committee back into session. I	[would like to
note for the record that my vi	ice-chair proxy,
Karen Celestino-Horseman, has	excused herself
from the proceedings taking ca	are of some
other business.	

So we still have a quorum. We're good to go. We're going to continue on. Voting System Technical Oversight Program report.

I now recognize Dr. Jay Bagga and Dr. Bryan Byers of Ball State University, which administers the voting system technical oversight program, also known as VSTOP, for presentation concerning voting systems.

Dr. Bagga and Dr. Byers, would you like to make any general introductory remarks before we proceed?

MR. BAGGA: Thank you. Mr. Chairman and members of commission, we would like to begin by introducing the VSTOP team. I'm Jay Bagga, co-Director of the working system technical oversight program, or VSTOP.

With me is Dr. Bryan Byers, also co-Director of VSTOP.

To my far right Mr. Mani Kilaru. He's the IT specialist for VSTOP.

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And to my right is Mr. Jordan 1 Jarnagin, elections system certification specialist for VSTOP. We are pleased to be 3 here. 4 MR. OKESON: Thank you. For the 5 purposes of the court reporter, would you 6 7 mind spelling your names. Jay Baqqa. J-a-y, MR. BAGGA: 8 9 B-a-g-g-a. MR. OKESON: Thank you. 10 DR. BYERS: Bryan Byers. B-r-y-a-n, 11 12 B-y-e-r-s. MR. KILARU: Mani Kilaru. M-a-n-i, 13 K-i-l-a-r-u. 14 MR. OKESON: Thank you. 15 MR. JARNAGIN: Jordan Jarnagin. 16 J-o-r-d-a-n, J-a-r-n-a-g-i-n. 17 MR. OKESON: Thank you. 18 MR. BAGGA: So we have a number of 19 reports that we presented to this commission. 20 And we would like to begin with the first 21 one, which is the approval to change orders 22 or ECUs for election systems and software. 2.3 And Dr. Byers reminds me that I 24 arrived late and I was not oathed. 2.5

MR. OKESON: Oh, sworn in. Co-Counsel 1 Simmons, would you. 2 MR. SIMMONS: Raise your right hand, 3 say "I do" after the administration of the 4 oath. Do you solemnly swear or affirm under 5 the penalties and perjury that the testimony 6 you're about to give the Indiana Election 7 Commission is the truth, the whole truth, and 8 nothing but the truth? Say "I do." 9 10 MR. BAGGA: I do. 11 MR. SIMMONS: Thank you. MR. OKESON: And thank you for making 12 13 that a point. MR. BAGGA: Thank you. 14 MR. OKESON: Proceed. 15 MR. BAGGA: So the first report is an 16 17 ECU report. And (indiscernible) change order report for a number of components of EVS 18 voting systems. 19 In this first report, which was 20 submitted on March 11, 2019, there are four 2.1 2.2 ECUs in one report. ECU983, ECU996, ECU1004, and ECU1005. 23 And all of these ECUs and 2.4 (indiscernible) change orders are de minimis 25

changes, which are minor changes which do not affect materially the functionality of the voting system. The determination that these are de minimis is made by the voting system testing lab.

And to your report, you will see attached reports from VISTAL. These are de minimis changes. The first change, 983, applies to the voting system component DS200. It has changed the texture of the housing seams for applying security seams.

The other three ECUs, 996, 1004, and 1005, all have to do with switching from printers to newer versions. The older versions are going end-of-life.

In the VS450 component for 996, the modification is to switch from Dell-S2810dn printer to B431dn printers. But VSTOP notes that in this ECU, the printers to which we are moving on are also going to become end-of-life.

So, therefore, we are placing some limitations on the approval of the ECU.

VSTOP recommends that the approval of ECU have the following limitations for ECU996,

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that	this a	approva	l be	granted	only	to	those
compo	nents	which	have	current	units	of	DS415
in Ir	ndiana	. The	repla	acement	cannot	be	used
with	future	e purch	ases	of DC45	0s.		

And also that this replacement be allowed only for one year since the new printers will, again, be going end-of-life.

They could continue to be used, but they could not be used as replacement parts after one year. VSTOP recommends that the commission approve these ECUs.

MR. OKESON: Co-Director King.

MR. KING: Yes. Mr. Chairman, members of the commission, in preparing the material for this meeting, we understood that there was another ECO1000.

MR. BAGGA: That will be coming subsequent.

MR. KING: You may want to present so that the commission can consider these.

MR. BAGGA: It looks like there is one motion for all the ECUs. So it should all be presented together. May I ask Dr. Byers to present ECU1000?

MR. OKESON: Co-Director Nussmeyer, do

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- 1 you have anything else to add?
- MS. NUSSMEYER: I don't, Mr. Chairman.

 Thank you.
- MR. OKESON: Go ahead. Thank you.
- DR. BYERS: Thank you, Chairman,
 members of the commission. ES&S also
 formally requested the approval of an ECO for
 a specific voting system. This particular
 ECO was submitted on February 1, 2019. It is

testing laboratory as de minimis. It affects the voting system EVS5240 and the component DC200, specifically. And what they are wishing to do is to change the material for the ballot box that is used with that particular unit to -- from a corrugated plastic to an ejection-molded ABS plastic to increase rigidity.

The members of the VSTOP team have reviewed this ECO. And the supporting documents from the VISTAL, which are attached to your report -- copies of your report. And this -- the VSTOP team finds that this ECO is in compliance with the requirements for de

ECO1000.

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2		And	it	onl	У	applies	to	the	specific

3 ES&S voting system notated earlier that is

4 the EVS5240 and DS200 component. The

5 ES&S voting system EVS5240 is certified.

And this ECO was approved by the election assistance commission, EAC, on February 19, 2019.

VSTOP recommends approval of this ECO.

