

STATE BOARD OF ELECTIONS
Chicago, Illinois
Tuesday, April 21, 2015

MINUTES

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

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

Chairman Smart convened the meeting at 11:06 a.m. with all members present in Chicago. The Chairman led everyone in the Pledge of Allegiance.

Member Gowen summarized personnel matters heard in Executive Session which was held prior to the Board Meeting. He moved to adopt the minutes of the February, 2015 Executive Session. Member Byers seconded the motion which passed unanimously by 7 voices in unison.

Upon the retirement of Sharon Steward, the Board approved the appointment of Tom Newman as Director of Campaign Disclosure at a salary of \$75,000. Member Watson so moved with Member Gowen's second. The motion passed unanimously by 7 voices in unison.

Mr. Gowen announced Board approval to appoint Andy Nauman as the sole Deputy Director of Campaign Disclosure at a salary of \$73,000. Member Watson so moved with Vice Chairman Scholz' second. The motion passed unanimously by 7 voices in unison.

Member Coffrin moved to accept the report from the executive session. Member Gowen seconded the motion which passed unanimously by 7 voices in unison.

Chairman Smart asked for a motion to approve the minutes of the April 21, 2015 meeting. Member Coffrin so moved and Member Gowen seconded the motion. The motion passed unanimously by 7 voices in unison.

Executive Director Steve Sandvoss presented Sharon Steward a resolution honoring her for her outstanding contributions to the agency.

Due to the late start of the meeting, the Board called item 4.a.101, *Reyes v. First Ward Organization*, 14CD005 and *Reyes v. 1st Ward Democratic Committeeman Fund*, 14CD006. Attorney Brian Porter was present for the Respondent and spoke to a motion for continuance. He indicated they needed 30 days to complete the amendments and come into compliance. He further noted that they have already submitted 23 Amendments. Attorney Richard Means was present for the Complainant and stated that the Amendments were deficient because all that was shown was Zero totals with no details of where the \$118,000 in question was expended. However, he did not object to a 30 day continuance. After discussion, Vice Chairman Scholz moved to grant the Motion for Continuance until the May 18th Board Meeting. Member McGuffage seconded the motion which passed unanimously by roll call vote.

General Counsel Ken Menzel reported that a Motion for reconsideration was submitted in the matter of *SBE v. Friends of Figgs*, 24941, 14JQ128, and indicated the filing at issue was 12 minutes late. After discussion, Member Coffrin moved to grant the Motion and Vice Chairman Scholz seconded the Motion. The Motion passed unanimously.

Thomas M. Cushing, candidate, spoke to the offer in *SBE v. Cushing for Judge*, 25564, 14MA018. Discussion was had and Vice Chairman Scholz moved to accept the settlement offer proposed by the Respondent. Member Byers seconded the motion which passed unanimously by roll call vote.

The Board accepted the appearance of Attorney Laura Jacksack on behalf of the Respondent in *SBE v. Evanston Regular Republican Org.*, 221, 14JQ004. The Board rejected the offer of \$803.03 which was less than 50% of the \$3,400 fine. After discussion, Vice Chairman Scholz moved to accept 50% of the fine, payable within 90 days. Member McGuffage seconded the motion which passed 7-0 by roll call vote.

The settlement offer presented in *SBE v. Friends for Howland*, 19201, 15DQ042, was below 50%. No one appeared for the Respondent. Member Coffrin moved to reject the settlement offer and Member Watson seconded the motion which passed unanimously by roll call vote.

The Chairman called *SBE v. Committee for Elect Jennifer Pritchett*, 24563, 12MA124 and 13DQ248, and accepted the appearance of Candidate Pritchett who was present via videoconference in the Springfield office. The settlement offer of \$1,000 was rejected for the \$5,000 fine. Member McGuffage moved to deny the settlement offer and Member Watson seconded the motion which passed 7-0 by roll call vote. Candidate Pritchett offered 50% of the fine with a payment plan to be arranged with Board staff. Member Watson moved and Member McGuffage seconded the Motion to accept the 50% settlement offer. The motion passed 7-0 by roll call vote.

