

Indiana Election Commission
Minutes
December 5, 2011

Members Present: Daniel A. Dumezich, Chairman of the Indiana Election Commission (“Commission”); S. Anthony Long, Vice Chairman of the Commission; Sarah Steele Riordan, member; Bryce Bennett, member.

Members Absent: None

Staff Attending: Trent Deckard, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); J. Bradley King, Co-Director of the Election Division; Leslie Barnes, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division.

Also Attending: Mr. William Bock; Mr. Joe Hero; The Honorable Sue Landske; Dr. Joseph Losco; Mr. Mark Manganaro; Mr. Toby McClamroch; Mr. Steve Pearson; The Honorable Kathy Richardson; The Honorable Earline Rogers; Dr. Raymond Scheele; Mr. Steve Shamo.

1. Call to Order

The Chair called the December 5, 2011 meeting of the Commission to order at 10:00 a.m. in Room 404 of the State House, at 200 West Washington Street, Indianapolis, Indiana.

The Chair noted that proper notice of the meeting had been given, as required by state law. A copy of the meeting notice, agenda, and designations of proxy are incorporated by reference in these minutes. *[Copies of all documents incorporated by reference are available for public inspection and copying at the Election Division Office.]*

2. Transaction of Business

The Commission transacted the business set forth in the Transcript of Proceedings prepared by Ms. Rhonda J. Hobbs, RPR, of Connor+Associates Reporting. A copy of this document is incorporated by reference in these minutes.

The following corrections of scrivener’s errors in this document are approved by the Commission:

Page 6, line 14, replace “expansive count” with “expensive cost”.

Page 13, line 14, replace “THE” with “the”.

Page 33, line 6, replace the existing text with "say anything. Sit down."

Page 41, line 17, replace "McCLAMROCK" with "McCLAMROCH".

Page 41, line 17, replace "McClamrock" with "McClamroch".

Page 43, line 6, replace "Cayuga" with "Cuyahoga".

Page 43, line 16, replace "Cayuga" with "Cuyahoga".

Page 44, line 3, replace "SHAMO" with "PEARSON".

Page 49, line 6, replace "McCLAMROCK" with "McCLAMROCH".

Page 50, line 8, replace "McCLAMROCK" with "McCLAMROCH".

Page 50, line 10, replace "commissioner" with "Commission".

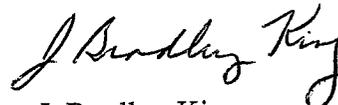
3. Adjournment

There being no further items on the Commission's agenda, the Chair entertained a motion to adjourn. Mr. Long moved, seconded by Mr. Bennett, that the Commission do now adjourn. The Chair called the question, and declared that with four members voting "aye" (Mr. Dumezich, Mr. Long, Ms. Riordan, and Mr. Bennett), and no Commission member voting "no," the motion was adopted. The Commission then adjourned at 11:11 a.m.

Respectfully submitted,

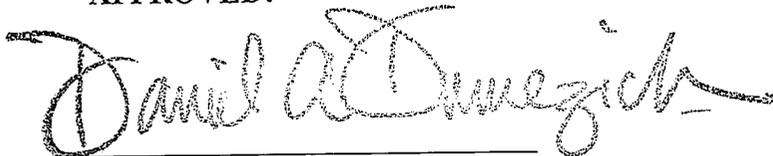


Trent Deckard
Co-Director



J. Bradley King
Co-Director

APPROVED:



Daniel A. Dumezich
Chairman

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INDIANA ELECTION COMMISSION
PUBLIC SESSION AGENDA
VOLUME I

Conducted On: Monday, December 5, 2011

Location: Indiana Statehouse
State House Room 404
200 West Washington Street
Indianapolis, Indiana 46204

A STENOGRAPHIC RECORD BY:
Rhonda J. Hobbs, RPR
Notary Public
Stenographic Reporter

Connor + Associates, Inc.
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Indianapolis, IN 46282
(317) 236-6022

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A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

- Mr. Daniel Dumezich - Chairman
- Mr. Anthony Long - Vice Chairman
- Ms. Sarah Riordan - Commission Member
- Mr. Bryce Bennett - Commission Member

INDIANA ELECTION DIVISION STAFF:

- Mr. Dale Simmons - Co-Legal Counsel
- Ms. Leslie Barnes - Co-Legal Counsel
- Mr. Bradley King - Co-Director
- Mr. Trent Deckard - Co-Director

1 CHAIRMAN D. DUMEZICH: This meeting of the
2 Indiana Election Commission is called to order.
3 All four members of the commission are present,
4 Chairman Dan Dumezich, Vice Chairman Anthony
5 Long to my left. To his left, Sarah Riordan.
6 To my right, one over, Bryce Bennett.

7 The Indiana Election Division staff,
8 Co-Directors are Trent Deckard and Brad King. The
9 Co-General Counsel, Leslie Barnes and Dale Simmons,
10 and the court reporter is Rhonda Hobbs from Connor
11 & Associates. We're ready?

12 THE COURT REPORTER: Yes.

13 CHAIRMAN D. DUMEZICH: Okay. I want to
14 remind everyone on behalf of the court reporter
15 to 1) identify yourself when you begin to speak;
16 2) spell your name when identifying yourself;
17 and 3) speak clearly, and please, please,
18 please, do not speak at the same time as others
19 are speaking, as it makes it almost impossible
20 for the court reporter to do her job. And the
21 good news is, because we're in 404, as it turns
22 out, this meeting is web cast.

23 Documentation and compliance with Open Door
24 Law. I request Mr. Deckard and Mr. King to confirm
25 that the commission meeting has been properly

1 noticed as required under the Open Door Law.

2 MR. B. KING: Thank you, Mr. Chairman, and
3 Members of the Commission. This has been
4 properly noticed in accordance with Indiana Code
5 5-14-1.5.

6 CHAIRMAN D. DUMEZICH: I recognize Mr.
7 Deckard and Mr. King to present the minutes of
8 the November 18th, 2011 commission meeting.

9 MR. B. KING: Mr. Chairman and Members of
10 the Commission, the minutes for November 18th,
11 2011 of the Indiana Election Commission have
12 been reviewed by Mr. Deckard and myself and
13 submitted to this body for your approval.

14 CHAIRMAN D. DUMEZICH: Is there a motion to
15 approve the minutes as presented?

16 COMMISSION B. BENNETT: So moved.

17 VICE CHAIR A. LONG: Second.

18 CHAIRMAN D. DUMEZICH: Okay. There's a
19 second, is there any discussion?

20 (No response.)

21 CHAIRMAN D. DUMEZICH: Hearing none, all in
22 favor say aye, all opposed say nay -- all in
23 favor say aye?

24 THE COMMISSION: Aye.

25 CHAIRMAN D. DUMEZICH: Nays?

1 (No response.)