MR. OKESON: Is there anyone present who would like to speak on these matters?

DR. BYERS: We notified representatives from ES&S that these were going to be handled today. However, we are not aware of -- that they are here.

MR. OKESON: So discussion. Any questions? Is there a motion to pass these?

SPEAKER: I move to approve the ECOs.

MR. OKESON: I guess it would be is there a motion to adopt these VSTOP recommendations for approval of the engineering change orders 983, 996, 1004, 1005 described in VSTOP's reports as modifications to the EVS? All of those

numbers.

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1	SPEAKER: Yes. In fact, I move that.
2	MR. OKESON: Thank you. Second?
3	SPEAKER: I'll second.
4	MR. OKESON: Is there any further
5	discussion? Any questions? Co-Director
6	King, do you have anything?
7	Having heard no further discussion, a
8	vote on the motion. All those in favor say
9	"aye."
10	ALL TOGETHER: Aye.
11	MR. OKESON: Hearing no opposed,
12	motion carried and is adopted.
13	What are we on? MicroVote next?
14	MicroVote EMS 4.3 direct recording voting
15	system application and report. Dr. Bagga and
16	Dr. Byers, please proceed with your comments
17	and any modification information.
18	MR. BAGGA: Thank you, Mr. Chairman
19	and members of commission. This report
20	concerns MicroVote EMS 4.3. A system that
21	VSTOP field-tested at Ball State University
22	on June 26, 2019.
23	VSTOP conducted tests on this
24	micro-vote EMS. There is a modification
25	that's being brought into this system as part

of this report. And that modification concerns a VVPAT or a voter verifiable paper audit trail component.

What that does is it's an attachment that is attached to the (indiscernible) panel and the VVPAT component produces a paper trail. So it's a paper record of the vote that the voter votes, and the voter is able to see her paper record behind the glass window.

And Mr. Chairman and members of the commission, there are photographs in the attached report where you would see -- you would have seen copies of photographs of VVPAT attachment and the paper component -- the paper record of the vote that appears.

Our test included verifications of all the required elements of the Indiana code regarding voting systems as well as ADA compliance affirmation from the vendor.

We also conducted mock elections of the system, which included the ID-approved test case scenarios for straight party voting. And other tests were conducted on the VVPAT. And we verified that the VVPAT

paper record matches with the record that the voter votes on.

VSTOP also reviewed the VISTAL lab tests submitted by MicroVote. This system is compliant with the VVSP or the voluntary voting system guidelines 2005. So we described the VVPAT attachment. The VVPAT attachment also allows a voter to rectify her record in case a voter finds that she has made an error, and a voter can wipe that paper record and go back and correct her record, and then print another copy. And that copy is then saved as the cast ballot.

So the VVPAT system consists of a number of components, which of course include the DI panel and the associated components.

And they're listed on page 2 of the report.

And also it is run by several pieces of software. And the software versions are also listed on page 2.

During our field test, there was a number of findings that we would like to report on. When we did the test on June 26th, one of those findings is that -- let me go to that page. That the line of sight for

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VV pack equipment was not clearly visible in case of some voters who would vote in a standing position.

So a voter can vote while standing.

Or a voter can also vote while sitting on a chair, especially for the (indiscernible) compliance voters. And we tested it in both scenarios. So we made a recommendation to MicroVote, and we asked a question whether this VVPAT unit can be adjusted or tilted so that the voter has a better line of sight to see the paper record.

And we heard that onset of the affirmative that the unit can be tilted. What we would recommend in our recommendation is that there be proper training of the poll records and election officials to the proper functioning of the VVPAT and making sure that the VVPAT is installed appropriately. And that the poll records and election officials are aware in case there's a refill needed for the paper roll on which paper rolls are printed.

We've been informed by VSTOP that there are a sufficient number of paper votes

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that can be printed to last an election day.

But if the paper roll were to run out,

there's an easy process that VSTOP has solved

where the roll can be changed.

As the last part of our report, we also mention that a number of de minimis modifications have been made to this system. And when we tested the system, we tested the prototype system. We did not see those modifications. But then we received the report from the lab that those modifications are de minimis.

And I will describe those di minimis modifications next. One is finger grips on the VVPAT enclosure, which will help poll workers to handle this VVVPAT component easily.

And the second modification is a slight repositioning of the security bracket which is underneath the bottom of the RJ45 port so that the wire ties security seal would better cover the RJ45 connector and prevent it from possible removal during voting. That's an adjustment to where the wire port is located.

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1	So with these two de minimis changes
2	and with the test that we have done, and with
3	the recommendation including training and the
4	proper adjustment of the VVPAT unit, VSTOP
5	recommends that the system be approved.
6	MR. OKESON: Is there anybody from
7	micro-vote here?
8	DR. BYERS: Yes.
9	MR. OKESON: Would you like to offer
10	any testimony on this matter?
11	MR. HIRSCH: Not unless there's a
12	question that you have.
13	MR. OKESON: I have a couple
14	questions. If I might.
15	MR. HIRSCH: Yeah, sure.
16	MR. OKESON: Number one, I heard
17	Dr. Byers you state that the sorry.
18	Before you answer my question, will you state
19	your name and spell it.
20	MR. HIRSCH: My name is Bernie Hirsch.
21	B-e-r-n-i-e, H-i-r-s-c-h. I'm the CIO for
22	MicroVote. And I was sworn in at the
23	beginning of the meeting.
24	MR. OKESON: Dr. Byers mentioned that
25	you have an opportunity to review the paper

