

1 of the Indiana Election Commission back to order
2 again. Thank you all for your patience. We are
3 now moving to the item on the agenda for the
4 Voting System Technical Oversight Program
5 reports. And I now recognize Dr. Jay Bagga and
6 Dr. Joseph Losco of Ball State University, which
7 administer the Voting System Technical Oversight
8 Program, VSTOP, for presentation concerning
9 voting systems.

10 First Dr. Bagga and Dr. Losco, proceed with
11 your presentation regarding MicroVote and then
12 their request for engineering change orders to
13 implement a software modification to their
14 EMS 3.10 and EMS 4.1 voting systems.

15 MR. KING: At this time we should
16 administer the oath.

17 CHAIRMAN BENNETT: Yes, at this time we
18 will administer the oath. And anyone who is
19 planning to testify -- we did this earlier, but
20 I know we've got a new crowd here. So anyone
21 who plans to testify here today, please rise and
22 take the -- take the oath.

23 (All parties intending to testify were
24 sworn in.)

25 CHAIRMAN BENNETT: Thank you. You may

1 proceed.

2 DR. BAGGA: Mr. Chairman, members of the
3 commission, I am Jay Bagga, J-a-y, B-a-g-g-a,
4 program director of the VSTOP, Voting Systems
5 Technical Oversight Program. We'll present our
6 report for MicroVote first.

7 As a result of SEA 61 changes in Indiana
8 Election Code (now Public Law 21-2016),
9 MicroVote Voting Solutions submitted a software
10 modification to Indiana certified EMS 3.10 and
11 EMS 4.1 and voting systems and a test plan based
12 on IED approved test case scenarios for SEA 61.

13 The test plan was reviewed by VSTOP and
14 approved by the Indiana Election Division on
15 July 6, 2016. The testing was performed by
16 Pro V&V labs on July 12th, 2016. A final test
17 report is attached to the report submitted to
18 the commission and was received by Pro V&V on
19 July 2, 2016. The test from Pro V&V labs
20 indicate that the modified MicroVote EMS 3.10
21 and EMS 4.10 voting system comply with the
22 requirements of SEA 61, and VSTOP supports this
23 finding.

24 CHAIRMAN BENNETT: Very good. Thank you.
25 Is there a representative from MicroVote present

1 who wishes to testify regarding the matter?

2 MR. SHANNON: No need to testify. I'm
3 Steve Shannon with MicroVote, and this is
4 Bernie Hersh with MicroVote.

5 CHAIRMAN BENNETT: Okay. No need to
6 testify. For purposes of discussion, is there a
7 motion from the commission to approve the
8 MicroVote engineering change orders as
9 presented?

10 MR. CLAYTOR: So moved.

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

13 MR. KLUTZ: Second.

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

16 (No response.)

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

19 THE COMMISSION: Aye.

20 CHAIRMAN BENNETT: All opposed say "Nay."

21 (No response.)

22 CHAIRMAN BENNETT: The motion is approved.
23 Thank you. Dr. Bagga and Dr. Losco, please
24 proceed with your presentation regarding
25 Dominion Voting Systems and their AccuVote/GEMS

1 Voting System.

2 DR. LOSCO: Mr. Chair and members of the
3 election commission, my name is Joseph Losco,
4 L-o-s-c-o, from the VSTOP program.

5 Following the June 29th, 2016, Indiana
6 Election Commission meeting and pursuant to the
7 June 30th, 2016, communication from the Indiana
8 Secretary of State to election administrators,
9 VSTOP requested that Dominion Voting Systems
10 submit a test plan for compliance with Public
11 Law 21-2016 including manual procedures for
12 IC 3-12-1-7(f) for the Dominion AccuVote/GEMS
13 Indiana certified voting system.

14 The plan was approved by VSTOP on
15 July 14th, 2016, based on the Indiana Election
16 Division approved test scenarios for SEA 61 as
17 well as an advisory prepared by Dominion for
18 handling manual procedures to tabulate and
19 adjudicated ballots for complying with
20 IC 3-12-1-7(f). Testing was done by Pro V&V
21 labs from July 18th to the 20th, 2016.

