

STATE BOARD OF ELECTIONS

April 19, 2011

MINUTES

PRESENT:

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

ALSO PRESENT:

Rupert Borgsmiller, Executive Director  
Steve Sandvoss, General Counsel  
Darlene Gervase, Administrative Assistant II

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Chairman Schneider called the meeting to order at 9:37 a.m. and led everyone in the Pledge of Allegiance to the flag. A quorum was present with Chairman Schneider, Vice Chairman Rednour, Members Keith, Porter, McGuffage and Smart in the Chicago office and Member Walters present in Springfield via videoconference. Member Porter arrived in the Chicago office at 10:53 a.m. Chairman Schneider held Member Brady's proxy until his arrival at 11:01.

The first order of business was to recess to executive session to discuss pending litigation. Member Keith so moved and Vice Chairman Rednour seconded the motion that passed unanimously by 8 ayes in unison. The Board recessed into Executive Session at 9:39 a.m.

The Board returned to public session at 10:59 a.m. Roll call was taken to ensure a quorum. A quorum was present with Chairman Schneider, Vice Chairman Rednour, Members Keith, Porter, McGuffage and Smart in the Chicago office and Member Walters present in Springfield via videoconference in Springfield. Member Brady arrived at 11:01 a.m.

The Chairman asked for motions following Executive Session. Member Keith moved to direct the General Counsel to contact outside legal counsel and coordinate with them to formulate the position and advocate the position adopted in Executive Session relative to the discussed pending litigation. Member Smart seconded the motion which passed unanimously by roll call vote.

Mr. Keith moved that the Chairman and Vice Chairman each appoint one member to a subcommittee to coordinate the Board's position with the General Counsel relative to that litigation who would then consult with outside counsel. Mr. Smart was the Chairman's choice and Mr. McGuffage, was the Vice Chairman's choice. Member Smart seconded the motion which passed 8-0 by roll call vote.

Chairman Schneider asked for a motion to adopt the minutes from the March 21 regular meeting and the March 31 special board meeting as amended by Member Keith. Vice Chairman Rednour so moved and Member Smart seconded the motion, which passed by 8 ayes in unison.

The Chairman indicated that an item on the Executive Director's report would be addressed first, as Kyle Thomas, who was presenting the report had experienced a death in the family and needed to return to Springfield. The Board offered its condolences and wanted to see him return to his family quickly. Mr. Thomas began by explaining the chart showing census data versus registered voters by election authority jurisdictions within the state. He found that in 15 jurisdictions the registered voters exceeded 100% the voting age population and letters were sent to those jurisdictions. Some responses related to purges not performed every 2 years as required by law. He added that in Clinton County, whose registration numbers were so high, all voter registrations regardless of status were submitted. Mr. Thomas will submit a monthly reporting regarding these 15 jurisdictions until their numbers are cleaned up. The Board again thanked Mr. Thomas and again offered sympathy for his loss.

Returning to the General Counsel's report, the Chairman called 2(a) 1 through 21 wherein the hearing officer recommended the appeals be granted and General Counsel Sandvoss concurred. Noted for the record were

