## 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 BA	LLOT
A November 8, 2022	B Brookings County	c SOUTH DAKOTA
		District 8
		Constitutional Amendment D
For County Commissioner At Lar you may vote for up to <u>three</u> or leav blank	e it Position E Third Circuit	<ul> <li><u>Title:</u> An initiated amendment to the S Dakota Constitution expanding Medica eligibility.</li> <li><u>Attorney General Explanation:</u> Medicaid is a program, funded by the S</li> </ul>
Shawn Hostler Republican Party	you may vote for <u>one</u> or leave it blank Robert L. Spears	<ul> <li>and the federal government, to provide medical coverage for low-income peop</li> </ul>
<ul> <li>Gretchen Weible</li> <li>Republican Party</li> <li>Kelly VanderWal</li> <li>Republican Party</li> </ul>	Michael R. Moore	are in certain designated categories. T constitutional amendment expands Me eligibility in South Dakota. It requires t State to provide Medicaid benefits to a person over age 18 and under 65 who
<ul> <li>Timothy P. Bauer</li> <li>Independent</li> <li>Larry Jensen</li> <li>Independent</li> </ul>	For Judge of the Circuit Court, Position F Third Circuit you may vote for <u>one</u> or leave it blank	<ul> <li>income is at or below 133% of the federal pover plus 5% of the federal poverty level for applicable family size, as provided in f</li> </ul>
NONPOLITICAL BALLOT	Patrick Pardy	<ul> <li>amendment, the State may not impose burdens or restrictions that are greater than those imposed on any other person eligible</li> </ul>

