

**STATE BOARD OF ELECTIONS  
Board Meeting  
Thursday, January 15, 2004  
Springfield, Illinois**

**MINUTES**

**PRESENT:**

**John R. Keith, Chairman  
Jesse Smart, Vice Chairman  
William McGuffage, Member  
David E. Murray, Member  
Philip O'Connor, Member  
Albert Porter, Member  
Wanda L. Rednour, Member  
Elaine Roupas, Member**

**ALSO PRESENT:**

**Dan White, Executive Director  
Colleen Burke, General Counsel  
Rebecca Glazier, Assistant to Executive Director**

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The regular monthly meeting of the State Board of Elections was called to order at 11:05 a.m. with eight members present.

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

Member Porter moved to recess to sit as the State Officers Electoral Board. Member Rednour seconded the motion which passed by roll call vote of 8-0. Meeting recessed at 11:08 a.m. and reconvened at 11:20 a.m.

Chairman Keith presented the minutes of the December 16 regular monthly Board meeting with a modification already made and distributed to the Board. Member Roupas moved to approve the minutes with the modification. Member Rednour seconded the motion which passed by roll call vote of 7-0-1 (Member McGuffage had stepped out of the meeting briefly).

Chairman Keith presented the minutes of the January 5, 2004 conference call meeting. Vice Chairman Smart moved to approve the minutes as presented. Member Rednour seconded the motion which passed by roll call vote of 7-0-1 (Member McGuffage had stepped out of the meeting briefly).

The Executive Director presented for Board approval the certification of the March primary ballot. Mr. White stated the last of the three filing periods concluded yesterday with 638 filing on the last day of the presidential preference and delegate filing. He commended Pat Freeman, Steve Flowers, and other staff for their hard work and the great effort put forth during the petition filing

periods. Mr. White distributed a certification for Board signatures indicating that ten Democrats and one Republican filed for the office of President and reviewed the ballot order for the Democrats. Discussion ensued on the certification and pending objections. Member O'Connor then moved to certify the ballot as presented today to the several election authorities and further that the staff execute such amendments as may from time to time be required in accord with the election law of Illinois. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

The Executive Director indicated that the General Counsel received word that the petition for rehearing filed by DuPage County Election Commission was denied by the Second District Illinois Appellate Court. This means that DuPage may now file a petition for leave to appeal to the Illinois Supreme Court if it so chooses. Bob Saar, Executive Director of the DuPage County Election Commission, was present and indicated the Commission has authorized their legal counsel to file a petition for leave to appeal in the Supreme Court. Mr. Saar reviewed the background of the issue on ballot certification and withdrawals. He indicated this is not just a monetary reason but also a timing issue for printing of the ballots. There is also the problem that one jurisdiction may remove the candidate and another may choose not to. Discussion ensued on the possibility of proposing legislation that shortens the time frame and still allows time before absentee voting starts. Mr. Saar suggested a 48 day deadline versus the current 61 day deadline which would be before military and absentee ballots are to be sent. Pat Freeman indicated the 48 day time line being suggested would not work in the presidential election years as there are other statutes that may interfere with this. Discussion ensued on the deadlines for other issues which range from 43 to 45 to 49 days. Chairman Keith suggested that Mr. Saar meet with Cris Cray and Pat Freeman to share DuPage's ideas for possible legislation and indicated this would be included on the February agenda for further discussion.

The Executive Director then presented for Board consideration the FY05 appropriation request. Mr. White thanked staff for their assistance in preparing the budget. Mr. White reviewed the request indicating it appears there is a significant increase from last year because last year's appropriation was significantly reduced. In FY05 we will administer three elections which means over \$2 million of

our request is for reimbursement for election judges. Among other things, we are requesting an additional position in our Information Technology personal services line item and restoration of monies for the Election Codes and VIS submissions. The statewide voter registration database will again be a major project, and staff will continue to update our Campaign Disclosure electronic filing program. Mr. White reviewed other requests within the budget indicating we will also request spending authority for our federal HAVA funds. Vice Chairman Smart moved to authorize the submission of the FY05 appropriation as presented. Member Porter seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented an update on the Help America Vote Act indicating the Election Assistance Commission met last week and elected a Chairman. The EAC has very little funding available to them at this time and are trying to figure out how to publish the state plans as it will cost them between \$500,000 and \$800,000. Mr. White reminded the Board of our pending waiver for our statewide voter database as we expect it to be a routine matter. Staff has been in contact with Senator Durbin's office to support HAVA funding for federal fiscal year 2004.

