

STATE BOARD OF ELECTIONS
Regular Meeting
Tuesday, October 18, 2016

MINUTES

PRESENT: Charles W. Scholz, Chairman
William J. Cadigan, Member
Andrew K. Carruthers, Member
John R. Keith, Member
William M. McGuffage, Member
Casandra B. Watson, Member

VIA TELEPHONE CONFERENCE: Ernest L. Gowen, Vice Chairman
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.

Five Members were present in Chicago; Member Keith was present in Springfield via videoconference; and two on a telephonic conference call.

Chairman Scholz asked for a motion to recess to the State Officers Electoral Board. Member McGuffage so moved and Member Watson seconded the motion which passed unanimously.

The State Board of Elections recessed to the State Officers Electoral Board at 10:33 a.m. and returned at 10:45 a.m.

Discussion ensued as to case 16 CD 093 *Cooke v. Committee for Frank J. Mautino*. Chairman Scholz indicated that, despite the wording in the transcript, he intended to have a No vote cast by proxy as to the Motion by Member Carruthers to Deny the Respondent's Motion to Stay. Member McGuffage asked the record reflect that his proxy should have been voted "No" and Member Watson also requested her vote reflect "No". Further that the record show the transcript was inaccurate as it showed a vote total of 8-0 and should have been 7-1 with Chairman Scholz voting against the Motion. The Chairman asked for a Motion to adopt the minutes as corrected. Member McGuffage so moved and Member Watson seconded the Motion which passed unanimously.

The General Counsel began his report with a Request for settlement offer in Item 4.a.1) *SBE v. Committee to Elect Karen Elyea, 25371*. He indicated that the Respondent paid their fine and should be removed from the list on page 109 for Assessment and Board Orders. Member Cadigan moved and Member Carruthers seconded the Motion to adopt the General Counsel's recommendation. The Motion passed 8-0 by roll call vote.

Next, Appeals of campaign disclosure fines wherein the hearing officers recommended the appeals be granted were considered. Mr. Menzel concurred with the Recommendations. Member McGuffage so moved and Member Watson seconded the Motion which passed unanimously. Those matters are: 4.a.2) *SBE v. Pope County Democratic Central Committee, 1045, 16JQ11*; 3) *SBE v. Citizens for Sherwin, 12365, 16AM041*; 4) *SBE v. Committee to Elect Jim Soeldner, 21394, 16DQ125*; and 5) *SBE v. Friends of Jillian Bernas, 31798, 16AM058*.

Appeals of campaign disclosure fines where the hearing officers recommended the appeals be denied were considered. The General Counsel concurred with the hearing officers' recommendations that the appeals be denied with two exceptions: Agenda Item 4 a. 8: SBE v. Bradley A. Stephens Committeeman Fund and 4.a.11 SBE v. International Association of Firefighters Local 37 PAC Fund.

Agenda Item 4 a. 8: SBE v. Bradley A. Stephens Committeeman Fund self-reported omissions from 3 and 4 years ago. This committee has a fair amount of funds moving through it and these omissions would not have come to light if the committee had not self-reported. Further, the committee has had only two violations in the past 12+ years. The General Counsel recommended the three fines be imposed as a 10% first violation rate, reducing the fine to \$1,670.00. Attorney Tom Bastian appeared for the Respondent as well as Respondent Stephens. Member McGuffage moved to adopt the General Counsel's recommendation. Member Watson seconded the Motion which passed 8-0 by roll call vote.

The Chairman accepted the Appearance of the Curt Stenson, Treasure for Respondent, in Agenda Item 4 a. 11: SBE v. International Association of Firefighters Local 37 PAC Fund. The Committee's quarterly report was filed 11 days late. The Treasurer indicated that he had entered the necessary information into IDIS, but logged out forgetting to actually submit the report. While the IDIS system did not malfunction in any way, the Board has allowed user errors similar to this one to get the benefit of the one-time electronic filing defense. This Committee has not previously used the electronic filing defense, and Mr. Stenson indicated he would like to use that defense. Member McGuffage so moved and Member Keith seconded the Motion, which passed unanimously by roll call vote.

