Indiana Election Commission
Minutes
NOVEMBER 15, 2001

Members Present: Dudley Cruea, Chairman of the Indiana Election Commission (the Commission); S. Anthony Long, Vice Chairman of the Commission; Butch Morgan, member of the Commission; and Joseph M. Perkins, Jr., member and Commission.

Members Absent: None

Staff Attending: Laurie P. Christie, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Spencer Valentine, Co-Director of the Election Division; Kristi Robertson, Co-General Counsel to the Commission and Election Division; Dale Simmons, Co-General Counsel to the Commission and Election Division; Michelle Brzycki, Special Projects Coordinator, Election Division; and Lori Hershberger, Special Projects Coordinator, Election Division.

Also Attending: Brad Klopfenstein, Libertarian Party of Indiana; Mark Stratton and Maureen Bard, Office of Census Data, Legislative Services Agency; Linda Phillips and Nora Jarmon, Tippecanoe County Election Board, Steve Corey and Don Vopalensky, Global Election Systems and Software, Inc., Bill Whitehead and Jim Ries, MicroVote and Amy Nelson, Marion County Election Board.

1.   Call to Order

The Chair called the November 15, 2001 meeting of the Commission to order at 1:10 p.m. at the Indiana Government Center South, Conference Center, Conference Room A, 302 West Washington Street, Indianapolis, Indiana. He noted 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.   Approval of the September 27, 2001 Meeting Minutes

The Chair noted that he had not received the September 27, 2001 meeting minutes in his packet. The Chair recognized Ms. Robertson who explained that the September 27 minutes were in the packets at the Commission's previous meeting, however, since they were not provided to Commission members until the day of the meeting the Commission members determined that they would review them and consider them at the next meeting.   She also indicated that the October meeting minutes were not ready at this time either.

Mr. Long moved, seconded by Mr. Morgan, that the September 27, 2001 Commission meeting minutes be approved as presented. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted.

3. Voting Systems

A. Demonstration of the Global Election Systems R6 Accutouch Voting System

The Chair recognized Laurie Christie, co-director of the Indiana Election Division who indicated that representatives of Global Election Systems (Global) where present at today's meeting and will be demonstrating their R6 Accutouch voting system. Ms. Christie introduced Steve Corey and Don Vopalensky from Global.

The Chair recognized Mr. Corey who thanked the Commission for considering their voting system at today's meeting. Mr. Corey stated that Global was recently acquired by Diebold out of Canton Ohio. He indicated that he has provided the Commission with detailed background information on Diebold. He stated that the system that he will be demonstrating today is the second generation of the Accutouch voting system that is used by some jurisdictions in Indiana. He stated that he is also seeking approval of the associated GEMS software. He specified that the GEMS software that has been submitted to the Commission for approval today is version 1.17 and the version of the hardware, otherwise known as the tabulation device, consists of hardware release 1.0 and firmware release 4.011. He explained that the documentation for these releases have been provided to the Commission. He stated that the tabulation device and the software have been through independent testing. He added that the hardware has been through testing with Wiley and the software has been through testing with Metamore. Mr. Corey then indicated that he would turn the presentation over to Mr. Vopalensky for a brief demonstration of the voting system.

Mr. Vopalensky invited Commission members to approach the voting system to better view the demonstration and Commission members did so. Mr. Vopalensky then explained how the system worked. He indicated that the system uses a card that contains instructions and ballot information. He indicated the system is a touch screen direct electronic voting machine. He explained that the system allows a voter to navigate through the ballot and return to races previously voted to change a vote. He stated that the system allows a straight party vote. He explained that a voter may vote for a write-in candidate by spelling the name on the keyboard. He stated that a voter could not erroneously skip a page when voting because the machine forces a voter to view every race. He said that a voter, however, could choose not to record a vote in a particular race. He said the system would not allow a voter to over vote a race.

Mr. Morgan asked how to recast a vote. Mr. Vopalensky indicated and demonstrated how to do so by touching the screen of the voting system that displays the race where the voter wants to recast his vote.

Mr. Vopalensky stated that once a voter goes through the entire ballot the system presents a summary of the votes submitted by a voter. He said that if a voter wants to go back to a page of the ballot on the screen to recast a vote the voter would touch the screen where the vote is displayed on the summary screen and the system would take the voter back to that page of the ballot and permit the voter to recast his vote. He stated that once you are satisfied with the votes cast as displayed on the summary screen the voter pushes the button to cast his vote. He explained that the vote is not cast until this final button is pushed after a review of the summary screen.

