

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, March 14, 2016

MINUTES

PRESENT: Charles W. Scholz, Chairman
Ernest L. Gowen, Vice Chairman
William J. Cadigan, Member (Chicago)
Andrew K. Carruthers, Member
Betty J. Coffrin, Member (via conference call)
William M. McGuffage, Member (Chicago)
Casandra B. Watson, Member (via conference call)

ABSENT: John R. Keith, Member

ALSO PRESENT: Steven S. Sandvoss, Executive Director
James Tenuto, Assistant Executive Director
Kenneth R. Menzel, General Counsel
Darlene Gervase, Admin. Assistant III

The Chairman called the meeting to order at 10:30 a.m. and led everyone in the pledge of allegiance.

Seven Board Members were present via videoconference; three in Springfield; two in Chicago; and two via telephonic conference call. Member Keith was absent and Chairman Scholz held his proxy.

Chairman Scholz asked for a motion to adopt the minutes of the February 17th meeting. Member Carruthers so moved and Member Cadigan seconded the motion to adopt the minutes. The Motion passed unanimously via voice vote.

The Chairman asked Mr. Menzel to begin the report of the General Counsel. Mr. Menzel summarized the actions of 2.a.1 and noted the appearance of Sarah Gallagher for the Respondent, Riverdale 2015 Village Trustees. Ms. Gallagher presented affidavits of the trustees, who indicated they never received notices which was the basis of the Motion to Reconsider. Discussion ensued among the Board. Vice Chairman Gowen moved to have the case heard on the merits. Member McGuffage seconded the motion which passed unanimously by roll call vote. The matter of *SBE v. Riverdale 2015 Village Trustees*, 27293, 15MQ207 will be rescheduled with appropriate notice.

In the matter of *SBE v. Boone County Republican Central Committee*, 749, 15AJ003, the General Counsel noted the average fund balance of the committee. He recommended denying the settlement offer as it was 14% of the outstanding fines and a compliant offer would have to be at least 50% or \$875. Member Cadigan moved to accept the recommendation and Vice Chairman Gowen seconded the motion which passed 8-0.

Continuing with Item 2.a.3, *SBE v. Committee to Elect Karen Elyea*, 25371, 15JQ101, a 50% settlement offer was presented to the Board. Member Carruthers moved to adopt the settlement offer of \$450 and Vice Chairman Gowen seconded the motion. The motion passed unanimously.

The General Counsel next presented Item 2.a.4. *SBE v. DGEA Coalition 99*, 29525, 15MA122, an Appeal of a campaign disclosure fine that had been carried over from the February meeting so as to allow someone authorized by the committee to appear who could speak to the merits. No one appeared for the respondent. The hearing officer recommended the appeal be denied

and General Counsel Menzel concurred. Member Cadigan so moved and Vice Chairman Gowen seconded the motion which passed 8-0.

Appeals of campaign disclosure fines, wherein hearing officer recommendation appeals be denied were considered.

Attorney John Wolters was present in Springfield for 2.a.10, *SBE v. Central Illinois Building & Construction Trades Council PAC*, 31660, 15MA123. Mr. Menzel summarized the matter and concurred with the hearing officer that the appeal be denied. Vice Chairman Gowen so moved and Member Carruthers seconded the motion which passed unanimously by roll call vote.

A request for a continuance from Mr. Mulcahy, an attorney and the respondent in 2.a.8, *SBE v. Friends of Paul Mulcahy*, 24669, 15 DQ093 was received. He indicated that he has trials scheduled which conflict with the Board's March and April meeting dates. Mr. Menzel asked that the matter be continued to the May meeting for geographical consideration. The Board so approved.

As to items 2.a. 5) *SBE v. Friends of Mary E. Flowers*, 4261, 15MQ016; 6) *SBE v. Riverside Community Caucus*, 13163, 15MA108; 7) *SBE v. Hinsdale High School Teachers Association*, 17600, 15JQ159; and 9) *SBE v. Wagner for State Central Committee*, 25120, 15SQ109; the General Counsel concurred with the hearing officer that the Appeals be Denied. Member Carruthers so moved and Vice Chairman Gowen seconded the Motion. The motion passed unanimously by roll call vote.

Chairman Scholz asked for a motion to recess to Executive Session to consider matters following closed preliminary hearings. Member Carruthers so moved and Vice Chairman Gowen seconded the motion which passed unanimously by roll call vote. The Board recessed at 10:49 a.m.

The Board returned to open session at 2:34 p.m. Five Board Members were present via video conference; three in Springfield and two in Chicago; Member Watson left the meeting at 12:05 p.m., and Member McGuffage held her proxy. Member Coffrin left the meeting at 1:35 p.m., and Vice Chairman Gowen held her proxy. Member Keith was absent and Chairman Scholz held his proxy.

Vice Chairman Gowen reported on matters heard during Executive Session. They are as follows:

As to *Rita v. Oak Brook for Natalie Cappetta*, 15CD107. Vice Chairman Gowen moved that the Complaint was filed on justifiable grounds and the matter should proceed to public hearing. Member Cadigan seconded the motion. The Motion passed 8-0 by roll call vote.

