

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

BRIAN VALENTI, on his own behalf and	)	
on behalf of a class of those similarly	)	
situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:15-cv-1304-WTL-TAB
	)	
INDIANA SECRETARY OF STATE, in her	)	
official capacity; THE INDIVIDUAL	)	
MEMBERS of the INDIANA ELECTION	)	
COMMISSION, in their official capacities; THE	)	
SUPERINTENDENT of the INDIANA STATE	)	
POLICE, in his official capacity; THE	)	
BLACKFORD COUNTY PROSECUTOR, in his	)	
official capacity,	)	
	)	
Defendants.	)	

**RESPONSE IN OPPOSITION TO**  
**MOTION FOR A PRELIMINARY INJUNCTION**

Brian Valenti, the plaintiff, asks this Court to issue a preliminary injunction so he can vote in person this upcoming Election Day. The defendants—the Indiana Secretary of State, the members of the Indiana Election Commission, the Superintendent of the Indiana State Police, and the Blackford County Prosecutor—ask this Court to deny Mr. Valenti’s request for a preliminary injunction because Mr. Valenti needs no order from this Court to take advantage of in-person voting; despite his status as a registered sex offender who is prohibited from entering school property, Mr. Valenti may vote in person through early absentee voting or at another voting location.

Mr. Valenti is wrong about absentee ballots being a kind of inferior voting method. Indiana law allows residents to exercise their right to vote in a number of different ways such as absentee voting, in person voting on Election Day, and early in-person absentee voting. None of these ways of voting is inferior, and Mr. Valenti points to nothing empirical in his motion for a preliminary injunction that shows one way of voting is a burden on the right to vote. But that does not matter because the only thing Mr. Valenti complains about, the only “harm” he even alleges, is his inability to vote in person. Mr. Valenti can vote in person because there are in-person options available to him. Blackford County, where Mr. Valenti lives, is one of several Indiana counties that use “Vote Centers” instead of traditional precinct polling places. On Election Day, Mr. Valenti may visit the Blackford County Civic Center—one of two Vote Centers for Blackford County—and vote in person. He has not been harmed. He will not be harmed. He will not succeed on the merits. His motion for a preliminary injunction should be denied.

## **I. Argument**

The defendants here address only Mr. Valenti’s motion for a preliminary injunction and reserve all defenses and grounds for judgment in their favor with respect to his underlying claims.

### **A. The preliminary injunction standard: a court should issue a preliminary injunction in only the most unusual cases for the most compelling reasons.**

While a court may exercise the “very far-reaching power” of a preliminary injunction, such power should never “be indulged in except in a case clearly

demanding it.” *Roland Mach. Co. v. Dresser Indus., Inc.*, 749 F.2d 380, 389 (7th Cir. 1984) (internal quotations and citation omitted).

A court should consider several factors when a party moves for a preliminary injunction: the moving party must show a likelihood of success on the merits, no adequate remedy at law, and irreparable harm if the court does not grant the preliminary injunction. *Reid L. v. Ill. State Bd. of Educ.*, 289 F.3d 1009, 1020–21 (7th Cir.2002). After considering these factors, a court should balance any irreparable harm an injunction would cause an opposing party, adjusting the calculus depending on the party’s likelihood of success. *Girl Scouts of Manitou Council, Inc. v. Girl Scouts of U.S. of America, Inc.*, 549 F.3d 1079, 1086 (7th Cir.2008). A party with little likelihood of success must show more harm than would a party with a strong likelihood of a success. *Id.* This harm must be real and a court may only award relief “upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008) (citing *Mazurek v. Armstrong*, 520 U.S. 968, 972, 117 S.Ct. 1865, 138 L.Ed.2d 162 (1997)). The court should also consider the public interest, which includes any interest of nonparties to the litigation. *Girl Scouts of Manitou Council, Inc.*, 549 F.3d at 1100.

**B. Mr. Valenti cannot meet his burden for the extraordinary relief of a preliminary injunction because he will not succeed on the merits**

Mr. Valenti has not been harmed by Indiana’s new sex offender statute. Accordingly, Mr. Valenti does not have standing, so he cannot succeed on the merits. Indeed, Mr. Valenti’s lawsuit should not proceed, much less should this Court grant the extraordinary relief of a preliminary injunction.

Mr. Valenti cannot show that the new sex offender statute bars him from voting in person, which is the only assertion he makes about how the sex offender statute harms him. This assertion is built on a misunderstanding of Indiana's voting system, and, specifically, of voting options available in Blackford County. Mr. Valenti fails to show he has standing to bring this lawsuit, and thus, will not succeed on the merits. His motion for a preliminary injunction should be denied.

### **1. Indiana's "serious sex offender" statute**

Mr. Valenti asserts that Indiana's new sex offender statute impermissibly burdens his right to vote by not allowing him to vote in person. Indiana Code § 35-42-4-14, the sex offender statute, prohibits those defined as "serious sex offenders"—those required to register as a sex offender and convicted of specific crimes such as crimes against children—from entering "school property." School property is defined as:

a building or structure owned or rented by: [ ] a school corporation; [ ] an entity that is required to be licensed under [the Indiana Code relevant to day care providers]; [ ] a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or [ ] a federal state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three [ ] years of age and not yet enrolled in kindergarten . . .

