

STATE OF MINNESOTA

IN SUPREME COURT

Case File No.

Bill Kieffer and Erik van Mechelen

Petitioners,

vs.

**The governing body of the municipality
Rosemount, MN,**

Respondent.

EXHIBITS

STATE OF MINNESOTA

IN SUPREME COURT

Case File No.

Bill Kieffer and Erik van Mechelen

Petitioners,

vs.

**The governing body of the municipality
Rosemount, MN,**

Respondent.

DECLARATION OF RICK WEIBLE

Declaration of Rick Weible

Pursuant to 28 U.S.C Section 1746, I, Rick Weible make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I currently reside at 803 Elk Street, Elkton, SD 57026.
3. I am a computer network engineer and data analysis expert with over 25 years of industry experience and the owner and operator of a small computer consulting company, that has been in business for over 25 years providing compliance certifications, desktop support, programming, network management and security, web development and hosting.
4. The following attached documents were reviewed to prepare this affidavit:
 - a. Amended Certification Report and Recommendation for Dominion Democracy Suite, version 4.14-E Voting System¹
 - b. Certification Report and Recommendation for Dominion Democracy Suite, version 5.5C Voting System²
 - c. Certification of Dominion Democracy Suite Version 5.5-C Voting System³

¹ See Amended Certification Report and Recommendation for Dominion Democracy Suite, version 4.14-E Voting System. Prepared by the Elections Division of the Office of the Minnesota Secretary of State. January 28, 2016. Available online at <https://officialdocuments.sos.state.mn.us/Files/GetDocument/103651> Last accessed July 28, 2022.

² See Certification Report and Recommendation for Dominion Democracy Suite, version 5.5C Voting System. Prepared by the Elections Division of the Office of the Minnesota Secretary of State. April 12, 2022. Available online at <https://officialdocuments.sos.state.mn.us/Files/GetDocument/131606> Last accessed on July 28, 2022.

³ See Minnesota Secretary of State Certification of Dominion Democracy Suite Version 5.5-C Voting System. Dated May 2, 2022. Available online at *(see next page of foot notes)*

- d. Email from EAC Senior Election Technology Specialist confirming Dominion Democracy Suite 5.0 is a new voting system⁴
- e. Pro V & V Test Plan for EAC 2005 VVSG Certification Testing Dominion Voting Systems Democracy Suite (D-Suite) Version 5.0 Voting System, dated 7/20/16.⁵
- f. Pro V & V Test Plan for EAC 2005 VVSG Certification Testing Dominion Voting Systems Democracy Suite (D-Suite) Version 5.5-C Voting System, Revision 1, dated 6/16/2020.⁶

<https://officialdocuments.sos.state.mn.us/Files/GetDocument/131989> Last Accessed July 28, 2022.

⁴ See Attachment 1: Email from Election Assistance Commission dated 7/13/2022.

⁵ See Pro V & V Test Plan for EAC 2005 VVSG Certification Testing Dominion Voting Systems Democracy Suite (D-Suite) Version 5.0 Voting System. July 20, 2016. Available online at https://www.eac.gov/sites/default/files/voting_system/files/Dominion_Voting_Systems_D-Suite_5.0_Test_Plan.pdf Last accessed July 28, 2022.

⁶ See Pro V & V Test Plan for EAC 2005 VVSG Certification Testing Dominion Voting Systems Democracy Suite (D-Suite) Version 5.5-C Voting System. June 16, 2020. Available online at https://www.eac.gov/sites/default/files/voting_system/files/Dominion%20Voting%20Systems%20%20D-Suite%205.5-C%20Test%20Report-Rev.%2001.pdf Last accessed July 28, 2022.

5. The Minnesota Secretary of State (MNSOS) Certification Report and Recommendation of Dominion Democracy Suite, version 5.5-C Voting System (DDS 5.5-C), dated April 12, 2022, classified DDS5.5-C as a modification from the Dominion Democracy Suite 4.14-E system (DDS 4.14-E).

