STATE OF SOUTH DAKOTA
FILED

APPELLANT'S BRIEF

JAN 2 4 2025

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

No.

30825

KATE CROWLEY JOHNSON

Petitioner and Appellant,

ν.

BRENDA MCGRUDER, LAWRENCE COUNTY AUDITOR

Respondent and Appellee

APPEAL FROM THE CIRCUIT COURT FORTH JUDICIAL CIRCUIT LAWRENCE COUNTY, SOUTH DAKOTA

HONORABLE JEFFREY ROBERT CONNOLLY CIRCUIT JUDGE

Petitioner Pro Se,

Respondent

Kate Crowley Johnson

Brenda McGruder

P.O. Box 182,

Attorney Richard M. Williams

Saint Onge SD, 57779

P.O. Box 8045

Rapid City, SD 57709

Notice of Appeal Filed September 6th, 2024

30825

#### TABLE OF CONTENTS

	PAGE
TABLE OF AUTHORITIES	i
JURISDICTIONAL STATEMENT	1
STATEMENT OF ISSUES	1
STATEMENT OF THE CASE	6
STATEMENT OF THE FACTS	6
ARGUMENT	7
CONCLUSION	11
APPENDIX; Test Deck, Directions on how to read a Test De	ck, Judge Connelly order,
Transcript of the Recount Hearing.	

#### TABLE OF AUTHORITIES

STATUTES:
SDCL 12-17B-51-6
SDCL 12-17B-5.11-5
SDCL 12-21-101-9
SDCL 12-21-201
OTHER AUTHORITY:
https://constitution.congress.gov/resources/unconstitutional-laws/6
https://www.legalbriefai.com/legal-terms/obvious7
52 U.S.C. VOTING AND ELECTIONS §101021-5, 9-10
South Dakota Const, art. VII §1 Elections and Right of Suffrage1-5, 7
South Dakota Const. art. VI §19 Bill of Rights
U.S Const. art. VI, Cl. 21-5, 7
SOS Administrative Rule 5:02:09:01.021-5
U.S. Const. amend. I

#### JURISDICTIONAL STATEMENT

The 4<sup>th</sup> Circuit Court is the Jurisdiction for a District 31 candidate recount petition. This is in accordance with "SDCL 12-21-20; Notice to circuit judge of recount petition--Appointment and convening of recount board." The date the order appealed was signed and filed by the trial court was on August 5<sup>th</sup>, 2024. The date notice of entry of the order was served on each party was August\_9<sup>th</sup>, 2024. The appeal to the order was filed on September 6<sup>th</sup>, 2024.

#### **STATEMENT OF ISSUES**

I. Is SDCL 12-21-10 an unconstitutional statute due to the fact there can be more than one legal reason to petition for a recount?

Circuit Court Judge Connelly held in the negative.

The Most Relevant Constitutional and Statutory Provisions:

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

52 U.S.C. VOTING AND ELECTIONS §10102

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art. VI, Cl. 2

SOS Administrative Rule 5:02:09:01.02

II. Is SDCL 12-21-10 an unconstitutional statute due to the fact our elections are tabulated a lot differently than they were tabulated over four decades ago when the 2 percent was added to this statute?

Circuit Court Judge Connelly held in the negative.

The Most Relevant Constitutional and Statutory Provisions:

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

52 U.S.C. VOTING AND ELECTIONS §10102

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art. VI, Cl. 2

SOS Administrative Rule 5:02:09:01.02

III. Did the Appellant concede that the election results were legal or correct?

Circuit Court Judge Connelly signed order that stated I did.

The Most Relevant Constitutional and Statutory Provisions:

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

52 U.S.C. VOTING AND ELECTIONS §10102

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art. VI, Cl. 2

SOS Administrative Rule 5:02:09:01.02

IV. Is Appellant allowed a recount according to our constitution that specifies our elections should be fair and equal?

Circuit Court Judge Connelly held in the negative.

The Most Relevant Constitutional and Statutory Provisions:

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

52 U.S.C. VOTING AND ELECTIONS §10102

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art. VI, Cl. 2

SOS Administrative Rule 5:02:09:01.02

V. Is it reasonable and legal to petition a government office for a recount when it can be proven the Auditor conducted an illegal election by her own records and documentation of the illegal test deck that was given to her by ES&S the tabulator company?

Circuit Court Judge Connelly held in the negative.

The Most Relevant Constitutional and Statutory Provisions:

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

52 U.S.C. VOTING AND ELECTIONS §10102

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art. VI, Cl. 2

#### STATEMENT OF THE CASE

The order I am appealing was submitted by Judge Jeffery Connelly within the 4<sup>th</sup> Circuit Court. The order was regarding a verified petition I had filed on June 11<sup>th</sup>, 2024 for a recount of the primary District 31 South Dakota Senate that I was a candidate in.

#### **STATEMENT OF THE FACTS**

I was a candidate for District 31 South Dakota Senate. The primary was held on June 4th, 2024. I submitted a petition for a recount on June 11th, 2024 to the Lawrence County Auditor Brenda McGruder. She did not want to except and file my verified petition due to SDCL 12-21-10. I felt this was wrong because the test deck was done illegally by the Auditor. The Auditor had the physical proof, the election statutes, and the administrative rules on how to conduct a legal testing but failed to. Test decks are used by all auditors in the state of South Dakota to test the computerized tabulators before certifying the tabulators. The computer tabulators are required to be certified before each election and to be found errorless according to SDCL 12-17B-5; Testing system before election-Certification of errorless machine--Promulgation of rules--Public notice--Independent candidate and ballot committee contact information.

Before certifying they are supposed to be found errorless according to this statute. This is the auditor's job and she should have known what a legal test deck was after being our Auditor for several years. Since all Recount Petitions are sent to the circuit court and

given a docket number by the clerk of courts in order for the circuit court to decide, I went directly to the clerk of courts and filed my verified petition on June, 11th, 2024. Then Auditor McGruder was served the verified petition by the Sheriff's Department that she refused to file and forward to the clerk of court's office so the clerk of courts office could assign a docket number and forward to the circuit court judge as done in all verified petitions for a recount. The Auditor never admitted to her wrongdoing of illegally certifying the computerized tabulators and had no intentions of allowing me to petition for a justifiable grievance.

#### <u>ARGUMENT</u>

It is stated in a report titled "Table of Laws Held Unconstitutional in Whole or in Part by

the Supreme Court", the US Federal Supreme Court has declared that 984 cases were considered unconstitutional laws across the United States from the year starting in 1803 through the year of 2021. This can be found at the following link; https://constitution.congress.gov/resources/unconstitutional-laws/
I could use all these 984 cases for my case law support of my opinion but that is wasteful time for me and the court. My point is that it is not uncommon for state laws to be considered unconstitutional. I believe SDCL 12-21-10 is one of them. According to Legal Brief AI the term "obvious" in legal documents, "Refers to something that is clear and easy to understand. When something is described as obvious, it means that there is little to no confusion about it. For example, if a mistake is obvious, it is something that anyone looking at the situation can see without needing to dig deeper. This clarity is important in legal matters because it helps prevent misunderstandings and disputes.

If a term or condition in a contract is obvious, it means that all parties involved should easily grasp what it means without needing further explanation." This is the following link; https://www.legalbriefai.com/legal-terms/obvious

I believe it is obvious that I should have been allowed a recount when the Auditor illegally certified the computer tabulators. I believe it is clear that the SD constitution should have precedence over state statute SDCL 12-21-10. Pursuant to "South Dakota Const. art. VII §1 Right to vote. Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage." This is repeated in our constitution in "South Dakota Const. art. VI §19 Bill of Rights, Free and equal elections--Right of suffrage--Soldier voting. Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers in time of war may vote at their post of duty in or out of the state, under regulations to be prescribed by the Legislature." The Supremacy Clause allows the SD Constitution precedence. U.S Article VI, Clause 2: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

A candidate is allowed to petition for a recount according to the recount chapter of SD codified laws. According to the U.S. Const. amend. I, it confirms I am allowed to petition grievances. SDCL 12-21-10 is unconstitutional, by only allowing one reason to

petition for a recount. I had multiple reasons of illegal conduct by the Election official to petition. My grievance was a factual real wrong done by the Election official called Auditor. To deprive me for a hand recount is completely illegal according to our Federal Civil Rights and our South Dakota Constitution. My petition stated all the multiple laws and administrative rules that the auditor broke when testing the computerized tabulator and I attached the illegal test deck that she used to illegally certify the computerized tabulators. My Verified Petition for a Recount also included the illegal test deck and a document that explains how to read the test deck. Judge Connelly never asked about why it was illegal nor mentioned he read it. I believe there should have been an automatic hand recount authorized and performed as soon as I showed the illegal test deck and state laws to the circuit court. Judge Connelly stated during the hearing that he did not feel obligated to follow the constitution but to follow the statute SDCL 12-21-10. I had witnesses watching the hearing. The transcript for some reason does not show this statement. I wrote it in my notes when he stated it. His actions and other statements in the transcript support what I heard him say. If a hand recount had been allowed right away this would have saved me from doing a contest. Since it was the Auditor's fault the computerized tabulators were certified illegally, it should have been the county's responsibility to automatically hand recount the primary election to correct their unlawful activity. It also would have saved me stress, money, and time by possibly not having to start a contest case that is supposed to be filed separately with a complaint to the Civil Court as stated in the contest law of SDCL 12-22-8; Summons and complaint to commence contest.

At the hearing on the Petition to Recount I argued throughout the entire recount hearing, that statute SDCL 12-21-10 was unconstitutional by only allowing only one reason for an recount. This statute was amended in 1982 after Thorness vs Daschel. This is over 41 years ago it was implemented. This is four decades before we used internet or had these computerized tabulators. My one expert, who tested tabulators for 20 years for the Election Assistance Commission of the United State stated to me that the election results can be completely flipped due to the illegal test deck results. We do not know what the actual percentage of difference was because the computer tabulator was certified illegally according to the test deck. I also submitted the illegal test deck with my original petition. I submitted a factual copy of the illegal test deck that Judge Connelly ignored. Not once did he ask me why it was an illegal test deck. He did not care. There is a reason my experts were paid by the United States government to test these computer tabulators. There is a reason to have tests done properly and legally for these computerized tabulators. The reason is to have legal elections. Judge Connelly made himself a computer tabulator expert without having the education or qualifications. The race was never lawfully proven that the margin was over two percent. The act of assuming and not proving means nothing. To lawfully prove what the election results were a hand recount should have been done and still should be done.

The observance of the principle of universal suffrage means: a) every citizen, upon coming up to the age fixed by the Constitution, laws, has the right to elect and to be elected to the bodies of state power, to local self-governments, other bodies of people's

(national) representation, to elective posts on the conditions and in line. This is in accordance with 52 U.S.C. §10102. The Interference with freedom of elections under the "color of law" is a violation.

We are to have free and equal elections as our constitution states. There was nothing free and equal about the primary election. It is that simple and I don't need 984 US Federal cases of case law to support this brief. This brief is a truthful opinion wrote by an over worked person who is frustrated at how my rights were stomped into the ground. I have spent well over \$2,500 to do these cases. Hiring a lawyer would have made it more expensive. Expenses I never should have had in the first place. I am worn out, but I am still hanging in there because it is the right thing to do. I spent plenty of money and time running for office for the first time in my life. My platform during my campaign was to get other non-lifetime politicians to run for office. The way I have been treated by not having a fair and equal election does not encourage others to run for office. Maybe that is what was intended by the circuit court by giving me such a hard time for a simple hand recount of only 4,000 ballots. This did not have to be this stressful to make sure our elected officials follow the laws regarding elections. This has an affect on us all. This will affect all our future generations if not fixed. I would not wish what has happened to me on anyone else. This has taken lots of time from my work and family. It has not been easy on my family or me to pursue what is right for future generations.

#### Conclusion

The relief sought was and still is a hand recount. Statement issues are now added in this brief in hopes that the Supreme Court will give clarification relief on constitutional Verified Petition Recount based off of justified grounds. This relief of answering these issues, would have saved and will save future stress, time, and money. I had expenditures and these are damages. Relief is sought for damages to my constitutional, statutory rights, and civil rights. The clarification on statement issues will prevent other problems and issues in the future in our state for every citizen and candidates. This is preventative relief.

#### **CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2025 a true and correct copy of an appellant brief to the South Dakota Supreme Court was served by U.S. Mail, first class, postage pre-paid, upon Randy Deibert's attorney Talbot Weiczorek.

Richard M. Williams P.O. Box 8045 Rapid City, SD 57709

By Kate Crowley Johnson

## CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS

This is for the Brief I am submitting for #30877.

12 pt font was used

Word Document Microsoft was the program

New Times Roman was the type-style

Date of January 18, 2024

Certified by Kate Crowley Johnson



## 2024 South Dakota Test Deck Project

Validating the 2024 Primary Election in South Dakota

## Vote Flips & Programming Issues

#### The Philadelphia Inquirer

by Jonathan Lai

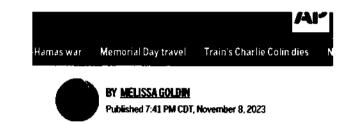
Published Dec. 12, 2019, 5:54 p.m. ET

When votes were tallied last month using new voting machines in Northampton County, it was quickly obvious that something had gone wrong.

The numbers were so clearly inaccurate that a judge ordered the machines impounded. Scanners were brought in to help count ballots, and voters questioned the integrity of the machines and the security of the election. The fiasco heightened concerns about the 2020 presidential election in Pennsylvania as the state looks to implement new voting machines in all 67 counties before the April primary.

It turns out the machines had been set up improperly, county officials and the voting machine vendor said Thursday, a week after they began an investigation. The machines weren't prepared to read the results of the specific ballot design used in Northampton County, and dozens of machines had touchscreens that weren't properly calibrated.

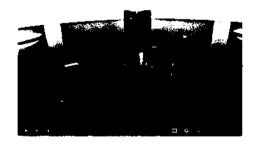
https://www.inquirer.com/politics/pennsylvania/northamptoncounty-pennsylvania-voting-machines-20191212.html



Voters in Northampton County were asked to decide whether two sitting judges, Pennsylvania Superior Court Judges Jack Panella, a Democrat, and Victor Stabile, a Republican, should each be retained for additional 10-year terms by marking "yes" or "no" for each candidate. Panella and Stabile were not running against each other, just vying for another term.

However, officials found that the "yes" or "no" votes for each judge appeared to have been switched on a printed summary shown to voters before they cast their ballot. Charles Dertinger, the Northampton County director of administration, said at a press conference on Tuesday. For example, if a voter marked "yes" to retain Panella and "no" on Stabile, it was reflected on the summary as "no" on Panella and "yes" on Stabile.

https://apnews.com/article/fact-check-pennsylvania-election-vote-flip-545307248102



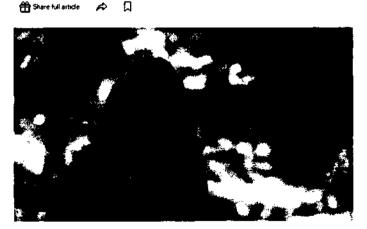
Watch the
11/7/2023
Press
Conference
https://www.youtube.com/live
/H42AV9Rpbs0?t=364s



## **Programming Issues**

# A candidate in Georgia who appeared to get few Election Day votes was actually in first place.

The discrepancy in a race for a county-level board of commissioners seat was blamed on a series of technical errors.



"I hope that this never happens to another candidate, in another race ever again," Ms. Spears said. "It has been a nightmare."



lune 6, 2022

A candidate for a county office near Atlanta was vaulted into first place after a series of technical errors made it appear that she had not mustered a single Election Day vote in a vast majority of precincts in last month's Democratic primary, election officials determined.

The candidate, Michelle Long Spears, was shortchanged by 3,792 votes in the District 2 primary for the Board of Commissioners in DeKaib County, Ga., that was held on May 24, according to newly-certified results released on Friday.

In all but four of the district's nearly 40 precincts, no Election Day votes were recorded for Ms. Spears, who had received more than 2,000 early votes. She said that she immediately alerted state and county election authorities.

https://www.nytimes.com/2022/06/06/us/politics/michelle-long-spearsgeorgia.html



No Votes Counted for a Candidate

https://www.youtube.com/watch? v=MECS\_OXfoH0

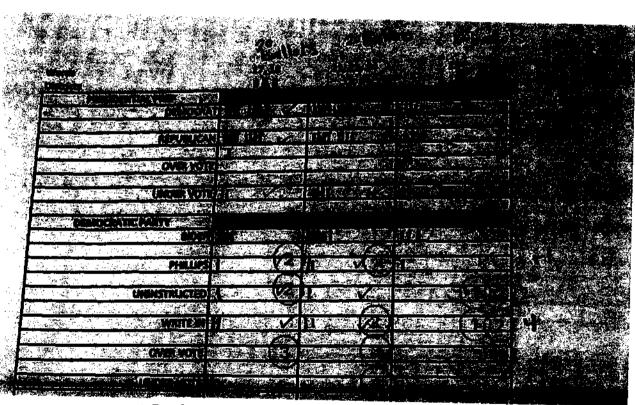


## Let's Review - Dodge County WI, 2024

- Actual worksheets by the City Clerk
- No Guidance by the US Election Assistance Commission (EAC)
- No Guidance by the Board of Elections (WI)
- No Guidance by vendor (ES&S)
- No Guidance by the County Auditor

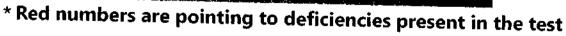


# WI – 2024 Logic & Accuracy Totals Sheet - Dems



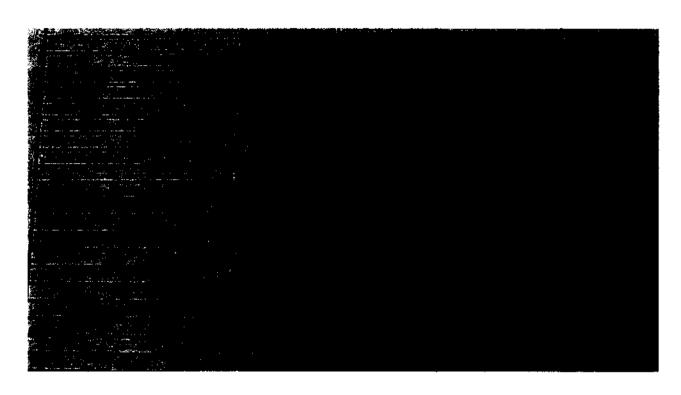
Here are items to review:

- Does each option have a vote selected for them?
- 2) Does each option have a unique number assigned from any other option in the contest?
- 3) Are Over Votes tested?
- 4) Are Under Votes tested?





## WI – 2024 Logic & Accuracy Totals Sheet - Reps



Here are items to review:

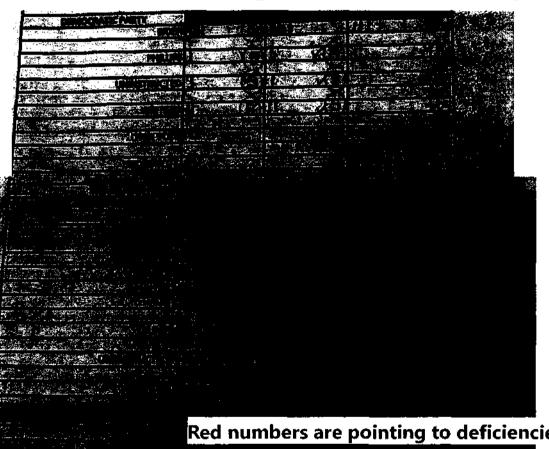
- Does each option have a vote selected for them?
- 2) Does each option have a unique number assigned from any other option in the contest?
- 3) Are Over Votes tested?
- 4) Are Under Votes tested?

With unique numbers we can determine if votes are flipped.

\* Red numbers are pointing to deficiencies present in the test



## WI – 2024 Logic & Accuracy Totals Sheet – 2 Races



Here are items to review:

5) Does each option have a unique number assigned from any other option on the ballot

With unique numbers we can determine if votes are flipped.

Red numbers are pointing to deficiencies present in the test



## Question - Over Vote & Under Vote

- Over Vote is when a voter votes for more options than is allowed for that race. Most races you can only select one option. Some races like SD Legislative House, Commissioners, City Council and School Boards, you can select two, three or more candidates in that race, an over vote occurs, when the voter exceeds the number of choices allowed. All of those votes for that race are discarded and not counted in the candidate buckets for final tabulation, the rest of the ballot is counted.
- Under Vote is when a voter decided to either vote for no options in a two option race. In multi-option races, if the voter decided to only vote for one option, event though they could vote for more, the vote for the one option is still counted, and is typically not flagged as an under vote in the reporting software.



## Test Decks - SD Current Laws

#### The front line in catching programming issues and establishing confidence.

12-17B-5. Testing system before election--Certification of errorless machine--Promulgation of rules--Public notice--Independent candidate and ballot committee contact information.

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. The test must be open to the public. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment one week before the test is conducted. The person in charge of the election shall post notice of the time and place of the test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1.

If an errorless count by an automatic tabulating machine is achieved by the test, the person in charge of the election shall certify the machine. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the certification of properly functioning automatic tabulating equipment under this section.

If an error is detected, the cause of the error shall be determined and corrected. Once the error is corrected, the person in charge of the election shall conduct a new test of the automatic tabulating equipment. The person in charge of the election may not approve the automatic tabulating equipment until an errorless count is made.

Any additional testing required to achieve an errorless count must be open to the public. The person in charge of the election shall post notice of the time and place of an additional test in the same manner as a public meeting agenda, pursuant to  $\S$  1-25-1.1. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment twenty-four hours prior to the test.

The secretary of state shall provide each county auditor with the contact information for any independent candidate, candidate without party affiliation appearing on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment in the auditor's county.

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 Rules

### The front line in catching programming issues and establishing confidence.

- 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 test must 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 must be created prior to the machine count to 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 must be made for each ballot that is unique in any way. For each office and ballot question, the test deck must include:
- (1) One or more ballots with a vote for each candidate and each side of a ballot question;
- (2) One or more ballots with votes in excess of the number allowed by law for each office and question; and
- (3) One or more ballots with an undervote;
- (4) One or more ballots completely blank to verify that the machine is correctly configured pursuant to SDCL 12-17B-13.1; and
- (5) One or more ballots that do not have a ballot stamp.
- At least twenty-five test ballots must be included in the total of all test decks. Individual test decks for individual ballots must 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 must 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. Any test deck, tally sheet, and signed printout must be secured and retained with the official ballots.
- If more than one tabulating machine is to be used in the election, each machine must be fully tested on any ballot 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.



# SD - 2022 Minnehaha County L&A Test Reports ExpressVote Machines

Machine ID: 8 Machin 11/28/2022 10:09:47	e #: 8\$13090103		Min	mehaha County, SD State General 11/08/2022
First Ballot Date Time: Last 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 95 9(5)	
	Contest	Votes		
	Over Votes	0		
smg i	Under Votes Total	12 24		
For State Representative (Vote For 2)	, D25	***************************************		
DEM David Kills A Hundred REP Jon Hansen		02		
REP Randy Gross	and the second s	(1)(2)		
	Over Votes Inder Votes Total	0 16 32	3	

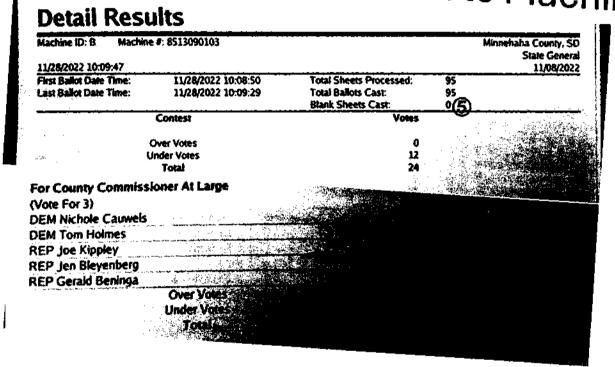
Here are items to review:

- Does each option have a vote selected for them?
- 2) Does each option have a unique number assigned from any other option in the contest?
- 3) Are Over Votes tested?
- 4) Are Under Votes tested?
- 5) Were blank sheets cast?



<sup>\*</sup> Red numbers are pointing to deficiencies present in the test

# SD - 2022 Minnehaha County L&A Test Reports ExpressVote Machines



Here are items to review:

- Does each option have a vote selected for them?
- 2) Does each option have a unique number assigned from any other option in the contest?
- 3) Are Over Votes tested?
- 4) Are Under Votes tested?
- 5) Were blank sheets cast?
- Does each option have a unique number assigned from any other option on the ballot



<sup>\*</sup> Red numbers are pointing to deficiencies present in the test

## SD - 2022 Minnehaha County L&A Test Reports ExpressVote Machines

Machine ID: B Machin	e #: 8513090103	<del>'</del>		Minnehaha County, SD State Genera
11/28/2022 09:47:13				11/08/2022
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	
Contest		Votes		
For State Senator, D11				
(Vote For I)		<b>∞</b>	_	
DEM Sheryl L. Johnson			-	
REP Jim Stalzer	Over Votes	26		
	Under Votes	1	_	
	Total	25	)	
or State Senator, D12				
Vote For 1)		<b>@</b> @		
EM Jessica Meyers		26		
EP Arch Beal	Over Votes			
	Over voles Inder Votes	10		
•	Total	250		

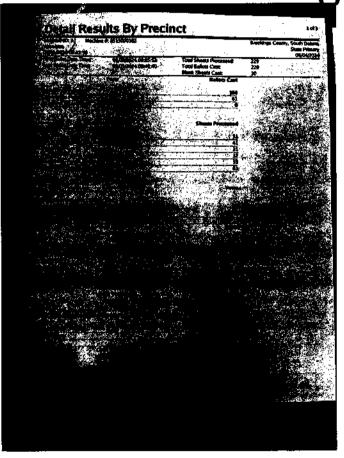
Here are items to review:

- Does each option have a vote selected for them?
- 2) Does each option have a unique number assigned from any other option in the contest?
- 3) Are Over Votes tested?
- 4) Are Under Votes tested?
- 5) Were blank sheets cast?
- 6) Does each option have a unique number assigned from any other option on the ballot



<sup>\*</sup> Red numbers are pointing to deficiencies present in the test

2024 – Brookings, SD on the right path



In this Election, the Republicans have a separate ballots for their races. There are 5 ballot styles. (The 6<sup>th</sup> one is the Democrat Ballot)

Here the Brookings County Auditor get high marks.

- 1) There are unique numbers for each candidate within each race.
- 2) Over votes were tested.
- 3) Under Votes (blank ballots) were tested.

#### Areas for Improvement

- 1) Prime Number for one candidate in each race is not consistent.
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 The county did not test, due to programming issue, their plan is to manually convert those ballots to hand marked ballots for processing.

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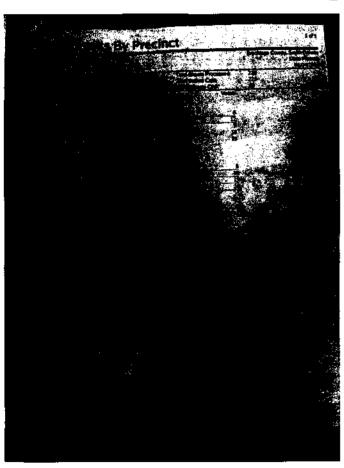
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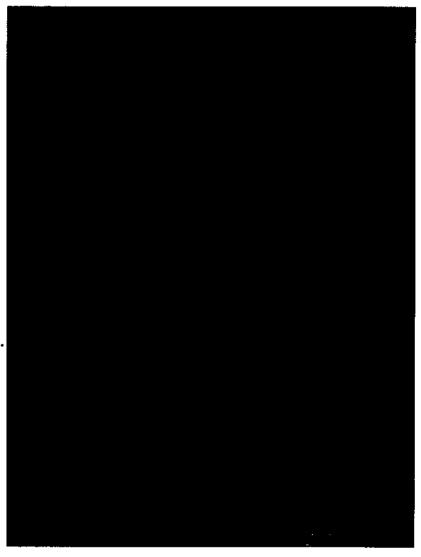
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\*A Hand Recount of the House race of this precinct is recommended due to improper test deck.



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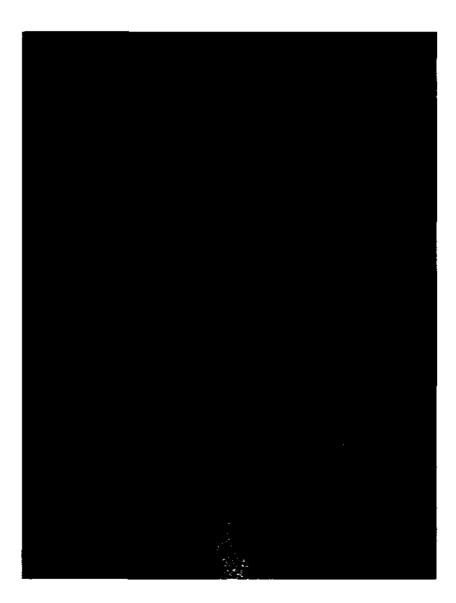
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- Get the sample ballots from every precinct for each unique ballot design.
- 2) Ask if they fold the absentee ballots when mailing them out?
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If they can not provide this, they have not proven they know how to use the election equipment, nor have they proven the systems are secure and ready for the election.

<sup>\*</sup>NOTE: During Public Accuracy Tests, ask for Ballot Images and CVRs, since there is no identifying information of a voter issue here...so privacy is not an issue at all. (Voters do not fill out ballots for the test decks)

# **Questions for the Auditors**

- Do you have the EAC Certificate?
- When was the last time you scanned the equipment for viruses?
- When was the battery replaced? Is it older than 3 years?
- When was the last time ES&S did maintenance?
- Did you backup the tabulator before maintenance was done?
- Do you have a logbook for the storage of tabulators, that notes who had access to the systems?





# 2024 South Dakota Test Deck Project

Validating the 2024 Primary Election in South Dakota

# Vote Flips & Programming Issues

### The Philadelphia Inquirer

by Jonathan Lai

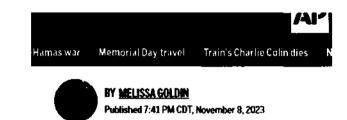
Published Dec. 12, 2019, 5:54 p.m. ET

When votes were tallied last month using new voting machines in Northampton County, it was quickly obvious that something had gone wrong.

The numbers were so clearly inaccurate that a judge ordered the machines impounded. Scanners were brought in to help count ballots, and voters questioned the integrity of the machines and the security of the election. The fiasco heightened concerns about the 2020 presidential election in Pennsylvania as the state looks to implement new voting machines in all 67 counties before the April primary.

It turns out the machines had been set up improperly, county officials and the voting machine vendor said Thursday, a week after they began an investigation. The machines weren't prepared to read the results of the specific ballot design used in Northampton County, and dozens of machines had touchscreens that weren't properly calibrated.

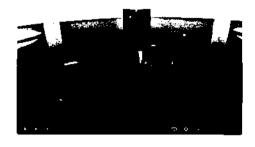
https://www.inquirer.com/politics/pennsylvania/northamptoncounty-pennsylvania-voting-machines-20191212.html



Voters in Northampton County were asked to decide whether two sitting judges, Pennsylvania Superior Court Judges Jack Panella, a Democrat, and Victor Stabile, a Republican, should each be retained for additional 10-year terms by marking "yes" or "no" for each candidate. Panella and Stabile were not running against each other, just vying for another term.

However, officials found that the "yes" or "no" votes for each judge appeared to have been switched on a printed summary shown to voters before they cast their ballot, Charles Dertinger, the Northampton County director of administration, said at a press conference on Tuesday. For example, if a voter marked "yes" to retain Panella and "no" on Stabile, it was reflected on the summary as "no" on Panella and "yes" on Stabile.

https://apnews.com/article/fact-check-pennsylvania-election-vote-ftip-545307248102



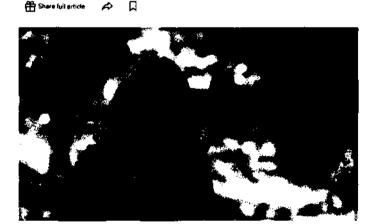
Watch the
11/7/2023
Press
Conference
https://www.youtube.com/live
//H4zAV9Rpbs02t=364s



# **Programming Issues**

# A candidate in Georgia who appeared to get few Election Day votes was actually in first place.

The discrepancy in a race for a county-level board of commissioners seat was blamed on a series of technical errors.



"I hope that this never happens to another candidate, in another race ever again," Ms. Spears said. "It has been a nightmare."



June 6, 2022

A candidate for a county office near Atlanta was vaulted into first place after a series of technical errors made it appear that she had not mustered a single Election Day vote in a vast majority of precincts in last month's Democratic primary, election officials determined.

The candidate, Michelle Long Spears, was shortchanged by 3,792 votes in the District 2 primary for the Board of Commissioners in DeKalb County, Ga., that was held on May 24, according to newly-certified results released on Friday.

In all but four of the district's nearly 40 precincts, no Election Day votes were recorded for Ms. Spears, who had received more than 2,000 early votes. She said that she immediately alerted state and county election authorities.

https://www.nytimes.com/2022/06/06/us/politics/michelle-long-spearsgeorgia.html



No Votes Counted for a Candidate

https://www.youtube.com/watch? v=MECS\_OXfoH0

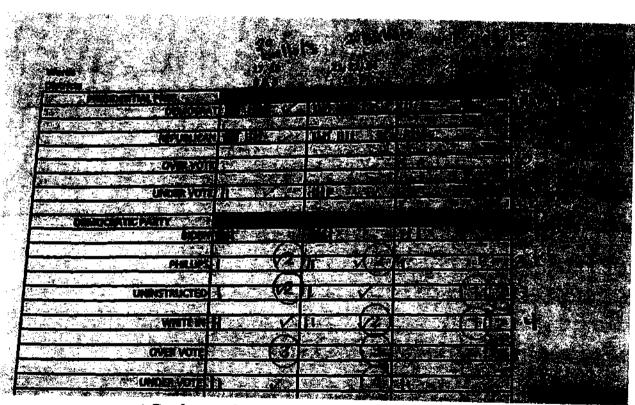


# Let's Review - Dodge County WI, 2024

- Actual worksheets by the City Clerk
- No Guidance by the US Election Assistance Commission (EAC)
- No Guidance by the Board of Elections (WI)
- No Guidance by vendor (ES&S)
- No Guidance by the County Auditor

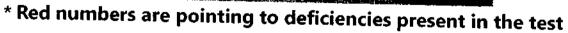


# WI – 2024 Logic & Accuracy Totals Sheet - Dems



Here are items to review:

- Does each option have a vote selected for them?
- 2) Does each option have a unique number assigned from any other option in the contest?
- 3) Are Over Votes tested?
- 4) Are Under Votes tested?





# WI – 2024 Logic & Accuracy Totals Sheet - Reps



Here are items to review:

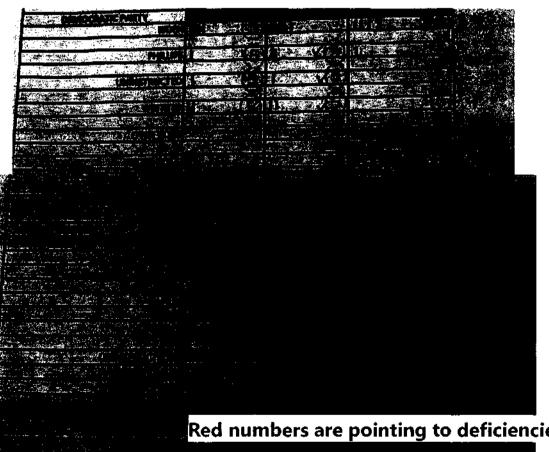
- Does each option have a vote selected for them?
- 2) Does each option have a unique number assigned from any other option in the contest?
- 3) Are Over Votes tested?
- 4) Are Under Votes tested?

With unique numbers we can determine if votes are flipped.

\* Red numbers are pointing to deficiencies present in the test



# WI – 2024 Logic & Accuracy Totals Sheet – 2 Races



Here are items to review:

5) Does each option have a unique number assigned from any other option on the ballot

With unique numbers we can determine if votes are flipped.

Red numbers are pointing to deficiencies present in the test



# Question - Over Vote & Under Vote

- Over Vote is when a voter votes for more options than is allowed for that race. Most races you can only select one option. Some races like SD Legislative House, Commissioners, City Council and School Boards, you can select two, three or more candidates in that race, an over vote occurs, when the voter exceeds the number of choices allowed. All of those votes for that race are discarded and not counted in the candidate buckets for final tabulation, the rest of the ballot is counted.
- Under Vote is when a voter decided to either vote for no options in a two option race. In multi-option races, if the voter decided to only vote for one option, event though they could vote for more, the vote for the one option is still counted, and is typically not flagged as an under vote in the reporting software.



### Test Decks – SD Current Laws

### The front line in catching programming issues and establishing confidence.

12-17B-5. Testing system before election--Certification of errorless machine--Promulgation of rules--Public notice--Independent candidate and ballot committee contact information.

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. The test must be open to the public. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment one week before the test is conducted. The person in charge of the election shall post notice of the time and place of the test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1.

If an errorless count by an automatic tabulating machine is achieved by the test, the person in charge of the election shall certify the machine. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the certification of properly functioning automatic tabulating equipment under this section.

If an error is detected, the cause of the error shall be determined and corrected. Once the error is corrected, the person in charge of the election shall conduct a new test of the automatic tabulating equipment. The person in charge of the election may not approve the automatic tabulating equipment until an errorless count is made.

Any additional testing required to achieve an errorless count must be open to the public. The person in charge of the election shall post notice of the time and place of an additional test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment twenty-four hours prior to the test.

The secretary of state shall provide each county auditor with the contact information for any independent candidate, candidate without party affiliation appearing on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment in the auditor's county.

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 Rules

### The front line in catching programming issues and establishing confidence.

- <u>5:02:09:01.02</u>. 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 test must 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 must be created prior to the machine count to 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 must be made for each ballot that is unique in any way. For each office and ballot question, the test deck must include:
- (1) One or more ballots with a vote for each candidate and each side of a ballot question;
- (2) One or more ballots with votes in excess of the number allowed by law for each office and question; and
- (3) One or more ballots with an undervote;
- (4) One or more ballots completely blank to verify that the machine is correctly configured pursuant to SDCL 12-17B-13.1; and
- (5) One or more ballots that do not have a ballot stamp.
- At least twenty-five test ballots must be included in the total of all test decks. Individual test decks for individual ballots must 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 must 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. Any test deck, tally sheet, and signed printout must be secured and retained with the official ballots.
- If more than one tabulating machine is to be used in the election, each machine must be fully tested on any ballot 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.



# SD - 2022 Minnehaha County L&A Test Reports ExpressVote Machines

Machine ID: B Machin 11/28/2022 10:09:47	e #: 8513090103		Minnehaha County, State Gene 11/08/20
First Ballot Date Time: Last 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 95 (5)
	Contest	Votes	
	Over Votes	0	
· ·	Under Votes	12	
	Total	24	
or State Representative	, D25	# A.	
/ote For 2) EM Dan Ahlers		16	
EM David Kills A Hundre	4	(1)(2)0	
EP Jon Hansen		$\Theta(2)$	
EP Randy Gross		(0(2) 6	
	Over Votes	0 (	3
Į	Inder Votes	16	
	Total	32	

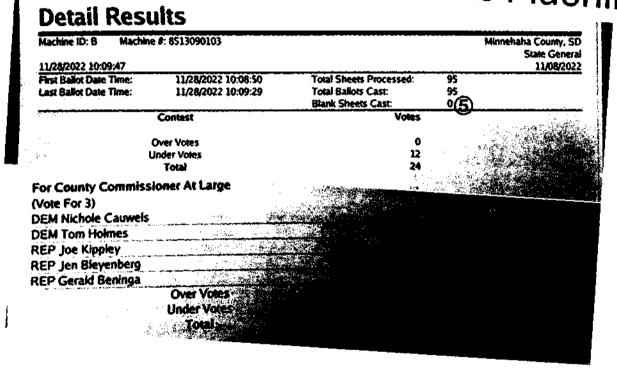
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Machine ID: B Machine	#: 8513090103		<del></del> .		Minnehaha County, SD State Genera
11/28/2022 09:47:13					11/08/2022
First Ballot Date Time: Last Ballot Date Time:	11/28/2022 09:15:47 11/28/2022 09:46:28	Total Sheets Process Total Ballots Cast: Blank Sheets Cast:	ed:	2325 2325 93	
	Contest		otes		
For State Senator, D11					
(Vote For 1)		<u> </u>	115		
DEM Sheryl L. Johnson REP Jim Stalzer		<b>%</b>	115 115		
	Over Votes	<b>€</b> ∕•	10		
I	Under Votes		10 250		
	Total		230		
or State Senator, D12					
Vote For 1)		26	115		
EM Jessica Meyers EP Arch Beal		<i>5</i> 6 <sup>™</sup>	115		
	Over Votes		10		•
U	nder Votes		10		:
	Total		250		

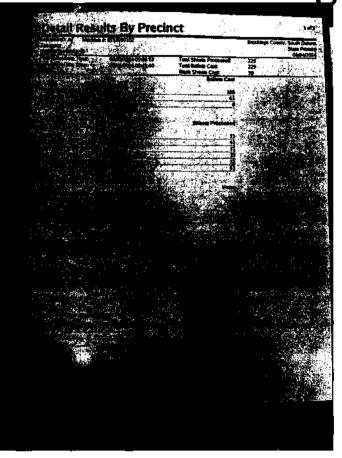
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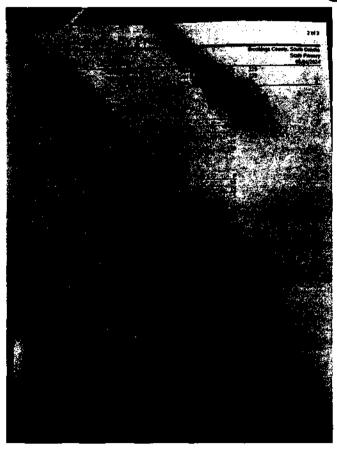
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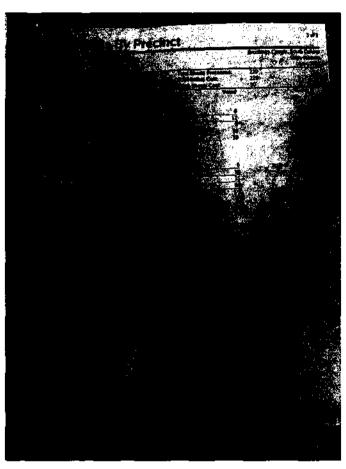
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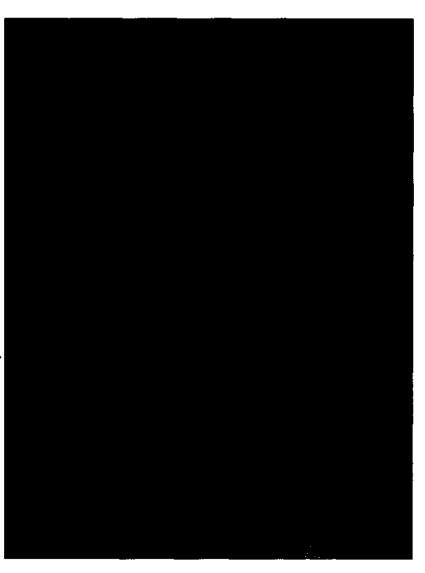
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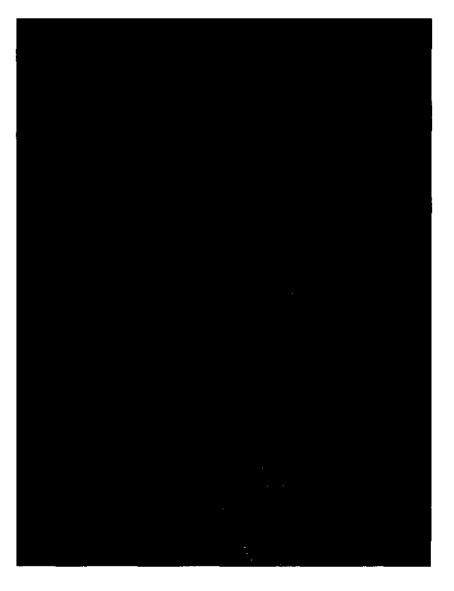
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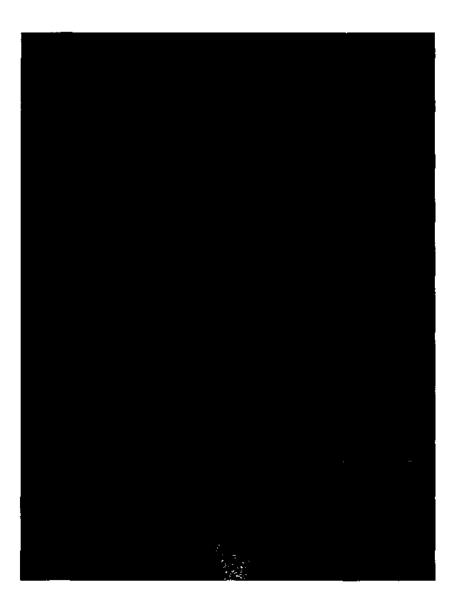
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TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRE	CIN	CT NA	ME			Pre	cinct-(	11								Seq	uence	#: 0	1-000	1-01			
Vote Fo	BL = Blank, OV = Overvote, F = 6 r Office	Condidate	BL (					F T192	T193	T194	F T196	T196	NS T197	T196	T 199	F T200	OV T201	T202	7203	T204	T205	<b>†20</b> 5	T207	T208	EV T481	TOTALS
!	REP State Senetor 031	Randy Defbert Kate Crowley-Johnson Over sotes Under votes	1	:1 1		1	1	Ϋ́	1	1	1	1 .			1	1	1	· f	1	``	1	(T )	. i	1	1	7
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1	REP Committemen P 01	Donald Lutz Jimmy J. Roberta Over votes Under votes	1	1	1		1	1	, <b>1</b>		1	.1		1	.1	1		1	i1	1	[ <b>1</b>	<b>1</b>	1	1 1	1	10 2 7
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Vote For Office Candidate	704 700 700 767 Tea 769 790	## 78 ## 29 HS T373 T3	74 T375 T376 T377	T378 T379 T380 T381 T382 T3	83 T384 T492 TOTALS
1 DEM Presidential Candidate Marianne Williamson	1	·· <del>·</del>		1	At rivings.
Joseph R Biden Jr	of the Court of the Halling Court of the	THE R. P. LEWIS CO., LANSING, MICH.		1 1	<b>5</b> 17 × 1
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JURISDICTION
PRECINCT NAME
Sequence #: 0002
TEST

# Lawrence County, SD Precinct-02

TEST		
Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	<b>3 3 3 3</b>
	Joseph R Biden Jr	
	Dean Phillips	
• •	Armando Perez-Serrato	5 to 1
	Over votes	1
	Under votes	
		24
·		Stiller William Still Williams ( 1977) Bellin
	No Ballot Stamp	1
REP State Senator D31	Randy Deibert	
	Kate Crowley-Johnson	
**	Over votes	1 4 5
	Under votes	
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REP State Representative D31	Mark Mowry	
	Mary J. Fitzgerald	
<u>:</u>	Scott Odenbach	11.0002.0002
·	Over votes	
	Under votes	
REP CCM At Large	Bob Éwing	
	Rick Tysdal	
	Erica Douglas	11.00
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	Under votes	
!		
REP Delegates to State Conv	Naomi Merchant	
- 1.1 <del>4</del> 1 111 111	David L. Gross	10
	Ellen L. Gross	
	Meta Halverson	12
	Over votes	3
	Under votes	
REP Committeeman P 02	Ayden Q. Wrisley	
	Nathan Hoogshagen	
	Thomas R. Nelson	
•	Over votes	
	Under votes	
		ten Saldan er Sanidal er
	No Ballot Stamp	1
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TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRECINCT NAME	Precinct-03	Sequence #: 01-0003-01	
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	REF Saide Senstor D31	Randy Delbert Kate Crowley-Johnson Over voles Under votes				
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²		Bob Ewing  Rick Tysdel  Entra Douglas  Over votes  Undervotes	1 15 H 1 2 2	2 7 3		10 12 2
9		Naomi Merchani David L. Gross Ellen L. Gross Meta Halverson Over voies Under voice	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	10
	•	Richard Prezitute Parry Westersberger Over votes				
. 1		Paulette Washenberger Delle Preckute Over votes Under wotes	1 1 1 1 1 1			12
		No Ballot Stamp (NS)		1 1		1

TEST JURISDICTION  1 = Valid Mark	Lawrence County, SD	PRECINCT NAME	Precinct-03		Sequence #: 02-0003-01	
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/ate For Office	Candidate	T96 T97 T98 T99 T100 T101 T102	T103 T104 T105 T106 T107 T385 T3	86 T387 T388 T389 T394	T391 T392 T393 T394 T395	T396 T493 TOTALS
	Marianne Williamson	1	:11		1	3-3-1
· · · · · · · · · · · · · · · · · · ·	Joseph R Bitten Jr		The state of the s	1 1 7 7	TO 1 1 THE RESERVE OF THE SECOND	1 1 1
	Dean Phillips	1 1	1			
	Armendo Perez-Serrato		To all a light by the	4 4	T 12 : T10	
	Over votes	" · · · · · · · · · · · · · · · · · · ·	and the second of the			
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JURISDICTION

PRECINCT NAME Sequence #: 0003 TEST

# Lawrence County, SD Precinct-03

Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	
	Joseph R Biden Jr	<b>8</b>
	Dean Phillips	5
·	Armando Perez-Serrato	
	Over votes	
	Under votes	
•		
	No Ballot Stamp	
REP State Senator D31	Pandy Dalhad	A TANK STREET ALIES OF
REP State Sentitor D3 (	Randy Delbert	
	Kate Crowley-Johnson Over votes	
	Under votes	
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SER OLL DATE OF THE STATE OF TH	Mark Marin	
REP State Representative D31	Mark Mowry	
	Mary J. Fitzgerald Scott Odenbach	
	Over votes	
	Under votes	
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REP CCM At Large	Bob Ewing	
	Rick Tysdal	10
	Erica Douglas	
	Over votes	
	Under votes	
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REP Delegates to State Conv	Naomi Merchant	
	David L. Gross	
	Ellen L. Gross	
	Meta Halverson	4. 2
	Over votes	
	Under votes	
REP Committeeman P 03	Richard Prezkuta	
	Perry Washenberger	
	Over votes	
	Under votes	
REP Committeewoman P 03	Paulette Washenberger	
	Delia Prezkuta	<b>12</b>
	Over votes	
	Under votes	
	No Ballot Stamp	

