

Indiana Election Commission
Minutes
September 12, 2018

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

Members Absent: S. Anthony Long, Vice-Chairman of the Commission.

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Matthew R. Kochevar, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division.

Others Attending: Dr. Jay Bagga; Dr. Bryan Byers; Mr. Mark Manganaro; Mr. Steve Pearson.

1. Call to Order:

The Chair called the September 12, 2018 meeting of the Commission to order at 10:00 a.m. EDT in Conference Center Room 22, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana.

2. Transaction of Commission Business:

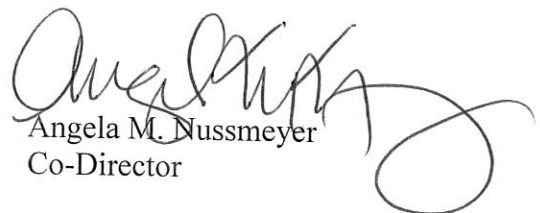
The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Lisa C. Pierce of Connor Reporting, which is incorporated by reference into these minutes.

The Commission corrects the following scrivener’s errors in these documents:

- Page 3, line 23, replace “SIMMONS” with “KING”.
- Page 9, line 21, replace “New Voting” with “new voting”.
- Page 9, line 22, replace “System” with “system”.
- Page 12, line 1, replace “Integrated” with “integrated”.
- Page 19, line 5, replace “EAS” with “EVS”.
- Page 29, line 4, replace “VBS G2005” with “VVSG 2005”.
- Page 30, between lines 12 and 13, insert “MR. KLUTZ: Second”.

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 Committee Meeting

TRANSCRIPT OF PROCEEDINGS

September 12, 2018



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Transcript of Proceedings
September 12, 2018

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INDIANA ELECTION COMMISSION
COMMITTEE MEETING

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Conducted on: September 12, 2018

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Conducted at: Indiana Government Center
402 West Washington Street
Conference Room 22
Indianapolis, Indiana 46204

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A Stenographic Record By:
Lisa C. Pierce

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A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

- Mr. Bryce Bennett - Chairman
- Mr. Mike Claytor - Proxy for
Vice Chairman Mr. S. Anthony Long
- Mr. Zachary Klutz - Member
- Ms. Suzannah Overholt - Member

INDIANA ELECTION DIVISION STAFF:

- Mr. J. Bradley King - Co-Director
- Ms. Angela M. Nussmeyer - Co-Director
- Mr. Dale Simmons - Co-Legal Counsel
- Mr. Matthew Kochevar - Co-Legal Counsel

1 CHAIRMAN BENNETT: The Indiana Election
2 Commission public session for Wednesday,
3 September 12th, 2018, is called to order. And I'd
4 like to introduce the members and staff. The
5 following members of the Commission are present:
6 Myself, Chairman Bryce Bennett; Michael Claytor,
7 proxy for Vice Chairman Anthony Long; member
8 Suzannah Overholt and member Zachary Klutz. The
9 Indiana Election Division staff: Director Brad
10 King is here, and Co-Director Angie Nussmeyer;
11 co-general counsel Matthew Kochevar is here and
12 Dale Simmons.

13 The court reporter is Lisa C. Pierce from
14 Connor Reporting. And before we begin I want to
15 remind everyone, on behalf of the court reporter,
16 to identify yourself when beginning to speak.
17 Spell your name when identifying yourself. Speak
18 clearly; do not speak at the same time as others.

19 I request at this time that the Co-Directors
20 confirm that this Commission Meeting has been
21 properly noticed as required under the Open Door
22 Law.

23 MR. SIMMONS: This meeting was posted in
24 accordance with the Indiana Open Door Law.

25 CHAIRMAN BENNETT: Thank you. At this point I

1 would like to call for an approval of the
2 August 17th, 2018 Commission minutes and ask for a
3 presentation by Mr. King and Miss Nussmeyer.

4 MR. KING: Mr. Chairman, members of the
5 Commission, Co-Director Nussmeyer and myself
6 reviewed the August 17, 2018 minutes of the
7 Commission and submit them to you for approval.

8 CHAIRMAN BENNETT: Is there a motion to
9 approve the August 17th, 2018 minutes as presented?

10 MR. CLAYTOR: So moved.

11 CHAIRMAN BENNETT: Is there a second?

12 MR. KLUTZ: Second.

13 CHAIRMAN BENNETT: Any discussion?

14 (No response.)

15 CHAIRMAN BENNETT: Hearing none, all in favor
16 say, "Aye."

17 THE COMMISSION: Aye.

18 CHAIRMAN BENNETT: Opposed say, "Nay."

19 (No response.)

20 CHAIRMAN BENNETT: The ayes have it. The
21 motion to approve -- motion to approve the minutes
22 carries. And I have affixed my signature to the
23 minutes.

24 Everyone present who plans to testify at
25 today's hearing, please stand for the

1 administration of the oath. I would ask
2 Mr. Simmons to administer the oath.

3 (The oath was administered by Mr. Simmons, and
4 those present responded, "I do.")

5 MR. SIMMONS: Thank you.

6 CHAIRMAN BENNETT: I now recognize Dr. Jay
7 Bagga and Dr. Bryan Byers of Ball State University
8 which administers the Voting System and Technical
9 Oversight Program, VSTOP, for a presentation
10 concerning voting systems.

11 DR. BYERS: Good morning. Bryan Byers,
12 B-r-y-a-n, B-y-e-r-s. And I'll be presenting the
13 report on the Unisyn OpenElect 2.0A system.

14 Unisyn has formally requested approval of an
15 ECO to OpenElect 2.0A, a recently certified Voting
16 System in the State of Indiana. This ECO has been
17 evaluated by the VSTOP team in accordance with the
18 requirements of the Policies and Procedures for
19 Managing Changes in Indiana Certified Voting
20 Systems approved by the Commission on June 27,
21 2011.

22 Members of the VSTOP team have reviewed this
23 ECO request, supporting documents, as well as the
24 VSTL report. The VSTL report determined that the
25 ECO, which involves hardware and software changes,

1 is de minimis in accordance with EAC requirements.
2 This ECO has been approved by the Election
3 Assistance Commission. VSTOP finds that this ECO
4 is in compliance with the Indiana requirements for
5 de minimis changes.

6 This ECO only applies to the Indiana certified
7 voting system Unisyn OpenElect 2.0A. VSTOP
8 recommends approval by the Indiana Election
9 Commission with the stipulation that Unisyn escrow
10 the executable image and source code with the
11 Indiana Election Division or its approved agent and
12 provide evidence to VSTOP of the deposit.

13 Thank you very much.

14 CHAIRMAN BENNETT: Okay. Are there any other
15 general introductory remarks that either of you
16 would like to present at this point in time before
17 we --

18 DR. BYERS: Yes. I'd just like to add, if I
19 -- if I may, this information appears in the -- in
20 the appendices of the report, that the reason for
21 this engineering change order has to do with a
22 patent claim. It has to do with the accessibility
23 keyboard for voters who need that type of device.
24 There were keys that were placed in a particular
25 order location. And Unisyn was required or needed

1 to change the order of the buttons which required
2 this ECO. But it does not impact the functionality
3 of the device.

4 CHAIRMAN BENNETT: Very well. And just for
5 clarity in the record, is the VSTOP recommendation
6 that the engineering change order 16979 for the
7 OpenElect 2.8 -- 2.OA voting system be approved?

8 DR. BYERS: Yes. That is correct.

9 CHAIRMAN BENNETT: Is there a representative
10 of Unisyn or any other person present who wishes to
11 testify regarding this matter? Are there any
12 questions or discussion from Commission members?

13 MR. KLUTZ: Mr. Bennett. Dr. Byers, I don't
14 recall recommendations in the past coming with
15 stipulations. Can you just kind of describe the
16 stipulation here regarding the escrowing of the
17 executable imaging source code.

18 DR. BYERS: Yes. That's required by statute,
19 and the Indiana Election Division, that all source
20 codes be escrowed with an escrow agent for
21 safekeeping in the event that the company were to
22 go out of business so the State has some access to
23 that code.