appearances from Bridget Mitchell for the respondent in *SBE v. Citizens to Elect Judge Raymond W. Mitchell*, 22125, 11AP061; Michael Kasper for the respondent in *SBE v. Citizens for Fred Crespo*, 18583, 10AG016; and Anjana Hansen for the respondent in *SBE v. Patrick for Illinois*, 22116, 10AP060. The attorneys for the respondents agreed with the recommendations. Member Keith moved to accept the recommendations of the General Counsel and hearing officer in Items 1 through 21 and order that reports required to be filed according to the recommendation in Cases 15, 18, 19, 21 and any other reports be filed before close of business on May 20, 2011. Member Smart seconded the motion which passed 8-0 by roll call vote. Appeals were granted in: *SBE v. Citizens to Elect Judge Raymond W. Mitchell*, 22125, 10AP061; *SBE v. IL Coin Machine Operators Association PAC*, 712, 10AG005; *SBE v. Citizens for Lou Lang*, 1330, 10AP089; *SBE v. Ogle County Republican Central Committee*, 5091, 10GE009; *SBE v. Citizens for Viverito*, 6053, 10AG007; *SBE v. Friends for Lauzen*, 7463, 10AP091; *SBE v. Downers Grove Township Republican Ticket*, 8939, 11DS035; *SBE v. Citizens for Leuchtefeld*, 11445, 10AG009; *SBE v. Citizens to Elect LaShawn K. Ford*, 14021, 10AG012; *SBE v. Meijer PAC of Illinois*, 15453, 11DS060; *SBE v. Friends for Verschoore*, 17579, 10AG014; *SBE v. Friends for Lee Ann Goodson*, 18169, 10GE019; *SBE v. Citizens for Fred Crespo*, 18583, 10AG016; *SBE v. Committee to Elect Bill Berry*, 19193, 11DS091; *SBE v. State Council of IL Sheet Metal Workers PAC*, 19987, 10AG057; *SBE v. Patrick for Illinois*, 22116, 10AP060; *SBE v. Citizens for Jeffrey L. Junkas*, 22127, 10AG024; *SBE v. Friends of Robyn Gabel*, 22260, 10AP099; *SBE v. Citizens for Ray Pendzinski*, 22429, 10AG059; *SBE v. Committee to Elect Mike Cook*, 22570, 10GE040; *SBE v. Friends of Lynn Scott Pearson*, 22725, 10JS208.

New appeals of campaign disclosure fines wherein the hearing officer recommended the appeals be denied were considered. Chairman Schneider called items 2.a.26, *SBE v. Citizens for Sig*, 9379, 10JS222 and noted that Mr. Sig Vaznelis was present. Mr. Sandvoss summarized the appeal and agreed with the hearing officer that the appeal be denied and a penalty be assessed. A correction was made to the fine assessment as \$3,525 rather than the previous fine of \$8,225. Mr. Vaznelis indicated that they had problems with the software and had to fax the reports. Discussion ensued among the Board and Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and deny the appeal. Vice Chairman Rednour seconded the motion which passed 7-1 by roll call vote with Member Walters voting in the negative.

Chairman Schneider called 2.a.27, *SBE v. Citizens for Thaddeus Jones*, and noted for the record that Michael Kasper was present for the respondent. Mr. Sandvoss presented the case and agreed with the hearing officer's recommendation to deny the appeal and assess a penalty. Mr. Kasper spoke to the problems the committee encountered when attempting to file the Report and he indicated that a hearing was not held and only the documents presented constituted the appeal. Mr. Kasper stated that he was asked to represent the committee following the submission of the appeal. At the suggestion of Member Keith, he requested the matter be sent to a hearing officer for further hearing. Chairman Schneider ordered, without objection that the matter be remanded to a hearing officer for consideration of the appeal.

The General Counsel continued with Number 29, *SBE v. Citizens for David E. Miller*, 14923, 10AP043 and indicated it was an appeal of a civil penalty assessed for a late Schedule A-1 filing resulting in a \$3,000 civil penalty. The committee had requested a hearing, but failed to appear. The hearing officer based her recommendation on the appeal affidavit and recommended the appeal be denied for lack of an adequate defense but that the penalty be reduced to 10% of the original assessment or \$300. Mr. Sandvoss concurred and added that the lifting of the stay of a previously assessed penalty would result in a \$350 total penalty. The Chairman noted that Mr. James P. Nally was present on behalf of the committee. Mr. Nally agreed to abide by the hearing officer's recommendation. Member Smart moved to accept the hearing officer's and General Counsel's recommendations and deny the appeal. Member Porter seconded the motion which passed 8-0 by roll call vote.

The Chairman called Number 30, *SBE v. Zenovia G. Evans*, 10MA022. Mr. Sandvoss summarized the appeal and concurred with the hearing officer to deny the appeal and impose a civil penalty of \$13,625. Mrs. Zenovia Evans, Chairwoman of the committee was present and stated that they would like to dissolve the committee which had approximately \$1,500 in funds available, but they also have other outstanding debt. Andy Nauman, Assistant Director of Campaign Finance and Disclosure was asked to assist the Chairwoman in dissolving their committee. This matter was tabled pending discussion between the Chairwoman and Mr. Nauman.

