Indiana Election Commission
Minutes
November 15, 2021

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

Members Absent: None.

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; Abbey Taylor, Campaign Finance staff, Election Division; Michelle Thompson, Campaign Finance staff, Election Division.

Others Attending: Ms. Krista August; Dr. Jay Bagga; Ms. Suzy Barnhart; Ms. Elizabeth Beatrice; Dr. Bryan Byers; Mr. Steve Corbin; Mr. Greg Coy; Mr. Eric Crouse; Ms. Rochelle Fox; Ms. Jennifer Gatti; Ms. Jacqueline Janes; Ms. Kelly Khuri; Ms. Joy Martin; Mr. Clee Oliver; Mr. Chris Polacek; Mr. Marc Shatot; Ms. Corinne Westerfield.

1. Call to Order:

The Chair called the November 15, 2021 meeting of the Commission to order at 1:30 p.m. EST in Conference Room 19, 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 Maria A. Collier, RPR, CRR, of Stewart Richardson and Associates, which is incorporated by reference into these minutes.

The following corrections to the Transcript are made and incorporated by reference:

Page 27, line 5, replace “of” with “or”.

The Commission adjourned its meeting at 3:27 p.m. EST.

Respectfully submitted,

J. Bradley King
Co-Director

[Signature]

Angela M. Nussmeyer
Co-Director
In the Matter Of:

INDIANA ELECTION COMMISSION PUBLIC SESSION

Transcript of Proceedings

November 15, 2021
APPEARANCES

INDIANA ELECTION COMMISSION:
Paul Okeson - Chairman
Suzannah Wilson Overholt - Vice Chairman
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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VICE CHAIRMAN OVERHOLT: All right. We're going to call to order this meeting of the Indiana Election Commission. We have three members present, which is a quorum sufficient to start the meeting. As Mr. King just explained, we will be starting with some of our business, and then we'll be adjourning pending the arrival of our fourth member.

Right now we have -- I am Vice Chair Suzannah Wilson Overholt, and we have Member Karen Celestino-Horseman and Member Litany A. Pyle with us. We also have our Election Division staff, which is Co-Director Brad King and Angie Nussmeyer and Co-General Counselors Matthew Kochevar and Valerie Warycha. Our court reporter is Maria Collier from Stewart Richardson Deposition Services.

So before we continue, I want to remind everyone, on behalf of the court reporter, that you need to identify yourself when you are beginning to speak. You need to please spell your name when you are identifying yourself and make sure you address your remarks to the chair and not to others. You should speak clearly and don't speak at the same time as others.
As Mr. King said, we are circulating a sign-in sheet so that we have an idea of who is planning to speak at this meeting. So if you plan to speak, please sign your name to the sign-in sheet.

Could the co-directors please confirm that the Commission meeting has been properly noticed as required by the Open Door Law.

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

VICE CHAIRMAN OVERHOLT: Do you have anything to add to that?

MS. NUSSMEYER: I do not.

VICE CHAIRMAN OVERHOLT: Okay. Thank you.

We are going to move along to approval of the minutes. So I'd recognize the co-directors to present the minutes from the October 27, 2021, Election Commission meeting.

MR. KING: Madam Chair, members of the Commission, on behalf of Co-Director Nussmeyer and myself, we have reviewed the minutes of the October 27, 2021, Indiana Election Commission meeting and recommend them to you for your
VICE CHAIRMAN OVERHOLT: Is there a motion to approve the minutes as presented?

MS. CELESTINO-HORSEMAN: So moved.

VICE CHAIRMAN OVERHOLT: Is there a second?

MS. PYLE: Second.


VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. PYLE: Aye.

VICE CHAIRMAN OVERHOLT: Opposed "Nay."

The "ayes" have it and the minutes are approved.

So, sorry, we're trying to figure out what we can do with three people versus what takes four people. So before we -- whoops. Sorry.

Any person who plans to testify at today's meeting on any campaign finance or other matters, including VSTOP's voting system protocols, please stand if you are able and respond "I do" upon the reading of the oath. And I recognize Matthew Kochevar to administer the oath.

MR. KOCHEVAR: Please raise your right hand.

Do you 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."

    ALL: I do.

VICE CHAIRMAN OVERHOLT: All right. So we're going to move on to ratification of campaign finance settlement agreements.

    MS. THOMPSON: Yes. Vice Chair, members of the Commission, in your books there behind the Campaign Finance tab is a list of committees that are ready to ratify that have agreed to pay the settlement agreement and waive a hearing.

VICE CHAIRMAN OVERHOLT: So the Friends for J.R. Gaylor, TellPAC Indiana, Perry GOP PAC, Third District Democrats, Committee to Elect Terri Austin, Clif Marsiglio for Indiana, and Porter County Democrats. All right.

    Is there a motion to ratify the campaign finance settlement agreements as presented?

    MS. CELESTINO-HORSEMAN: So moved.

VICE CHAIRMAN OVERHOLT: Is there a second?

    MS. PYLE: Second.

VICE CHAIRMAN OVERHOLT: Is there any discussion?

    Hearing none, all in favor say "Aye."
VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. PYLE: Aye.

VICE CHAIRMAN OVERHOLT: Opposed say "Nay."

Okay. The motion to ratify the agreements is adopted.

All right. So we've got approval of campaign finance enforcement orders. All right.

MS. THOMPSON: Vice Chair, members of the Commission, Orders 2021-233 through 2021-306 have been prepared from the actions taken at the October 27th meeting and these orders are ready for adoption.

VICE CHAIRMAN OVERHOLT: And are these in our binders?

MS. THOMPSON: No.

VICE CHAIRMAN OVERHOLT: Okay. Is there a motion to adopt Orders 2021-233 through 2021-306 as presented?

MS. CELESTINO-HORSEMAN: So moved.

VICE CHAIRMAN OVERHOLT: Is there a second?

MS. PYLE: Second.

VICE CHAIRMAN OVERHOLT: Is there any discussion?

All those in favor of approving the
enforcement orders say "Aye."

VICE CHAIRMAN OVERHOLT: Aye.
MS. CELESTINO-HORSEMAN: Aye.
MS. PYLE: Aye.
VICE CHAIRMAN OVERHOLT: Opposed "Nay."
The "ayes" have it. The orders are adopted.
Could I also have a motion to approve using our signature stamps?
MS. PYLE: So moved.
MS. CELESTINO-HORSEMAN: Second.
VICE CHAIRMAN OVERHOLT: Any discussion?
All those in favor say "Aye."
VICE CHAIRMAN OVERHOLT: Aye.
MS. CELESTINO-HORSEMAN: Aye.
MS. PYLE: Aye.
VICE CHAIRMAN OVERHOLT: All right. The "ayes" have it for that as well.
All right. So we are now -- we have accomplished what we can do with three people, so we are going to recess until 2:00 p.m., and we'll come back here and resume our business at that point in time.
MS. CELESTINO-HORSEMAN: May I ask a question, Madam Chairman, before we recess?
VICE CHAIRMAN OVERHOLT: Certainly,
Ms. Horseman.

MS. CELESTINO-HORSEMAN: Can I see the hands of the people that are here to address the campaign finance?

And you're with?

MS. WESTERFIELD: Corinne Westerfield.

MS. CELESTINO-HORSEMAN: Is that the only one?

Okay. Thank you.

VICE CHAIRMAN OVERHOLT: So we're recessed until 2:00 o'clock.

(Recess taken from 1:46 p.m. to 2:12 p.m.)

CHAIRMAN OKESON: We're back in session.

Apologies.

Okay. We'll go ahead and pick up where we left off. We're at campaign finance. Before proceeding with campaign finance enforcement actions, we have customarily given any committee present a final opportunity to pay a reduced civil penalty by waiving the right to present evidence and arguments to the Commission. Of course, any committee is welcome to present evidence and arguments for the proposed penalty to be waived or reduced, but this has been an opportunity for those who want to waive any presentation and accept a proposed reduced penalty without making any
arguments or any presentation to do so.

