

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.)	

MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

Brian Valenti, the plaintiff, challenges Indiana's new sex offender law (Indiana Code § 35-42-4-14) because, he says, the new law interferes with his right to vote. Mr. Valenti asserts, without support, that the new law prohibits him from voting in person. While the new law may prohibit Mr. Valenti from entering school property, the new law does nothing to stop Mr. Valenti from voting in person as he had in the past, assuming, of course, that Mr. Valenti was, in fact, registered to vote when he filed his lawsuit as he claims in his verified complaint, and if he had chosen to exercise that right before by voting in person. Mr. Valenti has not been injured by Indiana Code § 35-42-4-14, and, because he has not suffered any injury, Mr. Valenti lacks standing to challenge the statute.

Mr. Valenti filed this lawsuit in August. Shortly thereafter, he filed a motion for a preliminary injunction, arguing that the new law would cause irreparable harm unless this Court issued a preliminary injunction before the upcoming Election Day, November 3, 2015. Dkt. 17. The defendants filed a response in opposition, pointing out that Mr. Valenti lives in Blackford County, a “Vote Center” county; therefore, Mr. Valenti can vote in person because there are no traditional precinct polling places in the county, and, while one of the vote centers is at a school, the other is at a civic center, where Mr. Valenti is free to vote in person. Dkt. 22. Mr. Valenti then filed a motion to withdraw his request for a preliminary injunction. Dkt. 24. Mr. Valenti suffered no injury on Election Day 2015 because of the new Indiana sex offender law, and he will not suffer any injury from this law in the future. That is to say, there is no case or controversy; consequently, this Court lacks subject matter jurisdiction. Accordingly, his lawsuit should be dismissed.

I. The new sex offender statute prohibits Mr. Valenti from entering school property; it does not prohibit Mr. Valenti from voting in person.

Mr. Valenti asserts that Indiana’s new sex offender statute burdens his right to vote by not allowing him to vote in person. Dkt. 1. Indiana Code § 35-42-4-14, Indiana’s new 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.

Whether Mr. Valenti may enter school property is, of course, a separate question from whether Mr. Valenti may vote in person. Mr. Valenti fundamentally misunderstands the voting system in his county, or, at least, he misunderstood it when he filed his lawsuit. This misunderstanding led to this lawsuit and the allegations that the new law burdens his right to vote. The defendants will show that the assertions in Mr. Valenti’s complaint are factually wrong, and that the facts, in truth, deprive this Court of jurisdiction to hear this case because there is no case or controversy.

Mr. Valenti’s complaint focuses on his wrong assertion that he may not vote in person, but Mr. Valenti was able to vote in person before the new sex offender law went into effect, was able to vote in person on Election Day 2015, and there is nothing to suggest that he will not be able to vote in person in the future. Despite his status as a registered sex offender who is prohibited from entering school property, Mr. Valenti may vote in person through early in-person absentee voting or at a vote center on Election Day.

As noted in the defendants' response to Mr. Valenti's motion for a preliminary injunction, 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, including absentee voting, in-person voting on Election Day, and early in-person absentee voting. None of these voting methods is inferior, and Mr. Valenti points to nothing empirical in his complaint to show 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 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. When voting, 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, and he will not be harmed. His complaint should be dismissed.

II. The Court should dismiss this case because Mr. Valenti has not met the elements necessary to show he has standing.

The defendants here move for dismissal under Federal Rule of Civil Procedure 12(b)(1), challenging the Court's subject-matter jurisdiction over Mr. Valenti's lawsuit. Mr. Valenti bears the burden of proving he has met the jurisdictional requirements. *United Phosphorus, Ltd. v. Angus Chem. Co.*, 322 F.3d 942, 946 (7th Cir.2003). 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 Cir.1996). A court must accept all material allegations of the

complaint as true and draw all reasonable inferences in favor of the plaintiff. *Id.* But Mr. Valenti must 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)).

