

STATE BOARD OF ELECTIONS
Monday, March 17, 2014

MINUTES

PRESENT: Jesse R. Smart, Chairman
Charles W. Scholz, Vice Chairman
Harold D. Byers, Member
Ernest L. Gowen, Member
William M. McGuffage, Member
Bryan A. Schneider, Member
Casandra B. Watson, Member

ABSENT: Betty J. Coffrin, Member

ALSO PRESENT: Jim Tenuto, Assistant Executive Director
Steve Sandvoss, General Counsel
Bernadette Harrington, Asst. General Counsel
Andy Nauman, Dep. Director/Campaign Dis.
Darlene Gervase, Administrative Assistant III

Chairman Smart convened the meeting at 9:30 a.m. with six members present. Member Coffrin was absent.

The Chairman led everyone in the Pledge to the Flag.

Member McGuffage arrived at 9:35 a.m.

Minutes from the February 19 meeting were presented. Member Byers moved to approve the minutes and Member Gowen seconded the motion which passed unanimously by 7 voices in unison.

The General Counsel began his presentation of Campaign Disclosure matters with a presentation of a Motion for Reconsideration in *SBE v. Tanya Watkins, 25026, 13MQ257*. Mr. Sandvoss recommended the Motion be granted. Ms. Tanya Watkins appeared for her committee. Vice Chairman Scholz moved and Member Byers seconded the motion which passed unanimously.

In *SBE v. Friends for Howland, 19201, 13JQ083 & 13AD106*, Mr. Sandvoss recommended that the settlement offer be rejected, in light of the Respondent not appearing and offering a specific amount in settlement. Vice Chairman Scholz moved and Member Watson seconded the motion which passed 7-0.

Respondent committee in *SBE v. Disability Party of Illinois, 25398, 13SQ205*, filed a final report and Mr. Sandvoss recommended adopting the Hearing Officers recommendation to deny the appeal and assess the fine, which will abate if the committee remains inactive for 2 years.

General Counsel Sandvoss recommended and Member Byers moved to grant the appeals in the following cases: *SBE v. Boone County Republican Central Committee*; *SBE v. Lisle Township Democratic Organization, 1119, 13SQ010*; *SBE v. Peoples Economy Party, 4300, 13SQ014*; *SBE v. Citizens for Karen McConnaughay, 7875, 13AM012*; *SBE v. Concerned Citizens for America, 11321, 13DQ249*; *SBE v. Committee for a Better Berwyn, 14895, 13SQ039*; *SBE v. Schwab for Waukegan, 22195, 13AJ061*; *SBE v. SouthWestern Illinois*

Democratic Women, 24511, 13DQ245; and *SBE v. Citizens for a Healthy Safe and Secure Middle School*, 24691, 12JQ182. Vice Chairman Scholz seconded the motion which passed unanimously by roll call vote.

The Chairman noted the appearance of attorney John Nelson in *SBE v. Northwestern Illinois Building & Construction Trades Council*, 23781, 13JQ146. Discussion was had by the Board and Mr. Sandvoss recommended granting the appeal and maintaining the stay of the \$15,000 fine. Member McGuffage moved to adopt the General Counsel's recommendation and Member Byers seconded the motion which passed unanimously.

Chairman Smart called *SBE v. Friends of George A. Cardenas*, 17290, 13MA004 and accepted the appearance of attorney James Nally for the Respondent. The General Counsel concurred with the recommendation of the hearing officer to deny the appeal and Mr. Nally offered to pay ½ of the available funds available - \$16,392.73 in settlement of the fine. Member Watson moved and Member McGuffage seconded the motion which passed 7-0.

General Counsel Sandvoss pulled item 14) *SBE v. Citizens for Dean Argiris*, 16747, 13JQ069 and recommended the appeal be granted. Member Watson so moved, Vice Chairman Scholz seconded and the motion carried unanimously.

