

**STATE BOARD OF ELECTIONS
Special Board Conference Call
Friday, July 28, 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

ABSENT: Bryan A. Schneider, Member
Robert J. Walters, Member

ALSO PRESENT: Daniel W. White, Executive Director
Steve Sandvoss, General Counsel
Amy Calvin, Administrative Specialist II

The special meeting of the State Board of Elections was called to order via telephonic means at 9:05 a.m. with five members present. Member McGuffage joined the meeting at 9:10 a.m. Members Schneider and Walters were absent and Chairman Smart held their proxies respectively.

Chairman Smart asked the General Counsel to provide an update on the Protect Marriage Illinois (PMI) statewide advisory petition matter. The General Counsel indicated that Mike LaVelle, attorney representing PMI, was present and asked him to provide an update. Mr. LaVelle indicated that he notified the General Counsel that he does not have sufficient evidence to overcome the presumption of invalidity at the hearing before the hearing examiner but if he gets a favorable ruling in the district court, then that will provide evidence that he can present. Mr. LaVelle indicated since the last meeting he has received a copy of the order from the trial judge which showed that it was a status hearing and that he has filed a motion for a Temporary Restraining Order (TRO) to stay the proceedings of the Board until he receives an order from the district court. The General Counsel then explained that the special meeting scheduled for August 4th would not be necessary since the judge called a status hearing rather than rendering a decision and that he would be present at the hearing and provide an update of any rulings to the Board.

Member Porter indicated that the Board should take a position on whether or not to oppose the filing of the TRO and expressed his opposition. After discussion, Member Porter moved to instruct the General Counsel to oppose the TRO. Member Keith seconded the motion which passed by roll call vote of 5-3 with Members Brady, Schneider and Walters voting in the negative.

The next matter on the agenda was consideration of the Rules of Procedure for hearings conducted pursuant to 28-12 of the Election Code. The General Counsel indicated that revised rules were sent to the Board prior to today's meeting and included revisions to sections three and five as suggested by Member Keith. The General Counsel noted that he made a small change to the section on subpoenas and clarification of depositions, specifically limiting them to evidentiary depositions along with a provision that made it clear that there is no authority to conduct any type of a discovery proceeding. Discussion ensued concerning the revisions to the Rules. Member Keith indicated that if these revised Rules are adopted today they are only to hear evidence of the proponents of the statewide advisory petition filed on May 9, 2006 relative to the presumption of invalidity and that additional Rules would need to be adopted for future matters. Member Keith suggested to amend the revised Rules that were transmitted this morning by the General Counsel to include the following: In the last sentence of paragraph two, limiting the restriction of authorization to the hearing examiner and deleting any reference to the Board's authority or lack thereof; in the first line of paragraph five, having it read at the initial Board hearing now scheduled for August 11, 2006, and the purpose of that amendment is so that if the court would for any reason or us for any reason extend that date that it would be applicable to that initial hearing of the Board now schedule for that time; and by changing the date of adoption from July 21st on the last page to July 28th. Member Keith then moved to adopt the revised Rules with the preceding three amendments. Member McGuffage seconded the motion which passed by roll call vote of 8-0.

The General Counsel indicated that the next item on the agenda was to convene as the State Officers Electoral Board if necessary and noted that was not necessary.

The next matter on the agenda was an update on the return of unspent HAVA funds. Member Keith verified that Board's fiscal office had received a check in the amount of \$37,037.01 from Champaign County for unused grant funds. The General Counsel recommended that no legal proceedings would be necessary against Champaign County. The General Counsel indicated that the other county in arrears was Rock Island County. Chairman Smart explained that he had discussions with Rock Island County Board Chairman Jim Bohnsack and they are going to pay Diebold the full amount due, fax a copy of that check today and return the remaining unspent funds to the State Board

of Elections. Member Keith moved to rescind the directions to the General Counsel to take action against Champaign County at this time and stay until further direction of the General Counsel the action against Rock Island County and have the matter on the agenda of our next meeting scheduled for August 11, 2006. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

Chairman Smart reminded the Board that the meeting scheduled for August 4th was cancelled and the next scheduled meeting will be held on August 11, 2006.

With there being no further discussion before the Board, Member Keith moved to adjourn until 10:00 a.m. on August 11, 2006 in Chicago or until call of the Chairman. Member seconded the motion which passed unanimously.

The meeting adjourned at 9:53 a.m.

Respectfully submitted,

Amy L. Calvin, Administrative Specialist II

Daniel W. White, Executive Director