

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, Illinois 60601
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BOARD MEMBERS
Albert S. Porter, Chairman
Bryan A. Schneider, Vice Chairman
Patrick A. Brady
John R. Keith
William M. McGuffage
Wanda L. Rednour
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White

- AMENDED -

AGENDA
STATE BOARD OF ELECTIONS
BOARD MEETING
Monday, October 20, 2008
10:30 a.m.

James R. Thompson Center – Room 9-040
Chicago, Illinois
and via videoconference
1020 South Spring Street
Springfield, Illinois

Call State Board of Elections to order.

1. Approval of the minutes from the August 29 regular meeting , the September 5 special meeting and the September 15 regular meeting. (pgs.1-14)
2. Report of the Executive Director
 - a. Preparations for the November 4, 2008 General Election;
 - 1) Election day assignments; (pg.15)
 - 2) Voter awareness program; (pgs.16-22)
 - 3) Pre-election voting system testing; (pg.23)
 - 4) Election judge training schools; (pgs.24-26)
 - b. EAC Election Data Collection Grant program update; (pgs.27-28)
 - c. IVRS update; (pg.29)
 - d. Legislative update; (pgs.30-33)
 - e. Voting systems certification - Hart PCMCIA Card Reader; (sent under separate cover)
 - f. Grading State Disclosure 2008 Report – informational; (pgs.34-40)
 - g. Fiscal status reports;
 - 1) FY09 – month ending September 30 – informational; (pgs.41-49)
 - 2) Help Illinois Vote Fund; (pgs.50-55)
 - h. Two year plan of staff activity for the months of October and November – informational. (pgs.56-61)
3. Report of the General Counsel
 - a. Campaign Disclosure;
Appeals of campaign disclosure fines – hearing officer recommendation appeals be granted
 - 1) *SBE v. Rock Island County Democratic Women’s Club*, L2079, 08JS009; (pgs.62-65)
 - 2) *SBE v. Home Builders Assn. of the Greater Rockford Area PAC*, L7847, 08JS022; (pgs.66-70)

- 3) *SBE v. Friends of Jeff Terronez*, L11758, 08JS044; (pgs.71-73)
- 4) *SBE v. Committee to Elect Pamela Palmer*, L13577, 08JS071; (pgs.74-76)
- 5) *SBE v. Bob Mitchell's Campaign*, S9269, 08JS179; (pgs.77-79)
- 6) *SBE v. Friends of Eddie Winters*, S9623, 08JS213; (pgs.80-82)

Appeals of campaign disclosure fines – hearing officer recommendation appeals be denied

- 7) *SBE v. DeWitt County Republican Central Comm.*, L1672, 08JS005; (pgs.83-85)
- 8) *SBE v. Friends of Kevin Quinlan*, L11495, 08JS043; (pgs.86-88)
- 9) *SBE v. Supporters of Rich Johnson*, L12186, 08JS049; (pgs.89-91)
- 10) *SBE v. Emma Tate Higginbottom*, L14436, 08JS100; (pgs.92-94)
- 11) *SBE v. Massac County Republican Women's Club*, S1589, 08JS124; (pgs.95-97)
- 12) *SBE v. Citizens to Elect Paula M. Lingo*, S7553, 08JS149; (pgs.98-100)
- 13) *SBE v. Citizens to Elect Judge William D. O'Neal*, S7946, 08JS154; (pgs.101-103)
- 14) *SBE v. Chicago Young Republicans*, S9003, 08JS168; (pgs.104-108)
- 15) *SBE v. Committee to Elect Furmin Sessoms*, S9532, 08JS199; (pgs.109-111)
- 16) *SBE v. Friends 4 Jaramillo*, S9578, 08JS223; (pgs.112-114)
- 17) *SBE v. Committee to Elect Liz Ellis*, S9664, 08JS216; (pgs.115-117)

Other campaign disclosure items

- 18) Assessments/Final Orders; (pgs.118-122)
 - 19) Payment of civil penalties – informational; (pg.123)
- Complaints following closed hearing - recommend public hearing - carryover from August (separate packet)

