

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, November 17, 2014

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

The meeting convened at 10:30 a.m. via videoconference with the Chicago office. Six Members were present in Springfield and Member Watson was present in Chicago. Member Coffrin was present via telephone.

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

Vice Chairman Scholz moved to approve the minutes from the October 21 meeting as presented. Member Byers seconded the motion which passed by roll call vote of 8 – 0.

The Executive Director presented resolutions to staff members Carole Skaggs and Jane Gasperin who are retiring at the end of the year. He called Ms. Skaggs and Ms. Gasperin individually and recited the resolution to each of them. A 25 year staff service award was also presented to Ms. Gasperin. The Executive Director thanked them for their dedication and service and wished them well in their retirement.

The Executive Director presented staff service awards to the following employees: 1) Tom Newman – 15 year award; 2) Becky Glazier – 30 year award; and 3) Kay Walker – 40 year award. He also thanked them for their service and commitment to the SBE.

The General Counsel presented a request for settlement offer for Agenda item 4.a.1, *SBE v. Citizens for Cynthia Santos*, 12438, 14AM022 and recommended it be granted because the amount offered was 50% of the total assessment. Member Byers moved to accept the settlement offer. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 – 0.

The General Counsel presented a request for settlement offer for Agenda item 4.a.2, *SBE v. Friends of Paul Rosenfield*, 23820, 14MQ107 & 13MA092 and recommended the request be denied as insufficient. He further recommended the committee dissolve and remain dissolved for a period of two years and the penalty will be abated as long it does not form a successor committee during that time frame. Paul Rosenfield was present on behalf of the committee and said he donated his personal funds to the committee and repaid himself 50% after the vendors were paid. He also said he understood the recommendation of the General Counsel. After discussion, Member McGuffage moved to order the committee to pay \$6,275 to the SBE, repay Mr. Rosenfield the remainder of the

funds, and dissolve the committee for a period of two years after which the remainder of the fine will be abated. Member Watson seconded the motion which passed by roll call vote of 8 – 0.

The General Counsel presented the following appeals where he concurred with the hearing officer recommendation to grant the appeals for Agenda items 4.a.3-7:

- 3) *SBE v. St. Charles Education Association – IPACE*, 17812, 14MQ060;
- 4) *SBE v. Country Oaks Committee to Elect Robert G. Abboud*, 19066, 14MQ065;
- 5) *SBE v. Friends of Blake Sercye*, 25464, 14AM052;
- 6) *SBE v. Dillard for Governor 2014*, 25474, 14AM053;
- 7) *SBE v. Citizens for Tim Bradford*, 25581, 14MQ162.

Vice Chairman Scholz moved to grant the above noted appeals. Member McGuffage seconded the motion which passed by roll call vote of 8 - 0.

Due to a numbering error, there was nothing listed for Agenda item 4.a.8. Agenda item 4.a.12, *SBE v. Committee to Elect Molt for Judge*, 25872, 14MA023 was pulled and will be placed on a future Agenda.

The General Counsel presented the following appeals where he concurred with the hearing officer recommendation to deny the appeals for Agenda items 4.a.9-11:

- 9) *SBE v. Citizens for Linda S. Frank*, 4156, 14DQ014;
- 10) *SBE v. Friends of Linda Fulgenzi*, 21027, 14MQ079;
- 11) *SBE v. Cushing for Judge*, 25564, 14MA018.

Member Byers moved to deny the above noted appeals. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 – 0.

The General Counsel presented the following appeal of contribution limit fines where he concurred with the hearing officer recommendation to grant the appeal for Agenda item 4.a.13, *SBE v. Friends of George A. Cardenas*, 17290, 14MA001. Vice Chairman Scholz moved to grant the appeal. Member Byers seconded the motion which passed by roll call vote of 8 – 0.

The General Counsel presented several cases where the committees failed to comply with a board order for Agenda items 4.a.14-31 and recommended the following committees be assessed a \$5,000 civil penalty for failure to file required reports:

- 14) *SBE v. Jackson for Committeeman Ind. Political Org.*, 22751, 13CD178;
- 15) *SBE v. Citizens for Leys*, 15682, 14CD022;
- 16) *SBE v. Citizens for Colvin*, 16242, 14CD024;
- 17) *SBE v. votedebby.com*, 19006, 14CD032;
- 18) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 19743, 14CD033; (pg.93)
- 19) *SBE v. Re-Elect Eric Leys*, 22022, 14CD042;
- 20) *SBE v. Jackson for Committeeman Ind. Democratic Political Org.*, 22751, 14CD046;
- 21) *SBE v. Illinois Black Business PAC*, 22756, 14CD047;
- 22) *SBE v. Friends for Jeremy J. Ly*, 23466, 14CD051;
- 23) *SBE v. Tammy Baer for Douglas County State's Attorney*, 24201, 14CD059;
- 24) *SBE v. Citizens for Fairness – Jeff Davis*, 24378, 14CD064;
- 25) *SBE v. Citizens for Rudd*, 24465, 14CD068;
- 26) *SBE v. Citizens to Elect Anthony Coleman for Mayor of North Chicago*, 24540, 14CD072;