2 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
3 it. The motion to approve the minutes is
4 adopted. Before we go to the next section, I'd
5 like Mr. Deckard and Mr. King to tell me where
6 we, and Miss Hobbs, where we stand with respect
7 to getting back meetings transcribed?

8 MR. B. KING: Thank you, Mr. Chairman and
9 Members of the Commission. Miss Hobbs and
10 Connor & Associates have been working diligently
11 on a 171-page transcript of the October 2004
12 Lake County Reprimary Meeting of the Indiana
13 Election Commission.

14 The Election Division received and is now in
15 the process of reviewing so we have an estimate now
16 of the amount of time that the preparation of the
17 minutes will take for ones that will be full length
18 and ones that are shorter length.

19 CHAIRMAN D. DUMEZICH: Do we have a
20 projected time of completion of this project?

21 MR. B. KING: I would estimate based on the
22 time that it's taken to complete this work that
23 we're looking at several months to -- up to a
24 year.

25 CHAIRMAN D. DUMEZICH: Thank you. Approval

1 of forms. I recognize Mr. Deckard and Mr. King
2 to present Order 2011-448 for approval of
3 election forms.

4 MR. B. KING: Thank you, Mr. Chairman and
5 Members of the Commission. For you in your
6 packet is Order 2011-448. This order is the
7 last of the forms approval series for this year
8 prior to distribution or for our upcoming
9 conference.

10 It includes corrections to a couple of
11 candidate forms and the adding of a state form
12 number to the provisional ballot envelope. It
13 grandfathers the use of envelopes without that
14 number so that there's no expansive count. I'll be
15 happy to answer any questions.

16 CHAIRMAN D. DUMEZICH: For discussion
17 purposes, is there a motion to approve the forms
18 as presented?

19 VICE CHAIR A. LONG: So moved.

20 CHAIRMAN D. DUMEZICH: Is there a second?

21 COMMISSION B. BENNETT: Second.

22 CHAIRMAN D. DUMEZICH: Okay. Based on a
23 second, do we have any discussion by the members
24 with respect to the approval of forms, Order No.
25 2011-448?

1 (No response.)

2 CHAIRMAN D. DUMEZICH: No discussion.

3 Okay, since there's no discussion, the question
4 is on the adoption of Order 2011-448 as
5 presented, all in favor say aye?

6 THE COMMISSION: Aye.

7 CHAIRMAN D. DUMEZICH: All opposed, nay?

8 (No response.)

9 CHAIRMAN D. DUMEZICH: The ayes have it.
10 The order is approved 4-0. Use of signature
11 stamps, is there a -- is there a motion to
12 authorize the Election Division staff to affix
13 member's signature stamp on the final copy of
14 this order and other order approved by the
15 Commission at this meeting?

16 VICE CHAIR A. LONG: So moved.

17 CHAIRMAN D. DUMEZICH: Is there a second?

18 COMMISSION B. BENNETT: Second.

19 CHAIRMAN D. DUMEZICH: Discussion.

20 (No response.)

21 CHAIRMAN D. DUMEZICH: Hearing none, all in
22 favor of the motion to affix member's signature
23 stamps and final copy of this order and others
24 as presented, all in favor say aye?

25 THE COMMISSION: Aye.

1 CHAIRMAN D. DUMEZICH: All opposed, nay?

2 (No response.)

3 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
4 it. Okay, the ratification of campaign finance
5 settlement agreements' presentation by Mr.
6 Deckard and Mr. King. I recognize Mr. King and
7 Deckard to present the information regarding the
8 two campaign finance settlement agreements
9 listed in your binders behind the third tab.

10 MR. B. KING: Thank you, Mr. Chairman and
11 Members of the Commission. Behind the third tab
12 of the binder, as you indicated, is a short list
13 of two campaign finance settlement agreements
14 where individual committees have agreed to pay
15 the entire amount of the fine due rather than
16 have a hearing conducted in their enforcement
17 action. Pursuant to statute, we present these
18 to you for your ratification.

19 CHAIRMAN D. DUMEZICH: Is there a motion to
20 ratify the campaign finance settlement
21 agreements as presented?

22 COMMISSION MEMBER S. RIORDAN: So moved.

23 CHAIRMAN D. DUMEZICH: Is there a second?

24 COMMISSION B. BENNETT: Second.

25 CHAIRMAN D. DUMEZICH: Any discussion?

1 (No discussion.)

2 CHAIRMAN D. DUMEZICH: Hearing none, all in
3 favor say aye?

4 THE COMMISSION: Aye.

5 CHAIRMAN D. DUMEZICH: All opposed, say
6 nay?

7 (No response.)

8 CHAIRMAN D. DUMEZICH: 4-0. The ayes have
9 it. The motion is adopted. Administration of
10 oath for individuals testifying before the
11 commission. Everyone present, who plans to
12 testify before the Indiana Election Commission
13 regarding any matter today, including voting
14 system matters, please stand for administration
15 of the oath. I recognize Dale Simmons to
16 administer the oath.

17 MR. D. SIMMONS: Please stand and raise
18 your right hand and say I do after the
19 administration of the oath?

20 (Participants complied.)

21 MR. D. SIMMONS: Do you solemnly swear or
22 affirm under the penalties of perjury that the
23 testimony you are about to give at today's
24 Indiana Election Commission meeting is the
25 truth, the whole truth, and nothing but the

1 truth, say I do?

2 THE PARTICIPANTS: I do.

3 CHAIRMAN D. DUMEZICH: We are going to have
4 a second hearing after this. It's for the Lake
5 County -- Lake County Redistricting. At that
6 time you will be asked to be sworn, if you're
7 going to testify for that. This was merely for
8 this Indiana Election Commission meeting and not
9 the other so...

10 VICE CHAIR A. LONG: We have to start over.
11 It doesn't last for both meetings?

12 CHAIRMAN D. DUMEZICH: Yeah. They told me
13 it's got to be in each one.

14 VICE CHAIR A. LONG: I understand. Minutes
15 are minutes.

16 CHAIRMAN D. DUMEZICH: Yeah. Voting System
17 Technical Oversight Program report. I recognize
18 Dr. Ray Scheele and other representatives from
19 the VSTOP Program to provide us with a report
20 regarding voting systems issue.

21 Dr. Scheele, will you present an update on
22 both ES&S and MicroVote.

23 DR. R. SCHEELE: Thank you, Mr. Chairman
24 and --

25 CHAIRMAN D. DUMEZICH: If you're going to

1 speak, you have to take the microphone, and you
2 also have to turn your microphone on.

3 DR. R. SCHEELE: Thank you. There are
4 three items that we would like to discuss very
5 quickly. We have a list of ECOs, the
6 engineering change orders for ES&S vendor, as
7 well as Unisyn vendor, and I'll distribute those
8 to you, and with our certification, that we've
9 evaluated each of these ECOs and modifications
10 and recommend that they do indeed work properly
11 on the certified systems that we have in
12 Indiana.

