

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

2329 S. MacArthur Blvd.  
Springfield, Illinois 62704-4503  
217/782-4141 TTY: 217/782-1518  
Fax: 217/782-5959

James R. Thompson Center  
100 W. Randolph St, Ste 14-100  
Chicago, Illinois 60601-3232  
312/814-6440 TTY: 312/814-6431  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Rupert T. Borgsmiller

BOARD MEMBERS

William M. McGuffage, Chairman  
Jesse R. Smart, Vice Chairman  
Harold D. Byers  
Betty J. Coffrin  
Ernest L. Gowen  
Judith C. Rice  
Bryan A. Schneider  
Charles W. Scholz

- AMENDED -

AGENDA  
STATE BOARD OF ELECTIONS  
BOARD MEETING  
Tuesday, April 16, 2013  
10:30 a.m.

James R. Thompson Center – Room 9-040  
Chicago, Illinois  
and via videoconference  
2329 S. MacArthur Blvd.  
Springfield, Illinois

Roll call.

1. Approval of the minutes from the March 18 and April 4 meetings. (pgs.1-7)
2. Report of the General Counsel
  - a. Campaign Disclosure;  
Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeals be granted
    - 1) *SBE v. Williamson County Democratic Central Committee, 1154, 13AD002; (pgs.8-15)*
    - 2) *SBE v. Kuspa for Mayor, 21189, 12SQ102; (pgs.16-18)*
    - 3) *SBE v. Citizens for John M. Cabello, 22261, 13AD005; (pgs.19-22)*
    - 4) *SBE v. Friends of Donahue Campaign Committee, 22627, 12AM101; (pgs.23-25)*
    - 5) *SBE v. Friends of Sherman C. Jones, 22764, 12AS031; (pgs.26-31)*
    - 6) *SBE v. Citizens for Tom Caravette, 22906, 12MQ217 & 12SQ134; (pgs.32-37)*
    - 7) *SBE v. Committee to Elect Nathaniel R. Howse, 23715, 12AS035; (pgs.38-45)*
    - 8) *SBE v. Citizens for Ramiro Juarez, 23882, 12AS038; (pgs.46-51)*  
Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeals be denied
    - 9) *SBE v. IL Home Builders Political Education Committee, 295, 12MA096; (pgs.52-54)*
    - 10) *SBE v. Bridge Structural & Reinforcing Iron Work, 1035, 12SQ017; (pgs.55-57)*
    - 11) *SBE v. Tax Accountability, 7054, 12SQ031; (pgs.58-60)*
    - 12) *SBE v. Committee for a Better Berwyn, 14895, 12SQ043; (pgs.61-63)*
    - 13) *SBE v. Friends of George A. Cardenas, 17290, 12MA044; (pgs.64-70)*
    - 14) *SBE v. Macon County Farm Bureau Political Committee, 18247, 12SQ066; (pgs.71-73)*
    - 15) *SBE v. Polish American Congress PAC, 19460, 12SQ077; (pgs.74-76)*
    - 16) *SBE v. 32<sup>nd</sup> Ward Regular Republican Organization, 20557, 11MA105; (pgs.77-83)*

