

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
Regular Board Meeting

October 25, 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
Joan Agnew, Counsel
Max Bever, Director of Public Information
Opal Walls, Purchasing Agent
Clinton Hurde, Manager Pre-Election Voting and Logistics
Matthew Lin, Manager – Information Technologies
Karen Chin, Director - Human Resources
Amanda Robledo, Purchasing Department
Lance Gough, Consultant
Trish Sheehy

Guests:

C. Betty Magness, Rainbow PUSH Coalition
Brian Whiteley, ES&S
Danielle Matzdorf, Arrow Messenger
Helene Gabelnick, League of Women Voters Chicago
Don Olson,
Ami Gandhi
Clare Tobin

- I. Call to Order: The Chair called the meeting to order at 10:01 a.m.
- II. Roll Call: All members were present via WebEx video conference.
- III. Consideration of Agenda: The agenda was accepted as presented.
- IV. Approval of Minutes:
 - A. Minutes of the Regular Board Meeting of September 13, 2022:
 - B. Minutes of the Regular Board Meeting of September 27, 2022:
Commissioner Brown moved to approve the Minutes of the Regular Board Meetings of September 13, 2022 and September 27, 2022. Commissioner Kresse seconded the motion. The Minutes were approved by Unanimous vote of the Board.

V. Executive Director's Report
Executive Director Charles Holiday reported:

Early Voting sites are now open in all 50 wards. 8,034 voted the first day that these sites were open. We had to change the 5th Ward Early Voting site late last week due to emergency accessibilities at Jackson Park. The 5th Ward Early Voting site is now one block away at the Southside YMCA, 6330 South Stony Island. The 5th Ward voters are being notified. Staff is out in the area getting the word out at nearby residential centers, area business centers and a press release was issued to the media. All old Early Voting signage has been corrected.

Pre-trial detainee voting began this past weekend at the Cook County Jail. Clinton Hurde, Manager of Pre-Election Voting and Logistics was there. On Saturday 426 detainees voted, and on Sunday 386 voted for a total of 812. Our staff will be there this coming weekend to conclude the pre-trial detainee voting at Cook County Jail.

All 1,290 precincts for November's General Election have assigned polling places. As an additional safety net, we are mailing notices to approximately 500,000 voters whose polling place will be at a different location than their June 2022 election polling place.

On Sunday, we hosted an event at the Universal Soul Circus in Washington Park interacting with hundreds of people. Mr. Holiday attended most of the day and it was a warm, friendly, family-oriented event. Teen-agers and young adults expressed great interest in how to use our voting equipment. Geneva Morris and Mischonda Tarver of the Board's Community Services Department were on hand to demonstrate how the touchscreen voting system works and to recruit stand-by Judges of Election

Mr. Holiday and the Director of Public Information Max Bever met with 2 representatives from the Office of Democratic Institutions and Human Rights (ODIHR) representing the Organization for Security and Co-operation in Europe (OSCE). It was a short and productive meeting at which they discussed how the Board administers elections and how it is easier than ever for people in Chicago to vote.

On Saturday, Mr. Holiday will be speaking on Early Voting, same-day registration, and deadlines related to the November General Election at an event hosted by the Apostolic Church and the Coalition of African-American Leaders (COAL). Board consultant Lance Gough, who is also a member of COAL, will be at the meeting, as well.

Commissioner Brown asked some questions of Mr. Holiday, including:

Whether we have responded to the questions posed by Alderpersons at the City Budget hearings? Mr. Holiday stated that he believes that we responded to the Chair of the Budget Committee by their requested deadline to respond. Commissioner Brown asked if she, and the other Commissioners, could get a copy of that information. Mr. Holiday said he would forward all the Commissioners copies of that information.

Commissioner Brown stated that at an earlier meeting Mr. Holiday said that the Board would be getting an audit report. Commissioner Brown asked whether we received that report? Mr. Holiday stated that he has received the report and is reviewing it now and responding to some of the questions from the audit team. General Counsel Adam Lasker said that it looks as though we received a draft of the audit report, as the auditors are asking for feedback from some of the departments.

Commissioner Brown asked if Mr. Bever or Mr. Holiday wished to respond to the NBC News report of yesterday regarding operations or processes or implementation of changes. Mr.

Bever said he would respond either now or during his report. Commissioner Brown said she could wait until his report.

