

STATE OF SOUTH DAKOTA
COUNTY OF MCPHERSON

IN CIRCUIT COURT
FIFTH JUDICIAL CIRCUIT

<p>MCPHERSON COUNTY,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>LINDLEY HOWARD, in her official capacity as McPherson County Auditor,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: right;">45 CIV 24-</p> <p style="text-align: center;">COMPLAINT FOR EMERGENCY DECLARATORY JUDGMENT</p>
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Plaintiff, County of McPherson, for their cause of action, including the above-named Defendant, Lindley Howard, in her official capacity as McPherson County Auditor, state and allege as follows:

GENERAL ALLEGATIONS

1. McPherson County is a county organized under South Dakota law.
2. Lindley Howard is the Auditor for McPherson County and serves as its election administrator.
3. All ballots in McPherson County were counted using a tabulation machine for the June 4, 2024 primary election.
4. On February 12, 2024, the McPherson County Board of County Commissioners voted in favor of completing a hand-counted post-election audit of 100% of the

voted ballots in McPherson County for the June 4, 2024 South Dakota primary election.

5. On June 13th, 2024, McPherson County citizens conducted a hand-counted post-election audit of 100% of the voted ballots in McPherson County in accordance with SDCL Chapter 12-17B.
6. On June 18th, 2024, the McPherson County Board of County Commissioners voted in favor of filing this Emergency Declarant Action in order to reconcile and complete the hand-counted post-election audit.

PRECINCT 3

7. In accordance with SDCL 12-17B-20, Precinct 3 in McPherson County was randomly selected for the mandatory post-election audit.
8. Poll workers, as well as the resolution board, for Precinct 3 stated there were 127 Republican ballots cast on June 4, 2024 for the primary election in Precinct 3. However, one ballot was not stamped. Therefore, 126 Republican ballots were counted by a tabulation machine on election night in Precinct 3. The Recap Sheet, required under ARSD 05:02:09:16, stating such is included with this filing and incorporated by reference. (Exhibit 1).
9. The unstamped ballot for Precinct 3 was not included in the ballots to be counted by and given to the post-election audit board for Precinct 3.
10. The post-election audit board for Precinct 3, stated they received 127 Republican ballots for Precinct 3 on their official ballot and tally sheet. The auditing board

receipt for official ballots, required under ARSD 05:02:23:06, stating such is included with this filing and incorporated by reference. (Exhibit 2).

11. The post-election audit board for Precinct 3 tallied 127 votes for the State Senate District 23 race in Precinct 3. The post-election audit board tally sheets for the State Senate District 23 vote for Precinct 3 are included with this filing and incorporated by reference. (Exhibit 3).
12. If the post-election audit board for Precinct 3 did have 127 ballots, the tally for the State Senate District 23 race would be correct.
13. Voters were able to vote for two (2) candidates in the Republican State Representative District 23 vote.
14. If a voter voted for only one or no candidates in the Republican State Representative District 23 vote, that would have been tallied as an undervote and included in the total votes tallied.
15. The post-election audit board for Precinct 3 tallied 253 votes for the Republican State Representative District 23 vote. The post-election audit board tally sheets for the Republican State Representative District 23 vote for Precinct 3 are included with this filing and incorporated by reference. (Exhibit 4).
16. If there were 127 Republican ballots counted by the post-election audit board for the Republican State Representative District 23 vote in Precinct 3, there should have been two (2) votes, including any under votes, tallied per ballot and the total tallied votes, including under votes, should have totaled 254 votes.

17. It is not numerically possible to have 253 total votes tallied, including under votes, with 127 ballots.
18. After counting the ballots and tallying the votes for the Republican State Representative District 23 race in Precinct 3, the post-election audit board for Precinct 3 chose not to re-count the ballots and re-tally the votes in order to reconcile the numerically impossible vote tally count.
19. Because the total tally count for the Republican State Representative District 23 race in Precinct 3 is not numerically possible, and because the post-election audit board for Precinct 3 choose not to attempt to reconcile the tally count, the post-election audit for the Republican State Representative District 23 race in Precinct 3 is not completed in accordance with ARSD 5:02:23:07.