He stated that the voting machine could handle up to six styles of ballots. He explained that this feature would allow the system to be used for absentee voting. He added that this was true because in absentee voting voters from different precincts, who vote different ballot variations, vote in one location.

Mr. Perkins asked about the amount of training required for poll workers. Mr. Vopalensky stated that he conducted training on this system in West Virginia and it took about 10 minutes before the poll workers were comfortable with the use of the card in creating different ballot variations. He said that, once the voter is cleared to vote by whatever verification process the state may have, the poll worker gives the voter the card with the appropriate ballot programmed onto it so that the voter may put into the voting machine.

Mr. Morgan asked how many cards a jurisdiction could have in one precinct. Mr. Vopalensky stated that you could have one card per precinct or more than one per precinct.

Mr. Perkins asked Mr. Vopalensky to explain whether the ADA was considered in system design. Mr. Vopalensky explained that each unit is capable of accepting a keypad and headset for the visually impaired. He stated that the software would allow for the creation of an audio version of the ballot by recording a voice in response to prompts.

Mr. Perkins asked what the poll workers would do to collect the votes at the end of the voting day. Mr. Vopalensky stated that each precinct would have a manager's card, which will accept the vote totals from the voting machine.

Mr. Vopalenski then explained the testing and reporting functions of the voting system. He explained that results can be recorded on the manger's card or "PCMA" card and votes from several PCMA cards can be accumulated on one machine. He added that this feature would allow the system to make individual precinct reports as well as accumulated election reports for the whole county.

There being no further questions, the Chair asked if there was anything that the Global representatives wanted to add at this time. The Chair recognized Mr. Corey who asked whether the next step would be to get on the agenda for the Commission's next meeting or would the Commission take action today. The Chair indicated that he thought it would go on the agenda at the Commission's next meeting. Mr. Corey responded that they had submitted all of their documentation at this point and that he would keep advised of the progress of their request through Ms. Christie.

Mr. Long asked if the Commission members were going to receive any further documentation. Ms. Christie indicated that the Commission members were already provided with most of the documentation on the voting system. She indicated that staff had all of the technical manuals described on file in the election division's office.

Mr. Long asked where the independent testing authority certifications were. Ms. Christie indicated that they were in the packets. Ms. Robertson stated that the certifications were in the tab behind the MicroVote information.

The Chair asked whether Commission members wanted to carry the issue over to the next meeting. Commission members indicated their consent to place the voting system approval on the agenda for the next meeting.

B. Demonstration of the MicroVote Infinity Electronic Voting System

The Chair recognized Jim Ries who introduced himself and Bill Whitehead as representatives of MicroVote. Mr. Ries stated that MicroVote has submitted its application for certification of the Infinity voting system. He explained that he has also submitted an escrow agreement to Ms. Christie today.

Mr. Ries stated that the Infinity voting system consists of two subsystems: the election management software and the voting interface panel. He indicated that he intended to demonstrate the voting interface panes today. He explained that the voting system was designed using four basic design guidelines. He stated that the first guideline they used was weight reduction. He explained that another type of MicroVote unit in operation in Indiana weighs 52 pounds, while the Infinity weighs 5 pounds. He said the system runs on either a DC source or an AC source. He explained that the DC source consists of standard C cell batteries. He stated that the portability of the system assists with curbside voting. He said that the voting unit may also be placed in the lap of a disabled voter to facilitate voting.

Mr. Ries stated that another guideline they followed was to make the voting system easy to use. He indicated that poll worker training could be completed for the system in 30 minutes. He explained that in the training a poll worker is taught how to activate the device, vote it and tally the results.

He added that the third guideline they used was to add capacity. He indicated that the Infinity voting system can accommodate up to 9,999 ballot styles. He indicated that the system could easily handle multiple ballot variation precincts.

He added that MicroVote also attempted to eliminate moving components in their voting system. He explained that all the voting data is stored in compact flash memory with three separate memories for redundancy.

