

Indiana Election Commission
Minutes
February 25, 2021

Members Present: Paul Okeson, Chairman of the Indiana Election Commission (“Commission”); S. Anthony Long, Vice Chairman of the Commission; Suzannah Wilson Overholt, member; Zachary E. Klutz, member.

Members Absent: None.

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

Others Attending: Dr. Jay Bagga; Mr. Tim Hallett; Mr. Cory Hinkle; Mr. Jordan Jarnigan; Mr. Mark Manganaro; Mr. Chris Ortiz.

1. Call to Order:

The Chair called the February 25, 2021 meeting of the Commission to order at 1:00 p.m. EST in a virtual Zoom meeting.

2. Transaction of Commission Business:

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

Page 11, line 10, replace “MODERATER” with “MODERATOR”.

Page 11, line 13, replace “MODERATER” with “MODERATOR”.

The Commission adjourned its meeting at 2:12 p.m. EST.

Respectfully submitted,



J. Bradley King
Co-Director



Angela M. Nussmeyer
Co-Director

APPROVED:



Paul Okeson, Chairman

In the Matter Of:

INDIANA ELECTION COMMISSION PUBLIC SESSION

Transcript of Proceedings

February 25, 2021

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2 INDIANA ELECTION COMMISSION
3 PUBLIC SESSION
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7 Conducted on: February 25, 2021
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11 Conducted Remotely via Videoconference
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15 A Stenographic Record by:
16 Maria W. Collier, RPR, CRR
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APPEARANCES

INDIANA ELECTION COMMISSION:

Paul Okeson - Chairman

S. Anthony Long - Vice Chairman

Suzannah Wilson Overholt - Member

Zachary E. Klutz - Member

INDIANA ELECTION DIVISION STAFF:

Angela M. Nussmeyer - Co-Director

J. Bradley King - Co-Director

Matthew Kochevar - Co-Counsel

Valerie Warycha - Co-Counsel

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1 CHAIRMAN OKESON: With that, we'll go ahead
2 and call the Election Commission to order. The
3 date is Thursday, February 25, 2021.

4 The following members are present: Myself,
5 the chairman; Vice Chairman Anthony Long; Member
6 Suzannah Wilson Overholt; and Member Zach Klutz. I
7 also recognize the Indiana Election Division staff:
8 Co-Director Brad King; Co-Director Angie Nussmeyer;
9 Co-Counselors Matthew Kochevar and Valerie Warycha.
10 And, of course, our court reporter, Maria, as you
11 can see her on the screen.

12 I do believe we have some testimony we're
13 going to receive today, and so I want to remind
14 everybody -- I guess we don't have to identify
15 ourselves or do we, Maria, based on how the Zoom is
16 set up?

17 THE REPORTER: I think that I can see all the
18 members and staff folks, so it shouldn't be a
19 problem. I will pipe up if I don't see someone and
20 they're speaking.

21 CHAIRMAN OKESON: Okay. Maybe it wouldn't
22 hurt to identify yourself when you're speaking
23 anyway just so we can track the screen
24 appropriately.

25 Moving on, we'll get into compliance with the

1 Open Door Law. Can the co-directors please confirm
2 that the commission meeting has been properly
3 noticed.

4 MR. KING: Mr. Chairman, on behalf of myself
5 and Co-Director Nussmeyer, we can confirm that
6 notice of this virtual meeting was given in
7 compliance with the Open Door Law.

8 CHAIRMAN OKESON: Okay. Also, before we move
9 on, I'll remind everybody that, when we get to a
10 place where we have to vote on anything, we'll do a
11 roll call vote. I think we've done that before but
12 just as a reminder.

13 Next, we'll do approval of the August 14,
14 2020, commission meeting minutes. I recognize the
15 co-directors to present the meeting minutes.

16 MR. KING: Mr. Chairman, members of the
17 commission, on behalf of Co-Director Angie
18 Nussmeyer and myself, we have presented a copy of
19 the minutes for the August 14, 2020, Indiana
20 Election Commission meeting and recommend them for
21 your approval.

22 VICE CHAIRMAN LONG: I would -- Anthony Long.
23 I move we approve them.

24 CHAIRMAN OKESON: Perfect. Thank you.

25 Is there a second?

1 MR. KLUTZ: Second.

2 CHAIRMAN OKESON: Thank you, Zach.

3 Any discussion?

4 Hearing none, all those in favor say "aye."

5 Vice Chairman Long.

6 MS. OVERHOLT: Aye.

7 MR. KLUTZ: Aye.

8 CHAIRMAN OKESON: Zach, was that you?

9 VICE CHAIRMAN LONG: I believe that was
10 unanimous, Mr. Chairman. Aye for the record.

11 CHAIRMAN OKESON: The "ayes" have it. Good
12 enough.

13 Next, we move on to ratification of campaign
14 finance settlement agreements. I recognize again
15 the co-directors to present campaign finance
16 enforcement settlement agreements to the commission
17 for ratification.

18 MR. KING: Mr. Chairman, members of the
19 commission, the co-directors distributed copies of
20 the list prepared by campaign finance staff of
21 committees which have entered into settlement
22 agreements, which, members will recall, provide for
23 the payment of the full amount of an enforcement
24 action for a delinquent report by a committee but
25 without the admission of any violation or other

1 liability by that committee.

2 The list contains the name of one committee
3 which a commission member has requested be voted on
4 separately to prevent a conflict of interest. I'd
5 be happy to answer any further questions.

6 CHAIRMAN OKESON: Yeah. And I believe,
7 Commission Member Overholt Wilson, you had raised
8 your hand. Did you have something you wanted to
9 chime in on as it related to that or another
10 matter?

11 MS. OVERHOLT: Yes. And actually it is Wilson
12 Overholt. My name is wrong on the screen, so...

13 CHAIRMAN OKESON: I should know that by now.
14 Thank you. Sorry.

15 MS. OVERHOLT: And I didn't type -- just so
16 you know, I didn't type that in. So I know my
17 name. But, yes, sorry.

18 CHAIRMAN OKESON: Just for the record; right?

19 MS. OVERHOLT: Yeah, just for the record. Oh,
20 look, and it miraculously changed. I like that.

21 So, yes, the settlement agreement with respect
22 to the Friends of Indiana Mental Health Centers, I
23 have a conflict with respect to that agreement or,
24 I mean, I -- well, I would like to recuse myself
25 from voting on that. So if we could carve that one

1 out, I will vote on the others.

2 CHAIRMAN OKESON: Yeah. I'm certainly fine
3 with that. Do we need to take a motion on that or
4 can we just adopt it as a matter of course?

5 VICE CHAIRMAN LONG: As far as I'm concerned,
6 we can do it first, and then you can -- then the
7 rest of them we can do en masse, would be maybe a
8 simpler way to do it.

9 CHAIRMAN OKESON: I mean, Brad, Valerie,
10 Angela, does anybody have any issues with that?

11 MR. KING: Mr. Chairman, what the vice
12 chairman has recommended is perfectly sensible and
13 appropriate.

14 CHAIRMAN OKESON: Okay.

15 VICE CHAIRMAN LONG: Nobody's said anything
16 like that to me for a while.

17 CHAIRMAN OKESON: So where are we now? Are we
18 at a place where we need a motion to ratify the
19 settlement agreements?

20 MR. KING: No. Mr. Chairman, you have a
21 motion under this procedure to ratify the
22 particular settlement agreement that Commissioner
23 Wilson Overholt will not be participating in the
24 vote on.

25 VICE CHAIRMAN LONG: If somebody's made that

1 motion, I'll second it. If nobody's made it, I'll
2 make it.

3 CHAIRMAN OKESON: I think you're making it.

4 VICE CHAIRMAN LONG: Okay.

5 CHAIRMAN OKESON: Is there a second?

6 MR. KLUTZ: Second.

7 CHAIRMAN OKESON: Any discussion?

8 Hearing none, all those in favor say "aye."

9 MR. KLUTZ: Aye.

10 VICE CHAIRMAN LONG: Aye.

11 CHAIRMAN OKESON: Aye. I think we're good
12 there.

13 MS. OVERHOLT: And I abstained since I wanted
14 to recuse myself anyway, so I'm not voting on that
15 one.

16 CHAIRMAN OKESON: I got it. That works.

17 Are we moving to the administration of oath?

18 MR. KING: Mr. Chairman?

19 CHAIRMAN OKESON: Yes.

20 MR. KING: You have the remainder of the
21 campaign finance settlement agreements to --

22 CHAIRMAN OKESON: I do. Okay.

23 VICE CHAIRMAN LONG: Mr. Chairman, I move we
24 approve the remainder of them.

25 CHAIRMAN OKESON: The remainder, yeah. Thank

1 you.

