

## Declaration of Rick Weible

Pursuant to 28 U.S.C Section 1746, I, Rick Weible make the following declaration.

1. I am over the age of 21 years, and I am under no legal disability, which would prevent me from giving this declaration.
2. I currently reside at 803 Elk Street, Elkton, SD 57026.
3. I am a computer network engineer and data analysis expert with over 25 years of industry experience. Owner of a small computer consulting company, that has been in business for over 25 years providing compliance certifications, desktop support, programming, network management and security, web development and hosting.
4. I am the founder of United States Council on Accurate and Secure Elections and have been analyzing elections in multiple states helping both election officials and voters better understand the election systems in an effort to have better oversight and security in our elections by following Federal and State Laws.
5. I am aware of 52 USC 20701 - §20701. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation. Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation. Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.
6. I am aware of South Dakota Codified Law 12-174B-5. **Testing system before election--**  
*Certification of errorless machine--Promulgation of rules--Public notice--Independent candidate and ballot committee contact information.*

*Not more than ten days prior to an election, the person in charge of the election shall conduct a test of the automatic tabulating equipment to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. The test must be open to the public. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment one week before the test is conducted. The person in charge of the election shall post notice of the time and place of the test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1.*

*If an errorless count by an automatic tabulating machine is achieved by the test, the person in charge of the election shall certify the machine. The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, prescribing the certification of properly functioning automatic tabulating equipment under this section.*

*If an error is detected, the cause of the error shall be determined and corrected. Once the error is corrected, the person in charge of the election shall conduct a new test of the automatic tabulating equipment. The person in charge of the election may not approve the automatic tabulating equipment until an errorless count is made.*

*Any additional testing required to achieve an errorless count must be open to the public. The person in charge of the election shall post notice of the time and place of an additional test in the same manner as a public meeting agenda, pursuant to § 1-25-1.1. The person in charge of the election shall notify the county chair of each political party with a candidate on the ballot, any independent candidate or candidate without party affiliation on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment of the testing of the automatic tabulating equipment twenty-four hours prior to the test.*

*The secretary of state shall provide each county auditor with the contact information for any independent candidate, candidate without party affiliation appearing on the ballot, and the ballot question committees for or against an initiated or referred measure or initiated constitutional amendment in the auditor's county.*

*Source: <https://sdlegislature.gov/Statutes/12-17B-5>*

7. I am aware of South Dakota Codified Law 12-17B-5.1. **Procedure for testing system before election--Test ballots retained.** *The person in charge of the election shall test the automatic tabulating equipment by processing a predetermined number of ballots on which are recorded a predetermined number of valid votes for each candidate and measure. The test of the automatic tabulating equipment must also include at least one ballot for each office that has votes exceeding the number allowed by law in order to test the ability of the automatic tabulating equipment to reject invalid votes. During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure. A ballot used to test*

*the automatic tabulating equipment must be clearly marked as a test ballot. After each test, the testing materials and the predetermined number of ballots used during the test must be sealed and retained in the same manner as election materials after an election.*

Source: <https://sdlegislature.gov/Statutes/12-17B-5.1>

8. I am aware of South Dakota Administrative Rule 5:02:09:01.02. **Test of tabulating equipment.** *The person in charge of the election shall conduct tests of the automatic tabulating equipment as required in SDCL [12-17B-5](#) and [12-17B-12](#). The test must be conducted by processing a preaudited group of ballots in a test deck marked to record a predetermined number of valid votes for each candidate and each measure. A tally sheet must be created prior to the machine count to show how the sample of ballots is marked and what the machine vote totals must be to prove an errorless count. If more than one ballot is used in the election, a test deck must be made for each ballot that is unique in any way. For each office and ballot question, the test deck must include:*

- (1) One or more ballots with a vote for each candidate and each side of a ballot question;*
- (2) One or more ballots with votes in excess of the number allowed by law for each office and question; and*
- (3) One or more ballots with an undervote;*
- (4) One or more ballots completely blank to verify that the machine is correctly configured pursuant to SDCL [12-17B-13.1](#); and*
- (5) One or more ballots that do not have a ballot stamp.*