- 20) *SBE v. Citizens for David Webb*, 08CD007; (pgs.1-3)
- 21) *SBE v. Friends of Alderman Madeline Haithcock*, 08CD036; (pgs.4-103)

Complaints following closed hearing – recommend public hearing

- 22) *SBE v. Citizens to Elect Lovelace*, 08CD017; (pgs.104-108)

Complaints following closed hearing – recommend no further action

- 23) *Mark Stern v. Paul Colgan & The New Wheaton Central Foundation/New Wheaton Central Foundation Brochure*, 08CD038; (pgs.109-134)
- 24) *Frank Calabrese v. Pat Devaney*, 08CD039; (pgs.135-146)

- b. Consideration of Standing Order; (pgs.124-125)
- c. Consideration of JCAR's objection of obituary rule; (pgs.126-132)

4. Other business. (pg.133)
5. Comments from the Chairman and Vice Chairman. (pg.133)
6. Comments from the general public. (pg.133)
7. Next Board meeting Monday, November 17, 2008 at 10:30 a.m. in Springfield. (pg.133)
8. Executive Session. (pgs.134-148)

Election Legislative Issues 2009

1. Requests from the Legal Department:
 - a. modify Section 16-6, this change deals with constitutional convention questions. Remove the "the failure to vote this ballot is the equivalent of a negative vote..." language requirement.
 - b. Amend 10-10 to provide that the first meeting of the electoral board shall be no less than 3 and no more than 5 business days following the last day to object. (Richard B. Mayers rule)
 - c. In addition, amend 10-10 to state that if the Board fails to sustain the objection by a majority vote, it will be deemed to have been overruled. (similar to 9-21).
 - d. Clarify in 19A-15 whether or not 1-6 applies. In other words, if the first day to conduct early voting falls on a Saturday, Sunday or holiday, is it extended to the next business day per 1-6, or does the fact that 19A-15 provides for early voting on weekends and holidays trump 1-6?
 - e. Clarify whether appointed precinct committeemen can serve as election judges and whether appointed precinct committeemen may vote to fill vacancies in nomination
 - f. Add to 7-10 that for newly established political party candidates that haven't had a previous election upon which to base their signature requirement, the requirement should be a specific number. 600 perhaps? Also, perhaps change 7-10 (j) from "in the territory comprising the counties" to "in the multi-County service region at the last election at which officers for the region were elected."

2. Requests from Member McGuffage:
 - a. reintroduces House Bill 4565, first introduced in 2006; outlines Board remedies for campaign finance issues
 - b. require that the Chairman and Treasurer of Illinois Political Action Committees to be different people
 - c. eliminate in-person absentee voting – extend early voting to the Monday before the election (delete 19-2.1 and amend 19A-15(a))
 - d. settlement agreements; allow the Board to settle for a % on semi's and pre's [9-10 (c)]. (use same language as (b-5))
 - e. Amend 1A-7; delete the language which states "five members of the Board are necessary for any action of the Board to become effective..." Perhaps add language which clearly states that a 4 to 4 decision will dismiss a complaint.
 - f. Allow disabled veterans to vote without registration. Add them to military/overseas voters in Article 20.

3. Per a request from Rupert Borgsmiller, amend Article 9 of the Election Code allowing for the random selection and audit of campaign committees which show no expenditures and no contributions during that reporting period.

4. Amend 4-105, 5-105 and 6-105 (may also need to amend 1A-16 which states: "if you do not provide the information required above, then you will be required to provide election officials with either (i) or (ii) described above the first time you vote at a voting place or by absentee ballot.") to clarify language on what constitutes adequate proof of identity and the exact action that should be taken by an election authority should the individual not provide such proof.
5. Per a request from Rupert Borgsmiller, amend 9-28 to state that if your political committee is required to file electronically, then your committee must also accept notices electronically.
6. Amend Sections 19 and 20 (dealing with absentee, military and overseas voters) allowing for citizens to return their ballots by express or overnight delivery. Currently, the Illinois Election Code states that ballots must be returned by US Mail.
7. Per a request from Dianne Felts, amend Section 24C-12 to state that if all DRE's are malfunctioning, the judges shall issue an alternative ballot to the voter.
8. Per a request from Mark Mossman, reintroduce House Bill 3635. Changes the dates for counties to canvass from 21 days (following the election) to 15 days. It changes the dates for the SBE to canvass from 31 days to 22 days. This should help eliminate the problem of canvassing past the deadline for judges taking office (the first Monday in December).
9. Per a request from Carole Holtz and the Aurora Board of Elections, move the consolidated primary one week earlier and the consolidated general two weeks later (this gets moved occasionally due to Passover). Per disclosure, we may need to eliminate the pre's if the election gets moved up to the first week in February.

