

STATE BOARD OF ELECTIONS
Regular Meeting
Tuesday, January 22, 2019

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
Bernadette Matthews, Asst. Exec. Director
Kenneth R. Menzel, General Counsel
Amy L. Calvin, Administrative Assistant III

The meeting convened at 10:35 a.m. via videoconference with Chicago with all members present. Vice Chairman Keith, and Members Carruthers and Scholz were present in Springfield. Chairman Cadigan and Members McGuffage, Linnabary, O'Brien and Watson were present in Chicago.

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

Member Linnabary moved to approve the minutes from the November 19 and December 3 meetings as presented. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

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

- 1) *SBE v. Citizens for Gary Grasso*, 18524, 18AM019. Mr. Menzel recommended denial of the settlement offer because it did not meet the guidelines of the Settlement Policy. Vice Chairman Keith moved to deny the offer, seconded by Member Carruthers and passed by roll call vote of 8-0.
- 2) *SBE v. Friends of Scott McFarland*, 23343, 17SQ066. Mr. Menzel recommended acceptance of the settlement offer as it qualified under the guidelines of the Settlement Policy. Scott McFarland was present and asked the board to accept the recommendation. Member Scholz moved to accept the offer, seconded by Member Carruthers and passed by roll call vote of 8-0.
- 3) *SBE v. Citizens to Elect Terry Morris*, 30614, 18CD033 & 17NF012. Mr. Menzel recommended acceptance of the settlement offer as it qualified under the guidelines of the Settlement Policy. Member Linnabary moved to accept the offer, seconded by Member Carruthers and passed by roll call vote of 8-0.

Member Carruthers moved to grant the appeals of campaign disclosure fines for agenda items 2.a.4-6.

- 4) *SBE v. Our Future-Olympia Fields*, 32444, 18JQ090;
- 5) *SBE v. Help Lynn Win*, 34577, 18D1011;
- 6) *SBE v. 2nd Congressional District Dems on the Move*, 34673, 18JQ137.

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

Agenda item 2.a.7) *SBE v. Adams County Democratic Central Committee*, 321, 18MA014 was moved to the February meeting agenda.

Mr. Menzel presented an appeal of campaign disclosure fines where he concurred with the hearing officer recommendation to deny the appeal for agenda item 2.a.9) *SBE v. Connie for Council*, 32593, 18JQ094. Connie Schmidt was present and apologized for the error. She also offered a settlement amount of \$212.50. Vice Chairman Keith moved to deny the appeal and accept Ms. Schmidt's settlement offer. Member McGuffage seconded the motion, which passed by roll call vote of 8-0.

Member Carruthers moved to deny the appeals of campaign disclosure fines for agenda items 8) *SBE v. Friends of Tyrone Ward*, 26142, 18NF037 and 10) *SBE v. Friends of Corean Davis*, 33986, 18MA039. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

Member McGuffage moved to grant in part and deny in part the appeal of campaign disclosure fines for agenda item 2.a.11) *SBE v. Caruana for Winnebago County Sheriff* 25502, 18AJ020. Member Watson seconded the motion, which passed by roll call vote of 7-0. Member Linnabary recused himself from the matter.

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

The board unanimously agreed to recess to executive session to consider complaints following closed preliminary hearing and litigation. The meeting recessed at 11:00 a.m. and reconvened at 11:20 a.m. with the same attendance as noticed in the initial roll call.

As to agenda item 2.a.13) *Sapalas v. Citizens to Elect Joe Broda*, 18DQ078, Member Carruthers moved to dismiss the complaint as it was not filed on justifiable grounds. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

As to agenda item 2.a.14) *Didech v. Lake County Republican Policy & Education Committee, West Deerfield Township Independent Party, Tenth Congressional District Republican Org. & Illinois Republican County Chairman's Assoc. PAC*, 18CD085, 086, 087, 088, Member Carruthers moved to dismiss the complaint for want of prosecution. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

As to agenda item 2.a.15) *Ajster v. Friends of Michael J. Madigan, Friends of Marty Durkan & Friends of Lance Yednock*, 18CD092, Member Carruthers moved to dismiss the complaint as it was not filed on justifiable grounds. Member Watson seconded the motion, which passed by roll call vote of 8-0.

