

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, September 18, 2017

MINUTES

PRESENT:

William J. Cadigan, Chairman
John R. Keith, Vice Chairman
Andrew K. Carruthers, Member
Ian K. Linnabary, Member
William M. McGuffage, Member
Katherine S. O'Brien, Member
Charles W. Scholz, Member
Casandra B. Watson, Member

ALSO PRESENT:

Steven S. Sandvoss, Executive Director
Bernadette Matthews, Asst. Exec. Director
Kenneth R. Menzel, General Counsel
Heather Kimmons, Deputy General Counsel
Amy L. Calvin, Administrative Assistant III

The meeting convened at 10:30 a.m. via videoconference with all Members present. Chairman Cadigan, Vice Chairman Keith and Members Linnabary, Carruthers and Scholz were present in Springfield. Members McGuffage and O'Brien were present in Chicago and Member Watson was present via teleconference. Member Watson left the meeting at 11:05 a.m. and Member McGuffage held her proxy.

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

Member Scholz moved to approve the August 22 meeting minutes as presented. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

General Counsel Menzel informed the Board that Heather Kimmons, Deputy General Counsel would be presenting the campaign disclosure matters listed on the meeting agenda.

Ms. Kimmons presented a settlement offer for agenda item 2.a.1) *Citizens for David Friess, 24200*, 16JQ161 and reviewed the matter. She recommended the offer be granted since it was low dollar committee and the amount offered was more than half of the committee's fund balance over the last year. Member Scholz moved to accept the settlement offer of \$250 to be paid within thirty days. Member Linnabary seconded the offer which passed by roll call vote of 8-0.

Ms. Kimmons presented an appeal of campaign disclosure fines for agenda item 2.a.2) *SBE v. Iroquois County Democratic Central Committee, 359*, 17MQ001 and concurred with the hearing officer recommendation to grant the appeal. Patrick McCullough was present on behalf of the committee and also agreed with the recommendation. Member Scholz moved to grant the appeal. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

Ms. Kimmons presented agenda item 2.a.3) *SBE v. Committee to Elect Thomas Ganiere, 23718*, 17MQ067 and concurred with the hearing officer recommendation to grant the appeal. Thomas Ganiere was present and agreed with the recommendation. Member Scholz moved to

adopt the recommendation of the hearing officer and grant the appeal. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

Ms. Kimmons presented agenda item 2.a.4) *SBE v. Friends of Lisa L. Evans*, 24466, 17MQ080 and 2.a.5) *SBE v. Friends for Blair*, 31678, 17AD071 and concurred with the hearing officer recommendation to grant the appeals. Member Linnabary moved to grant the appeal for item 2.a.4. Member Carruthers seconded the motion which passed by roll call vote of 8-0. Member Carruthers moved to grant the appeal for item 2.a.5. Member Scholz seconded the motion which passed by roll call vote of 7-0, with Chairman Cadigan recusing himself from the vote.

Ms. Kimmons presented agenda items 2.a.6) *SBE v. Better Government for Alsip*, 32370, 17MA030 and 2.a.7) *SBE v. Better Government for Alsip*, 32370, 17MA018 and concurred with the hearing officer recommendation to grant the appeals in part, deny the appeals in part and order the committee to file amended D-1 reports. Member Linnabary moved to adopt the recommendation of the hearing officer and order the amended reports to be filed. Member Scholz seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.a.8) *SBE v. Lee County Republican Central Committee*, 46, 17MA022 was presented and Ms. Kimmons concurred with the hearing officer recommendation to deny the appeal. Melissa Lawrence was present on behalf of the committee and indicated that all of the contributions were reported but not in a timely manner. Member McGuffage moved to deny the appeal. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

Ms. Kimmons presented agenda item 2.a.9) *SBE v. Citizens for Cynthia Santos*, 12438, 17MQ024 and concurred with the hearing officer recommendation to deny the appeal. Ms. Santos was present and asked if the penalty could be reduced. It was agreed Ms. Santos would speak to campaign disclosure staff regarding settlement offer procedures and return to the matter later in the meeting.

