

**Indiana Election Commission**  
**Minutes**  
**February 24, 2022**

**Members Present:** Zachary E. Klutz, Proxy for Paul Okeson, Chairman of the Indiana Election Commission (“Commission”); Suzannah Wilson Overholt, Vice Chair of the Commission; Karen Celestino-Horseman, member; Abhilash Reddy, Proxy for Litany A. Pyle, Member.

**Members Absent:** Paul Okeson, Chairman of the Indiana Election Commission; Litany Pyle, Member.

**Staff Attending:** J. Bradley King, Co-Director, Indiana Election Division of the Office of the Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Matthew Kochevar, Co-General Counsel of the Election Division; Valerie Warycha, Co-General Counsel of the Election Division.

**Others Attending:** Ms. Lauren Box; Dr. Bryan Byers; Mr. Marc Chatot; Ms. Jen Dunbar; Mr. Jake German; Mr. Tyson Gosch; Mr. Bernie Hirsch.

**1. Call to Order:**

The Chair called the February 24, 2022 meeting of the Commission to order at 1:30 p.m. EST in Conference Room A, Indiana Government Center South, 402 West Washington Street, Indianapolis.

**2. Transaction of Commission Business:**

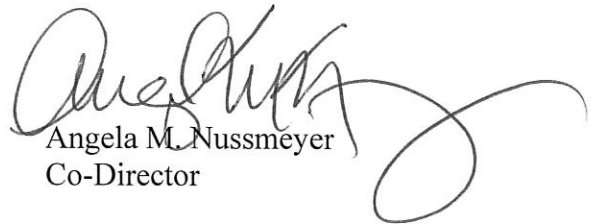
The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Maria W. Collier, RPR, CRR, of Stewart Richardson and Associates, which is incorporated by reference into these minutes.

The Commission adjourned its meeting at 3:21 p.m. EST.

Respectfully submitted,



J. Bradley King  
Co-Director



Angela M. Nussmeyer  
Co-Director

**APPROVED:**

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**Paul Okeson, Chairman**

**In the Matter Of:**

*INDIANA ELECTION COMMISSION PUBLIC SESSION*

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**Transcript of Proceedings**

*February 24, 2022*

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INDIANA ELECTION COMMISSION  
PUBLIC SESSION

Conducted on: February 24, 2022

Conducted at: Indiana Government Center South  
402 West Washington Street, Conference Room A  
Indianapolis, Indiana

A Stenographic Record by:  
Maria W. Collier, RPR, CRR

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APPEARANCES

INDIANA ELECTION COMMISSION:

- Zachary Klutz as Proxy for Paul Okeson - Chairman
- Suzannah Wilson Overholt - Vice Chairman
- Abhilash Reddy as Proxy for Litany Pyle - Member
- Karen Celestino-Horseman - Member

INDIANA ELECTION DIVISION STAFF:

- Angela M. Nussmeyer - Co-Director
- J. Bradley King - Co-Director
- Matthew Kochevar - Co-Counsel
- Valerie Warycha - Co-Counsel

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1 CHAIRMAN KLUTZ: Okay. Good afternoon. We'll  
2 call the meeting to order. This is the meeting of  
3 the Indiana Election Commission, public session  
4 dated Thursday, February 24, 2020, at 1:30.

5 For purposes of the record, I'll note the  
6 following members of the Commission are present:  
7 Myself, Zach Klutz, serving as proxy for Chairman  
8 Paul Okeson; Vice Chairman Susan Wilson Overholt --

9 VICE CHAIRMAN OVERHOLT: Suzannah.

10 CHAIRMAN KLUTZ: I'm sorry. Suzannah.

11 VICE CHAIRMAN OVERHOLT: That's okay.

12 CHAIRMAN KLUTZ: I do know that. Commission  
13 Member Karen Celestino-Horseman; and to my right,  
14 Abhi Reddy, proxy for Member Litany Pyle. Also in  
15 attendance are Indiana Election staff: Co-Director  
16 Brad King, Co-Director Angie Nussmeyer, Co-General  
17 Counsels Matthew Kochevar and Valerie Warycha. Our  
18 court reporter today is Maria Collier from Stewart  
19 Richardson Deposition Services.

20 First item is documentation of compliance with  
21 Open Door. I'll request the co-directors confirm  
22 that the Commission meeting has been properly  
23 noticed as required under Indiana's Open Door Law.

24 MR. KING: Mr. Chairman, members of the  
25 Commission, on behalf of myself and Co-Director

1 Nussmeyer, I certify that proper notice of this  
2 meeting was given in accordance with Indiana's Open  
3 Door Law.

4 CHAIRMAN KLUTZ: Thank you, Brad.

5 Next item is the administration of oaths. Any  
6 person who plans to testify at today's meeting on  
7 any matter, please stand and, if you are able,  
8 respond "I do" upon the reading of the oath.

9 I now recognize Matthew Kochevar to administer  
10 the oath.

11 MR. KOCHEVAR: All those who will testify  
12 before the Indiana Election Commission, please  
13 raise your right hand and say "I do" after  
14 recitation of the oath.

15 Do you solemnly swear or affirm the testimony  
16 you are about to give to the Indiana Election  
17 Commission is the truth, the whole truth, and  
18 nothing but the truth? Please say "I do."

19 ALL: I do.

20 CHAIRMAN KLUTZ: Thank you, Matthew.

21 As we begin the next item, the applications  
22 for recertifications, I want to propose or make a  
23 motion for a procedural process that I hope will  
24 allow for an orderly and open meeting. I move for  
25 the following procedures to be adopted:

1           For each applicant, I will first recognize the  
2 co-directors of the Election Division and then  
3 representatives from VSTOP, which is Indiana's  
4 Voting System Technical Oversight Program, to  
5 present information regarding the applicable  
6 application for certification or recertification of  
7 a voting system before the Commission. The  
8 documents provided by the Election Division and  
9 VSTOP regarding these systems will be incorporated  
10 into the records for this proceeding.

11           I will then recognize any representative of  
12 the applicant, meaning a voting system vendor, to  
13 testify regarding this matter for up to 3 minutes.  
14 This time limit can be extended by the consent of  
15 this body and will not include time spent answering  
16 questions posed by a Commission member.

17           I will then recognize any interested party or  
18 member of the public in the audience who wishes to  
19 testify or provide comments, again up to 3 minutes.  
20 It's my understanding a sign-up sheet has been  
21 distributed before this meeting convened, and I  
22 will recognize individuals to speak in the order  
23 the individual signed in. Again, the time limit  
24 can be extended on consent of the Commission and  
25 will not include time for questions posed by a



1 Commission member.

2 With respect to those procedural proposals, is  
3 there a second to my motion?

4 VICE CHAIRMAN OVERHOLT: Second.

5 CHAIRMAN KLUTZ: Any discussion?

6 All in favor say "aye."

7 VICE CHAIRMAN OVERHOLT: Aye.

8 MS. CELESTINO-HORSEMAN: Aye.

9 MR. REDDY: Aye.

10 CHAIRMAN KLUTZ: Aye.

11 Opposed?

12 The "ayes" have it. The motion with respect  
13 to these procedures is adopted.

14 We have before us three different types of  
15 applications. We have applications for  
16 recertification; we have applications for change  
17 order, engineering change orders; and we have an  
18 application for a new certification. We will take  
19 these in order by vendor and, it appears,  
20 alphabetically, so we'll be hearing all  
21 recertifications and change orders by vendor, first  
22 by Hart InterCivic.

23 So the first matter of business for  
24 consideration is Hart InterCivic Voting System 2.3,  
25 application for recertification of the voting

1 system. Similar to the procedures we just adopted,  
2 for purposes of commencing this discussion and  
3 testimony, I'm going to make a motion that the  
4 application submitted by Hart InterCivic for  
5 recertification of the Voting System 2.3 be  
6 approved for marketing and use in Indiana for a  
7 term expiring October 1, 2025, and subject to any  
8 restrictions set forth in the report submitted by  
9 VSTOP. And that motion is to commence discussion  
10 and presentation. Is there a second?

11 VICE CHAIRMAN OVERHOLT: Second.

12 CHAIRMAN KLUTZ: Any discussion?

13 All in favor say "aye."

14 VICE CHAIRMAN OVERHOLT: Aye.

15 MS. CELESTINO-HORSEMAN: Aye.

16 MR. REDDY: Aye.

17 CHAIRMAN KLUTZ: Opposed?

18 The "ayes" have it.

19 At this time I'll ask Brad King and Angie  
20 Nussmeyer to confirm proper document compliance  
21 with Indiana Code 3-11-7-19 regarding the filing of  
22 the application for Hart InterCivic Voting  
23 System 2.3 and to confirm proper notice of the  
24 application was provided to the applicable county  
25 clerks in Indiana and to provide us with any

1 written correspondence received from those clerks  
2 regarding this specific application.

3 MR. KING: Thank you, Mr. Chairman, members of  
4 the Commission. I'll begin and then defer to  
5 Ms. Nussmeyer for additional information she may  
6 wish to provide.

7 MS. CELESTINO-HORSEMAN: Excuse me. Can we  
8 turn this down a little bit? There's a hum.

9 MS. WARYCHA: I will do my best, but IDOA set  
10 it up, and I don't know exactly what I'm doing.

11 MS. CELESTINO-HORSEMAN: I'm sorry. There's  
12 like a reverb coming through.

13 MR. KING: Thank you, Mr. Chairman, members of  
14 the Commission. The first of the two Hart  
15 InterCivic applications are included in the binders  
16 behind the white tab with the label "Verity Voting  
17 System 2.3." The vendor, Hart InterCivic in this  
18 case, has submitted the IEC-11 application with the  
19 applicable fee required by statute and the  
20 information required under the applicable statutes,  
21 3-11-7.5-28 in particular, but also the others  
22 referenced in the application.

23 As the Chair noted, we have given notice to  
24 the clerks of Cass County and Monroe County, who  
25 are currently using Version 2.3, for them to

1 provide input regarding the recertification process  
2 of this system and have included the IEC-23,  
3 Statement of Voting System Foreign National  
4 Ownership or Control of Vendor document, all of  
5 which, again, are in the binder.

6 And I'll defer to Ms. Nussmeyer.

7 MS. NUSSMEYER: Thank you, Mr. King.

8 Mr. Chairman, members of the Commission, the  
9 only thing I would add is that we had the  
10 opportunity to review the report from VSTOP, and in  
11 addition to all the documentation Mr. King  
12 mentioned, we confirmed that the information  
13 provided by the vendor or those documents that we  
14 requested in the protocol and any questions that  
15 staff had regarding the responses in the report  
16 were adequately addressed by VSTOP and the voting  
17 system vendor.

18 CHAIRMAN KLUTZ: Thank you.

19 I will now recognize the VSTOP representatives  
20 here this afternoon to present VSTOP's findings  
21 regarding this application. Please proceed.

22 MR. CHATOT: Thank you.

23 CHAIRMAN KLUTZ: As a preliminary comment,  
24 before you speak -- and this goes to each audience  
25 member -- please state your name for the record,

1 the organization you're with, and speak clearly so  
2 that the court reporter can hear you, especially  
3 with the mask on.

4 MR. CHATOT: Sure. Marc Chatot with VSTOP.  
5 That is M-a-r-c, C-h-a-t-o-t.

6 Okay. The Verity Voting 2.3 software includes  
7 four core components: Verity Data, Verity Build,  
8 Verity Central, and Verity Count. The type and  
9 quantity of Verity devices will vary by  
10 jurisdiction and may include Verity Controller,  
11 Touch, Scan, Touch Writer, Touch Writer Duo, and or  
12 Print devices. The current Verity 2.3 version to  
13 certify is identical to the Verity 2.3 version that  
14 was previously certified for use in Indiana on  
15 July 26, 2019. This system was certified by the  
16 U.S. Election Assistance Commission on March 15,  
17 2019, and is compliant with the Voluntary Voting  
18 System Guidelines.

19 Changes being introduced in this voting system  
20 are ECO No. 1492, which adds additional orderable  
21 parts, approved by the EAC on August 12, '21;  
22 ECO 1496, which updates the Verity Duo Series power  
23 regulator circuit that was approved by the EAC on  
24 September 13 of 2021; ECO 1500, which supports Duo  
25 and Duo Standalone on Tabletop, this was approved

1 by the EAC on October 1st of 2021; and ECOs 1447  
2 and 1494, which are both improvements to the ballot  
3 box, this was approved by the EAC on October 19,  
4 2021.

5 Findings and limitations. The Verity Touch  
6 Writer Duo is a series of up to 12 ballot marking  
7 devices connected to a daisy chain network.  
8 VSTOP's findings are that the network is closed and  
9 poses no additional vulnerability or threats  
10 without having direct physical access to the  
11 hardware.

12 Recommendation. On the basis of VSTOP's  
13 review and evaluation, we find the voting system  
14 referenced herein, and with the scope of  
15 certification and the limitations therein, meets  
16 all requirements of the Indiana Code for use in the  
17 state of Indiana. This finding includes compliance  
18 with legal requirements for voters with  
19 disabilities.

