

STATE BOARD OF ELECTIONS
Regular Meeting
Friday, April 15, 2016

MINUTES

PRESENT: Charles W. Scholz, Chairman
Ernest L. Gowen, Vice Chairman
William J. Cadigan, Member
Andrew K. Carruthers, Member
John R. Keith, Member
William M. McGuffage, Member
Casandra B. Watson, Member (via telephone)

ABSENT: Betty J. Coffrin, 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.

Six Board Members were present in Chicago; Member Watson was present via telephonic conference call. Member Coffrin was absent and Vice Chairman Gowen held her proxy.

Chairman Scholz asked for a motion to adopt the minutes of the March 14, 2016 meeting. Member Keith so moved and Member McGuffage seconded the motion to adopt the minutes. The Motion passed unanimously by a voice vote.

Executive Director Sandvoss presented the proclamation of results from the March 15, 2016 General Primary Election. Member Cadigan moved to accept the proclamation and Vice Chairman Gowen seconded the motion which passed unanimously.

Mr. Menzel began his report with Appeals of campaign disclosure fines where the Hearing Officer recommended the appeals be granted and he concurred. Vice Chairman Gowen moved to adopt the Hearing Officer and General Counsel's recommendations and grant the appeals. Member McGuffage seconded the motion which passed unanimously by roll call vote. Those matters are: 3.a.1) *SBE v. Bremen Township Regular Democratic Organization*, 509, 15SQ099; 2) *SBE v. Republican Club of Evanston*, 19452, 16DQ037; 3) *SBE v. Friends for Senor*, 28438, 16AD012; and 4) *SBE v. Citizens to Elect Judge Loftus*, 31655, 15AS042.

Items 3.a.5) *SBE v. Petroleum Political Education Committee of IL*, 308, 15MA106; 11) *SBE v. Friends of Camille Y Lilly*, 22767, 15AD110; and 12) *SBE v. Friends of Paul Mulcahy*, 24669, 15DQ093 were continued to the May meeting.

Chairman Scholz accepted the appearance of Dana Cushingberry, attorney for the Respondent, in 3.a.9) *SBE v. Citizens for David Webb*, 15753, 15AS024. The General Counsel summarized the complaint and agreed with the Hearing Officer to recommend the appeal be denied. Ms. Cushingberry indicated that she had problems with the IDIS program. She had taken the IDIS training, but was still unable to file the documents. Tom Newman, Director of Campaign Finance and Disclosure was asked if the committee had used the 1-time electronic defense; he indicated he would need a few minutes to answer.

The Chairman called 3.a.10) *SBE v. IVCA-PAC*, 17057, 15AS027 and accepted the appearance of Mark McDonnell for the Respondent. Mr. McDonnell explained that the contribution in question was made by wire transfer to the bank and they did not have notice of the contribution or the contributor's information until receipt of their monthly activities from the bank. Member Keith moved to adopt the Hearing Officer's and General Counsel's recommendations and deny the appeal. Member McGuffage seconded the motion which passed 6-2 with Member Coffrin and Vice Chairman Gowen voting No.

The Board returned to 3.a.9. The Committee had not used the one-time defense. Member McGuffage moved to allow the electronic filing defense and reduce the penalty to \$6,150 for the prior violation and Member Watson seconded. The motion passed 7-1; Member Keith voted in the negative.

As to the remaining Items 6) *SBE v. Edwards County Republican Central Committee*, 1148, 15SQ013; 7) *SBE v. Northern IL Alliance of Fire Protection Districts PAC*, 10576, 16DQ017; 8) *SBE v. Nameoki Township Precinct Committeemen*, 14620, 16DQ024; 13) *SBE v. YES for District 112 Referendum*, 27270, 15AM096; 14) *SBE v. Friends of Charles "Chuck" Givines*, 27330, 15MQ202; and 15) *SBE v. Friends of Bill Sullivan*, 31671, 15SQ161, wherein the Hearing Officer recommended the appeals be denied, the General Counsel concurred. Member Carruthers so moved and Member Cadigan seconded the Motion to deny the appeals. The Motion passed unanimously.

