

STATE BOARD OF ELECTIONS
Regular Meeting
August 18, 2015

MINUTES

PRESENT:

Charles W. Scholz, Chairman
Ernest L. Gowen, Vice Chairman
William J. Cadigan, Member
Andrew K. Carruthers, Member
Betty J. Coffrin, Member
John R. Keith, Member
William M. McGuffage, Member
Casandra B. Watson, 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.

All Board members were present in Chicago.

Chairman Scholz asked for a motion to adopt the minutes of the July 1 and 23 meetings. As to July 1, Mr. Scholz indicated that Kevin Turner, Director of Information Technology had a correction to the second sentence in his paragraph which should read "Necessary hardware and software was purchased using three funding sources: 1) IVRS Grants; 2) Maintenance of Effort; and 3) SBE IT Contractual." Vice Chairman Gowen so moved and Carruthers seconded the motion to adopt the minutes with Mr. Turner's correction. Motion passed 8-0 unanimously.

General Counsel Ken Menzel began his report with Item 2.a.1, a Motion for Reconsideration in the matter of *SBE v. Citizens for Elida M. Cruz*, 23101, 15MA059. After summarizing the committee's failure to file the required documents in a timely manner, he recommended denying the Motion. Mr. Menzel added that the committee has a zero balance on its latest quarterly filing and suggested the committee file a final report and remain inactive for a two year period until the fines abate. Vice Chairman Gowen moved to adopt the General Counsel's recommendation. Member Keith seconded the motion which passed unanimously by roll call vote.

Item 2.a.2, *SBE v. Regular Republican Party of River Forest*, 226, 14SQ003, was continued to the September 21st meeting.

The fine assessed in 2.a.3, *SBE v. Friends of Tim Whelan*, 24102, 15MA026 was \$2,050.00 rather than the \$1,725.00 as reported in the packet. Mr. Menzel had a conversation with counsel for the Respondent who offered \$1,025.00 which is 50% of the original fine, which adhered to the Board's settlement policy. Mr. Menzel recommended accepting the settlement offer. Vice Chairman Gowen moved and Member Watson seconded the motion to adopt the General Counsel's recommendation and accept the settlement offer. The motion passed unanimously by roll call vote.

Items 2.a.4-7 and 9-19, Appeals of campaign disclosure fines the hearing officer recommended be granted, were considered as one. Member McGuffage moved and Member Watson seconded

the motion to adopt the General Counsel and hearing officers' recommendations. The motion passed unanimously and the appeals granted were: 4) *SBE v. Union County Democratic Committee*, 61, 15MQ002; 5) *SBE v. Fayette County Republican Central Committee*, 116, 15AM002; 6) *SBE v. Hardin County Republican Central Committee*, 282, 15MQ006; 7) *SBE v. Hardin County Democratic Central Committee*, 316, 15MQ008; 9) *SBE v. Citizens to Elect Ronald M. Serpico, Sr., Inc.*, 16861, 15AM019; 10) *SBE v. Don Lockhart for Change Committee*, 18708, 15MQ044; 11) *SBE v. LIUNA AFL-CIO Local 362 PAC*, 20149, 15MQ057; 12) *SBE v. International Union of Operating Engineers/Engineers Political Education Committee (EPEC)*, 23247, 14AS042; 13) *SBE v. Republican National Hispanic Assembly of IL*, 25348, 15MQ128; 14) *SBE v. Friends for Rafael Yanez*, 25892, 15AM042; 15) *SBE v. Friends of Jen Kramer*, 25963, 15AM046; 16) *SBE v. Citizens for Jacqueline Herrera Giron*, 27394, 15D1003; 17) *SBE v. Friends of Zora Baron*, 27406, 15MQ171; 18) *SBE v. Citizens for Our Children's Future*, 28420, 15AM059; and 19) *SBE v. Friends for Court Harris*, 28456, 15MQ176.

General Counsel Menzel concurred with the hearing officer in 2.a.8 *SBE v. Democratic Women of Knox County*, 16139, 15MA053 to grant the appeal as to the late A-1 filing, but deny the appeal as to the late quarterly report filing. Vice Chairman Gowen so moved and Member Coffrin seconded the motion which passed unanimously.

Chairman Scholz accepted the appearance of John Jasper for 2.a.30) *SBE v. Citizens for Clarendon Hills, Inc.*, 24030, 14JQ098. He summarized the committee's actions and added that he had problems with the IDIS program. Member McGuffage moved to allow the electronic filing defense, although it was not brought up during the appeal hearing, and grant the appeal. During discussion, Mr. Jasper was advised that this defense is considered a first time offense and will not be allowed in the future and he should contact board staff for help. Member Coffrin seconded the motion which passed 8-0 by roll call vote.