20 Would you like me to go into the ECOs at this  
21 point or pause for comment?

22 CHAIRMAN KLUTZ: The engineering change  
23 orders?

24 MR. CHATOT: Yeah, for this --

25 CHAIRMAN KLUTZ: I think we want to keep this

1 strictly to the recertification.

2 MR. CHATOT: Okay.

3 CHAIRMAN KLUTZ: Are you saying that the  
4 engineering change orders are part of this  
5 particular recertification?

6 MR. CHATOT: Yes.

7 CHAIRMAN KLUTZ: Okay. Perhaps a summary of  
8 those, I think, would be appropriate.

9 MR. CHATOT: Okay. So these do apply to both  
10 2.3 and 2.5 voting systems. ECO 1447 and 01494  
11 makes mechanical improvements to the components of  
12 the ballot box in response to feedback received  
13 from customers and manufacturer. There are no  
14 electrical changes associated with this ECO. All  
15 proposed changes are mechanical improvements to the  
16 equivalent components of the ballot box.

17 Unused rivets are removed from the bill of  
18 material, and unnecessary lumber is removed from  
19 the top center rear of the ballot box and replaced  
20 with a panel plug to improve the cable insertion  
21 experience when Verity Scan is mounted. And an  
22 approved manufacturer list for panel plugs used for  
23 the ballot box is updated to add a part with more  
24 market availability.

25 ECO 1492 adds additional orderable parts to

1 the approved manufacturing list, AML, for Hart Part  
2 No. 1005808, the power controller used on Verity  
3 Duo devices. The added orderable part numbers are  
4 from the same existing approved manufacturer's part  
5 and vary only by component package and shape. An  
6 interposer is used to fit the component package on  
7 the existing Duo PCDA base cord with no changes  
8 needed for the board.

9 ECO 1496 modifies the power regulator circuit  
10 designed on the Verity Touch Writer Duo series base  
11 ports to move away from Linear Tech LT8711 power  
12 controller and instead use the more widely  
13 available Texas Instruments TPS552882 series part.  
14 This modification described in this ECO is intended  
15 to mitigate the effects of the global electronic  
16 component shortages.

17 And finally, ECO 1500 describes a modification  
18 to allow for the optional tabletop deployment of  
19 standard Verity Touch Writer Duo and Touch Writer  
20 Duo standalone devices rather than only on a Verity  
21 standard booth. There are no changes to the voting  
22 device hardware or software to support this change.  
23 This change is driven by supply chain challenges  
24 with raw materials required to manufacture our  
25 standard voting booths.



1           The modification described on this ECO affects  
2     deployments of Verity Touch Writer Duo and Touch  
3     Writer Duo standalone devices only in a standard  
4     configuration only. Hart will continue to require  
5     Verity-accessible booths for all accessible  
6     configurations. There are no changes to the voting  
7     devices or voting device software to support this  
8     change.

9           And that is all applicable part ECOs.

10          CHAIRMAN KLUTZ: Thank you. And I probably  
11     didn't respond to your question do you want to go  
12     through the change orders now correctly.

13          MR. CHATOT: You did want me to.

14          CHAIRMAN KLUTZ: I did, and I said it  
15     incorrectly. So what I was -- the current motion  
16     before us is simply with respect to the  
17     recertification of the 2.3. I realize the 2.3 has  
18     recertification and change orders, but I think what  
19     we would like to do is take these separately.

20          MR. CHATOT: Okay. Sorry about that.

21          CHAIRMAN KLUTZ: So while we won't ask you to  
22     do the summary again, we probably will ask  
23     questions when we get to the change order  
24     provision. Right now, I think, for purposes of our  
25     questioning and our discussion, I will turn to the

1 Commission for questions of VSTOP, knowing that  
2 we're going to limit it to just the recertification  
3 process and application.

4 MR. CHATOT: Okay.

5 CHAIRMAN KLUTZ: So at this time I'll ask my  
6 fellow Commission members if they have any  
7 questions for the VSTOP representatives.

8 VICE CHAIRMAN OVERHOLT: I guess for  
9 clarification, my understanding is that this system  
10 does not include a retraction method. Is that  
11 correct?

12 MR. CHATOT: That is --

13 VICE CHAIRMAN OVERHOLT: I should say for  
14 absentee ballots scanned before Election Day.

15 MR. CHATOT: So that would be -- the process  
16 for spoiling a ballot would be that.

17 Is that correct? One second.

18 CHAIRMAN KLUTZ: The next portion of this  
19 process, while we're going to ask questions, the  
20 next portion is for me to recognize a  
21 representative from Hart InterCivic.

22 MR. CHATOT: Oh, yes, please.

23 CHAIRMAN KLUTZ: So if we would like to have  
24 that person come up now to assist, we could  
25 probably do joint questions with VSTOP and Hart

1 InterCivic.

2 MR. CHATOT: That would be great.

3 CHAIRMAN KLUTZ: Just please state your name  
4 for the court reporter.

5 MR. GOSCH: My name is Tyson Gosch. I'm a  
6 certification project manager with Hart InterCivic.

7 VICE CHAIRMAN OVERHOLT: I guess I'll put my  
8 question to you since it looks like VSTOP is  
9 turning to you to answer the question. Am I  
10 correct in understanding that a retraction method  
11 is not being offered with this system for absentee  
12 ballots scanned before Election Day?

13 MR. GOSCH: No. It does offer -- is this in  
14 regards to the state law if a person passes away  
15 before Election Day to be able --

16 VICE CHAIRMAN OVERHOLT: Yes.

17 MR. GOSCH: -- to pull the ballot back?

18 VICE CHAIRMAN OVERHOLT: Yes.

19 MR. GOSCH: Yes, we can do that. That's been  
20 part of the system since Version 2.3 and up.

21 CHAIRMAN KLUTZ: And not to make this awkward,  
22 but does VSTOP agree with that conclusion?

23 MR. CHATOT: Yes.

24 MR. KOCHEVAR: If I may, really to address the  
25 vice chair's question, and I'm speaking for myself.

1 In reviewing this report on 2.3, while the vendor  
2 may say they have the ability to do it, it is  
3 not -- from my knowledge, VSTOP has not tested  
4 this, and to my knowledge, the system that was  
5 previously certified that expired on October 1,  
6 2021, did not have anything expressly stated that  
7 that retraction method that is available on that  
8 voting system can be used in the state.

9 VICE CHAIRMAN OVERHOLT: Maybe my question  
10 wasn't -- maybe I asked the wrong question. So for  
11 purposes of certification, was the retraction  
12 method included as part of the system and was that  
13 something that was considered during the  
14 recertification?

15 DR. BYERS: We're looking. It should be  
16 there.

17 VICE CHAIRMAN OVERHOLT: Sorry. That was a  
18 severely simple question.

19 CHAIRMAN KLUTZ: Valerie, do you have any  
20 comment or thoughts?

21 MS. WARYCHA: The only thing I know for sure  
22 is that I do -- well, let me try and think how to  
23 phrase this. The ballot retraction, I think, may  
24 be a little different in this case than maybe other  
25 cases you're thinking of since they were

1 specifically talking to dead voters. I guess  
2 they're not really a voter once they're passed  
3 away, but it might be a little different than some  
4 of the other ballot retraction discussions that  
5 people have had. I'm not sure if I'm being very  
6 clear about that, Brad.

7 MR. CHATOT: Yes. So we did test this, and it  
8 would just be an update to the totals in the voting  
9 numbers to retract the votes.

10 CHAIRMAN KLUTZ: Can you direct us to the page  
11 you're looking at within the report.

12 MR. CHATOT: This was recorded in our video.  
13 That's what the note says. And the note, page 19  
14 of Appendix A, the certification protocol. Let's  
15 see. It's the field-test protocol.

16 DR. BYERS: Our field test.

17 MR. CHATOT: Our field test, yes.

18 CHAIRMAN KLUTZ: My appendix are numbered.

19 VICE CHAIRMAN OVERHOLT: I'm assuming, is it  
20 Attachment 8 --

21 MR. CHATOT: Yes.

22 VICE CHAIRMAN OVERHOLT: -- to the report,  
23 which is Appendix A? So that would be page 19?

24 MR. CHATOT: Yes. Yeah, it says recorded on  
25 video, so this is something that we discussed and

1 recorded in the recording of the field test.

2 CHAIRMAN KLUTZ: This is Scenario 1 in the  
3 middle of the page?

4 MR. CHATOT: Correct.

5 MR. KOCHEVAR: Mr. Chairman?

6 CHAIRMAN KLUTZ: Yes.

7 MR. KOCHEVAR: Yeah. To provide some  
8 commentary on Scenario No. 1, this does not have to  
9 do with ballot retraction, retracting a voter's  
10 ballot. This particular scenario has to do with if  
11 you can adjust your -- the election management  
12 system when you canvass the ballots to adjust the  
13 vote count for when a candidate dies before  
14 Election Day and, if I'm thinking this is the right  
15 scenario, you replace the candidate before the  
16 election under a ballot vacancy law, which creates  
17 a scenario where ballots cast specifically for the  
18 deceased candidate don't count for the candidate  
19 who succeeded them on the ballot, but the straight  
20 party ticket has a different procedure.

21 That's what this is about. This is about  
22 ballot counting and how to read a ballot and apply  
23 that vote, as opposed to can we remove a voter's  
24 ballot from the system, can we cancel it, reject it  
25 because they are not a voter of -- a proper voter

1 or a voter of the precinct or had become deceased  
2 before Election Day.

3 MS. WARYCHA: Thank you, Matthew. That's what  
4 I was trying to get to, but I wasn't doing a very  
5 good job of it.

6 CHAIRMAN KLUTZ: Do you have a better example  
7 or better confirmation of this capability?

8 MR. CHATOT: Yes. So we can --

9 MS. CELESTINO-HORSEMAN: Can I ask a  
10 preliminary?

11 CHAIRMAN KLUTZ: Let's let him finish real  
12 quick.

13 MR. CHATOT: Oh, yeah. So, yes, that's  
14 possible within the software.

15 MR. GOSCH: That was part of the testing that  
16 we did when we were at VSTOP.

17 VICE CHAIRMAN OVERHOLT: Well, wait, I want to  
18 make sure we're talking about the right thing. So  
19 my question was not directed to these scenarios  
20 outlined on page 19. My question is directed to  
21 the scenario which, under the new state law, there  
22 would be a way to retract a ballot of someone who  
23 casts a ballot and then dies before Election Day or  
24 is disenfranchised -- what's the word? -- who is,  
25 for whatever reason, they're convicted and are no

1 longer allowed to vote between the time they cast  
2 their ballot and Election Day.

3 And so this is my very -- this is the  
4 100,000-foot view of this, but just that was this  
5 system tested for the ability to retract, which is  
6 not, I don't think, defined in state law but to  
7 retract those types of ballots?

8 MR. CHATOT: Yes.

9 MS. CELESTINO-HORSEMAN: Okay. So then can  
10 you explain how it works, because there's nothing  
11 in any of the documentation that says how -- the  
12 basis upon which they can retract and at the same  
13 time protect the voter's privacy.

14 CHAIRMAN KLUTZ: And I think in the context of  
15 retraction, it's not only an early voter on a  
16 machine, but an early mail-in vote.

17 VICE CHAIRMAN OVERHOLT: Right.

18 CHAIRMAN KLUTZ: Is there a tracking mechanism  
19 for the mail-in paper ballot that's voted early to  
20 retract? Is there a tracer or a tracker?

21 MR. GOSCH: So there's a unique identifier  
22 with each ballot, and you can make that unique  
23 identifier human readable. That's an option in the  
24 system, and you can use that to track each  
25 individual ballot.



1           CHAIRMAN KLUTZ:  When you say "ballot," are  
2 you speaking of both paper and electronic?

3           MR. GOSCH:  Yes.  So I was speaking of mail  
4 ballots, but, yeah, you can do it at a polling  
5 location as well.  It's in the call retrievable  
6 ballots, and it prints a unique code on the ballot.  
7 And there's also a unique code that matches that  
8 that prints out that the poll worker would -- I'm  
9 not sure what the procedure would be.  They would  
10 document that code to go back and retrieve that  
11 ballot.

12           CHAIRMAN KLUTZ:  Okay.  Any comments from  
13 VSTOP on that or do you agree with that?

14           MR. CHATOT:  No.  That's how we tested it.

15           MS. CELESTINO-HORSEMAN:  Okay.  So when you do  
16 the paper ballot, are you saying that, for every  
17 absentee ballot that goes out, the clerk, when  
18 they're printing off the ballots, they just have to  
19 hit a button and it automatically puts this unique  
20 voter ID on there?

21           MR. GOSCH:  When the ballot is being built in  
22 the early stages in the software, it's just a  
23 simple check box to activate retrievable ballot  
24 codes.

25           MS. CELESTINO-HORSEMAN:  Okay.

1 MR. GOSCH: And that will make it so that it  
2 prints that code when that ballot is printed.

3 MS. CELESTINO-HORSEMAN: Okay. And so then  
4 when you have it before -- in that period of time  
5 before the official tally has come and it's been  
6 early absentee vote not on paper but through ECR,  
7 then that number there, what is that? That's  
8 randomly generated as well voter ID or is it tied  
9 into any, like, system?