*At least twenty-five test ballots must be included in the total of all test decks. Individual test decks for individual ballots must be of sufficient size to prove the accuracy of the system. If absentee ballots are to be received folded, at least ten percent of the test ballots in any individual test deck must be similarly folded. The person conducting the test of the tabulating equipment shall date and sign the printout, verifying that the results of the machine's printed paper vote totals exactly match the tally sheet from which the sample of ballots was marked. Any test deck, tally sheet, and signed printout must be secured and retained with the official ballots.*

*If more than one tabulating machine is to be used in the election, each machine must be fully tested on any ballot which each machine will be used to count in the election.*

*In addition to these tests, any test deck may be processed any time before or after completion of the official count.*

Source - <https://sdlegislature.gov/Rules/Administrative/05:02:09:01.02>

9. I am aware of a ES&S EVS 6042 CA Election Management manual publicly available in the state of California, and in Chapter 5, it is clear what the guidance is from ES&S, in their recommendation and guidance to use a sequential number of votes for each office, which complements South Dakota Codified law requiring, "a different number of valid votes must be assigned to each candidate for an office and for and against each measure."

## Chapter 5: Logic and Accuracy Testing

Logic and accuracy (L&A) testing is performed well before the election to verify that the election definition generated for each voting device matches the election being held, and that all contests and candidates are accurately reflected on each ballot style and on reports. L&A testing verifies that all voting positions can be voted, whether each contest can be voted for the maximum number of eligible candidates, and that the system is correctly reading and tabulating votes.

L&A testing consists of processing a test deck. A test deck is a stack of sample ballots already marked and scanned, with known results totals. In addition to predetermined totals, the test deck will also contain examples of ballot errors that can occur. All contests in all ballot types and/or ballot styles are tested in this manner. Any deviation from the predetermined results must be rectified before the tabulating equipment can be certified for processing that specific election.

If ES&S is coding the election, ES&S will provide a hand-counted test deck for each election.

If your jurisdiction programs its own election definitions, create a test deck that includes a sequential number of votes for each office on that ballot starting with 1 vote for the first candidate. For example, in an Office with 5 candidates the first candidate on that ballot will receive 1 vote, the second candidate 2, the third 3 and so on. Also include at least one completely blank ballot, and an overvoted ballot (mark more candidates than the number specified). Complete this process for all ballot types in your election and maintain accurate records of your test ballot selections.

Source - <https://votingsystems.cdn.sos.ca.gov/vendors/ess/evs6042/ess-6042-proc.pdf>

10. I have reviewed the following reports from Lawrence County:

- a. *Machine A 6-4-2024 Election day 7 49 p.m.pdf*, titled "CERTIFICATION OF ERRORLESS COUNT BY AUTOMATIC TABULATING MACHINE", for the DS 450 #A, serial number, DS4519093362, dated June 4<sup>th</sup>, 2024 at 9:47 am, and signed by Brenda McGruder, Lawrence County Auditor.
- b. *Machine A 6-4-2024 Absentee 9 47 a.m..pdf*, titled "CERTIFICATION OF ERRORLESS COUNT BY AUTOMATIC TABULATING MACHINE", for the DS 450 #A, serial number, DS4519093362, dated June 4<sup>th</sup>, 2024 at 7:49 am, and signed by Brenda McGruder, Lawrence County Auditor.

- c. *Machine E 5-29-2024.pdf*, titled “Public Results” ran on 05/29/2024 11:15:10, it is 23 pages, without a cover sheet and not signed.
  - d. *Machine E 6-4-2024 Election day.pdf*, titled ““CERTIFICATION OF ERRORLESS COUNT BY AUTOMATIC TABULATING MACHINE”, for the DS 450 #E, serial number, DS4519093363, dated June 4<sup>th</sup>, 2024 and signed by Brenda McGruder, Lawrence County Auditor.
11. The first violation is on page 12/29 of packet “*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*”, page 1 of 2 of Machine # 4519093362, Precinct-02 shows that for the race Rep State Senator, District 31, Randy Deibert and Kate Crowley-Johnson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 “*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*”  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
12. The second violation is on page 12/29 of packet “*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*”, page 1 of 2 of Machine # 4519093362, Precinct-02 shows that for the race Rep State Representative, District 31, Mark Mowry and Mary J Fitzgerald do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 “*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*”  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
13. The third violation is on page 12/29 of packet “*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*”, page 1 of 2 of Machine # 4519093362, Precinct-02 shows that for the race Rep County Commissioner At Large, Rick Tysdal and Erica Douglas do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 “*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*”  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
14. The fourth violation is on page 14/29 of packet “*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*”, page 1 of 2 of Machine # 4519093362, Precinct-03 shows that for the race Rep Delegates to State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 14, which is a violation of the codified law 12-17B-5.1 “*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*”  
<https://sdlegislature.gov/Statutes/12-17B-5.1>

