



South Dakota Secretary of State
SHANTEL KREBS

State Board of Elections

Thursday, June 15, 2017

Draft Minutes

SD Association of County Officials Office Building
215 East Prospect
Pierre, South Dakota

Conference Call Dial-in Information:

Dial-in Number is 866.410.8397

Conference Code is 2178377981

Secretary Krebs called the meeting to order at 10:03 am (Central Time).

Present via conference call: Carri Crum (Board of Elections member), Margaret Gillespie (Board of Elections member), Rick Knobe (Board of Elections member), Mitch LaFleur (Board of Elections member), Linda Lea Viken (Board of Elections member), Bob Litz (Minnehaha County Auditor), Jason Toering (Minnehaha County IT), Julie Pearson (Pennington County Auditor), Mark Manganaro (ES&S State Certification Manager), Angela Ehlers (South Dakota Association of Conservation Districts Executive Director).

Present in person: Secretary Shantel Krebs (Chair, Board of Elections), Pam Lynde (Board of Elections member), Kea Warne (Deputy Secretary of State, Election Services), Kristin Gabriel (HAVA Coordinator), Rachel Schmidt (Election Coordinator), Christine Lehrkamp (State Election Coordinator), Tom Deadrick (Deputy Secretary of State, Business Services), and Jason Williams (Public Information Officer).

Quorum present.

Secretary Krebs gave an overview of the agenda and moved agenda item number 6 behind agenda item number 3.

Secretary Krebs asked if there were any changes to the November 16, 2016 Board of Election meeting minutes.

Linda Lea Viken requested to clarify the sentence on page 5 about what needed to be added to Title II and add style and form edits.

A *motion* was made to approve the November 16, 2016 Board of Election meeting minutes, as amended, by Linda Lea Viken, second by Rick Knobe. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Excused; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Kristin Gabriel gave an overview of the testing process of Election Systems & Software's Voting System version 5.2.2.0 that occurred June 12th and 13th. She stated that various county auditors and staff were present for the testing, ran many ballots and used all of the different voting machines. She talked about the software components and hardware components of the voting system. She gave a run down on all of the equipment and talked about the differences between the AutoMARK and the ExpressVote.

Pam Lynde asked for the cost associated with all of the election equipment.

Kristin Gabriel stated that the cost estimate on the ExpressVote is \$3,500, the DS200 costs \$6,000, DS450 costs \$45,000, and the DS850 costs \$107,000. She further explained that the Secretary of State's office was looking at possibly doing a mass purchase in hopes for some cost savings for all of the counties interested. ES&S was offering trade-in value on the AutoMARKS and the M100 for \$200 each and \$5000 trade-in value on the M650.

Margaret Gillespie asked if there is a data wipe on the equipment before it gets turned into ES&S.

Mark Manganaro explained that the compact flash card which holds the data is removed and the voting equipment itself wouldn't store any information. He stated that most of the equipment is going straight to a recycler.

Kristin Gabriel explained that 250 ballots were tested on both types of ballot marking devices. Six different ballot styles were used and undervotes and overvotes were tested. Did this to ensure that the tabulators were tabulating correctly. She further explained that different races were tested as were different types of ballot measures. Kristin stated that they only had one jam with the ExpressVote and the AutoMARK. The AutoMARK jammed because the back of the machine wasn't flush with the back of the machine. Once that was correctly put together, it worked for the rest of the testing. The ExpressVote jammed when the user put their hand over where the ballot comes out when it was printing, otherwise it worked the entire time during testing.

Linda Lea Viken what alert appears if a voter undervotes.

Kristin Gabriel explained that they are alerted on the screen for both the AutoMARK and the ExpressVote.

Margaret Gillespie stated that a voter also receives an alert on the summary page and it highlights the race they undervoted.

Secretary Krebs stated that it is very clear on what they do and it is clear on the ballot.

Kristin Gabriel stated that the same language is on the AutoMARK and ExpressVote for all alerts and directions. She further explained when the ExpressVote prints out the text on the ballot, it says no selection made if the voter did not vote on that race or issue. A voter could request a new ballot if they did intend to vote that race or question.