10 MR. GOSCH: So I'm not sure if I understand  
11 you correctly exactly, but it's a unique identifier  
12 on the -- for that ballot. I'm not sure how it's  
13 generated. It is random, as far as I know, but  
14 it's unique to that ballot. It won't be repeated.

15 MS. CELESTINO-HORSEMAN: But it's not tied  
16 into, like, SVRS or anything?

17 MR. GOSCH: I'm not sure what SVRS --

18 VICE CHAIRMAN OVERHOLT: The voter  
19 registration system.

20 CHAIRMAN KLUTZ: Well, the voter registration  
21 system is not necessarily necessary by the locals.

22 MS. CELESTINO-HORSEMAN: No, but we do have a  
23 vendor who seems to imply that, but we'll get to  
24 that.

25 VICE CHAIRMAN OVERHOLT: Well, what is the

1 number? So this random -- the number that's  
2 assigned to the ballot, is that number linked to  
3 anything in a voter record or is it specific to  
4 someone's voter record?

5 MR. GOSCH: It's not tied to a specific voter  
6 for voter privacy reasons. But when that ballot is  
7 printed in the polling location or anywhere else,  
8 my example here is at a precinct, the poll worker  
9 would have a code that prints out on their, what we  
10 call, controller. It's a poll-worker-facing  
11 device. But also the ballot, when it prints out  
12 after the voter has voted, would have that same  
13 matching code that's a unique code, so later on  
14 that could be matched up, if necessary.

15 VICE CHAIRMAN OVERHOLT: How, though?

16 MR. GOSCH: The code the poll worker has would  
17 document, but I'm not sure what the procedures are  
18 at the county level, if they would keep that little  
19 piece of paper that prints out or if they would  
20 just document it however they document it. I'm not  
21 sure what that process is. But they would document  
22 that number, and if they needed to go back to that  
23 ballot, they can go back into the system and find  
24 that ballot using that unique, retrievable ballot  
25 code.

1           VICE CHAIRMAN OVERHOLT: I guess, so -- I'm  
2 sorry. Go ahead.

3           CHAIRMAN KLUTZ: I'll ask the co-directors if  
4 they have knowledge -- I'll start with you, Brad --  
5 of do counties have this process and procedure in  
6 place and are they aware of this ability and is  
7 this part of their standard protocol when someone  
8 votes absentee.

9           MR. KING: Mr. Chairman, members of the  
10 Commission, I think the answer varies depending  
11 upon the county and the type of voting system  
12 involved. There's a distinct difference between  
13 the direct-record electronic voting systems and the  
14 system that we're talking about here, which is  
15 legally an optical ballot card scan system.

16           With regard to the optical ballot card scan  
17 systems, no, I don't think that most counties are  
18 familiar with the technology. I would have a  
19 couple of questions to pose that might help flesh  
20 this out.

21           One is, I understood that, with regard to the  
22 Hart system, the code number, which I'll use for  
23 shorthand, requires the active intervention of an  
24 election worker who is providing an absentee ballot  
25 either for in-person early voting or through the

1 mail. It's not an automatic feature of the system.

2 And secondly, I note that the statute that we  
3 are referring to is Indiana Code 3-11.5-4-6, which  
4 was amended in 2021. So it's not been used in an  
5 election in almost every part of the state. It  
6 provides the county election board may scan an  
7 absentee ballot that's been voted not earlier than  
8 seven days before Election Day. But it adds the  
9 proviso that the ballot first may not be tabulated,  
10 despite being scanned, and secondly, the voting  
11 system has to be able to retract a previously  
12 scanned absentee ballot card of a voter who is  
13 later found to be disqualified for one of several  
14 reasons, such as moving out of state or death or  
15 disfranchisement due to imprisonment following a  
16 conviction.

17 So the summary answer is no, I don't think  
18 that the counties that are using the type of voting  
19 system that this particular vendor and others are  
20 bringing forward are familiar with that protocol  
21 and using it.

22 CHAIRMAN KLUTZ: I'll turn to you. So if they  
23 are instructed in that protocol, this system has  
24 the ability to do exactly what that statute  
25 provided?

1 MR. GOSCH: Correct, yes. And it's in our  
2 documentation. Whether they do it or not, I don't  
3 know, but it's in our admin guide on how to  
4 activate the retrieval of ballot codes. And it  
5 specifically mentions Indiana in the guide as it  
6 being a feature specifically for the state.

7 CHAIRMAN KLUTZ: I failed to recognize  
8 Ms. Nussmeyer after I asked Brad. Go ahead.

9 MS. NUSSMEYER: Thank you, Mr. Chairman. If I  
10 could just piggyback Mr. King's comments. I  
11 believe what's before you all today is a  
12 recertification of an existing system. And the  
13 system was certified in 2017; is that correct? The  
14 2.3.

15 MR. CHATOT: 2019.

16 MS. NUSSMEYER: 2019. And was this a  
17 component that was approved by --

18 MR. CHATOT: Yes.

19 MS. NUSSMEYER: The retraction method, even  
20 though there was no law that existed on the books  
21 in 2019 regarding retraction of absentee ballots  
22 for optical scan ballot cards?

23 MR. CHATOT: I believe so. That was before my  
24 time with VSTOP, that report, but that is my  
25 understanding, yes.

1 MS. NUSSMEYER: So it may have been a feature  
2 of the election management software, but this  
3 Commission could not certify or otherwise allow for  
4 a procedure on a -- within a voting system that  
5 allowed for retraction because there was no state  
6 law that authorized retractions for optical scan  
7 ballot cards.

8 So I guess my question would be, since the law  
9 was passed in 2021 and this system expired  
10 October 2021 and is before this body today, I would  
11 make the argument that the retraction method should  
12 not be considered as part of the system that is  
13 before the Commission today because retraction  
14 method was not contemplated when the system was  
15 certified in 2019.

16 And further, your report does not explicitly  
17 state that this retraction method exists in the  
18 system because I reported to my commissioners it  
19 does not. Unlike other vendors where you say in  
20 your findings and recommendations that this  
21 retraction method under the statute was thoroughly  
22 tested and the vendor provided information  
23 regarding that retraction method, I don't see that  
24 type of documentation in the report that was  
25 provided to the Division staff and to the

1 Commission.

2 MR. CHATOT: Okay.

3 MS. CELESTINO-HORSEMAN: And also, you know, I  
4 think the concern too that we have here is we have  
5 no idea how your retraction system works. You have  
6 bare minimal -- I take it that's not your area of  
7 expertise. You have bare minimal knowledge of it,  
8 so we don't know what safeguards are taken to  
9 protect voters' information. We don't know whether  
10 these numbers -- well, you say they're randomly  
11 generated, so that would make an indirect  
12 association. We don't know -- our staff has not  
13 been able to look at -- I mean, they would have all  
14 kinds of questions.

15 So, I mean, I guess our choices are to vote to  
16 certify the system or vote to certify the system  
17 but not the retraction method and require them to  
18 work with the staff and provide them with  
19 information and everything so that that can get  
20 done, and VSTOP.

21 VICE CHAIRMAN OVERHOLT: Although I'm not sure  
22 that's appropriate here if it wasn't part of the  
23 initially approved --

24 CHAIRMAN KLUTZ: Let me ask VSTOP this: Is  
25 there a way to update and amend your current report



1 so that we have confirmation within the report that  
2 this is or is not included and is or is not  
3 compliant with this new statute?

4 DR. BYERS: Yes. We could do a supplemental  
5 test of this particular feature.

6 VICE CHAIRMAN OVERHOLT: Although my thought  
7 would be, if Angie is correct -- and maybe Brad can  
8 weigh in on this -- sorry, Ms. Nussmeyer, Mr. King.  
9 I mean, it would seem to me that I think the point  
10 that this is a recertification, this is not a new  
11 certification, so that if retraction was not part  
12 of the initial certification and it seems to me  
13 that what we're -- I mean, I thought I was asking  
14 an easy, softball question, which is a little -- so  
15 given this, if retraction wasn't part of that  
16 previously certified system, Mr. King, do you agree  
17 that it should not be part of this recertification  
18 today?

19 MR. KING: And, Mr. Chairman, Vice Chair  
20 Overholt, recertification implies that the  
21 Commission has before it an identical voting system  
22 from 2019. It also implies recertification of any  
23 additional feature added between that initial  
24 certification in 2019 and today.

25 And what I'm hearing from the representatives

1 of VSTOP and the vendor is that they're alleging  
2 that the -- or they're asserting that the  
3 retraction feature required by this statute, which  
4 was not originally adopted in 2021 but amended, as  
5 I indicated earlier, was included. Then I think it  
6 becomes a question of fact, which VSTOP has offered  
7 to address by a supplemental report that goes into  
8 more detail regarding precisely what the retraction  
9 method used is and whether or not that was included  
10 in the material presented to the Commission in 2019  
11 or subsequently when the Commission voted to  
12 certify the system. So I hope that addresses the  
13 question that you posed.

14 CHAIRMAN KLUTZ: Let me ask this: How much  
15 time would be required to obtain additional clarity  
16 and facts and a supplemental report?

17 DR. BYERS: I would think that we could  
18 probably get that done within a couple of weeks.

19 MR. CHATOT: Yeah, definitely.

20 MS. CELESTINO-HORSEMAN: Mr. Chairman, the law  
21 didn't require retraction until last year, so the  
22 system that they got certified was in 2019. We  
23 would not be looking at the retraction method in  
24 that system in 2019, so it would be a new  
25 certification.

1           Additionally, the fact of whether -- what  
2 VSTOP is looking at apparently because -- and  
3 recertification was not described in the protocols  
4 for instructing VSTOP what they needed to look for  
5 and everything, so all they're simply looking at is  
6 whether it works, can you go in and retrieve the  
7 ballot that you need to retrieve, when there are  
8 other issues involved in it. Like I was saying,  
9 you need to know, okay, if these numbers are  
10 randomly generated, what are the levels of  
11 protection, who is going to have access to them.  
12 Because, I mean, if you don't have firewalls in  
13 there, someone could go in -- because they have to  
14 create a general log of the number and the name,  
15 and the number and the name means that they can go  
16 in and take a look at the ballot information, such  
17 as who they voted for and all that.

18           So we need to know how that all works, and  
19 this gentleman right here, I don't think he can  
20 explain that to us. And it needs to then be  
21 discussed with our staff members.

22           CHAIRMAN KLUTZ: Well, I mean, that's what I  
23 asked. I said how much time do you need for  
24 additional facts and clarity. That's a shorthand  
25 way of saying I agree with you.

1           And so I have no desire to hold things up and  
2 delay for delay. So I'd love for you to have it in  
3 a week or less, and we can get the meeting going  
4 again, and you can present and provide clarity and  
5 answer these questions. But, again, I'm not trying  
6 to kick a can down the road or delay and not make a  
7 decision. I'd love to make it soon. So I guess --  
8 yes.

9           MR. KOCHEVAR: Yes, Mr. Chairman. Two small  
10 points on this. So we had to deal with the  
11 recertification, which back in 2019, the retraction  
12 should not have been available. That should not be  
13 a feature that, even if it was built into the  
14 system, should not have been available for use by  
15 election --

16           CHAIRMAN KLUTZ: Okay. We've discussed this.  
17 What's the new -- I need a new point.

18           MR. KOCHEVAR: So the new point will be that,  
19 even if you get this discussed, you can recertify  
20 with a modification. I think that's been done  
21 before. There are also two different questions  
22 that also need to be asked really of the vendor,  
23 was that even this -- again, going back, the  
24 feature was built into the system. Did the  
25 counties know about it and have instructions on how

1 to use it and did you market it for them to be  
2 used, this particular piece? Because if it wasn't  
3 certified by this state and you still marketed it  
4 anyway, that is a violation, unfortunately, of our  
5 Election Code.

6 I feel that I have to bring this up because  
7 this was brought up before with another vendor some  
8 years ago, and so I feel that we should still  
9 approach those same things. I'm not saying you  
10 should take action now, but those are questions  
11 that should probably be posed and at least get  
12 something on the record in this meeting or in a  
13 future meeting.

14 CHAIRMAN KLUTZ: Okay. Duly noted.

15 I'm going to withdraw my motion. I'm going to  
16 make a new motion that we table this  
17 recertification. I would ask VSTOP to  
18 expeditiously prepare a supplement to the report  
19 that addresses the questions regarding retraction  
20 that have arisen in this meeting. And once  
21 submitted, we will talk with staff about an  
22 appropriate time frame to review that before we  
23 schedule a new meeting. That's my motion. Do I  
24 have a second?

25 VICE CHAIRMAN OVERHOLT: Second.

1 CHAIRMAN KLUTZ: Any discussion?

2 MS. CELESTINO-HORSEMAN: I have a question,  
3 Mr. Chairman.

4 CHAIRMAN KLUTZ: Yes.

5 MS. CELESTINO-HORSEMAN: So does this mean  
6 they have to -- are they amending their  
7 recertification or are they filing a new  
8 certification on just the retraction? I don't know  
9 how the system works.

