

STATE BOARD OF ELECTIONS
Regular Meeting
Tuesday, June 18, 2013

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
James Tenuto, Assistant Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Assistant II

The meeting convened at 10:00 a.m. via videoconference with seven Members present in Chicago. Chairman McGuffage held Member Rice's proxy until her arrival at 10:20 a.m. Member Byers left the meeting at 11:50 a.m. and Member Scholz held his proxy thereafter.

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

Vice Chairman Smart moved to approve the minutes from the May 20 meeting as presented. Member Coffrin seconded the motion which passed unanimously.

The General Counsel presented Agenda item 3.a.2, a motion to reconsider a board order for *SBE v. Committee for John J. Curry, 21011*, 12MA106 and reviewed the matter. He recommended the motion be granted because the matter should have been placed on the June meeting Agenda and was erroneously placed on the May meeting without any notice sent to the committee. John Fogarty was present on behalf of the respondent committee and concurred with the recommendation. Chairman McGuffage moved to accept the recommendation of the General Counsel. Member Scholz seconded the motion which passed unanimously.

The General Counsel presented Agenda item 3.a.8, *SBE v. 32nd Ward Regular Republican Organization, 20557*, 11MA105 and reviewed the appeal. He concurred with the hearing officer recommendation to deny the appeal. Mr. Fogarty was present on behalf of the respondent committee and offered a settlement of \$470.30 which was the current amount of funds available. Member Byers moved to accept the settlement offer and the committee's intent to close for at least a two year period. Member Schneider seconded the motion which passed by roll call vote of 8-0.

The General Counsel returned to 3.a.2, an appeal of campaign disclosure fines for *SBE v. Committee for John J. Curry, 21011*, 12MA106 and recommended the appeal be denied. Mr. Fogarty was present on behalf of the respondent committee and offered a settlement of 50% of the fines. After discussion, Member Byers moved to deny the appeal and accept a settlement offer of \$1,800. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The Chairman indicated that this was the last meeting with Member Rice and thanked her for her fine service and dedication as a Board Member. He recited the language from a plaque and indicated it would be sent to Member Rice at a future time. Member Rice said this was a fantastic group of Board Members, top notch staff and thanked everyone for their kind words.

The Chairman returned to the report of the General Counsel and presented appeals of campaign disclosure fines where the hearing officer recommended the appeals be granted for Agenda items 3.a.3 & 4: *SBE v. Citizens for Darin LaHood*, 23532, 12AS071; and *SBE v. Friends of Chuck Erickson*, 24318, 13DQ164. The General Counsel concurred with the recommendation of the hearing officer. Member Byers moved to accept the recommendation of the General Counsel. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 3.a.1, a motion to vacate a board order for *SBE v. We The People – Will County*, 24002, 13DQ146 and recommended the motion be granted because the report was timely filed. Mike Kasper was present on behalf of the respondent committee and concurred with the recommendation. Member Coffrin moved to accept the recommendation of the General Counsel. Member Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel noted that an appeal of campaign disclosure fines for Agenda item 3.a.13, *SBE v. Citizens to Elect William S. Boyd*, 23872, 12MQ298 was pulled and would be placed on the August Board Meeting Agenda.

The General Counsel presented Agenda item 3.a.14, *SBE v. Friends of Vivian Covington*, 24877, 13MA037 and concurred with the hearing officer recommendation to deny the appeal. Vivian and Andre Covington were present on behalf of the respondent committee and indicated they would close the committee. The General Counsel noted that the candidate would face ballot forfeiture if she chose to run again and suggested they could offer a settlement of 50%, close the committee and pay any remaining funds toward the fines. After discussion, Member Schneider moved to accept the 50% settlement offer payable within thirty days or dissolve the committee and pay the remaining balance of those funds. Vice Chairman Smart 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 3.a.5-7, 9-10 & 12:

- 5) *SBE v. Regular Republican Party of River Forest*, 226, 12MA095;
- 6) *SBE v. 42nd Ward Republican Organization*, 15431, 12SQ048;
- 7) *SBE v. 42nd Ward Regular Republican Organization*, 20312, 12SQ091;
- 9) *SBE v. 1st Ward Democratic Committeeman Fund*, 21057, 12AM099;
- 10) *SBE v. Citizens for Michael Bram*, 22035, 12DQ101;
- 12) *SBE v. Friends of Martin A. Blumenthal*, 23738, 13DQ139.

No one was present on behalf of the respondent committees. Vice Chairman Smart 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 presented Agenda item 3.a.11, *SBE v. Joy Cunningham for Justice*, 23691, 12AM108 and 3.a.16, *SBE v. Joy Cunningham for Justice*, 23691, 12MA112 and concurred with the hearing officers recommendation to deny the appeal for item 11 and grant in part and deny in part for item 16. Rich Means was present on behalf of the respondent committee and said that Supreme Court Rule 67 prevented the committee from soliciting contributions at this time and Ms. Cunningham would have to pay the fine from her personal funds. The majority of the contributions came from the candidate herself and legal services from Mr. Means. He then asked the Board to consider a settlement offer of \$5,000 for both matters. After discussion Member Byers moved to consolidate the two matters, accept the recommendation of the General Counsel and accept the \$5,000 settlement offer. Member Rice seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 3.a.15, *SBE v. Friends of Brian E. Sleet*, 22880, 13MA015 and concurred with the hearing officer recommendation to grant in part and deny in part the appeal. No one was present on behalf of the respondent committee. Member Schneider moved to accept the recommendation of the General Counsel. Member Scholz seconded the motion which passed by roll call vote of 8-0.

