

REPORT OF THE COMMITTEE ON FINANCE

April 27, 2006

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Daley, Vice Chairman Steele, Commissioners Claypool, Gorman, Hansen, Maldonado, Moreno, Peraica, Quigley, Silvestri, Sims and Suffredin (12)

Absent: Commissioners Butler, Collins, Goslin and Murphy (4)

Excused Absence: President Stroger (1)

Also Present: Honorable David Orr – Cook County Clerk; Langdon D. Neal – Chairman, Chicago Board of Election Commissioners; Clem Balanoff – Director of Elections, Cook County Clerk's Office; Jack Blaine – President, Sequoia Voting Systems, Inc.; Richard A. Cowen – Commissioner, Chicago Board of Election Commissioners; and Gary Ryczyn – Election Consultant

Court Reporter: Anthony W. Lisanti, C.S.R.

Ladies and Gentlemen:

Your Committee on Finance of the Board of Commissioners of Cook County met pursuant to notice for a public hearing on Thursday, April 27, 2006, at the hour of 10:00 A.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following items and, upon adoption of this report, the recommendations are as follows:

277586 PUBLIC HEARING TO EXAMINE THE ADMINISTRATION OF THE 2006 PRIMARY ELECTION IN ALL ITS ASPECTS (PROPOSED RESOLUTION). Submitting a Proposed Resolution sponsored by John P. Daley, Peter N. Silvestri, Roberto Maldonado and President John H. Stroger, Jr., County Commissioners; Co-sponsored by Forrest Claypool, Elizabeth Ann Doody Gorman, Gregg Goslin, Carl R. Hansen, Joseph Mario Moreno, Joan Patricia Murphy, Anthony J. Peraica, Mike Quigley, Deborah Sims, Bobbie L. Steele, Larry Suffredin, Jerry Butler and Earlean Collins, County Commissioners.

PROPOSED RESOLUTION

WHEREAS the 2.7 million voters in Cook County are divided between two administering jurisdictions, with 1.3 million Chicago residents registered under the aegis of the Chicago Board of Elections, and 1.4 million suburban residents registered under the aegis of the Election Division within the office of the Cook County Clerk, and

WHEREAS the Cook County Clerk and the Chicago Board of Elections have jointly determined it is in the best interests of all voters throughout Cook County to conduct elections under a uniform system that is similar in equipment, design, ballot format, and procedure, in all fifty Chicago wards and thirty suburban townships, and

WHEREAS to achieve the goal of a uniform voting system, and to ensure full

compliance with the Federal "Help America Vote" Act of 2002, the Cook County Clerk and the Chicago Board of Elections cooperated in the joint purchase of a new dual-method voting system for both paper and electronic ballots, and

WHEREAS the new \$54 million system consists of three primary pieces of equipment; an optical scan ballot reader, a voter card activator/consolidator, and a touch screen vote recorder manufactured by Sequoia Voting Systems of California, and

WHEREAS all three pieces of electronic equipment were never before used in any election by the 24,000 election judges throughout Cook County, and complicated new procedures were required to issue, tabulate, consolidate, and process the ballots, and

WHEREAS during prior elections in 2004 and 2002, an average of 90% of all precincts had completed in-precinct counts and reported unofficial totals within one hour of the polls closing at 7:00 pm, and

WHEREAS in the primary election of 2006, the first such election using new ballot formats and vote tabulation equipment, 66% of all Suburban precincts still had not reported results by 11:00 pm, more than four hours after the polls had officially closed, and

WHEREAS fully one week after election day, election authorities in both Chicago and Suburban Cook County were still working to complete the counting of all ballots, and

WHEREAS the confusion and uncertainty surrounding the conduct of the 2006 Primary Election serves to undermine voter confidence in the integrity of the system, now therefore

BE IT RESOLVED, that the Cook County Board of Commissioners will conduct a Public Hearing to examine the administration of the 2006 Primary Election in all its aspects, including functionality and reliability of all hardware and software, training of election judges, design of procedures for the conduct of the election, and the system by which the results were reported and certified by both the Chicago Board of Elections, and the Election Division of the Cook County Clerk's Office, and

BE IT FURTHER RESOLVED that said hearing shall include participation from representatives of the Office of the Cook County Clerk, the Chicago Board of Elections, and Sequoia Voting Systems, Inc., and

BE IT FURTHER RESOLVED that upon the selection of a date, time, and location for this Public Hearing, a notice of same will be issued by the ~~Clerk of~~ Secretary to the Board of Commissioners for publication in a newspaper of general circulation.