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	PREP State Servetor D31	Randy Delbert Kate Crowley-Johnson Over votes Under votes	· ·	1 .	. 1 .k	1	1	1	;1	1		1	:		."1 		. <b>1</b> 		í	. [1 :	1	i	: .	1	1	ii	
2	FIEP State Representative D31	Mark Mowry Mary J. Fitzgerald Scott Odenbects Over votes Under votes	2	2	.1	1	1	2	1	1	1	. 2	1	1	ii ii	**	1		. i	: 2	1	1	1.	2	1	1	11
2	REP County CCM At Large	Bob Ewing Rick Tysdal Erica Dougha Over votes Under votes	i	2	1	:+		1	1	1	(1 1	2	1	1	.i	2	1	::		2	1	1 31	1	2	1	1 1	6 11 11 2
<b>3</b>	REP Delegates to State Conv	Naomi Merchant Devid L. Gross Ellen L. Gross Mats Helverson Over votes Under votes	: : : : :	3	1 1	1 1	.1	·	1 1 1	1 1	1 1	1		1 :1 1	1 1	1 1	1 2		1 1	1 1	1 1	1 2	3	1 1	1 1 1	1 1 1 1	11 15 15 23
1	REP Committeenum P 04	Lloyd A. Rich Gary Coe Over votes Under votes	: : :	1	1	-1	i	1	1	1	; <b>1</b>	1	1	; ;1		· · · · · · · · · · · · · · · · · · ·	4	:	1	1	;1	1	1	1	1	1	
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X = Crossover OR Overvote, 1 = Valid Mark

TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRE	CINC	TNA	ME					Pres	cinct-0	4								Seq.	uence	#: (	) <b>2-00</b> (	34-01			
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1 DE	34 Presidential Candidate	Marianne Williamson			1													1		1							1	4 prairie
		Joseph R Siden Jr	•			1	4		1 "		:		:				34		:		1		1		···: ·			<b>4</b> (2)
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7 7 7 7		Armendo Perez-Serreto		:"				ľ.		11	.1	1	1	:1	11			÷		: " "		1 1	1	:	1	1		
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JURISDICTION
PRECINCT NAME
Sequence #: 0004

### Lawrence County, SD Precinct-04

TEST Office PRECINCT TOTALS Candidate **DEM Presidential Candidate** Marianne Williamson Joseph R Biden Jr Dean Phillips Armando Perez-Serrato Over votes Under votes No Ballot Stamp REP State Senator D31 Randy Delbert Kate Crowley-Johnson Over votes Under votes Mark Mowry **REP State Representative D31** Mary J. Fitzgerald Scott Odenbach Over votes Under votes Bob Ewing REP CCM At Large Rick Tysdal Erica Douglas Over votes Under votes Naomi Merchant REP Delegates to State Conv David L. Gross Ellen L. Gross Meta Halverson Over votes Under votes REP Committeeman P 04 Lloyd A. Rich Gary Coe Over votes Under votes

No Ballot Stamp

TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRECINCT NA	ME	Precinct-05		Se	equence #: 01-0005-01	
Vote For C	BL = Blank, OV = Overvote, F = 1 Office	Candidate	BL OV	F 1788 1788 1790 1259	F 5 T260 T261 T2	F 62 T263 T264 T266	T266 T267 T268 T269 T2	NS E1	
	NEP State Senator D31	Randy Delibert Kete Crowley-Johnson Over votes	1	1		1 1			
:il.		Under votes		1 1			.;		
2 1	REP State Representative D31	Mark Meyery Mary J. Fitzgerald Seet Odenbech					9 1 1 1		7 20 14
	· · · · · · · · · · · · · · · · · · ·	Over votes Linder votes	2 2	1 1 2	1	<b>1</b>		; Tj	2 . 12
2	REP County CCM At Large	Bob Ewing Rick Tyudal	1 1		1 1	1	1		7
		Erica Congline Over votes	2	Ha:	""1 <u>"                                  </u>				14 2 12
3 )	REP Delegates to State Conv	Unider votes Nacmi Merchant	1	1 1 2		1			11
: 17		David L. Gross Ellen L. Gross			1 1 ï	1 1 1			11 26 16
		Meta Helverson Over votes Under votes	3	1 2 2	1. 1. 2. 1 1 2		2 1 2		20
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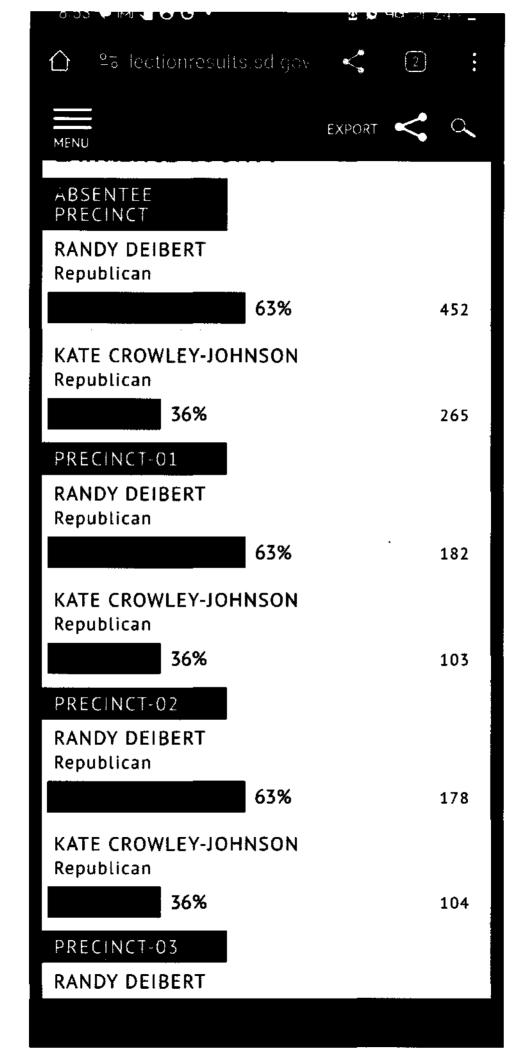
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Vote For O	ffice	Condidate	T120 T121 T122 T123 T124 T125	T126 T127 T128 T129 T130 T131 T409 T410	T411 T412 T413 T414 T415 T416 T417 T418 T419 T420 T495 TOTALS	
	EM Presidential Candidate	Marianne Williamson	1	1	and the same of th	
	1141	Joseph R Giden Jr	1 1	in the state of th	1 1	
		Dean Phillips	1	1 1	1 1 1	
		Armendo Perso-Serrato	7 111	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
	• • • •	Over votes	1			
		Linder volus	1			
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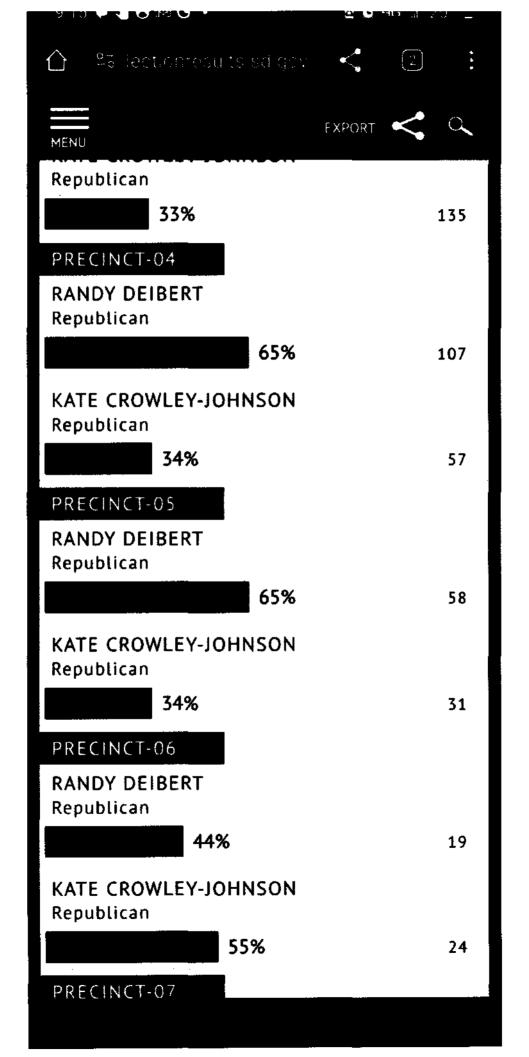
JURISDICTION
PRECINCT NAME
Sequence #: 0005
TEST

## Lawrence County, SD Precinct-05

TEST		
Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	3 44
	Joseph R Biden Jr	5
:	Dean Phillips	6
	Armando Perez-Serrato	
	Over votes	1 - 10 - 10 - 10 - 10 - 10 - 10 - 10 -
·	Under votes	
		24
	No Ballot Stamp	1
REP State Sensior D31	Randy Delbert	
NEP State Select DS (	Kate Crowley-Johnson	
	Over votes	
	Under votes	
	United Votes	
REP State Representative D31	Mark Mowry	
FILE State Representative D31	Mary J. Fitzgerald	
	Scott Odenbach	
	Over votes	
	Under votes	
	Onder votes	
REP CCM At Large	Bob Ewing	
NEP CCM At Large	Rick Tysdal	
	Erica Douglas	
	Over votes	
	Under votes	
Lieu di La Città di Biologia	Naomi Merchant	
REP Delegates to State Conv	David L. Gross	
	Ellen L. Gross	
	Meta Halverson	
	Over votes	
	Under votes	
		100000000000000000000000000000000000000

No Ballot Stamp





STATE OF SOUTH DAKOTA	) )SS.	IN CIRCUIT COURT
COUNTY OF LAWRENCE	)	FOURTH JUDICIAL CIRCUIT
KATE LEIGH CROWLEY- JOHNSON	)	40Ctv24-000173
Plaintiff,	Ś	
¥3.	) ) )	ORDER GRANTING MCGRUDER'S MOTION TO DISSUSS
BRENDA J. McGRUDER,	ý	
LAWRENCE COUNTY	)	
AUDITOR,	)	
	)	
Defendant.	ì	

Crowley-Johnson was an unsuccessful candidate in the June 2024 Republican Party primary for Senate District 31. She filed a Verified Petition on June 11, 2024, seeking "a 100% hand recount post-election audit" and/or a "re-do" election. Defendant filed a motion to dismiss. Plaintiff's submission fails to state a claim upon which relief can be granted. Defendant's motion is GRANTED.

Crowley-Johnson concedes her petition is a recount request pursuant to Chapter 12-21. She concedes that recounts pursuant to Chapter 12-21 are only available when there is a "close election," in which the losing candidate is defeated by a margin of 2 percent or less. Sw S.D.C.L. § 12-21-10. And she concedes that her 18 percent loss was not a "close election." Crowley-Johnson argues that the Court should order a recount despite the statutory requirements in Chapter 12-21. Her reasoning is unpersuasive. She is not entitled to a recount under South Dakota law.

## ORDER

Considering the forgoing and good cause appearing, it is hereby

ORDERED that the Motion to Dismiss is GRANTED. The matter is DISMISSED as set forth on the record on August 2, 2024.

Dated August 5, 2024.

BY THE COURT:

THE HONORABLE JEFFREY ROBERT CONNOLLY

CIRCUIT COURT JUDGE

CAROLIATUSEC

CLERK OF COURTS

Page 2 of 2

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1 STATE OF SOUTH DAKOTA
                                         IN CIRCUIT COURT
                                SS
 2 COUNTY OF LAWRENCE
                                      FOURTH JUDICIAL CIRCUIT
  KATE LEIGH CROWLEY-JOHNSON,)
            Plaintiff,
                                       STATUS HEARING
                                       40CIV24-000173
        V.
  BRENDA J. McGRUDER,
   LAWRENCE COUNTY AUDITOR,
            Defendant.
10
                THE HONORABLE JEFFREY CONNOLLY
       BEFORE:
11
                CIRCUIT COURT JUDGE
                LAWRENCE COUNTY COURTHOUSE
12
                DEADWOOD, SOUTH DAKOTA
                AUGUST 2, 2024
13
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15
   APPEARANCES:
16
17
       FOR THE PLAINTIFF: PRO SE LITIGANT
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19
       FOR THE DEFENDANT:
                            MR. RICHARD M. WILLIAMS
                             Attorney at Law
20
                             P.O. Box 8045
                             Rapid City, South Dakota
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(The following proceedings were held regarding Civil File 24-173.)

THE COURT: Okay. Now, we have 173. Now, I let her go first on 158 because she was the movant.

In this case, you've moved for a dismissal,

Mr. Williams. Do you -- I can -- I'm flexible on that.

I mean, she kind of had some explanation she wanted to
-- I don't care, if you want to go first, it's your

turn. If you want to hear out some of those

explanations she was going to make before I ushered her

to the other case, it's up to you.

MR. WILLIAMS: Your Honor, if I can just open briefly.

THE COURT: Go ahead.

MR. WILLIAMS: You know, we made a motion to dismiss based on 12(b)(1), subject matter jurisdiction; 12(b)(5), failure to state a claim; and the -- 12-22-33 simply because we were sort of having a hard time understanding how this cause of action was in front of the Court.

What I'm hearing today from the plaintiff -- and I maybe wrongly thought this might be an election contest based on some of the pleadings. What I'm hearing today is this is not an election contest. What this is a recount proceeding under 12-21.

THE COURT: Yep.

MR. WILLIAMS: And so my argument on that is very brief, Your Honor --

THE COURT: Okay.

MR. WILLIAMS: -- and it might eliminate any other arguments that I might have unless it's changed, is that the plaintiff was not within the two percent or less of votes, it's discrepancies between candidates, to be allowed a recount. And it doesn't really matter whether you say I filed the right thing with the auditor, which we disagree with, or it got filed in front of this Court, the fact of the matter is that she wasn't within the two percent required by statute by the recount in any means.

So, therefore, Your Honor, we'd ask for this Court to grant a motion to dismiss. She simply didn't qualify for a recount.

THE COURT: That's 12-21-10 you're entitled to a recount in a close election.

MR. WILLIAMS: That's correct, Your Honor.

THE COURT: And there is more to it. There is a paragraph. Okay.

And it's that -- what is that, is that failure to state a claim?

MR. WILLIAMS: That's --

THE COURT: I have subject matter jurisdiction over recounts.

MR. WILLIAMS: That's correct. I would -- right. I suppose, you may as well -- I mean, I can -- I can say it's a failure to state a claim. It doesn't -- the Court has jurisdiction to hear the subject matter, but this was just a failure to meet the prerequisite in order for this Court to actually hear that cause of action. So I -- I think -- plus just that 12(b)(5), failure to state a claim.

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THE COURT: Okay. Well, yeah, let's -- and if it looks like it's heading in another direction, I'll give you another opportunity to argue, but I'm going to hear her out.

So, Ms. Crowley, I think I followed what you were saying earlier, is that you are not claiming -- in this action, 24-173, you were not raising an election contest under Chapter 12-22, and I had some confusion about that, too. And often times I get to this point I have to ask exactly -- I need some clarification.

But just to be clear for the record, the reason that I thought that this might be a contest is because 12-22-1 defines a contest as a legal proceeding other than a recount instituted to challenge the determination of any election. And I thought that you

might be asking for a recount, because even when I laid out my summary, one of the things you asked for was a recount, but if it's not a recount and it's challenging the election, it has to be a contest, and that's why I thought it might be a contest.

But you're telling me that under 24-173, you're only seeking relief under the recount statute which is Chapter 12-21; is that right?

MS. CROWLEY-JOHNSON: For this particular case ending in --

THE COURT: Okay.

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MS. CROWLEY-JOHNSON: -- 173, that is correct.

THE COURT: And can I -- I just want to make -- a recent -- I thought you might be potentially asking for two things; a 100 percent hand count post election audit, and then, secondly, a redo election.

And that's a little nebulous to me, but --

MS. CROWLEY-JOHNSON: It says and/or.

THE COURT: Yeah. So -- but you're telling me, both of those things, whatever you're asking for --

MS. CROWLEY-JOHNSON: Yeah.

THE COURT: -- is a recount and it is not a contest?

MS. CROWLEY-JOHNSON: That is correct.

THE COURT: Okay.

MS. CROWLEY-JOHNSON: But I'm still asking for a

recount based on the fact that these machines should not have been certified. That means I do not concur because it was not proven that it was legally counted in the first place.

THE COURT: So what statute allows you to have a -- allows -- I understand that under the statute I cited -- or I referenced, I think Mr. Williams is raising, 12-21-10, I understand that a candidate is entitled or may ask for a recount if they are defeated by a margin not exceeding two percent.

And to be clear, I -- I understand the official canvas reflects it was more than two percent, perhaps 19 percent, I think.

MS. CROWLEY-JOHNSON: That statute, I feel, is unconstitutional, just to have one reason to petition the government on a recount when the actual --

THE COURT: What statute -- if you prevailed here, what statute am I ordering the recount under? A theoretical different statute that isn't in effect?

MS. CROWLEY-JOHNSON: 12-21-10 is in effect, but I feel like this is unconstitutional and -- because the respondents used the Thorsness versus Daschle as an authority. That case was in 1979. That was 45 years ago. A lot has changed in 45 years.

THE COURT: Authority for what? The authority that

he's -- and I'm not trying -- I'm just trying -- this is confusing to me a little bit.

My understanding of the authority Mr. Williams is relying on is the statute. It's not a case. He's relying on 12-21 --

MS. CROWLEY-JOHNSON: In his brief he's doing both.

But I'm saying that this statute it's unconstitutional.

One such change is usage of computer tabulators since

45 years ago, and a huge advancement of the internet.

THE COURT: But wait a minute. Wait a minute.

It is the law, right?

MS. CROWLEY-JOHNSON: It's unconstitutional law.

There should be more than one reason to be able to ask

for a recount, especially when it was established over

45 years ago.

THE COURT: What was established over 45 years ago?

MS. CROWLEY-JOHNSON: The statute 12-21-10.

THE COURT: Yeah. Yeah. Frankly -- maybe not in that form, yeah.

MS. CROWLEY-JOHNSON: So a lot has occurred since then that would add to factors of why you would ask for a recount.

THE COURT: So wait a minute. I'm really struggling to follow you here. So the statute -- the election law in South Dakota says -- so let me get this narrowed

down. You're conceding that the only -- the only avenue for a recount under current South Dakota law is the two percent -- being within the 2 percent, but you're saying that that's unconstitutional, so you should be entitled to recounts in different scenarios, that's what you're saying, right?

MS. CROWLEY-JOHNSON: Yes, Your Honor.

THE COURT: Okay. Okay. So isn't that infantly regressive? What's the -- what is the limit of the things that you can ask for? Couldn't somebody lose a thousand votes to zero and just say, I think there is another re -- it's uncon -- if it's unconstitutional because it's too narrow, where is the end of what -- can't you just say, I think everybody should get a recount?

MS. CROWLEY-JOHNSON: Your Honor, this is brought forth in a verified petition and I did a verified petition with various reasons of why I should have a recount.

THE COURT: That's not the question I'm asking you.

I'm asking you, if I accept that proposition, don't I

also have -- I mean, where is the limit to that? If I

can just say, the law says this, but I'm going to

ignore the law, which --

MS. CROWLEY-JOHNSON: It makes --

THE COURT: -- it's incredible judicial activism -- MS. CROWLEY-JOHNSON: I can explain where the limit is.

THE COURT: Yeah, where's the limit? No, that's a question. That's fair.

MS. CROWLEY-JOHNSON: They had the duty to certify these machines legally to count. You have to hold the auditor's office to them laws, and nobody right now is holding them to those laws. You are the only authority that can do that.

THE COURT: I'm not following you. Are you -- now, you -- you reference --

MS. CROWLEY-JOHNSON: They broke several laws -THE COURT: Okay.

MS. CROWLEY-JOHNSON: -- in the testing of the machines that tabulate the equipment.

THE COURT: Okay. Hold on. Hold on.

MS. CROWLEY-JOHNSON: They should -- they should not have been certified.

THE COURT: Hold on. So now you're in 12-17(b) and you are talking about 12-17(b)(5) that's the basis -- you have some in Mr. -- well, assuming -- I don't even know if I need to get into this, because what you're asking me to do is to ignore the laws of South Dakota which has some -- and if I'm the only one that can do

that, I appreciate that, but you are asking me to ignore my constitutional duties and my oath of office is -- I'm not sure why I go any farther than that.

I don't --

MS. CROWLEY-JOHNSON: Wouldn't you -- wouldn't you hold that to the same standard of the testing of the machines that do the count?

THE COURT: There is a law that says -- there is a law that say you only get a recount if you're within two percent. You've acknowledged that that's the only avenue under South Dakota law to get a recount, and you acknowledged that you were -- we are not within the two percent.

MS. CROWLEY-JOHNSON: Okay.

THE COURT: What am I supposed to -- I don't know what I'm --

MS. CROWLEY-JOHNSON: We have a constitution here that says we are allowed fair and free elections. I can find the constitutional article if you like.

THE COURT: I understand, but you want me to -MS. CROWLEY-JOHNSON: That takes precedent over that
statute. So it would not be a constitutional -THE COURT: Let me -- okay. Out of wild curiosity, I

read through Chapter 12-17(b). Well, read through -- I read through most of Title 12, but I read through

12-17(b). Specifically, you have some issues with the testing, and I think that's in five.

Where is the mechanism -- on this record, I understand that these things were tested, and you just don't believe the testing or you think that there was still errors despite the testing; is that fair?

MS. CROWLEY-JOHNSON: I know for a fact there were errors, and I have it --

THE COURT: No, that's a pretty strong statement.

MS. CROWLEY-JOHNSON: Well --

THE COURT: How do you know?

MS. CROWLEY-JOHNSON: Well -- okay.

THE COURT: Did you hire a --

MS. CROWLEY-JOHNSON: There were witnesses and laws and I can state the statutes that she broke and I have -- I have a national expert that actually tested these machines for over 20 years from the --

THE COURT: No.

MS. CROWLEY-JOHNSON: -- AOC.

THE COURT: No. No. That -- that -- that appears to me to be arguments of why something wasn't done. It may even potentially be convincing arguments that something might not have been done, but that's not -- that doesn't -- I mean, that's not enough for me to ignore a clear South Dakota statute on recounts.

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My question is -- this is the question -- I don't
      think I got it out -- or I just didn't ask. If you --
      if 17 -- 12-17(b) -- well, first, here's my first
      question, you are talking about automated tabulating
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      equipment, right?
       MS. CROWLEY-JOHNSON:
                              Right.
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        THE COURT: Not -- not electronic tab --
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       MS. CROWLEY-JOHNSON:
                              They --
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        THE COURT: No. Not electronic balloting systems,
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      right? You're talking about automated tab --
      tabulating machines, right?
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       MS. CROWLEY-JOHNSON: The computerized tabulating
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     machines, correct.
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        THE COURT: Correct. And they need to be tested
      under 12-17(b)?
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       MS. CROWLEY-JOHNSON: That's correct, and they have
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      to be certified properly.
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       THE COURT: Well, they have to be -- well, this says
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      they shall be certified. I take it that you don't
     believe that they were certified properly?
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       MS. CROWLEY-JOHNSON: I do not.
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       THE COURT: But you do not dispute they were
      certified, you just don't think they properly
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      certified?
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       MS. CROWLEY-JOHNSON: No, and I have witnesses.
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THE COURT: No, no. And I'm not getting into it, because here's the next question, where in this chapter says that you -- because there is only -- I don't see anything in 12-17(b)(5) that would allow you to complain about that, for lack of a better term. There is no remedy for even a candidate to -- to do what you're trying to do, with one possible exception, and that would be an election contest which you told me that this is not.

So where -- if it's not an election contest, where in 12-17(b)(5) does it entitle you to challenge your belief that the certification which you're admitting happened was not proper?

MS. CROWLEY-JOHNSON: I still believe that our constitutional right has authority over this -- you know, I believe it's an unconstitutional statute.

THE COURT: So then indulge me in this, what would be the limit to that? Wouldn't -- if -- if anybody believes that the certification was improper, rightly or wrongly, they could call for a recount of any election? Is that -- that is -- is that what you're telling me or is it --

MS. CROWLEY-JOHNSON: If they broke laws to certify that machine, yes, sir -- yes, Your Honor.

THE COURT: But nobody has found that they -- they

have broken a law because nobody has raised -- if there is a mechanism to enforce those requirements, nobody has utilized them, and if the u -- if the made -- if the way to contest it is an election contest, nobody has done that either, right, because you're -- you're --

MS. CROWLEY-JOHNSON: The election contest requires me to make my opponent in the senate race, the defendant -- where my problem is mainly with how the auditor conducted the testing.

THE COURT: Yeah, but this isn't an election -- this is not an election contest. You told me at the onset of this this is a recount, not an election contest.

MS. CROWLEY-JOHNSON: Your Honor, the election contest, I have to do the defendant as the opposing candidate.

THE COURT: I'm not sure that that's a response. I get that that would be a reason to deny the election contest, but I --

MS. CROWLEY-JOHNSON: So that's why I brought it up in the recount, is what I'm saying.

THE COURT: But the recount only allows for the recount if you are within two percent --

MS. CROWLEY-JOHNSON: Right.

THE COURT: -- and you just want me to -- I

understand your argument why want me to -- you feel strongly somebody has broken the constitutional laws, but you want me to ignore the statute that says you can only get a recount within two percent? That's what we have?

MS. CROWLEY-JOHNSON: That statute is completely unconstitutional, especially 45 years later, and I still feel that way, and I -- I --

THE COURT: So you --

MS. CROWLEY-JOHNSON: -- I don't think my -- when we are talking about the auditor performing an illegal election, I don't -- I don't think that -- and when I have proof, I have evidence and witnesses. I don't feel like me asking for a recount is unreasonable.

THE COURT: Well, you had -- this is the first -- I mean, I didn't understand that you were raising the unconstitutionality of the statute until today, because -- I mean, for the record, I don't think you responded -- you didn't -- I'm not saying you had to. You did not respond to Mr. -- Mr. Williams --

MS. CROWLEY-JOHNSON: I didn't much time to respond to this particular one, but I did respond in writing.

THE COURT: But you didn't.

MS. CROWLEY-JOHNSON: I -- I --

THE COURT: I tried to establish --

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MS. CROWLEY-JOHNSON: I actually filed it yesterday. Sorry.

THE COURT: I didn't see anything that was filed yesterday.

MS. CROWLEY-JOHNSON: Yeah, it was. Sorry.

THE COURT: Okay. The fact of the matter is, all I'm trying to establish is that the first I'm hearing about you challenging the constitutionality of the statute is today or presumably if you filed something yesterday?

Yesterday, right?

MS. CROWLEY-JOHNSON: I don't believe that was the first time. I'd have to look back through the records.

THE COURT: I can't imagine when it could have been, because -- unless you said it in your complaint that it was --

MS. CROWLEY-JOHNSON: Well, my verified petition in this matter was pretty lengthy and it did go into constitutional issues.

THE COURT: Well, Mr. Williams, you might know the answer to this question, if somebody challenges the constitutionality of the statute they have to give notice to the Attorney General, don't they?

MR. WILLIAMS: Yes, Your Honor, notice to the Attorney General is required to allow them to intervene and defend pursuant to statute.

THE COURT: What statute? Do you know where that is?

MR. WILLIAMS: Your Honor, I do not know off the top

of my head but I will do a little research here.

THE COURT: And I'm not sure if that's necessary to resolve it, but I do think that's an issue that -- there is a statute that says in order to raise the constitutionality of a statute, you have to give notice to the Attorney General according to statute.

MS. CROWLEY-JOHNSON: I would appreciate that statute sometime.

THE COURT: I imagine there is going to be a raise between the associate attorneys and the law clerk in this courtroom to see who finds it first, if not -- MS. CROWLEY-JOHNSON: I only ask for it because I tried really hard to find out before all of this and I

THE COURT: Well, I think we are on tangent.

Now I'm overcome by curiosity.

19 THE LAW CLERK: 15-6-24(c).

couldn't find it.

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THE COURT: 15-6-24(c), it's in the rules of civil procedure.

THE LAW CLERK: Procedure --

MS. CROWLEY-JOHNSON: Can you say that again, please.

24 THE COURT: Go ahead.

THE LAW CLERK: SDCL 15-6-24(c).

MS. CROWLEY-JOHNSON: Can you read it out loud, please.

THE COURT: I'll -- I'll --

MS. CROWLEY-JOHNSON: Okay.

THE COURT: It's 15-6, which is civil procedure, 15-6-24(c). It is the intervention statute. When the constitutionality of an act of the legislature affecting the public interest is drawn in question in any action, the party asserting unconstitutionality shall act -- shall notify the Attorney General, thereof, within such time as to afford him the opportunity to intervene.

You mentioned, Ms. Crowley, that you had filed something yesterday. I did not know that you filed something yesterday. I'm not sure if such filing would be --

MS. CROWLEY-JOHNSON: It's okay.

THE COURT: -- timely.

Well, no, I'm getting to the part where I'm going to offer you to potentially make a record that says -- I'm not sure it would be timely under 15-6-6(d), which requires a motion practice to file a responsive brief, I think, five days before. But I think it's fair as a pro se litigant to give you access to the record on the issue or maybe to confirm by looking at the court file

here if something has been filed.

So you did say that you attempted to file or did file something yesterday?

MS. CROWLEY-JOHNSON: I -- I filed a response. I'm not really required to file a response, but I -- I did a response to the respondent's motion to dismiss the plaintiff's verified petition. I filed it yesterday.

THE COURT: Okay. Well, I think that it's -- I think that it's potentially untimely because of the statute subject.

MS. CROWLEY-JOHNSON: Okay.

THE COURT: But here's the deal, have you received this, Mr. Williams? Did you receive something from her yesterday?

MR. WILLIAMS: Your Honor, I --

MS. CROWLEY-JOHNSON: I can give it to him now. I haven't had a chance to give it to him. Sorry.

THE COURT: So that doesn't -- you haven't?

MR. WILLIAMS: I saw it come in about 3:15 yesterday afternoon and I reviewed it last night.

THE COURT: Okay. Well, it -- it -- it must have been after I looked the last time I was printing out Chapter 21.

I do see it here. It is in the file.

MS. CROWLEY-JOHNSON: Your Honor, can I ask a

question. When you do a response to a motion, are you required to file within a different -- a specific time --

THE COURT: Yes.

MS. CROWLEY-JOHNSON: -- or can you actually do the response the day of the hearing?

THE COURT: I think the statute -- I will test my memory of the statutes. I think I just said it's 15-6-6(d), time for motion, affidavits and briefs. When a motion -- okay. When a motion is supported by an affidavit or brief -- which Mr. Williams's motion was supported by at least a briefing -- opposing affidavits or briefs may be served -- so you are right, you don't have to, but they may be served not later than five days before the hearing unless the Court permits them to be served at some other time.

So, there you go. You are supposed to do it five days before unless I say you can do it at a different time.

MS. CROWLEY-JOHNSON: My response is pretty brief. It's only three or four pages.

THE COURT: Does it raise the constitutionality issue? It appears to be 27 pages; that some of this might be tangential.

Well, let me -- let me ask you -- because I'm looking

at it right now -- is there anything in this response that you haven't had an opportunity to tell me today in the courtroom? I think that -- to the extent that I would allow you to do a late submission that would solve the problem.

Ms. Crowley, if I just gave you access to the record --

MS. CROWLEY-JOHNSON: Well, the main reason for it is -- is Codified Law 15-6-12(b)(1) and (5).

One is the lack -- lack of jurisdiction of the subject matter. Five is the failure to state a claim upon the relief that can be granted, and I don't completely concur with that. The 4th Circuit does not lack the jurisdiction over the subject matter. The 4th Circuit Court took action on doing a recount on Erica -- Erica Douglas's verified petition for a recount, and --

THE COURT: Yeah, I think it was --

MS. CROWLEY-JOHNSON: -- and it was docketed.

THE COURT: I think Mr. Williams has conceded potentially 12(b)(1). I had a whole bunch of questions about whether or not it was a factual or a facial attack on 12(b)(1) which we have now eliminated.

For what it is worth, I think he's withdrawn that argument. And, for what it is worth, I'm not sure it's

a winning argument anyway. I think I do have subject matter jurisdiction. I'm not necessarily finding that because I don't need to because he's withdrawing the request.

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I think his position -- I think the positions -- you know, I've spent a lot of time giving both sides a lot of access to the record here, but I think it's distilled down to this, Mr. Williams believes you failed to state a relief -- state a claim upon which relief can be granted because you asked for a recount in a case where you -- in an election where you lost by 18 percent, and the statute only allows recounts when you lose by less than two percent, and your response to that is, you -- you -- you -- well, you have stated a cause of action upon which relief can be granted because you believe that that statute is unconstitutional and I should apply some other standard which, I take it, is not necessarily -- there is multiple different ways I can interpret it. I suppose somebody can say it's unconstitutional and will only say two percent. I lost by three; that's close enough. Or -- that's not what you are saying -- you're not saying it should be expanded to people that loose by 18 percent. You're saying you should -- and I think --I'm not trying to mischaracterize your argument. You

think that there was constitutional issues in the way that the auditor's obligations under Chapter 12-17(b) were laid out which allow you to get a recount despite the limitations of the recount statutes. I think that's where we are at, right?

And to the extent that anything -- I guess, the question I ask you is if there is anything in this brief that I didn't look at because I didn't see it coming yesterday, is there anything in there that helps that argument because that's your argument, right? The two percent recount statute is unconstitutional?

MS. CROWLEY-JOHNSON: That's correct.

THE COURT: And you -- and anything you wanted to tell me in this brief that I didn't get a chance to read you've told me here in court, right, or you told me in other pleadings about your concerns with the test stack and the -- the testing controls under the automated ballot tabulating testing, you've already told me that in another form? I don't need to take a break to go read this brief?

MS. CROWLEY-JOHNSON: Well, Your Honor, I can understand if it was really at two percent, but when it was 18 percent, do we really know it was at 18 percent? Those tabulators were not counting correctly. If -- it should not have been certified when they were -- there

were certain steps that the auditors took to 1 certificate that machine. She broke the law. I feel like I have not failed to state a claim upon 3 which the relief can be granted. I'm asking for a 5 basically hand count audit. THE COURT: Well, a hand count audit is required by 7 statute, but -- well, actually, the hand count audit is 8 required at 5 percent of the precincts but it's not 9 required when there is a recount. 10 Is that the correct statute? Is that --11 Mr. Williams, it looks like you want to comment on 12 that maybe. Your Honor, I think what we are 13 MR. WILLIAMS: 14 talking about is the post election audit --15 THE COURT: Yeah. MR. WILLIAMS: -- and that wasn't required in this 16 17 case --THE COURT: Because there wasn't --18 MR. WILLIAMS: -- there was no recount. 19 THE COURT: Of another case? 20 MR. WILLIAMS: That's Correct, Your Honor. 21 MS. CROWLEY-JOHNSON: They are very similar so a 22 23 recount would have been reasonable for me to ask. 24 THE COURT: Did the recount in this case reveal

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problems with the --

MR. WILLIAMS: Your Honor, if I may approach, I happen to have the results. THE COURT: You already attached -- did you attach them to the --MR. WILLIAMS: I just received these this morning --THE COURT: Well -- well --MR. WILLIAMS: -- from the auditor. 8 THE COURT: -- has she seen the results? 9 MR. WILLIAMS: I can --10 THE COURT: I mean, I take it -- if -- my question isn't necessarily what the results were. 11 12 MS. CROWLEY-JOHNSON: Your Honor, I've seen the results of the other election -- or the other 13 14 candidate. 15 THE COURT: I don't want to talk over -- if I'm going too fast for the law clerk, it's my fault. 16 17 Does the results -- does the results of the recount allege or show that one of these other races was off by 18 19 18 percent? 20 MR. WILLIAMS: No, Your Honor, they were right on. 21 THE COURT: They were right on. Okay. 22 What do you mean by right on, exactly? 23 MR. WILLIAMS: Exactly. 24 THE COURT: Okay. Well, that seems -- I don't know 25 if that's necessarily an issue before me.

MS. CROWLEY-JOHNSON: Well, how can it be right on when it was ran right back through the same machine that should not have been certified in the first place? They were done -- the certifications were completely illegal. I can show you a -- test results myself on the machine.

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THE COURT: But -- but -- but -- but you seem to be making an election that that doesn't seem to be a recount. You seem to be shoe horning this into a recount because you, for whatever reason, don't want it to be an election contest probably because the proponent is not part of this action, but that doesn't -- that's what you're trying -- you're trying to raise the election contest but without -- without -- at the same time denying that you're raising an election contest.

Where are we at? This is your motion, right? You get to go last.

MR. WILLIAMS: Your Honor, I have nothing else to add.

THE COURT: Okay. Out of an abundance of caution, even though we are done here, I want to make sure because I've interjected a bunch, I think it's good to go around one more time.

Is there anything else you want to tell me about that

I missed, Ms. Crowley-Johnson?

MS. CROWLEY-JOHNSON: What is not considered unconstitutional when these computerized tabulators that were certified illegally -- and I have the test done -- and the one machine was not tested within public open forum. You're supposed -- they're supposed to be noticed and you're supposed to test it in front of people and that did not occur. That one machine didn't even get tested in front of people.

Where all -- where -- what is the point of all these election laws that she's supposed to follow if she breaks them and uses a machine that should not have been certified. I'm going to tell you that Ms. Douglas that asked for the recount where it was done, she asked for a hand recount because she did not trust those machines and because she was made aware that the test deck was improper.

THE COURT: Okay.

MS. CROWLEY-JOHNSON: That it was illegal.

THE COURT: Okay. Did she raise an election con --

MS. CROWLEY-JOHNSON: Yes, Ms. Douglas did. She ran for commissioner.

THE COURT: Well, that's not my case.

MS. CROWLEY-JOHNSON: Right.

THE COURT: Okay.

MS. CROWLEY-JOHNSON: But I think he was kind of bringing that up for the -- he said the recount that was ran through was completely accurate. Well, that's not necessarily the case.

THE COURT: You dispute that for the same reason you dispute the 18 percent loss, I get that.

MS. CROWLEY-JOHNSON: Yeah.

THE COURT: That's not the question before me. The question before me is whether or not under the recount statutes that you've confirmed that this is what you're proceeding under, solely Chapter 12-21.

I think -- well, you have -- I'm finding that you failed to state a claim upon which relief can be granted, because under the recount statutes, you can only seek a recount and that's what you are telling me despite the things in the wording of the petition or the verified complaint, whatever it is called, the initiating document, you're -- you're telling me you want a recount, and yet you are saying that's correct, and the statute you are relying on only allows recounts. You conceded this when you were within two percent.

MS. CROWLEY-JOHNSON: I'm relying on the Constitution of South Dakota.

THE COURT: There is nothing in the South Dakota

Constitution that says candidates are required -they're entitled to a recount every election. You're relying on -- better way to say it, you are relying on the constitutionality -- what you believe or perceive to be the lack of constitutionality of the statute that --MS. CROWLEY-JOHNSON: Right. And I --THE COURT: And I don't know when that statute --MS. CROWLEY-JOHNSON: -- I believe it's -- Your Honor, it's within your power. THE COURT: You can't talk over me. MS. CROWLEY-JOHNSON: Sorry. THE COURT: You're relying --MS. CROWLEY-JOHNSON: Can you speak up a little louder. I can't hear very well. That might be why I'm speaking over you. Sorry. THE COURT: That's a fair request. That's a fair request. I will. MS. CROWLEY-JOHNSON: I'm sorry, I have bad hearing. THE COURT: Well, no, now that I speak into the microphone, I hear that it is a little better. I'm new

25 sat down there before.

to this courtroom, so I apologize.

MS. CROWLEY-JOHNSON: That's okay.

THE COURT: Well, I never sat up here before.

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In any event, I imagine that all sorts of people have all sorts of issues with the constitutionality of our laws. I -- when you say it's in my power, I'm not -- I'm not so sure I agree with you. I am here to -- you have initiated an action seeking a recount under 12-21. I understand that I am bound by the laws of South Dakota, specifically, in Chapter 12-21, and you have asked for a recount, and Chapter 12-21 only allows that, and you concede this, when the election's less than two percent margin.

What you're asking me to do is, what I suppose some people quite negatively refer to is judicial activism which is to just ignore the statute and decide in a courtroom in Lawrence County that something is unconstitutional. I don't think that that's in my authority. I think that you're required as a litigant to state a claim upon which it can be granted, and I don't think it can be premised on the concept that you believe a statute that has not been deemed unconstitutional is unconstitutional. I don't know, maybe it is unconstitutional for some reason that's unclear to me, but it's not my position to get into that. You have failed to state a claim.

And here's the side note, I think that you also have a problem with the intervention statute. If you are

asking me -- if you are challenging me -- as part of your defense, you're challenging the constitutionality of the statute, then you have an obligation to notify the Attorney General so we can get the State here to defend its statute because that makes -- that statute has always made sense to me, that if someone is going to say the statute is unconstitutional, you just need to ignore it, Judge, which is what you're doing, you need to give the Attorney General a chance to come and defend the statute.

MS. CROWLEY-JOHNSON: So you never do rule -- rulings on the Constitution? It would only be an Attorney General that would do a ruling on a constitutional question on a statute? You never do rulings on those?

THE COURT: I follow the laws that the legislature passes and the Governor signs that are the laws of the State of South Dakota.

MS. CROWLEY-JOHNSON: Okay.

THE COURT: Until somebody tells -- I suppose -- I don't know what you're really asking. I suppose there -- there is a mechanism and the intervention concedes that, that, sure, a Circuit Court judge could determine that a statute is unconstitutional, but you're really not directly challenging the constitutional nature of that statute. You're challenging the results of the

election. You're challenging the validity of the election and your belief that it was unfair and you want me to grant a recount.

Your claim that a statute is unconstitutional is the heart of this case. It's a tangential counterargument to Mr. Williams's quite correct observation that you failed to state a claim upon which relief can be granted. You basically said -- you're also conceding that you haven't stated a claim upon which relief can be granted. You're just saying you are not bound to because the statute that establishes that you believe is unconstitutional for a variety of reasons.

### I -- I --

MS. CROWLEY-JOHNSON: Let's do this, I had to do a verified petition, and --

THE COURT: I'm not giving you legal advice if you are asking me to give you legal advice.

MS. CROWLEY-JOHNSON: When we do a verified petition, you should not be limited on the grounds of why you're doing that petition.

THE COURT: I don't know what that -- I don't know, are you asking me a question?

MS. CROWLEY-JOHNSON: No. I'm stating that that -- I still feel like it's unconstitutional. I should have been able to --

THE COURT: Well --

MS. CROWLEY-JOHNSON: When you're limiting what I can petition for -- that statute is limiting what I can petition for.

THE COURT: The recount statute?

MS. CROWLEY-JOHNSON: Right.

THE COURT: Yeah.

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MS. CROWLEY-JOHNSON: It's limiting. And, you know, we have a federal constitution that says I can petition for whatever grievance that is --

THE COURT: But here's the --

MS. CROWLEY-JOHNSON: -- to the government that I want to.

THE COURT: You can appeal this, but what I'm doing is, is I'm denying -- sorry, I am granting,
Mr. Williams's motion to dismiss. Not under the 12,
whatever, 21 statute, because she concedes this is not
an election contest; not under the 12(b)(1) because
you've -- you've withdrawn that, and plus I don't agree
with it; but I am granting it under 12(b)(5). I don't
believe that a granting of a motion to dismiss requires
me to enter findings of facts and conclusions law, I
don't think so, because it's got to be 12 -- sorry,
Rule 52A requires me to enter findings of facts and
conclusions of law if it's a trial court; this wasn't a

trial court.

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I suspect, Mr. Williams, as the prevailing party, you can prepare an order granting the motion to dismiss for failure to state a claim upon which relief can be granted and then do a notice of entry of that order and then she can appeal that and she can make these arguments to the appellate court. If there is a court that's -- they're likely in a better position to say something is constitutional than I am.

But for a variety of reasons, I -- I am not -- I guess, I'm not getting into the constitutionality or the lack of constitutionality of that statute. I'm granting the motion to dismiss for failure to state a claim upon which it can be granted. I think that resolves the cases that I have today.

I apologize for not speaking into the microphone earlier. It seems like it's much clearer now that I've -- I feel like I'm Bob Barker talking right into the microphone.

But thank you both for your zealous advocacy for yourself and your client. This has been very helpful and it's been very interesting. So thank you for your attention to the case and so forth, but that's the ruling of the Court. And I will -- I'm not sure, the orders that you're presenting me are simply -- they're

not -- they're -- I mean, they're very basic orders.

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Do you have some way of letting her look at them to the form of them? I mean, I'm not sure they're necessary because the --

MR. WILLIAMS: Your Honor, I -- I -- we have a mailing address for her. I mean, we can send them out by -- by email.

THE COURT: Here's the reality, if you want to appeal this, I'd rather get it moving more -- normally, I would -- if I ordered him to draft something, Ms. Crowley -- Crowley-Johnson, I would have him to allow you to review it for the form of it, but the things that he is drafting, as the prevailing party, don't really get into much detail. They're just -they're denying -- they're granting a motion in this case, simply dismissing the middle case without prejudice, and then dismissing the other --- denying the motion for a default judgement and dismissing the other case without prejudice. To me, there is not much wiggle room for him to get that wrong. If he says something else -- if he says with prejudice instead of without prejudice, I'll just call him on it. I'11 cross it out and I'll put without prejudice.

So to that extent -- to the extent that you do want to appeal this, I'm more inclined to get it entered and

-- and filed sooner rather than later. So knowing that I'm going to hold him to what I have ordered those orders to look like, do you have any objection to me just signing them when I get them as long as they're in the form I just laid out and get them filed so whatever appeal time can start moving?

MS. CROWLEY-JOHNSON: I would okay with that. I would like to get some kind of notification right away so I can look at the exact order that you signed -- after you sign it. You can sign it.

THE COURT: My understanding is the clerk likely mails them immediately --

MS. CROWLEY-JOHNSON: Okay.

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THE COURT: -- in my experience with working with the clerk here, that's usually what happens.

MS. CROWLEY-JOHNSON: Okay. Or I'll just call up to the -- how long do you think it will take you to do order on that, approximately a week or --

THE COURT: Oh, no, I wouldn't --

MR. WILLIAMS: Beginning of next week.

THE COURT: Well, it's Friday, right?

MR. WILLIAMS: Today is. It would be next week.

So Monday or Tuesday of next week.

THE COURT: How about this --

25 MS. CROWLEY-JOHNSON: Okay.

you from raising this in another context.

MS. CROWLEY-JOHNSON: Okay.

THE COURT: Or from raising it in this issue, if you prevail on appeal.

MS. CROWLEY-JOHNSON: Okay.

MR. WILLIAMS: Your Honor, to be fair to the Court, I -- with the continuation of lawsuits raising the same subject matter, I may raise a res judicata issue with regard to issuing claim preclusion or matters brought or matters that could have been brought in that original lawsuit. So I don't want to mislead the Court by my silence --

THE COURT: Fair enough.

MR. WILLIAMS: -- by not suggesting I might raise that.

THE COURT: And I didn't -- yeah, I -- I hope I didn't -- I didn't mean to comment on other pending litigation. I'm just -- my comment was whatever her concerns are, valid or not, I don't think that me just saying that she can't raise another recount by dismissing this action, 173, without -- with prejudice, I don't think it necessarily precludes what she wants to do. You might think it precludes her from doing it for another reason which would be res judicata, or maybe she has some sort of issue preclusion which I'm

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not getting. Basically, the argument being you can't relitigate things a second time in a different form.

Sometimes you can -- you can make some of the underlying arguments again, sure, but I don't mean to hamstring you if another court is looking at this. My comments are why I'm dismissing this with prejudice.

Why I don't think it's a big deal, for lack of a better term, should not be viewed as some kind of comment on her ability or lack of ability to proceed with other cases she's got pending in front of other courts; potentially in front of this Court. I don't know if I'll be assigned to future cases.

So anything else for the record on any of these three cases?

MR. WILLIAMS: No, Your Honor.

THE COURT: Ms. Crowley-Johnson.

MS. CROWLEY-JOHNSON: (Shakes head from side to side.)

THE COURT: Okay. I will do my best to draft and file some kind of order, best case scenario, later today, but I would imagine, relatively early on Monday. And I will direct the clerk to tell you what those results are.

Okay. Thank you.

(No further proceedings.)

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# COURT REPORTER'S CERTIFICATE

I, Valarie M. O'Day, an Official Court Reporter and Notary Public in the State of South Dakota, Seventh Judicial Circuit, do hereby certify that I reported in machine shorthand the proceedings of the above-entitled matter and that the foregoing pages 1 through 41, inclusive, are a true and correct copy, to the best of my ability, of said proceedings made and taken.

Dated this 2nd day of December, 2024, at Rapid City, South Dakota.

/s/ Valarie M. O'Day

Valarie M. O'Day Official Court Reporter My Commission Expires: 9/26/26

# Supreme Court of the State of South Dakota

### KATE LEIGH CROWLEY-JOHNSON,

Plaintiff and Appellant

VS.