Mr. Scholz noted the appearances of Baldemar Lopez, Periclese Abbati; and Marcelino Garcia for the Respondent in 31) *SBE v. Latino Political Action Committee of Illinois*, 24331, 14AJ041. The Board heard comments regarding their Appeal and after discussion, Member Coffrin moved to adopt the General Counsel's and Hearing Officer's recommendations and deny the Appeal. Member Carruthers seconded the motion which passed unanimously.

An Appearance was accepted for Dana Garner for Item 2.a.42) *SBE v. Friends for Brian Garner*, 25961, 15AD096. Ms. Garner said she was not the treasurer, but assisted the treasurer by depositing checks and the mistake was hers - not the treasurer's, nor the committee's. Discussion was had by the Board and Member McGuffage moved to deny the appeal. Member Keith seconded the motion which passed 8-0.

An Appearance by Josh Myles was noted for 41) *SBE v. Committee to Raise Illinois' Minimum Wage*, 25946, 14AD051; Mr. Myles did not wish to speak. Vice Chairman Gowen moved to deny the appeal and Member Watson seconded the motion which passed unanimously.

Item 2.a.49) *SBE v. Clean Slate for College of DuPage Committee*, 29468, 15AM063 was continued to the September 21st meeting at the request of the Respondent's counsel..

The General Counsel concurred with the hearing officers' recommendations to deny the appeals in agenda items 2.a.20-29, 32-41, 43, 44-48, 50 and 51. Vice Chairman Gowen moved and Member Coffrin seconded the motion to deny the appeals. The Motion passed 8-0 with Chairman Scholz abstaining on item 2.a.45. Appeals denied were: 20) *SBE v. Bond County Republican Central Committee*, 272, 15MQ004; 21) *SBE v. Franklin Township Republican Organization*, 4707, 15MQ018; 22) *SBE v. Mercer County Democratic Central Committee*, 5164, 14AS009; 23) *SBE v. Monee Township Democratic Organization*, 12157, 15MQ026; 24) *SBE v. Friends of*

John Fulgenzi, 18278, 15AM023; 25) *SBE v. Friends for Karen Foster*, 19947, 15AM025; 26) *SBE v. Communications Committee of Mercer County Democrats*, 22789, 14SQ077; 27) *SBE v. Friends of Michael Higgins*, 23334, 15AM033; 28) *SBE v. Democratic Women of the South Suburbs*, 23654, 14AS045; 29) *SBE v. Friends of Chris Benson*, 23896, 15MQ102; 32) *SBE v. Friends of Lisa L. Evans*, 24466, 15AM039; 34) *SBE v. Naperville Professional Firefighters PAC*, 25041, 14AS052; 35) *SBE v. Committee to Elect Leda Drain*, 25203, 15MA066; 36) *SBE v. Will Kyles Committee*, 25362, 15MA068; 37) *SBE v. Citizens for Joanne Rosado*, 25478, 15DQ106; 38) *SBE v. Kevin Wiley for County Board*, 25743, 15AD091; 39) *SBE v. College Democrats of Illinois*, 25871, 15AD092; 40) *SBE v. Citizens for Cathy Jenkins*, 25882, 14AS067; 43) *SBE v. Citizens for Lemont Public Library Improvements*, 26099, 15MA079; 44) *SBE v. Reclaim Chicago PAC*, 26144, 15AM048; 45) *SBE v. Committee for Building Quincy's Schools*, 26148, 15AD103; 46) *SBE v. Citizens to Elect Jeff Bloemker*, 27290, 15AM050; 47) *SBE v. Citizens to Elect David Fults*, 27326, 15MA050; 48) *SBE v. Michael Gibbs 4 RF*, 27371, 15MQ167; 50) *SBE v. Painters & Allied Trades District Council #30*, 29490, 15MA087; and 51) *SBE v. Trustworthy Leaders for Campton Hills Village Board*, 29548, 15MA088.

Mr. Menzel continued with items 2.a.52) *SBE v. Citizens for Heather Sattler*, 26013, 15MA072 and 2.a.53) *SBE v. Concerned Citizens for Tinley*, 27342, 15AM053. He concurred with the hearing officers' recommendations. Member Coffrin moved to adopt the General Counsel and Hearing Officers' recommendations and grant in part and deny in part the appeals as contained on pages 231 through 247 of the Board's packet. Member Cadigan seconded the motion which passed 8-0.