***Referred to the Finance Committee as amended on April 5, 2006.**

Commissioner Silvestri requested that a letter from the Village Clerk of the Village of Norridge be made a part of the record. (Attachment #1)

Chairman Daley called upon David Orr, County Clerk, to address the Committee. (Attachment #2)

Chairman Daley called upon Langdon D. Neal, Chairman, Chicago Board of Election Commissioners, to address the Committee. (Attachment #3)

Chairman Daley called upon Jack Blaine, President, Sequoia Voting Systems, to address the Committee. (Attachment #4)

Chairman Daley asked the Secretary to the Board to call on the following public speakers.

- 1) Honorable Maureen Murphy – Commissioner, Cook County Board of Review
- 2) Honorable Irvana Wilks – Mayor, Village of Mt. Prospect
- 3) Robert A. Wilson – Chairperson, Illinois Ballot Integrity Project, Suburban Cook County Chapter
- 4) Bill Wendt – Concerned Citizen
- 5) Hank Browne – Poll Watcher, Citizens for Claypool
- 6) Dave Lundy – President, Aileron Communications
- 7) John Holden – Election Judge
- 8) Marcia Williams – Poll Watcher, 8th Ward
- 9) Philip Lincenberg – Election Judge
- 10) George Clowes – Election Judge, Mount Prospect
- 11) Michelle Kimbrough – Election Judge, Bloom Township
- 12) George Blakemore – Concerned Citizen
- 13) Loise Dobry – Director, Independent Voters of Illinois, Independent Precinct Organization
- 14) Ron Baiman – Vice President, US Countvotes
- 15) Neal Resnikoff – Andersonville Neighbors for Peace
- 16) Gerald Murphy – President, Cook County Chamber of Commerce
- 17) Frank Avila – Legal Counsel, Illinois Committee for Honest Government
- 18) Clare Tobin – Illinois Ballot Integrity Project, City of Chicago Chapter
- 19) Barbara Burchjollia – Concerned Citizen
- 20) Larry Quick – Director – Quick N' Clean Foundation
- 21) Caroline Gibbons – Member, Women for Democracy and Fair Elections
- 22) Chiaka Patterson – Poll Watcher, 8th Ward
- 23) Randi Doeker – Poll Watcher, 7th Ward
- 24) Donna Roehri – Lyons Township Clerk
- 25) Donna Conroy – Web Manager
- 26) Carol Stefan – President, League of Women Voters/Palos-Orland
- 27) Will Crosby – Committee for a Better Chicago
- 28) Marj Halperin – Campaign Manager, Citizens for Claypool
- 29) Raymond Ernest – Poll Watcher, 41st Ward
- 30) Peter Zelchenko – Technologist

Written Statement Only

- 1) Sam Yanover – Concerned Citizen
- 2) Bob Quane – Concerned Citizen
- 3) Michael Smith – Concerned Citizen

Vice Chairman Steele noted the following problem areas, and inquired how these issues will be addressed: human voting materials not delivered on time, lack of available paper, technical problems, jammed machines, machines not properly set, insufficient judge training (judges did not know how to merge the two systems), lack of technical assistance, response, and mechanical and software issues.

Jack Blaine, President of Sequoia Voting Systems, replied: An independent expert has been hired to review the firm and hardware. Judges will receive more hands-on training. A select number of judges, perhaps one per precinct receive extra-intensive training. Technical assistants will receive additional training as well.

Vice Chairman Steele noted that there were occasions when it was not possible to reach the technical assistants.

Mr. Blaine replied that he would look into this issue.

Commissioner Hansen reiterated Vice Chairman Steele's concern that technical assistants were not reachable and needed. He further stated: Having to use two machines and a tabulator is too complicated. Necessary equipment can be borrowed from jurisdictions that are not holding elections. Special bonding or other alternatives should have been sought out to obtain the additional \$20 million that this project required. Machines should be small enough that people of stature can move them. It might be difficult to recruit polling judges for future elections.

Commissioner Maldonado inquired whether, in light of the grievances aired today, Mr. Blaine still stands behind the q

of the mechanical and technological aspects of Sequoia's equipment.

