

Claim Against Your Public Official Bond

Notice to:

Sheri Lund

Name: **Lincoln County Auditor/Election Office**

Title: **Auditor**

Address: **110 N Main, Canton, SD 57013**

CC: Joel Arends, County Commissioner

James Jibben, County Commissioner

Tiffany Landeen, County Commissioner

Michael Poppens, County Commissioner

Jim Schmidt, County Commissioner

Thomas Wollman, States Attorney

Bill Golden, Deputy States Attorney

Notifying Party:

Mick Baruth

Address: 5405 S Coneflower Circle

Sioux Falls SD 57108

Phone Number: 605-941-2173

Date: 05/05/2023

Affidavit attached **(EXHIBIT 1)**

**Claim of malfeasance, negligence, omission of duty,
and violations of the law by Sheri Lund, Lincoln County
Auditor.**

On the dates of May 11, 18, 25, and June 1, 2022, from the hours of 4:00 PM CT – 7:00 PM CT, an employee of the Lincoln County Auditor's Office and one Lincoln County Sheriff's Deputy hosted an absentee ballot drop off in the University of Sioux Falls Sports Complex Football Stadium parking lot located at 6200 S Cliff Avenue, Sioux Falls, SD 57108.

On May 11, 2022 Forty-Two (42) ballots were collected.

On May 18, 2022 Forty-Five (45) ballots were collected.

On May 25, 2022 Fifty-Three (53) ballots were collected.

On June 1, 2022 Sixty-Seven (67) ballots were collected.

The numbers of ballots collected on those dates were recorded and reported by the Lincoln County Auditor's Office. **(EXHIBIT 2)**

On the dates of October 20, 27, and November 3, 2022, from the hours of 4:00 PM CT – 7:00 PM CT, Sheri Lund, Lincoln County Auditor and a Lincoln County Sheriff's Deputy hosted an absentee ballot drop off in the University of Sioux Falls Sports Complex Football Stadium parking lot located at 6200 S Cliff Avenue, Sioux Falls, SD 57108.

On October 20, 2022 Two Hundred Twenty (220) ballots were collected.

On October 27, 2022 One Hundred Ninety-Five (195) ballots were collected.

On November 3, 2022 One Hundred Ninety-Four (194) ballots were collected.

The numbers of ballots collected on those dates were recorded and reported by the Lincoln County Auditor's Office. **(EXHIBIT 2)**

This is a total of 816 absentee ballots which were processed in such a way that violated the chain of custody laws of the state election code as stated in:

1. SDCL 12-18-9. Observation of voting and counting--Poll watchers' positions and accommodations.
2. SDCL 12-20-20. Sealing of ballot boxes after deposit of counted ballots--Violation as misdemeanor.
3. SDCL 12-19-7. Marking and folding ballot--Officer before whom marked--Mailing or delivering ballot.
4. SDCL 12-17B-9. Transporting sealed ballot box.
5. SDCL 12-14 Precincts and Polling Places and SDCL 12-15 Precinct Election Officials

During the forty-five day absentee voting period for the November 3, 2020 election, Lincoln County utilized an absentee ballot collection device known as a drop box, outside the Lincoln County Courthouse. In 2020, the Election Assistance Commission sent out guidelines directing any jurisdiction using a drop box to use video surveillance for security purposes. The Lincoln County Auditor, Sheri Lund, admitted to not reviewing or preserving the video records for the twenty-two month period as mandated by Federal and State Law.

6. 52 USC §20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation
7. SDCL 12-20-31. Destruction of ballots and pollbooks--Period for which held--Pending recount or contest.

The ballot harvesting events were well documented on local news at the following web addresses:

<https://www.keloland.com/news/local-news/absentee-ballot-drop-off-for-lincoln-county-in-sioux-falls/>

<https://www.dakotanewsnow.com/2022/06/03/lincoln-county-residents-question-voter-notification-sioux-falls-drop-off-box/>

<https://www.dakotanewsnow.com/2022/10/29/voting-update-absentee-locations-hours-drive-thru-lincoln-county/>

<https://www.dakotanewsnow.com/2022/10/29/voting-update-absentee-locations-hours-drive-thru-lincoln-county/>

<https://www.keloland.com/news/local-news/lincoln-co-absentee-ballot-drop-off-site-returning/>

The time, dates and location of the absentee ballot pick up during the above listed dates was only advertised in an absentee ballot insert **(EXHIBIT 3)** and on the personal campaign page of Sheri Lund for Auditor. **(EXHIBIT 4)** Sheri Lund was a Republican candidate for the June 7, 2022 primary election for Auditor. There was no public notice of the voting location, therefore the public was not issued proper notice for their constitutional rights to view the voting. As a candidate for office, Sheri Lund was electioneering by advertising said absentee ballot pick up location only on her candidate Facebook Page: "Sheri Lund for Lincoln County Auditor". Lund also misled the media when they questioned where this service was advertised by stating it was advertised on the Lincoln County Website and the Lincoln County Sheriff's Facebook Page. Neither of her claims were true. <https://www.facebook.com/VoteSheriLund> This is a prime example of unethical behavior. This action caused media attention, voter disenfranchisement, and doubt in the integrity of the election process in Lincoln County.

"Lund confirmed she posted on her personal campaign Facebook site several times. Lund also gave us more places to look. However, there was no information on the Lincoln County Website or a Sheriff's Department Facebook post as she described."

<https://www.dakotanewsnow.com/2022/06/03/lincoln-county-residents-question-voter-notification-sioux-falls-drop-off-box/>

State Law Violations:

Violation of SDCL 12-18-9. Observation of voting and counting--Poll watchers' positions and accommodations.