# BRENDA MCGRUDER, LAWRENCE COUNTY AUDITOR

Defendant and Appellee

# Appeal from the Circuit Court Fourth Judicial Circuit Lawrence County, South Dakota

The Honorable Jeffrey Robert Connolly

Notice of Appeal filed September 4, 2024

# BRIEF OF APPELLEE BRENDA MCGRUDER, LAWRENCE COUNTY AUDITOR

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# TABLE OF CONTENTS

<u>Page</u>
TABLE OF CONTENTS
TABLE OF AUTHORITIES iii
PRELIMINARY STATEMENT
JURISDICTIONAL STATEMENT
STATEMENT OF LEGAL ISSUES AND AUTHORITIES
I. Whether the matter has become moot because the General Election has been held and the South Dakota Legislature has been seated?1
II. Whether the Circuit Court properly dismissed Crowley-Johnson's Verified Petition
STATEMENT OF THE CASE
STATEMENT OF FACTS
A. Crowley-Johnson's Filing Activity During 2024
B. Facts Relating to Crowley-Johnson's Petition for an Election Recount4
STANDARD OF REVIEW 5
ARGUMENT AND AUTHORITIES
I. CROWLEY-JOHNSON'S APPEAL IS MOOT7
A. Mootness generally
B. The holding of the General Election and seating of the Legislature precludes Crowley-Johnson's relief
II. THE CIRCUIT COURT DID NOT ERR IN DISMISSING THE COMPLAINT
A. Crowley-Johnson did not qualify for a recount

B. Crowley-Johnson's constitutional challenge to SDCL 12-21-10 ca considered on appeal			
C.	SDCL 12-21-10 is not unconstitutional.	14	
D.	The relief sought by Crowley-Johnson cannot be afforded under the recount statutes	17	
CONCLUSIC	N	18	
REQUEST FO	OR ORAL ARGUMENT	18	
CERTIFICAT	TE OF COMPLIANCE	19	
CERTIFICAT	TE OF SERVICE	20	
APPENDIX		21	

# TABLE OF AUTHORITIES

<u>Page</u> :
Akron Savings Bank v. Charlson, 83 S.D. 251, 158 N.W.2d 523 (1968)
Boesch v. City of Brookings, 534 N.W.2d 848.
Crowley-Johnson v. Deibert, (S.D. 4th Cir. Filed June 17, 2024) (S.D. Supreme Court Appeal No. 30877)
Crowley-Johnson v. McGruder, (S.D. 4th Cir. Filed May 28, 2024)
Crowley-Johnson v. McGruder, (S.D. 4th Cir. Filed May 31, 2024)3
Crowley-Johnson v. McGruder, Lawrence County Auditor and Lawrence County Board of Canvassing, (S.D. 4th Cir. Filed June 11, 2024) (S.D. Supreme Court Appeal No. 30825)
Cummings v. Mickelson,, 495 N.W.2d 493 (S.D. 1993)
Curtis v. Oliver, No. CIV 20-0748 JB/JHR, 479 F.Supp.3d 1039 (D.N.M. 2020)16
Elkjer v. City of Rapid City., 2005 S.D. 45, 695 N.W.2d 235
First Nat'l Bank in Sioux Falls v. Drier, 1998 S.D. 1, 574 N.W.2d 59714
Guthmiller v. Deloitte & Touche, LLP., 2005 S.D. 77, 699 N.W.2d 4936
In re Election Contest as to Watertown Special Referendum (Watertown Special Referendum II), 2011 S.D. 62, 628 N.W.2d 336
In re Petition for Writ of Certiorari as to Determination of Election on Brookings School District's Decision to raise Additional General Fund, 2002 S.D. 85, 649 N.W.2d 58117
Johnson v. United Parcel Serv., 2020 S.D. 39, 946 N.W.2d 1
Kern v. City of Sioux Falls, 1997 S.D. 19, 560 N.W.2d 236
Larson v. Krebs, 2017 S.D. 39, 898 N.W.2d 10
McIntyre v. Wick, 1996 S.D. 147, 558 N.W.2d 347
Metro. Life Ins. Co. v. Kinsman, 2008 S.D. 24, 747 N.W.2d 653
N. American Truck & Trailer, Inc. v. M.C.I. Communication Services, Inc., 2008 S.D. 45, 751 N.W.2d 710

Nooney v. StubHub, Inc., 2015 S.D. 102, 873 N.W.2d 497
Nygaard v. Sioux Valley Hosp. & Health Sys., 2007 S.D. 34, 731 N.W.2d, 184
Paul v. Bathurst, 2023 S.D. 56, 997 N.W.2d 644
Rapid City J. v. Seventh Jud. Cir. Ct., 283 N.W.2d 563 (S.D. 1979)7
Rapid City Journal v. Delaney, 2011 S.D. 55, 804 N.W.2d 388
Roudebush v. Hartke, 405 U.S. 15, (1972)
SD Citizens for Liberty, Inc. v. Rapid City Area School District 51-4, 2023 S.D. 57, 997 N.W. 2d 635
Sedlacek v. S.D. Teener Baseball Program, 437 N.W.2d 866 (S.D. 1989)10
State ex rel. Ingles v. Cir. Ct. of Spink Cnty., 63 S.D. 313, 258 N.W.278 (1934)
State ex rel. Olson v. Thompson, 248 N.W.2d 347 (N.D. 1976)
State ex rel. Walter v. Gutzler, 249 N.W.2d 271, (S.D.1977)
State v. Hampal, 2017 S.D. 82, 905 N.W.2d 117
State v. Patterson, 2017 S.D. 64, 904 N.W.2d 43
Stein v. Cortes, 223 F.Supp.3d 423 (E.D. Penn. 2016)
Thom v. Barnett, 2021 S.D. 65, 967 N.W.2d 261
Wells Fargo Bank, N.A. v. Fonder, 2015 S.D. 66, 868 N.W.2d 4096
Wiles v. Capitol Indemnity Corp., 280 F.3d 868, (8th Cir. 2002)6
Zochert v. Protective Life Ins. Co., 2018 S.D. 84, 921 N.W.2d 4796
CONSTITUTIONS:
S.D. Const. art. III, § 7
S.D. Const. art. III, § 8
S.D. Const. art. III. 8.9

S.D. Const. art. VI, § 19
S.D. Const. art. VI, § 20
S.D. Const. art. VII § 1
U.S. Const. art. I, § 4
<u>STATUTES</u> :
SDCL § 2-14-2.1
SDCL § 12-16-1.1
SDCL chapter 12-21 et. seq
SDCL chapter 12 -21
SDCL § 12-21-10
SDCL § 12-21-47
SDCL § 12-21-48
SDCL § 12-21-48(1)
SDCL § 12-22-7
SDCL § 12-22-35
SDCL § 15-6-6(d)
SDCL § 15-6-12(b)
SDCL § 15-6-12(b)(5)
SDCL § 15-6-24(c)
SDCL § 15-26A-3
SDCL § 15-26A-60(6)

#### PRELIMINARY STATEMENT

Unless specifically denoted otherwise, the Appellees will be referred to as "Lawrence County" or the "County." Appellant Kate Crowley-Johnson will be referred to as "Crowley-Johnson." Citations to the South Dakota Supreme Court's record will appear as "(CR. \_\_\_\_)". Crowley-Johnson's brief will be referred to as "Brief of Crowley-Johnson" with appropriate citations thereafter. Citations to the County's appendix will be referred to as "." followed by the corresponding page number.

#### JURISDICTIONAL STATEMENT

Crowley-Johnson appeals from the Circuit Court's Order Granting McGruder's Motion to Dismiss dated August 5, 2024. (CR. 539-42). The Order dismissed Crowley-Johnson's Verified Petition for a recount in its entirety. *Id.* The County filed a Notice of Entry of Order August 9, 2024. (CR. 543-47). Crowley-Johnson timely filed a Notice of Review and Docketing Statement on September 4, 2024. (CR. 548-52). This Court has appellate jurisdiction pursuant to SDCL 15-26A-3.

### STATEMENT OF LEGAL ISSUES AND AUTHORITIES

I. Whether the matter has become moot because the General Election has been held and the South Dakota Legislature has been seated?

The Circuit Court did not address whether Crowley-Johnson's election recount petition was moot. After the filing of Crowley-Johnson's appeal, and before the filing of this brief, the South Dakota's 100<sup>th</sup> Legislature was seated. The holding of the General Election and the seating of the Legislature renders this appeal moot.

- Larson v. Krebs, 2017 S.D. 39, 898 N.W.2d 10.
- SD Citizens for Liberty, Inc. v. Rapid City Area School District 51-4, 2023 S.D. 57, 997 N.W.2d 635.
- McIntyre v. Wick, 1996 S.D. 147, 558 N.W.2d 347.
- S.D. Const. art. III, § 9.
- SDCL chapter 12-21 et. seq.

# II. Whether the Circuit Court properly dismissed Crowley-Johnson's Verified Petition.

The Circuit Court did not err in dismissing Crowley-Johnson's Verified Petition for recount. The Circuit Court determined that Crowley-Johnson did not state a claim upon which relief could be granted because the election results indicated that Crowley-Johnson was defeated by more than a two percent (2%) margin of difference in the June 2024 primary election.

- McIntyre v. Wick, 1996 S.D. 147, 558 N.W.2d 347.
- Kern v. City of Sioux Falls, 1997 S.D. 19, 560 N.W.2d 236.
- Roudebush v. Hartke, 405 U.S. 15 (1972).
- Stein v. Cortes, 223 F.Supp.3d 423 (E.D. Penn. 2016).
- U.S. Const. art. I, § 4.
- S.D. Const. art. VII, § 1.
- S.D. Const. art. VI, § 19.
- SDCL 12-21-10.
- SDCL 15-6-24(c).

#### STATEMENT OF THE CASE

Crowley-Johnson filed a Summons and Verified Petition against the County, in Lawrence County, Fourth Judicial Circuit, on June 11, 2024. (CR. 1-12; 448-49). The County filed Defendant's Motion to Dismiss Plaintiff's Verified Petition on June 25, 2024. (CR. 471-505). The Circuit Court then scheduled a hearing to resolve three pending lawsuits filed by Crowley-Johnson against the County. (CR. 506-09). A hearing was held on August 2, 2024, before the Honorable Judge Jeffrey R. Connolly to address, *inter alia*, the County's Motion to Dismiss Crowley-Johnson's Verified Petition for Recount. (CR. 506-11). At the hearing, Judge Connolly granted the County's motion to dismiss holding that Crowley-Johnson's margin of loss did not fall within statutory percentage entitling her to a recount. (CR. 599-603; CR. 606-10).

#### STATEMENT OF FACTS

# A. Crowley-Johnson's Filing Activity During 2024

Crowley-Johnson was a candidate for South Dakota's Senate District 31 seat.

(CR. 2). Crowley-Johnson initiated five separate cases in the calendar year 2024 regarding the June 4 primary election. Two of these cases sought a temporary restraining order, prior to the June 4 primary election, against Lawrence County's Auditor, Brenda McGruder. (CR. 606) (referencing the dismissal of *Crowley-Johnson v. McGruder*, 40CIV24-158 and *Crowley-Johnson v. McGruder*, 40CIV24-164). The Circuit Court dismissed both cases. (CR. 606).

After the election, Crowley-Johnson initiated three more lawsuits, all of which sought various relief from the County. First, she sought an election recount in *Crowley-Johnson v. McGruder, Lawrence County Auditor and Lawrence County Board of Canvassing*, 40CIV24-173—the case at the center of this appeal. (CR. 1-12). After commencing Case No. 173, but before it was decided, Crowley-Johnson sued for an election contest against Randy Deibert in *Crowley-Johnson v. Deibert*, 40CIV24-182, which was before this Court in Appeal No. 30877. While both these cases were pending, Crowley-Johnson again filed suit against Lawrence County, *Crowley-Johnson v. McGruder, et al.*, 40CIV24-225, which is currently before the Circuit Court.

Both Case No. 173 (this matter) and Case No. 182 (Appeal No. 30877 (Diebert)) were dismissed at the Circuit Court level. (CR. 539-40) (order dismissing Crowley-Johnson v. McGruder, Lawrence County Auditor and Lawrence County Board of Canvassing, 40CIV24-173). Crowley-Johnson appealed both decisions.

# B. Facts Relating to Crowley-Johnson's Petition for an Election Recount

The District 31 Senate seat was up for election in 2024. (CR. 476). For this seat, Crowley-Johnson challenged incumbent Randy Deibert by means of primary election. Both sought nomination to appear as the Republican candidate for Senate District 31 at the General Election. (CR. 496; 501) (showing the Secretary of State's certification of the election results). On June 4, 2024, South Dakota held its statewide primary election. (CR. 476; 496). Lawrence County canvassed the primary election results on June 6, 2024. (CR. 476). The results showed that Crowley-Johnson was defeated by an eighteen percent (18%) margin and therefore lost the nomination for the District 31 Senate seat as the Republican candidate. (CR. 476, 501). The State official canvass was completed on June 11, 2024. (CR. 496). Crowley-Johnson filed her Verified Petition for an election recount on June 11, 2024. (CR. 1-12; 476).

On June 25, 2024, Lawrence County moved to dismiss under SDCL 15-6-12(b)(5) and filed a brief in support. (CR. 493). A hearing on the County's motion was set for August 2, 2024. (CR. 508). On August 1, 2024, the day before the scheduled hearing, Crowley-Johnson submitted her response to the County's motion to dismiss. (CR. 512-38). Therein, Crowley-Johnson argued, for the first time, that SDCL 12-21-10 was unconstitutional. (CR. 515-19; 530-33).

<sup>.</sup> 

<sup>&</sup>lt;sup>1</sup> No other candidate, Democrat or Independent, ran for the District 31 Senate seat. Accordingly, Deibert was granted a certificate of election without having to appear on the general election ballot. SDCL §12-16-1.1. The County requests this Court take judicial notice of the election certifications filed in this mater pursuant to SDCL 19-19-201(b)(1).

On August 2, 2024, a hearing was held before the Honorable Circuit Court Judge Jeffrey Connolly. (CR. 570). Although Crowley-Johnson's briefing did not clearly articulate the relief sought, during the hearing, Crowley-Johnson informed the Circuit Court that her verified petition sought only a recount, and not an election contest. (CR. 574). She also acknowledged that SDCL 12-21-10 was the only route for her to pursue an election recount in South Dakota. (CR. 577). She argued, however, that SDCL 12-21-10 was unconstitutional. (CR. 575-77). Judge Connolly informed Crowley-Johnson that she was required to notify the South Dakota Attorney General's Office of such a challenge, pursuant to SDCL 15-6-24(c). (CR. 585-87). Due to the lack of that notification, Judge Connolly informed Crowley-Johnson that he was not ruling on the constitutionality of SDCL 12-21-10. (CR. 599-600; 603).

Ultimately, during the August 2<sup>nd</sup> hearing, Judge Connolly dismissed Crowley-Johnson's petition for recount because she did not meet the statutory prerequisite of being within two percent (2%) of the prevailing candidate entitling her to a recount.<sup>2</sup> (CR. 597). Three days later, the Court filed its order granting the County's motion to dismiss. (CR. 539-40). Crowley-Johnson appealed. (CR. 548).

# STANDARD OF REVIEW

"[W]hether [a] complaint failed to state a claim upon which relief could be granted ... is a question of law [this Court] review[s] de novo." *Paul v. Bathurst*, 2023 S.D. 56, ¶ 10, 997 N.W.2d 644, 650 (citing *Nooney v. StubHub, Inc.*, 2015 S.D. 102, ¶ 9,

<sup>&</sup>lt;sup>2</sup> Prior to the August 2nd hearing, Erica Douglas, a candidate for a Lawrence County Commissioner seat, petitioned and obtained an election recount. The results of that recount indicated that there was no deviation between Lawrence County's official canvass and the recount results. (CR. 593-94).

873 N.W.2d 497, 499 (citing Wells Fargo Bank, N.A. v. Fonder, 2015 S.D. 66, ¶ 6, 868 N.W.2d 409, 412)); see also Thom v. Barnett, 2021 S.D. 65, ¶ 13, 967 N.W.2d 261, 267. "In de novo review, no deference is given to the Circuit Court's decision." Thom, 2021 S.D. 65, ¶ 13, 967 N.W.2d at 267 (citing Johnson v. United Parcel Serv., 2020 S.D. 39, ¶ 26, 946 N.W.2d 1, 8 (quoting Zochert v. Protective Life Ins. Co., 2018 S.D. 84, ¶ 18, 921 N.W.2d 479, 486)).

"A motion to dismiss under SDCL 15-6-12(b) tests the legal sufficiency of the pleading, not the facts which support it. For purposes of the pleading, the court treat as true all facts properly pled in the complaint and resolve all doubts in favor of the pleader." N. American Truck & Trailer, Inc. v. M.C.I. Communication Services, Inc., 2008 S.D. 45, ¶ 6, 751 N.W.2d 710, 712 (citing Nygaard v. Sioux Valley Hosp. & Health Sys., 2007 S.D. 34, ¶ 9, 731 N.W.2d 184, 190) (citing Guthmiller v. Deloitte & Touche, LLP, 2005 S.D. 77, ¶ 4, 699 N.W.2d 493, 496)). "A 12(b)(5) motion 'does not admit conclusions of the pleader either of fact or law." Nygaard, 2007 S.D. 34, ¶ 9, 731 N.W.2d at 190 (quoting Akron Savings Bank v. Charlson, 83 S.D. 251, 253, 158 N.W.2d 523, 524 (1968)). Thus, it is generally accepted that "[w]hile the court must accept allegations of fact as true when considering a motion to dismiss, the court is free to ignore legal conclusions, unsupported conclusions, unwarranted inferences and sweeping legal conclusions cast in the form of factual allegations." Id. (quoting Wiles v. Capitol Indemnity Corp., 280 F.3d 868, 870 (8th Cir. 2002)). When reviewing a decision that granted a motion to dismiss, this Court reviews "the Circuit Court's ruling de novo, with no deference to its determination." Id. (citing Elkjer v. City of Rapid City, 2005 S.D. 45, ¶ 6, 695 N.W.2d 235, 238).

#### ARGUMENT AND AUTHORITIES

### I. CROWLEY-JOHNSON'S APPEAL IS MOOT

Crowley-Johnson's sole request for relief is a hand recount of the June 4, 2024 primary election. *Brief of Crowley-Johnson* at 11. The holding of the General Election, and the seating of the Legislature, however, has rendered Crowley-Johnson's appeal moot because no effectual relief can be granted by this Court.

# A. Mootness generally

Crowley-Johnson's request for a recount is moot and should be dismissed on appeal. This Court has stated:

[T]his Court renders opinions pertaining to actual controversies affecting people's rights. [A]n appeal will be dismissed as moot where, before the appellate decision, there has been a change of circumstances or the occurrence of an event by which the actual controversy ceases and it becomes impossible for the appellate court to grant effectual relief.

Larson v. Krebs, 2017 S.D. 39, ¶ 13, 898 N.W.2d 10, 15-16. (cleaned up). A prerequisite to having a justiciable case is to have a live controversy to which courts can provide a solution. See SD Citizens for Liberty, Inc. v. Rapid City Area School District 51-4, 2023 S.D. 57, ¶ 33, 997 N.W.2d 635, 642 (citing Metro. Life Ins. Co. v. Kinsman, 2008 S.D. 24, ¶ 10, 747 N.W.2d 653, 658). When there is no redressability, there is no standing.

"An appeal submitted for decision but not yet decided becomes moot when 'there has been a change of circumstances or the occurrence of an event by which the actual controversy ceases and it becomes impossible for the appellate court to grant effectual relief." *Id.* (quoting *State v. Hampal*, 2017 S.D. 82, ¶ 9, 905 N.W.2d 117, 120 (quoting *Rapid City J. v. Seventh Jud. Cir. Ct.*, 283 N.W.2d 563, 565 (S.D. 1979))).

Here, this Court can provide no effective relief and the request is moot because 1) the general election has occurred, and 2) the Legislature was seated on January 14, 2025.<sup>3</sup>

# B. The holding of the General Election and seating of the Legislature precludes Crowley-Johnson's relief.

Pursuant to S.D. Const. art. III, § 7: "The Legislature shall meet at the seat of government on the second Tuesday of January at 12 o'clock m. and at no other time except as provided by this Constitution." At which time, its members are sworn in by taking the oath of office. S.D. Const. art. III, § 8. The seating of the 100<sup>th</sup> South Dakota Legislature occurred on January 14, 2025. The South Dakota Constitution is clear, "[e]ach house shall be the judge of the election returns and qualifications of its own members." S.D. Const. art. III, § 9. Because the Legislature is the sole judge of its members, a recount after the seating of the Legislature can provide no effective relief. Accordingly, this Court lacks the ability to provide any relief entitling Crowley-Johnson to a recount for a legislative seat.

Putative candidates may avail themselves of certain rights provided by the Legislature to determine the legitimacy of election results through court action. State ex rel. Ingles v. Cir. Ct. of Spink Cnty., 63 S.D. 313, 258 N.W. 278, 282 (1934). Such provisions include the ability of this Court to review "the proceedings of the recount board." SDCL 12-21-47; see also SDCL 12-21-48(1) (granting original jurisdiction to this Court on the certiorari proceeding); McIntyre v. Wick, 1996 S.D. 147, ¶ 19, 558

N.W.2d 347, 356. But, as to legislative candidates, "...once the general election has been

<sup>&</sup>lt;sup>3</sup> The County respectfully requests this Court take judicial notice of the fact that the November General Election has occurred, and that the Legislature was seated on January 14, 2025. SDCL 19-19-201(b)(2).

held, the power to pass upon the qualifications of a candidate..." resides exclusively with the Legislature. *State ex rel. Walter v. Gutzler*, 249 N.W.2d 271, 273 (S.D. 1977). A recount proceeding conducted after the Legislature has seated its members, therefore, has no effect.

As further described in *McIntyre v. Wick*, while the Court has authority to oversee recount procedures, the results of those procedures may only act to provide evidence for the Legislature to review *prior* to selecting its members. As summarized in *McIntyre*:

Recounts and review of recounts, however, do not prevent each house from independently evaluating the election any more than the initial count does. Each house is free to accept or reject the apparent winner in either count, and, if it chooses, to conduct its own recount. In *Thorsness I*, we made clear this Court's lack of any jurisdiction to dictate the final determination of a legislative election. Our review of a recount and judgment in such a proceeding merely constitutes evidence. It remains with each house to perform its constitutional duty of determining who shall sit and this court can express no opinion on the outcome of that deliberation.

McIntyre, 1996 S.D. 147, ¶ 22, 558 N.W.2d at 357 (emphasis added). Certainly, recount statutes allow candidates, who meet the statutory criteria, to seek a recount. As the circuit court determined, however, Crowley-Johnson was not entitled to a recount by statute.

Nor did she seek any relief afforded by this Court pursuant to SDCL 12-21-47 and SDCL 12-21-48 in this appeal. <sup>4</sup> See SDCL 12-21-47 and 12-21-48 (allowing legislative candidates aggrieved by a final decision on a recount to seek a writ of certiorari from the Supreme Court). As noted above in McIntyre, any recount afforded only provides evidence to the Legislature to decide whether to seat that candidate. Once the selection

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<sup>&</sup>lt;sup>4</sup> In a wholly separate appeal against Senator Randy Deibert, Crowley-Johnson submitted a Petition for Writ of Certiorari identified as Appeal No. 30921. This Court, however, swiftly denied the Petition for Writ on January 14, 2025. (County App. 001).

has been made by the Legislature, and its members seated, Court intervention is too late and would only operate to "frustrate[] the [Legislature's] ability to make an independent final judgment." *McIntyre*, 1996 S.D. 147, ¶ 22, 558 N.W.2d at 357. Crowley-Johnson's request for a recount is now moot.

The exception to the mootness doctrine known as "capable of repetition, yet evading review" does not apply. This exception only applies when: "(1) the challenged action is in its duration too short to be fully litigated prior to cessation or expiration, and (2) there is a reasonable expectation that the same complaining party will be subject to the same action again." *Larson*, 2017 S.D. 39, ¶ 14, 898 N.W.2d 10, 16 (citing *Rapid City Journal v. Delaney*, 2011 S.D. 55, ¶ 8, 804 N.W.2d 388, 391). Here, neither element is met. First, had Crowley-Johnson utilized the correct mechanisms for bringing her claims, sufficient time existed for those matters to be heard. The second element also fails because Crowley-Johnson was never entitled to a recount based upon her margin of defeat by Senator Deibert.

Another exception to the mootness doctrine is "questions of public importance." This Court possesses the "discretion to 'determine a moot question of public importance if [we] feel[] that the value of its determination as a precedent is sufficient to overcome the rule against considering moot questions." *Larson*, 2017 S.D. 39, ¶ 16, 898 N.W.2d 10, 16-17 (quoting *Cummings v. Mickelson*, 495 N.W.2d 493, 496 (S.D. 1993)). This exception's elements are: "general public importance, probable future recurrence, and probable future mootness." *Id.* at ¶ 16, 898 N.W.2d at 17 (quoting *Sedlacek v. S.D. Teener Baseball Program*, 437 N.W.2d 866, 868 (S.D. 1989)). Questions affecting "the legal rights or liabilities of the public at large" may qualify for this exception. *Id.* (quoting

Boesch v. City of Brookings, 534 N.W.2d 848, 850 (S.D. 1995)). For many of the same reasons that Crowley-Johnson does not meet the "capable of repetition" exception, she also does not meet this exception. To start, Crowley-Johnson simply did not qualify for an election recount to begin with; thus, the issue is not of public importance. She also did not actively pursue her claim. If she had actively pursued her claim and set a hearing after filing her Verified Petition, this case could have been resolved swiftly as intended by statutes. Therefore, it is unlikely that there is probable future reoccurrence.

Finally, this case solely affects Crowley-Johnson's primary election results and her right to hold office. This case, however, does not affect the public at large because a recount does not address voting irregularities suppressing the vote of the voters. That question is addressed in election contests. *Thom v. Barnett*, 2021 S.D. 65, ¶ 14, 967 N.W.2d 261, 267 (citing *In re Election Contest as to Watertown Special Referendum (Watertown Special Referendum II)*, 2001 S.D. 62, ¶ 7, 628 N.W.2d 336, 338) (stating election contests require the petitioner to show "voting irregularities and, further, that the irregularities were 'so egregious that the will of the voters was suppressed.""). Therefore, Crowley-Johnson's claims are moot and should be dismissed accordingly.

# II. THE CIRCUIT COURT DID NOT ERR IN DISMISSING THE COMPLAINT.

The Circuit Court correctly dismissed Crowley-Johnson's petition because (1) her eighteen percent (18%) margin of loss did not entitle her to a recount under SDCL 12-21-10; (2) Crowley-Johnson did not provide notice to the Attorney General of her constitutional challenge to SDCL 12-21-10 that was raised as required by SDCL 15-6-24(c); (3) if considered, this Court should uphold the constitutionality of SDCL 12-21-10;

and (4) the recount procedure in SDCL chapter 12-21 does not provide the relief requested.

### A. Crowley-Johnson did not qualify for a recount.

Crowley-Johnson does not meet the requirements for an election recount under SDCL 12-21-10. She did not qualify for recount because she lost the primary election by more than a two percent (2%) margin of difference. (CR. 579). The applicable statute states, in relevant part:

A candidate for any office, position, or nomination which is voted upon only by the voters of one county or part thereof may ask for a recount of the official returns if such candidate is defeated, according to the official returns, by a margin not exceeding two percent of the total vote cast for all candidates for such office, position, or nomination.

SDCL 12-21-10 (emphasis added). Accordingly, a candidate, who seeks a nomination for a legislative seat in a primary election, only has the right to request a recount if that candidate was defeated by no more than a two percent (2%) margin during the primary election. *Id.* Crowley-Johnson, however, was defeated by eighteen percent (18%); thus, she does not meet the statutory prerequisite for a court to grant her request for an election recount. (CR. 575; 579). The Circuit Court properly dismissed Crowley-Johnson's petition for failing to state a claim upon which relief can be granted.

# B. Crowley-Johnson's constitutional challenge to SDCL 12-21-10 cannot be considered on appeal.

A constitutional challenge to SDCL 12-21-10 cannot be made in this instance because Crowley-Johnson failed to provide notice of that challenge to the Attorney General's Office at the Circuit Court level or on appeal. South Dakota statutes require a person challenging the constitutionality of a statute to provide notice to the South Dakota

Attorney General's office so that it may intervene and defend the statute. SDCL 15-6-24(c) provides, in pertinent part:

When the constitutionality of an act of the Legislature affecting the public interest is drawn in question in any action to which the state or an officer, agency, or employee of the state is not a party, the party asserting the unconstitutionality of the act shall notify the attorney general thereof within such time as to afford him the opportunity to intervene.

Id. (emphasis added). When a statute uses the term "shall", "the term ... manifests a mandatory directive and does not confer any discretion in carrying out the action so directed." SDCL 2-14-2.1.

Crowley Johnson's failure to notify the Attorney General, either in the lower court or on appeal, precludes review of the issue here. In *Kern v. City of Sioux Falls*, 1997 S.D. 19, 560 N.W.2d 236, the Plaintiffs, Paul Kern and Mary Lou Schramm, argued "that the Recreational Use Statutes violated the 'open courts' provision of the state constitution." *Id.* at ¶ 12, 560 N.W.2d at 239 (citing S.D. Const. art. VI, § 20). The Plaintiffs, however, failed to provide notice to the Attorney General's office of their constitutional challenge. *Id.* at ¶¶ 12-13. This Court stated:

It is well established that the constitutionality of a statute cannot be raised for the first time on appeal. This is a rule of procedure, not jurisdiction, and this court may consider a matter for the first time on appeal if faced with a 'compelling case.' However, the attorney general must be allowed to participate. The person challenging the constitutionality of a statute must give notice to the attorney general of the pendency of the action. SDCL 15-6-24(c).

Id. at ¶ 12 (cleaned up)(emphasis added). The Court in Kern found that the Plaintiffs waived their constitutionality arguments because they failed to provide notice to the Attorney General's office and they did not raise the issue properly below. Id. at 13.

Crowley-Johnson's situation is similar. She did not raise the issue in her initial pleading. (CR. 1-12). Nor did she did timely respond to the County's motion to dismiss with this argument. (CR. 512-38; 585-89); SDCL 15-6-6(d) (requiring a response brief to be served not later than five days before the hearing). Judge Connolly also specifically informed Crowley-Johnson that he was not addressing her constitutionality argument. (CR. 599).

Additionally, it was pointed out that she failed to provide notice to the Attorney General's office. (CR. 585-89). At the hearing, the Circuit Court informed Crowley-Johnson that her response was untimely and further advised her that she had an obligation to provide notice to the Attorney General's office if she was challenging the constitutionality of the statute. (CR. 586-87). In fact, during the hearing, Judge Connolly provided Crowley-Johnson with the statute that required her to provide notice. (CR. 586-87). Crowley-Johnson, however, still has not sent notice to the Attorney General's office regarding her constitutional challenge of SDCL 12-21-10. Crowley-Johnson's failure to provide notice waives her constitutional challenge of SDCL 12-21-10 on appeal.

### C. SDCL 12-21-10 is not unconstitutional.

Even if Crowley-Johnson had provided the requisite notice to the Attorney General's Office, her constitutional challenge must fail. Crowley-Johnson provides no citations to support her argument that SDCL 12-21-10, or similar recount statute, is unconstitutional. Thus, Crowley-Johnson has waived this issue. SDCL 15-26A-60(6); see also State v. Patterson, 2017 S.D. 64, ¶ 31, 904 N.W.2d 43, 52 (quoting First Nat'l Bank in Sioux Falls v. Drier, 1998 S.D. 1, ¶ 20, 574 N.W.2d 597, 601) ("[F]ailure to cite authority in an appellate brief violates SDCL 15-26A-60(6) and waives the issue before

this Court."). On appeal, she generally cites S.D. Const. art. VII, §1 and S.D. Const. art. VI, § 19. Each respective provision states the following:

# S.D. Const. art. VII, § 1. Right to vote.

Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

# S.D. Const. art. VI, § 19. Free and equal elections—Right to suffrage—Soldier voting.

Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers in time of war may vote at their post of duty in or out of the state, under regulations to be prescribed by the Legislature.

Neither provision, however, addresses a candidate's right to run for office nor an individual's right to request a recount of an election. Crowley-Johnson also alleges she has a right to petition for a recount under "the recount chapter of SD codified laws" and according to the First Amendment to the U.S. Constitution. *Crowley-Johnson's Brief* at 7. But the only right to a recount under statute is SDCL 12-21-10, which she acknowledged during the August 2<sup>nd</sup> hearing. (CR. 576-577). Crowley-Johnson was defeated by eighteen percent (18 %) which is well outside of the two-percent margin set by SDCL 12-21-10.

Crowley-Johnson also cannot identify a United States constitutional provision that allows a recount in this case. There is no federally recognized right to petition for an election recount under the First Amendment. Rather, determining whether a party has a right to an election recount was delegated to the States by Article I, § 4 of the United States Constitution, commonly known as the Elections Clause. U.S. Const. art. I, § 4 ("The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any

time by Law make or alter such Regulations, except as to the Places of chusing Senators.").

In Roudebush v. Hartke<sup>5</sup>, 405 U.S. 15 (1972), the United States Supreme Court stated that absent congressional action, States are empowered to regulate elections pursuant to Article I, sec. 4 of the United States Constitution. *Id.* at 24. The breadth of those powers include the:

authority to provide a complete code for congressional elections, not only as to time and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved.

Indiana has found, along with many other States, that one procedure necessary to guard against irregularity and error in the tabulation of votes is the availability of a recount. ... A recount is an integral part of Indiana electoral process and is within the ambit of the broad powers delegated to the States by Art. I, s 4.

Id. at 24-25. (internal citation omitted). The U.S. Supreme Court held that the right to petition for a recount derives from state law, not the federal constitution. Id.; see also Curtis v. Oliver, No. CIV 20-0748 JB\JHR, 479 F.Supp.3d 1039, 1128 (D.N.M. 2020) (holding, inter alia, that there was no federal constitutional right to petition for a recount under the First Amendment); Stein v. Cortes, Civ. No. 16-6287, 223 F.Supp.3d 423, 438 (E.D.Penn. 2016) (stating that there is no federal right to an election recount). Crowley-Johnson's conclusory statement that SDCL 12-21-10 infringes upon her First Amendment right to petition for a recount is unsupported.

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<sup>&</sup>lt;sup>5</sup> Roudebush involved a congressional senate seat, not a state legislative seat. Thus, Crowley-Johnson's position is further eroded because her case is a matter wholly affecting a statewide election.

# D. The relief sought by Crowley-Johnson cannot be afforded under the recount statutes.

In the event this Court would entertain Crowley-Johnson's request for a recount, the relief she seeks is outside of the recount procedures. Despite Crowley-Johnson's affirmations that her filing is a petition for a recount, (CR. 574), her claim can only be considered as an election contest. Cases have been quite clear, election recounts and election contests are not interchangeable vehicles for relief. Both have their own independent purpose and each provides relief for when the other is inapplicable. As this Court has stated: "a recount differs from a contest in that a recount, clearly and unmistakably, if requested and made, is a part of the election process, while a contest is a challenge of the election process itself." *In re Petition for Writ of Certiorari as to Determination of Election on Brookings School District's Decision to raise Additional General Fund*, 2002 S.D. 85, ¶ 13, 649 N.W.2d 581, 585-86 (citing *State ex rel. Olson v. Thompson*, 248 N.W.2d 347, 356 (N.D. 1976)).

Crowley-Johnson's basis for an election recount rests solely upon her challenges of the election process itself. She alleges, *inter alia*, that automatic tabulating machines were improperly certified and that there is an inherent risk of vote switching whenever automatic tabulating machines are used. (CR. 2-12). Plainly, her claims are challenging the election process itself and, therefore, she was required to follow the procedures of SDCL chapter 12-22—which included bringing an original action before this Court pursuant to SDCL 12-22-7 and 12-22-35. She was also required to show the existence of "voting irregularities and, further, that the irregularities were 'so egregious that the will

<sup>6</sup> Whether Crowley-Johnson could state a valid election contest claim upon these facts is not the issue on this appeal and therefore is not addressed.

of the voters was suppressed." Thom v. Barnett, 2021 S.D. 65, ¶ 14, 967 N.W.2d 261,

267 (citing In re Election Contest as to Watertown Special Referendum (Watertown

Special Referendum II), 2001 S.D. 62, ¶ 7, 628 N.W.2d 336, 338).

Crowley-Johnson initiated this case as an election recount and affirmed that

construction with the Circuit Court. She filed a separate case alleging an election contest

that was before this Court in Appeal No. 30877. Her election contest lawsuit, however,

was dismissed on February 28, 2025 for mootness. County App. 003. There is no relief

this Court can provide pursuant to this appeal.

CONCLUSION

For the reasons stated above, the County respectfully requests the Court affirm the

decision of the Circuit Court.

REQUEST FOR ORAL ARGUMENT

Oral argument is not requested.

Dated: March 7, 2025.

GUNDERSON, PALMER, NELSON

& ASHMORE, LLP

By: /s/Richard M. Williams

Richard M. Williams

Attorneys for Brenda McGruder

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18

**CERTIFICATE OF COMPLIANCE** 

Pursuant to SDCL § 15-26A-66(b)(4), I certify this Appellee's Brief complies

with the type volume limitation provided for in South Dakota Codified Laws. This Brief

for Appellee, excluding the table of contents, table of cases, jurisdictional statement,

statement of legal issues, any addendum materials, and any certificates contains 5,077

words. I have relied upon the word count of our word processing system as used to

prepare this Brief for Appellee. The original Brief for Appellee and all copies are in

compliance with this rule.

GUNDERSON, PALMER, NELSON

& ASHMORE, LLP

By: /s/Richard M. Williams

Richard M. Williams

19

# CERTIFICATE OF SERVICE

I hereby certify on March 7, 2025, the BRIEF OF APPELLEE BRENDA

MCGRUDER, LAWRENCE COUNTY AUDITOR was filed through South

Dakota Odyssey File and Serve and the original plus one copy was mailed to the

South Dakota Supreme Court at:

Shirley A. Jameson-Fergel, Clerk South Dakota Supreme Court 500 E. Capitol Avenue Pierre, SD 57501-5070

# and the BRIEF OF APPELLEE BRENDA MCGRUDER, LAWRENCE COUNTY

AUDITOR was mailed by U.S. Mail to the following:

Kate Crowley Johnson PO Box 182 St. Onge, SD 57779 Appellant, Pro Se

By: /s/ Richard M. Williams
Richard M. Williams

# **APPENDIX**

1.	Order Denying Petition for Writ of Certiorari	App. 001
2.	Order Dismissing Appeal	Арр. 003

SUPREME COURT STATE OF SOUTH DAKOTA FILED

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

JAN 15 2025 V :1-4 Character Level

Clerk

KATE CROWLEY JOHNSON, Petitioner, ORDER DENYING PETITION FOR WRIT OF CERTIORARI

VS.

#30921

Chief Justice

RANDY DEIBERT, Respondent.

Petitioner filed a Petition for a writ of Certiorari in the above-entitled matter. The Court considered the petition and being fully advised in the premises, it is now

ORDERED that said petition is hereby denied.

DATED at Pierre, South Dakota, this 14th day of January, 2025.

BY THE COURT:

ATTEST:

Clerk of the Supreme Court

(SEAL)

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern, Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.

# DISTRIBUTION OF COURT ORDER

CASE: 30921	
ORIGINAL FILED: January 14, 2025	
Title of Case:	Title of Order:
KATE CROWLEY JOHNSON, Petitioner, vs.	ORDER DENYING PETITION FOR WRIT OF CERTIORARI
RANDY DEIBERT, Respondent.	
MAILING DATE: January 14, 2025	
COPIES	MAILED TO:
FOR PETITIONER: Kate Crowley John	nson .
FOR RESPONDENT: Talbot J. Wieczon	rek <u>.</u>
JUDGE: Jeffrey R. Connolly.	
FOR OTHERS: .	
CLERK: Lawrence County (Certified	d 2/4/25) <u>.</u>
Dated: Tuesday, January 14, 2025	k of the Supreme Court
Depu	ty Clerk of the Supreme Court

IN THE SUPREME COURT

SUPREME COURT STATE OF SOUTH DAKOTA FILED

OF THE

FEB 28 2025

STATE OF SOUTH DAKOTA

Skif A Journal and

KATE CROWLEY JOHNSON, Plaintiff and Appellant, ORDER DISMISSING APPEAL

#30877

vs.

RANDY DEIBERT,
Defendant and Appellee.

Appellee served and filed a motion to dismiss the appeal taken in the above-entitled matter together with brief in support of the motion to dismiss. The Court considered the motion, and it is CRDERED that the appeal is dismissed as moot.

DATED at Pierre, South Dakota, this 28th day of February, 2025.

BY THE COURT:

ATTEST:

Steven R. Jensen, Chief Justice

Clerk of the prome Court

SEAL

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern, Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.

SUPREME COURT STATE OF SOUTH DAKOTA FILED

APR 10 2025

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#### APPELLANT'S REBUTTAL BRIEF

OF THE
STATE OF SOUTH DAKOTA

No.

30825

KATE CROWLEY JOHNSON

Petitioner and Appellant,

v.

BRENDA MCGRUDER, LAWRENCE COUNTY AUDITOR

Respondent and Appellee

APPEAL FROM THE CIRCUIT COURT FORTH JUDICIAL CIRCUIT LAWRENCE COUNTY, SOUTH DAKOTA

HONORABLE JEFFREY ROBERT CONNOLLY CIRCUIT JUDGE

Petitioner and Appellant Pro Se,

Kate Crowley Johnson

P.O. Box 182,

Saint Onge SD, 57779

Respondent and Appellee

Brenda McGruder

Attorney Richard M. Williams

P.O. Box 8045

Rapid City, SD 57709

Notice of Appeal Filed September 6th, 2024

30825

# **TABLE OF CONTENTS**

	PAGE
TABLE OF AUTHORITIES	ii
JURISDICTIONAL STATEMENT	vi
STATEMENT OF ISSUES	vi
STATEMENT OF THE CASE	1
STATEMENT OF THE FACTS	1
ARGUMENT	4
CONCLUSION	16
APPENDIX; Test Deck, Directions on how to read a Test Deck, Declarat Weible, Letter by Rick Weible to all S.D. auditors (all these were filed wi Petition and Verified Complaint for Contest), Copy of U.S. Federal Civil for Constitutional Challenge to a Statute	th Recount

### **TABLE OF AUTHORITIES:**

CONSTITUTIONAL AND FEDERAL CIVIL RIGHTS:	PAGE
South Dakota Const. art. VII §1 Elections and Right of Suffrage	4-6
South Dakota Const. art. VI §19 Bill of Rights	4-6
South Dakota Const. art. IX § 1	13
52 U.S.C. VOTING AND ELECTIONS §10101	9
52 USC §20701	8
52 USC §20702	8
52 USC §20706	8
U.S Const. art. VI, Cl. 2	
U.S. Const. amend. I	1, 4, 6
U.S. Const. amend. V	10, 14
U.S. Const. amend. XIV	10, 14
U.S. Const. amend. XV	10

STATUTES:	PAGE
SDCL 6-1-17	9
SDCL 12-17B-5	2, 5
SDCL 12-17B-5.1	1,4
SDCL 12-17B-12	5
SDCL 12-17B-17(3)Appendix; Rick Weible Declar	aration of violations
SDCL 12-21-10	1, 3, 4, 5, 6, 14
SDCL 12-22-18	12
SDCL 12-26-23.1	8
SDCL 12-26-29	6
SDCL 15-6-24(C)	13-14
SDCL 19-19-901	13
52 U.S.C 20701	8
52 U.S.C 20702	8
52 U.S.C. §20706	8
52 U.S.C. VOTING AND ELECTIONS §10101	9
U.S. Federal Procedure Rule Civil Constitutional Challenge to a Statu	te5.1. (1b) The
parties do not include the state, one of its agencies, or one of its office	rs or employees in
an official canacity	13

U.S. Federal Procedure Rule Civil Constitutional Challenge to a Statute 5.1(2d) No
Forfeiture13
Secretary of State (SOS) Administrative Rule 5:02:09:01
CASES:
Bush v. Gore, 531 U.S. 98 (2000) (election
recounts)
Buckley v. Valeo, 424 U.S. 1 (1976)
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Marbury vs Madison, 5 U.S. (2Cranch) 137,174,176, (1803)
McCutcheon v. FEC, 572 U.S. 185 (2014)11
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e685?prd=MPECCOL9-10
Wikipedia; https://en.wikipedia.org/wiki/Equal_Protection_Clause11
Wikipedia; https://en.wikipedia.org/wiki/Universal_suffrage9
Voluntary Voting System Guidelines U.S. Election Assistance VVSG 1

#### JURISDICTIONAL STATEMENT

The Fourth Circuit Court is the Jurisdiction for a District 31 candidate recount petition. This is in accordance with "SDCL 12-21-20; Notice to circuit judge of recount petition--Appointment and convening of recount board." The order being appealed was signed and filed by the trial court on August 5<sup>th</sup>, 2024. The date notice of entry of the order by Judge Connelly was served on each party was August\_9<sup>th</sup>, 2024. The appeal to the order was filed on September 6<sup>th</sup>, 2024.

#### STATEMENT OF ISSUES

I. Were the citizens of the state and my SD Constitutional Right to a free and equal election in our county violated when the Auditor used an illegal test deck?

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

S.O.S Administrative Rule 5:02:09:01.02

52 U.S.C. VOTING AND ELECTIONS §10102

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art. VI, Cl. 2

U.S. Const. amend. I

U.S. Const. amend. V

U.S. Const. amend. XIV

U.S. Const. amend. XV

II. Is SDCL 12-21-10 an unconstitutional statute due to the fact that there can be more than one legal reason to petition for a recount?

Circuit Court Judge Connelly held in the negative.

The Most Relevant Constitutional and Statutory Provisions:

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

S.O.S Administrative Rule 5:02:09:01.02

52 U.S.C. VOTING AND ELECTIONS §10102

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art. VI, Cl. 2

U.S. Const. amend. I

U.S. Const. amend. V

U.S. Const. amend. XIV

U.S. Const. amend. XV

III. Did Auditor break 52 USC 20701?

The Most Relevant Constitutional and Statutory Provisions:

IV. Is Appellant allowed a recount according to our constitution, which specifies our elections should be fair and equal?

The Most Relevant Constitutional and Statutory Provisions:

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

52 U.S.C. VOTING AND ELECTIONS §10102

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art. VI, Cl. 2

Commonwealth of Independent States, 2002, art. 2(a)

S.O.S Administrative Rule 5:02:09:01.02

52 U.S.C. VOTING AND ELECTIONS §10101

V. Is it reasonable and legal to petition the government auditor's office for a recount when it can be proven that the Auditor conducted an illegal election by her own records and documentation of the illegal test deck that was given to her by ES&S the tabulator company?

Circuit Court Judge Connelly held in the negative.

The Most Relevant Constitutional and Statutory Provisions:

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

52 U.S.C. VOTING AND ELECTIONS §10101

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art. VI, Cl. 2

U.S. Const. amend. V

U.S. Const. amend. XIV

U.S. Const. amend. XV

S.O.S Administrative Rule 5:02:09:01.02

VI. Did the Auditor violate SDCL 12-26-23.1 when she did not save the ballot images on the ES&S Computer Tabulator?

The Most Relevant Constitutional and Statutory Provisions:

52 USC 20701 52 USC 20702 52 USC 20703

VII. Should Judge Connelly have dismissed based on procedural SDCL15-6-24(c), when Judge Connelly completely ignored Procedural Federal Rule 5.1 (d) titled "No Forfeiture" and Procedural Federal Rule 5.1 (2b)?

The Most Relevant Constitutional and Statutory Provisions:

SDCL15-6-24(c)

Rule 5.1 (b1)

Rule 5.1 (2d)

U.S. Const. amend. V

U.S. Const. amend. XIV

U.S. Const. amend. XV

VIII. Did Judge Connelly violate the U.S. Const. amend. V and U.S. Const. amend. XIV. of due process when Judge Connelly's dismissal was based on the excuse of SDCL15-6-24(c)?

The Most Relevant Constitutional and Statutory Provisions:

SDCL15-6-24(c)

Rule 5.1 (1b)

Rule 5.1 (2d)

U.S. Const. amend. V

U.S. Const. amend. XIV

U.S. Const. amend. XV

IX. Did the Auditor violate the US Civil Rights, TITLE 52-VOTING AND

ELECTIONS 10101 under the "Color of Law"?

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

S.O.S Administrative Rule 5:02:09:01.02

52 U.S.C. VOTING AND ELECTIONS §10102

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art. VI, Cl. 2

U.S. Const. amend. I

U.S. Const. amend. V

U.S. Const. amend. XV

52 USC 20701

52 USC 20702

52 USC 20703

X. Was the U.S. Const. amend. XIV and U.S. Const. amend. violated by the Auditor? (The Bush v. Gore, 531 U.S. 98 (2000) (election recounts) is distinctly referenced when describing "equal protection" to the laws.)

The Most Relevant Constitutional and Statutory Provisions:

U.S. Const. amend, XIV

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

S.O.S Administrative Rule 5:02:09:01.02

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U.S. Const. amend. I

U.S. Const. amend. V

U.S. Const. amend. XIV

U.S. Const. amend. XV

52 USC 20701

52 USC 20702

52 USC 20703

XI. Was the U.S. Const. amend. XIV and U.S. Const. amend. V violated by Judge Connelly in his decision? (The Bush v. Gore, 531 U.S. 98 (2000) (election recounts) is distinctly referenced when describing "equal protection" to the laws.)

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

S.O.S Administrative Rule 5:02:09:01.02

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U.S. Const. amend. I

U.S. Const. amend. V

U.S. Const. amend. XIV

U.S. Const. amend. XV

52 USC 20701

52 USC 20702

52 USC 20703

XII. Did Judge Connelly violate the US Civil Rights, TITLE 52—VOTING AND ELECTIONS 10101 under the "Color of Law"?

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

S.O.S Administrative Rule 5:02:09:01.02

52 U.S.C. VOTING AND ELECTIONS §10102

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art. VI, Cl. 2

U.S. Const. amend. I

U.S. Const. amend. V

U.S. Const. amend. XV

52 USC 20701

52 USC 20702

52 USC 20703

XIII. Did Judge Connelly violate U.S. Const. amend. XV?

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

S.O.S Administrative Rule 5:02:09:01.02

52 U.S.C. VOTING AND ELECTIONS §10102

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art. VI, Cl. 2

U.S. Const. amend. I

U.S. Const. amend. V

U.S. Const. amend. XIV

U.S. Const. amend. XV

52 USC 20701

52 USC 20702

52 USC 20703

XIV. Did the Auditor violate U.S. Const. amend. XV?

SDCL 12-17B-5

SDCL 12-17B-5.1

SDCL 12-21-10

S.O.S Administrative Rule 5:02:09:01.02

52 U.S.C. VOTING AND ELECTIONS §10102

South Dakota Const. art. VII §1 Elections and Right of Suffrage

South Dakota Const. art. VI §19 Bill of Rights

U.S Const. art, VI, Cl. 2

U.S. Const. amend. I

U.S. Const. amend. V

U.S. Const. amend. XIV

U.S. Const. amend. XV

52 USC 20701

52 USC 20702

52 USC 20703

#### STATEMENT OF THE CASE

The order I am appealing was submitted by Judge Jeffery Connelly within the Fourth Circuit Court. The order was regarding a Verified Petition for a recount I had filed on June 11<sup>th</sup>, 2024 for the primary District 31 South Dakota Senate race in which I was a candidate on June 4<sup>th</sup>, 2024.

