

# Indiana Election Commission Minutes August 6, 2012

**Members Present:** Daniel A. Domezich, Chairman of the Indiana Election Commission (“Commission”); Jennifer Wagner, proxy for Commissioner Long, Vice Chairman of the Commission; R. Matthew Zapfe (proxy for Commissioner Bennett); Suzannah Wilson Overholt, Commission member.

**Members Absent:** S. Anthony Long, Vice-Chairman of the Commission; Bryce Bennett, Commission member.

**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; Dale Simmons, Co-General Counsel of the Election Division.

**Also Attending:** Dr. Jay Bagga; Mr. Bernard Hirsch; Mr. Steve Shamo.

## 1. Call to Order

The Chair called the August 6, 2012 meeting of the Commission to order at 1:38 p.m. in Indiana Government Center South Conference Room B, 402 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 3, line 6, after “would” insert “ask”.

Page 5, line 7, replace “?” with “.”

Page 5, line 20, replace “the Order” with “Orders”.

Page 10, line 1, delete “work”.

### 3. Adjournment

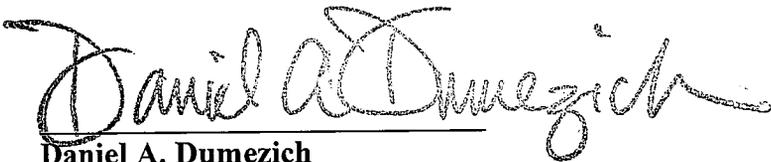
There being no further items on the Commission's agenda, the Chair entertained a motion to adjourn. Ms. Overholt moved, seconded by Mr. Zapfe, that the Commission do now adjourn. The Chair called the question, and declared that with four members voting "aye" (Mr. Dumezich, Ms. Overholt, Ms. Wagner, and Mr. Zapfe), and no Commission member voting "no," the motion was adopted. The Commission then adjourned at 1:49 p.m.

Respectfully submitted,

  
Trent Deckard  
Co-Director

  
J. Bradley King  
Co-Director

**APPROVED:**

  
Daniel A. Dumezich  
Daniel A. Dumezich  
Chairman

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDIANA ELECTION COMMISSION  
PUBLIC SESSION AGENDA

Conducted On: Monday, August 6, 2012

Location: Indiana Government Center South  
Conference Room B  
402 West Washington Street  
Indianapolis, Indiana 46204

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

---

**CONNOR REPORTING, INC.**  
1650 One American Square  
Indianapolis, IN 46282  
(317) 236-6022

A P P E A R A N C E S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDIANA ELECTION COMMISSION:

Mr. Daniel Dumezich - Chairman

Ms. Jennifer Wagner - (*Proxy for Vice  
Chairman Anthony Long*)

Ms. Suzannah Overholt - Commission Member

Mr. R. Matthew Zapfe - (*Proxy for  
Commission Member Bryce Bennett*)

INDIANA ELECTION DIVISION STAFF:

Mr. Dale Simmons - 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 The following members of the commission are  
4 present. Jennifer Wagner is a proxy for Vice  
5 Chairman Anthony Long. I would everybody to  
6 turn off their cell phones because it's very  
7 rude. Suzannah Overholt is here as well. Proxy  
8 Matt Zapfe serving for Board Member Bryce  
9 Bennett. Also the Indiana Election Division  
10 Staff, Co-Director Trent Deckard and Brad King,  
11 and Co-General Counsel Dale Simmons is here.  
12 Leslie Barnes is not here today?

13           **MR. B. KING:** Yes.

14           **CHAIRMAN D. DUMEZICH:** And the court  
15 reporter is Rhonda Hobbs from Connor &  
16 Associates. Before we begin, I want to remind  
17 everyone on behalf of the court reporter to  
18 identify yourself when you begin to speak, spell  
19 your name when identifying yourself, and speak  
20 clearly.

21           Please do not speak at the same time others  
22 are speaking because it makes her job  
23 extraordinarily difficult. With that, I'd request  
24 Mr. Deckard and Mr. King to confirm that the  
25 commission meeting has been properly noticed.

1           MR. B. KING: Mr. Chairman and Members of  
2 the Commission, this meeting was properly  
3 noticed under the Indiana Open Door Law.

4           CHAIRMAN D. DUMEZICH: I'd recognize Mr.  
5 Deckard and Mr. King to present the minutes from  
6 the January 10th, 2002 meeting and the June  
7 28th, 2012 meeting of the commission. Almost a  
8 decade apart, that's very nice.

9           MR. B. KING: Mr. Chairman and Members of  
10 the Commission, Mr. Deckard and myself reviewed  
11 those and present them to you for approval.

