

STATE BOARD OF ELECTIONS
Regular Meeting
Thursday, January 9, 2014

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 10:35 a.m. via videoconference with all Members present. Chairman Smart and Members Coffrin, Gowen, McGuffage, Schneider and Watson were present in Chicago and Vice Chairman Scholz and Member Byers were present in Springfield.

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

Member Gowen moved to recess the State Board of Elections and convene as the State Officers Electoral Board. Member Coffrin seconded the motion which passed unanimously. The meeting recessed at 10:36 a.m. and, after a short break, reconvened at 12:55 p.m. Another roll call was taken and all Members were present as noted in the initial roll call.

The General Counsel presented a carryover appeal from December for Agenda item 1.a, *SBE v. Friends of Ken Dunkin*, 11436, 12MQ-CL002 where the hearing officer recommended to grant the appeal in part and deny the appeal in part. The General Counsel summarized the matter and explained that the committee reimbursed more funds than were required but there was a question as to the timeliness of the reimbursement. Mike Kasper was present on behalf of the committee and said there was confusion regarding the amount of the second check to be reimbursed but once it was sorted out it was paid immediately. He noted that all reports have been amended and the funds were completely reimbursed. He asked that the appeal be granted. The General Counsel also recommended the appeal be granted. Member McGuffage moved to grant the appeal. Member Watson seconded the motion which passed by roll call vote of 8-0.

The Executive Director reported on potential ballot forfeiture and indicated that all fines have been paid. There are no candidates on the March 18, 2014 Primary Election ballot with unpaid fines.

The certification of the March 18, 2014 General Primary Election ballot was moved to later in the Agenda because staff indicated it was not quite ready yet.

Member Coffrin moved to approve the minutes from the December 17 and 30 meetings as presented. Member Gowen 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. New Trier Republican Organization*, 244, 13AM052 and summarized the matter. He recommended the motion be granted because the committee thought they appropriately submitted their change of address and, therefore, never received the appeal forms. No one was present on behalf of the committee. Member Schneider moved to accept the recommendation of the General Counsel. Member Watson seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a request for settlement offer for Agenda items 4.a.2, *SBE v. Friends for Warren L. Dixon*, 24528, 13DQ242 and recommended the offer be granted. He said the committee offered to pay \$3,175 which was 50% of the penalty. No one was present on behalf of the committee. Member Coffrin moved to accept the recommendation of the General Counsel. Member Watson seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented an appeal where he concurred with the hearing officer recommendation to grant the appeal for Agenda item 4.a.3, *SBE v. Builders Association PAC*, 6830, 13JQ044. No one was present on behalf of the committee. Member Watson 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 the following appeals where he concurred with the hearing officer recommendation to deny the appeals for Agenda items 4.a.4-5: *SBE v. Batavia PAC for Education*, 20987, 13JQ099 and *SBE v. Creve Coeur Education Association*, 25237, 13JQ225. No one was present on behalf of the committees. Member McGuffage moved to accept the recommendation of the General Counsel. Member Watson seconded the motion which passed by roll call vote of 8-0.

The next category was failure to comply with a board order and the General Counsel noted the following matters were pulled from the Agenda:

- 7) *SBE v. Committee to Re-Elect Mike Slape*, 1068, 13CD099;
- 8) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 19743, 13CD031;
- 11) *SBE v. Friends of Dick Breckenridge*, 23617, 13CD069;
- 12) *SBE v. Tammy Baer for Douglas County*, 24201, 13CD081;
- 13) *SBE v. Friends of Tom Bucher*, 24290, 13CD084.

The General Counsel presented the remaining failure to comply with a board order matters for Agenda items 4.a.6, 9, 10 & 14:

- 6) *SBE v. IL School Psychologists PAC*, 409, 13CD006;
- 9) *SBE v. Illinois Black Business PAC*, 22756, 12CD081 & 13CD055;
- 10) *SBE v. Education First Party*, 23516, 13CD068;
- 14) *SBE v. Taking Back America*, 24494, 13CD090.

