

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

Case Type: Other Civil

Benda for Common-sense, a Minnesota  
Non-Profit Corporation, and Kathleen  
Hagen,

Court File No. 66-CV-22-2022  
Assigned to: Judge Carol M. Hanks

Plaintiffs,

vs.

Denise Anderson, Director of Rice County  
Property and Tax Elections,

**AFFIDAVIT OF MATTHEW L.  
BENDA IN SUPPORT OF MOTION  
TO PROHIBIT USE OF  
UNCERTIFIED ELECTRONIC  
VOTING SYSTEMS**

Defendant.

Matthew L. Benda, being first duly sworn upon oath, states as follows:

1. I am an individual residing in Freeborn County, Minnesota.
2. I am the President of Benda for Common-sense, a Minnesota Non-Profit Corporation, one of the Plaintiffs in the above-referenced matter.
3. On April 18, 2022, I made a Government Data request summarized as follows, “any documentation, emails or letters relating to any ... certification... of Rice County’s election computer network and all election equipment, during Jan. 1, 2019 through March 31, 2022.” See Complaint\_0002.
4. Having received no response to this request for Government Data, I sent a follow-up request on August 8, 2022 as follows, “To further clarify, this request includes all documents that Rice County claims support the certification of the Rice County Election equipment that includes options election night reporting and any modems or other wireless connectivity.” See Complaint\_0026.
5. I have still received no response to this request for Government Data.

6. From the Minnesota Secretary of State's official website, I was able to locate the following documents:

- Certification Report and Recommendation ES&S EVS 6.0.6.0 dated April 6, 2022, a true and correct copy of which is attached hereto as **Exhibit Benda 1** and incorporated herein by reference. ("Certification Report EVS 6.0.6.0");
- Certification of ES&S ElectionWare Voting System 6.0.6.0, a true and correct copy of which is attached hereto as **Exhibit Benda 2** and incorporated herein by reference. ("SOS Certification of EVS 6.0.6.0");
- Certification Report and Recommendation ES&S EVS 6.0.7.0 dated April 6, 2022, a true and correct copy of which is attached hereto as **Exhibit Benda 3** and incorporated herein by reference. ("Certification Report EVS 6.0.7.0");
- Certification of ES&S ElectionWare Voting System 6.0.7.0, a true and correct copy of which is attached hereto as **Exhibit Benda 4** and incorporated herein by reference. ("SOS Certification of EVS 6.0.7.0").

7. I have also made a request to the Minnesota Secretary of State for further documentation relating to the application for approval of the EVS 6.0.6.0 and EVS 6.0.7.0.

I DECLARE UNDER PENALTY OF PERJURY THAT EVERYTHING I HAVE STATED IN THIS DOCUMENT IS TRUE AND CORRECT (MINN. STAT. § 358.116).

Dated: September 21, 2022



Matthew L. Benda