

STATE BOARD OF ELECTIONS  
Regular Meeting  
Tuesday, April 16, 2019

MINUTES

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

ABSENT: Katherine S. O'Brien, Member

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

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The meeting convened at 10:30 a.m. via videoconference with the Springfield office and six Members were present in Chicago. Member O'Brien was absent and Member Carruthers held her proxy. Member Scholz was present via telephone and Vice Chairman Keith held his proxy.

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

Member Linnabary moved to approve the minutes from the March 18 regular meeting and April 1 special meeting as presented. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented and reviewed the following request for settlement offer for agenda item 2.a.1:

- 1) *SBE v. Chicago Latino Public Affairs Committee, 22755, 18AM077.* Mr. Menzel recommended denial of the settlement offer because it did not meet the guidelines of the Settlement Policy. John Escobar was present on behalf of the committee and requested a higher settlement offer of \$9,000. He indicated that \$2,000 would be paid today and the remaining \$7,000 would be paid within six months. Member Watson moved to accept the revised settlement offer and added that monthly installments of \$1,000 be paid within six months. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented and reviewed the following appeal of campaign disclosure fines for agenda item 2.a.5:

- 5) *SBE v. Committee to Elect Gabriel Piemonte, 34236, 18MA056.* Mr. Menzel concurred with the hearing officer recommendation to grant the appeal. Gabriel Piemonte was present and concurred with the recommendation. Member McGuffage moved to grant the appeal, seconded by Member Linnabary and 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 item 2.a.2-4, 6 & 7:

- 2) *SBE v. Calhoun County Democratic Central Committee, 1322, 18AS010;*

- 3) *SBE v. Citizens for Kathleen Carrier*, 32195, 18AS039;
- 4) *SBE v. Bolingbrook United*, 32367, 18AS040;
- 5) *SBE v. Committee to Elect Gabriel Piemonte*, 34236, 18MA056;
- 6) *SBE v. Judicial Accountability PAC*, 34423, 18AS061;
- 7) *SBE v. Democrats of Canteen Township Committee*, 34746, 18AS078.

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

Mr. Menzel presented and reviewed the following appeal of campaign disclosure fines for agenda item 2.a.9:

- 9) *SBE v. Concerned Citizens for Tinley*, 27342, 18AS034. Mr. Menzel concurred with the hearing officer recommendation to deny the appeal. James Nally was present on behalf of the committee and asked that the violations be treated as a single violation relative to the Epstein Rule. Member McGuffage moved to deny the appeal and apply the Epstein Rule as a single violation. Vice Chairman Keith seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented and reviewed the following appeal of campaign disclosure fines for agenda item 2.a.12:

- 12) *SBE v. Citizens to Elect Felix Cardona Jr.*, 34692, 18MA062. Mr. Menzel concurred with the hearing officer recommendation to deny the appeal. James Nally was present on behalf of the committee and asked that the violations be treated as a single violation relative to the Epstein Rule. Vice Chairman Keith moved to deny the appeal, treat as one violation and adopt the remainder of the recommendation of the hearing officer. Member Watson seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented and reviewed the following appeal of campaign disclosure fines for agenda item 2.a.10:

- 10) *SBE v. Friends of Theresa*, 34193, 18SQ165. Mr. Menzel concurred with the hearing officer recommendation to deny the appeal. Theresa Coomer was present and stated she had a baby and then moved. Vice Chairman Keith moved to deny the appeal, seconded by Member Linnabary and 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 item 2.a.8 & 11:

- 8) *SBE v. Saline County Republican Central Committee*, 337, 18SQ006;
- 11) *SBE v. Citizens for Carpenter*, 34291, 18AS056.

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

Mr. Menzel presented and reviewed the following appeal of campaign disclosure fines for agenda item 2.a.13:

- 13) *SBE v. Gutierrez for the New 30<sup>th</sup> Ward*, 34572, 18AS065. Mr. Menzel concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in part. He also noted that the actual fine amount due should be \$1,500. Soraida Gutierrez was present and said the committee made an error on a deposit date on the report. Member Linnabary moved to adopt the recommendation of the hearing officer and general counsel. Vice Chairman Keith seconded the motion, which passed by roll call vote of 8-0.

