

STATE BOARD OF ELECTIONS
Regular Meeting
Wednesday, February 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

ABSENT: 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 10:30 a.m. via video conference with seven Members present. Chairman Cadigan, Vice Chairman Keith and Members Carruthers, Linnabary, McGuffage and O'Brien were present in Chicago and Member Scholz was present via teleconference. Member Watson was absent and Member McGuffage held her proxy.

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

The board unanimously agreed to recess the State Board Elections and reconvene as the State Officers Electoral Board to approve the minutes from the January 11 and 26 SOEB meetings. The meeting recessed and reconvened at 10:31 a.m. and reconvened at 10:32 a.m. with the same attendance as noted in the initial roll call.

Member McGuffage moved to approve the minutes of the December 19, January 11 and 26 meetings with the revisions as noted. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

General Counsel Menzel presented a motion for reconsideration for agenda item 4.a.1) *SBE v. 613PAC, 19647, 17DQ040* and reviewed the matter. He recommended the motion be denied for lack of an adequate defense. Member O'Brien moved to accept the recommendation of the General Counsel. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

Mr. Menzel presented a motion for reconsideration for agenda item 4.a.2) *SBE v. Committee to Elect Ebony Lucas, 32094, 17JQ121* and reviewed the matter. He recommended the motion be denied but also noted the committee did file the amended reports. Mr. Menzel said the committee would be eligible to make a settlement offer under the Settlement Policy. Member Carruthers moved to accept the recommendation of the General Counsel. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

An appeal of contribution limit violation for agenda item 4.a.3) *SBE v. Committee to Elect Patricia Joan Murphy, 4558, 17MQ-CL001* was presented and Mr. Menzel concurred with the hearing

officer recommendation to deny the appeal. Burt Odelson and Ross Secler were present on behalf of the committee and offered their comments. After discussion, Member McGuffage moved to grant the appeal. Member Scholz seconded the motion which failed by roll call vote of 3-5. Members Carruthers, Linnabary, O'Brien, Vice Chairman Keith and Chairman Cadigan voted in the negative. Member Linnabary moved to grant the recommendation of the General Counsel and deny the appeal. Member O'Brien seconded the motion which passed by roll call vote of 8-0.

The following appeals of campaign disclosure fines for agenda items 4.a.4, 6-8 were presented: 4) *SBE v. Krishna Bansal*, 25498, 17JQ089; 6) *SBE v. Friends of Trish Glee*s, 32464, 17SQ130; 7) *SBE v. Elect Robinson-Parran*, 32521, 17MA062; and 8) *SBE v. Friends of Stan Bond*, 32873, 17AJ029. Mr. Menzel concurred with the hearing officer recommendation to grant the appeals. No one was present on behalf of the committees. Member Linnabary 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 4.a.5) *SBE v. Friends of Richard Boykin*, 25506, 17MA049 and concurred with the hearing officer recommendation to grant the appeal. Member Linnabary moved to grant the appeal. Member Carruthers seconded the motion which passed by roll call vote of 7-0. Member O'Brien recused herself from the matter.

Mr. Menzel presented agenda item 4.a.9) *SBE v. The Jo Daviess County Democratic Central Committee*, 172, 17AS002 and reviewed the appeal. He concurred with the hearing officer recommendation to deny the appeal. Kate Freeman was present on behalf of the committee and indicated she became chairman of the committee approximately two weeks ago by default. It was suggested she confer with Andy Nauman to discuss settlement offer possibilities. After discussion with staff, Ms. Freeman offered a settlement of \$625. Vice Chairman Keith moved to deny the appeal and accept the \$625 settlement offer to be paid within thirty days. Member Linnabary seconded the motion by roll call vote of 8-0.

Mr. Menzel presented agenda item 4.a.10) *SBE v. Warren County Republican Central Committee*, 324, 17SQ005 and concurred with the hearing officer recommendation to deny the appeal. Vice Chairman Keith moved to deny the appeal. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

Mr. Menzel presented agenda item 4.a.11) *SBE v. Niles Township Regular Republican Organization*, 572, 17AJ007 and concurred with the hearing officer recommendation to deny the appeal. Mr. Menzel also recommended the committee be ordered to amend the reports within thirty days and failure to do so would result in a fine of \$5,000. Member Carruthers moved to accept the recommendation of the General Counsel. Member Linnabary seconded the motion which passed by roll call vote of 8-0.'

