South Dakota 2022 Elections

Invalid Test Decks used in 2022 Elections
Confidence Was Never Established

by
Rick Weible
Midwest Swamp Watch

12/2/2022

Test Decks – Current Laws

- The front line in catching programming issues and establishing confidence.
  - 12-17B-5. Testing system before election--Public notice.
    Not more than ten days prior to an election, the person in charge of the election shall conduct a test of the automatic tabulating equipment to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the test shall be given at least forty-eight hours prior to the test by publication once in the official newspaper of the election jurisdiction. The test shall be open to the public. If any error is detected, the cause of the error shall be determined and corrected and an errorless count shall be made before the automatic tabulating equipment is approved.

  - 12-17B-12. Test of system repeated prior to counting ballots.
    The test required by § 12-17B-5 shall be repeated immediately before the start of the official count of the ballots.

SD SOS Administrative Rule - Current

- 5:02:09:01.02. Test of tabulating equipment. The person in charge of the election shall conduct tests of the automatic tabulating equipment as required in SDCL 12-17B-5 and 12-17B-12. The tests shall be conducted by processing a preaudited group of ballots in a test deck marked to record a predetermined number of valid votes for each candidate and each measure. A tally sheet shall be created prior to the machine count to fully show how the sample of ballots is marked and what the machine vote totals must be to prove an errorless count. If more than one ballot is used in the election, a test deck shall be made for each ballot that is unique in any way. The test deck(s) shall include for each office and ballot question:
- (1) One or more ballots with a vote for each candidate and each side of a ballot question;
- (2) One or more ballots which have votes in excess of the number allowed by law for each office and question; and
- (3) One or more ballots which contain an undervote.
- At least twenty-five test ballots shall be included in the total of all test decks. Individual test decks for individual ballots shall be of sufficient size to prove the accuracy of the system. If absentee ballots are to be received folded, at least ten percent of the test ballots in any individual test deck shall be similarly folded. The person conducting the test of the tabulating equipment shall date and sign the printout, verifying that the results of the machine's printed paper vote totals exactly match the tally sheet from which the sample of ballots was marked. The test deck(s), tally sheet, and signed printout must be secured and retained with the official ballots.
- The test procedure shall include the processing of at least one ballot completely blank to verify that the machine is correctly configured according to SDCL 12-17B-13.1.
- If more than one tabulating machine is to be used in the election, each machine shall be fully tested according to the ballot(s) which each machine will be used to count in the election.
- In addition to these tests, any test deck may be processed any time before or after completion of the official count.

Brookings County

- In the County Commissioners race 2 of the candidates had the same number of votes in the test deck.

SAMPLE GENERAL ELECTION BALLOT

A November 8, 2022

For County Commissioner At Large
you may vote for up to **three** or leave it blank

- **Shawn Hostler** Republican Party
- **Gretchen Weible** Republican Party
- **Kelly VanderWal** Republican Party
- **Timothy P. Bauer** Independent
- **Larry Jensen** Independent

NONPOLITICAL BALLOT

B Brookings County

For Judge of the Circuit Court, Position E Third Circuit
you may vote for **one** or leave it blank

- **Robert L. Spears**
- **Michael R. Moore**

For Judge of the Circuit Court, Position F Third Circuit
you may vote for **one** or leave it blank

- **Patrick Pardy**

C SOUTH DAKOTA

District 8

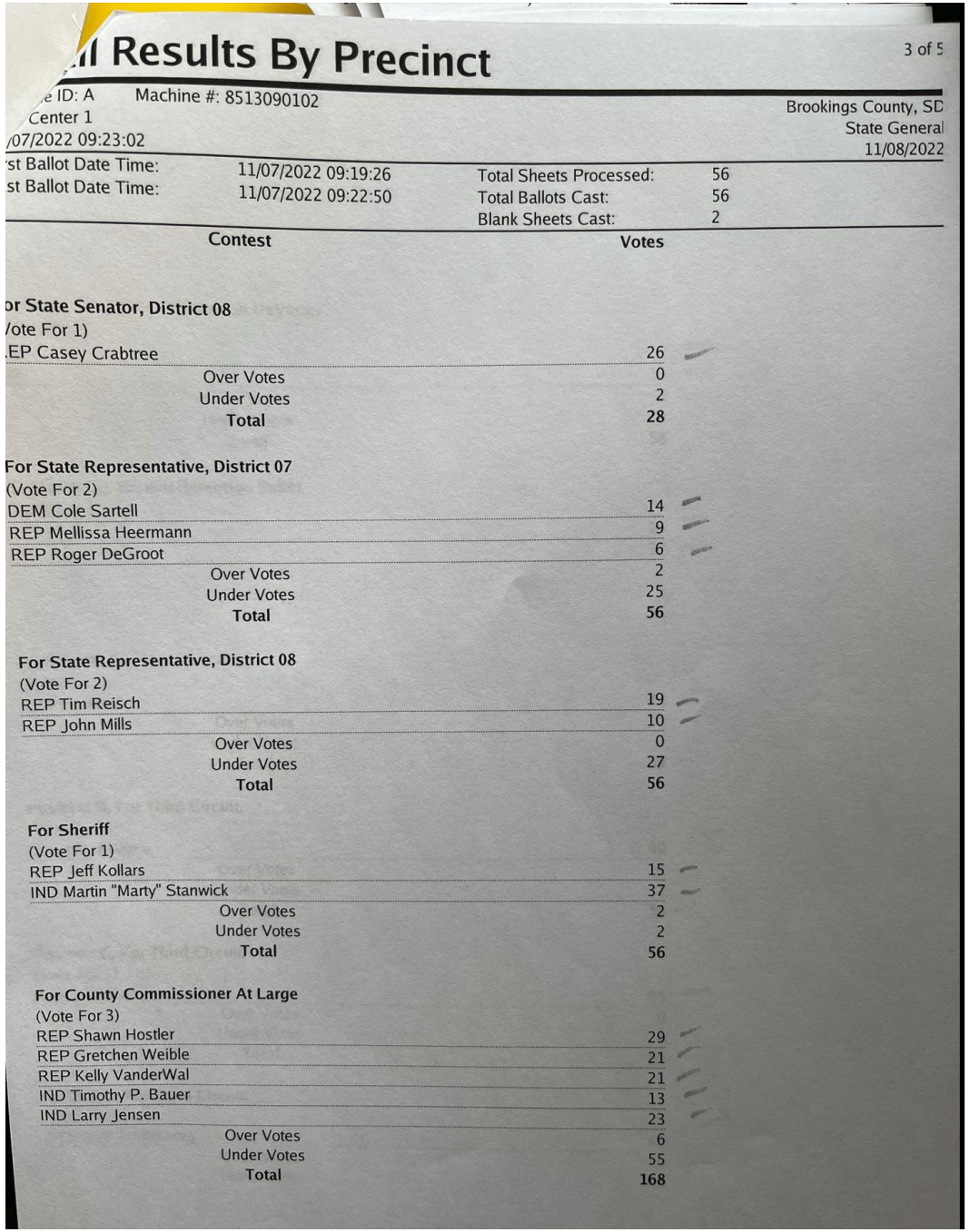
Constitutional Amendment D

Title: An initiated amendment to the So Dakota Constitution expanding Medicai eligibility.

Attorney General Explanation:
Medicaid is a program, funded by the St and the federal government, to provide medical coverage for low-income people are in certain designated categories. Th constitutional amendment expands Med eligibility in South Dakota. It requires the State to provide Medicaid benefits to an person over age 18 and under 65 whose income is
at or below 133% of the federal poverty plus 5% of the federal poverty level for t applicable family size, as provided in fe law. For people who qualify under this amendment, the State may not impose burdens or
restrictions that are greater than those imposed on any other person eligible fo

Brookings County

- In the County Commissioners race, 2 of the candidates had the same number of votes in the test deck.
- Gretchen Weible – 21
- Kelly Vanderwall – 21
- This would make it hard to determine if the votes were flipped due to a programming error.
- All nine precincts used the same vote counts for the test decks.
- The error impacted the entire county in all precincts.



l Results By Precinct

3 of 5

e ID: A Machine #: 8513090102
Center 1
/07/2022 09:23:02

Brookings County, SD
State General
11/08/2022

st Ballot Date Time: 11/07/2022 09:19:26
st Ballot Date Time: 11/07/2022 09:22:50

Total Sheets Processed: 56
Total Ballots Cast: 56
Blank Sheets Cast: 2

Contest	Votes
or State Senator, District 08	
/ote For 1)	
EP Casey Crabtree	26
Over Votes	0
Under Votes	2
Total	**28**
For State Representative, District 07	
(Vote For 2)	
DEM Cole Sartell	14
REP Mellissa Heermann	9
REP Roger DeGroot	6
Over Votes	2
Under Votes	25
Total	**56**
For State Representative, District 08	
(Vote For 2)	
REP Tim Reisch	19
REP John Mills	10
Over Votes	0
Under Votes	27
Total	**56**
For Sheriff	
(Vote For 1)	
REP Jeff Kollars	15
IND Martin "Marty" Stanwick	37
Over Votes	2
Under Votes	2
Total	**56**
For County Commissioner At Large	
(Vote For 3)	
REP Shawn Hostler	29
REP Gretchen Weible	21
REP Kelly VanderWal	21
IND Timothy P. Bauer	13
IND Larry Jensen	23
Over Votes	6
Under Votes	55
Total	**168**

2 candidates with same vote totals didn't establish proof of the accuracy of the system

- 5:02:09:01.02. Test of tabulating equipment. The person in charge of the election shall conduct tests of the automatic tabulating equipment as required in SDCL 12-17B-5 and 12-17B-12. The tests shall be conducted by processing a preaudited group of ballots in a test deck marked to record a predetermined number of valid votes for each candidate and each measure. A tally sheet shall be created prior to the machine count to fully show how the sample of ballots is marked and what the machine vote totals must be to prove an errorless count. If more than one ballot is used in the election, a test deck shall be made for each ballot that is unique in any way. The test deck(s) shall include for each office and ballot question:
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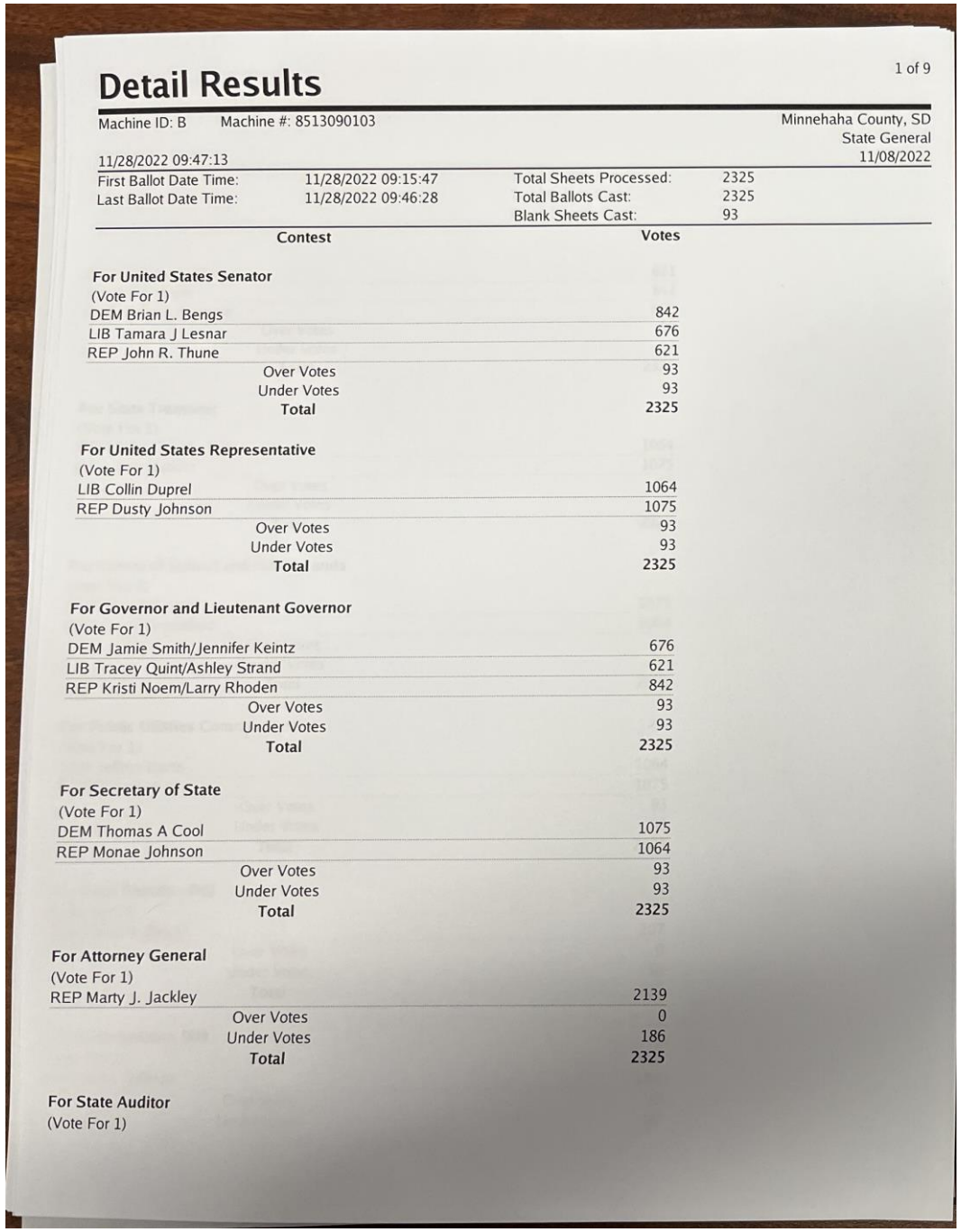
- If more than one tabulating machine is to be used in the election, each machine shall be fully tested according to the ballot(s) which each machine will be used to count in the election.
- In addition to these tests, any test deck may be processed any time before or after completion of the official count.