24 MR. KLUTZ: And so this stipulation, our
25 approval is subject to you receiving confirmation

1 that that document or information's escrowed?

2 DR. BYERS: Yes, sir. That's correct.

3 MR. KLUTZ: Is that normally done before you
4 come before us?

5 DR. BYERS: It -- it can -- can come before we
6 come before you; it can come after.

7 MR. KLUTZ: Okay.

8 MR. KOICHEVAR: It just depends on the
9 circumstances.

10 CHAIRMAN BENNETT: Does there need to be a
11 time limit placed on this within which the
12 stipulation must be provided?

13 DR. BYERS: Yeah. I think that would probably
14 be a good idea to ask for some estimate or
15 require -- have a requirement of -- of a timeline,
16 yes.

17 CHAIRMAN BENNETT: Ten days be reasonable?

18 DR. BYERS: I think so.

19 CHAIRMAN BENNETT: Any other questions? Is
20 there a motion to adopt VSTOP's recommendation for
21 approval of Engineering Change Order 16979
22 described in VSTOP's report's modification to the
23 Unisyn OpenElect 2.OA Voting System with this
24 approval being effective immediately and with the
25 stipulation that the executable image and source

1 code be escrowed with the Indiana Election Division
2 within ten days of the approval?

3 MR. CLAYTOR: So moved, Mr. Chairman.

4 CHAIRMAN BENNETT: I have a motion. Is there
5 a second?

6 MR. KLUTZ: Second.

7 CHAIRMAN BENNETT: Motion and second. Is
8 there any further discussion?

9 (No response.)

10 CHAIRMAN BENNETT: Hearing none, all in favor
11 say, "Aye."

12 THE COMMISSION: Aye.

13 CHAIRMAN BENNETT: All opposed say, "Nay."

14 (No response.)

15 CHAIRMAN BENNETT: Ayes have it. The motion
16 is adopted. Thank you.

17 DR. BYERS: Thank you.

18 CHAIRMAN BENNETT: Dr. Bagga or Dr. Byers,
19 please proceed with your presentation regarding the
20 Application for Certification of the Election
21 Systems & Software EVS 5.2.4.0, a New Voting
22 System. Commission members will find this report
23 behind the VSTOP ES&S tab in their binders.

24 DR. BAGGA: Good morning, Mr. Chairman. I'm
25 Jay Bagga, B-a-g-g-a, Co-Director of VSTOP. And

1 I'm going to present the Voting System
2 Certification Recommendation Report for Election
3 System and Software Voting System EVS 5.2.4.0.

4 This system is a paper-based, end-to-end
5 Election Management System that supports a
6 jurisdiction's election needs by creating and
7 maintaining a central election database, formatting
8 and printing ballots, programming election
9 equipment and the collection and reporting of
10 election results.

11 This voting system was field tested at Ball
12 State University on August 10th, 2018 by the VSTOP
13 team. VSTOP team conducted demonstration tests on
14 hardware, firmware and software components. The
15 test also included verification of all required
16 elements of the Indiana statutes regarding voting
17 systems as well as an ADA compliance demonstration.
18 Mock elections, including the IED approved test
19 case scenarios for straight party voting, were
20 conducted on the voting system.

21 During the field test VSTOP faced an issue
22 relating to the slow responsiveness of the AutoMARK
23 touchscreen interface. VSTOP discussed this issue
24 with Mr. Mark Manganaro of ES&S during the test and
25 then again on the morning of August 21st via phone,

1 which is -- a transcript of that is included in
2 Attachment 3.

3 During the field test Mr. Manganaro of ES&S
4 was able to recalibrate the system, and its
5 responsiveness improved as a result of that
6 recalibration.

7 VSTOP also contacted EAC and the VS field lab,
8 Pro V&V, to investigate this issue further. And
9 you'll find the results of that investigation in
10 Attachment 4. After reviewing the responses from
11 EAC, Pro V&V, ES&S and VSTOP notes that VVSG covers
12 tests related to the touchscreen accuracy and
13 responsiveness and that the AutoMARK, all versions
14 included in this recommendation, have been shown to
15 comply with VVSG 2005 standards. VSTOP accepts
16 ES&S's explanation that the issues faced were due
17 to the age of the AutoMARK units that were being
18 used in the field test. However, VSTOP recommends
19 that the equipment provided by ES&S in future field
20 tests reflect the quality of equipment used in
21 practice.

22 Furthermore, this recommendation also includes
23 limitations that VSTOP recommends be placed on the
24 voting system: The use of two new scanners, the
25 Symbol QR Code Scanner and Zebra QR Scanner,

1 version DS457-SR20009, which are Integrated with
2 the ExpressVote Rolling Kiosk, will be limited to
3 scanning 128c barcodes that contain ballot style
4 information generated by the Indiana certified
5 Electronic Poll Books. The use of any other
6 features is prohibited including scanning QR codes,
7 Ballot Online or QR codes and ExpressPass. Any
8 functionality related to the prohibited features
9 shall be disabled, if possible. And the Ballot
10 Online application and the Ballot Online QR code
11 scanning shall not be used.

12 With those stipulations, we are recommending
13 the approval of this system.

14 CHAIRMAN BENNETT: Is there a representative
15 of ES&S or any other person who wishes to testify
16 regarding this matter?

17 MR. PEARSON: Can you repeat the question?
18 I'm sorry.

19 CHAIRMAN BENNETT: Yes. Is there any other
20 representative, ES&S or other person, who wishes to
21 testify regarding this matter?

22 MR. PEARSON: We'll accept those terms.

23 CHAIRMAN BENNETT: Are there any questions?

24 MR. KING: Court reporter.

25 CHAIRMAN BENNETT: Oh, yes. Would you

1 identify yourself for the court reporter, please.

2 MR. PEARSON: My name's Steve Pearson, Senior
3 Vice President of Certification For Election
4 Systems & Software.

5 CHAIRMAN BENNETT: And you will accept those
6 terms?

7 MR. PEARSON: Yes.

8 MR. MANGANARO: And Mark Manganaro, State
9 Certification Manager of Election Systems &
10 Software.

11 CHAIRMAN BENNETT: Thank you.

12 Are there any questions or discussions from
13 commission members? Yes, sir.

14 MR. CLAYTOR: Mr. Chairman, I'd just like to
15 ask either Dr. Bagga or the company, the -- one of
16 the issues here, it said the functionality related
17 to the prohibited features shall be disabled, if
18 possible. Is that possible within your system to
19 disable those features?

20 MR. MANGANARO: Yes.

21 MR. CLAYTOR: Thank you.

22 MS. OVERHOLT: And, if I might, the -- so just
23 to be clear, is there a way of -- I mean, I'm
24 assuming that the concern about disabling those
25 features is to make sure that the system isn't

1 online in any way; is that correct?

2 DR. BAGGA: That's correct. This system is
3 not connected to the --

4 MS. OVERHOLT: Okay. And so how do we -- if
5 it is a system that could be connected to the
6 internet somehow, how do we go about verifying that
7 it's not?

8 DR. BAGGA: VSTOP's understanding is that this
9 system is not -- cannot be connected to the
10 network. And during the field test that was also
11 verified by the ES&S representative.

12 MS. OVERHOLT: Okay. So the local election
13 folks who are a little -- we're all a little foggy
14 at 5:00 in the morning on election day. There's
15 not a way they could press the wrong button and end
16 up on the internet?

17 DR. BAGGA: That is correct. The system is
18 not to be connected to the network. And that's
19 covered in the training through the personnel of
20 the County. And that training is given by ES&S and
21 its representatives.

22 MS. OVERHOLT: Okay.

23 CHAIRMAN BENNETT: What is the risk or harm or
24 malfunction that is sought to be prevented by the
25 recommended limitations?

1 DR. BAGGA: The scanners in the limitations
2 can read the 128c barcodes which are printed from
3 Electronic Poll Books. But they can also read
4 other kinds of codes including QR codes. And those
5 QR codes have not been certified by us because
6 Indiana does not recommend or require those, the
7 use of those QR codes. Whereas the 128c barcodes
8 are permitted to be printed by E Poll Books.