22 Pro V&V delivered their Dominion compliance
23 test report to VSTOP on July 23rd, 2016. The
24 report concludes, quote, "Based on the results
25 obtained during the test campaign, Pro V&V

1 determines that the Dominion Voting Systems
2 components, as presented for evaluation, meet
3 the requirements for voting systems of the state
4 of Indiana as prescribed in PL 21-2016 with
5 additional tests of the Dominion overvote manual
6 procedures for the Indiana Code Section
7 3-12-1-7(f) for tabulating and adjudicating
8 ballots properly met the expected results."

9 VSTOP concurs with the finding but
10 recommends that should IED approve these
11 procedures, that Dominion be required to take
12 additional steps: 1, to supply evidence that
13 election officials in all counties utilizing the
14 equipment have received all documented
15 procedures for properly tabulating ballots
16 pertaining to IC 3-12-1-7(f); and 2, provide
17 additional training and resources to the
18 counties upon their request; and 3, commit to
19 assisting the counties with any related issues
20 that may arise during the ballot counting; and
21 4, provide a plan to VSTOP for review and
22 Indiana Election Commission approval for
23 software modifications bringing all of their
24 voting systems into compliance with all sections
25 of the Indiana Election Code including

1 PL 21-2016 no later than September 30th, 2016.

2 The plan must provide for all necessary
3 testing and implementation of necessary
4 modifications no later than March 1st, 2017.

5 CHAIRMAN BENNETT: Are there any questions
6 or discussion from commission members?

7 (No response.)

8 CHAIRMAN BENNETT: I will now ask Dr. Bagga
9 and Dr. Losco to proceed with your presentation
10 regarding Election Systems & Software and their
11 unity voting systems.

12 DR. LOSCO: Mr. Chairman, members of the
13 election commission, following the June 29th,
14 2016, Indiana Election Commission meeting and
15 pursuant to the June 30th, 2016, communication
16 from the Indiana Secretary of State, VSTOP
17 requested that Election Systems & Software
18 submit a test plan for compliance with Public
19 Law 21-2016 including manual procedures for
20 Section 3-12-1-7(f) for all Indiana -- for ES&S
21 Indiana certified voting systems including Unity
22 3010 amendment, Unity 3400, Unity 3410, and EVS
23 5200.

24 The plan was approved by VSTOP on July 11,
25 2016, based on the Indiana Election Division

1 approved test scenarios for SEA 61 as well as an
2 advisory prepared by ES&S for handling manual
3 procedures to tabulate and adjudicate ballots
4 for complying with Section 3-12-1-7(f).

5 Testing was conducted by Pro V&V labs on
6 July 14th and 15th, 2016. Pro V&V delivered
7 their compliance test report to VSTOP on
8 July 20, 2016. Pro V&V found that all ES&S
9 Indiana certified voting systems complied with
10 all sections of SEA 61 utilizing automatic
11 processing except for Provision 3-12-1-7(f).

12 In testing manual procedures specified by
13 ES&S for properly tabulating IC 3-12-1-7(f),
14 Pro V&V attests that the procedures, when
15 applied in the manner prescribed, resulted in
16 the procedure tabulation of the ballots in
17 accord with the statute.

18 VSTOP concurs with the finding but makes
19 the following recommendations: 1, that ES&S
20 supply evidence that election official in all
21 counties utilizing these -- this equipment have
22 received all the documented procedures for
23 properly tabulating ballots pertaining to
24 3-12-1-7(f); and 2, provide additional training
25 and resources to the counties upon their

1 request; and 3, commit to assisting the counties
2 with any related issues that may arise during
3 ballot counting; and 4, provide a plan to VSTOP
4 for review and Indiana Election Commission
5 approval for software modifications bringing all
6 their voting systems into compliance with all
7 sections of the Indiana Election Code including
8 PL 21-2016 no later than September 30, 2016.

9 The plan must provide for all necessary
10 testing and implementation of necessary
11 modifications no later than March 1st, 2017.

12 Again, VSTOP concurs with the findings from
13 Pro V&V and makes those additional
14 recommendations should the IEC approve --
15 approve manual procedures.

16 CHAIRMAN BENNETT: Any -- is there a
17 representative of ES&S present who wishes to
18 testify regarding this matter?

19 MR. PEARSON: Yes. This is Steve Pearson
20 with ES&S, and we understand these
21 recommendations and are committed to -- we'll
22 make every effort to comply with these
23 guidelines.

24 CHAIRMAN BENNETT: Very well. Thank you.
25 Any questions from the commissioners?

1 (No response.)

