

## Minutes

### State Board of Elections Meeting

State Capitol, Pierre

May 15, 2003

The meeting was called to order by chair Chris Nelson at 8:00a.m. on May 15, 2003 with the following members responding:

Present: Chris Nelson, Carol Klumper, Karen Layher, Beth Benning, Linda Lee Viken, Nelva Kristofferson

Absent: Gail Brock

Kea Warne, Secretary of State's staff; Jennifer Jacobson, HAVA Coordinator; Sue Roust, Minnehaha County Auditor; Connie Konrad, Hyde County Auditor; Sandi Selting, Hand County Auditor; Barb Lenling, Spink County Auditor; Bill Floyd, Sully County Commissioner; Jennifer Deyo, Hughes County Auditor's Office; Susan Barta, SD Municipal League; Rich Petersen, Brown and Saenger; Patty McGee, Sully County Auditor; Julie Pearson, Pennington County Auditor; Pat Holdren, Faulk County Auditor; Robert Kean, SD Advocacy Services; Dwight Neuharth, SD Association of County Officials; Nancy Hansen, Sioux Falls Area Literacy Council; Chris Mueller, Sioux Falls Area Literacy Council; Mariama Wylie, Sioux Falls Area Literacy Council.

Moved by Viken and seconded to approve the minutes of the January 3, 2003 meeting. Passed.

Moved by Layher and seconded to approve the minutes of the March 20, 2003 meeting. Passed.

Miles Weigold was present from Sequoia Voting Systems seeking certification for the Sequoia AVC Edge DRE 4.1B. Mr. Weigold demonstrated the system including the card activator unit, voter cards, ballot cartridges and the printing unit. Mr. Weigold presented a document stating that the system meets each of the certification criteria except the requirement for storing tabulated votes in three memory locations. All other criteria appeared to be met by the unit with the possible exception of ARSD 5:02:09:02.02(10)

which requires the unit to meet the disability voting requirements of the Help America Vote Act. It is unclear at this time whether the Act requires DRE machines to have the capability to accommodate "puff and sip" technology for disabled access. Board members and members of the audience test voted on the DRE.

Gary Parish was present from Voting Technologies International seeking certification for the Voteware 3.6.10 DRE. Mr. Parish demonstrated the system including the printed voter receipts with pin number on them for each voter to access their ballot, supervisor terminal, the voting terminal and the printer unit. Mr. Parish presented a document detailing how the system meets each of the certification criteria. All other criteria appeared to be met by the unit with the possible exception of ARSD 5:02:09:02.02(10) which requires the unit to meet the disability voting requirements of the Help America Vote Act. It is unclear at this time whether the Act requires DRE machines to have the capability to accommodate "puff and sip" technology for disabled access. Three members from the Sioux Falls Area Literacy Council, board members and members of the audience test voted on the DRE.

Moved by Viken and seconded to certify the Voting Technologies International Voteware 3.6.10 DRE with the provision that if it is determined by the Election Assistance Commission that "puff and sip" compatibility is a requirement of HAVA, the certification of this model would be revoked. Passed.

A rules hearing was declared open.

Moved by Viken and seconded to authorize two formats for the voter registration card. Passed. Layher moved and seconded to approve the changes to ARSD 5:02:03:01 including to print the new block format in rule as a guideline and changing the wording to read "The voter registration form shall contain the following information" and adding language to comply with HAVA regulations. Passed.

Moved by Benning and seconded to overstrike date of birth on ARSD 5:02:03:01.01. Substitute motion by Viken and seconded to repeal ARSD 5:02:03:01.01. Passed.

Moved by Benning and seconded to approve changes as amended to ARSD 5:02:03:12 for the agency voter registration instructions. Changing the conviction wording to read "Not currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system". The members from the Sioux Falls Area Literacy Council suggested simplified wording to use. Passed.

