

March 4, 2025

Sheriff Mike Milstead  
Minnehaha County Sheriff's Office  
320 W. 4th St.  
Sioux Falls, SD 57104

Sheriff Milstead;

Please find this affidavit in support of a formal complaint of potential illegal voter registration schemes at Your Best Address, 401 E 8<sup>th</sup> Street, Suite 214 and 3916 N. Potsdam Avenue, Sioux Falls, SD.

Your Best Address is a commercial mail forwarding business located at 8<sup>th</sup> & Railroad Center in downtown Sioux Falls. The building is zoned mixed use, allowing for residential dwellings above the first floor. However, per the city zoning ordinance of the City of Sioux Falls, Chapter 160 definitions describe “family” not more than three unrelated adults.

As of July 16, 2024, the official record from the South Dakota Secretary of State master voter list shows 2,430 voters claiming 401 E. 8<sup>th</sup> Street, Suite 214 as their physical “residence”. That same data set recorded 2,818 voters listing 401 E. 8<sup>th</sup> Street as their mailing address.

Many a voter claiming a temporary address such as a campground or hotel as their “residence” are found to list one of these mail forwarding service addresses as their mailing address. Thus, one can logically deduct these voters are customers of the mail forwarding business. For instance, as of July 16, 2024, 70 voters listed the W. H. Lyon Fairgrounds at 100 N Lyon Blvd as their “residence”, with all of them claiming a personal mailbox as their mailing address. Canvassing of some of the physical address listed as the “residence” of voters claiming 401 E. 8<sup>th</sup> Street or 3916 N. Potsdam as their mailing address has revealed voters who have never stayed at the listed hotel or campground, yet signed under penalty of perjury on their voter registration form that they “actually live at and have no present intention of leaving the above address.” Several of these ghost voters cast ballots in the 2024 primary election. These voters are referred to as ghost voters because they cannot be located or verified as per the information listed in their official voter record.

A random sampling of 171 original voter registration forms listing 401 E. 8<sup>th</sup> Street as their home address revealed 170 of them to be inaccurate, incomplete and/or

perjured. The voter registration form signed under penalty of perjury contains an affidavit stating “I actually live at and have no present intention of leaving the above address.” These voters do not actually live in a personal mail box at 401 E. 8<sup>th</sup> Street. Nor are there actually 2,430 people actually residing at 8<sup>th</sup> & Railroad Center in Suite 214. If there were, the business would be in clear violation of city zoning ordinances, which would need to be addressed for health code violations, fire code violations, and more.

On November 1, 2022, former Minnehaha County resident Vicky Buhr visited Your Best Address with questions in regard to their mail forwarding services and the consequences of registering to vote. Upon questioning the employee of Your Best Address on the potential of committing perjury for claiming the commercial business suite address of 401 E. 8<sup>th</sup> Street as her “residence”, the employee suggested listing the PMB number as “apartment number” to make it *look like* a residence. [Affidavit attached] An audio recording of this encounter is available upon request. Below are examples of listing the PMB as “APT”.

A	B	C	D	E	F	G	H	I	Y	Z
Id	Last Name	First Name	Middle Name	Address	City	State	Zip	Status	Mailing Address	Mailing City
786392	"Evans"	"Diana"	"L"	"401 E 8TH ST"	"SIOUX FALLS"	SD	57103	A	"401 E 8TH ST APT 214"	"SIOUX FALLS"
894119	"Lenning"	"Geoffrey"	"Sheldon"	"401 E 8TH ST"	"SIOUX FALLS"	SD	57103	A	"401 E 8Th St Pmb 214 APT 740"	"Sioux Falls"
769146	"Lindgren"	"Tommy"	"S"	"401 E 8TH ST"	"SIOUX FALLS"	SD	57103	A	"401 E 8Th St Apt 214 697"	"Sioux Falls"

  

