

2023 SENATE STATE AND LOCAL GOVERNMENT

SB 2316

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2316
1/26/2023

| |
|---|
| Relating to decertification of election equipment, manual ballot recounts, and county election officials' responsibilities. |
|---|

3:00 PM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Human error
- Corruption
- Trust issues

Sen Magrum, Dist 8, bill sponsor, testified in support with no written testimony.

Rep Cole Christenson, Dist 24 testified in support 17493.

Marvin Lepp testified in support #17480, #17463, #17466.

Tomi Collins, testified in support #17498.

Mark Cahoon, Baldwin, ND testified in support with no written testimony.

Elmer Knodel, testified in support with no written testimony.

Erika White, Burleigh Co Election Manager, testified opposed #16868.

Michael Howe, Secretary State, testified opposed with no written testimony.

Additional written testimony:

Rebekah Oliver, in support #15035

Ms Gessele, in support #16974

Doug Sharbono, Fargo, ND, in support #17014

Rory Gabel, Valley City, ND in support #17084

Shirley Murray, McClusky, ND opposed #19776

3:33 PM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2316
2/9/2023

| |
|---|
| Relating to decertification of election equipment, manual ballot recounts, and county election officials' responsibilities. |
|---|

10:33 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Committee action

Sen Cleary moved a DO NOT PASS.

Sen Barta seconded.

| Senators | Vote |
|--------------------------|------|
| Senator Kristin Roers | Y |
| Senator Jeff Barta | Y |
| Senator Ryan Braunberger | Y |
| Senator Sean Cleary | Y |
| Senator Judy Estenson | Y |
| Senator Judy Lee | Y |

VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Cleary will carry the bill.

10:38 AM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2316: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2316 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

TESTIMONY

SB 2316

DO PASS - SB 2316

Members of the Senate State and Local Government Committee,

Please render a DO PASS on Senate Bill 2316. Thank you for your consideration of this important bill, and for your service to North Dakota.

Sincerely,

Rebekah Oliver

District 11

Written Testimony for the
Senate State and Local Government
January 26, 2023
Erika White, Burleigh County Election Manager



RE: OPPOSITION for SB 2316

Greetings, Chair Roers, and members of the Committee. My name is Erika White and I am the Election Manager in the Burleigh County Auditor/Treasurer's office. I'm submitting testimony in opposition of SB 2316.

This bill relates to the decertification of election equipment and manual ballot recounts. Each of these topics is addressed thoroughly in state law and are conducted with integrity. This bill looks to undermine the hard work each auditor and election board complete every election.

Prior to each election, the auditor's office conducts logic & accuracy testing on every piece of equipment used for the upcoming election. This testing includes scanning test ballots into the tabulators to ensure they are counting ballots and tabulating votes with 100% accuracy. There is no room for error during the testing period – ALL equipment must pass ALL aspects of testing.

SB 2316 states that if an election official determines that any voting system is not in sufficient compliance, then the Secretary of State shall decertify the equipment. Please be aware that an election official includes election workers. Election workers that volunteer every other year, receive approximately 3 hours of training regarding all election procedures, and call the auditor's office if they encounter anything out of the norm at the polling location. It is far beyond their scope to determine if a voting system is not in sufficient compliance with the law.

This bill also states that ballots are to be counted manually at the close of polls. We understand the intent is to ensure tabulators are counting ballots properly. This is why the auditors spend countless hours testing equipment prior to the election to guarantee the tabulators are 100% accurate prior to equipment deployment. Polling location closing procedures also include the election workers balancing the number of ballots cast on the tabulators to the number of voters checked-in at the polling location. Additionally, they must balance the number of ballots deployed, used, and tabulated at the closing of polls. There are numerous checks and balances used when verifying election totals. It is not a task that auditors or election workers take lightly. Additionally, post-election testing is completed following the election to also ensure accurate tabulation of election results.

There is also a section in this bill that states the ballots must not be moved to another location until the canvass report and abstract are prepared. While the canvass report, or results report, is prepared on election night, the abstract is created days after the election, prior to the

canvass board meeting. It is not something that is generated on election night because it takes multiple hours to complete.

Manual counting of ballots and creating abstracts on election night will only delay election results. I estimate that we could see delays of election results on election night by hours, if not days. Please keep in mind that election workers report to the polling location at 6:00am on election day and typically complete a 14 hour day with limited breaks. Adding these cumbersome and unnecessary tasks will come with inaccuracy due to the long days and will, without a doubt, hurt the efforts to recruit election workers.

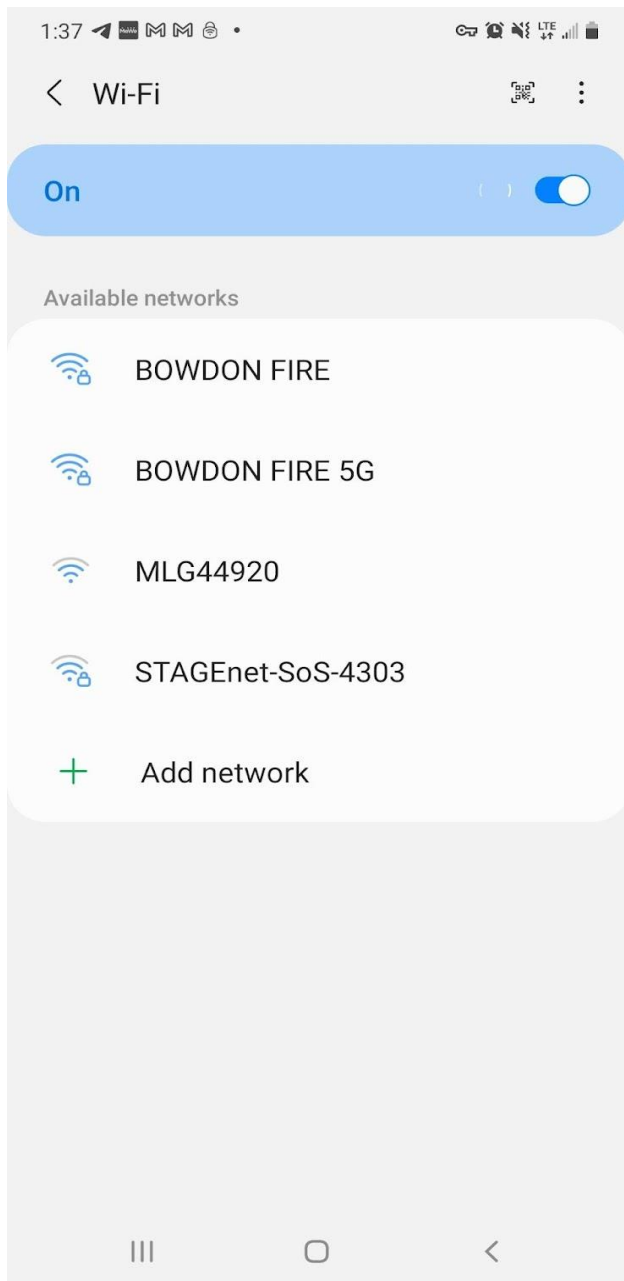
I would also like to take some time to outline recount procedures. During a recount, the recount employees take a random sampling of 50 ballots that were cast at the election. That random sampling is hand counted and results recorded. Those 50 ballots are then tabulated on the equipment to verify the results from the hand count match the results from the tabulator. The remaining ballots are then reviewed with the recount employees looking for election official initials on each ballot, determining voter intent, looking for crossovers, and many other items, dependent on the nature of the recount. The remaining, accepted, ballots are then tabulated, and the results of the recount are known.

SB 2316 seeks to have the entirety of the recount process completed manually, without tabulators, while utilizing high-definition digital imaging to verify the authenticity of physical election records. I am unsure why digital imaging is needed to inspect original physical records as digital imaging is a process that digitizes physical records. It feels counterintuitive to utilize digital imaging for original paper copies of election documents.

Auditors have the one goal for all election results, including recounts, which is that the results are 100% accurate. The best way to guarantee accuracy and integrity of election results is to utilize the tabulators that are tested thoroughly and have proven to be secure.

Thank you for your time and I urge a DO NOT PASS on SB 2316.

I was told by my county auditor that there were no modems in the DS200 that could connect, but at the meet and greet they held at Pizza Ranch in Harvey with our District 14 legislatures Mr. Jon O. Nelson told us all they did have modems. When I arrived at the voting place for the November election I had turned on my wifi and it was not visible outside the building, but was as soon as I was inside the building. STAGEnet-SoS-4303



Also I was watching our poll pads and the number of eligible voters started at 3095 and jumped to 3792 and kept going up a little and then down. When I noticed the jump in numbers I mentioned it to the other poll workers, but no one batted an eye. This was going on throughout the day after the huge jump. It would go up a little drop a few times and then go up some more. By the end of the night the poll pads had 3789 as the total for eligible voters.

We also noted that the clock on the DS200 was 10 minutes faster than the actual time on our phones and the poll pads.

We did not have a working express vote because there was an issue, but ES&S people were in the state and the auditor called one to drop in and look at the machine. The issue was the paper the state sent was too long by 2 inches I believe it was. The ES&S guy just happened to have the shorter paper. They make people believe the express voter is mainly there for impaired voters who would find it easier, but we are told to try and get as many people as possible to vote on them.

The issue with the paper on the express vote machines would have been caught had the state sent both ballots styles like they were suppose to during the tests run to check machines before voting day.. Then again I would assume that our county auditor would have been able to mention the fact that they did not get them when he had to call the day of testing because the DS450 was not working properly. I called the SOS's office and talked with them after I attended the ballot testing done on the machines and she said that each county would be running the regular paper ballots and the ballots used on the express voting machine. We did not. I was also told that the judges were suppose to get a copy of the vote tabulation at the end of the day of voting so asked for it after the November election, but did not get one during the June election.

Let's speak to the June election at Bowdon, North Dakota in Wells County now. We had issues with people's ID's not reading properly. They were allowed to vote with a set aside ballot, but all 3 of our people came up and non-citizens of the United States. One person was born in the US and has lived in North Dakota for 19 years, another person can become an American citizen in April of this year and the other person had moved back to North Dakota and had been living in our county for more then a year. Our voting place was also one of many in the state that had an ES&S official in charge of starting our day and ending our day with the machines. He had our keys to the DS200 and the USB drive for the machine. When we had done our pre-election training, we had been told by the auditor that the election inspector would haul the tally sheet off the DS200 at the end of voting day back to the courthouse as well as the paper ballots in the lock box and the USB drive. This did not happen, the election inspector did haul the paper ballots back to the courthouse, but the county auditor told her to hand over the USB drive and

the DS200 tally sheet to the ES&S official and he would drive them over to Fessenden, to the courthouse.

The precinct numbers are also deceiving because it says we have 6 precincts, but only 3 are open and all open precincts have ballots for all 6 precincts in our county.

**Do Pass Testimony
of Doug Sharbono, citizen of North Dakota
on SB2316
in the Sixty-eighth Legislative Assembly of North Dakota**

Dear Chairwoman Roers and members of the Senate State and Local Government Committee,

I am writing as a citizen and believe SB2316 is good legislation. I believe the bill's revisions will provide better basis for audit if it is necessary. It also provides better chain of custody provisions.

Please give SB2316 a Do Pass Recommendation.

Thank you,

Doug Sharbono
1708 9th St S
Fargo, ND 58103

1-26-23

I urge a "Do Pass" on this bill

Thank you

Rory Gabel

Valley City, ND

District 24

23/6

Re: June...

marvin lepp <leppfornorthdakota@outlook.com>

Thu 6/23/2022 5:59 PM

To: Kathy Monti <glassykathy@yahoo.com>

Perfect thank you

Sent from my iPhone

On Jun 23, 2022, at 5:56 PM, Kathy Monti <glassykathy@yahoo.com> wrote:

Thanks, next time I get to Minot I will notarize.

Sent from my iPhone

On Jun 22, 2022, at 2:42 PM, marvin lepp <leppfornorthdakota@outlook.com> wrote:

That looks awesome. Your local bank should have someone there that can notarize for you free of charge

Sent from my iPhone

On Jun 22, 2022, at 2:15 PM, Kathy Monti <glassykathy@yahoo.com> wrote:

June 22,2022

My name is Kathy J. Monti (Affiant)and acknowledge I am:

Age- 61 years old

Address- 1201 282nd ST.S.W.

Berthold ND, 58718

Residency-ND

Being duly sworn, hereby swear under oath that:

I worked as a Clerk in the June 24, 2022 Primary Election, at the Berthold Voting Center, Ward County. I attended the 2 hour election Class, in Minot on June 4, 2022. I witnessed these problems on Election Day:

Our first voter was accidentally given the wrong ballot. He was a Berthold city resident and was accidentally given the rural Berthold ballot. He voted the ballot and put it in the machine to be tabulated, then asked why there was not a selection for Berthold City Mayor on his ballot? He said it didn't matter and left.

We had a first time voter who had recently turned 18. The ID system did not recognize that he had recently had a birthday and said he was under age. We were able to correct the

problem after a call to the Ward county Auditor. I don't understand why the machine did not recognize that he was 18.

We had a voter unable to tabulate his ballot in the machine, He even re-did a ballot and was still unable to make it tabulate. He was given a paper to cover his ballot and I believe it was put in an envelope to be adjudicated later. We had no idea why it wouldn't tabulate.

We had a voter who has lived in Berthold since the 60's unable to vote because she recently sold her house and moved to an Apartment in Berthold. She receives her mail by P.O Box as do most Berthold Residents so she had no bills with her new address on them. We called the Ward county Auditor and it was determined that since she lived in Berthold Housing Authority Apartments if she returned with her lease agreement we could count that as a Federal document, which would be valid proof. She returned home and returned with her lease agreement and we were able to allow her to vote.

We had over 20 voters throughout the day vote across party lines on the Primary ballot and they were given 2nd ballots.

After the Polls closed at 7:00 the other clerk and I put things back in cases while the Judge counted the un-voted ballots from the 38 option ballots, county wide. She re-counted them and did not come up with the same number so we all began counting and re-counting the un-voted ballots. We did not leave the polling place till 9:58. I later found out that some polling places didn't even count the un-voted ballots. It seemed like the un-voted ballots were more important than the voted ballots. Having all the counties ballots in our small precinct caused confusion. Every voter should have a polling place in their own community. All ballots should be tabulated by hand not machine, with video of the tabulation in each small precinct in my opinion No more machines.

All the ladies who I worked with did their job to the best of their understanding. All 4 of us were new to our jobs. 2 new clerks, the judge and inspector were new to their positions even though they had worked prior elections in other positions. I believe there should be better training about what each job responsibilities are. I think training should be more in-depth about possible issues that arise with voter identification and machine errors.

Under penalty of perjury, I hereby declare and affirm that the above mentioned statement is, to the best of my knowledge true and correct.

Affiant's

Signature _____

Date _____

NOTARY ACKNOWLEDGEMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who is signed the document which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

State of _____

County of _____

On _____, 2022, before

me _____, per

sonally appeared

_____ who

proved to me on the basis of Satisfactory evidence to be the person who's name is subscribed to the within instrumented acknowledged to me the instrument the person(s)

acted, executed the instrument. I certify under penalty and perjury under the laws of the State of North Dakota that the foregoing paragraph is true and correct.

Witness my hand and official seal

Signature _____

(Seal)

**AFFIDAVIT
(SWORN STATEMENT)**

Date: June 24th, 2022

My legal name is Michelle L. Biegler ("Affiant") and acknowledge I am:

- Age: 49
- Address: 414 2nd St. NW Steele ND 58482
- Residency: Kidder County North Dakota

Being duly sworn, hereby swear under oath that:

On June 10th 2022 I had a meeting with my County Commissioners about the vulnerabilities of the ES&S voting machines. Before I left the auditor Jean Schoenhard gave me a piece of paper entitled Election Systems & Software. (see attached) I asked her where she got this from and she stated the SOS website. I still haven't found it or any other information like it on the SOS website.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: Michelle L. Biegler Date: 06/27/2022

NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

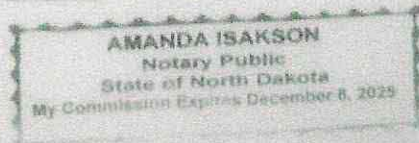
State of North Dakota
County of Kidder

On June 27, 2022 before me, Amanda Isakson, personally appeared Michelle Biegler who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of North Dakota that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Amanda Isakson (Seal)



Election Systems and Software

- Wholly owned, not affiliated with Dominion, Hart, Smartmatic, or any other voting machine company.
- Headquartered in Omaha.
- Private ownership.
- Software is EAC Certified, version 6.0.6.0
- Only ES&S Certified version with Windows 10 that supports open primaries.
- Current version utilizes Windows 10 in the tabulation server, which is not connected to the Internet.
- While SeaChange is an authorized ES&S contractor, SeaChange does not program the voting system—only the actual creation of ballots for particular elections.



2022 Election

WELLS COUNTY, NORTH DAKOTA

Forward Township
 Fram Township
 Hillsdale Township
 Manfred Township
 Pony Gulch Township
 Rusland Township
 Wells Township
 Western Township

Precinct #1
 #52140101

Bremen Township
 Fairville Township
 Germantown Township
 Hamburg Township
 Heimdahl Township
 Norway Lake Township
 Oshkosh Township
 St. Anna Township
 Valhalla Township
 West Norway Township
 Hamberg City

Precinct #2
 #52140201

Bull Moose Township
 Chaseley Township
 Crystal Lake Township
 Delger Township
 Haaland Township
 Lynn Township
 Progress Township
 Silver Lake Township
 West Ontario Township
 Bowdon City
 Hurdsfield City

Precinct #3
 #52140301

Berlin Township
 Bilodeau Township
 Cathay Township
 Hawksnest Township
 Johnson Township
 South Cottonwood Township
 Speedwell Township
 Sykeston Township
 Woodward Township
 Cathay City
 Sykeston City

Precinct #4
 #52140401

Harvey City

Precinct #5
 #52140501

Fessenden City

Precinct #6
 #52140601

| | | | | | |
|-------------------|------------------------|--------------------------|-------------------------------|-----------------------------|----------------|
| Precinct #1 | | Precinct #2 | | | |
| Hillsdale Twp. | Wells Twp. | Wellsburg Fram Twp. | Heimdahl Twp. Heimdahl | Norway Lake Twp. | Valhalla Twp. |
| Western Twp. | Forward Twp. | Manfred Twp. Manfred | West Norway Twp. | Hamburg Twp. | Bremen Twp. |
| Pony Gulch Twp. | Rusland Twp. | St. Anna Twp. | Precinct #6 Fessenden City | | Fairville Twp. |
| Crystal Lake Twp. | Delger Twp. | West Ontario Twp. | Oshkosh Twp. | Germantown Twp. | Emrick |
| Precinct #3 | | Precinct #4 | | | |
| Bull Moose Twp. | Chaseley Twp. Chaseley | Haaland Twp. Bowdon City | S. Cottonwood Twp. | Cathay City Cathay Twp. | Woodward Twp. |
| Lynn Twp. | Silver Lake Twp. | Progress Twp. | Heaton Speedwell Twp. | Sykeston City Sykeston Twp. | Bilodeau Twp. |
| Lynn Twp. | Silver Lake Twp. | Progress Twp. | Berlin Twp. | Johnson Twp. | Hawksnest Twp. |

Will from ES&S

Michelle Pernar Mans

AFFIDAVIT
(SWORN STATEMENT)

Date: June 14, 2022

My legal name is Lydia R. Gessele ("Affiant") and acknowledge I am:

- Age: 49
- Address: 631 32nd Ave NE Chaseley, ND [58423]
- Residency: Wells County - North Dakota

Being duly sworn, hereby swear under oath that:
While I was working the polls, in Bowdon, ND, as a judge, in Wells County, a man who has lived in North Dakota for over a year, had his license updated over 3 months ago, did not come up in the system at all.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: [Signature] Date: 6/16/2022

NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ND
County of Wells

On 6/16, 2022 before me, Patricia Feakes personally appeared Lydia Gessele who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of ND that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)

PATRICIA FEAKES
Notary Public
State of North Dakota
My Commission Expires Mar. 29, 2026

AFFIDAVIT
(SWORN STATEMENT)

Date: June 14, 2022

My legal name is Lydia R. Gessele ("Affiant") and acknowledge I am:

- Age: 49
- Address: 631 32nd Ave NE Chaseley, ND [58423]
- Residency: Wells County - North Dakota

Being duly sworn, hereby swear under oath that:

While I was working the polls, in Bowdon, ND, as a judge, in Wells County, we had a 19 year resident of Bowdon come up as a non-citizen. This person had his license scanned as well and was born in the US.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: Lydia R. Gessele Date: 6/16/2022

NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ND
County of Wells

On 6-16, 2022 before me, Patricia Feakes, personally appeared Lydia Gessele who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of ND that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Patricia Feakes (Seal)

PATRICIA FEAKES
Notary Public
State of North Dakota
My Commission Expires Mar. 29, 2026

AFFIDAVIT
(SWORN STATEMENT)

Date: June 14, 2022

My legal name is Lydia R. Gessele ("Affiant") and acknowledge I am:

- Age: 49
- Address: 631 32nd Ave NE Chaseley, ND (58473)
- Residency: Wells County - North Dakota

Being duly sworn, hereby swear under oath that:

While I was working the polls, in Bowdon, ND, as a judge, in Wells county, we had an issue of a Bowdon resident, after her license was scanned, she came up as a non-citizen. She became a US citizen in April of 2022.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: Lydia R. Gessele Date: 6/16/2022

NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ND
County of Wells

On 6-16, 2022 before me, Patricia Feakes, personally appeared Lydia Gessele who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of ND that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Patricia Feakes (Seal)

PATRICIA FEAKES
Notary Public
State of North Dakota
My Commission Expires Mar. 29, 2026

AFFIDAVIT
(SWORN STATEMENT)

Date: June 14, 2022

My legal name is Lydia R. Gessele ("Affiant") and acknowledge I am:

- Age: 49
- Address: 631 32nd Ave NE Chaseley, ND [58423]
- Residency: Wells County - North Dakota

Being duly sworn, hereby swear under oath that:

While I was working the polls in Bowdon, ND, as a judge, in Wells county, at the end of the day we had to hand over the DS200 USB stick and the machine log to an E&S official. His first name was Will and he, instead of the precinct inspector, took custody and hauled to County Auditor.
Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: Lydia Gessele

Date: 6/16/2022

NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

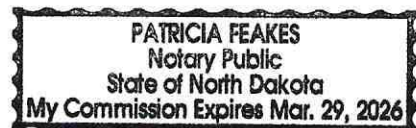
State of ND
County of Wells

On 6-16, 2022 before me, Patricia Feakes, personally appeared Lydia Gessele who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of ND that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Patricia Feakes (Seal)



AFFIDAVIT
(SWORN STATEMENT)

Date: June 24th, 2022

My legal name is Michelle L. Biegler ("Affiant") and acknowledge I am:

- Age: 49
- Address: 414 2nd St. NW Steele ND 58482
- Residency: Kidder County North Dakota

Being duly sworn, hereby swear under oath that:

At approximately 10:20 am Knowink wouldn't allow a man to vote. Knowink shows he is at the wrong polling location. His DL has the correct address however Knowink has the wrong address. The man said he has lived at that address for a year and a half and had recently received tags and the address was right. Cont. on attached paper.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature: *Michelle L. Biegler* Date: 06/23/2022

NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

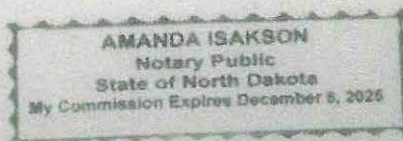
State of North Dakota
County of Kidder

On June 23, 2022 before me, Amanda Isakson personally appeared Michelle Biegler who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of North Dakota that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Amanda Isakson* (Seal)



The poll workers try to change the address however knowink wouldn't allow and still shows he is at the wrong polling location. The auditor (Jean) is called and had to come to the polling location she is on the phone with someone, and they told her to add him as a new voter with the address on his DL that fixed it at approximately 10:50am and he could vote.

At approximately 3:57 pm another person is added as a new voter same name different address because the address on the DL is correct but the knowlink is wrong. The inspector is calling it a glitch because "the DMV did something new to their systems about 6 weeks ago" she said. Then the voter is allowed to vote.

At approximately 6:19 pm another voter with the correct address on the persons DL but in knowink the address is wrong so once again they are added as a new voter and now they can vote.

2022



**ELECTION OFFICIALS'
MANUAL**

February 2022

North Dakota



✓otes
2022

| | | |
|---|--|---|
|  | <p align="center">SECRETARY OF STATE</p> <p align="center">Michael Howe State of North Dakota 600 E Boulevard Ave Dept 108 Bismarck ND 58505-0500</p> <p align="center">ELECTIONS UNIT (701) 328-4146 soselect@nd.gov Vote.ND.Gov</p> |  |
|---|--|---|

Alternate formats for individuals with disabilities are available upon request.

Table of Contents

| | |
|---|-----------|
| Section 1 – Polling Places and Poll Workers | 3 |
| Section 2 – Election Worker Responsibilities Before Polls Open | 5 |
| Section 3 – Voter ID | 7 |
| Section 4 – Election Worker Responsibilities After Polls Open | 9 |
| Voting Procedure | 9 |
| Set Aside Ballot Process | 10 |
| Other Election Worker Duties While Polls are Open | 10 |
| Processing Absentee Ballots | 12 |
| Section 5 – Election Worker Responsibilities After Polls Close | 14 |
| Section 6 – Special Precincts (Early Voting, Absentee, Vote By Mail) | 16 |
| Early Voting..... | 16 |
| Absentee..... | 16 |
| Vote By Mail..... | 16 |
| Section 7 – Frequently Asked Questions and Answers..... | 18 |
| Section 8 – Prohibitions, Crimes, and Election Offenses | 19 |
| Section 9 – Voters With Disabilities..... | 21 |
| Common-Sense Guidelines That Apply to All Voters..... | 21 |
| Voters with Mobility Impairment..... | 21 |
| Voters with Speech or Hearing Impairments | 21 |
| Voters with Visual Impairment..... | 21 |
| Checklists for Election Day | 23 |
| Before the Polls Open | 23 |
| After the Polls Open | 23 |
| After the Polls Close..... | 23 |

FOREWORD

According to North Dakota Century Code ([NDCC](#)) [§ 16.1-05-03](#), the Secretary of State is required to provide an instruction manual detailing the responsibilities of election officials. This 2022 Election Officials' Manual is intended to fulfill the requirements of the law by providing comprehensive instructions and procedures for election officials to look to for guidance in conducting elections in North Dakota.

CONTACT

If you have questions regarding the 2022 Election Officials' Manual, please contact:

Elections Unit
North Dakota Secretary of State
600 East Boulevard Avenue Dept 108
Bismarck ND 58505-0500

(701) 328-4146 – Phone
(800) 352-0867, ext. 328-4146 – Toll Free

(701) 328-3413 – Fax

soselect@nd.gov – Email
Vote.ND.Gov – Website

This website contains election publications, connections to other helpful election websites, and state election forms, which can be completed online before printing and signing.

DISCLAIMER

The following excerpts and summaries of North Dakota law are taken or derived from the NDCC and pertain to elections, election procedures, and the duties and responsibilities assigned to election officials. Although every attempt has been made for accuracy, the reprint, summarizations, or paraphrasing of these laws does not carry the same authority as the actual NDCC and should not be equated with the official NDCC. This compilation is intended as a helpful resource and reference for consolidated election related laws. For official and legal purposes, the official NDCC should be used.

This manual is not an elections operations manual. Training materials documenting procedures specific to use of the State's Central Voter File, election management system, electronic pollbooks, voting and tabulating equipment, and election night reporting are some of the supplemental materials that auditors and/or the Secretary of State's office may provide for election worker training.

The following excerpts of North Dakota law do not contain the material found in the legal notes following the various sections contained in the NDCC. These notes found in the NDCC may contain temporary provisions and effective dates along with valuable summaries of applicable court rulings.

Section 1 – Polling Places and Poll Workers

Polling Places: Upon a decision by the county commissioners, a county may utilize multiple precinct polling places. The county commissioners may also decide, if it is in the best interest of the county, to use one election board to supervise all or a portion of the precincts voting in the same polling place even if the precincts fall within different legislative districts so long as each district chairperson of each qualified political party is given the opportunity to have representation on the election board if desired. ([NDCC §§ 16.1-04-02](#) and [16.1-05-01](#))

Inspectors: The county auditor, with county commissioners' approval, shall appoint election inspectors, except in polling places containing city precincts only established by ([NDCC Chapter 16.1-04](#)) where the city governing board appoints the inspectors. The inspector selection is to be made on the basis of the inspector's knowledge of the election procedure. Appointments must be made forty days before the election. ([NDCC § 16.1-05-01](#)) Inspectors serve as the polling place supervisor. ([NDCC § 16.1-05-04](#))

Judges: The election judges for each precinct or polling place are appointed in writing by the district chairs representing the two political parties that cast the most votes in the state's last general election. For special elections involving only no-party offices, the election official responsible for the administration of the election, with the approval of the majority of the members of the applicable governing body, shall appoint the election judges for each polling location. ([NDCC § 16.1-05-01](#)) The inspector or judges initial and deliver ballots to the voters and the judges perform other responsibilities assigned by the inspector. ([NDCC § 16.1-13-22](#))

Composition of the Election Board: The election board for each precinct or polling place must consist of an inspector and at least two election judges. ([NDCC § 16.1-05-01](#))

Clerks: The election official responsible for the administration of the election, with the approval of the majority of the members of the applicable governing body, shall appoint the poll clerks for each polling place. ([NDCC § 16.1-05-01](#)) Clerks manage the pollbook, verify voters' identification, update incorrect pollbook information, and other ministerial duties assigned by the inspector. ([NDCC §§ 16.1-05-04](#) and [16.1-05-07](#))

County Auditor May Appoint Judges if Forty Day Notice Not Received: If the district political party chair fails to appoint the judges forty days before the election, the county auditor shall appoint the judges. If the county auditor has exhausted all practicable means to select judges from within the voting precinct and vacancies still remain, the county auditor may select election judges who reside outside of the voting precinct, but who reside within the precinct's legislative district. If vacancies still remain, the county auditor may select election judges who reside outside of the legislative district but who reside within the county. ([NDCC § 16.1-05-01](#))

County Auditor May Request an Additional Judge: In polling places in which over one thousand votes were cast in any election, the county auditor may request each district political party chairperson to appoint an additional election judge. ([NDCC § 16.1-05-01](#))

Part-Time Inspectors, Judges, and Clerks: The county auditor may appoint part-time inspectors, judges, and clerks to allow for sufficient coverage at each polling place to satisfy the requirements of those positions. At least one inspector and two judges from the election board must be present on the premises of the polling place during the time the polls are open to prevent the occurrence of fraud, deceit, or other irregularity in the conduct of the election. ([NDCC § 16.1-05-01](#) and [16.1-05-04](#))

Qualifications of Election Board and Poll Clerks: Inspectors, judges, and clerks must be qualified voters of the polling places in which they are assigned to work unless the county auditor has exhausted all means to appoint election judges from precincts within the polling place according to ([NDCC § 16.1-05-01](#)). No individual may serve as a member of the election board or as a poll clerk who has anything of value bet or wagered on the result of an election. ([NDCC § 16.1-05-02](#))

Student Poll Clerks: A student sixteen years of age or older enrolled in a high school or college in this state is eligible to serve as a poll clerk if the student meets the following qualifications:

- ❑ Is a United States citizen or will be a citizen at the time of the election;
- ❑ Is a state resident residing in the precinct at least thirty days before the election; and
- ❑ Is a student in good standing.

A student appointed as a clerk may be excused from school attendance during the hours that the student is serving as a clerk, including training sessions, if the student submits a written request to be absent from school signed by the student's parent or guardian and by the school administrator and a certification from the county auditor stating the hours during which the student will serve as a poll clerk. A student excused from school attendance in this manner may not be recorded as being absent on any date for which the excuse is operative. No more than two students may serve as clerks in a single precinct.

An individual sixteen years of age or older having graduated from high school or obtained a general education degree from an accredited educational institution is eligible to be appointed as a poll clerk if the individual meets the qualifications stated above. ([NDCC § 16.1-05-02](#))

Candidates and Relatives Not Allowed on Election Board: An individual may not serve as a member of the election board or as a poll clerk if the individual is a candidate in the election at which the individual is serving, or who is the husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, or sister, whether by birth or marriage, of the whole or the half blood, of any candidate in the election at which the individual is serving. ([NDCC § 16.1-05-02](#))

Removal of Judges or Clerks: If at any time before or during an election, it appears to an election inspector, by the affidavit of two or more qualified voters of the precinct, that any election judge or clerk is not qualified, the inspector shall remove that judge or clerk at once and fill the vacancy by appointing a qualified individual of the same political party. If the disqualified judge or clerk had taken the oath of office, the inspector shall place the oath or affidavit before the state's attorney of the county. ([NDCC § 16.1-05-01](#))

Training Sessions for Poll Workers: Attendance at an election training session conducted by the county auditor is *mandatory* for members of the election board and for poll clerks.

An election official, at the option of the county auditor, may be excused from attending a third training session on election laws within a twelve-month period. If an election official has attended a training session within six months preceding a special election, the election official must be compensated at the pay appropriate for those having attended a training session for that election as provided in ([NDCC § 16.1-05-05](#) and [NDCC § 16.1-05-03](#))

Compensation of Poll Workers: The county shall pay at least the state minimum wage to the relevant election officials. Members of the election board and poll clerks who attend the training sessions must be paid at least the state minimum wage for the hours in attendance in the session in addition to necessary expenses and mileage. Members of election boards who attend the training sessions provided before primary and general elections must be paid at least 25% more than the state minimum wage during the time spent in the performance of their election duties. Members of the election board and poll clerks who attend a training session within the six months prior to a special election must be paid at least 25% more than the state minimum wage during the time spent in the performance of their election duties in addition to necessary mileage and expenses. ([NDCC §§ 16.1-05-03](#) and [16.1-05-05](#))

Section 2 – Election Worker Responsibilities Before Polls Open

Failure of Election Board Member to Appear: If a member of the election board fails to appear for the opening of the polls, the remainder of the board shall select an individual to serve in the absent individual's place. If a judge fails to appear at the opening of the polls, the remainder of the board shall select an individual of the absent individual's political party if such an individual is reasonably available. Any qualified individual without regard to political affiliation may fill the office of inspector or clerk. ([NDCC §16.1-05-02\(5\)](#))

Failure of Entire Election Board to Appear: If no members of the election board appear for the opening of the polls, the qualified voters present shall call the county auditor, city auditor, or school business manager, as appropriate, for instructions and then orally elect a board conforming as nearly as possible to the provisions for a regular board. ([NDCC § 16.1-05-02\(5\)](#))

Oath of Office: Before assuming the duties, each member of the election board and each poll clerk shall take and subscribe an oath in the following form:

I do solemnly swear (or affirm as the case may be), that I will perform the duties of inspector, judge, or clerk according to law and to the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same.

The oath may be taken before any officer authorized by law to administer oaths (e.g., county auditor, deputy county auditor, county commissioner, notary public). If no such officer is present at the opening of the polls, the inspector or election judges shall administer the oath to each other and to the poll clerks. The individual administering the oath shall cause an entry thereof to be made, subscribed by that individual and prefix it to the pollbook. ([NDCC § 16.1-05-02\(3\)](#))

Inspector to Supervise Conduct of the Election: The election inspector shall supervise the conduct of the election to ensure all election officials are properly performing their duties at the polling place. The election inspector shall assign duties so as to equally and fairly include both parties represented on the election board. ([NDCC § 16.1-05-04\(1\)](#))

Inspector to Assign Ministerial Duties to Poll Clerks: The election inspector shall assign ministerial duties to poll clerks, who shall carry out the ministerial duties assigned by the election inspector. ([NDCC § 16.1-05-04\(2\)](#))

Inspector to Deliver Pollbooks to Clerks: The election inspector shall deliver the pollbooks to the clerks in the inspector's precinct or polling location on Election Day prior to the opening of the polls. ([NDCC § 16.1-06-21](#))

Voting Booths or Compartments – Number Required: The inspector of elections shall provide a sufficient number of voting booths or compartments in the polling place to enable the elector to mark his or her ballot screened from observation. The number of booths or compartments in precincts may not be less than one for each one hundred fifty electors or fraction of one hundred fifty electors in the precincts served by the polling place. At least one certified tabulation device and ballot marking device must be provided in each polling place. ([NDCC § 16.1-13-29](#))

Voting Instructions to be Posted in Each Polling Place: Cards printed in large type containing full instructions to voters on obtaining and preparing ballots and a copy of ([NDCC § 16.1-01-12](#)) (Election Offenses) shall be posted in each polling place. ([NDCC § 16.1-06-19](#))

Complete Text of Measures to be Posted: At least five copies of the complete text of any constitutional amendment or initiated or referred measure must be delivered to the inspector by the county auditor at the time of delivering the ballots. One copy must be posted conspicuously in the polling place on the morning of the election. ([NDCC § 16.1-06-19](#))

Post Precinct Maps: Four copies of a map showing the election precinct boundaries must be posted prior to the opening of the polls; one at the entry to the polling place and the remaining three in other conspicuous places around the polling place. ([NDCC § 16.1-06-19](#))

Date and Time: The election inspector shall, before the opening of the polls, post information regarding the date of the election and the hours during which polling places will be open. ([NDCC § 16.1-06-19](#))

Post Diagram of Voting System and Ballots: The election inspector shall post in a conspicuous manner at the voting place, one facsimile diagram of the voting system device and should post three copies of the official ballot used. The election inspector and judges shall provide adequate instruction on the use of the voting system devices to each voter before the voter enters the voting booth. ([NDCC §§ 16.1-06-17](#) and [16.1-06-20](#))

Ensure Ballot Box is Empty: Before declaring the polls open, the inspector and the election judges shall inspect the ballot box to make sure that it is empty. The ballot box must then be locked. While the polls are open, the ballot box must remain locked except as may be necessary to clear a ballot jam or to move voted ballots to a separate locked ballot box to make room for additional ballots. ([NDCC § 16.1-13-20](#))

Opening Ballots on Election Day: Upon arrival at the poll of all election board members, or at the latest, upon the opening of the poll, the inspector of election shall produce the sealed package of official ballots and publicly open them. ([NDCC § 16.1-13-21](#))

Flag Displayed in or Near Every Polling Location on Election Days: Federal law states that the United States flag should be displayed in or near every polling location on election days.

Section 3 - Voter ID

Poll Clerks to Maintain the Pollbooks: A complete residential address for voting purposes may include a street, rural route address, city, and state. The use of a mailing address or Post Office Box number that is not the individual's residential address is not considered sufficient for voting purposes.

Voter Qualifications

A qualified voter of the state is an individual who: (all must apply)

- Is a citizen of the United States;
- Is 18 years of age or older on the day of the election;
- Is a resident of this state and of the precinct at least thirty days next preceding any election;
- Is able to meet the identification requirements specified in sections ([16.1-01-04.1](#) and [16.1-07-06](#)); and
- Is not presently serving a term of actual incarceration as a convicted felon ([NDCC § 16.1-01-04](#) and [NDCC § 12.1-33-01](#)).

The following rules for voting eligibility also apply:

- Every qualified elector of the state may only have one voting residence.
- An individual's voting residence must be determined in accordance with the rules for determining residency as provided in ([NDCC § 16.1-01-04.2](#)). (See following subsection entitled **Residency Determined**.)
- According to ([Section 2 of Article II of the ND Constitution](#)), voting by individuals convicted and incarcerated for a felony must be limited according to ([NDCC Chapter 12.1-33](#)).
- No individual who has been declared mentally incompetent by order of a court (with specific findings on the right to vote) or other authority having jurisdiction, which order has not been rescinded, shall be qualified to vote. ([Section 2 of Article II of the ND Constitution](#), and [NDCC § 30.1-28-04\(3\)](#))

Residency Determined: ([NDCC § 16.1-01-04.2](#))

- Every qualified elector may have only one residence, shown by an actual fixed permanent dwelling, establishment, or any other abode to which the individual returns when not called elsewhere for labor or other special or temporary purposes.
- The street address verified by the individual as provided in section ([16.1-01-04.1](#)) when requesting a ballot to vote must be the address of residence for the individual.
- An individual retains a residence in this state until another has been gained.
- The acts of residing at a new address for thirty days and updating the ID to be used for voting with that address constitute a change in the individual's voting residence.

Voter Identification and Pollbooks ([NDCC § 16.1-01-04.1](#))

Voters Obtaining Ballots (Quick Definition) Individuals may receive, vote, and cast an election ballot by showing an approved form of identification with name, residential address, and date of birth to the poll clerks.

Voters Obtaining Ballots (Expanded Definitions)

1. **Voter Identification:** When a voter appears at the polling location, state law requires the poll clerk to ask the voter to provide identification to verify eligibility.
 - a. **Residential Address:** An acceptable form of identification must include the individual's name, residential address (a P.O. Box number is not acceptable), and date of birth.
 - b. **Acceptable forms of identification at the polls include a valid North Dakota:**
 - Driver's license or non-driver's identification card.
 - Tribal government issued form of identification. *
 - Long-term care certificate (provided by ND facility).

- c. **Supplemental documentation:** If an individual's valid form of identification does not include all the information required or the information on the identification is not current, the identification must be supplemented by presenting any of the following issued to the individual which provides the missing or outdated information:
1. A current utility bill;
 2. A current bank statement;
 3. A check issued by a federal, state, local, or tribal government (including those issued by BIA for a tribe located in North Dakota, any other tribal agency or entity, or any other document that sets forth the tribal member's name, date of birth, and current North Dakota residential address);
 4. A paycheck; or
 5. A document issued by a federal, state, local, or tribal government (including those issued by BIA for a tribe located in North Dakota, any other tribal agency or entity, or any other document that sets forth the tribal member's name, date of birth, and current North Dakota residential address).
 6. A printed document issued by an institution of higher education for an enrolled student residing in the state and containing the institution's letterhead or seal, as well as the student's: a) legal name, b) current residential address, and c) date of birth. The document must be accompanied by a student identification card issued by the institution and containing the student's photograph and legal name.
- d. **Voters without valid ID:** If the individual's identification does not verify his or her qualifications, or the individual is not able to show a valid form of identification, but he or she asserts qualifications as an elector in the precinct, the individual may mark a ballot that must be securely set aside in a sealed envelope. (See Page 10)
- e. **Intent of ID Requirement:** The purpose for this requirement is not to deter people from voting, but to ensure that the voter is:
1. Old enough to vote,
 2. A U.S. citizen, **and**
 3. A resident of the precinct in which he or she desires to vote.

Qualified electors have the right to know that the votes are being cast by only those voters qualified to do so.

- f. **Directing Individuals to Correct Precincts:** The county auditor shall provide each election board with a precinct map or precinct finder to assist in determining whether an address is located in that precinct and for determining which precinct and polling location to direct an individual who may be attempting to vote in the wrong precinct. ([NDCC § 16.1-05-08](#)) Poll clerks are authorized to direct an individual to his or her correct polling place if the individual's current identification proves that he or she is in the wrong polling place.

*Tribal ID may be an official form of identification issued by a tribal government; the Bureau of Indian Affairs; any other tribal agency or entity, or any other document, letter, writing, enrollment card, or other form of tribal identification issued by a tribal authority.

