

State Board of Elections Board Meeting
Friday, January 27, 2006
11:00 a.m.

MINUTES

PRESENT: Jesse R. Smart, Chairman
Wanda L. Rednour, Vice Chair
Patrick A. Brady, Member
John R. Keith, Member
William M. McGuffage, Member
Albert S. Porter, Member
Robert J. Walters, Member

ABSENT: Bryan A. Schneider, Member

ALSO PRESENT: Daniel W. White, Executive Director
Steve Sandvoss, General Counsel
Darlene Gervase, Assistant to the Executive Director

The special telephonic meeting of the State Board of Elections was called to order at 11:00 a.m. with 6 members present. Chairman Smart held Mr. Schneider's proxy. Mr. McGuffage arrived at 11:08 a.m.

The Chairman called for a motion to recess to the State Officers Electoral Board. Mr. Porter made the motion with Vice Chairman Rednour's second. The motion passed and the Board recessed at 11:05 a.m.

The Board returned to the meeting of the State Board of Elections at approximately noon and renewed the motion to accept the withdrawals made during the State Officers Electoral Board meeting. Mr. Keith renewed his motion; Mr. McGuffage renewed his second to authorize staff to issue corrected certification of the ballot to election authorities after receipt from other boards and courts reviewing candidate issues; and the motion passed unanimously.

Chairman Smart called the ballot forfeiture issue of Derrick T. Prince, Democratic Party candidate for the 33rd Representative District. Mr. Prince was present in the Springfield office. He stated that he filed his semi annual report that was due on January 31, 2005 at 3:56 p.m. December 30, 2004. Mr. Prince produced the original time stamped document showing the time stamp in blue. The filer receives a photo copy of the document showing the time stamp in black and original with the blue stamp is retained in the Springfield office. It is uncertain how Mr. Prince had the original document. Mr. Prince produced a letter purportedly from a Board employee that said the supervisor of Public Disclosure destroyed the original document and this person retrieved the document and mailed it to Mr. Prince. Mr. Porter moved to direct Executive Director White to launch an investigation into this matter. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0. Mr. Porter moved and Vice Chairman Rednour seconded a motion to rescind the \$250 assessment and to certify the name of Derrick Prince to the ballot. After lengthy discussion by the board, this motion was recalled. Mr. Keith moved to continue this matter until the special board meeting scheduled for February 3, 2006, and further that Mr. Prince and anyone else who wants to submit documentation, must do so by close of business on February 1, 2006. The motion passed 8-0.

The Board considered certification of the Sequoia 400-C (update only); Hart Inter Civic Ballot Now Scan; Hart Inter Civic E-Slate (DRE); and Diebold AccuVote TSX (DRE) with Firmware 4.6.4 modification. Dianne Felts, Director of Voting System and Standards stated that she received an email from Mr. Nulty of Sequoia and she suspected that she would be able to complete the tests within 2-3 days. Mr. White presented a letter from Lance Gough which addressed his concerns about finalizing the process and asked if Rick Fulle or Dianne Felts would be available to appear at their board meeting to answer questions about the Sequoia 400-C. Director Felts agreed to be available via phone for the meeting. Discussion and certification of the Sequoia 400-C was continued until completion of the tests.

Director Felts offered an account of what transpired during testing of the Hart InterCivic "Ballot Now" Central Count Scan (Digital Imaging). The first occurrence was that the system did not see an over-vote. When asked for a rerun of this precinct and a log, the vendor representative flushed the computer log and could not reproduce it. The vendor had accidentally placed a program called "benora" on the system. This system judges the actual marking of the ballot and determines the intent of the voter. Director Felts asked that this program be turned off all equipment for Illinois. She mentioned this problem because after her request, "benora" was blamed twice for miscounts from the vendor representative. The second problem was that ballot sheets were sequentially numbered

jeopardizing the secrecy of the ballot. The representative said they could easily change this so the numbers were hidden. Problem number 3 was proofing write-ins because the administrator must manually resolve them first on the actual system before the ballot images can be addressed by the tally application of the system. This took a long time to run these ballots and along with this resolution, write-ins must be manually resolved. The administrator has the ability to resolve the write-in and accidentally take off a vote in the contest prior to the actual counting of the ballots. Another miscount occurred after "benora" was definitely turned off. The vendor suggested human error but a definitive answer was not offered. The company decided to upgrade from the Kodak 1500 to the Kodak 3520. No county errors occurred during the preliminary test, but the system cannot produce an automated blank ballot report; the administrator must manually tally them. Ms. Felts noted that it took five days to count 4500 ballots on a central count system with three administrators usually working on the write-ins, but they did have over 16,000 write ins. Mr. Keith moved to delay action until February 8, 2006. Mr. McGuffage seconded the motion which passed unanimously.