He explained that the system operates with the use of different cards. He stated that the cards are color-coded and represent "smart card" technology and have a large capacity for storing data. He stated that the machine is delivered to a precinct in locked and secured mode. He added that there are two components necessary to start the machine, the start card and a security number. He stated that when a machine is activated, the start card is entered, then a security code is entered, and then the machine can be put in "vote-enabled mode." He added that when there are multiple machines in one precinct, the same card could be used for all machines. He stated that the card acts as an "on-off" key.

He further explained that the card used throughout the day for voting is the vote card. He indicated that this card is color-coded blue. He added that the system is compatible with early voting and absentee voting with different precincts voting in one location. He stated that the cards could be programmed different ballot variations for different voters.

He stated that once the machine is activated with the voter card, the card is removed and the voter enters the booth and presses the gray button to begin voting.

The chair asked whether the poll worker or the voter inserted the voting card into the machine. Mr. Ries answered that the card could be given to the voter but that it was preferable to let the poll worker retain possession of the card to prevent the voter from walking off with the card. He added that there is no data lost if the card is lost and that the card can easily be replaced but he believed it was better to have the poll worker retain control of the card.

Mr. Ries then explained and demonstrated that, once the machine is activated, and the ballot is displayed on the screen, the voter makes his selection by pressing the square button next to the candidate of his choice as depicted on the screen. He explained that the system would not allow a voter to over vote. He indicated that this system would also present an error code to a voter prior to the final submission of his vote indicating that he has under voted the ballot. The voter is given the choice at that time to go back over his ballot to complete voting or to cast the ballot as is.

Mr. Ries indicated he wanted to address another issue related to early voting, that is, the retractable ballot. He indicated that in North Carolina they allow early voting and they accumulated approximately 60,000 votes in regional libraries during an election. He explained that their statutes require that a voting system possess the capability to retrieve absentee ballots cast before Election Day where the voter has been challenged. He said that the Infinity voting system is capable of tracing and retrieving an absentee ballot previously cast on the machine by using a number keyed to the ballot, either a voter identification number or an absentee ballot application number. He explained that a ballot may be taken out of the final vote tally if the challenge is upheld. He added that when a ballot is retracted in this way, the vote remains confidential.

He stated that the last function of the day is to tally the vote on the device. He explained that this is done on a card and that this is the only card in the system that is machine-specific. He stated that you enter a red tally card into the voting machine, enter the security code, and then the machine writes all the voting data on the machine to a chip on the card. He stated that the data is also stored in three independent memories on the voting machine panel.

He said that if there is more than one device in a precinct then you can use an accumulate card and download the results from different panels onto one card and, once accumulated, the machine will prompt the user with the question of whether the last panel is the last to be accumulated on the card. He stated that once all results are accumulated you indicate so when prompted to do so by the machine. He added that all the accumulated data recorded on the card is also retained in the three separate memories on the panel of the final machine read with the accumulate card.

He said that the system operates with a separate printer, a small battery operated thermal printer. He indicated that they did not make the printer part of the panel for reasons of cost and weight. He added that some jurisdictions may not print out totals at each location so they left this is an option that different jurisdictions could choose as needed.

He added that they addressed the ADA in their system design. He indicated that they have worked with the local Indiana Federation of the Blind. He said that the voting terminal was designed for simple use and inexpensive application but also included accessibility as a design goal. He stated that they used a "double-talk" interface, which is a common interface for visually impaired people. He explained that double talk is commonly used in cash registers and ATM's. He stated that the technology uses a text to voice transition. He stated that this eliminates voice over technology because the system directly converts text into a computer-generated voice. He stated that the system is multi-lingual. He said the system could accommodate 9 different languages. He added that the buttons on the panel can indicate office title and candidate names. He said that a visually impaired person could vote using this system independently. He said that the raised buttons on the panel provide a physical reference. He stated that a Braille template could be added to the panel as well. He said that a voter could be given the initial instructions to "press the top left button" and this button could be set up to give the remainder of the instructions that a voter will need to navigate the ballot and vote.

Mr. Perkins asked if there was a jack on the machine for headphones. Mr. Ries indicated that there was a headphone jack.

Mr. Ries stated that the machine also has an RJ connection on the front of the machine for electronic transmission of data. He indicated that they chose to go with the FTP method of transfer protocol. He said, in contrast, that a modem transfer requires a "pier to pier" infrastructure which requires a live pier on the sending end, a dedicated line, and a live pier on the receiving end. He explained that the FTP protocol is like an email so that if there are 500 precincts in a county you don't need the infrastructure to handle simultaneous transmission of election data. He stated that with the FTP

protocol central software can go out and sweep, either manually or on a timed basis, the data. He indicated that this is a secure non-volatile way to collect election data.

