

STATE BOARD OF ELECTIONS  
Regular Meeting  
Monday, July 21, 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 the Chicago office. Seven Members were present in Springfield and Member Watson was present in Chicago.

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

Vice Chairman Scholz moved to recess the State Board of Elections and reconvene as the State Officers Electoral Board. Member Schneider seconded the motion which passed unanimously. The meeting recessed at 10:31 a.m. and reconvened at 11:45 a.m. with the same attendance noted in the initial roll call.

Member Coffrin moved to approve the minutes from the June 17 and July 7 meetings as presented. Member Byers seconded the motion which passed unanimously.

The General Counsel presented a motion for reconsideration for Agenda item 4.a.1, *SBE v. Friends of Tim Parker, 24507*, 14AD042 and reviewed the matter. He recommended the motion be granted and the respondent be given an appeal form for the committee to submit to the SBE within 30 days of receipt of the form. 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.

The General Counsel presented a motion for reconsideration for Agenda item 4.a.2, *SBE v. Friends of Tiffani L. Graham to Trustee of the Village of Park Forest, 25326*, 14DQ186 and said it was basically a request from the respondent to appear before the Board to discuss the decision to assess a penalty. Dan Graham was present on behalf of the committee and indicated he thought the matters had been handled. He said all of the paperwork was filed and the committee was now dissolved. The General Counsel explained the committee was assessed a civil penalty but it was stayed because it was a first violation. If the committee remains dissolved for a two year period the fine will be abated. Mr. Graham was told if the candidate chose to run again she would not face ballot forfeiture. No action was taken on the motion since the respondent was seeking clarification of the order.

Requests for settlement offers for Agenda items 4.a.3-4, *SBE v. Frechette for Treasurer Committee*, 4860, 14AD009 and *SBE v. Committee to Elect Pete Colarelli*, 20113, 13SQ069 were presented. The General Counsel recommended the requests be granted because the committees offered a 50% settlement of their assessed penalties. Member Byers 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 request for settlement offer for Agenda item 4.a.5, *SBE v. Committee for Municipal Electricity Choice*, 24164, 13SQ149 was pulled and will be considered at the August meeting.

The General Counsel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to grant the appeals for Agenda items 4.a.6-13:

- 6) *SBE v. New Trier Republican Organization*, 244, 14AD001;
- 7) *SBE v. Committee to Re-Elect Patrick Herrmann Bureau County State's Attorney*, 15146, 14DQ041;
- 8) *SBE v. Citizens for Paul Frank*, 23122, 14DQ112;
- 9) *SBE v. Franco for Mayor*, 25024, 13AJ072;
- 10) *SBE v. Friends of Judge Dan Kubasiak*, 25378, 14AD047;
- 11) *SBE v. Judy Rice for Judge*, 25459, 13AS031;
- 12) *SBE v. Caruana for Winnebago County Sheriff*, 25502, 14AD049;
- 13) *SBE v. Illinois Families First*, 25572, 14DS055.

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 where he concurred with the hearing officer recommendation to deny the appeals for Agenda items 4.a.14-17, 19, 21-24, 31-32 & 34:

- 14) *SBE v. Boone County Democratic Central Committee*, 610, 14AD003;
- 15) *SBE v. Village Improvement Party of Crestwood aka Village Interest Party*, 4276, 14DQ017;
- 16) *SBE v. Mercer County Democratic Central Committee*, 5164, 14DQ020;
- 17) *SBE v. Illinois Evening Republican Club*, 5713, 14DQ023;
- 19) *SBE v. Illinois Roofing Contractors PAC*, 14286, 14DQ037; (pgs.67-71)
- 21) *SBE v. Citizens to Elect Michael "Mike" Suttley*, 16287, 12AS019; (pgs.75-78)
- 22) *SBE v. Illinois State Conference of IBEW PAC*, 16468, 14AD021; (pgs.79-82)
- 23) *SBE v. Friends of Bonnie Hester*, 19979, 14DQ076; (pgs.83-86)
- 24) *SBE v. Friends of Eddie Lee Jackson*, 21760, 14AD029; (pgs.87-91)
- 31) *SBE v. Friends of Juan Antonia Diaz*, 24448, 14DQ146; (pgs.116-118)
- 32) *SBE v. Worth Township Community First Party*, 24858, 14AD055; (pgs.119-121)
- 34) *SBE v. Katherine A. O'Dell for Judge*, 25428, 13AS049; (pgs.161-167)

Vice Chairman Scholz moved to deny the above noted appeals. Member Byers seconded the motion which passed by roll call vote of 8 - 0.

The following appeals for Agenda items 4.a.20, 25 & 29: 20) *SBE v. Illinois Psychiatric PAC*, 15354, 11DQ060; 25) *SBE v. Democratic Party of the 29<sup>th</sup> Ward*, 23266, 12AM123; and 29) *SBE v. 43<sup>rd</sup> Ward Republicans*, 24078, 14AD038 were pulled and will be considered at the August meeting.

The General Counsel presented Agenda item 4.a.18, *SBE v. Friends of Michael Howley*, 14040, 14DQ035 and concurred with the hearing officer recommendation to deny the appeal. Michael Howley was present on behalf of the committee and offered a settlement amount of \$800 which was 50% of the assessed penalty. Member McGuffage moved to deny the appeal and accept the settlement offer. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 – 0.

