

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

March 8, 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
Opal Walls, Procurement Officer
Karen Chin, Director - Human Resources
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
Brian Whiteley, ES&S
Erin Hegarty

- 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 accepted as presented.
- IV. Approval of Minutes:
 - A. Minutes of the Regular Board Meeting of February 22, 2022
Commissioner Brown moved to approve the Minutes of the Regular Board Meeting of February 22, 2022. Commissioner Kresse seconded the motion. The motion passed by 3:0 vote of the Board.
- V. Executive Director's Report
Executive Director Charles Holiday started his report by introducing the Board's new Human Resources Director, Karen Chin. The Chair thanked Ms. Chin for accepting the position and said the Board was very excited to have Ms. Chin.
Ms. Chin provided the following report that there are a few things that Human Resources (HR) has been working on including:

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Since Joan Agnew was able to obtain a new badge maker in HR, they have been working on replacing worn-out badges and putting pictures on badges that did not have pictures.

Ms. Chin and Ms. Lily Dominguez of the HR Department have had meetings with the City's Department on Workers' Compensation. They got a great overview and some good resources.

Ahead of Early Voting, Ms. Chin and others from HR were walked through the timekeeping modules in the Board's VRXG system by its developer Mr. Jong Lee. They also met with ADP who gave them some resources on how to do the payroll.

Next week Ms. Dominguez would like to start reaching out to the Early Voting Administrators.

Upcoming items include working with the City of Chicago on reclassification of some titles for the Board, and starting evaluations about May 1st.

Mr. Holiday continued with the Executive Director's Report.

Mr. Holiday and Ms. Aspera attended the Conference of National Association of Election Officials in Atlanta, Georgia. The conference was titled, "Lessons Learned in Preparation for Election 2022". Topics discussed included federal voting programs, redistricting, audits and election legislation.

Staff has been working on our 2022 mail canvass that will include a Vote-by-Mail (VBM) application and an option to join the permanent VBM roster. We ran into a situation on the envelopes due to a shortage of the appropriate paper and envelopes, but that situation has been resolved.

Along with Ms. Aspera, our HR staff and Finance Manager Kimberly Carrillo Walker and her staff, we had our monthly meeting with the Office of Budget Management on operations and our spending. These monthly meetings were set up so to ensure we are on target with our budget and to address any HR needs that we are encountering.

Mr. Holiday along with Ms. Aspera, Assistant Manager of the Pre-Election Voting and Logistic Division Christopher Tomecek, Community Services Manager Audra Lewicki, Community Services staff member Nick Logan and our Facilities Consultant Dean Ftikas had a walkthrough of Block 37, looking at space to house Election Day Standby Judges, Election Coordinators, Investigators, and touchscreen ballot proofing.

Mr. Holiday also reported that a joint session was held with our staff and the staff of the County Clerk's Office on the Joint Petition Project that is used during filing and record examinations. Things are in order for when the process of record examinations begin.

Mr. Holiday and Ms. Aspera met with the Board's security specialist Raul Patel about the Risk and Vulnerability Assessment of our system. Mr. Patel gave them an explanation of items and recommendations to continue to keep our system safe from cyber threats.

Mr. Holiday has begun having discussions with the Illinois State Board of Elections (ISBE) and the County Board about the Edward Burns Memorial Justice Assistance Grant. These funds can be used to deter, detect, and protect against threats of violence against election officials. Mr. Holiday believes these funds will come be helpful to update security for the 69 West Washington building where all three election agencies are located.

Commissioner Kresse asked about the number of candidate petition filings so far. General Counsel Adam Lasker answered that he thought that Monday was a relatively average day for the State and the County, but we may see more than usual towards the end of the period. Mr. Holiday added that he was in the office on Pulaski Day and went downstairs while the County was accepting petitions. Mr. Holiday stated that everything was moving really fine and the Clerk's office didn't have any issues.

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The Chair confirmed with Messrs. Holiday and Lasker that the petitions were only being filed with the County and the ISBE, no petitions are filed with our office. Mr. Holiday added that though they don't file directly with our office, if there are any objections to city districts the Chicago Board would get those objections.

