

Commissioners

MARISEL A. HERNANDEZ, *Chair*
WILLIAM J. KRESSE, *Commissioner/Secretary*

CHARLES HOLIDAY, JR., *Executive Director*



**Board of Election Commissioners for the City of Chicago
Minutes of the Regular Board Meeting**

December 14, 2021, 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

Staff:

Charles Holiday, Executive Director
Sandra Aspera, Assistant Executive Director
Adam Lasker, General Counsel
Max Bever, Director of Public Information
Opal Walls, Procurement Officer
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 Service
Brian Whitely, ES&S

- I. Call to Order: The Chair called the meeting to order at 10:00 a.m.
- II. Roll Call: Both 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 November 23, 2021: Commissioner Hernandez moved to approve the Board meeting Minutes of November 23, 2021. Commissioner Kresse seconded the motion. The motion passed and the Minutes were approved by a 2:0 vote of the Board.
- V. Executive Director's Report:

Executive Director Charles Holiday reported:

Mr. Holiday attended the quarterly meeting of the Center for Internet Security (CIS) Multi-State-Information Sharing and Analysis Center and the Election Infrastructure Information and Analysis Center. The attendees were brought up-to-date on malicious attacks on user domains and cybersecurity.

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On December 7th, Mr. Holiday attended a webinar on Enhanced Voter Confidence and methods to optimize mail ballot delivery and tracking. This webinar was done by BlueCrest Incorporated.

Mr. Holiday attended the monthly meeting of the Standards Board of the Election Assistance Commission (EAC).

Tomorrow the Invitation for Bid (IFB) for our ballot printing will be posted in the *Sun-Times*. The pre-bid conference will be December 29th, here at our offices. Bids are due Wednesday, January 5. The contract for the winning bid is scheduled to be awarded at the January 11th Board meeting.

Mr. Holiday added that the Winter Conference of the Association of Election Commissions of Illinois (AECOI) is in progress. He had left the virtual conference to attend this Board meeting and will rejoin the conference after the Board meeting adjourns.

A. Assistant Executive Director's Report

Assistant Executive Director Sandra Aspera reported:

Ms. Aspera is meeting with the appropriate parties and is preparing the 2022 hiring plan. Ms. Aspera is presently working with the Board's IT department to have the new HR (Human Resources) Manager's computers and mobile phone in place for her start date.

Ms. Aspera has the Warehouse staff working towards completing the projects at the warehouse. Ms. Aspera has also assigned additional staff from various departments to assist.

B. Public Information Director's Report

Director of Public Information Max Bever provided the Communications' report:

Mr. Bever stated that he had 3 updates:

First, we have spent the last few weeks communicating our messages around the remapping process as well as a possible referendum ballot votes with the media as well as preparing podcasts and other social media materials to continue to communicate those messages. It is still wait and see at this point, with the City Council continuing to negotiate about Ward maps.

Secondly, we're making an advertising spend at the end of this year. We are currently signing contracts with local newspapers, as well as with community newspapers, and on social media.

Thirdly, we are getting a quote from a long-time vendor of the Chicago Public Libraries to freeze-dry our historical election books and poll sheets to rid them of mold. This is work that will be performed at the warehouse, likely in early January. We will then transfer those records to the Chicago Public Library for their special collection.

VI. Old Business

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

B. Electronic Poll Books: Nothing new to report.

C. Voting Equipment: Nothing new to report.

D. Legislation

General Counsel Adam Lasker reported:

There are some public hearings being held by the Illinois House and Senate Redistricting Committee on the Cook County Judicial Subcircuits. They released a map this week. They are going to be conducting public hearings on that map December 16th here in Cook County. The Committee's proposal would increase the number of Subcircuits from 15 to 20. The Judicial

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Subcircuits were first created in 1989, and they have not been redistricted since. The word is that the proposal will be ready for a vote during the Spring Session of both the House and Senate which is from January 4th until April 8th of 2022.

Legislatively, Mr. Lasker reported the Chicago City Council did not legislate a Ward redistricting map prior to its statutory deadline of December 1st. On the following day, December 2nd, the Latino Caucus of the City Council filed its proposed ordinance along with the petition to present to the voters by referendum. More on this during the Legal Report later in this meeting.

VII. New Business

- A. Approval of a subscription agreement with SOE Software Corporation (d/b/a Scytl) for online training courses for Judges of Election, Early Voting personnel, Nursing Home Voting personnel and Election Field Investigators.

The Chair called upon Mr. Lasker to speak on this matter. Mr. Lasker stated that Ms. Opal Walls, the Board's Procurement Officer is also on the line and stated that she's done a lot of work on this project, so if she wants to add anything he invited her to do so.

Mr. Lasker pointed out that Scytl is an organization that the Board has worked with for several years now in creating online video productions for training. Because of COVID we are going to expand those video trainings to now include not only the Election Judges and polling precinct workers but also Early Voting staff, our Election Day Field Investigators and those Election Administrators who conduct the Nursing Home voting. Previously the Board had several different contracts with Scytl for these services, but Ms. Walls has worked with them to merge all of the contracts into one agreement for administrative efficiency. The proposal today is that the Board approve the draft contract (which had previously been circulated to the Board members). The total contract value over the one-year term is sixty-nine-thousand-forty-three dollars, with options for renewal for up to three more years at very similar pricing.

Discussion ensued between Commissioner Kresse, and Mr. Lasker and Mr. Holiday.

Commissioner Kresse moved to approve a subscription agreement with SOE Software Corporation (doing business as "Scytl") for software maintenance and support, and for development of online video training courses for polling place judges and staff and for nursing home voting administrators, with a one-year term beginning on January 1, 2022, and with a full contract value of \$69,043. Commissioner Hernandez seconded the motion. The motion passed by 2:0 vote of the Board.

