

STATE BOARD OF ELECTIONS
Regular Meeting
Wednesday, February 17, 2016

MINUTES

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

ABSENT: Ernest L. Gowen, Vice Chairman

ALSO PRESENT: Steven S. Sandvoss, Executive Director
James Tenuto, Assistant Executive Director
Kenneth R. Menzel, General Counsel
Rebecca Glazier, Asst. to Executive Director

The meeting convened at 10:30 a.m. via videoconference with seven Members present. in Chicago. Vice Chairman Gowen was absent and Member Coffrin held his proxy.

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

Member Coffrin moved to recess as the State Board of Elections and reconvene as the State Officer's Electoral Board for the purposes of approving minutes from the January 20 and February 1, 2016 State Officers Electoral Board meetings. Member Carruthers seconded the motion which passed by roll call vote of 8-0. Meeting recessed at 10:32 a.m. and reconvened at 10:34 a.m.

The Executive Director presented the minutes from the January 20 and February 1, 2016 regular monthly meetings. Member Coffrin moved to approve the minutes as presented. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a settlement offer in the matter of *SBE v. Citizens for David James Howard*, 15MA095 and recommended the offer be accepted. No one was present on behalf of the committee. Member McGuffage moved to accept the settlement offer. Member Watson seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented appeals of campaign disclosure fines where he concurred with the hearing officer recommendation the appeals be granted. Member Cadigan moved to grant the appeals of campaign disclosure fines in the following matters: *SBE v. Sally Litterly for County Clerk*, 15SQ030; *SBE v. Citizens for Maggie Crotty*, 15SQ055; and *SBE v. Cook County Coalition of Tradesmen*, 15AM078. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. Grundy County Democratic Central Committee*, 15MA105, in which the hearing officer recommended the appeal be denied. Mr. Menzel reviewed the matter of the delinquent filings and fines and concurred with the recommendation of the hearing officer. Warren Kronberger, treasurer of the committee, was present and discussed the unintentional delinquent filings indicating that his is a volunteer position. After further discussion

Mr. Kronberger requested a reduction in the fine for a total fine to be paid of \$525. Member McGuffage moved to deny the appeal but accept the offer of \$525 in settlement based on the calculated figures. Member Watson seconded the motion which passed by roll call vote of 7-1 with Member Keith voting in the negative.

The General Counsel presented *SBE v. DGEA Coalition 99*, 15MA122, an appeal of a campaign disclosure fine. He indicated the hearing officer indicated no recognizable defense was provided and recommended the appeal be denied and concurred with the recommendation. Jacob Giblin was present and indicated he was not an officer of the committee but a teacher and a member of the Coalition which is all teachers. Discussion ensued on the matter and an offer being made with it being noted that only a treasurer, chairman or counsel of the committee can represent the committee. Member Keith moved to continue this matter to the March meeting and in the event the Board receives a settlement offer and acts upon it and if the offer is not accepted then the appeal will be heard in April and committee will be notified if they wish to attend for further discussion. Member Watson seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. Friends of Joe Vosicky*, 14SQ150, an appeal of a campaign disclosure fine that the hearing officer recommended be denied and in which he concurred. James Nally was present on behalf of the committee and indicated a good faith effort was made. No money was raised or spent and there has been no activity. He indicated it was an unintentional mistake and asked that the fines be abated and that the November 7, 2014 closure date be recognized by the Board. Following discussion, Member McGuffage moved to concur with the hearing officer and General Counsel in denying the appeal and allow the fine abatement period that the committee needs to remain dissolved run for two years from the date on which the committee filed its final report (i.e. November 7, 2014). Member Watson seconded the motion which passed by roll call vote of 8-0.

The appeal in *SBE v. Friends of Mary E. Flowers*, 15MQ016 was delayed until the arrival of respondent's counsel Michael Kasper. The matter of *SBE v. Riverside Community Caucus*, 15MA108 will be continued to the March meeting.

The General Counsel presented the remaining appeals of campaign disclosure fines and concurred with the hearing officer recommendation the appeals be denied. No one was present on behalf of any committee in these matters. Member Coffrin moved to concur with the hearing officer recommendations and General Counsel and deny the appeals in the matters of: *SBE v. Local 392 PAC Fund*, 15JQ016; *SBE v. Citizens to Re-Elect John Pope for Committeeman*, 15AD079; *SBE v. Committee to Elect Jesse G. Reyes*, 15SQ071; *SBE v. The Committee to Elect Thomas Mahoney*, 15MQ063; *SBE v. Friends of Miriam Shabo*, 15SQ072; *SBE v. Friends of Jimmie Watson*, 15SQ076; *SBE v. Southland Success PAC*, 15SQ082; *SBE v. Citizens to Elect David Moore*, 15MA060; *SBE v. Citizens for a Better Steger*, 15MA109; *SBE v. Illinois Federation of Public Employees PAC*, 15JQ164; *SBE v. Local Option 2012 Committee*, 15MA063; *SBE v. Progressive Citizens Party*, 15JQ166; *SBE v. Friends of David Staley*, 15SQ115; *SBE v. Friends to Elect Tiffany Brooks*, 15SQ129; *SBE v. Citizens to Elect Tara Stamps*, 15MA099; *SBE v. Neighbors for Robert Murphy*, 15JQ128; *SBE v. Illinois Coalition for New Leadership PAC*, 15SQ141; and *SBE v. Citizens 4 T Haley*, 15SQ149. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. Committee to Elect Jeffrey Baker*, 15MA118, an appeal of a campaign disclosure fine where the General Counsel concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in part. No one was present on behalf of the committee. Member McGuffage moved to accept the recommendation of the hearing officer and General Counsel. Member Coffrin seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. Republican Women of St. Clair County*, 15MA124, an appeal of a campaign disclosure fine where the General Counsel concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in part. No one was present on behalf of the committee. Member Cadigan moved to accept the recommendation of the hearing officer and General Counsel. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

The General Counsel noted in the matters of *SBE v. Friends to Elect Toni L. Foulkes*, 15AJ024 and *SBE v. Team D230*, 15AM093 that each committee has filed reports and no further action is necessary.

