INDIANA ELECTION COMMISSION
PUBLIC SESSION NOTICE

The Indiana Election Commission will convene a public meeting at 1:00 p.m. EDT on Friday, September 23, 2016, at the Election Division offices, Indiana Government Center South Room E-204, 302 West Washington Street, Indianapolis, pursuant to Indiana Code 5-14-1.5-5.

AGENDA

1. Call to Order and Determination of Quorum (Chairman Bennett)
2. Documentation of Compliance with Open Door Law (Co-Directors)
3. Approval of July 27, 2016 Commission Minutes (Members)
4. Campaign Finance Matters (Ms. Taylor and Ms. Thompson)
   Ratification of Campaign Finance Settlement Agreements
   Approval of Campaign Finance Enforcement Orders
5. Voting System Technical Oversight Program Activity Report
6. Adjournment

For more information contact:
J. Bradley King, Co-Director, Indiana Election Division (317) 232-3939
Angela M. Nussmeyer, Co-Director, Indiana Election Division (317) 232-3939

Notice posted in accordance with IC 5-14-1.5 on September 12, 2016
APPOINTMENT OF PROXY

THE UNDERSIGNED, Zachary E. Klutz, a member of the Indiana Election Commission, ("Commission") hereby appoints Stephanie Beckley as his Proxy of Record, pursuant to Indiana Code IC 3-6-4.1-8, to act on his behalf as follows:

1. To attend the public meeting of the Indiana Election Commission on September 23, 2016.

2. To serve as a full voting member of the Commission on that date during the Commission's consideration of any matter.

This Appointment of Proxy expires at the adjournment of the September 23, 2016 Commission meeting.

Date: September 22, 2016

Zachary E. Klutz
Member, Indiana Election Commission
APPOINTMENT OF PROXY

THE UNDERSIGNED, S. Anthony Long, a member of the Indiana Election Commission, ("Commission") hereby appoints Mike Claytor as his Proxy of Record, pursuant to Indiana Code IC 3-6-4.1-8, to act on his behalf as follows:

1. To attend the public meeting of the Indiana Election Commission on September 23, 2016.

2. To serve as a full voting member of the Commission on that date during the Commission's consideration of any matter.

This Appointment of Proxy expires at the adjournment of the September 23, 2016 Commission meeting.

Date: September 23, 2016

S. Anthony Long
Member, Indiana Election Commission
Indiana Election Commission
Minutes
September 23, 2016

Members Present: Bryce H. Bennett, Jr., Chairman of the Indiana Election Commission (the Commission); Michael A. Claytor, as proxy for Vice Chairman of the Commission S. Anthony Long; Suzannah Wilson Overholt, member; Stephanie Beckley, as proxy for member Zachary E. Klutz,

Members Absent: S. Anthony Long, Vice Chairman of the Commission; Zachary E. Klutz, member.

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Angela Nussmeyer, Co-Director of the Election Division; Dale Simmons, Co-General Counsel of the Election Division; Matthew Kochevar, Co-General Counsel of the Election Division; Michelle Thompson, Campaign Finance Co-Director; Abbey Taylor, Campaign Finance Co-Director; Patrick Becker, Special Projects.

Also Attending: Dr. Jay Bagga; Dr. Joseph Losco; Aniketh Ramname.

1. Call To Order

The Chairman called the September 23, 2016 meeting of the Commission to order at 1:00 p.m. in the Indiana Government Center South, Room E204 at 302 West Washington Street, Indianapolis, Indiana.

2. Transaction of Business

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for the meeting prepared by Diane Zeyen of Connor Reporting. This document is incorporated by reference into these minutes, with the following corrections.

Page 11, Line 3, replace “board of” with “report on”.