Mr. Blaine replied that the machines will be made more user-friendly and more training will be provided.

Commissioner Maldonado stated that, in California in February of 2006, Sequoia had a 60% failure rate with regular volume testing of both the Insight and the Insight Plus machines. Commissioner Maldonado requested that the source of this citation, page 26 of "Illinois Ballot Integrity Project" be entered into the record. (Attachment #5). Commissioner Maldonado inquired whether Cook County and Chicago were made aware of this fact.

Mr. Blaine stated that he would get back to the Commissioner on whether this statistic is accurate. He noted that Sequoia successfully passed certification requirements in California, and that significant testing was also conducted in Illinois. He further stated that all testing information is public knowledge.

Commissioner Maldonado asked Mr. Blaine whether he believes that Sequoia should be compensated as previously arranged, given the malfunctioning that took place on March 21st.

Mr. Blaine replied in the affirmative.

Commissioner Maldonado inquired whether Sequoia was undertaking any investigation concerning machine malfunctions.

Mr. Blaine replied that Sequoia will be reviewing information supplied by the jurisdictions.

Richard A. Cowen, Commissioner, Chicago Board of Election Commissioners, stated that training has to be rethought. He voiced a concern that there may be systemic problems with the machines and that, to evaluate this possibility, the Chicago Board of Election Commissioners is retaining an independent expert.

Commissioner Maldonado inquired as to what protective provisions or sanctions will be included in the Sequoia contract for November.

Clerk Orr replied that there is a provision that the County can withhold payment if it feels that there has been a breach of contract. He does not believe there has been a breach so far.

Commissioner Maldonado inquired whether the machines being used in November will be the same used in March.

Mr. Blaine replied no, the machines being used in November will possess a new operating system.

Commissioner Maldonado requested that Langdon D. Neal, Chairman of the Chicago Board of Election Commissioners, comment on the issue of provisions and sanctions.

Chairman Neal replied: There will be negative monetary adjustments as a result of the machines' malfunctioning. Also, a mock election will be conducted prior to the November election.

Commissioner Maldonado inquired whether any memory cartridges are missing.

Chairman Neal and Clerk Orr replied in the negative.

Commissioner Murphy stated: First, as a correction to what the first speaker stated, touch screen machines were in use in suburban Cook County; every district that she visited had at least one. Ninety percent of senior citizens who participated in exit polling stated that they liked the touch screen machines. In particular, senior citizens with arthritis were relieved at not having to use punch cards. It is her understanding that every precinct will possess at least one touch screen machine for the November election. She recommends that each touch screen machine have the ability to count all of the precincts within the polling place; this could alleviate problems if one of the machines malfunctions. She believes that privacy will be a large issue in November, when there are crossover votes.

Commissioner Murphy requested leave to ask a question of Gary Ryczyn, Election Consultant. Leave was granted.

Commissioner Murphy asked whether Mr. Ryczyn thought that the problems surrounding the Sequoia equipment's malfunctioning are surmountable in time for the November election.

Mr. Ryczyn replied in the affirmative, noting that training of election judges and voters will be very important.

Commissioner Murphy thanked Carol Stefan, President of the League of Women Voters, Palos-Orland, for her attendance, and for the voter training that her organization performs.

Clerk Orr stated that, in order to engender voter privacy, future training will emphasize that only the voter goes to the scanner unless a judge's assistance is needed, in which case, the security sleeve can be held over the ballot.

Commissioner Gorman thanked all of the speakers for attending, and stated the following: It is her opinion that the Chicago Board of Elections and the Cook County Election Department would be more effective if they were combined into one entity. In all the complaints she has received, all were regarding equipment malfunctioning. None indicated that election judges were at all uncomfortable with the equipment. She inquired whether the sharing of activation cards among machines was problematic.

Mr. Blaine replied in the affirmative, and stated that this sharing would not take place in November. Additionally, in November, only one tape printing will be required for transmittal, instead of the six that were necessary in March.

Commissioner Gorman inquired how many precincts were unable to transmit on the evening of March 21st.

Mr. Blaine replied that, in Chicago, 365 out of 2700 were unable to transmit. Clerk Orr replied that, in suburban Cook County, 275 out of 2380 were unable to transmit.

