Indiana Election Commission
Minutes
August 18, 2021


Members Absent: Zachary E. Klutz, Member.

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 Kochevar, Co-General Counsel of the Election Division; Valerie Warycha, Co-General Counsel of the Election Division.

Others Attending: Dr. Jay Bagga; Dr. Bryan Byers; Mr. Mani Kilaru; Ms. Molly Owens.

1. Call to Order:

The Chair called the August 18, 2021 meeting of the Commission to order at 1:00 p.m. EDT in Conference Room B, Indiana Government Center South, 402 West Washington Street, Indianapolis.

2. Transaction of Commission Business:

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Julie Nicholson, RPR, CRR, of Stewart Richardson and Associates, which is incorporated by reference into these minutes.

The Commission adjourned its meeting at 1:25 p.m. EDT.

Respectfully submitted,

J. Bradley King
Co-Director

Angela M. Nussmeyer
Co-Director

APPROVED:

Paul Okeson, Chairman
In the Matter Of:

INDIANA ELECTION COMMISSION PUBLIC SESSION

Transcript of Proceedings

August 18, 2021

StewartRichardson
DEPOSITION SERVICES
INDIANA ELECTION COMMISSION

PUBLIC SESSION

Conducted on:  August 18, 2021

A Stenographic Record by:

Julie A. Nicholson, RPR, CRR

STEWART RICHARDSON DEPOSITION SERVICES
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APPEARANCES

INDIANA ELECTION COMMISSION:
Paul Okeson - Chairman
Suzannah Wilson Overholt - Member
Stephanie Beckley - Proxy for Member Zachary E. Klutz
Karen Celestino-Horseman - Member

INDIANA ELECTION DIVISION STAFF:
Angela M. Nussmeyer - Co-Director
J. Bradley King - Co-Director
Matthew R. Kochevar - Co-Legal Counsel
Valerie Warycha - Co-Legal Counsel
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CHAIRMAN OKESON: Good afternoon. I'd like to
call the Indiana Election Commission public session
to order. Today's date, Wednesday, August 18,
2021. It's roughly 1:00. Couple minutes late.
The following members of the Commission are
present: Myself, Chairman Paul Okeson; Vice
Chairman Suzannah Wilson Overholt, Stephanie
Beckley, sitting as proxy for Zach Klutz, who
couldn't be here today; and our new member, Karen
Celestino-Horseman, who is no stranger to the
Commission, and we welcome you.

And we have the Election Division staff here,
Co-Directors Brad King, Angela Nussmeyer,
Co-Counsels Valerie Warycha and Matthew Kochevar.
And our court reporter at the end here is
Julie Nicholson from Stewart Richardson.

Any of those -- any of you that are going to
provide information or testimony today, I want to
make sure that you say your name before you begin
and you make sure that you speak clearly so the
court reporter can hear you.

With that, we'll move on. Documentation of
compliance with the open door request to
co-directors confirm that we have successfully
noticed this meeting under the Open Door Law.
MR. KING: Mr. Chairman, on behalf of myself and Co-Director Nussmeyer, we confirm that the meeting today was properly noticed in accordance with the Indiana Open Door Law.

CHAIRMAN OKESON: Thank you. Moving on, with that, we'll move to the approval of the June 24, 2021, minutes. The recognized co-directors will present the minutes, please.

MR. KING: Mr. Chairman, members of the Commission, on behalf of myself and Co-Director Nussmeyer, we have presented the meeting minutes for June 24, 2021, and recommend their approval to you.

CHAIRMAN OKESON: Do I have a motion to approve the minutes as presented?

MS. WILSON OVERHOLT: So moved.

CHAIRMAN OKESON: Do I have a second?

MS. BECKLEY: So moved.

CHAIRMAN OKESON: Hearing a second, is there any further conversation or discussion?

Hearing none, all those in favor, signify by saying "Aye."

MS. WILSON OVERHOLT: Aye.

MS. BECKLEY: Aye.

MS. CELESTINO-HORSEMAN: Aye.
CHAIRMAN OKESON: The "ayes" have it. The motion carries. I'll go ahead and sign them now.

Moving to the next item on the agenda, we have ratification of campaign finance settlement agreements. I recognize the co-directors once again to present the information concerning finance enforcement settlement agreements to the Commission.

MR. KING: Mr. Chairman, ordinarily this would be presented by our campaign finance staffers. Both are unavailable for this meeting. The settlement agreement is listed in the tab -- first tab, the white tab behind your agenda in the binder. This is one settlement agreement for the amount indicated. This is a situation where the committee has agreed to pay the full amount of the penalty without any reduction in return for no finding of violation of the campaign finance statutes.