- 17) *SBE v. Lakefront Democratic Fund*, 20744, 12JQ063; (pgs.84-86)
  - 18) *SBE v. Committee to Elect Judge Shapiro*, 20755, 12JQ186; (pgs.87-90)
  - 19) *SBE v. Friends of Dan Sugrue*, 21181, 12SQ101; (pgs.91-95)
  - 20) *SBE v. Citizens to Elect Brian R. McKillip*, 21704, 12SQ111; (pgs.96-98)
  - 21) *SBE v. Committee to Elect TFPD Trustee*, 22885, 12SQ133; (pgs.99-102)
  - 22) *SBE v. Citizens to Elect Bellar*, 23011, 12AJ075; (pgs.103-108)
  - 23) *SBE v. Sherlock for Appellate Court*, 23830, 12SQ156; (pgs.109-111)
  - 24) *SBE v. Committee to Elect Don R. Sampen to the Appellate Court*, 23945, 12SQ160; (pgs.112-114)
  - 25) *SBE v. Citizens for Laura Reigle*, 24072, 12SQ165; (pgs.115-117)
  - 26) *SBE v. Oppose Property Tax Increase for School Dist. 67 Taxpayers a.k.a. For the Children*, 24273, 12MA117; (pgs.118-122)
  - 27) *SBE v. Hanover Township Election Victory Fund*, 24449, 12JQ178 & 12AJ074; (pgs.123-126)
  - 28) *SBE v. Claahsen for City Council NFP*, 24499, 12SQ188; (pgs.127-129)
  - 29) *SBE v. Citizens for Polites*, 24524, 12MA121; (pgs.130-132)
- Appeals of campaign disclosure fines – new appeals – hearing officer recommendation appeals be granted and denied
- 30) *SBE v. Friends of George A. Cardenas*, 17290, 12MA102; (pgs.133-136)
  - 31) *SBE v. Citizens to Elect Stanley L. Hill*, 23662, 12MA111; (pgs.137-140)
- Other campaign disclosure items
- 32) Payment of civil penalties – informational; (pg.141)
- Complaints following closed preliminary hearing (separate packet)
- 33) *Cicero Voter's Alliance v. Seniors for Starzyk*, 13CD096; (pgs.1-6)
- Complaints following closed preliminary hearing – hearing officer recommendation complaints be upheld but no further action beyond the imposition of a civil penalty
- 34) *SBE v. Friends of Zachery C. Wilson*, 13CD027; (pgs.7-8)
  - 35) *SBE v. Prairie Green of East Central IL*, 13CD032; (pgs.9-11)
  - 36) *SBE v. Citizens to Elect Laura C. Tomsy*, 13CD046; (pgs.12-13)
  - 37) *SBE v. Citizens for Stefani*, 13CD047; (pgs.14-15)
  - 38) *SBE v. Citizens for Cecil Todd Emery for Sheriff*, 13CD050; (pgs.16-18)
  - 39) *SBE v. Friends of Ed Michalowski*, 13CD053; (pgs.19-21)
  - 40) *SBE v. Friends of Molly Phelan*, 13CD057; (pgs.22-24)
  - 41) *SBE v. Southland Democrats*, 13CD060; (pgs.25-27)
  - 42) *SBE v. Friends of Vetress Boyce*, 13CD064; (pgs.28-30)
  - 43) *SBE v. Friends of Rhymefest*, 13CD065; (pgs.31-33)
  - 44) *SBE v. Open Government Party*, 13CD067; (pgs.34-36)
  - 45) *SBE v. John P. Tully for Supreme Court*, 13CD080; (pgs.37-39)
- Complaints following closed preliminary hearing – hearing officer recommendation complaints be upheld and proceed to a public hearing
- 46) *SBE v. Illinois School Psychologists PAC*, 13CD006; (pgs.40-43)
  - 47) *SBE v. Committee Re-Elect Mike Slape*, 13CD009; (pgs.44-47)
  - 48) *SBE v. Pulaski County Republican Boosters Club*, 13CD012; (pgs.48-51)
  - 49) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 13CD031; (pgs.52-55)
  - 50) *SBE v. Friends of Kenny Johnson*, 13CD034; (pgs.56-58)
  - 51) *SBE v. Citizens United for Change in the 20<sup>th</sup> Ward*, 13CD036; (pgs.59-61)
  - 52) *SBE v. Taxpayers United for Fairness*, 13CD039; (pgs.62-64)
  - 53) *SBE v. Oak Lawn Leadership Team*, 13CD045; (pgs.65-67)
  - 54) *SBE v. Illinois Black Business PAC*, 13CD055; (pgs.68-71)
  - 55) *SBE v. Education First Party*, 13CD068; (pgs.72-75)
  - 56) *SBE v. Friends of Dick Breckenridge*, 13CD069; (pgs.76-79)
  - 57) *SBE v. Tammy Bar for Douglas County State's Attorney*, 13CD081; (pgs.80-83)
  - 58) *SBE v. Friends of Tom Bucher*, 13CD084. (pgs.84-87)

