

**STATE BOARD OF ELECTIONS  
Board Meeting  
Monday, November 17, 2003  
Springfield, Illinois**

**MINUTES**

**PRESENT:**

**John R. Keith ,Chairman  
Jesse Smart, Vice Chairman  
William McGuffage, Member  
David E. Murray, Member  
Philip O'Connor, Member  
Albert Porter, Member  
Wanda L. Rednour, Member  
Elaine Roupas, Member**

**ALSO PRESENT:**

**Dan White, Executive Director  
Colleen Burke, General Counsel  
Rebecca Glazier, Assistant to Executive Director**

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The regular monthly meeting of the State Board of Elections was called to order at 11:10 a.m. with seven members present. It was noted that Member Porter's flight was overbooked and he was not able to travel to Springfield and would connect via telephone shortly.

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

Chairman Keith presented the minutes of the September 15 regular monthly Board meeting with a minor revision already made and distributed to the Board. Member Roupas moved to approve the minutes as presented. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0 with Member McGuffage voting Member Porter's proxy.

The Executive Director informed the Board of an addition to today's agenda. Dick Leibovitz, Rock Island County Clerk, has asked to address the Board regarding the statewide voter registration database.

The Executive Director informed the Board of two service awards to be presented today. On behalf of the Board, Chairman Keith presented Steve Sandvoss and Jim Wither with framed certificates of recognition for 15 years of service to the State Board of Elections. Mr. Sandvoss, deputy legal counsel, thanked the Board and quoted Jerry Garcia in relation to his years of service. Mr. Withers also thanked the Board, quoting Member Murray, that the SBE is the best state agency. (Member Porter arrived at 11:15 a.m. via telephone.)

The Executive Director noted that when he, Chairman Keith and Vice Chairman Smart were at the COGEL conference it was strongly recommended that all states should have a fiscal officer that is familiar with federal guidelines on staff to assist with HAVA federal grants. Mr. White introduced Roy Miller indicating he has had two interviews with staff and brings 30 years of fiscal experience in state government and federal programs with him. Member O'Connor moved to approve a contract for Mr. Miller on a per diem/as needed basis. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The Executive Director stated that the Secretary of State's office has requested to make a short presentation to the Board regarding the requirement under HAVA that the SBE and SOS offices enter into an agreement to match information from the statewide voter database with information available from the department of motor vehicles. Mr. White introduced Jill Zwick from the office of the Secretary of State. Ms. Zwick indicated the Department of Voter Vehicles takes approximately 70% of all voter registration applications. Beth Langen discussed the progress of the work that will allow election authorities access to the motor voter database. She also discussed the program for social security number verification and gave a breakdown of costs involved of proposed activities. Discussion ensued on the electronic transmissions of voter registration data and where these might be transmitted -- the SBE or the election authority. Ms. Zwick discussed the current process for distributing the applications received in the motor vehicle offices.

Dick Leibovitz, Rock Island County Clerk, discussed the background of the statewide voter registration database and distributed materials to the Board. Mr. Leibovitz felt that by statute the election authorities must have the original hard copy of the voter registration card and also that the voter registration information must be transmitted to them first. His opinion was if the Secretary of State wishes to transmit electronically then they should follow up with the hard copy also. Discussion ensued on the legality of an electronic signature and Member McGuffage recalled legislation in the Attorney General's office that allowed a digitized signature to trump anything in current statute and asked staff to research this. Bob Saar, DuPage County Election Commission, felt that dealing with an electronic copy as well as a hard copy will make the process more complicated. He also indicated that

if this change is made and we go to an electronic copy it will require a major change in law. Chairman Keith thanked everyone for their attendance and input today. With the consent of the board, he appointed a subcommittee including Vice Chairman Smart and Member Rednour with staff assistance to review requests for HAVA funds and determine the process for accepting requests for funds. Member Murray commended Ms. Zwick and Ms. Langen on the attitude of the Secretary of State's office in proceeding with this important mandate.

The Executive Director reported on first day filing procedures indicating the filing period starts December 8 and ends December 15. Staff has already begun in-house training and this will be the first statewide filing period where petition requests will only be accepted following payment. In response to a request, Pat Freeman indicated she would forward the objection calendar to the Board.

The Executive Director presented for Board consideration a request for adoption of the 2002 Voting Systems Standards. Dianne Felts discussed the previous adoption of the standards in February of 1999 and asked that the May 2002 standards be adopted as HAVA refers to these guidelines as the ones in effect. HAVA also mandates that election authorities purchasing voting equipment from the punch card buyout monies adhere to the 2002 standards error rate. Member Murray moved to adopt the 2002 federal voluntary voting system standards as requested. Member Rednour seconded the motion which passed by roll call vote of 7-0-1 (Member McGuffage had stepped out of the room).

The Executive Director presented an update on the HAVA punch card buyout application process. Member Murray asked the clerks present their thoughts on the application. Mr. Leibovitz indicated the County Board's have no control over elections other than approving the budget and felt the resolution was overkill. Also at issue is the provision where a paid receipt is required prior to receiving the final 50% payment. Discussion ensued on whether vendors are attesting to HAVA compliance. Ms. Felts indicated that there is no system that is ADA compliant yet. The Executive Director reported on HAVA funding indicating that it remains in conference committee with a request for \$1 billion. The Election Assistance Commission appointments are still pending in executive committee.

