

**STATE BOARD OF ELECTIONS
State Officers Electoral Board Meeting
Wednesday, July 5, 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
Bryan A. Schneider, Member
Robert J. Walters, Member

ALSO PRESENT:

Daniel W. White, Executive Director
Steve Sandvoss, General Counsel
Becky Glazier, Assistant to Executive Director
Amy Calvin, Administrative Specialist

The special meeting of the State Officers Electoral Board was called to order via telephonic means at 12:40 p.m. with all members present.

The Chairman presented case number 06SOEBG500 an objection to the statewide advisory petition. The General Counsel explained that the reason for today's meeting was to hold an initial hearing as required by statute and rules of procedure to begin processing of an objection that was filed against the statewide advisory petition, Protect Marriage Illinois. The advisory petition asks the question should the Illinois legislature amend the Illinois Constitution to reflect that marriage in Illinois be defined as between a man and a woman. The objection was filed on June 27 and notice was given to both the proponent and objector that an initial hearing was required to be held within 3-5 days following receipt of the objection by the Chairman of the Electoral Board. The General Counsel stated that the first item on the agenda was to accept any appearances and asked the parties to state their name and who they are representing for the record. Those present in the Chicago office were Michael LaVelle, attorney for Protect Marriage in Illinois and Michael Kreloff and Michael Kasper, both attorneys on behalf of the objectors. There was no one present in Springfield.

The next matter on the agenda was approval of the Rules of Procedure for the State Officers Electoral Board for the processing of the objection. Member Brady noted that this objection was filed in advance of the results of the random sample and asked if the provisions governing the random sampling take precedence over the objection. The General Counsel responded indicating a memorandum addressing that very question and asked if the Board could adopt the Rules of Procedure first. The General Counsel clarified that under the Procedures for Examination agents

refers to Board staff including temporary staff and independent contractors of the Board. Vice Chairman Rednour moved to approve the Rules of Procedure. Member Porter seconded the motion which passed by roll call vote of 8-0.

The next item on the agenda was approval of the Calendar for Objections. The General Counsel gave a review of his memorandum explaining what an enormous task it would be for staff to take on a full record check of approximately 100,000 signatures challenged. He further explained that time and money are also a factor. The General Counsel then pointed out Section 28-12 of the Election Code which calls for a random sample of signatures of the petition and those results as certified by the election authorities shall be prima facie valid and accurate, and shall be presumed to establish the number of valid and invalid signatures on the petition sheets reviewed. The General Counsel further indicated that State Board of Elections staff announced the results of the random sample and based on the language of 10-10 and 28-12 there is a threshold that the random sample has to show as a percentage of the number of valid signatures for the petition to move forward toward certification. The General Counsel explained that according to statute if the proponent of the petition is found to be 95% or below the minimum signatures necessary to be placed on the ballot, which is 283,111 signatures, the proponents would be able to come before the Board to present evidence disputing the results. If no evidence, challenges or different results of a separate random sample were presented, the Board would deem the petition invalid and not be certified. If satisfactory evidence was presented and the Board determined that evidence is sufficient to overcome the presumption then according to 28-12, if no objections have been filed against the petition the Board would issue a final order and certify the petition to the ballot, according to 28-12. The General Counsel recommended that at this time a full binder check would be premature based on the results of the random sample which indicate a result of 91.4% validity. Mr. Sandvoss then recommended a hearing date be set for the proponents to present evidence to rehabilitate the signatures.

Discussion ensued concerning the interpretation of Sections 10-10 and 28-12 of the Election Code pertaining to the process of handling the objection to the petition and applicability of the random sample of signatures. After lengthy discussion, the parties and the Board agreed to hold a special meeting on Friday, August 11, 2006 at 10:00 a.m.

The General Counsel asked the Board for authorization to appoint a hearing officer for both the 28-12 hearing and the objection, if applicable and necessary. Member Porter moved to appoint Barb Goodman as the hearing examiner. Vice Chairman seconded the motion which passed by roll call vote of 6-2 with Members Brady and Schneider voting in the negative.

The Chairman asked if there was any other business to discuss and Mr. Kasper stated the question of applicability of a 10-10 hearing and expressed his intent to leave a file a memorandum of law on that question. It was agreed that both Mr. Kasper and Mr. Lavelle would file simultaneous responses on August 4 and would be addressed at the August 11 meeting.

The Executive Director noted that Dianne Felts, Director of Voting Systems and Standards is in the process of testing voting systems and another meeting may be necessary between the July and August meeting to approve voting systems.

With there being no further discussion before the State Officers Electoral Board, Member Schneider moved to recess and reconvene as the State Board of Elections. Vice Chairman Rednour seconded the motion which passed unanimously. The meeting recessed at 3:19 p.m.

Respectfully submitted,

Amy L. Calvin, Administrative Specialist II

Daniel W. White, Executive Director