

STATE BOARD OF ELECTIONS  
Regular Board Meeting  
Tuesday, October 16, 2012

MINUTES

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

ABSENT: William M. McGuffage, Chairman  
Bryan A. Schneider, Member

ALSO PRESENT: Rupert Borgsmiller, Executive Director  
Jim Tenuto, Assistant Executive Director  
Steve Sandvoss, General Counsel  
Becky Glazier, Assistant to Executive Director

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The meeting convened at 10:35 a.m. with Members Byers, Gowen, Scholz and Vice Chairman Smart present in Chicago. Member Coffrin was present in the Springfield office which was connected via videoconference. Member Scholz held the proxies of Members Rice and Chairman McGuffage; Vice Chairman Smart held the proxy of Member Schneider.

The Vice Chairman opened the meeting by leading everyone in the Pledge of Allegiance to the flag.

Member Byers moved to recess the State Board of Elections and convene as the State Officers Electoral Board. Member Coffrin seconded the motion which passed unanimously.

The meeting recessed at 10:36 a.m. The State Officers Electoral Board unanimously approved the minutes from the September 17, 2012 electoral board meeting.

The regular meeting reconvened at 10:37 a.m. with five members present.

Vice Chairman Smart presented the minutes of the September 17, 2012 State Board of Elections regular monthly meeting. Member Gowen moved to approve the minutes as presented and Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented settlement offers in the matters of *SBE v. Concerned Citizens for America*, *SBE v. Citizens for William Moss*, and *SBE v. New Progress Party*, noting his recommendation to accept the offers. No one was present in these matters. Member Byers moved to accept the settlement offers. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented agenda items 2.a.3-7, appeals of campaign disclosure fines and concurred with the recommendations that the appeals be granted in the matters of *SBE v. Manufacturer PAC (MPAC)*, 12AM087; *SBE v. Local #65 Political Action Fund*, 12AJ10; *SBE v. Heritage Community Party*, 12MQ040; *SBE v. Committee to Elect Jesse G. Reyes*, 12AJ040; and *SBE v. Ricardo Murray for Village Trustee*, 12MA061. Counsel Sandvoss noted that in item #6, *SBE v. Committee to Elect Jesse G. Reyes*, the committee be ordered to amend its report if it has not already done so. No one was present in these matters. Member Scholz moved to grant the appeals and Member Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented agenda items 2.a.8-20 appeals of campaign disclosure fines and concurred with the recommendations the appeals be denied. Since parties were present in the agenda items 8, 10 and 15 it was decided that they would be taken separately. No one was present in the matters of #9 *SBE v. Hamilton County Democratic Central Committee*, 12JQ002; #11 *SBE v. LaSalle County Republican Century Club*, 12MQ025; #12 *SBE v. Friends of Ken Dunkin*, 12AM013; #13 *SBE v. Pro-Life Victory Committee*, 12AJ024; #14 *SBE v. Citizens for Mariyana Spyropoulos*, 12AD054; #17 *SBE v. Committee to Elect Judge James L. Kaplan*, 12JQ119; #18 *SBE v. Friends of Pat Mahon*, 12AM060; #19 *SBE v. Citizens for Burkart*, 12AM114; and #20 *SBE v. IBEW Local 9 PAC Fund*, 12MA074. Member Byers moved to accept the recommendation of the hearing officer and General Counsel in agenda items 2.a.9, 11, 12, 13, 14, 17, 18, 19 and 20. Member Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented agenda item 2.a.8, an appeal of a campaign disclosure fine and concurred with the recommendation the appeal be denied in *SBE v. Cook County Democratic Party*, 12AM002. Michael Kasper was present on behalf of the Committee and asked that the matter be deferred to the December meeting. Member Scholz moved to hold this over to the December 18 meeting. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented agenda item 2.a.10, an appeal of a campaign disclosure fine and based on the circumstances described in the hearing officer's report he recommended the appeal be granted in the matter of *SBE v. Illinois Road Builders PAC*, 12AD041. Michael Sturino was present on behalf of the committee. Member Gowen moved to accept the report of the hearing officer as modified by the General Counsel and grant the appeal. Member Scholz seconded the motion.

