

STATE BOARD OF ELECTIONS
Regular Board Meeting
Thursday, January 12, 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
Darlene Gervase, Administrative Assistant II

The meeting convened at 10:04 a.m. with eight Members present in Chicago. The Springfield office was connected via videoconference.

The Chairman opened the meeting by leading everyone in the Pledge of Allegiance to the flag.

Vice Chairman Smart moved to recess the State Board of Elections and convene as the State Officers Electoral Board. Member Scholz seconded the motion which passed unanimously.

The meeting recessed at 10:05 a.m. and reconvened at 11:20 a.m. Upon reconvening the Board agreed to take a break. Meeting recessed at 11:20 a.m. and reconvened at 11:35 a.m.

Director Borgsmiller presented a listing of candidates who face potential ballot forfeiture and indicated as of this morning the last candidate had paid his fine and therefore this was no longer an issue. Discussion continued on contacting the county clerks and ensuring they were aware of candidates within their jurisdiction who were affected by this issue.

Director Borgsmiller presented for Board approval the certification of the March 20, 2012 General Primary Election ballot indicating this did not include congressional candidates. Vice Chairman Smart moved to certify the March 20, 2012 ballot as presented. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel addressed the issue of handling withdrawals which are received subsequent to certification. The Board agreed to continue with past practice and any withdrawals received would be presented at the January 17 meeting and any received

beyond that date will be presented at the next Board meeting following the Jan. 17th meeting. A short discussion ensued on Republican and Democratic rules for delegates.

The General Counsel presented agenda item 3.a.1, *SBE v. Local 705 Teamsters Political Action Committee B*, indicating that the committee asked this be held over to the February meeting.

The General Counsel presented agenda item 3.a.2, *SBE v. Lake County Life PAC*, an appeal of a campaign disclosure fine. Tom Brejcha was present on behalf of the committee and discussed the committee's activities and asked that the fines be reduced to \$125 and \$25. After further discussion on the reports that were due and dates of the filings, Mr. Brejcha agreed on an offer of \$575. Vice Chairman Smart then moved to accept the settlement offer of \$575. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented agenda item 3.a.3, *SBE v. Local Union 792 Political Action Fund*, an appeal of a campaign disclosure fine. Mr. Sandvoss summarized the committee activities and stated that he concurred with the recommendation of the hearing officer that the appeal be denied but stayed as a first violation. Brad Long was present on behalf of the committee and agreed with the hearing officer's recommendation. Vice Chairman Smart moved to accept the recommendation of the hearing officer. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented agenda item 3.a.4, *SBE v. Progressive Alliance*, an appeal of a campaign disclosure fine and discussed the committee's filing violations. The hearing officer recommended that as to the first allegation the penalty be granted consistent with past decisions where the computer filing defense was raised, but the second part be denied because committees are expected to know the filing requirements. No one was present on behalf of the committee. Vice Chairman Smart moved to accept the recommendation of the hearing officer. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented agenda item 3.a.5, *Thompson v. Gorman*, a complaint following public hearing. Mr. Richard Means was present representing the complainant. It was noted that Mr. Odelson, representative for the respondent, had indicated he would not be present today. Member Gowen recused himself from this matter. Mr. Sandvoss summarized the complaint (which was filed two years ago) and the hearing officer's findings. Mr. Sandvoss concurred with the hearing officer's recommendation that no further action be taken by the State Board of Elections. Mr. Means indicated that the hearing officer did a very good job and although they didn't agree in every respect he agreed that it was time for this case to end. Vice Chairman Smart moved to accept the recommendation of the hearing officer and the matter be dismissed. Member Byers seconded the motion which passed by roll call vote of 7-0-1 with Member Gowen recusing himself.

The General Counsel presented a request for a final order assessing a \$400 penalty against the Family Taxpayer Networks Sponsored by the John Roeser committee.

Chairman McGuffage moved to assess the final order. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented for informational purposes a listing of committees that had paid civil penalties during the past month. Director Borgsmiller indicated that from October 4, 2011 through yesterday the fines that were paid totaled \$150,657.13 and it appears that the ballot forfeiture provision has obviously brought candidates in to pay their fines.

The Executive Director began his report indicating that staff has completed the four filing periods and discussed the success of the new procedures for petition copying and distribution. Jane Gasperin, Acting Director of Election Information, indicated the purchase of petitions on cd's outdid the purchase of paper copies. Discussion ensued on the possibility in future filings that petitions may be e-mailed, scanned petitions may be placed on our website and possibly even placing objections on the website. Information will have to be gathered prior to the finalization of any new filing procedures.

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

Director Borgsmiller reported on the meeting of the Advisory Committee which met that morning noting that representatives from three jurisdictions and Member Coffrin were present in Chicago. Ms. Cray indicated six jurisdictions were present in Springfield and noted the small attendance because of the bad weather. Discussions included military and overseas voters, legislation, the MOVE website, the statewide database, the proposed election management system project and the electronic canvassing program.

Ms. Cray presented the proposed legislative agenda and the LRB-ready language which was included in the Board packet. One piece of legislation still being prepared is a request from Chairman McGuffage about eliminating a \$10 election judge payment by eliminating an hour on election day. Discussion ensued on a few pieces of proposed legislation and Member Schneider questioned language in Article 9 that attaches a criminal penalty and noted that the State Board of Election is not a criminal prosecuting agency. Ms. Cray indicated she would review that. Vice Chairman Smart moved to adopt the legislative agenda. Member Rice seconded the motion which passed by roll call vote of 8-0.

Ms. Cray presented an update on the Campaign Finance Reform Task Force. The Task Force did release a report but it does not include a consensus recommendation regarding public financing. This report is over 200 pages and is on the SBE website.

Brent Davis presented an update on the electronic canvassing project noting that everything is on track for the March primary election. Mr. Davis noted his target date of February 15 to begin training the pilot jurisdictions.

Items presented for informational purposes included the IVRS update and an update on the comparison of census data and the number of registered voters in certain

jurisdictions. Discussion ensued on the situation in Alexander County and the county not having funds necessary to complete their purge.

Director Borgsmiller reported on the Springfield office relocation noting that the offices are starting to take shape. Mr. Roate updated the Board on the progress indicating the lease has been finalized and they are working on contracts to move the computer equipment. The target date for moving is approximately February 9 though the 13th. Mr. Borgsmiller indicated that we would be having a grand opening the day of the March Board meeting if all goes as planned.

The fiscal reports and two year plan of activity were presented for informational purposes.

Discussion ensued on possible meeting dates for objections that may be filed for presidential preference and delegate candidates. The Board agreed in addition to a meeting on January 17 for certification of the congressional candidates the Board will also convene January 24 at 11 a.m. to call any cases from the presidential and delegate filing period. The February meeting is scheduled for Wednesday the 22nd at 9 a.m.

The General Counsel noted for informational purposes that he just received notice that in the matter of the *Radogno* lawsuit, the plaintiff's filed a notice of appeal.

With there being no further business before the Board, Vice Chairman Smart moved to adjourn until January 17, 2012 at 10:00 a.m. or call of the Chairman, whichever occurs first. Member Scholz seconded the motion which passed unanimously. The meeting adjourned at 1:11 p.m.

Respectfully submitted,

Rebecca L. Glazier, Asst. to Executive Director
(prepared for Darlene Gervase)



Rupert T. Borgsmiller, Executive Director