Section 4 – Election Worker Responsibilities After Polls Open

Voting Procedure

1. As an individual enters the polling location and approaches the poll clerks' table, the required maps of the precinct, copies of the voter's bill of rights, voting procedure diagrams and descriptions, copies of election offenses, copies of complete text of measures, and diagrams of the voting system devices posted or displayed in the polling location must be readily available for review by the voter. Copies of official ballots should also be readily available for review.
2. The poll clerk shall ask for the individual's name and identification. (See pages 7-8 for acceptable forms of identification.)
 - a. If an individual's valid form of identification does not include the North Dakota residential addressor date of birth, or the North Dakota residential address is not current, the individual may supplement the identification with: 1) a current utility bill; 2) a current bank statement; 3) a check or a document issued by a federal, state, local, or tribal government (including those issued by BIA for a tribe located in North Dakota, any other tribal agency or entity, or any other document that sets forth the tribal member's name, date of birth, and current North Dakota residential address); 4) a paycheck, or 5) a printed document issued by an institution of higher education for an enrolled student residing in the state and containing the institution's letterhead or seal, as well as the student's legal name, current residential address, and date of birth (this document must be accompanied by a student identification card issued by the institution and containing the student's photograph and legal name).
3. After the poll clerk verifies the individual's qualifications and the pollbooks are checked or updated, an election judge shall give the voter an initialed ballot within a secrecy sleeve. (Make sure to update all incorrect information contained in the pollbook.)
 - a. If the name does not agree with the pollbook due to a name change, the poll clerk shall correct the pollbook if the individual is still a resident of the precinct.
 - b. If the individual has inadvertently come to the wrong precinct, the poll clerk is to direct the individual to the correct precinct using the precinct finder or map provided by the county auditor for just such purpose.
4. If the identification provided does not verify his or her qualifications, or the individual is not able to show a valid form of identification, but he or she asserts qualifications as an elector in the precinct, the individual may mark a ballot that must be securely set aside in a sealed envelope. (See page 10)
5. Ballot in hand, the voter is to move to an open poll booth and mark his or her votes in secret.
 - a. The poll worker should make the voter aware of the ExpressVote ballot-marking device since every voter is welcome to use it.
 - b. It is important to allow any voter to use the ExpressVote due to the fact some voters may not want to divulge a hidden disability, such as illiteracy or dyslexia.
6. Voters shall ask for a new ballot if they fill an unwanted oval by accident.
7. After the ballot is marked, a voter shall insert his or her ballot into the secrecy sleeve, bring it to the optical scan ballot tabulator, and insert the ballot into the machine for tabulation.
8. If the ballot has been marked incorrectly, the machine will identify the problem and give the voter an opportunity for second chance voting. ([NDCC § 16.1-13-23](#))
 - a. The poll worker, standing at a discrete distance, **may** assist the voter (if requested) in either returning the ballot to the voter for second chance voting or in casting the ballot as is – two ballots may be spoiled before the third must be cast as is.
 - b. If the voter chooses to cast the ballot as is, the election judge must tell the voter that the portion of his or her ballot marked with a conflict will not be counted.
 - c. If the voter still desires to cast the ballot as is, the voter is to press the “accept” button on the optical scan ballot counter.
9. The ballot is immediately counted by the machine before it is deposited by the machine directly into the locked ballot box below.
10. Throughout Election Day, there must be at least one election inspector and two election judges from the election board in the polling place to prevent fraud and to maintain order; however, split shifts for election board members and poll clerks are allowed.

Set Aside Ballot Process

If an individual's identification does not verify his or her qualifications, or an individual is not able to show a valid form of identification but asserts qualifications as an elector in the precinct, he or she may mark a ballot that must be securely set aside in a sealed envelope.

1. **Clerk's Station:** The clerk shall:
 - a. Confirm that the address provided by the individual is located in a precinct assigned to the polling place.
 - b. Give the individual the set aside outer and secrecy envelopes and instruct him or her to complete the applicable portions of the outer envelope. The individual may be asked to step aside until finished.
 - c. Review the outer envelope for completeness and accuracy.
 - d. Complete the "Issuing Election Official Use Only" portion of the envelope, but do not enter the individual into the pollbook.
 - e. Return the envelopes to the individual and send them to the judge's station.
2. **Judge's Station:** The judges shall:
 - a. Issue the individual an appropriate ballot without initialing the ballot.
 - b. Issue the individual a notice containing information on how, when, and where the individual may verify his or her identification.
 - c. Inform the individual that after marking the ballot he or she is to:
 - i. Place the ballot into the secrecy envelope,
 - ii. Return to the judge's station where the judges verify that the ballot is in the secrecy envelope
 - iii. Seal the secrecy envelope in the outer envelope,
 - iv. Return the sealed envelope to the judges, and
 - v. Be reminded that the ballot will be counted by the canvassing board upon timely verification of the individual's identification, per the information on the notice.
 - d. Securely store the envelopes containing set aside ballots in a manner that is accessible in case the voter returns to the polling place with identification verification.
3. **Voter Returns While Polling Place is Still Open:** If an individual who has marked a set aside ballot returns to the polling place with valid identification, a clerk or the inspector will usher the individual to the judge's station and notify the judges that the individual has returned to verify their identification. The judges retrieve the set aside ballot and ensure that the information on the identification matches that which the individual provided on the outer envelope. If it does, the judge completes the "Verifying Election Official" portion of the outer envelope and instructs the voter to sign the "Voter Signature Upon Verification" portion. The voter is informed that the ballot will be counted by the canvassing board, and the judge returns the ballot to the secure storage.

Other Election Worker Duties While Polls are Open

Poll List Kept by Clerks of Election: The poll clerks shall keep one list of the names of all individuals voting at each election. The list of names must contain the full name, including first and last name, the individual's identification number, and the complete residential address of each individual voting at the precinct. A complete residential address for voting purposes includes a street address, city, and state. The use of a mailing address or P.O. Box number is not considered sufficient for voting purposes. Each clerk shall return the list of names of all individuals voting, which must be a part of the records and filed with other election returns. ([NDCC § 16.1-11-32](#), [NDCC § 16.1-05-04](#) and [NDCC § 16.1-02-13](#))

Pollbook Correction: If the voter's residential or mailing address within the precinct has changed, the poll clerk shall record the appropriate changes, if the voter's name is found in the voter database.

Voting by Qualified Voter Moving From One Precinct to Another: If a qualified elector moves from one precinct to another precinct within this state, the elector is entitled to vote in the precinct from which the elector moved until the elector has established a new residence pursuant to ([NDCC § 16.1-01-04](#)).

An individual must reside in the precinct thirty days immediately prior to any election in order to be eligible to vote within that precinct. ([NDCC § 16.1-01-05](#))

Delivering Ballot to Elector – Initialing: An election board member shall deliver ballots to the qualified voters within a secrecy sleeve. The inspector or judge shall inform each voter that if an election official does not initial the ballot, it will be invalidated. To protect the voter's right to vote, the voter should verify that the ballot has been initialed. Ballots are still considered valid if the judge or inspector initials the ballot outside the space provided for such. ([NDCC § 16.1-13-22](#))

Secrecy Sleeves Required: Ballots are to be given to the voters within a secrecy sleeve. ([NDCC § 16.1-13-23](#))

Warning Voters Not to Split Votes in the Primary Election: At primary elections, the judge or inspector shall inform **each** elector before voting, that voting for candidates of more than one party will cause the voter's party ballot to be rejected. ([NDCC § 16.1-11-22](#))

One Individual Allowed in Voting Booth – Time Limit in Booth: Only one individual may occupy a voting booth at one time except when receiving lawful assistance. No individual shall remain in the booth longer than necessary to vote. ([NDCC § 16.1-13-30](#))

Assisting Voter in the Voting Booth: A voter may request and receive the assistance of any individual of the voter's choice in marking the voter's ballot, except for the voter's employer, officer or agent of the voter's union, a candidate running in that election, or relative of the candidate. ([NDCC § 16.1-13-27](#))

Voter to Receive Assistance of Both Judges: If the voter requests the assistance of a member of the election board, the voter shall receive the assistance of both election judges in the marking of the voter's ballot. ([NDCC § 16.1-13-27](#))

Individual Assisting Voter May Not Request Voter to Vote in Certain Manner: Any individual chosen to assist a voter may not request the voter to vote for or against any candidate or any issue. ([NDCC § 16.1-13-28](#))

Voters May Not Divulge Voting Intentions: No voter, other than one who is unable to mark a ballot, may divulge to anyone within the polling place the name of any candidate for whom the elector intends to vote. ([NDCC § 16.1-13-27](#))

No Write-in Stickers: Write-in stickers are not allowed on ballots in North Dakota elections.

Second Chance Voting:

1. **Second-Chance Voting Prior to Casting Ballot:** Since ballots are to be marked by the voter with a pen provided by the election board, unwanted choices or marks cannot be erased. Rather than crossing out unwanted choices or attempting to erase them, the voter should ask an election judge for a new ballot to mark his or her votes. A voter may obtain up to two new ballots for these reasons. Ballots returned to an election judge by an elector must be considered spoiled.
2. **Second-Chance Voting as Voter Attempts to Cast Own Ballot:** After marking the votes on the ballot, the elector shall place the ballot back in the provided secrecy sleeve so the ballot is concealed and so the initials of the inspector or election judge may be seen. The elector then shall deposit the ballot in the optical scanning device and wait to determine if the ballot is deposited into the ballotbox or if the optical scanning device has indicated a possibility for a second-chance voting condition. If a second-chance voting condition is indicated, a poll worker, standing at a discrete distance from the voter, shall ask the voter if he or she desires help in either having the ballot returned to the voter to mark his or her votes on a new ballot (the incorrect ballot is to be returned to the judge to be marked as spoiled) or the voter may choose to cast the ballot as the voter has marked it even though it is incorrect. If the voter chooses to cast the incorrectly marked ballot, the judge must first inform the

voter that the portion of the ballot that has been marked incorrectly will not be counted. Voters requiring assistance may ask a judge or inspector to cast the ballot provided the ballot is in the secrecy sleeve. ([NDCC § 16.1-06-14\(3\)](#) and [NDCC §§ 16.1-13-23](#))

3. **Securing New Ballot Upon Spoiling of Others:** A voter spoiling a ballot may obtain others successively, one at a time, not exceeding three in total, upon returning each spoiled ballot. Each paper ballot returned must be spoiled immediately and, together with those not distributed to the voters, must be preserved and secured in sealed packages and returned to the county recorder. ([NDCC § 16.1-13-32](#))

Removal of Ballot from Polling Place before Closing: No individual may take a ballot from a polling place before the polls close. ([NDCC § 16.1-13-31](#))

Voters in Line at Poll Closing: All voters standing in line to vote at the time the polls close must be allowed to vote. Election officials must establish procedures to determine who arrived in time to vote.

After the polls close, the election board shall generate the report of the vote totals not later than 30 minutes after the last elector in line at the closing time received a ballot. An elector still in the process of voting and remaining in the polling place after the 30 minutes have expired must be offered the choice of casting the ballot as marked or continuing to mark the ballot. If the voter chooses to continue marking the ballot, the ballot selections shall be excluded from the report of the vote totals generated by the election board and must be forwarded by the election board to the canvassing board for inclusion in the final tally. ([NDCC § 16.1-01-03](#))

Processing Absentee Ballots

Opening the Absentee Ballots: At any time beginning three business days before Election Day and ending when the polls close on Election Day, the election clerks and board members of the relevant polling place shall do the following:

1. Compare the signature on the application for the absentee ballot with the signature on the back of the absentee ballot envelope (the voter's affidavit) to ensure the signatures match.
2. If the applicant is a qualified elector of the precinct and has not voted in the election, an election clerk or board member shall open the absent voter's envelope in such a manner as not to destroy the affidavit printed on the envelope. The election clerk or board member shall take out the secrecy envelopewith the ballot inside without unfolding or permitting the ballot to be opened or examined and indicate in the pollbook that the elector has voted.
3. Election workers not participating in the comparing of signatures and entering voters into the pollbook shall remove the ballot from the secrecy envelope, unfold and initial the ballot, and deposit for tabulation.

If the affidavit on the outer envelope of a returned absentee ballot is found to be insufficient, the signatures on the application and affidavit do not match, or the applicant is not a qualified elector of the precinct, the vote may not be allowed. Without opening the absent voter's envelope, the election inspector or election judge shall mark across the face of the ballot "rejected as defective" or "rejected as notan elector", as the case may be.

The death of an absentee voter after voting by absentee ballot is not grounds for rejecting such ballot.

The votes from these cast ballots may not be tallied and the tabulation reports may not be generated until the polls have closed on Election Day. ([NDCC § 16.1-07-12](#))

Rejected Absentee Ballots: Rejected absentee ballots are to be handed over to the county canvassing board for final determination of acceptance or rejection. ([NDCC § 16.1-07-12](#))

Absentee Ballots Sent Too Late to be Counted: Any absentee ballot received by the inspector too late to be counted at the precinct must be returned to the county auditor and must be tallied by the county canvassing board. ([NDCC § 16.1-07-11](#))

Section 5 – Election Worker Responsibilities After Polls Close

Manner of Canvassing the Election: ([NDCC § 16.1-15-02](#))

- ❑ After the polls are closed, the inspector of elections and the judges immediately shall generate the canvass report from the optical scan voting system.
- ❑ The ballots counted by the optical scan ballot tabulator must be equal in number with the names on the poll clerks' list. If the numbers are not equal, the pollpad is to be rechecked to find the discrepancy.
- ❑ The canvass must continue until completed and must be open to the public.
- ❑ Except under crucial circumstances, the canvass shall occur at the polling place.
- ❑ If good and substantial reasons exist for the removal of the ballots and election records to another location for canvass, the removal must be approved by the election board.
- ❑ Upon approval of a change of location by the electionboard as provided in ([NDCC § 16.1-15-02](#)), the approximate time and location of the canvass must be prominently posted on the main entrance to the polling place, the ballots and records must be moved in the presence of the election board, and the canvass as provided in ([NDCC Chapter 16.1-15](#)) must proceed immediately upon arrival at the alternate location.

Manner of Canvassing Write-in Votes: ([NDCC § 16.1-15-01.1](#))

- ❑ After the polls have closed, the ballot tabulator (DS200) used in every polling location will generate a printout containing images of the contests for which the oval next to the write-in line is darkened.
- ❑ The DS200 will also capture a PDF image of each ballot cast. These images will be saved onto the encrypted USB election media flash drive along with the votes cast in each contest. This flash drive must be delivered to the county auditor who will upload the contents saved on it into the election results aggregating software resident on the hardened and non-networked computer only used for that purpose. All write-in votes will be given to each legitimate write-in candidate via the adjudication process within the software by a staff member of the county auditor for all contests meeting the criteria established in ([NDCC § 16.1-15-01.1](#)).
- ❑ The county canvassing board will complete the review and approve canvass of the votes for the write-in candidates in those races for which the write-in votes constitute more than ten percent of the votes cast by the voters for the candidate receiving the most votes for that office, except in the case of a primary election where enough votes were cast as write-in votes to qualify a name for the general election ballot.
- ❑ All ballots containing write-in votes must be wrapped and sealed prior to delivery to the county recorder so that these ballots can be delivered by the county auditor to the meeting of the county canvassing board if these votes were not canvassed by the polling place election board on election night. ([NDCC § 16.1-15-08](#))

Primary Election Reports: The judges of a primary election in each polling place shall run a separate report for each political party or principle requesting the report, containing the names of all individuals voted for at the primary election, the number of votes cast for each candidate, and for which office. The report must be approved and signed by the election inspector and election judges and must be filed with the returns in the office of the county auditor. ([NDCC § 16.1- 11-33](#))

Canvass Report Prepared: The election board shall generate at least one canvass report from the electronic voting system. The ballots may not be sealed, nor may the canvass report be signed, by the election board or poll clerk until the counts in the poll clerks' book and in the canvass report show the same totals for ballots cast. Section 5 of this manual describes the procedures for closing of special precincts known as early voting, absentee, and vote by mail. ([NDCC § 16.1-15-04](#))

Contents of Duplicate Reports: ([NDCC § 16.1-15-09](#))

- ❑ Election officers shall generate reports of votes cast and counted by voting systems for all candidates and for any measure as provided by law.
- ❑ Each voting system must generate a printed record at the beginning of the system's operation, which verifies the tabulating elements for each candidate position and each question and the

public counter are all set at zero. The voting system also must generate a printed record of the total number of ballots tabulated and the total number of votes cast for each candidate and measure on the ballot. The election board shall certify both printed records.

Oath Required Upon Completion of Canvass – Contents: At the conclusion of the canvass of the votes, each member of the election board shall sign an affidavit to the effect that the ballots have been counted, the votes were canvassed as provided in NDCC Chapter 16.1-15 and the returns as disclosed by the canvass reports agree with the number of ballots cast and are true and correct of the member's own knowledge. ([NDCC § 16.1-15-05](#))

Wrapping and Returning Ballots – Void and Spoiled Ballots: ([NDCC § 16.1-15-08](#))

- ❑ The election board shall place each kind of ballot cast at the election in a suitable wrapper to form a complete wrapper for the ballots.
- ❑ The ballots and wrappers must then be tightly secured at the outer end to completely envelop and hold the ballots together.
- ❑ Set aside ballots must be secured in a separate wrapper and must be marked "set aside."
- ❑ Void ballots must be secured in a separate wrapper and must be marked "void." Void ballots are sample ballots that are not endorsed with the initials of an election board member.
- ❑ Ballots that are spoiled must be separately secured and marked "spoiled." Spoiled ballots are those returned by the voter in exchange for another because the voter has made a non-correctable error on the returned ballot.
- ❑ In sealing ballots, the various classes (cast, set aside, spoiled, void) must be kept separate.
- ❑ Each wrapper must be endorsed with the names or numbers of the precincts and the date on which the election was held.
- ❑ The wrappers must be sealed securely so the wrappers cannot be opened without an obvious and permanent breaking of the seal.
- ❑ The ballots, together with those found void or spoiled, and the opened envelopes from voted absentee ballots and the unopened envelopes of absentee ballots rejected as defective, must be returned in person to the county recorder.

Reports and Pollbooks Sent to County Auditor: Immediately following the canvass, except in cases of emergency or inclement weather, the inspector of elections, or one of the judges appointed by the inspector of elections, personally shall deliver the signed canvass report provided for in ([NDCC § 16.1-15-04](#)) to the county auditor. The report, carefully sealed under cover, accompanied by the pollbook provided for in ([NDCC §§ 16.1-02-13](#) and [16.1-06-21](#)) with the oaths of the inspector and poll clerks affixed thereto, must be delivered properly to the county auditor. ([NDCC § 16.1-15-06](#))

Voters Casting Ballots After Regular Poll Closings – Provisional Ballots: An individual who votes after the regular poll closing time in an election in which a federal office appears as a result of a federal or state court order or any other order extending the time established for closing the polls under state law in effect ten days before the date of that election may only vote in that election by casting a provisional ballot. The ballot must be marked as a provisional ballot and must be separated and held apart from other ballots cast by those not affected by the order. The secretary of state shall approve the form of any provisional ballot and may prescribe any procedures the secretary of state determines to be necessary to facilitate the casting, secrecy, and counting of provisional ballots. ([NDCC § 16.1-13-34](#))

Section 6 – Special Precincts (Early Voting, Absentee, Vote By Mail)

Early Voting Precinct: ([NDCC § 16.1-07-15](#))

1. For any primary, general, or special statewide, district, or county election, the board of county commissioners may, before the sixty-fourth day before the day of the election, create a special precinct, known as an early voting precinct, to facilitate the conduct of early voting in that county according to NDCC Title 16.1. At the determination of the county auditor, more than one voting location may be utilized for the purposes of operating the early voting precinct. The election board of the early voting precinct must be known as the early voting precinct election board. The county auditor shall supply the board with all necessary election supplies as provided in ([NDCC Chapter 16.1-06](#)).
2. If the board of county commissioners establishes an early voting precinct according to paragraph #1 above, the following provisions apply:
 - ❑ Early voting must be authorized during the fifteen days immediately before the day of the election. The county auditor shall designate the business days and times during which the early voting election precinct will be open and publish notice of the early voting center locations, dates, and times in the official county newspaper once each week for three consecutive weeks immediately before the day of the election.
 - ❑ The county auditor shall appoint the early voting precinct election board for each voting location that consists of one independent representative to act as the inspector and an equal number of representatives from each political party represented on an election board in the county, as set out in ([NDCC § 16.1-05-01](#)), to act as judges. Each official of the board shall take the oath required by ([NDCC § 16.1-05-02](#)) and must be compensated as provided in ([NDCC § 16.1-05-05](#)).
 - ❑ The county auditor, with the consent of the board of county commissioners shall designate each early voting location in a public facility, accessible to the elderly and the physically disabled as provided in ([NDCC § 16.1-04-02](#)). With respect to polling places at early voting precincts, “election day” as used in ([NDCC §§ 16.1-10-03](#) and [16.1-10-06.2](#)) includes any time an early voting precinct polling place is open.
 - ❑ At the close of each day of early voting, the inspector and judges on the election board shall secure all election related materials, including:
 1. The pollbook and access to any electronically maintained pollbook.
 2. The ballot boxes containing voted ballots.
 3. Any void, spoiled, and non-voted ballots.
 - ❑ Ballot boxes containing ballots cast at an early voting location may not be opened until the day of the election except as may be necessary to clear a ballot jam or to move voted ballots to a separate locked ballot box in order to make room for additional ballots.
 - ❑ Each early voting location may be closed, as provided in ([NDCC Chapter 16.1-15](#)), at the end of the last business day designated for early voting in the county. Results from the early voting precinct may be counted, canvassed, or released under ([NDCC Chapter 16.1-15](#)) as soon as any precinct within the county, city, or legislative district closes its polls on the day of the election. The county auditor shall designate a location for the closing, counting, and canvassing process under ([NDCC Chapter 16.1-15](#)), which must be open to any individual for the purpose of observing.
 - ❑ The early voting precinct election board shall comply with the requirements of NDCC Chapters ([16.1-05](#), [16.1-06](#), [16.1-11](#), [16.1-11.1](#), [16.1-13](#), and [16.1-15](#)), as applicable.

Absentee Ballot Precinct: ([NDCC § 16.1-07-12.1](#))

1. For any primary, general, or special statewide, district, or county election, the board of county commissioners shall create a special precinct, known as an absentee ballot precinct, to count all absentee ballots cast in an election in that county. The election board of the absentee ballot precinct must be known as the absentee ballot counting board. The county auditor shall supply the board with all necessary election supplies as provided in ([NDCC Chapter 16.1-06](#)).

2. If the board of county commissioners chooses to establish an absentee ballot precinct according to paragraph #1 above, the following provisions apply:
- ❑ The county auditor shall appoint the absentee ballot counting board that consists of one independent representative to act as the inspector and an equal number of representatives from each political party represented on an election board in the county, as set forth in ([NDCC § 16.1-05-01](#)), to act as judges. Each official of the board shall take the oath required by ([NDCC § 16.1-05-02](#)) and must be compensated as provided in ([NDCC § 16.1-05-05](#)).
 - ❑ The county auditor shall have the absentee ballots delivered to the inspector of the absentee ballot counting board with the election supplies, or if received later, then prior to the closing of the polls.
 - ❑ The absentee ballot counting board shall occupy a location designated by the county auditor, which must be open to any individual for the purpose of observing the counting process.
 - ❑ Absentee ballots must be opened and handled as required in ([NDCC § 16.1-07-12](#)). The county auditor shall designate a location for the closing, counting, and canvassing process under ([NDCC Chapter 16.1-15](#)), which location must be open to any individual for the purpose of observing. The board shall comply with the requirements of the applicable sections of ([NDCC Chapter 16.1-15](#)). See Processing Absentee Ballots on page 12 of this manual.
 - ❑ If the work of the election board is completed prior to the close of the polls on election day in an absentee ballot, early voting, or a mail ballot precinct, the election board shall create and sign a statement consisting of a reconciliation of the number of voters recorded in the pollbook and the number of ballots processed through the tabulators. The voting system shall then be secured in a manner prescribed by the county auditor that will protect the system and ballots from tampering. Prior to generating the canvass reports from one of these 3 types of precincts, an election judge representing each political party, or 2 election judges in the case of an election that does not include a political party contest, shall verify that the system and ballots remain secure, and the statement created by the election board is still accurate. ([NDCC § 16.1-15-04](#))

Section 7 – Frequently Asked Questions and Answers

1. What do I do if a voter cannot or will not provide identification?

Answer: If the individual asserts qualifications as an elector in the precinct, they may be issued a set aside ballot. The set aside ballot will be tabulated by the canvassing board after the individual returns to the appropriate election official in a timely manner (see page 10).

2. What do I do if a voter asks for help with voting?

Answer: If the ExpressVote ballot marking device is not an option the voter chooses to use, then the two election judges from opposite political parties may assist the voter. Assistance is to be limited to reading the ballot to the voter, marking the voter's choices for the contests, and depositing the voter's ballot into the ballot scanner if the voter is unable to perform this function on his or her own or if the voter would rather not complete this part of the voting process. A voter may also choose to have a friend or relative assist the voter in reading, marking, and/or casting his or her ballot so long as this individual is not a candidate on the ballot, a relative of a candidate, the voter's employer, or the voter's union representative.

3. What do I do if a voter asks me the names of write-in candidates for an office?

Answer: Inform the voter that he or she is free to write the name of anyone the voter so desires as a write-in candidate, but that some contests may require specific forms to be filed by the candidate in order for write-in votes to be counted on the candidate's behalf and the law does not permit election workers to divulge information about candidates to voters in the polling place. It would be wise to remind the voter to darken the oval next to a write-in candidate.

4. What do I do when I am running low on ballots?

Answer: Call the county auditor, city auditor, or school business manager (whichever is appropriate for the election) **as soon** as you believe you might run short of ballots.

5. What do I do if an individual is disrupting the polling location?

Answer: If the individual is causing a serious disruption (your judgment is needed here) and the individual will not leave when requested to do so, you may call the police and ask for assistance. You may also call the county auditor, city auditor, or school business manager (whichever is appropriate for the election) and ask for assistance.

6. What if we notice some posters hanging in the polling place on Election Day for a candidate?

Answer: Remove any candidate posters in the polling place prior to the opening of the polls.

7. What time will the auditor bring lunch?

Answer: The auditor will set the policy for lunch.

8. What do I do if someone brings an absentee ballot and turns it in at the precinct?

Answer: The law does not allow you to accept an absentee ballot from a voter on Election Day. However, you may tell the voter that you would be willing to spoil his or her absentee ballot and allow the voter to vote a new ballot at the precinct. You must remember to make a note of this for the county auditor's records.

9. What do I do if I need to use the restroom?

Answer: Restroom breaks are allowed.

Section 8 – Prohibitions, Crimes, and Election Offenses

Service of Civil Process on Election Day: During any primary, general, or special election held in this state, civil process may not be served on any individual entitled to vote at the election within 100 feet from the outermost entrance leading into the building or facility in which a polling place is located and open for voting. ([NDCC § 1-08-09](#))

Interference with Elections: No individual may injure, intimidate, or interfere with another individual who is or has been voting for any candidate or issue or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as an election official or an election observer, in any primary, special, or general election. No individual may injure, intimidate, or interfere with another individual to prevent that individual or any other individual from voting for any candidate or issue or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as an election official or an election observer, in any primary, special, or general election. ([NDCC § 12.1-14-02](#))

Safeguarding Elections: No individual may:

- ❑ Make or induce any false voter registration;
- ❑ Offer, give, or agree to give anything of pecuniary value, including alcoholic beverages, to another as consideration for the recipient's voting or withholding his or her vote or voting for or against any candidate or issue or for such conduct by another;
- ❑ Solicit, accept, or agree to accept anything of pecuniary value, including alcoholic beverages, as consideration for conduct prohibited by the two bullet points above; **or**
- ❑ Otherwise obstruct or interfere with the lawful conduct of an election or registration. ([NDCC § 12.1-14-03](#))

Election Offenses: The following election offenses are a crime and are subject to prosecution. It is unlawful for an individual to:

- ❑ Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of his or her vote.
- ❑ Obstruct a qualified voter on the way to a polling place.
- ❑ Vote more than once in any election.
- ❑ Knowingly vote in the wrong election precinct or district.
- ❑ Disobey the lawful command of an election officer.
- ❑ Knowingly exclude a qualified voter from voting or knowingly allow an unqualified individual to vote.
- ❑ Knowingly vote when not qualified to do so.
- ❑ Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath.
- ❑ Willfully violate any rule adopted by the secretary of state pursuant to the election laws of North Dakota.
- ❑ Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the canvass or return to be false; or willfully deface, destroy, or conceal any statement or certificate entrusted to his or her care.
- ❑ Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law, or negatively impact the confidentiality, integrity, or availability of any system used for voting. ([NDCC § 16.1-01-12](#))

Voting Systems – Violations – Penalty: Any individual who tampers with or injures any voting system or device to be used or being used in any election, or who prevents the correct operation of any such system or device is guilty of a class C felony. ([NDCC § 16.1-06-25](#))

Political Badge, Button, or Insignia Prohibited at Election: No individual may buy, sell, give, or provide any political badge, button, or any insignia within a polling place or within 100 feet from the entrance to the room containing the polling place while it is open for voting. No such political badge, button, or insignia may be worn within that same area while a polling place is open for voting. ([NDCC § 16.1-10-03](#))

No Electioneering Within Boundary of an Open Polling Place: No individual may in any manner try to induce or persuade any voter from voting for or against any candidate, candidates, or ticket of any political party or organization, or any measure within a polling place or within one hundred feet from the entrance to the room containing a polling place while it is open for voting. Bumper stickers or other moveable signs containing a political message that are not readily removable from vehicles are allowed within the restricted area only for as long as it takes the operator of the vehicle to complete the act of voting ([NDCC § 16.1-10-06](#))

No individual may pay another individual for:

- ❑ Any loss or damage due to attendance at the polls;
- ❑ Registering;
- ❑ The expense of transportation to or from the polls; **or**
- ❑ Personal services to be performed on the day of a caucus, primary election, or any election which tend in any way, directly or indirectly, to affect the result of such caucus or election. ([NDCC § 16.1-10-06.1](#))

No Sale or Distribution at Polling Place: Solicitation is not allowed in a polling place or within one hundred feet of any entrance leading into a polling place while it is open for voting. ([NDCC § 16.1-10-06.2](#))

Individual Assisting Voter May Not Request Voter to Vote in Certain Manner: Any individual chosen to assist a voter may not request the voter to vote for or against any candidate or any issue. ([NDCC § 16.1-13-28](#))

Only One Individual Allowed in Voting Booth – Time Limit in Booth: Only one individual may occupy a voting booth at one time except when receiving lawful assistance. No individual shall remain in the booth longer than necessary to vote. ([NDCC § 16.1-13-30](#))

Removal of Ballot from Polling Place before Closing: No individual may take a ballot from a polling place before the polls close. ([NDCC § 16.1-13-31](#))

Section 9 – Voters With Disabilities

(This is adapted from various sources. Special thanks to the Arlington, VA Election Board)

Common-Sense Guidelines That Apply to All Voters

1. Be courteous and respectful. If you want to address the voter by name, use “Mr.” or “Mrs./Ms.” and the voter’s last name. Do not address a voter by his or her first name unless you know the voter personally and know he or she prefers this address.
2. Do not underestimate people with disabilities. A disability DOES NOT equal lessened intellectual capability.
3. Be considerate of extra time it may take for an individual who is disabled or elderly to accomplish tasks.
4. Give unhurried attention to an individual who has difficulty speaking.
5. Always speak directly to the voter, and not to a companion, aide, or sign language interpreter. Remember that any voter with a disability may be accompanied by, and receive assistance from, another individual of his or her choice in the voting booth, unless the individual is an employer, officer or agent of the elector’s union, a candidate running in that election, or a relative of a candidate.
6. Ask before you help. The individual may not want assistance. Do not insist – take “no” for an answer if that is the voter’s wish.
7. Do not be shy about offering assistance. Your courtesy will be appreciated.
8. If your polling place is in a building with several routes through it, be sure that sufficient signs are in place to direct an individual to the most accessible route to the polling location.

Voters with Mobility Impairment

1. Do not push or touch another individual’s wheelchair or equipment without consent. People using adaptive equipment often consider the equipment their personal space. You might also break or damage a wheelchair or piece of equipment if you are not familiar with it.
2. Ask before helping. Grabbing someone’s elbow may just throw an individual off balance. Allow the individual to take your elbow.
3. An individual with mobility impairment might lean on a door while opening it. Quickly opening the door might cause the individual to fall.
4. Either fasten mats and throw rugs down securely or move them out of the way. An individual with mobility impairment could trip.
5. Keep floors as dry as possible on rainy or snowy days.
6. Keep the ramps and wheelchair-accessible doors to the polling place unlocked and free of clutter.

Voters with Speech or Hearing Impairments

1. A voter who cannot speak can give his or her name and address simply by providing identification to the pollbook officer. The officer will read the name and address aloud, and the voter can provide physical confirmation (such as nodding his or her head) that the information is correct.
2. Follow the voter’s cues to determine whether speaking, gestures, or writing are the most effective means of communication.
3. If speaking, speak calmly, slowly, and directly to the voter. Do not shout. Your facial expressions, gestures, and body movements help in understanding. Face the voter at all times and keep your face in full light (not backlit), if possible.
4. Rephrase, rather than repeat, sentences that the voter does not understand.

Voters with Visual Impairment

1. Identify yourself and state that you are an election official as soon as you come in contact with a voter who has a visual impairment. Greet the individual by letting the individual know who and where you are. When offering walking assistance, allow the individual to take your arm and

- tell him or her when you are approaching inclines or steps or turning right or left.
2. If guiding a voter, offer your arm to the voter, rather than taking the voter's arm.
 3. If a voter has a guide dog, walk on the opposite side of the voter from the dog. Do not pet or otherwise distract a guide dog without permission from the owner. Be aware that service animals that assist individuals with disabilities should be allowed into all buildings. Such animals are highly trained and need no special care other than that provided by the owner. Do not interfere with the animal's responsibilities by talking or playing with it.
 4. When giving directions to navigate the polling place, be as specific as possible and point out obstacles in the path of travel.
 5. Let the voter know when you leave his or her presence.

Checklists for Election Day

Before the Polls Open

- Election board and clerks take and subscribe the oath.
- Inspector assigns duties fairly and equally to both parties on election board.
- Review ballots and materials to make sure they are correct for the polling location.
- Post voting instructions and copy of ([NDCC § 16.1-01-12](#)) (Election Offenses).
- Post official ballots, copies of the complete text of the measures, map of the precinct boundaries, and diagram of the voting system appropriately in the polls.
- Post the date and hours the polling location will be open on the door.
- Inspector and judges inspect ballot box to make sure it is empty and lock it.
- Open the sealed package of official ballots.
- Perform other duties as the county auditor may prescribe.
- Display the United States Flag.
- Open polls at the designated time.

After the Polls Open

- Clerks keep and correct a poll list as voters' approach to vote.
- Ask each voter to show valid identification.
- Ask each voter if they are a United States citizen and whether they have resided in the precinct for at least thirty days.
- Direct voters to correct polling location if in wrong place.
- Provide instruction and assistance to voters, including information about the ExpressVote.
- Inspector or judge to distribute ballots to voter within a secrecy sleeve.
- Warn voters to check for initials.
- No write-in stickers allowed.
- Warn voters not to split votes between parties in the primary election.
- Provide additional ballots (up to two) if voter spoils a ballot.
- Cancel spoiled ballots immediately.
- Allow voters to place own ballots in optical scan ballot tabulator.
- Do not allow ballots out of the polling place before polls close.
- Allow voters standing in line at closing time to vote.

After the Polls Close

- Run canvass reports of the votes from the ballot tabulator.
- Compare ballots counted by the optical scanner with pollpads.
- In optical scan precincts, judges and inspectors shall verify the initial print record is at zero.
- Canvass the write-in votes for those races instructed to the board by the county auditor.
- The election board or all of the poll workers as the case may be sign the generated reports.
- In primary elections, copies of the reports must be given to each political party.
- Election board shall take oath at conclusion of canvass.
- Wrap and return ballots to county recorder as instructed.
- Reports, pollbooks, oaths, and other required materials delivered to the county auditor.

NOTES

Fwd: dont think i was suppose to get this

marvin lepp <leppfornorthdakota@outlook.com>

Tue 11/8/2022 9:10 PM

To: heresthedealpodcast1@gmail.com <heresthedealpodcast1@gmail.com>

Sent from my iPhone

Begin forwarded message:

From: marvin lepp <leppfornorthdakota@outlook.com>
Date: November 2, 2022 at 8:45:58 PM CDT
To: janwangler@gmail.com
Subject: Fw: dont think i was suppose to get this

Sent: Monday, June 27, 2022 1:56 PM
To: marvin lepp <leppfornorthdakota@outlook.com>
Subject: dont think i was suppose to get this

From: Newby, Brian <bnewby@nd.gov>
Sent: Sunday, June 26, 2022 11:33 AM
To: Didier, Beth <bdidier@barnescounty.us>; Schlittenhard, Linda M. <lschlitt@nd.gov>; Maloney, Pam L. <pmaloney@nd.gov>; Lamb, Marcia D. <mdlamb@nd.gov>; Wigen, Jenny L. <jwigen@nd.gov>; Schmidt, Jeri G. <jerschmidt@nd.gov>; Nelson, Debbie <debbie.nelson@gfcounty.org>; Faller, Krista <kfaller@nd.gov>; Erickson, Bonnie S. <bserickson@nd.gov>; Jensen, Jeanie S. <jsjensen@nd.gov>; Gellner, Lisa M. <lgellner@nd.gov>; Sheppard, Wanda <wsheppard@nd.gov>; Jastrzebski, Gayle M. <gjastrze@nd.gov>; Dolezal, Tracey K. <tracey.dolezal@dunncountynd.org>; Williams, Patty <pawilliams@nd.gov>; Ohlhauser, Marlys A. <mohlhauser@nd.gov>; Sperry, Tamra L. <tsperry@nd.gov>; Schoenhard, Jean <jschoenhard@nd.gov>; Larson, Samantha M. <samantha.larson@griggscountynd.gov>; Rhone, Dawn R. <dawn.rhone@mortonnd.org>; Fischer, Brenda K. <bkfischer@nd.gov>; Carpenter, Darlene K. <dcarpenter@nd.gov>; Ketterling, Gina L. <gketterl@nd.gov>; Johnsrud, Erica <ejohnsrud@co.mckenzie.nd.us>; Christopherson, Kandy K. <kchristo@nd.gov>; Gentzkow, Nicole <ngentzkow@nd.gov>; Pollman, LeAnn M. <lpollman@nd.gov>; McCloud, Valerie J. <vmccloud@nd.gov>; Murray, Shirley A. <smurray@nd.gov>; Buzalsky, Lorrie <lbuzalsky@nd.gov>; Wigen, Emily M. <ewigen@nd.gov>; Morlock, Joni M. <jmmorlock@nd.gov>; Haugen, Glenda M. <glenda.haugen@co.triail.nd.us>; Molde, Kris K. <kmolde@nd.gov>; Meier, Sara E. <sarmeier@nd.gov>; Foss, Lori A. <lfoss@nd.gov>; Knutson, Beth A. <baknutson@nd.gov>; White, Erika M. <erwhite@nd.gov>; Czapiewski, Amy <ajczapiewski@nd.gov>; Lorenz, Janet <janet.lorenz@dunncountynd.org>; Laib, Tracy <tluib@nd.gov>; Richardson, Sondra <sorichardson@nd.gov>; Tetrault, Jayne M. <jtetrault@nd.gov>; jason.blowers@wardnd.com <jason.blowers@wardnd.com>; Scherr, Jodi L. <jscherr@nd.gov>; Josh Smaage <jmaage@stutsmancounty.gov>; Nelson, Linda

<linelson@nd.gov>; Oland, Joan M. <joland@co.richland.nd.us>; Schumacher, Mindy <mischumacher@bowmancountynd.gov>; lori.morgan@gfcounty.org <lori.morgan@gfcounty.org>; Mindt, Julie <jmindt@barnescounty.us>; Silrum, Jim <jsilrum@nd.gov>; Menzies, Dawn L. <dmenzies@nd.gov>; Delval, Mary K. <mdelval@co.richland.nd.us>; Lapp, Colleen <clapp@nd.gov>; marisa.haman@wardnd.com <marisa.haman@wardnd.com>; colleen.morstad@gfcounty.org <colleen.morstad@gfcounty.org>; Olsen, Mechelle M. <molsen@co.richland.nd.us>; Oberlander, Kayla L. <kloberlander@nd.gov>; Thomsen, Michelle <mthomsen@co.mckenzie.nd.us>; Weidner, Darin D. <darinw@co.williams.nd.us>; Guderjahn, Terri L. <tlguderjahn@nd.gov>; Andrew, Rebecca <randrew@nd.gov>; misty.hester@wardnd.com <misty.hester@wardnd.com>; Heintz, Renae <rheintz@nd.gov>; Bullinger, Sondra R. <sbullinger@nd.gov>; Winhold, Pamela K. <pwinhold@starkcountynd.gov>; brendaj@co.williams.nd.us <brendaj@co.williams.nd.us>; Eckroth, Belinda K. <belinda.eckroth@mortonnd.org>; Hildebrand, Alicia <hildebranda@casscountynd.gov>; Lunde, Renee L. <rlunde@nd.gov>; Marshall, Lori <lmarschall@barnescounty.us>; Swenson, Sharon <sswenson@nd.gov>; Jackson, Trudy K. <trujackson@nd.gov>; Krance, Kathy J. <kathy.krance@mortonnd.org>; Keller, Britney L. <brkeller@nd.gov>; Anderson, Karla M. <kmanderson@nd.gov>; sallyr@co.williams.nd.us <sallyr@co.williams.nd.us>; Roberts, Nicole <nroberts@starkcountynd.gov>; Jensen, Donna L. <jensend@casscountynd.gov>; Knudson, Tessa M. <tmknudson@nd.gov>; Caya, Brandi M. <brcaya@nd.gov>; Bosch, Gwyn L. <gbosch@nd.gov>; Genter, Corey <cgenther@stutsmancounty.gov>; Alonge, Jessica <jalonge@stutsmancounty.gov>; McLean, Emily <emclean@stutsmancounty.gov>; Hovey, Heather J. <heather.hovey@co.traill.nd.us>; Mecham, Tami D. <tdmecham@nd.gov>; Maier, Christina L. <clmaier@nd.gov>; Walker, Sarah <sarah.walker@wardnd.com>; Roundy, Ellen <eroundy@nd.gov>; McGilvrey, Maureen <mmcgilvrey@stutsmancounty.gov>; Magnuson, Debbie <dmagnuson@barnescounty.us>; Linz, Jason <jlinz@stutsmancounty.gov>; sally.whittingham@dunncountynd.org <sally.whittingham@dunncountynd.org>; Deschamp, Emily R. <emily.deschamp@co.bottineau.nd.us>; Wallace, Madison L. <madison.wallace@griggscountynd.gov>; Zimmerman, Joan R. <joanzimmerman@nd.gov>; Gabert, Amber <agabert@nd.gov>; Risk, Cindy D. <riskc@casscountynd.gov>; McDougall, Tara L. <tlmcdougall@nd.gov>; Vetter, Laurie <lavetter@nd.gov>; Schuh, Lori A. <lschuh@nd.gov>; Grosche, Tiffany <tiffany.grosche@co.ward.nd.us>; Ellingson, Nancy <nellingson@nd.gov>; Warath, Nikki <nikki.warath@co.ward.nd.us>; sandy.newcomb@mortonnd.org <sandy.newcomb@mortonnd.org>; Ivey, Bernadette <bivey@nd.gov>; Buckhouse, DeAnn <buckhoused@casscountynd.gov>; Heinle, Sarah <heinles@casscountynd.gov>; Volk, Leann <lvolk@nd.gov>; Ward, Robyn <roward@nd.gov>; Hallaway, Cari J. <cjhallaway@nd.gov>; Frank, Kim R. <krfrank@nd.gov>; Walz, Alice <WalzA@casscountynd.gov>; Anderson, Kathy <kaanders@nd.gov>; Emter, Renae J. <renemter@nd.gov>; Woodley, Carrie <cwoodley@bowmancountynd.gov>; Vietmeier, Alan R. <avietmeier@nd.gov>; Guzman, Amber <amber.guzman@gfcounty.org>; pekadir@co.mckenzie.nd.us <pekadir@co.mckenzie.nd.us>; deanna.abernathey@co.bottineau.nd.us <deanna.abernathey@co.bottineau.nd.us>; Oland, Joan M. <joland@co.richland.nd.us>; Larson, Shannon R. <slarson@stutsmancounty.gov>; Smithberg, Kim J. <ksmithberg@nd.gov>; karif@co.williams.nd.us <karif@co.williams.nd.us>; Szudera, Cassie <caszudera@nd.gov>; Migler, Karen <kmigler@nd.gov>; vnelson@barnescounty.us <vnelson@barnescounty.us>; hford@co.mckenzie.nd.us <hford@co.mckenzie.nd.us>; shellie.smette@gfcounty.org <shellie.smette@gfcounty.org>; jana.sogge@gfcounty.org <jana.sogge@gfcounty.org>; colin.kennedy@gfcounty.org <colin.kennedy@gfcounty.org>; Oliver, Lee A. <loliver@nd.gov>; Baumgartner, Ofelia <obaumgartner@nd.gov>; Nybakken, Brian <bnnybakken@nd.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Newby, Jessica J. <jnewby@nd.gov>; Preskey, Donnell <donnell.preskey@ndaco.org>; Carlson, Claudette <clacarlson@nd.gov>; Weed, Shelly A. <sweed@nd.gov>; Oland, Joan M. <joland@co.richland.nd.us>; Buchwitz, Erin P. <ebuchwitz@nd.gov>; Pappa, Stephanie <stephp@co.mountrail.nd.us>; Halmrast, Sharon <shalmrast@nd.gov>; whitney.walsh@gfcounty.org <whitney.walsh@gfcounty.org>; Hintz, Judith M. <jhintz@nd.gov>; Brenda Johnson <brendaj@co.williams.nd.us>; Innis, Beth M.

