

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

MINUTES

PRESENT:

William J. Cadigan, Chairman
John R. Keith, Vice Chairman
Andrew K. Carruthers, Member
Ian K. Linnabary, Member
Katherine S. O'Brien, Member
Charles W. Scholz, Member
William M. McGuffage, 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, Linnabary and Scholz were present in Springfield and Members McGuffage, 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 October 16 minutes as presented. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

Staff service awards were presented to Sue Klos, John Levin and Kim Watkins honoring each of them for twenty years of service with the agency. Mr. Menzel also introduced Jordan Homer, the newly hired legal counsel based in the Springfield office.

General Counsel Menzel presented the following requests for settlement offers for agenda items 3.a.1-3.5):

- 1) *SBE v. Chicago Southland Chamber of Commerce PAC, 15527, 18MA037.* Mr. Menzel recommended acceptance of the offer. Tom Gardiner was present on behalf of the committee and agreed with the recommendation. Member Linnabary moved to accept the settlement offer as presented and order the committee to file a final report within 30 days. Member Carruthers second the motion, which passed by roll call vote of 8-0.
- 2) *SBE v. Friends of Brendan Appel, 20737, 17DQ043.* Mr. Menzel recommended acceptance of the offer. Member Linnabary moved to accept the settlement offer as presented and order the committee to file a final report within 30 days. Member Scholz second the motion, which passed by roll call vote of 7-0. Chairman Cadigan recused himself from the matter.
- 3) *SBE v. Carlos for Chicago, 26021, 17AS029.* Mr. Menzel recommended acceptance of the offer. Margarita Rosa was present on behalf of the committee and indicated she now understands how to file Pay Pal accounts. Member Carruthers moved to accept the settlement offer, seconded by Member Scholz and passed by roll call vote of 8-0.

3.5) *SBE v. Friends of Stephanie Coleman*, 34374 & 27370, 17SQ167 was placed on the December meeting agenda.

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 3.a.4-6: 4) *SBE v. Clay for Circuit Clerk*, 23698, 18JQ045; 5) *SBE v. The Ida B. Wells Legacy*, 32741, 18JQ095; and 6) *SBE v. Citizens for Brian Leggero*, 32824, 18MQ089. Member Scholz moved to grant the appeals, seconded by Member Linnabary and passed by roll call vote of 8-0.

Mr. Menzel presented an appeal of campaign disclosure fine for agenda item 3.a.17) *SBE v. Friends of Gerald Thompson*, 34533, 18MA031 and recommended the appeal be denied. He also agreed with the hearing officer that the penalty should be appropriately reduced to reflect the correct timing of the D-1 filing. Gerald Thompson was present and felt the \$5,000 fine was extreme for a campaign that only raised \$9,000. It was suggested that Mr. Thompson speak to the campaign disclosure staff and revisit the matter later in the meeting.

Mr. Menzel presented an appeal of campaign disclosure fine for agenda item 3.a.20) *SBE v. Friends to Elect TJ Wessel*, 34637, 18MA046 and recommended the appeal be denied. He also noted that the penalty would be stayed because it was a first violation. Pamela Cole was present on behalf of the committee and agreed with the recommendation. Vice Chairman Keith moved to adopt the recommendation of the General Counsel, seconded by Member Linnabary and passed by roll call vote of 8-0.

Mr. Menzel presented an appeal of campaign disclosure fine for agenda item 3.a.10) *SBE v. Committee to Elect Patrick D. John for Judge*, 31710, 18JQ074 and did not concur with the hearing officer recommendation to deny the appeal. Mr. Menzel recommended the appeal be granted based on similar issues and findings in agenda item 3.a.6. Member Carruthers moved to grant the appeal, seconded by Member Scholz and passed by roll call vote of 8-0.

Mr. Menzel presented the following appeals of campaign disclosure fines for agenda items 3.a.7-9, 11-16, 18 & 19 where he concurred with the hearing officer recommendation to deny the appeals:

- 7) *SBE v. Citizens for Thaddeus Jones for 3rd Ward Alderman*, 12697, 18JQ011
- 8) *SBE v. Friends of Dave Heilmann*, 22802, 18JQ036;
- 9) *SBE v. Latinos for Political Progress PAC*, 25432, 18JQ060;
- 11) *SBE v. Friends of Andrew Manno*, 32533, 18MQ085;
- 12) *SBE v. Friends to Elect David C. Herrera*, 33968, 18AM092;
- 13) *SBE v. Committee to Elect Robert Harris Judge*, 34061, 18AM101;
- 14) *SBE v. Friends of Daniel Foster*, 34174, 18JQ112;
- 15) *SBE v. Citizens for Amy Davis*, 34390, 18AJ034;
- 16) *SBE v. Committee to Elect Barbara Kirkland*, 34465, 18MA028;
- 18) *SBE v. Citizens for Iqbal*, 34558, 18D1009;
- 19) *SBE v. Gutierrez for The New 40th Ward*, 34572, 18AJ036.

