

Gregory County Commission Proceedings

A special meeting of the Gregory County Commission was held Wednesday, October 19, 2022, at 2:00 p.m. in Burke with the following members present: Jessy Biggins, Myron Johnson, Jeff Johnson (via telephone), Lance Matucha and Bob Hausmann. Also present: Julie Bartling, Gregory County Auditor.

Chair Jessy Biggins called the meeting to order and all present recited the Pledge of Allegiance.

The purpose of the meeting was to take public testimony as to whether or not Gregory County should abandon the ballot counters and institute hand counting of the ballots to be cast for the November 8, 2022 General Election.

A group of Gregory County residents and a few Tripp County residents were present and signed in to speak about the matter before the Board. A listing of those present is on file at the Gregory County Auditor's office.

Steve McCance, opened up the discussion on behalf of the group, citing that the group had three requests:

- 1) Hand count the ballots at the precinct level
- 2) Do away with the tabulating devices
- 3) Make the Cast Vote Records readily available

Mr. McCance also stated that the group suspects no wrong doings in the Gregory County elections, but they want to be certain that future elections are safe and secure when vote totals are derived.

Also speaking, at length, during the meeting was Mr. Rick Weidel of Midwest Swamp Watch, presenting his comments via zoom, which consisted of information regarding the ballot counters and how he feels that they are not accurately counting ballots, and suspects that they contain wireless modems.

Others in the group raised questions of Mr. Weidel and provided personal comments about the vote counting devices. Chair Biggins closed the meeting to public testimony.

The Commissioners asked several questions regarding Mr. Weidel's testimony, and asked questions of Auditor Bartling regarding the election devices and the procedure of processing ballots on election day. Bartling advise the Commissioners that she investigated the DS200 counters for any wireless modems, upon approval from the Secretary of State so as to not void the warranty of the devices, and upon such inspections, no modems were found, which is also detailed on the counter logs.

Chair Biggins asked States Attorney, Amy Bartling Jacobsen, if she had any comments regarding the request. SA Jacobsen commented that in her searches of the statutes, and in listening to past legislative action, passed in 2006, regarding election laws, that she ascertains that the only one who can change the manner of conducting of an election is the 'person in charge of the election', which is the Auditor of each county, the Finance Officer of a municipality, or the Business Manager of a school district, not the governing board.

Chair Biggins opened up the discussion to Board discussion and/or action. Commissioner Matucha commented he would not mind seeing hand counting but with deadlines looming for compliance with statues, such action would be difficult. Commissioners Myron Johnson, Jeff Johnson and Bob Hausmann

each commented that the lateness of the request makes it difficult to make an informed decision. Chair Biggins informed the group that with the extreme lateness of this request, and without an opportunity to look into the groups concerns, they could not, as a Board, take the requested action upon the groups demands.

Chair Biggins called for a motion to adjourn, which was offered by Myron Johnson and seconded by Bob Hausmann. All members present voted aye. Motion carried.

ATTEST: _____
Julie Bartling, Gregory Co. Auditor

Jessy C. Biggins, Chair