<bethi@co.williams.nd.us>; Hamlin, Jan J. <jjhamlin@nd.gov>; Deschamp, Emily R. <emily.deschamp@co.bottineau.nd.us>; Newby, Brian <bnewby@nd.gov>; Schumacher, Mindy <mischumacher@bowmancountynd.gov>; Jensen, Jeanie S. <jsjensen@nd.gov>; Vetter, Leo <levetter@nd.gov>; Sheppard, Wanda <wsheppard@nd.gov>; Jastrzebski, Gayle M. <gjastrze@nd.gov>; Sperry, Tamra L. <tsperry@nd.gov>; Meier, Sara E. <sarmeier@nd.gov>; Larson, Samantha M. <samantha.larson@griggscountynd.gov>; Ketterling, Gina L. <gketterl@nd.gov>; Buzalsky, Lorrie <lbuzalsky@nd.gov>; Karen Richard <KRichard@starkcountynd.gov>; Alonge, Jessica <jalonge@stutsmancounty.gov>; Morlock, Joni M. <jmmorlock@nd.gov>; Haugen, Glenda M. <glenda.haugen@co.traill.nd.us>; deanna.abernathey@co.bottineau.nd.us <deanna.abernathey@co.bottineau.nd.us>; Jaclyn.hanson@co.bottineau.nd.us <Jaclyn.hanson@co.bottineau.nd.us>; Czapiewski, Amy <ajczapiewski@nd.gov>; Idso, Carly <cidso@nd.gov>; Jahner, Lana <ljahner@starkcountynd.gov>; Marshall, Lori <lmarshall@barnescounty.us>; cgrenz@barnescounty.us <cgrenz@barnescounty.us>; Fossum, Sandy <sfossum@co.richland.nd.us>; Hamlin, Jan J. <jjhamlin@nd.gov>; Sheila Haaland <SheilaH@co.williams.nd.us>; Runck, Nickela H. <nhrunck@nd.gov>; Forsather, Karin R. <kforsath@nd.gov>; Sheila Haaland <SheilaH@co.williams.nd.us>; Stremick, Frankie <fstremick@nd.gov>; Stutlien, Dan <dstutlien@nd.gov>; Madrigga, Brandy <madriggab@casscountynd.gov>; Baltzell, Sherry <sherry.baltzell@starkcountynd.gov>; Maloney, Pam L. <pmaloney@nd.gov>; Walker, Mary <mawalker@nd.gov>; Eagle, Angela <aeagle@nd.gov>; Roundy, Ellen <eroundy@nd.gov>; Suda, Savannah M. <smsuda@nd.gov>

Subject: Saturday Freedom of Information Act Request

Good morning, everyone.

Our office has seen an email from a citizen in North Dakota to an auditor, sent Saturday morning, related to a Freedom of Information Act request. We are presuming that all counties have received this same email.

As we have discussed, the Freedom of Information Act is a federal law, but it is conceptually similar to state open records laws. While we think you should discuss all requests with your State's Attorney, our advice is to treat any "Freedom of Information" request as an Open Records Act request, pursuant to NDCC.

The NDCC intends to make many records available upon request, although the key word in this explanation is "records." Your county may assess a cost to recover and produce any records, and many records related to elections are exempt from release because they involve Critical Infrastructure or Security.

In the case of the email sent Saturday, the person asks for files created and reports produced from November 2020.

The starting point on this would be, do you have these reports (as in already produced, not could you make them...)? Presumably, the answer to that is no. If that's the case, it's a simple, short response, that you do not have any responsive records. As always, though, discuss that with your State's Attorney.

If you do have the reports already prepared, the answer likely is different, and please call Brian Nybakken or me to discuss.

However, the request also suggests something alarming, that the citizen could provide a USB drive for any reports. As a PS for this and any future things....the ElectionWare computer is air-gapped. Under no circumstances ever should any USB drive be inserted into the ElectionWare computer that isn't a blue ESS drive or the one-time use drives we send.

Thank you,

Brian D. Newby, CERA
State Election Director | North Dakota Secretary of State
600 E Boulevard Ave | Dept 108
Bismarck, ND 58505-0500
Desk: 701.328.3721
bnewby@nd.gov | sos.nd.gov



RE: Election Questions

McCloud, Valerie J. <vmccloud@nd.gov>

Wed 6/22/2022 4:08 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

📎 1 attachments (16 KB)

Open Records Response 6-2022.docx;

Attached are the responses to the questions you requested a response for Rolette County Primary Election held on June 14, 2022.

Valerie McCloud
Rolette County Auditor
PO Box 939
102 2nd St NE
Rolla ND 58367
701-477-5665

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:34 PM

To: McCloud, Valerie J. <vmccloud@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**

8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

To: Marvin Lepp
Date: June 22, 2022
Re: Election Questions, open records request
From: Valerie McCloud, Rolette County Auditor

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?

Answer: 176 No record kept by precinct.

2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?

Answer: The Statue regarding identification was followed. N.D.C.C. §

3. Were any ballots received after that time that were added into the count?

Answer: No

4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?

Answer: No record kept.

5. How many ballots have been flagged for inspection, or spoiled?

Answer: We will not speculate on what is meant by flagged for inspection.

Spoiled: Rolla 24

St. John 14

Turtle Mountain 36

Dunseith 40

Rolette 13

6. How many variations of ballots are available for your county?

Answer: 10

7. Were there issues with people receiving the wrong ballots per their street address that were reported?

Answer: No record kept

8. How many people had to be signed up as new voters?

Answer: 24

9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.

Answer: No

10. Did you offer both paper ballots and Expressvote options or just one or the other?

Answer: Both

11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?

Answer: No

12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?

Answer: All are bundled and maintained. A specific count is only done in the event that the count is off.

13. What was the total ballots cast per precinct?

| | | |
|--------|---|-----|
| Answer | 1 | 321 |
| | 2 | 563 |

3 364

4 209

5 271

14.How many physical polling locations were set up within the county?

Answer: 5

15.Did your county allow early voting?

Answer: No. Only early voting was by absentee

16.Is there a camera on any drop box locations within your county?

Answer: No

17.What is the current Operating System / Software on the voting and tabulating machines within your county?

Answer: DS200s and DS450s operate on software from ES&S, release 6.0.6.0. The only component that has an operating system is the stand-alone ExpressWare Computer, which utilizes Windows 10

18.How many people reside within your county?

Answer: 12, 187 according to the 2020 U.S. Census

19.Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.

Answer: Yes

20.How many people according to your list are eligible to vote in your county?

Answer: 9,436

RE: Election Questions

Schlittenhard, Linda M. <lschlitt@nd.gov>

Fri 7/1/2022 12:57 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

Mr. Lepp,

Please find my answers in red below.

Regards,

Linda Schlittenhard

Pembina County Auditor/Treasurer

301 Dakota St. W. #1

Cavalier, ND 58220

Phone: 701-265-4231

Fax: 701-265-4876

Email: lschlitt@nd.gov

From: marvin lepp [mailto:leppfornorthdakota@outlook.com]

Sent: 06/17/2022 16:27

To: Schlittenhard, Linda M. <lschlitt@nd.gov>

Subject: Election Questions

| |
|--|
| <p>***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****</p> |
|--|

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? Precinct 1 – 277; Precinct 2 – 361; Precinct 3 – 344; Precinct 4 – 304; Precinct 5 – 124; Precinct 6 - 157**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? Verify information in the voter file through Voices**
3. **Were any ballots received after that time that were added into the count? Yes**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? None**
5. **How many ballots have been flagged for inspection, or spoiled? Absentee Ballots - 9**
6. **How many variations of ballots are available for your county? 17**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported? No**
8. **How many people had to be signed up as new voters? None**

9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. **No**
10. Did you offer both paper ballots and Expressvote options or just one or the other? **Both**
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? **No**
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used? **Yes**
13. What was the total ballots cast per precinct? **With Election Day voting included: Precinct 1 – 294; Precinct 2 – 403; Precinct 3 – 395; Precinct 4 – 358; Precinct 5 – 137; Precinct 6 - 165**
14. How many physical polling locations were set up within the county? **One**
15. Did your county allow early voting? **No**
16. Is there a camera on any drop box locations within your county? **Yes**
17. What is the current Operating System / Software on the voting and tabulating machines within your county? **Due to security concerns, please contact the Secretary of State's Office**
18. How many people reside within your county? **6,844**
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. **Yes**
20. How many people according to your list are eligible to vote in your county? **5,569**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 3:44 PM

To: bserickson@nd.gov <bserickson@nd.gov>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 3:45 PM

To: mdlamb@nd.gov <mdlamb@nd.gov>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 3:45 PM

To: emily.deschamp@co.bottineau.nd.us <emily.deschamp@co.bottineau.nd.us>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**
15. **Did your county allow early voting?**
16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Jensen, Jeanie S. <jsjensen@nd.gov>

Tue 6/21/2022 1:30 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

1. 438
2. We have no steps. When they sign the application for an absentee ballot, they are affirming that that is where they live. I'm not sure how we would ascertain physically if every voter actually lived at the address they gave.
3. 4
4. 0
5. Spoiled by voter—3 they were given a new ballot to complete
6. 6
7. No
8. 3
9. We had an ESS tech come onsite to help us adjust the DS450 so it would feed the ballots correctly. He had no access to usb drives, and since the election was still on going there were no tallied counts from the DS200.
10. Both
11. No
12. Yes
13. 488
14. 1
15. No
16. I don't believe so and I would hesitate to divulge the locations of our security cameras
17. I believe you are getting the same answer from every county auditor because we all have the same election machines—
 - DS200-EVS 6.0.6.0 and not connected to internet
 - ExpressVote-EVS 6.0.6.0 and not connected to internet
 - Standalone Computer-Windows 10 and not connected to internet
 - Hardened laptop-Windows 10
18. 2,201
19. Yes
20. 1,224

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 3:47 PM

To: Jensen, Jeanie S. <jsjensen@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

FW: Election Questions

Buckhouse, DeAnn <BuckhouseD@casscountynd.gov>

Thu 6/23/2022 12:19 PM

To: leppfornorthdakota@outlook.com <leppfornorthdakota@outlook.com>

Cc: Madrigga, Brandy <MadriggaB@casscountynd.gov>

Mr. Lepp.

We have received your information request. Our Canvassing Board meeting is scheduled for Monday, June 27, 2022 and we will take a look at your request after that meeting is completed. Thank you.

DeAnn Buckhouse, CERA

Cass County Election Coordinator

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 3:48:16 PM

To: Madrigga, Brandy <MadriggaB@casscountynd.gov>

Subject: Election Questions

CAUTION: EXTERNAL EMAIL

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**

15. **Did your county allow early voting?**
16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Election Questions

Sheppard, Wanda <wsheppard@nd.gov>

Wed 6/22/2022 10:49 AM

To: leppfornorthdakota@outlook.com <leppfornorthdakota@outlook.com>

My answers are next to each question.

Wanda Sheppard
Dickey County Auditor
wsheppard@nd.gov
701-349-8303

From: marvin lepp <leppfornorthdakota@outlook.com>
Sent: Friday, June 17, 2022 3:56 PM
To: -Grp-LOC Dickey County Auditor <dcauditor@nd.gov>
Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?** Precinct 1 is 97, Precinct 3 is 31, Precinct 4 is 8, Precinct 5 is 56, a total of 192.
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?** No such document is available
3. **Were any ballots received after that time that were added into the count?** Any ballots received after that time would be reviewed at the Canvass Board meeting June 27th.
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?** No such document is available
5. **How many ballots have been flagged for inspection, or spoiled?** 11 ballots were sent to Canvass Board for review of signatures and 8 set aside envelopes with ballots were sent to the Canvass Board for their review.
6. **How many variations of ballots are available for your county?** 5 different ballot styles
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?** No such document is available
8. **How many people had to be signed up as new voters?** No such document is available
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.** None

10. **Did you offer both paper ballots and Expressvote options or just one or the other? Both**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? No such document is available**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used? Yes**
13. **What was the total ballots cast per precinct? Precinct 1 is 369, Precinct 2 is 12, Precinct 3 is 187, Precinct 4 is 27, Precinct 5 is 244.**
14. **How many physical polling locations were set up within the county? 2 vote centers**
15. **Did your county allow early voting? No**
16. **Is there a camera on any drop box locations within your county? No such document is available**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
 1. DS200 - EVS 6.0.6.0 and not connected to internet
 2. ExpressVote – EVS 6.0.6.0 and not connected to the internet
 3. Standalone computer – Windows 10 and not connected to internet
 4. Hardened laptop – Windows 10
18. **How many people reside within your county? US Census report says 4,999**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. Yes**
20. **How many people according to your list are eligible to vote in your county? 4,431**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 3:56 PM

To: gjastrze@nd.gov <gjastrze@nd.gov>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**
15. **Did your county allow early voting?**
16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 3:57 PM

To: tracey.dolezal@dunncountynd.org <tracey.dolezal@dunncountynd.org>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Meier, Sara E. <sarmeier@nd.gov>

Tue 6/28/2022 9:57 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

Sara Meier

Grant County Auditor/Treasurer

sarmeier@nd.gov

701-622-3275

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 3:02 PM

To: Meier, Sara E. <sarmeier@nd.gov>

Subject: Election Questions

| |
|---|
| ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** |
|---|

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? 619**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? Application with personal information required.**
3. **Were any ballots received after that time that were added into the count? 34 were received that show postage date of June 13 or earlier and were approved by the canvassing board**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? 1-California drivers license.**
5. **How many ballots have been flagged for inspection, or spoiled? 6 spoiled**
6. **How many variations of ballots are available for your county? No variations. Each precinct has a ballot style with specific contests for that precinct.**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported? no**
8. **How many people had to be signed up as new voters? 3**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. no**
10. **Did you offer both paper ballots and Expressvote options or just one or the other? yes**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? no**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used? yes**

13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county? 2**
15. **Did your county allow early voting? no**
16. **Is there a camera on any drop box locations within your county? yes**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

RE: Election Questions

Hamlin, Jan J. <jjhamlin@nd.gov>

Wed 6/22/2022 4:25 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

Hi Marvin,

I have responded to your open records request below.

Jan Hamlin

LaMoure County Auditor

(701)883-6045

Please note the new e-mail address: jjhamlin@nd.gov

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:05 PM

To: Hamlin, Jan J. <jjhamlin@nd.gov>

Subject: Election Questions

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?** Precinct 1-139; Precinct 2-297; Precinct 3-198; Precinct 4-122; Total-756.
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?** No such document is available.
3. **Were any ballots received after that time that were added into the count?** No, any ballots received after that time will be reviewed at the Canvass Board meeting June 27.
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?** No such document is available.
5. **How many ballots have been flagged for inspection, or spoiled?** 31 ballots are going to the Canvass Board June 27.
6. **How many variations of ballots are available for your county?** Primary 2022 had 13 ballot styles.
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?** No such document is available.
8. **How many people had to be signed up as new voters?** No such document is available.
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.** None.

10. **Did you offer both paper ballots and Expressvote options or just one or the other? Yes-both.**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? No such document available.**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used? Yes.**
13. **What was the total ballots cast per precinct? Precinct 1-186; Precinct 2-456; Precinct 3-256; Precinct 4-248.**
14. **How many physical polling locations were set up within the county? 2 vote centers.**
15. **Did your county allow early voting? No.**
16. **Is there a camera on any drop box locations within your county? The courthouse has cameras.**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county? DS200-EVS 6.0.6.0 and not connected to internet; Express Vote-EVS 6.0.6.0 and not connected to internet; Standalone computer-Windows 10 and not connected to internet; Hardened laptop-Windows 10.**
18. **How many people reside within your county? US Census reports 4,093**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. Yes.**
20. **How many people according to your list are eligible to vote in your county? 3,445**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Carpenter, Darlene K. <dcarpenter@nd.gov>

Wed 6/29/2022 8:48 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

See responses below.

Darlene Carpenter

McHenry County Auditor

407 Main St S Rm 201

Towner, ND 58788

701-537-5724

From: marvin lepp [mailto:leppfornorthdakota@outlook.com]

Sent: Friday, June 17, 2022 4:06 PM

To: Carpenter, Darlene K.

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?** Precinct 16 – 86, Precinct 18 – 386, Precinct 27 – 83, Precinct 41 – 102, Precinct 47 – 438, Precinct 55 – 115, Precinct 58 – 114, Precinct 62- 108
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?** We use VOICES which is a database from NDDOT and is associated with the address on the drivers license
3. **Were any ballots received after that time that were added into the count?** Yes
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
None
5. **How many ballots have been flagged for inspection, or spoiled?** 7
6. **How many variations of ballots are available for your county?** 14
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?** No
8. **How many people had to be signed up as new voters?** None
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.** No
10. **Did you offer both paper ballots and Expressvote options or just one or the other?** Both

11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? N/A, we do not administer school elections.**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used? No**
13. **What was the total ballots cast per precinct? Precinct 16 – 89, Precinct 18 – 387, Precinct 27 – 90, Precinct 41 – 110, Precinct 47 – 463, Precinct 55 – 119, Precinct 58 – 117, Precinct 62- 115**
14. **How many physical polling locations were set up within the county? One**
15. **Did your county allow early voting? No**
16. **Is there a camera on any drop box locations within your county? No**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county? Windows 10**
18. **How many people reside within your county? 2020 census states 5345**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. Yes**
20. **How many people according to your list are eligible to vote in your county? 4821**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

RE: Election Questions

Melberg, Samantha R. <smelberg@nd.gov>

Thu 6/23/2022 10:40 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

Mr. Lepp, I acknowledge your request and I will get back you. Our focus at the moment is with Canvassing.

Thank you,

Samantha Melberg

Mercer County Auditor

(701) 745-3292

smelberg@nd.gov

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:08 PM

To: Melberg, Samantha R. <smelberg@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**

11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**
15. **Did your county allow early voting?**
16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 4:08 PM

To: dawn.rhone@mortonnd.org <dawn.rhone@mortonnd.org>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**
15. **Did your county allow early voting?**
16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Steph Pappa <stephp@co.mountrail.nd.us>

Thu 6/23/2022 10:35 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

Good Morning Marvin,

I have received your request and will respond as soon as the canvassing board as met and is complete.

Stephanie A. Pappa
Mountrail County Auditor
PO Box 69/101 N Main St.
Stanley ND 58784-0069
Ph: 701-628-2145
Fax: 701-628-4750

IMPORTANT: This email, including all attachments, is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential or otherwise protected from disclosure under applicable federal or state law. If the reader of this email transmission is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this email or its contents is strictly prohibited. If you have received this email in error, please notify the sender by responding to the email and then delete the e-mail immediately.

From: marvin lepp <leppfornorthdakota@outlook.com>
Sent: Friday, June 17, 2022 4:09 PM
To: Steph Pappa <stephp@co.mountrail.nd.us>
Subject: Election Questions

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary. I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**

8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

RE: Election Questions

Wigen, Jenny L. <jwigen@nd.gov>

Tue 6/21/2022 1:27 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

Answers below from Nelson County.

From: marvin lepp [mailto:leppfornorthdakota@outlook.com]

Sent: Friday, June 17, 2022 4:10 PM

To: Wigen, Jenny L. <jwigen@nd.gov>

Subject: Election Questions

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? 861**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? Proof of ID**
3. **Were any ballots received after that time that were added into the count? Yes, 1 that came in the mail on Election Day, which was dated before the 14th.**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? 2 because they had out of state drivers ID and have not updated them to a ND ID yet.**
5. **How many ballots have been flagged for inspection, or spoiled? 22 were sent to the canvassing board and 4 were spoiled on mail-in ballots and 28 election day ballots, which they received new ballots to fill out.**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported? No**
8. **How many people had to be signed up as new voters? None**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. No**
10. **Did you offer both paper ballots and Expressvote options or just one or the other? They offered both.**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? No**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used? Yes**
13. **What was the total ballots cast per precinct? There is only 1 precinct in our county and there were 1,016 ballots and that is both polls & mail-in ballots.**

14. **How many physical polling locations were set up within the county? Nelson County only has 1.**
15. **Did your county allow early voting? No**
16. **Is there a camera on any drop box locations within your county? We have one drop box located on the outside of our courthouse and yes there is a camera.**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county? *DS200 – not connected to the internet, *DS450 – not connected to the internet, *ExpressVote – not connected to the internet, *Standalone computer – Windows 10 and this computer is not connected to the internet.**
18. **How many people reside within your county? 2020 Census population was 3,015**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. Yes**
20. **How many people according to your list are eligible to vote in your county? 2,755**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 4:26 PM

To: jhintz@nd.gov <jhintz@nd.gov>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**
15. **Did your county allow early voting?**
16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 4:30 PM

To: ngentzkow@nd.gov <ngentzkow@nd.gov>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Election Question

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 4:30 PM

To: lpoolman@nd.gov <lpoolman@nd.gov>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 4:33 PM

To: sfoosum@co.richland.nd.us <sfoosum@co.richland.nd.us>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 4:36 PM

To: smurray@nd.gov <smurray@nd.gov>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 4:37 PM

To: aeagle@nd.gov <aeagle@nd.gov>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Buzalsky, Lorrie <lbuzalsky@nd.gov>

Thu 7/7/2022 3:46 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

Lorrie Buzalsky
Slope County Auditor

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 3:38 PM

To: Buzalsky, Lorrie <lbuzalsky@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? 26 total**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? Must match their ND ID**
3. **Were any ballots received after that time that were added into the count? No**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? 0**
5. **How many ballots have been flagged for inspection, or spoiled? 0**
6. **How many variations of ballots are available for your county? 7**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported? No**
8. **How many people had to be signed up as new voters? 0**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. No**
10. **Did you offer both paper ballots and Expressvote options or just one or the other? Both**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? No**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used? Yes**
13. **What was the total ballots cast per precinct? 51, 70, & 70 for a total of 191**
14. **How many physical polling locations were set up within the county? 3**

15. **Did your county allow early voting? No**
16. **Is there a camera on any drop box locations within your county? No**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county? EVS 6.0.6.0 and Windows 10**
18. **How many people reside within your county? 704 according to the Census**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. Yes**
20. **How many people according to your list are eligible to vote in your county? I do not maintain a list but the state calculates 539.**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Wigen, Emily M. <ewigen@nd.gov>

Wed 6/22/2022 8:44 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? **See attached report**
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? **Verified signature from application and ballot – address on app. And voices.**
3. Were any ballots received after that time that were added into the count? **No**
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? **No**
5. How many ballots have been flagged for inspection, or spoiled? **3**
6. How many variations of ballots are available for your county? **6**
7. Were there issues with people receiving the wrong ballots per their street address that were reported? **0**
8. How many people had to be signed up as new voters? **N/A**
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. **No**
10. Did you offer both paper ballots and Expressvote options or just one or the other? **Both – mostly paper**
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? **No**
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used? **yes**
13. What was the total ballots cast per precinct? **See report attached**
14. How many physical polling locations were set up within the county? **One**
15. Did your county allow early voting? **No**
16. Is there a camera on any drop box locations within your county? **yes**
17. What is the current Operating System / Software on the voting and tabulating machines within your county? **DS200 – EVS 6.0.6.0 and not connected to internet, Espresso Vote – EVS 6.0.6.0. and not connected to internet, Standalone computer – windows 10 and not connected to internet, Hardened laptop – windows 10.**
18. How many people reside within your county? **2020 census - 1817**
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. **yes**
20. How many people according to your list are eligible to vote in your county? **1139**

Emily Wigen

Steele County Auditor

Risk Manager

Box 275 Finley ND 58230

Ewigen@nd.gov 701-524-2110

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:38 PM

To: Wigen, Emily M. <ewigen@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**
15. **Did your county allow early voting?**
16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

**STEELE COUNTY ABSTRACT OF BALLOTS CAST
NORTH DAKOTA PRIMARY ELECTION - JUNE 14, 2022**

| District | Precinct Name | Ballots Cast |
|--------------|-----------------|--------------|
| LG29 | 462901 | 132 |
| | 462902 | 79 |
| | 462903 | 103 |
| | 462904 | 83 |
| | 462905 | 98 |
| | Subtotal | 495 |
| Total | | 495 |

**STEELE COUNTY REPUBLICAN ABSTRACT OF VOTES
NORTH DAKOTA PRIMARY ELECTION - JUNE 14, 2022**

| | | Total | 462901 | 462902 | 462903 | 462904 | 462905 |
|---|----------------------|-------|--------|--------|--------|--------|--------|
| United States Senator | John Hoeven | 250 | 78 | 30 | 51 | 39 | 52 |
| | Riley Kuntz | 50 | 4 | 14 | 11 | 12 | 9 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 300 | 82 | 44 | 62 | 51 | 61 |
| Representative in Congress | Kelly Armstrong | 279 | 79 | 39 | 58 | 46 | 57 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 279 | 79 | 39 | 58 | 46 | 57 |
| State Senator District 29 | Terry M Wanzek | 279 | 77 | 40 | 58 | 47 | 57 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 279 | 77 | 40 | 58 | 47 | 57 |
| State Representative District 29 | Craig Headland | 178 | 54 | 26 | 41 | 31 | 26 |
| | Don Vigesaa | 259 | 73 | 37 | 54 | 43 | 52 |
| | write-in - scattered | 2 | 0 | 0 | 0 | 1 | 1 |
| | Total | 439 | 127 | 63 | 95 | 75 | 79 |
| Secretary of State | Michael Howe | 169 | 40 | 25 | 35 | 31 | 38 |
| | Marvin Lepp | 89 | 33 | 13 | 16 | 11 | 16 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 258 | 73 | 38 | 51 | 42 | 54 |
| Attorney General | Drew Wrigley | 279 | 79 | 43 | 55 | 45 | 57 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 279 | 79 | 43 | 55 | 45 | 57 |
| Agriculture Commissioner | Doug Goehring | 283 | 78 | 43 | 58 | 46 | 58 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 283 | 78 | 43 | 58 | 46 | 58 |
| Public Service Commissioner | Julie Fedorchak | 278 | 79 | 39 | 57 | 46 | 57 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 278 | 79 | 39 | 57 | 46 | 57 |
| Public Service Commissioner Unexpired 4-Year Term | Sheri Haugen-Hoffart | 270 | 76 | 38 | 55 | 45 | 56 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 270 | 76 | 38 | 55 | 45 | 56 |
| Tax Commissioner | Brian Kroshus | 273 | 76 | 39 | 54 | 47 | 57 |
| | write-in - scattered | 1 | 1 | 0 | 0 | 0 | 0 |
| | Total | 274 | 77 | 39 | 54 | 47 | 57 |

**STEELE COUNTY DEMOCRATIC-NPL ABSTRACT OF VOTES
NORTH DAKOTA PRIMARY ELECTION - JUNE 14, 2022**

| | | Total | 462901 | 462902 | 462903 | 462904 | 462905 |
|---|----------------------|-------|--------|--------|--------|--------|--------|
| United States Senator | Katrina Christiansen | 107 | 24 | 27 | 24 | 12 | 20 |
| | Michael J Steele | 25 | 7 | 2 | 4 | 8 | 4 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 132 | 31 | 29 | 28 | 20 | 24 |
| Representative in Congress | Mark Haugen | 134 | 31 | 28 | 27 | 21 | 27 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 134 | 31 | 28 | 27 | 21 | 27 |
| State Senator District 29 | Ben Vig | 141 | 34 | 28 | 30 | 21 | 28 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 141 | 34 | 28 | 30 | 21 | 28 |
| State Representative District 29 | Charles Linderman | 133 | 31 | 27 | 27 | 21 | 27 |
| | write-in - scattered | 3 | 1 | 0 | 0 | 0 | 2 |
| | Total | 136 | 32 | 27 | 27 | 21 | 29 |
| Secretary of State | Jeffrey Powell | 132 | 31 | 28 | 27 | 21 | 25 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 132 | 31 | 28 | 27 | 21 | 25 |
| Attorney General | Timothy Charles Lamb | 130 | 31 | 28 | 26 | 21 | 24 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 130 | 31 | 28 | 26 | 21 | 24 |
| Agriculture Commissioner | Fintan L Dooley | 127 | 31 | 27 | 27 | 19 | 23 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 127 | 31 | 27 | 27 | 19 | 23 |
| Public Service Commissioner | Melanie Moniz | 131 | 31 | 28 | 27 | 20 | 25 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 131 | 31 | 28 | 27 | 20 | 25 |
| Public Service Commissioner Unexpired 4-Year Term | Trygve Hammer | 130 | 30 | 28 | 27 | 19 | 26 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 130 | 30 | 28 | 27 | 19 | 26 |
| Tax Commissioner | write-in - scattered | 8 | 1 | 2 | 1 | 2 | 2 |
| | Total | 8 | 1 | 2 | 1 | 2 | 2 |

**STEELE COUNTY NONPARTISAN ABSTRACT OF VOTES
NORTH DAKOTA PRIMARY ELECTION - JUNE 14, 2022**

| | | Total | 462901 | 462902 | 462903 | 462904 | 462905 |
|--|-----------------------|-------|--------|--------|--------|--------|--------|
| Justice of the Supreme Court | Daniel J Crothers | 392 | 103 | 58 | 80 | 74 | 77 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 392 | 103 | 58 | 80 | 74 | 77 |
| East Central Judge of the District Court No. 2 | Tristan Van de Streek | 390 | 103 | 59 | 80 | 73 | 75 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 390 | 103 | 59 | 80 | 73 | 75 |
| East Central Judge of the | Steven E McCullough | 397 | 105 | 59 | 82 | 76 | 75 |

| | | Total | 462901 | 462902 | 462903 | 462904 | 462905 |
|--|---------------------------|-------|--------|--------|--------|--------|--------|
| District Court No. 3 | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 397 | 105 | 59 | 82 | 76 | 75 |
| East Central Judge of the District Court No. 4 | David J Chapman | 80 | 21 | 8 | 22 | 19 | 10 |
| | Connie Cleveland | 114 | 27 | 23 | 27 | 17 | 20 |
| | Jay Greenwood | 52 | 7 | 11 | 9 | 13 | 12 |
| | Blake D Hankey | 125 | 45 | 16 | 17 | 16 | 31 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 371 | 100 | 58 | 75 | 65 | 73 |
| County Commissioner By District District 1 | Brandon Oxtan | 86 | 86 | | | | |
| | Brian Tuite | 38 | 38 | | | | |
| | write-in - scattered | 1 | 1 | | | | |
| | Total | 125 | 125 | | | | |
| County Commissioner By District District 3 | Perry Brown | 51 | | | 51 | | |
| | Jay W Showers | 49 | | | 49 | | |
| | write-in - scattered | 0 | | | 0 | | |
| | Total | 100 | | | 100 | | |
| County Commissioner By District District 5 | Donald Huso | 63 | | | | | 63 |
| | Russell Lee Walcker | 31 | | | | | 31 |
| | write-in - scattered | 0 | | | | | 0 |
| | Total | 94 | | | | | 94 |
| County Auditor Steele | Jana Flaten | 287 | 76 | 40 | 61 | 59 | 51 |
| | Emily Wigen | 188 | 53 | 35 | 37 | 22 | 41 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 475 | 129 | 75 | 98 | 81 | 92 |
| County Treasurer Steele | Kari Dekker | 438 | 115 | 70 | 89 | 76 | 88 |
| | write-in - scattered | 5 | 3 | 0 | 0 | 1 | 1 |
| | Total | 443 | 118 | 70 | 89 | 77 | 89 |
| County Sheriff Steele | write-in - Brad Anderson | 4 | | | | 1 | 3 |
| | Wayne A Beckman | 437 | 109 | 72 | 95 | 76 | 85 |
| | write-in - scattered | 8 | 4 | 0 | 0 | 1 | 3 |
| | Total | 449 | 113 | 72 | 95 | 78 | 91 |
| County Official Newspaper Steele | Steele County Press | 442 | 117 | 66 | 96 | 77 | 86 |
| | Total | 442 | 117 | 66 | 96 | 77 | 86 |
| Mayor Finley | write-in - Chad Aberle | 1 | 1 | | | | |
| | write-in - Michael Harvey | 1 | 1 | | | | |
| | write-in - Brandon Oxtan | 1 | 1 | | | | |
| | Brian Tuite | 95 | 85 | | | | 10 |
| | write-in - scattered | 16 | 12 | | | | 4 |
| | Total | 114 | 100 | | | | 14 |
| Council Member Finley | Daniel Aberle | 41 | 35 | | | | 6 |
| | Tori Archer | 100 | 88 | | | | 12 |
| | Kevin Corey | 56 | 49 | | | | 7 |
| | Merle Ferry | 85 | 79 | | | | 6 |
| | write-in - scattered | 2 | 2 | | | | 0 |
| | Total | 284 | 253 | | | | 31 |
| Park Board Member Finley Park | Chad Aberle | 120 | 106 | | | | 14 |
| | Daniel Aberle | 113 | 100 | | | | 13 |
| | Paul Kroeplin | 126 | 112 | | | | 14 |
| | write-in - scattered | 4 | 4 | | | | 0 |
| | Total | 363 | 322 | | | | 41 |

**STEELE COUNTY MEASURES ABSTRACT OF VOTES
NORTH CAROLINA PRIMARY ELECTION - JUNE 14, 2022**

| | | Total | 462901 | 462902 | 462903 | 462904 | 462905 |
|--|-------|-------|--------|--------|--------|--------|--------|
| Road and Bridge levy Authority 46 - Steele | Yes | 354 | 97 | 57 | 76 | 64 | 60 |
| | No | 124 | 31 | 21 | 23 | 18 | 31 |
| | Total | 478 | 128 | 78 | 99 | 82 | 91 |
| Extension services levy Authority 46 - Steele | Yes | 287 | 79 | 42 | 60 | 51 | 55 |
| | No | 186 | 46 | 36 | 39 | 30 | 35 |
| | Total | 473 | 125 | 78 | 99 | 81 | 90 |

| County Name | Precinct Part | lection Typ | Ballots Received | lots Accepted |
|-------------|---------------|-------------|------------------|---------------|
| Steele | 46290101 | Primary | 80 | 80 |
| Steele | 46290201 | Primary | 70 | 70 |
| Steele | 46290301 | Primary | 91 | 91 |
| Steele | 46290401 | Primary | 67 | 67 |
| Steele | 46290501 | Primary | 9 | 9 |
| Steele | 46290502 | Primary | 50 | 50 |
| | | | Sum : 367 | Sum : 367 |

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 4:40 PM

To: jalonge@stutsmancounty.gov <jalonge@stutsmancounty.gov>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**
15. **Did your county allow early voting?**
16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/17/2022 4:41 PM

To: kmolde@nd.gov <kmolde@nd.gov>

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Marisa Haman <Marisa.Haman@co.ward.nd.us>

Mon 8/1/2022 12:43 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

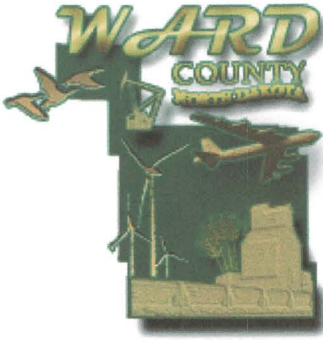
Hello,

Please see responses below and let me know if you have any questions.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? 632 total.
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? We verify what the voter listed as their address on the application matches with our election software which feeds from the DMV.
3. Were any ballots received after that time that were added into the count? Yes 32 additional were added.
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? None that I am aware of.
5. How many ballots have been flagged for inspection, or spoiled? 155
6. How many variations of ballots are available for your county? 43
7. Were there issues with people receiving the wrong ballots per their street address that were reported? I was made aware of a handful of people who said they received the wrong ballot.
8. How many people had to be signed up as new voters? I do not have this information.
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines? No
10. Did you offer both paper ballots and Expressvote options or just one or the other? Both
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? No
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used? Yes
13. What was the total ballots cast per precinct? See attached.
14. How many physical polling locations were set up within the county? 6 election day 1 early vote
15. Did your county allow early voting? yes
16. Is there a camera on any drop box locations within your county? Not physically on the drop box but there are cameras in the vicinity of the drop box.
17. What is the current Operating System / Software on the voting and tabulating machines within your county? ESS
18. How many people reside within your county? 67,425
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed? yes
20. How many people according to your list are eligible to vote in your county? As of 8/1/2022 I show 62,408 active/inactive voters in Ward co.

Thank you,

Marisa Haman
Auditor/Treasurer
p:701.857.6417
f:701.857.6424



From: marvin lepp [mailto:leppfornorthdakota@outlook.com]
Sent: Friday, June 17, 2022 4:42 PM
To: Marisa Haman <Marisa.Haman@co.ward.nd.us>
Subject: Election Questions

EXTERNAL email received. DO NOT open suspicious emails.

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**
15. **Did your county allow early voting?**

16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

Voter History By Precinct

Election County:
Type: Primary Ward
Date: 6/14/2022

| | |
|----------------------------------|-----|
| Total # of Voters at 510301: | 229 |
| Total # of Absentee Voters: | 14 |
| Total # of Early Voters: | 59 |
| Total # of Polling Place Voters: | 156 |

| | |
|----------------------------------|-----|
| Total # of Voters at 510302: | 196 |
| Total # of Absentee Voters: | 17 |
| Total # of Early Voters: | 38 |
| Total # of Polling Place Voters: | 141 |

| | |
|----------------------------------|-----|
| Total # of Voters at 510303: | 188 |
| Total # of Absentee Voters: | 14 |
| Total # of Early Voters: | 52 |
| Total # of Polling Place Voters: | 122 |

| | |
|----------------------------------|-----|
| Total # of Voters at 510304: | 840 |
| Total # of Absentee Voters: | 71 |
| Total # of Early Voters: | 238 |
| Total # of Polling Place Voters: | 531 |

| | |
|----------------------------------|-----|
| Total # of Voters at 510405: | 287 |
| Total # of Absentee Voters: | 7 |
| Total # of Early Voters: | 1 |
| Total # of Polling Place Voters: | 279 |

| | |
|----------------------------------|-----|
| Total # of Voters at 510406: | 170 |
| Total # of Absentee Voters: | 18 |
| Total # of Early Voters: | 2 |
| Total # of Polling Place Voters: | 150 |

| | |
|----------------------------------|---|
| Total # of Voters at 510407: | 2 |
| Total # of Absentee Voters: | 0 |
| Total # of Early Voters: | 0 |
| Total # of Polling Place Voters: | 2 |

| | |
|----------------------------------|-----|
| Total # of Voters at 510408: | 124 |
| Total # of Absentee Voters: | 26 |
| Total # of Early Voters: | 22 |
| Total # of Polling Place Voters: | 76 |

| | |
|------------------------------|------|
| Total # of Voters at 510509: | 1960 |
| Total # of Absentee Voters: | 216 |

| | |
|----------------------------------|------|
| Total # of Early Voters: | 626 |
| Total # of Polling Place Voters: | 1118 |
| <hr/> | |
| Total # of Voters at 510610: | 93 |
| Total # of Absentee Voters: | 12 |
| Total # of Early Voters: | 8 |
| Total # of Polling Place Voters: | 73 |
| <hr/> | |
| Total # of Voters at 513811: | 21 |
| Total # of Absentee Voters: | 0 |
| Total # of Early Voters: | 4 |
| Total # of Polling Place Voters: | 17 |
| <hr/> | |
| Total # of Voters at 513812: | 977 |
| Total # of Absentee Voters: | 95 |
| Total # of Early Voters: | 300 |
| Total # of Polling Place Voters: | 582 |
| <hr/> | |
| Total # of Voters at 513813: | 288 |
| Total # of Absentee Voters: | 50 |
| Total # of Early Voters: | 59 |
| Total # of Polling Place Voters: | 179 |
| <hr/> | |
| Total # of Voters at 513814: | 155 |
| Total # of Absentee Voters: | 21 |
| Total # of Early Voters: | 23 |
| Total # of Polling Place Voters: | 111 |
| <hr/> | |
| Total # of Voters at 514015: | 76 |
| Total # of Absentee Voters: | 8 |
| Total # of Early Voters: | 17 |
| Total # of Polling Place Voters: | 51 |
| <hr/> | |
| Total # of Voters at 514016: | 890 |
| Total # of Absentee Voters: | 95 |
| Total # of Early Voters: | 261 |
| Total # of Polling Place Voters: | 534 |
| <hr/> | |
| Total # of Voters: | 6496 |
| Total # of Absentee Voters: | 664 |
| Total # of Early Voters: | 1710 |
| Total # of Polling Place Voters: | 4122 |

RE: Election Questions

Ohlhauser, Marlys A. <mohlhauser@nd.gov>

Fri 6/17/2022 4:55 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

I'm not a software genius. The SOS would have this information. I just looked at the tape from one of my DS200 and it has Scanner Firmware 3.2.0.0. Power management firmware 1.2.15.0. DS200 Firmware Version 2.21.0.0.

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:48 PM

To: Ohlhauser, Marlys A. <mohlhauser@nd.gov>

Subject: Re: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Thank you so much Marlys!

just to clarify I was looking for the current version of the es&s if it was 6.0.6.0 or something else

From: Ohlhauser, Marlys A. <mohlhauser@nd.gov>

Sent: Friday, June 17, 2022 4:40 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

Subject: RE: Election Questions

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 3:59 PM

To: Ohlhauser, Marlys A. <mohlhauser@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?** Emmons County is not a vote by mail county. Total absentee ballots accepted was 229. Precinct one – 57, Precinct two – 39, Precinct three – 45, Precinct four – 20 and Precinct five – 68. No ballots were rejected.
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?** We compared the drivers license with ND Voices. If

any address was questionable, I made contact with the voter. Also asked voters if they've resided at this address for 30 days.

3. Were any ballots received after that time that were added into the count? no
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? 0
5. How many ballots have been flagged for inspection, or spoiled? Have three ballots going to canvassing
6. How many variations of ballots are available for your county? We had 12 different ballot styles
7. Were there issues with people receiving the wrong ballots per their street address that were reported? 0
8. How many people had to be signed up as new voters? 1
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. no
10. Did you offer both paper ballots and Expressvote options or just one or the other? both
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? Schools do their own elections in Emmons County.
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used? yes
13. What was the total ballots cast per precinct? Precinct one – 224, Precinct two – 225, Precinct three – 201, precinct four – 189 and precinct five – 170.
14. How many physical polling locations were set up within the county? three
15. Did your county allow early voting? no
16. Is there a camera on any drop box locations within your county? yes
17. What is the current Operating System / Software on the voting and tabulating machines within your county? Election Software & Systems
18. How many people reside within your county? 3,301
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. yes
20. How many people according to your list are eligible to vote in your county? 2,843

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

RE: Election Questions

Migler, Karen <kmigler@nd.gov>

Fri 6/17/2022 5:27 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

Good afternoon Mr. Lepp,

1. We received a total of 663 absentee ballots, 661 on or before June 13th and 2 on June 14th which were postmarked June 13th. Precinct #1-44, Precinct #2-50, Precinct #3-86, Precinct #4-68, Precinct #5-36, Precinct #6-96, Precinct #7-101, Precinct #8-182
2. We checked their I.D., if it was different, they needed to provide supplemental I.d., utility bill, etc.
3. 2 ballots were received on June 14th, which were postmarked June 13th.
4. 2 were set aside ballots, 1 elderly person didn't have an id, was upset, so I gave her a ride, she picked up her id & returned & voted.
5. 8 spoiled ballots
6. 11 ballot types, since we had 3 precinct with 2 ballot types, due to City election included
7. 1 person claimed he got the wrong one
8. 2, 8 others were just new addresses
9. 1 person from ES&S was there to help if there was any issues with the machines, which there weren't, so she just watched.
10. yes
11. n/a
12. yes
13. #1-56, #2-50, #3-119, #4-94, #5-43, #6-145, #7-147, #8-231
14. One, at our courthouse
15. no
16. no
17. ES & S
18. 2020 census- 3990
19. Did our testing June 6th, verified to Sec. of State after election, to make sure it came out the same
20. 2269 active voters

Thank you,

Karen

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:28 PM

To: Migler, Karen <kmigler@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Erica Johnsrud <ejohnsrud@co.mckenzie.nd.us>

Sun 6/19/2022 1:14 PM

To: 'marvin lepp' <leppfornorthdakota@outlook.com>

Good afternoon,

Please see my responses below. This completes your open records request.

Kind regards,
Erica

Erica Johnsrud
McKenzie County Auditor/Treasurer
201 5th St NW Suite 543
Watford City, ND 58854
(701) 444-3616 Ext. 3 – Telephone
(701) 444-4113 – Fax
www.mckenziecounty.net

From: marvin lepp [mailto:leppfornorthdakota@outlook.com]
Sent: Friday, June 17, 2022 4:07 PM
To: Erica Johnsrud
Subject: Election Questions

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary. I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?

| Precinct | Absentee/Mail Ballots |
|----------|-----------------------|
| 270401 | 1 |
| 270402 | 1 |
| 272603 | 17 |
| 272604 | 18 |
| 272605 | 81 |
| 272606 | 56 |
| 272607 | 27 |
| 272608 | 52 |
| 272609 | 165 |
| 272611 | 146 |
| 272612 | 59 |

2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? All steps required by NDCC 16.1 were followed.**
3. **Were any ballots received after that time that were added into the count? No.**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? Zero.**
5. **How many ballots have been flagged for inspection, or spoiled? 4 that require rejected for mismatched signatures and waiting for voter verification; 32 spoiled by voters at in-person polling places; 1 set aside ballot waiting for voter verification**
6. **How many variations of ballots are available for your county? 18 ballot styles**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported? No.**
8. **How many people had to be signed up as new voters? Zero.**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. No.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other? Both options, as required.**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? No.**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used? Yes.**
13. **What was the total ballots cast per precinct?**

| Precinct | All Votes Cast |
|----------|----------------|
| 270401 | 3 |
| 270402 | 54 |
| 272603 | 58 |
| 272604 | 58 |
| 272605 | 129 |
| 272606 | 96 |
| 272607 | 29 |
| 272608 | 58 |
| 272609 | 360 |
| 272611 | 389 |
| 272612 | 85 |

14. **How many physical polling locations were set up within the county? Three.**
15. **Did your county allow early voting? No.**
16. **Is there a camera on any drop box locations within your county? Yes.**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county? Software is EAC Certified, version 6.0.6.0 – Windows 10 which is not connected to the Internet**
18. **How many people reside within your county? 14,704 - 2020 US Census**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. Yes.**
20. **How many people according to your list are eligible to vote in your county? 10,988**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

Re: Election Questions

Samantha Larson <samantha.larson@griggscountynd.gov>

Tue 6/21/2022 11:23 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

ES&S 6.0.6.0.