Indiana Code § 35-31.5-2-285. School property also includes the "grounds adjacent to and owned or rented in common with a building or other structure described [above]." *Id.* A serious sex offender who enters school property commits a Level 6 felony. Ind. Code § 35-42-4-14(b). Mr. Valenti asserts that the law applies to him and consequently he is barred from entering school property. While that may be

true, as discussed below, nothing in the law stops Mr. Valenti from voting in person on November 3<sup>rd</sup>.

**2. Despite extensive discussion of absentee ballots, Mr. Valenti fails to show that the sex offender statute prohibits him from voting in person.**

The only grievance Mr. Valenti voices concerning Indiana's serious sex offender statute is that it bars him from voting in person. It does not, so Mr. Valenti has no basis for his lawsuit.

Mr. Valenti, in his memorandum in support of his motion for a preliminary injunction, focuses on only two voting options: in-person Election Day voting and absentee voting. Dkt. 17 p. 1. He cites no election law from the Indiana Code aside from provisions related to absentee voting. Dkt. 17, p. 9. But Indiana provides many voting options for registered voters, and all options remain open for Mr. Valenti even though he is a registered sex offender who may not enter school property.

First, as noted by Mr. Valenti, there is the mail-in absentee voting option. This option, available only to certain voters, including those expecting to be absent from the county on Election Day, the disabled, and the elderly, permits voters to mail in their ballots. Ind. Code § 3-11-10-24. Those defined as "serious sex offenders" may also vote by way of an absentee ballot. Ind. Code § 3-11-10-24(a)(12). Contrary to Mr. Valenti's unsupported assertions, absentee ballots are a perfectly reliable option, a manner of voting exercised by 16% of Indiana residents in the 2014 General Election. [http://www.in.gov/sos/elections/files/2014\\_General\\_Election\\_Turnout\\_Report.pdf](http://www.in.gov/sos/elections/files/2014_General_Election_Turnout_Report.pdf) (last visited October 12, 2015). Mr. Valenti imagines various difficulties related to absentee voting, and alleges that his right to

vote is being burdened because he cannot take advantage of election judges who may be present at a polling place. Dkt. 17, p. 11. But millions of Americans on election days recognize that, rather than a lesser form of voting, absentee voting simply represents a “convenient method of exercising the franchise.” *McDonald v. Bd. of Election Comm'rs of Chicago*, 394 U.S. 802, 811 (1969). But even if Mr. Valenti has problems filling out his absentee ballot, he can, of course, call the County clerk for assistance with his ballot, whose telephone number is conveniently listed on the back of the absentee ballot. <http://www.in.gov/sos/elections/2402.htm>.

Another option is in-person absentee voting. Open to all registered voters, this option negates any concerns Mr. Valenti may have regarding absentee voting, because, under Indiana law, Mr. Valenti may vote, in person, at the court clerk's office. Ind. Code § 3-11-10-26(a)(1). He may cast his vote from October 6, 2015, or as late as noon the day before Election Day. Ind. Code § 3-11-10-26(c). Mr. Valenti makes no mention of this option in his motion for a preliminary injunction, although he spends a great amount of space discussing the alleged problems of mail-in absentee ballots.

Finally, there is the situation that wholly alleviates any alleged burden Mr. Valenti identifies: Blackford County, where Mr. Valenti resides, is a Vote Center county. Mr. Valenti states in his affidavit supporting his motion for a preliminary injunction that the “polling place in my voter precinct is located at the Blackford County High School Auxiliary Gym.” Dkt. 17-1, p. 2, ¶ 8. This assertion betrays a misunderstanding of Indiana's election system and Blackford County's system specifically.

There are no traditional precinct polling places in Blackford County because Blackford County elected to adopt Vote Centers. Under Indiana law, a county that meets certain requirements may elect to employ Vote Centers instead of precinct polling places. Indiana Code 3-11-18.1-3. Blackford County is one such county. <http://www.in.gov/sos/elections/3574.htm> (last visited October 12, 2015). Vote Centers are polling places where any eligible voter in the county may vote. That is, voters are not constrained to a particular polling place. <http://www.in.gov/sos/elections/3574.htm> (last visited October 12, 2015). Blackford County has two designated Vote Centers for the November 2015 Municipal Election. One Vote Center is at the Blackford County High School Auxiliary Gym (what Mr. Valenti wrongly understands to be his designated polling place). The other is the Montpelier Civic Center, where Mr. Valenti is free to visit. Exhibit 1. Also available at [http://www.in.gov/sos/elections/files/Blackford\\_County\\_Vote\\_Center\\_Amendment\\_2015.pdf](http://www.in.gov/sos/elections/files/Blackford_County_Vote_Center_Amendment_2015.pdf) (last visited October 12, 2015).<sup>1</sup> A Vote Center county must use equipment and procedures to ensure that information a voter enters into an electronic poll book is immediately accessible to the county election board and the electronic poll book used at another vote center in the county. Ind. Code 3-11-18.1-4(11). This means Mr. Valenti can vote at either location; his ballot will be exactly the same.