#### STATEMENT OF THE FACTS

I was a candidate for District 31 S.D. Senate. The primary was held on June 4th, 2024. The Auditor has taken a written oath to the S.D. and the U.S. Constitution. She was required to conduct a legal election. I submitted a petition for a recount on June 11th, 2024, to the Lawrence County Auditor Brenda McGruder. I had a legal constitutional right to petition my grievances about the Auditor breaking the testing laws that are used to certify the computerized tabulators pursuant to U.S. Const. amend. I The Auditor didn't want to accept and file my Verified Petition due to SDCL 12-21-10. I have an email confirmation of her denial based on SDCL 12-21-10. Her refusal of my Verified Petition was wrong because the Auditor used an illegal test deck. The Auditor had the physical proof, the election statutes, and the administrative rules on how to conduct a legal test, but failed to. Test decks are used by all auditors in S.D. to test the computerized tabulators before certifying the tabulators before each election. The Company of ES&S provided the illegal test deck that violated their own computerized tabulator manual titled EVS 6042 CA Election Management and in Chapter 5, it is clear what the guidance is from ES&S, in their recommendation and guidance to use a sequential number of votes for each office, which complements SDCL 12-17b-5.1 requiring, "a different number of

valid votes must be assigned to each candidate for an office and for and against each measure." This is a fact that can easily be proven because these test decks are physical proof. Judge Connelly never asked me or called for any witnesses to testify about why it was illegal during the Recount Hearing. I submitted the illegal test deck and manual on how to read it with my Verified Recount Petition. In the Recount Hearing Judge Connelly stated he did not necessarily want to submit evidence to the hearing. He ignored all evidence of an illegal test deck and other illegal activity that the Auditor had achieved. The computer tabulators are required to be certified before each election and to be found errorless according to SDCL 12-17B-5; This is the auditor's job, and she should have known what a legal test deck was after being our Auditor for several years. The Auditor also failed to test one of the computer tabulators on the public testing day, that is pursuant to S.D., SOS Administrative Rules 5:02:09:01.02. This rule is used for the front line in catching programming issues and establishing confidence. If more than one tabulating machine is to be used in the election, each machine must be fully tested on any ballot that each machine will be used to count in the election. Since all Recount Petitions are sent to the Fourth Circuit Court and given a docket number by the clerk of courts in order for the Circuit Court to decide, I went directly to the clerk of courts and filed my verified petition on June 11th, 2024. Then Auditor McGruder was served the verified petition by the Sheriff's Department that she refused to file and forward to the clerk of court's office, so the clerk of court's office could assign a docket number and forward it to the Circuit Court judge as done in all verified petitions for a recount. The Auditor never admitted to her wrongdoing of illegally certifying the two computerized tabulators and had no intention of allowing me to petition for a justifiable grievance. I submitted to the Circuit

Court the "Declaration of Rick Weible" which was written about the illegal test deck and his bio information as an election expert who is a certified network engineer with 28 years of experience as a cybersecurity consultant with an impressive background. In this declaration, Rick Weible declares that after reviewing half of the test deck, the Auditor performed 45 violations. When Rick Weible is done reviewing it can easily be predicted that it will be over 100 violations. Rick Weible's declaration explains why it should be hand-recounted and that the votes could have been completely flipped. I had other experts ready to testify. Judge Connelly ignored this and the S.D. Constitution but instead focused on SDCL 12-21-10, which requires the candidates to be within two percent to recount an election even though the votes could have been flipped. In the hearing, Judge Connelly repeated the result was an eighteen percent difference based on the illegal activity of certifying the computer tabulators that was against statutes and the DS 450 tabulator manual titled EVS 6042 CA Election Management. I also submitted the illegal test deck and a manual that explains what a legal proper test deck is and what it is not. Judge Connelly never inquired or asked questions on the evidence I submitted with my Petition to Recount. I stated at the hearing that the Auditor violated laws in the testing. I told Judge Connelly that we do not know what the legal results are because the computer tabulators were illegally certified. When I attended the Recount hearing, I did not concede to the election results that were the result of illegal testing and certification, even though Judge Connelly tried to get me to concede to the results. I stated, "I did not agree with him." I made sure to ask witnesses to come to the hearing to verify what I said. The Fourth Circuit Court was the jurisdiction for a "Recount Petition" and not the S.D. Legislature.

#### **ARGUMENT**

"All laws which are repugnant to the Constitution are null and void" Marbury vs Madison, 5 U.S. (2Cranch) 137,174,176, (1803). U.S Const. art. VI, Cl. 2 supports the supremacy of the S.D. and U.S. Constitution. It was obvious from the start that I knew SDCL 12-21-10 was unconstitutional. It was also apparent from my actions that I believed I had the legal right to petition for my well-founded grievances according to U.S. Const. amend. I. My grievances were about factual illicit activity done by the election official. I even expressed to the auditor that SDCL 12-21-10 shouldn't be the only reason allowed for a recount. S.D. Const. art. VII §1 and S.D. art. VI §19 say we are to have fair and equal elections that are not to be interfered with by anyone. This would include auditors, commissioners, lawyers, and judges. Not even a judge has the right to aid and abet the interference of that constitutional right. ES&S EVS 6042 CA Election Management Manual is publicly available in the state of California, and in Chapter 5, it is clear what the guidance is from ES&S, in their recommendation and guidance to use a sequential number of votes for each office, which complements SDCL 12-17b-5.1 requiring, "a different number of valid votes must be assigned to each candidate for an office and for and against each measure." Each option does not have a unique number assigned from any other option in the senate race, house representative race, commissioner race, president and delegate. With unique numbers we can determine if votes are flipped. In The Declaration by expert Rick Weible, he explains all of this and he explains after examining only half the test deck that the Auditor performed illegally. That means it was never proven not to have errors because of illegal testing. The two DS 450 computer tabulators were illegally certified. The person in charge of the election may not

approve the automatic tabulating equipment until an errorless count is made in accordance with SDCL 12-17B-5.

The Auditor did not test the second computer tabulator labeled "A" on public testing day as required. The only one tested on public testing day was the computer tabulator labeled "E". The actual test deck date and time support the fact that the second computer tabulator was not tested on public testing day. If more than one tabulating machine is to be used in the election, each machine must be fully tested on any ballot that each machine will be used to count in the election. The email from the Auditor to me states, "I have attached the reports from 5-29-2024 Tab Test. The precinct-byprecinct reports for Machine A were not run on 5-29-2024 but I included the tests that were run on each machine on election day prior to running any election day ballots pursuant to 12-17B-12." The Certificates on these tabulators are dated May 29th, 2025. The auditor stamps and signs certifications on each of the two tabulators yet she had not even tested tabulator "A" with the illegal test deck until election day of June 4th, 2024. Additionally, the Auditor broke line number (5) which is included in SD SOS Rule 5:02:09:01.02. The Auditor did not test all the ballot types nor did the Auditor test 10% of the folded ballots when testing the tabulating equipment. The auditor is also required to test different ballot types. The Auditor did not. S.D. Administrative Rule:5:02:09:01.02. "If more than one ballot is used in the election, a test deck must be made for each ballot that is unique in any way."

I believe it is clear that the S.D. constitution should have precedence over state statute SDCL 12-21-10. Pursuant to:

S.D. Const. art. VII §1 Right to vote. Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

This is repeated in our constitution in S.D. Const. art. VI §19 Bill of Rights.

The Federal Supremacy Clause allows the S.D. Constitution precedence over statute:

U.S. Art. VI, Cl. 2: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

The U.S. Const. amend. I, confirms I am allowed to petition for grievances. SDCL 12-21-10 is unconstitutional, as it only allows one reason to legally petition for a recount. I had multiple reasons of illegal conduct by the Election official to petition. My grievance was a factual real wrong done by the Election official called the Auditor. To deprive me of a hand recount is completely illegal according to our Federal Civil Rights and other constitutional issues. My petition stated all the multiple laws and administrative rules that the auditor broke when testing the computerized tabulator and I attached the illegal test deck. It also included a document that explains how to read the test deck. Judge Connelly never asked about why exactly it was considered an illegal test deck nor did he mention he read it. I believe there should have been an automatic hand recount authorized and performed as soon as I showed the illegal test deck and state laws to the circuit court.

"SDCL 12-26-29, the prevention of unlawful elections is not prohibited: "Nothing in this chapter shall be construed to authorize the punishment of any person who, by authority of law, may interfere to prevent or regulate an election which has been unlawfully noticed or convened, or is being, or is about to be, unlawfully conducted."

The County Auditor and Commissioners refused to turn on the ballot image function before the primary 2024 election after they were notified by me and others that this violated federal law of "All records" preserved for 22 months. I attempted two temporary restraining order affidavits on the computerized tabulator one with a civil complaint

pleading. Judge Connelly said I did the first one wrong by not having an existing case so I did another with a civil complaint pleading so I would have an existing case. Judge Connelly denied the T.R.O.s. I did nothing illegal yet the judge allowed the Auditor to break federal laws on record keeping by not preserving the electronic ballot images. The Auditor's argument is that I am a harasser because I filed multiple suits when she was acting as a serial lawbreaker. I broke absolutely no laws. The Auditor would have us all believe she is the victim in this. The actual victims are the citizens of this state and this county. The Auditor would have you believe I am a harasser as she attempts to place sanctions on me. She believes she is above the law and has the right to conduct illegal elections. Keep in mind I had nothing to do with the Auditor until I realized we had serious issues with our elections. These cases were my statutory and constitutional rights as a candidate. The auditor and commissioners are attempting to put sanctions on me because I used my candidate's statutory and constitutional rights. These serial lawbreakers want to punish me for exposing their illegal activities. S.D. election officials claim we vote on paper ballots but they never reconcile them with the digital image count. Because South Dakota conducts electronic elections, deleting ballot images is deleting the records that the election was certified to. It is not certified to the actual physical ballot. Deleting federal election material is a federal crime. Before the primary election on June 4th, 2025 the Secretary of State Monea Johnson advised all auditors to delete the ballot images by turning off the ballot image capture option. It was very easy for her to advise for this illegal action because she can't be held responsible because it is the auditors' responsibility; therefore, the auditors are liable. Myself and others warned the auditors. Our Auditor chose not to listen to the letter written by expert Rick Weible on May 17, 2024 that was sent to all auditors and the S.O.S. Johnson. This letter went into great detail of why it is unlawful not to turn on the ballot image function. Please see the attached letter in the appendix of this brief of Rick Weible explaining the federal laws of all election records being kept. Rick Weible also references case law that supports the federal law. This letter from expert Rick Weible and my TROs included the following federal laws and state law.

- (a) **52 USC 20701**:
- (b) 52 USC 20702:
- (c) 52 USC 20706:
- (d) SDCL 12-26-23.1.

Pursuant to *Roudebush v. Hartke*, 405 U.S. 15, 92 S.Ct. 804, 31 L.Ed.2d. 1 (1972):

"There are two fundamental principles that must be understood in order that there might be a proper analysis of this case. First, there is the question concerning "who" won the election, which necessarily carries with it an inquiry into how the winner was selected. The following questions are mutually exclusive: The questions "of who won" and the propriety of the election procedure are purely matters of state law."

According to Thorsness v. Daschle, 279 N>W.2d 166 (1979):

"If a defeated candidate has a question regarding the correctness of the ballot-counting procedure. The final step for a candidate is an application for a writ of certiorari to this court. To deprive him of this is to deprive him of his statutory right and his standing to question the accuracy of the voting process."

Additionally, the SD Supreme Court's opinion stated the following, "the grievances brought to this court by Thorsness are substantial." If the Thorsness case was considered substantial then mine definitely should be and should not be dismissed because I have the confidence, that I can prove the Auditor achieved approximately 100 violations of several laws. I can prove this with witnesses, documents, experts, and video. The standard of reasonable grounds is greater than reasonable suspicion. Therefore, my grounds are reasonable. I was deprived of a writ of certiorari. Lastly, the commissioners are

canvassing their own races. The commissioners lack ethics and should not have canvassed their own election of the primary on June 4<sup>th</sup>, 2025; SDCL 6-1-17. Official prohibited from discussing or voting on the issue if a conflict of interest exists--

According to the Carter Center Organization:

"The observance of the principle of universal suffrage means: a) every citizen, upon coming up to the age fixed by the U.S. Constitution, and laws, has the right to elect and to be elected to the bodies of state power, to local self-governments, other bodies of people's (national) representation, to elective posts on the conditions and in line with procedures stipulated by the Constitution and laws."

<a href="https://eos.cartercenter.org/summaries/321">https://eos.cartercenter.org/summaries/321</a></a>

Universal full suffrage includes both the right to vote, also called active suffrage, and the right to be elected, also called passive suffrage. I believe passive suffrage, Color of Law, and the Equal Protection Clause were violated and caused damages. This illegal primary election would qualify under the U.S. Civil Rights: TITLE 52—VOTING AND ELECTIONS 10101. Interference with freedom of elections under the color of law is a violation. The Auditor interfered with the freedom of elections under the color of law, and I would add that she was aided and abetted by the commissioners serving on the canvassing board.

According to Wikipedia at https://en.wikipedia.org/wiki/Universal\_suffrage, "In the United States, after the principle of "One person, one vote" was established in the early 1960s by the U.S. Supreme Court under Earl Warren, the U.S. Congress, together with the Warren Court, continued to protect and expand the voting rights of all Americans, especially African Americans, through the Civil Rights Act of 1964, Voting Rights Act of 1965 and several Supreme Court rulings. Under the Oxford Constitutional Law Max Planck Encyclopedia of Comparative Constitutional Law, the definition of passive suffrage is as follows:

"The term 'suffrage', in its basic form, refers to the right to vote, normally in elections. However, a wider definition also includes the right to vote in referendums and to participate in citizens' initiatives (direct democracy). Full suffrage refers to the right to vote (active suffrage) and the right to run for election (passive suffrage). Universal suffrage refers to the right to vote without any restrictions based on factors such as gender, ethnicity, and social status." https://oxcon.ouplaw.com/display/10.1093/law-mpeccol/law-mpeccol-e685?prd=MPECCOL

"Passive Suffrage" would fall under the Civil Rights Act of 1964, Voting Rights Act of 1965, and several Supreme Court rulings. gender, ethnicity, and social status have the right to run for office and to be elected. This suffrage can be applied to a candidate who was not allowed a fair and equal election because the Auditor and the commissioners who violated the color of law and the equal protection of law.

The Justia Law website states; "Voting is critical to a healthy democracy. Drafted in the aftermath of the Civil War, the Fifteenth Amendment to the U.S. Constitution provides that the right to vote shall not be denied or abridged...on account of race, color, or previous condition of servitude. Congress sought to enforce the Fifteenth Amendment guarantee through the Voting Rights Act. This was cited from <a href="https://supreme.justia.com/cases-by-topic/voting-elections/">https://supreme.justia.com/cases-by-topic/voting-elections/</a>

U.S. Const. Amend. XV: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

The U.S. Const. Amend. XV, Civil Rights Act of 1964, Voting Rights Act protected the act of voting but it also allowed various ethnicities and females to be guaranteed the right and act to be fairly elected for office called "Passive Suffrage' This was to give equal protection. This would mean the "Passive Suffrage of candidates is to have a fair and equal election and would be protected by the Civil Rights Act and the Voting Rights Act Here is a list of some of the compatible Supreme Court Cases regarding candidates' Civil rights on "Passive Suffrage" and the "Equal Protection clause" of the U.S. Const. amend. XIV. and the U.S. Const. amend V.

- 1. Bush v. Gore, 531 U.S. 98 (2000), "The use of standardless manual recounts after a presidential election violated the Equal Protection Clause."
- 2. Chiafalo v. Washington, 591 U.S. (2020
- 3. McCutcheon v. FEC, 572 U.S. 185 (2014)
- 4. Buckley v. Valeo, 424 U.S. 1 (1976)

"The Equal Protection Clause is part of the 14th Amendment to the United States Constitution, which was ratified in 1868. It states that no state shall deny to any person within its jurisdiction the equal protection of the laws. This clause serves as a fundamental principle in U.S. law, ensuring that individuals are treated equally and fairly, and it acts as a shield against discrimination. Originally intended to protect the rights of newly freed slaves, its broad wording has allowed it to be applied in various contexts, addressing issues of race, gender, and other forms of discrimination." This was cited from <a href="https://en.wikipedia.org/wiki/Equal Protection Clause">https://en.wikipedia.org/wiki/Equal Protection Clause</a>.

A candidate should be treated with equal protection of the law. I was not treated equally and fairly by Judge Connelly or by the Auditor as a candidate and a citizen. Instead, my statutory, constitutional, and civil rights were violated by not being allowed to have a legal election. The *Bush v. Gore*, 531 U.S. 98 (2000), The use of standardless manual recounts after a presidential election is a distinct referenced case law when describing "equal protection" under the law.

The following is cited from Justia Law at <a href="https://supreme.justia.com/cases-by-topic/voting-elections/">https://supreme.justia.com/cases-by-topic/voting-elections/</a>: "The Fourteenth Amendment addresses many aspects of citizenship and the rights of citizens. The most commonly used -- and frequently litigated -- phrase in the amendment is "equal protection of the laws", which figures prominently in a wide variety of landmark cases, including Brown v. Board of Education (racial discrimination), Bush v. Gore (election recounts), Reed v. Reed (gender discrimination), and University of California v. Bakke (racial quotas in education)".

In conclusion, on the Civil Rights "Passive Suffrage," a candidate should not be suppressed by illicit activities by an auditor. The *Bush v. Gore*, 531 U.S. 98 (2000) (election recounts) is distinctly referenced when describing "equal protection" to the laws. Please note that *Bush v Gore* was expedited when my S.D. Fourth Circuit Court case was unreasonably extended. The Fourth Circuit Court did not expedite my Recount Petition nor the Contested Verified Complaint according to the statute SDCL 12-22-18.

The Black's Law Dictionary 12<sup>th</sup> edition interpretation of the "Color of Law" is the following: "Implies a misuse of power made possible because the wrongdoer is clothed with the authority of the state."

The Auditor directly misused her power as the wrongdoer who is clothed with the authority of an election official.

The following are definitions in the Black's Law Dictionary, 12th edition:

"Certifiable, adj. (1846)1. Good enough to be approved according to established standards</ri>
certifiable as sterling silver. > 2. Undeniable of a particular kind or status."

"Certificate, n. (15c)1. A document certifying the bearer's status or authorization to act in a specific way."

"Certificate of authority 2. A document issued by a state agency.- Also termed (in some states) certificate of qualifications."

Certifying the tabulators should be taken seriously. The S.D. Legislature does not enforce the laws, and Judge Connelly in the Fourth Circuit Court was supposed to, but instead found every excuse not to. The testing rules and laws the auditors are supposed to use are in place to prove that the tabulators are certifiable. The tabulators were never proven to be certifiable using an illegal test deck. Due to this, the primary election was not qualified to be legally certified by the Auditor with her signature and her official stamp. One example of a previous South Dakota Supreme Court case that dealt with the seriousness of the action of certification is *Jarman vs the State of South Dakota* 860 N.W.2d 1 (S.D. 2015). Certification to this state of S.D. is important. The following statute on how to authenticate evidence is comparable to the testing statutes that should have been followed:

#### SDCL 19-19-901. Authenticating or identifying evidence:

"(a) In general. To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is. (9) Evidence about a process or system. Evidence describing a process or system and showing that it produces an accurate result.

(10) Methods provided by a statute or rule. Any method of authentication or identification allowed by a state statute or a rule prescribed by the Supreme Court."

The Fourth Circuit Court ignored my evidence of the illegal test deck and illegal certification."

According to S.D. Const. art. IX § 1, Lawrence County registered as a corporation only exists because the state allows it to exist. An auditor would be considered very compatible with a state officer as is a county commissioner. The auditor who is elected and receives state benefits of health and retirement would qualify as similar to a state officer. An auditor is required to conduct a state and federal election by state and federal laws. The Auditor has taken a written oath to the S.D. Constitution and the Federal Constitution. She was required to conduct a legal county, state, and federal election. This primary had a federal race that was also tested illegally. This duty of conducting not only a county but a state and federal election is acting in the capacity of a state officer with an oath to the state and federal constitution. Judge Connelly used SDCL15-6-24(c) as an excuse. The key words in SDCL 15-6-24 (c) are "the state or an officer, agency, or employee of the state is "not the party". The auditor is a party and is an officer of the county that is only in existence because the state allows it to exist. I was not required to notify the S.D. Attorney General. The Federal civil procedure confirms this in Rule

5.1.(1b) Constitutional Challenge to a Statute:

(1b) a state statute is questioned, and the parties do not include the state, one of its agencies, or one of its officers or employees in an official capacity.

Judge Connelly and Mr. Williams's argument does not include paragraph (2d) of federal procedural Civil Rule 5.1 (2d) No Forfeiture:

"A party's failure to file and serve the notice, or the court's failure to certify, does not forfeit a constitutional claim or defense that is otherwise timely asserted."

This means failure to file or serve notice or Judge Connelly's failure to certify does not forfeit a constitutional claim against SDCL 12-21-10. The reason this does not forfeit is that we have the due process rights of the U.S. Const. amend V and the U.S. Const. amend. XIV. While the Attorney General holds a position of immense authority, it is important to note that they are not necessarily considered the highest rank within our legal system. The true pinnacle of power lies within the judicial branch. The S.D. Supreme Court has the authority to make a decision on a constitutional challenge of SDCL 12-21-10. The legal question of SDCL 12-21-10 should be addressed by the S.D. Supreme Court and not just swept under the rug because this issue can happen again. Despite SDCL15-6-24(c), there are larger legal issues. Starting with the fact that the Auditor broke the laws of testing. The other larger issues are my state and federal constitutional rights, and my civil rights that were and still are being violated. Last but not least is the fact that Judge Connelly should be following "The Rule of Law" when making a decision, and he did not. The Legislature has no authority to answer legal questions. The "Rule of Law cannot ever be entirely separate from the people who make up our government and our society. The American Bar Association explains the intent of Rule of Law as follows:

"In 1215, King John of England signed the Magna Carta (or Great Charter). A group of barons, powerful noblemen who supported the king in exchange for estates of land, demanded that the king sign the charter to recognize their rights. Article 39 of the Magna Carta was written to ensure that the life, liberty, or property of free subjects of the king could not be arbitrarily taken away. Instead, the lawful judgment of the subject's peers or the law of the land had to be followed. So what does this ancient document have to do with the rule of law? Quite a lot. It recognizes that a person's fate should not be in the hands of a single individual—here, the king. It demands that a judgment against a person be made in accordance with the law. Magna Carta planted the seeds for the concept of due process as it developed first in England, and then in the United States. Due process means that everyone is entitled to a fair and impartial hearing to determine their legal rights. "If men were angels, no government would be necessary. In framing a government

which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself." James Madison Federalist Paper No. 51 (1788) James Madison's quote from the Federalist Papers gets at the heart of the problem that even a government of law is ultimately "administered by men over men." The framers of the U.S. Constitution addressed this problem by dividing power among the different branches of government (legislative, executive, and judicial). This framework for government, known as the separation of powers, ensures that no one person is able to gain absolute power and stand above the law. Each branch of our government has some level of control or oversight over the actions of the other branches." This was cited from https://www.americanbar.org/advocacy/global-programs/who-we-are/rule-law-initiative/what-is-rule-of-law/ Various S.D. cases have confirmed the original intent matters.

"The rule of law is a fundamental principle that ensures all individuals and institutions are accountable to the same laws, which are applied equally and fairly. It supports the equality of all citizens before the law and prevents the arbitrary use of power, thereby securing a non-arbitrary form of government. The rule of law encompasses several key principles, including accountability, just law, open government, and accessible and impartial justice. Historically, it emphasizes that no one is above the law, ensuring that everyone, regardless of wealth or social position, is treated equally." This was referenced from <a href="https://www.britannica.com/topic/rule-of-law">https://www.britannica.com/topic/rule-of-law</a>

The Fourth Circuit Court was the jurisdiction for the "Recount Petition according to the Recount Chapter. I also had standing that is now being deprived. I was not required to go directly to the S.D. Legislature. This entire primary election deserved an investigation pursuant to *Roudebush v. Hartke*, 405 U.S. 15, 92 S.Ct. 804, 31 L.Ed.2d. 1 (1972) and *Thorsness v. Daschle*, 279 N>W.2d 166 (1979). Investigations are a part of verified complaints on contested elections. The Contest Case of *Crowley-Johnson vs Deibert* appeal NO.30877 (2025) should not have been dismissed by the S.D. Supreme Court, based upon lies in the Defendant's motion. I followed all the Contest statutes. It was the Fourth Circuit Court and the Supreme Court that did not follow multiple Contest statutes. It was the Fourth Circuit Court and the Supreme Court that did not bring in my legislative contested case as the Contest statutes plainly stated. My Contest case was delayed by the

Fourth Circuit Court. Our county deserved to know if there were damages done by the illegal test deck provided by ES&S and the Auditor. To this day, Lawrence County has not held ES&S liable for breach of contract when they provided an illegal test deck to the Auditor with her input to ES&S.

#### Conclusion

The relief sought was and still is a hand recount. The hand count should be allowed to see how much damage was caused. This is the reason auditors are required to keep election records for 22 months. By the Civil Rights Act these records are to be kept to investigate elections. The amount of total damages should not be hidden but should be transparent.

Statement issues or legal questions are now added in this brief in hopes that the S.D.

Supreme Court will give clarification and relief on the constitutional Verified Petition Recount based on justified grounds. This relief of answering these issues would have saved and will save future stress, time, and money. I had expenditures, and these are damages. Relief is sought for damages to my state and federal constitutional, statutory rights, and civil rights. The clarification on statement issues will prevent other problems and issues in the future in our state for every citizen and candidates. This is preventative relief. The legislature cannot answer these legal questions. The jurisdiction was the civil court for this Recount Petition and not the Legislature, as stated by Mr. Williams. Legal issues need to be addressed by the court. The pass the hot potato game between branches has violated my rights.

Rebuttal Brief #30825 By: Lite Gawley Johnson

Kate Crowley Johnson

19619 Crooked Oaks Rd

Saint Onge, S.D. 57779

# CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS

I am resubmitting reply brief for #30825. I overwrote my rebuttal brief. The reply brief should have only been sixteen pages. *Thank you* for letting me correct to the proper length.

12 pt. font was used.

Microsoft Word was the program

Times New Roman was the typeface

16 pages and 5,516

SDCL 15-26A-66. Length of briefs.

- (b) Proportionally Spaced Typeface. Appellant and appellee briefs in proportionally spaced typeface shall not exceed thirty-two pages. A reply brief and amicus curiae brief shall not exceed sixteen pages. A supplemental brief shall not exceed five pages. Nonetheless, briefs may exceed these page limitations if they otherwise comply with the type volume limitations in § 15-26A-66(b)(2). A proportionally spaced typeface must include serifs, but sans serif type may be used in headings and captions. A proportionally spaced typeface must be 12-point or larger, in both body text and footnotes.
- (3) Headings, footnotes, and quotations count toward the word and character limitations. The table of contents, table of cases, jurisdictional statement, statement of legal issues, any addendum materials, and any certificates of counsel do not count toward the limitations.

Date of April 7th, 2025

Certified by Kate Crowley Johnson

# **CERTIFICATE OF SERVICE**

I hereby certify that on April 7th, 2025, a true and correct copy of Appellant Rebuttal Brief on Appeal No. 30825 to the South Dakota Supreme Court was served by U.S. Mail, first class, postage pre-paid, upon Brenda McGruder through her lawyer Richard M. Williams

Richard M. Williams P.O. Box 8045 Rapid City, SD 57709

By: Kate Crowley Johnson

> Rule 5.1. Constitutional Challenge to a Statute

# Rule 5.1. Constitutional Challenge to a Statute

- (a) Notice by a Party. A party that files a pleading, written motion, or other paper drawing into question the constitutionality of a federal or state statute must promptly:
- (1) file a notice of constitutional question stating the question and identifying the paper that raises it, if:
  - (A) a federal statute is questioned and the parties do not include the United States, one of its agencies, or one of its officers or employees in an official capacity; or
- (B) a state statute is questioned and the parties do not include the state, one of its agencies, or one of its officers or employees in an official capacity; and
  - (2) serve the notice and paper on the Attorney General of the United States if a federal statute is questioned—or on the state attorney general if a state statute is questioned—either by certified or registered mail or by sending it to an electronic address designated by the attorney general for this purpose.
    - (b) Certification by the Court. The court must, under 28 U.S.C. §2403, certify to the appropriate attorney general that a statute has been questioned.
    - (c) Intervention; Final Decision on the Merits. Unless the court sets a later time, the attorney general may intervene within 60 days after the notice is filed or after the court certifies the challenge, whichever is earlier. Before the time to intervene expires, the court may reject the constitutional challenge, but may not enter a final judgment holding the statute unconstitutional.

(d) No Forfeiture. A party's failure to file and serve the notice, or the court's failure to certify, does not forfeit a constitutional claim or defense that is otherwise timely asserted.

#### **Notes**

(As added Apr. 12, 2006, eff. Dec. 1, 2006; amended Apr. 30, 2007, eff. Dec. 1, 2007.)

Committee Notes on Rules-2006

Rule 5.1 implements 28 U.S.C. §2403, replacing the final three sentences of Rule 24(c). New Rule 5.1 requires a party that files a pleading, written motion, or other paper drawing in question the constitutionality of a federal or state statute to file a notice of constitutional question and serve it on the United States Attorney General or state attorney general. The party must promptly file and serve the notice of constitutional question. This notice requirement supplements the court's duty to certify a constitutional challenge to the United States Attorney General or state attorney general. The notice of constitutional question will ensure that the attorney general is notified of constitutional challenges and has an opportunity to exercise the statutory right to intervene at the earliest possible point in the litigation. The court's certification obligation remains, and is the only notice when the constitutionality of a federal or state statute is drawn in question by means other than a party's pleading, written motion, or other paper.

Moving the notice and certification provisions from Rule 24(c) to a new rule is designed to attract the parties' attention to these provisions by locating them in the vicinity of the rules that require notice by service and pleading.

Rule 5.1 goes beyond the requirements of §2403 and the former Rule 24(c) provisions by requiring notice and certification of a constitutional challenge to any federal or state statute, not only those "affecting the public interest." It is better to assure, through notice, that the attorney general is able to determine whether to seek intervention on the ground that the act or statute affects a public interest. Rule 5.1 refers to a "federal statute," rather than the §2403 reference to an "Act of Congress," to maintain consistency in the Civil Rules vocabulary. In Rule 5.1 "statute" means any congressional enactment that would qualify as an "Act of Congress."

Unless the court sets a later time, the 60-day period for intervention runs from the time a party files a notice of constitutional question or from the time the court certifies a constitutional challenge, whichever is earlier. Rule 5.1(a) directs that a party promptly serve the notice of constitutional question. The court may extend the 60-[day] period on its own or on motion. One occasion for extension may arise if the court certifies a challenge under §2403 after a party files a notice of constitutional question. Pretrial activities may continue without interruption during the intervention period, and the court retains authority to grant interlocutory relief. The court may reject a constitutional challenge to a statute at any time. But the court may not enter a final judgment holding a statute unconstitutional before the attorney general has responded or the intervention period has expired without response. This

rule does not displace any of the statutory or rule procedures that permit dismissal of all or part of an action—including a constitutional challenge—at any time, even before service of process.

Changes Made After Publication and Comment. Rule 5.1 as proposed for adoption incorporates several changes from the published draft. The changes were made in response to public comments and Advisory Committee discussion.

The Advisory Committee debated at length the question whether the party who files a notice of constitutional question should be required to serve the notice on the appropriate attorney general. The service requirement was retained, but the time for intervention was set to run from the earlier of the notice filing or the court's certification. The definition of the time to intervene was changed in tandem with this change. The published rule directed the court to set an intervention time not less than 60 days from the court's certification. This was changed to set a 60-day period in the rule "[u]nless the court sets a later time." The Committee Note points out that the court may extend the 60-day period on its own or on motion, and recognizes that an occasion for extension may arise if the 60-day period begins with the filing of the notice of constitutional question.

The method of serving the notice of constitutional question set by the published rule called for serving the United States Attorney General under Civil Rule 4, and for serving a state attorney general by certified or registered mail. This proposal has been changed to provide service in all cases either by certified or registered mail or by sending the Notice to an electronic address designated by the attorney general for this purpose.

The rule proposed for adoption brings into subdivision (c) matters that were stated in the published Committee Note but not in the rule text. The court may reject a constitutional challenge at any time, but may not enter a final judgment holding a statute unconstitutional before the time set to intervene expires.

The published rule would have required notice and certification when an officer of the United States or a state brings suit in an official capacity. There is no need for notice in such circumstances. The words "is sued" were deleted to correct this oversight.

Several style changes were made at the Style Subcommittee's suggestion. One change that straddles the line between substance and style appears in Rule 5.1(d). The published version adopted the language of present Rule 24(c): failure to comply with the Notice or certification requirements does not forfeit a constitutional "right." This expression is changed to "claim or defense" from concern that reference to a "right" may invite confusion of the no-forfeiture provision with the merits of the claim or defense that is not forfeited.

Committee Notes on Rules—2007 Amendment

3

The language of Rule 5.1 has been amended as part of the general restyling of the Civil Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only.

• Rule 5. Serving and Filing Pleadings and Other Papers Up Rule 5.2. Privacy Protection For Filings Made with the Court >



• Wex: Civil Procedure: Overview

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#### **Declaration of Rick Weible**

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

- I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
- I currently reside at 803 Elk Street, Elkton, SD 57026.
- I am a computer network engineer and data analysis expert with over 25 years of industry experience. Owner of a small computer consulting company, that has been in business for over 25 years providing compliance certifications, desktop support, programming, network management and security, web development and hosting.
- 4. A voting system is defined by Federal Law, Help America Vote Act of 2002, HR 3295-41:

(b) VOTING SYSTEM DEFINED.—In this section, the term "voting system" means-

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used---

(A) to define ballots:

(B) to cast and count votes;

(C) to report or display election results; and

(D) to maintain and produce any audit trail information; and

(2) the practices and associated documentation used-

(A) to identify system components and versions of such components;

(B) to test the system during its development and maintenance:

(C) to maintain records of system errors and defects;

- (D) to determine specific system changes to be made to a system after the initial qualification of the system; and
- (E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

#### https://www.eac.gov/sites/default/files/eac\_assets/1/6/HAVA41.PDF

5. The South Dakota Codified Laws 12-17B-2 Requirements for automatic tabulating. electronic ballot marking, and election voting equipment systems--Approval of changes or modifications. The codified law states "Each system shall fulfill the requirements for election assistance commission standards certification and be approved by the State Board of Elections prior to distribution and use in this state." US Election Assistance Commission is the EAC and its web site is the EAC.gov.

12-178-1. Requirements for automatic tabulating, electronic ballot marking, and election voting equipment systems—Approval of changes or modifications.

Any automatic tabulating or electronic ballot marking system used in an election shall enable the voter to east a vote for all offices and on all measures on which the voter is entitled to vote. No automatic tabulating, electronic ballot marking, or election voting equipment system may be connected to the internet. No ballot marking device may save or tabulate votes marked on any system. Each system shall fulfill the requirements for election assistantly commission standards certification and be approved by the State Board of Elections and use in this state. No system may be approved unless the system fulfills the requirements as established by the State Board of Elections. Any changes or modifications to an approved system shall be approved by the State Board of Elections prior to distribution and use.

#### https://sdlegislature.gov/Statutes/Codified Laws/2040817

The Voluntary Voting Systems Guidelines Version 1.0 (VVSG 1.0) Volume 1, section 7 deals with Security Requirements.

#### **Table of Contents**

### **Volume I Voting System Performance Guidelines**

Overview	Voluntary Voting System Guidelines Overview
Section 1	Introduction
Section 2	Functional Requirements
Section 3	Usability and Accessibility Requirements
Section 4	Hardware Requirements
Section 5	Software Requirements
Section 6	Telecommunications Requirements
Section	
Section 8	Quality Assurance Requirements
Section 9	Configuration Management Requirements
Appendix A	Glossary
Appendix B	References
Appendix C	Independent Verification Systems
Appendix D	Technical Guidance for Color, Contrast, and Text Size

7. The Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0) Volume 1, section 7.8 Independent Verification Systems (pages 134-136), developed by the US Election Assistance Commission (EAC.gov), explains the reasoning for the cast vote records, as a way to provide an independent verification to the accuracy and security of the tabulators, in detail, this is a requirement and not optional....:

#### 7.8 Independent Verification Systems

#### 7.8.1 Overview

Independent verification (IV) systems are electronic voting systems that produce multiple independent cast vote records of voter ballot selections, which can be audited to a high level of precision. For this to happen, the cast vote records must be handled according to the following protocol:

- At least two cast vote records of the voter's selections are produced and one of the
  records is then stored in a manner that it cannot be modified by the voting system.
   For example, the voting system creates a record of the voter's selections and then
  copies it to unalterable storage media.
- The voter must be able to verify that both cast vote records are correct and match before leaving the polling place, e.g., verify his or her selections on the voting machine summary screen and also verify the second record on the unalterable storage media.
- The verification processes for the two cast vote records must be independent of each other, and at least one of the records must be verified directly by the voter.
- The contents of the two cast vote records also can be checked later for consistency through the use of unique identifiers that allow the records to be linked.

The cast vote records would be formatted so that at least one set is usable in an efficient counting process by the electronic voting system and the other set is usable in an efficient process of auditing or verifying the agreement between the two sets.

Given these conditions, the multiple cast vote records are considered to be distinct and independently verifiable, that is, both records are not under the control of the same system processes. As a result of this independence, the audit records can be used to check the accuracy of the counted records. Because the records are separately stored, an attacker who can compromise one will also have to compromise the other.

The voter verifiable paper audit trail (VVPAT) methodology is one of several classes of IV systems. In this approach, the voter can directly compare the electronic summary screen of the voting machine with the printed paper audit record. (This is not to be confused with the

134

Version 1.0

Volume I: Voting System Performance Guidelines
7 Sexuity Requirements

paper ballot that is produced by optical scan voting systems that the voter visually verifies before placing it in the ballot box or tabulator.) Requirements for DREs with a VVPAT feature are provided below to reflect the fact that a number of States currently require this feature.

There are a variety of other IV approaches for the voter to verify his or her selections with systems that produce an electronic record for verification. Appendix C describes the characteristics of these systems in more detail. They include:

- Split process systems, which use separate devices for the voters to record and verify their ballot selections
- Cryptographic systems, which provide voters with coded receipts that can be used to verify their ballot selections
- Witness systems, which use an independent module to create the second record

#### 7.8.2 Basic Characteristics of IV Systems

This section describes a preliminary set of basic characteristics that apply to all types of IV systems. This information is provided for the purpose of introducing these concepts for consideration in voting system design. It is anticipated that future voting systems will be required to provide some type of independent verification feature to enable voters to have confidence that their ballot selections are correctly recorded and counted.

An independent verification system produces at least two independent cast vote records of ballot selections via interactions with the voter, such that one record can be compared against the other to check their equality of content.

Discussion: This is the fundamental characteristic of IV systems. The records can be checked against one another to determine whether or not the voter selections are correctly recorded.

The voter verifies the content of each cast vote record and either (a) verifies at least one of the records directly or (b) verifies both records indirectly if the records are each under the control of independent processes.

Discussion: Direct verification involves using human senses; for example, directly reading a paper record via une's eyesight. Indirect verification involves using an intermediary to perform the verification; for example, verifying an electronic ballot image on the voting machine.

The creation, storage and handling of the cast vote records are sufficiently separate that the failure or compromise of one record does not cause the failure or compromise of another.

Discussion: The records must be stored on different media and handled independently of each other so that no one process could compromise all records. If an attack can alter one record, it should still be very difficult to alter the other record.

Both east vote records are highly resistant to damage or alteration and capable of long-term storage.

Discussion: The records should be difficult to alter or damage so that they could be used in case the counted records are damaged or lost.

The processes of verification for the east vote records do not all depend on the same device, software module, or system for their integrity, and are sufficiently separate that each record provides evidence of the voter's selections independently of its corresponding record.

Discussion: For example, the verification of the summary screen (electronic record) of a DRE is sufficiently separate from the verification of a paper record printed by a VVPAT component or a copy of the electronic record stored on a separate system.

The multiple east vote records are linked to their corresponding audit records by including a unique identifier within each record.

Discussion: The identifier serves the purpose of uniquely identifying and linking the records for cross-checking.

Each cast vote record includes information identifying the following:

- An identification of the polling place and precinct
- · Whether the balloting is provisional, early, or on election day
- · Ballot style
- A timestamp generated when the voting machine is enabled to begin a voting session that can be used to correctly group the east vote records
- A unique identifier associated with the voting machine

Discussion: The identifier could be a senal number or other unique ID.

The cryptographic software used in IV systems is approved by the U.S. Government's Cryptographic Module Validation Program, as applicable.

Discussion: IV voting systems may use cryptographic software for a number of different purposes, including calculating checksums, encrypting records, authentication, generating random numbers, and for digital signatures. This software should be reviewed and approved by the Cryptographic Module Validation Program (CMVP). There may by cryptographic voting schemes where the cryptographic algorithms used are necessarily different from any algorithms that have approved CMVP implementations, thus CMVP-approved software shall be used where feasible. The CMVP website is <a href="http://csrc.nist.gov/cryptval">http://csrc.nist.gov/cryptval</a>.

8. The Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0) Volume 1, section 7.9 Voter Verifiable Paper Audit Trail Requirements (pages 139) is a standard that is not required, and the example is provided here to show the language is different from above and makes very clear the intent of the US Election Assistance Commission.

Version 1.0

Volume 1. Voting System Performance Guidelines 7 Security Requirements

#### 7.9 Voter Verifiable Paper Audit Trail Requirements

This section contains requirements for DREs with a Voter Verifiable Paper Audit Trail (VVPAT) component. VVPAT capability is not required for national certification. However, these requirements will be applied for certification testing of DRE systems that are intended for use in states that require DREs to provide this capability. The vendor's certification testing application to the EAC must indicate whether the system being presented for testing includes this capability, as provided under Subsection 1.6.2.5 extensions.

https://www.eac.gov/sites/default/files/eac\_assets/1/28/VVSG.1.0 Volume 1.PDF

- Ballot Image is defined as "Electronically produced record of all votes cast by a single voter. See also cast vote record." Source Appendix A: Glossary Volume 1: Voting System Performance Guidelines 1.0 – Page A-5 <a href="https://www.eac.gov/sites/default/files/eac\_assets/1/28/VVSG.1.0">https://www.eac.gov/sites/default/files/eac\_assets/1/28/VVSG.1.0</a> Volume 1.PDF
- 10. Cast Vote Record is defined as "Permanent record of all votes produced by a single voter whether in electronic, paper or other form. Also referred to as ballot image when used to refer to electronic ballots." Source Appendix A: Glossary Volume 1: Voting System Performance Guidelines 1.0 Page A-6 <a href="https://www.eac.gov/sites/default/files/eac\_assets/1/28/VVSG.1.0\_Volume\_1.PDF">https://www.eac.gov/sites/default/files/eac\_assets/1/28/VVSG.1.0\_Volume\_1.PDF</a>
- 11. Then typically when discussing cast vote records generically we see 3 formats, all three are required if an election official want to determine if the voting systems are operating correctly. Without this, no election official can claim that their equipment is accurate and secure. Here are the three formats:
- A. The first format, is the summary report that has all of the results of each ballot, by race for all ballots for an easy review. One can look for overvotes and undervotes quickly, then review the next two types of records.

. 4	Cast Vote Record	Precinct	Bellot Style	GON/LE GOV [245]	Attomey Gen (250)	Sec State (255)	State Tress. (260)
13961	34191	CWatertown W1&2	C Watertown W1&2	REP Michels / Roth (CNID0002)	REP Eric Toney (CNID0005)	REP Amy Lynn Loudenback (CND0007)	REP John 1. Latines
33962	3419	C Watertown W1&2	C Watertown W182	DEM Evers / Rodriguez (CNDG001)	REP Eric Toney (CHD0005)	REP Army Lynn Loudenbeck (CN00007)	REP John S. Leiber
11563	34193	CWatertown W162	C Watertown W1&1	OEM Evers / Rodriguez (CND0001)	DEM Josh Keul (CND0004)	DEM Doug La Folfatte (CND0006)	DEM Aaron Richar
1.1964	34194	CWetertown W162	CWatertown W1E2	DEM Evers / Rodrigues (CHD0001)		DEM Dovig La Foliatra (CHO0006)	DEM Aaron Richar
11505	Mink!	CHINAPPRO VILLE	Chinadana ASCS	The same of the sa	Maria Property States		Military & Labor
11966	34190	CWelertown WIE2	C Watertown W323	DEM Prets / Rodrigues (CND4001)	DEM JOSH KAMP (CNIDODOS)	DEM Doug La Follette (CND0006)	DEM Aaron Richer
11507	34197	CWatertown WLEZ	C Watertown W1&2	DEM Evers / Rodriguez (CND6001)	DEM Josh Kauf (CH00004)	DEM Dovg ex Fallette (CMD0006)	DEM Agron Richar
11965	34196	C Watertown WI&2	C Watertown W1&2	REP Michels / Roth (CND0002)	REP ENC TONBY (CHOROSS)	REP Amy Lynn Loudenbeck (CN00007)	REP John S. Lariber
11969	34195	C Watertown W1&1	C Watertown W1E2	REP Michels / Roth (CND0002)	AEP Enc Toney (CN00005)	REP Army Lynn (audenbeck (CH00007)	REP John S. Leiber
11970	34200	CWstertown W182	C Watertown WIED	OEM Evers / Rodriguez (CNID0001)	DEM Josh Kavil (CNID0004)	DEM Doug La Foliatia (CND8866)	DEM Abron Richar
i 1971	94301	CWaterown W1&2	C TVM GROWN WIEZ	DEM Evers / Rodrigues (CH00001)	DEM tosh Kaul (CND0004)	DEM Boug La Follette (CHD0006)	SEM Asson Richer

https://www.co.dodge.wi.gov/departments/departments-a-d/county-clerk/election-

information/election-results/election-results-2022

B. The second record type is the actual ballot image, which is a picture of the front and back of the ballot of what the voter selected for each contest:

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This ballot is an absentee ballot, and the folds from the ballots cross the oval on the Governors race, this is an issue that needs to be prevented, since the fold was counted as a vote, and thus an over vote and the voter lost their vote in this race. 34195i.pdf file is from Dodge County, WI

https://www.co.dodge.wi.gov/departments/departments-a-d/county-clerk/election-information/election-results/election-results-2022

C. The third type is the result file of how the tabulator interpreted each selection made by the voter, typically the first two types are tied together using the same filename prefix that is a serial number that ties the two tother for auditing purposes.

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This is the result file of the previous example and this shows how the fold was interpreted as a selection, and the vote as lost for this voter since it was considered an overvote.

34195c.pdf file is from Dodge County, WI

https://www.co.dodge.wi.gov/departments/departments-a-d/county-clerk/election-information/election-results/election-results-2022

12. The cast vote records are clearly defined by the National Institute of Standards and Technology (NIST), a division of the US Department of Commerce in its publication "NIST Special Publication 1500-103 – Cast Vote Records Common Data Format Specification Version 1.0" in section 2.1 (page 3)

#### 2.1 Overview of Cast Vote Records and their Generation

Simply put, a cust vote record (CVR) is an electronic record of a voter's ballot selections, and its primary purpose is to provide a record of voter selections that can be counted in an efficient manner to produce election results. A CVR is created by equipment such as a voter facing scanner in a polling place into which a voter inserts a paper ballot. CVRs also get created by batch fed scanners used to scan absentee or other types of ballots that are collected before the election or that cannot be scanned by polling place scanners for various reasons. After the polls are closed, the CVRs are collected by election officials on memory devices and subsequently copied to an election management system that aggregates and tabulates the votes.

Three primary types of voting devices that create CVRs are:

- All-electronic voting devices that a voter uses to make ballot selections and that create and store a CVR for each ballot.
- Ballot marking devices (BMDs) that function like all-electronic devices but that produce
  a paper record of the voter's choices that must be subsequently scanned.
- Voter-facing optical scanners used in polling places and batch-fed optical scanners used in central offices to scan paper ballots.

The scanning devices above are sometimes referred to collectively as "tabulators" because they generally have a tabulation capability, but this is not always the case.

CVRs may include other information besides voter choices, including:

- Information on all contests and contest options on the ballot in addition to those marked
- · The ballot style associated with the CVR
- · The precinct or location associated with the CVR
- · The equipment that produced the CVR
- The political party associated with the ballot for partisan primaries
- . Images of the entire bellot and images of write-in areas on the ballot
- . An identifier that is also printed on the ballot as it is scanned
- Indications of how the scanner has interpreted various marks.

This specification includes support for the above items.

https://www.govinfo.gov/content/pkg/GOVPUB-C13-5ece0a87c83a2a7d2ba2072e7420c584/pdf/GOVPUB-C13-5ece0a87c83a2a7d2ba2072e7420c584.pdf 13. The cast vote records are also used in adjudication for ballots requiring additional inspection as laid out in "NIST Special Publication 1500-103 – Cast Vote Records Common Data Format Specification Version 1.0" in section 2.3 (page 4-5)

#### 2.3 Adjudication of Cast Vote Records

After a CVR collection has been exported, a number of the CVRs may require additional inspection and adjustment as part of a process known as adjudication, which may be done on an EMS by election officials. Write-ins are the most common reason:

4

SP 1500-103, Version 1.0 NIST Cast Vote Records CDF Specification

- On ballots produced by BMDs the write-in names could still be spelled differently or incorrectly, and
- For scanned paper ballots, either the ballots themselves or the images of the write-in areas of the ballot that were made by the scanner must be inspected.