- on the vote. And if it is incorrect, you can go back and vote again -- vote again may not be the right way to say it -- but go back and make a correction to that vote. How many times can you do that?
- MR. HIRSCH: So you can actually make corrections to your ballot an indefinite amount of times until you're satisfied with it before you print it out.
 - MR. OKESON: Co-Director King.
- MR. KING: Mr. Chairman, yeah, let me clarify. Indiana law effective July 1st of this year does place some limitations on that. But what Mr. Hirsch has testified to is what the system is capable of doing.
- But what's permitted by law is for a voter to have one opportunity in most cases to correct their ballot and see a new paper trail. But there is no limitation if a voter is disabled and maybe having trouble operating the system or casting their ballot or if there is a technological problem with the system.
- MR. OKESON: Is there any way to monitor that, or to -- enforce it is not the

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1	right word is there anything that would
2	keep someone from continually correcting
3	their vote inside the box?
4	MS. HIRSCH: So the way the system

works is you have the ability to void that paper ballot. The voter does one time. It can actually be set up to five times. But because of the Indiana law, we limit to one time. And then they can print out another copy. And then if they need to print more copies because they're disabled and they're -- so they do have the opportunity to make corrections to any errors before they print out their copy. And then, again, but if they need to do more than two actual printouts, then the poll worker can reactivate the machine to help them do more.

MS. NUSSMEYER: How do you void a paper ballot?

MR. HIRSCH: How do you vote a paper ballot?

SPEAKER: How do you void?

MR. HIRSCH: So the machine -- the voting process works just the way it has before, where you make all of your selections

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and then when you come to the last page, it used to be that you -- the cast vote button lights up, you push that, then you're done.

Now when you come back to that last page, you push a button and the paper prints out with your choices on it, and you're asked to verify that. But it has not yet printed anything at the bottom of that ballot.

It's just showing your selections.

And then if you want to review your ballot,
you can do that and you're warned that if you
make any changes to your ballot, then that
will void the paper.

So if you go back and you're reviewing your ballot and you decide to make a change, then when you come back to that last page, it will print "ballot void" at the bottom, scroll it off and print a new one for you and then ask you to verify that one. And the cast vote button is sitting there waiting to be pushed. Or you can void your ballot a second time. And then you have to get it reactivated to do it a third time.

MS. NUSSMEYER: So there's two papers?

One would be the first time that I printed it

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off, and then I'd have a second paper that voids it?

MR. HIRSCH: Yes. It's on one roll.

So at the bottom of each ballot that's printed, it's either "ballot void" or it's "ballot cast." And that doesn't happen until the voter decides that they want to verify.

MR. OKESON: So it's like a refund, like, a point of sales receipt? You ring it up once and you refund it back? So it reconciled at the end that there's only one vote cast.

MS. NUSSMEYER: Mr. Chairman, if I
may, just to clarify a little more. The
ballot -- the electronic ballot that is
stored in the system -- the actual tabulation
that's occurring -- until they hit that cast
vote button, it is not stored electronically
as a cast ballot on the DRE, and it's not
cast as a completed ballot on the VV pack,
that paper receipt roll?

MR. HIRSCH: Correct.

MS. NUSSMEYER: So if you make a change, you go back in the ballot, you're essentially -- it's like editing a Microsoft

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Word document until you hit, you know, submit final. You submit it through like an online system, if you will.

So even though you may have two paper records, only one of those two paper records is the final ballot that would align with what was saved and recorded within the DRE.

SPEAKER: And the law's written to keep all paper ballots. Both the voids and the casts, correct?

MS. NUSSMEYER: And that's substantially similar to what you would do in a ballot card voting system, that if a person wanted to spoil their ballot, they write "spoil." That's retained with the election materials. But only the ballot card itself that's counted through the standard tabulation gets stored.

MR. OKESON: My second question is relative to the running out of paper, if you will. Is it like a retail point of sale roll? That there's some color stripe? Something that comes up that would indicate or a notification electronically that says, "Hey. You're about to run out of paper," so it

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doesn't happen in the middle of a vote?

MR. HIRSCH: Yeah. So when I designed this project, we had an entire chapter in the (indiscernible) on the VVPAT. And that was my guideline. And so one of the requirements is there be a sensor to detect low paper and paper out.

So there is constant communication between the voter machine and the printer.

And if there's any interruption of the communication, then that stops the process and poll workers have to become involved. If the paper runs low, the current voter -- we have enough paper left so that the current voter can continue voting and cast their ballot.

And then when you try and activate it for the next voter, it'll tell you that the paper is low, it needs to be changed. If the paper actually runs out, which we don't anticipate it'll do because you already have this paper low situation, but there is also a sensor for paper out as well.

MR. OKESON: So would poll workers then need to sort of continually peruse the

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- machines to ensure that they're not seeing a low paper indicator? Is there some other way that that gets communicated?
 - MR. HIRSCH: Yeah. That's not going to happen. Because one of our design criteria --

SPEAKER: We've got to assume everything in the world is going to happen.

MR. HIRSCH: Yeah, yeah. Well one of our designs was enough paper -- more than enough paper -- to last at least one whole day of voting, you know, every three minutes or whatever. So we have over 600 feet of paper on one roll.

MR. OKESON: But you make a presumption about how many voids and --

MR. HIRSCH: Oh, yeah. And so we ran a number of scenarios. The longest ballots we've ever seen in Indiana; the shortest ballots; voiding two times; all that. And we couldn't come up with a scenario where we ran out of paper in one day.

SPEAKER: This may not be a question for you, but who would be in charge of changing the paper?

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SPEAKER: It would be ordinarily the two judges. The bipartisan judges would -- or, if for some reason, a mechanic was required. The county election board designates people to perform the function. But I would think it's ordinarily a poll worker function.

MR. HIRSCH: We anticipated the technicians would do the paper change at night. However, I did put a chapter -- an addendum in the poll worker manual on how to change the paper. It is sealed and locked.

It's a little ballot box. It's a metal ballot box with a printer inside. And in order to open it, you have to unseal it, the serial number, use a key, and then change the paper and reseal it.

