

STATE BOARD OF ELECTIONS
Regular Meeting
Tuesday, October 22, 2013

MINUTES

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

ALSO PRESENT: Rupert Borgsmiller, Executive Director
James Tenuto, Assistant Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Assistant II

The meeting convened at 10:30 a.m. via videoconference with seven Members present in Chicago. Member Watson held Member McGuffage's proxy until his arrival at 10:35 a.m.

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

Vice Chairman Scholz moved to approve the minutes from the September 16 meeting as presented. Member Coffrin seconded the motion which passed unanimously.

The General Counsel presented the following request for settlement offer for Agenda items 2.a.1, 2, 5, 6 & 9:

- 1) *SBE v. Rich Township Organization, 1049*; (pgs.6-7)
- 2) *SBE v. Indo-American Democratic Organization, 1420*, 13MA038;
- 5) *SBE v. Citizens for John Beck, 15728*;
- 6) *SBE v. Friends for Beverly Ann Mull, 22326*, 12MQ202;
- 9) *SBE v. Team Township: Homer Township Candidates for Supervisor, Clerk, Linsey Sowa, 25015*.

He noted that each of the committees offered at least 50% of the total assessment of the civil penalties and recommended the proposed offers be accepted. Vice Chairman Scholz moved to accept the settlement offers from the above noted committees. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a settlement offer for Agenda item 2.a.3, *SBE v. 18th Ward Democratic Org., 12078*, 13MQ032 and recommended the offer be denied because it is less than 50% of the total penalty. Scott Biszewski and Derrick Curtis were present on behalf of the committee and said that Mr. Biszewski was hospitalized and unable to file the report on time. Mr. Curtis also noted that the committee did not receive notice of the appeal and then offered a settlement amount of \$500. After discussion, Member Byers moved to approve a settlement amount of \$775 which is 50% of the civil penalty. Member Schneider seconded the

motion which passed by roll call vote of 6-2, with Members McGuffage and Watson voting in the negative.

The General Counsel presented a settlement offer for Agenda item 2.a.4, *SBE v. Bukowski for Sheriff Committee*, 12866 and recommended the proposed offer of 50% be accepted. Timothy Bukowski and Joe Beard were present on behalf of the committee and explained the circumstances surrounding the late filings. Chairman Smart moved to accept the settlement offer of 50% of the assessed civil penalty. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a settlement offer for Agenda item 2.a.7, *SBE v. Citizens for Kyle Logan*, 24271 and recommended the proposed offer be denied because it was less than 50% of the assessed civil penalty. Ian Linnabary was present on behalf of the committee and asked the Board to consider the extraordinary circumstances surrounding the late filings. He noted that the committee has engaged in very little fundraising and spending since the initial D-1 filing and then offered a settlement amount of \$5,000. Member McGuffage moved to accept the settlement offer to be paid by January 9, 2014. Member Watson seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a motion to reconsider for Agenda item 2.8, *SBE v. Friends for Warren L. Dixon*, 24528, 13DQ242 and summarized the matter. He recommended the motion be denied because it was not timely submitted within seven days following the effective date of the board order and an explanation as to why the committee did not appeal the assessment was not submitted. No one was present on behalf of the committee. Member Schneider moved to accept the recommendation of the General Counsel and deny the motion to reconsider. Vice Chairman Scholz seconded the motion with passed by roll call vote of 8-0.

The General Counsel noted that Agenda item 2.a.19, *SBE v. Citizens for Denise Moore*, 24573, 13MA049 was erroneously placed in the granted category and will be considered later in the meeting.