Kristin Gabriel gave a description of the automatic tabulating system testing. The 250 optical scan ballots that were marked using the AutoMARKS were then tabulated by a DS850, DS450 and a DS200. The 250 ExpressVote cards that were marked using the ExpressVote were then tabulated by a DS850, DS450 and a DS200. During the testing, the DS850 successfully detected the blank ballots and tabulated the optical scan ballots and the ExpressVote cards at a rate well over the required 15 ballots a minute. During the testing, the DS450 successfully detected the blank ballots and tabulated the optical scan ballots and the ExpressVote cards at a rate well over the required 15 ballots a minute. The DS200 correctly sorted the blank ballots by sorting them to a different side of the ballot box and accurately processed the ballots at a rate of 10 ballots per minute, the required time frame.

Kristin Gabriel talked about the new ballots for the ExpressVote and the color bar. Explained that they are a thermal paper and talked about the different colors of required pre-printed color bars for the different political parties during the primary election. She also explained a new ink that was tested for the ballot stamps, called ClearSnap. This ink is fast drying and there are not anymore issues with the ink smudging on the thermal paper. The ExpressVote ballots also come in many different lengths such as 11, 14, 17 and 19 inches.

Bob Litz wanted to add that he added a red stamp over the bar code of the ExpressVote ballot and the ExpressVote was still able to read the ballot.

Kristin Gabriel also stated that voters don't have to select what ballot they are voting and that the bar codes tell which races and questions they will vote on.

Kristin Gabriel asked for approval of the certification of Election Systems and Software (ES&S) EVS 5.2.2.0

A motion was made to approve the certification of Election Systems and Software (ES&S) EVS 5.2.2.0, by Carri Crum, second by Pam Lynde. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Excused; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

The board moved to item 6 on the agenda. Kristin Gabriel gave an overview of HAVA funds and HAVA Grant Applications. She stated that the current balance of HAVA funds is \$9,019,238.12. She stated that the original funding came from two sources; \$13 million from Title II and \$5 million from Title I. Of the remaining funds, 1/3 of Title I is left and 2/3 of Title II is remaining.

Money was initially allotted based on how many registered voters each county had. Some counties still have county held funds and they are used for election purposes. She stated that there are 10 counties that do not have any funding left and that they are able to apply for additional funding every other year. They may apply for a total of \$9,000 for federal elections. Four of those 10 jurisdictions have applied, so far, for the \$9,000. Two counties have applied for in per satellite site grant funding (Dewey County in Eagle Butte and Buffalo County in Fort Thompson). Kristin explained that the HAVA Board will review the grant applications.

Linda Lea Viken asked if the state plan is on the Secretary of State's website.

Secretary Krebs stated that the state plan is on her website and includes all of the updates that have been made to the state plan.

Secretary Krebs gave an overview of the HAVA audit submitted on May 26, 2017. Stated that it was a very stressful process. The audit firm performed random spot checks, requested expenses from various years, different payrolls and to see everything the office has spent money on. She further explained that the audit firm visited a couple counties and did an in-person visit to the Secretary of State's office.

Linda Lea Viken asked how successful Secretary Krebs felt about the audit.

Secretary Krebs stated she felt pretty successful with the audit. She said they did have to do a lot of digging and did find a lot of the information requested. For example, they had to find a letter that former Secretary of State Chris Nelson sent out to high school for voter registration. It was determined that it should not have been paid for with federal funds. She further explained that the office has to file federal reports all the time and they are constantly making sure that the interest earned on the account is accumulating correctly. She stated that the audit was quite the task to complete, especially during a federal election year.

The board moved to item 4 on the agenda and Secretary Krebs explained that currently there are 11 ballot measures that have received Legislative Research Council (LRC) comments, 7 have received Attorney General Comments and 4 of them have been approved by the Secretary of State's office for circulation. She further explained that all of this information is posted on the Secretary of State's website. She stated that some sponsors are still working with LRC and we could potentially have 14-15 ballot measures. Secretary Krebs also told the board about the large petition that the office received which is 3 feet by 3 ½ feet.

