

Indiana Election Commission

Minutes

FEBRUARY 28, 2002

Members Present: Barbara McClellan, as proxy for member and Chairman of the Indiana Election Commission (“Commission”), Dudley Cruca, Pat Terrell as proxy for Butch Morgan, member, and Claudia Cummings as proxy for Joseph M. Perkins, Jr., member.

Members Absent: Dudley Cruca, S. Anthony Long, Joseph M. Perkins, Jr., and Butch Morgan.

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Kristi Robertson, Co-General Counsel to the Commission and Election Division.

Also Attending: Maureen Bard and Mark Stratten, Office of Census Data, Rob McGinnis, representative of ES&S, and Jim Ries and Steve Shamo, representatives of MicroVote.

1. Call to Order

Barbara McClellan, acting Chair, called the February 28, 2002 meeting of the Commission to order at 1:00 p.m. at the Indiana Government Center South, Conference Center, Conference Room C, 302 West Washington Street, Indianapolis, Indiana. She noted that proxies for those Commission members not attending today’s meeting have been properly filed with the Commission and that proper notice of the meeting had been given, as required by state law, and that a quorum was present.

A copy of the meeting notice and agenda is 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. Voting Systems

MicroVote Infinity Direct Electronic Voting System, Model VP-1, Firmware Version 2.04

The Chair recognized J. Bradley King, co-director of the Election Division, who explained that Spencer Valentine, co-director of the Election Division, was not present at today’s meeting due to illness. Mr. King directed the attention of the Commission to the binders provided by staff and, specifically, to the recommendation of the co-directors contained in the binders. Mr. King stated that, with respect to the MicroVote Infinity Direct Electronic Voting System, Model VP-1, Firmware Version 2.04, the appropriate application was filed and the fee required by statute was paid. He stated that the application was provided to the Commission at an earlier meeting. He stated that MicroVote has also met the escrow requirement for systems software by filing the software source code under an agreement with a company named Brambles. He added that the escrow agreement was provided to the Commission in a previous meeting and was incorporated into the minutes of the previous meeting. He added that MicroVote demonstrated the Infinity Direct Electronic Voting System to the Commission at its November 15, 2001 meeting. He also added that MicroVote submitted a report of the Independent Testing Authority (“ITA”) contained in the packets provided to the Commission. He explained that this report was signed on February 11, 2002 by Shawn Southworth, the ITA Practice Director for

Ciber, who reports that the voting system meets the required acceptance criteria under Indiana Code 3-11-15. He concluded that based upon the submissions detailed to the Commission today, and after review by Dale Simmons and Kristi Robertson, co-general counsel for the Election Division, for compliance with state statutes, the co-directors recommend that the Commission find that the voting system complies with IC 3-11-7.5 and 3-11-15 and that the MicroVote Infinity Direct Electronic Voting System, Model VP-1, Firmware Version 2.04 be approved for use in elections in Indiana. Mr. King indicated to the Chair that MicroVote representatives were present at today's meeting and may wish to add to his presentation.

The Chair asked the MicroVote representatives if they wished to address the Commission on the application. Mr. Ries indicated that he did not but that he would answer any questions the Commission may have about the application. There being no questions, Mr. King indicated to the Chair that if the Commission wanted to act upon the request of MicroVote for voting system certification then a motion to approve the system would be required.

Pat Terrell moved that the MicroVote Infinity Direct Electronic Voting System, Model VP-1, Firmware Version 2.04, be approved for use in elections in Indiana consistent with the recommendation of the co-directors of the Election Division. Claudia Cummings seconded the motion. There being no further discussion, the Chair called the question, and declared that with three members voting "aye" (Ms. McClellan, Mr. Terrell, and Ms. Cummings), and no member voting "nay", the motion was adopted.