The upshot of this is that, out of all these options, the only thing Mr. Valenti is precluded from doing is going to one Vote Center at a high school on Election Day. Nowhere does Mr. Valenti assert that not going to this single Vote Center burdens

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<sup>1</sup> Although different from the traditional method of in-person voting at a designated polling place, Indiana clerks will assist voters seeking guidance about their many options and, as noted above, the clerks' telephone numbers are listed on the back of the absentee ballot.

his right to vote in any way. Instead, Mr. Valenti spends the entirety of his memorandum in support of his motion for a preliminary injunction asserting that he is prohibited from voting in person. But Mr. Valenti is permitted to take advantage of all voting methods Indiana law offers, including voting, in person, at the Montpelier Civic Center, and this will provide Mr. Valenti with the same voting experience he asserts the serious sex offender law blocks him from enjoying on Election Day. In other words, Mr. Valenti is not burdened at all.

**3. Plaintiff has no likelihood of success on the merits because he has not been harmed, is unlikely to be harmed, and thus lacks standing.**

Mr. Valenti must have standing to proceed in this lawsuit. Article III of the Constitution confines the federal courts to adjudicating actual “cases” and “controversies.” *Allen v. Wright*, 468 U.S. 737 (1984). This standing requirement has a core component derived directly from the Constitution. Thus, it is a mandatory, Constitutional requirement that a plaintiff must allege personal injury. *Valley Forge Christian Coll. v. Americans United for Separation of Church & State, Inc.*, 454 U.S. 464, 472 (1982). The injury alleged must be “distinct and palpable,”<sup>2</sup> not “abstract” or “conjectural” or “hypothetical.”<sup>3</sup> The injury must be “fairly” traceable to the challenged action, and relief from the injury must be “likely” to follow from a favorable decision. *See Simon v. Eastern Kentucky Welfare Rights Org.*, 426 U.S., at 38, 41 (1976). Lack of standing is an appropriate ground for dismissal under Rule 12(b)(1). *See Retired Chicago Police Ass’n v. City of Chicago*, 76 F.3d 856, 862 (7th

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<sup>2</sup> *Gladstone, Realtors v. Village of Bellwood*, 441 U.S. 91, 100 (1979) (quoting *Warth v. Seldin*, supra, 422 U.S., at 501 (1975)).

<sup>3</sup> *Los Angeles v. Lyons*, 461 U.S. 95, 101–102 (1983); *O’Shea v. Littleton*, 414 U.S. 488, 494 (1974).



Cir.1996). The plaintiff is required to show he meets all the elements necessary for standing. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992). “[T]he question of standing is whether the litigant is entitled to have the court decide the merits of the dispute or particular issues.” *Apex Digital, Inc. v. Sears, Roebuck & Co.*, 572 F.3d 440, 444 (7th Cir.2009) (quoting *Warth v. Seldin*, 422 U.S. 490, 498 (1975)).

Mr. Valenti lacks standing. As noted above, the only allegation Mr. Valenti makes is that his right to vote is burdened because he cannot vote in person. But Mr. Valenti is simply wrong about his voting options in Blackford County. He can vote in person, either through in-person absentee voting or at the Civic Center Vote Center. Every grievance Mr. Valenti raises—lack of personal assistance, concerns about last minute changes in the election, problems with the mail—is addressed through the electoral system in place in Blackford County. Mr. Valenti has not been injured,<sup>4</sup> so his lawsuit will be unsuccessful. Accordingly, he will not succeed on the merits and is not entitled to a preliminary injunction.

**4. Mr. Valenti cannot meet the other requirements for a preliminary injunction because he has not, and will not, be harmed.**

A plaintiff seeking a preliminary injunction, in addition to showing a likelihood of success on the merits, must meet the other requirements, including showing there is no adequate remedy at law and that the plaintiff will suffer

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<sup>4</sup> While this lawsuit is brought as a class action, it makes no difference to the question of whether Mr. Valenti is likely to succeed on the merits. It is axiomatic that a class representative must suffer some injury, and, specifically, suffer the same injury as the rest of the class. *Keele v. Wexler*, 149 F.3d 589, 592-93 (7th Cir. 1998). Without injury, Mr. Valenti (and by extension, the class) lacks standing. *Id.*

irreparable harm if the court does not grant the preliminary injunction. *Reid L.*, 289 F.3d 1020–21. The court should also balance the factors weighing on any irreparable harm either party would suffer and consider the public interest. *Girl Scouts of Manitou Council, Inc.*, 549 F.3d 1086.

All the remaining factors presume some kind of injury to the plaintiff. An adequate remedy at law works off the assumption that something needs to be remedied. If there is no harm, there is, of course, no irreparable harm. And if there is no harm, there is nothing to balance. Finally, there is no interest in granting a preliminary injunction when there is no underlying harm. Mr. Valenti argues that protecting voting rights is always in the public interest. Dkt. 17, p. 20. But that, again, assumes an injury, here the burden on the right to vote. Mr. Valenti's right to vote is not burdened. He can vote in person, despite his misunderstandings of his options.

\* \* \*

Mr. Valenti will not succeed on the merits. He has an array of voting options available to him on November 3<sup>rd</sup>. In fact, as a serious sex offender, he has more options than many other Indiana residents because he is automatically entitled to vote by mail-in absentee ballot. But he does not need to vote by mail. If Mr. Valenti remains genuinely concerned about voting by mail, he can use his absentee ballot and drop it off in person at the Blackford County Courthouse. And if he wants to participate in the Municipal Election Day excitement, he can do that by casting his ballot at the Civic Center Vote Center. Mr. Valenti filed a lawsuit unaware of his

voting options. He is not entitled to a preliminary injunction, and the Court should deny his request.