Secretary Krebs moved to item 5 on the agenda and gave an update on legislation from the 2017 legislative session. She stated that all four Board of Election bills passed and were signed by the governor. She gave a brief summary of all of the actions taken on SB 54 and a few other bills proposed by legislators that passed. She stated that many of the changes for the rules hearing were due to passed legislation from the 2017 Legislature.

The board moved to item 7 on the agenda and the rules hearing opened 11:01am (CT).

Julie Pearson asked how the Board of Elections would take each item.

Secretary Krebs stated they would take each item up one at a time.

Secretary Krebs explained the changes to administrative rule 5:02:03:14. This specified a 30 day deadline date for a voter to return the invalid/incomplete voter registration acknowledgment notice to provide consistency with all county auditors and comply with signed House Bill 1036 from the 2017 Legislative Session.

Julie Pearson asked about the date so they know how to be able to track the 30 day deadline.

Pam Lynde stated she believed there was a date on the document printed out from TotalVote.

Mitch LaFleur asked about clarifying the language to say 30 days from the date of the notification sent.

Linda Lea Viken stated that the language needs more clarification.

Mitch LaFleur made a substitution motion to add the language, "within 30 days from the date set forth on the notice."

Maggie Gillespie stated she wanted to make sure the language and timeframe fit into all of the windows the Secretary of State's office follows.

Linda Lea Viken wanted to clarify that all the dates were correct in the rule.

Secretary Krebs stated that all of the dates were correct.

Julie Pearson thought the date needed more clarification and needed to specify the notice.

Secretary Krebs clarified the language the board decided on, "within 30 days from the date set forth on the acknowledgment notice."

A *motion* was made to approve rule 5:02:03:14, as amended, by Linda Lea Viken, second by Pam Lynde. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Aye; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Secretary Krebs explained the changes to administrative rule 5:02:04:13 and that the intent of this rule was to change the name of a Secondary Election to Runoff Election due to signed House Bills 1036 and 1037.

A *motion* was made to approve rule 5:02:04:13, by Pam Lynde, second by Rick Knobe. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Excused; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Secretary Krebs explained that rule 5:02:04:17 was being changed to add judicial office to be listed in the notice of deadline for filing nominating petitions for the primary election which should have been included in the past.

Julie Pearson made the suggestion to add “for the General Election” on the heading of the notice. She also suggested omitting courthouse in the last paragraph and change it to auditor’s office since not all auditor’s offices are in the county court house. Julie Pearson also suggested changing all the times in the notice to local time.

Secretary Krebs explained that the time would be able to stay 5 pm central time since the offices mentioned in this notice are all filed with the Secretary of State’s office which is in the central time zone.

A *motion* was made to approve rule 5:02:04:17, as amended per Julie Pearson’s first two suggestions above, by Linda Lea Viken, second by Margaret Gillespie. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Excused; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Secretary Krebs explained that rule 5:02:04:18 and 5:02:04:19 would be taken up together since they both changed the name of a Secondary Election to Runoff Election in the administrative rules due to signed House Bills 1036 and 1037.

A *motion* was made to approve rule 5:02:04:18 and 5:02:04:19 by Pam Lynde, second by Rick Knobe. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Excused; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Secretary Krebs explained that rule 5:02:06:01 was being changed to address additional clean up language to the primary and general election ballot formats to include notations for front and reverse sides, clarifying ballot printing notes, adding an option for county finance officer, and providing the format for State Representative Districts 26 & 28 A and B. She further clarified that language for the Legislative Research Council’s prison/jail population cost estimate and/or fiscal note was being added to statewide constitutional amendments, initiated measures and referred laws.

Julie Pearson suggested adding the “or (County Finance Officer)” language in the county treasurer space on the ballot. She gave Custer County as an example of a county that might be combining those two offices.

Angela Ehlers recommended changing the conservation district box language to say, “up to three” since there could be that many positions up.

