

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

Regular Board Meeting

December 27, 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 [absent]
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 [absent]
Karen Chin, Director - Human Resources
Lance Gough, Consultant
Trish Sheehy

Guests:

C. Betty Magness, Rainbow PUSH Coalition
Danielle Matzdorf, Arrow Messenger
Helene Gabelnick, League of Women Voters Chicago
Bebe Novich, Equip for Equality
Bob Strong
Josh Miller, Arrow Messenger
Miriam Gray
Alice Yin
"Robert I"
"Robert IU"
Dial-in attendee "Call-in User_2"
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- I. Call to Order: In the absence of Chair Marisel Hernandez, Commissioner/Secretary William J. Kresse chaired the meeting. Commissioner Kresse called the meeting to order at 10:00 a.m.
- II. Roll Call: Chair Marisel A. Hernandez is absent. Commissioners William J. Kresse and June A. Brown attended through WebEx teleconference.
- III. Consideration of Agenda: Commissioner Kresse asked to strike the approval of the Minutes of the Regular Board Meeting of November 8, 2022 and of the Minutes of the Canvassing Board Meeting of November 8, 2022, which concluded on November 29, 2022, and defer these until the next meeting. There were no objections.
- IV. Approval of Minutes:

- A. Minutes of the Regular Board Meeting of November 8, 2022. Deferred until the next meeting.
- B. Minutes of the Canvassing Board Meeting of November 8, 2022, which concluded on November 29, 2022. Deferred until the next meeting.
- C. Minutes of the Regular Board Meeting of November 22, 2022. Commissioner Brown moved to approve the Minutes of the Regular Board Meeting of November 22, 2022. 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 provided the following report:

We are in continued conversations with Equip for Equality and the Department of Justice (DoJ) in bringing all polling places into ADA compliance by the extended Settlement Agreement deadline of December 2024.

We have had meetings with the Chicago Public Schools (CPS) regarding polling locations where we have had difficulties getting in, in order to ensure that we do not have those same issues in February.

We've been addressing issues from the November election. Two of the main issues were the Judges' of Election training and the bleeding of the markers on the ballots.

Mr. Holiday has met with the Board's Community Services Department and the Assistant Executive Director about resuming in-person Judges training for the Municipal Election.

Regarding the bleeding of the markers on the ballots. After three independent tests by the Board, the paper vendor and our equipment vendor, we have found a solution with a new marker for the marking of the ballots on election day.

Between today and tomorrow, we will be starting the last of the scheduled Records Examinations for the Municipal Elections.

Mr. Holiday stated that the Board's Public Information Director, Max Bever will not be at today's meeting. Mr. Holiday provided The Public Information Director's Report to the Board:

The first round of emails urging voters to sign up for Vote-by-Mail ballots has gone out. There are several more emails scheduled. We already have over 140,000 applications, including Permanent Vote-by-Mail and we expect that number to continue to rise.

We are working with Equip for Equality and the DoJ to update our reporting system and communications on polling place accessibility. We will be updating the website and list of polling places with more information than in previous elections, including information collected in the site surveys. This will be completed by the end of January.

We are working to schedule and create a public information event with our community partners concerning the new Police District Council offices. No candidates will be invited, but this will be a chance for the voters to learn more about this office before they head to the polls. We hope to have this scheduled in January or early February.

A. Assistant Executive Director's Report

Assistant Executive Director Sandra Aspera provided the following report:

As Mr. Holiday mentioned in the Public Information Director's report, the online Vote-by-Mail application is live and as of this morning 145,287 applications have been received. Of that total 85% are Permanent Roster Vote-by-Mail applications.

Logic and Accuracy of the voting equipment and e-poll book is scheduled to begin at the end of January. Ms. Aspera is working with Dominion and ES&S to establish the logic and accuracy testing dates.

A total of 90 Nursing Home packages were delivered December 14th, 15th and 16th. The scheduled pickup dates of the packages are January 11th, 12th and 13th.

The Municipal candidates and objectors are here daily. Staff is helping the Registration Department with records examinations.

Our Community Services Division will conduct in-person training for the 2023 General Municipal Election.

Community Services has begun proofing the paper ballots and will continue until the candidate objections are finalized.

The Finance Department is completing year-end invoicing.

The Warehouse is continuing to empty out the ESCs (Equipment Supply Carriers) and repair damaged ESCs. The charging of the touchscreens and the scanners that are not being utilized in the last election has been completed. A supply inventory is being conducted and other pre-election tests are being done in preparations for the February 2023 Election.