The General Counsel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to grant the appeals for Agenda items 2.a.10-12, 14-18, 20 & 21:

- 10) *SBE v. Committee to Elect Miceli*, 959, 13JQ022;
- 11) *SBE v. Indo-American Democratic Org.*, 1420, 13JQ027;
- 12) *SBE v. DuPage Township Republican Organization*, 4678, 13JQ034;
- 14) *SBE v. Friends of Tim Schmitz*, 13511, 13AJ018;
- 15) *SBE v. Arab American Democratic Club*, 20046, 13AM066;
- 16) *SBE v. Citizens to Elect Dan Decker*, 20305, 13JQ091;
- 17) *SBE v. Friends of Jim Oberweis*, 23861, 13AJ032;
- 18) *SBE v. Taxpayers for Dave Ehrlich Committee*, 24347, 13JQ167;
- 20) *SBE v. Committee to Elect Michael Harner*, 25087, 13MQ253;
- 21) *SBE v. Citizens for Rauner, Inc.*, 25185, 13AM106.

No one was present on behalf of the respondent committees. Member Schneider moved to accept the recommendation of the General Counsel and grant the above noted appeals. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to deny the appeals for Agenda items 2.a.13, 22-24, 27, 28, 31, 33, 36-40 & 42-45:

- 13) *SBE v. Citizens for Jerry Bennett*, 10946, 13AM059;
- 22) *SBE v. Greene County Republican Central Committee*, 22, 13JQ001;
- 23) *SBE v. Illinois Insurance Association PAC*, 6609, 13AM057;
- 24) *SBE v. Citizens to Elect Cheri L. Neal*, 12684, 13AJ016;
- 27) *SBE v. Friends of Rick Reinbold Campaign Committee*, 15667, 13AM064;
- 28) *SBE v. The Integrity Party*, 15706, 13JQ063;
- 31) *SBE v. Friends of Mattie Hunter*, 17385, 13AQ023;
- 33) *SBE v. Ed Motley for Sheriff*, 22169, 13MA053;
- 36) *SBE v. Friends of Tabares*, 23775, 13AD103;
- 37) *SBE v. Committee to Elect Max Mitchell*, 24518, 13JQ175;
- 38) *SBE v. Citizens Opinion Matter*, 24595, 12SQ202;
- 39) *SBE v. Citizens for One Wauconda*, 24810, 13MA040;
- 40) *SBE v. 230 United*, 24876, 13JQ193;
- 42) *SBE v. Citizens to Elect Charles Allen January Jr.*, 25190, 13JQ220;
- 43) *SBE v. Warren First Political Party*, 25253, 13AM110;
- 44) *SBE v. Friends of Janet Ryan Grasso*, 25298, 13AJ049;
- 45) *SBE v. Committee to Elect Greg Voudrie Coles County Sheriff*, 25415, 13D1008.

It was noted that item 13 was erroneously included in the granted section and should be included in the denied section. No one was present on behalf of the respondent committees. Member Schneider moved to accept the recommendation of the General Counsel and deny the above noted appeals. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.a.41, *SBE v. Committee to Elect J B Johnson*, 25036, 13AM041 was pulled and will be placed on a future Board meeting Agenda.

The General Counsel presented Agenda items 2.a.25 & 26, *SBE v. Melrose Vision Party*, 13905, 13MQ039 and *SBE v. Melrose Victory Party*, 14481, 13MQ043 and concurred with the hearing officer recommendation to deny the appeals. He also noted the hearing officer recommended ordering two of the three political committees in support of Ronald M. Serpico, Sr. to finalize and file a final report. Steven Avalos and Patricia Dindia were present on behalf of the respondent committee. Ms. Dindia explained that she was hospitalized and underwent three surgeries and that the late filing was inadvertent. Mr. Avalos said she had been filing these reports for 14 years and this was only the second violation. He then asked for the fine to be stayed, or in the alternative, offered a settlement of 50% of the civil penalties. Mr. Avalos also offered to work with the staff to amend the purpose of the political party committees so they are consistent with the law. Discussion ensued regarding the purpose of the two committees and the applicable statutes. Member Schneider moved to deny the appeals, accept the 50% settlement offer of \$950 to be paid by the close of business on November 15. He also ordered staff to provide a status report at the next meeting concerning the purpose of the committees listed on the amendments. Ms. Watson seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.29, *SBE v. Illinois Corn Growers Association Political Involvement Fund*, 16797, 13JQ071 and concurred with the hearing officer