- 27) *SBE v. Friends for Mary C. Childers*, 25317, 14CD095;
- 28) *SBE v. Citizens for a Better Fox Valley*, 25329, 14CD099;
- 29) *SBE v. Will Kyles Committee*, 25362, 14CD100;
- 30) *SBE v. Fans of Harness Racing*, 25588, 14CD105;
- 31) *SBE v. Braiman for Judge*, 24684, 14CD075.

Vice Chairman Scholz moved to accept the recommendation of the General Counsel in the above noted matters. Member McGuffage seconded the motion which passed by roll call vote of 8 – 0.

The General Counsel presented proposed procedures for accepting settlement offers and reviewed Tom Newman's memo on page 107 of the board packet. Basically, settlement offers should be accepted for those deserving committees for whom the fine represents an undue hardship or lack the funds to pay the fine. Settlement offers should, in most cases, not be accepted if the offered amount is less than 50% of the total fine or if the total penalty is \$1,000 or less. Furthermore, a settlement offer should only be considered if the ratio of the fine to the committee's fund balance listed on their last four quarterly reports is greater than 50%. After discussion it was decided a final proposal including comments and suggestions made by the Board today will be presented at the December board meeting.

A listing of civil penalty payments was presented for informational purposes.

Member Schneider moved to recess to executive session to consider complaints following closed hearing and personnel matters. Member Gowen seconded the motion which passed by roll call vote of 8 – 0. The meeting recessed at 11:20 a.m. and reconvened at 12:25 p.m. with the same attendance as noted in the initial roll call

As to Agenda item 4.a.34, *Smiddy v. Wozniak for Illinois*, 14CD194, Member Schneider moved to find that the complaint was not filed on justifiable grounds and that it be dismissed. Member Byers seconded the motion which passed by roll call vote of 8 – 0.

As to Agenda item 4.a.35, *Illinois for Karmeier v. Campaign for 2016, Franklin County Democratic Organization & Williamson County Democratic Central Committee*, 14CD195, Member Schneider moved to remand the matter back to the hearing officer to direct the respondents to provide additional evidence supporting their claim that no contribution was made to or received by the committees as alleged by the complaint. Failure to provide such documentation will result in a public hearing. Member Byers seconded the motion which passed by roll call vote of 8 – 0.

As to Agenda items 4.a.36-50, Member Schneider moved to find that the following complaints were filed on justifiable grounds and the matters proceed to a public hearing:

- 36) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 14CD137;
- 37) *SBE v. Tammy Baer for Douglas County State's Attorney*, 14CD155;
- 38) *SBE v. Citizens for Rudd*, 14CD161;
- 39) *SBE v. Friends of David Moore*, 14CD162;
- 40) *SBE v. Citizens to Elect Anthony Coleman for Mayor of North Chicago*, 14CD163;
- 41) *SBE v. Braiman for Judge*, 14CD165;
- 42) *SBE v. Friends of Christina Campos*, 14CD170;
- 43) *SBE v. Citizens to Elect 169 Write-Ins*, 14CD173;
- 44) *SBE v. Hispanic American Community Leadership Network*, 14CD175;
- 45) *SBE v. Friends for Mary C. Childers*, 14CD176;
- 46) *SBE v. Will Kyles Committee*, 14CD178;
- 47) *SBE v. Supporters of Joe Cook*, 14CD179;

- 48) *SBE v. Citizens to Elect Frazier Garner*, 14CD183;
- 49) *SBE v. Fans of Harness Racing*, 14CD185;
- 50) *SBE v. The Committee to Elect Robert R. McKay*, 14CD189.

Member Gowen seconded the motion which passed by roll call vote of 8 – 0.

