



South Dakota Secretary of State
SHANTEL KREBS

State Board of Elections

Monday, May 23, 2016

SD Association of County Officials Office Building
211 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 10:36 am (Central Time).

Present via conference call: Cindy Brugman (Board of Elections member), Margaret Gillespie (first hour) (Board of Elections member), Drew Duncan (Board of Elections member), Pam Lynde (Board of Elections member), Mitch LaFleur (Board of Elections member), Julie Pearson (Pennington County Auditor), C.J. Moit (SD Advocacy Services) and Heather Irwin (Minnehaha County Auditor's office)

Present in person: Secretary Shantel Krebs (Chair, Board of Elections), Linda Lea Viken (Board of Elections member), Margaret Gillespie (remainder of meeting) (Board of Elections member), Kea Warne (Deputy Secretary of State, Election Services), Kristin Kellar (HAVA Coordinator), Rachel Schmidt (Election Coordinator), Christine Lehrkamp (State Election Coordinator), Tom Deadrick (Deputy Secretary of State, Business Services), Tom Greco (Sioux Falls City Clerk), and Bob Mercer (press).

Quorum present

A motion was made to approve the minutes of October 28, 2015 Board of Elections meeting by Linda Lea Viken, second by Cindy Brugman. Roll call vote: Cindy Brugman- Aye; Margaret Gillespie - Aye; Drew Duncan - Aye; Pam Lynde- Aye; Mitch LaFleur - Aye; Linda Lea Viken - Aye; Secretary Krebs- Aye; Approved.

Kristin Kellar provided an explanation on the Election Systems and Software (ES&S) ExpressVote Universal Device. The board approved the certification of the ExpressVote from ES&S during a rules hearing last year. After certification, the Secretary of State's (SOS) office ran into a few items that would prohibit this device to be utilized during the upcoming elections. The ballot paper is too glossy and as a result the ballot stamp would smear. The SOS office worked with ES&S to mitigate the problem but ES&S has not been able to resolve the issue. Also, the official words Republican, Democrat and Independent could not be printed on top of the ballot causing the ballot to not be in the correct form, according to administrative rule. At this

time, the SOS is working with ES&S to comply with administrative rule and state laws. We had heard from a few counties that would like to use the ExpressVote in the future and are hoping we can resolve all of the issues after ES&S had made the equipment improvements.

Secretary Krebs asked for a motion to decertify ES&S's ExpressVote and would look to potentially recertify them later on.

The board moved to comments and or discussion.

Julie Pearson stated that other states are using the ExpressVote and asked if the SOS looked at changing administrative rule to allow for the use of the ExpressVote in the future.

Secretary Krebs stated that the concern is with the ballot stamp. ES&S is working with different companies to find paper and ink that will allow for the ballot stamp to not smear.

Julie Pearson asked Secretary Krebs to explain how the ExpressVote works.

Secretary Krebs stated that when the election worker hands the voter a ballot, it is a 4"x17" blank ballot in which the votes are printed on.

Julie Pearson asked if the SOS would look at administrative rule to resolve these issues.

Kea Warne stated that when the SOS talked to ES&S, their intent was to have a blank form that would print everything. They are looking at programming options to fit each state. They will probably have a newer version in 2017 that the SOS would have to certify.

Julie Pearson asked about the timeframe.

Kea Warne stated that ES&S did not give a date but they are working with other companies on stamps and paper issues.

Julie Pearson asked if there are any other options.

Kea Warne stated that the concern was finding devices that work with all county tabulators.

Linda Lea asked if the SOS is just decertifying the device and not ES&S.

Secretary Krebs stated that is correct.

Julie Pearson stated that she agrees that the SOS has to decertify the ExpressVote.