2 Is there a second?

3 MR. KLUTZ: Second.

4 CHAIRMAN OKESON: Any discussion?

5 Hearing none, all those in favor?

6 Aye.

7 VICE CHAIRMAN LONG: Aye.

8 MS. OVERHOLT: Aye.

9 MR. KLUTZ: Aye.

10 CHAIRMAN OKESON: The "ayes" have it, and that
11 motion is adopted. Thank you, Brad.

12 For those of you that will be providing
13 testimony before the commission, please stand or
14 acknowledge yourself for the administration of the
15 oath, and I'll recognize Matthew Kochevar to do so.

16 MR. KOICHEVAR: Okay. Thank you, Mr. Chairman.

17 All those who plan to testify before the
18 Indiana Election Commission, please say "I do"
19 after recitation of the oath.

20 Do you solemnly swear or affirm the testimony
21 you are about to give to the Indiana Election
22 Commission is the truth, the whole truth, and
23 nothing but the truth? Please say "I do" if you
24 are unmuted and able to.

25 VICE CHAIRMAN LONG: And also identify your

1 name, please.

2 MR. JARNAGIN: Jordan Jarnagin. I do.

3 DR. BAGGA: Jay Bagga. I do.

4 MR. HINKLE: Cory Hinkle. I do.

5 CHAIRMAN OKESON: Any others?

6 MR. MANGANARO: Mark Manganaro with ES&S. I
7 do.

8 VICE CHAIRMAN OKESON: Is that it? Do we have
9 any others? I see some other names on the screen.

10 THE MODERATER: Tim and Chris, please unmute
11 yourselves.

12 CHAIRMAN OKESON: I'm sorry?

13 THE MODERATER: Tim and Chris just need to
14 unmute themselves.

15 VICE CHAIRMAN LONG: Yes. I see we've got two
16 people that have not --

17 CHAIRMAN OKESON: I see a Tim Hallett and
18 Chris Ortiz.

19 MR. ORTIZ: Chris Ortiz. I confirm.

20 VICE CHAIRMAN LONG: Did you say "I do,"
21 Chris?

22 MR. ORTIZ: I do. I do. I'm sorry.

23 CHAIRMAN OKESON: And, Tim, did we hear from
24 you?

25 (No response.)

1 Can we just reconfirm when and if he gets up
2 to provide testimony, Brad?

3 VICE CHAIRMAN LONG: Yeah. We recognize -- I
4 recognize that he's taken the oath at this point.

5 CHAIRMAN OKESON: Okay. With that, we'll move
6 on to the next item on the agenda, which is the
7 Voting System Technical Oversight Program reports.
8 The --

9 VICE CHAIRMAN LONG: Mr. Chairman?

10 CHAIRMAN OKESON: Yes, sir.

11 VICE CHAIRMAN LONG: In the interest of some
12 time here, I had a general statement that I would
13 like to at least state my position that would apply
14 to all of them and so I won't have to repeat it on
15 each one, if I might have the personal privilege to
16 do that.

17 CHAIRMAN OKESON: Absolutely. Go right ahead,
18 Vice Chairman Long.

19 VICE CHAIRMAN LONG: Thank you. And I'll make
20 it as brief as I can.

21 I asked to see the VSTOP reports on each one
22 of these that are before us today. I probably
23 won't do that again. They're tremendously lengthy
24 and well beyond my capabilities to understand.

25 I've asked our staff to brief us on a little

1 bit of some of the things that I have concerns
2 about, and I believe that there are a number of
3 questions that need to be answered. And I don't
4 want to go into them today, and I'll explain why in
5 just a second. But there are questions that
6 concern me that need to be addressed and that we
7 can resolve in the near future, and there needs to
8 be some standardization on, in my opinion, the
9 output of the computer when they produce the paper
10 ballot trail that has become so important.

11 We can discuss this further, but I intend to
12 probably accept the recommendation to approve these
13 today based on what I've read so far. Obviously my
14 mind is not made up until I hear the testimony.
15 But my intent would be to not disapprove them
16 because of my questions and concerns because they
17 run until October. So that gives us from now until
18 October to resolve all those issues, and then they
19 all get recertified in October.

20 And if I'm still -- my term ends and there's a
21 new appointment, whether or not I get reappointed
22 or choose to be reappointed, that decision has not
23 been made, as far as I know. I mean, I guess my
24 wife hasn't told me. But I think if I'm on the
25 commission in October and these questions remain

1 unanswerd and we don't have the standardization,
2 it would not be my position to vote to approve
3 them. I don't think there's anything in here
4 that's really terribly controversial. There are a
5 number of things that we can talk about maybe at
6 the end that the legislature probably needs to do.

7 I'm not going to repeat this on every one, but
8 this applies to every one of the VSTOP
9 certifications today. And I appreciate you letting
10 me do this once for all of them so that there won't
11 be any -- I want to be transparent and up front
12 with everybody. There are some concerns that our
13 staff has that I would want satisfactorily resolved
14 before final recertification in October. Thank
15 you.

16 CHAIRMAN OKESON: Okay. Thank you, Vice
17 Chairman. I think that was probably smart to do
18 that on the front end. I appreciate you taking the
19 time to do that.

20 The commission has received its reports from
21 VSTOP, the Voting System Technical Oversight
22 Program, as I mentioned, with its recommendations
23 regarding certain applications for approval of
24 voting system applications and system engineering
25 change orders. As Vice Chairman Long noted, the

1 reports have been provided to members before
2 today's meeting.

3 I'd now like to recognize representatives of
4 the Ball State University, which administers the
5 technical oversight program, for a presentation
6 regarding these voting system applications for
7 certification and the engineering change orders for
8 approval by the commission.

9 Before we begin consideration of each specific
10 voting system application or engineering change
11 order, other than Vice Chairman Long, are there any
12 other additional comments or anything to be offered
13 before we move forward?

14 Hearing none, the commission will consider
15 first the application of the Election Systems &
16 Software for certification of ExpressVote 6.0.4.0
17 optical scan voting system. There's a
18 representative from ES&S, or any other person who
19 would like to testify regarding this matter?

20 MR. JARNAGIN: Good afternoon, Commission. I
21 am Jordan Jarnagin, certification specialist with
22 VSTOP. With me, I have Dr. Jay Bagga, co-director
23 for VSTOP, and I believe that Mark Manganaro and
24 Tim Hallett are both from the vendor, ES&S, and
25 they're also on the phone.

1 So the smart --

2 MR. MANGANARO: This is Mark --

3 CHAIRMAN OKESON: Yeah. Go ahead.

4 MR. MANGANARO: If I can, this is Mark
5 Manganaro with ES&S.

6 CHAIRMAN OKESON: Sure.

7 MR. MANGANARO: I'm the Indiana state
8 certification manager, and I do have Tim Hallett.
9 He is the vice president of certification for ES&S.
10 He had to actually come join me in my office.

11 CHAIRMAN OKESON: And, again, you both affirm
12 that you've received the oath.

13 And, Maria, do you have their names
14 adequately?

15 THE REPORTER: Yes. I've got them from the
16 screen. Thank you.

17 CHAIRMAN OKESON: Okay. Good. Sorry. Go
18 ahead.

19 VICE CHAIRMAN LONG: I don't know that
20 Mr. Hallett acknowledged the oath.

21 CHAIRMAN OKESON: Yeah.

22 MR. HALLETT: Hi. This is Tim Hallett, and I
23 acknowledge the oath.

24 CHAIRMAN OKESON: Yeah. Thank you. Go right
25 ahead, Mark.

1 MR. MANGANARO: And if I just could, I'm very
2 new to Zoom. This is my first Zoom call. I
3 usually use Teams. So I don't know. Can you guys
4 see us in here?