Minnehaha County

- In this test deck we can see that multiple candidates have the same votes for them across races:
- Candidates for US Senate and Gov races have same numbers used.
- Candidates for US Rep and SOS races have the same numbers used.
- This would make it hard to determine if the votes were crossed due to a programming error.
- These errors impacted the entire county in all precincts.



Detail Results

Machine ID: B Machine #: 8513090103

Minnehaha County, SD
State General
11/08/2022

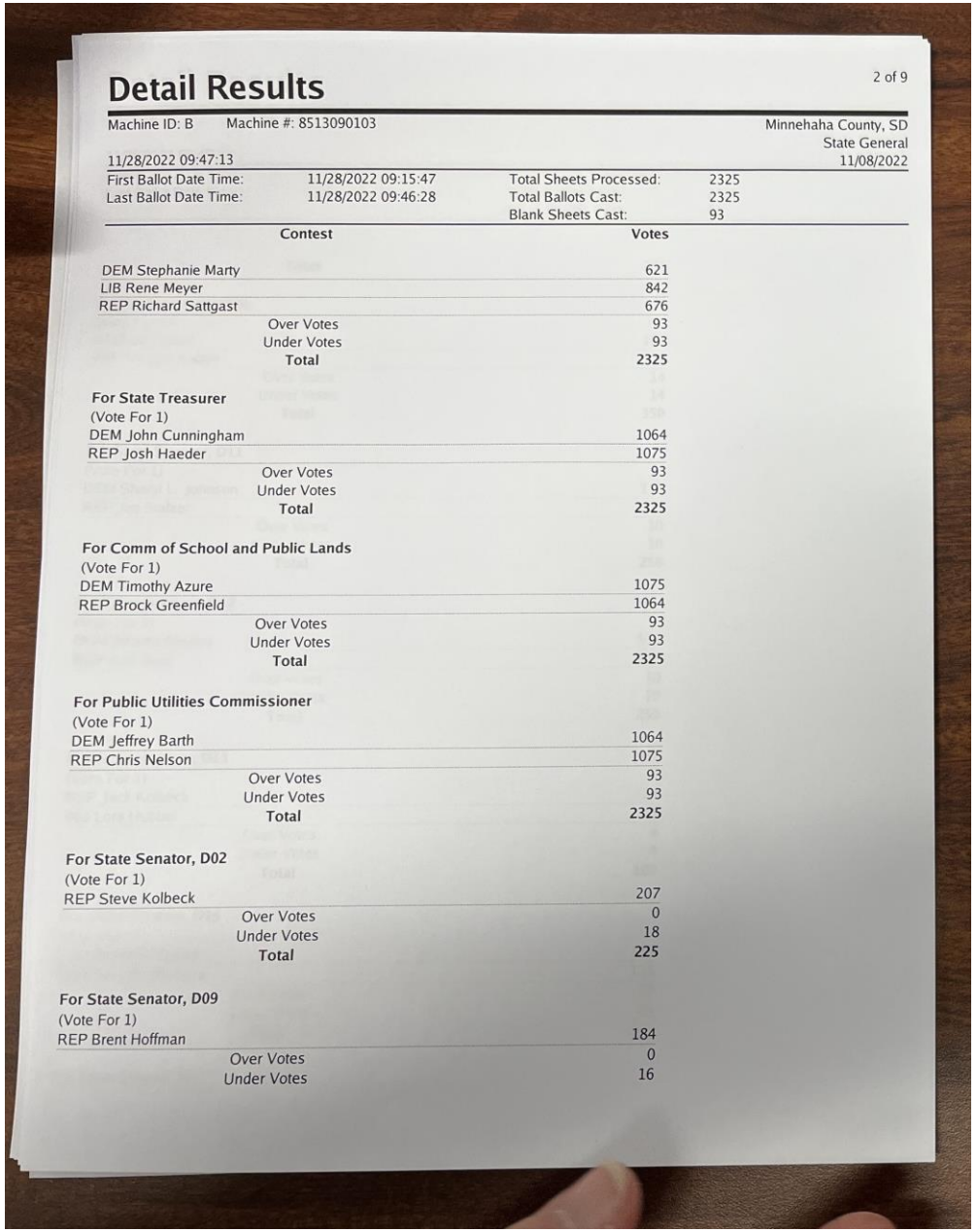
11/28/2022 09:47:13

First Ballot Date Time:	11/28/2022 09:15:47	Total Sheets Processed:	2325
Last Ballot Date Time:	11/28/2022 09:46:28	Total Ballots Cast:	2325
		Blank Sheets Cast:	93

Contest	Votes
For United States Senator	
(Vote For 1)	
DEM Brian L. Bengs	842
LIB Tamara J Lesnar	676
REP John R. Thune	621
Over Votes	93
Under Votes	93
Total	**2325**
For United States Representative	
(Vote For 1)	
LIB Collin Duprel	1064
REP Dusty Johnson	1075
Over Votes	93
Under Votes	93
Total	**2325**
For Governor and Lieutenant Governor	
(Vote For 1)	
DEM Jamie Smith/Jennifer Keintz	676
LIB Tracey Quint/Ashley Strand	621
REP Kristi Noem/Larry Rhoden	842
Over Votes	93
Under Votes	93
Total	**2325**
For Secretary of State	
(Vote For 1)	
DEM Thomas A Cool	1075
REP Monae Johnson	1064
Over Votes	93
Under Votes	93
Total	**2325**
For Attorney General	
(Vote For 1)	
REP Marty J. Jackley	2139
Over Votes	0
Under Votes	186
Total	**2325**
For State Auditor	
(Vote For 1)	

Minnehaha County

- In this test deck we can see that multiple candidates have the same votes for them across races:
- Candidates for US Senate, Gov and State Auditor races have same numbers used.
- Candidates for Treasurer, School & Public Lands, and Public Utilities races have same numbers used.
- This would make it hard to determine if the votes were crossed due to a programming error.
- These errors impacted the entire county in all precincts.



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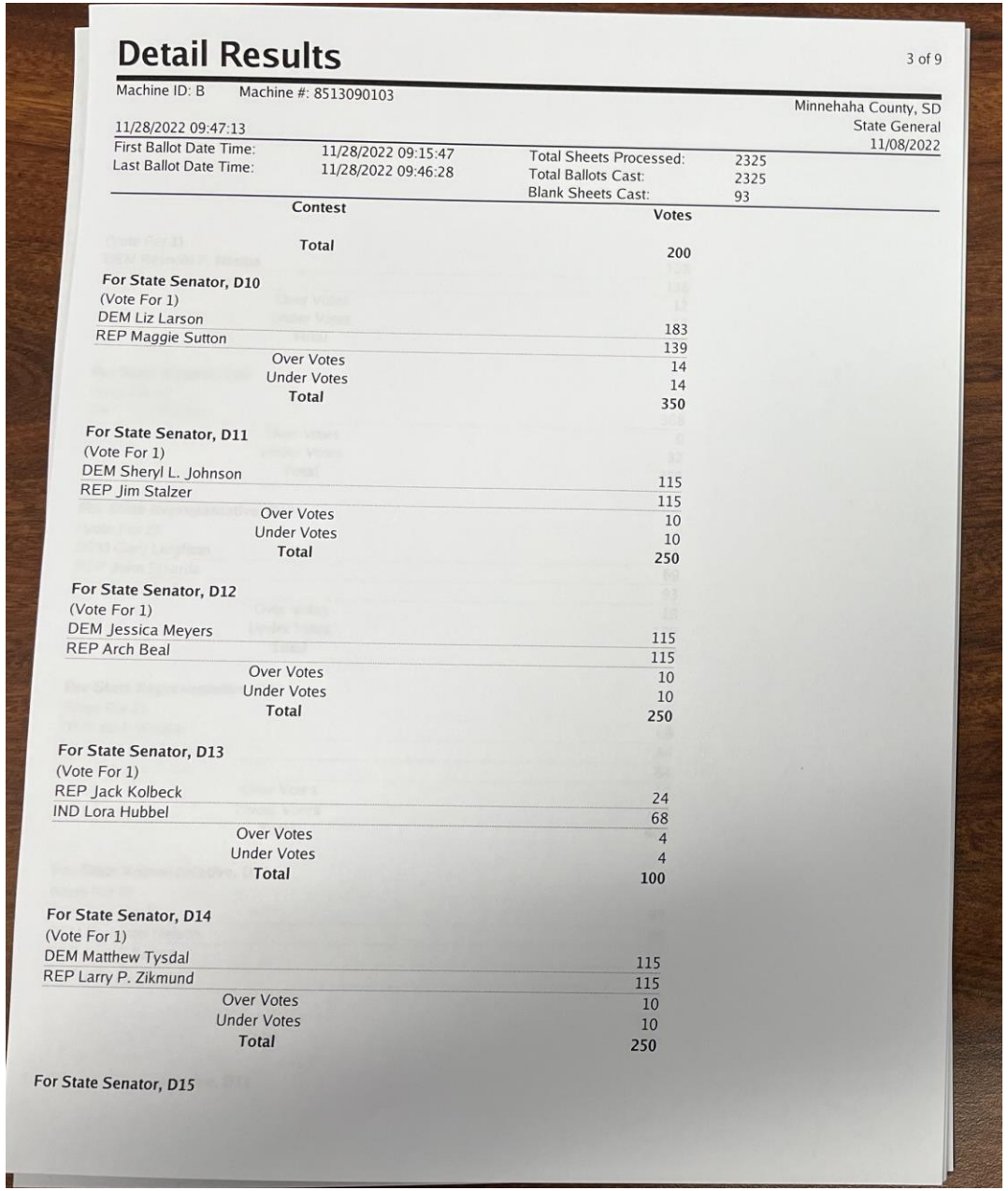
Contest	Votes
DEM Stephanie Marty	621
LIB Rene Meyer	842
REP Richard Sattgast	676
Over Votes	93
Under Votes	93
Total	**2325**
For State Treasurer	
(Vote For 1)	
DEM John Cunningham	1064
REP Josh Haeder	1075
Over Votes	93
Under Votes	93
Total	**2325**
For Comm of School and Public Lands	
(Vote For 1)	
DEM Timothy Azure	1075
REP Brock Greenfield	1064
Over Votes	93
Under Votes	93
Total	**2325**
For Public Utilities Commissioner	
(Vote For 1)	
DEM Jeffrey Barth	1064
REP Chris Nelson	1075
Over Votes	93
Under Votes	93
Total	**2325**
For State Senator, D02	
(Vote For 1)	
REP Steve Kolbeck	207
Over Votes	0
Under Votes	18
Total	**225**
For State Senator, D09	
(Vote For 1)	
REP Brent Hoffman	184
Over Votes	0
Under Votes	16

Minnehaha County

- In this test deck we can see that multiple candidates have the same votes for them across races:
- Senate District 11, 12, and 14 all 6 candidates have the same 115 votes.
- This would make it hard to determine if votes were flipped within each senate race.
- This would make it hard to determine if the votes were crossed due to a programming error.
- These errors impacted the entire county in all precincts.



