

STATE BOARD OF ELECTIONS  
Regular Board Meeting  
Monday, November 21, 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  
Jim 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. at the State Employees' Retirement System building with all Members present.

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

The minutes from the October 18 meeting were presented. Member Scholz moved to approve the minutes as presented. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented service awards to the following employees: 15 year award to Bruce Brown; 20 year award to Carole Skaggs; and 25 year awards to Sharon Steward and Kevin Turner. He highlighted some accomplishments of each employee and thanked them for their dedication and service.

The General Counsel presented Agenda item 3.a.1, *SBE v. Mark J. Gernigin Campaign, 18746*, 11MQ039, a motion for reconsideration of a final Board order. The General Counsel recommended that the motion be granted, the final order be vacated and that the matter be sent back to the hearing officer. Mark Gernigin was present on behalf of the committee and offered his thanks to Sharon Steward for her assistance. Member Byers moved to accept the recommendation of the hearing officer. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

Agenda item 3.a.8, *SBE v. ILCA PAC, 19282*, 11MA057, was removed and will be placed on the December Board meeting Agenda.

The Chairman presented the following appeals of campaign disclosure fines that the hearing officer recommended be granted. These were agenda items 3.a.2, 4-7 & 9-10: 2) *SBE v. Adams County Republican Central Committee, 328*, 11MA044; 4) *SBE v. Democratic Party of Oak Park, 598*, 11AJ021; 5) *SBE v. Dent-IL-PAC, the Political Action Committee of the IL State Dental Society, 1043*, 11AJ024; 6) *SBE v. Kane County Republican Advisory Council, 18202*, 11MA015; 7) *SBE v. East St. Louis Republican Central Committee, 18551*, 11AJ054; 9) *SBE v. Republican Renaissance PAC, 21016*, 11JQ245; and 10) *SBE v. Committee to Elect Nathaniel R. Howse, 23715*, 11JQ202. The General Counsel concurred with the hearing officer recommendation that the

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appeals be granted. No one was present on behalf of the committees. Vice Chairman Smart moved to accept the recommendation of the hearing officer and General Counsel and grant the appeals. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 3.a.3, *SBE v. Pike County Republican Central Committee*, 591, 11JQ009. The hearing officer recommended the appeal be granted but the General Counsel recommended it be denied because it has been past practice of the Board to not accept illness of a family member as an adequate defense. The General Counsel said that as a matter of course, parties receive proper notice when the General Counsel has a different recommendation than the hearing officer. No one was present on behalf of the committee. Vice Chairman Smart moved to deny the appeal. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The following Agenda items 3.a.12, 16-19 & 21-22 were removed and will be placed on the December Board meeting Agenda: 12) *SBE v. Bureau County Republican Central Committee*, 331, 11MA045; 16) *SBE v. Friends of Ike Carothers*, 19970, 11MA017; 17) *SBE v. Committee to Elect Anita Rivkin Carothers*, 21035, 11MA020; 18) *SBE v. Zalewski for State Representative*, 21222, 11AJ064; 19) *SBE v. Preckwinkle for President*, 21644, 10AG091; 21) *SBE v. Committee to Elect Steven G. Watkins*, 22358, 11MA069; and 22) *SBE v. Friends of Sherman C. Jones*, 22764, 11AJ069.

The Chairman presented the following appeals of campaign disclosure fines that the hearing officer recommended be denied. These were agenda items 3.a.11, 13-14, 20 & 23-25: 11) *SBE v. Sangamon County Democratic Central Committee*, 317, 11AJ016; 13) *SBE v. Wood River Township Democratic Precinct Committeemen's Org.*, 374, 11AJ018; 14) *SBE v. Alexander County Republican Central Committee*, 4953, 11JQ211; 20) *SBE v. Committee to Elect Michelle Huggis Flagg*, 22202, 11JQ263; 23) *SBE v. Citizens for Julius Anderson*, 22851, 11DS357; 24) *SBE v. Rooney's Bus*, 22942, 11MA073; and 25) *SBE v. Citizens to Elect Kenneth Harris*, 23286, 11JQ172. The General Counsel concurred with the recommendation of the hearing officer and noted that no one was present on behalf of the committees. Member Coffrin moved to accept the recommendation of the hearing officer and General Counsel and deny the appeals. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The Chairman presented the following appeals of campaign disclosure fines where the hearing officer recommended they be granted in part and denied in part. These were agenda items 3.a.26-27: 26) *SBE v. Citizens for Lyle*, 14153, 11MA028; and 27) *SBE v. Citizens to Elect Valerie DeVost*, 23004, 11MA074. The General Counsel concurred with the recommendation of the hearing officer and noted that no one was present on behalf of the committees. Vice Chairman Smart moved to accept the recommendation of the hearing officer and General Counsel. Member Byers seconded the motion which passed by roll call vote of 8-0.

