

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, May 21, 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 Chicago office. Chairman Cadigan, Vice Chairman Keith and Members Carruthers and Scholz were present in Springfield and Members Linnabary, McGuffage, O'Brien and Watson were present in Chicago.

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

Member Scholz moved to approve the minutes from the April 20 and May 10 meetings as presented with one small revision. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

Chairman Cadigan and Vice Chairman Keith presented a 15 year service award and resolution to former employee, Cris Cray, who accepted a position with another state agency. The entire board thanked her for her dedication and service and wished her well in her new position.

General Counsel Menzel began his report with a settlement offer for agenda item 2.a.1) *SBE v. Illinois Court Reporters Association PAC*, 16779, 17MA043 and recommended the offer be accepted. Dave Wenhold was present on behalf of the committee and agreed with the recommendation of the General Counsel. Vice Chairman Keith moved to assess the additional penalty, waive the right to appeal, and accept Mr. Wenhold's offer \$5,000 in settlement of all past penalties, including the penalty assessed today. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to grant the appeals for agenda items 2.a.2-8:

- 2) *SBE v. DuPage Township Democratic Organization*, 765, 18DQ009;
- 3) *SBE v. Committee to Elect Mike Bost*, 7985, 18DQ012;
- 4) *SBE v. Citizens for David Mendenhall*, 17073, 18DQ025;
- 5) *SBE v. Citizens for Arellano*, 24049, 18DQ063;
- 6) *SBE v. Carlos for Chicago*, 26021, 18DQ080;
- 7) *SBE v. Citizens for Jennifer Shilakis Wiesner*, 32102, 17SQ168;
- 8) *SBE v. Friends to Elect Judge Stephanie Miller*, 33889, 18AD033.

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

Mr. Menzel presented agenda item 2.a.10) *SBE v. Friends of George A. Cardenas*, 17290, 17AS017 and concurred with the hearing officer recommendation to deny the appeal. James Nally was present on behalf of the committee and offered his comments. The committee made a good faith effort to file electronically and once they realized it was not submitted, the filings were made immediately. Member McGuffage moved to deny the appeal and reduce the fine to 25% of the assessed penalty. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to deny the appeals for agenda items 2.a.9, 11-15:

- 9) *SBE v. St. Clair County Republican Central Committee*, 369, 18AD003;
- 10) *SBE v. Friends of George A. Cardenas*, 17290, 17AS017;
- 11) *SBE v. Citizens for Nick Palmer*, 25009, 18DQ072;
- 12) *SBE v. Friends of Don*, 32256, 18DQ112;
- 13) *SBE v. Friends of Brian McGraw*, 32785, 18DQ129;
- 14) *SBE v. Kinzler for Illinois*, 34272, 18AD043;
- 15) *SBE v. Friends of Gavin*, 34323, 18DQ156.

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

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 committee listed on pages 62-67 of the board packet, with the exception of Liberty Principles PAC who filed their report and an appeal. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

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

Executive Director Sandvoss began his report with an update on the Advisory Committee Meeting that was held prior to the board meeting. Topics discussed included the 2018 HAVA Election Security Grant funds, cyber-security information and resources, automatic voter registration and legislation. He felt the meeting was well attended and good discussions were had. The next meeting is scheduled for Monday, September 17, 2018 in Springfield.

Mr. Sandvoss presented request for consideration of approval of ES&S EVS 5.3.2.1 included on pages 69-70 of the board packet and deferred to Kyle Thomas. Mr. Thomas noted that Mark Manganaro, Illinois State Certification Manager with ES&S, was present via telephone and then reviewed the request. It is a modification to the previous EVS 5.3.1.0, and the new piece of hardware is the DS450, a new central count tabulator in addition to the previous DS850 central count tabulator. As to the 'pick' errors encountered with the DS450, adjustments were made to the pick wheels which corrected the issue. Mr. Thomas also noted that there was also a minor issue with the display clock on the DS200 and he recommended that the clock be hidden from the display until a solution is found. Member Scholz moved to grant a two year interim approval as outlined in Mr. Thomas' memo. Member Carruthers seconded the motion, which passed by roll call vote of 7-0. Member Watson voted present.

Next on the agenda was the legislative update and Mr. Sandvoss asked Brian Prior to proceed. Mr. Prior said the deadline for bills in both chambers is this Friday and three election bills have

since passed both chambers. The omnibus bill was heard last week in the Election and Campaign Finance Committee and the language surrounding write-in candidates and managing committees for judicial candidates was included in that bill.

