

# Exhibit A

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ILLINOIS LIBERTY PAC, a  
Political Action Committee  
registered with the Illinois  
State Board of Elections,  
EDGAR BACHRACH, and KYLE  
McCARTER,

Plaintiffs,

-vs-

Case No. 12 C 5811

LISA M. MADIGAN, Attorney  
General of the State of  
Illinois; WILLIAM McGUFFAGE,  
Chairman of the Illinois  
State Board of Elections;  
JESSE R. SMART,  
Vice-Chairman of the  
Illinois State Board of  
Elections; HAROLD D. BYERS,  
Member of the Illinois State  
Board of Elections; BETTY J.  
COFFRIN, Member of the  
Illinois State Board of  
Elections; ERNEST L. GOWEN,  
Member of the Illinois State  
Board of Elections; JUDITH  
C. RICE, Member of the  
Illinois State Board of  
Elections; BRYAN A.  
SCHNEIDER, Member of the  
Illinois State Board of  
Elections; and CHARLES W.  
SCHOLZ, Member of the  
Illinois State Board of  
Elections, all in their  
official capacities,

Defendants.

Chicago, Illinois  
January 26, 2016  
9:30 a.m.

TRANSCRIPT OF PROCEEDINGS - Trial  
BEFORE THE HONORABLE GARY FEINERMAN

1 APPEARANCES:

2 For the Plaintiffs: LIBERTY JUSTICE CENTER  
3 BY: MR. JACOB H. HUEBERT  
4 MR. JEFFREY M. SCHWAB  
5 MR. JAMES McQUAID  
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7 For the Defendants: ILLINOIS ATTORNEY GENERAL'S OFFICE  
8 BY: MS. JESSICA M. SCHELLER  
9 MR. KEVIN R. LOVELLETTE  
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13 Chicago, Illinois 60601  
14 (312) 814-2098

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21 Court Reporter:

22 CHARLES R. ZANDI, CSR, RPR, FCRR  
23 Official Court Reporter  
24 United States District Court  
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Chicago, Illinois 60604  
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1 (Proceedings heard in open court:)

2 THE COURT: Good morning. So, who do we have?

3 MR. HUEBERT: For the plaintiffs, we have Jacob  
4 Huebert with Jeffrey Schwab and James McQuaid.

5 MS. SCHELLER: Good morning, your Honor. Assistant  
6 Attorneys General Jessica Scheller, Kevin Lovellette, and  
7 Andrew Horvat on behalf of the defendants.

8 THE COURT: Good morning. So, the plaintiffs have  
9 rested, and the defendants were going to call what they  
10 anticipate to be their one witness?

11 MR. LOVELLETTE: It turns out we do have a rebuttal  
12 witness really quick who is going to testify second.

13 THE COURT: And you let the plaintiffs know?

14 MR. LOVELLETTE: Last night we did, yes.

15 THE COURT: All right. And then who are you going to  
16 call?

17 MR. LOVELLETTE: The defendants call Andrew Nauman.

18 THE COURT: Andrew Nauman. Okay. And he's the  
19 witness that you --

20 MR. LOVELLETTE: Disclosed.

21 THE COURT: Yes. And who is the witness you didn't  
22 disclose?

23 MR. LOVELLETTE: His name is Steve Sandvoss. He's  
24 the executive director of the Board.

25 THE COURT: Okay. All right.

1 ballot initiative committee?

2 A. There's no prohibition against that.

3 MR. LOVELLETTE: Okay. Thank you. That's now all I  
4 have.

5 THE COURT: Okay. Thank you.

6 Plaintiffs.

7 CROSS-EXAMINATION

8 BY MR. HUEBERT:

9 Q. Good morning, Mr. Sandvoss. You testified that --  
10 regarding PACs coordinating with candidates. What counts as  
11 coordination when you talk about that?

12 A. I would say communication with the candidate or the  
13 candidate's committee. That could take various forms, in  
14 person, over the phone, e-mail. But I would consider the key  
15 being the communication between the PAC and the candidate or  
16 the candidate's committee.

17 Q. So, does giving a contribution through a PAC to a  
18 candidate count as coordination in itself?

19 A. Simply making the contribution? I would say no, not  
20 without any other type of -- again, without any type of  
21 communication or coordination.

22 Q. If a person is the chair of a PAC and through that PAC  
23 they do coordinate with a candidate, they do have those  
24 communications, so that it counts as coordination, and they  
25 give money to that candidate as well, can that same person

1 then use an independent expenditure committee of which he's  
2 the chair to support that same candidate after he has  
3 coordinated with the candidate through his PAC?

4 A. I think that would be -- I think that would be  
5 problematic. I think it would depend on the specific facts as  
6 to the -- you know, the nature of the communication, maybe  
7 when it occurred.

8 But if a chairman, in your example, of a PAC is  
9 coordinating with a candidate and then that same officer of  
10 the independent expenditure committee were to start making  
11 independent expenditures, I think that could raise a red flag.

12 Q. So, if the chairman of a PAC in this situation wanted to  
13 be on the safe side and avoid running afoul of the law, would  
14 it be advisable to not make independent expenditures -- not  
15 make expenditures through an independent expenditure committee  
16 on behalf of a candidate after already coordinating with that  
17 candidate through the PAC?

18 A. Again, you're -- if you're saying that that person, that  
19 chairman of the PAC is also the head of the independent  
20 expenditure committee?

21 Q. Yes.

22 A. If that question were posed to me, yeah, I would advise  
23 them not to do that.

24 Q. You've testified that the law allows unlimited independent  
25 expenditures, correct?

1 A. Yes.

2 Q. But those -- to be considered independent expenditures  
3 that are unlimited, the contributions have to be made through  
4 an independent expenditure committee, correct?

5 A. Well, an independent expenditure committee can make  
6 unlimited independent expenditures. Whether or not a PAC, for  
7 instance, is already maxed out on their contributions, whether  
8 or not they can make an independent expenditure, that part  
9 is -- that's questionable. I don't know that.

10 Q. You testified that someone could hold an office like a  
11 State Senate seat and be a ward committeeman or township  
12 committeeman at the same time, correct?

13 A. Yes.

14 Q. But one does not -- if one is a state senator, you're not  
15 entitled to be a ward committeeman just because you hold the  
16 Senate seat; it's not automatic, right?

17 A. Correct.

18 Q. You would have to be separately elected to the office of  
19 committeeman?

20 A. Correct.

21 MR. HUEBERT: That's all. Thank you.

22 THE COURT: Thank you.

23 Anything further from defendants?

24 MR. LOVELLETTE: Nothing, your Honor.

25 THE COURT: Okay. Thank you, Mr. Sandvoss. You can