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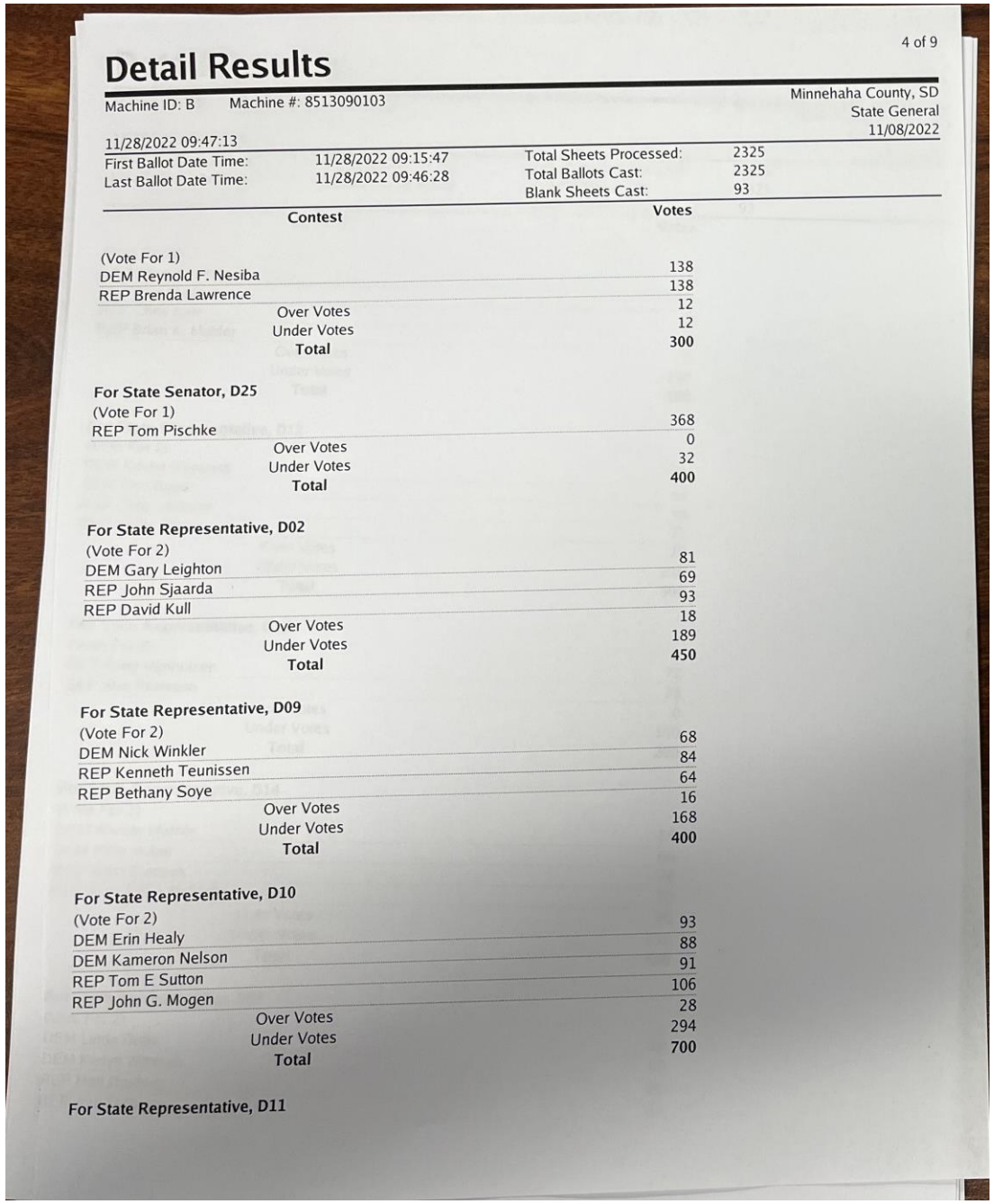
Contest	Votes
Total	**200**
For State Senator, D10	
(Vote For 1)	
DEM Liz Larson	183
REP Maggie Sutton	139
Over Votes	14
Under Votes	14
Total	**350**
For State Senator, D11	
(Vote For 1)	
DEM Sheryl L. Johnson	115
REP Jim Stalzer	115
Over Votes	10
Under Votes	10
Total	**250**
For State Senator, D12	
(Vote For 1)	
DEM Jessica Meyers	115
REP Arch Beal	115
Over Votes	10
Under Votes	10
Total	**250**
For State Senator, D13	
(Vote For 1)	
REP Jack Kolbeck	24
IND Lora Hubbel	68
Over Votes	4
Under Votes	4
Total	**100**
For State Senator, D14	
(Vote For 1)	
DEM Matthew Tysdal	115
REP Larry P. Zikmund	115
Over Votes	10
Under Votes	10
Total	**250**
For State Senator, D15	

Minnehaha County

- In this test deck we can see that multiple candidates have the same votes for them across races:
- Senate District 15 both candidates have the same 138 votes. This would make it hard to determine if votes were flipped within the senate race.
- House Race D02 and D10 use 93 for a candidate. This would make it hard to determine if the votes were crossed due to a programming error.
- These errors impacted the entire county in all precincts.



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Contest	Votes
(Vote For 1)	
DEM Reynold F. Nesiba	138
REP Brenda Lawrence	138
Over Votes	12
Under Votes	12
Total	**300**
For State Senator, D25	
(Vote For 1)	
REP Tom Pischke	368
Over Votes	0
Under Votes	32
Total	**400**
For State Representative, D02	
(Vote For 2)	
DEM Gary Leighton	81
REP John Sjaarda	69
REP David Kull	93
Over Votes	18
Under Votes	189
Total	**450**
For State Representative, D09	
(Vote For 2)	
DEM Nick Winkler	68
REP Kenneth Teunissen	84
REP Bethany Soye	64
Over Votes	16
Under Votes	168
Total	**400**
For State Representative, D10	
(Vote For 2)	
DEM Erin Healy	93
DEM Kameron Nelson	88
REP Tom E Sutton	91
REP John G. Mogen	106
Over Votes	28
Under Votes	294
Total	**700**
For State Representative, D11	

Minnehaha County

- In this test deck we can see that multiple candidates have the same votes for them across races:
- House District 11 2 candidates have the same 70 votes, and the other 2 have 65 votes. This would make it hard to determine if votes were flipped within the house race.
- House Race D15 a candidate is also using 65 votes. This would make it hard to determine if the votes were crossed with District 11 due to a programming error.
- These errors impacted the entire county in all precincts.

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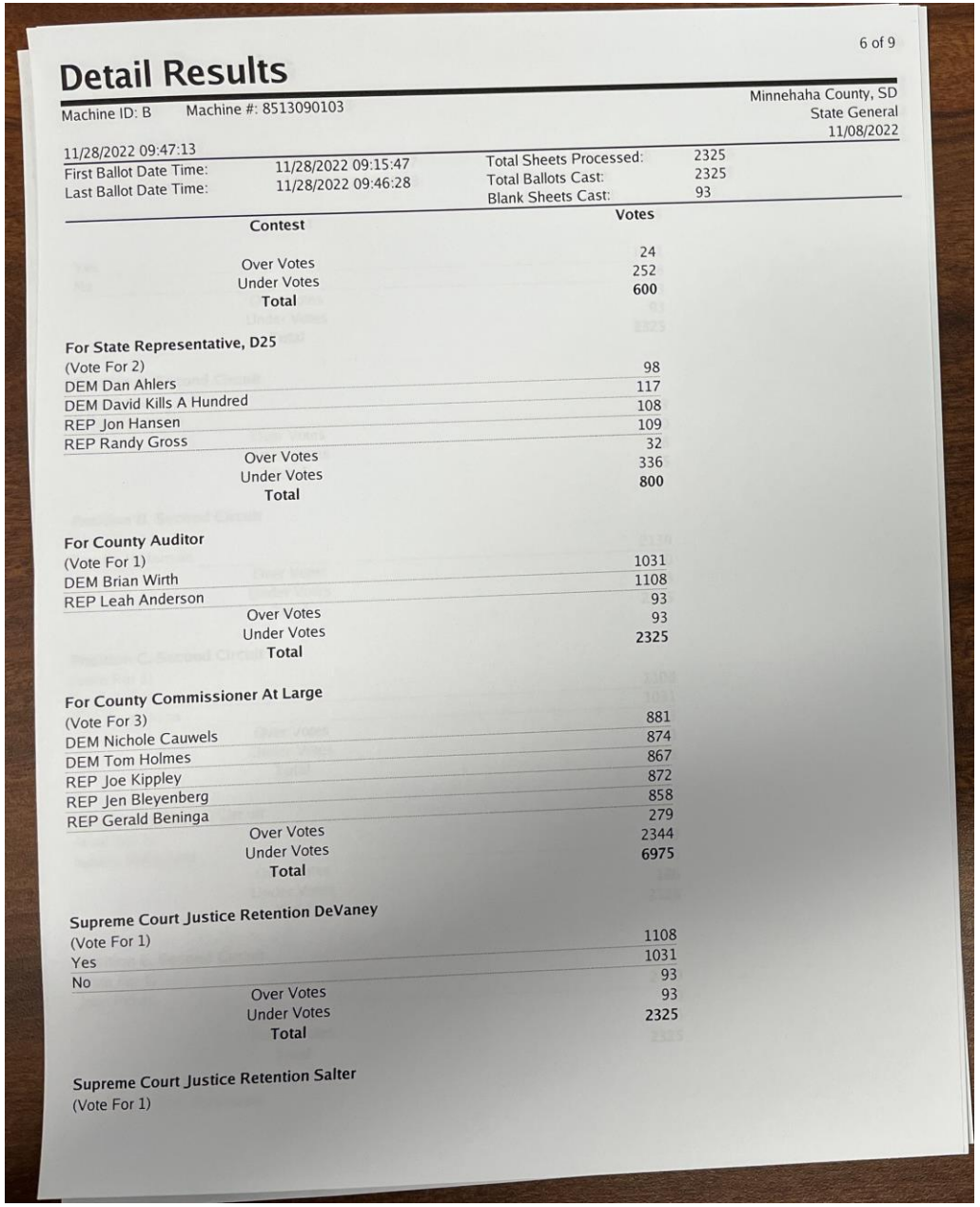
Contest	Votes
(Vote For 2)	
DEM Margaret Kuipers	70
DEM Kim Parke	65
REP Chris Karr	70
REP Brian K. Mulder	65
Over Votes	20
Under Votes	210
Total	**500**
For State Representative, D12	
(Vote For 2)	
DEM Kristin Hayward	77
DEM Erin Royer	64
REP Greg Jamison	58
REP Amber Arlint	71
Over Votes	20
Under Votes	210
Total	**500**
For State Representative, D13	
(Vote For 2)	
REP Tony Venhuizen	72
REP Sue Peterson	28
Over Votes	0
Under Votes	100
Total	**200**
For State Representative, D14	
(Vote For 2)	
DEM Wendy Mamer	66
DEM Mike Huber	60
REP Tyler Tordsen	74
REP Taylor Rae Rehfeldt	70
Over Votes	20
Under Votes	210
Total	**500**
For State Representative, D15	
(Vote For 2)	
DEM Linda Duba	82
DEM Kadyn Wittman	92
REP Matt Rosburg	85
REP Joni Tschetter	65

Minnehaha County

- In this test deck we can see that multiple candidates have the same votes for them across races:
- The County Auditor candidates share the same vote assignments as the Supreme Court Retention DeVaney race. This would make it hard to determine if the votes were crossed due to a programming error.
- These errors impacted the entire county in all precincts.