### 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.

e ID: A Machir	ults By Preci			Breaking: Courts CT
Center 1				Brookings County, SE State Genera
/07/2022 09:23:02				State Genera 11/08/2022
st Ballot Date Time:	11/07/2022 09:19:26	Total Sheets Processed:	56	11/00/2022
st Ballot Date Time:	11/07/2022 09:22:50	Total Ballots Cast:	56	
	==,01,2022 05.22.50	Blank Sheets Cast:	2	
	Contest	Votes		
	contest	Votes		
or State Senator, Distr	ict 08			
ote For 1)				
EP Casey Crabtree		26	BERRIN-	
	Over Votes	0		
	Under Votes	2		
	Total	28		
For State Representati	ve, District 07			
(Vote For 2)				
DEM Cole Sartell		14	-	
<b>REP Mellissa Heermann</b>	1	9	and the second s	
REP Roger DeGroot		6	and a	
ILLI Roger Dedroot				
Rei Röger Dechoor	Over Votes	2		
	Under Votes Total	2 25 56		
For State Representat (Vote For 2) REP Tim Reisch	Under Votes Total	25 56 19		
For State Representat (Vote For 2)	Under Votes Total live, District 08	25 56 19 10		
For State Representat (Vote For 2) REP Tim Reisch	Under Votes Total ive, District 08 Over Votes	25 56 19 10 0		
For State Representat (Vote For 2) REP Tim Reisch	Under Votes Total ive, District 08 Over Votes Under Votes	25 56 19 10 0 27		
For State Representat (Vote For 2) REP Tim Reisch	Under Votes Total ive, District 08 Over Votes	25 56 19 10 0		
For State Representat (Vote For 2) REP Tim Reisch REP John Mills	Under Votes Total ive, District 08 Over Votes Under Votes	25 56 19 10 0 27		
For State Representat (Vote For 2) REP Tim Reisch REP John Mills For Sheriff	Under Votes Total ive, District 08 Over Votes Under Votes	25 56 19 10 0 27		
For State Representat (Vote For 2) REP Tim Reisch REP John Mills For Sheriff (Vote For 1)	Under Votes Total ive, District 08 Over Votes Under Votes	25 56 19 10 0 27 56		
For State Representat (Vote For 2) REP Tim Reisch REP John Mills For Sheriff	Under Votes Total tive, District 08 Over Votes Under Votes Total	25 56 19 10 0 27 56	-	
For State Representat (Vote For 2) REP Tim Reisch REP John Mills For Sheriff (Vote For 1) REP Jeff Kollars	Under Votes Total tive, District 08 Over Votes Under Votes Total	25 56 19 10 0 27 56 15		
For State Representat (Vote For 2) REP Tim Reisch REP John Mills For Sheriff (Vote For 1) REP Jeff Kollars IND Martin "Marty" Sta	Under Votes Total ive, District 08 Over Votes Under Votes Total inwick Over Votes Under Votes Under Votes	25 56 19 10 0 27 56 15 37 2 2 2		
For State Representat (Vote For 2) REP Tim Reisch REP John Mills For Sheriff (Vote For 1) REP Jeff Kollars IND Martin "Marty" Sta	Under Votes Total ive, District 08 Over Votes Under Votes Total inwick Over Votes	25 56 19 10 0 27 56 15 37 2		
For State Representat (Vote For 2) REP Tim Reisch REP John Mills For Sheriff (Vote For 1) REP Jeff Kollars IND Martin "Marty" Sta	Under Votes Total tive, District 08 Over Votes Under Votes Total	25 56 19 10 0 27 56 15 37 2 2 2		
For State Represental (Vote For 2) REP Tim Reisch REP John Mills For Sheriff (Vote For 1) REP Jeff Kollars IND Martin "Marty" Sta	Under Votes Total tive, District 08 Over Votes Under Votes Total	25 56 19 10 0 27 56 15 37 2 2 2 56	1 11	
For State Represental (Vote For 2) REP Tim Reisch REP John Mills For Sheriff (Vote For 1) REP Jeff Kollars IND Martin "Marty" Sta For County Commiss (Vote For 3) REP Shawn Hostler	Under Votes Total ive, District 08 Over Votes Under Votes Total unwick Over Votes Under Votes Under Votes Total sioner At Large	25 56 19 10 0 27 56 15 37 2 2 2 56		
For State Representat (Vote For 2) REP Tim Reisch REP John Mills For Sheriff (Vote For 1) REP Jeff Kollars IND Martin "Marty" Sta For County Commiss (Vote For 3) REP Shawn Hostler REP Gretchen Weible	Under Votes Total ive, District 08 Over Votes Under Votes Total inwick Over Votes Under Votes Under Votes Total sioner At Large	25 56 19 10 0 27 56 15 37 2 2 2 56 29 21		
For State Represental (Vote For 2) REP John Mills For Sheriff (Vote For 1) REP Jeff Kollars IND Martin "Marty" Sta For County Commiss (Vote For 3) REP Shawn Hostler REP Shawn Hostler REP Gretchen Weible REP Kelly VanderWal	Under Votes Total ive, District 08 Over Votes Under Votes Total inwick Over Votes Under Votes Total sioner At Large	25 56 19 10 0 27 56 15 37 2 2 2 56 29 21 21		
For State Represental (Vote For 2) REP Tim Reisch REP John Mills For Sheriff (Vote For 1) REP Jeff Kollars IND Martin "Marty" Stat For County Commiss (Vote For 3) REP Shawn Hostler REP Shawn Hostler REP Kelly VanderWa IND Timothy P. Bauer	Under Votes Total ive, District 08 Over Votes Under Votes Total inwick Over Votes Under Votes Total sioner At Large	25 56 19 10 0 27 56 15 37 2 2 2 56 29 21 21 21		
For State Represental (Vote For 2) REP John Mills For Sheriff (Vote For 1) REP Jeff Kollars IND Martin "Marty" Sta For County Commiss (Vote For 3) REP Shawn Hostler REP Shawn Hostler REP Gretchen Weible REP Kelly VanderWal	Under Votes Total ive, District 08 Over Votes Under Votes Total unwick Over Votes Under Votes Under Votes Total sioner At Large	25 56 19 10 0 27 56 15 37 2 2 2 2 56 29 21 21 21 21 21 33 23		
For State Represental (Vote For 2) REP Tim Reisch REP John Mills For Sheriff (Vote For 1) REP Jeff Kollars IND Martin "Marty" Stat For County Commiss (Vote For 3) REP Shawn Hostler REP Shawn Hostler REP Kelly VanderWa IND Timothy P. Bauer	Under Votes Total ive, District 08 Over Votes Under Votes Total unwick Over Votes Under Votes Under Votes Total sioner At Large	25 56 19 10 0 27 56 37 2 2 2 2 2 56 29 21 21 21 21 33 6	1	
For State Represental (Vote For 2) REP Tim Reisch REP John Mills For Sheriff (Vote For 1) REP Jeff Kollars IND Martin "Marty" Stat For County Commiss (Vote For 3) REP Shawn Hostler REP Shawn Hostler REP Kelly VanderWa IND Timothy P. Bauer	Under Votes Total ive, District 08 Over Votes Under Votes Total unwick Over Votes Under Votes Under Votes Total sioner At Large	25 56 19 10 0 27 56 15 37 2 2 2 2 56 29 21 21 21 21 21 33 23	1	

# 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:
- (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. <u>Individual test decks for individual ballots shall</u> <u>be of sufficient size to prove the accuracy of the system.</u> 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.

- 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**

	e #: 8513090103			Minnehaha County, S State Gener 11/08/202
11/28/2022 09:47:13 First Ballot Date Time:	11/28/2022 09:15:47	Total Sheets Processed:	2325	11/08/202
Last Ballot Date Time:	11/28/2022 09:46:28	Total Ballots Cast:	2325	
Last Ballot Date Time.	11/20/2022 05.10.20	Blank Sheets Cast:	93	
	Contest	Votes		
For United States Senato	r			
(Vote For 1)				
DEM Brian L. Bengs		842		
LIB Tamara J Lesnar		676		
REP John R. Thune		621		
	Over Votes	93		
L	Inder Votes	93		
	Total	2325		
For United States Represe	entative			
(Vote For 1)				
LIB Collin Duprel		1064		
REP Dusty Johnson		1075		
	ver Votes	93		
Ur	nder Votes	93		
	Total	2325		
for Governor and Lieutena	nt Governor			
Vote For 1)		676		
EM Jamie Smith/Jennifer Ke		676		
IB Tracey Quint/Ashley Stra		621		
EP Kristi Noem/Larry Rhode		842		
	er Votes	93 93		
	ler Votes	2325		
	Total	2323		
or Secretary of State				
ote For 1)				
M Thomas A Cool		1075		
P Monae Johnson		1064		
	r Votes	93		
Unde	er Votes	93		
	er Votes Total	93 <b>2325</b>		
	er Votes iotal			
Т				
T Attorney General				
T Attorney General te For 1)				
T Attorney General te For 1) 2 Marty J. Jackley	otal	2325		
T Attorney General te For 1) P Marty J. Jackley Over	otal Votes	2325 2139		
T Attorney General te For 1) P Marty J. Jackley Over Under	otal	2325 2139 0		
T Attorney General te For 1) P Marty J. Jackley Over Under	otal Votes • Votes	2325 2139 0 186		
T Attorney General te For 1) <sup>9</sup> Marty J. Jackley Over Under To	otal Votes • Votes	2325 2139 0 186		
T Attorney General te For 1) P Marty J. Jackley Over Under	otal Votes • Votes	2325 2139 0 186		