A. Assistant Executive Director's Report

Assistant Executive Director Sandra Aspera reported:

The space is reserved for Election Central. Staffing and layout plans are pending completion. The language translators are in place.

Ballot paper as well as a sufficient number of toner cartridges have been secured for the 2023 Municipal Election.

A mock election was conducted on Thursday, October 13th. It was successful.

As of this morning, the total number of Vote-by-Mail applications received is 194,805; total number of Vote-by-Mail ballots returned is 33,606. These totals include 1,050 Military and Overseas applications with a total of 297 such ballots returned. The last day to apply for a Vote-by-Mail ballot is next Thursday, November 3rd. The last day to register in-person was October 11th. The last day to register on-line was October 23rd. Grace Period registration and voting began October 12th and will continue through Election Day November 8th.

The total number of Vote-by-Mail ballots returned via drop boxes, as of October 23rd, is 1,596.

The processing of Vote-by-Mail ballots started Friday, October 21st. The ballots are currently being scanned in the lower level. No tallies will be done until after 7:00 p.m. on Election Day.

The latest numbers on Election Judges and Election Coordinators are: 7,222 Active currently assigned Judges. This includes 1,297 High School students. Judges pending assignment is 983. There are 1,290 Active currently assigned Election Coordinators – representing 1 per precinct polling place.

The number of facilities participating in Nursing Home voting is 90. We have processed 1,930 applications. Board staff has confirmed the date of voting at each participating nursing home. Nursing Home Voting dates are November 4th, 5th, 6th and 7th.

At the warehouse, the logic and accuracy of the e-poll books and voting equipment started last week. We are ahead of schedule and have completed approximately 40%.

The delivery of the blue ESC (equipment supply carriers) to polling places will start this week.

Commissioner Kresse asked Ms. Aspera if she thinks we'll have enough judges come election day. Ms. Aspera stated we definitely will.

B. Public Information Director's Report

Public Information Director Max Bever reported:

The rest of the replacement Voter Registration cards were shipped out over this weekend. So, all are completed from that mailing.

Our household mailer –the one with information about Early Voting options, assigned polling place and Vote-by-Mail options - finished mailing yesterday, slightly ahead of schedule. That should be arriving at mailboxes this week.

We've started our advertising campaign on "Has your polling place changed?" as well as some Early Voting ads. There's a little over \$100,000 going toward this campaign.

We had a successful press conference yesterday with the Chair announcing the start of Early Voting in Chicago's 50 wards. We had all Chicago's major news stations as well as both major newspapers.

Commissioner Brown brought up an NBC report that aired the previous night. We had worked with NBC for several months after the last election with FOIA (Freedom of Information Act) requests, with fact-checking reports, along with other requests. The story covered what we faced: an Election Judge shortage for the last Primary which contributed to delayed opening polling places, and most of the issues that we had faced for the Primary. As Ms. Aspera mentioned, we are heading in to November 8th with overstaffed polling places rather than understaffed polling places. We are currently ahead of the target, which is 6,450 Election Judges. We are currently ahead of that by 1, 000 once we get those additional judges in place. The redistricting, polling place consolidation, and the aggressive hiring of Election Judges was on our minds to have a smoother running on November 8th.

Commissioner Brown asked Mr. Bever if the reporting coincided with what Mr. Bever found. Mr. Bever said yes, the unfortunate matter was that we had over 3, 000 Election Judges resign in the days leading up to and on election morning. We had just over 6,000 Judges when that target number should have been over 10,000. That created a big problem for Primary Day.

Discussion ensued between Mr. Bever and the three Commissioners.

VI. Old Business

- A. Infrastructure Projects and Changes in Election Administration: Nothing to report.
- B. Electronic Poll Books: The e-poll books have been prepped and are ready for the upcoming election
- C. Voting Equipment: Mr. Holiday stated that everything is on schedule. The voting equipment has been prepped and is ready for the upcoming election.
- D. Legislation: Mr. Lasker said that the Legislature has not been in session. So, we're looking towards the Veto Session.

Mr. Lasker noted the strong support at the City Council budget hearings legislation to allow us to keep our Early Voting sites open on Election Day for the February Municipal Election. Right now, that law doesn't exist. Mr. Holiday, Mr. Bever and Mr. Lasker are working on a letter from Mr. Holiday to some legislators on this, and we hope some Alderpersons will continue to show their support. Discussion ensued.