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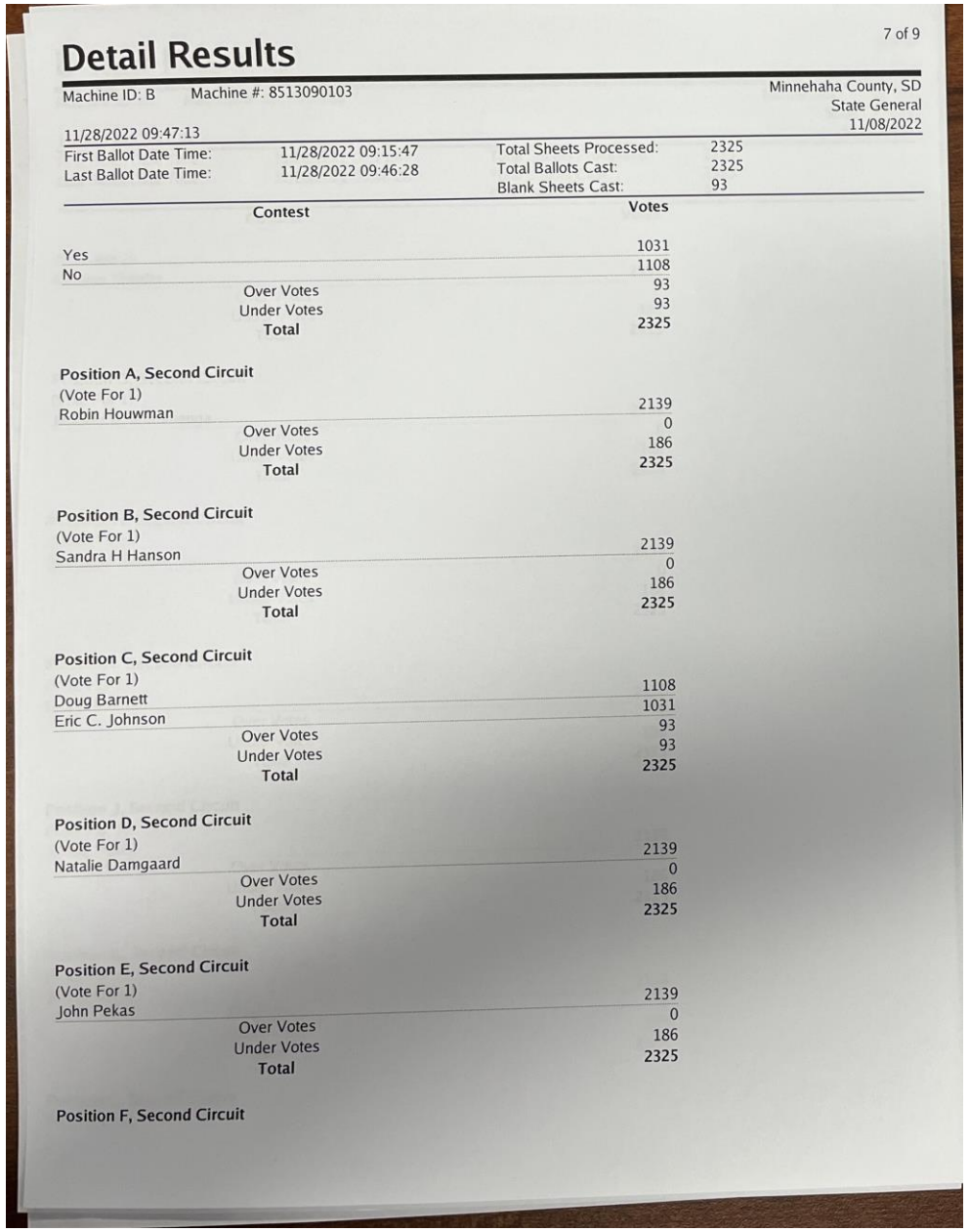
Contest	Votes
Over Votes	24
Under Votes	252
Total	**600**
For State Representative, D25	
(Vote For 2)	
DEM Dan Ahlers	98
DEM David Kills A Hundred	117
REP Jon Hansen	108
REP Randy Gross	109
Over Votes	32
Under Votes	336
Total	**800**
For County Auditor	
(Vote For 1)	
DEM Brian Wirth	1031
REP Leah Anderson	1108
Over Votes	93
Under Votes	93
Total	**2325**
For County Commissioner At Large	
(Vote For 3)	
DEM Nichole Cauwels	881
DEM Tom Holmes	874
REP Joe Kippley	867
REP Jen Bleyenberg	872
REP Gerald Beninga	858
Over Votes	279
Under Votes	2344
Total	**6975**
Supreme Court Justice Retention DeVaney	
(Vote For 1)	
Yes	1108
No	1031
Over Votes	93
Under Votes	93
Total	**2325**
Supreme Court Justice Retention Salter	
(Vote For 1)	

Minnehaha County

- In this test deck we can see that multiple candidates have the same votes for them across races:
- The Judge Salter retention race at the top and the Barnett/Johnson race use the same vote number assignments. As do all the Second Circuit positions. This would make it hard to determine if the votes were crossed due to a programming error.
- These errors impacted the entire county in all precincts.



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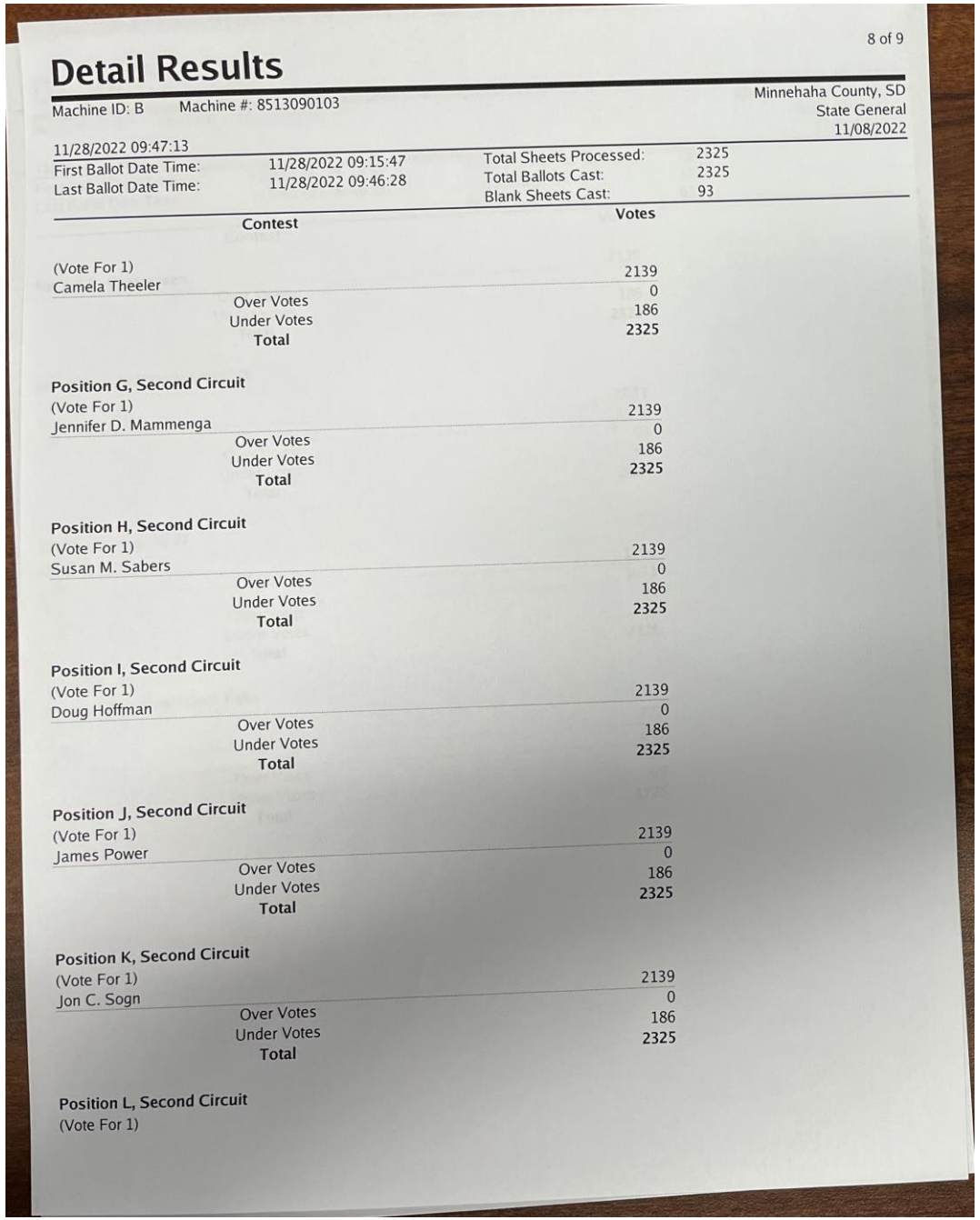
Contest	Votes
Yes	1031
No	1108
Over Votes	93
Under Votes	93
Total	**2325**
Position A, Second Circuit	
(Vote For 1)	
Robin Houwman	2139
Over Votes	0
Under Votes	186
Total	**2325**
Position B, Second Circuit	
(Vote For 1)	
Sandra H Hanson	2139
Over Votes	0
Under Votes	186
Total	**2325**
Position C, Second Circuit	
(Vote For 1)	
Doug Barnett	1108
Eric C. Johnson	1031
Over Votes	93
Under Votes	93
Total	**2325**
Position D, Second Circuit	
(Vote For 1)	
Natalie Damgaard	2139
Over Votes	0
Under Votes	186
Total	**2325**
Position E, Second Circuit	
(Vote For 1)	
John Pekas	2139
Over Votes	0
Under Votes	186
Total	**2325**
Position F, Second Circuit	

Minnehaha County

- In this test deck we can see that multiple candidates have the same votes for them across races:
- All of the Second Circuit Court races use the same vote numbers. This would make it hard to determine if the votes were crossed due to a programming error.
- These errors impacted the entire county in all precincts.



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Contest		Votes
(Vote For 1)		
Camela Theeler		2139
	Over Votes	0
	Under Votes	186
	Total	**2325**
Position G, Second Circuit		
(Vote For 1)		
Jennifer D. Mammenga		2139
	Over Votes	0
	Under Votes	186
	Total	**2325**
Position H, Second Circuit		
(Vote For 1)		
Susan M. Sabers		2139
	Over Votes	0
	Under Votes	186
	Total	**2325**
Position I, Second Circuit		
(Vote For 1)		
Doug Hoffman		2139
	Over Votes	0
	Under Votes	186
	Total	**2325**
Position J, Second Circuit		
(Vote For 1)		
James Power		2139
	Over Votes	0
	Under Votes	186
	Total	**2325**
Position K, Second Circuit		
(Vote For 1)		
Jon C. Sogn		2139
	Over Votes	0
	Under Votes	186
	Total	**2325**
Position L, Second Circuit		
(Vote For 1)		

Minnehaha County

- In this test deck we can see that multiple candidates have the same votes for them across races:
- Both the Amendment D and Initiated Measure 27, use the same vote numbers between races. This would make it hard to determine if the votes were crossed due to a programming error.
- These errors impacted the entire county in all precincts.

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Contest		Votes
Rachel R. Rasmussen		2139
	Over Votes	0
	Under Votes	186
	Total	**2325**
Constitutional Amendment D		
(Vote For 1)		
Yes		1031
No		1108
	Over Votes	93
	Under Votes	93
	Total	**2325**
Initiated Measure 27		
(Vote For 1)		
Yes		1108
No		1031
	Over Votes	93
	Under Votes	93
	Total	**2325**
Initiated Measure Sioux Falls		
(Vote For 1)		
Yes		777
No		810
	Over Votes	69
	Under Votes	69
	Total	**1725**

Minnehaha failed to establish proof of the accuracy of the tabulators.

