Indiana Election Commission
Minutes
September 26, 2013

Members Present: Daniel A. Dumezich, Chairman of the Indiana Election Commission ("Commission"); S. Anthony Long, Vice Chairman of the Commission; Bryce Bennett, member of the Commission; Suzannah Wilson Overholt, member of the Commission.

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 Indiana Election Division; Dale Simmons, Co-General Counsel of the Election Division; Abbey Taylor, Indiana Election Division campaign finance staff; Michelle Thompson, Indiana Election Division campaign finance staff.

Also Attending: Mr. Ted Adams; Dr. Jay Bagga; Mr. Tim Henderson; Dr. Joseph Losco; Ms. Priya Mishra; Mr. Sujan Pradhan; Dr. Ray Scheele; Mr. Russ Sipes; Mr. John T. Young.

1. Call to Order

The Chair called the September 26, 2013 meeting of the Commission to order at 1:09 p.m. in the Indiana Government Center South Conference Center, Conference Room 5, at 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. Tamara J. Brown of Connor and Associates, Inc. A copy of this document is incorporated by reference in these minutes.

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

Page 4, line 14, replace “co general” with “co-general”.

Page 5, line 4, replace “KING KING” with “KING”.

Page 5, line 10, replace “KING KING” with “KING”.

Page 5, line 16, replace “TRENT DECKARD” with “VICE-CHAIRMAN LONG”.
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, Mr. Bennett, and Ms. Overholt), and no Commission member voting “no,” the motion was adopted. The Commission then adjourned at 1:52 p.m.

Respectfully submitted,

Trent Deckard
Co-Director

J. Bradley King
Co-Director

APPROVED:

Daniel A. Dumezich,
Chairman
INDIANA ELECTION COMMISSION

PUBLIC SESSION

Conducted on the 26th day of September, 2013, in the offices of the Indiana Government Conference Center, Room 5, 402 West Washington Street, Indianapolis, Indiana.

A STENOGRAPHIC RECORD

By: Tamara J. Brown
Notary Public
Stenographic Reporter

CONNOR REPORTING, INC.
1650 ONE AMERICAN SQUARE
INDIANAPOLIS, IN 46282
(317) 236-6022
APPEARANCES

INDIANA ELECTION COMMISSION:

Mr. Daniel A. Dumezich - Chairman
Mr. S. Anthony Long - Vice Chairman
Mr. Bryce H. Bennett, Jr. - Commission Member
Ms. Suzannah Wilson Overholt - Commission Member

INDIANA ELECTION DIVISION STAFF:

Mr. J. Bradley King - Co-Director
Mr. Trent Deckard - Co-Director
Ms. Leslie Barnes - Co-Legal Counsel
Mr. Dale Simmons - Co-Legal Counsel
Ms. Michelle Thompson - Campaign Finance
Ms. Abbey Taylor - Campaign Finance
INDEX

1 Call to Order and . . . . . . . . . 4
   Determination of Quorum
2 Documentation of Compliance with . 5
   Open Door Law
3 Approval of Indiana Election . . . 5
   Commission Minutes
4 Campaign Finance Enforcement . . . 6
5 Voting System Matters . . . . . 23
6 Order 2013-2 (Forms) . . . . . 39
7 Next Meeting Date . . . . . . . 43
8 Adjournment . . . . . . . . . . 45
(Time Noted 1:09 p.m.)

CHAIRMAN DUMEZICH: I would like to take this opportunity to call to order the Indiana Election Commission. This meeting of the Indiana Election Commission is now called to order.

The following members of the Commission are present: Chairman Dan Dumezich; to my left is Anthony Long; to my right, skipping over Brad King, is Bryce Bennett; and to Anthony Long's left is Suzannah Overholt.

Okay. Our, the Indiana Election staff are: Codirectors Trent Deckard to my left; down a few people, Brad King to my right; co general counsel are Leslie Barnes and Dale Simmons.

The court reporter today is Tami Brown from Connor & Associates.

Before I begin today, I would like to remind everyone on behalf of the Commission to identify yourself when you begin to speak. Spell your name when you identify yourself. Speak clearly. And please do not speak when someone else is speaking, especially if it is a member of the Commission.

I would request Mr. Deckard and Mr. King to
confirm that the Commission meeting has been
properly noticed as required under the Open Door
Law.

BRAD KING KING: Mr. Chairman, members of
the Commission, notice of this meeting was
posted in compliance with the Open Door Law.

CHAIRMAN DUMEZICH: I recognize Mr. Deckard
and Mr. King to present minutes from the last
Commission meeting of August 29, 2013.

BRAD KING KING: Mr. Chairman, members of
the Commission, the minutes of that meeting were
reviewed by Mr. Deckard and myself, signed and
submitted for your review and approval.

CHAIRMAN DUMEZICH: Is there a motion to
approve these minutes?

TRENT DECKARD: So moved.

CHAIRMAN DUMEZICH: Second?

COMMISSION MEMBER BENNETT: Second.

CHAIRMAN DUMEZICH: Discussion? Hearing
none, all in favor say aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH: All opposed, nay?

(No response.)

CHAIRMAN DUMEZICH: 4/0, the ayes have it.

The motion to approve the minutes is adopted.
Use of signature stamps during the course of this, is there a motion to authorize the Election Commission to affix each member's signature stamp to the final copy of this order and other orders approved by the Commission at this meeting?

