

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 and Organizational Board Meeting
May 9, 2023, 10:00 a.m.
69 West Washington Street, 8th Floor, Chicago, Illinois 60602
Via WebEx video conference

Board Members:

Marisel A. Hernandez, Chairwoman
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
Karen Chin, Manager - Human Resources
Kimico Mehta, Community Services
Lance Gough, Consultant
Oscar Peterson, videographer
Trish Sheehy

Guests:

Danielle Matzdorf, Arrow Messenger
Brian Whiteley, ES&S
Call-in Guest

- I. Call to Order: The Chair called the meeting to order at 10:00 a.m.
- II. Roll Call: All members were present via WebEx webinar.
- III. Consideration of Agenda: The Agenda was accepted as presented.
- IV. Approval of Minutes:
 - A. Minutes of the Canvassing Board Meeting of April 4, 2023 which concluded on April 25, 2023:
Commissioner Brown moved to approve the Minutes of the Canvassing Board Meeting of April 4, 2023 which concluded on April 25, 2023. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board.
- V. Executive Director's Report
Executive Director Charles Holiday provided the following report:

The staff is working on post-election activities that need to be done.

We met with the City's Office of Budget Management to discuss some budgetary items.

Today, after this meeting, Mr. Holiday will be traveling to Springfield for the meeting of the Association of County Commissioners, Clerks and Election Officials. That will continue through Friday morning.

Mr. Holiday has received quite a few phone calls about a delay with Election Officials and Judge of Election payments. As Mr. Holiday had previously explained, Municipal Election payments are paid by the City. The City has outsourced all the data to get checks printed and mailed. That caused a delay in payments. They will start mailing checks for the April election today. Mr. Holiday wanted to bring this to the Board's attention and inform everyone that the Board is not the responsible party.

A. Assistant Executive Director's Report

Assistant Executive Director Sandra Aspera reported:

Ms. Aspera is holding post-election meetings with staff. Ms. Aspera's goal is to be completed with these meetings by the end of May.

Dominion held its post-election meetings with staff the last week of April.

Ms. Aspera is in the planning stage for the 2024 Primary and General Elections. Space has been reserved for Election Central operations, and Ms. Aspera has a meeting scheduled to review and evaluate the performance of the temporary staffing agencies.

The Registration and the Early Voting Departments are scanning and then reviewing the ballot applications.

The Warehouse is recycling envelopes and Judges Handbooks from the February and April elections. It is also recycling the unused ballots, that were not in the ESCs (Election Supply Carriers), for both elections.

Ms. Aspera liked to thank the staff for their outstanding job performance and the many, many hours put in to make the elections successful.

The Chair thanked Ms. Aspera and asked that she let the Board know of any issues that come up from the post-election meetings with staff.

B. Public Information Director's Report

Public Information Director Max Bever provided the following report:

We welcomed 30 delegates from the National Conference of State Legislators to the Board's offices. We gave a tour of our offices as well as the Vote-by-Mail Department. Mr. Bever gave a special thanks to the Board's Vote-by-Mail Department for showing the delegation the Agilis system as well as having been available to answer any questions. It seemed to be a good visit, and we appreciate them stopping by.

We have our summer projects well under way. Specifically, our new website revamp. We've taken a few steps over the last couple of weeks. We put together an online website survey for our voters as well as community groups, reporters

and anyone else who wants to take it. We also emailed a link to every registered voter in Chicago for whom we had an email address. We've received over 1,300 responses so far, we may clear over 1,500. We are collecting the responses as data to use moving forward.

We've put out an RFI (Request for Information) two weeks ago. We've received over 20 responses to our RFI. We'll review these and additional information to help us build our RFP (Request for Proposal). The RFP is still scheduled to go out next week. We will give everyone a month from then to respond, so near the middle of June. We expect to move forward on this project. Hopefully, we will select the new website vendor by the end of June. Then we'll have a new website up and running by the end of October of this year. That is going well and we are hitting our schedule so far.

Another Summer project, we are working on our first steps for a voter engagement forum for late August. We have proposed that we could hold the forum at our supersite, as well as possibly having an on-line survey or option. Once we have more information on that, we will share it.

Commissioner Kresse noted that when the American Bar Association (ABA) held its Annual Meeting in Chicago last year we provided a tour of our facilities. It went over so well that this at the ABA Annual Meeting this Summer convention in Denver there will be a tour of the Denver Election authorities' facilities. We may have started a trend, but many people are interested and want to see the innerworkings of the election process. Commissioner Kresse thinks that we can be very proud that we were the first authority to do that. Mr. Bever thanked the Commissioner and noted that he thinks that our Vote-by-Mail Department may have handled more Vote-by-Mail ballots than any other U.S. election authority. e's glad that we get to show-off every now and then.

