

STATE BOARD OF ELECTIONS
Regular Board Meeting
Tuesday, June 19, 2012

MINUTES

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

ALSO PRESENT: Rupert Borgsmiller, Executive Director
Jim Tenuto, Assistant Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Assistant II

The meeting convened at 10:00 a.m. via videoconference with the Springfield office. Chairman McGuffage, Vice Chairman Smart and Members Byers, Gowen, Schneider and Scholz were present in Chicago. Member Coffrin was present in Springfield and Member Rice present via teleconference.

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

Member Byers moved to recess to executive session to consider personnel matters and the motion passed unanimously. The meeting recessed at 10:03 a.m. and reconvened at 10:50 a.m.

Chairman McGuffage moved to ratify the salary adjustments approved in executive session for the Executive Director, Assistant Executive Director and General Counsel. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

Member Byers moved to recess the State Board of Elections and reconvene as the State Officers Electoral Board. Member Scholz seconded the motion which passed unanimously. The meeting recessed at 10:53 a.m. and reconvened at 11:00 a.m.

Vice Chairman Smart moved to approve the minutes from the May 22 meeting as presented. Member Scholz seconded the motion which passed unanimously.

The General Counsel presented a motion for reconsideration for Agenda item 5.a.1, *SBE v. Friends of Miriam Shabo*, 21302, 11MA114. No one was present for the committee and the General Counsel recommended the motion be denied. Vice Chairman Smart moved to accept the recommendation of the General Counsel. Member Schneider seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a motion for reconsideration for Agenda item, 5.a.2, *SBE v. Donna Leoni Peluso and Jay Reyes for Triton College*, 23477, 11AJ132. No one was present for the committee and the General Counsel recommend the motion be granted. Member Scholz moved to accept the recommendation of the General Counsel. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a motion for reconsideration for Agenda item, 5.a.3, *SBE v. Mike Smiddy for State Representative*, 23773, 11SQ262. No one was present for the committee and the General Counsel recommended the motion by denied. Vice Chairman Smart moved to accept the recommendation of the General Counsel. Member Byers seconded the motion which passed by roll call vote of 8-0.

The following appeals of campaign disclosure fines where the hearing officer recommended that the appeals be granted for Agenda items 5.a.4-11.b were presented:

- 4) *SBE v. Citizens for Judy Baar Topinka*, 127, 12AD003
- 5) *SBE v. INA-PAC (SNAP)*, 596, 11AD006;
- 6) *SBE v. Nurses United for PAC*, 723, 12DQ014;
- 7) *SBE v. Champaign County Republican Central Committee*, 992, 12AD010;
- 8) *SBE v. PCI Political Account*, 12467, 11AS017;
- 9) *SBE v. Citizens for Chris Boyster*, 22229, 11SQ259;
- 10) *SBE v. Committee to Elect TFPD Trustee*, 22885, 12DQ161;
- 11) *SBE v. Cook County Coalition of Tradesmen*, 23641, 11AJ134;
- 11.a) *SBE v. Friends of Anita Alvarez*, 20758, 11AS083;
- 11.b) *SBE v. Friends of Martin A. Blumenthal*, 23738, 11AS092.

The General Counsel concurred with the recommendation of the hearing officer in all matters and noted that the committee in Agenda item 5.a.11 be ordered to file the amendments listed in the hearing officer's recommendation. Vice Chairman Smart moved to grant the appeals in the matters listed above. Member Schneider seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 5.a.19, *SBE v. Citizens for Maloney*, 16337, 12AD018 and concurred with the hearing officer recommendation to deny the appeal. Mike Kasper was present on behalf of the committee and indicated he did not represent them at the time of the appeal and understood there were computer related issues. The committee has filed the required reports and asked to grant the appeal. Vice Chairman Smart 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 5.a.17, *SBE v. Thomas for Illinois*, 14066, 11MA098 and concurred with the hearing officer recommendation to deny the appeal. Juan Thomas was present on behalf of the committee, explained the details of his appeal and offered a settlement amount of \$2,500. After discussion, Member Scholz moved to deny the appeal and accept the settlement amount of \$2,500 to be paid within one year and an additional \$2,000 penalty would become due and owing if Mr. Thomas becomes a candidate for office and would be abated if the committee dissolves and remains so for the two year period following the date of the Board order. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 5.a.18, *SBE v. Illinois Psychiatric PAC*, 15354, 11DQ060 and concurred with the hearing officer recommendation to deny the appeal. Meryl Sosa and Dr. Kenneth Bush were present for the committee, explained the details of the appeal and offered a settlement amount of 50% of the penalty. Member Schneider moved to deny the appeal and accept the settlement offer of 50% of the fine to be paid within thirty days. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 5.a.16, *SBE v. District 230 Teachers Association IPACE*, 6596, 12DQ034 and concurred with the hearing officer recommendation to deny the appeal. James Nally was present on behalf of the committee and said they experienced

software issues, do not have the means to pay the exorbitant fine and asked for leniency. After discussion, Vice Chairman Smart moved to grant the appeal. Member Byers seconded the motion which passed by roll call vote of 7-1 with Member Schneider voting in the negative.