The Executive Director presented an update on legislative activity. Cris Cray reviewed SB 699 and informed the Board of three other pieces of election legislation (HB 3832- election of U of I trustees; 3902 – allows college students to work in polls; and SB 2123 – RNC language). The trailer bill for SB 428 is still alive and it appears an ethics bill will be presented in the spring. The supplemental is still moving also.

The Executive Director presented for Board consideration a meeting date change. Mr. White reported with the enactment of SB 428 the last day for the Board to conduct the canvass has been extended to 31 days after the election which allows the election authorities more time to verify provisional voters and conduct their canvasses. He recommended the meeting date be moved from April 5 to April 16, 2004. Vice Chairman Smart moved to change the meeting date to April 16, 2004. Member Porter seconded the motion which passed by roll call vote of 8-0.

The Executive Director presented for informational purposes the FY 04 fiscal status report for the period ending October 31 and the HAVA funding report which has had little movement. He also presented the two year plan of staff activity for the months of November and December.

The General Counsel presented complaints following public hearings. Ms. Burke reviewed the matters 03CD33, 35, 37 and 43 and noted that the complaints were filed for failure to file semi annual reports for the January 31 through June 30, 2003 period. Ms. Burke agreed with the recommendation of the hearing officer that in 03CD33, 35 and 37 that no further action be taken and appropriate penalties be assessed which would be abated in each case if the committee remains dissolved for a period of 24 months. In 03CD43 it was recommended further action be taken in the form of a board order to compel the filing of a final report if the committee had not filed by today's Board meeting. The report was filed on November 10 and it is now recommended no further action be taken other than assessing a civil penalty of \$5,000 which will be stayed as this is the first violation for this committee. Member Porter moved to adopt the findings and recommendations of the hearing officer and General Counsel. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented *SBE v. Citizens for Frank Saibert*, 03CD49, a complaint following closed preliminary hearing and indicated the committee did appear in the Chicago office and

filed a final report. Ms. Burke concurred with the hearing officer's recommendation that no further action be taken other than the appropriate penalty be assessed. Member Murray moved to accept the recommendation of the General Counsel and hearing officer. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented complaints following public hearings where no one appeared at the hearings. The respondents failed to file semi annual reports for the period January 31 through June 30, 2003. Ms. Burke concurred with the hearing officer's recommendation that the Board issue an order requiring the respondents to appear and show cause why the committee should not be assessed a penalty. Member Murray moved that the hearing officer and General Counsel's recommendations be accepted and the orders issued in 03CD51, 57 and 58. Vice Chairman Smart seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented two appeals of civil penalties and reviewed the activities of the committees noting both committees were assessed a penalty of \$50. No one was present for any of the cases. Ms. Burke indicated she concurred with the recommendation of the hearing officer in both cases that the appeals be granted. Member Murray moved to approve the recommendation of the hearing officer and General Counsel in the matters of 03JS48 and 88. Member Roupas seconded the motion which passed by roll call vote of 8-0.

The General Counsel presented a status report on *Donahue v. Moreno* indicating a letter was received from Grant Farrar, attorney for Mr. Moreno. Mr. Farrar notes that the committee intends to submit amended disclosure reports which are now reconciled with the accountant's report prior to the December Board meeting. Member Murray moved to continue the motion to reconsider to the December Board meeting in Chicago. Member Rednour seconded the motion which passed by roll call vote of 7-0-1 (Member Porter has recused himself from this case).

Member Roupas moved to recess to executive session to consider a campaign disclosure matter following closed preliminary hearing and to discuss pending litigation and personnel matters. Member Rednour seconded the motion which passed by roll call vote of 8-0. Meeting recessed at 1:30 p.m. and reconvened at 2:10 p.m.

Upon reconvening, Member Murray moved to continue the matter of *Curtis Denton v. Myron Smith/Jamie Meeks/Trustees for Integrity*, 03CD025 for further hearing at the December Board meeting.

Member Roupas seconded the motion which passed by roll call vote of 8-0.

Vice Chairman Smart moved to direct the General Counsel to proceed in *DuPage County Election Commission v. ISBE* as discussed in executive session. Member Murray seconded the motion which passed by roll call vote of 8-0.

Ms. Cray returned to the meeting and indicated that veto session has been modified and the legislature will possibly be in session for the weekend. Vice Chairman Smart thanked Cris for doing an excellent job keeping up with legislative matters.

The next regular meeting of the State Board of Elections will be held on Tuesday, December 16, 2003 at 10 a.m. in Chicago.

With there being no further discussion, Member O'Connor moved to adjourn. Vice Chairman Smart seconded the motion which passed unanimously. The meeting adjourned at 2:15 p.m.

Respectfully submitted,

Rebecca L. Glazier  
Assistant to Executive Director

Daniel W. White  
Executive Director