Therefore, as Chair, I move to adopt the following arrangements: If this is the committee's first violation, the arrangement is for the committee to agree to pay 25 percent of the proposed fine plus mailing costs. If it's the committee's second violation, the arrangement would be to pay 50 percent of the proposed fine plus mailing costs. If this is the committee's third violation, the committee would do 75 percent of the proposed violation plus mailing costs.

For purposes of the arrangement, a previous settlement agreement entered into by the committee will be counted as one violation. Likewise, if more than one alleged violation has occurred on the same calendar day, those violations shall only count as one.

Is there a second to that motion?

MS. PYLE: Second.

CHAIRMAN OKESON: Having a second, any discussion?

VICE CHAIRMAN OVERHOLT: No.

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

VICE CHAIRMAN OVERHOLT: Aye.
MS. CELESTINO-HORSEMAN: Aye.

MS. PYLE: Aye.

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

Okay. So with committees present, we'll have certain procedures that the Commission has followed previously, and I move the Commission use these procedures for today: When a campaign finance matter is called, the hearing will begin recognizing campaign finance staff to provide information about the documents in this matter provided to Commission members, including letters from committees and the notice given to the campaign committee. Unless there is objection, the documents provided to the Commission by the Election Division will be entered into the record of this meeting.

After campaign finance staff complete their presentation, a representative of the committee will be recognized first and may present their case for no more than five minutes. The Commission members may ask questions during the presentation, but any time answering those question will not count against their five minutes.

If the presenter offers additional documents
or other physical evidence not previously received by the Commission, then the original must be provided to the Election Division -- and I'll direct you to Ms. Valerie Warycha down here -- to keep for the record.

If the Commission finds that a committee has violated the campaign finance statutes, state law requires a unanimous vote of all four commissioners to waive or reduce the amount of the penalties set by state law. If the Commission makes a decision at this meeting to either fine a committee or dismiss the case against the committee, then the Election Division will prepare a final order for the Commission to approve at a later meeting. If a committee is fined today, the committee will receive a notice from the Election Division to pay the fine after the Commission adopts the final order, so there may be some time before a committee will be required to pay that fine.

The Commission will now recognize committees to make a presentation, beginning with the committee seated at the front of the room. Please, it's very helpful if you speak up, state your name and spell it for the court reporter. So the Commission staff can quickly look you up on the
spreadsheet, remember to identify yourself. We covered that.

Is there a second to this motion for these procedures?

VICE CHAIRMAN OVERHOLT: Second.
CHAIRMAN OKESON: Any discussion?

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

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. PYLE: Aye.

CHAIRMAN OKESON: The "ayes" have it. Those are the procedures.

The Commission will proceed to open its hearings on campaign finance enforcement. Members, we have our binders? Turn it over to staff. There is someone here present?

MS. WESTERFIELD: Come to the front?

CHAIRMAN OKESON: Yes.

MS. WESTERFIELD: Would you like me to stand or sit?

CHAIRMAN OKESON: Whichever you're comfortable with, we're fine.

MS. WESTERFIELD: I would like to sit.

My name is Corinne Westerfield, C-o-r-i-n-n-e,
W-e-s-t-e-r-f-i-e-l-d. I am here today in request of asking for my fines to be waived. There is never an excuse for things to happen, but sometimes there are explanations that can be given to make things make a little bit more sense.

When this was needing to be filed, I was not on the ballot at that time. But due to COVID and everything, we had closed down our headquarters, and my treasurer, also an accountant, had to be taking off time for her father who had caught COVID and needed to deal with that. It was not brought to my attention that the proper filing had not been done.

The minute I received the mailing, I did contact Abbey and let her know that I was going online to close everything and make sure that the filing was done correctly. I had that done, and then she told me that she would send everything in the mailing after that. We also had to change the address, which we did at that time, and Abbey was very efficient on all of our answers and helping me out.

A handful of months later, my son was diagnosed with leukemia. We sold the property that that was being sent at, but before then I had went
online and I thought I properly disbanded my actual committee. In not knowing that it wasn't done correctly, I found out handfuls of months later when the next mailing came out. Thankfully, the new owner of the property called me to contact to say, "Did you know you have a mailing here? Looks kind of important."

So I swung by, grabbed it. As soon as I did, I contacted Abbey again, told her what was going on. I believe she officially disbanded it right then and there, and then she told me that information would be sent to me so that I could come back and ask for a waive of my fines.

So today I'm in front of you to answer any questions or anything like that that may need to be answered.

CHAIRMAN OKESON: Can I recognize the staff.

MS. TAYLOR: This is on the first page of your spreadsheet and the top of the second, Committee to Elect Corinne Westerfield, Cause Nos. 2021-7188-82 and -157. They've paid one settlement agreement, and there are two different fines. One is for $800, the other is $1,000, and the committee is not closed.

MS. WESTERFIELD: Oh, I thought it was closed.
MS. TAYLOR: I set the filing up for you to do it online, then --

MS. WESTERFIELD: I thought you had done it that day. I apologize.

MS. TAYLOR: That's okay.

MS. WESTERFIELD: That's miscommunication, my fault.

CHAIRMAN OKESON: Wasn't this mentioned in the last meeting? Is this a continuance?

MS. WESTERFIELD: Yes.

MS. TAYLOR: She was a continuance at the last hearing, yes, and this then was given her final continuance at that last hearing.

MS. WESTERFIELD: I wasn't able to make it because we were in Columbus for therapies.

CHAIRMAN OKESON: Any questions?

Do you have anything else you'd like to add?

MS. WESTERFIELD: No.

VICE CHAIRMAN OVERHOLT: So your intent is to disband your committee?

MS. WESTERFIELD: I thought -- to this very moment, I already thought it was.

MS. TAYLOR: There is a zero balance. It is still open. We can go upstairs and close it as soon as this is over.
VICE CHAIRMAN OVERHOLT: I know in the past when people have disbanded their committees or agreed to disband them, we have agreed to waive the penalties conditioned on the committee being disbanded.

CHAIRMAN OKESON: Any other questions?

MS. CELESTINO-HORSEMAN: Do we waive based upon she has to close it today and if it's not closed today, then she gets hit with the full amount? Can we do that?

CHAIRMAN OKESON: Make a motion.

MS. CELESTINO-HORSEMAN: I'll make that motion.

CHAIRMAN OKESON: There's a motion to waive the penalty on the condition that you close the campaign today -- the committee today, rather, and if it is not closed today, you will be imposed the entire fine. That's the motion.

Is there a second?

VICE CHAIRMAN OVERHOLT: Second.

CHAIRMAN OKESON: Any further discussion?

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

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.
MS. PYLE: Aye.
CHAIRMAN OKESON: Aye.

The "ayes" have it. The motion carries.
MS. WESTERFIELD: Thank you for your time.
CHAIRMAN OKESON: Thank you.

Is that it for today? Any defaults?
MS. TAYLOR: There was one request for a
continuance.

CHAIRMAN OKESON: So we have a continuance.
Okay.

MS. TAYLOR: It was Justus Properties. They
were granted their final continuance at the October
hearing, but they've asked for another continuance.

CHAIRMAN OKESON: I was going to say we had
that one and we said that was the final; right?
MS. TAYLOR: Yes.

MS. CELESTINO-HORSEMAN: And what was their
excuse?

CHAIRMAN OKESON: Yeah. Why aren't they --

MS. THOMPSON: It's behind the purple tab is
their email to us.

MS. CELESTINO-HORSEMAN: When were they
notified about final continuance?

MS. THOMPSON: It's behind his email there
with the notice of hearing.
MS. TAYLOR: Yeah. We sent those November 2nd, I believe.

MS. CELESTINO-HORSEMAN: It says November 4th.

CHAIRMAN OKESON: November 4th.

MS. TAYLOR: 4th. Sorry. Yeah, that went out the 4th.

MS. CELESTINO-HORSEMAN: Did you send this to the attorney or the client? Oh, you sent it to the client.

MS. TAYLOR: To both.

MS. CELESTINO-HORSEMAN: To both?

MS. THOMPSON: Yes, to Justus Property Rentals and to the attorney.

VICE CHAIRMAN OVERHOLT: Did they get a continuance at the last hearing too?