Member Rice left the meeting and Chairman McGuffage held her proxy for the duration of the meeting.

The General Counsel presented Agenda item 5.a.25, *SBE v. Illinois Federation of Public Employees PAC*, 23671, 11MA085 & 12MA030 and concurred with the hearing officer recommendation to deny the appeal but treat the violations as one offense and stay the fine. Burt Odelson was present on behalf of the committee and agreed with the recommendation. Chairman McGuffage moved to accept the recommendation of the General Counsel to deny the appeal but treat as one violation and stay the fine. Member Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented appeals of campaign disclosure fines where he concurred with the recommendation of the hearing officer to deny the appeals for Agenda items 5.a.12-15, 20-24 & 25.a:

- 12) *SBE v. DeKalb County Democrats*, 143, 12DQ002;
- 13) *SBE v. Rock Island County Republican Central Committee*, 349, 11AS053;
- 14) *SBE v. Illinois Restaurateurs PAC*, 543, 12MA002; (pgs.67-72)
- 15) *SBE v. Communication Workers of America District 4 PEC*, 763, 12AD009;
- 20) *SBE v. Morton Grove Caucus Party*, 17331, 11SQ121;
- 21) *SBE v. Citizens for Kurt*, 17646, 12MA012;
- 22) *SBE v. Citizens for Gwendolyn E. Drake*, 22257, 12DQ148;
- 23) *SBE v. Citizens to Elect David Moore*, 23127, 12MA027;
- 24) *SBE v. Citizens for Homewood Schools*, 23335, 11AM188;
- 25.a) *SBE v. Friends for Monique Davis*, 1059, 12MA057.

No one was present on behalf of the respondent committees. Vice Chairman Smart moved to accept the recommendation of the General Counsel and hearing officer in the above listed matters. Member Scholz seconded the motion which passed by roll call vote of 8-0.

Agenda items 5.a.26 and 26.a were pulled and will be placed on the July Board meeting Agenda at the request of the respondent committees.

The General Counsel presented a failure to comply with a Board order for Agenda item 5.a.27, *SBE v. Friends of John Pope*, 14501, 11MQ-CL012 and reviewed the matter. Since the committee did file the required report prior to today's meeting, he recommended the committee not be assessed a civil penalty. Vice Chairman Smart 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 potential ballot forfeiture and payment a civil penalties was presented for informational purposes.

Member Schneider moved to recess to executive session to consider complaints, litigation and personnel matters and the motion passed unanimously. The meeting recessed at 12:05 p.m. and reconvened at 12:50 p.m.

Upon reconvening a roll call was taken with the seven Members present. Member Rice was absent and Chairman McGuffage held her proxy.

As to Agenda item 5.a.30, *Jenkins v. Cicero Voters Alliance (The Larry Dominick Team)*, 11CD191, Member Schneider moved to find the complaint was not filed on justifiable grounds and dismiss the matter for want of prosecution. Member Scholz seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 5.30.a, *Jenkins v. Friends of Michael J. Madigan*, 12CD117, Member Schneider moved to dismiss the complaint for want of prosecution. Member Byers seconded the motion which passed by roll call vote of 8-0.

As to Agenda items 5.a.31-33, 35-40, 43 & 45-49, Member Schneider moved to find the following complaints as filed on justifiable grounds and the matters proceed to public hearing:

- 31) *SBE v. 1st Ward Young Democrats*, 12CD034;
- 32) *SBE v. Votedebby.com*, 12CD036;
- 33) *SBE v. Friends of Michelle Chavez*, 12CD037;
- 35) *SBE v. Taxpayers United for Fairness*, 12CD049;
- 36) *SBE v. Coalition for Property Rights*, 12CD054;
- 37) *SBE v. Committee to Elect Gary Nowak*, 12CD056;
- 38) *SBE v. Citizens for Marijan*, 12CD061;
- 39) *SBE v. Oak Lawn Leadership Team*, 12CD064;
- 40) *SBE v. Working People's Campaign Committee for Elections of Honest Governors*, 12CD068;
- 43) *SBE v. All Citizens for Matthew Johnson*, 12CD086
- 45) *SBE v. Friends of Brian Sleet*, 12CD089;
- 46) *SBE v. Butler for Alderman 29th Ward*, 12CD099;
- 47) *SBE v. People's Choice PAC*, 12CD100;
- 48) *SBE v. Education First Party*, 12CD108;
- 49) *SBE v. Citizens to Elect Cassandra*, 12CD113.