Mr. Holiday said that he had met with consultant Lance Gough and that Mr. Gough had a few things that he would like to present. The Chair called upon Mr. Gough.

Mr. Gough let the Board know that on February 26th the Coalition of African-American Leaders (COAL) had a community meeting and that COAL'S Chairman Clarence Woods asked Mr. Gough to thank Commissioner June Brown for her presentation at that meeting. Commissioner Brown thanked Mr. Gough, the staff, and Executive Director Holiday and Assistant Executive Aspera for their support and the information that they shared. Commissioner Brown thanked Director of Public Information Max Bever in particular for helping her for that meeting.

A. Assistant Executive Director's Report:

Assistant Executive Director Sandra Aspera reported:

Ms. Aspera stated that the canvass mailing will not occur at the beginning of this month as projected, but that all mailings will be completed by April 15.

The application of Election Judges and Election Coordinators is now online. The Community Services Department has received, as of this morning, a total of 3,516 Election Judges' responses, and 765 Election Coordinators' responses. As of today, the committee persons may start using the online system to assign judges.

At the warehouse:

- the scanner upgrade and maintenance has been completed.
- ES&S is set to start the Smartcard upgrade in early April, which will be completed in three to four days.
- Board staff is currently conducting an inventory of all supplies.

Commissioner Brown asked for the number of people we need for Election Judges and Election Coordinators. a Ms. Aspera answered that the normal number of Judges of Election that we try to get is approximately 10,000, and 2,000 Election Coordinators.

The Chair asked Ms. Aspera about the reasons that the canvass wasn't going out this week. Ms. Aspera said that we had issues with the paper supply-chain; issues with getting the paper and the envelopes for this mailing. Ms. Aspera said that the mailings should start going out at the end of March, and it should be completed by April 15th. The Chair asked if this is going to pose an issue with other mailings. Ms. Aspera said that it should not. The Chair told Ms. Aspera that she would appreciate it if Ms. Aspera would keep the Board informed as to that, and if there's any way that this mailing could occur earlier than April 15th. The Chair emphasized that if the completion date could be moved up in any way it should as that would be very important, and that the Board's contractor should do everything within its power to move that up. Mr. Holiday said we'll do, we'll stay on top of that and keep the Board apprised.

B. Public Information Director's Report:

Public Information Director Max Bever reported:

First, regarding the canvass, Mr. Bever praised the Purchasing Department who very quickly worked to overcome the local supply-chain issues and secure the extra paper needed. All of the art work, et cetera, is finalized on our end.

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Mr. Bever stated that we are putting together a communications plan for news media and social media to reach voters about this canvass so that voters know that it's coming and how to fill out the form. We also wish to inform people to apply online to vote by mail.

Second, we finalized our design for this year's "I Voted" stickers. We're following up with our vendor to make sure that we're ahead of schedule. Mr. Bever stated that we look forward to sharing that design with the Board and the public in the very near future.

We've released our most recent episode of "The City that Votes" podcast, interviewing our new Commissioner June A. Brown. We are already up to 150 listens and Commissioner Brown got a mention in last week's "Politico" for the podcast. Mr. Bever again thanked Commissioner Brown. The Chair thanked Mr. Bever and stated that the podcasts have been great.

The Chair asked about whose responsibility it is to obtain the paper for the canvass. She thought it was the vendor's responsibility. Purchasing Director Opal Walls answered that, yes, normally it is the vendors' responsibility, however with the current supply-chain issues and the volume that we needed, this was a large undertaking for any vendor. The Chair stated that she would still expect the vendor to be adequately prepared, so she is somewhat disappointed in the vendor. Ms. Walls volunteered that this has been a learning lesson for us all, and we are absolutely trying to get ahead of it for any other mailings.

VI. Old Business

- A. Infrastructure Projects and Changes in Election Administration: previously discussed.
- B. Electronic Poll Books: previously discussed
- C. Voting Equipment: Ms. Aspera stated that there's nothing new to report in this area.
- D. Legislation: General Counsel Lasker said that we're still not seeing any action on the election bills that we're monitoring. Still expecting there will be an omnibus bill towards the end of the session. The session is scheduled through April 8th. Hopefully by the end of this month we'll have a clearer picture as to what's happening. Reports are still to not expect anything "major or controversial."