The Chairman presented the following appeals of contribution limit fines that the hearing officer recommended be granted. These were agenda items 3.a.28-30: 28) *SBE v. Associated Beer Distributors of Illinois PAC*, 538, 11SQCL001; 29) *SBE v. Citizens for Kirk Dillard*, 9857, 11SQCL002; and 30) *SBE v. Friends of Louise Hayes*, 23734, 11SQCL005. The General Counsel concurred with the recommendation of the hearing officer and noted that no one was present on behalf of the committees. Vice Chairman Smart moved to accept the recommendation of the hearing officer and General Counsel and grant the appeals. Member Scholz seconded the motion which passed by roll call vote of 8-0.

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The General Counsel presented civil penalty assessments and contribution limit penalty assessments necessitating a final Board order for the committees included on pages 174-175 of the Board packet. Vice Chairman Smart moved to issue final Board orders for those committees. Member Scholz seconded the motion which passed by roll call vote of 8-0.

A ballot forfeiture listing was distributed for informational purposes. It included candidates who still owe civil penalties and also those who have paid their civil penalties and are no longer subject to ballot forfeiture.

The Executive Director began his report with an overview of the candidate petition filing process for the March 20, 2012 General Primary Election and noted the first day to file is November 28<sup>th</sup>. The Board room will be set up to accommodate the legislative caucus filers and all other filers will proceed to the area outside of the Executive Director's office. New to this year's filing period is the ability to accept credit cards as a form of payment for petition requests and the option to purchase a candidate's petitions on a CD for \$5.00 each. Each set of petitions will be scanned into the computer and petition copy requests will be printed from the scanned image rather than the original petition itself. These improvements should save time and money and help expedite the process.

Ken Menzel discussed the anticipated amended certification and explained that due to late delegate filings and the objection process it would most likely be necessary to amend the certification at least once after the January 12, 2012 ballot certification date. Mr. Menzel summarized the four possible scenarios that might necessitate amended certifications outlined in his memo on pages 192-193 of the Board packet. He then asked for the Board to authorize and direct staff to promptly issue amended certifications when the need arises without convening a special Board meeting. Member Scholz moved to authorize and direct staff to amend the certification after the ballot certification date. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

Mr. Borgsmiller presented the schedule of election judge schools for informational purposes.

Next on the Agenda was consideration of approval of two printers with the ES&S ballot on demand feature. Dianne Felts explained that the program allows for in-house printing of military and absentee ballots and both the Oki Data printers (models C711 and C9650) are off the shelf commercial printers. Ms. Felts then asked for Board approval for use in Illinois. Vice Chairman Smart moved to approve the two printers. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

Brent Davis gave an update on the electronic canvass project and said two jurisdictions, Cook County and the City of Peoria have agreed to participate in the pilot program and is waiting for a response from the City of Chicago. Internal testing procedures will begin in December and training on the software will take place mid to late January. The program will be functional for the 2012 elections and should be completely implemented for the 2014 election cycle. Mr. Davis said that jurisdictions will also submit paper copies of the canvass so staff can conduct an audit to ensure 100% accuracy.

Cris Cray gave a legislative update and said that there is no funding for election judges as of yet but a supplemental bill is out there that include three line items for the SBE – IVRS, election judges and early voting judges. Ms. Cray distributed the General Assembly calendars for 2012 and noted that the capitol building is under construction so session will not convene until January 31<sup>st</sup>.

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Next was a report on the Campaign Finance Reform Task Force Meeting that was held on November 17<sup>th</sup>. Ms. Cray said Public Hearings were scheduled for November 21<sup>st</sup> and December 15<sup>th</sup> and the public financing report is due by December 31<sup>st</sup>. In March, a list was given to the Task Force containing ideas regarding the new campaign contribution limits, issues with the other aspects of the campaign finance reform legislation and other items that need to be addressed before December 31<sup>st</sup>. Chairman McGuffage made some suggestions concerning threshold limits and the seven day calendar and Ms. Cray noted that the committee is very up front about the likelihood of legislation passing during a given session or not.