**Certification Report and Recommendation
Dominion Democracy Suite, version 5.5-C Voting System**

Prepared by
Elections Division
Office of the Minnesota Secretary of State
State of Minnesota
April 12, 2022

Section 1: Introduction

Dominion Voting Systems (Dominion) submitted an application dated May 10, 2021, and Technical Data Package (TDP) to the Office of the Minnesota Secretary of State (OSS) to certify the Dominion Democracy Suite version 5.5-C (D-Suite 5.5-C) and Dominion Democracy Suite 5.5-CS (D-Suite 5.5-CS) voting systems to the 2005 Voluntary Voting System Guidelines (VMSG).

The D-Suite 5.5-C is a modification from the previously certified Democracy Suite 4.14-E Voting System (D-Suite 4.14-E). The D-Suite 5.5-C Voting System received a recommendation for certification from Pro V & V, an independent testing authority, on July 7, 2020 and the D-Suite 5.5-CS Voting System received a recommendation for certification from Pro V & V on July 15, 2020. D-Suite 5.5-C is a paper-based optical scan voting system. D-Suite 5.5-C consist of the following major components:

6. The Appendix of the Minnesota Secretary of State (MNSOS) Certification Report and Recommendation of Dominion Democracy Suite, version 5.5-C Voting System (DDS 5.5-C), dated April 12, 2022, includes a chart indicating DDS 5.5-C version is the fourth modification of the original system DDS 5.0. This chart contradicts the statements made in its introduction.⁷

Section 5: Appendix

5.1 Version History
Version history and Certification Dates from Pro. V&V of Dominion Democracy Suite 5.5-C

System Version	System Modified	NTS Certification Date	DSS Certification Date
Democracy Suite 5.0	Original	2/7/2017	
D-Suite 5.5	D-Suite 5.0	9/17/2018	
D-Suite 5.5-B	D-Suite 5.5	8/21/2019	
D-Suite 5.5-C	D-Suite 5.5-B	7/7/2020	TBD

5.2 Democracy Suite 5.5-C Voting System Capabilities

Maximum Number of:	Value
Precincts in Election	1000
Candidates per Office	462
Candidates in Tabulator	10000
Ballot Styles in Election	3000
Contests in a ballot style	156
Ballot Styles in a Precinct	5
Vote For in Contest	30
Number of Parties	30

Document Number: 222949
Filed: April 13, 2022
Office of the Minnesota
Secretary of State Steve Simon

7. The US Election Assistance Commission (EAC) is an “independent, bipartisan commission charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, and serving as a national clearinghouse of information on election administration.” The EAC also certifies voting system and is responsible for accrediting the independent testing laboratories that certify voting systems. The law also established the Technical Guidelines Development Committee to assist the EAC in the development of voluntary voting system guidelines. The EAC sets the standards for election administration in the United States and makes the determination of whether a voting system is new or modified.⁸

⁷ See MNSOS Certification Report and Recommendation, DDS 5.5-C dated April 12, 2022, page 24.

⁸ See the EAC website at <https://www.eac.gov/about-the-useac>

8. On July 6, 2022, I submitted a request to the EAC seeking clarification as to whether the DDS 5.5-C was a modification from the DDS 4.14-E system or from the DDS 5.0 and whether the DDS 5.0 system was a new system. The EAC responded with confirmation the DDS 5.5C system is a modification of the DDS 5.0 system and that the DDS 5.0 voting system was a new system.

RE: EAC Contact Form Submission

Paul Aumayr <paumayr@eac.gov>
Thu 7/7/2022 12:17 PM
To: Rick Weible <rick@rgvisions.com>
Good Afternoon

The Democracy Suite 5.0 is considered by the EAC to be a new voting system that has not previously been tested to applicable federal standards in the EAC Program. This is stated in the test plan, test report and the EAC certification documentation.

Democracy Suite 5.5-C is considered a modification of Democracy Suite 5.5-B, as stated in the test plan, test report and the EAC certification documentation.

Hopefully this answers your question.

