

Minnehaha County Election Review Committee

February 6, 2015 Meeting

Meeting Notes:

Attendees: Lorie Hogstad, Sue Roust, Julie Pearson, Kea Warne (by phone), Deb Elofson, Bruce Danielson, Joel Arends

I. Call to Order

II. Approval of Agenda

Motion passed unanimously. There was a question if the committee wants to address the changes in HAVA fund requirements recently adopted by the South Dakota Secretary of State's Office. No further discussion.

III. Approval of Minutes from meeting on January 16 & January 23, 2014

Motions passed unanimously.

IV. Opportunity for Public Comment

V. Discussion of Challenges/Opportunities Related to Combining Municipal/School District/Federal Election Days

One of the main reasons to combine elections would be to increase voter turnout. In odd number years there will still be a need for multiple election days. In Pennington County, when multiple organizations combine for an election day, the costs to administer elections are split based on a formula. Pennington County allows a school district in Mead County to join their joint elections. Each organization pays for their share of the cost. Charges to each organization are based on the number of ovals, the number of candidates and the number of races on the ballot. The charges are set by the vendor that prints the ballots. Pennington County also includes some set-up charges. Some school districts don't have to purchase voting equipment because they can borrow/rent/lease from other organizations. Combining elections is also more convenient for voters.

Lorie Hogstad: the day of Sioux Falls City elections is set in ordinance. It can only be changed by changing the city charter, which would have to be approved by voters. The first step in making that change would be to take a proposal to the Charter Review Commission. In city elections candidates draw for the order they will appear

on the ballot. The city reviews its contract with Minnehaha County for election-related services prior to each election. There will be several changes prior to the next election to conform with the new HAVA requirements. The city leased 105 E-Poll books for the last election. For the upcoming election they will purchase E-Poll books. The city received a favorable lease price in the last election because they were a test market. Joel Arends asked if costs are determined by election rules or statutes. As of now, they are directed by the HAVA rules as interpreted by the Secretary of State's Office.

Kea Warne told the committee that HAVA funds can only be used to support federal elections. E-Poll books are not a requirement to support federal elections. Beginning with a pilot program in 2011 the previous administration used HAVA funds to help fund local elections. Our understanding is that pilot program was not intended to be an ongoing revenue source for local election support. The SOS office believes this is an appropriate time to end HAVA support of local elections. At this point the SOS's office has disposed of all but 15 of the E-Poll Books it owned.

Bev Chase of the Sioux Falls School District said it would be a major undertaking to change the date of elections in the district. According to state statute, school elections can be held between the 2nd Tuesday in April and the 3rd Tuesday in June. The school board must set the date of each year's election at the first board meeting of the year. Sioux Falls school election turnouts are always better when combined with city elections. Off-year school election turn-outs are about 5%.

What concerns would each organization have about changing election dates to combine elections? The SFSD has tried to stay away from the partisan elections. The board likes to hold the elections after school has let out but before families go on vacation. The district spent \$23,000 on the last election and they expect to spend between \$43,000 - \$44,000 on the next election. That does not include the capital cost of purchasing 50 E-Poll books for the next election. The city will use the E-Poll books in odd years. The machines will cost \$113,000. The school district would work with the county regarding a lease agreement for the E-Poll books if the county was interested. The Sioux Falls School District will be the first school district in the state to purchase E-Poll books. They will use city scanners to count ballots.

Sue Roust reminded the committee that the rules have changed regarding how equipment purchased with HAVA funds can be used. The county must charge other

organizations to use equipment for non-federal elections. The E-Poll books the school district is purchasing will run Window's 7 and have available memory to upgrade to Windows 8 or 10 in the future. The purchase contract includes the license, software and initial set up. A second maintenance contract will also be required. In the past the Secretary of State's Office has maintained the servers needed to use E-Poll books. That will not be the case this year. The school district will have to find a vendor to host the server that will contain E-Poll book data.

School district election costs include advertising, printing (both ballots and maps), personnel and AutoMark rentals. The total cost is \$43,000. The AutoMark's are the only optional cost among those. They don't have to be used in non-federal elections. Sue Roust told the committee that a policy decision was made while she was Auditor to use the machines for all elections. AutoMark's help individuals with limited sight vote independently. In Minnehaha County, between 2 & 10 people use the AutoMark's at each election.

Bruce Danielson asked if each organization could provide the costs of administering an election. The goal would be to see what savings could be realized by combining elections.