Commissioner Gorman inquired as to the relevance of the malfunctioning of Pennsylvania's system.

Mr. Blaine replied that this was a different system than that used by Cook County. The malfunctioning there happened in the certification process and was remedied in time for the election.

Commissioner Gorman inquired whether the paper shortage was Sequoia's responsibility.

Mr. Blaine replied that it was a confluence of events that Sequoia would be addressing.

Commissioner Gorman inquired how many Sequoia staff were present or on-call for the primary election.

Mr. Blaine replied: Approximately seventy were available a few days prior to March 21st, on March 21st, and a few days after March 21st. This number far exceeded what was required by contract.

Commissioner Gorman stated that a review should be taken, not only of Sequoia, but of all the vendors that were involved, especially Pickens-Kane Moving & Storage Company and whoever was involved concerning an instructional mailing to election judges that arrived well after the election was over. She stated that many township and municipal clerks were underutilized, especially in cases of transporting ballots. Watchdog groups, voters' leagues, students and many other astute people exist who would like to be involved and who could be utilized. She inquired whether 95% of absentee and early votes were counted.

Mr. Blaine replied in the affirmative.

Commissioner Moreno thanked the public for attending the meeting. He stated: Split precincts – where ballot styles were often mixed up - must be eliminated. Complications of the new equipment interfacing were underestimated. He requested that Mr. Blaine and Chairman Neal pay close attention to the complaints brought forth by the public at this meeting.

Chairman Neal stated that the Chicago Board of Election Commissioners is currently working on a report, which it will present to the Board regarding how to help judges to navigate split precincts and make sure that the correct ballots are distributed. He further stated that there are 290 splits in Chicago, and they are usually the result of redistricting by Congress and the State Legislature.

Commissioner Silvestri stated that he feels he was misled when he was told that the County and Sequoia would have adequate time to implement the voting equipment. He stated that the lack of foresight with regard to problems disturbed him. He inquired whether there were more problems than Clerk Orr had expected.

Clerk Orr stated that there were more, particularly with the scanners.

Commissioner Claypool stated the following concerns: With regard to ballot secrecy, the privacy shield is too unwieldy and impractical. The ballot was too long. (And in the next election there will be two ballots, so the difficulty will be larger.) There was electioneering, aided by the lack of privacy. Regarding ballot security: When machines could not read a ballot, the ballot was dropped into a bin or kept out in the open. Later there was a lot of handling of these ballots. Someone could have filled in the blanks in those ballots that were under-voted. Regarding the transportation of ballots and tapes and the counting downtown: In-precinct-results should be available on election night. There were missing ballots that were supposedly reconciled downtown, but there is no guarantee of this. As of today, there are no precinct-by-precinct results available. In one precinct, the results were highly improbable: Several hundred ballots were cast, and Commissioner Claypool's total was zero. Regarding ballot integrity: Because of lost votes, there is insufficient guarantee that the votes were counted accurately. There were malfunctioning paper systems; voting continued without paper trails. Early votes either did not arrive at the precincts or the judges didn't know that they had arrived; some people voted twice. Early and absentee votes should be physically transported to precincts. Regarding ballot verification: When Commissioner Claypool voted, there was a paper malfunction and he could not read the verification. Other individuals could not get printouts or tapes on election night and were instead told the numbers verbally. Regarding early voting: There is not adequate oversight. (While the State mandates early voting, it provides no funding for oversight.) It is prohibitively expensive for campaigns to devote staff to poll watch over many weeks and sites. Hence, the situation is rife for abuse. In one example of such abuse, senior citizens were bussed in by a special interest group, and the special interest group members accompanied the senior citizens to the polling booths and voted for them. Abuse will only become graver as early voting is more widely utilized.

Chairman Neal replied that the precinct counts have been available for three weeks, and that he would get these results to Commissioner Claypool as soon as possible. He further replied: Early voting will be expanding; the Board of Elections will need funding assistance. The Board will be modifying the privacy sheaths. Most large jurisdictions perform a central count; the trend is away from precinct counts. The issue of the tapes will be addressed.

Chicago Board of Election Commissioner Cowen made the following reply to Commissioner Claypool: Electronic voting affords greater privacy. There was funding available for only one electronic voting system per precinct. Judges need to be trained to encourage voters to use this technology.