MR. OKESON: I lied. I have one third question. If the printer were to fail in the middle of the day on election day, does that particular voting booth machine just have to shut down until it can be repaired? Or can you continue to vote on it? What happens?

Maybe that's a question for you, Brad. I don't know.

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MR. HIRSCH: So they're not dedicated to one another. Whenever the printer is moved to a different machine or different printer is moved to that machine, the machine recognizes that and will print a new header on the roll.

So it could be a machine that was used -- a printer that was used with a different machine yesterday and still had plenty of paper left on it. If you disconnect one and connect one, it'll print a roll header at the beginning to tell you when that happened and what machine it's now attached to.

Plus, every vote record that's printed out, at the top of each ballot, it shows you the actual serial number of the machine that it was attached to. And there's a new unique ID that's associated with the paper record. And there's a matching ID on the electronic record for purposes of risk limiting audit afterwards.

And that number is unique to that record for the whole state. So that eliminates duplicates if we ever go to the

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- situation where we're counting those ballots,
 especially the automated counting of the
 paper ballots. We can tell if that paper
 ballot has been counted more than once.

 MR. OKESON: I presume there's a
 - MR. OKESON: I presume there's a pretty significant training program that's involved with the counties that have this machine?
- 9 MR. HIRSCH: Different procedures
 10 for --
- MR. OKESON: Well, just reloading paper, managing printers.
- SPEAKER: Significant training.
- MR. HIRSCH: We have set up training
 as part of our whole certification process.
- 16 We have planned various regions to do
- 17 training and then come back in and do
- individualized training this fall. If we get
- 19 approval, our implementation schedule is
- 20 beginning immediately.
- 21 SPEAKER: And so for, like, early votes, you have 28 days of early voting.
- 23 printer locks down the same way as the voting
- 24 machines would lock down at night? So
- 25 there's no tampering with the --

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1	MR. HIRSCH: So according to the
2	federal guidelines, if there's a malfunction
3	in terms of it's printing out the wrong
4	stuff, then the whole that whole unit
5	should be removed from service.
6	If it's a question of, you know, that
7	particular printer is just messing up
8	printing, the voting machine is fine. It can
9	be removed the voting machine can be

removed and reactivated with a different

printer.

SPEAKER: I have some questions if you don't mind. So when you're talking about the different scenarios to make sure you don't run out of paper, are you also running on

assuming the high volume for early voting?

Like how those machine would need to have --

MR. HIRSCH: They just have every ballot-style machine. But by Indiana law, we still have to give them three minutes.

SPEAKER 1: Well, I was thinking in terms of the paper. There will be plenty of paper around, I take it?

MR. HIRSCH: Yes. There's over 600 feet of paper on a five-inch roll. And this

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thing is fairly substantial in size. 1 Primarily because of the large --2 SPEAKER: I'm talking about the early, 3 in-person -- we've got thousands of people 4 5 showing up. MR. HIRSCH: Right, right. So we 6 anticipate replacing the paper nightly. We 7 just don't want to do it when the polls are 8 9 open. Had you -- or does the MR. KOCHEVAR: 10 system have a built-in indicator that could 11 predict how much feet is left in that 12 printer? You said there's 600 feet fully 13 loaded. Is there a way -- or have you 14 contemplated that -- or is it even possible 15 to build a, like, a sensor or some type of 16 program or whatever that'll say --17 MR. HIRSCH: There is a sensor. 18 SPEAKER 1: I want to know how much is 19 in there. Is there any way to do that? 20 MR. HIRSCH: They don't have that. 2.1 county could decide to use less than 22

five-inch rolls. They could put a three-inch

roll in there. We actually have manufactured

special paper for this.

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	I mean,	it's t	hermal	paper.	But we
put our	logo on	the ba	ckside	so there	e would
be no co	onfusion	on whi	ch side	e goes o	ıt.
Because	this typ	e of p	aper ha	as a coat	ting on
one side	e of it.	And w	e didn'	't want	
technici	ans to a	acciden	tally 1	load it 1	oackwards
and not	understa	and why	it's r	not print	ing.

There is a logo on the back. If you see the logo, then you know it's backwards.

But there's no way -- there's no sensor to say -- like a little meter, as you will.

What they do is they have a light sensor on there that tells you when it gets low. And it doesn't matter what size roll you put in there. When it gets below a certain level, that light sensor will detect that.

And then so that's the load paper sensor. The out paper sensor is the printer mechanism itself. When the paper gets pulled out and there's no more paper, then it sends out a different signal to the voting machine.

SPEAKER: So also with the early voting, the receipt -- the paper record or whatever we're calling it, is there a -- some

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1	sort of identifier on that that would
2	identify the voter for purposes of that voter
3	dies before election day or anything like
4	that. Is there any kind of tracking
5	information on that piece of paper?
6	MR. HIRSCH: We do the retractions in
7	the electronic record. And the electronic
8	record is linked to the paper record by the
9	unique ID. The paper record does not contain
10	any voter identifiable information on it.
11	SPEAKER 1: Yeah. I didn't mean like
12	actually identifiable. But there is a way to
13	trace it? So it does have some sort of
14	tracking information on it?
15	MR. HIRSCH: The tracking information
16	is the two that are linked together. The two
17	vote records are linked together. If we
18	retract one, we can we know which one was
19	the paper one because they have the matching
20	numbers.
21	SPEAKER: But is it a matching number
22	based on what
23	MR. OKESON: Please. Go ahead.
24	SPEAKER: So it is stored within the

system, right? The person who cast it, whose

absente	e in pe	erson,	has a	a unio	que i	denti	fier
so that	it can	be r	etract	ced?	So yo	ou wo	ould
pull up	that i	ndivi	dual's	s ball	ot th	nen t	o be
able to	go to	the V	VPAT a	and id	lenti	fy th	lose
votes c	ast?						

