

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, November 19, 2012

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 10:30 a.m. via videoconference with seven Members present in Springfield. Member Byers held Member Scholz' proxy until his arrival at 10:35 a.m.

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

Vice Chairman Smart moved to approve the minutes of the October 16 and 31 meetings as presented. Member Byers seconded the motion which passed unanimously.

The General Counsel presented Agenda item 2.a.1, a motion for reconsideration from *SBE v. Friends of George A. Cardenas*, 17290, 12MA044 and recommended the motion be granted. James Nally was present on behalf of the committee and concurred with the recommendation of the General Counsel. Vice Chairman Smart moved to accept the recommendation of the General Counsel. Member Rice seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.2, a request for payment plan from *SBE v. Friends of Miriam Shabo*, 21302, 12DQ128 and recommended the request be granted. He noted the payment plan was submitted in writing along with an initial payment with the remainder due by June of 2013. Member Coffrin moved to accept the recommendation of the General Counsel. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel noted that the appeals of campaign disclosure fines for Agenda items 2.a.6, 8 & 15: 6) *SBE v. Electricians Local 309 Voluntary PAC*, 1385, 12MA080; 8) *SBE v. Friends of Robert Martwick*, 16518, 12AD049; and 15) *SBE v. Citizens to Elect Christine Cook*, 24360, 12AJ061; should be placed under the grant and denied section of the Agenda.

The General Counsel presented the following appeals of campaign disclosure fines and concurred with the hearing officer recommendation to grant the appeals for Agenda items 2.a.3-5, 7 & 10-14:

- 3) *SBE v. Tazewell County Democratic Central Committee*, 33, 12AJ002;
- 4) *SBE v. Sangamon County Democratic Central Committee*, 317, 12MA077;
- 5) *SBE v. Illinois Society for Respiratory Care PAC*, 1199, 12JQ011;
- 7) *SBE v. 525 Political Club*, 15786, 12JQ040;

- 10) *SBE v. Citizens for Matthew Hoppock*, 23593, 12AM105;
- 11) *SBE v. Citizens to Elect Marc Gasparini*, 24055, 12JQ135;
- 12) *SBE v. Friends for Karin Elizabeth Swanson*, 24074, 12AM113;
- 13) *SBE v. The Committee for Municipal Electricity Choice*, 24164, 12MA093;
- 14) *SBE v. Committee to Elect Jack A. Schwartz*, 24180, 12AM115.

Vice Chairman Smart moved to accept the recommendation of the General Counsel and hearing officer in the above named appeals. Chairman McGuffage seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented appeals of campaign disclosure fines for Agenda items 2.a.9 & 17, *SBE v. Citizens for Tate and Cantelo-Zylman*, 23436, 12JQ114 and *SBE v. Stipend*, 1118, 12MA078 and after discussion it was agreed by all to place the matters on the December Agenda for consideration.

The General Counsel presented the following appeals of campaign disclosure fines and concurred with the hearing officer recommendation to deny the appeals for Agenda items 2.a.16, 18-28, 30, 32-34, 37-39 & 41-43:

- 16) *SBE v. Wood River Township Democratic Precinct Committeemen's Org.*, 374, 12AJ009;
- 18) *SBE v. Lisle Township Democratic Organization*, 1119, 12JQ010;
- 19) *SBE v. Glasgow for Will County*, 8094, 12AJ021;
- 20) *SBE v. Committee for a Better Berwyn*, 14895, 12JQ036;
- 21) *SBE v. Democratic Organization of Troy Township*, 18917, 12MA082;
- 22) *SBE v. Friends of Nathan Hartman*, 19686, 12MA084;
- 23) *SBE v. Committee to Elect Dan Duffy*, 20651, 12AJ038;
- 24) *SBE v. Citizens for Abbott*, 20818, 12JQ066;
- 25) *SBE v. Committee to Elect Carol Anell Hallam*, 21148, 12JQ069;
- 26) *SBE v. Friends of Tony Michelassi*, 21440, 12DQ215;
- 27) *SBE v. Citizens Committee for Ronnie C. Lewis*, 21558, 12MQ178;
- 28) *SBE v. Friends to Elect Patty Gustin*, 21909, 12JQ081;
- 30) *SBE v. Citizens for Michael Bram*, 22035, 12MQ192;
- 32) *SBE v. PAC 34 of the International Brotherhood of Electrical Workers Local 34*, 22824, 12JQ100;
- 33) *SBE v. Joy Cunningham for Justice*, 23691, 12AM108;
- 34) *SBE v. Neil Anderson for IL 72nd District*, 23973, 12AJ052;
- 37) *SBE v. Citizens for Ronald Duebbert*, 24169, 12AJ053;
- 38) *SBE v. Committee to Elect Joseph D. Steichen*, 24228, 12JQ151;
- 39) *SBE v. Citizens for Chester Slaughter*, 24279, 12JQ157;
- 41) *SBE v. IBEW Local 9 PAC*, 24351, 12AJ060;
- 42) *SBE v. Northbrook Caucus of 2013*, 24389, 12JQ169;
- 43) *SBE v. Committee to Elect Dr. Fifer Effingham County Coroner*, 24397, 12MA094.