Sincerely

Paul Aumayr | Sr. Election Technology Specialist
Election Assistance Commission
633 3rd Street NW, Suite 200 | Washington, DC 20001
www.eac.gov
PAumayr@EAC.gov

From: NoReply <no-reply@eac.gov>
Sent: Wednesday, July 6, 2022 7:14 PM
Subject: EAC Contact Form Submission

Submitted on Wed, 07/06/2022 - 7:13 PM

Submitted by: Anonymous

Submitted values are:

First Name
Rick

Last Name
Weible

Address
St. Bonifacius, Minnesota. 55375

Message
In reviewing the Dominion 4.14-E, 5.0, 5.5-C, it appears that the 4.14E is a separate voting system from the 5.0 version, in that the 5.0 is a new voting system. Where as we see some documentation that states "The D-Suite 5.5-C is a modification from the previously certified Democracy Suite 4.14-E Voting System (D-Suite 4.14-E)" we believe that the 5.5-C is a modification from 5.0 and that 5.0 is a new voting system from 4.14E....please let us know what is correct.

Thank you,

Rick

Phone Number
[6123064555](tel:6123064555)

Email
rick@rgvisions.com

Concerning
Voting System Testing And Certification

9. The Pro V & V Test Plan of DDS 5.5-C indicates the DDS 5.5-C system is the third revision of the DVS Democracy Suite 5.0, which was certified as a new system.⁹

2.1 Revision History

The table below details the version history of the D-Suite 5.5-C System:

Table 2-1. D-Suite 5.5-C System Revision History

System Version	Certification Type	Baseline System	Certification Number
D-Suite 5.0	New System	--- (Original System)---	DVS-DemSuite5.0
D-Suite 5.5	Modification	D-Suite 5.0	DVS-DemSuite5.5
D-Suite 5.5-B	Modification	D-Suite 5.5	DVS-DemSuite5.5-B
D-Suite 5.5-C	Modification	D-Suite 5.5-B	DVS-DemSuite5.5-C*

*Upon grant of certification by the EAC

2.2 Scope of Testing

The scope of testing focused on the addition of the Canon DR-G2140 central count scanner, the HP M501dn printer for the ICX BMD configuration, and the Microsoft Windows 10 Patch (Jan. 14, 2020). To evaluate the D-Suite 5.5-C test requirements, the submitted modifications were

TR-01-01-DVS-38-01.01 25 of 63

10. The Pro V & V Test Plan for DDS 5.0, dated 7/20/16, indicates the 5.0 system is the first version of a new voting system.¹⁰

2.0 PRE-CERTIFICATION TESTING AND ISSUES

2.1 Evaluation of Prior VSTL Testing

The D-Suite 5.0 is a new voting system that has not previously been tested to applicable federal standards in the EAC Program. The Dominion Voting Systems D-Suite 4.14-E system, previously certified by the EAC (Reference NTS Report No. PR036164-01 Rev. C, which is available for viewing on the EAC's website at www.eac.gov) contains various components of the system currently under test. For this reason, the TDP review that was previously performed will be utilized to meet the requirements of part of the required TDP review; only the updated portions of the TDP will be reviewed as part of this test program.


2.2 Evaluation of Prior Non-VSTL Testing

The D-Suite 5.0 is a new voting system that has not previously been tested to applicable federal standards in the EAC Program.

⁹ See Pro V & V Test Lab Certification Testing 6/16/20, page 25.

¹⁰ See Attachment 8, Pro V & V Certification Testing, 7/20/16, page 9.

