

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, March 19, 2018

MINUTES

PRESENT: William J. Cadigan, 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

ABSENT: John R. Keith, Vice Chairman

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 10:30 a.m. via videoconference with the Chicago office. Chairman Cadigan and Members Carruthers, Linnabary and Scholz were present in Springfield and members O'Brien and Watson were present in Chicago. Vice Chairman Keith was absent and Member Scholz held his proxy. Member Watson held Member McGuffage's proxy until his arrival at 10:40 a.m.

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

Member Linnabary moved to approve the minutes from the February 21 meeting as presented. Member Scholz seconded the motion which passed by roll call vote of 8-0.

General Counsel Menzel indicated that Heather Kimmons, Deputy General Counsel would present the campaign disclosure matters and asked her to proceed.

Ms. Kimmons presented a motion for reconsideration for agenda item 2.a.1) *SBE v. North Suburban Teachers Union COPE*, 450, 17SQ008 and reviewed the matter. She recommended that the motion be granted if the committee agreed to apply the one time electronic filing defense. Steve Grossman was present on behalf of the committee and concurred with the recommendation. Member Scholz moved to grant the motion for reconsideration. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

Ms. Kimmons presented a motion for reconsideration for agenda item 2.a.2) *SBE v. Illinois Court Reporters Association PAC*, 16779, 17MA043 and recommended the motion be denied. She also noted that the committee would be eligible to make a settlement offer under the Board's Settlement Policy. Member Scholz moved to deny the motion for reconsideration. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

Next on the agenda was appeals of campaign disclosure fines and Ms. Kimmons presented agenda item 2.a.10) *SBE v. Citizens to Elect Michael J. Dickman*, 32851, 17AM095. She recommended the appeal be granted. Michael Dickman, who was present on behalf of the

committee, agreed with the recommendation. Member Linnabary moved to grant the appeal. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

The following appeals of campaign disclosure fines for agenda items 2.a.3-9) were presented:

- 3) *SBE v. Jefferson County Republican Central Committee*, 246, 17SQ002;
- 4) *SBE v. Hardin County Republican Central Committee*, 282, 17SQ004;
- 5) *SBE v. West Central IL Labor Council COPE Committee*, 443, 17SQ007;
- 6) *SBE v. Champaign County Republican Central Committee*, 992, 17AS011;
- 7) *SBE v. Supporters of Jack D. Franks*, 19464, 17SQ031;
- 8) *SBE v. Friends of Jason Kaslar*, 31841, 17AS034;
- 9) *SBE v. Friends of North Boone Fire Protective District*, 31985, 17SQ112.

Ms. Kimmons concurred with the hearing officer to grant the appeals. Member Carruthers moved to grant the above noted appeals. Member Linnabary seconded the motion which passed by roll call vote of 8-0. Member Linnabary recused himself from item #9 and that vote passed by 7-0.

Ms. Kimmons presented agenda item 2.a.15) *SBE v. Friends of the Schaumburg Township Republican Team*, 21072, 17AS020 and concurred with the hearing officer recommendation to deny the appeal. George Dunham was present on behalf of the committee and indicated the IDIS program did not notify him of the A-1 filing. Ms. Kimmons then said that the electronic filing defense could be applied in this matter based on the information stated by Mr. Dunham. Member Scholz moved to grant the appeal based on the electronic filing defense. Member Linnabary seconded the motion which passed by roll call vote of 7-0. Chairman Cadigan recused himself from the matter.

Ms. Kimmons presented agenda item 2.a.18) *SBE v. Citizens for Rauner, Inc.*, 25185, 17AJ018 and reviewed the matter. She respectfully disagreed with the hearing officer recommendation to deny the appeal based on the trigger date to file the A-1. The General Assembly has seen fit to provide different treatment for third party payment processors. Until the third party processor reports the identity and amounts as to each donor, the committee does not have the information needed to file the A-1. In this case, if the trigger date was the notice from the direct mail processor, the evidence provided at the hearing indicated that the A-1 was timely filed. Ms. Kimmons then recommended the appeal be granted. John Fogarty was present on behalf of the committee and concurred with Ms. Kimmons' recommendation. Member Carruthers moved to adopt the recommendation of the General Counsel and grant the appeal. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.a.22) *SBE v. Citizens to Elect Perry D. Browley*, 32612, 17AM093 was pulled and continued to the April board meeting.

The following appeals of campaign disclosure fines for agenda items 2.a.11-14, 16-17, 19-21, 23-24) were presented:

- 11) *SBE v. Franklin County Republican Central Committee*, 346, 17AS005;
- 12) *SBE v. Sierra Club, IL Chapter PAC*, 419, 17AM084;
- 13) *SBE v. Illinois Hospital Association PAC (IHA PAC)*, 675, 17AS008;
- 14) *SBE v. Committee to Elect Marty P. Leffler*, 20736, 17SQ038;
- 16) *SBE v. Friends to Elect Patty Gustin*, 21909, 17SQ054;
- 17) *SBE v Friends of Porter McNeil*, 22135, 17SQ055;
- 19) *SBE v. Friends of Tim Desmond*, 25456, 17AJ034;
- 20) *SBE v. Citizens for Curtis*, 26065, 17SQ092;
- 21) *SBE v. Rockford Apartment Association*, 32164, 17SQ118;

- 23) *SBE v. Committee to Elect Kristina McMillin*, 32857, 17SQ148;
- 24) *SBE v. Friends of Christine Svenson*, 33988, 17AS040.