Respectfully submitted,

GREGORY F. ZOELLER  
Indiana Attorney General  
Attorney No. 1958-98

Date: October 13, 2015

By: s/ Jefferson S. Garn  
Jefferson S. Garn  
Deputy Attorney General  
Attorney No. 29921-49

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Indiana Government Center South, 5th Floor  
302 West Washington Street  
Indianapolis, IN 46204-2770  
Telephone: (317) 232-6292  
Fax: (317) 232-7979  
Email: jefferson.garn@atg.in.gov

**CERTIFICATE OF SERVICE**

I certify that on October 13, 2015, a copy of this ***Response in Opposition to Motion for Preliminary Injunction*** was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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s/ Jefferson S. Garn  
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*Counsel on behalf of Defendants*

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BLACKFORD COUNTY CLERK  
110 WEST WASHINGTON STREET  
HARTFORD CITY, IN 47348  
765-348-1130

January 27, 2012

Co-Directors  
Indiana Election Division  
Indiana Government Center South  
Room E204  
Indianapolis, In 46204

Dear Directors:

Please accept the following vote center plan on behalf of Blackford County Board of Election. It means a great deal to the Board and to the Clerk to be involved in this innovative, progressive change for our county.

It is our intention to continuously modify this plan to fit current Indiana legislation and also to revise based on our experiences with vote centers and the needs of our voters.

Please let me know if you have any questions or concerns regarding any of our documentation.

Sincerely,

  
Laura Coons

Blackford County Clerk

INDIANA ELECTION DIVISION  
2012 MAR 16 AM 9:25



## BLACKFORD COUNTY VOTE CENTER PLAN

January 27, 2012

### VOTER STATISTICS AND PRECINCTS

According to the 2010 census, Blackford County has a total population of 12,766 and is divided into 12 precincts. Currently the total number of registered voters in Blackford County is 8,821. The upcoming elections will be May 8, 2012 and November 6, 2012. No voter should feel disenfranchised because of this change. Voting by absentee, mail or travel board is still available. This will expand the voter's capabilities by not limiting them to a certain polling location on a certain day. This plan will make voting more convenient and hopefully increase our percentages.

### POLLING PLACES AND ACCESSIBILITY

Blackford County will have two (2) vote centers for the upcoming election. Absentee voting will begin as required by state statute, approximately four (4) weeks before the election at the Blackford County Courthouse and there will be two (2) satellite office's open on April 28, 2012 from 8:00 a.m. to 12:00 p.m. and May 5, 2012 from 8:00 a.m. to 3:00 p.m. The satellite office's will be located at the Blackford County Courthouse in Hartford City, Indiana and the Montpelier Civic Center in Montpelier, Indiana. Absentee applications will also be accepted for mail ballots until April 30th for travel board until noon, the day before the Election. Should that person miss the deadline for these voting options they will still have the opportunity to vote in person at one of the vote centers on Election Day. The centers will be open on Election Day from 6:00 a.m. to 6:00 p.m. as required by law. This will give every voter the opportunity to exercise their right to vote. Once accustomed to the idea of the vote centers, it is the hopes of the Election Board that the voters will utilize them in an efficient and timely manner.

### VOTE CENTER FLOW CHART

The centers will be located at Blackford County High School Auxiliary Gym at 2392 N. SR 3 Hartford City, Indiana. There will be twelve voting machines at this center, and thirteen workers. The other vote center in the county will be at the Montpelier Civic Center 339 S. Main Street, Montpelier Indiana. There will be nine voting machines, and nine workers at this center.

The Inspector will also serve as a greeter and verify that the voter has his/her government issued photo ID and their vote center card that was mailed to them prior to the Election in order to proceed. The mailed undeliverable vote center cards which are returned to the Clerk's office will also help to eliminate inactive voters in the future. This will help give a more true count of the number of voters in Blackford County. If the voter doesn't have their card, paperwork will be utilized to replace it.

Hopefully, in the future the mailing of these cards can be eliminated and the voter will be accessed by scanning their ID which in turn will print a label for the voter to sign thus creating the poll list. The clerks at the poll center will utilize the electronic poll book and check the voter in. The clerk will scan or type the voter name to view poll book data. Once verified, the voter will sign the card or the label. The voter is instructed to proceed to the Judge's lane. The clerk will document any necessary information into the ePollbook as required by statute.

The judge will receive the proper documents and will proceed to the Infinity voting machine. The vote center card will indicate which ballot the voter is to receive. The judge will then activate the machine and select the appropriate ballot in order to verify it with the voter. The voter will then proceed with voting on the Infinity machine in the same manner as always. The Judge will keep the signed voter's card which will serve as hard copy documentation (the poll list) that the voter has voted in addition to the electronic information.