He recommended the above committees be assessed a civil penalty not to exceed \$5,000 for failure to file the required reports. No one was present on behalf of the respondent committees. Member Coffrin moved to accept the recommendation of the General Counsel in the above noted matters. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

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

The Executive Director began his report with an update on the Paperless Online Voter Application (POVA) and asked Kyle Thomas and Kevin Turner to continue. Mr. Thomas summarized his memorandum that was distributed under separate cover and good progress is being made on the system. In preparation for testing with election authorities and outside vendors, some security adjustments were made as well as modifications to the statewide Illinois Voter Registration System (IVRS) for connection with POVA. All vendors have responded to Mr. Thomas' survey and at this time 85 will utilize the real time web service, 23 have opted for the batch download method and 2 will have the capability to utilize the print method. Mr. Turner discussed the master project schedule on pages 37-39 of the board packet and said that progress is on target with that schedule. He noted the release to the pilot jurisdictions for testing of the initial application was pushed back approximately one week. Staff changes have also been implemented and the security of the POVA system was now parallel to other agency public-interface programs. The Executive Director indicated that the POVA status updates have been sent to the various interested parties and it was agreed to forward the master project schedule as well. It was also noted that a report is due to the General Assembly by January 31 and staff will complete the report and deliver it the week of January 27.

Mr. Thomas discussed the IVRS update and said little change has occurred since last month's report and the election authorities are doing a great job of utilizing the tools available to them and IVRS. He noted that Kansas and Arkansas joined the Interstate Duplicate Match Program and a total of 28 states utilize the program. Mr. Thomas reviewed the census data versus registered voters and said that Jersey County is slightly above 100% but expected that number to drop after their purge is completed post-election.

The Executive Director discussed the possibility of the filing of a statewide constitutional amendment and indicated that a random sampling procedure was developed two years ago by statisticians from the University of Illinois at Springfield. Discussion ensued regarding the process and it was noted that the deadline to file the amendment is six months prior to the date of the General Election.

The next item was certification of the March 18, 2014 General Primary Election ballot and the Executive Director explained that certifications for both Cook and Sangamon County would be presented for Board Member signatures in both locations. Certifications for the Green, Republican and Democrat parties in the 5th Congressional District will be circulated as well for signatures. He explained that as soon as the certifications are signed, staff will electronically submit them to all Illinois election authorities. The issue of candidate withdrawals after certification was discussed and Ken Menzel said recent legislation was passed concerning the procedure for handling the withdrawals. He explained that when a candidate withdraws after the certification deadline, then no votes should be cast for that candidate if they remain on the ballot. They should be reported as a zero on the official canvass. Staff will now just inform the affected election authorities that someone has withdrawn after the certification deadline and that they should not process any votes for that particular candidate. The statute does not address notification of voters but staff will advise the election authorities to post notice in a prominent location in the polling place that a candidate has withdrawn. Member Coffrin moved to certify the ballot for the March 18, 2014 General Primary Election. Member Watson seconded the motion which passed by roll call vote of 8-0.

Preparations for the general primary election were discussed and it was noted that no objections were filed against candidates who filed during the special judicial or the regional superintendent of schools districts filing periods. A lottery is scheduled for January 2, 2014 at 2:00 p.m. to determine ballot placement for those who filed petitions at 8:00 a.m. on December 16 for

both filing periods. Jane Gasperin commended the staff and said she was very pleased with how the process was conducted.

The Executive Director presented a listing of election judge training schools for informational purposes and explained that this is a free service that staff provides to election authorities upon request.

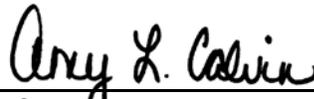
The Executive Director presented the fiscal reports and two year plan of staff activity for the months of January and February for informational purposes. He noted that FY14 expenditures are on target and are being closely monitored.

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 1:50 p.m. and reconvened at 2:00 p.m. with all Members present as noted in the initial roll call.

As to Agenda item 4.a.16, *SBE v. Jackson for Committeeman Ind. Democratic Political Org.*, 13CD178, Member Schneider moved to find that the complaint was filed on justifiable grounds and the matter ordered to proceed to a public hearing. Member Watson seconded the motion which passed by roll call vote of 8-0.

With there being no further business before the Board, Member Watson moved to adjourn until Thursday, January 16, 2014 at 1:00 p.m. Vice Chairman Scholz seconded the motion which passed unanimously. The meeting adjourned at 2:05 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert T. Borgsmiller, Executive Director