Absentee Ballot Task Force 2020

Strong Foundation. Strong Future.

August 25, 2020
Task Force Background

The Absentee Ballot Task Force is comprised of area business, government and other professionals to include:

- Kent Albery, former Sioux Falls School District Board President
- Debra Elofson, former 2014 Election Review Committee member
- Kameron Nelson, 2020 Primary Election Absentee Ballot board member
- Susie Patrick, Minnehaha County resident and business owner
- Sue Roust, former Minnehaha County Auditor
- Curt Soehl, City of Sioux Falls Council Member
- Kea Warne, Director of Elections, SD Secretary of State’s Office
- Carl Zylstra, Sioux Falls Resident and consultant

Members were asked to analyze data and processes in order to provide recommendations for future steps the county may take in upcoming elections, particularly relating to the absentee ballot process.

Meetings were also attended by Bob Litz, Auditor; Olivia Larson, Deputy Auditor; Tom Greco, City Clerk of Sioux Falls; Heather Irwin, Election Specialist; Drew DeGroot, Senior Deputy State’s Attorney; Craig Dewey, Assistant Commission Administrative Officer; and various other city/county officials.
Process

- The Absentee Ballot Task Force met over the course of three meetings between July – Aug, 2020.
- The task force reviewed SD Codified Law pertaining to Title 12 Elections and analyzed data from Primary and General elections in 2016, 2018, and most recently the 2020 Primary Election.
- Additional data and financial/budget information was provided to members in response to questions raised.
- The task force reviewed typical operations and sought to understand the variances that occurred in the 2020 Primary Election that ran concurrently with the 2020 City of Sioux Falls Municipal Election.
- The task force selected a spokesperson and approved the Executive Summary as provided to you today in two parts:
  1. Recommendations to the County Commission
  2. Recommendations to the Auditor’s Office
- Additional topics will be revisited by this task force following the 2020 General Election for consideration by the Minnehaha County Commission, Auditor’s Office and the SD Legislature.
Summary of Findings

❑ The task force commends the Auditor and his staff for their evident dedication to and effectiveness in maintaining a secure and accurate election process.

❑ The Auditor’s office anticipates up to appx 35,000 voters in Minnehaha County to vote by absentee ballot in the coming 2020 General Election with nearly 100,000 requests for absentee ballots statewide per the SD Secretary of State, Steve Barnett.

❑ Most of the deviations from typical election operations were due primarily to a concurrent Primary Election and the City of Sioux Falls Municipal Election; exacerbated by the COVID-19 pandemic.

❑ The task force supports the Auditor’s decision to hire appx 20 additional workers to better accommodate the pace of returned absentee ballots; appx 44% of which were returned in the six (6) days prior to the 2020 Primary Election.

❑ Based on available data and stress points in the system, the three main considerations that the task force recommends for further consideration by the Commission are 1) adequate, efficient and secure space, 2) appropriate funding and 3) an action plan to secure appropriate amount of election workers
Applicable SD Codified Laws

12-19-2.1. Application in person or by authorized messenger—Delivery of ballot to messenger or by mail.

At anytime prior to an election, a voter may apply in person at the office of and to the person in charge of the election for an absentee ballot during regular office hours up to 5:00 p.m. on the day before the election. If the voter applies in person, the voter shall complete a combined absentee ballot application/return envelope and show the person in charge of the election the voter’s identification card as required in § 12-18-6.1 or complete the affidavit as provided in § 12-18-6.2.

In the event of confinement because of sickness or disability, a qualified voter may apply pursuant to the provisions of § 12-19-2 in writing and obtain an absentee ballot by authorized messenger so designated over the signature of the voter. The person in charge of the election may deliver to the authorized messenger a ballot to be delivered to the qualified voter. Any application for a ballot by authorized messenger must be received by the person in charge of the election before 3:00 p.m. the day of the election. If the application designating an authorized messenger also indicates a request for an absentee ballot for any future election, such absentee ballot shall be mailed to the address provided on the application. If no address is provided, the ballot shall be mailed to the person’s voter registration address.

12-19-10.1 County auditor validation of absentee ballot signatures.
If a county uses an absentee ballot precinct at the building where the county auditor is located to process absentee ballots on election day for a federal, state, or county election, the county has the option to validate the absentee ballot signatures in the county auditor’s office. The county auditor shall follow the provisions of § 12-19-10 except for the following:

(1) The county auditor, at anytime during the absentee voting timeframe, shall carefully compare the statement on the reverse side of the official return envelope with the written application without opening or breaking the seal of the return envelope; and

(2) If the county auditor determines that both signatures match:
   (a) The application for absentee ballot does not need to be sent to the absentee precinct board; and
   (b) The county auditor shall initial the envelope after the determination that signatures do match.

Source: SL 2018, ch 82, § 1.
2,366 absentee ballots returned – 2016 Primary Election
14,921 absentee ballots returned – 2020 Primary Election

18,173 absentee ballots returned – 2016 General Election
Anticipated 35,000 absentee ballots returned – 2020 General Election

Appx 44% of ballots returned in last 6 days prior to election
Recommendations to the Minnehaha County Commission

❑ The task force seeks the Commission’s endorsement of requesting an exception to SDCL § 12-19-10, § 12-19-46, from the Secretary of State, that Minnehaha County be allowed a temporary extension to the time period allowed on and before the Day of Election to process absentee ballots as determined by the Auditor.

