

STATE BOARD OF ELECTIONS
Regular Meeting
Friday, August 24, 2018

MINUTES

PRESENT:

William J. Cadigan, Chairman
John R. Keith, Vice Chairman
Andrew K. Carruthers, Member
Ian K. Linnabary, Member
William M. McGuffage, Member
Katherine S. O'Brien, Member
Charles W. Scholz, Member
Casandra B. Watson, Member

ALSO PRESENT:

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

The meeting convened at 10:30 a.m. via videoconference with the Springfield office. All Members were present in Chicago. Member Watson left the meeting at 12:40 p.m. and Member McGuffage held her proxy.

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

Member Carruthers moved to recess the State Board of Elections and reconvene as the State Officers Electoral Board. Member Linnabary seconded the motion which passed by roll call vote of 8-0. The meeting recessed shortly after 10:30 a.m. and reconvened at 10:50 a.m. with the same attendance as noted in the initial roll call.

General Counsel Menzel presented the following requests for settlement offers for agenda items 3.a-e.

- a) *SBE v. East St. Louis Central Committee, 18551*, 18DQ029. Mr. Menzel recommended acceptance of the \$125 settlement offer because it is a low dollar committee and qualified for the exception to the normal 50% for settlements. Member Linnabary moved to accept the settlement offer. Member O'Brien seconded the motion, which passed by roll call vote of 8-0.
- b) *SBE v. Committee to Elect Robert J. Lovero, 19202*, 18AM020. Mr. Menzel recommended rejection of the \$2,450 settlement offer because it did not comply with the policy's normal thresholds. It was noted that Mr. Lovero was not a candidate in the November general election. Member Carruthers moved to reject the settlement offer. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.
- c) *SBE v. Citizens to Elect Cartwright Weinstein, 32055*, 18DQ105. Mr. Menzel recommended rejection of the \$200 settlement offer because it did not comply with the policy's thresholds. It was noted that Ms. Weinstein was not a candidate in the November general election. Member Linnabary moved to reject the settlement offer. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.
- d) *SBE v. Friends of Madlock, 34040*, 18MA011. Mr. Menzel recommended acceptance of

the \$550 settlement offer because the committee qualified for the low dollar exception to the normal 50% for settlements. Mr. Madlock was present and indicated he would pay the fine by the close of business today. It was also noted that he was a candidate on the November general election ballot. Member Carruthers moved to accept the settlement offer. Vice Chairman Keith seconded the motion, which passed by roll call vote of 8-0.

- e) *SBE v. Committee to Elect Kevin Lyons, 5634, 17DQ014.* Mr. Menzel recommended rejection of the \$500 settlement offer because it did not comply with the policy's normal thresholds. It was noted that Judge Lyons was a candidate on the November general election ballot Judge Lyons was present via telephone and offered an alternate settlement of \$925 that would be paid by the close of business today. Mr. Menzel then recommended acceptance of that offer. Vice Chairman Keith moved to accept the revised settlement offer. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

Potential ballot forfeiture for 2018 and payment of civil penalties was presented for informational purposes.

Executive Director Sandvoss presented the Certification for the November 6, 2018 General Election ballot. He asked for a motion to certify the ballot and authorize staff to issue amended certifications under the following circumstances: rulings in matters related to pending electoral boards and/or judicial reviews or other litigation in the courts; removal of candidates on the ballot forfeiture list in the event that their fines are not paid by the close of business today; and candidate withdrawals subject to confirmation from the election authorities that all of the affected authorities could implement such withdrawals without incurring burdensome reprinting and reprogramming costs. Vice Chairman Keith so moved and Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Vice Chairman Keith moved to approve the minutes from the June 19 regular meeting and the July 10 special and regular meetings with minor revisions as noted. Member Watson seconded the motion which passed by roll call vote of 8-0.

Mr. Menzel presented the following appeals of campaign disclosure fines for agenda items 7.a.1-9 where he concurred with the hearing officer recommendation to grant the appeals:

- 1) *SBE v. Jefferson County Republican Central Committee, 246, 18AM004;*
- 2) *SBE v. Patricia Horton for Water Reclamation, 19638, 18DQ033;*
- 3) *SBE v. Bolingbrook United, 32367, 18MQ084;*
- 4) *SBE v. Benchmark PAC for Cook County Judges LLC, 32885, 18MQ091;*
- 5) *SBE v. Friends to Elect Judge Stephanie Miller, 33889, 18AM043;*
- 6) *SBE v. Citizens to Elect Erika Orr, 34013, 17SQ171;*
- 7) *SBE v. Joan Padilla for State Representative, 34162, 18AM051;*
- 8) *SBE v. Friends of Thomas P. Gibbons, 34482, 18MA029;*
- 9) *SBE v. Friends of Meta Mueller, 34507, 18D1004,*

