Indiana Election Commission Minutes August 18, 2023

Members Present: Zachary Klutz, Proxy for Paul Okeson, Chairman and Member of the Indiana Election Commission ("Commission"); Suzannah Wilson Overholt, Vice Chair of the Commission; Michael Claytor, Proxy for Karen Celestino-Horseman, member; Connie Lawson, Proxy for Litany A. Pyle, Member.

Members Absent: Karen Celestino-Horseman; Paul Okeson; Litany A. Pyle.

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. Janet Buchanan; Mr. Marc Chatot; Ms. Cindy Cotton; Ms. Rochelle Fox; Dr. Chad Kinsella; Mr. D. Edward Linn; Mr. Mark Manganaro; Ms. Jennifer Stamm.

1. Call to Order:

The Chair called the August 18, 2023 meeting of the Commission to order at 1:00 p.m. EDT in the Indiana Government Center South Conference Room A, 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 corrects the following scrivener's error in the document:

Page 38, line 5, replace "race" with 'rare".

The Commission adjourned its meeting at 1:53 p.m. EDT.

Respectfully submitted,

J. Bradley King

J. Bradley King Co-Director

Angela M. Nússmeyer Co-Director

APPROVED: Paul Okeson, Chairman

In the Matter Of:

INDIANA ELECTION COMMISSION PUBLIC SESSION

Transcript of Proceedings

August 18, 2023



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2	INDIANA ELECTION COMMISSION
3	PUBLIC SESSION
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7	Conducted on: August 18, 2023
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11	Conducted at: Indiana Government Center South 402 West Washington Street, Conference Room A
12	Indianapolis, Indiana
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16	A Stenographic Record by:
17	Maria W. Collier, RPR, CRR
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24	STEWART RICHARDSON & ASSOCIATES Registered Professional Reporters
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1	APPEARANCES
2	INDIANA ELECTION COMMISSION:
3	Zachary Klutz - Proxy for Paul Okeson - Chairman
4	Suzannah Wilson Overholt - Vice Chairman
5	Connie Lawson - Proxy for Litany Pyle - Member
6	Mike Claytor - Proxy for Karen Celestino-Horseman -
7	Member
8	
9	INDIANA ELECTION DIVISION STAFF:
10	Angela M. Nussmeyer - Co-Director
11	J. Bradley King - Co-Director
12	Matthew Kochevar - Co-Counsel
13	Valerie Warycha - Co-Counsel
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Page	3
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1	INDEX OF AGENDA ITEMS		
2		PAGE	
3	Call to Order and Determination of Quorum	4	
4	Documentation of Compliance with Open	4	
5	Door Law	4	
6	Approval of August 11, 2023 Commission Minutes	5	
7	Adoption of Campaign Finance Orders	б	
8	Certification of Election Systems &	9	
9	Software optical scan ballot card voting system (EVS 6.3.0.0 version)		
10	Approval of Unisyn OpenElect optical	33	
11	scan system Engineering Change Order ECO 17050		
12			
13	Unisyn OpenElect optical scan system 2.2.2 Engineering Change Orders ECO 1025, 1026, 1027, 3476, 17059	36	
14		1.0	
15	Approval of MicroVote direct record electronic voting systems Infinity EMS 4.4-IN, EMS 4-3A, EMS 4.1, EMS 4-0B	40	
16	Engineering Change Orders 136 and 137		
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 CHAIRMAN KLUTZ: Meeting of the Indiana Election Commission is called to order. 2 For 3 purposes of the record, I will note the following 4 members of the Commission are present: Myself, 5 Zach Klutz, designated as proxy for Chairman Paul Okeson; Vice Chairman Suzannah Wilson Overholt to 6 my left; Michael Claytor, to my left, designated as 7 proxy for Commission Member Karen Celestino-8 Horseman; and to my right, the honorable Connie 9 10 Lawson, designated as proxy for Commission Member 11 Litany Pyle.

Also in attendance are Indiana Election
Division staff: Co-Director Brad King and
Co-Director Angie Nussmeyer, Co-General Counsels
Matthew Kochevar and Valerie Warycha.

Our court reporter today is Maria W. Collier from Stewart Richardson Deposition Services.

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Just a housekeeping item, I want to advise the Commission members and those present that we will need to plan to stop our Commission business no later than 2:30 p.m. today.

Next item on the agenda is documentation of compliance with Open Door Law. I would request the co-directors confirm that the Commission meeting has been properly noticed as required by Open Door 1 Law.

±	Law.
2	MR. KING: Mr. Chairman, on behalf of myself
3	and Co-Director Nussmeyer, we certify that notice
4	of this meeting was properly given in accordance
5	with Indiana's Open Door Law.
б	CHAIRMAN KLUTZ: Thank you, Brad.
7	The next item on the agenda is the approval of
8	our August 11, 2023, Commission minutes. I
9	recognize the co-directors to present the minutes
10	of the August 11, 2023, meeting.
11	MR. KING: Mr. Chairman, members of the
12	Commission, on behalf of myself and Co-Director
13	Nussmeyer, we have reviewed the minutes and
14	recommend them to the Commission for your approval.
15	CHAIRMAN KLUTZ: Accept a motion to approve.
16	VICE CHAIRMAN OVERHOLT: So moved.
17	MS. LAWSON: I'll second.
18	CHAIRMAN KLUTZ: Hearing a second, all in
19	favor say "Aye."
20	VICE CHAIRMAN OVERHOLT: Aye.
21	MR. CLAYTOR: Aye.
22	MS. LAWSON: Aye.
23	CHAIRMAN KLUTZ: Opposed.
24	The "ayes" have it and the motion to approve
25	minutes is adopted.

1	Is there consent from the Commission members
2	for the Election Division staff to use our
3	signature stamps for any documents approved by the
4	Commission today?
5	VICE CHAIRMAN OVERHOLT: Consent.
6	MR. CLAYTOR: Consent.
7	MS. LAWSON: Consent.
8	CHAIRMAN KLUTZ: Okay. Next item on the
9	agenda is the adoption of campaign finance orders.
10	I recognize the co-directors to present the
11	campaign finance orders 2023-200 through 421
12	reflecting the actions taken by the Commission at
13	the August 11, 2023, meeting.
14	MR. KING: Mr. Chairman, members of the
15	Commission, on behalf of myself and Co-Director
16	Nussmeyer, with thanks for our very diligent
17	campaign finance staff members, Abbey Taylor and
18	Michelle Thompson, who prepared these orders in the
19	week interval since the meeting at which the
20	Commission made its findings, we present these to
21	you and recommend them for your approval.
22	CHAIRMAN KLUTZ: Thank you.
23	Is there a motion to adopt campaign finance
24	orders as presented?
25	MR. CLAYTOR: So moved.

1	MS. LAWSON: Second.
2	CHAIRMAN KLUTZ: Hearing a motion and a
3	second, is there any discussion?
4	Hearing none, all in favor say "Aye."
5	VICE CHAIRMAN OVERHOLT: Aye.
6	MR. CLAYTOR: Aye.
7	MS. LAWSON: Aye.
8	CHAIRMAN KLUTZ: Opposed "Nay."
9	The motion carries.
10	The next item on the agenda is the
11	administration of oath. Any person who plans to
12	testify at today's meeting on any matter, please
13	stand if you're able to and respond "I do" upon the
14	reading of the oath. And I recognize Matthew
15	Kochevar to administer the oath.
16	MR. KOCHEVAR: Please raise your right hand.
17	Please say "I do" after recitation of the oath.
18	Do you solemnly swear or affirm, under the
19	penalties of perjury, that the testimony you are
20	about to give to the Indiana Election Commission is
21	the truth, the whole truth, and nothing but the
22	truth? Please say "I do."
23	ALL: I do.
24	CHAIRMAN KLUTZ: Okay. The next item on our
25	agenda is consideration of applications for

recertification of previously certified voting 1 Before we move to formally consider the 2 systems. 3 applications for approval of new versions of 4 previously certified voting systems and engineering 5 change orders currently on our agenda today, I would state for the record the Commission will 6 offer the opportunity for public comment regarding 7 each application for certification of a new version 8 of the previously certified voting systems or 9 10 engineering change orders that will be considered 11 by our Commission today.

12 I would ask any person making a comment to 13 assist our court reporter by identifying themselves 14 and spelling their names for the record, and I 15 remind everyone that no one should be speaking at the same time as another person who has already 17 been recognized on the floor.

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Due to our time constraints today, I would also request that comments or presentations be kept to 5 minutes or less.

21 Further, any person who wishes to present 2.2 documents or other evidence to the Commission must 23 provide that material to Valerie Warycha, who is 24 sitting to my right, to be preserved for the 25 record, unless you have already submitted those to the Commission.

Finally, in terms of procedure, the public will have an opportunity to offer comments following the presentation of each item by the Voting Systems Technical Oversight Program, VSTOP, and their representatives.

With that, let's move to our first election system certification, and that is the certification of Election Systems & Software optical scan ballot card voting system EVS 6.3.0.0.

I now recognize the VSTOP staff to present its report with respect to this system and to confirm that this voting system has passed the testing conducted by VSTOP and all testing laboratories, and confirm that the system complies with Indiana law and with IEC Advisory Opinion 2022-08, if applicable.

Before we begin with the report, I would ask that each person here on behalf of VSTOP please introduce themselves.

MR. CHATOT: Thank you, Commissioner. My name is Marc Chatot, M-a-r-c, C-h-a-t-o-t. I am the interim project manager, program manager of VSTOP and the election system certification specialist. DR. KINSELLA: My name is Chad Kinsella,

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co-director of VSTOP.

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I will begin by reading our 2 MR. CHATOT: 3 recommendation for EVS 6.3.0.0. The EVS 6.3.0.0 is 4 a paper-based end-to-end election management 5 system, or EMS, that supports jurisdictions' election needs by creating and maintaining a 6 central election database, formatting and printing 7 ballots, programming election equipment, and 8 collecting and reporting results. This system was 9 certified by the U.S. Election Assistance 10 11 Commission on November 17, 2022, and is compliant 12 with the Voluntary Voting System Guidelines, 13 VVSG 1.0. Changes and major features being 14 introduced by this voting system are the DS300 poll 15 place scanner and tabulator, the DS950 precinct 16 scanner, and several upgrades to security.

17 The DS950 will eventually replace the DS850 as internal parts for the DS850 go end-of-life in 18 19 their production cycle. The DS950 will use all new 20 internal parts allowing for greater performance and 21 longevity. A security and shipping improvement for 2.2 the DS950 is flush security tag recesses on the 23 cabinet, preventing snags and inadvertent security 24 seal breaks during travel. EVS 6.3.0.0 introduces standard firmware for all devices and a new 25

Linux OS for the DS200. An upgraded suite of flash drives is used in EVS 6.3.0.0, including the introduction of YubiKeys, a physical two-factor authentication method required to access the EMS.

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Findings and limitations: The DS200 and DS300 5 scanners are produced without modem or network 6 7 hardware and are incapable of connecting to the DS300 tabulators provide improvements to 8 Internet. 9 scanning and printing speeds compared to the DS200. 10 ElectionWare is individually licensed and can be 11 configured to only support equipment that is 12 approved for use in Indiana. EVS 6.3.0.0 introduces the YubiKey, a physical two-factor 13 14 authentication for accessing the EMS, adding another layer of security. 15

There are no changes to accessibility in the EVS 6.3.0.0 system from previously certified versions. ES&S demonstrated their EMS's adjudication capability to the VSTOP team during field-testing. VSTOP determined the adjudication capabilities conform with Indiana law under IC 3-11-15-13.8. ES&S demonstrated their EMS's adjudication capability to the VSTOP team during field-testing. VSTOP determined the adjudication capabilities conform with Indiana law under IC 3-11-15-13.8.

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2 VSTOP field test: Before the VSTOP field 3 test, VSTOP reviewed the VSTL reports submitted by 4 Pro V&V. This voting system underwent 5 field-testing at Ball State University from May 15th through the 18th of 2023 by the VSTOP 6 The field test included software hash 7 team. verification of all required elements of the 8 9 Indiana statutes regarding voting systems as well 10 as an ADA compliance evaluation. Mock elections, 11 including the IED-approved test case scenarios for 12 straight party voting, were conducted as part of 13 the field test for this voting system.

14 Recommendation: On the basis of VSTOP's 15 review and evaluation, we find that the voting 16 system referenced herein, and with the Scope of 17 Certification, meets all the requirements of the 18 Indiana Code for use in the state of Indiana. This 19 finding includes compliance with legal requirements 20 for voters with disabilities. VSTOP recommends 21 approval of EVS 6.3.0.0.

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CHAIRMAN KLUTZ: Thank you.

For purposes of just commencing the Commission discussion on this matter, I move to approve the application submitted for approval of this election

1	system as complying with Indiana law and Indiana
2	Election Commission Advisory Opinion 2022-08, as
3	applicable.
4	Is there a second?
5	VICE CHAIRMAN OVERHOLT: Second.
6	CHAIRMAN KLUTZ: All in favor.
7	VICE CHAIRMAN OVERHOLT: Aye.
8	MR. CLAYTOR: Aye.
9	MS. LAWSON: Aye.
10	VICE CHAIRMAN OVERHOLT: That's just for
11	discussion, right?
12	CHAIRMAN KLUTZ: Right. This is for purposes
13	of discussion.
14	So now we'll ask if there's any representative
15	from the vendor that would like to talk following
16	the report.
17	MR. MANGANARO: My name is Mark Manganaro,
18	M-a-n-g-a-n-a-r-o. I'm the Indiana state
19	certification manager. I just basically
20	CHAIRMAN KLUTZ: Sir, can you just take the
21	oath real quick for us.
22	MR. MANGANARO: Oh, sure.
23	CHAIRMAN KLUTZ: Thanks.
24	MR. KOCHEVAR: Just raise your right hand.
25	Say "I do" after recitation of the oath.

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1	Do you solemnly swear or affirm that the
2	testimony you are about to give to the Indiana
3	Election Commission is the truth, the whole truth,
4	and nothing but the truth? Please say "I do."
5	MR. MANGANARO: I do.
6	MR. KOCHEVAR: Thank you.
7	MR. MANGANARO: And, again, Mark Manganaro
8	with Election Systems & Software. Just wanted to
9	thank the VSTOP team. I know they had quite a few
10	system testing to do, poll books, ECOs. Marc did
11	an outstanding job getting the certification done
12	in a timely manner. I'm here today if you guys
13	have any other questions regarding the system that
14	VSTOP can't address. Thank you.
15	CHAIRMAN KLUTZ: Thank you.
16	At this time I'll recognize anyone from the
17	public that would like to speak.
18	MR. LINN: I'd like to speak.
19	CHAIRMAN KLUTZ: We just need you to take the
20	oath, sir.
21	MR. LINN: Sure.
22	MR. KOCHEVAR: I'm going to ask, through the
23	Chair, if there's anyone else in the audience who
24	also has any inclination to speak, it would be
25	better to have you sworn right now so we don't have

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1	to keep pausing. So if you're thinking about
2	speaking at any point, if you want to stand up and
3	raise your right hand.
4	Sir, raise your right hand as well. Say "I
5	do" after recitation of the oath.
6	Do you solemnly swear or affirm, under the
7	penalties of perjury, that the testimony you are
8	about to give to the Indiana Election Commission is
9	the truth, the whole truth, and nothing but the
10	truth? Please say "I do."
11	ALL: I do.
12	MR. KOCHEVAR: Thank you.
13	MR. LINN: I just have several points I'd like
14	to make.
15	THE REPORTER: Sir, could you state your name
16	and spell it for me, please.
17	MR. LINN: Yes. My name is D. Edward,
18	E-d-w-a-r-d, Linn, L-i-n-n, and I just have several
19	remarks I'd like to make.
20	I don't know if all these changes to the DS200
21	scanner were addressed, but this is going back
22	several years ago, and this is a web article from
23	VentureBeat, "Optical scanning machines are
24	susceptible to miscounting U.S. voter ballots."
25	And looking at this, there's several things that

this device does under the cover of darkness, and I don't think that's a good thing.