B. Public Information Director's Report:

Public Information Director Max Bever is absent, his report was included in Executive Director Mr. Holiday's report. (See Executive Director's report above)

VI. Old Business

Commissioner Kresse asked Executive Director Holiday if there was anything new to report, other than what was already reported at this meeting. Mr. Holiday stated that he had nothing new to report.

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 on Legislation.

On December 21st, the Governor signed the bill allowing for the Early Voting sites to be open as Vote Centers for the 2023 Elections. Public Act 102-1109 now extends the "sunset clause" to repeal the Vote Center legislation until the end of 2023. As such, we will not be able to use Vote Centers for the 2024 Primary and 2024 Presidential Elections. Mr. Lasker hopes that the Legislature makes these things permanent, at least for Chicago. We will continue to work on that, but the good news is that we are ready to go for 2023. The Board is moving forward preparing for those Vote Centers to be open on February 28th and also April 4th, if needed.

The Legislature is currently not in session, and there is nothing else to report.

Commissioner Brown said that it is good news about the Vote Centers.

VII. New Business

- A. Approval of an extended durational term for the Board’s settlement agreement with the U.S. Department of Justice (DOJ) regarding polling place accessibility.

General Counsel Lasker explained that the DOJ was unable to survey sites during the pandemic. Our own people could not get into some private sites. There was at least a year-and-a half delay on being able to do the detailed surveys of the polling places for accessibility because of the pandemic. We had a compliance deadline for this past November. The DOJ is recommending that we extend that compliance deadline through the 2024 Presidential Election. We have presented to the Board the letter from the DOJ requesting the approval to extend that deadline.

Mr. Lasker wanted to point out that though we had to extend the project due to COVID, the DOJ was using the Board’s program as one of the shining examples to move those efforts across the country.

We have designed a survey tool with the assistance of Equip for Equality. The survey tool is now being used by the City, by the Schools, by the Parks, by the Board, by the DOJ and by Equip for Equality to take a deep-down look at the accessibility of all the polling places. We have surveyed most of the sites; most of the sites that have not been surveyed are new.

We have increased and improved the accessibility training for the Judges of Elections and Election Coordinators.

The Judges of Election Handbook now includes an ADA Accessibility Guide.

We have designed and implemented Form 21ADA. It’s a form that gets filled out with information specific to each precinct on temporary remedies for accessibilities at each precinct. That’s sent to the Judges at every polling site.

We have drastically reduced the number of polling sites with stairs. We only have a few left, and Mr. Lasker thinks we will have none by November 2024.

We have permanent remedies in progress at hundreds of public polling locations with the helpful coordination of the City, the schools, the libraries, the parks.

So, there have been several major accomplishments. It has been a very successful program, and Mr. Lasker looks forward to full accessibility for November 2024.

There has been a lot of tremendous effort by a lot of people at the Board and other agencies, the City, the DOJ and Equip for Equality which has been extremely helpful for us throughout this process.

The U.S. Department of Justice is recommending, and Mr. Lasker is asking the Board to extending the compliance on the Settlement Agreement until the end of December 2024.

Discussion with Mr. Lasker and Commissioners Kresse and Brown ensued.

Commissioner Brown moved to approve the extension for compliance with the Settlement Agreement with the United States Department of Justice for polling place accessibility. Commissioner Kresse seconded the motion. The motion was passed by 2:0 vote of the Board.

- B. Approval of a contract extension with Equip for Equality for continued service as the Board’s Third-Party Expert in the DOJ settlement for polling place accessibility.

Mr. Lasker stated that the Settlement Agreement that the Board has with the DOJ for polling place accessibility requires the Board to use what is called a “third-party expert”. That is how it’s referred to in the Settlement Agreement and since the beginning of this agreement the Board has contracted with a national organization headquartered in Chicago, Equip for Equality. They have been serving as the Board’s “third-party expert” throughout this entire process. One of their attorneys, Bebe Novich, who has been working closest to the Board, is at the meeting today.

The contract with Equip for Equality is about to expire at the end of this year. So, we request that the Board extend the contract with Equip for Equality to cover through the remainder of the extended term on the Agreement with the DOJ.

Equip for Equality is very entrenched in the program. It’s been a good partnership so we do request an extension to that agreement.

Counsellor Novich stated that she would echo everything Adam Lasker said. She thinks it’s been a great partnership. She thinks the project has worked extremely well, and that this is a national model. Ms. Novich appreciates everything the Board is doing and thinks that this partnership is terrific.

Commissioner Brown moved to approve a contract extension with Equip for Equality for continued service as the Board’s third-party expert in the Settlement Agreement with the United States Department of Justice for polling place accessibility with compensation not to exceed \$25,000 per month and with the durational term period extending to December 31, 2024. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board.

