

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 Agenda

February 13, 2024, 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
Sandra Aspera, Assistant Executive Director
Adam Lasker, General Counsel
Max Bever, Director of Public Information
Amanda Robledo, Acting Purchasing Agent
Audra Lewicki, Manager – Community Services
Lance Gough, Consultant
Trish Sheehy

Guests:

Helene Gabelnick, League of Women Voters Chicago
C. Betty Magness, Rainbow PUSH Coalition
Alex Soto-Vasquez, Dominion Voting Systems

- I. Call to Order: The Chair called the meeting to order at 10:02 a.m.
- II. Roll Call: All members were present.
- III. Consideration of Agenda: The agenda was approved as presented.
- IV. Executive Director's Report:

Executive Director Charles Holiday reported:

Early Voting will begin at the Supersite and 69 West Washington, 6th floor, on Thursday at 9:00.

Vote-by-Mail began shipping last week for the Libertarian, Republican and Non-partisan ballots. The Democratic ballots have not gone out yet due to litigation, but they should be going out this Thursday.

Mr. Holiday was on a panel at the COAL (Coalition of African American Leaders) power breakfast. The subject was "Know Your Ballot for the March 19, 2024 General Primary Election". Mr. Gough was also on the panel. Mr. Holiday has reached out to the Black Caucus of the Chicago City Council, and the Board has been invited to community events in the 3rd Ward, and the 21st Ward, among others.

We have conducted Voter Registration and equipment demonstrations at Chicago Public Schools and Community Colleges of Chicago. We are working on items for next fiscal year's budget.

We've had discussions with the City of Chicago Fleet & Facility Management (2FM) and the City's Office of Budget Management regarding the elevator and other matters at the Warehouse. 2FM assured us we would get more help for the March 19 primary. We have another meeting with 2FM regarding facilities.

The General Counsel, Assistant General Counsel, and Manager of the Pre-Election Voting and Logistics Division met with Equip for Equality to improve ADA compliance at precincts. All Early Voting and Vote Center locations are fully ADA compliant. ADA surveys are being completed.

Marilyn Green of the National Federation for the Blind has been working with us to improve our service to the blind and persons with low vision.

Commissioner Brown asked Mr. Holiday regarding Early Voting, what other communities had he reached out to besides the Black Caucus? Mr. Holiday said that the previous Executive Director would have a better idea and a list of the individuals we reached out to.

Commissioner Brown asked if we are still under the Consent Decree regarding ADA and what groups, besides Equip for Equality, are we working with. Mr. Holiday said that we are still under the Consent Decree, and Equip for Equality is the third party with which we work in accord with the Department of Justice (DOJ). Mr. Lasker added that Equip for Equality has spoken with other groups on our behalf, but he's not sure of the names. Commissioner Brown asked if Equip for Equality is the outreach group for ADA. Mr. Lasker said that they are not limited to the role of outreach, but they do outreach. Director of Public Information Max Bever added that we include the National Federation for the Blind regarding Judges of Election and Election Coordinator training review and testing of our equipment. They have listened to the audio and did site inspections. Access Living, and the Mayor's Office of Persons with Disabilities have also helped in getting the word out. Commissioner Brown asked if we are in touch with the Great Lakes ADA Center – out of UIC (University of Illinois at Chicago). Mr. Bever said that he did not think so.

Commissioner Brown asked if the elevator at the Warehouse would be fixed by March 19th. Mr. Holiday clarified that he didn't say that the freight elevator would be fixed. Parts have been stolen and the elevator is about 100 years old, but 2FM will get us the staff to move equipment to the other elevators.

Mr. Holiday said that Early Voting in the wards will open on March 4th.

Commissioner Kresse asked Mr. Lasker if the DOJ is still happy with us about ADA compliance. Mr. Lasker said that the DOJ was not part of the meeting with Equip for Equality, so now we are going to have a meeting with the DOJ to nail down a timeline. The biggest issue for full permanent remedies is the budget of other agencies. We've been doing a great job of moving out of non-ADA facilities and putting in temporary remedies.

Regarding outreach to other ethnic groups, Mr. Bever expanded on his comments, stating that Communications reaches out, for example, to numerous Black and Hispanic organizations. We reach out to COAL, Operation PUSH, NAACP Westside, Illinois Black Caucus. Commissioner Brown clarified that that was not her focus, not just African American groups, but communities at large.