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We want transparent elections. And I know you guys at Ball State think you do a really good job, and you probably do the best job you possibly can, and I'm not refuting anything you just said. All I'm saying is, these are black boxes, and they run by algorithms, and algorithms can be manipulated. And they can be manipulated by somebody coming in and putting a device into the machine and hacking the machine.

12 If you think that's not possible, we just had 13 a number of different hacks to our system. I just 14 had my information hacked at the very secure 15 banking system, and they gave me two free years of 16 credit monitoring. So this has happened to me when 17 I was at Purdue University. It was hacked; my 18 social security and personal information was 19 So people that say these are the most hacked. 20 secure elections in history, all that is bunk, in 21 my opinion. Okay?

Now, can I give you irrefutable evidence of that? No. But what I'm saying is the citizens are not very pleased with the way the elections are being done. We'd like to go back to paper ballots 1 the way they used to be done. We'd like to have these documents sealed, not scanned, because 2 3 scanning these documents, like they've shown in 4 Georgia, they can be deleted. So we want the real ballots. We don't want virtual ballots. 5 We want real ballots, and we want ballots that are scanned 6 by human eyes, not by machines that can be rigged 7 or algorithms changed under the cover of darkness 8 to give fraudulent results. 9

You may say, well, that's not possible, but it is possible because these people say it is. Anytime you have a computer, it can be hacked. Anytime you have a computer, the algorithms can be changed. That's a fact. In my opinion, there's no question. Okay?

16 And so I've got several documents here I'd 17 like to give you. One is the VentureBeat article 18 having to do with the fact that these are 19 susceptible in this county. And I don't know if 20 all these changes have been done on the machine, 21 but there is one thing that's really, to me, very 2.2 concerning, and that is the fact that they said 23 that these machines aren't capable of being hacked to the point where an individual would attain 24 25 administrative control over the machine, which

1 means they can change anything. They can change 2 anything on the machine software-wise, what have 3 you. They can delete votes. They can do whatever 4 they want.

Now, here, in fact, there's a documentation from Georgia where it says that a total of 1.7 million images of the ballots were deleted. And so I put that in the record as well. 1.7 million ballot images were destroyed.

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10 You say, well, they can just go and take a 11 look at the real ballots. Well, the thing about it 12 is, in Georgia they said no, you can't do that, 13 that's private information. And we've had that 14 situation happen here in Indiana where we've had 15 voter integrity groups saying we want to take a 16 look at the cast vote records. Not only were they 17 stopped at the election board level, they were also 18 stopped at the state legislature level because they 19 said these cast vote records were confidential 20 information. In fact, other states find that 21 they're not --

22 CHAIRMAN KLUTZ: You have 30 seconds.
23 MR. LINN: -- because there's no identifying
24 information in those cast vote records that would
25 make them confidential. It's a hoax, in my

opinion, to do that.

We need transparent elections. We don't need elections done under the cover of darkness. We don't need elections done under proprietary software. We want things done in the open, under the clear transparent daylight, not under the cover of darknesses into a black box.

CHAIRMAN KLUTZ: Thank you, sir.

MR. LINN: Thank you. I yield my time. CHAIRMAN KLUTZ: Anyone else to speak on this? Yes, ma'am. Please state your name.

MS. STAMM: My name is Jennifer Stamm, S-t-a-m-m, like Mary. Thank you for the opportunity. I didn't know I was going to be here. I just found out about the meeting earlier today. I don't know if I'll be as eloquent as the gentleman before me, so I appreciate your time.

I am simply here just as a representative of a lot of people that are like myself, that are very distrusting of how we've been doing it, the machines. I too want paper ballots. I too see that there is a pathway to it. I too see that it would take -- we even know how many volunteers it would take to actually get that done. I am part of Indiana First Action group. The canvassing that

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1 was done through the voter rolls that we obtained 2 through our own Secretary of State revealed some 3 very astonishing and very disturbing information 4 about the history of our elections. Particularly 5 this one was information from the 2020 election.

I don't know if I'm allowed to ask a question, 6 but I will, because it seems like absolute common 7 sense that we would know, with the technology that 8 9 we have today, that it is very easily hackable. We 10 see it all the time in the news. If you actually 11 look on a search engine that's outside of Google, 12 you will find all kinds of information that 13 actually refutes what a lot of the experts on the 14 television are telling us. We're not stupid. We 15 know. And we the people are kind of tired of not 16 feeling like we're being heard by the people that 17 are in the seats making these decisions, so I say 18 this respectfully.

Do any of you people believe -- and I say this respectfully -- that our systems can be hacked, that there is an opportunity for nefarious activities and that they're not absolutely as safe and sound as we've been promised over the years? Because I know that's not true, and I would hate to believe that I'm sitting here in a roomful of professionals that would actually say no, you're wrong, they are safe and secure, there's absolutely no way that anything can happen to any of your votes. Because, to me, that's just an ignorant answer, and I don't mean any disrespect by it.

But I just do want to say that I represent a 6 7 lot of people. There are thousands and thousands and thousands and thousands of people that feel 8 9 like I do but have no idea where the meetings are, 10 how to express an opinion. I'm not as eloquent as 11 I would like to be. There was a lot of code. 12 There was a lot of .06.3.0 and a lot of acronyms 13 and things that probably are just a little bit over my head as far as that. But one thing I will say I 14 15 do understand is that systems are hackable. And 16 what we saw in the 2020 elections, the truth is out 17 there. It's being very much hid from us by mainstream media, and we all know that. Anybody 18 19 with any common sense recognizes that. They were 20 not safe and secure, they are not safe and secure, 21 and paper ballots is what we want.

So I just wanted you all to hear that I am one opinion of many. Whether that goes anywhere or not, I just wanted to be heard, and I thank you for your time. 2 3

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CHAIRMAN KLUTZ: Thank you.

MS. STAMM: Thank you.

MS. COTTON: Hi there. My name is Cindy Cotton, C-i-n-d-y, C-o-t-t-o-n, as in Nancy. I do 4 5 have a handout for everybody. Okay? Just forgive I've got to read from the bottom of it. 6 me. Ι tried -- it's the very last paragraph. I got very 7 fortunate. I am in a graduate study program in the 8 9 state of Indiana, phenomenal to our city. I just 10 happened to end this session. So up at the top is 11 your reference. All of that information is the 12 guys that are super smart that wrote the textbook. 13 It just so happened to be in my information systems 14 class, so I just happened to take note of it.

15 It starts out with an impossibility of 16 100 percent security, because these quys wrote 17 textbooks, they put some time and effort. Let's go 18 to the last paragraph. Back in '95 -- so it's not 19 a new thing -- L. Dain Gary, former manager of the 20 U.S. Computer Emergency Response Team, CERT, in 21 Pittsburgh, appeared on an episode of 60 Minutes 22 and let the public in on an unpleasant... You 23 cannot make a computer secure. You can reduce the 24 risk, but you can't guarantee the security. 25 Because of the futility of seeking 100 percent

1 security, many companies take out insurance policies to mitigate the financial impacts of a 2 3 breach. So if it were secure, you wouldn't be getting an insurance policy. It is important to 4 also consider the so-called Poulsen's law that 5 states that information is secure when it costs 6 more to get it than it's worth. The role of 7 management is to work with IT functions to make it 8 harder to break in than it is worth. 9

Listen, we all have stupendous intentions, but security costs, and governments across the country, you guys are doing the absolute best you can, but it costs hundreds of millions of dollars. You've got multinational companies worth trillions that cannot secure their systems.

16 Finally, I want you quys to also have this 17 from the same textbook. Forgive me. I don't have 18 the exact page on these, but I can get them. While there's not been any evidence of hacking -- so back 19 20 in 2017, they did a little kind of experiment. 21 While there's not been any evidence of hackers 2.2 tampering with voting results in the United States, attendees at a 2017 black hat hacker -- so a black 23 24 hat, there's all kind of terms; they get paid to 25 kind of try to hack into something; they're just

good folks with computers -- conference was invited 1 to try to break into 30 voting machines 2 3 representing several types in popular use in the 4 2016 election. The result of the competition was 5 not encouraging, as the hackers broke into all the machines in under two hours. One machine had an 6 unpatched Windows XP vulnerability that had been 7 known for 14 years. Governmental agencies in the 8 U.S. need to catch up on voting security. 9

10 Guys, we all have phenomenal intentions. Ι 11 don't deny that. I know you guys want what we 12 It's extremely expensive. You've got to want. 13 have technical people that you pay a ton of money, 14 and every year it will go up and up and up. If we 15 have a system perhaps out there and they are 16 implementing in the United States everywhere --17 it's happening every day as the days tick by --18 that can save you guys money and do just as good a 19 job, if not better, let's consider it. I'm not 20 saying -- you can't stop everything in a second and 21 change everything in a second. That's not what I'm 22 I'm asking you to think about it, ponder asking. 23 it, and maybe, as the days go by, we can start 24 moving in that direction. Thank you.

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CHAIRMAN KLUTZ: Thank you.

1	Any further comment on this matter for this
2	voting system?
3	MR. KOCHEVAR: I have to swear you in. Just
4	raise your right hand. Say "I do" after recitation
5	of the oath.
6	Do you solemnly swear or affirm, under the
7	penalties of perjury, that the testimony you are
8	about to give to the Indiana Election Commission is
9	the truth, the whole truth, and nothing but the
10	truth?
11	MS. FOX: So help me God, I affirm.
12	MR. KOCHEVAR: Thank you.
13	MS. FOX: You want me to sign in?
14	MS. WARYCHA: Yes, please.
15	MS. FOX: My name is Rochelle Fox, and I
16	THE REPORTER: Could you spell it, please.
17	MS. FOX: R-o-c-h-e-l-l-e, F-o-x. And I know
18	these ladies, and I know exactly what they're
19	talking about. It kind of upset me when I got the
20	notice about the optical scan mainly because I
21	don't know where that scan ends up. I know where
22	it begins, but I have no idea of where it's going.
23	And the reason why I'm saying that is because
24	I am one of the victims of Konnech. I don't know
25	if you know about Konnech or not. It's what is

It works with elections, and it's out -- it 1 it? comes from California, and they went all around the 2 3 country to -- I don't know -- connect somehow. But 4 what they did do without telling us was they took 5 our private information. They took our private information in three different counties here in 6 Indiana for the poll workers. When I registered 7 innocently to work as a poll worker, they were 8 taking my information, which went from Konnech to 9 10 California to China.

11 So if they can do that with me typing my 12 information in, I can't even begin to imagine what they'd do with an eye scan. They already have my 13 information. I don't know how to get it back. 14 Ι 15 would like to do a class-action suit with other 16 people and sue Konnech, but it won't get my 17 information returned to me. It's out there. I've 18 gotten phone calls -- and this is the honest to God truth -- from places on the other side of the 19 20 world. They don't talk to me. They just call me. 21 I've gotten phone calls with Chinese or some kind 22 of writing on the number. Just crazy. And I don't 23 know who is trying to communicate with me, if 24 they're listening in on me or what. Would you all 25 like to live like that, knowing that some stranger

out there has all your personal information? 1 You have put your social security number in 2 3 there when you sign up to be a poll worker, so the 4 social security number tells you everything. So they know everything about me. I walk around every 5 day wondering who is looking at me. That's not a 6 good way to be free in a country that gives us the 7 right to have our liberty. I mean, it's just 8 9 crazy. And I know, and these ladies know too, we 10 know it was done, what, in Johnson County, Lake 11 County, and Marion County. 12 MR. LINN: Allen County as well. 13 MS. FOX: Yeah. They chose the largest 14 counties so they could -- I don't know what they want with our information, but I know they do have 15 16 it. And that's why I will never work the polls 17 aqain. I will volunteer and be a watcher, but I'm 18 never working them again, because this was done in 19 2020. I didn't find out until this year, and I 20 worked the 2022 election as a poll worker. So can 21 you imagine that? I mean, I don't feel comfortable 2.2 with that.

And, like I said, you're scanning my eye,
which means that you're getting my medical
information. You already have enough from Konnech,

1 so what more can you ask from me? I'm just one person here in this United States, but who knows 2 3 how much that ended up connecting me to other people, to other people in other places that I go 4 5 and things that I do. I just so happen to be, like some of the people here, a delegate in Marion 6 County. So that's not a safe place to be, and I 7 8 don't trust using much of the Internet anymore because of that. 9

10 Whereas, in contrast to that, a paper ballot 11 like we're really pushing is what? It has a 12 watermark on it. You verify your ID in front of a 13 person with your signature, and, I mean, they can 14 see your face. Unless you're a clone, they know 15 exactly who you are. And then you sit down at the 16 end of the day like we've done -- that's another 17 thing I thought about too. Did you guys know that, in order to work the polls, you have to be there at 18 19 4:30 in the morning? Did you know you get off at, 20 like, 8:00 at night? That's one day, which is the 21 longest day of the year for me really, and at the 22 end of the day, there's no guarantee that what 23 we've done has been right because we don't know which ballots are correct and which aren't because 24 25 they always have -- what do you call it? --

1	provisional ballots.
2	CHAIRMAN KLUTZ: You have 30 seconds,
3	Mrs. Fox.
4	MS. FOX: Okay. I'm sorry. I didn't know
5	about the time limit.
6	But anyway, I am impeding not impeding. I
7	just ask that you please reconsider what you're
8	thinking about. We all love our privacy, and once
9	we start scanning stuff across the Internet, it's
10	bad enough with the data
11	(Timer)
12	CHAIRMAN KLUTZ: Thank you.
13	MS. FOX: You're welcome.
14	CHAIRMAN KLUTZ: Any further comment?
15	MR. LINN: I have one more comment, if
16	possible.
17	CHAIRMAN KLUTZ: You've already used your
18	5 minutes, sir.
19	MR. LINN: I used all 5 minutes?
20	CHAIRMAN KLUTZ: You did. Thank you.
21	With that, is there any further discussion by
22	the Commission members?
23	VICE CHAIRMAN OVERHOLT: Well, I wanted to
24	clarify that, when we're talking optical scanning,
25	that we're not talking about any kind of retinal

scanning.

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MR. CHATOT: Correct.

VICE CHAIRMAN OVERHOLT: Optical means it's the manner in which the machine scans the ballots. It has nothing to do with scanning anyone's eyeball in any way, shape, or form.

MR. CHATOT: Right. It takes an image of both sides of the ballot.

VICE CHAIRMAN OVERHOLT: Right. And I respectfully disagree with the assessment of our election systems, but that's my only comment.

CHAIRMAN KLUTZ: My comment would be just directed to the comments, the public comment we heard. I guess what we're charged with today is to determine whether the systems have been tested to ensure that they're compliant with existing law, not to determine whether we should use -- change the law to determine what we have now and go to paper ballots.

