

STATE BOARD OF ELECTIONS  
Regular Meeting  
Monday, September 16, 2013

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 10:40 a.m. via videoconference with seven Members present. Chairman Smart and Members Byers, Coffrin and Gowen were present in Springfield and Members Schneider and Watson present in Chicago. Vice Chairman Scholz was present via teleconference and Member Watson held Member McGuffage's proxy until his arrival in Chicago at 10:55 a.m.

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

Member Byers moved to approve the minutes from the August 20 meeting as presented. Member Coffrin seconded the motion which passed unanimously.

The General Counsel presented Agenda item 2.a.1, a motion for reconsideration for *SBE v. Indo-American Democratic Organization, 1420*, 13MA038 and summarized the matter. He recommended the motion be denied for failure to establish sufficient grounds for why they did not appeal the initial assessment. Mridu Sekhar was present on behalf of the committee and stated that the SBE correspondence was sent to an old address and asked the penalty be forgiven. 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.

The General Counsel presented Agenda item 2.a.2, a motion for reconsideration for *SBE v. 42<sup>nd</sup> Ward Republican Organization, 15431*, 12SQ048 and recommended the motion be denied for lack of basis granting same. Eloise Gerson was present on behalf of the committee and said notices were sent to an old address and the committee experienced difficulties with their Treasurer. Ms. Gerson then offered a settlement amount of \$3,900. Member Byers moved to accept the recommendation of the General Counsel and the settlement offer from Ms. Gerson to be paid within ninety days. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.3, a motion for reconsideration for *SBE v. 42<sup>nd</sup> Ward Republican Organization, 15431*, 13MQ049 and recommended the motion be denied. Ms. Gerson was present on behalf of the committee and offered a settlement amount of \$525. Member Schneider moved to accept the recommendation of the General Counsel and the

settlement offer from Ms. Gerson to be paid within ninety days. Member Watson seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a settlement offer from *SBE v. Committee to Elect Mel Thillens*, 23224, 09MA057 and stated that John Fogarty was present on behalf of the committee. Mr. Fogarty asked for a settlement in the amount of \$5,000 and noted that the committee currently has a zero funds balance. Member McGuffage moved to accept Mr. Fogarty's settlement offer to be paid within thirty days. Member Watson seconded the motion which failed by roll call vote of 4-4, with Members Byers, Coffrin, Gowen and Schneider voting in the negative. Mr. Fogarty then offered a settlement amount of \$6,175 which was 50% of the original assessment. Member Coffrin moved to accept the settlement of \$6,175 to be paid within thirty days. 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 2.a.4-6: *SBE v. Citizens to Elect Tom Cross*, 7539, 13AD021; *SBE v. Liz for the 17<sup>th</sup>*, 22716, 12AS069; and *SBE v. Friends of Sam Yingling*, 23561, 13MA019. He also presented Agenda item 2.a.7, *SBE v. Citizens for Debbie Myers-Martin*, 24887, 13MA053 where he concurred with the hearing officer recommendation to grant in part and deny in part. No one was present on behalf of the respondent committees. Member Coffrin moved to accept the recommendation of the General Counsel in the above noted appeals. Member Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel noted that the appeals for Agenda items 2.a.14 & 19, *SBE v. United Peoples Party*, 18568, 13MQ071 and *SBE v. Lake County Life PAC*, 22333, 13DQ239 were pulled and will be placed on a future Board Meeting Agenda.

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 2.a.8, 13, 17, 21, 22 & 25:

- 8) *SBE v. Knox County Democratic Central Committee*, 287, 13MQ008;
- 13) *SBE v. Democratic Women of Knox County*, 16139, 13MQ055;
- 17) *SBE v. Committee to Elect John H. Vogt State's Attorney*, 19507, 12SQ207;
- 21) *SBE v. Citizens for Ronald Duebbert*, 24169, 13MQ140;
- 22) *SBE v. Friends of Xavier Roman*, 24447, 12AS080;
- 25) *SBE v. HACIA PAC*, 25109, 13MA056.