Appeals of campaign disclosure fines wherein the hearing officer recommendation appeals be granted were considered. General Counsel Menzel concurred with the hearing officer's recommendations. Vice Chairman Scholz moved to adopt the General Counsel and hearing officer's recommendations and grant the appeals in Items 4.a a6 through 31. Member Coffrin seconded the motion which passed unanimously by roll call vote. Those cases are: *SBE v. Illinois Hospital Association PAC*, 675, 14AS005; *SBE v. Wayne County Republican Party*, 1209, 15AD013; *SBE v. United Home Owners/Good Government Party*, 4271, 15AD015; *SBE v. Lake Forest Caucus*, 4870, 14JQ010; *SBE v. Fayette County Republican Women's Club*, 6482, 15DQ015; *SBE v. Citizens for Jim Langfelder*, 12048, 14AJ016; *SBE v. Silverstein for Senator*, 13356, 14AS016; *SBE v. Collinsville Education Association (IEA-NEA)*, 14453, 15AD023; *SBE v. 23rd Ward Regular Democratic Organization*, 19167, 14AS027; *SBE v. Friends of Will Burns*, 20749, 15MA017; *SBE v. Friends of the Schaumburg Township Republican Team*, 21072, 14AS034; *SBE v. Committee to Elect Richard G. Karwaczka*, 22228, 14SQ072; *SBE v. Citizens for Bita Buenrostro*, 22801 (Attorney Laura Jacksack appeared for the Respondent and accepted the recommendation), 14MQ093; *SBE v. Citizens for Darin LaHood*, 23532, 15AD034; *SBE v. Friends of Laura Fine for State Rep.*, 24013, 15DQ080; *SBE v. We the People*, 24596, 15DQ090; *SBE v. Friends of Jay Travis*, 25569, 14MA028; *SBE v. Citizens for Jim Moynihan*, 25619, 15AD042; *SBE v. Allan Beaber for Sheriff*, 25663, 14AS060; *SBE v. Keiana Barrett for 7th Ward*, 25857, 15AD048; *SBE v. Working America*, 25990, 14AS074; *SBE v. Citizens to Elect Doug Johnson*, 26006, 14AS076; *SBE v. Friends of Rich Martinez*, 26042, 15DQ131; *SBE v. Citizens for Lemont Public Library Improvements*, 26099, 14SQ141; *SBE v. Citizens to Elect Susan Sadloski Garza*, 26168, 15AD062; and *SBE v. Friends of T. Ray McJunkins*, 27289, 15DQ159.

Mr. Menzel presented items 32 through 79, Appeals of campaign disclosure fines wherein the hearing officer recommended the appeals be denied. He concurred with said recommendations. However, at the request of counsel for the Respondent committees Mr. Menzel continued items 64 and 70 to the May meeting. He said the list excluded Items 52 and 63 as Representatives were present and wished to address the Board. Member Scholz moved to adopt the recommendations of the hearing officer and General Counsel and Member Coffrin seconded the Motion. The Motion passed 7-0 by roll call vote. Those matters denied are: *SBE v. Randolph County Democratic Central Committee*, 44, 15AD001; *SBE v. Maine Township Regular Republican Organization*, 73, 14SQ001; *SBE v. Randolph County Republican Central Committee*, 154, 15AD003; *SBE v. Marion County Republican Central Committee*, 280, 15AD004; *SBE v. Kankakee County Democratic Central Committee*, 325, 15AD008; *SBE v. Communication Workers of America Dist. 4 PEC*, 763, 14AS006; *SBE v. Skokie Caucus Party*, 4273, 14AJ011; *SBE v. Wayne Township Republican Organization*, 4463, 15MA006; *SBE v. Committee to Retain John Baricevic*, 5499, 14SQ015; *SBE v. Democratic Citizens Association of Caseyville Township*, 5512, 14SQ016; *SBE v.*

