

STATE BOARD OF ELECTIONS
Regular Board Meeting
Friday, July 1, 2011

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
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Assistant II

Chairman Schneider opened the meeting by leading everyone in the pledge of allegiance at 10:30 a.m.

The Chairman noted that the swearing in of newly appointed and reappointed Members was the first order of business and introduced the Honorable Leslie Graves, Circuit Court Judge, to conduct the ceremony. Newly appointed Members Harold D. Byers, Betty J. Coffrin, Ernest L. Gowen, Judith C. Rice and Charles W. Scholz recited the oath along with reappointed Members William M. McGuffage, Jesse R. Smart and Bryan A. Schneider.

A roll call was taken and all Members were present in the Springfield office. The meeting was also connected via videoconference with the Chicago office.

Chairman Schneider welcomed the new Members and informed everyone of the recent passing of Mark Greben, a long time employee from the Chicago office. The Chairman offered his condolences and mentioned many kind words about Mr. Greben.

The Executive Director recognized outgoing Chairman, Bryan Schneider and listed several highlights and accomplishments during his two year term as Chairman. The Executive Director commended Chairman Schneider for an outstanding job, thanked him for his service and presented a gavel commemorating his term as Chairman. Chairman Schneider thanked everyone for the opportunity and indicated the next order of business was the election of officers for a two year term. Member Smart nominated William McGuffage to serve as Chairman and moved that the nominations cease and a unanimous ballot be cast for Mr. McGuffage. Member Scholz seconded the motion which passed by roll call vote of 8-0. Chairman McGuffage nominated Jesse Smart to serve as Vice Chairman and moved that the nominations cease and a unanimous ballot be cast for Mr. Smart. Member Coffrin seconded the motion which passed by roll call vote of 8-0. At this time the Board took a short break to take a group photo.

Chairman McGuffage indicated the first order of business was consideration of the following appeals of campaign disclosure fines that the hearing officer recommended be granted; Agenda items 5.a.1-4: 1) *SBE v. Randolph County Republican Central Committee*, 154, 11DS002; 2) *SBE v. Friends of Tina Jannazzo*, 20245, 11DS101; 3) *SBE v. Plummer for Illinois*, 22279, 11DS186; and 4) *SBE v. Friends of Sheldon Sherman*, 23108, 11DS263. The General Counsel concurred with the recommendations of the hearing officers. Vice Chairman Smart moved to grant the appeals as recommended by the hearing officer and General Counsel for items 5.a.1-4. Member Byers seconded the motion which passed by roll call vote of 8-0.

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The Chairman presented the following appeals of campaign disclosure fines that the hearing officer recommended be denied; Agenda items 5.a.5, 6, 8, 9, 10, 11, 13 and 14: 5) *SBE v. Edwards County Republican Central Committee*, 1148, 11DS018; 6) *SBE v. Ag-Solv*, 1370, 11AM017; 8) *SBE v. Friends of Terry Link*, 11959, 10GE014; 9) *SBE v. Friends for Howland*, 19201, 10GE030; 10) *SBE v. Citizens for Mary L. Donner*, 19749, 11DS094; 11) *SBE v. Brady PAC-Illinois*, 22097, 11DS174; 13) *SBE v. Friends of John F. Argoudelis*, 22782, 11DS222; 14) *SBE v. Friends of Don Gerard*, 22970, 11AM052. The General Counsel concurred with the recommendations of the hearing officers and no one was present for any of the matters. Vice Chairman Smart moved to deny the appeals as recommended by the hearing officer and General Counsel. Member Rice seconded the motion which passed by roll call vote of 8-0. Member Rice recused herself from Agenda item 5.a.11.

The General Counsel indicated he received a request from the respondent in Agenda item number 5.a.7, *SBE v. Cuba Township Republican Club*, 4880, 11DS024 to reschedule the matter to the August meeting as they were unable to attend today's meeting. The matter will be placed on the August 16 Board meeting Agenda.

The General Counsel presented Agenda item 5.a.12, *SBE v. Aaron Booker for Sheriff*, 22656, 11DS206 and indicated he concurred with the hearing officer recommendation that the appeal be denied. Treasure Luther Landon was present on behalf of the respondent committee. Mr. Landon summarized his appeal and indicated that he tried to file on time and had issues with the filing software and computer issues as well. The General Counsel noted that although the report was filed electronically, such filing occurred after the time had elapsed to submit the report electronically, and indicated he still concurred with the recommendation of the hearing officer. After discussion Vice Chairman Smart moved to deny the appeal and reduce the fine to \$175. Member Rice seconded the motion which passed by roll call vote of 8-0.

The payment of civil penalties was presented for informational purposes.

Member Byers moved to recess to executive session to consider complaints following closed hearing, litigation and personnel matters. Member Scholz seconded the motion which passed by roll call vote of 8-0. The meeting recessed at 11:30 a.m. and reconvened at 12:05 p.m.