- 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.

Machine ID: B Machine #: 8513090103 11/28/2022 09:47:13			Minnehaha County, SI State Genera 11/08/202
Ti/26/2022 03:47:13           First Ballot Date Time:         11/28/2022 09:15:47           Last Ballot Date Time:         11/28/2022 09:46:28	Total Sheets Processed: Total Ballots Cast: Blank Sheets Cast:	2325 2325 93	11/08/202
Contest	Votes	55	
DEM Stephanie Marty	621		
LIB Rene Meyer	842		
REP Richard Sattgast	676		
Over Votes	93		
Under Votes Total	93 2325		
TOtal	2323		
For State Treasurer			
Vote For 1)			
DEM John Cunningham	1064		
EP Josh Haeder	1075		
Over Votes	93		
Under Votes	93		
Total	2325		
or Comm of School and Public Lands			
ote For 1)			
EM Timothy Azure	1075		
P Brock Greenfield	1064		
Over Votes	93		
Under Votes	93		
Total	2325		
Public Utilities Commissioner			
te For 1)	1064		
M Jeffrey Barth	1064 1075		
Chris Nelson	93		
Over Votes Under Votes	93		
Total	2325		
Total			
State Senator, D02			
e For 1)			
Steve Kolbeck	207		
Over Votes	0		
Under Votes	18		
Total	225		
tate Senator, D09			
For 1)			
Brent Hoffman	184		
Over Votes	0		
Under Votes	16		

- 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.

	ne #: 8513090103		Mi	innehaha County,
11/28/2022 09:47:13				State Gene
First Ballot Date Time: Last Ballot Date Time:	11/28/2022 09:15:47 11/28/2022 09:46:28	Total Sheets Processed: Total Ballots Cast: Blank Sheets Cast:	2325 2325 93	11/08/20
	Contest	Votes	93	
	Total	200		
For State Senator, D10				
(Vote For 1)				
DEM Liz Larson				
REP Maggie Sutton		183		
0	ver Votes	139		
Un	ider Votes	14		
	Total	350		
For State Senator, D11				
(Vote For 1)				
DEM Sheryl L. Johnson		115		
REP Jim Stalzer		115		
	er Votes	10		
	er Votes	10		
	otal	250		
State Constant D12				
or State Senator, D12 ote For 1)				
M Jessica Meyers				
P Arch Beal		115		
	Martin	115		
	Votes Votes	10		
	tal	10		
10	ldi	250		
State Constar D12				
State Senator, D13 e For 1)				
Jack Kolbeck				
Lora Hubbel		24		
Over V		68		
Under V		4		
Tota		4		
TOTA	u	100		
tate Constan D14				
tate Senator, D14				
For 1)				
Matthew Tysdal		115		
arry P. Zikmund		115		
Over Vot		10		
Under Vol	tes	10		
Total		250		
te Senator, D15				

Dotail Poculto

- 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.

#### **Detail Results**

Wachine 10. 0	nine #: 8513090103			Minnehaha County, Sl State Genera 11/08/202
11/28/2022 09:47:13		Total Sheets Processed:	2325	11/00/201
First Ballot Date Time: Last Ballot Date Time:	11/28/2022 09:15:47 11/28/2022 09:46:28	Total Ballots Cast: Blank Sheets Cast:	2325 93	
	Contest	Votes		
(Vote For 1) DEM Reynold F. Nesiba		138		
REP Brenda Lawrence		138		
KEF Blenda Lawrence	Over Votes	12		
	Under Votes	12		
	Total	300		
For State Senator, D25				
(Vote For 1)		368		
REP Tom Pischke		0		
	Over Votes	32		
	Under Votes	400		
	Total			
For State Representativ	e, D02			
(Vote For 2)		81		
DEM Gary Leighton		69		
REP John Sjaarda		93		
REP David Kull	Over Votes	18		
	Under Votes	189		
	Total	450		
or State Representative	a. D09			
Vote For 2)	der Vores			
EM Nick Winkler		68		
EP Kenneth Teunissen		84		
EP Bethany Soye		64		
Er Demany Soye	Over Votes	16 168		
the second states in the second	Under Votes	400		
	Total	400		
or State Representative	. D10			
ote For 2)	-Votes			
EM Erin Healy		93		
EM Kameron Nelson		88		
EP Tom E Sutton		106		
EP John G. Mogen				
(	Over Votes	28		
	Inder Votes	294		
	Total	700		

For State Representative, D11

- 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.

