Indiana Election Commission  
Minutes  
February 25, 2021

Members Present: Paul Okeson, Chairman of the Indiana Election Commission (“Commission”); S. Anthony Long, Vice Chairman of the Commission; Suzannah Wilson Overholt, member; Zachary E. Klutz, 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 Kocheven, Co-General Counsel of the Election Division; Valerie Warycha, Co-General Counsel of the Election Division.

Others Attending: Dr. Jay Bagga; Mr. Tim Hallett; Mr. Cory Hinkle; Mr. Jordan Jarnigan; Mr. Mark Manganaro; Mr. Chris Ortiz.

1. Call to Order:

The Chair called the February 25, 2021 meeting of the Commission to order at 1:00 p.m. EST in a virtual Zoom meeting.

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 corrects the following scrivener’s errors in this document:

Page 11, line 10, replace “MODERATER” with “MODERATOR”.
Page 11, line 13, replace “MODERATER” with “MODERATOR”.

The Commission adjourned its meeting at 2:12 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

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Transcript of Proceedings

February 25, 2021

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APPEARANCES

INDIANA ELECTION COMMISSION:
Paul Okeson - Chairman
S. Anthony Long - Vice Chairman
Suzannah Wilson Overholt - Member
Zachary E. Klutz - 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: With that, we'll go ahead and call the Election Commission to order. The date is Thursday, February 25, 2021.

The following members are present: Myself, the chairman; Vice Chairman Anthony Long; Member Suzannah Wilson Overholt; and Member Zach Klutz. I also recognize the Indiana Election Division staff: Co-Director Brad King; Co-Director Angie Nussmeyer; Co-Counsels Matthew Kochevar and Valerie Warycha. And, of course, our court reporter, Maria, as you can see her on the screen.

I do believe we have some testimony we're going to receive today, and so I want to remind everybody -- I guess we don't have to identify ourselves or do we, Maria, based on how the Zoom is set up?

THE REPORTER: I think that I can see all the members and staff folks, so it shouldn't be a problem. I will pipe up if I don't see someone and they're speaking.

CHAIRMAN OKESON: Okay. Maybe it wouldn't hurt to identify yourself when you're speaking anyway just so we can track the screen appropriately.

Moving on, we'll get into compliance with the
Open Door Law. Can the co-directors please confirm that the commission meeting has been properly noticed.

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

CHAIRMAN OKESON: Okay. Also, before we move on, I'll remind everybody that, when we get to a place where we have to vote on anything, we'll do a roll call vote. I think we've done that before but just as a reminder.

Next, we'll do approval of the August 14, 2020, commission meeting minutes. I recognize the co-directors to present the meeting minutes.

MR. KING: Mr. Chairman, members of the commission, on behalf of Co-Director Angie Nussmeyer and myself, we have presented a copy of the minutes for the August 14, 2020, Indiana Election Commission meeting and recommend them for your approval.

VICE CHAIRMAN LONG: I would -- Anthony Long. I move we approve them.

CHAIRMAN OKESON: Perfect. Thank you.

Is there a second?
MR. KLUTZ: Second.

CHAIRMAN OKESON: Thank you, Zach.

Any discussion?

Hearing none, all those in favor say "aye."

Vice Chairman Long.

MS. OVERHOLT: Aye.

MR. KLUTZ: Aye.

CHAIRMAN OKESON: Zach, was that you?

VICE CHAIRMAN LONG: I believe that was unanimous, Mr. Chairman. Aye for the record.

CHAIRMAN OKESON: The "ayes" have it. Good enough.

Next, we move on to ratification of campaign finance settlement agreements. I recognize again the co-directors to present campaign finance enforcement settlement agreements to the commission for ratification.

MR. KING: Mr. Chairman, members of the commission, the co-directors distributed copies of the list prepared by campaign finance staff of committees which have entered into settlement agreements, which, members will recall, provide for the payment of the full amount of an enforcement action for a delinquent report by a committee but without the admission of any violation or other
liability by that committee.

The list contains the name of one committee which a commission member has requested be voted on separately to prevent a conflict of interest. I'd be happy to answer any further questions.

CHAIRMAN OKESON: Yeah. And I believe, Commission Member Overholt Wilson, you had raised your hand. Did you have something you wanted to chime in on as it related to that or another matter?

MS. OVERHOLT: Yes. And actually it is Wilson Overholt. My name is wrong on the screen, so...

CHAIRMAN OKESON: I should know that by now. Thank you. Sorry.

MS. OVERHOLT: And I didn't type -- just so you know, I didn't type that in. So I know my name. But, yes, sorry.

CHAIRMAN OKESON: Just for the record; right?

MS. OVERHOLT: Yeah, just for the record. Oh, look, and it miraculously changed. I like that.

So, yes, the settlement agreement with respect to the Friends of Indiana Mental Health Centers, I have a conflict with respect to that agreement or, I mean, I -- well, I would like to recuse myself from voting on that. So if we could carve that one
out, I will vote on the others.

CHAIRMAN OKESON: Yeah. I'm certainly fine with that. Do we need to take a motion on that or can we just adopt it as a matter of course?

VICE CHAIRMAN LONG: As far as I'm concerned, we can do it first, and then you can -- then the rest of them we can do en masse, would be maybe a simpler way to do it.

CHAIRMAN OKESON: I mean, Brad, Valerie, Angela, does anybody have any issues with that?

MR. KING: Mr. Chairman, what the vice chairman has recommended is perfectly sensible and appropriate.

CHAIRMAN OKESON: Okay.

VICE CHAIRMAN LONG: Nobody's said anything like that to me for a while.

CHAIRMAN OKESON: So where are we now? Are we at a place where we need a motion to ratify the settlement agreements?

MR. KING: No. Mr. Chairman, you have a motion under this procedure to ratify the particular settlement agreement that Commissioner Wilson Overholt will not be participating in the vote on.

VICE CHAIRMAN LONG: If somebody's made that
motion, I'll second it. If nobody's made it, I'll make it.

CHAIRMAN OKESON: I think you're making it.
VICE CHAIRMAN LONG: Okay.
CHAIRMAN OKESON: Is there a second?
MR. KLUTZ: Second.
CHAIRMAN OKESON: Any discussion?
Hearing none, all those in favor say "aye."
MR. KLUTZ: Aye.
VICE CHAIRMAN LONG: Aye.
CHAIRMAN OKESON: Aye. I think we're good there.

MS. OVERHOLT: And I abstained since I wanted to recuse myself anyway, so I'm not voting on that one.
CHAIRMAN OKESON: I got it. That works.
Are we moving to the administration of oath?
MR. KING: Mr. Chairman?
CHAIRMAN OKESON: Yes.
MR. KING: You have the remainder of the campaign finance settlement agreements to --
CHAIRMAN OKESON: I do. Okay.
VICE CHAIRMAN LONG: Mr. Chairman, I move we approve the remainder of them.
CHAIRMAN OKESON: The remainder, yeah. Thank
you.