CHAIRMAN OKESON: Okay. Is there a motion to ratify the campaign finance agreement as it's presented?

MS. WILSON OVERHOLT: So moved.

CHAIRMAN OKESON: Is there a second?

MS. BECKLEY: So moved.
CHAIRMAN OKESON: Any discussion on the matter?

Hearing none, all those in favor, signify by saying, "Aye."

MS. WILSON OVERHOLT: Aye.

MS. BECKLEY: Aye.

MS. CELESTINO-HORESMAN: Aye.

CHAIRMAN OKESON: The "ayes" have it. The motion carries.

I believe we have some folks from VSTOP here today. If Mr. Kochevar would indulge us, please come forward and take the oath.

MR. KOCHEVAR: Gentlemen, before you sit down, if you will raise your right hand and say, "I do," after recitation of the oath.

Do you solemnly swear or affirm that the testimony you are about to give to the Indiana Election Commission is the truth, the whole truth, and nothing but the truth?

Please say, "I do."

DR. BAGGA: I do.

DR. BYERS: I do.

CHAIRMAN OKESON: Would you mind, just for the court reporter, can you state your names?

DR. BAGGA: My name is Jay Bagga, J-A-Y

DR. BYERS: My name is Bryan Byers, spelled B-R-Y-A-N. Last name is B-Y-E-R-S. And I'm also a co-director of the Voting System Technical Oversight Program.

CHAIRMAN OKESON: Thank you, gentlemen, for being here today. So the Commission has received some reports from VSTOP, the Voting System Technical Oversight Program, and its recommendation regarding certain applications for approval of voting system engineering change orders. The reports were provided to the members prior to today's meeting, and I recognize the gentlemen from VSTOP for presentation concerning these recommendations.

DR. BAGGA: Thank you, Mr. Chairman and members of the Commission. Thank you for allowing us to make a presentation before this Commission. I'd like to begin if I may by introducing the other members of the VSTOP team who are here today. We have three professional staff that are here with us --

UNIDENTIFIED SPEAKER: Excuse me. We can't understand him. Is it possible -- he's 6 feet
apart so can he, please, take his mask off so we
can hear him, please?

CHAIRMAN OKESON: Valerie, do you --

UNIDENTIFIED SPEAKER: Or give him a
microphone.

MS. WARYCHA: I don't believe he's required
to. He is able to wear the mask if that is what he
feels comfortable with. Dr. Bagga, if you could,
speak up maybe so she can hear you.

DR. BAGGA: Certainly.

UNIDENTIFIED SPEAKER: Maybe turn around then
and look at the -- since most of the audience is
here.

DR. BAGGA: Thank you. Yes, I will.

CHAIRMAN OKESON: Thank you. Please. We're
here to hear his testimony. Thank you.

UNIDENTIFIED SPEAKER: So are we.

CHAIRMAN OKESON: It's a recorded meeting.

You're welcome to move a little bit closer if you'd
like. Go ahead, sir.

DR. BAGGA: So the members of the professional
staff of VSTOP team that are here today is Molly
Owens. She is our project specialist. Mr. Mani
Kilaru, our IT specialist. And we are pleased to
introduce the newest member of the VSTOP team is
Marc Chatot --

THE REPORTER: I'm sorry. I am having trouble
hearing you.

DR. BAGGA: And we would -- would you like us
to spell out the names for you?

THE REPORTER: Sure.

MS. OWENS: My name is Molly Owens, M-O-L-L-Y
O-W-E-N-S.

MR. KILARU: My name is Mani Kilaru, M-A-N-I
K-I-L-A-R-U.

MR. CHATOT: Marc Chatot. It's M-A-R-C
C-H-A-T-O-T.

CHAIRMAN OKESON: Thank you.

DR. BAGGA: Thank you. We would like to
present several engineering change orders, or ECOs,
for two certified systems within the state of
Indiana.

Are we ready to proceed with the first one,
Mr. Chairman?

CHAIRMAN OKESON: Yeah. The Commission would
like to consider the application for MicroVote.

DR. BAGGA: Thank you. The MicroVote has
requested approval of two de minimis ECNs for the
MicroVote EMS Version 4.4 Voting System, which is
currently certified in Indiana. The ECNs have been
evaluated by the VSTOP team in accordance with the requirements of the Policies and Procedures for Managing Changes in Indiana, which was approved by the Indiana Election Commission.

The two ECOs have numbers. The first one is ECN 132. This ECN or change adds two plastic paper roll retaining clips to the VVPAT, the voter verifiable paper audit trail machine, which holds that paper roll. And these retaining clips will secure the paper positively and help in the moving of the tape and the alignment of the paper tape.