A	B	C	D	E	F	G	H	I	Y	Z
Id	Last Name	First Name	Middle Name	Address	City	State	Zip	Status	Mailing Address	Mailing City
785080	"Bewell"	"George"	"A"	"3916 N POTSDAM AVE"	"SIOUX FALLS"	SD	57104	A	"3916 N POTSDAM AVE Apt 3525"	"SIOUX FALLS"
712342	"Christian"	"Brian"	"Phillip"	"3916 N POTSDAM AVE"	"SIOUX FALLS"	SD	57104	A	"3916 N POTSDAM AVE Apt 1612"	"SIOUX FALLS"
522349	"Ferguson"	"David"	"William"	"3916 N POTSDAM AVE"	"SIOUX FALLS"	SD	57104	A	"3916 N Potsdam Ave Apt 5087"	"Sioux Falls"
802333	"Irving"	"Edna"	"Rebecca"	"3916 N POTSDAM AVE"	"SIOUX FALLS"	SD	57104	A	"3916 N POTSDAM AVE APT 2843"	"SIOUX FALLS"
810087	"McDonough"	"Richard"	"E"	"3916 N POTSDAM AVE"	"SIOUX FALLS"	SD	57104	A	"3916 N POTSDAM AVE Apt 875"	"SIOUX FALLS"
813251	"Pierce"	"Phil"	"Aaron"	"3916 N POTSDAM AVE"	"SIOUX FALLS"	SD	57104	A	"3916 N POTSDAM AVE APT 4512"	"SIOUX FALLS"
800975	"Pohlmann"	"Donna"	"Louise"	"3916 N POTSDAM AVE"	"SIOUX FALLS"	SD	57104	A	"3916 N POTSDAM AVE Apt 454"	"SIOUX FALLS"
592866	"Ross"	"Kim"	"Marie"	"3916 N POTSDAM AVE"	"SIOUX FALLS"	SD	57104-7048	A	"4800 E 54TH STREET, APT 107"	"SIOUX FALLS"
796825	"Tulp"	"Chad"	"W"	"3916 N POTSDAM AVE"	"SIOUX FALLS"	SD	57104	A	"3916 N POTSDAM AVE Apt 3132"	"SIOUX FALLS"

William (Bill) Davis Linsenmeyer, a Minnehaha County resident and former candidate for South Dakota District 11 House, is the owner of Your Best Address. Minnehaha County Treasurer property tax records show William Davis Linsenmeyer as the owner of 5913 W. 27<sup>th</sup> St, Sioux Falls, SD, his personal residence.

After the recent challenge to the fraudulent voters of Precinct 04-16, the following registered voters were discovered to be claiming 5913 W. 27<sup>th</sup> Street, Sioux Falls, SD as their “residence”, with a mailing address listed as 401 E. 8<sup>th</sup> Street, Sioux Falls, SD.

A	B	C	D	E	F	G	H	
Id	Last Name	First Name	Middle	Suffix	Address	City	State	Zi
550060	"Linsenkemeyer"	"William"	"Davis"		"5913 W 27TH ST"	"SIOUX FA SD		5
724934	"Chilcoat"	"Barbara"	"A"		"5913 W 27TH ST"	"SIOUX FA SD		
724935	"Chilcoat"	"Roger"	"A"		"5913 W 27TH ST"	"SIOUX FA SD		
839160	"Miller"	"Mari"	"Lisa"		"5913 W 27TH ST"	"SIOUX FA SD		5
904757	"Compton"	"Kelli"	"Michele"		"5913 W 27TH ST"	"SIOUX FA SD		
908023	"Garrison"	"Andrew"	"Douglas"		"5913 W 27TH ST"	"SIOUX FA SD		
910662	"Pinkerman"	"John"	"Randolph"		"5913 W 27TH ST"	"SIOUX FA SD		
910663	"Pinkerman"	"Veronica"	"Irene"		"5913 W 27TH ST"	"SIOUX FA SD		
913784	"Pangborn"	"Evelyn"	"M"		"5913 W 27TH ST"	"SIOUX FA SD		
913785	"Pangborn"	"John"	"C"		"5913 W 27TH ST"	"SIOUX FA SD		

The following five voters were registered to William Davis Linsenkemeyer’s personal residence in 2024.