A. Assistant Executive Director’s Report

Assistant Executive Director Sandra Aspera reported:

Early Voting at the Supersite and 69 West Washington will open this Thursday, February 15th. Early Voting in the wards will open Monday, March 4th.

The Logic and Accuracy Testing of Early Voting equipment started yesterday and should be completed today.

As of this morning, the total number of Vote by Mail applications is 153,293. These totals include 562 military and overseas voters and 3,092 Nursing Home voters. The total number of returned military and overseas ballots is 12.

As of now there are 6,964 active (assigned) judges of election, 1,363 of that number are high school students.

81 Election Coordinators have been assigned and 1,419 are pending, waiting to be assigned after they complete training.

February 20th is the last day to register to vote by paper, and the last day to register to vote online is Sunday, March 3rd. Grace Period registration will start Wednesday, February 21st and continue through Election Day, March 19th.

The space for Election Central has been reserved and now staffing is being made.

At the Warehouse, the acceptance testing of the new electronic pollbook (EPB) equipment was completed. Logic and Accuracy Testing of the voting equipment at the precinct level will start February 20.

Commissioner Kresse asked if the testing of equipment for Early Voting at the Supersite and 69 West Washington went well. Commissioner Brown asked if the testing was done by the Board. Ms. Aspera said that yes, it went well, and yes, it was done by the Board’s Early Voting staff.

B. Public Information Director’s Report

Director of Public Information Max Bever reported:

We are doing a big media push and will have a press conference at 10:00 at the Supersite on opening day of Early Voting. Signs are up at the Supersite.

Advertisements for Early Voting will start posting this week in major newspapers.

We had a delay with Democratic ballots. They will be posted by Thursday at the latest. We will send updates out to the press.

Testing on the new website continues through this week. We want to make sure our election results page is ready. We are no longer doing the PDF takeover; we will have those available to media outlets. The complete website will not go away at 7:00 p.m. on Election Day. Live results will be posted every few minutes on the registration and results pages.

Commissioner Kresse said that there was a nice article in StateTech Magazine. The Board’s IT Manager Matt Lin, a person from LA County, and Max were interviewed; this boosts trust and participation. Mr. Bever thanked Matt Lin for getting information out there. He also said he was glad that the article came out well, and that it’s good to be cyber secure.

The Chair asked Mr. Bever if the Democratic Vote-by-Mail ballots will go out this Thursday. Mr. Bever said they will go out as soon as possible. Sample ballots will be available for all precincts online, so voters can see who’s on the ballot along with any referenda. The Chair asked if samples of the other party ballots are posted on the website. Mr. Bever said that we want to offer all sample ballots at the same time. They are still being finalized and proofed. The Republican, Libertarian and Non-Partisan Vote-by-Mail ballots have been sent out. We just want to put samples for all parties on the website at the same time.

V. Old Business

The Chair called on Dominion Voting Systems representative Alex Soto-Vasquez. Mr. Soto-Vasquez mentioned that he’s responsible for overseeing the technology. He works closely with Ms. Aspera, the Board’s IT Department, along with the advice of the Legal Department. They’re finalizing the ballots. He brought ballots for the Board members to review.

- A. Infrastructure Projects and Changes in Election Administration: Nothing to report at this time.
- B. Electronic Poll Books: Mr. Holiday called upon Community Services Manager Audra Lewicki who said that everything’s going well with the e-pollbooks. The Chair thanked Ms. Lewicki for all her work.
- C. Voting Equipment: Nothing additional to report at this time.
- D. Legislation:

General Counsel Adam Lasker reported:

The General Assembly had set their deadline for defining the elected School Board Districts for April. A bill has passed, but is not yet law. The bill (SB 3757) has a census block map. Our IT Department has the information. The new bill changes the format. In the prior version there would be 20 districts, with 10 members to be appointed, and 10 to be voted on in November. This version has 10 Districts with subdistricts in each district. One subdistrict in each district will be elected, and one will be appointed at this time; in future terms, both will be elected. The map has 10 districts. The Illinois State Board of Election has to publish the Metes and Bounds descriptions of these maps.

School Board Members must be: U.S. citizens; Can be 17 years old, but must be old enough to vote in the next general election; Must be a resident of the City and District or Subdistrict for one year preceding the election or appointment; and meet the requirements set in section 10-9 of the School Code.

The signature requirement for 2024 is a minimum of 1,000 and a maximum of 3,000, with the subdistrict signature requirements for the next election (2026)

being 500 minimum and 1,500 maximum. Petition circulation begins March 16th. June 24th is the deadline to file petitions.