5 CHAIRMAN OKESON: No. You're blank, but we
6 can hear you fine.

7 MR. MANGANARO: Okay. Great. And then I just
8 saw where the button is for the mute.

9 CHAIRMAN OKESON: If this is your first
10 introduction to Zoom, you've missed some good stuff
11 in the past, so consider yourself lucky.

12 MR. MANGANARO: So I've heard.

13 VICE CHAIRMAN LONG: Don't be surprised if
14 somebody comes onboard with us.

15 MR. MANGANARO: I was just planning on going
16 on mute, and then Jordan, I'm assuming, would run
17 through the report, and then we're available for
18 any clarifying questions.

19 CHAIRMAN OKESON: Yeah. That would be fine.

20 MR. MANGANARO: Thank you.

21 MR. JARNAGIN: Okay. Thank you. Again, I'm
22 Jordan Jarnagin, certification specialist for
23 VSTOP.

24 To start, the EVS 6.0.4.0 is a new paper-based
25 end-to-end election management system, or EMS, that

1 supports a jurisdiction's needs by creating and
2 maintaining a central election database, formatting
3 and printing of ballots, programming election
4 equipment, and collecting reporting results.

5 EVS 6.0.4.0. includes many key enhancements,
6 such as new security features, changes to the
7 reports and report module, on-screen adjudication
8 of scanned ballot images -- I will mention this a
9 little bit more below -- and additional
10 multi-language and audio support features. That's
11 not every change, but that's just kind of some of
12 the big ones I'm hitting on.

13 So the voting system was field-tested at Ball
14 State University on August 11, 2020, by the VSTOP
15 team. During the field-test, ES&S presented a
16 feature for the electronic adjudication of scanned
17 ballots through the ElectionWare software. After
18 discussion of the feature with the Election
19 Division, it was determined that Indiana law does
20 not authorize the use of that procedure to make
21 determinations regarding the tallying of votes or
22 the validity of a ballot. For this certification,
23 the feature must be disabled among the ES&S EVS
24 6.0.4.0. voting systems utilized in Indiana.

25 And then Brad and Angie can correct me if I'm

1 wrong. It should be House Bill 1365. There is
2 pending legislation to authorize the use of
3 adjudication, which, if that is approved, then by
4 the October 1st recertification, we could remove
5 this limitation.

6 The field-test included verification of all
7 required elements of the Indiana statutes regarding
8 voting systems as well as an ADA compliance
9 evaluation. Mock elections, including IEC-approved
10 test case scenarios for straight-party voting, were
11 conducted on the voting system.

12 Based on VSTOP's review and evaluation, we
13 find that the EVS 6.0.4.0. voting system meets all
14 requirements of the Indiana Code for use in the
15 state of Indiana.

16 CHAIRMAN OKESON: Thank you, Jordan. Anything
17 else?

18 MR. JARNAGIN: No, not at this time from me.

19 CHAIRMAN OKESON: Any questions or discussion
20 among the commission members?

21 MS. OVERHOLT: I had a question, Mr. Chairman.

22 CHAIRMAN OKESON: Absolutely. Go ahead.

23 MS. OVERHOLT: Thank you. So -- well, this
24 kind of relates to the statement in the report
25 about the feature that has to be disabled. What

1 I'm wondering is, when there are features that are
2 supposed to be disabled or enabled because of
3 various requirements of Indiana law, is there some
4 sort of mechanism within the system itself to
5 verify that that feature is, in fact, disabled at
6 the time of the election?

7 And I know I'm asking a compound question, but
8 they all kind of go together. I think related to
9 that, if there is any ability for the system to be
10 connected to the Internet or something like that,
11 is there a way to verify or some sort of alert that
12 would be triggered if the system were somehow
13 connected to the Internet? In other words, making
14 sure that things are not going on that shouldn't be
15 going on basically.

16 CHAIRMAN OKESON: Right. It really has
17 disconnected the way it says it has.

18 MS. OVERHOLT: Yes.

19 MR. JARNAGIN: Mark, do you mind if I defer
20 this question to you?

21 MR. MANGANARO: Not a problem.

22 So first off, with the adjudication feature,
23 this is turned on and off by an ElectionWare
24 license. So any customer -- once the system is
25 actually certified in the state, I would put that

1 in my database. And then any customer that would
2 order this specific version of ElectionWare would
3 receive a license file with that feature and
4 functionality turned off.

5 So the adjudication is actually taking place
6 within a module of ElectionWare called "Results,"
7 so anything related to the adjudication would be
8 grayed out and wouldn't be activated.

9 As far as Internet access, this is an
10 EAC-certified system. The hardening procedures
11 don't allow for Internet access, and, additionally,
12 we go into the system bios and actually turn off
13 all external ports. Additionally, the customer
14 could purchase plastic blocks and plugs for any of
15 the RJ45 jacks or any of the other ports on their
16 laptop computer or their PC, whichever one they
17 would want to use.

18 MS. OVERHOLT: Thank you.

19 CHAIRMAN OKESON: Did that answer your
20 question?

21 MS. OVERHOLT: I think so.

22 VICE CHAIRMAN LONG: His answer raises a
23 question for me, if I might, Mr. Chairman.

24 CHAIRMAN OKESON: Sure, sure. Please, go
25 right ahead.

1 VICE CHAIRMAN LONG: As I understand, you say
2 you turn it off before you send it to the customer.
3 Who has the capacity to turn it back on?

4 MR. MANGANARO: So essentially what we do with
5 any election management PC is, first, we would
6 acquire the PC. We totally wipe that PC. Then
7 what we do is we reinstall the Windows operating
8 system, we install the Windows updates, and then
9 all of our proprietary software and the count
10 software.

11 Then what we do is we run the hardening
12 scripts, which turns off any unnecessary software
13 on the system, restricts access to certain users on
14 the system. And then we physically go into the
15 bios and make those physical changes, the turning
16 off of ports, turning off the wireless, Bluetooth
17 if it has it. That's usually done by our election
18 system and software technicians either on-site or
19 at our facility in Omaha.

20 VICE CHAIRMAN LONG: So that can be done
21 on-site.

22 MR. MANGANARO: That could be done on-site,
23 correct.

24 VICE CHAIRMAN LONG: By anyone who had the
25 technical sophistication to do that.

1 MR. MANGANARO: Normally our technicians here
2 in Omaha would go out and do it on-site.

3 VICE CHAIRMAN LONG: That's not my question.

4 MR. MANGANARO: Okay.

5 VICE CHAIRMAN LONG: If a person that was not
6 associated with you had the technical expertise,
7 could they go into the system in the field and
8 change the -- let's make it simple, turn on
9 something that you had turned off or vice versa?

10 MR. MANGANARO: I don't think they could. One
11 thing they would have to have, the user name and
12 the passwords for the system administrator. Once
13 the system is locked down, if I wanted to go on
14 and, say, put in Internet Explorer, that wouldn't
15 be allowed.

16 VICE CHAIRMAN LONG: Who is the system
17 administrator?

18 CHAIRMAN OKESON: That was going to be my
19 question. Is that your person or the county?

20 MR. MANGANARO: So what we essentially do with
21 the -- the system administrator is usually someone
22 at the county level in the IT department. And then
23 as part of that hardening process, we can create
24 user -- election user groups.

25 So, for instance, say I'm in Marion County.

1 The head of my IT department, he would be the
2 system administrator. And as the Clerk of Marion
3 County, I would be what we would call the election
4 administrator. So the only thing I could do is I
5 could log into ElectionWare, and I can do anything
6 in ElectionWare from the front end of the election
7 to the back end of the election.

8 Additionally, if I have other people in my
9 office working with me, I could assign, say, Tim
10 Hallett, I want you to only be able to go into
11 ElectionWare and actually enter election-specific
12 data.

13 Additionally, I could have a results user
14 where I could have that user just be able to go
15 into ElectionWare and just be able to go in and
16 download results. So that results user wouldn't be
17 able to do what Tim did, wouldn't be able to do
18 what I did as the election administrator.

19 VICE CHAIRMAN LONG: But the election
20 administrator or someone who would be able to learn
21 the log-in name and password could sign in in the
22 county and then make changes to the system from the
23 county for that particular system. Is that what
24 I'm hearing?

25 MR. MANGANARO: No, no. So the way it's set

1 up, if I am the election administrator, that is the
2 election administrator within the election
3 software. So anybody on there, I can't go in, log
4 in as the election administrator, and add programs.
5 I have to do that from the system administrator
6 role.