The General Counsel presented agenda item 2.a.15, an appeal of a campaign disclosure fine and concurred with the recommendation the appeal be denied in *SBE v. Friends of Derrick Smith*, 12AM026. Victor Henderson was present on behalf of the committee and asked that this be set over to the December meeting. Member Byers moved to continue this matter to the December 18 meeting. Member Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel then presented agenda items 2.a.21-23, appeals of campaign disclosure fines with the recommendation the appeals be granted and denied in part in the matters of #21 *SBE v. Friends of Monique Davis*, 12AM006; #22 *SBE v. Citizens to Elect Judge Lorna Propes*, 12AM036; and #23 *SBE v. Citizens to Elect Judge Anthony C. Kyriakopoulos*, 12MA060. No one was present in these matters. Counsel Sandvoss discussed #23 concurring with the hearing officer recommendation but recommended that the date the filing be considered received be taken into account considering the computer and other issues raised in the hearing. Member Byers moved to accept the hearing officer recommendations and the modification in #23. Member Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented agenda items 2.a.24-26, appeals of contribution limit fines and concurred with the recommendation that the appeals be granted in the matters of *SBE v. Citizens to Elect Judge Lorna Propes*, 12MQ-CL013; *SBE v. Neil Anderson for IL 72<sup>nd</sup> District*, 12MQ-CL016; and *SBE v. Citizens to Elect Mary Margaret Burke*, 12MQ-CL017. No one was present in these matters. Member Scholz moved to accept the hearing officer and General Counsel recommendations and grant these appeals. Member Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented for informational purposes a listing of civil penalty payments.

Member Scholz moved to recess to Executive Session to consider campaign disclosure items and pending litigation. Member Gowen seconded the motion which passed by roll call vote of 8-0.

Meeting recessed at 10:50 a.m. and reconvened at 12:25 p.m.

Upon reconvening, Member Gowen summarized action taken in Executive Session and moved that in *Allen v. Eddy* the complaint was not filed on justifiable grounds and be dismissed; *Batinick v. Duffy Blackburn for Will County Auditor*, the complaint was filed on justifiable grounds but it not proceed to a public hearing; *Blum v. Stephenson County Accountability Network*, it was filed on justifiable grounds and it shall proceed to a public hearing; and heard together were *SBE v. NISMACNA Contractors Association, Inc.* and *SBE v. Citizens to Elect Cassandra Goodrum Burton* were filed on justifiable grounds but no further action be taken; and *David McSweeney v. Citizens for Dee Beaubien*, a public hearing not be ordered and no further action be taken. Member Byers seconded the motion which passed by roll call vote of 8-0.

Director Borgsmiller discussed the need for a special Board meeting on October 31 to consider complaints filed under the seven day calendar. Complaints filed after October 29 will not be considered until the November Board meeting. The Board agreed to conduct the special meeting at 1 p.m. on Wednesday, October 31.

The Executive Director began his report with the tentative election day assignments indicating we have received one additional request for staff in the field which is currently under consideration.

Director Borgsmiller reported on the Federal Consent Decree noting that the 45 day reports were all received in a timely fashion and commended all election authorities for their compliance. Cris Cray indicated she is currently working on the 30 day reports with only one small glitch in East St. Louis which is being worked out.

The electronic canvassing project is set to go live for the November election and Director Borgsmiller thanked Brent Davis for his work with the election authorities on this project. He also noted that election judge's training schools are still being conducted and are very well attended. Dianne Felts and her staff are testing the voting systems in eight jurisdictions and she will provide a report for the November meeting.

Discussion ensued on Public Act 97-847, the Judicial Privacy Act which prohibits a person, business, association or government agency from publicly posting the personal information of a judicial officer after the officer has made a written request to not post the personal information. The State Board has received its first request which has proved to be something near impossible to accomplish given the number of documents found on our website including petitions and campaign disclosure documents. Director Borgsmiller asked the Board to authorize staff to send a letter to the legislative leaders to ask them to consider the legislative intent of this Act which was to redact personal information from nominating petitions only. Member Scholz moved to authorize staff to send a letter to the legislative leaders regarding Public Act 97-847. Member Byers seconded the motion which passed by roll call vote of 8-0.

Items presented for informational purposes included the IVRS update and an update on the comparison of census data and the number of registered voters in certain jurisdictions. Kyle Thomas indicated as of this morning there are 7,410,896 registered Illinois voters. The number of duplicates has continued to decrease since 2008 when this component of the database was first activated.

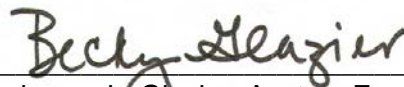
Director Borgsmiller presented for Board consideration additional language to be included in the SBE Policy Manual regarding public comments at Board meetings. Discussion ensued on the time limit for speaking as well as the time for submission of written requests to speak at the meeting. It was agreed the language would be revised to reflect Board member's comments on the proposed time limit and on allowing the Chairman discretion to extend time. This will be placed on the November agenda for Board consideration.

The fiscal reports and two year plan of activity were presented for informational purposes.

Director Borgsmiller reported to the Board that staff has met with delegations representing several different countries and will be meeting with two more in the upcoming weeks.

With there being no further business before the Board, Member Byers moved to adjourn until October 31, 2012 at 1:00 p.m. or call of the Chairman, whichever occurs first. The next regular monthly meeting is scheduled for Monday, November 19, 2012 in the Springfield office. Member Scholz seconded the motion which passed unanimously. The meeting adjourned at 1:20 p.m.

Respectfully submitted,



Rebecca L. Glazier, Asst. to Executive Director



Rupert T. Borgsmiller, Executive Director