The Chair thanked Mr. Bever and noted that all the RFIs and RFPs, after they've been drafted, should go to Legal for review and approval; and Procurement should be informed as well.

VI. Old Business

- A. Infrastructure Projects and Changes in Election Administration – nothing new to report.
- B. Electronic Poll Books: Mr. Holiday stated that we are in the process of getting an RFP together for new poll books; hat should be out mid or late June or sooner f. The Chair asked if we are planning to use new pollbooks for the March or November 2024 elections. Mr. Holiday said that the thought is that if we have chosen the vendor by then, is to use a few of the new poll books in March, and then have a complete roll-out in November, not trying to roll it all out in March of next year.

The Chair mentioned that there has been a lot of discussion about Rank Choice Voting (RCV) and asked if RCV would have an affect on how the new e-pollbook would operate.

Mr. Holiday said that RCV would not have any effect on the e-pollbook; it would only affect the voting system, because that would have to be built into our voting system.

Commissioner Kresse asked if Dominion has software that would allow RCV for our system. Mr. Holiday said that Dominion, as we speak now, does supply RCV in some other states. It just has to be built for our system, to our specifications and to our state's statutes. General Counsel Lasker noted that these other jurisdictions use different reporting systems, so we would have to adapt the software to our reporting system.

C. Voting Equipment – addressed above.

D. Legislation

General Counsel Adam Lasker provided a legislative update: as to.

As Mr. Lasker mentioned at the last Board meeting, while there are several specific election-related bills, there hasn't been any action on any of them individually. It looks like any election matters will be put into an omnibus bill, but that has not yet been released publicly.

Mr. Lasker pointed out that Mr. Bever has been attending meetings with the Secretary of State and the County Clerk's offices on some changes to Automatic Voter Registration. This Board has generally supported the notion of Automatic Voter Registration, but there are some proposals now that would shift the burden of determining a person's citizenship to the election authorities. We think that would be rather difficult since we don't actually have those people in front of us at the time that they are registering. Mr. Bever has been attending these meetings and we are planning to schedule some more to see where we can go with this legislation.

Mr. Lasker will keep the Board updated if or when an omnibus bill comes out, and report on what's in it.

The Chair asked if there's any chance that AVR legislation will pass before the end of this legislative session. Mr. Lasker said that he doesn't know, but there's a chance. However, there are some voices that are showing some concerns, not over the general aspects of the legislation, but of the administrative details. The Chair said that this is one of the reasons that she has suggested that we retain a lobbyist, because of issues like this and other issues that crop up of which we may not necessarily be aware; we need someone down there to help us out in Springfield. The Chair said that she has mentioned to Mr. Holiday that this should be a line-item in our budget, and that she thinks we should go ahead and start a process for selecting a lobbyist that will help us beginning with the Fall/Winter Session. Mr. Lasker said that he totally agrees and thinks that that is a great idea. Commissioner Kresse said that he too agrees, and we need not just a lobbyist because there is also an educational component - to educate the legislature about the particular requirements and needs of this Board. Mr. Lasker said it's really a Legislative Liaison, and since we're a governmental agency, Mr. Lasker doesn't think that they have to be a certified lobbyist, but those are the kinds of people with the right kind of experience. The State Board of Elections has a

Legislative Liaison position and Mr. Lasker believes we need something just like that.

Commissioner Brown had a question for Mr. Lasker as to whether he anticipates issues on the proposed legislation regarding Automatic Voter Registration. Mr. Lasker said that he is going to begin by stating that AVR is currently in effect, and that the legislature is just looking at modifying the way that it's working. So, it's not like AVR is going to disappear. The Chair asked how the current proposed bill would change AVR. Mr. Bever said concerns about the proposed AVR legislation (SB 2023 - currently sponsored by Senator Ram Villivalam) were brought to us by members the "Justice Democracy Coalition", which mostly consists of community organizations that we've worked with over the last two years, including Asian-Americans Advancing Justice and other organizations that work with non-English speakers in Chicago. They are concerned that the proposed bill could lead to somebody being deported, or other types of civic penalties, regarding immigration. Additionally, we have some questions from the Board as to the costs associated with the bill's proposal to push down responsibility to local election officials. Obviously, if we're going to be required to do mailings to tens or possibly hundreds of thousands of people as part of this new process, that will increase our costs, particularly postage costs. But, this was a situation where it was brought to us by community/civic organizations that have active concerns about this legislation and we want to make sure those concerns are heard. The Chair asked if there are any meetings scheduled with the Bill's sponsor. Mr. Bever said not at this time. But at this time the bill has not moved or been scheduled for subject matter hearings. The Chair said she's concerned about anything moving into an omnibus bill. but the Chair stated that the question to her is whether we should be reaching out to anyone in the legislature or is just watching it enough? Should we be more proactive, reaching out to the bill's sponsor and explaining our concerns, maybe jointly with other election authorities? If something like this pass, it is creating such a burden, it seems, on election authorities. For us to figure out who is a citizen and who isn't, that's something pretty heavy. Mr. Bever agrees. He thinks the next best step here might be a letter to the sponsor from Executive Director Holiday, perhaps in conjunction with Cook County, raising the concerns that were brought to us by community organizations, as well as some additional questions.