904757	"Compton"	"Kelli"	"Michele"	"5913 W 27TH ST"	"SIOUX FALLS"	SD	57106 A	NPA	5/15/2023	5/2/2024	5/15/2024	"401 E 8Th St Ste 214 PMB 1596"	"
908023	"Garrison"	"Andrew"	"Douglas"	"5913 W 27TH ST"	"SIOUX FALLS"	SD	57106 A	NPA	3/12/2024	6/21/2024	6/28/2024	"5913 W 27TH ST"	"
910662	"Pinkerman"	"John"	"Randolph"	"5913 W 27TH ST"	"SIOUX FALLS"	SD	57106 A	REP	4/4/2024	4/4/2024	4/11/2024	"401 E 8Th St 214-1198"	"
910663	"Pinkerman"	"Veronica"	"Irene"	"5913 W 27TH ST"	"SIOUX FALLS"	SD	57106 A	REP	4/4/2024	4/4/2024	4/11/2024	"401 E 8Th St 214-1198"	"
913784	"Pangborn"	"Evelyn"	"M"	"5913 W 27TH ST"	"SIOUX FALLS"	SD	57106 A	REP	5/7/2024	7/2/2024	7/2/2024	"401 E 8Th St Apt 214-7045"	"
913785	"Pangborn"	"John"	"C"	"5913 W 27TH ST"	"SIOUX FALLS"	SD	57106 A	REP	5/7/2024	7/2/2024	7/2/2024	"401 E 8Th St Apt 214-7045"	"

How did these new voters in South Dakota decide to claim William Linsenkemeyer’s personal residence address as their “residence” on their voter registration forms? Is it a coincidence that the same individuals are using a personal mailbox at Your Best Address as their mailing address and contracting for Linsenkemeyer’s services?

William Davis Linsenkemeyer was a candidate for District 11 House in the 2024 primary election. The following returns were recorded by the Minnehaha County Auditor’s office.

State Representative District 11			
Republican			
Name	Official Results	Re-Count	PE Audit
Bill Linsenkemeyer	255	255	255
Brian K Mulder	627	627	627
Keri K Weems	627	627	626
John C. Kunnari	617	617	616

Linsenkemeyer received 255 votes in the June 4, 2024 primary election. Per the official voter list and associated voter history purchased from the South Dakota Secretary of State, 89 potential votes for District 11 house came from or were associated with Your Best Address, 401 E 8<sup>th</sup> Street, Sioux Falls, SD, owned and operated by then candidate for District 11 House, William Davis Linsenkemeyer.

This extreme conflict of interest puts the integrity of the election at risk of being manipulated.

A similar commercial mail forwarding business, Dakota Post, located at 3916 N. Potsdam avenue, has 4,771 voters claiming Dakota Post as their “residence” as of

July 16, 2024. From that same data set, 5,961 voters are using Dakota commercial address as their mailing address. Per the City of Sioux Falls Zoning Ordinance, Chapter 160, Dakota Post is zoned 52 Moderate Intensity Commercial, Primary Form RE3, which only allows for a residence above the first floor. Dakota Post appears to be a one-story building. Again, per the city zoning ordinance of the City of Sioux Falls, Chapter 160 definitions describe “family” not more than three unrelated adults.

A random sampling of 253 voter registration forms from this address revealed 252 of them are inaccurate, incomplete and/or perjured.

The random sampling produced over a 99% incorrect, inaccurate and perjury rate. Applying that to the two largest mail forwarding services in the county, Minnehaha County has potentially over 7,000 improper or potentially fraudulent voter registrations producing improperly cast or fraudulent ballots from those two addresses alone. The massive amount of unlawfully and improperly processed voter registration forms has great potential to alter the outcome of local elections. The votes cast by unverified voters which were processed in an unlaw manner, dilute the vote of true, bona fide residents of the county.