INTEROFFICE MEMORANDUM

TO: Dan White, Executive Director

From: Dianne Felts, Director of Voting Systems and Standards (VOSS)

Subject: Hart Card Reader/Writer Modification

Date: October 9, 2008

Hart InterCivic has requested a modification to their approved system 6.2.1 which used a commercial off the shelf (COTS) PCMCIA (Personal Computer Memory Card International Association) memory card reader/writers. These COTS units are no longer available in the market place to support the Hart system requiring Hart to seek development of a generic card reader/writer.

Systest evaluated the new generic card as well as an additional upgrade to the power circuit to enhance compatibility with the memory cards and personal computers and determined that the performance "is no different from its COTS predecessor." Systest further determined that the new card and electrical enhancements did not require additional certification testing and the card and upgrade still meet the Federal Election Commission Voting System Standards of April 2002.

VOSS requests approval of this minor modification.

VOTING SYSTEM OR SYSTEM COMPONENT APPLICATION FOR APPROVAL

NAME OF COMPANY: Hart InterCivic

ADDRESS: 15500 Wells Port Drive, Austin Texas 78728

PHONE: 800.223.4278

www.hartintercivic.com

CONTACT PERSON: Linda Herod
lherod@hartic.com

PHONE: 832.243.5726
Fax: 512.252.6919

OFFICERS OF THE COMPANY:

David Hart – Founder and Chairman

Gregg L. Burt – President and Chief Executive Officer

Ted Simmonds – Senior Vice President Operations and Chief Financial Officer

1) General description of the proposed system or component:

Hart PCMCIA Card Reader used with Hart Voting System (HVS) 6.2.1

Hart Voting System 6.2.1 currently used in Illinois was deployed with commercial off-the-shelf (COTS) PCMCIA memory card reader/writers. Additional COTS units compatible with the HVS are no longer available in the COTS market to support new system deployments or provide replacement and/or spare equipment. Consequently, Hart undertook development of a generic card reader/writer, the Hart Card Reader, Model No. HVS CR 3100, to be manufactured to Hart specifications by McDonald Technologies International, Inc. of Farmers Branch, TX.

To address any potential concerns about use of the Hart Card Reader with certified HVS systems, Hart submitted the Reader for testing by SysTest Laboratories, Inc. a Voting System Test Laboratory (VSTL) fully certified by the Election Assistance Commission (EAC). Provided as an attachment to this application is a letter from SysTest stating that the Hart Card Reader's performance is no different from its COTS predecessor, and that operation of the Reader is compatible with HVS 6.2.1.

A subsequent revision of the Hart Card Reader includes an upgrade to accommodate small variances in the electrical characteristics of various manufacturers' ATA PCMCIA memory cards and personal computers (PCs). The electrical variances occur during the ATA PCMCIA power up cycle prior to data transfer and have no impact on data processing or integrity.

The upgrade consists of adding one 3.3 ohm resistor in series with the ATA power supplied to the Card Reader through the USB connection with the PC. The addition of this resistor provides a buffer to absorb momentary power up variations that can occur at card insertion and thereby allows successful use of a wider variety of ATA memory cards and PCs spanning a broader spectrum of electrical characteristics.

As was the case with the original version of the Hart Card Reader, Hart submitted the upgraded version for testing by the VSTL, SysTest Laboratories, Inc. Attached to this application is a letter from SysTest stating that adding a single 3.3 ohm resistor to the Card Reader's power circuit to expand compatibility with customer PCs falls under the category of a De Minimis Change to a certified voting system's hardware; that the upgrade does not require additional certification testing; and, that addition of the resistor does not impact the device's compliance with Federal Election Commission Voting System Standards of April 2002 (FEC VSS April 2002).