recommendation to deny the appeal. Kayla Veeder was present on behalf of the respondent committee and said she was new to the Association and after filing the first report she received a notice that it was late. After speaking with staff, it was determined that an error with IDIS occurred which caused the report from being timely filed. Ms. Veeder then asked that the appeal be granted based on the technical issue with IDIS. Member McGuffage moved to grant the appeal based on the electronic filing defense. Member Coffrin seconded the motion which passed by roll call vote of 7-1 with Member Byers voting in the negative.

The General Counsel presented Agenda item 2.a.30, *SBE v. Citizens for Pat Dowell*, 16892, 13MA003 and concurred with the hearing officer recommendation to deny the appeal. DeAnna Grant was present on behalf of the respondent committee and offered a settlement of 50% of the assessed civil penalty. Member Byers moved to accept the recommendation of the General Counsel and the 50% settlement offer. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.32, *SBE v. United People's Party*, 18568, 13MQ071 and concurred with the hearing officer recommendation to deny the appeal. He also recommended that the request from Burt Odelson to stay the fine be denied because the second penalty occurred within two years of the first penalty. No one was present on behalf of the respondent committee. Member Gowen moved to deny the appeal. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.34, *SBE v. Lake County Life PAC*, 22333, 13DQ239 where the hearing officer recommended the appeal be denied. Peter Breen was present on behalf of the respondent committee and said the previous treasurer refused to turn over the books to the new treasurer. Without the books the current treasurer was unable to file an accurate report and once the books were finally received the required report was filed immediately. Mr. Breen indicated the committee was unable to pay the fine and asked for leniency. The General Counsel did not take issue with granting the appeal but noted that there is a provision in the rules that a committee could file a complaint against the outgoing officer for failure to turn over the records. Chairman Smart moved to grant the appeal. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.35, *SBE v. Clint Krislov State Campaign Committee*, 22431, 13MA012 and concurred with the hearing officer recommendation to deny the appeal. Adam Lasker and Clint Krislov were present on behalf of the respondent committee. Mr. Lasker stated that the committee experienced computer issues and staff instructed them to file on paper. He indicated that the late filing was inadvertent and offered a settlement amount of \$1,118.75. Vice Chairman Scholz moved to deny the appeal and accept the settlement offer. Member Byers seconded the motion which passed by roll call vote of 7-1 with Member Schneider voting in the negative.

The General Counsel presented Agenda item 2.a.37, *SBE v. Committee to Elect Max Mitchell*, 24518, 13JQ175 and concurred with the hearing officer recommendation to grant the appeal. He noted that this matter was erroneously included in the denied section and should be included in the granted section. Vice Chairman Scholz moved to accept the recommendation of the General Counsel. Member Gowen seconded the motion which passed unanimously.

It was noted that Agenda item 2.a.46, *SBE v. Friends of Ken Dunkin*, 11436, 12MQ-CL002 was pulled and will placed on a future Agenda.

The General Counsel presented Agenda item 2.a.19, *SBE v. Citizens for Denise Moore, 24573*, 13MA049 and concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in part. No one was present on behalf of the respondent committee. Member McGuffage moved to accept the recommendation of the General Counsel. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

After a short break the General Counsel presented complaints following public hearing for Agenda items 2.a.47-58:

- 47) *SBE v. Oak Lawn Leadership Team*, 12CD064;
- 48) *SBE v. Illinois Black Business PAC*, 12CD081;
- 49) *SBE v. Illinois School Psychologists PAC*, 13CD006;
- 50) *SBE v. Committee to Re-elect Mike Slape*, 13CD009;
- 51) *SBE v. Citizens to Elect Alvin Parks Jr.*, 13CD031;
- 52) *SBE v. Oak Lawn Leadership Team*, 13CD045;
- 53) *SBE v. Illinois Black Business PAC*, 13CD055;
- 54) *SBE v. Education First Party*, 13CD068;
- 55) *SBE v. Friends of Dick Breckenridge*, 13CD069;
- 56) *SBE v. Tammy Baer for Douglas County State's Attorney*, 13CD081;
- 57) *SBE v. Friends of Tom Bucher*, 13CD084;
- 58) *SBE v. Taking Back America*, 13CD090.