So, for me, if we have a professional organization that's trained and experienced in testing machines to ensure compliance with law and any applicable advisory opinion and they say it is, I feel a duty to approve that. The change of election systems from paper ballot to what we have

1 now is really an argument to a different body, in my opinion. I'm not saying I agree or I disagree 2 3 with you, and I appreciate you coming and letting 4 us know how you feel. I just don't feel like I can 5 address what you're asking for. UNIDENTIFIED SPEAKER: Who can? 6 CHAIRMAN KLUTZ: The public comment is closed 7 for this one. 8 So I just wanted to let you know we do 9 10 appreciate your comments; I just don't feel like 11 we're the body who could provide you any remedy. 12 I might just add as well that I MS. LAWSON: 13 believe VSTOP mentioned that the scanners -- now, 14 these scanners are scanning the paper ballots and 15 they are not connected to the Internet. 16 MR. CHATOT: That is correct. 17 MS. LAWSON: And that's exactly what I heard. MR. CHATOT: 18 That is correct. They have no 19 capability. 20 MS. LAWSON: They're not scanning the eye in 21 any way, shape, or form. 2.2 MR. CHATOT: Correct. 23 MS. LAWSON: And those ballots, from 24 experience, I know those ballots are then available 25 for a recount or an audit, those actual paper

ballots.

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MR. CHATOT: Yes. VSTOP also conducts postelection audits.

4 MS. LAWSON: And I just might add one more thing for you all to think about, because I do 5 appreciate your remarks as well. I served as a 6 county clerk for eight years, and the one time we 7 had problems with any election results is when some 8 9 poll workers lost some paper ballots. 10 Intentionally? Possibly. But that was the one 11 time as a county clerk that I had any issues with 12 any election results was people losing paper 13 ballots. So --14 UNIDENTIFIED SPEAKER: So I've got a question 15 now. 16 CHAIRMAN KLUTZ: The public hearing is closed 17 for this particular matter. Is there any further discussion? 18 19 Hearing none, I will ask all in favor of the 20 motion on the floor say "Aye." 21 VICE CHAIRMAN OVERHOLT: Aye. 2.2 MR. CLAYTOR: Aye. 23 MS. LAWSON: Ave. 24 CHAIRMAN KLUTZ: Opposed "Nay." 25 The "ayes" have it, and the motion to

1 recertify this voting system for the term specified by statute, subject to any limitations set forth in 2 3 the VSTOP report or imposed by the Commission, is 4 adopted. 5 VICE CHAIRMAN OVERHOLT: To clarify, this was a new certification, not a recertification? 6 7 MS. NUSSMEYER: It's a new system. 8 CHAIRMAN KLUTZ: Did I say recertification? 9 I'm sorry. 10 VICE CHAIRMAN OVERHOLT: Yes. 11 CHAIRMAN KLUTZ: Okay. Move to the next. 12 Next matter before the Commission is Unisyn 13 OpenElect optical scan voting system Engineering 14 Change Order 17050. 15 I now recognize the VSTOP staff to present its 16 report and confirm that the engineering change 17 order for this previously approved voting system has passed the testing conducted by VSTOP and all 18 19 testing laboratories, and confirm that the system 20 complies with Indiana law and with IEC Advisory 21 Opinion 2022-08, if applicable. 2.2 Thank you, Mr. Chairman. MR. CHATOT: 23 ECO 17050 applies to voting system 24 OpenElect 2.2.1, and it affects the component of 25 the OpenElect optical scan, also called OVO.

1 Description of change is that this change prevents a concurrent closed process on the OVO. It was 2 observed that when "Close" cards are used to 3 4 initiate the close session process on the OVO that 5 when the "Close" card was returned to the operator, the scanner was not disabled. This opened the 6 possibility for the "Close" card to be entered a 7 8 second time and the potential of starting a second 9 close process.

10 Depending on the timing of these processes, if 11 they occur concurrently, as opposed to 12 sequentially, the close session process will 13 generate a report which shows doubled vote counts and produces a tally.xml file that cannot be 14 15 uploaded into the central tabulation system. This 16 change will disable the scanner after the "Close" 17 card is returned, preventing the opportunity of 18 creating a second close session process. OpenElect 19 will move from Version 2.2 to 2.2.1, and the new 20 software version for the OVO will be 2.2.1.

21 Members of the VSTOP team have reviewed the 22 ECO 17050, including the supporting documents and 23 Voting System Testing Laboratory reports. VSTOP 24 finds the ECO complies with the requirements for 25 de minimis changes to hardware components. The ECO

1	only applies to the specific Unisyn OpenElect		
2	voting system notated in the table above. Unisyn		
3	Voting Solutions and OpenElect are EAC certified,		
4	and the ECO was approved by the EAC.		
5	With this ECO, OpenElect will move from 2.2 to		
6	2.2.1, and the new software version for OVO will be		
7	2.2.1. VSTOP recommends approval of ECO 17050.		
8	CHAIRMAN KLUTZ: Okay. For purposes of		
9	commencing Commission discussion on this matter, I		
10	move to approve the application submitted for		
11	approval of this engineering change order as		
12	complying with Indiana law and Indiana Election		
13	Commission Advisory Opinion 2022-08, if applicable.		
14	Is there a second?		
15	MR. CLAYTOR: Second.		
16	CHAIRMAN KLUTZ: With that, I will ask if		
17	there's any representative of the vendor to have		
18	any comments.		
19	MS. BUCHANAN: Janet Buchanan,		
20	B-u-c-h-a-n-a-n, RBM. No additional comments.		
21	Thank you.		
22	CHAIRMAN KLUTZ: Thank you.		
23	Any member of the public with respect to this		
24	one?		
25	Any further discussion by the Commission?		

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1	Hearing none, I will ask for a vote on the
2	pending motion. All in favor say "Aye."
3	VICE CHAIRMAN OVERHOLT: Aye.
4	MR. CLAYTOR: Aye.
5	MS. LAWSON: Aye.
6	CHAIRMAN KLUTZ: Opposed "Nay."
7	The "ayes" have it.
8	Okay. Next item is Unisyn OpenElect optical
9	scan voting system 2.2.2 Engineering Change Orders
10	1025, 1026, 1027, 3476, and 17059.
11	I again recognize the VSTOP staff to present
12	the report and confirm that the five engineering
13	change orders for this previously approved voting
14	system, which would be designated as Version 2.2.2,
15	have passed the testing conducted by VSTOP and all
16	testing laboratories, and to confirm that the
17	system complies with Indiana law and IEC Advisory
18	Opinion 2022-08, if applicable.
19	MR. CHATOT: Thank you, Mr. Chairman.
20	I will read descriptions of each ECO and our
21	recommendation.
22	ECO 1025, applying to voting system
23	OpenElect 2.2, the component is transport media.
24	ECO 1025 adds a new 4 GB USB flash drive, Model
25	3SE-4GB, as a replacement for the current 1 GB

part, Model 2SE-1GB, due to the current model no longer being commercially available for purchase. Added Innodisk Model 3SE-4GB and Vendor Part Number DEUA1-04GI61SCASB-B088. Removed Innodisk Model 2SE-1GB and Vendor Part Number DEUA1-01GI72AC1SB-B088.

ECO 1026 applies to voting system 7 OpenElect 2.2. Component is fan for Freedom Vote 8 9 Scan, or FVS. ECO 1026 adds a new fan, 10 Anode JZ-0001, as a replacement for the current 11 part, Intel E97379-003, due to the current model no 12 longer being commercially available for purchase. 13 The fan being updated is an internal part for the 14 Freedom Vote Scan component.

15 ECO 1027, applying to voting system 16 OpenElect 2.2, another fan for Freedom Vote Scan, 17 FVS. ECO 1027 is an update to alternate commercial 18 off-the-shelf components, memory module and USB 19 flash drive, due to current parts no longer being 20 commercially available. Both alternative 21 components used with the Freedom Vote Scan are the 2.2 same manufacturer, form, fit, and function. Added 23 DDR-2400 Memory Module as an alternative component 24 for CT4G4SFS824A.

25

ECO 3476, applying to voting system

OpenElect 2.2, component OpenElect voting optical, 1 ECO 3476 is an OVO modification that 2 or OVO. 3 addresses the possibility of inserting a ballot 4 during the transition to jammed ballot handling on 5 the OVO. This introduces a potential race condition that could result in a cast ballot being 6 7 returned to the user. This proposal encompasses minor changes to six files, extending the 8 9 implementation of methods to remove and restore the 10 reference to the module that accepts ballot data in 11 the event of a jam error code from the scanner and 12 restores it when the jam condition is no longer 13 active.

Per Unisyn, this was originally implemented in 14 the AbstractReaderClient.java file but was 15 16 reimplemented as two methods in ReaderDriver.java, 17 hideReadListener and restoreReadListener, so it could be used by multiple modules. An additional 18 flag and delay were added to ensure no data is sent 19 20 from the scanner to the software while the jam is 21 being handled.

22 Products affected are OpenElect voting
23 optical, OVO, Version 2.2.1. Per Unisyn, the new
24 software version for the OVO will now be 2.2.2.
25 ECO 17059 applies to the OpenElect 2.2 voting

1 system and the Freedom Vote Scan component, or FVS. ECO 17059 replaces the plastic ballot diverter with 2 3 a higher quality metal replacement. The current 4 ballot diverter is made from flat plastic. The 5 process of repeatedly adding the designated curve was not perfected; therefore, multiple vendors 6 reported to Unisyn they were unable to reproduce it 7 repeatedly. To eliminate the issue, Unisyn is 8 9 replacing the heat-formed ABS plastic sheet part with a drop-in replacement part requiring no additional changes to implement. The current ABS plastic sheet part will be replaced with a bent aluminum part which is an exact match for the former plastic piece and is more easily repeated during the manufacturing process.

Members of the VSTOP team have reviewed the ECOs' supporting documents and the Voting System Test Laboratory reports. VSTOP finds these ECOs comply with the requirements for de minimis changes to hardware components. These ECOs only apply to the specific Unisyn OpenElect 2.2 voting systems notated in the table above. Unisyn OpenElect 2.2 is Election Assistance Commission certified, and the ECOs were also approved by the EAC.

VSTOP recommends approval of ECOs 1025, 1026,

1	1027, 3476, and 1059 updating OpenElect 2.2 to
2	OpenElect 2.2.2.
3	CHAIRMAN KLUTZ: Thank you. Could you clarify
4	the last. Was it 17059?
5	MR. CHATOT: 17059, yes.
6	CHAIRMAN KLUTZ: Okay. At this time I'll
7	recognize any vendor representative who has any
8	comments.
9	Seeing none, any member of the public for
10	additional comment?
11	Seeing none, any further discussion by the
12	Commission?
13	VICE CHAIRMAN OVERHOLT: No.
14	CHAIRMAN KLUTZ: Seeing none, all in favor say
15	"Aye."
16	VICE CHAIRMAN OVERHOLT: Aye.
17	MR. CLAYTOR: Aye.
18	MS. LAWSON: Aye.
19	CHAIRMAN KLUTZ: Nay?
20	The "ayes" have it. The motion passes.
21	We now move to our final election system
22	certification which is MicroVote direct record
23	electronic voting system Infinity 4.4-IN, EMS 4-3A,
24	EMS 4.1, EMS 4-0B Engineering Change Orders 136 and
25	137.

1 I'll now recognize VSTOP to present its report and to confirm that the engineering change orders 2 3 for these two versions of the previously approved 4 voting system, which would be designated as Infinity Revision E-1 and Infinity VVPAT Revision 5 A-1, have passed the testing conducted by VSTOP and 6 all testing laboratories, and to confirm that the 7 system complies with Indiana law and with Indiana 8 Election Commission Advisory Opinion 2022-08, if 9 applicable. Thank you, Mr. Chairman. MR. CHATOT: 12 ECN 136 applies to voting systems EMS 4.4-IN, EMS 4.3-A, EMS 4.1, and EMS 4.0B. The component 13 14 affected is the Infinity Revision El panel and the VVPAT Revision A1. The current Infinity, 15 16 Revision E, display and smart card reader and VVPAT, Revision A, internal serial connector and 17 18 capacitor on the port switching PCB are end-of-life 19 with suppliers. ECN 136 is a modification to 20 replace these components with equivalent parts.

21 The modification is compatible with all system 2.2 hardware and software. There is no form, fit, or 23 function change.

24 ECN 137 applies to voting systems EMS 4.4-IN, 25 EMS 4.3-A, EMS 4.1, and EMS 4.0B. The component is

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1 the All-In-One Voting Station Booth. ECN 137 replaces the metal ADA RJ45 coupler housing mounted 2 3 in the All-In-One Voting Station Booth with a 4 shielded plastic RJ45 coupler housing, Part Number 5 RJ45M25Z0-6A, to eliminate susceptibility to electrostatic disruption. The coupler and molded 6 mounting plate will be attached to the booth using 7 three machine screws with a Loctite on the threads 8 9 to secure the plate during transport and storage. 10 The coupler provides a convenient way to attach a 11 DoubleTalk text-to-speech reader or tally tape 12 printer to the VVPAT or Infinity panel. There is 13 no form, fit, or function change. ECN 137 is 14 compatible with all system hardware and software.

15 Members of the VSTOP team have reviewed the 16 ECOs' supporting documents and VSTL reports. VSTOP 17 finds these ECOs comply with the requirements for 18 de minimis, or minor, changes to hardware 19 components as there is no change to form, fit, or 20 function. The ECOs only apply to the specific 21 MicroVote voting systems notated in the table 2.2 The MicroVote EMS 4.4-IN is EAC certified, above. 23 and the ECOs were approved by the EAC.

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CHAIRMAN KLUTZ: Thank you.

VICE CHAIRMAN OVERHOLT: And you're

1	recommending approval; correct? You didn't read			
2	that last one.			
3	MR. CHATOT: You're right. I'm so sorry.			
4	VSTOP recommends approval for ECOs 136 and 137.			
5	Yes.			
б	VICE CHAIRMAN OVERHOLT: Just a little			
7	minor			
8	CHAIRMAN KLUTZ: We always like to have that			
9	on record.			
10	MR. CHATOT: Thank you for the reminder.			
11	CHAIRMAN KLUTZ: With that, I'll recognize any			
12	vendor representative who would like to speak on			
13	this matter.			
14	Seeing none, any member of the public who			
15	would like to speak on this matter?			
16	Seeing none, any further discussion by the			
17	Commission members?			
18	Hearing none, all in favor of the pending			
19	motion say "Aye."			
20	VICE CHAIRMAN OVERHOLT: Aye.			
21	MR. CLAYTOR: Aye.			
22	MS. LAWSON: Aye.			
23	CHAIRMAN KLUTZ: Opposed "Nay."			
24	The "ayes" have it, and the motion carries.			
25	The Indiana Election Commission has finished			

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its business for the day. Is there a motion to 1 2 adjourn? 3 MS. LAWSON: So moved. 4 CHAIRMAN KLUTZ: Second? 5 MR. CLAYTOR: Second. 6 VICE CHAIRMAN OVERHOLT: Hold on a second. MR. KOCHEVAR: For Unisyn and MicroVote, 7 technically you didn't offer a motion. I would 8 9 recommend setting for the record before we go home. 10 MS. NUSSMEYER: For Unisyn, I have that you 11 did offer the motion. It was for No. 6, which they 12 did 6 and 7 together. It's No. 8 I don't recall a 13 motion being made for. He presented them together. CHAIRMAN KLUTZ: For the Unisyn OpenElect 14 optical scan voting system Engineering Change Order 15 16 17050? 17 VICE CHAIRMAN OVERHOLT: No. I think this 18 last one is what you're talking about. 19 So I have recorded a motion MS. NUSSMEYER: 20 for 17050. You took 17050, which is Item No. 6 on 21 the agenda, and No. 7, those engineering change 2.2 I have what is in the binder. So No. 6 is orders. 23 Engineering Change Order 1050, which is the Unisyn 24 OpenElect. Number 7 is Unisyn Open Elect optical 25 scan system 2.2.2 Engineering Change Orders 1025

1 and so forth. I actually have -- I assumed you took those under the same motion, but for the 2 3 MicroVote, this last one, those two change orders, I don't have recorded in my notes, which does not 4 5 mean it did not happen, but that there's not --CHAIRMAN KLUTZ: So for this last one, 6 MicroVote? 7 MS. NUSSMEYER: Maria, do you have it? 8 9 CHAIRMAN KLUTZ: We'll do a guick motion. So 10 you're right. I did combine the other two. 11 I'd make a motion that we approve the 12 application submitted for approval of the MicroVote direct record electronic voting system Infinity 13 14 EMS 4.4-IN, EMS 4.3A, EMS 4.1, EMS 4-0B Engineering 15 Change Orders 136, 137. 16 MR. CLAYTOR: Mr. Chairman, not to pretend my name is Roberts, but do we need to withdraw the 17 motion to adjourn before this motion is made? 18 Τf 19 so, I'll withdraw my second. 20 CHAIRMAN KLUTZ: I don't think we need a 21 motion to pull it out, but I will withdraw my 2.2 motion to adjourn. 23 I am now going to make another motion, and I 24 move to approve the application submitted for 25 approval regarding MicroVote direct record

1	electronic voting system Infinity EMS 4.4-IN,
2	EMS 4-3A, EMS 4.1, EMS 4-0B Engineering Change
3	Orders 136, 137 as complying with Indiana law and
4	Indiana Election Commission Advisory
5	Opinion 2022-08, as applicable.
б	MR. CLAYTOR: I'll second.
7	CHAIRMAN KLUTZ: All in favor?
8	VICE CHAIRMAN OVERHOLT: Aye.
9	MR. CLAYTOR: Aye.
10	MS. LAWSON: Aye.
11	CHAIRMAN KLUTZ: Motion carries. Appreciate
12	the clarification. We now have a clean record.
13	MR. KING: Can we confirm we have a vote on
14	the final one from
15	CHAIRMAN KLUTZ: That's what we just did.
16	MR. KING: All right.
17	CHAIRMAN KLUTZ: I am now going to make a
18	motion to adjourn.
19	Is there a second?
20	MR. CLAYTOR: Second.
21	CHAIRMAN KLUTZ: I'm going to offer time for
22	discussion.
23	No discussion. All in favor.
24	VICE CHAIRMAN OVERHOLT: Aye.
25	MR. CLAYTOR: Aye.

