52 USC 20701: Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation
Text contains those laws in effect on May 5, 2024

From Title 52-VOTING AND ELECTIONS
Subtitle II-Voting Assistance and Election Administration
CHAPTER 207-FEDERAL ELECTION RECORDS
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§20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(Pub. L. 86–449, title III, §301, May 6, 1960, 74 Stat. 88 .)

52 USC 20702: Theft, destruction, concealment, mutilation, or alteration of records or papers; penalties
Text contains those laws in effect on May 5, 2024

From Title 52-VOTING AND ELECTIONS
Subtitle II-Voting Assistance and Election Administration
CHAPTER 207-FEDERAL ELECTION RECORDS
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§20702. Theft, destruction, concealment, mutilation, or alteration of records or papers; penalties

Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 20701 of this title to be retained and preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(Pub. L. 86–449, title III, §302, May 6, 1960, 74 Stat. 88 .)

From: Schwab, Jared <jared.schwab@essvote.com>
Sent: Monday, April 29, 2024 12:42 PM
To: ███████████████████████████
Subject: Re: Ballot Images Email

Hey ███████████████

Yeah I don't recall us ever sending out communication on that specifically outside of that best practice document. We did get confirmation from the state that they're having us program everyone's media with that setting set to not save any ballot images.

Thanks,
Jared

Screen shots from the ES&S Election Portal for South Dakota.

South Dakota Best Practices   (3/2024)

- **Programming Form - Election Settings:**
  - **DS200 Options:**
    - **Memory Device Options:** This is the Election Qualification Stick (EQC) used to prepare the machine to accept the programming of the election. The Minimum is 1, but you may request more, this is your preference.

    - **Ballot Handling Options:**
      - Over Voted Ballots: Accept
      - Blank Ballots: Query
      - Diverter Installed: No
      - Save Ballot Images: No Images
      - Count Unmarked Write-ins: No

  - **DS450 & DS850 Options:**
    - **Memory Device Options:** This is the Election Qualification Stick (EQC) used to prepare the machine to accept the programming of the election. The Minimum is 1, but you may request more, this is your preference.
    - **Ballot Handling Options:**
      - Save Ballot Images: No Images
      - Count Unmarked Write-Ins: No

Emails between Rick Weible (candidate for District 8 Senate and 3/4 county auditors in charge of his election)

RE: Primary Election - Confirmation of settings on tabul...

LS Lori Schultz <LSchultz@brookings...
To Rick Weible

Mon 3:59 PM

(i) You forwarded this message on 5/6/2024 4:46 PM.

Our DS850 says "no Images"

Lori Schultz
Bkgs Co Finance Officer
520 3rd street Suite 100
Brookings SD 57006
Phone 605-696-8200
    Or 605-696-8251
Fax 605-696-8259
Email lschultz@brookingscountysd.gov

From: Rick Weible <rick@weible4sd.com>
Sent: Monday, May 6, 2024 12:38 PM
To: Lori Schultz <LSchultz@brookingscountysd.gov>
Subject: Primary Election - Confirmation of settings on tabulators

Hi Lori,

In the best practices settings from ES&S, under the Ballot Handling Options does the Save Ballot Images have the setting set this way?

DS450 & DS850
Ballot Handling Options:
Save Ballot Images: No Images

Thank you,

Rick Weible
612-306-4555

RM Rebecca Mommaerts <Rebecca.M
To Rick Weible

Mon 2:52 PM

(i) You forwarded this message on 5/6/2024 3:32 PM.

Rick,

Yes, that is correct.

Rebecca Mommaerts

From: Rick Weible <rick@weible4sd.com>
Sent: Monday, May 6, 2024 2:40 PM
To: Rebecca Mommaerts <Rebecca.Mommaerts@minercountysd.org>
Subject: RE: Primary Election - Confirmation of settings on tabulators

> You don't often get email from rick@weible4sd.com. Learn why this is important

Hi Rebecca,

I am asking if for the primary if the setting will be set to No Images.

Thanks,

Rick Weible
612-306-4555

From: Rebecca Mommaerts <Rebecca.Mommaerts@minercountysd.org>
Sent: Monday, May 6, 2024 1:38 PM
To: Rick Weible <rick@weible4sd.com>
Subject: RE: Primary Election - Confirmation of settings on tabulators

Good afternoon, Rick,

To clarify, are you wanting to know what's written in the Best Practices documents online from ES&S? Or are you asking if the tabulator is set to "no images" currently? If the latter, I have not yet received my media from ES&S for the tabulator, but I should be receiving it this week.

Rebecca Mommaerts
Miner County Auditor
(605) 772-4671
Office Hours: 7:30am-12:00pm & 12:30-4:00pm

From: Rick Weible <rick@weible4sd.com>
Sent: Monday, May 6, 2024 12:43 PM
To: minerauditor <minerauditor@minercountysd.org>
Subject: Primary Election - Confirmation of settings on tabulators

Hi Rebecca,

In the best practices settings from ES&S, under the Ballot Handling Options does the Save Ballot Images have the setting set this way?

DS450 & DS850
Ballot Handling Options:
Save Ballot Images: No Images

Thank you,

Rick Weible
612-306-4555

Re: Primary Election - Confirmation of settings on tabul...

ES Echo Steffensen <aud1@kingsbury
To Rick Weible

Mon 2:42 PM

Yes

Make it a Great Day!

Echo Steffensen
Kingsbury County Auditor
PO Box 196
202 2nd St. SE
De Smet, SD 57231
Phone: (605) 854-3832
Fax: (605) 854-3833
aud1@kingsburycountysd.org

From: Rick Weible <rick@weible4sd.com>
Sent: Monday, May 6, 2024 2:41 PM
To: Echo Steffensen <aud1@kingsburycountysd.org>
Subject: RE: Primary Election - Confirmation of settings on tabulators

> You don't often get email from rick@weible4sd.com. Learn why this is important

Hi Echo,

So your tabulators will be set this way?

Thanks,

Rick Weible
612-306-4555

From: Echo Steffensen <aud1@kingsburycountysd.org>
Sent: Monday, May 6, 2024 1:15 PM
To: Rick Weible <rick@weible4sd.com>
Subject: Re: Primary Election - Confirmation of settings on tabulators

Rick,

Yes that is correct.

Thank you,
Echo

Make it a Great Day!

Echo Steffensen
Kingsbury County Auditor
PO Box 196
202 2nd St. SE
De Smet, SD 57231
Phone: (605) 854-3832
Fax: (605) 854-3833
aud1@kingsburycountysd.org

From: Rick Weible <rick@weible4sd.com>
Sent: Monday, May 6, 2024 12:47 PM
To: Echo Steffensen <aud1@kingsburycountysd.org>
Subject: Primary Election - Confirmation of settings on tabulators

> You don't often get email from rick@weible4sd.com. Learn why this is important

Hi Echo,

In the best practices settings from ES&S, under the Ballot Handling Options does the Over Voted Ballots and the Save Ballot Images have the settings set this way?

DS200 Options:
Ballot Handling Options:
Over Voted Ballots: Accept
Save Ballot Images: No Images

Thank you,

Rick Weible
612-306-4555