Respectfully Submitted,

J. Bradley King
Co-Director

Angela M. Nussmeyer
Co-Director
APPROVED:

Bryce H. Bennett, Jr.
Chairman
In the Matter Of:

INDIANA ELECTION COMMISSION HEARING

TRANSCRIPT OF HEARING

September 23, 2016
INDIANA ELECTION COMMISSION

INDIANA ELECTION DIVISION

PUBLIC MEETING

Conducted on: September 23, 2016

Location: Election Division Offices
Indiana Government Center South
Room E-204
302 West Washington Street
Indianapolis, IN 46204

A STENOGRAPHIC RECORD BY:

Diane Zeyen
Notary Public/RPR
APPEARANCES:

INDIANA RECOUNT COMMISSION:

Mr. Bryce Bennett - Chairman

Ms. Suzannah Wilson Overholt - Commission Member

Mr. Michael A. Claytor - Proxy for Member Vice Chairman Anthony Long

Ms. Stephanie Beckley - Proxy for Member Zachary Klutz

INDIANA RECOUNT DIVISION STAFF:

Mr. Brad King - Co-director

Ms. Angie Nussmeyer - Co-director

Mr. Matthew R. Kochevar - Co-general counsel

Mr. Dale Simmons - Co-general counsel

Ms. Michelle Thompson - Campaign Finance Coordinator

Mr. Patrick Becker - Special Projects

VSTOP, BALL STATE UNIVERSITY:

Dr. Jay Bagga - Co-director

Mr. Aniketh Ramname - Project manager
CHAIRMAN BENNETT: I call to order the
Indiana Election Commission Public Session for
Friday, September 23rd, 2016. The time is 1:00,
Eastern Daylight Time, and we are here to
prepare to proceed.

The following members of the Commission are
present: Myself, Bryce Bennett; we have
Mike Claytor, as proxy for Vice Chairman
Anthony Long; we have Member Suzannah Wilson
Overholt here; and we have Stephanie Beckley, as
proxy for Member Zachary Klutz.

The Indiana Election Division staff is
Co-director Brad King and Co-director
Angie Nussmeyer. Co-general counsels,
Matthew Kochevar and Dale Simmons.

The court reporter is Diane Zeyen from
Connor Reporting, and supporting her is
Elizabeth Long.

Before we begin, I want to remind everyone
on behalf of the court reporter to identify
yourself when beginning to speak, spell your
name when identifying yourself, speak clearly,
do not speak at the same time as others.

And I would call for a documentation of
compliance with the Open Door Laws and request
that the co-directors confirm that the
Commission meeting has been properly noticed as
required under the Open Door Law.

MR. KING: Mr. Chairman, members of the
Commission, the notice for this meeting was
posted in compliance with the Open Door Law.

CHAIRMAN BENNETT: Thank you.

At this point we will turn to the minutes
and ask for a presentation by Mr. King and
Ms. Nussmeyer.

MR. KING: Mr. Chairman and members of the
Commission, Co-director Nussmeyer and myself
have reviewed the minutes of July 27, 2016, and
recommend them to you for your approval.

CHAIRMAN BENNETT: Very well.

Is there a second to that motion? Let's
have a motion.

MR. CLAYTOR: I will make the motion to
approve those minutes.

CHAIRMAN BENNETT: Do we have a second?

MS. BECKLEY: I will second them.

CHAIRMAN BENNETT: We have a motion and a
second. All in favor say aye.

(Ayes.)

CHAIRMAN BENNETT: All opposed say nay.
The ayes have it and the minutes are approved. And we'll now sign the minutes.

Thank you, Mr. King.

Let's turn now to ratification of campaign finance settlement agreements and ask for a presentation by Ms. Taylor and Ms. Thompson.

MS. THOMPSON: I'm Ms. Thompson.

Mr. Chairman, members of the Commission, in your packet there, under the campaign finance tab, is the list of committees to ratify that have agreed to pay the settlement agreement and waive the hearing. There you go.

CHAIRMAN BENNETT: Okay. Is there a motion to ratify the campaign finance settlement agreements as presented?

MR. CLAYTOR: Mr. Chairman, just in the interest of full disclosure, I regret to say that, once again, I am one of the miscreants in the list. That is just for the purpose of disclosure. I'm not recusing myself on this matter, but I prefer someone else make the motion to approve.

CHAIRMAN BENNETT: I think that would be a good idea. Thank you for that disclosure.

MS. WILSON OVERHOLT: I will move for
CHAIRMAN BENNETT: We have a motion for ratification. Is there a second?

MS. BECKLEY: I will second.

CHAIRMAN BENNETT: I have a motion and a second. All in favor say aye?

