

STATE BOARD OF ELECTIONS
Regular Meeting
Tuesday, June 17, 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

The meeting convened at 10:30 a.m. via videoconference with the Springfield office. All Members were present in Chicago.

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

Member Gowen moved to recess the State Board of Elections and reconvene as the State Officers Electoral Board. Vice Chairman Scholz seconded the motion which passed unanimously. The meeting recessed at 10:33 a.m. and reconvened at 10:40 a.m. with the same attendance noted in the initial roll call.

Member Gowen moved to approve the minutes from the May 19 and 30 meetings as presented. Vice Chairman Scholz seconded the motion which passed unanimously.

The Chairman indicated that Agenda item 5.a.1, an update on the constitutional amendment petitions would be considered first. The General Counsel said the proponents for Yes for Independent Maps filed a motion to admit evidence yesterday. The basis of the motion is that requests were made by the proponents to obtain material that they believe will rehabilitate previously stricken signatures from the petition. The deadline for the submission of evidence was June 6 and Freedom of Information requests were made on June 3 to various election authorities throughout the state. In addition, there were some attempts to secure affidavits from allegedly registered voters who signed the petition. Some of the information was submitted back to the proponents by the June 6 deadline and other material arrived after the deadline. The motion is to ask the Board to admit evidence that was requested prior to but received subsequent to the deadline of June 6. Michael Dorf was present on behalf of the proponents and Mike Kasper was present on behalf of the opponents. A very large group of individuals in support of Yes for Independent Maps was also present in the audience in the Chicago office. Mr. Dorf asked that the motion be granted because he felt they complied with the May 30 order by submitting the FOIA requests in a timely manner, including the first one on June 2. By law the election authorities had five business days to comply with the FOIA requests or longer if certain reasons are provided.

Mr. Dorf said at 5:00 p.m. on June the 6, the following items were submitted to the SBE: 1) all of the certified voter registration records that they had received up until that time pursuant to the FOIA requests; 2) affidavits from voters whose signatures had been challenged on the grounds that their signatures did not match the signatures listed in the voter registration records; and 3) an affidavit from one of the field directors listing all of the FOIA requests that were submitted, listing by name and address voters whose registration records had not yet been received. He indicated that volunteers were still sorting the evidence and was confident all staff will be working on this. Discussion ensued and Mr. Dorf responded to various inquiries from the Board regarding the signature rehabilitation process and organization of the evidence presented. Mr. Kasper felt the motion should be denied. He said, according to the Rules, all evidence was to be submitted by May 30, however, the proponent was granted an extension to June 6 at the May 30 board meeting. He noted that at the time of the May 30 deadline, no FOIA requests had been submitted to the election authorities. Therefore, Mr. Kasper felt it was unfair to his client that the proponent should get an exception to the rules when they were not diligently working to obtain the records. If the proponents had submitted the FOIA's prior to the May 30 deadline he felt that would be a different scenario. Mr. Kasper said the proponent waited three weeks to submit the FOIA request, and for that reason he thought that it would be incorrect to grant the motion. After lengthy discussion, Member Schneider moved to grant the proponent's motion to admit the evidence contained in the four boxes presented at today's meeting. Member Gowen seconded the motion which passed by roll call vote of 5-3. Members Byers, McGuffage and Vice Chairman Scholz voted in the negative.

The Chairman presented Agenda item 5.a.2, Disposition of the Term Limits and Reform Petition and indicated that they have reviewed the General Counsel's report. The General Counsel recommended the Board make a finding that, based on the minimum number of valid signatures contained in petition following staff review of the random sample, the petition be deemed valid at this point. He also recommended no additional action be taken at this time since the statutory objection period had not run its course and the pending litigation concerning this petition in the matter of *Frank Clark, et al., v. ISBE* with a court hearing scheduled for tomorrow. Member Byers moved to accept the recommendation of the General Counsel and find the petition to contain a minimum number of valid signatures. Member Gowen seconded the motion which passed by roll call vote of 8 – 0.