Commissioner Peraica stated that the following problems had come to his attention: cartridges misplaced for several weeks, missing electrical cords, difficult-to-find switches on voting equipment, and lack of bathroom facilities. He inquired as to what is needed to avoid these problems in November.

Mr. Blaine replied that converting to an entirely DRE system would be the safest option.

Clerk Orr agreed to provide to Chairman Daley the cost of leasing DRE systems for all 5000 precincts.

Commissioner Peraica inquired whether the March election used an "Optic Eagle."

Clerk Orr replied in the negative.

Commissioner Peraica inquired whether Sequoia is traded on NASDAQ or adheres to public disclosure practices.

Mr. Blaine replied in the negative.

Commissioner Peraica inquired what technical problems existed with the machines deployed on election day, and what measures are being taken to fix them.

Mr. Blaine stated that they don't know the number of technical problems yet. He stated improvements will be made to the machines at no cost to the County.

Chairman Neal stated that while it is an option to hold the vendor responsible for payment for a consultant, at this time it is the responsibility jointly of Cook County and the City. He further stated that he would inform the Cook County Board of Commissioners if his office plans to proceed with the hiring of a consultant.

Clerk Orr stated that the reason that an independent consultant would be retained would be to obtain a review that is made independently of the vendor.

Commissioner Peraica stated that the payment for elections judges is insufficient. He further stated that Clem

Balanoff, Director of Elections, indicated to him that the equipment had been certified with a software glitch uncorrected.

Mr. Balanoff replied that the glitch did not affect the accuracy of the result.

Commissioner Peraica inquired whether the Board will receive a report regarding the elections equipment scheduled to be leased for the November election.

Mr. Blaine replied that the Board will be receiving a report on the "Edge" and "Insight" machines as well as the firmware and hardware that support them. Also, a mock election will be staged, and a report on this will be supplied to the Board.

Chairman Neal replied that he would try to obtain a detailed report from the State Board of Elections on the equipment being used in the November election. He further stated that although typically the State Board of Elections does not publish detailed reports, he believes that this situation warrants it.

Commissioner Peraica inquired as to when Sequoia will furnish the County Board with a report addressing the number and nature of the technical problems possessed by the election equipment used in the March elections.

Mr. Blaine replied that the County Board will receive this report by July 1, 2006.

Commissioner Peraica inquired as to a suit filed against Sequoia in the state of Washington.

Mr. Blaine replied that that suit had been dropped.

Commissioner Sims inquired whether the equipment used by Cook County in the March elections is state-of-the-art.

Mr. Blaine replied in the affirmative.

Commissioner Sims inquired whether the software being used by the equipment in November will be compatible to any upgraded machines the County might move to.

Mr. Blaine replied in the affirmative.

Commissioner Sims inquired whether the equipment can be enhanced to accommodate any change in requirements that the government might impose.

Mr. Blaine replied that Sequoia cannot foresee what future requirements the government might impose.

Commissioner Sims asked whether the boxes with voting information are locked before they leave the precinct.

Clerk Orr replied in the affirmative. He added that results, tapes and other information go to the receiving station. From there it goes immediately downtown to be counted.

Commissioner Sims recommended that the training-group size for judges be decreased.

Clerk Orr replied that the ratio they were attempting to achieve was one machine per one trainer per ten judges.

Commissioner Sims recommended that the judges be provided with a tape that they can watch at home as part of their training, and that each judge be required to sign for the tape.

Chairman Neal replied that this type of tape was sent to judges who could not attend training; the tape was also running all day in the polling place.

Commissioner Sims suggested that if a judge has a history of serving in a particular polling place, that his request to remain in that place be honored.

Chairman Daley requested that Chairman Neal and Clerk Orr list for the record how many polling judges were not in attendance.

Chairman Neal replied approximately 20% of 3000 judges were not in attendance.

Clerk Orr replied that approximately 1000 judges were not in attendance.

Commissioner Sims asked what explanation there is for the non-attendance.

Clerk Orr replied that in addition to sickness and being called out of town, many found the new technology too complicated.

Commissioner Sims inquired as to the effectiveness of the extra County personnel, precinct representatives and students who were dispatched on election day.

Clerk Orr replied that these personnel were well trained and effective. He stated that he will be giving a report to the Commissioners regarding this issue.