There are a number of other reasons why ballots may require adjudication, such as:

- The ballot was unreadable by the scanner.
- The voter may have marked the ballot in ways that are difficult to interpret, for example, the voter may have circled the ovals instead of filling them in.
- . The scanner detected one or more overvotes.
- The scanner detected that the entire ballot was blank.

This specification provides the capability to update the CVR with multiple annotations made by adjudicators, recording the following items:

- The adjudicator name(s).
- Time stamp of when the adjudication(s) was made.
- The adjudication, i.e., the action taken by the adjudicator(s).

https://www.govinfo.gov/content/pkg/GOVPUB-C13-5ece0a87c83a2a7d2ba2072e7420c584/pdf/GOVPUB-C13-5ece0a87c83a2a7d2ba2072e7420c584.pdf 14. The cast vote records provide a way to audit election equipment against their paper counter parts for accuracy purposes as outlines in "NIST Special Publication 1500-103 – Cast Vote Records Common Data Format Specification Version 1.0" in section 2.4 Auditing Cast Vote Records (page 5) states - "CVRs need to be audited against their paper counterparts so that election results can be verified to be accurate."

#### 2.4 Auditing Cast Vote Records

CVRs need to be audited against their paper counterparts so that election results can be verified to be accurate. This specification supports auditing by providing the following as options:

- Support for halfor-level comparison auditing, that is, there is an identifier in the CVR that
  can be linked to an ID printed on the corresponding paper ballot.
- Support to include adjustments to contest selections made by adjudicators.
- Different snapshots of the CVR can be created, one for the original scan, one for after election rules have been applied, and others as needed for adjudications.
- Indications of marginal marks, mark quality/density can be associated with contest selections.
- A CVR can include signed/hashed references to an associated image of the ballot or images of write-ins made by the voter.
- · Capability to include batch information such as batch IDs and sequence within the batch.

https://www.govinfo.gov/content/pkg/GOVPUB-C13-5ece0a87c83a2a7d2ba2072e7420c584/pdf/GOVPUB-C13-5ece0a87c83a2a7d2ba2072e7420c584.pdf 15. In the meeting of the State Board of Elections om Wednesday, Oct 30<sup>th</sup>, 2019, the cast vote records are mentioned during the update on Post-Election Audit Information, it is also clearly noted that a purchase of the ES&S Election Management System (EMS) would be required to view the cast vote record.

#### Update on Pest-Election Audit Information:

Secretary Barnett updated the board on the Post-Election Audit. The following was his statement.

"During the election equipment testing with Election Systems and Software (ES&S), Minnehaha County Auditor Bob Litz agreed to use the mock election ballots that we use for testing the equipment to walk through potential processes for a post-election audit. This was an easier option

than asking for a Judge to allow him to open the ballot boxes from the 2018 General Election, as those are to be sealed for 22 months after a federal election. Also, the ballots for testing are not from a past election.

Mark Manganaro, State Certification Manager with (ES&S) provided a demonstration on the process to place an ink cartridge in the DS450 and DS850 tabulating machines to be able to sequentially number the ballots for use in a post-election audit. Mr. Manganaro also provided a brief demonstration of the Election Management System (EMS) that would be a required software program the counties would have to purchase to view the vote cast record. Secretary of State staff present to observe these processes included Deputy Jason Lutz, Director, Division of Elections, Kea Warne, and State Election Supervisor Christine Lehrkamp, along with Minnehaha County Auditor Bob Litz.

We are looking at having a more in-depth demonstration on this process in March 2020 from another ES&S representative. Further research on post-election audits will need to be conducted prior to any legislation drafted for future legislative sessions. Auditor Litz remains supportive of this process and committed to continue working with our office as we develop a process that can work for all our counties. At this time, no further action is needed from the Board."

- Meeting Minutes <a href="https://sdsos.gov/about-the-office/assets/boe\_agendas/FINALBOEMinutes10.30.19.pdf">https://sdsos.gov/about-the-office/assets/boe\_agendas/FINALBOEMinutes10.30.19.pdf</a>
- Agenda of Oct 30<sup>th</sup>, 2019 <a href="https://sdsos.gov/about-the-office/assets/boe-minutes/October30.2019BOEConferenceCallAgenda.pdf">https://sdsos.gov/about-the-office/assets/boe-minutes/October30.2019BOEConferenceCallAgenda.pdf</a>

16. The EAC Certificate for ES&S EVS 6.1.0.0 on the SD SOS site only has the cover page and is missing the rest of the EAC certificate. The first page of the certificate shows that Voting systems is tested to the Voluntary Voting Guidelines Version 1.0 (VVSG 1.0).

	United States Election Assistance Commissi	VV1G 3004 Vč1. 1
	Certificate of Conformance	( <b> </b>
	ES&S EVS 6.1.0.0	CIRTIFIED
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		> / l
Product Name: EVS		
Product Name:         EVS           Model or Version:         6.1.8.0           Name of VSTL:         Pro V&V		SPW
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https://sdsos.gov/about-theoffice/assets/boe\_agendas/EAC%20Certificate%20for%20EVS%206.1.0.0.pdf 17. The actual complete certificate can be found at the US Election Assistance Commission (EAC) site, which is 16 pages long...on page 3 we see the DS200, DS450 and DS850 do a "conversion of voter selection marks to electronic cast vote records(CVR)."

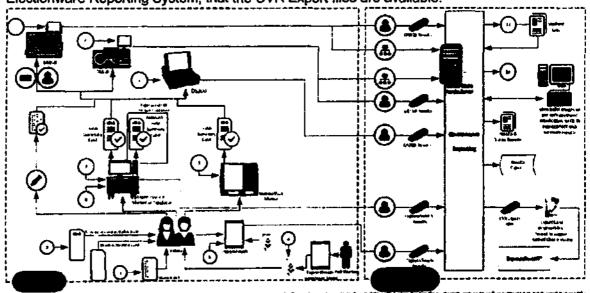
**DS200°** is a polling place paper-based voting system, specifically a digital scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic **statistical scale**: (CAR).

**D\$450°** is a central scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic CVRs.

**DS850**° is a central scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic CVRs.

https://www.eac.gov/sites/default/files/voting\_system/files/EVS6100Cert\_Scope\_%2 528FINAL%2529.pdf

18. The EAC Certificate for ES&S EVS 6.1.0.0 on page 4 of the certificate shows that from the USB drives of the tabulators, once converted and decrypted by the Electionware Reporting System, that the CVR Export files are available.



https://www.eac.gov/sites/default/files/voting\_system/files/EVS6100Cert\_Scope\_%2 528FINAL%2529.pdf

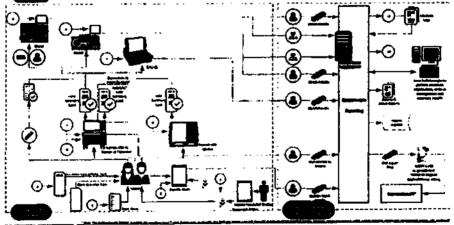
 Currently South Dakota is using ES&S 6.1.1.0 and the complete certificate is identical and makes the same exact statements about the DS200, DS450, and DS850.

	Us	dred States Election Assist	ince Commission	9725 700E 710L 1	_
		Certificate of Conf	ormance	111	}
1		ES&S EVS 6	1.1.0	CHIMITED	
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**DS200\*** is a polling place paper-based voting system, specifically a digital scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic **implementations**. (CARL)

DS450° is a central scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic CVRs.

**DS850°** is a central scanner and tabulator that simultaneously scans the front and back of a paper ballot and/or vote summary card in any of four orientations for conversion of voter selection marks to electronic CVRs.



https://boardsandcommissions.sd.gov/bcuploads/ES&S%20EVS6110%20Certificate %20and%20Scope%20of%20Conformance%2007-27-2020.pdf.pdf

20. Election Systems & Software (ES&S) on it's own web site explains that cast vote records (CVRs) exist in that it supports post-election audits by "providing election details (logs, cast vote records, reports, etc") which election officials utilize for this purpose." It is my opinion that the cast vote records are part of the post-election audit process.



#### Does ES&S support post-election audits?

ES&S is a strong supporter of state and local administrations in their work to provide secure, accurate elections. Post-election audits are a tegel process by which election officials according to state law ES&S voting systems support these audits by providing election details (logs, to the recursion reports, etc.) which election officials according to state law ES&S supports these audits by providing election details (logs, to the recursion reports, etc.) which election officials active for this purpose. ES&S supports the highest standards for security, including strict chain-of-custody protocols for equipment and all applicable laws, regulations and cartification requirements.

#### https://www.essvote.com/faqs/

21. Election Systems & Software Electionware software improves the effectiveness and efficiency of the post-election audit process, as stated on their web site for their marketing materials.

#### Improved Post-Election Audit Process

Electionware offers election officials the ability to conduct a wide range of post-election audits with improved effectiveness and efficiency. The easy-to-read, side-by-side comparison of the unattered pallot image and its corresponding cast vote record make it possible to audit any election in a fraction of the time.

https://www.essvote.com/products/electionware/

22. In 2023 South Dakota passed Codified Law 12-17B-19 which now includes funding for post-election audits:

#### 12-17B-19. Post-election audit--Payment of costs--Promulgation of rules.

The office of the secretary of state shall reimburse each county for the cost of any post-election audit required by §§ 12-17B-18 to 12-17B-25, inclusive. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, administering the reimbursement process and defining reimbursable expenses and reimbursement rates for post-election audits. <a href="https://sdlegislature.gov/Statutes/12-17B-19">https://sdlegislature.gov/Statutes/12-17B-19</a>

23. In 2023 South Dakota passed Codified Law 12-17B-21 which clearly indicates that post-election audits are open to the public and the public must be notified, this includes the actual cast vote records, since the language is inclusive for the audit being open to the public.

#### 12-17B-21. Post-election audit open to the public-Notification.

A post-election audit conducted pursuant to §§ 12-17B-18 to 12-17B-25, inclusive, must be open to the public. Members of the public shall keep a reasonable distance so as to not interfere with the audit process. The county auditor shall post notice of the time and place of the audit in the same manner as a public meeting agenda pursuant to § 1-25-1.1 and provide the notice to the county chair of each political party that has a candidate on the ballot. https://sdlegislature.gov/Statutes/12-17B-21

24. In 2023 South Dakota passed Codified Law 12-17B-22 which clearly indicates that post-election audits results are to be presented to the county commissioners at its next meeting, and that the results are to be posted on the secretary of state's web site. Which is also a strong indication that these shall be public.

#### 12-17B-22. Publication of results.

The county auditor shall send the results of the post-election audit to the secretary of state and present the results of the audit to the county commission at its next meeting. The results of the audit shall be included in the minutes of the county commission meeting.

25. The secretary of state shall publish the results of the post-election audit on the secretary of state's website.

https://sdlegislature.gov/Statutes/12-17B-22

26. The only way to determine if we are meeting Federal 52 USC 20701 is to publish and make public the cast vote records, since all records must be retained and preserved. Cast Vote Records must be preserved, they are a records, it's in the name.

### 52 USC 20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation

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

27. The State Board of Elections through 05:02:23:15, effective date Dec 5th, 2023, expanded the support for full payment of post-election audits by adding clarifying language of what expenses they do not reimburse for, such as the express votes and tabulators, which then does not exclude the purchase of the laptop and the Election Systems and Software (ES&S) Electionware Results software that support post-election audits by producing cast vote records.

05:02:23:15. Reimbursement of post-election audit costs. The county auditor shall submit expenses from the post-election audit to the secretary of state for reimbursement. The auditor shall use the forms designated by the secretary of state for this purpose.

Reimbursable expenses for the audit, are:

- (1) Board member pay for conducting the audit and for training prior to the audit, not to exceed twenty-five dollars per hour worked but no less than minimum wage;
  - (2) Supplies, including postage, no more than two hundred dollars;
- (3) Rental costs for the location to conduct the audit, no more than two hundred fifty dollars per day;
  - (4) Publication costs, no more than one hundred seventy-five dollars;
  - (5) Ballot storage costs, no more than seventy-five dollars;
  - (6) Travel (mileage) costs at the state per diem rate for every mile traveled;
  - (7) Meal reimbursement at state per diem meal rates; and
- (8) Auditor and auditor's staff actual wages for hours spent training and assisting the postelection audit board.

Expenses related to or associated with the primary or general election are not reimbursable post-election expenses. To avoid confusion, expenses that are not covered are costs related to media programming, ballot printing, ballot shipping, equipment maintenance, statewide ballot question publications, purchasing of election equipment (express votes, tabulators), polling place signage, testing costs, election day workers, postage, and insurance on voting equipment. <a href="https://sdlegislature.gov/Rules/Administrative/05:02:23">https://sdlegislature.gov/Rules/Administrative/05:02:23</a>

Rick Weible

2.2WW

7/19/2024

803 Elk Street

Elkton, SD 57026

 $\leftarrow$ 

+

Inbox



Freedom Works 5:35 AM

Good morning Brenda,

to Brenda 🗸

I have the entire test deck report but only have a few "Detail Results by Precinct" Reports. I need all the reports for each tabulator. If you could please email them back to me.

Thank you, Kate



Brenda McGr... 9:04 AM



Yet she signed Certificate on 5-29-24 like she texted it on Public testing day.

to me, Bruce >

Good Morning Kate,

I have attached the reports from 5-29-2024 Tab Test. The precinct by precinct reports for Machine A were not run on 5-29-2024 but I included the tests that were run on each machine on election day prior to running any election day ballots pursuant to 12-17B-12.

Thank you, 📑



Brenda McGruder

Lawrence County Auditor

90 Sherman Street

PO Box F





i certify the DS 450 #A, serial number DS4519093362, after an errorless count was achieved by the test on May 29, 2024.

Brenda McGruder

Lawrence County Auditor

I certify the DS 450 #E, serial number DS4519093363, after an errorless count was achieved by the test on May 29, 2024.

Brenda McGruder

**Lawrence County Auditor** 



I certify the DS 450 #E, serial number DS4519093363, after an errorless count was achieved by the test on June 4, 2024.

Brenda McGruder Lawrence County Auditor

I certify the DS 450 #A, serial number DS4519093362, after an errorless count was achieved by the test on June 4, 2024 at \_\_\_\_\_\_ AM.

Brenda McGruder Lawrence County Auditor



I certify the DS 450 #A, serial number DS4519093362, after an errorless count was achieved by the test on June 4, 2024 at  $\cancel{1 \cdot 49}$  PM.

Brenda McGruder Lawrence County Auditor



#### Declaration of Rick Weible

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

- 1. I am over the age of 21 years, and I am under no legal disability, which would prevent me from giving this declaration.
- 2. I currently reside at 803 Elk Street, Elkton, SD 57026.
- 3. I am a computer network engineer and data analysis expert with over 25 years of industry experience. Owner of a small computer consulting company, that has been in business for over 25 years providing compliance certifications, desktop support, programming, network management and security, web development and hosting.
- 4. I am the founder of United States Council on Accurate and Secure Elections and have been analyzing elections in multiple states helping both election officials and voters better understand the election systems in an effort to have better oversight and security in our elections by following Federal and State Laws.
- 5. I am aware of 52 USC 20701 §20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation. Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.
- I am aware of South Dakota Codified Law 12-174B-5. Testing system before election— Certification of errorless machine—Promulgation of rules—Public notice—Independent candidate and ballot committee contact information.

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. The test must be open to the public. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment one week before the test is conducted. The person in charge of the election shall post notice of the time and place of the test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1.

If an errorless count by an automatic tabulating machine is achieved by the test, the person in charge of the election shall certify the machine. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the certification of properly functioning automatic tabulating equipment under this section.

If an error is detected, the cause of the error shall be determined and corrected. Once the error is corrected, the person in charge of the election shall conduct a new test of the automatic tabulating equipment. The person in charge of the election may not approve the automatic tabulating equipment until an errorless count is made.

Any additional testing required to achieve an errorless count must be open to the public. The person in charge of the election shall post notice of the time and place of an additional test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment twenty-four hours prior to the test.

The secretary of state shall provide each county auditor with the contact information for any independent candidate, candidate without party affiliation appearing on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment in the auditor's county.

Source: https://sdiegislature.gov/Statutes/12-17B-5

7. I am aware of South Dakota Codified Law 12-17B-5.1. Procedure for testing system before election--Test ballots retained. The person in charge of the election shall test the automatic tabulating equipment by processing a predetermined number of ballots on which are recorded a predetermined number of valid votes for each candidate and measure. The test of the automatic tabulating equipment must also include at least one ballot for each office that has votes exceeding the number allowed by law in order to test the ability of the automatic tabulating equipment to reject invalid votes. During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure. A ballot used to test

the automatic tabulating equipment must be clearly marked as a test ballot. After each test, the testing materials and the predetermined number of ballots used during the test must be sealed and retained in the same manner as election materials after an election.

Source: https://sdlegislature.gov/Statutes/12-17B-5.1

- 8. I am aware of South Dakota Administrative Rule 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 test must 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 must be created prior to the machine count to 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 must be made for each ballot that is unique in any way. For each office and ballot question, the test deck must include:
  - (1) One or more ballots with a vote for each candidate and each side of a ballot question:
  - (2) One or more ballots with votes in excess of the number allowed by law for each office and question; and
    - (3) One or more ballots with an undervote;
  - (4) One or more ballots completely blank to verify that the machine is correctly configured pursuant to SDCL <u>12-17B-13.1</u>; and
    - (5) One or more ballots that do not have a ballot stamp.

At least twenty-five test ballots must be included in the total of all test decks. Individual test decks for individual ballots must 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 must 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. Any test deck, tally sheet, and signed printout must be secured and retained with the official ballots.

If more than one tabulating machine is to be used in the election, each machine must be fully tested on any ballot 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.

Source - https://sdiegislature.gov/Rules/Administrative/05:02:09:01.02

9. I am aware of a ES&S EVS 6042 CA Election Management manual publicly available in the state of California, and in Chapter 5, it is clear what the guidance is from ES&S, in their recommendation and guidance to use a sequential number of votes for each office, which complements South Dakota Codified law requiring, "a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

### **Chapter 5: Logic and Accuracy Testing**

Logic and accuracy (L&A) testing is performed well before the election to verify that the election definition generated for each voting device matches the election being held, and that all contests and candidates are accurately reflected on each ballot style and on reports. L&A testing verifies that all voting positions can be voted, whether each contest can be voted for the maximum number of eligible candidates, and that the system is correctly reading and tabulating votes.

L&A testing consists of processing a test deck. A test deck is a stack of sample ballots already marked and scanned, with known results totals. In addition to predetermined totals, the test deck will also contain examples of ballot errors that can occur. All contests in all ballot types and/or ballot styles are tested in this manner. Any deviation from the predetermined results must be rectified before the tabulating equipment can be certified for processing that specific election.

If ES&S is coding the election, ES&S will provide a hand-counted test deck for each election.

If your jurisdiction programs its own election definitions, create a test deck that includes a sequential number of votes for each office on that ballot starting with 1 vote for the first candidate. For example, in an Office with 5 candidates the first candidate on that ballot will receive 1 vote, the second candidate 2, the third 3 and so on. Also include at least one completely blank ballot, and an overvoted ballot (mark more candidates than the number specified). Complete this process for all ballot types in your election and maintain accurate records of your test ballot selections.

Source - https://votingsystems.cdn.sos.ca.gov/vendors/ess/evs6042/ess-6042-proc.pdf

- 10. I have reviewed the following reports from Lawrence County:
  - a. Machine A 6-4-2024 Election day 7 49 p.m.pdf,, titled "CERTIFICATION OF ERRORLESS COUNT BY AUTOMATIC TABULATING MACHINE", for the DS 450 #A, serial number, DS4519093362, dated June 4th, 2024 at 9:47 am, and signed by Brenda McGruder, Lawrence County Auditor.
  - b. Machine A 6-4-2024 Absentee 9 47 a.m..pdf,, titled "CERTIFICATION OF ERRORLESS COUNT BY AUTOMATIC TABULATING MACHINE", for the DS 450 #A, serial number, DS4519093362, dated June 4<sup>th</sup>, 2024 at 7:49 am, and signed by Brenda McGruder, Lawrence County Auditor.

- c. Machine E 5-29-2024.pdf, titled "Public Results" ran on 05/29/2024 11:15:10, it is 23 pages, without a cover sheet and not signed.
- d. Machine E 6-4-2024 Election day.pdf, titled ""CERTIFICATION OF ERRORLESS COUNT BY AUTOMATIC TABULATING MACHINE", for the DS 450 #E, serial number, DS4519093363, dated June 4th, 2024 and signed by Brenda McGruder, Lawrence County Auditor.
- 11. The first violation is on page 12/29 of packet "Machine A 6-4-2024 Absentee 9 47

  a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-02 shows that for the race

  Rep State Senator, District 31, Randy Deibert and Kate Crowley-Johnson do not have a

  different number of valid votes, but instead have the same number of votes, 8, which is a

  violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes

  must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
- 12. The second violation is on page 12/29 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-02 shows that for the race Rep State Representative, District 31, Mark Mowry and Mary J Fitzgerald do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdlegislature.gov/Statutes/12-17B-5.1
- 13. The third violation is on page 12/29 of packet "Machine A 6-4-2024 Absentee 9 47

  a.m..pdi", page 1 of 2 of Machine # 4519093362, Precinct-02 shows that for the race

  Rep County Commissioner At Large, Rick Tysdal and Erica Douglas do not have a

  different number of valid votes, but instead have the same number of votes, 11, which is
  a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes

  must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
- 14. The fourth violation is on page 14/29 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-03 shows that for the race Rep Delegates to State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 14, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a>

- 15. The fifth violation is on page 16/29 of packet "Machine A 6-4-2024 Absentee 9 47

  a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race

  Rep State Senator, District 31, Randy Delbert and Kate Crowley-Johnson do not have a

  different number of valid votes, but instead have the same number of votes, 8, which is a

  violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes

  must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
- 16. The sixth violation is on page 16/29 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race Rep State Representative, District 31, Mark Mowry and Mary J Fitzgerald do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a>
- 17. The seventh violation is on page 16/29 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race Rep County Commissioner At Large, Rick Tysdal and Erica Douglas do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a></a>
- 18. The eighth violation is on page 17/29 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 2 of 2 of Machine # 4519093362, Precinct-04 shows that for the race DEM Presidential Candidate, Marianne Williamson and Joseph R Biden Jr do not have a different number of valid votes, but instead have the same number of votes, 4, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
- 19. The nineth violation is on page 18/29 of packet "Machine A 6-4-2024 Absentee 9 47

  a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-05 shows that for the race

  Rep Delegates to State Convention, Ellen L. Gross and Meta Halverson do not have a

  different number of valid votes, but instead have the same number of votes, 16, which is
  a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes

  must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1

- 20. The tenth violation is on page 20/29 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-06 shows that for the race Rep Delegates to State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 17, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdleqislature.gov/Statutes/12-17B-5.1
- 21. The eleventh violation is on page 21/29 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 2 of 2 of Machine # 4519093362, Precinct-06 shows that for the race DEM Presidential Candidate, Joseph R Biden Jr and Dean Phillips do not have a different number of valid votes, but instead have the same number of votes, 5, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a>
- 22. The twelfth violation is on page 23/29 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 2 of 2 of Machine # 4519093362, Precinct-07 shows that for the race DEM Presidential Candidate, Joseph R Biden Jr and Dean Phillips do not have a different number of valid votes, but instead have the same number of votes, 6, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdleqislature.gov/Statutes/12-17B-5.1
- 23. The thirteenth violation is on page 25/29 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 2 of 2 of Machine # 4519093362, Precinct-08 shows that for the race DEM Presidential Candidate, Dean Phillips and Armand Preez-Serrato do not have a different number of valid votes, but instead have the same number of votes, 7, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdlegislature.gov/Statutes/12-17B-5.1
- 24. The fourteenth violation is on page 29/29 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 2 of 2 of Machine # 4519093362, Precinct-10 shows that for the race DEM Presidential Candidate, Dean Phillips and Armand Preez-Serrato do not have a different number of valid votes, but instead have the same number of votes, 7, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a>

- 25. The fifteenth violation is on page 8/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-02 shows that for the race Rep State Senator, District 31, Randy Deibert and Kate Crowley-Johnson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdlegislature.gov/Statutes/12-17B-5.1
- 26. The sixteenth violation is on page 8/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-02 shows that for the race Rep State Representative, District 31, Mary J Fitzgerald and Scott Odenbach do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdlegislature.gov/Statutes/12-17B-5.1
- 27. The seventeenth violation is on page 8/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-02 shows that for the race Rep County Commissioner At Large, Rick Tysal and Erica Douglas do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a>
- 28. The eighteenth violation is on page 10/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-03 shows that for the race Rep Delegates to the State Convention, Ellen L Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 14, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a>
- 29. The nineteenth violation is on page 12/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race Rep State Senator, District 31, Randy Deibert and Kate Crowley-Johnson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a>

- 30. The twentieth violation is on page 12/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race Rep State Representative, District 31, Mary J Fitzgerald and Scott Odenbach do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a>
- 31. The twenty first violation is on page 12/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race Rep County Commissioner At Large, Rick Tysdal and Erica Douglas do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdlegislature.gov/Statutes/12-17B-5.1
- 32. The twenty second violation is on page 13/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race Dem Presidential Candidate, Marianne Williamson and Joseph R Biden Jr do not have a different number of valid votes, but instead have the same number of votes, 4, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a>
- 33. The twenty third violation is on page 14/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-05 shows that for the race Rep Delegates for Dates Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes,16, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
- 34. The twenty fourth violation is on page 16/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 1 of 2 of Machine # 4519093362, Precinct-06 shows that for the race Rep Delegates for Dates Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes,17, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdleqislature.gov/Statutes/12-17B-5.1

- 35. The twenty fifth violation is on page 17/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 2 of 2 of Machine # 4519093362, Precinct-06 shows that for the race Dem Presidential Candidate, Joseph R Biden Jr and Dean Phillips do not have a different number of valid votes, but instead have the same number of votes, 5, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdlegislature.gov/Statutes/12-17B-5.1
- 36. The twenty sixth violation is on page 19/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 2 of 2 of Machine # 4519093362, Precinct-07 shows that for the race Dem Presidential Candidate, Joseph R Biden Jr and Dean Phillips do not have a different number of valid votes, but instead have the same number of votes, 6, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdlegislature.gov/Statutes/12-17B-5.1
- 37. The twenty seventh violation is on page 21/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 2 of 2 of Machine # 4519093362, Precinct-08 shows that for the race Dem Presidential Candidate, Dean Phillips and Armando Prerez-Serrato do not have a different number of valid votes, but instead have the same number of votes, 7, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdlegislature.gov/Statutes/12-17B-5.1
- 38. The twenty eighth violation is on page 22/25 of packet "Machine A 6-4-2024 Absentee 9 47 a.m..pdf", page 2 of 2 of Machine # 4519093362, Precinct-10 shows that for the race Dem Presidential Candidate, Dean Phillips and Armando Prerez-Serrato do not have a different number of valid votes, but instead have the same number of votes, 7, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a>
- 39. The twenty nineth violation is on page 6/23 of packet "Machine E 5-29-2024.pdf,", page 1 of 2 of Machine # 4519093363, Precinct-02 shows that for the race Rep State Senator, District 31, Randy Deibert and Kate Crowley-Johnson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1

- 40. The thirtieth violation is on page 6/23 of packet "Machine E 5-29-2024.pdf,", page 1 of 2 of Machine # 4519093363, Precinct-02 shows that for the race Rep State Representative, District 31, Mary Fitgerald and Scott Odenbach do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdlegislature.gov/Statutes/12-17B-5.1
- 41. The Thiry first violation is on page 6/23 of packet "Machine E 5-29-2024.pdf,", page 1 of 2 of Machine # 4519093363, Precinct-02 shows that for the race Rep County Commissioner At Large, Rick Tysdal and Erica Douglas do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
- 42. The thirty second violation is on page 8/23 of packet "Machine E 5-29-2024.pdf,", page 1 of 2 of Machine # 4519093363, Precinct-03 shows that for the race Rep Delegates to the State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 14, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
- 43. The thirty third violation is on page 10/23 of packet "Machine E 5-29-2024.pdf,", page 1 of 2 of Machine # 4519093363, Precinct-04 shows that for the race Rep State Senator, District 31, Randy Deibert and Kate Crowley-Johnson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
- 44. The thirty fourth violation is on page 10/23 of packet "Machine E 5-29-2024.pdf,", page 1 of 2 of Machine # 4519093363, Precinct-04 shows that for the race Rep State Representative, District 31, Mary Fitgerald and Scott Odenbach do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1

- 45. The thirty fourth violation is on page 10/23 of packet "Machine E 5-29-2024.pdf,", page 1 of 2 of Machine # 4519093363, Precinct-04 shows that for the race Rep County Commissioner At Large, Rick Tysdal and Erica Douglas do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
- 46. The thirty fifth violation is on page 11/23 of packet "Machine E 5-29-2024.pdf,", page 2 of 2 of Machine # 4519093363, Precinct-04 shows that for the race Dem Presidential Candidate, Marianne Williamson and Joseph R Biden Jr do not have a different number of valid votes, but instead have the same number of votes, 4, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
- 47. The thirty sixth violation is on page 12/23 of packet "Machine E 5-29-2024.pdf,", page 1 of 2 of Machine # 4519093363, Precinct-05 shows that for the Rep Delegates to State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 16, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." <a href="https://sdiegislature.gov/Statutes/12-17B-5.1">https://sdiegislature.gov/Statutes/12-17B-5.1</a>
- 48. The thirty seventh violation is on page 14/23 of packet "Machine E 5-29-2024.pdf,", page 1 of 2 of Machine # 4519093363, Precinct-06 shows that for the Rep Delegates to State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 17, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
- 49. The thirty seventh violation is on page 15/23 of packet "Machine E 5-29-2024.pdf,", page 2 of 2 of Machine # 4519093363, Precinct-06 shows that for the Dem Presidential Candidate, Joseph R Biden Jr and Dean Phillips do not have a different number of valid votes, but instead have the same number of votes, 5, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a>

- 50. The thirty eighth violation is on page 17/23 of packet "Machine E 5-29-2024.pdf,", page 2 of 2 of Machine # 4519093363, Precinct-07 shows that for the Dem Presidential Candidate, Joseph R Biden Jr and Dean Phillips do not have a different number of valid votes, but instead have the same number of votes, 6, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." <a href="https://sdlegislature.gov/Statutes/12-17B-5.1">https://sdlegislature.gov/Statutes/12-17B-5.1</a>
- 51. The thirty nineth violation is on page 19/23 of packet "Machine E 5-29-2024.pdf,", page 2 of 2 of Machine # 4519093363, Precinct-08 shows that for the Dem Presidential Candidate, Dean Phillips and Armando Perez-Serrato do not have a different number of valid votes, but instead have the same number of votes, 7, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
- 52. The fortieth violation is on page 23/23 of packet "Machine E 5-29-2024.pdf,", page 2 of 2 of Machine # 4519093363, Precinct-10 shows that for the Dem Presidential Candidate, Dean Phillips and Armando Perez-Serrato do not have a different number of valid votes, but instead have the same number of votes, 7, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure." https://sdlegislature.gov/Statutes/12-17B-5.1
- 53. The forty first violation is on page 11/28 of packet "Machine E 6-4-2024 Election day.pdf,", page 1 of 2 of Machine # 4519093363, Precinct-02 shows that for the Rep State Senator, Randy Deibert and Kate Crowley-Johnson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 "During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

  https://sdlegislature.gov/Statutes/12-17B-5.1
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- 59. It is my recommendation that since the time of the election has passed, we can recount by hand the ballots for all races impacted by the invalid test decks, since running it again through the improperly tested tabulator would not tell us if it was programmed correctly, only a full hand recount would determine the accuracy of the tabulators.
- 60. It is also my recommendation that the General Election of 2022 Logic and Accuracy test reports be reviewed for adherence to South Dakota Codified Law and Administrative Rules, and records retention requirements and compliance with the Federal Law during that election, and if any violations have occurred, a manual hand recount of 100% shall be performed within that county of all races, and any election that was negatively affected by either negligence or willful violation of the law would be prosecuted immediately.

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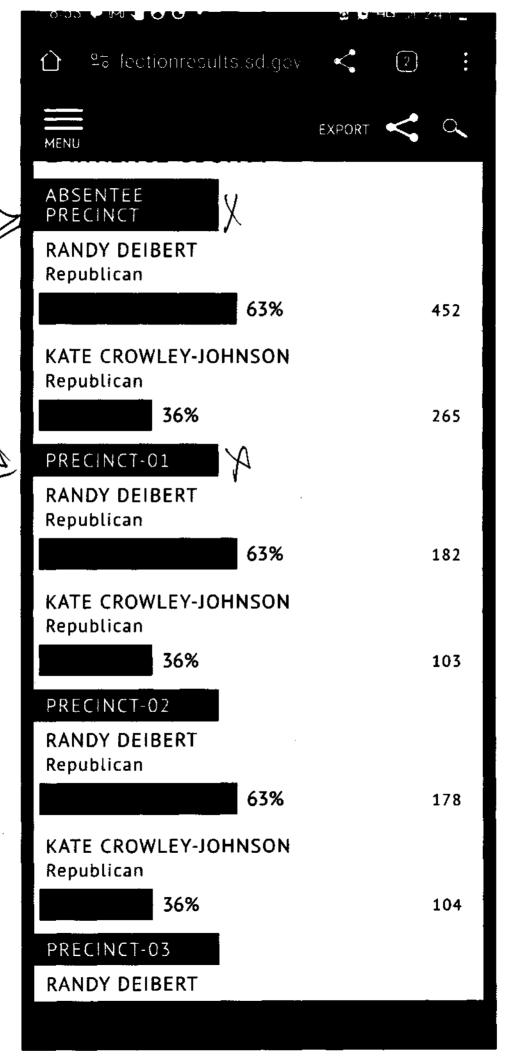
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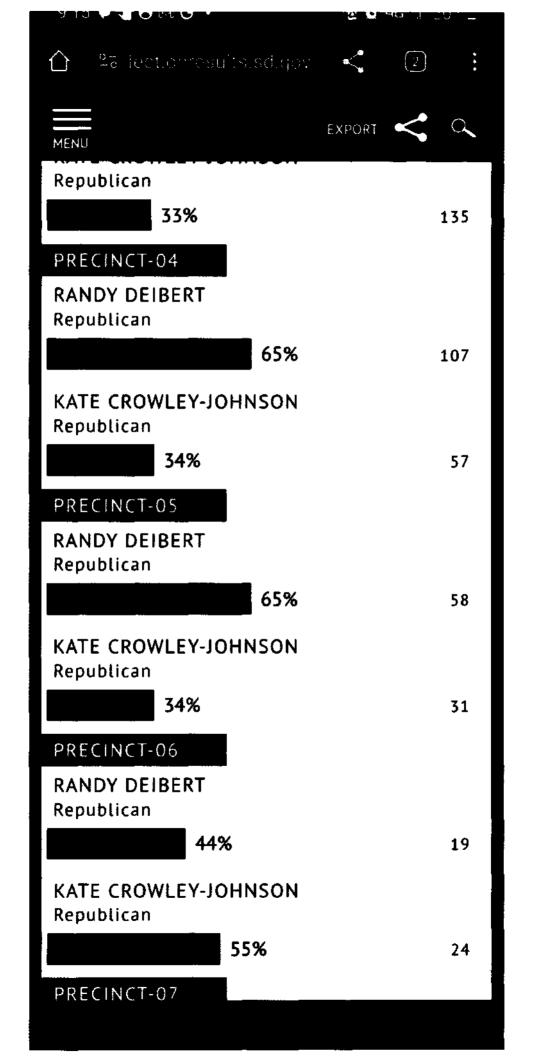
Rick Weible

8/7/2024

803 Elk Street

Elkton, SD 57026





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# 2024 South Dakota Test Deck Project

Validating the 2024 Primary Election in South Dakota

## Vote Flips & Programming Issues

#### The Philadelphia Inquirer

by Jonathan Lai Published Dec. 12, 2019, 5:54 p.m. ET

When votes were tailied last month using new voting machines in Northampton County, it was quickly obvious that something had gone wrong.

The numbers were so clearly inaccurate that a judge ordered the machines impounded. Scanners were brought in to help count ballots, and voters questioned the integrity of the machines and the security of the election. The fiasco heightened concerns about the 2020 presidential election in Pennsylvania as the state looks to implement new voting machines in all 67 counties before the April primary.

It turns out the machines had been set up improperly, county officials and the voting machine vendor said Thursday, a week after they began an investigation. The machines weren't prepared to read the results of the specific ballot design used in Northampton County, and dozens of machines had touchscreens that weren't properly calibrated.

https://www.inquirer.com/politics/pennsylvania/northamptoncounty-pennsylvania-voting-machines-20191212.html





Voters in Northampton County were asked to decide whether two sitting judges, Pennsylvania Superior Court Judges Jack Panella, a Democrat, and Victor Stabile, a Republican, should each be retained for additional 10-year terms by marking "yes" or "no" for each candidate. Panella and Stabile were not running against each other, just vying for another term.

However, officials found that the "yes" or "no" votes for each judge appeared to have been <u>switched</u> on a printed summary shown to voters before they cast their ballot, Charles Dertinger, the Northampton County director of administration, said at a press conference on Tuesday. For example, if a voter marked "yes" to retain Panella and "no" on Stabile, it was reflected on the summary as "no" on Panella and "yes" on Stabile.

https://apnews.com/article/fact-check-pennsylvania-election-vote-flip-545307248102



Watch the
11/7/2023
Press
Conference
https://www.youtube.com/live
/H4zAV9Rpbs0?t=364s



## Programming Issues

# A candidate in Georgia who appeared to get few Election Day votes was actually in first place.

The discrepancy in a race for a county-level board of commissioners seat was blamed on a series of technical errors.



"I hope that this never happens to another candidate, in another race ever again," Ms. Spears said. "It has been a nightmare."



lune 8 2022

A candidate for a county office near Atlanta was vaulted into first place after a series of technical errors made it appear that she had not mustered a single Election Day vote in a vast majority of precincts in last month's Democratic primary, election officials determined.

The candidate, Michelle Long Spears, was shortchanged by 3,792 votes in the District 2 primary for the Board of Commissioners in DeKalb County, Ga., that was held on May 24, according to newly-certified results released on Friday.

In all but four of the district's nearly 40 precincts, no Election Day votes were recorded for Ms. Spears, who had received more than 2,000 early votes. She said that she immediately alerted state and county election authorities.

https://www.nytimes.com/2022/06/06/us/politics/michelle-long-spears-georgia.html



No Votes Counted for a Candidate

https://www.youtube.com/watch? v=MECS\_OXfoH0



## Let's Review - Dodge County WI, 2024

- Actual worksheets by the City Clerk
- No Guidance by the US Election Assistance Commission (EAC)
- No Guidance by the Board of Elections (WI)
- No Guidance by vendor (ES&S)
- No Guidance by the County Auditor



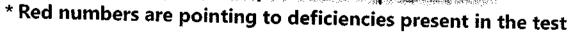
# WI – 2024 Logic & Accuracy Totals Sheet - Dems

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Here are items to review:

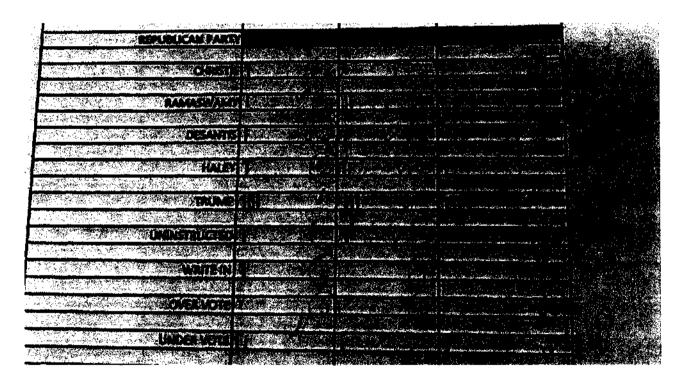
- 1) Does each option have a vote selected for them?
- 2) Does each option have a unique number assigned from any other option in the contest?
- 3) Are Over Votes tested?
- 4) Are Under Votes tested?

With unique numbers we can determine if votes are flipped.





### WI – 2024 Logic & Accuracy Totals Sheet - Reps



Here are items to review:

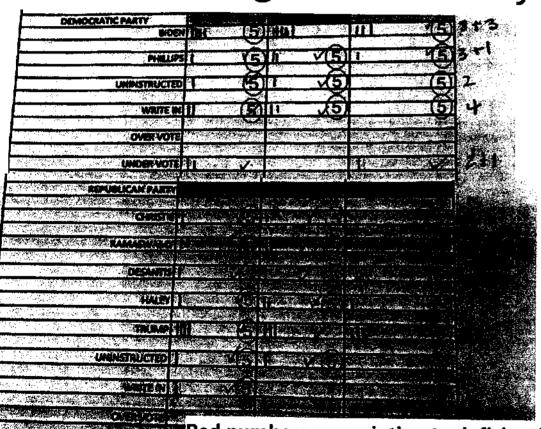
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- 2) Does each option have a unique number assigned from any other option in the contest?
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- 4) Are Under Votes tested?

With unique numbers we can determine if votes are flipped.

\* Red numbers are pointing to deficiencies present in the test



## WI – 2024 Logic & Accuracy Totals Sheet – 2 Races



Here are items to review:

5) Does each option have a unique number assigned from any other option on the ballot

With unique numbers we can determine if votes are flipped.

Red numbers are pointing to deficiencies present in the test



### Question - Over Vote & Under Vote

- Over Vote is when a voter votes for more options than is allowed for that race. Most races you can only select one option. Some races like SD Legislative House, Commissioners, City Council and School Boards, you can select two, three or more candidates in that race, an over vote occurs, when the voter exceeds the number of choices allowed. All of those votes for that race are discarded and not counted in the candidate buckets for final tabulation, the rest of the ballot is counted.
- Under Vote is when a voter decided to either vote for no options in a two option race. In multi-option races, if the voter decided to only vote for one option, event though they could vote for more, the vote for the one option is still counted, and is typically not flagged as an under vote in the reporting software.



### Test Decks – SD Current Laws

### The front line in catching programming issues and establishing confidence.

12-17B-5. Testing system before election--Certification of errorless machine--Promulgation of rules--Public notice--Independent candidate and ballot committee contact information.

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. The test must be open to the public. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment one week before the test is conducted. The person in charge of the election shall post notice of the time and place of the test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1.

If an errorless count by an automatic tabulating machine is achieved by the test, the person in charge of the election shall certify the machine. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the certification of properly functioning automatic tabulating equipment under this section.

If an error is detected, the cause of the error shall be determined and corrected. Once the error is corrected, the person in charge of the election shall conduct a new test of the automatic tabulating equipment. The person in charge of the election may not approve the automatic tabulating equipment until an errorless count is made.

Any additional testing required to achieve an errorless count must be open to the public. The person in charge of the election shall post notice of the time and place of an additional test in the same manner as a public meeting agenda, pursuant to  $\S$  1-25-1.1. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment twenty-four hours prior to the test.

The secretary of state shall provide each county auditor with the contact information for any independent candidate, candidate without party affiliation appearing on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment in the auditor's county.

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 Rules

### The front line in catching programming issues and establishing confidence.

- <u>5:02:09:01.02</u>. 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 test must 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 must be created prior to the machine count to 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 must be made for each ballot that is unique in any way. For each office and ballot question, the test deck must include:
- (1) One or more ballots with a vote for each candidate and each side of a ballot question;
- (2) One or more ballots with votes in excess of the number allowed by law for each office and question; and
- (3) One or more ballots with an undervote;
- (4) One or more ballots completely blank to verify that the machine is correctly configured pursuant to SDCL 12-17B-13.1; and
- (5) One or more ballots that do not have a ballot stamp.
- At least twenty-five test ballots must be included in the total of all test decks. Individual test decks for individual ballots must 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 must 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. Any test deck, tally sheet, and signed printout must be secured and retained with the official ballots.
- If more than one tabulating machine is to be used in the election, each machine must be fully tested on any ballot 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.



# SD - 2022 Minnehaha County L&A Test Reports ExpressVote Machines

<b>Detail</b>	Results
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	: #: 8513090103		<u> </u>	Minnehaha County, SD State General
11/28/2022 10:09:47 First Ballot Date Time:	11/28/2022 10:08:50	Total Sheets Processed:	95	11/08/2022
Last Ballot Date Time:	11/28/2022 10:09:29	Total Ballots Cast: Blank Sheets Cast:	95 9 <b>(5</b> )	
	Contest	Votes		
•	Over Votes	0		
υ	Inder Votes	12		
	Totai	24		
or State Representative,	D25			
Vote For 2)				
EM Dan Ahlers		16	11.1	
EM David Kills A Hundred		(1)(2)		
IEP Jon Hansen		(1)(2)_ 0		
EP Randy Gross		(1)(2)	_	
•	Over Votes	0 (	3)	· · · · · · · · · · · · · · · · · · ·
U	inder Votes	16	_	
	Total	32		

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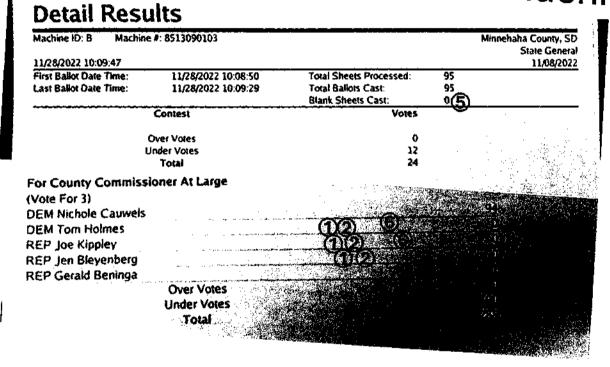
- Does each option have a vote selected for them?
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- 3) Are Over Votes tested?
- 4) Are Under Votes tested?
- 5) Were blank sheets cast?

With unique numbers we can determine if votes are flipped.



<sup>\*</sup> Red numbers are pointing to deficiencies present in the test

# SD - 2022 Minnehaha County L&A Test Reports ExpressVote Machines



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- 2) Does each option have a unique number assigned from any other option in the contest?
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- 4) Are Under Votes tested?
- 5) Were blank sheets cast?
- Does each option have a unique number assigned from any other option on the ballot

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## SD - 2022 Minnehaha County L&A Test Reports ExpressVote Machines

Machine ID: B Mach	ne #: 8513090103	<u> </u>			Minnehaha County, SI
11/28/2022 09:47:13					State Genera 11/08/202
First Ballot Date Time: Last Ballot Date Time:	11/28/2022 09:15:47 11/28/2022 09:46:28	Total Sheets Process: Total Ballots Cast:	ed:	2325 2325	22/00/600
		Blank Sheets Cast:		93	
	Contest	Ve	otes		
For State Senator, D11	1				
(Vote For 1)		<u> </u>			
DEM Sheryl L. Johnson REP Jim Stalzer			115 115		
VEN Juli Statzet	Over Votes	40	10		
	Under Votes		10		
	Total		250		
or State Senator, D12					
/ore For 1)		<b>(3/6</b> )			
EM Jessica Meyers		<b>%</b>	115		
EP Arch Beal		(2)(6)	115		
	Over Votes		10 10		
	Under Votes Total		250		

Here are items to review:

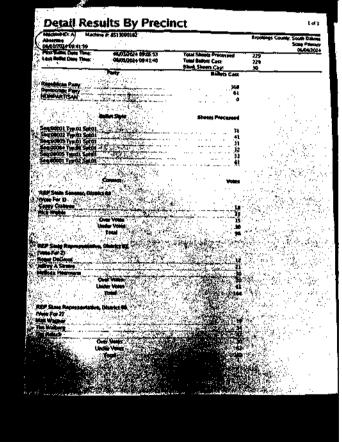
- Does each option have a vote selected for them?
- 2) Does each option have a unique number assigned from any other option in the contest?
- 3) Are Over Votes tested?
- 4) Are Under Votes tested?
- 5) Were blank sheets cast?
- Does each option have a unique number assigned from any other option on the ballot

With unique numbers we can determine if votes are flipped.

\* Red numbers are pointing to deficiencies present in the test



### 2024 – Brookings, SD on the right path



In this Election, the Republicans have a separate ballots for their races. There are 5 ballot styles. (The 6<sup>th</sup> one is the Democrat Ballot)

Here the Brookings County Auditor get high marks.

- 1) There are unique numbers for each candidate within each race.
- Over votes were tested.
- 3) Under Votes (blank ballots) were tested.

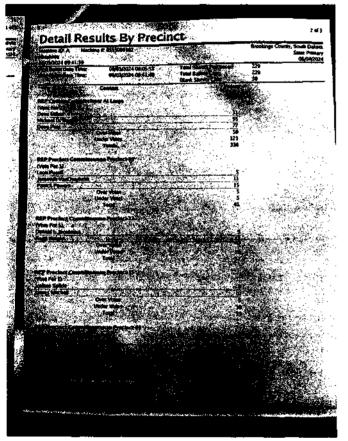
#### Areas for Improvement

- 1) Prime Number for one candidate in each race is not consistent.
- 2) Unique Number assigned for all options for entire ballot.

It is known that there was an issue with the ExpressVote Ballots.

 The county did not test, due to programming issue, their plan is to manually convert those ballots to hand marked ballots for processing.

## 2024 – Brookings, SD on the right path



In this Election, the Republicans have a separate ballots for their races. There are 5 ballot styles. (The 6<sup>th</sup> one is the Democrat Ballot)

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- 1) There are unique numbers for each candidate within each race.
- 2) Over votes were tested.
- 3) Under Votes (blank ballots) were tested.

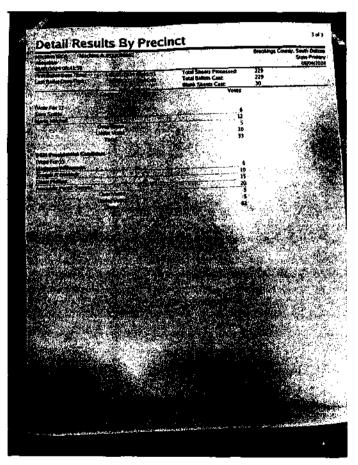
#### Areas for Improvement

- 1) Prime Number for one candidate in each race is not consistent.
- 2) Unique Number assigned for all options for entire ballot.

It is known that there was an issue with the ExpressVote Ballots.

