

**State Board of Elections  
Board Meeting  
Tuesday, February 17, 2004  
Chicago, IL**

**MINUTES**

**PRESENT:** John R. Keith, Chairman  
Jesse Smart, Vice Chairman  
William McGuffage, Member  
Albert Porter, Member  
Wanda L. Rednour, Member  
Elaine Roupas, Member

**ABSENT:** David E. Murray, Member  
Phillip R. O'Connor, Member

**ALSO PRESENT:** Dan White, Executive Director  
Steve Sandvoss, Deputy General Counsel  
Elizabeth Beckman, Assistant General Counsel  
Darlene Gervase, Administrative Assistant II

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The regular monthly meeting of the State Board of Elections was called to order at 11:00 a.m. with five members present; Vice Chairman Smart held Member Murray's proxy and Member Porter held Member McGuffage's proxy until his arrival at 11:10 a.m.

Chairman Keith opened the meeting by leading everyone in the pledge of allegiance.

Vice Chairman Smart moved to adjourn as the State Board of Elections and reconvene as the State Officers Electoral Board. Member Rednour seconded the motion which passed 7-0. The meeting recessed at 11:03 and reconvened at 11:30.

Executive Director White asked to add two items to the agenda. The first is the withdrawal of eight candidates from the March primary election ballot, and the second a letter from Cook County Clerk David Orr requesting that the name of a deceased candidate for Judge be removed from the ballot. Chairman Keith stated that he would also add an item regarding the *Jones* case under Item 4, Other Business.

The Executive Director presented the names of the eight candidates who executed withdrawals. Vice Chairman Smart moved to accept those withdrawals and Member Rednour seconded the motion. The motion carried 7-0 and the names of Samuel Campbell, Delegate, 1<sup>st</sup> Congressional District; Barack Obama, Delegate, 2<sup>nd</sup> Congressional District; Martin Sandoval,

Delegate, 4<sup>th</sup> Congressional District; James Paul Oddo, Delegate, 6<sup>th</sup> Congressional District; Denise Colins, 10<sup>th</sup> Representative District; Daniel T. Kerins, Delegate, 13<sup>th</sup> Congressional District; Stanley Valentine, Delegate, 18<sup>th</sup> Congressional District; and Geneva N. Nailing, Delegate 18<sup>th</sup> Congressional District will be removed from the ballot.

Chairman Keith then presented the minutes of the January 15 regular monthly board meeting, the January 17 special meeting, and the January 31 special meeting. Member Porter moved to approve those minutes and Vice Chairman Smart seconded the motion which passed by vote of 7-0.

A request from County Clerk David Orr was presented to the Board asking for the removal of judicial candidate Joseph T. Potasiak, candidate for 10<sup>th</sup> Sub-Circuit, Vacancy A, who passed away on December 19, 2003. After lengthy discussion and a presentation from Daniel Madden from Clerk Orr's office, the Board determined that 10 ILCS 5/7-57 allows removal of a deceased candidate's name from the ballot. Vice Chairman Smart moved and Member Rednour seconded the motion to remove candidate Potasiak's name from the ballot. The motion carried by a vote of 5 years, Chairman Keith voted nay and Member McGuffage present.

The issue of ballot certification/withdrawal dates requested by DuPage County Executive Director Bob Saar was revisited. He indicated that the DuPage Commissioners have filed a Petition for Leave to Appeal to the Illinois Supreme Court. Vice Chairman Smart and Member Porter expressed disappointment that Mr. Saar and his associates had not worked with staff. Although the Board had expected Mr. Saar to have proposed legislation to submit to the Board at this meeting, they acknowledged his exceptional work in bringing this matter, which concerns all 110 election authorities, to the Board's attention. Mr. Saar reiterated Pat Freeman's suggestion that a 43 day deadline would be more feasible when considering presidential election cut-off dates. Staff was directed to meet with DuPage, Cook and Chicago personnel and report back to the Board at the March meeting.

Consideration of the Proposed Provisional Voter Affidavit form was discussed. The Chairman suggested minor changes. Member Porter moved to adopt the proposed form as suggested with the minor changes. Member McGuffage seconded the motion which carried 7-0.