A *motion* was made to approve rule 5:02:06:01, as amended per suggestions by Julie Pearson and Angela Ehlers, by Carri Crum, second by Linda Lea Viken. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Excused; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Secretary Krebs explained the *new rule* that would take effect if the ExpressVote gets certified and explained the new general election ballot format being added to allow county auditor’s to purchase new ballot marking devices.

Julie Pearson suggested using the actual terminology instead of saying “does not use optical scan ballots.”

Kristin Gabriel stated that the correct terminology would be an activation card ballot.

Kea Warne suggested also adding in “no selection made” on the last part of the new ballot to be printed if an individual does not make a selection on the ballot.

Julie Pearson questioned the language in the last paragraph of the new rule which stated that “pre-printing requirements above are only waived for a county that used the ExpressVote and the ExpressLink ballot printer for in-person absentee voting in the county auditor’s office.” She stated that she would like to be able to print ballots on Election Day and this language would prohibit her from doing so.

Secretary Krebs stated that for the first use of the ExpressVote and ExpressLink, she only intended on them being used for in-person voting and not on Election Day since it was the first time using them. She also stated that she felt uncomfortable having blank ballots at the polls.

Julie Pearson stated that by having to have ballots printed beforehand, there will be a higher cost to a county. She stated that she could order large amounts of blank ballots, could use the ExpressVote and ExpressLink, print ballots on Election Day and use the blank ballots in future elections instead of having to discard of the printed ballots she didn’t use.

Secretary Krebs stated that for the first election using these new machines, she felt uncomfortable using the blank ballots on Election Day. She stated that from her travels

across the state, she has spoken with numerous individuals who are leery of the process and having blank ballots would only fuel that uncertainty in elections. She explained that voters like to have the paper ballot with the information already on the ballot in front of them.

Bob Litz stated that he did plan on using them for the primary election for in-person but would like the ability to use them on Election Day. He agreed with Julie that it would help with election costs.

Secretary Krebs suggested leaving the language as is for now and reaching out to all the county auditors before making a final decision.

A *motion* was made to approve rule the *new rule*, as amended per Julie Pearson's first suggestion, Kristi Gabriel's language correction and Kea Warne's noted change, by Carri Crum, second by Linda Lea Viken. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Excused; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

The Board of Elections was at ease from 12:15 pm to 12:25 pm.

Secretary Krebs explained changes to rule 5:02:06:10. These changes were needed for additional clean up amendments to the primary election ballot format to include notations for front and reverse sides, clarifying ballot printing notes, adding an option for county finance officer, and providing the format for State Representative Districts 26 & 28 A and B.

Kea Warne further explained that the same language changes the board made to the general election ballot would be made to the primary election ballot; finance officer language added to county treasurer box, underlining the new voter instruction language.

A *motion* was made to approve rule 5:02:06:10, as amended per Kea Warne's comments above, by Pam Lynde, second by Rick Knobe. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Excused; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Secretary Krebs explained the *new rule* that would take effect if the ExpressVote gets certified and explained the new primary election ballot format being added to allow county auditor's to purchase new ballot marking devices. She continued to explain that in the second instruction to voters section, that language should have been underlined as it was new language.

Kea Warne took Julie Pearson's earlier suggestion of adding "or (County Finance Officer)" language in the county treasurer space on the ballot.

A *motion* was made to approve rule the *new rule*, as amended per Kea Warne's comments above, by Pam Lynde, second by Rick Knobe. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Excused; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

The board proceeded to 5:02:06:17. Secretary Krebs explained this was in response to signed House Bills 1036 and 1037 which changed the name of a Secondary Election to Runoff Election.

A *motion* was made to approve rule 5:02:06:17, by Linda Lea Viken, second by Pam Lynde. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Excused; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Secretary Krebs moved to rule 5:02:06:20 and explained that they were amending the tax levy opt-out ballot format to provide clarification on which jurisdictions use this ballot form.

Rick Knobe asked if this was clarifying enough by only putting county, municipal or school.