MR. HIRSCH: No. The way we do the retractions is in the electronic record. And we don't actually know how they voted when we're doing that process or, like, while the early votes are being --

SPEAKER 1: Right. Which you should not. That (indiscernible) the whole point of having a retraction number. But then how do you tie that to the VVPAT in order to make sure you know that's the ballot that you should not be counting when you're performing that work?

MR. HIRSCH: The only way to know is with that unique number that's sent to the electronic.

SPEAKER 1: So there is a unique identifier in the VV pack that ties it to that electronic ballot?

MR. HIRSCH: Correct. For every voter. So there's a unique ballot -- it's a

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new	feat	ture.	It's	a unique	ballo	ot		
iden	tifi	icatio	on. It	doesn't	matte	er wh	nich	
vote	er.	Each	unique	ballot	on	the	paper	
has	a ma	atchir	ng uniq	ue elect	ronic	ball	Lot.	

So whatever happens to that ballot -so we extract ballots from the machines and
some of those might get retracted. The ones
that remain have unique numbers that need to
match the unique paper number.

We don't have, like, any sort of way

-- I don't know. Unwind the roll and mark it

off. The only way you would know is by

having the vote record from the cast ballots

and matching that up to the vote records on

the -- so in terms of future investment, what

I'm anticipating is perhaps coming out with

something where we'd be able to do automated

tabbing of those paper ballots.

And that software would be pretty good at being able to detect what has been rejected and what hasn't.

SPEAKER: Should there be a recount, for instance, and they wanted to look at the verified paper audit trail to do that recount, then how would the parties know

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L	which	ballo	t or	tha	t 1	JV	pac	k	was	retracted?
2	Would									

MR. HIRSCH: So there's not a cast vote record for a retracted ballot because it's not a ballot, right. It wasn't cast. It was voided. So what we do have is a cast vote record for the ones that were cast.

So what you will have, and we modified the infinity print out as well so you have a cast vote record that could be printed out of the Infinity. Each cast vote record now has that individual number on it, which has to match up to the paper number.

SPEAKER 1: So you're saying is one is retracted --

MR. HIRSCH: We have paper records that do not have a matching cast vote record on the machine because, like in the case of that voided one, you know, so if it's voided they only get that unique number when the vote is cast.

MR. OKESON: Co-Director King.

MR. KING: Yeah, Mr. Chairman. Just want to clarify with Mr. Hirsch following up on Ms. Nussmeyer's questions about recounts

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and	oth	ner	situa	ations	wh	nere	the	ret	ract	ion
aspe	ct	οf	this	become	e s	an	issue	<u>.</u>		

I believe I'm correct in understanding that individual ballots that have already been cast prior to election date -- typically we do have a record of those -- are retracted individually.

So that if Ms. A is deceased after casting that absentee ballot, or Mr. B moves out of Indiana, that that ballot is retracted individually as the facts become known to the county election board. And they would have an opportunity -- to the county board election level to record the number of the ballot that they retracted. Is that correct?

that. Do we do that? Do we record the number of retracted ballots in our software?

MR. KING: I don't mean the total.

mean the individual number.

MR. HIRSCH: I'm not sure that we do

SPEAKER: So if, like, Ms. A's ballot was ballot number 1 and it's retracted, does that mean in the paper record that ballot number one is marked as retracted?

MR. KING: Correct. Or could be

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1	counted when retracted, Ms. A's ballot vote
2	that ballot number one has been retracted.
3	MS. HIRSCH: Yeah. So the voter ID
4	part that's put in early voting, that's only
5	in the electronic record. And we're sort of
6	masking the way they voted from the normal
7	user.
8	MR. KING: I understand. But is it
9	receivable to the county election board?
10	MR. SHAMO: Not through the normal
11	interface. With the M software.
12	MR. KING: If you could repeat
13	MR. OKESON: Will you stand up please
14	and just state your name.
15	MR. SHAMO: Steve Shamo with
16	micro-vote. S-t-e-v-e, S-h-a-m-o.
17	MR. KING: Again to continue our
18	scenario, we have Ms. A's absentee in-person
19	preelection date ballot. And you've
2 0	explained it will have an identification
21	number on both the electronic version of the
22	cast, as well as the VV pack ballot in the
23	system.
24	So if there's an intervening event and

Ms. A's is disqualified, death for example,

the county election board can respond by retracting the ballot. My question was can the county election board at that time record the number of Ms. A's ballot? And so it has a running list of the number of -- the ID numbers of the ballots that have been retracted prior to the final --

MR. SHAMO: Let me answer it by explaining how we retract. I think maybe that will give us -- close this gap here. So when the voter walks in and issues their ballot, the voter identification number is entered into the voting machine first only for absentee voting. The logic within the Infinity does not attach that directly to their ballot.

It creates an electronic envelope which that ballot goes in and that number is stamped on the outside of it. So when the retraction process takes place, it takes place prior to the summation of all the votes cast. And so what we do is we physically plug the voting machine itself into the computer.

We don't see ballot information or

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votes cast. We simply see the list of
identifying numbers of voters that had voted
In most cases, their voter ID number. What
we do, then, is we simply check that box of
that voter's ID number and do not include
that ballot in the electronic totals that
come out of that machine.

MR. HIRSCH: So I should point out that I did modify that process. It now includes that unique record ID on the same line. So that as you're deciding "yes, I want to void voter ID such and such," on the same line you see the paper record identifier on that line.

So you could record that number and afterwards decide that's the one we're not going to count.

