

STATE BOARD OF ELECTIONS  
Regular Meeting  
Tuesday, December 16, 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

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

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

Member Coffrin moved to approve the minutes from the November 17 and 30 meetings as presented. Member Byers seconded the motion which passed unanimously.

Member McGuffage presented and recited a resolution to Executive Director Borgsmiller who is retiring on December 31. Each Board Member offered their comments and thanked Mr. Borgsmiller for his thirty plus years of service. Jim Tenuto presented a fifteen year service award to Frankie Desmangles and thanked her for her service as well.

The General Counsel presented a settlement offer for Agenda item 4.a.1, *SBE v. Citizens for Tyler Smith*, S9884 & 21819, 09CE077, 10JS236, 12JQ079 & 12DQ139. He recommended the settlement be granted because the amount offered was 50% of the original assessment. Member Coffrin moved to accept the settlement offer as presented. Member McGuffage 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 4.a.2, *SBE v. Boone County Republican Central Committee*, 749, 14AJ010. He concurred with the hearing officer recommendation to deny the appeal. Member McGuffage 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 a complaint following public hearing for Agenda item 4.a.3, *Brown-Marino v. Friends of Sherman C. Jones*, 14CD113 and concurred with the hearing officer recommendation contained on pages 18-23 of the board packet. The recommendation suggests that the committee file amended reports to correct the negative balances and to supplement the amendments with sufficient evidence consisting of bank records, receipts,

invoices and such to be reviewed by staff to determine whether or not they accurately show what the committee is claiming they show. Failure to do this would subject the committee to a civil penalty not to exceed \$5,000 for failure to comply with the board order. Member Gowen moved to accept the recommendation of the General Counsel and hearing officer. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a memo from Director Sharon Steward requesting approval of 2% of the registered committees to be randomly chosen for audit in 2015, pursuant to Section 9-13. He noted that this is the same percentage that the Board used last year and is within the percentage range that the Board must adhere to select committees for random audit. Member Coffrin moved to accept the recommendation of the General Counsel to approve a 2% selection of committees to conduct an audit. Member Byers seconded the motion which passed by roll call vote of 8-0.

Next on the agenda was the proposed guidelines for acceptance of settlement offers from political committees that have been assessed civil penalties. Member McGuffage commended Tom Newman for a job well done and moved to approve the guidelines as presented. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

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

Member Schneider move to recess to executive session for consideration of complaints following closed hearing, litigation and personnel matters. Member Byers seconded the motion which passed unanimously. The meeting recessed at 10:55 a.m. and reconvened at 11:05 a.m. with the same attendance noted in the initial roll call.

For the record, it was noted that there was a mechanical error with the tape recorder and because of that there was not a verbal electronic recording of executive session. A court reporter was present for the complaints following closed hearing portion of executive session.

Member Schneider moved to find that the following complaints following closed hearing for Agenda items 4.a.7-11 were filed on justifiable grounds and the matters proceed to a public hearing:

- 7) *SBE v. Citizens to Elect Eric J. Kellogg*, 14CD125;
- 8) *SBE v. Votedebby.com*, 14CD136;
- 9) *SBE v. Re-Elect Eric Leys*, 14CD145;
- 10) *SBE v. Jackson for Committeeman Ind. Democratic Political Org.*, 14CD149;
- 11) *SBE v. Friends for Jeremy J. Ly*, 14CD153.

Member Coffrin seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 4.a.12, *SBE v. Democrats United for a Better Downers Grove Township Government*, 14CD144, Member Schneider moved to find that the complaint was filed on justifiable grounds but no further action ordered other than referral to staff for imposition of civil penalties. Member Watson seconded the motion which passed by roll call vote of 8-0.

Member Schneider moved to approve four year term re-appointments for Cris Cray, Eric Donnewald and Kevin Turner. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented the SBE legislative agenda for the spring legislative session and indicated that Senate Bill 172 (omnibus election bill) passed last week. Cris Cray reported that the bill has an effective date of June 1, 2015 and was on the Governor's desk awaiting his signature. An analysis was included in the board packet and Ms. Cray noted that an updated one was placed at each Member's seat. The legislative agenda was also included on page 42 of the board packet and she said the items will be presented to the partisan staffs for discussion and feedback.

The Executive Director reported on the COGEL Conference and said Sharon Steward and Andy Nauman both attended the event in Pittsburgh. Mr. Nauman noted that topics on the agenda included ethics, legislation, campaign finance, super PAC's and he stated that he also serves on the membership committee.

Next was an update on SBE procurement procedures and Mike Roate indicated that since the date of the memo that was included in the board packet, a follow up meeting was held with Matt Von Behren from the Executive Ethics Commission. He felt the meeting went very well and discussions are underway regarding the dollar level of procurements they want to oversee.

The Executive Director presented the FY16 appropriation request and thanked the directors and staff for their efficiency in submitting the division requests. He explained that the budget contained two parts: 1) the initial request completed prior to December 2; and 2) a supplemental request which includes funding for those initiatives included in SB 172. Mr. Borgsmiller reviewed the FY15/FY16 comparison chart included in the request and said that overall there was only a 1.2% net increase from last year. The supplemental request asks for an additional \$2,448,900 to fulfill mandates required by SB 172 (if signed) which will require extensive reconstruction of the state voter registration database. Member Coffrin moved to approve the FY16 appropriation and supplemental budget requests as presented. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The fiscal reports and two year plan of staff activity for December and January were presented for informational purposes.

The General Counsel discussed a follow up matter regarding a proposed amendment to the personnel rules regarding timekeeping procedures for the Executive Director and Assistant Executive Director. He said that eight state agencies were contacted and found that their Executive Directors do accrue benefit time and are required to submit monthly time sheets. Mr. Sandvoss asked that the rules be amended to make it optional for the Executive Director and Assistant Executive Director to accrue benefit time. Discussion ensued on doing away with the current policy of non-accrual of benefit time. Member McGuffage moved to change the current Board policy and amend the rule to allow the Executive Director and Assistant Executive Director to accrue benefit time.

The Chairman indicated that Sharon Meroni from Defend the Vote was present and requested to speak during the comments from the general public section of the agenda. Ms. Meroni expressed her concerns regarding the assignment of election judges in the City of Chicago and said she submitted a letter to the SBE regarding the matter. The Chairman asked Ms. Meroni to send her concerns in writing to Ken Menzel and he would review the matter and prepare a response.

With there being no further business before the Board, Vice Chairman Scholz moved to adjourn until 10:30 a.m. on Tuesday, January 20, 2015 in Springfield. Member Byers seconded the motion which passed unanimously. The meeting adjourned at 12:02 p.m.

Respectfully submitted,



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Amy Calvin, Administrative Assistant II



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Rupert T. Borgsmiller, Executive Director