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

Agenda item 3.a.21) *SBE v. Citizens for Gary Grasso*, 18524, 18AM019 was placed on the December meeting agenda.

Mr. Menzel presented an appeal of campaign disclosure fines for agenda item 3.a.22) *SBE v. United with Delia*, 34005, 18MA022 & 18AM094. He reviewed the matter and concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in part. Delia Ramirez and Thomas Johnson were both present and offered their comments. It was explained

that Ms. Ramirez was a first time candidate and campaign and that their rookie staff did the best they could after the Treasurer left the committee. Mr. Johnson also asked for some leniency with the fine and possible reduction or settlement offer. Ms. Ramirez explained the steps she has taken to hire knowledgeable staff so the violations do not occur in the future. After discussion, Vice Chairman Keith moved to grant the appeal in part, deny the appeal in part and impose a fine of 10% of the original amount assessed. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

The board returned to agenda item 3.a.17) *SBE v. Friends of Gerald Thompson, 34533, 18MA031*. Tom Newman, Director of Campaign Disclosure, noted that the committee qualifies as a small dollar committee under the Board Settlement Offer Policy and an offer of \$118 would be appropriate in this matter. Mr. Thomas also agreed with the recommendation. Vice Chairman Keith moved to deny the appeal and accept the settlement offer of \$118 to be paid today. Member Scholz seconded the motion which passed by roll call vote of 8-0.

Mr. Menzel presented an appeal of contribution limit fines for agenda item 3.a.23) *SBE v. Kennedy for Illinois, 32590, 18MQ-CL002* and reviewed the matter. He concurred with the hearing officer recommendation to deny the appeal and also noted that last week the committee filed an amended report reflecting the contribution split between the two donors. Mike Kasper was present on behalf of the committee and stated that it was the original intent that the donation would be split between the spouses and that amended reports were filed to reflect this. Member Carruthers moved to grant the appeal based on the evidence of the amended filing. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

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

The proposed changes to Administrative Rules – Part 100 Campaign Financing were presented and no additional comments were received.

Next on the agenda was the report of the Executive Director and Mr. Sandvoss noted that items 4.a.1) Post-election report; 2) Early voting procedural compliance; 3) Late precinct reporting; 4) Voting system pre-election testing; and 5) Election judge training schools; were for the Board's information. Kyle Thomas, Director of Voting & Registration Systems, added that the City of Chicago was the only jurisdiction that experienced late precinct reporting. Approximately 2% of their precincts reported after 2:00 a.m. and were due to minor human errors.

Angela Ryan, Director of Legislation, reported on the current veto session and indicated that new member orientation is scheduled for this week as well. The override of Senate Bill 2273, also known as the Crosscheck bill, failed in the Senate and House Bill 4469, voting in jails, was placed on the amendatory veto calendar. Ms. Ryan also noted that discussions with the division directors were taking place to prepare the 2019 legislative agenda.

Mr. Thomas discussed the IT/IVRS update and said the AVR numbers were available from the general election. Dustin Schultz, AVR Coordinator, reported that from July 2, 2018 through Election Day, 177,260 voters were either newly registered or updated their existing registrations. Matt Emmons, Director of IT also discussed the ongoing efforts that were performed to further secure the general election.

The required six-month review of the executive session minutes was presented. Mr. Sandvoss reported that he and Mr. Menzel reviewed the minutes and determined the necessity of confidentiality does not exist as to the release of such minutes for the period of April 20, 2018 thru September 17, 2018. Member Scholz 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.

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

Vice Chairman Keith moved to recess to executive session to consider complaints following closed preliminary hearing, personnel and litigation. Member Linnabary seconded the motion, which passed by roll call vote of 8-0. The meeting recessed at 11:50 a.m. and reconvened at 12:25 p.m.

As to agenda items 3.a.25) *Keith v. Friends of Derek Lindblom*, 18CD082 and 26) *McCoy v. Maria for the 49th Ward*, 18CD083, Member Carruthers moved to dismiss the complaints for want of prosecution. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

As to agenda item 3.a.27) *Sapalait v. Carballo*, 18CD090, Member Carruthers moved to adopt the recommendation of the hearing officer and general counsel as outlined in pages 25, 26, 27 of the supplemental meeting materials, with the only revision being that any reports to be filed must be filed within 45 days of the final order. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

Member Scholz moved to remove the probationary status of Matt Emmons, Director of IT. Member Carruthers 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 Monday, December 3, 2018 in Chicago. Member Linnabary seconded the motion, which passed unanimously. The meeting adjourned at 12:30 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant III



Steven S. Sandvoss, Executive Director