

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
February 27, 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
Jacob Johnson, Procurement Officer
Amanda Robledo, Purchasing Department
Trish Sheehy

Guests:

Helene Gabelnick, League of Women Voters Chicago
C. Betty Magness, Rainbow PUSH Coalition
Tessa Weinberg, WBEZ News
Joshua Hernandez, WBBM TV
Craig Wall, WLS-TV
WLS-TV/Channel 7 videographer
Allen Maniscalco, WBBM TV

- I. Call to Order: The Chair called the meeting to order at 10:03 a.m.
- II. Roll Call: All Board members were present.
- III. Consideration of Agenda: The Chair moved to change the order of the agenda, moving Item VIII Legal Report ahead of the section IV Approval of Minutes. There were no objections.

Legal Report presented by General Counsel Adam Lasker:

We have two cases that we're following that could have substantial impact on the outcome of the election. The first is the case involving Circuit Court Judge candidate Ashonta C. Rice; it's before the Illinois Supreme Court now. Yesterday the Supreme Court denied the candidate's motion for a Stay. That candidate was removed by the Cook County Officers Electoral Board. That decision was affirmed by the Circuit Court, and then affirmed by the Appellate Court. The candidate filed a Petition for Leave to Appeal. The Court has not yet accepted it, so that's the status. The election is moving forward based on the courts' previous rulings.

The second case involves the City of Chicago City Council's Transfer Tax referendum lawsuit. A final decision was centered by Judge Kathleen Burke that denied the Chicago Board of Election Commissioners' Motion to Dismiss. It also denied the City of Chicago's Motion to Intervene, and it

ruled in favor of the plaintiff. The City of Chicago has filed a Notice to Appeal. As a reminder, Section 8-3-19 of the Illinois Municipal Code authorized the City Council to initiate this referendum by resolution, and the City Clerk to certify that referendum to the ballot by issuing a ballot certification to our office, which it did on November 22nd. As such, it is the City's referendum. Our Board is merely an administrative agency which has a ministerial duty based on the ballot certification that we received. The Circuit Court has denied our Motion to Dismiss which was based on the grounds that we are not the proper defendant, and that the City of Chicago is a necessary party. The Court also denied the City's Petition to Intervene.

Mr. Lasker noted that this Board has authority under the Election Code to rule upon the legality or validity of nomination papers for candidates and of petitions for referendum. The Election Code expressly excludes the authority for this Board to judge the legality or properness of a referendum created by a public body rather than one created by petition.

Mr. Lasker therefore requests that this Board authorize the appeal of Cook County case number 2024-COEL-000001. The Chair agrees with Mr. Lasker's summary and his reasoning. She said that we are basically the messenger here – putting the referendum on the ballot and that's the extent of our work here.

Commissioner Kresse moved to approve the appeal of case 2024-COEL-000001 to the Appellate Court. Commissioner Brown seconded. The motion was approved by unanimous vote of the Board. Mr. Lasker was directed to proceed with the appeal.

[returned to the original agenda]

IV. Approval of Minutes:

A. Minutes of the Regular Board Meeting of November 28, 2023

Commissioner Brown moved to approve the Minutes of the Regular Board Meeting of November 28, 2023. Commissioner Kresse seconded the motion. The motion passed and the minutes were approved by 3:0 vote of the Board.

V. Executive Director's Report

Executive Director Charles Holiday reported:

The scaffolding around the 69 W. Washington building is being removed. When it is fully removed the ballot return drop box will be put outside. The building management expects the scaffolding to be completely removed by Thursday, February 29th.

All Vote-by-Mail ballots were released and were in the mail as of yesterday. The election is moving forward, as our General Counsel stated.

Vote-by-Mail voters will continue to receive email confirmations once the ballot hits the mail.

Early Voting in the all ward Early Voting sites will begin March 4th at 9:00 a.m. All information regarding Early Voting can be found on our website ChicagoElections.gov.