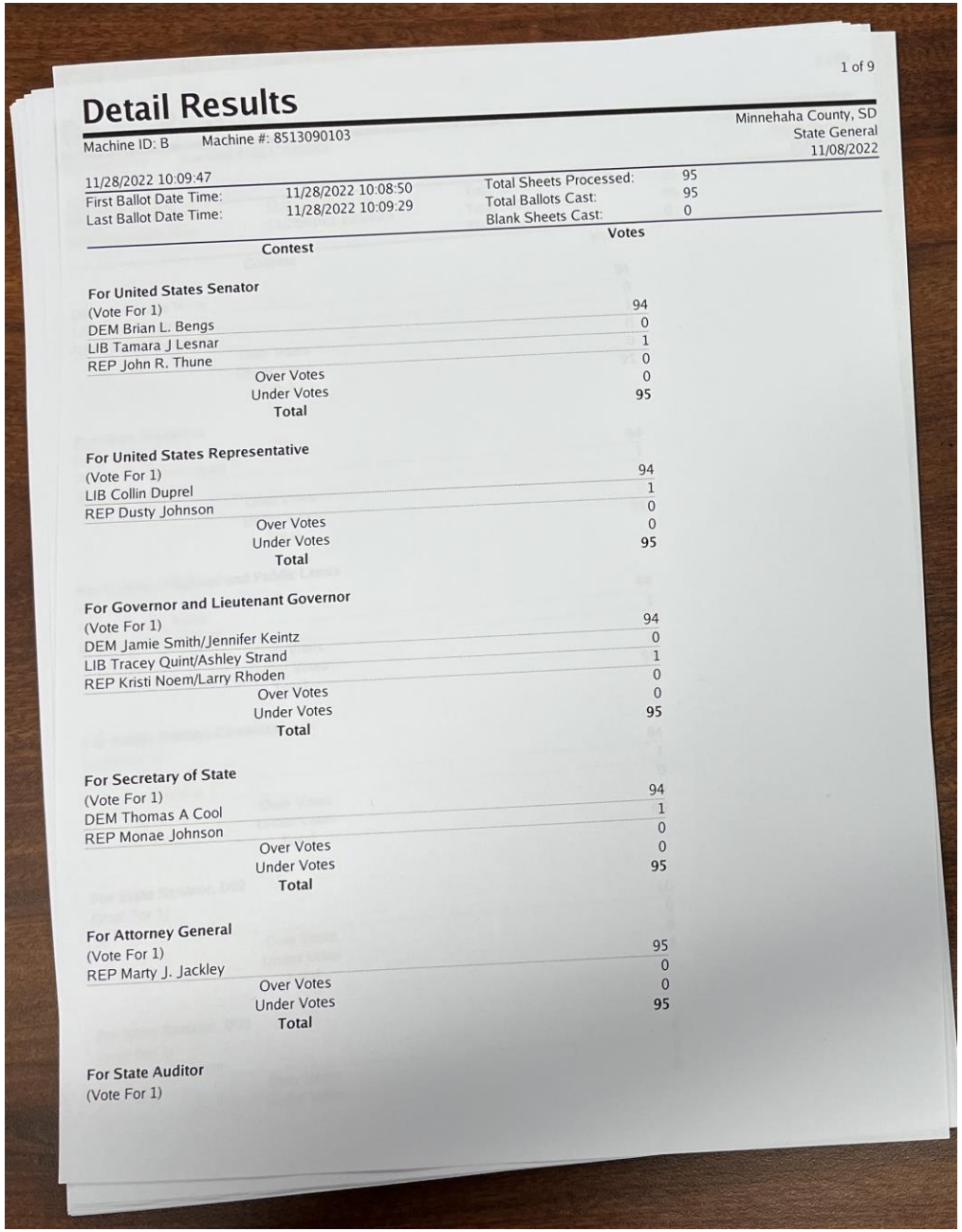
- 5:02:09:01.02. Test of tabulating equipment. The person in charge of the election shall conduct tests of the automatic tabulating equipment as required in SDCL 12-17B-5 and 12-17B-12. The tests shall be conducted by processing a preaudited group of ballots in a test deck marked to record a predetermined number of valid votes for each candidate and each measure. A tally sheet shall be created prior to the machine count to fully show how the sample of ballots is marked and what the machine vote totals must be to prove an errorless count. If more than one ballot is used in the election, a test deck shall be made for each ballot that is unique in any way. The test deck(s) shall include for each office and ballot question:
- (1) One or more ballots with a vote for each candidate and each side of a ballot question;
- (2) One or more ballots which have votes in excess of the number allowed by law for each office and question; and
- (3) One or more ballots which contain an undervote.
- At least twenty-five test ballots shall be included in the total of all test decks. **Individual test decks for individual ballots shall be of sufficient size to prove the accuracy of the system.** If absentee ballots are to be received folded, at least ten percent of the test ballots in any individual test deck shall be similarly folded. The person conducting the test of the tabulating equipment shall date and sign the printout, verifying that the results of the machine's printed paper vote totals exactly match the tally sheet from which the sample of ballots was marked. The test deck(s), tally sheet, and signed printout must be secured and retained with the official ballots.
- The test procedure shall include the processing of at least one ballot completely blank to verify that the machine is correctly configured according to SDCL 12-17B-13.1.
- If more than one tabulating machine is to be used in the election, each machine shall be fully tested according to the ballot(s) which each machine will be used to count in the election.
- In addition to these tests, any test deck may be processed any time before or after completion of the official count.

But wait….there is more…..

- Now we review the Express Vote System Test Decks.

Minnehaha County ExpressVote

- In this test deck we can see that multiple candidates have the same votes for them across races.
- Some candidates have no votes selected for them.
- No Blank ballots were tested.
- No over or under votes were tested.
- These issues are in direct violation of the administrative rules.
- These errors impacted the entire county in all precincts.



Detail Results

Minnehaha County, SD
State General
11/08/2022

Machine ID: B Machine #: 8513090103

11/28/2022 10:09:47

First Ballot Date Time:	11/28/2022 10:08:50	Total Sheets Processed:	95
Last Ballot Date Time:	11/28/2022 10:09:29	Total Ballots Cast:	95
		Blank Sheets Cast:	0

Contest	Votes
For United States Senator	
(Vote For 1)	
DEM Brian L. Bengs	94
LIB Tamara J Lesnar	0
REP John R. Thune	1
Over Votes	0
Under Votes	0
Total	**95**
For United States Representative	
(Vote For 1)	
LIB Collin Duprel	94
REP Dusty Johnson	1
Over Votes	0
Under Votes	0
Total	**95**
For Governor and Lieutenant Governor	
(Vote For 1)	
DEM Jamie Smith/Jennifer Keintz	94
LIB Tracey Quint/Ashley Strand	0
REP Kristi Noem/Larry Rhoden	1
Over Votes	0
Under Votes	0
Total	**95**
For Secretary of State	
(Vote For 1)	
DEM Thomas A Cool	94
REP Monae Johnson	1
Over Votes	0
Under Votes	0
Total	**95**
For Attorney General	
(Vote For 1)	
REP Marty J. Jackley	95
Over Votes	0
Under Votes	0
Total	**95**
For State Auditor	
(Vote For 1)	

Minnehaha County ExpressVote

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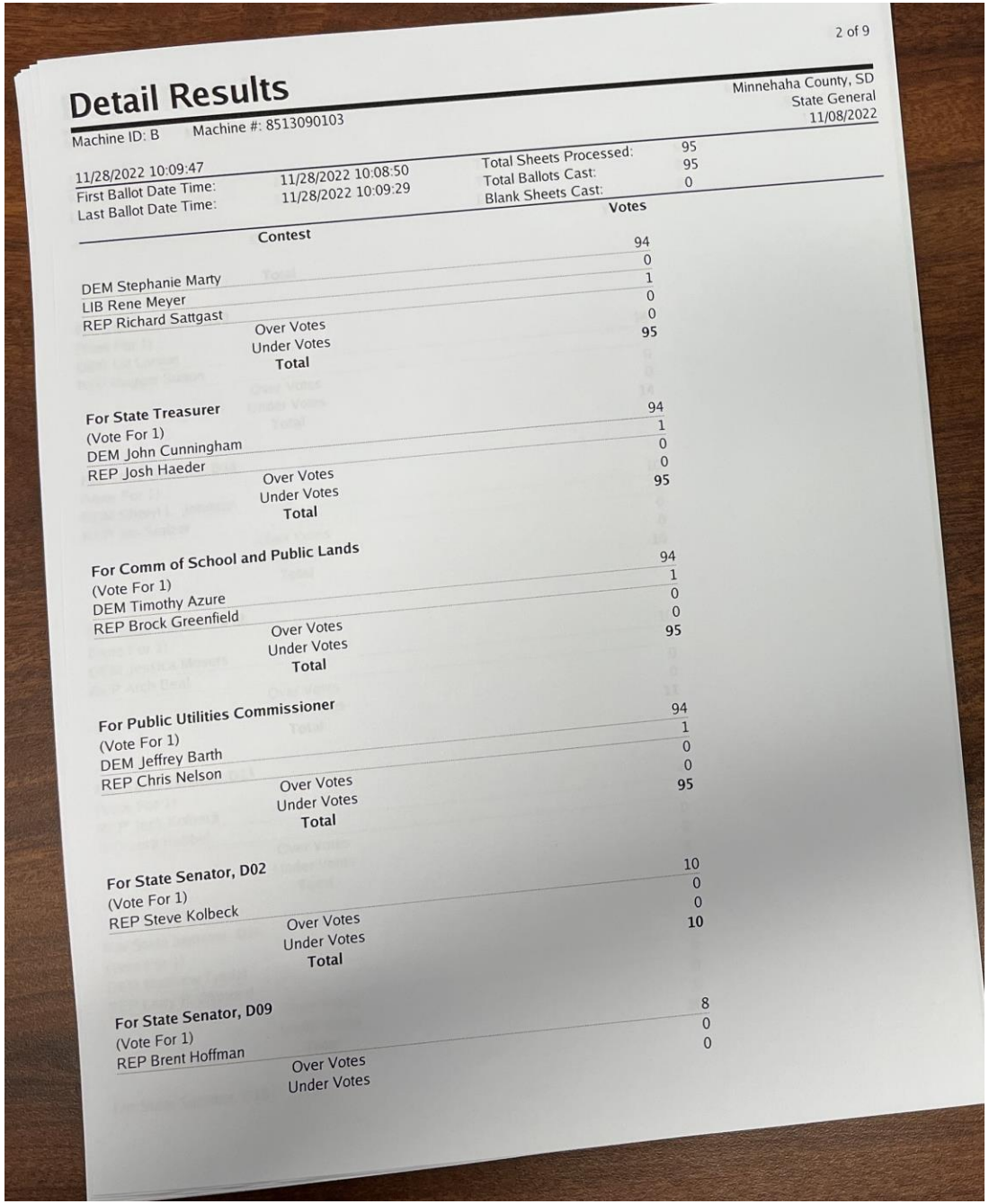

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Detail Results

Minnehaha County, SD
State General
11/08/2022

Machine ID: B Machine #: 8513090103

11/28/2022 10:09:47

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Contest	Votes
DEM Stephanie Marty	94
LIB Rene Meyer	0
REP Richard Sattgast	1
Over Votes	0
Under Votes	0
Total	**95**
For State Treasurer (Vote For 1)	
DEM John Cunningham	94
REP Josh Haeder	1
Over Votes	0
Under Votes	0
Total	**95**
For Comm of School and Public Lands (Vote For 1)	
DEM Timothy Azure	94
REP Brock Greenfield	1
Over Votes	0
Under Votes	0
Total	**95**
For Public Utilities Commissioner (Vote For 1)	
DEM Jeffrey Barth	94
REP Chris Nelson	1
Over Votes	0
Under Votes	0
Total	**95**
For State Senator, D02 (Vote For 1)	
REP Steve Kolbeck	10
Over Votes	0
Under Votes	0
Total	**10**
For State Senator, D09 (Vote For 1)	
REP Brent Hoffman	8
Over Votes	0
Under Votes	0