VII. New Business

- A. Approval of professional services agreements with:

- 1. Ellen M. Schuetzner – certified forensic document analyst

Mr. Lasker presented this item. Ms. Schutzner has been retained as the Board's "Handwriting Expert" or "Certified Forensic Document Examiner" for several election cycles now. The staff has reported that she is very easy to work with, and does a very prompt and timely, accurate job. We are requesting this contract in order to get her ready for the Electoral Board hearings. Hearings begin March 28th, and this contract would take her through the 2023 elections.

Commissioner Kresse asked Mr. Lasker about the status of a bill in Springfield to audit the signatures on ballot request forms, and whether Ms. Schuetzner would be able or willing to do some sort of a tutorial for our Judges of Election with regards to signature comparison, Mr. Lasker responded the Ms. Schuetzner has previously created and provided educational materials for our staff members and for the Election Judges who review signatures on the Vote-by-Mail applications. We have considered expanding this education to the Election Judges in the precincts. She is very

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capable of doing that kind of educational work. She's created PowerPoint slides, or she could do a video. It's expressly authorized by the contract. The Chair said that the video would be really good. The Chair thanked Commissioner Kresse for that idea and discussion.

Commissioner Kresse moved to approve the Professional Services Agreement with Ellen Schuetzner for certified forensic document examination services with a contract value not to exceed \$100,000 over the term of the agreement from March 14, 2022 through March 13, 2023. Commissioner Brown seconded the motion. The motion passed by unanimous vote of the Board.

2. Jane Ignacio – graphic artist (execution of renewal option)

Mr. Lasker presented this agreement to the Board. Ms. Ignacio has been working very closely with the Board's Director of Public Information, Max Bever and others in the creation of forms, signs, mailings and so forth. Mr. Lasker stated that he thinks that Mr. Bever has been enjoyed working with Ms. Ignacio, and he has been finding that she turns around projects quite quickly. Ms. Ignacio has a current contract through the end of this month. The contract includes an option to renew it for an additional year and we are requesting that the Board approve that option to renew right now. To be clear, the durational term of this extension would be from April 1, 2022 through March 31, 2023.

Commissioner Brown moved to execute the one-year option to renew the Professional Services Agreement with Jane Ignacio for graphic artist services at the same rate of \$85/hour with a total compensation cap at \$95,000 over the term of April 1, 2022 through March 31, 2023. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board.

B. Approval of a statement of work agreement with Protiviti Government Services, Inc. (a staffing division of Robert Half Government) through the U.S. Government Services Agreement (GSA) procurement system for temporary staffing support for the 2022 and 2023 elections.

Procurement Officer Opal Walls spoke on this matter. Ms. Walls recommended that we enter into this contract. This would be for temporary staffing support for the 2022 and 2023 elections.

Ms. Walls stated that we are in the process of a formal solicitation for an RFP (Request for Proposal) for temporary staffing for both the warehouse and our central office headquarters. However, until that process is completed, we find it necessary to enter into this contract at this time.

This is a previously procured and negotiated contract for GSA through the City of Chicago with Robert Half.

This would give us the staffing support that we need. It's somewhat of a stop-gap contract until we complete our procurement process. Ms. Walls noted that we did issue an RFP for the warehouse temporary staffing, however we quickly found out that the solicitation's scope of work needed to be refined and better detailed.

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This is for the 2022 and 2023 elections with the term of this contract beginning March 8, 2022. It will expire May 31, 2023. This is a not to exceed amount of \$1.8 million

Commissioner Kresse asked how has it been dealing with Protiviti in the past? Ms. Walls said that while we got some mixed reviews, but she thinks Protiviti stepped up and did a good job despite the extenuating circumstances around COVID.

Commissioner Kresse moved to approve a statement of work agreement with Protiviti Government Services subject to the terms and conditions of GSA contract number GS-35F-0280X for temporary staffing services in the categories mentioned, which is Data Entry Clerk and Computer Specialist I. This statement of work agreement would not exceed \$1.8 million and run from March 8, 2022 through May 31, 2023. Commissioner Brown seconded the motion. The motion passed by 3:0 vote of the Board.