As to agenda items 4.a.13) *SBE v. Friends of the Schaumburg Township Republican Team*, 21072, 17AS020 and 25) *SBE v. Rockford Apartment Association*, 32164, 17SQ118, Vice Chairman Keith moved, at the request of the respondents, to place the matters on the March board meeting agenda. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

Mr. Menzel presented agenda item 4.a.12) *SBE v. Northwest Suburban Republican Lincoln Day Dinner*, 20955, 17AJ032 and reviewed the matter. He concurred with the hearing officer recommendation to deny the appeal. Joseph Folisi was present on behalf of the committee and

explained he has returned as the Chairman of the committee and ensured that there would not be any future violations. It was suggested he confer with Tom Newman to discuss settlement offer possibilities. After discussion with staff, Mr. Folisi offered a settlement of \$875. Member Carruthers moved to deny the appeal and accept the \$875 settlement offer to be paid within thirty days. Vice Chairman Keith seconded the motion which passed by roll call vote of 8-0.

As to agenda item 4.a.16) *SBE v. Citizens for One Wauconda*, 24810, 17JQ080, Mr. Menzel informed that board that the committee paid its fines and removed the item from the agenda.

Mr. Menzel presented agenda item 4.a.17) *SBE v. Citizens for Debbie Meyers-Martin*, 24887, 17AM064 and concurred with the hearing officer recommendation to deny the appeal. Ms. Meyers-Martin was present and indicated it was an out of pocket payment rather than a contribution. Member Linnabary moved to deny the appeal. Member O'Brien seconded the motion which passed by roll call vote of 8-0.

Mr. Menzel presented agenda items 4.a.30) *SBE v. Friends of Tom Phelan*, 32626, 17JQ145 and 36) *SBE v. Keeping Oak Lawn First*, 32625, 17JQ144 concurred with the hearing officer recommendation to deny the appeal in item 30 and grant in part and deny in part the appeal for item 36. Ross Seclar was present on behalf of both committees and indicated the treasurer was out of town and did not have access to the records. Vice Chairman Keith moved to adopt the recommendation of the hearing officer and General Counsel in both matters. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

As to agenda items 4.a.14, 15, 19-24, 26-29 & 31-35, Mr. Menzel concurred with the hearing officer recommendation to deny the following appeals:

- 14) *SBE v. Friends of Derrick Smith*, 22275, 17JQ056;
- 15) *SBE v. Friends of Jay Farquhar*, 23421, 17MA047;
- 19) *SBE v. Illinois Concrete PAC (IC-PAC)*, 25966, 17JQ096;
- 20) *SBE v. Citizens for Ford*, 27248, 17JQ105;
- 21) *SBE v. Committee to Elect Chasity L. Wells Armstrong*, 27373, 17MA052;
- 22) *SBE v. Committee to Elect Jesse Outlaw Judge*, 31686, 17SQ102;
- 23) *SBE v. Friends of Eddie Johnson*, 31950, 17SQ110;
- 24) *SBE v. Vote Yes for Freeport*, 32140, 17SQ117;
- 26) *SBE v. Friends of Marcellus H. Moore, Jr.*, 32182, 17MA057; (pgs.158-161)
- 27) *SBE v. Citizens for Africano*, 32251, 17JQ128; (pgs.162-165)
- 28) *SBE v. Friends of Cicely L. Fleming*, 32254, 17AM071
- 29) *SBE v. Independent Candidates for Morton Grove*, 32503, 17SQ132;
- 31) *SBE v. Pickerill for President*, 32717, 17MA069;
- 32) *SBE v. Citizens to Elect Ryan Mains*, 32734, 17MA072;
- 33) *SBE v. Embrey for Mayor*, 32822, 17MA071;
- 34) *SBE v. Citizens to Elect Judge Debra A. Seaton*, 33950, 17D1033;
- 35) *SBE v. Friends of Kevin for DuPage County Board*, 33963, 17MA076;

Member Carruthers moved to adopt the recommendation of the General Counsel and hearing officer to deny the appeals. Member O'Brien seconded the motion which passed by roll call vote of 8-0.