He concurred with the hearing officer recommendation that the complaints be upheld and issue a Board order requiring the delinquent report(s) be filed within 30 days of the order or face a fine up to \$5,000. No one was present on behalf of the respondent committees. As to item #48, the General Counsel noted that a \$5,000 penalty for failure to comply with a board order remains due and owing and recommended it be included in the order. Member Gowen moved to accept the recommendation of the General Counsel in the above noted complaints. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

A listing of civil penalty assessments necessitating a final board order was presented. Member Byers moved to issue final board orders for those committees listed on page 227 of the board packet. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

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

Member Schneider moved to recess to executive session to consider complaints following closed hearing and pending litigation. Member Gowen seconded the motion which passed unanimously. The meeting recessed at 12:15 p.m. and reconvened at 1:40 p.m.

As to Agenda item 2.a.61, *IL Campaign For Political Reform, Morrison, Woodward & Melton v. Moving Aurora Forward*, 13CD133, Member Schneider moved to find the complaint was not filed on justifiable grounds and the matter be dismissed. Member Watson seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 2.a.62, *IL Campaign For Political Reform, Morrison, Woodward & Melton v. African American Clergy Coalition*, 13CD134, Member Schneider moved to find the complaint was filed on justifiable grounds; however, no further action was ordered in light of the

committee amending its statement of organization and listing the identity of the sponsoring entity. Member Watson seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 2.a.64, *SBE v. Committee to Elect David L. Evans*, 13CD025, Member Schneider moved to find the complaint was filed on justifiable grounds and the matter proceed to a public hearing. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 2.a.66, *SBE v. Friends of Sandra Wortham*, 13CD077, Member Schneider moved to find the complaint was filed on justifiable grounds; however, no further action was ordered other than referral to staff for imposition of civil penalties. Member Watson seconded the motion which passed by roll call vote of 8-0.

Agenda items 2.a. 63 & 65, *SBE v. First Ward Organization*, 13CD024 and *SBE v. Robert T. Miller*, 13CD026 were pulled from the Agenda.

The General Counsel presented a complaint following public hearing for Agenda item 2.a.67, *SBE v. Friends of Kenny Johnson*, 13CD034 and concurred with the hearing officer recommendation that no further action be taken other than referral to staff for imposition of civil penalties. No one was present on behalf of the respondent committee. Member Byers moved to accept the recommendation of the General Counsel. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The Executive Director began his report on preparations for the March 18, 2014 General Primary Election and asked the General Counsel to present the proposed policy for acceptance of candidate nominating petitions for Governor and Lieutenant Governor. Mr. Sandvoss explained that Section 7-10 was amended to require candidates for Governor and Lieutenant Governor file a joint petition that includes one candidate for each of the two offices. If the candidates do not file a joint petition, staff will accept petitions containing only the name of a candidate for Governor and any such petitions will be subject to the objection process. Petitions containing the name of a candidate for Lieutenant Governor only will not be accepted because this office cannot stand alone in the primary and general elections. After discussion, Member Gowen moved to approve the petition acceptance policy. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