Minnehaha County ExpressVote

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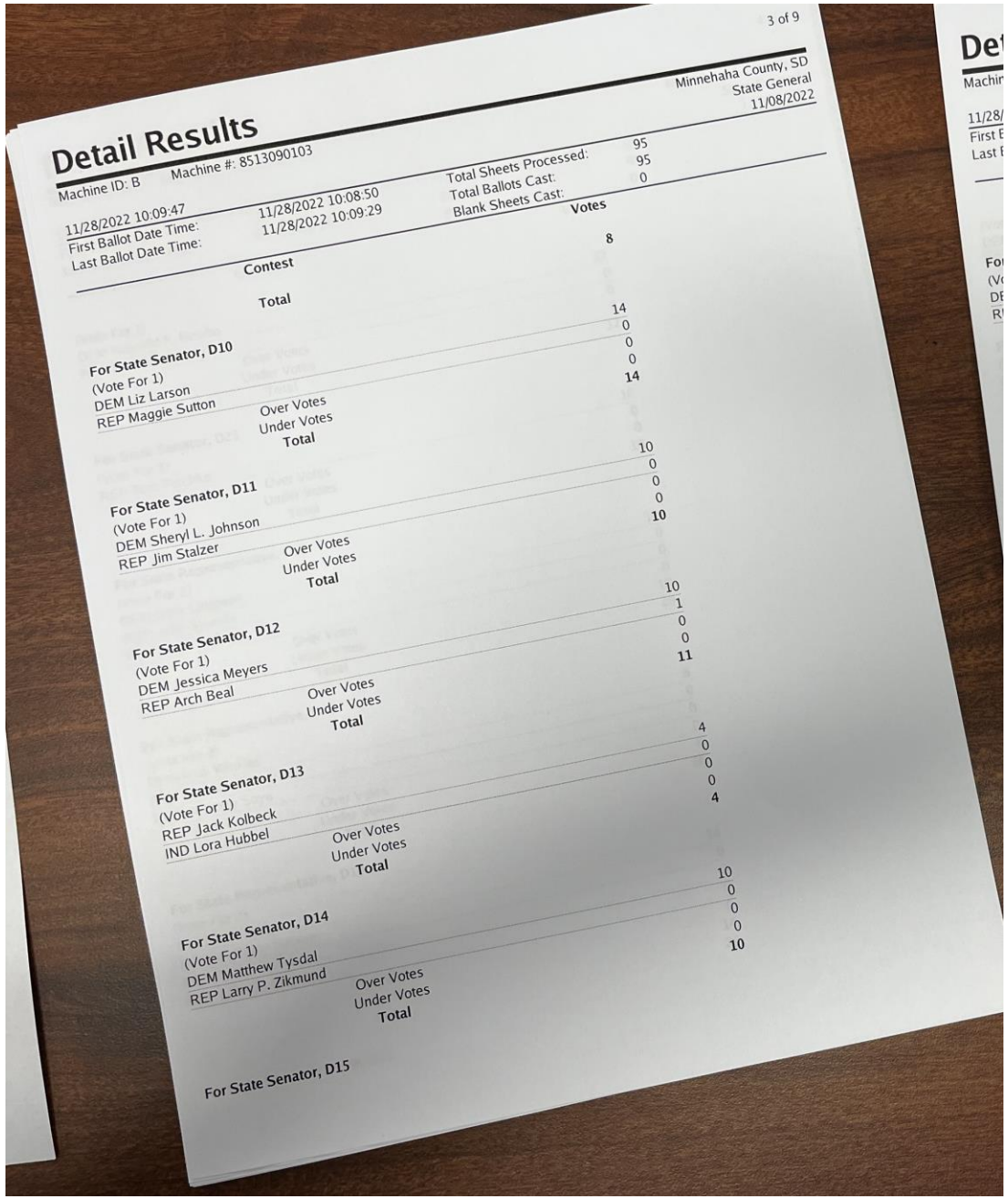

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Minnehaha County, SD
State General
11/08/2022

Detail Results

Machine ID: B Machine #: 8513090103

11/28/2022 10:09:47
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Last Ballot Date Time: 11/28/2022 10:09:29

Total Sheets Processed: 95
Total Ballots Cast: 95
Blank Sheets Cast: 0

Contest	Votes
For State Senator, D10	
(Vote For 1)	
DEM Liz Larson	8
REP Maggie Sutton	14
Over Votes	0
Under Votes	0
Total	0
	14
For State Senator, D11	
(Vote For 1)	
DEM Sheryl L. Johnson	10
REP Jim Stalzer	0
Over Votes	0
Under Votes	0
Total	**10**
For State Senator, D12	
(Vote For 1)	
DEM Jessica Meyers	10
REP Arch Beal	1
Over Votes	0
Under Votes	0
Total	**11**
For State Senator, D13	
(Vote For 1)	
REP Jack Kolbeck	4
IND Lora Hubbel	0
Over Votes	0
Under Votes	0
Total	**4**
For State Senator, D14	
(Vote For 1)	
DEM Matthew Tysdal	10
REP Larry P. Zikmund	0
Over Votes	0
Under Votes	0
Total	**10**
For State Senator, D15	

Minnehaha County ExpressVote

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- No over votes were tested.
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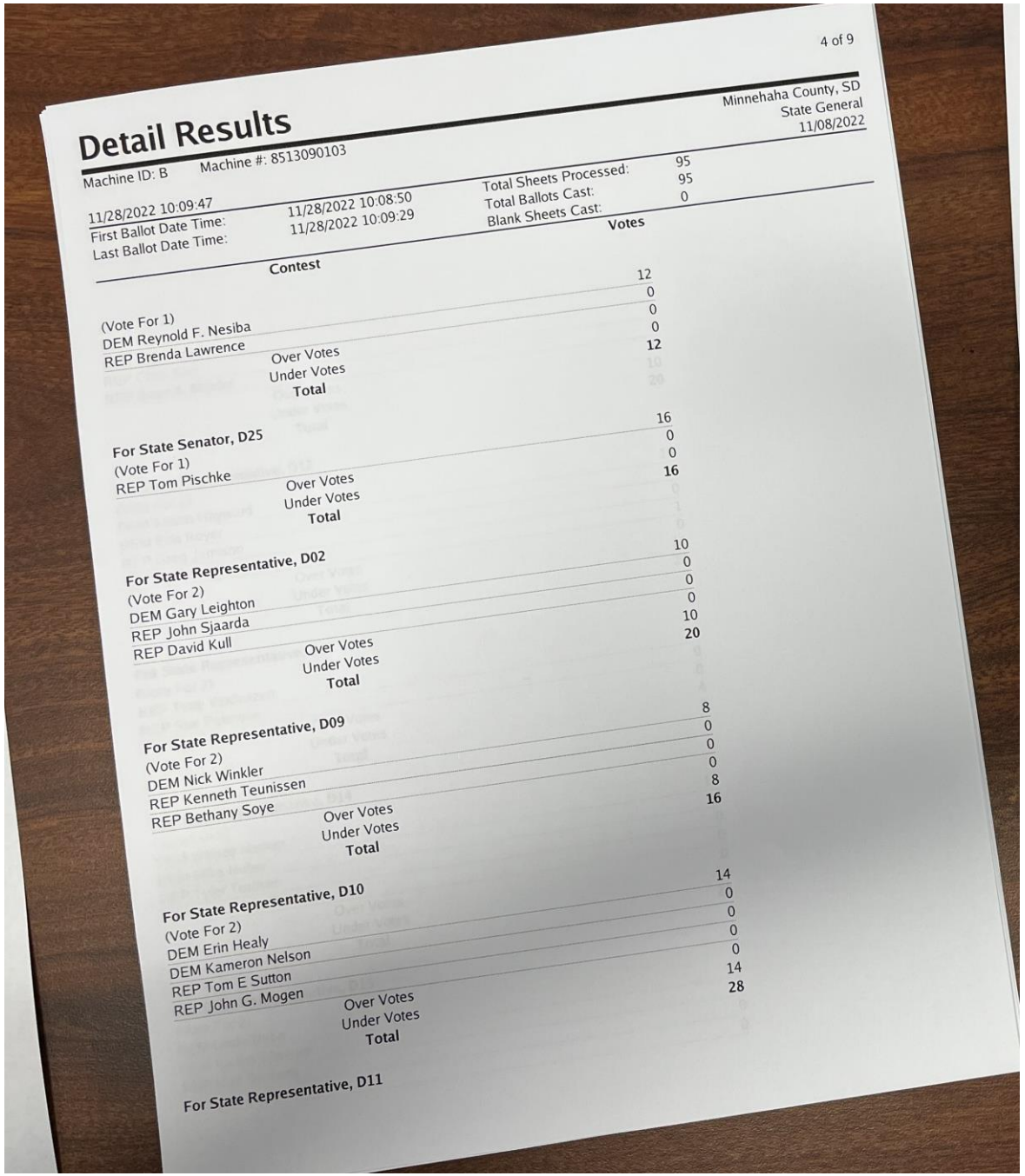

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Minnehaha County, SD
State General
11/08/2022

Detail Results

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Last Ballot Date Time:	11/28/2022 10:09:29	Blank Sheets Cast:	0

Contest		Votes
(Vote For 1)		
DEM Reynold F. Nesiba		12
REP Brenda Lawrence		0
	Over Votes	0
	Under Votes	0
	Total	**12**
For State Senator, D25		
(Vote For 1)		
REP Tom Pischke		16
	Over Votes	0
	Under Votes	0
	Total	**16**
For State Representative, D02		
(Vote For 2)		
DEM Gary Leighton		10
REP John Sjaarda		0
REP David Kull		0
	Over Votes	0
	Under Votes	10
	Total	**20**
For State Representative, D09		
(Vote For 2)		
DEM Nick Winkler		8
REP Kenneth Teunissen		0
REP Bethany Soye		0
	Over Votes	0
	Under Votes	8
	Total	**16**
For State Representative, D10		
(Vote For 2)		
DEM Erin Healy		14
DEM Kameron Nelson		0
REP Tom E Sutton		0
REP John G. Mogen		0
	Over Votes	0
	Under Votes	14
	Total	**28**
For State Representative, D11		