Moving on to Number 31, *SBE v. Friends for State Representative Anthony DeLuca*, 10AG013, Mr. Sandvoss concurred with the hearing officer that four contributions were received one day late; that this was a second violation; that the appeal be denied for lack of an adequate defense; and that the penalty be reduced by 50% to

\$3,750. Mr. Michael Kasper, attorney for the respondent, stated that the contributions should be treated as one violation and the penalty should be 10% for a first violation. Member Smart moved to accept Mr. Kasper's argument and reduce the penalty to 10% of the total amount of the four contributions. Member McGuffage stated it was possible that the respondent misunderstood the new statute, which is rather confusing, and therefore agreed with Mr. Smart and seconded the motion. The Committee was assessed a \$750 penalty which is due and owing within 30 days of the Order. The motion was adopted 8-0 by roll call vote.

The Board considered Number 32, *SBE v. Little Rock 8 Republican PAC*, 11D101. In this case, the committee filed a statement of organization on January 25<sup>th</sup>, but did not exceed the \$3,000 threshold until April 20<sup>th</sup>. The committee argued they should be not penalized. Mr. Sandvoss recommended that although the Report at issue was not received by the SBE, since the committee stated under oath that the D-1 was sent on January 28<sup>th</sup>, the appeal should be granted. He also noted that if the report had been a semi-annual or pre election report they would have been eligible for an excusal under current rule. Deanna Mool, representing the committee was present in the Springfield office and agreed with the General Counsel. Member Walters moved to accept the recommendation of the General Counsel and Member Keith seconded. The motion passed unanimously by roll call vote and the appeal granted.

Mr. Walters advised the Board that Adam Brown was present in the Springfield office for Number 55, *SBE v. Friends of Adam Brown*, 21520, 10AG020. The hearing officer recommended the appeal be granted in part and denied in part. This appeal involved three in-kind contributions that were received in October, 2010. The chairman claimed the committee mistakenly used the dates listed on the in-kind notification form, rather than the dates the notification forms were actually received by the committee. Mr. Sandvoss concurred to grant the appeal as to two of the filings, but deny as to the third and apply the 10% reduction, which would result in a penalty of \$832; with such penalty being stayed. Mr. Brown disagreed with the hearing officer and general counsel's recommendations and requested the matter be returned to the hearing officer so he could present clarifying evidence. There being no objection, Chairman Schneider remanded the matter back to the hearing officer following the Mr. Brown's request to have an opportunity to secure counsel.

The Chairman recalled Number 30. Mrs. Evans indicated that she was prepared to dissolve the committee and turn the remaining funds over as a settlement of the fines in the amount of approximately \$1,588. Member Keith added that the fines will be abated if the committee remained inactive for two years. Member Keith so moved and Member Smart seconded the motion. Mrs. Evans confirmed that the committee intended to dissolve within 30 business days. The motion was adopted unanimously by roll call vote.

As to Number 35, *SBE v. Friends of Jehan Gordon*, the committee requested a postponement due to an emergency. Mr. Sandvoss had no objection and the Chairman ordered that matter be placed on the May regular Board meeting Agenda.

Chairman Schneider called *SBE v. Citizens to Elect Nicholas Karas*, 10AP074, and noted that Mr. James Nally was present for the respondent. Mr. Sandvoss concurred with the hearing officer that the appeal be denied as the law, at that time, stated that contributions received within any time between the beginning of the year and the date of the primary election had to be reported on a Schedule A-1. That law changed January 1, 2010. Mr. Nally argued that the Statute on Statutes made this filing unnecessary as it was outside the 30 days before an election, and it was timely filed on the D-2. Mr. Keith moved and Vice Chairman Rednour seconded the motion to deny the appeal resulting in an assessment of \$4,500, but that the assessment be stayed as a first violation. The motion passed 8-0 by roll call vote.

Mr. Sandvoss continued with Number 47, *SBE v. Friends of Peter Kramer*, 10AP080. The hearing officer recommended denial of the appeal for delinquently filing a Schedule A-1 before the 2010 General Primary. The committee contended it was received outside the 30-day window and therefore did not have to be file. As with the previous case, the hearing officer denied the appeal and recommended the penalty be reduced to 10% which would reduce the fine to \$6,000 and stayed as a first violation. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and deny the appeal. The motion passed 8-0 by roll call vote.