MR. KING: So then in the event of a recount, or a risk limiting audit, you would be able to identify the specific paper trail VV pack ballot that should not be incorporated into the --

MR. HIRSCH: Correct. Because on that particular screen, if you're looking at it to do the retractions, it includes the paper

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- 1 record ID.
- MR. KING: Okay. I think that's what
- 3 | we were generally getting at.
- 4 SPEAKER: And if I may. Just to refer
- 5 back to Mr. King's question to -- so in an
- 6 early voting context, you might have 25 DREs
- 7 with the VVPATm. Each one with their own
- 8 individual roll of paper. If Ms. A, you
- 9 know, voted on machine one, how would the
- 10 county election board know which roll of
- 11 paper to go back and pull to be able to view
- 12 and find that record to retract? Does it say
- at the top of each day that this is July 1st,
- 14 you know, machine one?
- 15 MR. HIRSCH: It does. There's a roll
- 16 header. Every time the machine is powered
- 17 back up, it's printed. That's the first
- 18 thing that gets printed when it's reactivated
- 19 for voting.
- 20 SPEAKER 1: And we would know Ms. A
- 21 was --
- MR. HIRSCH: But there would be
- 23 procedures on how you store those rolls.
- 24 That's beyond the scope of our certification.
- 25 | So, you know, you pull it out of the machine

and where you put it -- I anticipated someone would just put a rubber band around the roll and write on the outside, you know, serial number such and such on such and such date, and put it on a shelf somewhere.

MR. KING: I want to invoke the Lake County practices, how they handle the storage of absentee ballots after we count them and tabulate them on election day through an envelope -- registered envelope number. And basically signatures of date, like you mentioned, day that roll was used, machine that it was used upon, and that (indiscernible) that we seal that envelope. Therefore, we have a catalog running to go back to that location.

MS. NUSSMEYER: And I don't believe there is anything super specific in State law that requires them each day to remove the roll of paper and do this sort of reporting that might be helpful on the back end canvassing. But I do think that it's probably worthy of conversation with the counties for best practices.

MS. KING: I agree with Co-Director

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- 1 Nussmeyer.
- 2 SPEAKER: And I believe that it's our
- 3 responsibility, too, as these practices
- 4 develop that we submit our procedures as part
- of our VSTOP-certified system. You run it
- 6 through them so they verify the procedures
- 7 that we're doing then.
- MR. HIRSCH: And we're continuing to
- 9 refine those as we gain more and more life
- 10 experience. We might not need to use
- 11 five-inch roll. You know, three-and-a-half
- 12 | inch roll might be the optimum for certain
- 13 types of elections. And we'll find that out
- 14 over the years.
- MS. NUSSMEYER: Is this supposed to be
- 16 used in the 2019 election?
- MR. OKESON: I'm sorry?
- MS. NUSSMEYER: Is this supposed to be
- 19 used in the 2019 general election?
- 20 | SPEAKER: We will have approximately
- 21 | 100 units going out for pilot in counties
- 22 | like -- the counties right now. Bartholomew
- 23 | County is going to be our biggest focus.
- 24 They're going to use them in advanced
- 25 | (inaudible) and for election date. And we've

contacted Boone County who's in agreement to do it. And then depending on the remaining numbers left, that we could put into Lake County.

The only problem there is Lake County wants to do it at all five of their satellite locations. And that will pretty much take up the inventory. So we're hoping that they will focus on one or two of their satellite absentee locations.

SPEAKER: The email exchange about the office titles for the straight party selections and -- so this paper ballot -- I'm supposed to be able to look at this piece of paper and have it and understand who they voted for. And looking at it -- and this is attachment five, I think.

MR. OKESON: Four or five.

SPEAKER 1: It doesn't seem to me to be at all clear. And I don't know if this is something that the county needs to work on or who it's -- I see that it -- so it looks like straight party selections is going to show the public question of whether they answered yes or no. And right below that it says

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- (inaudible) -- but it doesn't indicate the office at all. And then if there isn't
- 3 straight party selection, it still doesn't
- 4 indicate --

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- MR. HIRSCH: The confusion is -- I
 assume the confusion is what you're seeing is
 the VSTOP test scenario election. So it
 wouldn't say -- on this one it'd say,
- SPEAKER: Oh, so that helps. Because
 when the titles are removed, I thought that
 it meant it really was going to say office
 one. I thought that really is not a --

President United States.

- SPEAKER: Yeah. In fact, one of the modifications we made after we first fired it it up is we realized we needed a more significant indentation between the office title and the candidates chosen. So it's fairly clear when you see it with the actual title.
 - MR. BAGGA: Mr. Chairman, members of the commission, let me clarify that. When it came out of the field test -- when we were testing the paper record, we saw that the public question was -- the label -- public

question was printed no matter whether the voter has voted yes or no.

If it was an undervote in the public question, the label will still be printed in red. So that seemed to be confusing to a voter. So the modification that they made, now the label public question will only appear if a voter votes yes or no.

Similarly, a straight party would only appear if the voter chooses to vote straight party. I would also like to add an element to the previous discussion we had about ballots and the number of tries and the copies on the papers. And as reported on page 1 that the official ballot is the real ballot.

The paper record is just a copy and that's not -- it's our understanding is the official is the ballot in the DRE and not the paper ballot. That's just a copy of that form of identification.

MR. OKESON: Thank you for clarifying that. Any other questions? And this is expiring October 21st, 2021. So is there a motion to approve the application for

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modification on the micro-vote EMS 4.3 1 voting system of the recommendation of VSTOP 2 and subject to any restrictions or additional 3 requirement in that recommendation for a term 4 expire October 21st, 2021? Is there a 5 second? 6 I'll second. SPEAKER: 7 MR. OKESON: Any discussion? 8 Real quick. Is there any, SPEAKER: 9 like, statute and state laws that says we can 10 do this? Or is it a concern of outside 11 12 influence? Or what is the --The 2019 statute of MR. SIMMONS: 13 general assembly past legislation authorized 14 the use of systems that do do that. So that 15 would be the first time in Indiana. 1.6 provided for phasing out over a ten-year 17 period the use of all electronic voting 18 systems that do not do that. 19 MR. OKESON: Any other discussion? 2.0 MR. BAGGA: We would also like to add 21 for the record question numbers that are 22 listed on page 2 for the components, the 23 24 Microsoft Windows 10 --

MR. OKESON: Before you go down that

1	road we	e have	a motion	. And we	have	а
2	second. I	We need	to vote	on that	before	he
3	continues	on the	record,	correct?		

