

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, December 5, 2016

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

Chairman Scholz called the meeting to order at 9:00 a.m. and lead everyone in the Pledge of Allegiance. All members were present.

The proclamation of results from the November General Election was presented and the Chairman asked for a motion to proclaim the results as reported in the canvass. Vice Chairman Gowen so moved. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

Executive Director Sandvoss introduced retiring staff members Becky Glazier and Rick Fulle and read Resolutions in their honor.

General Counsel Menzel began his report with Request for Settlement offers. Item 3.a.1, *SBE v. 47th Ward Regular Democratic Organization, 25887*, 16AD049 offered \$1,250, 10% of the fine. Paul Rosenfeld was present for the Committee. Mr. Menzel recommended accept the settlement offer. Member McGuffage so moved and Member Watson seconded the motion. The motion passed by roll call vote of 8-0.

Respondent in 3.a.2) *SBE v. Local 143 IUOE PAC, 929*, 16MA035, offered 50% to settle \$24,500 in fines and requested an installment plan making \$1,000 monthly installments. Mr. Menzel recommended acceptance. Member Watson so moved; Member McGuffage seconded the motion which passed by roll call vote of 8-0.

As to 3.a.3) *SBE v. Citizens to Elect Coleman for Mayor of North Chicago, 24540*, 14CD072, Mr. Menzel indicated he spoke with Mr. Coleman who indicated he would attend the meeting to speak to the Board, but he was not present. Discussion ensued among the Board. Member Keith moved to deny this request offer. Vice Chairman Gowen seconded and the motion passed by roll call vote of 8-0.

As to 3.a.4), *SBE v. McGuire for Illinois, 31744*, 16AJ029, the hearing officer recommended and the General Counsel concurred to grant the appeal on the one-time electronic filing defense. Member Cadigan moved to adopt the recommendation of the hearing officer and General Counsel and grant the appeal. Vice Chairman Gowen seconded the motion which passed by roll call vote of 8-0.

To accommodate attorneys present for denied appeals Mr. Menzel acknowledged Adam Lasker and Alyson Feiger in item 3.a.6), *SBE v. Friends of Alyson Feiger*, 25131, 16MA043. The Respondent offered \$5,000 in settlement. Member McGuffage moved to accept the settlement offer. After discussion Member Keith moved to amend the motion to accept it and have payment no later than January 13, 2017 which is a Friday. Member Watson seconded the motion which passed 8-0.

The General Counsel concurred with the hearing officer to deny the appeal as the prior fine had not yet abated under the two-year rule for agenda item 3.a.7), *SBE v. Friends of Juliana Stratton*, 25466, 16AM050. Michael Kasper appeared for the Respondent. After discussion, Member Keith moved to set this matter for the January meeting. Member Watson seconded the motion which passed 8-0 by roll call vote.

Fitzgerald K. Roberts appeared in 3.a.8) *SBE v. Dixmoor First for Trustee*, 27410, 16MQ139 and offered a settlement of \$500. He also agreed to resolve the zero balances on his reports. Member Keith moved to accept the \$500 offer with the provision that the reports be resolved and the money paid before January 13, 2017. Vice Chairman Gowen seconded the motion which passed unanimously by roll call vote of 7-0. Member Watson recused herself from the matter.

No one present for Items 3.a.5) *SBE v. Friends of Max Bochmann*, 23521, 16MA025; and 9) *SBE v. Friends for Court Harris*, 28456, 16MA047 and the matters were taken together. Chairman Scholz asked for a motion to deny the appeals. Vice Chairman Gowen so moved and Member Coffrin seconded the motion which passed unanimously.

Agenda item 3.a.11) *SBE v. Friends of Michael Murphy*, 29460, 16MA048 was held over to the January meeting by request of the Respondent's attorney who is in court on another matter today.

Chairman Scholz acknowledged Chelsey R. Robinson for agenda item 3.a.12) *SBE v. Citizens to Elect Chelsey R. Robinson for Judge of 2nd Judicial Sub Circuit Cook County*, 31848, 16MA053. Vice Chairman Gowen moved to accept the recommendation of the hearing officer and with the further proviso that an amended quarterly be filed as needed by January 13 on the reports. Member Keith seconded the Motion which passed unanimously by roll call vote.

Ashley Neibur appeared for the Respondent in 3.a.10), *SBE v. Credit Union Political Action Council (CUPAC)*, 16MA034. Mr. Menzel summarized the actions of the committee and concurred with the Hearing Officer's recommendation to apply the one time electronic filing defense. Member Cadigan moved to accept the recommendations. Vice Chairman Gowen seconded the motion which passed unanimously.