12           CHAIRMAN D. DUMEZICH: Is there a motion to  
13 approve?

14           COMMISSION MEMBER S. OVERHOLT: So moved.

15           CHAIRMAN D. DUMEZICH: Second?

16           COMMISSION MEMBER M. ZAPFE: Second.

17           CHAIRMAN D. DUMEZICH: Any discussion?

18           *(No response.)*

19           CHAIRMAN D. DUMEZICH: Hearing none, all in  
20 favor, say aye?

21           THE COMMISSION: Aye.

22           CHAIRMAN D. DUMEZICH: All opposed, nay?

23           *(No response.)*

24           CHAIRMAN D. DUMEZICH: 4-0, the ayes have  
25 it. The motion to approve the minutes is

1 adopted. Campaign Finance, adoption of Order  
2 2012-112 through 2012-168 from the hearing as of  
3 June 28th.

4 I'd ask Mr. Deckard and Mr. King to present  
5 the information to the Commission regarding these  
6 final orders, which reflect the decisions made by  
7 the Commission after the last meeting?

8 MR. B. KING: Mr. Chairman and Members of  
9 the Commission, the orders referenced that have  
10 been prepared reflect the Commission's actions  
11 at its last meeting. I believe Mr. Deckard has  
12 copies of the orders there, if anyone has  
13 questions.

14 CHAIRMAN D. DUMEZICH: Questions? Anything  
15 to say, sir?

16 MR. T. DECKARD: No.

17 CHAIRMAN D. DUMEZICH: No, okay.

18 MR. T. DECKARD: Thank you.

19 CHAIRMAN D. DUMEZICH: Is there a motion to  
20 adopt the Order 2012-112 through 2012-168 as  
21 presented?

22 COMMISSION MEMBER S. OVERHOLT: So moved.

23 CHAIRMAN D. DUMEZICH: Is there a second?

24 COMMISSION MEMBER M. ZAPFE: Second.

25 CHAIRMAN D. DUMEZICH: Any discussion?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(No response.)

CHAIRMAN D. DUMEZICH: Hearing none, all in favor of approval, indicate by saying aye?

THE COMMISSION: Aye.

CHAIRMAN D. DUMEZICH: All opposed, nay?

(No response.)

CHAIRMAN D. DUMEZICH: 4-0, the ayes have it, and the motion is adopted it. Is there a motion to authorize the Election Division staff to affix each member's signature stamp to the final copy of these orders and other others approved at the Commission today?

COMMISSION MEMBER S. OVERHOLT: So moved.

CHAIRMAN D. DUMEZICH: Is there a second?

COMMISSION MEMBER M. ZAPFE: Second.

CHAIRMAN D. DUMEZICH: Okay. Any discussion?

(No response.)

CHAIRMAN D. DUMEZICH: Hearing none, all in favor of the motion to affix member signature stamps on the final copy of the orders, indicate by saying aye?

THE COMMISSION: Aye.

CHAIRMAN D. DUMEZICH: All opposed, nay?

(No response.)

1           **CHAIRMAN D. DUMEZICH:** The ayes have it.  
2           The motion is approved. The approval of forms.  
3           I'd recognize Mr. Deckard and Mr. King to  
4           present Order 2012-169 for the approval of  
5           election forms.

6           **MR. B. KING:** Mr. Chairman and Members of  
7           the Commission, the second tab in your binder  
8           with the -- labeled forms order is followed by  
9           Order No. 2012-169. This particular order  
10          contains revisions to forms involving the  
11          electoral college process which will be  
12          conducted in December of this year. The changes  
13          are very technical and straight forward.  
14          They're updating references to previous dates,  
15          or in most cases, making the dates blank so that  
16          they can be filled in in the future without the  
17          need to formerly revise the form, and I'll be  
18          happy to answer questions.

19          **CHAIRMAN D. DUMEZICH:** Okay. For the  
20          purposes of discussion, is there a motion to  
21          approve these orders as presented?

22          **COMMISSION MEMBER S. OVERHOLT:** So moved.

23          **CHAIRMAN D. DUMEZICH:** Is there a second?

24          **COMMISSION MEMBER M. ZAPFE:** Second.

25          **CHAIRMAN D. DUMEZICH:** Hearing a second, is

1 there any discussion by the members?

2 (No response.)

3 CHAIRMAN D. DUMEZICH: All in favor of  
4 Order 2012-169 for the approval of election  
5 forms, please indicate by saying aye?

6 THE COMMISSION: Aye.

7 CHAIRMAN D. DUMEZICH: All opposed, nay?

8 (No response)

9 CHAIRMAN D. DUMEZICH: 4-0, the ayes have  
10 it, and the forms are approved. Administration  
11 of the oath to individuals testifying before the  
12 Commission. Mr. Simmons, could you, please,  
13 make a run at this?

14 MR. D. SIMMONS: All those who plan to  
15 testify today at the commission hearing, stand  
16 and raise your right hand and say I do after the  
17 administration of the oath?

18 (Participants complied.)

