

McPherson County Board of Commissioners
Minutes of Proceedings
June 18th, 2024

The McPherson County Board of Commissioners telephonically in special session on Tuesday, June 18th, 2024. The call could be heard in the Commissioners chambers. Chairman Rick Beilke called the meeting to order at 4:45PM. Members' present were Anthony Kunz, Sid Feickert, and Jeff Neuharth. Absent: Mark Opp. Others present State's Attorney Austin Hoffman.

Neuharth moved and Feickert seconded to approve the agenda of the June 18th Special Meeting. All present voted in favor. Motion carried. No conflicts of interest were declared.

The post-election audit was done on June 13th, 2024. When the audit boards concluded there were 3 races in two precincts that did not reconcile. The number of tallies the audit boards turned in are statistically impossible with the number of ballots the boards had to audit. Without those races reconciling the County Auditor cannot deem the post-election audit complete. While the county Auditor, commissioners and several of the auditing board members would like to simply reperform the audit there is no legal avenue currently available for the county to make the decision to simply reaudit. Therefore, the county must ask a judge for an emergency declaratory action to allow the county to unseal, reaudit and reconcile the 3 affected races. McPherson County wants to ensure that complete and accurate post-election audit data is being transmitted and published per SDCL 12-17B-22. State's Attorney Hoffman spoke with the board stating that the candidates in the affected races must be named in the declaratory judgment. Many of the candidates have been contacted and while the candidates did not request or petition the county to reaudit, they are fully supportive of the effort.

Neuharth moved and Feickert seconded to ask the State's Attorney to file a declaratory judgement asking a judge to order the county to unseal, reaudit and reconcile the following races: Precinct #3 State Representative District 23, Precinct #4 State Representative District 23, Precinct #3 State Senator District 23. Upon roll call vote: Kunz, Neuharth, Feickert and Beilke voted 'Aye', Absent Opp. Motion carried.

At 5:25PM Neuharth moved, and Kunz seconded to adjourn. All present voted in favor. Motion carried.

ATTEST:

Lindley Howard

McPherson County Auditor

Rick Beilke

Chairman of Board of Commissioners