Vice Chairman Keith moved to grant the appeals and order the *Jefferson County Republican Central Committee* to amend its report. Member Watson seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented agenda item 7.a.12) *SBE v. Ives for Illinois-Governor, 34254, 18AD042* and concurred with the hearing officer recommended to grant the appeal and order the committee to file an amended report. Jeffrey Meyer was present on behalf of the committee and agreed with the recommendation. Member Linnabary moved to adopt the recommendation of the General

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

Mr. Menzel presented the following appeals of campaign disclosure fines for agenda items 7.a.10-11 & 13-14 where he concurred with the hearing officer recommendation to grant the appeals and order the committees to file amended reports:

- 10) *SBE v. Illinois Trial Lawyers Association PAC*, 627, 18AM009;
- 11) *SBE v. Citizens for David Moore*, 23127, 18AD018;
- 12) *SBE v. Ives for Illinois-Governor*, 34254, 18AD042;
- 13) *SBE v. Committee to Elect Amanda Pillsbury*, 34284, 18MQ102;
- 14) *SBE v. Committee to Elect Jason A. Olson*, 34470, 18AM069.

Member Scholz moved to adopt the recommendation of the General Counsel for the above noted appeals. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented agenda item 7.a.21) *SBE v. Chicago for Rahm Emanuel*, 22989, 17AS048 and concurred with the hearing officer recommendation to deny the appeal. Michael Kasper was present on behalf of the committee and said that they experienced technical issues during the filing, which caused the report to be filed forty-five minutes late. He then offered to utilize the one time electronic filing defense and ask that the appeal be granted. Mr. Menzel verified that the committee had not previously utilized the electronic filing defense and agreed to accept Mr. Kasper's defense. Member McGuffage moved to grant the appeal. Member Watson seconded the motion which passed by roll call vote of 8-0.

As to agenda item 7.a.30) *SBE v. Citizens for Butitta*, 34510, 18MA030, Mr. Menzel recommended that the appeal be granted in part and denied in part. Member Carruthers so moved and Member McGuffage seconded the motion, which passed by roll call vote of 8-0.

As to agenda item 7.a.23) *SBE v. 39th Ward Democratic Organization*, 32128, 18AM033, Member McGuffage moved to adopt the recommendation of the hearing officer and deny the appeal, but stay the penalty based on the determination that the fee should be reported as an expenditure. Vice Chairman Keith seconded the motion, which passed by roll call vote of 8-0.

As to agenda item 7.a.24) *SBE v. Citizens for Madison County Schools*, 32580, 18AM037, Vice Chairman Keith moved to adopt the recommendation of the general counsel and deny the appeal. Member Linnabary seconded the motion, which passed by roll call vote of 7-0. Member Carruthers recused himself from the matter.

Mr. Menzel presented the following appeals of campaign disclosure fines for agenda items 7.a.15-20, 22, 25-29 & 31 where he concurred with the hearing officer recommendation to deny the appeals:

- 15) *SBE v. Boone County Democratic Central Committee*, 610, 18AM008;
- 16) *SBE v. County Clerks & Records Special Action Fund*, 1358, 18MQ008;
- 17) *SBE v. PAC of the Structural Engineers Association of Illinois (SEA PAC)*, 4943, 18MQ010;
- 18) *SBE v. Village Party*, 12780, 18AD011;
- 19) *SBE v. Plumber & Pipefitters Local 149 Political Action Committee*, 16138, 18MQ024;
- 20) *SBE v. Committee to Elect Erik Rankin*, 21447, 18MQ037;
- 22) *SBE v. McDonough County Young Republicans*, 25701, 18MA018;
- 25) *SBE v. Greater Austin Independent Political Organization*, 32751, 18AM040;
- 26) *SBE v. Root for Sheriff*, 32864, 18AM042;

- 27) *SBE v. Friends of Julie Coe for Coles County Clerk*, 33993, 18AM046;
- 28) *SBE v. Friends of Jen McMillin*, 34150, 18AD064;
- 29) *SBE v. Friends of Jeff Braun*, 34425, 18MA027;
- 31) *SBE v. Women United Network*, 34544, 18D1006;

Member Carruthers moved to deny the above noted appeals. Member McGuffage seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented agenda item 7.a.32) *SBE v. Fulton County Republican Central Committee*, 251, 18MQ001 and concurred with the hearing officer recommendation to deny the appeal and order the committee to file amended reports. Member McGuffage so moved and Member Watson seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented agenda item 7.a.33) *SBE v. Committee to Elect Robert Harris Judge*, 34061, 18AD061 and concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in part. Member Carruthers so moved and Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented agenda item 7.a.34) *SBE v. Friends of Jake Castanza*, 34184, 18MA024 and concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in part. Mr. Castanza was present and also agreed with the recommendation. Vice Chairman Keith move to adopt the recommendation of the hearing officer and general counsel. Member Watson seconded the motion, which passed by roll call vote of 8-0.

A memo regarding to random audits of political committees was presented for informational purposed. It was agreed that staff would follow up with the thirteen committees that did not comply with the audits and report to the board at a future meeting.