### **Detail Results**

Machine ID: B Mar 11/28/2022 09:47:13	chine #: 8513090103		Minnehaha County State Ger 11/08/3
First Ballot Date Time: Last Ballot Date Time:	11/28/2022 09:15:47 11/28/2022 09:46:28	Total Sheets Processed: Total Ballots Cast:	2325 2325
*	Contest	Blank Sheets Cast: Votes	93
(Vote For 2)		70	
DEM Margaret Kuipers DEM Kim Parke		70	
REP Chris Karr		65 70	
REP Brian K. Mulder			
KEF Bhall K. Muluel	Over Votes	65 20	
	Under Votes	210	
	Total	500	
	Total	500	
For State Representat	ive D12		
(Vote For 2)	ive, Diz		
DEM Kristin Hayward		77	
DEM Kristin Hayward		64	
REP Greg Jamison		58	
REP Amber Arlint		71	
	Over Votes	20	
	Under Votes	210	
	Total	500	
or State Representati	ve D13		
/ote For 2)	ve, 015		
EP Tony Venhuizen		72	
EP Sue Peterson		28	
EP Sue Peleison	Over Votes	0	
	Under Votes	100	
	Total	200	
	Total		
or State Representativ	(A D14		
(ote For 2)	, D14		
EM Wendy Mamer		66	
EM Mike Huber		60	
EP Tyler Tordsen		74	
EP Taylor Rae Rehfeldt		70	
EP Taylor Rae Refficiul	Over Votes	20	
	Under Votes	210	
	Total	500	
or State Representative	e, D15		
ote For 2)		82	
EM Linda Duba			
EM Kadyn Wittman		92	
P Matt Rosburg		85	
P Joni Tschetter		65	

- 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.

11/28/2022 09:47:13 First Ballot Date Time: Last Ballot Date Time:	11/28/2022 09:15:47 11/28/2022 09:46:28 Contest Over Votes Under Votes Total	Total Sheets Processed: Total Ballots Cast: Blank Sheets Cast: <b>Votes</b> 24 252 600	2325 2325 93	11/08/2023
First Ballot Date Time:	11/28/2022 09:46:28 Contest Over Votes Under Votes	Total Ballots Cast: Blank Sheets Cast: Votes 24 252	2325	
Nas Na	Over Votes Under Votes	24 252		
	Under Votes	252		
	Under Votes	252		
	Total			
For State Representativ	ve, D25			
(Vote For 2)		98		
DEM Dan Ahlers		117		
DEM David Kills A Hund	red	108		
REP Jon Hansen		109		
REP Randy Gross		32		
	Over Votes	336		
	Under Votes	800		
	Total			
For County Auditor				
(Vote For 1)		1031		
DEM Brian Wirth		1108		
REP Leah Anderson		93		
	Over Votes	93		
	Under Votes	2325		
	Total			
For County Commission	oner At Large			
(Vote For 3)		881		
DEM Nichole Cauwels		874		
DEM Tom Holmes		867		
REP Joe Kippley		872		
REP len Bleyenberg		858		
REP Gerald Beninga		279		
	Over Votes	2344		
	Under Votes	6975		
	Total			
	D-Manoy			
Supreme Court Justic	e Retention Devaney			
(Vote For 1)		1108		
Yes		1031		
No		93		
	Over Votes	93		
	Under Votes	2325		
	Total			
Supreme Court Justic	e Retention Salter			
(Vote For 1)				
(Vole For I)				

- 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.

