

1 I said, must fail because other candidates had
2 no opportunity here to file.

3 I have nothing further on that.

4 CHAIRMAN BENNETT: Any response?

5 Rebuttal?

6 MR. JOHN: One note which I mentioned
7 earlier but just to emphasize. As far as the
8 72 hours, the county committee -- and Mr.
9 Renquist would have testified to that -- was
10 planning to meet three days after Miss Espar
11 filed her papers. They did not solely based on
12 the conversation of Mr. Simmons where they
13 called and said you don't have to do it. So my
14 client sent an e-mail to the county committee,
15 and if you'd like Mr. Renquist to speak to it,
16 we can have him. Send an e-mail to the county
17 committee and they'll like, well, let's just go
18 ahead and get this done and get it taken care
19 of. Yes, it's not legal, but they tried to do
20 what it was. How was she supposed to file it if
21 in fact it couldn't be accepted? So she was in
22 a trick box with regard to that 72-hour rule.

23 Then we get into the 10-day discussion.
24 That's a different discussion. With regard to
25 the 72-hour rule, she tried to do it and there

1 was time for the county committee to do it,
2 which was what the timing was that was on the
3 27th and they intended to act on the 30th, and
4 was precluded from doing so.

5 Then that leaves the only live issue, the
6 caucus issue, which I would posit to you is at
7 best confusing, and perhaps there would have
8 been some candidate that was perusing the
9 Election Division website and decided "oh, I'm
10 going to run for prosecutor." I would say I
11 doubt it, and in fact, that goes against all of
12 us who have been in politics a very long time
13 know how the system operates.

14 So what we're going to be talking about
15 is the real issue at issue here is a 10-day
16 notice of a meeting of four people who meet
17 regularly necessary to go out and that will be
18 the basis for tens of thousands of voters not
19 having a choice in November.

20 I'd be happy to any other questions.

21 IEC MEMBER KLUTZ: Mr. Chairman, if I
22 could just ask our staff a question.

23 If the notice was filed, would that have
24 been -- in normal course would we have posted
25 that on our website?

1 MR. KING: Commissioner Klutz, no, we
2 would not. We receive notices and other
3 documents that have been referenced related to
4 filling candidate vacancies. We scan those. We
5 enter those into a database that we use for the
6 certification of ballots, but we do not post
7 either the original documents or summary
8 information about those on the website until the
9 candidate selection process has been completed.

10 MS. NUSSMEYER: Mr. Klutz, if I may. I
11 would agree with Brad's statement. We would
12 also remind the Commissioners that the document
13 would be a public record. If someone would
14 contact the office to ask if a caucus has been
15 noticed. I know in my time at the division
16 we've had similar requests that if a notice of
17 caucus has been filed, just out of public
18 interest.

19 CHAIRMAN BENNETT: Is there anything
20 either the candidate or challenger would like to
21 add to this record?

22 MR. JOHN: We do have copies of the
23 candidate guide, if you'd like us to give it to
24 you, or the statutes or anything. It's up to
25 you. They're all public documents. I also

1 don't want to burden you anymore.

2 CHAIRMAN BENNETT: Thank you for that
3 offer.

4 MS. LAKE: One last note. This office is
5 the office of the prosecuting attorney for a
6 county, and if the candidate can't follow the
7 law, then that standard should be held to, and
8 the law is clear on this.

9 CHAIRMAN BENNETT: With that, any other
10 questions by the Commissioners before I close
11 the hearing?

12 Hearing none, the evidentiary portion of
13 this hearing is closed.

14 Is there a motion from any of the
15 Commissioners?

16 IEC MEMBER CLAYTOR: Mr. Chairman, I
17 don't know if it's a motion or a comment. I
18 know we're dealing with requirements of
19 3-13-1-6, and just sort of as a comment, in the
20 notice requirement which is in Section 9, it
21 says that the call for a meeting under 3, 4, 5
22 or 6, not a call for a caucus, but a call for a
23 meeting, which would include various items
24 requires the 10-day notice. So it's not just
25 saying for caucus. In Section 10.5 where it

1 refers to 72 hours, at 10.5(A)2, at the end of
2 the sentence it says "must be received at least
3 72 hours before the time fixed for the caucus or
4 committee meeting." So it's not just limiting
5 to caucus in that particular section of the
6 statute.