The Chairman asked Rick Fulle to present the Fidler-GBS Accu-Vote modification for the Board's consideration. Mr. Fulle stated that the modifications make the keystrokes faster and that there are no restrictions placed on the approval recommendation at this time nor does the upgrade change any of the prior restrictions on the voting system. The Chairman and Member McGuffage expressed their concerns with Diebold and their campaign finance practices and that they would like the executives of Diebold to be present in the future to answer questions. Member Porter moved to accept the modifications and Vice Chairman Smart seconded the motion. The motion carried 7-0.

Director White offered the Voting Systems Testing Program and Election Judges schools for informational purposes and reminded everyone that today, February 17, 2004, is the last day to register to vote.

Updates on the HAVA Act 2002 included the establishment of the federal Standards Board comprised of 110 state and local election officials. The Board advises on voluntary voting systems guidelines and forms study groups to improve election processes across the country. It meets once a year to adopt voluntary voting system guidelines and may hold hearings as it deems necessary. As the Board has not yet met, it was time to make permanent selections to the Standards Board. Vice Chairman Smart moved to accept Executive Director White and Richard A. Cowen, former member of the State Board of Elections and member of the Chicago Board of Election Commissioners as Illinois' selections. Member Rednour seconded the motion which carried 7-0.

A chart of HAVA punch card reimbursement activity was submitted reflecting reimbursement of twenty eight applications for a total of \$7,088,323.77. Three applications are currently pending. The Vice Chairman expressed his surprise that only 31 jurisdictions have applied for this reimbursement.

The Executive Director presented the Mock Election 2004 and the Let's Vote materials and asked Member Roupas if she had any comments. Member Roupas complimented Becky Glazier for her excellent work in contacting the appropriate agencies to update the programs and with Richard Carlson, from the Board of Education's input. She complimented Carole Skaggs, who

performed the improvements so that the programs run smoothly when being viewed on our Internet site. Chairman Keith stated that Member Roupas has spent a lot of time and energy on the Mock Election program and taken the work begun by retired staff member Yvonne Smith and updating it to conform to the Voting by Minors Act. Member Roupas moved and Member Rednour seconded the motion to adopt the Let's Vote and Mock Election manuals. The motion carried 7-0.

The fiscal status reports reflected the addition of \$167,000 to provide for litigation expenses, Judges of Election and funding for a position in the IT division. These increases are supplemental for this fiscal year and are awaiting the governor's signature.

The Help Illinois Vote Fund and Two Year Plan of Activity for the months of February and March were submitted for review and information and concluded the Executive Director's report to the Board.

The Chairman continued a closed preliminary hearing, *Bruce Monstovich v. People for Parrillo*, 04CD001, to the executive session as no one was present to waive hearing in open session.

Deputy General Counsel Steve Sandvoss presented the following appeals of civil penalty assessments for consideration as one since the defenses are similar: *SBE v. IUOE Local #649*, 00AP23; *SBE v. McDonald's PAC*, 00AP28; *SBE v. Citizens to Elect Joe McGraw*, 00JS35; *SBE v. Citizens for Allan C. Carr*, 02AP07; *SBE v. Weiler for State Representative*, 02 AP 18; and *SBE v. The Pulaski County Democratic Central Committee*, 02CD057 (02JS61). The letter sent to the Pulaski County Democratic Central Committee (02CD057 (02JS61) acknowledging payment towards a civil penalty did not indicate specifics of the penalty. The Board suggested that it would be helpful in future mailings to clarify what the payment is for, the amount of the violation, etc. Member Porter moved to grant the appeals and Member Roupas seconded the motion which passed 7-0.

Mr. Sandvoss offered background information in *SBE v. Paul Manion for States Attorney*, 00AP38 but since he was the hearing officer, Ms. Beckman presented the recommendation of the General Counsel, which concurred with the hearing officer's recommendation. The motion to continue this matter to the March 15, 2004 meeting with appropriate notices sent to the committee

was made by Vice Chairman Smart with Member Rednour seconding the motion. The motion carried 7-0.

A packet of amendments to supplement volumes 1-9 will be submitted to the Board. The Board will have the opportunity to have any appeal removed from the list. A list of all of the appeals will then be discussed at the March 15 board meeting.