The voter registration form is signed under penalty of perjury, 2 years imprisonment and a \$4,000 fine that the voter meets all requirements of Federal and State Law. A thorough review of all original voter registration forms from each address in this complaint may produce evidence of massive amounts of perjury, and improperly processed registrations, out of accordance with federal and state law.

During the 2024 primary election cycle, Minnehaha County resident Jessica Pollema filed a challenge in Sioux Falls voting precincts 04-16 and 05-16 to the legality of the ballots cast by voters of said precincts, whose voter registration forms were unlawfully and improperly processed; all of them inaccurate, incomplete and/or perjured. The act of fraudulent registration and voting is a violation of 52 USC 20511(2), along with many other federal and state laws. The challenge was upheld by the precinct superintendents of 04-16 and 132 ballots deemed fraudulent by false identity were rejected. The precinct board’s review of the original voter registrations of said voters affirmed that they were improperly processed and violated federal and state election law.

An audio recording and signed, notarized affidavit reveals an employee of Your Best Address advising it’s potential customers to provide false information in order to mislead election officials in the processing of voter registration forms. It is also

known, as Mr. Linsenmeyer publicly stated during his campaign, that he intended to run for office to further reduce residency requirements, which would in turn, benefit his business.

Mr. Linsenmeyer had the opportunity to influence the voters that use his mail forwarding services to vote for him in return for potential legislation that would benefit nomads or persons from other states that claim South Dakota as their “residence” for tax purposes.

Commercial mail forwarding services are exploiting the tax friendly environment of South Dakota by selling their services in return for assistance applying for a state driver’s license, vehicle registration and voter registrations. Nearly all of the voter registration forms associated with the commercial mail forwarding addresses are completely digital, including the signatures.

The requirements for obtaining a South Dakota driver’s license are not the same as the requirements for registering to vote. Yet, thousands upon thousands of voter registration forms are processed yearly allowing for perjured voter registrations to dilute the rolls.

The voter registration form is a legal document, signed under penalty of perjury, that all information is true and that all requirements of state and federal law are met by the applicant.

Below is a comprehensive but not all-inclusive list of statutes that we believe are being and have been violated in the voter registration solicitation scheme described above:

18 U.S. Code § 241 - Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be

fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

#### 18 U.S. Code § 242 - Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

#### 18 U.S. Code § 1341 - Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42 U.S.C. 5122](#))), or affects a financial institution, such

person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

The legislature of South Dakota has outlined the minimum standards which must be maintained by every county in order for an election to be considered reliable. This ongoing mail forwarding voter solicitation scheme is rendering the elections in Minnehaha County unreliable at best.

County and City Zoning ordinances demonstrate that the addresses listed above are zoned commercial, and do not allow for hundreds or thousands of people to physically reside at that location/address permanently. Listing of these addresses as a physical residence on the voter registration form is perjury, because the individuals do not, in fact, live in the commercial building or personal mail box. Voter registrations that were accepted with no proof of current or prior physical address as required on the voter registration form were incomplete, and were processed and accepted in violation of federal and state laws that the voter must be verified, placed in the voting precinct in which they reside, and the forms must be accurate and complete.

Each box on the voter registration form requests information required by law to identify the voter as a Citizen of the United States, a resident of the State, County and Precinct, in order to place them in the corresponding voting precinct in which they reside. Each piece of information is required for the election official to make a proper determination of the identity of the voter of a State, County and Precinct and is required by Federal and State Law. The verification of the identify of a voter requires more than a date of birth and last four digits of a social security number, thus the U.S. Congress and the State Legislature provided for voter registration forms and requires all of the boxes on the voter registration form to determine the identity of a voter including but not limited to all the provisions in USC Title 52 and SDCL 12-3-1, 12-3-1.1, 12-4-1, 12-4-1.2, 12-4-3.2, 12-4-4.2, 12-4-4.4, 12-4-4.5, 12-4-4.10, 12-4-4.12, 12-4-4.5, 12-4-5.3, 12-4-6, 12-4-7.2; in particular:

- a. 12-3-1. General qualifications of voters.  
Every person who, at the time of an election, **maintains residence in this state**, will be eighteen years of age or older on or before the next election, is not otherwise disqualified, and complies with the law regarding the registration of voters pursuant to chapter 12-4, may vote at any election in this state.
- b. 12-3-1.1. Residents of federal areas.