Is there a second?

MR. KLUTZ: Second.

CHAIRMAN OKESON: Any discussion?

Hearing none, all those in favor?

Aye.

VICE CHAIRMAN LONG: Aye.

MS. OVERHOLT: Aye.

MR. KLUTZ: Aye.

CHAIRMAN OKESON: The "ayes" have it, and that motion is adopted. Thank you, Brad.

For those of you that will be providing testimony before the commission, please stand or acknowledge yourself for the administration of the oath, and I'll recognize Matthew Kochevar to do so.

MR. KOCHEVAR: Okay. Thank you, Mr. Chairman.

All those who plan to testify before the Indiana Election Commission, please say "I do" after recitation of the oath.

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" if you are unmuted and able to.

VICE CHAIRMAN LONG: And also identify your
name, please.

MR. JARNAGIN: Jordan Jarnagin. I do.
DR. BAGGA: Jay Bagga. I do.
MR. HINKLE: Cory Hinkle. I do.
CHAIRMAN OKESON: Any others?
MR. MANGANARO: Mark Manganaro with ES&S. I do.

VICE CHAIRMAN OKESON: Is that it? Do we have any others? I see some other names on the screen.

THE MODERATER: Tim and Chris, please unmute yourselves.

CHAIRMAN OKESON: I'm sorry?

THE MODERATER: Tim and Chris just need to unmute themselves.

VICE CHAIRMAN LONG: Yes. I see we've got two people that have not --

CHAIRMAN OKESON: I see a Tim Hallett and Chris Ortiz.

MR. ORTIZ: Chris Ortiz. I confirm.

VICE CHAIRMAN LONG: Did you say "I do,"

Chris?

MR. ORTIZ: I do. I do. I'm sorry.

CHAIRMAN OKESON: And, Tim, did we hear from you?

(No response.)
Can we just reconfirm when and if he gets up to provide testimony, Brad?

VICE CHAIRMAN LONG: Yeah. We recognize -- I recognize that he's taken the oath at this point.

CHAIRMAN OKESON: Okay. With that, we'll move on to the next item on the agenda, which is the Voting System Technical Oversight Program reports. The --

VICE CHAIRMAN LONG: Mr. Chairman?

CHAIRMAN OKESON: Yes, sir.

VICE CHAIRMAN LONG: In the interest of some time here, I had a general statement that I would like to at least state my position that would apply to all of them and so I won't have to repeat it on each one, if I might have the personal privilege to do that.

CHAIRMAN OKESON: Absolutely. Go right ahead, Vice Chairman Long.

VICE CHAIRMAN LONG: Thank you. And I'll make it as brief as I can.

I asked to see the VSTOP reports on each one of these that are before us today. I probably won't do that again. They're tremendously lengthy and well beyond my capabilities to understand.

I've asked our staff to brief us on a little
bit of some of the things that I have concerns
about, and I believe that there are a number of
questions that need to be answered. And I don't
want to go into them today, and I'll explain why in
just a second. But there are questions that
concern me that need to be addressed and that we
can resolve in the near future, and there needs to
be some standardization on, in my opinion, the
output of the computer when they produce the paper
ballot trail that has become so important.

We can discuss this further, but I intend to
probably accept the recommendation to approve these
today based on what I've read so far. Obviously my
mind is not made up until I hear the testimony.
But my intent would be to not disapprove them
because of my questions and concerns because they
run until October. So that gives us from now until
October to resolve all those issues, and then they
all get recertified in October.

And if I'm still -- my term ends and there's a
new appointment, whether or not I get reappointed
or choose to be reappointed, that decision has not
been made, as far as I know. I mean, I guess my
wife hasn't told me. But I think if I'm on the
commission in October and these questions remain
unanswered and we don't have the standardization, it would not be my position to vote to approve them. I don't think there's anything in here that's really terribly controversial. There are a number of things that we can talk about maybe at the end that the legislature probably needs to do. I'm not going to repeat this on every one, but this applies to every one of the VSTOP certifications today. And I appreciate you letting me do this once for all of them so that there won't be any -- I want to be transparent and up front with everybody. There are some concerns that our staff has that I would want satisfactorily resolved before final recertification in October. Thank you.

CHAIRMAN OKESON: Okay. Thank you, Vice Chairman. I think that was probably smart to do that on the front end. I appreciate you taking the time to do that.

The commission has received its reports from VSTOP, the Voting System Technical Oversight Program, as I mentioned, with its recommendations regarding certain applications for approval of voting system applications and system engineering change orders. As Vice Chairman Long noted, the
reports have been provided to members before today's meeting.

I'd now like to recognize representatives of the Ball State University, which administers the technical oversight program, for a presentation regarding these voting system applications for certification and the engineering change orders for approval by the commission.

Before we begin consideration of each specific voting system application or engineering change order, other than Vice Chairman Long, are there any other additional comments or anything to be offered before we move forward?

Hearing none, the commission will consider first the application of the Election Systems & Software for certification of ExpressVote 6.0.4.0 optical scan voting system. There's a representative from ES&S, or any other person who would like to testify regarding this matter?

MR. JARNAGIN: Good afternoon, Commission. I am Jordan Jarnagin, certification specialist with VSTOP. With me, I have Dr. Jay Bagga, co-director for VSTOP, and I believe that Mark Manganaro and Tim Hallett are both from the vendor, ES&S, and they're also on the phone.
So the smart --

MR. MANGANARO: This is Mark --

CHAIRMAN OKESON: Yeah. Go ahead.

MR. MANGANARO: If I can, this is Mark Manganaro with ES&S.

CHAIRMAN OKESON: Sure.

MR. MANGANARO: I'm the Indiana state certification manager, and I do have Tim Hallett. He is the vice president of certification for ES&S. He had to actually come join me in my office.

CHAIRMAN OKESON: And, again, you both affirm that you've received the oath.

And, Maria, do you have their names adequately?

THE REPORTER: Yes. I've got them from the screen. Thank you.


VICE CHAIRMAN LONG: I don't know that Mr. Hallett acknowledged the oath.

CHAIRMAN OKESON: Yeah.

MR. HALLETT: Hi. This is Tim Hallett, and I acknowledge the oath.

CHAIRMAN OKESON: Yeah. Thank you. Go right ahead, Mark.
MR. MANGANARO: And if I just could, I'm very new to Zoom. This is my first Zoom call. I usually use Teams. So I don't know. Can you guys see us in here?

CHAIRMAN OKESON: No. You're blank, but we can hear you fine.

MR. MANGANARO: Okay. Great. And then I just saw where the button is for the mute.

CHAIRMAN OKESON: If this is your first introduction to Zoom, you've missed some good stuff in the past, so consider yourself lucky.

MR. MANGANARO: So I've heard.

VICE CHAIRMAN LONG: Don't be surprised if somebody comes onboard with us.

