

STATE BOARD OF ELECTIONS
Regular Meeting
Tuesday, June 16, 2015

MINUTES

PRESENT: Jesse R. Smart, Chairman
Charles W. Scholz, Vice Chairman
Harold D. Byers, Member
Ernest L. Gowen, Member
Betty J. Coffrin, Member
Casandra B. Watson, Member

ABSENT: William M. McGuffage, Member
(Proxy held by Member Watson)

ALSO PRESENT IN CHICAGO: Jim Tenuto, Assistant Executive Director
Ken Menzel, General Counsel
Darlene Gervase, Administrative Assistant III

Chairman Smart convened the meeting at 10:30 a.m. and led everyone in the Pledge of Allegiance.

The Chairman asked for a motion to approve the minutes of the May 18th meeting. Member Gowen so moved, with Vice Chairman Scholz' second, the motion passed unanimously.

Assistant Executive Director Tenuto recognized outgoing Chairman Smart and Member Byers. He said that Mr. Smart had been Chairman twice and Vice Chairman twice within his almost 15 years with the Board. Mr. Tenuto added that the Chairman was always available to the Board Members and staff. Mr. Tenuto recognized Member Byers' common sense approach. Further, he indicated the staff regretted that they had not been reappointed and they will be missed.

Vice Chairman Scholz said that he has not been a member of a better board - the direct result of the leadership of Jesse Smart. He presented Mr. Smart with a gavel and a plaque in thanks and recognition of his service to the agency and the people of Illinois.

The Vice Chairman addressed Member Byers and indicated that he had complete trust in him and Member Byers holds his proxy. Mr. Scholz added when he was hospitalized and unable to attend a meeting, Member Byers visited him in the hospital and they went over the board packet to ensure he knew how to vote the proxy. He then presented Member Byers with a plaque memorializing his work for the board and the people of Illinois.

General Counsel Menzel began his Campaign Disclosure report with a Motion for Reconsideration. No one appeared for the Respondent in item 4.a.1., *SBE v. Citizens for Waguespack*, 19898, 14AJ027. Mr. Menzel recommended to deny the motion as the committee did not present a reasonable excuse for failing to file a timely appearance, nor asserted a potentially meritorious defense. Member Gowen moved to adopt the General Counsel's recommendation and deny the Appeal. Vice Chairman Scholz seconded the motion which passed 7-0 by roll call vote.

Mr. Menzel called *SBE v. The Chicago Committee*, 23526, 14AM084; and noted the appearance of Mike Kasper, attorney for the Respondent. Respondent Committee had paid their fine the previous day and no further action was necessary. Mr. Kasper, based on the payment, withdrew his motion.

Request for settlement offers were considered. The General Counsel indicated that the long time treasurer of the respondent committee in Item 4.a.3., *SBE v. Macoupin County Democrat Party*, accepted sole responsibility and would personally pay the 50% settlement offer, if approved. Mr. Menzel recommended accepting the offer. After discussion, Member Gowen moved to waive the fine and Vice Chairman Scholz seconded the motion. The motion passed unanimously.

As to an appeal of a fine in *SBE v. Friends for Anne Shaw*, 24146, 14AD038, General Counsel Menzel concurred with the Hearing Officer and recommended granting the appeal. Member Gowen moved to adopt the recommendation and Vice Chairman Scholz seconded the motion. The motion passed unanimously.

The Board recognized the appearance of Kristin Kolehouse for the Paul Caprio Family-PAC, 8185, 15MA008. The defense did not rise to the level of a reasonable excuse and Mr. Menzel affirmed his recommendation to deny the appeal. Member Gowen moved and Vice Chairman Scholz seconded a motion to adopt the Hearing Officer and General Counsel's recommendations and deny the appeal. The motion passed 7-0 by roll call vote.

General Counsel Menzel noted the presence of Jim Nally, attorney for the Respondent, in 4.a.9, *SBE v. Friends of Paula Basta*, 22099, 14SQ070. Mr. Menzel agreed with the Hearing Officer that the Appeal be denied. Mr. Nally told the Board that the Committee intends to pay their creditors. Mr. Nally recommended to them to pay their bills and close out by June 30, 2015. After discussion Member Watson moved to accept the recommendation of Attorney Nally and close the Committee out before June 30th. Vice Chairman Scholz seconded the motion which passed unanimously by roll call vote.

