage's second. The motion passed unanimously by roll call vote.

There being no Other Business, Chairman Schneider suggested proceeding to closed session for hearing matters following closed preliminary hearings, personnel and pending litigation. Mr. Smart so moved, seconded by Mr. McGuffage. The motion passed unanimously by ayes in unison and none opposed.

The Board recessed into Executive Session at 3:16 p.m. and reconvened at 4:00 p.m.

To confirm the presence of a quorum, roll call was taken and seven board members were present. Chairman Schneider was absent, but expected to return and Mr. Smart held his proxy.

Member Keith moved as to 10CD075, *Shepherdson v. Citizens for Tom Morrission*, the motion made in Executive Session by Member McGuffage and seconded by Member Smart be continued for consideration at the January meetings. Mr. Brady seconded the motion which passed 8-0 by roll call vote.

As to 10 CD083, *Jenkins v. George W. Dunne Campaign Fund*, Mr. Keith moved that the matter be dismissed for want of prosecution. Mr. Brady seconded the motion which carried unanimously by roll call vote.

Mr. Keith moved that Christina Cray, Eric Donnewald and Jim Withers be given new term appointments for four years in their present capacities at the expiration of their present term appointments. Mr. Brady seconded the motion which carried unanimously by roll call vote.

Mr. Keith moved that Dianne Felts, Steve Flowers, Mark Mossman, Sharon Steward, Kyle Thomas, Jim Withers and Eric Donnewald be given salary adjustments upon their anniversary dates, retroactive if appropriate, in accordance with the motion adopted in Executive Session. Mr. Brady seconded the motion which carried unanimously by roll call vote.

Mr. Keith moved to offer Kevin Turner the position of Director of Information and Technology commencing January 1, 2011 and at a salary in accordance to that adopted in Executive Session. Mr. Brady seconded the motion which carried unanimously by roll call vote.

Mr. McGuffage spoke for all the Board Members in thanking Cris Cray for her great catch on the Fumigation Bill. He added that is what a good legislative liaison does and which she certainly does on everything. Mr. Smart added that the Board should thank Mr. Madigan, Mr. Cullerton and Senator Radogno also.

There being nothing further before the Board, the next meeting is January 18th at 10:30 a.m. and the primary location is the Springfield office with video connection in Chicago or the call of the Chair, whichever occurs first. Mr. Keith moved to adjourn accordingly, Mr. Brady seconded the motion and 8 ayes in unison adopted the motion to adjourn. The Board adjourned at 4:06 p.m.

DATED: December 14, 2010

Respectfully submitted,

Daniel W. White, Executive Director

Darlene Gervase, Administrative Assistant II