Commissioner Hansen stated that at one training session of which he was made aware, ballot scanners, sample ballots, and cartridges from the ballot scanner were not available; due to the absence of these, the process of consolidation could not be demonstrated. He further stated that election judges were originally set up as an adversarial board; this balance should be preserved and kept in mind when adding other personnel. Commissioner Hansen further stated that decentralization is one of the Cook County's election process' strength. He inquired how many split precincts exist.

Clerk Orr agreed to provide this number to the Board.

Commissioner Hansen inquired whether the County can convert to an entirely digital touch screen voting system. He stated that our objective should be to lead the nation in elections.

Clerk Orr replied that if security issues can be overcome and the funding is available, it is possible.

Commissioner Hansen requested that Clerk Orr address this issue in the report he submits to the Board.

Commissioner Suffredin noted that on March 21st, Cook County was the only jurisdiction holding an election, whereas on November 7 Sequoia will have equipment in twenty states. He inquired whether Sequoia will be able to provide the appropriate technical assistance and personnel on November 7th as it did on March 21st.

Mr. Blaine replied in the affirmative.

Commissioner Suffredin further noted that, after November 7th, Cook County elections will continue into February and April of 2007. He inquired whether Sequoia has the requisite technical ability and the ability to provide the necessary assistance in these elections as well.

Mr. Blaine replied in the affirmative.

Commissioner Suffredin delivered the following explanation of the proposed amendment: The amendments requires a monthly report to the Finance Committee on each point of both the Chicago Board of Election's eleven-point corrective plan and the ten-point corrective plan of the Cook County Clerk. The amendment further requires, by June 15, a plan as to equipment modifications as needed for the election.

AMENDMENTS TO COMMUNICATION NUMBER 277586:

The following amendment is sponsored by Commissioners Suffredin, Daley, Silvestri, Maldonado and President Stroger; Co-sponsored by Commissioners Claypool, Gorman, Goslin, Hansen, Moreno, Murphy, Peraica, Quigley, Sims, Steele, Butler and Collins.

AMENDMENTS TO PROPOSED RESOLUTION

WHEREAS the 2.7 million voters in Cook County are divided between two administering jurisdictions, with 1.3 million Chicago residents registered under the aegis of the Chicago Board of Elections, and 1.4 million suburban residents registered under the aegis of the Election Division within the office of the Cook County Clerk, and

WHEREAS the Cook County Clerk and the Chicago Board of Elections have jointly determined it is in the best interests of all voters throughout Cook County to conduct elections under a uniform system that is similar in equipment, design, ballot format, and procedure, in all fifty Chicago wards and thirty suburban townships, and

WHEREAS to achieve the goal of a uniform voting system, and to ensure full compliance with the Federal "Help America Vote" Act of 2002, the Cook County Clerk and the Chicago Board of Elections cooperated in the joint purchase of a new dual-method voting system for both paper and electronic ballots, and

WHEREAS the new \$54 million system consists of three primary pieces of equipment; an optical scan ballot reader, a voter card activator/consolidator, and a touch screen vote recorder manufactured by Sequoia Voting Systems, Inc. of California, and

WHEREAS all three pieces of electronic equipment were never before used in any election by the 24,000 election judges throughout Cook County, and complicated new procedures were required to issue, tabulate, consolidate, and process the ballots, and

WHEREAS during prior elections in 2004 and 2002, an average of 90% of all precincts had completed in-precinct counts and reported unofficial totals within one hour of the polls closing at 7:00 pm, and

WHEREAS in the primary election of 2006, the first such election using new ballot formats and vote tabulation equipment, 66% of all Suburban precincts still had not reported results by 11:00 pm, more than four hours after the polls had officially closed, and

WHEREAS fully one week after election day, election authorities in both Chicago and Suburban Cook County were still working to complete the counting of all ballots, and

WHEREAS the confusion and uncertainty surrounding the conduct of the 2006 Primary Election serves to undermine voter confidence in the integrity of the system, ~~now therefore~~ and

WHEREAS the Cook County Board of Commissioners Committee on Finance held a public hearing to examine the administration of the 2006 primary election on April 27, 2006. Such hearing included participation from representatives of the Office of the Cook County Clerk, the Chicago Board of Elections and Sequoia Voting Systems, Inc;