9 CHAIRMAN BENNETT: Okay. What is the -- the
10 risk of harm if the QR codes are read?

11 DR. BAGGA: The QR codes, as in this
12 application, have not been shown to be secure in --
13 in terms of Indiana state use, and they have not
14 been tested by us.

15 MS. OVERHOLT: Do our ballots though, when
16 they're -- sorry if you weren't done. I'm sorry.
17 This is a followup, I guess. So, I mean, this is
18 just to make sure. I mean, we're talking about a
19 system that's gonna' print the -- I mean, it prints
20 the paper ballot. And then they're scanned, right?
21 And so it -- so it seems like -- so when the
22 ballots are printed, they don't have QR codes on
23 them anyway, do they?

24 DR. BAGGA: So here we are talking about a
25 couple of things. So when a voter registers at an

1 E Poll Book location, it registers Poll Books that
2 read from -- the Electronic Poll Book can bring the
3 code, which is a 128c barcode that identifies the
4 ballot that the voter will get. And this can be
5 used to get the proper ballot for the working
6 machine.

7 MS. OVERHOLT: I see.

8 DR. BAGGA: The other aspect of printing the
9 ballot is the ballot online -- the ballot online QR
10 code's feature that we are not allowing in this
11 particular case.

12 MS. OVERHOLT: Okay. I guess my question was
13 whether -- or maybe it's not the right question.
14 But I didn't -- it sounds like the way this all --
15 part of the problem is to make sure there's not a
16 QR code on the ballot.

17 DR. BAGGA: And that is correct.

18 MS. OVERHOLT: Okay.

19 DR. BAGGA: A QR code is not allowed on the
20 ballot, which a 128 is -- those are two different
21 barcodes we're talking about.

22 MS. OVERHOLT: You keep saying it's "not
23 allowed on the ballot." Is there a way for it to
24 actually end up on the ballot? And my point is, it
25 sounds like QR codes shouldn't even be showing up

1 on the ballot.

2 DR. BAGGA: That's right. And that's the
3 purpose of the limitation. And that functionality
4 should be disabled so it doesn't show up on the
5 ballot.

6 MS. OVERHOLT: Okay. Ask another question
7 since I have the floor? Sorry. I'm sorry.

8 CHAIRMAN BENNETT: Yes.

9 MS. OVERHOLT: And, again, maybe I'm parsing
10 words. This is what happens when our meeting's in
11 the morning instead of late on a Friday afternoon.
12 But when -- I think you said that connection to the
13 network is not allowed, and the local election
14 officials were going to be told that and trained
15 regarding that. I guess that leads me to question
16 the -- back to my original question is that is it
17 possible for this system to inadvertently end up
18 connected to a network?

19 DR. BAGGA: So -- so this system includes the
20 -- the EMS system which is really a PC or a laptop
21 that's gonna' connect to the system. And many PCs
22 and laptops have the capability of being connected
23 to the internet. But this function -- this
24 particular EMS system is dedicated to be used as a
25 component of the voting system and should not have

1 that network capability to be connected to the
2 internet.

3 If you -- if you look at the laptop or the PC,
4 it can be connected to the internet. But it's not
5 to be connected in this case. So the answer is,
6 yes, it has that capability. But in this case that
7 capability is not to be used.

8 MS. OVERHOLT: Why not just use laptops that
9 don't have -- I mean, in most situations this would
10 be a wireless connectivity anyway, right? So why
11 not just have it so that a requirement of the
12 laptops that are used cannot have wireless
13 capabilities?

14 DR. BAGGA: Yes. And I -- we believe that is
15 stipulated that the function, that the -- the
16 capability be disabled; that should not be used.
17 Generally the laptops and PC comes with that as
18 composite computers, and those are composite
19 computers listed in this recommendation where that
20 functionality should be disabled.

21 MS. OVERHOLT: I guess --

22 CHAIRMAN BENNETT: Let's hear from
23 Mr. Pearson.

24 MR. PEARSON: I'd be happy to answer these
25 questions, if you wouldn't mind. I guess there's

1 two -- two questions. Do you mind if I step to the
2 front?

3 CHAIRMAN BENNETT: Please do. Thank you.

4 MR. PEARSON: So the first question is on the
5 internet access. EAS is certified and under the --
6 they are not allowed to be accessible -- made
7 accessible to the internet at all.

8 As you all are aware of, they're either in a
9 laptop or a client server configuration, which is a
10 closed network. They only contain each
11 application, the essential components to run the
12 application. The Windows environment is entirely
13 locked down. There is no -- there is no
14 compatibility for those systems after the -- during
15 the install process and the -- the hardening
16 process for them to have access to the outside
17 internet, none.

18 We also use trusted USB sticks that are --
19 that are -- that have -- that are unique to ES&S.
20 Even the media is also certified and protected
21 against any outside interference that might be
22 suspected or attempted. And -- and I think that --
23 I guess the -- all -- all actions are logged.
24 Every action on those -- in that EMS environment,
25 they're -- they're -- is loading the Windows

1 solutions are all active, the application solutions
2 are always active. And in the event anyone, for
3 whatever reason, those logs are not active, then
4 the system will shut down. So it's -- it's totally
5 protected in -- in that environment. And we are
6 very sensitive to not ever being -- our systems
7 being accessible, being made -- being accessible to
8 the internet.

9 MS. OVERHOLT: So if someone tries to
10 insert -- insert another unauthorized USB stick --

11 MR. PEARSON: We would not recognize it. We
12 also have malware running on those -- those --
13 those systems as well apps. And that's one of the
14 reasons we are -- we are continually in
15 certification testing under the EAC program so that
16 we can bring frequent updates to our customers.

17 And that's really to bring all of the security
18 patches to keep them current. We like to -- we
19 generally have two or even three systems that come
20 out of the EAC program that we will -- you know, we
21 like to bring to the State and encourage our
22 customers to upgrade to -- to take advantage of
23 those security features.

24 As you know, it's a fast-changing world out
25 here, and we're doing everything we can to prevent

1 outside interference in any way. That's the one
2 question. And then the -- do you mind if I address
3 the second?

4 CHAIRMAN BENNETT: No, please.

5 MR. PEARSON: On the 128c barcode, just to
6 assure you that that was implemented, really at the
7 request of counties in -- in the state of Indiana
8 and other counties through the United States where
9 they use our voting system, and they would use
10 somebody else's Electronic Poll Book system. When
11 they use our voting system -- and we're
12 specifically talking about the ExpressVote ballot
13 marking device. What we have done to accommodate
14 these requests by counties so that we can integrate
15 the poll book to the ExpressVote marker would be to
16 the -- the -- say, for instance, knowing -- or 10X,
17 they can generate a ballot style. That is, the
18 voter checks in. They say, You're Steve Pearson;
19 you should get this ballot style. So rather than
20 print a -- a traditional ballot though, put the
21 128c barcode, the ballot style in 128c barcode
22 format, and a little slip of paper on their
23 printer. And then they give that to the -- the
24 voter. The voter could walk over to the
25 ExpressVote, which is only a ballot marker. And

1 they can be equipped with an exterior QR scanner,
2 much like you'd see at an airport where it could
3 scan a barcode.

4 When they scan that card, this -- the
5 ExpressVote, particularly in vote centers where you
6 might have all ballot styles loaded in there, it'll
7 read that. It'll provide the right ballot style
8 for the right voter. That is the only intent of
9 that. It's not required. But it is -- it is a
10 nice feature to ensure that the right voter is
11 getting the right ballot when they're voting.

12 Rather than having preprinted all of the
13 ballots or preprinted cards in a voting -- in a --
14 in a vote center where somebody has to walk back
15 and grab one, they could give them the wrong one,
16 it's actually a better, more secure, probably more
17 reliable solution. But it's not required. I mean,
18 there are good processes that can work around that.