- C. Approval of an intergovernmental agreement with Cook County for shared expenses and election information security services from its Director of Cybersecurity:

Mr. Lasker gave the following background information: In 2017 the FBI determined that Russian actors had hacked into the ISBE's database. Since then, we have heard other reports from around the country regarding election IT system security; it has become quite a hot topic and we needed to make sure that we were protecting ourselves from malevolent actors. In Spring 2018 the Cook County Clerk's Office and our office worked together to retain the services of Rahul Patel to serve as an Election Information Security Officer for both the County Clerk's Office Election Department and this Board. There was an Intergovernmental Agreement (IGA) struck between the County and the Board, but it has lapsed. We would like to renew that IGA now in order to continue receiving Mr. Patel's services. The only real change is that the County has changed his title from "Election Information Security Officer" to "Cybersecurity Director." The services he will provide are the same. The Board would split one half of Mr. Patel's annual compensation in exchange for one half of his services.

Commissioner Brown moved to approve an Intergovernmental Agreement with Cook County for shared expenses and services from the County's Director of Cybersecurity with the cost to the Board that shall not exceed \$71,000/ year in exchange for not less than one half of the services provided by the Director of Cybersecurity for a term beginning on the final date of execution by the County of Cook and running through December 31, 2024. Commissioner Kresse seconded the motion. The motion passed by 3:0 vote of the Board.

VIII. Legal Report

General Counsel Lasker reported that on Friday afternoon of last week the Federal Court entered a Preliminary Injunction Order in the lawsuit that was filed by the Libertarian Party of Illinois. Mr. Lasker previously reported on the case and the fact that the Board had been excused as a defendant. The Preliminary Injunction Order was in favor of the Libertarian Party. The County Clerk's Office, which has the statutory ballot certification authority, had previously designated the Libertarian Party as established for county-wide offices only. This order holds that the Libertarian Party is "established" for County Board Commissioners in all districts and for County Board of Review Commissioners in all districts. So, the County Clerk's office has now updated its information on those offices. We will make a similar revision at the next Board meeting to our calendar. The Libertarian Party will be eligible for primaries in those offices, if two or more candidates file papers. The Chair asked that besides making changes to the actual ballot, what are the direct effect on the Chicago

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Board? Mr. Lasker said that as the litigation was not a surprise to him, and as he has been discussing this possibility with the staff, there will not be much of a change to us.

Mr. Lasker said with Trish Sheehy's assistance we have been reaching out to past Hearing Officers for Electoral Board, finding out who's available. Of course, we had to strike off Commissioner Brown from our list this year, but that's alright as she'll enjoy seeing things from the perspective of Electoral Board meetings. Mr. Lasker will be sending the Board members the list of who's available and we will finalize contracts with them at the next Board meeting as Electoral Board hearings are set to begin on Monday, March 28th. We obviously do not know how many cases will be filed.

We are updating the draft Electoral Board Rules in anticipation of those hearings. Mr. Lasker welcomes any feedback from the Commissioners, also staff members, and attorneys and practitioners from around town. The attorneys and practitioners tend to think that our rules are the gold standard, so they don't have a lot of changes to suggest. We will continue to allow for video hearings. However, for the initial round, the first day of cases, will be in-person because it's close to impossible to do those hearings by video. The County and the ISBE are working the same way. For easier hearing status calls and motion hearings, the Hearing Officer and parties can choose to do those by video. The Rules will authorize the Board to make reasonable COVID protocols for social distancing and masks and so forth, depending on how things are at the time.

IX. Financial Report: None

X. Public Comment: None

XI. Executive Session: None

XII. Adjournment: Commissioner Kresse moved to adjourn to the next scheduled meeting. Commissioner Brown seconded the motion. The motion passed by unanimous vote of the Board. The meeting was adjourned at 10:39 a.m.

Submitted,

A handwritten signature in black ink that reads "William J. Kresse". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Commissioner William J. Kresse
Secretary