As to *Seymour v. Citizens for John F. Sweeney*, 15CD111 Vice Chairman Gowen moved that the issues of gasoline expenditure and car repair be found to have been filed on justifiable grounds but no public hearing be set, and further moved that all future expenditures conform to mileage reimbursement guidelines. As to the cell phone expenditure, the complaint was not filed on justifiable grounds. Member McGuffage seconded the motion which passed 7-1 with Member Cadigan voting no.

As to 2.a.14, *McGinley v. Citizens for Michelle Moore*, 16CD092. Vice Chairman Gowen moved that the complaint was filed on justifiable grounds, but no public hearing be conducted. The Respondent was directed to amend its 4th quarter report to reflect the 6 items in the Hearing Officer's report. Vice Chairman Gowen moved and Member Carruthers seconded the Motion which passed 8-0 by roll call vote.

As to 2.a.15, *Gaines v. Senator Patricia Van Pelt*, 16CD090, 16CD100 & 16CD101. The Vice Chairman moved that justifiable grounds existed as to the allegation that the holiday mailer and the door hanger failed to include the required attribution of source, but that no public hearing be held. The Board makes no determination as to 9-25.1 as it is a criminal provision and outside the Board's jurisdiction. Member Carruthers seconded the motion. The motion passed unanimously by roll call vote.

As to 2.a.16, *Million v. Sam McCann for Senate*, 16CD095, Vice Chairman Gowen moved that the allegation that the committee improperly reported "group expenses" be found to have been filed on justifiable grounds and that the issue of mileage expenses was also found to have been filed on justifiable grounds. The Committee was given to the end of the day (March 14, 2016) to file amended reports itemizing the "grouped expenditures" or the matter would proceed to public hearing. As to the improper mileage reporting allegation, the complaint was filed on justifiable grounds and the matter proceed to public hearing. Member Carruthers seconded the motion which passed unanimously. The Motion passed 8-0 by roll call vote.

As to 2.a.17 *Kaye v. Liberty Principles PAC*, 16CD096 and 18, *Cabay v. Liberty Principles PAC*, 16CD098, Vice Chairman Gowen moved to hear the matters together and the complaint regarding attribution of source was found to have been filed on justifiable grounds but no public hearing is necessary. The Board found justifiable grounds as to collaboration between the independent expenditure committee and certain candidates featured in a campaign piece, but no public hearing was ordered. Staff was directed to consider rulemaking consistent with FEC regulations to address the collaboration issue. Member McGuffage seconded the Motion which passed 7-0-1. Member Coffrin abstained from the vote.

As to 2.a.19, *Ludington v. Board of Education North Shore District 112 & Bregy*, 16CD099 Vice Chairman Gowen moved that the complaint was not filed on justifiable ground and should be dismissed. Member McGuffage seconded the motion which passed 6-2 with Member Cadigan and Carruthers voting no.

As to Items 21 through 29, Vice Chairman Gowen moved to adopt the recommendations of the hearing officers and general counsel. Member Carruthers seconded the motion which passed 8-0 by roll call vote.

As to items 30 through 47 and 49 through 53, Vice Chairman Gowen moved to adopt the recommendations of the hearing officers and General Counsel. Member Carruthers seconded the motion which passed unanimously by roll call vote. As to 2.a.48) *SBE v. Citizens for Anthony L. McCaskill*, 16CD074 Vice Chairman Gowen moved to adopt the hearing officer and general counsels recommendation. Member Carruthers seconded the motion which passed 8-0 by roll call vote.

Mr. Menzel concluded his report with proposed amendments to Administrative Rules, Parts 201 and 202. The affected rules pertain to the filing of nomination petitions and the application of the ballot placement lottery. Also other housekeeping matters were addressed. He asked for the Board's permission to proceed with the process. Member McGuffage so moved and Member Cadigan seconded the Motion. The Motion passed unanimously by roll call vote.

Executive Director, Steve Sandvoss, began his report with a synopsis of preparations for the March 15, 2016 General Primary Election and summarized pre-testing of voting systems in five jurisdictions, including Chicago.

A report of Election Judge training schools was presented for informational purposes.

Mr. Sandvoss presented a draft of proposed Rules of Procedures for the Constitutional Amendment Petition Filing expected in early May. This matter will be considered at the April meeting.

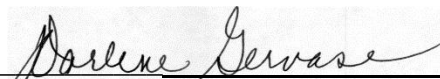
Legislative update was short as the house is out until April 4th and there were no changes in any bills in the Senate.

Senate Bill 172 was discussed in general terms and nothing further was added to what was contained on page 82 of the Board Packet.

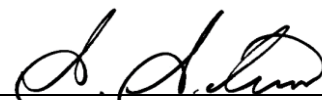
The two year plan of staff activity for the months of March & April were presented for informational purpose.

There being nothing further before the Board the meeting adjourned at 3:05 p.m.

Respectfully submitted,



Darlene Gervase, Admin. Asst. III



Steven S. Sandvoss, Executive Director