The Chairman accepted the appearance of Mr. John Escobar for the Respondent in Item 4.1.10., *SBE v. Chicago Latino Public Affairs Committee*, 22755, 15MA019. The General Counsel indicated that a settlement offer would have to be \$9,587.50, 50% of the several fines. Mr. Escobar acknowledged that mistakes were inadvertent and asked for 60 days to pay the fine. Vice Chairman Scholz moved to accept the settlement offer of \$9,587.50 payable within 60 days. Member Watson seconded them motion. The motion passed unanimously by roll call vote.

Member Coffrin moved to deny the remaining appeals which the Hearing Officer and General Counsel recommended be denied. Vice Chairman Scholz seconded the motion which passed 7-0. Those matters are as follows: 5) *SBE v. Warren County Democratic Central Committee*, 77, 14SQ002; 6) *SBE v. Knox County Democratic Central Committee*, 287, 14AS003; 8) *SBE v. Friends of Arvin Boddie*, 13704, 14SQ030; 11) *SBE v. Democratic Party of the 29th Ward*, 23266, 14MA004; 12) *SBE v. Hopkins for Chicago*, 25653, 14AS059; 13) *SBE v. Republican National Hispanic Assembly-Will County*, 25668, 14SQ119; 14) *SBE v. Long Grove United*, 25726, 14SQ122; 15) *SBE v. Friends of Greg Bedell*, 26012, 15MA042; 16) *SBE v. Citizens to Elect Tara Stamps*, 26114, 15MA047; and 17) *SBE v. Frankie B. Wright for Vermilion County Board District #6*, 27261, 15MA049.

The General Counsel continued with Item 4.1.18, *SBE v. KISS, Kiss Referendum Campaign Committee*, 25860, 14AS065. The Hearing Officer recommended the appeal of the June 25th reporting violation be denied, but that the Committee be given a one-time waiver of the assessment for the delinquent A-1 related to the September 27th contribution due to an electronic filing issue. Mr. Menzel concurred with the recommendation. Vice Chairman Scholz moved to adopt the Hearing Officer's and General Counsel's recommendations. Member Watson seconded the motion which passed unanimously.

Mr. Sherman C. Jones was present for 4.1.19, failure to comply with a Board Order in *Marino v. Friends of Sherman C. Jones*, 14CD113. Mr. Menzel said the committee was ordered to file amended reports for staff to review within 30 days. Only partial records were submitted and reports were incomplete regarding accounting and the committee's activities. He recommended the committee be ordered to conduct an audit at its own expense; to select an auditor within 10 days and the audit completed within 60 days. Member Watson so moved and Member Gowen seconded the motion which passed 7-0 by roll call vote.

The General Counsel asked the Board for Orders regarding the assessments listed on page 86 of their packet. Vice Chairman Scholz so moved and Member Watson seconded the motion which passed unanimously.

Mr. Menzel presented payments of civil penalties for informational purposes only.

At 11:01 a.m., Vice Chairman Scholz asked for a motion to recess to Executive Session to consider matters regarding closed campaign disclosure hearings, personnel matters and litigation if necessary. Member Watson seconded the motion which passed by 7 voices in unison.

The Board returned to open session at 11:31 a.m., with the same attendance as noted in the initial roll call.

Member Gowen moved to adopt the Hearing Officer's and General Counsel's recommendations in the following matters to uphold the assessments. Member Watson seconded the motion and it passed unanimously. They are as follows: 23) *SBE v. ERA PAC*, 15CD014; 24) *SBE v. Friends of Bob McQuillan*, 15CD037; 25) *SBE v. Citizens for Elida M. Cruz*, 15CD044; 26) *SBE v. Fargus for 49*, 15CD049; 27) *SBE v. Committee to Elect Leda Drain*, 15CD066; 28) *SBE v. Friends of Amara Enyia*, 15CD081; *SBE v. Friends of Coby Hakalir*, 15CD093; 30) *SBE v. Citizens to Elect Bill Rekus*, 15CD097; and 53) *SBE v. Citizens to Elect Matthew Fitton*, 15CD082.

