

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, May 18, 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
Casandra B. Watson, Member

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

The meeting convened at 10:30 a.m. via videoconference with seven members present. Chairman Smart, Vice Chairman Scholz and Members Byers, Coffrin and McGuffage were present in Springfield. Member Watson was present in Chicago and Member Gowen was present via telephone.

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

Member Byers moved to approve the minutes from the April 21 meeting as presented. Vice Chairman Scholz seconded the motion which passed by roll call vote of 7-0.

The General Counsel presented a motion for reconsideration for Agenda item 2.a.1, *SBE v. Citizens for Judge John B. Simon*, 25413, 14AS053 and concurred with the hearing officer recommendation to grant the motion. Ellen Carey was present on behalf of the committee and also agreed with the recommendation. Member McGuffage moved to grant the motion for reconsideration and dismiss the matter. Vice Chairman Scholz seconded the motion which passed by roll call vote of 7-0.

A request for settlement offer for Agenda item 2.a.2, *SBE v. Macoupin County Democrat Party*, 62, 15AD002 was pulled and will be placed on the June meeting Agenda.

The General Counsel presented a settlement offer for Agenda item 2.a.3, *SBE v. Norwood Park Township Democratic Organization*, 566, 14SQ008 and summarized the matter. He noted that although the amount offered was less than 50% he recommended it be granted because the committee did not report any contributions or expenditures for more than ten years. The General Counsel also recommended that the committee dissolve and file a final report. Member Coffrin moved to grant the settlement offer and recommend that the committee dissolve. Vice Chairman Scholz seconded the motion which passed by roll call vote of 7-0.

The General Counsel presented a settlement offer for Agenda item 2.a.4, *SBE v. Warren County Republican Women*, 5559, 15DQ011 and recommended the offer be denied because the amount was less than 50% of the assessed penalty. Member Coffrin moved to accept the

settlement offer of \$212.50. Vice Chairman Scholz seconded the motion which passed by roll call vote of 7-0.

The General Counsel presented a settlement offer for Agenda item 2.a.5, *SBE v. MC PAC, 17797, 14SQ042* and recommended the offer be granted because the amount was 50% of the assessed penalty. Member McGuffage moved to accept the settlement offer of \$275.00. Member Byers seconded the motion which passed by roll call vote of 7-0.

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 2.a.6-8:

- 6) *SBE v. Cook County Democratic Party, 163, 14AS002;*
- 7) *SBE v. Vermilion County Republican Central Committee, 319, 15MA002;*
- 8) *SBE v. Citizens for McCoy, 16856, 14AS024.*

Vice Chairman Scholz moved to grant the above noted appeals. Member McGuffage seconded the motion which passed by roll call vote of 7-0.

The General Counsel presented Agenda item 2.a.10, *SBE v. Friends of Dart, 19319, 14AS028* and concurred with the hearing officer recommendation to deny the appeal. Thomas Leonard was present on behalf of the committee and stated that he was new to the process and experienced some website issues regarding notification of donations. He said the committee hired an accountant who rectified the issue so that it would not happen again. Member McGuffage felt this was a valid computer defense and moved to grant the appeal. Member Watson seconded the motion which passed by roll call vote of 5-2 with Members Byers and Gowen voting in the negative.

Agenda item 2.a.11, *SBE v. Chicago Latino Public Affairs Committee, 22755, 15MA019* was pulled and will be placed on the June meeting Agenda.

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 2.a.9 & 12-14:

- 9) *SBE v. Citizens to Elect Randy Ramey, 16628, 14SQ036;*
- 12) *SBE v. The Chicago Committee, 23526, 14AM084;*
- 13) *SBE v. Citizens to Elect Caroline Kennedy Elkins, 25592, 14MA029;*
- 14) *SBE v. Carol Ammons for State Representative, 25651, 15AD043.*

The General Counsel also noted that the penalty in item #13 should be \$3,005.00. Vice Chairman Scholz moved to deny the above noted appeals and accept the corrected penalty amount for Agenda item 13. Member Coffrin seconded the motion which passed by roll call vote of 7-0.

The General Counsel presented complaints following public hearing for Agenda items 2.a.15-20 and concurred with the hearing officer recommendation that the 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:

- 15) *SBE v. ERA PAC, 14CD118;*
- 16) *SBE v. Citizens for Leys, 14CD128;*
- 17) *SBE v. Citizens for Colvin, 14CD129;*
- 18) *SBE v. Boaters PAC, NFP, 14CD132;*
- 19) *SBE v. Boone County Young Republican Club, 14CD141;*
- 20) *SBE v. Citizens for Tyler Smith, 14CD143.*

Member Byers moved to accept the recommendation of the General Counsel for the above noted complaints. Vice Chairman Scholz seconded the motion which passed by roll call vote of 7-0.

The General Counsel presented Agenda item 2.a.23, *Reyes v. First Ward Organization*, 14CD005 & *Reyes v. 1st Ward Democratic Committeeman Fund*, 14CD006 and summarized the matter. He noted that at the last meeting the Board granted the motion for extension of time for compliance with the final order and ordered the committees to file the amended reports no later than May 18, 2015. At this time staff had not received the amended reports. Richard Means was present on behalf of the complainant and Brian Porter was present on behalf of the respondent committees. Mr. Porter said that the treasurer, Jesse Juarez was working with an accountant on the amended reports and that he received an e-mail this past weekend from Mr. Juarez indicating those reports would be ready for submission. Mr. Means felt this was a stall tactic on the part of the committees and suggested the Board ask the Attorney General to go to the Circuit Court of Cook County and get a mandatory order pursuant to 9-24. Discussion ensued between the parties, the Board and the General Counsel regarding the outstanding fines owed by the committees and options available for collection. Member Byers moved to cite the committees for failure to comply with board orders and assess a \$5,000 fine and refer the matters to the Attorney General's office for compliance and collection of all fines. Member McGuffage seconded the motion which passed by roll call vote of 7-0.