VICE CHAIRMAN LONG: So moved.

CHAIRMAN DUMEZICH: Is there a second?

COMMISSION MEMBER BENNETT: Second.

CHAIRMAN DUMEZICH: Hearing a second, any discussion?

(No response.)

CHAIRMAN DUMEZICH: Hearing none, all in favor of the motion, on the adoption of the motion, indicate by saying aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH: Opposed, nay?

(No response.)

CHAIRMAN DUMEZICH: 4/0, the ayes have it, and the motion is approved.

Next we have Campaign Finance, adoption of orders, 2013-142 through 2013-180 from the hearing at the August 29th Commission meeting.

These, I would ask Campaign Finance staff, Ms. Taylor and Ms. Thompson, to present
information to the Commission regarding these
final orders, which reflect the decisions made
by the Commission at its last meeting.

ABBEMY TAYLOR TAYLOR: Mr. Chairman, Members
of the Commission, Orders 2013-142 through
2013-180 have been prepared from the actions
taken at the August 29th meeting, and these
orders are ready for adoption.

CHAIRMAN DUMEZICH: Okay. Is there a
motion to adopt orders here?

VICE CHAIRMAN LONG: I'll move to adopt
Orders 2013-142 through 2013-180 inclusive.

CHAIRMAN DUMEZICH: Is there a second?

COMMISSION MEMBER BENNETT: I will second
that motion.

CHAIRMAN DUMEZICH: Any discussion?

(No response.)

CHAIRMAN DUMEZICH: Hearing none, all in
favor of the adoption of Orders 2013-142 through
2013-180 indicate by saying aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH: Opposed, nay.

(No response.)

CHAIRMAN DUMEZICH: 4/0, the ayes have it.

Campaign Finance Referrals to the Attorney
General for collections: I understand that there are referrals of committees to the Attorney General for collecting fines, and the Campaign Finance staff can provide information regarding those referrals.

I turn to Abbey and Michelle to provide us that information.

ABBEY TAYLOR: Mr. Chairman, under your Campaign Finance tab, there is a list that we're going to turn over to the Attorney General for collections.

VICE CHAIRMAN LONG: Is that the first list under the tab?

ABBEY TAYLOR: Second.

VICE CHAIRMAN LONG: Paper-clipped together where it says Attorney General list?

ABBEY TAYLOR: Yes.

CHAIRMAN DUMEZICHI: Do we need to take any action on this?

ABBEY TAYLOR: No.

VICE CHAIRMAN LONG: Thank you for bringing this in.

CHAIRMAN DUMEZICHI: For everyone present today who plans to testify regarding any matter coming before the Commission, including Campaign
Finance or Voting System matters, please stand for the administration of the oath. And I would recognize Mr. Dale Simmons to administer the oath.

(Oath administered.)

CHAIRMAN DUMEZICH: Okay. The opportunity for committees with representatives present today to accept reduced penalties: Before proceeding with enforcement actions, we want to give any committee present a final opportunity to pay a reduced civil penalty by waiving the right to present evidence and arguments to the Commission. Any committee is welcome to present evidence and arguments for a proposed penalty to be waived. But this opportunity is solely for those who want to waive that presentation and accept the reduced penalty.

The arrangements are as follows: If it is the committee's first violation, the arrangement is for the committee to agree to pay 25 percent of the proposed fine, plus mailing costs.

If it is the committee's second violation, the arrangement is for the committee to agree to pay 50 percent of the proposed fine, plus mailing costs.
If this is the committee's third violation, 
the committee would agree to pay 75 percent of 
the proposed violation plus mailing costs. 
Do I hear a motion from the Commission to 
approve this arrangement? 
VICE CHAIRMAN LONG: So moved. 
CHAIRMAN DUMEZICH: Is there a second? 
COMMISSION MEMBER BENNETT: Second. 
CHAIRMAN DUMEZICH: Hearing a second, is 
there any discussion? 
(No response.) 
CHAIRMAN DUMEZICH: Hearing none, all in 
favor of adopting these procedures, please 
indicate by saying aye. 
(Chorus of ayes.) 
CHAIRMAN DUMEZICH: Opposed, nay? 
(No response.) 
CHAIRMAN DUMEZICH: 4/0, the ayes have it. 
The motion is adopted. 
Are there any committees here who would 
like to accept this arrangement? If so, please 
come forward. 
Please state your name and cause number, 
and spell your name as well. 
TIM HENDERSON: Sir, my name is Tim

CHAIRMAN DUMEZICH: Have we located it in our books?

VICE CHAIRMAN LONG: It shows a zero.

ABBEY TAYLOR: One settlement agreement.

CHAIRMAN DUMEZICH: That finance for $1,000.45.

ABBEY TAYLOR: Correct.

CHAIRMAN DUMEZICH: So it is the second time you would be paying half of that, plus mailing costs.

TIM HENDERSON: Okay.

CHAIRMAN DUMEZICH: Very good.

VICE CHAIRMAN LONG: Thank you.

CHAIRMAN DUMEZICH: Anyone else that would like to come forward to take this arrangement?

RUSS SIPES: Russ Sipes for the Indiana Federation of Democratic Women. I have a question. If there were two violations at the same time, does that count as first or second?