7 VICE CHAIRMAN LONG: So the --

8 MR. MANGANARO: Yeah. So I think I know where
9 you're going. So the system administrator could
10 log in --

11 VICE CHAIRMAN LONG: What I thought you said
12 earlier was the administrator has the password and
13 they could log in and do things. Now you're saying
14 that, no, they can't. I want absolute --

15 MR. MANGANARO: So I guess a better way to
16 explain this, the system administrator has rights
17 to make changes.

18 VICE CHAIRMAN LONG: And who is the system --

19 MR. MANGANARO: The election --

20 VICE CHAIRMAN LONG: Who would that be?

21 MR. MANGANARO: And that's usually somebody at
22 the county level in their IT department.

23 VICE CHAIRMAN LONG: You're telling me that
24 there is someone at the county level that has the
25 access possibilities to make changes to the system?

1 MR. MANGANARO: Yes. Because you always have
2 to have -- you always have to have that role in
3 there to be able to -- so when they get an upgrade,
4 they're going to want to go in there, they're going
5 to want to be able to take off the old software and
6 put on the new software.

7 VICE CHAIRMAN LONG: And one other thing. You
8 say this is a Windows-based operating system.

9 MR. MANGANARO: Yes.

10 VICE CHAIRMAN LONG: Now, when I've got -- and
11 it's obvious by my questions how sophisticated I am
12 in this area. But my phone, my iPad, Windows
13 communicates with me all the time directly from
14 Windows saying you need to upgrade, you need to do
15 this. That tells me that there is an outside
16 source into my equipment from Windows, that they're
17 reaching me through the Internet or through some
18 whatever it is, that they can access my computer to
19 talk to me and say you need to do this. How is
20 this system you've got different than that so that
21 there would be no outside contact with the system?

22 MR. MANGANARO: Yeah. So it's a closed
23 system. It's not on the network. So it's not like
24 Windows is going through the Internet pinging
25 Microsoft and saying, hey, I only have, like,

1 Service Pack 1 and Service Pack 2 is available.

2 VICE CHAIRMAN LONG: I think, Suzannah, you
3 asked a great question there. I have some concerns
4 for the October round. With all the conspiracy and
5 all the things that have gone on about election
6 stealing and cheating and all the things that I
7 don't think happened but to resolve these
8 arguments, we're going to have to have, I think, a
9 level of capacity to make changes that is above and
10 beyond some one local person in a county level.
11 And I don't know what the answer is, but I think
12 that's a problem that's going to have to be
13 addressed, in my mind.

14 MS. OVERHOLT: Yeah. I would -- and I
15 guess -- and I understand the issues regarding
16 updating software and someone needs to be able to
17 do that and everything else. So I guess the -- I
18 mean, what I was raising -- I think there's a
19 difference between -- there's softwares that
20 allow -- have built-in audit trail so, when someone
21 goes in and makes the upgrade, it will show -- you
22 can print reports or whatever that show who those
23 users who have access are and all that kind of
24 stuff. And so oftentimes that kind of built-in
25 kind of compliance-type stuff can be very helpful

1 and resolves one issue.

2 But I think what Anthony was alluding to, what
3 I was asking about, and I think, again, just
4 something to be looked at, I guess, before October
5 for various systems is just are there alerts, you
6 know, if on Election Day someone were to somehow be
7 trying to get into a system even, something that
8 goes off showing that, oh, someone externally who's
9 got no business being here is trying to hack into
10 this system basically; and then on the other hand,
11 just the assurances of the way the systems are
12 developed that, yes, they are totally disconnected
13 from the Internet, wireless access, whatever, that
14 therefore they are truly hardened, and so that risk
15 is basically reduced to zero.

16 MR. MANGANARO: Yeah. So they are hardened
17 systems, and it's important to note these are not
18 integrated into any county's network. These are
19 separate PCs, monitors, keyboards, mice that are
20 not connected up to the Internet at all. I've
21 actually done site support out in Indiana, in
22 Elkhart County, and their computer is secured,
23 turned off, totally unplugged, and then on Election
24 Day, at some point, they will set that system up in
25 their county.

1 CHAIRMAN OKESON: I'd like to ask a quick
2 question. This may be more for Jordan, or, Brad,
3 maybe you and Angela can -- is this -- what we're
4 discussing, is this unique to ES&S or does this
5 kind of apply to all the voting systems? Is there
6 Internet access with all the voting systems we use
7 in Indiana and do they also have a similar setup to
8 where you have an IT administrator in the county
9 that can access that? Can you speak to that at
10 all?

11 MR. JARNAGIN: Yes. This is Jordan. So most
12 of the voting systems would work the same way.
13 They would all be hardened systems of maybe not
14 Windows necessarily, but they would have an
15 underlying operating system. With that, you would
16 secure the voting machine, disable ports, WiFi,
17 Bluetooth, basically any way for somebody to gain
18 access to the system. So it wouldn't have Internet
19 access. You wouldn't be able to connect to it
20 through, you know, some unknown access point,
21 hopefully. That is, as long as --

22 CHAIRMAN OKESON: Is there parity between ES&S
23 and MicroVote -- I don't know all the ones that we
24 have in Indiana, but there's some level of parity
25 in what's being discussed here as a potential issue

1 for the others as well?

2 MR. JARNAGIN: Yes. So these concerns could
3 be utilized across all of the voting system
4 vendors, these same exact concerns. So I know I'm
5 willing to discuss them with the commission, with
6 the Election Division. I'm sure the rest of the
7 VSTOP team would love to be involved in coming up
8 with a solution to meet everybody's concerns on the
9 issues.

10 VICE CHAIRMAN LONG: I assume, Mr. Chairman,
11 that this would be uniformly applied -- or it would
12 be equally applicable to all the systems.

13 CHAIRMAN OKESON: Yeah.

14 VICE CHAIRMAN LONG: But ES&S gets to get on
15 the bubble first, see.

16 CHAIRMAN OKESON: Getting the party started.
17 Brad or Angela, do you have anything you'd
18 like to offer on this?

19 MS. NUSSMEYER: I --

20 MR. KING: Mr. Chairman -- go ahead, Angie.

21 MS. NUSSMEYER: I'll defer to you, Brad. Go
22 ahead.

23 MR. KING: All right. No. I was just going
24 to say I have nothing really further to add except
25 to say that there is pending legislation that was

1 referenced earlier that, among other things,
2 contains language explicitly prohibiting voting
3 systems from having Internet connectivity, and so
4 we're likely to have some more specific statutory
5 language when the current legislative session is
6 over.

7 CHAIRMAN OKESON: Okay.

8 MR. MANGANARO: And just to clarify, this
9 system is not connected to the Internet in any way.
10 Anything we do, our software is installed either
11 via USB or a CD. I know now Microsoft has kind of
12 went to the Windows model. It doesn't seem like
13 you can buy an install disk anymore. But these are
14 ISO images that we create. We don't go to
15 Microsoft's website and download that from the
16 Internet, and any of the updates are all offline
17 updates.

18 VICE CHAIRMAN LONG: Mr. Chairman, could I ask
19 Jordan a question?

20 CHAIRMAN OKESON: Absolutely. Go right ahead.

21 VICE CHAIRMAN LONG: Did I understand you to
22 say that these systems, someone goes in and
23 disables Bluetooth and WiFi also?

24 MR. JARNAGIN: Yeah. So if it's a laptop that
25 you would use for reporting -- like, the voting

1 machine itself isn't going to be a typical laptop.
2 But if it's a laptop or a computer where you would
3 run reports on at the county level, they would go
4 through and disable any unnecessary feature. Some
5 voting machines may have some form of network
6 connectivity, and then those would be disabled
7 before anybody gets on the machine to vote.

8 VICE CHAIRMAN LONG: What if they got
9 undisable by that one person in the field that's
10 got the capacity to do that? Then it would be
11 connected to the Internet, would it not?

12 MR. JARNAGIN: It depends. So if the only
13 means of connecting to it is through a cable, an
14 ethernet cord, then somebody would have to connect
15 the ethernet cord and then the cord would have to
16 go somewhere. If it's in, say, a school and it's
17 in the middle of a gymnasium they're voting, then
18 finding somewhere to connect the voting machine to
19 in the middle of a gym floor while poll workers are
20 walking around would be a little bit obvious, I
21 would think.