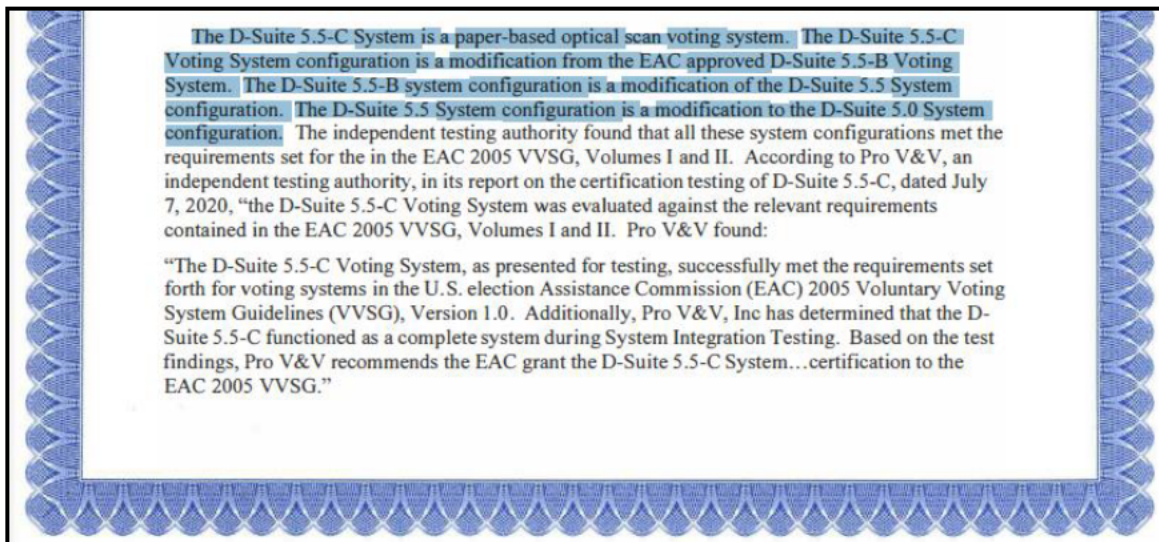
11. The EAC certified the DDS 5.0 voting system as a new voting system on February 8, 2017.¹¹

	<p>United States Election Assistance Commission</p>	
<p>Certificate of Conformance</p>		
<p>Dominion Democracy Suite 5.0</p>		
<p>The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the 2005 <i>Voluntary Voting System Guidelines (2005 VVSG)</i>. Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the <i>EAC Voting System Testing and Certification Program Manual</i> and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.</p>		
<p>Product Name: <u>Democracy Suite</u></p>		
<p>Model or Version: <u>5.0</u></p>		
<p>Name of VSTL: <u>Pro V&V</u></p>		
<p>EAC Certification Number: <u>DVS-DemSuite-5.0</u></p>		
<p>Date Issued: <u>February 8, 2017</u></p>		
		<p>Executive Director U.S. Election Assistance Commission Scope of Certification Attached</p>

¹¹ The final EAC Certificate of Conformance and Scope of Conformance available online at https://www.eac.gov/sites/default/files/voting_system/files/Scope.and.Cert.FINAL.2.8.17.pdf

12. The MNSOS Certification of Dominion Democracy Suite Version 5.5-C Voting System, dated May 2, 2022, corrects the error in the introduction of its own report by its removal of the language determining DDS 5.5-C is a modification from the 4.14-E system and also confirms the position of both the EAC and Pro V & V that the DDS 5.0 system was a new system, as supported by the information in the Appendix of that same report:

“The D-Suite 5.5-C Voting System configuration is a modification from the EAC approved D-Suite 5.5-B Voting System. The D-Suite 5.5-B system configuration is a modification of the D-Suite 5.5 System configuration. The D-Suite 5.5 System configuration is a modification to the D-Suite 5.0 System configuration.”¹²



¹² See Attachment 6, MNSOS Certification, page 4.

13. Through data practices requests, it has been confirmed that Dakota County was using Dominion Democracy Suite 4.14-E in both 2020 and 2021.

From: Lokken, Andy <Andy.Lokken@CO.DAKOTA.MN.US>
Sent: Thursday, February 25, 2021 2:56 PM
To: Ekblad, Bill (OSS) <Bill.Ekblad@state.mn.us>; Ruedy, Valerie <Valerie.Ruedy@CO.DAKOTA.MN.US>; Senn, David <David.Senn@CO.DAKOTA.MN.US>; Acevedo, Saul <Saul.Acevedo@CO.DAKOTA.MN.US>; Miland, David <david.miland@co.dakota.mn.us>
Cc: Lundquist, Phillip <Phillip.Lundquist@CO.DAKOTA.MN.US>
Subject: RE: Dakota County: Election Equipment / Software Version Validation Request

Hi Bill:

I hope this finds you well.

2

Phillip was able to verify that the software versions you list below are accurate.

Thanks!

