

***American and Quebec Electoral Systems:
Comparative Analysis and Legal Implications of
the 2024 Elections***



THE
**CHICAGO
BAR
ASSOCIATION**

Barreau de
Montréal 175[§]

“The Chicago Way” of Running Elections

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Disclaimer

- The following presentation is intended for educational purposes only.
- William Kresse is not speaking for, or as a member of, the Chicago Board of Election Commissioners.
- Any and all materials and comments by William Kresse do not necessarily reflect the opinions or positions of the Chicago Board of Election Commissioners, Governors State University, or the Institute of Election Auditors.

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- Associate Professor, College of Business, Governors State University.
- Commissioner, Chicago Board of Election Commissioners.
- Certified Public Accountant / Certified in Financial Forensics.
- Certified Fraud Examiner.
- Attorney.
- Former Auditor, Deloitte.
- Former Law Clerk for a U.S. District Court Judge for the Northern District of Illinois.
- Special Advisor, American Bar Association (ABA) Standing Committee on Election Law.
- Member, Advisory Commission to the ABA Task Force on American Democracy.
- Advisor, Study Committee on Election Law, Uniform Law Commission.
- Recipient of the ABA “Unsung Hero of Democracy” Award.
- Named “Educator of the Year” by the Association of Certified Fraud Examiners.

The CBEC: A Little History



CBEC Investigators, circa 1930's.

- Since 1885, an independent governmental agency; NOT a part of City of Chicago Government.
- Three Commissioners selected by Cook County Circuit Court. Staggered 3-year terms, one term expires each year. Commissioners cannot be elected officials nor participate in politics. At least one member aligned with each of Illinois' two leading political parties.
- Chicago has approximately 1.7 million registered voters in 1,291 precincts. The Board sets policies and manages the day-to-day activities of the Executive Director.
- Commissioners also sit as the Electoral Board, deciding matters related to which candidates qualify for the ballot.
- The Board employs a staff of approximately 130 full-time employees, as well as about 9,000 temporary poll workers and 500 Investigators who serve on Election Day.

The Chicago Election Ballot: **Getting on it, Counting it, Verifying it**

1. Getting on the ballot (petitions, petition challenges).
2. The voting and counting process.
3. Election integrity procedures (security, controls, chain of custody, audits).

1. Getting on the Ballot

- Illinois requires that candidates and movers of voter-initiated referenda submit petitions with the statutorily-required minimum/maximum number of signatures, depending on the office sought or the area affected by a referendum.
- Voter signatures must be in ink and each petition sheet notarized.
 - Some states allow “signing” online.
- The rules in Illinois for valid petitions are considered to be quite complicated.

Illinois Petition Contests Have Been Called A Blood Sport

- E.g., Who is Alice Palmer?



- Many get “elected or re-elected” at the petition stage.
- Consider the numbers:
 - 520,000 – Approx. number of elected officials in the U.S.
 - 43,000 – Approx. number of elected officials in Illinois.
 - 1 – Illinois’ rank in number of elected officials (8.3%)
 - 1 – Illinois’ supposed rank in number of election lawyers.
(Bush v. Gore)

Issues Raised at Petition Challenges



- Forged Signatures
- No Notarization on Sheets
- Wrong Petition Terminology
- Incorrect Candidate's Name
- Candidate Not a Resident
- Sheets Not Properly Bound
- Signers who:
 - Don't exist
 - Aren't registered voters
 - Don't live in the district

Petition Challenge Due Process

- CBEC Substantial Compliance Review
- “Opponent” Research and Challenge Filed
- Hearing Before CBEC Hearing Officer, Then...
- Hearing Before CBEC, as Electoral Board, Then...
- May Appeal to Circuit Court; then the Appellate Court; then IL Supreme Court.

