

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

September 26, 2023, 10:00 a.m.

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

Board Members:

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

Staff:

Charles Holiday, Jr., Executive Director [absent]
Sandra Aspera, Assistant Executive Director
Adam Lasker, General Counsel
Max Bever, Director of Public Information
Matthew Lin, Manager - IT
Amanda Robledo, Acting Purchasing Agent
Trish Sheehy

Guests:

Helene Gabelnick, League of Women Voters Chicago
C. Betty Magness, Rainbow PUSH Coalition
Todd J. Govian
Bill Morton, Rogers Park Chamber of Commerce
Agnes Gray, Common Cause Illinois

- I. Call to Order: The Chair called the meeting to order at 10:00 a.m.
- II. Roll Call: All members were present.
- III. Consideration of Agenda: There were no proposed changes.
- IV. Approval of Minutes:
 - A. Minutes of the Regular Board Meeting of July 25, 2023: Commissioner Brown moved to approve the Minutes of the Regular Board Meeting of July 25, 2023. Commissioner Kresse seconded the motion. The motion passed by 3:0 vote of the Board.
- V. Executive Director's Report

The Chair announced that there would be no Executive Director's Report at this meeting because the Executive Director was out sick.
- VI. Assistant Executive Director's Report

Assistant Executive Director Sandra Aspera reported:

Ms. Aspera is meeting weekly with the Dominion representative. The Dominion representative is also meeting in-person with Board staff on a weekly basis.

Our equipment is currently being certified by the Illinois State Board of Elections and is expected to be completed by the end of October 2023.

Ms. Aspera will be placing the consumable supply order this week for the upgrade and the preventative maintenance of the equipment that is scheduled to begin at the beginning of November.

Last week Ms. Aspera participated in the kickoff call with Tenex, the new e-pollbook vendor. A bi-weekly recruiting meeting has been scheduled with our staff. There will also be individual meetings with certain departments, which Ms. Aspera will also be attending.

The HR Manager is providing leadership, department managers and employees with current information regarding COVID – such as free test kits which can be ordered. Our COVID Policy is currently being updated.

A. Public Information Director's Report

Public Information Director Max Bever reported:

Voters started receiving their canvass cards in the mail yesterday. Mr. Bever and the Chair said that they each received theirs. Mr. Bever said that he is glad to hear that everything's still ahead of schedule; undeliverable canvass cards will begin coming back shortly. Registration is already planning their processing. We'll likely start the second notice process mid-October. So, we'll have the entire canvass process complete ahead of schedule before the end of the year.

Regarding the website, the work continues with our vendor, Clarity Partners. They met with our full IT team yesterday to go over additional questions for our internal systems.

We are still on track to have the new website go live by early December. This includes our online Vote-by-Mail application as well as our Permanent Roster Application. We plan to push that ahead of the 2024 Presidential Elections. We're planning for an expanded Vote-by-Mail vote as we head into a popular election.

We shared the wireframes for our new home page with the Commissioners as well as staff. Mr. Bever thinks it was very helpful to receive the thousands of responses back from Chicago voters through our own survey. It's helped guide our website vendor in creating a much more interactive and usable and accessible home page and website for our voters. Mr. Bever and IT Manager Matt Lin are excited to continue this work through the rest of the year.

Mr. Bever stated that thanks to the Board's Memo of Understanding (MOU) from the last Board meeting, the delivery of our historical records that have received mold remediation work takes place this Thursday. So, over 500 records will be transferred to Harold Washington Library Thursday morning. Mr. Bever wants to thank the Board's Warehouse team who will be on site to lend a helping hand. Mr. Bever plans to share pictures on social media posts. Once those books get shelved and things are a little more settled, we plan to do many media events and call attention to the Public's new access to these documents.

Commissioner Kresse noted that from social media it appears that we've been doing a lot of community outreach work. Mr. Bever thanked the Commissioner for reminding him that we had a very successful National Voter Registration Day last week. Mr. Bever thanked the Community Services team. We had three events on the same day: A Citizenship event organized by the Illinois Secretary of State's Office where our staff was present to register new citizens as voters; the team was also at the Michele Clark Magnet High School to demonstrate voter machines as well as register new voters ahead of the Primary; and an event in Chinatown with Jane Lau in coordination with our Community organizations. Mr. Bever understands that there were at least over 50 new registrations.

The Board had a very good presence and a lot of attention on that day on social media for National Voter Registration Day.

Mr. Bever noted that we're heading into a Primary where 17-year-olds can vote in March, as long as they'll be 18 by November.