13 So I will distribute these to you and then we
14 can send it to the Election Division -- if it is
15 approved by the Election Commission, we'll send it
16 to the Election Division and copies, of course, for
17 that purpose, so I'll hand these to you.

18 Now I would like to then move to --

19 VICE CHAIR A. LONG: Can we talk about
20 these just a second --

21 DR. R. SCHEELE: Oh, sure.

22 VICE CHAIR A. LONG: -- so we make sure we
23 understand what they are, Ray.

24 DR. R. SCHEELE: Of course. There's a
25 description of each ECO. The numbering system

1 that is used in the left-hand column -- if you
2 go to the ES&S page, the number of the ECO is
3 the vendor's number that is submitted to us.
4 The description is largely the vendors but
5 sometimes we modify the description a little
6 bit.

7 The type of ECO is either de minimis, which
8 means it actually has no significant effect upon
9 the core functioning of the voting system, or it is
10 a modification which does have a significant impact
11 or an impact upon the core functioning of the
12 voting system.

13 You can see in the ECO 876 and 869, these are
14 both de minimis. We check the Voting System
15 Technical Lab reports on these as well as looking
16 at them ourselves, and the product then is also
17 named and the voting system on the far left-hand
18 column. So there are two that we are recommending
19 in terms of ES&S.

20 On the last page, there was a typo actually.
21 It's the Unisyn submitted ECOs. There's two, four,
22 six, eight, roughly ten of those -- again, the
23 description and the type. They are all de minimis
24 for Unisyn. One was tested in more detail. That
25 was the EAC 1005 ECO. The product and the voting

1 systems are also mentioned.

2 VICE CHAIR A. LONG: Can I ask a question,
3 Mr. Chairman.

4 CHAIRMAN D. DUMEZICH: Yes, sir.

5 VICE CHAIR A. LONG: Any of these ECOs
6 relate to the matters that we referred to you
7 all to look into at the last meeting?

8 DR. R. SCHEELE: No.

9 VICE CHAIR A. LONG: I have nothing else.

10 CHAIRMAN D. DUMEZICH: The type, the
11 changes are de minimis, I assume that you are
12 the person that VSTOP -- you would determine the
13 categorization -- I mean, I certainly can see
14 how ECO 869 -- you know, THE retrofit for
15 one-quarter inch, or one-eighth inch steel
16 plates and four bushings, that's de minimis, but
17 when I read the ECO 876, that sounds significant
18 to me.

19 DR. R. SCHEELE: Correct. The ECOs on
20 certified systems also go through the EAC and
21 our EAC, or our protocol for ECOs match the EAC
22 tests so we make sure that we see that as well
23 as any additional research that we do with
24 respect to the Indiana code.

25 So when the testing lab determines that it is

1 de minimis and the EAC accepts that, then it comes
2 to us and we look at it again, in terms of it being
3 de minimis.

4 CHAIRMAN D. DUMEZICH: And I certainly
5 don't have the background or technical skill to
6 question your categorization, if it's de
7 minimis, but I just wanted to push back a little
8 bit so that I understood.

9 DR. R. SCHEELE: I understand.

10 CHAIRMAN D. DUMEZICH: Thank you. Any
11 other questions?

12 (No response.)

13 VICE CHAIR A. LONG: I move we approve the
14 report and approve the ECOs?

15 CHAIRMAN D. DUMEZICH: Motion, do we need
16 to approve the report?

17 VICE CHAIR A. LONG: Yeah.

18 CHAIRMAN D. DUMEZICH: A motion to approve
19 the report has been made, do I hear a second?

20 COMMISSION B. BENNETT: Second.

21 CHAIRMAN D. DUMEZICH: Okay. Hearing a
22 second, do we have any further discussion?

23 (No response.)

24 CHAIRMAN D. DUMEZICH: Hearing none, all in
25 favor of the motion to approve the report and

1 related ECOs, indicate by saying aye?

2 THE COMMISSION: Aye.

3 CHAIRMAN D. DUMEZICH: All opposed, say
4 nay?

5 (No response.)

6 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
7 it.

8 DR. R. SCHEELE: I'd like to move on then
9 for an update with respect to -- first off,
10 we'll take MicroVote Voting System that was
11 discussed at the November 18th meeting of the
12 Indiana Election Commission.

13 You asked us to research further the panels
14 that were to be replaced on the MicroVote Voting
15 System. We received on Wednesday of this
16 past -- past week the list of the components of
17 those tabs. We have entered that into our
18 database, but we have not had a match with, exact
19 match between that panel and the panel that is
20 currently being used on that MicroVote Voting
21 System.

22 Now we have talked with a representative of
23 MicroVote and he is here today and we are making
24 progress, insofar as getting together with
25 MicroVote representatives to actually take a look

1 at those panels and verify the fact that they are
2 the same panels that were in the original voting
3 system that was certified by MicroVote, and if so,
4 after we verify that, along with other components,
5 which we do not have a list of the other
6 components, so we're still in the process with
7 respect to this particular investigation and
8 verification.

9 So that's our quick update on the MicroVote
10 situation. Any questions I can respond to. I know
11 MicroVote -- I think Steve Shamo is here -- Steve
12 is here.

13 VICE CHAIR A. LONG: I have a question?

14 DR. R. SCHEELE: Yes.

15 VICE CHAIR A. LONG: Some reason it took
16 from the last meeting to last Wednesday to get
17 this to you and for some reason the material has
18 not been submitted to you or could not have been
19 submitted to you?

20 DR. R. SCHEELE: Right. Frankly, I wish we
21 could have had it a little earlier. That would
22 have been better on our end, for certain, but in
23 conversation now just before this meeting
24 started, perhaps we can get the ball rolling in
25 a more expeditious way.

1 VICE CHAIR A. LONG: Was that the lack of
2 expeditious handling on your side or the other
3 side?

4 DR. R. SCHEELE: No. We asked -- following
5 the November 18th meeting, we asked the
6 MicroVote representative to send us the
7 component list in a side-by-side with the
8 current and the new panels that they wanted to
9 be inserted. They sent us only a component list
10 with really no explanation, and that was last
11 Wednesday.

12 VICE CHAIR A. LONG: Okay. Maybe they can
13 have time to explain why we need to be running
14 down to Indianapolis to wait on them to get
15 ready to do something -- maybe we won't do it.