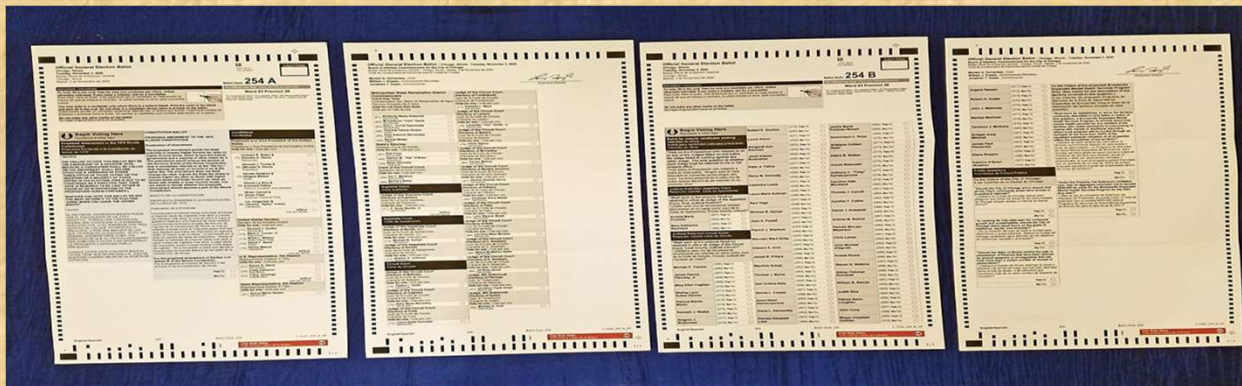


2. The Voting and Counting Process.

- Ways to vote in Chicago:
 - Vote-By-Mail (“No Excuse”).
 - In-Person before Election Day at 52 Early Voting sites across the City (On Touch-Screen Device + Printer).
 - In-Person on Election Day at Home Precinct Polling Place (Choice: Printed Ballot or On Touch-Screen Device + Printer).
 - In-Person on Election Day *Not* at Home Precinct But at a “Vote Center” (Early Voting Locations) (On Touch-Screen Device + Printer)

Printed Ballots

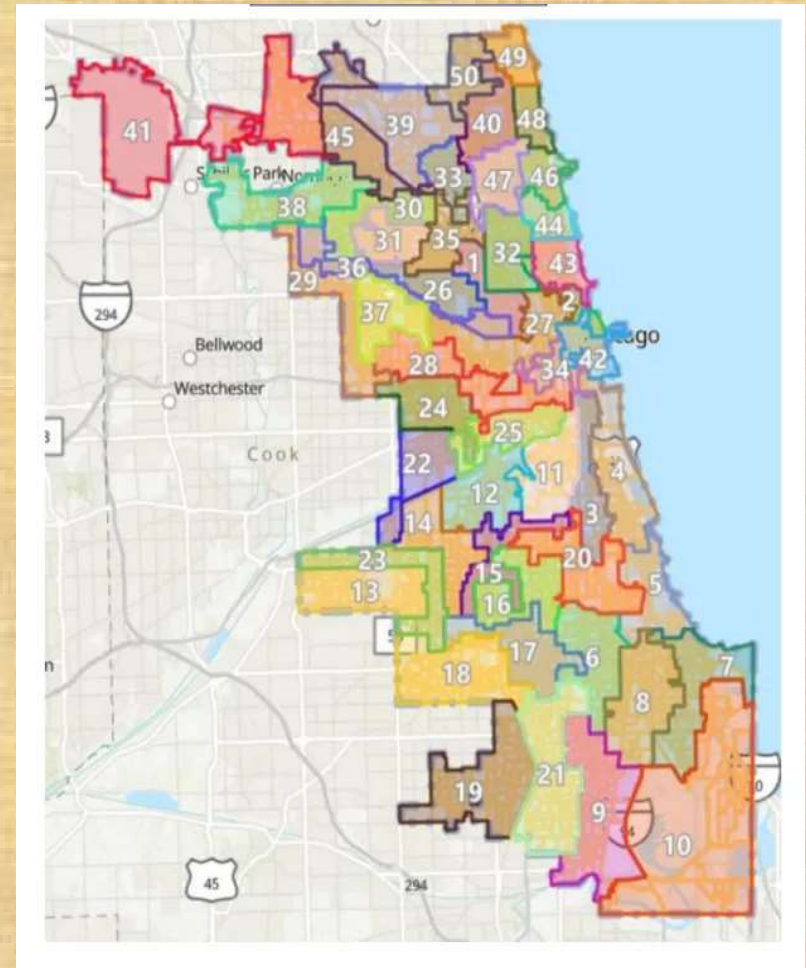
- Used for Vote-By-Mail and at Precinct Polling Places on Election Day.
- The Numbers:
 - **2,700** – Approximate number of “styles” of printed ballots for November 2024.
 - **1,432,900** – Number of paper ballots printed for November 2020 (2, 2-sided pages).
 - **7** – Number of languages in which ballots were printed. (English, Spanish, Chinese, Hindi, Korean, Tagalog, or Polish.)
 - **110** – Approximate number of races/referendum/questions on which to vote on a typical Chicago ballot for November 2024.