Further, a defendant may make a factual challenge to a complaint when “the complaint is formally sufficient but the contention is that there is *in fact* no subject matter jurisdiction.” *Id.* (quoting *United Phosphorus, Ltd., v. Angus Chem. Co.*, 322 F.3d 942, 946 (7th Cir. 2003))(emphasis in original). The defendants here are making a factual attack against jurisdiction, and, in such cases, “the law is clear” that the Court “may properly look beyond the jurisdictional allegations of the complaint and view whatever evidence has been submitted on the issue to determine whether in fact subject matter jurisdiction exists.” *Id.* (quoting *Evers v. Astrue*, 536 F.3d 651, 656-57 (7th Cir. 2009) (internal citations omitted). If, as here, defendants proffer evidence challenging the factual foundation for standing, “the plaintiff bears the burden of coming forward with competent proof that standing exists.” *Id.*

It makes no difference that Mr. Valenti filed this lawsuit as a class action. 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.*

III. Mr. Valenti lacks standing to bring a lawsuit challenging Indiana Code §35-42-4-14.

Mr. Valenti has not been harmed by Indiana's new sex offender statute. Accordingly, Mr. Valenti does not have standing. Mr. Valenti cannot show that the new sex offender statute bars him from voting in person (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.

A. Indiana election law offers several options for Mr. Valenti on Election Day, including in-person voting.

Mr. Valenti airs his grievances about the new sex offender statute in the "Facts" section of his complaint. Those paragraphs, paragraphs 17-46, recite the statute, assert that the statute applies to Mr. Valenti, and state, in a conclusory fashion, that the new sex offender statute burdens his right to vote. But Mr. Valenti devotes the bulk of the "facts," paragraphs 25-41, to the perceived problems of not being able to vote in person, particularly the problems of absentee ballots. As there is nothing to prevent Mr. Valenti from voting in person, Mr. Valenti has no basis for this lawsuit.

Mr. Valenti, in his complaint, focuses on only two voting options: in-person Election Day voting and absentee voting. Dkt. 1 pp. 1, 7-10. He cites no election law from the Indiana Code aside from provisions related to absentee voting. Dkt. 1, pp. 8-9. 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 mail-in absentee ballot. Ind. Code § 3-11-10-24(a)(12). Mr. Valenti imagines various difficulties related to absentee voting, and alleges that his right to vote is being burdened because he cannot enlist the aid of “election workers” who may be present at a polling place. Dkt. 1, p. 9. 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).

Another option is in-person absentee voting. Open to all registered voters, this option negates any concerns Mr. Valenti may have about 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). Mr. Valenti, in the most recent election (if, as he asserts (Dkt. 1, p. 6), he was registered to vote), had the right to cast his vote in person 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 complaint, 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 asserts in his complaint that the “polling place in his precinct, however, is located on school property.” Dkt. 1, p. 1-2. He continues: “Because Mr. Valenti is subject to Indiana Code § 35-42-4-14, he is unable to vote in person at his precinct polling place.” Dkt. 1, p. 2. 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 November 9, 2015). Vote Centers are polling places where any eligible voter in the county may vote. That is, voters are not obligated to vote at a particular polling place. *Id.* Blackford County had two designated Vote Centers for the November 2015 Municipal Election. One Vote Center was at the Blackford County High School Auxiliary Gym (what, presumably, Mr. Valenti wrongly understood to be his designated polling place). The other is the Montpelier Civic Center, where Mr. Valenti was free to vote in person on Election Day. Exhibit 1. Also available at http://www.in.gov/sos/elections/files/Blackford_County_Vote_Center_Amendment_2015.pdf (last visited November 12, 2015). A Vote Center county must use equipment and procedures to ensure that the 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 a ballot will look the same to a voter whether he or she votes at one vote center or another.

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 his right to vote in any way. Instead, Mr. Valenti's entire complaint is premised on the mistaken belief that he is prohibited from voting in person. But Mr. Valenti may take advantage of all voting methods Indiana law offers, including voting, in person, at the Montpelier Civic Center, providing Mr. Valenti 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.

B. Mr. Valenti has not been harmed, will not 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,"¹ not "abstract" or "conjectural" or "hypothetical."² 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. 26,

¹ *Gladstone, Realtors v. Village of Bellwood*, 441 U.S. 91, 100 (1979) (quoting *Warth v. Seldin*, supra, 422 U.S., at 501 (1975)).

² *Los Angeles v. Lyons*, 461 U.S. 95, 101–102 (1983); *O'Shea v. Littleton*, 414 U.S. 488, 494 (1974).

