

STATE BOARD OF ELECTIONS
Regular Meeting
Tuesday, October 17, 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

ABSENT: Casandra B. Watson, Member

ALSO PRESENT: Steven S. Sandvoss, Executive Director
Bernadette Matthews, Asst. Exec. Director
Kenneth R. Menzel, General Counsel
Amy L. Calvin, Administrative Assistant III

The meeting convened at 10:30 a.m. via videoconference with seven Members present in Chicago. Member Watson was absent and Member McGuffage held her proxy.

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

Chairman Cadigan noted that several members of the general assembly requested to speak under the comments from the general public section of the agenda and began the meeting with their comments. The following individuals expressed their opinions and concerns relating to the Board's membership in the Interstate Voter Registration Crosscheck program and stated their reasons why the Board should withdraw: State Representative Ann Williams, 11th District; State Representative Jaime Andrade, 40th District; State Representative Carol Ammons, 103rd District; State Representative Will Guzzardi, 39th District. Steve Held, Indivisible Chicago was also present and offered his comments as well in support of withdrawing from the program. Chairman Cadigan thanked everyone for the comments and also informed the Representatives that the database intrusion was taken very seriously and that board staff quickly addressed the situation.

Member Linnabary moved to approve the September 18 minutes as amended. Member Scholz seconded the motion which passed by roll call vote of 8-0.

Next on the agenda was a request for settle offer for item 2.a, *Marion County Republican Central Committee, 280*, 17AD006 and the General Counsel reviewed the matter. The committee offered approximately 17% of the fine and he recommended the offer be rejected because it was not a small dollar committee where the policy contemplates an offer of less than 50%. No one was present on behalf of the committee. Member Scholz moved to deny the settlement offer. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented an appeal of campaign disclosure fines for agenda item 2.a.2, *SBE v. Black Hawk College Teachers & Professional Union Local 1836 BHC PROFAC PAC, 23845*, 17MQ071 and reviewed the matter. He concurred with the hearing officer recommendation to deny the appeal and noted that no one was present on behalf of the

committee. Member Scholz then moved to deny the appeal. Member Carruthers seconded the appeal which passed by roll call vote of 8-0.

General Counsel Menzel presented appeals of campaign disclosure fines for agenda items 2.a.3-4, *SBE v. Friends to Elect Mike Strick*, 31954, 17MA011 and *SBE v. Friends of Daniel Maldonado*, 32299, 17AD053 and concurred with the hearing officer recommendation to deny the appeals. Member Scholz moved to deny the above noted appeals. Member Carruthers seconded the appeal which passed by roll call vote of 8-0.

A complaint following public hearing for agenda item 2.a.5, *Hemphill v. Berwyn United for Mayor, Clerk, Treasurer and Alderman*, 17CD041 was presented and the General Counsel concurred with the hearing officer recommendation to dismiss the remaining allegation contained in the complaint. James Nally, who represented the complainant, was not present but had indicated to Mr. Menzel that he agreed with the recommendation. No one was present on behalf of the respondent. Member Scholz moved to adopt the recommendation of the General Counsel and hearing officer. Member Carruthers seconded the appeal which passed by roll call vote of 8-0.

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

Member Carruthers moved to recess to executive session to consider complaints following closed preliminary hearing. Member Keith seconded the motion and added the roll call into one vote, which passed by roll call vote of 8-0. The meeting recessed at 11:20 a.m. and reconvened at 12:45 p.m. with the same attendance as noted in the initial roll call.

Member Carruthers made the following motion for agenda items 2.a.7-11:

- 7) *Cramer v. LeFevre*, 17CD059 – accept the recommendations of the hearing officer and General Counsel and find that the complaint was not filed in good faith, not filed on justifiable grounds, and that the matter not proceed to public hearing;
- 8) *Cramer v. Northwest Suburban Teachers Union LU 1211*, 17CD064 – accept the recommendations of the hearing officer and General Counsel and find that the complaint was filed on justifiable grounds, but that rather than proceed to public hearing that the respondent committee be ordered to include proper attribution of source in all future materials or be subject to a fine of up to \$5,000;
- 9) *Cramer v. Young & Klimkowicz*, 17CD060 & 17CD061 – accept the recommendations of the hearing officer and General Counsel and find that the complaint was not filed in good faith, not filed on justifiable grounds and not proceed to public hearing;
- 10) *Cramer v. Trans United Fund Illinois*, 17CD062 – accept the recommendations of the hearing officer and General Counsel and find as follows: as to the alleged violation of Section 9-9.5, find that allegation in the complaint was filed on justifiable grounds, but rather than proceed to public hearing on this allegation, the respondent committee ordered to include a proper attribution of source in all future materials or be subject to a fine of up to \$5,000. As to the alleged violation of Section 9-10, find this allegation was filed on justifiable grounds, but rather than proceed to public hearing, that this item be referred to staff for the assessment of the appropriate fine. As to the alleged violations of Sections 9-28 and 9-10 relating to the failure to electronically re-file a report in a timely manner, find these allegations were filed on justifiable grounds, but rather than proceed to public hearing, these items be referred to the staff for the assessment of the appropriate

fine. As to the allegation relating to Section 100, Appendix A, find this complaint was filed in good faith, but was not filed on justifiable grounds, and that the matter not proceed to public hearing.