Ms. Kimmons 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 will call vote of 8-0. Chairman Cadigan recused himself from item #13 and that vote passed by 7-0.

Ms. Kimmons presented the following appeal where she concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in part for agenda item 2.a.25) *SBE v. Citizens to Elect LaShawn Ford*, 14021, 17AM085. 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.

Next on the agenda was random audits of political committees and Ms. Kimmons reviewed the memo from Tom Newman on page 159 of the board packet. Mr. Newman requested that 1.5% of the active political committees be randomly selected to perform an internal audit. He felt this was an appropriate percentage to use for this year's selection, which would amount to approximately sixty committees. Member McGuffage moved to adopt the recommendation of Mr. Newman as outlined in his memo contained in the packet. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

Ms. Kimmons presented a listing of civil penalty assessments necessitating a final board order. Member Scholz moved to assess the civil penalty against the committee listed on page 160 of the board packet. 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 Carruthers moved to recess to executive session to consider complaints following closed preliminary hearing. Member Scholz seconded the motion which passed unanimously. The meeting recessed at 11:05 a.m. and reconvened at 11:10 a.m. with the same attendance as previously noted.

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 2.a.29-32):

- 29) *SBE v. Friends of Larry Toppert*, 18CD012;
- 30) *SBE v. 1st Ward Independent Democratic Organization*, 18CD021;
- 31) *SBE v. A Better Evanston*, 18CD061;
- 32) *SBE v. Jake 4 Mayor*, 18CD069.

Member Linnabary seconded the motion which passed by roll call vote of 8-0. Chairman Cadigan recused himself from #31 and that vote passed by 7-0.

Member Carruthers moved to find that 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 2.a.33-38):

- 33) *SBE v. Citizens for Michael Navarrete*, 18CD054;
- 34) *SBE v. Friends of Kaye Kharasch*, 18CD058;
- 35) *SBE v. Citizens for Delean Fuller*, 18CD062;
- 36) *SBE v. Rodrigo Demello for Governor*, 18CD063;

- 37) *SBE v. Local Governments United PAC*, 18CD067;
- 38) *SBE v. Nonprofit VOTE*, 18CD068.

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

Ms. Kimmons presented the proposed changes to Administrative Rules, Part 100 Campaign Financing and gave a brief review. The changes mainly address the issue of contribution limits in the event that a candidate political committee changes the candidate supported by the committee. Member McGuffage moved to approve the proposed changes as presented on pages 162-164 of the board packet, direct staff to engage in discussions with JCAR to modify that section of Illinois Administrative Code, and to make sure it is consistent with Illinois statute. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

Executive Director Sandvoss began his report with preparations for the upcoming March 20, 2018 General Primary Election and presented a listing of staff assignments and election judge training schools. He also noted that a memo was sent to the board under separate cover relating to the pre-testing of voting systems. Pulaski, Hardin, Massac and Menard Counties were selected for testing and no tabulation issues were encountered with the systems. Kyle Thomas reported that, in Menard County, a computer used to upload the results was not air-gapped. An e-mail was sent to all of the election authorities again with a reminder to ensure their systems are air-gapped prior to uploading the results from the tabulators.

Mr. Sandvoss presented the Voluntary Voting System Guidelines 1.1 (VVSG 1.1) and stated that the staff has been operating under the 2005 VVSG 1.0 federal standards. Kyle Thomas said that the U.S. Election Assistance Commission (EAC) adopted the VVSG 1.1 in 2015 and, as of July 2017, they would no longer accept applications for new systems under the 2005 or VVSG 1.0. Mr. Thomas then recommended the adoption of the VVSG1.1 for applications for approval of new voting systems received after March 19, 2018. Member Linnabary moved to approve the Voluntary Voting System Guidelines 1.1. Member Scholz seconded the motion which passed by roll call vote of 7-1. Member Watson voted in the negative.

Reports from Mr. Sandvoss, Mr. Thomas and Ms. Cray relating to their attendance at the NASS/NASED conferences were presented for informational purposes.

Mr. Sandvoss gave a brief legislative update and indicated that the general assembly was on break until April 9. It was also noted that the request for a supplemental appropriation would be withdrawn this week because it was determined that enough funding remained in the current fiscal year budget to cover anticipated expenses related to AVR and SB 172.

Kevin Turner reported on IT activities and said additional software was purchased for AVR and the e-canvass program was tested and ready for the primary election. Mr. Thomas stated that yesterday was the date to meet 95% compliance with the ERIC in state updates and that deadline was met. Dustin Shultz said that five public hearings on AVR were scheduled around the state in Quincy, Rockford, Mount Prospect, Charleston and Collinsville. Public notices, press releases and social media postings would be utilized to inform the public of the hearings. Staff will also notify the election authorities, legislators and local chambers of commerce.

Mr. Sandvoss presented the proposed board meeting schedule for FY19 and explained that the July meeting will need to be changed to the 10th to accommodate objections to independent and new party candidate petitions. The Board agreed on the meeting schedule with that change.

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

With there being no further business before the Board, Member Linnabary moved to adjourn until Friday, April 20, 2018 in Chicago. Member Scholz seconded the motion which passed unanimously. The meeting adjourned at 11:45 a.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant III



Steven S. Sandvoss, Executive Director