

HARDING COUNTY

KATHY GLINES, AUDITOR
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August 11, 2025

State Board of Elections
C/O SD Secretary of State
500 E Capitol Avenue
Pierre, SD 57501

via e-mail to elections@state.sd.us

To the members of the State Board of Elections:

As the Harding County Auditor, I have reviewed the proposed Administrative Rule packet that will be considered by you at your August 14, 2025 meeting. After doing the review I have a few concerns that I would like to bring to your attention:

- 5:02:08:00.01 Requirements for counting signatures on petitions.
 - Page 15 – Section 10. I am concerned with the wording that states “..the address provided by the individual is not substantially the same as the address at which the individual is currently registered to vote”. I am concerned and confused with the word “substantially”. I do not think this gives very clear guidance as each of us can have our own thoughts on what “substantial” means.
- 5:02:24:01 Combined application form and affidavit
 - Page 35 Section 3 (b) allows the Social Security number to be allowed as one of the forms of identification that can be provided by a challenger to identify someone being challenged. Section 3 (c) allows the SD Drivers License number or nondriver ID number Section 3(d) allows the Passport number. Where is the challenger going to get this information and do we really want this information on the form which is going to be scanned into our Voter System and I would think become a public document? If we are going to have to redact it (which it is not addressed as to whether we are required to do that) why would we want the information on the form in the first place. I agree that the documents need to be scanned and preserved. I also agree that they should be public documents. But I don't agree that all of the information that is being used to identify the voter should be public. Providing the Voter Identification Number should be adequate for the auditors to identify the person that is being challenged.
- 5:02:24:02 Documentation required for challenge
 - Page 39 Section 4 subsections (d) and (e). (d) Allowing the use of “state or county records for a property owned by the challenged voter in another state indicating that the property is subject to a homestead exemption”. Homestead exemption laws vary from state to state and do not necessarily prove residency but basically “protect” the property equity. I do not feel this is something that

we can use as a viable documentation for a challenge. (e) allows for the use of tax documents for a challenge. That is a broad term....tax documents can include income tax, property tax, sales tax to name a few. I am especially concerned about income tax records being scanned and saved into our systems with the potential of them become a public record. I think the wordage is too broad and I don't feel that is also something that is a viable document for a challenge.

- 5:02:24:03 Documentation required to rebut challenge.
 - Page 40 once again it has the Social Security number – this should not be a public record
 - Page 41 (5) again the Social Security number. 5 (d) allows for the use of county records regarding owner occupied status. A person can have owner occupied status on property that they don't necessarily reside in...an example would be if I owned a house in a different county but my parents resided in the house. I would be allowed owner occupied status. This would still be an issue as I would still be a resident of the State of South Dakota and the challenge would be that I was not a resident. I am not clear on what other states have for owner occupied status or if they even have such a property record that reflects it....and again it addresses the homestead exemption. 5 (e) allows for the use of tax documents – again I am concerned about that becoming a public record, and will the tax documents truly be a viable document for residency?
- 5:02:24:04 Process to establish validity of challenge
 - Page 42 “the county auditor shall scan the form into the computerized voter registration system”. I have concerns that I have already expressed regarding some of the information that will be on the form. There is no provision for any redaction of information provided on the form.
- 5:02:24:06 Resolution of challenge
 - Page 44 “the county auditor shall scan the documentation provided by the challenged voter and the documentation required under subdivision (1) and (4), inclusive, of this section into the computerized voter registration system maintained by the secretary of state.” Once again – no provisions for redaction of information. I am not very excited about the possibility of income tax records being scanned and available as a public document.

I realize that the complexity of trying to develop good, solid administrative rules can be overwhelming. I am also a believer in the public's right to know and have access to public documents. I don't know if it would be possible to create a “public” file and an “auditor” file for the scanned documents so we could easily protect some of the information that is going to be required – per these administrative rules?

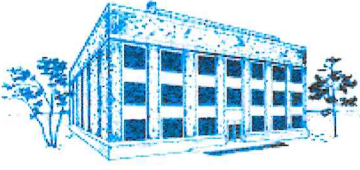
Due to conflicts, I will not be able to attend your meeting. I have also shared my concerns with the other auditors in the state and they agree with my concerns. We need to proceed carefully so we protect the privacy and security of the voter.

Thank you for your consideration of the concerns that I have.

Sincerely,

A handwritten signature in blue ink, reading "Kathy Glines". The signature is written in a cursive style with a large, stylized "K" and "G".

Kathy Glines
Harding County Auditor



Hughes County Finance Office

Auditor

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August 11, 2025

State Board of Elections
500 E Capitol Avenue.
Pierre, SD 57501

Honorable members of the State Board of Elections:

This letter is documentation in a show of support for the comments and concerns made by the Harding County Auditor, Kathy Glines, sent via email to elections@state.sd.us on August 11, 2025 in reference to the Administrative Rules packet to be considered at the August 14, 2025 meeting.

5:02:24:01 Combined Application Form and Affidavit-

Page 35 Section 3 (b) allows the Social Security number to be used as one of the forms of identification that can be provided by a challenger to identify someone being challenged. Section 3 (c) allows the SD Driver's License number or nondriver ID number Section 3(d) allows the Passport number. I am also concerned as to where the individual filing the challenge would obtain the above information to include on the application form and affidavit. This information is not public information and should not be included. In my opinion this is just another area of concern and something that could be overlooked when complying with public records requests. I agree that the Voter Identification Number is sufficient public information that could be used to identify the challenged voter.

5:02:24:02 Documentation Required for Challenge-

Page 39 Section 4 subsections (d) and (e). (d) Allowing the use of "state or county records for a property owned by the challenged voter in another state indicating that the property is subject to a homestead exemption". The Homestead Exemption is not sufficient proof in my opinion to show lack of residency. The laws differ from state to state and should not be used as a uniform document to challenge another. For example, I have a taxpayer in my County who claims the Homestead Exemption on his property but he has been living in a nursing home. He is still an active voter with his "homestead" as his residence address for voting purposes but he lives 12 blocks away in a nursing home. Could the challenge process be solely used to force this voter and others to update their addresses. As an Auditor I have always been told I can never force someone to update their voter registration. (e) allows for the use of tax documents for a challenge. Tax documents of individuals are very personal and I am concerned that we would be responsible for those records in our system. For that reason, I do not think those documents should be used in the challenge process.

With regard to Auditor Glines's comments pertaining to document redaction, I completely agree. This is a very real concern of mine that one Auditor will redact information and another may not. We need uniform guidance in this process to ensure we are treating everyone the same. Be it the challenger or the challenged.

Due to conflicts, I will be unable to attend this meeting as well, but wanted to express my concerns and provide additional support to Auditor Glines.

Respectfully,

Thomas J. Oliva
Hughes County Finance Officer