

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, November 18, 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. with seven Members present in Springfield and Member Watson present via videoconference in the Chicago office.

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

Vice Chairman Scholz moved to approve the minutes from the October 22 meeting as presented. Member Coffrin seconded the motion which passed unanimously.

The General Counsel presented a motion for reconsideration for Agenda item 2.a.1, *SBE v. Friends of George A. Cardenas*, 17290, 13MA004 and summarized the matter. He recommended the motion be denied as it was not timely submitted and the committee moved after the final order was issued. Jim Nally was present on behalf of the committee and said the notices were sent to the wrong address and the period of time between that and the office relocation was very close. He said the committee would be facing a \$66,000 fine which would be a hardship and asked for an opportunity for the committee to address the merits of their appeal. After discussion, Member McGuffage moved to grant the motion for reconsideration. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented failure to comply with a board order for Agenda item 2.a.2, *SBE v. Friends of Sam Yingling*, 23561, 13MA019 and summarized the matter. He noted that at the time of writing his recommendation the amended report had not been filed and recommended the Board issue an order directing the committee to file the amended report or face a civil penalty up to \$5,000 for failure to do so. Mike Kasper was present on behalf of the committee and indicated the report was filed yesterday. Based on the recent filing, the General Counsel then recommended no further action be taken in the matter. Member Byers moved to accept the recommendation of the General Counsel. Vice Chairman Scholz seconded the motion which passed unanimously.

The General Counsel presented a settlement offer for Agenda item 2.a.3, *SBE v. Citizens for Lawrence Jackson*, 24338, 13JQ166 and summarized the matter. He recommended the offer be denied because, although the proposed settlement offer is 50% of the fine, the usual circumstances that justified an acceptance of a settlement (extraordinary penalties and undue hardship on the

committee) did not exist in this matter. The committee has a funds balance of \$16,525 and the penalty of \$450 would not be unduly burdensome. No one was present on behalf of the respondent committee. Member Gowen moved to accept the recommendation of the General Counsel and deny the settlement offer. 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.4, *SBE v. HACIA PAC*, 25109, 13MA056 and summarized the matter. He recommended the offer be granted because the proposed amount is 50% of the assessed penalty and the committee has limited funds to pay the fine. No one was present on behalf of the respondent committee. Member Gowen moved to accept the recommendation of the General Counsel and accept the settlement offer. Member Coffrin 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 to grant the appeals for Agenda items 2.a.5-11:

- 5) *SBE v. Friends of Monique Davis*, 1059, 13MA054;
- 6) *SBE v. Citizens for Scott*, 7433, 13AJ013;
- 7) *SBE v. Citizens for Kurt Prenzler*, 19756, 13AJ026;
- 8) *SBE v. Kapitan for DeKalb*, 22055, 13JQ108;
- 9) *SBE v. Friends of Jeff Kibler*, 23787, 13JQ147;
- 10) *SBE v. Drew Muffler for Mayor*, 24837, 13MA041;
- 11) *SBE v. Parents for Lisa Jackson*, 25293, 13JQ230.

No one was present on behalf of the respondent committees. Member Byers moved to accept the recommendation of the General Counsel for the above noted appeals. Member Schneider 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.12-13: *SBE v. Friends of Monique Davis*, 1059, 13MA002 and *SBE v. Downstate Democratic Caucus*, 14859, 13AJ019. Mike Kasper was present on behalf of the respondent committees and indicated he concurred with the recommendation. Member Byers moved to accept the recommendation of the General Counsel in the above noted appeals. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.14, *SBE v. Brandon Phelps for State Representative*, 16309, 13AJ022 and concurred with the hearing officer recommendation to deny the appeal. Mr. Kasper was present on behalf of the respondent committee and noted that the three contributions, which arrived on the same day, were forwarded to the outside vendor responsible for filing and that person failed to promptly report them. The committee felt they did nothing wrong and Mr. Kasper asked that the violation be stayed. After discussion, Member McGuffage moved to grant the appeal. Member Gowen seconded the motion which passed by roll call vote of 5-3, with Members Byers, Coffrin and Schneider voting in the negative.

