a second to adopt the Advisory Opinion 2015-1 in our materials.

Any further discussion?

(No response.)

CHAIRMAN BENNETT: Hearing none, all in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: Motion carried. Nice work everyone.

(Discussion off the record.)

CHAIRMAN BENNETT: I will declare a recess for five minutes.

(A recess was taken from 5:11 p.m. to 5:16 p.m.)

CHAIRMAN BENNETT: We will draw the meeting of the Indiana Election Commission back to order.

And we have one final item on our agenda, and that's the Voting System Technical Oversight Project.

We will now have a report from VSTOP. This is a presentation regarding application of certification of the Unisyn OpenElect 1.3 OVO

Optical Scan Voting Systems.

You may proceed.

MR. LOSCO: Mr. Chairman, Members of the Commission, my name is Joseph Losco, L-O-S-C-O. I'm a co-director of the VSTOP program, along with Dr. Bagga, Jay Bagga, B-A-G-G-A, and Raymond Scheele.

And this is Ray's last visit here since he is going to be retiring at the end of the month.

COMMISSION MEMBER KLUTZ: Because of this meeting?

MR. LOSCO: Well, I didn't ask him.

Mr. Chair, as you mentioned, we're here to report on the application of the voting system for the Unisyn Voting Solutions Optical OpenElect 1.3 Optical Scan Ballot Card.

The application is a reevaluation of a modification to a system that has already been certified in Indiana.

The VSTOP team examined lab reports and a variety of materials that were sent from Unisyn, did a thorough review of hardware, firmware, and software components. We conducted an on-site test on May 27 of 2015, at which Mr. Kochevar was present.

Part of our review was compliance with requirements for voters with disabilities. And on the basis of our evaluation, we find the voting system meets all the requirements of the Indiana Code for use in Indiana.

CHAIRMAN BENNETT: Very good. Mr. Kochevar, do you have anything to report from witnessing the testing?

MR. KOCHEVAR: Just from witnessing the testing, they went through each of the statutory provisions, double-checked them against other reports from national testing sites on the voting machine.

The thing I found actually most fascinating as a former precinct election official was the casting and then the tabulation of sample ballots to make sure that the ballots as cast were tabulated correctly.

I can say that all of them were tabulated correctly because I cast them all, as memory serves, the first and only time that I've voted more than once in a single day.

So I'd just like to say that it is fascinating work that VSTOP does. And actually, I'm looking forward to visiting sometime in the

near future when they actually consider a new voting machine or voting technology, when that should become available, and a vendor looks to market that in the state.

CHAIRMAN BENNETT: Okay. Anything else?

MR. LOSCO: Any other questions, comments?

(No response.)

MR. LOSCO: I believe you all have copies of the materials for the voting system.

CHAIRMAN BENNETT: All right. Thank you. Is there a motion to approve the application for certification of the voting system submitted by Unisyn in accordance with the recommendation of VSTOP, and subject to any restriction or additional requirement from that recommendation?

COMMISSION MEMBER KLUTZ: So move.

CHAIRMAN BENNETT: Is there a second?

VICE CHRMN PRO TEM CLAYTOR: Second.

CHAIRMAN BENNETT: Any discussion?

(No response.)

CHAIRMAN BENNETT: Hearing none, all in favor say.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

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

And I guess I would recognize VSTOP at this point for discussion of work on procedures for approval of the electronic voting systems to be submitted to the Commission in the future.

MR. BAGGA: Thank you. Again, Jay Bagga, B-A-G-G-A, Co-director of VSTOP.

And Mr. Kochevar, I think it will be very soon that a new voting system application that we have is here, a brand-new voting system. So we look forward to seeing you soon.

So this is our report for the change orders, which are changes to voting systems that manufacturers are being allowed.

The Voting Systems Technical Oversight Program, VSTOP, has been operating under policies that were approved by this Commission back on June 27, 2011.

Now, there have been some recent changes in the way we carry out those procedures. And those changes are because of some recent changes in the I.C. Code 3-11-7.55, and also in the Election Assistance Commission, EAC's manual for managing these changes. They have a new edition

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out.

One of the main changes is in classifying the type of change that the voting system has. So certified voting system undergoes changes as its normal course of development. These changes are small changes, called de minimis changes, which are, for example, changes in shape of a cable or color of a cable or shape of a receptacle or size of the ballot box, which do not materially affect the operation of the voting system. And those are de minimis changes.