Interim certification for the Accu-Vote TSX Touch Screen firmware upgrade to 4.6.4 was considered. No count errors were detected during tests conducted on January 23 and 24, 2006. The only problem that was encountered during the test was that the voter verifiable paper trail still scrunched the printing at times to the point of being unreadable. However, Director Felts recommended interim certification of the modification with all prior restrictions in place and requests the vendor to correct the paper trail printing problem. Mr. McGuffage moved to grant the interim certification as proposed by VOSS. Mr. Brady seconded the motion which passed 7-1 with Mr. Keith voting no.

There being no further business before the Board Mr. Keith moved to adjourn until February 8, 2006 or the call of the Chairman, whichever comes first. Vice Chairman Rednour seconded them motion which passed 8-0. The Board adjourned at 1:10 p.m.

DATED: February 6, 2006

Respectfully submitted,

Darlene Gervase, Assistant to the Executive Director

Daniel W. White, Executive Director

State Officers Electoral Board Meeting
Friday, January 27, 2006
11:05 a.m.

MINUTES

PRESENT: Jesse R. Smart, Chairman
Wanda L. Rednour, Vice Chair
Patrick A. Brady, Member
John R. Keith, Member
William M. McGuffage, Member
Albert S. Porter, Member
Robert J. Walters, Member

ABSENT: Bryan A. Schneider, Member

ALSO PRESENT: Daniel W. White, Executive Director
Steve Sandvoss, General Counsel
Darlene Gervase, Assistant to the Executive Director

The special telephonic meeting of the State Board of Elections sitting as the State Officers Electoral Board was called to order at 11:05 a.m. with 6 members present. Chairman Smart held Mr. Schneider's proxy. Mr. McGuffage arrived at 11:08 a.m.

The Chairman presented the minutes of the January 4, 2006 meeting. Vice Chairman Rednour moved and Mr. Walters seconded the motion to adopt the minutes as submitted. The motion passed unanimously.

Chairman Smart called the *Antinucci v. Prochaska*, 06 SOEB GP514 and *Paris v. Prochaska*, 06 SOEB GP 515 and asked for appearances. Mr. John Nelson appeared for the objectors and Mr. Prochaska appeared *pro se* but advised the Board that he intended to have an attorney represent him. General Counsel Steve Sandvoss introduced the calendar and asked for a final hearing date of Wednesday, February 8, 2006. Vice Chairman Rednour moved to adopt the calendar and final hearing date. Mr. Porter seconded the motion which passed unanimously.

Mr. Sandvoss asked the board to appoint Robert Bell as Hearing Officer in the *Prochaska* matter. Mr. Porter moved and Mr. Brady seconded the motion. The motion passed 8-0.

The Chairman presented objections to nominating petitions for final disposition. The first matter called was *Patterson v. Barrett*, 05 SOEB GP 505. Mr. Sandvoss offered the Hearing Officers report and results of the binder check wherein 479 objections were sustained leaving 821 valid signatures, 179 below the statutory minimum. Mr. Sandvoss agreed with Hearing Officer Phil Krasny that the objection be sustained and candidate Lee Barrett not be certified for the office of State Senate for the 22nd District. Vice Chairman Rednour moved to adopt the recommendation of the Hearing Officer and General Counsel and to sustain the objection. Mr. Keith seconded the motion and the motion passed 8-0.

Mr. Sandvoss continued with *Stupec v. Kanhai-Zamora*, 05 SOEB GP 506. The objector appeared *pro se* and the candidate was represented by Michael Kasper and Elias Mossos. After a binder check and hearing, Hearing Officer Albert Zimmer recommended that the objection be overruled as the candidate had 874 valid signatures, 11 above the statutory minimum. Mr. Sandvoss concurred. Mr. Porter moved and Mr. McGuffage seconded a motion to overrule the objection and the name of Ruben Kanhai-Zamora be certified to the ballot for Congressman, 14th District. The motion passed unanimously.

The General Counsel presented *Boisvert v. Howard*, 05 SOEB GP 508, an objection to the candidacy of John W. Howard from the Republican Party for the office of State Representative of the 79th District. John W. Countryman, Matthew O'Shea and John Fogarty represented the objector. Initially Mr. Howard appeared *pro se*, but was later represented by Bruce Jackson. Hearing Officer Barbara Goodman denied Candidate's Motion to Strike as being untimely filed. The records exam resulted in the candidate's having 418 valid signatures; 82 under the statutory minimum. The Hearing Officer recommended that the objection be sustained and that Mr. Howard not be certified to the March primary ballot. After a series of hearing and records exam, Hearing Officer Goodman denied Candidate's

Motion for Continuance beyond January 19 as no registration records had been tendered although they had 7 days to prepare for the January 19th hearing. Mr. Sandvoss concurred with the Hearing Officer that Mr. Howard not be certified to the March primary ballot. Vice Chairman Rednour moved to adopt the recommendations of the Hearing Officer and General Counsel and not certify the name of John W. Howard to the March primary ballot. Mr. Porter seconded the motion which passed 8-0.