PRECINCT 4

20. Poll workers, as well as the resolution board, stated there were 135 Republican ballots cast on June 4, 2024 for the primary election in Precinct 4. The Recap Sheet, required under ARSD 05:02:09:16, stating such is included with this filing and incorporated by reference. (Exhibit 5).
21. The post-election audit board for Precinct 4, stated they received 135 Republican ballots for Precinct 4 on their official ballot and tally sheet. The auditing board receipt for official ballots, required under ARSD 05:02:23:06, stating such is included with this filing and incorporated by reference. (Exhibit 6).

22. The post-election audit board for Precinct 4 tallied 135 votes for the State Senate District 23 race for Precinct 4. The post-election audit board tally sheets for the State Senate District 23 vote for Precinct 4 are included with this filing and incorporated by reference. (Exhibit 7).
23. The number of votes counted by the tabulation machine on June 4, 2024 for the McPherson County primary election and the number of votes tallied by the post-election audit board for the State Senate District 23 race in Precinct 4 matched.
24. Voters were able to vote for two (2) candidates in the Republican State Representative District 23 vote.
25. If a voter voted for only one or no candidates in the Republican State Representative District 23 vote, that would have been tallied as an undervote and included in the total votes tallied.
26. The post-election audit board for Precinct 4 tallied 262 votes for the Republican State Representative District 23 vote. The post-election audit board tally sheets for the Republican State Representative District 23 vote for Precinct 4 are included with this filing and incorporated by reference. (Exhibit 8).
27. If there were 135 Republican ballots counted by the post-election audit board for the Republican State Representative District 23 vote in Precinct 4, there should have been two (2) votes, including any under votes, tallied per ballot and the total tallied votes, including under votes, should have totaled 270 votes.

28. It is not numerically possible to have 262 total votes tallied, including under votes, with 135 ballots.
29. There were four (4) of the 135 Republican ballots in Precinct 4 that included the McPherson County Commission race.
30. It is believed that the post-election audit board for Precinct 4 tallied the four (4) ballots including the McPherson County Commission race first, then tallied the State Senate District 23 race on the four (4) ballots that included the McPherson County Commission race, set those four (4) ballots aside, then tallied State Senate District 23 race the remaining 131 Republican ballots.
31. It is believed that when the post-election audit board for Precinct 4 tallied the votes for the Republican State Representative District 23 race, they failed to reincorporate the four (4) ballots containing the McPherson County Commission race.
32. If the post-election audit board for Precinct 4 did fail to reincorporate the four (4) ballots containing the McPherson County Commission race, that would lead to a vote tally of 262. Which, as hereinabove stated, is the tally count that the post-election audit board for Precinct 4 ended with.
33. The post-election audit board did re-count the Republican ballots to attempt to reconcile the tally numbers for the Republican State Representative District 23 race. However, it is believed that the four (4) ballots containing the McPherson

County Commission vote were again not included in this re-count and the tally again came out to 262.

34. The post-election audit board for Precinct 4 elected not to count the ballots and tally the votes for the Republican State Representative District 23 race for a third time to attempt to reconcile the tally count.

35. Because the total tally count for the Republican State Representative District 23 race in Precinct 4 is not numerically possible, and because the post-election audit board did not reconcile the tally count, the post-election audit for the Republican State Representative District 23 race in Precinct 4 is not completed in accordance with ARSD 5:02:23:07.

Count 1: Declaratory Judgment

36. Time is of the essence, and McPherson County requests a hearing on this matter be waived under SDCL 15-6-57.

SDCL 15-6-57. Declaratory Judgments

The procedure for obtaining a declaratory judgment pursuant to chapter 21-24, shall be in accordance with this chapter, and the right to trial by jury may be demanded under the circumstances and in the manner provided in §§ 15-6-38 and 15-6-39. The existence of another adequate remedy does not preclude a judgment for declaratory relief in cases where it is appropriate. **The court *may* order a speedy hearing of an action for a declaratory judgment and may advance it on the calendar.**

(Bolding and italicized added.)