Eric Donnewald reported on the metes and bounds project and said that it was completed in October. Ms. Cray submitted a listing of the anomalies that were discovered in the process to the legislative caucuses and Mr. Donnewald noted that an e-mail was also sent to the election authorities advising them of same. He also noted that it would be up to the election authority to decide how to handle the anomalies in their jurisdiction.

Kyle Thomas gave an IVRS update and indicated that the duplicate counts are down for this month because the election authorities are busy implementing other projects. He noted that the counts will most likely increase as new registrations come in, especially closer to the election. As far as the census data versus registered voters he said another jurisdiction dropped below 100% which brings the total number of such jurisdictions to nine and that the election authorities continue to work on their purges.

Mr. Thomas reported that the last meeting of the Joint Committee for a statewide Election Management System (EMS) was held on October 27<sup>th</sup> and attendance was good. A list of questions has been sent to the committee members for input on what types of functions they would like to see in a statewide EMS. The next meeting is scheduled for January 2012 in conjunction with the Election Official's conference in Springfield.

The Executive Director indicated there was a memo on page 207 of the Board packet regarding the required review of the executive session minutes. He further stated that he and the General Counsel have both reviewed the minutes and he asked for a motion that the executive session minutes be made publicly available if requested with the exceptions that are noted in the memo. Member Byers moved to accept the recommendation of the Executive Director and General Counsel. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

Next was an update on the Springfield office facility and the Executive Director said that the Division Directors went on a tour of the new facility and a lot of positive comments were received. Mike Roate reported that progress is being made, the lease has been signed and a meeting was scheduled for tomorrow to draw up plans for the interior layout. Central Management Services is going to post the contract on their procurement for thirty days for purposes of protest or comment, and in the meantime the SBE will continue to work on finalizing the floor plan, obtain contractor quotes and make sure it is within the terms of the cost allowances. The move-in date is tentatively scheduled for the end of January 2012.

The Executive Director presented the fiscal reports and two year plan of staff activity for informational purposes. He noted that expenses were being monitored and if we do receive a supplemental that will free up some other funds for the moving expenses.

The Executive Director reported on the follow up item regarding questions raised by attorney Andrew Finko. As of today, information has not been received from Mr. Finko, however, one of the issues concerned the security tag numbers (and corresponding logs) on the ballot boxes used in the City of Chicago elections. He noted that those concerns have been addressed in the election judge training schools conducted by Chicago. Mr. Thomas said he spoke with the City of Chicago and another issue raised by Mr. Finko about an error in their registration system has also been corrected.

The Board discussed the December 20 Board meeting and agreed to begin the meeting at 10:00 a.m. instead of 10:30 a.m. due to the Electoral Board proceedings and expected full Agenda.

After a short break, Member Byers moved to recess to executive session to discuss pending litigation. Member Scholz seconded the motion which passed by roll call vote of 8-0. The meeting recessed at 12:20 p.m. and returned to open session at 1:20 p.m.

Upon reconvening, a second roll call was taken with all Members present in Springfield.

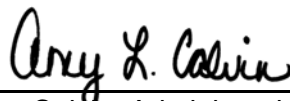
Member Schneider moved to authorize the General Counsel to take all such action in pending litigation as authorized by the Board in executive session. Member Scholz seconded the motion which passed by roll call vote of 8-0.

As to *SBE v. Friends of Ed Mullen*, 11CD172, a complaint following closed hearing, Member Schneider moved that the complaint be found to have been filed on justifiable grounds and the matter proceed to a public hearing. Member Scholz seconded the motion which passed by roll call vote of 8-0.

For the benefit of the new Board Members and any other interested persons, the General Counsel gave a brief informational presentation on the procedures regarding objections to candidate nominating petitions. No Board action was taken during this time.

With there being no further business before the Board, Member Byers moved to adjourn until December 20, 2011 at 10:00 a.m. or call of the Chairman, whichever occurs first. Member Schneider seconded the motion which passed unanimously. The meeting adjourned at 1:56 p.m.

Respectfully submitted,



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Amy Calvin, Administrative Assistant II



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Rupert T. Borgsmiller, Executive Director