Ms. Kimmons presented agenda item 2.a.11) *SBE v. Citizens to Elect Mark V. Ferante*, 24048, 17MQ074 and concurred with the hearing officer recommendation to deny the appeal. Mr. Ferante was present and also offered a settlement amount. It was agreed Mr. Ferante would speak to campaign disclosure staff regarding settlement offer procedures and return to the matter later in the meeting. Member Scholz moved to deny the appeal. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

The Board returned to *SBE v. Citizens for Cynthia Santos*, 12438, 17MQ024 and Ms. Santos offered a \$500 settlement. Mr. Menzel suggested an amount of \$1,000 since it was not a low dollar committee. Ms. Santos then offered \$750 since the loans to the committee were from her personal funds. Member McGuffage moved to deny the appeal and accept the settlement offer of \$750 to be paid today. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

The Board returned to *SBE v. Citizens to Elect Mark V. Ferante*, 24048, 17MQ074 and Mr. Ferante offered a settlement of \$262.50. Member McGuffage moved to accept the settlement offer to be paid within fourteen days. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

Ms. Kimmons presented agenda items 2.a.10) *SBE v. Coalition Party of Justice*, 23244, 17MQ064 and 2.a.12) *SBE v. Committee to Elect Ebony Lucas*, 32094, 17AD074 and concurred

with the hearing officer recommendation to deny the appeals. Member Linnabary moved to deny the above noted appeals. Member Scholz seconded the motion which passed by roll call vote of 8-0.

Agenda item 2.a.13) *SBE v. Friends of Amr Elsamny, 32874*, 17MA042 was presented and Ms. Kimmons concurred with the hearing officer recommendation to deny the appeal. Mr. Elsamny was present and indicated it was his first time running for office. He received a loan from a family member then then loaned his own personal money to the committee and did not realize the loans were considered donations. After discussion, Member Linnabary moved to deny the appeal but stay the penalty as a first violation. Member Scholz seconded the motion which passed by roll call vote of 8-0.

Next on the agenda was a complaint following public hearing for agenda item 2.a.14) *SBE v. Citizens to Elect Diante Johnson, 17CD030*. Ms. Kimmons recommended the complaint be upheld and the board issue an order to file the delinquent reports within thirty days or be subject to a fine not to exceed \$5,000. Member Linnabary moved to adopt the hearing officer recommendation. Member Scholz seconded the motion which passed by roll call vote of 8-0.

Ms. Kimmons presented random audits of political committees and referred to Tom Newman's memo that was included in the board packet. Mr. Newman explained that statute requires staff to randomly select up to 3% of active political committees then order them to conduct an audit of their financial records for the past two years. If they do not conduct the audits and submit the results within a couple of months, they are then referred to the appropriate states attorney office. Mr. Newman also noted that legislative has been introduced to clarify the dates of the audit.

The payment of civil penalty assessments was presented for informational purposes.

Ms. Kimmons presented the proposed changes to Administrative Rules, Part 100 Campaign Financing & Part 125 Practice and Procedure on pages 78-110 of the board packet. She indicated they are a series of amendments to the Administrative Rules governing campaign disclosure. The changes provide cleanup and clarifying language for several areas, including independent expenditure committees, self-funding candidates, in-kind contributions, and the electronic filing defense. Member Keith suggested a revision to the electronic filing defense section, adding language that the contact must be confirmed in writing by Board staff. It was also suggested that the anything related to coordination be removed from the proposed rules and to refer to the Federal Election Commission's rules as well. Member Keith moved to approve the proposed rules with the revisions noted for submission to JCAR for consideration. Member Scholz seconded the motion which passed by roll call vote of 8-0.

Ms. Kimmons presented proposed changes to Administrative Rules, Part 212 Personnel and reviewed the four sections that contained revisions. They include an increase in the number of staff who can conduct interviews, requiring that at least two of those individuals be Rutan certified; add to the current rule additional staff members who can access personnel files to the extent that is necessary; require that accrued sick leave be used before an employee is allowed to utilize FMLA leave time; clarification of paternity leave for male employees; and additional compensatory time for employees required to work on General Election Day holiday. Member O'Brien moved to approve the proposed rules as presented for submission to JCAR for consideration. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

Executive Director Sandvoss began his report with the consideration of response to request from Presidential Advisory Commission on Election Integrity (PACEI). At the last board meeting, General Counsel proposed a draft response to the PACEI request for voter registration data in the State of Illinois. The commission had a series of questions that the General Counsel was directed to prepare responses and submit those to board members for comment. Mr. Sandvoss indicated that the final draft was submitted to the board this past Friday and then asked for approval of the response. Mr. Menzel noted that the revisions offered by the board were incorporated into the final draft that was submitted. Discussion ensued regarding the request including a series of questions. It was agreed to include the language "invitation to respond" in the second to last sentence on page two and strike the last sentence on page four of the letter. Member Carruthers moved to submit the proposed response with the changes noted above to the Presidential Advisory Commission on Election Integrity. Member Linnabary seconded the motion which passed by roll call 6-0. Members McGuffage and Watson voted present.