The rights of all candidates in the McPherson County Republican State Representative District 23 race, Scott Moore, Spencer Gosch, and James Wangsness, will not be affected by the results of a post-election recount. Regardless of the outcome of the post-election audit in McPherson County Precinct 3 and Precinct 4, the results of the McPherson County Republican State Representative District 23 race will not be affected.

The rights of all candidates in the McPherson County Republican State Senate District 23 race, Mark Lapka, and Steve Roseland will not be affected by the results of a post-election recount. Regardless of the outcome of the post-election audit in McPherson County Precinct 3 and Precinct 4, the results of the McPherson County Republican State Senate District 23 race will not be affected.

37. The Court has the power to declare the rights of McPherson County, and the McPherson County Auditor and to remove any uncertainty caused by an unreconciled post-election audit by ordering the ballots to be unsealed and to reconcile the post-election audit for Precinct 3 and Precinct 4.

SDCL 21-24-1. Power of the courts to provide declaratory relief-Form and effect of declarations.

Courts of record within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declaration shall have the force and effect of a final judgment or decree.

SDCL 21-24-6. Declaratory relief powers not limited by specific enumeration.

The enumeration in §§ 21-24-3 to 21-24-5, inclusive, does not limit or restrict the exercise of the general powers conferred in § 21-24-1, in any proceeding where declaratory relief is sought, **in which a judgment or decree will terminate the controversy or remove an uncertainty.**

(Bolding added)

38. The three (3) candidates in the McPherson County Republican State

Representative District 23 race were apprised of the situation before the filing of this action and invited to retain their own counsel should they choose to do to. The two (2) candidates in the McPherson County Republican State Senate District 23 race were appraised of the situation before the filing of this action and invited to retain their own counsel should they choose to do to. However, as stated hereinabove, the rights of any and all candidates in McPherson County are not in jeopardy.

SDCL 21-24-7. Parties to be joined in action for declaratory relief.

When declaratory relief is sought all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding.

39. McPherson County and the McPherson County Auditor believe an order from the

Court allowing the ballots to be un-sealed and for the post-election audit to be reconciled is the best, and likely the only, manner in which the situation can be

remedied to serve the interests of the post-election audit as well as the voters of
McPherson County.

SDCL 21-24-14. Chapter declared remedial-Liberal construction.

This chapter is declared to be remedial; its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations; and is to be liberally construed and administered.

Issue of First Impression

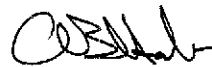
40. The statutes involving the post-election audit were passed in 2023 and the June 4, 2024 primary election was the first election in South Dakota where a post-election audit was required.
41. In accordance with SDCL 12-17B-25, the McPherson County Auditor has re-sealed the ballots.
42. There is no statutory guidance in regards to whether a county Auditor does or does not have the authority to un-seal the ballots when a post-election audit has been only partially completed but the ballots have been re-sealed.
43. The post-election audit must be completed by June 25, 2024.

PRAYER FOR RELIEF

WHEREFORE, McPherson County requests the following relief:

1. Declaratory judgment as described above, ordering:
 - a. The McPherson County Auditor shall unseal the June 4, 2024 McPherson County primary election ballots in order to continue and reconcile the post-election audit for Precinct 3 and Precinct 4 in McPherson County.
 - b. That all parties have waived a right to a hearing and the filing of an answer and McPherson County may proceed immediately.
 - c. Other such relief as this Court deems just and equitable.

Dated this 20th day of June, 2024.