CHAIRMAN DUMEZICH: First.

RUSS SIPES: The Federation would like to
accept a reduced fine.

CHAIRMAN DUMEZICH: Matter number, and
spell your name for the record -- unless I
missed it.

RUSS SIPES: I don't have the matter
number. The spelling is S-I-P-E-S, first name
Russ, R-U-S-S.

CHAIRMAN DUMEZICH: Michelle or Abbey,
please?

ABBEY TAYLOR: This is the Indiana
Federation of Democratic Women Political Action
Committee. This is for the annual report, Cause
No. 2013-6406-87. The first one is a proposed
civil penalty of $250.45. The second one, Cause
No. 2013-6406-116 is for the 2012 election
report and has a proposed civil penalty of
$350.25.

CHAIRMAN DUMEZICH: Do you agree -- go on.

ABBEY TAYLOR: Neither one of these
committees have been before the Board, or either
one of these.

CHAIRMAN DUMEZICH: So this is a first
offense?

RUSS SIPES: Yes.

CHAIRMAN DUMEZICH: You understand that you
will be paying 25 percent of that?

RUSS SIPES: Yes.

VICE CHAIRMAN LONG: If I was smarter I
could add it up -- $250.90 total.

CHAIRMAN DUMEZICH: Very good, sir. Thank
you. And you'll be receiving a bill in the
mail.

Anyone else? Anyone else? Is there anyone
else here for Campaign Finance hearing?

(No response.)

CHAIRMAN DUMEZICH: Okay. Then I'm going
to have to go through the adoption of those
procedures.

COMMISSION MEMBER OVERHOLT: There is, sir.

CHAIRMAN DUMEZICH: Campaign Finance? What
are you here for?

TED ADAMS: This would be the matter of
John T. Young, cause No. 6379. I'm sorry, I
don't have them all. There's three different
cause numbers.

ABBNEY TAYLOR: 2013 --

TED ADAMS: I'm sorry. 6379-10, 6379-134,
6379-135.

CHAIRMAN DUMEZICH: Is there anyone here
for Campaign Finance other than these two
gentlemen?

Go ahead. We can cut to the chase, then.
Do you agree with these fines?

TED ADAMS: We were going to make a presentation.

CHAIRMAN DUMEZICH: Okay. Well, what we're going to do is, we're going to have the Campaign Finance staff go first and tell us about the violations, and then you can tell us your side and we'll go from there.

Now, will both of you state your name and spell it for the record so I have that down?


CHAIRMAN DUMEZICH: And you are an attorney representing him?

TED ADAMS: No, I am his treasurer.

CHAIRMAN DUMEZICH: He is who?

JOHN T. YOUNG: I'm John T. Young. I was the candidate.

CHAIRMAN DUMEZICH: Young commonly spelled.

JOHN T. YOUNG: Y-O-U-N-G.

CHAIRMAN DUMEZICH: Very good. And ladies, if you could tell us what the heck is going on, it would be greatly appreciated.

ABBEBY TAYLOR: Committee to Elect John T.
Young, Cause No. 2013-6379-10, this is for his 2012 annual report. His proposed civil penalty was $50.45.

The next one on page 3 is for the 2012 supplemental report, Cause No. 2013-6379-134, has proposed civil penalty of $1,000.45. And again, the third one is also for a supplemental report, and that fine is also $1,000.45, so three.

CHAIRMAN DUMEZICH: Were there any prior violations?

ABBEY TAYLOR: No.

CHAIRMAN DUMEZICH: Very good, sir, if you could present your position.

TED ADAMS: Thank you, Mr. Chairman. I was the treasurer, and I'm here to ask for mercy. I know ignorance is no defense to the law. I operate in Title 9 and Title 35, I rarely am in Title 3, which I learned a lot about.

Our campaign, we lost our election. Our finances are at zero. I was unaware of an annual report that needed to be filed. I spoke with Mr. King and Mr. Deckard on the phone, and they were very gracious, and once I found out what I had done, which was unfortunately a year
later, I filed immediately. I thought the CFA 
11, if I'm getting my charge right, covered 
everything, and I thought I was done.

But we -- there is no dispute that there's 
definitely a violation. I see the public 
policy. But it's our first attempt, our first 
foray into politics, and I would just ask for 
mercy, as our account balance is zero.

CHAIRMAN DUMEZICH: What was the period you 
ranged and what did you run for?

JOHN T. YOUNG: I ran for state 
Representative for District 47, which covered 
mostly half of Johnson County, and I ran in the 
primary campaign, 2012.

Then also the --

CHAIRMAN DUMEZICH: And you did not 
prevail?

JOHN T. YOUNG: I did not prevail. I did not win. And I considered disbanding my 
campaign as well; however, not knowing if I want 
to continue, I don't know if I want to do that 
at this time.

But I would point out that the 
contributions in question, that we did not do 
the report for, were funds that were my personal
funds that I put into it.

VICE CHAIRMAN LONG: These are the supplemental violations? How much was it?

TED ADAMS: Two payments of $3,000 apiece, I believe.

JOHN T. YOUNG: And they were to cover expenditures for a mailing that I did at the very end of the election process. And I -- I was not aware, since it was my own money, and my father had also contributed some money, that I wasn't aware that I had to do anything, that I had to file a supplemental report. Obviously we reported it.