3. Report of the Executive Director
  - a. 2013 Elections update;

- 1) April 9 post-election report; (attached)
    - 2) Voting system pre-testing; (pgs.142-143)
    - 3) Election judge training schools – informational; (pg.144)
  - b. Consideration of ES&S SSL Certificates for AccuVote and TSX machines; (pg.145)
  - c. Legislative update; (oral report)
  - d. Judicial Privacy Act – Redaction; (attached)
  - e. IVRS update – informational; (pgs.146-149)
  - f. Census data versus registered voters; (pg.150)
  - g. Fiscal status reports – informational;
    - 1) FY13 – month ending March 31; (pgs.151-158)
    - 2) FY13 – Help Illinois Vote Fund; (pgs.159-164)
  - h. Two year plan of staff activity for the months of April & May – informational. (pgs.165-169)
4. Follow up; (pg.170)
  - a. Compliance with the IL Procurement Code. (attached)
5. Comments from the general public. (pg.170)
6. Next regular Board meeting at 10:30 a.m. on Monday, May 20, 2013 in Springfield. (pg.170)
7. Executive session. (pgs.171-178)

# State Board of Elections



*From the desk of....Jane Gasperin*  
*Phone: 217-782-1555*  
*Email: [jgasperin@elections.il.gov](mailto:jgasperin@elections.il.gov)*

**To:** Rupert Borgsmiller, Executive Director  
**Re:** 2013 Consolidated Election Post Election Report  
**Date:** April 10, 2013

The Springfield Office was staffed from 5:30 a.m. to 10:00 p.m. and the Chicago Office was staffed from 6:00 a.m. to 9:00 p.m. Phone traffic was reasonably light with a total of 72 calls combined between both offices. The subject matter of those calls was consistent with the questions and complaints that are typically presented on Election Day.

Common issues included:

- Campaign Free Zone – electioneering going on within the 100 ft zone where it is prohibited, as well as several instances where the callers were confused regarding the option for churches and private schools to ban electioneering all the way to the borders of their property.
- Photos taken of ballots – voters taking photos in the voting booth of their voted ballots and posting them to social media sites.
- Registration – questions regarding eligibility to vote if they have moved, or if their status is inactive.
- Polling place lookup

Some jurisdictions reported issues where units of government had been omitted from the ballot for some voters. In some cases, the correct ballots were obtained from other precincts, or DRE's were used in lieu of optical scan ballots. In other places the jurisdictions opted to use paper ballots with the additional office or question.

Eric Donnewald was a field representative stationed in East St. Louis, at the request of that jurisdiction. He reported very low turnout and activity to be very slow. Eric continues to report that ballots containing write-in votes are being counted at the central counting station in East St. Louis, rather than at the polling places. East St. Louis BOEC Executive Director Kandrise Mosby is aware of the SBE staff's position on processing write-in votes at the precinct polling place, as per article 24B-10.1 of the Election Code.

Amy Kelly was stationed in Kankakee County, at the request of County Clerk Bruce Clark. Since several members of the county staff are new and are still learning election procedures, much of Amy's time was spent providing them assistance in answering questions. Amy also reported that two precincts had some ballots which had omitted some of the candidates for office. Please see the separate report submitted by Dianne Felts for clarification on that matter.

I would like to request a special board meeting for May 10<sup>th</sup>, to proclaim the winners of the Fox Waterway Agency and the 2<sup>nd</sup> Special Congressional Election.