15. The fifth violation is on page 16/29 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race Rep State Senator, District 31, Randy Deibert and Kate Crowley-Johnson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
16. The sixth violation is on page 16/29 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race Rep State Representative, District 31, Mark Mowry and Mary J Fitzgerald do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
17. The seventh violation is on page 16/29 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race Rep County Commissioner At Large, Rick Tysdal and Erica Douglas do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
18. The eighth violation is on page 17/29 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 2 of 2 of Machine # 4519093362, Precinct-04 shows that for the race DEM Presidential Candidate, Marianne Williamson and Joseph R Biden Jr do not have a different number of valid votes, but instead have the same number of votes, 4, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
19. The ninth violation is on page 18/29 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-05 shows that for the race Rep Delegates to State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 16, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>



20. The tenth violation is on page 20/29 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-06 shows that for the race Rep Delegates to State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 17, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
21. The eleventh violation is on page 21/29 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 2 of 2 of Machine # 4519093362, Precinct-06 shows that for the race DEM Presidential Candidate, Joseph R Biden Jr and Dean Phillips do not have a different number of valid votes, but instead have the same number of votes, 5, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
22. The twelfth violation is on page 23/29 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 2 of 2 of Machine # 4519093362, Precinct-07 shows that for the race DEM Presidential Candidate, Joseph R Biden Jr and Dean Phillips do not have a different number of valid votes, but instead have the same number of votes, 6, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
23. The thirteenth violation is on page 25/29 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 2 of 2 of Machine # 4519093362, Precinct-08 shows that for the race DEM Presidential Candidate, Dean Phillips and Armand Preez-Serrato do not have a different number of valid votes, but instead have the same number of votes, 7, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
24. The fourteenth violation is on page 29/29 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 2 of 2 of Machine # 4519093362, Precinct-10 shows that for the race DEM Presidential Candidate, Dean Phillips and Armand Preez-Serrato do not have a different number of valid votes, but instead have the same number of votes, 7, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>

25. The fifteenth violation is on page 8/25 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-02 shows that for the race Rep State Senator, District 31, Randy Deibert and Kate Crowley-Johnson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
26. The sixteenth violation is on page 8/25 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-02 shows that for the race Rep State Representative, District 31, Mary J Fitzgerald and Scott Odenbach do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
27. The seventeenth violation is on page 8/25 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-02 shows that for the race Rep County Commissioner At Large, Rick Tysal and Erica Douglas do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
28. The eighteenth violation is on page 10/25 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-03 shows that for the race Rep Delegates to the State Convention, Ellen L Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 14, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
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29. The nineteenth violation is on page 12/25 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race Rep State Senator, District 31, Randy Deibert and Kate Crowley-Johnson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
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30. The twentieth violation is on page 12/25 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race Rep State Representative, District 31, Mary J Fitzgerald and Scott Odenbach do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>
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32. The twenty second violation is on page 13/25 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-04 shows that for the race Dem Presidential Candidate, Marianne Williamson and Joseph R Biden Jr do not have a different number of valid votes, but instead have the same number of votes, 4, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>
33. The twenty third violation is on page 14/25 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-05 shows that for the race Rep Delegates for Dates Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 16, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>
34. The twenty fourth violation is on page 16/25 of packet "*Machine A 6-4-2024 Absentee 9 47 a.m..pdf*" , page 1 of 2 of Machine # 4519093362, Precinct-06 shows that for the race Rep Delegates for Dates Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 17, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>