He also noted that the total amount due in the hearing officer report for Agenda item 2.a.21 was incorrect and recommended that it be changed to \$425. No one was present on behalf of the respondent committees. Member Coffrin moved to accept the recommendation of the General Counsel for the above noted appeals. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.9, *SBE v. 44<sup>th</sup> Ward Regular Democratic Organization*, 468, 12AJ063 and concurred with the hearing officer recommendation to deny the appeal. Mike Kasper was present on behalf of the respondent committee and asked the fine be reduced to 10% of the assessment because the bookkeeper was on maternity leave and the late filing was unintentional. Member McGuffage moved to deny the appeal and reduce the penalty to 10% on the basis that the failure to file was inadvertent and unintentional. Member Watson seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.10, *SBE v. Personal PAC, Inc.*, 497, 13AM009 and concurred with the hearing officer recommendation to deny the appeal. Mr. Kasper was present on behalf of the committee and offered a settlement of \$1,625. Member Byers moved to deny the appeal and accept Mr. Kasper's settlement offer. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.11, *SBE v. Friends of Mary E. Flowers*, 4261, 12AS064 and concurred with the hearing officer recommendation to deny the appeal. Mr. Kasper was present on behalf of the committee and also concurred with the recommendation of the hearing officer. Member Byers moved to accept the recommendation of the General Counsel and deny the appeal. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.12, *SBE v. Friends of Ken Dunkin*, 11436, 13AD060 and concurred with the hearing officer recommendation to deny the appeal. Mr. Kasper was present on behalf of the respondent committee and stated that he did not agree with the recommendation. He reviewed the circumstances and said the committee was unaware of the new law regarding in-kind contributions for their rent. Once they realized this they promptly refunded the amount of excess contributions to the landlord and have been reporting correctly since then. The General Counsel recommended the appeal be granted because the committee put forth best effort to follow state requirements and felt they should not be penalized for doing something they thought would prevent a violation of another section of the statute. Member McGuffage moved to grant the appeal. Member Watson seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda items 2.a.15 & 16: *SBE v. Friends of Dave Koehler*, 19230, 12AS067 and *SBE v. Friends of Dave Koehler*, 19230, 13AD067 and concurred with the hearing officer recommendation to grant in part and deny in part the appeal for #15 and deny the appeal for #16. Mr. Kasper was present on behalf of the respondent committee and explained the Treasurer was unable to keep up with her duties because she was undergoing chemotherapy treatments and offered a settlement amount of \$10,000. Member McGuffage moved to accept the recommendation of the General Counsel and the Mr. Kasper's settlement offer for the above noted appeals. Member Watson seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.18, *SBE v. Crete Township Democrats*, 19976, 12SQ208 and concurred with the hearing officer recommendation to deny the appeal. Sherry Newquist was present on behalf of the committee and offered a settlement of \$1,001.31 which was the amount remaining in the account. Member Byers moved to accept the recommendation of the General Counsel and Ms. Newquist's settlement offer. Member Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.20, *SBE v. Committee to Elect Will Guzzardi*, 23729, 13MA048 and concurred with the hearing officer recommendation to deny the appeal. Will Guzzardi was present on behalf of the respondent committee and said he experienced technical difficulty because he previously did not have the type of operating system that was required for the electronic filing program. He then offered a settlement amount of \$1,325. Member McGuffage moved to grant in part and deny in part the appeal, and accept Mr. Guzzardi's settlement offer. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda items 2.a.23, *SBE v. Friends of Fred Tetter*, 24812, 13MA051 where the hearing officer recommended the appeal be denied. Monique Howery was

