

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF MCPHERSON

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 24-13</p> <p style="text-align: center;">ORDER</p>
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A complaint for Emergency Declaratory Judgment under SDCL 15-6-57 being filed by McPherson County against Lindley Howard, in her official capacity as McPherson County Auditor. Plaintiff McPherson County being represented McPherson County States Attorney, Austin B. Hoffman, and Lindley Howard, in her official capacity as McPherson County Auditor, representing herself.

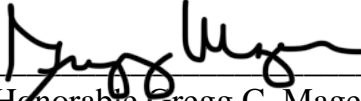
The Defendant, having admitted to receipt of the Compliant and Summons, waived the right to a hearing, and waived the right to file and answer, the Courft finds there is good cause to order the un-sealing of McPherson County June 4, 2024 primary election ballots to finalize and reconcile the post-election audit in this matter, therefore, it is hereby:

ORDERED, ADJUDGED, AND DECREED that all parties have waived a right to a hearing and the filing of an answer; it is further

ORDERED, ADJUDGED, AND DECREED that 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;

ORDERED, ADJUDGED, AND DECREED that notice of the continued post-election audit shall be given pursuant to SDCL 12-17B-21.

BY THE COURT:



Honorable Gregg C. Magera
Circuit Court Judge