1	MS. LAWSON: Aye.
2	CHAIRMAN KLUTZ: Motion carries. We're
3	adjourned.
4	(The Indiana Election Commission Public
5	Session was adjourned at 1:53 p.m.)
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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 1:00 p.m. and		
7	1:53 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 30th day of		
14	August, 2023.		
15	meia W. Cari		
16	Maria W. Collier		
17	NOTARY PUBLIC SEAL STATE OF INDIANA Commission No. NP0693933		
18	Commission No. NP0693933 My Commission Expires Dec. 5, 2024		
19			
20			
21	My Commission expires: December 5, 2024		
22			
23	Job No. 183263		
24			
25			

Index: 06.3.0..ADA

0	36:18 41:9 46:5
	2023 5:8,10 6:13 12:6
)6.3.0 21:12	2023-200 6:11
1	2:30 4:21
•	2SE-1GB 37:1,5
36:25	3
.0 10:13	
.7 18:7,9	3-11-15-13.8 11:22 12:1
00 22:16,25	30 18:22 24:2 29:2
025 36:10,22,24 39:25 44:25	3476 36:10 37:25 38:2 40:1
026 36:10 37:7,9 39:25	3SE-4GB 36:25 37:3
1027 36:10 37:15,17 40:1	4
050 44:23	4
059 40:1	4 36:24
1 5:8,10 6:13	4-0B 40:24 45:14 46:2
36 40:24 41:12,19 43:4 45:15	4-3A 40:23 46:2
46:3	4.0B 41:13,25
37 40:25 41:24 42:1,13 43:4 45:15 46:3	4.1 40:24 41:13,25 45:14 46:2
4 24:8	4.3-A 41:13,25
5th 12:6	4.3A 45:14
7 10:11	4.4-IN 40:23 41:12,24 42:22 45:14 46:1
7050 33:14,23 34:22 35:7 44:16,	421 6:11
20 7059 36:10 38:25 39:2 40:4,5	4:30 28:19
8th 12:6	5
:53 47:5	
	5 8:20 29:18,19
2	6
2.2 34:19 35:5 36:23 37:8,16	V
38:1,25 39:21,22 40:1	6 44:11,12,20,22
2.2.1 33:24 34:19,20 35:6,7 38:23	6.3.0.0 9:10 10:3,24 11:2,12,17
2.2.2 36:9,14 38:24 40:2 44:25	12:21
016 24:4	60 22:21
2017 23:20,23	7
2020 20:5 21:16 27:19	
2022 10:11 27:20	7 44:12,21,24
022-08 9:16 13:2 33:21 35:13	

8 2 28:20 9 :18 Α :6 15 6:17 7:13 7:20 14:2 15:1,8 18:11 20:4 24:22 25:8,19,20,25 28:17 29:5,8,25 32:5 44:18 35:2 39:22 42:22 39:9,11 ute 20:7 23:12 utely 20:22 21:2 actreaderclient.java **)t** 5:15 ts 38:10 **s** 11:4 sibility 11:16 sing 11:14 dance 5:4 **yms** 21:12 **s** 23:11 29:9 **1** 19:25 **s** 6:12 38:13 ties 20:22 31:25 **Ily** 19:24 20:10,13 21:1 2:10 42:2

- add 31:12 32:4
- added 37:3.22 38:19

adding 11:14 39:5

additional 35:20 38:18 39:11 40:10

address 14:14 31:5

addressed 15:21

addresses 38:3

adds 36:24 37:9

adjourn 44:2 45:18,22 46:18

adjourned 47:3,5

adjudication 11:19,20,23,24

administer 7:15

administration 7:11

administrative 17:25

adopt 6:23

adopted 5:25 33:4

adoption 6:9

advise 4:18

advisory 9:16 13:2 30:23 33:20 35:13 36:17 41:9 46:4

affected 38:22 41:14

affects 33:24

affirm 7:18 14:1 15:6 25:6,11

after 7:17 13:25 15:5 25:4 34:16

again 14:7 27:17,18 36:11

agencies 24:8

agenda 4:22 5:7 6:9 7:10,25 8:5 44:21

ago 15:22

agree 31:2

algorithms 16:8 17:8,13

all 5:18 7:4,23 9:14 10:19,25 12:8, 17 13:6 15:11,20 16:6,20 17:20 20:10,12 21:18,22 22:11 23:10,24 24:5,10 26:2,24 27:1 29:8,19 32:5,19 33:18 36:2,15 40:14 41:7, 21 42:14 43:18 46:7,16,23

All-in-one 42:1,3

Allen 27:12

allowed 20:6

allowing 10:20

already 8:16,25 26:13 27:25 29:17

also 4:12 8:19 14:24 18:17 23:5, 16 32:2 33:25 39:24

alternate 37:17

alternative 37:20,23

aluminum 39:13

always 28:25 43:8

am 9:22 19:18,24 21:22 22:8 25:24 29:6 45:23 46:17

an 9:3 11:1 12:10 14:11 17:24 20:21 21:4,10 22:15,21,22 23:4 24:6 26:13 30:7 31:1,25 37:13,17, 23 38:2,18 39:13

and 4:9,13,15,19 5:3,12,13,24 6:15,17,21 7:2,13,14,21 8:4,14 9:6,8,12,14,15,16,24 10:6,7,8,9, 11,13,15,16,20,21,23,25 11:5,7,9, 10 12:15,16 13:1 14:4,7 15:2,9, 16,18,22,25 16:1,3,5,6,7,8,9,10, 15,18 17:6,16,19,22 18:8,10,13 20:3,15,19,22,23,24 21:2,5,7,8, 12,13,15,18,20,21,24 22:17,22 23:11 24:14,15,18,20,23 25:9,15, 17,18,23 26:1,2,16,18,22 27:9,11, 16,17,19,23 28:5,7,13,15,21,24 29:8 30:9,18,21,22,23 31:3,14,17, 23 32:4,7,25 33:16,18,19,20,24 34:8,14,19,22 35:3,4,6,12 36:10, 12,15,16,17,20 37:3,5,18,22 38:9, 11,17,19 39:1,14,17,23 40:1,24 41:2,5,6,7,8,13,14,16,17,22,25 42:6,9,14,16,23,25 43:4,24 44:7, 12,21 45:1,23 46:3

Angie 4:14

Anode 37:10

another 8:16 11:15 28:16 37:16 45:23

answer 21:5

any 6:3 7:3,11,12 8:12,21 13:14 14:13,24 15:2 20:19 21:3,5,19 23:19,21 25:1 29:14,21,25 30:6, 23 31:11,21 32:8,11,12,18 33:2 35:17,18,23,25 40:7,9,11 43:11, 14,16 Anybody 21:18

anymore 28:8

anyone 14:16,23 19:10

anyone's 30:5

anything 16:6 18:1,2 21:3

Anytime 17:12,13

anyway 29:6

anywhere 21:23

appeared 22:21

applicable 9:17 13:3 30:23 33:21 35:13 36:18 41:10 46:5

application 8:8 12:25 35:10 45:12,24

applications 7:25 8:3

applies 33:23 35:1 37:7 38:25 41:12,24

apply 39:20 42:20

applying 36:22 37:15,25

appreciate 19:17 31:3,10 32:6 46:11

approval 5:7,14 6:21 8:3 12:21, 25 35:7,11 39:25 43:1,4 45:12,25

approve 5:15,24 12:24 30:24 35:10 45:11,24

approved 6:3 11:12 33:17 35:4 36:13 39:24 41:3 42:23

are 4:4,12 7:19 10:14 11:6,7,16 14:2 15:7,23 16:7,19,23,24 17:6, 18 19:19 20:14,15,17 21:2,7,9,13, 15,20 22:12 23:12 24:15 25:7 28:15,24 31:14,15,24 34:3 35:3 37:21 38:22 41:18

aren't 17:23 28:24

argument 31:1

around 26:2 27:5

article 15:22 17:17

as 4:5,7,10,25 6:24 8:16 10:17 12:9,10,12 13:1,2 15:4 18:8 19:16,18 20:22,23 21:10,14 22:4 24:5,17,18,23 26:8 27:12,20 31:12 32:6,11 34:11 35:11 36:14, 25 37:10,23 38:16 41:4 42:19 46:3,5

Index: ask..carries

ask 8:12 9:18 13:14 14:22 20:6 bankin 28:1 29:7 32:19 35:16 36:1 basica asking 24:22 31:5 basis assessment 30:10 be 8:10 assist 8:13 16:8,9 Assistance 10:10 39:23 17 28: astonishing 20:3 42:7 at 6:12,19 7:12 8:15 12:5 14:16 56 24:21: 15:2,25 16:4,14,17 18:11,16,17, 18 22:10 23:23 27:6 28:15,18,19, 20,21 40:6 47:5 been 4 attach 42:10 before attach 42:7 44:9 4 attain 17:24 begin begins begins	112: 12: 0,1 17 21: 5,7 6:1 6:1 6:1 6:1 6:1 6:1 6:1 6:1
asking 24:22 31:5 basica assessment 30:10 be 8:10 assist 8:13 16:8,9 Assistance 10:10 39:23 20:20 assumed 45:1 35:6 3 astonishing 20:3 42:7 at 6:12,19 7:12 8:15 12:5 14:16 54:21 15:2,25 16:4,14,17 18:11,16,17, 18 22:10 23:23 27:6 28:15,18,19, 20,21 40:6 47:5 been 4 attach 42:10 23:19, attached 42:7 44:9 4 attain 17:24 begin attendance 4:12 begin	12: 0,1 17 21: 5,7 6:1 5 4 2 3,2 1:2! 21 8:
assessment 30:10 be 8:14 assist 8:13 16:8,9 Assistance 10:10 39:23 17 28: assumed 45:1 35:6 3 astonishing 20:3 42:7 at 6:12,19 7:12 8:15 12:5 14:16 56:2 3 15:2,25 16:4,14,17 18:11,16,17, 18 22:10 23:23 27:6 28:15,18,19, 20,21 40:6 47:5 been 4 attach 42:10 23:19, attached 42:7 44:9 4 attain 17:24 begin attendance 4:12 begin),1 17 21: 5,7 6:1 se 4 2 3,2 1:2! 21 8:
be 8:14 assist 8:13 Assistance 10:10 39:23 assumed 45:1 assumed 45:1 astonishing 20:3 at 6:12,19 7:12 8:15 12:5 14:16 15:2,25 16:4,14,17 18:11,16,17, 18 22:10 23:23 27:6 28:15,18,19, 20,21 40:6 47:5 been 4 attach 42:7 attach 42:10 attached 42:7 attain 17:24 begin begin	17 21: 5,7 6:1 se 4 2 3,2 1:2! 21 8:
Assistance 10:10 39:23 20:20 17 28: assumed 45:1 35:6 3 42:7 astonishing 20:3 42:7 at 6:12,19 7:12 8:15 12:5 14:16 15:2,25 16:4,14,17 18:11,16,17, 18 22:10 23:23 27:6 28:15,18,19, 20,21 40:6 47:5 because 24 21: 28:9,2 attach 42:10 23:19, 44:9 4 attached 42:7 44:9 4 attain 17:24 begin attendance 4:12 begins	21: 5,7 6:1 se 4 2 3,2 1:2! 21 8:
Assistance 10:10/39:23 17/28: assumed 45:1 35:6/3 astonishing 20:3 42:7 at 6:12,19/7:12/8:15/12:5/14:16 because 15:2,25/16:4,14,17/18:11,16,17, 18/22:10/23:23/27:6/28:15,18,19, 24/21: 20,21/40:6/47:5 been/4 23:19, attach 42:7 44:9/4 attain 17:24 begin attendance 4:12 begins	5,7 6:1 se 4 2 3,2 1:2 21 8:
astonishing 20:3 42:7 at 6:12,19 7:12 8:15 12:5 14:16 because 24 21:2 15:2,25 16:4,14,17 18:11,16,17, 18 22:10 23:23 27:6 28:15,18,19, 20,21 40:6 47:5 been 4 attach 42:10 23:19, 44:9 4 attached 42:7 44:9 4 attain 17:24 begin statematical statemati	se 4 2 3,2 1:2! 21 8:
at 6:12,19 7:12 8:15 12:5 14:16 because 24 21: 15:2,25 16:4,14,17 18:11,16,17, 28:9,2 20,21 40:6 47:5 been 4 attach 42:10 23:19, attached 42:7 44:9 4 attain 17:24 begins	4 2 3,2 1:2: 21 8:
at 6:12,19 7:12 8:15 12:5 14:16 24 21: 15:2,25 16:4,14,17 18:11,16,17, 28:9,2 28:9,2 20,21 40:6 47:5 been 23:19, attach 42:10 23:19, 44:9 4 attain 17:24 begin attendance 4:12 begins	4 2 3,2 1:2: 21 8:
attach 42:1023:19,attached 42:7beforeattain 17:24beginattendance 4:12begins	21 8:
attached42:744:9 4attain17:24beginattendance4:12begins	
attain 17:24beginattendance 4:12begins	5. I
attendance 4:12 begins	-
•	
attendees 23:23	
benair	
auditence 14.23 being audit 31:25 21:17 44:13 44:13	
audits 32:3 believe	
August 5:8,10 6:13 bent 3	
authentication 11:4,14	
available 31:24 37:2,12,20 best 1	
Aye 5:19,20,21,22 7:4,5,6,7 13:7, 8,9 32:20,21,22,23 36:2,3,4,5 binder 40:15,16,17,18 43:19,20,21,22 bit 21: 46:8,9,10,24,25 47:1 bit 21:	44 13
ayes 5:24 32:25 36:7 40:20 43:24 black board	
B body :	31:
books	14
B-U-C-H-A-N-A-N 35:20 booth	42
B088 37:6 both 3	<u>م</u>
	0:7
back 15:21 16:25 22:18 23:19 26:14 botton	
back 15:21 16:25 22:18 23:19	12
back 15:21 16:25 22:18 23:19 26:14 botton	n 2):7
back 15:21 16:25 22:18 23:19 26:14 botton bad 29:10 box 19 Ball 12:5 16:4 boxes ballot 9:9 18:9 28:10 30:8,25	n 2):7 16
back 15:21 16:25 22:18 23:19 26:14 botton bad 29:10 Ball 12:5 16:4 boxes	n 2):7 16 :1:

16:15

13:19

:14

5,19,24 11:10 14:24 7:1,4,7,12,13 19:14,16 :11,24 22:13 23:3 27:3,7, 7,18 30:12 34:7,14,20 4 38:18,24 39:12 41:4

17:2,11 18:18,23 20:7, 22:16,25 25:20,23 27:18 24 32:5

5 8:17 17:20 19:20 20:23 24:7 28:23 30:15

2 9:18 12:2 19:17 33:12 8

8 10:2 26:12

5:22

2,12 6:15 9:19

:13 16:25 17:23 20:16 :2,12,13,19 38:6,21

20:19,25 31:13

2

23:12

:25 24:19

4:22

7 19:7 23:23

3:17

1.11

4:10

2:1,3,7

7 37:20

22:6

6:7 3 5:6

23:3

:9 24:2

breaks 10:24

broke 24:5

Buchanan 35:19

bunk 16:20

business 4:20 44:1

but 7:21 14:4 15:9,21 16:23 17:10,21 20:7 21:6,9,14 22:24 23:10,12,18 25:9,22 26:3,16 27:15,17 28:2 29:6 30:11 32:10 38:15 45:2,5,17,21

by 4:25 6:3,12 8:11,13 9:4,14 10:2,6,10,14 12:3,6 16:8,9 17:7 20:16 21:5,17 24:17,23 29:21 33:2,3,18 35:4,25 36:15 38:18 39:24 40:11 41:6 42:23 43:16

С

C-H-A-T-O-T 9:22 C-I-N-D-Y 22:4 C-O-T-T-O-N 22:4 cabinet 10:23 California 26:2,10 call 26:20 28:25 called 4:2 33:25 calls 26:18,21 campaign 6:9,11,17,23 can 11:10 13:20 16:5,8,9,22 17:4, 7,12,13 18:1,3,10 20:20 21:3 22:23 23:12,18 24:18,23 26:11 27:20 28:1,13 31:4,6 46:13 can't 14:14 18:12 22:24 24:20 26:12 cannot 22:23 23:15 34:14 canvassing 19:25 capabilities 11:21,25 capability 11:19,23 31:19 capable 17:23 capacitor 41:18 card 9:10 34:5,7,17 41:16 cards 34:3 carries 7:9 43:24 46:11 47:2

Index: case..contrast

case 12:11 cast 18:16,19,24 38:6 catch 24:9 Celestino- 4:8 central 10:7 34:15 **CERT** 22:20 certification 8:8 9:8,24 12:17 13:19 14:11 33:6 40:22 certified 8:1.4.9 10:10 11:17 35:3 39:23 42:22 certify 5:3 **Chad** 9:25 **Chair** 14:23 **Chairman** 4:1,5,6 5:2,6,11,15,16, 18,20,23 6:5,8,14,22 7:2,5,8,24 12:22 13:5,6,7,10,12,20,23 14:15, 19 18:22 19:8,10 22:1 24:25 29:2, 12,14,17,20,23 30:3,9,12 31:7 32:16,21,24 33:5,8,10,11,22 35:8, 16,22 36:3,6,19 40:3,6,13,14,16, 19 41:11 42:24,25 43:6,8,11,20, 23 44:4,6,14,17 45:6,9,16,20 46:7,8,11,15,17,21,24 47:2 **change** 8:5,10 18:1 24:21 30:17, 24 33:14,16 34:1,16 35:11 36:9, 13 40:24 41:2,23 42:13,19 44:15, 21,23,25 45:3,15 46:2 changed 17:8,14 changes 10:13 11:16 15:20 17:20 34:25 38:8 39:11,19 42:18 charged 30:14 Chatot 9:21,22 10:2 30:2,7 31:16,18,22 32:2 33:22 36:19 40:5 41:11 43:3,10 **China** 26:10 **Chinese** 26:21 chose 27:13 **Cindy** 22:3 citizens 16:23 **city** 22:9 clarification 46:12 clarify 29:24 33:5 40:3

class 22:14 class-action 26:15 Claytor 4:7 5:21 6:6,25 7:6 13:8 32:22 35:15 36:4 40:17 43:21 44:5 45:16 46:6,9,20,25 **clean** 46:12 clear 19:6 clerk 32:7.11 clone 28:14 **close** 34:3,4,5,7,9,12,16,18 **closed** 31:7 32:16 34:2 co-director 4:13,14 5:3,12 6:15 10:1 co-directors 4:24 5:9 6:10 Co-general 4:14 code 12:18 21:11 38:11 collecting 10:9 Collier 4:16 **combine** 45:10 **comes** 26:2 comfortable 27:21 coming 16:9 31:3 commencing 12:23 35:9 **comment** 8:7,12 25:1 29:14,15 30:11,12,13 31:7 40:10 comments 8:19 9:3 30:13 31:10 35:18.20 40:8 commercial 37:17 commercially 37:2,12,20 **Commission** 4:2,4,8,10,19,20, 24 5:8,12,14 6:1,4,12,15,20 7:20

8:6,11,22 9:1 10:11 12:23 13:2 14:3 15:8 25:8 29:22 33:3,12 35:9,13,25 39:23 40:12 41:9 43:17,25 46:4 47:4 Commissioner 9:21

common 20:7 21:19 communicate 26:23 companies 23:1,14 compared 11:9

compatible 41:21 42:14 competition 24:4 **compliance** 4:23 12:10,19 30:22 compliant 10:11 30:16 complies 9:15 33:20 34:24 36:17 41:8 **comply** 39:19 42:17 complying 13:1 35:12 46:3 component 33:24 36:23 37:8, 14,23 38:1 39:1 41:13,25 components 34:25 37:18,21 39:20 41:20 42:19 **computer** 17:12,13 22:20,23 computers 24:1 concerning 17:22 concurrent 34:2 concurrently 34:11 **condition** 38:6,12 conducted 9:14 12:12 33:18 36:15 41:6 conducts 32:2 conference 24:1 confidential 18:19,25 configured 11:11 **confirm** 4:24 9:12,15 33:16,19 36:12,16 41:2,7 46:13 conform 11:21.25 connect 26:3 connected 31:15 connecting 11:7 28:3 connector 41:17 Connie 4:9 consent 6:1,5,6,7 consider 8:2 23:5 24:19 consideration 7:25 considered 8:10 constraints 8:18 contrast 28:10

Index: control..duty

disrespect 21:5

control 17:25 convenient 42:10 correct 28:24 30:2 31:16,18,22 43:1 **costs** 23:6,11,13 **Cotton** 22:3,4 could 15:15 25:16 27:14 31:11 38:6.18 40:3 Counsels 4:14 counties 26:6 27:14 country 23:11 26:3 27:7 **counts** 34:13 county 17:19 27:10,11,12 28:7 32:7,11 coupler 42:2,4,6,10 court 4:16 8:13 cover 16:1 17:8 19:3,6 crazy 26:22 27:9 creating 10:6 34:18 credit 16:16 CT4G4SFS824A 37:24 current 36:25 37:1,10,11,19 39:3,11 41:15 currently 8:5 curve 39:5 cycle 10:19 D

Dain 22:19 darkness 16:1 17:8 19:3 darknesses 19:7 data 29:10 38:10,19 database 10:7 day 24:17 27:6 28:16,20,21,22 44:1 daylight 19:6 days 24:17,23 DDR-2400 37:23 **de** 34:25 39:19 42:18 decisions 20:17 delay 38:19 delegate 28:6 **delete** 18:3 deleted 17:4 18:7 demonstrated 11:18,22 deny 24:11 Depending 34:10 **Deposition** 4:17 **Description** 34:1 descriptions 36:20 designated 4:5,7,10 36:14 39:5 41:4 destroyed 18:9 determine 30:15,17,18 determined 11:20.24 DEUA1-01GI72AC1SB- 37:5 DEUA1-04GI61SCASB-B088 37:4 **device** 16:1.10 devices 10:25 did 14:10 23:20 26:4 28:17,19 29:20 33:8 44:11,12 45:5,10 46:15 didn't 19:14 27:19 29:4 43:1 44:8 different 16:13 26:6 31:1 diligent 6:16 direct 40:22 45:13,25 directed 30:13 direction 24:24 disabilities 12:20 **disable** 34:16 disabled 34:6 disagree 30:10 31:2 discussion 7:3 12:24 13:11,13 29:21 32:18 35:9,25 40:11 43:16 46:22,23 display 41:16

disruption 42:6 distrusting 19:20 disturbing 20:3 diverter 39:2.4 **Division** 4:13 6:2 **do** 7:13,17,18,22,23 13:25 14:1,4, 5,10 15:5,6,10,11 16:4,5 17:18 18:3,12 19:1 20:19 21:6,9,15 22:4 24:18 25:4,6 26:4,11,13,15 27:15 28:5,25 30:5 31:9 32:5 45:8,9,17 documentation 4:22 18:5 documents 6:3 8:22 17:2,3,16 34:22 39:17 42:16 does 16:1 45:4 doing 19:20 23:12 dollars 23:13 **don't** 14:25 15:20 16:2 17:5,19 19:2,4,16 20:6 21:5 23:17 24:11 25:21,24 26:3,14,20,22 27:14,21 28:8,23 31:4,10 44:12 45:4,20 done 14:11 16:25 17:1,20 19:3,4, 5,24 20:1 27:10,18 28:16,23 **Door** 4:23.25 5:5 doubled 34:13 Doubletalk 42:11 down 28:15 **DR** 9:25 drive 36:24 37:19 **drives** 11:2 drop-in 39:10 DS200 11:1,5,9 15:20 DS300 10:14 11:5,8 **DS850** 10:17,18 **DS950** 10:15.17.19.22 due 8:18 37:1,11,19 during 10:24 11:19,23 38:4 39:15 42:9 duty 30:24

Index: E-1..five

		Index: E-1
	encompasses 38:7	experts 20:13
Ε	encouraging 24:5	express 21:10
E-1 41:5	end 22:10 28:16,22	extending 38:8
E-D-W-A-R-D 15:18	end-of-life 10:18 41:18	extremely 24:12
E1 41:14	end-to-end 10:4	eye 26:13 27:23 31:20
E97379-003 37:11	ended 28:3	eyeball 30:5
EAC 35:3,4 39:24 42:22,23	ends 25:21	eyes 17:7
each 8:8 9:4,19 36:20	engine 20:11	
earlier 19:15	engineering 8:4,10 33:13,16	F
easily 20:9 39:14	35:11 36:9,12 40:24 41:2 44:15, 21,23,25 45:14 46:2	F-O-X 25:17
ECN 41:12,19,24 42:1,13	enough 27:25 29:10	face 28:14
ECO 33:23 34:22,24,25 35:4,5,7	ensure 30:16,22 38:19	fact 17:14,18,22 18:5,20
36:20,22,24 37:7,9,15,17,25 38:2, 25 39:2	entered 34:7	fan 37:8,9,13,16
ECOS 14:10 39:18,20,24,25	episode 22:21	far 21:14
42:17,20,23 43:4	equipment 10:8 11:11	favor 5:19 7:4 13:6 32:19 36:2
ECOS' 39:17 42:16	equivalent 41:20	40:14 43:18 46:7,23
Edward 15:17	error 38:11	features 10:13
effort 22:17	ES&S 11:18,22	feel 21:8 27:21 30:24 31:4,10
eight 32:7	evaluation 12:10,15	feeling 20:16
Elect 44:24	even 19:23 26:12	few 14:9
election 4:2,12 6:2 7:20 9:7,9,24	event 38:11	field 12:2,7,13
10:4,6,7,8,10 12:25 13:2 14:3,8 15:8 18:17 20:5 24:4 25:8 27:20	eventually 10:17	field-testing 11:20,24 12:5
30:11,25 32:8,12 35:12 39:23	every 24:14,17 27:5	file 34:14 38:15
40:21 41:9 43:25 46:4 47:4	everybody 22:5	files 38:8
elections 12:10 16:3,20,24 19:2, 3,4 20:4 21:16 26:1	everyone 8:15	final 40:21 46:14
Electionware 11:10	everything 24:20,21 27:4,5	Finally 9:2 23:16
electronic 40:23 45:13 46:1	everywhere 24:16	finance 6:9,11,17,23
electrostatic 42:6	evidence 8:22 16:22 23:19,21	financial 23:2
elements 12:8	EVS 9:10 10:3,24 11:2,12,17	find 12:15 18:20 20:12 27:19
eliminate 39:8 42:5	12:21	finding 12:19
eloquent 19:16 21:10	exact 23:18 39:13	findings 6:20 11:5
else 14:23 19:10	exactly 25:18 28:15 31:17	finds 34:24 39:18 42:17
Emergency 22:20	existing 30:16	finished 43:25
EMS 10:5 11:4,14 40:23,24	expensive 24:12	firmware 10:25
41:12,13,24,25 42:22 45:14 46:1,	experience 31:24	first 9:7 19:25
2 EMS's 11:18:22	experienced 30:21	fit 37:22 41:22 42:13,19
EMS's 11:18,22	experiment 23:20	five 36:12

Index: flag..heard

flag 38:19 futility 22:25 flash 11:1 36:24 37:19 flat 39:4 floor 8:17 32:20 flush 10:22 folks 24:1 following 4:3 9:4 13:15 for 4:2,5,8,10 5:14 6:2,3,16,21 7:25 8:3,6,7,8,14,24 10:3,18,20, 21,25 11:1,12,14 12:11,13,18,20, 23,25 13:10,12,21 15:16 19:13 20:21 21:24 22:5 24:8 25:1 26:7 28:21 30:20 31:5,8,25 32:5,7,17 28:19 33:1,17 34:7,20,24 35:6,8,10 36:1,13,25 37:2,8,10,12,13,16,24 38:24 39:13,19 40:9 41:3 42:17 43:4,10 44:1,7,9,10,11,13,14,20 25:8 45:2,6,12,24 46:21 forgive 22:5 23:17 form 30:6 31:21 37:22 41:22 42:13,19 formally 8:2 formatting 10:7 former 22:19 39:14 forth 33:2 45:1 fortunate 22:8 found 19:15 Fox 25:11,13,15,17 27:13 29:3,4, 13 fraudulent 17:9 free 16:15 27:7 Freedom 37:8,14,16,21 39:1 from 4:17 6:1 11:17 12:5 13:15 14:16 15:22 18:6 20:5 21:17 22:6 23:17 26:2,9,19 27:25 28:1 30:25 31:23 34:19 35:5 38:11,20 39:4 46.14front 28:12 function 37:22 41:23 42:13.20 functions 23:8 further 8:21 25:1 29:14,21 32:18 35:25 40:11 43:16

