

**STATE BOARD OF ELECTIONS  
Board Meeting  
April 14, 2010  
Springfield, Illinois**

**MINUTES**

**PRESENT:**

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

**ALSO PRESENT:**

**Dan White, Executive Director  
Rupert Borgsmiller, Asst. Executive Director  
Steve Sandvoss, 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 10:35 a.m. with eight members present. Chairman Schneider, Vice Chairman Rednour, Member Keith, Member Smart and Member Walters were present in the Springfield office. Members Brady, McGuffage and Porter were present in the Chicago office.

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

Chairman Schneider discussed the agenda noting the requests from: 1) *Goldman v. Friends of Annazette R. Collins* (agenda item 3.a.16) to move to the June meeting, and 2) *SBE v. Citizens to Elect LaShawn K Ford* (agenda item 3.a.4,) to move to the May meeting. With no objection, Chairman Schneider indicated these two items would be moved as requested by the parties.

The Executive Director presented revised minutes of the February 17 and March 5 regular meetings. Member Smart moved to approve the minutes as revised. Vice Chairman Rednour seconded the motion which passed unanimously.

The Executive Director presented proposed campaign finance reform rules and indicated they were published for public comment to be taken at today's meeting. Director White reviewed the legislation that requires the Board to adopt these campaign finance reform rules noting that the bulk of the legislation takes effect January 1, 2011. Public hearings will be held at today's meeting, the May Board meeting and possibly in DeKalb and a location in southern Illinois. Chairman Schneider opened the hearing for comments. No one was present to offer comment. Director White discussed establishing a sub-committee of the Board to work with staff on revisions or

comments after the public hearings. With no objection, Chairman Schneider directed that the Board appoint a subcommittee of two members – one designated by the Chairman and one by the Vice-Chairman and inform Director White and Mr. Sandvoss of the decision. Mr. Sandvoss indicated as this is a first draft of the rules he anticipated revisions will be necessary. Member Keith suggested that the public hearings be noticed as special Board meetings to allow for any Board member to attend and not violate the Open Meetings Act. The public hearing could still continue without a quorum for purposes of taking comments.

Director White presented for Board consideration amended canvasses from Cumberland and Pulaski Counties. These amendments do not affect the outcome of any race. Mr. Mossman, Director of Election Information, discussed the amendments and recommended the Board accept the amendments as submitted. Discussion ensued on if the Board has the authority to accept amendments to the canvass. Mr. Sandvoss indicated that staff attempted to provide procedure by adopting rules but the attempt was rejected by JCAR as they indicated we lacked authority to do so. Mr. Mossman indicated Pulaski County was court ordered to amend their canvass. The Board was not a party to that court order. Mr. Sandvoss indicated that the counties will be notified that this matter was considered by the Board but no action was taken and the proclamation of March 5, 2010 stands.

Director White reviewed events relating to a BEREPP matter that has arisen because of letters sent by Central Management Services (CMS) to committees. These letters inform the committee that the State Board of Elections has notified them that the committees are in violation of the Illinois Procurement Code. The statements in the letters are not true and there is no statutory authority for enforcement of these provisions of the Procurement Code. Director White recommended that we bring to the attention of the legislature the fact there is no enforcement provisions. Although CMS was invited to the meeting today, no one appeared. Discussion ensued on the best approach to take at this time and it was agreed Mr. Sandvoss will contact the General Counsel at CMS and express our concern with this misrepresentation and get the matter settled, the legislature be informed of the gap in enforcement of the statute, and Mr. Borgsmiller will find out if these alleged violations were published in the Procurement Bulletin. A report will be provided at the May Board meeting.

Director White indicated a summary of SBE sponsored legislation, a summary of all election related legislation and the legislature calendars were included in the Board packet. The Senate and House appropriation hearings are today beginning at 4 p.m. Cris Cray discussed the committee schedule indicating the target date for adjourning is May 7. There is no schedule for executive

appointment committee. Director White commended Ms. Cray for the unanimous votes on all bills minus one.

The Executive Director presented for Board consideration the July 1, 2010 through June 30, 2011 meeting schedule. Director White indicated the May meeting is scheduled for May 17 and the State Employees' Retirement System meeting room has been reserved pending the filing of any statewide amendment petitions. A video connection will not be available. A meeting room has also been secured in Chicago should the Board wish to change the date or location of the May meeting. If petitions are not filed the meeting will be held in the Springfield office. Discussion ensued on the meeting schedule and it was noted that language will be revised to reflect that meetings "may" be connected via video conference "when possible." Member Smart moved to adopt the Board meeting schedule as presented with amended language for July 1, 2010 through June 30, 2011. Member Keith seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented a document that summarizes the provisions for filing of proposed constitutional amendments and statewide advisory public questions, including a schedule of important dates and deadlines. Director White indicated if a petition is filed he would provide dates for possible objection hearings at the May meeting.

