

Commissioners

MARISEL A. HERNANDEZ, *Chair*
WILLIAM J. KRESSE, *Commissioner/Secretary*
JUNE A. BROWN, *Commissioner*

CHARLES HOLIDAY, JR., *Executive Director*



Board of Election Commissioners for the City of Chicago

Minutes of the

Regular Board Meeting

May 10, 2022, 10:00 a.m.

69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602

via WebEx video conference

Board Members:

Marisel A. Hernandez, Chair
William J. Kresse, Commissioner/Secretary
June A. Brown, Commissioner

Staff:

Charles Holiday, Executive Director
Sandra Aspera, Assistant Executive Director
Adam Lasker, General Counsel
Max Bever, Director of Public Information [absent]
Opal Walls, Procurement Officer/Purchasing Agent
Karen Chin, Director - Human Resources
Lance Gough, Consultant
Trish Sheehy

Guests:

Danielle Matzdorf, Arrow Messenger
C. Betty Magnus, Operation P.U.S.H.
Brian Whiteley, ES&S
Josh Miller, Arrow Messenger

- I. Call to Order: The Chair called the meeting to order at 10:01 a.m.
- II. Roll Call: All members of the Board were present via WebEx video conference.
- III. Consideration of Agenda: The agenda was approved as presented.
- IV. Approval of Minutes:
 - A. Minutes of the Regular Board Meeting of April 26, 2022:

Commissioner Brown moved to approve the Minutes of the Regular Board Meeting of April 26, 2022. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board.
- V. Executive Director's Report:

Executive Director Charles Holiday reported:

Mr. Holiday participated in the monthly meeting of the Cybersecurity and Infrastructure Agency (CISA). Discussions were about malicious-domain blocking and reporting of such. Mr. Holiday stated, as he repeatedly has, that our network security team keeps our system up-to-date and secure from these types of attacks.

Mr. Holiday met with Runbeck, our vendor for our Agilis Vote by Mail ballot processing machine. They were in town and wanted to see how our Agilis was working and to talk with Mr. Holiday.

Last Thursday, Mr. Holiday and the Board's Director of Asian Outreach, Kimico Mehta, attended the 30th Anniversary Celebration of the Asian-Americans Advancing Justice (AAJC). Mr. Holiday and Ms. Mehta networked, and let AAJC know that the Board will continue to provide all services that we have provided in the past and are open to any suggestions.

The electrical installation is complete at the Early Voting Supersite. Smith's Maintenance will be there on Monday to perform a final cleaning. The graffiti on the windows has been removed.

We had discussed using the IBEW (International Brotherhood of Electrical Workers) Hall as an Election Day Vote Center, but the IBEW already has an event scheduled on June 28th. They will be available for use as an Election Day Vote Center in November.

Last night, Director of Public Information Max Bever and Mr. Holiday attended a virtual meeting with Jacob Kaplan and the [Cook County] Democratic Committeepersons. They spoke about the upcoming election dates, Early Voting, Vote-by-Mail, and polling places.

Mr. Holiday attended various intraoffice meetings with Board staff on election items.

The Chair asked Mr. Holiday about an Election Day Vote Center besides the Supersite for this election. Mr. Holiday stated that right now we do not have an alternative for the Supersite. The timeframe that the United Center gave us is not feasible; the day before the election does not give us enough time to set up an Election Day Vote Center. The Chair asked if we are continuing to look for a location; Mr. Holiday answered in the affirmative. Mr. Holiday has directed our Facilities Coordinator, Dean Ftikas, to keep looking for other options for an Election Day voting site. Commissioner Kresse asked if Wintrust Arena, which Mr. Holiday had previously mentioned as an option, is available. Mr. Holiday said that Wintrust is not available as a Vote Center, but could be used as a dropbox site. The Chair directed Mr. Holiday to keep the Board apprised of his efforts. The Chair is certain that Mr. Holiday and others at the Board are doing everything that they can. Mr. Holiday stated that we are still in discussions with the United Center.

Board Consultant Lance Gough added that he and Mr. Holiday have been involved in voter outreach and it has been working out very well.

Mr. Gough also noted that women of Chicago Votes, for Mother's Day, went to the County Jail and registered about 138 pre-trial detainees.

A. Assistant Executive Director's Report

Assistant Executive Director Sandra Aspera reported:

Ms. Aspera informed the Board that as of today, the Vote-by-Mail Department has processed a total of 75,319 Vote-by-Mail Applications, including 326 Military and Overseas applications.

The Military and Overseas ballots are scheduled to be sent this Friday.

The Nursing Home packages were delivered to 91 nursing homes last week.

The Early Voting sites and hours for the June 28, 2022 Primary Election were posted on the Illinois State Board of Elections website.

A total of 6,808 Judges of Election are presently assigned, including 404 High School students. The deadline for parental consent is May 20th.

The total number of pending Election Coordinators is 1,579.

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The recruitment of the 100+ standby Judges of Election is planned.

The Language Coordinators are proofing the paper ballots, audio ballots and the touchscreen ballots.

The mock election is presently scheduled for May 18th, and no changes to that date are anticipated.

The Board's Human Resources (HR) Department sent a notice to staff reminding them to get the COVID-19 vaccine booster, and that it has been announced that the COVID virus numbers are increasing in the City of Chicago.

At the Warehouse, the inventory of e-poll books and equipment has been completed.

The Judge of Election manuals are scheduled to be delivered to the Warehouse today.

B. Public Information Director's Report

Public Information Director Max Bever is absent from this meeting.