Then there are other major changes which are called modifications, which are not de minimis. And those are, for example, changes in software, hardware, or firmware, which may have potential for impact in the operation of the voting system. So those need to be tested.

So the determination of what type of voting system this is is now going to be made by a lab, which is a federally approved lab, a voting system, testing that. And then VSTOP will review the report, so that's one of the major changes.

So these changes are effective as of

July 1, 2015. And in order to make those changes operational, we are now revising the court -- the -- the protocol. And we'll be bringing forth to this Commission a revised version in the near future.

And we will also create an application form for vendors to apply for these changes. And then we'll follow that protocol once it's approved.

So that's essentially our report.

CHAIRMAN BENNETT: All right. Thank you. Any questions on the report?

(No response.)

COMMISSION MEMBER OVERHOLT: Can I ask a question before we adjourn?

CHAIRMAN BENNETT: Yes.

COMMISSION MEMBER OVERHOLT: Were you getting ready to adjourn?

CHAIRMAN BENNETT: Well, not if you have a question.

COMMISSION MEMBER OVERHOLT: Well, I've been thinking about this -- and I don't know if it's too late -- the Senator Kruse matter, where we could have reached a vote.

Would it be possible to reconsider that at

this point, or is it too late to do that?

CHAIRMAN BENNETT: Are you talking about the campaign finance issue?

COMMISSION MEMBER OVERHOLT: Yes. It wouldn't require any additional testimony from him. I just didn't know, in the same meeting, if we could ...

MR. SIMMONS: The only, I guess, concern would be he wouldn't be present. And I don't know if he needs to be present at this time. But that would be an objection I suppose he could have.

CHAIRMAN BENNETT: Well, we could bring it up on the agenda for the next meeting.

VICE CHRMN PRO TEM CLAYTOR: He would have to --

COMMISSION MEMBER OVERHOLT: He'd have to come back, right?

CHAIRMAN BENNETT: Well, I think he should have notice and an opportunity to be heard if we're going to discuss the case further.

MR. SIMMONS: I agree. He might like the thing you do. There's always the practical side of things here.

COMMISSION MEMBER OVERHOLT: Right.

CHAIRMAN BENNETT: I would err on the side of providing due process to him and to any others who might be interested in his case.

MR. MANN: So would we then at this point do a motion to have a stay in the decision, that there was?

COMMISSION MEMBER OVERHOLT: Well, there wasn't a decision.

MR. MANN: Oh, that's right.

COMMISSION MEMBER OVERHOLT: It's still -- it's just kind of out there.

VICE CHRMN PRO TEM CLAYTOR: Well, except that we defaulted everything on the list that was not put in abeyance, did we not?

CHAIRMAN BENNETT: Yes, we did. Well, we defaulted that --

MR. KING: The default was for those who didn't appear.

CHAIRMAN BENNETT: The people who didn't appear --

COMMISSION MEMBER OVERHOLT: Oh, okay.

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

COMMISSION MEMBER KLUTZ: So moved.

CHAIRMAN BENNETT: We have a motion. I don't think we need a second, do we?

MR. KING: No.

CHAIRMAN BENNETT: Those in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN BENNETT: All opposed say nay.

(No response. Motion carried.)

CHAIRMAN BENNETT: The ayes have it, and the meeting is adjourned.

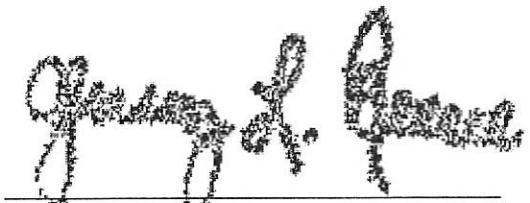
(WHEREUPON, the meeting of the Indiana Election Commission is adjourned on the 21st day of July, 2015, at 5:27 p.m.)

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

I, Jenny L. Reeve, RPR, CSR No. 00-R-3006, a Notary Public and Stenographic Reporter within and for the County of Hamilton, State of Indiana at large, do hereby certify that on the 21st day of July, 2015, I took down in stenograph notes the foregoing hearing;

That the transcript is a full, true and correct transcript, to the best of my ability, made from my stenograph notes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this _____ day of August, 2015.



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