Last week the Board staff had a resource table at a 37th Ward Community event. We will staff a resource table at a Citywide Job/Career Hiring Fair this Thursday. We have again reached out to all the members of the City Council inquiring about any upcoming events at which the Board could provide a resource table ahead of the election.

On Friday, February 23rd, Mr. Holiday attended a Task Force meeting on Rank Choice Voting (RCV) sponsored by the Illinois General Assembly where we discussed benefits and drawbacks to this proposed style of voting. There are three more scheduled meetings:

March 5th, March 12th and March 26th. The Task Force will be discussing election administration and implementation considerations, review of certification standards, accounting of election machines across the State, as well as potential cost of upgrades, poll worker training and more.

Commissioner Brown asked Mr. Holiday if he could supply the Board with summary notes on the Ranked Choice Voting meeting. Mr. Holiday said he would do so.

A. Assistant Executive Director's Report

Assistant Executive Director Sandra Aspera reported:

The first weekend of voting for pre-trial detainees will be March 2nd and 3rd. The second weekend will be March 9th and 10th.

Training for Early Voting Administrators and Election Officials will start today and continue through March 1st.

The delivery and setup at all 50 Ward Early Voting sites will be this Friday and Saturday.

As of this morning, the total number of Vote-by-Mail applications is 158,352. This total includes 1,101 Military and Overseas voter applications, and 332 Nursing Home voter applications. The total number of returned ballots is 2,060 of which 107 are Military and Overseas ballots.

As of yesterday, there is a total of 7,355 Judges of Election of which 1,355 are high school students. The last day for Judges in-person training is Saturday, March 16th.

The number of assigned Election Coordinators is 789. There are 893 Election Coordinators pending assignment. When they have completed training they will be assigned. The last day for in-person Election Coordinators is Sunday, March 10th.

The last day to register on-line to vote is this Sunday, March 3rd.

At the Warehouse, logic and accuracy testing continues on the voting equipment and e-pollbooks.

The Warehouse staff continues to load supplies and equipment into the blue Equipment Supply Carrier (ESC). The delivery of the ESCs to polling places will start Monday, March 4th and will continue through March 18th.

The Chair asked about the number of Vote-by-Mail ballots that have been mailed to the voters. Mr. Holiday answered that as of yesterday 80,000 were mailed. There was another drop scheduled for last night, and another drop scheduled for this morning. The 80,000 dropped yesterday were Democratic ballots. We've finished sending out Republican and Libertarian ballots, for which we had requests to date. We are now concentrating on the Democratic ballots and should be finished with the those by Thursday or Friday. Mr. Lasker added that more applications may trickle in.

Commissioner Kresse thanked Ms. Aspera for all of the Judges of Election that we have, and asked Ms. Aspera whether that is a sufficient number. Ms. Aspera said, yes, it is sufficient. We met our goal.

B. Public Information Director's Report

Public Information Director Max Bever reported:

It has been a busy couple of weeks for the Communications Department given our multiple announcements about voting. On Thursday, February 15th we announced the opening of downtown Early Voting. On Friday, February 16th we had to announce a delay in downtown Early Voting to Vote-by-Mail for Democratic ballots pursuant to an order

from the Illinois Appellate Court. We then announced the re-opening of downtown Early Voting on Wednesday, February 21st.

We have created a “Frequently Asked Questions” page for the city-wide referendum on our website. We’ve also sent that information out by press release and out on social media.

Mr. Lasker interrupted. He said that just this moment he received word from the Supreme Court that it has denied the Petition for Leave to Appeal in the Ashonta Rice case. As such, we now know that there will be no further changes in that case.

As Ms. Aspera noted, we are seeing quite a few Vote-by-Mail ballots being returned as well as Early Voters. Compared to where we were for the 2016 and 2020 primaries, we are already near three times as many ballots. It is nice to see the number of people being excited and using Early Voting and Vote-by-Mail.