MR. MANGANARO: I was just planning on going on mute, and then Jordan, I'm assuming, would run through the report, and then we're available for any clarifying questions.

CHAIRMAN OKESON: Yeah. That would be fine.

MR. MANGANARO: Thank you.

MR. JARNAGIN: Okay. Thank you. Again, I'm Jordan Jarnagin, certification specialist for VSTOP.

To start, the EVS 6.0.4.0 is a new paper-based end-to-end election management system, or EMS, that
supports a jurisdiction's needs by creating and maintaining a central election database, formatting and printing of ballots, programming election equipment, and collecting reporting results.

EVS 6.0.4.0. includes many key enhancements, such as new security features, changes to the reports and report module, on-screen adjudication of scanned ballot images -- I will mention this a little bit more below -- and additional multi-language and audio support features. That's not every change, but that's just kind of some of the big ones I'm hitting on.

So the voting system was field-tested at Ball State University on August 11, 2020, by the VSTOP team. During the field-test, ES&S presented a feature for the electronic adjudication of scanned ballots through the ElectionWare software. After discussion of the feature with the Election Division, it was determined that Indiana law does not authorize the use of that procedure to make determinations regarding the tallying of votes or the validity of a ballot. For this certification, the feature must be disabled among the ES&S EVS 6.0.4.0. voting systems utilized in Indiana.

And then Brad and Angie can correct me if I'm
wrong. It should be House Bill 1365. There is
pending legislation to authorize the use of
adjudication, which, if that is approved, then by
the October 1st recertification, we could remove
this limitation.

The field-test included verification of all
required elements of the Indiana statutes regarding
voting systems as well as an ADA compliance
evaluation. Mock elections, including IEC-approved
test case scenarios for straight-party voting, were
carried out on the voting system.

Based on VSTOP's review and evaluation, we
find that the EVS 6.0.4.0. voting system meets all
requirements of the Indiana Code for use in the
state of Indiana.

CHAIRMAN OKESON: Thank you, Jordan. Anything
else?

MR. JARNAGIN: No, not at this time from me.

CHAIRMAN OKESON: Any questions or discussion
among the commission members?

MS. OVERHOLT: I had a question, Mr. Chairman.

CHAIRMAN OKESON: Absolutely. Go ahead.

MS. OVERHOLT: Thank you. So -- well, this
kind of relates to the statement in the report
about the feature that has to be disabled. What
I'm wondering is, when there are features that are supposed to be disabled or enabled because of various requirements of Indiana law, is there some sort of mechanism within the system itself to verify that that feature is, in fact, disabled at the time of the election?

And I know I'm asking a compound question, but they all kind of go together. I think related to that, if there is any ability for the system to be connected to the Internet or something like that, is there a way to verify or some sort of alert that would be triggered if the system were somehow connected to the Internet? In other words, making sure that things are not going on that shouldn't be going on basically.

CHAIRMAN OKESON: Right. It really has disconnected the way it says it has.

MS. OVERHOLT: Yes.

MR. JARNAGIN: Mark, do you mind if I defer this question to you?

MR. MANGANARO: Not a problem.

So first off, with the adjudication feature, this is turned on and off by an ElectionWare license. So any customer -- once the system is actually certified in the state, I would put that
in my database. And then any customer that would order this specific version of ElectionWare would receive a license file with that feature and functionality turned off.

So the adjudication is actually taking place within a module of ElectionWare called "Results," so anything related to the adjudication would be grayed out and wouldn't be activated.

As far as Internet access, this is an EAC-certified system. The hardening procedures don't allow for Internet access, and, additionally, we go into the system bios and actually turn off all external ports. Additionally, the customer could purchase plastic blocks and plugs for any of the RJ45 jacks or any of the other ports on their laptop computer or their PC, whichever one they would want to use.

MS. OVERHOLT: Thank you.

CHAIRMAN OKESON: Did that answer your question?

MS. OVERHOLT: I think so.

VICE CHAIRMAN LONG: His answer raises a question for me, if I might, Mr. Chairman.

CHAIRMAN OKESON: Sure, sure. Please, go right ahead.
VICE CHAIRMAN LONG: As I understand, you say you turn it off before you send it to the customer. Who has the capacity to turn it back on?

MR. MANGANARO: So essentially what we do with any election management PC is, first, we would acquire the PC. We totally wipe that PC. Then what we do is we reinstall the Windows operating system, we install the Windows updates, and then all of our proprietary software and the count software.

Then what we do is we run the hardening scripts, which turns off any unnecessary software on the system, restricts access to certain users on the system. And then we physically go into the bios and make those physical changes, the turning off of ports, turning off the wireless, Bluetooth if it has it. That's usually done by our election system and software technicians either on-site or at our facility in Omaha.

VICE CHAIRMAN LONG: So that can be done on-site.

MR. MANGANARO: That could be done on-site, correct.

VICE CHAIRMAN LONG: By anyone who had the technical sophistication to do that.
MR. MANGANARO: Normally our technicians here in Omaha would go out and do it on-site.

VICE CHAIRMAN LONG: That's not my question.

MR. MANGANARO: Okay.

VICE CHAIRMAN LONG: If a person that was not associated with you had the technical expertise, could they go into the system in the field and change the -- let's make it simple, turn on something that you had turned off or vice versa?

MR. MANGANARO: I don't think they could. One thing they would have to have, the user name and the passwords for the system administrator. Once the system is locked down, if I wanted to go on and, say, put in Internet Explorer, that wouldn't be allowed.

VICE CHAIRMAN LONG: Who is the system administrator?

CHAIRMAN OKESON: That was going to be my question. Is that your person or the county?

MR. MANGANARO: So what we essentially do with the -- the system administrator is usually someone at the county level in the IT department. And then as part of that hardening process, we can create user -- election user groups.

So, for instance, say I'm in Marion County.
The head of my IT department, he would be the
system administrator. And as the Clerk of Marion
County, I would be what we would call the election
administrator. So the only thing I could do is I
could log into ElectionWare, and I can do anything
in ElectionWare from the front end of the election
to the back end of the election.

Additionally, if I have other people in my
office working with me, I could assign, say, Tim
Hallett, I want you to only be able to go into
ElectionWare and actually enter election-specific
data.

Additionally, I could have a results user
where I could have that user just be able to go
into ElectionWare and just be able to go in and
download results. So that results user wouldn't be
able to do what Tim did, wouldn't be able to do
what I did as the election administrator.

VICE CHAIRMAN LONG: But the election
administrator or someone who would be able to learn
the log-in name and password could sign in in the
county and then make changes to the system from the
county for that particular system. Is that what
I'm hearing?

MR. MANGANARO: No, no. So the way it's set
up, if I am the election administrator, that is the
election administrator within the election
software. So anybody on there, I can't go in, log
in as the election administrator, and add programs.
I have to do that from the system administrator
role.