 The county did not test, due to programming issue, their plan is to manually convert those ballots to hand marked ballots for processing.

## 2024 – Brookings, SD on the right path



In this Election, the Democrats have a separate ballot just for the Presidential Primary.

Here the Brookings County Auditor get high marks.

- 1) There are unique numbers for each candidate for President.
- 2) Over votes were tested.
- 3) Under Votes (blank ballots) were tested.

#### Areas for Improvement

1) Prime Number for one candidate in each race is not consistent.

It is known that there was an issue with the ExpressVote Ballots

 The county did not test, due to programming issue, their plan is to manually convert those ballots to hand marked ballots for processing.

## Gregory County, SD

In this Election, the Democrats have a separate ballot just for the Presidential Primary, both Parties have the Initiated Ballot Measure.

Here the Gregory County Auditor correctly

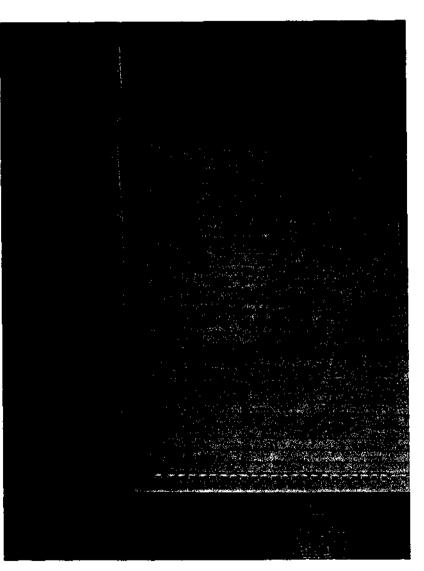
- 1) Used unique numbers for the Senate(R), President (D), IM races
- 2) Over votes were tested.
- 3) Under Votes (blank ballots) were tested.

Areas for Improvement

- 1) The House(R) race failed to have unique numbers for each option.
- 2) Prime Number for one candidate in each race is not consistent.

It is not noted if the ExpressVote Systems were properly tested here.

\*A Hand Recount of the House race of this precinct is recommended due to improper test deck.



## Gregory County, SD

In this Election, the Democrats have a separate ballot just for the Presidential Primary, both Parties have the Initiated Ballot Measure.

Here the Gregory County Auditor correctly

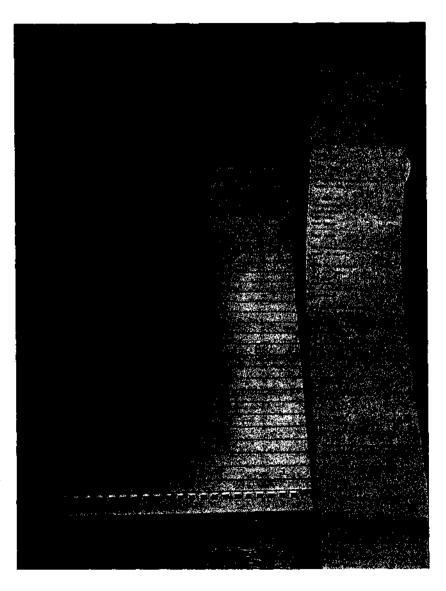
- 1) Used unique numbers for the Senate(R), President (D), and the Precinct Committee Race(R).
- 2) Over votes were tested.
- 3) Under Votes (blank ballots) were tested.

#### Areas for Improvement

- 1) The House(R) and Initiated Ballot Measure races failed to have unique numbers for each option.
- 2) Prime Number for one candidate in each race is not consistent.

It is not noted if the ExpressVote Systems were properly tested here.

\*A Hand Recount of the House and IM races of this precinct is recommended due to improper test deck.



## Gregory County, SD

In this Election, the Democrats have a separate ballot just for the Presidential Primary, both Parties have the Initiated Ballot Measure.

Here the Gregory County Auditor correctly

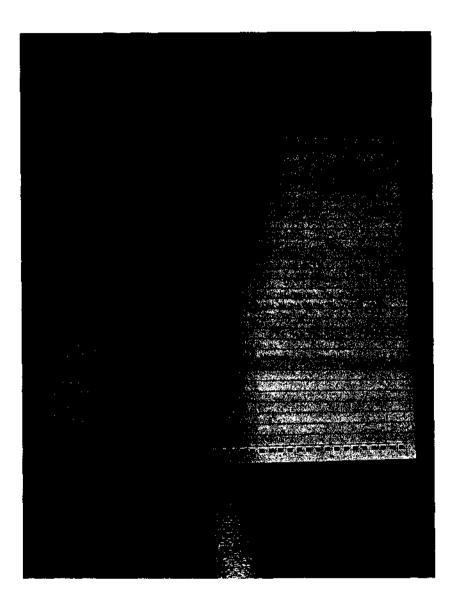
- 1) Used unique numbers for the Senate(R), President (D), IM races
- 2) Over votes were tested.
- 3) Under Votes (blank ballots) were tested.

Areas for Improvement

- 1) The House(R) race failed to have unique numbers for each option.
- 2) Prime Number for one candidate in each race is not consistent.

It is not noted if the ExpressVote Systems were properly tested here.

\*A Hand Recount of the House Race of this precinct is recommended due to improper test deck.



### What next?

- This is crucial evidence for voters and candidates.
- If we find any issues:
  - · Could require retesting
  - Could compel a hand count of the elections for those races where the test decks did not properly test the equipment
  - Could require a 100% Post Election Audit
  - Could require discovery of the cast vote records and ballot images
  - Could point to incompetence and termination of election officials
  - · Could result in lawsuits
  - Could result in Civil Rights Investigations
- Take good notes, consider writing an affidavit if you believe the issues you witness may impact the election.



## Questions to Ask & Building the Evidence

- 1) Get the sample ballots from every precinct for each unique ballot design.
- 2) Ask if they fold the absentee ballots when mailing them out?
- 3) Ask if they tested the ExpressVote machines separately, ask for copies of reports?
- 4) Ask how many ExpressVote ballots they used for each precinct.
- 5) Evaluate if they tested enough ballots with folds, 10% is required (SD Rule 5:02:09:01.02)
- 6) Ensure all tabulators are tested, get Test Deck Report(s) for each tabulator.
- 7) Ask for the Cast Vote Records (Minnehaha, Lincoln, Pennington and Davison only) \*
- 8) Get the Ballot Images (Minnehaha, Lincoln, Pennington and Davison only) \*

If they can not provide this, they have not proven they know how to use the election equipment, nor have they proven the systems are secure and ready for the election.

<sup>\*</sup>NOTE: During Public Accuracy Tests, ask for Ballot Images and CVRs, since there is no identifying information of a voter issue here...so privacy is not an issue at all. (Voters do not fill out ballots for the test decks)

### Questions for the Auditors

- Do you have the EAC Certificate?
- When was the last time you scanned the equipment for viruses?
- When was the battery replaced? Is it older than 3 years?
- When was the last time ES&S did maintenance?
- Did you backup the tabulator before maintenance was done?
- Do you have a logbook for the storage of tabulators, that notes who had access to the systems?



### **Detail Results**

Machine ID: E Mad	chine #: 4519093363		Lawrence County, South Dakot
06/04/2024 10:14:10	1404		State Primar 06/04/202
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	480
ast Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	480
	Destr.	Blank Sheets Cast: Ballots Cast	25
	Party	Ballots Cast	
Republican Party		240	
Democratic Party		240	
NONPARTISAN		0	
	Contest	Votes	
REP State Senator, Dis	strict 31		
Vote For 1)			
Randy Deibert		68	
Kate Crowley-Johnson	· · · · · · · · · · · · · · · · · · ·	117	
A STATE OF THE PARTY OF THE PAR	Over Votes	11	
	Under Votes	44	
	Total	240	
REP State Representa	itive, District 31		
(Vote For 2)			
Mark Mowry		61	
Mary J Fitzgerald		122	
Scott Odenbach		136	~ V
	Over Votes	22	i. H
	Under Votes	139	, 4
	Olinei Aniez	103	
	Total	480	6' 1d
	Total	480	6 Jest
	Total	480	Tab Test
(Vote For 2)	Total	480	Tab Test
(Vote For 2) Bob Ewing	Total	480 480	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal	Total	63 120	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal	Total sioner At Large		6 4. 24 Tab Test
(Vote For 2) Bob Ewing Rick Tysdal	Total sioner At Large Over Votes	22	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal	Total sioner At Large  Over Votes Under Votes	22 139	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal	Total sioner At Large Over Votes	22	Top Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat	Total sioner At Large  Over Votes Under Votes Total	22 139	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3)	Total sioner At Large  Over Votes Under Votes Total	22 139 <b>480</b>	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant	Total sioner At Large  Over Votes Under Votes Total	22 139 <b>48</b> 0 59	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross	Total sioner At Large  Over Votes Under Votes Total	22 139 480 59 103	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross	Total sioner At Large  Over Votes Under Votes Total	22 139 480 59 103 148	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross	Total sioner At Large  Over Votes Under Votes Total se Convention	22 139 480 59 103 148 157	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross	Total sioner At Large  Over Votes Under Votes Total se Convention  Over Votes	22 139 480 59 103 148 157	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross	Total sioner At Large  Over Votes Under Votes Total se Convention	22 139 480 59 103 148 157	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson	Total sioner At Large  Over Votes Under Votes Total se Convention  Over Votes Under Votes Under Votes Total	22 139 480 59 103 148 157 33 220	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson	Total sioner At Large  Over Votes Under Votes Total se Convention  Over Votes Under Votes Under Votes Total	22 139 480 59 103 148 157 33 220 720	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson  REP Precinct Committ (Vote For 1) Donald Lutz	Total sioner At Large  Over Votes Under Votes Total se Convention  Over Votes Under Votes Under Votes Total	22 139 480 59 103 148 157 33 220 720	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson  REP Precinct Committ (Vote For 1) Donald Lutz	Over Votes Under Votes Total  Convention  Over Votes Total  Convertion  Over Votes Under Votes Total  Total  Total  Total	22 139 480 59 103 148 157 33 220 720	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson  REP Precinct Committ (Vote For 1) Donald Lutz	Over Votes Under Votes Total  Cover Votes Under Votes Total  Cover Votes Under Votes Under Votes Total  Total  Total  Total  Total  Total  Total	22 139 480 59 103 148 157 33 220 720	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson  REP Precinct Committ (Vote For 1) Donald Lutz	Over Votes Under Votes Total  Cover Votes Total  Cover Votes Under Votes Under Votes Total  Total	22 139 480 59 103 148 157 33 220 720	Tab Test
REP County Commiss (Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson  REP Precinct Committ (Vote For 1) Donald Lutz Jimmy J. Roberts	Over Votes Under Votes Total  Cover Votes Under Votes Total  Cover Votes Under Votes Under Votes Total  Total  Total  Total  Total  Total  Total	22 139 480 59 103 148 157 33 220 720	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson  REP Precinct Committ (Vote For 1) Donald Lutz Jimmy J. Roberts	Over Votes Under Votes Total  Cover Votes Under Votes Total  Cover Votes Under Votes Total  Total  Teeman Precinct-01  Over Votes Under Votes Total  Over Votes Total	22 139 480 59 103 148 157 33 220 720	Tab Test
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to Stat (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson  REP Precinct Committ (Vote For 1) Donald Lutz	Over Votes Under Votes Total  Cover Votes Under Votes Total  Cover Votes Under Votes Total  Total  Teeman Precinct-01  Over Votes Under Votes Total  Over Votes Total	22 139 480 59 103 148 157 33 220 720	Tab Test

### **Detail Results**

Machine ID: E Mach	ine #: 4519093363		Lawrence C	county, South Dakot
06/04/2024 10:14:10	Tat			State Primar 06/04/202
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	480	00,04,202
ast Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	480	
tust bunot bate Time.	00/04/2024 10:10:00	Blank Sheets Cast:	25	
	Contest	Votes		
Phamas D. Nalass		•		
Thomas R. Nelson	0	9		
	Over Votes	1		
	Under Votes	3		
	Total	24		
REP Precinct Committe	eman Precinct-03			
Vote For 1)				
Richard Prezkuta		6		
Perry Washenberger		12		
	Over Votes	1		
	Under Votes	5		
	Total	24		
REP Precinct Committe	eman Precinct-04			
Vote For 1)	VIII. I 100110E-04			
loyd A. Rich		7		
Gary Coe		8		
	Over Votes	Ĩ		
	Under Votes	8		
	Total	24		
	- Cuar			
REP Precinct Committe	eman Precinct-07			
Vote For 1)				
Joseph Palmer		6		
Ronald J. Moeller		13		
	Over Votes	1		
	Under Votes	4		
	Total	24		
REP Precinct Committe	oman Procinct 69			
Vote For 1)	eman Frecinci-06			
		7		
Justin Tupper		12		
Dave Samuelson	Over Vetes	13		
	Over Votes Under Votes	3		
		24		
	Total	24		
REP Precinct Committe	eman Precinct-09			
Vote For 1)		_		
		6		
Fristen Rhoden		14		
	Over Votes	1		
	Under Votes	_3		
	Total	24		
REP Precinct Committe	eman Precinct-10			
(Vote For 1)	THE PERSON AND THE PE			
Timothy A. Braithwait		5		
Hillouty A. Dialiliwan		14		
Richard D Sleep	Over Votes	1		
	Over Votes Under Votes			

REP Precinct Committeewoman Precinct-01 (Vote For 1)

### **Detail Results**

Machine ID: E Mac 06/04/2024 10:14:10	tine #: 4519093363		Lawrence County, South Dakot State Primar
U0/U4/2024 10:14:10	עען	Table Observe December 1	06/04/202
First Ballot Date Time: Last Ballot Date Time:	06/04/2024 09:59:09 06/04/2024 10:13:06	Total Sheets Processed: Total Ballots Cast:	480 480
		Blank Sheets Cast:	25
• • •	Contest	Votes	
Cindy K. Roberts		5	
Dawn M. Lutz		10	
	Over Votes	2	
	Under Votes	7	
	Total	24	
REP Precinct Committ	eewoman Precinct-03		
(Vote For 1)			
Paulette Washenberger		<u>.</u> <u>6</u>	
Delia Prezkuta		12	
	Over Votes	1	
	Under Votes	_5	
	Total	24	
REP Precinct Committ	eewoman Precinct-06		
(Vote For 1)		•	
Ami M Keller		3	
Susan Johnson	Oue-Notes	15	
	Over Votes	1 -	
	Under Votes <b>Total</b>	5	
	rotai	24	
REP Precinct Committ	eewoman Precinct-08		
(Vote For 1) Valerie Samuelson		e	
Mary J Fitzgerald			
vialy 3 mizycialu	Over Votes	**************************************	
	Under Votes	1 4	
	Total	24	
	Total	24	
REP Precinct Committ	eewoman Precinct-09		
Vote For 1)			
Kalen Lemmel		5	
Anna P. Marrs		15	
	Over Votes	1	
	Under Votes	_3	
	Total	24	
REP Precinct Committe	eewoman Precinct-10		
Vote For 1)			
Laura Odenbach			
Karen E. Sleep		12	
	Over Votes	1	
	Under Votes	4	
	Total	24	
DEM Presidential Cand	fidate		
(Vote For 1)			
Marianne Williamson		31	
Joseph R Biden Jr		49	
Dean Phillips		61	
Armando Perez-Serrato		74	
	Over Votes	10	
	Under Votes	15	
	Total	240	

Machine ID: E Machin	ne #: 4519093363		Lawrence County, South Dakota
06/04/2024 10:14:10 1	n)		State Primary
00/04/2024 10:14:10 1	<del>U</del> •		06/04/2024
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	480
Last Balfot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	480
		Blank Sheets Cast:	25
	Contest	Votes	

#### **Public Results**

Machine ID: E Machine #: 4519093363 06/04/2024 10:17:21 インシ			Lawrence County, South Dakota State Priman
<u>06/04/2024 10:17:21 🔨 -</u>	<u> </u>		06/04/202
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	480
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	480
		Blank Sheets Cast:	25
	Party	Ballots Cast	
Republican Party		240	
Domocratic Body		240	
NONPARTISAN		240 0	
NONFARTISAN	· · · · · · · · · · · · · · · · · · ·	<u> </u>	
	Contest	Votes	
REP State Senator, Distric	ct 31		
Dandy Daibort		68	
Kate Crowley-Johnson		117	
rate Growiey Johnson	Total	185	
		103	
REP State Representative	e, District 31		
(Vote For 2)			
Mark Mowry		61	
Mary J Fitzgerald		122	
Scott Odenbach		136	
	Total	319	
REP County Commission	er At Large		
(Vote For 2)			
Bob Ewing			
Rick Tysdal		120	
Erica Douglas		. 136	
	Total	319	
REP Delegates to State C	onvention		
(Vote For 3)			
Naomi Merchant		59	
David L. Gross		103	
Ellen L. Gross		148	
Meta Halverson		157	
	Total	467	
REP Precinct Committeer	man Precinct-01		
(Vote For 1)		_	
Donald Lutz		5	
Jimmy J. Roberts	Total	10 15	
REP Precinct Committeer			
	nan Ficunici-UZ		
(Vote For 1)		A	
		4	
Nathan Hoogshagen		9	
Thomas R. Nelson	Total	20	
	nan Precinct-03		
REP Precinct Committees			
(Vote For 1)		6	
REP Precinct Committeer (Vote For 1) Richard Prezkuta Perry Washenberger		6 12	

**REP Precinct Committeeman Precinct-04** 

### **Public Results**

(Vote For 1)

Machine ID: E Machine #: 4519093363 06/04/2024 10:17:21		Lawrence County, South Dakota State Primary	
		Total Chapta December	06/04/2024
First Ballot Date Time: Last Ballot Date Time:	06/04/2024 09:59:09 06/04/2024 10:13:06	Total Sheets Processed: Total Ballots Cast:	480 480 26
	Contest	Blank Sheets Cast: Votes	25
(Vote For 1)			
Lloyd A. Rich		7	
Gary Coe		8	
0011 000	Total	15	
REP Precinct Committeem	an Precinct-07		
(Vote For 1)	arr realise-st		
Joseph Dolmor		6	
Ronald J. Moeller		13	
- I	Total	19	
REP Precinct Committeem	an Precinct-08		
(Vote For 1)			
Justin Tupper		7	
Dave Samuelson		13	
**************************************	Total	20	
REP Precinct Committeem	an Precinct-09		
(Vote For 1)			
Dahl H. McLean		6	
Tristen Rhoden		14	
	Total	20	
REP Precinct Committeem	an Precinct-10		
(Vote For 1)			
Timothy A. Braithwait		5_	
Richard D Sleep		14	
	Total	19	
REP Precinct Committeew (Vote For 1)	oman Precinct-01		
Cindu K. Doharte		5	
		10	
Dawn M. Lutz	Total	15	
REP Precinct Committeew	oman Precinct-03		
(Vote For 1)		£	
Delia Prezkuta	Total	18	
DED Bussiant Assessing			
REP Precinct Committeew	oman Precinct-05		
(Vote For 1) Ami M Keller		3	
C lakease		15	
SUSAN JUNISON	Total	18	
man production and the			
REP Precinct Committeew	oman Precinct-08		
(Vote For 1)		^	
Valerie Samuelson		6	
Mary J Fitzgerald		13	
	Total	19	

# **Public Results**

Machine ID: E Machine	e #: 4519093363		Lawrence County, South Dakota
06/04/2024 10:17:21 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \			State Primary 06/04/2024
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	480
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	480
		Blank Sheets Cast:	25
	Contest	Votes	
Kalen Lemmel		5	
Anna P. Marrs		15	
	Total	20	
REP Precinct Committeev (Vote For 1) Laura Odenbach		7	
Karen E. Sleep	**************************************	12	
	Total	19	
DEM Presidential Candida (Vote For 1)	ate		
Marianne Williamson		31	
Joseph R Riden Jr		***************************************	
		Č4	
Doon Dhilline		01	
Doon Philling	The state the desired state of the state of	49 61 74	

	e #: 4519093363		Lawrence County, South Dakota State Priman
06/04/2024 10:17:30	tal		06/04/2024
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
		Blank Sheets Cast:	2
	Party	Ballots Cast	
Republican Party		24	
Democratic Party		24	
NONPARTISAN		0	
E	Ballot Style	Sheets Processed	
Seq:00001 Typ:01 Spl:01		23	
Seq:00001 Typ:02 Spl:01		23	
REP Precinct-01		1	
DEM Precinct-01		1	
	Contest	Votes	
REP State Senator, Distric	ct 31		
(Vote For 1) Randy Deibert		7	
Kate Crowley-Johnson		7 11 2	
	Over Votes	2	
ί	Inder Votes	4	
	Total	24	
REP State Representative	, District 31		
(Vote For 2) Mark Mowry		6	
Mary J Fitzgerald	<del></del>	6 11	
Scott Odenbach		14	
	Over Votes	4	
ι	Inder Votes	13	
	Total	48	
REP County Commission	er At Large		
(Vote For 2) Bob Ewing		6	
Rick Tysdal		11	
Erica Douglas		14	
	Over Votes	4	
	Inder Votes	13	
	Total	48	
REP Delegates to State C	onvention		
(Vote For 3) Naomi Merchant		5	
Naomi Merchant David L. Gross		10	
Ellen L. Gross		13	
Meta Halverson		17	
	Over Votes	6	
	Inder Votes	21	
	Total	72	
REP Precinct Committeer	nan Precinct-01		
REP Precinct Committeer (Vote For 1) Donald Lutz	man Precinct-01	5	

	e #: 4519093363		Lawrence County, South Dakot
Precinct-01	(.		State Primar
<u>06/04/2024 10:17:30</u>	יעבונוי	****	06/04/202
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
		Blank Sheets Cast:	2
	Contest	Votes	
	Over Votes	2	
l	Under Votes	7	
	Total	24	
REP Precinct Committee (Vote For 1) Cindy K. Roberts	woman Precinct-01	5	
Dawn M. Lutz		10	
	Over Votes	2	
+	Under Votes	7	
	Total	24	
DEM Presidential Candid	ate		
(Vote For 1)		_	
Marianne Williamson			
Joseph R Biden Jr		4	
Dean Phillips		6	
Armando Perez-Serrato		10	
	Over Votes	1	
•	Under Votes	1	
	Total	24	

Republican Party Democratic Party NONPARTISAN  Ballot Style Sheets  Seq:00002 Typ:01 Spl:01 Seq:00002 Typ:02 Spl:01 REP Precinct-02 DEM Precinct-02  Contest  REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson  Over Votes Under Votes Under Votes Total	ast: 48
Last Ballot Date Time: 06/04/2024 10:13:06 Total Ballots C Blank Sheets (Party Barty Ballot Style Ballot Party Democratic Party NONPARTISAN  Ballot Style Sheets  Seq:00002 Typ:01 Spl:01 Seq:00002 Typ:02 Spl:01 REP Precinct-02  DEM Precinct-02  Contest  REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson  Over Votes Under Votes Under Votes Total	ast: 48
Party B Republican Party Democratic Party NONPARTISAN  Ballot Style Sheets Seq:00002 Typ:01 Spl:01 Seq:00002 Typ:02 Spl:01 REP Precinct-02  Contest  REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson  Over Votes Under Votes Under Votes Total	Cast: 3
Democratic Party NONPARTISAN  Ballot Style Sheets  Seq:00002 Typ:01 Spl:01 Seq:00002 Typ:02 Spl:01 REP Precinct-02  DEM Precinct-02  Contest  REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson  Over Votes Under Votes Total	allots Cast
Democratic Party NONPARTISAN  Ballot Style Sheets  Seq:00002 Typ:01 Spl:01 Seq:00002 Typ:02 Spl:01 REP Precinct-02  DEM Precinct-02  Contest  REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson  Over Votes Under Votes Total	24
Ballot Style Sheets Seq:00002 Typ:01 Spl:01 Seq:00002 Typ:02 Spl:01 REP Precinct-02 DEM Precinct-02  Contest  REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson  Over Votes Under Votes Total	24
Seq:00002 Typ:01 Spl:01 Seq:00002 Typ:02 Spl:01 REP Precinct-02 DEM Precinct-02  Contest  REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson  Over Votes Under Votes Total	Ö
Seq:00002 Typ:01 Spl:01 Seq:00002 Typ:02 Spl:01 REP Precinct-02 DEM Precinct-02  Contest  REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson  Over Votes Under Votes Total	-
Seq:00002 Typ:02 Spl:01 REP Precinct-02 DEM Precinct-02  Contest  REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson  Over Votes Under Votes Total	Processed
REP Precinct-02  DEM Precinct-02  Contest  REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson  Over Votes Under Votes Total	<u>23</u>
Contest  REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson  Over Votes Under Votes Total	23
Contest  REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson Over Votes Under Votes Total	1
REP State Senator, District 31 (Vote For 1) Randy Deibert Kate Crowley-Johnson Over Votes Under Votes Total	1
(Vote For 1) Randy Deibert Kate Crowley-Johnson Over Votes Under Votes Total	Votes
Randy Deibert Kate Crowley-Johnson Over Votes Under Votes Total	
Kate Crowley-Johnson Over Votes Under Votes Total	0
Over Votes Under Votes <b>Total</b>	. <u>8</u>
Under Votes <b>Total</b>	<u>o</u> 1
Total	7
DEB State Benragantative District 21	24
REP State Representative, District 31	
(Vote For 2)	£
Mark Mowry	6 11
Mary J Fitzgerald Scott Odenbach	11
Over Votes	2
Under Votes	18
Total	48
REP County Commissioner At Large	
(Vote For 2)	•
Bob Ewing	6
Rick Tysdal	<u> </u>
Erica Douglas Over Votes	2
Under Votes	18
Total	48
REP Delegates to State Convention	
(Vote For 3)	c
Naomi Merchant	6 10
David L. Gross	10 13
Ellen L. Gross	13
Meta Halverson Over Votes	3
Under Votes	28
Total	72
REP Precinct Committeeman Precinct-02	
(Vote For 1)	
Ayden Q. Wrisley Nathan Hoogshagen	4

Machine ID: E Machin Precinct-02 06/04/2024 10:17:30	e #: 4519093363 آگور آ		Lawrence County, South Dakota State Primary 06/04/2024
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
		Blank Sheets Cast:	3
V	Contest	Votes	
Thomas R. Nelson		9	
	Over Votes	1	
	Under Votes	3	
	Total	24	
DEM Presidential Candid (Vote For 1)	ate		
Marianne Williamson		3	
Joseph R Biden Jr		5	
Dean Phillips		7	
Armando Perez-Serrato		6	
	Over Votes	1	
· · · · · · · · · · · · · · · · · · ·	Jnder Votes	2	
	Total	24	

Precinct-03	nine #: 4519093363 Two		Lawrence County, South Dakot State Priman
0010412024 20.21 .01			06/04/202
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast: Blank Sheets Cast:	48
<del></del>	Party	Ballots Cast	3
	•		
Republican Party		24	
Democratic Party	WHITEHOLD		
NONPARTISAN		0	
	Ballot Style	Sheets Processed	
C00000 T 04 C1-01		92	
Seq:00003 Typ:01 Spl:01		<u>23</u> 23	
Seq:00003 Typ:02 Spi:01			
REP Precinct-03		<u> </u>	
DEM Precinct-03	III		
	Contest	Votes	
REP State Senator, Dis	trict 31		
(Vote For 1)			
Randy Deibert		7	
Kate Crowley-Johnson		9	
	Over Votes	1	
	Under Votes	7	
	Total	24	
REP State Representat (Vote For 2)			
Mark Mowry	***************************************	5	
Mary J Fitzgerald		11	
Scott Odenbach		1 <u>2</u> 2	
	Over Votes		
	Under Votes Total	18 <b>48</b>	
DED County Commissi			
REP County Commissi (Vote For 2)	oller At Large		
Bob Ewing		6	
Rick Tysdal		10	
Erica Douglas		12	
111111111111111111111111111111111111111	Over Votes	2	
	Under Votes	18	
	Total	48	
REP Delegates to State (Vote For 3)	Convention		
Naomi Merchant		6	
David L. Gross		10	
Ellen L. Gross		14	
Meta Halverson		14	
	Over Votes	3	
	Under Votes	25 <b>72</b>	
	Total	12	
REP Precinct Committee (Vote For 1)	eeman Precinct-03	_	
Richard Prezkuta	7 (MARINIAN CONTROL CO	6	
Perry Washenberger		12	

	e #: 4519093363		Lawrence County, South Dakota
Precinct-03 06/04/2024 10:17:31	<b>☆</b>		State Primary 06/04/2024
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
		Blank Sheets Cast:	3
	Contest	Votes	
	Over Votes	1	
ŧ	Jnder Votes	5	
	Total	24	
REP Precinct Committees (Vote For 1)	woman Precinct-03	e	
Paulette Washenberger Delia Prezkuta		5 12	
	Over Votes		
	Inder Votes	5	
`	Total	24	
DEM Presidential Candida (Vote For 1)	ate		
Marianne Williamson		3	
Joseph R Biden Jr		6	
Dean Phillips		5	
Armando Perez-Serrato		7	
	Over Votes	1	
	Jnder Votes	2	
	Total	24	

Machine ID: E Machine Precinct-04 06/04/2024 10:17:32	≘#: 4519093363 <b>&gt;</b> \		Lawrence County, South Dakota State Primary 06/04/202
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 09:39:09	Total Ballots Cast:	48
		Blank Sheets Cast:	3
	Party	Ballots Cast	
Republican Party		24	
Democratic Party		24	
NONPARTISAN		0	
		•	
E	Ballot Style	Sheets Processed	
Seq:00004 Typ:01 Spl:01		23	
Seg:00004 Tvp:02 Spl:01		23	
REP Precinct-04		ī	
DEM Precinct-04		1	
	•	Maka	
	Contest	Votes	
REP State Senator, Distric	xt 31		
(Vote For 1)		•	
Randy Deibert		8	
Kate Crowley-Johnson	Over Votes		
	Inder Votes	1 7	
	Total	24	
REP State Representative (Vote For 2)	, District 31		
Mark Mowry Mary J Fitzgerald		6 11	
Scott Odenbach			
(	Over Votes	11 2	
	Inder Votes	18	
	Total	48	
REP County Commission	er <b>At Large</b>		
(Vote For 2)		•	
Bob Ewing		6	
Rick Tysdal Erica Douglas		11 11	
	Over Votes	2	
	Inder Votes	18	
	Total	48	
REP Delegates to State Co	onvention		
Naomi Merchant		6	
David L. Gross		11	
Ellen L. Gross		14	
Meta Halverson		15	
	Over Votes	3	
L	Inder Votes Total	23 <b>72</b>	
REP Precinct Committeen			
(Vote For 1)			
Lloyd A. Rich		7	
Gary Coe		8	

Machine ID: E Machin Precinct-04	e #: 4519093363		Lawrence County, South Dakota State Primary
06/04/2024 10:17:32			06/04/2024
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
		Blank Sheets Cast:	3
	Contest	Votes	
	Over Votes	1	
Under Votes		8	
	Total	24	
DEM Presidential Candida	ate		
(Vote For 1)			
Marianne Williamson		4	
Joseph R Biden Jr		4	
Dean Phillips		6	
Armando Perez-Serrato		7	
	Over Votes	1	
l	Jnder Votes	2	
	Total	24	

Dracinct_05	e #: 4519093363		Lawrence County, South Dakota State Primary
06/04/2024 10:17:34	ممر		06/04/2024
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
		Blank Sheets Cast:	2
	Party	Ballots Cast	
Republican Party		24	
Democratic Party		24	
NONPARTISAN	The state of the s	ő	
1	Ballot Style	Sheets Processed	
Seq:00005 Typ:01 Spl:01		23	
Seq:00005 Typ:02 Spl:01		23	
REP Precinct-05		1	
DEM Precinct-05		1	
	Contest	Votes	
		70103	
REP State Senator, Distri	ct 31		
(Vote For 1)		E	
Randy Deibert Kate Crowley-Johnson			
	Over Votes	1	
	Under Votes	3	
`	Total	24	
		<del></del>	
REP State Representative	e, District 31		
(Vote For 2)		7	
Mark Mowry		7	
Mary J Fitzgerald		13	
Scott Odenbach	Over Votes	14 2	
	Under Votes	12	
· ·	Total	48	
REP County Commission	ner At Large		
(Vote For 2)		_	
Bob Ewing			
Rick Tysdal		13	
Erica Douglas		14	
	Over Votes	2	
	Under Votes Total	12 48	
REP Delegates to State C			
(Vote For 3)			
Naomi Merchant		6	
David L. Gross		11	
Ellen L. Gross		16	
Meta Halverson		16	
	Over Votes	3	
	Under Votes	20	
	Total	72	
DEM Presidential Candid	ate		
(Vote For 1)		_	
Marianne Williamson		3	
Joseph R Biden Jr		5	

Precinct-05	e #: 4519093363	<del>- 0 -</del> ::	Lawrence County, South Dal State Prin 06/04/2
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
		Blank Sheets Cast:	2
	Contest	Votes	· · ·
Dean Phillips		6	
Armando Perez-Serrato		8	
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Over Votes	1	
Under Votes		1	
	Total	24	

Precinct-06	#: 4519093363 ~		Lawrence County, South Dakota State Priman
06/04/2024 10:17:36	ust	<u> </u>	06/04/2024
First Ballot Date Time: Last Ballot Date Time:	06/04/2024 09:59:09 06/04/2024 10:13:06	Total Sheets Processed: Total Ballots Cast:	48 48
<del></del>		Blank Sheets Cast:	3
	Party	Ballots Cast	
Republican Party		24	
Democratic Party		24	
NONPARTISAN		0	
E	Sallot Style	Sheets Processed	
Seg:00006 Typ:01 Spl:01		23	
Seq:00006 Typ:01 Spi:01		23	
REP Precinct-06			
DEM Precinct-06		1	
	Contest	Votes	
REP State Senator, Distric	t 31		
(Vote For 1) Randy Deibert		7	
Kate Crowley-Johnson		7 12	
	Over Votes	1	
	Inder Votes	4	
_	Total	24	
REP State Representative (Vote For 2)	, District 31		
Mark Mowry		6	
Mary J Fitzgerald		14	
Scott Odenbach		1 <u>5</u> 2	
	Over Votes		
Ų	Inder Votes Total	11 48	
REP County Commission	er At Large		
(Vote For 2)		7	
(Vote For 2) Bob Ewing	er At Large	7 13	
(Vote For 2) Bob Ewing Rick Tysdal		7 13 15	
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas		13	
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas	Over Votes Inder Votes	13 15 2 11	
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas (	Over Votes Inder Votes Total	13 15 2	
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  ( U  REP Delegates to State Co	Over Votes Inder Votes Total	13 15 2 11	
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  ( U  REP Delegates to State Co (Vote For 3)	Over Votes Under Votes Total Donvention	13 15 2 11 48	
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  ( U  REP Delegates to State Co (Vote For 3) Naomi Merchant	Over Votes Inder Votes Total	13 15 2 11 48	
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  (Vote For 3) Naomi Merchant David L. Gross	Over Votes Under Votes Total Donvention	13 15 2 11 48	
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson	Over Votes Inder Votes Total onvention	13 15 2 11 48 6 11 17	
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to State Co (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson	Over Votes Inder Votes Total onvention Over Votes	13 15 2 11 48 6 11 17 17	
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to State Co (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson	Over Votes Inder Votes Total Onvention Over Votes Inder Votes	13 15 2 11 48 6 11 17 17 17	
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to State Co (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson	Over Votes Inder Votes Total onvention Over Votes	13 15 2 11 48 6 11 17 17	
(Vote For 2) Bob Ewing Rick Tysdal Erica Douglas  REP Delegates to State Co (Vote For 3) Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson	Over Votes Inder Votes Total  Over Votes Over Votes Inder Votes Total	13 15 2 11 48 6 11 17 17 17	

Machine ID: E Machine #: 4519093363 Precinct-06 06/04/2024 10:17:36		Lawrence County, South Dakot State Primar 06/04/202	
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast: Blank Sheets Cast:	48 3
	Contest	Votes	
	Over Votes	1	
·	Under Votes Total	5 24	
DEM Presidential Candida	ate		
(Vote For 1)			
Marianne Williamson		4	
Joseph R Biden Jr		5	
Dean Phillips		5	
Armando Perez-Serrato		7	
	Over Votes	1	
l	Jnder Votes	2	
	Total		

	e #: 4519093363		Lawrence County, South Dakot State Primar
06/04/2024 10:17:37 ヘノ	st		06/04/202
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
<u></u>		Blank Sheets Cast:	
	Party	Ballots Cast	
Republican Party		24	
Democratic Party		24	
NONPARTISAN		0	
E	Ballot Style	Sheets Processed	
	•		
Seq:00007 Typ:01 Spl:01		23	
Seq:00007 Typ:02 Spl:01 REP Precinct-07		23	
DEM Precinct-07		<u>1</u>	
DEM FIGURE-07			
	Contest	Votes	
REP State Senator, Distric	ct 31		
(Vote For 1)		7	
Randy Deibert Kate Crowley-Johnson	·· +/41>4/4}->>>>>>	7 13	
	Over Votes	15	
	Inder Votes	3	
•	Total	24	
REP State Representative (Vote For 2) Mark Mowry	e, District 31	6	
Mary J Fitzgerald		12	
Scott Odenbach		15	
	Over Votes	2	
L	Jnder Votes Total	13 48	
REP County Commission (Vote For 2)	er At Large		
Bob Ewing		6	
Rick Tysdal		12	
Erica Douglas	0 - 11-1	15	
	Over Votes	2	
L	Jnder Votes Total	13 48	
REP Delegates to State C	onvention		
(Vote For 3)		•	
Naomi Merchant		6	
David L. Gross		9 15	
Ellen L. Gross			
Meta Halverson	Over Votes	17 3	
	Jnder Votes	22	
	Total	72	
REP Precinct Committeer (Vote For 1)	man Precinct-07		
Joseph Palmer		6	
Ronald J. Moeller		13	

	e #: 4519093363		Lawrence County, South Dakota
Precinct-07 06/04/2024 10:17:37	(Val)		State Primary 06/04/2024
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
	_	Blank Sheets Cast:	2
	Contest	Votes	
1	Over Votes	1	
l	Jnder Votes	4	
	Total	24	
DEM Presidential Candida	ate		
(Vote For 1)			
Marianne Williamson		3	
Joseph R Biden Jr		6	
Dean Phillips		6	
Armando Perez-Serrato		7	
	Over Votes	1	
ŧ	Jnder Votes	1	
	Total	24	

	ne #: 4519093363		Lawrence County, South Dakot
Precinct-08 06/04/2024 10:17:39	() of		State Primar 06/04/202
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
		Blank Sheets Cast:	
	Party	Ballots Cast	
Republican Party		24	
Democratic Party		24	
NONPARTISAN		Ō	
	Ballot Style	Sheets Processed	
Seq:00008 Typ:01 Spl:01		23	
Seq:00008 Typ:02 Spl:01		23	
REP Precinct-08		1	
DEM Precinct-08		1	
	Contest	Votes	
REP State Senator, Distr	ict 31		
(Vote For 1)			
Randy Deibert		7	
Kate Crowley-Johnson		13	
	Over Votes	1	
	Under Votes	_3	
	Total	24	
REP State Representativ	e, District 31		
(Vote For 2)		_	
Mark Mowry		7	
Mary J Fitzgerald		13	
Scott Odenbach		14 2	
	Over Votes	12	
	Under Votes Total	48	
DED County Commission			
REP County Commission (Vote For 2)	ner At Large		
Bob Ewing (		6	
Rick Tysdal		13	
Erica Douglas		15	
	Over Votes	2	
	Under Votes Total	12 48	
		₩	
REP Delegates to State (	Convention		
(Vote For 3) Naomi Merchant		5	
David L. Gross		10	
Ellen L. Gross		15	
Meta Halverson		18	
III) DEAL I IMITOIOUII	Over Votes	3	
	Under Votes	21	
	Total	72	
REP Precinct Committee	eman Precinct-08		
(Vote For 1)			
Justin Tupper		<u>7</u>	
Dave Samuelson		13	

Precinct-08	ne #: 4519093363 (	<del>-</del>	Lawrence County, South Dakota State Primary
00/04/2024 10:17:39	<u> </u>		06/04/2024
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast: Blank Sheets Cast:	48 3
<del> </del>	Contest	Votes	<u> </u>
	Over Votes	1	
	Under Votes	3	
	Total	24	
REP Precinct Committee (Vote For 1) Valerie Samuelson	ewoman Precinct-08	6	
Mary J Fitzgerald		13	
	Over Votes	1	
	Under Votes	4	
	Total	24	
DEM Presidential Candid (Vote For 1)	date		
Marianne Williamson			
Joseph R Biden Jr		4	
Dean Phillips		7	
Armando Perez-Serrato		7	
	Over Votes	1	
	Under Votes	2	
	Total	24	

Description 60	ne #: 4519093363		Lawrence County, South Dakot State Primar 06/04/202
First Ballot Date Time: Last Ballot Date Time:	06/04/2024 09:59:09 06/04/2024 10:13:06	Total Sheets Processed: Total Ballots Cast:	48 48
	Party	Blank Sheets Cast: Ballots Cast	2
Republican Party		24	
Democratic Party		24	
NONPARTISAN		0	
	Ballot Style	Sheets Processed	
Seq:00009 Typ:01 Spl:01		23	
Seq:00009 Typ:02 Spl:01		23	
REP Precinct-09		1	
DEM Precinct-09		1	
	Contest	Votes	
REP State Senator, Distri (Vote For 1)	ct 31		
Randy Deibert		5	
Kate Crowley-Johnson		5 15	
	Over Votes	1	
	Under Votes Total	3 <b>24</b>	
REP State Representative (Vote For 2) Mark Mowry Mary J Fitzgerald	e, District 31	6 14	
Scott Odenbach		15	
	Over Votes	2	
(	Under Votes Total	11 48	
REP County Commission (Vote For 2)	ner At Large	_	
Bob Ewing		7	
Rick Tysdal		13 15	
Erica Douglas	Over Votes	2	
	Under Votes	11	
·	Total	48	
REP Delegates to State C (Vote For 3)	Convention	_	
Naomi Merchant		7	
David L. Gross		10 16	
Ellen L. Gross Meta Halverson		14	
	Over Votes	3	
	Under Votes	22	
	Total	72	
REP Precinct Committee (Vote For 1) Dahl H. McLean	man Precinct-09	6	

Machine ID: E Machine Precinct-09	#: 4519093363		Lawrence County, South Dakota State Primary
06/04/2024 10:17:40	Joh		06/04/202
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
		Blank Sheets Cast:	2
· · · · · · · · · · · · · · · · · · ·	Contest	Votes	
(	Over Votes	1	
ι	Inder Votes	3	
	Total	24	
REP Precinct Committeev (Vote For 1)	voman Precinct-09		
Kalen Lemmel		5	
Anna P. Marrs		15	
(	Over Votes	1	
Ĺ	Inder Votes	3	
	Total	24	
DEM Presidential Candida (Vote For 1)	ate		
Marianne Williamson		3	
Joseph R Biden Jr		5	
Dean Phillips		6	
Armando Perez-Serrato		8	
	Over Votes	1	
Ų	Inder Votes	1	
	Total	24	

	ne #: 4519093363		Lawrence County, South Dakot State Primar 06/04/202
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
	00/0 // 2021 20:20:00	Blank Sheets Cast:	2
	Party	Ballots Cast	•
Republican Party		24	
Democratic Party		24	
NONPARTISAN		0	
	Ballot Style	Sheets Processed	
Seq:00010 Typ:01 Spl:01		23	
Seq:00010 Typ:02 Spl:01	***************************************	23	
REP Precinct-10		1	
DEM Precinct-10		1	
	Contest	Votes	
REP State Senator, Distri	ict 21		
(Vote For 1)	ict 31		
Randy Deibert		6	
Kate Crowley-Johnson	**************************************	14	
reac Crowney Sommson	Over Votes		
	Under Votes	3	
	Total	24	
REP State Representativ (Vote For 2) Mark Mowry	e, District 31	6	
Mary J Fitzgerald		12	
Scott Odenbach		15	
	Over Votes	2	
	Under Votes	13	
	Total	48	
REP County Commission (Vote For 2)	ner At Large		
Bob Ewing		6	
Rick Tysdal		13	
Erica Douglas		14	
	Over Votes	2	
	Under Votes Total	13 48	
REP Delegates to State C			
(Vote For 3)	P4-11-0110011	_	
Naomi Merchant		6	
David L. Gross		11	
Ellen L. Gross		15	
Meta Halverson		17	
	Over Votes	3	
	Under Votes	20 <b>72</b>	
	Total	72	
REP Precinct Committee (Vote For 1)	eman Precinct-10	_	
Timothy A. Braithwait		5	
Richard D Sleep		14	

Machine ID: E Machin Precinct-10 06/04/2024 10:17:42	le #; 4519093363		Lawrence County, South Dakota State Primary 06/04/2024
First Ballot Date Time:	06/04/2024 09:59:09	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 10:13:06	Total Ballots Cast:	48
		Blank Sheets Cast:	2
	Contest	Votes	
	Over Votes	1	
1	Under Votes	4	
	Total	24	
REP Precinct Committee (Vote For 1) Laura Odenbach	woman Precinct-10	7	
Karen E. Sleep		12	
	Over Votes	1	
	Under Votes	4	
	Total	24	
<b>DEM Presidential Candid</b> (Vote For 1)	ate		
Marianne Williamson		3	
Joseph R Biden Jr	· · · · · · · · · · · · · · · · · · ·	5	
Dean Phillips		7	
Armando Perez-Serrato		7	
	Over Votes	1	
ı	Under Votes	1	
	Total	24	

	ine #: 4519093362		Lawrence County, South Dakota State Primary
06/04/2024 19:45:24	est		06/04/2024
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	480
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	480
		Blank Sheets Cast:	25
	Party	Ballots Cast	
Republican Party		240	
Democratic Party		240	
NONPARTISAN		0	
	Contest	Votes	
		10.00	
REP State Senator, Dist (Vote For 1)	rict 31		
Randy Deibert		68	
Kate Crowley-Johnson		117	
rate Citywiey-Julii(50)1	Over Votes	11	
	Under Votes	11 44	
	Total	240	
REP State Representati <sup>,</sup> (Vote For 2)	ve, District 31		
(Vote Fur 2) Mark Mowry		61	٢
		122	1, 7
Mary J Fitzgerald Scott Odenbach		126	-/ La /cs
Scott Odenbach	Over Vetes	136	- Jab
	Over Votes	22 139	A. Lod
	Under Votes Total	480	Abserted
	rotui	400	ACK "
REP County Commissio	oner At Large		Tab Tost  Absented  6.4.24
(Vote For 2)	_		$\dots d$
Bob Ewing		63	12.4.0
Rick Tysdal		120	$[U^{+}]$
Erica Douglas		136	$\prec \!$
	Over Votes	22	71
	Under Votes	139	
	Total	480	
REP Delegates to State	Convention		
(Vote For 3)			
Naomi Merchant			
David L. Gross		103	
Ellen L. Gross		148	
Meta Halverson		157	
	Over Votes	33	
	Under Votes	220	
	Total	720	
REP Precinct Committee	eman Precinct-01		
(Vote For 1)			
Donald Lutz		5	
Jimmy J. Roberts		10	
	Over Votes	2	
	Under Votes	7	
	Total	24	
REP Precinct Committe	eman Precinct-02		
(Vote For 1)			
Ayden Q. Wrisley		<u>4</u>	
Nathan Hoogshagen		7	

	ine #: 4519093362		Lawrence County, South Dak State Prim	
06/04/2024 19:45:24 1	ust			06/04/2024
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	480	
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	480	
		Blank Sheets Cast:	25	
	Contest	Votes		
Thomas R. Nelson		9		
Thomas K. Neison	Over Votes	1		
	Under Votes	3		
	Total	24		
	•			
<b>REP Precinct Committe</b>	eman Precinct-03			
(Vote For 1)				
Richard Prezkuta		6		
Perry Washenberger		12		
	Over Votes	1		
	Under Votes	5		
	Total	24		
REP Precinct Committe	oman Brasinet 04			
(Vote For 1)	eman Precinct-04			
i laval 4. miála		7		
Gary Coe				
Gary Coe	Over Votes	<u>8</u>		
	Under Votes	8		
	Total	24		
	rota.			
<b>REP Precinct Committee</b>	eman Precinct-07			
(Vote For 1)				
Joseph Palmer		6		
Ronald J. Moeller		13		
	Over Votes	1		
	Under Votes	4		
	Total	24		
REP Precinct Committe	eman Precinct-08			
(Vote For 1)		-		
Justin Tupper				
Dave Samuelson	0	13		
	Over Votes Under Votes	1 3		
	Total	24		
	iotai	24		
REP Precinct Committe	eman Precinct-09			
(Vote For 1)	eman Ficemer-05			
Dahl H. McLean		6		
Tristen Rhoden		14		
1110.011111100011	Over Votes	1		
	Under Votes	3		
	Total	24		
<b>REP Precinct Committe</b>	eman Precinct-10			
(Vote For 1)				
Timothy A. Braithwait		5		
Richard D Sleep		14		
Michalu D Sieep				
Nicilatu D Sieep	Over Votes	1		
Richard D Sleep	Over Votes Under Votes Total	1 4 24		

REP Precinct Committeewoman Precinct-01 (Vote For 1)

	thine #: 4519093362		Lawrence County, South Dakot State Primar
0010 11202 1 20: 10:21			06/04/202
First Ballot Date Time: Last Ballot Date Time:	06/04/2024 19:18:14 06/04/2024 19:44:12	Total Sheets Processed: Total Ballots Cast:	480 480
	Contest	Blank Sheets Cast: Votes	25
Cindy K. Roberts		5	
Dawn M. Lutz		10	
	Over Votes	2	
	Under Votes Total	7 24	
DED Bracinet Commit	teewoman Precinct-03		
Vote For 1)			
Paulette Washenberger	•	6	
Delia Prezkuta	Over Votes	<u>12</u> 1	
	Under Votes	5	
	Total	24	
REP Precinct Committ	teewoman Precinct-06		
Vote For 1)		_	
Ami M Keller Susan Johnson		3 15	
ousan Juliusun	Over Votes	1	
	Under Votes	5	
	Total	24	
REP Precinct Committ	teewoman Precinct-08		
(Vote For 1)			
Valerie Samuelson			
Mary J Fitzgerald	Over Votes	13 1	
	Under Votes	4	
	Total	24	
REP Precinct Commit	teewoman Precinct-09		
(Vote For 1)			
Kalen Lemmel			
Anna P. Marrs	Over Votes	15 1	
	Under Votes	3	
	Total	24	
REP Precinct Committ	teewoman Precinct-10		
(Vote For 1)		_	
Laura Odenbach		7	
Karen E. Sleep	Over Votes	1 <u>2</u> 1	
	Under Votes Under Votes	4	
	Total	24	
DEM Presidential Can	didate		
(Vote For 1)			
Marianne Williamson			
		49	
Dean Phillips		6 <u>1</u> 74	
Armando Perez-Serrato	Over Votes	10	
	Under Votes	15	
	Total	240	