7 I think I know how the Election Division
8 has interpreted this in the past. I don't know
9 if the Election Commission has been right in the
10 past as far as whether or not -- whether it's a
11 committee -- the executive committee of the
12 party or the chairman -- well, obviously the
13 chairman has a little different requirement, but
14 the executive committee of the county or caucus
15 seem to have a different process under the
16 statute than if it's just the chairman.

17 I must say I thought I was less confused
18 yesterday than I am today, but I don't know if
19 our co-counsels have particular issues that they
20 feel like they should bring up or if we're on
21 our own on this.

22 CHAIRMAN BENNETT: Mr. Kochevar, do you
23 have any comments or thoughts on this?

24 MR. KOCHEVAR: Mr. Claytor has actually
25 stated the sections that I turned to when this

1 matter first came up. I would say this is an
2 interesting question. I don't know what the
3 answer is. This is the first time I've ever
4 dealt with a situation like this. I really have
5 nothing further to add. Would anticipate the
6 Commission's decision on this so can inform the
7 Election Division going forward.

8 CHAIRMAN BENNETT: Mr. Simmons, do you
9 have anything after seeing the video and
10 thinking this through?

11 MR. SIMMONS: No, I think the relevant
12 sections have been covered, argued.

13 CHAIRMAN BENNETT: Does anyone have a
14 motion they'd like to make?

15 IEC MEMBER CLAYTOR: Mr. Chairman, I'd
16 like to make a motion that we grant the
17 petition.

18 IEC MEMBER OVERHOLT: Second.

19 CHAIRMAN BENNETT: I have concerns about
20 disenfranchising voters and having an election
21 without choice. Seems to me that things are not
22 clear in this case and it's a pretty extreme
23 remedy to remove someone's name from the ballot.
24 I don't know that I can support that motion.

25 IEC MEMBER KLUTZ: I think we have a

1 candidate here -- let me address real quick.
2 Your closing statement they need to follow the
3 laws very clear, but after the video you said
4 -- and I quoted it because I wrote it down --
5 there's a large amount of confusion. There was
6 a large amount of confusion, but at the end of
7 the day we had a candidate who was taking all
8 the best efforts she could to comply with the
9 law to be a candidate like she wanted to and
10 offer a choice to the voters. She relied upon
11 direction that she received. I think it's
12 unclear whether the direction was accurate or
13 not. Whether it was or wasn't, it was the
14 direction from our office. I think we would
15 agree there was a large amount of confusion.
16 She took every step to comply with the
17 directions she was given.

18 When I look at the balance of the harms
19 of having one candidate on the ballot versus
20 having two candidates on the ballot and, in my
21 mind, denying her a chance to be on the ballot
22 because of a technicality of -- and again, in my
23 mind, the technicality being because she relied
24 on this advice, the technicality being there
25 wasn't notice given to four particular

1 individuals that were at the meeting and
2 attended the meeting so they knew the meeting
3 was going to happen. There's only really one
4 person harmed here, and that would be the
5 voters, the voters who go into a ballot and have
6 one candidate to pick from because a
7 technicality or a footfall, if in fact that even
8 happened.