Any person, except a candidate who is on the ballot being voted on at that polling place, may be present at any polling place for the purpose of observing the voting process. Any person may be present to observe the counting process. A candidate who is on the ballot being voted on at a polling place may only be present to cast the candidate's vote during voting hours. A number of poll watchers shall be permitted for each candidate at a primary election or political party and independent candidate at a general election pursuant to § 12-18-8.1. Each polling place shall be arranged in a manner that permits each poll watcher to be positioned in a location where the poll watcher can plainly see and hear what is done within the polling place.

Sheri Lund's collecting of absentee ballots in a remote location which was not advertised to every voter in Lincoln County is unethical at best, and intentional electioneering at worst. The chain of custody was violated and the public was not properly notified of the polling location or ballot pick up, therefore the public was not present to observe the voting process. Also, collecting voted ballots in a remote location could be construed as a polling location. If this is a polling location, a number of poll watchers should be allowed to view the process; but were disenfranchised in participating as proper notice was not given to the public.

Violation of SDCL 12-20-20. Sealing of ballot boxes after deposit of counted ballots--Violation as misdemeanor.

The counted ballots shall be sorted in the manner provided in 12-20-2 and wrapped, sealed, and deposited in the ballot box. The precinct superintendent and precinct deputies, after the counting of ballots and deposit of the ballots counted in the ballot box, shall properly seal, with seals furnished pursuant to § 12-16-26, any ballot box opening and the place where the clasp and box connect, and each place where a ballot box may be opened before turning the ballot box over to the person deputed to deliver it. A violation of this section is a Class 1 misdemeanor.

Sheri Lund's collecting of voted absentee ballots at a remote location with only herself and one Sheriff's Deputy did not account for, or comply with, the above state law with designated precinct officials for local oversight. Due to the lack of public oversight due to the actions of Ms. Lund, there is no proof of proper ballot box seals and locks having been affixed to the collection device before transporting the ballots back to the Lincoln County Courthouse in Canton, SD, because the portable ballot box was out of sight of the public. The ballot collection device was on a seat in the Sheriff Deputy's vehicle out of the line of sight of the general public. See attached video here which shows a portable duffle bag type device with zippers. Due to the unconventional design of this duffle bag style portable drop box, the standard seals and locks could not be attached properly to such a device. <https://www.keloland.com/news/local-news/lincoln-co-absentee-ballot-drop-off-site-returning/>

Violation of SDCL 12-19-7. Marking and folding ballot--Officer before whom marked--Mailing or delivering ballot.

A voter voting an absentee ballot shall mark it and fold it without revealing the marks to any other person. The voter shall place the voted ballots in the return envelope provided and seal the envelope. The voter shall sign the statement on the return envelope. The voter shall either mail the ballot, deliver it in person or have it delivered to the person in charge of the election.

SDCL 12-19-7 specifies three methods to return absentee ballots. A deputy picking up absentee ballots in a parking lot is not an option according to the SDCL 12-19-7. Lincoln utilized a mobile drop box for collection of ballots.

Lincoln County Auditor, Commissioners and States Attorney were sent a letter stating proper notice for possible action against surety bonds dated September 12, 2022, stating the above law regarding the legal options for delivery of absentee ballots. A deputy picking up absentee ballots does not qualify as a legal means. **(EXHIBIT 5)** Also included in the letter was notification the county auditor was being put on notice regarding non-compliance with this SD Codified Law. The law quoted for this notice of noncompliance was SDCL 3-21-3 (2). **Notice prerequisite to action for damages--**

Time limit.

No action for the recovery of damages for personal injury, property damage, error, or omission or death caused by a public entity or its employees may be maintained against the public entity or its employees unless written notice of the time, place, and cause of the injury is given to the public entity as provided by this chapter within one hundred eighty days after the injury. Nothing in this chapter tolls or extends any applicable limitation on the time for commencing an action.

It was requested that the Lincoln County Auditor immediately discontinue the use of this deputy picking up absentee ballots from a parking lot. Denial of this request would cause legal action to be taken against the surety bond of the Lincoln County Auditor.

Minnehaha and Lincoln County determined drop boxes to be a violation of the state codified law, discontinuing and removing the drop boxes as of April 13, 2022, and posted a public notice on the Lincoln County Website. **(EXHIBIT 6)** Yet, Sheri Lund subsequently continued the illegal process of

absentee ballot collection in the parking lot of USF Stadium.

On October 20, 2022 a Notice of Intent to File a Claim Against the Surety bonds of Auditor Sheri Lund was delivered to Sheri Lund in the parking lot of the University of Sioux Falls Sports Complex Football Stadium parking lot located at 6200 S Cliff Avenue, Sioux Falls, SD 57108. **(EXHIBIT 7)**

Violation of SDCL 12-17B-9. Transporting sealed ballot box.

Upon completion of the voting and after sealing the ballot box, two of the members of the precinct election board, of different major political parties, shall, by the most direct route, transport the box to the central counting location designated by the person in charge of the election or the ballots may be transported to the counting location by a sheriff's deputy and two deputy county auditors, one of each major political party, or by two deputy county auditors, one of each major political party.

Lincoln County Auditor Sheri Lund violated SDCL12-17B-9 regarding the chain of custody of these cast ballots by assigning the task of delivering the cast ballots collected from the USF parking lot back to the auditor's office by a single sheriff's deputy on duty and one representative of the auditor's office for the dates of May 11, 18, 25 and June 1, 2022. On the dates of October 20, 27 and November 3, 2022, one Sheriff's Deputy and Sheri Lund were documented as the only two individuals at the ballot pick up site. The two documented individuals collecting ballots on those dates did not constitute dual party representation, did not provide for TWO deputy county auditors of each party, nor did they consist of a Sheriff's Deputy and TWO deputy county auditors. This is a clear violation of the law, and blatant display of disregard for the law, as demonstrated by continuing to violate the law after being served notice of the violation by the citizens of the county, and the County States Attorney decision to discontinue absentee ballot box use.