10 CHAIRMAN KLUTZ: I think we've given them  
11 enough fodder for what we have concerns about that  
12 I would hope they would take it all in and figure  
13 out the best path for either recertification,  
14 addressing our concerns, what have you. Maybe  
15 they'll come and say we need more time. Maybe  
16 they'll come and say we did mess up. Maybe they'll  
17 come and say you guys have no idea what you're  
18 talking about, here it is, and we want recertified.  
19 That may all --

20 MS. CELESTINO-HORSEMAN: And it may not get  
21 recertification.

22 CHAIRMAN KLUTZ: It may play out that way.

23 MS. CELESTINO-HORSEMAN: I'd just like to say  
24 please make sure you talk with our staff when  
25 you're going through this, both VSTOP and your

1 company, because they are the ones who brief us  
2 about this and they're the ones who are going to  
3 have all the questions.

4 CHAIRMAN KLUTZ: There is a motion pending and  
5 a second. All in favor signify by saying "Aye."

6 VICE CHAIRMAN OVERHOLT: Aye.

7 MS. CELESTINO-HORSEMAN: Aye.

8 MR. REDDY: Aye.

9 CHAIRMAN KLUTZ: Opposed?

10 The "ayes" have it. The motion passes and  
11 this application has been tabled with further  
12 instruction. And this did not address the  
13 engineering change order. I know you've presented  
14 on that, but we'll get to that in due course.

15 Okay. The recertification for 2.3 was tabled.  
16 However, if there is anyone, an interested party  
17 present in the audience who would desire to make a  
18 statement for not more than 3 minutes regarding  
19 this motion, I would now recognize you. I have one  
20 individual, and I cannot read the writing.

21 MS. DUNBAR: I'm Jen Dunbar.

22 CHAIRMAN KLUTZ: Okay. Thank you. We're  
23 going to take some public comment. Please stand,  
24 identify yourself, talk clearly, spell your name,  
25 and make sure that you know you're being recorded

1 by the court reporter right there, so she's the  
2 main person that needs to hear you.

3 MS. DUNBAR: Jen Dunbar, I'm a Hoosier citizen  
4 for most of my life. I'm an army brat so --

5 CHAIRMAN KLUTZ: Jen, real quick -- I'm sorry  
6 to interrupt -- can you please confirm you took the  
7 oath at the beginning of the meeting.

8 MS. DUNBAR: Oh, you know, I didn't know I was  
9 speaking for comments. I don't think I did that,  
10 but I would be glad to take an oath.

11 CHAIRMAN KLUTZ: Mr. Kochevar, would you mind?

12 MR. KOCHEVAR: Yes, sir.

13 CHAIRMAN KLUTZ: Thank you.

14 MR. KOCHEVAR: Do you solemnly swear or affirm  
15 under the penalties of perjury that the testimony  
16 you are about to give to the Indiana Election  
17 Commission is the truth, the whole truth, and  
18 nothing but the truth?

19 MS. DUNBAR: I do.

20 CHAIRMAN KLUTZ: Please proceed. Thank you.

21 MS. DUNBAR: Thank you, Commission. I  
22 appreciate your time and your service here.

23 It was very fortuitous that you brought up the  
24 retrieval method, for that is what I had -- one of  
25 my comments that I was going to speak on today. My



1 quote for the day, I try to do a quote. I think  
2 last time I did The Gambler with Kenny Rogers. And  
3 I'm going to do "Keep it secret, keep it safe."  
4 And that's a quote from Lord of the Rings from  
5 Gandalf to Frodo regarding the ring of power, which  
6 is very appropriate since we are talking about  
7 elections and the power in our state.

8 I bring up IC 22-6-5-2, and that is the right  
9 of any individual to vote by secret ballot. I  
10 always vote early absentee in person, and I was  
11 shocked to find out that there is such a retrieval  
12 method. So I think there is a contradiction in the  
13 law that there is even a retrieval method. I  
14 understand the rationale behind it, but I do find  
15 that it nullifies the secret ballot. I mean, right  
16 now you guys, you or the company, could go look up  
17 my name with the proper legal authority and find  
18 out who I voted for.

19 So I guess my question is, I would certify it  
20 without the retrieval method and to consider the  
21 contradiction in the law. You're saying I have the  
22 right to a secret ballot, but on the other hand, I  
23 think most Hoosiers would be shocked that you could  
24 look up my vote right now and see who I voted for.  
25 So that was number one.

1           Number two, that this actually happened in  
2 Fayette County in 2011. There was a mayoral  
3 recount where they were able to -- they  
4 disqualified the voters because of some paperwork,  
5 and they were able to pull those votes out. Both  
6 their names and who they voted for were made public  
7 at the Fayette County back in 2011.

8           So I would say that there is a contradiction  
9 in the law and that the retrieval method in all  
10 voting systems, whether DRE or optical scan, should  
11 be nullified. Thank you again for your time and  
12 service. I appreciate it.

13           CHAIRMAN KLUTZ: Thank you for your comments.

14           At this time I'll recognize Brad King and then  
15 Ms. Nussmeyer for any responses specifically as it  
16 relates to the secret ballot comments we just  
17 heard.

18           MR. KING: Thank you, Mr. Chairman, members of  
19 the Commission. I appreciate the lady's testimony  
20 in this regard. I believe that there's been a  
21 mistake in understanding the Indiana statutes  
22 involved here. What was quoted was Indiana Code  
23 Title 22, which is labor and employment law. And  
24 I'm not familiar intimately with Title 22, except  
25 to say that I suspect the language may be referring

1 to ballots conducted with regard to unionization or  
2 similar types of activities, not elections put on  
3 by the county election boards.

4 I would add, in addition, that because of the  
5 nature of the election process, it is impossible in  
6 every case to keep a ballot that a voter casts  
7 entirely secret. One actual example is there are  
8 precincts in Indiana in which only one person is  
9 registered to vote. And if that person casts an  
10 absentee ballot or votes in person, vote totals for  
11 that precinct have to be reported, and so, by  
12 default, that person's choices become a matter of  
13 public record if someone wishes to avail themselves  
14 of the opportunity to see those results.

15 And I'll yield to Ms. Nussmeyer for any  
16 further thoughts.

17 MS. NUSSMEYER: Thank you, Mr. King,  
18 Mr. Chairman. The only additional comments, I  
19 guess, I would offer is that, ultimately, if you  
20 vote on a ballot card or on an electronic voting  
21 system, that your right to secret ballot is  
22 maintained through our procedures. While your  
23 ballot card may be sealed for a period of  
24 22 months, your individual choices should not be  
25 known to a person who wants to -- I don't know --

1 review an election 22 months down the road because  
2 they're in university and have access to the  
3 ballot.

4 So when a person's voting history is recorded  
5 in our Statewide Voter Registration System, it's  
6 simply an indication in a primary election which  
7 ballot the person selected. But otherwise, our  
8 federal and state laws do require us to balance the  
9 desire to run efficient and effective elections,  
10 but also maintain a person's right to secret  
11 ballot, and we have procedures in place to protect  
12 that right.

13 CHAIRMAN KLUTZ: Thank you. Anyone else from  
14 the public who has comments? If not, I'll close  
15 the public comment period and turn back to VSTOP,  
16 if there's any further comments before we move on  
17 to the next item.

18 Okay. We'll move on to the next item.  
19 However, I have a preliminary comment. This  
20 relates to Hart InterCivic Voting System 2.5, and  
21 in an attempt not to redo the entire conversation  
22 we just had, will we have the same issues with 2.5  
23 in terms of retraction that we just had? And if  
24 so, I will likely make a motion that we table that  
25 as well. If there is some difference that we

1 should know about before we get into the  
2 application, I'd be happy to talk about that as a  
3 preliminary matter.

4 MR. CHATOT: I believe the retraction method  
5 is the same between 2.3 and 2.5. Can you confirm  
6 that, Tyson?

7 MR. GOSCH: I believe so. I'd have to  
8 research a little bit to confirm that, but my  
9 understanding is yes.

10 CHAIRMAN KLUTZ: It seems to me appropriate,  
11 then, that I make a motion that this application  
12 for recertification of the Hart InterCivic Voting  
13 System 2.5 also be tabled and subject to a  
14 supplemental report from VSTOP. I'd make that  
15 motion and, if there's a second, open it for  
16 discussion.

17 VICE CHAIRMAN OVERHOLT: Second.

18 CHAIRMAN KLUTZ: Second. Any discussion by  
19 the Commission members? If this is just a  
20 different version of the same system and the same  
21 issue, I would rather not go through that.

22 No further discussion. All in favor signify  
23 by saying "Aye."

24 VICE CHAIRMAN OVERHOLT: Aye.

25 MS. CELESTINO-HORSEMAN: Aye.

1 MR. REDDY: Aye.

2 CHAIRMAN KLUTZ: Opposed "Nay."

3 The "ayes" have it. The Hart InterCivic  
4 Voting System 2.5 application for recertification  
5 of voting systems is tabled pending further  
6 instructions, similar to the 2.3 voting system that  
7 was tabled earlier.

8 The next matter before the Commission is now  
9 an engineering change order. This is with respect  
10 to Hart InterCivic Voting System engineering change  
11 orders for 2.3, 2.5 voting systems identified as  
12 Change Orders 1447/1494, 1492, 1496, and 1500. For  
13 purposes of this consideration of a change order,  
14 while we have heard a summary of the change orders,  
15 I will now recognize the co-directors and then  
16 representatives from VSTOP and ask for confirmation  
17 by the Election Division regarding the filing of  
18 this application. Mr. King.

19 MR. KING: Thank you, Mr. Chairman. I'll  
20 begin and then happily yield to Co-Director  
21 Nussmeyer. The applications for these engineering  
22 change orders were submitted on the IEC-11 in  
23 accordance with statute and were complete with  
24 regard to the items required by that application in  
25 state statute.

1 CHAIRMAN KLUTZ: Thank you, Mr. King.

2 Ms. Nussmeyer.

3 MS. NUSSMEYER: Mr. Chairman, the only  
4 thing -- and I'll defer to Matthew because he will  
5 pull the statute up immediately. It's my  
6 understanding that a noncertified -- well, at this  
7 point both Hart systems are considered legacy  
8 systems and they cannot be modified. They have to  
9 stay in their existing form. And so I think these  
10 engineering change orders may be an improvement to  
11 the voting system, but you cannot improve a legacy  
12 system, of which both 2.3 and 2.5 would be, because  
13 they were both tabled today. At least that's my  
14 recollection of state law. Matthew's going to pull  
15 the statute. Mr. King might recall.

16 CHAIRMAN KLUTZ: Thank you. While he's  
17 looking for that, Mr. King, do you have any  
18 comments?

19 MR. KING: Yeah. Mr. Chairman, I believe that  
20 Co-Director Nussmeyer's point is well taken and  
21 that it is a recertification of two previously  
22 certified voting systems. Since you have tabled  
23 the one, tabled the main motion, if you will, for  
24 recertification, then logically, if you approve the  
25 engineering change orders, that's a modification

1 that would be contrary to what you've already done.

2 MR. KOCHEVAR: I believe the best answer that  
3 I'm going to give you is going to be 3-11-7-15,  
4 which really talks about changes or modifications  
5 to a system. An ECO is also defined under state  
6 law as a non-de minimis change -- I had to think of  
7 the word for right there -- which is a change  
8 nonetheless. So you need to have an approved  
9 voting system to make changes to the system, so  
10 that is the statute.

11 CHAIRMAN KLUTZ: Any comments from the fellow  
12 Commission members?

13 VICE CHAIRMAN OVERHOLT: No. Seems like we  
14 should --

15 CHAIRMAN KLUTZ: At this time I would make a  
16 motion that the Hart InterCivic Voting System  
17 engineering change order for Verity 2.3 and 2.5  
18 Voting Systems, Change Orders 1447/1494, 1492,  
19 1496, and 1500 be tabled. Is there a second?

20 VICE CHAIRMAN OVERHOLT: Second.

21 CHAIRMAN KLUTZ: Any further discussion?  
22 All in favor signify by saying "Aye."

23 VICE CHAIRMAN OVERHOLT: Aye.

24 MS. CELESTINO-HORSEMAN: Aye.

25 MR. REDDY: Aye.



1 CHAIRMAN KLUTZ: Opposed?

2 The "ayes" have it. The application is  
3 tabled.

4 We will now move to the MicroVote application  
5 for recertification of the EMS 4.4-IN 4.4  
6 Direct-Record Electronic Voting System. Similar to  
7 prior matters before us, I will first recognize the  
8 co-directors and then representatives of VSTOP to  
9 present information regarding this application for  
10 recertification of the direct-record electronic  
11 voting system previously certified by the  
12 Commission. The documents provided by the Election  
13 Division and VSTOP regarding this system will be  
14 incorporated into the records of this proceeding.  
15 I will then recognize representatives from  
16 MicroVote to testify regarding this matter and then  
17 recognize any interested party in the audience who  
18 wishes to also provide comment.