Williamson County Republican Women's Club, 5570, 15DQ013; *SBE v. McHenry Township Republican Team Fund*, 9158, 14SQ021; *SBE v. Citizens for Jim Langfelder*, 12048, 15AD021; *SBE v. Coalition for a Better Dolton*, 13550, 14SQ028; *SBE v. Committee to Elect Wayne Motley*, 15611, 15AD024; *SBE v. Citizens to Elect Tinley Park Village Officials*, 15724, 14AS020; *SBE v. Friends of Paul Palazzolo*, 15925, 14AJ021; *SBE v. Friends of Paul Palazzolo*, 15925, 15AD025; *SBE v. Holland & Knight LLP IL Committee for Effective Government*, 16109, 14AS021; *SBE v. McAvooy for Alderman Committee*, 17306, 14SQ038; *SBE v. Batavia Township Republican Organization*, 17662, 14SQ040; *SBE v. Statewide Medical Alliance for the Survival of Healthcare*, 17787, 15AD028; *SBE v. Naperville Township Democratic Organization*, 18389, 14AS025; *SBE v. Friends of Mike Jacobs*, 18410, 15AD030; *SBE v. Naperville Area Republican Women's Organization*, 19114, 15MA014; *SBE v. Friends of Miriam Shabo*, 21302, 15DQ052; *SBE v. Citizens to Re-Elect Kathy Svoboda*, 21438, 14SQ064; *SBE v. Concerned Citizens for Judy Ogalla*, 22505, 15DQ060; *SBE v. Mary Rakers for Clinton County Clerk*, 22630, 15DQ061; *SBE v. Friends of Jackie Traynere*, 22669, 15DQ063; *SBE v. Citizens to Elect Reginald C. Mathews State's Attorney*, 23795, 14SQ086; *SBE v. Friends of Christian Mitchell*, 23849, 15MA024; *SBE v. Collinsville Township Republicans*, 24482, 14SQ094; *SBE v. Citizens for Derek Krauss*, 24921, 14SQ101; *SBE v. Black for City Council*, 25052, 15MA031; *SBE v. Central Illinois for Responsible Government, NFP*, 25829, 15MA035; *SBE v. YES for Tognarelli Committee*, 25935, 14AJ057; *SBE v. Vote Yes to Growing Parks Strong in 2014*, 26091, 15AD057; *SBE v. Friends to Elect Karen Kase*, 26111, 15MA046; *SBE v. Friends of Kankakee County Schools*, 26150, 15AD060; *SBE v. Citizens to Elect Steve Bareis Sheriff*, 26175, 15DQ141; *SBE v. Friends for Nina*, 26215, 15DQ146; *SBE v. Horn for Decatur*, 27243, 15DQ152; and *SBE v. Hanover Park United Party*, 27305, 15DQ163.

The General Counsel called 4.a.52 and accepted the appearance of Attorney John Fogarty for the Respondent in *SBE v. Republican State Senate Campaign Committee*, 17589, 15AD027, who was present in Springfield. Mr. Fogarty asked that the violation be treated as one, single, first violation and the fine be abated. Mr. Menzel concurred. Member McGuffage moved to adopt the General Counsel's recommendation. Member Coffrin seconded the motion which passed unanimously by roll call vote.

Mr. Menzel accepted the appearance of John Escobar for Item 4.a.63, the Chicago Latino Public Affairs Committee, 22755; 15MA019. After discussion, Mr. Escobar requested a continuance to confer with the committee. Vice Chairman Scholz moved to continue item 4.a.63 to the May board meeting. Member Coffrin seconded the motion which passed 7-0.

Agenda Items 80 and 81, appeals of campaign disclosure fines, were presented by General Counsel Menzel. He recommended they be granted in part and denied in part. Vice Chairman Scholz moved to adopt the General Counsel's recommendations and Member Coffrin seconded the motion which passed unanimously. Those matters are: *SBE v. Village Economy Party aka Norridge Improvement Party*, 4274, 15MA005; and *SBE v. Aurora Township Democratic Central Committee*, 5301, 15MA007.

Mr. Menzel introduced the committees who failed to comply with a board order and recommended the Board assess \$5,000 fines against: *SBE v. votedebby.com*, 14CD136; *SBE v. Citizens to Elect Alvin Parks, Jr.*, 14CD137; *SBE v. Re-Elect Eric Leys*, 14CD145; *SBE v. Jackson for Committeeman Ind. Democratic Political Org.*, 14CD149; *SBE v. Friends of Jeremy J. Ly*, 14CD153; *SBE v. Tammy Baer for Douglas County State's Attorney*, 14CD155; *SBE v. Citizens for Rudd*, 14CD161; *SBE v. Friends of David Moore*, 14CD162; *SBE v. Citizens to Elect Anthony Coleman for Mayor of North Chicago*, 14CD163; *SBE v. Braiman for Judge*, 14CD165; *SBE v. Friends of Christina Campos*, 14CD170; *SBE v. Citizens to Elect 169 Write-ins*, 14CD173; *SBE v. Friends for Mary C. Childers*, 14CD176; *SBE v. Supporters of Joe Cook*, 14CD179; *SBE v. Citizens to Elect Frazier Garner*, 14CD183; *SBE v. Fans of Harness Racing*, 14CD185; and *SBE v. The Committee to Elect Robert R. McKay*, 14CD189.

