



# *South Dakota Secretary of State*

## SHANTEL KREBS

### **HAVA Grant Board Minutes**

Thursday, July 20, 2017  
2:00 p.m. CT

South Dakota Secretary of State's Office  
500 East Capitol Ave., Ste. 204  
Pierre, SD 57501

Conference call dial-in information:

Dial-in number: 866.410.8397

Conference code: 2178377981

The meeting was called to order by Kristin Gabriel, Chair and HAVA Coordinator, at 1:59pm (CT).

**Present in-person** were board members Kristin Gabriel and David Reiss (South Dakota Department of Tribal Relations- Senior Policy Advisor). **Via conference call**, board members present are: Lake County Auditor Bobbi Janke, Minnehaha County Auditor Bob Litz, Ziebach County Auditor Cindy Longbrake and Disability Community representative, Denise DeJong. Quorum is established.

Others present in-person are: Shantel Krebs (Secretary of State), Kea Warne (Deputy Secretary of State- Election Services), Tom Deadrick (Deputy Secretary of State- Business Services), Rachel Schmidt (Election Coordinator), Christine Lehrkamp (State Election Coordinator), Jason Williams (Public Information Officer) and Bob Mercer (Media).

#### **New member announcement-**

Cindy Longbrake is replacing Jerry Schwarting who stepped down as Mellette County Auditor and is now serving in an elections supervisor position.

Brief introductions were done by all those present and on the phone.

#### **Approval of the Agenda-**

Motion to approve the agenda by David Reiss, second by Bobbie Janke.

Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.

#### **Approval of draft minutes from the February 26, 2016 meeting-**

Motion by David Reiss to approve the February 26, 2016 minutes, second by Bobbi Janke. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.



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Kristin Gabriel reviewed the HAVA state held county balances (see spreadsheet on page 7).

Kristin Gabriel reviewed the HAVA Grant Board parameters and the makeup of the board members. The parameters help guide the board when reviewing and approving, modifying or rejecting grant applications. The parameters are outlined on page 8. The county must have spent down their state held county HAVA balances prior to being awarded HAVA grant funding.

The in-person satellite funding does not require a zero balance of state held county HAVA funds. Those parameters are found on page 9.

In order to receive monies from these funding sources the county must receive a favorable approval from the HAVA Grant Board, the Secretary of State must then approve of the recommendation by the HAVA Grant Board, and the county then expends the funds and lastly submits invoices to the Secretary of State's office for review and reimbursement.

### **Kristin Gabriel reviewed the HAVA Grant Applications:**

#### **a. Brule County:**

- Total amount requested was \$9000; total expenses are \$10,998 per their application
- Bobbi Janke asked how much money is in the HAVA funds. \$9+ million which includes the state held county HAVA funds of \$2.4 million.
- Bob Litz asked if Brule County received funding in 2016. No they did not.

Bobbi Janke motioned to make a recommendation to the Secretary to approve the application for \$9,000, second Cindy Longbrake. No further discussion. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.

#### **b. Davison County:**

- Total amount requested was \$9,000; total expenses are \$46,800 per their application.
- HAVA grant funds cannot be used to purchase voting equipment per the agreed upon parameters, so those expenses of \$24,500 on their application could not be approved.

Motion by Bob Litz for approval of \$5,000 grant...

- Question: Cindy Longbrake asked who will make the cuts and to what areas of the application? Neither cuts nor a new application would have to be submitted in order to approve of a \$5,000 grant.

Bob Litz's motion died for lack of a second.



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An alternate motion was made by David Reiss to make a recommendation to the Secretary to approve the application for \$9,000, second by Bob Litz. No further discussion. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.

c. **Fall River County:**

- Total amount requested and total expenses listed were \$9,000 per their application.

Bobbi Janke motioned to make a recommendation to the Secretary to approve the application for \$9,000, second David Reiss. No further discussion. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.

d. **Hughes County:**

- Total amount requested and total expenses listed were \$9,000 per their application.
- They did apply and receive funding for the 2016 election cycle.

Cindy Longbrake motioned to make a recommendation to the Secretary to approve the application for \$9,000, second Bobbi Janke. No further discussion. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.

e. **Jackson County:**

- Total amount requested and total expenses listed were \$9,000 per their application.
- Jackson County is not at a zero balance for their state held county HAVA funds (\$2,245.50). The HAVA parameters state that they must be at a zero balance in order to receive HAVA grant funding. Kristin Gabriel stated that the parameters are very clear and they should be at a zero balance to be eligible to receive grant funding.
- David Reiss asked if the application is clear that they must be at a zero balance. Yes the application states that.
- Cindy Longbrake asked what they do if they don't get funding and their expenses exceed what they have in their state held funds does the county have to eat the costs. Yes they would. But they haven't requested funds for prior election cycles and have been paying expenses.