Mr. Reis indicated that they submitted their Wiley certification with their application. He explained that the firmware version 2.4 on the panel has been through Wiley certification.

Mr. Long asked whether the system could accommodate write-in votes. Mr. Ries responded that it could and explained that such votes are cast by presenting the voter with the alphabet on screen to type in the name of the candidate. He said that, at the end of the night, the write-in votes have been recorded electronically so that they can be collected on the tally card.

Mr. Morgan asked whom MicroVote had worked with on the visual impaired features. Mr. Ries indicated that they were referred by the Indiana Blind School to the Indiana Federation of the Blind. He stated that they contacted Ron Brown, their state chapter president. He said they also are working with Ed Cohen, an independent consultant. He said they focused on how to get the visually impaired voter into the precinct to vote independently without a great deal of attention being focused on them.

Ms. Christie asked about the status of the Metamore certification for the software. Mr. Ries indicated that they were in the final stages of their ITA testing. He indicated that they have added some additional functions to their current version. He said that he has been told that certification should be completed sometime yet this month. He said that all the functional testing had been completed and, at this point, (inaudible) analysis. He indicated that, by the next Commission meeting, they should have the source code escrowed and both of the ITA certifications.

C. Hart Intercivic Voting System

The Chair recognized Ms. Christie who indicated that Hart Intercivic had already demonstrated their voting system and that she would give a status report. She directed the Commission members to a memo she prepared in the front of their packets under the voting system tab. She indicated that the Commission is waiting on the escrow agreement from Hart Intercivic at this time but that once the escrow agreement has been executed, and the authorization for access has been signed by all relevant parties and submitted to the election division, that the Hart Intercivic eSlate voting system and associated firmware and software as certified by the Independent Testing Authorities should be ready for approval by the Commission.

Ms. Christie stated that the Commission is only seeing the voting portion of what the vendors are seeking to have certified. She added that there are typically other components in a voting system that generate the ballot and perform a number of other functions and that these functions are not physically demonstrated to the Commission. She said that both the Commission and the election division staff need to make certain that all components of a voting system that a vendor seeks to have certified have been reviewed and approved by Independent Testing Authorities. She said that the Commission and the election division staff need to be fair and equitable in this process but also need to make sure that the systems that are approved by the Independent Testing Authorities and certified by the Commission are the systems being marketed and used in Indiana.

Mr. Long asked how the Commission would deal with the situation where a voting system that has been certified for use in Indiana is affected by the subsequent adoption of new ADA requirements for voting systems. Mr. Long asked what the Commission issues as part of its certification. Mr. Long also asked how the Commission could respond to criticism for not anticipating the imposition of new ADA requirements on voting systems.

Ms. Robertson stated that she thought that if new requirements were imposed that the requirements would only apply to the certification of voting systems that occurred after the new requirements were adopted. She added that she felt that the new requirements would also apply to voting systems previously approved by the Commission that come before the Commission for recertification as well.

Mr. Long stated that he could anticipate local jurisdictions being subject to lawsuits based upon new ADA standards. He added that he felt that the Commission needs to communicate to persons who rely upon the Commission's voting system certifications that the current federal standards under which such systems are certified do not contain ADA standards and that some voting systems approved for use in Indiana have ADA features while others do not.

Mr. Morgan indicated that the initial impact of the ADA involved issues relating to accessibility of polling places. He expressed concern over how closely that is monitored in Indiana over the past few years. Mr. Morgan indicated that he hoped that any new regulations would address, and even enhance, these requirements to give further guidance to localities attempting to comply with accessibility standards. He commended MicroVote for consulting with a state group that deals with disability issues while designing their voting system. He asked what the Commission could do to get disability groups more involved in these issues and in the annual conference that the election division puts on.

Mr. Valentine responded that Greg Faggerbacke spoke at one of the division's conferences on ADA issues. He indicated that Mr. Faggerbacke addressed specific guidelines and gave practical advice to local jurisdictions on accessibility issues. Ms. Christie indicated that accessibility issues were a part of the Task Force's deliberations and a part of the technology fair. Ms. Christie added that one of the issues that will come before the Commission after the first of the year is updating the accessibility guidelines previously issued by the Commission. She added that some form of outreach to the disability community could form a part of the process of updating the guidelines.