VII. New Business

- A. Approval of an emergency procurement with Marquee Event Rentals for precinct tables and chairs.

Purchasing Agent Opal Walls spoke to this stating that this is a request to approve an emergency purchase with Marquee Event Rentals for the rental, storage, pickup and delivery of tables and chairs for our polling places and other designated polling sites for the November 8, 2022, election.

Ms. Walls reported that our original contract was awarded to RMS Movers and they defaulted on that contract. We went out for an emergency bid as a result. That bid was awarded to Midwest Movers. However, the total of the invoices that Midwest Movers submitted to us for the Primary was much higher than what they originally quoted us; so, a decision was made to no longer use Midwest Movers and to move forward with another vendor. Ms. Walls looked at the other 2 bids that we received. There was a bid from Marquee Event Rentals - they were the vendor that we actually rented the tables and chairs from in June – and their bid was not only for the rental but also pickup and delivery of the

tables and chairs for the November election. They were by far the lowest bidder for this contract with an ask of \$176,468.27 for all of the areas: A, B, C and D.

The term of this project will begin today. We have been assured that they will have all of the tables and chairs delivered on or before November 7th. This contract will expire November 25th and the plan is to go out for a new bid for tables and chairs for the February Election.

Discussion ensued.

Commissioner Kresse moved to authorize the Executive Director to execute a contract with Marquee Event Rentals for the rental and cartage of tables and chairs and related services with the term beginning October 25, 2022 and continuing through November 25, 2022 with the total cost not to exceed \$176,468.27. Commissioner Brown seconded the motion. The motion passed by unanimous vote of the Board.

- B. Approval to exercise the 1st option to renew contract with CDW Government LLC/NetWoven for creation of contract and procurement management programs.

Ms. Walls presented this item.

This is a request to exercise the 1st option to renew with CDW-G/NetWoven. This is for the automatic, customized software application for Procurement, Budget and Finance, and Contract Management.

CDW-G has been working with us over the last year. Even with the ongoing elections, Ms. Walls was happy to report that the Procurement Module is about 95% complete. That module will consist of an automated procurement process which will generate requisitions and P.Os. (Purchase Orders) and have multi-level department approval. This will replace our current paper-based process. We will also have the ability to run reports and queries to find out at any given time where we are with regard to our spend against our different contracts. We will also have a Budget and Finance Module which will allow our Budget Manager to identify budget lines associated with all of our purchases. We will have the ability to enforce spend limits against our contracts so there should be no overspending.

We will also be able to track our grants and report spending on our grants through the Budget and Finance Module.

Additionally, the Contracts Module will be a repository for all of our active contracts with start and end dates for each contract. We will get system alerts in advance that will tell us when contracts are expiring. This will allow for better planning and notification to our Board members.

The Budget/Finance and Contracts modules are about 65% complete.

We are hopeful for a go-live date for all three modules of January 2, 2023. Ms. Walls asks that the Board extend the contract term for an additional year beginning November 1, 2022 and expiring October 31, 2023. We will then have one additional year for renewal. The total spend on this project is \$173,209.

Discussion between Ms. Walls, Mr. Lasker, Commissioner Brown, and Commissioner Kresse ensued.

Commissioner Brown moved to exercise the Board's first option for renewal of this contract with CDW Government/ LLC for continued development through NetWoven of a custom computer system for management and administration of the Board's Contracts and Procurements with an extended term beginning November 1, 2022 and running through October 31, 2023 with a total cost not to exceed \$173,209. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board.

C. Ratification of engagement agreement with Tressler LLP for legal representation.

Mr. Lasker pointed out that the Board's By-Laws allow the General Counsel to enter into contracts for legal representation of the Board, but he would like to have it ratified at a public meeting such as this.

Tressler LLP has a team headed by Charles LeMoyne and some other partners and associates working with us. The Board will meet them today, during Executive Session, to discuss our pending litigation. They have ample experience in the Federal Court. Mr. Lasker is pleased at how they've picked up this case quickly and have kept things moving. Mr. Lasker requests the Board's ratification of the contract.

Commissioner Kresse moved to ratify the Board's Attorney Contract with Tressler LLP for legal defense and representation at the rate of \$295/hour plus authorized expense reimbursement with a term beginning October 7, 2022 and running through the completion of the litigation. Commissioner Brown seconded the motion. The motion passed by 3:0 vote of the Board.