2 CHAIRMAN BENNETT: Dr. Bagga and Dr. Losco,
3 please proceed with your recommendation -- or
4 I'm sorry -- your presentation regarding Hart
5 InterCivic, Inc. and their voting system.

6 DR. LOSCO: Chairman, members of the
7 Indiana Election Commission, on June 17th, 2016,
8 SLI Compliance reported to the Indiana Election
9 Division that testing of the Indiana Election
10 Division approved test scenarios indicated that
11 the Indiana certified Hart InterCivic HVS 6.2.1
12 complied with all sections of SEA 61 with the
13 exception of the IC 3-12-1-7(f).

14 Following the June 29th, 2016, Indiana
15 Election Commission meeting and pursuant to the
16 June 30th, 2016, communication from the Indiana
17 Secretary of State, VSTOP requested that Hart
18 InterCivic submit a test plan for compliance
19 with 3-12-1-7(f) using manual procedures.

20 A test plan based on the Indiana Election
21 Division approved test scenarios as well as an
22 advisory prepared by Hart for handling manual
23 procedures to tabulate and adjudicate ballots
24 for 3-12-1-7(f) was approved by VSTOP on
25 July 15th, 2016.

1 Testing was conducted by SLI Compliance
2 labs on July 18th, 2016.

3 SLI Compliance delivered their compliance
4 test report to VSTOP on July 19th, 2016.

5 SLI Compliance found that Hart, quote,
6 "Utilizing the prescribed Hart procedures for
7 adjudication of ballots meeting requirement
8 3-12-1-7(f), all ballots were able to be
9 resolved without issues -- without issue. All
10 totals were verified to match expected results,"
11 end quote.

12 VSTOP concurs with this finding but
13 recommends that should the Indiana Election
14 Commission approve these procedures, Hart be
15 required to: 1, supply evidence that election
16 officials in all county utilizing this equipment
17 have received all the documented procedures for
18 properly tabulating ballots pertaining to
19 3-12-1-7(f); and 2, provide additional training
20 and resources to the counties upon their
21 request; and 3, commit to assisting the counties
22 with any related issues that may arise during
23 ballot counting; and 4, provide a plan to VSTOP
24 for review and Indiana Election Commission
25 approval for software modifications bringing all

1 their voting systems into compliance with all
2 sections of the Indiana Election Code, including
3 PL 21-2016, no later than September 30th, 2016.

4 The plan must provide for all necessary
5 testing and implementation of necessary
6 modifications no later than March 12st, 2017.

7 CHAIRMAN BENNETT: Thank you. Is there any
8 representative of Hart InterCivic present who
9 wishes to testify regarding this matter?

10 MR. LEACH: Yes. Lawrence Leach with Hart,
11 and we see no issues complying with the
12 recommended procedures.

13 CHAIRMAN BENNETT: Okay. Thank you. Are
14 there any questions or discussions from the
15 commission members at this point in time?

16 (No response.)

17 CHAIRMAN BENNETT: Hearing none, then we'll
18 move to consideration of voting system
19 compliance by the commission. We have received
20 letters and correspondence from a couple
21 different sources. And I want to thank everyone
22 in this room for their interest in this subject
23 and thank, in particular, the county clerks for
24 their input, the Association of Indiana
25 Counties, thank them for their letter and

1 correspondence on this issue and the Secretary
2 of State's office for the leadership that it has
3 provided in this matter.

4 We received timely and well-reasoned
5 correspondence from a number of sources. That
6 is helpful to the commission in handling its
7 business. So thank those -- those parties with
8 constituencies.

9 At this point I would open this matter up
10 for a general discussion amongst the commission
11 with regard to this issue.

12 MR. KLUTZ: Mr. Chairman, based upon the
13 testimony we received or that we heard on
14 June 29th as well as the letters that were
15 subsequently submitted to this commission, I
16 have prepared a few remarks that represent my
17 thoughts individually that I'd like to just
18 simply read into the record.

19 CHAIRMAN BENNETT: Very well.

20 MR. KLUTZ: It's unfortunate that the
21 failure of Election Systems & Software, Hart
22 InterCivic, and Dominion Voting Systems to
23 modify their voting system to comply with Public
24 Law 21-2016 formerly known as Senate Enrolled
25 Act 61 has required this amount of time and

1 attention, not only by this commission but by
2 the Secretary of State -- Secretary of State's
3 office and election administrators across the
4 state of Indiana.

