

STATE BOARD OF ELECTIONS  
Regular Meeting  
Monday, September 15, 2014

MINUTES

PRESENT: Jesse R. Smart, 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

ABSENT: Charles W. Scholz, Vice Chairman

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. Six Members were present in Springfield and Member Watson was present in Chicago. Vice Chairman Scholz was absent and Member Byers held his proxy.

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

Member Schneider moved to recess the State Board of Elections and reconvene as the State Officers Electoral Board to approve the minutes from the August 22 meeting. Member Coffrin seconded the motion which passed unanimously. The meeting recessed at 10:32 a.m. and reconvened at 10:33 a.m.

Member Schneider moved to approve the minutes from the August 22 meeting. Member Coffrin seconded the motion which passed unanimously.

The General Counsel presented Agenda item 5.a.1, a motion for reconsideration in the matter of *SBE v. Jackson County Democratic Women*, 92, 14MQ002. He recommended the motion and appeal both be granted because of an internet connectivity issue and because the committee made a good faith effort to file electronically even though they were not required to do so. Eden Thorne was present on behalf of the committee and agreed with the recommendation. Member Coffrin moved to accept the recommendation of the General Counsel. Member Gowen seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented a settlement offer for Agenda item 5.a.2, *SBE v. Citizens for Jim Gitz*, 12695 and recommended the offer be granted because the amount offered was 50% of the total assessment. Member Byers moved to accept the recommendation of the General Counsel. Member McGuffage seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented a settlement offer for Agenda item 5.a.3, *SBE v. Friends of Barrett F. Pedersen*, 15091 and recommended the offer be denied because it was less than 50% of the total assessment and no extraordinary circumstances existed to accept such offer. He said if the

committee would offer an appropriate settlement he would recommend it be granted. Matthew Welch was present on behalf of the committee and offered \$2,175 which was 50% of the assessment. Member Gowen moved to accept the settlement offer of \$2,175. Member Byers 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 grant the appeals for Agenda items 5.a.4-8:

- 4) *SBE v. Indo-American Democratic Organization*, 1420, 14AD005;
- 5) *SBE v. Committee to Elect Dan Burke*, 5000, 14AM017;
- 6) *SBE v. Citizens for Jesse Martinez*, 21099, 13AM118;
- 7) *SBE v. Friends of Nancy Schiavone*, 22998, 14AM038;
- 8) *SBE v. Friends of Adam Johnson*, 25570, 14AM059.

He also noted that the committee in item 6 has filed the amended reports as recommended by the hearing officer. Member Schneider moved to accept the recommendation of the General Counsel and 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 to deny the appeals for Agenda items 5.a.9, 10, 13 & 15-19:

- 9) *SBE v. Citizens for Jerry "Iceman" Butler*, 4524, 14MQ022;
- 10) *SBE v. Citizens for Scaife*, 12324, 14MQ037;
- 13) *SBE v. Friends for Bill Graft*, 19056, 14DQ068;
- 15) *SBE v. Funkhouser for Alderman*, 23262, 14MQ100;
- 16) *SBE v. Democratic Party of the 29<sup>th</sup> Ward*, 23266, 12AM123;
- 17) *SBE v. Citizens to Elect Mike Kelley Will County Sheriff*, 25477, 14AM054;
- 18) *SBE v. Citizens for Ronald Lawless*, 25494, 14MQ157;
- 19) *SBE v. Committee to Elect Judge Andrea M. Buford*, 25525, 14AM057.

No one was present on behalf of the respondent committees. Member Byers moved to accept the recommendation of the General Counsel and deny the above noted appeals. Member Coffrin seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented Agenda item 5.a.11, *SBE v. Illinois Psychiatric PAC*, 15354, 13DQ048 and did not concur with the hearing officer recommendation to deny the appeal. He recommended the appeal be granted because the matter was not considered in a timely manner due to personal circumstances with the hearing officer. Meryl Sosa was present on behalf of the respondent committee and concurred with the recommendation. Member McGuffage moved to grant the appeal. Member Gowen seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented Agenda item 5.a.12, *SBE v. Illinois Psychiatric Society PAC*, 15354, 14DQ042 and concurred with the hearing officer to deny the appeal for the lack of an adequate defense. Ms. Sosa was present on behalf of the committee and offered a settlement of \$1,000 which was 50% of the total assessment. Member Byers moved to accept the recommendation of the General Counsel and the settlement offer of \$1,000. Vice Chairman Scholz seconded the motion which passed by roll call vote of 5-3. Members McGuffage, Schneider and Watson voted in the negative.