Austin B. Hoffman
McPherson County States Attorney

Exhibit 1

RECAP SHEET PRECINCT #3 WEST EUREKA		R- Republican No Commissioner	D- Democratic
13	TOTAL BALLOTS TO BE COUNTED (Line 11 from the front page)	127	10
14	Unstamped Ballots	1	
15	Other Discrepancies		
16	TOTAL BALLOTS COUNTED per style Line 13 minus Lines 14 and 15	126	10

Ballot Counts Per Party

16	TOTAL BALLOTS COUNTED Add line 16 all ballot styles together	136	
16	TOTAL BALLOTS CAST REP and DEM/IND/NPA	127 (126)	10

Tabulated Ballot Codes:

00004-01-01

00004-02-01

Tabulated Cards for Style

Card REP Precinct 3

Card DEM Precinct 3

Explanation of Discrepancies

one ballot was unstamped

Resolution Board, Leola, McPherson County, South Dakota. Primary Election held this 4th day of June 2024.

Jackie Ray
Jaqueline J. Funder

Resolution Board

Tabulation center employees shall compare the number of ballots listed on the tabulation tape to the number of ballots listed on this recap sheet. These numbers need to match before the tabulation center employees can sign off on this form.

Tabulation Center Employees, Leola, McPherson County, South Dakota.
 Primary Election held this 4th day of June 2024.

Tabulation Center Employees

5:02:09:16

05:02:23:06. Post-election auditing board receipt for official ballots.

STATE OF SOUTH DAKOTA

MCPHERSON COUNTY

#3 West Eureka - PRECINCT

We, the Post-Election Auditing Board Members, do hereby certify that on the 13th day of June, 2024, at the post-election audit for the Primary election held on June 4th, 2024, we received from Lindley Howard, County Auditor, a sealed package containing the following official precinct ballots:

(Here list the number of official precinct ballots received)

Republican	127
Democratic	10
_____	_____
_____	_____

for the purpose of conducting a post-election audit.

Dated this 13 day of JUNE, 2024.

<u>Deb Weizhaar</u>	Post-Election Auditing Board member
<u>Linda Kian</u>	Post-Election Auditing Board member
<u>Marsha Lark</u>	Post-Election Auditing Board member
<u>Marian Kellas</u>	Post-Election Auditing Board member
<u>Michael Kli</u>	Post-Election Auditing Board member
_____	Post-Election Auditing Board member
_____	Post-Election Auditing Board member

Source: 50 SDR 66, effective December 5, 2023.
General Authority: SDCL 12-1-9(4)(11).
Law Implemented: SDCL 12-17B-18.

Form PE-2306

POST-ELECTION AUDITING TALLY SHEET

ELECTION: Primary Election - June 4th 2024
 AUDIT DATE: Thursday June 13th, 2024
 COUNTY AND PRECINCT: McPherson County Precinct # 3 # OF BALLOTS: 127
 Received from Auditor
 CONTEST NAME: Republican State Senator District 23

CANDIDATE NAME:	Steven Ray Roseland	TOTAL VOTES:																																				
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CANDIDATE NAME:	Mark Lapka	TOTAL VOTES:																																				
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CANDIDATE NAME:	Over Votes	TOTAL VOTES:																																				
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CANDIDATE NAME:	Under Votes	TOTAL VOTES:																																				
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AUDITING BOARD MEMBER: Michael Klipfel	<i>Michael Klipfel</i>	27
(PRINT)	(SIGN)	98
AUDITING BOARD MEMBER: Marian Kallas	<i>Marian Kallas</i>	2
(PRINT)	(SIGN)	127
AUDITING BOARD MEMBER: Linda Schauer	<i>Linda Schauer</i>	
(PRINT)	(SIGN)	
AUDITING BOARD MEMBER: Marsha Lapka	<i>Marsha Lapka</i>	
(PRINT)	(SIGN)	
AUDITING BOARD MEMBER: Deb Weishaar	<i>Deb Weishaar</i>	
(PRINT)	(SIGN)	
AUDITING BOARD MEMBER:		
(PRINT)	(SIGN)	

Source: 50 SDR 66, effective December 5, 2023. General Authority: SDCL 12-9-9(4)(11). Law Implemented: SDCL 12-178-20.