Machine ID: A Machin	e #: 4519093362		Lawrence County, South Dakota
06/04/2024 19:45:24	est		State Primary 06/04/2024
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	480
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	480
		Blank Sheets Cast:	25
	Contest	Votes	

Machine ID: A Machine #: 4519093362 Precinct-01 06/04/2024 19:45:33			Lawrence County, South Dakot State Primar
06/04/2024 19:45:33	אמת		06/04/202
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast: Blank Sheets Cast:	48 2
	Party	Ballots Cast	
Republican Party		24	
Democratic Party		24	
NONPARTISAN		0	
	White the state of		
	Ballot Style	Sheets Processed	
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Seq:00001 Typ:02 Spl:01			
DEM Precinct-01			
REP Precinct-01		1	
	Contest	Votes	
REP State Senator, Distr (Vote For 1)	ict 31		
Randy Deibert		7	
Kate Crowley-Johnson		11	
	Over Votes	2	
	Under Votes Total	4 24	
(Vote For 2) Mark Mowry Mary J Fitzgerald Scott Odenbach		6 11	
Scott Ouembach	Over Votes	14 4	
	Under Votes Total	13 48	
REP County Commission (Vote For 2)	ner At Large		
Bob Ewing		6	
Rick Tysdal		11	
Erica Douglas		14	
	Over Votes	4	
	Under Votes Total	13 <b>48</b>	
REP Delegates to State ( (Vote For 3)	Convention		
Naomi Merchant		5	
David L. Gross		10	
Ellen L. Gross		13	
Meta Halverson		17	
	Over Votes	_6	
	Under Votes	21	
	Total	72	
REP Precinct Committee (Vote For 1) Donald Lutz	eman Precinct-01	5	

	e #: 4519093362		Lawrence County, South Dakota
Precinct-01	rst tar		State Primary
00/04/2024 19.45.55			06/04/2024
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	48
		Blank Sheets Cast:	
•	Contest	Votes	
(	Over Votes	2	
ι	Inder Votes	7	
	Total	24	
REP Precinct Committeev	voman Precinct-01		
(Vote For 1)			
Cindy K. Roberts		5	
Dawn M. Lutz	The state of the s	10	
	Over Votes	2	
	Inder Votes	7	
	Total	24	
DEM Presidential Candida	ate		
(Vote For 1)			
Marianne Williamson		2	
Joseph R Biden Jr		4	
Dean Phillips		6	
Armando Perez-Serrato		10	
	Over Votes	1	
ι	Inder Votes	1	
	Total	24	

	chine #: 4519093362		Lawrence County, South Dakota
Precinct-02 06/04/2024 19:45:34	rusk		State Prima: 06/04/202
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48
Last Ballot Date Time:		Total Ballots Cast:	48
		Blank Sheets Cast:	3
	Party	Ballots Cast	
Republican Party		24	
Democratic Party		24	
NONPARTISAN		0	
	Ballot Style	Sheets Processed	
Seq:00002 Typ:01 Spl	:01	23	
Seq:00002 Typ:02 Spl		23	
DEM Precinct-02		1	
REP Precinct-02	. 1 - 1 - 18-3 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 -	1	
	Contest	Votes	
		votes	
REP State Senator, D (Vote For 1)	istrict 31		
Randy Deibert		я	
Kate Crowley-Johnson		8	
de distribuit de la companya de la c	Over Votes	1	
	Under Votes	7	
	Total	24	
REP State Represent	ative. District 31		
(Vote For 2)	•	_	
Mark Mowry		6	
Mary J Fitzgerald		11	
Scott Odenbach	O. o. a Victor	<u>11</u> 2	
	Over Votes	18	
	Under Votes Total	48	
	IOIAI	40	
REP County Commis	sioner At Large		
(Vote For 2) Bob Ewing		6	
Rick Tysdal		11	
Erica Douglas		11	
	Over Votes	11 2	
	Under Votes	18	
	Total	48	
REP Delegates to Sta	te Convention		
(Vote For 3)			
Naomi Merchant	,	6	
David L. Gross	Take the state of	10	•
Ellen L. Gross		13	
Meta Halverson	D	12	
	Over Votes	3	
	Under Votes Total	28 <b>72</b>	
		12	
REP Precinct Commi	tteeman Precinct-UZ		
REP Precinct Commi (Vote For 1) Ayden Q. Wrisley	tteeman Precinct-U2	4	

Precinct-02	#: 4519093362		Lawrence County, South Dakota State Primary
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First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	48
		Blank Sheets Cast:	3
	Contest	Votes	
Thomas R. Nelson		9	
(	Over Votes	1	
L	Inder Votes	3	
	Total	24	
DEM Presidential Candida	ite		
(Vote For 1)			
Marianne Williamson		3	
Joseph R Biden Jr		5	
Dean Phillips		7	
Armando Perez-Serrato		6	
(	Over Votes	1	,
U	Inder Votes	2	
	Total	24	

	e #: 4519093362		Lawrence (	County, South Dakot
Precinct-03	st.			State Prima
06/04/2024 19:45:34 (\) First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48	06/04/202
Last Ballot Date Time:	06/04/2024 19:14:12	Total Ballots Cast:	46 48	
Last Danot Date Time.	00/04/2024 13:44.12	Blank Sheets Cast:	3	
	Party	Ballots Cast		
Republican Party		24		
Democratic Party		24		
NONPARTISAN	***************************************	0		
E	Ballot Style	Sheets Processed		
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DEM Precinct-03		1		
REP Precinct-03		<u>_</u>		
ALCOHOLOGO AND	manumannaanakanakanaminin arar ia issisi ia issa ia	S		
	Contest	Votes		
REP State Senator, Distric	ct 31			
(Vote For 1)				
Randy Deibert		7		
Kate Crowley-Johnson		7 9 1		
	Over Votes			
ι	Jnder Votes Total	7 <b>24</b>		
REP State Representative (Vote For 2)	e, District 31	_		
Mark Mowry		5		
Mary J Fitzgerald		<u>11</u> 12		
Scott Odenbach	Over Votes	2		
	Under Votes	18		
`	Total	48		
REP County Commission	or At Large			
(Vote For 2)	ei At Laige			
Bob Ewing		6		
Rick Tysdal		10		
Erica Douglas		12		
	Over Votes	2		
ι	Jnder Votes	18		
	Total	48		
REP Delegates to State C	onvention			
(Vote For 3)		_		
Naomi Merchant	**************************************	6		
David L. Gross		10		
Ellen L. Gross		14		
Meta Halverson	O	14 3		
	Over Votes			
ι	Jnder Votes Total	25 72		
		·-		
REP Precinct Committeer	man Precinct-03			
(Vote For 1)		6		
Richard Prezkuta		•		

	e #: 4519093362		Lawrence County, South Dakota
Precinct-03 06/04/2024 19:45:34	ځمن		State Primary 06/04/2024
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48
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	Contest	Votes	
	Over Votes	1	
Ų	Jnder Votes	5	
	Total	24	
REP Precinct Committee (Vote For 1)	woman Precinct-03		
Paulette Washenberger		6	
Delia Prezkuta		12	
	Over Votes	1	
l	Jnder Votes	5	
	Total	24	
DEM Presidential Candida	ate		
(Vote For 1)			
Marianne Williamson		3	
Joseph R Biden Jr		6	
Dean Phillips		5	
Armando Perez-Serrato		7	
	Over Votes	1	
(	Jnder Votes	2	
	Total	24	

ne #: 4519093362	<del></del>	Lawrence Cou	inty, South Dakot
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Over Votes	······································		
	24		
ve, District 31	6		
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O 1 (-4	11		
TOTAL	40		
ner At Large			
	6		
	11		
	11		
Over Votes	2		
Under Votes	18		
Total	48		
Convention			
	6		
	11		
	14		
	15		
Over Votes	3		
Over Votes Under Votes	3 23		
	3		
Under Votes	3 23		
	Ob/O4/2024 19:18:14 O6/O4/2024 19:44:12  Party  Ballot Style  Contest ict 31  Over Votes Under Votes Total re, District 31  Over Votes Under Votes Total ner At Large	O6/04/2024 19:18:14	O6/04/2024 19:18:14

Machine ID: A Machine #: 4519093362 Precinct-04 06/04/2024 19:45:36		<del></del>	Lawrence County, South Dako State Prima 06/04/20	
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48	
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	48	
		Blank Sheets Cast:	3	
	Contest	Votes		
•	Over Votes	1		
Ų	Jnder Votes	8		
	Total	24		
DEM Presidential Candida	ate			
(Vote For 1)				
Marianne Williamson		4		
Joseph R Biden Jr		4		
Dean Phillips		6		
Armando Perez-Serrato		7		
	Over Votes	1		
Ļ	Jnder Votes	2		
	Total	24		

Draginat OF	e #; 4519093362		Lawrence County, South Dakot
Precinct-05 06/04/2024 19:45:37	st		State Prima 06/04/202
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	48
		Blank Sheets Cast:	2
	Party	Ballots Cast	
Donubliana Dartu		24	
Republican Party Democratic Party		24 24	
NONPARTISAN		0	
IVONIARTIOAR			
E	Ballot Style	Sheets Processed	
Seq:00005 Typ:01 Spl:01		23	
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DEM Precinct-05			
REP Precinct-05		1	
REP Fleurici-05			
	Contest	Votes	
REP State Senator, Distric	et 31		
(Vote For 1)			
Randy Deibert		6	
Kate Crowley-Johnson		6 14	
	Over Votes	1	
(	Jnder Votes	3	
	Total	24	
REP State Representative	e, District 31		
(Vote For 2)		7	
Mark Mowry		7	
Mary J Fitzgerald		13	
Scott Odenbach	O	14 2	
	Over Votes	12	
•	Jnder Votes Total	48	
	Total	40	
REP County Commission (Vote For 2)	er At Large	•	
Bob Ewing		7	
Rick Tysdal	. ,,,,	13	
Erica Douglas		14	
	Over Votes	2	
	Jnder Votes	12	
·	Total	48	
REP Delegates to State C	onvention		
(Vote For 3)			
Naomi Merchant		6 11	
David L. Gross			
Ellen L. Gross		<u>16</u>	
Meta Halverson		16	
	Over Votes	3	
· · ·	Jnder Votes	20	
	Total	72	
DEM Presidential Candida	ate		
(Vote For 1)		_	
Marianne Williamson		3	
Joseph R Biden Jr	LLLIII - N & I I I I I I I I I I I I I I I I I I	5	

Denoinat DE	#; 4519093362 D		Lawrence County	y, South Dakota State Primary 06/04/2024
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48	
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	48	
		Blank Sheets Cast:	2	
	Contest	Votes	•	
Dean Phillips		6		
Armando Perez-Serrato		8		
Over Votes		1		
ι	Inder Votes	1		
	Total	24		

e #: 4519093362 大		Lawrence County,	State Primar 06/04/2024
00/04/2024 19.10.14	Total Sheets Processed: Total Ballots Cast:	48 48	06/04/2024
	Blank Sheets Cast:	3	
Party	Ballots Cast		-
	24		
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Contest	Votes		
ct 31			
	7		
	12		
	1		
Total	24		
e, District 31	6		
	14		
	15		
Total	48		
er At Large			
	7		
	13		
	15		
Over Votes	2		
_ : -: - : - : - : - : - : - : - : - : -	11		
Total	48		
convention			
	6		
	<u>11</u>		
	17		
	17		
iotai	12		
woman Precinct-06			
	O6/04/2024 19:18:14 06/04/2024 19:44:12  Party  Ballot Style  Contest  Ct 31  Over Votes Jnder Votes Total  ier At Large  Over Votes Jnder Votes Total  ier At Large  Over Votes Jnder Votes Jnder Votes Total  convention  Over Votes Jnder Votes Total  Convertion	O6/04/2024 19:18:14   O6/04/2024 19:44:12   Total Sheets Processed: Total Ballots Cast: Blank Sheets Cast:	O6/04/2024 19:18:14

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First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	48
		Blank Sheets Cast:	3
	Contest	Votes	
1	Over Votes	1	
ι	Under Votes	5	
	Total	24	
DEM Presidential Candida	ate		
(Vote For 1)			
Marianne Williamson	, while	4	
Joseph R Biden Jr		5	
Dean Phillips		5	
Armando Perez-Serrato		7	
Over Votes		1	
· · ·	Jnder Votes	2	
Total		24	

	± #: 4519093362		Lawrence County, South Dakots
Precinct-07 06/04/2024 19:45:40	<del>ال</del> مر		State Primar 06/04/202
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	48
		Blank Sheets Cast:	2
	Party	Ballots Cast	
Donublican Domi		24	
Republican Party			
Democratic Party		24	
NONPARTISAN		0	
В	allot Style	Sheets Processed	
Seq:00007 Typ:01 Spl:01			
Seq:00007 Typ:02 Spl:01		23	
DEM Precinct-07		1	
REP Precinct-07		1	
	Contest	Votes	
		votes	
REP State Senator, Distric (Vote For 1)	t 31		
Randy Deibert		7	
Kate Crowley-Johnson	- II / II	13	
	Over Votes	1	
U	nder Votes	3	
	Total	24	
REP State Representative (Vote For 2) Mark Mowry	, District 31	6	
Mary J Fitzgerald		6 12	
Scott Odenbach		15 2	
	Over Votes		
Ų	nder Votes	13	
	Total	48	
REP County Commissions	er At Large		
(Vote For 2)		6	
Bob Ewing Bick Tyedal		12	
Rick Tysdal Erica Douglas		15	
	Over Votes	2	
	nder Votes	13	
O	Total	48	
REP Delegates to State Co	onvention		
(Vote For 3)			
Naomi Merchant		6	
David L. Gross		6 9 15	
Ellen L. Gross		15	
Meta Halverson		17	
	Over Votes	3	
U	nder Votes	22	
	Total	72	
REP Precinct Committeen	nan Precinct-07		
(Vote For 1)			
Joseph Palmer		6	
Ronald J. Moeller		13	

Machine ID: A Machine #: 4519093362			Lawrence County, South Dakota
Precinct-07	18^		State Primary
06/04/2024 19:45:40	, ,		06/04/2024
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	48
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	Contest	Votes	<del></del>
	Over Votes	1	
Į	Jnder Votes	4	
	Total	24	
DEM Presidential Candida	ate		
(Vote For 1)			
Marianne Williamson		3	
Joseph R Biden Jr		6	
Dean Phillips		6	
Armando Perez-Serrato		7	
	Over Votes	1	
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Total		24	

	Lawrence County, South Dakot State Primar
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Total Sheets Processed:	48
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Ballots Cast	<del></del> -
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Machine ID: A Machine #: 4519093362		Lawrence County, South Dakota
Precinct-08 06/04/2024 19:45:42		State Primary 06/04/2024
First Ballot Date Time: 06/04/2024 19:18:14	Total Sheets Processed:	48
Last Ballot Date Time: 06/04/2024 19:44:12	Total Ballots Cast: Blank Sheets Cast:	48 3
Contest	Votes	- N
Over Votes	1	
Under Votes	3	
Total	24	
REP Precinct Committeewoman Precinct-08 (Vote For 1)		
Valerie Samuelson	6	
Mary J Fitzgerald	13	
Over Votes	1	
Under Votes	4	
Total	24	
DEM Presidential Candidate		
(Vote For 1)		
Marianne Williamson	3	
Joseph R Biden Jr	4	
Dean Phillips	7	
Armando Perez-Serrato	7	
" Over Votes	1	
Under Votes	2	
Total	24	

Precinct-09	#: 4519093362 A		Lawrence County, South Dakot State Primar
06/04/2024 19:45:44 <u>ヘン</u> First Ballot Date Time:	06/04/2024 19:18:14	Total Chapta Dunasassi	06/04/202
First Ballot Date Time: Last Ballot Date Time:	06/04/2024 19:18:14 06/04/2024 19:44:12	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	48
	Docty	Blank Sheets Cast: Ballots Cast	2
	Party	Ballots Cast	
Republican Party		24	
Democratic Party		24	
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REP Precinct-09	1987-1171-1141-1141-117-114-114-114-114-114	1	
	Contest	Votes	
REP State Senator, Distric	t <b>31</b>		
(Vote For 1)			
Randy Deibert		<u>5</u> 15	
Kate Crowley-Johnson	· · · · · · · · · · · · · · · · · · ·		
	over Votes	1	
U	nder Votes	3	
	Total	24	
REP State Representative, (Vote For 2)	District 31		
Mark Mowry		6	
Mary J Fitzgerald		14	
Scott Odenbach		15 2	
	over Votes		
Ui	nder Votes	11	
	Total	48	
REP County Commissione	er At Large		
(Vote For 2) Bob Ewing		7	
		13	
Rick Tysdal Erica Douglas			
	ver Votes	15 2	
	Over Votes Inder Votes	11	
U.	Total	48	
REP Delegates to State Co	envention		
(Vote For 3)			
Naomi Merchant		7	
David L. Gross		10	
Ellen L. Gross		16	
Meta Halverson	44-5-4-7-5-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	14 3	
C	ver Votes		
	nder Votes	22	
	Total	72	
REP Precinct Committeem	an Precinct-09		
(Vote For 1)		_	
Dahl H. McLean		6	-
Tristen Rhoden		14	

	ee #: 4519093362		Lawrence County, South Dakota
06/04/2024 19:45:44	(12C		State Primary 06/04/2024
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48
Last Ballot Date Time:	06/04/2024 19:44:12	Total Ballots Cast:	48
		Blank Sheets Cast:	2
	Contest	Votes	
	Over Votes	1	
l	Under Votes	3	
	Total	24	
REP Precinct Committee	woman Precinct-09		
(Vote For 1)			
Kalen Lemmel		5	
Anna P. Marrs		15	
	Over Votes	1	
· · · · · · · · · · · · · · · · · · ·	Under Votes	3	
	Total	24	
<b>DEM Presidential Candid</b>	ate		
(Vote For 1)			
Marianne Williamson		3	
Joseph R Biden Jr		5	
Dean Phillips		6	
Armando Perez-Serrato		8	
	Over Votes	1	
l l	Under Votes	1	
	Total	24	

		Lawrence County, South Dakot
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	Total Sheets Processed:	48
06/04/2024 19:44:12	Total Ballots Cast:	48 2
Party	Ballots Cast	<del></del>
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mandiii airiimaaddamaaaamadhiimaiimaada	23	
Contest	Votes	
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Over Votes	1	
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	6	
	12	
	15	
Over Votes		
Total	48	
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	12	
Over Votes	2	
Total	48	
Convention		
	£	
	17	
Over Votes	3	
Under Votes	20	
Total	72	
eman Precinct-10		
	<b>c</b>	
	Party  Ballot Style  Contest  rict 31  Over Votes Under Votes Total  ve, District 31  Over Votes Under Votes Total  mer At Large  Over Votes Under Votes Total  Convention  Over Votes Under Votes Total  Convention	Description

Precinct-10	e #: 4519093362		Lawrence County, South Dakota State Primary
06/04/2024 19:45:45 ()			06/0 <u>4/</u> 2024
First Ballot Date Time:	06/04/2024 19:18:14	Total Sheets Processed:	48
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_	Contest	Votes	
	Over Votes	1	
(	Under Votes	4	
	Total	24	
REP Precinct Committees (Vote For 1) Laura Odenbach	woman Precinct-10	7	
Karen E. Sleep		12	
	Over Votes	1	
	Jnder Votes	4	
	Total	24	
DEM Presidential Candida (Vote For 1)	ate		
Marianne Williamson		3	
Joseph R Biden Jr		5	
Dean Phillips		7	
Armando Perez-Serrato		7	
	Over Votes	1	
ŧ	Jnder Votes	1	
	Total	24	

TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRECI	NCT N	AME		Prec	inct-0								Seque	ence	#: 01	-0001	-01			
Vote For	BL = Blank, OV = Overvote, F = I	Folded, EV = ExpressVote Candidate	BL 0\		TS T6	F 77 119	2 T193	T194	F T195 T19	NS 6 T19				OV T201	T202	T203	T204	T205	T206 (1	T207		EV 1481 -	TOTALS
1	REP State Sensitor D31	Randy Delbert Kate Crowley-Johnson Over votes Under votes	 - 1		j.		1	1	• 1		1	11		1	1	1				i 	j		7 142 2 2
2	REP State Representative US1	Mark Novry Mary J. Fitzgerald Scott Odenbach Over votes Under votes	į2 įž		1 1	1 1	;f	1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		1	  1 	 ! 	2	1	1	1	1	1.	1	1	1 1	6 14 13
2	PEP County CCM At Large	Bob Ewing   Rick Tysdal   Erica Douglas   Over votes   Under votes	2	11 11 11 11 11 11 11 11 11 11 11 11 11	1 1	1	1  1	1	1 1		1	)i		2	1	i	1	1	1	1	1	1	6 11 14 4
a	REP Delegates to State Conv	Naomi Merchant David L. Gross Ellen L. Gross Majta Halvorson		1    1  1		; !! 1	1		1 1		1	1	1	[	1	1 1	1	1	1	1		; ;	10 (3)
·	REP Committemen P 01	Over votes Under yours  Doneld Lutz	3 3		1 2	2		2		-	1		} †	ja .	2		1	; ;	1	1	.2		17 6 21
1	INCP COMPRESSION PUT	Jenny J. Roberts Over votes Under votes	1		1		1 <u>.</u>	1	;1 	. ' 	!¹		1	1	1	) 	<u>.</u>	1	i!	1 7	1		10 20 7
	REP Committewomen P 01	Cindy K. Roberts Dewn M, Lutz Over votes Under votes	-	11 1	1	<u>.</u>	1	1	1		1	1	1	i1	1	1	1	1	1	i		1	7 10 2 7
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TEST	JURISDICTION 1 ★ Valid Mark	Lawrence County, SD	PR	ECIN	CT	NAM	E				Pre	cino	:t-Q1								Sequ	iéuce	#: 0	2-000	1-01			
BL:	= Blank, OV ≠ Overvote, F = f	olded, EV = ExpressVote	BL	ΟV													F				F				F	NS	ĘV	
Vote For		Candidate	172	173	174	· T75	T76	177	7 178	3 T79	T80	T81	T82	T83	T361	T362	7363	T364	T365	T366	T367	T368	T369	T370	T371	T372	T491	TOTALS
1	DEM Presidential Candidate	Merianne Williamson	:		11	1	1	1	Τ.	1	Ť	1	j		1		;	! "	!	1		1		Ţ	!	Ţ .	ì	25 10000
		Joseph R Biden Jr	·		·i ·	1	1				*****					1	7	:										4
1		Dean Phillips	T	Ï.	1	T	[	1	1	11	7	1	Ĩ "			1	ĭ '	1	1	1	,	Ţ · · · ·	1	Ĩ.	Τ "	Ī	1	6
		Armendo Perez-Serrato					:		ž.		1	.1	1	1		1	÷				1	1	1	1	1	7	A	10
į ,	!	Over votes	i	1		i		1		i	1	1	1			Ī	Ϊ	1	{	ĺ	.)	Ĭ		1	Γ.	1	Ϊ	
		Under votes	<u>,</u> 1				:	·· [· · · · · ·			-(	1.				,	·				:	!		1	Τ''''			,1
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TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRECIN	NCT NAM	E		Preck	nct-08							Sequ	ience	<b>#</b> : 01	-0008	1-01			
	BL = Blank, OV = Overvote, F =		BL OV				F				F	N	Ş			F					ĒΥ	
Vote For		Cendidate	TS1 T52	T53 T54	T55 T56 T5	7 T310	Tati	T312 T3	13 131	4 T315	T316 T3	17 T3	18 T31	9 T320	T321	T322	T323	T324	T325	T326	T488	TOTALS
1	REP State Senator D31	Randy Delbart		1		1			. 1					<u>.}</u>	1	p			1		1	7
	·	Kate Crowley-Johnson	4	1	1 2	4	JL J	1 11	J,	<u> </u>	11			1	i	11	3	<u> </u>		1		13 2 2.
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·	Seen and the second second second					<u> </u>	بكالا				بإلىب					,	<u>!</u>					
	REP State Representative D31	Mark Mowry				. !	72 3	<del></del>			} <u>;</u> ].		<u> </u>	.,	11	.!	:		1		1 7	r Saarranii (
:		Mary J. Fitzgereld		P. Q		. 2	. i <u>.</u>		- '	۔۔ واب	5 - 11							Ĺ	) <u> </u>		'	13
		Scott Odenbach Over votes						1		. <sub>1</sub> 1		5.5			;	., <b></b> .				' .		14 •5/6916553
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	REP Delegates to State Conv	Naomi Merchant				1	_	-	1		7	-	-	_	+	1					1	
		David L. Gross	÷- ,	1 1		- i	igner (		!-	1	- e - e - 1		···- '•	!	-:	r	17	!	1		1	10
		Ellen L. Gross		1 1	i	- 15	11	1	11	1	$\langle \hat{\mathbf{I}}^{(1)} - \hat{\mathbf{I}}^{(2)} \rangle$		:1			· i	9	i	ļ			<b>#</b> aki
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		Dave Semuelson		1	1		ť".	a a	',	1	1 "	. :	` ^j	1		1	1	T.	·	f		13 .
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TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRECI	NCT NA	ME					Prec	inct-04	8								Sequ	епсе	#: 0:	2-000	8-01			
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Vote For Off	fice	Candidate	T156 T1	157 T158	11158	T160	T161	T162	·T163	T164	<b>T165</b>	T166	T167	T445	T446	T447	T448	T449	T450	T451	T452	T453	T454	T455	T456	T498	TOTALS
1 DE	M Presidential Candidate	Marianne Williamson		[1	-:		. }		!		; -				;		1	1	1		1	1	:	:		:	3
		Joseph R Biden Jr			1	1	:									1				:1							<b>4</b> 2173
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		Armendo Perez-Serreto			· · · ·					1	77 T	1	ŧ	1	· <del>}</del>			<del></del>	÷		T		1	1		1	
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# JURISDICTION PRECINCT NAME Sequence #: 0008 TEST

## Lawrence County, SD Precinct-08

Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	8
	Joseph R Biden Jr	A franchista
	Dean Phillips	1. 11. 6.22
	Armando Perez-Serrato	7 65 (17:21)
	Over voles	
	Under votes	2 117 78 17
	Commence of the commence of th	24
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	No Ballot Stamp	1
REP State Senator D31	Randy Deibert	7
	Kate Crowley-Johnson	13
	Over votes	1.50
	Under votes	
	18.8	24
REP State Representative D31	Mark Mowry	7
	Mary J. Filzgerald	13 7
· · · · · · · · · · · · · · · · · · ·	Scott Odenbach	14
	Over votes	2 * * * * * * * * * * * * * * * * * * *
	Under votes	12 1
	3.00 (4.00) 20.00 (8.00)	48
REP CCM At Large	Bob Ewing	6153
	Rick Tysdal	13
	Erica Douglas	15 1, 2 1, 3
The second secon	Over votes	2
· · · · · · · · · · · · · · · · · · ·	Under votes	12
REP Delegates to State Conv	Naomi Merchant	
The state of the s	David L. Gross	10.5
The second secon	Ellen L. Gross	15
	Meta Halverson	
	Over votes	18
	Under votes	21. 3 TELL
	The Assert Control	
REP Committeeman P 08	Justin Tupper	7.00
	Dave Samuelson	13
<u>-</u> . ,	Over votes	
	Under votes	14.00
. <u>.</u>		14 - 34 - 34
REP Committeewoman P 08	Valerie Samuelson	6
	Mary J Fitzgerald	13
	Over votes	1
	Under votes	1
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	24
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TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRECINCT NAME	Precinct-09		Sequence #: 01-000	09-01
Vote For	BL = Blank, OV = Overvote, F = 6 Office	Cendidate	BL OV T58 T59 T60 T61 T62	E T63 T64 T327 T328 T329 T33	F F 0 T331 T332 T333 T334 T335 T	# 336 T337 T338 T339 T340 T341	NS EV 1 T342 T343 T489 TOTALS
	REP Same Sensor D31	Randy Delibert  Kete Crowley-Johnson   Over votes   Under votes	1 1 1 1 1 1 1 1 1 1 1				
2	REP State Representative D31	Mark Movey Mary J. Frzgerald	1	1 1 1			6
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Scott Odenbach Over votes Under votes	, <u>12</u>				1 1 15
2	REP County CCM At Large	Bob Ewing Rick Tysdel Erica Dougles			1 3 1 1		1 1 15
		Over votes Linder votes	2 1	1 2			2 .u
3	REP Delegates to State Corre	Naom) Merchant David L. Gross (Ellen L. Gross Mess Halverson					1 10
:	·	Over votes Under votes		2 2 7 7 7 7	2 3 1 2		1 22
1	REP Committeemen P 09	Oshi H. McLean Tristen Rhoden Over votes Under votes					1 1 14
1	REP Committeeworman P 09	Kalen Lommet Anna P. Mana Over votes Under votes			1 1	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	1 15
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TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRE	CINC	T NA	WE					Prec	inct-0	9								Seq	uence	#: 0.	2-000	9-01			
BL = Bla	· · · · · · · · · · · · · · · · · · ·	Folded, EV = ExpressVote	BL	οv												F			NS	F		F					E۷	
Vote For Offi	ice_	Candidate	T168	T169	T170	T171	1172	T17	3 T174	. T175	T176	T177	T178	T179	T457	T458	T459	T460	T461	T462	T463	T464	-T465	T466	T467	T468	T499	TOTALS
1 DE	M Procidential Candidate	Marianne Williamson	1		!1	4		1				7		-			!	:1	•	1				: "	7		:	3
		Joseph R Biden Jr	: '		5	.1	`t "								-5		1				1	: :			1			5
1 1		Dean Philips	1	1	." '	1	Ė	11	η <b>i</b>	[1]		: `	7	1	ï	jί	`i ''	1			1	1	: '	i ' ' '	100	it 🐪		Sec.
		Armando Perez-Serrato			•						1	3	1	حصاب	1								1	1	· ;— · · · · ·		1	
:		Over votes	· · ·	1				T.		1			Υ	1	1 "	1 "	;	:		1 1	í	100	Ï	Ι" '	1		:	1
		Under votes	:1								:	1	·	1	1	! = :				*:						· ··· · ·		1
	•						ì									Í												
		No Ballot Stamp (NS)			I		<u> </u>	$\mathbf{L}$		T	I		$T_{-}$	$T^-$		T	$L^-$	L	$\Box$	ı	L	$\top$	$\Gamma$	1		L."	<u> </u>	1

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### JURISDICTION PRECINCT NAME

Lawrence County, SD Precinct-09

PRECINCT NAME Sequence #: 0009 TEST

TEST	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	3 3 2 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3
	Joseph R Biden Jr	5
<del></del>	Dean Phillips	6
	Armando Perez-Serrato	
	Over votes	
	Under votes	
—······	District Control	
	, 22.75	
	No Ballot Stamp	1
REP State Senator D31	Randy Delbert	Te Maria and Marie Million (18)
THE CAME SCIENCE DO	Kale Crowley-Johnson	10 000 000
	<del>'</del>	
	Over votes	
	Under votes	
0-6-60 B	\$5 Te 2 19705	
REP State Representative D31	Mark Mowry	5.00
	Mary J. Fitzgerald	
	Scott Odenbach	15 / 62 / 035
·-····	Over votes	2
Control of the Contro	Under votes	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1
	The Bridge Bar	48
REP CCM At Large	Bob Ewing	7 17 19 10
	Rick Tysdał	13
	Erica Douglas	15
	Over votes	2
	Under voles	11 100 100 110
	1975	48
REP Delegates to State Conv	Naomi Merchant	
en serves con contract of the	David L. Gross	10
	Ellen L. Gross	10 700
	Meta Halverson	ŭ .
	Over votes	3
	Under votes	22 19 3
	The thicket date	72
REP Committeeman P 09	Dahl H. McLean	8 4 4 4
and the second second	Tristen Rhodeo	
	Over votes	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	Under votes	
	**************************************	<b></b>
REP Committeewoman P 09	Kalen Lemmel	
I I COMMISSION FOR	Anna P. Marrs	
and the second second second	Over votes	
	Under votes	
	<u> </u>	
er and the same	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	

No Ballot Stamp

TEST JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRECINCT NAME	Precinct-10	Sequence #: 01-0010-01	X = Crossover OR Overvale, 1 =
BL = Blank, OV = Overvote, F = Vote For Office	Folded, EV = ExpressVote Candidate	BL OV	F 344 1345 1346 1347 1348 1349 1350 1351 1352 1353 1:	F NS EV	1.0
1 REP State Senetor 031	Randy Delbert Kale Crowley-Johnson Over votes Under votes				
2 REF State Representative C31	Mark Moviny Mary J. Fitzgerald Scott Colember (Over votes Under votes	1 1 1 1		1 6 12 1 1 15 1 1 15	
2 REP County CCM At Large	Bob Ewing (Rick Tysdal Erica Dougles Over votes Under votes			1 13 14 2	
3 REP Delegation to State Conv	Naomi Merchant David L. Gress Etter L. Gross Mets Hahverson löver votes Under votes	1 1 1 1		1 1 1 15	seria Since
1 PEP Commissionan P 10	Timothy A. Braithwait Flicherd D Sleep Over votes Under votes				MATERIAL CONTROL OF THE CONTROL OF T
1 PIEP Committewoman P 10	Laura Odenbach Karen E. Sleep Over votes Under votes	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		1 1 2	
	No Ballot Stamp (NS)				1

TEST	JURISDICTION  1 = Valid Mark	Lawrence County, SD	PRE	CINCT	NAME					Pre	ecinct-1	0							\$	equen	ce #:	02-00	10-0	1			X = Crossover OR Overvote, 1 = Valid Mark
8L =	Blank, OV = Overvote, F	= Folded, EV = ExpressVate	BL	QV												F		F			N	\$			E۷		
Vote For O	ffice	Candidate	T180	T181	T182 71	83 T	184 T1	85 T1	86 T18	T18	8 T189	T190	T191	T469	T470	T471	T472	T473	T474 1	475 T4	76 T4	77 T47	8 T4	79 T48	0 T500	TOTALS	3
1 10		Martenne Williamson Joseph R Biden Jr Dean Phillips Amendo Perez-Serrato		 	1				1	:1			1	[ <b>!</b> .	) 1	1	1	•	r" !!	 	:	<u>.</u>	1			7.	
1		Viride: votes Viride: votes No Ballot Stamp (NS)																				1				1	4 <b>i</b> 1}

### JURISDICTION PRECINCT NAME

Lawrence County, SD Precinct-10

PRECINCT NAME Sequence #: 0010 TEST

Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	3 7 1 1 1 1 K
1242.	Joseph R Biden Jr	5
	Dean Phillips	7
· · · · · · · · · · · · · · · · · · ·	Armando Perez-Serrato	7
· · · · · · · · · · · · · · · · · · ·	Over votes	1 3 4 7
· · · · · · · · · · · · · · · · · · ·	Under votes	V 17 20 3.55
····································	2.57.5 (3.45.44.42)	<b>1</b>
···· · · · · · · · · · · · · · · · · ·		An An Antible P. C. State of Antible Title of
	No Ballot Stamp	1
		<b>.</b>
REP State Senator D31	Randy Deibert	6
	Kate Crowley-Johnson	14 10 20
	Over votes	1
··· · · · · · · · · · · · · · · · · ·	Under votes	3 / 3/20/20
	COMMENT AND STREET	
REP State Representative D31	Mark Mowry	6 / / / 6 / / :
	Mary J. Fitzgerald	12
• • • • • • • • • • • • • • • • • • • •	Scott Odenbach	15
	Over votes	2 04 18 1
	Under votes	13
	30 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	48
REP CCM At Large	Bob Ewing	6 22.5
	Rick Tysdal	13 2 4 4
	Erica Douglas	14 85 998 334
	Over votes	2
· · · · · · · · · · · · · · · · · · ·	Under vates	13
REP Delegates to State Conv	Naomi Merchant	
	David L. Gross	
	Ellen L. Gross	15 75 25 25
	Meta Halverson	17
	Over votes	3
en errore	Under votes	20
······································	7.15 (Fig. 24) and	
REP Committeeman P 10	Timothy A. Braithwait	6
The Committee of the Co	Richard D Sleep	
	Over votes	
	Under votes	
	First Service	
REP Committeewomen P 10	Laura Odenbach	
TEL COMMINSTACION F IV	Karen E. Sleep	
	Over votes	
	Under votes	
	74,500 4 5 12 	

### JURISDICTION

Lawrence County, SD
Grand Totals Report
Flection Date: Jun 04, 2024 Primary State(9933)

### TEST

Election Date: Jun 04, 2024 Primary State(9933) Office	Candidate	GRAND TOTALS
DEM Presidential Candidate	Marianne Williamson	31
·	Joseph R Biden Jr	49
	Dean Phillips	61
	Armando Perez-Serrato	14.75
· · · · · · · · · · · · · · · · · · ·	Over votes	10 \$
	Under votes	15
	911   1   91140C	240
· · · · · · · · · · · · · · · · · · ·	No Ballot Stamp	10
REP State Senetor D31	Randy Deibert	68
	Kate Crowley-Johnson	417
	Over votes	U2
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Under votes	_4
	3 3 3 50	240
REP State Representative D31	Mark Mowry	61.2
<u></u>	Mary J. Fitzgerald	122
	Scott Odenbach	136
	Over votes	22.≨
	Under votes	139
		- 1 SAND
REP CCM At Large	Bob Ewing	
	Rick Tysdal	
The second secon	Erica Douglas	-17
	Over votes	# 1
	Under votes	
OED Dutanta for State Con.	Mare Marshaet	
REP Delegates for State Conv	Naomi Merchant David L. Gross	- 100
	Ellen L. Gross	103.5
	Meta Halverson	148 x
	Over votes	
	Under votes	33
	Onder votes	220
REP Pct Committeeman Precinct-01	Donald Lutz	
NET FEC Committeening Frechice of	Jimmy J. Roberts	- 10 10 10 10 10
	Over votes	
	Under votes	
	Civilian Civilian	<b>■</b>
REP Pct Committeewoman Precinct-01	Cindy K. Roberts	
TET I & CONTINUOUS TOWNS OF	Dawn M. Lutz	10 7 . 17:24
	Over votes	
	Under votes	
		24
REP Pct Committeemen Precinct-02	Ayden Q. Wrisley	
	Nathan Hoogshagen	7.8
	Thomas R. Nelson	9
	Over votes	1717
	Under votes	8
		<b>■</b> 24.
REP Pct Committeemen Precinct-03	Richard Prezkuta	6 2 4 4
The second secon	Perry Washenberger	129
······································	Over votes	
	Under votes	5
		24
REP Pct Committeewomen Precinct 03	Paulette Washenberger	6 72 30 4
	Delia Prezkuta	12 5
	Over votes	
	Under votes	5
		24
REP Pct Committeeman Precinct 04	Lloyd A. Rich	17.
	Gary Coe	8 .
	Over votes	1.7
		1.* 8.2 - 7.%
	Over votes	<b>3</b>

### JURISDICTION

Lawrence County, SD Grand Totals Report Election Date: Jun 04, 2024 Primary State(9933)

### TEŞT

	Susan Johnson	15
	Over votes	
	Under votes	5
'		24
REP Pct Committeeman Precinct 07	Joseph Palmer	6
	Ronald J. Moeller	1016
, <del>-</del>	Over votes	
· · · · · · · · · · · · · · · · · · ·	Under votes	
		- 2 2 2 2 2 2 4 2 4
REP Pct Committeeman Precinct-08	Justin Tupper	
, see T of Committee T Pounday	Dave Samuelson	13 2
	Over votes	
	Under votes	
	Olider Votes	
REP Pct Committeewomen Precinct 08	Valerie Samuelson	
THE PER COMMINGENORIES FIECHER 03		
,	Mary J. Fitzgerald	13
and the second of the second o	Over votes	
· · · · · · · · · · · · · · · · · ·	Under votes	
<u></u>	Terras to	24
REP Pct Committeeman Precinct 09	Dahl H. McLean	6 1
. <u> </u>	Tristen Rhoden	14 (#
	Over votes	14500
	Under votes	3 (1.2)
		24
REP Pct Committeewoman Precinct 09	Kalen Lemmel	5 3 9 2
	Anna P. Marrs	15 7 10 12
	Over votes	
	Under votes	3 54 7 70 7
		24
REP Pct Committeeman Precinct 10	Timothy A. Braithwait	
	Richard D Sleep	14.8
	Over votes	1.0
	Under votes	
		<b>1</b> 24 - 24
REP Pct Committeewoman Precinct 10	Laura Odenbach	
	Karen E. Sleep	12
	Over votes	T. C.
<del>-</del> · · · <del>-</del> · · · · · · · · · · · · · · · · · · ·	Under votes	4
		24
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	No Ballot Stamp	10
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TEST	JURISDICTION  1 = Valid Mark	Lawrence County, SD	PF	REC	INC	TN	AME			P	recino	<b>:</b> 4-01									Sec	luence	#: 01	-0001	I- <b>0</b> 1			
Vote For	BL = Blank, OV = Overvote, F = I	Folded, EV * ExpressVate Candidate		. O		3 T4:	T5 -1	T <b>e</b> : T7	F 7∶T19	2 T1	93 T	194	F T195 -	T196	NS T197	T198	T199	F T200	OV T201	T202	T203	T204	T205	T206	T207		EV 1481	TOTALS
1	REP State Semetor C31	Randy Deibert  Kate Crowley-Johnson   Over votes   Under votes	1	1	1	1	ji j	. ] i ]î	1	1		<u> </u>	1			1 - <u>-</u>	1	i		1	;1 :-	1	1	1	1	1 		7 11/2 2
ž '	REP State Representative (131	Mark Mowry Mary J. Fitzgerald Scott Odesbeich Over votes Under votes	2	2	1	1	1	1	1	i i	4		i .	ī		1.	1	1	<u>2</u>	1	i i	it (L)	11.	1	1	i i	1	6 11 14 \$
2	REP County OCM At Large	Bob Ewing  Rick Tysdel Erice Dougles  Over votes  Under votes	2	ļ <b>2</b>		) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1	1	t 1 2	1  ¶	1	1		1	i i		1	ī 1 '' _	1	2	1	1	i.		1	1	/ 1	1	6 11 14 4 13
:	REP Delegates to State Conv	Naomi Merchant Cavid L. Gross (Ellen L. Gross Meta Hatverson  Order votes  Under votes		. 3	1 1 1 1	1	(i)	1 1	t ii	1			1 1	1			1 1 1	1	3	1	1	1	1	ji 1	  1  1 	1 2	1	10 10 13 17
; · · · ·	REP Committamen P 01	Donald Lutz Jimmy J. Roberts Over votes Under votes	1	1. 1. 1.	1	i	1	1 1	1.	-1	1		1	ī		1	1	1	-1 -1	1	i i	:1 :1 :	.1 	1			,	5.0 10 2.7
· · · · · · · · · · · · · · · · · · ·	REP Committewomen P 01	Cindy K. Roberts Down M. Lutz Over votes Under votes	: 1	1	i1	í	•	1 1	] <b>1</b>		1		1	í		1	i	-	i	:1 :1 :		.2		1		1	· • · · · · · · · · · · · · · · · · · ·	6 10 2 7
		No Ballot Stamp (NS)	T	I		L			1							, —— [		1	1	T	Τ.					L		1

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TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PR	ECIN	IÇT	NAM	Æ				Pre	cinc	l-01								Seq	uence	#: 0	2-000	1-01			
BL:	= Blank, OV = Overvote, F ≈	Folded, EV = ExpressVote	BL	ΟV	,												F				F				F	NS	EV	
Vote For	Office	Candidate	T72	T73	17/	175	171	6 T7	7 77	B T79	T80	T81	T82	T83	T361	T362	T363	1364	T365	T366	T367	T368	T369	T370	T371	T372	T491	TOTALS
1	DEM Presidential Candidate	Marianne Williamson		:	ΪŤ	1	ī	<u> </u>		1					1	1	ļ	ī	1 "	-	1	-		!	:	1		<b>2</b> (∩ert.) 
		Joseph R Biden Jr				1 "	``1´									1	1		3 .					-				4
1	1	Dean Phillips	į.	!	1.	i .	1	12	1	1	į		i	· ··	i	1	1	Ţî i	i	1		i ·	i	7	ï	100	i	6
/. <del>_</del>		Armando Perez-Serrato	-:			-	•				1	1	1	t	<u>.</u>			;		· · · · · ·	1	1	1	4	1		4	10
1	and the second second	Over votes		11	)	1		4	- ( )	1		]"	,			Ϊ.	[	J	1	Ϊ	f	7	ï	1	7	100	ή	C.
		Under votes	1	: -				2.,			;			}	<del>,</del>	``		c/,			1			:		-[		1
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		No Ballot Stamp (NS)	T	T	Т	Т	Т	Т	Т	Т	П			Π	Γ		Τ	Т	Т	1	T	Т	1	T	T	Τ.	1	1

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# JURISDICTION PRECINCT NAME Sequence #: 0001 TEST

## Lawrence County, SD Precinct-01

Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	2
	Joseph R Biden Jr	4.90
	Dean Phillips	6
· · · · · · · · · · · · · · · · · · ·	Armando Perez-Serrato	10
	Over votes	
ļ	Under votes	
:. <u>.</u>	•	
:	22.41), 12.41-2.	
	No Ballot Stamp	ı
REP State Senator D31	Randy Deibert	7.485454433
	Kale Crowley-Johnson	11 4 4 4 4 4 4 4
· · · · · · · · · · · · · · · · · · ·	Over votes	2
	Under votes	4
	** *** *** *** *** *** *** *** *** ***	24
REP State Representative D31	Mark Mowry	
	Mary J. Fitzgerald	
to the control of the	Scott Odenbach	
	Over votes	- 7.52
	Under votes	13 10 17 17 17
		48
REP CCM At Large	Bob Ewing	
:	Rick Tysdal	11/2/2015
	Erica Douglas	14 : 12 : 14 : 14 : 1
	Over votes	
	Under votes	13
	and the second s	48
REP Delegates to State Conv	Naomi Merchant	
The second secon	David L. Gross	60 B
	Ellen L. Gross	13
	Meta Halverson	17 8 7 7 2
	Over votes	
		21
	Under votes	21
AND THE RESIDENCE OF THE PROPERTY OF THE PROPE	1. 1. 1. 1. 1. 1.	
REP Committeeman P 01	Donald Lutz	
	Jimmy J. Roberts	10
	Over votes	2
	Under votes	1.15
	MARKET CONTRACTOR	24
REP Committeewoman P 01	Cindy K. Roberts	5 (************************************
	Dawn M. Lutz	10
	Over votes	2 74 62
	Under votes	

No Ballot Stamp

TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PREC	INCT	NAM	E			Prec	inct-0	2								Sequ	ence:	#: 01	-0002	2-01			
	BL = Blank, OV = Overvote, F = I	Folded, EV = ExpressVote	BL O	٧					F				F			NS		F							V	
Vote Fo	r Office	Candidate	T8 T9	T10	T14	T12 T1	13 T14	1 T15	T209	T210	T211	T212	:T213	T214	T215	T216	T217	1218	T219	T220	T221	T222	7223	T224 1	482 TOT	TALS
1	REP State Senstor D31	Randy Deibert		-1					1			1 -		1			1		1			1		1	. 8	
		Kate Crowley-Johnson	: :	. T	1	1				<u> </u>	F		!1		1			ii i		1			1	11.1		Б
	42 in in the 2000 and in the	Over votes	:1		1				L	in a second				· · · ·						٠,٠٠٠					91	
(		Under vales	Įt j		!		1	1		j	1	ì									1			1	7.0	
	J. 1		<u> </u>		<u>'</u>									!	!									!		
. 2	REP State Representative D31	Mark Mowry		Ť	:				1	1		3	9.7				1		T (1		1			1	6	
:	Company of the second	Mary J. Fitzgereld		.1	.1				1	1	<u> </u>	J	1	1			1	1			1	1	(	. 1	U.	
		Scott Odenbach			1	1 1				1	1	<u>.</u>		1 .	1			1	1			1	1		ŧt	
i	i	Over votes	1 2		.: :		:	·	: 	; ,4,,,,,	i Same a same		_i		i Garage and and in			ļ. <b></b>		: !		l!			3	
	grand and the second of the se	Under votes	2			1 1	,2	2			ុ1	2	•	<u> </u>	1	٠.			1	2		<u> </u>	1	2	. 18	<u> </u>
1	<u></u>									:	<u> </u>		<u> </u>	<u> </u>											الجازاك	
. 2	REP County OCM At Large	Bob Ewing	1 :	1		, .		· ·	.1		. <del>.</del>		1		,		1				1				6	
	and the second second	Rick Tysdal	1 !	71	.1 .	! !		.:	1	11		J	11	1		٠	1	1	i '		:1	1			11	
		Erice Douglas			.,1.	1 1	· ;			1		, .		. 1	1 .			.1	1			.!	. <b>1</b> 		. 11	
	.'	Over votes	i2				<u>l</u> .		į		ļ	.i			ļ				! <u>.</u>	<u>.</u>	: 		i <u>.</u>	<u>.</u> i.	. 2	- ;
		Under votes	2			1 !	2	:Z		<u> </u>	-1	2			1				:1	2			1	2	18	
	REP Delegates to State Conv	Naomi Merchant									;									!						KO KASA
•	LICE Designate to State Cotto	David L. Gross		- 4		1	. 1	١.	!! 	i.,	i	j		4				١	!!		·	1	l		<b>P</b>	3/18
		Ellen L. Gross					1		4	4		i		ļ		-	í	: -	41 59						10	
	·	Meta Hatverson		1.5	4	4-4	نواد .		, ,	ii	14	i.,		·					{'	ij.,	!!			Ľ	12	
		Over votes		-	: .	·'	. •			-	<b></b>	;			'		•			, ·	•	.'			48	400
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* m	REP Committeman P 02	Ayden Q. Wrisley		- 11	-		-	<del>,</del>	1	_	<del>-</del>		11		_		1			:	_	_		_	40	garage :
	(	Nathan Hoogshagen		12 .	1	1	· · ·		-	·				4	3		:	·	ļ	:	•		1			ME My Partition
	A R. C.	Thomas R. Nelson						**************************************	:						، بــــــــــــــــــــــــــــــــــــ			·	1	<i></i>	• • • • • •		• •	·		i
		Over votes				, ,1		1	į		7 - 1	r		}:	r - :	!			į.		1000	*			<b>t</b> :>	44.5
	•	Under votes	1				*		٠			t .		·- ·-	'	·	:		i	'n ···	· ·	· ·-			3	· k ' ;
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TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PR	ECN	NCT	NA	ME			F	Prec	nci-(	2							Sequ	ence	#: 0	2-000	2-01			
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Vote For	Office	Candidate	T84	185	Tae	3 T87	T88	T89 1	T90 1	T91 T	192 T	93 TS	4 T95	T373	T374	T375	T376	T377	T378	T379	T380	T381	T382	T383	T384	T492	TOTALS
1	DEM Presidential Candidate	Marianne Williamson	:	!	11		;	1		Ţ.	Ţ		1	1	-	!	:	:	1		1	<b>1</b> 1		:	1	ì	3.54
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1		Dean Phillips	"	ľ.	1	i	;	11	î jî	1	1	11	i	100	1	1 "	1 "	1	i	Ĭ	i	i	•	"	7	ļ\$ .	100
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# JURISDICTION PRECINCT NAME Sequence #: 0002 TEST

