

STATE BOARD OF ELECTIONS
Regular Meeting
Tuesday, April 18, 2017

MINUTES

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

ABSENT: Betty J. Coffrin, Member

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

The Chairman called the meeting to order at 10:30 a.m. via videoconference and led everyone in the pledge of allegiance. Seven Members were present in Chicago. Member Coffrin was absent and Vice Chairman Gowen held her proxy.

Member Cadigan made a motion to adopt the minutes from the special Board meeting and the March 20, 2017 meeting with a clarification to the March 20 meeting, page 4, and second full paragraph as follows: "Kyle Thomas discussed Senate Bill 172 and indicated that they received counts of 505,000 potential in-state updates from ERIC." Vice Chairman Gowen seconded the motion which passed unanimously.

General Counsel Menzel began his report with a request for a settlement offer from the Respondent in *SBE v. Citizens for Judge Joanne Rosado*, 25478, 15DQ106. The amount offered is the entire balance that the committee has reported for the last four quarters and he recommended acceptance. Vice Chairman Gowen moved to accept the \$216.95 offer. Member Cadigan seconded the motion which passed 8-0.

The Hearing Officer recommended and the General Counsel concurred to Grant the Appeal in 2.a.2 *SBE v. Citizens for Lisa Madigan*, 13471, 16AS014. Michael J. Kasper was present for the Respondent. Member Watson so moved and Vice Chairman Gowen seconded the motion which passed unanimously.

Discussion was had among the Board in the matter of 2.a.3) *SBE v. People Behind Albert Abney*, 27366, 16MA045, and they granted Mr. Abney time to consider an amount to offer for a settlement.

In the matters of 2.a.4) *SBE v. Committee to Elect Jeffrey Baker*, 16CD134, and 2.a.5) *SBE v. Friends of Darren Tillis*, 16CD136 the Hearing Officer recommended and the General Counsel concurred to uphold the complaints and recommends the Board issue Orders requiring Respondent to file the delinquent reports within 30 days of issuance of the Order. Failure to file the delinquent reports may result in the issuance of a fine up to \$5,000. Member Cadigan moved

to adopt the recommendations of the hearing officers and general counsel. Vice Chairman Cowen seconded the motion which passed 8-0.

The Board returned to 2.a.3 and Mr. Abney proposed a settlement of \$27 for all the outstanding civil penalties. Member Keith moved to assess the penalties on both items on our agenda in accordance with the recommendation of the General Counsel and the hearing officer and subsequently accept the settlement offer of Mr. Abney of \$27 payable by April 30th at the latest. Member McGuffage seconded the motion which passed unanimously.

Tom Newman, Director of Campaign Disclosure spoke to the proposed changes to the two-year calculations for stayed penalties. He recommended using the dates of the offense when calculating the two-year stay period for the first violation for single, stayed penalties when committees commit a subsequent violation. For committees with multiple penalties, the two-year period would not begin until all outstanding fines have been paid. For closed committees, the two year period would begin with the date the committee filed a Final Report, or date of the Final Board Order for the last penalty, whichever is later. These changes require approval from JCAR. A proposal will be presented for Board review at the May Board meeting.

Payment of civil penalty assessments was submitted for informational purpose.

Complaints following closed preliminary hearing, where the hearing officer found the complaints filed on justifiable grounds and recommended proceeding to public hearing were considered. In each case the committee failed to file one or more quarterly report and they did not appear at the closed hearing. General Counsel Menzel concurred. Member Keith moved to adopt the recommendation of the hearing officer and General Counsel and proceed to public hearing. Member Carruthers seconded the motion which passed unanimously. Those matters are as follows: 14) *SBE v. Marshall County Democratic Central Committee*, 17CD008; 15) *SBE v. Neighbors for Rey Colon*, 17CD010; 16) *SBE v. Rey Colon 35th Ward Committeeman*, 17CD011; 17) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 17CD013; 18) *SBE v. Committee to Elect Jennifer Pritchett*, 17CD016; 19) *SBE v. Millennial Action Committee*, 17CD021; 20) *SBE v. Committee to Elect Jeffrey Baker*, 17CD022; 21) *SBE v. Friends of Elizabeth Johnson*, 17CD028; 22) *SBE v. Lyon for Judge*, 17CD036.

Item 2.b. Proposed changes to Administrative Rule – Section 207.50 Deputy Registrars; Bona Fide State Civic Organization was deferred to the May meeting.

Executive Director Sandvoss began his report with a recap of the April 4, 2017 Consolidated Election. The election was uneventful for our staff, less than one hundred calls were received. The calls were the usual; violations of campaign free zones, voters coded in the wrong district or given the wrong ballot and complaints about poll watchers, etc. No county reported beyond 2 a.m. and the process of counting provisional ballots and absentee ballots were completed timely. The election ran smoothly.

The last day for the Board to certify the results of the Fox Waterway Management Agency offices is May 5th. To avoid the necessity of a special Board meeting, the Board has, in the past, authorized staff to issue the final proclamation of the results of that election. Mr. Sandvoss again requested the same from the Board. Member Keith clarified for the record that staff would do that based upon tabulation of the results certified by the appropriate election authorities and so moved. Chairman Scholz seconded the motion which passed unanimously by roll call vote.

