

# HAND COUNTY BOARD OF COMMISSIONERS

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## MINUTES OF THE NOVEMBER 10, 2022 MEETING

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The Hand County Board of County Commissioners met in special session in the commission chambers of the courthouse on November 10, 2022. Chairman Greg Palmer called the meeting to order at 7:00 P.M. with the following other commissioners present: Jim Eschenbaum and Dan Jensen. Commissioners Jones and Wernsmann had an excused absence. Jeff Swartz substituted for Commissioner Jones per SDCL 12-20-36. The meeting was broadcasted live on YouTube with a link on the county's Facebook page.

The sole item on the agenda was to canvass the auditor's result summary of the November 8, 2022 General Election. The commissioners and representative Swartz were paneled as the county canvassing board.

Auditor DeBoer explained to the board that their purpose was to review the work of him, his office, the tabulators, the resolution board, and the precinct officials; and if they felt confident in the report, they could then certify the results and have them forwarded to the Office of Secretary of State for recording.

DeBoer explained that he would read the results of the tabulators from the printed ribbon paper each produces after scanning the ballots. Each of the five precinct's ballots were ran through the tabulator separately. Precincts 2 and 3 (Miller Community Center) have the voter's ballots inserted by the voter. At the close of voting, the precinct workers initiated the "close poll" process and returned the machines (which includes the ballots) to the courthouse. Precincts 1, 4, and 5 had their ballots returned to the courthouse in locked ballot boxes and handed them over to the auditor's office which provided them to the tabulator staff and resolution board. For this reason, ballots which were rejected by the tabulators were delivered to the auditor separately of the voted ballots. The resolution board examined those rejected ballots to determine the voter's intent, and then they were run through the tabulators to be counted. This process resulted in two tapes being run for those precincts. The sum total of those two tapes would be the final result.

DeBoer also explained that the county had two ballot styles. One style was for precincts 1, 2, 3, & 4; and the second style was for precinct 5. This was because precinct 5 had a commissioner race, the only difference between the two styles. For this reason, the tapes would reflect a ballot count for the two styles, even if no votes were received from the alternate style.

DeBoer said that he observed that there were votes for the commissioner race in Precinct 5 (the alternate ballot style) which were recorded in another precinct. DeBoer attributed this error to processing absentee voting in the auditor's office. It was during this time that the two ballot styles were being used by voters in the same place at the same time, and thus it almost exclusively likely that DeBoer and his deputy may have given a voter the alternate ballot style in error. DeBoer added that because the race was won by a clear majority, the resulting error had no impact on the outcome.

DeBoer asked the canvassing board if they understood all of what had been explained, and they replied they did. DeBoer then began to read the results from the tabulator ribbons. Those results are as follows:

**Precinct 1: US Senator:** Brian Bengs-16, Tamera Lesner-20, John Thune-240. **US House of Representatives:** Collin Duprel-27, Dusty Johnson-240. **State Governor:** Jamie Smith-30, Tracey Quint-3, Kristi Noem-241. **Secretary of State:** Thomas Cool-30, Monae Johnson-238. **Attorney General:** Marty Jackley-239. **State**

**Auditor:** Stephanie Marty-28, Rene Meyer-10, Richard Sattgast-220. **State Treasurer:** John Cunningham-20, Josh Haeder-240. **Commissioner of School and Public Lands:** Timothy Azure-26, Brock Greenfield-229. **Public Utilities Commissioner:** Jeffery Barth-33, Chris Nelson-228. **District 23 State Senator:** Bryan Breitling-219. **District 23 State Representative:** James D Wangsness-180. **District 23 State Representative:** Scott Moore-187. **Supreme Court Justice Mark Salter:** Yes-215, No-19. **Supreme Court Justice Patricia DeVaney:** Yes-217, No-17. **Third Circuit Court:** Carmon Means: 146, Dawn Elshere-147, Kent Shelton-150, Gregory Stoltenburg-143, Robert Spears-54 versus Michael Moore-109, Patrick Pardy-135, **Constitutional Amendment D:** Yes-122, No-143. **Initiated Measure 27:** Yes-54, No-220, **County Commissioner District 5:** Luke Wernsmann-0, Doug Schaefer-1.

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**Precinct 2:** **US Senator:** Brian Bengs-39, Tamera Lesner-14, John Thune-213. **US House of Representatives:** Collin Duprel-36, Dusty Johnson-220. **State Governor:** Jamie Smith-52, Tracey Quint-9, Kristi Noem-198. **Secretary of State:** Thomas Cool-62, Monae Johnson-196. **Attorney General:** Marty Jackley-229. **State Auditor:** Stephanie Marty-46, Rene Meyer-10, Richard Sattgast-199. **State Treasurer:** John Cunningham-46, Josh Haeder-211. **Commissioner of School and Public Lands:** Timothy Azure-48, Brock Greenfield-191. **Public Utilities Commissioner:** Jeffery Barth-51, Chris Nelson-204. **District 23 State Senator:** Bryan Breitling-209. **District 23 State Representative:** James D Wangsness-198. **District 23 State Representative:** Scott Moore-147. **Supreme Court Justice Mark Salter:** Yes-213, No-27. **Supreme Court Justice Patricia DeVaney:** Yes-215, No-28. **Third Circuit Court:** Carmon Means: 156, Dawn Elshere-151, Kent Shelton-164, Gregory Stoltenburg-146, Robert Spears-72 versus Michael Moore-106, Patrick Pardy-143, **Constitutional Amendment D:** Yes-143, No-113. **Initiated Measure 27:** Yes-97, No-164.