### TECHNOLOGY

The hardware, software and firmware used for the ePollbook, will be utilizing the Quest FirstTuesday ePollbook. The hardware is based on Microsoft's system requirements for Internet Explorer. The laptop configuration will have the web browser capabilities to access Internet Explorer 7.0/Foxfire xx.xx or later. The laptops will have the following components:

- HP ProBook 4530 w/Intel processor
- 4GB Installed Memory
- 500GB Hard Drive
- DVD-RW Drive
- 15.6" Display, Windows 7 Pro x64
- 1 year limited warranty

Peripherals required are a modem or wireless internet connection; Microsoft Mouse, Microsoft IntelliMouse, or a compatible pointing device. The ePollbook software is delivered Via the web browser and will have Poll Worker, Administrative and Reporting modules. The ePollbook database will be extracted from the Indiana SVRS and will update the SVRS vote history after an election. Hosting services for ePollbook software and database includes requisite server and storage capacity, setup, backup/recovery, virus protection, data encryption, and failover capabilities. Because this is a secure internet connection, it will be accessible by password only of one Republican and one Democrat. The number of voters will be balanced with the ePollbook and the Infinity voting machines. This will also be documented in the SVRS by the "absentee" procedures up to Election Day.

#### SECURITY PLAN

The security plan for the voting machines and the ePollbooks will be locked up in the closet on the first floor of the courthouse, which is only used by the election office. The keys to the closet are kept in a secured area where only the clerk and the voter registration employees have access to. The ePollbooks will only be accessible when a member of each party enters their undisclosed password. The number of voters on the machines and the number of voters in the ePollbook will be checked and balanced each day.

In the event of a power failure at each or one vote center, the voting machines and ePollbooks will be switched to battery backup. For obvious reasons, if the safety of voters and or poll workers is ever at risk, the Blackford County Security Plan will go into effect with instructions from the Blackford County Clerk, Blackford County Election Board, Blackford County EMA, and the Blackford County Sheriff.



Signed: Linda Bennett  
Linda Bennett, Election Board

Signed: Andy Dudelston  
Andy Dudelston, Election Board

Signed: Laura Coons  
Laura Coons, Blackford Co. Clerk

BLACKFORD COUNTY ELECTION BOARD

ORDER 2012- 01

WHEREAS, Indiana Code 3-11-18.1 grants permission for any Indiana county that so chooses to implement vote centers in their county and,

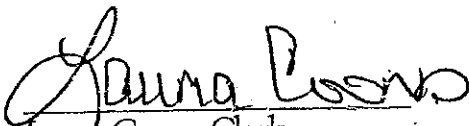
WHEREAS, the BLACKFORD County Election Board so approves the BLACKFORD county plan for the implementation of vote centers in BLACKFORD County,

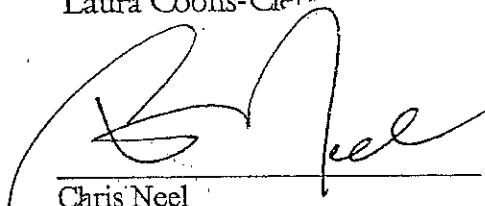
BE IT THEREFORE ORDERED BY THE BLACKFORD COUNTY ELECTION BOARD:

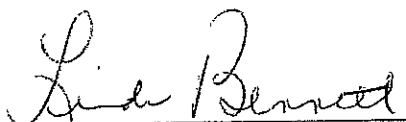
The Election Board of BLACKFORD County adopts this Order to approve the County Vote Center Plan, which is incorporated in this Order by reference.

ADOPTED THIS 27th DAY OF January, 2012

BLACKFORD COUNTY ELECTION BOARD

  
Laura Coons-Clerk

  
Chris Neel

  
Linda Bennett

Adopted this 8<sup>th</sup> DAY OF February, 2012

ATTEST:

Sheila D. Meadows  
County Auditor

DOOR

DRE INFINITY VOTING MACHINES

ADA

DRE INFINITY VOTING MACHINES

VOICE CENTER ROOM

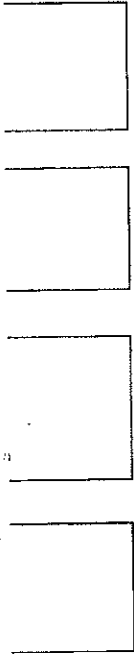
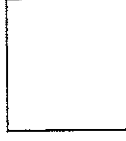
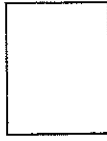
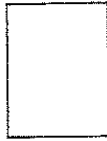
Blackford High School Auxiliary Gym

INSPECTORS & JUDGE TABLE

CLERK'S TABLE

CLERK'S TABLE

ADA

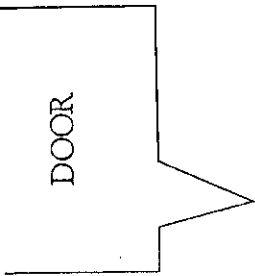


DRE INFINITY VOTING MACHINES

DRE INFINITY VOTING MACHINES

VOTE CENTER ROOM

Montpelier Civic Center



INSPECTOR'S  
TABLE

JUDGE'S  
TABLE

CLERK'S TABLE

CLERK'S TABLE

BLACKFORD COUNTY CLERK  
110 WEST WASHINGTON STREET  
HARTFORD CITY, IN 47348  
765-348-1130

March 2, 2014

Co-Directors:

Indiana Election Division  
Indiana Government Center South  
Room E204  
Indianapolis, IN 46204

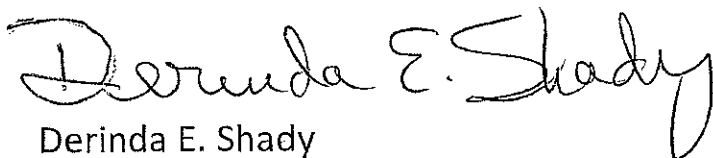
INDIANA ELECTIONS DIVISION  
2015 MAR -5 AM 11:12

Please accept the following amendment on our vote center plan on behalf of Blackford County Board of Election.