Voting system pre-testing as described on page 32 was presented for informational purposes as well as Election judge training schools on pages 34 through 37.

A proposal was submitted to make policy changes for the acceptance of declarations of intent to be a write-in candidate. Instead of such candidates filing with each election authority that contains a portion of the district in which they are running, the new policy would require them to file with the SBE. Brent Davis, Director of Election Information, confirmed that making the State Board of Elections the recipient filing office for such declarations would solve problems associated with mistakes in candidate's names, the office for which they are running, etc. However, write-in candidates for local units of government would still file with multiple election authorities. Discussion was had among the Board. Member Carruthers moved to adopt the recommended legislative changes for write-in candidates as outlined on pages 38 through 50 of the board's packet; direct staff to review and develop other write-in procedures; and modify the procedures regarding candidates filing for offices that are located in more than one county. Member Watson seconded the motion which passed unanimously.

Mr. Sandvoss presented procedures to implement the policy of enforcement of the apparent conformity provisions. In order to pass the apparent conformity threshold, candidate petitions would have to include the statement of candidacy, signed and notarized by the candidate; receipt for the statement of economic interest and must contain on its face the minimum number of signatures. Discussion ensued and the Board referred the matter back to the staff and to work with Members Carruthers and Keith for a solution to the questions raised.

Cris Cray presented the Legislative update. She reported that the automatic voter registration legislation was amended, there is no date yet for the executive appointment hearing for the new Board members, or the Senate Appropriations Committee hearing. Kevin Turner and Kyle Thomas will be meeting with a Cyber Security Committee on April 27. The appropriations bill has been assigned a number and is proceeding nicely.

Kyle Thomas was present to comment on an issue that was encountered with the AccuVote optical scan tabulator that was previously presented. The problem was corrected when the machines were cleaned. It is recommended the machines be cleaned after each election. A recommendation from the staff on procedures for cleaning and maintaining the equipment will be forthcoming. Member Keith asked about Cumberland County and Mr. Thomas confirmed the name of the candidate selected was properly identified to ensure the integrity of the election.

As to SB 172 and double voting, the IVRS system identifies potential duplicate matches and the jurisdictions involved decide if such duplicate matches means a voter has double voted. Those found to have double voted will be forwarded to law enforcement. Kevin Turner said progress continues with upgrading some components to the new framework which would make programming easier and faster. **Lack of a budget continues to affect the IT equipment.**

Member Keith presented an update of the proposals that are being considered by the Subcommittee that would have a beneficial impact on staff compensation and retirement benefits.

Fiscal status reports for FY16/17 month ending March 31; and FY16– Help Illinois Vote Fund; and the two year plan of staff activity for the months of April & May were presented for informational purposes.

The next Board Meeting is scheduled for Monday, May 15, 2017 in Springfield.

Member McGuffage moved to recess to Executive Session for personnel and complaints following closed preliminary hearings. Member Carruthers seconded the motion which passed unanimously.

The Board recessed into Executive Session at 12:38 p.m. and returned to Open Session at 1:14 p.m. Members Cadigan and Coffrin were absent, their respective proxies were held by Member Carruthers and Vice Chairman Gowen.

As to *Albers v. Action Party of Morton Grove*, 17CD005, Member Keith moved to find the complaint filed upon justifiable grounds and no further action is necessary. Vice Chairman Gowen seconded the motion which passed unanimously.

As to *Tiernan v. Friends of Phil Goodwin*, 17CD043, Member Keith moved to find the complaint filed upon justifiable grounds and no further action is necessary. Chairman Scholz seconded the motion which passed unanimously.

As to *SBE v. Citizens for a Better Southland*, 17CD012 Member Keith moved to find the complaint filed upon justifiable grounds and no further action is necessary except for referral to staff for assessment of any appropriate civil penalties. Vice Chairman Gowen seconded the motion which passed unanimously.

As to *SBE v. The Christianaire Political Action Committee*, 17CD031, Member Keith moved and Vice Chairman Gowen seconded a motion to find the complaint was filed upon justifiable grounds and no further action is necessary except for referral to staff for assessment of any appropriate civil penalties. The motion passed unanimously.

As to *SBE v. Gasparini for Coroner*, 17CD035; Member Keith moved and Vice Chairman Gowen seconded a motion to find the complaint was filed upon justifiable grounds and no further action is necessary except for referral to staff for assessment of any appropriate civil penalties. The motion passed unanimously.

Member Cadigan left the meeting at approximately 11:50 a.m. Member Carruthers held his proxy.

Chairman Scholz brought up the matter of Assistant Executive Director. Member Keith moved to appoint Bernadette Matthews to the position of Assistant Executive Director, commencing July 1, 2017 with Director Sandvoss to work with her as to appropriate compensation. Vice Chairman Gowen seconded the motion which passed unanimously.

Chairman Scholz congratulated Bernadette Matthews and Member Keith added congratulations to Andy Nauman for being a good candidate.

Member Carruthers moved to adjourn until Monday, May 15, 2017 in Springfield. Member Watson seconded the motion which passed unanimously. The meeting adjourned at 1:19 p.m.

Respectfully submitted,



Darlene Gervase, Administrative Assistant III



Steven S. Sandvoss, Executive Director