A listing of civil penalty assessments necessitating a final board order was presented. Member Byers moved to assess the civil penalty against the committee listed on page 89 of the board packet. Vice Chairman Scholz seconded the motion which passed by roll call vote of 7-0.

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

Member Coffrin moved to recess to executive session for complaints following closed preliminary hearing and a personnel matter. Vice Chairman Scholz seconded the motion which passed unanimously. The meeting recessed at 11:15 a.m. and reconvened at 12:15 p.m. with the same roll call as noted in the initial roll call.

As to Agenda items 2.a.24-25, *Lopez v. Davis, Jr.*, 15CD005 and *Lopez v. Davis, Jr.*, 15CD006, Member Byers moved to dismiss the complaints. Vice Chairman Scholz seconded the motion which passed by roll call vote of 7-0.

As to Agenda item 2.a.26, *Albers v. Action Party of Morton Grove*, 15CD008 & 15CD009, Member Byers moved to dismiss the complaint. Vice Chairman Scholz seconded the motion which passed by roll call vote of 7-0.

As to Agenda item 2.a.27, *Lupescu v. Friends of Bob Streit*, 15CD010, Member Byers moved to accept the recommendation of the hearing officer and General Counsel which found certain allegations were filed on justifiable grounds and other allegations were not filed on justifiable grounds. Member Watson seconded the motion which passed by roll call vote of 7-0. Member Byers moved to refer the matter to the Attorney General's office regarding the issue of whether it was proper for persons to make political solicitation emails to certain village officials. Member Watson seconded the motion which passed by roll call vote of 7-0.

As to Agenda item 2.a.28, *Brunner v. Mark Albers for Morton Grove*, 15CD011, Member Byers moved to dismiss the complaint. Member Watson seconded the motion which passed by roll call vote of 7-0.

Member Byers moved to grant a two year contract renewal for Jim Tenuto and a 3% salary increase effective July 1, 2015. Member McGuffage seconded the motion which passed by roll call vote of 7-0.

The General Counsel presented two HAVA complaints and said the parties entered into a settlement agreement which provides for increased emphasis on making the voting process in the polling place more accessible to disabled voters. He concurred with the hearing officer recommendation to approve the settlement agreement. Member Byers moved to approve the settlement agreement for 15HAVA1 & 15HAVA2. Vice Chairman Scholz seconded the motion which passed by roll call vote of 7-0.

The Executive Director began his report with the certification of candidates for the ballot for the July 7, 2015 Special Primary Election to be held in the 18th Congressional District. Two democratic candidates filed and three republicans filed as well. He noted that none of the candidate's petitions were objected to during the objection period. Vice Chairman Scholz moved to certify those candidates for the Special Primary Election in the 18th Congressional District. Member Byers seconded the motion which passed unanimously.

The Executive Director indicated that the Advisory Committee Meeting was held prior to the Board Meeting. Topics discussed included: the special election in the 18th Congressional District; the 45 day report for MOVE; pending legislation; online and election day voter registration; and Advisory Committee reformation in July 2015. The next meeting is scheduled for Monday, September 21, 2015.

Cris Cray gave a brief legislative update and said there are fourteen days remaining in session. She noted that there were eight live election bills in circulation and that there would be an omnibus bill as well. Ms. Cray will keep the Board posted as she receives information on the omnibus bill.

Kyle Thomas discussed Senate Bill 172 and indicated that a vendor has been chosen and a contract secured with Anchor Computer to provide the matching service for the National Change of Address (NCOA). He explain that if an individual is registered in the State of Illinois and they move to another address within the State, the jurisdictions are to automatically update their registration with the address indicated by National Change of Address. Changes are being made to IVRS to display this information to the jurisdiction. Mr. Thomas also noted that he and Kevin Turner participated in several conference calls this past month to discuss the language contained in the agreement with the Electronic Registration Information Center (ERIC). Mr. Turner indicated that IT staff are doing their best to implement the other technical portions of Senate Bill 172. He is in the process of securing two contractual employees to assist with the project through the end of FY15. He noted that at this time FY16 funding was not available for the contractual employees.

The required six month of review of the executive session minutes was presented and the General Counsel recommended the necessity of confidentiality does not exist as to the release of such minutes for the period of October 21, 2014 through March 16. Vice Chairman Scholz moved to accept the recommendation of the General Counsel and remove the need for confidentiality from the minutes noted above. Member Coffrin seconded the motion which passed unanimously.

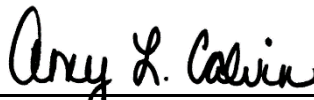
A report on the U.S. Election Assistance Commission Standards Board Meeting was presented for informational purposes.

The Executive Director presented the FY15 fiscal status reports for the month ending April 30, 2015 and said things seem to be in good shape for the remainder of the fiscal year.

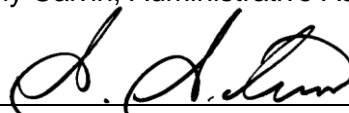
The two year plan of staff activity was presented for informational purposes.

With there being no further business before the Board, Member Byers moved to adjourn until Tuesday, June 16, 2015 in Chicago. Member Coffrin seconded the motion which passed unanimously. The meeting adjourned at 12:45 p.m.

Respectfully submitted,



Amy Calvin, Administrative Assistant II



Steve Sandvoss, Executive Director