The General Counsel presented Agenda item 2.a.15, *SBE v. Citizens for Ariel E. Reboyras*, 17163, 13AD064 and concurred with the hearing officer recommendation to deny the appeal. Ariel Reboyras was present and indicated he did file the contribution on the quarterly report and did not know he had to file an additional Schedule A-1 within a five day period. Discussion ensued regarding the actual date the contribution was deposited and it was determined that the committee could file a motion to reconsider if it finds that date occurred within five days of filing the quarterly

report. Member McGuffage 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 3.a.18, *SBE v. Friends for Mulroe, 20711, 13AM069* and summarized the appeal. Mr. Kasper was present on behalf of the committee and explained the law firm and committee office are located in the same building with different suite numbers. The in kind notification was sent to the law firm secretary, who was not affiliated with the political committee. The committee was not able to report the contribution in a timely manner because the law secretary did not know what to do with it at first. The General Counsel recommended the appeal be granted because the committee exercised due diligence and filed the report once they discovered the in kind notification. Member McGuffage moved to accept the recommendation of the General Counsel. Member Gowen seconded the motion which passed by roll call vote of 7-0-1, with Member Byers voting present.

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.16, 17, 19 & 20:

- 16) *SBE v. Illinois Alliance for Good Government, 18042, 12SQ063*; (pgs.57-59)
- 17) *SBE v. Illinois Alliance for Good Government, 18042, 13JQ074*;
- 19) *SBE v. Friends of Arthur Wesley Willis, 24207, 13JQ160*;
- 20) *SBE v. The Forty PerCenters, 24724, 13MQ172*.

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

The General Counsel presented Agenda item 2.a.25, *SBE v. Friends of Mike Carberry, 25368, 13MA044* and concurred with the hearing officer recommendation to deny the appeal. Mr. Nally was present on behalf of the committee and said Mr. Carberry was a first time candidate and did not understand the filing requirements. The late filings were unintentional and, once discovered, the committee hired an outside accountant to take over the duties of filing reports. He asked that the D-1 and A-1 be treated as a first violation and offered a settlement amount of \$850 which was 50% of the assessed penalty for the late D-2 filing. Vice Chairman Scholz moved to accept the recommendation of the General Counsel and the settlement offer of \$850. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.26, *SBE v. Friends of Tim Desmond, 25456, 13MA047* and concurred with the hearing officer recommendation to deny the appeal. He also recommended the Board entertain a settlement offer of at least 50% of the assessed penalty which the Committee proposed as an alternative. Burt Odelson and Tim Desmond were present on behalf of the committee and noted that the accountant was responsible for the filings and failed to file the reports in a timely manner. Mr. Odelson then offered a settlement of the remaining funds left in the committee's account, which was approximately \$572. Member McGuffage moved to accept the recommendation of the General Counsel and Mr. Odelson's settlement offer. Member Watson seconded the motion which passed by roll call vote of 7-1 with Chairman Smart voting in the negative.

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.21-24 & 27:

- 21) *SBE v. Friends to Elect Rick Olson*, 24781, 13MQ252;
- 22) *SBE v. Citizens for Debbie Meyers Martin*, 24887, 13AM096;
- 23) *SBE v. Citizens for Ted Sindermann*, 24977, 13JQ199;
- 24) *SBE v. Committee to Elect J B Johnson*, 25036, 13AM041;
- 27) *SBE v. Friends of John Mahoney for Circuit Court Judge*, 25457, 13MA048.

As to Agenda item 2.a.21, The General Counsel also noted he recommended the penalty be recalculated to \$950 as explained in his written recommendation. No one was present on behalf of the respondent committees. Chairman Smart moved to accept the recommendation of the General Counsel for the above noted appeals. Member Gowen 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 grant the appeals in part and deny the appeals in part for Agenda items 2.a.28-30:

- 28) *SBE v. Citizens to Elect Vernard L. Alsberry, Jr.*, 24638, 13MA055;
- 29) *SBE v. Committee to Elect Abu Anan-Taleb*, 24789, 13MA037;
- 30) *SBE v. Citizens for Randy Marks*, 25160, 13MA042.

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

The General Counsel presented Agenda item 2.a.31, *SBE v. Friends of Ken Dunkin*, 11436, 12MQ-CL002. By request from Mr. Kasper the matter was pulled and placed on the December meeting Agenda.

The General Counsel presented Agenda item 2.a.32, *SBE v. Melrose Vision Party*, 13905, 13MQ039 & *SBE v. Melrose Victory Party*, 14481, 13MQ043 and summarized the matter. At the last meeting the Board ordered the respondent to report back with a status as to changing the purpose of at least two of the committees so that they would not exceed the limit on the number of committees a candidate can have. The General Counsel reported that he had conversations with Steve Avalos, counsel for the Respondents, and it was agreed that the Committees would amend their Statements of Organization as to the purpose of each Committee. Steve Avalos was present and said that the amended D-1 Statements were signed and sent via overnight mail on Friday and should arrive today. The General Counsel indicated that he would confirm with staff that the reports have been received and satisfactorily amended.