- 11) *Cramer v. Parents & Neighbors for Quality Education*, 17CD063 – accept the recommendations of the hearing officer as modified by the General Counsel and find as follows: as to the alleged violations of Section 9-1, find this allegation was filed in good faith, not filed on justifiable grounds, and that this item not proceed to public hearing. As to the alleged violation of Section 9-8, find this allegation was filed in good faith, but not filed on justifiable grounds, and that the item not proceed to public hearing. As to the alleged violations of Sections 9-1.8(f) and 9-1.15, find these allegations were filed in good faith, but not filed on justifiable grounds, and that the matter not proceed to public hearing. As to the alleged violation of Section 9-8.5, find this allegation was not filed in good faith, not filed on justifiable grounds and not proceed to public hearing. As to the alleged violation of Section 9-9.5, I find this allegation was not filed in good faith, not filed on justifiable grounds and not proceed to public hearing. As to alleged violation of Section 9-8.5 relating to an alleged contribution of limits violation, find that this allegation was not filed in good faith, not filed on justifiable grounds and that this item not proceed to public hearing.

Member McGuffage seconded the motion which passed by roll call vote of 8-0.

As to Agenda items 2.a.12-16, 18-22, 24-27, 29 & 30, Member Scholz moved to find the complaints following closed preliminary hearing to have been filed on justifiable grounds and the matters proceed to a public hearing. Member Scholz seconded the motion which passed by roll call vote of 8-0. Member Carruthers recused himself on item 13 and Member Linnabary recused himself on item 26 (the motion as to these two items passed 7-0). The matters are as follows:

- 12) *SBE v. Illinois Interior Design Coalition*, 17CD066;
- 13) *SBE v. Eagle Forum State PAC*, 17CD067;
- 14) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 17CD072;
- 15) *SBE v. Friends of Jim Murphy for Judge*, 17CD081;
- 16) *SBE v. Jorge Mujica for Alderman*, 17CD083;
- 18) *SBE v. Citizens for Jim Fuchs*, 17CD088;
- 19) *SBE v. Citizens to Elect Terry Morris*, 17CD090;
- 20) *SBE v. Southside Democracy for America (SDFa)*, 17CD092;
- 21) *SBE v. Committee to Elect Elisabeth Dunbar*, 17CD099;
- 22) *SBE v. Friends of Jeanne Oddo for Alderman*, 17CD100;
- 24) *SBE v. DEV4Ev*, 17CD112;
- 25) *SBE v. Martin Luther King Republicans*, 17CD113;
- 26) *SBE v. Citizens for Frank M. Gambino*, 17CD115;
- 27) *SBE v. Fix McHenry Schools*, 17CD120;
- 29) *SBE v. Citizens for Delean Fuller*, 17CD122;
- 30) *SBE v. Local Governments United PAC*, 17CD127.

As to Agenda items 2.a.17, 23 & 28, Member Linnabary moved to find that the complaints following closed preliminary hearing were filed on justifiable grounds, however, since the required reports were filed, the matters be referred to staff for imposition of a civil penalty. Member O'Brien seconded the motion which passed by roll call vote of 8-0. The matters are as follows:

- 17) *SBE v. Friends of Maureen Sullivan*, 17CD084;
- 23) *SBE v. Friends of Cecilia O'Brien*, 17CD104;

28) *SBE v. EGOFSKE FOR MAYOR*, 17CD121.

As to agenda items 2.a.31-34 & 36, Member Scholz moved to find that the complaints following closed preliminary hearing were filed on justifiable ground and the matters be referred to staff for imposition of a civil penalty. As to agenda item 2.a.35, no further action ordered because the committee filed the amended D-1. Member McGuffage seconded the motion which passed by roll call vote of 8-0. The matters are as follows:

- 31) *SBE v. McAvoy for Alderman Committee*, 17CD069;
- 32) *SBE v. Citizens for Ahkeem Henderson*, 17CD116;
- 33) *SBE v. Citizens to Elect Ryan Mains*, 17CD119;
- 34) *SBE v. The Community Action Party*, 17CD123;
- 35) *SBE v. Hard Reset Illinois*, 17CD124;
- 36) *SBE v. Friends of Dennis P. Mahoney*, 17CD128.