The school district and city are using additional publications such as the Shopping News to push election information out to voters. The city also sends election information with March water bills. The city and school district post polling location information on the doors and windows of former polling locations. Additional coordination would require if there were a larger combined election. The location where ballots would be counted would be key.

There was a question if any elections could be finalized on Primary Election Day. It's possible. In Sioux Falls there is the possibility of run-off elections following Primary Election Day. For a state-wide primary there could be a run-off if one candidate failed to get at least 35% of the vote. In the City of Sioux Falls if a run-off election is required, it will be held three weeks following the original Election Day. If a state-wide election runoff is needed, that would be ten weeks following the original Election Day.

VI. Consider Discussion/Recommendation for County Acquisition of Additional Vote Counting Machine

Does the county need an additional 850 vote counter? It currently has two. There was a follow-up question about an issue raised at a previous meeting – was E, S & S able to say exactly what happened when the machine quit working on Election Night? No. They can show what time it shut off and what time it came back on. Sue Roust reminded the committee a key part of this discussion is whether Auditor Bob Litz feels the office needs an additional 850 vote counter. Julie Pearson asked if, on Election Nights, do ballots come in in mass or is there a steady flow throughout the night?

Monte Watembach – County IT Director reported that he doesn't know a lot about the 850's, but they are a piece of technology and therefore can fail. A recognized practice in the information technology field is to have one more than the number you need, just because equipment does fail. Related to the issues with the 850's on Election Night and during the demonstration, Mr. Watembach told the group that intermittent issues are the most difficult problems to fix because it's hard to identify what causes the problem. His recommendation is if two are needed, the office should have three. IT doesn't get involved in the testing of the vote counting machines. All testing and programming is done by the vendor.

Bob Litz said the vendor who sold the 850's to the county said two machines should be enough because they process ballots faster than the previous model. The Auditor's office runs 71 groups of test ballots – each with 25 ballots. When they started on Election Night, about five of every test batch were rejected. The office quickly learned that it's not the speed of the machines that's important, it's how many ballots the machine spits out that must be examined individually. Mr. Litz said, "after one hour I knew it would be a long night." He indicated he would like to purchase an additional vote counting machine.

Another key issue the Minnehaha County Auditor's Office faced on Election Night was too few resolution boards. One of the parties didn't submit their names of possible board members until the day of the election. That was an issue. The office ended up using registered independent voters to staff some resolution boards. Joel Arends asked if the office has the HAVA funds available to purchase one additional vote counting machine. They do. Julie Pearson pointed out that one thing that may have slowed the vote counting process in Minnehaha County was that the Auditor's Office was sorting over-votes when it didn't need to. If you had done that the only issue you would have had was the issue of ballot stamps.

Bruce Danielson described a conversation he had recently with a voting official from Texas who described the ballot testing procedures his organization uses.

Julie Pearson said on Election Night they started having hesitation marks kicked out. They were getting an error message that listed them as an “over vote.” Very quickly her office switched a setting on the machines to, “blank,” and after that the only ballots kicked out were the ones where the ballot stamp was in the wrong location.

Sue Roust said it appears that E, S & S may have had had both the Minnehaha County and Pennington County machines set incorrectly. Julie Pearson said Pennington County didn’t have any over vote ballots kicked out after they made that switch. Sue Roust also suggested seeking a clarification from E, S & S about the best pen or pencil to use. It was discussed again that ballot stamps with green ink instead of red ink will not cause the machines to kick out the ballots.

VII. Discussion of Final Report

Robert Wilson told the committee he expected to begin compiling a draft of the final report using meeting minutes from previous meetings and the recommendations committee members have already submitted. Considerable input and changes will be needed following the initial draft. Staff will take responsibility for writing the report, but will look to committee members for feedback and suggested changes.

VIII. Old Business

There was a discussion of the difference between precincts, super precincts and voting centers. Voting centers are the smallest in numbers but the largest in physical size. Any voter can vote at any center. Super precincts are groupings of multiple precincts in one location. Precincts are the traditional polling location – each voter is assigned a precinct based on their home address.

IX. New Business

There was a discussion of the confusion that can be caused by locating multiple precincts close to each other. One reason this is done is because in some densely populated areas, multiple locations are needed to handle the volume of voters who will turn out. There was a discussion of possibly having a demonstration of the AutoMark voting machines at the next meeting. There was also a brief discussion about the appropriate number of resolution boards to have for different elections.

X. Adjournment

Motion to adjourn. Passed unanimously.