19 For purposes of commencing and discussion and  
20 beginning testimony, I'll make a motion that the  
21 application submitted by MicroVote for  
22 recertification of the EMS 4.4-IN 4.4 Voting System  
23 be approved for marketing and use in Indiana for a  
24 term expiring October 1, 2025, subject to any  
25 restrictions set forth in the report submitted by

1 VSTOP. Again, I'm making this motion to begin  
2 discussion of the application. Is there a second?

3 VICE CHAIRMAN OVERHOLT: Second.

4 CHAIRMAN KLUTZ: Any further discussion?

5 All in favor signify by saying "Aye."

6 VICE CHAIRMAN OVERHOLT: Aye.

7 MS. CELESTINO-HORSEMAN: Aye.

8 MR. REDDY: Aye.

9 CHAIRMAN KLUTZ: Opposed?

10 The "ayes" have it.

11 Brad and Angie, please confirm for the  
12 Commission proper document compliance with Indiana  
13 Code 3-11-7.5-28 regarding filing of the  
14 application for MicroVote Direct-Record Electronic  
15 Voting Systems and note any written correspondence  
16 we received regarding this application.

17 MR. KING: Thank you, Mr. Chairman, members of  
18 the Commission. The documents referenced are  
19 behind the orange tab in the Commission members'  
20 binders. They include the IEC-11 application for  
21 voting system certification, which, as noted, is  
22 renewal of a previously certified voting system.

23 The application material was submitted in  
24 compliance with the applicable statutes,  
25 3-11-7.5-28 in particular, and include a notice

1 that was given to the large number of counties that  
2 currently use the MicroVote Direct-Record  
3 Electronic Voting Systems advising them of this  
4 pending application.

5 And finally, the IEC-23 form of Statement of  
6 Foreign National Ownership or Control of Vendor has  
7 been submitted, all in compliance with state  
8 statute.

9 And I'll yield to Co-Director Nussmeyer for  
10 additional comments.

11 MS. NUSSMEYER: Thank you, Mr. King. I would  
12 just add, again, we had the opportunity to review  
13 the full report and appreciate both the vendor and  
14 VSTOP pulling together the additional documentation  
15 that we requested to perfect the filing with the  
16 Commission today.

17 CHAIRMAN KLUTZ: Thank you. I'll now  
18 recognize VSTOP representatives to present VSTOP's  
19 findings regarding this application.

20 MR. CHATOT: Thank you. This is for  
21 MicroVote, evaluation of a renewal of previously  
22 certified voting system for EMS 4.4-IN. The  
23 EMS 4.4 hardware, including the VVPAT software and  
24 firmware, is compatible with all existing Indiana  
25 certified hardware components. The current EMS 4.4

1 version to certify is identical to the EMS 4.4 that  
2 was previously certified for use in Indiana on  
3 July 27, 2020.

4 The EMS 4.4 revision includes an updated panel  
5 which includes the Windows 10 operating system with  
6 a bright color display. This system also includes  
7 election management software enhancements to  
8 provide equipment tracking and status and election  
9 night reporting by location.

10 In addition to the mandatory precinct  
11 reporting, the equipment is now optionally assigned  
12 to locations, and then election reports can be  
13 viewed for individual locations or aggregated  
14 across multiple selected locations. This system  
15 was certified by the U.S. Election Assistance  
16 Commission on March 1, 2020, and is compliant with  
17 the Voluntary Voting System Guidelines.

18 Changes in this voting system are: ECO 126,  
19 which improves the trapping of stray marks, that  
20 was approved by the EAC on July 14, 2020, and the  
21 IEC on August 14, 2020; ECO 127, display running  
22 precinct and count -- count and batch count,  
23 approved by the EAC on July 14, 2020, and the IEC  
24 on August 14, 2020; ECO 132, which is a plastic  
25 paper roll retaining clip for VVPAT, approved by

1 the EAC on March 12, 2021, and the IEC on  
2 August 18, 2021; ECO 134, the All-In Voting Station  
3 VB2, Revision A, approved by the EAC on August 18,  
4 2021, and approved by the IEC on August 18, 2021;  
5 and new is ECO 135, is the 156K Tally card and  
6 updated Vote N card. This was approved by the EAC  
7 on November 9, 2021.

8 Recommendation. On the basis of VSTOP's  
9 review and evaluation, we find that the voting  
10 system referenced herein and with the scope of  
11 certification meets all requirements of the Indiana  
12 Code for use in the state of Indiana. This  
13 includes -- this finding includes compliance with  
14 the legal requirements for voters with  
15 disabilities.

16 CHAIRMAN KLUTZ: Thank you. Anything further?

17 MR. CHATOT: I'll hold the ECO for now.

18 CHAIRMAN KLUTZ: Yes, please.

19 I'll now open for discussion of commissioners.

20 VICE CHAIRMAN OVERHOLT: Well, I guess since  
21 we had to ask the last time, so was a retraction  
22 method -- does this system have a retraction method  
23 and was it tested as part of the recertification  
24 process?

25 MR. CHATOT: Yes. It does, yes.

1 CHAIRMAN KLUTZ: Can you just expand on that  
2 and provide us just the detail or commentary.

3 MR. CHATOT: Yeah. Okay. So this would be  
4 handled by the county board in a hand count for  
5 ballot retraction.

6 MS. NUSSMEYER: For what?

7 VICE CHAIRMAN OVERHOLT: Ballot retraction.

8 MS. CELESTINO-HORSEMAN: Just for a hand  
9 count?

10 MR. CHATOT: For the deceased candidate, it  
11 would be handled by --

12 VICE CHAIRMAN OVERHOLT: Wait, wait, wait.  
13 We're not talking about that. It's not the  
14 deceased candidate; it's a voter.

15 MR. CHATOT: Okay. Sorry. That would be  
16 manual count and remarking of the ballot prior to  
17 scanning.

18 CHAIRMAN KLUTZ: I do see a member of  
19 MicroVote. If you want to come up and we'll take  
20 questions.

21 MR. HIRSCH: Sure. Happy to answer your  
22 questions.

23 CHAIRMAN KLUTZ: Thanks. I think you heard  
24 the question pending. If you want to provide any  
25 commentary, that would be great.

1           MR. HIRSCH: I'm Bernie Hirsch with MicroVote,  
2 the CIO. So ballot retraction has been handled for  
3 many, many years, as you know, in Indiana with our  
4 system. For our DREs, which usually is 97 percent  
5 of the votes that come in, we have a special Vote N  
6 card where the jurisdiction can input an N number.  
7 Normally it's the voter ID, but it's separate from  
8 the voting system. That's determined usually by  
9 the e-poll book with the SVRS system. At any rate,  
10 it's separate from our voting system. A number is  
11 input when the voter votes early on a machine, and  
12 then that number can be used to retract their vote  
13 without ever knowing how they voted on Election  
14 Day.

15           For the paper optical scan ballots that are  
16 mailed in, which is normally about 3 percent of our  
17 volume, that's always handled on Election Day. We  
18 never even open those until Election Day. Now,  
19 there could be procedures that are implemented if  
20 the county wanted to open them early, but I don't  
21 really see that as happening, because even in 2020  
22 when we had a great increase in the volume, our  
23 system just simply scaled up and they just had a  
24 few more counting boards to open more envelopes on  
25 Election Day. Either way, we were all done by 8 or

1 9 o'clock at night.

2 VICE CHAIRMAN OVERHOLT: I guess, if I might,  
3 I guess the question is, so on the paper ballots  
4 that go out for absentee voting, is there -- was  
5 part of this recertification any system for putting  
6 some sort of identifier on those paper ballots?

7 MR. HIRSCH: There's no accommodation for  
8 putting any kind of voter, indirect or direct,  
9 identification directly onto the ballot. I would  
10 suggest as a procedure which is outside of our  
11 voting system that you could put a voter number  
12 determined outside of our voting system on the  
13 secrecy envelope at the time that it's separated  
14 from the outer envelope where it contains the  
15 actual voter ID.

16 So you could have the direct information --  
17 the voter's name, address, all that, birth date,  
18 signature -- verified, separate the secrecy  
19 envelope, write some voter ID number on that  
20 secrecy envelope, and if you wanted to scan those  
21 early, you hand that to the scanning team. They  
22 separate the ballot, scan it, put it back as  
23 they're doing it, because, remember, in our system,  
24 each individual ballot is scanned one at a time  
25 into our system. It's not done in batches. You



1 could take it out of the secrecy envelope and put  
2 it right back in.

3 CHAIRMAN KLUTZ: And that scenario would arise  
4 when a county elects to count within seven days  
5 prior to the election; correct?

6 MR. HIRSCH: Yes. And the wording you had was  
7 may, may count in seven days. So if they decided  
8 to do that, which I don't really see a county doing  
9 that, then that's how they could do it.

10 CHAIRMAN KLUTZ: And that's a procedural thing  
11 outside of the certification?

12 MR. HIRSCH: Right.

13 MS. NUSSMEYER: Sorry, Mr. Chair, but I just  
14 want to briefly point that 3-11-10-26.2 actually  
15 requires a direct-record electronic voting system,  
16 not the optical scan component but the actual  
17 touch-screen component, it requires that, if the  
18 DRE is going to be used for in-person absentee  
19 voting, that the county election board has to  
20 create a policy about how a spoiled absentee ballot  
21 is to be cancelled in a DRE voting system.

22 So that's different than an optical scan where  
23 you might print an identifier on the paper ballot  
24 card that's a permanent record of the voter versus  
25 entering that unique identifier to retract a ballot

1 in the electronic voting system where you don't  
2 have actual access to the voter's choices and how  
3 they picked.

4 CHAIRMAN KLUTZ: What are you differentiating  
5 from?

6 MS. NUSSMEYER: So I think what Mr. Hirsch is  
7 saying, there's two components, right. For the DRE  
8 voting system, if you want to vote on Election Day  
9 or during in-person absentee voting, right, state  
10 law, there's a commandment that that retraction  
11 method be available in the MicroVote voting system  
12 to be able to delete a ballot if a person passes  
13 away or is disfranchised or is challenged on  
14 residence; right.

15 MR. HIRSCH: Yes.

16 MS. NUSSMEYER: The optical scan piece is  
17 separate because the optical scan tabulators have  
18 their own separate laws where retraction really  
19 isn't defined or there's no commandment other than,  
20 if you want to prescan seven days before Election  
21 Day, you can.

22 So I just want to make sure that the  
23 Commission understood there is a statute that  
24 mandates that.

25 CHAIRMAN KLUTZ: Thank you.

1 Mr. King, any response to that?

2 MR. KING: Mr. Chair, members of the  
3 Commission, Co-Director Nussmeyer has accurately  
4 set forth the requirements and the statute that's  
5 applicable to the direct-record electronic, which,  
6 as I noted earlier, is a very different type of  
7 system than the optical scan ballot card voting  
8 system in this regard.

9 CHAIRMAN KLUTZ: So it seems to me also there  
10 will certainly likely be a new training item on  
11 clerks' agenda for upcoming meetings, I would  
12 assume.

13 MR. KING: Uh-huh.

14 MS. CELESTINO-HORSEMAN: So when you're  
15 talking about generating a voter ID number for the  
16 retraction, did I hear you correctly, did you say  
17 that that would be a number you could get from the  
18 SVRS or the voter ID that the clerk has or what?

19 MR. HIRSCH: So that's external to our voting  
20 system, whatever number is used. In Indiana,  
21 normally they've been using a voter ID number, but  
22 that, again, is a procedure outside of our voting  
23 system. We don't care what number they use as long  
24 as it's unique for that voter. And then on  
25 Election Day, if they need to retract someone, they

1 simply give us the list of numbers that they want  
2 to retract, and we have no idea. The people doing  
3 the work on Election Day can't link that number  
4 back to a voter unless they have access to a  
5 completely different system than ours.

6 MS. CELESTINO-HORSEMAN: So are you saying,  
7 then, that the county makes the decision whether  
8 they want to use the voter ID or social security  
9 number from the SVRS or that type of thing?

10 MR. HIRSCH: Correct.

11 MS. CELESTINO-HORSEMAN: And then they tell  
12 you that?

13 MR. HIRSCH: Correct.

14 MS. CELESTINO-HORSEMAN: And then you set it  
15 up so that the ballots print out that way?

16 MR. HIRSCH: No, no, no. There's no ballot to  
17 print.

18 MS. CELESTINO-HORSEMAN: Oh, yeah, that's  
19 right.

20 MR. HIRSCH: The number is input at the time  
21 the poll worker activates the voting machine for  
22 voting for that voter.

23 MS. CELESTINO-HORSEMAN: Okay. So that's the  
24 county's decision. So then when you go to -- you  
25 have to go in -- okay. So what kind of

1 protections -- and this is the same thing we asked  
2 the other. What kind of protections do you have?  
3 So if someone sitting in the clerk's office wants  
4 to get into a little mischief, particularly since  
5 now if they can tie it into the SVRS, they can go  
6 in there and look up the number and --

7 CHAIRMAN KLUTZ: Well, let me ask how that's  
8 relevant to a vendor who has a machine? How is a  
9 mischievous clerk employee relevant to this  
10 discussion?

11 MS. CELESTINO-HORSEMAN: Because it then  
12 provides an opening for the information, private  
13 information of a voter, and makes it possible for  
14 them to go in and look at the ballot. And as was  
15 explained, that is supposed to be our number one  
16 thing, privacy and the security of their ballot.