David Reiss motioned to recommend to the Secretary to not approve the application for \$9,000, second Bob Litz. No further discussion. Roll call vote:



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Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.

**f. McCook County:**

- Total amount requested and total expenses listed were \$9,000 per their application.

Bob Litz motioned to make a recommendation to the Secretary to approve the application for \$9,000, second Bobbi Janke. No further discussion. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.

**g. Potter County:**

- Total amount requested and total expenses listed were \$9,000 per their application.
- David Reiss asked if the \$5,000 publication cost seemed high. When compared to other applications before the committee it was agreed upon that the amount did seem high.
- Kristin Gabriel explained that a county could seek reimbursement for items that weren't detailed on the application, as long as they were allowable reimbursements under HAVA and the HAVA grant parameters they would be reimbursed.

Bob Litz motioned to make a recommendation to the Secretary to approve the application for \$9,000, second Bobbi Janke. No further discussion. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.

**h. Sully County:**

- Total amount requested and total expenses listed were \$8,770 per their application.

David Reiss motioned to make a recommendation to the Secretary to approve the application for \$8,770, second Cindy Longbrake. No further discussion. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.

**i. Ziebach County:**

- Total amount requested and total expenses listed were \$6,300 per their application.
- Cindy Longbrake will abstain from comments or voting since this application pertains to her county.



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Bobbi Janke motioned to make a recommendation to the Secretary to approve the application for \$6,300, second Bob Litz. No further discussion. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- ABSTAIN and Denise DeJong- AYE. All approved.

### **Review of In-Person Satellite Voting Center Pre-Approval Applications**

Kristin Gabriel explained that counties are allowed to utilize grant funds for one satellite site per county, but they may use county general funds for additional in-person satellite voting centers. She also noted that counties do not have to have a zero balance to apply for this funding.

#### **j. Buffalo County:**

- Total amount requested was \$2,100 and total expenses listed were \$2,100 per their application.
- They are seeking funds for the General election only.
- On the summary page provided by the Auditor, items to note that are not reimbursable are: Posting Posters (time and mileage) and Misc. Supplies for an estimated value of \$83.00. The Secretary of State's office would not be able to reimburse for these items if receipts were submitted for them.

Bob Litz motioned to make a recommendation to the Secretary to approve the application for \$2,100, second Bobbi Janke. No further discussion. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.

Due to the unallowable expenses noted above, the Secretary of State noted that she will only be approving \$2,017 for the Buffalo County In-Person Satellite Voting Center grant application.

#### **k. Dewey County:**

- Total amount requested was \$9,000 and total expenses listed were \$7,768.40 per their application.
- They are seeking funds for both the 2018 Primary and General elections.

David Reiss motioned to make a recommendation to the Secretary to approve the application for \$7,768.40, second Bob Litz. No further discussion. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.



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### **I. Jackson County:**

- Total amount requested was \$9,000 and total expenses listed were \$16,121 per their application.
- They are seeking funds for both the 2018 Primary and General elections.
- The Secretary of State's office is obligated via an MOU to reimburse \$61,684 through 2023 and per that amount they divided the number by four election cycles and came up with the number of \$15,421 per election cycle.

David Reiss motioned to make a recommendation to the Secretary to approve the application for \$16,121 which includes \$700 for rent, second Cindy Longbrake. No further discussion. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.

Those with In-Person Satellite locations for the 2016 Election cycle are detailed on page 10. A total of 354 voters used the absentee satellite sites during the Primary election and 2,342 used the sites during the General election.

### **Public comments-**

Bob Litz commented that the Board just gave away \$100,000+ and he feels the smaller counties need more support which is why he was looking to decrease funding for the larger county requesting HAVA grant monies. He also wanted to call attention to the amount of money spent on satellite sites as a lot of money per voter.

The next HAVA Grant Board meeting will be in 2019. All members serve a 4 year term and all board member terms will be up June 15, 2019.

**Motion to adjourn** at 3:40 pm (CT) by Bob Litz, second by David Reiss. No further discussion. Roll call vote: Kristin Gabriel- AYE; Bobbi Janke- AYE; Bob Litz- AYE; David Reiss- AYE; Cindy Longbrake- AYE and Denise DeJong- AYE. All approved.

