Indiana Election Commission
Minutes
December 11, 2015

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

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

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

Others Attending: Dr. Jay Bagga, Co-Director, Voting System Technical Oversight Program (VSTOP); Mr. Tyler Johnson (VSTOP). Steve Shamo, MicroVote General Corporation.

1. Call to Order:

The Chair called the December 11, 2015 meeting of the Commission to order at 1:30 p.m. EST in Conference Center Room 2, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana.

2. Transaction of Commission Business:

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Kelly Horsley of Connor Reporting. This document is incorporated by reference into these minutes, with the following corrections of scrivener's errors:

Page 8, line 5, replace "minimum" with "minimus".

Page 8, line 25, replace "amotion" with "a motion".

Page 9, line 13, replace "35" with "certified".

Page 10, line 17, replace "35" with "certified".

Page 13, line 16, replace "KING" with "KLUTZ".
Respectfully submitted,

J. Bradley King
Co-Director

Angela M. Nussmeyer
Co-Director

APPROVED:

Bryce H. Bennett, Jr.
Chairman
INDIANA ELECTION COMMISSION
PUBLIC SESSION AGENDA

Conducted on: December 11, 2015

Conducted at: Indiana Government Center South
402 West Washington Street
Conference Room 2
Indianapolis, IN 46204

A Stenographic Record By:
Kelly S. Horsley, RPR, CSR 98-R-3004
APPEARANCES

INDIANA ELECTION COMMISSION:

Mr. Bryce Bennett - Chairman
Mr. Michael Claytor - Vice Chairman Pro Tem
Ms. Suzannah Overholt - Commission Member
Mr. Zachary Klutz - Commission Member

INDIANA ELECTION DIVISION STAFF:

Mr. Bradley King - Co-Director
Ms. Angela Nussmeyer - Co-Director
Mr. Dale Simmons - Co-Legal Counsel
Mr. Matthew Kochevar - Co-Legal Counsel
CHAIRMAN BENNETT: The following members of the commission are present: Myself, Chairman Bryce Bennett. We have Michael Claytor, proxy for Vice Chairman Anthony Long; Member Zachary Klutz; and Member Suzannah Overholt. The Indiana Election Division staff are our codirectors, Brad King and Angela Nussmeyer. Co-general counsels are Matthew Kochevar and Dale Simmons. The court reporter today is Kelly Horsley.

THE COURT REPORTER: Hi.

CHAIRMAN BENNETT: First I'd like to request that Mr. King and Ms. Nussmeyer to confirm that the commission meeting has been properly noticed as required under the open door law.

MR. KING: Mr. Chair and members of the commission, this meeting has been properly noticed in accordance with the Indiana open door law.

CHAIRMAN BENNETT: Very well. I recognize Mr. King and Ms. Nussmeyer to present minutes from the November 19th, 2015, commission meeting.

MR. KING: Mr. Chair and members of the
commission, Ms. Nussmeyer and myself prepared
minutes of that six-minute meeting and provided
them to you and recommend your approval.

CHAIRMAN BENNETT: Is there a motion to
approve the minutes as presented?

VICE CHRMN PRO TEM CLAYTOR: So moved.

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

COMMISSION MEMBER KLUTZ: Second.

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

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."

(No response. Motion carried.)

CHAIRMAN BENNETT: The ayes have it, and
the motion to approve the minutes is approved.

And I will hereby affix my signature to said
minutes.

Next we'll go to the ratification of the
campaign finance summary agreements and ask for
a presentation by Brad King and -- and

Angie Nussmeyer.
MR. KING: Mr. Chairman, members of the commission, in your binders, the first tab is captioned "CFA Agreements." These are -- listed on the page that follows, there are six of them which total $2,350. Ms. Taylor and Ms. Thompson are helping to prepare for the conference and so will be prepared to the answer any questions you may have.

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

VICE CHRMN PRO TEM CLAYTOR: So moved.

CHAIRMAN BENNETT: Is there a second?

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: Any discussion?

(No response.)