Population of 2306

**Samantha M Larson
Griggs County Auditor**

On Mon, Jun 20, 2022 at 11:05 AM marvin lepp <leppfornorthdakota@outlook.com> wrote:

Thank you for getting back to me Samantha,

Just a quick follow up as I did not see a response to question 17 and 18, I know that we are using es&s software, do you happen to know the version, and then the resident count for the county.

Again, thank you! Have a great day.

Marvin

From: Samantha Larson <samantha.larson@griggscountynd.gov>

Sent: Monday, June 20, 2022 9:48 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

Subject: Re: Election Questions

Hello Marvin,

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? -I have attached an absentee ballot breakout for you.**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? -none**
5. **How many ballots have been flagged for inspection, or spoiled? -none**
6. **How many variations of ballots are available for your county? -8**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported? -no**
8. **How many people had to be signed up as new voters? -none**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. -none**
10. **Did you offer both paper ballots and Expressvote options or just one or the other? -both**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? -no**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used? -yes**

13. What was the total ballots cast per precinct? -I have attached the unofficial results for your review
14. How many physical polling locations were set up within the county? -one
15. Did your county allow early voting? -no
16. Is there a camera on any drop box locations within your county? -no
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. -Yes
20. How many people according to your list are eligible to vote in your county? -1385

Samantha M Larson
Griggs County Auditor

On Fri, Jun 17, 2022 at 4:02 PM marvin lepp <leppfornorthdakota@outlook.com> wrote:

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?

17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

RE: Election Questions

Glenda Haugen <glenda.haugen@co.trail.nd.us>

Mon 6/20/2022 11:55 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

Me again Marvin, you would need to check with the Secretary of State's office for the version of the software, as I do not know what it is. Sorry

Glenda

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Monday, June 20, 2022 11:26 AM

To: Glenda Haugen <glenda.haugen@co.trail.nd.us>

Subject: Re: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Thank you Glenda,

I appreciate the responses so quickly. Sorry I didn't clarify question 17 better I was looking for the actual version of the software specifically. If you have a moment the verification for that would be amazing!

Thank you again, have great day.

Marvin Lepp

From: Glenda Haugen <glenda.haugen@co.trail.nd.us>

Sent: Monday, June 20, 2022 11:11 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

Subject: RE: Election Questions

Hi Marvin, please see my responses below, have a great day.

Glenda, Traill County

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:41 PM

To: Glenda Haugen <glenda.haugen@co.trail.nd.us>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? Traill County is a Vote-By-Mail County. We had 1432 absentee**

ballots and 275 in-person ballots for a total of 1707.

2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? They must provide a current drivers license.**
3. **Were any ballots received after that time that were added into the count? None at this time**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? We had two individuals that voted using a set-a-side ballot. One of those two, have already proved their address with a utility bill and will go to the canvassing board for final approval.**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county? We have 28 different ballot styles.**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported? None that were reported to me**
8. **How many people had to be signed up as new voters? None**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. No.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other? We offered both**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? NO**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used? YES**
13. **What was the total ballots cast per precinct? 1707**
14. **How many physical polling locations were set up within the county? One polling place**
15. **Did your county allow early voting? No, just the absentee/vote-by-mail**
16. **Is there a camera on any drop box locations within your county? YES**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county? DS450 & DS200 from ES & S**
18. **How many people reside within your county? 7997**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. YES**
20. **How many people according to your list are eligible to vote in your county? 6298**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

Re: Election Question

marvin lepp <leppfornorthdakota@outlook.com>

Mon 6/20/2022 3:36 PM

To: Christopherson, Kandy K. <kchristo@nd.gov>

As I am a candidate that was on the primary my questions come as concerns have been raised across the state regarding irregularities in multiple counties on a variety of issues from individuals working the polls. This why I'm politely requesting this information at this time as it may directly affect canvassing.

Sent from my iPhone

On Jun 20, 2022, at 3:18 PM, Christopherson, Kandy K. <kchristo@nd.gov> wrote:

I have received your email and consider it an open records request and that my office is currently focused on preparing for canvass. I will reply as soon as possible after that.

Kandy K Christopherson
Ramsey County Auditor
524 4th Ave NE Unit 6
Devils Lake ND 58301-2487
701.662.7025

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:28 PM

To: Christopherson, Kandy K. <kchristo@nd.gov>

Subject: Election Question

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary. I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**

4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Question

Christopherson, Kandy K. <kchristo@nd.gov>

Tue 6/28/2022 8:46 AM

To: 'marvin lepp' <leppfornorthdakota@outlook.com>

Kandy K Christopherson
Ramsey County Auditor
524 4th Ave NE Unit 6
Devils Lake ND 58301-2487
701.662.7025

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:28 PM

To: Christopherson, Kandy K. <kchristo@nd.gov>

Subject: Election Question

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? #1 – 844 #2 – 265 #3 – 421 #4 – 203 = 1733**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? Verified information within VOICES (Election Software)**
3. **Were any ballots received after that time that were added into the count? 199**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? None**
5. **How many ballots have been flagged for inspection, or spoiled? 7**
6. **How many variations of ballots are available for your county? 5**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported? No**
8. **How many people had to be signed up as new voters? 1**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. No**
10. **Did you offer both paper ballots and Expressvote options or just one or the other? Yes**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? No**

12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**

Yes

13. **What was the total ballots cast per precinct? #1 – 1,568 #2 – 403 #3 – 641 #4 – 234 = 2,846**

14. **How many physical polling locations were set up within the county? 1**

15. **Did your county allow early voting? We are a Vote by Mail County**

16. **Is there a camera on any drop box locations within your county? Yes**

17. **What is the current Operating System / Software on the voting and tabulating machines within your county? DS200 – EVS 6.06.0 and not connected to internet – ExpressVote – EVS 6.0.6.0 and not connected to internet – Standalone computer – Windows 10 and not connected to internet – Hardened laptop – Windows 10**

18. **How many people reside within your county? Population from 2020 Census says 11,521**

19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. Yes**

20. **How many people according to your list are eligible to vote in your county? 10,043**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Fischer, Brenda K. <bkfischer@nd.gov>

Mon 6/20/2022 3:46 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

Marvin-

I would recommend you contact the SOS office for that information.

Brenda

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Monday, June 20, 2022 3:43 PM

To: Fischer, Brenda K. <bkfischer@nd.gov>

Subject: Re: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Thank you Brenda, do you know what version of the es&s software is on the machines

Sent from my iPhone

On Jun 20, 2022, at 3:37 PM, Fischer, Brenda K. <bkfischer@nd.gov> wrote:

Marvin-

Please see answers listed below.

Brenda Fischer
Logan County Auditor
301 Broadway
Napoleon ND 58561
701-754-2425

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:05 PM

To: Fischer, Brenda K. <bkfischer@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary. I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? Total Mail-in & Absentee ballots**
Precinct one - 103, Precinct two - 129, Precinct three - 141, Precinct four – 46 and Precinct five – 36. There were no ballots rejected.
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? We compare the ND driver's license number with ND Voices. If anything is questionable, I will contact the voter and also voter is asked if they reside at this address for 30 days.**
3. **Were any ballots received after that time that were added into the count? No**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? 0**
5. **How many ballots have been flagged for inspection, or spoiled? We have 5 ballots that were spoiled by voters in Logan County**
6. **How many variations of ballots are available for your county? Logan County has 8 different ballot styles**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported? 0**
8. **How many people had to be signed up as new voters? none**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. No**
10. **Did you offer both paper ballots and Expressvote options or just one or the other? Both were offered at the voting location**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? School Election is held by itself in Logan County**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used? Yes**
13. **What was the total ballots cast per precinct? Precinct one – 144, Precinct two – 203, Precinct three – 150, Precinct four – 52 and Precinct five - 37**
14. **How many physical polling locations were set up within the county? One**
15. **Did your county allow early voting? No**
16. **Is there a camera on any drop box locations within your county? Yes, Logan County has a security system at the Logan County Courthouse**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county? Election Systems & Software**
18. **How many people reside within your county? 1, 876 according to census 2020**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. Yes**
20. **How many people according to your list are eligible to vote in your county? 1,578**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Re: Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Tue 6/21/2022 12:10 PM

To: Morlock, Joni M. <jmmorlock@nd.gov>

Thank you so much for responding!

Have a great day and God bless.

Marvin

From: Morlock, Joni M. <jmmorlock@nd.gov>

Sent: Tuesday, June 21, 2022 12:02 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

Subject: RE: Election Questions

See answers below.

Joni M. Morlock, CPA

Towner County Auditor/Treasurer

PO Box 603

Cando, ND 58324

(701)968-4340 ext. 2

jmmorlock@nd.gov

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:41 PM

To: Morlock, Joni M. <jmmorlock@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?

| | |
|-----------------|-----|
| Precinct 480902 | 44 |
| Precinct 480903 | 41 |
| Precinct 481501 | 195 |

2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?

License # listed for that address is verified

3. Were any ballots received after that time that were added into the count?

Ballots received after that time were tallied on election day.

4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
4 were turned away for not having their license with them. 2 came back with their license, 2 did not. 1 was turned away for having a license in another County and did not have any supporting documentation for living in this County.
5. **How many ballots have been flagged for inspection, or spoiled?.**
3 Mail in ballots are flagged for inspection for signature verification. They have all 3 been contacted. We have 17 spoiled ballots for which the voter was issued another ballot.
6. **How many variations of ballots are available for your county?**
2
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
No
8. **How many people had to be signed up as new voters?**
I don't know. We don't track that.
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
No
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
Both
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
No
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
Yes
13. **What was the total ballots cast per precinct?**
- | | |
|--------|-----|
| 480902 | 88 |
| 480903 | 51 |
| 481501 | 406 |
14. **How many physical polling locations were set up within the county?**
One
15. **Did your county allow early voting?**
No
16. **Is there a camera on any drop box locations within your county?**
Yes
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
- DS200 - EVS 6.0.6.0 and not connected to internet
 - ExpressVote – EVS 6.0.6.0 and not connected to the internet

- Standalone computer – Windows 10 and not connected to internet
- Hardened laptop – Windows 10

18. **How many people reside within your county?**

2020 census = 2,162

19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**

Yes

20. **How many people according to your list are eligible to vote in your county?**

Active and Inactive voters = 1,736

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Re: Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Tue 6/21/2022 12:15 PM

To: Ketterling, Gina L. <gketterl@nd.gov>

Thank you so much for your response!

Have a great day and god bless.

Marvin

Sent from my iPhone

On Jun 21, 2022, at 11:42 AM, Ketterling, Gina L. <gketterl@nd.gov> wrote:

Here is the information you requested from McIntosh County

Gina Ketterling
McIntosh County Auditor
PO Box 39
Ashley, ND 58413
701-288-5140 Ext 1
gketterl@nd.gov

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:06 PM

To: Ketterling, Gina L. <gketterl@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary. I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?

Precinct 1: 166

Precinct 2: 87

Precinct 3: 37

Precinct 4: 177

Precinct 5: 51

2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?

Their Driver's License was checked and if the address did not match, they were required to bring in supplemental proof.

3. Were any ballots received after that time that were added into the count? No

4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? None

5. How many ballots have been flagged for inspection, or spoiled? None

6. How many variations of ballots are available for your county? 8

7. Were there issues with people receiving the wrong ballots per their street address that were reported? 1

8. How many people had to be signed up as new voters? None

9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. No

10. Did you offer both paper ballots and Expressvote options or just one or the other? Both

11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? None

12. Were all unused paper ballots totaled after polls closed to confirm the total number not used? Yes

13. What was the total ballots cast per precinct?

Precinct 1: 255

Precinct 2: 123

Precinct 3: 38

Precinct 4: 308

Precinct 5: 78

Precinct 6: 111

14. How many physical polling locations were set up within the county? Two

15. Did your county allow early voting? No

16. Is there a camera on any drop box locations within your county? No

17. What is the current Operating System / Software on the voting and tabulating machines within your county?

DS200 - EVS 6.0.6.0 and not connected to internet

ExpressVote – EVS 6.0.6.0 and not connected to the internet

Standalone computer – Windows 10 and not connected to internet

Hardened laptop – Windows 10

18. How many people reside within your county? 2,520 per last Census

19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. Yes

20. How many people according to your list are eligible to vote in your county? 2,250

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Re: Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Tue 6/21/2022 2:24 PM

To: Schoenhard, Jean <jschoenhard@nd.gov>

Thank you! I appreciate the response.

Have a great day and God Bless,

Marvin

From: Schoenhard, Jean <jschoenhard@nd.gov>

Sent: Tuesday, June 21, 2022 2:21 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

Subject: RE: Election Questions

Marvin,

Answers are below to your questions

Jean Schoenhard
Kidder County Auditor

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:04 PM

To: Schoenhard, Jean <jschoenhard@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

- 1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
Precinct 1 = 61, Precinct 2 = 42, Precinct 3 = 51, Precinct 4 = 147, Precinct 5 = 62, Precinct 6 = 101
- 2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? Name, Address, Date of Birth, Driver's License number are verified against the voter record in the central voter file.**
- 3. Were any ballots received after that time that were added into the count? yes**
- 4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? Zero**
- 5. How many ballots have been flagged for inspection, or spoiled? 11 to Canvassing**
- 6. How many variations of ballots are available for your county? Rural & City**

7. Were there issues with people receiving the wrong ballots per their street address that were reported? **None**
8. How many people had to be signed up as new voters? **Seven**
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. **None**
10. Did you offer both paper ballots and Expressvote options or just one or the other? **Paper ballots & ExpressVote**
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? **None**
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used? **yes**
13. What was the total ballots cast per precinct?
Precinct 1 = 72, Precinct 2 = 53, Precinct 3 =58, Precinct 4 = 279, Precinct 5 = 69, Precinct 6 = 119
14. How many physical polling locations were set up within the county? **One**
15. Did your county allow early voting? **Yes**
16. Is there a camera on any drop box locations within your county? **No**
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
DS 200 – EVS 6.0.6.0 and NOT connected to the Internet, DS450 - EVS 6.0.6.0 and NOT connected to the Internet, ExpressVote - EVS 6.0.6.0 and NOT connected to the Internet, Standalone Computer – Windows 10 and NOT connected to the internet, Hardened Laptop – Window 10
18. How many people reside within your county? **2394**
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. **Yes**
20. How many people according to your list are eligible to vote in your county? **1528**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

RE: Election Questions

Mindy Schumacher <mischumacher@bowmancountynd.gov>

Thu 6/23/2022 10:54 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 2:46 PM

To: Mindy Schumacher <mischumacher@bowmancountynd.gov>

Subject: Election Questions

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? 101**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? No responsive records**
3. **Were any ballots received after that time that were added into the count? no**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? 0**
5. **How many ballots have been flagged for inspection, or spoiled? 25 spoiled**
6. **How many variations of ballots are available for your county? 5**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported? no**
8. **How many people had to be signed up as new voters? 23**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. no**
10. **Did you offer both paper ballots and Expressvote options or just one or the other? both**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? no**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used? Yes**
13. **What was the total ballots cast per precinct? 063901-400, 063902-195, 063903-142, 063904-175**
14. **How many physical polling locations were set up within the county? 4**
15. **Did your county allow early voting? no**
16. **Is there a camera on any drop box locations within your county? Yes**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county? DS200, DS450, Expressvote, Stadalone computer, hardened laptop**
18. **How many people reside within your county? According to 2020 census - 3091**

19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. yes

20. How many people according to your list are eligible to vote in your county? 2603

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Re: Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Tue 6/21/2022 4:36 PM

To: Sperry, Tamra L. <tsperry@nd.gov>

Cc: Christina Wenko <cwenko@mackoff.com>

Thank you Tamra for responding so quickly as well as attaching Christina Wenko to this.

I am asking these questions as individuals around the state have been sending me sign affidavits regarding elections issues that they experience either working the polls or as voters and it has been very alarming.

I do not think Golden Valley has had any issues that I have received, but knowledge helps provide a solution.

If you can think of anything else please let me know.

You both have a great day and God Bless.

Sincerely,

Marvin Lepp

From: Sperry, Tamra L. <tsperry@nd.gov>

Sent: Tuesday, June 21, 2022 3:59 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

Cc: Christina Wenko <cwenko@mackoff.com>

Subject: RE: Election Questions

See responses below. Please let me know if you need anything else. I have also included the County's States Attorney in this email.

Tamra Sperry

Golden Valley County Auditor

PO Box 67

Beach, ND 58621

701-872-4331

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 3:00 PM

To: Sperry, Tamra L. <tsperry@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? 89
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? The requester will fill out the absentee/mail ballot application verifying their name, date of birth, ID type used and ID number, residential address, telephone number, and ballot delivery address and sign and date which affirms they have resided or will reside in the precinct where their residential voting address is located for at least 30 days next preceding the election and will be a qualified elector of the precinct and return. If they stop in person to request the application I ask for their ID to verify the information.
3. Were any ballots received after that time that were added into the count? No
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? 0
5. How many ballots have been flagged for inspection, or spoiled? 17-due to cross party voting
6. How many variations of ballots are available for your county? 5
7. Were there issues with people receiving the wrong ballots per their street address that were reported? No
8. How many people had to be signed up as new voters? 0
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. No
10. Did you offer both paper ballots and Expressvote options or just one or the other? Both
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? No
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used? Yes
13. What was the total ballots cast per precinct? 452 ran through the tabulator, 3 set aside ballots waiting for proof of residential address and or ID that was not present at the polling location and these 3 ballots were not ran through the tabulator
14. How many physical polling locations were set up within the county? 1
15. Did your county allow early voting? No
16. Is there a camera on any drop box locations within your county? Yes
17. What is the current Operating System / Software on the voting and tabulating machines within your county? DS200 - EVS 6.0.6.0 and not connected to internet, ExpressVote – EVS 6.0.6.0 and not connected to the internet, Standalone computer – Windows 10 and not connected to internet, Hardened laptop – Windows 10
18. How many people reside within your county? 1736 per 2020 Census
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. Yes
20. How many people according to your list are eligible to vote in your county? 1545

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Re: Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Tue 6/21/2022 5:51 PM

To: Schmidt, Jeri G. <jerschmidt@nd.gov>

Thank you!

Have a great evening.

Marvin

Sent from my iPhone

On Jun 21, 2022, at 5:42 PM, Schmidt, Jeri G. <jerschmidt@nd.gov> wrote:

Hello,

I have received your request. I will be able to respond back tomorrow afternoon, as I will be gone in the morning.

Jeri Schmidt

Hettinger County Auditor/Treasurer

336 Pacific Avenue

Mott, ND 58646

(701)824-2515

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 3:03 PM

To: Schmidt, Jeri G. <jerschmidt@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**

4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Roundy, Ellen <eroundy@nd.gov>

Wed 6/22/2022 2:59 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

This can be found following the link provided below

Unofficial primary results can be found at: <https://results.sos.nd.gov/resultsSW.aspx?type=CTYALL&map=CTY&cty=16&name=Foster>

612 ballots

2510 eligible voters

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Wednesday, June 22, 2022 2:51 PM

To: Roundy, Ellen <eroundy@nd.gov>

Subject: Re: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Any chance you have the total ballots cast, population and eligible voters?

Sent from my iPhone

On Jun 22, 2022, at 2:36 PM, Roundy, Ellen <eroundy@nd.gov> wrote:

Thank you for your open records request. I do not have any documents that meet your request. However, I can provide the following information.

Unofficial primary results can be found at: <https://results.sos.nd.gov/resultsSW.aspx?type=CTYALL&map=CTY&cty=16&name=Foster>

372 mail in/absentee ballots were returned before the day of the election. There are only a few mail in ballots that were received in the mail post-election to be canvassed. All procedures required by the state of North Dakota were followed by the election board and offices. No voters were turned away at our polling place. There were eight ballot styles during the primary election at Foster County. We offered express vote machines at the polling place. All pre- and post-election testing was completed as required.

- DS200 - EVS 6.0.6.0 and not connected to internet
- ExpressVote – EVS 6.0.6.0 and not connected to the internet
- Standalone computer – Windows 10 and not connected to internet
- Hardened laptop – Windows 10

Thanks,
Ellen

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 3:59 PM

To: Roundy, Ellen <eroundy@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary. I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**
15. **Did your county allow early voting?**
16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Knutson, Beth A. <baknutson@nd.gov>

Thu 6/23/2022 9:46 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

📎 1 attachments (26 KB)

Absentee Voting Report (8).xls;

Beth A. Knutson

McLean County Auditor

712 5th Avenue

PO Box 1108

Washburn ND 58577

701-462-8541 ext. 825

We are providing this information under the open record laws and do not guarantee its sufficiency. This office takes no responsibility for accuracy, errors or omissions of documents.

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Thursday, June 23, 2022 9:45 AM

To: Knutson, Beth A. <baknutson@nd.gov>

Subject: Re: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Good morning Beth,

Thank you for responding!

I see the total ballots cast but is there a break down as to the amount of absentee ballots? Only reason I'm asking as is other auditors have been providing me with that as well.

Have a great morning and God Bless.

Marvin

From: Knutson, Beth A. <baknutson@nd.gov>

Sent: Thursday, June 23, 2022 9:16 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

Subject: RE: Election Questions

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? **SEE ATTACHEMENT-last column**
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? **ADDRESS HAS TO MATCH VOICES WHICH MATCHES THE NDDOT RECORD AND THE SIGNATURES MUST MATCH ON THE BALLOT AND THE APPLICATION**

3. Were any ballots received after that time that were added into the count? **NO**
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? **0**
5. How many ballots have been flagged for inspection, or spoiled? **SPOILED-9, 5-SET-ASIDE NON-VERIFIED, 17 VOID BY POSTMARK, 3-UNMATCHED SIGNATURES WAITING FOR VERIFICATION.**
6. How many variations of ballots are available for your county? **17**
7. Were there issues with people receiving the wrong ballots per their street address that were reported? **NO**
8. How many people had to be signed up as new voters? **1**
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. **NO**
10. Did you offer both paper ballots and Expressvote options or just one or the other? **BOTH**
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? **NO**
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used? **YES**
13. What was the total ballots cast per precinct? **SEE ATTACHMENT**
14. How many physical polling locations were set up within the county? **4**
15. Did your county allow early voting? **NO**
16. Is there a camera on any drop box locations within your county? **YES**
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
 - **DS200 - EVS 6.0.6.0 and not connected to internet**
 - **ExpressVote – EVS 6.0.6.0 and not connected to the internet**
 - **Standalone computer – Windows 10 and not connected to internet**
 - **Hardened laptop – Windows 10**
18. How many people reside within your county? **9771**
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. **YES**
20. How many people according to your list are eligible to vote in your county? **7978**

Beth A. Knutson

McLean County Auditor
712 5th Avenue
PO Box 1108
Washburn ND 58577
701-462-8541 ext. 825

We are providing this information under the open record laws and do not guarantee its sufficiency. This office takes no responsibility for accuracy, errors or omissions of documents.

From: marvin lepp <leppfornorthdakota@outlook.com>
Sent: Friday, June 17, 2022 4:07 PM
To: Knutson, Beth A. <baknutson@nd.gov>
Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**
15. **Did your county allow early voting?**
16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

| County Name | Precinct Part | | Election Type | Ballots Requested | Ballots Sent Out | Second Ballots Sent Out |
|-------------|---------------|--------------|---------------|-------------------|------------------|-------------------------|
| McLean | 280401 | Leg 4B | Primary | | | |
| McLean | 280402 | Leg 4A | Primary | 68 | 68 | 0 |
| McLean | 280601 | Leg 6-SSCD | Primary | | | |
| McLean | 280602 | Leg 6-WSCD | Primary | 72 | 72 | 0 |
| McLean | 280801 | Leg 8-Wilton | Primary | 123 | 123 | 0 |
| McLean | 283301 | Leg 33 | Primary | | | |
| | | | | Sum : 2037 | Sum : 2037 | Sum : 11 |

| Final Ballots Sent Out | Ballots Received |
|------------------------|------------------|
| | 453 |
| 0 | 56 |
| | 401 |
| 0 | 54 |
| 0 | 103 |
| | 578 |
| Sum : 0 | Sum : 1645 |

**MCLEAN COUNTY ABSTRACT OF BALLOTS CAST
NORTH DAKOTA PRIMARY ELECTION - JUNE 14, 2022**

| District | Precinct Name | Ballots Cast |
|--------------|-----------------|--------------|
| LG04 | 280401 | 599 |
| | 280402 | 106 |
| | Subtotal | 705 |
| LG06 | 280601 | 521 |
| | 280602 | 64 |
| | Subtotal | 585 |
| LG08 | 280801 | 121 |
| | Subtotal | 121 |
| LG33 | 283301 | 847 |
| | Subtotal | 847 |
| Total | | 2258 |

Re: Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Thu 6/23/2022 11:03 AM

To: Gellner, Lisa M. <lgellner@nd.gov>

Thank you so much

Sent from my iPhone

On Jun 23, 2022, at 11:00 AM, Gellner, Lisa M. <lgellner@nd.gov> wrote:

I just noticed that I did not have an answer on #14. I have updated to reflect "1".

Lisa Gellner

Cavalier County Auditor

901 3rd Street – Suite 15

Langdon, ND 58249

(701) 256-2229

(701) 256-2546 (fax)

From: Gellner, Lisa M.

Sent: Wednesday, June 22, 2022 10:50 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

Subject: RE: Election Questions

Responses to your questions are below. Please let me know if you have any other questions.

Lisa Gellner

Cavalier County Auditor

901 3rd Street – Suite 15

Langdon, ND 58249

(701) 256-2229

(701) 256-2546 (fax)

Cavalier County, ND

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?** 835 absentee ballots total accepted; 5 returned with postmark after June 13; 2 ballots with signatures to reviewed by Canvass board. Precinct 1 – 695; Precinct 2 - 140

2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?** Voters update their address by updating their Driver's License address. If this address does not match, the voter can use various documents to prove their address and allow us to update it in the election system. There is also link to verify recent Driver's License address updates that have not had time to process. Absentee voters verify their address in writing; In person voters verify their address orally at the polls.
3. **Were any ballots received after that time that were added into the count?** 835 includes ballots received on June 14th which were postmarked on June 13th or before.
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?** 1
5. **How many ballots have been flagged for inspection, or spoiled?** 2 with signatures that did not match; 5 with postmarks after June 13th.
6. **How many variations of ballots are available for your county?** 3
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?** No
8. **How many people had to be signed up as new voters?** I do not have a report with this information.
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.** No
10. **Did you offer both paper ballots and Expressvote options or just one or the other?** Both
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?** No
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?** Yes
13. **What was the total ballots cast per precinct?** Precinct 1 – 947; Precinct 2 - 156
14. **How many physical polling locations were set up within the county?** 1
15. **Did your county allow early voting?** No, absentee ballots only.
16. **Is there a camera on any drop box locations within your county?** Yes, monitored by Sheriff's Dept.
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?** DS200 – EVS 6.0.6.0 not connected to internet; ExpressVote – EVS 6.0.6.0 not connected to internet; Standalone computer – Windows 10 not connected to internet; Hardened laptop – Windows 10
18. **How many people reside within your county?** 3769
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.** Yes
20. **How many people according to your list are eligible to vote in your county?** 3354

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 3:55 PM

To: Gellner, Lisa M. <lgellner@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary. I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**
15. **Did your county allow early voting?**
16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

Re: Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Thu 6/23/2022 11:08 AM

To: Maloney, Pam L. <pmaloney@nd.gov>

Thank you, please have your ag reference NDCC 44-04-18.10.

Have a great day!

Marvin Lepp

From: Maloney, Pam L. <pmaloney@nd.gov>

Sent: Thursday, June 23, 2022 10:52 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

Subject: RE: Election Questions

Mr. Lepp...

I have received your request and will consult with my state's attorney about it.

Pam Maloney
Sargent County Auditor
355 Main St S, Suite 1
Forman ND 58032-4149
701 724-6241 Ext 108
701 724-6244 Fax
pmaloney@nd.gov
sargentnd.com

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:34 PM

To: Maloney, Pam L. <pmaloney@nd.gov>

Subject: Election Questions

| |
|--|
| <p>***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****</p> |
|--|

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the

Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**

4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Williams, Patty <pawilliams@nd.gov>

Thu 6/23/2022 1:00 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

Eddy County 2020 census is 2347. I show 2011 eligible voters. As stated on top of all ballots: In a Political Party Primary Election, you may only vote for the candidates of one political party. This ballot contains two political parties, one in each section. If you vote in more than one political party's section, your political party ballot will be rejected; however, all votes on the no party and measures ballots will still be counted.

Patty Williams
Eddy County Auditor
524 Central Avenue
New Rockford, ND 58356
701-947-2434 Ext. 2020
pawilliams@nd.gov

Confidentiality Notice: The information in this e-mail, including any files and/or documents, is protected under the Federal Electronic Communications Privacy Act and is confidential and/or privileged. The information is only for the use of the intended recipient. If you are not the intended recipient or a recipient's authorized agent, you are on notice that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail is strictly prohibited. If you have received this message in error, immediately notify the sender and permanently delete this e-mail from your system.

From: marvin lepp <leppfornorthdakota@outlook.com>
Sent: Thursday, June 23, 2022 11:27 AM
To: Williams, Patty <pawilliams@nd.gov>
Subject: Re: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Good morning Patty,
Just out of curiosity, do you have census and eligible voter totals. Also what happened with the 18 crossover ballots that were reported? Were they counted as spoiled?
Thank you again.
Marvin

From: Williams, Patty <pawilliams@nd.gov>
Sent: Thursday, June 23, 2022 11:12 AM
To: marvin lepp <leppfornorthdakota@outlook.com>
Subject: RE: Election Questions

Mr. Lepp:

My office has received your Open Records/Freedom of Information Act request. Attached is the Unofficial Results Summary Results Report and Abstract of Ballots Cast which will answer questions 1, 6, and 13 below. We have only one polling place at the Brown Memorial with 3 total precincts. As to the rest of your questions, we do not have any records with that information. Our State's Attorney has advised me that the Open Records and Freedom

of Information Act only applies to records and that we are not obligated to create records or documents that do not exist; accordingly, the questions that were not answered are those for which no record exists.

Thank you,

Patty Williams
Eddy County Auditor
524 Central Avenue
New Rockford, ND 58356
701-947-2434 Ext. 2020
pawilliams@nd.gov

Confidentiality Notice: The information in this e-mail, including any files and/or documents, is protected under the Federal Electronic Communications Privacy Act and is confidential and/or privileged. The information is only for the use of the intended recipient. If you are not the intended recipient or a recipient's authorized agent, you are on notice that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail is strictly prohibited. If you have received this message in error, immediately notify the sender and permanently delete this e-mail from your system.

From: marvin lepp <leppfornorthdakota@outlook.com>
Sent: Friday, June 17, 2022 3:58 PM
To: Williams, Patty <pawilliams@nd.gov>
Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary. I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
5. **How many ballots have been flagged for inspection, or spoiled?**
6. **How many variations of ballots are available for your county?**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
8. **How many people had to be signed up as new voters?**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**

11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county?**
15. **Did your county allow early voting?**
16. **Is there a camera on any drop box locations within your county?**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Re: Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Thu 6/23/2022 1:45 PM

To: White, Erika M. <erwhite@nd.gov>

Thank you Erica.

I was looking for the raw data as I already have received verified information of people willfully, and knowingly voting out of district in Burleigh County for the primary via absentee ballot, to affect the outcome of a district. Also I have verified information regarding people receiving incorrect ballots on election day.

I look forward to the official abstract. This request was pursuant of ndcc 44-04-18.10.

Have a wonderful day.

Sincerely,

Marvin Lepp

From: White, Erika M. <erwhite@nd.gov>

Sent: Thursday, June 23, 2022 1:33 PM

To: leppfornorthdakota@outlook.com <leppfornorthdakota@outlook.com>

Cc: Vetter, Leo <levetter@nd.gov>; Caya, Brandi M. <brcaya@nd.gov>

Subject: FW: Election Questions

Mr. Lepp,

Please see the responses below.

Thank you,

Erika White

Office Election Manager

Burleigh County Auditor/Treasurer's Office

221 N 5th St | PO Box 5518

Bismarck ND 58501

701.222.6697

erwhite@nd.gov

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 3:48 PM

To: Vetter, Leo <levetter@nd.gov>

Subject: Election Questions

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
 - Official results will be available after the Canvass Board meets on June 27, 2022.
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
 - Information on the application is verified against the central voter file.
3. **Were any ballots received after that time that were added into the count?**
 - Burleigh County follows North Dakota Century Code 16.1-07-09.
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?**
 - Records do not exist
5. **How many ballots have been flagged for inspection, or spoiled?**
 - Official results will be available after the Canvass Board meets on June 27, 2022.
6. **How many variations of ballots are available for your county?**
 - 2022 Primary Election ballot styles - 39
7. **Were there issues with people receiving the wrong ballots per their street address that were reported?**
 - Records do not exist
8. **How many people had to be signed up as new voters?**
 - Records do not exist
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.**
 - No
10. **Did you offer both paper ballots and Expressvote options or just one or the other?**
 - Burleigh County follows North Dakota Century Code 16.1-06
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?**
 - Records do not exist
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used?**
 - Yes
13. **What was the total ballots cast per precinct?**

- Official results will be available after the Canvass Board meets on June 27, 2022.

14. How many physical polling locations were set up within the county?

- 18 Election Day polling locations

15. Did your county allow early voting?

- Yes

16. Is there a camera on any drop box locations within your county?

- No

17. What is the current Operating System / Software on the voting and tabulating machines within your county?

- EVS 6.0.6.0 and Windows 10

18. How many people reside within your county?

- 2020 decennial Census data states 98,458 people reside in Burleigh County.

19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.

- Burleigh County follows North Dakota Century Code 16.1-06-15.

20. How many people according to your list are eligible to vote in your county?

- 84,444 eligible voters

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

Re: [EXTERNAL] Election Questions

marvin lepp <leppfornorthdakota@outlook.com>

Fri 6/24/2022 9:48 AM

To: Beth Didier <bdidier@barnescounty.us>

Ndcc 44-04-18 open record requests.

This is fine that you have chosen not to answer these very simple questions even though many counties already have.

I will pursue the answers through another Avenue.

Have a great day.

Marvin Lepp

Sent from my iPhone

On Jun 24, 2022, at 9:43 AM, Beth Didier <bdidier@barnescounty.us> wrote:

From the Attorney General's website on Open Records:

Anyone has the right to access and obtain copies of a public entity's records, regardless of where they live.

A request must reasonably identify specific records. The request can be made by any available medium - such as phone, email, mail - or in person, and does not have to be in writing.

- A request for *information* is not a request for a *record*.

When a public entity receives a request for records, it must respond within a *reasonable time*, either by providing the records or by citing the legal authority for denying the request.

- What is "reasonable" depends on many factors, including the amount and type of records you requested.

If asked, the entity must put a denial in writing. A public entity can charge for providing records, and may require payment of any estimated charges before fulfilling an open record request.

- **A public entity has no obligation to respond to requests for *information* or to questions about its duties and functions, to explain its decisions or the content of any of its records, to create or compile records, or to convert existing records to another format.**
- The courts are not subject to the open records laws. Certain records of the state's legislature are not subject to disclosure.

Beth M Didier

Barnes County Auditor

230 4th St NW Room 202

Valley City ND 58072

Phone: (701) 845-6666

Fax: (701) 845-8548

From: marvin lepp <leppfornorthdakota@outlook.com>
Sent: Friday, June 17, 2022 3:44 PM
To: Beth Didier <bdidier@barnescounty.us>
Subject: [EXTERNAL] Election Questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary. I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?
3. Were any ballots received after that time that were added into the count?
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,
Marvin Lepp

RE: [EXTERNAL]Re: Election Questions

Jessica Alonge <jalonge@stutsmancounty.gov>

Wed 6/29/2022 3:39 PM

To: marvin lepp <leppfornorthdakota@outlook.com>

Mr. Lepp,

We have no record that satisfies this request.

Jessica Alonge
Auditor/COO
Stutsman County
511 2nd Ave SE
Jamestown, ND 58401
(701) 252-9035

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Saturday, June 25, 2022 8:35 AM

To: Jessica Alonge <jalonge@stutsmancounty.gov>

Subject: [EXTERNAL]Re: Election Questions

You don't often get email from leppfornorthdakota@outlook.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If in doubt, contact the IT department.

Good morning Jessica,
for question 18 i was just looking for the census count you had on fie

From: Jessica Alonge <jalonge@stutsmancounty.gov>

Sent: Friday, June 24, 2022 5:01 PM

To: leppfornorthdakota@outlook.com <leppfornorthdakota@outlook.com>

Subject: Election Questions

Mr. Lepp,

Please see the responses in red below.

Jessica Alonge
Auditor/COO
Stutsman County
511 2nd Ave SE
Jamestown, ND 58401
(701) 252-9035

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 4:40 PM

To: Jessica Alonge <jalonge@stutsmancounty.gov>

Subject: [EXTERNAL]Election Questions

You don't often get email from leppfornorthdakota@outlook.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. If in doubt, contact the IT department.

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? **175**
2. What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? **We follow NDCC 16.1-07-06.**
3. Were any ballots received after that time that were added into the count? **No**
4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? **We have no record that satisfies your request.**
5. How many ballots have been flagged for inspection, or spoiled? **13 for Canvass as requested by me and 48 spoiled**
6. How many variations of ballots are available for your county? **12**
7. Were there issues with people receiving the wrong ballots per their street address that were reported? **We have no record that satisfies your request.**
8. How many people had to be signed up as new voters? **We have no record that satisfies your request.**
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. **No**
10. Did you offer both paper ballots and Expressvote options or just one or the other? **Both**
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? **We have no record that satisfies your request.**
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used? **Yes**
13. What was the total ballots cast per precinct?

| | |
|---------------------|---------------------|
| 471240 – 123 | 471290 - 142 |
| 471250 – 283 | 472910 - 171 |
| 471260 – 253 | 472920 - 223 |
| 471270 – 177 | 472930 - 106 |
| 471280 - 255 | |
14. How many physical polling locations were set up within the county? **2**
15. Did your county allow early voting? **Yes**
16. Is there a camera on any drop box locations within your county? **Yes**
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
DS200 - EVS 6.0.6.0 and not connected to internet

ExpressVote – EVS 6.0.6.0 and not connected to the internet
Standalone computer – Windows 10 and not connected to internet
Hardened laptop – Windows 10

18. **How many people reside within your county? Reside is a question of intent.**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed. Yes**
20. **How many people according to your list are eligible to vote in your county? 18,188 total (11,238 active; 7,000 inactive)**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Meier, Sara E. <sarmeier@nd.gov>

Tue 6/28/2022 9:57 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

Sara Meier

Grant County Auditor/Treasurer

sarmeier@nd.gov

701-622-3275

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 17, 2022 3:02 PM

To: Meier, Sara E. <sarmeier@nd.gov>

Subject: Election Questions

| |
|---|
| ***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. ***** |
|---|

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary.

I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th? 619**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for? Application with personal information required.**
3. **Were any ballots received after that time that were added into the count? 34 were received that show postage date of June 13 or earlier and were approved by the canvassing board**
4. **How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens? 1-California drivers license.**
5. **How many ballots have been flagged for inspection, or spoiled? 6 spoiled**
6. **How many variations of ballots are available for your county? No variations. Each precinct has a ballot style with specific contests for that precinct.**
7. **Were there issues with people receiving the wrong ballots per their street address that were reported? no**
8. **How many people had to be signed up as new voters? 3**
9. **Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines. no**
10. **Did you offer both paper ballots and Expressvote options or just one or the other? yes**
11. **Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself? no**
12. **Were all unused paper ballots totaled after polls closed to confirm the total number not used? yes**

13. **What was the total ballots cast per precinct?**
14. **How many physical polling locations were set up within the county? 2**
15. **Did your county allow early voting? no**
16. **Is there a camera on any drop box locations within your county? yes**
17. **What is the current Operating System / Software on the voting and tabulating machines within your county?**
18. **How many people reside within your county?**
19. **Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.**
20. **How many people according to your list are eligible to vote in your county?**

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

RE: Election Questions

Karen Richard <KRichard@starkcountynd.gov>

Fri 6/24/2022 11:06 AM

To: marvin lepp <leppfornorthdakota@outlook.com>

That was an issue with the DOT. We called the DOT and resolved it for them.

Karen Richard
Stark County
Auditor/Treasurer/Supt. School Records
P.O. Box 130
Dickinson, ND 58601
Email: KRichard@starkcountynd.gov
Office: (701) 456-7630

From: marvin lepp <leppfornorthdakota@outlook.com>

Sent: Friday, June 24, 2022 10:05 AM

To: Karen Richard <KRichard@starkcountynd.gov>

Subject: Re: Election Questions

Thank you Karen. I do have reports that there was at least one person that was told they were not us citizens in stark pet their id. How was that matter resolved.

Sent from my iPhone

On Jun 24, 2022, at 11:00 AM, Karen Richard <KRichard@starkcountynd.gov> wrote:

1. Stark County accepted 399 ballots that were processed before canvassing.
2. We check the DOT address if it is a mail in request, once their completed application is received. In person requests we check their ID that it matches what is on voices per DOT.
3. No, if they were post marked before or on the 13th those go to canvassing.
4. Not tracked.
5. Those are to be reviewed by canvassing and we do not total the spoiled ballots at the end. They are just accounted for by polling place to balance.
6. 25
7. Yes, we had about three and they were corrected and given the correct ballot.
8. Currently not on a report.
9. There was ES&S staff at Stark County to help if there were mechanical issues with any machines. We did not have any issues. They were not here to handle usb drives etc.
10. Both

11. No
12. Yes
13. That information is available on the SOS website.
14. 6 with early voting.
15. Yes
16. Yes
17. DS200 - EVS 6.0.6.0 and not connected to internet, ExpressVote – EVS 6.0.6.0 and not connected to the internet, Standalone computer – Windows 10 and not connected to internet, Hardened laptop – Windows 10
18. 33,646 per census bureau
19. Yes
20. 15,966 Active Voters

Marvin,

This should answer your questions.

Karen Richard
Stark County
Auditor/Treasurer/Supt. School Records
P.O. Box 130
Dickinson, ND 58601
Email: KRichard@starkcountynd.gov
Office: (701) 456-7630

From: marvin lepp <leppfornorthdakota@outlook.com>
Sent: Friday, June 17, 2022 3:38 PM
To: Karen Richard <KRichard@starkcountynd.gov>
Subject: Election Questions

Hello ,

My name is Marvin Lepp, Secretary of State Candidate on the June 14th Primary. I am formally requesting some information regarding the election processes that occurred leading up to and involving not only mail in and absentee ballots, but as well as the election itself, pursuant of the Freedom of Information Act. As the canvassing officially takes place on June 27th the receipt of this information is crucial to be sent back with a timely response.

1. **How many mail-in and absentee ballots did your office receive, per precinct, to be processed on or before 5pm on June 13th?**
2. **What steps are done to verify that the requester / submitter of the absentee ballot actually lives at the address they have submitted for?**
3. **Were any ballots received after that time that were added into the count?**

4. How many individuals were turned away at the polling locations due to issues with their driver's license or other form of identification, or told they were not North Dakota Citizens/ US citizens?
5. How many ballots have been flagged for inspection, or spoiled?
6. How many variations of ballots are available for your county?
7. Were there issues with people receiving the wrong ballots per their street address that were reported?
8. How many people had to be signed up as new voters?
9. Were there any non-election based staff at any polling locations specifically employees with ES&S who were allowed to access the machines, handle the usb drives, and the tallied counts from the DS200 machines.
10. Did you offer both paper ballots and Expressvote options or just one or the other?
11. Were there any reported issues in subdistrict ballots ex. school board candidates either containing wrong information or missing information on the ballot itself?
12. Were all unused paper ballots totaled after polls closed to confirm the total number not used?
13. What was the total ballots cast per precinct?
14. How many physical polling locations were set up within the county?
15. Did your county allow early voting?
16. Is there a camera on any drop box locations within your county?
17. What is the current Operating System / Software on the voting and tabulating machines within your county?
18. How many people reside within your county?
19. Did your county submit test data to the Secretary of State office at any point from May 14th 2022 and June 7th 2022 to verify all systems were functioning as designed.
20. How many people according to your list are eligible to vote in your county?