No person residing on an area **within the boundaries of this state** which has been ceded to, or acquired by, the federal government shall be denied the right to vote in elections of this state or of the county, municipality, school district, or special district wherein such area lies if such person is otherwise qualified to vote in such election or elections. (emphasis added)

c. 12-4-1. Persons entitled to register--Precinct.

A person **who maintains residence**, as provided in § 12-1-4, **within the state for at least thirty days prior to submitting the registration form**, and who **has the qualifications of a voter prescribed** by § 12-3-1 or 12-3-1.1, or who will have such qualifications at the next ensuing municipal, primary, general, or school district election, **is entitled to be registered as a voter in the election precinct in which the person maintains residence**. *A person eligible to vote may vote only in the election precinct where the person maintains residence.* (emphasis added)

d. 12-4-3.2. Private entity or individual registering voters--Form filing deadline--Violation as misdemeanor.

Any private entity or individual registering a person to vote shall file the **completed registration form** with the county auditor. (emphasis added)

e. 12-4-4.5. Absentee registration and voting in last county and precinct of residence.

The overseas citizen may register and vote absentee **in the same county and election precinct in which the overseas citizen, or spouse or parent of the overseas citizen, resided immediately** prior to leaving the United States. (emphasis added)

f. 12-4-5. Entry of applicants in registration file--Deadline--List for runoff election.

The county auditor shall enter in the master registration file the name of each eligible person whose **completed application** for registration and mail registration card is received. (emphasis added)

g. 12-4-5.3. Review of voter registration application by auditor--Notice to applicant--Promulgation of rules.

When a voter registration application is received by the county auditor, the county auditor or an individual designated by **the county auditor shall review the application for eligibility and completeness**. If the applicant is not eligible to be registered **or sufficient information to complete the**



registration card cannot be obtained from the applicant, the county auditor **must** send an acknowledgment notice by *nonforwardable mail* to the applicant indicating the reason the registration was not filed. The acknowledgment notice must state that the **applicant needs to submit the corrected information to the county auditor** within thirty days or the voter registration form may not be processed. The county auditor **shall** send an acknowledgment notice by *nonforwardable mail* to the applicant whose registration is accepted..... (emphasis added)

Non-forwardable mail is mandated for verification of the voter by the South Dakota State legislature so as to ensure the actual physical location of the voter is verified by mail arriving at that address intended to be received by said voter's person. Mail forwarding services are by definition commercial business services that *forward mail* to the customer because they do not reside and cannot be found at that location. The mail is forwarded to the voter by the service to wherever they currently reside. Voter verification forms bypassing state law by forwarded mail from commercial mail services to a voter by its very nature are in clear violation of SDCL 12-4-5.3, and violate the intent of the State Legislature to ensure the accuracy, integrity and security of validating a voter by residence.

How are the voter verification cards and absentee ballots being delivered to the voter without violating the above statutes? Is the mail forwarding service forwarding official election documents and communication in violation of South Dakota law?

h. 12-4-6. Filling out registration card--Registration at driver's license station--Applicant unable to write.

An applicant for registration **shall answer questions and sign the oath as required on the form prescribed by the State Board of Elections.** (emphasis added)

i. 12-4-7.2. Duty to ensure completion of registration cards.