So certainly we are not arguing that we did not violate the statute. We certainly did. But I would ask under the circumstances, my treasurer did file the proper report, and this may be looked at as excusable neglect, or perhaps if the Commission would even merge the two counts with the CFA violations together, because they were part of the same transaction, if you will.

VICE CHAIRMAN LONG: Have you closed the committee now?

JOHN T. YOUNG: I have not. I have
debated --

VICE CHAIRMAN LONG: I understand your treasurer said your committee has no money.

JOHN T. YOUNG: Correct.

VICE CHAIRMAN LONG: If you close this committee, and it wouldn't dissuade you from running again, you could open a new committee. If you would be willing to file a final report and close the committee, I think that we have a policy that would probably accomplish what you just asked us to do.

JOHN T. YOUNG: And I can -- one thing that I'm here for is I want to take responsibility for this. So I understand, the concern is with disbanding, if I do open the committee again, if I'm still going to need to deal with this tissue.

VICE CHAIRMAN LONG: No.

CHAIRMAN DUMEZICH: That would be an all new committee. And we think you showing up here is in fact dealing with it.

JOHN T. YOUNG: Thank you.

VICE CHAIRMAN LONG: I mean, we realize that --

TED ADAMS: He may want an all new
treasurer, too.

CHAIRMAN DUMEZICH: I was going to suggest you refund any fees you might have received.

VICE CHAIRMAN LONG: I would suggest we table this, so they won't have to --

CHAIRMAN DUMEZICH: -- come back in?

VICE CHAIRMAN LONG: Procedurally we table it until the next meeting, they file their report, and you will receive notice of the meeting, but if disbanded I will move to dismiss the case against you.

CHAIRMAN DUMEZICH: And someone will second it and we will vote 4/0 on it.

VICE CHAIRMAN LONG: The chairman is absolutely right. Being here, explaining the situation.

TED ADAMS: Extending my apologies.

JOHN T. YOUNG: And that explains it well to me.

VICE CHAIRMAN LONG: We appreciate that.

JOHN T. YOUNG: Then we will file the correct documents to disband it. And we thank --

VICE CHAIRMAN LONG: What will they file now?
ABBEY TAYLOR: They need to file a final report.

VICE CHAIRMAN LONG: Just a final report, showing it zeros out, and showing this is a final report, and the committee disbanded.

ABBEY TAYLOR TAYLOR: Yes.

VICE CHAIRMAN LONG: And this will come back on the agenda at our next meeting and we'll dispose of it.

JOHN T. YOUNG: And we do not need to appear.

VICE CHAIRMAN LONG: That's correct.

JOHN T. YOUNG: It was nice, I got to take him to Shapiro's today.

VICE CHAIRMAN LONG: I did that on the way up here last night, so I guess we have something in common.

JOHN T. YOUNG: Ladies and gentlemen, thank you very much. I appreciate your time.

CHAIRMAN DUMEZICH: I would ask the Campaign Finance staff to lead us in a discussion regarding Brad Thompson for Secretary of State -- or State Senate -- I'm sorry -- and it's file No. 2013, or Cause No. 2013-6407-88.

ABBEY TAYLOR: Mr. Chairman, behind your
spreadsheet there's a letter from Mr. Thompson that he sent me this morning.

VICE CHAIRMAN LONG: He want to disclose his relationship?

ABBEY TAYLOR: No.

VICE CHAIRMAN LONG: Or lack thereof.

CHAIRMAN DUMEZICH: Do you want to tell us what the letter says -- well, wait a second. We can shortcut that.

So he was -- notice was sent for today and this is what he has sent us.

ABBEY TAYLOR: Right. He couldn't make -- he phoned me yesterday and said he couldn't make it, and he asked me to send this.

MICHELLE THOMPSON: Mr. Thompson was given a continuance at the August 29th hearing.

CHAIRMAN DUMEZICH: Well, I guess I would note that there is no one present to testify to any of the remaining Campaign Finance matters. So based on that, is there a motion to impose the entire amount?

VICE CHAIRMAN LONG: I don't think there's -- we've already done that. He asked to reconsider, didn't he? Or is this the first time?
CHAIRMAN DUMEZICH: I think he was supposed to show up. It was continued to today. So I'm about ready to default on it, if that meets with your approval.

VICE CHAIRMAN LONG: So moved.

CHAIRMAN DUMEZICH: Okay. We have a motion to default Mr. Thompson.

COMMISSION MEMBER BENNETT: I'll second the motion.

CHAIRMAN DUMEZICH: Hearing a second, is there any discussion?

(No response.)

CHAIRMAN DUMEZICH: He didn't show up last time. Of course, I understand he did have surgery, but it seems to me an email the day before is not really going to relieve him of his duty and obligation to show up for a violation. So with that in mind, any other comments?

(No response.)

CHAIRMAN DUMEZICH: Hearing none, all in favor of defaulting Brad Thompson for State Senate indicate by saying aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH: Opposed, nay?

(No response.)
CHAIRMAN DUMEZICH: 4/0. The ayes have it, and he has been defaulted.

Do you have any further business to bring before the Commission?

ABBEY TAYLOR: No, that's it.

CHAIRMAN DUMEZICH: Now we go to VSTOP, Voting Systems Technical Oversight Program.