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## INTEROFFICE MEMORANDUM

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To: Rupert T. Borgsmiller, Executive Director

From: Dianne Felts, Director of Voting Systems and Standards (VOSS)

Subject: Kankakee Ballots for CE 2013

Date: April 12, 2013

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Kankakee County had a ballot problem on Election Day. Apparently, the appellate court put some candidates from the village of Bradley back on the ballot late in the election cycle. It was discovered on Election Day that in a few of the shrink wrapped packages the top and bottom of the stack was the new and revised ballots while some in the middle of the same stack was the initial or old ones. This situation only occurred in two out of thirteen precincts. Attached is the vendor, GBS' report of what happened to cause this ballot mix-up in a single stack.

**From:** Larry Calvert [<mailto:lcalvert@gbsvote.com>]  
**Sent:** Wednesday, April 10, 2013 9:33 AM  
**To:** Felts, Dianne  
**Subject:** Follow-up regarding Village of Bradley - Kankakee County

Good morning Dianne.

Larry Mandel asked that I respond to you regarding the ballot printing issue in Kankakee County.

We reconstructed the events yesterday evening that led to this situation and determined the following events occurred:

1. The ballot printing error occurred in two precincts for the Village of Bradley – Bourbonnais 18 Style 86 and Bourbonnais 19 Style 86. In those two precincts there were ballots included that did not list candidate Watson and candidate Burke.
2. GBS was advised of a ballot reprint on March 25<sup>th</sup> for 13 precincts in the Village of Bradley due to the addition of candidate Watson for Village President and candidate Burke for Village Clerk. The ballots were reprinted on March 26<sup>th</sup> to include the additional candidates.
  - a. Test Decks were also created and printed. The test decks were scanned and tested with the revised database and memory cards.
  - b. On March 27<sup>th</sup> the county ordered additional ballots for Village of Bradley precincts. The additional ballots ordered on March 27<sup>th</sup> were printed from the original ballot artwork files for Bourbonnais 18 (style 86) and Bourbonnais 19 (Style 86). These ballots did not include candidate Watson and candidate Burke.
  - c. The reprinted ballots and the additional ballots ordered were packaged together and delivered to the county.
  - d. This was a printing error that occurred at the print facility. It was a quality control error that should have been caught prior to shipment.
3. Personnel from the Clerk's office visited each polling location for the Village of Bradley and inspected all of the ballots to insure that all candidates were listed for Village President and Village Clerk.
  - a. Replacement ballots were printed and delivered to the precincts as needed.

Summary: There were two precincts impacted by this issue – Bourbonnais 18 Style 86 and Bourbonnais 19 Style 86. The ballots in all precincts were inspected to verify and confirm that all candidates were listed and correct. The Election Judges were instructed and reminded to verify that every ballot issued to the voter was correct and included all candidates for Village President and Village Clerk. The remaining 11 precincts in the Village of Bradley were correct and did not experience any problems.

It is our understanding that there were approximately 50 total ballots incorrectly printed and removed from Bourbonnais 18 and Bourbonnais 19.

Regards,

**Larry Calvert**  
**Director of Election Services**



770 Front St.  
Lisle, IL 60532

630.241.4290 Office  
331.481.1993 Mobile

**STATE BOARD OF ELECTIONS**  
**2329 South MacArthur Blvd.**  
**Springfield, Illinois 62704**  
**217/782-4141**

**Sharon Steward**

**Director, Division of Campaign Disclosure**

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To: Members of the Board, Rupert T. Borgsmiller, Executive Director, & Steve Sandvoss, General Counsel

Re: Judicial Redaction

Date: April 9, 2013

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Pursuant to the Judicial Privacy Act, Public Act 097-0847, the Division of Campaign Disclosure has received requests from nine judges to remove personal information from the SBE website. Home addresses have been redacted from all website entries as well as from any D-1 Statements of Organization that had previously been scanned and placed on the website. The personal information was redacted from those documents and then rescanned for display on the website.

The Division of Election Information has also redacted information from candidate filings, objections, and petition requests.