Why So Many Ballot Styles?

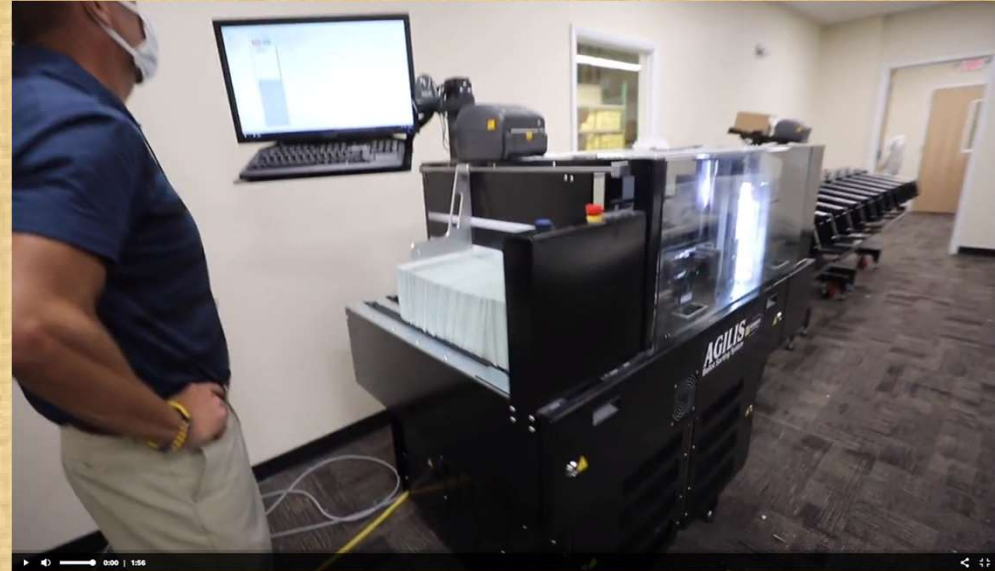
In Addition to City- or County-Wide Offices:

- **8** – Congressional Districts
- **16** – State Senate Districts
- **29** – State Representatives Districts
- **50** – Wards (Alderpersons and Party Committeepersons)
- **1,291** – Precincts (Currently)
- **Also:** County Districts, Judicial Sub-Circuits, Chicago Police Districts.
- **New this November:** 10 (out of 20) Chicago Public School Districts.



Vote-By-Mail

- **When Received By the Board (Via USPS or Drop Box): Agilis**
- Photo of Signature / Scans Unique Bar Code.
- Trained Personnel with Observers Compare Signatures.
- Also Reads USPS Postmark if Received After Election Day (14 Days).
- Only If Passes, Is It Processed Further.
- CBEC Has Two Agilis Machines.



Official Suburban Cook County Ballot Return Envelope

YOU MUST COMPLETE THIS SECTION / USTED TIENE QUE COMPLETAR ESTA SECCIÓN

Voter Certification / Certificado del votante

I certify that I have (or will have) lived at the following address for at least 30 days before Election Day. I have lived here for ____ years and ____ months. I am a United States citizen, legally entitled to vote in this election. I further state that I personally marked the enclosed ballot in secret. Under penalties of perjury as provided by law under Section 29-10 of the Election Code [10 ILCS 5/29-10], the undersigned certifies that the statements set forth in this certification are true and correct.