2) The description, nomenclature, specifications and intended use or uses of all voting system components comprising the proposed voting system.

The Hart Card Reader, Model No. HVS CR 3100, P/N 1000605 Rev B, is for use with Hart Voting System (HVS) version 6.2.1 to record the election data set (Mobile Ballot Boxes and Audio Cards) produced by the Ballot Origination Software System (BOSS) and then disseminate that data for use by components throughout the Hart Voting System, e.g. Judges Booth Controllers, eScans, Disabled Access Units, Ballot Now, SERVO, and Tally. The Hart Card Reader is also used to read election data recorded on Mobile Ballot Boxes during the voting process and pass this data to the HVS Tally application for tabulation and reporting.

3) A description of all contemplated and possible uses of the voting system software components.

Use of the Hart Card Reader has no impact on the contemplated and possible uses of Hart Voting System software components as previously certified by the National Association of State Elections Directors and the State of Illinois.

4) A description of support services provided for the proposed voting system.

Use of the Hart Card Reader by election jurisdictions in the State of Illinois will not require any additional support services.

5) Applicant's primary address, telephone number and e-mail address and the names, addresses, e-mail addresses and telephone numbers of individuals and / or corporations who will be responsible for marketing the proposed voting system.

The Hart Card Reader will be marketed in the State of Illinois only by the applicant, Hart InterCivic, Inc., and the requisite data is provided in the applicant information at the top of the application.

6) The time period in which the applicant has actively engaged in marketing the proposed voting system.

Hart InterCivic began marketing the Hart Voting System (HVS) to governments around the nation in late 2000, fielded HVS version 6.2.1 as a NASED certified voting system in August 2006, and introduced the original version of the Hart Card Reader for use at the end of 2007. In that short time, Hart has obtained certification for its system from the Federal Election Commission, through the National Association of State Election Directors, and in 13 states. HVS 6.2.1 has been certified and in use since August 7, 2006.

7) A complete list of election jurisdictions currently using the proposed voting system, including the size of the jurisdiction and the names and addresses of the election authorities.

Hart Voting System 6.2.1 is currently certified for use in 11 states and more than 200 election jurisdictions. Since the Hart Card Reader was introduced as a replacement or supplement for generic commercial off the shelf card readers originally deployed with the system, the Hart Card Reader has seen limited distribution and use of the original version by the following election jurisdictions:

Jurisdiction	Election Official	Address	Population
San Mateo County CA	Warren Slocum Chief Election Officer & Assessor	40 Tower Road San Mateo CA 94402	699,610
Nevada County CA	Gregory Diaz Clerk Recorder	950 Maidu Avenue Nevada City, CA 95959	95,300
Hamilton County OH	John Williams Director of Elections	824 Broadway Cincinnati OH 45202	806,652
Yamhill County OR	Jan Coleman County Clerk	414 NE Evans St McMinnville, OR 97128-4607	94,678
Lancaster County PA	Mary Stehman Chief Registrar	150 North Queen St, Ste 102 Lancaster, PA 17603	490,562
Island County WA	Sheilah Crider County Auditor	400 N Main Coupeville WA 98239	79,252
Kittitas county WA	Jerry Pettit County Auditor	205 W. 5th Avenue, Ste 105 Ellensburg WA 98926	36,841
Klickitat County WA	Brenda Sorenson County Auditor	205 S Columbus Stop 2 Goldendale WA 98620	20,335
Mason County WA	Karen Herr, County Auditor	410 North 5 th Shelton WA 98584	54,359
State of Hawaii	Office of Elections	802 Lehua Avenue Pearl City HI 96782	

8) A complete list of jurisdictions currently contracting with the applicant for voting system components.

Hart Card Readers, like other hardware components of the Hart Voting System, are normally purchased by the user who then operates the equipment as an independent owner. See the list of current owners in paragraph 7 above.

9) A complete list of election jurisdictions in Illinois in which the applicant is seeking to market the proposed voting system.

Kane County
Madison County
Peoria County
City of Peoria

10) If known, a complete list of election jurisdictions in Illinois in which the applicant proposes to experimentally use the proposed voting system.