16 CHAIRMAN D. DUMEZICH: Maybe we won't do
17 it, exactly.

18 VICE CHAIR A. LONG: We put the
19 decertification process, I believe, on hold, did
20 we not?

21 CHAIRMAN D. DUMEZICH: Not as to MicroVote
22 no. That's ES&S, we have a decertification --

23 VICE CHAIR A. LONG: Okay.

24 CHAIRMAN D. DUMEZICH: -- process, not
25 MicroVote.

1 VICE CHAIR A. LONG: I'm just utterly
2 frustrated with the vendors.

3 CHAIRMAN D. DUMEZICH: Why don't we say we
4 hear from MicroVote?

5 VICE CHAIR A. LONG: I would love to.
6 Maybe they've got a good explanation.

7 MR. B. BOCK: Why do I feel like I'm
8 walking into the lion's den? My name is Bill
9 Bock, and I'm counsel for MicroVote. Mr.
10 chairman and Members of the Commission and
11 distinguished voters, let me just note that the
12 commission's meeting was on Friday, November
13 18th, that the Thanksgiving holiday started the
14 following Wednesday, and from what I understand,
15 there was communication between Mr., or Dr.
16 Scheele and/or other members of the VSTOP
17 committee at the November 18th meeting
18 concerning providing the list to them after the
19 Thanksgiving holiday.

20 The Thanksgiving -- the first business day
21 after the Thanksgiving holiday was Monday and the
22 list was provided to them on Wednesday. So I think
23 they waited two days and after -- when we discussed
24 with them that they would have the list. So it's
25 easy to forget that we're in the holiday season.

1 VICE CHAIR A. LONG: Can you explain why
2 the -- only half the list was sent?

3 MR. S. SHAMO: It wasn't half the list that
4 was sent.

5 VICE CHAIR A. LONG: Dr. Scheele seems to
6 think that it was -- side-by-side, he asked for
7 side-by-side for comparison, and you only sent
8 the list for the first part -- I mean, that's
9 what I just heard from him, that right now
10 they're waiting for material from you all to
11 examine what you sent the first time, and that's
12 not been sent.

13 So that's -- that's my question as to why you
14 all are not cooperating with VSTOP so they can
15 report back to us and hopefully we can approve you
16 all to go do what you want to do and take care of
17 the clerks?

18 MR. B. BOCK: And I appreciate that, but
19 I've seen the correspondence, and we provided a
20 list of all the parts in the VP1 voting panel,
21 which is what we understood was requested, and
22 there has not been any other written requests
23 that I've seen. So if Dr. Scheele wants to
24 correct me, but I do not believe there has been
25 any other written requests; am I correct, Dr.

1 Scheele.

2 DR. R. SCHEELE: No, that's correct.

3 CHAIRMAN D. DUMEZICH: So are you saying --
4 Dr. Scheele, please come up and have a seat.

5 (Dr. Scheele complied.)

6 CHAIRMAN D. DUMEZICH: It was our
7 impression that you had made a request, and at
8 this point in time only half of the request was
9 filled, that the individual -- the second part
10 of your request has not been fulfilled by
11 MicroVote; is that accurate, because MicroVote
12 seems to feel that they have complied with
13 everything you've asked for?

14 DR. R. SCHEELE: Right. I think there's --
15 this is my view of it right now. We asked for
16 side-by-side comparison, panels that under
17 discussion, to replace the existing panels on
18 the voting system, and then we wanted a
19 side-by-side comparison to see if there were
20 differences between this panel, the
21 replacement -- to be a replacement panel and the
22 old panel.

23 We got a listing of what we understand is the
24 new panel, the components of the new panel, and
25 there was no -- there was no certification, that

1 that was the same components in the existing panels
2 on that voting system, and that's what we need to
3 determine.

4 We know, from what MicroVote told us on
5 November 18th in the commission meeting, that
6 they're saying they are identical, they're off the
7 shelf and they're coming to the existing voting
8 system and it's just a replacement of part. We
9 want to verify that. We've got to verify that in
10 order to be able to come to you and say it is
11 indeed the same piece of equipment.

12 So that's what we need, we need -- if it is
13 the same, that's what we need to verify, and so I
14 think perhaps MicroVote says this is the list and
15 it is the same, but they didn't say that and there
16 was no affidavit concerning that.

17 MR. B. BOCK: And on behalf of MicroVote,
18 our position has been consistent from the time I
19 sent my first letter on July the 13th.
20 MicroVote is not seeking to do anything other
21 than to work cooperatively with the Division and
22 the Commission and let them know that we've had
23 requests from counties to sell the exact same
24 components that were certified.

25 There's been no change, absolutely no change

1 to any component of the system, absolutely no
2 change to the VP1 voting panel, and I certified
3 that in a letter on July the 13th, I certified that
4 in a letter on September the 27th, I've certified
5 that in letters to the commission, two letters to
6 the commission in November.

7 If you would -- if an affidavit is necessary
8 to certify that, we will certainly provide that,
9 but our position for the last seven months has been
10 that there's one list of components and we've
11 provided that list. There is one list of
12 components. There's been no change.

13 This is a system that was certified, that's
14 grandfathered in. We're happy to comply with
15 absolutely anything that you request, in terms of
16 trying to provide information to VSTOP to confirm
17 that. We haven't been request -- requested to
18 provide an affidavit.

19 If that is the request, we'll do it within two
20 days. And so what I -- the reason that I'm here to
21 talk with you today is to make you aware that we've
22 got 47 Indiana counties, many of which are not
23 connected or prepared for the upcoming May primary
24 and subsequent presidential election in November,
25 and we've been wanting to give them assurance that

1 we can provide this equipment to them.

2 And so we really need to start assisting them
3 with preparation really now, but at least by the
4 first of the year, and you know, ask us what you
5 want and we will provide it, but 47 Indiana
6 counties are -- have their election preparation on
7 hold at this point so this is -- it's important, I
8 think, that we get this behind us, and allow them
9 to move forward with the preparation for the
10 elections.

11 VICE CHAIR A. LONG: Are you representing
12 that this -- these sales to these 47 Indiana
13 counties are just replacement of material or
14 hardware, voting system parts that have worn out
15 or quit, or are you expanding the size of the
16 voting capacity by new stuff that you're adding
17 in?

18 MR. B. BOCK: Well, there's -- there's a
19 little bit of both.

20 VICE CHAIR A. LONG: To say these are
21 replacement parts is really a misnomer to some
22 degree.

23 MR. B. BOCK: As I made clear in my letters
24 in July --

25 VICE CHAIR A. LONG: And I don't care if

1 you cite the letters. I'm asking a simple
2 question: How many new voting stations are you
3 all vending to these counties in Indiana with
4 equipment that the certification has expired?

5 MR. B. BOCK: Mr. Long, we don't have the
6 authority to establish new voting locations.
7 The counties do. They -- we -- I don't know.

8 VICE CHAIR A. LONG: Okay.

9 MR. B. BOCK: I really don't know --

10 VICE CHAIR A. LONG: That's a really good
11 answer, if you don't know the question.

12 MR. B. BOCK: -- what the intent of, for
13 instance, Lake County is. They told us they
14 wanted additional voting panels so that they can
15 have other voting locations and we know there
16 are other counties that have the same request
17 and we want to assist them in preparing for the
18 election.