Mr. Long asked whether the Commission should consider copying these organizations on any voting system applications the Commission receives and invite their input into the approval process. Mr. Long stated that he is proud that an Indiana company took this additional step in the design phase of their product.

Mr. Valentine indicated that he spoke to the American Council of the Blind, Indiana chapter, about these issues. He stated that Hart Intercivic brought their system to the meeting for demonstration. He stated that he had the opportunity to watch vision-impaired people using the system. He added that this experience improved his appreciation of the needs of this community with respect to voting systems. He added that the Hart Intercivic used a voice over interface, as opposed to the double talk computer generated text-to-voice system used by MicroVote, and that these differences raised a question in his mind as how these different systems would pronounce difficult names like "Brzycki."

4.   Establishment of Precinct Boundaries

The Chair requested the presentation of the first county up for the approval of precinct boundaries.

Mr. Long asked if there was anyone from any of the counties requesting approval at the meeting today. There being none, the Chair announced a list of counties that have submitted requests for approval: Gibson, Knox, Newton, Porter, Posey, St. Joseph and Spencer County.

The Chair recognized Michelle Brzycki who stated that the first six counties announced where counties that were assigned to her. She indicated that all documentation for establishing precincts for these counties was before the Commission and she asked the Commission to review it and indicate to her if there were any precinct maps that the Commission members desired to see depicted on the computer.

The Chair stated that the documentation indicated that both chairs in each county had been notified and he asked whether the Libertarian Party had organizations in these counties and if they had been notified as well. Ms. Brzycki stated that notice was provided to all Libertarian Party organizations that had campaign finance committees open as indicated by documents filed with the local county election board. She said that Porter County advised her that a Libertarian Party organization filed a defective statement of organization in the county but that they had not yet got the proper paper work filed. She indicated that she did not provide the Libertarian Party notice in Porter County.

Ms. Brzycki directed the Commission to a map depicted on her computer of St. Joseph County to illustrate what the counties have to deal with in establishing precincts. She indicated that the blue lines on the map were house district lines, the red lines were senate lines, purple lines represented township boundaries and light purple lines represented city boundaries. She explained that the county is not allowed to cross any of these lines to make a precinct. She said that the process is like putting a difficult puzzle together.

Ms. Brzycki indicated that none of the precinct boundaries proposed for the counties that she is presenting to the Commission today crosses any congressional, state house, state senate or township boundaries. She indicated that the Office of Census Data ("OCD") has reviewed these proposed precincts and that the republican and democratic county chairmen of the counties involved have been advised of the proposed precinct changes and have not submitted objections to them. She further indicated that each county has submitted a proposed order for establishing these precincts that these orders state that they will be effective upon approval of the proposed precincts by the Commission.

A.   St. Joseph County

Mr. Long moved that the Commission approve the proposed precinct establishment order submitted by the St. Joseph County Commissioners as reflected in the submissions made in the record before the Commission. Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted.

B. Posey County

Mr. Long moved that the proposed precinct establishment order submitted by the Posey County Commissioners, as reflected in the submissions made in the record before the Commission, be approved. Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted.

C. Porter County

Mr. Long moved that the proposed precinct establishment order submitted by the Porter County Commissioners, as reflected in the submissions made in the record before the Commission, be

approved. Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted.

D. Newton County

Mr. Long moved that the proposed precinct establishment order submitted by the Newton County Commissioners, as reflected in the submissions made in the record before the Commission, be approved. Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted.

E. Knox County

Mr. Long moved that the proposed precinct establishment order submitted by the Knox County Commissioners, as reflected in the submissions made in the record before the Commission, be approved. Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted.

F. Gibson County

Mr. Long moved that the proposed precinct establishment order submitted by the Gibson County Commissioners, as reflected in the submissions made in the record before the Commission, be approved. Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted.

