

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, December 3, 2018

MINUTES

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

ABSENT: Katherine S. O'Brien, Member

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

The meeting convened at 9:00 a.m. via videoconference with the Springfield office with seven members present. Member Scholz was present in Springfield, Member O'Brien was absent and Member Carruthers held her proxy.

Chairman Cadigan opened the meeting by leading everyone in the pledge of allegiance. As suggested by Member Linnabary, everyone observed a moment of silence in memory of the 41st President, George H. W. Bush, who recently passed away.

Executive Director Sandvoss presented the certification of results from the November 6, 2018 General Election and stated that signature sheet would be circulated amongst the board. He noted that 4,635,541 ballots were cast, which was approximately 57% of registered voters that participated in the General Election. Member Carruthers moved to approve the certification of results, seconded by Vice Chairman Keith and passed by roll call vote of 8-0.

Mr. Sandvoss presented a resolution for Mickey Reinders who will retire on December 30, 2018. Jeremy Kirk, Director of Administrative Services, presented and recited the resolution to Mickey Reinders. Mr. Kirk and the board thanked Ms. Reinders for her over twenty-one years of service and wished her well in retirement. Chairman Cadigan presented a thirty year service award to Executive Director Sandvoss and thanked him for his service to the agency.

General Counsel Menzel presented and reviewed the following requests for settlement offers for agenda items 3.a.1-4.

- 1) *SBE v. Riverside Community Caucus*, 13163, 18NF003. Mr. Menzel recommended denial of the offer because it did not meet the guidelines of the Settlement Policy. Anthony Jacob was present on behalf of the committee and asked that the fine be decreased. After discussion, Vice Chairman Keith moved to reject the settlement offer, seconded by Member Watson and passed by roll call vote of 8-0.
- 2) *SBE v. Friends to Elect Rob Nesvacil*, 25748, 17JQ093. Mr. Menzel recommended acceptance of the offer and indicated that the committee qualified as a small dollar committee. It was noted that the committee filed a final report with a final funds balance

of \$106. Vice Chairman Keith moved to reduce and accept the settlement offer of \$106. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

- 3) *SBE v. Friends of Stephanie Coleman*, 34374, 17SQ167. Mr. Menzel recommended acceptance of the offer and that the committee qualified as a small dollar committee. James Nally was present on behalf of the committee and concurred with the recommendation. Member Carruthers moved to accept the settlement offer, seconded by Member Linnabary and passed by roll call vote of 7-0. Member Watson recused herself from the matter.
- 4) *SBE v. Citizens to Elect Terry Morris*, 30614, 18CD033. Mr. Menzel recommended denial of the offer because it did not meet the guidelines of the Settlement Policy. Member Carruthers moved to reject the settlement offer, seconded by Member Linnabary and passed by roll call vote of 8-0.

Mr. Menzel presented an appeal of campaign disclosure fines for agenda item 3.a.5) *SBE v. Citizens for Gary Grasso*, 18524, 18AM019 and reviewed the matter. He concurred with the hearing officer recommendation to deny the appeal and order the committee to file amended reports. Gary Grasso was present via telephone and said the amended reports were filed prior to the general primary election and the committee was closed. Vice Chairman Keith moved to deny the appeal, seconded by Member Watson and passed by roll call vote of 8-0.

A ballot forfeiture listing for 2019, random audits of political committees and listing of payments of civil penalties were presented for informational purposes.

Mr. Menzel presented the proposed changes to Administrative Rules – Part 100 Campaign Financing, which were included on the agenda for public comment. Discussion was had regarding the revisions through statute rather than by rule, and no additional public comments were received.

Mr. Sandvoss began his report with consideration of approval of ES&S EVS 5.5.0.2 modification and asked Kyle Thomas to continue. Mr. Thomas stated that his report was included on pages 50-51 of the board packet and recommended the board grant a two year interim approval. Member Linnabary moved to grant ES&S a two-year interim approval for the EVS 5.5.0.2 Voting System, which includes the DS200 Digital Scan Tabulator Version 2.17.0.2, the DS850 Central Count Tabulator Version 2.11.0.1, the ExpressVote Ballot Marking Device Version 2.4.0.2, the AutoMARK Ballot Marking Device Version 1.8.7.0, the Election Reporting Manager (ERM) Version 8.13.0.1, and ElectionWare Management Software Version 4.8.0.2. This approval also includes the use of the ECO 999, but does not include the DS450 Central Count Tabulator with this system, and no part of this system is approved for use in conjunction with any other system without prior board approval. Member McGuffage seconded the motion, which passed by roll call vote of 8-0.

Mr. Sandvoss discussed early voting procedural compliance and reported that the issues encountered have been corrected. Mr. Thomas said that staff members were present in the three jurisdictions to assist in their review of those manual merge of results and helped identify some issues that did get corrected prior to their canvass.