An Appeal of a contribution limits violation fine, wherein the hearing officer recommended the appeal be granted, was for item 2.a.54) *SBE v. Reclaim Chicago PAC*, 26144, 14SQ-CL002. The General Counsel agreed with the hearing officer and recommended the appeal be granted. Vice Chairman Gowen so moved and Member McGuffage seconded the motion which passed unanimously.

The General Counsel recommended the Board enter orders imposing fines of \$5,000 on each of the following committees for failure to comply with previous Board orders. Member McGuffage moved and Member Watson seconded the motion which passed 8-0. Those committees are: 55) *SBE v. ERA PAC*, 14CD118; 56) *SBE v. Citizens for Leys*, 14CD128; 57) *SBE v. Citizens for Colvin*, 14CD129; 58) *SBE v. Boaters PAC, NFP*, 14CD132; 59) *SBE v. Boone County Young Republican Club*, 14CD141; and 60) *SBE v. Citizens for Tyler Smith*, 14CD143.

As to 2.a.61) *Klonsky v. Citizens to Elect Richard Wooten*, 15CD007, Mr. Richard Wooten was present for the committee. The Complainant did not appear. Mr. Wooten filed a final report and was seeking clarification on how to file amendments on a closed committee. He was directed to contact Deputy Director Andy Nauman. Member Keith noted that Mr. Wooten should not have been named as a party as Campaign Disclosure complaints concern the committee only and Mr. Wooten should be dismissed as a party. Member Keith so moved and Member McGuffage seconded the motion which passed 7-0-1 with Member Watson abstaining.

Mr. Menzel agreed with the hearing officers' recommendations to dismiss the complaints and refer the following to staff for assessment of civil penalties: 62) *SBE v. Citizens for David James Howard*, 15CD085; 63) *SBE v. Citizens for Nancy "Sprehe" Eigenrauch*, 15CD086; and 64) *SBE v. Joliet for 8 Districts*, 15CD088. Member Coffrin moved to adopt the hearing officers' and general counsel's recommendations. Member Watson seconded the motion to dismiss the complaints and refer them to staff for assessments of civil penalties in 2.a.62, 2.a.63, and 2.a.64. The motion passed 8-0 roll call vote.

As to the hearing officers' recommendations in agenda items 2.a.65) *SBE v. Committee to Re-Elect Mike Slape*, 15CD016; 66) *SBE v. Edwards County Republican Central Committee*, 15CD017; 67) *SBE v. Citizens for Leys*, 15CD023; 68) *SBE v. votedebby.com*, 15CD029; 69) *SBE v. Re-Elect Eric Leys*, 15CD034; 70) *SBE v. Southland Success PAC*, 15CD038; 71) *SBE v. Jackson for Committeeman*, 15CD039; 72) *SBE v. Citizens for Burch*, 15CD043; 73) *SBE v. Tammy Baer for Douglas County State's Attorney*, 15CD051; 74) *SBE v. Citizens to Elect David J. Sabbathne*, 15CD052; 75) *SBE v. Citizens for Rudd*, 15CD056; 76) *SBE v. Friends of David Moore*, 15CD057; 77) *SBE v. United Party*, 15CD060; 78) *SBE v. VOTESHAW2013*, 15CD063; 79) *SBE v. Friends of Christina Campos*, 15CD064; 80) *SBE v. Friends for Mary C. Childers*, 15CD069; and 81) *SBE v. Fans of Harness Racing*, 15CD075; the General Counsel concurred with upholding and issuing Board Orders requiring delinquent reports be filed within 30 days of the order or face a fine up to \$5,000. Member McGuffage moved and Member Watson seconded the motion which passed unanimously.

Mr. Menzel agreed with the memorandum from the Director of Campaign Disclosure, Tom Newman, recommending issuing of Final Board Orders to the committees listed on pages 356-362 of the Board packet. Member Coffrin so moved and Member Watson seconded the Motion to issue Final Orders for the delinquent filings of December 2014 and March 2015 quarterly reports; D-1 Statements of Organization; Schedule A-1's; and multi assessments as listed on pages 356-362 of the Board's packet. The motion passed 8-0.

Payments of civil penalties were presented for informational purposes. Member Keith recused himself from Committee 279 on page 360, the Montgomery County Democrats.

At 11:24 a.m., Vice Chairman Gowen moved to recess to Executive Session to discuss closed preliminary hearings. The motion was seconded by Member Keith and passed unanimously by 8 voices in unison.

The Board returned to open session at 11:46 a.m. with all members present.