The General Counsel presented Agenda item 5.a.14, *SBE v. Tony Blumberg for Highland Park City Council*, 23239, 14MQ099 and concurred with the hearing officer recommendation to deny the appeal. Tony Blumberg was present on behalf of the committee and offered a settlement amount of \$112.50 which was 50% of the total assessment. Member Schneider moved to accept the recommendation of the General Counsel and the settlement offer of \$112.50. Member Gowen seconded the motion which passed by roll call vote of 8 - 0.

A failure to comply with a board order for Agenda item 5.a.20, *SBE v. Franco for Mayor*, 25024, 13AJ072 was presented. The General Counsel recommended the committee be assessed a \$941 fine for not filing the required reports (the amount of the original assessment, the appeal of which was granted, contingent on the filing of the amended reports). Member Byers moved to accept the recommendation of the General Counsel. Chairman Smart seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented a complaint following public hearing for Agenda item 5.a.21, *SBE v. Citizens to Elect Pat Liston*, 13CD215 and concurred with the hearing officer recommendation to order the committee to file the delinquent reports within thirty days of issuance of the order or be subject to a fine not exceeding \$5,000 for failure to comply with a board order. Member Gowen moved to accept the recommendation of the General Counsel. Member McGuffage seconded the motion which passed by roll call vote of 8 - 0.

The General Counsel presented a complaint following public hearing for Agenda item 5.a.22, *SBE v. Tazewell County Republican Central Committee*, 14CD107 and reviewed the matter. He concurred with the hearing officer recommendation that in light of the filing of the corrective amended reports, the complaint be dismissed and no further action be taken other than referral to staff for review and assessment of civil penalties. Member Coffrin moved to accept the recommendation of the General Counsel. Member Gowen 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 Byers moved to assess the civil penalty against the committees listed on pages 93-98 of the board packet, excluding the *Rey for Mayor* committee because the fine had been paid. Member Gowen seconded the motion which passed by roll call vote of 8 - 0.

An update on random audits of political committees and a listing of payment of civil penalties was presented for informational purposes.

The Executive Director began his report with an update on two HAVA complaints that were filed by Sharon Meroni and Defend the Vote. He explained that the General Counsel was waiting for a response from an e-mail that was sent a week ago this past Friday and noted that Ms. Meroni was not present today. The General Counsel said that Ms. Meroni indicated in a previous e-mail that she could not be present at today's meeting. After a discussion regarding the rules and procedures Member Schneider moved to continue the matter to the October board meeting. Member Coffrin seconded the motion which passed by roll call vote of 8 - 0.

Next was the pre-testing of voting systems for the general election and the Executive Director reported that a listing of counties selected for testing was included on page 132 of the board packet. A listing of election judge training schools was also presented for informational purposes.

Kyle Thomas presented for consideration the approval of Dominion's AccuVote undervote detection system while on battery backup and reviewed the history of the AccuVote kick-back feature. He explained that the tabulators are required to kick-back the optical scan ballot when an undervote for a constitutional officer is detected. However, the kick-back feature failed to work when the system was operating on battery backup. Dominion then presented an application for version 1.96.6e to correct this issue and VRS staff began testing in August. During testing, staff found that when the machine is on battery backup it cycles between a power fail message and the normal screen display. If a ballot is inserted while the power fail message is displayed, the tabulator will return the ballot and indicate an invalid ballot. However, if the ballot is inserted when the standard screen display is present, the tabulator will accept the ballot and tabulate correctly. Mr. Thomas noted the same was true for the previously approved version and indicated that no tabulation errors occurred during testing (since the system would simply not accept the ballot while on battery backup). He recommended a two year interim approval of the AccuVote version 1.96.6e and also recommended that jurisdictions that use this version properly train the election judges to be aware of the ballot feeding sensitivity while on battery backup. Member Coffrin moved to accept the recommendation of Mr. Thomas and grant two year interim approval to the AccuVote version 1.96.6e. Member Gowen seconded the motion which passed by roll call vote of 8 – 0.

