

McPherson County Original Audit 6/13/2024; Reaudit completed per 45CIV24-13 on 6/25

6/13/2024

Precinct 1

	Tabulated	Audited	Difference
Williamson	1	1	0
Biden	6	6	0
Phillips	1	1	0
Serrato	1	1	0
Over Vote	0	0	0
Under Vote	1	1	0
Total Votes	10	10	0

Roseland	5	5	0
Lapka	184	185	1
Over	0	0	0
Under	3	2	-1
Total Votes	192	192	0

Gosch	172	172	0
Moore	166	167	1
Wangsness	16	16	0
Over	0	0	0
Under	30	29	-1
Total Votes	384	384	0

6/13/2024

Precinct 2

	Tabulated	Audited	Difference
Williamson	1	1	0
Biden	6	6	0
Phillips	3	3	0
Serrato	0	0	0
Over Vote	0	0	0
Under Vote	5	5	0
Total Votes	15	15	0

Roseland	16	16	0
Lapka	173	173	0
Over	0	0	0
Under	1	1	0
Total Votes	190	190	0

Gosch	158	158	0
Moore	158	158	0
Wangsness	21	21	0
Over	0	0	0
Under	43	43	0
Total Votes	380	380	0

Bieber	27	27	0
Mardian	96	96	0
Mack	56	56	0
Over	1	1	0
Under	2	2	0
Total Votes	182	182	0

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Precinct 3

6/13/2024	Tabulated	Audited	Difference
Williamson	1	1	0
Biden	8	8	0
Phillips	0	0	0
Serrato	1	1	0
Over Vote	0	0	0
Under Vote	0	0	0
Total Votes	10	10	0

Precinct 4

6/13/2024	Tabulated	Audited	Difference
Williamson	2	2	0
Biden	5	5	0
Phillips	1	1	0
Serrato	1	1	0
Over Vote	0	0	0
Under Vote	0	0	0
Total Votes	9	9	0

6/25/2024

Roseland	27	27	0
Lapka	97	97	0
Over	0	0	0
Under	2	2	0
Total Votes	126	126	0

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Roseland	36	36	0
Lapka	99	99	0
Over	0	0	0
Under	0	0	0
Total Votes	135	135	0

6/25/2024

Gosch	88	88	0
Moore	95	95	0
Wangsness	40	40	0
Over	0	0	0
Under	29	29	0
Total Votes	252	252	0

6/25/2024

Gosch	82	82	0
Moore	119	119	0
Wangsness	33	33	0
Over	2	2	0
Under	34	34	0
Total Votes	270	270	0

6/13/2024

Bieber	0	0	0
Mardian	2	2	0
Mack	2	2	0
Over	0	0	0
Under	0	0	0
Total Votes	4	4	0

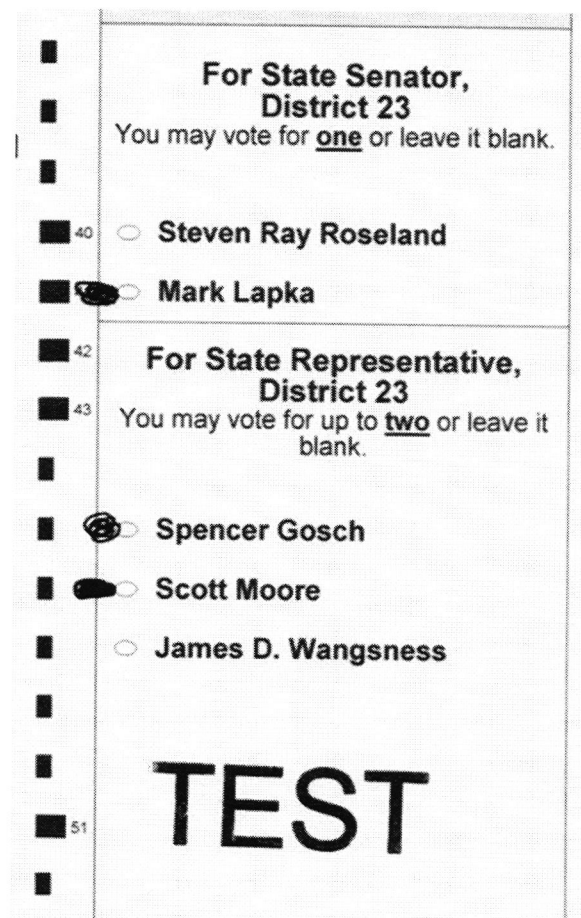
Explanation of Discrepancy noted in Precinct 1 with drawn example.

A republican ballot was presented with marks on the far left hand margin of the ballot. The tabulator read this ballot as an Undervote for the Senator Race, 1 vote for Gosch and 1 undervote for the Representative Race.

Had the voter made marks completely outside of the ovals for all candidates it would have been kicked out as a blank ballot on election night and the resolution board would have recreated. The mark falling within the oval for Gosch prevented this.

During the post-election audit the board viewed this ballot and counted votes for Lapka, Gosch and Moore. They did not consider this ballot to have any undervotes.

They determined that the marks should count and did not qualify under ARSD 5:02:23:09 1(b). In their judgement the marks touched the ovals for Lapka and Moore, but the board agreed that the tabulator performed as expected since not enough of a mark was contained within the oval.



This is an example of what the auditing board was presented, recreated by Lindley Howard. NOT the actual voted ballot.

Post-Election Audit Definitions and Auditing Procedures

05:02:23:02. Definitions. Terms used in this chapter mean:

- (1) "Counted ballot," a voted ballot counted by the post-election auditing board in at least one contest;
- (2) "Seal," A security mechanism using strategically placed serialized or tamper-evident materials that alert officials if a device used in the elections process has potentially been altered or accessed without authorization;
- (3) "Board member," A member of the post-election auditing board meeting the requirements of SDCL 12-17B-18;
- (4) "Over vote," a race in which more votes were cast on a ballot than allowed for that race;
- (5) "Voted ballot," a ballot placed in the ballot box at any time;
- (6) "Write-in vote," a name written on a ballot in an attempt to indicate a vote for that person; and
- (7) "Manual count," as defined by counting other than be electronic device.

Source: 50 SDR 63, effective December 5, 2023.

General Authority: SDCL 12-1-9(4)(11).

Law Implemented: SDCL 12-17B-18.

05:02:23:09. Auditing procedures. The following procedure must be used in auditing a precinct by manually counting the ballots:

- (1) The post-election auditing board shall review ballots for proper marking procedure according to the voting instructions below. The post-election auditing board shall determine the votes to count as follows:
 - (a) A mark that is inside the oval on an optical scan ballot is counted as a vote;
 - (b) Any mark on an optical scan ballot that does not touch the oval and is not in the oval may not be counted as a vote;
 - (c) A mark on an optical scan ballot that touches two or more ovals is an over-vote and not counted;
 - (d) A write-in vote may not be counted; and
 - (e) Express votes are to be counted as shown on the Express vote ballot;
- (2) A majority vote of the post-election auditing board shall determine any question arising from the post-election audit; and
- (3) The post-election auditing board shall certify the results as manually counted for the post-election audit by completing the certificate of post-election audit as provided in § 5:02:23:12. The board shall file the certificate of post-election audit with the county auditor.

Source: 50 SDR 66, effective December 5, 2023.

General Authority: SDCL 12-1-9(4)(11).

Law Implemented: SDCL 12-17B-18, 12-17B-20, 12-17B-22.