

STATE BOARD OF ELECTIONS  
Regular Meeting  
Wednesday, February 22, 2017

MINUTES

PRESENT:

Charles W. Scholz, Chairman  
Ernest L. Gowen, Vice 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

ALSO PRESENT:

Steven S. Sandvoss, Executive Director  
James Tenuto, Assistant Executive Director  
Kenneth R. Menzel, General Counsel  
Darlene Gervase, Admin. Assistant III

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The Chairman called the meeting to order at 10:31 a.m. and led everyone in the pledge of allegiance.

Member Carruthers was delayed; Member Cadigan held his proxy until his arrival at 11:11 a.m. All Board Members were present in Chicago.

Vice Chairman Gowen moved and Member Cadigan seconded a motion to adopt the minutes from the January 17, 2017 meeting. The Motion passed unanimously.

General Counsel Menzel began his report with two requests for settlement offers. As to, 2.a.1) *SBE v. Friends for Frank Bucaro*, 25196, 16MA044, the Respondent was present in Chicago and offered \$250 to settle a \$15,500 assessed fine. Member Keith moved to adopt the recommendation of the General Counsel and reject the \$250 settlement offer and Member Watson seconded the Motion, which passed unanimously. Mr. Bucaro offered a \$500 settlement and stated that his committee has finaled out. Member Keith moved to accept the \$500 offer. Member Cadigan seconded the motion which passed 6-2 with Members McGuffage and Watson voting No.

As to 2.a.2) *SBE v. IL Coalition for New Leadership PAC*, 27376, 16MA046, Member Coffrin moved to adopt the General Counsel's recommendation and accept the \$475 settlement offer as this is a small dollar amount committee and the amount offered is a substantial percentage of the committee's average balances and receipts. Vice Chairman Gowen seconded the motion which passed unanimously by roll call vote.

General Counsel indicated that the Respondent requested a continuance to the March 20<sup>th</sup> meeting regarding 2.a.14) *SBE v. Friends of Moon Khan*, 32030, 16AS042. Mr. Menzel recommended appeals be granted to the following committees: 3) *SBE v. McLean County Republican Central Committee*, 276, 16SQ002; 4) *SBE v. Citizens for Lou Lang*, 1330, 16AJ034; 5) *SBE v. Friends of John C. D'Amico*, 17634, 16AJ018; 6) *SBE v. Naperville Area Republican Women's Organization*; 7) *SBE v. The Friends of Jim Schwantz*, 21285, 16SQ036; 8) *SBE v. Citizens for Lofchie*, 21503, 16JQ160; 9) *SBE v. Friends of Tom Handyside*, 25490, 16MQ152; 10) *SBE v. Friends of Omar Aquino*, 25909, 16AM053; 11) *SBE v. Illinois Concrete PAC (IC-PAC)*, 25966, 16AS030; 12) *SBE v. Friends to Elect Tiffany Brooks*, 26094, 16JQ106; 13) *SBE v. William R. Stalker Campaign Fund*, 26208, 16SQ086; 15) *SBE v. Friends of Bryant Hitchings*, 32083,

16AS044; and 16) *SBE v. Residents for a Mundelein United*, 32198, 16AS046. Ms. Jodie Randle, Treasurer, for Respondent in 3.a.6 was present if the Board had any questions. As to Items 3 through 16, excluding Number 14 which is set over, Member Keith moved and Vice Chairman Gowen seconded a Motion to adopt the Recommendation of the General Counsel as amended on Number 3 to reflect this is a first time offense and that appeals be granted and amendments required to be filed as contained in those recommendations. The Motion passed 8-0 by roll call vote.

Appeals of campaign disclosure fines where hearing officers recommended appeals be denied were considered. Chairman Scholz accepted the Appearance of J. Drew Gitchoff in Item 2.a. 23) *SBE v. Collinsville Township Democratic Precinct Committeemen*, 18091, 16AJ039 who was present in Springfield. Mr. Gitchoff asked for a 25% assessment and rejection of the Recommendation. Member McGuffage so moved and Member Watson seconded the Motion which passed unanimously. A total of \$406.50 payable today.