We will continue to do so as requests come to us. These requests are coming directly to us as a result of a mailing to all affected parties by the Administrative Office of the Illinois Courts of the memo prepared by the SBE outlining what information was necessary for the Campaign Disclosure Division of the SBE to comply with the new law.

The capability to redact from the website was accomplished by the IT Department several months ago. The redaction program does not actually erase the redacted information; it simply no longer allows it to be displayed.

# **STATE BOARD OF ELECTIONS**

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**MEMORANDUM**

*From the desk of:  
Rupert T. Borgsmiller, Executive Director*

**TO:** Chairman McGuffage  
Vice Chairman Smart  
Members of the Board

**SUBJECT:** Compliance with the IL Procurement Code

**DATE:** April 12, 2013

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On Friday, April 12<sup>th</sup>, Steve Sandvoss, Mike Roate and I met with Matt Brown regarding the applicability of the Illinois Procurement Code to the SBE. Mr. Brown outlined several scenarios regarding the SBE's applicability and I extended to Matt the option of appearing before the Board to discuss these issues. Matt has accepted my invitation and will appear before the Board at the April 16<sup>th</sup> Board Meeting.

For your convenience I have included Matt's letter dated March 1, 2013 and the SBE's response of April 3<sup>rd</sup>.





**CHIEF PROCUREMENT OFFICE**  
Matt Brown, General Services

State Board Of Elections

MAR 01 2013

March 1, 2013

Office of Executive Director

Rupert T. Borgsmiller  
Executive Director  
Illinois State Board of Elections  
2329 S. MacArthur Boulevard  
Springfield, Illinois 62704

Re: Follow up February 13 and Informal Attorney General Opinion 12-016

Dear Director Borgsmiller:

Thank you for meeting with me on February 13 to discuss the Attorney General opinion regarding the applicability of the Illinois Procurement Code to the Illinois State Board of Elections.

As we discussed, the Attorney General determined the Procurement Code's exemption for executive branch constitutional officers did not apply to the State Board of Education and that the Board was subject to the Code. The Attorney General concluded the Chief Procurement Office and the Executive Ethics Commission are required to appoint a State Purchasing Officer (SPO) and a Procurement Compliance Monitor (PCM) for the State Board of Education. Similarly, I believe that a SPO and PCM needs to be appointed to oversee procurements at the Board of Elections.

You asked for information on how introducing a SPO and PCM into the Board of Elections would functionally occur and what the expectations would be from the CPO's office. The Code provides for the CPO to exercise all procurement authority created under the Code. SPOs exercise procurement authority at the direction of the CPO. Generally, an SPO is involved at 4 different stages of an agency's procurement (which is reflected in the SPO Determination Form we discussed, a copy of which I have included with this correspondence). The first step an SPO approves an agency's procurement method, that is how the agency will procure an item (Invitation for Bid, Request for Proposal, Professional and Artistic, Emergency Purchase, Small Purchase, or Sole/Sole Economically Feasible). At the second step, the SPO provides guidance on specifications and evaluation criteria and evaluation tools. The SPO reviews, approves and posts to the Illinois Procurement Bulletin the solicitation document. At Step 3, the SPO reviews, approves, and posts an agency's decision to award. At Step 4, the SPO provides the written determination required by the Procurement Code for the agency to enter into a contract.

Other areas where you would expect to see involvement from the CPO's Office:

1. Disclosure, conflict of interest and prohibited political contribution review;
2. Small Business Set-Aside Program and Small Business Contracts Act;
3. Sole source and emergency contract extension hearings;
4. Information collection for General Assembly reports; and
5. Protest resolution.



## CHIEF PROCUREMENT OFFICE

Matt Brown, General Services

The CPO Office is not involved in those transactions which are exempt from the Procurement Code, such as grant agreements, intergovernmental agreements, hiring of employees, contracts necessary in anticipation of litigation, etc. The CPO does have the right to access records to ensure an agency has properly classified a transaction as exempt from the Code.