(Ayes.)

CHAIRMAN BENNETT: All opposed say nay.

The ayes have it. The motion to ratify the agreements is adopted. Thank you.

We now turn to the adoption of campaign finance enforcement orders and, again, ask for a presentation by Ms. Taylor and Ms. Thompson.

MS. THOMPSON: Mr. Chairman, members of the Commission, Orders No. 2016-13 through 2016-170 have been prepared from the actions taken at the July 27th meeting and these orders are ready for adoption.

CHAIRMAN BENNETT: Is there a motion to adopt these orders and to authorize the Election Division to use the signature stamps of Commission members to indicate this adoption?

MR. CLAYTOR: So moved.

CHAIRMAN BENNETT: Motion. Is there a second?
MS. BECKLEY: I will second.

CHAIRMAN BENNETT: A motion and a second.

Any discussion?

Hearing none, all in favor say aye.

(Ayes.)

CHAIRMAN BENNETT: All opposed say nay.

The ayes have it and the motion is adopted.

I will now ask for administration of oath to individuals testifying before the Commission and ask Mr. Simmons to administer that oath.

And everyone present who plans to testify, please stand for the administration of the oath.

MR. SIMMONS: Please stand and raise your right hand, say I do after the administration of the oath.

(Witnesses sworn.)

CHAIRMAN BENNETT: Thank you.

I now recognize Dr. Joseph Losco at Ball State University, which administers -- and Jay Bagga is here in place of Dr. Losco today, and this is a Ball State University organization which administers the Voting System Technical Oversight Program, and I would ask for a presentation from Mr. Bagga concerning the voting systems.
DR. BAGGA: Thank you, Mr. Chairman,

members of the Commission.

am the co-director of the Voting System
Technical Oversight Program. I am here to
report on the progress of software modifications
and manual procedures under the SEA 61.

I would first like to report on the
approved vendors for which the software
modifications were approved. And those are
MicroVote and Unisyn.

MicroVote and Unisyn both made software
modifications to their systems that are
certified in Indiana to comply with the changes
in SEA 61. And those changes have been approved
and are now in the process of being implemented
in the field.

MicroVote, which has 47 counties, has done
it for 37 of those and has sent the
communication to IED and to us saying that
others should be completed by the end of
September.

The second vendor, Unisyn, has four
counties, and those four counties are Floyd and
Jackson, and those implementations of the
modified software were completed the week of
August 29th. And the other two counties are
Vigo and Montgomery, and those software
modification implementations were also completed
during the week of September 6th.

So all of the four counties have now the
new modified system, which has been approved.

CHAIRMAN BENNETT: That's good news.

Anything else?

DR. BAGGA: Yes.

CHAIRMAN BENNETT: With regard to Unisyn
and MicroVote?

DR. BAGGA: No, that's it.

CHAIRMAN BENNETT: Well, thank you,

Dr. Bagga, for that.

Now would you please proceed regarding
Dominion Voting Systems and their AccuVote GEMS
Voting System.

DR. BAGGA: Thank you, Mr. Chairman.

Dominion is one of the vendors which has
been approved for manual procedures for the
overvoted 3-12-1-7(f) section in SEA 61. These
procedures were tested at the lab and were
approved by this Commission following VSTOP's
recommendation.
Following the resolution of 2016-1 that was approved by the Commission, VSTOP received a communication from Dominion Voting Systems/GBS on August 26th that product advisories with step-by-step instructions for all compliance with Indiana Code, including IC 3-12-1-7(f), have been sent to all the counties on August 4th, 2016. And there are 20 counties that Dominion serves.

VSTOP had earlier reported to the Commission on July 27th, and that's included in your report as Appendix B, that these changes were approved by Pro V&V Labs and were found to be accurate and in conformance with Indiana Election Code.

In addition, Dominion and its service provider, GBS, have also indicated that they are taking the following steps, which are detailed in the Appendix A, included in your report. GBS is currently attending or will attend election board meetings in all of its counties to help explain the enclosed advisories.

GBS will also provide these counties with assistance as needed for the implementation of the manual procedures.
CHAIRMAN BENNETT: Is there anything else from you, Dr. Bagga?

DR. BAGGA: That's the board of Dominion.

