

STATE BOARD OF ELECTIONS
Regular Meeting
Friday, April 20, 2018

MINUTES

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

ABSENT: Katherine S. O'Brien, Member

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

The meeting convened at 10:35 a.m. via videoconference with seven Members present in Chicago. Member O'Brien was absent and Member Carruthers held her proxy.

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

Member Carruthers moved to approve the minutes from the March 19 meeting as presented. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

Executive Director Sandvoss presented the certification of results from the March 20, 2018 General Primary Election and indicated that the signature sheet was being circulated amongst the board. He reviewed the turnout figures noting that total number of registered voters was 7,945,074 and 2,103,634 ballots were cast in the general primary election. Member Carruthers moved to proclaim the results from the March 20, 2018 General Primary Election as submitted by staff. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

General Counsel Menzel informed the board that his legal counsel, Michael George would present the campaign disclosure matters. Mr. George presented a motion for reconsideration for agenda item 3.a.1) *SBE v. Citizens for Urlacher*, 31792, 17AJ037. After reviewing the matter, he recommended the motion be denied. Member Keith moved that the motion be denied. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

Mr. George presented settlement offers for agenda items 3.a.2-3) *SBE v. Friends of Porter McNeil*, 22135, 17SQ055 and *SBE v. Democrats Here 2 Help*, 32411, 17MA031 and recommended they be accepted because they complied with board policy. Member Carruthers moved to accept the above noted settlement offers. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

The following appeals of campaign disclosure fines were presented for agenda items 3.a.4-10:

- 4) *SBE v. Friends of Mary E. Flowers*, 4261, 17SQ011;
- 5) *SBE v. Laborers' International Union of N.A. Local No. 165 PAC*, 6902, 18AD007;

- 6) *SBE v. Friends of Richard Boykin*, 25506, 17AS028;
- 7) *SBE v. Illinois Concrete PAC (IC-PAC)*, 25966, 18AD026;
- 8) *SBE v. Friends of Gerald Scott McCarthy*, 32231, 17AM091;
- 9) *SBE v. Kennedy for Illinois*, 32590, 17AS035;
- 10) *SBE v. Friends of Patrick Stanton*, 32861, 17AS037.

Mr. George concurred with the hearing officer recommendation to grant the appeals. Member Linnabary moved to grant the above noted appeals. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

Mr. George presented agenda item 3.a.13) *SBE v. Vernon Township Republican Central Committee*, 19724, 17AS019 and concurred with the hearing officer recommendation to deny the appeal. John Munger, Chairman of the Committee, was present and respectfully disagreed with the recommendation. He noted that he was not Chairman at that time and offered his explanation of the matter. Mr. Munger then proposed a settlement amount of \$425 to resolve the outstanding fines. Member Linnabary moved to deny the appeal and accept Mr. Munger's settlement offer. Member Scholz seconded the motion, which passed by roll call vote of 7-0. Chairman Cadigan recused himself from the matter.

Mr. George presented agenda item 3.a.14) *SBE v. The Chicago Committee*, 23526, 17AS024 and concurred with the hearing officer recommendation to deny the appeal. However, Mr. George indicated that the board occasionally granted appeals where the filing was up to fifteen minutes past due and noted that the committee had not previously used an electronic filing defense. Mike Kasper was present on behalf of the committee and said the electronic filing defense would be appropriate in this matter. Member Scholz moved to grant the appeal based on the one time electronic filing defense. Member Watson seconded the motion, which passed by roll call vote of 8-0.