Also, the use of this absentee ballot collection method only locating it in the southeast side of Sioux Falls, disenfranchises voters of the remainder of the county which include Lennox, Beresford, and Tea by not offering the same service to voters located at least that distance or farther. The county also expended significant funds to collect ballots at that location by staffing a sheriff's deputy and a representative of the auditor's office to stand in a parking lot to collect 207 ballots in total for the four collection events during the June 7, 2022 primary race. The rest of the county voters who chose to vote absentee were required to affix postage of \$1.44 to their envelope or to drive the distance to the courthouse to deliver their ballot. The 207 voters in the Sioux Falls area who dropped off their ballots were given preferential treatment and may have been enticed to vote for Lund due to the special representation they were given over the rest of the county. This is also a method of electioneering votes.

Additional photo and video documentation of these events is available for review upon request, and will be attached to email submission of claim on bonds.

Violation of SDCL 12-14 Precincts and Polling Places and SDCL 12-15 Precinct Election Officials.

[12-14-1](#) Designation of precincts and polling places by county commissioners--Changes--Separate voter lists of special voting districts.

[12-14-1.1](#) Notice to county auditor of boundary change for local election.

[12-14-9](#) Location of polling places.

[12-14-13](#) Display of flag at polling places at election.

[12-14-14](#) Sign to identify polling place on election day.

[12-15-1](#) Appointment by county auditor of precinct election officials--Names submitted by parties.

[12-15-1.3](#) Precinct assistant--Appointment--Duties.

[12-15-2](#) Precinct superintendent and deputy to be registered voters and residents of precinct--Vacancy on precinct election board.

- [12-15-2.1](#) Precinct superintendent and precinct deputy prohibited to serve as poll watchers.
- [12-15-3](#) Distribution of precinct officials among parties--Superintendent from majority party--Eligible appointees when list not provided.
- [12-15-7](#) Meetings of precinct officials for instruction on laws and duties--Compensation for attendance.
- [12-15-9](#) Oath of precinct officials--Entry in pollbook--Violation of oath as misdemeanor.
- [12-15-10](#) Replacement of precinct superintendent or precinct deputy failing to take oath or to serve.
- [12-15-11](#) Fee paid precinct superintendent and precinct deputy--Mileage for returning pollbooks and ballot boxes.
- [12-15-13](#) Certification of fee of precinct superintendent and precinct deputy--Order for payment from treasury.
- [12-15-14](#) Counting boards in large paper ballot precincts--Duties.
- [12-15-14.1](#) Counting boards in smaller precincts to avoid unreasonable delay.

As stated above, collecting voted ballots in a remote location could be construed as a polling location. Using the USF Sports Complex Parking Lot as a polling location would have required compliance with all of the above state statutes. Precinct workers with equal party representation, signs clearly designating this location as a polling place, placement of the flag, proper location of the ballot box, etc. are just a few of the violations Ms. Lund committed when deciding to break with state law and established election procedures.

Violation of 52 USC §20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation.

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

1-27-1.1. Public records defined.

Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form remains a public record when maintained in any other form. For the purposes of §§ 1-27-1 to 1-27-1.15, inclusive, a tax-supported district includes any business improvement district created pursuant to chapter 9-55.

Violation of SDCL 12-20-31. Destruction of ballots and pollbooks--Period for which held--Pending recount or contest.

The officer in charge of an election may destroy voted ballots and pollbooks from a nonfederal election sixty days following the election at which such ballots were voted. However, they may not be destroyed if any recount or contest of such election is pending. The officer in charge of an election may destroy voted ballots, pollbooks and all other election material relating to a federal election twenty-two months after the election at which the ballots were voted. For the purpose of this section, a federal election is any election to nominate or elect persons to the United States Congress or other national elected position, including national issues or questions. If a ballot is used for a federal election and a state or local election, the ballots and all other election material shall be maintained for twenty-two months. All federal election material may be removed from the ballot box if it is maintained in such a manner as to guarantee the safety and integrity of such material.

Upon request for public records, it was discovered in March 2022 that the Lincoln County Auditor's office did not review or preserve the absentee ballot drop box surveillance video of the 45-day absentee voting period for the November 3, 2020 election. Ms. Lund stated that the Sheriff's Office was responsible for the video as they surveil the Lincoln County Courthouse premises. The US Federal Election Assistance Commission issued guidelines in 2020 for any jurisdiction using absentee ballot drop boxes, that they must use video surveillance. The Lincoln County Auditor's office neglected to view, review, or maintain the drop box video for the 22 months required by Federal and State laws 52 USC 20701 and SDCL 12-20-31.

SDCL 7-10-9. Action against auditor and sureties for misconduct or omission of duty.

An action may be brought against the county auditor and the sureties upon the official bond, in the name of the state and for its use, or for the use of any county or person injured by the misconduct in office of the auditor, or by the omission of any duty required of the auditor by law.

SDCL 3-16-1. Willful failure to perform official duty as misdemeanor.

Where any duty is or shall be enjoined by law upon any public officer, or upon any person holding any public trust or employment, every intentional omission to perform such duty, where no special provision shall have been made for the punishment of such delinquency, is a Class 2 misdemeanor.

According to the Oath of Office, Sheri Lund has shown malfeasance, negligence, and omission of duty by failing to comply with South Dakota codified law, and risking the integrity of the election by failing to secure the chain of custody with Lincoln County voted absentee ballots.

