

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, May 16, 2016

MINUTES

PRESENT:

Charles W. Scholz, Chairman
Ernest L. Gowen, Vice Chairman
William J. Cadigan, Member
Andrew K. Carruthers, Member
Betty J. Coffrin, Member
John R. Keith, Member
William M. McGuffage, Member
Casandra B. Watson, Member

ALSO PRESENT:

Steven S. Sandvoss, Executive Director
James Tenuto, Assistant Executive Director
Kenneth R. Menzel, General Counsel
Amy L. Calvin, Administrative Assistant II

The meeting convened at 10:35 a.m. via videoconference with all Members present. Member McGuffage was present in Chicago and Member Watson was present via teleconference.

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

Member Coffrin moved to approve the minutes from the April 15 meeting as presented. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a motion for reconsideration for Agenda item 2.a.1, *SBE v. Citizens for Esther Golar*, 19423, 16DQ036 and reviewed the matter. He recommended the motion be denied because the committee did not raise anything that might be an adequate defense. Vice Chairman Gowen moved to deny the motion for reconsideration. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a motion for reconsideration for Agenda item 2.a.2, *SBE v. Friends to Elect Mary McClellan*, 23944, 16DQ059 and reviewed the matter. He said the committee did not file an appeal and recommended the motion be granted based on the electronic filing defense. Member Keith moved to grant both the motion for reconsideration and the appeal using the one time electronic filing defense. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The following appeals of campaign disclosure fines for Agenda items 3.a.3-4, *SBE v. Edwardsville Twp. Republican Committeemen*, 5787, 16DQ013 and *SBE v. Committee to Elect Judge Aleksandra Alex Gillespie*, 31654, 16AD014 were presented. The General Counsel concurred with the hearing officer recommendation to grant the appeals. He also noted as to item #4, the committee be ordered to file the amended reports with the correct dates. Member Cadigan moved to accept the recommendation of the General Counsel as to item #3. Member Keith seconded the motion which passed by roll call vote of 7-0. Member Carruthers abstained from the vote. As to item #4, Member Cadigan moved to grant the appeal and order the committee to

file the amended reports. Member Keith seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.5, *SBE v. McLean County Republican Central Committee*, 276, 16AD002 and concurred with the hearing officer recommendation to deny the appeal. Chuck Erickson was present on behalf of the committee and apologized for the error. He said it was not willful and asked the Board to waive the fine. Member McGuffage moved to deny the appeal and reduce the fine to 25% which would be a total of \$350 owed. Member Cadigan seconded the motion which passed by roll call vote of 7-1 with Member Keith voting in the negative.

The General Counsel presented Agenda item 2.a.6, *SBE v. Petroleum Political Education Committee of IL*, 308, 15MA106 and concurred with the hearing officer recommendation to deny the appeal. He also noted that the assessed penalty should be \$5,066 and that he received an ex parte communication from Member Keith regarding his conversation with Bill Fleischli, the Chairman of the committee. The General Counsel indicated the ex parte communication was properly filed. Mr. Fleischli was present on behalf of the committee and said as soon as the error was discovered the committee filed the late A-1. Staff was dealing with family health issues and the late filing was unintentional. He asked for a reduction in the fine and offered to pay a portion today. The General Counsel noted that a stay would not be appropriate in this case because the committee had previous violations. Member Cadigan moved to deny the appeal. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.12, *SBE v. Friends of Paul Mulcahy*, 24669, 15DQ093 and concurred with the hearing officer recommendation to deny the appeal. According to the Rules, reports that arrive via mail must be postmarked at least seventy-two hours before the deadline. In this instance, the report arrived two days late but was postmarked a day late of the seventy-two hour requirement. Elizabeth Felt Wakeman was present on behalf of the committee and said she was dealing with a death in the family and asked that the fine be waived. After discussion, Member McGuffage moved to deny the appeal and reduce the fine by 50%. Member Cadigan seconded the motion which passed by roll call vote of 7-1 with Member Keith voting in the negative.

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.7-11 & 13-15:

- 7) *SBE v. Rochester Education Assn. PAC*, 14057, 16DQ021;
- 8) *SBE v. Friends of Camille Y. Lilly*, 22767, 15AD110; (pgs.32-34)
- 9) *SBE v. Democratic Women of the South Suburbs*, 23654, 16AD009;
- 10) *SBE v. Citizens to Elect Mark V. Ferrante*, 24041, 16DQ061;
- 11) *SBE v. Diogenes of Illinois PAC*, 24416, 16DQ063;
- 13) *SBE v. Illinois Concrete PAC*, 25966, 16DQ083;
- 14) *SBE v. Friends of Robert Eastern III*, 27399, 15SQ178;
- 15) *SBE v. Citizens for Accountability*, 29571, 15AS038.