Mr. George presented agenda item 3.a.16) *SBE v. Kennedy for Illinois*, 32590, 17AJ025 and concurred with the hearing officer recommendation to deny the appeal. Mr. Kasper was present on behalf of the committee and offered \$3,500 to settle the fines. Member McGuffage moved to deny the appeal and accept the \$3,500 settlement offer. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Mr. George presented agenda item 3.a.17) *SBE v. Citizens for Perry D. Browley*, 32612, 17AM093 and concurred with the hearing officer recommendation to deny the appeal. However, after the meeting agenda was posted, the committee submitted a settlement offer in the amount of \$40.00 and the General Counsel recommended the offer be accepted. Perry Browley was present and agreed with the recommendations. Member Keith moved to deny the appeal and settlement offer, and instead accept a settlement of \$39.31, which was the committee's most recent balance. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

The following appeals of campaign disclosure fines were presented for agenda items 3.a.11, 12 & 15:

- 11) *SBE v. North Suburban Teachers Union COPE*, 450, 18DQ007;
- 12) *SBE v. Friends of Mary E. Flowers*, 4261, 17AM055;
- 15) *SBE v. Committee to Elect Bob Romanik State Senate*, 31900, 18DQ096.

The General Counsel concurred with the hearing officer recommendation to deny the appeals. Member Carruthers moved to deny the above noted appeals. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

A complaint following public hearing was presented for agenda item 3.a.18) *Andrews v. Friends of Michael Hayes Committee*, 17CD129 and the General Counsel concurred with the hearing officer recommendations as set forth in the report on pages 83-88 of the board packet. The complainant, Peter Andrews, was present and indicated he would accept the findings and recommendations. Member Linnabary moved to adopt the recommendations of the General Counsel and hearing officer. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

Mr. George presented a complaint following public hearing for agenda item 3.a.19) *SBE v. Friends of Kaye Kharasch*, 18CD058 and said the missing reports were filed and recommended the matter be referred to staff for imposition of a civil penalty. Member Linnabary moved to adopt the recommendation of the General Counsel. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Complaints following public hearing were presented for agenda items 3.a.20-22:

- 20) *SBE v. Citizens for Delean Fuller*, 18CD062;
- 21) *SBE v. Local Governments United PAC*, 18CD067;
- 22) *SBE v. Nonprofit VOTE*, 18CD068.

The General Counsel concurred with the hearing officer recommendation that the complaints be upheld and issue a Board order requiring the delinquent report(s) be filed within 30 days of the order or face a fine up to \$5,000. Member Linnabary moved to adopt the recommendation of the General Counsel and hearing officer. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

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

Member Scholz moved to recess to executive session to consider complaints following closed preliminary hearing. Member Carruthers seconded the motion, which passed by roll call vote of 8-0. The meeting recessed at 11:25 a.m. and reconvened at 11:35 a.m. with the same attendance as noted in the initial roll call.

Member Carruthers moved to find that the complaints following closed preliminary hearing be found to have been filed on justifiable grounds, however, no further action beyond imposition of a civil penalty for agenda items 3.a.24-26:

- 24) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 18CD008;
- 25) *SBE v. McDonough County Young Republicans*, 18CD027;
- 26) *SBE v. Barb City Action Committee*, 18CD042.

Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

As to agenda item 3.a.27) *SBE v. Adams County Democratic Central Committee*, 18CD002, Member Carruthers moved to find that the complaint was filed on justifiable grounds, however, no further action beyond imposition of a civil penalty. Member Linnabary seconded the motion, which passed by roll call vote of 7-0. Member Scholz recused himself from the matter.

Agenda item 3.a.28) *SBE v. Illinois Interior Design Coalition*, 18CD003 will be placed on the May meeting agenda for consideration.

Member Carruthers move to find the complaints following closed preliminary hearing be found to have been filed on justifiable grounds and the matters proceed to a public hearing for agenda items 3.a.29-40:

- 29) *SBE v. Eagle Forum State PAC*, 18CD004;
- 30) *SBE v. Gonzales for Commissioner*, 18CD005;
- 31) *SBE v. Chicago Southland Chamber of Commerce PAC*, 18CD006;
- 32) *SBE v. Friends of Bridget Dancy*, 18CD010;
- 33) *SBE v. Citizens for Jim Fuchs*, 18CD031;
- 34) *SBE v. Citizens to Elect Terry Morris*, 18CD033;
- 35) *SBE v. Citizens for Glazar*, 18CD035;
- 36) *SBE v. Citizens for Dominique Miller*, 18CD037;
- 37) *SBE v. Committee to Elect Elisabeth Dunbar*, 18CD038;
- 38) *SBE v. Friends of Jeanne Oddo for Alderman*, 18CD039;
- 39) *SBE v. Robert W. Jennings*, 18CD046;
- 40) *SBE v. Republican Gun Club of St. Clair County*, 18CD047.

Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

Executive Director Sandvoss began his report with an update on the March 20, 2018 General Primary Election. He said it was a smooth election and most telephone inquiries pertained to voter registration status and polling place locations. A more detailed listing of additional inquiries was contained on page 110 of the board packet. DuPage County experienced a problem with the ender cards that close out the machines, which delayed results reporting. In Knox County, some State Central Committee positions were left off the ballot in a few precincts and the election authority delivered new ballots to those precincts. In Cook County and the City of Chicago, one of the candidates should have been placed back on the ballot per a court order. There was a miscommunication with some of the precincts and the judges informed voters that the name was off the ballot and that any ballots casts would not be counted. The matter is before the Circuit Court to determine whether or not it affected the outcome of the election. Mrs. Sandvoss stated that the problems encountered in DuPage and Chicago were explained in more detail on pages 111-119 of the board packet. A listing of election judge training schools was presented for informational purposes.

Cris Cray began the legislative update noting that the House was currently in session and the Senate was scheduled to return on April 23. She explained that there is an election omnibus bill and has been working on that legislation. Ms. Cray said the appropriation directors were working on adding the \$13 million spending authority for the HAVA funds and they were also in discussions with the Governor's office regarding the required 5% match. Chairman Cadigan stated that it would be a good idea to promote a continuing appropriation and felt the omnibus bill would be a vehicle to do so. Ms. Cray agreed and said it could be discussed further after the meeting.

Mr. Sandvoss presented the 2018 HAVA Election Security Grant and reviewed the memo that was distributed to the board under separate cover. The agency received a Notice of Grant Award by the Election Assistance Commission (EAC) that Illinois will be awarded \$13,232,290 in federal grant funding. A 5% state match of \$661,615 (to be made within 2 years) is required for receipt of the funds. Priority uses for the funding include implementation of a post-election audit system, upgrade computer systems, facilitate cyber security training for state and local officials, and other cyber security best practices for election systems. Mr. Sandvoss informed the board that he will present an itemized spending proposal for consideration at the May meeting. Ryan Chew, Deputy Director of Elections for Cook County and Sally Turner, Logan County Clerk were present and offered their comments on cybersecurity and the HAVA funding.

Next on the agenda was the IVRS/IT update and Dustin Schultz discussed the status of Automatic Voter Registration (AVR). He said that the Inter Agency Data Sharing Agreement with the

Secretary of State was signed this week and four of the six scheduled public hearings have been conducted. A full review of the public hearings will be presented after the conclusion of the final hearing. Kevin Turner reported on the redesign of the SBE website and referred to his memo on page 127 of the board packet. He explained that the website needs a makeover to improve the ease of finding information. Mr. Turner said that content, functionality and appearance are the three main components to a website and felt there was a need for a full time or part time employee to be assigned to the project.

Mr. Sandvoss presented the out of state travel reports for Defending Digital Democracy and Multi-State Information Sharing & Analysis Center conferences for informational purposes.

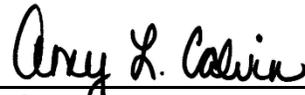
A summary of findings from the FY16/17 compliance audit was presented and included on pages 131-132 of the board packet. Jeremy Kirk reviewed the findings and answered questions from the board.

The fiscal reports and staff activity for the months of April and May were presented for informational purposes.

Chairman Cadigan stated that Dr. Lora Chamberlain requested to address the board during the public comments section and asked her to proceed. Dr. Chamberlain offered her remarks on cybersecurity, HAVA funding, voting systems and post-election audits.

With there being no further business before the Board Member Linnabary moved to adjourn until May 21, 2018. Member Carruthers seconded the motion, which passed unanimously. The meeting adjourned at 12:30 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant III



Steven S. Sandvoss, Executive Director