In the next appeal, *SBE v. Citizens for Frederick Collins*, 10AG033, a civil penalty was assessed for failing to file Schedule A-1s in connection with the 2010 General Election. One Schedule A-1 was received 13 days late; the other was 7 days late. The total assessment was \$8,575. The committee was advised that it had to file electronically as paper filings would not be accepted and be considered non-filings. Mr. Sandvoss agreed with the hearing

officer's recommendation to deny the appeal but reduce it to 10% of the original assessment resulting in a \$858 fine. Frederick Collins, the candidate and chairman of the committee was present. Mr. Collins disagreed with the recommendation and stated that he did not receive a letter from the Board stating that all future filings had to be made electronically. He indicated that they had problems filing A-1s on the old system and that no one could work the bugs out to allow the A-1 filings. Mr. Collins argued that there was no other way to file the A-1s so he faxed them (and stated that SBE staff told him this was permissible) and has the confirmations that they were timely faxed. Discussion was had by the Board. Member Smart moved to grant the appeal, seconded by Member Porter. The motion passed 6-2 by roll call vote. Members Keith and Walters voted in the negative.

Chairman Schneider called Number 48, *SBE v. Friends of Marla Wilson*, 10AG030 and noted that Michael Kasper was present for the respondent. Mr. Sandvoss stated that this was an appeal of a civil penalty for the late filing of a Schedule A-1 report involving two contributions received in October 2010. Respondent and Counsel attended the appeal hearing. Counsel indicated an A-1 was filed as soon as the respondent received notification of a wire transfer to or from another committee. On the basis that there was a substantial media buy transfer, the hearing officer inferred that respondent had some foreknowledge of the amount donated. The General Counsel concurred with the recommendation. Mr. Kasper indicated that the committee is currently active, but has no intention to remain active. Consistent with the previous discussion, he asked for a motion to adopt the recommendation of the hearing officer and General Counsel, assessing the penalty with the understanding that the funds available today will be paid within 30 days and the committee will dissolve within 30 days. Member Smart so moved and Vice Chairman Rednour seconded the motion. The motion passed unanimously by roll call vote.

The Chairman called Number 54 *SBE v. Friends of Dan Hynes*, 10AP039 and recognized Michael Kasper as present for the respondent. The treasurer appeared at the appeal hearing, which considered the four contributions that were not listed on a Schedule A-1 in connection with the 2010 General Primary Election. The hearing officer recommended granting the appeal as to the \$30,000 IPACE contribution based on the defense given and recommended the committee amend the report indicating the correct date of receipt. As to the remaining 3 others, he recommended that the appeal be denied, as no defense was offered, but to apply the 50% reduction which would result in a penalty of \$1,011, (a combination of these 3 assessments and the previous assessment). Mr. Sandvoss concurred. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel, deny the appeal in part, grant the appeal in part, and order an amended report be filed by May 20, 2011. Member Smart seconded the motion which passed 7-0-1 by roll call vote. Member McGuffage voted Present.

New appeals of campaign disclosure fines wherein the hearing officer recommended the appeals be denied were considered. General Counsel Sandvoss concurred with the recommendations of the hearing officers. Member Keith moved to adopt the recommendation of the hearing officers and the General Counsel and deny the appeals in cases 22, 23, 24, 25, 28, 33, 34, 36, 37, 39, 40, 41, 42, 43, 46, 50, 51 and 52. Mr. Smart seconded the motion which passed unanimously. Those cases are: *SBE v. Jackson County Republican Central Committee*, 358, 10AG002; *SBE v. Gallatin County Republican Central Committee*, 380, 10GE003; *SBE v. North Suburban Teachers Union COPE*, 450, 10GE004; *SBE v. ICA PAC*, 4253, 10GE007; *SBE v. Will County Young Republicans*, 14432, 11DS055; *SBE v. Vote Bob Scott*, 20381, 11DS108; *SBE v. Committee to Elect Marty P. Leffler*, 20736, 11DS116; *SBE v. Citizens for Mark Walker*, 20977, 10AG018; *SBE v. Friends of David Zimmerman*, 21158, 11DS131; *SBE v. Citizens for DuPar*, 21233, 11DS133; *SBE v. Friends of Eddie Lee Jackson*, 21760, 10AP098; *SBE v. Brady PAC-Illinois*, 22097, 11MA002; *SBE v. Citizens for Wallace Davis III*, 22266, 10AP068; *SBE v. Friends of Harris*, 22270, 10AG026; *SBE v. Friends of Terri Bryant*, 22931, 10AG023; *SBE v. Friends to Elect Richard Rodriguez*, 22985, 11DS248; *SBE v. Strobeck-Eckersall for Assessor*, 23073, 11DS258.