The Executive Director reported that another 11 voting system reimbursement applications were approved this week totaling approximately \$1.1 million. This program is moving along very well and the clerks have been very complimentary on the timeliness of receiving their funds. Mr. White noted that Vice Chairman Smart presented the Bloomington Board of Election Commissioner's check to them and received some good press coverage. The SBE/SOS subcommittee met in early December and staff has been working on an agreement and grant proposal on the data exchange.

The Executive Director presented a legislative proposal packet for the spring legislative session. Mr. White indicated we are limiting our legislative proposals this session as the main focus of the legislature will be the budget. Cris Cray discussed the legislation and noted that a supplemental appropriation is scheduled for a concurrence vote in the House today and it includes funding for VIS tapes, election judges, and legal fees, but does not include any retirement money. Ms. Cray also discussed other legislation moving in the Senate. Discussion ensued on disclosure language tying into the electioneering language and the language defining a vote. Member O'Connor expressed

concern that the language as it stands might impose additional duties on the election judges. Ms. Cray indicated that as the law stands the election judges would have to look at every ballot. Staff would like to see the language changed so there is a different definition during the day than the definition of a vote for a discovery recount. Member Murray moved to adopt the legislative package as submitted. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented for discussion the appeals of campaign disclosure fines. According to a report prepared by Rupert Borgsmiller 262 active committees have 510 appeals and 150 final committees have 412 appeals. Mr. White discussed a stringent schedule if the Board wished to resolve all appeals by the August Board meeting. Mr. Borgsmiller indicated that these appeals have all submitted information to the hearing officer who has reviewed them and denied the appeals. Discussion ensued on the best procedure possibly to dispose of the many appeals and Mr. Borgsmiller explained the fine structure on how the assessments were figured. Campaign Disclosure staff will create an "agreed list" by the January 31 meeting where any member of the Board can remove any matter from the list they feel should be further discussed. Those matters will be set for review at the February meeting. The hearing officer can amend his recommendation as to what the fine should be based on new legislation.

The Executive Director presented for informational purposes the FY 04 fiscal status report for the period ending December 31 and the HAVA funding report. He also presented the two year plan of staff activity for the months of January and February.

The General Counsel presented for Board consideration payments of civil penalties. The *Friends of Obama* and *Friends of Dan Reitz* committees have submitted payments for pending assessments. Because they originally filed appeals staff would need approval of final orders to dispose of the matters. Member Murray moved to accept the \$1,800 payment from the Obama committee and the \$200 payment from the Reitz committee as payment in full rendering a final decision of appeals unnecessary in both cases. Member O'Connor seconded the motion which passed by roll call vote of 8-0.

Chairman Keith noted that at the December meeting the Board voted to extend Director White's contract subject to conditions to be resolved. Member Roupas and Member Porter have agreed to serve on a subcommittee to work with Mr. White in determining an appropriate recommendation.

Member Roupas moved to recess to executive session to discuss pending litigation and personnel matters. Member Rednour seconded the motion which passed unanimously. Meeting recessed at 1:10 p.m. and reconvened at 1:40 p.m.

The General Counsel presented *SBE v. Howard Samuelsohn/The Earth Network*, 03CD062 indicating this was a complaint following closed preliminary hearing at the December meeting and was now being considered based on correspondence received from Mr. Samuelsohn's attorney. Member McGuffage moved to dismiss the motion for rehearing and the matter be set for public hearing. Member O'Connor 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 Tuesday, February 17 2004 at 11 a.m. in Chicago.

With there being no further discussion, Member Murray moved to recess until the special meeting at 9 a.m. on January 31, 2004 in Springfield, or the call of the chair whichever occurs first. Member Rednour seconded the motion which passed unanimously. The meeting adjourned at 1:45 p.m.

Respectfully submitted,

Rebecca L. Glazier  
Assistant to Executive Director

Daniel W. White  
Executive Director