❑ The task force recommends that the Commission consider using existing county properties as secure drop-box locations for voted ballots, including but not limited to the thirteen (13) Siouxland Library locations, and other properties secured for use by the Auditor. Availability for use may be determined by existing hours of operation and existing staffing for voters returning their ballots inside the facility, or through the purchase of secure boxes placed outside on property owned by the county or by permission of the property owner. Minnehaha County will assume responsibility for returning those ballots to the Auditor. Days and hours of operation would be at the discretion of the Auditor, but may include any day or hours during the forty-five (45) day absentee voting period and Election Day.

❑ The task force recommends that the Commission consider adequate funding to support the additional labor needs anticipated for the 2020 General Election of appx twenty (20) additional election workers or as determined by the Auditor.
The task force recommends that the Commission consider developing a call to action marketing plan to recruit workers by targeting groups with larger populations (teacher groups and universities) and consider reaching out to corporations in the community that support civic duties/volunteering. In addition, promote the call to action via PSAs, social media and possible absentee ballot mailings.

The task force recommends that the Commission ask the Auditor to consider appointing a temporary Public Information Officer during the election process to assist the Auditor in communicating with the public and the media for issuing regular updates.

The task force recommends that the Commission re-commits to the values of security, accuracy, timeliness, and transparency regarding all elections in order to enhance civic confidence in the electoral process.
Recommendations to the Auditor’s Office
RE: Process

❑ The task force recommends that the Auditor provide absentee board members with a training video before election day, so they can review the board process ahead of time. Ensure any training makes clear the requirements for opening absentee envelopes and records to be kept. Consider in-person training for supervisors.

❑ The task force encourages the Auditor to establish and publish an anticipated deadline for reporting results and to create a work plan and timeline with daily benchmarks that will enable the auditor’s office to meet that announced estimated reporting schedule and accommodate possible additional personnel needs. In the days prior to the election and on the day of the election, issue regular public updates regarding the status of the process in meeting (or not meeting) the anticipated timeline for completing tabulation of results.

❑ Pursuant to SD Codified Law 12-9-10.1, consider discontinuing the internal practice of stapling printed ballot applications to voted ballot envelopes. If the signatures have been determined to match by the Auditor via digital database, the application does not need to be sent to the absentee ballot board accompanying the verified ballot. Then instruct Auditor/staff to initial the verified ballot.

❑ The task force recommends that the Auditor consider preparing ballot board kits with all materials necessary rather than attempting to assemble each table one at a time.

❑ The task force recommends that the Auditor consider including a listing of common scenarios of discrepancies in the process (ie – spousal ballot mailed inside another ballot, spouses signed opposite envelope with corresponding label, etc.)
Recommendations to the Auditor’s Office
RE: Security

- The task force recommends that the Auditor work with the county sheriff to create a contingency plan that, in the case of a natural disaster or civil disturbance, ensures that a safe and secure workplace remains available for ballot processing both in the week immediately prior to and on the day of the election.

- The task force recommends that the Auditor set up a designated absentee ballot worker registration station to include identification verification process.

- The task force recommends that the Auditor consider utilizing a traveling log sheet a.k.a. “# of Envelope/Spoiled/Empty/# of Ballots” with each precinct roster (rather than remaining at the ballot board table) and to instruct Board Member #4 to sign/initial after every time a batch leaves the table. The log must match the number of ballots brought to the automated tabulating machines.
Recommendations to the Auditor’s Office
RE: Labor

❑ The task force recommends that the Auditor create (a) highly qualified reserve squad(s) who can be deployed to fill in/assist where needs become apparent during the week prior to the election and on election day. (These could include county employees from other departments who could be redeployed as needed to assist in the election.)

❑ The task force recommends that the Auditor dedicate teams to: receipt and evaluation of applications; receipt and evaluation of incoming ballots; and, sending ballots.

❑ The task force recommends that the Auditor provide for a “quality control” employee at the automated tabulating machines on election day to double check tabulation results with the goal of avoiding missed uploads, double counts, and undercounts.
Recommendations to the Auditor’s Office
RE: Marketing/Communication

❑ The task force recommends that the Auditor continue communication and dialogue with the local Post Master well ahead of the 45-day Absentee Voting period, project a timeline of deliverables and include messaging to voters to help the process by returning their completed ballots ahead of election day if possible.

❑ The task force recommends that the Auditor consider developing a marketing plan to educate the voter regarding the “best practices” for absentee voting. Promote via PSAs, social media and possible inserts into absentee ballot mailings. Mail early / match signatures / use graphics and visuals vs. “letter” format.

❑ The task force recommends that the Auditor consider surveying voters after an election looking for feedback to improve process and collecting data that may be used in crafting legislative change if necessary.
In Conclusion

- Thank You
- Questions?