

STATE BOARD OF ELECTIONS  
Regular Meeting  
Monday, May 19, 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 10:30 a.m. via videoconference with all Members present. Chairman Smart, Vice Chairman Scholz and Members Byers, Coffrin and Gowen were present in Springfield and Members McGuffage, Schneider and Watson were present in Chicago.

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

Member Coffrin moved to approve the minutes from the April 18 meeting as presented. Vice Chairman Scholz seconded the motion which passed unanimously.

The General Counsel presented a motion for reconsideration for Agenda item 2.a.1, *SBE v. Northwest Suburban Teachers Union*, 23915, 13SQ141 and recommended the motion be granted. No one was present on behalf of the committee. Member Byers moved to grant the motion for reconsideration. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented request for settlement offers for Agenda items 2.a.2-4: 2) *SBE v. Moraine Township Democratic Organization*, 6630, 13AM113; 3) *SBE v. Friends for Howland*, 19201, 13AD106 & 13JQ083; 4) *SBE v. Friends of Kelvin Oliver*, 25189, 13MA106 and recommended they be accepted. The committees offered 50% of their assessed penalties and *Moraine Township Organization* also asked for ninety days to pay their fine. The General Counsel also recommended to accept the ninety day payment plan. No one was present on behalf of the committees. Member Gowen moved to accept the recommendation of the General Counsel for the above noted committees. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented the following appeals of campaign disclosure fines for Agenda items 2.a.5-6: 5) *SBE v. Friends of Ken Dunkin*, 11436, 13AJ057; 6) *SBE v. Friends of Daniel J. Kordik*, 21911, 13AD075 and concurred with the hearing officer recommendation to grant the appeals. Member Coffrin moved to grant the above noted appeals. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented the following appeals of campaign disclosure fines for Agenda items 2.a.7-8: 7) *SBE v. Evanston Regular Republican Organization*, 221, 13MQ260; 8) *SBE v. Friends of Joe Vosicky*, 25075, 13AM117 and concurred with the hearing officer recommendation to

deny the appeals. John Fogarty was present on behalf of item 7 and asked for leniency. He said the Treasurer was elderly and had difficulty with the electronic filing software. The General Counsel noted that the fine would be stayed as this was a first violation for the committee. Member Gowen moved to deny the above noted appeals. Vice Chairman seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented Agenda item 2.a.9, *SBE v. Democratic Party of Evanston, 462, 12MA098* and concurred with the hearing office recommendation to grant the appeal in part and deny the appeal in part. No one was present on behalf of the committee. 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 2.a.10, *SBE v. Citizens for Alderman Reilly, 19263, 13MACL001* and concurred with the hearing office recommendation to grant the contribution limits appeal. No one was present on behalf of the committee. Member Coffrin moved to accept the recommendation of the General Counsel. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented failure to comply with a board order for Agenda items 2.a.11-24:

- 11) *SBE v. First Ward Organization, 18390, 13CD024;*
- 12) *SBE v. Committee to Re-Elect Mike Slape, 1068, 13CD139;*
- 13) *SBE v. Citizens to Elect Alvin Parks, Jr., 19743, 13CD161;*
- 14) *SBE v. Citizens for Burch, 23006, 13CD184;*
- 15) *SBE v. Friends of Dick Breckenridge, 23617, 13CD190;*
- 16) *SBE v. Tammy Baer for Douglas County, 24201, 13CD197;*
- 17) *SBE v. Citizens for Rudd, 24465, 13CD206;*
- 18) *SBE v. Taking Back America, 24494, 13CD207;*
- 19) *SBE v. Friends of Tom Gooch, 24843, 13CD225;*
- 20) *SBE v. VOTESHAW2013, 25001, 13CD231;*
- 21) *SBE v. Friends of Christina Campos, 25089, 13CD235;*
- 22) *SBE v. Citizens to Elect 169 Write-ins, 25235, 13CD244;*
- 23) *SBE v. Friends of Donald Luster, 25273, 13CD248;*
- 24) *SBE v. Citizens for a Better Fox Valley, 25329, 13CD255.*

He recommended the committees be assessed a \$5,000 penalty for failure to file the quarterly reports at issue. No one was present on behalf of the committees. Member Coffrin moved to accept the recommendation of the General Counsel. Member Byers 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 Coffrin moved to assess the civil penalty against the committee listed on page 91 of the board packet. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 - 0.