MS. TAYLOR: Yeah.

VICE CHAIRMAN OVERHOLT: What was the basis for that continuance?

MS. TAYLOR: That should be in there too. The paper-clipped section, the second page in that paper-clipped section.

VICE CHAIRMAN OVERHOLT: So he wasn't represented by an attorney at the last hearing?

CHAIRMAN OKESON: It doesn't look like it.

MS. THOMPSON: No.
CHAIRMAN OKESON: So that's a recent addition? The communication came from an attorney?

MS. CELESTINO-HORSEMAN: When did the attorney file an appearance in this matter?

MS. THOMPSON: We don't have an appearance for the attorney. We just have the email that he sent us on Friday, November 12th.

CHAIRMAN OKESON: I'm trying to recall. Why were we so insistent on October being the only continuance?

MS. TAYLOR: Because it was his second ask for a continuance and you had decided that second was it.

CHAIRMAN OKESON: I guess if that's what we said. I guess my only concern is maybe not sufficient notice, putting the calendar in perspective.

VICE CHAIRMAN OVERHOLT: Having been subject to things like this, no, I mean, I think a Court encountering something like this where the attorney has just appeared, even though we don't have that but we get the same argument, I think would often say, "Okay, fine, attorney, it's your first request, but here's the deal: We'll grant it, but you need to show up next time."
Do you agree? I mean, that's what I would be inclined to do.

MS. CELESTINO-HORSEMAN: Yeah. And we don't know when he got retained. I mean, the guy could have waited until the 12th to hire an attorney, and sometimes they'll do that thinking that it will just give them extra time too. I don't know.

All right. So can I make a motion then for we give him the extension, and if they don't show up at the next hearing with no additional continuances, and if they don't show up at the next hearing, they will have to pay the full amount.

CHAIRMAN OKESON: Okay. So we have a motion. Is there a second?

MS. PYLE: Second.

CHAIRMAN OKESON: Any further discussion?

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

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. PYLE: Aye.

CHAIRMAN OKESON: The "ayes" have it. The continuance is granted.

Now we're on defaults; right? Are there any defaults? Anyone present to testify on any
remaining campaign finance stuff scheduled for today? Nobody?

All right. With that, campaign finance matters scheduled for today are closed. Is there a motion to impose the entire amount of proposed penalty plus mailing costs on any and all remaining campaign finance enforcement actions?

VICE CHAIRMAN OVERHOLT: So moved.

CHAIRMAN OKESON: Is there a second?

MS. PYLE: Second.

CHAIRMAN OKESON: Is there any discussion?

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

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. PYLE: Aye.

CHAIRMAN OKESON: The "ayes" have it. The motion carries. The penalties are imposed as adopted.

At this time we'll move on to the Voting System Technical Oversight Program. Would those parties please step forward from VSTOP.

And I see that there are a number of folks here today that would like to provide some public comment. Is that correct? And those of you that
wish to do so have signed in? So we will allow the
VSTOP folks to give their presentation, and then I
will open it up after that once we're complete with
our business related to VSTOP.

Go ahead and introduce yourselves for the
record.

DR. BYERS: My name is Bryan Byers, B-r-y-a-n,
B-y-e-r-s. I'm a co-director of the VSTOP program.

DR. BAGGA: Hello. My name is Jay Bagga,
B-a-g-g-a. I'm co-director of the VSTOP program.

MR. SHATOT: Marc Shatot, M-a-r-c,
S-h-a-t-o-t. I am the election systems
certification specialist.

MS. BEATRICE: My name is Elizabeth Beatrice,
E-l-i-z-a-b-e-t-h, B-e-a-t-r-i-c-e. I am the
project specialist of VSTOP.

CHAIRMAN OKESON: At the last meeting we had
heard presentations on some software updates that
were going to be voted on today. I think that's
where we're picking up from. Is that right, Brad?

MR. KING: I beg your pardon, Mr. Chairman?

CHAIRMAN OKESON: At the last meeting we heard
some presentation material that we did not vote on.
We're picking up on that today; correct?

MR. KING: Yes, Mr. Chairman, that is correct.
There was no motion made at the last meeting to adopt the protocols described.

CHAIRMAN OKESON: So do we want to start with a revisit of that, of those protocols, or we've digested all that for the record?

MS. CELESTINO-HORSEMAN: Mr. Chair, I thought that last time we had delayed the vote so that we could take -- we wanted public comment.

CHAIRMAN OKESON: And we received public comment on the voting system material?

MR. KING: Yes. Mr. Chairman, if I may say, we received public comments, which are published on the website and we have the originals here to incorporate into the record.

CHAIRMAN OKESON: Do you want to discuss any of that input as it relates to the --

VICE CHAIRMAN OVERHOLT: Well, I thought the public comment was supposed to be for the purpose of determining whether we approved the certification protocol, so it seems like we would do the public comment piece first and then -- I mean, we can hear from VSTOP, but I wouldn't think that -- we shouldn't vote on it until after we've received the public comment that we advertised.

MS. CELESTINO-HORSEMAN: Do you have anything
new you need to add from what you presented last meeting?

DR. BYERS: No.

CHAIRMAN OKESON: So in order to keep this thing orderly, we'll need a motion to adopt the change orders as presented at the last meeting -- protocols, sorry -- protocols presented at the last meeting and then subject to any input or discussion that we can have after the motion.

So is there a motion?

VICE CHAIRMAN OVERHOLT: So moved.

CHAIRMAN OKESON: Is there a second?

MS. PYLE: Second.

CHAIRMAN OKESON: Is there anything that you want to offer that wasn't discussed last time?

DR. BYERS: Not at this time.

CHAIRMAN OKESON: Have you all had a chance to digest what was sent to us?

MR. KING: Mr. Chairman, I personally have read the entirety of the public comments so far.

CHAIRMAN OKESON: And is there anything in those comments that the VSTOP folks would want or need to respond to?

MR. KING: I can express my own opinion in that regard.
CHAIRMAN OKESON: Please.

MR. KING: I think there are a large number of public comments that are on larger issues that are not related to the protocols but instead to the state of federal legislation. But there are some specific comments that do reference the protocols, and VSTOP may wish to at least express their reaction to those comments that are pertinent to the protocols.

CHAIRMAN OKESON: So as part of our discussion, this is where we'll entertain public input. And I would just like to say for the purposes of procedure and to keep this in a timely fashion, we're going to limit your comments initially to three to five minutes. So if you've signed up to speak, you'll come forward. You'll state your name for the court reporter. You'll have an opportunity to address the Commission. If the Commission members would like to ask any questions, they're certainly able to do so, but we're going to try and hold the time on this so we're not in here all day long. I've already kept everybody waiting enough as it is. Valerie will keep a timer. And I'm just going to go ahead and ask folks to come up in the order they signed in.
I believe the first name is Rochelle Fox.

MS. CELESTINO-HORSEMAN: Mr. Chair, may I ask you something?

CHAIRMAN OKESON: Sure.

MS. CELESTINO-HORSEMAN: I have also had an opportunity to go through the emails and such that you have written, and I think there's some misunderstanding as to what it is -- what's within our authority to do.

There seems to be a lot of concern about going back to paper ballots. That is nothing that we can address. You need to take that up with the legislature. They have a committee that deals with elections and such, and you have your own legislators, but we can do nothing about that.

Lots of people were asking about a forensic audit. Our election laws do not provide for a forensic audit. There can be -- a county election committee can go in within ten days after the election and look at things if things don't tally up, if the number of voters that voted is different than the number of ballots that were cast. A candidate or a political party can go in and file an election contest or recount and they can then look at the ballots. But there is nothing that
allows for a forensic audit in Indiana law. So, again, that would be up to the state legislature, and there is nothing that we can do.

You also had expressed things about the poll books, the electronic poll books that we have. And, again, I would tell you -- you guys think we have a lot more power than we do. But I would tell you that the electronic poll books are within the purview of the Secretary of State, so that is who you need to raise those concerns with.

