

STATE BOARD OF ELECTIONS  
Regular Meeting  
Tuesday, January 20, 2015

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: Steven Sandvoss, Executive Director  
James Tenuto, Assistant Executive Director  
Ken Menzel, General Counsel  
Amy Calvin, Administrative Assistant II

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The meeting convened at 10:30 a.m. via videoconference with all Members present. Chairman Smart, Vice Chairman Scholz and Members Byers were present in Springfield and Members Gowen, McGuffage and Watson were present in Chicago. Members Coffrin and Schneider were present via teleconference.

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

Member Byers moved to approve the minutes from the December 16 meeting as presented. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The Executive Director introduced Heather Kimmons who recently began employment as staff legal counsel in the Springfield office and welcomed her to the agency.

The Executive Director presented a memo regarding the certification of the ballot for the April 7, 2015 Consolidated Election. He said the last day to certify the candidates for Multi-County Regional Board of School Trustees and Fox Waterway Agency Directors is January 29. In past election cycles the Board has authorized staff to certify the candidates for these offices in lieu of a special board meeting and asked the board to grant authorization for certification on January 29. Vice Chairman Scholz moved to grant authorization to staff to certify the candidates listed in the memo on January 29 for the April 7 Consolidated Election. Member Byers seconded the motion which passed by roll call vote of 8-0.

A listing of jurisdictions that will be conducting a Consolidated Primary Election on February 24, 2015 and a listing of election judge training schools was presented for informational purposes.

The Executive Director indicated an Advisory Committee meeting was scheduled for tomorrow at 1:00 p.m. in the Springfield office and via videoconference with the Chicago office. Topics on the agenda for discussion include, provisions of Senate Bill 172, online and election day voter registration, MOVE and electronic canvassing.

The Executive Director reported on legislation and said that the passage of Senate Bill 172 contained mandates that will impact the Agency in a significant manner, especially the Paperless Online Voter Application (POVA) system. He noted that Kyle Thomas and Kevin Turner would discuss these requirements later in his report. The Executive Director also reported that the 98<sup>th</sup> General Assembly met in special session to consider the matter of special election legislation for constitutional offices. House Bill 4576 provides for a special election in the event of a vacancy in a state constitutional office based on the number of months remaining in the term. If more than 28 months remain there will be a special election held to fill the vacancy in that office. The bill passed in the House and Senate and is awaiting the Governor's signature. The Executive Director indicated that clean up legislation will also be introduced in the Spring Session dealing with new party and independent candidate petition filing.

Mr. Thomas discussed Senate Bill 172 and said one of its main impacts on the SBE and POVA will be the extension of grace period voter registration through election day. For any county with a population of over 100,000, grace period registration will be available in the polling places and in the precincts for those jurisdictions. He also noted that the Bill requires certain state agencies (Secretary of State, Employment Security, Aging, Health and Family Services and Human Services) to provide voter registration to individuals doing business with those agencies through their websites and in person. Senate Bill 172 will also mandate changes to the National Change of Address procedures, provisional voting and will require the SBE to enter into an agreement with the Electronic Registration Information Center (ERIC). Mr. Thomas said these mandates will require many technical changes to the infrastructure of POVA to implement those requirements. Mr. Turner added that in addition to numerous expenses for the SBE, this project will require temporary contractors and outside resources as well. He said that preliminary figures have been submitted to the legislature and noted that this project cannot be completed without additional funding. The Executive Director indicated that some of the IVRS funding could be set aside to assist with the SBE's expenses and the rest allocated in the IVRS State grant to help the election authorities offset some of their costs. After discussion, it was agreed that staff would prepare a timeline of milestones and provide updates at each monthly board meeting.