General Counsel Sandvoss indicated that on Number 38, *SBE v. McDonough Democratic Coalition*, 11DS132, and Number 44, *SBE v. Maureen Berkowitz Supervisor of Assessments*, 10GO38, he disagreed with the hearing officer and recommended the appeals be granted. He said that both committees were not required to file electronically, but attempted to so and ran into difficulty in doing so. Therefore, his recommendation, which is consistent with the previous cases that the Board granted, would be not to penalize those committees who in good faith attempt to file electronically. Member Smart moved to grant the appeals as recommended by the General Counsel. Vice Chairman Rednour seconded the motion which passed unanimously by roll call vote.

The two remaining appeals of campaign disclosure fines where the hearing officer recommended such appeals be granted in part and denied in part with the General Counsel concurring, were considered next. Member Keith moved as to Number 53, *SBE v. Friends of Saviano*, 7684, 10AP035, to adopt the recommendation of the General

Counsel and the hearing officer and grant the appeal in part in and order that the committee file an amended report no later than then close of business on May 20, 2011; and to adopt the recommendation of the General Counsel and the hearing officer to grant in part and deny in part the appeal in Number 56, *SBE v. Committee to Elect Joseph Berrios Assessor*, 22442, 10API01. Vice Chairman Rednour seconded the motion which passed by roll call vote. Member McGuffage recused himself with respect to item 56.

Number 56-1/2, *Lifsics v. Concerned Citizens of the 50<sup>th</sup> Ward*, 11CD004, was presented. A closed preliminary hearing was held and the Board determined that justifiable grounds existed as to the allegations contained in the complaint. The complainant alleged that the D-1 was incorrect and misstated the purpose of the committee and that Schedule A-1s were falsely reported as to the identity of the contributors and there was a false attribution of source on campaign literature. A public hearing was held and the hearing officers found that the complainant had proven the allegations and he recommended that the matter be turned over to the State's Attorney for further prosecution if the Board deems it warranted and that the Board impose penalties in regards to any reports that were not timely filed. Mr. Sandvoss concurred with the recommendation and made a technical correction to page 4 of the recommendation and further recommended that the committee be ordered to amend its statement or organization so that the statement lists the true purpose of the committee; and also that the board order the committee to refrain from any further violations of the Act and if the committee re-engages in such activities they would face a penalty not to exceed \$5,000. However he disagreed with sending this matter to the State's Attorney as he feels the respondents admitted their errors; have taken steps to correct all of the misreporting and with the imposition of a civil penalty, it would conclude the Board's involvement and no further action would be necessary. James P. Nally was present for the complainant and had nothing to add, other than he believed the public interest had been served and the public hearing brought out the true sponsoring entity of the committee. He agreed with the General Counsel's recommendation. Attorney Adam Lasker was present for the Respondents, as well as Erik Avila and Adam Quader. Mr. Lasker indicated that the committee issued a verified statement of admissions for the public hearing and presented all the required documentary evidence and that the two individuals involved have paid the price and are also personally liable for \$14,730 bills to vendors. Mr. Nally added that Mr. Lasker served his clients well and the General Counsel's recommendation is well taken from the complainant's point of view. Mr. Lasker concluded that the reports have been amended and corrected including listing the Stone Campaign Committee as the sponsoring entity for this Concerned Citizens group. Vice Chairman Rednour moved to follow the General Counsel's recommendation. Member Smart seconded the motion which passed 7-1 by roll call vote with Member Keith voting no.

