

**STATE BOARD OF ELECTIONS
Special Board Conference Call
September 21, 2006**

MINUTES

PRESENT: Jesse R. Smart, Chairman
Wanda L. Rednour, Vice Chairman
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
Becky Glazier, Assistant to Executive Director
Amy Calvin, Administrative Specialist II

The special meeting of the State Board of Elections was called to order via telephonic means at 1:00 with seven members present. Member Schneider was absent and Chairman Smart held his proxy.

The Executive Director noted that the approval of the revised minutes from the August 31 regular Board meeting would be removed from the agenda and carried over to the October meeting.

The next item on the agenda was consideration of ballot certification amendment regarding office of State Senator in the 52nd legislative district. The candidate, Joe Parnarauskis was present in Springfield and Andrew Spiegel, on behalf of the candidate was present in Chicago. The General Counsel indicated that a hearing was held on September 19 and Judge Kelley had ordered the Board to certify the candidacy of Joseph Parnarauskis for the State Senate in the 52nd legislative district at or before 2:00 p.m. today. Furthermore, the State Board of Elections is to timely submit the amended certification to the election authorities in the 52nd legislative district and direct the election authorities to not print ballots until receipt of the certification. The General Counsel indicated that a notice of appeal has not been received and that he spoke with Courtney Nottage, who represents the objectors, and was told they were not going to appeal Judge Kelly's order or the objection. Member Brady moved to amend the certification to add the name of Joseph J. Parnarauskis to the certification for the State Senate in the 52nd legislative district as the Socialist Equality Party candidate to comply with the order of Judge Kelly. Member Walters seconded the motion which passed by roll call vote of 8-0.

The next item on the agenda was consideration of the M650 Central Count Optical Scan for use in Illinois. Mark Manganaro, Illinois Certification Manager for ES&S was present via telephone. Dianne Felts explained that the M650 is used for early, grace and absentee voting only and that testing of the machine took longer than normal but felt that some minor bugs were worked out. Ms. Felts then recommended approval with some restrictions: 1) Do not fold the absentee ballots for mailing; 2) Clean the machine every 600 ballots; and 3) Perform recounts and contests on the same day because the ballots become worn out and cannot be run through the machine again. Otherwise, the election authority would have to remake the ballots. Ms. Felts then recommended interim certification of the M650.

In a response to a question, Ms. Felts explained that if the voter folds the ballot near an oval, the judges will remake the ballot and this is a common problem with any optical scan system. The M650 was not used in the Primary Election because central count for early, grace and absentee voting was not law at that time. Ms. Felts indicated that the other problems would be difficult to correct since the ballots become unusable after being run through the machine a number of times. Ms. Felts explained that both the M100 and M650 are accurate but the differences between the two machines are that the crease would have to be in the oval on the M100 and the crease 1/8" from the oval on the M650 to cause an overvote. Also, since the ballots can only be fed one way in the M650 (versus four orientations in the M100) they wear down quicker than those used in the M100. Mr. Manganaro reported that this system was certified in ten states that he knows of and did not have any problems with the machines in those jurisdictions. After discussion, it was agreed that this matter would be tabled and Ms. Felts would contact some of the other states who have used the machines to obtain a report on how they functioned. Member Keith moved to table the matter today, direct SBE staff to contact the Illinois jurisdictions contemplating use of the machine and a sampling of the other states to get feedback before taking final action. Member McGuffage seconded the motion. Member Keith then amended his motion to include that the matter be tabled until 9:00 a.m. on September 25, 2006. The motion passed by roll call vote of 8-0.

Member Keith moved to recess to executive session for consideration of pending litigation. Vice Chairman Rednour seconded the motion which passed unanimously. The meeting recessed at 1:38 p.m. and reconvened at 1:53 p.m.

Member Keith moved to request that the Attorney General take the appropriate steps to uphold the constitutionality of the statutes in question in the case of *Lee v. Keith* and to take such steps that are appropriate relative to the issues decided in the *Parnarauskis v. SBE* matter on SBE's behalf. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

With there being no further business, Vice Chairman Rednour moved to adjourn until September 25, 2006 at 9:00 a.m. or until call of the Chairman whichever occurs first. Member Walters seconded the motion which passed unanimously. The meeting adjourned at 1:55 p.m.

Respectfully submitted,

Amy L. Calvin, Administrative Specialist II

Daniel W. White, Executive Director