G. Spencer County

The chair recognized Lori Hershberger who indicated that she was presenting Spencer County for approval today. She indicated that Spencer County made a few minor changes to their previously existing precincts. She added that the precincts do not cross congressional, state house lines, state senate lines, or township lines. She also illustrated the precincts for the Commission. She indicated that OCD has reviewed these proposed precincts and that the republican and democratic county chairmen have been advised of the proposed changes and have not submitted objections to them. She further indicated that the county has submitted a proposed order for establishing these precincts that will be effective upon approval by the Commission.

Mr. Long moved that the proposed precinct establishment order submitted by the Spencer County Commissioners, as reflected in the submissions made in the record before the Commission, be approved. Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted.

The Chair asked for the dates set for Commission meetings in January. Ms. Christie indicated that the Commission scheduled meetings for January 10 and January 17.

The Chair recognized Mr. Valentine who indicated that he had five counties he has already visited and should be submitting to OCD by next week. He added that he had some other counties scheduled for

immediately after the annual conference. He indicated that there are some larger counties in the pipeline, like Vigo County, that should be in pretty good shape in that they have been doing most of the work on their own. He stated there are some counties like Marion County that the election division has no control over with regard to the timing of their submissions. He indicated that he and Michelle had visited Lake County last week and that they seemed to be well on their way. He said that Lake County should be filing their precincts next Monday and along with that they will be filing their redistricting proposals. He added that the election division made it very clear precinct lines could not be crossed with district lines. He stated that the redistricting proposal is being compiled by the Lake County Democratic Party but that all county commissioners and council members have been consulted.

Mr. Morgan asked if the county commissioners were all democrats. Mr. Valentine stated that they were.

Mr. Long stated that he hoped that they were submitting their proposal to the republican folks so that the Commission could hear from them also. He stated that he may be a lot of things but he does try to be consistent in his position.

Mr. Morgan asked if Chiabi was involved. Mr. Valentine indicated that he was.

The Chair asked when the Commission was meeting in December. Ms. Christie indicated that the Commission would have a brief meeting prior to the annual conference on December 4 at about 8:00 or 8:15 a.m. to review and approve forms so that all forms distributed at the conference have Commission approval.

The Chair recognized Mr. Valentine who indicated that Mark Stratton and Maureen Bard from OCD were present and may want to address the Commission. Ms. Bard indicated that she had a flow chart to hand out to the Commission and she did so. She stated that she wanted to review how OCD was involved in the process and advise the Commission of some of the changes the office was making to help streamline the process. She said that the flow chart shows the counties that have come through OCD. She added that the counties waiting for review in OCD right now are LaPorte, Grant, Clay and Morgan. She explained that the flow chart illustrates the approximate time OCD takes to complete a review of a county. She said that review typically takes anywhere from one to six days.

She further explained that the processing of counties is changing. She said the typical flow of paper work begins with review of submission by the election division and then the submission is provided to OCD. She said that OCD then reviews and sends the county back to the election division with comments. She said that the election division would then clean up any problems reflected in the comments and send it back to OCD. She said that this results in some unnecessary delay. She indicated that the way they plan to process counties in the future is to note whether the error is a "critical" error. She added that OCD will consider an error to be critical if the precinct does not meet the legal requirements applicable to precincts. She said that the second category of error is "technical" which is an error that does not relate to the legality of the precinct but should be addressed for clarification. She indicated that a third type of error that OCD may note is a "documentation" error. She said that this means that the documentation lacks organization or other errors that slow down processing by OCD. She explained that critical errors should be addressed before a county is brought before the Commission for approval. She said that both co-directors would be copied on OCD's comments in the future.

She said that, in the future, an election division staff member would tell OCD which changes were made to the precincts after it comes back the first time and that OCD would make those changes on their files. She explained that this would prevent the shuffling of the entire file back and forth between

the election division and OCD and should reduce the risk of error and shorten the processing time. She said that the OCD review process is valuable, not because the work of either the election division or OCD is suspect, but because these types of files benefit from the review of two different sets of eyes.

The Chair recognized Mr. Stratton who stated that the Commission would probably not discern a pattern from the flow chart between larger and smaller counties. He explained that sometimes small counties take longer than large counties, depending upon the quality and completeness of the county's submission and maps. He explained that technical comments may include errors that do not address the legality of the precinct but are made instead for future reference. He said that OCD's goal is not to make the process longer but to get all 92 counties done so that OCD can attend to the many other things that their office has been assigned to do. He said that the flow chart is just a rough guide and other counties may take more or less time to process depending upon the issues presented by the particular submission.