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Kristin Gabriel, Chair

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Christine Lehrkamp, Recorder



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State-held County HAVA Balances as of 6/30/2017

County	Balance before Interest Payment (6/30/2017)
AURORA	\$ 22,275.45
BEADLE	\$ 126,345.52
BENNETT	\$ 7,043.17
BON HOMME	\$ 12,250.86
BROOKINGS	\$ 49,623.67
BROWN	\$ 148,148.15
BRULE	\$ -
BUFFALO	\$ 21,408.75
BUTTE	\$ 48,092.16
CAMPBELL	\$ 30,726.21
CHARLES MIX	\$ 11,359.20
CLARK	\$ 22,300.34
CLAY	\$ 50,889.28
CODINGTON	\$ 101,979.29
CORSON	\$ 9,386.04
CUSTER	\$ 19,996.89
DAVISON	\$ -
DAY	\$ 12,222.56
DEUEL	\$ 1,919.16
DEWEY	\$ 8,401.84
DOUGLAS	\$ 39,543.57
EDMUNDS	\$ 19,144.02
FALL RIVER	\$ -
FAULK	\$ 31,701.37
GRANT	\$ -
GREGORY	\$ 18,648.82
HAAKON	\$ 20,724.37
HAMLIN	\$ -
HAND	\$ 35,057.93
HANSON	\$ 20,409.53
HARDING	\$ 20,415.32
HUGHES	\$ -
HUTCHINSON	\$ 65,189.49
HYDE	\$ 19,797.70
JACKSON	\$ 2,245.50
JERAULD	\$ 15,273.23
JONES	\$ 7,636.20
KINGSBURY	\$ 58,033.46
LAKE	\$ 37,484.57
LAWRENCE	\$ 52,442.87
LINCOLN	\$ 70,777.69
LYMAN	\$ 31,154.71
MARSHALL	\$ 15,504.12
MCCOOK	\$ -
MCPHERSON	\$ 4,125.24
MEADE	\$ 48,751.14
MELLETTE	\$ 3,744.64
MINER	\$ 9,598.35
MINNEHAHA	\$ 473,448.32
MOODY	\$ 5,177.50
PENNINGTON	\$ 209,380.16
PERKINS	\$ 27,126.24
POTTER	\$ -
ROBERTS	\$ 72,912.92
SANBORN	\$ 2,446.06
OGLALA LAKOTA	\$ 65,853.94
SPINK	\$ 12,994.29
STANLEY	\$ 32,187.57
SULLY	\$ -
TODD	\$ 31,581.95
TRIPP	\$ 11,368.80
TURNER	\$ 37,900.18
UNION	\$ 11,753.07
WALWORTH	\$ 44,899.73
YANKTON	\$ 4,201.98
ZIEBACH	\$ -
Total	\$2,395,000.06



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### Help America Vote Act (HAVA) Grant Board and Parameters

The Secretary of State, with the approval of the State Board of Elections, established a HAVA Grant Board on June 15, 2015, consisting of four County Auditors (two Democrats and two Republicans), the Senior Elections Coordinator in the office of the Secretary of State, one member from the disability community, and one member from the Department of Tribal Relations. All members, except for the Senior Elections Coordinator, will serve a four year term. The Senior Elections/HAVA Coordinator will serve as the Chair of the HAVA Grant Board and the Secretary of State's office will assist the HAVA Grant Board with anything necessary to meet the requirements set forth in this plan. This board is responsible for developing, reviewing, and making recommendations to the Secretary of State in matters pertaining to the local government grant program and will comply with the State's open meeting laws.

### HAVA Grant Board Members

- Jerry Schwarting (D) Mellette County Auditor
- Bob Litz (R) Minnehaha County Auditor
- Bobbi Janke (D) Lake County Auditor
- Sheila Hagemann (R) Turner County Auditor
- Denise DeJong (Yankton) Disability Community Representative
- David Reiss, South Dakota Department of Tribal Relations
- Kristin Kellar, Secretary of State's office HAVA Coordinator

### HAVA Grant parameters:

This administration wants to ensure there is HAVA funding available for South Dakota's 66 counties for future federal election expenses.

- This grant funding is only available for the county auditors to apply for
- This grant funding is not open to local elections (municipal, school, or special districts)
- This funding can only be used towards expenses that are covered under the HAVA requirements and cannot be used for the purchase of the following items (this does not prohibit the use of these funds for programming or other expenses associated with these items): Tabulating equipment, voter assist terminals, or electronic poll books.
- Maximum grant amount per county per year is \$4,500 or \$9,000 per Primary and General election cycle except in extraordinary cases such as satellite absentee voting locations, as defined in the HAVA State Plan
  - County must spend down their county held HAVA fund balance prior to being awarded HAVA grant funds
  - These parameters do not prohibit the Secretary of State from granting additional HAVA funding to the 66 county auditors at any time.
- Applications are due on July 1<sup>st</sup> of every odd numbered year
- Applications will be approved or denied by November 1<sup>st</sup> of the odd numbered year
- The HAVA Grant Board will meet twice per year to review applications. These meetings can be done over conference call or in-person meetings.