The remainder of Campaign Disclosure Appeals that the hearing officer recommended be denied, with the General Counsel concurring, were so denied by one Motion made by Member McGuffage. Member Byers seconded the motion which passed unanimously. The following appeals were denied: *SBE v. Fifth Ward Regular Democratic Organization*, 14992; 13AD098; *SBE v. Citizens to Elect Judge Lorna Propes*, 23627, 13MQ124; *SBE v. Committee to Elect Jennifer Pritchett*, 24563, 13DQ248; *SBE v. Progressive Action Party*, 24740, 13SQ220; *SBE v. Committee to Elect Mike Basil*, 24762, 13JQ186; *SBE v. Dion Simpson for 21st Century Schools*, 25074, 13AM102; *SBE v. Frank Flores, Jr. for College of DuPage Trustee*, 25106, 13AM104; *SBE v. Friends of Kelvin Oliver*, 25189, 13MA106; and *SBE v. Moore for District 200*, 25574, 13MA110.

SBE v. Citizens to Elect Eric J. Kellogg, 13CD145; *SBE v. Friends of Brendan Appel*, 13C D169; and *SBE v. Marc Landers*, 13CD236, are the complaints following public hearing. The General Counsel agreed with the Hearing Officer to take no further action other than refer them to staff for assessment of civil penalties. Member Byers so moved and Member McGuffage seconded the motion which passed 7-0 by roll call vote.

Mr. Sandvoss presented complaints following public hearing wherein the Hearing Officer recommended, and the General Counsel concurred, that the complaints be upheld and to issue a Board order requiring the delinquent report(s) to be filed with 30 days of the date of the order or face a fine up to \$5,000. He added that Items 29, 31, and 37 contained reports that had already been filed and have been assessed by staff. Member McGuffage moved and Member Gowen seconded the motion which passed unanimously. Those complaints are: 28) *SBE v. First Ward Organization*, 13CD024; 29) *SBE v. Committee to Re-elect Mike Slape*, 13CD139; 30) *SBE v. Citizens for Leys*, 13CD150; 31) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 13CD161; 32) *SBE v. Re-Elect Eric Leys*, 13CD172; 33) *SBE v. Brady PAC-Illinois*, 13CD173; 34) *SBE v. Equal Justice Party (EJP)*, 13CD176; 35) *SBE v. Friends of Evonne Fleming*, 13CD183; 36) *SBE v. Citizens for Burch*, 13CD184; 37) *SBE v. Friends of Dick Breckenridge*, 13CD190; 38) *SBE v. Tammy Baer for Douglas County State's Attorney*, 13CD197; 39) *SBE v. Committee to Elect Lorinda Beaman*, 13CD198; 40) *SBE v. Newport Fire-fighters Association*, 13CD204; 41) *SBE v. Citizens for Rudd*, 13CD206; 42) *SBE v. Taking Back America*, 13CD207; 43) *SBE v.*

Friends of Tom Gooch, 13CD225; 44) *SBE v. VOTE-SHAW2013*, 13CD231; 45) *SBE v. Friends of Christina Campos*, 13CD235; 46) *SBE v. Citizens to Elect 169 Write-ins*, 13CD244; 47) *SBE v. Friends of Donald Luster*, 13CD248; and 48) *SBE v. Citizens for a Better Fox Valley*, 13CD255.

The General Counsel presented Assessments and Final Board Orders as listed on pages 232 and 233 of the Board Packet and requested a motion to assess the penalties. Member Byers so moved and Member Watson seconded the motion which passed unanimously by roll call vote.

Member Schneider moved to recess to Executive Session to discuss matters following closed preliminary hearings at 10:09 a.m. Vice Chairman Scholz seconded the motion which passed unanimously.

The Board returned to open session at 11:43 a.m. with 7 members present as Ms. Coffrin was absent.