Certifico que he vivido (o viviré) en la siguiente dirección al menos 30 días antes del Día de la Elección. Vivo aquí desde hace ____ años y ____ meses. Soy un/a ciudadano/a de los Estados Unidos, legalmente autorizado/a para votar en esta elección. Declaro también que he marcado personalmente la boleta adjunta en forma secreta. Bajo pena de perjurio conforme a lo dispuesto por la ley en la Sección 29-10 del Código Electoral [10 ILCS 5/29-10], el/la firmante abajo certifica que las afirmaciones expuestas en este certificado son verdaderas y correctas.

print name / nombre con letra de molde
address / dirección
date signed / fecha en que firma

SIGN HERE
FIRME AQUÍ

signature / firma

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

OFFICIAL ELECTION MAIL

100A1872 - 110320 70-6 7000010-0
0012 0222 CO B01

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO.1649 CHICAGO, IL
POSTAGE WILL BE PAID BY ADDRESSEE

COOK COUNTY CLERK
69 W WASHINGTON ST SUITE 500
CHICAGO IL 60602-9917

You MUST sign, or your vote will not count / Usted TIENE que firmar, o su voto no será contado.
Envelope 702



Early Voting (EV)

- **50** – Ward-based Early Voting sites.
- **1** – Supersite in the Loop, Plus CBEC HQ.
- **100%** - Touch screen devices in the Early Voting sites; voters can vote at any of the EV site and in **12 languages**: (English, Spanish, Chinese (audio in Mandarin dialect), Hindi, Korean, Tagalog, Polish, Gujarati, Urdu, Ukrainian, Arabic, and Russian).
- EV sites become “Vote Centers” on Election Day for voters not at their home precincts.

Early Voting Equipment



Drop Boxes for Vote By Mail Ballots

51 – Drop Boxes secured inside each of the Early Voting locations; only available while the EV site is open.

1 – 24/7 Drop Box – located in the lobby of the Chicago Board of Election Commissioners' Headquarters Building (69 West Washington); under 24/7 guard and video surveillance.



In-Person Election Day Voting at Home Precinct



5 – Average number of Judges of Election per precinct.

2:3 – Political parties of Judges of Election.
Plus: Election Coordinator (Tech Person).

1 – Minimum number of touch screen devices per precinct. (Preference for disabled voters.)

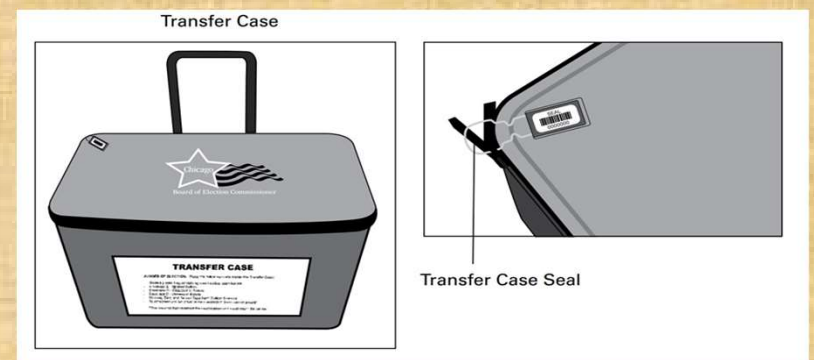
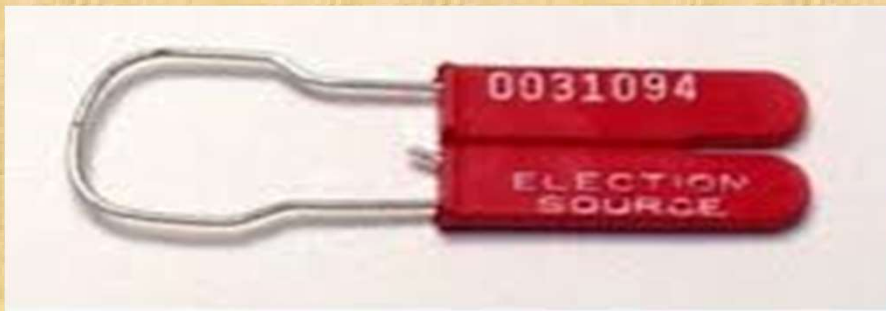
Tabulating and Reporting Results

- This tabulating device ballot box used at all precinct Polling Places and at Early Voting / Vote Center locations.
- High-speed tabulators are used at CBEC HQ for Vote-By-Mail ballots.