We had received a report from Ball State in our binders regarding the voter systems issues. I would recognize Dr. Joseph Losco to provide us with more detailed information regarding the voting system issues.

JOE LOSCO: Yes. Mr. Chairman, Commission, we have several reports for you today.

CHAIRMAN DUMEZICH: Just for the record, state your name.

JOE LOSCO: Yes. It's Joseph Losco L-O-S-C-O.

CHAIRMAN DUMEZICH: Okay.

JOE LOSCO: First deals with engineering change orders, and Hart InterCivic. There was an engineering change order that they requested for their voting system. The ECO, or as it's called, was evaluated by VSTOP according to the protocol approved by the Indiana Election
Commission, and we found that it was satisfactory and we are recommending approval.

CHAIRMAN DUMEZICH: Is there a motion to approve the recommended engineering change orders?

VICE CHAIRMAN LONG: So moved.

CHAIRMAN DUMEZICH: Second?

COMMISSION MEMBER BENNETT: Second.

CHAIRMAN DUMEZICH: Any discussion?

(No response.)

CHAIRMAN DUMEZICH: Hearing none, all in favor of the motion indicate by saying aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH: Opposed, nay.

(No response.)

CHAIRMAN DUMEZICH: 4/0, the ayes have it, and the recommended engineering change orders are approved.

VICE CHAIRMAN LONG: That's for Hart.

CHAIRMAN DUMEZICH: Yes.

VICE CHAIRMAN LONG: There's another one, right?

JOE LOSCO: Yes, one more engineering change order, this one from Dominion Voting Systems. They have requested a certification
for what is called their SSL certificate for
their system. VSTOP, using the protocol
approved by the Commission, investigated it and
finds it complies with the code and recommends
approval.

CHAIRMAN DUMEZICH: Okay. Is there a
motion to approve the recommended engineering
change order?

VICE CHAIRMAN LONG: So moved.

COMMISSION MEMBER BENNETT: Seconded.

CHAIRMAN DUMEZICH: All in favor indicate
by saying aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH: Opposed, nay.

(No response.)

CHAIRMAN DUMEZICH: 4/0, the ayes have it.

JOE LOSCO: On to new -- an amended
application for voting system certification at
the last Commission meeting in August, you
approved the election system software Unity
3.4.0.0.

There was one item that was left off of the
list of approved firmware. That was the Model
650, Version 2.2.2.0. That was -- it was our
intention to include that on the form. It was
simply an omission on our part. But that was in fact tested and approved by us as well. So we would ask that you approve the amended version.

CHAIRMAN DUMEZICH: And that is the ES&S Unity 3.4.00 system?

JOE LOSCO: Yes, that’s correct.

VICE CHAIRMAN LONG: And specifically what we're talking about is hardware number --

JOE LOSCO: The firmware number, Model 650, Version 2.2.2.0. Yes, we did evaluate that and test that. It was just left off the sheet that you approved last time.

VICE CHAIRMAN LONG: The hardware and the software, was that preapproved last time?

JOE LOSCO: Yes, everything else was.

VICE CHAIRMAN LONG: So this is just a complete report on all the parts of it and then the firmware part is what has been added.

JOE LOSCO: Yes.

VICE CHAIRMAN LONG: I move that we approve the amended report.

CHAIRMAN DUMEZICH: The amended certification, effective October 1st, 2013?

VICE CHAIRMAN LONG: That would be my motion.
CHAIRMAN DUMEZICH:  Second?

COMMISSION MEMBER BENNETT:  Seconded.

CHAIRMAN DUMEZICH:  Hearing a second, any discussion?

(No response.)

CHAIRMAN DUMEZICH:  Hearing none, all in favor of the motion to approve the ES&S Unity 3.4.0.0 voting system to correct the omission regarding one of the prior, one of the components of that system, indicate by saying aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH:  Opposed, nay.

(No response.)

CHAIRMAN DUMEZICH:  4/0, the ayes have it.

The next item on the agenda is the recommendation concerning the recertification of certain currently certified voting systems whose certifications will expire on October 1st, 2013. Correct, sir?

JOE LOSCO:  Yes, it is. And the first item will take up is the MicroVote System 4.0B modification. That was originally approved by this Commission on August 12, 2012. It was an application filed for recertification or
reevaluation. VSTOP, stopped using its protocol, fully evaluated this and has determined that it's identical with the original, and we recommend that it be recertified.

VICE CHAIRMAN LONG: I'm sorry, the report, what I have is -- where is this in our agenda?

COMMISSION MEMBER BENNETT: The green tab.

VICE CHAIRMAN LONG: MicroVote tab. All right. Are you recommending that this recertification be approved?

JOE LOSCO: Yes, we are, Mr. Commissioner.

CHAIRMAN DUMEZICH: Do I hear motion to approve?

VICE CHAIRMAN LONG: So moved.

CHAIRMAN DUMEZICH: Do we have a second?

COMMISSION MEMBER BENNETT: Seconded.

CHAIRMAN DUMEZICH: All in favor, indicate by saying aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH: Opposed, nay.

(No response.)

CHAIRMAN DUMEZICH: 4/0, the ayes have it.

JOE LOSCO: The next item we have is the Hart InterCivic 6.2.1. This system was
originally certified by this Commission on November 16, 2009. On the basis of our evaluation, we find that the voting system meets all the requirements of the code for recertification in Indiana, and we would recommend recertification for the Hart system.

