

STATE BOARD OF ELECTIONS
Regular Meeting
Tuesday, October 21, 2014

MINUTES

PRESENT: Jesse R. Smart, Chairman
Charles W. Scholz, Vice Chairman (Springfield)
Harold D. Byers, Member (Springfield)
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
Darlene Gervase, Administrative Assistant III

The Chairman opened the meeting at 10:30 a.m. by leading everyone in the pledge of allegiance.

All members were present with Vice Chairman Scholz and Member Byers in the Springfield office via video conference. Member Watson arrived at 10:36 a.m.

Member Coffrin moved and Member Gowen seconded a motion to approve the minutes of the September 15, 2014 meeting. The motion carried by 8 voices in unison.

General Counsel Steve Sandvoss began his report with a Motion for Reconsideration in the matter of *SBE v. Citizens for Bita Buenrostro*, 22801, 14MQ093. Mr. Sandvoss recommended the Motion be denied because the certified mail was unclaimed. However, if the Board grants the Motion he recommends the matter be referred to a Hearing Officer to hear the appeal. Laura Jacksack, attorney for the Respondent, indicated that the Committee did not receive notice of the certified mail, but did receive the Board Order which arrived via regular mail on the 19th. The committee contacted her immediately and she filed the Motion for Reconsideration the same day. The Board considered the information offered by Laura Jacksack and Granted the Motion to Reconsider and refer the matter to a Hearing Officer.

Requests for Settlement Offers were presented by the General Counsel. He recommended the Board accept the offer in the matters of: 2.a.2) *SBE v. Stephenson County Republican Central Committee*, 187, 14MQ005; and deny the offer in 2.a.3) *SBE v. Citizens to Elect Norman Bolden*, 11237, 11MQ028 which was less than 50% of the original assessment. As to 2.a.2, Mr. Carl Larson appeared for the Respondent and offered \$350, which is 50% of the fine and would be paid within 30 days. Member Schneider moved to accept the offer of settlement and Member McGuffage seconded the motion. The motion passed unanimously. As to 2.a.3, Respondent Mr. Norman Bolden appeared and offered \$2,012.50 which is 50% of the penalty. Member McGuffage moved to accept the offer and Member Schneider seconded the motion which passed unanimously.

Mr. Sandvoss continued with appeals of campaign disclosure fines wherein the Hearing Officer recommended the appeal be granted and he concurred. Member Schneider moved and Member Gowen seconded the motion which passed 8-0 by roll call vote. Those cases are: *SBE v. Henderson County Democratic Central Committee*, 14MQ020; *SBE v. New 10th Ward – Richard L. Martinez, Jr.*, 14MQ119; *SBE v. Friends of Giuseppe Zerillo*, 14MQ126; and *SBE v. Citizens to Elect Beth Goncher*, 14MQ182.

The Board considered the appeals in the following cases where the Hearing Examiner recommended and the General Counsel concurred that they be Denied. Member Schneider moved and Member Coffrin seconded the Motion to Deny the Appeals. The motion passed 8-0 by roll call vote. Those matters are: *SBE v. Clark County Democratic Central Committee*, 99, 14MQ003; *SBE v. Rock Island County Republican Central Committee*, 349, 14MQ008; *SBE v. Washington County Republican Central Committee*, 388, 14AM007; *SBE v. Citizens for Lauren Beth Gash*, 8421, 14MQ030; *SBE v. Citizens to Elect Michael “Mike” Stuttley*, 16287, 14MQ051; *SBE v. Vernon Township Republican Central Committee*, 19724, 14MQ068; *SBE v. Friends of Cesar A. Santoy*, 21482, 14MQ083; *SBE v. Friends of Edwin Reyes*, 22303, 14AM036; *SBE v. Rice for Recorder*, 22748, 14MQ092; *SBE v. Neighbors United for Marc Kaplan*, 23188, 14MQ097; *SBE v. Gregg Moore for IL Governor*, 23277, 14MQ101; *SBE v. The Committee for Municipal Electricity Choice*, 24164, 14AM044; *SBE v. Citizens to Elect Brian VanVickle for Sheriff*, 25267, 14AD066;; *SBE v. State & Local PAC of Intl Alliance of Theatrical Stage Employees*, 25445, 14AM049; *SBE v. Curtis Lane for Circuit Judge*, 25641, 14AM063; *SBE v. McLean County Sales Tax Referendum*, 25770, 14AM070; and *SBE v. Committee to Elect Molt for Judge* 14MA023 .