Machine ID: B Mac	thine #: 8513090103			Minnehaha County, SI
				State Genera 11/08/202
11/28/2022 09:47:13	11/28/2022 09:15:47	Total Sheets Processed:	2325	11/00/202
First Ballot Date Time: Last Ballot Date Time:	11/28/2022 09:15:47 11/28/2022 09:46:28	Total Ballots Cast: Blank Sheets Cast:	2325 93	
	Contest	Votes		
		1031		
Yes		1031 1108		
No	Over Votes	93		
	Over Votes Under Votes	93		
	Total	2325		
Position A, Second Ci	ircuit			
(Vote For 1)		2139		
Robin Houwman	Outer Vieter	2139		
	Over Votes	186		
	Under Votes Total	2325		
Position B, Second Ci	ircuit			
(Vote For 1)		2120		
Sandra H Hanson		2139		
	Over Votes	0 186		
	Under Votes Total	2325		
Position C, Second Ci				
(Vote For 1)		1108 1031		
Vote For 1) Doug Barnett	ircuit	1108 1031 93		
Vote For 1) Doug Barnett	over Votes	1031		
Position C, Second Ci Vote For 1) Doug Barnett Eric C. Johnson	Over Votes Under Votes	1031 93		
Vote For 1) Doug Barnett	over Votes	1031 93 93		
Vote For 1) Doug Barnett Eric C. Johnson	Over Votes Under Votes Total	1031 93 93		
Vote For 1) Doug Barnett Eric C. Johnson Position D, Second Cir	Over Votes Under Votes Total	1031 93 93 2325		
Vote For 1) Joug Barnett Eric C. Johnson Position D, Second Cir Vote For 1)	Over Votes Under Votes Total	1031 93 93 2325 2139		
Vote For 1) Doug Barnett Eric C. Johnson Position D, Second Cir	over Votes Under Votes Total rcuit Over Votes	1031 93 93 2325 2139 0		
Vote For 1) Joug Barnett Eric C. Johnson Position D, Second Cir Vote For 1)	Over Votes Under Votes Total ircuit Over Votes Under Votes	1031 93 93 2325 2139		
Vote For 1) Joug Barnett Eric C. Johnson Position D, Second Cir Vote For 1)	over Votes Under Votes Total rcuit Over Votes	1031 93 93 2325 2139 0 186		
Vote For 1) Joug Barnett Eric C. Johnson Position D, Second Cir Vote For 1) Vatalie Damgaard	Over Votes Under Votes Total rcuit Over Votes Under Votes Under Votes Total	1031 93 93 2325 2139 0 186		
Vote For 1) Joug Barnett Eric C. Johnson Position D, Second Cir Vote For 1) Jatalie Damgaard Position E, Second Cir	Over Votes Under Votes Total rcuit Over Votes Under Votes Under Votes Total	1031 93 93 2325 2139 0 186 2325		
Vote For 1) Joug Barnett Eric C. Johnson Position D, Second Cir Vote For 1) Vatalie Damgaard Position E, Second Cir Vote For 1)	Over Votes Under Votes Total rcuit Over Votes Under Votes Under Votes Total	1031 93 93 2325 2139 0 186 2325 2139		
Vote For 1) Youg Barnett Eric C. Johnson Position D, Second Cir Vote For 1) Latalie Damgaard Position E, Second Cir Vote For 1)	Over Votes Under Votes Total rcuit Over Votes Under Votes Under Votes Total	1031 93 93 2325 2139 0 186 2325 2139 0		
Vote For 1) Joug Barnett Eric C. Johnson Position D, Second Cir Vote For 1) Jatalie Damgaard Position E, Second Cir	ircuit Over Votes Under Votes Total ircuit Over Votes Under Votes Total rcuit	1031 93 93 2325 2139 0 186 2325 2139 0 186		
Vote For 1) Youg Barnett Eric C. Johnson Position D, Second Cir Vote For 1) Latalie Damgaard Position E, Second Cir Vote For 1)	over Votes Under Votes Total rcuit Over Votes Under Votes Total rcuit	1031 93 93 2325 2139 0 186 2325 2139 0		
Vote For 1) Youg Barnett Eric C. Johnson Position D, Second Cir Vote For 1) Latalie Damgaard Position E, Second Cir Vote For 1)	ircuit Over Votes Under Votes Total Over Votes Under Votes Total rcuit Over Votes Under Votes Under Votes Under Votes Under Votes Under Votes Total	1031 93 93 2325 2139 0 186 2325 2139 0 186		
Vote For 1) Youg Barnett Fric C. Johnson Position D, Second Cir Vote For 1) latalie Damgaard Position E, Second Cir Vote For 1) ohn Pekas	ircuit Over Votes Under Votes Total Over Votes Under Votes Total rcuit Over Votes Under Votes Under Votes Under Votes Under Votes Under Votes Total	1031 93 93 2325 2139 0 186 2325 2139 0 186		
Vote For 1) Youg Barnett Fric C. Johnson Position D, Second Cir Vote For 1) latalie Damgaard Position E, Second Cir Vote For 1) ohn Pekas	ircuit Over Votes Under Votes Total Over Votes Under Votes Total rcuit Over Votes Under Votes Under Votes Under Votes Under Votes Under Votes Total	1031 93 93 2325 2139 0 186 2325 2139 0 186		

- 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.

Detail Res	ine #: 8513090103			Minnehaha County, SD State Genera 11/08/2022
11/28/2022 09:47:13		T wil Chaste Drocossed	2325	11/06/2024
First Ballot Date Time: Last Ballot Date Time:	11/28/2022 09:15:47 11/28/2022 09:46:28	Total Sheets Processed: Total Ballots Cast: Blank Sheets Cast:	2325 93	
	Contest	Votes		
(Vote For 1)		2139		
Camela Theeler	Over Votes	0		
	Under Votes	186		
	Total	2325		
Position G, Second Cir	cuit			
Vote For 1)		2139		
Jennifer D. Mammenga		0		
	Over Votes	186		
	Under Votes Total	2325		
Position H, Second Cir	rcuit			
Vote For 1)		2139		
Susan M. Sabers		0		
	Over Votes	186		
	Under Votes Total	2325		
Position I, Second Circ	cuit			
Vote For 1)		2139		
Doug Hoffman		0		
Jougine	Over Votes	186		
	Under Votes	2325		
	Total			
Position J, Second Cir	rcuit			
(Vote For 1)		2139		
James Power	Over Votes	0 186		
	Under Votes	2325		
	Total			
Position K, Second Ci	rcuit			
(Vote For 1)		2139		
Jon C. Sogn	Q	0		
	Over Votes	186		
	Under Votes Total	2325		
Position L, Second Ci	rcuit			
(Vote For 1)				
				and the second of the second states and the

- 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.