The Chairman accepted the appearance of Michael J. Kasper, attorney for Respondent in 2.a.27) *SBE v. Friends of Juliana Stratton*, 25466, 16AM050. Vice Chairman Gowen moved to accept the findings of the Hearing Officer and accept the settlement offer of \$2600, payable within 30 days. Member Keith seconded the Motion which passed unanimously.

Member Keith moved to adopt the hearing officer and General Counsel's recommendations to deny the appeals in the remaining Items 2.a.17-34, except 23, 27 and reschedule Item 2.a.29 to the April Board meeting in Chicago. Those matters are listed as follows: 17) *SBE v. Franklin County Republican Central Committee*, 346, 16AS005; 18) *SBE v. Massac County Democratic Central Committee*, 348, 16MA058; 19) *SBE v. Associated Beer Distributors of IL PAC*, 538, 16AS007; 20) *SBE v. Champaign County Republican Central Committee*, 992, 16AS008; 21) *SBE v. Friends of Andy Manar*, 16107, 16AS017; 22) *SBE v. Friends of Mark Guethle*, 17298, 16SQ026; 24) *SBE v. Chicago Police Sergeants' Association PAC*, 23385, 16AJ043; 25) *SBE v. Norwest Townships Republican Central Committee*, 24579, 16JQ078; 26) *SBE v. Friends of Paul Mandrik*, 25314, 16SQ072; 28) *SBE v. Citizens to Elect Zachary Boren*, 26004, 16AS032; 29) *SBE v. People Behind Albert Abney*, 27366, 16MA045; 30) *SBE v. Friends of Brian W. Dahl*, 31793, 16MA067; 31) *SBE v. Citizens for a 21<sup>st</sup> Century Library*, 31876, 16AM060; 32) *SBE v. Pana Education Association PAC*, 32047, 16SQ108; 33) *SBE v. Committee to Elect John Cielenski*, 32167, 16SQ111; and 34) *SBE v. Committee to Elect Melanie Pearce*, 32232, 16MA073. The motion passed by roll call vote of 8-0.

Appeals of campaign disclosure fines wherein the hearing officers' recommendations for appeals be granted and denied were considered. Chairman Scholz acknowledge the Appearance of Pericles Abbassi for the Respondent in 2.a. 35) *SBE v. Friends of Luis Arroyo*, 20188, 16AD034. Member McGuffage moved to accept the findings of the hearing officers and accept the \$1600 settlement offer, payable in 30 days. Member Watson seconded the Motion which passed unanimously.

Attorney Burton Odelson appeared for the Respondent in 2.a.36) *SBE v. Friends of Michael Murphy*, 29460, 16MA048. Member Keith moved to adopt the Hearing Officer's and General Counsel's Recommendations to accept the settlement offer of the stayed \$125 civil penalty and payment in full within 30 days to resolve the matter. Vice Chairman Gowen seconded the Motion which passed 8-0.

Committees assessed civil penalty assessments as shown on pages 168-172 of the Board packet necessitating final board orders were presented. Member Cadigan so moved and Member Coffrin seconded the matter which passed 8-0.

Payments of assessed civil penalties was presented for informational purposes.

Vice Chairman Gowen moved to recess to Executive Session to hear complaints following closed preliminary hearing, litigation and personnel matters. Member Coffrin seconded the motion which passed by roll call vote of 8-0. The Board retired to Executive Session at 11:46 a.m. and returned to open session at 1:26 p.m. with 7 members present in Chicago. Member McGuffage held Member Watson's proxy.

Member Keith summarized matters conducted in executive session. As to 2.a.39) *SBE v. Committee to Elect Jeffrey Baker*, 16CD134; Member Keith moved to find the complaint was filed on justifiable grounds and the matter proceed to public hearing. Vice Chairman Gowen seconded the motion which passed unanimously.

As to, 2.a.40) *SBE v. Friends of Darren Tillis*, 16CD136, Member Keith moved to find the complaint was filed on justifiable grounds and the matter proceed to public hearing. Vice Chairman Gowen seconded the motion which passed unanimously.