19 CHAIRMAN D. DUMEZICH: Again, I think it's
20 definition, when we say system, we think of one
21 suitcase. When you say system, you think of the
22 overall presence, and that's what the issue is.
23 Our problem is that the system is no longer --
24 the suitcase for an individual sale, if you were
25 going into a new county, an individual sale of

1 that suitcase of one piece, it's our
2 understanding that you wouldn't be able to do
3 that, but because of the presence there of this
4 already, this allows you -- your position would
5 allow you to do it and that's what we need to
6 focus on with respect to that so those people
7 can plan out what they need to do in the
8 upcoming election.

9 VICE CHAIR A. LONG: I've stated my
10 concern.

11 MR. B. BOCK: And thank you very much,
12 Chairman Dumezich for summarizing that -- I
13 mean, the -- you've sort summarized the legal
14 issue.

15 CHAIRMAN D. DUMEZICH: Yep.

16 MR. S. SHAMO: And in our view of the legal
17 issue is quite straight forward because the
18 legislature didn't intend to grandfather in a
19 system and then not allow it to operate
20 effectively. They allowed replacements. They
21 allowed for expansion to other voting locations
22 and that's...

23 VICE CHAIR A. LONG: Where is it in the
24 statute that says you can expand a system? I
25 can understand -- I don't have any problem with

1 replacement -- if a piece breaks, you replace
2 it, but where is it that an uncertified system
3 can be sold or portions of it, where does it say
4 that in the legislature that you can add a
5 hundred voting stations in another county or in
6 a county that has a system with equipment that's
7 not -- that's no longer under current
8 certification?

9 MR. B. BOCK: 3-11-15-13.3(b).

10 VICE CHAIR A. LONG: 3-11 -- just a second.
11 They gave us these brand new orange books and
12 this is the first chance, 3-11 point something.

13 MR. B. BOCK: (b).

14 VICE CHAIR A. LONG: 3-11-16?

15 MR. B. BOCK: No, sir. 3-11-15-13.3(b).
16 You need to read that in combination with
17 3-5-2-53.

18 VICE CHAIR A. LONG: 3-11-15-13, mine says
19 repeal, so we'll start with that, and the other
20 one want to read it with is what -- 3 what?

21 MR. B. BOCK: 3-11-15-13.3(b) is the first
22 one.

23 VICE CHAIR A. LONG: I don't see where it
24 says you may sell more. It says they may
25 continue to use it after certification. My

1 question is: Where does it tell the vendor
2 without taking further steps to upgrade and
3 certify their equipment, that they can do that?

4 MR. S. SHAMO: What the statute says is the
5 voting system vendor may not market, sell, lease
6 or install voting system described in this
7 subsection. The prohibition is on selling or
8 leasing a voting system. 3-5-2-53 defines
9 voting system as, quote, the total
10 combination -- the total combination of
11 mechanical, electromechanical, or electronic
12 equipment used to define ballots, cast and count
13 votes, report and display election results, and
14 maintain and produce any audit trail
15 information.

16 So the voting systems, the total combination
17 of all those things, it includes in it the
18 mechanical components that can define ballots. The
19 VP1 voting panels record votes. They do not define
20 ballots. They are not an election system and
21 there's no prohibition on anything other than sale
22 of an election system.

23 And -- and Mr. Long, if I may say so -- I
24 mean, I don't think that the general assembly would
25 have intended to grandfather in an election system

1 and then guarantee that in some counties that have
2 increasing population, that it would be
3 insufficient to meet the county's needs.

4 When they grandfathered in a system, they
5 provided the means necessary to the counties to
6 continue to use the grandfathered system, and for
7 some counties, that means additional applications,
8 and that's -- it's a good thing. We've got more
9 people. We have more places for people to vote.
10 We want to encourage voting, that's a good thing.

11 They're using these VP1 voting panels
12 throughout half the State of Indiana, but if
13 they're good enough for half the State of Indiana,
14 why aren't they good enough for one or two or three
15 additional precincts? There is no logical reason
16 why they shouldn't be used in hundreds of precincts
17 around the state and then somebody's going to say,
18 well, we can't use them in one, two or three
19 additional in the county.

20 CHAIRMAN D. DUMEZICH: Sarah?

21 COMMISSION MEMBER S. RIORDAN: I think we
22 talked about the issue of voting system, as
23 opposed to something less than a system, when we
24 were in Lake County a few weeks ago. I think
25 the Commission's desire really is to make sure

1 that the new pieces of equipment, whether you
2 call them a system or component or whatever,
3 that they are what you say they are, and that's
4 a technical determination, and we have created
5 the VSTOP team to make those technical
6 determinations.

7 And so I think what we had asked for, when we
8 were in Lake County, is just to give VSTOP what
9 they need to make that call, and then they can look
10 at it and scrutinize it, even if it means
11 physically taking a look at a new panel and an old
12 panel and using their capabilities to make that
13 comparison, then as one member of the commission, I
14 would give it the go-ahead.

15 MR. B. BOCK: Well, Commissioner Riordan, I
16 appreciate that very much and I want you to know
17 on behalf of MicroVote that we -- we appreciate
18 that, that interest. We want to do everything
19 we can to have that done as quickly as possible.

20 COMMISSION MEMBER S. RIORDAN: My next
21 question is how many panels are we talking
22 about?

23 MR. B. BOCK: And my response to that is
24 that's really a county question. They have
25 to -- they determine how many panels they need,

1 how many they ask us for.

2 COMMISSION MEMBER S. RIORDAN: Do you know
3 what orders you have, what numbers you have
4 orders for?

5 MR. B. BOCK: I don't know that -- I know
6 that there have been communications about the
7 desire to purchase, whether those have been
8 reduced to writing and/or whether they --
9 whether there's specific numbers -- Steve Shamo
10 may know.

11 MR. S. SHAMO: We've been extremely careful
12 not to even get to that point with customers.
13 Customers request -- they've said can you sell
14 us another machine, and I simply said I can't
15 answer that question, for the simple reason why
16 we're here today. I just don't want to cross
17 any lines without -- so in my mind, if you
18 wanted a rough number of what has been
19 discussed, about, you know, probably less than
20 200 panels overall.

21 COMMISSION MEMBER S. RIORDAN: Less than
22 200?

23 MR. S. SHAMO: Probably less than 200
24 overall.

25 COMMISSION MEMBER S. RIORDAN: Across the

1 state?

2 MR. S. SHAMO: Yeah, and that's from -- you
3 know, six or seven requests have been people
4 looking at, or saying can you sell us two
5 machines, or two machine requests, and --

6 COMMISSION MEMBER S. RIORDAN: I'm sorry?

7 MR. S. SHAMO: That's -- that's just coming
8 from people saying, you know, can you sell me
9 two or three machines and I said no.

10 CHAIRMAN D. DUMEZICH: Okay. That's based
11 what you've seen so as far -- I mean, it seems
12 to me that we have a process where Mr. Scheele
13 and VSTOP can take a look at this, and if you
14 could provide us with that information.

