

STATE BOARD OF ELECTIONS  
Regular Meeting  
Monday, July 11, 2016

MINUTES

PRESENT: Charles W. Scholz, Chairman  
Ernest L. Gowen, Vice Chairman  
William J. Cadigan, Member  
Betty J. Coffrin, Member  
John R. Keith, Member  
William M. McGuffage, Member

ABSENT: Andrew K. Carruthers, 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

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The meeting convened at 10:30 a.m. via videoconference with six Members present. Chairman Scholz, Vice Chairman Gowen and Members Coffrin and Keith were present in Springfield and Members Cadigan and McGuffage were present in Chicago. Members Carruthers and Watson were absent and Members Cadigan and McGuffage held their proxies respectively.

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

Vice Chairman Gowen moved to recess the State Board of Elections and reconvene as the State Officers Electoral Board. Member Coffrin seconded the motion which passed by roll call vote of 8-0. The meeting recessed at 10:32 a.m. and reconvened at 1:00 p.m.

Member Keith moved to approve the amended minutes from the June 13 meeting as resubmitted. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented the following settlement offers for Agenda items 4.a.1.a-d:

- a) *SBE v. Committee to Elect Karen Elyea, 25371, 15SQ175;*
- b) *SBE v. Citizens for Jim Gitz, 12695;*
- c) *SBE v. Citizens to Re-Elect John Pope for Committeeman, 19733 & Friends of John Pope for Alderman, 14501;*
- d) *SBE v. Friends for Warren L. Dixon, 24528.*

He said the offers were in compliance with Board Policy and noted that the committees in *SBE v. Citizens to Re-Elect John Pope for Committeeman, 19733 & Friends of John Pope for Alderman, 14501* were closed. Ross Sinclair was present on behalf of the committees and indicated that Mr. Pope will not reactivate or establish a successor committee for two years and said he was unsure if he would even run for election again after that period. Member Keith moved to accept the settlement offers for the above noted committees; and as to Item 4.a.1.c, the settlement contingent upon his not running for office within the next two years, and if he does,

that the remainder of the fines would be reinstated against the committees. Member Coffrin 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 4.a.2-9:

- 2) *SBE v. Mason County Republican Central Committee*, 289, 16MQ002;
- 3) *SBE v. Friends of Tim Egan*, 22805, 16AM014;
- 4) *SBE v. Teamsters Local Union No. 731 PAC*, 23520, 16AM015;
- 5) *SBE v. North Shore Republicans*, 25179, 15SQ110;
- 6) *SBE v. Citizens to Elect Steven Reick*, 25496, 16AM022;
- 7) *SBE v. Capparelli for MWRDGC*, 25916, 16AD050;
- 8) *SBE v. Friends of Habercross*, 29494, 15AM091; (
- 9) *SBE v. Northwest Side Political Action Committee*, 31742, 15SQ166.

Vice Chairman moved to grant the above noted appeals. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel noted that Agenda item 4.a.23, *SBE v. Friends of Gilbert Villegas*, 26023, 15AJ036 was pulled and will be placed on the August 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 4.a.10-22 & 24-29:

- 10) *SBE v. St. Clair County Republican Central Committee*, 369, 16AD017;
- 11) *SBE v. Madison County Democrat Central Committee*, 618, 16AM004;
- 12) *SBE v. Crawford County Democratic Women*, 904, 16MQ006;
- 13) *SBE v. Citizens for Jim Langfelder*, 12048, 16MQ012;
- 14) *SBE v. Jim Ardis for Council Committee*, 14395, 16AD029;
- 15) *SBE v. Democratic Women of Knox County*, 16139, 16AM009;
- 16) *SBE v. Citizens to Elect Randy Ramey*, 16628, 15AS025;
- 17) *SBE v. Citizens to Elect Willie B. Cochran*, 19880, 15AS029;
- 18) *SBE v. Friends of John A. Shaw*, 20952, 16MQ034;
- 19) *SBE v. Friends of Calvin Jordan*, 21939, 16MQ038;
- 20) *SBE v. Republican Women of Henry County*, 22784, 16MQ045;
- 21) *SBE v. Friends of Judge Dan Kubaskiak*, 25378, 16DQ072;
- 22) *SBE v. Cushing for Judge*, 25564, 16AD045;
- 24) *SBE v. Friends of Becky Anderson*, 29505, 16MA013;
- 25) *SBE v. Committee to Elect Thomas F. McGuire*, 31756, 16AD059;
- 26) *SBE v. Citizens to Elect Tiffany O'Brien for Ogle County Clerk & Recorder*, 31787, 16AD060;
- 27) *SBE v. Tom Armstrong for Kane County*, 31851, 16AD062;
- 28) *SBE v. Greater St. Clair County Democratic Club*, 31888, 16D1004;
- 29) *SBE v. Friends of North Boone Fire Protection District*, 31985, 16MQ087.