22 VICE CHAIRMAN LONG: I'm not concerned with
23 that situation. I'm concerned if they did it --
24 you said, well, if they connected with a cable. It
25 seems to me that, if they disable these

1 connections, there would be, then, a way to connect
2 to the Internet some way. Is that -- that should
3 be a simple can you connect to the Internet if
4 someone locally enables these functions that are
5 disabled. That's a simple question. Yes, they can
6 or, no, they can't.

7 MR. JARNAGIN: I would give you a yes or a no,
8 but, again, it depends. So if, say, it's a
9 wireless connectivity, they would still have to
10 join a network. So you could enable the ability to
11 connect to a network, but without actually
12 connecting to a network, you couldn't, if that
13 makes sense.

14 VICE CHAIRMAN LONG: Well, you talk in that
15 language, as long as you say yes or no and there
16 are ways that, well, if you could, it depends on
17 getting to a network, these folks are pretty damn
18 sophisticated. I mean, we're not talking about
19 some kid sitting -- of course, that may be. They
20 probably are the better ones. But we're talking
21 about people that run computer systems in
22 countries, so I've got to assume they're the most
23 sophisticated people in the world along with our
24 people.

25 So if one of these highly sophisticated

1 people -- I mean, I'm not the guy telling you. It
2 seems like to me if you enable it and then I take
3 the WiFi and connect it with another computer that
4 is network connected, those two connections then
5 could put the system online with the Internet by
6 that method.

7 CHAIRMAN OKESON: I'd like to piggyback off of
8 Vice Chairman Long's comments because, if I
9 understood correctly, there's an elections
10 administrator and what I'll call an IT
11 administrator who works for the county. Right?
12 That IT administrator is the person who could, to
13 Vice Chairman Long's point, enable Internet access
14 on the system. It stands to reason that person
15 would also be able, then, to easily join a network.
16 Am I following the custody correctly here? I
17 guess, Jordan, that's a question for you.

18 MR. JARNAGIN: Yeah. This is Jordan. So,
19 yes, that makes sense. An IT person at a county or
20 whoever has system administration access to a
21 voting machine could connect it -- enable the
22 feature and connect it to the Internet somewhere.
23 The only --

24 CHAIRMAN OKESON: Via county network; correct?

25 MR. JARNAGIN: Yes. So my only concern would

1 be, if they did it from -- say they worked at a
2 county building and then the voting machine got
3 taken to voting location. That network access
4 wouldn't be at the voting location, just at the
5 county.

6 VICE CHAIRMAN LONG: This has got to be
7 resolved before October, in my mind.

8 MR. MANGANARO: And this is Mark Manganaro
9 with ES&S. I don't know if I can jump in.

10 CHAIRMAN OKESON: Sure. Go ahead.

11 MR. MANGANARO: But are you guys talking about
12 the ElectionWare software or the tabulators that
13 are out in the field? Somebody mentioned something
14 about at a school. So if you're in a school
15 gymnasium, our kind of basic configuration would be
16 a DS200 precinct tabulator and an ExpressVote.
17 Those machines cannot connect to the Internet.

18 VICE CHAIRMAN LONG: They're going to have
19 to -- they're going to have to be resolved. You
20 can give me all the anecdotal opportunities or
21 scenarios where they can't do it, but I want to
22 know it can't be done anywhere, anytime, any way
23 unless something happens that is a satisfactory
24 level of -- I know somebody's got to have the
25 ability to make changes, but we have to have

1 safeguards built in here that one person sitting in
2 the county, one person could be able to cause havoc
3 in an election if they were inclined to do that.
4 And that has to somehow have so many levels that
5 things would have to go through to get it done that
6 it is virtually impossible for that to happen.

7 MS. NUSSMEYER: Mr. Chairman, if I could. And
8 I don't want to lead Mark into some questions here,
9 but I think this might go to Anthony's concerns and
10 maybe the rest of the commission.

11 CHAIRMAN OKESON: Yeah.

12 MS. NUSSMEYER: And that is, I think when
13 we're talking about at least for the ES&S system,
14 the concern about connectivity is with the one
15 central computer that the election management
16 software resides on, and that is the computer where
17 the county is going to be making and coding their
18 elections and building their ballots and tabulating
19 their results after the election.

20 And so in that instance, I think what people
21 are saying is that it is possible to connect a
22 computer to the Internet in that situation, except
23 that federal and soon-to-be state law confirms that
24 that system has to be hardened, meaning it cannot
25 touch the Internet. And that's where we're talking

1 about disabling Bluetooth and other things on the
2 one PC, that we're doing that in a way to harden
3 the system to create that air gap.

4 And I think what I'm hearing Mark say -- and,
5 Mark, I don't want to lead you into the answer, but
6 I think what I'm hearing you say is that the
7 individual voting system units that are deployed
8 out to the polling places, at least for your
9 system, do not have any type of modem or wireless
10 connectivity where somebody could go in and plug it
11 into a wall or tap into a modem within your system.
12 That is, in and of itself, a hardened system
13 because it has no capacity to even touch the
14 Internet. Is that what I'm hearing you say?

15 MR. MANGANARO: Correct.

16 MS. NUSSMEYER: Okay. So at least for the
17 ES&S system, the individual units going to your
18 polling places would not be able to be connected to
19 the Internet. But at the local level, at that main
20 centralized computer hub, the IT administrator
21 could enable, if you will, wireless connectivity or
22 network connectivity, based on what I'm hearing you
23 say that your software would allow them to do, but
24 there's an established best practice and federal
25 and soon-to-be state law that has made a point to

1 say that that system has to be air gapped.

2 VICE CHAIRMAN LONG: The bottom line is,
3 there's laws that prevent people from killing
4 people, but you know that people murder people
5 every day. And just because there's a law that
6 says that -- you hit the nail on the head, Angie,
7 can't be connected to the Internet, and nobody's
8 been able to say it can't be connected to the
9 Internet, period. They're saying it can't be
10 connected to the Internet unless. And as long as
11 that "unless" is in there, then we've got a level
12 of security that I think we have to be able to
13 answer. Anybody with conspiracy theory beliefs or
14 whatever it is, factual or not, that we have done
15 everything to see that this happens. I mean, one
16 person --

17 CHAIRMAN OKESON: So to Vice Chairman Long's
18 point, right -- and, Angie, I think you did a good
19 job of summarizing it -- so it's sort of left hand,
20 right hand. The machines out in the field, right,
21 they're airtight. You get it back to where the
22 county counts or processes the election, and, to
23 Vice Chairman Long's point, an IT administrator
24 could connect that machine -- could dehardened it,
25 right, connect that machine to the Internet and

1 create some level of manipulation potentially.

2 I mean, I don't know how feasible that is, but
3 that's -- and, Vice Chairman Long, don't let me put
4 words in your mouth, but to summarize kind of your
5 concern, I think that's what it is. Right?

6 VICE CHAIRMAN LONG: And I think it could be
7 fixed or it could be made so difficult it's, you
8 know, virtually impossible. Nothing is impossible
9 in this world. I just think having one person
10 having the access to be able to make some changes
11 at the county level is an unacceptable level of
12 security for my mind.

13 CHAIRMAN OKESON: And so with that summation,
14 Mark, do you have anything else you'd like to say
15 on the matter?

16 MR. MANGANARO: No.

17 CHAIRMAN OKESON: Any other comments or
18 questions?

19 MS. NUSSMEYER: Mr. Chairman, if you wouldn't
20 mind indulging me one more question for Mark.

21 CHAIRMAN OKESON: Yeah. Co-director --

22 MS. NUSSMEYER: It was the one question that I
23 saw based on all the reports, and that is, your
24 main computer, your main PC that your software
25 resides on for the EMS, Mark, it mentions a

1 Windows 7 operating system, and I know that
2 Microsoft has stopped supporting that as of January
3 last year. I suspect the answer is, because the
4 computer is hardened and air gapped, having an
5 older operating system isn't that big of a deal in
6 terms of running your software, but I did raise
7 that question for my board members just as a
8 potential concern and thought you might want to
9 address that.

