

February 11, 2025

Senate State Affairs Committee
State of South Dakota
500 E Capitol Ave
Pierre, SD 57501
via email

Dear Chairman Mehlhaff and Committee Members,

On behalf of Verified Voting, I write in opposition to SB217 regarding the elimination of tabulation equipment, ballot marking devices, and the post-election audit requirement. Verified Voting is a nonpartisan nonprofit organization whose mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. Since its founding by computer scientists in 2004, Verified Voting has promoted voter-verified paper ballots and routine, rigorous post-election audits to check the accuracy of computerized voting systems.

Eliminating vote counting machines for election night hand counts further stretches underfunded election budgets, slows election results reporting, and lessens the reliability of outcomes. Calls to replace vote counting machines with election night hand counts disregard the safeguards election officials can use to ensure the security and accuracy of voting technology. For most jurisdictions in the U.S., machine counts of paper ballots remain the best method for election night counting. Vote counting machines provide initial, unofficial results quickly because they are designed to count votes in large quantities and at high speeds; humans are not.

The unofficial results from vote counting machines should be checked for accuracy before becoming final and official by conducting a post-election audit. Robust post-election audits of paper ballots provide solid evidence for the initial election outcome when it is correct—and an opportunity to correct the outcome when it is not—making them the best safeguard for assuring security and accuracy. We applaud South Dakota for enacting a post-election audit law in 2023 and ask this committee to not move forward in repealing it.

Election results must be tabulated and reported in a timely manner. Election offices must meet all certification deadlines required by law, and delays in reporting election results have been shown to sow distrust in election outcomes. Hand counting becomes particularly slow when humans must examine complex ballots with dozens of contests spanning multiple pages. Aside from the narrow task of counting all the ballots, aggregating all the vote counts is a massive data entry challenge prone to further error, spanning dozens or even hundreds of disparate contests.

High-volume election night hand counts are costly, slow, and inaccurate. Resources and energy should instead be devoted to enhancing existing safeguards, not discarding vote counting machines for counting ballots. Safeguards include robust post-election audits to check the

machine's accuracy and giving election officials the resources they need to safely and effectively do their jobs. With these and other best practices in place, election officials can give the public accurate, timely results with high assurance that votes were counted as cast.

Additionally, this legislation seeks to eliminate electronic ballot marking systems, or ballot marking devices. These systems are a critical component of election administration. While Verified Voting advocates for hand marked paper ballots as the primary option for voters, there are members of the voting public who face significant challenges to marking a paper ballot. Ballot marking devices provide the needed assistance so these voters can exercise their right to vote. It would be misguided to eliminate these systems.

For these reasons we oppose SB217 and respectfully request you vote no on this piece of legislation.

Sincerely,
C.Jay Coles
Deputy Director of Legislative Affairs