No one was present on behalf of the committees. Member McGuffage moved to deny the above noted appeals. Member Coffrin seconded the motion which passed by roll call vote of 8-0. Member Keith recused himself from item #13.

Agenda item 4.a.30, *SBE v. 27<sup>th</sup> Ward Reg. Democratic Org., 12214*, 15MA091 was presented and the General Counsel concurred with the hearing officer to grant the appeal in part and deny the appeal in part. Mike Kasper was present on behalf of the committee and asked that all of the A-1 violation be assessed at the 10% level as has been permitted in the past. Member McGuffage moved to grant in part and deny in part the appeal; and assess a penalty of 10% on the first quarter violations and 25% on the second quarter violations. Member Keith seconded the motion which passed by roll call vote of 8-0.

The General Counsel noted that the appeal for Agenda item 4.a.31, *Citizens to Elect Kathleen Mesich, 31860*, 16AM031 was withdrawn and the committee will pay the fine.

The General Counsel presented Agenda item 4.a.32, *Cooke v. Committee for Frank J. Mautino*, 16CD093 and reviewed the matter. At the May Board meeting the committee was ordered to amend the reports by a certain date or else that the matter would proceed to a public hearing. A motion to continue was granted which extended the date to today, July 11, 2016 to file the amended reports instanter. At this time no amended reports have been received. The General Counsel referenced a letter from the U.S. Department of Justice declining to comment on the whether there was an investigation or whether anything the Board might do would potentially interfere with that. Anthony Jacob was present on behalf of the committee and said that a motion to stay was filed by the respondent which requested the Board stay its proceedings in the matter pending resolution of a parallel federal criminal investigation. He indicated he was waiting for a decision and asked the Board to grant the motion to stay. The General Counsel noted that at its last meeting the Board stayed the motion pending contact with the federal authorities. Mr. Jacob said if the motion to stay is denied, he would need to confer with his client with regard to the amended filings and asked for a week to do so before returning a decision to Mr. Menzel. After discussion, Vice Chairman Gowen moved to deny the motion to stay. Member Cadigan seconded the motion which passed by roll call vote of 5-3 with Members McGuffage, Watson and Chairman Scholz voting in the negative. Discussion ensued regarding the possibility of an extension of time to file the amended reports and public hearing if necessary. Member McGuffage moved to order the reports to be filed within two weeks of the date of the order with failure to file such reports to result in a public hearing. Vice Chairman Gowen seconded the motion which passed by roll call vote of 6-2 with Members Cadigan and Carruthers voting in the negative. Member Keith moved that the written order also require retention of records until the Board has concluded the hearing in this matter and any time for appeal has expired. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented an update to Part 16.03.09 of the SBE Policy Manual, "Administrative Termination of Political Committees" and reviewed the amendment. The staff is proposing to broaden the pool of committees which may be administratively terminated by adding an exception to the maximum last reported fund balance of \$10,000 where the committee has not responded to any communications for two years or where other extraordinary circumstances exist. The Board agreed that item #4, "committee's last reported fund balance is \$10,000 or less," be eliminated from the list of criteria for termination.

A listing of civil penalty assessments necessitating a final board order was presented. Member Keith moved to assess the civil penalty against the committees listed on pages 206-210 of the board packet, as updated by Mr. Newman's memo of July 8. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

Payments of civil penalties were presented for informational purposes.

Vice Chairman Gowen moved to recess to executive session to consider complaints following closed hearing. Member Coffrin seconded the motion which passed by roll call vote of 6-0. The meeting recessed at 2:05 p.m. and reconvened at 2:30 p.m. with the same attendance as noted in the initial roll call.

As to Agenda item 2.a.36, *AB Compuprint v. Citizens for Cory Jobe*, 16CD107, Vice Chairman Gowen moved to adopt the recommendation of the hearing officer; noting, however, that the required reports were filed and no further action ordered. Member Coffrin seconded the motion which passed by roll call vote of 5-0-2. Member Keith recused himself and Members McGuffage and Watson passed on the vote.