Deputy General Counsel Sandvoss asked that the appeals of *SBE v. Citizens for Watson*, 03DS121; and *SBE v. Citizens to Elect Jacqueline Y. Collins*, 03DS125 be withdrawn as the committees paid the assessment without the benefit of the Board rendering a final determination of the appeal. Vice Chairman Smart moved to accept payment of the fines and withdraw the appeals. Member Rednour seconded the motion which carried 7-0.

A list of payments of civil penalties was presented for informational purposes.

A status report in the *Donahue v. Moreno*, 02CD70 case was presented. An amended report had been submitted and reviewed by Campaign Disclosure staff. Attorney Grant Farrar appeared for respondent Moreno. Mr. Roberto Garcia appeared on behalf of complainant Mr. Donahue. Mr. Garcia is not an attorney and stated his only task was to present a letter from Mr. Donahue to the board. The letter was given to Tony Morgando, Deputy Director of Campaign Finance prior to the meeting and Mr. Morgando distributed copies to the Board. This letter is Mr. Donahue's written response to staff's status report. Mr. Morgando stated that they are at a stand still and do not where to go next. The Board's Motion to Reconsider its punitive action and the candidate to pay for the audit is pending. Granting the motion to reconsider would send it back to the hearing officer to decide if there was now compliance with the Act and to submit a recommendation for final action. Chairman Keith moved to reconsider the Board's prior action and to return the amended documents to the hearing officer and to continue this matter to the March 15 meeting. Vice Chairman Smart seconded the motion which passed with a vote of 6-0. Member Porter recused himself.

A status report on the *SBE v. The Harvey Good Government Group*, 03CD061 was presented to the Board. The committee filed an amended report and the Board determined that no further action is necessary in this matter.

Chairman Keith added the matter of John W. Jones at the beginning of the meeting to be included under Item #4. Other Business. Ms. Beckman has composed a letter to the Attorney's Registration and Disciplinary Committee ("ARDC") regarding Mr. Jones and her research confirmed that Board members, staff who are attorneys, and the hearing officer should send the letter. A Motion directing such a letter regarding Mr. Jones be sent by the General Counsel on behalf of all said persons to the ARDC was made by Member Rednour and seconded by Member McGuffage. The motion carried unanimously.

Mr. White presented the names of 3 additional candidates who executed withdrawals of their candidacies. Member Roupas moved to accept those withdrawals and Vice Chairman Smart seconded the motion. The motion carried 7-0 and the names of Wilfred O. Brennan, and Linda S. Brennan, Delegates, 3<sup>rd</sup> Congressional District; Reidar Jakobsen, Delegate, 14<sup>th</sup> Congressional District; and Daniel P. Conness, Delegate, 16<sup>th</sup> Congressional District will be removed from the ballot.

Vice Chairman Smart reported on the procedures for objections. At a meeting held earlier today, he and Chairman Keith agreed that the staff did an excellent job from the minute the objections were received through their completion. Policies were reviewed relative to that process.

Mr. Dan Johnson-Weinberger, a member of the public asked to present proposed legislation regarding voter registration. Documents were presented under separate cover and will be forwarded directly to the board members.

Upon the unanimous vote of the Board, the meeting then recessed into executive session at 1:40 p.m. to discuss the matter of *Bruce Monstovich v. People for Parrillo*. The public meeting reconvened at 1:43 p.m.

In the matter of *Bruce Monstovich v. People for Parrillo*, 04 CD 001, Member Porter moved and Vice Chairman Smart seconded the motion to accept the withdrawal and recommendation of the hearing officer and general counsel. The motion carried 7-0.

Member Roupas moved to recess to executive session to discuss pending litigation and personnel matters. Vice Chairman Smart seconded the motion which passed unanimously. The meeting recessed at 1:45 pm and reconvened at 2:05 p.m.

Member McGuffage moved and Member Rednour seconded a motion to direct the General Counsel to take action in *SBE v. Sheldon* as directed in Executive Session. The motion carried 7-0.

Member McGuffage moved and Vice Chairman Smart seconded a motion to direct the General Counsel to take action in *King v. ISBE* as directed in Executive Session. The motion carried 7-0.

There being no further discussion Member Roupas moved to recess until the March 15, 2004 meeting or the call of the chair whichever occurs first. Vice Chairman Smart seconded the motion which passed 7-0. The meeting adjourned at 2:20 p.m.

Respectfully submitted,

Darlene Gervase  
Darlene Gervase

Daniel W. White  
Daniel W. White