I am making a claim for damages of \$1,000,000 for disenfranchising my vote by collecting absentee ballots during the 2022 primary and general elections with a violated and unverifiable chain of custody. 816 ballots were harvested in the parking lot with no chain of custody and multiple other violations listed above. This does not account for the use of the absentee ballot drop box at the county courthouse, which was in direct violation of SDCL12-19-7, or the destruction of federal election records in violation of 52 SEC 20701 and SDCL 12-20-31. Although any patriotic American would consider their vote priceless, as our votes are the currency on which our Constitutional Representative Republic operates, we must affix a monetary value for this claim. Assigning a monetary value to a ballot is an offense to those who bled and died to secure our right to freedom, liberty and the right to vote, therefore \$1,000,000 is the lowest dollar amount I am willing to assign to the value of my ballot.

Our elected officials swear an oath to uphold and defend the United States Constitution and the State of South Dakota Constitution. The above evidence clearly demonstrates that Sheri Lund has violated her Oath of Office and her sworn oath to the Constitution, which has caused irreparable damage to our representative republic, and to the process in which elections are conducted in Lincoln County.

Additional Information Attached:

Notarized Affidavit - EXHIBIT 8 – Cindy Meyer

Notarized Affidavit - EXHIBIT 9 – Mike Mathis

Notarized Affidavit - EXHIBIT 10 – Gary Meyer

Notarized Affidavit - EXHIBIT 11 – Scot Montgomery

Notarized Affidavit - EXHIBIT 12 – Linda Montgomery

Affidavit

STATE OF SOUTH DAKOTA / COUNTY OF Minnehaha

The undersigned, Michael (Mick) Baruth, declares under penalty of perjury under the laws of the state of South Dakota that the foregoing is true and correct:

1. I am over the age of 18 and a resident of the state of South Dakota. I have personal knowledge of the facts herein, and if called as a witness, I could testify to the truth and accuracy thereto.
2. I have no legal disabilities and have personal knowledge of the facts that are set forth here, below.
3. I affirm and attest to the following

See attached

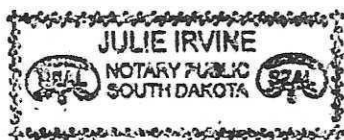
4. I affirm that I am under no duress or unusual influence in signing this affidavit, and I declare that, to the best of my knowledge and belief, the information here is true, correct, and complete.

Executed this 21st day of April, 2022 2023
AFFIANT SIGNATURE: Mick Baruth

NOTARY ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA, COUNTY OF Minnehaha ss:

This Affidavit was acknowledged before me on this 21st day of April 2023 by Mick Baruth who, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.



Julie Irvine
Notary Public
Notary Public - S.D.
Title (and Rank)

My commission expires 8-20-2028

EXHIBIT 17

On October 20, 2022 at 4:20pm I went to the USF football stadium parking lot! I watched a vehicle pull up to drop off what I assume was an absentee ballot! When that vehicle pulled up to the deputy sheriff's vehicle it was met by a deputy sheriff and another person whom I assume was a representative of the Lincoln county auditor's office! A large box was held up for the person in the vehicle that pulled up to deposit something into the box! There was only one sheriff's deputy and one other person accepting these ballots! It is my understanding that State of SD law states that there must be one member of each political party present for collection AND transport of ballots from the polling place to the county auditors office! This would mean that chain of custody laws are not being adhered to by the Lincoln County auditors office! Also the USF football stadium parking lot is not listed as an official polling place anywhere that I can find!

When that vehicle left I pulled up and served the Lincoln county deputy and what I assume was a Lincoln county auditor office representative with a notice of intent to file a claim against the surety bond(s)! You can find a copy of that notice of intent to file attached! A video of all of the above has been sent by email also with the claim that is being filed!

Mick Baruth

[EXHIBIT 17]



Cindy Meyer <gcmeyer3@gmail.com>

RE: Absentee Ballot - USF

1 message

Kayla Delfs <kdelfs@lincolncountysd.org>
To: Cindy and Gary <gcmeyer3@gmail.com>

Thu, Apr 20, 2023 at 8:34 AM

Cindy,

Here is the requested information.

Primary 2022

5/11/2022 – 42

5/18/2022 – 45

5/25/2022 – 53

6/1/2022 – 67

General 2022

10/20/2022 – 220

10/27/2022 – 195

11/4/2022 – 194

Let me know if you need anything else.

Thank you!



LINCOLN
COUNTY

Kayla Delfs
Deputy Auditor
P 605.764.2581 F 605.764.0131

104 N. Main Street Suite 110
Canton, SD 57013
lincolncountysd.org

[EXHIBIT 2]

From: Cindy and Gary <gcmeyer3@gmail.com>
Sent: Wednesday, April 19, 2023 8:22 PM
To: Kayla Delfs <kdelfs@lincolncountysd.org>
Subject: Re: Absentee Ballot - USF

Records request is attached.

Thanks

Cindy 605-553-2907

gcmeyer3@gmail.com

On Wed, Apr 19, 2023 at 3:58 PM Kayla Delfs <kdelfs@lincolncountysd.org> wrote:

Cindy,

Can I have you fill out a public records request form for the information request via phone call on 4/19/2023?

Here is a link to our form: <https://www.lincolncountysd.org/DocumentCenter/View/500/Public-Records-Request-PDF>



Kayla Delfs
Deputy Auditor
P 605.764.2581 F 605.764.0131

104 N. Main Street Suite 110
Canton, SD 57013
lincolncountysd.org

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EXHIBIT 27

*****NOTICE*****

PLEASE SIGN BACK OF RETURN ENVELOPE.

Please use black pen to mark ballot.

Please note: All ballots **MUST** be returned by Tuesday, November 8, 2022 by 7:00p.m. to the Lincoln County Auditor's Office in order to be counted.

Mail time cannot be guaranteed. Postmarks do not count. Ballots postmarked November 8th **will not** be opened.

Return envelope cost \$1.44 to mail back.

