

STATE BOARD OF ELECTIONS  
Regular Meeting  
Friday, April 18, 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

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The meeting convened at 9:30 a.m. with seven Members present in Chicago. Vice Chairman Scholz was present via videoconference in the Springfield office.

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

Member Gowen moved to approve the minutes from the March 17 meeting. Member Coffrin seconded the motion which passed unanimously.

Executive Director Borgsmiller presented the canvass of the official results from the March 18, 2014 General Primary Election. He noted that 18.09% of voters participated in the election which was the lowest voter turnout for a primary election since 1960. He said this was the first election where the entire canvass was submitted electronically and felt the system worked very well. Jane Gasperin commended Brent Davis and Kim Watkins for getting the totals together and said she was pleased with the system. Member Byers moved to proclaim the results from the March 18, 2014 General Primary Election. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

A motion for reconsideration for Agenda item 3.a.1, *SBE v. Citizens for Alderman Reilly, 19263*, 13MA001 was presented and the General Counsel recommended the motion be granted because of a calculation error in the initial penalty assessment. No one was present on behalf of the committee. Member Gowen moved to grant the motion for reconsideration. Member McGuffage seconded the motion which passed by roll call vote of 8 - 0.

A motion for reconsideration for Agenda item 3.a.2, *SBE v. Friends of Kelvin Oliver, 25189*, 13MA106 was presented and the General Counsel recommended the motion be granted because of a misunderstanding on the date the hearing was to be held. Kelvin Oliver was present on behalf of the committee and agreed with the recommendation. Member Coffrin moved to grant the motion for reconsideration. Member Byers seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented a settlement offer for Agenda item 3.a.3, *SBE v. Clean Energy Illinois, 24433*, 13SQ159 and recommended the offer be accepted because the amount offered was in excess of 50% of the penalty assessment, an amount accepted in past settlement offers. Member Gowen moved to accept the settlement offer. Member McGuffage seconded the motion which passed by roll call vote of 8 - 0.

A request for payment plan for Agenda item 3.a.4, *SBE v. Committee to Elect Germain Castellanos*, 20669, 13SQ078 was presented and the General Counsel recommended the plan be accepted as submitted. Member Coffrin moved to approve the payment plan from the above noted committee. Member Byers 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 for Agenda items 3.a.5-6, *SBE v. Friends of Dave Wentz Campaign Committee*, 20635, 13SQ077 and *SBE v. African American Clergy Coalition*, 25243, 13AS028. No one was present on behalf of the respondent committees. Member Byers moved to grant the above noted appeals. Member Watson seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented Agenda item 3.a.12, *SBE v. Citizens for Marc Voegele*, 24454, 13MA098 and concurred with the hearing officer recommendation to deny the appeal. He also recommended the settlement offer of the amount of the remaining funds balance be granted or, in the alternative, the committee dissolve and, if they agree to remain inactive for a period of two years, the penalty would be abated. Marc Voegele was present on behalf of the committee and agreed with that recommendation and stated that the Committee had filed a final report. Vice Chairman Scholz 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 Agenda item 3.a.9, *SBE v. Friends of JoAnn Thompson*, 16425, 13AJ059 and concurred with the hearing officer recommendation to deny the appeal. JoAnn Thompson and Carla Rogers were present and offered a settlement amount of 50% of the penalty. Member Schneider moved to accept the recommendation of the General Counsel and the 50% settlement offer. Member Gowen seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented Agenda item 3.a.11, *SBE v. Citizens for Laura Reigle*, 24072, 13SQ145 and concurred with the hearing officer recommendation to deny the appeal, however, in light of the final report that was filed, the fine would be abated if the committee remain inactive for two years. Bruno Behrend was present on behalf of the committee and agreed with that recommendation. Member Coffrin moved to accept the recommendation of the General Counsel. Member McGuffage seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented Agenda item 3.a.13, *SBE v. Friends of Tiffani L. Graham to Trustee of the Village of Park Forest*, 25326, 13MA109 and concurred with the hearing officer recommendation to deny the appeal. Dan Graham was present on behalf of the committee and said this was the first time his daughter ran for office and the late filings were unintentional. He also asked for leniency and that the violation be removed from the record. It was noted that the committee did not exceed the \$3,000 threshold requirement to file and they only created the committee to obtain a voter registration list. The committee did file quarterly and final reports when they appeared for the hearing. After discussion, Vice Chairman Scholz moved to grant the appeal. Member Byers 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 3.a.7, 8 & 10: *SBE v. Citizens to Elect Patrick M. Gordon*, 12404, 13SQ030, *SBE v. Citizens for Rick Vernier*, 12466, 13SQ031 & *SBE v. MC PAC*, 17797, 13SQ050. No one was present on behalf of the respondent committees. Member Gowen moved to deny the above noted appeals. Member Byers seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented Agenda item 3.a.14, *SBE v. Illinois Coin Machine Operators Association PAC*, 712, 13AS005 and concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in part. Kevin McFadden was present on behalf of the committee and also agreed with the recommendation. Member Byers moved to accept the recommendation of the General Counsel. Member Gowen seconded the recommendation which passed by roll call vote of 8 - 0.