FVS 37:9.17 39:1 G Gary 22:19 gave 16:15 **GB** 36:24,25 generate 34:13 gentleman 19:17 Georgia 17:4 18:6,12 get 19:24 23:7,18,24 26:14,16 getting 14:11 23:4 27:24 give 7:20 14:2 15:8 16:22 17:9,17 given 5:4 gives 27:7 go 10:18 16:25 18:10 22:17 24:14,23 28:4 30:18 44:9 God 25:11 26:18 goes 21:23 going 14:22 15:21 19:14 25:22 45:23 46:17,21 **good** 16:2,4 24:1,18 27:7 Google 20:11 **got** 17:16 22:6,7 23:14 24:12 25:19 32:14 gotten 26:18,21 **Governmental** 24:8 governments 23:11 graduate 22:8 greater 10:20 group 19:25 groups 18:15 guarantee 22:24 28:22 guess 30:14 Guidelines 10:12 guys 14:12 16:4 22:12,16 23:12, 16 24:10,11,18 28:17

Н

hack 23:25

hackable 20:9 21:15

hacked 16:14,17,19 17:12,23 20:20

hacker 23:23

hackers 23:21 24:5

hacking 16:10 23:19

hacks 16:13

had 14:9 16:12,14 18:13,14 24:6, 7 32:8,11

hand 7:16 13:24 15:3,4 25:4

handled 38:21

handling 38:4

handout 22:5

happen 18:14 21:3 28:5 45:5

happened 16:16 22:10,13,14

happening 24:17

harder 23:9

hardware 11:7 34:25 39:20 41:22 42:14,18

has 4:25 8:16 9:13 14:24 16:16 27:1 28:11,23 30:5 33:18 40:7 43:25

hash 12:7

hat 23:23,24

hate 20:24

have 5:13,24 8:25 9:3 14:13,25 15:13,18 17:1,12,13,20 18:2,22 20:9 21:9 22:5 23:10,16,17 24:10, 13,15 25:3,22 26:13 27:2,8,15,25 28:18,25 29:2,15 30:15,18,20,25 31:18 32:25 34:21 35:17 36:7,15 39:16 40:20 41:6 42:15 43:8,24 44:10,19,22 45:1,4,8 46:12,13

having 17:18

He 44:13

head 21:14

hear 21:22

heard 20:16 21:24 30:14 31:17

Index: hearing..is

hearing 5:18 7:2,4 32:16,19 36:1 43:18 heat-formed 39:9 help 25:11 here 9:19 14:12 17:16 18:5,14 19:14,18 20:25 26:6 28:2,6 herein 12:16 **Hi** 22:3 hid 21:17 hidereadlistener 38:17 higher 39:3 history 16:20 20:4 hoax 18:25 Hold 44:6 home 44:9 honest 26:18 honorable 4:9 Horseman 4:9 hours 24:6 housekeeping 4:18 housing 42:2,4 how 19:20,23 21:10 26:14 28:3 31:4 human 17:7 hundreds 23:13

I

I'D 14:18 15:13,19 17:16 45:11

I'LL 5:17 14:16 19:16 40:6 41:1 43:11 45:19 46:6

I'M 13:18 14:12,22 16:6,7,23 20:6,25 21:10 24:19,21,22 25:23 27:17 28:1 29:4 31:2 33:9 43:3 46:21

I'VE 17:16 22:6 26:17,21 32:14

IC 11:22 12:1

ID 28:12

idea 21:9 25:22

identifying 8:13 18:23

IEC 9:16 33:20 36:17

IED-APPROVED 12:11

if 7:13 9:16 13:14 14:12,23 15:1,2, 20 16:12 17:19 19:16 20:6,10 23:3 24:14,19 25:25 26:11,23 29:15 30:20 33:21 34:10 35:13,16 36:18 41:9 45:18

ignorant 21:4

image 30:7

images 18:7,9

imagine 26:12 27:21

impacts 23:2

impeding 29:6

implement 39:11

implementation 38:9

implemented 38:14

implementing 24:16

important 23:4

imposed 33:3

impossibility 22:15

improvement 10:21

improvements 11:8

in 4:12 5:4,18 6:18 7:4 9:2 10:18 11:2,12,16 12:18 13:6 14:12,23 16:9,20 17:3,14,19 18:5,8,12,14, 20,24,25 19:5 20:10,17,25 21:16 22:4,8,13,18,20,22 23:9,20,22 24:3,6,8,16,20,21,24 25:3,13 26:6,12,24 27:2,7,10,18 28:2,4,6, 10,12,18,19 30:4,6,21 31:1,20 32:19 33:2 35:2 36:2 38:6,10,14, 16 39:22 40:14 42:3,21 43:18 44:22 45:4 46:7,23

inadvertent 10:23

incapable 11:7

inclination 14:24

included 12:7

includes 12:19

including 11:2 12:11 34:22

Indiana 4:1,12 7:20 9:15 11:12, 21,25 12:9,18 13:1,18 14:2 15:8 18:14 19:25 22:9 25:8 26:7 33:20 35:12 36:17 41:8 43:25 46:3,4 individually 11:10 Infinity 40:23 41:5,14,15 42:12 45:13 46:1 information 16:14,18 18:13,20, 24 20:3,5,12 22:11,13 23:6 26:5, 6,9,12,14,17 27:1,15,25 initiate 34:4 innocently 26:8 Innodisk 37:3,4 inserting 38:3 insurance 23:1,4 integrity 18:15

Intel 37:11

47:4

Indiana's 5:5

individual 17:24

Intentionally 32:10

intentions 23:10 24:10

interim 9:23

internal 10:18,20 37:13 41:17

Internet 11:8 28:8 29:9 31:15

interval 6:19

into 16:10 19:7 23:25 24:2,5 34:15

introduce 9:20

introduced 10:14

introduces 10:24 11:13 38:5

introduction 11:3

invited 24:1

irrefutable 16:22

is 4:2,16,22 5:7,25 6:1,9,23 7:3, 10,20,25 8:23 9:8,22,25 10:3,11, 22 11:2,10,11 13:4,12,17 14:3 15:8,17,21,22 16:7,20,23 17:11, 17,21,22 18:12 19:12,22 20:9,21 21:15,16,21 22:3,10,11 23:4,6,8,9 25:8,15,23,25 26:18,23 27:6 28:11,20 29:21 30:14,23 31:1,7, 16,18 32:8,16,18 33:3,12 34:1,17 35:14 36:8,23 37:8,13,17 38:2,12, 19,20 39:4,8,13,14,23 40:22 41:14,19,21,22,25 42:12,13,19,22

Index: issue..machine

44:1,18,20,22,23,24 45:17,18 46:19

issue 39:8

issues 32:11

it 5:24 14:24 15:16 16:17 17:10, 11,12 18:6,11 19:20,22,23 20:7,9, 10 21:5 22:6,13,14,15 23:3,4,6,7, 8,9,13 24:14,19,22,23 25:16,19, 22 26:1,14,16 27:10,16 28:11,12, 25 30:5,7,23 32:25 33:24 34:2 36:7 38:12,17 39:7 40:4,20 43:24 44:11 45:5,8,21

it's 18:25 21:17 22:7,18 23:7 24:12,17 25:22,25 26:1,17 27:8 29:9 30:3 33:7 44:12

item 4:18,22 5:7 6:8 7:10,24 9:4 36:8 44:20

its 6:20 9:11 33:15 41:1 44:1

J

jam 38:11,12,20

jammed 38:4

Janet 35:19

Jennifer 19:12

job 14:11 16:4,5 24:19

Johnson 27:10

jurisdictions' 10:5

just 4:18 12:23 13:10,19,20,24 14:8,19 15:13,18 16:6,12,13 18:10 19:15,18 21:4,6,13,22,24 22:5,9,13,14 23:25 24:18 25:3 26:20,22 27:8 28:1,5 29:7 30:12 31:4,9,10,12 32:4 43:6 46:15

Κ

JZ-0001 37:10

Karen 4:8

keep 15:1

kept 8:19

kind 20:15 23:20,24,25 25:19 26:21 29:25

kinds 20:12

King 4:13 5:2,11 6:14 46:13,16

Kinsella 9:25

Klutz 4:1,5 5:6,15,18,23 6:8,22 7:2,8,24 12:22 13:6,12,20,23 14:15,19 18:22 19:8,10 22:1 24:25 29:2,12,14,17,20 30:12 31:7 32:16,24 33:8,11 35:8,16,22 36:6 40:3,6,14,19 42:24 43:8,11, 23 44:4,14 45:6,9,20 46:7,11,15, 17,21 47:2

know 14:9 15:20 16:3 17:19 19:14,16,23 20:6,8,15,24 21:18 24:11 25:17,18,21,24,25 26:3,14, 23 27:5,9,10,14,15 28:14,17,19, 23 29:4 31:4,9,24

knowing 26:25

known 24:8

knows 28:2

Kochevar 4:15 7:15,16 13:24 14:6,22 15:12 25:3,12 44:7

Konnech 25:24,25 26:9,16 27:25

L

L-I-N-N 15:18

laboratories 9:14 33:19 36:16 41:7

Laboratory 34:23 39:18

ladies 25:18 27:9

Lake 27:10

largest 27:13

last 22:7,18 40:4 43:2 44:18 45:3, 6

later 4:21

law 4:23 5:1,5 9:16 11:21,25 13:1 23:5 30:16,18,22 33:20 35:12 36:17 41:8 46:3

Lawson 4:10 5:17,22 6:7 7:1,7 13:9 31:12,17,20,23 32:4,23 36:5 40:18 43:22 44:3 46:10 47:1

layer 11:15

left 4:7

legal 12:19

legislature 18:18

less 8:20

let 22:22 31:9

let's 9:7 22:17 24:19

letting 31:3

level 18:17,18

liberty 27:8

licensed 11:10

like 13:15 14:17,18 15:13,19 16:25 17:1,3,17 19:13,19 20:7,16 21:9,11 26:15,25 27:23 28:5,11, 16,20 31:4,10 43:8,12,15

limit 29:5

limitations 11:5 33:2

Linn 14:18,21 15:13,17,18 18:23 19:9 27:12 29:15,19

Linux 11:1

Listen 23:10

listening 26:24

Litany 4:11

little 21:13 23:20 43:6

live 26:25

Loctite 42:8

longer 37:2,12,19 38:12

longest 28:21

longevity 10:21

look 18:11,16 20:11

looking 15:25 27:6

losing 32:12

lost 32:9

lot 19:19 20:13 21:7,11,12

love 29:8

Μ

M-A-N-G-A-N-A-R-O 13:18 M-A-R-C 9:22 ma'am 19:11 machine 16:10,11 17:20,25 18:2 24:6 30:4 42:8 machines 15:23 17:7.23 19:21 24:2.6 30:22 made 6:20 39:4 44:13 45:18 mainly 25:20 mainstream 21:18 maintaining 10:6 major 10:13 make 15:14.19 18:25 22:23 23:8 45:11.23 46:17 making 8:12 20:17 management 10:4 23:8 manager 9:23 13:19 22:19 Manganaro 13:17,22 14:5,7 manipulated 16:8,9 manner 14:12 30:4 manufacturer 37:22 manufacturing 39:15 many 19:23 21:23 23:1 Marc 9:22 14:10 Maria 4:16 45:8 Marion 27:11 28:6 Mark 13:17 14:7 Mary 19:13 match 39:13 material 8:23 matter 7:12 12:24 25:1 32:17 33:12 35:9 43:13,15 Matthew 4:15 7:14 may 12:6 17:10 maybe 24:23 **me** 15:16 16:15,16 17:21 19:17 21:4 22:6 23:17 25:11,13,19

21:4 22:6 23:17 25:11,13,19 26:11,17,20,23,24 27:5,6 28:1,3, 21 30:20

mean 21:5 27:8,21 28:13 45:5

means 18:1 27:24 30:3

media 21:18 36:23

medical 27:24

meeting 4:1,24 5:4,10 6:13,19

7:12 19:15 meetings 21:9 meets 12:17 member 4:8,10 35:23 40:9 43:14 members 4:4,19 5:11 6:1,14,17 29:22 34:21 39:16 42:15 43:17 memory 37:18,23 mentioned 31:13 metal 39:3 42:2 method 11:4 methods 38:9,16 Michael 4:7 Michelle 6:18 Microvote 40:22 42:21,22 44:7 45:3,7,12,25 might 31:12 32:4 **million** 18:7,9 millions 23:13 minimis 34:25 39:19 42:18 minor 38:8 42:18 43:7 minutes 5:8,9,13,25 8:20 22:21 29:18,19 miscounting 15:24 mitigate 23:2 **Mock** 12:10 model 36:24 37:1.3.4.11 **modem** 11:6 modification 38:2 41:19.21 module 37:18,23 38:10 modules 38:18 **molded** 42:6 **money** 24:13,18 monitoring 16:16 more 23:7 28:1 29:15 32:4 39:14 morning 28:19 most 16:19 motion 5:15,24 6:23 7:2,9 32:20, 25 36:2 40:20 43:19,24 44:1,8,11, 13,19 45:2,9,11,18,21,22,23

Index: machines..network

46:11,18 47:2

mounted 42:2

mounting 42:7

move 8:2 9:7 12:24 33:11 34:19 35:5,10 40:21 45:24

moved 5:16 6:25 44:3

moving 24:24

Mr 5:2,11,21 6:6,14,25 7:6,16 9:21 10:2 13:8,17,22,24 14:5,6,7, 18,21,22 15:12,13,17 18:23 19:9 25:3,12 27:12 29:15,19 30:2,7 31:16,18,22 32:2,22 33:22 35:15 36:4,19 40:5,17 41:11 43:3,10,21 44:5,7 45:16 46:6,9,13,16,20,25

