

STATE BOARD OF ELECTIONS
Regular Meeting
Tuesday, December 17, 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 10:00 a.m. via videoconference with seven Members present in Chicago. Member Watson held Member McGuffage's proxy until his arrival at 10:10 am.

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

Member Schneider moved to recess the State Board of Elections and convene as the State Officers Electoral Board. Vice Chairman Scholz seconded the motion which passed unanimously. The meeting recessed at 10:00 a.m. and reconvened at 10:25 a.m. Another roll call was taken and all Members were present in Chicago.

Vice Chairman Scholz moved to approve the minutes from the November 18 meeting as presented. Member Gowen seconded the motion which passed unanimously.

The General Counsel presented a motion for reconsideration for Agenda item 2.a.1, *SBE v. Waukegan Township Republican Org.*, 1051, 13MA063 and recommended the motion be granted. No one was present on behalf of the committee. Member Gowen moved to accept the recommendation of the General Counsel. 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 2.a.2, *SBE v. Citizens for Waguespack*, 19898, 13AM065 and recommended the motion be granted. He also recommended the penalty be rescinded because of the timely filing of the Schedule A-1 and further recommended that the committee amend the quarterly report. No one was present on behalf of the committee. Member Byers moved to accept the recommendation of the General Counsel. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.3, a request for settlement offer from *SBE v. Friends of Frank McPartlin*, 22548, 10DS364 & 10CD043 and recommended the Board consider a lesser amount but more than the \$500 offered. Frank McPartlin was present on behalf of the committee and indicated he would have to pay the fine from his personal funds which was not possible at this time due to the recent loss of his job. The General Counsel noted that Mr. McPartlin

was included on the ballot forfeiture listing and that the total penalty was \$10,000 as \$5,000 had abated earlier this year. Member Gowen moved to accept the \$500 settlement offer to be paid within thirty days. Member McGuffage seconded the motion which passed by roll call vote of 5-3 with Members Byers and Schneider and Vice Chairman Scholz voting in the negative.

The General Counsel presented an appeal of campaign disclosure fines for Agenda item 2.a.4, *SBE v. Friends of Ken Dunkin*, 11436, 12MQ-CL002. Mike Kasper was present on behalf of the committee and asked that the matter be continued to a future meeting. It was agreed the matter would be placed on the January Agenda.

The General Counsel presented a complaint following public hearing for Agenda item 2.a.5, *SBE v. Citizens to Elect Bridget Healy Ryan*, 13CD023 and recommended the Board issue an order requiring the committee to file the delinquent reports and that failure to do so within thirty days of the issuance of the order shall result in a fine up to \$5,000. No one was present on behalf of the committee. Member Gowen moved to accept the recommendation of the General Counsel. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a complaint following public hearing for Agenda item 2.a.6, *Jones, Jr., v. Citizens for Dwight Welch*, 13CD125 and recommended the complaint be dismissed for want of prosecution. No one was present on behalf of either party. Member Byers moved to accept the recommendation of the General Counsel. Member Gowen 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. Vice Chairman Scholz moved to issue final board orders for those committees listed on pages 33-34 of the board packet. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

Listings of potential ballot forfeiture for the primary election and civil penalty payments were presented for informational purposes.

Member Schneider moved to recess to executive session to consider complaints following closed hearing and personnel matters. Member Watson seconded the motion which passed unanimously. The meeting recessed at 10:50 a.m. and reconvened at 11:50 a.m. Upon reconvening, a roll call was taken with all Members present in Chicago.

As to Agenda item 2.a.10, *Sherman v. Indian Trails Public Library District*, 13CD258, Member Schneider moved to dismiss the complaint for lack of jurisdiction. Member Watson seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 2.a.11, *Kruckenbergh v. Shepherdson & Ela Tax Reform*, 13CD259, Member Schneider moved to dismiss the complaint for want of prosecution. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 2.a.13, *SBE v. Committee to Elect Howard B. Brookins, Jr.*, 13CD152, Member Schneider moved to find the complaint was found to have been filed on justifiable grounds; order the committee to file the reports within ninety days and refer to staff for imposition of civil penalties. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 2.a.15, *SBE v. Citizens to Elect Eric J. Kellogg*, 13CD145, Member Schneider moved to find the complaint was found to have been filed on justifiable grounds and the

matter proceed to a public hearing for all violations except the report that had already been filed. Member Byers seconded the motion which passed by roll call vote of 8-0.