The Chairman continued with Number 57, a request from the Friends of William J. Kelly, 22238, for an extension of the deadline to file an appeal. Mr. Sandvoss indicated this was a request to appeal the penalty beyond the 30 day appeal period. The committee's written explanation was that they inadvertently misplaced the appeal materials and Mr. Sandvoss did not believe it was an adequate explanation to warrant extension of the appeal deadline in this case. Mr. Andrew Finko was present for the petitioner and said that the committee did not have possession of the paperwork within the timeline, but they now have the paperwork. He added that this is a first time offense and if the appeal is not granted, the committee would like to offer a settlement. Member Porter moved to grant the motion for extension of the deadline to file an appeal within 30 days. Member McGuffage seconded the motion which passed 5-3 with Members Brady, Keith and Walters voting no.

Mr. Sandvoss next presented a list of committees specified on pages 314, 315 and 316 of the Board's packet that are ready for issuance of Final Orders assessing various penalties. Member Smart moved to concur and issue the orders. Vice Chairman Rednour seconded the motion. Mr. Sandvoss indicated the Sangamon County Democratic Central Committee paid their fine and that such committee should be removed from the list; and the previous committee, the William J. Kelly committee has been given an extension to file an appeal so it should be removed as well. The Board passed on this item until the fine for the William Beavers' committee could be confirmed.

Before a vote to recess to executive session was taken, Richard Means an attorney for the complainant in Number 65 advised the Board that both sides waived confidentiality and proceeded in public session.

Chairman Schneider called *Sherman v. Indiana Trails Public Library District/Friends of Indian Trails Library District*, 11CD019. Roger Ritzman, attorney for both respondents, also waived the right for the complaint to be heard in closed hearing. The complainant alleged that the Indian Trails Public Library District made illegal expenditures of public funds to support a referendum involving the library and failed to properly report contributions that were received by the public library district. Further, complainant alleged the Friends of the Indian Trails Public

Library, a political committee, failed to properly report contributions; improperly named the committee; and did not indicate it was supporting or opposing a referendum. As far as the library district, the hearing officer did not think they violated 9-25.1 or 9-8.10 as the material at issue was not an electioneering communication as defined under the statute. Further, the hearing officer stated that the library district did not have to file a statement of organization because they did not raise or spend more than \$3,000 in support of or opposition to the referendum. With respect to the Friends of the Indiana Trails Public Library District, simply having the same address as the library was not a *per se* violation and therefore neither Section 9-25.10 or 9-8.10 were violated. The hearing officer recommended that justifiable grounds existed as to the name of the committee as it did not indicate it was supporting a referendum and that justifiable grounds existed as to the way it reported its beginning funds. The General Counsel concurred with the recommendation. Discussion was had among the board and both sides were asked and answered several questions. Member Keith moved to find that the complaint was filed on justifiable grounds, but on representation that the reports had been filed there was no reason to proceed to a public hearing. Vice Chairman Rednour seconded the motion. The motion passed unanimously by roll call vote.

The parties in Agenda number 64, *Maywood United Party v. Ratley*, 11CD017 also waived confidentiality and the matter was heard in open session. The complainant alleged that the respondent failed to file a statement of organization and a D-2 report and that amounts spent in support of Mr. Ratley's candidacy likely exceeded \$3,000. The hearing officer, after listening to the complainant's and respondent's case in chief determined that the complaint was not filed on justifiable grounds as the expenditures alleged did not exceed \$3,000. He also recommended that no further action was required. General Counsel Sandvoss concurred with the recommendation. James P. Nally represented the complainant and Mr. Ratley was present *pro se*. The Board heard both sides argue their case and discussion was had among the Board Members. Member McGuffage moved that this matter be referred to a public hearing. Member Brady seconded the motion. The motion failed by a vote of 2-4 with 2 members voting present. Members Keith, Smart, Vice Chairman Rednour and Chairman Schneider voted no; Member McGuffage held Member Porter's proxy and voted him present and Member Walters voted present. Member Keith moved to adopt the recommendation of the General Counsel and hearing officer and find the matter was not filed on justifiable grounds and not proceed to public hearing. Member Smart seconded the matter which passed 6-2 with Members McGuffage and Walters voting in the negative and the motion was thus adopted.

