

HO #2

HB 1062

KOP DAXTER

Section 2:

- <https://sdlegislature.gov/Statutes/12-1-9> Does not give the Board of Elections the authority to write rules regarding the security of the statewide voter file.

12-1-9. Promulgation of rules by board.

The State Board of Elections shall promulgate rules, pursuant to chapter 1-26, concerning:

- (1) Forms for voter registration and voter file maintenance;
- (2) Forms and color of ballots;
- (3) Forms for notices;
- (4) The uniformity of election procedures;
- (5) The operation of the State Board of Elections;
- (6) The procedure to accept a petition and verify petition signatures;
- (7) Petition forms, including petition size and petition font size;
- (8) Envelopes for absentee voting;
- (9) Instructions to voters and absentee voters;
- (10) Recounts; and
- (11) Post-election audits.

Source: SL 1974, ch 117, § 3; SL 1998, ch 78, § 1; SL 2002, ch 40, § 4; SL 2018, ch 75, § 1; SL 2023, ch 50, § 9.


- Per the Secretary of State's contract with KNOWiNK, posted on <https://open.sd.gov/contracts>, the Bureau of Information and Telecommunications is required to review the IT contract terms, and the cybersecurity provisions of the contract. BELOW: State of SD Information Technology Security Policy.

Exhibit D

Bureau of Information and Telecommunications Required IT Contract Terms

Acknowledgement: State of South Dakota Information Technology Security Policy

Contractor: The individual signing this form on behalf of their entire company affirms that he/she has the authority to commit the Contractor and all its employees to follow the terms of this agreement.

<u>Kevin Schott</u> <small>Kevin Schott (Jun 10, 2024 14:00 CDT)</small>	<u>06/10/2024</u>	 <small>Kevin Schott (Jun 10, 2024 15:30 CDT)</small>	<u>06/10/2024</u>
Contractor Signature	Date	BIT Contact	Date
Kevin Schott	KnowInk, LLC		

Printed Contractor name and Company name

Revised 2022

- The Secretary of State has hired a cybersecurity professional, who works in Sioux Falls in the same office as BIT. She is not on the board of elections, nor does she advise the board of elections. The Board of elections members are not qualified to write cybersecurity rules for our cloud hosted internet connect statewide voter file.
- Deputy Secretary of State Tom Diedrick admitted during the July 18, 2023 Legislative Rules Review committee hearing, that the Secretary of State's office and the Board of Elections has no one that knows anything about cyber security related issues, so they *let BPro write the rules*.

- It is not prudent or wise to allow the vendor to write the rules for cybersecurity for their own product.
- Since BIT is involved in the contract process, and is the only apparently qualified staff we have in the state to review such requirements, it seems logical to have computer people review the computer security.
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