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 pages 120-126 of the board packet. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

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

Member Schneider moved to recess to executive session to consider complaints following closed preliminary hearing and pending litigation. Member Coffrin seconded the motion which passed unanimously. The meeting recessed at Noon and reconvened at 12:10 p.m.

As to Agenda items 2.a.36-37, *SBE v. First Ward Organization*, 18390, 13CD024 and *SBE v. votedebby.com*, 19006, 13CD026, Member Schneider moved to find that the complaints were filed on justifiable grounds and the matters proceed to a public hearing. Member Byers seconded the motion which passed by roll call vote of 8-0.

The Executive Director began his report with the presentations of staff service awards. Fifteen year awards were presented to John Levin and Kim Watkins and a twenty-five year award to Steve Sandvoss.

The Executive Director discussed the upcoming candidate petition filing and noted that the board room was already set up for the first filing in the new location. He referred to the staff assignments listed in the Board packet and asked Jane Gasperin to add her comments. She said everything was in place and ready to go and noted that all of the activity will occur in the board room. An agency run-thru will take place on Friday and both the Democrat and Republican caucuses were scheduled for a walk-thru on Friday as well.

A listing of election judge training schools was presented for informational purposes.

The Executive Director noted that the signed 2013 supplemental Consent Decree that was approved at last month's meeting was included in the board packet for informational purposes.

The Brennan Center Report on Early Voting was presented and the Executive Director indicated that election authorities across the country were interviewed and Illinois fared very well. The report recommended several policies to expand the benefits of early voting and the Executive Director indicated that Illinois currently strives to meet those recommendations. He noted that a copy of the report is available upon request.

Cris Cray reported on legislative activity and said SB1689, which consolidated the regional superintendent of schools map, was recently signed by the Governor. The State Board of Education is expected to vote on the new map on November 22. Once staff receives the approved map, the signature requirements for candidate petitions will be calculated. She also indicated that legislation for the Spring 2014 Session was listed on pages 146-147 of the board packet and included legislation previously introduced in the 2013 Session that did not pass. Discussion ensued concerning the elimination of the seven day calendar for complaints filed sixty days prior to an election, the removal of the SBE from Section 1-15.100 of the Procurement Code and the reduction in one hour of voting on election day.

The General Counsel discussed the required review of executive session minutes and said they were reviewed for the period of April 14, 2013 through September 16, 2013. He recommended that the necessity of confidentiality does not exist as to the release of such minutes. Member Coffrin moved to adopt the recommendation of the General Counsel. Member Byers seconded the motion which passed by roll call vote of 8-0.

Kyle Thomas reported on the Paperless Online Voter Application (POVA) system and reviewed his memo on page 149 of the board packet. He noted Jason Kilhoffer was appointed the technical project manager to help manage the IT resources in development of the system. Staff also conducted a meeting last month with Rock the Vote and offered them a link to the POVA website. They have declined to accept the link at this time but staff is hopeful they will reconsider in the future. The Director of Information Technology, Kevin Turner, discussed the system and said work began before the Governor signed the bill. The phases of this project include planning, design, coding, implementation and testing with the election authorities. Mr. Turner indicated that a timeline

of developmental goals and milestones is being prepared and will be distributed to the Board once it is completed. He also noted that progress on the system is approximately 40% complete and confirmed that extensive beta testing will take place well before the July 1, 2014 deadline. Mr. Turner said that a lot of input has been received and considered from various independent organizations and some of those items have already been included in the development of the system. The Executive Director indicated he has confidence that staff will get the job done and will continue to provide detailed reports to the Board at future meetings.

Mr. Thomas presented the IVRS update and voting age population figures provided by the census versus registered voters in certain jurisdictions and noted that Jersey County has been added to the list. Cheryl Hobson reported that she is in contact with the Jersey County Clerk and they are in the process of printing the voter registration cards for their voter purge. They are also working with the postal service to configure the mailing. They anticipate sending out the mailing by December 18.

The Executive Director presented the fiscal reports for informational purposes and noted that FY14 expenditures are on target and are being closely monitored. He also said meetings were already being conducted to prepare the proposed FY15 Budget Request.

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

The Chairman indicated that Defend the Vote was listed on the Agenda under the Follow Up section and noted that no one was present in either location on behalf of the organization.

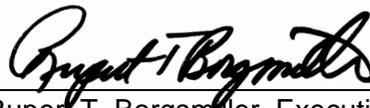
The Chairman reminded everyone that the next meeting will be held on the second floor of the James R. Thompson Center and will begin at 10:00 a.m. instead of 10:30 a.m.

With there being no further business before the Board, Member McGuffage moved to adjourn until 10:00 a.m. on Tuesday, December 17, 2013 in Chicago. Member Byers 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