

STATE BOARD OF ELECTIONS
Regular Meeting.
Tuesday, December 22, 2015

MINUTES

PRESENT: Charles W. Scholz, Chairman (telephone)
Ernest L. Gowen, Vice Chairman
William J. Cadigan, Member
Andrew K. Carruthers, Member
Betty J. Coffrin, Member
John R. Keith, Member
William M. McGuffage, Member
Casandra B. Watson, 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. Vice Chairman Gowen, at the request of the Chairman, chaired the meeting. All members of the Board participate as set forth above.

Mr. Gowen led everyone in the Pledge of Allegiance.

Executive Director Sandvoss presented the minutes from the November 16, 2015. Member Keith offered a correction to the last sentence in the second paragraph of the second page of the packet to change "passed y roll call vote of 8-0" to "passed by roll call vote of 8-0". Member Keith moved and Member Carruthers seconded the motion to adopt the minutes as amended. The Motion passed unanimously by roll call vote.

On behalf of the State Board of Elections, Mr. Sandvoss was asked to give recognition and honor Mary Lou Aagaard of the League of Women Voters. He read the Resolution to thank her for her many years of dedication and distinguished public service in the administration of elections and her tireless and professional efforts to improve the efficiency and integrity of the electoral process in the State of Illinois. Further, for her observation of the Board's monthly meetings for over thirty-two years.

The General Counsel began his Campaign Disclosure report with 10 requests for settlement offers. As to 2.a.1) *SBE v. Citizens to Elect Benjamin Owens*, 15295. 13MA086, the committee offered 50%, \$5,637.50, to settle his outstanding fines. Because the offer complies with the Board's Settlement Policy, Mr. Menzel recommended acceptance. Mr. Owens was present in the Springfield office and confirmed his settlement offer. Member Keith moved to adopt the General Counsel's Recommendation and Member Cadigan seconded the Motion. The Motion passed 8-0 by roll call vote.

After discussion regarding payment of civil penalties when candidates are subject to ballot forfeiture, Member Keith moved and Member Coffrin seconded a Motion to have candidates, subject to ballot forfeiture issues for the March 15, 2016 primary, that no one will be removed for ballot forfeiture, unless their payment is made by certified funds, cash, cashier's check or credit card prior to the deadline. The Motion passed unanimously.

Item 3.a.2) *SBE v. Committee to Elect Howard B. Brookins, Jr.*, 17003, 15AM071, was summarized by General Counsel Menzel. The committee offered \$1,000 to settle the \$3,000 in outstanding civil fines. Mr. Menzel concluded that since the committee's average fund balance ratio has been more than \$65,000 for four quarters, it does not comply with the Board's Settlement Policy. Mr. Menzel did not recommend acceptance of the offer. Respondent offered \$1,500. Member McGuffage did not agree with the General Counsel's recommendation and moved to accept the offer of \$1,500. Chairman Scholz seconded the motion which failed 5 against, 2 yeas and Member Watson abstained from the vote. Mr. Brookins offered \$2,000. Member McGuffage moved to accept the offer and Chairman Scholz seconded the motion which failed 4 against, 3 yeas and Member Watson abstained. As the majority of the Board did not want to approve a lesser number than \$3,000, no further action was taken.

As to 3.a.3), Mr. Warren Dixon was present in Chicago for his committee in *SBE v. Friends for Warren Dixon*, 24528, 15MQ117. Mr. Dixon offered \$5,100 - 50% of the outstanding civil penalty to comply with the Board's Settlement Policy. The General Counsel recommended accepting the offer. Member Keith so moved and Member Cadigan seconded the Motion which passed 8-0 by roll call vote.

3.a.4) The committee offered 50% to settle their outstanding fines. Since the offer fully complied with the Board's policy, Mr. Menzel recommended the Board accept the 50% offer of \$2,225 offer in *SBE v. Citizens for Vasquez*, 27239, 15MQ206. Member Keith so moved and Member Cadigan seconded the motion. The Motion passed unanimously by roll call vote.

The Respondent in Item 3.a.5) *SBE v. Citizens for Joe Vito*, 29504 offered a 50% settlement of their fine. General Counsel Menzel recommended accepting \$387.50 as offered by the committee because the offer fully complies with the Board's Settlement Policy. Member Keith moved to accept the offer and Member Carruthers seconded the Motion which passed 8-0.

Mr. Menzel indicated that additional Settlement Offers were submitted due to ballot forfeiture. They are following:

As to the Citizens for Mary Burrell, their offer of 50% of the civil fines fully complies with the Board's Settlement Policy and the General Counsel recommended accepting their offer. Member Coffrin moved to accept the settlement offer. Member McGuffage seconded the Motion which passed unanimously.