9 So I have a real problem with the motion
10 and there's no way I could support it.

11 IEC MEMBER OVERHOLT: I would say that
12 the election law in my mind is (unintelligible).
13 The rules that are set forth are -- I agree.
14 I'm the last one to want to disenfranchise
15 voters, but I don't think this is
16 disenfranchising voters. I think that there's a
17 structure that is in place and supposed to be
18 followed, and when you have words like "must"
19 repeatedly in these statutes, that's clear that
20 it's a mandatory action that is required, and I
21 don't see ambiguity in this language. The
22 statutes that relate to the filling of vacancies
23 have within them their own, I think, definition
24 of caucus that is pretty clear in reading it. I
25 hadn't read these provisions before this

1 challenge came up, and in reading it, it seemed
2 to me that the language is clear that the notice
3 requirements, the filings that have to be made
4 to the Commission and to the Division, that that
5 is clear.

6 Again, as a candidate, it would appear --
7 and the county party, too, that you would think
8 that they would be -- if there is any ambiguity,
9 which I don't think there is, but they would be
10 trying to err on the side of avoiding ambiguity.

11 I also don't believe the video that we
12 listened to in its entirety says what the
13 candidate is trying to say it says. According
14 to my -- it sounded to me like there was not
15 accurate information necessarily being conveyed
16 to Mr. Simmons about what was going on. I wrote
17 down he said the 72 hours applies to a caucus,
18 not the chair, but this was a situation where
19 the statute talks about a caucus comprised of
20 the chair, vice-chair, secretary and treasurer.
21 So we were talking about a caucus. In order to
22 ensure that these rules get followed, I think
23 it's our duty to make sure they get followed,
24 and they weren't followed here. And that
25 shouldn't be taken lightly.

1 IEC MEMBER KLUTZ: I don't disagree that
2 it should not be taken lightly, but I also think
3 if you look at the purpose of the law, the
4 purpose of a notice -- putting people on notice
5 so they can show up and hear the caucus members
6 or the committee members of the Republican part,
7 and they were there, and so the purpose of the
8 law was fulfilled. Now we're going to have a
9 situation -- or we could have a situation or
10 you're advocating a situation where because it
11 wasn't -- the law was fulfilled but perhaps
12 wasn't followed by the statute that voters are
13 going to go in a booth and their vote is simply
14 not going to count. One vote this person will
15 be elected. There's no choice here for reasons
16 that I just think are absurd.

17 CHAIRMAN BENNETT: Go ahead and call for
18 the vote. All in favor of the motion to sustain
19 the candidate's challenge say aye.

20 All opposed say nay.

21 We have a 2-2 deadlock on that issue.
22 I'd like to make a motion that the challenge be
23 denied.

24 IEC MEMBER KLUTZ: Second.

25 CHAIRMAN BENNETT: For all the reasons

1 we've discussed. I have a second.

2 All in favor of the motion to deny the
3 challenge say aye.

4 All opposed say nay.

5 We have a 2-2 deadlock on competing
6 motions. I guess I would ask for some
7 discussion from counsel what they understand
8 that means. Do you have any --

9 MS. LAKE: I would just reiterate that
10 the statutory language is clear that even if a
11 filing was received in error, it can be later
12 recognized as an error and invalidated is what
13 we're asking the Commission to do. The voters
14 did have a clear choice in the primary
15 obviously. The general election now is with a
16 candidate who has a close association with the
17 primary. I don't think this is
18 disenfranchisement in the sense that the voters
19 aren't being given a choice here.

20 CHAIRMAN BENNETT: My question is really
21 what does this mean in terms of the candidate's
22 name on the ballot?

23 MS. LAKE: The other prosecuting attorney
24 candidates that were possibly discussing whether
25 to file as Republican candidates, there was

1 discussion with the Republican party chair and
2 precinct people and there was an inquiry as to
3 whether there was a prosecuting attorney
4 candidate, and at the time of their meeting in
5 June they indicated there was no candidate, and
6 then suddenly a week later they had a candidate,
7 and other possible candidates who were
8 prosecuting attorneys who had experience in the
9 field did not know about that, did not know
10 there was a caucus committee. They might have
11 filed, and again, we won't know because the law
12 wasn't followed. As Miss Nussmeyer indicated,
13 if people were to inquire with the Election
14 Division whether there was a notice of caucus
15 filed, that may have affected their decisions to
16 file as a candidate and to declare their
17 candidacy with the Republican party as an
18 interested candidate.