## Lawrence County, SD Precinct-02

Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	3 775.8 A
	Joseph R Biden Jr	5
	Dean Phillips	1 14 15
····	Armando Perez-Serrato	6
- · · · · · · · · · · · · · · · · · · ·	Over votes	
· · · · · · · - · · · · · · · · · · · ·	Under vates	2 117
ere er	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
	No Ballot Stamp	
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REP State Senator D31	Randy Delbert	8
	Kale Crowley-Johnson	8 1 1 1
	Over votes	
	Under voles	7
	The same of the company	24
REP State Representative D31	Mark Mowry	
	Mary J. Fitzgerald	44
<del> </del>	Scott Odenbach	41 2 2 2 4
	Over votes	2
	· · · · · · · · · · · · · · · · · · ·	
	Under votes	
	Lend Copter File	
REP CCM At Large	Bob Ewing	5 - 11
	Rick Tysdal	11 3 2 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3
	Erica Douglas	11 77 20 1
	Over votes	2, 3 13
	Under votes	18
		<b>■</b> 11 1 1 40
REP Delegates to State Conv	Naomi Merchant	
	David L. Gross	10
	Ellen L. Gross	13 14 F 3 V 3
	Meta Halverson	32
	Over votes	3
	Under votes	28
	Childs Votes	
SERVICIONI DE LA COMPANIONI DE LA COMPAN	Ayden Q. Wrisley	
REP Committeeman P 02	A CONTRACTOR OF THE PARTY OF TH	
	Nathan Hoogshagen	<b>7</b>
	Thomas R. Nelson	9.
	'Over votes	1 5 7 4 7
	Under votes	3 17 7
	Control of the Control	24
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	REP State Servetor 031	Rendy Debert Kate Crowley-Johnson Over votes Under votes		(i) (i)		1		1  1		1 11	1	1		1		i ii	. (M.)	7 9 1
2	REP State Representative D31	Mark Mowry Mary J. Fitzgerald Scott Odenbach Over votes Under votes	1 1 1 1 2	1 1	<u>i</u> :2			.2	1	1 ,2	1 1	1 1	2 .	1 1	1	2 1	1	5 11 12 18
2	REP County CCM At Large	Bob Ewing  Rick Tysole  Erice Dougles  Over votes Under votes	1 1 1 1 2 2 2	i 1	2	1 1		2	11	1 2	J.	1 1 1	2		i	.1 2 .1	i	6 10 12 2 18
. <b>3</b>	REP Delegates to State Conv	Neomi Merchani   David L. Gross   Ellen L. Gross   Aleta Halverson   Over Vetes   Under votes	1 1 1	1 1	1 2	1 1		1		1 1	1 2	1 1	1 1	1 2		1 1 1 1 1 1 1	1 1	63 10 14 14 3
1	PREP Committeemen P 03	Richard Prezkuta Perry Weshenberger Över votes Under votes	1	1	1	:1 :1		1	1	1 1	1	1	- <del> </del>	1 1	<u> </u>	1 1	1	12 5
	REP Committawoman P 03	Paulette Washenberger Dallie Preziouse Over votes Under votes	1	1 1		1		1	1	1		: 	1	1			1	12 1 5
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Vote For	Office	Candidate	T96 T97	7 T98	T99	T100	T101	T102	T103	T104	T105	T106	T107	T385	T386	T387	:T388	T389	T390	T391	T392	T393	T394	T395	T398	T493	TOTALS
· 1	DEM Presidential Candidate	Marianne Williamson		1		-				;		1	1	1		_	:	1	:	Τ -	;	11	!	ļ.		,	3
		Joseph R Biden Jr			i ~	<b>†</b> .	,			:					1				j		1		:	:	1	1	8
1	1	Dean Phillips	;		1 1	)	î j	í1 " "	}i · · ·	i	,	1		i	Ť	1	γ	;	i	i i	1		!	11	i	í	5.4.4.
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! "		Over votes	1		;	· · ·	. :	,,	i	. "	7		; = = :		; · · ·	}	1	1			T	7		1			
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# JURISDICTION PRECINCT NAME Sequence #: 0003 TEST

## Lawrence County, SD Precinct-03

DEM Presidential Candidate	TOTAL
Dean Phillips	
Armando Perez-Serrato   7	Carlo III
Armando Perez-Serrato   7	
Over votes	
No Ballot Stamp   Rep State Senator D31   Randy Deibert   7   Rate Crowley-Johnson   8   Over votes   1   Under votes   7   Rep State Representative D31   Mark Mowry   Mary J. Fitzgerald   1   2   Scott Odenbach   2   Over votes   1   Under votes   8   Rep CCM At Large   Bob Ewing   6   Rick Tysdal   0   Erica Douglas   2   Over votes   3   Over votes   4   Over votes   5   O	
REP State Senator D31 Randy Delibert Rele Crowley-Johnson Over voles Under voles Under voles Under voles  Under voles  Under voles  Under voles  Under voles  Under voles  Under voles  Under voles  Under voles  Under voles  EP CCM At Large Bob Ewing Fick Tysdal Fica Douglas Over voles Under voles  Under voles  Under voles  Under voles  Bab  REP Dehagates to State Conv Naomi Merchant David L. Gross Ellen L. Gross Ellen L. Gross Under voles Under voles  Under voles Under voles  Under voles	
REP State Senator D31 Randy Deibert Rep State Senator D31 Randy Deibert Rep State Senator D31 Randy Deibert Rep State Representative D31 Mark Mowry Mary J. Fitzgerald Scoti Odenbach 2 Over votes Under votes 18 REP CCM At Large Bob Ewing Rick Tysdal Erica Douglas Over votes Under votes 18 REP Delegates to State Conv Naomi Merchant David L. Gross Heta Halverson Ver votes Under votes 18 REP Committeeman P 03 REP Committeeman P 03 REP Committeewoman P 03 Paulette Washenberger Over votes Under votes 19 REP Committeewoman P 03 Paulette Washenberger Delia Prezkuta Over votes 19 Delia Prezkuta Over votes Under votes	*
REP State Senator D31 Randy Deibert Rate Crowley-Johnson Over votes Under votes Under votes REP State Representative D31 Mark Mowry Mary J. Fitzgerald Scott Odenbach 2 Over votes Under votes REP CCM At Large Bob Ewing Fick Tysdal Fica Douglas Over votes Under votes REP Delegates to State Conv Naomi Merchant David L. Gross REP Committeeman P 03 REP Committeeman P 03 Richard Prezkuta Perry Washenberger Cover votes Under votes REP Committeewoman P 03 Paulette Washenberger SEP Committeewoman P 03 SEP Committeewoman P 03 Paulette Washenberger SEP Committeewoman P 03 SEP Committeewoman P 03 Paulette Washenberger SEP Committeewoman P 03 SEP Committeewoman P 03 Paulette Washenberger SEP Committeewoman P 03 SEP Committeew	
Kale Crowley-Johnson Over voles Under voles Under voles  Under voles  REP State Representative D31  Mark Mowry Mary J. Fitzgerald Scott Odenbach 12 Over voles 18  REP CCM At Large Bob Ewing Rick Tysdal Erica Douglas Over votes Under votes 18  REP Delegates to State Conv Naomi Merchant David L. Gross Etten L. Gross Meta Halverson I4 Over votes Under votes 25 Under votes 26 Under votes 27 Under votes 28 Under votes 38 REP Committeeman P 03 Richard Prezkuta Perry Washenberger 12 Over votes Under votes 18 REP Committeewoman P 03 Paulette Washenberger Delia Prezkuta 12 Over votes 13 Delia Prezkuta 12 Over votes 14 Over votes 15 Delia Prezkuta 16 Delia Prezkuta 17 Delia Prezkuta 18 Delia Prezkuta 19 Delia Prezk	
Kate Crowley-Johnson	George St.
Over votes Under votes Under votes  REP State Representative D31 Mark Mowry Mary J. Fitzgerald Scott Odenbach 2 Over votes Under votes 3 Under votes 18  REP CCM At Large Bob Ewing Rick Tysdal Erica Douglas Over votes Under votes Under votes 18  REP Delegates to State Conv Naomi Merchant David L. Gross Id Over votes Under votes Under votes 2 Under votes 3 Under votes 2 Under votes 3 REP Committeeman P 03 Richard Prezkuta Perry Washenberger 12 Over votes Under votes 13 REP Committeewoman P 03 Paulette Washenberger Delia Prezkuta 12 Over votes 13 REP Committeewoman P 03 Paulette Washenberger Delia Prezkuta 12 Over votes 15 Delia Prezkuta 15 Delia Prezkuta 16 Delia Prezkuta 17 Delia Prezkuta 18 Delia Prezkuta 19 Delia Prezkuta	21.
Under votes    Mark Mowry   State Representative D31   Mark Mowry   State D32   State D32   State D33   State D34    <b>3</b>	
REP State Representative D31	
Mark Mowry   Mark Mowry   Mark Mowry   Mary J. Fitzgerald   1	
Mary J. Fitzgerald   1	
Mary J. Fitzgerald   1	
Scott Odenbach   12     Over votes   2     Under votes   18     Under votes   18     Enca Couglas   10     Erica Douglas   12     Over votes   18     Under votes   18     Erica Douglas   12     Over votes   18     Erica Douglas   19     Erica Douglas   10     Erica Douglas   12     Over votes   18     Erica Douglas   19     Er	
Over votes   2	
Under votes	
### REP CCM At Large	
REP CCM At Large Bob Ewing 6 Rick Tysdal 10 Enca Douglas 12 Over votes Under votes  REP Delegates to State Conv Naomi Merchant 6 David L. Gross 10 Ellen L. Gross 4 Meta Halverson 14 Over votes 2 Under votes 2  REP Committeeman P 03 Richard Prezkuta 5 Perry Washenberger 12 Over votes 1 Under votes 5  REP Committeewomen P 03 Paulette Washenberger 6 Delia Prezkuta 12 Over votes 1 Under votes 5 Under votes 5 Under votes 5 Under votes 5	<b>19</b>
Rick Tysdal   10	
Erica Douglas   2	
Over votes Under votes  REP Detegates to State Conv Naomi Merchant David L. Gross Elten L. Gross Meta Haliverson 4 Over votes 1 Under votes 25 REP Committeeman P 03 Richard Prezkuta Perry Washenberger 12 Over votes Under votes 1 Under votes 2 REP Committeewomen P 03 Paulette Washenberger Delia Prezkuta 12 Over votes 1 Under votes 5 Under votes 1 Under votes 5	
Under votes # 8  REP Delegates to State Conv Naomi Merchant	
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REP Detegates to State Conv Naomi Merchant 6 Pavid L. Gross 10 Ellen L. Gross 14 Meta Halverson 14 Over votes 15 Under votes 25 Perry Washenberger 12 Over votes 1 Under votes 1 Under votes 1 Under votes 1 Over vot	
REP Detegates to State Conv	
David L. Gross   10	
Ellen L. Gross   4     Meta Halverson   14     Over votes   3     Under votes   25     Ellen L. Gross   4     Meta Halverson   14     Over votes   3     Under votes   5     Ellen L. Gross   4     Over votes   1     Under votes   5     Ellen L. Gross   6     Ellen L. Gross   6     Ellen L. Gross   6     Ellen L. Gross   6     Meta Halverson   6     Ellen L. Gross	
Meta Halverson	
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Under votes 25  REP Committeeman P 03 Richard Prezkuta 5 Perry Washenberger 12 Over votes 1 Under votes 5 Under votes 5 Paulette Washenberger 5 Delia Prezkuta 12 Over votes 1 Under votes 5 Under votes 5 Under votes 5 Under votes 6 Under votes 6	
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A	VEP State Senator D31	Randy Delbert Kate Crowley-Johnson	1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 8	
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: -		Under votes			78	Care
R	REP State Representative 031	Mark Mowry				
!	and the first of the second	Mary J. Fitzgerald	and the sales of the first term to the		មួយម៉ូលា ព្រះបាន ម៉ូ ម៉ូ ៤០៩ មួយ	
		Scott Odenbach Over votes	1 1 1 2   1   1   1   1   1   1   1   1   1			· 数分
	The second secon	Under votes	2 1 1 2	1 2 1		u <sup>n</sup> 104
R	REP County CCM At Large	Bob Ewing		1 1	1 1 6	<b></b> .
i	· · · · · · · · · · · · · · · · · · ·	Rick Tysdal			angi, kabalangan palabat pari	- <b>(</b> 
		Erica Douglas Over votes	1 1 1		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
'		Undervotes	2 1 1 1 2		2 18	·· · ·: 
A	REP Delegates to State Corw	Naomi Merchant	1		11 11 11 11 11 11 11 11 11 11 11 11 11	er X
•		David L. Gross			1 1 1	
	-	Ellen L. Gross Meta Helverson				
:		Over votes	77 <b>33</b> . 21 7 . 11 3			250
		Under votes	3 122	1 2 2 3	1 2 3 23	
P	REP Committemen P 04	Lloyd A. Riich		1 11 11		
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TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRE	CINC	T NA	ME					Pre	cin <b>ct-</b> (	14								Seq	uence	# 0	2-000	14-01			
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1 (0	EM Presidential Candidate	Manarine Williamson Joseph R Biden Jr		i	! <del>1</del>	ī,	1		! .		./ <sub></sub>		1	. J		Ι.	 1	19	١	11	1	j	i			1 .	ļ\$	1
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## JURISDICTION PRECINCT NAME Sequence #: 0004

### Lawrence County, SD Precinct-04

TEST		
Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	1/3/2572/1907 A
1	Joseph R Biden Jr	4 - 14 - 24 - 42 -
	Dean Phillips	6
	Armando Perez-Serrato	2 7 7 7 7 7 7 7 7 7
	Over votes	1 4 3
	Under votes	2
		24
	No Ballot Stamp	1
REP State Senator D31	Randy Deibert	8
	Kate Crowley-Johnson	8
1	Over votes	
	Underwitee	4 7 1

Mark Mowry Mary J. Fitzgerald Scott Odenbach Over votes Under votes REP CCM At Large Bob Ewing Rick Tysdal Erica Douglas Over votes Under votes REP Delegates to State Conv Naomi Merchant David L. Gross Ellen L. Gross Meta Halverson Over votes Under votes REP Committeeman P 04 Lloyd A. Rich Gary Coe Over votes Under votes

No Ballot Stamp

BL = Blank, OV = Overvote, F = Folded, EV = ExpressVote V10 FO Office    Remotive   F   F   F   F   F   F   F   F   F	TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PREC	INC	T NAM	Ε			Prec	inct-0	5								Sequ	ence	#: 01	-0005	5-01			
REP State Representative O31			Folded, EV = ExpressVote	BL O	V				F			F			F									NS		EΥ	
Kein Crowley-Johnson	Vote For			T30 T3	It T	32 T33	134 T	35 T36	7259	T260	T261	T262	T263	T264	T265	T266	T267	T268	T269	T270	T271	T272	<b>7273</b>	1274	T275	T485	TOTALS
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Control of the Cont			Kate Crowley-Johnson	: T	Ĩ.	11.	1	: :		ļi .	[1	1	11	1		41	1		]1	£1	í	41	ű 🗀		11	1	M.
### REP State Representative C31   Mark Movey			Over votes	1															1	,				.)			(1 )
Mary J. Ficeprise			Under votes	11			:1	1		i	· · · · · ·			Š	1		<u> </u>	(		L	<u> </u>	j	<u>i</u>	<u> </u>	:	<u>:</u>	
Mary J. Ficeprise																		:	!								
Scale Columb Columb   Scale Columb	2	REP State Representative 031			1				1			1	1		11	1		21	ī.,		i <b>1</b>			!	i	1	7
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REP County CCM At Lurge   Bob Ewing	1				:_		:			: · · · · · · · -	j	<u>.</u>	<u> </u>	j		) 	.i	<u> </u>	.]		i			í	.i	1	
Rick Tysded			Under votes	2			1 1	:2	<u>'</u> .	<u> </u>	.1	·	<u>i</u>	4		<u> 121 -                                 </u>	.1					<u> </u>	.1		:1		12
Rick Tysde		1						:		:	;	:		:	`		<u> </u>			<u> </u>	المسار	مجسب		ججين	حجيث	يجبنا	أحبي
Efficial Douglass   1	2	REP County CCM At Lurge					: :				i. 	1		· ,	:1 :		¥	<u>ा</u> 		· 	1					. <b>1</b>	. <u></u>
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David L. Gross 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			Under votes	2			.1 :1	.2:			.1	1	<u> </u>		بالمنطأة	.i	1	·		.1	-		<u> </u>		:)		12
David L. Gross 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		APPROXITE CONTRACTOR CONTRACTOR		كالمجار										4				-	يببغ			بسبب	هجار			هجيد	Character.
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Meta Helverton							4 -				40.0			::				4	:4	3- 1-	å.	4	ar.		, .	4	
Over votes 3 1 2 2 1 2 1 2 1 2 2 2 2 2 2 2 2 2 2 2		1			:'	'. }-	٠,	1	:1	· · ·		<u> </u>			.: <u>!</u>			.i. <u>'</u>		وا	i	·	<u>.</u>	j	\$ e		1 <b>8</b> 24,73
Under votes 3 1 2 2 1 2 1 2 1 2 2 20					- 7	:	''	·		, ·	:			: <u>.</u>	, ·	,		ુ' ⊹	-::	,		, <b>'</b>	٠,		- <b>'</b> -	-	
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No Pattet Cham /NC)			CHURCH VOICES	3					<u>.</u>	<u></u>		<u> </u>		-	. '	:4	<u>:</u>		·			<u> </u>					و ا
No Callet Stoom /NS)		i					: .!													!							
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TEST	JURISDICTION 1 * Valid Mark	Lawrence County, SD	PRECINCT NAME	Precinct-05	Sequence	#: 02-0005-01	X = Crossover OR Overvote, 1 = Valid Mark
BL = 1	Blank, OV = Overvote, F	= Folded, EV = ExpressVote	BL OV		F NSF F	EV	
Vote For Of	lice .	Candidate	T120 T121 T122 T123 T124 T12	5 T126 T127 T128 T129 T130 T131 T409 T41	) T411 T412 T413 T414 T415 T416	T417 T418 T419 T420 T495 TOTAL	S
1 DE	M Presidential Candidate	Marianne Walamson	1 11 11	71   1		11 34	
		Joseph & Biden Jr	1 1	· · · · · · · · · · · · · · · · · · ·		1 500 m	ý ·
		Dean Phillips	ing nagricina ng miningka	THE REST OF STREET	# E 1771 B E		
		Armendo Perez-Serrato	Contract to the contract of th	and the second of the second o	1	1 1 8	
: :		Over votes	The first of the second				V.* Ca
		Under votes	31		7	1	1
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		No Ballot Stamp (NS)			1 1		1

# JURISDICTION PRECINCT NAME Sequence #: 0005 TEST

## Lawrence County, SD Precinct-05

Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	3 237 775
The second secon	Joseph R Biden Jr	6 44 112 446.5
· · · · · · · · · · · · · · · · · · ·	Dean Phillips	6
	Armando Perez-Serrato	8
·· · · · · · · · · · · · · · · · · · ·	Over votes	
	Under votes	
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<del></del>	No Ballot Stamp	
REP State Senator D31	Randy Delbert	6
	Kate Crowley-Johnson	14
······································	Over votes	1 21 1
	Under votes	3
	A STATE OF STATE	<b>.</b>
REP State Representative D31	Mark Mowry	
	Mary J. Fitzgerald	13 3 2 2 2
	Scott Odenbach	14 2 5 3 2 5
	Over votes	
	Under votes	
	Onder votes	
SERVER STATE OF THE SERVER	Bob Ewing	
REP CCM At Large		
	Rick Tysdal	43 ( )
2 to	Erica Douglas	4.2.55
	Over votes	
	Under votes	2
REP Delegates to State Conv	Naomi Merchant	9 3 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
· · · · · · · · · · · · · · · · · · ·	¡David L. Gross	11/2/2007
	Ellen L. Gross	16 / 4/4/2
	Meta Halverson	16
	Over votes	100
	Under votes	20 % P
	Chias votes	

No Ballot Stamp

Lawrence County, SD	PRE	ECIN	ICT N	MAME	Ē			Prec	incl-0	6								Sequ	ience	#: 0	1-000	6-01			
Folded, EV = ExpressVote			T20	T40 '	741 1	49 T4	9 T276	1217	NS Taze	T270	F T290	T201	7287	T283	T284	F	T286	T287	TORR	F T289	T200	T261			TOTAL
Randy Delbert Kate Crowley-Johnson	137		1	1 111	i ;	<u> </u>	1	13	<u> 1270</u>	1	1	1201	1202	1	11	1	t	1	1200	1200	1	1231	1202	7	1012
Over votes Under votes	1	1		í		ें ज		İ	·		<u> </u>	7 4		ř	j	<u> </u>		: <i>i</i>	: ···	1			·	:	1
Mark Movey Mary J. Fizgerald Scott Odenbach Over votes Under votes	2	2	1	i i	1 1	2	1	1			1	1	1	1	1		1 1	1	1	1	1	1	i i	1	6 14 15 2
Bob Ewing Prick Tysdal Erica Dougles Cwer votes Under votes	- 2	2	1	1	1 1	,2	11 T	i		7	1	1		-11_ 	)1 1	1	<u>1</u>	1	1	1	1.	1			7 13 15 2
Naomi Merchant Dervid L. Gross Effan L. Gross Meta Harverson Over votes Under votes	,3	3	61 :	ī ī	1 1	1 1	1	i i		1	1 2	]1  1  1	1	1 1	1	2	1	1 11 11	1	1	1	f f		1	11 17 37
Arni M Keller Susen Johnson Över votes Under votes	1			1	1	· · · · · · · · · · · · · · · · · · ·	<b>!</b>	1			<b>.</b>	1	11 "	 1		 		.1	•	i . i		1 :	•	1	15 5
	Folded, EV = ExpressVote Candidate Randy Delbert Kate Crowtey-Johnson Over votes Under votes Mark Mowry Mary J. Fizgerald Scott Odenbach Over votes Under votes Bob Evring Alick Tysdal Erica Dougles Over votes Under votes Sissen Johnson Over votes Under votes	# Folded, EV = ExpressVote	Folded, EV = ExpressVote BL OV Candidate T37 T38  Randy Delbert Kare Crowley-Johnson Over votes 1  Mark Mowey Mary J. Fizgerold Scott Odenbach Over votes 2  Under votes 2  Bob Evring Frick Tynds 2  Erica Dougles Over votes 2  Under votes 2  Nacmi Merchant Darvid L. Gross Efian L. Gross Mais Halverson Over votes 3  Under votes 3  Under votes 3  An M Keller Susan Johnson Over votes 3	Folded, EV = ExpressVote BL OV Candidate T37 T38 T39 Randy Delbert 1 Kate Crowley-Johnson Over votes 1 Under votes 1 Mark Mowry 1 Mary J. Fizgerald 1 Scott Odenbach 1 Over votes 2 Under votes 3 Under votes 3 Under votes 4 Under votes 3	# Folded, EV = ExpressVote	# Folded, EV = ExpressVote	# Folded, EV = ExpressVote	# Folded, EV = ExpressVote	# Folded, EV = ExpressVote	# Fokicled, EV = ExpressVote	# Folded, EV = ExpressVote	# Fokicled, EV = ExpressVote	# Folded, EV = ExpressVote	# Fokicled, EV = ExpressVote	# Folded, EV = ExpressVote	# Fokicled, EV = ExpressVote	# Fokicled, EV = Express Vote	# Folded, EV = ExpressVote	# Folded, EV = ExpressVote	Folded, EV = ExpressVote   Candidate   T37 T38 T39 T40 T41 T42 T43 T276 T277 T278 T279 T280 T281 T282 T283 T284 T285 T288 T287 T288 Randy Delbest   T37 T38 T39 T40 T41 T42 T43 T276 T277 T278 T279 T280 T281 T282 T283 T284 T285 T288 T287 T288 Randy Delbest   T37 T38 T39 T40 T41 T42 T43 T276 T277 T278 T279 T280 T281 T282 T283 T284 T285 T288 T287 T288 Randy Delbest   T37 T38 T39 T40 T41 T42 T43 T276 T277 T278 T279 T280 T281 T282 T283 T284 T285 T288 T287 T288 T287 T288 Randy Delbest   T37 T38 T39 T40 T41 T42 T43 T276 T277 T278 T279 T280 T281 T282 T283 T284 T285 T288 T287 T288 T288	Folded, EV = Express Vole	Folded, EV = ExpressVote   Candidate   T37 738 T39 T40 T41 T42 T43 T276 T277 T278 T279 T281 T282 T283 T284 T285 T286 T287 T288 T289 T280   F	# Folicied, EV = Express Vote	## Folded, EV = ExpressVote Candidate  T37 T38 T39 T40 T41 T42 T43 T276 T277 T278 T279 T280 T281 T262 T283 T284 T285 T284 T285 T288 T289 T280 T291 T292  Randy Delibert Kairs Crowdy-Johnson  J	Folded, EV = ExpressVote   BL OV   NS   F   EV   Candidate   T37 736 T39 T40 T41 T42 T43 T276 T277 T278 T279 T280 T281 T282 T283 T284 T285 T284 T285 T288 T289 T280 T291 T282 T486 Randy Delibert   T37 736 T39 T40 T41 T42 T43 T276 T277 T278 T279 T280 T281 T282 T283 T284 T285 T284 T285 T288 T289 T280 T291 T282 T486 Randy Delibert   T37 736 T279 T278 T279 T278 T279 T278 T279 T280 T281 T282 T283 T284 T285 T284 T285 T288 T289 T280 T289 T280 T281 T282 T486 T289 T280 T289 T280 T281 T282 T283 T284 T285 T284 T285 T284 T285 T288 T289 T280 T289 T280 T281 T282 T283 T284 T285 T284 T285 T284 T285 T286 T289 T280 T281 T282 T283 T284 T285 T284 T285 T286 T289 T280 T281 T282 T283 T284 T285 T284 T285 T286 T289 T280 T280 T280 T280 T280 T280 T280 T280

TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRE	CINC	T NA	ME	Prec	inct-0	6	Seq	vence	#: 0	2-000	6-01														
BL = B	Blank, OV = Overvote, F =	Folded, EV = ExpressVote	BL	OV												F			F			F		NS			EΥ	
Vote For O	ffice	Candidate		T133	T134	T135	T136	T137	T138	T139	T140	T141	T142	T143	T421	T422	T423	T424	T425	T426	T427	T428	T429	T430	T431	T432	T496	TOTALS
1  D	EM Presidential Condidate	Marienne Williamson	:	-	. [1	1	í	:.	١		J			1 .	H .	1	i	:	ļ		1	1	īi.	!	i -	1	31	<b>4</b>
		Deen Phillips	1	;	 		in Saint A Saint	ď	Ű.	<u>a</u>	1	γ Έ	·. · · · ·	.i			ji		1		11		; - ;	-1. J		Ĺ	- ·	B. 2.00
:		Armando Perez-Serrato Over votes		ij			· ·		:	į .	<b>1</b>	.1	41	* <b>T</b>	7	;			:		1	: -				1		
		Under votes	1	<u> </u>	··· <u>·</u>					1 }	/		1-		·÷	1			1			<u>.</u>		1.	1		: :	2
					-	,	:					:	1		: .			:	! .		: .	: -	<u> </u>	.i				
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# JURISDICTION PRECINCT NAME Sequence #: 0006 TEST

### Lawrence County, SD Precinct-06

Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	4 10 10 10 10
	Joseph R Biden Jr	5
· · · · · · · · · · · · · · · · · · ·	Dean Phillips	
	Armando Perez-Serrato	
	Over votes	
	'	
	Under votes	
		2
	No Ballot Stamp	
REP State Senator D31	Randy Deibert	7 224 N 345 AS
	Kate Crowley-Johnson	12
e e e e e e e e e e e e e e e e e e e		
	Over votes	
	Under votes	
	Subsection of the subsection o	
REP State Representative D31	Mark Mowry	6
	Mary J. Fitzgerald	14 12 3 3 3
	Scott Odenbach	15
	Over votes	2
	Under votes	
	· · · · · ·	
REP CCM At Large	Bob Ewing	
	Rick Tysdal	(3)
	Erica Douglas	15 4 7 10 1
	Over votes	2 5 3 4 4
· · · · · · · · · · · · · · · · · · ·	Under votes	
· · · · · · · · · · · · · · · · · · ·		
REP Delegates to State Conv	Naomi Merchant	
JEF Delegates to State Conf.	THE PERSON OF TH	
	David L. Gross	
	Ellen L. Gross	
	Meta Halverson	17
	Over votes	3
· · · · · · · · · · · · · · · · · · ·	Under votes	18 34 34 37
··· ··· · <del>-</del> ·· ··· ··	and the grant to	- 10 Table 7
REP Committeewoman P 06	Ami M Kellar	
	Susan Johnson	
	Over votes	
	Under votes	5
	e sa aliante	2
		THE PARTY OF THE P
	No Ballot Stamp	1

TEST	JURISDICTION  1 = Valid Mark	Lawrence County, SD	PRECINC	TNAME		Precinct-0	7			Sequence #:	01-0007-01	
Vote Fo	BL = Blank, OV = Overvote, F = F	Candidate	BL OV 144 145 T	46 T47 T48	T49 T50 T293	T294   T295	F T296_T297	T298_T299	F T300 T301 T302 T	NS 63 T304 T305 T3	F 306 T307 T308 T	EV 309 T487 TOTALS
<u> </u>	REP States Semester D31	Rendy Delbert Kale Crowley-Johnson Over votes Under votes						í [i			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	7
2	REP State Representative 031	Mark Mowry Mary J. Fitzgereld Scott Odenbach (Over votes Under votes	i j2		1 2	i 1	1 1	, in		, ,	1 1 1	1 6 12 15 15 13
i	REP County CCM At Large	Bob Ewing Flick Tysdel Erice Dougles  Over votes	1 1 2	111 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \			1 1 1	1			1 1	1 6 12 1 15 2
. <b>ä</b>	REP Delegates to State Corv	Under votes Naomi Merchant Devid L. Gross Stellen L. Gross Meta Halverson	1	1 1 1 1	1 2	i in		1 1				
ξ	REP Committeemen P 07	Over votes Under votes Joseph Palmer	,3 3		2 2		2		2 1	2	i 2 2	3 22 22
		Ronald J. Moalter Over votes Under votes	i (1	Ī 1		1	1				· · · · · · · · · · · · · · · · · · ·	1 13
,		No Ballot Stamp (NS)			T 1 I	1	T	1		1 1	<del></del>	1

TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SE	PRE	CINC	T NA!	ΜĘ			Pre	cinct-(	)7		Sequ	ieuce	<b>#:</b> 00	2-000	7-01											
BL = Bla		= Folded, EV = ExpressVote	BL	ov													F		NS	F				F			EV	
Vote For Off	fice	Candidate	T144	T145	T#46	T14	7 T148	T149	T150	7151	T152	T153	T154	T155	T433	T434	T435	T436	1437	T438	T439	T440	T441	T442	T443	T444	T497	TOTALS
1 DE	M Presidential Candidate	Marianne Williamson	;		<u>!</u> 1	•	1	_		1		!	:		1	<u> </u>	1	-	:	: '	ļ.	!	1		:		:	3
		Joseph R Biden Jr				i	1		- "							Ή						1			1		1	<b>6</b> -72 -
1 Y		Dean Phillips		. 1			1	1	1	[1]	"[		1111	1	i'	í	įίι	11.11	7	: 1	1			ļi 🗀	:	4	11	•
		Armendo Perez-Serreto		****					·		`` <b>`</b>	1	1	Ħ- '''	÷		- :	1	<del>-</del>	1	_:	·		· ÷ · · ·		1		Water .
3 7 7		Over votes		1			i	٠. "					1	Ţ			1			1	1 '						1	
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		No Ballot Stamp (NS)	. [					$T_{-}$		_			$\Gamma$						1	ı	T	T		1		T		1

## JURISDICTION PRECINCT NAME Sequence #: 0007 TEST

## Lawrence County, SD Precinct-07

Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	3
	Joseph R Biden Jr	6 J. 1985
	Dean Phillips	6 4 4 8
	Armando Perez-Serrato	7 1. 7. 16.76
	Over votes	
	Under votes	
	100 Votes	
	N- D-B-LOG	
	No Ballot Stamp	
REP State Senator D31	Randy Deibert	TO THE STREET, STREET, SAN A
TEP DIERO GONEGO DO I	Kate Crowley-Johnson	
	· · · · · · · · · · · · · · · · · · ·	
	Over votes	
	Under votes	
		.2
REP State Representative D31	Mark Mowry	6 /
	Mary J. Fitzgerald	12 * * **
· · · · · · · · · · · · · · · · · · ·	Scott Odenbach	15.5
	Over votes	2.77
	Under voles	19 1
REP CCM At Large	Bob Ewing	
	Rick Tysdal	
	Érica Douglas	
	Over voles	5-7-7-1
	Under votes	
	67 - 3 + 247,	
REP Delegates to State Conv	Naomi Merchant	
	David L. Gross	
	Ellen L. Gross	15 62 7 7 7 7 7
	Meta Halverson	17 72 3 1 V
* P	Over votes	3 3 1 3 3 3
and the second s	Under votes	22
and the second second second	7 - 1 - 24 - 24	
IEP Committeeman P 01	Joseph Palmer	
CONTRACTOR OF THE CONTRACTOR O	Ronald J. Moeller	
	Andreas decreases and a second of the second	
and the second second	Over votes	
	Under votes	
	Section 1	2
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TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRECINCT NAME	Precinct-08		Sequence #: 01-0008-01	
Vote For	BL = Blank, OV = Overvote, F = Office	Candidate	BL OV 151 152 153 154 155 156 13	F 57 T310 T311 T312 T313 T314 T315 T3	F NS 16 T317 T318 T319 T320		V 488 TOTALS
	REP State Sensior D31	Randy Delbert Kate Crowley-Johnson Over votes Under votes				<b>1</b> 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	19
2	REP State Representative 031	Mark Movny  Mary J. Fitzgeraid  Scott Orlenbach Over votes  Under votes	1 1 1 2				7 13 14 2 2 12
2	REP County CCM At Large	Bob Eving   Rick Tysdal   Erics Dougles   Over votes   Under votes	1 1 1				6 13 15 2
3	REP Delegates to State Conv	Naomi Mercharu David L. Gross Ellan L. Gross Meta Hahverson Over votes Under votes	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		1 1 1		10 10 18 3
` <b>í</b>	REP Committeemen P 08	Justin Tupper Deve Sentuetaon Over votes Under votes					13 13 3
i.	REP Committewomen P 08	Valerie Samuelson Mery J Fizzpereld Over votes Under votes	1 1 1				13 13
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TEST JURISDICTION 1 ≈ Valid Mark	Lawrence County, SD	PRE	CINCT NA	WE					Pr	ecinct-(	08								Seq	uence	#: 0	2-000	8-01			
BL = Blank, OV = Overvote, F = F	Folded, EV = ExpressVote	BL	OV												F		NS		F			F			EV	
ote For Office	Candidate	T156	T157 T15	B T159	T160	T161	T16	2 T16	3 TH	H T165	T166	T167	T445	T446	T447	T448	T449	T450	T451	T452	T453	T454	T455	.T456	T498 TOT	ALS
DEM Presidential Candidate	Marianne Williamson	1	1	-	;	i	:		i		:	-	:		•	1		<u>]</u> 1	1	·!		1	-		300	
	Joseph R Biden Jr				11				:-						1			· ·	1			0.0				1.92
	Dean Philips	£ 1	100	4	· · · ·	11	11	` /i	7	1: 1	1 .	7	1	Įi	:	ţ	7	100	Y	ř <b>i</b>	F	"	2	1	i 🖠	
	Armendo Perez-Serrato							7	~~~	1 -	1	-jan 1	**************************************	·• · ·	,		÷					1	·/j	- <b></b>		<b>**</b>
	Over votes	. "	91 7 7	1.1			5	1		1			1	!	1				100	: "	( )	7 1	1	:	10	
	Under votes	:1		. : .	:				- ;		. :	`-:		: <u>-</u>	!	!	·•			· -		÷		-!	,2	.0.09
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## JURISDICTION PRECINCT NAME Sequence #: 0008 TEST

## Lawrence County, SD Precinct-08

Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	3
	Joseph R Biden Jr	4 2 3 3 2 3
	Dean Phillips	7
	Armando Perez-Serrato	
	Over votes	
	Under votes	
······· ·· <del></del> -· · · · · ·	· - <u></u>	
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	2
	No Ballot Stamp	
<u> </u>	22 C 25 C 25 C 25 C 25 C 25 C 25 C 25 C	to the substitute to
REP State Senator D31	Randy Deibert	7
	Kate Crowley-Johnson	13
	Over votes	13 (2.2)
	Under votes	3 40 1
·····	4 <del></del> - <del>-</del>	
REP State Representative D31	Mark Mowry	
	Mary J. Fitzgerald	13
the second of the second		1. 人名英格兰人姓氏格兰人名英格兰人名英格兰人名英格兰人名英格兰人名英格兰人名英格兰人名英格兰人名英
	Scott Odenbach	14 7 6 6
	Over votes	2
	Under votes	12
	7 No. 10 (2013)	4
REP CCM At Large	Bob Ewing	6 3 4
	Rick Tysdal	13
·· · · · · · · · · · · · · · · · · ·	Enca Douglas	A CONTRACT TO SERVICE
		15 7 450
<u></u>	Over votes	
	Under votes	12
REP Delegates to State Conv	Naomi Merchant	1
	David L. Gross	10 7 - 10 0
	Ellen L. Gross	15 × F 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
·- · · · · · · · · · · · · · · · · · ·	Meta Halverson	18. 18. 18.
	Over votes	
	Under votes	21, 3, 3, 3
		315 K 78 3 7
REP Committeeman P 08	Justin Tupper	
	Dave Samuelson	12.74
	Over votes	
and the second of the second	Under voles	
V-0.01 - 1	2/4/4-2	
EP Committeewomen P 08	Valerie Samuelson	6 (1.3)
	Mary J Fitzgerald	13 76 72 7
	Over vates	(*************************************
	Under votes	4.
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		and the second second

TEST	JURISDICTION  1 = Valid Mark	Lawrence County, SD	PRECINC'	T NAME			Precinct-0	9					;	Sequence	#: 01	-0009-01			
Vote For	BL = Blank, QV = Overvote, F = F	olded, EV = ExpressVote Candidate	BL OV 158 159 T6	0 T61 Y62	T63 T64	T327	T328 T329	T330 7	7331 T33	F 1333 1	34 T335	F T336	T337 1	F 1338 T339	T340	NS 1341 T34	? T343	EV T489	TOTALS
		Randy Deibert Kalle Crowley-Johnson Över votes Under votes	1	Tari (n.) Tari	i	1	i [j	1	<u> </u>	ir ir		][ ]		. (C)		! .	1	<u>.</u>	\$ 16 1
		Mark Mowry Mary J. Fitzgerald Scott Odenbech Over roles Under wotes	12	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 2	1 -	1 1	1 1	Property of the second	न न () न	1	1	ī	1 _ /	1	1	1 1 1	i	6 16:1 15 25:
2	T	Bob Ewing Frick Tysdal Erica Douglas Over votes Under volus	1 i1 i2 i2 i		1 2	i i	1 1			1 7	1	1	; <u> </u>	17	1	1	1	•	7 13 15 2
3	<del>.</del>	Naomi Merchani David L. Gross Ellen L. Gross Meta Hatverson Over votes Under votes		1 1 1	1 1		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		2 3	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1	1	1 1	1 1 1 1 1	1	1 1 1		1	10 10 14 3
	REP Committensen P 00	Dahl H. McLean Tristen Rhoden (Over votes Under votes		1 1	1 1		1 1		1 1	1 1	1	1	1	1	<u>[1</u>		i,	1 L	6°7 14 14 3
. j	REP Committewomen P 00	Kalen Lemmel Annu P. Merry Over votes Under votes		1 1	1 1	1	1	1		11		1	1	1	1 1 9 1 1 1	i	1	4	5 15 3
		No Ballot Stamp (NS)	1. 1. 1.														1		1

TEST	JURISDICTION 1 = Valid Mark	Lawrence County, SD	PRE	CINC	T NAM	νE					Preci	nct-09	9					Sequence #: 02-0009-01										
BL = Blan		Folded, EV = ExpressVote	BL	oy												F			NS	F		F					ĖΫ	
Vote For Office	De	Candidate	T168	T169	T170	T171	T172	T173	T174	T175	T176	T177	T178	T179	T457	T458	T459	T460	T461	T462	T463	T464	7465	T466	T467	T468	T499	TOTALS
1 DEM	A Presidential Candidate	Marianne Williamson	!	:	1	1	1	:		1	:	!	!	1	;	1	!	1		11	1		:	r			:	3
	-	Joseph R Biden Jr				1	1			•							1				":1				1	-		5
111		Oeen Phillips			100	1		it	i	4	!"		i .		1	1	F	i .	:	1		1	100			-1		6
		Armando Parez-Servato	4								1	1	1	1	t		· - ·	:	<del></del>		,		1	1			4	
		Over votes	( )	j1	,		:		:	i	100	( '''			Ţ	Ţ	;	ľ	:	r 1	100		i		:			15.2
		Under votes	<u> </u>	- · · · · · · · · · · · · · · · · · · ·		j		· .	" : -	· <del> · ·</del>	:	/ ·	:		:.	).			;					,			:	1
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		No Ballot Stamp (NS)				L	$\mathbf{L}$	T					Τ		T	Ī	Γ_	L	1		T	<u> </u>	T					<u> </u>

## JURISDICTION PRECINCT NAME Sequence #: 0009 TEST

## Lawrence County, SD Precinct-09

Office	Candidate	PRECINCT TOTALS
DEM Presidential Candidate	Marianne Williamson	3 70 C 600 C 600
	Joseph R Biden Jr	5
	Dean Phillips	6
	Armando Perez-Serrato	a ·
	Over votes	
	The second secon	
	Under votes	
·	111 Az 113 - 14 S	
	No Ballot Stamp	
REP State Senator D31	Randy Deibert	5.40
	Kate Crowley-Johnson	15
	Over votes	
	Under votes	- <b>3</b> (1.1° 2.1° /
	the second	
PER Stote Personnellite 024		
REP State Representative D31	Mark Mowry	6 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7
	Mary J. Fitzgerald	14
	Scott Odenbach	15
	Over votes	2
	:Under votes	11 % 12.50
	Surgery State	<b>.</b>
REP CCM At Large	Bob Ewing	
	Rick Tysdal	10 A 10 A
	Erica Douglas	
and the second of the second o	···	
	Over votes	2:1:1
	Under votes	11
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
REP Delegates to State Conv	Naomi Merchant	
	David L. Gross	10
	Etlen L. Gross	16
	Meta Halverson	# 7.5%
<u> </u>		
	Over votes	3
	Under votes	22.
	My Selfully	7
REP Committeeman P 09	Dahl H. McLean	
	Tristen Rhoden	14 3 4 1 1 1 1 2
	Over votes	100
No. 1	Under votes	
are .	: Grider Votes	
750 07111M		
REP Committeewoman P 09	Kalen Lemmef	
	Anna P. Marrs	15
	Over votes	1 1 1 1 1 1 1 1
	Under votes	3 (4)
	7 (8 ) (9 ) (187	<b>1</b> × 24
		■AAC IND A CAMMA NA ST

STATE OF SOUTH DAKOTA	)	
·	)	CERTIFICATE
COUNTY OF: Lawrence	}	

We, Robert Ewing, Brandon Flanagan, Richard Tysdal, Richard Sleep, Eric Jennings, the County Board of Canvassers in Lawrence County for the Primary Election held on June 4, 2024, hereby certify that the foregoing is a true abstract of the votes cast in the jurisdiction of Lawrence County, South Dakota, at the election as shown by the returns certified to the

person in charge of the election.

Richard D. Alcep

Sworn to before me this

\_day of June

**County Auditor** 

Lawrence County, South Dakota

		Presidential	Candidate						
	Democratic								
Precinct Name	Marianne Williamson	Joseph R Biden Jr	Dean Phillips	Armando Perez- Serrato					
Absentee Precinct	15	189	4	3					
Precinct-01	8	51	9	4					
Precinct-02	7	52	5	2					
Precinct-03	8	82	. 5	I					
Precinct-04	3	38	_ 3	2					
Precinct-05	0	22	0	4					
Precinct-06	2	6	2	0					
Preci <b>nct-</b> 07	3	26	3	1					
Precinct-08	. 2	6	0	0					
Precinct-09	10	. 26	4	2					
Precinct-10	11	44	4	2					

	State Senate	or District 31
1	Repul	blican :
Precinct Name	Randy Deibert	Kate Crowley- Johnson
Absentee Precinct	452	265
Precinct-01	182	103
Precinct-02	178	104
Precinct-03	267	135
Precinct-04	107	57
Precinct-05	58	31
Precinct-06	19	24
Precinct-07	113	97
Precinct-08	45	25
Precinct-09	116	143
Precinct-10	287	264
Total	1,824	1,248

_	State Rep	resentative (	District 31					
	Republican							
Precinct Name	Mark Mowry	Mary J Fitzgerald	Scott Odenbach					
Absentee Precinct	298	387	534					
Precinct-01	112	161	217					
Precinct-02	123	164	199					
Precinct-03	162	216	332					
Precinct-04	65	99	126					
Precinct-05	42	46	53					
Precinct-06	18	17	32					
Precinct-07	105	100	152					
Precinct-08	34	34	_41					
Precinct-09	153	92	198					
Precinct-10	294	243	437					
Total	1,406	1,559	2,321					

	County C	ommissioner /	At Large						
		Republican							
Precinct Name	Bob Ewing	Bob Ewing Rick Tysdal							
Absentee Precinct	444	389	339						
Precinct-01	164	178	131						
Precinct-02	183	173	116						
Precinct-03	246	229	184						
Precinct-04	101	90	85						
Precinct-05	47	37	51						
Precinct-06	21	_20	30						
Precinct-07	105	86	133						
Precinct-08	40	30	33						
Precinct-09	129	98	163						
Precinct-10	331	284	292						
Total	1,811	1,614	1,557						

	D(	elegates to St	ate Convent	ion					
	Republican								
	Naomi	David L.	Ellen L.	Meta					
Precinct Name	Merchant	Gross	Gross	Raiverson					
Absentee Precinct	332	269	259	270					
Precinct-01	118	97	89	93					
Precinct-02	130	102	93	100					
Precinct-03	181	150	122	141					
Precinct-04	89	77	68	69					
Precinct-05	40	34	31	27					
Precinct-06	26	15	9	21					
Precinct-07	92	86	77	84					
Precinct-08	29	30	29	22					
Precinct-09	117	93	<i>7</i> 3	154					
Precinct-10	270	172	148	222					
Total	1,424	1,125	998	1,203					

	Precinct Con Precin		Precinct C	ommitteeman	Precinct-02		mmitteeman inct-03	Precinct Committeeman Precinct-04 Republican		
	Reput	olican		Republican		Repu	ublican			
Precinct Name	Donald Lutz	Jimmy J. Roberts	Ayden Q. Wrisley	Nathan Hoogshagen	Thomas R. Nelson	Richard Prezkuta	Perry Washenberg er	Lloyd A, Rich	Gary Coe	
Absentee Precinct	34	9	4	37	31	31	33	15	16	
Precinct-01	111	62								
Precinct-02			8	152	63					
Precinct-03						150	124			
Precinct-04								74	62	
Precinct-07		•								
Precinct-08								Ċ		
Precinct-09							(			
Precinct-10						l	]	-		
Total	145	71	12	189	94	181	157	89	78	

		mmitteeman nct-07		mmitteeman inct-08		mmitteeman nct-09	Precinct Committeeman Precinct-10 Republican		
	Repu	iblican	Repo	ublican	Repu	blican			
Precinct Name	Joseph Palmer	Ronald J. Moeller	Justin Tupper	Dave Samuelson	Dahl H. McLean	Tristen Rhoden	Timothy A. Braithwait	Richard D Sleep	
Absentee Precinct	31	44	0	. 5	27	10	110	94	
Precinct-01	<u> </u>		·		,,,				
Precinct-02		]							
Precinct-03			<u> </u>					· · · ·	
Precinct-04						L			
Precinct-07	61	90				1			
Precinct-08			31	39					
Precinct-09			[		142	97			
Precinct-10		Ì	<del>-</del>				255	264	
Total	92	134	31	44	169	107	365	358	