Andy

From: Ekblad, Bill (OSS) <Bill.Ekblad@state.mn.us>
Sent: Thursday, February 18, 2021 12:32 PM
To: Lokken, Andy <Andy.Lokken@CO.DAKOTA.MN.US>; Ruedy, Valerie <Valerie.Ruedy@CO.DAKOTA.MN.US>; Senn, David <David.Senn@CO.DAKOTA.MN.US>; Acevedo, Saul <Saul.Acevedo@CO.DAKOTA.MN.US>; Miland, David <david.miland@co.dakota.mn.us>
Subject: Dakota County: Election Equipment / Software Version Validation Request

From: Ekblad, Bill (OSS) <Bill.Ekblad@state.mn.us>
Sent: Thursday, February 18, 2021 12:32 PM
To: Lokken, Andy <Andy.Lokken@CO.DAKOTA.MN.US>; Ruedy, Valerie <Valerie.Ruedy@CO.DAKOTA.MN.US>; Senn, David <David.Senn@CO.DAKOTA.MN.US>; Acevedo, Saul <Saul.Acevedo@CO.DAKOTA.MN.US>; Miland, David <david.miland@co.dakota.mn.us>
Subject: Dakota County: Election Equipment / Software Version Validation Request

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hello Again Andy, David, Valerie, and the Dakota County Team,

I hope 2021 is off to a good start for you all, and that you are staying warm and healthy in Hastings this winter!

As you all know, the work of cyber security never rests, and the past two months have been no exception. The high-profile SolarWinds Orion software compromise has dominated headlines, and taught us much about foreign adversary cyber skills and capabilities. And while we're fortunate that (as far as we know!) it has not directly impacted Minnesota counties or elections, it has been an important reminder of how critical it is to know precisely what hardware and software your organization is using so you can react with speed and agility if you ever find yourselves in the crosshairs of such a highly-skilled cyber adversary.

Toward that end, and building on the info we gathered last year in our Election Year Information Security Assessment with SecurityStudio, I've been working with the major election equipment vendors (in your case Dominion) to document specific hardware and software versions currently in-use in each Minnesota county. Below is the list of hardware and software we believe is currently in-use by your team there in Dakota County. **Please validate/verify/confirm that we've got this correct**, then keep this list handy as a quick reference in the event of any future security concern:

Dominion Democracy Suite V4.14E:

- Election Event Designer - version 4.14.38 - EMS software
- Results Tally and Reporting - v. 4.14.38 - EMS software
- File System Service - v. 4.14.38 - EMS software
- Audio Studio - v.4.14.38 - EMS software
- Data Center Manager-v. 4.14.38 - EMS software
- Application Server-v. 4.14.38 - EMS Software
- EMS Database Server-v. 4.14.38
- EMS Election Data Translator (EDT) - v. 4.14.38

14. Based on a thorough review of the aforementioned documents and subsequent analysis, in my expert opinion:

- a. Dominion Democracy Suite, version 4.14 was a modification of Dominion Democracy Suite 4.0, which was the original version of the 4.0 voting system. That system was first certified for use in Minnesota by the secretary of state in January 7, 2014 and has remained in use in Dakota County and some of its municipalities until the current election cycle.
- b. Dominion Democracy Suite version 5.5C is a modification of Dominion Democracy Suite, version 5.0, which was a new voting system distinct from the original Democracy Suite version 4.0 and all revisions of version 4.0.
- c. Any county or municipality opting to utilize any version of the Dominion Democracy Suite 5.0 for the first time in this election cycle will be utilizing a new election voting system in this election cycle, including recently certified Dominion Democracy Suite version 5.5C and 5.5CS.



Rick Weible

07/29/2022

803 Elk Street, Elkton, SD 57026

Paul Aumayr <paumayr@eac.gov>

Thu 7/7/2022 12:17 PM

To: Rick Weible <rick@rgvisions.com>

Good Afternoon

The Democracy Suite 5.0 is considered by the EAC to be a new voting system that has not previously been tested to applicable federal standards in the EAC Program. This is stated in the test plan, test report and the EAC certification documentation.