As to Agenda item 2.a.37, *Garrett v. Lake County GOP Voters, Mark Shaw & Shaw Law Ltd.*, 16CD111, Vice Chairman Gowen moved to find that the complaint was neither filed on justifiable grounds, nor filed frivolously. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The Executive Director began his report with preparations for the upcoming General Election. He noted that a listing of independent and new party candidates who filed nominating petitions from June 20-27, 2016 was contained on page 213 of the board packet. A listing of election training schools was also presented for informational purposes. With the passage of Senate Bill 2047, he hoped enough funds would be available to cover these schools as well as others that might be requested in the future.

Next was a legislative update and Cris Cray noted that the agency received a stop gap budget and the spring session had officially concluded. Two election bills were passed, omnibus Senate Bill 1529 which has been signed and the automatic voter registration bill, which is expected to be amendatory vetoed by the Governor. Ms. Cray also noted that the omnibus election bill allows for a trust fund to be created for ERIC to receive any grant funding.

Kevin Turner reported on Senate Bill 172 and said that with the passage of a stop gap budget, the contractual IT employee tasked with the primary programming responsibility would be willing to return to work as early as this week. Mr. Turner said that he has not heard from the other agencies involved in the implementation, and therefore, the July 1 deadline of the agency registration portion of SB 172 has not been met. He indicated this was related to the state budget issues.

The Executive Director presented consideration of destruction of the audio recordings of SBE executive session meetings. According to the Open Meetings Act, state agencies are required to keep audio recordings of the executive session meetings unless a verbatim transcript for each meeting exists. However, the same Act allows the body to destroy those copies as long as certain provisions are adhered to after a period of 18 months. The Statute authorizes the body to destroy the recordings as long as written minutes from each meeting exist containing the date, time, and place of the meetings; member's attendance; and a summary of discussions of the matters that are proposed, deliberated, or decided; and the record of any votes taken. The Executive Director noted that the agency has never received a request for a recording and that copies of written executive session minutes are kept permanently. He recommended approval for the destruction of all recordings from January 1, 2004 through December, 2014. Member Keith moved to authorize the destruction of said executive session audio recordings and the destruction of future audio recordings once they are 24 months old, provided that the provisions

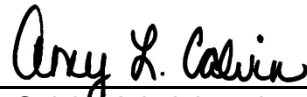
of the statute are met. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented the FY16-17 Stop Gap Budget Spending Plan for consideration and referred to the three page memo that was included in the board meeting packet. This budget appropriated and provided spending authority for election judge reimbursements, county clerk stipends and HAVA funds for both FY16 and FY17. Monies were appropriated through a Budget Stabilization Fund and the General Revenue Fund for the period of July 1, 2015 through December 31, 2016 for agency operations other than personnel expenses. The high priority items to be paid for FY16 are as follows: three month's rent for the Springfield office, hearing officers' fees, employee travel expenses, bulk copy paper and miscellaneous reimbursements to employees. The Executive Director indicated that notable FY16 expenditures that would not be immediately paid were listed on page two of the memo. He said the high priority expenses from the HAVA fund included VAID VI grant payments, several IT consulting fees, Microsoft software agreement, ERIC membership fee and dues, software maintenance fees, travel, communications and contractual costs. The Indirect Cost Reimbursements from FY14 and FY15 were discussed and it was agreed to eliminate those payments to the General Revenue Funds all together as it is not mandated by federal law. Jeremy Kirk and Kevin Turner responded to a few questions from the board and the Chairman commended staff for their hard work on the spending plan. Member Keith move to authorize the director, with the input of the fiscal officer, to pay ongoing FY17 bills individually \$10,000 or less without Board consultation, and above that, upon the consent of the Chairman and Vice Chairman. Member Cadigan seconded the motion which passed by roll call vote of 8-0. Member Keith moved to approve the FY16-17 Spending Plan as presented. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

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

With there being no further business before the Board, Member Keith moved to adjourn until Friday, August 26, 2016 at 10:30 a.m. or at the call of the Chairman, whichever occurs first. Vice Chairman Gowen seconded the motion which passed unanimously. The meeting adjourned at 3:00 p.m.

Respectfully submitted,



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Amy L. Calvin, Administrative Assistant II



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Steven S. Sandvoss, Executive Director