10 MR. MANGANARO: Yeah. And that is correct.
11 It is a Windows 7 system. We have an agreement
12 with Microsoft to support -- is it January of
13 '23? -- to support Windows 7 until January of 2023.
14 You did bring up a good point. It is an air-gapped
15 system that is hardened. And then our next release
16 that we would be bringing to the state, 6.2.0.0,
17 would actually be Windows 10.

18 MS. NUSSMEYER: Thank you, Mark. And thank
19 you, Mr. Chairman.

20 CHAIRMAN OKESON: Absolutely. Thank you.
21 Any other comments or questions?

22 Hearing none, can I get a motion to approve
23 the application for certification of the ES&S
24 ExpressVote 6.0.4.0 in accordance with this
25 recommendation from VSTOP and subject to any

1 restriction or additional requirements in that
2 recommendation for a term expiring on October 1,
3 2021, which I hope, Vice Chairman Long, that
4 provision helps address your concern.

5 VICE CHAIRMAN LONG: Subject to my comments
6 earlier and my questions, I believe -- I think I
7 made it clear from now till October I'm comfortable
8 with where we are and we've got time to move. So
9 with that caveat, I will make that motion.

10 CHAIRMAN OKESON: Is there a second?

11 MR. KLUTZ: Second.

12 CHAIRMAN OKESON: Thank you, Zach.

13 Any further discussion?

14 Hearing none, all those in favor signify by
15 "aye."

16 VICE CHAIRMAN LONG: Aye.

17 MR. KLUTZ: Aye.

18 CHAIRMAN OKESON: Aye.

19 MS. OVERHOLT: Aye.

20 CHAIRMAN OKESON: It's unanimous. The motion
21 is adopted.

22 Next the commission will consider the
23 application of ES&S for approval of engineering
24 change order 1103 for its ExpressVote 5.2.4.0
25 voting system. We have representatives here from

1 ES&S. Would you like to testify on the matter, or
2 anyone from VSTOP?

3 MR. JARNAGIN: Jordan Jarnagin will.

4 CHAIRMAN OKESON: Go ahead.

5 MR. JARNAGIN: So the ECO 1103 is a de minimis
6 ECO. It is for the ExpressVote V2.1. The
7 ExpressVote V2.1 is utilized by the EVS 5.2.4.0
8 voting system as well as the aforementioned
9 EVS 6.0.4.0 voting system. In your recommendation,
10 I had written that it was pending on your vote
11 whether or not it would apply to the 6.0.4.0, but
12 the 5.2.4.0 voting system is currently already
13 certified for use in Indiana.

14 ECO 1103 updates the CMOS battery to extend
15 time between maintenance events. Members of the
16 VSTOP team have reviewed the ECO supporting
17 documents as well as the VSTL report. VSTOP finds
18 that the ECO complies with the requirements for
19 de minimis changes to hardware components, and
20 VSTOP recommends approval of ECO 1103 for the
21 EVS 5.2.4.0 and the EVS 6.0.4.0 voting systems.

22 CHAIRMAN OKESON: Thank you, Jordan.

23 Any questions, discussion from the commission?

24 Hearing none, is there a motion to adopt
25 VSTOP's recommendation for the approval of the

1 engineering change order 1103 as described in the
2 report as modifications to the ES&S ExpressVote
3 5.2.4.0 voting system, with this approval being
4 effective immediately?

5 VICE CHAIRMAN LONG: So moved.

6 CHAIRMAN OKESON: Thank you.

7 Is there a second?

8 MR. KLUTZ: Second.

9 CHAIRMAN OKESON: Thank you, Zach.

10 Any discussion?

11 MR. KING: Mr. Chairman?

12 CHAIRMAN OKESON: Yes.

13 MR. KING: Excuse me. VSTOP, in its
14 presentation, indicated that this engineering
15 change order was recommended for also the 6.0.4.0
16 system based on the commission's vote to certify.

17 CHAIRMAN OKESON: Yes.

18 MR. KING: And so just to clarify the extent
19 of the motion may be helpful.

20 CHAIRMAN OKESON: So you want to reissue a
21 motion? Is that what you're asking, Brad?

22 MR. KING: No. Mr. Chairman, I'm just saying
23 if the commission members wish to amend their
24 motion to incorporate the voting system they just
25 voted to certify, that will clarify the scope of

1 the engineering change order.

2 VICE CHAIRMAN LONG: What's the recommendation
3 of VSTOP?

4 CHAIRMAN OKESON: That we do so.

5 VICE CHAIRMAN LONG: I intended to adopt the
6 VSTOP recommendation in my motion.

7 CHAIRMAN OKESON: Yeah. I just didn't -- in
8 my reading of a request to offer a motion, to
9 Brad's point, I didn't call out the fact that it
10 also applied to 6.0.4.0 that we had just voted on
11 previous, I think was your point. Right, Brad?

12 MR. KING: Yes, Mr. Chairman, that's correct.

13 VICE CHAIRMAN LONG: Going to have to tighten
14 up there, Mr. Chairman.

15 CHAIRMAN OKESON: I'm loose in the turns.
16 It's just getting rough.

17 I'll take that as an amendment to the motion,
18 Vice Chairman.

19 VICE CHAIRMAN LONG: Yes.

20 CHAIRMAN OKESON: Second?

21 MR. KLUTZ: Second.

22 CHAIRMAN OKESON: Any further discussion?

23 Hearing none, all those in favor signify by
24 "aye."

25 VICE CHAIRMAN LONG: Aye.

1 MR. KLUTZ: Aye.

2 MS. OVERHOLT: Aye.

3 CHAIRMAN OKESON: The motion is adopted.

4 Moving on, the commission will now consider
5 the application of the Hart InterCivic for
6 certification of its Verity Voting 2.5 hybrid
7 optical scan voting system. Do we have any
8 representatives from Hart InterCivic or anyone from
9 VSTOP that wants to comment on this?

10 MR. JARNAGIN: Jordan Jarnagin.

11 CHAIRMAN OKESON: Go ahead.

12 MR. JARNAGIN: The Hart InterCivic Verity
13 Voting 2.5 voting system is an upgrade to Verity
14 Voting 2.3, which is currently certified for use in
15 the state of Indiana. Hart InterCivic originally
16 applied to have Verity Voting 2.4 certified, but
17 while we were reviewing the documentation, they had
18 postponed the certification of that to wait for
19 Verity Voting 2.5.

20 Verity Voting 2.5 contains a number of
21 software component and hardware changes, which
22 include upgrading from Windows 7 to Windows 10, the
23 addition of Verity Duo Go and Verity Duo Standalone
24 devices. And then the Verity Voting 2.5 also
25 includes all of the software changes from Verity

1 Voting 2.4, which is why they wanted to delay the
2 certification and go with 2.5 due to the hardware
3 and Windows software upgrades that it included.

4 The 2.4 software changes dealt with primarily
5 security enhancements and many improved usability
6 features. As with Verity Voting 2.3, the Verity
7 Voting Touch Writer Duo device included in Verity
8 Voting 2.5 is a series of up to 12 ballot marking
9 devices connected together via a closed network
10 daisy chain. VSTOP maintains its position from the
11 precedent set with the currently certified Indiana
12 Verity 2.3 that the network is closed and poses no
13 additional vulnerabilities or threat without having
14 direct physical access to the hardware.

15 The Verity Voting Duo Go and Verity Standalone
16 devices are new to Verity 2.5. They do not require
17 connecting to another Verity device over that daisy
18 chain network, and then the Verity Duo Go is
19 actually intended to be used for curbside voting.
20 It's a mobile option.

21 Verity Voting 2.5 was field-tested at Ball
22 State University on December 21, 2020, by the VSTOP
23 team. The field-test included verification of all
24 required elements of Indiana statutes regarding
25 voting systems as well as ADA compliance

1 evaluation. Mock elections, including IEC-approved
2 test case scenarios for straight-party voting, were
3 conducted on the voting system. For this
4 certification, the electronic adjudication feature
5 must be disabled among the Verity Voting 2.5 voting
6 systems utilized in Indiana.

7 And based on VSTOP's review and evaluation, we
8 find that the Hart InterCivic Verity Voting 2.5
9 voting system meets all of the requirements of the
10 Indiana Code for use in the state of Indiana.