CHAIRMAN DUMEZICH: Okay. I have been advised that the Indiana law requires that the full Commission consider the application for renewal. The Election Division is required to give notice to the clerk of each county currently using the system.

And I understand that that has taken place; is that accurate, for the record, Mr. Deckard?

BRAD KING: Mr. Chairman, members of the Commission, yes, it is. Mr. Deckard and myself gave notice to the seven counties currently using the Hart InterCivic System that's pending this certification.

CHAIRMAN DUMEZICH: Based on that, I would like to give any clerk or any other interested person present the opportunity to comment regarding this application for recertification.

(No response.)

VICE CHAIRMAN LONG: Your recommendation is
to approve the recert? So moved.
CHAIRMAN DUMEZICH: Do you second?
COMMISSION MEMBER BENNETT: Seconded.
CHAIRMAN DUMEZICH: Hearing a second, any
discussion?
(No response.)
CHAIRMAN DUMEZICH: Hearing none, all in
favor of approval of this recertification,
please indicate by saying aye.
(Chorus of ayes.)
CHAIRMAN DUMEZICH: Opposed, nay.
(No response.)
CHAIRMAN DUMEZICH: 4/0, the ayes have it.
JOE LOSCO: Okay. The next system for
recertification is the Unisyn OpenElect 1.1.
This was originally certified on June 28, 2012.
We have evaluated it using all of the approved
engineering change orders or ECOs, and find that
it is in compliance with the Indiana Code, and
we recommend recertification.
CHAIRMAN DUMEZICH: I would ask again,
codirectors King and Deckard, have the counties
been notified?
BRAD KING: Mr. Chairman, members of the
Commission, Mr. Deckard and myself did send a notice to the two counties currently using this system to notify them of this recertification application.

CHAIRMAN DUMEZICH: Are there any county clerks or any other interested parties here that would like to testify regarding this system?

(No response.)

CHAIRMAN DUMEZICH: Hearing none.

COMMISSION MEMBER BENNETT: I have a question. Was the notice given in accordance with the statutory procedures?

BRAD KING: Mr. Chairman, yes, Mr. Commissioner, it was.

VICE CHAIRMAN LONG: I move to approve the recertification.

COMMISSION MEMBER BENNETT: I'll second that motion.

CHAIRMAN DUMEZICH: Hearing a second, any discussion?

(No response.)

CHAIRMAN DUMEZICH: Hearing none, all in favor of the motion indicate by saying aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH: Opposed, nay.
(No response.)

CHAIRMAN DUMEZICH: 4/0, the ayes have it.

JOE LOSCO: Mr. Chairman, the last item we have is Election Systems Software ES&S, Unity 3.0.1.0 amendment. It was originally certified on December 1st, 2009. VSTOP has evaluated it and all its components, including the engineering change orders, and we recommend recertification.

CHAIRMAN DUMEZICH: I would ask --

VICE CHAIRMAN LONG: Just a minute. Do we have that one? I don't have that one.

TRENT DECKARD: Yes, it was.

JOE LOSCO: 3010.

TRENT DECKARD: It should be in that first section.

VICE CHAIRMAN LONG: Oh, in the first, behind the --

TRENT DECKARD: Yes.

CHAIRMAN DUMEZICH: I would ask the codirectors if it was properly notified of recertification.

BRAD KING: Mr. Chairman, members of the Commission, Mr. Deckard and myself notified the 20-some counties which are current users of this
system to advise them of this recertification.

CHAIRMAN DUMEZICH: And was it done pursuant to the statute?

BRAD KING: It was, Mr. Chairman.

CHAIRMAN DUMEZICH: Is there anyone here that would like to testify regarding this system? Any county clerk? Going once, twice, three times.

(No response.)

VICE CHAIRMAN LONG: Move we recertify.

COMMISSION MEMBER BENNETT: Second.

CHAIRMAN DUMEZICH: Hearing a second, any discussion?

(No response.)

CHAIRMAN DUMEZICH: Hearing none, all in favor of the motion to recertify the system please indicate by saying aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH: Opposed, nay.

(No response.)

CHAIRMAN DUMEZICH: 4/0, the ayes have it.

JOE LOSCO: That's all we have. Thank you, Mr. Chairman.

RAY SCHEELE: Mr. Chairman, if I could ask one moment of indulgence, my name is Ray Scheele
the codirector of VSTOP as well. It's S-C-H-E-E-L-E.

As you well know, our VSTOP program at Ball State University relies a lot upon other persons. And two of them are here with us today, who are graduate assistants, and we would just simply like to introduce them very quickly to you. And Dr. Bagga will do that.

VICE CHAIRMAN LONG: Afraid he wasn't going to get to speak today?

RAY SCHEELE: This is all choreographed.

JAY BAGGA: Mr. Chairman, I'm Jay Bagga, J-A-Y, B-A-G-G-A. I'm also codirector of VSTOP, and I'm pleased to be here.

I would like to introduce two of our grant assistants who are doing master's programs in computer science at Ball State. Priya Mishra, if you want to spell your name.

PRIYA MISHRA: It's. Priya Mishra, M-I-S-H-R-A.

JAY BAGGA: And Sujan Pradhan.