We will have a Lincoln County Sheriff Deputy and a staff member from the Auditor's office at the University of Sioux Falls Sports Complex at 6300 S Cliff Ave, Sioux Falls, SD 57108 at the north end of the parking lot on Thursdays, October 20th, October 27th and November 3rd from 4pm to 7pm to collect absentee ballots.

[EXHIBIT 3]



Sheri Lund For Lincoln County Auditor

May 14, 2022 · 🌐

...

Please Vote for Experience on June 7, 2022

VOTE LUND

When elected I will strive to maintain integrity and accuracy in all Auditor's office functions.

Elections: I will continue running free and fair elections by utilizing common sense processes, scientifically proven technology and investigating all claims of fraud.

Advocating for Lincoln County: I will continue to advocate for Lincoln County voters with our Legislators in Pierre. I will continue providing testimony against bills that are bad for Lincoln County taxpayers and voters. By working together with our legislators, I hope to help craft bills that balance strict elections practices and the current voting process.

Financial Accuracy: I will continue to maintain and present accurate financial reports to the County Commission, giving them the best tools available when making financial decisions for our county.

Efficiency: I will continue to present views and ideas to the commission that balance the budgetary needs of our essential county services but keep the burden low for our taxpayers. I will rigorously seek out programs and grant opportunities to provide more with less property tax dollars.

Attention to Detail: Every detail in the Auditor's office is essential. It takes a team in the office to make sure Lincoln County taxpayer's money is spent and apportioned correctly. I have built and led a great team and hope to continue doing so!

JUNE 7, 2022

👍👍 28

8 shares



Sheri Lund For Lincoln County Auditor

April 21, 2022 · 🌐

...

With Absentee voting starting tomorrow please read the following notice that will be included in your absentee envelope from the Lincoln County Auditor. If you have any questions please contact my office at 605-764-2581

NOTICE

PLEASE SIGN BACK OF RETURN ENVELOPE.

Please use black pen to mark ballot.

Please note: All ballots MUST be returned by Tuesday, June 7th, 2022 by 7:00p.m. to the Lincoln County Auditor's Office in order to be counted.

Mail time cannot be guaranteed. Postmarks do not count. Ballots postmarked June 7th will not be opened.

Return envelope cost \$1.36 to mail back.

We will have a Lincoln County Sheriff Deputy at the University of Sioux Falls Sports Complex at 6300 S Cliff Ave, Sioux Falls, SD 57108 at the north end of the parking lot on Wednesdays May 11th, May 18th, May 25th, and June 1st from 4pm to 7pm to collect absentee ballots.



1

2 shares

[EXHIBIT 4]



Sheri Lund For Lincoln County Auditor

May 11, 2022 · 🌐

...

Today is the first day of in person drop off for absentee ballots. There will be a sheriff Deputy and a Deputy from the Auditors office available from 4 to 7 at the USF sports complex on 69th and Cliff Ave please call the office if you have any question 605-764-2581

👍 7

2 shares

👍 Like

💬 Comment

➦ Share



Write a comment...



[EXHIBIT 4]



Sheri Lund For Lincoln County Auditor

May 17, 2022 · 🌐



Sheri Lund For Lincoln County Auditor

May 17, 2022 · 🌐

Tomorrow is the 2nd in person drop off.

From 4 to 7 a Sheriff Deputy and a Deputy from the Auditor's office will be available at the North end of the USF sports complex on 69th and Cliff Ave. If you have any questions please call the office at 605-764-2581

2 comments

EXHIBIT 4



Sheri Lund For Lincoln County Auditor

...

May 25, 2022 · 🌐

May 25, 2022 is the 3rd opportunity for in person absentee ballot drop off. A Deputy Auditor and Sheriff Deputy will be located at the North-end of the parking lot at the USF complex on 69th and Cliff Ave. from 4pm to 7pm.



8

3 shares



Like



Comment



Share



Write a comment...



[EXHIBIT 4]

September 12, 2022

Sheri Lund
Lincoln
104 N Main St
Canton, SD 57013

RE: Drop boxes and drop off locations

Dear Sheri Lund,

In the past several years remote absentee ballot collecting devices and locations (hereinafter called drop boxes and drop locations) have become common in the United States. Unfortunately, these devices and locations have created an ideal environment for ballot harvesting during elections, which has led to significant issues with election integrity.

It has come to our attention that your county has used a ballot drop box(es). Per SDCL § 12-19-7, ballot drop boxes or ballot drop locations are not legal.

While we are hopeful Lincoln County will follow SDCL 12-19-7, we understand there may be pressure to do otherwise. Please note that if Lincoln County continues to use ballot drop boxes or drop locations where ballots can be taken for pickup; this letter is proper notice, pursuant to SDCL § 3-21-3 (2) that potential claims against related surety bonds for persons and entities may be pursued.

Thank you for your leadership and compliance with SDCL § 12-19-7.

Sincerely,

We The People for Free, Fair and Transparent Elections, LLC

Cc: auditor@lincolncountysd.org
Scott Bollinger, South Dakota Commission of Administration (via email)
Mark Vargo, South Dakota Deputy Attorney General (via email)
Steve Barnett, South Dakota Secretary of State (via email)

SDCL § 12-19-7 states The voter shall either mail the ballot, deliver it in person or have it delivered to the person in charge of the election.

SDCL § 3-21-3 (2) 3-21-3. Persons to whom notice must be given.

Notice shall be given to the following officers as applicable:

- (2) In the case of a county, to the county auditor.