Democracy Suite 5.5-C is considered a modification of Democracy Suite 5.5-B, as stated in the test plan, test report and the EAC certification documentation.

Hopefully this answers your question.

Sincerely

Paul Aumayr | Sr. Election Technology Specialist
Election Assistance Commission
633 3rd Street NW, Suite 200 | Washington, DC 20001
www.eac.gov
PAumayr@EAC.gov

From: NoReply <no-reply@eac.gov>
Sent: Wednesday, July 6, 2022 7:14 PM
Subject: EAC Contact Form Submission

Submitted on Wed, 07/06/2022 - 7:13 PM

Submitted by: Anonymous

Submitted values are:

First Name
Rick

Last Name
Weible

Address
St. Bonifacius, Minnesota. 55375

Message
In reviewing the Dominion 4.14-E, 5.0, 5.5-C, it appears that the 4.14E is a separate voting system from the 5.0 version, in that the 5.0 is a new voting system. Where as we see some documentation that states "The D-Suite 5.5-C is a modification from the previously certified Democracy Suite 4.14-E Voting System (D-Suite 4.14-E)" we believe that the 5.5-C is a modification from 5.0 and that 5.0 is a new voting system from 4.14E....please let us know what is correct.

Thank you,

Rick

Phone Number
[6123064555](tel:6123064555)

Email
rick@rgvisions.com

Concerning
Voting System Testing And Certification

STATE OF MINNESOTA

IN SUPREME COURT

Case File No.

Bill Kieffer and Erik van Mechelen

Petitioners,

vs.

**The governing body of the municipality
Rosemount, MN,**

Respondent.

AFFIDAVIT OF WILLIAM KIEFFER

Affidavit of Bill Kieffer

1. I am over the age of 18 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I am a resident of Rosemount, Minnesota and currently reside at 3245 145TH Street West, Rosemount, MN 55068.
3. On January 4, 2022, the Rosemount City Council heard and passed a resolution to use the Dakota County Tribune as the city's official newspaper. (See attached.)
4. On May 2, 2022, the MN Secretary of State certified the use of the Electronic Voting System Dominion Democracy Suite 5.5-C.
5. The city of Rosemount has used Dominion Voting Systems Democracy Suite, version 4.14-E for the last several elections.
6. The city of Rosemount plans to begin using Dominion Voting Systems Democracy Suite, version 5.5-C in the August 9, 2022 primary election.
7. The Dominion Democracy Suite 5.5-C version is a new voting system in Rosemount, Minnesota.
8. Minnesota Statute 206.58, Subdivision 1 requires a city that approves the use of a new voting system to "disseminate information to the public about the use of a new voting system at least 60 days prior to the election and shall provide for instruction of voters with a demonstration voting system in a public place for the six weeks immediately prior to the first election at which the new voting system will be used."

9. I performed a search of all issues of the Dakota County Tribune from April 22, 2022 through June 17, 2022 and there was no information disseminated to the public about this new electronic voting system, or the location of the demonstration voting system.
10. I can be reached at (612) 845-6184 if you have any questions.

I, William J Kieffer, declare under penalty of perjury that everything I have stated in this
(Print name)

document is true and correct, to the best of my knowledge.

William J Kieffer
(Signature of person signing affidavit)

Dakota County, Minnesota
(County and State in which document signed)

7/30/2022
(Date)

*The Language of this affirmation is written pursuant to
MN Statute 358.116 COURT DOCUMENTS therefore this form does not need to be NOTORIZED.*



EXECUTIVE SUMMARY

City Council Regular Meeting: January 4, 2022

AGENDA ITEM: Designation of Official Newspaper	AGENDA SECTION: Consent
PREPARED BY: Erin Fasbender, City Clerk	AGENDA NO.: 6.d.
ATTACHMENTS: None	APPROVED BY: LJM
RECOMMENDED ACTION: Motion to designate Dakota County Tribune as the City's official newspaper for the year 2022.	

BACKGROUND

Staff is recommending designating the *Dakota County Tribune* as its official newspaper in 2022.