Mrs 29:3

MS 5:17,22 6:7 7:1,7 13:9 19:12 22:2,3 25:11,13,14,15,17 27:13 29:4,13 31:12,17,20,23 32:4,23 33:7 35:19 36:5 40:18 43:22 44:3, 10,19 45:8 46:10 47:1

much 21:17 28:3,8

multinational 23:14

multiple 38:18 39:6

must 8:22

my 4:7,9 8:24 9:21,25 13:17 15:17 16:14,17,21 17:14 18:25 19:9,12 21:14 22:3,13 25:15 26:9, 11,13,16 27:23,24 30:11,12 31:2 45:4,16,19,21

myself 4:4 5:2,12 6:15 19:19

Ν

name 9:21,25 13:17 15:15,17 19:11,12 22:3 25:15 45:17

names 8:14

Nancy 22:4

Nay 7:8 32:24 36:6 40:19 43:23

need 4:20 14:19 19:2,4 24:9 45:17,20

needs 10:6

nefarious 20:21

network 11:6

never 27:16,18

new 8:3,8 10:19,25 22:19 33:6,7 34:19 35:6 36:24 37:9 38:23

news 20:10

next 4:22 5:7 6:8 7:10,24 33:11, 12 36:8

night 28:20

no 4:20 8:15 11:16 16:23 17:14 18:12,23 21:1,3,9 25:22 28:22 31:18 35:20 37:1,11,19 38:12,19 39:10 40:13 41:22 42:13,19 44:11,12,17,20,21,22 46:23

none 7:4 32:19 36:1 40:9,11,14 43:14,16,18

not 16:6,12,24 17:2,7,10 18:16,21 19:6 20:14,15,22,24 21:10,20,24 22:18 23:19,21 24:5,19,21 25:25 27:6 28:7 29:6,25 30:17 31:2,15, 20 33:6 34:6 39:6 45:4,5,16

notated 35:2 39:22 42:21

note 4:3 22:14

notes 45:4

nothing 7:21 14:4 15:9 25:9 30:5

notice 5:3 25:20

noticed 4:25

November 10:11

now 9:11 13:14 14:25 16:22 18:5 30:18 31:1,13 32:15 33:15 38:24 40:21 41:1 45:23 46:12,17

number 16:13 26:22 27:2,4 37:3, 5 42:4 44:24

Nussmeyer 4:14 5:3,13 6:16 33:7 44:10,19 45:8

0

oath 7:11,14,15,17 13:21,25 14:20 15:5 25:5

observed 34:3

obtained 20:1

occur 34:11

of 4:1,3,4,22 5:2,4,7,10,11,12 6:9, 14,15 7:11,14,17,19,25 8:1,3,8,9 9:2,4,9,19,23 10:1 11:1,3,7,15 12:6,8,12,14,16,17,18,21,23,25 13:13,25 15:5,7 16:1,13,15,22 17:8,23 18:6,7 19:3,7,18,19,20,24 20:2,4,11,12,13,15,19,25 21:3,7, 8,11,12,23 22:6,9,11,14,15,19,21, 25 23:2,7,13,19,20,21,24,25 24:4, 13 25:5,7,19,22,24 26:19,22 28:6, 8,9,12,16,21,22 29:25 30:7,8,10, 24 32:19 33:24 34:1,8,10,17,21 35:7,8,11,17,23 36:20 38:3,9,11 39:5,16,25 40:9 41:3 42:15 43:14, 18 45:12

off 28:19

off-the-shelf 37:18

offer 8:7 9:3 44:8,11 46:21

Oh 13:22

Okay 6:8 7:24 16:21 17:15 22:5 29:4 33:11 35:8 36:8 40:6

Okeson 4:6

on 4:22 5:2,7,12 6:8,15 7:10,12, 24 8:5,17 9:19 10:11,22 12:14,24 17:20 18:2 19:10 20:11,13 22:21, 22 23:18 24:9 25:1 26:19,22,24 28:12 32:20 34:2,4,10 35:9 36:1 38:4 41:18 42:8 43:9,12,15 44:6, 20 46:13

once 29:8

one 8:15 17:17,21 20:5 21:14,22 24:6 25:24 28:1,20 29:15 31:8 32:4,7,10 35:24 43:2 44:18 45:3,6 46:14

only 11:11 18:16 30:11 35:1 39:20 42:20

open 4:23,25 5:5 19:5 44:24

opened 34:6

Openelect 33:13,24,25 34:18 35:1,3,5 36:8,23 37:8,16 38:1,22, 25 39:21,22 40:1,2 44:14,24

operator 34:5

opinion 9:16 13:2 16:21 17:14 19:1 21:10,23 30:23 31:2 33:21 35:13 36:18 41:9 46:5

opportunity 8:7 9:3 19:14 20:21 34:17

opposed 5:23 7:8 32:24 34:11 36:6 43:23

optical 9:9 15:23 25:20 29:24 30:3 33:13,25 36:8 38:1,23 44:15, 24

- **or** 7:18 8:9,19,20,22 10:5 11:6 14:1 15:6 17:8 21:23 25:6,25 26:21,24 30:6 31:2,21,25 33:3 37:9 38:2 39:1 41:22 42:11,12,13, 18,19
- order 4:2 28:18 33:14,17 35:11 44:15,23
- orders 6:9,11,18,24 8:5,10 36:9, 13 40:24 41:2 44:22,25 45:3,15 46:3

organization 30:21

originally 38:14

OS 11:1

- other 8:22 14:13 18:20 26:15,19 28:3,4 45:10
- **our** 4:16,20 5:8 6:2,16 7:24 8:5, 11,13,18 9:7 10:2 16:13 20:2,4,20 22:9 26:5 27:8,15 29:8 30:10 36:20 40:21
- **out** 19:15 21:16 22:15 23:1 24:15 26:1,17 27:1,19 45:21

outside 20:11

outstanding 14:11

over 17:25 20:23 21:13

Overholt 4:6 5:16,20 6:5 7:5 13:5,7,10 29:23 30:3,9 32:21 33:5,10 36:3 40:13,16 42:25 43:6, 20 44:6,17 46:8,24

Oversight 9:5

OVO 33:25 34:2,4,20 35:6 38:2,5, 23,24

own 20:2

Р

p.m. 4:21 47:5 **page** 23:18

paid 23:24

panel 41:14 42:12

paper 16:25 19:21 21:21 28:10 30:19,25 31:14,25 32:9,12

Index: paper-based..question

paper-based 10:4 paragraph 22:7,18 part 12:12 19:24 37:1,3,5,11,13 39:9,10,12,13 42:4 particular 32:17 Particularly 20:4 parts 10:18,20 37:19 41:20 party 12:12 passed 9:13 33:18 36:15 41:6 **passes** 40:20 pathway 19:22 **Paul** 4:5 pausing 15:1 pay 24:13 PCB 41:18 penalties 7:19 15:7 25:7 pending 36:2 43:18 people 16:19 17:11 19:19 20:15, 16,19 21:7,8 24:13 26:16 28:4,6 32:12 Per 38:14.23 percent 22:16,25 perfected 39:6 performance 10:20 perhaps 24:15 perjury 7:19 15:7 25:7 person 7:11 8:12,16,21 9:19 28:2.13 personal 16:18 27:1 phenomenal 22:9 24:10 phone 26:18,21 **physical** 11:3,13 **piece** 39:14 Pittsburgh 22:21 place 10:15 28:7 places 26:19 28:4 plan 4:20 **plans** 7:11

plastic 39:2,4,9,12,14 42:4 plate 42:7,9 please 7:12,16,17,22 9:19 14:4 15:10,16 19:11 25:14,16 29:7 pleased 16:24 **point** 15:2 17:24 **points** 15:13 policies 23:2 policy 23:4 **poll** 10:14 14:10 26:7,8 27:3,20 32:9 polls 27:16 28:18 ponder 24:22 popular 24:3 port 41:18 **possibility** 34:7 38:3 possible 16:12 17:10,11 29:16 possibly 16:5 32:10 postelection 32:3 potential 34:8 38:5 Poulsen's 23:5 precinct 10:15 prepared 6:18 present 4:4,19 5:9 6:10,20 8:21 9:11 33:15 36:11 41:1 presentation 9:4 presentations 8:19 presented 6:24 44:13 preserved 8:24 **pretend** 45:16 preventing 10:23 34:17 prevents 34:1 previously 8:1,4,9 11:17 33:17 36:13 41:3 printer 42:12 printing 10:7 11:9 privacy 29:8

private 18:13 26:5

Pro 12:4 probably 16:5 21:13 problems 32:8 procedure 9:2 process 34:2,4,9,12,18 39:5,15 processes 34:10 produced 11:6 produces 34:14 production 10:19 Products 38:22 professional 30:20 professionals 21:1 program 9:5,23 22:8 programming 10:8 project 9:23 promised 20:23 properly 4:25 5:4 proposal 38:7 proprietary 19:4 provide 8:23 11:8 31:11 provides 42:10 provisional 29:1 proxy 4:5,8,10 **public** 8:7 9:2 14:17 22:22 30:13 31:7 32:16 35:23 40:9 43:14 47:4 **pull** 45:21 purchase 37:2,12 **Purdue** 16:17 purposes 4:3 12:23 13:12 35:8 pushing 28:11 put 18:8 22:17 27:2 putting 16:10 **Pyle** 4:11

Q

quality 39:3 question 17:15 20:6 32:14

Index: questions..same

auestions 14:13 **reduce** 22:23 39:19 42:17 quick 13:21 45:9 **reference** 22:11 38:10 requiring 39:10 **quite** 14:9 referenced 12:16 respect 9:12 35:23 reflecting 6:12 respectfully 20:18,20 30:10 R refutes 20:13 respond 7:13 refuting 16:6 Response 22:20 **R-O-C-H-E-L-L-E** 25:17 regarding 8:7 12:9 14:13 45:25 restore 38:9 race 38:5 registered 26:7 restorereadlistener 38:17 **raise** 7:16 13:24 15:3,4 25:4 reimplemented 38:16 restores 38:12 **RBM** 35:20 remarks 15:19 32:6 result 24:4 38:6 read 22:6 36:20 43:1 remedy 31:11 results 10:9 17:9 23:22 32:8,12 reader 41:16 42:11 **remind** 8:15 retinal 29:25 Readerdriver.java 38:16 reminder 43:10 returned 26:17 34:5.17 38:7 reading 7:14 10:2 revealed 20:2 remove 38:9 real 13:21 17:4,6 18:11 Removed 37:4 **review** 12:15 really 16:4 17:21 28:11,21 31:1 reviewed 5:13 12:3 34:21 39:16 repeated 39:14 reason 25:23 42:15 repeatedly 39:5,8 recall 44:12 **Revision** 41:5,14,15,16,17 replace 10:17 41:20 recertification 8:1 33:6,8 Richardson 4:17 replaced 39:12 recertify 33:1 rigged 17:7 replacement 36:25 37:10 39:3, recesses 10:22 **right** 4:9 7:16 8:24 13:11,12,24 10 recitation 7:17 13:25 15:5 25:4 14:25 15:3,4 25:4 27:8 28:23 **replaces** 39:2 42:2 30:7,9 43:3 45:10 46:16 recognize 5:9 6:10 7:14 9:11 replacing 39:9 14:16 33:15 36:11 40:7 41:1 **risk** 22:24 43:11 report 9:12,18 13:16 33:3,16 **RJ45** 42:2,4 34:13 36:12 41:1 recognized 8:17 RJ45M25Z0-6A 42:5 reported 39:7 recognizes 21:19 **Roberts** 45:17 reporter 4:16 8:13 15:15 25:16 recommend 5:14 6:21 44:9 Rochelle 25:15 reporting 10:9 recommendation 10:3 12:14 role 23:7 36:21 reports 12:3 34:23 39:18 42:16 rolls 20:1 recommending 43:1 represent 21:6 roomful 20:25 recommends 12:20 35:7 39:25 representative 13:14 19:18 43:4 35:17 40:7 43:12 run 16:7 reconsider 29:7 representatives 9:6 S record 4:3 8:6,14,25 18:8 40:22 representing 24:3 43:9 44:9 45:13,25 46:12 reproduce 39:7 S-T-A-M-M 19:13 recorded 44:19 45:4 request 4:23 8:19 safe 20:22 21:2.20 28:7 records 18:16,19,24 required 4:25 11:4 12:8 **said** 16:6 17:22 18:12,19 27:23 recount 31:25 requirements 12:17,19 34:24 same 8:16 23:17 37:22 45:2

Index: save..storage

save 24:18 saw 21:16 say 5:19 7:4,17,22 13:25 14:4 15:4,10 16:19 17:10,11 18:10 20:17,19 21:1,6,14 25:4 30:23 32:20 33:8 36:2 40:14 43:19 saying 16:7,23 18:15 24:20 25:23 31:2 says 18:6 scan 9:9 25:20,21 26:13 33:13,25 36:9 37:9,14,16,21 39:1 44:15,25 **scanned** 17:2,6 scanner 10:15,16 15:21 34:6,16 38:11,20 scanners 11:6 31:13,14 scanning 11:9 15:23 17:3 27:23 29:9,24 30:1,5 31:14,20 scans 30:4 scenarios 12:11 Scope 12:16 **screws** 42:8 seal 10:24 sealed 17:2 search 20:11 seats 20:17 second 5:17,18 7:1,3 13:4,5 24:20,21 34:8,18 35:14,15 44:4,5, 6 45:19 46:6,19,20 seconds 18:22 29:2 Secretary 20:2 secure 16:14,20 21:2,20 22:23 23:3,6,15 42:9 security 10:16,21,22,23 11:15 16:18 22:16,24 23:1,11 24:9 27:2, 4 see 19:21,22 20:10 28:14 Seeing 40:9,11,14 43:14,16 seeking 22:25 seems 20:7 sense 20:8 21:19 sent 38:19

sequentially 34:12 serial 41:17 served 32:6 Services 4:17 session 22:10 34:4,12,18 47:5 set 33:2 setting 44:9 several 10:16 15:13,18,22,25 17:16 24:3 shape 30:6 31:21 sheet 39:9,12 shielded 42:4 shipping 10:21 should 8:15 30:17 **shown** 17:3 shows 34:13 side 26:19 sides 30:8 sign 25:13 27:3 signature 6:3 28:13 **simply** 19:18 **since** 6:19 sir 13:20 14:20 15:4,15 19:8 29:18 **sit** 28:15 sitting 8:24 20:25 situation 18:14 **six** 38:8 smart 22:12 41:16 snags 10:23 **so** 5:16 6:25 13:14 14:25 15:1 16:16,19 17:4,16 18:8 19:17 20:17 21:22 22:10,13,14,18 23:3, 19,23 25:11 26:11 27:3,4,14,20 28:1,5,7 30:20 31:9 32:13,14 38:17 43:3 44:3,19,22 45:1,6,9,19 so-called 23:5 social 16:18 27:2,4

software 9:9 12:7 14:8 19:5 34:20 35:6 38:20,24 41:22 42:14

software-wise 18:2 solemnly 7:18 14:1 15:6 25:6 Solutions 35:3 some 20:2 22:17 26:21,25 28:6 32:8,9 somebody 16:9 somehow 26:3 something 23:25 sorry 29:4 33:9 43:3 sound 20:23 speak 14:17,18,24 19:10 43:12, 15 **SPEAKER** 31:6 32:14 speaking 8:15 15:2 specialist 9:24 specific 35:1 39:21 42:20 specified 33:1 speeds 11:9 spell 15:16 25:16 spelling 8:14 staff 4:13 6:2,17 9:11 33:15 36:11 Stamm 19:12 22:2 stamps 6:3 stand 7:13 15:2 standard 10:25 start 24:23 29:9 starting 34:8 starts 22:15 state 8:6 12:5,18 13:18 15:15 16:4 18:18 19:11 20:2 22:9 states 18:20 23:6,22 24:16 28:2 **Station** 42:1.3 statute 33:2 statutes 12:9 Stewart 4:17 stop 4:20 24:20 **stopped** 18:17,18 storage 42:9