So those are the major key points that --

CHAIRMAN OKESON: Just for the record -- and, Rochelle Fox, you're welcome to come forward here -- I would just reinforce what my colleague has said. The Commission member on the board here stated that we're an appointed body. We're not elected officials here for the purpose of passing any laws. So the third floor of the Statehouse, where you find your representatives and senators, is the place where you would like to make that case.

MS. AUGUST: Do you mind restating what your purpose is so it's very clear to us what is your role, how are you helping the people?

CHAIRMAN OKESON: So hold on. You need to
identify yourself.

   MS. AUGUST: Oh, my name is Krista August. So I am apologizing because I should know this, but do you mind right now just restating your role, what you're doing for the people right now?

   MS. CELESTINO-HORSEMAN: Mr. Chair, may I assist you with that one?

   CHAIRMAN OKESON: Sure.

   MS. CELESTINO-HORSEMAN: Our role is spelled out by statute.

   VICE CHAIRMAN OVERHOLT: Wait, wait. Right now what we are doing, we are considering --

   MS. CELESTINO-HORSEMAN: Our role today?

   CHAIRMAN OKESON: The motion.

   VICE CHAIRMAN OVERHOLT: Yes. What we are considering today is that there are protocols that we approve that voting systems have to go through, be examined under to be certified as a voting system in Indiana. So these protocols were revised significantly to be very thorough in terms of how any voting system is reviewed, tested, analyzed before it is certified in Indiana.

   So what we have before us today are these revised protocols, and so the public comment should be addressed to these protocols and any -- if there
are any suggested revisions or changes to these protocols. So that's -- and so at the end of this testimony, what we will be voting on is whether or not to approve these protocols.

   MS. CELESTINO-HORSEMAN: And the protocols do not mean that we can pick the type of machine or anything else.

   CHAIRMAN OKESON: County responsibility.

   MS. CELESTINO-HORSEMAN: Yes. Counties pick their machine, and the state legislature specifies, tells them that it can be an optical scan, DRE, and that's where it doesn't have the paper ballot, the DRE. We can't, so all we have to do is take what they're allowing and do protocols for how it will be tested.

   MS. AUGUST: So you're not voting on whether, yea or nay -- again, Krista August.

   CHAIRMAN OKESON: So just one second. As a point of order, you're providing public testimony, so if you've signed in, you'll have a chance to talk.

   MS. AUGUST: I just wanted to clarify --

   CHAIRMAN OKESON: I understand.

   MS. AUGUST: -- what you're doing so I can understand.
MS. FOX: She's more than welcome to take my
time. I had no idea it was regarding the protocol,
but I literally worked this past election.

CHAIRMAN OKESON: Before you continue, just
for the record --

MS. FOX: Oh, my name. It's Rochelle,
R-o-c-h-e-l-le, and the last name is F-o-x.

CHAIRMAN OKESON: Thank you. Sorry. Go
ahead.

MS. FOX: I literally worked the election for
the traveling board, which is the absentee ballots,
and I'm telling you that computerized system is
screwed up. We were -- I mean, this was the first
time I had ever done that, and there was so much
error going on between the transactions of people
getting their ballots and getting their
applications for the ballots. And even in the
computerized situations, there were errors.

And I look back at when we didn't have these
systems, and I believe it was easier to have human
eyes on that rather than some computerized system
because someone's behind that, and that person
behind that is less than perfect. So even though
it's computerized and it's supposed to be updated,
that doesn't mean it's without error.
So I would really like for us to circle back, and I stand here as a voter with redress of grievances. We would do better -- I personally believe that we would do better if we would just have people and not this system. And I know that there are a lot of discrepancies about ballots and that type of thing, but I know for a fact I saw the screwup, and it was done electronically. It wasn't done -- how can I say it? Everything had to go through the computer. That's what I'm trying to say. So even the verification had to go through the computer, but it was an epic fail in my opinion. That's what I want to say.

MS. CELESTINO-HORSEMAN: Mr. Chair?

CHAIRMAN OKESON: Sure.

MS. CELESTINO-HORSEMAN: Again, that's not something that we can address. That's your county election board. They pick the equipment, they set up the system and all of that for registration. So if you have a concern about registration, then there's nothing that we can do.

You have to wait until it's your turn to speak.

MS. FOX: But aren't you guys over all of Indiana?
MS. CELESTINO-HORSEMAN: No.

VICE CHAIRMAN OVERHOLT: Over all of Indiana for certain things. That's the -- I mean, I know it's a very confusing system, but you've got your county election boards, you've got Secretary of State, county clerks, the Election Commission, and we have different roles.

MS. FOX: So my question is, because -- what did you call it, the V --

CHAIRMAN OKESON: VSTOP.

MS. FOX: -- VSTOP are here, isn't this the group that handles -- no?

MS. CELESTINO-HORSEMAN: They don't handle registration.

MS. FOX: Okay. Well, in Marion County, how do we go about addressing this?

MS. CELESTINO-HORSEMAN: Go to the county election board.

MS. FOX: I've worked with them, so I know exactly where it is, but will they give us a meeting like this?

MS. CELESTINO-HORSEMAN: We have no idea.

VICE CHAIRMAN OVERHOLT: The county boards do have meetings.

MS. FOX: Public meetings like this?
VICE CHAIRMAN OVERHOLT: Yes, yes.

MS. CELESTINO-HORSEMAN: Whether they will let you speak or anything, I don't know.

CHAIRMAN OKESON: And we're being short with you. We're just not in a position to speak on their behalf, completely separate entity.

MS. FOX: Yeah. Well, that's where I was mistaken. I thought you ran all of Indiana, and I had no idea it was according to counties. Okay. Thank you.

CHAIRMAN OKESON: Steve -- is it Corbin?

MR. CORBIN: Yes. Good afternoon. Steve, S-t-e-v-e, Corbin, C-o-r-b-i-n. I guess I want to actually defer to you for a moment. I believe -- are you asking a broader question of what exactly the responsibilities of the Election Commission are?

MS. AUGUST: Yeah. I just want to clarify -- I'm just trying to be helpful to all of us in the room. I'd like to --

MS. CELESTINO-HORSEMAN: Then why don't you come up and speak.

MS. AUGUST: Sure.

MR. CORBIN: I think that's what she was trying to do.
MS. AUGUST: I really am here --

CHAIRMAN OKESON: Well, I established a proper procedure here to go down the list. So I'm just trying to go in order of people who took the time to sign in, but if you all are working in concert, just go right ahead. State your name.

MS. AUGUST: My name is Krista August. Thank you for having this hearing.

CHAIRMAN OKESON: Why don't you spell it.

MS. AUGUST: Krista, K-r-i-s-t-a, August like the month.

CHAIRMAN OKESON: Thank you.

MS. AUGUST: So I really appreciate your giving people the opportunity to be here today. What I wanted to clarify is, so you are saying that you are not going to have a decision on whether we have electronic voting systems or not, but you're rather just voting on the protocols of how you approve them or not. So what we're getting at today is, are you going to approve those voting systems?

CHAIRMAN OKESON: There's a motion on the floor to approve these protocols.

MS. AUGUST: These protocols. Okay.

CHAIRMAN OKESON: These are not approving a
voting system.

MS. AUGUST: Okay. Well, I have so much to say, but I only have three to five minutes. But I just want to say that that report was 145 pages long, and you have to be an expert in legal and also in computer stuff. I mean, I consider myself a pretty highly educated person, and you cannot sit -- and people are working and they're busy. You cannot read that. That was not written to be helpful to the people of Indiana. And to expect people to come forward and give a comment on 145 pages that I doubt any of you understand what it says. Okay? Did you read all 145 of those pages? So it seems a little bit insincere, honestly.

And everything's so complicated. Even just voicing our opinion is complicated. I agree with the lady who came before me, and I know you're saying this isn't the forum, but we need to talk about this, and we need to go back to paper ballots. And I'll finish on this. I'll finish on something that is a more broad issue. I like history. Probably all of us like history. When I look at what's happening today, it makes me think back to what happened before the Civil War. And when you read the history before the Civil War, you
can't understand how it took so long for this country to wake up to the evils of slavery. You can't understand it from our point of view.