Vice Chairman Gowen summarized the matters heard in executive session. As to 2.a.84) *SBE v. LaSalle County Republican Century Club*, 15CD018, the General Counsel concurred with the Report of the Hearing Examiner to find that the complaint was filed on justifiable grounds, and no further action is required beyond the imposition of a civil penalty. Vice Chairman Gowen moved and Member Keith seconded the motion to adopt the General Counsel's and Hearing Examiner's recommendations. The motion passed unanimously.

As to 2.a.85) *Miller v. Citizens for Rose Martinez*, 15CD012, Complainant Miller was present and no one appeared for the Respondent. The complaint was filed on justifiable grounds and the matter is referred to staff to direct the committee to amend the 2015 quarterly report and to correct all contribution dates. Vice Chairman Gowen so moved and Member Keith seconded the motion which passed 8-0 by roll call vote.

Finally, Item 2.1.86) *Streit v. Bury*, 15CD100 was continued to the September 21st Board meeting. The Board noticed Mr. Streit was present and asked if he had any comments. He indicated that he appeared because he was unsure if the matter had been continued.

General Counsel Menzel asked the Board to ratify the Mediation Agreement signed on May 21, 2015 in *Meroni v. State Board of Elections, et. al.*, 14HAVA001 & 14HAVA02. Sharon Meroni appeared and spoke to the agreement and to Part 150, Administrative Complaint Procedures for Violations of Title III of HAVA. Member Coffrin moved to ratify the Mediation Agreement and Member Watson seconded the motion which passed unanimously.

The General Counsel asked the board to consider amendments to Administrative Rules and began with Parts 201 & 202 wherein candidates who file within the last hour of the filing period would be considered filing simultaneously and the last positions on the ballot would also be subject to a lottery. Member McGuffage moved to approve the amendments to Parts 201 and 202 as presented and Member Watson seconded the motion. The motion passed 8-0 by roll call vote.

Mr. Menzel summarized the proposed Amendments to Administrative Rules; 2c.1) Parts 201 & 202 –Simultaneous Filings for the Same Office–Lottery. Member McGuffage moved and Member Watson seconded the motion which passed unanimously. The amendment was approved by the Board, but would require submission to and approval by JCAR in order to be effective.

As to 2c.2) Part 150–Administrative Complaint Procedures for Violations of Title III of HAVA. One change was suggested under Section 150.65. The second sentence would read “If the Board is a respondent in the complaint, the General Counsel will appoint a non-staff attorney who will act independently of the Board.” Vice Chairman Gowen moved and Member Keith seconded the motion to adopt the amendment. The motion passed 8-0. The amendment was approved by the Board, but would require submission to and approval by JCAR in order to be effective.

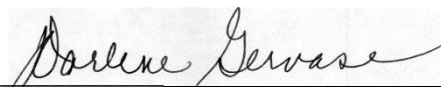
Executive Director Steve Sandvoss began his report with the Legislative update. He reported that Senate Bill 1265 has been signed and is now Public Act 99-0221, effective July 31, 2015. This legislative amends 7-12 and 25-7 of the Election Code and provides changes at the request of and in consultation with the U.S. Department of Justice when a vacancy occurs in the office of Representative in Congress.

Modifications to the Illinois Voter Registration System to comply with the National Change of Address have been completed as reported by Directors Kyle Thomas and Kevin Turner as they updated the board on Senate Bill 172. Further, a presentation was well received at the July 31st Zone 3 meeting and we will offer the same presentation to the other three zones in the state. The Illinois Department of Employment Security has reconsidered opting in for SB172 and SBE staff will contact their representatives to discuss interagency requirements. Finally, funding has been requested in the FY16 budget to join the Electronic Registration Information Center (ERIC). The fee is approximately \$83,000 per year plus a one-time charge of \$25,000.

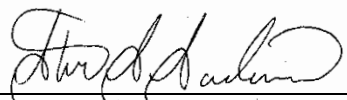
Mr. Sandvoss submitted Becky Glazier’s report on the NASED Summer Conference held June 23-25 in Cleveland; Fiscal status reports for FY15 ending July 31 and the Help Illinois Vote Fund; and the two year plan of staff activity for August and September for informational purposes.

There being no further business before the Board, Member Coffrin moved to adjourn until Monday, September 21, 2015, Vice Chairman Gowen seconded the motion which passed unanimously. The meeting adjourned at 12:41 p.m.

Respectfully submitted,



Darlene Gervase, Administrative Asst. III



Steven S. Sandvoss, Executive Director