

MINUTES OF PUBLIC MEETING
State Board of Elections

The State Board of Elections convened a public meeting at 1:30 PM on September 25, 2025, in the Joint Appropriations Committee Room, Room #362, at 500 E. Capitol Avenue, Pierre, SD 57501. Members of the State Board of Elections and the public were also provided with the option to participate in the meeting remotely via Microsoft Teams.

The main purpose of the meeting was to consider the petition for declaratory ruling submitted by Rick Weible and received by the Secretary of State's office, on behalf of the State Board of Elections on August 29, 2025.

Hearing Officer: Monae L. Johnson, Secretary of State.

Members of the Board in Attendance: Monae L. Johnson (In-Person), Kent Alberty (Online), Michael Buckingham (Online), Jamalia Franzen (Online), Austin Hoffman (Online), Lindley Howard (Online), and Scott McGregor (Online).

Others in Attendance (In-Person): Thomas J. Deadrick, Deputy Secretary of State; Christine Lehrkamp, Interim Director of the Division of Elections; Evan Sippel, Election Coordinator; Thomas Oliva, Hughes County Finance Officer; and Bob Mercer, KELOLAND News.

Others in Attendance (Online): Rick Weible; Jessica Pollema; and Leah Anderson, Minnehaha County Auditor. Seventeen (17) people listened to the public hearing of the State Board of Elections online.

Call to Order: Secretary of State Monae L. Johnson called the public hearing of the State Board of Elections to order at 1:30 PM.

Approval of Draft Minutes: Jamalia Franzen moved that the draft minutes from the August 29, 2025 meeting of the State Board of Elections be approved. The motion was seconded by Scott McGregor. A roll call vote was taken, and the motion carried unanimously.

Approval of Meeting Agenda: Austin Hoffman moved that the agenda for the September 25, 2025 meeting of the State Board of Elections be approved. The motion was seconded by Jamalia Franzen. A roll call vote was taken, and the motion carried unanimously.

Discussion of Petition for Declaratory Ruling: Scott McGregor commented that the petition for declaratory ruling submitted by Rick Weible, received by the Secretary of State on August 29, 2025, should be considered as a request for a contested case hearing and therefore falls outside the authority of the State Board of Elections.

Motions: Scott McGregor moved that the State Board of Elections decline to rule on the petition for declaratory ruling submitted by Rick Weible on the grounds that the petition requested a contested case hearing and that the State Board of Elections previously ruled that it lacked the authority to consider contested cases under the declaratory ruling statutes and rules. The motion was seconded by Austin Hoffman. A roll call vote was taken, and the motion carried unanimously.

Public Comments: Secretary of State Monae L. Johnson invited members of the public to offer comments to the State Board of Elections.

Rick Weible stated that there had been a miscommunication in addressing his petition and that he would be refiling it as a HAVA complaint rather than a petition for declaratory ruling. Since the State Board of Elections has statutory authority to consider HAVA complaints, reframing the petition in this manner should allow it to act. Weible went on to correct information that had been provided to the State Board of Elections, stating that the Help America Vote Act (HAVA) of 2002 clearly defines what a "voting system" is and that certain portions of the Voluntary Voting System Guidelines (VVSG) had been misinterpreted. Weible concluded with a request that the State Board of Elections consider the approval of ES&S Voting System (EVS) 6500 to allow counties to purchase new precinct tabulating machines and to improve the security of older systems. In this way, EVS 6500 would serve as a gateway for new tabulating machines, while still supporting older equipment.

Jessica Pollema stated that the State Board of Elections continually deflects its authority to make decisions on petitions for declaratory ruling, particularly those regarding compliance with the rules and regulations that it has promulgated in the past. As a result, Pollema called for the resignation of the Secretary of State and the State Board of Elections, along with the abolishment of the State Board of Elections. Pollema went on to state that South Dakota's elections are in a dangerous place, with four of the largest counties in the state using uncertified equipment and HAVA funds being misused by the Secretary of State's office. Pollema accused the State Board of Elections of being intentionally misled by Sara Frankenstein, an attorney who Pollema claims has provided guidance to the State Board of Elections, and being part of a cover up to ensure that the people are kept in a "perpetual hamster wheel." Pollema concluded by reasserting that the State Board of Elections should be abolished.

Minnehaha County Auditor Leah Anderson stated that county auditors had been provided inadequate notice of this meeting of the State Board of Elections and that the Secretary of State's office was being selective in providing information to interested parties. Anderson requested that emails be sent to the auditors in the future and that the Secretary of State post upcoming meetings on its website. Anderson went on to describe how she had been working with ES&S and would like to see EVS 6500 certified to allow new DS300 precinct tabulating machines to be used in her county. By utilizing this new equipment, election processes could be sped up significantly. Additionally, this new equipment could help address some of the potential issues that may arise during upcoming elections in June 2026. The State Board of Elections' failure to address this issue will make it difficult to effectively administer upcoming elections.

Interim Director of the Division of Elections Christine Lehrkamp responded to comments about the certification of EVS 6500, stating that the Secretary of State's office has been working with ES&S to move forward with the certification process.

General Remarks: Secretary of State Monae L. Johnson offered brief closing remarks, thanking all who attended the hearing for their participation.

Adjournment: Scott McGregor moved that the public hearing of the State Board of Elections be adjourned. The motion was seconded by Jamalia Franzen. After receiving no objections, the motion carried, and the State Board of Elections adjourned at 1:50 PM.