Mr. Sandvoss reported that the Advisory Committee Meeting was held this morning and the new members were listed on page 133 of the board packet. Topics discussed included apparent conformity, automatic voter registration and review of items to be discussed at the fall conference. Lance Gough, Executive Director of the Chicago Board of Election Commissioners said they planned to distribute a press release explaining automatic voter registration and suggested that SBE staff may wish to do the same. Mr. Sandvoss indicated that September 26 is National Voter Registration day and staff would send out a press release as well. After the meeting adjourned, staff gave a demonstration of the Election Judge Online Training E-Learning Platform. The next meeting is scheduled for Monday, May 21, 2018.

Cris Cray gave a legislative update and noted that a listing of all elections related legislation was included in the board packet. All of the legislation on that listing was signed by the Governor, including Automatic Voter Registration which was signed on August 28. In addition, Ms. Cray said that two internal reference guides would be e-mailed to the board soon. One is a listing of all Public Acts from 1995 to present and the other was a listing of elections legislation by topic and year from 2003 to present. She also reported that the fall veto session is scheduled for October 24-26 and November 7-9. Two pieces of legislation are in the process of being drafted one of which is a supplemental requesting funding to implement Automatic Voter Registration. The other is cleanup language of Article 28 in anticipated of a citizen initiated statewide advisory question. Ms. Cray indicated that a meeting was scheduled in October with the legislative sub-committee to discuss the spring legislative proposals.

A report on the NASAD Summer Conference was presented for informational purposes.

Mr. Sandvoss presented consideration of membership in Multi-State Information Sharing and Analysis Center (MS-ISAC) and reviewed his memo on page 144 of the board packet. Mr. Sandvoss met Eric Kamerling from Department of Homeland Security at a recent meeting regarding cybersecurity and was informed that all fifty states are members of MS-ISAC in some form including the Department of Innovation and Technology (DoIT) as well as Cook County. There is no cost to join and no voter information from the agency would be shared. Mr. Sandvoss noted that the General Counsel and IT agreed and thought it would be a useful resource to the agency. Member Scholz moved to become a member of the Multi-State Information Sharing and Analysis Center as set forth in the materials on pages 144-149 of the board packet. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

Kyle Thomas began the IT/IVRS update noting that a document had been distributed to the board reviewing the topics he discussed at the county clerks fall conference. The In-state

Movers Report, which is one of the reports received from the Electronic Registration Information Center (ERIC), requires each member to do an outreach to these individuals who are registered currently but show a different address from the Department of Motor Vehicles database. The automatic voter registration bill allows the election authorities to automatically update those individuals' voter registrations to that newer address, instead of sending a letter encouraging them to do so. The voter will have the ability to reject the change of address to either election authority or at the polling place. Mr. Thomas also reported that the Secretary of State has requested an extension to January 2019 for implementation of REAL ID. In the meantime, the Secretary of State plans to work with the IT Division to implement the Opt-In option and electronic transmission of registrations and REAL-ID in early 2019. Kevin Turner indicated the lengthy SQL database server upgrade was finally complete and now fully updated to the 2016 version of SQL. Staff is currently in the process of reviewing and updating the candidate petition filing application and CPREX program, which is used for objections to nominating petitions. The PETSAs application was also being reviewed in anticipation of a statewide amendment petition filing in 2018. Mr. Turner noted that orders are now being processed for software and hardware needs and he hoped to be current in the near future.

Mr. Sandvoss presented an update on the staff compensation plan and explained that a three level, non-pensionable bonus was awarded to staff based on merit. He suggested that the program could be more transparent to staff if each employee evaluation was specifically tied to the actual job description. In addition, staff was offered a 4% swap where they could receive a 4% salary increase and, in return, the employee would pay for the monthly cost of the agency's contribution. Chairman Cadigan announced that Members O'Brien and Watson have been appointed to serve on the staff compensation sub-committee for the upcoming year and they agreed to take on their new roles.

The fiscal reports and two year plan of staff activity were presented for informational purposes.

Member McGuffage mentioned a matter concerning judicial vacancies included in the General Counsel's update and it was suggested staff withdraw the request for opinion from the Attorney General's office. Since the request was made almost eight years ago, legislation since then has most likely rectified the matter. Member McGuffage moved to formally withdraw the request for opinion. Member Keith seconded the motion which passed by roll call vote of 8-0.

With there being no further business before the Board, Member Linnabary moved to adjourn until 10:30 a.m. on Tuesday, October 17, 2017 in Chicago. Member Scholz seconded the motion which passed unanimously. The meeting adjourned at 1:00 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant III



Steven S. Sandvoss, Executive Director