As to Agenda items 4.a.51-61, Member Schneider moved to find that the following complaints were filed on justifiable grounds but no further action beyond the imposition of a civil penalty:

- 51) *SBE v. ICA PAC*, 14CD121;
- 52) *SBE v. Cumberland County Democratic Central Committee*, 14CD124;
- 53) *SBE v. Friends of Scott Saunders*, 14CD130;
- 54) *SBE v. Committee to Elect Rex Bradfield*, 14CD138;
- 55) *SBE v. Citizens to Elect Bridgett Provenzano*, 14CD160;
- 56) *SBE v. Save 7 Eleven: Vote No on Local Opinion Question Ward 36 Precinct 33*, 14CD164;
- 57) *SBE v. Marc Landers*, 14CD171;
- 58) *SBE v. Friends of Jim Murphy for Judge*, 14CD184;
- 59) *SBE v. Citizens for Lukowski*, 14CD187;
- 60) *SBE v. Citizens to Elect Tonya H. Hunter*, 14CD188;
- 61) *SBE v. "Yes" for EMS*, 14CD192.

Member Gowen seconded the motion which passed by roll call vote of 8 – 0.

Member Schneider moved to appoint Brent Davis to the Director of Election Information position effective January 1, 2015 at an annual salary of \$84,000. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8 – 0.

The Executive Director began his report with an update on the November 4, 2014 General Election. He said no major issues were reported on election day and staff responded to general inquires that are typically presented on election day. He discussed the late precinct returns reporting and said survey results showed that only the City of Chicago had returns arrive after 2:00 a.m. Kyle Thomas noted that most were due to human error with uploading the results or a mechanical error with the upload. The Executive Director commented that out of over 10,000 precincts in Illinois, only 23 of them were late in returning to the election authority. He felt this was very impressive and congratulated the election authorities for their hard work. Mr. Thomas reviewed his voting systems pre-election testing memo on pages 109-110 of the board packet and said ten election jurisdictions were selected for testing. He commended his staff for a good job in planning and coordination of the testing. A final election judge training schools listing was presented for informational purposes and Eric Donnewald said that one school is already scheduled for the 2015 election. He also reported that staff will be conducting a seminar in January for the newly elected and current county clerks.

Cris Cray reported that veto session begins tomorrow through Thursday and cancelled on Friday. They will return the first week of December for two or three days as well. She also said there was one election bill posted for committee tomorrow.

The General Counsel presented his proposal regarding accrual of time for the Executive Director and Assistant Executive Director. Under the present SBE Personnel Rules, the Executive Director and Assistant Executive Director do not accrue any benefit time (vacation, sick and personal days) and do not have to account for time taken off while in those positions. Mr. Sandvoss

proposed an authorization to file an amendment to the Personnel Rules which would make the present non-accrual provision an option at the choice of either of the two Directors. Mr. Sandvoss said that it would be a beneficial choice for him and Jim Tenuto said that he would be happy with either option. After discussion, it was agreed to check the timekeeping policies of similar positions within other agencies and continue the matter to the December board meeting.

Mr. Thomas discussed the Paperless Online Voter Application (POVA) system and said the system was turned off during the close of registration and 1,765 applications have been received since the system was activated again at 12:00 a.m. on November 6. Kevin Turner reported that web services technology was implemented during the close of registration. He explained that the technology allows for immediate sending, matching and response with the Secretary of State's office and that web services is functioning as expected in the system.

The required six month of review of the executive session minutes was presented and the General Counsel recommended the necessity of confidentiality does not exist as to the release of such minutes for the period of April 18, 2014 through September 15, 2014. Vice Chairman Scholz moved to accept the recommendation of the General Counsel and remove the need for confidentiality from the minutes noted above. Member Byers seconded the motion which passed by roll call vote of 8 – 0.

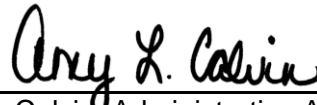
The Executive Director presented the FY15 fiscal status reports and said expenses are being closely monitored and on target at this point in the budget year. Discussion ensued regarding the possibility of across the board cuts and their effect on the agency. He indicated that the FY16 budget appropriate request would be presented at the December board meeting.

The two year plan of staff activity was presented for informational purposes.

The Chairman asked the General Counsel to report on the pending HAVA complaints filed by Sharon Meroni. Mr. Sandvoss indicated that he has not received any communication from Ms. Meroni regarding the status of the complaints or the alternative dispute resolution. According to the Rules, he intends to pursue the selection of an alternative dispute provider or, in the very least, inquire as to what options are available if and when that becomes necessary.

With there being no further business before the Board, Vice Chairman Scholz moved to adjourn until Sunday, November 30, 2014 at 5:00 p.m. in Springfield and Chicago via videoconference. Member Byers seconded the motion which passed unanimously. The meeting adjourned at 1:40 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert T. Borgsmiller, Executive Director