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### In-Person Absentee Voting Satellite Location Parameters:

- The following criteria must be met before a county may be allowed to use HAVA funds to set up an additional in-person satellite absentee voting location in a particular jurisdiction. The voters living in the jurisdiction\*:
  - Have 50% more individuals below the poverty line than the rest of the county; and
  - Live, on average, 50% farther from the existing county seat or other satellite location than the rest of the county.OR
  - Jurisdiction for the criteria listed below is limited to an incorporated municipality, unincorporated town or a census designated place; and
  - Have no access to affordable, regular, convenient public transportation within the county from the proposed satellite location to the county seat; and
  - The jurisdiction is composed of 75% or more individuals who belong to a suspect class. (Suspect Classes: a presumptively unconstitutional distinction made between individuals on the basis of race, national origin, alienage, or religious affiliation, in a statute ordinance, regulation, or policy.<sup>1</sup>)

\*According to the most recent United States Census Bureau, American Community Survey results as analyzed by the Government Research Bureau at the University of South Dakota. A jurisdiction is defined as a voting precinct, township, municipality, town, school district, or special district. The following counties are approved to have met the criteria in this plan: Buffalo, Dewey and Jackson Counties.

- A county is not required to spend down their county held HAVA fund balance prior to being awarded HAVA grant funds for an in-person absentee voting satellite location.
- A county must submit estimated expenses to the South Dakota Secretary of State's office three (3) months prior to the election for pre-approval in order to be reimbursed with HAVA funds.
- These parameters do not prohibit the Secretary of State from granting additional HAVA funding to the 66 county auditors at any time due to extraordinary circumstances.
- A county is allowed (1) HAVA funded satellite voting location, however, these parameters do not preclude counties from spending county non-HAVA related funds to pay for an in-person absentee voting satellite location.

<sup>1</sup> As defined by: [https://www.law.cornell.edu/wex/suspect\\_classification](https://www.law.cornell.edu/wex/suspect_classification)  
<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/epscrutiny.htm>



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### 2016 Absentee Satellite Site

County	Building	City/Town	Election	First Day Open	Last Day Open	Days/Times Open	Staffing	Notes	Applied for HAVA Grant
Buffalo	Crow Creek Sioux Tribal Hall	Fort Thompson	General Only	October 4, 5, 6, 11, 12, 13, 18, 19, & 20	October 20th	3 days a week during the month of October	current county staff or newly deputized staff	Three days a week for the first three weeks in October	yes
Dewey	Veteran's Building, Hwy 212	Eagle Butte	Primary	May 16th	June 3rd	Mon-Fri 9:00 am to 3:00 pm	Position currently advertised	Auditor will deputize and train the worker	yes
Jackson	Eagle Nest Life Center	Wanblee	Primary & General	September 23rd	November 7th (closed on October 10th Holiday)	Mon-Fri 9:00am - 5:00 pm	1 new and 1 from 2014 staff	Primary open April 22-June 6	yes - also has MOU with SOS and county
Lawrence	City Hall	Spearfish	Primary	May 20th - 12:00 - 4:00 (only this day)	June 6th	Mon-Fri 9:00 am to 4:00 pm (May 23-June 6)	Current county staff with assistance from newly deputized staff		
Oglala Lakota	SuAnne Big Crow Center	Pine Ridge	Primary & General	Full 46 days of absentee voting	Full 46 days of absentee voting	Mon-Fri 8:00 am - 5:00 pm	Deputized staff, county staff as needed	Might open on 1 - 2 Saturdays if agreed upon	federal court order - and MOU with SOS and the county
Pennington	Wall City Finance Office	Wall	Primary & General	Full 46 days of absentee voting	Full 46 days of absentee voting	Mon-Fri 8:00 am - 5:00 pm	Carolyn Anderson, City Finance Officer, Deputized and oath on file		
Pennington	Hill City Finance Office	Hill City	Primary & General	Full 46 days of absentee voting	Full 46 days of absentee voting	Mon-Fri 8:00 am - 5:00 pm	Stacia Tallon, Deputy City Finance Officer, Deputized and oath on file		
Todd	Todd County Building	Mission	Primary & General	Full 46 days of absentee voting	03-Nov-16	Tuesdays & Thursdays 9:00 am - 3:00 pm	Current county staff		