VICE CHAIRMAN LONG: So the --

MR. MANGANARO: Yeah. So I think I know where
you're going. So the system administrator could
log in --

VICE CHAIRMAN LONG: What I thought you said
earlier was the administrator has the password and
they could log in and do things. Now you're saying
that, no, they can't. I want absolute --

MR. MANGANARO: So I guess a better way to
explain this, the system administrator has rights
to make changes.

VICE CHAIRMAN LONG: And who is the system --

MR. MANGANARO: The election --

VICE CHAIRMAN LONG: Who would that be?

MR. MANGANARO: And that's usually somebody at
the county level in their IT department.

VICE CHAIRMAN LONG: You're telling me that
there is someone at the county level that has the
access possibilities to make changes to the system?
MR. MANGANARO: Yes. Because you always have to have -- you always have to have that role in there to be able to -- so when they get an upgrade, they're going to want to go in there, they're going to want to be able to take off the old software and put on the new software.

VICE CHAIRMAN LONG: And one other thing. You say this is a Windows-based operating system.

MR. MANGANARO: Yes.

VICE CHAIRMAN LONG: Now, when I've got -- and it's obvious by my questions how sophisticated I am in this area. But my phone, my iPad, Windows communicates with me all the time directly from Windows saying you need to upgrade, you need to do this. That tells me that there is an outside source into my equipment from Windows, that they're reaching me through the Internet or through some whatever it is, that they can access my computer to talk to me and say you need to do this. How is this system you've got different than that so that there would be no outside contact with the system?

MR. MANGANARO: Yeah. So it's a closed system. It's not on the network. So it's not like Windows is going through the Internet pinging Microsoft and saying, hey, I only have, like,
Service Pack 1 and Service Pack 2 is available.

VICE CHAIRMAN LONG: I think, Suzannah, you asked a great question there. I have some concerns for the October round. With all the conspiracy and all the things that have gone on about election stealing and cheating and all the things that I don't think happened but to resolve these arguments, we're going to have to have, I think, a level of capacity to make changes that is above and beyond some one local person in a county level. And I don't know what the answer is, but I think that's a problem that's going to have to be addressed, in my mind.

MS. OVERHOLT: Yeah. I would -- and I guess -- and I understand the issues regarding updating software and someone needs to be able to do that and everything else. So I guess the -- I mean, what I was raising -- I think there's a difference between -- there's softwares that allow -- have built-in audit trail so, when someone goes in and makes the upgrade, it will show -- you can print reports or whatever that show who those users who have access are and all that kind of stuff. And so oftentimes that kind of built-in kind of compliance-type stuff can be very helpful
and resolves one issue.

But I think what Anthony was alluding to, what I was asking about, and I think, again, just something to be looked at, I guess, before October for various systems is just are there alerts, you know, if on Election Day someone were to somehow be trying to get into a system even, something that goes off showing that, oh, someone externally who's got no business being here is trying to hack into this system basically; and then on the other hand, just the assurances of the way the systems are developed that, yes, they are totally disconnected from the Internet, wireless access, whatever, that therefore they are truly hardened, and so that risk is basically reduced to zero.

MR. MANGANARO: Yeah. So they are hardened systems, and it's important to note these are not integrated into any county's network. These are separate PCs, monitors, keyboards, mice that are not connected up to the Internet at all. I've actually done site support out in Indiana, in Elkhart County, and their computer is secured, turned off, totally unplugged, and then on Election Day, at some point, they will set that system up in their county.
CHAIRMAN OKESON: I'd like to ask a quick question. This may be more for Jordan, or, Brad, maybe you and Angela can -- is this -- what we're discussing, is this unique to ES&S or does this kind of apply to all the voting systems? Is there Internet access with all the voting systems we use in Indiana and do they also have a similar setup to where you have an IT administrator in the county that can access that? Can you speak to that at all?

MR. JARNAGIN: Yes. This is Jordan. So most of the voting systems would work the same way. They would all be hardened systems of maybe not Windows necessarily, but they would have an underlying operating system. With that, you would secure the voting machine, disable ports, WiFi, Bluetooth, basically any way for somebody to gain access to the system. So it wouldn't have Internet access. You wouldn't be able to connect to it through, you know, some unknown access point, hopefully. That is, as long as --

CHAIRMAN OKESON: Is there parity between ES&S and MicroVote -- I don't know all the ones that we have in Indiana, but there's some level of parity in what's being discussed here as a potential issue
for the others as well?

MR. JARNAGIN: Yes. So these concerns could be utilized across all of the voting system vendors, these same exact concerns. So I know I'm willing to discuss them with the commission, with the Election Division. I'm sure the rest of the VSTOP team would love to be involved in coming up with a solution to meet everybody's concerns on the issues.

VICE CHAIRMAN LONG: I assume, Mr. Chairman, that this would be uniformly applied -- or it would be equally applicable to all the systems.

CHAIRMAN OKESON: Yeah.

VICE CHAIRMAN LONG: But ES&S gets to get on the bubble first, see.

CHAIRMAN OKESON: Getting the party started.

Brad or Angela, do you have anything you'd like to offer on this?

MS. NUSSMEYER: I --

MR. KING: Mr. Chairman -- go ahead, Angie.

MS. NUSSMEYER: I'll defer to you, Brad. Go ahead.

MR. KING: All right. No. I was just going to say I have nothing really further to add except to say that there is pending legislation that was
referenced earlier that, among other things, contains language explicitly prohibiting voting systems from having Internet connectivity, and so we're likely to have some more specific statutory language when the current legislative session is over.

CHAIRMAN OKESON: Okay.

MR. MANGANARO: And just to clarify, this system is not connected to the Internet in any way. Anything we do, our software is installed either via USB or a CD. I know now Microsoft has kind of went to the Windows model. It doesn't seem like you can buy an install disk anymore. But these are ISO images that we create. We don't go to Microsoft's website and download that from the Internet, and any of the updates are all offline updates.

VICE CHAIRMAN LONG: Mr. Chairman, could I ask Jordan a question?

CHAIRMAN OKESON: Absolutely. Go right ahead.

VICE CHAIRMAN LONG: Did I understand you to say that these systems, someone goes in and disables Bluetooth and WiFi also?

MR. JARNAGIN: Yeah. So if it's a laptop that you would use for reporting -- like, the voting
machine itself isn't going to be a typical laptop. But if it's a laptop or a computer where you would run reports on at the county level, they would go through and disable any unnecessary feature. Some voting machines may have some form of network connectivity, and then those would be disabled before anybody gets on the machine to vote.

VICE CHAIRMAN LONG: What if they got undisabled by that one person in the field that's got the capacity to do that? Then it would be connected to the Internet, would it not?

MR. JARNAGIN: It depends. So if the only means of connecting to it is through a cable, an ethernet cord, then somebody would have to connect the ethernet cord and then the cord would have to go somewhere. If it's in, say, a school and it's in the middle of a gymnasium they're voting, then finding somewhere to connect the voting machine to in the middle of a gym floor while poll workers are walking around would be a little bit obvious, I would think.