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 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, so his lawsuit should be dismissed.

* * *

Mr. Valenti wants to vote in person. He can vote in person. Mr. Valenti is subject to a law that causes him no harm when it comes to voting. He filed a lawsuit to get this Court to force the State of Indiana to allow him to vote in person. Mr. Valenti did not need to ask this Court to issue a preliminary injunction to vote in person at a Blackford County Vote Center earlier this month. He did not need to file this lawsuit to vote in person. He just needed to become more familiar with his options under Indiana election law.

The Court should dismiss his lawsuit.

Respectfully submitted,

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

Date: November 12, 2015

By: s/ Jefferson S. Garn
Jefferson S. Garn
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CERTIFICATE OF SERVICE

I certify that on November 12, 2015, a copy of this ***Memorandum in Support of Motion to Dismiss*** 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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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

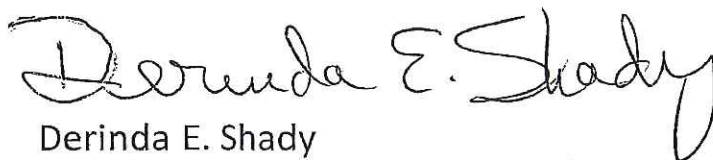
INDIANA ELECTIONS DIVISION
2015 MAR -5 AM 11:12

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

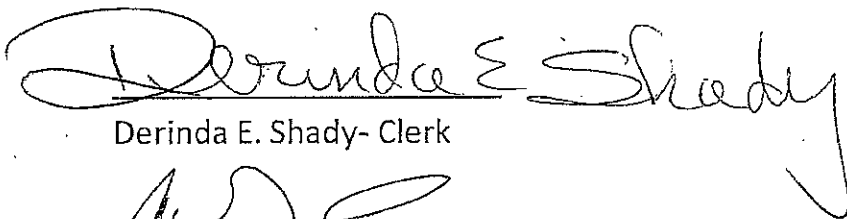
WHERE AS, the BLACKFORD County Election Board so approves the Blackford county amended plan for the implementation of vote centers in Blackford County,

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 2nd DAY OF March, 2015

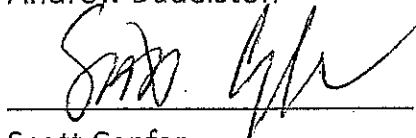
BLACKFORD COUNTY ELECTION BOARD



Derinda E. Shady- Clerk



Andrew Dudelston



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 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 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
2015 MAR - 5 AM 10:32

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."

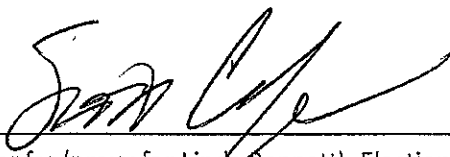
Basic Specifications:

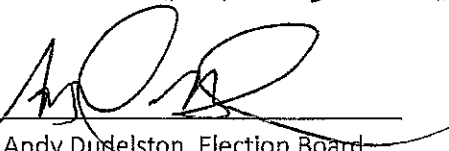
- ☐ Bluetooth: Yes
- ☐ Brand Name: Star Micronics
- ☐ Form Factor: Wall Mount
- ☐ Green Compliant: Yes
- ☐ Maximum Mono Print Speed: 11.81 in/s
- ☐ Maximum Print Resolution: 203 dpi
- ☐ Print Color: Monochrome
- ☐ Product Family: TSP650II
- ☐ Product Type: Direct Thermal Printer
- ☐ Recommended Use: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

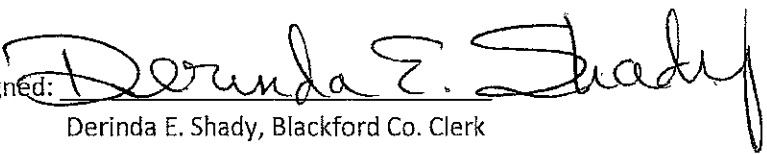
Security Plan

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 Linda Bennett), Election Board

Signed: 
Andy Dudelston, Election Board

Signed: 
Derinda E. Shady, Blackford Co. Clerk