19 CHAIRMAN BENNETT: Let me direct that
20 question where it maybe should have been
21 directed in the first place, and that would be
22 co-counsel for the Division in terms of what
23 they understand a 2-2 deadlock means in this
24 situation in terms of whether the candidate's
25 name was going to be on the ballot or not.

1 MR. KOCHEVAR: Mr. Chairman, I'll go
2 first and give you have my thoughts. I promise
3 this is just my thoughts on law and on the
4 procedures of handling challenges.

5 A candidate challenge was filed because
6 the Indiana Election Division had accepted a
7 filing to fill a cause which would place a
8 candidate on the general election ballot.
9 To me, this is a -- we're using similar
10 challenge proceedings as we would for someone
11 who had filed to run in a primary election for
12 which another person had filed a challenge
13 against them. Until the challenge is resolved
14 -- to uphold the challenge, the co-directors
15 have usually certified the challenging
16 candidate's name onto the ballot. We have
17 encountered at this Commission during the
18 primary cycle times when the Commission has gone
19 2-2 and has not resolved this challenge at all.
20 Usually the Commission has a certain time before
21 the election to resolve the challenge, to have a
22 hearing. After that date they lose the ability
23 under law to continue to hear the matter, and
24 the candidate in question has been certified to
25 the relevant county and they have been included

1 on the ballot.

2 It is my view that what we know from
3 challenges during the primary and the history
4 that we have regarding this and regarding 2-2
5 deadlocks would apply in this matter for the
6 reason that we are using the same challenge
7 proceeding. Indiana Code 3-8-1-2. There's also
8 similar language in 3-13-1 regarding challenge
9 dates, when challenges have to be filed and when
10 the Commission has the deadline to resolve
11 those. That is similar to language found in
12 Indiana Code 3-8-2.

13 But I will defer to Mr. Simmons, my
14 counterpart, who has a greater amount of
15 experience with these matters than I do.

16 CHAIRMAN BENNETT: Thank you.

17 MR. SIMMONS: Mr. Chairman, Members of
18 the Commission, I don't have anything to add to
19 Matthew's comments.

20 IEC MEMBER OVERHOLT: If I could simplify
21 what you said. The deadlock means the candidate
22 stays on the ballot unless we take some action
23 prior to some other action prior to it?

24 MR. KOCEVAR: Yes.

25 MR. JOHN: One brief comment, if I might,

1 since counsel spoke.

2 I completely agree with everything you
3 said there. There's a practical matter to this.
4 If in fact a 2-2 vote led to a candidate being
5 removed, we could then get in the situation
6 where willy-nilly people could be challenged for
7 a variety of reasons and you could literally be
8 eliminating people from the ballot constantly.

9 I don't think that's what the intent of
10 the statute is, and I do believe that it's
11 exactly right that as of 60 days before the
12 election this Commission is mandated to act, and
13 if it doesn't act, it loses its ability to do
14 so. That's all.

15 CHAIRMAN BENNETT: All right. Thank you.
16 The hearing is closed. We'll move on to our
17 next item on the agenda. Thank you for your
18 presentations.

19 We will now begin consideration of Cause
20 No. 2018-123: In the Matter of the Challenge to
21 Denial of Candidate Certification for Felipe
22 Jesus Rios, Independent candidate for Indiana
23 State Representative, District 94.

24 The Election Division has provided a copy
25 of the candidate's filing of the challenge, the

1 denial of the certification, a copy of the
2 notice given to the candidate and documentation
3 of their delivery. The challenge and related
4 documents are found behind the yellow tab in the
5 binder.

6 MR. RIOS: My name is Felipe Rios. I
7 introduce my wife. My wife is more fluent in
8 English and to talk today for everything the
9 situation in the many, many months ago for the
10 situation, the compilation of the signatures for
11 running in the district. My wife is speaking
12 everything for that today.