JAY BAGGA: And they are very able and very helpful assistants that are present at VSTOP.
CHAIRMAN DUMEZICH: We thank you very much for your work. It is greatly appreciated.

VICE CHAIRMAN LONG: It is nice to see the people who are probably doing all the work, the faces in here, and we appreciate your being down here.

CHAIRMAN DUMEZICH: In the future, faces work out fine.

We certainly hope we didn't disappoint.

COMMISSION MEMBER OVERHOLT: I just had a question about the -- this doesn't have to do with the approval of the certifications, but the way we're to review these forms for certification.

Because I noticed that on the MicroVote application -- I'm sorry, Mr. Chairman, is it all right if I ask this question?

CHAIRMAN DUMEZICH: Sure.

COMMISSION MEMBER OVERHOLT: It's page 2, I guess, of the application for certification. And I noticed that on the MicroVote application where it -- this is the box that says, "This application must include the following," and all the other applicants, you know, checked off the things that were included. And this one is not
checked in any way.

I'm assuming that since you recommended
certification, that they actually did submit
everything they were supposed to. But I was
wondering if you do actually --

JOE LOSCO: Yes, Madam Commissioner, we
have made sure we've looked at all the
documentation as part of this.

COMMISSION MEMBER OVERHOLT: So maybe in
the future it would just be helpful to go back
and make sure that they check these boxes.

And then the other thing I wanted to
raise -- I guess I will have forms on these one
of these days -- but I noticed that these
certification forms have numerous places for
signatures, but nowhere that I -- well, it stood
out to me that there are a number of places
where we're getting signatures from the
representatives of the manufacturers, but we're
not having them print their names.

And it stood out to me the most where
someone had, I think it was someone had a
digital signature, and that this Chris Ortiz,
was signing on behalf of Unisyn, he used his
digital signature for an oath or affirmation, so
his name is quite readable there, but then on
the page where they have the manufacturers'
certification and applicants' certification, the
second signature on that page is completely
illegible. I don't know if that is Mr. Ortiz or
someone else.

But I think it would be helpful to me to
know who's signing, when we can't read --

CHAIRMAN DUMEZICH: I don't believe it is
Mr. Ortiz, because the manufacturer's
certification at the top is Mr. Ortiz'
signature, and they don't seem to match.

COMMISSION MEMBER OVERHOLT: Well, that's
what I was wondering. That's a printed name up
there, too. So I just don't really -- I mean it
could be -- yeah, you're right.

CHAIRMAN DUMEZICH: The digital signature
is in the back. I actually took that to be a
signature. I mostly print --

COMMISSION MEMBER OVERHOLT: So if you
happen to be -- or is this a form change we
would have to approve?

TRENT DECKARD: I think it would be.

COMMISSION MEMBER OVERHOLT: I guess it's
something to think about.
CHAIRMAN DUMEZICH: I'm not coming back to that. We'll put that on the to-do list.

COMMISSION MEMBER OVERHOLT: Definitely.

Sorry. Those were just my observations.

VICE CHAIRMAN LONG: I just think maybe we could reply and let them know, unless their signatures are quite legible, they need to print that on there. Otherwise, we wouldn't be able to look at that and say it is a valid authorization.

CHAIRMAN DUMEZICH: We wouldn't know who to put in jail.

COMMISSION MEMBER OVERHOLT: Exactly.

VICE CHAIRMAN LONG: With our Supreme Court, if you do your signature that way, they will send it back -- they make you sign it that way.

COMMISSION MEMBER OVERHOLT: Yes, and I know people who have received those. I married one.

JOE LOSCO: We'll ask them to print their names from now on.

VICE CHAIRMAN LONG: Thank you. That would be great.

CHAIRMAN DUMEZICH: Nice lead-in to our
approval of forms section.

In our last meeting the Commissioned tabled consideration of the order until the last item on today's agenda. That time has arrived.

I now would recognize Mr. Deckard and Mr. King to present a revised version of order 2013-12, which has been included in our binders.

BRAD KING: Mr. Chairman, members of the Commission, order 2013-2 is behind the final tab in the binders, and concerns absentee candidate and registration forms.

VICE CHAIRMAN LONG: Do you have it?

COMMISSION MEMBER OVERHOLT: I do.

TRENT DECKARD: It may be this.

CHAIRMAN DUMEZICH: I think we know where yours are.

BRAD KING: Mr. Chairman, I presented previously on this, so I would say that we have worked to make the revisions that are reflected in this proposed order, and I'll defer to Mr. Deckard to discuss it.

CHAIRMAN DUMEZICH: Okay.

TRENT DECKARD: I would agree with Mr. King, and in particular, thanks to the Commissioners for input and a lot of suggestions
on how we could make these function a little bit better.

The one note I would make is that as some of the code changes were quite a bit different from previous codes, implementing the form changes has been the very difficult part to make that work for folks, and I hope the Commission finds that the work reflects their wishes.

CHAIRMAN DUMEZICH: Thank you. If there's no further discussion -- for the purposes of discussion, is there a motion to amend Order 2013-2 to reflect the changes to the order as presented?

VICE CHAIRMAN LONG: So moved.

CHAIRMAN DUMEZICH: Second?

COMMISSION MEMBER BENNETT: Second.