The second ECN, ECN 134, introduces a new all-in-one plastic model VB2 in all-in-one voting stations, which has been fully customized to accommodate the DRE and also the VVPAT unit all in one unit of the system.

Members of the VSTOP team have reviewed the ECNs and the supporting documents and the lab reports, and VSTOP finds that these ECNs comply with the requirements for de minimis changes to hardware components. These ECNs only apply to the specific MicroVote EMS-4.4 Voting System that is certified in Indiana.

VSTOP recommends the approval of these ECOs 132 and 134. Thank you.
CHAIRMAN OKESON: Before I ask for a motion, do any members of the Commission have any questions regarding the MicroVote change orders?

With that, is there a motion to adopt VSTOP's recommendation of 132, 134 for August 17, 2021, as described in the report, modifications to EMS Version 4.4 - Indiana Voting System with this approval being effective immediately?

MS. WILSON OVERHOLT: So moved.

CHAIRMAN OKESON: Is there a second?

MS. BECKLEY: So moved.

CHAIRMAN OKESON: Any further discussion?

All those in favor signify by saying, "Aye."

MS. WILSON OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. BECKLEY: Aye.

CHAIRMAN OKESON: The "ayes" have it. The motion carries.

So I think next we have the Hart InterCivic.

DR. BAGGA: Thank you, Mr. Chairman. The next document has ECOs, engineering change orders -- three of them from Hart InterCivic, which has a certified system in Indiana for Verity Voting 2.5. The ECOs as presented in the reports to you are de minimis, and they have numbers, 1426, 1456, and
1461. And we'll describe them now.

The first ECO 1426 makes manufacturing improvements to the assemblies used in the Touch Writer Duo and the Touch Writer Duo Standalone devices. These are improvements which will reduce the needs for rework during the assembly of the systems.

CHAIRMAN OKESON: Excuse me. Could you say that part again? They're used for what? I didn't hear you.

DR. BAGGA: I'm sorry?

CHAIRMAN OKESON: Would you read that part again?

DR. BAGGA: Sure. These improvements will reduce the need for rework during the initial assembly of the systems.

CHAIRMAN OKESON: Thank you.

DR. BAGGA: The second ECO, ECO Number 1456, adds an additional cable supplier to the cable suppliers' list for the Hart InterCivic cable assemblies so that they -- the vendor has a greater choice of choosing among those cable suppliers.

The third ECO, ECO Number 1461, modifies the device operating system procedures to accommodate a Windows 10 procedure, which handles the
pagefile.sys file, which is a file which handles
the memory of the system and the memory on the
physical devices. Hart has determined that this
procedure improves and retains that file which
manages these memories.

Members of the VSTOP team have reviewed all of
these ECOs and also reviewed all the lab reports,
and we find that these comply with the requirements
for de minimis changes to the hardware components.
These ECOs apply only to Hart's InterCivic Verity
Voting 2.5 system that is certified currently in
Indiana.

VSTOP recommends approval of ECOs 1426, 1456,
and 1461. Thank you.

CHAIRMAN OKESON: Thank you.
Is there anyone here from Hart InterCivic that
would like to address the Commission?
Again, I'll indulge any members of the
Commission that might have some questions regarding
these change orders to the members of VSTOP.
Can I get a motion to adopt VSTOP's
recommendation of April 14, 2021, for approval of
engineering change orders 1426, 1456, and 1461 as
described in VSTOP's report for modifications to
Hart InterCivic Verity Voting 2.5 system, this
approval being effective immediately.

MS. CELESTINO-HORSEMAN: So moved.

CHAIRMAN OKESON: Thank you. Do I have a second?

MS. BECKLEY: So moved.

CHAIRMAN OKESON: Any further discussion?

Hearing none, all those in favor signify by "Aye."

MS. CELESTINO-HORSEMAN: Aye.

MS. WILSON OVERHOLT: Aye.

MS. BECKLEY: Aye.

CHAIRMAN OKESON: The "ayes" have it. The motion carries.

And I believe there's another Hart InterCivic. Proceed.

DR. BAGGA: Thank you, Mr. Chairman. The next document describes one ECO, ECO Number 1453, from Hart InterCivic, which is a change order to the Verity Voting 2.5 Voting System currently certified for use in Indiana. This again is a de minimis or a minor change to the system which concerns the strengthening of the ballot box and booth.

The change adds two braces to add to the rigidity of the ballot box, and it improves the ballot box for customers that choose to store the
ballot box with the Verity Scan device used on top of the ballot box rather than using the collapsible feature for storage.

