Indiana Election Commission
Minutes
February 10, 2023

Members Present: Paul Okeson, Chairman of the Indiana Election Commission ("Commission"); Suzannah Wilson Overholt, Vice Chair of the Commission; Karen Celestino-Horseman, member; Abhilash Reddy, Proxy for Litany A. Pyle, Member.

Members Absent: Litany A. Pyle.

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: Mr. Marc Chatot, Voting System Technical Oversight Program (VSTOP); Mr. Choate, Hart InterCivic.

1. Call to Order:

The Chair called the February 10, 2023 meeting of the Commission to order at 1:00 p.m. EST in Indiana Government Center South Conference Room 1, 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 Maria W. Collier, RPR, CRR, of Stewart Richardson and Associates, which is incorporated by reference into these minutes.

The Commission adjourned its meeting at 1:17 p.m. EST.

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

February 10, 2023

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INDIANA ELECTION COMMISSION

PUBLIC SESSION

Conducted on: February 10, 2023

Conducted at: Indiana Government Center South
402 West Washington Street, Conference Room 1
Indianapolis, Indiana

A Stenographic Record by:

Maria W. Collier, RPR, CRR

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APPEARANCES

INDIANA ELECTION COMMISSION:

Paul Okeson - Chairman

Suzannah Wilson Overholt - Vice Chairman

Abhilash Reddy, Proxy for Litany Pyle - Member

Karen Celestino-Horseman - Member

INDIANA ELECTION DIVISION STAFF:

Angela M. Nussmeyer - Co-Director

J. Bradley King - Co-Director

Matthew Kochevar - Co-Counsel

Valerie Warycha - Co-Counsel

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CHAIRMAN OKESON: We're going to go ahead and get started. We have a fourth member who will be joining us shortly, but we have a quorum, so we'll go ahead and get started.

I'd like to call to order the Indiana Election Commission public session for Friday, February 10, 2023, 1:00 p.m., here in the Government Center South, Conference Room 1.

The following members of the Commission are present: Myself, Chairman Paul Okeson; Vice-Chair Suzannah Wilson Overholt; Abhi Reddy, proxy for Litany Pyle to my left; and Member Karen Celestino-Horseman will be here shortly. I also recognize the Election Division co-staff, Co-Director Brad King and Co-Director Angie Nussmeyer along with Co-Counsel Matthew Kochevar and Valerie Warycha to my left. And then the court reporter, Maria Collier, from Stewart Richardson Deposition Services.

With that in mind, as we proceed, if you're going to be giving any testimony, please state your name and then spell it for the court reporter so we can get the minutes accurate.

With that, we'll move on to the documentation of compliance with the Open Door Law.

MR. KING: Mr. Chairman, members of the Commission, on behalf of myself and Co-Director Nussmeyer, we certify that notice of this meeting was given in compliance with the Indiana Open Door Law.

CHAIRMAN OKESON: Thank you.

Next, approval of January 31, 2023, Election Commission minutes. I recognize the co-directors to present the minutes.

MR. KING: Mr. Chairman, on behalf of myself and Co-Director Nussmeyer, we have reviewed the minutes of the January 31, 2023, Indiana Election Commission and recommend them to you for your approval.

CHAIRMAN OKESON: Okay. Is there a motion to approve?

VICE CHAIRMAN OVERHOLT: So moved.

CHAIRMAN OKESON: Second?

MR. REDDY: Second.

CHAIRMAN OKESON: Any discussion?

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

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MR. REDDY: Aye.

CHAIRMAN OKESON: The "ayes" have it.

And on to the matter that bring us here today, the approval of voting systems engineering changes. If you're planning on providing any testimony or responding to any questions, will you please stand and take the oath from Co-Counsel Matthew Kochevar.

MR. KOCHEVAR: Please raise your right hand and say "I do" after recitation of the oath.

Do you solemnly swear or affirm, under the penalties of perjury, 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."

ALL: I do.

CHAIRMAN OKESON: Thank you. Thank you, Matthew.

So in our binders we have the Hart InterCivic Verity Voting System engineering change orders for the Verity 2.3, 2.5, and 2.6 voting systems, respectively Change Orders 1512, 1524, 1538, and 1551.

I recognize the Co-Directors and then a representative from VSTOP. Brad.

MR. KING: Mr. Chairman, members of the Commission, in your binder you will find the

individual engineering change orders that the Chair referenced in his motion. I believe there are four. These applications for engineering change orders were submitted and reviewed by the co-directors and the Voting System Technical Oversight Program, VSTOP, for compliance with statutory requirements by the co-directors and then technical aspects by VSTOP.

I have nothing further now. At this point I'll defer to Co-Director Nussmeyer for any additional information.

MS. NUSSMEYER: Thank you, Mr. King.

Mr. Chair, members of the Commission, just a reminder that engineering change orders are typically -- I wouldn't call them benign changes, but what would be called non-de minimis changes where they're not impacting the coding of an election. Sometimes, if you remember from past change orders, it's simply changing out a different cord for an upgraded version because the previous cord was no longer manufactured, for example. So those are the types of things we're going to be hearing about today at the meeting.