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

Next on the agenda were complaints following closed preliminary hearing. Items 2.a.34 & 65 were pulled from the Agenda. The General Counsel indicated that the complaints could be disposed of in open session because no one was present on behalf of the committees and the same motions would be made in open session. As to Agenda items 2.a.27-33 & 35-54:

- 27) *SBE v. ICA PAC*, 14CD014;
- 28) *SBE v. Friends of Kevin Sandefur*, 14CD019;
- 29) *SBE v. Citizens for Leys*, 14CD022;
- 30) *SBE v. Citizens for Colvin*, 14CD024;
- 31) *SBE v. votedebby.com*, 14CD032;
- 32) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 14CD033;
- 33) *SBE v. Committee to Elect Rex Bradfield*, 14CD034;
- 35) *SBE v. Illinois Education Association*, 14CD038;
- 36) *SBE v. Re-Elect Eric Leys*, 14CD042;
- 37) *SBE v. Jackson for Committeeman Independent Political Organization*, 14CD046;
- 38) *SBE v. Illinois Black Business PAC*, 14CD047;
- 39) *SBE v. Friends of Dick Breckenridge*, 14CD053;
- 40) *SBE v. Friends of Jeremy J. Ly*, 14CD051;
- 41) *SBE v. Tammy Baer for Douglas County State's Attorney*, 14CD059;
- 42) *SBE v. Citizens for Fairness*, 14CD064;
- 43) *SBE v. Citizens for Rudd*, 14CD068;
- 44) *SBE v. Taking Back America*, 14CD070;
- 45) *SBE v. Citizens to Elect Anthony Coleman for Mayor of North Chicago*, 14CD072;
- 46) *SBE v. Save 7 Eleven: Vote No on Local Option Question Ward 36 Precinct 33*, 14CD074;
- 47) *SBE v. Braiman for Judge*, 14CD075;
- 48) *SBE v. United Party*, 14CD076;
- 49) *SBE v. Committee to Elect Leda Drain*, 14CD088;
- 50) *SBE v. Sandefur for Township Assessor*, 14CD092;
- 51) *SBE v. Friends for Mary C. Childers*, 14CD095;
- 52) *SBE v. Citizens for a Better Fox Valley*, 14CD099;
- 53) *SBE v. Will Kyles Committee*, 14CD100;
- 54) *SBE v. Fans of Harness Racing*, 14CD105;

Member Coffrin moved that the complaints be upheld and the matters proceed to a public hearing. Member Gowen seconded the motion which passed by roll call vote of 8 - 0.

As to Agenda items 2.a.55-64:

- 55) *SBE v. Citizens to Elect Benjamin Owens*, 14CD020;
- 56) *SBE v. Citizens to Elect Carl Evans, Jr.*, 14CD039;
- 57) *SBE v. Citizens for Tyler Smith*, 14CD041;
- 58) *SBE v. Brady PAC-Illinois*, 14CD043;
- 59) *SBE v. Education First Party*, 14CD052;
- 60) *SBE v. Committee to Elect Lorinda Beaman Lamken*, 14CD061;
- 61) *SBE v. Citizens to Elect Michael T. Benoit*, 14CD078;
- 62) *SBE v. Citizens for Larry S. Alexander*, 14CD086;
- 63) *SBE v. Mike Kozel Campaign Fund*, 14CD094;
- 64) *SBE v. Stephen Paredes for 161*, 14CD097.

Member Gowen moved that the complaints be upheld but no further action beyond the imposition of a civil penalty. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 - 0.

The Executive Director began his report with an update on the constitutional amendment petitions. The General Counsel presented an amendment to Paragraph XII of the Procedures to Process a Petition to Place a Constitutional Amendment on the Ballot that the Board adopted at its last meeting. He noted the amendment was underlined on page 94 of the board packet. Member

McGuffage also suggested the term "fails" be removed from the second to last sentence in that paragraph. The General Counsel agreed and said the sentence could be restructured to state, "If the Board determines that the petition does not contain enough valid signatures, it shall be deemed to be invalid and not be certified." Chairman Smart moved to approve the above amendments suggested by the General Counsel and Member McGuffage. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel then presented a request for authorization to appoint Barbara Goodman to serve as the hearing officer to hear evidence and make rulings as to the validity of petition signers during the signature rehabilitation phase of the processing of constitutional amendment petitions. Attorney Bill Cadigan was present on behalf of the Yes, for Independent Maps committee and asked for sufficient notice to review the modified Rules concerning appointment of additional hearing officers. Attorney John Fogarty was present and indicated he was comfortable with the Rules. Mr. Sandvoss explained the Rules would not change the duties of the appointed Hearing Officer and additional hearing officers would serve as an assistant to Ms. Goodman. He indicated ample notice would be given to both parties if circumstances warranted some sort of change to the existing Rules. Mr. Sandvoss also said that he would notify the Board if additional hearing officers need to be appointed. Member Gowen moved to appoint Barbara Goodman as hearing officer and authorize the General Counsel to appoint additional hearing officers if needed. Member Coffrin seconded the motion which passed by roll call vote of 8 - 0.

