

Commissioners

MARISEL A. HERNANDEZ, *Chair*
WILLIAM J. KRESSE, *Commissioner/Secretary*
JONATHAN T. SWAIN, *Commissioner*
CHARLES HOLIDAY, JR., *Executive Director*



Board of Election Commissioners for the City of Chicago

Regular Board Meeting

July 13, 2021, 10:00 a.m.

**69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602
and via WebEx video conference**

Board Members:

Marisel A. Hernandez, Chair
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Charles Holiday, Executive Director
Sandra Aspera, Assistant Executive Director [absent]
Adam Lasker, General Counsel
Opal Walls, Purchasing Agent
Kimberly Carrillo-Walker, Finance Manager
Lance Gough, Consultant
Trish Sheehy

Guests:

Helene Gabelnick, League of Women Voters of Chicago (LWV Chicago)
C. Betty Magness, Rainbow P.U.S.H.
Danielle Matzdorf, Arrow Messenger Service
Don Olson

- I. Call to Order: The Chair called the meeting to order at 10:02 a.m.
- II. Roll Call: All members were present via video conference. The Executive Director was present in the Board's 8th floor conference room.
- III. Consideration of Agenda: The agenda was accepted as presented.
- IV. Approval of Minutes:
 - A. Minutes of the Regular Board Meeting of June 22, 2021: Commissioner Swain moved to approve the minutes of the Regular Board meeting of June 22, 2021. Commissioner Kresse seconded the motion. The motion was passed and the minutes approved by unanimous vote of the Board.
- V. Executive Director's Report
Executive Director Charles Holiday reported:

We are still in talks with the building management regarding rental space at 69 West Washington.

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We are waiting for the Chicago Department of Assets, Information and Services (AIS) to inform us as to when the repairs will begin at the warehouse. As a result of rain, some areas of the warehouse, along with some stored documents, were damaged. We are pressing AIS to get this work started.

Our ADA team met with Equip for Equality and the U.S. Department of Justice (DOJ) on our continued work on surveying the polling places and bringing polling places into compliance by November 2022.

We are on schedule for submitting our 2022 City budget on Friday, July 16th.

Today, Mr. Holiday will be participating in a U.S. Cyber and Infrastructure Security Agency (CISA) table-top to-vote exercise. This exercise is to identify best practices and areas for improvement in election incident planning, responses and recovery through simulation of realistic scenarios.

On Thursday, Mr. Holiday will be traveling to New York to attend the International Association of Government Officials (iGO) 4th Annual Conference. Mr. Holiday will provide a report at the next Board meeting regarding any election administration matters that may take place.

We are nearing completion of the warehouse project which Assistant Executive Director Sandra Aspera has been heading up and Shaun Simpson of our Pre-Election Voting and Logistics department has been overseeing.

Ms. Aspera and our Human Resources Manager, LaCretia Dandridge, are reviewing employee evaluations.

Mr. Holiday stated Ms. Aspera is not present today due to the death of her sister. He stated that our thoughts and prayers are with her and her family.

A. Assistant Executive Director's Report: none

VI. Old Business

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

B. Electronic Poll Books: Mr. Holiday reported that we are going through the first round of maintenance on the e-poll books. We may have to perform maintenance two more times because the primary has been moved to June 28th, 2022. We will perform another round of maintenance toward the end of this year.

C. Voting Equipment: Nothing to report at this time.

D. Legislation: General Counsel Adam Lasker reported that there isn't much new to report. What we have been watching is the elected school board bill. We know it has passed both Houses but has still not been sent to the Governor. There had been a Motion to Reconsider filed back in June against the two votes on the two amendments to that bill, House Bill 2908 (HB2908). The last actions were that the two motions were withdrawn on June 30th. As such, there was a delay in sending it to the Governor. We will continue to monitor.

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VII. New Business

A. Contract approval with ANE Data Solutions for website content services.

Mr. Lasker explained to the Board that the prior contract for website services did allow for renewal with the same terms. The terms of this contract have not changed since the last contract in terms of rate of pay, etc. The last contract included a separate provision for new development which was required due to the pandemic and expansions to Vote-by-Mail. Those “new developments” have been completed, so those are not included now as the contract incorporates ongoing maintenance and support for all of the same systems. Mr. Holiday added that ANE is working more closely with the Board’s IT Department in our maintenance of our website.

Commissioner Kresse moved to renew the contract with ANE Data Solutions for support and maintenance of the Board’s website, online Vote-by-Mail system and other detailed services as set forth in the contract for the term of July 13, 2021 through June 30, 2022 in the amount of \$4,000 per month, capped at \$48,000 for the year. Commissioner Swain seconded the motion. The motion passed by 3:0 vote of the Board.

VIII. Legal Report

General Counsel Lasker touched on a recent U.S. Supreme Court case out of Arizona. One of the things that the Court upheld is a law regarding Provisional Ballots that is somewhat similar to the law in Illinois. Mr. Lasker noted that the Supreme Court upheld a rule in Arizona that provisional ballots cast in the wrong precinct can be discarded or not counted. The Illinois law is similar in that if a provisional ballot is *intentionally cast* in a wrong precinct, it is rejected. Mr. Lasker emphasized that Illinois law requires a showing that it was intentionally cast in the wrong precinct. The law expressly requires the Election Judges in the precinct to inform the voter that the voter is in the wrong precinct. The Election Judges are also required to inform that person either where their proper precinct is or to contact the Election Board’s office or Election Central and find where their proper precinct is. Only in a situation where the person refuses to go to the proper precinct and cast a Provisional ballot in that precinct that the ballot would be rejected.

Commissioner Kresse thanked Mr. Lasker for his explanation. Further discussion ensued between General Counsel Lasker and Commissioner Kresse regarding the casting of provisional ballots.

IX. Financial Report: None

X. Public Comment:

A. Don Olson provided public comment on the issue of the U.S. Supreme Court case out of Arizona, and what he has observed regarding the mechanics of casting provisional ballots.

XI. Executive Session: None

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XII. Adjournment: Commissioner Swain moved to adjourn until the next regularly scheduled Board meeting on July 27th. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board. The meeting was adjourned at 10:18 a.m.

Submitted,

A handwritten signature in black ink, appearing to read "William J. Kresse". The signature is fluid and cursive, with a long horizontal stroke at the end.

Commissioner William J. Kresse
Secretary