Commissioner Kresse asked, for the record, if a community organization is having an event and would like us to come out and take registrations, who should they contact? Mr. Bever answered that they can contact Community Services directly, or email us at CBOE@ChicagoElections.gov. We welcome additional partnered events and requests for our team to be present.

Commissioner Kresse wanted to point out, for the record, that regarding the Canvass Mailing, while many people see it as the "voter card" mailer, this is really part of our way of maintaining voter roll integrity. The Canvass Cards are mailed out to every registered voter. The first mailing is returned to us if the U.S. Postal Service (USPS) cannot deliver it. Those folks whose cards are returned are sent a second mailing on which we instruct the USPS to forward the mailer so we can hopefully contact the voter so that we can verify information and correct our voter rolls. While State Law requires us to do these every 2 years, this Board voluntarily does it every year. This mailing is now sent to almost 1.7 million registered voters across the City. Also, the mailers help our Registration Department start the process of removing voters from the rolls who have not contacted us back after that second notice is sent.

Commissioner Brown asked if there is a particular Outreach person a community group should contact, or is it the Community Services Manager? Ms. Aspera said that requests should be submitted to the Executive Director.

VII. Old Business:

Ms. Aspera responded to the Chair that there is nothing that needs to be updated for the next three subparts of the agenda.

- A. Infrastructure Projects and Changes in Election Administration
- B. Electronic Poll Books
- C. Voting Equipment
- D. Legislation:

General Counsel Adam Lasker stated that we are still waiting for about another month until the Veto Session starts. There is, however, a committee meeting here in Chicago tomorrow for the House Ethics and Election Laws Committee. The Board's Legislative Liaison has been talking with people in Springfield about what the topics are going to be. There's nothing particularly controversial or that we're interested in, but we're still planning to have Mr. Blaido or somebody from our office go to the meeting tomorrow.

VIII. New Business

- A. Adoption of the Board's 2024 Advisory Referendum Guidelines.

Mr. Lasker presented this item:

The Board, for each election cycle, publishes Advisory Referendum Guidelines. There are not many changes from last year's except for dates, of course. Mr. Lasker has verified that Article 28 of Election Code, which governs our advisory referenda, has not been updated or amended since 2019.

Commissioner Kresse moved to adopt and publish the Board’s 2024 Guidelines for Advisory Referenda. Commissioner Brown seconded the motion. The motion passed by 3:0 vote of the Board.

B. Adoption of the Board’s 2024 Local Option Referendum Guidelines.

Mr. Lasker presented this item:

This is an annual publication by the Board. These Local Option Referenda are for voting a particular area “wet” or “dry” in relations to alcohol sales and governed by Article 9 of the Liquor Control Act of 1934. Mr. Lasker has verified that Article 9 has not been amended since 2020. So, again, just the dates and deadlines have been changed.

Commissioner Kresse asked, for the record, what is the difference between an Advisory Referendum and a Local Option referendum? Mr. Lasker said that in the world of referenda there are essentially 2 categories, one is binding and one is advisory. Advisory referenda is just to gather public policy, just to see what people think about a matter without there being an actual effect based on the outcome. Article 28 of the Election Code allows for a unit of government or jurisdiction to, either by petition or by resolution of the City Council (or ordinance of the City Council for the City of Chicago) place an advisory question on the ballot. Local Option falls into the other category, that’s the category of binding referenda where the outcome, i.e., the results of the referendum, actually does have a legal effect, it causes something to happen. Those particular binding referenda have to be authorized by a specific statute. So, the Liquor Control Act is one of the parts of Illinois Statutory Law that does authorize binding referenda; these are called “Local Option” regarding alcohol sales.

Commissioner Brown moved to adopt and publish the Board’s 2024 Guidelines for Local Option Referenda. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board.

Mr. Lasker asked for, and was permitted, one more moment on this topic. He said that he does get a lot of calls in his office about the filing of the local options. Mr. Lasker wanted to point out for any of the public that may be watching this, petitions for binding Local Option referenda are filed with the Office of the City Clerk. They are not filed with us here at the Board of Elections. Further, if there are any objections filed against those petitions, they are heard by the Circuit Court; they are not heard by our Electoral Board. All we ever really know is that the Clerk’s Office will send us a ballot certification when there is a Local Option referendum petition that’s been filed and is qualified.

Commissioner Kresse wanted to put on the record that the guidelines that the Board just passed will be posted on the Board’s website. Mr. Lasker said that they will be available at our front desks on paper, and also on our website.

C. Ratification of a legal services agreement with the law firm Reiter Burns LLP for representation in the matter of *McFadden v. Chicago Board of Election Commissioners*, 23-CV-0748, (N.D. IL).