VICE CHAIRMAN LONG: I'm not concerned with that situation. I'm concerned if they did it -- you said, well, if they connected with a cable. It seems to me that, if they disable these
connections, there would be, then, a way to connect
to the Internet some way. Is that -- that should
be a simple can you connect to the Internet if
someone locally enables these functions that are
disabled. That's a simple question. Yes, they can
or, no, they can't.

MR. JARNAGIN: I would give you a yes or a no,
but, again, it depends. So if, say, it's a
wireless connectivity, they would still have to
join a network. So you could enable the ability to
connect to a network, but without actually
connecting to a network, you couldn't, if that
makes sense.

VICE CHAIRMAN LONG: Well, you talk in that
language, as long as you say yes or no and there
are ways that, well, if you could, it depends on
getting to a network, these folks are pretty damn
sophisticated. I mean, we're not talking about
some kid sitting -- of course, that may be. They
probably are the better ones. But we're talking
about people that run computer systems in
countries, so I've got to assume they're the most
sophisticated people in the world along with our
people.

So if one of these highly sophisticated
people -- I mean, I'm not the guy telling you. It seems like to me if you enable it and then I take
the WiFi and connect it with another computer that is network connected, those two connections then
could put the system online with the Internet by that method.

CHAIRMAN OKESON: I'd like to piggyback off of Vice Chairman Long's comments because, if I understood correctly, there's an elections administrator and what I'll call an IT administrator who works for the county. Right? That IT administrator is the person who could, to Vice Chairman Long's point, enable Internet access on the system. It stands to reason that person would also be able, then, to easily join a network. Am I following the custody correctly here? I guess, Jordan, that's a question for you.

MR. JARNAGIN: Yeah. This is Jordan. So, yes, that makes sense. An IT person at a county or whoever has system administration access to a voting machine could connect it -- enable the feature and connect it to the Internet somewhere. The only --

CHAIRMAN OKESON: Via county network; correct?

MR. JARNAGIN: Yes. So my only concern would
be, if they did it from -- say they worked at a county building and then the voting machine got taken to voting location. That network access wouldn't be at the voting location, just at the county.

VICE CHAIRMAN LONG: This has got to be resolved before October, in my mind.

MR. MANGANARO: And this is Mark Manganaro with ES&S. I don't know if I can jump in.

CHAIRMAN OKESON: Sure. Go ahead.

MR. MANGANARO: But are you guys talking about the ElectionWare software or the tabulators that are out in the field? Somebody mentioned something about at a school. So if you're in a school gymnasium, our kind of basic configuration would be a DS200 precinct tabulator and an ExpressVote. Those machines cannot connect to the Internet.

VICE CHAIRMAN LONG: They're going to have to -- they're going to have to be resolved. You can give me all the anecdotal opportunities or scenarios where they can't do it, but I want to know it can't be done anywhere, anytime, any way unless something happens that is a satisfactory level of -- I know somebody's got to have the ability to make changes, but we have to have
safeguards built in here that one person sitting in the county, one person could be able to cause havoc in an election if they were inclined to do that. And that has to somehow have so many levels that things would have to go through to get it done that it is virtually impossible for that to happen.

MS. NUSSMEYER: Mr. Chairman, if I could. And I don't want to lead Mark into some questions here, but I think this might go to Anthony's concerns and maybe the rest of the commission.

CHAIRMAN OKESON: Yeah.

MS. NUSSMEYER: And that is, I think when we're talking about at least for the ES&S system, the concern about connectivity is with the one central computer that the election management software resides on, and that is the computer where the county is going to be making and coding their elections and building their ballots and tabulating their results after the election.

And so in that instance, I think what people are saying is that it is possible to connect a computer to the Internet in that situation, except that federal and soon-to-be state law confirms that that system has to be hardened, meaning it cannot touch the Internet. And that's where we're talking
about disabling Bluetooth and other things on the one PC, that we're doing that in a way to harden the system to create that air gap.

And I think what I'm hearing Mark say -- and, Mark, I don't want to lead you into the answer, but I think what I'm hearing you say is that the individual voting system units that are deployed out to the polling places, at least for your system, do not have any type of modem or wireless connectivity where somebody could go in and plug it into a wall or tap into a modem within your system. That is, in and of itself, a hardened system because it has no capacity to even touch the Internet. Is that what I'm hearing you say?

MR. MANGANARO: Correct.

MS. NUSSMEYER: Okay. So at least for the ES&S system, the individual units going to your polling places would not be able to be connected to the Internet. But at the local level, at that main centralized computer hub, the IT administrator could enable, if you will, wireless connectivity or network connectivity, based on what I'm hearing you say that your software would allow them to do, but there's an established best practice and federal and soon-to-be state law that has made a point to
say that that system has to be air gapped.

VICE CHAIRMAN LONG: The bottom line is, there's laws that prevent people from killing people, but you know that people murder people every day. And just because there's a law that says that -- you hit the nail on the head, Angie, can't be connected to the Internet, and nobody's been able to say it can't be connected to the Internet, period. They're saying it can't be connected to the Internet unless. And as long as that "unless" is in there, then we've got a level of security that I think we have to be able to answer. Anybody with conspiracy theory beliefs or whatever it is, factual or not, that we have done everything to see that this happens. I mean, one person --

CHAIRMAN OKESON: So to Vice Chairman Long's point, right -- and, Angie, I think you did a good job of summarizing it -- so it's sort of left hand, right hand. The machines out in the field, right, they're airtight. You get it back to where the county counts or processes the election, and, to Vice Chairman Long's point, an IT administrator could connect that machine -- could deharden it, right, connect that machine to the Internet and
create some level of manipulation potentially.

I mean, I don't know how feasible that is, but that's -- and, Vice Chairman Long, don't let me put words in your mouth, but to summarize kind of your concern, I think that's what it is. Right?

VICE CHAIRMAN LONG: And I think it could be fixed or it could be made so difficult it's, you know, virtually impossible. Nothing is impossible in this world. I just think having one person having the access to be able to make some changes at the county level is an unacceptable level of security for my mind.

CHAIRMAN OKESON: And so with that summation, Mark, do you have anything else you'd like to say on the matter?

MR. MANGANARO: No.

CHAIRMAN OKESON: Any other comments or questions?

MS. NUSSMEYER: Mr. Chairman, if you wouldn't mind indulging me one more question for Mark.

CHAIRMAN OKESON: Yeah. Co-director --

MS. NUSSMEYER: It was the one question that I saw based on all the reports, and that is, your main computer, your main PC that your software resides on for the EMS, Mark, it mentions a
Windows 7 operating system, and I know that Microsoft has stopped supporting that as of January last year. I suspect the answer is, because the computer is hardened and air gapped, having an older operating system isn't that big of a deal in terms of running your software, but I did raise that question for my board members just as a potential concern and thought you might want to address that.