CHAIRMAN BENNETT: Is there a representative of Dominion present who wishes to testify regarding this matter?

Are there any questions or discussion from the Commission members?

Hearing none, let's move to Election Systems and Software Voting Systems.

Do you have a status report on that, Dr. Bagga?

DR. BAGGA: Thank you, Mr. Chairman.

Following the IEC Resolution 2016-2, VSTOP received a communication from Election Systems and Software that the vendor had developed a method for programming elections that will bring three of their systems certified in Indiana with full compliance with Indiana election law, including IC 3-12-1-7(f). And that report is included in Appendix A, in the report presented to you.

This solution uses a simple recording of the election definition. And with this programming of election definition, the systems,
Unity 3.0.1.0, Unity 3.4.1.0, and EVS 5.2.0.0, are now in compliance and have been tested.

The only exception where this method of programming elections does not work is the Unity 3.0.1.0 Optech Eagle, because that's an older system. And that's used by three counties; Clark, Crawford, and Dearborn.

For those counties, ES&S will use the manual procedures, which were also tested and approved by the lab and approved by this Commission.

ES&S has communicated to us that they will provide advisories to these counties and be ready to help them with any assistance that may be needed in following these manual procedures.

CHAIRMAN BENNETT: Have you had any communications with ES&S with regard to upgrades for those counties?

DR. BAGGA: The programming election matter that has been developed by ES&S does not require any software modification or upgrades, so ES&S will not be needing to go through any modifications.

CHAIRMAN BENNETT: Okay.

DR. BAGGA: This will be a programming of
elections in which they would create elections that would make sure that the overvoted ballots, which will be 3-12-1-7(f), are counted properly in compliance with the law.

The way this happens is that they would, in the programming of N of M elections, where there are multiple candidates, they would not declare them with their parties in the election programming.

There is another field that's allowable in the programming where the party is selected. So if a voter overvotes in 3-12-1-7(f), these votes will not be counted, because they're not considered straight-party votes for that particular race.

CHAIRMAN BENNETT: Specifically I am interested in the Clark, Dearborn, and Crawford counties.

DR. BAGGA: The three counties, Clark, Crawford, and Dearborn, use Unity 3.0.1.0 Optech Eagle Systems.

Now these systems do not conform to the change election programming that ES&S is employing for its other systems. So the Unity 3.0.1.0 Optech Eagle Systems will still
have to follow manual procedures. And
advisories have been issued for those manual
procedures for this election.

CHAIRMAN BENNETT: Is there any time by
which those systems are expected to be upgraded
so manual procedures wouldn't be required?

DR. BAGGA: Yes. So for the election, the
manual procedures will be followed.

ES&S has been in communication with these
counties about upgrades to their systems. And
we have a communication from ES&S that I was
going to come to about what their plans might be
after the election.

So here is the communication from ES&S
about these three counties. Crawford County is
currently planning to remain on Unity 3.0.1.0,
but they will change their Optech Eagle Systems
with M100's, which do conform to the new
election code, and iVotronic ADA devices.

There is a potential that they will be
replacing the iVotronic ADA devices with
AutoMARK. In that case, they will upgrade to
Unity 3.4.1.0.

So, Mr. Chairman, these counties are still
under discussion with the election boards as to
what the final move would be. But they are
planning to move to systems which are not using
Optech Eagle.
Clark County will upgrade to EVS 5200, with
DS200's, DS850, and AutoMARK.
And, finally, Dearborn County will be
upgrading to Unity 3.4.1.0 with M100's and
AutoMARK.
And, again, this is the latest information
that ES&S has regarding these counties until
they have obtained their respective final board
approvals and contracts are in place. So these
are still under negotiation, which will happen
after the election.
CHAIRMAN BENNETT: What are the manual
procedures that are -- how does the lab test
manual procedures?
DR. BAGGA: So for the manual procedures
for these three counties, with the Eagles,
overvoted ballots for 3-12-1-7(f) may or may not
be accepted by the machine as they are voted
through the scanner.
They are returned to the voter with
instructions to correct the overvoted ballot.
So if the voter so agrees, then the voter can
correct that ballot and resubmit the ballot.