Mr. Kent Gray, present in the Springfield office, offered 50% of the fines, but the settlement offer did not meet the Board's policy. Mr. Menzel did not recommend accepting the offer. Mr. Gray offered \$3,000. Member McGuffage moved to accept the \$3,000 offer. Chairman Scholz seconded the motion which failed with 6 against and 2 yeas.

Friends to Elect Ed Schniers Coroner offered a little over 50% to settle outstanding fines. The offer does not comply with the Board's policy as the outstanding fine is below \$500. Mr. Menzel did not recommend accepting their offer. To be consistent with the Board's policy, Member Keith moved to deny the offer and Member Carruthers seconded the Motion. The Motion to deny was passed 7-0-1 with Member Coffrin abstaining.

Mr. Rosenfeld appeared for The Friends of Paul Rosenfeld. He initially paid 50% of a \$12,548 fine and intended to close out his committee. But, recently, Mr. Rosenthal was asked to run for Democratic Committeeman. To be able to run for that office, he must be in compliance with the law. Therefore, he offered \$6,274, the other 50% of the \$12,548 fine to be in compliance to run

for Ward Committeeman in the 47th Ward. Member Keith moved to accept the offer, Vice Chairman Gowen moved to accept the settlement offer by member Keith and Member Cadigan seconded the Motion. The Motion passed unanimously.

Mary Childers, a Respondent in a matter against the Friends for Mary C. Childers, appeared requesting a settlement hearing. Mr. Menzel indicated that this matter came up late in the day of December 21st and he was unable to have printed documents ready for the Board. He said that her committee had been notified many times about the \$10,350 in fines; \$350 violations of late filings, and two \$5,000 fines for a Failure to Comply with a Board Orders and finally, the committee was administratively terminated on August 15, 2015. Ms. Childers wishes to run as an Alternate Delegate and indicated that her committee is closed, but she has \$700 left from the committee in her bank account which she offered as a settlement. Member Cadigan moved to accept the offer, Vice Chairman Gowen seconded the motion which failed 4-4 with Members Keith, McGuffage, Watson and Chairman Scholz voting against the Motion. Ms. Childers offered \$3,000 and to "promise to take all these letters seriously". Chairman Scholz so moved and Member Cadigan seconded the Motion which passed 5-3 with Members Keith, McGuffage and Watson voting No.

3.a.6) An Appeal, continued from September and October in the matter of *SBE v. Garcia for Chicago*, 26214, 15MA083, wherein the hearing officer recommended the appeal be granted & denied was summarized by Mr. Menzel. As to the multiple in-kind contribution violations that took place and deposited in the same quarter, the result would have been the same whether those nine in-kind contributions were treated as a single violation or as multiple violations in this matter. The excess contribution was returned to the Garcia for Chicago committee within 30 days after the Board sent notification to the Friends of Chuy Garcia and the contribution limit violation issue was addressed. The General Counsel agreed with the hearing officer. Member Keith moved to adopt the Hearing Officer's and General Counsel's recommendations and impose a fine of \$6,610. Member Watson seconded the matter which passed 8-0 by roll call vote.

3.a.7) The General Counsel concurred with the Hearing Officer to Grant the Appeal in *SBE v. Team D230, 29566*, 15AM093 as the contribution was reported to the Board within 5 business days of its deemed receipt date. Further, the stay will remain on the previously assessed \$75 civil penalty; the Committee to be ordered to amend it's March, 2015 Quarterly Report and its Final Report to report the deemed receipt date of the in-kind contribution in question; and the amendment to be filed within 30 days of the date of the Final Board Order in this matter. Member Carruthers moved to Grant the Appeal and to order the committee to amend the 3 reports and finalize within 30 days. Member Coffrin seconded the Motion which passed unanimously.

3.a.8) *SBE v. LaSalle County Republican Century Club, 1219*, 15MA090. The actions of the Chairman of the Respondent committee in was an internal matter of the Committee and has no bearing on the Committee's responsibility to file timely reports. Mr. Menzel concurred with the Hearing Officer to deny the appeal for lack of an adequate defense. Further, that the civil penalty of \$7,475 is now due and owing. Carla Margis and James Matthews were present for the Respondent Committee. They spoke to the problems they had with the Chairman. Discussion ensued among the Board. The Respondents waived the right to appeal and offered a settlement at 50%. After discussion, Member Keith moved to adopt the General Counsel's Recommendation to waive the Appeal and accept \$3,737.50. Member Watson seconded the Motion which passed 8-0 by roll call vote.

3 a.9) *SBE v. Clean Slate for College of DuPage Committee, 29468*, 15AJ041. The \$20,000 and \$10,000 loans are a contribution and the treasurer not knowing that fact is not a valid defense.