### **Detail Results**

indenine in i	hine #: 8513090103			Minnehaha County, S State Gener 11/08/202
11/28/2022 09:47:13 First Ballot Date Time: Last Ballot Date Time:	11/28/2022 09:15:47 11/28/2022 09:46:28	Total Sheets Processed: Total Ballots Cast:	2325 2325	
Last ballot bate fille.		Blank Sheets Cast:	93	and a star of the
	Contest	Votes		
		2139		
Rachel R. Rasmussen	Over Votes	0		
	Under Votes	186		
	Total	2325		
Constitutional Amendi	ment D			
Vote For 1)		1021		
res		1031		
No		1108 93		
	Over Votes	93		
	Under Votes	2325		
	Total	Loto		
nitiated Measure 27				
(Vote For 1)		1108		
Yes		1031		
No	Over Votes	93		
	Under Votes	93		
	Total	2325		
nitiated Measure Siou	v Falls			
(Vote For 1)	A T ano			
Yes		777 810		
No		69		
	Over Votes	69		
	Under Votes Total	1725		
	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:
- (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.

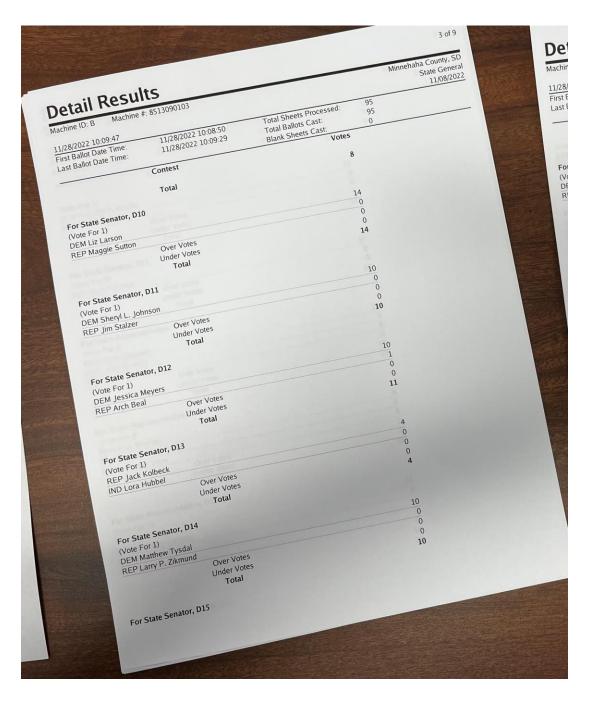
- In this test deck we can see that multiple candidates have the same votes for them across races.
- Some candidates have no votes selected for them.
- No Blank ballots were tested.
- No over or under votes were tested.
- These issues are in direct violation of the administrative rules.
- These errors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

Detail Res Machine ID: B Machi	ne # 8513090103		Minnehaha County, SD State General
	11C #. 0510000000		11/08/2022
1/28/2022 10:09:47	11/28/2022 10:08:50	Total Sheets Processed.	95 95
First Ballot Date Time:	11/28/2022 10:09:29	Total Ballots Cast.	95 0
ast Ballot Date Time:	11/20/2022	Blank Sheets Cast: Votes	0
	Contest	Voites	
For United States Sena	tor		
(Vote For 1)		94	
DEM Brian L. Bengs		0	
LIB Tamara J Lesnar		0	
REP John R. Thune	Over Votes	0	
	Under Votes	95	
	Total		
or United States Repr	resentative		
Vote For 1)		94	
IB Collin Duprel		1	
REP Dusty Johnson	Over Votes	0	
	Under Votes	95	
	Total		
or Governor and Lieu	tenant Governor		
Veto For 1)		94	
STM Jamie Smith/lenni	fer Keintz	0	
IP Tracey Quint/Ashley	Stranu	1	
REP Kristi Noem/Larry I	khoden	0	
	Over votes	0	
	Under Votes Total	95	
	Total		
10.00			
or Secretary of State		94	
Vote For 1)		1	
DEM Thomas A Cool		0	
REP Monae Johnson	Over Votes	0	
	Under Votes	95	
	Total		
For Attorney General			
Vote For 1)		95	
REP Marty J. Jackley		0	
	Over Votes	0	
	Under Votes	95	
	Total		
For State Auditor			
Vote For 1)			

- 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.