17 MR. HIRSCH: And, Commissioner, the answer to  
18 that question is, the person in the office can't  
19 see how the person voted. When they use the  
20 retraction feature, it only shows that they voted,  
21 not how they voted. That's never displayed in our  
22 EMS software to the user.

23 MS. CELESTINO-HORSEMAN: But is it possible --

24 VICE CHAIRMAN OVERHOLT: Karen, just to  
25 clarify, what I hear him saying, though, is that

1 it's not a function of their system. The way their  
2 system works, they're inputting numbers provided by  
3 someone else. So it really goes to the point of,  
4 if it's the county election board, the clerk's  
5 office, whatever providing the numbers, it's not a  
6 function of the system. They're providing a  
7 mechanism in the system for such numbers to be  
8 entered, but it's not the system that is doing  
9 anything about the numbers.

10 MS. CELESTINO-HORSEMAN: I know.

11 VICE CHAIRMAN OVERHOLT: So, to me, that is a  
12 question that goes back to the county election  
13 officials or whomever that they had --

14 MS. CELESTINO-HORSEMAN: No, no, because what  
15 it goes to is that when they've created -- they  
16 might give them the numbers, but those numbers go  
17 into their software. And they have to then in  
18 their software -- the county clerk has the name and  
19 the number, so the software then retrieves  
20 according to the number; correct? So if I'm --

21 MR. HIRSCH: When you say "retrieve," it  
22 doesn't show on the screen or in a printout how  
23 that individual ballot was cast.

24 MS. CELESTINO-HORSEMAN: And that's the  
25 question I'm trying to get to is that -- and that's

1 what I want to know. So in the act of retrieval,  
2 retraction, that doesn't show. But if I have that  
3 information and I'm able to get into the system,  
4 can I access it through another way or do you have  
5 firewalls built up in there?

6 MR. HIRSCH: We have protections to prevent a  
7 user from being able to see that information. It's  
8 not displayed on the software.

9 MS. CELESTINO-HORSEMAN: Okay. Great. And  
10 that was not tested by you all, right, because it  
11 wasn't part of the protocols?

12 CHAIRMAN KLUTZ: Well, it was tested to  
13 determine it was compliant with Indiana Code and  
14 all applicable regulations required for  
15 certification.

16 So my next question will be, I believe this  
17 was in your final statement, but your  
18 recommendation was, based upon your review and  
19 evaluation, that this machine is compliant with all  
20 applicable Indiana codes and regulations; is that  
21 correct?

22 MR. CHATOT: Correct.

23 CHAIRMAN KLUTZ: Any further discussion?

24 There's a motion on the table. All in favor  
25 signify by saying "Aye."

1 VICE CHAIRMAN OVERHOLT: Aye.

2 MR. REDDY: Aye.

3 CHAIRMAN KLUTZ: Aye.

4 Opposed?

5 MS. CELESTINO-HORSEMAN: I'm going to say no  
6 because I think they have the obligation to show  
7 that there's privacy and all that is protected and  
8 your ballot is protected. And that --

9 CHAIRMAN KLUTZ: Thank you. The motion  
10 passes.

11 MS. CELESTINO-HORSEMAN: And that wasn't done.  
12 And I'm allowed to finish my sentence as a member  
13 of this Commission.

14 CHAIRMAN KLUTZ: The next matter before the  
15 Commission is with respect to an engineering change  
16 order, MicroVote Direct-Record Electronic Voting  
17 System EMS 4.4 Engineering Change Order 135.

18 Similar to our prior format, I'll recognize  
19 co-directors and then representatives from VSTOP to  
20 present information regarding this application for  
21 approval of the change order. Documents provided  
22 by the Election Division and VSTOP regarding this  
23 engineering change order will be incorporated into  
24 the record. I will then recognize representatives  
25 of MicroVote to testify regarding this matter and



1 then anyone interested in the audience who desires  
2 to testify.

3 For purposes of commencing discussion and  
4 testimony, I'll move that the application submitted  
5 by MicroVote for approval of this engineering  
6 change order be approved for marketing and use in  
7 Indiana for a term expiring October 1, 2025,  
8 subject to any restrictions set forth in the report  
9 submitted by VSTOP. Again, I'm making this motion  
10 to commence testimony and discussion. Is there a  
11 second?

12 MR. REDDY: Second.

13 CHAIRMAN KLUTZ: Any further discussion?

14 Okay. At this time I will request that Brad  
15 and Angie confirm proper document compliance with  
16 Indiana Code 3-11-7.5-28.19 regarding the filing of  
17 this application for an engineering change order to  
18 the MicroVote voting system and that you please  
19 provide the Commission with any written  
20 correspondence it received regarding this specific  
21 application.

22 MR. KING: Mr. Chair, members of the  
23 Commission, to confirm, yes, the engineering change  
24 orders previously referenced by the Chair were  
25 properly submitted on the IEC-11 application.

1 Information was provided that was required by that  
2 application and is in the materials submitted by  
3 VSTOP and appears to be in compliance with Indiana  
4 statutes that you referenced.

5 CHAIRMAN KLUTZ: Thank you, Mr. King.

6 Ms. Nussmeyer.

7 MS. NUSSMEYER: I have nothing further,  
8 Mr. Chair.

9 CHAIRMAN KLUTZ: Thank you.

10 I'll now recognize VSTOP representatives to  
11 present VSTOP's findings regarding this  
12 application.

13 MR. CHATOT: Thank you. ECO No. 135 is the  
14 Model No. 156K Tally and Vote N card. The current  
15 Tally and Vote N card platforms are end of life  
16 with manufacturer. Therefore, functionality has  
17 been transferred to current manufacturing with  
18 Smartcard platform, while also increasing the  
19 capacity of Tally card with an additional  
20 26,288 bytes of memory.

21 Members of the VSTOP team have reviewed the  
22 ECO and supporting documents and VS -- voting  
23 system testing laboratory reports. VSTOP finds  
24 that this ECO complies with the requirements for  
25 de minimis changes to hardware components. It was

1 determined that the submitted updates will not  
2 adversely affect system reliability, functionality,  
3 capacity -- capability -- excuse me -- or  
4 operation. No change to firmware or software is  
5 required. The ECO only applies to the specific  
6 EMS 4.4-IN Voting System noted in the table above.  
7 And MicroVote EMS 4.4-IN is EAC certified and was  
8 approved, and this ECO was also approved by the  
9 EAC.

10 CHAIRMAN KLUTZ: Thank you.

11 I'll now open it to fellow Commission members  
12 for any discussion.

13 VICE CHAIRMAN OVERHOLT: I actually -- so --  
14 sorry. This goes back to the vote we just took  
15 because it affects the ability to approve the  
16 change order. I may have misunderstood kind of a  
17 material factor with respect to the MicroVote  
18 system, that I thought it was somehow different  
19 from Hart in terms of whether or not the retraction  
20 issue was part of the originally certified system.

21 And in looking at these materials again  
22 quickly, I don't think that it was, which I think  
23 raises that same issue that was presented by Hart  
24 as to whether we can actually recertify -- well,  
25 first of all, the question whether retraction is

1 part of this recertification and, if it is, if the  
2 retraction was included in the original  
3 certification of the system.

4 CHAIRMAN KLUTZ: Okay. Mr. King, do you have  
5 any comment on that?

6 MR. KING: Mr. Chairman, members of the  
7 Commission, my understanding from previous  
8 Commission consideration of the MicroVote system is  
9 the retraction feature that was described in  
10 MicroVote's testimony and VSTOP's presentation has  
11 been a part of the basic MicroVote system for many  
12 years and so is not, in fact, a new component that  
13 would not fall within the heading of  
14 recertification.

15 VICE CHAIRMAN OVERHOLT: And is it all right  
16 if I ask --

17 CHAIRMAN KLUTZ: Yes. Go ahead.

18 VICE CHAIRMAN OVERHOLT: I know you were  
19 shaking your head yes, but could you --

20 MR. HIRSCH: It's been a part of our system  
21 for over 20 years. Indiana has retracted votes as  
22 long as I've been at MicroVote, which is almost  
23 20 years.

24 VICE CHAIRMAN OVERHOLT: I don't want to  
25 reopen the whole conversation. I just --

1 MS. CELESTINO-HORSEMAN: No. I agree. But  
2 there's a difference between being part of their  
3 system and being recertified. It could be part of  
4 their system for years, but we never looked at it  
5 before.

6 VICE CHAIRMAN OVERHOLT: Well, I guess has  
7 staff -- because I don't want to be confused on  
8 this. I don't want to belabor the point, but I  
9 also want to make sure I'm clear in my  
10 understanding of staff's understanding of what was  
11 being considered for this recertification.

12 MS. NUSSMEYER: Certainly, Commissioner. The  
13 statutes under which MicroVote operate as a  
14 direct-record electronic voting system are  
15 different than the statutes that an optical scan  
16 ballot card voting system operate under. And the  
17 retraction method under Hart, which is an optical  
18 scan voting system, the retraction method or the  
19 idea of retraction was a statute that was  
20 introduced in 2021.

21 The language that I mentioned under  
22 3-11-10-26.2 has been around for a very long time.  
23 I don't know how many years but at least since DREs  
24 were approved for use in the state of Indiana. And  
25 that feature would have to have been incorporated

1 in any sort of certification before the Commission  
2 because the county election board has a commandment  
3 that, if you are going to use this system for  
4 in-person absentee voting, you must be able to  
5 assign a unique identifier to be able to delete the  
6 ballot in a blind way from the system should the  
7 person pass away, be found otherwise ineligible  
8 before the election.

9 So there is a substantial distinction between  
10 the two types of voting systems that we're  
11 contemplating, and the optical scan component of  
12 the MicroVote system does not contemplate a  
13 retraction method because the system isn't set up  
14 or designed to do that.

15 VICE CHAIRMAN OVERHOLT: Okay. Thank you. I  
16 now feel much better about my understanding of the  
17 situation, and just I'll state for the record it  
18 appeared I do see a difference -- I thought I saw a  
19 difference, and that has now been verified between  
20 the MicroVote and the Hart.

21 MR. HIRSCH: I think the intent of that new  
22 law was trying to reach equity between the optical  
23 scan system and what the DREs were always able to  
24 do.

25 VICE CHAIRMAN OVERHOLT: Thank you. All

1 right. I apologize, but thank you.

2 MS. CELESTINO-HORSEMAN: And I apologize for  
3 my confusion on that as well.

4 CHAIRMAN KLUTZ: Mr. King, any response or  
5 comment to Ms. Nussmeyer's?

6 MR. KING: Mr. Chairman, just to say I agree  
7 entirely with Ms. Nussmeyer's remarks.

8 CHAIRMAN KLUTZ: Thank you.

9 I have a question for VSTOP. Are these  
10 considered de minimis change orders or are these --

11 MR. CHATOT: Yes.

12 CHAIRMAN KLUTZ: They are?

13 MR. CHATOT: Yes.

14 CHAIRMAN KLUTZ: Any further questions on  
15 these pending change orders?

16 VICE CHAIRMAN OVERHOLT: None from me.

17 CHAIRMAN KLUTZ: At this time there's a motion  
18 on the floor. All in favor for approving the  
19 change orders before us signify by saying "Aye."

20 VICE CHAIRMAN OVERHOLT: Aye.

21 MS. CELESTINO-HORSEMAN: Aye.

22 MR. REDDY: Aye.

23 CHAIRMAN KLUTZ: Opposed?

24 The "ayes" have it. The change orders are  
25 approved.

1           Just give me one minute here.

2           You know, I apologize. I needed to open it up  
3 to the public as well and I did not. So we still  
4 want to hear from you if you want to please come up  
5 and state your name. I apologize for taking the  
6 vote before we had a chance to hear your comments.

7           MS. DUNBAR: Thank you. Once again, my name  
8 is Jen Dunbar. Thank you again for taking public  
9 comments. You all are appreciated.

10           Again, to the theme keep it secret, keep it  
11 safe, the one thing from the last one for the right  
12 of the secret ballot, that there is no, right  
13 now -- and I agree with Ms. Nussmeyer about the  
14 policies and procedures would help keep it secret  
15 and safe.

16           But the question is, how do we, when it's in a  
17 computer, follow that to make sure those policies  
18 and procedures are followed. There's no way. Like  
19 in the old days, if they were stuck in the ballot  
20 box or whatever, you could see that, like, oh, wait  
21 why are you... You could look at the names and  
22 say, hey, this person is not eligible to vote,  
23 et cetera.

24           But how do we know that somebody didn't look  
25 at my vote? You have to look at the logs in the



1 computers, and I don't know that that's ever been  
2 done or there's a mechanism to do that. You know,  
3 the risk-limiting audits won't find that if  
4 somebody's done something poorly and looked at who  
5 I voted for, so that would be my question, to in  
6 the future consider ways to make sure your policies  
7 and procedures for a secret vote are kept.