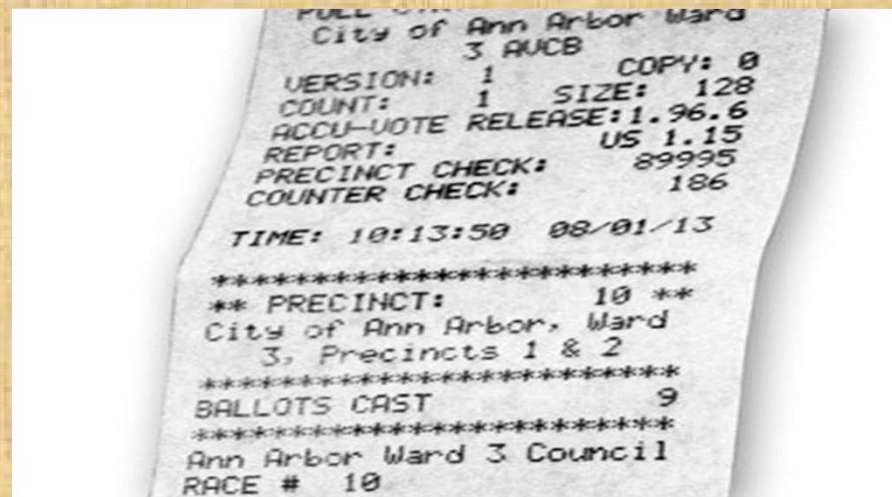
3. Election integrity procedures (security, controls, chain of custody, audits).

- All voting equipment and software must be pre-certified by the US Election Assistance Commission and the Illinois State Board of Elections (ISBE).
- All ballot printers must be certified by the ISBE.
- Before deployed, *EVERY* piece of equipment undergoes “PRE-LAT” (pre-election logic and accuracy testing).
- Physical security devices (e.g., numbered tamper-evident seals, cages, padlocks, etc.) used on election supply carriers, voting equipment, lock boxes, etc. with numbers recorded and verified.
- Extensive chain of custody logs used.
- All counting performed in open with observers present.



Election Integrity Procedures (Cont'd)

- Use of paper ballots along with data storage devices.
- “Air gap” between voting systems and Internet.
- Tallies are completed in the precinct, and unofficial results are transmitted via cellular telephone service. Data packs with official tallies and secured paper ballots are delivered to counting centers / CBEC HQ.
- Thus, double-redundant backups.