Mr. Sandvoss presented the proposed five year budget for the 2018 HAVA Election Security Grant and reviewed the memo on pages 74-75 of the board packet. He explained that the State has up to two years to appropriate the 5% matching funds, which is \$661,615. The proposal suggests the SBE reserve approximately \$1.2 million to be used for consulting contracts, cyber-security specialist(s), IT hardware/software and travel throughout the next five years. The remaining funds would be distributed to the election authorities in a grant format based on the voting age population from the 2010 census. Mr. Sandvoss noted that this proposal is subject to change throughout the grant period and any future modifications would be presented for board approval. Discussion ensued regarding the grant allocation to the counties and appropriate use of the funds. Member Keith moved to approve the five year budget for the grant as presented. Member Scholz seconded the motion, which passed by roll call vote of 7-1. Member Watson voted in the negative.

Chairman Cadigan indicated that before the IVRS/IT update, the board would recognize retiring staff member Kevin Turner. Member Scholz presented and recited the resolution to Mr. Turner and the entire board thanked him for his dedication and thirty-two plus years of service

Mr. Thomas began the IVRS update and stated that 95% compliance on the ERIC in-state updates was reached prior to the May 27 deadline. In addition, matches will not only be against active registrations but also inactive registrations to update to the most current address. Mr. Thomas indicated that several jurisdictions have requested training and regional sessions have been scheduled during the first two weeks of June. Staff also is also in the process of working on the date conversion due to the closure of the Aurora Board of Election Commissioners. Dustin Schultz reported on the status of Automatic Voter Registration (AVR) and said on May 1 he testified on HB4749, which would have extended the deadline to implement AVR for ninety days after the implementation of REAL ID. The motion has since been withdrawn. He also attended a meeting with the Secretary of State for proof of compliance and is scheduled to attend the final AVR public hearing on May 23. Mr. Turner reported that plans were in place to purchase a program from ESRI to assist in the parceling of addresses received from the Secretary of State. System maintenance was also scheduled over the Memorial Day weekend and public websites would experience intermittent outages. Mr. Turner reported that Department of Homeland Security (DHS) ran a risk vulnerability assessment remotely from Washington, D.C. the week of April 30 thru May 4 and will run another assessment on-site in the Springfield office the week of May 7th. A full report with the results of the assessments is expected to be received within a couple of weeks.

A report on the EAC Standards Board Meeting & NASS IT Tech Talk was presented for informational purposes.

The required six-month review of the executive session minutes was presented. The Executive Director reported that he and the General Counsel reviewed the minutes and determined the necessity of confidentiality does not exist as to the release of such minutes for the period of October 17, 2017 thru March 19, 2018. Member Vice Chairman Keith moved to accept the recommendation of the General Counsel and remove the need for confidentiality from the minutes noted above. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

Mr. Sandvoss presented the staff compensation proposal contained on pages 87-98 of the board packet. He reviewed the three options outlined in the memo and discussion ensued amongst the board and staff. It was agreed that the matter be placed on the June agenda for consideration.

The FY18 fiscal status reports and two year plan of staff activity for the months of May and June were presented for informational purposes.

Vice Chairman Keith moved to recess to executive session to consider complaints following closed preliminary hearing and personnel matters. Member Scholz seconded the motion, which passed unanimously. The meeting recessed at 12:20 p.m. and reconvened at 1:00 p.m. with the same attendance as noted in the initial roll call.

Vice Chairman Keith moved to appoint Matt Emmons Interim Director of Information Technology. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Vice Chairman Keith moved to approve the hiring of Roger Holmes to serve as special legal counsel for personnel and other items as may be directed by the Board and/or the Chairman and Vice Chairman collectively, including but not limited to exit interviews at a rate of \$250 per hour. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

As to agenda item 2.a.18) *SBE v. Illinois Interior Design Coalition*, 18CD003, Member Carruthers moved to find that the complaint was filed on justifiable grounds and the matter proceed to a public hearing. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

As to agenda item 2.a.19) *Cohn v. Fuse, LLC d/b/a Buhl Press*, 18CD073, Member Carruthers moved to dismiss the complaint for want of prosecution. Member Scholz 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 June 19, 2018. Member Carruthers seconded the motion, which passed unanimously. The meeting adjourned at 1:05 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant III



Steven S. Sandvoss, Executive Director