Election Systems & Software Election Reporting Manager (ERM) software Version 6.1.8 and Model 100 Precinct Counter upgrades from version 3.00.1 to version 4.7.5

The Chair recognized Mr. King who indicated that the second vendor with certification business before the Commission today has two different requests for certification and that he would address each request separately. He stated that the first request on the agenda is the Election Reporting Manager software version 6.1.8. He explained that ES&S filed the appropriate application and paid the required fee. He added that ES&S filed a copy of its escrow agreement with DSI Technology Escrow Services that documents the escrow of the ES&S software source codes for the software identified in its application. He indicated that a copy of this documentation was contained in the binders provided to the Commission and is offered as a part of the minutes for today's meeting. He stated that there was no demonstration preformed for this software upgrade but that ES&S has demonstrated, at previous Commission meetings, the voting systems that will utilize this software. He added, with respect to the Independent Testing Authority ("ITA") requirement, the software qualification testing report is also included in the packet provided to the Commission and is offered for the minutes of today's meeting. He stated that the report was prepared by Metamor Government Solutions and indicates that the proposed software upgrades successfully meet the required acceptance criteria under Indiana Code 3-11-15. Mr. King concluded that, based upon the information provided by the vendor and the Independent Testing Authority, and upon review of co-general counsel for compliance with applicable statutes, the co-directors recommend that the Commission find that this voting system complies with IC 3-11-7, 3-11-7.5 and 3-11-15 and that ES&S Election Reporting Manager software version 6.1.8 be approved for use in elections in Indiana.

Mr. King indicated that a representative from ES&S was present at today's meeting and may wish to add to his comments. Rob McGinnis, representative of ES&S, indicated that he was available to respond to any questions that Commission members may have.

There being none the Chair asked if there was a motion. Pat Terrell moved that the ES&S Election Reporting Manager software version 6.1.8 be approved for use in elections in Indiana consistent with the recommendation of the co-directors of the Election Division. Claudia Cummings seconded the motion. There being no further discussion, the Chair called the question, and declared that with three members voting “aye” (Ms. McClellan, Mr. Terrell, and Ms. Cummings), and no member voting “nay”, the motion was adopted.

The chair again recognized Mr. King who stated that the final voting system certification application on the agenda was the application of ES&S for approval of its Model 100 Precinct Counter upgrades from version 3.00.1 to version 4.7.5. He explained that ES&S filed the appropriate application and paid the required fee. He added that ES&S has filed a copy of its escrow agreement with DSI Technology Escrow Services that documents the escrow of the ES&S software source codes for the software identified in its application for this upgrade. He indicated that a copy of this documentation was contained in the binders provided the Commission and is offered as a part of the minutes for today’s meeting. He indicated that, as with ES&S’s other request, there was no demonstration preformed for this software upgrade but that ES&S has demonstrated its Model 100 Precinct Counter at previous Commission meetings. He added that the Election Division has received, and included in the Commission’s packet, a signed copy of the report of the Independent Testing Authority dated January 29, 2002 from Dawn Bates, the Contracts Manager for Wyle Laboratories. He added that the report states that Wyle found that the revised software version 4.7.5 successfully meets the acceptance criteria under Indiana Code 3-11-15. He stated that he also had a copy of the report for inclusion into the Commission’s minutes. Mr. King concluded that, based upon the information provided by the vendor and the Independent Testing Authority, and upon review of co-general counsel for compliance with applicable statutes, the co-directors recommend that the Commission find that this voting system complies with IC 3-11-7 and 3-11-15 and that ES&S Model 100 Precinct Counter upgrade from version 3.00.1 to version 4.7.5 be approved for use in elections in Indiana.

The Chair asked if there were any questions. Ms. Cummings asked what the upgrade accomplished with respect to the Model 100 Precinct Counter. Mr McGinnis responded that the upgrade runs a thermal printer that replaces a dot-matrix printer installed on the older version. He stated that it also added some menu items for technicians to assist them in conducting maintenance activities.

There being no further questions the Chair asked if there was a motion. Claudia Cummings moved that the ES&S Model 100 Precinct Counter upgrade from version 3.00.1 to version 4.7.5 be approved for use in elections in Indiana consistent with the recommendation of the co-directors of the Election Division. Pat Terrell seconded the motion. There being no further discussion, the Chair called the question, and declared that with three members voting “aye” (Ms. McClellan, Mr. Terrell, and Ms. Cummings), and no member voting “nay”, the motion was adopted.

3. Adjournment

The Chair asked if there was any further business. There being no response, Pat Terrell moved, seconded by Ms. Cummings, that the Commission adjourn. The Chair then called the question, and declared that with three members voting “aye” (Ms. McClellan, Mr. Terrell, and Ms. Cummings), and no member voting “nay”, the motion was adopted. The Commission then adjourned at 1:10 p.m.

Respectfully submitted,

J. Bradley King
Co-Director

Spencer Valentine
Co-Director

Approved,

Dudley Cruea, Chair