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

The General Counsel presented a request for settlement offer for Agenda item 3.a.1, *SBE v. Friends of Anthony Soler, 24091*, 13MA024 and recommended the offer be rejected because the amount was less than 6% of the original assessment. Anthony Soler was present on behalf of the committee and indicated that the committee was dissolved and the remaining funds were returned to the state. He said that the committee was not originally required to file because they did not meet the \$5,000 threshold. Mr. Soler said he served the country as a Navy Deep Sea Diver with an honorable discharge and has been a firefighter paramedic for 18 years. Because of his strong belief in public serve he disclosed more information that was required in the reports and asked the board for leniency. Member Gowen moved to waive the remaining civil penalties in the matter. 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 3.a.2, *SBE v. Citizens to Elect Eric J. Kellogg, 14486*, 11CD089 & 14MA010 and recommended the offer be rejected because of the committee's history of repeated noncompliance with its filing requirements. He also noted that the committee had another matter on the agenda for late filings and additional civil penalty assessments. No one was present on behalf of the committee. Member Gowen moved to accept the recommendation of the General Counsel and deny 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 3.a.3, *SBE v. Boone County Republican Central Committee*, 749, 14AJ010 and recommended the offer be denied because the amount was only 25% of the original assessment. No one was present on behalf of the committee. Member Byers moved to accept the recommendation of the General Counsel and deny the settlement offer. Member Gowen 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 to grant the appeals for Agenda items 3.a.4-6:

- 4) *SBE v. INCS Action PAC*, 25902, 14AJ053;
- 5) *SBE v. Springfield PAC for Education*, 5705, 14JQ016;
- 6) *SBE v. Friends of Peoria County Schools*, 25734, 14AM090.

No one was present on behalf of the respondent committees. Vice Chairman Scholz moved to accept the recommendation of the General Counsel and grant the appeals. Member Gowen 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 to deny the appeals for Agenda items 3.a.7-13:

- 7) *SBE v. Union County Democratic Committee*, 61, 14JQ001;
- 8) *SBE v. Warren County Democratic Central Committee*, 77, 14JQ002;
- 9) *SBE v. Macon County Democratic Central Committee*, 155, 14AJ003;
- 10) *SBE v. Illinois Hotel & Motel PAC (IHMPAC)*, 689, 14JQ006;
- 11) *SBE v. Belleville Area Democratic Central Organization*, 5486, 14JQ013;
- 12) *SBE v. Batavia Township Republican Organization*, 17662, 14JQ043;
- 13) *SBE v. State & Local PAC of Int'l Alliance of Theatrical Stage Employees*, 25445, 14AJ044.

No one was present on behalf of the respondent committees. Vice Chairman Scholz moved to accept the recommendation of the General Counsel and grant the appeals. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

It was noted that Agenda item 3.a.14, *Reyes v. First Ward Organization*, 14CD005 & *Reyes v. 1<sup>st</sup> Ward Democratic Committeeman's Fund*, 14CD006 was pulled and will be placed on the February meeting agenda.

The General Counsel presented a complaint following public hearing for Agenda item 3.a.15, *SBE v. Citizens to Elect Eric J. Kellogg*, 14CD125. He concurred with the hearing officer recommendation that the complaint be dismissed and the matter referred to staff for assessment of civil penalties. No one was present on behalf of the respondent committee. Member Byers moved to accept the recommendation of the General Counsel. Vice Chairman Scholz seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented the complaints following public hearing for Agenda items 3.a.16-34:

- 16) *SBE v. votedebby.com*, 14CD136;
- 17) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 14CD137;