5 The Senate might think that these three
6 vendors made an affirmative decision to simply
7 not comply with the newly enacted law knowing
8 that recertification would be required again in
9 2017 and that the upcoming November election
10 left this commission with limited options to
11 require compliance for this election cycle or
12 otherwise initiate decertification proceedings.
13 I hope this is not the case but agree with and
14 reiterate the Indiana Secretary of State's
15 comments in her correspondence dated June 30th
16 to Indiana's election administrators when she
17 said, "No vendor can pick and choose which state
18 election laws to comply with based on their
19 preferred business practices and substitute
20 their judgment for that of the persons elected
21 to pass laws on behalf of the voters."

22 During our June 29th meeting,
23 representatives of Election Systems & Software,
24 Hart InterCivic, and Dominion Voting Systems
25 explained to this commission that was simply not

1 adequate time to do the modifications work and
2 testing required to bring their voting systems
3 into compliance with Senate Enrolled Act 61
4 within the necessary deadline applicable to the
5 upcoming November general election.

6 However, this position, defense, or excuse
7 is severely undercut when two other vendors are
8 able to comply with the new law.

9 Like the Indiana Secretary of State, I
10 applaud MicroVote and Unisys for their
11 successful work to modify and test their voting
12 systems to bring them into compliance with
13 Indiana law. To again quote from correspondence
14 from our Secretary of State, "Such actions speak
15 to the focused, proactive, and responsible
16 approach in which MicroVote and Unisys have
17 acted." I agree.

18 I would note that the Association of
19 Indiana Counties has urged Indiana's county
20 election administrators who use voting systems
21 by Election Systems & Software, Hart InterCivic,
22 or Dominion Voting Systems review their
23 contracts with such vendors for noncompliance
24 penalties or contractual remedies. I believe
25 this is wise counsel.

1 While Indiana code provides this commission
2 and the Indiana Secretary of State a wide array
3 of options for addressing the noncompliant
4 voting system of Election Systems & Software,
5 Hart InterCivic, and Dominion Voting Systems, at
6 this time in the election cycle, many of these
7 options are simply impractical.

8 Decertification would impose collateral
9 hardships and penalties on our election
10 administrators across the state of Indiana,
11 Indiana's voters and Indiana's taxpayers and
12 jeopardize 38 Indiana counties' ability to have
13 accurate and efficient elections on
14 November 8th, 2016.

15 For these reasons I would like to present
16 the following resolution for my fellow
17 commissioners' first consideration. This
18 resolution will be read generally without
19 specific reference to Election Systems &
20 Software, Hart InterCivic, or Dominion Voting
21 Systems; however, I present it to apply to each
22 such vendor.

23 If there is a second to this motion and
24 following any discussion this resolution passes,
25 the reading of this resolution would constitute

1 a separate resolution applicable to each:
2 Election Systems & Software, Hart InterCivic,
3 and Dominion Voting Systems. In such vendor's
4 name, a voting system description would be
5 inserted into the body of the resolution as
6 applicable.

7 I do intend to read the resolution into the
8 record, but I do have copies if anyone would
9 like to follow along as I read through.

10 It appears they've all been passed out.
11 I'd like to read into the record and present to
12 my fellow commissioners the following
13 resolution. A resolution censuring the
14 applicable vendors for failing to comply with
15 Indiana election law whereas pursuant to Indiana
16 Code 3-11-7-17, the Voting Systems Technical
17 Oversight Program, also known as VSTOP, may
18 periodically examine a ballot card voting system
19 that the Indiana Election Commission has
20 previously approved to determine whether the
21 system is still in compliance with all statutory
22 requirements.

23 Whereas, VSTOP, in consultation with an
24 independent voting system testing laboratory
25 accredited by the United States Election

1 Assistance Commission, has advised the Indiana
2 Election Commission that the previously
3 certified voting systems of the applicable
4 vendor no longer complies with the Indiana Code
5 Section 3-12-1-7(f), specifically in that the
6 voting system does not properly function as an
7 automatic tabulating machine in counting ballot
8 card votes as required by Indiana Code 3-11-7-6
9 but instead requires manual procedures to be
10 employed by county election boards to count
11 ballot cards as a result of this failure;

12 Whereas, the vendor was notified of the
13 changes made to Indiana Code Section 3-12-1-7
14 prior to Public Law 21-2016, formally known as
15 Senate Enrolled Act 61, being signed into law
16 and taking effect on March 21, 2016;