15 And I would like to say from my perspective, I
16 don't think you'll be violating an order by
17 compiling that information and providing it to us
18 in a letter so we can see from Mr. Scheele's
19 standpoint that it complies and we can also see the
20 scope of what the orders would be, I think that
21 would give us some comfort in moving this process
22 forward, okay, Steve?

23 MR. S. SHAMO: Okay.

24 MR. B. BOCK: Okay. So -- and I appreciate
25 that. I don't know when the next meeting of the

1 commission will be, but I can assure you that
2 we'll be available at...

3 CHAIRMAN D. DUMEZICH: Can you get the
4 stuff to Mr. Scheele and we'll get the other
5 representation, then we'll try to proceed on
6 with this case.

7 MR. B. BOCK: Thank you very much.

8 CHAIRMAN D. DUMEZICH: But don't expect it
9 in December.

10 MR. S. SHAMO: I was thinking perhaps
11 December 24th or 26th.

12 CHAIRMAN D. DUMEZICH: Yeah, exactly.

13 MR. B. BOCK: Is there anything else, Mr.
14 Chairman?

15 CHAIRMAN D. DUMEZICH: Not from...

16 COMMISSION MEMBER S. RIORDAN: Thank you
17 for coming.

18 CHAIRMAN D. DUMEZICH: We're going to go to
19 ES&S and then we'll go to general questions. Do
20 you have a question?

21 MR. J. HERO: On the voting machines, if I
22 can make some comments?

23 CHAIRMAN D. DUMEZICH: Comments or
24 questions?

25 MR. J. HERO: Both.

1 COMMISSION MEMBER S. RIORDAN: No.

2 CHAIRMAN D. DUMEZICH: No.

3 MR. J. HERO: No, okay. Right now, what I
4 was going to say is there's voters --

5 CHAIRMAN D. DUMEZICH: You're not going to
6 say. Anything sit down.

7 MR. J. HERO: Okay.

8 CHAIRMAN D. DUMEZICH: We're trying to
9 handle this with all -- if you have a question,
10 pose the question. It's not time for you to
11 make comments.

12 MR. J. HERO: All right. I'll pose the
13 question. If there's more delay with the
14 haggling over the voting systems, that's going
15 to exacerbate the Lake County voter suppression
16 condition that already exists.

17 In 2010, there was massive voter suppression
18 because there was not enough voting machines to
19 handle the large precincts that were developed
20 under a former map. The question is simply this:
21 If you delay much longer, what is your drop dead
22 point to open the gate so these guys can sell more
23 machines, because if you don't do that pretty
24 quick, okay -- you can't bring a new machine into
25 Lake County, the counting system won't handle two

1 different varieties. You have to make a quick
2 decision.

3 This thing has been ping ponged a long time,
4 and my question is: When are you going to --
5 what's your drop date dead so people can order
6 machines, people can order parts, and so we stop
7 some of the voter suppression because this is going
8 to exacerbate that.

9 So my question simply is this: What is your
10 drop date, drop dead date to say either we have to
11 gut the existing system or we have to let these
12 guys sell parts on new machines? What is your drop
13 dead date to get this ball rolling?

14 CHAIRMAN D. DUMEZICH: We have to drop dead
15 date until they comply with VSTOP and they can
16 tell us that the system is the same. It's just
17 that simple.

18 MR. J. HERO: Well, let me ask you this:
19 Do you have a plan to go court to seek an order
20 in order to resolve this issue so we don't have
21 voter suppression, again, in Lake County; do you
22 have a plan to move this along other than
23 waiting on vendors and scholars to give you the
24 answer?

25 CHAIRMAN D. DUMEZICH: No. Let's go to

1 VSTOP, ES&S.

2 DR. R. SCHEELE: ES&S. Thank you, Mr.
3 Chairman. Just a very quick background on this.
4 The ES&S voting systems in the state, we have
5 certified, and they're operating in the state,
6 3.0.1.0. Also we've certified the 3.2.0.0 and
7 the one that's being applied for now is the
8 3.2.1.0, that's the one that's been applying for
9 certification now and will be the bulk of my
10 update here.

11 These systems with ES&S have precinct scanners
12 that are core components of these systems. The one
13 that you've all -- to jog your memory, that you've
14 heard of is the DS200 that --

15 CHAIRMAN D. DUMEZICH: Excuse me, try the
16 other door -- try the other door.

17 UNIDENTIFIED SPEAKER: I'm trying to get
18 out.

19 CHAIRMAN D. DUMEZICH: Try the other door.

20 VICE CHAIR A. LONG: Once you get in here,
21 you can't get out.

22 DR. R. SCHEELE: The DS200 is the component
23 that created quite a bit consternation, I think,
24 for everyone involved, is when it encountered
25 some problems in the field with regard to

1 freezes and also ballot skew issues.

2 The application that we're looking at, the
3 3.2.1.0, it was applied for on April 14th of this
4 year by ES&S and a revised application was filed on
5 July 27th, but we are still -- we have some
6 paperwork problems here that we haven't been able
7 to work out yet on that application -- I'll return
8 to that in a moment.

9 The revised application changed the firmware
10 number on the DS200, which is part of the 3.2.1.0,
11 changed the firmware number on the DS200 to a new
12 version. Consequently, it's not necessarily the
13 same DS200 that's a component of the previous
14 3.2.0.0 and 3.2.1.0.

15 We field tested the 3.2.1.0 on campus in May
16 with the DS200, as well as with the M100, which is
17 also a precinct scanner. The difference between
18 the 200, DS200, very simply, and the M100 is the
19 DS200 creates a ballot image and the M100 does not,
20 okay. The M100 is simply a scanner and we could be
21 much more technical and that, but that's basically
22 it.

23 We have talked extensively with ES&S. ES&S
24 would like to see the entire system, the 3.2.1.0
25 certified with the DS200, as well as the M100. We

1 are -- our current position is that the DS200 still
2 has problems. There are still some advisories by
3 the EAC with the DS200 that are still in play and
4 on other systems, such as the 3.2.0.0 and the
5 3.0.1.0.

6 However, we have started researching very
7 carefully being able to use the M100 on the 3.2.1.0
8 and we still have a bit more research to do but it
9 looks like a very promising avenue. This precinct
10 scanner, the M100, is a durable machine, and it
11 does one thing and it does it very well. The only
12 problem that we've been able to determine are
13 problems that happen with any component, like if
14 it's battery powered, you have to watch the battery
15 storage space. These are some of the questions
16 that we've been through.

17 This is a promising area, but we've got some
18 paperwork issues that we have to work out with ES&S
19 and the Election Division and we also want do a
20 little more follow-up with respect to 3.2.1.0 being
21 used in the field -- Ohio using it, Texas is using
22 it, and California is using it with the M100. So
23 consequently, we have some more research.

24 As we have discovered, there is no
25 substitute -- even when we field tests the voting

1 system on our campus, that we go through all of our
2 protocols, there's still no substitute for talking
3 to people that have deployed the system and they've
4 used it and they use it time and time again in
5 actual elections.