But that's the way -- and I'm not saying that election integrity is like slavery, but people need to wake up. People are not awake to that our freedoms are being taken from us. If we do not have free and equal elections, we do not have a country. No other issue matters because we're not being represented, our vote is not being heard.

This is so important and these -- and computer voting is too complicated. Nobody understands it. There's, like, four different systems being used across the entire state. And our votes can be compromised within the county, within a gymnasium of a school, when they're being transferred to the central location, and they could be compromised at the central location. There's too many moving parts. If you get it right for one election, the moving parts will move by the time of the next election. You're never going to get this right.

And I would say whatever you vote -- I know this is complicated -- vote against anything. We need to get back to paper ballots. Thank you for hearing me.
CHAIRMAN OKESON: Mr. Corbin, would you like to speak?

MR. CORBIN: Okay. So many thoughts go through your head, right, whenever you're by yourself and if I could do this and if I could do that and if I could say that and that. And I don't have a boatload of stuff to say. The biggest part for me, I guess, is transparency wherever we are, whatever we're doing.

I know of no other person or organization maybe outside of government that is allowed to audit themselves. And I think if you ask Joe on the street or just go out and ask some people in regards to that, go to the IRS and tell them, "No, that's okay, I'll audit myself. I've got this."

Right? And I think that's my biggest thing is the State auditing the State. Are bad things going to happen? Maybe not. But the appearance -- and whether it's a court of law or anything else, right, the appearance is enough. So just the appearance of the State auditing the State should be more than enough to take that out of those hands and find another solution to that.

My two cents. Thank you.

CHAIRMAN OKESON: Thank you.
Kelly -- is it Khuri?

MS. KHURI: Khuri, Kelly Khuri, K-e-l-l-y, K-h-u-r-i. Thank you all. Sorry. The videographer wants me to move over.

So, you know, I've been checking out VSTOP for a while now, and I don't really like what I see with Dr. Bagga's bio and how entrenched he is, how far back he goes with this system. It's one man -- well, two. Okay? And I looked at those protocols, and I'm not an IT person at all, and I agree with what you said about the details.

And I listened to the February meeting that was held, the Zoom meeting, which I listened to Dr. Long or Mr. Long -- I don't know which -- talking about these systems being online with caveats, blah, blah, blah, blah, blah, blah, blah. Okay? There's a real problem with the systems, a real problem, and I think a lot of us have delved a little further into them. So as far as these protocols go, yeah, I'm not real pleased with them.

But I do want to say something about my contact with you, Mr. King, previously and Ms. Nussmeyer, but your office responded, your issue with it. And I had asked you to take to the chairman a request for resumption of Zoom meetings.
so that people across our state can watch and follow you guys. Okay? We are still in somewhat of some kind of a weird emergency. But regardless of whether we are or not, we need to resume these Zoom meetings, and we need to add public comment to every single meeting, in person and the Zoom. That's open door.

You know, you can advertise, you know, that you're going to host a meeting, et cetera, et cetera. But if you don't allow us who work -- I'm retired so you're all going to see me a lot. But those people who work and can't travel up and down or crossways on the interstate need to be able to watch this Commission. And we need to be able to observe VSTOP and the things related to VSTOP, the person, the people, the place the legislators have deemed command and control of our elections, our systems. Command and control is held within this group right here, not within you all or us, within this group. It's very untrusting what's happening with VSTOP and what Mr. Bagga, Jay Bagga, Dr. Jay Bagga -- I'm sorry, I don't mean to focus on you, but you are the man -- has done throughout our entire country and around the world with other countries.
So, yeah, I'm not real happy with this VSTOP protocol, and I do want a Zoom meeting. I don't care. You said last time the legislators don't like to -- I don't care about that. If I have to have my videographer come every single time -- isn't that what you told me, that the state legislators don't like -- I'm sorry. You all are whispering. What did you say?

CHAIRMAN OKESON: I'm asking him a question about it. Go ahead.

MS. KHURI: So I want to request that we return to Zoom meetings. It's a great technology. We're all about technology here, right? Yeah. Okay. So we want the people to be able to see what's going on, and the people are going to see. We want to know about certain machines. We want to know about -- I don't know -- escrows. And you do have the certification protocols for the e-poll books, right? Am I correct about that, that VSTOP does the certifications for the e-poll books too?

Can I get an answer?

CHAIRMAN OKESON: What's the question?

MS. KHURI: Does VSTOP do the certification protocols for the e-poll books?

CHAIRMAN OKESON: What do you mean "do" them?
MS. KHURI: Creates the test protocols.
CHAIRMAN OKESON: Brad, you want to --
MS. KHURI: Am I wrong? I would like to know.
MR. KING: If I can, Mr. Chairman.
CHAIRMAN OKESON: Sure.
MR. KING: The certification of e-poll books, as mentioned earlier, is by the Secretary of State.
MS. KHURI: So VSTOP is not involved?
MR. KING: If you'll allow me to finish.
MS. KHURI: Sure. I thought you were. It sounded like you came to a pause.
MR. KING: I did pause. I believe VSTOP prepares reports to the Secretary of State evaluating electronic poll books, and perhaps VSTOP can confirm their role in that process.
MS. KHURI: Do you all -- I'll direct them to you because I don't think I probably should direct it to them. So does VSTOP create the protocols?
CHAIRMAN OKESON: Just a second.
Would you like to respond to that?
DR. BYERS: Yes, we do write the protocols which are approved by the Secretary of State. And we do recommend certifications for electronic poll books after the electronic poll book system has been through an extensive review and testing.
process. And then the Secretary of State makes the
decision with regard to whether that electronic
poll book system would be certified in the state of
Indiana.

MS. KHURI: And does VSTOP also --

CHAIRMAN OKESON: So you're here to provide
public testimony and make any statements you want.
This is not an interrogation.

MS. KHURI: No, no. I have questions about
VSTOP's involvement because somebody mentioned
earlier about poll books. Thank you so much,
ma'am. So they do also test?

CHAIRMAN OKESON: I'll let his answer --

DR. BYERS: There is a laboratory test on each
electronic poll book system, and then we do a field
test on each electronic poll book system.

MS. KHURI: Thank you so much. Thank you so
much. Sorry if it sounded like an interrogation,
but that's who I am.

MS. CELESTINO-HORSEMAN: Mr. Chair, may I make
a point?

CHAIRMAN OKESON: Sure.

MS. CELESTINO-HORSEMAN: This is public
testimony. It doesn't mean we're here to educate
you on how the system works or anything else. If
you have those kinds of questions, you can call Mr. King --

CHAIRMAN OKESON: The Election Division.

MS. CELESTINO-HORSEMAN: -- yes, the Election Division and they can help you. But today is just comments and no questioning us for things. Okay?

CHAIRMAN OKESON: Jennifer -- does it start with a G?

MS. GATTI: It's Gatti. I'm not going to, like -- I'm not as vibrant as everybody else, I guess.

CHAIRMAN OKESON: You're fine.

MS. GATTI: But I did write down --

CHAIRMAN OKESON: Would you just spell your name.

MS. GATTI: G-a-t-t-i. But I did write down because I'm not as fluid as everybody else here, and I'll be quite brief.

I think where everybody is particularly concerned is you're saying that you have nothing to do with the systems, then why even bother having you? I mean, you all work with VSTOP. I think that's where they're coming from. That's not my point here.

CHAIRMAN OKESON: Sure.
MS. GATTI: My point is where Indiana Election Commission, VSTOP, the Secretary of State's office, clerks -- we've talked to county clerks -- and more officials who are involved with Indiana elections, they all claim that the election systems do not connect to the Internet. It's disingenuous and it's deceitful. The quote from the vendor for our voter portal was, "It's also important to know that no piece of Indiana's voting equipment is online. The machines and tabulators are not connected to the Internet."

The one fact does remain is that the electronic poll books do connect to the Internet. They connect by county by county. That's the purpose is precinct to precinct so that, when somebody comes in and scans their ID, they can't go to another precinct and vote because, if they went to another precinct and handed them their ID, they would say, "Oh, you've already voted." So to say that it's not on the Internet is quite disingenuous.