Chairman Cadigan noted that agenda item 4.a.18) *SBE v. Citizens for Rauner, Inc.*, 25185, 17AJ018 would be carried over to the March board meeting.

Mr. Menzel presented agenda items 4.a.37) *SBE v. Candidate for Lincoln-Way Excellence*, 32622, 17MA082 and 38) *SBE v. Friends of Alan Bennett*, 32721, 17MA070 and concurred with the hearing officer recommendation to grant the appeals in part and deny the appeals in part. Member Linnabary moved to adopt the recommendation of the General Counsel and hearing officer. Member O'Brien seconded the motion which passed by roll call vote of 8-0.

Mr. Menzel presented agenda item 4.a.39) *SBE v. Centreville Township Citizens for Better Government*, 31934, 17AJ022 and concurred with the hearing officer recommendation to grant in part, deny in part and file the amended reports. Member McGuffage moved to adopt the recommendation of the General Counsel and hearing officer. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

Complaints following public hearing for agenda items 4.a.40-43 were presented:

- 40) *SBE v. Jorge Mujica for Alderman*, 25977, 17CD083;
- 41) *SBE v. Friends of Jeanne Oddo for Alderman*, 32189, 17CD100;
- 42) *SBE v. Martin Luther King Republicans*, 32525, 17CD113
- 43) *SBE v. Fix McHenry Schools*, 32753, 17CD120.

Mr. Menzel concurred with the hearing officer recommendation that no further action ordered beyond referral to staff for imposition of civil penalties. Member O'Brien moved to adopt the recommendation of the General Counsel and hearing officer. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

Complaints following public hearing for agenda items 4.a.44, 45 & 47-52 were presented:

- 44) *SBE v. Illinois Interior Design Coalition*, 4250, 17CD066;
- 45) *SBE v. Eagle Forum State PAC*, 5490, 17CD067;
- 47) *SBE v. Citizens for Jim Fuchs*, 27357, 17CD088;
- 48) *SBE v. Citizens to Elect Terry Morris*, 30614, 17CD090;
- 49) *SBE v. Committee to Elect Elisabeth Dunbar*, 32153, 17CD099;
- 50) *SBE v. Dev4Ev*, 32460, 17CD112;
- 51) *SBE v. Citizens for Delean Fuller*, 32783, 17CD122;
- 52) *SBE v. Local Governments United PAC*, 33935, 17CD127.

Mr. Menzel concurred with the hearing officer recommendation that the complaints be upheld and issue a Board order requiring the delinquent report(s) be filed within 30 days of the order or face a fine up to \$5,000. Vice Chairman Keith moved to adopt the recommendation of the General Counsel and hearing officer. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

Mr. Menzel presented a complaint following public hearing for agenda 4.a.46) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 27357, 17CD088 and concurred with the hearing officer recommendation that the complaints be upheld and issue a Board order requiring the delinquent report(s) be filed within 30 days of the order or face a fine up to \$5,000. Mr. Parks was present and stated that the amendments would be filed within a week. Member Linnabary moved to adopt the recommendation of the General Counsel and hearing officer. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

A listing of civil penalty assessments necessitating a final board order was presented. Mr. Newman added that the Illinois Fourth District Republican Organization listed on page 265 should be removed from the list. On page 268, under the multi-assessments, the same committee listed should have a total fine of \$4,875 rather than \$75. Member McGuffage moved to assess the civil

penalties against the committees listed on pages 264-268 of the board packet with revisions as noted. Member O'Brien seconded the motion which passed by roll call vote of 8-0.

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

It was agreed by all to take a short break and then recess to executive session to consider complaints following closed preliminary hearing. The meeting recessed at 11:40 a.m. and reconvened at 11:50 a.m. with the same attendance as noted in the initial roll call.