Thank you for taking the time to respond to these questions and I hope that you are able to get back to me shortly.

Sincerely,

Marvin Lepp

The Election Systems Used Across North Dakota

The Central Voter File (CVF) – Software created for administering elections in North Dakota

North Dakota (ND) is the only state without any form of voter registration. Not requiring voters to register before being allowed to vote—combined with requiring every individual to provide a valid form of ID (ND driver’s license, ND nondriver ID, or ND tribal ID) that includes the individual’s legal name, current residential address, and date of birth—gives North Dakotans the easiest access to the ballot over any other state and makes it the hardest state in which to cheat.

The CVF includes a record of everyone who has voted in at least one of the last two election cycles. The initial data for the CVF is populated with the names, addresses, and dates of birth of any ND resident with a driver’s license or nondriver’s ID from the ND Department of Transportation (DOT). The data in the CVF is continually updated with information received from DOT whenever a resident provides a new residential address after moving to a new residence in the state, from the courts for name changes, and from Vital Records upon the death of a resident.

The CVF is one module of the state’s Election Management System (EMS) called ND VOting Information and Central Election Systems (ND VOICES). This EMS allows the Secretary of State and the state’s 53 County Auditors to keep voter records current; build the ballots for upcoming elections; provide accessible data to voters at [Vote.ND.Gov](https://www.vote.nd.gov) so each voter may know where to vote, what jurisdictions are associated with the voter’s address, and a wealth of voting information; and post voting credit for voters after an election. All of this is available to election officials on a secure and private network behind firewalls, the access to which requires strong passphrases and multifactor authentication.

ND VOICES is continuously monitored for real-time intrusion attempts. This monitoring is not only done by the ND Information Technology department (NDIT), but it is also monitored by several federal security agencies because of the Department of Homeland Security Critical Infrastructure designation. This designation defines that election infrastructure must be as secure as our nation’s power grid, water supplies, communications, etc. In all, there are 16 sectors that have been given this same designation. (See <https://www.cisa.gov/critical-infrastructure-sectors>.)

Voting System and Certification:

In 2019, the ND legislature passed Senate Bill 2002 (Senate 47-0 and House 84-6) authorizing funding for the Secretary of State’s statewide voting system and electronic pollbook project.

This new voting system was acquired after a competitive bid process in 2019 and first used in the June 2020 election. The proposals were reviewed by County Auditors and election officials from four counties, two members of the Secretary of State’s Elections Unit, and state agency representatives from the Office of Management and Budget (OMB), the Attorney General’s office, and NDIT. An Executive Steering Committee, comprised of leaders from the Secretary of State, OMB, and NDIT, approved the recommendations and monitored the implementation.

For electronic pollbooks, which speed the check in of voters at polling places, the state selected KNOWiNK’s PollPads.

For its new voting system, the state selected Election Systems & Software (ES&S, release 6.0.4.0). ES&S was ranked above other bidders, including Hart InterCivic, ClearBallot, Dominion, and Henry Adkins/Unisyn. In accordance with North Dakota Century Code, the Secretary of State’s office certified the ES&S equipment and software before its use in 2020.

Whenever the state or counties either purchase a new voting system or the state updates an existing voting system, the system or enhancement considered must meet the certification standards required in [NDCC § 16.1-06-26](#) and further detailed in [NDAC Chapter 72-06-01](#).

The first part of the certification process is performed by an [independent testing laboratory](#), certified by the National Institute of Science and Technology and approved by the [Election Assistance Commission \(EAC\)](#). The laboratory must ensure that the system provided by a vendor meets a certain set of Voluntary Voting System Guidelines (VVSG). Voting systems available today were approved according to VVSG 1.0 found at <https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines>. Future enhancements and systems will be certified to VVSG 1.1 or VVSG 2.0.

The second part of certification comes from the ND Secretary of State, who must certify that the new system or enhancement meets the requirements found in ND law. A system can only be used after both certification elements are completed.

Voting System Testing:

Before each election, the ballots and voting machine programming to be used in the election must be tested according to the logic and accuracy testing (L&A testing) plan developed by the Secretary of State's office. L&A testing is conducted with ballots to be used in every precinct and on the programming used to read the votes marked on those ballots. The L&A testing must be completed on all machines that will be used during the election. The L&A testing was designed to ensure that a vote marked for a candidate or ballot question choice is always recorded as a vote for that candidate or choice. The results of the L&A testing are only acceptable when the votes recorded match the votes marked on the ballots used in the test. This L&A testing process involves a large number of ballots with each candidate position and ballot question choice receiving a different number of votes to ensure the accuracy of the programming.

One week before the voting machines are used in the election, a public test of the machines is held in each county and the public is welcome and encouraged to attend. After completion of the public test, the programming is locked and sealed in the voting machines, and they are securely stored until they are to be used in the election. The numbered seals used are compared by the election board members before any ballots are tabulated to make sure that the programming has not been altered.

Voting in an Election:

Voting by Absentee or Mail

Voters who know they will not be voting in person at an election may prepare an application for a ballot to be mailed or handed to them before the election. This application for the ballot is outlined in [NDCC § 16.1-07-06](#) and it must be completed in full. The data provided on the application must match the data for the individual as recorded in the CVF before the ballot is sent to the voter by the election official. If the application is incomplete or does not match the data in the CVF, the application is returned to the individual who submitted the application for correction. When the marked ballot is returned to the election official, the voter's record is updated to reflect that the voter has returned an absentee ballot.

If the signature on the back of the return envelope does not match the signature provided on the application, the voter is contacted and is required to either come into the County Auditor's office to verify the signatures with the ID used to obtain the ballot or send a photocopy of the ID. Without the voter making the necessary verification, the ballot is not counted. Voters are given until the meeting of the County Canvassing Board to make this verification to have their ballot included in the final tally.

Voting in Person at an Early Polling Place or at an Election Day Polling Place

Electronic Pollbooks – Purchased from KNOWiNK, Inc. of St. Louis, MO – <https://knowink.com/>

Before being given a ballot to mark and cast in an election, everyone must provide a valid form of ID (see valid forms above). Nearly every voter uses his or her ND driver's license when voting.

When voters request a ballot in a polling place, they are asked by the election clerk to place their valid ID in the slot provided on the electronic pollbook.



The PollPad reads the data from the ID and finds the voter's record in the database. When the election clerk has verified that the voter is a U.S. citizen, a resident of the precinct for at least the last 30 days, at least 18 years of age, has not already voted in the election, and is eligible to vote, the voter is given a ballot for the precinct of the address at which the voter resides.

These PollPads, used in every polling place in the state, operate separately from the ND voting system. The PollPads are connected through a secure and private network to every other PollPad used for the state's election. This means that the minute a voter is checked in to vote in one location, every other polling place's PollPads are updated with this data. This prevents voters from voting more than one time per election. The strong ID requirement and the use of PollPads are the state's best prevention for double voting.

Ballots

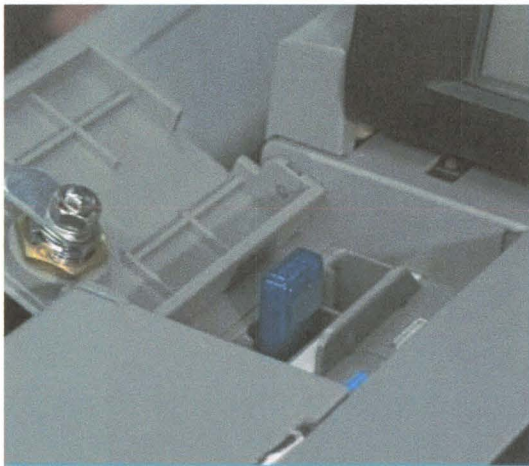
Everyone who votes in ND does so on a paper ballot that is the official record of the votes cast.

When the voter submits the marked ballot for tabulation in a polling place, the votes are tabulated by voting machines that the state purchased from Election Systems & Software of Omaha, NE, in 2019. These DS200 voting machines (see <https://www.essvote.com/products/ds200/>) require that a Zero Results tape be printed at the opening of the polls to confirm to the poll workers (with bipartisan representation) that there are no votes already recorded. Each member of the election board must sign off on this tape before voting may begin.

Tabulation and Ballot Marking Devices:

DS200

The machines themselves are essentially useless without the programming necessary to read the votes from the ballots cast by voters in that polling place. That programming resides on the machine via a flash drive that is manufactured in the U.S. for only this purpose and the programming is protected on that flash drive with military grade encryption. This flash drive is inserted into the DS200 after the public test of the voting machines prior to the election and locked in place with a keyed lock and a marked security seal. As an additional security measure, a different flash drive, also with encryption and password protection, must be inserted first to prepare the machine for the programming that will be inserted next. Without these multifactor authentication protocols being met perfectly, the machine remains useless.



While the DS200 is in use for the election, the access points remain under lock and key. A voter can only insert his or her ballot and reply to any error messages provided to the voter on the display screen, e.g., overvoted contest, cross-over voting, blank ballot. A poll worker is constantly monitoring the DS200 to provide assistance when requested and to prevent any attempts to tamper with it. In short, security is achieved by multifactor authentication, multiple passwords, keyed locks, seals, and physical observance.



ExpressVote

For those voters who live with a disability that prevents them from marking their own paper ballot without assistance, a ballot marking device known as the ExpressVote is provided at every polling place. To describe it most succinctly, the ExpressVote is an accessible pen for those who are not able to mark their own ballot or are unable to read. (See <https://www.essvote.com/products/expressvote/>.)



DS450

The ballots cast by absent voters are tabulated as well by a bipartisan election board on a voting machine called the DS450, which is a high-speed scanner. (See <https://www.essvote.com/products/ds450/>.)



The DS450 has the same security measures as the DS200, but it tabulates the votes from absentee ballots at a rate of approximately 50 ballots per minute. Both the DS200 and the DS450 make a digital image of the ballot as it tabulates the votes. This is different from the voting machines used in the state before 2020 as those machines only looked for the presence of marked ovals to tabulate the voter's choices.

The additional advantage provided by the DS450 is that it is an exceptional tool for sorting cast ballots to find the ones containing a specific contest for which the results were within the recount margins. This alleviates the tedious and often less reliable sorting by hand.

After the Polls Close

When the last voters have cast their ballots on election day, the DS200s and the DS450s are set by the bipartisan election boards to Polls Close. This triggers the programming to print a Vote Totals tape, which is a record of all the votes counted for every contest on any ballot run through the machine by or for qualified electors in the election. (The Secretary of State recommends that the election judge from each political party represented on the election board request a copy of this Vote Totals tape for independent verification purposes.) The election board members once again sign off on this tape and the flash drive is properly removed from the machine. The flash drive, Vote Totals tape, and ballots are then delivered by hand to the County Auditor's office.

Upon delivery of these materials, the County Auditor inserts the flash drive into the Electionware computer (a hardened computer that has never been, and never can be, connected to the internet) and the results from the polling place are copied from the flash drive to the Electionware software. These results are then added to the results from absentee ballots counted and the ballots cast in other polling places to total the results for the entire county. (See [https://www.essvote.com/products/electionware/.](https://www.essvote.com/products/electionware/))

Once again, only when the flash drive inserted in the Electionware computer has the proper encryption key for the election and the proper passwords are entered will the software add the votes counted on the flash drive with the totals from the other polling places. After the copy of the results is added, a report can be generated from the Electionware software so that the results copied from the polling place may be compared against the Vote Totals tape run at the polling place. This is to ensure that the results have not been tampered with between the polling place and the County Auditor's office.

At a convenient point during election night, a different single-use flash drive is inserted into the Electionware computer, and a copy of the votes recorded in the software is placed on it. This flash drive is then taken to yet another computer that also has only one purpose. This computer is connected to the state's private and secure network so that the votes recorded in the 53 counties can be added to the state's election results database. Access to this network requires multifactor authentication and strong passphrases. The election database then places another copy of these results onto the Secretary of State's Election Night Reporting website so that voters, candidates, the public, and the press can view **unofficial** results of the votes tallied in the election. The current election results, along with the past election results since ND became a state in 1889, can be viewed in the [Election Results](#) section of the [Vote.ND.Gov](#) website.

It is critical to remember that the results reported on the Election Night Reporting website are **unofficial** until they are verified by two other bipartisan election boards that meet in the days following the election, at which time, they become official. The first bipartisan election board is the County Canvassing Board, which is responsible for certification of the results cast on absentee ballots and those cast by voters in the various polling places in that specific county. The second is the State Canvassing Board, which certifies the results submitted by all 53 County Canvassing Boards. Only when the votes reported on the Election Night

Reporting website are verified against the votes certified by the Election Boards, County Canvassing Boards, and the State Canvassing Board does that record become an official copy of the election results. Until the election results are made official, the Election Night Reporting website should be seen only as a transparency window into the results that will eventually be certified.

Post-Election:

Before the County Canvassing Boards can meet, the Secretary of State randomly selects one precinct from each county and a post-election audit must be conducted on all voting machines that tabulated votes from that precinct in that county. Upon certification from the county that the votes are still being tabulated with 100% accuracy according to the approved logic and accuracy test, the County Canvassing Board can meet on the 13th day after the election to certify the results.

Conclusion:

The information provided above explains the processes that are in place to ensure the state's elections are run with integrity. In addition to these processes, there are many other responsibilities for election administration that are completed daily by the Secretary of State and the state's 53 County Auditors. ND election officials are committed to election integrity and the state's residents have every right to expect our best to have confidence in election outcomes.

THE U.S. ELECTION ASSISTANCE COMMISSION



State Requirements and the U.S. Election Assistance Commission Voting System Testing and Certification Program

September 4, 2020

Category Descriptions for State Voting System Certification Processes:

- 1) **Baseline HAVA Requirements:** State statutes and/or regulations do not explicitly state that voting systems must be tested to federal standards or be certified by a federal agency or federally accredited laboratory. However, voting systems must, at a minimum, meet standards for voting equipment set forth by the 2002 Help America Vote Act (HAVA).
- 2) **Requires Testing to Federal Standards:** State statutes and/or regulations require that voting systems are tested to federal voting system standards. They may include references to federal standards drafted by administrative bodies such as the Federal Election Commission (FEC), which formerly set federal voting standards, but HAVA transferred this authority to the EAC, the only government agency which formally adopts federal standards for voting systems.
- 3) **Requires Testing by a Federally Accredited Laboratory:** State statutes and/or regulations require that voting systems are tested by a federally or nationally accredited laboratory to federal standards. Older statutes may refer to Independent Testing Authorities (ITAs), but such test labs are now known as Voting System Test Laboratories (VSTLs) under the EAC's testing and certification program.
- 4) **Requires Federal Certification:** State statutes and/or regulations require that voting systems are certified by the appropriate federal agency responsible for testing and certification of compliance with federal voting system guidelines. Post-HAVA, the EAC is the only federal agency with this authority to test and certify voting systems, but older, unrevised statutes may not specify this.

***Some states may fall into multiple categories as a result of flexible statutory language that allows for one or more pathways to voting system certification.

Categories of State, Territory, and District of Colombia Participation in Federal Voting System Standards:

| | 1. Baseline HAVA Requirements | 2. Requires Testing to Federal Standards | 3. Requires Testing by a Federally Accredited Laboratory | 4. Requires Federal Certification |
|---|--------------------------------------|---|---|--|
| <u>Alabama</u> | | X | X | |
| <u>Alaska</u> | X | | | |
| <u>American Samoa</u> | X | | | |
| <u>Arizona</u> | | | X | |
| <u>Arkansas</u> | | | X | X |
| <u>California</u> | X | | | |
| <u>Colorado</u> | | X | | |
| <u>Connecticut</u> | | X | | |
| <u>Delaware</u> | | | | X |
| <u>District of Columbia</u> | | X | | X |
| <u>Florida</u> | X | | | |
| <u>Georgia</u> | | | | X |
| <u>Guam</u> | X | | | |
| <u>Hawaii</u> | X | | | |
| <u>Idaho</u> | | X | X | |
| <u>Illinois</u> | | X | X | |
| <u>Indiana</u> | | X | X | |
| <u>Iowa</u> | | X | X | |
| <u>Kansas</u> | | X | | |
| <u>Kentucky</u> | | X | | |
| <u>Louisiana</u> | | | X | |
| <u>Maine</u> | X | | | |
| <u>Maryland</u> | | X | X | |
| <u>Massachusetts</u> | | X | X | |
| <u>Michigan</u> | | | X | |
| <u>Minnesota</u> | | | X | X |
| <u>Mississippi</u> | X | | | |
| <u>Missouri</u> | | X | X | |
| <u>Montana</u> | X | | | |
| <u>Nebraska</u> | X | | | |
| <u>Nevada</u> | | X | X | |
| <u>New Hampshire</u> | X | | | |
| <u>New Jersey</u> | X | | | |
| <u>New Mexico</u> | | | X | |
| <u>New York</u> | | X | | |
| <u>North Carolina</u> | | | X | X |

| | 1. Baseline HAVA Requirements | 2. Requires Testing to Federal Standards | 3. Requires Testing by a Federally Accredited Laboratory | 4. Requires Federal Certification |
|---------------------------------------|--------------------------------------|---|---|--|
| <u>North Dakota</u> | | | X | |
| <u>Ohio</u> | | | | X |
| <u>Oklahoma</u> | X | | | |
| <u>Oregon</u> | | | X | X |
| <u>Pennsylvania</u> | | | X | |
| <u>Puerto Rico</u> | X | | | |
| <u>Rhode Island</u> | | | X | X |
| <u>South Carolina</u> | | X | X | |
| <u>South Dakota</u> | | | X | |
| <u>Tennessee</u> | X | | | |
| <u>Texas</u> | | | | X |
| <u>Utah</u> | | | X | X |
| <u>Vermont</u> | X | | | |
| <u>Virginia</u> | | X | | |
| <u>Washington</u> | | | X | |
| <u>West Virginia</u> | | X | | |
| <u>Wisconsin</u> | | X | X | |
| <u>Wyoming</u> | | | | X |

ALABAMA

State Participation: **Requires testing to federal standards/Requires testing by a federally accredited laboratory.** Alabama requires that its voting systems are tested and certified by an authorized ITA (independent testing authority), meeting the performance and test standards issued by the FEC.

Applicable Statute(s): “The vote counting system shall be certified after a satisfactory evaluation and testing has been performed to determine that the equipment meets the requirements of this article and performance and test standards for electronic voting systems issued by the Federal Election Commission.” Ala. Code § 17-7-23 (2019)

Applicable Regulation(s): N/A

State Certification Process: The Alabama Electronic Voting Committee selects an independent test authority, or successor entity to verify that the state requirements of and the standards issued by the FEC have been met. The committee can employ no more than three additional individuals to assist in the examination process who are experts in any or all of the following fields: (1) data processing, (2) mechanical engineering, and/or (3) public administration. These individuals can be either state or non-state employees, and are also required to provide a written report of their examination to the committee. The committee may only approve the electronic vote counting systems (EVCS) that are certified by the authorized independent testing authority, or successor entity, as meeting the performance and test standards for EVCS. After certification, the Secretary of State makes and maintains a report on the system, sending a copy of the report to all governing bodies of state counties. Any change/improvement in the EVCS will be certified by the committee prior to the adoption of any change or improvement by any county. Ala. Code § 17-7-23 (2019)

ALASKA

State Participation: **Baseline HAVA requirements.** AK does not require that all EAC standards are used for the certification of its voting systems. However, the director may consider whether the FEC has certified a voting machine.

Applicable Statute(s): “The director may approve a voting machine or vote tally system for use in an election in the state upon consideration of factors relevant to the administration of state elections, including whether the Federal Election Commission has certified the voting machine or vote tally system to be in compliance with the voting system standards approved by the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America Vote Act of 2002). The director may only approve a voting machine or vote tally system if the machine or system satisfies the requirements of AS 15.15.032 (c).” Alaska Stat. § 15.20.910 (2019)

“Software for voting by use of electronically generated ballots shall be tested and certified under AS 14.20.900.” AK Stat. § 15.15.032 (2019)

Applicable Regulation(s): “Before an election, the Accu-Vote counting program must be tested as follows: (1) the state ballot counting review board is responsible for performing and certifying the initial logic and accuracy test of the Accu-Vote counting program and memory cards; (2) the regional Accu-Vote review board or Accu-Vote coordinator is responsible for performing a second logic and accuracy test of the Accu-Vote counting program memory cards and preparing the memory cards for election use; (3) before the opening of the polls on election day at locations where there is an Accu-Vote precinct tabulator, the election board is responsible for certifying that the precinct tabulator prints a zero totals report; (4) before counting absentee or questioned ballots, the regional Accu-Vote review board will verify that a zero totals report is printed before each memory card is used; if the same memory card is used in a subsequent count, the board will print a totals report before resuming count, and verify that it matches the totals report from the subsequent count.” 6 Alaska Admin. Code 25.045 (2019)

State Certification Process: The Lieutenant Governor appoints a Director of Elections who adopts regulations for the certification of voting systems. The state ballot counting review board tests the voting systems to certify their accuracy in accordance with these regulations. Alaska Stat. § 15.20.900 (2019)

AMERICAN SAMOA

State Participation: **Baseline HAVA requirements.** There is no mention of the federal or state process in the American Samoa Code Annotated (A.S.C.A.). The American Samoa Bar Association hosts the A.S.C.A., including all pertinent election provisions, online [here](#).

Applicable Statute(s): N/A

Applicable Regulation(s): N/A

State Certification Process: N/A

ARIZONA

State Participation: **Requires testing by a federally accredited laboratory.** AZ requires that its voting systems are HAVA-compliant and approved by a laboratory that is accredited pursuant to HAVA.

Applicable Statute(s): “Machines or devices used at any election for federal, state or county offices may only be certified for use in this state and may only be used in this state if they comply with the Help America Vote Act of 2002 and if those machines or devices have been tested and approved by a laboratory that is accredited pursuant to the Help America Vote Act of 2002.” Ariz. Rev. Stat. § 16-442(B) (2019)

Applicable Regulation(s): N/A

State Certification Process: The Secretary of State appoints a committee of three people that test different voting systems. This Equipment Certification Advisory Committee must consist of a member of an engineering college, a member of the State Bar of Arizona, and one person familiar with voting processes of state; no more than two shall be of the same political party and at least one should have a minimum of five years of experience with electronic voting systems. The Committee members investigate voting systems and submit their recommendations to the Secretary of State, who makes the final decision on which voting system(s) to adopt and can revoke a certification if necessary. The Secretary of State may also approve an “emergency” certification restricted to six months, after which it is decertified. Ariz. Rev. Stat. § 16-442(A), (C), (D) and (G) (2019)

ARKANSAS

State Participation: **Requires testing by a federally accredited laboratory/Requires federal certification.** AR also requires that its voting systems are HAVA-compliant.

Applicable Statute(s): “No make of voting machine shall be approved for use unless it is so constructed that: (21) It shall be: (A) Qualified by an authorized federal agency or national testing and standards laboratory which is acceptable to the Secretary of State; (B) Approved by the State Board of Election Commissioners; and (C) Selected by the Secretary of State.” AR Code § 7-5-504 (2018)

“No marking device or electronic vote tabulating device shall be approved unless it fulfills the requirements of this section and the federal Help America Vote Act of 2002.” AR Code § 7-5-606(E) (2018)

Other relevant statutes: AR Code § 7-5-503, AR Code § 7-5-512, AR Code § 7-5-515, AR Code § 7-5-517, AR Code § 7-5-604, and AR Code § 7-5-611 (2018)

Applicable Regulation(s): N/A

State Certification Process: Voting systems are approved by the State Board of Election Commissioners. Written applications are accepted by the board from persons/companies requesting an opportunity to present their voting systems for use in Arkansas. The board will then examine the voting system and then file a report with the office of the Secretary of State stating the accuracy, efficiency, and capability of the proposed voting system, ensuring it complies with the requirements of AR Code § 7-5-504 (2018). The board will include any reason for rejecting the voting system in this report. After the approval of the voting system, the board will not need to approve the voting system again unless the voting system is modified, per AR Code § 7-5-606(b)-(d) (2018). See AR Code Title 7, Chapter 5 for more information on the preparation and testing of machines for election and ballot styles by county boards of election commissioners, as well as examination of the machines by representatives of candidates.

CALIFORNIA

State Participation: **Baseline HAVA requirements.** Refers to EAC standards, but the Secretary of State is ultimately responsible for adopting voting system standards. Testing standards must meet or exceed the federal voluntary standards by the EAC.

Applicable Statute(s): “It is the intent of the Legislature that: (a) All voting systems be certified or conditionally approved by the Secretary of State, independent of voluntary federal qualification or certification, before they are used in future elections to ensure that the voting systems have the ability to meet accuracy, accessibility, and security standards. (b) The Secretary of State adopt and publish testing standards that meet or exceed federal voluntary standards set by the United States Election Assistance Commission or its successor agency.” Cal. Elec. Code § 19006 (2019)

“The Secretary of State shall adopt standards that meet or exceed federal voluntary voting system guidelines set forth by the United States Election Assistance Commission or its successor agency. Until state standards are adopted, the Voluntary Voting System Guidelines Draft Version 1.1, as submitted to the United States Election Assistance Commission on August 31, 2012, shall be used as state standards to the extent that they do not conflict with this code.” Cal. Elec. Code § 19101(a) (2019)

Applicable Regulation(s): “In deciding whether to certify, decertify, or withhold certification of a voting system, voting system procedures, or part of a voting system under Division 19 of the Elections Code, the Secretary of State shall apply the standards entitled ‘California Voting System Standards (October 2014),’ which are hereby incorporated by reference.” 2 CCR § 20700(a) (2020)

State Certification Process: The Secretary of State accepts applications from persons and/or companies owning or having an interest in the sale or acquisition of a voting system for certification in CA. Cal. Elec. Code § 19210 (2019). Certification includes testing and examination of the applicant’s system by either a state-approved testing agency or expert technicians providing a report on the accuracy and efficiency of the voting system. The Secretary of State holds a 30-day public review period so interested parties can express their opinions on the voting system. Within 14 days prior to the public review, the Secretary of State will transmit a written notice to each county official, to anyone the Secretary of State believes will be interested in the public review, and to those who requests, in writing, notice. Cal. Elec. Code § 19210-19211 (2019)

COLORADO

State Participation: **Requires testing to federal standards.** CO requires that its voting systems meet the EAC voting system standards. The systems can be tested by a federally accredited laboratory or by the agency of another state, and must be certified by the Secretary of State.

Applicable Statute(s): “All voting systems and voting equipment offered for sale on or after May 28, 2004, shall meet the voting systems standards that were promulgated in 2002 by the federal election commission.” CO Rev. Stat. § 1-5-601.5 (2018)

“(3)(a) If the electronic and electromechanical voting systems tested pursuant to this section satisfy the requirements of this part 6, the secretary of state shall certify such systems and approve the purchase, installation, and use of such systems by political subdivisions and establish standards for certification. (4) In undertaking the certification required by this section, the secretary of state may request a federally accredited laboratory to undertake the testing of an electronic or electromechanical voting system or may use and rely upon the testing of an electronic or electromechanical voting system already performed by another state...” CO Rev. Stat. § 1-5-608.5 (2018)

Applicable Regulation(s): “All voting systems must meet the requirements of the 2002 Voting System Standards. All voting system software, hardware, and firmware must also meet all requirements of federal law that address accessibility for voters including The Help America Vote Act, The Americans with Disabilities Act, and The Federal Rehabilitation Act.” 8 Colo. Code Regs. § 1505-1:21 (2019)

State Certification Process: There are several phases to the certification process of a voting system in Colorado, including submission of a complete application, a documentation review, a public demonstration of the system, and functional testing. The Secretary of State ultimately reviews the test results and determines whether the voting system meets the requirements for certification. Within 30 days of his or her decision, the Secretary of State posts the certification test report for the voting system of its website, and will also send a notice of certification and copy of the report to the voting system provider that submitted the system for certification. The Secretary of State notifies governing bodies of political subdivisions of the state of the certification, and election officials which plan to use this system will apply to the Secretary of State for approval of the installation of the system. 8 Colo. Code Regs. § 1505-1:21 (2019), CO Rev. Stat. § 1-5-617 (2018)

CONNECTICUT

State Participation: **Requires testing to federal standards.** CT requires that its voting systems are tested to the most current FEC or EAC standards, but the Secretary of State makes the final determination in the certification process.

Applicable Statute(s): “[T]he Secretary of State may approve a voting tabulator which requires the elector in the polls to place the elector's ballot into the recording device and which meets the voluntary performance and test standards for voting systems adopted by (1) the Federal Election Commission on January 25, 1990, as amended from time to time, or (2) the Election Assistance Commission pursuant to the Help America Vote Act of 2002, P.L. 107-252, 42 USC 15481-85, as amended from time to time, whichever standards are most current at the time of the Secretary of the State’s approval”. Conn. Gen. Stat. Ann. § 9-242 (2019)

Applicable Regulation(s): The Secretary of State can only approve voting systems which may have been certified by an independent test authority, accredited by the National Association of State Election Directors as meeting the voluntary performance and test standards for voting systems adopted by the Federal Election Commission on January 25, 1990 (amended from time to time) and which meet the standards specified in Sections 9-241-1 and 9-242 of these regulations and the requirements of the Connecticut constitution and the general statutes. These include standards for direct recording electronic voting machines, Marksense and punchcard voting machines, and Marksense voting tabulators. Conn. Agencies Regs. § 9-241-1 through § 9-242-1 (2020)

State Certification Process: The Secretary of State accepts applications to examine and certify voting systems and then determines whether the voting system: (1) meet the requirements of section 9-242, (2) can be used at elections, primaries and referenda, and (3) comply with applicable standards for electronic voting tabulators. The Secretary of State may enter into an agreement with The University of Connecticut or a member of the Connecticut State University System to perform or assist in certification of voting equipment, developing voting system standards, research and analysis of data formats for ballot programming and election-related electronic data, and the development of any other standards to protect the integrity of voting equipment. Conn. Gen. Stat. § 9-241 (2019)

DELAWARE

- State Participation:* **Requires federal certification.** DE requires that its voting systems are certified by either the EAC of NASED as meeting either the FEC or EAC's voluntary voting systems standards or guidelines.
- Applicable Statute(s):* "A voting device or system purchased by the State must be certified by the United States Election Assistance Commission, or designated federal authority, as meeting or exceeding the voluntary voting system standards or guidelines as promulgated by the United States Election Assistance Commission, or designated federal authority, before delivery to and acceptance by the State." 15 DE Code § 5001A(c) (2019)
- Applicable Regulation(s):* N/A
- State Certification Process:* All voting systems must first be certified by the United States Election Assistance Commission or designated federal authority prior to delivery to Delaware. Before an electronic voting system is acquired or used in the state, the owner or manufacturer of the voting device must give an adequate guarantee in writing. They must also post a bond accompanied by satisfactory surety with the State Election Commissioner guaranteeing and securing that the voting device complies with the requirements of 15 DE Code § 5001A and will correctly and accurately record every vote cast, guaranteeing the device against defects for a period of 5 years from the date of acquisition or rental. 15 DE Code § 5001A and 15 DE Code § 5002A (2019)

DISTRICT OF COLUMBIA

- State Participation:* **Requires testing to federal standards / Requires federal certification.** DC requires that its voting systems must be tested to meet voting system standards set forth in the Help America Vote Act of 2002, or be federally certified.
- Applicable Statute(s):* “Each voting system used in an election in the District occurring after January 1, 2012, shall: (A) meet or exceed the voting system standards set forth in the Help America Vote Act of 2002, approved October 29, 2002, or be federally certified.” DC Code § 1-1001.09(k)(1) (2019)
- Applicable Regulation(s):* All voting systems used in the District of Columbia shall meet or exceed the voluntary voting system standards set in HAVA, and/or be federally certified. D.C. Mun. Regs. tit. 3 § 800 (2020)
- State Certification Process:* The Board of Elections adopts voting system standards provided that they do not conflict with the 2002 Help America Vote Act. It reviews the standards on a biennial basis and purchases voting system equipment under a competitive-bidding procedure. DC Code § 1-1001.09 (2019)

FLORIDA

State Participation: **Baseline HAVA requirements.** The Division of Elections under the FL Department of State adopts voting system standards. The Bureau of Voting Systems Certification in this division provides technical support.

Applicable Statute(s): “The Department of State shall adopt rules which establish minimum standards for hardware and software for electronic and electromechanical voting systems. Such rules shall contain standards for: (a) Functional requirements; (b) Performance levels; (c) Physical and design characteristics; (d) Documentation requirements; and (e) Evaluation criteria.” FL Stat. § 101.015 (2019)

“There is created a Bureau of Voting Systems Certification within the Division of Elections of the Department of State which shall provide technical support to the supervisors of elections and which is responsible for voting systems standards and certification.” FL Stat. § 101.017 (2019)

Applicable Regulation(s): The Department of State, Division of Elections, establishes minimum standards for certification and provisional approval for voting systems. Voting system equipment will be certified in accordance with requirements contained in Florida Voting Systems Standards, Form DS DE-101, eff. 1/12/05. FL Admin. Code § 1S-5.001 (2020)

State Certification Process: The Department of State adopts rules that establish minimum security standards for voting systems. The Division of Elections of the Department of State continuously reviews certification standards for voting systems and ensures that they are available for selection by boards of county commissioners, while also determining the will of the public with regard to the systems. Within the Division of Elections, there is a Bureau of Voting Systems Certification which is mainly responsible for system certification and for providing technical support to election supervisors. The Supervisor of Elections for each county establishes written procedures to assure accuracy and security in voting systems. These procedures are reviewed in each odd-numbered year by the Department of State. Any revisions to these procedures are submitted by the Supervisor of Elections in each county to the Department of State at least 45 days before early voting begins in an election in which the revisions are to take effect. FL Stat. § 101.015 and FL Stat. § 101.017 (2019)

GEORGIA

State Participation: **Requires federal certification.** GA requires that voting systems receive Qualification Certificates from the EAC before vendors submit them for further evaluation for use in Georgia. Voting machines must also be certified by the Secretary of State.

Applicable Statute(s): The Secretary of State examines/reexamines voting machines to be used in Georgia. Any vendor, or ten or more electors in the state, may request the Secretary of State to examine a machine. Any vendor that fails to certify a voting machine prior to completing a sale is subject to a penalty of \$100,000. GA Code § 21-2-324 (2018)

Applicable Regulation(s): “Prior to submitting a voting system for certification by the State of Georgia, the proposed voting system's hardware, firmware, and software must have been issued Qualification Certificates from the EAC. These EAC Qualification Certificates must indicate that the proposed voting system has successfully completed the EAC Qualification testing administered by EAC approved ITAs. If for any reason, this level of testing is not available, the Qualification tests shall be conducted by an agency designated by the Secretary of State. In either event, the Qualification tests shall comply with the specifications of the *Voting Systems Standards* published by the EAC.” Ga. Comp. R. & Regs. 590-8-1-.01 (2020)

State Certification Process: After the voting system has passed EAC Qualification testing, the vendor of the voting system submits a letter to the Office of the Secretary of State requesting certification for the voting system along with a technical data package to the certification agent. An evaluation proposal is created by the certification agent after a preliminary view of the Technical Data Package and sent to the vendor. Any additional EAC ITA testing identified in the evaluation proposal is arranged by the vendor and the certification agent will perform all other tests identified in the evaluation proposal. The certification agent submits a report of their findings to the Secretary of State. Based on these findings the Secretary of State will make a final determination on whether to certify the voting system. The Secretary of State also judges whether any modifications to previously-certified voting systems will require additional testing. Ga. Comp. R. & Regs. 590-8-1-.01 (2020)

GUAM

State Participation: **Baseline HAVA requirements.** Guam’s laws do not explicitly mention the role of federal agencies in certifying voting equipment. The Guam Election Commission approves vote tabulating devices.

Applicable Statute(s): “A vote tabulating device is a mechanical, electronic or electromechanical machine approved by the Commission to count cast ballots in an election on Guam.” 3 GCA § 1118 (2012)

Applicable Regulation(s): N/A

State Certification Process: N/A

HAWAII

State Participation: **Baseline HAVA requirements.** The Chief Election Officer adopts voting systems for use in HI elections.

Applicable Statute(s): “The chief election officer may adopt, experiment with, or abandon any voting system authorized under this chapter or to be authorized by the legislature. These systems shall include, but not be limited to voting machines, paper ballots, and electronic voting systems. All voting systems approved by the chief election officer under this chapter are authorized for use in all elections for voting, registering, and counting votes cast at the election.” HI Rev Stat. § 16-1 (2019)

“All voting systems adopted under this chapter by the chief election officer of the legislature shall satisfy the following requirements: (1) It shall secure to the voter secrecy in the act of voting; (2) It shall provide for voting for all candidates of as many political parties as may make nominations, nonpartisans, and for or against as many questions as are submitted; (3) It shall correctly register or record and accurately count all votes cast for any and all persons, and for or against any and all questions.” HI Rev Stat. § 16-2 (2019)

Applicable Regulation(s): “Prior to election day, the chief election officer, county clerk, or designees shall test the electronic voting system in compliance with HAR § 3-176-5. If, as a result of the initial testing, the chief election officer determines additional inspection, auditing or testing is required, the chief election officer shall notify the official observers so that they can witness the additional inspection, auditing or testing needed to ensure that the voting system is reported properly.” HAR § 3-172-96 (2017)

State Certification Process: The chief election officer determines whether a voting system may be used in state elections. Under the chief election officer’s discretion, voting systems may also be used experimentally in one or more precincts without a formal adoption. During examinations of voting systems, the chief elections officer must verify that the voting systems are safe, secure, and accurate. HI Rev. Stat. § 16-1 and HI Rev. Stat. § 16-2 (2019)

IDAHO

State Participation: **Requires testing to federal standards/Requires testing by a federally accredited laboratory.** ID requires that its voting systems meet FEC voting system standards and be tested by an independent testing authority designated by the secretary of state prior to final state certification by the secretary of state.

Applicable Statute(s): “The secretary of state shall publicly examine all makes of voting machines or vote tally systems submitted to him and determine whether the machines or vote tally systems comply with the requirements of this chapter, and can safely be used by voters at elections under the provisions of this chapter. Any voting machine or vote tally system shall be certified by the secretary of state for use in Idaho. Except for functions or capabilities unique to this state, voting machines and vote tally systems shall be tested and the results certified by an independent testing authority designated by the secretary of state prior to certification.” ID Code § 34-2409 (2019)

Applicable Regulation(s): N/A

State Certification Process: Once the voting system has been tested according to FEC and NIST standards, the voting system provider can submit the voting system to the Secretary of State for certification. The Secretary of State will examine the voting system to determine whether all state requirements have been met and file a report on whether to certify the voting system within thirty days after the system was examined. The Secretary of State will appoint no more than three experts in one or more of the fields of data processing, mechanical engineering, or public administration to assist in the examination and testing of voting systems. Idaho Code Ann. § 34-2409 (2017)

ILLINOIS

State Participation: **Requires testing to federal standards/Requires testing by a federally accredited laboratory.** IL requires that its voting systems are tested to FEC or EAC standards by an approved independent testing authority.

Applicable Statute(s): “The State Board of Elections shall approve all Direct Recording Electronic Voting Systems that fulfill the functional requirements provided by Section 24C-11 of this Code, the mandatory requirements of the federal voting system standards pertaining to Direct Recording Electronic Voting Systems promulgated by the Federal Election Commission or the Election Assistance Commission, the testing requirements of an approved independent testing authority and the rules of the State Board of Elections.” 10 ILCS 5/Art. 24C-16 (2019)

Applicable Regulation(s): N/A

State Certification Process: The State Board of Elections accepts applications to approve voting systems. The Board staff prepares and performs a test of the proposed voting systems. The Board staff prepares and performs a test of the proposed voting system; this test is conducted under the simulation of election day conditions. After a review of the proposed voting system, the Board Staff writes a report to the Board which is followed by a hearing to consider the staff’s report. If the Board determines that the proposed voting system is safe, accurate, and efficient, it will approve the use of the system on an interim basis not to exceed two years. After the interim period, the applicant may submit an application requesting final approval of the proposed voting system. Upon receiving the final application, the Board will make a determination based upon the staff’s findings, information submitted by the applicant, and the performance of the system during the interim approval period. *See* 10 ILCS 5/Art. 24A-16 (2019) and Ill. Admin. Code tit. 26, § 204.40-100 (2017)

INDIANA

State Participation: **Requires testing to federal standards/Requires testing by a federally accredited laboratory.** IN requires that its voting systems meet federal standards adopted by either the FEC or EAC, and electronic voting systems should also be tested by a federally-accredited laboratory.

Applicable Statute(s): “To be approved by the commission for use in Indiana, a voting system must meet one of the following: (1) The Voting System Standards adopted by the Federal Election Commission on April 30, 2002; (2) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005; (3) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission, as amended on March 31, 2015. Also, a county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, 2017, if the voting system: (1) was: (A) approved by the commission for use in elections in Indiana before October 1, 2017; and (B) purchased or leased by the county before October 1, 2017; and (2) otherwise complies with the applicable provisions of HAVA and this article.” IN Code § 3-11-15-13.3 (2019)

“The tests required under this section must be performed by an independent laboratory accredited under 52 U.S.C. 20971. However, if the commission determines that it is impossible or impractical to have an independent laboratory conduct tests on an electronic voting system, the commission may direct that the tests be conducted by any other entity approved by the commission.” IN Code § 3-11-7.5-4 (2019)

Applicable Regulation(s): N/A

State Certification Process: Any person seeking approval of an electronic voting system may submit an application in the form prescribed by the election division of Indiana. IN Code § 3-11-7.5-2 (2019) The Commission can approve a voting system only after the vendor ensures that the voting system is HAVA compliant and adheres to state requirements. IN Code § 3-11-7.5-3 (2019)

IOWA

State Participation: **Requires testing to federal standards/Requires testing by a federally accredited laboratory.** IA requires that all voting systems be certified by an independent testing authority accredited by the EAC to determine that the systems satisfy the 2002 Voting System Standards adopted by the FEC.

Applicable Statute(s): “The rules shall provide that all optical scan voting systems approved for use by the examiners after April 9, 2003, shall meet voting systems performance and test standards, as adopted by the federal election commission on April 30, 2002, and as deemed adopted by Pub. L. No. 107-252, § 222.” IA Code. § 52.5 (2019)

Applicable Regulation(s): “All electronic voting systems and machines approved for use by the Board of Examiners after April 9, 2003 shall meet Voting Systems Performance and Test Standards, as adopted by the Federal Election Commission April 30, 2002. The report of an accredited independent test authority certifying that the system is in compliance with these standards shall be submitted with the application for examination.” IAC r. 721-22.2(52) (2017)

“‘Accredited independent test authority’ also includes voting system test laboratories accredited by the Election Assistance Commission to test voting systems for compliance with federal voting system standards and guidelines, as required by the Help America Vote Act, Section 231.” IAC r. 721-22.1(52) (2017)

State Certification Process: A voting system vendor may request that the state commissioner call upon a board of examiners to test the system. Within seven days of receiving a request for examination and test, the state commissioner notifies the board of examiners of the request in writing and set a time and place for the said examination. With the advice and assistance of the examiners, the state commissioner adopts rules governing the examination of the system. It is the state commissioner’s discretion whether or not to employ a competent person or persons to assist and advise the examiners in their evaluation of the equipment. Following the examination, the examiners reports to the state commissioner describing the examination of the system, including the system’s accuracy, efficiency, and security. If the report states that the system can be used, then it may be adopted for use in elections. Before its actual use, the state commissioner and examiners shall make rules for tallying votes using that particular voting system. IA Code § 52.5 (2019)

KANSAS

State Participation: **Requires testing to federal standards.** KS requires that its voting systems are approved by the Secretary of State and that they are in compliance with voting system standards required by HAVA.

Applicable Statute(s): “The secretary of state shall examine and approve the kinds or makes of electronic or electromechanical voting systems, including operating systems, firmware and software, and no kind or make of such system shall be used at any election unless and until it receives certification by the secretary of state and a statement thereof is filed in the office of the secretary of state.” KS Stat § 25-4404 (2018)

“Electronic or electromechanical voting systems approved by the secretary of state shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment.” KS Stat. § 25-4406(k) (2018)

Applicable Regulation(s): N/A

State Certification Process: The Secretary of State accepts written requests from persons or corporations wishing to have their voting system examined. The requester must provide the Secretary of State with a certified check for \$250.00 to be used to defray a portion of the costs of the examination and the actual voting system to be examined. The Secretary of State may employ a person to assist in the examination process and require the requester to furnish a person to explain and demonstrate that the voting system complies with state and federal laws. After the Secretary of State has approved the voting system, he or she shall make a certificate of approval with a description of the machine. Once a certificate has been issued for a particulate model or make, any other voting system that matches this description can be used in subsequent elections as long as there are no substantial changes made to the make or model described in the certificate of approval. The Secretary of State may require a review of any approved electronic or electromechanical voting system. If review is sought by the Secretary of State, he or she will give written notice to the person or corporation which sought approval of the system and to each county election officer and county of commissioners of counties known to have used voting system under review. KS Stat. § 25-4405 (2018)

KENTUCKY

State Participation: **Requires testing to federal standards.** KY requires that voting systems are tested by an independent testing authority approved by the State Board of Elections, demonstrating that the voting systems meet federal standards.