As to *Zurek v. Friends of Barrett F. Pederson & Democratic Party of Leyden Township*, 11CD025, Vice Chairman Smart moved to continue the matter to the August Board meeting so that staff and the hearing officer would have sufficient time to review the amended reports that were submitted by the Respondent. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. Citizens for Thaddeus Jones*, 12697, 11MA001, which was an appeal of a civil penalty for which the hearing officer originally recommended be granted concerning the Schedule A-1 violation and denied concerning the Pre-Election report violation. The General Counsel concurred with that recommendation. Attorney Mike Kasper was present on behalf of the respondent committee and indicated he concurred with the hearing officer recommendation as well. Member Schneider moved to accept the recommendation of the hearing officer and General Counsel. Member Rice seconded the motion which passed by roll call vote of 8-0.

The Executive Director began his report by welcoming the newly appointed Board Members and invited them to tour the office for brief informational meetings with the Division Directors following the Board meeting. He also suggested that a series of short orientation sessions be conducted regarding campaign disclosure, objection procedures and other functions of the SBE. He suggested such sessions be presented prior to the start of the next several Board meetings. It was agreed that the a session on campaign disclosure will be held in conjunction with the August Board meeting in Chicago and that future sessions will be presented at subsequent Board meetings.

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Next on the Agenda was an update on the electronic canvass. Brent Davis gave a brief history and overview on the e-canvass project. The issues that are being dealt with at this point deal with transmission problems and the requirements now expected from the system. Mr. Davis indicated that he is working with the vendors and the election authorities and they have been cooperative.

Dianne Felts discussed the use of the AutoMARK in conjunction with the Accu-Vote and explained that the AutoMARK is a voting machine for voters with disabilities and the Accu-Vote is an optical scan voting machine. Voters cast their ballot on the AutoMARK through the use of an electronic pen and then those ballots are tabulated through the Accu-Vote. The testing went very well and only one AutoMARK had a minor technical problem which was easily resolved by the vendor. Ms. Felts then asked for final approval. Vice Chairman Smart moved to grant final approval of the use of the AutoMARK with the Accu-Vote. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

Cris Cray gave a legislative update and said the legislature met for one day and passed an omnibus election bill, Senate Bill 1586. She indicated that a full analysis was included in the Board packet. The House democrats worked with the other caucuses to draft the language and she indicated that there are some additional items that will have to be worked on internally. Senate Bill 266 also passed along with the agency budget (House Bill 124). Ms. Cray indicated she intends to ask for a supplemental appropriation to fund the election judge reimbursement when the fall veto session begins. The Chairman commended Ms. Cray for her excellent job performance in dealing with the legislature.

The Executive Director gave a brief overview of the Agency's FY12 appropriation that was given in a lump sum and the FY12 spending plan that was approved at the June meeting. He said he would give the Board a copy of that plan after the meeting so the new Members could review it.

Kyle Thomas presented the IVRS update and said he expects those duplicate voter registration numbers to continue dropping. He also reported on the census data regarding voting age population versus registered voters and indicated that staff has been working with those jurisdictions who have indicated that purge procedures were in place. Many of them have seen their numbers drop to below 100% already and are expecting the remaining jurisdictions to drop below 100% as well. Mr. Thomas explained that a purge of the voter rolls should be conducted every two years and that the Agency has also entered into an Interstate Duplicate Checking System with thirteen other states.

The Executive Director reported on the Campaign Finance Task Force Reform meeting and indicated that the next meeting was scheduled for July 28 in both the Springfield and Chicago offices via videoconference.

Next on the Agenda was an update on the Springfield office facility and the Executive Director informed the Board that two bids were opened on June 16. Central Management Services (CMS) will evaluate the bids within a month to see if either property meets the criteria then staff will have an opportunity to tour the facility.

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

Sharon Steward discussed the assessment of civil penalties for exceeding contribution limits as a follow up item from the June meeting. She reviewed her recommendation for assessment of civil penalties outlined in the memo on pages 97-98 of the Board packet. Ms. Steward indicated she was seeking approval of her recommendation. Discussion ensued regarding loopholes in the law and the various types of political committees and their respective election cycles. Vice Chairman Smart moved to approve the policy for assessment of fines for exceeding the contribution limits set forth in the campaign finance law. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

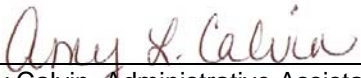
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Ken Menzel gave a history and review of events regarding the delegate selection for the Democratic National Convention which was a follow up item from the June meeting. Mr. Menzel said attorney Mike Kasper has reviewed the draft of a notice that staff is proposing to send to the election authorities and has given his approval. After discussion, Member Byers moved to give staff the authority to circulate the memo to the vendors and election authorities. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The Executive Director introduced Jim Tenuto who was appointed Assistant Executive Director and will be in charge of the Chicago Office.

With there being no further business before the Board Vice Chairman Smart moved to adjourn until Tuesday, August 16, 2011 at 10:00 a.m. or call of the Chairman, whichever occurs first. Member Coffrin seconded the motion which passed unanimously. The meeting adjourned at 1:35 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert F. Borgsmiller, Executive Director