

**STATE BOARD OF ELECTIONS
Special Board Conference Call
Friday, February 3, 2006**

MINUTES

PRESENT:	Jesse R. Smart, Chairman Wanda L. Rednour, Vice Chairman Patrick A. Brady, Member John R. Keith, Member Albert S. Porter, Member Bryan A. Schneider, Member Robert J. Walters, Member
ABSENT:	William M. McGuffage, Member
ALSO PRESENT:	Daniel W. White, Executive Director Steve Sandvoss, General Counsel Amy Calvin, Administrative Specialist

The special meeting of the State Board of Elections was called to order via telephonic means at 11:01 a.m. with seven members present. Member McGuffage was absent and Member Porter held his proxy.

The Chairman presented consideration of approval of Hart Inter Civic E-Slate Direct Recording Electronic Device (DRE) and indicated an update on the Sequoia 400C was also being added to the agenda. David Hart was present on behalf of Hart Inter Civic. Jo Ann Thomas, Peoria County Clerk and Tom Bride, Election Administrator were present as well as Jack Cunningham, Kane County Clerk and Jay Bennett. Dianne Felts indicated testing began again on the E-Slate system and that a problem with the precinct printout existed. Ms. Felts explained that the E-Slate treated the ballot styles in a precinct as the precinct totals and did not satisfy the requirements of 10 ILCS 5/24C-15. She also indicated that the General Counsel concurred that it did not satisfy the statute and asked if this could be presented at a later time after the problem is resolved.

David Hart indicated the precinct reports would be consolidated in the tally process and that this problem had nothing to do with the voting and counting logic of the system. Mr. Hart explained it would take a few days to make the change and figure out how long it would take to return to the ITA for certification and asked the Board to consider approval of the system pending the change in the report at the precinct level.

Jack Cunningham indicated his understanding that the statutory requirements were met in that the precinct totals could be tallied manually. Jo Anne Thomas concurred with Mr. Cunningham and

commented that the election judges could add the totals and post them as a temporary solution for this election until the problem is resolved. The General Counsel referred to 10 ILCS 5/24C-15 which states "the precinct return printed by the Direct Recording Electronic Voting System tabulating equipment shall include the number of ballots cast and votes cast for each candidate." Ms. Thomas explained they would be printed but the totals would be added manually and then tabulated electronically in the Clerk's office. The General Counsel then raised the issue of the voter secrecy and the possibility of having split ballots and only one voter for a particular ballot style. Ms. Thomas indicated Peoria County would not have any splits in the March election so voter secrecy would not be a problem, but they would have splits in odd year elections. Mr. Cunningham also acknowledged that Kane County would not have any splits for the March election as well.

After lengthy discussion, Member Keith moved to recess at the conclusion of the meeting until Noon on Monday, February 6, 2006 to reconsider approval of the Hart Inter Civic E-Slate (DRE). Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

The Chairman presented an update on the Sequoia 400C Central Count Scan. Ms. Felts indicated that during testing they found problems with the hat and the system went back to the Independent Testing Authority (ITA) for testing. She was unsure if they would be out of the ITA by Wednesday and suggested a possible special Board meeting on Friday.

Mark Mossman then presented the following pending candidate withdrawals following certification for consideration: Teresa Bartels, Republican candidate for the 8th Congressional District; Rafael "Ray" Frias, Democratic candidate for the 1st Legislative District; Antonio "Tony" Munoz, Democratic candidate for the 4th State Central Committeeman; and Jay A. Heller, Democratic candidate for Cook County Judge, Nudelman Vacancy. Mr. Mossman indicated the jurisdictions affected by the withdrawals were notified and had no objection to the Board accepting the withdrawals. Member Porter moved to accept the withdrawals and not certify those names to the ballot. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0

The next item on the agenda was a status update on ballot forfeiture and the Derrick Prince matter. Mr. Prince was present in the Chicago office. The Executive Director explained that a hearing was held concerning the filing of certain campaign disclosure reports by Derrick Prince, who is a

Democratic candidate for State Representative in the 33rd District and faces ballot forfeiture. The Executive Director indicated the hearing focused on three main issues: Mr. Prince's presence in the office on December 30, 2004 and the filings submitted at that time; the possession of the second half of the 2004 Semi-Annual report with the December 30, 2004 timestamp; and an anonymous letter and copy of the time stamped report from the Better Government Association. The Executive Director reported that Mr. Prince and SBE staff testified under oath. The Executive Director clarified that Mr. Prince did file an appeal and request for hearing but was unclear if he in fact filed the D-2 for the second half of 2004 on that date. Although staff did not recall accepting the report, Mr. Prince insisted he did file the report on that date. The Executive Director noted that it was possible that the report was misplaced and that Mr. Prince was not trying to blame staff for the misunderstanding and in fact testified that SBE staff was always very helpful. In response to an inquiry from Chairman Smart, Rupert Borgsmiller verified that Mr. Prince did have another fine assessed for a late filing from the first half of 2004. Mr. Prince filed an appeal to that fine and it was denied. Member Porter commented that it was unreasonable for staff to remember filings and that the time stamp was proof of filing. After discussion, Mr. Prince agreed to deal with the matter today if possible. Member Keith moved to rescind the fine and penalty, the outstanding fine be stayed and Mr. Prince be certified to the ballot for the 33rd Representative District. Member Porter seconded the motion which passed by roll call vote of 8-0. Member Walters was absent during the motion and Chairman Smart held his proxy.

The Chairman asked if there was any other business to address. The General Counsel presented a summons in the matter of *Erold Elysee, et. al v. SBE, et. al*, 06C0251 and asked for authorization to refer the case to the Attorney General to represent the SBE for a motion to dismiss. Member Schneider moved and Member Brady seconded the motion which passed by roll call vote of 8-0.

With there being no further discussion, Member Schneider moved to recess until Monday, February 6, 2006 at 12:00 p.m. pursuant to prior order of the Board. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0. The meeting recessed at 12:20 p.m.

Respectfully submitted,

Amy L. Calvin, Administrative Specialist II

Daniel W. White, Executive Director