

STATE BOARD OF ELECTIONS  
Regular Board Meeting  
Friday, August 24, 2012

MINUTES

PRESENT:

William M. McGuffage, Chairman  
Jesse R. Smart, Vice Chairman  
Harold D. Byers, Member  
Betty J. Coffrin, Member  
Ernest L. Gowen, Member  
Judith C. Rice, Member  
Bryan A. Schneider, Member  
Charles W. Scholz, Member

ALSO PRESENT:

Rupert Borgsmiller, Executive Director  
Jim Tenuto, Assistant Executive Director  
Steve Sandvoss, General Counsel  
Amy Calvin, Administrative Assistant II

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The meeting convened at 10:30 a.m. via videoconference with the Springfield office with seven Members present in Chicago and Member Rice present via teleconference.

Chairman McGuffage opened the meeting by leading everyone in the pledge allegiance.

Vice Chairman Smart moved to recess the State Board of Elections and reconvene as the State Officers Electoral Board to approve the minutes from the August 6 meeting. Member Scholz seconded the motion which passed unanimously. The meeting recessed shortly after 10:30 a.m. and reconvened at 10:32 a.m.

Vice Chairman Smart moved to approve the minutes from the July 16, 23 and August 6 meetings as presented. Member Coffrin seconded the motion which passed unanimously.

The General Counsel presented the following settlement offers for Agenda items 2.a.1-3: 1) *SBE v. Friends of Montelongo*, 16029, 11MA100; 2) *SBE v. Friends of Robert Steel*, 20139, 12MA018; and 3) *SBE v. Committee to Elect Judge Tommy Brewer*, 24128, 12MA068 and recommended they be accepted as they are each offering 50% of the amount of the originally assessed penalty. He noted that the amount in the Brewer case is \$2,287.50. Vice Chairman Smart moved to accept the recommendation of the General Counsel to accept the settlement offers. Member Scholz seconded the motion which passed by roll call vote of 8-0.

Ballot forfeiture was discussed and the Executive Director noted that Judge Brewer paid his fine so was no longer subject to ballot forfeiture for certification.

The Executive Director presented the certification of the November 6, 2012 General Election ballot and noted it does not include the Democrat and Republican candidates for President and Vice President because their respective nominating conventions will be held after the date of certification. Member Byers moved to accept the certification of the ballot for the November 6, 2012 General Election ballot. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel discussed the need for amended certifications due to the dates of established parties nominating conventions, filling of potential vacancies and possible candidate withdrawals as outlined in the memo on pages 19 and 20 of the Board packet. In these instances,

staff would contact the affected jurisdictions and if they agree to amend then staff would be authorized to amend the certifications as well. If the jurisdictions do not agree then staff would accept the withdrawals and notify the Board. Unless a member wanted to discuss the issue in a meeting, the staff was directed not to amend the certification. Vice Chairman Smart moved to authorize staff to amend the certification as needed and otherwise follow the procedures outlined in the memo contained on pages 19 and 20 of the Board packet. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a motion for reconsideration for Agenda item 4.a.1, *SBE v. Citizens for John F. Sweeney, 19938*, 12MQ-CL006 and summarized the matter. He recommended the motion be denied. No one was present on behalf of the respondent committee. Vice Chairman Smart moved to accept the recommendation of the General Counsel. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 4.a.2, *SBE v. Citizens Committee for Ronnie C. Lewis, 21558*, 12MQ178 and summarized the motion. He recommended the motion be granted and no one was present on behalf of the respondent committee. Vice Chairman Smart moved to accept the recommendation of the General Counsel. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 4.a.3, *SBE v. Friends of Michael A. Manzo, 22516*, 12MA050 and summarized the motion. He recommended the motion be denied. Tim Sprague was present on behalf of the respondent committee and said his client never received notice of the assessment or hearings in the matter and it is the committee's intent to close. The General Counsel indicated the Board order was sent to the same address to which the previous notices were mailed. Vice Chairman Smart moved to accept the recommendation of the General Counsel. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel suggested the Board consider the motion to settle complaint for Agenda item 4.a.18, *Citizens Organized to Save the Tax-cap v. Northfield Township High School District, 07CD035* because attorneys for both parties were present. The General Counsel indicated that a settlement agreement between the parties has been reached and suggested the SBE enforcement provision be stricken from the agreement. Rich Becker was present on behalf of the complainant and John Murphy was present on behalf of the respondent and both agreed to the settlement. Vice Chairman Smart moved to accept the recommendation of the General Counsel and the settlement agreement listed on pages 110-123 of the Board packet. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The following appeals of campaign disclosure fines where the General Counsel concurred with the recommendation of the hearing officer to grant the appeals were presented for Agenda items 4.a.4-6: 4) *SBE v. Illinois State Conference of IBEW PAC, 16468*, 12AD021; 5) *SBE v. Citizens for Rebuilding Rockford, 20316*, 12MQ146; and 6) *SBE v. Working Forward PAC, 23653*, 11AJ135. Member Coffrin moved to accept the recommendation of the General Counsel in the above noted matters. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 4.a.7, *SBE v. Illinois Interior Design Coalition, 4250*, 11AJ125 and reviewed the matter. He concurred with the hearing officer recommendation to deny the appeal. Daniel Bassano was present on behalf of the committee and said the new accountant was confused as to the reporting laws and steps were taken to correct the situation. Mr. Bassano indicated the committee had less than \$2,000 in their account and that they were strictly a volunteer organization. After discussion, Member Byers moved to accept the recommendation of

