

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, November 16, 2015

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

ABSENT: Betty J. Coffrin, Member

ALSO PRESENT: Steven S. Sandvoss, Executive Director
James Tenuto, Assistant Executive Director
Kenneth R. Menzel, General Counsel
Amy L. Calvin, Administrative Assistant II

The meeting convened at 10:30 a.m. via videoconference with seven Members present. Chairman Scholz, Vice Chairman Gowen and Members Carruthers and Keith were present in Springfield and Members Cadigan, McGuffage and Watson were present in Chicago. Member Coffrin was absent and Vice Chairman Gowen held her proxy.

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

The Executive Director presented the minutes from the October 9 meeting and noted a correction on page three, in the fifth full paragraph. It should read ".....the registration data run match that must be done April 15 of every year, October 1 in odd years and December 1 in even years." Member Carruthers moved to approve the noted corrections. Member Keith seconded the motion which passed unanimously. Member Carruthers moved to approve the October 9 meeting minutes as amended. Member Keith seconded the motion which passed unanimously.

The General Counsel presented a settlement offer for Agenda item 2.a.1, *SBE v. Mercer County Democratic Central Committee*, 5164, 14AS009 and summarized the matter. No one was present on behalf of the respondent committee. He recommended the offer be denied because the outstanding fine to average quarterly balance ratio was below the Board's settlement policy. Member Keith moved to deny the settlement offer and advise the committee as to what amount would be an acceptable offer. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a settlement offer for Agenda item 2.a.2, *SBE v. Bonnie Thomson Carter Committee*, 11881, 15JQ023 and recommended the offer be accepted. No one was present on behalf of the respondent committee. Member Carruthers moved to approve the settlement offer. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a settlement offer for Agenda item 2.a.3, *SBE v. Citizens for Judy Fiske*, 18496, 15JQ033 and recommended the offer be accepted. No one was present on behalf of the respondent committee. Vice Chairman Gowen moved to approve the settlement offer. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a settlement offer for Agenda item 2.a.4, *SBE v. Citizens to Elect Jeffrey A. Schaefer*, 19021, 15JQ036 and recommended the offer be accepted. No one was present on behalf of the respondent committee. Member Keith moved to approve the settlement offer. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a settlement offer for Agenda item 2.a.5, *SBE v. Friends of Mike Carberry*, 25368, 15DQ102 & 15MQ194 and summarized the matter. He recommended both the request for reconsideration of the latest fine and the settlement offer be denied. Attorney Luke Hajzl was present on behalf of the committee and asked the board to consider lowering the fine and accept his offer of \$750. He indicated that counsel had been retained by the committee and the errors would not occur again. Member Keith moved to deny the motion to reconsider and settlement offer and advise the committee as to what amount would be an acceptable offer. Mr. Hajzl then offered a settlement of \$1,500 to be paid within ninety days. Member Keith revised his previous motion and moved to deny the motion to reconsider and accept the \$1,500 settlement offer to be paid within ninety days. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

The following appeals of campaign disclosure fines where the General Counsel concurred with the hearing officer recommendation to grant the appeals were presented for Agenda items 2.a.6-10:

- 6) *SBE v. Monroe County Democratic Central Committee*, 1162, 15AJ006;
- 7) *SBE v. Citizens for Steve Kim*, 13184, 15JQ024;
- 8) *SBE v. Friends to Elect Toni L. Foulkes*, 20107, 15AJ024;
- 9) *SBE v. Harper College Adjunct Faculty Association*, 20930, 15AM075;
- 10) *SBE v. Dianne4Ward40*, 25940, 15MA098.

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

The following appeals of campaign disclosure fines where the General Counsel concurred with the hearing officer recommendation to deny the appeals were presented for Agenda items 2.a.11-16:

- 11) *SBE v. Lisle Township Republican Organization*, 394, 15JQ006;
- 12) *SBE v. Friends of Marleen Suarez*, 24073, 15JQ083;
- 13) *SBE v. Friends for Anne Shaw*, 24146, 15AM079;
- 14) *SBE v. Friends of Thomas McNamara*, 25047, 15AJ030;
- 15) *SBE v. Citizens to Elect John Clough*, 25541, 15JQ104;
- 16) *SBE v. Friends of LaShonda "Shonnie" Curry*, 27249, 15JQ136.

No one was present on behalf of the respondent committees. Vice Chairman Gowen moved to deny the above noted appeals. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The following appeals of campaign disclosure fines where the General Counsel concurred with the hearing officer recommendation to grant the appeals in part and deny the appeals in part were presented for Agenda items 2.a.17-18: 17) *SBE v. Citizens for Matt Bogusz*, 21498, 15AJ026; and 18) *SBE v. Friends of Steven McClellan*, 27256, 15JQ137. No one was present on behalf of the respondent committees. The General Counsel also noted that the fine in item 17 should be \$50.00 instead of \$100.00. Member Keith moved to accept the recommendation of the

General Counsel in both matters including the corrected fine in item 17. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented failure to comply with a board order for Agenda item 2.a.19, *SBE v. Friends of Sherman C. Jones, 22764*, 14CD113 and reviewed the matter. Since the last Board meeting staff has received a number of amended report filings but no information related to the audit that was ordered by the Board. Attorney Mark Scarlato was present on behalf of the respondent committee. Judy Brown-Marino, who was the original complainant, was also present. Mr. Scarlato indicated the D-2 filings were completed, the audit was conducted and he would forward that information to staff as soon as possible. Ms. Marino also indicated she would like to see the audit information and urged staff to review all of the amended filings. After discussion, Member Keith moved to continue the matter to the December 21 Board meeting and order the committee to submit the audit by 5:00 p.m. tomorrow. The order will also include notification that will determine whether or not the committee has shown cause for failure to comply with the previous board order, and subject to a fine if found they have not. Member Watson seconded the motion which passed by roll call vote of 8-0.