Next was consideration of certification of Hart Inter-Civic de minimis hardware upgrade for 6.2.1 voting system. Kyle Thomas reviewed his memo on page 232 of the board packet and said the change is basically a port protector which joins the judges booth controller and e-Slate. The adapter will help prevent damage to the external port connectors of each e-Slate voting booth. After reviewing documentation, including a review a report submitted by an EAC accredited laboratory, staff concluded no additional testing was needed. He then recommended two year interim approval for the de minimis change request and noted that the approval will restart the approval period for the entire system. Member Schneider moved to accept the recommendation of Mr. Thomas and grant two year interim approval. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The General Counsel discussed the suppressed 2012 General Election vote totals from the 2nd Judicial Circuit and noted that a signed court order was received from the attorney of the respondent. He explained that the matter occurred because of an election contest challenging a winner of the primary election and a judge ordered the SBE to suppress those results pending

the outcome of the lawsuit. The matter has been settled and the court has ordered the SBE to certify those results and declare Eric Dirnbeck the winner of the November 6, 2012 General Election for the Vantrease vacancy. Vice Chairman Scholz moved to certify the results and declare Mr. Dirnbeck the winner as noted above. Member Byers seconded motion which passed by roll call vote of 8-0.

Next was an update on the 2013 Consent Decree and Member Schneider moved to authorize the General Counsel to enter into the supplemental consent decree as authorized in executive session. Member Byers seconded the motion which passed by roll call vote of 8-0.

The Executive Director began the legislative update noting that Cris Cray was currently in committee where the legislation was being heard to address the regional superintendents district issues. The regional superintendents must consolidate down from 45 districts to 35 districts, and the Board of Education must sign off on the 35 districts after January 1, 2014. The timeline for finalization of the districts jeopardizes regional superintendent candidates from being able to file petitions and be placed on the primary election ballot. Ken Menzel discussed the legislation explaining that it basically requires the Board of Education to decide on the lineup of service regions by early November. If the legislation passes, the candidates will know in what districts they would be filing petitions as well as the required amount of signatures. The Executive Director also noted there was a piece of legislation introduced that would abolish salaries for members of various boards and commissions. He indicated that staff would monitor the bill and keep the Board informed of any progress.

The Executive Director discussed the Paperless Online Voter Registration Application (POVA) and indicated that numerous meetings were held with various interested parties. Kyle Thomas reviewed his memo on page 234 of the board packet and noted that the technical specifications documentation was completed and forwarded to all election authorities and election management vendors. The documentation lists three options available for the election authorities to receive the electronic registration application information and outlines changes to election law that will require modifications to local election management systems. Testing of file exchanges with the Secretary of State is complete and further testing will take place as work continues on the system development. POVA is expected to be up and running by July 1, 2014 as required by statute.

Next was the IVRS update and Mr. Thomas reported that the number of duplicate matches was below 2,700 statewide. This is due to the elections authorities completing their voter purges. The number of census voters versus registered voters in certain jurisdictions were all under the 100% benchmark, also a result of the voter purges.

The Executive Director presented the fiscal reports for informational purposes and noted that FY14 expenditures are on target and are being closely monitored.

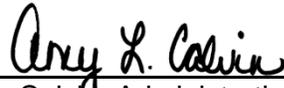
The two year plan of staff activity for the months of October and November was presented for informational purposes.

The Executive Director indicated that the executive session minutes from the September meeting did not get approved and the General Counsel said they could be approved in open session. Member Coffrin moved to approve the executive session minutes from the September 16 meeting. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

Next on the Agenda was a follow up report on Dominion voting systems in use in Chicago and Cook County and a report on "Election Security and the Vulnerability Assessment of Security in relation to the State Board of Elections." Sharon Meroni, Executive Director of Defend the Vote was present and expressed her thoughts regarding security of electronic voting machines and her desire to remove the Dominion voting systems from further use in Illinois. She discussed the Argonne National Laboratory Vulnerability Assessment, the security of election seals and the new provisional voting requirements.

With there being no further business before the Board Member Byers moved to adjourn until 10:30 a.m. on Monday, November 18, 2013 in Springfield. Member McGuffage seconded the motion which passed unanimously. The meeting adjourned at 2:30 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert T. Borgsmiller, Executive Director