MR. MANGANARO: Yeah. And that is correct. It is a Windows 7 system. We have an agreement with Microsoft to support -- is it January of '23? -- to support Windows 7 until January of 2023. You did bring up a good point. It is an air-gapped system that is hardened. And then our next release that we would be bringing to the state, 6.2.0.0, would actually be Windows 10.

MS. NUSSMEYER: Thank you, Mark. And thank you, Mr. Chairman.

CHAIRMAN OKESON: Absolutely. Thank you. Any other comments or questions? Hearing none, can I get a motion to approve the application for certification of the ES&S ExpressVote 6.0.4.0 in accordance with this recommendation from VSTOP and subject to any
restriction or additional requirements in that recommendation for a term expiring on October 1, 2021, which I hope, Vice Chairman Long, that provision helps address your concern.

VICE CHAIRMAN LONG: Subject to my comments earlier and my questions, I believe -- I think I made it clear from now till October I'm comfortable with where we are and we've got time to move. So with that caveat, I will make that motion.

CHAIRMAN OKESON: Is there a second?

MR. KLUTZ: Second.

CHAIRMAN OKESON: Thank you, Zach. Any further discussion?

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

VICE CHAIRMAN LONG: Aye.

MR. KLUTZ: Aye.

CHAIRMAN OKESON: Aye.

MS. OVERHOLT: Aye.

CHAIRMAN OKESON: It's unanimous. The motion is adopted.

Next the commission will consider the application of ES&S for approval of engineering change order 1103 for its ExpressVote 5.2.4.0 voting system. We have representatives here from
ES&S. Would you like to testify on the matter, or anyone from VSTP?

MR. JARNAGIN: Jordan Jarnagin will.

CHAIRMAN OKESON: Go ahead.

MR. JARNAGIN: So the ECO 1103 is a de minimis ECO. It is for the ExpressVote V2.1. The ExpressVote V2.1 is utilized by the EVS 5.2.4.0 voting system as well as the aforementioned EVS 6.0.4.0 voting system. In your recommendation, I had written that it was pending on your vote whether or not it would apply to the 6.0.4.0, but the 5.2.4.0 voting system is currently already certified for use in Indiana.

ECO 1103 updates the CMOS battery to extend time between maintenance events. Members of the VSTP team have reviewed the ECO supporting documents as well as the VSTL report. VSTP finds that the ECO complies with the requirements for de minimis changes to hardware components, and VSTP recommends approval of ECO 1103 for the EVS 5.2.4.0 and the EVS 6.0.4.0 voting systems.

CHAIRMAN OKESON: Thank you, Jordan.

Any questions, discussion from the commission? Hearing none, is there a motion to adopt VSTP's recommendation for the approval of the
engineering change order 1103 as described in the report as modifications to the ES&S ExpressVote 5.2.4.0 voting system, with this approval being effective immediately?

VICE CHAIRMAN LONG: So moved.

CHAIRMAN OKESON: Thank you.

Is there a second?

MR. KLUTZ: Second.

CHAIRMAN OKESON: Thank you, Zach.

Any discussion?

MR. KING: Mr. Chairman?

CHAIRMAN OKESON: Yes.

MR. KING: Excuse me. VSTOP, in its presentation, indicated that this engineering change order was recommended for also the 6.0.4.0 system based on the commission's vote to certify.

CHAIRMAN OKESON: Yes.

MR. KING: And so just to clarify the extent of the motion may be helpful.

CHAIRMAN OKESON: So you want to reissue a motion? Is that what you're asking, Brad?

MR. KING: No. Mr. Chairman, I'm just saying if the commission members wish to amend their motion to incorporate the voting system they just voted to certify, that will clarify the scope of
the engineering change order.

VICE CHAIRMAN LONG: What's the recommendation of VSTOP?

CHAIRMAN OKESON: That we do so.

VICE CHAIRMAN LONG: I intended to adopt the VSTOP recommendation in my motion.

CHAIRMAN OKESON: Yeah. I just didn't -- in my reading of a request to offer a motion, to Brad's point, I didn't call out the fact that it also applied to 6.0.4.0 that we had just voted on previous, I think was your point. Right, Brad?

MR. KING: Yes, Mr. Chairman, that's correct.

VICE CHAIRMAN LONG: Going to have to tighten up there, Mr. Chairman.

CHAIRMAN OKESON: I'm loose in the turns. It's just getting rough.

I'll take that as an amendment to the motion, Vice Chairman.

VICE CHAIRMAN LONG: Yes.

CHAIRMAN OKESON: Second?

MR. KLUTZ: Second.

CHAIRMAN OKESON: Any further discussion?

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

VICE CHAIRMAN LONG: Aye.
MR. KLUTZ: Aye.

MS. OVERHOLT: Aye.

CHAIRMAN OKESON: The motion is adopted.

Moving on, the commission will now consider the application of the Hart InterCivic for certification of its Verity Voting 2.5 hybrid optical scan voting system. Do we have any representatives from Hart InterCivic or anyone from VSTOP that wants to comment on this?

MR. JARNAGIN: Jordan Jarnagin.

CHAIRMAN OKESON: Go ahead.

MR. JARNAGIN: The Hart InterCivic Verity Voting 2.5 voting system is an upgrade to Verity Voting 2.3, which is currently certified for use in the state of Indiana. Hart InterCivic originally applied to have Verity Voting 2.4 certified, but while we were reviewing the documentation, they had postponed the certification of that to wait for Verity Voting 2.5.

Verity Voting 2.5 contains a number of software component and hardware changes, which include upgrading from Windows 7 to Windows 10, the addition of Verity Duo Go and Verity Duo Standalone devices. And then the Verity Voting 2.5 also includes all of the software changes from Verity
Voting 2.4, which is why they wanted to delay the certification and go with 2.5 due to the hardware and Windows software upgrades that it included.

The 2.4 software changes dealt with primarily security enhancements and many improved usability features. As with Verity Voting 2.3, the Verity Voting Touch Writer Duo device included in Verity Voting 2.5 is a series of up to 12 ballot marking devices connected together via a closed network daisy chain. VSTOP maintains its position from the precedent set with the currently certified Indiana Verity 2.3 that the network is closed and poses no additional vulnerabilities or threat without having direct physical access to the hardware.

The Verity Voting Duo Go and Verity Standalone devices are new to Verity 2.5. They do not require connecting to another Verity device over that daisy chain network, and then the Verity Duo Go is actually intended to be used for curbside voting. It's a mobile option.

Verity Voting 2.5 was field-tested at Ball State University on December 21, 2020, by the VSTOP team. The field-test included verification of all required elements of Indiana statutes regarding voting systems as well as ADA compliance.
evaluation. Mock elections, including IEC-approved test case scenarios for straight-party voting, were conducted on the voting system. For this certification, the electronic adjudication feature must be disabled among the Verity Voting 2.5 voting systems utilized in Indiana.

And based on VSTOP's review and evaluation, we find that the Hart InterCivic Verity Voting 2.5 voting system meets all of the requirements of the Indiana Code for use in the state of Indiana.