Mr. Menzel presented a listing of civil penalty assessments necessitating a final board order. Member O'Brien moved to assess the civil penalty against the committees listed on pages 182-186 of the board packet. Member Linnabary seconded the motion which passed by roll call vote of 8-0. Chairman Cadigan recused himself from the matters of New Trier Republican Organization and Friends of Alex Kaplan.

Vice Chairman Keith moved to recess to executive session to consider complaints following closed preliminary hearing, litigation and personnel. Member Watson seconded the motion, which passed unanimously. The meeting recessed at 11:40 a.m. and reconvened at 2:00 p.m.

As to agenda item 7.a.38) *Illinois Campaign for Political Reform v. Wilson*, 18CD079, Member Carruthers moved to adopt the recommendation of legal counsel and hearing officer, that the complaint was not filed on justifiable grounds, although it was filed in good faith, and no further action be taken. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

As to agenda item 7.a.37) *Troscinski v. Personal PAC, Inc. & Friends to Elect Terra Costa Howard*, 18CD077, Member Linnabary moved to find that relating to Section 9-9.5, the complaint was found to have been filed on justifiable grounds, the matter not proceed to public hearing and issue an order that any repeat violation under that section would be subject to a penalty of up to \$5,000 for failure to comply with the board order; as to the A-1 filing allegations regarding Friends to Elect Terra Cost Howard, the complaint was found to have been filed on justifiable grounds, the matter not proceed to public hearing and referral to staff for imposition of a civil penalty; as to the seven non self-contributions and that the one self-contribution would be deemed a part of the

amnesty letter sent to the committee. Member O'Brien seconded the motion which passed by roll call vote of 8-0. As to the Section 9-10 violations, Member Linnabary moved to overrule the recommendation of the hearing officer and General Counsel and find that the complaint was filed on justifiable grounds; and that with respect to the expenditures made by the PAC in connection with the website, find that those should be treated as in-kind contributions by the committee; with respect to all other expenditures by the PAC unrelated to the website, those be treated as independent expenditures and that the parties amend their reports as required without penalty. Member Carruthers seconded the motion, which passed by roll call vote of 7-1. Vice Chairman Keith voted in the negative.

Mr. Sandvoss presented the Proposed Administrative Rules for the Cyber Navigator Program and referred to his memo and Rules contained on pages 187-191 of the board packet. The Rules provide that the election authorities join the Illinois Century Network, which provides a secure connection between the election authority systems and the SBE voter registration database and e-canvass program, creation of a cyber-security information sharing program and the hiring of cyber navigators to assist the election authorities. Mr. Sandvoss recommended a motion to approve the Emergency Rules to begin the implementation process through JCAR. Vice Chairman Keith moved to approve the Rules as submitted in its general format, with minor revisions to be made by staff where deemed appropriate. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Chairman Cadigan noted that a few representatives from the election authorities were present and requested to speak about the Cyber Navigator program. Mike Kreloff, from Cook County, and Lance Gough and Adam Laser from the Chicago Board of Election Commissioners were present and offered their comments and suggestions.

A listing of election judge training schools was presented for informational purposes.

The next item on the agenda was the legislative update and a listing of election related legislation. Chairman Cadigan introduced Angela Ryan, Director of Legislative Affairs and welcomed her to the agency. Ms. Ryan said an updated legislative listing was distributed and that the Crosscheck legislation is expected to return during the veto session for a possible override. Chairman Cadigan indicated that Members Carruthers and McGuffage would continue to serve on the legislative sub-committee and would work closely with Ms. Ryan and staff.

Mr. Sandvoss reported that Equip for Equality presented a proposal for a strategic, multi-year contract with the State Board of Elections contained on pages 202-209 of the board packet. Primary goals are to bring state law and SBE's programs in compliance with the Americans with Disabilities Act (ADA) and the Help America Vote Act (HAVA) accessibility requirements. The proposal would provide a polling place accessibility survey tool, education, training, etc. to assist the election authorities and would also educate the public about voting accessibility rights. Zena Naiditch, President and CEO of Equip for Equality and Barry Taylor, Vice President for Civil Rights and Systemic Litigation at Equip for Equality were present and proceeded with their presentation. After discussion, Chairman Cadigan felt that additional consultation with staff and election authorities was necessary before entering into the partnership.

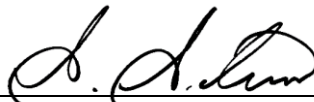
The remaining updates on the Cyber Navigator Program, IVRS/IT/Automatic Voter Registration, NASED conference, SBE Policy Manual, fiscal status reports and two-year plan of staff activity were presented for informational purposes. Written reports were also included in the board packet.

With there being no further business before the Board, Member Linnabary moved to adjourn until Monday, September 17, 2018 in Springfield. Member Scholz seconded the motion, which passed unanimously. The meeting adjourned at 2:45 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant III



Steven S. Sandvoss, Executive Director