The Executive Director reported that more than 30 staff members worked on the petitions this past week and they have been scanned, inventoried and data entry completed. Eric Donnewald added that, in addition to his report on page 96 of the board packet, signature validation began May 12 on the Yes, for Independent Maps petition and was expected to be completed today. Signature validation on the Term Limits and Reform petition is set to begin on Wednesday and will take approximately one week to complete. Mr. Borgsmiller commended staff for their cooperation and hard work on the project.

The Executive Director indicated that the Advisory Committee Meeting was held prior to the Board Meeting. Topics discussed included the e-canvass, statewide initiatives, legislation, ERIC, post election surveys and POVA. He said it was a good meeting and the next meeting is scheduled for September 15, 2014.

Cris Cray discussed legislation and noted that two weeks of session remain. She distributed a listing of legislation she is tracking and said the main topic was the agency budget. She said two budget bills were currently in the House. The 'good' budget bill was waiting on a motion to reconsider and the 'bad' budget bill was yet to be voted on. She indicated that staff was also working on items that are contained in the omnibus election bill, including ERIC. Ms. Cray also reported that two constitutional amendments from the General Assembly and three statewide advisory questions would be included on the general election ballot.

Next on the Agenda was an update on POVA and Kevin Turner reviewed the memo on page 99 of the board packet. He reported that the City of Chicago and Cook County submitted their language translation updates on Friday and three staff members are in the process of developing those websites in Spanish, Chinese and Hindi. Once completed, the City of Chicago and Cook County will review the websites again for accuracy. Mr. Turner also said a POVA user manual will be distributed to the election authorities and instructions to vendors sometime this week. Staff is planning on a 'soft' release of POVA prior to the July 1 deadline without a press release or major announcement. POVA will be available on the SBE website and election authorities have been encouraged to have computers set up in their offices for walk in registrants to utilize. An official announcement and press release will be distributed after possible bugs, if any, are worked out.

Cheryl Hobson discussed the IVRS update and said the new statewide voter file has been started and should be available mid-June. Also, staff will begin testing a ballot tabulation system from Unison later this week. She indicated that state duplicate matches continue to decrease and all jurisdictions are now below 100% for census data versus registered voters.

The Executive Director presented Vehicle Use and Sexual Harassment policies contained on pages 105-112 of the board packet and said it was necessary to include them in the SBE Policy Manual. Member Coffrin moved to approve those policies. Member Byers seconded the motion which passed by roll call vote of 8 - 0.

The Executive Director discussed the required six month review of executive session minutes. The minutes were last reviewed at the October 22, 2013 board meeting. He recommended that the necessity of confidentiality does not exist as to the release of such minutes with the exception of the December 17, 2013 and January 9, 2014 involving disciplinary action of an employee. Member Gowen moved to release those minutes with the redactions noted above. Member Byers seconded the motion which passed by roll call vote of 8 - 0.

The fiscal status reports and two year plan of staff activity for the months of May and June were presented for informational purposes. The Executive Director noted that FY14 expenditures are on target and continued to be closely monitored. Discussion ensued concerning the FY15 budget scenario and possible impacts on the agency.

Jim Tenuto reported on a follow up matter from the last board meeting regarding Attorney General staff present in Madison County polling places on primary election day. He said officials visited twenty-four precincts and were instructed to identify themselves and show credentials upon entering the polling locations. Those officials were present in a law enforcement capacity and not on behalf of Lisa Madigan, the candidate.

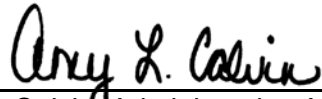
The Executive Director informed the Board that a special meeting should be scheduled to call cases and accept appearances for possible objections to new party and independent candidate petitions. It was agreed to schedule this meeting for Monday, July 7, 2014 at 3:00 p.m. in Chicago and Springfield via videoconference.

Vice Chairman Scholz moved to recess to executive session for personnel matters. Member Gowen seconded the motion which passed unanimously. The meeting recessed at 11:54 a.m. and reconvened at 12:20 p.m.

Member Schneider moved to approve two year employment contracts for the General Counsel and Executive Director. Member Watson seconded the motion which passed by roll call vote of 8 - 0.

With there being no further business before the Board, Vice Chairman Scholz moved to adjourn until 3:00 p.m. on Monday, July 7, 2014, if necessary. Member Coffrin seconded the motion which passed unanimously. The meeting adjourned at 12:22 p.m.

Respectfully submitted,



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Amy Calvin, Administrative Assistant II



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Rupert T. Borgsmiller, Executive Director