Applicable Statute(s): “Any person or corporation owning, manufacturing or selling any electronic voting system, may request the State Board of Elections to examine the system. Before requesting an examination or reexamination, any person, persons, or corporation shall pay to the State Treasurer an examination fee of five hundred dollars (\$500) and submit a test report from an independent testing authority approved by the State Board of Elections. The report shall demonstrate that the system meets all Federal Election Commission voting system standards. The State Board of Elections may, at any time, reexamine any system already approved. The State Board of Elections shall approve or disapprove any voting system within sixty (60) days after the date of its initial submission.” KY Rev Stat § 117.379 (2019)

Applicable Regulation(s): N/A

State Certification Process: The Secretary of State accepts requests from persons/corporations wishing to have their voting system examined. Prior to this request, the requestor must pay the State Treasurer an examination fee of \$500.00 and submit a report from an independent testing authority verifying that the voting system meets all of the FEC requirements. The State Board of Elections appoints three examiners to examine the voting systems: an expert in computer science or electronic voting systems, an individual who is knowledgeable in KY law and election procedures, and a present or former county clerk. These examiners then submit one written report on the voting system to the State Board of Elections. The State Board of Elections will approve or disapprove voting system within 60 days of its initial submission. KY Rev Stat § 117.379 (2019)

LOUISIANA

- State Participation:* **Requires testing by a federally accredited laboratory.** LA requires that voting systems are certified by a test laboratory accredited by the U.S. Election Assistance Commission.
- Applicable Statute(s):* “[A]ny electronic voting machine procured or used in the state must have been certified according to the voluntary voting system guidelines developed and maintained by the United States Election Assistance Commission by a voting system test laboratory accredited by the United States Election Assistance Commission. This certificate, together with any relevant reports, drawings, and photographs, shall be a public record.” LA Rev Stat § 18:1361 (2018)
- Applicable Regulation(s):* N/A
- State Certification Process:* The Secretary of State accepts requests to examine voting systems and may employ experts in order to assist in the examination process. If a voting system is acceptable to the Secretary of State regarding durability, accurate, efficiency, and capacity, it will be certified. The Secretary of State may examine any make of voting machine that has been certified by a test laboratory accredited by the Election Assistance Commission in accordance with its voluntary voting system guidelines. A certificate of approval made by the Secretary of State shall be signed by any and all of the experts involved in the examination. LA Rev Stat § 18:1361 (2018)

MAINE

State Participation: **Baseline HAVA requirements.** The Secretary of State and the Attorney General adopt the regulations for certification of voting systems in ME.

Applicable Statute(s): “The Secretary of State and the Attorney General together may adopt rules governing approval of voting machines under section 813 and electronic tabulating systems under section 844. The Secretary of State may adopt rules requiring independent testing of voting machines and electronic tabulating systems in use or proposed for use in the State and indicating which voting machines and electronic tabulating systems are approved for use by municipalities.” 21-A ME Rev Stat § 809 (2019)

“The Secretary of State may make reasonable rules governing the use of voting machines in accordance with the Maine Administrative Procedure Act.” 21-A ME Rev Stat § 813 (2019)

Applicable Regulation(s): N/A

State Certification Process: The Secretary of State adopts rules regarding the independent testing of voting systems and determines which voting systems to approve. Voting systems approved by the Secretary of State can be used in any municipality in a state election. 21-A ME Rev Stat § 809 (2019)

MARYLAND

State Participation: **Requires testing to federal standards/Requires testing by a federally accredited laboratory.** MD requires that all voting systems be certified by an independent testing authority accredited by the EAC to determine that the systems satisfy standards adopted by the EAC.

Applicable Statute(s): “The State Board may not certify a voting system unless the State Board determines that... the voting system has been: (i) examined by an independent testing laboratory that is approved by the U.S. Election Assistance Commission; and (ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission or the U.S. Election Assistance Commission.” MD Elec Law Code § 9-102(d) (2018)

Applicable Regulation(s): “Prior to using the voting system selected and certified for voting in polling places and the voting system selected and certified for absentee voting: A. The model or version of the voting system, including all parts and components, shall have successfully completed: (1) Qualification testing by an independent testing laboratory, as required by Election Law Article, § 9-102(d)(2), Annotated Code of Maryland; (2) Certification evaluation and testing by the State Board, as specified in COMAR 33.09.03 and 33.09.04; and (3) Acceptance testing by the State Board, as specified in COMAR 33.09.05.” MD Code Regs. 33.09.01.03 (2017)

State Certification Process: The State Board shall adopt regulations for the review, certification, and decertification of voting systems. MD Elec Law Code § 9-102(b) (2018) A State Administrator appoints either a specialist or a member of the State Administrator’s staff to coordinate the evaluation process. MD Code Regs. 33.09.01.05 (2017) The State Board may not certify a voting system unless the voting system was examined by an EAC-approved independent testing laboratory, and also meets the standards for electronic voting systems established by the FEC and EAC. MD Elec Law Code § 9-102(d) (2018)

MASSACHUSETTS

State Participation: **Requires testing to federal standards/Requires testing by a federally accredited laboratory.** MA requires that voting systems are certified by an independent testing authorities according to federal voting system standards, and then examined by the state secretary.

Applicable Statute(s): “The state secretary shall examine all types of voting equipment including ballot boxes, counting apparatus, and voting machines and determine whether such equipment complies with the minimum requirements for such equipment imposed by law and whether the use of such equipment would further the efficient administration of elections.” MA Gen L ch 54 § 32 (2019)

Applicable Regulation(s): “The state secretary shall decide whether to approve all types of voting equipment according to the following schedule...(3) No electronic voting system and no direct electronic voting machine may be approved after January 1, 1992 that does not meet the voting system standards adopted by the Federal Election Commission on February 5, 1990, as they may be amended from time to time, and that has not been tested by an independent test authority to confirm compliance.” 950 CMR 50 (2017)

State Certification Process: Any person owning or interested in voting equipment may submit it to the Secretary of State for examination. The Secretary may employ not more than three individuals who are experts in one or more of the fields of: (1) data processing, (2) mechanical engineering, and (3) public administration. Within thirty days of the examination and approval of the voting system the Secretary of State shall file his or her final report on the voting system including a written or printed description and a drawing or photograph of the voting system.

MICHIGAN

State Participation: **Requires testing by a federally accredited laboratory.** MI requires that voting systems are certified by an independent testing authority accredited by NASED and the board of state canvassers.

Applicable Statute(s): “An electronic voting system shall not be used in an election unless it is approved by the board of state canvassers... and unless it meets 1 of the following conditions: (a) Is certified by an independent testing authority accredited by the national association of state election directors and by the board of state canvassers. (b) In the absence of an accredited independent testing authority, is certified by the manufacturer of the voting system as meeting or exceeding the performance and test standards referenced in subdivision (a) in a manner prescribed by the board of state canvassers.” MI Comp L § 168.795a (2019)

Applicable Regulation(s): N/A

State Certification Process: The vendor or representative seeking approval of an electronic voting system shall do the following: (a) deposit a nonrefundable application fee of \$1,500.00 for a new voting system and a nonrefundable fee of \$500.00 for an upgrade to an existing system to the Secretary of State; (b) file with the Secretary of State a list of all states in which the voting system has been approved for use; and (c) file with the Secretary of State copies of all contracts and agreements used in connection with the sale of the voting system. The Board of State Canvassers conducts a field test involving Michigan electors and election officials in simulated election day conditions. The Board of State Canvassers shall approve the voting system if it meets all of the state requirements. MI Comp L § 168.795a (2019)

MINNESOTA

State Participation: **Requires testing by a federally accredited laboratory/Requires federal certification.** MN requires its voting systems to be certified by an independent testing authority accredited by the Election Assistance Commission, or a federal agency, and approved by the Secretary of State.

Applicable Statute(s): “In addition to the requirements in subdivision 1, a voting system must be certified by an independent testing authority accredited by the Election Assistance Commission or appropriate federal agency responsible for testing and certification of compliance with the federal voting systems guidelines at the time of submission of the application required by subdivision 1 to be in conformity with voluntary voting system guidelines issued by the Election Assistance Commission or other previously referenced agency.” MN Stat § 206.57 (2019)

Applicable Regulation(s): “If, from the reports of the demonstration and testing, the secretary of state determines that the system complies with chapters 8220 and 8230 and Minnesota Statutes and can be used safely at elections, the secretary of state shall issue to the vendor a certification of the system for use in Minnesota. The certification must be limited to specific hardware and software configurations and may not extend to models or configurations not examined. This certification may include stipulations or special procedures for use of the system.” Minn. R. 8220.0700 (2017)

State Certification Process: A vendor of an electronic voting system may apply to the Secretary of State to examine and issue a report as to the voting system’s compliance with the requirements of law. Either the Secretary of State or a designee shall examine the voting system and file a report on it to the Office of the Secretary of State. The examination must include the ballot programming; electronic ballot marking; vote counting; and vote accumulation functions of each voting system. If the report of the Secretary of State or the Secretary’s designee conclude that the examined voting system complies with requirements of sections 206.55 to 206.90 and can be used safely, the system shall be approved by the Secretary of State, and may be adopted and purchased for use at elections in this state. If any modifications to the voting systems are made, the vendor must notify the secretary of state. MN Stat § 206.57 (2019)

MISSISSIPPI

State Participation: **Baseline HAVA requirements.** MS statute refers to Federal Agencies or Standards, but does not fall into categories.

Applicable Statute(s): Applicable statutes have been repealed for amendment.

Applicable Regulation(s): N/A

State Certification Process: The board of supervisors of each county and the governing authorities of each municipality can purchase or rent voting system units that meet specific requirements in the statutes. Such a system can be used in all or part of the precincts within the municipality's boundaries. MS Code § 23-15-531.1 (2018)

MISSOURI

State Participation: **Requires testing to federal standards/Requires testing by a federally accredited laboratory.** MO requires that voting systems are certified by independent testing authorities according to the voting system standards adopted by a federal election authority, and ultimately approved by the secretary of state.

Applicable Statute(s): “No electronic voting system shall be approved unless it: (10) Has been tested and is certified by an independent authority that meets the voting system standards developed by the Federal Election Commission or its successor agency. The provisions of this subdivision shall not be required for any system purchased prior to August 28, 2002.” MO Rev Stat. § 115.225 (2019)

Applicable Regulation(s): “As a prerequisite to approval from the secretary of state, each manufacturer or supplier of electronic voting systems or equipment shall have completed and submitted to the secretary of state...and shall have received certification from an independent testing authority approved by the secretary of state.” MO Code Regs. 15 CSR 30-10.020 (2020)

State Certification Process: The Secretary of State accepts applications from voting system manufacturers. Prior to approval from the Secretary of State, each manufacturer must receive certification from an independent testing authority approved by the Secretary of State. Voting manufacturers must file two affidavits stating that (1) the voting machine complies with all state rules and (2) if any changes are made in the system the ability to comply with state rules will not be affected. An electronic voting system may be used if it has been approved by the Secretary of State and complies with state law. MO. Rev. Stat. § 115.225 (2019) and MO Code Regs. 15 CSR 30-10.020 (2020)

MONTANA

- State Participation:* **Baseline HAVA requirements.** The Secretary of State determines the regulations of the certification of voting systems in MT.
- Applicable Statute(s):* “The secretary of state may prescribe rules for the submission of voting systems for examination and additional requirements for approval of voting systems.” MT Code § 13-17-107 (2019)
- Applicable Regulation(s):* “The secretary of state is empowered under 13-17-101, MCA, to approve voting machines and devices.” Mont. Admin. R. 44.3.1701 (2017)
- State Certification Process:* The Secretary of State accepts requests to examine voting systems and enlists qualified technicians to assist in the examination process. After inspecting the voting system, the Secretary of State files a report within thirty days of the examination that approves or disapproves of the system. The Secretary of State must approve the voting system ninety days prior to the election in which it will be used. MT Code § 13-17-101 (2019) and MT Code § 13-17-102 (2019)

NEBRASKA

State Participation: **Baseline HAVA requirements.** The Secretary of State determines the rules and regulations for certification of voting systems, notwithstanding any other provisions in the state Election Act.

Applicable Statute(s): “Any new voting or counting system shall be approved by the Secretary of State prior to use by an election commissioner or county clerk.” NE Code § 32-1041 (2018)

Applicable Regulation(s): N/A

State Certification Process: The Secretary of State must approve any new voting system before it is used in an election. Notwithstanding the Election Act, the Secretary of State may make rules and regulations to establish procedures that ensure the election is conducted in a fair manner on the newly approved voting system. Election commissioners or county clerks using vote counting devices to count ballots should also provide for three independent tests to be conducted before actual counting, including computerized programs installed for them. They must submit a written plan to the Secretary of State, 25 days before an election, which outlines the procedures that will be followed on election day regarding the vote counting devices. NE Code § 32-1041 (2018) and NE Code § 32-1049 (2018)

NEVADA

State Participation: **Requires testing to federal standards/Requires testing by a federally accredited laboratory.** NV requires that all voting systems be certified by the Voting System Certification and Laboratory Accreditation Program of the U.S. Election Assistance Commission, meeting standards established by the EAC, and are approved by the Secretary of State.

Applicable Statute(s): “No mechanical voting system or mechanical recording device may be purchased or leased in or used in any election of this State unless the system or device is approved by the Secretary of State.” NV Rev Stat § 293B.1045 (2019)

“No mechanical voting system may be used in this State unless it meets or exceeds the standards for voting systems established by the United States Election Assistance Commission.” NV Rev Stat § 293B.063 (2019)

Applicable Regulation(s): “Before each election cycle for federal office, in accordance with procedures established by the Secretary of State, each county clerk shall certify that: (a) The software used to tabulate ballots; and (b) The operating systems, including, without limitation, software and firmware, installed on each mechanical recording device, have been certified by the Voting System Certification and Laboratory Accreditation Program of the Election Assistance Commission established pursuant to 42 U.S.C. § 15321.” NAC 293B.110 (2017)

State Certification Process: The Secretary of State accepts applications from any person who owns or has interest in a mechanical voting system. The Secretary of State will approve or disapprove the voting system within 120 days after the application is submitted. An examiner will be approved by the Secretary of State to examine mechanical voting system. Any cost for the independent examination of a mechanical voting system must be paid by the person who submits the application. The Secretary of State will approve a mechanical voting system if: (1) a report is made stating that the system or device can be used safely in this State; and (2) The Secretary of State determines after independently examining the system that it can be used safely in this State. Per NV Rev Stat § 293B.150 and NV Rev Stat § 293B.140 (2019), county/city clerks shall also appoint three persons (not more than two of the same political party) to serve as an accuracy certification board to test voting devices within two weeks before the first day of early voting.

NEW HAMPSHIRE

State Participation: **Baseline HAVA requirements.** The Ballot Law Commission determines the rules for the certification of voting systems in NH.

Applicable Statute(s): “The ballot law commission shall act as a board to examine voting machines and devices for computerized casting and counting of ballots. The commission shall, whenever requested, examine any voting machine or device which may be capable of meeting the requirements for elections held in this state. The commission shall approve such voting machine or device in its discretion, and no voting machine or device shall be used in any election in this state unless it reads the voter’s choice on a paper ballot and is of a type so approved by the ballot law commission. Any voting machine or device that is altered must be re-approved before it is used in any election in this state. For the purposes of this section, a machine shall be considered altered if any mechanical or electronic part, hardware, software, or programming has been altered.” NH Rev Stat § 656:41 (2019)

“Consistent with the rules of the ballot law commission the secretary of state shall include protocols for the testing of electronic ballot counting devices in the election manual authorized by RSA 652:22. Each device shall be tested after installation and prior to each election.” NH Rev Stat § 656:42 (2019)

Applicable Regulation(s): “Any person desiring to have the ballot law commission approve the use of a voting machine or other device not previously approved may submit a written application for approval to the commission. The request shall include the name of the manufacturer, model number and other information to identify the device. The commission shall approve the request following a public hearing if the commission finds that adequate safeguards have been provided to ensure the integrity of election results and the machine or device complies with these rules and the election laws of the State of New Hampshire.” N.H. CODE R. Bal. 608.01 (2017)

State Certification Process: The Ballot Commission accepts all applications from persons seeking to use a voting system in New Hampshire elections. The commission will approve the application if it finds that 1) adequate safeguards have been provided to ensure fairness and accuracy in elections; and 2) the voting system complies with state law. N.H. CODE R. Bal. 608.01 (2017)

NEW JERSEY

State Participation: **Baseline HAVA requirements.** The Secretary of State determines the regulations for the certification of voting systems in New Jersey.

Applicable Statute(s): “The Secretary of State within a period of thirty days shall examine the machine and shall make and file in the office of the Secretary of State his report of the examination, which report shall state whether in his opinion the kind of machine so examined can be safely used by the voters at elections under the conditions prescribed in this subtitle. If the report states the machine can be so used, it shall be deemed approved, and machines of its kind may be adopted for use at elections as herein provided.” NJ Rev Stat § 19:48-2 (2018)

“No voting device shall be used in an election in this State unless in combination with automatic tabulating equipment used to count and tabulate ballots it meets the requirements in section 3 of this act, and has been approved by the Secretary of State, or other person, agency or board charged with the examination and approval of voting machines. When such device has been approved, any improvement or change which does not impair its accuracy, efficiency, or ability to meet such requirements shall not require a reexamination or reapproval thereof.” NJ Rev Stat § 19:53A-4 (2018)

Applicable Regulation(s): “In accordance with N.J.S.A. 19:31-35, any electronic poll book that is to be used in New Jersey shall be submitted to the Secretary of State for review and testing.” N.J.A.C. 15:10-7.4 (2020)

State Certification Process: The Secretary of State has thirty days to examine and issue a report either approving or denying a voting system. The Secretary of State appoints three persons to examine voting systems; one expert in patent law and two mechanical experts. The experts are required to submit a report on the voting system which is attached to the report made by the Secretary of State. The voting system is approved for use at elections, if the final report released by the Secretary of State declares that the voting system is safe for use by voters and is compliant with state requirements. NJ Rev Stat § 19:48-2 (2018)

NEW MEXICO

State Participation: **Requires testing by a federally accredited laboratory.** NM Statute requires that all voting systems are to be tested by an independent authority and comply with the most recent voluntary voting system guidelines (VVSG) adopted by the EAC. The secretary of state provides for this testing and evaluation.

Applicable Statute(s): “The secretary of state shall provide for the testing and evaluation of voting systems designed for the purpose of recording and tabulating votes within polling places in New Mexico. All voting systems certified for use in the state shall be tested by an independent authority and shall comply with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission.” NM Stat § 1-9-14 (2019)

Applicable Regulation(s): “[D]irects the Secretary of State to study, examine, and approve all voting machines used in elections for public office in New Mexico.” N.M. Code R. § 1.10.20.3 (2020)

State Certification Process: Any person who wishes to have their voting system examined and tested for certification may apply on or before June 1 of any odd-numbered year to the Secretary of State. Upon receipt of such application, the Secretary of State will examine the voting system to ensure that it complies with all the requirements in the Election Code and the most up to date VVSG adopted by the EAC. Upon completion of all tests and examinations, the Secretary of State will make a written report of all the findings and file that report in the office of the Secretary of State and post them on the Secretary of State’s website. There will be a 21 day period, following the filing of the written report, where the Secretary of State will accept public comments. Voting systems should be reviewed for recertification by the secretary of state in the year before a presidential election; anything that does not comply with the most recent voluntary voting system guidelines adopted by the EAC should be decertified. A voting system certification committee reviews test reports and findings of the secretary of state on the certification, recertification, and decertification of voting systems in NM. NM Stat § 1-9-14, NM Stat § 1-9-7.4, and NM Stat § 1-9-7.5 (2019)

NEW YORK

State Participation: **Requires testing to federal standards.** NY requires approval of voting systems by the state board of elections provided that they meet the requirements of the EAC's 2005 Voluntary Voting System Guidelines.

Applicable Statute(s): “Any person or corporation owning or being interested in any voting machine or system may apply to have the state board of elections examine such machine or system ... Such examination shall include a determination as to whether the machine or system meets the requirements of section 7-202 of this title and a thorough review and testing of any electronic or computerized features of the machine or system. Such report shall state an opinion as whether the kind of machine or system so examined can safely and properly be used by voters and local boards of elections at elections, under the conditions prescribed in this article and the requirements of the federal Help America Vote Act.” NY Elec L § 7-201 (2019)

Applicable Regulation(s): “All voting systems used in New York State shall be used in a manner consistent with Election Law, these regulations and the United States Election Assistance Commission's 2005 Voluntary Voting System Guidelines and any conditions specified in the State Board's certification of the voting system for use in New York Elections.” 9 CRR-NY 6210.5 (2019)

State Certification Process: Voting system vendors can apply for an examination by the NY state board of elections and pay a fee equal to the cost of the examination. The state board of elections initiates the examination and there must be a report of the examination filed in the office of the state board, which determines whether the machine or system meets the requirements of Section 7-202 of state election law and can be safely used by voters and local boards of elections while meeting the requirements of the federal Help America Vote Act and the U.S. EAC's 2005 Voluntary Voting System Guidelines. If the report states that it can be used, the board determines the system approved, and it will then be examined by examiners or testing labs selected by the state board, and its approval can be rescinded or it can be reexamined at any time the state board of elections chooses. The state board of elections tests every voting or ballot counting machine approved after September 1, 1986 and every ballot counting machine. Annually, the board of election of each county in which any voting systems are in use will test each machine in a manner prescribed by the state board of elections and in keeping with NY Elec L § 7-206 (2019). See NY Elec L § 7-201, NY Elec L § 7-206, and 9 CRR-NY 6210.5 (2019)

NORTH CAROLINA

State Participation: **Requires testing by a federally accredited laboratory/Requires federal certification.** North Carolina requires that its voting systems are compliant with Section 301 of HAVA and certified by an independent testing authority approved by NASED or a federal agency.

Applicable Statute(s): “Among other requirements as set by the State Board of Elections, the certification requirements shall require at least all of the following elements: (2) That the voting system comply with all federal requirements for voting systems. (8)(b) The State Board may use guidelines, information, testing reports, certification, decertification, recertification, and any relevant data produced by the Election Assistance Commission, its Standards Board, its Standards Board, its Board of Advisors, or the Technical Guidelines Development Committee as established in Title II of the Help America Vote Act of 2002 with regard to any action or investigation the State Board may take concerning a voting System. The State Board may use, for the purposes of voting system certification, laboratories accredited by the Election Assistance Commission under the provisions of section 231(2) of the Help America Vote Act of 2002. (11) Compliance with section 301 of the Help America Vote Act of 2002.” NC Gen Stat § 163-165.7 (2019)

Applicable Regulation(s): “Any voting system used in any election in North Carolina shall be constructed to...meet current Federal voting System Standards or other applicable Federal Standards.” 08 NCAC 04.0301 (2020)

“Before approving a voting system for use in North Carolina, the State Board of Elections shall ... obtain a copy of [an] independent testing authority certification as authorized by the National Association of State Election Directors or Federal Agency.” 08 NCAC 04.0302 (2020)

State Certification Process: In order to complete the approval process the State Board of Elections obtains a financial statement from the vendor along with contact information for the manufacturer, requests staff to evaluate the voting system, witnesses a demonstration of the voting system, receives a copy of Independent Testing Authority certification as authorized by NASED or Federal Agency, ensures that a copy of the voting systems source code is held in escrow, discusses propriety information in closed session in accordance with the open meetings requirements of North Carolina law, guarantees voting system compliance with state requirements and attains a copy of the manufacturer’s instructions, maintenance manual and a list of all jurisdictions using the voting system. NC Gen Stat § 163-165.7 (2019)

NORTH DAKOTA

State Participation: **Requires testing by a federally accredited laboratory.** ND requires that its voting systems are tested by an EAC accredited independent testing authority and approved by the secretary of state.

Applicable Statute(s): “The secretary of state may adopt rules according to subsection 3 of section 16.1-01-01 for certifying and decertifying electronic counting machines authorized in section 16.1-06-10.1 and electronic voting systems authorized in section 16.1-06-11, including any software, hardware, and firmware components used as a part of an electronic voting system or electronic counting machine for use and procurement in the state.” ND Cent. Code § 16.1-06-26 (2019)

Applicable Regulation(s): “Prior to procurement and subsequent use in this state, a company supplying electronic voting systems shall give written notice to the secretary of state and provide a demonstration certifying that its system complies with applicable laws and is certified by a voting system test laboratory accredited by the EAC. If the secretary of state approves the voting system, the secretary of state shall issue a certificate of approval. Any substantive changes or modifications in electronic voting systems may be certified by the secretary of state with or without the demonstration described in this section for initial approval provided that the modified system has been certified by a voting system test laboratory accredited by the EAC.” ND Admin. Code 72-06-01-02 (2020)

State Certification Process: A company supplying electronic voting systems will give written notice to the Secretary of State and provide a demonstration certifying that the voting systems comply with applicable laws and is certified by an independent testing authority accredited by the EAC as fulfilling the requirements of the EAC voluntary voting system guidelines. If the Secretary of State approves the voting system, the Secretary of State shall issue a certificate of approval. ND Admin. Code 72-06-01-02 (2020)

OHIO

- State Participation:* **Requires federal certification.** OH requires that its voting systems are tested by a federally accredited testing authority that is compliant with EAC standards.
- Applicable Statute(s):* “The secretary of state, in consultation with the board of voting machine examiners, shall establish, by rule, guidelines for the approval, certification, and continued certification of the voting machines, marking devices, tabulating equipment, and electronic pollbooks to be used under Title XXXV of the Revised Code ... Except as otherwise provided in divisions (H)(4)(b) and (c) of this section, any voting machine, marking device, or automatic tabulating equipment used in this state shall meet, as a condition of continued certification and use, the voting system standards adopted by the federal election commission in 2002 or the voluntary voting system guidelines most recently adopted by the federal election assistance commission. A voting machine, marking device, or automatic tabulating equipment initially certified or acquired on or after December 1, 2008, also shall have the most recent federal certification number issued by the election assistance commission.” Ohio Rev. Code § 3506.05 (2019)
- Applicable Regulation(s):* “No voting machine shall be approved by the board of voting machine examiners or certified by the secretary of state, or be purchased, rented, or otherwise acquired, or used, except when specifically allowed for experimental use, unless it fulfills the following requirements: (15) The equipment has been certified by an independent testing authority as meeting or exceeding the minimum requirements of the election assistance commission voting system standards.” Ohio Admin. Code 111:3-9-08 (C) (2020)
- State Certification Process:* The Secretary of State accepts applications to certify voting systems. The applicant must submit all applicable hardware, all current related procedural manuals, a current description of all related support arrangements for the equipment, an application fee, a detailed explanation of the construction and method of operation of the equipment, a full statement of the equipment’s advantages, and a list of applicable patents and copyrights on the equipment to the board of voting machine examiners for examination and testing. The board of voting machine examiners prepares and files a report to the Secretary of State recommending whether or not the equipment and related materials can be used safely by the voters. The Secretary of State makes the final determination as to whether the equipment is certified. Ohio Admin. Code 111:3-9-08(C) and Ohio Rev. Code § 3506.05 (2020)

OKLAHOMA

- State Participation:* **Baseline HAVA requirements.** There are no federal requirements in Oklahoma regarding standards for adopting and implementing voting systems. The Secretary of State Election Board determines the regulations for the certification of voting systems.
- Applicable Statute(s):* “A. The Secretary of the State Election Board is hereby authorized beginning July 1, 1989, to purchase equipment for and implement a unitary, unified, integrated system of election administration for the State of Oklahoma that includes an electronic data processing system for maintenance of voter registration records, certification of election results and other election-related applications, and the installation of electronic, optical scanning voting devices compatible with the same system in every precinct polling place. B. The Secretary of the State Election Board is authorized to adopt procedures consistent, insofar as practicable, with existing law for implementation of the system. C. Except as provided in subsection A, no electronic data processing applications shall be implemented by a county election board, nor shall voting devices be purchased by a county, except for those electronic data processing applications and voting devices already in use or for which a contract had been signed by no later than March 31, 1986.” 26 OK Stat. § 26-21-101 (2019)
- Applicable Regulation(s):* N/A
- State Certification Process:* The Secretary of State Election Board purchases voting systems and adopts the procedures to implement the purchased voting systems. 26 OK Stat. § 26-21-101 (2019)

OREGON

State Participation: **Requires testing by a federally accredited laboratory/Requires federal certification.** Oregon requires that its voting systems must be certified by the EAC or be examined by a federally accredited voting system testing laboratory (VSTL).

Applicable Statute(s): “(1)The Secretary of State shall publicly examine all makes of voting machines or vote tally systems submitted to the secretary and determine whether the machines or systems comply with the requirements of ORS 246.560. (4) Any voting machine or vote tally system approved by the secretary may be used for conducting elections. A machine or system rejected by the secretary may not be used at any election. If a machine or system is changed after the machine or system has been approved by the secretary, the secretary is not required to reexamine or reapprove the machine or system if the secretary determines that the change does not impair the accuracy, efficiency or capacity of the machine or system.” OR Rev Stat. § 246.550 (2019)

Applicable Regulation(s): “All voting systems submitted for certification pursuant to ORS 246.550 must be certified by the Elections Assistance Commission (EAC) or be examined by a federally accredited voting systems testing laboratory (VSTL).” Or. Admin. R. 165-007-0350 (2020)

State Certification Process: Voting machines are submitted to the Secretary of State for examination. The Secretary of State can enlist the help of no more than three individuals to assist in the examination process who are experts in one or more of the fields; data processing, mechanical engineering, and public administration. After completing the examination, the Secretary State shall approve or reject the voting machine or tally system no later than thirty days after the examination. The Secretary of State may also revoke approval. Any voting machine approved by the Secretary of State may be used in elections; a machine or system rejected by the Secretary of State may not be used in elections. OR Rev Stat. § 246.550 (2019)

PENNSYLVANIA

State Participation: **Requires testing by a federally accredited laboratory.** Pennsylvania requires that its voting systems are approved by a federally recognized independent testing laboratory and meet federal voting system standards.

Applicable Statute(s): “Any person or corporation owning, manufacturing or selling, or being interested in the manufacture or sale of, any electronic voting system, may request the Secretary of the Commonwealth to examine such system if the voting system has been examined and approved by a federally recognized independent testing authority and if it meets any voting system performance and test standards established by the Federal Government.” 25 PA Stat § 3031.5 (2019)

Applicable Regulation(s): N/A

State Certification Process: The Secretary of State examines voting systems, upon request, once the voting systems have received approval by a federally recognized independent testing authority. The person(s) requesting the examination of the voting system are responsible for the cost of the examination. After the examination, the Secretary of State issues a report stating whether or not the voting systems are safe and compliant with state and federal requirements. If the voting systems are deemed safe and compliant by the Secretary of State then the systems may be adopted and approved for use in elections by each county through a majority vote of its qualified electors. The Secretary of the Commonwealth may, at any time, reexamine or decertify a voting system. 25 Pa. Stat. Code §§ 3031.2-5 (2019)

PUERTO RICO

- State Participation:* **Baseline HAVA requirements.** Puerto Rico requires that its voting systems are evaluated by the State Election Commission based on the most advanced electronic developments available.
- Applicable Statute(s):* “The Commission shall evaluate voting and canvassing systems for adoption in Puerto Rico based on the most advanced electronic and technological developments available, and file its recommendations to this effect with the Office of the Secretary of each Legislative House not later than the year following each election. All voting or canvassing systems that are tested or implemented shall make evident to the voter that his/her vote has been registered, and that the measures to perform a manual recount, if necessary, have been adopted.” P.R. Laws tit. 16, § 4025 (2019)
- Applicable Regulation(s):* N/A
- State Certification Process:* The Commonwealth Commission determines through a resolution which voting systems to be used at the polls, and they should be based on “the most advanced electronic and technological developments available.” Once the Commission approves the voting system has been approved, the political parties, independent candidates or participating organizations are notified through their Representatives. The Commonwealth Commission then holds public hearings so citizens can state their views on the proposed voting systems, and the resolution will be posed in both Spanish and English and in every Permanent Registration Board and every City Hall and Internal Revenue Collection Office. P.R. Laws tit. 16, § 4025 (2019)

RHODE ISLAND

State Participation: **Requires testing by a federally accredited laboratory/Requires federal certification.** RI requires that its voting systems are compliant with federal standards and administered by the designated federal agency (EAC) or independent testing authority.

Applicable Statute(s): “The vendor of the precinct-count system shall provide written proof of compliance with federal standards then in place and administered by the designated federal agency or organization from an independent testing company and this written proof must be on file with the office of the secretary of state and the state board of elections” RI Gen L § 17-19-3 (2019)

Applicable Regulation(s): N/A

State Certification Process: Any vendor seeking for voting system approval must submit a written proof of compliance with federal standards administered by the designated federal agency or an independent testing company. The written proof must be on file with the office of the Secretary of State and the State Board of Elections. The Secretary of State and the State Board of Elections submit voting system specifications to the Department of Administration (DOA). The DOA consults these specifications in the development of a request for proposal and a full service contract to obtain electronic voting equipment. The DOA then seeks bids from vendors for the options of purchasing, leasing to own and renting optical scan precinct count voting systems that meet the state and federal requirements and for the full services of the vendor. RI Gen L § 17-19-3 (2019)

SOUTH CAROLINA

State Participation: **Requires testing to federal standards/Requires testing by a federally accredited laboratory.** South Carolina requires that its voting systems are certified by an FEC accredited testing laboratory as meeting or exceeding the requirements of federal voting system standards.

Applicable Statute(s): “Before any kind of voting system, including an electronic voting system, is used at an election, it must be approved by the State Election Commission, which shall examine the voting system and make and file in the commission's office a report, attested to by the signature of the commission's executive director, stating whether, in the commission's opinion, the kind of voting system examined may be accurately and efficiently used by electors at elections, as provided by law. A voting system may not be approved for use in the State unless certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of federal voting system standards.” SC Code § 7-13-1620 (2019)

Applicable Regulation(s): N/A

State Certification Process: The State Election Commission accepts requests by vendors seeking for voting system approval. The State Election Commission examines voting systems and writes a report stating whether the kind of voting system examined may be accurately and efficiently used at elections. A person or company who requests an examination of a voting system shall pay a nonrefundable examination fee, file with the State Election Commission a list of all states or jurisdictions in which that voting system has been approved for use, file with the State Election Commission copies of all contracts and maintenance agreements used in connection with the sale of the voting system, conduct a field test under the supervision of the State Election Commission and any County Election Commission, place all source codes for the system in escrow at his/her expense with the authority approved by the Election Assistance Commission, and shall report to the Director of the State Election Commission any violations issued against the voting system that have occurred prior to or during the time the vendor seeks approval of the voting system. SC Code § 7-13-1620 (2019)

SOUTH DAKOTA

State Participation: **Requires testing by a federally accredited laboratory.** SD requires that its voting systems are tested according to 2002 EAC voting system standards, certified by an EAC-accredited laboratory, and approved by the State Board of Elections.

Applicable Statute(s): “Each system shall fulfill the requirements for election assistance commission standards certification and be approved by the State Board of Elections prior to distribution and use in this state. No system may be approved unless the system fulfills the requirements as established by the State Board of Elections. Any changes or modifications to an approved system shall be approved by the State Board of Elections prior to distribution and use.” SD Codified L § 12-17B-2 (2019)

Applicable Regulation(s): “Prior to distribution in South Dakota, a company or corporation dealing in automatic tabulating, direct recording electronic, or electronic ballot marking systems shall give written notice to the state board of elections and demonstrate that its system complies with SDCL 12-17B-2 and § 5:02:09:02.01, 5:02:09:02.02, or 5:02:09:02.03 and is certified as fulfilling the requirements of the Election Assistance Commission 2002 voting system standards by an independent test authority accredited by the Election Assistance Commission. If the State Board of Elections approves the system, it shall issue a certificate of approval.” S.D. Admin. R. 5:02:09:02 (2020)

State Certification Process: The Board may only approve voting system that is certified by an EAC authorized testing authority, as fulfilling the requirements of the EAC 2002 Voting System Standards. Any changes in an approved electronic voting system are certified by the State Board of Elections provided that the modified system is certified as satisfying EAC standards by an EAC accredited independent authority. Any governing body can use an approved system in all or some of the precincts within its jurisdiction or in combination with other types of voting systems approved by the State Board of elections. S.D. Admin. R. 5:02:09:02 and SD Codified L § 12-17B-3 (2019)

TENNESSEE

State Participation: **Baseline HAVA requirements.** TN requires that its voting systems are approved by the State Coordinator of Elections and State Election Commission.

Applicable Statute(s): “The state coordinator of elections and the state election commission shall approve any voting machine before a county election commission purchases such machine.” TN Code § 2-9-117 (2018)

Applicable Regulation(s): “No county election commission or county governing body shall purchase any electronic voting device not certified by the Coordinator of Elections with the approval of the State Election Commission.” Tenn. Comp. R. & Regs. 1360-2-13.09 (2020)

State Certification Process: The Coordinator of Elections and the State Election Commission accept and either approve or deny applications for the certification of voting systems. Until approval is given, no county election commission and/or county governing body can purchase that voting system. At least every 8 years after 2002, the state coordinator of election and the State Election Commission reexamine voting machines to ensure they still meet the criteria for certification. If a machine is not certified, the relevant county election commission has two years to purchase and implement new machines that are certified. Tenn. Comp. R. & Regs. 1360-2-13.06 (2020); see also TN Code § 2-9-117 (2018)

TEXAS

State Participation: **Requires federal certification.** TX requires that its voting systems meet the current FEC standards as well as state requirements.

Applicable Statute(s): “A voting system may not be used in an election unless the system: (3) operates safely, efficiently, and accurately and complies with the error rate standards of the voting system standards adopted by the Federal Election Commission...” TX Elec Code § 122.01 (2019)

Applicable Regulation(s): “For any voting machine ... to be certified for use in Texas elections, the system shall have been certified, if applicable, by means of a qualified testing by a Nationally Recognized Test Laboratory (NTRL) and shall meet or exceed the minimum requirements set forth in the Performance and Test Standards for Punch Card, Mark Sense, and Direct Recording Electronic Voting Systems, or in any successor voluntary standard document developed and promulgated by the FEC.” 1 TX Admin. Code § 81.61 (2019)

State Certification Process: The Secretary of State accepts applications to examine and certify voting systems and appoints four people to examine the voting system. While the Attorney General appoints two people as examiners. Each examiner inspects the voting system and submits a report to the Secretary of State. The Secretary of State will conduct a public hearing to provide interested persons an opportunity to express their views for or against the approval of the voting system. Following the public hearing, the Secretary of State shall prepare a written report stating why the voting system was approved or denied. 1 TX Admin. Code § 81.61 (2019)

Note: Texas requires EAC certification as a baseline and conducts an additional examination. The statute doesn't clearly state that but this is information that the Texas SOS has provided.

UTAH

| | |
|-------------------------------------|---|
| <i>State Participation:</i> | Requires testing by a federally accredited laboratory/Requires federal certification. UT requires that its electronic voting systems are certified by the EAC or a laboratory that has been accredited by the EAC. |
| <i>Applicable Statute(s):</i> | “The lieutenant governor may comply with the requirements of Subsection (2)(a) by certifying voting equipment that has been certified by: (i) the United States Election Assistance Commission; or (ii) a laboratory that has been accredited by the United States Election Assistance Commission to test voting equipment.” <u>UT Code § 20A-5-802</u> (2018) |
| <i>Applicable Regulation(s):</i> | N/A |
| <i>State Certification Process:</i> | Before selecting or purchasing new voting systems, the Lieutenant Governor will appoint a Voting Equipment Selection Committee, whose members have experience in election procedures, security, and relevant technology. The Lieutenant Governor will select a chair from the committee membership, and the committee will evaluate new voting systems proposed for purchase by the state and provide information to assist the Lieutenant Governor with the selection of new voting systems. The Lieutenant Governor may designate individuals, including committee members, to inspect and review proprietary software as part of an evaluation of new voting systems. Before making a purchase, he or she will also provide for a period of public review of new voting systems under consideration for adoption by the state. <u>UT Code § 20A-5-803</u> (2018) |

VERMONT

- State Participation:* **Baseline HAVA requirements.** The Secretary of State determines the regulations for the certification of voting systems in VT.
- Applicable Statute(s):* “The secretary of state shall adopt rules governing the use and the selection of any voting machine in the state.” 17 V.S.A. § 2493 (2019)
- Applicable Regulation(s):* “Prior certification of a vote tabulator by the Secretary of State shall be required before entry into any contract with a vote tabulator vendor. Selection of vote tabulators for the state of Vermont shall follow the standard procurement process for all state contracts ... The Secretary of State shall require that all vote tabulators certified for use in the state be independently tested using security testing protocols that are generally accepted at the time of application for certification.” CVR 04-010-001 (2020)
- State Certification Process:* Municipalities can vote to use electronic systems in subsequent elections. If this vote takes place within six months of the next general or primary election the voting systems rented or purchased by the legislative body must be approved by the Secretary of State. The municipality is responsible for all expenses acquired due to the rental or purchase of voting systems and the Secretary of State provides the ballots. If the Secretary of State determines that any vote tabulators have been rendered inoperable, he or she can suspend their use and require the hand count of votes. 17 V.S.A. § 2491-2493 (2019)

VIRGINIA

State Participation: **Requires testing to federal standards.** VA requires that its electronic voting systems meet federal requirements and are approved by the State Board of Elections.

Applicable Statute(s): “After its examination of the equipment, ballots, and other materials submitted by the vendors, the Board shall prepare and file in its office a report of its finding as to...(viii) whether the system meets federal requirements; and (x) whether, in the opinion of the Board, the potential for approval of such system is such as to justify further examination and testing.” VA Code § 24.2-629 (2019)

Applicable Regulation(s): N/A

State Certification Process: The State Board of Election accepts vendor applications for the examination and approval of voting systems. The vendor may be required to pay a reasonable application fee for the testing and certification of new and upgraded voting equipment. The Board prepares a report stating whether the voting systems meet the state and federal requirements and can be used at elections, and also receives a report by an independent electronics or engineering consultant as to whether the machine is accurate, accessible, and safe. The Board may also require that a voting system is tested in an actual election in one or several counties. If the voting systems meet these requirements, then the Board will approve the voting systems for use at elections. VA Code § 24.2-629 (2019)

WASHINGTON

State Participation: **Requires testing by a federally accredited laboratory.** WA requires that its voting systems are tested and certified by an EAC accredited independent testing authority, so long as its functions are in keeping with the unique requirements of the state.

Applicable Statute(s): “No voting device shall be approved by the secretary of state unless it: (5) Except for functions or capabilities unique to this state, has been tested and certified by an independent testing authority designated by the United States election assistance commission.” WA Rev Code § 29A.12.080 (2018)

Applicable Regulation(s): “All voting systems, voting devices, and vote tallying systems must meet applicable federal standards and be certified and approved by the secretary of state before they can be used in Washington state pursuant to RCW 29A.12.020.” WAC 434-335-010 (2020)

“No voting device or its component software may be certified by the secretary of state unless it... (f) has been tested and approved by the appropriate independent testing authority approved by the United States election assistance commission...” WAC 434-335-0400(1) (2020)

State Certification Process: The Secretary of State accepts applications for voting system certification and will inspect, evaluate, and publicly test all voting systems that are submitted for review. The Secretary of State determines whether or not the voting system meets all of the state, federal and safety requirements. This report is submitted by the Secretary of State to the county auditor of each county within thirty days of the completion of the examination. WA Rev Code § 29A.12.020 (2018)

WEST VIRGINIA

State Participation: **Requires testing to federal standards.** The State Election Commission approves voting systems in WV. But the Commission appoints two qualified computer experts to report on whether a voting system complied with state requirements and requirements set forth by a federal agency for certification.