the General Counsel and hearing officer but reduce the penalty to \$500. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 4.a.10, *SBE v. Mexican American PAC*, 15364, 12MA008 and summarized the matter. He concurred with the hearing officer recommendation to deny the appeal. Craig Chico was present on behalf of the committee and asked for leniency since there was only \$800 in the account and the committee is a volunteer organization. Vice Chairman Smart moved to accept the recommendation of the General Counsel and hearing officer but reduce the penalty to \$500. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 4.a.13, *SBE v. UAW Illinois PAC*, 24017, 12MA033 and reviewed the appeal. He concurred with the hearing officer recommendation to deny the appeal and stay the penalty as it was a first violation. Jamie Connor was present on behalf of the committee and concurred with the recommendation. Vice Chairman Smart moved to accept the recommendation of the General Counsel and hearing officer. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The following appeals of campaign disclosure fines where the General Counsel concurred with the recommendation of the hearing officer to deny the appeals were presented for Agenda items 4.a.8, 9, 11, 12 & 14: 8) *SBE v. Joliet Twp. Republican Org.*, 4789, 12MA040; 9) *SBE v. Jefferson County Democratic Auxiliary*, 5650, 12MQ030; 11) *SBE v. Thornton Twp. Regular Democratic Org.*, 16912, 11AS097; 12) *SBE v. Friends of Polish American Congress*, 22853, 12MQ215; and 14) *SBE v. 43<sup>rd</sup> Ward Republicans*, 24078, 12AD072. No one was present for any of the matters. Member Scholz moved to accept the recommendation of the General Counsel and hearing officer in the above noted matters. Member Byers seconded the motion which passed by roll call vote of 8-0.

The following appeals of contribution limit fines where the General Counsel concurred with the recommendation of the hearing officer to grant the appeals were presented for Agenda items 4.a.15 & 16: 15) *SBE v. Bloomingdale Township GOP*, 4466, 11DQ-CL003; and 16) *SBE v. 43<sup>rd</sup> Ward Democrats*, 21283, 11DQ-CL011. Vice Chairman Smart moved to accept the recommendation of the General Counsel and hearing officer in the above noted matters. Chairman McGuffage seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented and appeal of contribution limits fines for Agenda item 4.a.17, *SBE v. Citizens for Kirk Dillard (for Senate)*, 9857, 12MQ-CL001 and indicated the committee submitted a signed letter stating the contribution was intended to come from two individuals. The hearing officer then submitted an amended report recommending the appeal be granted, and the General Counsel concurred with that recommendation as well. Vice Chairman Smart moved to accept the recommendation of the General Counsel and hearing officer. Member Schneider seconded the motion which passed by roll call vote of 8-0.

A listing of payments of civil penalties was presented for informational purposes.

Vice Chairman Smart moved to recess to Executive Session to consider complaints, litigation, personnel and random audits. Member Byers seconded the motion which passed by roll call vote of 8-0. The meeting recessed at 11:25 a.m. and reconvened at 12:20 p.m. A seconded roll call was taken with the same attendance as noted in the initial roll call.

As to Agenda item 4.a.20, *Moreno v. 1<sup>st</sup> Ward Committeeman Fund*, 12CD015, Chairman McGuffage moved that no further action be taken except referral to staff for review and possible

imposition of fines if necessary. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

Agenda item 4.a.21, *Allen v. Eddy*, 12CD119 was moved to the October meeting Agenda at the request of the parties.