The Hearing Officer recommended the appeal be denied for lack of an adequate defense, but since the violations were inadvertent and unintentional he recommended a reduction of 50% or \$7,500. Mr. Menzel concurred. Member Coffrin so moved and Member Cadigan seconded the motion which passed unanimously.

Campaign Disclosure Assistant Director, Andy Nauman, submitted a summary of the audit in the matter of 3.a.10) *SBE v. Friends of Sherman Jones, 22764*, 14CD113. The last bank statement in his possession is for December, 2014 and he cannot comment on the reporting periods after this time. It seems that the Committee accounted for the majority of their financial transactions, although not in the correct reporting periods. Outstanding at this time are three payments to Klein, Thorpe, and Jenkins that were made in the 4th quarter of 2014. A payment of \$5,801.89 was paid from a trust, although the funds did not go through their bank account. Mr. Menzel recommended to find that the committee has failed to fully comply with the December and June Board Orders due to inadequate past recordkeeping and that a reasonable fine to be imposed. Attorney Scarlato appeared for the Respondent and Judy Brown Marino stepped forward as she was the initial Complainant in this matter. Ms. Brown Marino commented on the deficiencies in the audit. Mr. Scarlato made an offer of \$2,000 and waived the right to appeal. Member Keith moved to find the committee has failed to fully comply with the December issued Board orders and it cannot because of past inadequate recordkeeping and a fine be imposed in the amount of \$2500. Member Cadigan seconded the Motion which passed unanimously.

Tom Newman, Director of Campaign Disclosure, submitted Revisions to Settlement Offer Guidelines in particular for smaller committees unfairly affected by fines of \$500 or more; and including the committee's average cash receipts and balances over the past 4 quarters. Discussion was had among the Board. Members Keith and McGuffage asked the General Counsel to look at balances the committees have in federal committees and moving money between state and federal committees.

Mr. Newman asked for a Motion to issue a Final Board Order and assess a civil penalty against Committee No. 25823, Illinois Unity PAC, for violation of contribution limits. The violation were not appealed. Member Keith moved for the fine of contribution limits in the amount of \$1,003.56. Member McGuffage seconded the Motion which passed unanimously.

Potential ballot forfeiture for 2016 and payment of civil penalties were submitted for informational purposes.

The Board recessed to Executive Session at 12:22 p.m. and returned at 12:52 p.m. with 7 members present. Member McGuffage held Member Watson's proxy.

Member Keith moved to ratify the action taken in executive session on Case 15 CE 104, *Sereno v. Citizens to Elect Charles Bernstein*, finding the complaint was filed on justifiable grounds, subsequent reports have been filed and no further action is taken at this time except as may arise in the future from filings by staff after review of reports. Member Cadigan seconded the Motion which passed 8-0.

As to *Purduski v. Friends of Frank Napolitano*, 15CD105, Member Keith moved to find the complaint was filed on justifiable grounds, subsequent reports have been file, no further action to be taken at this time except as may arise in the future from filings by staff after review of reports. Member McGuffage seconded the motion which passed unanimously.

Executive Director Sandvoss began his report with resolutions to retiring staff members Mike Roate, Director of Administrative Services and Kay Walker, who has served 40 years with the agency.

He continued with the Presentation of Staff Service Awards. Jim Tenuto presented a 15 year award to Walter Blakney. Mr. Sandvoss continued and presented a 15 year award to Andy Nauman, Assistant Director of Campaign Disclosure. Jim Tenuto presented Rick Fulle with an award for 40 years of service.

Executive Director Sandvoss continued with Item C, Preparations for the march 15, 2016 General Primary Election with a petition filing update. He indicated the filing was a resounding success. All 323 opening hour filers were complete by 9:30 that morning. All orders for copies were filed and processed by 7:30 p.m. that night and all scanning was completed by 9:30 p.m. that night. He indicated that not charging for emailing or copying to a disc was a welcome development as it reduced the administrative tasks that in previous years were associated with the processing of payments. .

For informational purposes a report on Judges Training Schools in different jurisdictions was available on pages 88 and 89 of the packet.

Mr. Sandvoss summarized the five Items in the Legislative package - First, the SBE is asking for clarification as to which election judges we are obligated to reimburse the election authorities for, since the addition of more early and grace period voting days requires the hiring of more judges. Second, clean up language is being sought to substitute the term "vote by mail" for "absentee voting" in SB 172. Third, language in Article 28 relating to Statewide advisory referendum needs revising to make it consistent with changes made by SB 172. Fourth is eliminating or extending the 7-day calendar for campaign disclosure complaints and finally the fifth item to assist Champaign County's efforts to establish voting centers for clustered precincts within the County.