POST-ELECTION AUDITING TALLY SHEET

ELECTION: Primary Election - June 4th 2024

AUDIT DATE: Thursday June 13th, 2024

COUNTY AND PRECINCT: McPherson County Precinct # 3 # OF BALLOTS: 127
Received from Auditor

CONTEST NAME: Republican State Senator District 23

CANDIDATE NAME:	Steven Ray Roseland	TOTAL VOTES:																															
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CANDIDATE NAME:	Mark Lapka	TOTAL VOTES:																															
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CANDIDATE NAME:	Over Votes	TOTAL VOTES:											
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CANDIDATE NAME:	Under Votes	TOTAL VOTES:											
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AUDITING BOARD MEMBER: Marian Kallas
(PRINT)

AUDITING BOARD MEMBER: Michael J Klipke
(PRINT)

AUDITING BOARD MEMBER: Linda Schauer
(PRINT)

AUDITING BOARD MEMBER: Marsha Lapka
(PRINT)

AUDITING BOARD MEMBER: Deb Weishaar
(PRINT)

AUDITING BOARD MEMBER: _____
(PRINT)

Marian Kallas 27
(SIGN) 98

Michael J Klipke 2
(SIGN) 127

Linda Schauer

Marsha Lapka

Deb Weishaar

(SIGN)

Source: SD SDR 66, effective December 5, 2023. General Authority: SDCL 12-9-3(4)(11). Law Implemented: SDCL 12-17B-20.

Exhibit 4

POST-ELECTION AUDITING TALLY SHEET

ELECTION: Primary Election - June 4th 2024

AUDIT DATE: Thursday June 13th, 2024

COUNTY AND PRECINCT: McPherson County Precinct # 3 # OF BALLOTS: 127

Received from Auditor

CONTEST NAME: Republican State Representative District 23 (VOTE 2)

CANDIDATE NAME:	Spencer Gosch	TOTAL VOTES:																														
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mach. 88

CANDIDATE NAME:	Scott Moore	TOTAL VOTES:																														
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CANDIDATE NAME:	James D. Wangsness	TOTAL VOTES:																														
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CANDIDATE NAME:	Over Votes	TOTAL VOTES:																														
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CANDIDATE NAME:	Under Votes	TOTAL VOTES:																														
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AUDITING BOARD MEMBER: Marian Kallas
(PRINT)

AUDITING BOARD MEMBER: Linda Schauer
(PRINT)

AUDITING BOARD MEMBER: Marsha Lapka
(PRINT)

AUDITING BOARD MEMBER: Deb Weiszhaar
(PRINT)

AUDITING BOARD MEMBER: Michael J Klipfel
(PRINT)

AUDITING BOARD MEMBER: _____
(PRINT)

Marian Kallas
(SIGN)

Linda Schauer
(SIGN)

Marsha Lapka
(SIGN)

Deb Weiszhaar
(SIGN)

Michael J Klipfel
(SIGN)

(SIGN)

89
95
40
29

253

Source: 50 SDR 05, effective December 5, 2023. General Authority: SDCL 12-9-21(1)(1). Law Implemented: SDCL 12-178-20

POST-ELECTION AUDITING TALLY SHEET

ELECTION: Primary Election - June 4th 2024

AUDIT DATE: Thursday June 13th, 2024

COUNTY AND PRECINCT: McPherson County Precinct # 3 # OF BALLOTS: 127
Received from Auditor

CONTEST NAME: Republican State Representative District 23 (VOTE 2)

CANDIDATE NAME:	TOTAL VOTES:
Spencer Gosch	89
Scott Moore	95
James D. Wangsness	40
Over Votes	
Under Votes	29

AUDITING BOARD MEMBER: Michael J Klipfel
(PRINT)

AUDITING BOARD MEMBER: Marian Kallas
(PRINT)

AUDITING BOARD MEMBER: Linda Schauer
(PRINT)

AUDITING BOARD MEMBER: Marsha Lapka
(PRINT)

AUDITING BOARD MEMBER: Deb Weiszhaar
(PRINT)

AUDITING BOARD MEMBER: _____
(PRINT)

Michael J Klipfel
(SIGN)

Marian Kallas
(SIGN)

Linda Schauer
(SIGN)

Marsha Lapka
(SIGN)

Deb Weiszhaar
(SIGN)

89
95
40
29

253

Source: 90 SDR 66, effective December 5, 2023. General Authority: SDCL 12-9-9(4)(1). Law Implemented: SDCL 12-179-20.