35. The twenty fifth violation is on page 17/25 of packet “Machine A 6-4-2024 Absentee 9 47 a.m..pdf” , page 2 of 2 of Machine # 4519093362, Precinct-06 shows that for the race Dem Presidential Candidate, Joseph R Biden Jr and Dean Phillips do not have a different number of valid votes, but instead have the same number of votes, 5, which is a violation of the codified law 12-17B-5.1 “During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.”  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
36. The twenty sixth violation is on page 19/25 of packet “Machine A 6-4-2024 Absentee 9 47 a.m..pdf” , page 2 of 2 of Machine # 4519093362, Precinct-07 shows that for the race Dem Presidential Candidate, Joseph R Biden Jr and Dean Phillips do not have a different number of valid votes, but instead have the same number of votes, 6, which is a violation of the codified law 12-17B-5.1 “During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.”  
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37. The twenty seventh violation is on page 21/25 of packet “Machine A 6-4-2024 Absentee 9 47 a.m..pdf” , page 2 of 2 of Machine # 4519093362, Precinct-08 shows that for the race Dem Presidential Candidate, Dean Phillips and Armando Prerez-Serrato do not have a different number of valid votes, but instead have the same number of votes, 7, which is a violation of the codified law 12-17B-5.1 “During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.”  
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38. The twenty eighth violation is on page 22/25 of packet “Machine A 6-4-2024 Absentee 9 47 a.m..pdf” , page 2 of 2 of Machine # 4519093362, Precinct-10 shows that for the race Dem Presidential Candidate, Dean Phillips and Armando Prerez-Serrato do not have a different number of valid votes, but instead have the same number of votes, 7, which is a violation of the codified law 12-17B-5.1 “During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.”  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
39. The twenty ninth violation is on page 6/23 of packet “Machine E 5-29-2024.pdf,” , page 1 of 2 of Machine # 4519093363, Precinct-02 shows that for the race Rep State Senator, District 31, Randy Deibert and Kate Crowley-Johnson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 “During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.”  
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40. The thirtieth violation is on page 6/23 of packet “*Machine E 5-29-2024.pdf*,” , page 1 of 2 of Machine # 4519093363, Precinct-02 shows that for the race Rep State Representative , District 31, Mary Fitzgerald and Scott Odenbach do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 “*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*”  
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41. The Thirty first violation is on page 6/23 of packet “*Machine E 5-29-2024.pdf*,” , page 1 of 2 of Machine # 4519093363, Precinct-02 shows that for the race Rep County Commissioner At Large, Rick Tysdal and Erica Douglas do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 “*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*”  
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42. The thirty second violation is on page 8/23 of packet “*Machine E 5-29-2024.pdf*,” , page 1 of 2 of Machine # 4519093363, Precinct-03 shows that for the race Rep Delegates to the State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 14, which is a violation of the codified law 12-17B-5.1 “*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*”  
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43. The thirty third violation is on page 10/23 of packet “*Machine E 5-29-2024.pdf*,” , page 1 of 2 of Machine # 4519093363, Precinct-04 shows that for the race Rep State Senator, District 31, Randy Deibert and Kate Crowley-Johnson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 “*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*”  
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44. The thirty fourth violation is on page 10/23 of packet “*Machine E 5-29-2024.pdf*,” , page 1 of 2 of Machine # 4519093363, Precinct-04 shows that for the race Rep State Representative, District 31, Mary Fitzgerald and Scott Odenbach do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 “*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*”  
<https://sdlegislature.gov/Statutes/12-17B-5.1>

45. The thirty fourth violation is on page 10/23 of packet "*Machine E 5-29-2024.pdf*," , page 1 of 2 of Machine # 4519093363, Precinct-04 shows that for the race Rep County Commissioner At Large, Rick Tysdal and Erica Douglas do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>
46. The thirty fifth violation is on page 11/23 of packet "*Machine E 5-29-2024.pdf*," , page 2 of 2 of Machine # 4519093363, Precinct-04 shows that for the race Dem Presidential Candidate, Marianne Williamson and Joseph R Biden Jr do not have a different number of valid votes, but instead have the same number of votes, 4, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>
47. The thirty sixth violation is on page 12/23 of packet "*Machine E 5-29-2024.pdf*," , page 1 of 2 of Machine # 4519093363, Precinct-05 shows that for the Rep Delegates to State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 16, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>
48. The thirty seventh violation is on page 14/23 of packet "*Machine E 5-29-2024.pdf*," , page 1 of 2 of Machine # 4519093363, Precinct-06 shows that for the Rep Delegates to State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 17, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>
49. The thirty seventh violation is on page 15/23 of packet "*Machine E 5-29-2024.pdf*," , page 2 of 2 of Machine # 4519093363, Precinct-06 shows that for the Dem Presidential Candidate, Joseph R Biden Jr and Dean Phillips do not have a different number of valid votes, but instead have the same number of votes, 5, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>