present on behalf of the committee and stated that the committee did not reach the \$3,000 threshold and asked that the penalty be waived. Member McGuffage moved to dismiss the matter and waive the penalty because the committee was not required to file. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.24, *SBE v. Friends of Jarman Myron Porter*, 24813, 13MA052 and concurred with the hearing officer recommendation to grant the appeal in part and deny in part. He disagreed with the hearing officer's recommendation to rescind the granting of the appeal of the two previous assessments if the committee fails to file the amendment. Instead, he recommended that if the Board orders the committee to amend the reports to correct them and they fail to do that, then they fail to comply with a Board order which has its own set of consequences. Ms. Howery was present on behalf of the committee and stated that the amended reports will be filed within thirty days. Vice Chairman Scholz 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 Agenda item 2.a.26, *SBE v. Committee to Elect Linda Moore*, 21578, 13AD034 and concurred with the hearing officer recommendation to grant the appeal in part and deny in part. He also noted that the amount of the penalty listed in hearing officer's report was incorrect and recommended it be changed to a total of \$225 which would be stayed. No one was present on behalf of the respondent committee. Member Gowen moved to accept the recommendation of the General Counsel. Member Byers seconded the motion which passed by roll call vote of 8-0.

A listing of payment of civil penalties was presented for informational purposes.

The Executive Director began his report with an update on the Advisory Committee meeting that was held prior to the Board meeting. He noted that the meeting was well attended and topics discussed included provisional ballot rules, legislation, the post election survey, online voter registration and electronic canvassing. The next meeting is tentatively scheduled for January 22, 2014 and will not be held in conjunction with the Board's regular monthly meeting.

Next was a proposal to amend the campaign disclosure seven day calendar provisions. The General Counsel noted the changes discussed at the last Board meeting and the new proposed language was included in the board packet. He recommended a reduced filing fee of \$50 which would be applicable to all complaints filed and an increased blackout period from eleven days prior to an election to fifteen days prior thereto. Member Gowen moved to approve the amendment on pages 108-110 of the board packet. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

Cris Cray gave a brief legislative update and reported that preparations have begun on the 2014 legislative agenda and staff is reviewing a couple pieces of new legislation for the veto session. A meeting was recently held with Senate and House staffers to discuss the agenda items including provisional balloting rules and regional superintendent of schools district consolidation and petition filing that is scheduled for November. Ms. Cray also stated that that a bill would be drafted concerning the procurement rules and would be forwarded to the Board for their review.

The Executive Director noted that the online voter registration update was included in the board packet and Kyle Thomas was available to address any additional questions. Mr. Thomas said the test file received from the Secretary of State's office exceeded staff expectations and the

images looked very good. He also said that the system has been renamed Paperless Online Voter Registration Application (POVA) to avoid confusion with a previous system titled OVR that requires individuals to send in a paper application with their signature. Mr. Thomas clarified that these are only applications until the election authority processes and deems them registrations.

Mr. Thomas presented the IVRS update for informational purposes and noted that the city of East St. Louis has dropped below 100% on the census data versus registered voters in certain jurisdictions report.

The Executive Director presented the fiscal reports for informational purposes and noted that FY14 expenditures are on target and are being closely monitored. He also noted that a final FY13 report would be issued at the end of the year but it appears that the agency expended approximately 85% of the appropriation. The Chairman thanked Mr. Roate and Mr. Borgsmiller for a job well done.

The two year plan of staff activity for the months of September and October were presented for informational purposes.

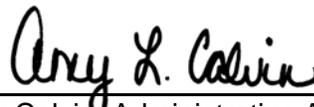
Next on the Agenda was a follow up report on "Election Security and the Vulnerability Assessment of Security in relation to the State Board of Elections." Sharon Meroni, Executive Director of Defend the Vote was present and expressed her thoughts regarding security of electronic voting machines, the Argonne National Laboratory Vulnerability Assessment, transmission of early voting ballots, counting of absentee ballots, election seals and provisional voting.

The Board unanimously agreed to recess to executive session to consider a personnel matter. The meeting recessed at 12:55 p.m. and reconvened at 1:00 p.m.

Member Byers moved to offer a four year appointment to Sharon Steward. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

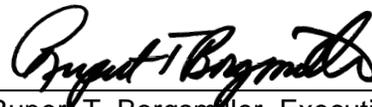
With there being no further business before the Board Chairman Scholz moved to adjourn until 10:30 a.m. on October 22, 2013 in Chicago. Member Coffrin seconded the motion which passed unanimously. The meeting adjourned shortly after 1:00 p.m.

Respectfully submitted,



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Amy Calvin, Administrative Assistant II



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Rupert T. Borgsmiller, Executive Director