- B. Approval of the Board of Election Commissioners' 2022 Regular Board Meeting Schedule: Commissioner Hernandez mentioned that the Board normally does this at the end of the prior year. Commissioner Kresse moved to approve the Election Commissioners' 2022 Regular Board Meeting Schedule. Commissioner Hernandez seconded the motion. The motion passed and the schedule was approved by 2:0 vote of the Board.

- C. Consideration and Adoption of the Preliminary 2022 Election Calendar:

The Chair confirmed with Mr. Lasker that there's a possibility that the Board may have to amend the Preliminary 2022 Election Calendar. Mr. Lasker added that the 2022 Election Calendar will need to be amended to include the signature requirement calculations from the various election authorities. As of this morning, the Cook County Clerk's Office has not yet issued its signatures calculations for the County offices.

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Mr. Lasker pointed out that circulation for Established Political Party candidates' petitions begins on January 13, 2022.

Mr. Lasker stated that there is pending litigation that could affect the State House and State Senate redistricting maps. There may be litigation in the near future regarding the Ward redistricting maps. We are going to monitor litigation and if any changes occur, Mr. Lasker thinks it would be a public service for us to include such a notice in this calendar.

The dates that are in this calendar and the signature requirements that we've included, we believe to be fully accurate. We've gone through all this with a fine-tooth comb. Mr. Lasker stated that he has been assisted substantially by Trish Sheehy in this regard. Mr. Lasker thanked Ms. Sheehy very much. Mr. Lasker thinks that we've got a good calendar in place here for public distribution now.

Commissioner Hernandez moved to adopt the draft calendar as the Board's 2022 Election Calendar for publication subject to possible future revisions. Commissioner Kresse seconded the motion. The motion passed by 2:0 vote of the Board.

VIII. Legal Report

General Counsel Adam Lasker reported:

There are three federal court lawsuits that are challenging the State's actions on redistricting. We will continue monitoring those cases to see if they end up having any impact on us. Meanwhile, our staff is moving forward with entering the latest data into our system and starting the remapping process internally so that we are ready to go when the time comes, or to make any necessary revisions if a court so orders it.

The virtual AECOI Winter Conference is happening as we speak. Mr. Lasker attended their Executive Meeting yesterday. He looks forward to logging back in this afternoon. Mr. Lasker mentioned that the Chicago Board of Election Commissioners is slated to host the next convention, in the Spring. We are hoping that it will be in-person again.

Mr. Lasker explained the status of the Chicago City Council Ward remapping process. He explained that the laws governing the decennial redistricting of the Chicago Aldermanic Wards come from the Illinois Revised Cities and Villages Act of 1941. The Revised Cities and Villages Act requires the City Council to redistrict its wards no later than December 1st in the year following the Federal Census. If the City Council *does pass* an ordinance on or before December 1st, there is a 15-day period where any group of Alderpersons equaling at least one-fifth of the City Council (i.e., ten or more) can file their own proposed substitute ordinance along with a petition to send both of those ordinances to a referendum to be voted upon by the voters.

That did not happen this year because the City Council did not pass an ordinance by December 1st.

When the City Council fails to timely pass an ordinance, any group of 10 or more alderpersons can file a proposed redistricting ordinance along with a petition for referendum. This did happen on December 2nd when the Latino Caucus of the City Council filed its proposed redistricting ordinance with the City Clerk along with the referendum petition. Those have been transmitted to our office, so we are prepared to present that question as a referendum in the June Primary, should that be the end result.

Additionally, the Statute allows for these substitute ordinances to be filed up to 40 days before the election. So, we are in an open filing period where any other group of 10 or more Alderpersons could file their own substitute ordinance.

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Furthermore, now that a substitute ordinance has been filed, the City Council has an opportunity to pass its own ordinance, and can so up to 40 days before the June election. The possibility still remains that the City Council could pass an ordinance. If the City Council passes such an ordinance, any substitute ordinances previously filed would not automatically be sent to referendum. However, any group of ten or more alderpersons could then refile their ordinance up until 40 days before the June election.

The 40th day before the election is May 19th. However, the current Illinois Election Code says Early Voting may start as early as 40 days before the election. Federal Law, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), requires us to start sending out mail-in ballots to overseas civilians and military personnel no later than *45 days before the election*.

As such, we are monitoring these things closely and we'll be prepared to act however events unfold.

Colloquy ensued between Commissioner Kresse and Mr. Lasker.

The Chair said that we should always plan for the worst-case scenario and be prepared for whatever occurs. Things as simple as having sufficient paper to send out notices, postage reserves, etc. Let's just have everything in place so we are prepared for whatever we need to do. Mr. Lasker completely agrees with the Chair.

Commissioner Kresse asked Mr. Lasker that if it does go to referendum, how much additional ballot paper will be needed? Mr. Lasker stated that the Statute sets out a form of the question and it's actually quite simple. Mr. Lasker is hopeful that we would have space on the empty space on the existing ballots, or, at the very most, require one extra sheet. Mr. Holiday offered to send the Commissioners what the question looked like in 1992, with the two groups on the ballot, in order to show the Commissioners, the form and how it was laid out. Commissioner Kresse said that he would appreciate that.

- IX. Financial Report: none
- X. Public Comment: none
- XI. Executive Session: none
- XII. Adjournment: Commissioner Kresse moved to adjourn until the Board's next scheduled meeting of December 28, 2021 and wished everyone a Merry Christmas. Commissioner Hernandez seconded the motion and wished everyone Happy Holidays, hoping everything goes well and we are with our loved ones, because that's the most important thing. The meeting was adjourned at 10:27 a.m.

Submitted,



Commissioner William J. Kresse
Secretary