The Executive Director presented for informational purposes the IVRS update. Kyle Thomas discussed the number of duplicate registrations indicating that 62 of the 110 election jurisdictions saw their numbers decrease. These numbers will go down as the election authorities work to remove duplicates from the list through the summer.

Director White reviewed the two year state audit indicating there were five material findings and two immaterial findings. The findings are documentation issues and it isn't that we didn't do them, we didn't maintain documentation or were not able to retrieve documentation to the auditor's satisfaction. Overall the audit was a very good audit. Discussion ensued on the finding related to paying interest on bills that were not paid timely by the Comptroller. Mike Roate discussed calculating interest and how it is difficult to budget for this expense.

Director White presented the lump sum update and recommended paying the election judge reimbursements in full as this is a mandate passed through the state. He suggested holding off on the early voting judges payment until later in the fiscal year. Funding is sufficient for the IDIS program for the remainder of this fiscal year. Discussion ensued on funding for the electronic canvassing and testing center. Member Keith asked that the May packet chart include another column which indicates how much flexibility is left. Member Keith then moved to authorize staff to

proceed with payment of the election judge reimbursement in the amount of \$2,152,300. Member Smart seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented for informational purposes the FY 10 fiscal status report for the period ending March 31, the FY 10 fiscal report for the Help Illinois Vote Fund, the FY 10 fiscal report for the EAC Data Collection grant, and the two year plan of activity for the months of April and May.

The General Counsel presented *SBE v. What's Best for the Sunnybrook Kids Committee*, 09JS240, an appeal of a campaign disclosure fine that was denied. Mr. Sandvoss reviewed the matter indicating this was carried over from the March meeting. The hearing officer recommended the appeal be denied and as this is a first time violation for the committee the penalty will be stayed.

Mr. Sandvoss concurred with the recommendation. Holly Spears, the original co-chair, discussed the problem with the electronic filing and thought everything had been transmitted correctly. Mr. Borgsmiller indicated that when a committee files a report electronically successfully the committee is notified by either email or fax depending on the SBE having a good email address or fax number.

Mr. Borgsmiller also noted that this committee has received an additional assessment that was sent out last month but the hearing has not been held yet. Member Keith moved to deny the appeal and the penalty be stayed as a first time violation. Member Smart seconded the motion which failed by a roll call vote of 4-4 with Members Brady, McGuffage, Porter and Walters voting in the negative.

Discussion ensued on whether the committee could file a petition for administrative review or allowing a petition for reconsideration if new evidence is presented. Vice Chairman Rednour moved to grant the appeal. Member McGuffage seconded the motion which passed by a roll call vote of 5-3 with Members Keith, Smart and Chairman Schneider voting in the negative.

The General Counsel presented appeals of campaign disclosure fines that the hearing officer recommended be granted for agenda items 3.a.2,3,4,5: 2) *SBE v. Boone County Republican Club*, 10DS193; 3) *SBE v. Bureau County Republican Central Committee*, 10DS111; 4) *SBE v. Citizens to Elect LaShawn K. Ford*, 10DS131; and 5) *SBE v. Friends of Terry Redman*, 10DS152. No one was present in these matters. Item 4 was moved to the May meeting as discussed previously.

The General Counsel discussed *SBE v. Boone County Republican Club*, 10DS193 and concurred with the hearing officer's recommendation that the appeal be granted but for a different reason. The committee submitted the report by email and contacted Board staff when they did not receive confirmation of receiving the report. No one was present concerning this matter. Member Smart moved to grant the appeal. Member Walters seconded the motion which passed by roll call vote of 8-0.

The General Counsel then discussed *SBE v. Bureau County Republican Central Committee*, 10DS111. No one was present concerning this matter. He disagreed with the hearing officer's report and did not feel this was a computer issue defense based on the reasons set forth in the appeal and recommended the appeal be denied. Discussion ensued on the committee receiving notice of today's meeting as well as the General Counsel's disagreement with the hearing officer recommendation. Member Smart moved to deny the appeal. Member Keith seconded the motion which failed by roll call vote of 4-4 with Member Brady, McGuffage, Porter and Chairman Schneider voting in the negative.

Discussion ensued and Member McGuffage moved to grant the appeal in *SBE v. Bureau County Republican Central Committee*. Member Brady seconded the motion which passed by roll call vote of 6-2 with Members Keith and Smart voting in the negative.