The General Counsel presented a failure to comply with a board order for Agenda 3.a.15, *SBE v. Citizens to Elect Bridget Healy Ryan*, 17809, 13CD023. He recommended the board assess a \$5,000 penalty for failing to file the six reports at issue contained in the board order. No one was present on behalf of the committee. Member Coffrin moved to accept the recommendation of the General Counsel. Member McGuffage seconded the motion which passed by roll call vote of 8 - 0.

A listing of civil penalty assessments necessitating a final board order was presented. Member McGuffage moved to assess the civil penalties against those committees listed on page 60 of the board packet. Member Byers seconded the motion which passed by roll call vote of 8 - 0.

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

Member Schneider moved to recess to executive session to consider complaints following closed hearing. Member Watson seconded the motion which passed by roll call vote of 8-0. The meeting recessed at 10:15 a.m. and reconvened at 11:05 a.m. Upon reconvening, a second roll call was taken with the same attendance noted in the initial roll call.

As to Agenda item 3.a.18, *SBE v. United for Progress*, 13CD224, Member Schneider moved that the complaint be dismissed. Member Gowen seconded the motion which passed unanimously.

As to Agenda item 3.a.19, *Zurek v. Pedersen, et al.*, 14CD001, Member Schneider moved to find that the complaint was not filed on justifiable grounds and no further action be taken. Member Gowen seconded the motion which passed unanimously.

As to Agenda item 3.a.20, *Zurek v. Pedersen, et al.*, 14CD002, Member Schneider moved to find that the complaint was not filed on justifiable grounds for all matters except for count five concerning the reporting of a negative balance. However, no further action be taken because the appropriate amended filings have been made. Member Gowen seconded the motion which passed unanimously.

As to Agenda item 3.a.21, *Streit v. Sandra Bury for Mayor of Oak Lawn*, 13CD263, Member Schneider moved that the motion to reconsider be denied. Member Gowen seconded the motion which passed unanimously.

Agenda item 3.a.22, a status update was provided on *Reyes v. First Ward Organization*, 14CD005 & *Reyes v. 1<sup>st</sup> Ward Democratic Committeeman's Fund*, 14CD006 and the matters will be continued to the June meeting.

The Executive Director began his report with an update on the March 18, 2014 General Primary Election. He said the phones were relatively quiet and no major issues occurred. Jane Gasperin noted that the biggest complaint was the statewide Constitutional Petition circulators being present right outside some polling places. In response to an inquiry from Member Byers, Ms. Gasperin indicated she would follow up with the Attorney General's office to find out any reports, if any, from their watchers in the polling places.

Kyle Thomas discussed the late precinct reporting survey and said only two jurisdictions had election night returns after 2:00 a.m. DuPage County had three precincts with late returns because of failure of their tabulator data card to upload. The Chicago Board of Election Commissioners had twenty-three precincts with late returns as a result of human and mechanical errors with the upload.

The Executive Director presented the Rules of Procedure to Process a Petition to Place a Constitutional Amendment on the Ballot which was sent under separate cover. Mr. Sandvoss said this was a description of the procedures that staff will use once the petition is delivered to the SBE office. He reviewed the steps which include: filing, page inventory, scanning, determination of the eligible signature lines, application of random sample program, proponents/opponents registration, hearing examiner, determination of the validity of signatures and final determination and certification. Mr. Borgsmiller noted that if both petitions are filed, they will contain approximately 150,000 pages with an excess of 1 million signatures between the two. Mr. Sandvoss indicated he had a minor change in paragraph two under the Filing section and explained the first petition filed would be scanned and processed first followed by the second petition. Discussion ensued on the scanning process if two petitions are received. Member Coffrin moved to approve the above procedures with modifications as necessary. Member Schneider seconded the motion which passed by roll call vote of 8-0.