The electronic poll books also transmit BMV data. That includes picture, name, address, date of birth, and whether or not you're an organ donor, which is kind of nerve-racking. Some cases the
data can be grabbed between those transfers. We've talked to our county election board, and they actually see that data live. So we know that it's being transferred here and there.

And I know that the response will be, well, it's intranet, it's through the State, it's not open Internet. And I understand that. However, within the state of Indiana, all of the government agencies, they do employ cyber security companies as a layer of protection. And in preparation of the 2020 election, Secretary of State Connie Lawson actually signed a 40-month agreement with FireEye, and then she made a public announcement where she said that they selected -- quote/unquote, "'We selected FireEye because of its reputation in election security, threat intelligence, and incident response. FireEye has helped us address both detection and prevention within the context needed to act as quickly as needed. This partnership also helps further collaboration between the Secretary of State's office, Indiana counties, FireEye, the Department of Homeland Security,' said Connie Lawson, "the statewide" -- continuing the quote, "the statewide access to voter registration systems by requiring a
multifactor authentication protocol for the county
election offices, implementing risk-limiting
audits, and working with DHS to perform regular
cyber vulnerability scanning on a statewide voter
registration system."

The issue that I have with this is it was only
33 days after the election. FireEye was not
transparent when they first discovered that their
systems were infiltrated. They were not
transparent on how long they had known their
systems were infiltrated, but they were forced to
file an SEC report 33 days after the election. So
we know that, if we're depending on FireEye here
within the internal state of Indiana Internet, what
have you, they're failing. Our cyber security
company is failing.

On top of that, when -- this is in 2021. This
next thing is in 2021, so this is after the
election. But one of the county council meetings
on Zoom in February, someone was able to infiltrate
it and pornographic images were going on.

CHAIRMAN OKESON: Ma'am.

MS. GATTI: Thirty seconds? Okay. Well,
let's see. County commissioner meetings, they all
agreed that every government entity is hackable.
And then, of course, we had the Department of Health and the Indiana Office of Technology, they had kind of a kabuki with about 700,000 Hoosiers as far as their health systems, whether they were tested for COVID, and that also included all of their information. Now, just because it doesn't include their social security doesn't mean that our vote is being exchanged for our identity.

CHAIRMAN OKESON: Just a few more seconds to wrap up.

MS. GATTI: Wrap up. In summary, obviously it's not very secure. It's not very secure, and the one part that's not secure is my security, my private data. And I don't want to have to exchange my private information for a vote so it's floating around. When I went and voted with a paper poll book, I handed my ID to the person, they looked it up, I signed it, I got my ID back. It was not transferred anywhere. It needs to go back. And, yes, you guys do certify, you guys do approve the VSTOP, so I would be careful how you characterize what you're doing. Thank you.

MS. CELESTINO-HORSEMAN: Mr. Chairman, let me say this real quick. Number one, FireEye was hired by the Secretary of State not for election
purposes.

    MS. GATTI: Excuse me, ma'am?

    MS. CELESTINO-HORSEMAN: You're finished.

    MS. GATTI: I didn't hear you. I didn't hear you.

    MS. CELESTINO-HORSEMAN: I said that FireEye was not hired for purposes of elections, is my understanding.

    MS. GATTI: No.

    MS. CELESTINO-HORSEMAN: It's my turn to speak. It was hired -- the Secretary of State does all kinds of things. It maintains a corporate database and all this, so it needs security. Maybe that's why she hired it. I don't know. But it was not for the express purpose of the elections.

    Number two, the poll books, VSTOP, for our purposes, what we're doing is looking at certifications of voting systems. By statute, that definition does not include poll books.

    MS. AUGUST: Well, then you should --

    MS. CELESTINO-HORSEMAN: Next one, sir.

    CHAIRMAN OKESON: Chris Polacek. Am I saying that right?

    MS. POLACEK: Yes, Chris Polacek, C-h-r-i-s,
I think that the points everybody is making are valid points. They're not maybe directly your responsibility, but they are under -- should be taken under consideration because the ability to change things while they're in the air is there.

We heard testimony in February. I was here a couple months ago, and when we asked these gentlemen if we could in any way connect these to the Internet, one said no and one shook his head yes. So, I mean, we know the answer is yes.

So I have a couple questions for you. We have Indiana Code IC 3-11 --

CHAIRMAN OKESON: So this isn't a question-and-answer period.

MS. POLACEK: Well, it's a comment.

CHAIRMAN OKESON: You can make comments.

MS. POLACEK: It's a comment and it's something that needs to be considered. Indiana Code 3-11-15-7(a)(8), it says "executable images and source code escrowed with the Indiana Election Division or its approved agent." We don't know who that approved agent is. Is it somebody within our four walls of government or is it some external company somewhere? Is it something that somebody
in this room owns? We don't know. So that's number one.

I also have another comment about 3-12-4-6.5. It says USB provided to move election results from the software to the SVRS or other outside network contains malware protection. What is malware protection? Why do we need malware protection, first of all, if we can't access these things on anything. But we'd like to know what the malware protection is. So that's also something to take into consideration before voting yes.

I would also like to ask if anyone has taken a look -- since you've gone through all that documentation, what do you think about the affidavit that's enclosed in there? You've read it. Have you given that to this committee?

CHAIRMAN OKESON: Again, this isn't a question-and-answer period.

MS. GATTI: Well, there's an affidavit in there --

CHAIRMAN OKESON: You're allowed to provide comment.

MS. GATTI: -- that says it is possible --

CHAIRMAN OKESON: Ma'am.

MS. GATTI: I will say it. The affidavit says
it is possible to hack these machines. It shows the actual programming on how the votes can be changed, and it's all documented.

So vote no. I'm just going to say it. I wouldn't vote on anything because I, as a person, if I was in your shoes, would not want to take responsibility for what's to come when these things are overturned.

And I'd like to know, is it legal to lobby when you're on this committee? Is it okay to be a lobbyist? That is my question, and I would like to ask legal counsel because I am going to ask the question.

CHAIRMAN OKESON: You're welcome to --

MS. GATTI: You can not answer me, but I'm going to ask the question anyway. I'm going to put it out there for the public because I believe there's people on this committee who are lobbyists which I think need to be removed. Thank you.

CHAIRMAN OKESON: Jay, Joy Martin? Jay Martin? Sorry. I couldn't tell if that was an A or an O.

MS. MARTIN: It's Joy, J-o-y, M-a-r-t-i-n. Thank you for listening. I thought I might read my letter to you, but it's kind of deep, so I think
I'll speak from the heart a little bit.

I, in one of my former professions, was a controls engineer, and I worked on automating controls on an assembly line that built Cummins engines. And one of my jobs was to bring in new machines from a vendor and describe what we needed. They built them. I'd go off site to their place. I'd test the machines, and then they'd bring it onto the line, install it into the assembly lines, and I'd test it on the spot. And so my experience was that process as well as maintaining the flow of the assembly line.

And in that process, I worked with other controls engineers who all had the same access that I did, and we were able to take that item that was preprogrammed by the vendor and then modify it on the spot or modify the whole code all at one time. And the access was so easy that we had meetings being concerned that someone else might be able to sit in the parking lot, which happened to be on top of the building, and download code into our programmers and sabotage the production.

So it was that easy, and it was easier yet because our lines ran 24 hours. And if there was a machine down, I would often get a call in the
middle of the night because I think I was the
nicest one on the phone. I'm not sure. The other
guys were, like, "Who is this?" Anyway, so they'd
call me and they'd say, "Joy, this machine's not
running."

I'd say, "Okay. Let me get my computer out."
And I'd get it out, and the rule was you couldn't
change anything out of sight. Well, I was
definitely out of sight, but they didn't want to
wait for me to come in. I said, "Are you watching
the machine? Are you in key positions? Okay,
ready?" Click, boom, and it would start to hum and
work. It was that easy. I did that from my house.
And all of this was done for machines that were
programmed offline, tested offline, moved online,
tested online, and changed on the fly as we needed.

