

Minutes

State Board of Elections Meeting

State Capitol, Pierre

May 13, 2005

The meeting was called to order by chair Chris Nelson at 8:30a.m.on May 13, 2005 with the following members responding:

Present

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| Chris Nelson | Gail Brock | Linda Lea Viken (teleconference) |
| Paula Jones | Christopher Madsen | |
| Karen Layher | Richard Casey | |

Kea Warne, Secretary of State's staff; Jennifer Jacobson, HAVA Coordinator; Sue Roust, Minnehaha County Auditor; Patty McGee, Sully County Auditor; Rich Petersen, Brown & Saenger; Geralyn Sherman, McCook County Auditor; Shelly Pfaff, SDCCD; Sherri Sundem Wald, Office of Attorney General; Connie Konrad, Hyde County Auditor; Bill Lynch, ASBSD and Jason Schulte, SDDP.

Moved by Brock and seconded to approve the minutes of the December 14, 2004 meeting. Passed.

Secretary Nelson discussed the Help America Vote Act (HAVA) voting machine acquisition. The state has decided to purchase Election Systems and Software's (ES&S) Automark electronic ballot marking machine to meet the HAVA requirement of one electronic voting machine per polling place by the first Federal election in 2006. Nelson informed the board of the certification process that is required for the ES&S optical scan counting machines and certification process of the Automark.

Moved by Viken and seconded to send representatives from the Office of Secretary of State to Omaha to review the certification process of the machines and then to report back to the board for approval of the certifications.

A rules hearing was declared open.

Moved by Viken and seconded to approve the changes to ARSD 5:02:03:01 as amended which include the requirement of the voter's date of birth on the voter registration form. Madsen suggested additional information for the voter to read as follows: Any private person or entity registering voters is required to provide you with their contact information. Viken suggested moving the instructions on the bottom of the registration form to the top of the form, so that voters would be more likely to see them. Roust suggested printing those instructions in a paragraph form at the top instead of having them centered. Passed

Moved by Layher and seconded to approve the changes to ARSD 5:02:03:12 which will allow agencies to use the 8 ½ x 11 size voter registration form along with the agency voter registration instructions. Passed.

Moved by Casey and seconded to approve the changes to ARSD 5:02:03:13 as amended to include the additional information for voters to be in the same wording as in ARSD 5:02:03:01. Passed.

Moved by Madsen and seconded to approve the changes to ARSD 5:02:03:16 to inform voters on the confirmation mailing notice if they indicate a residence address outside their voter registration county, their voter registration will be canceled and they will need to register in the new county or state. Passed.

Moved by Brock and seconded to add ARSD 5:02:03:23 to create parameters for voter registration verification with social security administration records. One amendment for Code W under the County Auditor Action column was changed to read withdraw registration and investigate. Passed.

Moved by Viken and seconded to approve the changes to ARSD 5:02:05:22 as amended to add a line to list the type of ballot provided to the voter. Viken suggested to add the words "in this precinct" in the voter affirmation portion. Passed.

Moved by Madsen and seconded to approve changes to ARSD 5:02:08:21 by adding the month of November and changing the word Primary to read General on the petition to increase or decrease number of county commissioners. Passed.

Moved by Brock and seconded to add ARSD 5:02:09:02.03 as amended to create criteria for approving electronic ballot marking systems. In section (1) change it to 250 marked ballots, section (14) to read a voter who uses a mobility device, section (18) to read "Marks ballots that can be accurately counted as provided in ARSD 5:02:09:02.01 for each automatic tabulating system which will be counting ballots." Passed.

Moved by Madsen and seconded to add ARSD 5:02:10:01.01 as amended to create guidelines for acceptance of facsimile absentee ballot applications from UOCAVA voters. Passed.

Moved by Madsen and seconded to adjourn the rules hearing at 9:45.

Nelson discussed possible changes for in-person absentee ballot voting for county auditors to use in 2006. The process would be required to maintain the integrity of the ballot, speed up absentee in-person voting process at the county auditor's office, reduce paper work for in-person absentee voting and speed up Election Day processing of voted absentee ballots. This process would be optional for counties upon determination if this would be beneficial to their office and optional for them to set the dates and hours they will use it. Discussion on the option of having a 2-3 person absentee ballot board balanced by party at the auditor's office in larger counties or possibly using the M100's for smaller counties.

Nelson discussed the option of not printing the names of the presidential electors on the ballot. Nelson researched surrounding states and only North Dakota prints the elector names on the ballot. Layher requested that Nelson review the statutes and look into this option further.

Declaratory ruling was submitted and it was determined that the board does not have authority to declare a ruling on the subject matter. There is a statute in place for contesting an election through the court process.

Moved by Madsen and seconded to adjourn at 10:15.

Chris Nelson, Secretary of State

Kea Warne, Recorder