

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, June 13, 2016

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
Casandra B. Watson, Member

ABSENT: William M. McGuffage, 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. and led everyone in the pledge of allegiance.

Seven Members were present, Member McGuffage was absent and Member Watson held his proxy.

The Chairman asked for a motion to recess to hear business before the State Officers Electoral Board. Member Cadigan so moved and Member Carruthers seconded the motion which passed unanimously by roll call vote.

The State Board of Elections recessed at 10:31 a.m. and returned at 10:38 a.m. with members present as noted above.

Chairman Scholz asked for a motion to adopt the minutes of the May 16, 2016 meeting. Member Keith so moved and Member Carruthers seconded the motion. The Motion passed unanimously by roll call vote.

Mr. Menzel began his report with 4.a.1, a Motion for Reconsideration in the matter of *SBE v. Cook County College Teachers Union Committee on Political Education*, 1087, 15MA107. He indicated that the committee filed 2 quarterly reports late – 62 and 125 days late. As the committee did not indicate it had a meritorious defense if the matter was reopened, he recommended denying the Motion. Tony Johnston, President, Sean Noonan and Rashid Carter for Respondent Committee were present. After comments from the Committee, Keith moved to adopt the General Counsel's Recommendation and deny the Motion. Member Carruthers seconded the motion which passed unanimously.

4.a.2, a Motion for Reconsideration in *SBE v. Citizens for Accountability*, 29571, 15AS038 was called. Mr. Menzel summarized the Motion and said the committee did not indicate it had a meritorious defense to present if reopened. Marissa Miller, Secretary for the Respondent was present and spoke to the Board. Member Keith moved to adopt the General Counsel's recommendation and Vice Chairman Gowen seconded the motion which passed 8-0 by roll call vote.

The Hearing Officer and General Counsel recommended the appeals be granted in 4.a.3 *SBE v. Illinois Psychiatric Society PAC*, 15354, 16DQ029. Meryl Camin Sosa appeared for the Committee. No one appeared in 4) *SBE v. Friends of Tricia Sweeney*, 31886, 16D1001. Member Keith moved to Grant the Appeals and Member Cadigan seconded the Motion. The Motion passed unanimously.

The General Counsel concurred with the recommendation to Deny the appeals in 4.a.5 *SBE v. Marshall County Republican Central Committee*, 294, 16DQ002; 4.a.6 *SBE v. Friends of Jimmie Watson*, 21738, 16DQ047; 7) *SBE v. Friends of Sue Scherer*, 23871, 16AD010; 8) *SBE v. Friends of Keith Matune*, 25724, 15SQ176; and 9) *SBE v. Friends of Martin Arteaga*, 25890, 16MA005; Member Keith moved to adopt the hearing officer and General Counsel's recommendation to deny the appeals. Member Watson seconded the motion which passed unanimously.

The Board accepted the Appearance of Matthew Welch for the Respondent in 4.a.10., *SBE v. Riverdale 2015 Village Trustees*, 27293, 15MQ207. Mr. Menzel indicated that the Committee was suitable for a settlement offer. Mr. Welch offered \$2500 and withdrawal of their Appeal. Member Keith so moved and Member Watson seconded the motion which passed 8-0 by roll call vote.

4.a.11, *SBE v. Friends for Foxx*, 31640, 16MA001 was held over to accommodate Mr. Kasper who was involved in several Electoral Board matters.

4.a.12, *Rita v. Oak Brook for Natalie Cappeta*, 15CD107 was summarized by the General Counsel. He concurred with the Hearing Officer's Recommendation for the Respondent to file a letter of explanation indicating awareness of the \$450 claimed by Complainant. However, the \$450 is not reported by the Respondent because it is viewed as a disputed claim rather than a debt. Kathryn Hayes, attorney for the Respondent, confirmed that the letter will be available by June 30th. Member Keith moved to adopt the Hearing Officer and General Counsel's recommendations. Member Watson seconded the Motion which passed unanimously.

The Respondent had filed a Motion to Stay in 4.a.13, *Cooke v. Committee for Frank J. Mautino*, 16CD093 which would protect Frank Mautino's 5th Amendment rights in a federal grand jury proceeding. Anthony Jacob was present and indicated that he represents the Committee and that his firm, Hinshaw and Culbertson, represents Mr. Mautino. Questions, including the status of the Committee, the status of its officers, the scope of the federal investigation, how it would be determined that the investigation was concluded and its Chairman's Fifth Amendment Rights, were asked of Mr. Jacob. Mr. Jacob's only response was to confirm that the Committee and Mr. Mautino were under Federal Investigation and cooperating with it. Mr. Menzel indicated that a telephone call to the U. S Attorney's office has gone unanswered to date. Mr. Menzel recommended granting the Motion to Stay and ordering records retention pending final disposition. After discussion was had among the Board to address this situation, which is a matter of first impression for the agency, Member Cadigan moved to continue action on the Motion to Stay until July 11, 2016 and extend the deadline for the Committee to file the previously ordered documents from July 1, 2016 to July 11, 2016 at the Board's regularly scheduled meeting, order retention of all records until final disposition has occurred and direct Mr. Menzel to communicate in writing to the U. S. Attorney for the Central District of Illinois requesting information about the existence and scope of any investigation affecting the Respondent, that office's position, if any, regarding the requested stay of proceedings and advising it of the Board's intention to resolve the stay issue at its meeting on July 11. Vice Chairman Gowen seconded the motion which passed unanimously by roll call vote.