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

Member Carruthers moved to recess to executive session to consider complaints following closed preliminary hearing. Member Linnabary seconded the motion, which passed by roll call vote of 8-0. The meeting recessed at 11:07 a.m. and reconvened at 11:30 a.m. with the same attendance as noticed in the initial roll call.

As to agenda item 2.a.15) *Mihalyfy v. Thompson*, 19CD004, Member Carruthers moved to adopt the recommendation of the general counsel and hearing officer, find that the complaint was filed on justifiable grounds and direct the committee to include the attribution of source on all future campaign materials and signs. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

As to agenda item 2.a.16) *Spelich v. Baer*, 19CD005, Member Carruthers moved to find that the complaint was filed on justifiable grounds and direct the committee to amend all necessary quarterly reports covering the periods in which the committee was granted a discount for the signs and the materials. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

As to agenda item 2.a.17) *Alonzo v. Friends of David Herrera*, 19CD008, Member Carruthers moved to find that the complaint was filed on justifiable grounds, however no further action necessary because the required report has been filed. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

As to agenda items 2.a.18-21:

- 18) *Traynere v. First Party for Bolingbrook*, 19CD015;
- 19) *Traynere v. Citizens for Claar*, 19CD016;
- 20) *Traynere v. Committee to Elect First Party for Bolingbrook*, 19CD017;
- 21) *Claar v. Traynere, et al*, 19CD019;

Member Carruthers moved to adopt the recommendation of the general counsel and hearing officer pursuant to the stipulation between the parties in each matter for agenda items 18-21. Member Linnabary seconded the motion, which passed by roll call vote of 8-0.

Executive Director Sandvoss began his report with a recap on the April 2, 2019 Consolidated Election. He said voter turnout was low and noted that a post-election report was included in the board packet.

The last day to certify the winning candidates for the Fox Waterway Agency Directors is May 3, 2019. To avoid the necessity of a special board meeting, in the past the Board has authorized staff to issue the final proclamation of the results of that election. Mr. Sandvoss again requested the same from the board. Member Carruthers moved to authorize staff to certify the results of the Fox Waterway Agency Directors consistent with prior board practice. Member Watson seconded the motion, which passed by roll call vote of 8-0.

Mr. Sandvoss presented a memo from Mr. Thomas summarizing voting system pre-election testing activities. Mr. Thomas reviewed his memo and discussed the issues that were encountered during testing at the six election jurisdictions. He thanked all of his staff for their hard work and dedication through this election cycle.

A listing of election judge training schools was presented for informational purposes.

Next on the agenda was Apparent Conformity Policy and Mr. Sandvoss reviewed the current policy that was adopted in June 2017. Discussion centered around the possibility of increasing the threshold to 50% or 100% and its significant effects on staff resources needed for those

efforts. Mr. Davis suggested maintaining the current policy of the 10% threshold, which provides a fail-safe procedure to stop the grossly inadequate nominations from making it to the ballot. It was decided by all to continue with the current policy and revisit it again at a future time.

Mr. Sandvoss presented the legislative update and said that the General Assembly was on spring break and that election bills will most likely be called around the middle of May as part of a large omnibus bill.

Mr. Thomas discussed potential double voting from the 2016 General election and noted that a spreadsheet outlining the findings from the 257 voter records that were identified as possible double votes was included in the board packet. Mr. Thomas responded to questions from the board regarding the details of the report.

Voter registration activity for the month of March and a report on the Cyber Navigator Program was presented for informational purposes.

Mr. Sandvoss presented the FY20 board meeting schedule and indicated that two additional meetings would be held in Chicago instead of Springfield. Member Linnabary moved to adopt the FY20 board meeting schedule as presented. Vice Chairman Keith seconded the motion, which passed by roll call vote of 8-0.

The fiscal reports and two year plan of staff activity for the months of April and May were presented for informational purpose.

The board unanimously agreed to recess to executive session for security procedures relating to potential danger to public property and systems. The meeting recessed at 12:10 p.m. and reconvened at 12:25 p.m. with the same attendance as noted in the initial roll call.

With there being no further business before the Board, Member Linnabary moved to adjourn until May 20, 2019 in Springfield. Member Carruthers seconded the motion, which passed unanimously. The meeting adjourned at 12:25 p.m.

Respectfully submitted,



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Amy L. Calvin, Administrative Assistant III



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Steven S. Sandvoss, Executive Director