But if the voter insists on submitting the
ballot as overvoted ballot, then that ballot has
to be recovered after the election. And that's
done through election department manager. And
that's what the manual advisories explain.

The overvoted ballots with 3-12-1-7(f) have
to be outstacked from the stack of ballots that
are voted and then they have to be manually
adjudicated, which means that if there is an
overvoted mark in 3-12-1-7(f), the N of M races
will have to be deducted. Each mark made for an
N of M race will have been counted and they will
have to be deducted. That's a manual
adjudication.

CHAIRMAN BENNETT: I thought I heard your
testimony to be that the manual procedures had
been tested in the laboratory.

DR. BAGGA: Yes, they have been tested by a
lab, yes, sir.

CHAIRMAN BENNETT: What lab was that? And
just curious generally how that works, how those
manual procedures are tested.

DR. BAGGA: I am sorry. Could you repeat
that question?
CHAIRMAN BENNETT: What laboratory tested those procedures and just generally what is the protocol for testing manual procedures?

DR. BAGGA: Those procedures are tested by Pro V&V Labs, which is an ES&S certified lab. And they use procedures which were approved by IED and by VSTOP.

They looked at a set of scenarios for these cases. The 3-12-1-7(f) was overvoted, and then they found that the advisories and the procedures listed in their advisories, they were able to segregate those and manually adjudicate those votes.

CHAIRMAN BENNETT: Who do they have do the manual adjudication?

Is it someone from the lab or is it someone from the --

DR. BAGGA: The Pro V&V Lab does this, the lab stuff.

CHAIRMAN BENNETT: Any other questions from the Commissioners?

Dr. Bagga, please proceed with your presentation with regard to Hart InterCivic and their HVS 6.2.1 Voting System.

DR. BAGGA: Thank you, Mr. Chairman.
Following the issuance of IC Resolution 2016-3, VSTOP received a communication from Hart InterCivic Voting Systems on August 26th, and that report is included as Appendix A in your report, that product advisories with step-by-step instructions for conforming to IC 3-12-1-7(f) had been sent on August 4th to each of its client counties. And Hart serves seven counties.

In addition, Hart provided documentation from the counties confirming receipt of these materials. And those copies are in your report.

Hart also indicated that they would be ready to totally educate their users about the issues at hand and have explained in the attached service bulletin in detail what the manual procedures are.

Hart and their authorized reseller, Harp Enterprises, are prepared to assist these counties with any related issues that may arise during ballot counting.

They provide these services in a variety of ways, as claimed by them, according to diverse customer profiles, they range from a high degree of independence to turnkey service. They are
prepared to assist their users with options ranging from help desk support to on-site training.

CHAIRMAN BENNETT: Have the manual procedures been lab tested with regard to Hart --

DR. BAGGA: The Hart manual procedures were, again, lab tested by SLI Compliance Labs. And in Hart's case, also, manual adjudication is required.

The ballots which are overvoted for 3-12-1-7(f), that is if a voter overvotes straight party or more than one party, those ballots are returned to the voter with instructions to correct the ballot. If the voter corrects it, then the ballot is accepted. But if the voter insists that the ballot be accepted as is, then it can be accepted. And those ballots will then be segregated at the end of the election and be manually adjudicated.

CHAIRMAN BENNETT: Does Hart have a plan to bring their systems into compliance?

DR. BAGGA: So that's the second part of my report for, in fact, all the vendors.
So, according to the three resolutions, 2016-1, 2016-2, and 2016-3, for Dominion, ES&S, and Hart, they have a deadline of September 30th to submit to VSTOP their plans for bringing their systems in compliance, and they have to detail what plans they have for software modifications.

We have sent out reminders to both Hart and Dominion asking for these plans.

We have heard from Hart, saying they are aware of the deadline, and they will submit that report by September 30th.

We have not yet heard from Dominion.

Now there is no more requirements from ES&S in this regard, because ES&S has developed this new election procedure, and their systems are in compliance for all the systems except Optech Eagle. And those Optech Eagle systems for the counties will be phased out as reported on here.

CHAIRMAN BENNETT: They won't be phased out before the upcoming elections in November?

DR. BAGGA: They will be phased out after the upcoming elections.