It is our intention to continuously modify this plan to fit current Indiana legislation and also to revise based on our experiences with vote centers and the needs of our voters.

Please let me know if you have any questions or concerns regarding any of our documentation.

Sincerely,



Derinda E. Shady  
Blackford County Clerk

**BLACKFORD COUNTY ELECTION BOARD**

**ORDER 2015- 01**

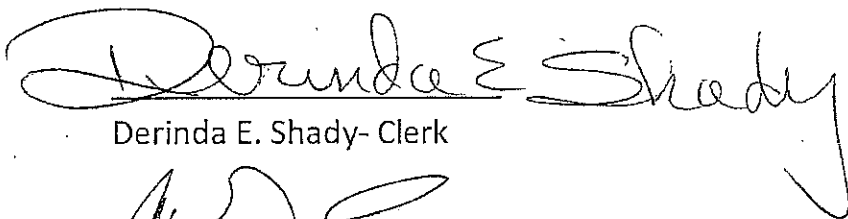
**WHERE AS**, the BLACKFORD County Election Board so approves the Blackford county amended plan for the implementation of vote centers in Blackford County,

**BE IT THEREFORE ORDERED BY THE BLACKFORD COUNTY ELECTION BOARD:**

The Election Board of BLACKFORD County adopts this Order to approve the County Vote Center Plan, which is incorporated in this Order by reference.

ADOPTED THIS 2<sup>nd</sup> DAY OF March, 2015

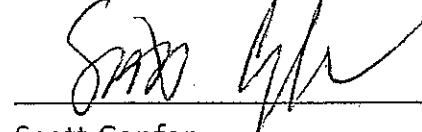
**BLACKFORD COUNTY ELECTION BOARD**

A large, stylized handwritten signature in cursive script, appearing to read "Derinda E. Shady".

Derinda E. Shady- Clerk

A handwritten signature in cursive script, appearing to read "Andrew Dudelston".

Andrew Dudelston

A handwritten signature in cursive script, appearing to read "Scott Confer".

Scott Confer

BLACKFORD COUNTY VOTE CENTER PLAN

February 24, 2015

VOTER STATISTICS AND PRECINCTS

According to the 2010 census, Blackford County has a total population of 12,481.00 and is divided into 12 precincts. Currently the total number of registered voters in Blackford County is 8,731. The upcoming elections will be May 5, 2015 and November 3, 2015. No voter should feel disenfranchised because of this change. Voting by absentee, mail or travel board is still available. This will expand the voter's capabilities by not limiting them to a certain polling location on a certain day. This plan will make voting more convenient and hopefully increase our percentages.

POLLING PLACES AND ACCESSIBILITY

Blackford County will have two (2) vote centers for the upcoming General election. For the 2015 Municipal Primary Only Blackford County will only have one (1) vote center. Absentee voting will begin as required by state statute, approximately four (4) weeks before the election at the Blackford County Courthouse and there will be one (1) satellite Office open for the 2015 Municipal Primary Election Only. The Satellite Office will be open on Saturday May 2, 2015 from 8:00 a.m. until 3:00 p.m. for the 2015 Municipal Primary Election Only (during the 2015 Municipal General Election and any election there after both satellite locations will be opened unless further amended). The satellite Office will be located at the Montpelier Civic Center in Montpelier, Indiana for the 2015 Municipal Primary Election only. During the 2015 Municipal General Election the satellite offices will be located at the Blackford County Courthouse, Hartford City, IN and the Montpelier Civic Center, Montpelier, IN unless further amended. Absentee applications will also be accepted for mail ballots until April 30<sup>th</sup> for travel board until noon the day before the election. Should that person miss the deadline for these voting options they will still have the opportunity to vote in person at the Montpelier Civic Center for the 2015 Municipal Primary only (during the 2015 Municipal General Election and any election there after both vote centers will be open on election day unless further amended). The centers will be open on Election Day from 6:00 a.m. to 6:00 p.m. as required by law. This will give every voter the opportunity to exercise their right to vote.

INDIANA ELECTIONS COMMISSION  
2015 MAR -5 AM 10:12



#### VOTE CENTER FLOW CHART

The centers will be located at Blackford County High School Auxiliary Gym at 2392 N. SR 3 Hartford City, Indiana. There will be eight (8) voting machines at this center and nine (9) workers. The other vote center in the county will be at the Montpelier Civic Center 339 S. Main Street, Montpelier, IN. There will be four (4) voting machines, and five (5) workers at this center. For the 2015 Municipal Primary Election only the Montpelier Civic Center will be the only vote center in Blackford County.

The Inspector will also serve as a greeter and verify that the voter has his/her government issued photo ID.

The Clerks at the vote center will utilize the electronic poll pad and check the voter in. The Clerk will scan or type the voter name to view poll pad data. Once verified, the voter will sign the signature line on the poll pad. The voter is instructed to proceed to the Judge's Lane. The clerk will document any necessary information into the poll pad as required by statute.

The Judge will receive the proper documents and will proceed to the Infinity voting machine. The vote center card will indicate which ballot the voter is to receive. The judge will then activate the machine and select the appropriate ballot in order to verify it with the voter. The voter will then proceed with voting on the Infinity machine in the same manner as always.