8 So in the keep it secret, keep it safe part,  
9 the safe part, I guess the question I have is that  
10 if you need VSTOP, if you need CISA, the Council on  
11 Cyber Security, and FireEye, is it really that safe  
12 in the beginning? You know what I'm saying? And  
13 then we hire FireEye and they're the company, the  
14 cyber security that's supposed to keep from hacking  
15 our systems, and they were hacked in 2020. So I  
16 just put that out there that I think we were safer  
17 with the hanging chads, the pull levers. I think  
18 we were safer with paper ballots.

19 So the last thing I'll say, because I'm not  
20 sure if there's another public speaking, was  
21 there's something miraculous that occurred that all  
22 the election integrity groups, including Indiana  
23 Vote by Mail, Free Speech for People, the League of  
24 Women Voters, and Verified Voting and Indiana First  
25 Audit, which is the citizens group that I volunteer

1 with, they all -- they recently submitted a letter  
2 both to legislation, the county clerks for  
3 supporting paper ballots over machines.

4 So, again, thank you for your service. I  
5 appreciate your time and hearing me. Thank you.

6 CHAIRMAN KLUTZ: Thank you for your comments  
7 and participation in this hearing.

8 I'll now turn to our co-directors to see if  
9 they have any responses or comments.

10 MR. KING: No. Thank you again to the lady  
11 for participating and offering remarks, but I have  
12 nothing to add.

13 CHAIRMAN KLUTZ: Ms. Nussmeyer.

14 MS. NUSSMEYER: I have nothing further to add.  
15 Thank you, Mr. Chair.

16 CHAIRMAN KLUTZ: Thank you.

17 Moving on, final matter before the Commission  
18 with respect to recertification -- or certification  
19 is the Unisyn OpenElect 2.2 Voting System.

20 Before I get into this, however, let me ask  
21 this question to the staff: We've heard of kind of  
22 two statutory regimes based upon the machines and  
23 based upon the retraction issue. Can you provide  
24 us which regime statutory construct this falls  
25 within?

1 MR. KING: Mr. Chairman, thank you for that  
2 complicated but very important question. The  
3 answer is the Unisyn system is described on the  
4 agenda itself as a hybrid voting system, but under  
5 Indiana law, it's defined as an optical scan ballot  
6 card system. And therefore, it is under the same  
7 statutory provisions of Hart InterCivic as opposed  
8 to MicroVote Corporation.

9 CHAIRMAN KLUTZ: Okay.

10 MS. NUSSMEYER: And, Mr. Chairman, if I might,  
11 as a reminder, this is not a recertification of the  
12 Unisyn system. This is a new application for a  
13 voting system, although I entirely agree with  
14 Mr. King that this is an optical scan voting system  
15 and those statutes would apply here.

16 CHAIRMAN KLUTZ: As opposed to starting this  
17 with a motion, I'll propose that we start simply  
18 with the presentations and then open it for  
19 discussion, and we can determine the appropriate  
20 motion at the time.

21 So as we've handled all these prior today, I  
22 will recognize the co-directors and then  
23 representatives from VSTOP to present information  
24 regarding this application for approval of a new  
25 type of optical scan voting system. The documents

1 provided by the Election Division and VSTOP  
2 regarding the system will be incorporated into the  
3 records of this proceeding. I will then recognize  
4 any representative from Unisyn to testify regarding  
5 this matter and then open the floor to the public  
6 who wishes to provide comment.

7 For purposes of commencing this process, I  
8 will ask Brad and then Angie to confirm proper  
9 document compliance with Indiana Code 3-11-7 and  
10 Indiana Code 3-11-7.5 regarding the filing of an  
11 application for Unisyn Open Elect 2.2 Voting System  
12 and to provide -- and to please provide the  
13 Commission with any correspondence you received  
14 regarding this application. Mr. King.

15 MR. KING: Thank you, Mr. Chairman, members of  
16 the Commission. The material regarding this voting  
17 system can be found behind the second white tab  
18 labeled "Unisyn OpenElect 2.2" in your binders.

19 The material includes the IEC-11 application,  
20 which, as was noted, is for certification of a new  
21 voting system. The application with the required  
22 payment of fee was submitted to the Election  
23 Division and reviewed by VSTOP for completeness,  
24 and we are advised that the application material  
25 referenced in the IEC-11 is complete.

1           There are approximately six counties in  
2 Indiana that use another version of the Unisyn  
3 voting system, but they were not specifically  
4 notified regarding this application for a new  
5 voting system because, again, it's not a  
6 recertification.

7           We've also included the IEC-23 -- oh, I should  
8 mention -- I'm sorry -- in the material, the list  
9 of existing counties using other versions are  
10 Floyd, Jackson, Montgomery, Posey, St. Joseph, and  
11 Vigo Counties.

12           And then the vendor has submitted the IEC-23,  
13 Statement of National Ownership or Control of  
14 Vendor, and I believe the vendor has submitted a  
15 complete application in accordance with the statute  
16 you referenced earlier.

17           CHAIRMAN KLUTZ: Thank you.

18           Ms. Nussmeyer, do you have any comments?

19           MS. NUSSMEYER: The only other comments I  
20 would make, Mr. Chairman, is again thanking VSTOP  
21 and the vendor for addressing the additional  
22 questions we posed as part of the report packet,  
23 and those questions were answered, so thank you.

24           CHAIRMAN KLUTZ: Thank you.

25           I'll now recognize VSTOP representatives to

1 present their findings with respect to this  
2 application.

3 MR. CHATOT: Thank you. This is for Unisyn  
4 Voting Solutions, Incorporated, certification of a  
5 new voting system. The Unisyn OpenElect Voting  
6 System, here forward called OVS, provides a  
7 complete system for election definition, ballot  
8 printing, voting at the polls, scanning and  
9 tabulation of ballots, as well as early voting and  
10 handling absentee and provisional ballots at the  
11 central site for tabulation, accumulation, and  
12 reporting results.

13 The OVS is a ballot precinct voting system  
14 that offers both precinct and central tabulation.  
15 The OVS consists of the OpenElect central suite,  
16 OCS, installed at an election headquarters  
17 location; the OpenElect voting devices, OVDs, for  
18 use at the polls and for early voting; and the  
19 OpenElect voting central scan, OVCS, bulk scanner  
20 for use at a central location.

21 This system was certified by the U.S. Election  
22 Assistance Commission on November 18, 2021, and is  
23 compliant with the Voluntary Voting Systems  
24 Guidelines. The Voting System is a modification of  
25 OpenElect 2.1, which was certified in Indiana until

1 that certification expired on October 1, 2021.  
2 Changes introduced in this voting system are ECO  
3 No. 17120, which adds a Dell Latitude 5220 to  
4 OpenElect. This was approved by the EAC on  
5 November 22, 2021.

6 Findings and limitations. Previous  
7 certification of OpenElect listed the limitation to  
8 disable electronic ballot adjudication. This  
9 limitation is now subject to IC 3-11-15-13.8.  
10 VSTOP has verified that the adjudication software  
11 is a part of the election managements system, EMS,  
12 certified by the Election Assistance Commission as  
13 part of the voting system. Such adjudication must  
14 be conducted in compliance with Indiana law. The  
15 FET is capable of ballot retraction as allowed in  
16 SV260 in 2021 legislation IC 3-11.5-4-6. More  
17 information on that process is included in the  
18 Attachment 11.

19 On the basis of VSTOP's review and evaluation,  
20 the voting system referenced herein and with the  
21 scope of certification meets all requirements of  
22 the Indiana Code for use in the state of Indiana.  
23 This finding includes compliance with the legal  
24 requirements for voters with disabilities.

25 And if you would like me to address the ECO

1 now, I can, or I can wait.

2 CHAIRMAN KLUTZ: We have an ECO for this?

3 MR. CHATOT: Yes.

4 VICE CHAIRMAN OVERHOLT: How can there be an  
5 ECO if it's a new system? I guess I don't  
6 understand that. Sorry, Mr. Chairman.

7 CHAIRMAN KLUTZ: Mr. King, I don't recall  
8 having an ECO in this.

9 MR. KING: No, Mr. Chairman, there is no ECO  
10 on the agenda with regard to Unisyn.

11 CHAIRMAN KLUTZ: Okay. With that, anything  
12 further from VSTOP?

13 MR. CHATOT: No.

14 CHAIRMAN KLUTZ: I'll open it to fellow  
15 commissioners for any questions or discussions.

16 VICE CHAIRMAN OVERHOLT: Well, I mean, my  
17 understanding is that this system is one where the  
18 retraction issue that we discussed with respect to  
19 Hart InterCivic and the same requirements apply,  
20 and I've got similar concerns just about -- I know  
21 this is a new system, but as to what processes  
22 might have been used to review the retraction  
23 process.

24 And I think I would like for this to go back  
25 to VSTOP, you know, for us to be able to gather



1 some more information because I feel like we're  
2 acting and it's a new realm here, a new statute,  
3 and I feel like we need some more information  
4 before we are in a position to actually decide  
5 whether to approve the system. That's my comment.

6 MR. CHATOT: Retraction was tested during the  
7 field test, and the final attachment in this  
8 application details the process, Attachment No. 11.

9 VICE CHAIRMAN OVERHOLT: I guess in looking at  
10 that, I'm just concerned about specificity in terms  
11 of the guidelines that are going to be used, what  
12 protocols are going to be followed in terms of  
13 determining what individual identifiers are going  
14 to be used, whether they link in any way to an  
15 individual voter, the protections that may be in  
16 place, those types of issues, and I don't see that  
17 addressed here.

18 CHAIRMAN KLUTZ: Okay. So we have the same  
19 issue. I do see representatives from Unisyn or  
20 counsel for Unisyn, if you want to state your name  
21 and respond to any comment of the Commission.

22 MS. BOX: Thank you, Mr. Chairman, members of  
23 the Commission. My name is Lauren Box, B-o-x, like  
24 cardboard. I'm an attorney at Barnes & Thornburg.  
25 This is my colleague Jake German, G-e-r-m-a-n, like

1 the country. We are here representing Unisyn. And  
2 we were not planning on making a formal  
3 presentation, but we are certainly happy to try to  
4 address any questions or concerns that you might  
5 have.

6 CHAIRMAN KLUTZ: Thank you. Well, so we have  
7 a whole issue of just understanding the retraction  
8 and understanding how this works and seeking  
9 additional information from VSTOP. I mean, I also  
10 have items that I want to understand and diligence  
11 as it relates to filings that were included with  
12 this, specifically the IEC-23. I just -- there's a  
13 reason those are required to be filed. I want to  
14 understand and talk to the appropriate people about  
15 that filing, so there's a second reason that I am  
16 particularly not ready to vote on this. So stating  
17 that for the record simply that I would support a  
18 motion to table this.

19 Having said that, if there's any information  
20 that VSTOP would like to provide us now about the  
21 retraction or if you believe it would be more  
22 appropriate in a supplemental, I'd be happy to  
23 listen to that as well. Or, Ms. Box, if you have  
24 comments as well.

25 MS. BOX: Could I just ask a clarification

1 question, Mr. Chairman?

2 CHAIRMAN KLUTZ: Sure.

3 MS. BOX: So my understanding is that VSTOP,  
4 because this is a new application, that VSTOP did,  
5 in fact, review and test the retraction process and  
6 provided a review and investigation of that as part  
7 of the application. I don't know if that's a  
8 question best posed for you or for VSTOP.

9 VICE CHAIRMAN OVERHOLT: We understand that --  
10 I mean, yes, so we have information here indicating  
11 that VSTOP did -- that there was testing for the  
12 retraction process. I guess I should be more clear  
13 the concern I have is that this is a new -- so it's  
14 a new law, that for other requirements that apply  
15 to voting systems, the Commission -- the Election  
16 Division staff and VSTOP have kind of worked  
17 together and developed protocols for testing  
18 systems on these various state law requirements and  
19 that this particular -- you know, there are not  
20 specifics included in the testing protocols, the  
21 certification protocols that address the statute  
22 that was passed -- or that went into effect last  
23 year.

24 So my concern is that, when we were talking  
25 about a method of tracking ballots, which is what

1 this retraction -- I mean, it's imposing a method  
2 of tracking certain types of ballots for very  
3 specific purposes, and I think it's critical to  
4 understand how those requirements are going to be  
5 implemented, what type of information is going to  
6 be tied to a ballot or to that number and kind of  
7 what happens with those. I mean, basically it  
8 comes to, you know, to make sure that that -- if  
9 it's a deceased voter, that the world isn't able to  
10 figure out that that deceased voter voted for Joe  
11 Smith right before the voter died, to simplify it,  
12 because that's about the level I can understand it  
13 at this point.

14 CHAIRMAN KLUTZ: And the other thing I think  
15 we're looking for is confirmation of the scope of  
16 testing for the withdrawal of the ballot in terms  
17 of we would like confirmation -- there's a variety  
18 of ways a ballot can be retracted, and we want  
19 confirmation that each scenario was tested.

20 Brad, maybe you can provide some of those  
21 scenarios, but we need confirmation that that  
22 testing, in our minds, was adequate and covered the  
23 full scope. Can you give some examples.