- 18) *SBE v. Re-Elect Eric Leys*, 14CD145;
- 19) *SBE v. Jackson for Committeeman Ind. Democratic Political Org.*, 14CD149;
- 20) *SBE v. Friends of Jeremy J. Ly*, 14CD153;
- 21) *SBE v. Tammy Baer for Douglas County State's Attorney*, 14CD155;
- 22) *SBE v. Citizens for Rudd*, 14CD161;
- 23) *SBE v. Friends of David Moore*, 14CD162;
- 24) *SBE v. Citizens to Elect Anthony Coleman for Mayor of North Chicago*, 14CD163;
- 25) *SBE v. Braiman for Judge*, 14CD165;
- 26) *SBE v. Friends of Christina Campos*, 14CD170;
- 27) *SBE v. Citizens to Elect 169 Write-ins*, 14CD173;
- 28) *SBE v. Hispanic American Community Leadership Network*, 14CD175;
- 29) *SBE v. Friends for Mary C. Childers*, 14CD176;
- 30) *SBE v. Will Kyles Committee*, 14CD178;
- 31) *SBE v. Supporters of Joe Cook*, 14CD179;
- 32) *SBE v. Citizens to Elect Frazier Garner*, 14CD183;
- 33) *SBE v. Fans of Harness Racing*, 14CD185;
- 34) *SBE v. The Committee to Elect Robert R. McKay*, 14CD189.

He concurred with the hearing officer recommendation that the complaints be upheld and issue a board order requiring the delinquent reports be filed within thirty days of the order or face a fine up to \$5,000. No one was present on behalf of the respondent committee. Vice Chairman Scholz moved to accept the recommendation of the General Counsel. Member Watson 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. The committee listed on page 179 was pulled from the listing because the fine had been paid. Vice Chairman Scholz moved to assess the civil penalty against the committees listed on pages 176-178 of the board packet. Member Byers seconded the motion which passed by roll call vote of 8-0.

Adjustments to contributions limits and payment of civil penalties updates were presented for informational purposes.

Vice Chairman Scholz moved to recess to executive session to consider complaints following closed hearing. Member Byers seconded the motion which passed by roll call vote of 8-0. The meeting recessed at 11:25 a.m. and reconvened at 11:55 a.m.

Members Byers and McGuffage left the meeting at 11:55 a.m. and Vice Chairman Scholz and Member Watson held their proxies respectively.

As to Agenda item 3.a.38, *Illinoisans for Karmeier v. Campaign for 2016, Franklin County Democratic Organization and Williamson County Democratic Central Committee*, 14CD195, Member Schneider moved to find that the complaint was not filed on justifiable grounds and the matter be dismissed. Member Watson seconded the motion which passed by roll call vote of 8-0.

As to Agenda items 3.a.39-44, Member Schneider moved to find that the following complaints were filed on justifiable grounds and the matters proceed to a public hearing:

- 39) *SBE v. ERA PAC*, 14CD118;
- 40) *SBE v. Citizens for Leys*, 14CD128;
- 41) *SBE v. Citizens for Colvin*, 14CD129;

- 42) *SBE v. Boaters PAC, NFP*, 14CD132;
- 43) *SBE v. Boone County Young Republican Club*, 14CD141;
- 44) *SBE v. Citizens for Tyler Smith*, 14CD143.

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


As to Agenda item 3.a.45, *SBE v. Citizens for Brian J. Smith*, 14CD147, Member Schneider moved to find that the complaint was filed on justifiable grounds and the matter referred to staff for assessment of civil penalties. Member Watson seconded the motion which passed by roll call vote of 8-0.

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 selection and recruitment of election judges in the City of Chicago. Ms. Meroni indicated that she requested election judge data on December 2 from the City of Chicago and has not received complete information. Darnell Macklin, sixth ward republican committeeman in Chicago, was present and expressed his support for Ms. Meroni and the republican election judge program. He was concerned about the number of Democratic election judges that were placed in Republican spots when there were an ample number of Republican judges available. Ms. Meroni also verified that she is the person who oversees the Republican election judge program for Cook County. The Chairman asked the General Counsel to follow up with the City of Chicago on the matter and report back to Ms. Meroni.

With there being no further business before the Board, Vice Chairman Scholz moved to adjourn until 10:30 a.m. on Wednesday, February 18, 2015 in Chicago. Chairman Smart seconded the motion which passed unanimously. The meeting adjourned at 12:05 p.m.

Respectfully submitted,

  
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Amy Calvin, Administrative Assistant II

  
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Steven Sandvoss, Executive Director