

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
Minutes of the Regular Board Meeting
August 31, 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 [absent]
Jonathan T. Swain, Commissioner

Staff:

Charles Holiday, Executive Director
Sandra Aspera, Assistant Executive Director
Adam Lasker, General Counsel
Opal Walls, Purchasing Agent
Max Bever, Director of Public Information
Kimberly Carrillo-Walker, Finance Manager
Lance Gough, Consultant
Michal Czech, Videographer
Rick Thurman, IT
Kevin Thibo, IT
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
Rita Carmona, Chicago Votes

- I. Call to Order: The Chair called the meeting to order at 10:00 a.m.
- II. Roll Call: Chair Hernandez and Commissioner Swain were present in the Board's 8th floor conference room. Commissioner Kresse was absent.
- III. Consideration of Agenda: There were no proposed changes to the agenda.
- IV. Approval of Minutes:
 - A. Minutes of the Regular Board Meeting of August 10, 2021: Commissioner Swain moved to approve the Minutes of the Regular Board Meeting of August 10, 2021. Chair Hernandez seconded the motion. The motion passed by 2:0 vote of the Board.
- V. Executive Director's Report
Executive Director Charles Holiday reported:

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On Friday, a second meeting was held with Glen Cross and Robin Owens of the City's Department of Assets, Information and Services (DAIS) to discuss the 13 issues at the warehouse that are of greatest concern to the Board.

Deputy Commissioner Cross confirmed that the issues were forwarded to the Public Buildings Commission (PBC) for their assessment. At the meeting with the PBC to develop the scope of work, it was determined that in order to begin the interior work, the Board would have to vacate the 1819 [W. Pershing Rd.] building. This would involve the 4th floor, 3rd floor and the 2nd floor. This rehab work could take a year and possibly longer to complete, therefore they suggested that we secure a facility with a one-year lease with an option to extend the lease if necessary. Mr. Holiday told the Board members that he has a long list of what this would affect, per floor. Mr. Holiday has real concerns about this. The Board had spoken with the City a few months ago about finding another facility for our warehouse. The suggested plan just enhances that need, because the floors that they want us to vacate would cripple our election processes. The Chair pointed out that we are only 10 months away from the next election, so we can't wait. Discussion ensued on the critical need to quickly secure warehouse space in order to conduct the upcoming elections, and various strategies in order to do this.

Mr. Holiday continued his report by stating that he, along with Assistant Executive Director Sandra Aspera, attended the 36th Annual National Conference of the National Association of Election Officials (EAC). They attended a series of group discussions about, but not limited to: Redistricting, Elections Audits and Recounts, Legislative updates, and Election Officials Physical and Safety Protocols. They also participated in the EAC's Professional Education Program. During the Profession Practice Presentation, Lance Gough was presented an award for being installed in the Election Hall of Fame. Mr. Holiday congratulated Mr. Gough for that accomplishment.

Mr. Holiday attended the virtual Annual Meeting of the United States Hispanic Leadership Institute (USHLI) where Dr. Juan Andrade was honored for his dedication and work with the group.

The Board received a visit from Eric Fey, Director of Elections in Saint Louis County Missouri. Mr. Holiday gave Director Fay a tour of our facilities.

Mr. Holiday and Ms. Aspera held a meeting with the Board's Cyber Security Specialist, Mr. Rahul Patel. Mr. Patel reported that we are well protected and our security system is rated top in the State by the State Board of Elections and CIS.

A. Assistant Executive Director's Report

Assistant Executive Director Sandra Aspera reported that she and Mr. Holiday will be sharing relevant information and materials that they gathered at the EAC conference with their staff.

The warehouse post-election cleanup project is winding down. Ms. Aspera and other Board staff are now focusing their efforts on the upcoming Dominion updating and maintenance of voting machines project. This project is currently scheduled for October

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Staff will also be assigned to support the Redistricting Team in their upcoming remapping project.

B. Public Information Director's Report

Public Information Director Max Bever reported that we are working with staff to prepare our next budget statement and all necessary materials ahead of the City Council hearings in October.

We are working with Community Services Division in preparing a newsletter to the Election Judges and Election Coordinators with recent updates and information as well as a heads-up on the remapping process.