~~**NOW THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners will conduct a Public Hearing to examine the administration of the 2006 Primary Election in all its aspects, including functionality and reliability of all hardware and software, training of election judges, design of procedures for the conduct of the election, and the system by which the results were reported and certified by both the Chicago Board of Elections, and the Election Division of the Cook County Clerk's Office, and~~

~~**BE IT FURTHER RESOLVED** that said hearing shall include participation from representatives of the Office of the Cook County Clerk, the Chicago Board of Elections, and Sequoia Voting Systems, Inc., and~~

~~**BE IT FURTHER RESOLVED** that upon the selection of a date, time, and location for this Public Hearing, a notice of same will be issued by the Clerk of Secretary to the Board of Commissioners for publication in a newspaper of general circulation.~~

BE IT RESOLVED that the Chicago Board of Elections have agreed to do the following to improve the administration of the 2006 General Election:

1. Retain an outside computer expert from a major university or high tech corporation to review all software and firmware in the current voting system, with the objective of streamlining and speeding up vote processing and reporting.
2. Appoint an administrative judge in every precinct who would receive extensive training and extra pay to ensure that the proper procedures are followed on election day. This person would be a temporary Board employee, such as those hired for the early voting program.
3. Create new procedures to simplify and expedite the merging and transmission of vote totals from the precinct polling place to the Board's central computer.

4. Extensively test all optical scanners to determine if problems existing in jamming. There were reports from some precincts that the 21 inch ballot caused the scanners to jam.
5. Create a program to interview judges of election in all 365 precincts that did not report vote totals on election night to determine if this was caused by human error, mechanical failure, or a combination of the two.
6. Conduct a random survey of judges of election and voters to determine if there were any undetected election day problems, complaints, or suggestions regarding the new voting equipment.
7. Recruit judges of election with technology skills and experience.
8. Stock the 25 Election Board receiving stations with extra supplies and equipment for speedier distribution to polling places.
9. Assign additional roving technical support to expedite responses to equipment breakdowns.
10. Increase the number of telephone lines and personnel at Election Central to answer calls and complaints.
11. Improve telephone communication with polling places and judges of election.

BE IT FURTHER RESOLVED THAT THE Office of the Clerk of Cook County has agreed to do the following to improve the administration of the 2006 General Election:

1. Provide Additional Judge Training
2. Create New "Equipment Manager" Election Judge Post
3. Examine Problems with Optical Scanners
4. Fix Problems with the Touch-Screen Card Activator/Accumulator
5. Address Printer Issues
6. Review Accumulation and Transmission of Results
7. Re-test Software and Equipment Prior to the November election
8. Re-evaluate Receiving Station Structure
9. Expedite Retrieval of Vote Totals If Transmission Fails
10. Improve Repair Station Response

AND, BE IT FURTHER RESOLVED that beginning June 1, 2006, the Chicago Board of Elections and the Office of the Clerk of Cook County shall report on a monthly basis to the Finance Committee of the Cook County Board of Commissioners on the progress of the implementation of each of the action points they have agreed to do for the improvement of the administration of the 2006 General Election.

Additionally, Commissioner Hansen offered the following amendment, as the final paragraph of the proposed, amended resolution, as follows:

BE IT FURTHER RESOLVED, that by June 15, 2006 the Chicago Board of Elections and the Clerk of Cook County shall provide a proposal to make such improvement and/or substitution of voting equipment needed.

Commissioner Suffredin, seconded by Commissioner Hansen, moved to amend the Proposed Resolution (Communication No. 277586), as fully described above. The motion to amend carried.

Commissioner Suffredin, seconded by Commissioner Murphy, moved that the Resolution (Communication No. 277586) be approved and adopted, as amended. The motion carried.

Commissioner Suffredin, seconded by Commissioner Silvestri, moved that the Resolution, as amended (Communication No. 277586) shall also remain in Committee to provide and allow for monthly reports from both election authorities. The motion carried.

277590

A RESOLUTION ORDERING THE COOK COUNTY CLERK TO WITHHOLD PAYMENTS TO SEQUOIA VOTING SYSTEMS, INC. (PROPOSED RESOLUTION). Submitting a Proposed Resolution sponsored by Roberto Maldonado, County Commissioner.

The attached resolution will be added to the New Items Agenda for the April 5, 2006 Cook County Board meeting. I will request that this item be referred to the Committee on Finance for further review and discussion.