The Chairman returned to Number 58, Assessments and Final Orders. It was confirmed that the fine for William Beavers Committee was \$150. Also, the Sangamon County Democrat Central Committee would be sent a Final Order assessing the penalty as they withdrew their check with the intention of resubmitting it at another time. The Chairman asked for a motion to impose final Board orders in those cases on pages 314, 315, and 316 of the Board's packet. Member Smart so moved and Member McGuffage seconded the motion. The motion passed unanimously by roll call vote. Member Keith recused himself from the vote on the Sangamon County Democratic Central Committee.

Member Keith moved to recess to Executive Session for complaints following closed preliminary hearing. Member Smart seconded the motion which passed unanimously by 8 ayes in unison.

The Board recessed into Executive Session at 1:42 p.m. and reconvened at 2:15 p.m.

Roll call was taken to ensure a quorum. A quorum was present with Chairman Schneider, Vice Chairman Rednour, Members Brady, Keith, Porter, McGuffage and Smart in the Chicago office and Member Walters present in Springfield via videoconference in Springfield.

Member Keith moved to accept the agreed order tendered by the parties and consent to the Chairman executing same and issuing orders accordingly in *Stern v. College of DuPage Foundation*, 10CD085. Vice Chairman Rednour seconded the motion which passed unanimously by roll call vote.

In *Albers v. Pro-Library Committee*, 11CD009, Member Keith moved to grant the motion to dismiss for want of prosecution as made on behalf of the respondent. Member Smart seconded the motion which passed unanimously by roll call vote.

In the matter of *Dorado v. Women for Stronger Neighborhoods* 11CD015 consolidated with 11CD020, Member Keith moved and Member Smart seconded a motion to grant the motion to dismiss for want of prosecution as made on behalf of the respondent. The motion passed 8-0 by roll call vote.

In the case of *Dorado v. Magnolia Malden Block Club*, 11CD016, Member Keith moved and Member Smart seconded a motion to grant the motion to dismiss for want of prosecution as made on behalf of the respondent. The motion passed 8-0 by roll call vote.

Mr. Sandvoss continued with Item B, consideration of a proposed rule concerning the electronic filing defense. He indicated that the suggested language would specify circumstances under which a defense of computer issues would be considered and granted, or denied by the Board. Several scenarios contained in the proposed rule were based on past situations and such rule is designed to ensure consistency when granting or denying appeals. This matter was on the agenda last month and it was carried over to allow the Board extra time to look at the language. Member Keith suggested changes which have been incorporated into this version. If there were no other changes, Mr. Sandvoss asked for a motion adopting the language as written. After lengthy discussion among the Board, Member Smart moved to approve these as guidelines, rather than rules and Vice Chairman Rednour seconded the motion. The motion passed 7-1 with Member Porter voting no.

Executive Director, Rupert Borgsmiller, reported that the April 5, 2011 Consolidated Election was very quiet. There were not many question or issues and even the follow up after the election was completed.

Mr. Borgsmiller continued with Mrs. Felts report on pre-tests. She indicated some problems occurred, but the issues were corrected before they completed their visit.

For informational purposes, judges' training schools were included. Many attended; reaction to the schools was positive; and these schools will be continued in the future.

The Executive Director indicated that the SBE appear before the House Appropriation Committee Wednesday, April 27<sup>th</sup> at 4:00 p.m. He asked Cris Cray, Legislative Liaison to continue with the legislative update and the FVAP score.

Ms. Cray confirmed that the General Assembly was on spring break this week; the House will return on the 26<sup>th</sup>; and the Senate does not return until May 3<sup>rd</sup>. Twelve election bills have moved, 5 in the house and 7 in the Senate. The only item she knows that will be in the omnibus bill is military legislation. Ms. Cray was happy to report the FVAP 96.5% score, but was not able to get scores of other states.

Mr. Borgsmiller reported that the Campaign Finance Reform Task Force was meeting Thursday, April 21<sup>st</sup> via video conference between the Chicago and Springfield offices. We have not received legislative proposals or an agenda for the meeting. The next meeting is scheduled for June 3, 2011, again via videoconference.

The next item considered was the dates for FY12 Board meetings as contained in the proposed schedule presented in the Board packet, he requested one change for the September meeting, moving it from Monday to Tuesday, the 20<sup>th</sup>. Member Smart moved to approve the recommended schedule with the meeting on September 19<sup>th</sup>, moved to the 20<sup>th</sup>. Member McGuffage seconded the motion which passed unanimously by 8 ayes in unison.