The General Counsel presented Agenda item 4.a.26, *SBE v. Jones for State Representative*, 23713, 13AS026 and concurred with the hearing officer recommendation to deny the appeal. Mike Kasper was present on behalf of the committee and said he agreed with the recommendation. Member Gowen moved to deny the appeal. Member McGuffage seconded the motion which passed by roll call vote of 8 – 0.

The General Counsel presented Agenda item 4.a.27, *SBE v. Northwest Suburban Teachers Union LU 1211*, 23915, 13SQ141 and concurred with the hearing officer recommendation to deny the appeal. Gary Wilson was present on behalf of the committee and offered a settlement amount of \$525 which was 50% of the assessed penalty. Chairman Smart moved to deny the appeal and accept the settlement offer. Member McGuffage seconded the motion which passed by roll call vote of 8 – 0.

The General Counsel presented Agenda item 4.a.28, *SBE v. 1<sup>st</sup> Ward First Independent Democratic Organization*, 24042, 13AS044 and did not concur with the hearing officer recommendation to deny the appeal. He felt the electronic filing defense was applicable in this case since the committee in good faith attempted to file the reports electronically even though they were not required to do so. Therefore, he recommended that the appeal be granted. Member Gowen moved to grant the appeal. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 – 0.

The General Counsel presented Agenda item 4.a.30, *SBE v. Steve Lentz for Mayor*, 24352, 14DQ139 and concurred with the hearing officer recommendation to deny the appeal. Steve Lentz was present on behalf of the committee and offered a settlement amount of \$212.50 which was 50% of the assessed penalty. Vice Chairman Scholz moved to deny the appeal and accept the settlement offer. Member Byers seconded the motion which passed by roll call vote of 8 – 0.

The General Counsel presented Agenda item 4.a.33, *SBE v. Show You Care Kane for the Developmentally Disabled*, 25124, 14D1002 & 14MA007 and concurred with the hearing officer recommendation to deny the appeal. He further recommended waiving the fine or reducing it to an amount that would not impose a significant hardship on the committee. The committee has made a good faith effort to come into compliance with the board order. Jessica Briney was present on behalf of the committee and asked that the board waive the fine because the committee filed the amended reports by the ordered deadline. She indicated the committee is now aware of how to report the in-kind contributions from the Association for Individual Development. After discussion, the General Counsel recommended the appeal be granted. Member Gowen moved to accept the recommendation of the General Counsel and grant the appeal. Member McGuffage seconded the motion which passed by roll call vote of 8 – 0.

The General Counsel presented Agenda item 4.a.35, *SBE v. Property Casualty Insurers Association of America Political Account*, 12467, 14AD014 and concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in party. He also noted that the fine amount should be \$1,250, not \$2500 listed in the report. Member Byers moved to accept the

recommendation of the General Counsel. Member Coffrin seconded the motion which passed by roll call vote of 8 – 0.

A listing of payment of civil penalty assessments necessitating a final board order was presented however the General Counsel said the committee listed on page 172 of the packet paid their fine.

A ballot forfeiture listing was also presented for informational purposes.

Member Schneider moved to recess to executive session to consider complaints following closed hearing and a litigation update. Vice Chairman Scholz seconded the motion which passed unanimously. The meeting recessed at 12:35 p.m. and reconvened at 12:40 p.m. with the same attendance noted in the initial roll call.

As to Agenda item 4.a.39, *SBE v. Stevenson Political Action Committee for Education*, 14CD054, Member Schneider moved to find that the complaint was filed on justifiable grounds and the matter proceed to a public hearing. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 – 0.

As to Agenda item 4.a.40, *Trautsch v. Friends of Tim Desmond*, 14CD108, Member Schneider moved to find that the complaint was not filed on justifiable grounds and the matter be dismissed for want of prosecution. Member Byers seconded the motion which passed by roll call vote of 8 – 0.

The Executive Director reported that the independent and new party petition filing update and listing of election judge training schools included on pages 174-177 of the packet were for informational purposes.

Cris Cray reported on legislation and said that two bills were awaiting the Governor's signature. One was the 3% millionaire statewide question and the other was the procurement bill.

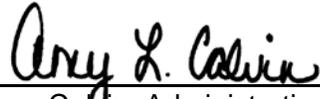
The Executive Director discussed POVA and said an official press release was distributed on June 27. Kyle Thomas reported as of this morning just over 1,400 applications have been submitted through the system and said that it is running very well. Kevin Turner noted that an HTML 5 version was in the process of development and would allow POVA to be accessed on mobile phone and tablet devices.

Mr. Thomas indicated that the number of duplicate matches in IVRS has decreased and the election authorities listed in the census data versus registered voters report remain under 100%.

Next were the FY14 fiscal status reports and the Executive Director said that the lapse period will end in August. Expenditures are at approximately 80% and a final report will be given when that period ends. He reported that FY15 numbers were in place and those expenses would be closely monitored as well.

With there being no further business before the Board, Member Byers moved to adjourn until Friday, August 22, 2014 at 10:30 a.m. Vice Chairman Scholz seconded the motion which passed unanimously. The meeting adjourned at 1:00 p.m.

Respectfully submitted,



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Amy Calvin, Administrative Assistant II



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Rupert T. Borgsmiller, Executive Director