For the elections they will use manual procedures.
CHAIRMAN BENNETT: And have those manual procedures been lab tested?

DR. BAGGA: Yes, they have. By Pro V&V Labs.

CHAIRMAN BENNETT: Any other questions from the Commissioners in the VSTOP report?

MS. WILSON OVERHOLT: Well, actually, Mr. Chairman, I have one, just for clarification, because there are a lot of issues going on here. So the September 30th deadline, is that for them to submit plans that will impact the election or is that their plan for further action after the election?

DR. BAGGA: The September 30th deadline for the three vendors originally in the IC Resolutions were for them to submit plans to bring their systems into compliance by creating software modifications.

MS. WILSON OVERHOLT: But prior to the November election or --

DR. BAGGA: The implementation will happen after the election.


DR. BAGGA: The plans have to come in
before the election.

MS. WILSON OVERHOLT: Right. I thought so, but I wanted to make sure I understood that.

Thank you.

DR. BAGGA: Yes.

CHAIRMAN BENNETT: Any other questions?

Dr. Bagga, could you introduce for the record your co-worker who's here?

DR. BAGGA: I would be happy to.

We have Aniketh Ramname, A-N-I-K-E-T-H, R-A-M-N-A-M-E, the project manager for VSTOP.

CHAIRMAN BENNETT: Okay. Thank you.

Anything else that you want to report?

DR. BAGGA: That's it.

CHAIRMAN BENNETT: Thank you.

With that, the Indiana Election Commission has finished its business for today.

Is there a motion for the Indiana Election Commission to adjourn?

MR. CLAYTOR: So move.

CHAIRMAN BENNETT: We have a motion. Is there a second?

MS. BECKLEY: I will second.

CHAIRMAN BENNETT: A motion and a second.

All in favor say aye.
(Ayes.)

CHAIRMAN BENNETT: All opposed say nay.

The ayes have it. We are adjourned. Thank you.
STATE OF INDIANA  
| SS: |
COUNTY OF HAMILTON |

I, Diane Zeyen, RPR and a Notary Public and Stenographic Reporter within and for the County of Hamilton, State of Indiana at large, do hereby certify that on the 23rd day of September, 2016, I took down in stenograph notes the foregoing hearing;

That the transcript is a full, true and correct transcript made from my stenograph notes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this day of September, 2016.

My Commission Expires:
September 2, 2024
County of Residence:
Hamilton County
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Z

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Ian,

Thanks for your email. We have forwarded your correspondence to the Indiana Election Division.

Thanks,
The VSTOP Team

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The software coding company in Illinois has been reviewing the GEMS and AccuVote-OS source code. Yesterday, Dominion and GBS received an assessment from the software coding company with an estimated time for developing a solution to meet the requirements of SEA 61. They have one person who can code changes in the programming languages used by GEMS and the AccuVote-OS. It will take that person approx. 11 weeks to learn the code, develop the changes and test them (assuming there are no delays or issues that develop during the project). Below is a timeline for this project.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Duration</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start Date: March 13th</td>
<td>(based on programmer's availability)</td>
<td></td>
</tr>
<tr>
<td>Development</td>
<td>11 weeks</td>
<td>May 26th</td>
</tr>
<tr>
<td>System Integration Testing</td>
<td>3 weeks</td>
<td>Jun 16th</td>
</tr>
<tr>
<td>VSTL Testing and Report</td>
<td>2 weeks</td>
<td>Jun 30th</td>
</tr>
<tr>
<td>VSTOP/IEC Review</td>
<td>2 weeks</td>
<td>Jul 14th</td>
</tr>
<tr>
<td>Implementation</td>
<td>2-3 weeks</td>
<td>Aug 4th</td>
</tr>
</tbody>
</table>

GBS installing in 20 counties

We will keep you posted of the progress at certain milestones, unless there is a requirement to provide an update on a scheduled basis. The time allowed for VSTOP/IEC Review is an estimate on my part. If that amount of time is not correct, please let me know what we should allot for that review. If there are any questions regarding the timeline, please respond to this group.

Sincerely:

IAN S. PIPER | DIRECTOR, FEDERAL CERTIFICATION
DOMINION VOTING SYSTEMS, INC.
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