Item 3.h, the report for the new Springfield office facility indicated that CMS would start processing the SBE's request for a new facility once the December leases that CMS were responsible for had been completed. CMS would submit an RFP to the SBE for our review regarding our request for a new facility.

On the lump sum payout, there was nothing new to report. However, the SBE is waiting for the jurisdictions to submit vouchers for election judges' reimbursements. It is felt that the lump sum amounts would cover the judges for April. A lot of money will disappear once the election judges' reimbursement is processed. Some money is being used from the electronic canvassing implementation and our hope is to have a target sampling from the March 2012 General Primary. Member Keith asked if the lump sums can be transferred into the regular budget. The response was no and the categories, awards and grants, would be forfeited. Member McGuffage was concerned about the extra hour at the end of the day for voting. He believes it's unnecessary since we now have early voting. Eliminating that last hour would decrease the election judges' reimbursement. Mr. Borgsmiller agreed and indicated that in 2010 over 27% of the ballots were cast before Election Day. It was agreed that this matter would be reconsidered for the veto session or next year.

The Executive Director reported on the parameters of the electronic canvassing project and indicated that Mark Mossman, Brent Davis and Catalyst met with the Pew Foundation to review the information. No jurisdictions have been identified as possible team members. Chairman Schneider asked for a follow up at the May meeting.

The fiscal reports were presented and the agency is in good shape for the remainder of the fiscal year. Member Keith questioned the possibility of a "bonus pool". Mr. Borgsmiller will gather the information and report in the form of a follow-up in May.

The Two year plan of staff activity was presented for informational purposes.

In Item 4.a., Follow up of reporting of in-kind rental contributions, the Director reported that several discussion have been held, but what it comes down to is how the recipient receives the information from the contributor. Lengthy discussion ensued among the Board, several scenarios were considered, and this matter will be revisited in May.

The next follow up item was the Federal Consent Decree. Legal Counsel, Bernadette Harrington, outlined how the SBE intends to proceed regarding the UOCAVA ballot. The 45-day deadline is a very hard deadline to meet and the election calendar will contain that date as well as the fact that if you are not open on the 45<sup>th</sup> day before the election, you must send it out the 46<sup>th</sup> day. A meeting with the county clerks and zone meeting are planned at which time we will find out what counties are not willing to comply with the Consent Decree. The Attorney General has indicated she will take those election jurisdictions to court, if necessary, to ensure their compliance with the requirements. Mr. McGuffage asked if this was the legislation Ms. Cray spoke of in the omnibus bill. Mr. Borgsmiller responded that yes, the general election is the only election that is still at 60 days -- it is 45 days for all other elections. The Chairman complimented Ms. Harrington on the great work and added that his concern remains getting the election authorities to respond that they understand their obligations. The Director indicated that the new clerks that were elected have responded positively to the information we sent regarding the February and April elections.

There was nothing new on the penalty assessments under the new law and this item was skipped until further notice.

The VOSS Request for Information (RFI) was presented for questions and comments. Mr. Borgsmiller asked for comments and suggestions to be submitted to him by May 2<sup>nd</sup> for inclusion in the May packet. Those comments will be incorporated and he will present a revised version to approve or change at the May meeting.

Mr. Borgsmiller finished his report with a reminder of the Special Board meeting, Friday, May 6 at 9:00 a.m. to certify the canvass from the Fox Waterway Agency Directors' Election.

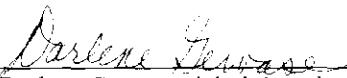
The regular meeting of the State Board of Elections will be held primarily in Springfield on May 16, 2011 at 10:30 a.m. or until call of the Chairman, whichever occurs first. Member McGuffage moved and Member Smart seconded the motion to adjourn to May 6, Friday, at 9:00 a.m.

The motion carried by 8 ayes in unison. The meeting adjourned at 3:09 p.m.

DATED: April 27, 2011

Respectfully submitted,

  
Rupert Borgsmiller, Executive Director

  
Darlene Gervase, Administrative Assistant II