11 CHAIRMAN OKESON: Thank you, Jordan.

12 Any questions or comments from any commission
13 members?

14 VICE CHAIRMAN LONG: May I, Mr. Chairman?

15 CHAIRMAN OKESON: Please, go ahead.

16 VICE CHAIRMAN LONG: This will be a simple
17 question. We had a series of questions regarding
18 the ES&S system. Would the same questions receive
19 similar answers if it applied to the Hart Civic
20 Verity Voting system?

21 CHAIRMAN OKESON: Jordan, would you like to
22 respond to that?

23 MR. JARNAGIN: Yes. Regarding the
24 connectivity to the Internet?

25 VICE CHAIRMAN LONG: Primarily, yes.

1 MR. JARNAGIN: Okay. So the Verity Voting,
2 they do have a network access, but everything
3 should be hardened, as we'd mentioned before. The
4 devices do connect to one another. Dr. Bagga may
5 be able to explain a little bit more about this due
6 to Verity 2.3 being tested before I had joined
7 VSTOP, and Cory, vendor from Hart InterCivic on the
8 phone, might be able to help answer some of these
9 questions a little better as well.

10 DR. BAGGA: Thank you, Jordan. This is Jay
11 Bagga. If I may.

12 CHAIRMAN OKESON: Yes.

13 VICE CHAIRMAN LONG: I thought maybe we just
14 brought his picture in today. How are you, Doctor?

15 DR. BAGGA: I'm pretty good, Commissioner
16 Long. How are you, sir?

17 VICE CHAIRMAN LONG: I'm doing fine. We've
18 been doing this a while, haven't we?

19 DR. BAGGA: We have, yes. We have been doing
20 this a while.

21 VICE CHAIRMAN LONG: I look forward to seeing
22 you at the meetings.

23 DR. BAGGA: I certainly am looking forward to
24 it, yes. Of course, we are all under COVID
25 conditions, so I miss seeing people in person. I

1 certainly do. But you're looking good on the
2 screen, Commissioner Long.

3 So, yes. So I would echo everything that
4 Jordan said, and the questions are similar for all
5 voting systems. The daisy chain network connection
6 is a closed network connection where the ballot
7 marking devices are connected. This discussion
8 came up in the last certification for the currently
9 certified system, and we have maintained that
10 position. Nothing has changed since then, since
11 the commission certified it last, for that
12 particular configuration of daisy chain.

13 But the other questions about Internet
14 connectivity are similar, Commissioner Long, to the
15 ES&S system, and the same questions will have
16 similar answers about hardening. And I'll defer to
17 Cory, who is also present here, to add anything to
18 this. He's the Hart representative.

19 Cory.

20 MR. HINKLE: Thanks. Hi, this is Cory Hinkle.
21 Yes. So just to comment on the Internet
22 connectivity, the short answer is our system, both
23 the devices at the polling locations and the
24 central county-level locations, cannot connect to
25 the Internet.

1 And just to give a little background
2 explanation on that, so we use a system that's
3 built from the ground up that only includes
4 components that are necessary in the operating
5 system. So we actually don't include any elements
6 that -- in our operating system image, we don't
7 include any elements that allow Internet
8 connectivity. And that started from the trusted
9 build stage for creating our operating system
10 images.

11 So, yeah, Internet connectivity is not
12 capable. We don't have to actually disable any
13 Bluetooth or WiFi on our systems because they
14 aren't enabled on the operating system image. So
15 it's not something that anyone at the county level
16 would even need to worry about because it's not
17 possible to make any of those changes based on our
18 operating system image that we have installed on
19 our machines.

20 CHAIRMAN OKESON: So whether it be the machine
21 out in the field or any central counting machine,
22 as Co-Director Nussmeyer referred to with ES&S,
23 what I hear you saying is, regardless or
24 irrespective of whether there's an IT administrator
25 or not, they cannot log in and connect anything to

1 the Internet. Is that what you're saying?

2 MR. HINKLE: That is correct, yeah. And all
3 of our systems operate in kiosk mode, so it's an
4 air-gapped hardened system that cannot connect to
5 the Internet.

6 CHAIRMAN OKESON: Very good.

7 Any other questions or comments?

8 Hearing none, is there a motion to approve the
9 application for certification of the Hart
10 InterCivic Verity Voting 2.5 hybrid optical scan
11 system in accordance with the recommendation of
12 VSTOP subject to any restriction or additional
13 requirement in that recommendation for a term
14 expiring October 1, 2021?

15 VICE CHAIRMAN LONG: As before, for the same
16 reasons, I make that motion.

17 CHAIRMAN OKESON: Thank you.

18 Second?

19 MR. KLUTZ: Second.

20 CHAIRMAN OKESON: Thank you, Zach.

21 Any further discussion?

22 Hearing none, those in favor signify by saying
23 "aye."

24 VICE CHAIRMAN LONG: Aye.

25 MS. OVERHOLT: Aye.

1 MR. KLUTZ: Aye.

2 CHAIRMAN OKESON: Aye. The "ayes" have it.
3 Motion is adopted.

4 Finally, the commission will now consider the
5 application for the Unisyn OpenElect 2.1 optical
6 scan voting system certification. Is there a
7 representative from Unisyn or anyone from VSTOP
8 that would like to comment on this?

9 MR. JARNAGIN: Jordan Jarnagin from VSTOP.

10 CHAIRMAN OKESON: Yeah. Go right ahead,
11 Jordan.

12 MR. JARNAGIN: OpenElect 2.1 is a paper-based
13 ballot optical scan voting system which is a
14 modification to OpenElect 2.08 voting system, which
15 is currently certified for use in Indiana.

16 OpenElect 2.1 contains numerous updates to
17 various components and software to include several
18 security enhancements; usability improvements to
19 Ballot Layout Manager, Election Manager,
20 FreedomVote Tablet, and other components; and then
21 updated and newly added hardware components, such
22 as an uninterruptible power supply and updated
23 power supplies for various components.

24 After our initial review, Unisyn also
25 submitted five ECOs to VSTOP. The ECOs involve

1 software modifications. So there's ECO 17110,
2 which increases the accuracy for write-in report
3 function; 17111, which is related to the voter
4 registration input interface on the OVO tabulator;
5 17112, which changes calculations so that ballots
6 print the correct length; 17113, which updates a
7 database query; 17114, which removes a disable
8 command in order to prevent it from interfering
9 from a ballot that may be in process.

10 OpenElect 2.1 was field-tested at Ball State
11 University on August 13, 2020, by the VSTOP team.
12 The field-test included verification of all
13 required elements of the Indiana statutes regarding
14 voting systems as well as an ADA compliance
15 evaluation. Mock elections, including IEC-approved
16 test case scenarios for straight-party voting, were
17 conducted on the voting system. For this
18 certification, the electronic adjudication feature
19 must be disabled among the OpenElect 2.1 voting
20 systems utilized in Indiana.

21 Based on VSTOP's review and evaluation, we
22 find that Unisyn OpenElect 2.1 voting system meets
23 all the requirements of the Indiana Code for use in
24 the state of Indiana.

25 CHAIRMAN OKESON: Thank you, Jordan.

1 Any discussion or questions from the
2 commission?

3 MS. OVERHOLT: I notice that this system, that
4 there's a -- that this is a Windows 7 system. I
5 know we talked about the issue of Windows 7 versus
6 Windows 10. What are the plans for upgrading to
7 Windows 10?

8 MR. ORTIZ: This is Chris Ortiz, director of
9 certification for Unisyn. We use actually a Linux
10 system. I'm not sure what you're referring to.

11 MS. OVERHOLT: Oh, okay. Sorry.

12 MR. ORTIZ: There's no Windows in our system
13 at all.

14 MS. OVERHOLT: Okay. Never mind, then.

15 MR. ORTIZ: Thank you.

16 CHAIRMAN OKESON: Any other questions?

17 VICE CHAIRMAN LONG: Same questions I asked, I
18 guess, to Jordan, the same questions regarding
19 disabling and those things that we talked about
20 earlier, would they be likewise applicable to the
21 Unisyn system operation? I realize this is a
22 paper-ballot-based system where, as I understand
23 it, there is going to be a hard copy paper ballot
24 created, so the trail is not as important. But as
25 far as tabulating and counting the ballots, is

1 there a system administrator locally that can
2 affect changes?