Next on the agenda was the report of the Executive Director and Mr. Sandvoss gave an update on the 2019 consolidated elections. He indicated that staff would need approval to certify the April 2, 2019 Consolidated Election ballot on January 24 for the Members of Regional Board of School Trustees and Director of the Fox Waterway Management Agency. Member Scholz moved to certify the ballot as prepared by staff for the April 2, 2019, consolidated election and that staff be authorized to issue amended certifications as appropriate to give effect to any candidate withdrawals received by the close of business on Thursday, January 24, 2019, and, as to any late-received withdrawals, to amend the certification of ballot if all of the affected election authorities indicate that the candidate can be removed without negatively impacting the timely printing of ballots and commencement of vote by mail or early voting. Member Watson seconded the motion, which passed by roll call vote of 8-0. Mr. Sandvoss presented a listing of consolidated primary elections and voting system pre-election testing for informational purposes.

Mr. Sandvoss presented requests for voting system approval and asked Kyle Thomas, Director of Voting & Registration Systems to continue. Mr. Thomas said the first request was for a final approval of GEMS tabulation system and referred to his memo on pages 63-65 of the board packet. A request was received from Dominion for final approval of the system and it was found that the performance of the system met statutory requirements. Mr. Thomas then recommended a final approval for the GEMS tabulation system. Member Carruthers moved to grant Dominion a final approval for the GEMS 1.18.24 vote tabulation system, which includes the AccuVote optical scan tabulator, version 1.96.6E, and the TSX direct recording electronic (DRE) tabulator, version 4.6.4, as outlined in Mr. Thomas's memo dated December 31, 2018. Member Scholz seconded the motion which passed by roll call vote of 7-1. Member Watson voted in the negative.

Mr. Thomas presented a request from Dominion for engineering change orders to the WinEDS/Democracy Suite 5.6 ECO. At the July 10, 2018 meeting, the board granted a two-year interim approval for the WinEDS 4.0/Democracy Suite (WinDI) 5.6 vote tabulation system. Dominion is now requesting approval for engineering change orders for each of the two configurations of their ImageCast X (ICX), software version 5.6.4.3, ballot marking device. Mr. Thomas recommended a two-year interim approval of the system as noted in his memo on page 66 of the board packet. Vice Chairman Keith moved to grant Dominion a two-year Interim Approval for the upgrade to the WinEDS/Democracy Suite (WinDI) 5.6 voting system, consisting of two Engineering Change Orders (ECO's) to a component of the system known as the ImageCast X (ICX) ballot marking device, version 5.6.4.3 as outline in Mr. Thomas's memo dated January 8, 2019. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Mr. Sandvoss reported on the Advisory Committee meeting that was held just prior to the board meeting and said it was well attended. The agenda was included on page 67 of the board packet and Mr. Sandvoss stated that all items listed were addressed. The next meeting is scheduled for Monday, May 20, 2019 in Springfield.

Angela Ryan, Director of Legislation, began her report with a review of the nine legislative proposals contained on pages 68-69 of the board packet. After discussion, Vice Chairman Keith moved to adopt the 2019 Legislative Agenda as presented and seek an invitation to the bill signing. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Next on the agenda was the IVRS/IT report and Mr. Sandvoss deferred to Mr. Thomas, Matt Emmons, Director of IT and Dustin Schultz, AVR Coordinator. Mr. Schultz referred to his memo on page 70 of the board packet and added DNR hopes to implement an AVR solution for their hunting and fishing licensees by the July deadline. The Secretary of State also added a link to the OVA site on their safe driver renewal page. Mr. Thomas presented the voter registration activity report and ERIC update for informational purposes.

An emergency alarm was activated in the Chicago office and staff was ordered to evacuate from the windows of the building. Member Watson moved to recess the meeting, seconded by Member O'Brien and passed unanimously. The meeting recessed at 11:55 a.m.

Vice Chairman Keith moved to reconsider the previous recess and reopen the meeting at 12:05 p.m. The motion passed unanimously.

Member Linnabary discussed Illinois' membership in the Crosscheck program and felt it was time to revisit the issue. He noted that there has been no activity in the Kansas Secretary of State's office for nearly two years and all of the adjacent states to Illinois, with the exception of Indiana, are now members of ERIC. The State of Indiana indicated it would be willing to enter into a stand-alone data sharing agreement with the SBE. Member Linnabary also noted that there might be legislation that would require Illinois to have an exclusive membership in ERIC. In light of those

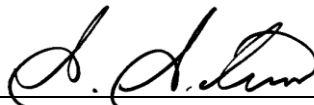
points, Member Linnabary moved to formally withdraw Illinois from the Crosscheck program. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

With there being no further business before the Board, Member Linnabary moved to adjourn until Wednesday, February 20, 2019 in Chicago. Member Carruthers seconded the motion, which passed unanimously. The meeting adjourned at 12:10 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant III



Steven S. Sandvoss, Executive Director