So there really is no protection against
modifications to what they have nicely prescribed
in their testing. I mean, that would be a great
start, but if we could prove in every instance that
no one else is getting there and modifying that
anywhere from anywhere in the world, then we could
trust it. But since we cannot trust that, I say we
cannot certify this program.

MS. AUGUST: I think it would be good if
people on the table were listening --

CHAIRMAN OKESON: Excuse me.

MS. AUGUST: -- and not talking --

CHAIRMAN OKESON: Excuse me.

MS. AUGUST: -- while she was giving a

comment.

CHAIRMAN OKESON: Ma'am.

MS. AUGUST: They've been talking the entire
time.

CHAIRMAN OKESON: Ma'am, do you want to stay?

MS. AUGUST: No. I'm trying to be helpful.

CHAIRMAN OKESON: Please stop.

MS. AUGUST: I'm listening. They should be
listening too.

CHAIRMAN OKESON: Clee Oliver.

MR. OLIVER: C-l-e-e, O-l-i-v-e-r. I tell
myself I shouldn't talk without having actually
written something up and look over it because I
don't want to sound stupid. I know I'm dumb, but I
don't want to sound stupid.

I've read through some of this VSTOP thing.
To be honest with you, I've not gotten into it that
much. But I did contact Vigo County, which
evidently had done a two-day audit by VSTOP. I've
asked for the report. They have not sent it to me.
I've asked for Freedom of Information. They have not sent it to me, so there's an issue there. So I'm going to pursue it. I was going to leave here until you were late --

CHAIRMAN OKESON: I apologize.

MR. OLIVER: -- to go up to the public access counselor and go do that.

But anyway, they found out there that -- and this is kind of maybe off the subject maybe quite a bit, but they found out there there was an individual which is now the treasurer of Vigo County that voted with a Florida license plate -- or a Florida driver's license. It went through the court system and it was okay.

And to me, I mean, I understand this, but there are other things -- you know, I don't know if this board -- I think it would be really beneficial to you to make people look at this board and say, you know what, you guys have done something good here and tried to help the constituents. Like she said, a lot of them don't know.

And I've dug into a lot of things. I mean, I've been going to meetings for probably the last 30 years. And, you know, I think -- I'm a member of an organization called Indiana Coalition for
Open Government, open transparency in government and -- open government transparency. And I feel like a lot of this is trying to get information. Is the protocol -- I'm not asking, but you don't have to answer. Are the protocols that were revised out there for the public? I don't know. I mean, like I said, what was changed, it was last meeting, are they out there? Maybe that would be beneficial to put things out there, let people see what's going on. Perception is you're trying to hide something here. I'm not saying you are, but that's perception. And it's not --

CHAIRMAN OKESON: So I'm going to take a personal point of privilege, and it won't count against your time.

MR. OLIVER: Okay.

CHAIRMAN OKESON: But this is exactly why, at the last meeting, we allowed them to provide testimony on the protocols, allowed for public input, waited two weeks, which, by the way, pushes the date for the counties to be able to utilize this information and get ready for the next election, pushing them back a little bit. But just --

MR. OLIVER: Okay. No. I appreciate it. I
mean, like I said, this is the first I've been here.

   CHAIRMAN OKESON: I just wanted to make that point for the record. Go ahead.

   MR. OLIVER: Thank you. But, like I said, I think getting information out there to the public, whether it's here, whether it's -- like I said, I've been going to commissioner meetings, council meetings, this, that, and the other, and that's the biggest thing, putting things out so the public can see it.

   Again, it's not that you're trying to hide anything sometimes, but it's just the perception. And I think everybody, legislators and everybody else -- I mean, it's all in the top clear to the bottom -- that it's just the fact that people don't trust you. They don't trust the federal government. I tell people -- like I said, with federal, people get involved tea parties and stuff like that with the federal. I said, you know, you can have more of an impact right here at your local than you can anyplace else. And I think you're seeing this.

   And people don't get involved. I didn't get involved until it affected me. And I think that's
the way probably most of us here are and you don't get involved. But now you're seeing it affects everybody along the way and it builds up. And I understand people, they're passionate about what you believe and stuff like that.

But anyway, you know, this audit was done. Like I said, I've been trying to get a copy of it. Haven't yet. I don't know what the problem is. There again, why not? Perception. But even they talk in here about after the election. It says 5 to 6 -- this is a news article from Vigo, down in Terre Haute. Five to 6 percent of the ballot -- of the rolls of paper that were out of specifications, they had to actually run them back through. And there again, there's just different things along the way that, you know, people don't trust.

And, again, it's like you said going back to paper ballots, I voted with the machine where you put the levers down. You want to vote straight ticket, you pull the lever across. And if we have to go back to something like that, so be it. Let's get away from this electronic thing. As we see with anything else, it's hackable. I don't care what anybody says. It's hackable. You can do all you want to try to stop it. It ain't going to
happen. This right here --

CHAIRMAN OKESON: A few seconds.

MR. OLIVER: This right here is kind of hard to hack this when you got paper.

But anyway, I appreciate you letting me talk. Like I said, I -- good. Made it.

CHAIRMAN OKESON: You did good. Thank you.

Suzy Barnhart.

MS. BARNHART: First of all, thank you for having me. I'm Suzy, S-u-z-y, last name Barnhart, Barn and then -h-a-r-t. I probably won't even come close to using all my time, but first of all, sincerely, thank you to each and every one of you. It's hard. You've got different personality, different understandings, and people can be unfair and unkind, so thank you for serving our state.

CHAIRMAN OKESON: Thank you.

MS. BARNHART: Special thank you to Valerie. We've had some good conversations. And out of Bradley King's office, I appreciate the professionalism and the turnaround time and the quality of answers.

I do have a couple things here. They kind of come in the form of a question, so I will say it as a rhetorical question because we're not allowed to
ask questions. But here are some thoughts that I have.

First of all, who exactly all created the protocols that we're following? How were they created? I don't have a clear understanding of that. What exactly all does VSTOP's oversight consist of? And we've had some different understandings here, and through my time in politics, I'm still learning and digging through, and I think maybe simply laid out somewhere would be very helpful. You know, are the IP addresses monitored? I'd like to know that. Wondered if there's a clear work difference between VSTOP and SVRS and what exactly those lines are.

And one last statement, we do know, and this is really more for those in the room who don't know, but FireEye was hacked this past election and they did get in the tool box. So that's good information to be aware of. So that's all I have. Thank you.

CHAIRMAN OKESON: Thank you.

Ryan Slack? Going once. Ryan? No one named Ryan? That's all I have signed up.

We have an outstanding motion that we have seconded and we've had discussion on.
UNIDENTIFIED SPEAKER: Are you accepting speakers that came late?

CHAIRMAN OKESON: How many of you want to speak?

UNIDENTIFIED SPEAKER: I count two, three.

CHAIRMAN OKESON: You need to come forward and be sworn in.

UNIDENTIFIED SPEAKER: Okay.

CHAIRMAN OKESON: You'll be limited to three minutes. Mr. Kochevar will administer the oath.

MR. KOCHEVAR: All right. Please raise your right hand. Please say "I do" after the oath is given.

Do you solemnly swear or affirm 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.

MR. KOCHEVAR: Thank you.

MR. COY: Name is Greg Coy, C-o-y. I am a cyber security professional, been in cyber security for 15 years, IT for 25. There's not a system on this planet that cannot be hacked. Everything is vulnerable. Otherwise, we wouldn't have hacks and breaches in our federal government and across all
these major corporations that have billions of
dollars to spend, right, hundreds of millions of
dollars on cyber security alone. They're all
hackable. Machines are hackable. I think we all
get the point here, right?

There's a layer of vulnerability in the
system. The reasons that these companies are being
targeted and the federal government is because
they're valuable. There's a lot at stake. There's
a lot of valuable information and assets there for
them to have. Our election process, it is the free
and fair elections in the most secure -- sorry --
the most powerful country in the world, but it's
not secure.

So if we are to essentially take our hands off
the wheel is what we're doing, we're taking our
hands off the wheel and we're allowing third
parties, even if we have some oversight, third
parties are essentially running our elections.
That's what we're saying. That's what we're
allowing. It's unacceptable. This is too
important for us to take our hands off the wheel.
You have a layer of technology between the voter
and the result. We have to do more.