6 This is the kind of research that we take very
7 seriously now, because quite frankly, we don't
8 always get technical advisories on time that are
9 issued by the vendors. So we have created a
10 network of people that we can talk to with some
11 confidence that we know that they've actually
12 deployed these systems and any problems that might
13 show up in the field.

14 Again, I think this is a very promising area
15 for the 3.2.1.0 and we just need a little more time
16 to do this and we'd be very expeditious, I would
17 think.

18 CHAIRMAN D. DUMEZICH: Let me make sure I
19 understand what's being said. We had given an
20 instruction to all vendors who may have
21 engineering change orders that they should put
22 you on the list of distribution. Are you
23 telling us that they have not followed that
24 instruction?

25 DR. R. SCHEELE: Well, we have found with

1 more than one vendor that sometimes problems
2 occur in the field and the vendors do not
3 interpret that as rising to the level of a
4 technical voting problem, so consequently,
5 that's why we think being proactive in making
6 sure we know what's happening in the field is
7 even better.

8 VICE CHAIR A. LONG: Would that be better,
9 Ray, if we issue an edict here that any
10 communication that they have with their
11 customers that they copy you on with regard to
12 operational or technical issues, whether or not
13 they would get into a definitional issue of
14 well, this isn't what you think it is, just let
15 you see it and make the determination?

16 DR. R. SCHEELE: Yeah. To expound on that
17 just a little, the EAC in Washington is creating
18 a site on their web page for certification
19 officials throughout the country and election
20 administrators to post these kinds of problems
21 to the EAC, so that's going to be kind of a
22 national clearing house, but certainly, your
23 suggestion would be -- in addition to that,
24 would be very good, I would think.

25 CHAIRMAN D. DUMEZICH: Any discussion?

1 VICE CHAIR A. LONG: Help me out here.

2 We've got two certified systems, 3.0.1.0, and
3 3.2.0.0. We've got -- what's the status of
4 those systems?

5 DR. R. SCHEELE: The 3.0.1.0 is used with
6 the Model 100, not with the DS200, and was
7 certified that way in Indiana.

8 VICE CHAIR A. LONG: When?

9 DR. R. SCHEELE: I don't have the date here
10 in front of me.

11 UNIDENTIFIED SPEAKER: The 3.2.0.0 is
12 still...

13 DR. R. SCHEELE: Excuse me, the 3.2.0.0 is
14 the voting system that is currently named in the
15 tabled resolution that the Commission has. It
16 does use the DS200.

17 VICE CHAIR A. LONG: That's the 3.2.0.0?

18 DR. R. SCHEELE: That's the 3.2.0.0.
19 That's the precinct scanner and that was the
20 scanner that prompted the concerns, okay. The
21 concerns on the DS200 are still listed on the
22 EAC web site under 3.2.1.0 for the DS200.

23 VICE CHAIR A. LONG: Thank you. That
24 answered my question. And I know
25 representatives from ES&S are here so they can

1 certainly add more.

2 CHAIRMAN D. DUMEZICH: Why don't we make
3 sure we're done with you before we ask them to
4 come up. Any other questions for Mr. Scheele at
5 this point in time?

6 (No response.)

7 CHAIRMAN D. DUMEZICH: Thank you, Mr.
8 Scheele. Representative from ES&S, come on
9 down -- Mr. Scheele, you might as well just stay
10 seated in case we need some interactive
11 discussion.

12 DR. R. SCHEELE: Okay.

13 MR. S. PEARSON: Good morning. I'm Steve
14 Pearson, Vice President of Certification of
15 Election System and Software.

16 VICE CHAIR A. LONG: Toby, will you...

17 MR. T. McCLAMROCK: I'm Toby McClamrock.
18 I'm an attorney with Bingham McHale. I
19 represent ES&S.

20 MR. S. PEARSON: Is there a specific
21 question you would like me to address or verify
22 from Dr. Scheele's report?

23 VICE CHAIR A. LONG: The question in my
24 mind is what have you done since last time we
25 got together to advance the cause of clearing up

1 the problems that seem to exist in the process
2 and to encourage us not to pull off the table
3 our motion to decertify, I think, the 3.2.0.0?

4 MR. S. PEARSON: With the 3.2.0.0, yes --
5 the Indiana version of the Unity 3.2.1.0 that we
6 sought certification for remains unchanged at
7 this point. It still remains certified by the
8 EAC and has been state certified by the State of
9 Ohio, Secretary of State's office in Ohio, and
10 used in the general election with the DS200 this
11 past November in Mahoney County.

12 The Unity 3.2.1.0 has also been used in a
13 number of other counties in the State of Ohio with
14 the M100 as well. All of those elections have gone
15 extremely well. I had asked Dr., or encouraged
16 Dr. Scheele and Mr. Joe Bosco --

17 MR. J. LOSCO: Losco.

18 MR. S. PEARSON: Losco from Ball State to
19 reach out to those, talk to them -- Masterson,
20 who used to be the assistant executive director
21 for the EAC, who is now the director of
22 elections for the Secretary of State's Office in
23 Ohio, as well as the director of elections in
24 Mahoney County, to seek their input on the
25 accuracy and the outcome of their recent

1 election in November.

2 The feedback that I've gotten from our county
3 customer as well from the state is they are
4 extremely happy. They had a fantastic election
5 there. So what we've done with that system -- the
6 one issue that was reported out of Cayuga County,
7 Ohio where there was -- the touch screens, the
8 calibration was being lost, that issue was
9 addressed and a report was provided to Ball State,
10 and that was prior to the last two meetings.

11 So at this point we've addressed all of the
12 issues, all of the items that were -- you know,
13 where the EAC had opened their initial
14 investigation of the 3.2.0.0, all of those items
15 were cured in 3.2.1.0, and then the one issue that
16 was found in Cayuga County regarding the screen
17 operation issue, we addressed that as well and have
18 provided Ball State that report.

19 So we feel that the Indiana Unity 3.2.1.0
20 release meets all of -- it remains uncertified, but
21 we also feel that it is a reliable system that can
22 be used under the Indiana election code.

23 VICE CHAIR A. LONG: Dr. Scheele indicated
24 in his presentation that in your revision of
25 your application of July the 17th, you were

1 using a new version of DS200, does that got
2 another number?

3 MR. S. SHAMO: Yes, the firmware version
4 was upgraded firmware 1.4.3.12, and the 12
5 version corrected the calibration and screen
6 issue.

7 VICE CHAIR A. LONG: Dr. Scheele,
8 what -- excepting of that, what is it you all
9 need in order to recommend to us one way or the
10 other?

11 MR. S. PEARSON: We would respectfully
12 request the Commission to certify that version.

13 VICE CHAIR A. LONG: What I'm asking Dr.
14 Scheele who apparently is not prepared to make
15 that recommendation at this point in time, what
16 VSTOP needs in order to make that
17 recommendation?