etail Resu				naha County, SE State Genera 11/08/202
chine ID: B Machine	#: 8513090103		05	11/06/202
		Total Sheets Processed:	95 95	
/28/2022 10:09:47	11/28/2022 10:08:50	Total Ballots Cast.	95	
- Pallot Date Time.	11/28/2022 10:09:29	Plank Sheets Cast.	0	
st Ballot Date Time:		Votes		
	Contest	94		
	Contraction	94 0		
		0		
EM Stephanie Marty		1		
D Done Meyer		(		
EP Richard Sattgast	Over Votes	9		
	Under Votes	9.	<b>)</b>	
	Total			
		14		
or State Treasurer		g	14	
E === 1)			1	
DEM John Cunningham			0	
REP Josh Haeder			0	
(Er Josh)	Over Votes		95	
	Under Votes			
	Total			
	a suda			
For Comm of School	and Public Lands		94	
For Common School			1	
al-to For II			0	
DEM Timothy Azure			0	
REP Brock Greenfield	Over Votes		95	
	Under Votes			
	Total			
	missioner		94	
For Public Utilities C	ommissioner		1	
alata For 1)			0	
DEM Jeffrey Barth				
REP Chris Nelson	- Votos		0	
REP Chins He	Over Votes		95	
	Under Votes			
	Total			
	202		10	
For State Senator, I	Total Contraction		0	
n ( to For 1)			0	
REP Steve Kolbeck	Over Votes		10	
INC.	Under Votes			
	Total			
	1000			
Constot	D09		8	
For State Senator,	And the second s		0	
alete For 1)			0	
REP Brent Hoffman	Over Votes			
	Under Votes			
	Gilder			
		and the second sec		

- 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.



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

ltc	Minnehaha County, SD State General
ail Results	State 05/2022
te ID: B Machine #: 8513090103	read: 95
he ID: B III	Total Sheets Processed: 95 95
11/28/2022 10:08:50	
11/28/2022 10.00	Total Bank Sheets Cast: 0 Blank Sheets Cast: Votes
Ballot Date Time.	
Contest	12
	0
1)	0
te For 1) M Reynold F. Nesiba Deerda Lawrence	0
P Brenda Lawrence Over Votes	12
Under Votes	
Total	
	16
a mator D25	0
or State Senator, D25	0
Vote For 1) REP Tom Pischke Over Votes	16
Under Votes	
Total	
and the second se	10
native D02	10 0
For State Representative, D02	0
(Vote For 2)	0
	10
DEM Galy Legy REP John Sjaarda BEP David Kull Over Votes	20
REP David Kull Over Votes Under Votes	
Total	
and the second sec	8
D09	8
For State Representative, D09	0
(Vote For 2)	0
(Vote For 2) DEM Nick Winkler DEM Nick Winkler	8
DEM Nick Winklei REP Kenneth Teunissen REP Soye	16
REP Bethany Soye REP Bethany Soye under Votes	
REP Belliary Under Votes Total	
101	
	14
For State Representative, D10	0 0
	0
(Vote For 2) DEM Erin Healy DEM service Nelson	0
DEM Erin Healy DEM Kameron Nelson DEM Kameron Sutton	14
DEM Kameron REP Tom E Sutton REP to ha G Mogen	28
	20
Under	
Total	
For State Representative, D11	
For State Representation	

- In this test deck we can see that multiple candidates have the same votes for them across races.
- In this test deck we can see that multiple candidates have no votes for them across races, and some are even within the same race.
- No Blank ballots were tested.
- No over votes were tested.
- Some 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 tachine ID: B Machine #: 8513090103		Minnehaha County, SD State Genera 11/08/2022
1/28/2022 10:09:47	Total Sheets Processed: 9	5
1/28/2022 10.00.50	Total Ballots Cast: 9	5
ast Ballot Date Time: 11/28/2022 10:09:29	Blank Sheets Cast: 0	)
	Votes	
Contest		
	10	
Vote For 2)	0	
DEM Margaret Kuipers	0	
DEM Kim Parke	0	
REP Chris Karr	0	
REP Brian K. Mulder Over Votes	10	
Under Votes	20	
Total	20	
the Daniel Klink & Personnel		
Demonstrative D12		
For State Representative, D12	10	
Vote For 2)	0	
DEM Kristin Hayward	0	
DEM Erin Royer	1	
REP Greg Jamison	0	
REP Amber Arlint Over Votes	11	
Under Votes	22	
Total		
- D13		
For State Representative, D13	4	
(Vote For 2)	0	
REP Tony Venhuizen	0	
REP Sue Peterson Over Votes	4	
Under Votes	8	
Total		
10 million in the second se		
tative D14		
For State Representative, D14	10	
(Vote For 2)	0	
DEM Wendy Mamer	0	
DEM Mike Huber	0	
DED Tyler Tordsen	0	
REP Taylor Rae Rehfeldt Over Votes	10	
Over voices	20	
Under Votes Total	20	
Iotai		
215		
For State Representative, D15	11	
(Vote For 2)		
DEM Linda Duba	1	
DEM Kadyn Wittman	0	
REP Matt Rosburg	0	