The Executive Director indicated that the Advisory Committee Meeting was held prior to the Board Meeting. Topics discussed included: the e-canvass; early voting and grace period registration/voting; registration on election day; an update on the Green and Libertarian petitions for judicial review; statewide initiatives; legislation; post election surveys; MOVE and online voter registration. He also noted that there will be approximately seventeen new county clerks after the general election. In the past, SBE staff has conducted a training seminar for the new election authorities and thought it would be a good idea to offer the seminar again after the election. The Executive Director said it was a good meeting and the next meeting is tentatively scheduled for January 20, 2015.

Mr. Thomas presented the Paperless Online Voter Application (POVA) update and said the system is working very well. The number of applications are constantly increasing and as of now over 8,500 have been received. He noted that the new HTML5 version of the system is accessible from mobile devices as well as computers. The close of voter registration is October 7 and at 12:00 a.m. on October 8, the POVA system will be disabled. In its place, a web page will be displayed informing the user of grace period registration. The POVA website will be reactivated upon the reopening of voter registration. Kevin Turner reported that a letter was received from the voter registration groups offering some recommendations to the system and staff is in the process of addressing the suggestions. Mr. Turner also praised the Secretary of State's office and said their cooperation has been vital in the success of the system. Upon suggestion of the Chairman, Mr. Turner indicated he would draft a letter of thanks to the Secretary of State on behalf of the Board.

The Executive Director presented the IVRS and voting age population versus registered voters updates and noted that these monthly updates are repetitive with very little change from month to month. It was agreed that Mr. Thomas would continue to monitor those items and would bring updates to the Board if significant changes occur. Mr. Thomas noted that the number of duplicate matches have decreased and all jurisdictions on the voting age population report are below 100%.

The final FY14 fiscal reports were presented and the Executive Director noted that funds were returned to the state. The FY15 fiscal reports were presented and it was noted that expenses are being closely monitored and on target at this point in the budget year.

Member Byers moved to recess to executive session to consider complaints following closed preliminary hearing, pending litigation and personnel matters. Member Coffrin seconded the motion which passed by roll call vote of 8 – 0. The meeting recessed at 12:15 p.m. and reconvened at 2:55 p.m. with the same attendance as noted in the initial roll call.

As to Agenda items 5.a.26-27, *Keough v. Citizens to Elect Steven Reick*, 14CD110 and *Keough v. Citizens to Elect Steven Reick*, 14CD111, Member Schneider moved to find that for case 14 CD 111, the matter be dismissed for lack of prosecution and for case 14 CD 110, the matter be dismissed for lack of prosecution or in the alternative, the complaint was not filed on justifiable grounds and not proceed to a public hearing. Member Byers seconded the motion which passed by roll call vote of 8 – 0.

Member Schneider moved to appoint Steve Sandvoss to the position of Executive Director of effective January 1, 2015 for a four year term. Member Coffrin seconded the motion which passed by roll call vote of 8 - 0.

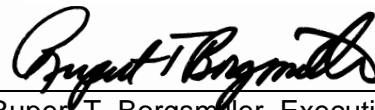
Member Schneider moved to approve an annual salary of \$130,000 for Steve Sandvoss effective January 1, 2015. Member Coffrin seconded the motion which passed by roll call vote of 7 – 0. Member Byers voted present on the motion.

With there being no further business before the Board, Member Schneider moved to adjourn until 10:30 a.m. on Tuesday, October 21, 2014 in Chicago. Member Byers seconded the motion which passed unanimously. The meeting adjourned at 3:00 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert T. Borgsmiller, Executive Director