Attorney Josiah Groff and Complainant Corey Johnson appeared in 3.a.16) *Johnson v. Kane County Conservative Coalition*, 15CD102. The General Counsel concurred with the Hearing Officer's recommendation to require Respondent to amend the 1st quarter reports of 2014 and further recommended the committee be ordered to make correct attributions of the payer as to future mailings and include the required Section 9-9 language with all future solicitations of funds or be fined \$5,000. Member Keith moved to adopt the Hearing Officer's report as amended by Mr. Menzel. Vice Chairman Gowen seconded the motion which passed 8-0.

Director of Campaign Finance and Disclosure, Tom Newman, submitted revised Settlement Offer Guidelines that address several concerns, including exceptions for small committees with low average fund balances and situations where a candidate/committee has access to funds from multiple committees under their control. The Board approved and Member Keith moved to adopt the suggestions. Member McGuffage seconded the motion which passed unanimously.

Mr. Newman asked for a Board Order of 2% random audits of active political committees annually. He added that 2% is a significant, yet manageable number. The random selection will be conducted May 2nd. Member Keith moved to adopt the 2% number random selection and Vice Chairman Gowen seconded. The motion passed 8-0.

The Board considered Assessments and Board Orders contained on pages 91-95 in the Board's packet. Civil penalties for delinquent filing of the June, September and December, 2015 Quarterly reports, D-1 Statements of Organization, Schedule A-1s and "multi-assessments" were not appealed and should be issued a final order. Member Gowen so moved and Member Cadigan seconded the motion. The Motion passed 7-0-1 with Member Carruthers abstaining.

Item 3.a.19) Payment of civil penalties on pages 96-97 of the Board's packet were submitted for informational purposes.

A Motion to Reconsider was filed in 20) *Kaye & Cabay v. Liberty Principles PAC*, 16CD096 & 16CD098, a matter heard at the March 15th meeting. Andrew Finko, attorney for Complainants was present in the Chicago office. Claire Kaye was present via videoconference in the Board's Springfield office. Mr. Finko presented his argument, but as Mr. Finko was the attorney of record, Ms. Kaye was confined to making a statement in Item 6, Comments from the general public. Member Keith moved to Deny the Motion to Reconsider and an Order be written so Mr. Finko could timely seek judicial review. Member Carruthers seconded the Motion which passed 7-0-1 with Member Coffrin abstaining.

Member Keith moved to recess to Executive Session to hear Complaints following closed preliminary hearing, personnel issues and litigation. The Board recessed at 11:30 a.m.

The Board returned to open session at 11:55 a.m. with Six Board Members present in Chicago; Member Watson present via telephonic conference call; and Member Coffrin absent and Vice Chairman Gowen held her proxy.

As to 3.a.21 *Schenk v. Cowlin*, 16CD102, Member Keith moved adopt the General Counsel's Recommendation to dismiss the matter for Want of Prosecution. Member Cadigan seconded the motion which passed unanimously by roll call vote.

As to Items 22) *SBE v. We the People*, 16CD031; 23) *SBE v. Friends of David Moore*, 16CD035; and 24) *SBE v. Friends of Casey Johnson*, 16CD039, Member Keith moved to adopt the Hearing Officer's and General Counsel's recommendations that these matters were found to have been filed on justifiable cause and to proceed to a public hearing. Member Cadigan seconded the matter which passed unanimously.

As to 25) *SBE v. Citizens for Mark Calonder*, 16CD068, Member Keith moved to adopt the Hearing Officer's and General Counsel's recommendations to uphold the complaint, but no further action required beyond the imposition of a civil penalty. Vice Chairman Gowen seconded the motion which passed unanimously.