There's a saying in cyber security. It's
called trust but verify. We're not verifying. It's not being verified. We're trusting and we cannot do that anymore. We're way down this path too long, and the reason that all these people that you're feeling this today and prior to today is because people sense it. The average, everyday person that just isn't paying attention to cyber security, they're aware there's something wrong. We have to address it.

So please what we really want to see is a forensic audit of 2020. What we want to see is a return to a paper ballot. We can't be done -- computer systems cannot be in the mix in our voting process. There's too much vulnerability, too much risk involved in it.

CHAIRMAN OKESON: And I'll just afford you this comment because you weren't here when this testimony was started. But right, wrong, or indifferent to your comments, this is the wrong audience. Your legislature and your local county board of elections is the two places I would urge you to start.

MR. COY: We have had that conversation with several of them. We're starting there. But there's a lot of this going on, right? And the
more that everybody is aware of the risk, the
better off we're going to be. And I think you're
aware of it, right? It just needs to be tended to
from both sides, from all sides. We all have to
play a part in it. We have to play a part in it
like what we're all trying to do here today. So
thanks for letting us come up.

CHAIRMAN OKESON: Sure.

Sir.

MR. CROUSE: Name is Eric Crouse, E-r-i-c,
C-r-o-u-s-e. Obviously there's a lot of people in
this room. This is probably the most attendance
that this committee has seen. I think that the
point is it's going to continue, right? It's our
right as citizens to come and hold our government
accountable, and you all are not elected, but you
serve at the pleasure of the governor, I assume.

The one thing I would ask is that, as
commissioners, you do right now approve the
certification of voting systems in the state. And
by doing that, we are putting a medium in between a
voter and a ballot and a medium in between the
ballot and the people that count them, right,
particularly in the case of DREs, which have no
photo-verified paper audit trail. We knew that.
So it's just really important to understand that everybody in this room understands what this is (indicating). We understand how we use it to mark the ballot. We don't actually understand, many of us, how these machines work in order to cast our ballot and make sure that it was counted in the way that it was cast.

And so going forward, we would really appreciate this committee or this commission really taking a look at this certification process, which you've allowed public comment on and we're very grateful for that. But until we can be absolutely 100 percent sure that these machines don't have the vulnerabilities which have been discussed ad nauseam or however long this has been going on today -- and sorry that we were all late.

CHAIRMAN OKESON: I was too. Don't worry about it. No, I'm kidding. It wasn't very kind of me, but it wasn't intentional.

MR. CROUSE: Things happen, right? I mean, we were meeting with legislators. That's what we were trying to do, right?

But right now you guys are that piece where VSTOP provides you with a recommendation, and if the four of you say yes, then, hey, guess what,
counties go ahead and get to purchase it or lease it or whatever they choose to do with the system.

But ultimately, right now, to Greg's point, we need to make sure that you all understand and are aware of the vulnerabilities and that if VSTOP -- you know, we can agree or disagree about what they've done and how well they've done, but if they can't prove to you without a doubt these machines can't connect to the Internet, that they're not hackable, that they're not manipulated or able to be manipulated, why would we ever consider approving that medium in between a voter and their ballot? Why would we ever allow a machine, whether or not it is connected to the Internet, why would we allow machines to be certified that are capable of being connected to the Internet? Components that allow them to be connected to the Internet are the vulnerability that are exposed in haphazard implementations.

So what we really want to see is just from this commission right now, hey, we can't certify something that we aren't 100 percent sure can be used and that a voter is trusting that their ballot was counted as they cast it. And that's all I have to say. Thank you very much.
MS. JANES: Hi. My name is Jacqueline Janes.

CHAIRMAN OKESON: Can you spell that for the reporter.

MS. JANES: Jacqueline, J-a-c-q-u-e-l-i-n-e, J-a-n-e-s. I'm a disabled veteran. I'm a new resident from California. Taking into effect the process of becoming an Indiana resident, I have -- I don't know what words to use. I'm a nonaffiliate of a party, and within the process, I was already put into the loop of a party and I was offended by it.

I want you to take into consideration that the process of with our ballots, there was already -- sorry. I'm a little nervous. I want you to take -- trying to learn the system of a new state is intense. And it was a little offensive to me, just the process of that, of not having that safety there. And then with all the stuff that's going on within our country now of the wide variance from state to state, that maybe there can be a second step before even getting to the ballot, because I was a part of the American Legion that I was an assistant sergeant-at-arms. Perhaps there can be that system as well before even getting to the ballot because I don't believe in having any kind
of computer system with a paper ballot in the first place so that maybe it can be that second protection before you even get to that paper ballot.

CHAIRMAN OKESON: Is that all you wanted to share with us today?

MS. JANES: Yes.

VICE CHAIRMAN OVERHOLT: Our staff could probably talk to you afterward about the process. The Indiana system is a little different in terms of the party affiliation process, so I'm sure that Mr. King or Ms. Nussmeyer would talk to you afterwards about that.

CHAIRMAN OKESON: Thank you for your service. All right. Closing the matter for discussion. We have a motion to vote on the voting system protocols as provided at the last meeting and a second.

MS. CELESTINO-HORSEMAN: Mr. Chairman, may I say something?

CHAIRMAN OKESON: Yes, sure.

MS. CELESTINO-HORSEMAN: Dr. Bagga and Dr. Byers, I want to apologize to you to the extent that there were some folks who stood up here and pointed fingers at you and made some implications
for which this body has no evidence of any wrongdoing, nor does anyone else. And I just want you to know that I, for one, don't share that, and I think it was inappropriate to do it like that.

CHAIRMAN OKESON: I would echo those comments. You all are an important part of the process here that I'm proud to say seems to work pretty well.

VICE CHAIRMAN OVERHOLT: And I guess before we vote, I'd like to comment on the actual protocols. I know that a lot of -- I think staff went through a lot of effort with VSTOP to, I think, do what is a significant improvement to the protocols because over the past -- I've now been on the Commission a long time, so however many years it is I've been on the Commission, I know that during meetings there are questions that I've raised, others have raised during the certification process inquiring about the standards that we apply to these systems prior to their certification. And I think that these protocols incorporate the issues that we have identified -- the types of questions that we have asked over the past few years. I also think they incorporate much better the standards that Indiana law applies in terms of different types and shapes of ballot cards and what is required to read them.
and just the specifications of the system.

So I feel like with these in place, I feel like the approval process for the certifications is going to be nice and thorough. So I just want to appreciate all the time that everyone put into those.

CHAIRMAN OKESON: Any comments on the record?

MS. PYLE: I don't think so.

CHAIRMAN OKESON: I would just like to say too I appreciate all of you coming and taking the opportunity to become informed or better informed and to learn a little bit more about how these things work. I would encourage you to review any and all meeting minutes and other resources available both on the Election Division website and the Secretary of State's site. VSTOP, you have a website too, do you not? Yeah, on the VSTOP site. And certainly participation in public meetings is a good thing. We appreciate your time and look forward to seeing you all again in the future.

With that, we have a motion and a second and a vote. All those in favor signify by saying "Aye."

VICE CHAIRMAN OVERHOLT: Aye.

MS. CELESTINO-HORSEMAN: Aye.

MS. PYLE: Aye.
CHAIRMAN OKESON: Aye.

The "ayes" have it. The motion carries. The protocol is approved. Thank you for coming again today.

With that, we've finished our business for the day.

UNIDENTIFIED SPEAKER: Excuse me. May I just ask --

CHAIRMAN OKESON: No, you may not.

UNIDENTIFIED SPEAKER: -- can you commit to having Zoom meetings in the future?

MS. CELESTINO-HORSEMAN: I move we adjourn.

CHAIRMAN OKESON: Motion to adjourn.

Seconded?

VICE CHAIRMAN OVERHOLT: Second.

CHAIRMAN OKESON: Adjourned.

(The Indiana Election Commission Public Session was adjourned at 3:27 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 1:39 p.m. and 3:27 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 1st day of December, 2021.

[Signature]

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