

## Minutes

### State Board of Elections Meeting

State Capitol, Pierre

March 26, 2004

The meeting was called to order by chair Chris Nelson at 8:30a.m. on March 26, 2004 with the following members responding:

#### Present

Chris Nelson

Gail Brock

Beth Benning

Carol Klumper

Linda Lea Viken

Karen Layher

Richard Casey

Kea Warne, Secretary of State's staff; Jennifer Jacobson, HAVA Coordinator; Chad Heinrich, Deputy Secretary of State; Sue Roust, Minnehaha County Auditor; Karen Doerr, Potter County Auditor; Patty McGee, Sully County Auditor; Julie Pearson, Pennington County Auditor and Dwight Neuharth, SD County Officials.

Moved by Viken and seconded to approve the minutes of the December 17, 2003 meeting. Passed.

Frank Wiebe and Dennis Vadura were present from Accupoll seeking certification for the Accupoll DRE 2.3.14. Mr. Wiebe and Mr. Vadura demonstrated the system including the process to activate the GoVote keys, voting stations, printed ballots and the tabulation print outs. It is unclear at this time whether the Help America Vote 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.

Moved by Layher and seconded to certify the Accupoll 2.3.14 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 approve the changes to ARSD 5:02:03:01 which states that the driver license number is required and to clarify where to write that number and the last four digits of the Social Security Number. The heading for the cancellation portion of the form was changed to read Previous Voter Registration Information Required. Passed

Moved by Benning and seconded to add ARSD 5:02:03:22 for parameters for voter registration verification with driver license records. Passed.

Moved by Casey and seconded to change ARSD 5:02:04:04 by adding the Secretary of State's Office as an official registration site and change the web address of the Office of Secretary of State. Passed.

Moved by Viken and seconded to make changes to ARSD 5:02:04:17 by moving the wording for the deadline for filing petitions to the beginning of the notice. Passed.

Moved Benning and seconded to make changes to ARSD 5:02:05:02 and ARSD 5:02:05:02.01 by only requiring certain sections of these instructions to the voters using hand-counted paper ballots to be published with the facsimile ballot. Passed.

Moved by Klumper and seconded to repeal ARSD 5:02:05:02.02. Passed.

Moved by Benning and seconded to remove in ARSD 5:02:08:13 the business address requirement on municipal nominating petitions. Passed

Moved by Casey and seconded to add a requirement that is in statute to ARSD 5:02:08:39 that states that the county commissioners will make a determination that such district be created. Passed

Moved by Klumper and seconded to remove punchcard sections in ARSD 5:02:03:04.03. Passed.

Moved by Viken and seconded to added provisional ballot lines on the recapitulation sheet in ARSD 5:02:09:16. Passed.

Moved by Brock and seconded to remove the punchcard section in ARSD 5:02:09:17. Passed

Moved by Brock and seconded to repeal ARSD 5:02:03:18, 19,20 & 21 that deals with punchcards. Passed.

Moved by Benning and seconded to add provisional ballot line to ARSD 5:02:16:25. Passed.

Moved by Layher and seconded to add provisional ballot line to ARSD 5:02:16:36. Passed.

Moved by Viken and seconded to add the sealing of the provisional ballot return envelopes in ARSD 5:02:16:42. Passed.

Moved by Brock and seconded to add ARSD 5:02:16:44 for the existence of a provisional ballot return envelope. Passed.

Moved by Brock to repeal ARSD 5:02:17:01. Passed.

Moved by Layher and seconded to add the certification of provisional ballot count to the duties of the official board of canvassers in ARSD 5:02:17:12. Passed.

Richard Vogel was present from Vogue Election Systems, LLC to demonstrate the Automark voting machine. He went through the steps on how a voter will vote their ballot using this voting machine. He demonstrated the handicap accessible units of this machine and board members test voted on the Automark.

Moved by Benning and seconded to modify the certification on Sequoia's AVC Edge DRE to update the latest firmware version, 4.2 and WinEDS Version 3.0.99 software. Passed.

Moved by Layer and seconded to adjourn the rules hearing at 3:00.

Discussion regarding next Board of Elections meeting to be sometime after the 2004 General Election.

Secretary Nelson pointed out that the board will need to set additional DRE laws and procedures in 2005.

Adjourned.

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Chris Nelson, Secretary of State

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Kea Warne, Recorder