The Chairman called the matter of *Goetten v. Giannoulis*, 05 SOEB GP 509. The objector was represented by Michael Kasper and the candidate by Michael Dorf. The parties stipulated that there were not fewer than 5000 valid signatures on the petition and the exact number of signatures in excess of 5000 was neither stipulated nor otherwise determined. Hearing Officer Albert Zimmer recommended that the nominating petition of Alexander Giannoulis be held valid and the objection overruled and the name Alexander Giannoulis certified to the General primary ballot. Vice Chairman Rednour moved to adopt the recommendations of the Hearing Officer and General Counsel and to certify the name of Alexander Giannoulis to the General Primary ballot. Mr. Walters seconded the motion which passed by roll call vote of 8-0.

The next matter before the board was *Cattron v. Schock*, 05 SOEB GP 510. Michael Kasper and Elias Mossos represented the objector and J. Patrick Jaeger represented the candidate. The candidate submitted 615 signatures; 288 signatures were challenged and 230 were sustained leaving 385 valid signatures. The candidate received notice, but did not appear at the hearing. Hearing Officer Albert Zimmer recommended that the objection be granted and Mr. Schock's name not be certified to the March Primary ballot. General Counsel Sandvoss agreed with the recommendation. Mr. Porter moved to adopt the recommendations of the General Counsel and Hearing Officer to grant the objection and deny certification of Greg B. Schock's name to the General Primary ballot. Mr. Keith seconded the motion which passed unanimously.

The Chairman called the matter of *Sesso, et al., v Giannone*, 05 SOEB GP512. Michael E. Lavelle represented the objector and Mathias Delort represented the candidate. Candidate's nominating papers contained 530 signatures and 500 valid signatures are required for the office of State Representative for the 56th District. Objector's contended that the petition contained an insufficient number of valid signatures; that one of the candidate's notaries signed the petition creating an unlawful interest in the subject matter; and that a pattern of fraud existed. A records examination resulted in 108 objections to signatures being sustained reducing the total number of valid signatures to 422, 78 below the statutory minimum. The candidate did not challenge these results. Hearing Officer James Tenuto recommended that the objection be sustained and the name of Susan Giannone not be certified for the March Primary ballot. Vice Chairman Rednour moved and Mr. Walters seconded the motion to adopt the recommendations of the Hearing Officer and General Counsel to sustain the objection and not certify Susan Giannone to the March Primary ballot. The motion passed 8-0.

The last objection matter on the agenda was acceptance of the withdrawal submitted by Sandi Radtke, Independent candidate for Lieutenant Governor in the General Election. Mr. Keith moved to accept the withdrawal and that Candidate Radtke's name will not appear on the ballot for the General Election due to her withdrawal. Mr. McGuffage seconded the motion which passed unanimously.

Chairman Smart presented the names of 9 candidates who had filed withdrawals with the Board. Mr. Keith's motion to accept the withdrawals of all 9 candidates as a group was seconded by Mr. Porter. The motion passed unanimously. The following will not be certified to the General Primary ballot: Frank Coconate, Democratic candidates for the 9th State Central Committeeman; William D. O'Neal, Democratic candidate for the 1st Appellate, Hartman Vacancy; Lawrence Leonard Grazian, Republican candidate for the 13th Subcircuit, Bierman vacancy; Patricia Martin Bishop, Democratic candidate for the 1st Appellate, Hartigan vacancy; Lawrence Lykowski, Republican candidate for the 13th Subcircuit, Bierman vacancy; Jerry Washington, Democratic candidate for the 6th Representative District; Gary Shields, Democratic candidate for the 40th Representative District; Sandra M. Brostoff, Democratic candidate for Cook County Judge, Bellows vacancy; and James L. Byrne, Democratic candidate for Cook County Judge, Nudelman vacancy.

Director White reminded the board that staff may receive additional withdrawal requests and that special telephonic meetings would be necessary to accept the withdrawals. He added that other boards were still hearing objections and asked the board to authorize staff to issue corrected certifications of the ballot to the respective authorities. Mr. White thanked all staff that was involved in the records examinations and particularly thanked Shanta Williams, who headed up the Chicago effort. Mr. Keith moved and Mr. McGuffage seconded a motion to authorize staff to issue corrected certification of the ballot to election authorities after receipt from other boards and courts reviewing candidate issues. The motion passed unanimously.

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There being no further business before the State Officers Electoral Board the Chairman asked for a motion to recess until a date certain or call of the Chairman, which occurs first. Vice Chairman Rednour moved and Mr. McGuffage seconded the motion which passed unanimously. The State Officers Electoral Board recessed at approximately noon.

DATED: February 6, 2006

Respectfully submitted,

Darlene Gervase, Assistant to the Executive Director

Daniel W. White, Executive Director