CHAIRMAN OKESON: Thank you, Jordan.

Any questions or comments from any commission members?

VICE CHAIRMAN LONG: May I, Mr. Chairman?

CHAIRMAN OKESON: Please, go ahead.

VICE CHAIRMAN LONG: This will be a simple question. We had a series of questions regarding the ES&S system. Would the same questions receive similar answers if it applied to the Hart Civic Verity Voting system?

CHAIRMAN OKESON: Jordan, would you like to respond to that?

MR. JARNAGIN: Yes. Regarding the connectivity to the Internet?

VICE CHAIRMAN LONG: Primarily, yes.
MR. JARNAGIN: Okay. So the Verity Voting, they do have a network access, but everything should be hardened, as we'd mentioned before. The devices do connect to one another. Dr. Bagga may be able to explain a little bit more about this due to Verity 2.3 being tested before I had joined VSTOP, and Cory, vendor from Hart InterCivic on the phone, might be able to help answer some of these questions a little better as well.

DR. BAGGA: Thank you, Jordan. This is Jay Bagga. If I may.

CHAIRMAN OKESON: Yes.

VICE CHAIRMAN LONG: I thought maybe we just brought his picture in today. How are you, Doctor?

DR. BAGGA: I'm pretty good, Commissioner Long. How are you, sir?

VICE CHAIRMAN LONG: I'm doing fine. We've been doing this a while, haven't we?

DR. BAGGA: We have, yes. We have been doing this a while.

VICE CHAIRMAN LONG: I look forward to seeing you at the meetings.

DR. BAGGA: I certainly am looking forward to it, yes. Of course, we are all under COVID conditions, so I miss seeing people in person. I
certainly do. But you're looking good on the screen, Commissioner Long.

So, yes. So I would echo everything that Jordan said, and the questions are similar for all voting systems. The daisy chain network connection is a closed network connection where the ballot marking devices are connected. This discussion came up in the last certification for the currently certified system, and we have maintained that position. Nothing has changed since then, since the commission certified it last, for that particular configuration of daisy chain.

But the other questions about Internet connectivity are similar, Commissioner Long, to the ES&S system, and the same questions will have similar answers about hardening. And I'll defer to Cory, who is also present here, to add anything to this. He's the Hart representative.

Cory.

MR. HINKLE: Thanks. Hi, this is Cory Hinkle. Yes. So just to comment on the Internet connectivity, the short answer is our system, both the devices at the polling locations and the central county-level locations, cannot connect to the Internet.
And just to give a little background explanation on that, so we use a system that's built from the ground up that only includes components that are necessary in the operating system. So we actually don't include any elements that -- in our operating system image, we don't include any elements that allow Internet connectivity. And that started from the trusted build stage for creating our operating system images.

So, yeah, Internet connectivity is not capable. We don't have to actually disable any Bluetooth or WiFi on our systems because they aren't enabled on the operating system image. So it's not something that anyone at the county level would even need to worry about because it's not possible to make any of those changes based on our operating system image that we have installed on our machines.

CHAIRMAN OKESON: So whether it be the machine out in the field or any central counting machine, as Co-Director Nussmeyer referred to with ES&S, what I hear you saying is, regardless or irrespective of whether there's an IT administrator or not, they cannot log in and connect anything to
the Internet. Is that what you're saying?

    MR. HINKLE: That is correct, yeah. And all
of our systems operate in kiosk mode, so it's an
air-gapped hardened system that cannot connect to
the Internet.

    CHAIRMAN OKESON: Very good.
    Any other questions or comments?
    Hearing none, is there a motion to approve the
application for certification of the Hart
InterCivic Verity Voting 2.5 hybrid optical scan
system in accordance with the recommendation of
VSTOP subject to any restriction or additional
requirement in that recommendation for a term
expiring October 1, 2021?

    VICE CHAIRMAN LONG: As before, for the same
reasons, I make that motion.

    CHAIRMAN OKESON: Thank you.
    Second?

    MR. KLUTZ: Second.

    CHAIRMAN OKESON: Thank you, Zach.

    Any further discussion?
    Hearing none, those in favor signify by saying
"aye."

    VICE CHAIRMAN LONG: Aye.

    MS. OVERHOLT: Aye.
MR. KLUTZ: Aye.

CHAIRMAN OKESON: Aye. The "ayes" have it.

Motion is adopted.

Finally, the commission will now consider the application for the Unisyn OpenElect 2.1 optical scan voting system certification. Is there a representative from Unisyn or anyone from VSTOP that would like to comment on this?

MR. JARNAGIN: Jordan Jarnagin from VSTOP.

CHAIRMAN OKESON: Yeah. Go right ahead, Jordan.

MR. JARNAGIN: OpenElect 2.1 is a paper-based ballot optical scan voting system which is a modification to OpenElect 2.08 voting system, which is currently certified for use in Indiana.

OpenElect 2.1 contains numerous updates to various components and software to include several security enhancements; usability improvements to Ballot Layout Manager, Election Manager, FreedomVote Tablet, and other components; and then updated and newly added hardware components, such as an uninterruptible power supply and updated power supplies for various components.

After our initial review, Unisyn also submitted five ECOs to VSTOP. The ECOs involve
software modifications. So there's ECO 17110, which increases the accuracy for write-in report function; 17111, which is related to the voter registration input interface on the OVO tabulator; 17112, which changes calculations so that ballots print the correct length; 17113, which updates a database query; 17114, which removes a disable command in order to prevent it from interfering from a ballot that may be in process.

OpenElect 2.1 was field-tested at Ball State University on August 13, 2020, by the VSTOP team. The field-test included verification of all required elements of the Indiana statutes regarding voting systems as well as an ADA compliance evaluation. Mock elections, including IEC-approved test case scenarios for straight-party voting, were conducted on the voting system. For this certification, the electronic adjudication feature must be disabled among the OpenElect 2.1 voting systems utilized in Indiana.

Based on VSTOP's review and evaluation, we find that Unisyn OpenElect 2.1 voting system meets all the requirements of the Indiana Code for use in the state of Indiana.

CHAIRMAN OKESON: Thank you, Jordan.
Any discussion or questions from the commission?

MS. OVERHOLT: I notice that this system, that there's a -- that this is a Windows 7 system. I know we talked about the issue of Windows 7 versus Windows 10. What are the plans for upgrading to Windows 10?

MR. ORTIZ: This is Chris Ortiz, director of certification for Unisyn. We use actually a Linux system. I'm not sure what you're referring to.

MS. OVERHOLT: Oh, okay. Sorry.

MR. ORTIZ: There's no Windows in our system at all.

MS. OVERHOLT: Okay. Never mind, then.

MR. ORTIZ: Thank you.

CHAIRMAN OKESON: Any other questions?

