

Minnehaha County Auditor's Office
Leah G Anderson, Auditor

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For Immediate Release:

Several candidates of the recent primary election are contesting their closely decided races through recount. Each candidate has requested a manual recount of their elections but per state law the recount is completed by the tabulation system. Since one of these contested races is a countywide race, I made the decision to conduct a 100% complete post-election audit. Details of the post-election audit process will be discussed at the June 18, 2024, commission meeting which is open to the public. The state requires only a 5% post-election audit, but doing a more extensive audit would be wise and prudent in my opinion. I am thankful that I have the ability to audit elections since they have never been audited in past years. My reasons for a complete post-election audit are based on the following information...

In an effort to uphold my campaign promises of transparency and securing the elections in Minnehaha County, I have done my due diligence in reviewing and analyzing the equipment and records in my possession.

When I was elected and sworn in on March 6, 2023, I inherited an election system that was already purchased by the County and used in prior elections. I soon realized the equipment and records were stored in multiple locations with less-than-ideal controls in place. We have made progress in having secure storage but still have improvements to be made.

The Election Management System (EMS) is run on a laptop computer, which was in the possession of the IT Department. In time I was able to obtain possession of the laptop, I discovered the laptop used for the EMS was an HP model of laptop, which is not certified for use by the United States Election Assistance Commission. South Dakota has adopted the EAC certification standards into law under SDCL 12-17B-2, which make them mandatory by use of the word "shall". Upon this discovery, I authorized the purchase of the appropriate Dell laptop for use as the EMS for future elections. While the new laptop is a Dell, the model is not approved under the EAC. I am currently holding that laptop in a secure location and waiting for a response from Election Systems & Software LLC (ES&S LLC) as to how they plan to move forward with a change order so that we are complying with EAC.

Another discovery with the EMS laptop is that the antivirus protection has not been updated since March of 2019. The tabulators also have no antivirus protection. The Voluntary Voting Systems Guidelines, which are required in South Dakota as they were adopted into law, require up to date antivirus protection on all election equipment. I am also awaiting an answer from ES&S LLC as to how we proceed with resolution.

During in-person training provided by ES&S for me and my staff, that was open to the public, the issue of flash drive memory devices being transferred between the "hardened" EMS laptop and the internet connected results reporting laptop presented itself. During the City of Sioux Falls municipal elections, I was made aware of a procedure where a flash drive was being used to transfer data back and forth between the EMS "hardened" laptop and an internet connected laptop, multiple times. In

my opinion, this procedure puts the security of the EMS laptop at risk, and any new malware, spyware, or viruses introduced since 2019 would not be detected by the current antivirus. Going forward, and during the 2024 Primary Election this procedure has been discontinued and a remedy is in place going forward.

Due to all these issues, I took it upon myself to investigate past elections and review the digital data stored by the County created by the ES&S tabulators and the election management system.

Upon review of the cast vote record, which is the digital record created by the tabulators of each scanned paper ballot, a drastic difference in the vote percentages between in person and absentee voting was discovered. Upon a closer look, the pattern in the UOCAVA ballots was especially concerning.

An analysis of the 2020 audit logs revealed over 24,500 ballots that were not accounted for by the tabulators per review and analysis of the audit logs. The audit logs are simply a computer transaction log of every event recorded by the machine. The audit logs are an auditing tool that the EAC recommends as a method of detecting any anomalous data. The number of counted ballots recorded by the audit logs should equal the number of votes recorded in the county. The official record lists 92,326 votes cast in Minnehaha County, but the audit logs can only account for 68,922 ballots. As an auditor and accountant, this discrepancy is particularly alarming and needs further evaluation.

In an effort to further examine this data, I requested a data analyst that has reviewed cast vote records from all across the country. His review revealed disturbing evidence of irregularities and statistically improbable results that do not occur in random vote returns, or random voter behavior.

This, along with the unreconcilable audit logs, and the use of an uncertified laptop with no up to date antivirus software is concerning to me. Many nationwide polls reveal the majority of American voters believe cheating affects the outcome of elections. It is my duty as a public official to begin to restore the public trust. To begin restoration of public trust, we need to be transparent with all the facts and allow the public to be fully informed.

Opposite to my opinion, public records requests for election records have been denied in my county, and statewide. Allowing the public access to these records would help to restore trust. Keeping records out of public view, that were designed to produce transparency in electronic elections does nothing but further disenfranchise active citizens looking for public oversight of the government.

In upholding my oath to the Constitutions of the United States and the State of South Dakota, to protect and defend the civil liberties of those who elected me, I am calling upon the Secretary of State, the Governor, and the State Legislature to regard my concerns and come together to address this issue and find workable solutions.

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