Secretary Krebs stated that it would help counties, municipalities and schools know that this is the correct form for them to use if they are having a tax levy opt-out.

A *motion* was made to approve rule 5:02:06:20 by Pam Lynde, second by Carri Crum. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Excused; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

The board moved to rule 5:02:06:26 (*New*) and Secretary Krebs explained that this new rule would create a new ballot format for capital outlay elections for school districts as there is currently no ballot form in rule for this type of election.

Julie Pearson suggested adding the word election after outlay in the rule's title and also in the notice to be consistent with the other ballot styles.

A *motion* was made to approve rule 5:02:06:26 (*New*), as amended per Julie Pearson's suggestions, by Carri Crum, second by Rick Knobe. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Aye; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Secretary Krebs explained the addition to the rule 5:02:06:27 (*New*). She clarified they were creating the new ballot format for school sentinel program. School sentinel legislation was passed in the 2013 legislature and a ballot format was never put into administrative rule. She further explained that they needed to have a format in rule so that any school in the future would have a ballot format to use.

Julie Pearson suggested adding the word election after program in the rule's title and also in the notice to be consistent with the other ballot styles.

A *motion* was made to approve rule 5:02:06:27 (*New*), as amended per Julie Pearson's suggestions, by Carri Crum, second by Linda Lea Viken. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Aye; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

The board moved to rule 5:02:06:28 (*New*) and Secretary Krebs explained that they were creating a new ballot format to assist county auditors with a ballot for tax levy ballots for maintaining repairing, constructing or reconstructing roads and bridges.

Pam Lynde stated that she appreciated the new clarification and that this should help with the confusion on what ballot format to use for their elections.

A *motion* was made to approve rule 5:02:06:28 (*New*), as amended, by Rick Knobe, second by Linda Lea Viken. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Aye; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Secretary Krebs moved to rules 5:02:08:00.01 and 5:02:08:00.02. She explained that changes to the rules were because of the passage of HB 1034 and that they wanted to clarify that a petition sheet must be printed on a self-contained sheet of paper printed front and reverse side. Judge Barnett had suggested clarifying self-contained in statute after a lawsuit the Secretary of State's office went through with legislative candidate Roger Chase.

Linda Lea Viken stated that she thought the new wording in rule 5:02:08:00.02 could be clarified better and that she did not like the wording in its current form.

Margaret Gillespie and Mitch LaFleur both agreed the sentence could be worded better.

Linda Lea Viken suggested separating the sentence into two sentences. She recommended placing a period after sheets, remove the word which and start a new sentence with each.

A *motion* was made to approve rule 5:02:08:00.01 and 5:02:08:00.02, as amended per Linda Lea Viken's suggestion above, by Pam Lynde, second by Linda Lea Viken. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Aye; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

The board moved to rule 5:02:08:00.05 and Secretary Krebs explained the amendments to the rule for the random sample on statewide candidates and statewide ballot measures due to passage of HB 1035. She explained that that they would be replacing the 5% random sample requirement

to a sample that is statistically correlative to not less than a 95% level of confidence with a margin of error equal to not more than 3.62%. She explained the other edits of adding a title to the chart for statewide ballot questions and inserting in the chart for statewide candidates.

Mitch LaFleur stated that he was concerned that nearly the same amount of signatures would be checked if someone submitted 13,871 signatures or if they submitted 85,000 signatures.

Secretary Krebs explained that these were the changes that the board approved at the last Board of Elections meeting. Even though nearly the same amount of signatures were being checked, statistically, the results would be at a 95% level of confidence. She further explained that if our office were to run 100 samples, 95 times out of 100 it would be correct. Now if 20,000 signatures are turned in, the office checks 707 signatures instead of 1,000 signatures. Or if 85,000 signatures were turned in, the office would only check 727 instead of 5,000 and still be at the 95% level of confidence.

Linda Lea Viken echoed her concerns about the chart and stated that when they agreed to the new statistical way of running the random sample at the last board meeting, this is not what she imagined.