Member Gowen moved to uphold the Hearing Officer's and General Counsel's recommendations in 4.a.31 through 52 and 54 through 57. Member Watson seconded the motion which passed 7-0. They are as follows: 31) *SBE v. Committee to Re-Elect Mike Slape*, 15CD016; 32) *SBE v. Edwards County Republican Central Committee*, 15CD017; 33) *SBE v. Citizens for Leys*, 15CD023; 34) *SBE v. Citizens for Colvin*, 15CD024; 35) *SBE v. votedebby.com*, 15CD029; 36) *SBE v. Citizens for Tyler Smith*, 15CD033; 37) *SBE v. Re-Elect Eric Leys*, 15CD034; 38) *SBE v. Southland Success PAC*, 15CD038; 39) *SBE v. Jackson for Committeeman*, 15CD039; 40) *SBE v. Citizens for Foster*, 15CD042; 41) *SBE v. Citizens for Burch*, 15CD043; 42) *SBE v. Tammy Baer for Douglas County State's Attorney*, 15CD051; 43) *SBE v. Citizens to Elect David J. Sabbathne*, 15CD052; 44) *SBE v. Citizens for Rudd*, 15CD056; 45) *SBE v. Friends of David Moore*, 15CD057; 46) *SBE v. United Party*, 15CD060; 47) *SBE v. VOTESHAW2013*, 15CD063; 48) *SBE v. Friends of Christina Campos*, 15CD064; 49) *SBE v. Friends of Donald Luster*, 15CD068; 50) *SBE v. Friends for Mary C. Childers*, 15CD069; 51) *SBE v. Citizens to Elect Frazier Garner*, 15CD109; 52) *SBE v. Fans of Harness Racing*, 15CD075; 54) *SBE v. Citizens for David James Howard*, 15CD085; 55) *SBE v. Citizens for Nancy "Sprehe" Eigenrauch*, 15CD086; 56) *SBE v. Joliet for 8 Districts*, 15CD127; and 57) *SBE v. Save Barrington Hills*, 15CD090.

Vice Chairman Scholz moved to find *Sorock v. Wilmette Park District Board of Park Commissioners*, 15CD099 was filed on justifiable grounds, but, no further action was necessary. Member Watson seconded the motion which passed unanimously.

The Report of the Executive Director began with consideration of the ES&S Unity 3411 Windows 7 upgrade. Assistant Executive Director Tenuto called on Kyle Thomas for his comments. Mr. Thomas, Director of Voting and Registration Systems, indicated the 3411 upgrade is a modification of the previously approved 3401. ES&S also provided the report from the National Technical Systems, an independent voting systems testing laboratory. After running a total of 8,712 ballots, no issues were encountered. He asked the Board to grant a Two-Year interim Approval for the Unity 3411 Windows 7 modification as well as the Plastic Ballot Box v. 1.4 as no errors were detected and everything that was reviewed operated as expected. Member Gowen moved and Vice Chairman Scholz seconded the motion which passed unanimously.

Next, Mr. Tenuto asked Cristina Cray to give a legislative update. She indicated that session ended with two election bills passed, but no budget bills. Further, SB 1265, a DOJ bill; SB 2035, which outlines the Board's FY16 budget; and SB 248, which confirms the timelines that independent expenditures must be reported, are active. She will keep the board advised throughout the summer as these bills are negotiated and sent to the Governor for action.

Mr. Thomas and Kevin Turner, Director of Information Technology, commented on the status of implementing SB172. Mr. Thomas said that Anchor Computer Inc. has been contracted to conduct data matching. SBE IT is developing new functionality within IVRS that will allow each election jurisdiction to electronically receive registration information for voters who have moved into their jurisdictions. The IT department has completed work to add a field that allows election authorities to distinguish registration data from paperless online voter data. This information will be passed to jurisdictions through the same method used in our POVA system. Web service connections will be impacted with the election jurisdictions. Thus, coordination to minimize system down time is necessary before its implementation. The meeting with Healthcare and Family Services was conducted in May. Technical specifications, along with the agreement were forwarded to that agency. IDES will not be sharing information. Mr. Turner added that only two weeks are left in the FY15 budget and work will continue as long as there is funding.

Mike Roate, Director of Administrative Services, presented the fiscal status reports for informational purposes.

There being no follow up or comments from the general public, Mr. Tenuto concluded his report with the informational two year plan of staff activity for the months of June and July.

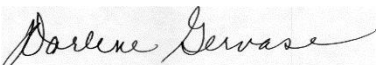
The next meeting will be held in Springfield on July 1, 2015 at 10:30 a.m.

The meeting adjourned at 11:51 a.m.

Respectfully submitted,



James Tenuto, Assistant Executive Director



Darlene Gervase, Administrative Assistant III