No one was present on behalf of the respondent committees. Vice Chairman Gowen moved to deny the above noted appeals. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

Next was complaints following public hearing where the hearing officer recommended the complaints be dismissed and referred to staff for assessment of civil penalties. The General Counsel concurred and noted that in addition to Agenda item 16, items 28 and 31 fall under this recommendation as well. Member Cadigan moved to accept the recommendation of the General Counsel for Agenda items 16, 28 & 31: *SBE v. Keep Burr Ridge Special*, 16CD086; *SBE v. Nonprofit VOTE IL*, 16CD065; and *SBE v. Citizens for Anthony L. McCaskill*, 16CD074. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

Complaints following public hearing where the hearing officer recommended complaints be upheld and issue a Board order requiring the delinquent report(s) be filed within 30 days of the order or face a fine up to \$5,000 for Agenda items 2.a.17-24, 26, 27, 29, 30, 32 & 33 were presented:

- 17) *SBE v. Nurses United for PAC*, 16CD001;
- 18) *SBE v. Citizens for Mike Smith*, 16CD004;
- 19) *SBE v. Citizens for Colvin*, 16CD010;
- 20) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 16CD017;
- 21) *SBE v. Citizens for Tyler Smith*, 16CD021;
- 22) *SBE v. Friends of Frank McPartlin*, 16CD024;
- 23) *SBE v. Friends of David Moore*, 16CD035;
- 24) *SBE v. Friends for Strzelczyk*, 16CD036;
- 26) *SBE v. Citizens to Elect Frazier Garner*, 16CD049;
- 27) *SBE v. Friends of Amara Enyia*, 16CD053;
- 29) *SBE v. Land of Reagan*, 16CD070;
- 30) *SBE v. Citizens to Elect LaCoulton J. Walls*, 16CD073;
- 32) *SBE v. Stars Committee*, 16CD076;
- 33) *SBE v. Friends of Darren Tillis*, 16CD081.

The General Counsel concurred with the recommendation of the hearing officer and no one was present on behalf of the committees. Member Keith moved to accept the recommendation of the General Counsel in the above noted matters. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented Agenda item 2.a.25, *SBE v. United Party*, 16CD038 and concurred with the recommendation of the hearing officer that the complaint be upheld and issue a Board order requiring the delinquent report(s) be filed within 30 days of the order or face a fine up to \$5,000. Thaddeus Vojanowski was present on behalf of the committee and stated he intends to close the committee due to inactivity and file all of the late reports. It was agreed the timeframe to file the late reports could be extended to sixty days. Vice Chairman Gowen moved to accept the recommendation of the General Counsel and order to the committee to file the delinquent reports within sixty days. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a draft campaign disclosure settlement offer form for consideration. He noted that an updated form was distributed to the Board today and the memo from Tom Newman was on page 117 of the board packet. A few minor edits were suggested for the form and Member Keith moved to place the matter on the June agenda for final approval. Member Watson seconded the motion which passed unanimously.

Random audits of political committees and payment of civil penalties was presented for

informational purposes.

Member Cadigan moved to recess to executive session to consider complaints following closed preliminary hearing. Member Carruthers seconded the motion which passed by roll call vote of 8-0. The meeting recessed at 11:25 a.m. and reconvened at 12:45 p.m. with the same attendance as noted in the initial roll call.

As to Agenda item 2.a.37, *Cooke v. Committee for Frank J. Mautino*, 16CD093, Member Keith moved to deny the motion to dismiss, find the complaint was filed on justifiable grounds and provided that the committee file amended reports on or before July 1, 2016, providing information as to the Happy's Super Service expenditures, giving an accurate breakdown between gas and repairs and indicating whether the vehicles involved in each itemized expenditure were owned or leased by the committee or whether they were privately owned; and as to the Spring Valley City Bank expenditures, identify the actual recipient of each itemized expenditure, as well as the specific purpose for each one, and provided that those are timely filed, the matter would not proceed to public hearing at this time. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 2.a.38, *Eck v. Reick*, 16CD097, Member Keith moved to dismiss the complaint for want of prosecution. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 2.a.39, *Garrett v. Lake County GOP Voters and Ann Brennan*, 16CD104, Member Keith moved to dismiss the complaint for want of prosecution. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 2.a.40, *Trzaska v. Liberty Principles PAC*, 16CD105, Member Keith moved to find that the complaint was filed upon justifiable grounds on the coordination issue and that no further action is necessary relative to that; that the complaint was filed upon justifiable grounds as to the attribution issue and no further action is necessary relative to that, based upon the Board's already ordering that attribution be provided in the future and that the matter in this complaint occurred prior to that order; and also finding that any other matters raised by the complainant at the closed preliminary hearing or the hearing today were not raised in the complaint and are not before the Board for review. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