VICE CHAIRMAN LONG: Same questions I asked, I guess, to Jordan, the same questions regarding disabling and those things that we talked about earlier, would they be likewise applicable to the Unisyn system operation? I realize this is a paper-ballot-based system where, as I understand it, there is going to be a hard copy paper ballot created, so the trail is not as important. But as far as tabulating and counting the ballots, is
there a system administrator locally that can affect changes?

MR. ORTIZ: This is Chris Ortiz again. Similar to what Hart and ES&S said, the system is not connected to the Internet. The system actually did go through the Idaho test lab as part of the DHS. The system went through a very extensive penetration and vulnerability test, and a lot of that stuff is documented.

But, again, in order to alleviate some of your concerns, Commissioner Long, whatever the board decides to do as far as October with vulnerability testing, penetration testing, we're willing to do whatever it takes to ease some of those concerns.

VICE CHAIRMAN LONG: My question is not the testing side of it, but is it physically -- if the same questions were asked as we did with the ES&S, there is a -- is it physically possible for a person at the county level to connect this thing in some form or fashion to the Internet?

MR. ORTIZ: No, there's no way possible. There's no -- in the voting devices at the precinct level, there is no modem capability, whether WiFi or network capability in the precinct. And then --

VICE CHAIRMAN LONG: I'm not talking about
precinct. I asked if a county tabulating -- where they come into the county, to the central tabulating system, that's the one I'm concerned. I can understand the ones out in the field, in the precincts. But at the county where the final vote tally is generated, is that possible?

MR. ORTIZ: The system is a hardened Linux system, and all of that functionality -- similar to Hart, all that functionality is turned off on installation, so same thing.

VICE CHAIRMAN LONG: You've answered my question.

MR. ORTIZ: Okay.

VICE CHAIRMAN LONG: When you said "turned off," that was the key words. I'm with you.

CHAIRMAN OKESON: Any other comments or questions?

Hearing none, is there a motion to approve the application for certification of the Unisyn OpenElect 2.1 optical scan voting system in accordance with the recommendation of VSTOP subject to any restriction or additional requirement in that recommendation for a term expiring October 1, 2021?

VICE CHAIRMAN LONG: With the caveat as
before, I make that motion.

CHAIRMAN OKESON: Thank you.

Second?

MR. KLUTZ: Second.

CHAIRMAN OKESON: Thanks.

Any discussion?

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

VICE CHAIRMAN LONG: Aye.

MR. KLUTZ: Aye.

MS. OVERHOLT: Aye.

CHAIRMAN OKESON: Aye. The "ayes" have it, and the motion is adopted.

MR. ORTIZ: Thank you.

CHAIRMAN OKESON: And I believe that that brings us to conclusion. Correct, Brad?

VICE CHAIRMAN LONG: Could I -- at the conclusion -- at the outset, I said I was going to bring something up at the end that relates to all of these systems that I didn't think we needed to discuss as we went through them.

CHAIRMAN OKESON: Sure. Go right ahead.

VICE CHAIRMAN LONG: This is going to be really short and, I hope, sweet.

We've had certification in compliance with
Indiana law. It's my belief now that, after some level of study and being educated, that there are areas that are not necessarily covered by Indiana law that cause me some concern.

And I think one of the problems -- we've done this paper trail thing, and we've entered into a level of sophistication in the computer world that I think we have to stay legislatively abreast of it. I think that's the real purpose of the division, and I think that's the purpose of the commission, to help advise the legislature that here are some areas that we're having to make decisions on that you've not opined on, and if you don't opine on it and give us direction, we've got to either ignore them or we've got to come up with our own solutions.

For example, this paper trail deal, which is really a big deal. I mean, this has been a long-fought battle and a worthwhile battle, I think. When they print out from the system the ballot card, when the computer -- and I don't know the vernacular, but when the computer, in a recount situation or a verification situation, prints out the ballot card, I believe there should be a standardized form of that printout that is
applicable statewide.

I asked to see some -- in discussions of this, I asked to see some copies of the various ones that are printed out. And I'm not being critical of the folks that run these systems. I'm a believer. I've done this a long time, and I think our vendors are really reputable, first-class operations, and they do their jobs, and I'm proud that they choose to work in Indiana.

But I think that we should tell them -- and there is no standard on the ballot printout, so they've each developed their own format. I think that the division should advise the legislature do you wish to address this; if not, our commission may have to address it, because we think -- I think it's important in recounts that we have a standardized system that anybody, a layperson can pick up a printed ballot that's been generated and understand and see how that individual voted, I mean, clearly without interpretation. The ones I got, I couldn't do that, and I know I'd have to ask somebody interpret this for me.

I think there are other areas that the legislature has maybe not kept pace with the technology. I think that the commission should
direct the division or request the division to provide technical updated information to the legislature so they can have the opportunity.

We've made decisions in areas -- and I'm not saying they're bad decisions -- that the legislature has not given us real direction on, and I think that there should be a more sophisticated legislative -- these are decisions that I think the legislature needs to make. I don't necessarily agree with a lot of their decisions, but the law says they're the ones that make the decisions. It's not us. Our job is to enforce, and we're asking them for -- I would be asking them give us some direction in how you want the form of the ballot printout, things that have advanced beyond where the legislation and the laws have changed.

I haven't followed what's out there as closely as I should at this time, but I think that we need to get something uniform statewide in that area. There may well be other areas. And all the questions that I think have to be answered, most of them can be answered. These things need to be taken care of, and hopefully then we've got an easier job in October.

But I think we need to enhance our
communication with the legislature, advise them that we're having to make decisions, you need to weigh in on it if you wish to weigh in. If you don't weigh in, just like in the law, the appellate level courts make decisions, and six or eight years later they'll come back and say, well, we did this, the legislature hasn't seen fit to change it, they must be satisfied with it, so we're okay. And I think that's where we are on this technology.

But that's my two cents, and thank you all very much for allowing me to say it.

CHAIRMAN OKESON: Thank you, Mr. Vice Chairman.

Any other closing comments?

Hearing none, the commission has finished its business for the day. Is there a motion for the Indiana Election Commission to adjourn?

MR. KLUTZ: So moved.

CHAIRMAN OKESON: Thank you.

All those in favor signify by "aye."

VICE CHAIRMAN LONG: Aye.

MS. OVERHOLT: Aye.

CHAIRMAN OKESON: That's it. Thank you very much. Enjoy the rest of your week and weekend.

VICE CHAIRMAN LONG: Take care.
MS. OVERHOLT: Thank you.

MR. JARNAGIN: Thank you.

CHAIRMAN OKESON: Good to see you all.

MR. MANGANARO: Thank you. Stay safe and healthy.

CHAIRMAN OKESON: Yes. Stay well. Thanks.

(The Indiana Election Commission Public Session was adjourned at 2:12 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 1:01 p.m. and 2:12 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 8th day of March, 2021.

Maria W. Collier
Notary Public Seal
STATE OF INDIANA
Commission No. N1069303
My Commission Expires Dec. 5, 2024

My Commission expires: December 5, 2024
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