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

Member Carruthers moved to recess to executive session to consider complaints following closed preliminary hearing. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0. The meeting recessed at 11:05 a.m. and reconvened at 11:20 a.m. with the same attendance as noted in the initial roll call.

As to Agenda item 2.a.21, *Johnson v. Kane County Conservative Coalition*, 15CD102, Member Keith moved to find that the complaint was filed on justifiable grounds and the matter proceed to a public hearing. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

As to Agenda item 2.a.22, *Agustin v. Committee to Elect Kathy Hamilton*, 15CD106, Member Keith moved to find that the complaint relative to the \$5,000 return check was not filed on justifiable grounds and no further action be taken. As for the \$20,000 loan repayment, it was found to not have been filed on justifiable grounds and no further action be taken. And as to the two loans of \$20,000 and \$21,000, to find the complaint was filed upon justifiable grounds and no further action be taken other than referral to staff imposition of a civil penalty for the delinquent reporting of these contributions as appropriate and that the matter not proceed to public hearing on any of the items. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

The Executive Director began his report with the presentation of staff service awards to two employees. Kevin Turner, Director of Information Technology, presented a 15 year award to Jason Kilhoffer and thanked him for his outstanding service. The Executive Director presented a 25 year award to Amy Calvin and thanked her for the many years of service throughout the years.

Next was the preparations for the March 15, 2016 General Primary Election and the Executive Director noted that the staff assignments and Board room configuration for the candidate petition filing period were included in the board packet. He also presented a listing of election judge training schools for informational purposes.

Cris Cray, Director of Legislation, indicated she had very little to report. House and Senate calendars for the Spring Session were distributed to the Board Members and Ms. Cray noted that the Governor and Leaders are scheduled to meet on December 1. She will keep the Board updated on any progress.

The Executive Director presented the Senate Bill 172 update and consideration of a HAVA grant proposal. Kyle Thomas, Director of Voting & Registrations Systems, indicated that local systems would need to be updated to run the new IVRS platform software. He proposed a HAVA Grant for reimbursement of up to \$2,000 for those jurisdictions in need of the required upgrade of computers or servers. Mr. Sandvoss noted that there are HAVA funds available for the grant and all that is needed is legislative spending authority and the appropriation codes when the agency receives a state budget. Member Keith moved to grant authority to staff to distribute a HAVA grant for the purpose noted above once the agency receives the appropriate spending authority. Member Carruthers seconded the motion which passed by roll call vote of 8-0. Mr. Turner reported that good progress is being made on the development of the ERIC portion of the Senate Bill 172 requirement. He also noted that a lack of a state budget is impacting the three contractual employees working on the project. They have been working without pay since July 1 and are depleting their own personal funds to pay their companies. Mr. Turner emphasized that the possible loss of the contractual employees will have an impact on the progress of Senate Bill 172.

Mr. Thomas presented a request for certification of signature imaging systems and referred to his memo included in the board packet. He explained that the City of Chicago is in the process of switching to a new voter registration system and has made application to the SBE for approval of a signature imaging system which actually scans the voter's signature from the registration card. The rules require that upon receipt of the application the Board will accept the representation of the election authority that the system complies with applicable statutes. In the past the Board has granted authority to staff to review the application and approve the system. Mr. Thomas said he expects to receive more of these application in the future and asked to Board to allow staff to review and approve the applications. Member Carruthers moved to grant staff authority to approve the signature imaging system request for the City of Chicago and future requests as well. Member Keith seconded the motion which passed by roll call vote of 8-0.

The Executive Director discussed the Election Registration Information Center (ERIC) and expressed concern about the lack of funding to join ERIC by the January 1, 2016 deadline. An inquiry was made to ERIC officials regarding a provision in ERIC's by-laws that could possibly allow the SBE on option to delay payment of the membership fee. Included in the board packet under separate cover was an e-mail from John Lindback, Executive Director of ERIC, outlining seven terms the SBE must comply with in order to satisfy the requirements of the modification agreement. The Executive Director said the membership fee would be delayed until July 1, 2016 and the yearly dues would be due either February 1 or May 1 if the ninety day extension is received. He also noted that the SBE is required to transmit to ERIC the Illinois voter data and motor vehicles data by February 29. The Secretary of State (SOS) is responsible for transfer of the motor vehicle data and a meeting is scheduled for November 19 with the SOS IT staff to determine the status of its data. The Executive Director recommended the SBE enter into the modification agreement with ERIC, noting that the year should be changed to 2016 in items five through seven. After discussion, Member Cadigan moved to enter into the modification agreement to delay payments to ERIC as set forth above. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

The required six month of review of the executive session minutes was presented and the General Counsel reported that the necessity of confidentiality does not exist as to the release of such minutes for the period of April 21, 2015 thru September 21, 2015. Member Carruthers moved to accept the recommendation of the General Counsel and remove the need for confidentiality from the minutes noted above. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

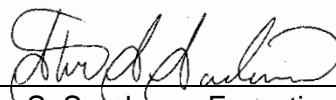
The two year plan of staff activity was presented for informational purposes.

With there being no further business before the Board, Member Carruthers moved to adjourn until 10:30 a.m. on Monday, December 14, 2015. Member Cadigan seconded the motion which passed unanimously. The meeting adjourned at 12:05 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant II



Steven S. Sandvoss, Executive Director