Mr. Lasker told the Board that this is a federal litigation employment matter. The law firm Reiter Burns has represented the Board in multiple different capacities for quite a while now and has always done a very good job, so we request that they handle this case for us as First-Chair in the federal court.

Commissioner Kresse made a motion to ratify a legal services agreement with the law firm Reiter Burns LLP for representation at the rate of \$295 per hour in the federal court

matter of *McFadden v. Board of Elections*, case number 23-CV-0748, and any appeals thereof. Commissioner Brown seconded the motion which passed by 3:0 vote of the Board.

- D. Approval of an agreement with Canon Solutions America for the leasing, maintenance and support of a ColorWave 3600 Multi-function large-format printer.

Ms. Amanda Robledo, Principal Clerk in Procurements spoke to this item.

The Procurement Office requested the Board’s consideration and approval of a sole-source lease contract with Canon Solutions America Inc for a ColorWave 3600 wide-format printer. This printer is used to print maps for public distribution during the election cycle.

ColorWave 3600 wide-format printer is an upgraded model to our current model, ColorWave 500. Canon has purchased the Océ brand and is continuing the product line. The current model runs on Windows 8 Operating System which is no longer supported by Microsoft. The ColorWave 3600 runs on the Windows 10 Operating System which Microsoft will continue to support until 2029.

The ColorWave wide-format printer will allow the Board to handle large print job demands during the election cycle. The printer also uses a form of toner called Crystal Point which dries almost instantly versus other competitors that use Inkjet that requires longer drying times and could run the risk of drying out during our slow election time.

The printer can hold four paper rolls (up to 500 feet long) at a time, allowing more than one size of paper to quickly fulfill a variety of print orders without stopping to switch paper, which can cause delays.

Ms. Robledo provided a “sole-source justification” form and spreadsheet for more detailed comparison. The sole-source justification was submitted to the Procurement Office from Ms. Delilah Smith Assistant Manager of the Registration Division who oversees the Districts and Boundaries Department where the ColorWave 500 printer is stationed. The Procurement Office reviewed the sole-source justification form and detailed comparison spreadsheet and agrees that this procurement is exempt from the bidding requirements. The Procurement Office confirms the appropriate steps and analysis were executed for the sole source.

The Procurement Office recommends Canon Solutions America to be awarded a contract for a ColorWave 3600 wide format printer, not to exceed \$78,108.

Commissioner Brown made a motion to approve a 60-month contract with Canon Solutions America, Inc., for the lease of a Canon ColorWave 3600 large-format printer, along with related maintenance and support services, with a total cost that shall not exceed \$78,108 over the entire term of the 5-year agreement. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board.

- E. Approval of a contract renewal with CPU-RX, Inc., for website migration and hosting services.

Matthew Lin, Manager of the IT Department presented:

We are getting a new website vendor. CPU-RX has been hosting and managing our security services for the web server. With the new website we have to order new servers for the new website. So, there would be an initial one-time fee of

\$11,025 and a monthly fee of \$3,950, to set up the new website. Basically, their existing contract is up for a 24-month renewal.

The Chair confirmed with Mr. Lin that we have used CPU-RX. Mr. Lin stated that they have been hosting and managing our security services for the web server for the last decade and they have provided good support and are very responsive.

Commissioner Kresse moved to authorized the Executive Director to execute a contract with CPU-RX for migration, cloud hosting and managed security services for the Board’s website, with a one-time setup fee of \$11,025 and monthly payments of \$3,950, for a total cost that shall not exceed \$105,825 over the 24-month term of the agreement. Commissioner Brown seconded the motion. The motion passed by 3:0 vote of the Board.

IX. Legal Report

General Counsel Adam Lasker reported:

We just retained outside counsel for the pending lawsuit we have at the moment.

The Legal Department continues to work with procurements, and is preparing for our Electoral Board hearings. Electoral Board hearings will begin in mid-December.

Regarding the Chicago Electoral Board, in December we’ll receive objections to candidates seeking the offices of State Senator, State Representative, Ward Committeeperson, and Representative in Congress in those Congressional Districts that touch Chicago, unless they span more than 1 county. (For example, there are some districts that touch Chicago, suburban Cook County, and Will County or DuPage County; those cases are heard by the Illinois State Board of Elections, because they involve more than one county.) With those few exceptions, it’s any district that’s either all within the Chicago, or partially in Chicago.

X. Financial Report: none

XI. Public Comment: none

XII. Executive Session none

XIII. Adjournment: Commissioner Brown moved to adjourn the meeting. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board. The meeting was adjourned at 10:22 a.m.

Submitted,



Commissioner William J. Kresse
Secretary