17 Whereas, the vendor failed to take prompt
18 action to bring this voting system into
19 compliance putting its county customers in an
20 untenable situation;

21 Whereas, insufficient time now remains
22 before the November 8th, 2016, general election
23 for this voting system to be brought into
24 compliance with Indiana law, and the Indiana
25 Election Commission believes that the

1 commencement of the statutorily permitted
2 decertification of the voting systems at issue
3 will cause further hardship to the county
4 election boards utilizing this voting system and
5 would adversely affect the ability of such
6 county election boards to conduct an accurate
7 and efficient election on November 8th, 2016;

8 Whereas, the vendor has jeopardized both
9 the smooth administration of this election and
10 public confidence in the accuracy and integrity
11 of its voting systems as a result of the actions
12 or fail to act;

13 And wheres, the commission is keenly aware
14 of the difficult circumstances that this vendor
15 has placed on its county customers in conducting
16 the November 8th, 2016, general election, and
17 while the commission cannot sanction the use of
18 a voting system which does not comply with
19 Indiana law, the commission believes it should
20 take any action it can to reduce the hardships
21 faced by counties as a result of this vendor's
22 failure.

23 Be it resolved by the Indiana Election
24 Commission, Section 1, that for the reasons set
25 forth above, the applicable vendor is hereby

1 censured for its failure to comply with the
2 Indiana Election Law governing its voting
3 systems; Section 2, the commission hereby
4 determines that the public interest in the
5 smooth administration of the November 8, 2016,
6 general election makes it prudent for the
7 commission to defer the commencement of an
8 enforcement action in this matter against the
9 applicable vendor subject to the following: No
10 later than 5 P.M. Eastern Daylight Time Friday,
11 August 26th, 2016, such vendor shall submit a
12 written statement to the VSTOP committing to
13 supply evidence that election officials in all
14 counties utilizing this equipment have received
15 from the vendor all the documented procedures
16 for properly tabulating ballots pursuant to
17 Indiana Code 3-12-1-7(f) including without
18 limitation a mechanism to identify optical scan
19 ballots that trigger the IC 3-12-1-7(f)
20 scenario; provide additional training and
21 resources to these counties upon request as to
22 the county election board meetings referenced in
23 the next section of this resolution; and assist
24 these counties with any related issue that may
25 arise during ballot counting.

1 Subsection B of Section 2: No later than
2 5:00 P.M. Eastern Daylight Time Friday
3 September 30th, 2016, file a written plan with
4 VSTOP detailing the vendor's strategy and
5 timeline for implementing all software
6 modifications necessary to bring their voting
7 systems into compliance with all provisions of
8 Indiana Election Code including Public
9 Law 21-2016. The plan must provide all
10 necessary testing and implementation of
11 necessary modifications no later than -- no
12 later than March 1, 2015, and be reviewed by
13 VSTOP and submitted to the Indiana Election
14 Commission for approval;

15 Section 3, upon receipt of the information
16 detailed in Section 2A, the commission
17 recommends that the -- that each Indiana county
18 using this vendor's voting system conduct a
19 public meeting of its county election board to
20 provide voters, candidates, and political
21 parties with information regarding manual
22 procedures that the county election board will
23 follow to comply with the ballot tallying
24 requirements of IC 3-12-1-7(f) and urges the
25 county to provide for the presence of a

1 representative of the voting system vendor at
2 this meeting;

3 Section 4, that a copy of this resolution
4 to the -- I'm sorry -- by the Indiana Election
5 Division to each county election board in
6 Indiana to the United States Election Assistance
7 Commission and any other person or entity
8 requested by a member of the Indiana Election
9 Commission.

10 That contains the substance of the
11 resolution I presented.

12 CHAIRMAN BENNETT: Thank you,
13 Commission Klutz, for your well-considered
14 comments and presentation of the resolution. Is
15 there a motion to adopt the resolution presented
16 by Commissioner Klutz?

17 MR. CLAYTOR: I so move the adoption of
18 each of the three resolutions relating to each
19 of the three vendors.

20 CHAIRMAN BENNETT: Okay. I would second
21 that motion. Is there any discussion from the
22 commission?

23 (No response.)