Staff received quotes from *Dakota County Tribune*, and *St. Paul Pioneer Press*, as follows:

Dakota County Tribune

- Currently designated Official Newspaper; no change in rate from 2021.
- Cost for legal ads in 2021 is \$7.20 per column inch, plus \$20 charge for any typing.
- All publication notices are due by 10:00 am on Tuesday for publication in the same week.

St. Paul Pioneer Press

- Cost for legal ads in 2021 is \$6.58 per column inch.
- Publication notices are due by 12:00 pm on the day prior to publication.

Per state statute 331A.04; If there are one or more qualified newspapers, the first priority for designating an official newspaper is that of a newspaper located within the political subdivision, staff recommends that a motion be made to designate the Dakota County Tribune.

RECOMMENDATION

All statutory cities are required to designate an official newspaper each year. All required legal documents and notices for the City of Rosemount will be published in the official newspaper. Staff recommends that a motion be made to designate the Dakota County Tribune as the City's official newspaper for 2022.

ROSEMOUNT CITY COUNCIL
REGULAR MEETING PROCEEDINGS
January 4, 2022

CONSENT AGENDA

Motion by Weisensel Second by Block

Motion to approve consent agenda items

- a. Bills Listing
- b. Minutes of the December 21 2021 Regular Meeting Proceedings
- c. Appointment of Acting Mayor
- d. Designation of Official Newspaper
- e. Establish 2022 Council Assignments
- f. Naming of Depositories and Financial Institutions
- g. Annual Electronic Funds Transfer Authorization
- h. Flexible Spending Account Transfer
- i. Fourth Quarter Budget Amendments
- j. Approve Updates to the Municipal Legislative Commission Agreement
- k. Donation Acceptance and Expenditure – Police Equipment Fund
- l. Criminal Justice Network (CJN) Joint Powers Agreement
- m. Officer Appointments
- n. Recognizing New Firefighters Off Probation
- o. 2022 CDBG Allocation
- p. 2022 Storm Basin Maintenance, City Project 2022-04: Receive Bids and Award Contract

Ayes: Weisensel, Block, Droste, Essler, Freske

Nays: None. Motion carried.

STATE OF MINNESOTA

IN SUPREME COURT

Case File No.

Bill Kieffer and Erik van Mechelen

Petitioners,

vs.

**The governing body of the municipality
Rosemount, MN,**

Respondent.

AFFIDAVIT OF HEIDI FLODIN

Affidavit of Heidi Flodin

1. I am over the age of 18 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I am a resident of Dakota County, Minnesota and currently reside at 13844 Sunset Lake Drive, Burnsville, MN 55337-7707.
3. On May 2, 2022, the MN Secretary of State certified the use of the Electronic Voting System Dominion Democracy Suite 5.5-C.
4. The city of Rosemount, MN- a municipality in Dakota County, has used Dominion Voting Systems Democracy Suite, version 4.14-E for the last several elections.
5. The city of Rosemount plans to begin using Dominion Voting Systems Democracy Suite, version 5.5-C in the August 9, 2022 primary election.
6. The Dominion Democracy Suite 5.5-C version is a new voting system in Rosemount, Minnesota.
7. Minnesota Statute 206.58. Subdivision 1 requires a city that approves the use of a new voting system to "disseminate information to the public about the use of a new voting system at least 60 days prior to the election and shall provide for instruction of voters with a demonstration voting system in a public place for the six weeks immediately prior to the first election at which the new voting system will be used."
8. Between the dates of July 14, 2022 and July 20, 2022, I engaged in email communication (see attached) with Rosemount, MN employees regarding the upcoming state primary elections.

9. On July 15, 2022, I provided Erin Fasbender, both the City Clerk and main contact for elections for Rosemount, MN, with information that the proposed voting system Dominion Democracy Suite version 5.5-C has been determined to be a new voting system by the Elections Assistance Commission (EAC).
10. I asked Ms. Fasbender if she was aware of the statutory requirements for municipalities that go with the new electronic voting systems.
11. Ms. Fasbender replied that Rosemount performed the demo in 2015 when the new system was purchased.
12. Ms. Fasbender stated Rosemount is in compliance with the voting system requirements.
13. I can be reached at (612) 716-5305 and hflodin@mail.com if you have any questions.