MR. SIMMONS: I think you basically close discussion. And take the vote on the motion.

MR. OKESON: Yeah. So we have a motion and a second to approve the micro-vote voting system upgrades. End of discussion. So take a vote. All those in favor signify by saying "aye."

ALL TOGETHER: "Aye."

MR. OKESON: Hearing no nays, the motion carries. And is adopted. Do you have any additional comments?

MR. BAGGA: For the purpose of record, we would like to add that the question numbers that are shown on page 2 of the report, in particular for component Microsoft Windows 10 Professional, it lists the build number of that question as 1809.

Those build number can change based on when Microsoft decides to do security updates. So that's the version number that was tested for the build when we did the

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- field test with the lab test. That can change.
- MR. OKESON: Is that the 1809?
- MR. BAGGA: Yes, Mr. Chairman.
- MR. OKESON: Okay. Thank you. Moving on to Hart InterCivic Verity 2.3 Voting
- 7 System application and report.
- 8 SPEAKER: Thank you. Mr. Chairman and
- 9 members of the commission, this is a
- 10 recommendation report for Hart InterCivic
- 11 Verity Voting 2.3. Which is an application
- 12 for a -- and evaluation of a new voting
- 13 system and for subsequent certification by
- 14 | the Indiana Election Commission.
- Hart InterCivic applied for this
- certification on January 1, 2019. The system
- went to the lab for testing -- the VISTAL lab
- 18 for testing and was found to be in compliance
- with the VVSG version 1.0.2005. And the
- 20 system was also certified by the U.S.
- 21 | Election Assistance Commission on March 15,
- 22 2019.
- This particular voting system was
- 24 tested at Ball State University over a
- two-day period on May 21st and 22nd of 2019

by the VSTOP team. And the field test included verification of all the required elements of the Indiana statutes as applicable regarding voting systems as well as an ADA compliance examination.

Mock elections including the IED-approved test scenarios for straight party voting or SCA61 were conducted on the voting system. Verity Voting 2.3 is a comprehensive voting system that includes software/hardware components to support paper-based, electronic, and by-mail voting.

These components allow election officials to accomplish a variety of high level tasks. The components of this system are listed in the tables within the recommendation report from VSTOP, which includes a list of hardware, corresponding firmware, corresponding software and a list of COTS or commercial off-the-shelf components that are used by the system.

The components that Hart InterCivic is seeking certification on with their corresponding software and firmware include the Verity scan, the verity touch writer, the

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Verity touch writer duo, and the verity controller.

Based on our tests and our review of the materials, we'd like to talk a little bit about the findings of our examination of the documentation, as well as correspondence with Hart InterCivic with regard to this system and our own on-campus test.

The verity touch writer duo is a component which is -- consists of a series of up to 12 ballot-marking devices that are connected by a daisy chain network.

And what we found is that this particular network is a closed network. And it's just a connection of up to 12 voting systems that could be controlled by a controller, poll worker, in order to identify specific ballot styles on each machine in that 12 -- up to 12-machine daisy chain.

And this closed network -- and we spent quite a bit of time researching this. We believe it doesn't impose any additional vulnerabilities or threats even though it's a network without a person having direct physical access to the hardware.

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The verity print features were determined to not be on the scope of certification. And that was actually part of the original application. The Verity printer is a device that prints a ballot that is unmarked. It's essentially a ballot that would be marked.

And it wasn't under the scope of certification for Indiana so it was removed from the original application. And you'll see an amended application in the packet of materials, which was provided to us this month.

As I mentioned earlier, on May 21 during the mock election, on the Ball State University campus, we did experience an issue with straight party voting. That affected at-large races. The predetermined vote tallied -- vote tallies -- for the at-large races did not match the tabulated results from the Hart system.

The representative from Hart

InterCivic was there for the test, was very responsive to this and explained that the reason for this was due to an improper

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selection of a setting in the system. And he discovered this later in the day through correspondence with Hart InterCivic technicians.

So they were able to correct this problem, identify the problem, troubleshoot the problem, and correct it so we could repeat the mock election on the following day on May 22nd, 2019. And everything turned out fine with all of the vote tallies matching.

So our recommendation is that on the bases of your review and evaluation, we find that this particular voting system -- the verity 2.3 referenced in the report -- meets all of the requirements of the Indiana code for the use of voting in the State of Indiana.

And this finding includes compliance with the legal requirements for the voters with disabilities. Included in this recommendation, VSTOP advises Hart InterCivic to be sure to train poll workers to instruct voters to verify their cast ballots printed on the verity touch writer before scanning with the verity scan.

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	VSTOP	also	reco	mmend	that	the	Hart
InterCiv	ric com	npany	prop	erly	train	eled	ction
personne	el crea	ating	and	valida	ating	elec	ction
setup to	be in	comp	lian	ce wit	th Inc	diana	ì
requirem	ents t	o mak	e su	re tha	at pro	per	
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Therefore, on the basis of our review, and our review of the laboratory test and our own test on campus and our discussions with Hart InterCivic, VSTOP is recommending the certification of this particular system.

MR. OKESON: I'm not seeing anyone. But I don't assume there's anybody around back there from Hart InterCivic.

SPEAKER: They're not here.

MR. BAGGA: The vendors were notified they were being heard. And they did not respond to whether they were going to be attending or not. So we don't have anybody here.