RECAP SHEET

PRECINCT #4 EAST EUREKA

		R. Republican No Commissioner	C. Republican Commissioner #2 Race	D. Democratic
13	TOTAL BALLOTS TO BE COUNTED (Line 11 from the front page)	131	4	9
14	Unstamped Ballots			
15	Other Discrepancies			
16	TOTAL BALLOTS COUNTED per style Line 13 minus lines 14 and 15	131	4	9

Ballot Counts Per Party

16	TOTAL BALLOTS COUNTED Add line 16 all ballot styles together	144		
16	TOTAL BALLOTS CAST REP and DEM/IND/NPA	135		9

Tabulated Ballot Codes:
Tabulated Cards for Style

00005-01-01 130
Card REP Precinct 4 1
131

00006-01-01
Card REP Precinct 4 - Comm 2 0
4

00005-02-01 9
00006-02-01 (none) 0
Card DEM Precinct 4 0
Card DEM Precinct 4 - Comm 2 0

Explanation of Discrepancies

Resolution Board, Leola, McPherson County, South Dakota. Primary Election held this 4th day of June 2024.

Jacqueline J. ...
Jackie ...
Resolution Board

Tabulation center employees shall compare the number of ballots listed on the tabulation tape to the number of ballots listed on this recap sheet. These numbers need to match before the tabulation center employees can sign off on this form.

Tabulation Center Employees, Leola, McPherson County, South Dakota.
Primary Election held this 4th day of June 2024.

Tabulation Center Employees

5:02:09:16

05:02:23:06. Post-election auditing board receipt for official ballots.

STATE OF SOUTH DAKOTA

MCPHERSON COUNTY

#4 East Eureka - PRECINCT

We, the Post-Election Auditing Board Members, do hereby certify that on the 13th day of June, 2024, at the post-election audit for the Primary election held on June 4th, 2024, we received from Lindley Howard, County Auditor, a sealed package containing the following official precinct ballots:

(Here list the number of official precinct ballots received)

<u>Republican (No Commissioner Race)</u>	<u>130</u>
<u>ExpressVote Republican (No Commissioner Race)</u>	<u>1</u>
<u>Republican Commissioner #2</u>	<u>4</u>
<u>Democratic</u>	<u>9</u>

for the purpose of conducting a post-election audit.

Dated this 13 day of June, 2024.

[Signature] Post-Election Auditing Board member
[Signature] Post-Election Auditing Board member
[Signature] Post-Election Auditing Board member
[Signature] Post-Election Auditing Board member
[Signature] Post-Election Auditing Board member

_____ Post-Election Auditing Board member

Source: 50 SDR 66, effective December 5, 2023.
General Authority: SDCL 12-1-9(4)(11).
Law Implemented: SDCL 12-17B-18.

Form PE-2306

POST-ELECTION AUDITING TALLY SHEET

ELECTION: Primary Election - June 4th 2024

AUDIT DATE: Thursday June 13th, 2024

COUNTY AND PRECINCT: McPherson County Precinct # 4 # OF BALLOTS: 135
Received from Auditor

CONTEST NAME: Republican State Senator District 23

CANDIDATE NAME:	Steven Ray Roseland	TOTAL VOTES:	36																																								
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CANDIDATE NAME:	Mark Lapka	TOTAL VOTES:	99																																								
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CANDIDATE NAME:	Over Votes	TOTAL VOTES:											
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CANDIDATE NAME:	Under Votes	TOTAL VOTES:											
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AUDITING BOARD MEMBER: Colin Hoffman
(PRINT)