[EXHIBIT 5]

NOTICE REGARDING USE OF DROP BOXES FOR ELECTION MATERIALS NOTICE IS HEREBY GIVEN that beginning on April 13, 2022, Absentee Ballot Boxes, aka ballot drop boxes ("Absentee Ballot Boxes"), will no longer be used in Minnehaha County. The discontinuance of the use of Absentee Ballot Boxes will apply to all remaining elections in 2022 including, but not limited to, the primary election, general election, school elections, run-off elections, and any special elections. Notwithstanding the prohibition set forth above, the Auditor may reinstate the use of such Absentee Ballot Boxes in the event the Minnehaha County Administration Building is ordered closed by the Minnehaha County Board of Commissioners during any period in which absentee voting is permitted pursuant to SDCL Chpt. 12-19, other provision of state law or administrative rule. In all future elections, registered voters may still vote by absentee ballot by requesting an absentee ballot from the County Auditor and then submitting the voted ballot to the County Auditor by mailing the ballot to the County Auditor's office, delivering the ballot to the County Auditor's office in person or by having someone deliver the ballot for you to the County Auditor's office. South Dakota also allows for absentee voting in person, at the Auditor's office, ahead of the elections. Election information including voter registrations, absentee applications, military and overseas citizens absentee ballot, and Federal post cards can be found online on the Minnehaha County website Minnehaha County, South Dakota Official Website - 2020 Election Information or The Secretary of States website Elections & Voting: South Dakota Secretary of State (sdsos.gov).

NOTICE REGARDING USE OF DROP BOXES FOR ELECTION MATERIALS

NOTICE IS HEREBY GIVEN that beginning on April 13, 2022, Absentee Ballot Boxes, aka ballot drop boxes ("Absentee Ballot Boxes"), will no longer be used in Lincoln County. The discontinuance of the use of Absentee Ballot Boxes will apply to all remaining elections in 2022 including, but not limited to, the primary election, general election, school elections, run-off elections, and any special elections.

Notwithstanding the prohibition set forth above, the Auditor may reinstate the use of such Absentee Ballot Boxes in the event the Lincoln County Administration Building is ordered closed by the Lincoln County Board of Commissioners during any period in which absentee voting is permitted pursuant to SDCL Chpt. 12-19, other provision of state law or administrative rule.

In all future elections, registered voters may still vote by absentee ballot by requesting an absentee ballot from the County Auditor and then submitting the voted ballot to the County Auditor by mailing the ballot to the County Auditor's office, delivering the ballot to the County Auditor's office in person or by having someone deliver the ballot for you to the County Auditor's office. South Dakota also allows for absentee voting in person, at the Auditor's office, ahead of the elections.

Election information including voter registrations, absentee applications, military and overseas citizens absentee ballot, and Federal post cards can be found online on the Lincoln County website Elections | Lincoln County, SD (lincolncountysd.org) or The Secretary of States website Elections & Voting: South Dakota Secretary of State (sdsos.gov).

[EXHIBIT 6]

Notice of Intent to File Claim Against Your Public Official Bond

Notice to:

Sherri Lund

Name: **Lincoln County Auditor/Election Office**

Title: **Auditor**

Address: **110 N Main, Canton, SD 57013**

CC: **Joel Arends, County Commissioner**

James Jibben, County Commissioner

Tiffany Landeen, County Commissioner

Michael Poppens, County Commissioner

Jim Schmidt, County Commissioner

Thomas Wollman, States Attorney

Bill Golden, Deputy States Attorney

Notifying Party:

Arlene Frerichs

Randy Frerichs

Chris David

Chad David

Mike Mathis

Geoff Buhr

Vicky Buhr

Mick Baruth

Address: **Various Lincoln County Residents**

Date: **October 20, 2022**

State Violations

Violation of SDCL 12-19-7. Marking and folding ballot--Officer before whom marked--Mailing or delivering ballot.

A voter voting an absentee ballot shall mark it and fold it without revealing the marks to any other person. The voter shall place the voted ballots in the return envelope provided and seal the envelope. The voter shall sign the statement on the return envelope. The voter shall either mail the ballot, deliver it in person or have it delivered to the person in charge of the election.

The SDCL specifies three methods to return absentee ballots. A deputy picking up absentee ballots in a parking lot is not an option according to the SDCL 12-19-7. Lincoln County is currently utilizing a mobile drop box for collection of ballots.

Lincoln County was sent a letter stating proper notice for possible action against

[EXHIBIT 7]

surety bonds dated September 12, 2022 stating the above law regarding the legal options for delivery of absentee ballots. A deputy picking up absentee ballots does not qualify as a legal means.

Also included in the letter was notification the county auditor was being put on notice regarding their noncompliance with this SD Codified Law. The law quoted for this notice of noncompliance was SDCL 3-21-3 (2).

We request Lincoln County Auditor immediately discontinue the use of this deputy picking up absentee ballots from a parking lot. Denial of this request will cause legal action to be taken against the Surety Bond of the Lincoln County Auditor.

Minnehaha and Lincoln County determined drop boxes to be a violation of the codified law, discontinuing and removing the drop boxes as of April 13, 2022 and yet this action by a deputy picking up absentee ballots continues.

Violation of SDCL 12-17B-9. Transporting sealed ballot box.

Upon completion of the voting and after sealing the ballot box, two of the members of the precinct election board, of different major political parties, shall, by the most direct route, transport the box to the central counting location designated by the person in charge of the election or the ballots may be transported to the counting location by a sheriff's deputy and two deputy county auditors, one of each major political party, or by two deputy county auditors, one of each major political party.

Lincoln County auditor is breaking the SDCL12-17B-9 regarding Chain of Custody of these cast ballots by assigning the task of delivering the cast ballots collected from the USF parking lot back to the auditor's office by a single deputy on duty and one representative, which does not constitute dual party representation. The Lincoln County Auditor has placed a flyer in the envelope mailed to the voter, along with the absentee ballot announcing the pickup dates for these absentee ballots. This law will be or has been broken on set dates of October 20, 27, and November 3, 2022. **(See Attached letter from the Lincoln County Auditor).**

Violation of SDCL 7-10-9. Action against auditor and sureties for misconduct or omission of duty.