MR. OKESON: I don't have an -- I can't picture it in my mind, this software setup. And you didn't even use the word software --

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1	SPEAKER: Daisy chain?
2	MR. OKESON: Not that. But just this
3	set up.
4	SPEAKER: Oh, the settings in the
5	system?
6	MR. OKESON: Yeah. Is that done is
7	that an internal mechanism?
8	MR. BAGGA: That's a process, if I
9	may. During the election setup, there's a
10	check box. So there's a series of check
11	boxes. And Indiana straight party
12	regulations, as we know, in Indiana the
13	at-large races must choose, if more than one
14	person can be elected, the voter the
15	straight party voter does not filter down to
16	those races.
17	A voter must choose those candidates
18	that she wants to vote. So when we did the
19	test on the first day, that wasn't happening.
20	The at-large bases were also being populated,
21	. Which we found in testing of course.
22	So there's an election programming for
23	Indiana setup where that box needed to be
24	check. And they had not checked that box.
25	MR. OKESON: But that wasn't a known

- 1 thing until there's an audit done,
- 2 essentially, at the end of the day, correct?

SPEAKER: Once we saw the results, we realized something was wrong.

MR. BAGGA: We realized that.

SPEAKER: And we brought that to their attention. Then they troubleshooted the problem. And they discovered that was the reason was that a check box was not checked in the election definition settings within the system.

MR. OKESON: So when you go out to the counties with the system, right -- I mean, is this tested in some manner before -- I guess what I'm saying is you wouldn't know about this until after the election, right? Until the end of the day and you go -- and you have -- can you speak to that?

MR. KING: Yeah, Mr. Chairman, there are safeguards, most prominently a public test that's required for all voting systems prior to election date and actually prior to the start of early voting. So any anomaly should be identified and corrected by then.

MR. OKESON: Okay.

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1	SPEAKER: Mr. Chairman, if I may.
2	This issue with Hart is not unique to Hart.
3	But was it just two-ish years ago when the
4	law changed about straight party and that it
5	would not be be applied to at-large races and
6	all of the voting system vendors in Indiana
7	had to come before the commission to request
8	changes in their software to do straight
9	party voting in accordance with Indiana law?
10	So the fact that Hart has a special
11	Indiana setting is not unique to Hart, other
12	voting system vendors do it. And then it
13	would not be available on an ES&S system.
14	For example, at the county level as Mr. King
15	indicated, that would pop up in a public
16	test, or (indiscernible) inaccuracy testing
17	leading up to the public test.
18	SPEAKER: How many systems are
19	certified do we use in the state?
20	SPEAKER: Three or four?
21	Mr. King: There are five vendors.
22	Some of whom have more than one model type
23	that are certified. And so the number of
24	potential models out there is somewhere in
25	the 10 to 12 area.

1	SPEAKER: And I guess, all of you
2	guys, is it normal for someone from the
3	organization to appear?
4	MR. HIRSCH: It depends. Sometimes
5	they do, sometimes they don't.
6	MR. KING: I would say it is not
7	expected. Especially in the case of vendors
8	from out of state. Not because of the travel
9	that's involved. Micro-vote happens to be a
10	locally located company. But we don't
11	necessarily see others from Colorado, for
12	example.
13	SPEAKER: And Commissioner, I went to
14	both field tests actually. And
15	(indiscernible) had representatives there to
16	be there to troubleshoot and work with VSTOP
17	so they have had communication with
18	(indiscernible) leading up to the field test
19	and results afterward.
20	SPEAKER: And does it hit the same
21	marks that the other vendors have hit? Are
22	you guys comfortable with it?
22	you guys comfortable with it? SPEAKER: I would say yes from an

I would agree.

SPEAKER:

- internal tests that vendors do with their clients with this set of elections so those tests should catch any of this.
 - MR. OKESON: Okay. Is there a motion to approve the application for certification of Hart InterCivic 2.3 voting system in accordance with the recommendations of VSTOP and subject to any restriction or additional requirements in that recommendation for term October 21st, 2021?
- 11 SPEAKER: So moved.
- MR. OKESON: Second?
- SPEAKER: Second.
- MR. OKESON: Any discussion? Hearing
- 15 none. All those in favor say, "aye."
- 16 ALL TOGETHER: Aye.
- MR. OKESON: Hearing none, the ayes
- 18 have it. The motion is adopted. I think
- 19 that wraps it up.

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- The Indiana Election Commission has
- 21 finished its business for the day. Is there
- 22 a motion for the Indiana Election Commission
- 23 to adjourn? All those in favor say, "aye."
- ALL TOGETHER: "Aye."
- MR. OKESON: We're adjourned. Thank

MR. KING: And I'll defer to counsel, to see if they have -- Officer Bates, just from a legal perspective.

SPEAKER: I will note that the report from VSTOP is in the same form as in the -- their provided state recommendation as other previous voting systems.

SPEAKER: Okay.

MR. BAGGA: If I may. In response to your question, there are 11 different voting systems. So, Brad, you are in the range there.

And going back to Ms. Nussmeyer's remarks about other voting system vendors having similar settings. Yes, VSTOP has come across other voting systems when the state party laws in Indiana changed. Most all vendors had to make modifications to comply with the new state party requirements. And they came up with these Indiana settings. And vendors who do business and who have certified systems in Indiana are aware of those settings, and there are other safeguards. In addition to Mr. King's mention of the public tests, there are

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CERTIFICATION

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I, ASHLEY GUILLERMO, herby certify the report of proceedings; that said audio-recording was taken down from the electronic sound recording of the proceedings in the above-entitled matter and transcribed by me, and that the typewritten record was transcribed to the best of my ability.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 12th of September, 2019.

Ashley Guillermo

Notary Public

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My Commission Expires:

December 10, 2026

County of Residence:

Lake County, Indiana

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