AUDITING BOARD MEMBER: Jodi Waltman
(PRINT)

AUDITING BOARD MEMBER: Sid Feickert
(PRINT)

AUDITING BOARD MEMBER: Nancy Klipfel
(PRINT)

AUDITING BOARD MEMBER: Dianna Shafer
(PRINT)

AUDITING BOARD MEMBER: _____
(PRINT)

Colin Hoffman
(SIGN)

Jodi Waltman
(SIGN)

Sid Feickert
(SIGN)

Nancy Klipfel
(SIGN)

Dianna Shafer
(SIGN)

(SIGN)

Source: 50 SDR 66, effective December 5, 2023. General Authority: SDCL 12-9-9(4)(11). Law Implemented: SDCL 12-179-20.

Exhibit 8

POST-ELECTION AUDITING TALLY SHEET

ELECTION: Primary Election - June 4th 2024

AUDIT DATE: Thursday June 13th, 2024

COUNTY AND PRECINCT: McPherson County Precinct # 4 # OF BALLOTS: Received from Auditor

CONTEST NAME: Republican State Representative District 23 (VOTE 2)

CANDIDATE NAME:	Spencer Gosch	TOTAL VOTES:	78
CANDIDATE NAME:	Scott Moore	TOTAL VOTES:	117
CANDIDATE NAME:	James D. Wangness	TOTAL VOTES:	33
CANDIDATE NAME:	Over Votes	TOTAL VOTES:	2
CANDIDATE NAME:	Under Votes	TOTAL VOTES:	32

78
 117
 33
 2
 32

 262

AUDITING BOARD MEMBER: Sid Feickert
 (PRINT)

AUDITING BOARD MEMBER: Colin Hoffman
 (PRINT)

AUDITING BOARD MEMBER: Jodi Waltman
 (PRINT)

AUDITING BOARD MEMBER: Nancy Klipfel
 (PRINT)

AUDITING BOARD MEMBER: Dianna Shafer
 (PRINT)

AUDITING BOARD MEMBER: _____
 (PRINT)

Source: SD SDR 86, effective December 5, 2023. General Authority: SDCL 12-9-9(4)(1). Law Implemented: SDCL 12-178-20

POST-ELECTION AUDITING TALLY SHEET

ELECTION: Primary Election - June 4th 2024

AUDIT DATE: Thursday June 13th, 2024

COUNTY AND PRECINCT: McPherson County Precinct # 4 # OF BALLOTS: Received from Auditor

CONTEST NAME: Republican State Representative District 23 (VOTE 2)

CANDIDATE NAME:	Spencer Gosch	TOTAL VOTES:	78																																								
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CANDIDATE NAME:	Over Votes	TOTAL VOTES:	2																																								
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CANDIDATE NAME:	Under Votes	TOTAL VOTES:	32																																								
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AUDITING BOARD MEMBER:	Colin Hoffman	<i>Colin Hoffman</i>	78
	(PRINT)	(SIGN)	
AUDITING BOARD MEMBER:	Sid Feichert	<i>Sid Feichert</i>	117
	(PRINT)	(SIGN)	
AUDITING BOARD MEMBER:	Nancy Kliepfel	<i>Nancy Kliepfel</i>	33
	(PRINT)	(SIGN)	
AUDITING BOARD MEMBER:	Jodi Waltman	<i>Jodi Waltman</i>	2
	(PRINT)	(SIGN)	
AUDITING BOARD MEMBER:	Dianna Shafer	<i>Dianna Shafer</i>	32
	(PRINT)	(SIGN)	
AUDITING BOARD MEMBER:			262
	(PRINT)	(SIGN)	

Source: SD SDM 66, effective December 5, 2023. General Authority: SDCL 12-9-9(4)(1.1). Law Implemented: SDCL 12-17B-2D.