Mr. Ed Holmeyer, Chairman of the Respondent committee, in *SBE v. Ford County Democrats Central Committee*, 318, 14MQ007 appeared and offered a settlement of \$112.50, 50% of the fine. He added he would have the treasurer write the check immediately. Member Byers moved to deny the appeal but accept the settlement and Member McGuffage seconded the motion. The motion passed 8-0 by roll call vote.

Mr. Tim Cibulka and Don Finn appeared for the Respondent in *SBE v. Local Union 134 Intl Brotherhood of Electrical Workers PAC*, 4246, 14AM016. Mr. Cibulka indicated he replaced the former treasurer and offered \$1,062.50, which is 25% of the fine for the A-1 violation. Member McGuffage moved and Member Watson seconded the motion to deny the appeal but accept the offer with payment within 30 days.

Mr. Franklin Beach appeared in the matter of *SBE v. Friends of Frank Beach for Alderman Committee*, 5583, 14MQ025. He indicated that he didn't receive the reminder to file the board e-mails each quarter. He said the AOL system in his area was having problems and all emails were going to a SPAM or TRASH folder. He stated that he has been filing Campaign Disclosure documents with the Board for 34 years and was never late. Further, that the problems have been cured just recently. Member Schneider noted that Mr. Beach should have filed a “technical difficulty” reason for the late filing which is recognized by the Board as a defense. He moved to Grant the Appeal based on the technical difficulty defense. Member Watson seconded the motion which passed unanimously by roll call vote.

The Board called No. 23) *SBE v. Friends to Elect Andrew R. Timms*, 23693, 14DQ120 and accepted the appearance of Attorney Ron Langacker who was present for the Respondent in the Springfield office. Mr. Timms was also present. Mr. Langacker indicated that the Respondent intends to dissolve the committee. Member Schneider moved to accept the Respondent's statements to dissolve the committee, send their remaining funds to the State Board of Elections as payment towards their fine and file a final report. Member Watson seconded the motion which passed 8-0 by roll call vote.

The Board considered No. 25) *SBE v. Northbrook Caucus of 2013*, 24389, 14MQ123 and accepted the appearance of Randall Roman, Treasurer for the Respondent. Mr. Roman presented a settlement offer of \$600, which is 50% of the original assessment. Member McGuffage moved to accept the offer and Member Schneider seconded the Motion. The Motion was unanimously passed by roll call vote.

John (“Jack”) Campbell was present in Springfield for number 27) *SBE v. Friends of Campbell, 25393*, 14MA016. He stated that he intended to dissolve the campaign committee and was aware of how to dissolve his committee. Mr. Sandvoss advised Mr. Campbell that another violation occurred in the form of a delinquent September quarterly report and it will be assessed in the near future. Mr. Campbell understood and stated that he would submit the remaining funds to the State Board of Elections and finalize his committee. Member Byers moved and Vice Chairman Scholz seconded the motion to deny the appeal and accept the dissolution of the committee. The Motion passed 8-0.

Candidate Michael O’Malley offered 50% of the fine, which is \$825 which was assessed in *SBE v. Committee to Elect Michael O’Malley, 25684*, 14MQ164. Member Coffrin moved and Member Watson seconded a Motion to deny the appeal and accept the offer. The Motion passed unanimously by roll call vote.

In No. 12) *SBE v. Citizens for Linda S. Frank, 4156*, The General Counsel noted that the committee filed a final report on March 20th and has a zero balance, but had also made a settlement offer. He recommends placing this matter on a future meeting agenda so as to inquire of the respondent whether she intends to still offer a settlement, or keeping her committee dissolved for two years, after which the penalty would abate. The Board approved Mr. Sandvoss’ recommendation by 8 voices in unison.

Member Schneider moved to recess to Executive Session to discuss complaints following closed preliminary hearings, litigation and personnel matters. Member Watson seconded the motion which passed unanimously by 8 voices in unison. The Board recessed at 11:27 a.m.

The Board returned to open session at 1:37 p.m. With all members present either in Chicago or Springfield. Member Watson held Member McGuffage’s proxy.

Member Schneider summarized the complaints heard in executive session as follows.

As to Item 36), the matter was dismissed for want of prosecution. Chairman Smart moved to dismiss the complaint and Member Watson seconded the motion which passed unanimously by 8 voices in unison.