We will continue to work with executive staff to communicate the needs around the warehouse and to better protect our equipment.

VI. Old Business

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

B. Electronic Poll Books: Nothing new to report at this time.

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

D. Legislation

General Counsel Adam Lasker reported:

There is a bill pending in Springfield for the upcoming legislative session to allow the non-citizens to vote in the Chicago School Board elections, Senate Bill 1565 (SB1565). Discussion ensued as to concerns about this bill.

VII. New Business

A. Approval of a bid award to Roth and Company for independent external audit services.

Procurement Officer Opal Walls asked the Board to consider awarding a contract for independent external audit services to Roth and company in an amount not to exceed \$253,000 for each contract year. The term of the contract will begin tomorrow, September 1, 2021 and expire August 31, 2022 with two one-year options to renew.

Ms. Walls stated that Roth and Company has assembled an exceptional team to conduct this audit for us. The lead on the team is Mr. Ortiz who has over 50 years of accounting and audit experience. The other team members have a combined 70 years of experience.

Roth and Company's work will include such items as: budget control, single audit for the Cares Act and CTCL grants if we so wish, Master Data Management, cost allocations, review of our policies and procedures, process improvements and internal controls.

Commissioner Swain moved to approve a bid award to Roth and Company for independent external audit services at an amount not to exceed \$253,000 for each contract year, with a term beginning on September 1, 2021 through August 31,

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2022. Commissioner Hernandez seconded the motion. The motion passed by a 2:0 vote of the Board.

B. Ratification of minor amendments to the Board’s contract with the law firm Faegre, Drinker, Biddle & Reath LLP

Mr. Lasker stated that as was previously discussed, the law firm has requested some revisions to its contract with the Board so as to make the terms similar to those regularly used by the firm in its standard retainer agreements with established clients. A copy of the revisions was previously sent to the Board members. The revisions do not deal with the financial terms

Commissioner Hernandez moved to approve non-financial amendments to the Board's contract with outside legal counsel Faegre, Drinker, Biddle & Reath LLP. Commissioner Swain seconded the motion. The motion passed by 2:0 vote of the Board.

VIII. Legal Report

General Counsel Adam Lasker reported that we will be reaching out to Springfield communicating our concerns regarding pending legislation.

We are also continuing to work on updating the election calendar for 2022 due to all the legislative changes that have occurred. The State Board of Elections has shared a draft with which we have some differences. We are hoping to work those out before we publish our own calendar.

IX. Financial Report

A. Balance Sheet and Voucher Listings for the City of Chicago – 2021 Appropriation – 21-06 dated August 31, 2021 in the amount of \$288,440.28: Commissioner Hernandez moved to approve the Balance Sheet and Voucher Listings for the City of Chicago – 2021 Appropriation – 21-06 dated August 31, 2021 in the amount of \$288,440.28. Commissioner Swain seconded the motion. The motion passed by 2:0 vote of the Board.

B. Balance Sheet and Voucher Listings for the County of Cook – 2021 Appropriation – 21-06 dated August 31, 2021 in the amount of \$5,868.93: Commissioner Hernandez moved to approve the Balance Sheet and Voucher Listings for the County of Cook – 2021 Appropriation – 21-06 dated August 31, 2021 in the amount of \$5,868.93. Commissioner Swain seconded the motion. The motion passed by 2:0 vote of the Board.

X. Public Comment:

Commissioner Swain used this time to comment:

In early August Commissioner Swain submitted a letter to the Chief Judge informing him that he would be resigning from the Board effective August 31. As coincidence would have it, today is the end of the month, the effective date of his resignation, and his final Board meeting.

Commissioner Swain stated that one of the reasons he wanted to stay on the Board this year was to make sure there were smooth transitions from an esteemed Executive Director (who has been around since before God began) to Charles Holiday; from Mr. Holiday as

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Assistant Executive Director to Sandra Aspera; and from former Communications Director Jim Allen to Max Bever as Director of Public Information. Commissioner Swain told Mr. Bever that he has the utmost confidence in Mr. Bever's ability to communicate on behalf of the Board.