The resolution orders the Cook County Clerk to withhold payments to Sequoia Voting Systems, Inc. for the electronic election machinery supplied to Cook County until a full and complete public hearing and investigation determines the extent that Sequoia's voting equipment contributed to any errors on election day and to the extreme delay in the March 21, 2006 Primary Election results.

PROPOSED RESOLUTION

WHEREAS, every United States citizen has a right to participate in our democracy by casting a vote for their chosen elected official in an election administered through a fair and accurate voting process; and

WHEREAS, the Cook County Board of Commissioners is committed to the integrity of each vote cast by its residents and has entrusted the Cook County Clerk's office to administer and protect its election process; and

WHEREAS, responding to the "hanging chads" debacle of the 2000 presidential election, Congress sought to fix our voting process by implementing electronic voting, also known as "e-voting", through the Help American Vote Act (HAVA), and released \$2 billion in federal funds to modernize state's voting systems by January 1, 2006; and

WHEREAS, in 2005, the Cook County Board, in compliance with the HAVA mandate, approved the Cook County Clerk's office recommendation of California-based Sequoia Voting Systems, Inc. to provide updated voting equipment for the suburban county precincts at a cost of \$23.8 million; and

WHEREAS, the Chicago Board of Election Commissioners also selected Sequoia Voting Systems, Inc., approving a \$28 million contract for new voting equipment in the city of Chicago; and

WHEREAS, in the March 21, 2006 Primary Election, Sequoia Voting Systems, Inc. launched its dual-machine e-voting system consisting of touch screen machines (primarily to aid persons with disabilities, but available to all voters) and paper ballot optical scanners; and

WHEREAS, with widespread reports of equipment failure coupled with human error resulting from using new technology, the 2006 Primary Election will be remembered as a ballot counting disaster, with problems delaying final vote counts for nearly a full week after election day, compared to the old-style punch card system which tabulated 90 percent of the votes within one hour of the closing of the polls; and

WHEREAS, although election judges were required to participate in a three-hour instructional class as mandated by the Illinois Board of Election Commissioners, roughly 4,000 of the 14,000 election judges in Chicago failed to attend a training session for the new equipment, according to Daniel W. White, Executive Director of the Illinois Board of Elections; and

WHEREAS, reports of equipment failure permeated election day, when optical scanners broke down and machines failed as election judges tried to merge voting results of the two systems at the close of polls; and

WHEREAS, defective and damaged memory cards containing vote totals prevented data from being sent via cellular technology to the central counting centers and instead data cartridges were sent via taxi to the central office; and

WHEREAS, one day after the polls closed, Chicago was missing 252 memory cartridges with another 162 memory cartridges unaccounted for in suburban Cook County; and

WHEREAS, reports of Sequoia machine malfunctions in counties across the nation during the 2004 election, including Bernalillo and Sandoval Counties in New Mexico, Snohomish County in Washington and Palm Beach County in Florida may have foreshadowed Cook County's problems with the new voting machines; and

WHEREAS, the implementation of "modernized" e-voting equipment in Cook County's March 21 Primary Election left many candidates, participants in the election, public officials, and voters questioning the integrity of the voting process and highly skeptical of the upcoming General Election in November.

NOW, THEREFORE, BE IT RESOLVED, that we the Cook County Board of Commissioners do hereby order the Cook County Clerk to withhold scheduled payments to Sequoia Voting Systems, Inc. for the election machinery supplied to Cook County until a full and complete public hearing and investigation determines the extent that Sequoia's voting equipment contributed to any errors on election day and to the extreme delay in the March 21, 2006 Primary Election results, which may prove Sequoia failed to meet its contractual obligations to the County.

***Referred to the Finance Committee on April 5, 2006.**

Commissioner Silvestri, seconded by Commissioner Suffredin, moved to defer consideration of the Proposed Resolution (Communication No. 277590). The motion to defer carried.

Commissioner Silvestri moved to adjourn the meeting, seconded by Commissioner Murphy. The motion carried and the meeting was adjourned.

Respectfully submitted,
Committee on Finance

XX
John P. Daley, Chairman

Attest:

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Michelle Harris, Secretary

The transcript for this meeting is available in the Office of the Secretary to the Board, 118 North Clark Street, Room 567, Chicago, Illinois 60602.