- In this test deck we can see that multiple candidates have the same votes for them across races.
- In this test deck we can see that multiple candidates have no votes for them across races, and some are even within the same race.
- No Blank ballots were tested.
- No over votes were tested.
- Some 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, SE State Genera 11/08/202
Iachine ID: B Machine #: 8513090103	05	11/00/202
1/28/2022 10:09:47 11/28/2022 10:08:50	Total Sheets Processed: 95	
1/28/2022 10:09:47           First Ballot Date Time:         11/28/2022 10:08:50           Last Ballot Date Time:         11/28/2022 10:09:29	Total Ballots Cast: 0 Blank Sheets Cast: 0	
	Votes	
Contest	0	
	12	
Over Votes Under Votes	24	
Total	0	
Total		
uniting D25		
For State Representative, 025	16	
(Vote For 2)	0	
DEM Dan Ahlers	0	
DEM David Kills A Hundred	0	
REP Jon Hansen	0	
REP Randy Gross Over Votes	16 32	
Under Votes	32	
Total		
For County Auditor	94	
(Vote For 1)	1	
DEM Brian Wirth	- 0	
a colleash Anderson	0	
Over Votes Under Votes	95	
Total		
Total		
to to por At Large		
For County Commissioner At Large	94	
a ( the For 3)	0	
DEM Nichole Cauwers	0	
DEM Tom Holmes	0	
REP Joe Kippley	1	
REP Joe Rep 1 REP Jen Bleyenberg	190	
REP Gerald Beninga Over Votes	285	
Under Votes	203	
Total		
Supreme Court Justice Retention DeVaney	94	
(Vote For 1)	1	
	0	
Yes No Over Votes	0	
	95	
Under Votes Total		
lotai		
Supreme Court Justice Retention Salter		
(Vote For 1)		
and the second		
		Contraction of the second second

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

etail Resu	e #: 8513090103			Minnehaha County, SI State Genera 11/08/202
		4	95	2 2//
1/28/2022 10:09:47 irst Ballot Date Time: ast Ballot Date Time:	11/28/2022 10:08:50 11/28/2022 10:09:29	Total Sheets Processed: Total Ballots Cast: Blank Sheets Cast:	95 0	
	Contest	Votes		
	Contest	94		
and the first of the		1		
res No		0		
40	Over Votes	0		
	Under Votes	95		
	Total			
Corend Cir	cuit			
Position A, Second Cir		95	5	
Vote For 1)		(		
Robin Houwman	Over Votes		С	
	Under Votes	9	5	
	Total			
n Cacand Ci	rcuit			
Position B, Second Ci	icuit	9	95	
(Vote For 1)			0	
Sandra H Hanson	Over Votes		0	
	Under Votes	<u>q</u>	95	
	Total			
Position C, Second C	ircuit		94	
(Vote For 1)			1	
Doug Barnett			0	
Eric C. Johnson	Over Votes		0	
	Under Votes		95	
	Total			
Position D, Second C	Circuit		95	
(Vote For 1)			0	
Natalie Damgaard	Quer Votes		0	
	Over Votes Under Votes		95	
	Total			
Position E, Second	Circuit		05	
(Vote For 1)			95 0	
John Pekas	Mana		0	
Jo.m. 1	Over Votes		95	
	Under Votes Total			
	Totai			
Position F, Second	Circuit			
Position 1, Second				

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

11/28/2022 10:09:47				11/08/2
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	
	Contest	Blank Sheets Cast: Votes	0	
		voites		
(Vote For 1)				
Camela Theeler	Quertility	95		
	Over Votes Under Votes	0		
	Total	95		
	man D	55		
Position G, Second C	ircuit			
(Vote For 1)				
Jennifer D. Mammenga		95		
	Over Votes	0		
	Under Votes	0		
	Total	95		
Position H, Second Ci	rcuit			
(Vote For 1)				
Susan M. Sabers		95		
	Over Votes	0		
	Under Votes	0		
	Total	95		
Position I, Second Circ	cuit			
(Vote For 1) Doug Hoffman		95		
Joug Homman	Over Votes	0		
	Under Votes	0		
	Total	95		
Position J, Second Cire	cuit			
Vote For 1)				
ames Power		95		
	Over Votes	0		
	Under Votes	95		
	Total	55		
Position K, Second Cire	cuit			
Vote For 1)	the second s			
on C. Sogn		95		
	Over Votes	0		
	Under Votes	0		
	Total	95		
Position L, Second Circ	uit			
Vote For 1)				

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

achine ID: B Machine #:	8513090103		Minnehaha County, SD State General 11/08/2022
1/28/2022 10:09:47	10.08:50	Total Sheets Processed: 95	
Ballot Date Hille.	11/28/2022 10:08:50 11/28/2022 10:09:29	Total Ballots Cast: 95 Blank Sheets Cast: 0	
ast Ballot Date Time:	11/28/2022 10:00:00	Blank Sheets Cast. Votes	
	ontest		
		95 0	
Rachel R. Rasmussen		0	
	ver Votes	95	
Un	der Votes Total		
	101		
Constitutional Amendment	D	93	
(Vote For 1)		93 2	
(Vote For 1) Yes		0	
	Over Votes	0	
	Inder Votes	95	
· · · ·	Total		
Initiated Measure 27		94	
(Vote For 1)		1	
Yes		0	
No	Over Votes	0	
	Under Votes	95	
	Total		
Initiated Measure Sioux	Falls	69	
(Vote For 1)		1	
Yes		0	
No	Over Votes	70	
	Under Votes		
	Total		
1. S.			
100			
A Carl and A			1.000 1.000

## 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.

### 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.

	А	В	С	D	Е	F	G	Н	
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	equired to be Numbers can only be used once on the ballot used in each						
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	
22									

### 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 <u>12-17B-5</u> and <u>12-17B-12</u>. 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.

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 <u>12-17B-13.1</u>.

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

- 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 <u>At least thirty</u> 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 fortyeight 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.