The Chairman returned to the report of the General Counsel and presented Agenda item 4.a.1, a motion for clarification of a settlement offer in the matter of *SBE v. Friends of George A. Cardenas, 17290, 13MA004*. The General Counsel reviewed the matter and recommended the Board issue an amended order that makes clear that the previously submitted settlement offer be accepted in satisfaction of both assessments. James Nally was present on behalf of the respondent and concurred with the recommendation. Vice Chairman Scholz moved to accept the recommendation of the General Counsel and issue an amended board order. Member Gowen 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 that the appeals be granted for Agenda items 4.a.2-7:

- 2) *SBE v. Friends of Andy Manar, 16107, 14AD020*;
- 3) *SBE v. Friends for Marty Moylan for State Representative, 23798, 14AD033*;
- 4) *SBE v. Friends of Stacy Gall, 24935, 14DQ168*;
- 5) *SBE v. Champions for Charlotte R. Moore, 25533, 14AD052*;
- 6) *SBE v. Robert (Bob) Redmond for Winnebago County Sheriff, 25543, 14AD053*;
- 7) *SBE v. Friends to Elect Enid Martinez-Gonzalez, 25698, 14DQ208*.

No one was present on behalf of the respondent committees. Vice Chairman Scholz moved to grant the above noted appeals. Member Gowen 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 that the appeals be denied for Agenda items 4.a.8-11, 13-20 & 22-23:

- 8) *SBE v. Greene County Republican Central Committee*, 22, 14DQ001;
- 9) *SBE v. Ford County Democrats Central Committee*, 318, 14DQ008;
- 10) *SBE v. Committee to Elect David Harris*, 508, 14MA001;
- 11) *SBE v. Frechette for Treasurer Committee*, 4860, 14AD009;
- 13) *SBE v. Bourbonnais Citizens' Party*, 9174, 14DQ025;
- 14) *SBE v. Lake County Contractors PAC (LCCPAC)*, 16147, 14MA002;
- 15) *SBE v. Citizens to Elect Dan Decker*, 20305, 14DQ079;
- 16) *SBE v. Citizens for Cynor*, 21162, 14DQ088;
- 17) *SBE v. Friends to Elect Patty Gustin*, 21909, 14DQ094;
- 18) *SBE v. Steve Lentz for Mayor*, 24352, 14DQ139;
- 19) *SBE v. Friends of Steve Crowley*, 24853, 14DQ162;
- 20) *SBE v. Citizens to Elect Tanya Watkins*, 25026, 13MQ257;
- 22) *SBE v. Steven Dougherty for Mayor*, 25226, 14DQ182;
- 23) *SBE v. Friends of Independent Midlothian Trustee Candidates*, 25303, 13AJ067.

No one was present on behalf of the respondent committees. Member Coffrin moved to deny the above noted appeals. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented Agenda item 4.a.12, *SBE v. Citizens for Karen McConnaughay*, 7875, 13AS012 and concurred with the hearing officer recommendation to deny the appeal. Andrew Raucci was present on behalf of the respondent committee and reviewed the basis of the appeal. He felt his committee was in compliance with the law because even though the A-1 was filed after midnight of the 5th business day it was still filed before the beginning of the 6th business day, which began on the following Monday. After discussion, Member McGuffage moved to grant the appeal. Member Byers seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented Agenda item 4.a.21, *SBE v. Citizens for Eli Nicolosi*, 25139, 13MA105 and concurred with the hearing officer recommendation to deny the appeal. Dan DiMario was present on behalf of the respondent committee and explained that Mr. Nicolosi was a new candidate and acted with full respect for the law. He asked for leniency and offered a settlement amount of \$698 which is the amount remaining in the committee's fund. Chairman Smart moved to deny the appeal and accept the settlement offer of \$698. Member McGuffage seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel indicated that Mr. Dorf and Mr. Kasper returned to the meeting seeking clarification on the previous ruling regarding the motion to admit evidence. Mr. Kasper interpreted the ruling to allow the evidence contained in the four boxes presented to the Board. Mr. Dorf said he interpreted to include anything additional received that was contained in the June 6 FOIA requests. Member Gowen moved to amend his motion to restrict the admission of evidence to what was contained in the four boxes presented at today's meeting.

The General Counsel presented Agenda item 4.a.24, *SBE v. Unity Party of Bloom Township, 21208, 13AS040* and concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in part. No one was present on behalf of the respondent committee. Member Gowen moved to accept the recommendation of the General Counsel. Member Coffrin seconded the motion which passed by roll call vote of 8 - 0.