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."

(No response. Motion carried.)

CHAIRMAN BENNETT: The ayes have it, and the motion to ratify the agreement is adopted.

Now we will address the oath regarding vote system matters. So everyone who is present who
plans to testify regarding the voting system matters coming before the commission today, please stand for the administration of the oath. I will recognize Dale Simmons to administer the oath.

(At this time, the oath was administered.)

CHAIRMAN BENNETT: Thank you. Is there a representative from Election Systems & Software, ES&S, present who wishes to speak regarding their application? I would recognize Jay Bagga to present.

MR. BAGGA: Thank you, Mr. Chairman. I am Jay Bagga, J-a-y, B-a-g-g-a. I'm a co-director of VSTOP; and I am here to present our report on an ECO, a set of the ECOs from ES&S. That's the first item. There are six ECOs. And these ECOs are all de minimus. And they are being tested by labs as de minimus, and we recommend their approval.

This ECO concerns some end-of-life components which are being replaced some changes in EMI components, which are hardware changes, and some are cosmetic enhancements. And I can go into more details if you have questions.

CHAIRMAN BENNETT: For purposes of
discussion, is there a motion to approve the
application for approval of these engineering
change orders submitted by ES&S in accordance
with the recommendation of VSTOP and subject to
any restriction or additional requirement in
that recommendation?
VICE CHRMN PRO TEM CLAYTOR: I'll move for
approval.
CHAIRMAN BENNETT: Is there a second?
COMMISSION MEMBER KLUTZ: Second.
CHAIRMAN BENNETT: The question is on the
approval of certifications of this voting
system. Is there any discussion?
(No response.)
CHAIRMAN BENNETT: Hearing none, all in
favor, say "Aye."
THE COMMISSION: Aye.
CHAIRMAN BENNETT: All opposed say "Nay."
(No response. Motion carried.)
CHAIRMAN BENNETT: The ayes have it. The
motion is adopted.
Next we will turn to the Unisyn Voting
Solutions and ask for a presentation by VSTOP.
MR. BAGGA: Thank you, Mr. Chairman. I
would like to present our recommendation for
approval of the ECO submitted by Unisyn Voting Solutions. This is one de minimum ECO, and it concerns the matter of the ballot box which is attached to the optical voting scan unit. This is a de minimum ECO, does not affect any functionality of the voting system. We recommend approval.

CHAIRMAN BENNETT: Is there any representative from Unisyn present who wishes to speak regarding this -- this application?

(No response.)

CHAIRMAN BENNETT: Is there any discussion from the commission regarding this application?

(No response.)

CHAIRMAN BENNETT: Is there a motion to approve the application for approval of the engineering change order submitted by Unisyn in accordance with the recommendation of VSTOP and subject to any restriction or additional requirements in that recommendation?

COMMISSION MEMBER CLAYTOR: So moved.

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

COMMISSION MEMBER KLUTZ: Second.

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

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."

(No response. Motion carried.)

CHAIRMAN BENNETT: The ayes have it, and

the motion is adopted.

Next we move to the MicroVote voting system

upgrade and ask for a presentation from VSTOP.

MR. BAGGA: Thank you, Mr. Chairman. We

are pleased to present our report from MicroVote

General Corporation's DRE and absentee optical

scan voting system, MicroVote EMS 4.1.

There is a current system that's 35 in the

state and this is the modification for that

system. And the hardware and the software

components are listed in the report that we

totally reviewed the documentation for this

voting system. And we brought a representative

of MicroVote to Ball State for a test of the

voting system November 18 of 2015. And we

tested and we find that the voting system meets

all the requirements of Indiana code, so the

report is in front of you.

CHAIRMAN BENNETT: Is there any discussion,

any questions from the members of the
COMMISSION MEMBER KLUTZ: I have one question. Within the packet there was a July letter from the U.S. Election Assistance Commission.

MR. BAGGA: Yes.

COMMISSION MEMBER KLUTZ: And in there, they grant the certification with certain caveats --

MR. BAGGA: Right.

