

Committee Report



Presented to

The Minnehaha County Auditor and Board of Commissioners

by the

Minnehaha County Election Review Committee

March 31, 2015

Table of Contents

Executive Summary..... 3

Background 4

Committee Recommendations 6

Summary of the Committee Meetings 8

 December 19, 2014..... 8

 January 16, 2015 8

 January 23, 2015 8

 February 6, 2015 8

 February 20, 2015 8

 March 6, 2015 9

Definitions:..... 10

Executive Summary:

The Minnehaha County Election Review Committee delivers the following report based on the appointment and charge of the Minnehaha County Commission. The report is intended to present a concise yet detailed account of the information collected and recommendations developed through the course of the committee's work. The report is organized into the following sections: executive summary, background, committee recommendations, summary of committee meetings, and definitions.

The Executive Summary is intended to be a high-level overview of the structure, activities and work product developed by the committee. The Background section describes the reasons for the committee's formation, the individuals responsible for committee appointments, and a brief description of the background of the appointed committee members. The Committee Recommendations section represents the findings and direction of the committee based on all information gathered. A total of fifteen recommendations and comments were developed and organized within the following five categories:

- a. Timeliness of Vote Tabulation
- b. Performance of Vote Tabulators
- c. Issues of Absentee Ballots
- d. Election Processes
- e. Additional Committee Comments

The Summary of Committee Meetings section provides a link to a video recording and written minutes of each of the six committee meetings. This record of testimony and committee discussions provides a detailed summary of the information the committee received prior to making its recommendations.

The Definition section was added to clarify terms and titles that may not otherwise be clear to readers who do not have a detailed understanding of election processes, computer programs and election-related terms.

Background:

By a 4-0 vote on December 2, 2014, the Minnehaha County Commission approved a motion creating the county's Election Review Committee. The purpose of the committee, as agreed to by both the Commission and County Auditor Bob Litz, was to address "questions related to the timeliness of the vote tabulation, the performance of the new vote counting machines, and the process for delivering absentee ballots to voters and ensuring absentee voters receive correct ballots for their legislative districts." Seven Committee members were appointed, one by each of the five Minnehaha County Commissioners as well as one appointment each by Minnehaha County Auditor Bob Litz and Secretary of State Shantel Krebs.

The following individuals were appointed:

Bruce Danielson (Chairman) – Minnehaha County Resident

Joel Arends – Sioux Falls Attorney

Debra Elofson – Minnehaha County Resident

Lorie Hogstad - Sioux Falls City Clerk

Julie Pearson - Pennington County Auditor

Sue Roust - Former Minnehaha County Auditor

Kea Warne – Office of Secretary of State, Deputy Secretary of State for Election Services

Robert Wilson, Assistant Commission Administrative Officer, served as support staff to the committee.

All Committee proceedings were public and the County maintains a committee website at http://www.minnehahacounty.org/election_Review/election_Review.aspx

The Committee met six times over three months. During that time it became clear a number of factors contributed to the issues the committee was tasked with addressing. This report summarizes the Committee's findings and recommendations and contains links to the materials gathered by the Committee during its work.

The committee went to great lengths to involve the public. Press releases were distributed in advance of meetings, indicating the time, date and location. All meetings were also noticed on Minnehaha County's official calendar. The meetings were open and members of the public contributed to the work of the committee.

Rebecca Dunn, a former state legislator and city council candidate addressed the committee and described concerns she had during the most recent city election, April 8, 2014.

Greg Allis, an election supervisor appeared to discuss the precinct locations and vote centers.

Joy Howe appeared to bring to the committee's attention the potential issues associated with computer ballot counting.

Dan Daily spoke complimenting the committee members for their service.

Melvin VanDenTop expressed his concerns about electronic vote tabulation equipment.

Theresa Stehly addressed the committee and shared her appreciation for election workers and her frustration that voters must use multiple voting locations for city, school and state-wide elections.

Committee Recommendations:

Based on information received over the course of its work, the Minnehaha County Election Review Committee makes the following recommendations to the Minnehaha County Commission and County Auditor Bob Litz:

A. Timeliness of Vote Tabulation:

1. We recommend the Minnehaha County Auditor and County Commission consider securing the north first floor hallway of the Administration Building for ballot tabulating related activities on Election Days.
2. We concur with Auditor Litz that one more DS850 ballot scanner should be purchased
3. We recommend the Minnehaha County Auditor have extra resolution team members available if needed.
4. We recommend the Minnehaha County Auditor ensures ballot scanners are programmed in accordance with SDCL 12-17B-13.1.
5. We recommend the Minnehaha County Auditor consider scanning absentee ballots before polls close on Election Day, in accordance with SDCL 12-19-43.

B. Performance of Vote Tabulators:

1. We recommend the Minnehaha County Auditor consider ordering ballot stock with watermarks or a defined place on the ballot identifying where a ballot stamp should be placed as not to interfere with read areas of the ballot. Review with Secretary of State's Office if a change may be needed in administrative rules.
2. We recommend the Minnehaha County Auditor review the use of blue ink pens for voters to mark ballots.

C. Issues of Absentee Ballots:

1. We recommend the Minnehaha County Auditor allocate sufficient staff time to assure the Total Vote database and its Street Master program are maintained and up-to-date at all times.
2. We recommend that whenever any changes are made to voter records by Total Vote, a report be provided to each auditor listing the "before" and "after" values for any fields which have been changed.