There's a statutory Apparent Conformity Power: "The board of election commissioners shall receive and file only those petitions that include a statement of candidacy, the required number of voter signatures, the notarized signature of the petition circulator, and a receipt from the county clerk showing the candidate has filed a statement of economic interests on or before the last day to file..."

The Chair asked about an appeals process, if a petition was rejected. Mr. Lasker said that this bill has provisions that if we do not accept the petition, they may appeal to the Circuit Court. Mr. Lasker agrees with the Chair that with these provisions, if we do not accept them at filing, they would have to go directly to the court. Mr. Lasker pointed out that this is how it is done in most jurisdictions, Illinois is quite uncommon to have Electoral Board challenges. So, this [school board filing and rejection of filings] is more common throughout the country.

Those are the main provisions dealing with election of candidates. Mr. Lasker also wanted to point out that another provision of this bill creates the Chicago Board of Education Black Student Achievement Committee. This would be a standing committee with the purpose of, quoting the statute, "providing Black students with the maximum opportunity for success in areas where research shows that there has been chronic underperformance of African American students during their elementary and secondary education experience." The Chair asked Mr. Lasker about this. Mr. Lasker pointed out that these provisions are not relevant to election procedures. It is not an elected committee, rather, the Chicago Board of Education Black Student Achievement Committee members will be appointed by the School Board members themselves. Mr. Lasker said that he's only highlighting this section because it's the last added provision of this bill.

Commissioner Kresse asked Mr. Lasker for a clarification of section 10-9 of the School Code, and as to the subdistrict's elections. Discussion ensued.

Commissioner Brown asked if the subdistricts wouldn't be smaller portions of the district. Mr. Lasker said he will provide more detail after the Board's Districts & Boundaries Department reviews these provisions. After the Illinois State Board of Elections provides the Metes & Bounds descriptions, our Districts and Boundaries Department will take the census blocks (as listed in the bill) and implement them into our system. Mr. Lasker believes Districts and Boundaries will be looking at the Metes & Bounds and see how it compares with our implementation of the census blocks to see that ours are the same. If they are not the same, then they will probably identify inconsistencies and check with the State Board of Elections to reconcile.

VI. New Business

- A. Approval of an agreement with Suburban Exposition Services for the rental, delivery, and pickup of drapery for early voting sites.

Amanda Robledo, the Acting Purchasing Officer presented:

The Procurement Office is requesting your consideration and approval to award a contract for drapery rental to Suburban Exposition Services. Suburban Exposition's drapery rental services are required for the March 2024 Election.

During the election cycle the Board rents various sites for Early Voting and for Election Day. Drapery is needed for our Early Voting Super Site Center and six Early Voting sites. The drapery is required to ensure our voters have privacy around the voting machines and windows of the Early Voting sites.

The Board has worked with Suburban Exposition in the past and therefore is confident that Suburban has the capacity to fulfill the Board's drapery needs for the March 2024 Election. Suburban has confirmed their capacity to fulfill and meet the Board's drapery rental needs in preparation for the election. Suburban most recently provided the Board with drapery rental for the 2023 elections.

The Procurement Office is recommending that a contract be awarded to Suburban Exposition Services for drapery rental for the March 2024 Election in an amount not to exceed \$78,710.00

Commissioner Brown asked why is this being submitted so late. Ms. Robledo explained that we needed more drapery than we had in the past, so the price went up. Commissioner Brown asked if this was for additional rental. Ms. Robledo said it is not in addition to any other order. This is for this year. The length of the draperies is longer to cover the windows and around the voting machines. Ms. Robledo noted that she is seeking to purchase draperies, so that we won't have to rent for future elections

Commissioner Brown asked if this is up for approval or for ratification since it is dated to begin on Thursday [February 8th]. Mr. Lasker said that this is a ratification, because it had been brought to his and Ms. Robledo's attention late and in the past the cost was not so high that it had to go before the Board for approval. This time, the contract exceeded the amount for which it has to go before the Board. Commissioner Brown asked if we had had an agreement before for draperies. Mr. Lasker explained that this is new to him, but that they had been rented before through the purchasing office and the departments, but he thinks because of the cost of the agreement it was never brought before him or the Board. Commissioner Brown and Chair Hernandez asked that if this is a recurring item, something needed every election cycle, why wasn't it presented sooner. The Chair said that there should be a list and a time schedule, especially for these recurring supplies, when it has to be approved. Mr. Lasker pointed out that the new system being developed by NetWoven has a list, and will hopefully serve those purposes. Mr. Lasker said that as to why this wasn't on the list, he doesn't know, but it is now on the list. Mr. Holiday could not explain why we're waiting until the last minute, but as Ms. Robledo had stated we now needed more drapery. Commissioner Kresse noted that with the purchase of draperies, this will not have to be brought to the Board each election.