#### TECHNOLOGY

The hardware, software and firmware used for the poll pad, will be utilizing the Know, Ink Poll Pad. The Poll Pad e-poll book application software runs on the Apple iPad tablet. This system is currently certified by the Indiana Secretary of State's Office. The operating system holds the highest security certification from NIST - FIPS 140-2. The Poll Pad system interfaces with the QuestIS Voter Registration System as part of the certified system.

Apple iPad Air ME999LL/A 16 GB Tablet - 9.7"

In-plane Switching (IPS) Technology, Retina Display - Verizon - Apple A7 1.30 GHz - Silver - iOS 7 - Slate - 2048 x 1536 Multi-touch Screen Display (LED Backlight) - Bluetooth

Basic Specifications:

- ☐ Backlight Technology: LED
- ☐ Bluetooth: Yes
- ☐ Brand Name: Apple
- ☐ Cellular Data Connectivity Technology: CDMA2000 1xEV-DO Rev A
- ☐ Cellular Data Connectivity Technology: DC-HSDPA
- ☐ Cellular Data Connectivity Technology: EDGE
- ☐ Cellular Data Connectivity Technology: HSPA
- ☐ Cellular Data Connectivity Technology: HSPA+
- ☐ Cellular Data Connectivity Technology: UMTS

- ☐ Cellular Network Supported: CDMA2000
  - ☐ Cellular Network Supported: GSM
  - ☐ Color: Silver
  - ☐ Flash Memory Capacity: 16 GB
  - ☐ Form Factor: Slate
  - ☐ Front Camera/Webcam: Yes
  - ☐ GPS: Yes
  - ☐ Graphics Controller Manufacturer: Imagination Technologies
  - ☐ Graphics Controller Model: PowerVR G6430
  - ☐ Maximum Battery Run Time: 10 Hour
  - ☐ Operating System Platform: iOS
  - ☐ Operating System: iOS 7
  - ☐ Optical Drive Type: No
  - ☐ Processor Manufacturer: Apple
  - ☐ Processor Speed: 1.30 GHz
  - ☐ Processor Type: A7
  - ☐ Product Family: iPad Air
  - ☐ Product Type: Tablet
  - ☐ Screen Resolution: 2048 x 1536
  - ☐ Screen Size: 9.7"
  - ☐ Weight (Approximate): 1.05 lb
  - ☐ Wireless LAN: Yes
- Star Micronics TSP650II BTi Direct Thermal Printer Monochrome

- ☐ Wall Mount
- ☐ Receipt Print 3.15"
- ☐ Print Width 11.81
- ☐ in/s Mono 203
- ☐ dpi Bluetooth

Apple MFi certified, the TSP650II BTi receipt printer is approved for use with the iPod Touch®, iPhone® and iPad®. With operating system support for iOS, Android and Windows, the TSP650II BTi features the best of both worlds by coupling the comfort of legacy products with the speed and connection options demanded today in fast-paced point of sales environments. The TSP650II BTi's "JustWorks" SSP profile makes the pairing process very simple to use. It allows for a quick connection without the hassle of a passkey or having to choose between iOS and Android modes. Quick and ready to use, no user interaction is needed to pair the TSP650II BTi. One attribute that grabs the user's attention is TSP650II BTi's lightening fast print speed. Capable of printing 60 receipts per minute (300 mm/sec), the TSP650II BTi offers unrivalled processing power and outstanding data throughput. Equipped with easy "drop in and print" paper loading, small footprint and reliable guillotine cutter, the TSP650II BTi is a welcomed addition to any POS system. With exceptional performance, functionality, Bluetooth accessibility and iOS support, the TSP650II BTi embodies Star's motto of "Always Leading and Always Innovating."

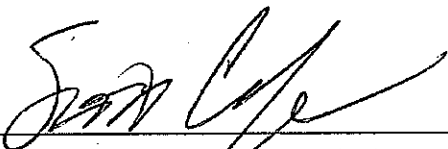
Basic Specifications:

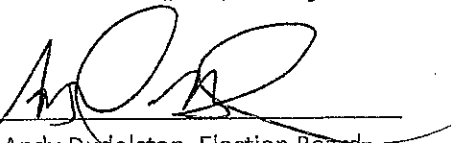
- ☐ Bluetooth: Yes
- ☐ Brand Name: Star Micronics
- ☐ Form Factor: Wall Mount
- ☐ Green Compliant: Yes
- ☐ Maximum Mono Print Speed: 11.81 in/s
- ☐ Maximum Print Resolution: 203 dpi
- ☐ Print Color: Monochrome
- ☐ Product Family: TSP650II
- ☐ Product Type: Direct Thermal Printer
- ☐ Recommended Use: Receipt Print

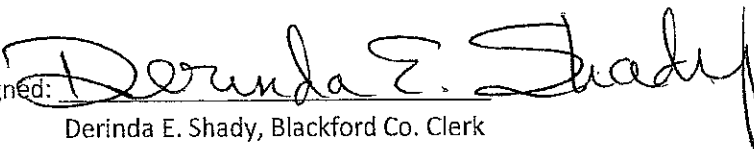
Security Plan

The security plan for the voting machines and the poll pad will be locked up in the closet on the first floor of the courthouse, which is only used by the election office. The Keys to the closet are kept in a secured area where only the clerk and the voter registration employees have access to. The poll pads will only be accessible when a member of each party enters their undisclosed password. The number of voters on the machines and the number of voters in the poll pad will be checked and balanced each day.

