



**OFFICE OF THE SECRETARY OF STATE**  
**STEVEN J. BARNETT, SECRETARY OF STATE**  
**JASON LUTZ, DEPUTY SECRETARY OF STATE**

April 20, 2022

Cindy Meyer  
26154 466<sup>th</sup> Ave  
Hartford, SD 57033

Dear Ms. Meyer,

Thank you for your recent request for information.

This letter is in response to your Request #2, dated March 24, 2022.

The Secretary of State's office does not have any contracts with Elections Systems & Software (ES&S) as the office does not own any tabulators.

For your information, the South Dakota State Board of Elections certification testing results for EVS 6.1.1.0 may be found on our website at [https://sdsos.gov/about-the-office/board-of-elections/Assets/boe\\_pastminutes/2021EVS6110Report.pdf](https://sdsos.gov/about-the-office/board-of-elections/Assets/boe_pastminutes/2021EVS6110Report.pdf).

Additionally, information pertaining to the United States Election Assistance Commission (EAC) Certificate of Conformance for this voting system may be found on our website at [https://sdsos.gov/about-the-office/board-of-elections/Assets/boe\\_pastminutes/ES&S%20EVS6110%20Certificate%20and%20Scope%20of%20Conformance%2007-27-2020.pdf.pdf](https://sdsos.gov/about-the-office/board-of-elections/Assets/boe_pastminutes/ES&S%20EVS6110%20Certificate%20and%20Scope%20of%20Conformance%2007-27-2020.pdf.pdf).

Sincerely,

Steve Barnett  
Secretary of State

Request #2

Cindy Meyer  
26154 466<sup>th</sup> Ave  
Hartford, SD 57033

3/24/2022  
1<sup>st</sup> Request

**RECEIVED**  
MAR 28 2022  
SD Secretary of State

Steve Barnett  
Secretary of State  
Capital Building  
500 E Capital Avenue, Ste 204  
Pierre, SD 57501-5070

Dear Steve Barnett or designee:

This is a request under the Freedom of Information Act, The Sunshine Act 5 U.S.C. § 552b and South Dakota Public Records SD Codified Law, §1-27-1., I request a photocopy be sent to me of the contract with ES&S (Election Systems & Software) that applies to the ES&S – EVS – 6.1.1.0 voting systems, covering all the hardware and software components not limited to but including, the hardware and software:

- ExpressTouch Electronic Universal Voting System,
- ExpressVote XL Full-Faced Universal Voting System
- ExpressVote Universal Voting System hardware 1.0
- ExpressVote Universal Voting System hardware 2.1
- DS450 High-Throughput Central Tabulator
- DS850 High-Speed Central Tabulator
- DS200 Precinct-Based Tabulator
- Electionware EMS Software groups; Define, Design, Deliver, Results, and Manage
- Event Log Service (ELS)
- Removable Media Service (RMS)

Contracts with ES&S (Election System & Software) fall under the Freedom of Information Act (FOIA), 5 U.S.C. §552, The Sunshine Act 5 U.S.C. § 552b, South Dakota Public Records SD Codified L § 1-27-1, by law you are obligated to supply me with this information.

If there is a fee for obtaining a copy of these records, please inform me of that cost. However, I would like to request a waiver of such fee in that the disclosure of the requested information is in the public interest. This is not being sought for commercial purposes. If access to the records I am requesting will take longer than a 'reasonable' amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.  
Sincerely,  
Cindy Meyer  
605-553-2907