Mr. Valentine added that the quicker that the election division can get the counties to OCD, the quicker that OCD could process them.

Ms. Bard stated that OCD's policy has always been first come first serve, assuming a full set of documentation and a full set of shape files. She indicated that Grant and Clay were submitted about a minute apart and that they reviewed the first county submitted. She asked the Commission to consider whether it wanted to give OCD some guidance on how it wants OCD to process counties in the future.

Mr. Long indicated that it was his feeling that counties that have submitted good documentation should not sit on the back burner while OCD is trying to straighten out a county that has not been diligent in submitting appropriate documentation. He thinks that we are reaching critical mass in getting all of the counties done. He asked whether the Commission could do something to help.

The Chair indicated that perhaps staff could encourage counties to move on their precincts at the annual conference.

Mr. Stratton indicated that they are considering establishing a 10% critical error rate, that is, if OCD discovers at least 10% of a county's precincts have critical errors then they would immediately kick the county back to the election division to work on the critical errors. He said that OCD would then take the next county in line.

The Chair indicated that he felt like this sounded reasonable to him. The Commission members indicated their agreement with this 10% guideline.

5.   Forms Approval

The Chair recognized Ms. Robertson who stated that she had three orders for approval at today's meeting that were discussed at the Commission's last meeting: and described them as follows 1) ORDER 2001-81 approves revised versions of candidate forms CAN-2 and CAN-37. She stated that she added the political party affiliation language to the CAN-2 and that the CAN-37 did not change; 2) ORDER 2001-82 approves the campaign finance forms, CFA-1, CFA-2 and CFA-3 statement of organizations forms. She indicated that these forms were mostly just reformatted and a space for an

email address was added for electronic filing purposes. She stated that the CFA-5 form was cleaned up a little without substantive change; and 3) ORDER 2001-85 approves the CEB-6, the appointment and oath of office for county election board members. She stated that this form was updated and made a little bit easier to understand. She stated that these forms would be included in the manuals that will be distributed at the election division's annual conference.

Mr. Long moved that ORDERS 2001-81, 2001-82 and 2001-85 be approved as submitted. Mr. Perkins seconded the motion. There being no further discussion, the Chair called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted.

6. Reports by Co-Directors

The Chair recognized Mr. Valentine who indicated that Congress is considering a new election reform bill known as the Ney-Hoyer bill. He stated that it is being heard today in the house administration committee. He said that some of the major items in the bill are contained in the summary he has prepared for the Commission. He added that, of interest to Indiana, the bill addresses the statewide voter registration database requirement. He stated that the Indiana legislature has addressed this already to a great extent. He stated that the bill also made some adjustments to the requirements of the NVRA as it relates to voter registration roll maintenance. He said the bill also has a provision for a buy out of punch card voting systems and offers roughly $6,000 per punch card precinct. He stated that this would amount to about 9.9 million dollars in Indiana. He said the bill would also create a new office known as the FEAC that would assume the election administrative duties from the FEC. He said the bill contains some provisions that relate to the certification of voting systems. He added that the bill has some significant bi-partisan support.

Ms. Christie added that the bill also addresses provisional balloting and that the Commission may want to begin to think how that would be administered in Indiana. She stated that it looks like the bill may simply require provisional ballots and then leave it to the states to define the process such ballots would be subjected to.

Ms. Christie advised the Chair to let her know if he needed a room for the annual conference. She also reminded Commission members that the Commission meeting would be at 8:00 or 8:15 the morning of the first day of the annual conference.

Mr. Morgan asked whether Mr. Valentine indicated whether Ney-Hoyer would eliminate ITA's. Mr. Valentine indicated that the bill might federalize the process through a new federal agency known as the FEAC working together with the National Institute of Standards.

7.   Adjournment

The Chair asked if there was any further business. There being no response, Mr. Perkins moved, seconded by Mr. Long, that the Commission adjourn. The Chair then called the question, and declared that with four members voting "aye" (Mr. Cruea, Mr. Long, Mr. Morgan and Mr. Perkins), and no member voting "nay", the motion was adopted. The Commission then adjourned at 3:30 p.m.

Respectfully submitted,

_____   _____
Laurie P. Christie   **Spencer Valentine**
Co-Director   **Co-Director**

Approved,

_____
Dudley Cruea, Chair