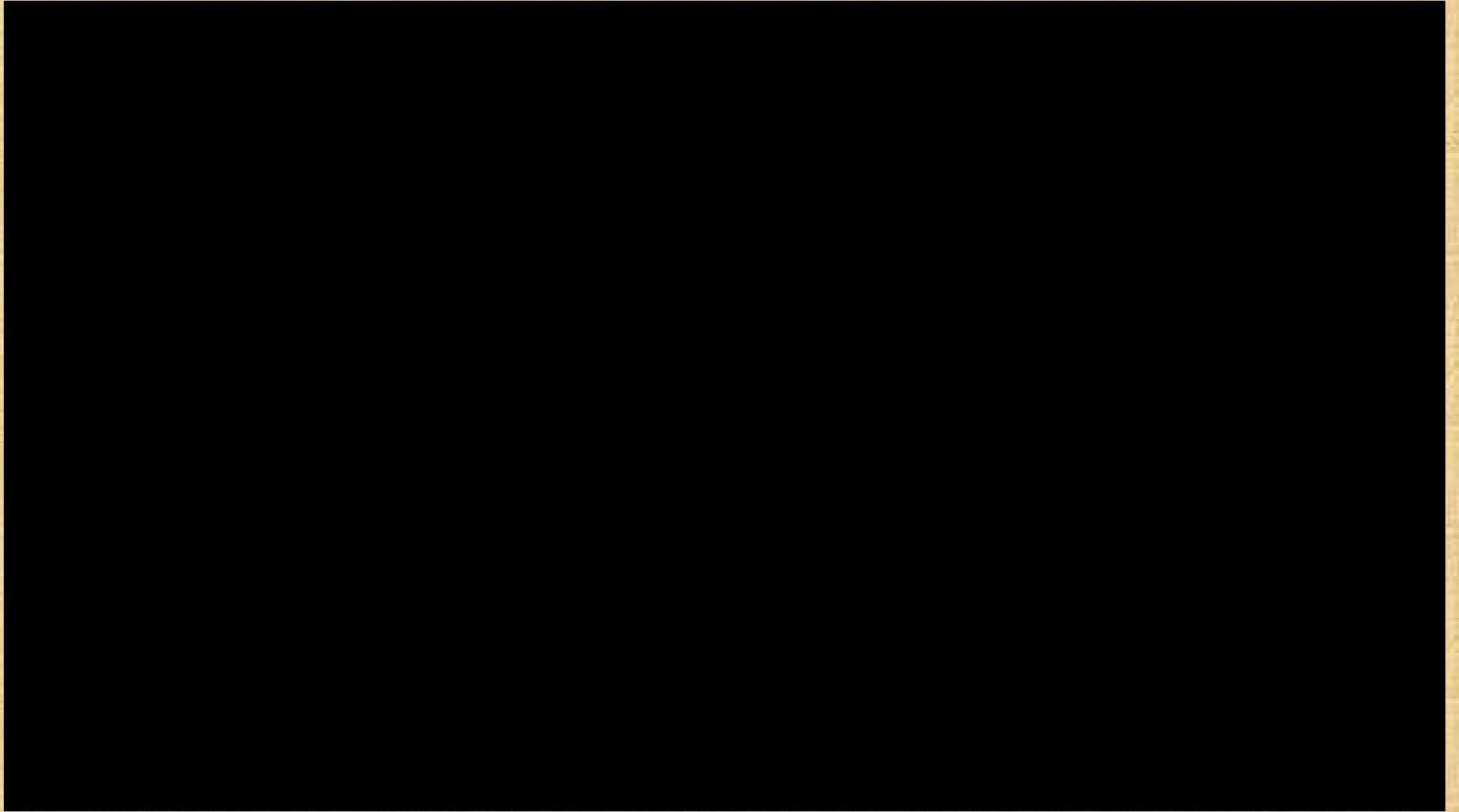
FULL CITY
City of Ann Arbor Ward
3 AUCB
VERSION: 1 COPY: 0
COUNT: 1 SIZE: 128
ACCU-VOTE RELEASE: 1.96.6
REPORT: US 1.15
PRECINCT CHECK: 89995
COUNTER CHECK: 186
TIME: 10:13:50 08/01/13

** PRECINCT: 10 **
City of Ann Arbor, Ward
3, Precincts 1 & 2

BALLOTS CAST 9

Ann Arbor Ward 3 Council
RACE # 10

Why You Can Trust The Voting Machines



Cybersecurity

- **0** – Connections between vote tabulation equipment and the internet (i.e., the “air gap”).
- $\frac{1}{2}$ - Expert on staff with a Ph.D. in Cybersecurity. (Shared with Cook County Clerk Election Department.)
- **100%** - CBEC staff trained in cybersecurity.
- As Elections Systems are considered “Critical Infrastructure,” we are in constant contact with Federal Law Enforcement and National Security Agencies.



Post-Election Audits/Procedures

- Reconciliation of Ballot Request Forms and Ballots Cast
- Illinois law: a post-election audit of ballots in 5% of the precincts, as selected by the ISBE (precincts selected not disclosed until after the election).



And Finally ... How A Ballot Becomes A Vote



Thank You