Commissioner Brown moved to ratify a rental agreement with Suburban Exposition Services for the rental, delivery and pickup of drapery for Early Voting

sites for the 2024 Primary Election, at a cost not to exceed \$78,710.

Commissioner Kresse seconded the motion. The motion passed by 3:0 vote of the Board.

- B. Approval of an expenditure for additional on-site support services pursuant to the Board's current contract with Tenex Software Solutions.

Community Services Manager Audra Lewicki presented:

It is Ms. Lewicki's understanding that this is required per our contract [with Tenex] to have this separate, itemized piece. This is the onsite support piece. This piece explains which days we'll have Project Managers onsite, and additional tech support on Election Day, paring Monitors who monitor "the console", as well as the people who are out in the field and Roving Technicians.

Commissioner Brown said that she looked back and saw that the Board signed a contract in September, but she can't see the difference between this and what we approved then, because she could see that onsite support was part of the initial implementation for the first election. Commissioner Brown asked if this is amending the original contract that was signed in September. Mr. Lasker said that he doesn't think that it's amending the agreement, but adding the options which are named in the original contract. Mr. Lasker said that he had seen the same language to which Commissioner Brown is referring, and he questioned it too. He said that Tenex's position is it was ambiguous in the contract, and it has a list of the add-ons as well. There was further discussion as to whether the \$175,500 is a reduction to an earlier quote of \$279,000. Commissioner Brown said that the original 3.7 million contract should have included everything, as it provided for remote and onsite support.

There was also discussion as to how the agreement between the Board and Sue Casey is separate from this Tenex agreement. As Mr. Lasker explained it, Ms. Casey is an internal consultant, and not part of the Tenex support agreement.

Mr. Lasker said that Tenex does go above and beyond the initial implementation. Commissioner Brown asked, about what is beyond the initial implementation, training and support of section 1.8. She is concerned because everything in this quote, including remote support, onsite support, Acceptance testing and project management, is also in this the previously approved contract.

The Chair asked when the support is needed. She also said that Commissioner Brown raised significant and important issues.

The Chair doesn't know who reviewed this before this meeting to determine if it was covered under the contract or ask questions of Tenex. Mr. Lasker said that he had originally. The Chair said, she meant who reviewed it now, when this request came from Tenex. Ms. Aspera said that she had seen the original quote [January 16, 2024] which was much higher [than the January 22, 2024 quote], so she thought that it was reduced from \$279,000 to \$175,500. So, she scheduled a meeting for January 22nd with Charles, herself and staff from departments including the Community Services, IT, and the Warehouse. They all reviewed it,

not the contract, just the quote. Some of these items have already occurred, and the Logic and Accuracy testing at the precinct level starts February 20th.

Commissioner Kresse said that the question is, “what additional services are we getting that was not already provided for under the original contract?”. Mr. Holiday said that we are getting more on-site support. With Tenex being a new company with the Board, we have support here, but we need them onsite more. Commissioner Kresse said that he knows that we need onsite support, but wasn’t there onsite support in the original contract? Mr. Holiday said that there was, but the daily price was an issue and that’s why we’re now at a lower price and Tenex will be here more than they were going to be here. The Chair said if there was renegotiation to lower the price there needs to be more review. Mr. Lasker added that one solution is to have Tenex explain what their contractual language means.

Commissioner Brown said that she’s looking at some of the notes and she sees that it’s “not to exceed”, and then we did an overlay because of concerns, so we brought Sue Casey in under a Professional Services Agreement, and now we have this. She’s concerned; she needs a better understanding, particularly of section 1.8 of the original contract “Implementation, Training and Support”.

Mr. Lasker said that we could either handle this at the next Regular Board meeting – two weeks from now, or call a Special Board meeting. The Chair and Commissioner Brown voiced that they do not have any problem with calling a Special meeting, so long as we clarify this. The Chair stated that we need to ask a few more questions when things like this come up and analyze it a bit better before bringing it to the Board. Mr. Lasker said that this will give him an opportunity to review the specific areas and get on the phone with their attorneys to tell them that we need to need to know what this means.