COMMISSION MEMBER KLUTZ: -- and allowed six months to undergo a followup.

MR. BAGGA: Right.

COMMISSION MEMBER KLUTZ: Can you just give us some insight as to that process?

MR. BAGGA: Certainly. So the EAC approved this system in 35 subject two caveats. The two caveats are -- the first one concerns the use of pictographic languages, which are required by the voting system guidelines and also by the Voting Rights Act. And these are languages such as American Indian and certain other languages.

Now, that does not apply to Indiana because Indiana, we do not have that requirement. So that -- that requirement is irrelevant as far as
Indiana is concerned.

The second caveat has to do with an inspection of the quality assurance and configuration management programs at MicroVote. And MicroVote has promised and assured that they will undertake this correction. The quality assurance has to do with the maintenance of quality as the programs and the systems are developed. And there are certain standards and guidelines which EAC looks for.

The configuration management is also a process whereby all the components of the system that are being developed are continuously monitored to make sure that the systems work with each other so the end product works well. And MicroVote has also promised that they will improve those systems.

And the certification of the current system has already been granted, and this will not be affected. So VSTOP had a conference with EAC; and there's a letter in your packet from EAC which explains that even if MicroVote were not to improve and pass those six caveats, this certification will not be impacted. This certification has already been granted.
The future certifications are the ones that may be impacted.

COMMISSION MEMBER KLUTZ: Thank you.

That's very helpful.

CHAIRMAN BENNETT: Any other questions?

Comments? Discussion? Any questions, the approval of the certification of voting system -- I guess we need a motion. Sorry about that.

Is there a motion to approve the application for renewal of certification of the voting system submitted by MicroVote in accordance with the recommendation of VSTOP and subject to any restrictions or additional requirements in that recommendation?

VICE CHRMN PRO TEM CLAYTOR: So moved.

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

COMMISSION MEMBER KLUTZ: Second.

CHAIRMAN BENNETT: The question is on the approval list of certification of this voting system. And we have a motion and a second. All in favor say "Aye."

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say "Nay."
(No response. Motion carried.)

CHAIRMAN BENNETT: Ayes have it, and the order is approved.

Does VSTOP have any information to report regarding any other voting system applications?

MR. BAGGA: There are some spending inspections and reviews ongoing; and at this point, we have nothing further to report at this time.

CHAIRMAN BENNETT: With that, the Indiana Election Commission has finished its business for today. Is there a motion for the Indiana Election Commission to adjourn?

COMMISSION MEMBER CLAYTOR: So moved.

CHAIRMAN BENNETT: Is there a second?

MR. KING: Second.

CHAIRMAN BENNETT: There's a motion and a second. Those in favor say "Aye."

THE COMMISSION: Aye.

CHAIRMAN BENNETT: Opposed say "Nay."

(No response. Motion carried.)

CHAIRMAN BENNETT: The ayes have it, and the Indiana Election Commission meeting is adjourned. Thank you all.

(Time noted: 1:43 P.M.)
STATE OF INDIANA

COUNTY OF MARION

I, Kelly S. Horsley, RPR, CSR No. 98-R-3004, a Notary Public in and for the County of Hendricks, State of Indiana at large, do hereby certify that the foregoing public session agenda meeting was taken on behalf of the Commission at the offices of Indiana Government Center, 402 West Washington Street, Conference Room 2, Indianapolis, Marion County, Indiana, on the 11th day of December, 2015, commencing at the hour of 1:30 P.M., pursuant to the Indiana Rules of Trial Procedure;

That said meeting was taken down in stenograph notes and afterwards reduced to English under my direction, and that transcript is a true record of the testimony given by the said participants;

I do further certify that I am a disinterested person in this cause of action; that I am not a relative or attorney of either party, or otherwise interested in the event of this action, and am not in the employ of the attorneys for either party.
IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal this 15th day
of December, 2015.

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NOTARY PUBLIC

My Commission Expires:
October 11, 2023

County of Residence:
Hendricks