As to *Tillman & Patton v. Jones, et al*, 16CD162, Member Keith moved to find and order in full complete compliance with the recommendation of the hearing officer contained on Pages 20 and 21 of the complaint following closed preliminary hearing in the packet today and that orders be issued accordingly against all four of the respondent/defendants as specifically set forth to each today. Vice Chairman Gowen seconded the motion which passed unanimously.

As to 2.a.42) *Hemphill v. Polashek, Hernandez & Paul, et al*, 16CD163, Member Keith moved as to the first count on page 79 be found filed on justifiable grounds as to Berwyn United and no public hearing required. On the second count, not filed on justifiable grounds and no public hearing. Vice Chairman Gowen seconded the Motion which passed 8-0.

As to *Didech versus Township Citizens Party*, 17 CD 002, Member Keith moved to find the matter was filed upon justifiable grounds; the items be referred to the staff for review and an amendment be ordered and no further hearing be required in accordance with the recommendations of the hearing officer and the General Counsel. Vice Chairman Gowen seconded the Motion which passed unanimously by roll call vote.

As to 2.a. 44) *Didech v. Township Citizens Party*, 17CD003; Member Keith moved to find the complaint was not filed on justifiable grounds and no further action is required. Vice Chairman Gowen seconded the Motion which passed 8-0.

As to *Robertson v. Citizens for Chris Slusser*, 17CD004, Member Keith moved to note Member Carruthers' recusal; that based upon items submitted by the respondent, the matter be referred back to the hearing officer for additional hearing; both parties being granted the right to present additional evidence; and with the Respondent being given the right to appear by telephone. Vice Chairman Gowen seconded the Motion which passed 7-0.

Executive Director, Steve Sandvoss, began his report with a request for final approval of the Hart Voting System 6.2.1. Jurisdictions in Illinois utilizing that system have no issues and the 2-year interim approval ends March 30, 2017. Member Coffrin moved to give final approval to the Hart Voting System 6.2.1. Vice Chairman Gowen seconded the motion which passed 8-0.

Voting system pre-testing and election judges' training schools for the 2017 Consolidated Election were presented for informational purposes.

Oral legislative report indicated 133 Election Bills sent to the General Assembly covering polling place accessibility, voter registration, budget bills, an omnibus election bill, automatic voter registration, and the bill (Rep. Wheeler's bill) regarding prepared petition forms by the State Board of Elections. The Board is concerned about liability and wants more information regarding Rep. Wheeler's bill.

Senate Bill 172 update consisted of ERIC sharing information; Secretary of State and Election Authorities updating their files; voter history match; identifying people who are registered in more than one state; evidence of duplicate registrations; a file to provide to the Election Authorities for duplicate voter histories; and illegal voting. ERIC covers 20 states and Washington D.C. Kevin Turner, IT Director spoke to the difficulty of running IT without money, the inability to replace old equipment, and without updated equipment the IT Division will be in trouble. He indicated that he has been unable to pay the yearly licenses which is now in the tens of thousands dollars.

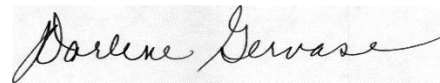
Staff compensation update was tabled until the March meeting.

Member Carruthers moved to approve the FY18 Board Meeting Schedule. Member McGuffage seconded the motion which passed unanimously.

The following were presented for informational purposes: FY16/17 – month ending January 31; FY17– Help Illinois Vote Fund; and the two year plan of staff activity for the months of February and March.

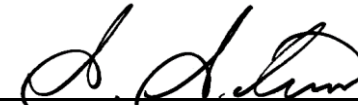
There being nothing further before the Board, Member Carruthers moved to recess until Monday, March 20, 2017 at 10:30 a.m. in Springfield or the call of the Chairman. Member Coffrin seconded the motion which passed unanimously. The Board adjourned at 2:07 p.m.

Respectfully submitted,



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Darlene Gervase, Admin. Asst. III



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Steven S. Sandvoss, Executive Director