General Counsel Menzel presented the proposed changes to Administrative Rules – Part 100, Campaign Financing and referred to Tom Newman’s memo that was included in the board packet. The changes arose from an issue related to contribution limits when a candidate in a race where the contribution limits have been lifted switched to a race where contribution limits are in place. The proposal explains that the candidate would be able to retain the contributions that it had previously been given, but those contributors would then be capped at that point. It was noted that the proposed changes were presented to the four legislative leader groups and they were in agreement with the board pursuing the Rule. Member McGuffage moved to approve the proposed Rules as presented. Member Carruthers seconded the motion which passed by roll call vote of 7-1 with Member Keith voting in the negative.

Assistant Executive Director, Bernadette Matthews, presented consideration of final approval of ES&S Unity 3.4.1.1 Election Management System and referred to Kyle Thomas’ memo on page 32 of the board packet. The interim approval for this system expired and per Administrative Rules, ES&S has submitted a request for final approval, as no further modifications are sought at this time. Mr. Thomas and Mark Manganaro from ES&S were present as well. Member Linnabary moved to grant final approval as set forth on pages 32-34 of the board packet. Member Carruthers seconded the motion which passed by roll call vote of 8-0.

Ms. Matthews presented an informational item regarding Public Act 100-0464 which requires a public hearing on the implementation of the automatic voter registration to be held within six months of the effective date of the Act. It is recommended the public hearing be conducted during the November 20 board meeting and interested individuals could attend and provide comment. Appropriate public notice would also be distributed through the regular channels. After discussion, the board directed staff to place the public hearing on the November board meeting agenda and that subsequent hearings would also take place after the primary election.

Next on the agenda was an update on established party candidate petition filing procedures outlined on pages 37-43 of the board packet. Brent Davis was present and said that since there were more staff members available this filing period not every single person is being utilized. The petition copy request program has also been redesigned to improve the efficiency of the entry of orders and method of the delivery process. Requestors will now be assigned an access code and will be able to log in to access their orders. It was also noted that the legislative caucuses will be directed to assigned tables for data entry and other filers will be directed to different stations to keep the flow of traffic moving. Kevin Turner discussed computer equipment

needs and indicated that the additional monitors, scanners, printers and PC's have been ordered and expected to have the set-up completed by November 1.

Cris Cray gave a legislative update and noted that a listing of all elections related legislation was included in the board packet. She reported that the legislative walk-through of the filing process was scheduled for November 8 and invited the board members to attend if they like. Veto session begins next week and Ms. Cray indicated that staff has been responding to several inquiries regarding Census 2020. She stated that the first meeting of the legislative sub-committee was held yesterday and deferred to Members Carruthers and McGuffage for their comments. Member Carruthers said that he, Member McGuffage and staff brought many ideas to the table and hoped to present a report to the board in approximately thirty days. Member McGuffage felt that changes to the Campaign Finance Act would be beneficial to the staff and board to assist in the administration of the provisions of the Act,

Mr. Thomas began his IVRS update and reported that changes were made to the system to be able to process the ERIC reports. The election authorities will have the ability to automatically update voter registrations based on the information in the reports. Discussions have taken place with ERIC as to the processing of the reports as well as working with their technical staff regarding the necessary changes to the system. Mr. Turner discussed the IT update and indicated staff worked very hard the past few weeks on the complex encryption issues. He also noted that several purchases were in process, including, software, servers and additional staff PC's. IT staff have also been updating the Board's public website as well as working on the new IVRS website. **Mr. Turner also reported that many websites with the Cisco platform are vulnerable to hacking.** Once Cisco releases the patch to fix the vulnerability, staff will implement it immediately.

Ms. Matthews presented the newly created position of Public Information Officer and indicated that the creation, terms of appointment, proposed salary range, hiring process and position description were included on pages 49-52 of the board packet. Discussion ensued amongst the board on the hiring procedures and posting the position internally/externally. Member Carruthers moved to approve the Public Information Officer position and proceed with the hiring process outlined in the memo contained in the board packet. Member Linnabary seconded the motion which passed by roll call vote of 8-0.

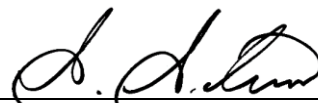
The FY18 fiscal status reports and two year plan of staff activity for the months of October and December were presented for informational purposes.

With there being no further business before the Board, Member Carruthers moved to adjourn until Monday, November 20, 2017 in Springfield. Member Linnabary seconded the motion which passed unanimously. The meeting adjourned at 1:50 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant II



Steven S. Sandvoss, Executive Director