19 But all of those systems have been -- we
20 always include all of that in all of the EAC
21 testing at the voting system test lab. So all of
22 our reports show the integration of -- of these
23 components as well. So that's the explanation on
24 that part. It's just -- it's just a nice feature
25 to ensure that the right voter is getting the right

1 ballot.

2 CHAIRMAN BENNETT: Okay.

3 MR. CLAYTOR: Just as a followup, the -- these
4 machines then -- if a voter had a QR code in its
5 pocket, not a barcode, could they do anything to
6 the machine and -- or could they scam the system as
7 far as having a different barcode in their pocket
8 to be able to get a ballot that included districts
9 they were not eligible to vote for?

10 MR. PEARSON: You know, the systems are -- the
11 specifications are within this barcode. And the
12 interfaces are -- it's very, I wouldn't say
13 "secure," but it's transparent. There's nothing
14 encrypted in this 128c barcode or even a QR code.
15 I mean, these are -- and it's no different than if
16 we handed them a ballot. It's got codes on there
17 to tell the system which ballot style this piece of
18 paper is.

19 So it's -- it's -- all it does is it puts
20 those same -- that same information from the
21 election. And the -- the ballot style, which is
22 the ballot you -- the ballot number for this person
23 for that to be selected, yeah. So I -- I don't --
24 I don't see how anybody could ever generate a code
25 that would give them any advantage. 'Cause you're

1 only gonna' get one activation card to be able to
2 have your one voting session.

3 MR. CLAYTOR: People may want to vote in
4 different districts.

5 MR. PEARSON: Yeah. That's kind of a stretch.
6 Anything's possible I suppose.

7 MS. OVERHOLT: To get the -- a different
8 barcode, that would almost have to be someone in
9 the clerk's office. Or someone with knowledge of
10 what the barcodes were for the system would have --
11 have to --

12 MR. PEARSON: And everything is unique to that
13 election. So it changes with each election too.
14 That's -- that's -- so there is some protection on
15 that.

16 MS. OVERHOLT: I'm still willing to assume we
17 ought to be able to trust someone at some level.

18 MR. PEARSON: The other alternative is both
19 check-in stations, the poll worker will walk the
20 person over, activate the ballot marking device.
21 And then the -- the poll worker has to select the
22 right ballot style for the voter and then walk
23 away. So it's just -- it's just -- it's a -- it's
24 a step to avoid that. So --

25 CHAIRMAN BENNETT: Dr. Bagga, do you have any

1 comments on --

2 DR. BAGGA: Yes. I would like to -- QR codes.

3 And that's -- that's a good point about a voter
4 walking in with a QR code in his or her pocket.

5 And that's the express reason for stipulating that
6 that functionality be disabled so that this
7 system should not read QR codes, only 128c
8 barcodes. That would be one comment.

9 The other comment would be to the training of
10 poll workers and the election officials in the
11 county. And the scenario that Mr. Pearson outlines
12 is -- is something VSTOP recommends and supports
13 also, that the poll worker walk with the voter to
14 the system. And the 128c barcode is the one that
15 can walk to the system. And that's the one that
16 should be read and not any other piece of paper
17 that the voter may have. And the poll worker
18 ensures that. That adds another layer of security
19 there.

20 MS. OVERHOLT: So I just thought of something
21 that actually doesn't have anything to do with the
22 system, but it's a security issue. Do we have
23 any -- I know that, you know, before elections
24 the -- you know, there are sample ballots that are
25 printed and posted. So is there a prohibition

1 against those having the barcodes on them? And, if
2 not, can we make sure that they aren't allowed to
3 have the barcodes on the sample ballots?

4 I look to you because you're the one who's
5 most recently in a county clerk's office.

6 MS. NUSSMEYER: I would defer this to
7 Dr. Bagga or Dr. Byers. I don't believe it's on
8 the ballot card itself. Instead it's printed on a
9 paper receipt.

10 MS. OVERHOLT: Oh, okay.

11 DR. BAGGA: Exactly.

12 MS. NUSSMEYER: There's no identifying --

13 DR. BAGGA: The poll book prints the receipt
14 which is walked over to the system by the poll
15 worker, by the voter.

16 MS. OVERHOLT: So there are no barcodes on the
17 ballots themselves.

18 DR. BAGGA: That is right.

19 MS. NUSSMEYER: You have the -- in our county
20 we would make sure that was cut off to make sure to
21 avoid any potential issues. I don't know if that's
22 common practice with all vendors. I see a lot of
23 heads nodding. So --

24 MR. PEARSON: One of the -- one feature, and
25 it was alluded to, and I think it was touched on

1 here when Dr. Bagga mentioned ExpressPass. Several
2 years ago in the Presidential Bipartisan Committee,
3 one of the recommendations that came out of that
4 study was in order to shorten lines would be able
5 to provide voters, especially ADA voters, a sample
6 ballot at home so they could have time prior to the
7 election to be able to go to their county's Web
8 site, hit a link, put in their credentials. It
9 would send them a sample ballot clearly marked
10 "sample," what their polling place is, these are
11 the contests. And give them time to review their
12 selections and actually make their selections and
13 generate, like you would at home, generate your
14 boarding pass, it would be -- basically your
15 selections would be printed -- printed on this
16 card. But it would have a QR code, and it's still
17 a sample ballot.

18 So that the idea here behind it, which we
19 developed, and I think it's not being recommended
20 for use here, would be that that person could then
21 bring that piece of paper when they come to the
22 polling. They would check in at the polling
23 station, be given an activation card, go in to the
24 ExpressVote. They can scan that QR code. And it
25 might take ADA voters a little longer, if they're a

1 -- a voter, this would allow them to scan their
2 sample ballot QR code. It would bring up their
3 selections to the summary screen. So it would --
4 they would not have to go through race by race,
5 candidate by candidate. They can come to their
6 summary screen and review that or go back in and
7 make changes.

8 That was implemented really in response to the
9 Presidential Bipartisan Committee recommendation.
10 But it's -- it's outside of the scope of this issue
11 at least too. So I think he mentioned -- we called
12 it ExpressPass because it was kind of like the fast
13 pass lane that would -- it would increase the
14 throughput and help avoid long lines and long
15 delays. 'Cause a voting session could go from,
16 like, four minutes or five minutes per session down
17 to 45 seconds per session. Because you're taking
18 them right to the summary screen, which they could
19 review and hear audibly as well and change.

20 That was the concept behind that. Because --
21 I don't think it's on the table here. But I just
22 wanted to give a little more background information
23 about that.

24 CHAIRMAN BENNETT: Dr. Bagga.

25 DR. BAGGA: And that's true. We would not

1 recommend ExpressPass. And that happens to be the
2 first limitation on the box. That's outside the
3 scope. Indiana stipulates that voting systems
4 comply with VBS G2005 questions. And this is
5 outside the scope. So VSTOP does not recommend
6 that.

7 MR. PEARSON: And we're fine with that.

8 CHAIRMAN BENNETT: Any other questions from
9 the Commission? Anyone else wanting to testify
10 here today?

11 (No response.)

12 CHAIRMAN BENNETT: Seeing no indication of
13 same, is there motion to approve the application
14 for certification of the electric systems and
15 software EVS 5.2.4.0 Voting System in accordance
16 with the recommendation of VSTOP and subject to any
17 restrictions or additional requirements in that
18 recommendation for a term expiring October 1st,
19 2021.

20 MR. CLAYTOR: So moved, Mr. Chairman.

21 CHAIRMAN BENNETT: Thank you. You have a
22 motion. Is there a second?

23 MR. KLUTZ: Second.

24 CHAIRMAN BENNETT: Motion and second. Is
25 there any further discussion?

1 (No response.)

2 CHAIRMAN BENNETT: Hearing none, those in
3 favor say, "Aye."

4 THE COMMISSION: Aye.

5 CHAIRMAN BENNETT: All opposed say, "Nay."

6 (No response.)

7 CHAIRMAN BENNETT: The ayes have it and the
8 motion is adopted.

9 The Indiana Election Commission has finished
10 its business for today. Is there a motion for the
11 Indiana Election Commission to adjourn?