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

The General Counsel presented the following appeals of campaign disclosure fines where the hearing officer recommended the appeals be denied for Agenda items 2.a.29, 36, 40 & 44:

- 29) *SBE v. Friends of Mike Bielak*, 21981, 12JQ083;

- 36) *SBE v. Everybody for Kent*, 24160, 12JQ145;
- 40) *SBE v. Friends of Brett Irving*, 24282, 12JQ158;
- 44) *SBE v. Citizens for Tom Morris*, 24420, 12JQ174.

The General Counsel did not concur with the recommendation of the hearing officer and recommended the appeals be granted based on the electronic filing defense. Member Scholz moved to accept the recommendation of the General Counsel and grant the above named appeals. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.31, *SBE v. Friends of Elgie Sims*, 22210, 12AJ047 and did not concur with the hearing officer recommendation to deny the appeal. He recommended the appeal be granted because the committee took quick action to file the report in question and should not suffer the consequences of the malicious conduct of the disgruntled employee who deliberately failed to file the report. Member Rice moved to accept the recommendation of the General Counsel and grant the appeal. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.35, *SBE v. Joe Schmitt for County Board*, 24155, 12JQ143 and did not concur with the recommendation of the hearing officer to deny the appeal. He recommended the appeal be granted based on Rule 100.125 because the committee stated in the appeal affidavit that the candidate and former treasurer mailed the report four days prior to the due date. Vice Chairman Smart moved to accept the recommendation of the General Counsel and grant the appeal. Member Scholz 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 that the appeals be granted in part and denied in part for Agenda items 2.a.6, 15, 45 & 47:

- 6) *SBE v. Electricians Local 309 Voluntary PAC*, 1385, 12MA080;
- 15) *SBE v. Citizens to Elect Christine Cook*, 24360, 12AJ061;
- 45) *SBE v. Turelli for Tomorrow*, 22416, 12MA086;
- 47) *SBE v. Friends of Patricia Van Pelt-Watkins*, 23877, 12AJ050.

No one was present on behalf of the respondent committees. Chairman McGuffage moved to accept the recommendation of the General Counsel and hearing officer in the above named appeals. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented the following appeal of campaign disclosure fines where he concurred with the hearing officer recommendation that the appeal be granted in part and denied in part for Agenda item 2.a.8, *SBE v. Friends of Robert Martwick*, 16518, 12AD049. Jeffrey Cox was present on behalf of the respondent committee and noted that the hearing officer miscalculated the penalty. The General Counsel agreed that the penalty should be \$250 instead of \$500. Vice Chairman Smart moved to accept the recommendation of the General Counsel and hearing officer and the assessed penalty amount of \$250. Member Byers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented an appeal of campaign disclosure fines for Agenda item 2.a.46, *SBE v. Carol for Chicago*, 22987, 12MA055 and appeal of contribution limit fines for Agenda item 2.a.49, *SBE v. Carol for Chicago*, 22987, 11MQ-CL014 and concurred with the recommendation of the hearing officer that the appeal be granted in part and denied in part for Agenda item 2.a.46 and the appeal be granted for Agenda item 2.a.49. Carol Moseley Braun was

present on behalf of the respondent committee and said the individuals hired to run the committee did a terrible job and that she had no involvement in the operations of the committee. She then hired another individual who is in the process of bringing the committee into compliance. Ms. Braun asked that the appeals be granted and the matter dismissed. After discussion, Vice Chairman Smart moved to accept the recommendations of the General Counsel and the hearing officer in both matters. Member Rice second the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.48, *SBE v. Friends of Bob Fioretti*, 21102, 12MQ-CL008 and concurred with the hearing officer to grant the appeal of contribution limit fines. Vice Chairman Smart moved to accept the recommendation of the General Counsel and the hearing officer. Member Scholz seconded the motion which passed by roll call vote of 7-0 (Chairman McGuffage recused himself from the vote).

The General Counsel presented Agenda item 2.a.50, *Sherman v. Indian Trails Public Library District, et al*, 11CD019 & 11CD023 and summarized the matter. He concurred with the hearing officer's recommendations included in Parts A, B and C contained in the report. Rich Means was present on behalf of the complainant and Ken Florey was present on behalf of the Respondents. Mr. Means concurred with the recommendation of the hearing officer except he felt the complaint should be sustained concerning the A-1, D-1 and D-2 violations. Mr. Florey indicated that he would concur with the recommendation of the hearing officer if Mr. Means agreed to not file any further complaints regarding this matter. After lengthy discussion, Chairman McGuffage moved to adopt the recommendation of the General Counsel and hearing officer in Parts A and B of the report. Member Schneider seconded the motion which passed by roll call vote of 8-0. Member Scholz moved to grant the motion to amend the complaint outlined in Part C. Member Byers seconded the motion which passed by roll call vote of 8-0. Member McGuffage moved to dismiss the amended complaint with prejudice. Member Rice seconded the motion which passed by roll call vote of 8-0.

