

STATE BOARD OF ELECTIONS
Regular Board Meeting
March 21, 2011

MINUTES

PRESENT: Bryan A. Schneider, Chairman
Wanda L. Rednour, Vice Chairman
Patrick A. Brady, Member
John R. Keith, Member
William M. McGuffage, Member
Albert S. Porter, Member
Jesse R. Smart, Member
Robert J. Walters, Member

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

The regular meeting of the State Board of Elections was called to order via videoconference at 10:30 a.m. with all Members present. Chairman Schneider, Vice Chairman Rednour and Members Keith, Smart and Walters were present in Springfield and Members Brady, McGuffage and Porter were present in Chicago.

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

The minutes from the February 23 meeting were presented with revisions as noted. Member Smart moved to approve the minutes as submitted. Vice Chairman Rednour seconded the motion which passed unanimously.

The General Counsel presented *SBE v. Citizens to Elect Judge Raymond W. Mitchell, 22125*, 10AP061 which was an appeal of campaign disclosure fines carried over from the February meeting. Without objection the appeal was moved to the April Board meeting agenda at the request of counsel for the respondent.

The Chairman presented the following appeals of campaign disclosure fines that the hearing officer recommended be granted for agenda items 2.a.2-5: 2) *SBE v. Citizens for Bassi, 11481*, 10AP037; 3) *SBE v. Committee to Elect Judge John C. Griffin, 22187*, 10AP064; 4) *SBE v. Citizens for James Michael Bailey, 22332*, 10AP071; and 5) *SBE v. Friends of Terry MacCarthy, 22588*, 10AP085. The General Counsel concurred with the recommendation of the hearing officer in all these cases and no one was present for any of the respondent committees in these matters. Member Smart moved to grant the appeals for agenda items 2.a.2-5 with Member Keith's amendment that the reports recommended to be filed by the hearing officer and General Counsel be filed on or before the close of business April 29, 2011. Member Keith seconded the motion which passed by roll call vote of 8-0.

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

Vice Chairman Rednour moved to recess into executive session to consider complaints following closed hearing, imminent litigation and personnel matters. Member Walters seconded the motion which passed unanimously. The meeting recessed at 10:40 a.m. and reconvened at 1:46 p.m. Upon reconvening, a second roll call was taken with all Members present as noted in the first roll call.

Member McGuffage moved that the Board consult with the Attorney General and authorize the retention of outside counsel within the parameters of the present budget, for representation associated with the imminent litigation as discussed in executive session. The Vice Chairman seconded the motion which passed by roll call vote of 5-3 with Vice Chairman Rednour and Members Keith and Porter voting in the negative.

Member Keith moved to direct staff to take steps necessary to request an appropriation from the General Assembly of an additional one million dollars for litigation expenses during calendar year 2012. Vice Chairman seconded the motion which failed by roll call vote of 1-7 with all Members voting in the negative except for Mr. Keith.

As to case number *11CD003, Illinois Campaign for Political Reform, Morrison and Canary v. For a Better Chicago*, Member Keith moved to find that the matter was not filed on justifiable grounds and not proceed to a public hearing. Vice Chairman seconded the motion which passed by roll call vote of 6-2 with Vice Chairman Rednour and Member Walters voting in the negative.

As to case number *11CD004, Lifsics v. Concerned Citizens of the 50th Ward*, Member Keith moved to grant the motion by the complainant to amend their complaint to conform to the evidence presented in the closed preliminary hearing. Vice Chairman seconded the motion which passed by roll call vote of 8-0.

Also concerning case number *11CD004, Lifsics v. Concerned Citizens of the 50th Ward*, Member Keith moved to find that the complaint was filed upon justifiable grounds as to all matters except those relating to a separate bank account and use of a money order as payment of expenses and proceed to a public hearing on those matters as specified in the recommendation received from the General Counsel. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

As to case number *11CD005, Hammond v. Save 5 Acres*, Member Keith moved to find that the complaint was filed on justifiable grounds and the matter proceed to a public hearing. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

As to case number *11CD006, Schueppert v. Save 5 Acres, et al.*, Member Keith moved to find that the complaint was filed on justifiable grounds and the matter proceed to a public hearing. Vice Chairman seconded the motion which passed by roll call vote of 7-1 with Member Brady voting in the negative.

Member Keith moved to direct staff to take the steps necessary to assign the public hearings for case numbers 11CD005 and 11CD006 to the same hearing officer. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

As to case number *11CD007, Zurek vs. Your Village Your Voice & Friends of Barrett Pedersen*, Member Keith moved to find that the complaint was filed on justifiable grounds, that there is no need for a public hearing but such finding be posted on the website in accordance with the new statute and that there was no justifiable grounds on the issues relative to the attribution of source of payment on the yard signs. Vice Chairman Rednour seconded the motion which passed by roll call vote of 7-1 with Mr. Walters voting in the negative.