In the event of a power failure at each or one vote center, the voting machines and poll pad will be switched to battery backup. For obvious reasons, if the safety of voters and or poll workers is ever at risk, the Blackford County Security Plan will go into effect with instructions from the Blackford County Clerk, Blackford County Election Board, Blackford County EMA, and the Blackford County Sheriff.

Signed:   
Scott Confer (proxy for Linga Bennett), Election Board

Signed:   
Andy Dadelston, Election Board

Signed:   
Derinda E. Shady, Blackford Co. Clerk

BLACKFORD COUNTY VOTE CENTER PLAN

March 16, 2015

INDIANA ELECTIONS DIVISION  
2015 MAR 27 AM 9:56

VOTER STATISTICS AND PRECINCTS

According to the 2010 census, Blackford County has a total population of 12,481.00 and is divided into 12 precincts. Currently the total number of registered voters in Blackford County is 8,731. The upcoming elections will be May 5, 2015 and November 3, 2015. No voter should feel disenfranchised because of this change. Voting by absentee, mail or travel board is still available. This will expand the voter's capabilities by not limiting them to a certain polling location on a certain day. This plan will make voting more convenient and hopefully increase our percentages.

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Apple iPad Air ME999LL/A 16 GB Tablet - 9.7"

In-plane Switching (IPS) Technology, Retina Display - Verizon - Apple A7 1.30 GHz - Silver - iOS 7 - Slate - 2048 x 1536 Multi-touch Screen Display (LED Backlight) - Bluetooth

Basic Specifications:

- ☐ Backlight Technology: LED
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- ☐ Cellular Data Connectivity Technology: DC-HSDPA
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- ☐ Flash Memory Capacity: 16 GB
- ☐ Form Factor: Slate
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- ☐ Wall Mount
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- ☐ Print Width 11.81
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Basic Specifications:

- ☐ Bluetooth: Yes
- ☐ Brand Name: Star Micronics
- ☐ Form Factor: Wall Mount
- ☐ Green Compliant: Yes
- ☐ Maximum Mono Print Speed: 11.81 in/s
- ☐ Maximum Print Resolution: 203 dpi
- ☐ Print Color: Monochrome
- ☐ Product Family: TSP650II
- ☐ Product Type: Direct Thermal Printer
- ☐ Recommended Use: Receipt Print

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Signed: Linda Bennett  
Linda Bennett, Election Board

Signed: Andy Dudelston  
Andy Dudelston, Election Board

Signed: Derinda E Shady  
Derinda E. Shady, Blackford Co. Clerk

**BLACKFORD COUNTY ELECTION BOARD**

**ORDER 2015-\_\_\_\_\_**

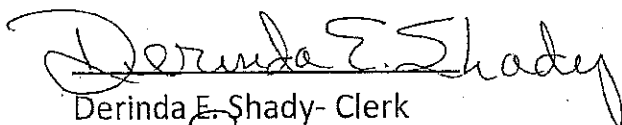
**WHERE AS,** the BLACKFORD County Election Board so approves the Blackford county amended plan for the implementation of vote centers in Blackford County,

**BE IT THEREFORE ORDERED BY THE BLACKFORD COUNTY ELECTION BOARD:**

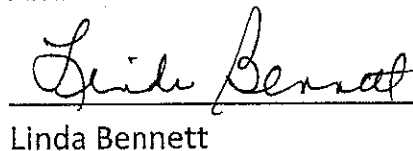
The Election Board of BLACKFORD County adopts this Order to approve the County Vote Center Plan, which is incorporated in this Order by reference.

ADOPTED THIS 16<sup>th</sup> DAY OF March, 2015

**BLACKFORD COUNTY ELECTION BOARD**

  
Derinda E. Shady- Clerk

  
Andrew Dudelston

  
Linda Bennett

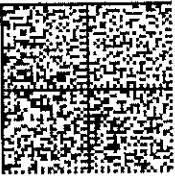
INDIANA ELECTIONS DIVISION  
2015 MAR 27 AM 9:56

DERINDA E. SHADY  
BLACKFORD COUNTY CLERK'S OFFICE  
110 W WASHINGTON ST  
HARTFORD CITY, IN 47348-2251

RETURN REQUESTED  
IN 15 DAYS

First Class Mail®

Amendment to Vote Center Plan



ELECTRONIC SCAN REQUIRED

F

USPS FIRST-CLASS MAIL®

DERINDA E. SHADY  
BLACKFORD COUNTY CLERK'S OFFICE  
110 W WASHINGTON ST  
HARTFORD CITY, IN 47348-2251



CO DIRECTORS BRAD KING AND TRENT DECKARD  
INDIANA ELECTION DIVISION  
INDIANA GOVERNMENT CENTER SOUTH RM E-204  
302 W WASHINGTON ST  
INDIANAPOLIS, IN 46204-2743

USPS SIGNATURE TRACKING #



9202 1901 0661 5400 0052 9288 59

Electronic Rate Approved #901066154

INDIANA ELECTIONS DIVISION

2015 MAR 27 AM 9:56

Attention Carrier on Route #C045  
This piece is being monitored for  
Delivery and Scanning accuracy



Non-Machinable Parcel