19 MR. D. SIMMONS: Do you solemnly swear or  
20 affirm under the penalties of perjury that the  
21 testimony you're about to give is the truth, the  
22 whole truth, and nothing but the truth, say I  
23 do?

24 THE PARTICIPANTS: I do.

25 CHAIRMAN D. DUMEZICH: VSTOP Program

1 report. We received a report from Ball State in  
2 our binders regarding voting system issues.  
3 I'll recognize Dr. Jay Bagga of -- Co-Director  
4 of the VSTOP Program to provide us with more  
5 detailed information regarding the pending  
6 application of the MicroVote General Corporation  
7 for voting systems certification.

8 MR. J. BAGGA: Thank you, Mr. Chairman. My  
9 name is Jay Bagga, B-A-G-G-A. I'm the  
10 co-director of the VSTOP, the Voting Systems  
11 Technical Oversight Program based at Ball State  
12 University.

13 You have in front of you a report submitted by  
14 VSTOP on the application from MicroVote for  
15 certification of the MicroVote EMS 4.08  
16 Modification Voting System. That report is in  
17 front of you.

18 The voting system was tested at Ball State for  
19 field tests on Tuesday, June 19th, and again, on  
20 Tuesday, July 17th. We find that the voting system  
21 described above in the report meets all the  
22 conditions and requirements for the Indiana Code  
23 for use in the State of Indiana.

24 This finding also includes compliance with --  
25 legal requirements for voters with disabilities.

1 The work voting system has been certified by EAC,  
2 and as part of our recommendation, we state that  
3 the conditions of the EAC restrictions shall be  
4 met, and they are listed a Conditions 1 and 2 in  
5 the report.

6 CHAIRMAN D. DUMEZICH: Okay. Any questions  
7 for Dr. Bagga?

8 *(No response.)*

9 CHAIRMAN D. DUMEZICH: Do we have MicroVote  
10 representatives here today?

11 MR. S. SHAMO: Yes, you do.

12 CHAIRMAN D. DUMEZICH: Okay. Would you  
13 care to say anything with respect to the  
14 application -- please identify yourself for the  
15 record?

16 MR. S. SHAMO: My name is Steve Shamo, a  
17 MicroVote representative, S-H-A-M-O, and no, I  
18 don't have anything to add other than happy to  
19 be here.

20 CHAIRMAN D. DUMEZICH: Okay. Is there a  
21 motion it approve the application for  
22 certification of the voting system from  
23 MicroVote General Corporation with the  
24 components set forth in the VSTOP report  
25 incorporation all restrictions as set forth in

1 that report?

2 COMMISSION MEMBER M. ZAPFE: Motion to  
3 approve.

4 CHAIRMAN D. DUMEZICH: Is there a second?

5 COMMISSION MEMBER S. OVERHOLT: Second.

6 CHAIRMAN D. DUMEZICH: Hearing a second,  
7 any further discussion?

8 *(No discussion.)*

9 CHAIRMAN D. DUMEZICH: If not, all in favor  
10 of the motion, indicate by saying aye?

11 THE COMMISSION: Aye.

12 CHAIRMAN D. DUMEZICH: All opposed, nay?

13 *(No response.)*

14 CHAIRMAN D. DUMEZICH: 4-0, the ayes have  
15 it, and the motion is adopted. The Indiana  
16 Election Commission has finished its business  
17 for today. Do I hear a motion to adjourn?

18 COMMISSION MEMBER S. OVERHOLT: So moved.

19 CHAIRMAN D. DUMEZICH: Is there a second?

20 COMMISSION MEMBER M. ZAPFE: Second.

21 CHAIRMAN D. DUMEZICH: All in favor, please  
22 indicate by saying aye?

23 THE COMMISSION: Aye.

24 CHAIRMAN D. DUMEZICH: All opposed, nay?

25 *(No response.)*

1           CHAIRMAN D. DUMEZICH: 4-0, the ayes have  
2 it, and the Indiana Election Commission meeting  
3 is adjourned.

4           *(At this time the proceedings were adjourned.)*

5           *(Time noted: 1:49 p.m.)*

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF INDIANA )  
2 COUNTY OF MARION ) SS:

3

4 I, Rhonda J. Hobbs, RPR, and a Notary Public  
5 and Stenographic Reporter within and for the County  
6 of Hendricks, State of Indiana at large, do hereby  
7 certify that on the 6th day of August, 2012, I took  
8 down in stenograph notes the foregoing proceedings;

9 That the transcript is a full, true and  
10 correct transcript made from my stenograph notes.

11 IN WITNESS WHEREOF, I have hereunto set  
12 my hand and affixed my notarial seal this 23<sup>rd</sup>  
13 day of August, 2012.

14

15

16

*Rhonda J. Hobbs*  
NOTARY PUBLIC

17

18 My Commission Expires:  
19 August 24, 2017  
20 County of Residence:  
21 Hendricks County

22

23

24

25