The General Counsel requested Board authorization to impose a fine for failure to comply with Board order in the matter of *SBE v. Citizens for Matt Bogusz*, 15AJ026. Member Keith moved to adopt the recommendation of the General Counsel and impose a fine for failure to comply with a Board order to amend its reports. Member Cadigan seconded the motion which passed by roll call vote of 8-0 with Member Cadigan voting Member Carruthers's proxy as he had stepped out of the room.

The General Counsel requested approval to assess civil penalties and issue Board orders for committees listed on pages 138-142 in the Board packet. Member Keith moved to accept the recommendation of the General Counsel and impose Board orders with the amendment that the percentage reduction on those committees with 100 percent listed is in fact zero percent. Member Watson seconded the motion which passed by roll call vote of 8-0.

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

Member Keith moved to recess to executive session to consider complaints following closed preliminary hearing and pending litigation. Member Watson seconded the motion which passed by roll call vote of 8-0. The meeting recessed at 11:28 a.m. and reconvened at 1:15 p.m. with the roll call showing all members present and Vice Chairman Gowen absent.

Upon reconvening, Member Keith moved in the matter of *Mandrik v. Citizens for Mazzochi*, 15CD103, to find that the complaint was filed on justifiable grounds but the delayed reporting was not due to the fault of the committee, but rather the reporting by the grantor committee and that all contributions have been reported on amended filings and no further action is necessary. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

Member Keith moved to set the matter of *Rita v. Oak Brook for Natalie Cappetta*, 15CD107, to the March Board meeting by agreement of counsel and parties. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

Member Keith moved in the matter of *Feeney v. Friends for Foxx*, 15CD108, that the complaint was filed on justifiable grounds. An in-kind contribution occurred as of February 3, 2015 and the committee be ordered to file all necessary amended reports by 5 p.m. on February 29, 2016 and staff will review the filings to determine further action necessary. Member Cadigan seconded the motion which passed by roll call vote of 8-0.

Member McGuffage moved to move the matter of *SBE v. Friends of Mary E. Flowers*, 15MQ016, an appeal of a campaign disclosure fine, over to the March meeting. Member Watson seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented the staff assignments, voting system pretesting

schedule and election judge training school schedule for the March 15, 2016 General Primary Election.

Cris Cray presented a legislative update and discussed the handout which contained all the election bills filed to date. This is not a complete list as the deadline to file bills is Friday, February 19. She indicated she would email the complete listing to the Board when it is available. The Governor's budget address was today but we haven't seen any figures yet. The House and Senate come back the first week of March but the House then recesses for five weeks.

Kyle Thomas and Kevin Turner presented an update on Senate Bill 172 and discussed progress being made with regard to this bill. Mr. Thomas discussed the Secretary of State's draft of a data sharing agreement indicating the Election Registration Information Center's (ERIC) Executive Director will not sign this agreement as they do not feel it is necessary per statute. We have modified and returned the agreement to the Secretary of State. Mr. Turner noted that a lack of a state budget is impacting the three contractual employees working on the project who have been working without pay since July 1. One of these contractual employees will be leaving for at least one month to work for another client who will be paying him. Discussion ensued on our notice to the legislature leaders that spending authority for the HAVA funding is a necessity or our compliance with ERIC could be in jeopardy.

The Executive Director reported that the Governor's office issued an executive order which would consolidate Information Technology divisions in state agencies under the Governor's purview into one central agency. Director Sandvoss indicated that the State Board of Elections is an independent State agency and that the Board's functions and operations are heavily dependent on its in-house Information Technology department. He went on to say that he would like to see us cooperate with the Governor's office, provided the independence of the SBE is maintained. The Board agreed we need to remain independent as we are very IT dependent and data driven but be a key partner in attaining efficiencies in our IT functions and that we would be willing to have discussions with them.

The Executive Director presented the FY14/15 compliance audit report indicating there were three "significant" findings, however they are easily correctable which satisfied the auditors. There were a few immaterial findings which were easily corrected as well. Chairman Scholz commended current and past staff for a very good audit.

Member Carruthers discussed the likelihood of a statewide petition for independent maps being filed and thought perhaps discussions should be started about the process. The Executive Director indicated that he will be addressing this at the March meeting and would provide important dates and rules of procedure, and that he would inform the Board members on how staff plans to proceed with the review process, including providing a tour of the set up area in the Springfield office at some point in April.

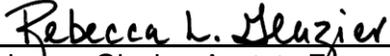
Kyle Thomas reported that there was a major increase in activity with the paperless on-line voter registration site. Since the system was turned on in 2014 we have had 194,804 applications received; 72,556 of them since February 1, and 28,736 of those were received just yesterday.

The two year plan of staff activity was presented for informational purposes.

The Executive Director suggested moving the March Board meeting to March 14 so that the Board could address any complaints that are filed from today up until the 7th day prior to the election which need to be disposed of before then. With there being no further business before the Board, Member Coffrin moved to adjourn until 10:30 a.m. on Monday, March 14, 2016.

Member Watson seconded the motion which passed unanimously. The meeting adjourned at 2:00 p.m.

Respectfully submitted,



Rebecca Glazier, Asst. to Executive Director



Steven S. Sandvoss, Executive Director