Member Schneider moved to find that the following complaints were found to have been filed on justifiable grounds and the matters proceed to a public hearing for Agenda items 2.a.14, 16-22 & 24-43:

- 14) *SBE v. Committee to Re-Elect Mike Slape*, 13CD139;
- 16) *SBE v. Citizens for Leys*, 13CD150;
- 17) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 13CD161;
- 18) *SBE v. Friends of Brendan Appel*, 13CD169;
- 19) *SBE v. Re-Elect Eric Leys*, 13CD172;
- 20) *SBE v. Brady PAC-Illinois*, 13CD173;
- 21) *SBE v. Equal Justice Party (EJP)*, 13CD176;
- 22) *SBE v. Southland Success PAC*, 13CD177;
- 24) *SBE v. Friends of Evonne Fleming*, 13CD183;
- 25) *SBE v. Citizens for Burch*, 13CD184;
- 26) *SBE v. Education First Party*, 13CD188;
- 27) *SBE v. Friends of Dick Breckenridge*, 13CD190;
- 28) *SBE v. Citizens for Don Castella*, 13CD196;
- 29) *SBE v. Tammy Baer for Douglas County State's Attorney*, 13CD197;
- 30) *SBE v. Committee to Elect Lorinda Beaman Lamken*, 13CD198;
- 31) *SBE v. Newport Firefighters Assn.*, 13CD204;
- 32) *SBE v. Citizens for Rudd*, 13CD206;
- 33) *SBE v. Taking Back America*, 13CD207;
- 34) *SBE v. Citizens to Elect Pat Liston*, 13CD215;
- 35) *SBE v. Save 7 Eleven*, 13CD218;
- 36) *SBE v. Friends of Tom Gooch*, 13CD225;
- 37) *SBE v. VOTESHAW2013*, 13CD231;
- 38) *SBE v. Friends of Christina Campos*, 13CD235;
- 39) *SBE v. Marc Landers*, 13CD236;
- 40) *SBE v. 2 Plus 3 Equals 5*, 13CD242;
- 41) *SBE v. Citizens to Elect 169 Write-ins*, 13CD244;
- 42) *SBE v. Friends of Donald Luster*, 13CD248;
- 43) *SBE v. Citizens for a Better Fox Valley*, 13CD255.

Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

Member Schneider moved to find the following complaints were found to have been filed on justifiable grounds and the matters referred to staff for imposition of civil penalties for Agenda items 2.a.44-58, 60-68 & 70:

- 44) *SBE v. Citizens for Kent Gray*, 13CD146;
- 45) *SBE v. Citizens to Elect Benjamin Owens*, 13CD147;
- 46) *SBE v. Lao American National Republican Party of USA*, 13CD149;
- 47) *SBE v. votedebby.com*, 13CD160;
- 48) *SBE v. Committee to Elect Doug Cochran*, 13CD166;
- 49) *SBE v. Friends of Howard B. Brookins, Jr.*, 13CD167;
- 50) *SBE v. Citizens to Elect Judge Ray Nash*, 13CD168;
- 51) *SBE v. Boone County Young Republicans Club*, 13CD170;
- 52) *SBE v. Friends to Elect Ward for the 45th*, 13CD182;

- 53) *SBE v. Friends of Paul Rosenfeld*, 13CD193;
- 54) *SBE v. Americas Revolution of Reason*, 13CD194;
- 55) *SBE v. Friends of Lee Newcom*, 13CD200;
- 56) *SBE v. Citizens for Marc Voegele*, 13CD205;
- 57) *SBE v. Southwestern Illinois Democratic Women*, 13CD208;
- 58) *SBE v. Friends for Franzen*, 13CD212;
- 60) *SBE v. Citizens for Coonrod*, 13CD217;
- 61) *SBE v. Committee for Open Government*, 13CD219;
- 62) *SBE v. Illinois Immigrant Action PAC*, 13CD220;
- 63) *SBE v. Citizens to Elect Jim Kucera*, 13CD223;
- 64) *SBE v. Citizens for Better Education*, 13CD233;
- 65) *SBE v. Citizens for Eli Nicolosi*, 13CD238;
- 66) *SBE v. Friends for Kelvin Oliver*, 13CD240;
- 67) *SBE v. Citizens for Patrick Murphy*, 13CD243;
- 68) *SBE v. Friends of Lane Hansen*, 13CD246;
- 70) *SBE v. Friends of Tiffani L. Graham for Park Forest Village Trustee*, 13CD253.

Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The Executive Director began his report with the presentation of a staff service award. Jim Tenuto presented the award to Darlene Gervase, who has been an employee of the State Board of Elections for thirty years. He thanked her for her many years of dedication and service.

The Executive Director discussed preparations for the March 18, 2014 General Primary Election and indicated the candidate petition filing period occurred between November 25 thru December 2 and the last day to file objections was December 9. He felt the filing was successful and staff received many compliments on the process itself and staff professionalism. Jane Gasperin indicated that the lottery to determine ballot position was held on December 11 for the 8:00 a.m. filers on the first day and those who also filed between 4:00 p.m. and 5:00 p.m. on the last day of filing. She also noted that this year petition copy requests were available via e-mail and a total of 533 were processed. Only three printed requests were received and the e-mail requests seemed to be very popular. The Executive Director and Ms. Gasperin thanked the staff for their hard work and willingness to work overtime to get the job done.

A listing of election judge training schools was presented for informational purposes and it was noted that this is a free service that staff provides to election authorities upon request.

The Executive Director reported on the COGEL Conference and said the program agenda was included on page 49 of the board packet. Member McGuffage, the Executive Director and Andy Nauman were in attendance and felt it was a very informative conference. He said Mr. Nauman led a breakfast tabletop discussion and was asked to serve on the Membership Committee for COGEL. The SBE has always been very involved in COGEL dating back to 1978 when it was formed and always contribute in some way at each year's conference.

Next was the legislative update and the Executive Director indicated there was nothing new to report. He said the legislature met for a two day special session and the only item addressed was the pension matter.

The Executive Director presented the POVA update and indicated it was included on page 50 of the board packet. A master project schedule was also distributed to the board members. Kyle Thomas reviewed his report and said the additional specifications for the vendors were completed

and the election authorities are required to implement those specifications. So far, eighty-four election authorities will utilize the web-based option #1, twenty-three have chosen the download option #2 and three will print their own which is option #3. The City of Chicago and Cook County have chosen option #1. Kevin Turner reported that great progress has been made on the development of the system and the majority of behind the scenes work was already completed for integration into IVRS. He noted that the master project schedule is fluid except for the final release deadline of July 1, 2014. It was agreed by all that the project timeline will be released to those interested parties. Mr. Turner also discussed the ability for the system to handle a large number of users at once and said they are testing and preparing for that scenario as well. He anticipates the system will be able to handle up to approximately 500,000 applicants but it is difficult to predict how many users will access the system when the close of registration nears.

Next, Mr. Thomas noted that the number of duplicate matches on the IVRS report increased slightly as anticipated. He noted that Jersey County was slightly above 100% as indicated on the census voters versus registered voters in certain jurisdictions. Staff is in constant contact with Jersey County and should see them drop below 100% after the election.

The Executive Director presented the FY15 SBE appropriation request and said the summary included in the separate packet explains the increases from FY14. It is mostly related to the increase in the number of elections that will be conducted during FY15, which is three compared to one during FY14. He reviewed the figures for awards & grants, IVRS, contractual services, equipment purchases, POVA system and personnel services. Member Schneider moved to approve the FY15 appropriation request as submitted. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

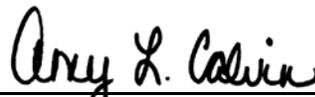
The Executive Director presented the fiscal reports for informational purposes and noted that FY14 expenditures are on target and are being closely monitored.

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

A follow up matter from Defend the Vote was next on the Agenda and Sharon Meroni was present. Ms. Meroni discussed her thoughts about the certification of voting systems used in Cook County and in the City of Chicago, the use of tamper evident seals and testing of voting equipment. She introduced Matt Hawkins, President of Civic Alliance of East St. Louis and he discussed his thoughts about the voter registration purge conducted in East St. Louis and St. Clair County.

With there being no further business before the Board, Member Byers moved to adjourn until December 30, 2013 at 1:00 p.m. Member McGuffage seconded the motion which passed by roll call vote by 7-1, with Member Watson voting in the negative. The meeting adjourned at 1:30 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert T. Borgsmiller, Executive Director