**Any local, state, or federal agency staff person who registers a voter shall ensure that the registration card, as prescribed by the State Board of Elections, is filled out completely.** (emphasis added)

j. 52 USC § 10502(d) (e) (h) (i)

(d) Registration: time for application; absentee balloting: time of application and return of ballots

For the purposes of this section, **each State shall provide by law for the registration or other means of qualification of *all duly qualified residents of such State who apply*.....**

(e) Change of residence; voting in person or by absentee ballot in State of prior residence

**If any citizen of the United States *who is otherwise qualified to vote in any State or political subdivision* in any election for President and Vice President *has begun residence in such State* or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person *in the State or political subdivision in which he resided immediately prior* to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot *in the State or political subdivision in which he resided immediately prior* to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.**

(h) "State" defined

The term "State" as used in this section includes each of the several States and the District of Columbia.

**(i) *False registration, and other fraudulent acts and conspiracies: application of penalty for false information in registering or voting***

The provisions of section 10307(c) of this title ***shall apply to false registration***, and other fraudulent acts and conspiracies, committed under this section.

j. 52 USC §§ 10307(c), 20511(2) **A person who provides false information concerning a person's name, *address, or period of residence in a voting district to establish voting eligibility commits election fraud.***

(emphasis added) It is clear that the Federal government requires accurate and truthful information as to a voters address and residency for purposes of voting and considers a voters address as part of information identifying a voter.

## **§20511. Criminal penalties**

A person, including an election official, who in any election for Federal office.....

**(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by-**

**(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or**

**(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,** shall be fined in accordance with title 18 (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31), notwithstanding any other law), or imprisoned not more than 5 years, or both.

## **52 USC §10307. Prohibited acts**

### **(c) False information in registering or voting; penalties**

**Whoever knowingly or willfully gives false information as to his name, address or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both:** *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

The sworn affidavits submitted by John Kunnari demonstrate voters registered to vote in District 11 which are registered to vote at addresses they do not reside and property owners have no record of said voters ever having stayed at that property. Said voters signed the voter registration forms under penalty of perjury that they “actually live at and have no present intention of leaving the above address”. Sixteen potentially fraudulent ballots cast in Candidate John Kunnari’s race exceeds the margin of victory of the opposing candidates, which was won by ten

votes. The unreliable and potentially incorrect and inaccurate results of the race leaves candidates and voters uncertain of the reliability and accuracy of the results, which undermines the faith and trust in institutions tasked with upholding the law while ensuring all civil and constitutional rights afforded to us are protected.

Federal and State Law have clear provisions for verification of the voter. Upon review of thousands of original voter registration forms from this county and several others, coming from mail forwarding service addresses, it has become clear that the duty to ensure accurate and complete voter registration forms has been neglected, and many incomplete, inaccurate, and perjured voter registration forms have been accepted. The failure to ensure bona fide voters of the county puts local elections at risk and dilutes the vote with non-verified voters and non-residents voting in local elections.

Provided here is an abbreviated list of Federal and State Laws that have been broken in the process: 52 USC 10307, 52 USC 10308, 52 USC 10502, 52 USC 20504, 52 USC 20507, 52 USC 20508, 52 USC 20510, 52 USC 20511

According to the South Dakota Constitution Article VII Section 2: **Each elector who has met all residency and registration requirements, and who is qualified to vote within a precinct shall be entitled to vote in that precinct until he establishes another voting residence** (emphasis added). The voter shall be qualified to vote in the precinct in which he actually lives and shall vote in that precinct. SDCL 12-1-4, SDCL 12-4-2, 12-4-5, 12-4-5.3, 12-4-5.5, 12-4-6, 12-4-6.1, 12-4-7.2, SDCL 12-19-1, SDCL 12-26-3, SDCL 12-26-8.

According to the voter registration form provided by the Secretary of State MONAE JOHNSON and prescribed by the State Board of Elections prior to July 1, 2023, Line 3A requires a location of a residence if the voter is listing a PO Box or general delivery as the residence address on line 2.

The affidavit signed under penalty of perjury states:

I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that:

I am a citizen of the United States of America;

***I actually live at and have no present intention of leaving the above address;*** (emphasis added)

I will be 18 on or before the next election;

I have not been judged mentally incompetent;

I am not currently serving a sentence for a felony conviction; and  
I authorize cancellation of my previous registration, if applicable.