Applicable Statute(s): “Any person or corporation owning or interested in any electronic voting system may apply to the State Election Commission so that the system may be examined and a report be made on its accuracy, efficiency, capacity and safety ... No electronic voting system may be used at any election unless it has been approved under this section or its former provisions and by the appropriate agency of the federal government whose purpose is to review and issue a certificate of approval.” WV Code § 3-4A-8 (2019)

Applicable Regulation(s): “Any county commission that makes the choice after January 1, 2006 to replace its punch card or lever voting system is eligible to apply for funds from this loan program for the purpose of replacing its voting system with a HAVA-compliant system; Provided that the maximum aggregate amount of loan proceeds available to any such county shall be reduced by the amount of federal funding that was forfeited and returned to the federal government as a result of such county’s failure to replace its punch card or lever system by January 1, 2006.” WV Code R. § 153-10-10 (2017)

State Certification Process: The State Election Commission accepts applications to examine voting systems and appoints two computer experts (who are not members of the same political party) to prepare a report on the accuracy, efficiency, capacity and safety of the voting systems. The report must determine whether or not the voting systems comply with the state requirements and are safe to be used by voters, and comply with the requirements set forth by the “appropriate agency of the federal government” which reviews and certified voting equipment. If the voting machines meet these requirements, they can be approved by the State Election Commission. At the local level, an electronic voting system may also be approved by a majority of the members of the county commission voting to adopt it at a public meeting. See WV Code § 3-4A-8 and WV Code § 3-4A-3 (2019)

WISCONSIN

State Participation: **Requires testing to federal standards/Requires testing by a federally accredited laboratory.** The Elections Commission must ultimately approve a voting system, but it must be also be approved by an independent testing authority accredited by NASED verifying that the voting systems meet all of the recommended FEC standards.

Applicable Statute(s): “No ballot, voting device, automatic tabulating equipment or related equipment and materials to be used in an electronic voting system may be utilized in this state unless it is certified by the commission. The commission may revoke its certification of any ballot, device, equipment, or materials at any time for cause. The commission may certify any such voting device, automatic tabulating equipment, or related equipment or materials regardless of whether any such item is approved by the federal election assistance commission...” WI Stat § 5.91 (2019)

Applicable Regulation(s): “An application for approval of an electronic voting system shall be accompanied by all of the following ... [r]eports from an independent testing authority accredited by the national association of state election directors (NASED) demonstrating that the voting system conforms to all the standards recommended by the federal elections commission.” Wis. Admin. Code GAB § 7.01 (2020)

State Certification Process: The Board of Election Commissioners accepts applications for the approval of electronic voting systems. Once the application is completed, the vendor must set up the voting system for three mock elections using; (1) offices, (2) referenda questions and (3) candidates. A panel of local election officials can assist the Board in the review of the voting system. The Board conducts the test using a mock election for the partisan primary, general election, and nonpartisan election. The Board may also require that the voting system be used in an actual election as a condition of the approval. Wis. Admin. Code GAB § 7.01-7.02 (2020)

WYOMING

State Participation: **Requires federal certification.** WY requires that its voting systems are tested and certified by an EAC accredited independent testing authority, and have an EAC certification number.

Applicable Statute(s): “Every electronic voting system adopted for use in Wyoming shall....Be certified by the secretary of state.” WY Stat § 22-11-103 (2019)

Applicable Regulation(s): “Before any equipment or software is sold or upgraded, the vendor shall certify in writing to the Wyoming Secretary of State that the equipment or software: (i) Meets Federal Voting Systems Performance and Test Standards. The vendor shall include a report from an accredited Independent Testing Authority (ITA), together with the Election Assistance Commission (EAC) certification number, certifying that the system is in compliance with federal standards.” 002-040-012 WY Code R. § 4 (2020)

State Certification Process: The Secretary of State establishes rules for the certification of voting systems. These rules cannot prevent the county clerks from following the recommendations of vendors regarding routine maintenance and management of voting systems, as long as these recommendations do not violate the requirements of the Election Code and/or these rules. Before any equipment or software is sold or upgraded, the vendor must certify to the Secretary of State that it has been federally certified and tested/used/certified in at least two states for federal elections. The Secretary of State may deny or withdraw the certification of equipment for a number of reasons, in which case he or she must provide a written notice or emergency order immediately rescinding certification. The Secretary of State must also be notified of any changes, upgrades, or purchases of new equipment. WY Stat § 22-11-103 (2019) and 002-040-012 WY Code R. § 4 (2020)

State and Local Government

Tomi Collins, Mandan, ND

Testimony in support of SB 2308 † SB 2316

Dear Chairman Roers and Committee Members

Voters should not be forced to deal with the problems that massive voting by mail have and will continue to create. FACT: It is easy to copy and print ballots and it is being done in ND.

I recently heard ND SoS Election officials claim, "But you would need key information about a voter" OK Let's look who has had access to that information in ND.

1. Russia Hacked North Dakota and probed our voter registration systems. **VOTER DATA HAS BEEN COMPROMISED AND OPEN TO BAD ACTORS.**

See Source video on ND 2016 Russian Hack <https://www.bek.news/tomitime/2022-11-02/> featuring **J. Alex Halderman**, professor of Computer Science and Engineering at the University of Michigan, where he is also director of the Center for Computer Security & Society. Halderman's research focuses on computer security and privacy, with an emphasis on problems that broadly impact society and public policy.

See source article Bismarck Tribune

https://bismarcktribune.com/news/state-and-regional/feds-russian-hackers-targeted-nd-s-elections-systems/article_396ddc74-b7d5-5866-8688-f398059f0afd.html

Fed's: Russian Hackers Targeted ND's Election Systems

Ryan Johnson Forum News Service **Sep 23, 2017**

Russian hackers targeted North Dakota's elections systems last year, according to new information disclosed to the state's top elections official Friday.

Secretary of State Al Jaeger confirmed Saturday that his office was called the previous day and notified that North Dakota was among 21 states targeted by hackers last year.

He said his office was alerted Thursday that the U.S. Department of Homeland Security would call elections officials in each state Friday to disclose if they were a target for hacking. Jaeger said his office got

a “very brief” call that said North Dakota was one of the affected states.

Jaeger said the information was “very sketchy” Friday. He said he has requested more details from the DHS.

“We have had discussions with them,” he said. “There’s a lot of things that we still have questions on, so that’s why we’re not commenting until we know more.”

Jaeger said he will comment more today.

Minnesota was also notified that it was targeted. A news release from Secretary of State Steve Simon said the DHS told him Minnesota was among 21 states “targeted by entities acting at the behest of the Russian government leading up to the 2016 election,” though the agency also confirmed there wasn’t a breach or attempt to breach Minnesota’s election system.

According to Simon, the DHS said hackers scanned IP addresses related to the secretary of state’s website to try to find vulnerabilities, but nothing further happened. He said the state’s system previously identified scanning IP addresses and blocked them.

“Scanning from outside entities is commonplace and happens every day, which is why I continue to believe the most serious challenge to the integrity of our election system is the threat of outside forces, including foreign governments, who seek to disrupt and undermine our elections,” Simon said Friday in a written statement.

2. ND SoS Al Jager Certified OUTDATED Windows sever 2008 and Windows 7 IN THE YEAR 2020 to run the ND Elections. 2008 software in 2020??? (Source Document Provide for the record “State of North Dakota -Certification of Election Equipment”

3. **There are significantly more voters listed on our ND Active Voter List then there are citizens over the age of 18 as reported to me personally by Dr Frank. Dr Douglas Frank is the former chair of the math and science department at the Schilling School for Gifted Children in Cincinnati. (I am standing by for the updated stats)**
4. There were clearly problems as we had Negative votes reported in Kidder County. In 2020 (see Kidder Auditors submission to the Kidder County Register of the official Abstract of votes w/ negative votes) **HOW DO YOU GET NEGITIVE VOTES. HOW MANY WERE MORE VOTES ERASED TO GET TO NEGITIVE VOTES?**
5. 2022 resident's report they were getting Ballots they did not order: I have seen a ballot that was sent to MONTANA TO Riley Walker.

Riley has not lived in ND for 10 years. He does not have an ND Drivers License. His mother Tana Walker a resident of Sheridan Co. ND and a poll worker.

Tana reported He received a BALLOT (Not and application) in the mail IN MONTANA for the 2022 Primary. She instructed him to return to sender with a note and ask to be removed form any list.

In the 2022 General Riley AGAIN received a BALLOT (not an application) I have seen this ballot. His mother was very concerned and said do not send it back SEND IT TO ME! I am going to report it.

She went to her county auditor. Concerned about previous reports of shady behavior she recorded the conversation whereas (I heard the county auditor say WE DID NOT SEND THIS TO YOUR SON. So, we see clearly, we have bad actors sending out ballots or at the very least we see the issues that happen when you remove chain of custody.

6. Election Judge Elmer's report when 10 or more Ballots did not go through the scanner machines, they were called defective (and they were not) and new ballots were then filled out on good ND ballot paper and then sent through the machine. In Nd according to NDCC poll workers can fill out new ballots!

NDCC 16.1-15-09. Voting systems - Returns.

1. *Election officers shall generate reports of votes cast and counted by voting systems for all candidates and for any measures or questions as provided by law or rule.*
2. *Within the ability of a tabulation device to accurately do so, all votes must be counted by the machine. After the election results have been accumulated centrally in the county auditor's office, if the number or percentage of write-in votes for an office meet*

the criteria in section 16.1-15-01.1, the county canvassing board shall review and approve the canvass of the votes for the write-in names for that office conducted by the county auditor's office to determine final election results.

3. The county auditor shall designate the public places where absentee and mail ballots must be delivered and counted in the presence of the election inspector and at least two election judges.
4. Each voting system must generate a printed record at the beginning of the system's operation which verifies the tabulating elements for each candidate position and each question and the public counter are all set at zero. The voting system also must be equipped with an element that generates, at the end of the system's operation, a printed record of the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate on the ballot, and the total number of votes cast for or against any measure appearing on the ballot. The election inspector and election judges shall certify both printed records.
5. If any ballot is damaged or defective so the ballot cannot be counted properly by the voting system, **a true duplicate copy must be made by election officials of opposed interests and substituted for the damaged or defective ballot.** All duplicate ballots must be labeled duplicate clearly, must bear a serial number that must be recorded on the damaged or defective ballot, and must be wrapped and delivered with other ballots to the county recorder. *(Section 5 in red should be stricken from NDCC. There may be Constitutional implications to filling out a ballot for someone else when they are not handicap or has not requested one does so)*

16.1-15-10. Failure of voting system - Counting by alternate method.

If the voting system fails to operate during the ballot count at any election, the ballots must be counted by an alternate method. *(This needs to be clarified)*

5. Is it an inside job? Do you know who is running our Election Dept and technology Department. I do and I am appalled. See three articles provided. **BRIAN NEWBY State Election Director, North Dakota Secretary of State** married Jessica White the lady he was cheating on his wife of 30 years with and **"A scathing county audit of the Kansas election office found Newby intentionally circumvented oversight by charging expenses to White's government credit card, allowing him to review and approve his own spending. Auditors also said Newby and White made purchases without sufficient business justification and supporting documentation."**

Source Link

<https://apnews.com/article/799a7b6e991941c682ebc15c90c89094>

Jessica Newby AKA Jessica White now serves as The Information Security Officer for NORTH DAKOTA INFORMATION TECHNOLOGY (NDIT)

See LAW and CRIME article on Brian Newby EAC executive director **Brian Newby** has reportedly spent the last four years heading the agency blocking election security initiatives at every turn, ...However, according to former employees, Newby is doing everything in his power to prevent the agency from taking tangible steps to prevent similar election interference in 2020. ...On numerous occasions, Newby ordered staffers to cease work on cybersecurity best-practices documents that normally provide federal and state election officials with integral guidance pertaining to proper election procedures. ...Politico spoke with seven different sources in the course of their reporting, all of whom spoke on the condition of anonymity in order to speak freely.

Source Link <https://lawandcrime.com/high-profile/election-official-accused-of-subverting-his-own-agencys-mission/> (Printed Copy provided for the record)

North Dakota has a husband-and-wife team cloaked in scandal running our elections. These two shysters work together with limited oversight.

Was SoS Al Jaegar a technical expert? Is SoS Michael Howe? No, according to them both, they are not, I asked them. **See the problem?**

SoS Jaegar have relied on two extremely shady people to recommend, explain and RUN the election technology.

(Printed Source Documents provided for the record. – 1. Ap Article 2. Jessica White AKA Jessica Newby LinkedIn showing Johnson County employment as Brian Newby's Employee)

6. Dishonest vendor? ES&S the vendor of our new election machines was admonished by the Election Assistance Commission for misleading their customers. "The federal Election Assistance Commission has rebuked the nation's top voting-machine maker over marketing materials that the panel says deceptively implied the company's voting machines are EAC-certified." "ES&S ...assert, falsely, that voting machines the company sells with embedded modems have been sanctioned by the EAC under its testing and certification program.

Source Link <https://www.politico.com/news/2020/08/13/election-voting-machine-misleading-claims-394891> (printed article also provided to be added to the record)

7. Cass County the largest County in North Dakota has hired Murray Nash Retired senior officer of the Australian Naval Officer. A country that took their citizens guns. Why in the world we choose a foreigner naval and intelligence officer to run Cass Counties elections. This man is currently obstructing and refusing to give me the who voted records for Cass County. In fact, I reviewed an email he has also refused to give election records to statewide candidates and in one instance he provided an estimate for over \$20,000 to get election electronic records for the 2020 and 2022 election. If there is nothing to hide why obstruct? (Source LinkedIn provided in paper form to be submitted into the record)

8. North Dakotas New Pollbooks have **no paper back up** and are hooked up to the internet. They are open to outside and/or in-house manipulation and nobody would ever know. See Politico article- "The election security hole everyone ignores Increasing numbers of polling places use electronic devices to check in voters and verify their eligibility. But the devices often create chaos and introduce new vulnerabilities to elections." "The devices often communicate wirelessly with each other and with backend voter registration databases, offering a potential pathway for hackers who get onto that wireless network to delete or alter voter records — to indicate falsely, for example, that someone has already voted. Hackers could further use the wireless connection to breach the backend databases and other systems connected to them." **NORTH DAKOTA'S NEW KNOWINK POLLBOOKS COMMUNICATE WIRELESSLY!** . Source Link

<https://www.politico.com/news/2020/08/31/election-security-hole-406471> (printed article also provided to be added to the record)

9. ND's New Pollbooks are hooked up to the internet. "**INTRODUCTION** This Security Assessment Report (SAR) contains the results of a review of voting processes in the state of North Dakota (ND). The process review took place from 05/16/2022 through 07/31/2022. This assessment focused on possible vulnerabilities or threats related to the voting process only; no technical testing was conducted. The assessment team did not validate technical controls or review technical configuration of any system involved in the voting process." Sadly, the report the ND auditor got is grossly flawed.

Source link

https://www.nd.gov/auditor/sites/www/files/documents/Reports/IT%20Security/ND_Voting_Security_Assessment_2022_Final.pdf (partially printed to be added to the record)

10. The New Election Equipment and Mail-in Ballot system are the same systems used in states like AZ who are experiencing massive irregularities and delays in counts. In the new era the Newby's have promoted North Dakota has now lost our efficient and transparent elections where we had the basic effective ability to reconcile a paper ballot against a paper pollbook. (Source VerifiedVoting.org list of AZ voter equipment that matched ND's, paper copy provided for the record)
11. Compromised Voter Information, Mail in Ballots, and Unmanned Drop Boxes Make North Dakota a target for fraud. We are a rich state and as we can see we have everyone from George Soros, Bill Gates and China wanting a piece of our land and our wealth and resources. It is extremely naïve to believe because we geographically move the same systems causing problems in other states to ND that those same systems and equipment magically become incorruptible. We are currently like frogs in warm water but as the term limits began to expire and this is not corrected we will be dead frogs. If we do not fix this we mine as well layover and allow China to descend on us and allow crazy Bill Gates to kill all of our farting cows. Because the bad actors will no doubt take advantage of the state who now has the "least transparent elections in the union" according to top election officials. Please, ask me as I am assisting with critical bills you will be hearing in hopes to correct.

I provided this article to help you to understand all China has to do is hire this guy to come to ND.

New York Post - Confessions of a voter fraud: I was a master at fixing mail-in ballots [Jon Levine](#) August 29, 2020

A top Democratic operative says voter fraud, especially with mail-in ballots, is no myth. And he knows this because he's been doing it, on a grand scale, for decades.

Mail-in ballots have become the latest flashpoint in the 2020 elections. While President Trump and the GOP warn of widespread manipulation of the absentee vote that will swell with COVID polling restrictions, many Democrats and their media allies have dismissed such concerns as unfounded.

But the political insider, who spoke on condition of anonymity because he fears prosecution, said fraud is more the rule than the exception. His dirty work has taken him through the weeds of municipal and federal elections in Paterson, Atlantic City, Camden, Newark, Hoboken and Hudson County and his fingerprints can be found in local legislative, mayoral and congressional races across the Garden State. Some of the

biggest names and highest office holders in New Jersey have benefited from his tricks, according to campaign records The Post reviewed.

“An election that is swayed by 500 votes, 1,000 votes — it can make a difference,” the tipster said. “It could be enough to flip states.”

The whistleblower — whose identity, rap sheet and long history working as a consultant to various campaigns were confirmed by The Post — says he not only changed ballots himself over the years, but led teams of fraudsters and mentored at least 20 operatives in New Jersey, New York and Pennsylvania — a critical 2020 swing state.

But for political pros, they’re a piece of cake. In New Jersey, for example, it begins with a blank mail-in ballot delivered to a registered voter in a large envelope. Inside the packet is a return envelope, a “certificate of mail in voter” which the voter must sign, and the ballot itself.

That’s when the election-rigger springs into action.

Phony ballots

The ballot has no specific security features — like a stamp or a watermark — so the insider said he would just make his own ballots.

“I just put [the ballot] through the copy machine and it comes out the same way,” the insider said.

Inside jobs

The tipster said sometimes postal employees are in on the scam.

“You have a postman who is a rabid anti-Trump guy and he’s working in Bedminster or some Republican stronghold ... He can take those [filled-out] ballots, and knowing 95% are going to a Republican, he can just throw those in the garbage.”

In some cases, mail carriers were members of his “work crew,” and would sift ballots from the mail and hand them over to the operative.

Nursing homes

Hitting up assisted-living facilities and “helping” the elderly fill out their absentee ballots was a gold mine of votes, the insider said.

“There are nursing homes where the nurse is actually a paid operative. And they go room by room by room to these old people who still want to feel like they’re relevant,” said the whistleblower. “[They] literally fill it out for them.”

The insider pointed to former Jersey City Mayor Gerald McCann, [who was sued in 2007](#) after a razor-thin victory for a local school board seat for allegedly tricking “incompetent ... and ill” residents of nursing homes into casting ballots for him. McCann denied it, though he did admit to assisting some nursing home residents with absentee ballot applications. With mail-in ballots, partisans from both parties hash out and count ballots at the local board of elections — debating which ballots make the cut and which need to be thrown out because of irregularities.

(Source Link See full article) <https://nypost.com/2020/08/29/political-insider-explains-voter-fraud-with-mail-in-ballots/>

*12. The new tabulator Machines in North Dakota are ES&S DS200 and DS450
Source Link; <https://www.nbcnews.com/news/all/chinese-parts-hidden-ownership-growing-scrutiny-inside-america-s-biggest-n1104516>*

The secrecy of ES&S and its competitors has pushed politicians to seek information on security, oversight, finances and ownership.

NBC News examined publicly available online shipping records for ES&S for the past five years and found that many parts, including electronics and tablets, were made in China and the Philippines, raising concerns about technology theft or sabotage.

During the tour, Burt said the overseas facilities are “very secure.” He said the final assembly of voting machines takes place in the U.S.

Chinese manufacturers can be forced to cooperate with requests from Chinese intelligence officials to share any information about the technology and therefore pose a risk for U.S. companies, NBC News analyst Frank Figliuzzi, a former assistant director of the FBI for counterintelligence, said. That could include intellectual property, such as source code, materials or blueprints. There is also the concern of machines shipped with undetected vulnerabilities or backdoors that could allow tampering.

13. President Trumps Tweet. President Trump is passionate about the dangers mail in ballots. In a recent post on his Truth Social he states.

@realDonaldTrump

Jan 6, 2023

All Republican Governors should immediately begin the process of ENDING MAIL IN BALLOTS (which are fraught with corruption, and always will be!) EXCEPT FOR FAR AWAY MILITARY AND PEOPLE WITH A PROVEN ILLNESS, GETTING VOTER I.D. AND SAME DAY VOTING WITH ALL PAPER BALLOTS. This effort should be all out and start immediately. Governors have the power and authority to do this. GET IT DONE, or we will never have honest elections in our Country again!

14. I keep hearing "Those machines in other states are not in North Dakota" Yes they are and in more ways than one. Under the Obama administration the Eric Holder DOJ brought suit against ES&S and as part of a settlement ES&S gave its base software to their "competitors". (This opens a whole other can of worms where we see the two brothers leading the two top election equipment companies and this is too much information to unpack in this hearing. I will be happy to meet individually to share what I know. Also stay tuned to BEK News as I will be doing a docuseries on the disturbing history of these election machines and the convicted felon Jeffery Dean who was the master mind and reported felon John Elder who is reported to have Dean met in a Washington Prison who I last see listed on an ES&S Mail-in Ballot Patent Source document <https://patents.google.com/patent/US8740058B2/en?inventor=John+Elder&assignee=Elder+John> Have AG Wrigley pull his and Jeffery Deans record from Washington State, True Story friends and I do understand the laws of defamation. I source my statements.)

Competitive Impact Statement (From Case NO. 1-10-00380 JDN Dept of Justice June 2010)

All devices are bound together by a collection of proprietary election management software and firm are, which enables their operation and the communication and reporting of election results.

A proven voting equipment system is an important consideration for many customers because, although certification testing is designed to screen out technical problems, even certified machines have demonstrated security and accuracy problems when deployed in an actual election, which can undermine the integrity of the democratic process.

(Source Link 2010-06-30-United-States-et-al-v-Election-Systems-and-Software-Inc-Case-No-1-10-00380-JDB-Department-of-Justice-Jun-30-2010.pdf)

We must have Paper Pollbooks Paper Ballots, Small pretexts and hand counts, with extremely limited absentee ballots. What kind of legacy will this body leave to ND

before the term limits kick in. This is our opportunity to be bold to protect and secure North Dakota for our children, grandchildren, and generations to come. Let's start Now
Please vote yes on SB 2308

#2

ALVIN A. JAEGER
SECRETARY OF STATE

WEBSITE sos.nd.gov



PHONE (701) 328-2900
EMAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

State Of North Dakota – Certification of Election Equipment

Effective this date, I certify the following Election Systems and Software, Inc. (ES&S) Voting System components for use in the State of North Dakota. These voting system components have been officially determined and designated for use in every county of the State of North Dakota.

The following components are certified for use in the State of North Dakota:

Operating System Requirements:

- Windows 7 Professional, SP-1 (64-bit)
- Windows Server 2008, R2, SP-1 (64-bit)
- Windows 7 Enterprise, SP-1 (64-bit)

used IN 2020!

Software Systems:

Electionware Voting System (EVS) 6.0.4.0 with the following modules:

- Electionware, version 5.0.4.0
- Event Log Service, version 1.6.0.0
- Removeable Media Service, version 1.5.1.0
- ExpressVote Previewer, version 2.4.5.0

Hardware Systems:

- DS200 Hardware 1.3.11, version 2.17.4.0
- DS450 Hardware 1.0, version 3.1.1.0
- DS850 Hardware 1.0, version 3.1.1.0
- ExpressVote Hardware 2.1, version 2.4.5.0

This Certification is granted pursuant to North Dakota Century Code § 16.1-06-26 (attached). It also verifies that all components listed above and provided by ES&S comply with North Dakota Administrative Rule 72-06-01 (attached).

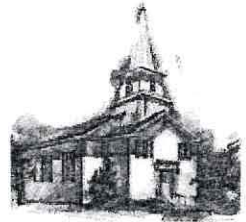
In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the state at the Capitol in the City of Bismarck, on June 27, 2019

Alvin A. Jaeger
Secretary of State

Public Notice

See Negative Votes

KIDDER COUNTY ABSTRACT OF VOTES NORTH DAKOTA GENERAL ELECTION - NOVEMBER 03, 2020



Area Church Schedules

STEELE CHURCHES:
St. Francis de Sales Catholic Church – Father Peter Sharpe, 701-475-2333. 1st, 3rd, 5th Sunday, 9:00 a.m. 2nd and 4th Sundays, 11:00 a.m.
Trinity Lutheran Church–Pastor Jacob DeBoer. 475-2490. Sunday Worship, 10:30 a.m.
United Methodist Church–Marvin Winstryg, Pastor. Sunday worship, 9:00
Steele Presbyterian – Bol Schoepp, Pastor. Sunday worship 9:30 a.m.

DAWSON CHURCHES:
Dawson Lutheran Church – Pastor Jacob DeBoer. Worship service, 9:0 a.m. at Dawson City Hall

TAPPEN CHURCHES:
St. Paul's Catholic Church – Father Peter Sharpe. 1st, 4th, 5th Saturday, 9:00 p.m.; 2nd Sunday, 9:00 a.m.; 3rd Sunday 11:00 a.m.
St. John's Lutheran Church (Wisconsin Synod) – Rev. Gar Juergens. Worship Service, 10:00 a.m. Sunday School and Bible class, 11:0 a.m.; KSJB Radio Broadcast, 7:0 a.m.; Service on Ch. 26 BEK TV, 6:0 p.m. Sundays
Zion United Methodist Church – Pastor Brenda Goodman. Worship service 9:15 a.m.; Sunday School 10:30 a.m.

CRYSTAL SPRINGS CHURCHES:
Faith Evangelical Church – Stephen Mores, Pastor. Sunday 9:30 a.m.; Worship service, 10:45 a.m. Wed. night activities (except 1st Wed. month) for all ages. School year, 7 p.m. summer, 8 p.m.

MEDINA CHURCHES:
St. Mary's Catholic – Father Pe Sharpe. 2nd and 3rd Saturday, 5:00 p.m. 4th Sunday, 9:00 a.m.; 1st and 5th Sunday 11:00 a.m.
Emmanuel United Methodist Church. Pastor Brenda Goodm. Worship service, 10:30 a.m.

DRISCOLL CHURCHES:
Grace Lutheran Church – C. Neuharth, pastor. Worship service 9:30 a.m.; Ruth Circle - 2nd Thurs the month, 2:00 p.m.; Church Conv - 3rd Sunday of the month after church Communion - 1st and 3rd Sundays

TUTTLE CHURCHES:
English Lutheran Church – Pastor Trish DeBoer - Worship service 11:00 a.m.; Communion, 3rd Sunday Festival Days;
Tuttle Methodist Church – Pe Marvin Winstryg. Worship service 10:30 a.m.

ROBINSON CHURCHES:
Bethany Lutheran Church – Pastor Trish DeBoer - Worship Service 9:30 a.m., third Sunday of month

PETTIBONE CHURCHES:
Malcolm Congregational (I) - Rural Pettibone. Joan DeKrey, tor. Worship service will be at 11: through Dec.22.
Our Saviors Lutheran - 2nd Sundays, 11:00 a.m.; (Woodwort & 3rd Sundays, 11:00 a.m.)

STREETER CHURCHES:
Ebenezer United Method Pastor Julie Nagbe. Worship Service 10:30 a.m., Fellowship, 9:00, S School, 9:15 a.m.

STERLING CHURCHES:
United Methodist - Pastor Sapp. 701-387-4792, 701-855 Worship Service, 8:30 a.m.; Bible Tuesday, 10:00

| | | Total | Tuttle | Robinson | Pettibone | Steele | Dawson | Tappen |
|---|---|-------|--------|----------|-----------|--------|--------|--------|
| President & Vice-President of the United States | Biden and Harris Democratic-NPL | 221 | 36 | 26 | 21 | 96 | 13 | 29 |
| | Jorgensen and Cohen Libertarian | 22 | 2 | 1 | 1 | 12 | 1 | 5 |
| | Trump and Pence Republican | 1,215 | 98 | 79 | 82 | 534 | 148 | 274 |
| | write-in - scattered | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| | Total | 1,460 | 136 | 106 | 104 | 642 | 162 | 310 |
| Representative in Congress | Kelly Armstrong Republican | 1,217 | 102 | 79 | 81 | 535 | 145 | 275 |
| | Steven James Peterson Libertarian | 27 | 1 | 1 | 1 | 13 | 5 | 6 |
| | Zach Raknerud Democratic-NPL | 212 | 32 | 25 | 21 | 95 | 11 | 28 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 1,456 | 135 | 105 | 103 | 643 | 161 | 309 |
| State Senator District 14 | Jerry Klein Republican | 1,189 | 96 | 71 | 78 | 522 | 140 | 282 |
| | Penna Vanhome Democratic-NPL | 255 | 37 | 32 | 25 | 119 | 15 | 27 |
| | write-in - scattered | 2 | 1 | 0 | 0 | 1 | 0 | 0 |
| | Total | 1,446 | 134 | 103 | 103 | 642 | 155 | 309 |
| State Representative District 14 | Richard Lynne Democratic-NPL | 196 | 33 | 30 | 19 | 80 | 9 | 25 |
| | Ron Nelson Republican | 1,030 | 73 | 50 | 66 | 461 | 131 | 230 |
| | Mark Nelson Democratic-NPL | 244 | 35 | 31 | 27 | 110 | 10 | 31 |
| | Robin Weisz Republican | 1,093 | 88 | 66 | 70 | 480 | 134 | 255 |
| | write-in - scattered | 1 | 0 | 0 | 0 | 1 | 0 | 0 |
| Total | 2,592 | 234 | 185 | 184 | 1,135 | 287 | 567 | |
| Governor and Lt. Governor | Shelley Lenz and Benvig Democratic-NPL | 215 | 32 | 21 | 20 | 98 | 13 | 31 |
| | Doug Burgum and Brent Sanford Republican | 928 | 79 | 68 | 67 | 411 | 99 | 204 |
| | DuWayne Hendrickson and Joshua Voytek Libertarian | 75 | 4 | 3 | 3 | 35 | 12 | 18 |
| | write-in - scattered | 224 | 19 | 13 | 15 | 92 | 33 | 52 |
| | Total | 1,442 | 134 | 105 | 105 | 636 | 157 | 305 |
| State Auditor | Joshua C Gallion Republican | 1,148 | 93 | 71 | 75 | 491 | 145 | 273 |
| | Patrick Hart Democratic-NPL | 274 | 35 | 31 | 24 | 137 | 14 | 33 |
| | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 1,422 | 128 | 102 | 99 | 628 | 159 | 306 |
| State Treasurer | Thomas Beadie Republican | 1,122 | 89 | 71 | 75 | 483 | 145 | 259 |
| | Mark Haugen Democratic-NPL | 292 | 41 | 30 | 24 | 138 | 15 | 44 |

| | | Total | Tuttle | Robinson | Pettibone | Steele | Dawson | Tappen |
|---|---|-------|--------|----------|-----------|--------|--------|--------|
| Insurance Commissioner | write-in - scattered | 3 | 0 | 0 | 0 | 1 | 0 | 2 |
| | Total | 1,417 | 130 | 101 | 99 | 622 | 160 | 305 |
| Public Service Commissioner | Don Godfred Republican | 1,286 | 99 | 88 | 91 | 569 | 148 | 291 |
| | write-in - scattered | 12 | 3 | 2 | 0 | 5 | 0 | 2 |
| | Total | 1,298 | 102 | 90 | 91 | 574 | 148 | 293 |
| Superintendent of Public Instruction | Casey D Buchmann Democratic-NPL | 262 | 32 | 29 | 22 | 123 | 15 | 41 |
| | Brian Kroskus Republican | 1,134 | 92 | 71 | 74 | 498 | 141 | 258 |
| | write-in - scattered | 1 | 0 | 0 | 1 | 0 | 0 | 0 |
| Total | 1,397 | 124 | 100 | 97 | 621 | 156 | 299 | |
| Justice of the Supreme Court | Kristen Baesler Nonpartisan | 698 | 65 | 54 | 60 | 265 | 91 | 163 |
| | Brandt J Dick Nonpartisan | 670 | 58 | 46 | 35 | 341 | 65 | 125 |
| | write-in - scattered | 9 | 0 | 0 | 1 | 2 | 0 | 6 |
| Total | 1,377 | 123 | 100 | 96 | 608 | 156 | 294 | |
| Southeast Judge of the District Court No. 1 Unexpired 4-Year Term | Don Jay Jensen Nonpartisan | 1,238 | 106 | 85 | 84 | 536 | 145 | 282 |
| | write-in - scattered | 5 | 0 | 1 | 0 | 2 | 1 | 1 |
| | Total | 1,243 | 106 | 86 | 84 | 538 | 146 | 283 |
| County Commissioner Kidder | Cherie L Clark Nonpartisan | 1,231 | 104 | 87 | 84 | 530 | 147 | 279 |
| | write-in - scattered | 8 | 0 | 1 | 0 | 5 | 0 | 2 |
| | Total | 1,239 | 104 | 88 | 84 | 535 | 147 | 281 |
| Supervisor, Soil Conservation District | write-in - Darrell Guthmiller Nonpartisan | 329 | 38 | 43 | 66 | 100 | 32 | 50 |
| | Dan P Mitteldecker Nonpartisan | 609 | 50 | 28 | 22 | 289 | 49 | 171 |
| | write-in - scattered | 474 | 38 | 29 | 10 | 233 | 78 | 86 |
| Total | 1,419 | 126 | 101 | 98 | 628 | 159 | 307 | |
| Supervisor, Soil Conservation District | Justin Olson Nonpartisan | 1,293 | 110 | 95 | 88 | 561 | 145 | 294 |
| | write-in - scattered | 11 | 1 | 1 | 1 | 4 | 0 | 4 |
| | Total | 1,304 | 111 | 96 | 89 | 565 | 145 | 298 |
| Constitutional Measure No. 1 Relating to the state board of higher education | Curtis Halbeck Nonpartisan | 1,264 | 110 | 92 | 88 | 550 | 143 | 281 |
| | write-in - scattered | 16 | 0 | 0 | 0 | 0 | 0 | 3 |
| | Total | 1,280 | 110 | 93 | 88 | 551 | 144 | 284 |
| Constitutional Measure No. 2 Relating to initiated constitutional amendments. | write-in - scattered | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | Yes | 241 | 13 | 22 | 20 | 102 | 25 | 59 |
| | No | 1,123 | 111 | 79 | 77 | 496 | 126 | 234 |
| Total | 1,364 | 124 | 101 | 97 | 598 | 151 | 293 | |
| Constitutional Measure No. 2 Relating to initiated constitutional amendments. | Yes | 428 | 31 | 26 | 42 | 190 | 51 | 88 |
| | No | 916 | 92 | 75 | 54 | 398 | 96 | 201 |
| | Total | 1,344 | 123 | 101 | 96 | 588 | 147 | 289 |



PUBLIC NOTICES

A public notice is information informing citizens of government activities that may affect the citizens' everyday lives. Public notices have been printed in local newspapers, the trusted sources for community information, for more than 200 years.

North Dakota newspapers also post public notices that are printed in newspapers on www.ndpublicnotices.com at no additional charge to units of government.

KIDDER COUNTY ABSTRACT OF BALLOTS CAST NORTH DAKOTA GENERAL ELECTION - NOVEMBER 03, 2020

| District | Precinct Name | Ballots Cast |
|----------|---------------|--------------|
| LG14 | Tuttle | 137 |
| | Robinson | 107 |
| | Pettibone | 106 |
| | Steele | 651 |
| | Dawson | 162 |
| | Tappen | 314 |
| Total | Subtotal | 1477 |
| | | 1477 |

5A

[Note: Brian Newby later married Jessica White, who now is Jessica Newby, current Information Security Officer for the NDIT. Brian Newby currently serves as ND Director of Elections.]

AP AP NEWS

AP Exclusive: US elections chief left behind Kansas scandal

By ROXANA HEGEMAN October 17, 2016



WICHITA, Kan. (AP) — When Brian Newby took the helm of a federal election agency, he left behind an unfolding scandal in Kansas where he was having an affair with a woman he promoted in his previous job and used her to skirt oversight of their lavish expenses, prompting a local prosecutor to investigate, according to emails obtained by The Associated Press.

The affair and resulting fallout was revealed in hundreds of emails ordered released after AP sued Johnson County, the Kansas City suburb where Newby was the top election official before leaving to become executive director of the U.S. Election Assistance Commission.

The emails — coupled with hundreds more obtained from the Kansas secretary of state's office through a separate open records request — portray a rogue election official who berated employees and deliberately bypassed supervision. They also document a toxic workplace created by his affair with then Assistant Election Commissioner Jessica White, an apparent violation of county policy on intimate relationships with subordinates.

In a June 2015 exchange from his work email to her personal address, the then-married Newby told White: “You, my little lover, are so wonderful.” In graphic language, Newby also describes a sex act he wishes he was doing with her, “scheming and dreaming with you into the night.”

Newby and White did not respond to numerous phone and email messages seeking comment.

Newby’s penchant for ignoring supervision continued when he took the top federal job in November 2015 at an agency whose mission is to make voting easier. He enraged voting rights advocates when, without public notice or approval from agency commissioners, he tightened voting registration rules in three states. A federal appeals court last month temporarily blocked Newby from changing a federal voter registration form to require residents of Kansas, Alabama and Georgia to show proof of U.S. citizenship, saying it is “difficult to imagine a more clear violation” of federal administrative law.

A scathing county audit of the Kansas election office found Newby intentionally circumvented oversight by charging expenses to White’s government credit card, allowing him to review and approve his own spending. Auditors also said Newby and White made purchases without sufficient business justification and supporting documentation.

Some emails offer a glimpse into an investigation opened by the district attorney’s office. Newby’s Kansas office had drawers full of phones, tablets and other equipment not listed in inventory. Tom Gottschalk, financial crimes investigator for the district attorney, asked in one email for access to the locked office to examine them. The investigator also wanted a list of everything the elections office had discarded as surplus in the last five years.

Kristi Bergeron, spokeswoman for the district attorney’s office, said she did not know the status of that investigation.

In an email touching on his management style, Newby prodded an employee to speed up work on a project by noting he had “terrorized” two other employees. He copied one of those employees on that email, telling the person he was doing so in the event they wanted to commiserate or “share the therapy sessions I undoubtedly caused.”

Newby promoted White to assistant election commissioner in January 2015, emails show.

White at times publicly belittled other employees, often leaving them in tears, and some colleagues feared crossing her because Newby always backed her, said a former employee who spoke to the AP on condition of anonymity because of career concerns. One email sent to the secretary of state's office refers to numerous grievances filed against her with the county's human resources department.

Newby would spend hours alone with her each work day in his closed office or in the warehouse where there is a workout area. They were frequently gone on business trips together, the former employee said.

The evening before the local election in April 2015, a line of poll supervisors waited half an hour for a list from White because no one dared knock on his office door and interrupt the couple, the former employee said.

Johnson County officials met with Kansas Secretary of State Kris Kobach and his staff on April 22, 2015, about "several concerns" dealing with the election office, according to an email from county spokeswoman Sharon Watson. The email does not specify the concerns.

Kobach said through his spokeswoman that he was not aware of Newby's affair at the time he reappointed him to the Kansas job and recommended him for the federal position.

"Mr. Newby was, and remains, one of the most highly regarded election administrators in the United States. He has received national awards for his excellent and innovative work," Kobach told AP in a statement. "It was for that reason that I re-appointed him to the position of Johnson County Election Commissioner in 2014. And it was for that reason that I later recommended him favorably to the EAC when I was asked my opinion."

After auditors presented their findings to county officials in March, Johnson County Commissioner Steve Klika publicly apologized to Newby's replacement for having "to deal with this."

White resigned from the Johnson County election office in January, and is now is a Washington, D.C.-area voter services manager at the Montgomery County Board of Elections in Maryland.

Newby filed for divorce from Lori Newby in March 2015 and a decree last month ended their 30-year marriage.

Elections office staff “collectively gave a sigh of relief” when they learned Newby was leaving, election worker Jenifer Lefort wrote in an email to Kobach. She said his departure would help “restore morale and well-being.”

Others were less restrained. Janette Scobey, the office technology manager, wrote to Kobach, “I just wanted to say thank goodness he is out of here.”

Online link to article

<https://apnews.com/article/799a7b6e991941c682ebc15c90c89094>

#5 B

[Note: Brian Newby currently serves as ND Director of Elections with the ND SoS Office.]



Election Official Accused of Subverting His Own Agency's Mission

JERRY LAMBE Jun 15th, 2019, 4:41 pm



The Election Assistance Commission (EAC), a small but critical federal agency that plays a crucial role in protecting the security of American elections is currently in the grips of a leadership crisis that could potentially have catastrophic consequences according to a Saturday report from Politico. (<https://www.politico.com/story/2019/06/15/federal-election-brian-newby-2020-1365841>)

EAC executive director **Brian Newby** has reportedly spent the last four years heading the agency blocking election security initiatives at every turn, micromanaging agency employees' communications with colleagues at other agencies with that have parallel mandates, and ignoring direct questions and requests from agency staffers. Politico spoke with **seven different sources** in the course of their reporting, all of whom spoke on the condition of anonymity in order to speak freely.

Overall, with an unprecedented nine EAC office directors having left office since Newby's arrival, the report paints a grim picture of a federal agency in utter disarray at a time when its services are essential to preserving America's voting apparatus.

Congress created the EAC in the aftermath of the 2000 presidential election's mismanagement (resulted in the hanging-chad fiasco) with the intention that it serve as a clearinghouse for proper election administration procedures. The agency is led by four politically appointed commissioners who are charged with policy decisions such as approving the Voluntary Voting Systems Guidelines, while the executive director manages the staff and acts as a conduit in presenting their work and findings to the commissions.

Following confirmation of Russian interference in the 2016 election, the significance of the EAC's role in election supervision has taken on unprecedented importance.

However, according to former employees, Newby is doing everything in his power to prevent the agency from taking tangible steps to prevent similar election interference in 2020.

On numerous occasions, Newby ordered staffers to cease work on cybersecurity best-practices documents that normally provide federal and state election officials with integral guidance pertaining to proper election procedures.

"The executive director was not supportive of [cybersecurity guidance] and put [up] roadblocks," whenever possible according to a former federal employee interviewed by Politico. The former employee also said that Newby provided "zero response to direct questions," leaving staffers in the dark about their objectives, but would then reprimand them for whatever it is they were doing. The dynamic led the agency to a stand-still as employees feared that doing certain work would get them into trouble.

A second former employee said that Newby actively prevented agency staff from taking part in any election security events, conferences, panels and training sessions. "It was constant frustration," he added.

Additionally, a voting security researcher who had previously worked with Newby told Politico that the EAC director "doesn't fully understand election security or why it's important."

In one example, the voting security researcher recalled an instance in which he attempted telling Newby Microsoft's plan to develop secure electronic voting technology for use in elections. "He was gobsmacked and kind of suspicious...like, 'why would a large corporation care about stable democracies?'"

A former election official who essentially described Newby as an absentee director when it came to working with other agencies and election administrators summed up his tenure by saying, "If you asked most people, 'Does Brian Newby provide value to you in your job? You would probably get, 'Who's Brian Newby?,'" in response.

When questioned about the allegations in Politico's report, Newby said he couldn't respond to any claims about blocking work on cybersecurity best-practice documents "without knowing what those documents are. He also said he was unaware of any efforts to keep staff from participating in election security events and conferences, but did point out that those complaints may have been the result of some travel restrictions required due to budgetary constraints.

Online Link to Article

<https://lawandcrime.com/high-profile/election-official-accused-of-subverting-his-own-agencys-mission/>

#5C
F3B



Jessica Newby · 2nd

Governance, Risk & Compliance Team Lead at North Dakota Information Technology Department

- North Dakota Information Technology Department (ITD)
- Ottawa University

Greater Bismarck Area · [Contact info](#)

500+ connections

1 mutual connection: Pam Ferderer

[Message](#) [More](#)

About

Experienced Compliance Manager with a demonstrated history of working in the government administration industry. Skilled in Operations Management, Legal Compliance, Team Building, Innovation Development, and Leadership. Strong community and social services professional with a Bachelor of Business

Activity

531 followers

Jessica Newby commented on a post · 2mo

Thanks for choosing us! We are so excited to have you and can't wait to see all the great things you do!



26 comments

Jessica Newby reposted this · 2mo

Cybersecurity Risk Management: Frameworks, Plans, & Best Pra...

hyperproof.io · 10 min read

[Show all activity →](#)

Experience



North Dakota Information Technology Department (ITD)

Full-time · 3 yrs

Governance, Risk & Compliance Team Lead

Jul 2022 - Present · 7 mos

Information Security Officer

Feb 2020 - Jul 2022 · 2 yrs 6 mos

Voter Services, Program Evaluation and Compliance Manager

Montgomery County Board of Elections

Feb 2016 - Feb 2020 · 4 yrs 1 mo

Johnson County Election Office

6 yrs

Assistant Election Commissioner

Dec 2014 - Jan 2016 · 1 yr 2 mos

Election Office Administrator

Feb 2010 - Nov 2014 · 4 yrs 10 mos

Education



Ottawa University

Bachelor of Business Administration - BBA, Business Administration and Management

Skills

Legal Compliance

1 endorsement

Strategic Planning

3 endorsements

Business Strategy

2 endorsements

Show all 40 skills →

Interests

Top Voices Companies Groups Schools



#SC

F3B



Front and Back



AKA Jessica White

Jessica Newby · 2nd

Governance, Risk & Compliance Team Lead at North Dakota Information Technology Department

-  North Dakota Information Technology Department (ITD)
-  Ottawa University

Greater Bismarck Area · [Contact info](#)

500+ connections

1 mutual connection: Pam Ferderer

[Message](#) [More](#)

About

Experienced Compliance Manager with a demonstrated history of working in the government administration industry. Skilled in Operations Management, Legal Compliance, Team Building, Innovation Development, and Leadership. Strong community and social services professional with a Bachelor of Business

Activity

531 followers

Jessica Newby commented on a post · 2mo

Thanks for choosing us! We are so excited to have you and can't wait to see all the great things you do!



