

Good Morning Chair and Members of the Committee:

Jessica Pollema, Minnehaha County

For years we have been told we have the “gold standard” of elections.

Yet it became very clear in 2021 that we don’t have anything close to the gold standard. Our election officials didn’t even know what a CAST VOTE RECORD was despite the federal government having mandated CVR’S as a standard required for certification, auditing and available to the general public.

Out of sheer ignorance, these public records have been denied to the public, while ES&S executives have stated publicly that these records should be made public. All of these auditors here today have never been fully trained on their equipment, have not used the ballot images, CVR’s or audit logs, and most have, again out of ignorance, deleted federal election material in the process in VIOLATION of 52 USC 20701.

South Dakota has received over \$27 million of federal funds for these electronic elections, yet 62 of the 66 counties are still operating with half of the equipment, and missing the Election Management System required to access the auditing tools necessary to properly run an electronic election. Essentially, we are producing financial statements for a Fortune 500 company without having learned to reconcile the bank statement and proclaiming they have no access to the general ledger.

In 2024, Rick Weible hacked a laptop in the Brookings County commission meeting by resetting the Windows password. Later, he hacked an ES&S election management system LIVE in less than 5 minutes, demonstrating the supposed security of the EMS laptops is a mirage. To date, NO ONE has debunked this, and the video went viral, being viewed millions of times.

<https://rumble.com/v4lh3p3-31924-rick-presents-explosive-information-on-es-and-s-machines-at-brookings.html>

We have witness in counties across the state, security violations of flash drives being moved between the tabulators, to the hardened EMS computers, into an internet connected computer, and back to the tabulators again. Because of this, all of security of the equipment has been compromised. Flash drives are not use by the military, are not allowed in county commission meeting presentations, yet are here, there and everywhere in our computerized elections. <https://rumble.com/v4yr3mb-security-violations-and-uncertified-equipment-in-sioux-falls-city-election.html>

These flash drives are also encrypted, PROGRAMMED devices, which are little computers in and of themselves. Only ES&S knows how they are programmed.

We have witnessed ES&S bullying and intimidating those that ask questions. They abandoned support for the 2024 primary and general elections for Minnehaha County, apparently because the auditor asked too many questions. This county carries 25% of the vote, and pays the most money to ES&S.

<https://rumble.com/v3zlx2p--sparks-fly-in-stand-off-with-es-and-s.html>

ES&S sent out advisories nationwide to election officials asking them not to release the audit logs, but if they do, to allow ES&S the chance to redact them first. Ironically, the audit logs are required by the EAC to be reviewed and understood by the election official for anomalous activity. Does that sound suspicious to you?

From the Election Assistance Commission Election Management Guidelines: ***“Election officials should review the audit log documentation or obtain a complete description of audit log codes or descriptions from the voting system manufacturer for the audit logs available on the voting system. Election officials should become familiar with the content of these logs and learn how to print them out. Familiarization will help officials recognize events that look anomalous or that they do not belong. Election officials should print and examine these audit logs as part of pre- and post-election activities.”***

None of our officials are using the audit logs for this.

https://www.eac.gov/sites/default/files/electionofficials/EMG/EAC_Election_Management_Guidelines_508.pdf

Why? Because ES&S DOES NOT TRAIN our officials on Audit Logs or CVRs. They admitted this in the meeting in Omaha June 2023. The very records that can reveal fraud – are not used in South Dakota.

Expert analysis of the 2020 Minnehaha County CVR’s demonstrated a highly suspicious pattern in the absentee ballot count, that was identified as the “MESA 3” algorithm, discovered in the Mesa County forensic image, then found in dozens of states across the country. <https://rumble.com/v51nfqi-proof-at-long-last-of-vote-manipulation-in-south-dakota.html>

We cannot in good conscience continue to ignore the fact that these machines are not secure.

ES&S election machine supply chain is corrupted from the source. All chips and motherboards come from China. ES&S uses DELL computers, which come from CHINA. Despite the fake EAC certifications, these machines DO NOT meet FISMA requirements – therefore are not reliable for use in critical national infrastructure, which the DHS label the election apparatus in 2017.

Electronic elections can switch hundreds, thousands or millions of votes in a second. Hand counted elections could only be altered at the precinct level, and with dual party oversight, pretty hard to pull off.

Our entire election code is based on hand counting, with section 12-17B inserted into the middle of it. All we need to do is repeal 12-17B – we don’t need to recreate the law to hand count.

HAVA absolutely DOES provide for hand counted election systems, and NOT using Ballot Marking Devices at the precinct DOES NOT violate HAVA. All other talking points on this issue are inherently false.

A “voting system” is defined as **electronic**, and multiple federal and state laws allow for a person of the voter’s choice to assist them at the polls. The only requirement is that the polling place is “accessible”.

https://www.sdcanvassing.com/files/ugd/944eb0_35a514a1578f46e5b24d0e54c636d9c7.pdf

All machines have back doors, imbedded modems, are connected to the internet in one way or another, and have proprietary source code. ES&S has been deceptive about the audit trail, has hidden its ownership, is a private out of state corporation with a long history of pay for play schemes. It’s largest shareholder is a private equity firm, the McCarthy Group, which just happens to own Kiewit Construction, one of the countries largest contractors on green new deal construction projects, including with GEVO.

Our elections have been held hostage by a PRIVATE CORPORATION that does not answer to the people for long enough. It’s time we return the power to the PEOPLE, at the lowest jurisdiction possible, in the

precinct. Hand counted elections are cost effective, transparent, auditable, verifiable, secure, with local control and local oversight.

PLEASE VOTE DO PASS on SB217 – and send it to the floor for a debate.