According to the voter registration form provided by the Secretary of State MONAE JOHNSON and prescribed by the State Board of Elections after to July 1, 2023, Line 4A requires a location of a residence if the voter is listing a PO Box or general delivery as the residence address on line 2.

The affidavit signed under penalty of perjury states:

I declare, under penalty of perjury (2 years imprisonment and \$4,000 fine), that:

I am a citizen of the United States of America;

I will be 18 years of age or older on or before the next election;

***I have maintained residence in South Dakota for at least 30 days prior to submitting the registration form;*** (emphasis added)

I have not been judged mentally incompetent;

I am not currently serving a sentence for a felony conviction; and

I authorize cancellation of my previous registration, if applicable.

We believe that contributing to the unreliability of the county's election is the fact that Minnehaha Counties voter registration rolls, themselves, contained an undetermined amount of potential errors at the time of the 2024 primary election, potentially in the thousands.

These potential errors were in the form of invalid, incomplete or perjured voter registration forms, registrations out of compliance with UOCAVA, HAVA, and NVRA, and registrants with questionable addresses or no proof of a physical location as required under penalty of perjury on the voter registration form provided by the Secretary of State.

South Dakota Election Officials have routinely processed voters through the Federal Voter Registration Program that register under UOCAVA. It is apparent that the officials have neglected to validate or verify the voter by requiring proof of prior residency in South Dakota as required in 52 USC 10502.

- a. The law states "*each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply..... **If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision** in any election for*

*President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, **does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.***”

*(i) False registration, and other fraudulent acts and conspiracies: application of penalty for false information in registering or voting” (emphasis added)*

b. The provisions of section 10307(c) of this title shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.

c. Pursuant to 52 USC S. 20511 – Criminal Penalties

d. Federal Law does not allow for individuals to randomly select a state for residency for voting purposes with no current or prior proof of physical residency. South Dakota state law requires proof of a physical location of the residence in order to complete the voter registration form, signed under penalty of perjury, and the South Dakota State Constitution requires that a voter meet all residency and registration requirements. Neglecting the verification of these voters dilutes the integrity and sanctity of the vote of actual bona fide South Dakota residents as Federal law requires.

Such errors jeopardize the validity of elections throughout the state, bring doubt as to the accuracy and integrity of the state’s currently-in-place voting systems, undermine South Dakota’s collective voting rights, disenfranchise bona fide residents of the county and state, dilute the vote of actual residents of the county and state, all in violation of existing state and federal election laws.

The above referenced errors and/or fraudulent registrations have a profound impact upon the elections in that some vote differences in this recent primary election have been as few as 10 votes, including the unofficial vote returns from June 4,

2024 in John Kunnari's District 11 House race. In recent elections such a small vote count difference has resulted in the loss of legislative representation, which therefore has resulted in the loss of legislative leadership elections, thus resulting in a long-term impact upon state policy.

The aforesaid violations of federal and state law may have in the past resulted in the certification of election results from flawed, inaccurate, and obscure processes outside the view of impartial witnesses or the public, and Minnehaha County officials have refused collectively to maintain or enforce compliance with federal and state required transparency mandates, outside of the current Minnehaha County Auditor, Leah Anderson.

Many Minnehaha County residents and registered voters have brought this issue to the attention of Minnehaha County Officials, who have done absolutely nothing to address these errors ensuring future elections will suffer from the same deficiencies.

Furthermore, rather than becoming alarmed by these apparent errors pursuant to prevailing election laws, they instead have collectively ignored the issue of the unreliable election results therefore produced and have become party to the problem.

The risk of election subversion is indisputable, especially with the findings calling into question the reliability, integrity and accuracy of prior elections administered by the state.

Every bona fide voting citizen and resident of South Dakota has a Constitutional right to have their vote fairly counted in an open and reliable election as such elections are defined according to law as outlined below.