Moved by Viken and seconded to approve changes to ARSD 5:02:03:13. Change the conviction wording as stated in ARSD 5:02:03:12 and also change the notification to voter to read "Within 15 Days you should receive notice of your registration. If you do not, call your county auditor". Passed

Moved by Kristofferson and seconded to adopt ARSD 5:02:03:21 for the statement by person registering without a driver's license or social security number. Passed

Moved by Klumper and seconded to approve the changes to ARSD 5:02:05:02; 5:02:05:02.01; 5:02:05:02.02. Two different sets of instructions were approved for each rule. The complete instructions will be on large posters that will be printed in a minimum of a 48 point font for posting in 3 locations in the polling place. A shorter version of instructions will be posted in each voting booth. Passed

Discussed but no motion made regarding ARSD 5:02:05:22 which would change voting instructions on the ballot. Discussion concerning a ballot that may have up to nine candidates in a race and the instructions would get quite lengthy for this situation. The Sioux Falls Area Literacy Council opposed any changes to the current wording.

Moved by Layher and seconded to adopt as amended ARSD 5:02:05:23 (renumbered to 5:02:05:22) for a provisional ballot envelope. Leave out "5 years imprisonment and \$5000 fine". Passed

Moved by Klumper and seconded to adopt as amended ARSD 5:02:05:24 (renumbered to 5:02:05:23) for the notice to provisional voter. Clarification that the notice will be sent within 13 days. Passed

Moved by Kristofferson and seconded to adopt ARSD 5:02:05:25 (renumbered to 5:02:05:24) for the notice of provisional ballot determination. Passed

Moved by Klumper and seconded to adopt ARSD 5:02:05:26 (renumbered to 5:02:05:25) for the personal identification affidavit. Layher made a substitute motion and it was seconded to move the penalty information to a new sentence and adopt as changed. Passed

Moved by Viken and seconded to approve adding additional instructions to the voter on the ballot ("DO NOT cast more votes than allowed in each race") and to remove the city from being printed on the ballot on statewide races for the following rules: ARSD 5:02:06:01; 5:02:06:01.02; 5:02:06:03; 5:02:06:09; 5:02:06:10 (also add that the color of the ballot will be "a different color as certified by the Secretary of

State” for any other party).; 5:02:06:10.02; 5:02:06:12; 5:02:06:15; 5:02:06:17 and 5:02:06:19. The motion included adopting 5:02:06:01.03 to add the full name of the political party rather than an abbreviation of the party. Passed

Moved by Layher and seconded to approve the changes to ARSD 5:02:08:13 to add in the declaration of candidate “and am registered to vote” and also “If I am an alderman candidate, I declare that I reside and am registered to vote in Ward \_\_\_\_\_”. Passed

Moved by Klumper and seconded to approve the changes to ARSD 5:02:09:02.02 to change some requirements for certifications of DRE voting machines. Remove the requirement to print reports to a screen and also change the tabulation of votes storage requirement to only be stored in two or more memory locations instead of three. Passed

Moved by Klumper and seconded to approve the changes to ARSD 5:02:09:05 to add some additional guidelines for auditors to follow regarding discrepancies in the number of ballots during a recount. Passed

Moved by Viken and seconded to approve as amended the changes to ARSD 5:02:10:01 to remove the requirements for requesting an absentee ballot and add provisions for notarization or identification. Instructions were simplified as suggested from the Sioux Falls Area Literacy Council members. Passed

Moved by Layher and seconded to approve the changes to ARSD 5:02:10:08 to use a white envelope for the envelopes for voting service and overseas ballots. Security envelopes or manila envelopes will be use for the return envelope. Passed

Moved by Klumper and seconded the motion to adopt ARSD 5:02:17:13 for the certification of provisional ballot count. Passed

Moved by Viken and seconded to certify the Sequoia AVC Edge DRE 4.1B at the time when the rules from this hearing go into effect and also with the provision that if it is determined by the Election Assistance Commission that "puff and sip" compatibility is a requirement of HAVA, the certification of this model would be revoked. Passed.

Moved by Viken and seconded to adjourn the rules hearing at 6:15.

Discussion regarding next Board of Elections meeting will be sometime late fall or early winter.

Adjourned.

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Chris Nelson, Secretary of State

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Kea Warne, Recorder