A listing of civil penalty assessments necessitating a final board order was presented. Vice Chairman Smart moved to issue final board orders for those committees listed on pages 298-303 of the Board packet. Chairman McGuffage seconded the motion which passed unanimously.

Member Schneider moved to recess to executive session to take a short break and consider complaints following closed preliminary hearing. Member Coffrin seconded the motion which passed unanimously. The meeting recessed at 12:25 p.m. and reconvened at 1:05 p.m.

Member Byers moved to dismiss the complaint for Agenda item 2.a.53, *Zurek v. Democratic Party of Leyden Township*, 11CD25 and find the complaint to have been filed on justifiable grounds but no further action taken for Agenda item 2.a.55, *Ciborowski v. For the Children, an Illinois Political Action Committee*, 12CD135. Member Rice seconded the motion which passed by roll call vote of 8-0.

The Executive Director began his report by presenting an employee award to Mickey Reinders for 15 years of service at the State Board of Elections. He highlighted the various positions Ms. Reinders has held during her employment and thanked her for her dedication and service.

The Executive Director discussed the November 6 General Election day activities and said the volume of telephone calls in the Springfield office was very heavy with approximately 1,600 direct calls taken by staff. Approximately 879,000 hits were received on the SBE website on the polling place locator page. The SBE website servers flawlessly handled additional hits after the Chicago Board of Elections website experienced technical issues. Dianne Felts reported on voting system pre-testing and said that the counties of Boone, Effingham, Jasper, JoDaviess, Macoupin

and Stephenson were chosen for testing. She said the pre-tests went very well with only minor issues that were easily corrected and no counting errors occurred. The Executive Director presented the listing of election judge training schools for informational purposes and noted that they were well attended and staff will continue to schedule and conduct schools for the upcoming 2013 elections.

Next was the legislative update and Cris Cray reported that the four appropriation leaders have been contacted and letters have been sent regarding a request for a supplemental appropriation to assist with funding of election judge reimbursements, county clerk stipends and maintenance of the statewide voter registration database. She noted that a conference call was conducted regarding the filing dates for the 2013 elections and that if legislation passed it would only affect this year.

The Executive Director gave an update on the Campaign Finance Reform Task Force Meeting that was held on November 15 and said no action was taken because a quorum was not present at the meeting. At this time, the next meeting has not been scheduled.

Kyle Thomas discussed the IVRS report and said the number of duplicate matches were up because of the increased volume of voter registrations that were being received.

The Executive Director indicated the six month review of the executive session minutes since April 20, 2012 has been conducted and have concluded that the necessity of confidentiality does not exist as to those minutes except for the exceptions listed in the memo from the General Counsel. Vice Chairman moved to release those minutes for public inspection with the exceptions noted on page 317 of the Board Packet. Member Scholz seconded the motion which passed by roll call vote of 8-0.

A proposed addition to the SBE Policy Manual pertaining to comments from the general public was presented and it was noted that the changes in this draft were cosmetic in nature. Discussion ensued regarding the amendments and the Chairman suggested some other minor revisions to the language. Vice Chairman Smart moved to approve the addition to the Policy Manual with the minor changes the Chairman suggested.

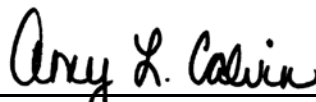
The Executive Director discussed the December 2 Special Board Meeting and said access to the James R. Thompson Center was very difficult on the weekends. Jim Tenuto contacted McCorkle Court Reporters and they agreed to allow the meeting to be held in their building. Testing of their video conferencing equipment was conducted and successful connection with the Springfield office was completed. The meeting will be held at the McCorkle location at 200 N. LaSalle Street, Suite 2900 and the Public Notice would reflect this as well.

The fiscal reports and two year plan of staff activity were presented for informational purpose.

The next item on the Agenda was comments from the general public and the Chairman noted that Sharon Meroni, Executive Director of Defend the Vote was present and wanted to address the Board with some of her organization's concerns. She expressed her thoughts regarding election processes in Chicago and Cook County pertaining to ballot security, counting of absentee ballots, voting system memory card security, election judge procedures and nursing home voting. The Board asked Ms. Meroni to submit her concerns in writing with appropriate documentation to the State Board of Elections staff for review.

With there being no further business before the Board, Member Byers moved to adjourn until the Special Board Meeting on Sunday, December 2, 2012 at 5:00 p.m. in Chicago and Springfield. The next regular meeting is scheduled for Tuesday, December 18, 2012 at 10:30 a.m. in Chicago. Member Schneider seconded the motion which passed unanimously. The meeting adjourned at 2:20 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Rupert T. Borgsmiller, Executive Director