The General Counsel referred the Board to Committees listed on pages 459 through 467 of their packet who have delinquent filings of September and December, 2014 quarterly reports, D-1 Statement of Organizations, Schedule A-1's and "multi-assessments" whose violations were not appealed. He asked the Board to issue Final Orders in those matters. Vice Chairman Scholz so moved and Member Byers seconded the motion which carried unanimously.

Payments of civil penalties on pages 468 and 469 of the packet were submitted for informational purposes.

The Board took a short break at noon and returned to open session at 12:15 p.m.

Executive Director Steve Sandvoss began his report with a report of the April 7 Consolidated Election. He indicated that phone traffic was moderate with 120 calls between both offices with questions and complaints typical on Election Day.

East St. Louis requested SBE staff to be present in their office, since this was the first election where the counting of write-in votes occurred in the precincts rather than at the central counting center. Staff recommended more detailed training of election judges regarding the counting write-in votes would be necessary before the next election.

Turnout reports ranged from 8% to 40%.

Mr. Sandvoss continued with Certification of the Fox Waterway Management Agency Directors certification. He noted the deadline of May 8, 2015 for the Board to canvass those results. As in previous election cycles, Director Sandvoss requested authorization for staff members to certify the winning candidates for this office in lieu of a special board meeting. Vice Chairman Scholz so moved and Member Coffrin seconded the motion which passed by 7 voices in unison.

Mr. Sandvoss reported on the precincts that failed to report their totals by 2AM and said that the problems involved removing the memory pack prior to shutting off the machine which will impact totals and the other was an OC error. Both problems were corrected and votes tallied the following day.

Voting system pre-testing and Election Judge training schools were presented for informational purposes.

Mr. Sandvoss noted that a Special State Officers Electoral Board may be necessary if objections are filed to candidates for the 18th Congressional District. A May 1st meeting at 10:00 a.m. may be necessary to call objections, adopt rules, appoint hearing officers, set a calendar, etc.

A Consent Decree with the Department of Justice relating to the 18th Congressional District Special Election was presented to the Board as well as information and dates relevant to the election.

Cris Cray, Legislative Liaison, offered a legislative update which include information on an omnibus bill which includes cleanup language for SB172, Article 28 revisions related to Statewide advisory questions and consolidate elections to help counties save money. In addition, she noted that the Appropriation hearing was continued to April 30 in the Senate. Director Sandvoss and Fiscal Officer Mike Roate will be present. Mr. Roate reported on the impact of the 2.25% budget cut (which he said we could manage), but an additional 10% cut could not be sustained.

Kyle Thomas' update of Senate Bill 172 included information about discussions with State agencies who are required to connect their computer network with that of the SBE to electronically transfer voter registrations. Such discussions are going well and work continues to meet the statutory deadline for implementation, though he is still working on setting up a meeting with the Dept. of Human Services. He further noted that the Department of Employment Security does not intend to implement any requirements of SB172.

As to Paperless Online Voting Application (POVA), he reported that the new system will determine if a user can register online – with an Illinois driver's license or state ID. Those without the Illinois driver's license or state ID must print, sign and mail their application.

Kevin Turner added that work will continue on IT projects as long as there is funding for those projects.

Director Sandvoss submitted a board meeting schedule for FY-16 and indicated there are two meeting dates in October that could be combined. He added that special meetings may be necessary on July 10th for new party or independent candidates to whom objections have been filed and on July 23 via video conference to certify the results of the Special Election Primary election. All others are regular meetings.

Mr. Roate offered an FY-15 budget update reiterating that the 2.25% was manageable but another 10% would greatly impact the agency.

The Executive Director corrected an entry in the YTD under IVRS's budget report that now shows the amount of \$348,193.37. Other Fiscal status reports were presented for informational purposes as well as the two-year plan of staff activity.

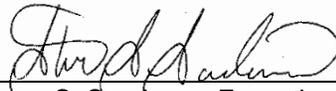
As a follow-up, Sharon Meroni of Defend the Vote; Messrs. James Macklin; and Carlos Strickland presented testimony to the Board regarding Republican Election Judges in the City of Chicago. General Counsel Menzel was directed to accept any proof the parties wish to submit.

Member Byers moved to adjourn and Member Coffrin seconded the Motion which passed with 7 eyes in unison.

The next meeting of the Board is scheduled for Monday, May 18, 2015 in Springfield.

The meeting adjourned at 1:14 p.m.

Respectfully submitted,



Steven S. Sandvoss, Executive Director



Darlene Gervase, Administrative Assistant III