As to agenda item 4.a.55) *Shestokas v. Citizens for Grasso*, 17CD130, Member Carruthers moved to adopt the recommendation of the hearing officer as modified by the General Counsel. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

As to agenda item 4.a. 56) *Eberhardt v. Citizens of Tinley Park PAC*, 17CD131 and 57) *Field v. Field*, 18CD001, Member Carruthers moved to adopt the recommendation of the General Counsel and hearing officer. Member O'Brien 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 began with staff preparations for the March 20, 2018 General Primary Elections. He said that a listing of objection and candidate withdrawals was distributed to the board under separate cover. Mr. Sandvoss also informed the board that the Division of Voting & Registration Systems would be conducting tabulation system pre-testing in Pulaski, Hardin, Massac and Menard Counties. An update on delayed early voting was presented and Mr. Sandvoss indicated this was also distributed to the board under separate cover. Due to pending litigation involving a statewide candidate as well as some local races, several election authorities decided to delay the start of early voting. Mr. Sandvoss explained that as of today's date, all jurisdictions have begun early voting. A listing of election judge training schools was presented for informational purposes.

Cris Cray reported on legislation and said an updated listing of 2018 elections related legislation was distributed to the board prior to the meeting. Member Carruthers reported that two of the bills listed were scheduled for discussion today in committee. He also expressed his appreciation for the legislative sub-committee and its involvement with staff in preparation of the legislative program.

Mr. Sandvoss presented the Automatic Voter Registration (AVR) report and introduced Dustin Schultz, who was appointed AVR Coordinator for the agency. Mr. Schultz reviewed his report, which was included on pages 281-90 of the board packet. He explained that after the public hearing was conducted in November 2017, the oral and written comments that had been received were analyzed and it was then determined which ones could be incorporated into the report. Requests for feedback were sent to the other AVR agencies for items applicable to them and those responses will be included in the report prior to the next public hearing. On December 28th, the election authorities were provided the ERIC data required by Section 16.8 of the AVR bill through an electronic automatic updates bucket in IVRS. Mr. Shultz noted that the Opt-In voter registration applications are scheduled to be implemented by July and then the voter file will be submitted to the Secretary of State's Office on a weekly basis. The Opt-Out registrations, where the applicant must specifically opt out to avoid voter registration, is required to be implemented alongside the SOS's new ID for citizenship verification (REAL ID). Implementation of Opt-Out registration will not occur until REAL ID is deployed, which is projected to be early 2019. Mr. Shultz also discussed the Enterprise application, which could provide an opportunity to expand AVR to other state agencies and provide different avenues of voter registration.

Next on the agenda was the IVRS/IT update and Kyle Thomas began by noting he attended the NASED Winter Conference in Washington, DC. He said the three-day agenda was full and focused mainly on cybersecurity topics. Mr. Thomas stated that TurboVote posted a Facebook notice encouraging voter registration in Illinois and it is planned to post prior to every election. Online voter registrations almost doubled from the previous week prior to the Facebook posting. **Kevin Turner reported that a meeting was scheduled for tomorrow with the Department of Homeland Security to discuss the on-site vulnerability of the agency systems.** He also gave an update on equipment upgrades/installation and said staff was working with DoIT to increase the bandwidth between the offices and the DoIT downtown location. Work continues for preparations of the upcoming E-Canvass and also enhancements to the CPREX system.

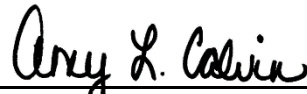
Discussion ensued regarding addressing the public about cybersecurity and Chairman Cadigan indicated that Matt Dietrich would be distributing press releases soon. Mr. Sandvoss and other senior staff members were also scheduled to hold a Press Conference later in the month.

The fiscal report and two year plan of staff activity for the months of February and March were presented for informational purposes.

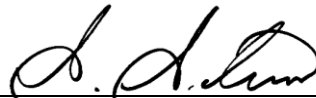
Chairman Cadigan indicated that Jon Spaw requested to speak during the public comments section of the meeting. Mr. Spaw, who is a naval veteran, election judge and precinct committeeman, offered his comments and thoughts regarding vote by mail and ways to increase voter participation. At the conclusion of his comments, Chairman Cadigan instructed Mr. Spaw to e-mail the written comments to staff for further discussion.

With there being no further business before the Board, Member Carruthers moved to adjourn until March 19, 2018 in Springfield. Member Linnabary seconded the motion which passed unanimously. The meeting adjourned at 12:50 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant III



Steven S. Sandvoss, Executive Director