An action may be brought against the county auditor and the sureties upon the official bond, in the name of the state and for its use, or for the use of any county or person injured by the misconduct in office of the auditor, or by the omission of any duty required of the auditor by law.

According to the Oath of Office, Sheri Lund has shown omission of duty by failing to comply with South Dakota codified law, and risking the integrity of the election by failing to secure the chain of custody with Lincoln County voted absentee ballots.

EXHIBIT 7

Affidavit

STATE OF SOUTH DAKOTA / COUNTY OF Lincoln County

The undersigned, Cindy Meyer, declares under penalty of perjury under the laws of the state of South Dakota that the foregoing is true and correct:

1. I am over the age of 18 and a resident of the state of South Dakota. I have personal knowledge of the facts herein, and if called as a witness, I could testify to the truth and accuracy thereto.
2. I have no legal disabilities and have personal knowledge of the facts that are set forth here, below.
3. I affirm and attest to the following (INITIAL ALL THAT APPLY)

On October 27, 2022 from 4:30 to 7:00 pm, I, Cindy Meyer was
parked in the USF Sports Complex located at 6200 S. Cliff
Avenue in Sioux Falls, SD, Lincoln county, watching the ballot
drop box on wheels, as individuals drove in and handed

4. I affirm that I am under no duress or unusual influence in signing this affidavit, and I declare that, to the best of my knowledge and belief, the information here is true, correct, and complete.

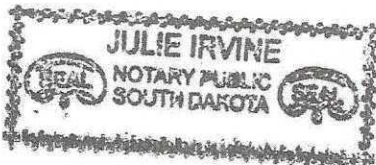
Executed this 20th day of April, 2023.

AFFIANT SIGNATURE: Cindy Meyer

NOTARY ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA, COUNTY OF Lincoln ss:

This Affidavit was acknowledged before me on this 20th day of April 2023 by Cindy Meyer who, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.



Julie Irvine
Notary Public

Notary Public - S.D.
Title (and Rank)

My commission expires 8-20-2028

[EXHIBIT 8]

their ballots to the Lincoln County Auditor, Shere Lund. I witnessed Ms. Lund sit down in the driver's seat of the Lincoln County patrol car. I witnessed numerous ballots (145) being handed to Ms. Lund and then Ms. Lund would drop the ballots into the driver's side passenger window of the patrol car. The object or box used to collect the ballots was not visible. This is the practice I observed for 2.5 hours.

Upon close at 7pm., I witnessed Ms. Lund getting into the patrol car with the deputy and they drove off. There are to be 2 people and those 2 people are to be deputy auditors, one from each political party transporting the ballots along with a sheriff's deputy to the counting location. SDCh 12-17B-9

Transporting sealed ballots box states Upon completion of the voting and after sealing the ballot box, two of the members of the precinct election board, of different major political parties, shall, by the most direct route, transport the box to the central counting location by a sheriff's deputy and two deputy county auditors, one of each major political party, or by two deputy county auditors, one of each major political party.

Affidavit

STATE OF SOUTH DAKOTA / COUNTY OF Lincoln

The undersigned, ~~Mike Mathis~~ Mike Mathis, declares under penalty of perjury under the laws of the state of South Dakota that the foregoing is true and correct:

1. I am over the age of 18 and a resident of the state of South Dakota. I have personal knowledge of the facts herein, and if called as a witness, I could testify to the truth and accuracy thereto.
2. I have no legal disabilities and have personal knowledge of the facts that are set forth here, below.
3. I affirm and attest to the following (*INITIAL ALL THAT APPLY*)

I, Mike Mathis, on October 20, 2022 at approximately 4:25pm, saw Lincoln County auditor Sheri Lund, and a Lincoln County deputy sheriff in the USF Sports Complex located at 6200 South Cliff Avenue in Sioux Falls, SD, collecting ballots from individuals driving through the parking lot. I was a member of the party that served notice of intent that I would be making a claim against the surety bond of the Lincoln County auditor for the unlawful method used in the collection of ballots. What I witnessed was a break in the chain of custody in the handling of ballots.

4. I affirm that I am under no duress or unusual influence in signing this affidavit, and I declare that, to the best of my knowledge and belief, the information here is true, correct, and complete.

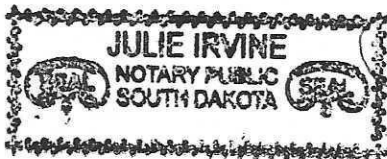
Executed this 5th day of May, 2023.

AFFIANT SIGNATURE: ~~Mike Mathis~~

NOTARY ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA, COUNTY OF Lincoln ss:

This Affidavit was acknowledged before me on this 5th day of May 2023 by Mike Mathis, who, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.



Julie Irvine
Notary Public
Notary Public - S.D.
Title (and Rank)

My commission expires 8-20-2028

[EXHIBIT 9]

Affidavit

STATE OF SOUTH DAKOTA / COUNTY OF Minnehaha Lincoln

The undersigned, Gary Meyer, declares under penalty of perjury under the laws of the state of South Dakota that the foregoing is true and correct:

1. I am over the age of 18 and a resident of the state of South Dakota. I have personal knowledge of the facts herein, and if called as a witness, I could testify to the truth and accuracy thereto.
2. I have no legal disabilities and have personal knowledge of the facts that are set forth here, below.
3. I affirm and attest to the following (INITIAL ALL THAT APPLY)

See Reverse Side

4. I affirm that I am under no duress or unusual influence in signing this affidavit, and I declare that, to the best of my knowledge and belief, the information here is true, correct, and complete.

Executed this 20th day of April, ~~2022~~ 2023

AFFIANT SIGNATURE: Gary Meyer

NOTARY ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA, COUNTY OF Lincoln ss:

This Affidavit was acknowledged before me on this 20th day of April 2023 by Gary Meyer, who, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.