12 MR. CLAYTOR: So moved.

13 CHAIRMAN BENNETT: Those in favor say, "Aye."

14 THE COMMISSION: Aye.

15 CHAIRMAN BENNETT: All opposed say, "Nay."

16 (No response.)

17 CHAIRMAN BENNETT: The ayes have it.

18 Adjourned. Thank you all.

19

20 (Time Noted: 10:38 a.m.)

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23

24

25

1 STATE OF INDIANA)

2) SS:

3 COUNTY OF HAMILTON)

4

5 I, Lisa C. Pierce, a Notary Public in and for
6 the County of Hamilton, State of Indiana at large,
7 do hereby certify that the foregoing hearing was
8 taken on behalf of the Indiana Election Commission
9 at the Indiana Government Center, 402 West
10 Washington Street, Conference Room 2, Indianapolis,
11 Marion County, Indiana, on September 12, 2018,
12 commencing at the hour of 10:02 a.m., pursuant to
13 Rules of Applicable Procedure;

14 That said hearing was taken down in
15 stenographic notes and afterwards reduced to
16 typewriting under my direction, and that the
17 typewritten transcript is a true record of the
18 testimony given by said participants;

19 That the parties were represented by their
20 aforementioned counsel.

21 I do further certify that I am a disinterested
22 person in this cause of action; that I am not a
23 relative or attorney of any party, or otherwise
24 interested in the event of this action, and am not
25 in the employ of the attorneys for any party.