24 MR. KING: Yes. Thank you, Mr. Chairman,  
25 members of the Commission. In discussions with

1 VSTOP, which I understand reflect information  
2 obtained from the vendor, it was my understanding  
3 that the Unisyn system does have the ability to  
4 retract an absentee ballot -- or retract a ballot  
5 that is voted in person, whether that's on Election  
6 Day or prior to Election Day during early voting,  
7 by the addition of a code number to thermal paper  
8 that would then allow the ballot of the  
9 disqualified voter to be extracted from the system.  
10 But I also understand that this retraction feature  
11 is not in place with regard to absentee ballots  
12 that are sent through the mail to voters who are,  
13 by definition, not appearing in person.

14 So my understanding is that there is a  
15 retraction method more detailed than what was  
16 before the Commission with Hart InterCivic's  
17 application, but not comprehensive with regard to  
18 any type of absentee ballot that might be scanned  
19 and, therefore, would be subject to the retraction  
20 procedure specified by state law.

21 MR. GERMAN: And just to elaborate a bit more,  
22 it does seem like that there is a distinction  
23 between the issues that were raised earlier and the  
24 issues that have been raised for the Unisyn system  
25 in that it is a very limited, limited necessarily

1 retraction piece. I think that's what Mr. King was  
2 getting at there.

3 CHAIRMAN KLUTZ: Well, yeah. He's getting at  
4 what we would like more confirmation from VSTOP on  
5 that the retraction that's required covers the full  
6 scope of possible retractions, i.e., not only  
7 in-person machine, but also mail-in absentee.

8 MS. BOX: And we can speak generally to how  
9 the process would work, but as to the testing and  
10 the scope of the testing, all of those questions  
11 would have to be directed to VSTOP.

12 MS. CELESTINO-HORSEMAN: Mr. Chair?

13 CHAIRMAN KLUTZ: Yes.

14 MS. CELESTINO-HORSEMAN: Can we call upon  
15 Co-Director Nussmeyer to address the concerns that  
16 are present regarding the lack of documentation and  
17 such in the report.

18 CHAIRMAN KLUTZ: In the VSTOP testing report?

19 MS. CELESTINO-HORSEMAN: Yeah.

20 CHAIRMAN KLUTZ: Well, I hope she does because  
21 that would give clarity to what we would like in  
22 the supplemental. And, again, I hope we can have  
23 this hearing very soon.

24 MS. NUSSMEYER: Thank you, Mr. Chair,  
25 Commissioner. In addition to the points Mr. King

1 raised, which were concerns raised by myself and my  
2 team as well at least reading the report, there  
3 have been representations made by RBM that the  
4 voter identification number found in SVRS would be  
5 the unique identifier that is printed on the ballot  
6 card and that would be the recommendation of the  
7 vendor to use.

8 And in my view, linking a number directly out  
9 of our Statewide Voter Registration System in such  
10 a way and printing it on a ballot card that is a  
11 permanent record that is maintained by the county  
12 is not maintaining a voter's right to secret ballot  
13 because that permanent record exists on the ballot  
14 card. And it's my understanding, based on emails  
15 that we reached out -- my team and I reached out to  
16 vendors last summer regarding retraction features,  
17 that the ballot image itself would also maintain  
18 that unique identifier and those images would be  
19 available to staff to look at as well.

20 So those are concerns, and I think VSTOP  
21 probably needs to give some recommendations to the  
22 Commission so that we can provide best practices to  
23 counties that, if they're going to employ  
24 retraction methods for optical scan ballot cards,  
25 that we're doing it -- and even DRE systems, that

1 we're doing it in a way that maintains the voter's  
2 right to secret ballot.

3 While I understand the system is built against  
4 the Voluntary Voting System Guidelines 1.0, the 2.0  
5 standards do talk about a recallable ballot, which  
6 is generally applied to provisional ballots, but  
7 the guidance in the VVSG 2.0 say that a recallable  
8 ballot should not use direct voter information like  
9 a voter's first name, last name, driver's license  
10 number, or voter ID number.

11 And so whatever instructions that the vendor  
12 is providing to the counties, I think, needs to be  
13 contemplated by the Commission as part of their  
14 purview, but also some reassurance that the numbers  
15 being used by county election administrators are  
16 not those that are directly linkable to a voter  
17 because the county voter registration file and an  
18 individual voter registration record are public  
19 information.

20 CHAIRMAN KLUTZ: Thank you, Ms. Nussmeyer.

21 Brad, would you like to add any comment?

22 MR. KING: Yes. Thank you, Mr. Chairman,  
23 members of the Commission. Again, I'm in general  
24 agreement with Co-Director Nussmeyer regarding the  
25 points raised.



1           I would add for perspective that, in the past  
2 when the Commission has considered the approval of  
3 voting system application or recertification of a  
4 voting system, that the Commission, in my view, has  
5 acted within its scope by imposing conditions upon  
6 recertification that the vendor must meet. For  
7 example, one vendor many years ago was required to  
8 post a sizable performance bond because the  
9 Commission had a concern regarding whether  
10 particular functionality that the voting system  
11 vendor was providing would be fully functional and  
12 be in compliance with statute.

13           And so I bring this before the Commission as a  
14 matter for a future meeting. If you receive  
15 information regarding these systems from the VSTOP  
16 program, I think you do have the legal authority to  
17 impose conditions upon the vendor within the  
18 framework of Indiana statutes.

19           CHAIRMAN KLUTZ: Thank you, Mr. King.

20           Anything else from VSTOP regarding this  
21 matter?

22           MR. CHATOT: No, not at this moment.

23           MS. BOX: I would just ask, Mr. Chairman, my  
24 understanding is that there were questions that  
25 were posed to Unisyn throughout the process about

1 additional information that was requested. My  
2 request here would be, are we going to receive a  
3 list of the additional questions or information  
4 that you need or how will we receive that so that  
5 we know that we're fully complying with the request  
6 of the Commission?

7 CHAIRMAN KLUTZ: Yeah. That's a good  
8 question. Brad, I think what we should do is if  
9 you could work with the staff on kind of  
10 summarizing the Commission's concerns that you  
11 heard here today as it relates to compliance with  
12 the retraction and the scope of retraction in terms  
13 of not only machine, but the paper early ballots.  
14 And I think it goes to more of what we want VSTOP  
15 to show us in terms of their testing as opposed to  
16 specific questions, but we'll -- and it may morph  
17 as we work with VSTOP on that.

18 I guess I would also ask VSTOP -- I hate  
19 causing delays, and so I feel like I am causing  
20 delays. So if we could do this as quickly as  
21 possible, and then we'll try to get this scheduled  
22 right away.

23 DR. BYERS: We want it to be right.

24 CHAIRMAN KLUTZ: Correct, yes.

25 MS. CELESTINO-HORSEMAN: Mr. Chairman, since

1 we have two co-directors, can we have them work  
2 equally together on that, please?

3 CHAIRMAN KLUTZ: Yes. When I said "staff," I  
4 was hoping it would be the co-directors. That  
5 would be the desired method.

6 MR. KING: Mr. Chairman, just to respond, it  
7 was my intent to work with Co-Director Nussmeyer in  
8 crafting a letter that we could both agree to that  
9 would summarize the subject matter that the  
10 Commission is requesting additional information  
11 about.

12 CHAIRMAN KLUTZ: And so, again, to harp on I  
13 hate causing delays, these two companies have  
14 economic interests in getting this done quickly, so  
15 I want to be back here as soon as possible.

16 DR. BYERS: Mr. Chairman, with the blessing of  
17 the Commission, we would like to propose, should  
18 additional testing be needed, that we be able to do  
19 it remotely in order to expedite the process of  
20 testing as much as possible. There is some  
21 precedent for doing this with electronic poll book  
22 testing, and we would like to be able to implement  
23 that, if you would approve. That would save a lot  
24 of time with regard to the transportation of  
25 equipment. We could do it electronically through

1 Zoom, and we could videotape it the same way or  
2 very similarly as we would an in-person test.

3 CHAIRMAN KLUTZ: Thank you for the request,  
4 and I'll ask the co-directors if they see any issue  
5 with allowing that. I have none.

6 MR. KING: Mr. Chairman, no, the Commission, I  
7 think, certainly has the ability to authorize the  
8 type of testing that's being requested by VSTOP.

9 CHAIRMAN KLUTZ: Did you mention utilizing  
10 Zoom or Teams or --

11 DR. BYERS: Yes, something of that nature.

12 CHAIRMAN KLUTZ: -- something that could be  
13 recorded so you could preserve the record?

14 DR. BYERS: Yes. And we have secure VPN.

15 CHAIRMAN KLUTZ: Ms. Nussmeyer.

16 MS. NUSSMEYER: The only issue, if I might,  
17 Mr. Chairman, would be -- I don't have an issue  
18 with the remote testing, but if there's an issue or  
19 concern that is raised during field tests and you  
20 need to get your hands on the equipment and have it  
21 transported to your offices, that, you know, you do  
22 your due diligence and that, if that is required,  
23 that that be followed through on.

24 DR. BYERS: Absolutely.

25 MS. NUSSMEYER: But otherwise, I don't have an

1 issue with remote testing.

2 DR. BYERS: We will absolutely do that.

3 CHAIRMAN KLUTZ: Any further comments from the  
4 Commission?

5 MS. CELESTINO-HORSEMAN: I think there was  
6 also a question about a ballot card that you all  
7 produced that didn't have the party designation  
8 next to each candidate. So I was just wondering if  
9 there was something -- there was no explanation as  
10 to why that was missing.

11 MS. BOX: I think if you could just include  
12 that as part of the additional information that  
13 you're requesting, we would be happy to provide  
14 whatever additional information that you need.

15 MS. CELESTINO-HORSEMAN: Okay.

16 CHAIRMAN KLUTZ: Anything else?

17 At this time I'll open this matter, this  
18 application for voting system certification, to the  
19 floor. I have one individual who has signed up,  
20 and three minutes for public comment.

21 MS. DUNBAR: I just have one sentence. Again,  
22 Jen Dunbar. The question -- I don't know if this  
23 is for the Commission or for more of a legislative  
24 thing, but I feel strongly that all of the firms,  
25 be it Unisyn, ES&S, MicroVote, Hart InterCivic,

1 et cetera, et cetera, their ownership structure  
2 should be available for the public to know since --  
3 I mean, how do we know candidates don't own these?

4 I just think transparency is key, which is  
5 there foreign ownership, is it American ownership,  
6 that that should be something that either VSTOP  
7 could find out or the Commission, or is that  
8 something that needs to be handled legislatively  
9 that it needs to be required that ownership  
10 structures of the companies should be put out  
11 there. And that's all.

12 Thank you again for your service. I  
13 appreciate it.

14 CHAIRMAN KLUTZ: Thank you for coming. I  
15 believe there are filings that you can look up to  
16 find out that.

17 MS. CELESTINO-HORSEMAN: You want the IEC-23.

18 MS. DUNBAR: Okay. Thank you.

19 CHAIRMAN KLUTZ: With that, we've concluded  
20 the business on the agenda. Any old business or --

21 VICE CHAIRMAN OVERHOLT: I don't think we  
22 voted. Did we vote?

23 CHAIRMAN KLUTZ: Oh, I'm sorry. We have not  
24 formally voted.

25 VICE CHAIRMAN OVERHOLT: Because we flipped

1 the order on that.

2 CHAIRMAN KLUTZ: I would make a motion that we  
3 table the pending application for voting system  
4 certification by Unisyn OpenElect 2.2 Voting  
5 System.

6 VICE CHAIRMAN OVERHOLT: Second.

7 CHAIRMAN KLUTZ: Any further discussion?

8 All in favor signify by saying "Aye."

9 VICE CHAIRMAN OVERHOLT: Aye.

10 MS. CELESTINO-HORSEMAN: Aye.

11 MR. REDDY: Aye.

12 CHAIRMAN KLUTZ: Opposed?

13 The "ayes" have it. The motion is tabled.

14 The Indiana Election Commission has finished  
15 its business for the day. Is there a motion to  
16 adjourn?

17 VICE CHAIRMAN OVERHOLT: So moved.

18 CHAIRMAN KLUTZ: All in favor?

19 VICE CHAIRMAN OVERHOLT: Aye.

20 MS. CELESTINO-HORSEMAN: Aye.

21 MR. REDDY: Aye.

22 CHAIRMAN KLUTZ: This meeting is adjourned.

23 Thank you.

24 (The Indiana Election Commission Public  
25 Session was adjourned at 3:21 p.m.)

1 STATE OF INDIANA

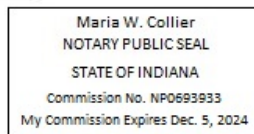
2 COUNTY OF HAMILTON

3 I, Maria W. Collier, a Notary Public in and  
4 for said county and state, do hereby certify that the  
5 foregoing public session was taken at the time and  
6 place heretofore mentioned between 1:30 p.m. and  
7 3:21 p.m.;

8 That said public session was taken down in  
9 stenograph notes and afterwards reduced to typewriting  
10 under my direction; and that the typewritten  
11 transcript is a true record of the public session.

12 IN WITNESS WHEREOF, I have hereunto set my  
13 hand and affixed my notarial seal this 16th day of  
14 March, 2022.

15  
16 *Maria W. Collier*



21 My Commission expires:  
22 December 5, 2024

23 Job No. 169792  
24  
25



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**0**

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