CHAIRMAN DUMEZICH: I hear a second. Is there any discussion?

(No response.)

CHAIRMAN DUMEZICH: Hearing none --

VICE CHAIRMAN LONG: In the voluminous communications, is there a new form that was talking about a writing candidate to the school board, is that included in here?

TRENT DECKARD: Yes, that is.
VICE CHAIRMAN LONG: That was not part of what we had at the last meeting.

TRENT DECKARD: That's correct. It's page 26, I believe.

VICE CHAIRMAN LONG: I don't know that I understand it very well.

TRENT DECKARD: That should be in the middle of the packet.


VICE CHAIRMAN LONG: That's my interpretation, when I looked at it, this one is new, but everything else is what we had before and has been corrected or changed, based on my understanding. And I only point it out -- I don't have any problem with it -- I think it's understood.

TRENT DECKARD: I think that's an accurate reflection.

CHAIRMAN DUMEZICH: It is "an accurate" or "inaccurate"?

TRENT DECKARD: An accurate.

VICE CHAIRMAN LONG: That was just a comment or question I had so that everyone was aware this was a new one that we hadn't dealt with before. I'm sure we'll all want to run
down to the writing candidate school board.

CHAIRMAN DUMEZICH: Hearing no further
discussion, the question is to amend order
2013-2 to read as presented. All in favor
indicate by saying aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH: Opposed, nay.

(No response.)

CHAIRMAN DUMEZICH: 4/0. The ayes have it,
and the amendment is approved.

Okay. For the purposes of discussion, is
there a motion to approve Order 2013-2 as
amended?

VICE CHAIRMAN LONG: So moved.

CHAIRMAN DUMEZICH: Is there a second?

COMMISSION MEMBER BENNETT: Second.

CHAIRMAN DUMEZICH: Okay. Is there
discussion?

(No response.)

CHAIRMAN DUMEZICH: If there's no further
discussion, the question is to approve the order
2013-2 as amended.

VICE CHAIRMAN LONG: That motion has been
made. I thought I made that motion.

CHAIRMAN DUMEZICH: Okay. And we have a
second. There's no further discussion. All in favor, say aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH: Opposed, nay.

(No response.)

CHAIRMAN DUMEZICH: 4/0. The ayes have it, and the order is approved.

Okay. Next meeting date: Since there is no need to approve any more revised election forms before the December 17, 2013 Election Administrators Conference, we propose that be the next time we meet.

And along those lines, after having discussions with various members, we would ask if there is any way that Mr. Deckard and Mr. King could work together to develop a small CLE program during that period -- and, if it qualifies for ethics -- give Christmas presents.

COMMISSION MEMBER OVERHOLT: Yeah, like two or three hours of ethics.

CHAIRMAN DUMEZICH: Well, I think it would for us, if we were the presenters. If it was an hour, we would get the additional ethics credits.

COMMISSION MEMBER OVERHOLT: I'm wrapping
up a three-year cycle, so I need to --

CHAIRMAN DUMEZICH: That's where I'm going

with it.

So do you think it would be possible to do

that?

BRAD KING: Mr. Chairman, we will make our

very best efforts. Some of us are also

finishing our three-year cycle.

CHAIRMAN DUMEZICH: Excellent. So with

that, I would propose the same time, on December

17th -- morning, that's right -- 10:00 o'clock

or 9:00 o'clock. So it would be 9:00 o'clock on

December 17th, at the Election Administrators

Conference.

BRAD KING: Which, Mr. Chairman, if I can

add, would be at the Marriott across the street.

VICE CHAIRMAN LONG: 9:00 a.m. eastern

standard time.

BRAD KING: Yes, sir.

VICE CHAIRMAN LONG: And which one?

BRAD KING: Downtown.

VICE CHAIRMAN LONG: Downtown Marriott?

TRENT DECKARD: The one that's on Maryland.

CHAIRMAN DUMEZICH: And the 17th is what

day of the week?
BRAD KING: Tuesday, sir.

CHAIRMAN DUMEZICH: All right. Wonderful.

Okay. So that is going to be our next meeting.

And based on that, the Indiana Election Commission has finished its business for today.

Is there a motion for adjournment?

VICE CHAIRMAN LONG: Unless somebody has some more business with the audience, I move to adjourn.

CHAIRMAN DUMEZICH: Second?

COMMISSION MEMBER BENNETT: I'll second that motion.

CHAIRMAN DUMEZICH: Hearing a second, any discussion?

(No response.)

CHAIRMAN DUMEZICH: Hearing none, all in favor indicate by saying aye.

(Chorus of ayes.)

CHAIRMAN DUMEZICH: Opposed, nay.

(No response.)

CHAIRMAN DUMEZICH: 4/0. The ayes have it.

And we really look forward to that CLE on ethics in election.

(Time Noted 1:52 p.m.)
STATE OF INDIANA  
COUNTY OF MARION

I, Tamara J. Brown, CSR, RMR, CRR, a Notary Public in and for the County of Marion, State of Indiana at large, do hereby certify that on the 26th day of September, 2013, I took down in stenograph notes the foregoing proceedings, and that the foregoing transcript is a full, true and correct transcript made from my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this ______ day of ________________ , 2013.

__________________________________________
NOTARY PUBLIC

My Commission Expires:
November 3, 2017
County of Residence:
Marion