Members of the VSTOP team have reviewed the ECO and the supporting documents, including the lab reports, and VSTOP finds that the ECO complies with the requirements for de minimis changes to hardware components. And this ECO applies only to the specific Hart InterCivic Verity Voting 2.5, which is certified currently in Indiana.

VSTOP recommends approval of this issue.

Thank you.

CHAIRMAN OKESON: Absolutely. Any questions?

MS. WILSON OVERHOLT: I just want to clarify. It looks like the only reason this is separate from the ones we just heard is because it was submitted on a different date; right? Is that --

CHAIRMAN OKESON: Correct.

MS. WILSON OVERHOLT: Yeah, I just wanted --

DR. BAGGA: That would be correct. Those were separated as different documents, but they are for the same voting system.

CHAIRMAN OKESON: There's one in April, one in May.

DR. BAGGA: Yeah, yeah, uh-huh.
CHAIRMAN OKESON: So we're taking them --

MS. WILSON OVERHOLT: Right.

CHAIRMAN OKESON: -- chronologically.

DR. BAGGA: We're taking them as they come.

CHAIRMAN OKESON: That's a good point.

Is there a motion to adopt VSTOP's recommendation of May 5, 2021, for approval for change order 1453 as described in their report for modifications to this Hart InterCivic Verity Voting 2.5 Voting System? Again, this approval will be effective immediately.

MS. WILSON OVERHOLT: So moved.

CHAIRMAN OKESON: Second?

MS. BECKLEY: So moved.

CHAIRMAN OKESON: Any further discussion? Hearing none, all those in favor signify by saying, "Aye."

MS. BECKLEY: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. WILSON OVERHOLT: Aye.

CHAIRMAN OKESON: The "ayes" have it. The motion carries.

And then there's one more here, it looks like --

DR. BAGGA: Yes.
CHAIRMAN OKESON: -- from Hart InterCivic. Go ahead.

DR. BAGGA: Thank you, Mr. Chairman.

The last ECO -- the last document, it presents two ECOS, ECO Number 1446 and ECO Number 1489. These are also for the same voting system, the Hart InterCivic Verity Voting 2.5 Voting System, currently certified for use in Indiana. Again, these are both de minimus ECOS. These are minor changes.

The first ECO 1446 makes clerical updates and changes to the labels and changes to the manufacturer lists and makes updates to the labels of some of the labels put on the system.

The second ECO Number 1489 makes a change to the circuit board by adding an additional component, which is equivalent to the currently used component. And this component is a metal-oxide-semiconductor field-effect transistor, or the MOSFET device, which helps in the supply chain for the device because there are long waiting lines for the current system on the current component. So the vendor is adding another supplier with this component.

Members of the VSTOP team have reviewed these
ECOs, and we find that these meet and comply with the requirements for de minimis changes to hardware components. These ECOs apply only to the Hart InterCivic Verity Voting 2.5 Voting System that's currently certified in Indiana.

In addition, there is a limitation to one of the components, and VSTOP recommends that these two ECOs be approved with the limitation that the Duo Go carrier system may not be allowed to use the curbside voting feature, which it has the capability of. But curbside voting is not an authorized voting procedure in Indiana. So VSTOP recommends that that limitation be placed on this component.

With that limitation, VSTOP recommends approval.

CHAIRMAN OKESON: I'm going to go ahead and ask a question. So explain that second change order again. I think what I heard you say is they changed the makeup of the particular circuit board.

DR. BAGGA: Circuit board component, right.

CHAIRMAN OKESON: And that was to avail themselves of additional suppliers; is that correct?

DR. BAGGA: Yes, uh-huh.
CHAIRMAN OKESON: So the function of the board itself hasn't changed; correct?

DR. BAGGA: That is correct.

CHAIRMAN OKESON: It's just a -- we can't get a certain material to make the circuit board, so we're going to use a different material?

DR. BAGGA: That's right.

CHAIRMAN OKESON: And then the second part, you mentioned at the end there was curbside capabilities. Can you say a little bit more about that?

DR. BAGGA: Certainly, Mr. Chairman. So the vendor has made representation to us that this particular component can be used for curbside voting and it has that capability. So upon our checking with IED on this feature, we were told that curbside voting is not a feature that is allowed in Indiana, so -- and it has not been used for that feature in any case --

CHAIRMAN OKESON: Right.

DR. BAGGA: -- since it has been certified.

So we wanted to make that expressed limitation with our approval to make sure that the vendor does not use this for curbside voting, which is not authorized in Indiana anyway. But this component
could be used for other functions such as travel voting.