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

Member Schneider moved to recess to executive session to consider complaints following closed hearing, pending litigation and personnel matters. Member Gowen second the motion which passed unanimously. The meeting recessed at 11:35 a.m. and reconvened at 12:15 p.m.

As to Agenda item 3.a.18, *SBE v. Friends of Mary Russell Gardner*, 13CD063, Member Schneider moved to find the complaint was filed on justifiable grounds; however, no further action was ordered beyond referral to staff for imposition of civil penalties for the delinquent filings. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

Agenda item 3.a.19, *Jones, Jr. v. Citizens for Dwight W. Welch*, 13CD125 was pulled and will be placed on the August Board Meeting Agenda.

As to Agenda item 3.a.20, *Halley v. Brummel*, 13CD126, Member Schneider moved to find that the complaint was found to have not been filed on justifiable grounds and dismissed with no further action required. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 3.a.21 & 22, *Jakobsze v. Beckman*, 113CD127 and *Jakobsze v. Downers Grove Community Advocates*, 13CD128, Member Schneider moved to find that the complaint was found to have not been filed on justifiable grounds and dismissed with no further action required. Member Rice seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 3.a.23, *Woll v. Perkins*, 13CD131, Member Schneider moved to dismiss the complaint for lack of prosecution or, in the alternative, the complaint was found to have not been filed on justifiable grounds and dismissed with no further action required.

Member Schneider moved to approve a 2% merit increase on July 1, 2013 and a 2% COLA on January 1, 2014 for the Executive Director, Assistant Executive Director and General Counsel. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

The Executive Director began his report with an update on the 2013 Consent Decree and noted that the Agency is no longer operating under the Decree after submitting the final report on June 3, 2013. The status report advised the Department of Justice of proposed legislation regarding military and overseas voters' timely receipt of absentee ballots. The legislation was not called for a vote in the House during the spring session.

The Executive Director discussed the upcoming candidate nominating petition filing period and noted that the first day to file is November 25 and the last day is December 2, both of which are the busiest days. Thanksgiving and the Friday after Thanksgiving are considered state holidays as defined by Central Management Services and state offices are normally closed. The Executive Director recommended the Agency continue this practice and remain closed on November 29, 2013. Vice Chairman Smart moved to accept the recommendation of the Executive Director. Member Coffrin seconded the motion which passed unanimously.

Cris Cray gave a legislative update and reported that the FY13 supplemental bill was signed by the Governor and the county clerk stipends are now fully funded for this fiscal year. House Bill 116 that dealt with benefits for new Board Members has stalled and the bill concerning economic interest died in Rules Committee. Also, staff is in the process of preparing a synopsis of the omnibus bill including a question and answer guide that will be distributed to the election authorities once it is completed.

The Executive Director discussed the FTY14 budget and noted this was the first time in three years the Agency has not received a declining budget. The only difference from last year's budget was that the operations funding was in a line item format instead of a lump sum. The budget also includes a 2% COLA and 0-2% merit increases for staff. The county clerk stipends and election judge reimbursements are fully funded; however, they will now be funded through the Personal Property Tax Replacement Fund instead of the General Revenue Fund. The IVRS funding was decreased by approximately \$2.5 million which was requested for an Election Management System. The remaining IVRS funds will be allocated for reimbursement to the election authorities for maintenance of their voter registration databases and maintain connectivity to the statewide voter registration database. The Executive Director said this budget was almost exactly as requested and it is a good budget.

The Executive Director reported on the 2013 Heartland Conference and said that Sharon Steward, Tom Newman and Andy Nauman attended the three day conference in Louisville, Kentucky. He felt it was very appropriate to send staff to the event because it is very informative and new ideas are brought to the table. The conference is self funded through the registration fees and a different state will host the conference each year. The memo from Ms. Steward on pages 96-98 of the Board packet outlines the events and Agenda of topics.

Kyle Thomas reported that he expects to see the number of duplicate matches drop throughout the summer as the jurisdictions complete their voter purges. He said the only jurisdiction above 100% of registered voters versus census data is the City of East St. Louis but he expects those figures to drop as they complete their voter purge this summer.

The fiscal reports and two year plan of staff activity were presented for informational purposes. The Executive Director said that expenditures to date are on target and will continue to be monitored. The lapse period extends through August and final reports will be available at the end of the calendar year.

The Executive Director indicated this was the last meeting with Anna Morales who is the Chicago Board Meeting court reporter. The Agency now has to utilize the vendors through the State Master Contract and McCorkle is not part of that contract. He thanked her for her many years of service and professionalism.

Chairman McGuffage indicated that the letter addressed to the four leaders regarding the procurement policy matter was sent to the Board Members for their review. Some revisions were noted and a final version will be sent to the legislative leaders and their Chiefs of Staff.

The Executive Director reminded the Board that a reception to honor the newly appointed and reappointed Board Members would take place at 10:00 a.m. prior to the July 1, 2013 Board Meeting.

With there being no further business before the Board, Vice Chairman Smart moved to adjourn until 10:30 a.m. on Monday, July 1, 2013 in Springfield. Member Scholz seconded the motion which passed unanimously. The meeting adjourned at 1:05 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert T. Borgsmiller, Executive Director