VICE CHAIRMAN OVERHOLT: You said non-de minimis, but these are actually de minimis

changes; correct?

MS. NUSSMEYER: Thank you. Yes.

VICE CHAIRMAN OVERHOLT: Just wanted to clarify that.

MS. NUSSMEYER: I appreciate you. Thank you.

CHAIRMAN OKESON: So we can move on to some discussion and testimony, I guess I would make a motion. I move that the application submitted by Hart InterCivic for approval of each of these engineering change orders be approved for marketing and use in Indiana for a term expiring October 1, 2025, subject to any restrictions set forth in the report submitted by VSTOP.

Is there a second?

VICE CHAIRMAN OVERHOLT: Second.

CHAIRMAN OKESON: Okay. I recognize our friends from VSTOP.

MR. CHATOT: Thank you, Commissioner. My name is Marc Chatot, M-a-r-c, C-h-a-t-o-t. I will be presenting the four changes here.

ECO-1512 makes several clarifying clerical updates and adds an additional construction method for an existing internal device cable. There are no changes to the production of the Verity device assemblies. The following changes are made in the

ECO: Clerical Verity Duo series baseboards correction. A duplicate reference designator is removed. Three cable drawings are updated to clarify any connector tooling points that are to be covered. And an alternate construction method for an internal cable is provided.

Members of the VSTOP team have reviewed ECO-1512 and the supporting documents and the Voting System Testing Laboratory reports. VSTOP finds the ECO complies with the requirements for de minimis or minor changes to hardware components. The ECO only applies to the specific Hart InterCivic voting systems noted in the table above. The Hart InterCivic Verity 2.3 and Verity 2.5 voting systems are EAC certified, and the ECO was approved by the EAC.

VSTOP recommends the approval of ECO-1512.

ECO-1524 introduces security enhancements in Verity 2.5 that will increase scanning speed in Verity 2.5. The average scanning time increases as additional cast vote records and ballot images are added. This ECO introduces a scanning speed performance optimization that was developed in Verity 2.7. This change affects Verity Scan and Verity Scan with Relay devices on Verity 2.5 and

2.6 only. There are no other changes to other Verity devices or workstations.

Members of the VSTOP team have reviewed ECO-1524 and the supporting documents and the Voting System Testing Laboratory reports. VSTOP finds the ECO complies with the requirements for de minimis or minor changes to hardware components. The Hart InterCivic Verity 2.5 and 2.6 voting systems are EAC certified, and the ECO was approved by the EAC. Only Verity 2.5 is currently in use in Indiana.

ECO-1538 introduces the Commercial-Off-the-Shelf, or COTS, monitor (display) for use with Verity workstations that is being end-of-lifed and replaced. The manufacturer, Hewlett-Packard, has recommended that the P24 G4 24 is replaced with the P24v G4. The P24v G4 display is a complete form, fit, and function match with the HP P244 with all the same specifications and features. The DisplayPort output is removed, and connectivity to the workstation is via an HDMI to a MiniDisplayPort cable.

The Hewlett-Packard P24 G4 24 monitor is no longer available, and Hewlett-Packard has suggested the P24v G4 as an equivalent replacement.

Members of the VSTOP team have reviewed the ECO supporting documents and Voting System Testing Laboratory reports. VSTOP finds the ECO complies with the requirements for de minimis changes to hardware components. The ECO only applies to the specific Hart InterCivic Verity 2.3 and 2.5 voting systems noted in the table above. The Hart InterCivic Verity 2.3 and 2.5 voting systems are EAC certified, and ECO-1538 was approved by the EAC.

VSTOP recommends approval of ECO-1538.

The final ECO is ECO-1551. The Touch Duo, a ballot marking device, is connected to the Verity Controller for management and activation by the poll worker. Up to 12 Touch Duo devices may be connected in a daisy chain manner to a single controller and are identified by their booth assignment number.

The need for the change to Verity 2.5 was noted when customers in seven Texas counties with large numbers of precincts and many contests on the ballot experienced setup time delays of up to 40 minutes when assigning booth numbers. This delay was due to Touch Duo units displaying a "No Controller Found" message when multiple booths were

assigned near simultaneously.

This minor software update will make the following changes to reduce network traffic and eliminate concurrency issues: (1) Upon loading a new election on the controller, the Verity database will be staged to a subfolder within the original database folder. (2) Touch Duo will download this version when it requests the election media upon loading an election. (3) At the same time, a corresponding database signature file will be created to compare the version of the database on the Duo side with the version on the controller in order to determine whether the Verity database needs to be redownloaded or if the existing one can be utilized. This change is limited to Verity Controller and Verity Duo software only and is applicable to Verity 2.5. There will be no impact to the Base Operating System master image.