D. Election Processes:

1. We recommend the Minnehaha County Auditor and County Commission designate the Multi-Purpose Room for express use for elections.
2. We recommend the Minnehaha County Auditor complete a procedure manual for elections.
3. We recommend the Minnehaha County Commission provide adequate space on Election Day for all election-related activities to include processing absentee ballots, receiving supplies and ballots, counting ballots with space for multiple resolution teams and public viewing.
4. We recommend the Minnehaha County Auditor pre-fold absentee ballots and consider purchase of a folding machine.

E. Additional Committee Comments:

1. We heard testimony about voter confusion about changing voting locations. We understand that the City of Sioux Falls and School Falls School District will continue to utilize vote centers for their elections and realize the difficulty this will entail for the Primary and General Elections primarily due to geographical challenges and election turn-out.
2. The Committee believes that the use of e-Pollbooks at large precincts could allow precinct workers to more easily look up voter information and direct voters to the correct precinct, significantly reducing the number of calls to the Auditor on Election Day. However, Chief Civil Deputy State's Attorney Kersten Kappmeyer recommends that e-pollbooks be used at all precincts or none, due to equal protection concerns. Providing e-pollbooks at all precincts would require a very large expenditure of the County's HAVA funds.

Summary of the Committee Meetings:

Our committee was asked to review the root causes of the recent election issues. We examined the following issues and procedures during the following meetings:

December 19, 2014

Initial organizational meeting. Bruce Danielson was elected Chairman. Committee procedures were agreed on and preliminary issues were identified. A request was made to use the Commission Chamber so the meetings could be recorded for public viewing.

http://www.minnehahacounty.org/election_Review/minutes/2014/121914.pdf

January 16, 2015

This meeting and remaining meetings were recorded for internet viewing via the county's Youtube.com channel. The meeting focused on the Auditor's Office distribution, collection and counting process for absentee ballots. The committee observed a test of the DS850 ballot tabulators. There was also a general discussion of the ballot counting process, space and location as well as the committee website.

http://www.minnehahacounty.org/election_Review/minutes/2015/011615.pdf

http://www.minnehahacounty.org/election_Review/video_recording/011615.aspx

January 23, 2015

The committee discussed the Minnehaha County State's Attorney's Position on the timing of ballot processing and ballot counting. The committee discussed the challenges and opportunities related to the potential use of voting centers in Minnehaha County. Multiple ballot styles needed for an election was discussed with planning complications.

http://www.minnehahacounty.org/election_Review/minutes/2015/012315.pdf

http://www.minnehahacounty.org/election_Review/video_recording/012315.aspx

February 6, 2015

Discussion focused on the challenges and opportunities of combining municipal, school district and federal election days. There was also a discussion of the merits of recommending the purchase of a third DS850 ballot tabulator. A sample of a committee report was presented and discussed. Discussion of vote center versus super precinct versus precinct voting was discussed.

http://www.minnehahacounty.org/election_Review/minutes/2015/020615.pdf

http://www.minnehahacounty.org/election_Review/video_recording/020615.aspx

February 20, 2015

Several vendors of election-related products used in Minnehaha County and other jurisdictions in South Dakota demonstrated and described their products and services. Discussions, demonstrations and conversations focused on challenges experienced in past elections as well as efforts that have been made since to improve the voting process. Data processes and irregularities were discussed with the state's database contractor.

http://www.minnehahacounty.org/election_Review/minutes/2015/022015.pdf

http://www.minnehahacounty.org/election_Review/video_recording/022015.aspx

March 6, 2015

The committee discussed the draft final report in detail and reviewed suggested edits provided by committee members. The committee voted on all recommendations individually. Following the review of all recommendations, the committee requested that staff prepare the updated recommendations into a final report form and circulate for final committee approval by email.

http://www.minnehahacounty.org/election_Review/minutes/2015/030615.pdf

http://minnehahacounty.org/election_Review/video_recording/030615.aspx

Definitions:

It is important to help the reader with the differences in voting terminology being used in this report:

- **AutoMark:** A device designed to allow voters to mark paper ballots without or with minimal assistance from another individual.
- **Ballot Style:** A unique combination of races. Example: For a Minnehaha County General Election there are eight ballot styles, one for each legislative district.
- **e-Pollbook,** also known as an electronic voter registration list and poll book. A tablet or laptop computer containing voter registration information, which allows election officials to review and/or process voter information during an election but does not actually count votes. In South Dakota the voter still votes on a paper ballot.
- **Precinct Registration List:** A paper book listing the voters eligible to vote at a particular precinct.
- **Precinct Elections:** Voters are required to vote at a specific polling place, based on their voter registration. There may be multiple precincts voting at one location. In this case, there will be multiple election boards and ballot boxes.
- **Super Precinct Elections:** An experiment used in past Sioux Falls city/school elections, where precincts were consolidated into a much smaller number of locations. 3-5 regular precincts were combined into one super precinct, with one precinct registration list. Voters were still required to vote at a specific polling place.
- **Vote Center Elections:** Voters may vote at any Vote Center on election day without regard to voter registration. The vote center must have a supply of every ballot style, and enough ballots on hand for distribution to all voters in the jurisdiction.
- **HAVA:** Help America Vote Act of 2002.
- **ES&S:** Election Systems & Software. The vendor that provides the DS850 ballot tabulator.
- **Melissa:** An address management data quality software company.
- **Street Master:** A table which assigns voters to a precinct based on their street address.
- **Total Vote:** Statewide election registration and management system.