Gordy Hulten, Champaign County Clerk, spoke about his dealings with the Department of Justice regarding the very strict standards for accessibility requirements with the Americans with Disabilities Act. He would like the Legislature to consider a pilot program to be passed in 2016 and the program to be effective in 2017. Further the county would go from 100 polling places to 20 or 25 voting locations. Any voter could go to any location and not be limited by geography. He asked the Board to support the legislation. Ms. Cray, Legislative Liaison, added that Saint Clair County was chosen by the DOJ also and both counties had to enter into consent decrees. Clerk Hulten indicated that they met with local disability advocacy organizations and thought they were exceeding the ADA's requirements, but the DOJ said 60 per cent of the voting locations require millions of dollars of construction work and said locations are not owned by the county. Vote by mail and early voting is popular, but the DOJ wants the disabled to have the same election day experience as non-disabled voters. Member Keith moved to adopt the legislative agenda on page 90, with Item number 5 being modified, in accordance with the explanation given by the Champaign County Clerk. Member Cadigan seconded the motion which passed unanimously.

Ms. Cray asked the Board for Authorization to not publish the internet voters' guide for the upcoming March Primary, as most candidates do not participate, and the production uses a large amount of IT staff resources. Member Coffrin so moved and Member Cadigan seconded the Motion. The motion passed 8-0.

Kyle Thomas, Director of Voting Registration and Systems, asked the Board for two-year interim approval of the Unisys Open Elect 1.3.3 for use in Illinois. This new, additional, system has never

been used before and is an option for election authorities. He added that he is impressed with the service performed by Unisys in the past several years. Member Coffrin so moved and Chairman Scholz seconded the Motion which passed unanimously.

Not on the agenda, but of concern to the Board is the Electronic Registration Information Center, ERIC. We signed an agreement on December 2nd and chose the delayed payment schedule that was offered. January 1, 2016 we will be members in ERIC. Discussions with the Secretary of State's office for the data sharing agreement continue. Also, Mr. Thomas stated that if the Secretary of State timely uploads their data that would bring the SBE into compliance with a major portion of ERIC.

Kevin Turner, Director of Information Technology acknowledge the status of progress on SB172 as "going as best as we can." His concern is that two contractual employees have not been paid since July 1st.

Mr. Sandvoss admitted consideration of the FY17 appropriation request is challenging considering we don't have a FY16 budget. Funding of SB 172, maintenance, as well as upgrades necessary as a result of SB 172 are of concern. The Operations portion will decrease approximately \$206,000 due to retirements and replacing division directors with people at a lesser salary. Also, the deputy director in campaign disclosure was eliminated and there will be fewer copies printed of the Election Code which gives us a small decrease as well.

There will be 3 elections next year as opposed to one which will increase the reimbursement amounts to the election authorities. The County Clerk's stipend is included in the budget as well as an increase in IT and IVRS staff. Lastly, IVRS grant assistance has increased and been put into the budget as a result of SB 172. Member McGuffage cautioned that Illinois is deep in the hole and we should plan for up to 3 percent decreases across the board, and to be prepared for what happens in the coming months. Chairman Scholz moved to adopt the FY17 budget request and Member Coffrin seconded the motion. The motion passed 8-0.

Member Keith asked if we received any withdrawals of objections or candidates. Mr. Menzel indicated that four objections were withdrawn: 100, *Kay v. Phillips*; 105 *Runyon v. Kay*; and 519 *Palacio v. Rush*. The Candidate withdrew in 510, *Iler v. Hudson*.

The handling of Subpoena requests were discussed and agreed that the process of contacting the Chairman and Vice Chairman has worked well.

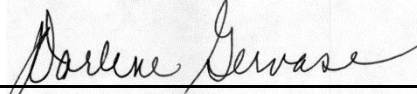
Member Keith moved to adjourn into executive session for personnel matters at 1:50 p.m. and returned to open session at 2:13 p.m. with 7 members present. Member McGuffage held Member Watson's proxy.

Member Keith moved to extend the General Counsel's contract for 18 months to December 31, 2017 and defer any compensation adjustments to when the budget is complete. The General Counsel waives his evaluation in writing. Member Coffrin seconded the Motion which passed unanimously.

As to the Executive Director, Member Keith moved to defer any compensation adjustments to when the budget is complete. Mr. Sandvoss waives his evaluation in writing. Member Coffrin seconded the motion which passed unanimously.

There being nothing further before the Board and no comments from the general public, the next board meeting is scheduled for Thursday, January 7, 2016 at 10:30 a.m. or until the call of the Chair, whichever is sooner. Member Keith so moved and Member Coffrin seconded the motion which passed unanimously by 8 voices in unison.

Respectfully submitted,



Darlene Gervase, Administrative Assistant III



Steven S. Sandvoss, Executive Director