13 CHAIRMAN BENNETT: Can you state your
14 name and spell it, please?

15 MS. ESPINOSA: My name is Estela
16 Espinosa, E-S-T-E-L-A E-S-P-I-N-O-S-A. We're
17 before you today because we challenge the denial
18 of candidate certification. We already have
19 what we wrote explaining what happened so we
20 won't take a lot of time to repeat ourselves and
21 say the same.

22 He is here because he wants an
23 opportunity to run, an opportunity to be on the
24 ballot. From the beginning we had a lot of
25 turmoil, a lot of confusion from both the voters

1 registration and from the Election Division.
2 First of all, they told him he need certain
3 amount of signatures. We introduced more than
4 700 signatures all together. Certain point we
5 were told only 50 signatures were needed
6 according to the computer and the system in the
7 voters registration. After about a month, then
8 they came back with a different number. No,
9 there was a mistake. Clearly they stated
10 election board made a mistake. It's a different
11 number. Now you need this much signatures.

12 Afterward that we still continue working
13 to get the signatures again, and then we come
14 here to the Election Division when a package was
15 given to my husband stating signatures submitted
16 and we were told to bring it to Election
17 Division, which we did that. We were told that
18 he was certified to be on the ballot and that to
19 wait in the mail for about a week that he was
20 going to get certification letter. We waited a
21 week. A week passed by. Nothing happened.
22 Another week passed by and we got concerned and
23 we said let's go and find out what happened.
24 When we get to that department we were told, oh,
25 I'm so sorry, we made a mistake. That's another

1 mistake again. You need more signatures to be
2 certified. Then I asked why wasn't -- he didn't
3 get a notification that there was a mistake
4 made, that he needed more signatures -- to
5 submit more signatures in order to be on the
6 ballot. He never got a phone call. He never
7 got a letter. He got nothing until he went to
8 the division to find out what happened to that
9 original letter that he was supposed to wait,
10 which was the certification.

11 That prevented him from going to large
12 events that at that time were happening in the
13 city. Huge event. It was a Hispanic event.
14 Many people there and we would have the
15 opportunity to collect more signatures, but we
16 were not given that opportunity by not letting
17 us know that there was another mistake.

18 So all we are asking here is for another
19 chance to be on the ballot, a chance to run.
20 Because a lot of work had been done into it, a
21 lot of effort into it, and that's all we want to
22 ask today.

23 CHAIRMAN BENNETT: Any questions by the
24 Commissioners? Anybody that wants to speak on
25 behalf of the Division?

1 MR. KOCHVAR: Mr. Chairman, I wasn't
2 planning on testifying. My name is mentioned in
3 the document. I have spoken with Dr. Rios when
4 he's come to the office as well as his wife over
5 the phone. I'm not planning on giving any
6 testimony in this matter, but if the Commission
7 has questions, I'll be happy to answer them, but
8 I would just ask that Mr. King swear me in if
9 you do have questions of me so this can be sworn
10 testimony.

11 IEC MEMBER KLUTZ: Mr. Chairman, if I
12 may. I guess I have questions just to bring
13 myself up to speed. So how many signatures did
14 you need?

15 MS. ESPINOSA: It was 211 signatures.

16 IEC MEMBER KLUTZ: That's what was
17 determined you needed?

18 MS. ESPINOSA: Yes, that was what we find
19 out after several texts back and forth from the
20 voters registration. Prior to that they have
21 said we only needed 38 signatures. That's what
22 they have in their system.

23 IEC MEMBER KLUTZ: Can I interrupt and
24 just ask who is they?

25 MS. ESPINOSA: The voters registration.

1 IEC MEMBER KLUTZ: Marion County voter
2 registration?

3 MR. RIOS: Yes, for many times it change.
4 One day 38. Okay, later you need more. Oh, you
5 need only 10 more, and later change and no, no,
6 you need 150 more.