Chairman McGuffage moved to authorize the General Counsel to take appropriate action in the *Zurek v. Friends of Barrett F. Pedersen & Democrat Party of Leyden Township*, 11CD025 in accordance with the Order of the Appellate Court. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The Executive Director began his report by presenting an Election Day Contingency Plan in the form of an advisory memorandum in the event of cancellation or postponement of an election due to an emergency. He explained this plan has been in place for the previous two election cycles and that the current plan incorporates minor additions of statutory language regarding early voting polling places. Staff intends to e-mail the Plan to all of the election authorities prior to the election. The Board thought this was a well thought out plan and useful to the election authorities.

The Executive Director gave an e-Canvass update and commended Brent Davis for a tremendous job on the project. The system has been demonstrated to many election authorities and it is on track to be deployed for the November General Election.

A schedule of election judge training schools was presented for informational purposes. It was noted that as the date of the election draws near, more schools will most likely be added.

The Executive Director reported that the twenty-six objections under the State Board of Elections' jurisdiction were all resolved. He noted that Local Elections Officials workshops were underway and a Power Point presentation was given outlining the 2013 Consolidated Election. The presentation will also be available on the SBE website for all of the election authorities to utilize.

Next was an update on the Campaign Finance Reform Task Force Public Hearings and the Executive Director said that two hearings were completed and the written testimony was included in the Board packet. At the public hearing, General Counsel Sandvoss also answered a series of inquiries as how the Board would view contributions in different scenarios. The Committee is still in the process of preparing a draft report.

Cris Cray gave a legislative update and indicated that one technical clean-up bill regarding subcircuits was awaiting the Governor's signature and all other election bills were signed, with one being amendatorally vetoed.

Ms. Cray reported on the Internet Voters Guide and said it now includes the Google Translate feature which translates word for word from English into sixty-four other languages. This program is free of charge but will also include a disclaimer explaining this feature is a third party service and the SBE is not responsible for any mistranslations or any other inaccuracies, etc. Jason Kilhoffer then gave a step by step presentation of how the program works and the Board was impressed with the feature and felt it was a good choice.

The Executive Director discussed the petition filing dates for the 2013 Consolidated Election and indicated that staff have received numerous letters from local government units regarding offices scheduled for closure but that have to remain open on December 24, which is the last day of the petition filing period. Other concerns include school district offices that will be closed during the two week period between Christmas and New Year's Day. It was noted that the Board has no

decision making authority regarding these filing dates and that legislation would have to be enacted to resolve the issue. Joe Shatteman from the Municipal league was present and said they have written two suggestions that would take care of the situation and that language was submitted to the legislative staff.

The Executive Director discussed the methodology for a random sample of signatures for constitutional amendments and noted that the project was complete. It was also tested and worked very well.

Kyle Thomas gave an IVRS update and said duplicate matches have increased slightly and that an enhanced matching program was now in place. As to the census data versus number of registered voters, he noted that only two jurisdictions were above 100%. East St. Louis completed their purge over a year ago and Pulaski County was in the process of conducting their purge. Once those jurisdictions have a chance to update their systems, they should drop below 100%.

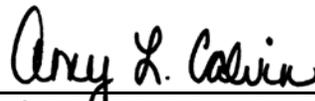
The Executive Director gave a Springfield office staffing update and reported the following personnel changes: Debbie Rantanen was hired as a Micro-film Technician; Rachel Napier hired as the Office Receptionist; and Mickey Reinders promoted to Human Resources Manager.

The fiscal reports and two year plan of staff activity for the months of August and September were presented for informational purposes. It was noted that the first report for FY13 will be on next month's Agenda and that the lapse period was extended to December 2012 to allow for interest payments to be paid.

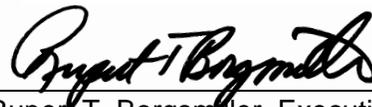
Next on the Agenda were comments from the general public and Sharon Meroni, Executive Director of Defend the Vote asked to speak to the Board and staff. She voiced her opinions regarding ballot security, election training, military and overseas voters, removing deceased persons from voter registration rolls and security investigations to help prevent fraud.

With there being no further business before the Board, Vice Chairman Smart moved to adjourn until September 17, 2012 at 10:30 a.m. Member Scholz seconded the motion which passed unanimously. The meeting adjourned at 1:30 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert T. Borgsmiller, Executive Director