Member Byers seconded the motion which passed by roll call vote of 8-0.

As to Agenda items 2.a.50-60, Member Schneider moved to find the following complaints as filed on justifiable grounds, not proceed to public hearing but the matters referred to staff for assessment of appropriate penalties:

- 50) *SBE v. Friends of LaConyer Davis*, 12CD116;
- 51) *SBE v. Regular Republican Party of River Forest*, 12CD017;
- 52) *SBE v. Committee for a Better 7th Ward*, 12CD038;
- 53) *SBE v. Young Democrats of Cook County*, 12CD042;
- 54) *SBE v. Citizens for Anna Marie Manzo*, 12CD058;
- 55) *SBE v. Friends of Tony Michelassi*, 12CD062;
- 56) *SBE v. Northbrook Caucus 2011*, 12CD093;
- 57) *SBE v. Elizabeth Nevarez*, 12CD101;
- 58) *SBE v. Cherie for 202*, 12CD102;
- 59) *SBE v. Southland Success PAC*, 12CD076;
- 60) *SBE v. District 230 Teachers Association IPACE*, 12CD118.

Member Scholz seconded the motion which passed by roll call vote of 8-0.

Member Schneider moved to direct staff to implement the organizational changes within the legal division as discussed in executive session. The motion passed unanimously.

Member Schneider moved to authorize the Executive Director to renew the contract of Steve Flowers for IT support for an additional twenty days. The motion passed by roll call vote of 7-1 with Member Byers voting in the negative.

The report of the Executive Director began with an update on the number of resolutions to fill vacancies in nomination and it was noted that twenty-seven resolutions were filed and many candidates were still unopposed in the General Election.

The Executive Director said the independent and new party petition filing was in progress and to date no candidates had yet filed. He noted that four offices might have new party candidates filing and it was a possibility that the Libertarians might file petitions for President. The last day to file petitions is June 25 and the last day to file objections is July 2 and a Special Board Meeting was scheduled for July 9 to call cases for potential objections.

A listing of current election judge training schools schedule was presented for informational purposes.

Dianne Felts discussed the Accu-Vote memory card modification and noted that Larry Calvert was present from Governmental Business Systems. She reviewed her memo contained in the Board packet and said the new card does not require an internal battery to retain the programming of the data and that testing of the card was conducted without any major issues. Ms. Felts recommended approval of the memory card modification. Member Schneider moved to accept Ms. Felts' recommendation and approve the new memory card modification. Vice Chairman seconded the motion which passed unanimously.

The Executive Director gave an update on the 2012 Heartland Conference he recently attended and said there were excellent discussions regarding campaign disclosure and ethics, state budgets and the role of social media in state government. The 2013 Heartland Conference will be held in Louisville, Kentucky.

The National Conference of State Legislatures will be held in Chicago in August and the Executive Director said to contact Cris Cray for registration information if any Board Member would like to attend the conference.

Ms. Cray began the legislative update with a review of elections related bills that passed during the Spring Session and indicated that only the omnibus election bill had been sent to the Governor at this time. She also informed the Board that the next meeting of the Campaign Finance Reform Task Force Committee is scheduled for Thursday, June 21 at 1:00 p.m.

The Executive Director presented the FY13 proposed spending plan and reviewed some of the figures outlined in the plan. He noted that the appropriation for operations will be in a lump sum format and awards and grants will be distributed in a line item format. After discussion, Vice Chairman Smart moved to approve the FY13 spending plan as presented. Member Schneider seconded the motion which passed by roll call vote of 8-0.

Kyle Thomas reported on the voter purges currently in process in Alexander and Massac Counties and said both jurisdictions are working very hard and commended them for their efforts. He anticipates the purges to be completed by the end of June.

Mr. Thomas discussed the voting age population versus registered voters in certain jurisdictions and indicated that East St. Louis Board of Elections is above 100% and staff is in the process of identifying the factors that contributed to the increase. The IVRS update containing the

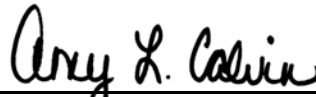
number of duplicate matches per month was also presented for informational purposes.

The Executive Director noted that the Agency contract with Catalyst Consulting will expire on June 30, 2012 and the IVRS system will be maintained by internal IT staff after that date.

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 commended staff for controlling their expenses throughout the fiscal year.

With there being no further business before the Board, Member Scholz moved to adjourn until July 9, 2012 at 10:00 a.m. Vice Chairman Smart seconded the motion which passed unanimously. The meeting adjourned at 2:10 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert T. Borgsmiller, Executive Director