Commissioner Kresse said that we have to reconcile what was promised to us in the original contract. The Chair said that we need to do this earlier, when such things come up, we need to ask questions and not just push it on.

Commissioner Kresse moved to defer this matter. The matter was deferred without objection.

- C. Approval of a legal services agreement with the law firm Reiter Burns LLP for representation in pending litigation.

Mr. Lasker presented:

As I discussed individually with each Commissioner, we have an imminent lawsuit in Federal Court and Mr. Lasker is asking that Reiter Burns serve as first chair.

Commissioner Kresse moved to approve a legal services agreement with Reiter Burns LLP at the rate of \$295 per hour for representation in U.S. District Court case number 24-CV-000978. Commissioner Brown seconded the motion. The motion passed by 3:0 of the Board.

VII. Legal Report

General Counsel Lasker reported:

The Democratic Vote-by-Mail ballots are pending an Appellate Court decision. They have not entered the decision, but we are expecting that to happen today. The Ballot Department and Dominion are watching this case very closely and are prepared for whichever way the court rules. It's unusual situation in that the Cook County Electoral Board ruled the candidate off the ballot; the Circuit Court affirmed that ruling and expressly directed the Board and Cook County to remove the name from the ballot. That was because the candidate's attorney made a Motion to Stay in the Circuit Court and that motion was denied, and the Circuit Court ordered us to remove the name. A couple of days later the candidate filed a Motion to Stay and with the Appellate Court, and that court granted that motion and ordered us to put the name back on the ballot, or at least not to proceed with anything without the candidate's name on it. So that's what we have done. The Temporary Stay Order has the name on the ballot but two decisions below would have her off the ballot; so, we don't know what to do yet. Hopefully we'll have an answer later today.

There is no real update on the Tax Amendment Referendum litigation other than that there are hearings set for Thursday on motions.

Regarding Chicago Electoral Board cases: we had 3 cases go for Judicial Review out of the 55 Electoral Board cases. In two cases the court affirmed the Board's decision, and we are waiting on the court's decision on the other case. There's a hearing scheduled on this last case next week.

VIII. Financial Report

- A. Balance Sheet and Voucher Listings for the City of Chicago – 2023 Appropriation – 23-09 dated February 13, 2024, in the amount of \$1,205,363.12

Commissioner Kresse moved to approve the Balance Sheet and Voucher Listings for the City of Chicago – 2023 Appropriation – 23-09 dated February 13, 2024, in the amount of \$1,205,363.12. Commissioner Brown seconded the motion. The motion passed by unanimous vote of the Board.

- B. Balance Sheet and Voucher Listings for the County of Cook – 2023 Appropriation – 23-06 dated February 13, 2024, in the amount of \$89,353.93

Commissioner Brown moved to approve the Balance Sheet and Voucher Listings for the County of Cook – 2023 Appropriation – 23-06 dated February 13, 2024, in the amount of \$89,353.93. Commissioner Kresse seconded the motion. The motion passed by 3:0 vote of the Board.

- C. Balance Sheet and Voucher Listings for the City of Chicago – 2024 Appropriation – 24-01 dated February 13, 2024, in the amount of \$1,455,054.97

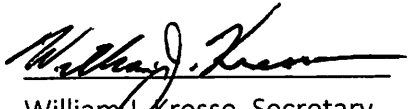
Commissioner Kresse moved to approve the Balance Sheet and Voucher Listings for the City of Chicago – 2024 Appropriation – 24-01 dated February 13, 2024, in the amount of \$1,455,054.97. Commissioner Brown seconded the motion. The motion passed by unanimous vote of the Board.

- D. Balance Sheet and Voucher Listings for the County of Cook – 2024 Appropriation – 24-01 dated February 13, 2024, in the amount of \$210,832.49.

Commissioner Brown moved to approve the Balance Sheet and Voucher Listings for the County of Cook – 2024 Appropriation – 24-01 dated February 13, 2024, in the amount of \$210,832.49. Commissioner Kresse seconded the motion. The motion passed by 3:0 vote of the Board.

- IX. Public Comment: No requests for public comment.
- X. Executive Session: General Counsel Lasker said that he sees no need for an Executive Session today.
- XI. Adjournment: Commissioner Kresse moved to adjourn until the next Regular Board meeting. Commissioner Brown seconded the motion. The motion passed by unanimous vote. The meeting was adjourned at 10:58 a.m.

Submitted,



William J. Kresse, Secretary