With regard to Procurement Compliance Monitors, they have duties under the Code that include:

1. review any procurement, contract, or contract amendment as directed by the Executive Ethics Commission or a chief procurement officer;
2. report any findings of the review, in writing, to the Commission, the affected agency, the chief procurement officer responsible for the affected agency, and any entity requesting the review;
3. review contracts or contract amendments prior to execution to ensure that applicable procurement and contracting standards were followed;
4. attend any procurement meetings;
5. access any records or files related to procurement;
6. issue reports to the chief procurement officer on procurement issues that present issues or that have not been corrected after consultation with appropriate State officials;
7. ensure the State agency is maintaining appropriate records; and
8. ensure transparency of the procurement process.

It is my understanding you will be discussing this issue with your board on March 18. If you should have any questions or need additional information, please contact either myself or Margaret van Dijk, my Senior Policy Advisor, at (217) 558-2231. I look forward to hearing back from you after the board meeting on March 18.

Very truly yours,

Matt Brown  
Chief Procurement Officer General Services

Enc. SPODF

cc: Chad Fornoff, Executive Ethics Commission

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April 3, 2013

Matt Brown – Chief Procurement Officer, General Services  
Executive Ethics Commission  
712 William Stratton Building  
Springfield, IL 62706

Dear Mr. Brown,

At its regular monthly meeting held on March 18, 2013, the Members of the State Board of Elections (“the Board”) considered Attorney General Opinion I-12-016 which was issued to the Executive Ethics Commission and the Illinois State Board of Education (“the Opinion”) and that was included with your recent correspondence to the State Board of Elections (“SBE”). As you are aware, this opinion addressed the issue of whether Sections 10-10 and 10-15 of the Illinois Procurement Code (“the Code”) as amended by P.A. 97-895 apply to the State Board of Education. Based on the reasoning contained in the Opinion, you concluded that the Sections of the Procurement Code cited above also apply to the SBE. The Board however does not concur with your conclusion. The Board took the position that since the Opinion only analyzed the provisions of the Code with regards to the Board of Education, and did not take into account the unique nature and function of the SBE, that it is questionable at best as to whether the SBE is in fact covered by the relevant provisions of the Code.

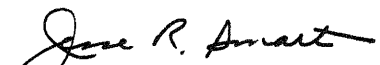
The State Board of Elections is an independent State agency created by the 1970 Illinois Constitution, and its independence was affirmatively declared by the Supreme Court in its 1977 decision Lunding v. Walker, 65 Ill.2d 516. While it is true that the Code includes State agencies created by the Constitution in its definition of “State agency”, the Board believes that its independent, non-partisan nature exempts its purchasing authority from being subject to the Code provisions cited above. The Board believes that it is more akin to the Constitutional officers who are explicitly exempt from the Code. They feel quite strongly that the Opinion is limited to the State Board of Education and that the SBE is distinguishable from the Board of Education in terms of the SBE’s independent nature. It should be noted that the SBE has promulgated its own procurement rules which were approved by the Joint Committee on Administrative Rules. It should also be noted that the Board’s salary is determined by the Compensation Review Board whereas the Board of Education’s is not. In addition, it was noted that the Board of Education reports directly to the Governor whereas the SBE is insulated from Gubernatorial influence as stated in Lunding.

Lastly, the Board strongly believes that it is and always has been in full compliance with the Procurement Code in terms of its purchasing decisions. The Board has never been found by any auditing entity to be in violation of any Code provision, and it fully intends to follow proper procedures with regards to all future procurements.


If you would like to discuss this further, we cordially invite you to attend a future meeting of the State Board of Elections.

Sincerely,

  
William M. McGuffage, Chairman

  
Jesse R. Smart, Vice Chairman

  
Rupert T. Borgsmiller, Executive Director

  
Steven S. Sandvoss, General Counsel