26 comments

Jessica Newby reposted this · 2mo

Cybersecurity Risk Management: Frameworks, Plans, & Best Pra...

hyperproof.io · 10 min read

[Show all activity](#) →

Experience



North Dakota Information Technology Department (ITD)

Full-time · 3 yrs

Governance, Risk & Compliance Team Lead

Jul 2022 - Present · 7 mos

Information Security Officer

Feb 2020 - Jul 2022 · 2 yrs 6 mos

Voter Services, Program Evaluation and Compliance Manager

Montgomery County Board of Elections

Feb 2016 - Feb 2020 · 4 yrs 1 mo

Johnson County Election Office

6 yrs

Assistant Election Commissioner

Dec 2014 - Jan 2016 · 1 yr 2 mos

Election Office Administrator

Feb 2010 - Nov 2014 · 4 yrs 10 mos

Education



Ottawa University

Bachelor of Business Administration - BBA, Business Administration and Management

Skills

Legal Compliance

1 endorsement

Strategic Planning

3 endorsements

Business Strategy

2 endorsements

Show all 40 skills →

Interests

Top Voices Companies Groups Schools

SD Front and Back

See Back



This is information taken from:

https://www.nd.gov/auditor/sites/www/files/documents/Reports/IT%20Security/ND_Voting_Security_Assessment_2022_Final.pdf

1 KEY PARTICIPANTS

OFFICE OF THE STATE AUDITOR

Joshua C. Gallion
State Auditor

jcgallion@nd.gov
(701) 328-4781

James Kary
Systems Auditor

jkary@nd.gov
(701) 328-2580

OFFICE OF THE SECRETARY OF STATE OF NORTH DAKOTA

Jim Silrum
Deputy Secretary of State

jsilrum@nd.gov
(701) 328-2900

Brian Newby
Director, Elections Unit

bnewby@nd.gov
(701) 328-2900

Lee Ann Oliver
Elections Unit

loliver@nd.gov
(701) 328-2900

Brian Nybakken
Elections Unit

bnybakken@nd.gov
(701) 328-2900

NORTH DAKOTA INFORMATION TECHNOLOGY (NDIT)

Jessica Newby
Information Security Officer

jnewby@nd.gov
(701) 328-3190

Ryan Kramer
Enterprise IT Architect

rkramer@nd.gov
(701) 328-3190



2 INTRODUCTION

This Security Assessment Report (SAR) contains the results of a review of voting processes in the state of North Dakota (ND). The process review took place from 05/16/2022 through 07/31/2022. This assessment focused on possible vulnerabilities or threats related to the voting process only; no technical testing was conducted. The assessment team did not validate technical controls or review technical configuration of any system involved in the voting process.

The objective of this assessment is to evaluate the security of the voting process by interviewing key personnel and stake holders, reviewing technical documentation, and observing representative models of the voting equipment used in the voting process. This report is a review of current processes and is not intended to validate or invalidate the outcome of previous elections.

2.1 PURPOSE

The purpose of this document is to provide the ND State Auditor's office with a risk assessment of the state's voting process based on information provided by the Office of the Secretary of State (SoS) and North Dakota Information Technology (NDIT).

2.2 SCOPE

Over the course of the assessment, the assessment team conducted two remote interview sessions with key SoS and NDIT election staff. The assessment team also reviewed documentation provided, conducted in-person interviews and physical inspection of voting machines located in the state capitol building in Bismarck, ND.

#6

POLITICO

CYBERSECURITY

Election commission orders top voting machine vendor to correct misleading claims

This isn't the first time Election Systems & Software has faced accusations of making fabricated or misleading assertions about its voting machines.



A voter in a voting booth. | Steve Helber/AP Photo

By KIM ZETTER

08/13/2020 05:00 PM EDT

The federal Election Assistance Commission has rebuked the nation's top voting-machine maker over marketing materials that the panel says deceptively implied the company's voting machines are EAC-certified.

The commission admonished Election Systems & Software over promotional literature and statements on its website that appear to assert, falsely, that voting machines the company sells with embedded modems have been sanctioned by the EAC under its testing and certification program. The statements put ES&S in violation of the EAC's testing and certification rules, the commission wrote in a previously unreported [March 20 letter to the company that POLITICO obtained](#), and directed ES&S to revise the literature and notify customers that the systems are not certified.

POLITICO reported earlier this year that the EAC was looking into the matter but hadn't yet determined whether ES&S had violated its rules.

Some state laws require voting machines used in their jurisdictions to be certified by the EAC. That means that if jurisdictions in those states are using the noncertified systems, it could potentially put election officials in violation of their state law.

“The action by the EAC is welcome, but it’s not enough, vendors need to be held accountable for their deceptions and it’s time for Congress to exercise oversight of this industry to protect our democracy,” said Susan Greenhalgh, senior adviser on election security for Free Speech for People, an election integrity group that brought the issue to the EAC’s attention.

The EAC did not respond to a request for comment.

What the dispute is about: The issue involves ES&S’ DS200 precinct-based optical-scan machines, which come in two versions — one of which has an optional modem for transmitting results after an election.

The EAC certified the DS200 version without modem capability in 2009, but it has never certified the modem capability that comes with the second version, although the remaining components in that system are certified. In 2011, ES&S submitted a DS200 system with modem and network capability to the EAC for testing and certification, but after the testing lab created a protocol for evaluating this capability, ES&S withdrew those parts of the system from the testing plan; the remainder of the system was tested and certified without them in 2013.

ES&S markets the DS200 as an EAC-certified system, and in literature for the system it offers the modem capability as an optional feature — without indicating that the EAC has not certified this feature. Any component that is not EAC-certified and is added to an EAC-certified system effectively voids the certification of that system.

Under the EAC’s testing and certification rules, manufacturers can label a system EAC-certified only if the whole system is certified. “The certification of individual components or modifications shall not be independently represented by a Mark of Certification,” the EAC’s certification manual says. The rules also require that a company’s user manuals “warn purchasers that any changes or modifications to the system not tested and certified by the EAC will void the EAC certification of the voting system.”

How this came to light: Lawyers for Free Speech for People and another election integrity group — the National Election Defense Coalition — [sent a letter to the EAC in January](#) pointing out misrepresentations in the ES&S literature, as POLITICO reported at the time. POLITICO subsequently reported that the commission had [opened a probe into the complaints](#), and that [ES&S had updated one of its advertising brochures](#) to remove references to the modem.

In one example the groups cited, marketing literature for the DS200 with an optional add-on modem is stamped with an “EAC certified” logo. And a diagram the company gave Rhode Island election officials in 2015 shows a DS200 system with an embedded modem among components marked as EAC-certified.

A different ES&S document submitted to Rhode Island states that the “modem transmission of results” is not EAC-certified, nor is the back-end server that receives the transmitted results. But the diagram suggests that the DS200 with modem is certified, while the cellular network the votes traverse after they leave the machine and the server receiving them are not certified.

What the commission found: The EAC agreed with the two election integrity groups and sent ES&S a letter in January indicating it was violating the EAC testing and certification program rules.

ES&S responded that it never meant to imply that the modem capability was certified, and said that regardless of what appears in the literature it always makes clear to states that the modem configuration is not EAC-approved. Nonetheless, the company agreed to remove all references to optional modems from its marketing documents.

But in a followup letter from the EAC on March 20, the commission indicated this was an insufficient remedy. It instructed the company to recall all misleading marketing materials already in circulation and to directly notify current and potential customers who received the “misrepresented information” that it had been inaccurate. It gave the company 15 days to do this.

“Failure to comply will result in the EAC publicly announcing that the voting system no longer complies with its original certification, and could include initiating decertification actions and/or suspension of manufacturer registration,” wrote Jerome Lovato, director of the EAC’s testing and certification program.

ES&S agreed to send a letter only to customers who use the DS200 with modems, informing them that the version is not EAC-certified, and to post a note to its customer portal advising the same. It indicated that the coronavirus could delay these efforts, though it would make “commercially reasonable efforts” to do this by April 15.

ES&S told POLITICO it sent a letter via email the first week of April to “all applicable modem customers (89 in total),” and posted a notice on its customer portal.

When asked, ES&S did not identify those 89 customers, saying it could not release specific information about customers without their permission. A spokesperson for the Wisconsin Election Commission, whose state is known to use DS200 machines with modems, told POLITICO it did receive the letter from ES&S in early April. Other jurisdictions known to have purchased DS200 systems with modems and contacted by POLITICO did not respond to inquiries.

Key background: This isn’t the first time ES&S has faced accusations of making fabricated or misleading assertions about its voting machines. In 2018, the company [denied to The New York Times](#) that it had ever installed remote-access software on any of its election management systems. But after being pressed by Sen. Ron Wyden (D-Ore.) about the matter, the company [admitted it had installed the software](#) on systems in at least 300 election jurisdictions. (The company has refused to identify which jurisdictions had the software.)

Election-management systems are critical components that are used to tally official results and in some cases program voting machines before each election. Remote-access software, which ES&S was using to access those systems over the internet or via modem for troubleshooting, exposed those systems to potential hacking by intruders.

Similarly, the company has long insisted, along with its election customers, that none of its voting systems ever connect to the internet. But researchers found what they believed to be more than three dozen ES&S systems connected to the internet, in a [story published last year](#). Company diagrams showing the configuration of modem-enabled DS200 systems clearly depict the modems transmitting election results over the internet to ES&S election-management systems that also are connected to the internet.

Although ES&S has said the modems are secured and would prevent anyone from using them to hack the voting machines, the modem configurations have never undergone a security assessment by an EAC-approved lab to measure those claims.

ES&S told POLITICO it did obtain a security assessment this year from a Canadian-based security firm called Bulletproof Solutions. An ES&S spokesperson said the firm performed a penetration test of the DS200's communication methods for transmitting election results — a penetration test involves attempts to hack or penetrate a system — and said that Bulletproof was “unable to penetrate any of the systems.”

An assessment done by a third-party company, however, is not transparent in the way that assessments done by EAC labs are. The labs follow a published protocol, and their reports are submitted to the EAC. ES&S declined to provide POLITICO with a copy of Bulletproof's security report, saying it's still in draft form and not ready for public release. The company spokesperson said they would have to look into why the company previously withdrew the modem transmission configuration from EAC testing and certification done on the DS200 in 2013.

What's next: ES&S will play a major role in the November election. The company has previously said that more than 33,000 DS200 optical scan machines with modems are in use in 11 states and the District of Columbia but has never identified which jurisdictions this includes beyond D.C.

Online Link to Article:

<https://www.politico.com/news/2020/08/13/election-voting-machine-misleading-claims-394891>

#8

POLITICO

2020 ELECTIONS

The election security hole everyone ignores

Increasing numbers of polling places use electronic devices to check in voters and verify their eligibility. But the devices often create chaos and introduce new vulnerabilities to elections.



A polling site inspector uses the new E-Poll Book tablet to process a voter. | Beбето Matthews/AP Photo

By KIM ZETTER
08/31/2020 08:03 PM EDT

Growing numbers of elections offices across the U.S. are using electronic devices to sign voters in at the polls — a shift that has occurred with little scrutiny despite a host of security questions and a history of balloting meltdowns.

Problems with the devices, known as electronic pollbooks, caused long lines during this year's presidential primary in Los Angeles County and contributed to chaos and hours-long waits during Georgia's primary in June. They led to past years' snafus in places such as Philadelphia, North Carolina, Indiana and South Dakota.

While tampering with e-pollbooks wouldn't directly change anyone's vote, malfunctions or cyberattacks against the devices could sway the outcome in other ways — for instance by causing delays that prevent people from voting.

Pollbooks, unlike voting machines, do not undergo federal testing and certification and have no uniform standards governing their design or security. There is also no oversight of the handful of vendors who dominate the industry to ensure they keep their own networks secure. Kremlin-linked hackers attempted to breach the network of at least one U.S. e-pollbook provider in 2016, according to a leaked NSA document.

Federal lawmakers such as Sen. Ron Wyden (D-Ore.) have [questioned electronic pollbook makers](#) about the security of their products and networks. E-pollbooks and the companies that make them have gone too long without oversight, Wyden told POLITICO in an email.

“Electronic pollbooks have failed, repeatedly, in elections across the country and are clearly one of the weakest links in our election infrastructure,” he wrote.

Introduced more than a decade ago to replace printed pollbooks, the devices were used by election offices in 36 states in the 2018 elections, according to the [National Conference of State Legislatures](#), which said the number of jurisdictions using them had risen 48 percent since 2016. Jurisdictions using the devices accounted for about half of all registered voters four years ago, according to the National Academy of Sciences. They are especially common in densely populated urban areas.

The Brennan Center for Justice, which has been involved in improving election administration for more than a decade, calls electronic pollbooks an “[overlooked vulnerability](#).”

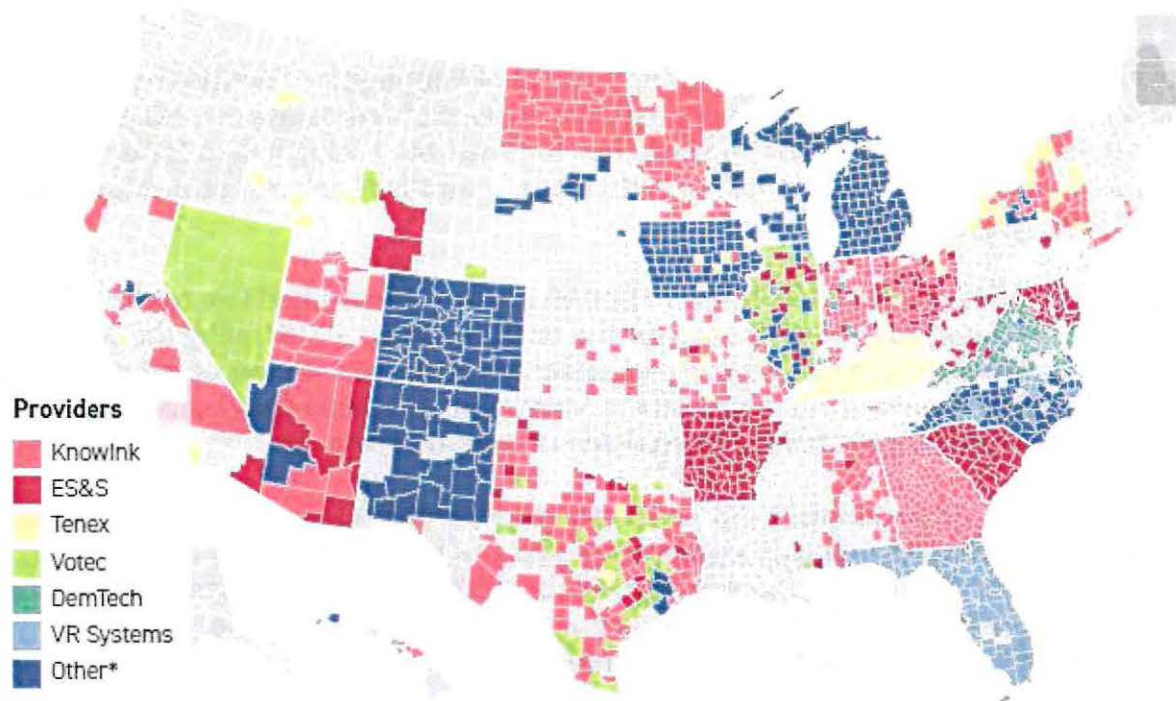
“Anecdotally, when you dig into problems that happen at polling places, more often than not it's the electronic pollbooks rather than the voting machines” that cause issues, said Larry Norden, director of the center's Election Reform Program. “I've spoken with a lot of election officials who are frustrated that there are no [national] standards for pollbooks and no testing.”

Election Systems & Software, one of the top providers of e-pollbooks, told POLITICO it would support a change to this state of affairs.

“[W]e believe Congress should establish standards for mandatory testing for both voter registration and pollbooks for all U.S. election providers,” ES&S spokesperson Katina Granger said in an email.

New election worry: Electronic pollbooks

A small number of vendors dominates the market for devices used to sign in voters at the polls, according to new data from a nonprofit election-integrity group. The devices have contributed to some Election Day breakdowns and don't face federal standards, raising security worries.



*Includes other private vendors as well as pollbook systems developed independently by a state or county government.

Map: Bob King / POLITICO Source: [Verified Voting](#)

E-pollbooks serve multiple purposes: Voters use them to sign in at the polls, and poll workers use them to verify the voters' eligibility to cast ballots. In some jurisdictions, they also tell electronic voting machines which digital ballot to display to the voter.

The devices often communicate wirelessly with each other and with backend voter registration databases, offering a potential pathway for hackers who get onto that wireless network to delete or alter voter records — to indicate falsely, for example, that someone has already voted. Hackers could further use the wireless connection to breach the backend databases and other systems connected to them.

Hackers could also manipulate voting machines via pollbooks in jurisdictions where those devices tell electronic voting machines which ballot to display. A hacker could potentially cause an e-pollbook to embed malicious commands in the voter access card, barcode or QR code that some of those devices use to convey instructions to the voting machines, according to Harri Hursti, a security expert and an organizer of the Voting Machine Hacking Village at the annual Def Con security conference.

Some pollbooks can be remotely locked or disabled by election staff, raising the possibility that a malicious actor could do the same.

‘That’s a system design problem’

Security risks aside, the devices have experienced trouble in multiple elections.

During South Dakota’s June 2018 primary, all 44 of Pennington County’s new electronic pollbooks crashed and had to be rebooted repeatedly, causing delays in voting. Precincts with paper backups of the voter roll switched to those, but voting halted for up to 90 minutes in more than a dozen precincts that had to wait for backups, prompting some voters to leave without voting.

In 2018’s midterm elections in Johnson County, Ind., voters waited two to three hours when software used to sync pollbooks slowed or froze. Other states using the same model of pollbooks made by ES&S also experienced problems. An investigation found that all ES&S pollbooks around the country were using the same cloud server to sync, providing a single point of failure when demand exceeded capacity.

In August 2019, Philadelphia’s new pollbooks made by KnowInk — the nation’s leading provider of the devices — failed to properly connect to printers during a test election, causing concern about using them in a November election. And in Georgia, which also rolled out KnowInk e-pollbooks statewide that year, the devices experienced issues during their first election that November.

During this year’s Georgia presidential primary, issues with the KnowInk pollbooks were again among acascade of troubles that forced some voters to wait up to eight hours. Democratic Senate candidate Jon Ossoff denounced the plethora of election problems as a “disgrace” and “an affront to the principles of our Constitution.”

Georgia officials blamed the pollbook problems specifically on poll workers’ errors and poor training. But county officials and election integrity groups disagreed.

“Look, if one poll worker makes a mistake, that’s user error,” Eddie Perez of the Open Source Election Technology Institute told The Atlanta Journal-Constitution. “If you have many poll workers unable to operate the system, that’s a system design problem.”

This year presents new challenges for electronic pollbooks. Although more voters than ever are expected to vote from home because of the pandemic, longstanding problems with timely delivery of mail-in ballots will cause many to cast ballots in-person. With sports stadiums being recruited to stand in for some traditional polling places, the potential for meltdowns is high if election officials and pollbook vendors don’t plan for failures.

Wyden said election officials should ensure that every polling place has a paper backup of the voter roll, so poll workers can check in registered voters even if e-pollbooks fail. “Not fixing this issue is the definition of voter suppression,” he said.

Years of glitches

Electronic pollbooks came into vogue after Congress passed the Help American Vote Act in 2002, two years after Florida's hanging-chad debacle. The law allocated nearly \$4 billion for states to purchase new election equipment and make other upgrades.

Voting machine vendors like Diebold Election Systems and ES&S won lucrative contracts for their voting machines — most of them paperless touchscreen machines — and then persuaded election officials to go paperless with pollbooks, too.

Georgia and Maryland were the first to adopt their use statewide in 2006. Both states were already using Diebold voting machines statewide and purchased the company's ExpressPoll pollbooks as well. But problems arose [during their first use](#) in the September 2006 primary in Maryland. A Johns Hopkins University computer science professor working as an election judge called them a "disaster," and [described machines failing to sync](#) at his precinct and crashing and rebooting.

They were problematic in Georgia as well. During the presidential primary in 2008, voters waited up to 90 minutes because the pollbooks [kept crashing](#). Diebold quit the election business in 2009, but Georgia didn't replace its Diebold voting machines and pollbooks until this year. It now uses KnowInk pollbooks statewide.

No government agency or election integrity group tracks pollbook incidents, so problems generally come to light only in news coverage. Those stories rarely mention the make or vendor of these systems, making it difficult to track which companies and devices have had recurring problems.

To this end, Verified Voting, a nonprofit organization that has long tracked voting machine usage by jurisdiction, has for the first time begun compiling electronic pollbook usage data and [made it available online](#). Though not yet complete, it shows that about a dozen companies sell electronic pollbook systems, with two vendors dominating the market — KnowInk and ES&S. Some states, such as Colorado and Michigan, developed their own pollbook software, which they use statewide.

KnowInk, based in St. Louis, was founded in 2011 by Scott Leiendecker, a former city election director, and has quietly become the leading provider. Leiendecker said his company's PollPads are used in 29 states, which he declined to identify, plus the District of Columbia. Verified Voting has identified 22 states where jurisdictions use KnowInk e-pollbooks; in those jurisdictions alone, KnowInk accounts for more than 25 percent of all U.S. registered voters.

Second in line is ES&S, founded in Omaha, Neb., under another name in 1974 by **brothers Bob and Tod Urosevich**. ES&S's ExpressPoll pollbooks are used in at least 17 states, according to Verified Voting.

How pollbooks work

E-pollbooks vary in design and functionality. Most use customized off-the-shelf laptops and tablets with the pollbook vendor's software installed. Some can scan a voter's driver's license or ID card to speed lookup, and, as already noted, some are used to activate voting machines.

Electronic pollbooks offer advantages over paper pollbooks, such as faster voter check-in and the ability to determine the correct polling place for voters who show up at the wrong one. They can process Election Day voter registrations in states that allow those, and provide near-real-time syncing with other pollbooks and databases to prevent people from voting in multiple places.

The devices also let counties replace traditional precincts with large vote centers, so that people can cast ballots at any convenient location rather than be tethered to their neighborhood. Vote centers need a county's entire voter list, not just a neighborhood subset, which makes printed pollbooks impractical for them.

But these advantages fade when the machines fail and poll workers can't verify a voter's registration. The fallback when that happens is to make voters cast provisional ballots, but polling places often fail to stock enough of those. Provisional ballots also require more processing and can't be counted until the voter's eligibility is verified, therefore increasing the risk that they might not be counted before election results have to be certified.

The Brennan Center found that 17 states using e-pollbooks don't require a paper backup of the voter roll at polling places, and 32 states using e-pollbooks don't have contingency plans requiring a minimum number of provisional ballots be available.



FILE - In this Tuesday, March 3, 2020 file photo, voters wait in line to cast their ballots in the California Primary Super Tuesday at a voting center in El Segundo, Calif. California's top election official says Los Angeles County should mail ballots to its 5.5 million registered voters at least 29 days ahead of the November general election to avoid the lengthy delays that plagued polling places in the nation's most populous county on Super Tuesday. (AP Photo/Ringo H.W. Chiu, File) | Ringo H.W. Chiu/AP Photo

When pollbooks fail

The devices generally fail in predictable ways: Crashing or failing to sync are the primary ones. When the problem isn't poor design or software bugs, it's usually poor contingency planning on the part of vendors or officials.

The March 3 meltdown in Los Angeles County, for example, was due mostly to poor planning, according to [a county report obtained by POLITICO](#). The county had 10 days of early voting before Election Day but used only a handful of pollbooks during that period. On the day of the presidential primary, when the remaining pollbooks had to be synced, 10 days of voter data had to update at once, which caused the devices to lock up.

Another type of failure causes even more insidious damage to voters' faith in the system: This occurs when pollbooks indicate falsely that voters are not registered, are in the wrong polling place or have already cast a ballot. The cause is sometimes a software glitch but more often out-of-date voter data that election workers have mistakenly left on pollbooks from a previous election. But these kinds of problems also resemble what would occur if a malicious actor altered individual voter records or replaced the entire database on pollbooks.

In 2010 in Shelby County, Tenn., for example, pollbooks incorrectly indicated that [5,400 voters had already voted](#). The issue disproportionately affected communities of color.

One of the most high-profile failures of this sort occurred during the 2016 presidential election, when pollbooks in Durham, N.C., indicated falsely that some voters weren't registered or had already voted. The incident later raised alarms following revelations that Russian hackers had [targeted the pollbooks' vendor, Florida-based VR Systems](#), and that two days before the election Durham had experienced problems with its VR Systems software and voter database. (VR Systems has denied that its systems were compromised.)

A partial investigation by a contractor hired by the county found that old voter data had been left on some of the pollbooks — attributed to an election staff error — but [a definitive investigation never occurred](#).

Who's watching the vendors?

Although [no federal testing and certification exists for electronic pollbooks](#), [13 states have certification programs](#) to ensure that the devices meet their own functionality and design requirements. But the requirements vary by state, and not all certified systems are tested or undergo a security review.

[KnowInk's Leiendecker would not answer questions about the security of his company's systems](#). "[W]e do not discuss, disclose or divulge any sensitive information involving election security or any specific security initiatives we are engaged in on behalf of our clients," he wrote in an email.

ES&S did not say whether it had ever hired outside experts to conduct an independent security review of its pollbook. “ES&S thoroughly tests our pollbook product for security, and some of our customers do their own security evaluations of the product,” spokesperson Granger wrote in an email.

To address the absence of independent testing, the nonprofit Center for Internet Security [launched a pilot project](#) this year with the federal Election Assistance Commission to develop methods for assessing electronic pollbooks and other election systems that don’t fall under the EAC’s existing testing and certification program.

“This is a very different technology than voting systems,” said Aaron Wilson, senior director of election security at CIS. “It’s often connected to the internet, and the security of these systems is often predicated on the ability to change and update them rapidly to meet the ever-changing security landscape.”

KnowInk and VR Systems have submitted systems for the pilot project. ES&S has not submitted its e-pollbook to the project but plans to submit it to a private security firm, Synack, for examination.

Wilson said CIS will assess each vendors’ internal development processes to verify that they’ve followed security best practices, perform tests to see if their devices can be hacked and assign the pollbook and vendor a series of scores.

“We’re leaving [the conclusions] to the states,” Wilson said.

Ben Hovland, an EAC commissioner since last year, told POLITICO that creating such a centralized program is a no-brainer.

“Why should 50 states have to build 50 different certification programs? That doesn’t make any sense,” he said.

Online Link to Article

<https://www.politico.com/news/2020/08/31/election-security-hole-406471>

Contact

www.linkedin.com/in/murraylnash
(LinkedIn)

Top Skills

Military

Security Clearance

Operational Planning

Certifications

Chartered Fellow (FCILT)

PRINCE2 Foundations

Honors-Awards

Commander Joint Logistics
Command - Commendation

#7

Murray Nash

Cass County North Dakota

Fargo-Moorhead

Summary

Retired senior officer of the Royal Australian Navy. Specializing in senior leadership and management positions with a focus on: detailed planning, coordination and task execution; supply and logistics; administration, finance and resource management; compliance and regulatory reporting; project management; strategic analysis and reporting; and human resource management. Performed a rich and diverse range of appointments throughout my career, including active service; various sea-going positions; elite representational positions (including a diplomatic posting to the Embassy of Australia in Washington, DC); career/personnel management; contracting and special projects management; and senior appointments within operational headquarters.

Experience in international business development, tertiary education and local volunteer / community based activities.

Proven leader with superior intelligence, a willingness to accept responsibility, high levels of personal and professional integrity and a can do attitude.

Experience

Cass County

Cass County Government

September 2022 - Present (5 months)

Cass County, North Dakota, United States

Nil

Exploring Opportunities

April 2018 - Present (4 years 10 months)

Sanford Health

Project Manager

July 2017 - April 2018 (10 months)

Fargo, North Dakota Area

Concordia College

Adjunct Professor

January 2015 - May 2015 (5 months)

Moorhead, MN

Adjunct Professor at Offutt School of Business for the Spring 2015 semester. Instructed a course in Global Supply Chain Management, involving course development / enhancement, student assessment, review and academic development.

Royal Australian Navy

Commander (Senior Logistics Officer)

January 1991 - October 2013 (22 years 10 months)

Australia & Global

Performed numerous senior leadership and management positions including: detailed operational planning, coordination and execution; program and project management; operational support, supply and logistics; high level administration, personnel, finance and resource management, and leadership. Performed a rich and diverse range of appointments throughout my career, including active service; various sea-going positions; elite representational positions (including a diplomatic posting to the Embassy of Australia in Washington, DC); career/personnel management; contracting and special projects management; and several positions within operational headquarters.

Invest Victoria, State Government of Victoria, Australia

Manager, Defence & Aerospace Victorian Government Business Office
2008 - 2009 (1 year)

Washington DC Metro area

Identified and developed business and investment opportunities (inbound and outbound) between the United States and Victoria, Australia, with particular regard to the areas of defense and aerospace. Served as the State liaison to several Fortune 500 companies. Developed and maintained commercially productive relationships with both new and old clients. Responsible for identifying business and investment opportunities, and maximizing those opportunities to increase revenue and profitability for the State. Generated new business for the State, both in face-to-face meetings and over the phone. Promoted the State to key industry and business leaders, ensuring that their knowledge was current and appropriate.

Australian Army

Officer Under Training

January 1988 - December 1990 (3 years)

Australian Defence Force Academy

Officer under training and degree studies. Basic military officer training and tertiary education. Primarily in Canberra, ACT region of Australia.

Education

Australian Defence College

Graduate Diploma of Management in Defence Studies · (2005 - 2005)

University of Wollongong

Graduate Certificate in Maritime Studies, International Maritime Policy and Law · (2005 - 2005)

Royal Australian Navy - AQF

Graduate Diploma of Logistics Management, Logistics, Materials, and Supply Chain Management · (2001 - 2001)

Royal Australian Navy - AQF

Graduate Diploma of Resource Management, Finance and Financial Management Services · (2001 - 2001)

University of New South Wales

Bachelor of Arts, History & English (Double Major) · (1988 - 1990)

#10

Information obtained from Verified Voting.org. This is a partial list.

North Dakota is now running the same type of election equipment as Arizona.

At A Glance — Election Day Equipment — Arizona — 2022

Hand Marked Paper Ballots

 **100.0%**

Percentage of registered voters living in jurisdictions using Hand Marked Paper Ballots for most voters

Ballot Marking Devices (BMDs)

 **0.0%**

Percentage of registered voters living in jurisdiction using Ballot Marking Devices for all voters

Verifier - Verified Voting

1/18/23, 9:58 PM

Tabulation: Optical Scan

| Type of Equipment | Make | Model |
|---------------------------|-----------------------------|--|
| Hand-Fed Optical Scanner | Dominion Voting Systems | ImageCast Precinct (/election-system/dominion-cast-precinct/) |
| Hand-Fed Optical Scanner | Election Systems & Software | DS200 (/election-system/ess-ds200/) |
| Batch-Fed Optical Scanner | Election Systems & Software | DS450 (/election-system/ess-ds850-ds450/) |
| Batch-Fed Optical Scanner | Election Systems & Software | DS850 (/election-system/ess-ds850-ds450/) |
| Batch-Fed Optical Scanner | Unisyn Voting Solutions | OpenElect OVCS (/election-system/unisyn-voting-solutions-open-elect-ovcs/) |
| Ballot Marking Device | Dominion Voting Systems | ImageCast X BMD (/election-system/dominion-cast-x-bmd/) |
| Ballot Marking Device | Election Systems & Software | ExpressVote (/election-system/ess-expressvc/) |

| | | |
|-----------------------|-----------------------------|--|
| Ballot Marking Device | Unisyn Voting Solutions | OpenElect FVT (/election-system/unisyn-ope |
| Electronic Poll Book | Election Systems & Software | ExpressPoll (/election-system/ess-expresspol |
| Electronic Poll Book | KNOWiNK | Poll Pad (/election-system/knowink-poll-pad, |
| Electronic Poll Book | Robis | AskED ePollbook (/election-system/robis-ask |
| Electronic Poll Book | Tenex | Precinct Central (/election-system/tenex-pre |

Early Voting Equipment (Including In Person Absentee)

| Type of Equipment | Make | Model |
|-------------------|-------------------------|--|
| Hand-Fed Optical | Dominion Voting Systems | ImageCast Precinct (/election-system/domin |

| Scanner | | |
|---------------------------|-----------------------------|---|
| Type of Equipment | Make | Model |
| Hand-Fed Optical Scanner | Election Systems & Software | DS200 (/election-system/ess-ds200/) |
| Batch-Fed Optical Scanner | Election Systems & Software | DS450 (/election-system/ess-ds850-ds450/) |
| Batch-Fed Optical Scanner | Election Systems & Software | DS850 (/election-system/ess-ds850-ds450/) |
| Batch-Fed Optical Scanner | Unisyn Voting Solutions | OpenElect OVCS (/election-system/unisyn-v-scan-ovcs/) |
| Ballot Marking Device | Dominion Voting Systems | ImageCast X BMD (/election-system/dominic |
| Ballot Marking Device | Election Systems & Software | ExpressVote (/election-system/ess-expressvc |

| | | |
|-----------------------|-----------------------------|--|
| Ballot Marking Device | Unisyn Voting Solutions | OpenElect FVT (/election-system/unisyn-ope |
| Electronic Poll Book | Election Systems & Software | ExpressPoll (/election-system/ess-expresspol |
| Electronic Poll Book | KNOWiNK | Poll Pad (/election-system/knowink-poll-pad, |
| Electronic Poll Book | Robis | AskED ePollbook (/election-system/robis-ask |
| Electronic Poll Book | Tenex | Precinct Central (/election-system/tenex-pre |

#12

Chinese parts, hidden ownership, growing scrutiny: Inside America's biggest maker of voting machines

Scrutiny of the U.S. election system, spurred by Russia's interference in the 2016 election, has put Election Systems & Software in the political spotlight.

Dec. 19, 2019, 5:30 AM CST

By [Ben Popken](#), [Cynthia McFadden](#) and [Kevin Monahan](#)

OMAHA, Neb. — Just off a bustling interstate near the border between Nebraska and Iowa, a 2,800-square-foot American flag flies over the squat office park that is home to Election Systems & Software LLC.

The nondescript name and building match the relative anonymity of the company, more commonly known as ES&S, which has operated in obscurity for years despite its central role in U.S. elections. [Nearly half of all Americans](#) who vote in the 2020 election will use one of its devices.

That's starting to change. A new level of scrutiny of the election system, spurred by Russia's interference in the 2016 election, has put ES&S in the political spotlight. The source of the nation's voting machines has become an urgent issue because of real fears that hackers, whether foreign or domestic, might tamper with the mechanics of the voting system.

That has led to calls for ES&S and its competitors, Denver-based Dominion Voting Systems and Austin, Texas-based Hart Intercivic, to reveal details about their ownership and the origins of the parts, some of which come from China, that make up their machines.

But ES&S still faces questions about the company's supply chain and the identities of its investors, although it has said it is entirely owned by Americans. And the results of its government penetration tests, in which authorized hackers try to break in so vulnerabilities can be identified and fixed, have yet to be revealed.

The secrecy of ES&S and its competitors has pushed politicians to seek information on security, oversight, finances and ownership. This month, a group of Democratic politicians sent the private equity firms that own the major election vendors [a letter asking them to disclose a range of such information](#), including ownership, finances and research investments.

"The voting machine lobby, led by the biggest company, ES&S, believes they are above the law," said Sen. Ron Wyden, D-Ore., a member of the Intelligence Committee who co-signed the letter. "They have not had anybody hold them accountable even on the most basic matters."

ES&S Chief Executive Tom Burt dismissed criticism as inevitable and impossible to answer, but he called for greater oversight of the national election process.

"There are going to be people who have opinions from now until eternity about the security of the equipment, the bias of those companies who are producing the equipment, the bias of the election administrators who are conducting the election," Burt said in an interview. "I can't do anything to affect those people's opinions."

"What the American people need is a system that can be audited, and then those audits have to happen and be demonstrated to the American public," Burt said. "That's what will cut through the noise."

Supply chain questions

ES&S invited NBC News journalists into its headquarters, the first time it has done so for a national news organization. The walls were decorated with images of the Constitution and inspirational messages about quality control. In glass-walled rooms etched with the company's patents, technicians tested machines under tight security.

Burt, a native Nebraskan, has called for federal regulations that would require voting machine companies to address some of the key questions posed to ES&S. In June, he [wrote an op-ed](#) asking Congress for more regulation, which would include requirements for paper backups of individual votes, mandatory post-election audits and more resources for the U.S. Election Assistance Commission to speed improvements.

NBC News examined publicly available online shipping records for ES&S for the past five years and found that many parts, including electronics and tablets, were made in China and the Philippines, raising concerns about technology theft or sabotage.

During the tour, Burt said the overseas facilities are "very secure." He said the final assembly of voting machines takes place in the U.S.

Chinese manufacturers can be forced to cooperate with requests from Chinese intelligence officials to share any information about the technology and therefore pose a risk for U.S. companies, NBC News analyst Frank Figliuzzi, a former assistant director of the FBI for counterintelligence, said. That could include intellectual property, such as source code, materials or blueprints. There is also the concern of machines shipped with undetected vulnerabilities or backdoors that could allow tampering.

[In a letter to NBC News](#), ES&S said it takes “great care” with its foreign supply chain, including conducting risk assessments and making on-site visits to suppliers to make sure that components “are trusted, tested and free of malware.” It said that all of its facilities adhere to international standards, that it manufactures in compliance with all federal guidelines and that it follows cybersecurity best practices.

The company says that its overseas manufacturing site has been successfully audited by the Election Assistance Commission and that the company conducts on-site visits of its suppliers “to ensure that components are trusted, tested and free of malware.”

“Some components (such as surface mount capacitors, resistors, inductors and fixed logic devices) may be sourced from China-based manufacturers,” the letter said, referring to basic circuitry components.

ES&S said it conducts quality assurance tests on the machines.

Ownership questions

Questions about who owns the major voting machine manufacturers have followed the industry for years.

The issue took on greater urgency after the FBI disclosed in July 2018 that a Russian oligarch had [invested in a Maryland election services firm](#). Officials in Maryland and North Carolina have started questioning voting machine makers [about potential foreign ownership](#).

Because it is privately owned, ES&S is not legally obligated to reveal its ownership or any other details about its finances, although Burt did confirm that the company generated about \$100 million in sales last year.

But in response to questions this year from the North Carolina State Board of Elections, ES&S disclosed which investors own more than 5 percent of the company. They include Burt, Chief Financial Officer Tom O’Brien and the Omaha-based private equity firm McCarthy Group, which owns a controlling interest. [The letter identified](#) two passive investors, Nancy McCarthy and Kenneth Stinson, who own stakes of more than 5 percent in McCarthy Group.

ES&S said McCarthy Group’s bylaws prevented it from revealing other individual investors, but it affirmed that they are all U.S. citizens or trusts or corporations owned by Americans. The company offered to pay for an independent auditor to verify that all the investors are Americans. NBC News declined, as citizenship itself wouldn’t answer other potential questions, including political affiliations or other conflicts of interest.

McCarthy Group did not respond to NBC News’ requests for comment.

Testing questions

Virtually no laws govern the cybersecurity aspects of voting machine technologies. But ES&S points to its voluntary efforts to improve voting machine security, most notably a new program with the Energy Department's Idaho National Labs, the same federal facility that tests the power grid and nuclear power generators. ES&S machines underwent eight weeks of vulnerability testing and penetration by government hackers.

Chris Wlaschin, head of systems security for ES&S, said at a Homeland Security cybersecurity summit in Washington in September that the company's machines are not prone to a remote attack over the internet. But he added that someone with enough time and access could make a machine "inoperative or unusable."

Although Wlaschin said the company would release an executive summary of the government testing, the company recently said it has nothing for "external release." It said recommendations from the tests would be incorporated into "future voting system releases."

Wyden said he was concerned by the company's foreign parts supply and was working on legislation to limit it.

"What you have found is particularly important because of the China connection," he said.

Wyden is also eager to see the Idaho National Lab findings.

"They're claiming that the Department of Homeland Security has been working with them. I'm going to ask for this information on the basis of your report within 10 days," he said.

Eddie Perez, global director of technology development for the Open Source Election Technology Institute, a nonprofit election technology research group with which NBC News has partnered since 2016, said the lack of oversight is problematic.

"The way people vote is managed by a couple of entities that people don't know a lot about, and that creates risks for the country," he said.

When it comes down to the essentials, voting machine makers "behave based on the level of regulation they have," Perez said.

"They have to check the boxes," he added. "But once they've done that, they focus on selling their product."

Source Link <https://www.nbcnews.com/news/all/chinese-parts-hidden-ownership-growing-scrutiny-inside-america-s-biggest-n1104516>

TRUTH.

#13



Compose

← @realDonaldTrump's post



Donald J. Trump @realDonaldTrump · Jan 6

All Republican Governors should immediately begin the process of ENDING MAIL IN BALLOTS (which are fraught with corruption, and always will be!) EXCEPT FOR FAR AWAY MILITARY AND PEOPLE WITH A PROVEN ILLNESS, GETTING VOTER I.D. AND SAME DAY VOTING WITH ALL PAPER BALLOTS. This effort should be all out and start immediately. Governors have the power and authority to do this. GET IT DONE, or we will never have honest elections in our Country again!

16.5k ReTruths 57.1k Likes Jan 06, 2023 at 5:52 PM



One or more posts are unavailable.



Osage/Cherokee @osagecherokee · Jan 6

Replying to @AnnaOfficialjournalist, @realDonaldTrump, and 2 more

Glad to see you on board Anna!



HBTX8 @HBTX8 · Jan 6

Replying to @osagecherokee, @AnnaOfficialjournalist, and 2 more

Trends

View all

#Wyoming 167 people talking

#BannonTrial 35 people talking

#Faith 746 people talking

#FBIraidTrump 65 people talking

#americathebeautiful 53 people talking

People To Follow

View all



Copy link to Truth

Embed Truth



Mention @realDonaldTrump



Mute @realDonaldTrump

Block: Legal

Block @realDonaldTrump

Proud: of America.

Report @realDonaldTrump



Sheridan County Auditor's Office

Shirley A. Murray

P.O. BOX 439

215 2nd Str. East

McCLUSKY, N.D. 58463-0439

Email: smurray@nd.gov

County Website: www.co.sheridan.nd.us

COMMISSIONERS:

Shannon Dieterle, 1st Dist. Kief, ND
 Roddy Schilling, 2nd Dist., Mercer, ND
 Sandra Felchle, 3rd Dist., Denhoff, ND

PHONE NO.

701-363-2205

FAX NO.

701-363-2953

Senate State & Local Government Committee

Prepared February 7, 2023

By: Shirley A. Murray, Sheridan County Auditor

RE: Opposition to Senate Bills 2308, 2316, & 2386

Chairperson Roers and committee members. I am Shirley A. Murray, Sheridan County Auditor. I am in opposition of SB Bills 2308, 2316, & 2386

For SB2308 doing away with mail ballots, Sheridan County opposes. Sheridan County is a small rural County in the center of the ND made up of around 834 active voters and has done the mail ballot process since 2012. It has been a great process for Sheridan County, we still have one open polling place in McClusky. The public likes the convenience of the mail ballot. We have around 70% of the public that uses the mail ballot process in Sheridan County every election year. It is also hard to find poll workers to hire so with one open polling place I can find at least 5-7 people to work.

For SB 2316 doing away with electronic scanners, Sheridan County opposes. The ES&S equipment is secure and tested prior to every election. The ballot scanner is not connected to the internet so no tampering can be done. If we did have equipment to scan the ballots most election board would be overnight counting. The election board already have a long 12-16 hr. the way it is and would make mistakes counting the ballots. I am so thankful that Erica Johnsrud, McKenzie County Auditor and Erika White, Burleigh County Election Manager did a equipment demo for you last week to see how the equipment works well. The key is to test everything prior to election day to have a smooth election.

For SB 2386 to go back to paper poll books, Sheridan County opposes. The poll pads and central voter count have been very useful in tracking if a voter were to vote twice. The poll pads do not count any votes, however; the poll pad count for the day plus mail ballots already registered need to come out with the same total of ballots that are ran through the ballot scanner. So it is all accountable.

Please give a DO NOT PASS recommendation on SB 2308, 2316 & 2386