A revised version of the Settlement Offer Form was presented to the Board with suggestions offered at the May Board meeting. If there are no further changes, the form will be used immediately and the online version allowing for automatic calculations in the required filed will be available shortly. Member Cadigan moved to approve the form and Member Coffrin seconded the Motion which passed 8-0 by roll call vote.

The Board returned to 4.a.11. *SBE v. Friends for Foxx*, 31640, 16MA001 and accepted the appearance of Michael J. Kasper for the Respondent. It was noted that Michael Kreloff was also present in this matter. Mr. Menzel summarized the Hearing Officer's Report and his calculations regarding the fine. Mr. Kreloff confirmed that the Respondent did not intend to run for office and the in-kind poll was conducted without her approval. Mr. Kasper compared the penalty to one transaction triggering three violations and it is unfair to be fined three times for the same transaction. He offered a settlement offer of \$6,910. Member Keith moved to accept the settlement offer and Member Watson seconded his motion. The motion passed unanimously by roll call vote.

Last month, Member Keith asked for additional discussion on complaints dismissed for lack of prosecution. Tom Newman, Director of Campaign Disclosure, suggested rewording notices for closed preliminary hearings clarifying that complainants who do not appear may result in the complaint being dismissed. Director Newman asked the Board to issue a Civil Penalty Assessment necessitating a Board Orders to Committees on pages 128 and 129 of the Board's packet. Member Coffrin so moved and Member Cadigan seconded the Motion. The Motion passed unanimously.

Payment of civil penalties was presented for informational purposes.

The Report of the Executive Director began with a Recommendation from the General Counsel to find that the Support Independent Maps petition be deemed valid based on the results of the random sample signature analysis. Chairman Scholz asked for a motion. For reasons contained in the General Counsel's report, Vice Chairman Gowen so moved. Member Carruthers seconded the motion which passed unanimously by roll call vote. The Board took no additional action to certify the petition because the statutory period to file an objection has not expired and the petition is currently the subject in *John Hooker, et al., v. ISBE, et al.* 16 CH 06539 in Cook County Circuit Court.

Resolutions to fill vacancies in nomination are contained on page 132 of the board packet.

Cristina Cray, Legislative Liaison gave a Legislative update which contained the analysis of Senate Bill 250, Automatic Voter Registration; SB 1529, Omnibus Elections Bill which was sent June 6th to the Governor and he has 60 days to decide what to do.; and Illinois General Assembly print out of Elections bills for 2015-2016.

Senate Bill 172 was updated by Kyle Thomas, Director of Voting & Registration Systems and Kevin Turner, Director of Information Technology.

Senate Bill 172 was updated by Kyle Thomas, Director of Voting & Registration Systems and Kevin Turner, Director of Information Technology. Mr. Thomas spoke to the membership with ERIC being in jeopardy because of the budget impasse, as the final date to make payment for the membership dues is June 30th. In order to comply with the required mailing to the eligible but unregistered as identified by ERIC, the reports from ERIC are needed prior to the June 30th deadline. Staff is also working to collect early voting site information through IVRS, as it is

currently collected by email. Grace Period on Election Day information will also be collected to enhance the "Am I Registered" portion of our public website.

Mr. Turner advised the Board that progress on SB172 may be impacted as we received word that the Vendor Assistance Program has been suspended. Since we have no FY16 budget, IT contractual staff had taken advantage of this program to receive partial payment for hours worked since July 1st. Additionally, we will not meet the July 1st, 2016 deadline for agency registrations given the other state agencies have been affected by the budget impasse as well. Regarding SB250, he added that a fiscal note of \$845,000 was submitted to cover estimated costs associated with that legislation.

Executive Director Sandvoss thanked Jayme Sims for her work with the 2016 State Employees' Retirement System Board of Trustees Annuitant Trustee election. The results were canvassed on June 1, 2016 resulting in John Tilden beginning a five year term July 14, 2016. The Board was concerned what the cost is to the agency to perform this task. Jeremy Kirk, Director of Administrative Services, indicated that SERS mails out the ballots and has them returned to a P.O. Box which our agency picks up daily for a few days and the canvass of the ballots. Mr. Sandvoss will provide a cost to the Board at a later date.

The two year plan of staff activity for the months of May & June were presented for informational purposes.

Member Keith asked to recess to Executive Session to discuss Personnel.

The Board recessed to Executive Session at 12:03 p.m. and returned to open session at 12:10 p.m.

As to one matter in Executive Session, Member Keith moved to consider at the July meeting, the compensation for only the Executive Director and General Counsel which were deferred in December. Vice Chairman Gowen seconded the motion which passed unanimously.

There being nothing further before the Board, Member Coffrin moved to recess until Monday, July 11, 2016 at 10:30 a.m. in Springfield or the call of the Chairman. Member Cadigan seconded the motion which passed unanimously. The Board adjourned at 12:13 p.m.

Respectfully submitted,



Darlene Gervase, Admin. Asst. III



Steven S. Sandvoss, Executive Director