The General Counsel discussed *SBE v. Friends of Terry Redman*, 10DS152 and concurred with the hearing officer's recommendation that the appeal be granted. No one was present concerning this matter. Member Smart moved to grant the appeal. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented appeals of campaign disclosure fines that the hearing officer has recommended be denied for agenda items 3a.6-12: 6) *SBE v. TLC Finance Committee*, 09AE014; 7) *SBE v. Citizens for Michael J. Walkup*, 10DS026; 8) *SBE v. Friends of Kris Wasowicz*, 09JS079; 9) *SBE v. For a Better Island Lake*, 10DS084; 10) *SBE v. Hancock County Democrats*, 10DS114; 11) *SBE v. Republican Women of Park Ridge Inc.*, 10DS120; and 12) *SBE v. IL Autism & Developmental Disabilities PAC (IADD-PAC)*, 10DS158. Member Brady asked that items 6, 11 and 12 be taken under separate consideration. No one was present concerning these matters.

Mr. Sandvoss concurred with the hearing officer's recommendations in 7, 8, 9, and 10. Member smart moved to accept the recommendation of the hearing officer and General Counsel in 3.a.7, 8, 9 and 10 to deny the appeals. Member Keith seconded the motion which passed by roll call vote of 8-0.

The General Counsel then discussed 3.a.6, *SBE v. TLC Finance Committee*, 09AE014. No one was present concerning this matter. Member Brady questions the dates and notification of the in-kind contribution from the third party. Mr. Sandvoss indicated that the committee is in the best position to provide the necessary facts but they were unable to do so. Member Keith moved to return the matter to the hearing officer to conduct a more expanded hearing and provide additional information as to why and how the mistake was made, how the date of April 8 was determined, and what kind of contribution was made. Member Brady seconded the motion which passed by roll call

vote of 8-0.

The General Counsel then discussed 3.a.11 *SBE v. TLC Finance Committee*, 09AE014 and 3.a.12 12) *SBE v. IL Autism & Developmental Disabilities PAC (IADD-PAC)*, 10DS158. No one was present concerning these matters. Mr. Sandvoss reviewed the appeals and agreed with the hearing officer recommendation to deny the appeals because they were mailed overnight delivery the day before but were not received timely. Member Brady felt that our rule seems too narrow to not include overnight delivery services when each committee paid \$18 for overnight delivery and for whatever reason it was not delivered that day. Member Brady moved to reject the recommendation of the hearing officer and General Counsel and grant the appeals in both matters. Mr. Sandvoss indicated that the 72 hour postmark requirement is not a rule but rather in statute. Since we are in the rulemaking stage for campaign disclosure reform we could also craft something for those who use overnight delivery. Member Walters seconded the motion which passed by roll call vote of 8-0. Staff will pursue addressing the overnight delivery issue by rule.

The General Counsel presented a listing of committees that were assessed a penalty and did not appeal and asked the Board to issue final orders to the committees listed on the handout distributed by Mr. Borgsmiller. Mr. Borgsmiller noted that Citizens for Jim Wise was included twice on the handout but should only be listed once. Member Smart moved to approve final orders for these committees. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented for informational purposes a listing of committees that paid civil penalties for the period of February 25, 2010 through March 26, 2010. Mr. Borgsmiller informed the Board that the Democratic Central Committee of Stephenson County has now completed their payment plan and is no longer behind in payments.

In response to a question, the General Counsel indicated in the matter of *Haithcock* staff is supplying documentation to the Attorney General so that they can proceed with enforcement.

Member Keith indicated that Director White may want to discuss the process for receiving funding for election contests in the appropriation hearings today of the opportunity arises.

Vice Chairman Rednour moved to recess to executive session to discuss complaints following closed preliminary hearings and personnel matters. Member Smart seconded the motion which passed unanimously. Meeting recessed at 1:00 p.m. and reconvened at 1:25 p.m.

Member Keith moved in the matter of *Peraica v. Friends of Todd Stroger*, 10CD005 to find the matter has been appropriately remediated and no further action is necessary. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

Member Keith moved in the matter of *Walsh v. Nunda Neighbors for Open Space*, 10CD010, the matter was found filed on justifiable grounds and no further action be taken but staff shall impose an appropriate penalty. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

Member Keith moved in the matter of *Walsh v. Nunda Township Republican Central Committee*, 10CD011 that the matter was found not to have been filed on justifiable grounds and the matter be dismissed. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

Member Keith moved to adopt a policy that the Board and its staff are not to release the results of any canvass of elections performed by the Board until the matter has been officially adopted and proclaimed in a public meeting unless the Board votes to the contrary upon any specific circumstances. Vice Chairman Rednour seconded the motion. After discussion Member Keith amended the motion was amended, with Vice Chairman Rednour's acceptance, to include that any current and newly hired staff will be appropriately advised. The motion which passed by roll call vote of 8-0.

If the Springfield Board office is unavailable, the next regular meeting of the State Board of Elections will be held on Monday, May 17, 2010 at 10:30 a.m. at the State Employees Retirement System or at the call of the chair.

With there being no further discussion, Member Keith moved to adjourn. Member Brady seconded the motion which passed unanimously. The meeting adjourned at 1:35 p.m.

Respectfully submitted,

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Assistant to Executive Director

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Executive Director