Member Schneider moved to recess to executive session to consider complaints following closed hearing and personnel matters. Member Watson seconded the motion which passed unanimously. The meeting recessed at 12:45 p.m. and reconvened at 1:20 p.m. with the same attendance noted in the initial roll call.

As to Agenda item 4.a.27, *SBE v. Citizens to Elect Dorothy D. Armstrong, 14CD101*, Member Schneider moved to find that the complaint was filed on justifiable grounds and no further action ordered other than referral to staff for imposition of civil penalties. Member Coffrin seconded the motion which passed by roll call vote of 8 - 0.

As to Agenda item 4.a.28, *SBE v. Tazewell County Republican Central Committee, 14CD107*, Member Schneider moved the matter be continued to the August meeting. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 - 0.

As to Agenda item 4.a.29, *Reyes v. First Ward Organization, 14CD005 & Reyes v. 1st Ward Democratic Committeeman's Fund, 14CD006*, Member Schneider moved to find that both complaints were filed on justifiable grounds and the matters proceed to a public hearing. Member Watson seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel noted that Agenda item 4.a.18, *SBE v. Steve Lentz for Mayor, 24352, 14DQ139* had submitted a request prior to the meeting asking the matter to be continued to the July or August meeting. Having previously voted on the above noted matter, Member Schneider moved to reconsider action in that case and continue the matter to the July meeting. Vice Chairman Scholz seconded the motion which passed unanimously.

A listing of civil penalty assessments necessitating a final board order was presented. The General Counsel said the following committees should be removed from that listing: Friends of Andrew R. Timms, Committee to Elect the Back to Basics Team and Citizens for Jesse Martinez. Member Byers moved to assess the civil penalty against the remaining committees listed on pages 127-132 of the board packet. Member Coffrin seconded the motion which passed by roll call vote of 8 - 0.

The Executive Director reported that 16 resolutions to fill vacancies in nomination was listed on page 138 of the board packet. At this point in time, no one had filed petitions for independent or new political party candidates. The deadline for that filing period is June 23.

On June 5, staff counted ballots for the State Employees' Retirements Systems trustees' election. The Executive Director said five teams of two staff members counted the ballots in approximately three hours. Jane Gasperin thanked the staff members who assisted with the project.

Cris Cray reported on legislation and said only two bills, both statewide advisory questions, were sent to the Governor for his signature. No other election bills, including the agency budget bill, have been sent to the Governor at this time. Ms. Cray noted that the legislature has thirty days to send bills to the Governor then he has sixty days to sign them. Ms. Cray said she will keep

everyone posted as bills are sent to the Governor and the action that he takes on each piece of legislation.

Next was an update on POVA and the Executive Director reported that there was a soft release of the program yesterday afternoon. Kyle Thomas said since the release three applications have been submitted. Staff also completed the POVA Instruction Manual and that it was distributed to the election authorities approximately one week ago. The manual is available in IVRS as an interactive guide and in a printable version as well. The Executive Director indicated that a letter was recently received from the interested civic groups thanking the SBE for its cooperation and also included other suggestions for enhancements to the POVA system. He indicated that the system will continue to change and improve but it will take time. Kevin Turner said some minor changes were being made to the language translations and commended the City of Chicago and Cook County for their assistance with the translations. The Board thanked Mr. Turner, Mr. Thomas and all of the staff for their diligence and hard work on the system.

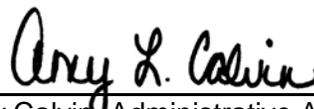
Mr. Thomas presented the IVRS update and said the duplicate matches are up slightly from last month. He also reported that all jurisdictions are below the 100% threshold ratio of voting age population to registered voters.

The fiscal status reports and two year plan of staff activity for the months of June and July were presented for informational purposes. The Executive Director noted that FY14 expenditures are on target and continue to be closely monitored.

The General Counsel indicated that a special meeting might be necessary if any objections are filed to the constitutional amendment petitions. It was agreed to tentatively schedule a special meeting on Tuesday, July 1, 2014 at 3:00 p.m.

With there being no further business before the Board, Member Byers moved to adjourn until Tuesday, July 1, 2014 at 3:00 p.m., if necessary. Vice Chairman Scholz seconded the motion which passed unanimously. The meeting adjourned at 1:50 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert T. Borgsmiller, Executive Director