I, Heid. M. Flodin, declare under penalty of perjury that everything I have stated in this
(Print name)

document is true and correct, to the best of my knowledge.

Heid M. Flodin
(Signature of person signing affidavit)

Dakota County, Minnesota
(County and State in which document signed)

07/30/22
(Date)

*The Language of this affirmation is written pursuant to
MN Statute 358.116 COURT DOCUMENTS therefore this form does not need to be NOTORIZED.*

Sent: Thursday, July 14, 2022 10:35 PM
To: Martin, Logan <Logan.Martin@ci.rosemount.mn.us>; Foster, Emmy <emmy.foster@ci.rosemount.mn.us>
Subject: A couple of questions...

Hello, Mr. Martin and Ms. Foster:

As the primary is coming up, I am wondering if you know about the new electronic voting system? Could you please provide a link or PDF of the public notice for the new voting system? When and where was it published? When will the public demonstration of the new system take place?

With appreciation for your time in responding,

Heidi Flodin

Sent: Friday, July 15, 2022 at 8:48 AM
From: "Fasbender, Erin" <Erin.Fasbender@ci.rosemount.mn.us>
To: "hflodin@mail.com" <hflodin@mail.com>
Subject: RE: A couple of questions...

Hi Heidi,

I'm the City Clerk for Rosemount and the main contact regarding elections. I'm unsure if I understand your question regarding the new electronic voting system; are you referencing pollpads?

At this time the Public Accuracy Test (as required by [state statute](#) prior to each election) is tentatively scheduled for July 26th at 12:30 p.m. here at City Hall. However, the posting requirement is at least 2 days prior to the test. The [Dakota County Tribune](#) is our official newspaper where all required legal documents and noticed will be published.

Let me know if you'd like to chat to further discuss any questions you have.

Thanks,

From: Heidi Flodin <hflodin@mail.com>
Sent: Friday, July 15, 2022 11:50 AM
To: Fasbender, Erin <Erin.Fasbender@ci.rosemount.mn.us>
Subject: Re: RE: A couple of questions...

Hello, Erin!

Thank you for responding so quickly. No, I am not asking about e-poll pads or e-poll books.

Dakota County was using Dominion Voting System software version 4.14E until May of this year. This voting system included Microsoft operating system and server software that was beyond end-of-life and no longer supported. The software had not received any security patches or updates since January of 2020, yet was used in all of the 2020 and 2021 elections and some 2022 township elections.

Perhaps in an effort to amend this lack of security and support, at the end of May the county with the assistance of the Office of the Secretary of State upgraded to a new Dominion Voting System version 5.5C. 5.5C is a newer, though not the newest, modification of Dominion's new Voting System 5.0. According to the Elections Assistance Commission (EAC) 5.0 was a completely new voting system software unrelated to version 4.14E. Therefore the change is an upgrade to something new rather than just an update of something in use, and it even included the need for newer, faster hardware in the form of a new server.

The Office of the Secretary of State is certifying that because 5.5C is a modification of 5.0, this change is just a modification. However, the county did not update from 5.0 to 5.5C, instead they upgraded from 4.14E directly to 5.5C. If 5.0 is a new voting system completely separate from 4.14E, then any modification of 5.0 is also a new voting system completely separate from 4.14E, and the Office of the Secretary of State is in error and not in agreement with the EAC.

7/21/2022, 9:18 A

- RE: RE: A couple of questions...

<https://3c-lxa.mail.com/mail/client/mail/print;jsessionid=C366BF089>

Dakota County has a new electronic voting system. I was just wondering if you knew about it, and the statutory requirements for municipalities that go with it?

Respectfully,

Heidi Flodin

RE: RE: A couple of questions...

From: "Fasbender, Erin" <Erin.Fasbender@rosemountmn.gov>

To: "Heidi Flodin" <hflodin@mail.com>

Date: Jul 20, 2022 9:09:50 AM

Rosemount and the county conducted that demo in 2015, when the new system was purchased as statute requires the demonstration of a new voting system for 60 days prior to an election.

Rosemount is in compliance with the voting system requirements.