The Executive Director began his report with an update on the Advisory Committee Meeting that was held prior to the board meeting. He said it was well attended and the items discussed were included on page 124 of the board packet. The effect of the lack of a state budget on the election judge program was discussed. Staff travel to the training schools without being reimbursed is a financial hardship, therefore the way the training associated with the General Election could change. Suggestions included a power point presentation for the election authorities to conduct their own training, on-line training, day trips and vendor training for the jurisdictions. The Executive Director also informed the Committee of the impacts of current legislation, specifically SB 250 and an update on ERIC as well. The next meeting is scheduled for Monday, September 19, 2016.

The June Board Meeting date was discussed and Member Keith moved to change the meeting date to Monday, June 13, 2016. Member Coffrin seconded the motion which passed unanimously.

The Executive Director gave a review of the activities of the General Primary Election in DuPage County and noted that the General Counsel included his report on pages 125-127 of the board packet. Mr. Menzel attended a court ordered recount relating to the office of County Recorder on the Democratic Party ballot. The write-in candidate for county recorder originally was credited with only receiving 699 votes but after the recount it was found that the write-in votes were cast but just not tabulated and it resulted in him being over the threshold of 844 that he needed, and therefore he was declared the nominee for that particular office. There were also a couple of precinct committeemen that had the similar situation, although they only needed ten write-in votes. But because of the recount, at least two of them were successfully elected. Mr. Menzel indicated that it was not a result of the voting equipment but rather human error. Discussion ensued on the possibilities to change the way the write-ins are processed including legislative changes to reduce the election day burdens on the judges. The Executive Director indicated these matters would be discussed again with the election authorities at the Advisory Committee Meeting in September.

Next was an update on the constitutional amendment petition processing and the Executive Director said the Support Independent Maps petition was filed on Friday, May 6 at 11:30 a.m. The petition consisted of 65,261 pages and included approximately 563,974 signatures. The page inventory was completed by 4:00 p.m. on the filing day and scanning began the next week. The data entry phase was completed on Thursday, May 12 and the random sampling records exam was set to begin the following day. The matter is anticipated for Board disposition at its June 13 meeting.

The Executive Director reported that Senate Bill 250, which requires automatic voter registration at select government agencies and imposes additional duties on the SBE, was up for a vote in Committee. He noted that a final version of the legislation has not been received because it was still in the amendment process. Cris Cray reported that a meeting was scheduled for Thursday with the U.S. Census Bureau, Governor and four caucuses regarding the 2020 Census. She also was informed by the House Democrats that an appropriation hearing has not been set and was unsure if one would be scheduled. Discussion ensued regarding SB250 and its impacts on the agency. It was noted that the requirements of the bill would cost the agency in excess of \$700,000 or more for IT staff to do the reprogramming and as of yet there was no additional funding.

Next on the agenda was an update on Senate Bill 172 and Kyle Thomas reported that the ERIC Board voted to grant the agency an extension for payment to June 30. However, if the dues for ERIC are not paid by May 31 the agency will lose the PEW Foundation grant funding that would be available for the mailing of eligible but unregistered voters. Mr. Thomas also noted that the NCOA files were processed on April 15. Kevin Turner said that one staff member was dedicated to ERIC and successfully uploaded voter files and SOS data files to ERIC. The SOS will send the next file around June 1. Mr. Turner also said they met with the SOS's IT and Driver Services staff to discuss the agency registration section of SB172. They indicated it is unlikely the July 1 deadline would be met because of another large project.

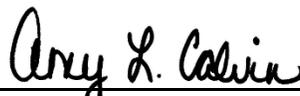
The required six month review of the executive session minutes was presented and the General Counsel reported that the necessity of confidentiality does not exist as to the release of such minutes for the period of November 16, 2015 thru March 14, 2016. Member Carruthers moved to accept the recommendation of the General Counsel and remove the need for

confidentiality from the minutes noted above. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

The two year plan of staff activity for the months of May and June were presented for informational purposes.

With there being no further business before the Board, Member Cadigan moved to adjourn until Monday, June 13, 2016 at 10:30 a.m. in Chicago. Member Carruthers seconded the motion which passed unanimously. The meeting adjourned at 1:35 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant II



Steven S. Sandvoss, Executive Director