24 CHAIRMAN BENNETT: Is there any discussion
25 from the -- the people here in this room?

1 MR. JOHN: Mr. Chairman, might I inquire on
2 a couple of issues for clarification?
3 Thomas John on behalf the ES&S. Really, two
4 questions I have just so we understand. When
5 you say "defer," that means -- the word can mean
6 various things. When I think of it in the
7 context of this, I think of frankly a speeding
8 ticket when it's differed and dismissed later.
9 Is that the intent of this? And if so,
10 typically when you see those sorts of
11 agreements, there is some sort of execution that
12 the matter is dismissed or concluded at some
13 later point when compliance is -- with whatever
14 the terms are is certified. Is there thought on
15 this?

16 MR. KLUTZ: My thought was to defer to
17 after September 30th, 2016, until we determine
18 whether the provisions and requirements of
19 Section 2 are complied with.

20 MR. JOHN: I guess my point is so let's
21 assume for a moment we meet those provisions.
22 Then is this dismissed or like -- what is the
23 conclusion? Do we have an open matter?

24 MR. KLUTZ: My thought in this and in
25 assisting to prepare this would be that we would

1 meet again at some time after September 30th to
2 determine whether those were complied with.

3 MR. JOHN: And if they are complied with --
4 I guess, I'm not trying to be obtuse; but if
5 they are complied with, then will the commission
6 then determine that this matter is closed or?

7 CHAIRMAN BENNETT: I think it's that the
8 entire discussion is deferred and that the
9 determination will be made at that time about
10 how to proceed.

11 MR. JOHN: Okay. So this is merely putting
12 this off past that time and so there's a
13 possibility of other sanctions associated with
14 this?

15 CHAIRMAN BENNETT: I don't know. That was
16 my thought.

17 MR. KLUTZ: I said I didn't contemplate
18 other sanctions and this is what we're asking to
19 happen. I mean, this is -- to me, this is the
20 sanction.

21 MR. JOHN: Okay. Okay. But so this
22 contemplates that the -- because the document
23 itself, let's face it, doesn't contemplate
24 further commission action nor does it self- --
25 does it have any sort of self-fulfilling

1 mechanisms inside of it. That's what I'm trying
2 to --

3 MR. KLUTZ: It does not, you're right.

4 MR. JOHN: And so that's what I would
5 request is whatever that might be, if we can
6 clarify what it is so at some point what that --
7 whatever it is it will be addressed in the
8 October meeting or whether upon its terms that
9 if the commission finds that -- what I would
10 ask, actually, would be that the commission
11 finds that we've complied with all of the terms
12 of the deferment, that, in fact, this matter be
13 closed with respect to the particular issue.
14 That's what we would seek from the commission on
15 that.

16 MS. OVERHOLT: If I can interject just a
17 second, I would just clarify that, I mean,
18 there's another -- there's a March 1st, 2017,
19 compliance --

20 CHAIRMAN BENNETT: Right.

21 MS. OVERHOLT: -- measure as well. So I
22 would think that, you know, that we couldn't
23 make any final -- any decision about final
24 action until after that March 21 -- March 1st of
25 2017 date has passed.

1 MR. JOHN: And frankly, Commissioner,
2 that's was what I was thinking is probably,
3 since that's actually our deadline under this is
4 probably after the March. But obviously we'll
5 be happy to help in September but then -- let's
6 see.

7 Oh. So it asks for filing of evidence.
8 What does the commission -- do they want some
9 sort of, like, letters from the clerks? Do they
10 simply want an affidavit from the vendor that
11 the -- it's been done? Just so that we're
12 clear, I just want to make sure that whatever we
13 do --

14 MR. CLAYTOR: I think VSTOP's
15 recommendation was those certifications that the
16 action was taken.

17 MR. JOHN: I'm sorry. Specifically I'm
18 referring to A1.

19 MR. CLAYTOR: I understand. Certification
20 is evidence. So they have -- VSTOP's
21 recommendation was for a certification that that
22 action has taken place.

23 MR. JOHN: Well, I'm referring to A1 that
24 says "Supply evidence that election officials in
25 all counties utilizing this equipment have

1 received from the vendor all the documented
2 procedures." And so what evidence would the
3 commission want so we can advise our client of
4 what that is?

5 CHAIRMAN BENNETT: Certified mail, return
6 receipt or affidavit.

7 MR. KLUTZ: Affidavit would be --

8 MR. JOHN: I mean, probably an affidavit is
9 the cleanest, if that's okay. I just to make
10 sure we do something that satisfies the
11 commission.