We believe the Minnehaha County Sheriff Mike Milstead can and should be compelled to address compliance with existing election law, specifically: compelled to adequately investigate the issue, prosecute anyone in violation of federal and/or state law, and actively work to bring the County back into compliance with federal and state election law mandates so that South Dakotan's constitutionally enshrined voting rights are upheld and preserved.

The United States Constitution grants the people the right to choose representatives to the people of several s to the voting eligibility requirements of the state. U.S. Const. art. 1, § 2.

The 14th Amendment of the United States Constitution, Section 1, defines a “citizen” as all people born or naturalized in the United States and subject to the jurisdiction thereof.

The 14th Amendment of the United States Constitution, Section 2, protects eligible citizen voters against denial or abridgment of their vote.

"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury." Marbury v. Madison, 1 Cranch 137, 5 U. S. 163 (1803).

An individual commits election fraud by submitting fictitious names to election officers for inclusion on voter registration rolls, thereby qualifying the fictitious name to vote in federal elections. 52 U.S.C. §§ 10307(c), 20511(2).

An individual commits election fraud by knowingly procuring eligibility to vote for federal office by people who are not entitled to vote **under applicable state law** and/or people who are not United States Citizens. 52 U.S.C. §§ 10307(c), 20511(2); 18 U.S.C. §§ 1015(f).

**A person who provides false information concerning a person’s name, address, or period of residence in a voting district to establish voting eligibility commits election fraud** (emphasis added). 52 U.S.C. §§ 10307(c), 20511(2).

Fraud can occur where an individual causes the production of voter registrations that qualify alleged voters to vote for federal candidates, where that individual knows the registrations are materially defective under applicable state law. 52 U.S.C. § 20511(2)

However, election fraud need not involve the participation of individual voters. Election fraud can occur where an individual or organization places fictitious names on voter rolls (allowing for fraudulent ballots which can later be used to stuff the ballot box, supra.), casting fake ballots in the names of people who did not vote, obtaining and marking absentee ballots without the input of the voter involved, and falsifying vote tallies. There is potential for absentee ballots to be intercepted at these mail forwarding centers, voted and returned by bad actors, without the actual voter’s knowledge. Where there is potential for fraud, the integrity of the election process is put at risk.

When the federal government seeks to maintain the integrity of elections, it does so for specific federal interests inter alia: (1) the protection of the voting rights of



racial, ethnic, or language minorities, a specific constitutional right; (2) the registration of voters to vote in federal elections; (3) the standardization and procurement of voting equipment purchased with federal funds; (4) the protection of the federal election process against corruption; (5) the protection of the voting process from corruption accomplished under color of law; and (6) the oversight of non-citizen and other voting by persons ineligible to vote under applicable state law. Richard C. Pilger, *Federal Prosecution of Election Offenses*, p. 30, 8th Edition (2017).

The United States Congress has enacted a litany of specific crimes that can be prosecuted under a general definition as “election fraud”:

- a. False Information in, and Payments for, Registering and Voting: 52 U.S.C. § 10307(c).6
- b. Fraudulent Registration or Voting: 52 U.S.C. § 20511(2).
- c. False claims to Register or Vote: 18 U.S.C. § 1015(f).

In short, election fraud can constitute numerous different actions or inactions, and federal and state governments of the United States have an interest in guarding the integrity of elections, and ensuring election fraud is stopped, then prosecuted appropriately.

Minnehaha County’s voter registration rolls contained hundreds of apparent errors in the 2024 primary election. These apparent errors took the form of invalid, incomplete or perjured voter registration forms, registrations out of compliance with UOCAVA, HAVA, and NVRA, and registrants with questionable addresses or no proof of a physical location as required under penalty of perjury on the voter registration form provided by the Secretary of State.

Minnehaha County Sheriff Mike Milstead swore an oath to protect the Constitutions of the United States and the State of South Dakota.

We request your immediate and thorough attention to this matter in a federal election year and as many constitutional amendments are on the ballot in November.

Dated this \_\_\_\_\_ day of August, 2024.

\_\_\_\_\_

Subscribed and sworn to me this \_\_\_\_\_ day of August, 2024.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_