As to Item 37), Member Schneider moved to find that the complaint was filed on justifiable grounds and to proceed to public hearing concerning: the allegation of the committee failing to report contributions which is reflected by a series of negative balances; and the allegation of failing to include the solicitation of funds language on campaign material. On the grounds of failure to include the employer and occupations on the March 2014 Quarterly Report, the Hearing Officer recommends the Board finding justifiable grounds and issue an Order to Amend the March Report within 30 business days of the Final Order to include this information; and as regards the occupation/employer information for contributor David Upshaw, it is not filed on justifiable grounds. On the allegation that the Committee failed to file A-1 reports, the Hearing Officer recommends this allegation be found to not have been filed on justifiable grounds and should not proceed to public hearing. Finally, since the Board lacks jurisdiction to make findings and impose sanctions as to Section 9-25.1, the Hearing Officer recommends that the Board dismiss that portion of the Complaint that alleges a violation of Section 9-25.1. Member Gowen seconded the motion which passed unanimously by roll call vote.

As to Item 38), Mr. Schneider moved to find that the matter was filed on justifiable grounds, but no public hearing is required and refer to staff for review to determine if civil penalties should be assessed. Member Watson seconded the motion which passed unanimously by 8 voices in unison.

As to Item 39), Member Schneider moved to dismiss the case for want of prosecution or in the alternative find the complaint was not filed on justifiable grounds. Member Gowen seconded the motion which passed unanimously by 8 voices in unison.

As to Item 40), Member Schneider moved to find the complaint was filed on justifiable grounds regarding the failure to include solicitation language on certain pages of the web site failure to include the attribution of source on banners and some signs. Because the Respondent has taken corrective action this matter should not continue to public hearing. Member Schneider moved to adopt the Recommendation of the Hearing Officer and General Counsel. Member Gowen seconded the motion which passed 8-0 by roll call vote.

Member Schneider moved as to item 41) to find it was not filed on justifiable grounds. Member Gowen seconded the motion which passed 7-1 with Member Byers dissenting.

The Chairman announced that Ken Menzel was appointed to General Counsel beginning January 1, 2015 for 18 months through June 30, 2016 at \$100,000 per year and based in Chicago. Bernadette Harrington was promoted to Deputy General Counsel at \$80,000 per year and based in Chicago. A new attorney, based in Springfield at a salary of \$60,000 will be hired before the end of 2014.

The Chairman reluctantly accepted the retirement of Jane Gasperin, Director of Election Information. The Board wished her well and thanked her for 25 years of service to the Board, the Election Officials and the people of the State of Illinois.

Director Borgsmiller said that Carole, Skaggs, a 23 year employee in the IT department is retiring at the end of the year. The Board wished her well in her retirement.

Chairman Smart noted the appearance of Sharon Meroni and moved to Item 3.b. Consideration of HAVA Complaints. She requested alternative resolution for her Complaints. Mr. Sandvoss will arrange for a mediator and contact Ms. Meroni in the near future. She expressed concerns over not being provided with updated security procedures for transfer of voting equipment in the City of Chicago.

The Chairman returned to other campaign disclosure items.

At the September meeting, Member McGuffage suggested guidelines regarding when settlement offers should be considered. Guidelines created by Deputy Director Tom Newman, were prepared and presented for the Board's consideration. Discussion will continue at the next board meeting.

Sharon Steward, Director of Campaign Finance and Disclosure, asked for Assessments and Board Orders for the committees contained on page 145 of the Board's packet. Member Coffrin so moved and Member Gowen seconded the motion. The motion passed unanimously by 8 voices in unison.

Information regarding payment of civil penalties was provided for informational purposes.

Executive Director Rupert Borgsmiller began his report with preparations for the November 4th General Election. He submitted a schedule of press releases; election day staff assignments; and election judge training schools for informational purposes.

Mr. Borgsmiller asked Kyle Thomas and Kevin Turner to update the Board on the Paperless Online Voter Application (POVA). Mr. Thomas stated that the four POVA websites were automatically disabled on October 7th, the close of the regular registration period. Visitors to those websites after that date are provided information detailing Grace Period Registration. He reiterated that applications increased dramatically over the last two days of registration. Interaction with the Secretary of State's database continued through the close of registration. Mr. Turner said they intend to have the web services in production prior to reopening voter registration. The Board continues to batch process as a backup means of communication. When the web services are in place, applicants will be notified immediately as to the match results with the Secretary of State's database

The Executive Director presented fiscal status reports and the two year plan of staff activity for October and November for informational purposes.

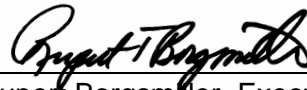
There being nothing further before the Board Member Coffrin moved to recess until the Next regular Board meeting at 10:30 a.m. on Monday, November 17, 2014, in Springfield. Member Watson seconded the motion which passed unanimously by 8 voices in unison.

The meeting adjourned at 2:30 p.m.

Respectfully submitted,



Darlene Gervase, Administrative Assistant III



Rupert Borgsmiller, Executive Director