50. The thirty eighth violation is on page 17/23 of packet "*Machine E 5-29-2024.pdf*," , page 2 of 2 of Machine # 4519093363, Precinct-07 shows that for the Dem Presidential Candidate, Joseph R Biden Jr and Dean Phillips do not have a different number of valid votes, but instead have the same number of votes, 6, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>
51. The thirty ninth violation is on page 19/23 of packet "*Machine E 5-29-2024.pdf*," , page 2 of 2 of Machine # 4519093363, Precinct-08 shows that for the Dem Presidential Candidate, Dean Phillips and Armando Perez-Serrato do not have a different number of valid votes, but instead have the same number of votes, 7, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>
52. The fortieth violation is on page 23/23 of packet "*Machine E 5-29-2024.pdf*," , page 2 of 2 of Machine # 4519093363, Precinct-10 shows that for the Dem Presidential Candidate, Dean Phillips and Armando Perez-Serrato do not have a different number of valid votes, but instead have the same number of votes, 7, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>
53. The forty first violation is on page 11/28 of packet "*Machine E 6-4-2024 Election day.pdf*," , page 1 of 2 of Machine # 4519093363, Precinct-02 shows that for the Rep State Senator, Randy Deibert and Kate Crowley-Johnson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>
54. The forty second violation is on page 11/28 of packet "*Machine E 6-4-2024 Election day.pdf*," , page 1 of 2 of Machine # 4519093363, Precinct-02 shows that for the Rep State Representative, Mary J Fitzgerald and Scott Odenbach do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*" <https://sdlegislature.gov/Statutes/12-17B-5.1>

55. The forty third violation is on page 11/28 of packet "*Machine E 6-4-2024 Election day.pdf*," , page 1 of 2 of Machine # 4519093363, Precinct-02 shows that for the Rep County Commissioner At Large, Rick Tysdal and Erica Douglas do not have a different number of valid votes, but instead have the same number of votes, 11, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
56. The forty forth violation is on page 13/28 of packet "*Machine E 6-4-2024 Election day.pdf*," , page 1 of 2 of Machine # 4519093363, Precinct-03 shows that for the Rep Delegates to State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 14, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
57. The forty fifth violation is on page 15/28 of packet "*Machine E 6-4-2024 Election day.pdf*," , page 1 of 2 of Machine # 4519093363, Precinct-03 shows that for the Rep Delegates to State Convention, Ellen L. Gross and Meta Halverson do not have a different number of valid votes, but instead have the same number of votes, 8, which is a violation of the codified law 12-17B-5.1 "*During the test, a different number of valid votes must be assigned to each candidate for an office and for and against each measure.*"  
<https://sdlegislature.gov/Statutes/12-17B-5.1>
58. As of 8/7/2024, there are more pages that I have not had time to review, but will continue to review after the filing, in an effort to finalize my findings, incase either side has additional questions.
59. It is my recommendation that since the time of the election has passed, we can recount by hand the ballots for all races impacted by the invalid test decks, since running it again through the improperly tested tabulator would not tell us if it was programmed correctly, only a full hand recount would determine the accuracy of the tabulators.
60. It is also my recommendation that the General Election of 2022 Logic and Accuracy test reports be reviewed for adherence to South Dakota Codified Law and Administrative Rules, and records retention requirements and compliance with the Federal Law during that election, and if any violations have occurred, a manual hand recount of 100% shall be performed within that county of all races, and any election that was negatively affected by either negligence or willful violation of the law would be prosecuted immediately.



A handwritten signature in black ink, appearing to read "Rick Weible".

Rick Weible

8/7/2024

803 Elk Street

Elkton, SD 57026