Next was a presentation from Hollister Bundy requesting SBE support of additional HAVA Section 261 funding. The Executive Director explained that the SBE received this funding through the years and have distributed five VAID grants to the election jurisdictions for polling place accessibility improvements. The VAID V grant is expiring December 1, 2014 and no future funding is expected. Mr. Bundy asked that the SBE compose a letter to Senator Durbin requesting his support in restoration of the HHS funding program. He said this funding was used for polling place accessibility improvements throughout the state, including: ramps, signs and alert systems; accessible voting booths and voting equipment; privacy screens, grips, etc. He felt it was vital that this funding be restored to continue accessibility improvements for elderly voters and those with disabilities. Vice Chairman Scholz moved to authorize staff to write the letter for restoration of the funds. Member McGuffage seconded the motion which passed by roll call vote of 7-1, with Member Byers voting in the negative.

The Executive Director presented the 2012 PEW Elections Performance Index for informational purposes. He said Illinois fared very well and increased by nearly 10 percentage points from the 2010 report in the areas of data completeness and voting information lookup tools. A link to the interactive website was included in the board packet for those interested in viewing the complete report.

Sharon Steward discussed random audits of political committees and said the selection of committees will be made on May 1. She asked that the Board approve of a 2% random selection which would affect approximately eighty committees. She also noted a few modifications to the audit procedures that are currently part of a proposed revision to the existing rules as they pertain to the audit process. Member Coffrin moved to approve the 2% random selection figure. Member Gowen seconded the motion which passed by roll call vote of 6-0, with Members Byers and McGuffage voting present.

Cris Cray began the legislative update and indicated that staff met with the House Appropriations Committee on April 9 and is scheduled to appear before the Senate Appropriations Committee on May 8. She said that the House Appropriations Committee asked for a listing of items that would be affected if the budget was cut by 20% and that report was submitted to the staff. Ms. Cray noted that a listing of election legislation was included in the board packet and that there was an active omnibus bill as well. The only item in that bill of concern to staff refers to the Electronic Registration Information Center (ERIC). Kyle Thomas explained that ERIC is a multistate project

that improves the voter matching capabilities for possible change of residence and also identifies through the Secretary of State Motor Vehicle Services those individuals who are not registered to vote. If Illinois chooses to join, a mailing is required to be sent by September 15 every two years prior to the General Election encouraging those individuals to register to vote. The initial membership fee would be \$25,000 and the estimated cost for the first mailing would be approximately \$400,000. The annual dues would be determined by the ERIC Board. Ms. Cray also reported that there will be two or three constitutional amendments on the General Election ballot from the General Assembly.

The Executive Director reported that work on the POVA system is progressing well and the deadline for completion is July 1. The information was submitted to Cook County and the City of Chicago for language translation and staff is waiting on them to complete their work. Mr. Thomas included a report/master project timeline in the board packet and responded to questions from the Board.

Mr. Thomas discussed the IVRS update and indicated that duplicate matches have increased slightly which is not unusual post-election when new registrations are being submitted. As to the census data versus registered voters, Jersey County is now at 98.85% due to continued work on their voter purge.

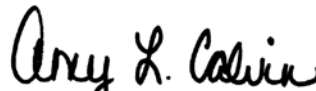
The Executive Director presented the Board Meeting schedule for FY15 and discussed the meeting dates for November and December. Those meeting dates are subject to change depending on when the Board proclaims the results of the General Election. Member Gowen moved to approve the FY15 Board Meeting schedule as submitted. Member Byers seconded the motion which passed unanimously.

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

A request to address the Board under comments from the general public was received from Sharon Meroni of Defend the Vote. Ms. Meroni discussed her thoughts on the emergency provisional ballot rules, the affect of not counting votes on provisional ballots for Constitutional Amendments, training of election judges, election judge manuals and voting equipment in Cook County and the City of Chicago.

With there being no further business before the Board, Member Byers moved to adjourn until 10:30 a.m. on Monday, May 19, 2014 in Springfield. Member McGuffage seconded the motion which passed unanimously. The meeting adjourned at 12:30 p.m.

Respectfully submitted,



Amy L. Calmin, Administrative Assistant II



Rupert T. Borgsmiller, Executive Director