18 DR. R. SCHEELE: The problems with the
19 DS200, we do not believe, is yet resolved.
20 There are still advisories on the EAC web page.
21 We understand that the EAC is looking to issue a
22 report very quickly or very soon, I should say,
23 concerning those advisories, and those have been
24 the same old ones that I mentioned previously.

25 Those issues are still outstanding, as far as

1 we know, and we talked to the EAC as recently as
2 Friday of last week concerning those.
3 Consequently, we are uncomfortable with the DS200
4 and both of these advisories are on the DS200, but
5 we're not comfortable recommending the
6 certification of a system where there's still some
7 doubt.

8 Now the M100, as I indicated to you
9 previously, is very promising. It is -- no
10 advisories are out on the M100. If the M100 is
11 used on the 3.2.1.0, it has a promising -- I think
12 a promising way of going on that system, but we
13 still have some paperwork issues to look at and we
14 want to talk more with ES&S about that when they're
15 ready.

16 VICE CHAIR A. LONG: Their present
17 application is for the -- on the 3.2.1.0 with
18 the DS200 and not with the M...

19 DR. R. SCHEELE: They're actually asking
20 for both on the application.

21 VICE CHAIR A. LONG: Both of them?

22 DR. R. SCHEELE: Yes, and we're not
23 prepared to talk -- at this point we need a lot
24 more information on the DS200.

25 CHAIRMAN D. DUMEZICH: When can we get the

1 information and when can this process be
2 completed?

3 DR. R. SCHEELE: I think it would be
4 done -- if the Commission meets in January, I
5 think we will have a -- a recommendation yes or
6 no to you in January.

7 VICE CHAIR A. LONG: It's a possible
8 scenario, and I think it's good that -- I mean,
9 we want to be able to make a definitive answer,
10 at least I do, as promptly as possible, but
11 would it be possible to have a split
12 recommendation, if that were the facts, call for
13 that, then you would recommend certification,
14 for example, the 3.2.1.0 with the, what is it
15 the W100?

16 DR. R. SCHEELE: With the M100.

17 VICE CHAIR A. LONG: With the M100 -- I
18 can't read my writing -- if I turn it over, and
19 not the 200 so that we -- but would then be
20 followed up on in a subsequent, that you would
21 extend that certification to include the 200 if
22 it was subsequently resolved?

23 DR. R. SCHEELE: Right, exactly. And if we
24 went that way, we have -- I would want to check
25 with the Election Division Co-directors to see

1 if the application would have to be revised to
2 take off the DS200 or not or how that would
3 work.

4 VICE CHAIR A. LONG: I request that we...

5 CHAIRMAN D. DUMEZICH: You want to move?

6 VICE CHAIR A. LONG: I would ask that the
7 co-directors here, individually, or together, if
8 they choose, to give us a report on their
9 thoughts as to where we stand and the action
10 that would be best and more appropriate for us
11 to take.

12 CHAIRMAN D. DUMEZICH: Both with respect to
13 ES&S and MicroVote?

14 VICE CHAIR A. LONG: I think I'm more
15 concerned with ES&S at this point. I think
16 MicroVote is on their way to getting that
17 resolved and...

18 CHAIRMAN D. DUMEZICH: If they get the
19 information.

20 VICE CHAIR A. LONG: Yeah. It involves --
21 I think MicroVote will do -- if they want to
22 seriously be considered, they're going to follow
23 what VSTOP wants. I believe -- I suspect that
24 ES&S understands that also, but the
25 co-directors, their counsel is what I'd like to

1 have.

2 CHAIRMAN D. DUMEZICH: Okay.

3 MR. T. DECKARD: Mr. Chairman?

4 CHAIRMAN D. DUMEZICH: Yes, sir.

5 MR. T. DECKARD: Just for clarification, I
6 want to make sure from the Commission -- I know
7 that we have both the 3.2.1.0 that we're talking
8 about proceeding through and we have the motion
9 with regard to the 3.2.0.0, do you want the
10 co-directors to write a recommendation based on
11 those two, since I know that there's some
12 discussion or conjunction between them, or do
13 you want just 3.2.1.0, just for a clarification?

14 CHAIRMAN D. DUMEZICH: I would think both.

15 VICE CHAIR A. LONG: I agree with that, Mr.
16 Chairman. The 3.2. -- the 3.2.0.0, I haven't
17 picked up that there's anything to -- it seems
18 to me, and maybe ES&S can -- if the 3.2.1.0
19 issue is resolved the 3.2.0.0 goes away, I would
20 think you withdraw it from consideration?

21 MR. S. PEARSON: That's correct.

22 VICE CHAIR A. LONG: I agree. I think that
23 if we get a report from them and we look to get
24 this on the agenda for our next meeting, and
25 hopefully, get it -- I would appreciate if VSTOP

1 could get us a report that could be forwarded
2 out to us so we have at least the opportunity,
3 and a copy, of course, to ES&S, if they would
4 want to prefile any responses, to at least have
5 an opportunity before the meeting to discuss it.

6 MR. T. McCLAMROCK: Can I ask a question?

7 CHAIRMAN D. DUMEZICH: Sure. Let's wait
8 until they get done or are you guys already
9 done?

10 MR. S. PEARSON: I would like to just try
11 to further clarify our desire. The 3.2.1.0
12 version that was brought to Indiana for
13 certification, it included two precinct
14 tabulators, the Model 100 and the DS200, which
15 are really designed -- the Model 100 has been
16 certified in the state for probably close to ten
17 years so it's an upgrade to that.

18 Because it was examined by Ball State as part
19 of the Unity 3.2.1.0, I think at this point,
20 minimally, if we could request the Commission to at
21 least certify the Unity 3.2.1.0 with all
22 components, excluding the DS200, until further
23 questions are resolved, that would serve our
24 counties the best in the preparation of 2010.

25 We'll do everything we can to provide -- I'm

1 not aware of any additional reports that EAC is
2 publishing. I'm not aware of any additional
3 activity around the Unity 3.2.1.0 release. We do
4 have another release in testing, the Unity 3.4.0.0,
5 which should be brought into the state sometime
6 next year -- probably midyear but it won't be in
7 time for use in the 2012 election cycle.

8 MR. T. McCLAMROCK: So minimally, I guess
9 we would like to ask the commissioner to
10 entertain approving 3.2.1.0 minimally with the
11 Model 100 and Model 650 and Automark systems as
12 they stand today, as there's no additional
13 testing to be done or examination to be done, at
14 least in my mind.

15 CHAIRMAN D. DUMEZICH: Mr. Scheele?

16 DR. R. SCHEELE: Yes. We still have a few
17 other questions on that that we have to look at.
18 There is a connection, as I understand it, and
19 we want to research it more, that the new M100
20 may require changes to the Automark, and I'm not
21 sure if that's true, but we're going to research
22 that, and these are, quite frankly, minor
23 questions, but they are important questions,
24 nonetheless, and they can be resolved certainly
25 by the next meeting.