Next on the agenda was the legislative update and Mr. Sandvoss informed the board that the legislative sub-committee was scheduled to meet later today. Angela Ryan, Director of Legislation, noted that a report of elections related public acts was included on pages 52-53 of the packet for the board's information. She said the legislative proposals for the spring session would be discussed at the sub-committee meeting this afternoon.

Mr. Sandvoss presented a report on staff compensation for FY20 included on pages 54-55 of the board packet and reviewed the memo. This was a follow up to the most recent performance based evaluation that was enacted earlier in 2018. It is suggested that the amount of the non-pensionable bonus for a rating of above standard be increased to \$1,250 and the amount for a rating of outstanding be increased to \$2,500. Mr. Sandvoss indicated that if approved by the board, those amounts would be incorporated in the FY20 budget request without asking for additional funding. Vice Chairman Keith moved to approve the bonus amounts for FY20 recommended by Mr. Sandvoss. Member Carruthers seconded the motion, which passed by roll call vote of 7-1. Member Watson voted in the negative.

Mr. Sandvoss presented the FY20 appropriation request and noted that the budget requests funding for modifications to the Statewide Voter Registration System, implementation and maintenance of Senate Bill 172, ongoing implementation of the Automatic Voter Registration program, staffing requests to maintain operations and resources to continue the Cyber Navigator Program. Mr. Sandvoss reviewed the figures for operations, personal services, grants, IVRS lump sum and county clerk stipends. Overall, the total FY20 budget request was decreased from the current fiscal year by \$2,957,900, which was 12.8%. Mr. Kirk also requested that the board authorize the Chairman and Vice Chairman to adjust the HAVA appropriation as necessary to align the appropriation with the current fund balance prior to submitting the ISL forms to the General Assembly. Member Linnabary moved to approve the FY20 appropriation request as presented and authorize the Chairman and Vice Chairman to adjust the HAVA appropriation as needed. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

The fiscal status reports and two year plan of staff activity for the months of December & January were presented for informational purposes.

Vice Chairman Keith moved to recess to executive session to consider complaints following closed preliminary hearing, litigation and personnel matters. Member Linnabary seconded the motion, which passed unanimously. The meeting recessed at 10:30 a.m. and reconvened at 11:15 a.m. with the same attendance as noted in the initial roll call.

Agenda items 3.a.9) *Didech v. Lake County Republican Policy & Education Committee*, 18CD085; *West Deerfield Township Independent Party*, 18CD086; *Tenth Congressional District Republication Organization*, 18CD087; *Illinois Republican County Chairman's Association PAC*, 18CD088; and 10) *Ajster v. Friends of Michael J. Madigan, Friends of Marty Durkan & Friends of Lance Yednock*, 18CD092; were placed on the January meeting agenda.

Member Carruthers moved to find that the following complaints following closed hearing for agenda items 3.a.11-23 were filed on justifiable grounds and the matters proceed to a public hearing:

- 11) *SBE v. People for Jerry Washington*, 18CD094;
- 12) *SBE v. Friends for Darryl Smith*, 18CD097;
- 13) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 18CD098;
- 14) *SBE v. Friends of Derrick Smith*, 18CD100;
- 15) *SBE v. Committee to Elect Carol Clark*, 18CD101;
- 16) *SBE v. Gregg Moore for IL Governor*, 18CD105;
- 17) *SBE v. Friends of Fred Tetter*, 18CD109;
- 18) *SBE v. Friends of Tyrone Ward*, 18CD111;
- 19) *SBE v. Sankofa Restoration Project – Howard Wright*, 18CD114;
- 20) *SBE v. Friends of Jeanne Oddo for Alderman*, 18CD117;
- 21) *SBE v. Republican Gun Club of St. Clair County*, 18CD119;
- 22) *SBE v. Brandon Ewing Campaign Committee*, 18CD122;

23) *SBE v. Nonprofit VOTE*, 18CD126.

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

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

24) *SBE v. Mayes for Kane County Sheriff*, 18CD110;

25) *SBE v. Friends of Kaye Kharasch*, 18CD121;

26) *SBE v. Mary Smith Shuttleworth Fund*, 18CD132.

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

Vice Chairman Keith moved to renew a four year term for Brent Davis, renew a four year contract for Steve Sandvoss, approve the reviews of Ken Menzel and Bernadette Matthews, and provide salary adjustments for Brent Davis and Steve Sandvoss as approved in executive session. Member Watson seconded the motion, which passed by roll call vote of 8-0.

With there being no further business before the Board, Vice Chairman Keith moved to adjourn until Tuesday, January 22, 2019 in Springfield. Member Linnabary seconded the motion, which passed unanimously. The meeting adjourned at 11:30 a.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant III



Steven S. Sandvoss, Executive Director