Julie Irvine
Notary Public

Notary Public - S.D.
Title (and Rank)

My commission expires 8-20-2028

[EXHIBIT 10]

On Oct 27, 2022, from 4:30 to 7:00pm, I, Gary Meyer was parked in the USF Sports complex (located at 6200 S Cliff Ave., Sioux Falls, SD, Lincoln County) observing the ballot drop box on wheels, as individuals drove in and handed their ballots to the Lincoln County Auditor, Sheri Lund. I witnessed numerous ballots being handed to Auditor Lund who would then drop the ballots into the driver's side passenger window of the patrol car. The object or box used to collect the ballots was not visible. This was the practice I observed for approx. 2.5 hours.

Upon close, I witnessed Auditor Lund get into the patrol car with the deputy and they drove off. There are to be 2 people and those 2 people are to be deputy auditors, one from each political party transporting the ballots along with a sheriff's deputy to the counting location. SDCL 12-17B-9

Transporting sealed ballot box states Upon completion of the voting and after sealing the ballot box, two of the members of the precinct election board, of different major political parties, shall, by the most direct route, transport the box to the central counting location by a sheriff's deputy and two deputy county auditors, one of each major political party, or by two deputy county auditors, one of each major political party.

Gary Meyer

[EXHIBIT 10]

Affidavit

STATE OF SOUTH DAKOTA / COUNTY OF Lincoln

The undersigned, Scot Montgomery, declares under penalty of perjury under the laws of the state of South Dakota that the foregoing is true and correct:

1. I am over the age of 18 and a resident of the state of South Dakota. I have personal knowledge of the facts herein, and if called as a witness, I could testify to the truth and accuracy thereto.
2. I have no legal disabilities and have personal knowledge of the facts that are set forth here, below.
3. I affirm and attest to the following on May 22nd, 2022 I was in the parking lot of the USF

Complex at the intersection of 69th and Cliff, Sioux Falls, SD. I was there to observe the collection of ballots by an employee of the Lincoln Co Auditor's Office and one of the Lincoln Co deputies. I was there from approximately 16:00 to 19:00 hours. During this time I observed 28 cars and one pedestrian deliver approximately 45 ballots.

4. I affirm that I am under no duress or unusual influence in signing this affidavit, and I declare that, to the best of my knowledge and belief, the information here is true, correct, and complete.

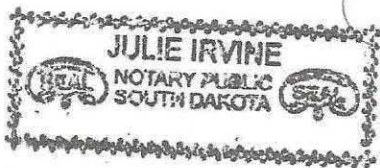
Executed this 30th day of April, 2023.

AFFIANT SIGNATURE: [Signature]

NOTARY ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA, COUNTY OF Lincoln ss:

This Affidavit was acknowledged before me on this 30th day of April 2023 by Scot Montgomery who, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.



[Signature]
Notary Public

Notary Public - S.D.
Title (and Rank)

My commission expires 8-20-2028

[EXHIBIT 11]

STATE OF SOUTH DAKOTA / COUNTY OF Lincoln

The undersigned, Linda Montgomery, declares under penalty of perjury under the laws of the state of South Dakota that the foregoing is true and correct:

I am over the age of 18 and a resident of the state of South Dakota. I have personal knowledge of the facts herein, and if called as a witness, I could testify to the truth and accuracy thereto.

I have no legal disabilities and have personal knowledge of the facts that are set forth here, below.

I affirm and attest to the following:

June 1, 2022 I witnessed and documented a Deputy Auditor and a Deputy Sheriff manning an elections drop box at the USF

Complex on 69th and Cliff Ave. from 3:45 to 5:47. I attached the times 33 cars arrived and the number of envelopes I saw from my

vantage point. I saw 54 envelopes. I was parked in front of the Sheriff's car one lane away, so I may have missed some envelopes

being deposited that could have been more than I could see. The Deputy Sheriff did come over and ask my purpose and I stated I

was a poll watcher, and I introduced myself, and he returned to his position with the auditor. I left the parking lot at 5:47pm.

4. I affirm that I am under no duress or unusual influence in signing this affidavit, and I declare that, to the best of my knowledge and belief, the information here is true, correct, and complete.

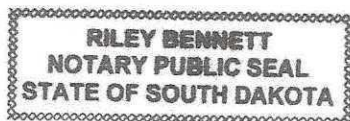
Executed this 24th day of April, 2023

AFFIANT SIGNATURE: Linda Montgomery

NOTARY ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA, COUNTY OF Minnehaha ss:

This Affidavit was acknowledged before me on this 24th day of April, 2023 by Linda Montgomery who, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.



Riley Bennett
Notary Public

Notary Public of South Dakota
Title (and Rank)

My commission expires 07/31/2023

[EXHIBIT 12]

020000 0012053

3:40
Poll (Box Drop)
wath June 1
Lic

# Can	Calots	
3:55	1	44M 582
3:56	1	44
4:02	1	44 166
4:02	1	VORTI
	1	44M 549
	33	44M 01
4:08	1	44M 7
4:09	1	44 228
4:11	1	44M 735
4:12	2	44A 614
	2	44E 619
4:15	2	130785
4:24	2	44L
4:27	2	WH2006
	2	5967
	2	44M 1020
	2	15322
	2?	44C F17
	2 45	WK 207
	1	44M 213
	1 32	44M 685
	2	44E F31
5:04	1	44Y 483
	2	ST 0384
5:1	1	369 156

[EXHIBIT 12]

Q11
Q12
Q13

5:13
#

1	1
2	1
3	1
4	1
5	1
6	1

Ballot #

3
2
2
2
2
2

7:15
923

44 W 175

W ———

109 431

5:47

13

46