VI. Old Business

A. Infrastructure Projects and Changes in Election Administration: Nothing new to report.

B. Electronic Poll Books: Discussed earlier in this meeting.

C. Voting Equipment: Mentioned briefly earlier in this meeting.

D. Legislation: General Counsel Adam Lasker stated that since the General Assembly is not in session, he has no updates on legislation.

VII. New Business

A. Approval of contract with Arrow Messenger Service Inc. for messenger and driver services for the 2022 elections.

Procurement Officer Opal Walls stated that this is a recommendation to enter into a contract with Arrow Messenger Service, Inc.

The Chicago Board of Elections will partner with Arrow Messenger Service, Inc. for messenger and driver services. These services include, but are not limited to, pick-up, delivery and driver services for the Board's Early Voting Sites, our Nursing Home Voting Sites, University Voting sites and Election Day Voting Sites. They also include any requested services by the Board's Pre-Election Voting and Logistics and Warehouse Departments. This agreement will span both the June and November 2022 elections.

The term of this contract shall commence on May 10, 2022 and expire January 15, 2023. This Agreement is deemed a sub-contract under a previously awarded contract with the City of Chicago and its Department of Procurement Services under a bid specification and contract.

This contract is not to exceed \$1,000,000.

Commissioner Kresse noted, for the record, that we have used Arrow for some time, and asked Ms. Walls if Arrow's services have always been satisfactory. Ms. Walls responded that we have partnered with them for several elections, and we have no issues or complaints; they've always provided exceptional service.

Commissioner Kresse moved to approve a contract for messenger and driver services with Arrow Messenger Service Inc as a subcontract under the City of Chicago contract number 26588, for the period May 10, 2022 through January 15, 2023 and with a value not to exceed \$1,000,000 over the term of the contract. The motion was seconded by Commissioner Brown. The motion passed by 3:0 vote of the Board.

VIII. Legal Report:

General Counsel Adam Lasker reported:

We have a county-wide objection case from the County Electoral Board that is on Judicial Review. The candidate's last name is Gercone; she is running for Cook County Sheriff. The initial hearing was yesterday. There's another hearing this afternoon. Mr. Lasker will let the Board know how those hearings develop.

Just minutes before this meeting started, Mr. Lasker received information from legal counsel for the County Clerk's Office. The main issue involves candidates who have been ruled off the ballot by the Electoral Board, but where there is now a Judicial Review pending. The issue is do we, and the County, leave such a candidate's name on the ballot pending resolution in the courts, or do we remove the name from the ballot and adjust the ballot later if the court rules that the candidate should be on the ballot? It is Mr. Lasker's understanding is that the Board's long tradition to not remove a candidate's name during Judicial Review, in accordance with section 10-10 of the Election Code. Additionally, we just had a staff meeting along with our election systems operators and our ballot printers, and all agree that, administratively, the more efficient and safe way to proceed is to leave the names of such candidates on the ballot. We are discussing the language to use for a notice to voters to inform them that these candidates are still subject to pending litigation, and that their votes may or may not be counted depending on the final outcome of the litigation. If the candidate is ruled to be off the ballot, we will suppress the votes. The alternative, to place the candidate back on the ballot, would require us to shut down the entire system. Our election systems operator said that it could take up to 48 hours to reprogram the touch screen machines. Of course, printing paper ballots would be extremely difficult even in a normal year, however, there's currently a paper shortage. So, the alternative choice might not be feasible as we might not be able to print the new ballots.

Mr. Lasker reminded everyone that there is litigation pending in the 7th Circuit Court of Appeals from the 2018 March Primary where a candidate was ruled off the ballot by the Electoral Board, but six days before the election the Appellate Court put her back on the ballot. If we had not left her name on the ballot, we would have had to reprint over a million ballots paper ballots starting six days before the election.

It is Mr. Lasker's recommendation, based on the administrative feasibility, and on his belief that it is the right thing to do under the statute, that we leave those names on the ballot pending Judicial Review. We can provide a simple notice to the voters so they are made aware of the situation. Colloquy ensued.

The Chair asked Mr. Lasker a question, based on yesterday's news, about the Ward remap. Specifically, if what's been reported is true and that one map has a sufficient number of aldermanic votes, when does the vote need to occur? Mr. Lasker said that the statutory deadline is 40 days before the election, which would be May 19th. Mr. Lasker spoke with Legal Counsel for the City Council yesterday afternoon, and he assured us that they're trying to hold the vote before the 19th.

Mr. Lasker stated that there are a lot of moving parts for this election.

Commissioner Kresse asked if we were planning to have two sheets of paper for the ballots or just one. Mr. Lasker said he believes we were going to have one sheet of paper right now, full front and full back. Colloquy ensued.

Mr. Lasker announced that he just got the phone call regarding the litigation involving the Libertarian Party. A resolution in that litigation was reached, and as the Libertarian Party had only one candidate per office, all races were uncontested. As such, the Board and the County Clerk's Office were not

going prepare ballots for the Libertarian Party. However, Mr. Lasker just received a the phone call informing him that this morning that there has been a settlement agreement in that litigation under which a Libertarian Party Primary will occur and Libertarian Party ballots will be required. Discussion ensued.

IX. Financial Report: none.

X. Public Comment: none.

XI. Executive Session: none.

XII. Adjournment: Commissioner Brown moved to adjourn until the next scheduled Board meeting. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board. The meeting adjourned at 10:33 a.m.

Submitted,

A handwritten signature in black ink that reads "William J. Kresse". The signature is written in a cursive style with a long horizontal line extending to the right.

Commissioner William J. Kresse
Secretary