Mr. Bever pointed out that the Executive Director had mentioned Public Outreach. There are still more resource table events with our Community Services Department. Mr. Bever was at AFIRE (Alliance of Filipinos for Immigrant Rights and Empowerment) Chicago, one of the largest Filipino Organizations in the City.

Mr. Bever is looking forward to the upcoming press conference for the start of the Early Voting for all 50 wards on Monday, March 4th.

We are sharing information on our Limited English Proficiency precincts as well.

- VI. Old Business: The Chair asked about the “Old Business” agenda items: Infrastructure Projects and Changes in Election Administration, Electronic Poll Books and Voting Equipment. Mr. Holiday said that everything is moving along. As Assistant Director Aspera mentioned, Pre-Election Logic and Accuracy (Pre-LAT) is being conducted at the warehouse.
- A. Infrastructure Projects and Changes in Election Administration
 - B. Electronic Poll Books
 - C. Voting Equipment
 - D. Legislation: None

VII. New Business

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

General Counsel Adam Lasker presented:

Since the last meeting Mr. Lasker did further analysis of the contract and had meetings with Tenex representatives. We are receiving from them the onsite support that was negotiated with the contract in response to the initial implementation. I was informed that at the time of the invitation the staff was not yet sure of the amount of, or what, additional support to request. So, at this point the staff is requesting some additional support, such as supplying rovers in the wards to serve as technicians and phone center technicians and other staff. We believe that the \$175,000 additional expense is reasonable, and request that the Board approve this expense.

Commissioner Brown asked whether this is a new contract. Mr. Lasker said that it is not. This is basically an option based on the existing contract. Commissioner Brown stated that given the information supplied when we first received this contract, this is a very concerning development to her, in that this was not included when the contract was first presented to the Board for approval. She directed that going forward, steps be taken to make sure this does not happen again. Mr. Lasker agrees and thinks that the next time

we procure something of this sort, the staff will make decisions earlier in the process. The Chair asked whether this is the first time dealing with these e-pollbooks. Mr. Lasker said that, from this vendor, yes. The Chair agrees that these requests for services should come early, but she can also understand that with this particular pollbook, in the course of using, these issues came up at a later time. Discussion ensued between the Chair, Commissioner Brown and Mr. Lasker.

Commissioner Kresse moved to approve the expenditure of \$175,000 for additional support services under the Board’s existing e-pollbook contract with Tenex Software Solutions. Commissioner Brown seconded the motion. The motion passed by unanimous vote of the Board.

VIII. Legal Report: [this section was taken out of order as a result of a motion by the Chair during section III – Consideration of Agenda, and was addressed at that time.]

IX. Financial Report: None

X. Public Comment: None

XI. Executive Session: The Chair asked Mr. Lasker whether there was a need for Executive Session. Mr. Lasker responded that at the pleasure of the Commissioners, if they wished to discuss pending litigation in more detail, he would be happy to do so at this time. Commissioner Kresse said that he would definitely like to do so.

The Chair explained that the Board would go into Executive Session; no votes or decisions will be made during closed Executive session. The Board will come back into open session, and if any votes need be made, it will be done during open session. The Chair added that she highly doubts that any votes will be needed. After returning to open session the Board will proceed to adjournment.

Commissioner Brown moved to enter closed Executive Session. Commissioner Kresse seconded the motion. The motion passed by unanimous vote. The Board entered Executive Session at 10:28 a.m.

The Board returned from closed Executive Session at 10:59 a.m. The Chair announced that no vote was taken in Executive Session.

The Chair asked Mr. Lasker if any further issues need to be brought before the Board in open session. He said that he did not have anything further for this meeting.

XII. Adjournment:

Commissioner Brown moved to adjourn. Commissioner Kresse seconded the motion. The motion passed by 3:0 vote of the Board. The meeting was adjourned at 11:00 a.m.

Submitted,


William J. Kresse, Secretary