12 CHAIRMAN BENNETT: Something along those
13 lines.

14 MR. JOHN: Anything else?

15 CHAIRMAN BENNETT: Oral testimony if
16 necessary.

17 MR. JOHN: Okay. We just wanted to make
18 sure that we've got it. Okay. Thank you.

19 CHAIRMAN BENNETT: Any other questions?
20 Comments?

21 MS. HUDSON: Yes. Wendy Hudson, I'm the
22 clerk of Elkhart County and chair of the Clerks
23 Association Legislative Committee. And I'd like
24 to say on behalf of all the clerks that we
25 appreciate this document and the efforts put

1 forth to put it together to help us conduct our
2 elections.

3 CHAIRMAN BENNETT: Thank you. Anyone else?

4 (No response.)

5 CHAIRMAN BENNETT: Hearing no further
6 discussion, the motion to adopt the resolution
7 has been made and seconded. And I would ask for
8 a vote of the commissioners. All in favor of
9 the adoption of the resolution say "Aye."

10 THE COMMISSION: Aye.

11 CHAIRMAN BENNETT: All opposed say "Nay."

12 (No response.)

13 CHAIRMAN BENNETT: The ayes have it. The
14 motions have been -- the motion has been
15 adopted, the resolution. Thank you.

16 Before we adjourn, I would ask for
17 authority on behalf of the commission for staff
18 to use our signature stamps to enact the
19 resolution. Is there a motion to that?

20 MR. CLAYTOR: I so move, Mr. Chairman.

21 CHAIRMAN BENNETT: All right. We have a
22 motion. Is there a second?

23 MR. KLUTZ: Second.

24 CHAIRMAN BENNETT: Motion and a second.
25 Any discussion?

1 (No response.)

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

4 THE COMMISSION: Aye.

5 CHAIRMAN BENNETT: All opposed say "Nay."

6 (No response.)

7 CHAIRMAN BENNETT: The motion carries. The
8 staff is authorized to affix our signature
9 stamps to the resolution. And at this time, the
10 Indiana Election Commission has finished its
11 business for today. Is there a motion to
12 adjourn?

13 MR. CLAYTOR: So moved.

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

16 MR. KLUTZ: Second.

17 CHAIRMAN BENNETT: We have a motion and a
18 second. Any discussion?

19 (No response.)

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

22 THE COMMISSION: Aye.

23 CHAIRMAN BENNETT: All opposed say "Nay."

24 (No response.)

25 CHAIRMAN BENNETT: The hearing is

1 adjourned.

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3 (Time noted: 4:33 P.M.)

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Transcript of Proceedings
July 27, 2016

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1 STATE OF INDIANA)
2 COUNTY OF MARION) SS:

3 I, Kelly S. Horsley, RPR, CSR No. 98-R-3004, a
4 Notary Public in and for the County of Hendricks,
5 State of Indiana at large, do hereby certify that
6 the foregoing hearing was taken on behalf of the
7 Indiana Election Commission at the Indiana State
8 Capital, 200 West Washington Street, Room 125,
9 Indianapolis, Marion County, Indiana, on the 27th
10 day of July, 2016, commencing at the hour of
11 1:00 P.M., pursuant to the Indiana Rules of Trial
12 Procedure;

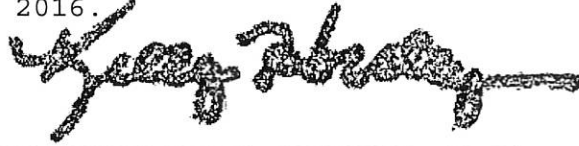
13 That said hearing was taken down in
14 stenographic notes and afterwards reduced to
15 English under my direction, and that transcript is
16 a true record of the testimony given by the said
17 participants;

18 That the parties were represented by their
19 counsel as aforementioned.

20 I do further certify that I am a disinterested
21 person in this cause of action; that I am not a
22 relative or attorney of either party, or otherwise
23 interested in the event of this action, and am not
24 in the employ of the attorneys for either party.

25 IN WITNESS WHEREOF, I have hereunto set my

1 hand and affixed my notarial seal this _____ day
2 of _____, 2016.

3 
4 _____

5 N O T A R Y P U B L I C

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7 My Commission Expires:
8 October 11, 2023

9 County of Residence:
10 Hendricks

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