Index: straight..their

straight 12:12 stranger 26:25 study 22:8 stuff 29:9 stupendous 23:10 stupid 20:14 subject 33:2 submitted 8:25 12:3,25 35:10 45:12.24 sue 26:16 suit 26:15 suite 11:1 **super** 22:12 suppliers 41:19 support 11:11 supporting 34:22 39:17 42:16 supports 10:5 sure 13:22 14:21 susceptibility 42:5 susceptible 15:24 17:19 Suzannah 4:6 swear 7:18 14:1 15:6 25:3.6 switching 41:18 sworn 14:25 **system** 9:8,10,12,13,15,24 10:5, 9,12,14 11:17 12:4,13,16 13:1 14:10,13 16:13,15 24:15 25:2 33:1,7,13,17,19,23 34:15,23 35:2 36:9,14,17,22 37:7,15,25 39:1,17 40:21,23 41:4,8,21 42:14 44:15, 25 45:13 46:1 **systems** 8:2,4,9 9:5,9 12:9 14:8 20:20 21:15 22:13 23:15 30:11, 15,25 39:21 41:12,24 42:21 т table 35:2 39:22 42:21 tabulation 34:15 tabulator 10:15 tabulators 11:8

tag 10:22 take 13:20 14:19 18:10,15 19:23, 24 22:14 23:1 taken 6:12 takes 30:7 taking 26:9 talk 13:15 26:20 talking 25:19 29:24,25 44:18 tally 42:11 tally.xml 34:14 tampering 23:22 tape 42:11 **Taylor** 6:17 team 11:19,23 12:7 14:9 22:20 34:21 39:16 42:15 technical 9:5 24:13 technically 44:8 technology 20:8 television 20:14 telling 20:14 26:4 tells 27:4 term 33:1 terms 9:2 23:24 test 12:2,3,7,11,13 39:18 tested 30:15 testify 7:12 testimony 7:19 14:2 15:7 25:7 testing 9:13,14 14:10 30:22 33:18,19 34:23 36:15,16 41:6,7 text-to-speech 42:11 textbook 22:12 23:17 textbooks 22:17 than 4:21 23:7,9 thank 5:6 6:22 9:21 12:22 14:6,9, 14,15 15:12 19:8,9,13 21:24 22:1, 2 24:24,25 25:12 29:12,20 33:22 35:21,22 36:19 40:3 41:11 42:24 43:10

thanks 6:16 13:23

that 4:19,24 5:3 7:19 8:10,15,19, 23 9:7,8,13,15,19 10:5 11:11 12:15 13:15 14:1,13,17 15:7,25 16:19,20,23 17:6,7,18,22,23 18:6, 8,12,13,20,24 19:1,19,22,24,25 20:1,8,9,12,16,20,21,22,25 21:1, 3,6,8,13,14,15,18,19,22,23 22:11, 12 23:5,6,14 24:7,11,13,18,24 25:7,21,23 26:11,25 27:7,21,22, 24 28:3,4,5,9,10,17,22 29:7,21, 24,25 30:16,24 31:12,13,16,18 32:10,11 33:16,19 34:1,3,4,14 35:16 36:12,16 38:2,6,10 41:2,7 43:2,8,11 44:10 45:5,11

that's 13:10 16:2,12 17:10,14,21 18:13 20:11,24 21:4 24:21 27:6, 16 28:7,16,20 30:11,21 31:17 46:15

the 4:1,3,4,9,18,22,23,24 5:7,9, 10,11,13,14,24 6:1,2,3,8,9,10,12, 13,14,18,19 7:9,10,13,14,15,17, 18,19,20,21,24 8:2,6,7,9,14,16, 17,22,24 9:1,2,4,8,11,13,15,18, 22,24 10:3,10,12,14,15,17,18,19, 22 11:1,2,4,5,7,9,13,14,16,19,20, 23,24 12:2,3,6,7,8,11,13,14,15, 16,17,18,23,24 13:15,16,18,20,25 14:1,2,3,4,9,11,13,16,19,22,23 15:5,6,7,8,9,15,20 16:1,5,10,11, 14,19,23,24 17:1,4,8,13,17,18,20, 22,24,25 18:2,7,8,11,16,17,18 19:3,5,6,13,15,16,20,25 20:1,4,5, 8,10,13,15,16,17,23 21:9,16 22:6, 7,8,10,11,12,18,19,22,23,24,25 23:2,5,7,11,12,17,18,22 24:3,4,5, 8,16,17,23 25:5,6,7,8,9,16,19,20, 23,24 26:2,7,18,19,22 27:3,7,13, 16,20 28:6,8,15,16,18,19,20,21, 22 29:5,9,10,22 30:4,8,10,13,15, 18,24 31:7,11,13,14,15,20 32:7, 10,16,19,20,25 33:1,3,11,12,15, 16,18,19,24,25 34:2,4,5,6,7,8,10, 12,15,16,17,19,20,21,22,24,25 35:1,2,4,6,10,17,23,25 36:1,7,11, 12,15,16,23,25 37:1,10,11,13,21 38:3,4,5,7,8,9,10,11,12,15,20,23, 24,25 39:1,2,3,4,5,8,9,11,13,15, 16,17,19,21,22,24 40:4,9,11,20 41:2,3,6,7,13,14,15,18,21,25 42:1,2,3,6,7,8,9,10,12,15,17,20, 21,22,23 43:10,14,16,18,24,25 44:1,9,11,14,21,22,23 45:2,10,11, 12,17,24 46:12,14 47:4

their 8:14 9:6 10:19 11:18,22

23:15

them 5:14 6:21 18:25 23:18 27:18 44:13

themselves 8:13 9:20

then 28:15 31:24

- there 6:1,23 7:3 11:16 13:4 17:21 19:22 20:21 21:7,11,12,17 22:3 24:15 26:17 27:1,3 28:18 29:21 32:18 35:14 41:22 42:12,19 44:1 46:19
- **there's** 13:14 14:23 15:25 17:14 18:5,23 21:2 23:19,21,24 28:22 35:17 45:5

therefore 39:6

- **these** 6:18,20 15:20 16:7,19 17:2, 3,11,18,20,23 18:19 20:17 22:16 23:18 25:18 27:9 31:14 34:10 39:18,20 41:3,20 42:17
- they 14:9 16:7,9,15 17:1,4,22 18:1,3,4,10,12,16,17,18 21:2,19, 20 22:17 23:20,24 24:15 26:2,4,5, 8,11,13,20 27:5,13,14,15 28:13, 14,25 30:23 31:15,18 34:11 39:7 44:11

they'd 26:13

they're 18:21 20:22 23:25 25:18 26:24 30:16 31:20

they've 17:3

thing 16:2 17:21 18:11 21:14 22:19 28:17 32:5

things 15:25 19:5 21:13 28:5

think 16:2,4,12 24:22 32:5 44:17 45:20

thinking 15:1 29:8

this 5:4 9:12,13 10:9,14 12:4,13, 18,24,25 13:12 14:16 15:21,22,25 16:1,16 17:19 19:10 20:5,18,19 22:10 23:16 25:1 26:18 27:18,19 28:2 31:8 32:17 33:1,5,17 34:1,6, 15 35:5,9,11,23 36:13 38:5,7,14 40:6 43:13,15 44:17 45:3,6,18

Thompson 6:18

those 4:19 8:25 18:24 31:23,24, 25 44:21 45:2,3

thought 28:17

thousands 21:7,8

threads 42:8

three 26:6 42:8

through 6:11 12:6 14:22 20:1,2

tick 24:17

time 8:16,18 14:16 19:9,17 20:10 21:25 22:17 29:5 32:7,11 34:8 40:6 46:21

timely 14:12

Timer 29:11

timing 34:10

tired 20:15

to 4:2,6,7,9,18,20 5:9,14,15,24 6:2,10,20,23 7:11,13,15,20 8:2, 12,18,20,21,22,23,24,25 9:3,7,11, 12 10:16 11:4,7,8,9,11,16,19,23 12:24 13:15 14:2,8,10,17,18,19, 22,24,25 15:1,2,8,14,19,20,24 16:13,16,25 17:1,9,17,18,21,24 18:15 19:1,10,14,22,24 20:6,24 21:3,4,6,10,11,22,24 22:6,9,10, 13,14,18 23:2,4,7,8,9,16,24,25 24:2,9,12,22 25:3,8,13 26:3,8,9, 10,12,14,15,17,18,20,23,25 27:3, 7,8 28:3,4,5,7,10,18 29:23 30:5, 13,14,15,17,18,22,24,25 31:1,9, 15 32:5,25 33:2,5,11,15,23 34:3, 5,7,11,19,25 35:1,5,10,17,23 36:11,16,22 37:1,7,11,15,17,19, 25 38:4,7,8,9,10,19,20,25 39:7,8, 11,20 40:1,21 41:1,2,7,12,19,24 42:5,7,9,10,12,18,19,20 43:8,12, 15 44:1 45:16,17,18,21,22,23,24 46:17,18,21

today 4:16,21 6:4 8:5,11,18 14:12 19:15 20:9 30:14

today's 7:12

```
together 44:12,13
```

ton 24:13

too 19:21,22 27:9 28:17

took 26:4,5 44:20 45:2

top 22:10

total 18:6

trained 30:21

transition 38:4

Index: them..updating

transparent 16:3 19:2,6 transport 36:23 42:9

travel 10:24

tried 22:7

trillions 23:14

true 20:24

trust 28:8

truth 7:21,22 14:3,4 15:9,10 21:16 25:9,10 26:19

try 23:25 24:2

trying 26:23

two 16:15 24:6 38:16 41:3 45:3, 10

two-factor 11:3,13

types 24:3

typing 26:11

U

U.S. 10:10 15:24 22:20 24:9

unable 39:7

under 7:18 11:21,25 15:6 16:1 17:8 19:3,4,5,6 24:6 25:6 45:2

understand 21:15

underwent 12:4

UNIDENTIFIED 31:6 32:14

Unisyn 33:12 35:1,2 36:8 38:14, 23 39:7,8,21,22 44:7,10,14,23,24

United 23:22 24:16 28:2

University 12:5 16:17

unless 8:25 28:14

unpatched 24:7

unpleasant 22:22

until 27:19

up 15:2 22:10 24:9,14 25:21 27:3 28:3

update 37:17

updated 37:13

updating 40:1

Index: upgraded..with

upgraded 11:1

upgrades 10:16

uploaded 34:15

upon 7:13

upset 25:19

us 13:21 20:14 21:17 26:4 27:7 31:4

USB 36:24 37:18

use 6:2 10:19 11:12 12:18 24:3 30:17

used 11:2 17:1 29:17,19 34:3 37:21 38:18

user 38:7

using 28:8 42:7

V&v 12:4

Valerie 4:15 8:23

vendor 13:15 35:17 37:3,5 40:7 43:12

V

vendors 39:6

Venturebeat 15:23 17:17

verification 12:8

verify 28:12

version 8:8 34:19,20 35:6 36:14 38:23,24

versions 8:3 11:18 41:3

very 6:16 16:14,24 17:21 19:19 20:3,9 21:17 22:7

Vice 4:6 5:16,20 6:5 7:5 13:5,7,10 29:23 30:3,9 32:21 33:5,10 36:3 40:13,16 42:25 43:6,20 44:6,17 46:8,24

victims 25:24

virtual 17:5

Voluntary 10:12

volunteer 27:17

volunteers 19:23

vote 18:16,19,24 34:13 36:1 37:8, 14,16,21 39:1 46:13

voter 15:24 18:15 20:1

voters 12:20

votes 18:3 21:4

voting 8:1,4,9 9:5,10,13 10:12,14 12:4,9,12,13,15 23:22 24:2,9 25:2 33:1,13,17,23 34:23 35:2,3 36:9, 13,22 37:7,15,25 38:1,22,25 39:17,21 40:23 41:4,12,24 42:1,3, 21 44:15 45:13 46:1

VSTL 12:3 42:16

VSTOP 9:5,11,14,19,23 10:1 11:19,20,23,24 12:2,3,6,20 14:9, 14 31:13 32:2 33:3,15,18 34:21, 23 35:7 36:11,15 39:16,18,25 41:1,6 42:15,16 43:4

VSTOP's 12:14

vulnerability 24:7

VVPAT 41:5,15,17 42:12

VVSG 10:13

W

walk 27:5

want 4:18 15:2 16:3 17:4,5,6 18:4,15 19:5,21 21:6,21 23:16 24:11,12 25:13 27:15

wanted 14:8 21:22,24 29:23 31:9

Warycha 4:15 8:23 25:14

was 5:4 10:9 16:17,18 19:14 20:1,5 21:11,12 24:1,4 26:4 27:10,18 32:10,12 33:5 34:2,5,6 35:4 38:14,15 39:6 40:4 44:11 47:5

watcher 27:17

watermark 28:12

way 16:24 17:1 21:3 27:7 30:6 31:21 42:10

we 4:19 5:3,13 6:20 8:2 9:18 12:15 14:19,25 16:3,12 17:4,5,6 18:15 19:2,3,5,23 20:1,8,9,14,15 21:16,18,21 23:10 24:10,11,14,23 27:9 28:23 29:8,9 30:13,17,18,20, 25 31:9 32:7 40:21 43:8 44:9 45:11,17,20 46:12,13,15

We'd 16:25 17:1

we'll 13:14 45:9

we're 20:14,16 28:11 29:24,25 30:14 31:11 47:2

we've 18:13,14 19:20 20:23 28:16,23

web 15:22

week 6:19

welcome 29:13

well 12:9 15:4 17:10 18:8,10,11 27:12 29:23 31:12 32:6

went 26:2,9

were 12:12 15:21 18:7,9,16,17,19 21:19 23:3 26:8 38:19 39:7,24 42:23

what 16:23 18:2 20:13 21:16,21 24:11,21 25:18,25 26:4,12,24 27:10,14 28:1,11,22,25 29:7 30:14,18,25 31:5,17 44:18,22 46:15

whatever 18:3

when 16:16 23:6 25:19 26:7 27:3 29:24 32:8 34:3,5 38:12

where 17:24 18:6,14 21:9 25:21, 22

Whereas 28:10

whether 21:23 30:15,17

which 6:19 17:25 26:9 27:24 28:20,24 30:4 34:13 36:14 39:13 40:22 41:4 44:11,20,23 45:4

while 23:18,21 38:20

who 6:18 7:11 8:16,21,23 14:23 26:23 27:6 28:2,15 31:6,11 40:7 43:12,14

whole 7:21 14:3 15:9 25:9

why 25:23 27:16

will 4:3,19 8:6,10 9:3 10:2,17,19 20:7,12 21:14 24:14 27:16,17 32:19 34:12,16,19,20 35:5,6,16 36:1,20 38:24 39:12 42:7 45:21

Wilson 4:6

Windows 24:7

wishes 8:21

with 4:23 5:5 6:16 9:7,12,15,16,

18 10:12 11:21,25 12:16,19,20 13:1 14:8 16:24 17:18 20:8 21:19 22:15 23:8,22 24:1 26:1,11,13,15, 21,23 27:15,22 28:13 29:10,21 30:5,10,14,16,22 31:3 32:8,11 33:20 34:24 35:5,12,16,23 36:17 37:21 39:2,10,12,19 41:8,19,20, 21 42:3,8,14,17 43:11 46:3 withdraw 45:17,19,21 without 11:6 26:4 won't 26:16	you 5:6 6:21,22 7:18,19 8:25 9:21 12:22 13:20 14:1,2,6,12,14,15,19, 25 15:2,6,7,12,15 16:3,4,5,6,12, 22 17:10,12,13,17 18:3,10,12,22 19:8,9,13 20:10,12,19 21:22,24 22:1,2,22,23,24 23:3,12,16 24:11, 13,18,20,22,24,25 25:3,6,7,12,13, 16,25 26:24 27:2,3,4,21,25 28:1, 12,15,17,18,19,25 29:2,7,12,20 31:3,4,9,11 32:5 33:22 35:21,22 36:19 40:3 41:11 42:24 43:1,10 44:8,10,20 45:1,8
wondering 27:6 work 23:8 26:8 27:16 28:18	you're 7:13 15:1 21:1 27:23,24 28:14 29:7,13 31:5 42:25 43:3 44:18 45:10
worked 27:20	You've 23:13 24:12 29:17
worker 26:8 27:3,20 workers 26:7 32:9 working 27:18	your 5:14 6:21 7:16 13:24 15:3,4, 15 19:11,17 21:3,25 22:11 25:4 27:1,2 28:12,13,14 29:17 31:10 32:6
works 26:1	Yubikey 11:13
world 26:20	Yubikeys 11:3
worth 23:7,9,14	
would 4:23 8:6,12,18 9:18 13:15 14:17,24 17:24 18:24 19:23,24 20:8,24 21:1,11 26:15,24 30:12 36:14 41:4 43:12,15 44:8	Z Zach 4:5
wouldn't 23:3	
writing 26:22	
wrong 21:2	
wrote 22:12,16	
X	
XP 24:7	
Y	
Yeah 27:13	
year 24:14 27:19 28:21	
years 15:22 16:15 20:23 24:8 32:7	
yes 15:17 19:11 25:14 32:2 33:10 40:5 43:5	
yield 19:9	