7 MS. ESPINOSA: 183.

8 MR. RIOS: Many times it's not exactly
9 how many needed, and finish process is, okay,
10 you need 211.

11 IEC MEMBER KLUTZ: Is the nature of them
12 saying you need this many just by virtue of how
13 many they determined are certified so now
14 they're saying you're this far short?

15 MS. ESPINOSA: Uh-huh.

16 IEC MEMBER KLUTZ: So that's why the
17 number was changing? You were turning some
18 in --

19 MS. ESPINOSA: After someone tells you
20 you only need 50 more to be certified. The
21 system says you only need 15. Let's say on 4/19
22 they said 15. On 4/24 they said you need 183.
23 I almost want to pass out when I heard that.

24 And not only that. We decided to work
25 towards getting the signatures, but what really

1 hurt us was the matter that he was told he was
2 ready, he was certified to run and he was going
3 to be on the ballot, but we never got that
4 letter and never got that certification saying
5 we made a mistake, you needed more signatures.

6 CHAIRMAN BENNETT: Did you ever get 211
7 signatures?

8 MS. ESPINOSA: No, we did not get. We
9 didn't have a chance. By the time we find out,
10 it was already close to July 2nd, which is the
11 deadline, so we had no more time. We find out
12 that we needed more when we got there to find
13 out why he didn't receive the letter of
14 certification.

15 CHAIRMAN BENNETT: Is this the first time
16 that you've run for an office?

17 MR. RIOS: Yes.

18 CHAIRMAN BENNETT: Is there anything you
19 would do different next time in running for
20 office?

21 MS. ESPINOSA: Can I translate for him?

22 CHAIRMAN BENNETT: Yes.

23 MS. ESPINOSA: I think I could probably
24 be more organized. This is a learning process.

25 MR. RIOS: Yes, I working seven months,

1 working my team, working for the signatures in
2 different area for the District 94. Right now I
3 come today I don't need nothing for any people.
4 I only needed the opportunity for running.

5 CHAIRMAN BENNETT: I would like to
6 encourage you to continue with your political
7 aspirations in running for office and learn from
8 this opportunity and get more organized, as you
9 suggest, and then give it another shot, try it
10 again. That's kind of what I'm thinking now.
11 I'll turn it over to the others for questions or
12 comments.

13 IEC MEMBER OVERHOLT: I guess this is a
14 question for staff, I suppose. So when
15 candidates come in with their signature pages,
16 and we've seen the signature pages, what is the
17 process if someone is coming in before the
18 deadline, what is the process or is there one
19 for letting candidates to know if they've met
20 the goal, fallen short or whatever so that they
21 know that they need to go out and hit the
22 pavement again? What happens?

23 MS. NUSSMEYER: If I may, Mr. Chairman.
24 Candidates running as an independent for state
25 legislative races should contact the Indiana

1 Election Division for the petition signature
2 counts. While it's true the petitions would be
3 turned into the county voter registration
4 offices for review and certification to see
5 whether or not those individuals are registered
6 voters within the election district, the
7 candidate would know going in to filing what the
8 threshold, what that minimum number of
9 signatures they would need in order to qualify
10 for the ballot. So in this case had they
11 approached the Election Division first to get
12 that calculation, both attorneys actually work
13 toward determining what that number is and they
14 come to an agreement, and that number was 211.

15 So on that the petition, the CAN-19, there
16 is a certification on the back side of that
17 petition that would indicate how many signatures
18 were certified by the county as folks who are
19 registered to vote within that election
20 district. Those petitions had to be turned into
21 the county by noon June 30th, and then the
22 candidate would go and collect them from the
23 county voter registration office, and they would
24 know whether or not they met their burden of the
25 211 signatures based on the certification coming

1 from the county. So when they come in to turn
2 in that documentation, they know whether or not
3 they met that threshold, but once filed with our
4 office, then both attorneys would actually go
5 through all the petitions, confirm that the
6 count was correct, and whatever number they came
7 to, then they would bring it to the co-directors
8 and we would he provide notice to the Secretary
9 of State who has the ultimate authority on
10 deciding whether or not to approve or deny
11 certification.