Member Schneider moved to adopt the recommendation of the Hearing Officer and General Counsel in the matter of 2.a.51) *Streit v. Sandra Bury for Mayor of Oak Lawn*, 13CD263 – As to the failure to timely report an in-kind contribution, the complaint was filed on justifiable grounds. Facts were not disputed. Since the Committee has taken corrective action; a public hearing is not warranted. The allegation of a failure to correctly report an expenditure for printing (Exhibit B) was not found to be filed on justifiable grounds and there is no basis for a public hearing. Finally, as to the willful and wanton filing of a false or incomplete report, the complaint was not filed on justifiable grounds. However, if the committee repeats its failure to report a transaction in less than a year, the Board may issue a penalty against the Committee not to exceed \$5,000. The report was referred to staff for auditing and imposition of civil penalties. Vice Chairman Scholz seconded the motion which passed unanimously by 7 voices in unison.

Member Schneider moved to continue 2.a.52, *Reyes v. First Ward Organization*, 14CD005 – Attorney Francis Ostian appeared for Respondent. He asked for a continuance to secure the records necessary for the preparation of un-filed reports. The Board continued this matter to the April 18, 2014 meeting for a status update and ordered the record to remain open for the acceptance of relevant documents. Member McGuffage seconded the motion which passed unanimously by 7 voices in unison.

As to 2.a.53, *Reyes v. 1st Ward Democratic Committeeman's fund*, 14CD006 – Attorney Francis Ostian appeared for Respondent. He asked for a continuance to secure the records necessary for the preparation of un-filed reports. The Board scheduled this matter for the April 18, 2014 meeting for a status update and ordered the record to remain open for the acceptance of relevant documents. Member Schneider moved and Member Gowen seconded a motion to continue this matter to the Board's April 18, 2014 meeting for a status update and order the record to remain open. The motion carried unanimously by 7 voices in unison.

As to 2.a.54, *Zurek v. Citizens for Safe Streets, Vote Yes on Franklin Park Sales Tax Referenda*, 14CD007, Member Schneider moved to find the complaint was filed on justifiable grounds. The Respondent is prohibited from making further expenditures to either a candidate committee or political party committee and failure to comply with the Board's order may result in a \$5,000 fine. No reason exists to proceed to a public hearing. Member Byers seconded the motion which passed unanimously by 7 voices in unison.

As to 2.a.55, *Zurek v Barrett Pedersen, et al.*, 14CD008 – Member Schneider moved to find the Complaint was filed on justifiable grounds. A public hearing is not necessary. The Respondents

are prohibited from accepting contributions from any ballot initiative committee and failure to comply with the Board Order may result in the imposition of a \$5,000 fine. Finally, the matter is referred to staff for review and assessment of appropriate penalties.

Assistant Executive Director Tenuto began by thanking the Capital Development Board for the use of their Board Room.

He continued with the report of the Executive Director by presenting the preparations for the General Primary Election including the staff assignments for Election Day; voting system pre testing; and updating the Board with election judge training schools.

Cristina Cray, Legislative Liaison, presented the Board with an updated legislation report and noted the legislature will not return to session until Wednesday, March 19th.

Kyle Thomas, Director, Voting and Registration Systems reported that the Paperless Online Voter Application (POVA) was distributed internally to staff and 5 jurisdictions for testing and feedback. Feedback from staff has been favorable and he expects the jurisdictions to have more time to test after the General Primary Election.

Mr. Thomas indicated that Jersey County ratio of registered voters to voting age population remains slightly over 100%. But, he expects that to change after the election as they will have time to finish cleaning their voter rolls.

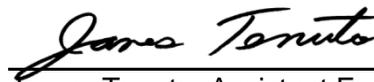
Mr. Tenuto submitted the final copy of the two-year OAG audit report and noted that Mike Roate or he would answer any questions. The Board was familiar with the findings and did not need clarification on any point.

Fiscal status reports and the two year plan of staff activity for March and April were submitted for informational purposes.

Chairman Smart welcomed Sharon Meroni who requested to address the Board under Comments from the general public. Her comments concerned the provisional voting rules and its impact on election judges and voters.

There being nothing further before the Board, Member Byers moved to adjourn and Member Watson seconded the motion. The meeting adjourned at 12:06 p.m.

Respectfully submitted,



James Tenuto, Assistant Executive Director



Darlene Gervase, Administrative Assistant III