As to the remainder of the appeals wherein the hearing officers recommended the Appeals be denied, the General Counsel Concurred. Member Carruthers moved to adopt the Hearing Officer's recommendations wherein the General Counsel concurred and deny the appeals. Member Cadigan seconded the Motion which passed unanimously. Those matters are: Item 4.a.6) *SBE v. White County Democratic Central Committee*, 281, 16JQ002; 7) *SBE v. Illinois Restaurateurs PAC*, 543, 16MA033; 9) *SBE v. Kane County Conservative Coalition*, 16931, 16JQ029; 10) *SBE v. Rainey for Alderman*, 18461, 16JQ034; 12) *SBE v. Illinois Gunowner Rights Org. (IGRO)*, 21427, 16JQ046; 13) *SBE v. Craig Taylor Campaign*, 22812, 16JQ057; 14) *SBE v. Scheflow for Kane 22*, 23957, 16JQ070; 15) *SBE v. 1 Cent for Children of LaSalle County Schools*, 24657, 16MA042; 16) *SBE v. Friends of Deborah Morelli*, 25843, 16JQ096; 17) *SBE v. People for Change*, 30602, 16JQ126; and 18) *SBE v. Committee to Elect Elisabeth Dunbar*, 32153, 16JQ154.

An Appeal of campaign disclosure fines was requested in 4.a.19) *SBE v. Friends of Jake Lee*, 32009, 16MA056. Mr. Menzel concurred with the hearing officer's recommendation to grant the Appeal as to the first quarter and to deny the appeal with regards to the second quarter adding that the \$50 fine would be stayed as a first violation. Member Keith moved to adopt the hearing officer and General Counsel's recommendations. Member Watson seconded the Motion which passed 8-0 by roll call vote.

Mr. Menzel updated the Board on 4.a.20) *Cooke v. Committee for Frank J. Mautino*, 16CD093. Discovery requests, subpoenas, notices to produce, etc. are due to be returned Friday, October 21st. Respondent filed a Motion to Stay the public hearing with the Appellate Court. The Attorney General filed a response opposing the motion to stay. Unless the First District Appellate Court grants the motion to stay, everything is returnable on Friday, the 21st. Hearing Officer Krasny would proceed thereafter.

General Counsel Menzel submitted a list of committees assessed a civil penalty that were not appealed and should be issued a Final Board Order. Member Keith recused himself from one committee, 12048, Citizens for Jim Langfelder. Member Cadigan moved to adopt the civil penalty assessment issuing a board order to adopt the civil penalty assessments as set forth in Tom Newman's contained on pages 107-111 of the Board's packet. Member Carruthers seconded the Motion. The Motion passed unanimously with Member Keith noting his recusal from the aforementioned committee.

Random Audits covering a two-year period were conducted on 72 committees, their officers and associated candidates. Committees were allowed to select an auditor, but prohibited selecting anyone who contributed to their committees in the last 4 years. The audits were to be submitted by July 5, 2016 and complete and return an Auditor Selection Form. Sixty-eight of the 72 committees fully complied. Sixteen committees certified they were unable to afford the audits and filed Final Reports. Four committees did not file audit reports. Under 10 ILCS 5/9-13(f), those 4 committees may be fined up to \$250 per day the audit is late up to a maximum of \$5,000. State's Attorneys in the counties non-compliant committees are located were contacted for possible enforcement. No action is required by the Board.

Payments of civil penalties on pages 113 and 114 of the Board's packet were presented for informational purposes.

The Chairman asked for a Motion to recess to Executive Session to hear Complaints following closed preliminary hearings, litigation and personnel matters. Member McGuffage so moved and Member Carruthers seconded the motion which passed unanimously. The Board recessed to Executive Session at approximately 11:00 a.m.

The Board returned to open session at 12:30 p.m. with 5 members present in Chicago and two via telephonic conference call. Member Keith left the meeting at approximately 11:20 a.m. and the Chairman held his proxy.

Member Carruthers summarized the matters that were heard in executive session.

As to No. 24, Member Carruthers moved to dismiss the complaint for want of prosecution. Member McGuffage seconded and the motion passed unanimously by roll call vote.

As to No. 25, Member Carruthers moved to adopt the recommendation of the hearing office as concurred by the general counsel and find that the complaint was not filed on justifiable grounds and that the board take no further action at this time. Member Watson seconded the motion which passed unanimously.

Items 26 and 27 were taken together. Member Carruthers moved to find the complaints relating to those two matters were not filed on justifiable grounds and the board take no further action at this time. Member Cadigan seconded and the motion which passed 8-0.

As to No 28, Member Carruthers moved the complaint was filed on justifiable grounds but the board takes no further action at this time. Member Cadigan seconded and the motion passed unanimously.