<hr/> <p style="text-align: center;">1</p> <hr/> <p>10th 10:12</p> <p>10X 21:16</p> <p>128 16:20</p> <p>128c 12:3 15:2,7 16:3 21:5,21 23:14 25:7,14</p> <p>12th 3:3</p> <p>16979 7:6 8:21</p> <p>17 4:6</p> <p>17th 4:2,9</p> <p>1st 29:18</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2.0A 5:13,15 6:7</p> <p>2.8 7:7</p> <p>2.OA 7:7 8:23</p> <p>2005 11:15</p> <p>2011 5:21</p> <p>2018 3:3 4:2,6,9 10:12</p> <p>2021 29:19</p> <p>21st 10:25</p> <p>27 5:20</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 11:2</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 11:10</p> <p>45 28:17</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5.2.4.0 9:21 10:3 29:15</p> <p>5:00 14:14</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>accept 12:22 13:5</p> <p>accepts 11:15</p> <p>access 7:22 19:5,16</p>	<p>accessibility 6:22</p> <p>accessible 19:6,7 20:7</p> <p>accommodate 21:13</p> <p>accordance 3:24 5:17 6:1 29:15</p> <p>accuracy 11:12</p> <p>action 19:24</p> <p>actions 19:23</p> <p>activate 24:20</p> <p>activation 24:1 27:23</p> <p>active 20:1,2,3</p> <p>ADA 10:17 27:5,25</p> <p>add 6:18</p> <p>additional 29:17</p> <p>address 21:2</p> <p>adds 25:18</p> <p>adjourn 30:11</p> <p>Adjourned 30:18</p> <p>administer 5:2</p> <p>administered 5:3</p> <p>administers 5:8</p> <p>administration 5:1</p> <p>adopt 8:20</p> <p>adopted 9:16 30:8</p> <p>advantage 20:22 23:25</p> <p>affixed 4:22</p> <p>afternoon 17:11</p> <p>age 11:17</p> <p>agent 6:11 7:20</p> <p>airport 22:2</p> <p>allowed 16:19,23 17:13 19:6 26:2</p> <p>allowing 16:10</p> <p>alluded 26:25</p> <p>alternative 24:18</p> <p>Angie 3:10</p> <p>Anthony 3:7</p> <p>Anything's 24:6</p> <p>appears 6:19</p> <p>appendices 6:20</p>	<p>application 9:20 12:10 15:12 19:11,12 20:1 29:13</p> <p>applies 6:6</p> <p>approval 4:1,7 5:14 6:8 7:25 8:21,24 9:2 12:13</p> <p>approve 4:9,21 29:13</p> <p>approved 5:20 6:2,11 7:7 10:18</p> <p>apps 20:13</p> <p>aspect 16:8</p> <p>Assistance 6:3</p> <p>assume 24:16</p> <p>assuming 13:24</p> <p>assure 21:6</p> <p>Attachment 11:2,10</p> <p>attempted 19:22</p> <p>audibly 28:19</p> <p>August 4:2,6,9 10:12,25</p> <p>Automark 10:22 11:13, 17</p> <p>avoid 24:24 26:21 28:14</p> <p>aware 19:8</p> <p>Aye 4:16,17 9:11,12 30:3, 4,13,14</p> <p>ayes 4:20 9:15 30:7,17</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>B-A-G-G-A 9:25</p> <p>B-R-Y-A-N 5:12</p> <p>B-Y-E-R-S 5:12</p> <p>back 17:16 22:14 28:6</p> <p>background 28:22</p> <p>Bagga 5:7 9:18,24,25 13:15 14:2,8,17 15:1,11, 24 16:8,17,19 17:2,19 18:14 24:25 25:2 26:7,11, 13,18 27:1 28:24,25</p> <p>Ball 5:7 10:11</p> <p>ballot 12:3,7,9,10 15:20 16:4,5,9,16,20,23,24 17:1,5 21:12,17,19,20,21, 25 22:6,7,11 23:1,8,16, 17,21,22 24:20,22 26:8 27:6,9,17 28:2</p>	<p>ballots 10:8 15:15,22 22:13 25:24 26:3,17</p> <p>barcode 16:3 21:5,21 22:3 23:5,7,11,14 24:8 25:14</p> <p>barcodes 12:3 15:2,7 16:21 24:10 25:8 26:1,3, 16</p> <p>basically 27:14</p> <p>begin 3:14</p> <p>beginning 3:16</p> <p>behalf 3:15</p> <p>Bennett 3:1,6,25 4:8,11, 13,15,18,20 5:6 6:14 7:4, 9,13 8:10,17,19 9:4,7,10, 13,15,18 12:14,19,23,25 13:5,11 14:23 15:9 17:8 18:22 19:3 21:4 23:2 24:25 28:24 29:8,12,21, 24 30:2,5,7,13,15,17</p> <p>binders 9:23</p> <p>Bipartisan 27:2 28:9</p> <p>boarding 27:14</p> <p>book 16:1,2 21:10,15 26:13</p> <p>Books 12:5 15:3,8 16:1</p> <p>box 29:2</p> <p>Brad 3:9</p> <p>bring 16:2 20:16,17,21 27:21 28:2</p> <p>Bryan 5:7,11</p> <p>Bryce 3:6</p> <p>business 7:22 30:10</p> <p>button 14:15</p> <p>buttons 7:1</p> <p>Byers 5:7,11 6:18 7:8,13, 18 8:2,5,13,18 9:17,18 26:7</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>call 4:1</p> <p>called 3:3 28:11</p> <p>candidate 28:5</p> <p>capabilities 18:13</p> <p>capability 17:22 18:1,6,</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>7,16</p> <p>card 22:4 24:1 26:8 27:16,23</p> <p>cards 22:13</p> <p>carries 4:22</p> <p>case 10:19 16:11 18:5,6</p> <p>center 22:14</p> <p>centers 22:5</p> <p>central 10:7</p> <p>certification 9:20 10:2 13:3,9 20:15 29:14</p> <p>certified 5:15,19 6:6 12:4 15:5 19:5,20</p> <p>Chairman 3:1,6,7,25 4:4, 8,11,13,15,18,20 5:6 6:14 7:4,9 8:10,17,19 9:3,4,7, 10,13,15,18,24 12:14,19, 23,25 13:5,11,14 14:23 15:9 17:8 18:22 19:3 21:4 23:2 24:25 28:24 29:8,12, 20,21,24 30:2,5,7,13,15, 17</p> <p>change 6:21 7:1,6 8:21 28:19</p> <p>check 27:22</p> <p>check-in 24:19</p> <p>checks 21:18</p> <p>circumstances 8:9</p> <p>claim 6:22</p> <p>clarity 7:5</p> <p>Claytor 3:6 4:10 9:3 13:14,21 23:3 24:3 29:20 30:12</p> <p>clear 13:23</p> <p>clerk's 24:9 26:5</p> <p>client 19:9</p> <p>closed 19:10</p> <p>Co-director 3:10 4:5 9:25</p> <p>Co-directors 3:19</p> <p>co-general 3:11</p> <p>code 6:10 7:17,23 9:1 11:25 12:10 16:3,16,19 23:4,14,24 25:4 27:16,24 28:2</p>	<p>code's 16:10</p> <p>codes 7:20 12:6,7 15:4,5, 7,10,11,22 16:25 23:16 25:2,7</p> <p>collection 10:9</p> <p>comment 25:8,9</p> <p>comments 25:1</p> <p>commission 3:2,5,20 4:2,5,7,17 5:20 6:3,9 7:12 9:12,22 13:13 29:9 30:4, 9,11,14</p> <p>Committee 27:2 28:9</p> <p>common 26:22</p> <p>company 7:21 13:15</p> <p>compatibility 19:14</p> <p>compliance 6:4 10:17</p> <p>comply 11:15 29:4</p> <p>component 17:25</p> <p>components 10:14 19:11 22:23</p> <p>composite 18:18</p> <p>computers 18:18,19</p> <p>concept 28:20</p> <p>concern 13:24</p> <p>conducted 10:13,20</p> <p>configuration 19:9</p> <p>confirm 3:20</p> <p>confirmation 7:25</p> <p>connect 17:21</p> <p>connected 14:3,5,9,18 17:18,22 18:1,4,5</p> <p>connection 17:12</p> <p>connectivity 18:10</p> <p>Connor 3:14</p> <p>contacted 11:7</p> <p>contests 27:11</p> <p>continually 20:14</p> <p>correct 7:8 8:2 14:1,2,17 16:17</p> <p>counsel 3:11</p> <p>counties 21:7,8,14</p> <p>county 14:20 25:11 26:5,</p>	<p>19</p> <p>county's 27:7</p> <p>couple 15:25</p> <p>court 3:13,15 12:24 13:1</p> <p>covered 14:19</p> <p>covers 11:11</p> <p>creating 10:6</p> <p>credentials 27:8</p> <p>current 20:18</p> <p>customers 20:16,22</p> <p>cut 26:20</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>Dale 3:12</p> <p>database 10:7</p> <p>day 14:14</p> <p>days 8:17 9:2</p> <p>de 6:1,5</p> <p>dedicated 17:24</p> <p>defer 26:6</p> <p>delays 28:15</p> <p>demonstration 10:13, 17</p> <p>depends 8:8</p> <p>deposit 6:12</p> <p>describe 7:15</p> <p>determined 5:24</p> <p>developed 27:19</p> <p>device 6:23 7:3 21:13 24:20</p> <p>Director 3:9</p> <p>disable 13:19</p> <p>disabled 12:9 13:17 17:4 18:16,20 25:6</p> <p>disabling 13:24</p> <p>discussed 10:23</p> <p>discussion 4:13 7:12 9:8 29:25</p> <p>discussions 13:12</p> <p>districts 23:8 24:4</p>	<p>Division 3:9 6:11 7:19 9:1</p> <p>document 8:1</p> <p>documents 5:23</p> <p>Door 3:21,24</p> <p>DS457-SR20009 12:1</p> <p>due 11:16</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>EAC 6:1 11:7,11 20:15,20 22:20</p> <p>EAS 19:5</p> <p>ECO 5:15,16,23,25 6:2,3, 6 7:2</p> <p>effective 8:24</p> <p>election 3:1,9 6:2,8,11 7:19 9:1,20 10:2,5,6,7,8, 10 13:3,9 14:12,14 17:13 23:21 24:13 25:10 27:7 30:9,11</p> <p>elections 10:18 25:23</p> <p>electric 29:14</p> <p>Electronic 12:5 15:3 16:2 21:10</p> <p>elements 10:16</p> <p>eligible 23:9</p> <p>else's 21:10</p> <p>EMS 17:20,24 19:24</p> <p>encourage 20:21</p> <p>encrypted 23:14</p> <p>end 14:15 16:24 17:17</p> <p>end-to-end 10:4</p> <p>engineering 6:21 7:6 8:21</p> <p>ensure 22:10,25</p> <p>ensures 25:18</p> <p>environment 19:12,24 20:5</p> <p>equipment 10:9 11:19, 20</p> <p>equipped 22:1</p> <p>ES&S 9:23 10:24 11:3, 11,19 12:15,20 14:11,20 19:19</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>ES&S's 11:16</p> <p>escrow 6:9 7:20</p> <p>escrowed 7:20 8:1 9:1</p> <p>escrowing 7:16</p> <p>essential 19:11</p> <p>estimate 8:14</p> <p>evaluated 5:17</p> <p>event 7:21 20:2</p> <p>evidence 6:12</p> <p>EVS 9:21 10:3 29:15</p> <p>executable 6:10 7:17 8:25</p> <p>expiring 29:18</p> <p>explanation 11:16 22:23</p> <p>express 25:5</p> <p>Expresspass 12:7 27:1 28:12 29:1</p> <p>Expressvote 12:2 21:12,15,25 22:5 27:24</p> <p>exterior 22:1</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>faced 10:21 11:16</p> <p>fast 28:12</p> <p>fast-changing 20:24</p> <p>favor 4:15 9:10 30:3,13</p> <p>feature 16:10 22:10,24 26:24</p> <p>features 12:6,8 13:17,19, 25 20:23</p> <p>field 10:11,21 11:3,7,18, 19 14:10</p> <p>find 9:22 11:9</p> <p>finds 6:3</p> <p>fine 29:7</p> <p>finished 30:9</p> <p>firmware 10:14</p> <p>floor 17:7</p> <p>foggy 14:13</p> <p>folks 14:13</p> <p>followup 15:17 23:3</p>	<p>formally 5:14</p> <p>format 21:22</p> <p>formatting 10:7</p> <p>frequent 20:16</p> <p>Friday 17:11</p> <p>front 19:2</p> <p>function 17:23 18:15</p> <p>functionability 25:6</p> <p>functionality 7:2 12:8 13:16 17:3 18:20</p> <p>future 11:19</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>G2005 29:4</p> <p>general 6:15</p> <p>generally 18:17 20:19</p> <p>generate 21:17 23:24 27:13</p> <p>generated 12:4</p> <p>give 21:23 22:15 23:25 27:11 28:22</p> <p>gonna' 15:19 17:21 24:1</p> <p>good 5:11 8:14 9:24 22:18 25:3</p> <p>grab 22:15</p> <p>guess 15:17 16:12 17:15 18:21,25 19:23</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>handed 23:16</p> <p>happy 18:24</p> <p>hardening 19:15</p> <p>hardware 5:25 10:14</p> <p>harm 14:23 15:10</p> <p>heads 26:23</p> <p>hear 18:22 28:19</p> <p>hearing 4:15,25 9:10 30:2</p> <p>hit 27:8</p> <p>home 27:6,13</p>	<hr/> <p style="text-align: center;">I</p> <hr/> <p>idea 8:14 27:18</p> <p>identifies 16:3</p> <p>identify 3:16 13:1</p> <p>identifying 3:17 26:12</p> <p>IED 10:18</p> <p>image 6:10 8:25</p> <p>imaging 7:17</p> <p>immediately 8:24</p> <p>impact 7:2</p> <p>implemented 21:6 28:8</p> <p>improved 11:5</p> <p>inadvertently 17:17</p> <p>include 22:20</p> <p>included 10:15 11:1,14 23:8</p> <p>includes 11:22 17:19</p> <p>including 10:18 12:6 15:4</p> <p>increase 28:13</p> <p>Indiana 3:1,9,24 5:16,19 6:4,6,8,11 7:19 9:1 10:16 12:4 15:6,13 21:7 29:3 30:9,11</p> <p>indication 29:12</p> <p>information 6:19 12:4 23:20 28:22</p> <p>information's 8:1</p> <p>insert 20:10</p> <p>install 19:15</p> <p>instance 21:16</p> <p>integrate 21:14</p> <p>Integrated 12:1</p> <p>integration 22:22</p> <p>intent 22:8</p> <p>interface 10:23</p> <p>interfaces 23:12</p> <p>interference 19:21 21:1</p> <p>internet 14:6,16 17:23 18:2,4 19:5,7,17 20:8</p>	<p>introduce 3:4</p> <p>introductory 6:15</p> <p>investigate 11:8</p> <p>investigation 11:9</p> <p>involves 5:25</p> <p>issue 10:21,23 11:8 25:22 28:10</p> <p>issues 11:16 13:16 26:21</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>Jay 5:6 9:25</p> <p>June 5:20</p> <p>jurisdiction's 10:6</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>keyboard 6:23</p> <p>keys 6:24</p> <p>kind 7:15 24:5 28:12</p> <p>kinds 15:4</p> <p>King 3:10 4:3,4 12:24</p> <p>Kiosk 12:2</p> <p>Klutz 3:8 4:12 7:13,24 8:3,7 9:6 29:23</p> <p>knowing 21:16</p> <p>knowledge 24:9</p> <p>Kochevar 3:11 8:8</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lab 11:7 22:21</p> <p>lane 28:13</p> <p>laptop 17:20 18:3 19:9</p> <p>laptops 17:22 18:8,12,17</p> <p>late 17:11</p> <p>Law 3:22,24</p> <p>layer 25:18</p> <p>leads 17:15</p> <p>level 24:17</p> <p>limit 8:11</p> <p>limitation 17:3 29:2</p>
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<p>limitations 11:23 14:25 15:1</p> <p>limited 12:2</p> <p>lines 27:4 28:14</p> <p>link 27:8</p> <p>Lisa 3:13</p> <p>listed 18:19</p> <p>loaded 22:6</p> <p>loading 19:25</p> <p>local 14:12 17:13</p> <p>location 6:25 16:1</p> <p>locked 19:13</p> <p>logged 19:23</p> <p>logs 20:3</p> <p>long 3:7 28:14</p> <p>longer 27:25</p> <p>lot 26:22</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>machine 16:6 23:6</p> <p>machines 23:4</p> <p>made 19:6 20:7</p> <p>maintaining 10:7</p> <p>make 13:25 15:18 16:15 26:2,20 27:12 28:7</p> <p>malfunction 14:24</p> <p>malware 20:12</p> <p>Management 10:5</p> <p>Manager 13:9</p> <p>Managing 5:19</p> <p>Manganaro 10:24 11:3 13:8,20</p> <p>Mark 10:24 13:8</p> <p>marked 27:9</p> <p>marker 21:15,25</p> <p>marking 21:13 24:20</p> <p>matter 7:11 12:16,21</p> <p>Matthew 3:11</p> <p>media 19:20</p> <p>meeting 3:20,23</p>	<p>meeting's 17:10</p> <p>member 3:7,8</p> <p>members 3:4,5 4:4 5:22 7:12 9:22 13:13</p> <p>mentioned 27:1 28:11</p> <p>Michael 3:6</p> <p>mind 18:25 19:1 21:2</p> <p>minimis 6:1,5</p> <p>minutes 4:2,6,9,21,23 28:16</p> <p>Mock 10:18</p> <p>modification 8:22</p> <p>morning 5:11 9:24 10:25 14:14 17:11</p> <p>motion 4:8,21 8:20 9:4,7, 15 29:13,22,24 30:8,10</p> <p>moved 4:10 9:3 29:20 30:12</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name's 13:2</p> <p>Nay 4:18 9:13 30:5,15</p> <p>needed 6:25</p> <p>network 14:10,18 17:13, 18 18:1 19:10</p> <p>nice 22:10,24</p> <p>nodding 26:23</p> <p>notes 11:11</p> <p>noticed 3:21</p> <p>number 23:22</p> <p>Nussmeyer 3:10 4:3,5 26:6,12,19</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>oath 5:1,2,3</p> <p>October 29:18</p> <p>office 24:9 26:5</p> <p>officials 17:14 25:10</p> <p>online 12:7,10 14:1 16:9</p> <p>Open 3:21,24</p> <p>Openelect 5:13,15 6:7 7:7 8:23</p>	<p>opposed 4:18 9:13 30:5, 15</p> <p>order 3:3 6:21,25 7:1,6 8:21 27:4</p> <p>original 17:16</p> <p>outlines 25:11</p> <p>Overholt 3:8 13:22 14:4, 12,22 15:15 16:7,12,18, 22 17:6,9 18:8,21 20:9 24:7,16 25:20 26:10,16</p> <p>Oversight 5:9</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>paper 15:20 21:22 23:18 25:16 26:9 27:21</p> <p>paper-based 10:4</p> <p>parsing 17:9</p> <p>part 16:15 22:24</p> <p>party 10:19</p> <p>pass 27:14 28:13</p> <p>past 7:14</p> <p>patches 20:18</p> <p>patent 6:22</p> <p>PC 17:20 18:3,17</p> <p>PCS 17:21</p> <p>Pearson 12:17,22 13:2,7 18:23,24 19:4 20:11 21:5, 18 23:10 24:5,12,18 25:11 26:24 29:7</p> <p>People 24:3</p> <p>permitted 15:8</p> <p>person 7:10 12:15,20 23:22 24:20 27:20</p> <p>personnel 14:19</p> <p>phone 10:25</p> <p>piece 23:17 25:16 27:21</p> <p>Pierce 3:13</p> <p>place 27:10</p> <p>plans 4:24</p> <p>pocket 23:5,7 25:4</p> <p>point 3:25 6:16 16:24 25:3</p> <p>Policies 5:18</p>	<p>poll 12:5 15:3,8 16:1,2 21:10,15 24:19,21 25:10, 13,17 26:13,14</p> <p>polling 27:10,22</p> <p>posted 3:23 25:25</p> <p>potential 26:21</p> <p>practice 11:21 26:22</p> <p>preprinted 22:12,13</p> <p>present 3:5 4:24 5:4 6:16 7:10 10:1</p> <p>presentation 4:3 5:9 9:19</p> <p>presented 4:9</p> <p>presenting 5:12</p> <p>President 13:3</p> <p>Presidential 27:2 28:9</p> <p>press 14:15</p> <p>prevent 20:25</p> <p>prevented 14:24</p> <p>print 15:19 21:20</p> <p>printed 15:2,8,22 25:25 26:8 27:15</p> <p>printer 21:23</p> <p>printing 10:8 16:8</p> <p>prints 15:19 26:13</p> <p>prior 27:6</p> <p>Pro 11:8,11</p> <p>problem 16:15</p> <p>Procedures 5:18</p> <p>proceed 9:19</p> <p>process 19:15,16</p> <p>processes 22:18</p> <p>program 5:9 20:15,20</p> <p>programming 10:8</p> <p>prohibited 12:6,8 13:17</p> <p>prohibition 25:25</p> <p>proper 16:5</p> <p>properly 3:21</p> <p>protected 19:20 20:5</p> <p>protection 24:14</p> <p>provide 6:12 22:7 27:5</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>provided 8:12 11:19</p> <p>proxy 3:7</p> <p>public 3:2</p> <p>purpose 17:3</p> <p>put 21:20 27:8</p> <p>puts 23:19</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>QR 11:25 12:6,7,10 15:4, 5,7,10,11,22 16:9,16,19, 25 22:1 23:4,14 25:2,4,7 27:16,24 28:2</p> <p>quality 11:20</p> <p>question 12:17 16:12,13 17:6,15,16 19:4 21:2</p> <p>questions 7:12 8:19 12:23 13:12 18:25 19:1 29:4,8</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>race 28:4</p> <p>read 15:2,3,10 16:2 22:7 25:7,16</p> <p>reason 6:20 20:3 25:5</p> <p>reasonable 8:17</p> <p>reasons 20:14</p> <p>recalibrate 11:4</p> <p>recalibration 11:6</p> <p>recall 7:14</p> <p>receipt 26:9,13</p> <p>receiving 7:25</p> <p>recently 5:15 26:5</p> <p>recognize 5:6 20:11</p> <p>recommend 15:6 29:1,5</p> <p>recommendation 7:5 8:20 10:2 11:14,22 18:19 28:9 29:16,18</p> <p>recommendations 7:14 27:3</p> <p>recommended 14:25 27:19</p> <p>recommending 12:12</p> <p>recommends 6:8 11:18,</p>	<p>23 25:12</p> <p>record 7:5</p> <p>reflect 11:20</p> <p>registers 15:25 16:1</p> <p>related 11:12 12:8 13:16</p> <p>relating 10:22</p> <p>reliable 22:17</p> <p>remarks 6:15</p> <p>remind 3:15</p> <p>repeat 12:17</p> <p>report 5:13,24 6:20 9:22 10:2</p> <p>report's 8:22</p> <p>reporter 3:13,15 12:24 13:1</p> <p>reporting 3:14 10:9</p> <p>reports 22:22</p> <p>representative 7:9 12:14,20 14:11</p> <p>representatives 14:21</p> <p>request 3:19 5:23 21:7</p> <p>requested 5:14</p> <p>requests 21:14</p> <p>require 8:15 15:6</p> <p>required 3:21 6:25 7:1, 18 10:15 22:9,17</p> <p>requirement 8:15 18:11</p> <p>requirements 5:18 6:1,4 29:17</p> <p>responded 5:4</p> <p>response 4:14,19 9:9,14 28:8 29:11 30:1,6,16</p> <p>responses 11:10</p> <p>responsiveness 10:22 11:5,13</p> <p>restrictions 29:17</p> <p>result 11:5</p> <p>results 10:10 11:9</p> <p>review 27:11 28:6,19</p> <p>reviewed 4:6 5:22</p> <p>reviewing 11:10</p>	<p>risk 14:23 15:10</p> <p>Rolling 12:2</p> <p>run 19:11</p> <p>running 20:12</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>safekeeping 7:21</p> <p>sample 25:24 26:3 27:5, 9,10,17 28:2</p> <p>scam 23:6</p> <p>scan 22:3,4 27:24 28:1</p> <p>scanned 15:20</p> <p>scanner 11:25 22:1</p> <p>scanners 11:24 15:1</p> <p>scanning 12:3,6,11</p> <p>scenario 25:11</p> <p>scenarios 10:19</p> <p>scope 28:10 29:3,5</p> <p>screen 28:3,6,18</p> <p>seconds 28:17</p> <p>secure 15:12 22:16 23:13</p> <p>security 20:17,23 25:18, 22</p> <p>select 24:21</p> <p>selected 23:23</p> <p>selections 27:12,15 28:3</p> <p>send 27:9</p> <p>Senior 13:2</p> <p>sensitive 20:6</p> <p>September 3:3</p> <p>server 19:9</p> <p>session 3:2 24:2 28:15, 16,17</p> <p>shorten 27:4</p> <p>show 17:4 22:22</p> <p>showing 16:25</p> <p>shown 11:14 15:12</p> <p>shut 20:4</p> <p>signature 4:22</p>	<p>Simmons 3:12,23 5:2,3, 5</p> <p>sir 8:2 13:13</p> <p>site 27:8</p> <p>situations 18:9</p> <p>slip 21:22</p> <p>slow 10:22</p> <p>software 5:25 9:21 10:3, 14 13:4,10 29:15</p> <p>solution 22:17</p> <p>solutions 20:1</p> <p>sought 14:24</p> <p>sounds 16:14,25</p> <p>source 6:10 7:17,19 8:25</p> <p>speak 3:16,17,18</p> <p>specifically 21:12</p> <p>specifications 23:11</p> <p>Spell 3:17</p> <p>staff 3:4,9</p> <p>stand 4:25</p> <p>standards 11:15</p> <p>state 5:7,16 7:22 10:12 13:8 15:13 20:21 21:7</p> <p>States 21:8</p> <p>station 27:23</p> <p>stations 24:19</p> <p>statute 7:18</p> <p>statutes 10:16</p> <p>step 19:1 24:24</p> <p>Steve 13:2 21:18</p> <p>stick 20:10</p> <p>sticks 19:18</p> <p>stipulated 18:15</p> <p>stipulates 29:3</p> <p>stipulating 25:5</p> <p>stipulation 6:9 7:16,24 8:12,25</p> <p>stipulations 7:15 12:12</p> <p>straight 10:19</p> <p>stretch 24:5</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