Executive Director, Steve Sandvoss, began his report with a summary of the General Primary Election report of Brent Davis, Director of Election Operations:

- 1) Our offices received a total of 2,848 calls distributed among 26 staff members throughout the day and at least 1,100 calls relating to polling places and grace period registration. The subject of Grace Period Registration and Voting as well as the large number of same day registrations caused problems with managing other issues for the jurisdictions.
- 2) There were ballot shortages in five counties – Adams, Sangamon, Kendall, Madison, Effingham, and the City of Danville, due mostly to the higher than anticipated turnout and same day registration. Cook County obtained a court order to extend the polling hours for four precincts that didn't open on time. McHenry had technical issues with their new electronic poll books and extended their voting hours in all precincts.
- 3) Our offices received numerous calls on Election Day reporting President Bill Clinton was campaigning in Chicago and Springfield and violating the campaign free zone rules. This was found not to be the case. There was a Facebook post regarding an article about him campaigning in Springfield, but it turned out to be Springfield Missouri, not Illinois.
- 4) Miscellaneous calls included: Voters who live in the suburbs, work in the city, and want to vote a suburban ballot in the city; Not enough "I Voted" stickers; Election judges continue to give Federal ballots to people who should receive a full ballot; and Voters who did not want to declare a party vote were given explanations as to theory and state law.

Because this election had the highest volume of calls, Brent and Deputy Director, Amy Kelly will look at adding more staff members to the call center and have a pre-recorded message providing commonly sought information.

Mr. Menzel added that in McHenry County, a defective file on memory sticks resulted in problems using the electronic poll books. Changes should include testing each pollbook prior to the election and election judge training should include additional emphasis utilizing printed voter lists to avoid problems when the electronic pollbooks malfunction. The other issue was communication problems between the election judges and the county clerk's office and the general public calling the

clerk's office being directed to the office closed after hours message. Better staffing will be needed to handle the phones in future elections.

Kyle Thomas, Director of Voting and Registration Systems spoke to the late precinct reporting. DuPage County and the City of Chicago had returns reported after 2:00 a.m. McHenry County and the City of East St. Louis were still counting after 2:00 a.m. as well. His full report was contained on pages 99-102 of the Board's packet.

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. Discussion was had among the Board. Procedures were discussed and the Board was invited to the Springfield office to become acquainted with the filing, scanning, data entry and signature verification process.

Cris Cray, Legislative Liaison presented her legislative update. She said the 4 chiefs and 4 legal counsels of the legislature received the proposed Rules of Procedure noted above. She also stated that we will receive a 500 page Elections Omnibus bill shortly, containing mostly technical cleanup language. Kyle Thomas and Kevin Turner, presented their update on SB 172 and added that the Secretary of State submitted their files and we will, in turn, provide it to ERIC. Mr. Turner also indicated that some vendors have been paid through the Vendor Assistance Program of which Jeremy Kirk provided much assistance. Mr. Turner then added that he was able to secure 8 scanners from a company who will accept payment when a budget is approved. This will increase the number of scanners to 15 in time for the filing of the Constitutional Amendment Petition.

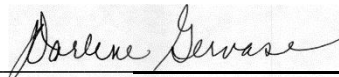
Mr. Sandvoss asked the board to review the updated FY16/17 Board Meeting Schedule as submitted under separate cover. He added that meetings may have to be moved to hear objections brought before the State Officers Electoral Board. The Board decided to meet on July 11th. The June dates will be confirmed at the May 16th meeting. Member Keith spoke to the statutory deadline to proclaim the results of the November General Election of December 5, 2016. As judges will be sworn in on that date, he suggested starting the meeting at 9:00 a.m. and scheduling the swearing in of judges begin at 9:01 a.m. This suggestion will be shared with the Court's Administrative Office and revisited at a later meeting if necessary.

The two year plan of staff activity for the months of April & May for informational purposes.


Claire Kaye, one of the complainants in *Kay and Cabay v. Liberty Principles PAC*, 16 CD 096 and 16 CD 098 commented on the Complaint she filed.

The next Board Meeting is scheduled for Monday, May 16, 2016 at 10:30 a.m. in Springfield.

Respectfully submitted,



Darlene Gervase, Admin. Assistant III



Steven S. Sandvoss, Executive Director