Without objection it was agreed to continue the consideration of proposed rule concerning the electronic filing defense to the April Board Meeting Agenda to allow adequate time to review the

rule and submit comments and questions to the General Counsel and Director of Campaign Disclosure.

The Executive Director began his Report with an update on the February 23, 2011 Consolidated Primary Election. Mr. Borgsmiller indicated the election went very well and very few calls were received by staff. As far as the precinct reporting update, Dianne Felts indicated the only jurisdiction where results were reported after 2:00 a.m. was the city of Chicago. Out of thirteen precincts, nine of those had corrupted data packs and three had issues with the DRE chip. One precinct arrived prior to 2:00 a.m. but was not reported until after that due to a data processing issue.

Mr. Borgsmiller presented a listing of election day staff assignments for the April 5, 2011 Consolidated Election and said both offices would be covered for that day. A request had been received today from St. Clair County requesting staff presence in their jurisdiction and Mark Mossman was in the process of following up on the request. It was noted that the election judge training schools conducted by staff throughout the State were well attended and are a worthwhile project.

Mr. Borgsmiller gave an update on the federal consent decree which required the SBE to conduct an investigation as to why UOCAVA voters in several counties were not provided their ballots in a timely manner. The thirty nine jurisdictions that did not get their ballots out in a timely fashion were contacted and Bernadette Harrington prepared and drafted the response. Mr. Borgsmiller commended Ms. Harrington for a job well done and her efforts in contacting the jurisdictions that did not respond right away. The report was filed and at this time the SBE has not received any feedback from the Attorney General's office or the Department of Justice. It was determined that one of the main reasons the ballots were not sent on time is because the deadline fell on a Saturday so many jurisdictions mailed them on Monday. In the future, we are going to send out reminder e-mails to the election authorities regarding the deadlines and advising them to mail out the ballots on Friday if the deadline falls on a Saturday when their offices will be closed. Without objection, the Board directed Mr. Borgsmiller to transmit the investigative report (minus the appendix) to all election authorities for informational purposes.

Cris Cray gave a legislative update and indicated that 167 election bills were introduced and that the legislature was currently on spring break. Mr. Borgsmiller testified at the Senate Appropriations Committee regarding the SBE's budget request for FY12. Several questions regarding the \$3.5 million that had been requested from Cook County to develop a new voter registration system were asked. Senator Rezin complimented the SBE staff for their timeliness and indicated that when people call the SBE they actually talked to staff. Ms. Cray also noted that Senator Dillard introduced another bill that would require candidates to submit their tax returns to the SBE for posting purposes, and has asked the SBE for input on drafting an amendment for the veto session. She thanked Steve Sandvoss, Kyle Thomas and Ken Menzel for their assistance in commenting on the various election bills as they came through.

The IVRS update was presented for informational purposes and it was noted that it was back on a downward trend.

Mr. Borgsmiller reminded the Board that a Special Meeting was needed in early May to certify the canvass for the Fox Waterway Agency Directors (Lake and McHenry Counties). It was agreed that the special Board meeting will be held on Friday, May 6 at 9:00 a.m. in Chicago and Springfield via videoconference. Another special meeting was also scheduled for Thursday, March 31 at 3:00 p.m. to consider any complaints following closed hearing that might be filed prior to that

day. Member Keith moved to direct staff to publish on the SBE website and any other appropriate manner that any complaints filed subsequent to 12:00 p.m. on March 25 will not be heard until the April meeting after the Consolidated Election on April 5. Member Smart seconded the motion which passed unanimously.

Mr. Borgsmiller informed the Board that the SBE was considering the use of social networking sites, such as Facebook and Twitter, to disseminate information to the public. Discussion ensued as to the pro's and con's of use of the sites and it was determined that staff would continue to research the project.

Penalty assessments was next on the agenda and Sharon Steward noted that she prepared a memo that was included in the Board packet regarding penalty assessments under the new law. She reviewed the suggested assessments for A-1, quarterly, B-1 and D-1 violations and the expiration of assessments. It was suggested that staff draw up guidelines as to determining when an appeal should be granted or denied and discussion ensued concerning the language. Staff was directed to proceed as outlined in the memo for assessments related to A-1 violations.

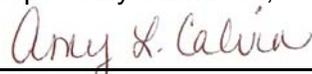
Mr. Borgsmiller gave a brief update on the Request for Information for VOSS and said that Rick Fulle was scheduled to meet with the Chief Fiscal Officer to discuss the items that should be included in the Request.

The lump sum update was presented and it was noted that figures for election judge reimbursement from the February Consolidated Primary Election had been compiled. Mr. Borgsmiller indicated that election judge reimbursement from the April Election should be covered as well.

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

With there being no further business before the Board, Vice Chairman Rednour moved to adjourn until March 31, 2011 at 3:00 p.m. in Chicago and Springfield via videoconference or the call of the Chairman, whichever occurs first. Member Smart seconded the motion which passed unanimously. The meeting adjourned at 2:40 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert T. Borgsmiller, Executive Director