Member Carruthers moved the complaint was not filed on justifiable grounds in no. 29 and the board take no further action at this time. Member Cadigan seconded the motion which passed unanimously.

As to No. 30, Member Carruthers moved to dismiss for want of prosecution and Member Cadigan seconded. The motion passed unanimously.

Member Carruthers moved as to No. 31, to dismiss for want of prosecution. Member Cadigan seconded and the motion passed 8-0.

On personnel issues, Member Carruthers moved to approve the salary increases and adjustments as recommended by the executive director and reflected on page 156 of the board's packet. Member McGuffage seconded the motion which passed unanimously.

Executive Director, Steve Sandvoss, began his report with preparations for the November 8, General Election. He asked Kyle Thomas, present in the Springfield office, to comment on the voting system pre-election testing. Moultrie County, Livingston County, and McDonough County tested well. He anticipated a three-day test for McHenry County's 212 precincts in Woodstock. Fulton and Fayette Counties are calendared for Tuesday and Wednesday following the board meeting.

Information regarding election judge training schools was submitted and contained on pages 115-117 of the Board's packet.

Election Systems & Software (ES&S) requested a two-year interim approval to add enhancements and updates to their EVA 5.3.1.0 system. Kyle Thomas, Director of Voting Registration Systems indicated that prior testing of this modification was performed by National Technical Systems Huntsville, an Election Assistance Commission accredited Voting Systems Test Laboratory. They found the modifications met the requirements but recommended "jurisdictions perform acceptance tests on all systems prior to implementation within their jurisdiction." All votes were tabulated correctly through both the DS200s and the DS850 and Election Ware successfully tabulated and merged results with no errors. There was an issue with the DS200 tabulator and it was removed from testing. There were no other equipment or system issues. Mr. Thomas recommended the Board grant ES&S a two-year Interim Approval for their EVS 5.3.10 voting system. Member Cadigan moved to adopt the request of the Director of Voting and Registration Systems for certifications outlined in his memo to the executive director dated October 5, 2016. Member Carruthers seconded the motion which passed unanimously.

Member Cadigan proposed staff alert the public as to the integrity of the voting process; to communicate with local election authorities and the public every few days.

There was nothing to report on legislative activity as the legislature is not in session.

Kyle Thomas and Kevin Turner reported on Senate Bill 172 and the Database intrusion. Kevin began his report thanking the Chicago and Springfield staff for dedicating many days to contact the individuals who may have been compromised. Approximately 75,000 letters were sent to those individuals even in the most remote sense suspected their information was retrieved. He indicated there was no evidence any IVRS records were added, changed or deleted. The mailing was completed September 30th and of those 75,000 sent, under 8,000 were returned for incorrect address, forwarding, no longer available, etc. The cost was just under \$42,000; postage just over \$35,000, printing envelopes and envelope cost over \$5,000 and paper was about \$1,200. Total cost was \$41,881. The Chairman asked Kevin and Kyle to communicate that the Board is grateful for everybody's extra efforts. Kyle added cancelled records were accessed, because they are deceased or moved. We had to determine the latest address, if at all. Mr. Turner added that they continue to meet with the FBI, Department of Homeland Security as a follow up to the

breach and have an excellent relationship with them. Member Cadigan requested copies of the letters be sent to the member of the general assembly and constitutional officer also. The board was assured that the breach was plugged the same day it was found. He added that 250,000 POVA applications have occurred in the past three weeks and it will be shut down automatically midnight of this coming Sunday.

Fiscal status reports as follows were presented for informational purposes:

- 1) FY16 – month ending September 30 2016;
- 2) FY16 – Help Illinois Vote Fund;
- 3) FY17 – month ending September 30; and
- 4) FY17 – Help Illinois Vote Fund.

Other Fiscal matters were discussed and were continued to November.

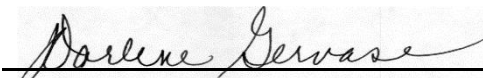
Staff Activity for the months of October and November, 2016 were presented for informational purposes.

There was no follow up or old business.

The Chairman indicated the next Board Meeting is scheduled for Monday, November 21, 2016 at 10:30 a.m. in Springfield and in Chicago via video.

There being nothing further before the Board, Member Cadigan moved to adjourn. Member McGuffage seconded the motion which passed by 8 voices in unison. The Board adjourned at 1:16 p.m.

Respectfully submitted,



Darlene Gervase, Admin. Asst. III



Steven S. Sandvoss, Executive Director