12 In this instance Dr. Rios fell a little
13 short, and that was what was part of the
14 Secretary's denial of certification to him.

15 I don't know if Mr. King has anything
16 further.

17 MR. KING: My colleague has summarized
18 the procedures and the law very accurately. I
19 don't have anything to add.

20 CHAIRMAN BENNETT: At this time I would
21 move to deny the challenge. I think that the
22 signatures did fall short and it's unfortunate,
23 but I think it is a good learning experience,
24 and I would hope that the candidate would stay
25 active and involved and come back and try again.

1 IEC MEMBER CLAYTOR: I'll second.

2 CHAIRMAN BENNETT: We have a motion and
3 second. Any further discussion?

4 All in favor say aye.

5 All opposed say nay.

6 The ayes have it. The challenge is
7 denied.

8 We wish you good luck and give it another
9 try.

10 MS. ESPINOSA: What he wants to say is the
11 mistake wasn't really his. The mistake was when
12 they gave him the package to come to the
13 Election Division, to bring the package with the
14 signatures, the certified signatures. Because
15 they said everything was right.

16 CHAIRMAN BENNETT: Thank you very much.

17 Due to the volume of other business, we
18 did not include VSTOP and other related voting
19 system matters on the agenda. To accommodate
20 VSTOP, I move to amend our agenda for today to
21 discuss the setting of a date for our next
22 meeting. Is there a second?

23 IEC MEMBER CLAYTOR: Second.

24 CHAIRMAN BENNETT: Any discussion?

25 Hearing none, all in favor say aye.

1 All opposed say nay.

2 The ayes have it. The agenda is amended.

3 I think at this point it's appropriate to have
4 informal discussion about the potential
5 commission meeting dates.

6 Does this need to be on the record?

7 MR. KING: Yes.

8 CHAIRMAN BENNETT: We have a deadline,
9 don't we, to meet on this next meeting because
10 of the voting systems?

11 MR. KING: Mr. Chairman, perhaps I can
12 address that. We have been informed by VSTOP,
13 Ball State University that one vendor, Unisyn
14 Election Systems, has an engineering change
15 order that they hope to implement in their
16 voting systems in time for the November 2018
17 general election.

18 We have also been informed that the
19 pending application for a new voting system from
20 Election Systems and Software, the 5.2.4.0 is a
21 voting system that ES&S would also like to
22 provide to a county customer for use in the
23 November 2018 elections. I was told indirectly,
24 not from ES&S that as a practical matter they
25 needed to know whether the Commission would

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1 approve their system by the end of September for
2 them to accommodate their potential customer.

3 CHAIRMAN BENNETT: So September 27th, was
4 that the date?

5 MR. KING: Yes.

6 CHAIRMAN BENNETT: So we need a meeting
7 before that.

8 IEC MEMBER OVERHOLT: I would need a
9 proxy on the 27th if we did it then.

10 CHAIRMAN BENNETT: The week of the 10th.
11 Would that work? I would suggest Tuesday,
12 Wednesday or Thursday that week. Anybody have a
13 preference? September 11th, 12th, or 13th?

14 IEC MEMBER KLUTZ: The 12th or 13th for
15 me.

16 IEC MEMBER CLAYTOR: I can't speak for
17 Anthony. I may be the guy.

18 CHAIRMAN BENNETT: This is probably not a
19 real long meeting.

20 MR. KING: No, Mr. Chairman, I would
21 anticipate this would probably be a half hour
22 meeting depending upon the amount of questions
23 the Commission Members have, but VSTOP will be
24 present and the engineering change order is a
25 minor point. The voting system may have more