Minnehaha County ExpressVote

- In this test deck we can see that multiple candidates have the same votes for them across races.
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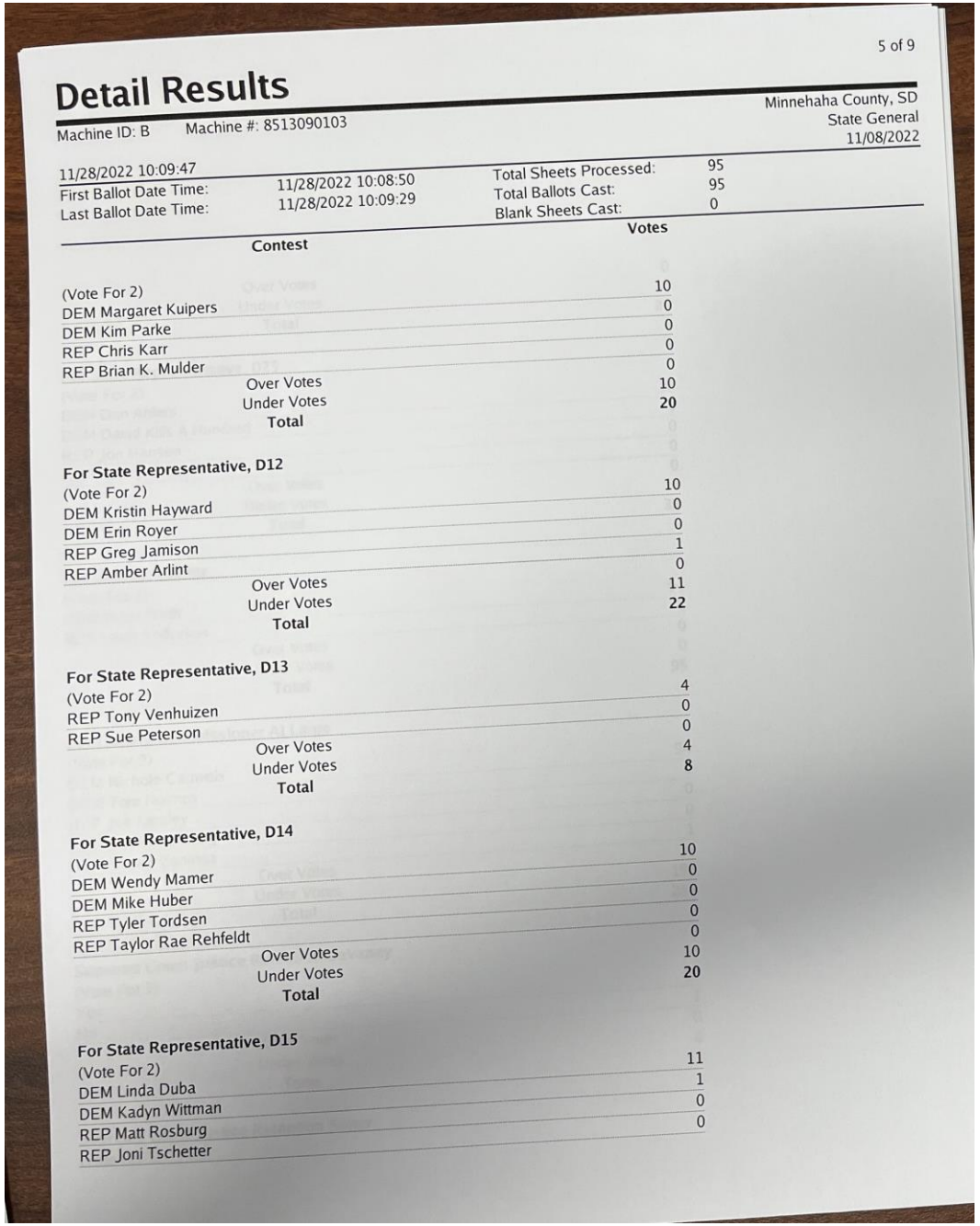

Detail Results

Minnehaha County, SD
State General
11/08/2022

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Contest	Votes
(Vote For 2)	
DEM Margaret Kuipers	10
DEM Kim Parke	0
REP Chris Karr	0
REP Brian K. Mulder	0
Over Votes	0
Under Votes	10
Total	**20**
For State Representative, D12	
(Vote For 2)	
DEM Kristin Hayward	10
DEM Erin Royer	0
REP Greg Jamison	0
REP Amber Arlint	1
Over Votes	0
Under Votes	11
Total	**22**
For State Representative, D13	
(Vote For 2)	
REP Tony Venhuizen	4
REP Sue Peterson	0
Over Votes	0
Under Votes	4
Total	**8**
For State Representative, D14	
(Vote For 2)	
DEM Wendy Mamer	10
DEM Mike Huber	0
REP Tyler Tordsen	0
REP Taylor Rae Rehfeldt	0
Over Votes	0
Under Votes	10
Total	**20**
For State Representative, D15	
(Vote For 2)	
DEM Linda Duba	11
DEM Kadyn Wittman	1
REP Matt Rosburg	0
REP Joni Tschetter	0

Minnehaha County ExpressVote

- In this test deck we can see that multiple candidates have the same votes for them across races.
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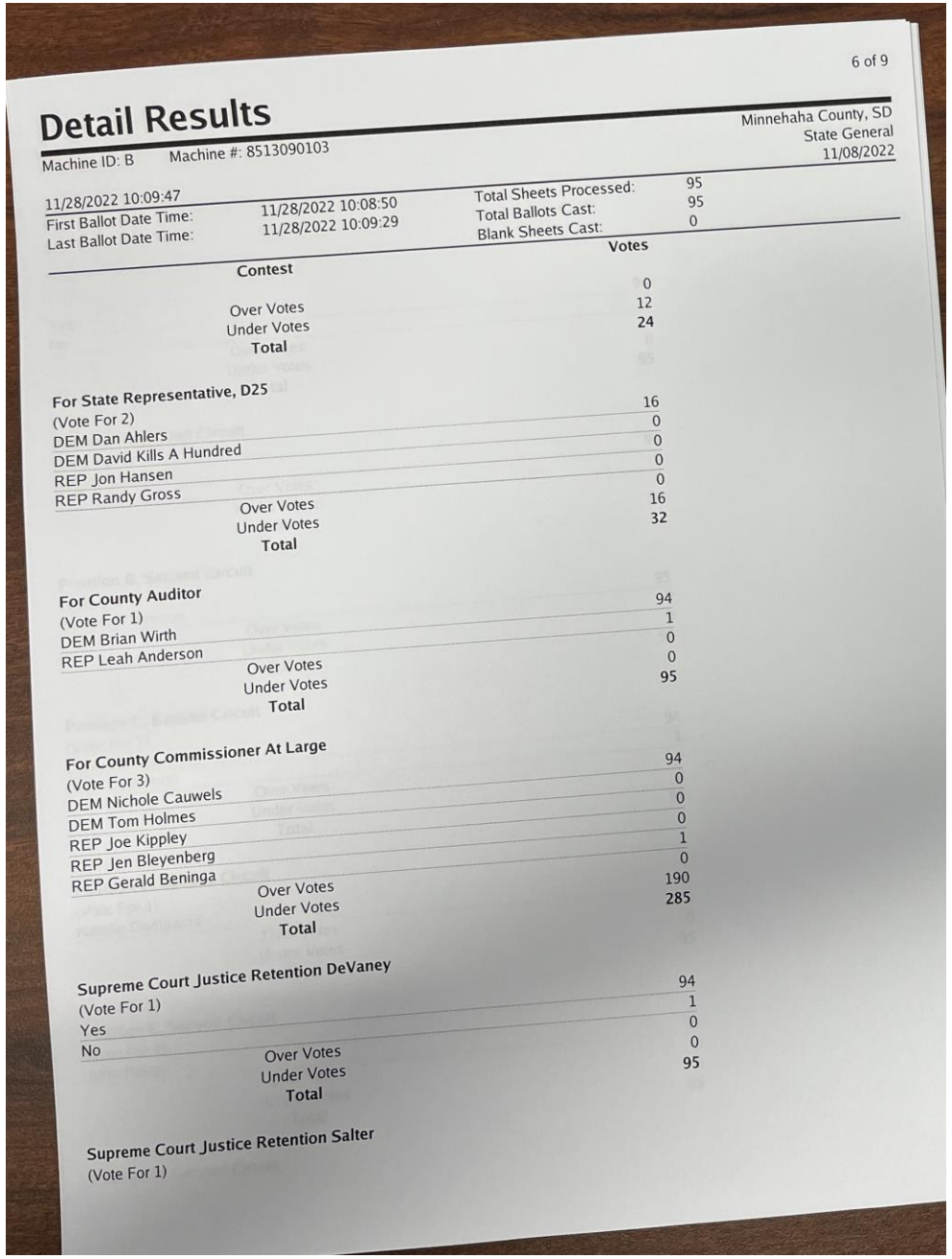

Detail Results

Minnehaha County, SD
State General
11/08/2022

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Total Ballots Cast: 95
Blank Sheets Cast: 0

Contest	Votes
Over Votes	0
Under Votes	12
Total	**24**
For State Representative, D25	
(Vote For 2)	
DEM Dan Ahlers	16
DEM David Kills A Hundred	0
REP Jon Hansen	0
REP Randy Gross	0
Over Votes	0
Under Votes	16
Total	**32**
For County Auditor	
(Vote For 1)	
DEM Brian Wirth	94
REP Leah Anderson	1
Over Votes	0
Under Votes	0
Total	**95**
For County Commissioner At Large	
(Vote For 3)	
DEM Nichole Cauwels	94
DEM Tom Holmes	0
REP Joe Kippley	0
REP Jen Bleyenberg	0
REP Gerald Beninga	1
Over Votes	0
Under Votes	190
Total	**285**
Supreme Court Justice Retention DeVaney	
(Vote For 1)	
Yes	94
No	1
Over Votes	0
Under Votes	0
Total	**95**
Supreme Court Justice Retention Salter	
(Vote For 1)	

Minnehaha County ExpressVote

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- No over or under votes were tested.
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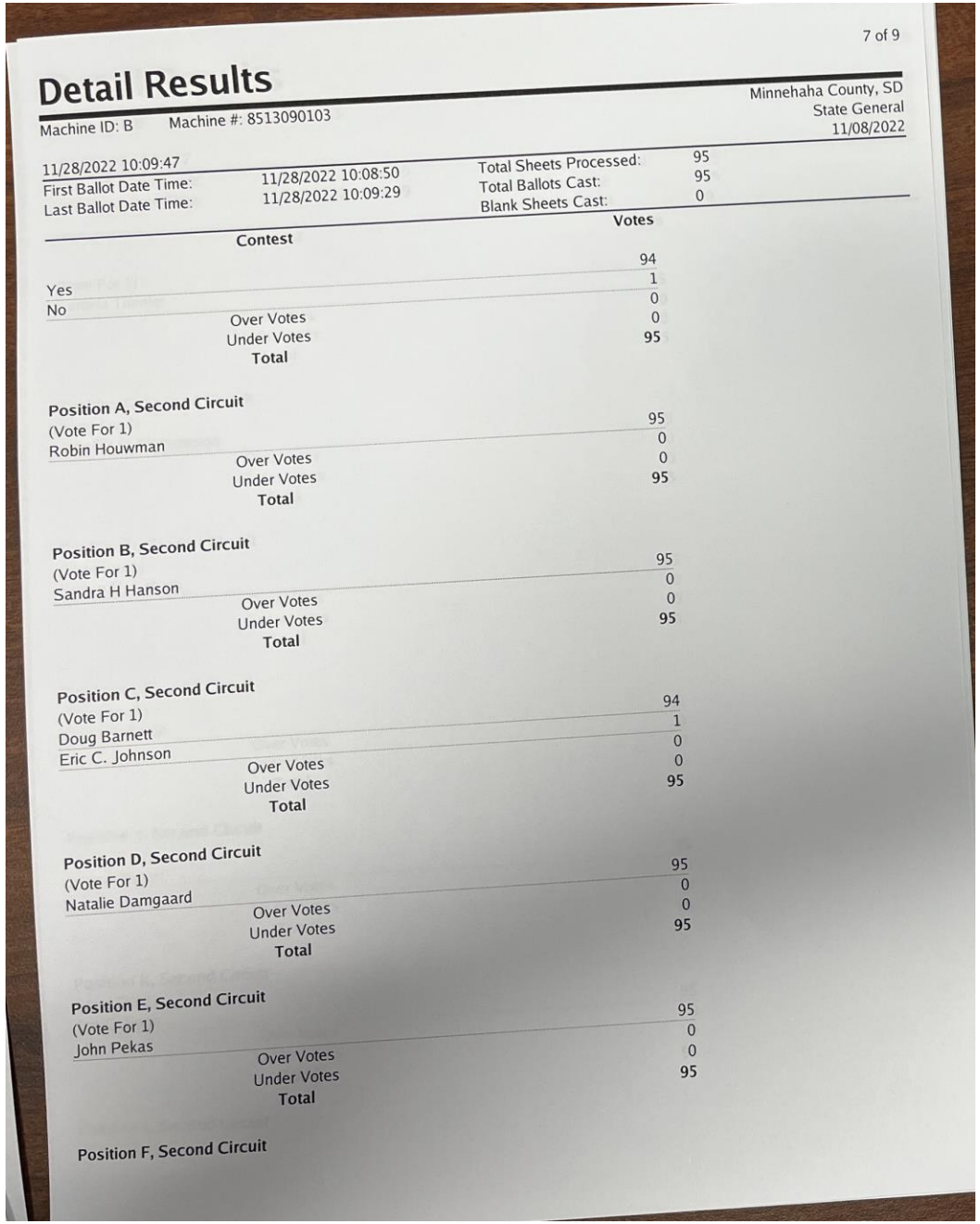