At the conclusion of this update, Verity Controller software will be updated from 2.5.1 to 2.5.3. Verity Touch Writer Duo software will be updated from 2.5.1 to 2.5.3.

Upon review of the supporting documents and Voting System Testing Laboratory reports by the members of the VSTOP team, VSTOP finds that this

ECO complies with the requirements for de minimis changes to hardware components. The Hart InterCivic Verity 2.5 voting system is EAC certified, and the ECO has been approved by the EAC.

VSTOP recommends approval of ECO-1551.

That concludes VSTOP's recommendations.

CHAIRMAN OKESON: Thank you.

Any questions?

VICE CHAIRMAN OVERHOLT: Well, so the last one, the last change order is the one that I'm -- because I get why -- from a layperson's standpoint, I suppose, so this boils down to when you get to a certain number of precincts in a polling location, that the system was having a hard time kind of recognizing those various --

MR. CHATOT: Correct. So you start with the controller, and then you add the Touch Duo devices to it in a daisy chain. As they were adding those devices, they added too many at once and it kind of hung everything up. So this is a speed improvement to make it so that you can add those devices easier.

CHAIRMAN OKESON: Too many strands of Christmas lights on the --

MR. CHATOT: Exactly.

VICE CHAIRMAN OVERHOLT: Blew a circuit. And we all know that 6:00 a.m. on Election Day is not when you want that to -- more appropriately, 5:45 a.m. on Election Day.

But when it talks about redownloading the database file and then --

CHAIRMAN OKESON: It was doing that erroneously before, or unnecessarily.

VICE CHAIRMAN OVERHOLT: Right.

MR. CHATOT: Or kind of halfway getting it done.

VICE CHAIRMAN OVERHOLT: But the database that we're talking about is simply the database for the operating system? It's not --

MR. CHATOT: Yeah, the election database, the one for the election being used that's being deployed on all the devices.

MS. NUSSMEYER: If I might -- and you stop me if I'm hearing this wrong -- the election that's coded on the system, right, would be the precinct and then the voter's ballot style.

MR. CHATOT: Correct.

MS. NUSSMEYER: Because that system pulls up the person's ballot style so that it can be filled

out and managed that way. So it was getting hung up within that database not being able to pull it through. Is that a correct understanding?

MR. CHATOT: Correct. The database involved different ballot styles that would be available. The controller would say "You need ballot style No. 4, go to Booth 6," and it will pull it up for you.

VICE CHAIRMAN OVERHOLT: And that's what was slowing it down?

MR. CHATOT: That's what the controller and the Duo Touch devices have to communicate back and forth to each other to make sure that they're both right.

CHAIRMAN OKESON: And that was freezing up and the ballot wasn't loading?

MR. CHATOT: Correct.

VICE CHAIRMAN OVERHOLT: So this update, it's all still contained within the operating system that's going to be deployed at that polling location and it's not depending on Internet connectivity?

MR. CHATOT: Correct. It's still an isolated system. It's a closed network.

MS. CELESTINO-HORSEMAN: Did we have that

problem in our elections here?

MR. CHATOT: No. We did not experience that in Indiana. It was just Texas.

VICE CHAIRMAN OVERHOLT: Anticipating.

MR. CHATOT: Yes.

VICE CHAIRMAN OVERHOLT: I don't have any other questions.

MS. CELESTINO-HORSEMAN: I missed the beginning. Can you start over?

VICE CHAIRMAN OVERHOLT: You can leave. We decided we didn't need your vote.

MS. CELESTINO-HORSEMAN: No, I don't.

CHAIRMAN OKESON: I forgot to note, Brad, was there any correspondence that was submitted or filed in relation to this beyond the VSTOP report?

MR. KING: No, Mr. Chairman, members of the Commission, there was not. I'll just note that there are representatives from Hart InterCivic present if the Commission has questions for them. Other than that, no communications.

CHAIRMAN OKESON: I don't have any. Would you wish to say anything?

MR. CHOATE: No. If you all are satisfied, we're satisfied.

CHAIRMAN OKESON: Is there anyone else present

who would like to share any thoughts?

Well, we've completed our discussion. We've got a motion and a second. I guess we're prepared to take a vote. All those in favor signify by saying "Aye."

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MR. REDDY: Aye.

CHAIRMAN OKESON: The "ayes" have it. The motion carries. The change orders are approved.

And that concludes our business. Thank you for coming.

Is there a motion to adjourn?

VICE CHAIRMAN OVERHOLT: So moved.

CHAIRMAN OKESON: Second?

MS. CELESTINO-HORSEMAN: Second.

CHAIRMAN OKESON: All those in favor.

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MR. REDDY: Aye.

CHAIRMAN OKESON: We're done.

(The Indiana Election Commission Public Session was adjourned at 1:17 p.m.)

STATE OF INDIANA

COUNTY OF HAMILTON

I, Maria W. Collier, 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 1:00 p.m. and 1:17 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 February, 2023.

My Commission expires:
December 5, 2024

Job No. 179221

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