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Election panel logs \$10,000 on FOIA requests

Latest meeting more calm

By **Kathy Cichon**
SUN STAFF

WHEATON — More than \$10,000 and dozens of hours were spent on legal review of Freedom of Information Act requests filed with the DuPage County Election Commission in 2005 — a cost, officials said, that is footed by the taxpayers.

In a report presented to the commission Thursday, commissioners learned that a little more than 115 hours in staff and legal time were dedicated to handling FOIA requests differing from the typical FOIA queries and requiring legal review. A total of \$10,244.50 was spent on legal counsel's time on the requests.

"These are requests that are beyond the norm and in many cases have been made many times," said Patrick Bond, attorney for the commission.

Most of the requests are related to voting equipment and inspection of ballots, and were made by residents opposed to the use of electronic voting equipment.

"We are expending a lot of time and money on this and there's been a lot of questions raised about their agenda," Commissioner Charlotte Mushow said at the meeting.

Latest meeting more calm

The atmosphere Thursday was a stark contrast to the previous meeting two weeks ago. Wherein several residents spoke at the earlier meeting, the only visitor in the audience Thursday was a reporter. A security guard also was present — the result of the heated Jan. 12 meeting when security was called after a resident spoke out of order to urge Judge Ann Jorgensen not to administer the oath of office to commissioners.

It was at that meeting that Mushow expressed concerns about the volume of FOIA requests. Each time a request is made the legal counsel has to be consulted in to be sure no federal or state laws are violated by releasing the information, officials have said. Mushow asked staff to prepare a report on the time and money spent handling the requests.

"When we're trying to focus our time and attention on running safe and secure elections, (it's taking up) staff time," she said Thursday. "We don't have a big staff."

However, those requesting the information question the request for the FOIA report.

"Such a report is meant to have a chilling effect on seeking public records and answers from the Commission," Glen Ellyn resident Jean Kaczmarek said in a statement. "The DuPage County Election Commission is unique because it is a separate entity from the county. DuPage is the only county in Illinois which is set up this way.

Obtaining public information is more challenging and costly because of this unconventional structure."

The commission, she said, should post public records online for citizens "to review at no cost as Cook County has done."

Of the seven names listed in the report, it was the joint requests of Kaczmarek and Naperville resident MelisaUrda that took the most time and generated the largest tab. The two said they submitted four FOIAs in 2005, one of which went to the appeal process. According to the report, a total of 69 hours were needed and \$6,858 spent on legal fees.

Machines in question

Urda said the requests were made after several questions submitted in 2004 regarding the accuracy of the voting machines were never answered. Additional questions regarding Diebold optical scan machines were submitted in April but were not answered, and a meeting scheduled to answer questions that spring was canceled, she said.

"We had no choice but to submit a FOIA request on May 27, 2005. Many of the items on the request were denied and those that were made available cost \$1 per page," Urda said in a statement. "By comparison, Kane County submitted the minutes of several months of Board meeting regarding the future purchase of voting machines. They did this at no cost and within one week's time."

The \$1 per page copying fee is paid for by those requesting the information, not the commission. Bond said those filing the FOIAs asked to bring in their own copy machine.

"We're not going to allow somebody to bring in their own photocopier," he said.

Commission Chairman J.P. "Rick" Carney asked for an updated report indicating the number of employee hours used and the cost associated with them. Although officials can review the time and expense related to the FOIA requests, they are legally required to address each one submitted.

"We of course will meet the letter of the law and respond to requests," Mushow said. "But the public, and I think we, need to be aware of how many hours of staff time and the cost associated with this."

Also Thursday, the commission authorized the purchase of \$51,000 worth of mobile transfer cases to transport the new voting equipment to the various polling locations. In addition, a new server will be purchased for \$10,161.23 to use with the new ADA-compliant voting systems. The cost will be covered through money from the Help America Vote Act.

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