Tom Deadrick explained that for a statewide candidate, who has to turn in a lot less signatures than a statewide ballot question, the number of signatures checked is much higher. If a candidate submits 250 signatures, the Secretary of State's office sample size is 187.

A motion was made to approve rule 5:02:08:00.05, as amended per Secretary Krebs's statement above, by Rick Knobe, second by Margaret Gillespie. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Aye; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Secretary Krebs took up rules 5:02:08:36, 5:02:08:37 and 5:02:08:38 all at once. She explained that previously there had been three different types of petitions for conservation district supervisors: taxpayer of real property, urban area and rural land owner or occupier. None of these different types of categories were items that we could track within the voterfile. She explained the rule changes repealed two petitions for conservation district candidates and amended the third petition due to the passage of SB 78 which changed the candidates for district supervisors to run at large instead of by category.

Angela Ehlers also reminded the board that SB 78 also made them have to be registered voters and that the declaration in the new proposed petition would need to be changed to reflect that change.

Secretary Krebs clarified the change and that the language on the declaration of candidacy would change from saying “I reside in” to “I am registered to vote within the district.”

A *motion* was made to approve rule 5:02:08:36, 5:02:08:37 and 5:02:08:38, as amended, by Linda Lea Viken, second by Carri Crum. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Aye; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

Secretary Krebs explained rule 5:02:10:01 and that it amended the application for absentee voting to add language to clarify what category of Uniformed Overseas Citizens Absentee Voter the applicant falls under to comply with the federal law. She continued to explain that the other language changes provided were to simplify the application instructions and that those changes could be found in the highlighted text.

Linda Lea Viken asked why the questions for military and overseas citizens were being changed.

Kea Warne explained that South Dakota is one of six states requiring overseas or military voters to provide additional language. She went on to explain that the other changes were being made to comply with the Election Assistance Commission’s Election Day Survey and that during the last survey, the office was not able to answer certain questions.

Pam Lynde stated that she appreciated the questions in the military and overseas citizen section being broken out and that it will help the auditors determine if the voter is military, spouse of a military member or if they are an overseas citizen.

Kea Warne suggested an addition and to add “or stateside military” to the line about not requiring a photocopy of the voter’s ID.

A *motion* was made to approve rule 5:02:10:01, as amended per Kea Warne’s suggestion above, by Carri Crum, second by Pam Lynde. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Aye; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

The board moved to rule 5:02:10:08. Secretary Krebs explained that they were removing language requiring an Uniformed Overseas Citizens Absentee Voter (UOCAVA) to provide their voting residence on the ballot return envelope as there is no state law that requires those voters to provide that information.

Kea Warne further explained that there are no provisions in state law requiring this information and that we do not want to ask UOCAVA voters for extra information than what is required from other absentee voters.

A motion was made to approve rule 5:02:10:08, by Pam Lynde, second by Carri Crum. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Aye; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

There were no public comments.

The Board of Elections proceeded to general remarks.

Rick Knobe suggested we create an opt out ballot form for special districts.

Rick Knobe suggested at changing all special districts laws to be uniform in how they run their opt out elections and possibly their elections in general.

Secretary Krebs explained that it would be quite the undertaking and that her staff does not have the time or resources. She also stated that the Secretary of State's office does not run those elections and it would take having representatives from all of those special districts coming together to review laws and propose legislation.

Secretary Krebs said that they would reach out to the county auditors on usage of the ExpressVotes and if the ballots should all be printed beforehand or if they could be printed as needed. The Secretary of State staff would follow up with pictures or a short video of the ExpressVote and also send out a picture of the large petition the office received.

A motion was made to adjourn, by Pam Lynde, second by Mitch LaFleur. Roll call vote: Carri Crum– Aye; Margaret Gillespie– Aye; Rick Knobe– Aye; Mitch LaFleur– Aye; Pam Lynde– Aye; Linda Lea Viken– Aye; Secretary Krebs– Aye; Approved.

The South Dakota Board of Elections adjourned at 2:08 pm (CT).