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**Precinct 3:** **US Senator:** Brian Bengs-55, Tamera Lesner-7, John Thune-261. **US House of Representatives:** Collin Duprel-50, Dusty Johnson-262. **State Governor:** Jamie Smith-78, Tracey Quint-12, Kristi Noem-232. **Secretary of State:** Thomas Cool-83, Monae Johnson-222. **Attorney General:** Marty Jackley-269. **State Auditor:** Stephanie Marty-69, Rene Meyer-13, Richard Sattgast-223. **State Treasurer:** John Cunningham-64, Josh Haeder-243. **Commissioner of School and Public Lands:** Timothy Azure-73, Brock Greenfield-219. **Public Utilities Commissioner:** Jeffery Barth-63, Chris Nelson-238. **District 23 State Senator:** Bryan Breitling-243. **District 23 State Representative:** James D Wangsness-216. **District 23 State Representative:** Scott Moore-179. **Supreme Court Justice Mark Salter:** Yes-231, No-42. **Supreme Court Justice Patricia DeVaney:** Yes-233, No-40. **Third Circuit Court:** Carmon Means: 157, Dawn Elshere-157, Kent Shelton-165, Gregory Stoltenburg-154, Robert Spears-69 versus Michael Moore-125, Patrick Pardy-149, **Constitutional Amendment D:** Yes-174, No-135. **Initiated Measure 27:** Yes-108, No-207.

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**Precinct 4:** **US Senator:** Brian Bengs-57, Tamera Lesner-15, John Thune-269. **US House of Representatives:** Collin Duprel-50, Dusty Johnson-276. **State Governor:** Jamie Smith-81, Tracey Quint-3, Kristi Noem-254. **Secretary of State:** Thomas Cool-85, Monae Johnson-231. **Attorney General:** Marty Jackley-258. **State Auditor:** Stephanie Marty-77, Rene Meyer-17, Richard Sattgast-232. **State Treasurer:** John Cunningham-58, Josh Haeder-267. **Commissioner of School and Public Lands:** Timothy Azure-74, Brock Greenfield-238. **Public Utilities Commissioner:** Jeffery Barth-80, Chris Nelson-243. **District 23 State Senator:** Bryan Breitling-249. **District 23 State Representative:** James D Wangsness-201. **District 23 State Representative:** Scott Moore-180. **Supreme Court Justice Mark Salter:** Yes-236, No-42. **Supreme Court Justice Patricia DeVaney:** Yes-234, No-47. **Third Circuit Court:** Carmon Means: 148, Dawn Elshere-148, Kent Shelton-170, Gregory Stoltenburg-143, Robert Spears-81 versus Michael Moore-112, Patrick Pardy-137, **Constitutional Amendment D:** Yes-182, No-151. **Initiated Measure 27:** Yes-102, No-232.

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**Precinct 5:** **US Senator:** Brian Bengs-31, Tamera Lesner-14, John Thune-259. **US House of Representatives:** Collin Duprel-34, Dusty Johnson-261. **State Governor:** Jamie Smith-48, Tracey Quint-8, Kristi Noem-252. **Secretary of State:** Thomas Cool-48, Monae Johnson-247. **Attorney General:** Marty Jackley-271. **State Auditor:** Stephanie Marty-38, Rene Meyer-10, Richard Sattgast-250. **State Treasurer:** John Cunningham-38,

Josh Haeder-258. **Commissioner of School and Public Lands:** Timothy Azure-45, Brock Greenfield-247. **Public Utilities Commissioner:** Jeffery Barth-55, Chris Nelson-246. **District 23 State Senator:** Bryan Breitling-246. **District 23 State Representative:** James D Wangsness-182. **District 23 State Representative:** Scott Moore-205. **Supreme Court Justice Mark Salter:** Yes-233, No-40. **Supreme Court Justice Patricia DeVaney:** Yes-235, No-40. **Third Circuit Court:** Carmon Means: 180, Dawn Elshere-178, Kent Shelton-179, Gregory Stoltenburg-175, Robert Spears-56 verses Michael Moore-149, Patrick Pardy-175, **Constitutional Amendment D:** Yes-121, No-180. **Initiated Measure 27:** Yes-67, No-237, **County Commissioner District 5:** Luke Wernsmann-170, Doug Schaefers-133.

During the canvassing, the board found five errors between the tabulator report and the auditor's summary. Those errors are as follows:

In Precinct 2, Jamie Smith received 53, not 52 votes. In Precinct 4, Dawn Elshere received 146, not 148 votes. In Precinct 5, Stephanie Marty received 39, not 38 votes. Justice Mark Salter received 39, not 40 "No" votes. Justice Patricia DeVaney received 236, not 235 "YES" votes.

Following the canvassing board's review and reconciliation, DeBoer left the meeting to update the results on the canvassing certificate. When DeBoer returned, the new canvassing certificate was reviewed for accuracy.

It was the conclusion of all those present that during the time that county results are harvested off of the tabulator tapes, that at least two people be present so as to further reduce the likelihood of counting errors.

Having no questions or action to remain unfinished, it was moved by board member Eschenbaum, seconded by member Jensen with all voting in favor, thereof, to execute the certificate of the canvassing board and the results therein.

Having no further business before the commission, it was moved by Eschenbaum, seconded by Jensen, to adjourn. The meeting ended at 8:05 P.M.

The forgoing text reflects the approved minutes of the commission.

Greg Palmer, Chairman

Attest:  
Doug DeBoer, Auditor

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