



South Dakota Secretary of State
SHANTEL KREBS

Brian Newby, Executive Director
U.S. Election Assistance Commission
1335 East-West Highway, Suite 4300
Silver Spring, MD 20910

June 8, 2018

Dear Mr. Newby:

The purpose of this letter is to certify that the State of South Dakota will use the funds provided under the Notice of Grant Award, Agreement # SD18101001 for activities consistent with the laws described in Section 906 of HAVA and will not use the funds in a manner that is inconsistent with the requirements of Title III of HAVA.

We further certify that we have reviewed and accept the terms of the award as specified in the Notice of Grant Award. Our UEI number (formerly DUNS) is 809579121 and the signed Certification Regarding Lobbying is enclosed.

We are requesting \$3,000,000 at this time. Our program narrative and budget is attached.

If you have any questions about this request, please contact Kristin Gabriel at (605) 773-3537 or Kristin.Gabriel@state.sd.us.

Sincerely,

Shantel Krebs, South Dakota Secretary of State

Cc.

Mark Abbott, Director of Payments and Grants



South Dakota Secretary of State

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South Dakota 2018 HAVA Program Narrative

Submitted June 8, 2018

The South Dakota Secretary of State's office and the 66 counties are grateful for the appropriation of \$3 million in Help America Vote Act (HAVA) funds. Below is an outline of the intended use of South Dakota's new federal funds.

- Election Systems Upgrade
 - Replace aging voting equipment including ballot marking devices (AutoMARKs) and ballot tabulators (M100, DS650) that were purchased in 2005 from Election Systems & Software.
- Cybersecurity Upgrades
 - Potentially enhance protections on statewide voter registration file and election night reporting page

Election Systems Upgrade

South Dakota used the initial HAVA funding appropriated in 2002 and additional appropriations thereafter to improve election administration procedures and enhance security, accessibility, accuracy and reliability of our voting systems. However, the equipment purchased with the HAVA funds is reaching end of life and needs to be updated or replaced.

In October 2017, South Dakota used the HAVA grant dollars to upgrade ballot marking devices (ExpressVotes) for 33 counties that were able to purchase new tabulators (DS200, DS450, DS850) to accommodate the updated ballots for the ballot marking devices from Election Systems & Software. Several counties also purchased additional ballot marking devices and tabulators using their state-held county HAVA monies or county general funds. Several counties have sought reimbursement from their state-held county HAVA monies to purchase new equipment after the statewide purchase.

South Dakota will use the 2018 HAVA funding to reimburse the state-held county HAVA money of those counties that utilized these dollars to purchase equipment during the statewide buy in October 2017 or thereafter.

We will use the new funding to purchase additional ballot marking devices and/or ballot tabulators for the remaining 33 counties for the 2020 Presidential election.

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Cybersecurity Upgrades

South Dakota may implement cyber security and data protection improvements to the statewide voter registration and Election Night Reporting systems. South Dakota's local election officials are committed to administering elections in a secure manner.

Match Requirement (5% of \$3,000,000)

The Secretary of State's office will request the match of \$150,000 from the South Dakota Legislature during the 2019 Legislative Session. If the funds are not appropriated in full, the Secretary of State's office will request at least half be appropriated during the 2019 Legislative Session, and the other half be requested during the 2020 Legislative Session.

The second scenario would include a 50-50 match between the counties and the State of South Dakota. The Secretary of State's office will ask the 66 counties to provide half of the match. The amount will be dependent upon the number of registered voters in each county. The state will request the counties to place the determined amount in a county-held, interest bearing account. We will request documentation that this has been completed. The counties will then be required to expend the match money prior to requesting reimbursement from their state-held county HAVA accounts or requesting reimbursement from their HAVA Grant. The State of South Dakota may provide, upon appropriation, the remaining portion of the match in this scenario.

Lastly, if a county spent general funds to purchase new equipment in FFY2018, we will allow them to use those dollars spent toward the match for the new 2018 HAVA funds.

This funding will assist South Dakota in purchasing new voting systems and the implementation of additional cybersecurity tools.

To: US Election Assistance Commission

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that: (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Shantel Krebs
NAME

Secretary of State
TITLE

South Dakota
ORGANIZATION

Shantel Krebs
SIGNATURE

6-8-18
DATE

ii) Recipient integrity and performance matters. If the total Federal share of the Federal award may include more than \$500,000 over the period of performance, the Federal awarding agency must include the term and condition available in Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters. See also 2 C.F.R. §200.113 Mandatory disclosures.