N/A



Kassie Gram
Compliance Manager
Hart InterCivic Colorado Division
1650 Coal Creek Drive
Lafayette, Colorado 80026

October 12, 2007

Dear Ms. Gram,

This letter acts to confirm that SysTest Labs Incorporated has completed independent testing of the Hart Card Reader (HCR) for use with the NASED Qualified, Hart InterCivic eSlate System Version 6.2.1, N-1-04-22-22-006, (2002).

SysTest Labs has determined that the HCR has been found to perform in the same manner as other card readers previously utilized with the eSlate System Version 6.2.1 voting system. The HCR has successfully completed testing and has demonstrated compatibility to this voting system that has been qualified to the Federal Election Commission Voting System Standards April 2002 (FEC VSS April 2002).

Sincerely,

A handwritten signature in cursive script that reads "James Nilius".

James Nilius
Vice President for Compliance Services
SysTest Labs Incorporated



September 26, 2008

Hart InterCivic, Inc.
Attn: Mr. Travis E. Harrell
Director of Compliance
15500 Wells Port Drive
Austin, TX 78728

Mr. Harrell,

At the request of Hart InterCivic, SysTest Labs has reviewed the ECO 00853 minor hardware design improvement to the Card Reader P/N 1000605 Rev A. The review included the key document "Hart Card Reader Product Change" and five other supporting documents.

The review of the key document "Hart Card Reader Product Change" and other supporting documents indicates that adding a single 3.3 ohm resistor to the power circuit to enhance compatibility with customer PCs fall under De Minimis Change (Change to a certified voting system's hardware) which mean no additional testing certification is required. The modified card reader P/N 1000605 Rev B still meets the Federal Election Commission Voting System Standards April 2002 (FEC VSS April 2002).

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Phillips".

Mark Phillips
Vice President, Compliance Services
SysTest Labs
Email: mphillips@Systest.com

SysTest Engineering Change Evaluation and Review Form

Vendor:	HART	Date:	9/26/08
Change ID:	ECO 00853	System(s):	
Product:	Card Reader		


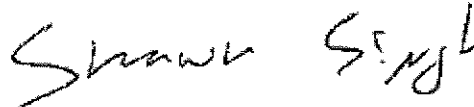
Change Summary Description
Added a single 3.3 ohm resistor to the power circuit to enhance compatibility with customer PCs.

Change Evaluation	Comment
<input type="checkbox"/> The change affects the form, fit or function of the equipment and therefore requires hardware testing to be performed. The testing requirements are defined in the following table.	
<input checked="" type="checkbox"/> The change does not require testing and is categorized as De Minimis	The change does not affect previous certification testing and therefore does not require retesting.
<input type="checkbox"/> The change provides closure for an issue encountered during testing.	

Hardware Test Matrix	
Test	Comment
Non-Operating Tests	
<input type="checkbox"/> Maintainability Test	
<input type="checkbox"/> Safety Evaluation	
<input type="checkbox"/> Accessibility and Human Engineering Evaluation	
Non-Operating Environmental Tests	
<input type="checkbox"/> Bench Handling Test	
<input type="checkbox"/> Vibration Test	
<input type="checkbox"/> Low Temperature Test	
<input type="checkbox"/> High Temperature Test	
<input type="checkbox"/> Humidity Test	
Operating Environmental Tests	
<input type="checkbox"/> Temperature/Power Variation	
<input type="checkbox"/> Reliability Tests	
<input type="checkbox"/> Logic and Accuracy	
Electrical Tests	

Hardware Test Matrix		
	Test	Comment
<input type="checkbox"/>	Power Disturbance	
<input type="checkbox"/>	Electromagnetic Radiation	
<input type="checkbox"/>	Electrostatic Disruption	
<input type="checkbox"/>	Electromagnetic Susceptibility	
<input type="checkbox"/>	Electrical Fast Transient	
<input type="checkbox"/>	Lightning Surge	
<input type="checkbox"/>	Conducted RF Immunity	
<input type="checkbox"/>	Magnetic Fields Immunity	

Summary Comment

	Approved by/Title	Signature:	Date:
	Shawn Singh Hardware Engineer		9/26/08