Looking at all the different things that are going on, Commissioner Swain feels very confident in this election authority's ability to continue to deliver elections at the same level as it delivered year after year, especially through the pandemic. So, after consultation with his family - in particular his wife - and with the next election being pushed back, he thought that this would be a great time, and probably the best time, for him to step back from this Board and to allow someone else to step in this role and continue to lead our city and lead our elections.

Commissioner Swain added the following comments: 1) as he had mentioned twice during this meeting, you don't understand the depth of elections unless you work for an election authority. Commissioner Swain has been around elections for the better part of his adult life. You do not understand the depth of the nuance, the precision, the timing that is required to administer a quality election. You don't really realize how the administering of quality elections is a year-round endeavor. So, what Commissioner Swain has grown to appreciate – obviously people know the Commissioners – Commissioner Kresse, Chair Hernandez and Commissioner Swain, as the face of the Board But it's really the people that are working on floors 6 and 8 and at the warehouse day-in-day-out for hours on end to make sure that our elections are some of the best in the nation. Commissioner Swain that probably his greatest joy sitting on this Board was watching the dedicated public servants that have been at the heart and driving this. Mr. Gough and Mr. Holiday have been at the head for a long time, but it's really these people who are driving these elections and making sure they're delivered in an appropriate way, and especially their commitment to time, precision, and responding with level heads. So, Commissioner Swain applauds them.

Commissioner Swain stated that it has been a great joy to serve with Commissioner Hernandez and Commissioner Kresse. Commissioner Swain said it was interesting that the Board members are not allowed to speak to each other about election matters outside of Board meetings because of the Open Meetings Act, but we all seem to see things in an appropriate way because it's governed by the law, and we are guided by Mr. Lasker's fine legal advice and Jim Scanlon's before him. Commissioner Swain applauded Mr. Lasker for filling Mr. Scanlon's shoes because Mr. Lasker filled them well, but pointed out that there might be a little extra room left but that will be filled in time. Commissioner Swain said it was an honor and a joy to serve with everyone and wishes everyone well with this next upcoming election, which will be an adventurous 15-18 months. Hopefully, it won't be as adventurous as the last 15-18 months.

Commissioner Swain said it was a great honor, one of the greatest honors of his life to be able to serve on this Board and he wished everyone well.

Chair Hernandez made the following comments to Commissioner Swain: It has been a true pleasure and an honor working with him and sitting on this Board delving into issues. When Chair Hernandez thinks of Commissioner Swain on this Board she thinks of a couple of

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things that come to mind quickly; one is his integrity. His character has been above reproach. He has always considered the interest of the Board before anything else and she truly valued that and appreciated that his knowledge. Commissioner Swain came to the Board and, just like the Chair, didn't know much about the election process. But he picked it up so quickly and was able to contribute from the get-go and that was wonderful. The other thing was Commissioner Swain's perspective, which the Chair loves; he's a lawyer, but he's also a business person and that perspective provided us with a lot of different insights into how this Board could work better. She truly appreciated that those views, those recommendations, his thoughts and all of that has made this Board far better than it has ever been.

Commissioner Swain thanked the Chair for her comments. The Chair stated that she hopes he knows that this is not the end of, especially now that she can finally talk to him, and it won't be the last time they see each other. She wished him the best with his family, with his personal life, and with his business.

Mr. Lasker told Commissioner Swain that the word he would use to describe him – although the Chair beat him to it - is integrity. Mr. Lasker sees Commissioner Swain as just oozing integrity with everything he does at the Board, and is sure in his business as well. Mr. Lasker stated that he and Commissioner Swain have never had a disagreement; they may have different interpretations, but they've always seen eye-to-eye on a commitment to doing things the right way under the law. It's Mr. Lasker's belief that not one of Commissioner Swain's Electoral decisions has been reversed because Commissioner Swain has a good understanding of ballot access. Generally speaking, Mr. Lasker has found Commissioner Swain very pleasant to work with, and he appreciates that. Mr. Lasker noted that he might call Commissioner Swain to come down and work Election Central.

- XI. Executive Session: None
- XII. Adjournment: Commissioner Hernandez moved to adjourn the meeting of August 31st with her dear friend and fellow Board member Jonathan Swain. Commissioner Swain seconded the motion. The motion passed by 2:0 vote of the Board. The meeting adjourned at 10:42 a.m.

Submitted,



Commissioner William J. Kresse
Secretary