Mr. Lasker recalled that when AVR first arrived in Illinois it was an automatic "opt-in", and we had concerns from the beginning. The Board and community groups began to see the problems of non-citizens, without checking any boxes saying "yes, I want to vote", being automatically registered and then contacting our office saying that they just got a voter registration card that they never asked for. So, we as a Board, and other election authorities, contacted the legislature several years ago to say this is a problem, and they changed it to an "opt-in" where they had to actually check a box. This worked much better and cut down on those erroneous registrations.

Commissioner Brown also cautioned Messrs. Lasker and Bever, that as they're looking at those who are expressing concerns, several other community groups historically were involved in the passing of AVR. So, they should get feedback from those groups as well. Mr. Bever thanked the Commissioner and said that he thinks we should share, at least to the bill's sponsor, what we've heard from the various organizations. Mr. Bever said that he also knows that the County has received concerns from some religious groups, particularly the Jehovah Witnesses. Mr. Bever will follow up and keep the Commissioners apprised.

Mr. Lasker, to finish up his legislative report, noted that the Commissioners are aware that we also had some issues with legislation for RCV throughout the State. Additionally, here in Chicago, there was a pending bill that was moving forward on the Presidential Primary RCV. The County Clerks' Association, our Board, the AECOI all raised concerns about the funding for that request, not for the general idea as to whether to do RCV. As it turned out, there had been no governmental study done as to the potential economics and financial impact of the legislation, and there are some substantial costs that would be involved that were not anticipated by the legislators. The RCV bill that was moving forward at that time only had a cursory financial overview done by third-party non-government organizations that were pushing for the bill. So, it appears that that bill has been put on the back-burner, at least for now so that the legislature can take a closer look.

VII. New Business

The Chair said that the new business was for contract agreements with two attorneys: one with the Board's counsel Joan T. Agnew, and the other with one of our contract attorneys Barbara Goodman. Both excellent attorneys who have done great work for the Board over the years.

A. Approval of an Attorney Contractor Agreement with Joan T. Agnew

This contract is for a term of another year, at the rate of \$275 per hour. A motion was made to approve a contractor agreement with Joan T. Agnew for a term June 1, 2023 through May 31, 2024 at the rate of \$275 per hour by Commissioner Brown. The motion was seconded by Commissioner Kresse. The motion passed by 3:0 vote of the Board.

B. Approval of an Attorney Contractor Agreement with Barbara Goodman

A motion to approve this Attorney Contractor Agreement with Barbara Goodman for a term June 1, 2023 through May 31, 2024 at the rate of \$210 per hour was made by Commissioner Kresse. Commissioner Brown seconded the motion. The motion passed by unanimous vote of the Board.

VIII. Legal Report: General Counsel Lasker stated that Ms. Aspera had mentioned the post-election meetings with staff. Some of the things that we are going to be discussing in those meetings are upcoming procurements, things like the electronic pollbooks. We need a new cartage RFP, temp staffing and so forth. Mr. Lasker wanted to state that Ms. Aspera is including Legal. Joan Agnew is overseeing the e-pollbook procurement having

gone over that previously with the Board. Of course, Ms. Agnew and Mr. Lasker are in constant communication about the various projects they are working on together. They've basically taken off their Election Law hats for the Spring and put on the contract procurement hats. Mr. Lasker pointed out that we are still missing an official, there's still a vacancy in the position of Procurement Officer for the Board, so it's been a challenge finding someone to fill that spot. Mr. Lasker knows that they've been working on it so hopefully that will happen soon. Mr. Lasker is looking forward to overseeing these procurements, making sure they go smoothly.

May 25th is going to be the deadline for filing any contests related to the April 4th election. We are beyond the point for filing any Discovery Recounts. Mr. Lasker is unaware of anyone planning to file a challenge to the April 4th election. The election went very smoothly. Speaking not in terms of who won or lost, but it appears to have been a very clean, fair, transparent and accurate election, so we are in good shape.

- IX. Financial Report: none
- X. Public Comment: none
- XI. Executive Session: none
- XII. Adjournment: Commissioner Brown moved to adjourn the meeting. Commissioner Kresse seconded the motion. The motion passed by 3:0 vote of the Board. The meeting was adjourned at 10:33 a.m.

Submitted,



Commissioner William J. Kresse
Secretary