Complaints following public hearing were considered. As to 3.a.13) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 16CD118, 3.a.14) *SBE v. Friends of Amara Enyia*, 16CD128, and 3.a.15) *SBE v. Citizens to Elect Diante Johnson*, 16CD141, Member Watson moved to accept the recommendations of the hearing officers and General Counsel to uphold the complaints and the Board issue an order requiring the Respondents to file the delinquent quarterly reports and that failure to file the delinquent reports within 30 days of the issuance of the order shall result in a fine up to \$5,000. Member McGuffage seconded the Motion. The Motion passed unanimously. Member McGuffage asked the General Counsel about enforcing the \$5,000 fine. After discussion, Mr. Menzel was asked to talk to the Attorney General's office about a policy to enforce failure to comply orders and respond at the January meeting.

Tom Newman, Director of Campaign Finance proposed eliminating the two stages of stay, resulting in one stage for any type of violation. Vice Chairman Gowen asked for a proposed change in writing for the January meeting which will appear on the agenda.

Contribution limit violations and payments of civil penalties contained on pages 62 and 63 of the Board's packet were presented for informational purposes.

The Chairman acknowledged the appearance of Anthony Coleman for agenda item 3.a.3, *SBE v. Citizens to Elect Coleman for Mayor of North Chicago*. The General Counsel explained that the Board rejected the offer to abate the fines and the committee had been administratively closed. After discussion, Member Keith moved to vacate today's previous order, accept today's settlement proposal of \$100 payable by close of business today and prior Board orders be vacated. Vice Chairman Gowen seconded the Motion. The Motion passed unanimously by roll call vote.

Discussion ensued among the Board regarding the legislative package. Member McGuffage moved to approve the legislative package as modified by his comments. Member Carruthers seconded the motion which passed 8-0.

Certification procedures for Bonafide State Civic Organizations were discussed at Member Cadigan's request. Staff will ask input from the clerks and return to the Board in either January or February with draft language that will include among other things, Board approval.

Member Carruthers moved to approve for consideration the FY18 appropriation request as presented. Member McGuffage seconded the motion which passed unanimously by roll call vote.

Overtime policy regarding General Election Day was discussed. Member Keith moved that employees required to work general election day shall get a day and a half if they worked the seven and half hour scheduled and two days if they worked the longer schedule. Member Coffrin seconded the motion which passed unanimously.

Member McGuffage moved to give Cris Cray "one half of something" for overtime. Member Watson seconded the motion. Member Keith agreed, but indicated other staff might work more than 40 hours and that our policy manual exempts Cris Cray as a division director. The Executive Director indicated that the Board and he are able to approve overtime for division directors and executive staff and it is codified in that policy.

Member Keith asked for consideration of some sort of compensation for all employees as there have been no salary adjustments in a timely manner except those under contract. He added that the Governor was proposing or implementing a one-time non-pensionable bonus of \$1000 which he asked for consideration. Member Keith acknowledged that staff has not received additional compensation for a number of years and there is no budget in place. He asked staff to update the Board in February and reexamine this issue.

Stop-Gap fiscal status report was discussed at length. Jeremy Kirk, Chief Financial Officer and Director of Administrative Services answered questions including authorizations for payments and interest. Member McGuffage moved to authorize expenditures with Vice Chairman Gowen's second. The Motion passed 8-0 by roll call vote.

Mr. Sandvoss presented the two year plan of staff activity for the months of December and January for informational purposes.

The Executive Director asked Kevin Turner, IT Director, to update the Board on the breach. Costs to resend approximately 2,851 letters would be nothing as postage was already in our postage meter.

Chairman Scholz acknowledged the appearance filed by Don Olson and Dr. Laura Chamberlain from the Illinois Ballot Integrity Project. They questioned the Chicago Board of Elections 5% retabulation process. The General Counsel was directed to contact the Chicago Board to discuss their concerns and report to the Board at their January 17, 2017 regularly scheduled meeting.

Vice Chairman Gowen moved to adjourn to the next board meeting on Tuesday, January 17, 2017 at 10:30 a.m. in Springfield or earlier at the call of chair. Member Carruthers seconded the motion which passed unanimously by ayes in unison. The meeting adjourned at 12:17 p.m.

Respectfully submitted,



Darlene Gervase, Administrative Assistant III



Steven S. Sandvoss, Executive Director