study 27:4 style 12:3 21:17,19,21 22:7 23:17,21 24:22 styles 22:6 subject 7:25 29:16 submit 4:7 summary 28:3,6,18 supporting 5:23 supports 10:5 25:12 suppose 24:6 suspected 19:22 Suzannah 3:8 Symbol 11:25 system 5:8,13,16 6:7 7:7 8:23 9:22 10:1,3,4,5,11, 20 11:4,24 12:13 13:18, 25 14:2,5,9,17 15:19 17:17,19,20,21,24,25 20:4 21:9,10,11 22:21 23:6,17 24:10 25:7,14,15, 22 26:14 29:15 systems 5:10,20 9:21 10:17 13:4,9 19:14 20:6, 13,19 22:19 23:10 29:3, 14 <hr/> <p style="text-align: center;">T</p> <hr/> tab 9:23 table 28:21 taking 28:17 talking 15:18,24 16:21 21:12 team 5:17,22 10:13 Technical 5:8 ten 8:17 9:2 term 29:18 terms 12:22 13:6 15:13 test 10:15,18,21,24 11:3, 18 14:10 22:21 tested 10:11 15:14 testify 4:24 7:11 12:15,21 29:9 testing 20:15 22:21 tests 10:13 11:12,20	things 15:25 thought 25:20 throughput 28:14 time 3:18,19 6:16 8:11 27:6,11 timeline 8:15 today 29:10 30:10 today's 4:25 told 17:14 totally 20:4 touched 26:25 touchscreen 10:23 11:12 traditional 21:20 trained 17:14 training 14:19,20 25:9 transcript 11:1 transparent 23:13 true 28:25 trust 24:17 trusted 19:18 type 6:23 <hr/> <p style="text-align: center;">U</p> <hr/> unauthorized 20:10 understanding 14:8 unique 19:19 24:12 Unisyn 5:13,14 6:7,9,25 7:10 8:23 United 21:8 units 11:17 University 5:7 10:12 updates 20:16 upgrade 20:22 USB 19:18 20:10 <hr/> <p style="text-align: center;">V</p> <hr/> V&v 11:8,11 VBS 29:4 vendors 26:22	verification 10:15 verified 14:11 verifying 14:6 version 12:1 versions 11:13 Vice 3:7 13:3 vote 22:5,14 23:9 24:3 voter 15:25 16:4 21:18,24 22:8,10,25 23:4 24:22 25:3,13,17 26:15 28:1 voters 6:23 27:5,25 voting 5:8,10,15,19 6:7 7:7 8:23 9:21 10:1,3,11, 16,19,20 11:24 17:25 21:9,11 22:11,13,21 24:2 28:15 29:3,15 VSTL 5:24 VSTOP 5:9,17,22 6:3,7, 12 7:5 9:23,25 10:12,13, 21,23 11:7,11,15,18,23 25:12 29:5,16 VSTOP's 8:20,22 14:8 VVSG 11:11,15 <hr/> <p style="text-align: center;">W</p> <hr/> walk 21:24 22:14 24:19, 22 25:13,15 walked 26:14 walking 25:4 wanted 28:22 wanting 29:9 Web 27:7 Wednesday 3:2 Windows 19:12,25 wireless 18:10,12 wishes 7:10 12:15,20 words 17:10 work 22:18 worker 24:19,21 25:13, 17 26:15 workers 25:10 working 16:5 world 20:24	wrong 14:15 22:15 <hr/> <p style="text-align: center;">Y</p> <hr/> years 27:2 <hr/> <p style="text-align: center;">Z</p> <hr/> Zachary 3:8 Zebra 11:25
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