- C. Approval of a contract extension with Larry Hanson LLC for ongoing redistricting services including 2024 Chicago Public School Board districts and judicial subcircuits.

Mr. Lasker presented this item to the Board stating that following the 2020 United States Census the Board was required to implement the newly redistricted districts created by the State of Illinois for Congressional, State Representative, State Senator, and Judicial districts. The County Board redistricted its County Board districts and Board of Review districts. Those all had to be implemented. We also had the aldermanic/ward redistricting by the City Council. On top of that we have the brand-new Police District, all of which had to be remapped and put into our system.

The Board performed an RFP (Request for Proposal). Lawrence Hanson, operating under the business Larry Hanson, LLC, won that bid award, and has been doing exemplary work with the Board.

The State Legislature had not finished the judicial sub circuit redistricting in time for the 2022 elections, so that now has to be implemented for the 2024 elections.

Additionally, the Chicago Board of Education will be, for the first time, conducting the elections for the Chicago Public Schools Board. Mr. Lasker believes the State Legislature is responsible for creating Public School Board election districts. We will have to implement those districts for the 2024 elections.

We are requesting an extension to the RFP contract with Larry Hanson LLC so that he can continue his fine service in relation to the 2024 elections for these additional districts.

The Chair entertained a motion to approve a contract extension with Larry Hanson LLC for ongoing redistricting services with compensation not to exceed \$25,000 per month and an extended period expiring on December 31, 2023. Commissioner Brown made the motion. Commissioner Kresse seconded the motion. The motion passed by 2:0 vote of the Board.

- D. Ratification of a contract for legal services with Pedro Fernandez as an Electoral Board hearing officer.

Mr. Lasker explained that Mr. Fernandez was a late addition to the roster of Electoral Board Hearing Officers for this cycle. That is why he did not get in the original batch of contract approvals. We request a ratification of the contract for \$200 per hour, as with all the other Hearing Officers.

Commissioner Brown moved to ratify and approve a legal services agreement with Pedro Fernandez for services as an Electoral Board Hearing Officer at the rate of \$200 per hour and with a term expiring December 30, 2023. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board.

- E. Approval of an agreement with the Mikva Challenge for services related to recruiting high school students to serve as election judges for the 2023 elections.

Mr. Lasker stated that the Board has had a longtime, very successful relationship with Mikva Challenge for using High School students as Judges of Election. We always get very positive feedback. For the 2023 elections the Mikva Challenge is requesting \$20,000 per election, for February and for April, if needed. Therefore, the staff is requesting approval of those agreements, very much like in prior years.

Commissioner Brown moved to approve an agreement with the Mikva Challenge for services related to recruiting high school election judges for the 2023 elections with compensation equaling \$20,000 per election. Commissioner Kresse seconded the motion. The motion passed by 2:0 vote of the Board.

- F. Adoption of the Board's 2023 Regular Meeting Schedule.

Mr. Lasker commented that the Open Meetings Act (OMA) requires public bodies to adopt annual meeting schedules, those are what we call the "Regular Board meetings". The proposal here is to continue with the 10:00 a.m. on the 2nd and 4th Tuesdays of each month.

For the record, Commissioner Kresse read off the days:

January 10 and 24, February 14 and 28, March 14 and 28, April 11 and 25, May 9 and 23, June 13 and 27, July 11 and 25, August 8 and 22, September 12 and 26, October 10 and 24, November 14 and 28, and December 12 and 26.

Commissioner Brown moved to adopt the Board's Regular schedule for 2023 with meetings to begin at 10:00 a.m. on the 2nd and 4th Tuesdays of each month. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board.

VIII. Legal Report

General Counsel Adam Lasker reported that he doesn't have much to report, but wanted to say that our Electoral Board is churning away at the 114 cases we have related to the February election. Mr.

Lasker is planning for the Electoral Board to meet at 1:00 PM this Friday afternoon but will contact the Board members individually to confirm scheduling.

Mr. Lasker is pleased with how things are looking good for February.

IX. Financial Report: [none]

X. Public Comment

Mr. Bob Strong indicated he would like to make public comment at this meeting.

Mr. Strong stated that he has been an Election judge for over 35 years with the Chicago Board of Elections. Mr. Strong commented on Judge of Election training, and on payments to Judges of Election for their service.

Commissioner Kresse thanked Mr. Strong for his comments and said that he expects someone will be reaching out to Mr. Strong. Mr. Holiday said he would like to give Mr. Strong his phone number and they could possibly set up an appointment to meet.

XI. Executive Session: [none]

XII. Adjournment: Commissioner Brown moved to adjourn. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board. The meeting was adjourned at 10:40 a.m.

Submitted,



Commissioner William J. Kresse
Secretary