

STATE BOARD OF ELECTIONS
Special Board Meeting Via Videoconference
Thursday, December 17, 2009

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

The special meeting of the State Board of Elections was called to order via videoconference means at 9:30 a.m. Chairman Schneider and Members Brady, Keith, McGuffage, Porter and Smart were present in the Chicago office and Member Walters present in Godfrey at Lewis and Clark College. Vice Chairman Rednour was present via teleconference.

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

The Executive Director informed the Board that as of this morning, eight candidate withdrawals had been received and asked Mark Mossman, Director of Election Information to read the names of the candidates. Mr. Mossman indicated the following candidates filed withdrawals in the SBE from December 11-16, 2009: William J. Cadigan, Republican, 10th Congressional District; Brad Trowbridge, Democrat, Cook County Judicial Circuit, vacancy of the Honorable Carol Pearce McCarthy; James P. Pieczonka, Democrat, Cook County Judicial Circuit, vacancy of the Honorable Carol Pearce McCarthy; Elliot L. Powell, Democrat, Cook County Judicial Circuit, 1st Subcircuit, Judgeship A; William "Dock" Walls, III, Democrat, Governor; Robert L. "Bob" Zadek, Republican, United States Senate; Jessica A. O'Brien, Democratic, Cook County Judicial Circuit, vacancy of the Honorable Carol Pearce McCarthy; and Kenneth Williams, Democrat, Representative in the General Assembly, 29th District. Member Porter moved to accept the candidate withdrawals. Member Smart seconded the motion which passed by roll call vote of 8-0.

Member Brady moved to recess the State Board of Elections and reconvene as the State Officers Electoral Board. Member McGuffage seconded the motion which passed unanimously. The meeting recessed at 9:40 a.m. and reconvened at 11:55 a.m. A second roll call was taken with all members present.

Member Keith moved to amend the certification of the ballots for the general primary to be held on February 2, 2010, to reflect all decisions of other electoral boards that affect our certification and all court decisions affecting our certification that have been received prior hereto to reflect the withdrawals that were approved this morning and to also reflect the actions of the State Officers Electoral Board this morning specifically overruling the objection in *Bartholomae v. Castillo*, 09SOEBGP506; overruling the objection in *Rosenzweig v. Hebda*, 09SOEBGP521; overruling the objection in *Reidy v. Pilmer*, 09SOEBGP528; overruling the objection in *Else v. Moy*, 09SOEBGP529; overruling the objection in *Barnes, Hendon v. Turner*, 09SOEBGP531; sustaining the objection in *Pituc v. Mayers*, 09SOEBGP515; overruling the objection in *Hamos v. Mayers*, 09SOEBGP501, but striking the candidate from the ballot in accordance with the Pituc case; sustaining the objection in *Dunaway v. Scanlan*, 09SOEBGP518; sustaining the objection of *Wagner v. Barnes*, 09SOEBGP524; and taking no action in *Reeves v. McQuillan*, 09SOEBGP513. Member Brady seconded the motion which passed by roll call vote of 8-0.

Member Keith moved to amend the certification showing the objection in *Cattron v. Kairis*, 09SOEBGP523 be overruled. Member Brady seconded the motion which passed by roll call vote of 8-0.

Member Keith moved to authorize that staff be permitted to make any necessary amendments to the official certification approved by the Board at its meeting on December 3, 2009, and as subsequently amended from time to time relative to the February 2, 2010 general primary as a result of any decisions of appropriate electoral boards and/or court orders that are received, and, furthermore, to authorize staff to accept future withdrawals from any candidates if they, being staff, are advised by all election authorities affected by any such withdrawal that accepting the withdrawal will not

adversely affect the efficient administration of the general primary election to be held on February 2, 2010, and to amend the official certification as is necessary from time to time upon receipt and completion of background action thereof. Member Brady seconded the motion. Member Keith then amended his motion to change December 3 to December 2 and was agreed to by Member Brady. The motion passed by roll call vote of 8-0.

General Counsel Sandvoss indicated he had another item under other business that was a carryover from the December 10 meeting dealing with Ricardo Munoz, who is a candidate for Democratic State Central Committeeman. Mr. Munoz was assessed a civil penalty in the amount of \$5,000 for failure to comply with the Board order that was issued for failure to file the December 2009 semi-annual report. That report has been filed but the fine is still outstanding and due and owing which means the candidate should not appear on the ballot according to Section 9-30 of the Campaign Finance Act. Attorney Richards Means, on behalf of Mr. Munoz, verified that the candidate was in compliance by filing the reports in question on IDIS earlier today and was prepared to pay the fine immediately today and offered a settlement amount of \$2,500. After discussion, Member Keith moved that upon reconsideration, which was the matter that was scheduled for today, the certification of Ricardo Munoz as being a candidate on the ballot for the February 2, 2010 primary for Democratic State Central Committeeman in the 4th Congressional District, due to the fact there is an unpaid fine, that his name be removed from the certification unless that fine is paid in full in the stated amount of \$5,000 on or before 2:00 p.m. today. Member Smart seconded the motion. Member Keith amended his motion to include in the event that it is paid and the funds are found to be insufficient that the certification then be amended by staff upon notification of that. The motion passed by roll call vote of 8-0.

The General Counsel informed the Board that he received a notice from the attorney from one of the cases that was disposed of last week indicating he filed a petition for judicial review and submitted via certified mail to the Springfield office and asked the Board for authorization to seek representation from the Attorney General. Member Keith moved to authorize the General Counsel on

any matters that were determined by the State Officers Electoral Board that upon receipt of any appropriate legal process that he can refer same to the Attorney General without further action of the Board. Member Brady seconded the motion which passed unanimously.

With there being no further business before the Board Member Brady moved to adjourn until January 19, 2010 at 10:30 a.m., or until call of the Chairman whichever occurs first. Member Porter seconded the motion which passed unanimously. The meeting adjourned at 12:20 p.m.

Respectfully submitted,

Amy Calvin, Administrative Specialist II

Daniel W. White, Executive Director