VIII. Legal Report

General Counsel Adam Lasker provided this Legal Report:

We have over 30 attorneys who have sent in acknowledgements to serve during Election Central for this upcoming Election Day, and is working on their training

Mr. Lasker took this opportunity to remind our voters that Vote-by-Mail ballots must be returned to the Board either through the US Post Office, through our drop boxes which we will have at the Vote Centers on Election Day and at the Early Voting sites, but we do not have drop boxes at the precinct polling places. The only other way to get VBM ballots to us is by personal delivery to our office. The Election Judges are not allowed to accept Vote-by-Mail ballots at the precinct. So, we strongly discourage voters from bringing Vote-by-Mail ballots to the precinct, unless they want to spoil that VBM ballot and vote at the precinct.

Mr. Lasker noted that there is a new Presiding Judge of the County Division of the Cook County Circuit Court. That division's approximately 12-15 judges hear all the election related cases in Cook County. The new Presiding Judge is Rena Marie Van Tine. Yesterday morning, Mr. Lasker met with her in her chambers along with Mr. Lasker's counterpart at the County Clerk's Office, Jim Nally. It was a wonderful meeting. The Judge had invited Messrs. Lasker and Nally over. They talked about the procedures of how the election cases work, the Judicial Review of Electoral Board cases, polling place late closure cases, the administrative function of appointing Judges of Election, and so forth. Mr. Lasker left the meeting feeling very optimistic that our agency will continue to have a good relationship with the court.

Commissioner Kresse said that he has been getting a lot of inquiries about the COVID vaccine requirements. Discussion ensued between him and Mr. Lasker.

IX. Financial Report

A. Balance Sheet and Voucher Listings for the City of Chicago – 2022 Appropriation – 22-07 dated October 25, 2022, in the amount of \$938,818.50

Commissioner Brown moved to approve the Balance Sheet and Voucher Listings for the City of Chicago – 2022 Appropriation – 22-07 dated October 25, 2022, in the amount of \$938,818.50. Commissioner Kresse seconded the motion. The motion passed by 3:0 vote of the Board

- B. Balance Sheet and Voucher Listings for the County of Cook – 2022 Appropriation – 22-07 dated October 25, 2022, in the amount of \$1,272,156.94

Commissioner Kresse moved to approve the Balance Sheet and Voucher Listings for the County of Cook – 2022 Appropriation – 22-07 dated October 25, 2022, in the amount of \$1,272,156.94. Commissioner Brown seconded the motion. The motion passed by unanimous vote of the Board.

- X. Public Comment

Clare Tobin asked about the number of accessible precincts. Mr. Holiday responded by saying that many precinct polling places are considered “usable,” but in some instances there are things still being done to make them fully accessible, so they weren’t listed as “accessible,” however they are “usable”.

Mr. Lasker noted that the vast majority of polling places that are listed on our website as “inaccessible” are very much “usable” by most disabled individuals.

Discussion ensued.

Ms. Tobin suggested that to reassure people, the Board should state on its website list of polling places those that are “not technically accessible but usable”. Mr. Lasker said that that is the agreement that they have reached with the Department of Justice and that is what we are working on doing.

Ms. Tobin also raised questions regarding the recent consolidation of precincts in the wards. Discussion ensued.

Don Olson provided public comment by stating that a number of years ago he designed his own election system for Chicago. In his system there were a lot fewer voting locations in every ward. Mr. Olson thinks that there were more voting locations than necessary in many wards. He recalled that Ontario did some really interesting things to be able to run their elections with fewer personnel. He looked at what they had done, and it inspired him.

- XI. Executive Session: Executive Session to discuss pending litigation. The Chair stated that the Board will only be discussing litigation and they won’t have to vote on anything. Commissioner Brown moved to go into Executive Session. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board. Executive Session began at 11:04 a.m.

The Board returned to Open Session at 11:56 a.m. The Chair stated that no vote was taken in Closed Session and that there was nothing to vote on in Open Session.

- XII. Adjournment: Commissioner Kresse moved to adjourn until the next Board meeting which is scheduled for 7:00 a.m. Election Day (11/08) or until the call of the Chair. Commissioner Brown seconded the motion. The motion passed by unanimous vote of the Board. The meeting was adjourned at 11:58 a.m.

Submitted,



Commissioner William J. Kresse
Secretary