



ILLINOIS BALLOT INTEGRITY PROJECT

NEWS RELEASE

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FREEDOM'S NOT FREE WHEN YOU'RE IBIP *County Election Commission Hikes Charges for Ballot Integrity Group*

June 29, 2006. The Illinois Ballot Integrity Project wants information about elections in DuPage County. But the not-for-profit organization is having a hard time meeting the dollar per page cost for copying imposed by the DuPage County Election Commission in response to the organization's Freedom of Information Act (FOIA) requests.

Under the Illinois Freedom of Information Act, every public body is required to permit inspection or, upon submission of a written request, to provide copies of any requested records that are subject to disclosure under the Act. When copies are requested, the public body may charge fees reasonably calculated to reimburse it for the actual cost of reproducing and certifying public records. These fees, however, cannot include any of the cost of searching for the requested records, and cannot exceed the cost of reproduction. In fact, under Subsection 3(a) "[e]ach public body shall make available to any person for inspection or copying all public records," thus theoretically allowing citizens to make their own copies.

But that's not the case with the DuPage County Election Commission which has levied a \$1.00 per page charge on records requested by the Illinois Ballot Integrity Project while in the past routinely providing copies free to other organizations, including for-profit enterprises. "We even tried to reduce the time and expense to the Commission by bringing our own copier," said DuPage Chapter co-chair, Melissa Urda. "But they wouldn't let us use it, claiming it might interfere with their computers."

The Act provides that documents shall be furnished without charge or at a reduced charge where a waiver or reduction of fees "is in the public interest." A waiver or reduction is "in the public interest" if the primary purpose of the request for access is to disseminate information for the benefit of the general public and not for personal or commercial benefit. The Illinois Ballot Integrity Project's appeal for reduced fees or a waiver of fees has been denied by Commission chairman, J.P. "Rick" Carney.

"Charging outrageous fees for photocopies fits the pattern of obstructionism by the Commission. In April 2005, we presented serious questions in writing to the Commission regarding the security and accuracy of our electronic voting systems," said co-chair Jean Kaczmarek. "The Commission's executive director, Bob Saar, agreed to answer them. We're still waiting."

Kaczmarek continued, "The reasonable availability of election records is imperative. From the handful of FOIA photocopies we have been able to afford, we've learned that there were 27 memory card swaps in the November 2, 2004 election -- a memory card is the equivalent of a ballot box. We now know that there is no chain of custody for voting machines on election day or afterward."

Bob Babcock IBIP member added." It's important for DuPage voters to know that their officials aren't protecting their votes. This information is clearly in the public interest. The only reason the Commission has imposed this arbitrarily high fee is to prevent us from finding what they don't want the public to see."

The Commission's executive director, Robert T. Saar has defended the \$1.00 fee as being "in line" with fees charged in other counties. Saar, however, was referring to fees for official records like birth certificates, titles and other such documents, not routine copies of public records of government agencies. Calls to clerks of several counties by IBIP members found that often such routine records are copied free of charge or for a minimal amount ranging from 10-25 cents. The Illinois State Board of Elections, the chief election authority in Illinois, charges 25 cents per page. Commercial copies are available from office supply stores for seven or eight cents.

Here are some cost comparisons for IBIP Freedom of Information Act requests:

Any document from the Dupage County Election Commission - \$1.00 per page
26-page copy of meeting transcript of State Board of Elections – 25 cents per page
128-page purchase agreement between Cook County and Sequoia Voting Systems – No Charge
17-page lease between City of Chicago Board of Elections and Sequoia – No Charge

"Either the one dollar per page cost is arbitrary and capricious or the Election Commission is extraordinarily inefficient," said co-chair Melissa Urda. "If the Commission really wanted to cut costs, they could go up one floor in their own office building and use the copy machine in the cafeteria -- it's only 15 cents a copy," she added.

The **Illinois Ballot Integrity Project** is incorporated as a not-for-profit, non-partisan civic organization, dedicated to the correction of election system deficiencies and ensuring fair, accurate, and completely transparent elections. IBIP believes that fundamental to election integrity is the inscribing of all votes (whether by hand or by machine) on durable paper ballots which are easily handled and verified by the individual voter. The voter's paper ballot should be the only official ballot for purposes of casting, tallying, counting, audit and recount.

The **Mission** of the **Illinois Ballot Integrity Project** is to inform and educate the public, media and government officials about important election integrity issues and to promote the adoption of legislation and policies designed to secure the democratic process.

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