3 MR. ORTIZ: This is Chris Ortiz again.
4 Similar to what Hart and ES&S said, the system is
5 not connected to the Internet. The system actually
6 did go through the Idaho test lab as part of the
7 DHS. The system went through a very extensive
8 penetration and vulnerability test, and a lot of
9 that stuff is documented.

10 But, again, in order to alleviate some of your
11 concerns, Commissioner Long, whatever the board
12 decides to do as far as October with vulnerability
13 testing, penetration testing, we're willing to do
14 whatever it takes to ease some of those concerns.

15 VICE CHAIRMAN LONG: My question is not the
16 testing side of it, but is it physically -- if the
17 same questions were asked as we did with the ES&S,
18 there is a -- is it physically possible for a
19 person at the county level to connect this thing in
20 some form or fashion to the Internet?

21 MR. ORTIZ: No, there's no way possible.
22 There's no -- in the voting devices at the precinct
23 level, there is no modem capability, whether WiFi
24 or network capability in the precinct. And then --

25 VICE CHAIRMAN LONG: I'm not talking about

1 precinct. I asked if a county tabulating -- where
2 they come into the county, to the central
3 tabulating system, that's the one I'm concerned. I
4 can understand the ones out in the field, in the
5 precincts. But at the county where the final vote
6 tally is generated, is that possible?

7 MR. ORTIZ: The system is a hardened Linux
8 system, and all of that functionality -- similar to
9 Hart, all that functionality is turned off on
10 installation, so same thing.

11 VICE CHAIRMAN LONG: You've answered my
12 question.

13 MR. ORTIZ: Okay.

14 VICE CHAIRMAN LONG: When you said "turned
15 off," that was the key words. I'm with you.

16 CHAIRMAN OKESON: Any other comments or
17 questions?

18 Hearing none, is there a motion to approve the
19 application for certification of the Unisyn
20 OpenElect 2.1 optical scan voting system in
21 accordance with the recommendation of VSTOP subject
22 to any restriction or additional requirement in
23 that recommendation for a term expiring October 1,
24 2021?

25 VICE CHAIRMAN LONG: With the caveat as

1 before, I make that motion.

2 CHAIRMAN OKESON: Thank you.

3 Second?

4 MR. KLUTZ: Second.

5 CHAIRMAN OKESON: Thanks.

6 Any discussion?

7 Hearing none, all those in favor signify by
8 saying "aye."

9 VICE CHAIRMAN LONG: Aye.

10 MR. KLUTZ: Aye.

11 MS. OVERHOLT: Aye.

12 CHAIRMAN OKESON: Aye. The "ayes" have it,
13 and the motion is adopted.

14 MR. ORTIZ: Thank you.

15 CHAIRMAN OKESON: And I believe that that
16 brings us to conclusion. Correct, Brad?

17 VICE CHAIRMAN LONG: Could I -- at the
18 conclusion -- at the outset, I said I was going to
19 bring something up at the end that relates to all
20 of these systems that I didn't think we needed to
21 discuss as we went through them.

22 CHAIRMAN OKESON: Sure. Go right ahead.

23 VICE CHAIRMAN LONG: This is going to be
24 really short and, I hope, sweet.

25 We've had certification in compliance with

1 Indiana law. It's my belief now that, after some
2 level of study and being educated, that there are
3 areas that are not necessarily covered by Indiana
4 law that cause me some concern.

5 And I think one of the problems -- we've done
6 this paper trail thing, and we've entered into a
7 level of sophistication in the computer world that
8 I think we have to stay legislatively abreast of
9 it. I think that's the real purpose of the
10 division, and I think that's the purpose of the
11 commission, to help advise the legislature that
12 here are some areas that we're having to make
13 decisions on that you've not opined on, and if you
14 don't opine on it and give us direction, we've got
15 to either ignore them or we've got to come up with
16 our own solutions.

17 For example, this paper trail deal, which is
18 really a big deal. I mean, this has been a
19 long-fought battle and a worthwhile battle, I
20 think. When they print out from the system the
21 ballot card, when the computer -- and I don't know
22 the vernacular, but when the computer, in a recount
23 situation or a verification situation, prints out
24 the ballot card, I believe there should be a
25 standardized form of that printout that is

1 applicable statewide.

2 I asked to see some -- in discussions of this,
3 I asked to see some copies of the various ones that
4 are printed out. And I'm not being critical of the
5 folks that run these systems. I'm a believer.
6 I've done this a long time, and I think our vendors
7 are really reputable, first-class operations, and
8 they do their jobs, and I'm proud that they choose
9 to work in Indiana.

10 But I think that we should tell them -- and
11 there is no standard on the ballot printout, so
12 they've each developed their own format. I think
13 that the division should advise the legislature do
14 you wish to address this; if not, our commission
15 may have to address it, because we think -- I think
16 it's important in recounts that we have a
17 standardized system that anybody, a layperson can
18 pick up a printed ballot that's been generated and
19 understand and see how that individual voted, I
20 mean, clearly without interpretation. The ones I
21 got, I couldn't do that, and I know I'd have to ask
22 somebody interpret this for me.

23 I think there are other areas that the
24 legislature has maybe not kept pace with the
25 technology. I think that the commission should

1 direct the division or request the division to
2 provide technical updated information to the
3 legislature so they can have the opportunity.

4 We've made decisions in areas -- and I'm not
5 saying they're bad decisions -- that the
6 legislature has not given us real direction on, and
7 I think that there should be a more sophisticated
8 legislative -- these are decisions that I think the
9 legislature needs to make. I don't necessarily
10 agree with a lot of their decisions, but the law
11 says they're the ones that make the decisions.
12 It's not us. Our job is to enforce, and we're
13 asking them for -- I would be asking them give us
14 some direction in how you want the form of the
15 ballot printout, things that have advanced beyond
16 where the legislation and the laws have changed.

17 I haven't followed what's out there as closely
18 as I should at this time, but I think that we need
19 to get something uniform statewide in that area.
20 There may well be other areas. And all the
21 questions that I think have to be answered, most of
22 them can be answered. These things need to be
23 taken care of, and hopefully then we've got an
24 easier job in October.

25 But I think we need to enhance our

1 communication with the legislature, advise them
2 that we're having to make decisions, you need to
3 weigh in on it if you wish to weigh in. If you
4 don't weigh in, just like in the law, the appellate
5 level courts make decisions, and six or eight years
6 later they'll come back and say, well, we did this,
7 the legislature hasn't seen fit to change it, they
8 must be satisfied with it, so we're okay. And I
9 think that's where we are on this technology.

10 But that's my two cents, and thank you all
11 very much for allowing me to say it.

12 CHAIRMAN OKESON: Thank you, Mr. Vice
13 Chairman.

14 Any other closing comments?

15 Hearing none, the commission has finished its
16 business for the day. Is there a motion for the
17 Indiana Election Commission to adjourn?

18 MR. KLUTZ: So moved.

19 CHAIRMAN OKESON: Thank you.

20 All those in favor signify by "aye."

21 VICE CHAIRMAN LONG: Aye.

22 MS. OVERHOLT: Aye.

23 CHAIRMAN OKESON: That's it. Thank you very
24 much. Enjoy the rest of your week and weekend.

25 VICE CHAIRMAN LONG: Take care.

1 MS. OVERHOLT: Thank you.

2 MR. JARNAGIN: Thank you.

3 CHAIRMAN OKESON: Good to see you all.

4 MR. MANGANARO: Thank you. Stay safe and
5 healthy.

6 CHAIRMAN OKESON: Yes. Stay well. Thanks.

7 (The Indiana Election Commission Public
8 Session was adjourned at 2:12 p.m.)

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1 STATE OF INDIANA

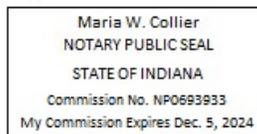
2 COUNTY OF HAMILTON

3 I, Maria W. Collier, a Notary Public in and
4 for said county and state, do hereby certify that the
5 foregoing public session was taken at the time and
6 place heretofore mentioned between 1:01 p.m. and
7 2:12 p.m.;

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

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my notarial seal this 8th day of
14 March, 2021.

15 *Maria W. Collier*



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17
18 My Commission expires:
19 December 5, 2024

20 Job No. 159603

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