Detail Results

Minnehaha County, SD
State General
11/08/2022

Machine ID: B Machine #: 8513090103

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		Blank Sheets Cast:	0

Contest	Votes
Yes	94
No	1
Over Votes	0
Under Votes	0
Total	**95**
Position A, Second Circuit	
(Vote For 1)	
Robin Houwman	95
Over Votes	0
Under Votes	0
Total	**95**
Position B, Second Circuit	
(Vote For 1)	
Sandra H Hanson	95
Over Votes	0
Under Votes	0
Total	**95**
Position C, Second Circuit	
(Vote For 1)	
Doug Barnett	94
Eric C. Johnson	1
Over Votes	0
Under Votes	0
Total	**95**
Position D, Second Circuit	
(Vote For 1)	
Natalie Damgaard	95
Over Votes	0
Under Votes	0
Total	**95**
Position E, Second Circuit	
(Vote For 1)	
John Pekas	95
Over Votes	0
Under Votes	0
Total	**95**
Position F, Second Circuit	

Minnehaha County ExpressVote

- In this test deck we can see that multiple candidates have the same votes for them across races.
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- No over or under votes were tested.
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Detail Results

Machine ID: B Machine #: 8513090103

Minnehaha County, SD
State General
11/08/2022

11/28/2022 10:09:47

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Contest	Votes
(Vote For 1)	
Camela Theeler	95
Over Votes	0
Under Votes	0
Total	**95**
Position G, Second Circuit	
(Vote For 1)	
Jennifer D. Mammenga	95
Over Votes	0
Under Votes	0
Total	**95**
Position H, Second Circuit	
(Vote For 1)	
Susan M. Sabers	95
Over Votes	0
Under Votes	0
Total	**95**
Position I, Second Circuit	
(Vote For 1)	
Doug Hoffman	95
Over Votes	0
Under Votes	0
Total	**95**
Position J, Second Circuit	
(Vote For 1)	
James Power	95
Over Votes	0
Under Votes	0
Total	**95**
Position K, Second Circuit	
(Vote For 1)	
Jon C. Sogn	95
Over Votes	0
Under Votes	0
Total	**95**
Position L, Second Circuit	
(Vote For 1)	

Minnehaha County ExpressVote

- In this test deck we can see that two ballot questions have the same vote for them across races.
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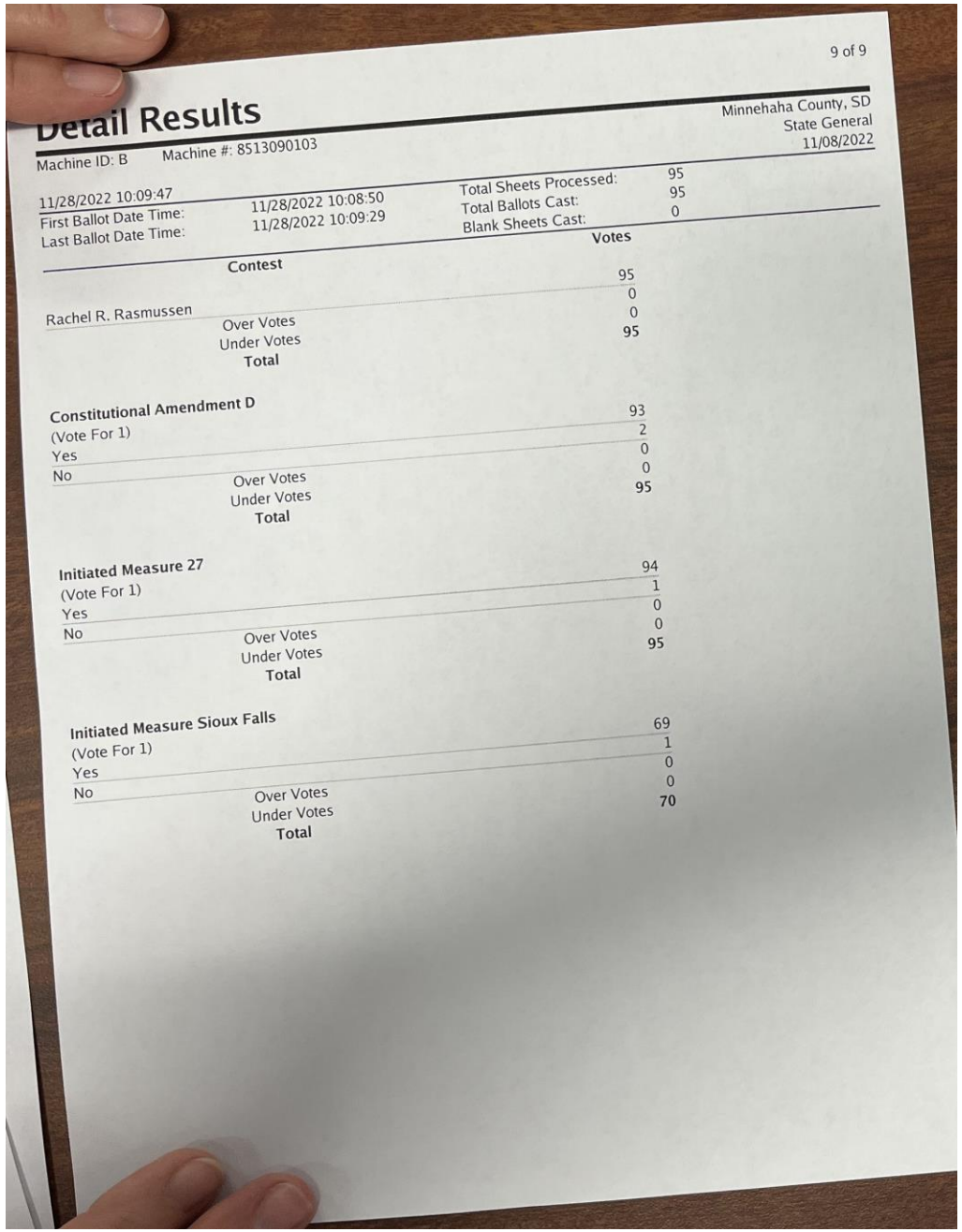

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Detail Results

Minnehaha County, SD
State General
11/08/2022

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Contest		Votes
Rachel R. Rasmussen		95
	Over Votes	0
	Under Votes	0
	Total	**95**
Constitutional Amendment D		93
(Vote For 1)		2
Yes		0
No		0
	Over Votes	**95**
	Under Votes	
	Total	
Initiated Measure 27		94
(Vote For 1)		1
Yes		0
No		0
	Over Votes	**95**
	Under Votes	
	Total	
Initiated Measure Sioux Falls		69
(Vote For 1)		1
Yes		0
No		0
	Over Votes	**70**
	Under Votes	
	Total	

Minnehaha failed to establish proof of the accuracy of the tabulators.

- 5:02:09:01.02. Test of tabulating equipment. The person in charge of the election shall conduct tests of the automatic tabulating equipment as required in SDCL 12-17B-5 and 12-17B-12. The tests shall be conducted by processing a preaudited group of ballots in a test deck marked to record a predetermined number of valid votes for each candidate and each measure. A tally sheet shall be created prior to the machine count to fully show how the sample of ballots is marked and what the machine vote totals must be to prove an errorless count. If more than one ballot is used in the election, a test deck shall be made for each ballot that is unique in any way. The test deck(s) shall include for each office and ballot question:
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- **(2) One or more ballots which have votes in excess of the number allowed by law for each office and question; and**
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- At least twenty-five test ballots shall be included in the total of all test decks. **Individual test decks for individual ballots shall be of sufficient size to prove the accuracy of the system.** If absentee ballots are to be received folded, at least ten percent of the test ballots in any individual test deck shall be similarly folded. The person conducting the test of the tabulating equipment shall date and sign the printout, verifying that the results of the machine's printed paper vote totals exactly match the tally sheet from which the sample of ballots was marked. The test deck(s), tally sheet, and signed printout must be secured and retained with the official ballots.
- **The test procedure shall include the processing of at least one ballot completely blank to verify that the machine is correctly configured according to SDCL 12-17B-13.1.**
- If more than one tabulating machine is to be used in the election, each machine shall be fully tested according to the ballot(s) which each machine will be used to count in the election.
- In addition to these tests, any test deck may be processed any time before or after completion of the official count.

Recommendations

- Require a prime number for each race with a unique number assignment for all ballot positions.
- Easier to catch programing mistakes.
- Ensures each candidate and ballot question is assigned a unique number of votes avoiding mistakes up front before an election takes place.

	A	B	C	D	E	F	G	H
1		Prime Number Test Deck						
2	Race	Candidate Issue A	Candidate Issue B	Candidate Issue C	Candidate Issue D	Candidate Issue E		Max Ballots Used
3		Prime Number Required to be used in each race on ballot	Numbers can only be used once on the ballot					
4	1	23	11	12	13	14		37
5	2	29	16	17	18	19		48
6	3	31	20	21	24	25		56
7	4	37	26	27	28	30		67
8	5	41	32	33	34	35		76
9	6	43	36	38	39	40		83
10	7	47	42	44	45	46		93
11	8	53	48	49	50	51		104
12	9	59	52	54	55	56		115
13	10	61	57	58	60	62		123
14	11	67	63	64	65	66		133
15	12	71	68	69	70	72		143
16	13	73	74	75	76	77		150
17	14	79	78	80	81	82		161
18	15	83	84	85	86	87		170
19	16	89	88	90	91	92		181
20	17	97	93	94	95	96		193
21	18	101	98	99	100	102		203
22	19	103	104	105	106	108		211
23	20	107	110	111	112	114		221
24	21	109	115	116	117	118		227
25	22	113	119	120	121	123		236
26	23	127	124	125	126	128		255
27	24	131	129	130	132	133		264

Recommendations

- Give the county auditors a prime number test deck that they can use to ascertain the accuracy of the programming.
- Update SD SOS Rules 5:02:09:01.02 to utilize a prime number in each race and unique numbers across the ballot

5:02:09:01.02. Test of tabulating equipment. The person in charge of the election shall conduct tests of the automatic tabulating equipment as required in SDCL 12-17B-5 and 12-17B-12. The tests shall be conducted by processing a preaudited group of ballots in a test deck marked to record a predetermined number of valid votes for each candidate and each measure. A tally sheet shall be created prior to the machine count to fully show how the sample of ballots is marked and what the machine vote totals must be to prove an errorless count. If more than one ballot is used in the election, a test deck shall be made for each ballot that is unique in any way. The test deck(s) shall include for each office and ballot question:

(1) One or more ballots with a vote for each candidate and each side of a ballot question;
(2) One or more ballots which have votes in excess of the number allowed by law for each office and question; and
(3) One or more ballots which contain an undervote.
(4) All candidates and ballot questions must have a unique number of votes used, and must not be repeated or used again anywhere on the ballot. Each race must utilize a unique prime number within the race that is unique and not repeated or used again anywhere on the ballot.

At least twenty-five test ballots shall be included in the total of all test decks. Individual test decks for individual ballots shall be of sufficient size to prove the accuracy of the system. If absentee ballots are to be received folded, at least ten percent of the test ballots in any individual test deck shall be similarly folded. The person conducting the test of the tabulating equipment shall date and sign the printout, verifying that the results of the machine's printed paper vote totals exactly match the tally sheet from which the sample of ballots was marked. The test deck(s), tally sheet, and signed printout must be secured and retained with the official ballots.

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In addition to these tests, any test deck may be processed any time before or after completion of the official count.

Recommendations

- Give the county auditors more time to fix programming issues by starting the process earlier.
- Establish deadlines to create certainty for auditors and vendors.

12-17B-5. Testing system before election--Public notice. ~~Not more than ten~~ At least thirty days prior to an election, the person in charge of the election shall conduct a test of the automatic tabulating equipment to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. If it is determined that a reprogramming of the automatic tabulating equipment is needed, then a retest of the equipment shall be no later than 7 days before the election. Public notice of the test or re-test shall be given at least ~~forty-eight hours~~ seven days prior to the test by publication once in the official newspaper, and posted on the County web site of the election jurisdiction. The test shall be open to the public. If any error is detected, the cause of the error shall be determined and corrected, and an errorless count shall be made before the automatic tabulating equipment is approved. In the event of an unresolved error, six days before an election the election jurisdiction must hand count all races on the ballots for that election.