CHAIRMAN OKESON: Travel voting. Another way of thinking about this is that they use this voting software in other states where maybe that is permitted so that feature is available. Okay.

DR. BAGGA: Yes.

CHAIRMAN OKESON: All right.

MS. CELESTINO-HORSEMAN: Mr. Chairman?

CHAIRMAN OKESON: Yes. Go right ahead.

MS. CELESTINO-HORSEMAN: So what we're talking about here is that on the -- when you say to limit it from being able to do drive-up voting, that's -- you have the piece of hardware, which we are approving, but you're then going to do -- make sure that the manufacturer doesn't include with it a software program that would allow that. Is that what I'm understanding?

DR. BAGGA: So this component could be used -- it's a portable component. It could be carried outside for curbside. But that's not allowed in Indiana, so the vendor would be restricted not to be able to use it in that form.

MS. CELESTINO-HORSEMAN: So the vendor would on election day --
DR. BAGGA: Yes.

MS. CELESTINO-HORSEMAN: It's not that there's anything --

CHAIRMAN OKESON: They would not enable that feature in the software; correct?

MS. NUSSMEYER: Mr. Chairman, if I might, it's not a software component. It's a carrier. It is what they physically put the machines into.

CHAIRMAN OKESON: Okay.

MS. NUSSMEYER: It's a stand. It's just a fancy stand that they --

CHAIRMAN OKESON: I got you.

MS. NUSSMEYER: -- represent as being able to use for curbside voting. And so in their marketing materials in Indiana, they cannot market it as an option for curbside voting to use a ballot --

CHAIRMAN OKESON: Understood.

MS. NUSSMEYER: -- stand.

DR. BAGGA: Thank you for that testimony. That's exactly --

DR. BYERS: That's the key. It's their marketing for --

UNIDENTIFIED SPEAKER: So they're turning it off?

CHAIRMAN OKESON: Thank you.
MS. NUSSMEYER: Sure.

MS. WILSON OVERHOLT: That would be my point, that it sounded like it was a marketing issue.

It's a restriction on the vendor being able to --

CHAIRMAN OKESON: It's because you can do that -- yeah.

DR. BAGGA: Right. There's no technical changes at all.

MS. WILSON OVERHOLT: And that's the other thing just to clarify, too, that this -- the component -- the second ECO, that component, that's because of supply chain issues. That has nothing to do --

CHAIRMAN OKESON: To do with the --

MS. WILSON OVERHOLT: -- with the functionality -- well, obviously it has to do with functionality. Sorry. I guess it has nothing to do with the -- it doesn't alter in any way the manner in which this device operates.

DR. BAGGA: That is correct. Function -- the functionality does not change the -- it's just adding a new supplier with identical component.

MS. WILSON OVERHOLT: Right. Okay. Thank you.

CHAIRMAN OKESON: That makes sense.
With that, is there a motion to adopt VSTOP's recommendation dated July 29, 2021, for approval of the engineering change orders 1446 and 1489 described in their report for modifications to Hart InterCivic Verity Voting 2.5 System, again, with those changes being effective immediately?

MS. WILSON OVERHOLT: So moved.

CHAIRMAN OKESON: Second?

MS. BECKLEY: So moved.

CHAIRMAN OKESON: Any further discussion?

Hearing none, all those in favor, signify by saying, "Aye."

MS. WILSON OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. BECKLEY: Aye.

CHAIRMAN OKESON: The "ayes" have it. The motion carries.

Thank you, gentlemen.

DR. BAGGA: Thank you, Mr. Chairman.

DR. BYERS: Thank you, Mr. Chairman.

CHAIRMAN OKESON: Nice to meet all of you.

Thank you for coming.

With that, we've finished our business for the day. Is there a motion for the Election Commission to adjourn?
MS. WILSON OVERHOLT: So moved.

CHAIRMAN OKESON: Second?

MS. BECKLEY: So moved.

CHAIRMAN OKESON: No discussion. The "ayes" have it. The meeting is adjourned.

(The Indiana Election Commission Public Session was adjourned at 1:25 p.m.)
STATE OF INDIANA

COUNTY OF HAMILTON

I, Julie A. Nicholson, RPR, CRR, a Notary Public in and for said county and state, do hereby certify that the foregoing public session was taken at the time and place heretofore mentioned between 1:02 p.m. and 1:25 p.m.;

That said public session was taken down in stenograph notes and afterwards reduced to typewriting under my direction; and that the typewritten transcript is a true record of the public session.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of August, 2021.

[Signature]

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