



## THE TENNESSEE STATE ELECTION COMMISSION CARES LITTLE ABOUT ELECTION INTEGRITY

### **Executive Summary**

The top entity in the state of Tennessee charged with ensuring the safety, security and integrity of our elections throughout the state – the Tennessee State Election Commission (SEC) -- is far from fulfilling its duty. From observing, writing to, presenting to and dealing with the group, it has proven itself to be a collection of appointed bureaucrats that only slightly cares about addressing critical issues in the state's voting system that citizens bring to its attention.

Its members are, at times, arrogant, cavalier and condescending to the ones for whom they work – We the People. They are oblivious to the more critical, tech-related issues that consume today's election systems in Tennessee and across the country and refuse to even consider them. We truly believe they have little clue about these technologies that are creeping like kudzu deeper and deeper into our state's voting systems, putting citizens in an ever-more-dangerous position when it comes to how we vote. They appear to be friendlier to voting machine vendors who refuse to be transparent than defenders for the citizens who are demanding greater transparency in how voting is done in Tennessee.

This white paper will document at least four instances in the last year when the Tennessee State Election Commission and their bureaucratic support team in the Tennessee Secretary of State's office were presented salient, vital facts about portions of the election system in Tennessee that are vulnerable and they turned a deaf ear, proving the above summary to be true.

### **Issues**

The Tennessee State Election Commission [is composed of seven individuals from throughout the state of Tennessee.](#)<sup>1</sup> Because the General Assembly in Tennessee is led by Republicans, the SEC has four Republican members and three Democratic members. That is the same for all 95 counties except that each county's election commission has 5 members instead of 7 – three Republicans and two Democrats.

Unfortunately, in the last year the SEC has demonstrated it has few worries about election integrity. Its façade of being deeply concerned about elections throughout the state is shattered by the following four examples of the group's – and members' -- conduct.

- The SEC refused to do anything with the well-documented facts our group presented to them at their October 11, 2021 meeting concerning frightening election integrity issues we had found in both Williamson County and in counties across the state. [In fact, none of its members thought enough of this citizen-led effort to request follow-up discussions to further explore the evidence we had uncovered.](#) One member who obviously didn't like what he was hearing blatantly got up and walked out of the presentation. So much for listening to the customer.
- Following concerns of Williamson County citizens regarding the performance of Dominion machines in the November 2020 election, the Williamson County Election Commission (WCEC) sent the SEC a January 11, 2021 request to reexamine the Dominion machines to ensure they

<sup>1</sup> <https://sos.tn.gov/elections/guides/tennessee-state-election-commission>

met minimum certification standards to help restore lost citizen confidence in the machines and the county's election process. The SEC agreed not only to check out the Dominion machines but also to re-certify all five brands of machines used in Tennessee. They even formed a subcommittee to do so. But over a year later, the subcommittee has reported – and done -- nothing, and the SEC as a whole has simply dropped the issue. Now they claim they're going to wait until 2023 or 2024 to recertify machines. Why? And when was that decided and by who? It wasn't determined in a public meeting. Williamson County and county election commissions across the state have been abandoned by the SEC regarding local, well-documented concerns about the security of voting machinery and software throughout Tennessee.

- The Secretary of State, Tre Hargett, and his election coordinator, Mark Goins, provide administrative support to the SEC. The SEC's website is housed on the SoS website and Goins guides them in actions they might take in their commissioner roles. But Hargett, Goins and their staff – as well as the SEC -- appear to have no desire to communicate with or listen to citizens when questions arise about the state's election machines and processes. Our group has a stack (literally) of unanswered emails and phone calls to Mark Goins and his assistant, Kathy Summers, who apparently feel it is beneath them both to answer citizen questions about election integrity. The arrogance is on parade with these unelected bureaucrats, which we'll document in this paper.
- Finally, following concerns raised by citizens last year regarding a biased WCEC Commissioner and a blatant refusal by SEC Commissioners to address these concerns or even acknowledge them, it is plain the SEC doesn't feel it necessary to police itself. The SEC answers to the General Assembly, but no one from state legal authorities to General Assembly authorities will confirm exactly to whom in the General Assembly the SEC is responsible. Who monitors the SEC? So, if citizens have concerns with a local or state Commissioner refusing to do their jobs or performing their work poorly or even blatantly disregarding citizen questions or concerns, this Commission – and therefore election commissions across the state – apparently can do whatever they want without fear of oversight. A bill attempting to rectify this in the 112<sup>th</sup> General Assembly that ended in May 2022 died in committee. Apparently, holding bureaucrats responsible for their work and jobs is not important to legislators. And certainly not to the bureaucrats.

Taken together, these situations point to a Commission that believes they do not answer to the people – despite the law [and this Tennessee State Blue Book organization chart \(page viii and ix\) of Tennessee government](#).<sup>2</sup> After all we've seen, their haughtiness convinces us they believe they are above the law. This is unacceptable in a Constitutional Republic and needs to be changed.

### **Discussion**

The seven members of the Tennessee State Election Commission are elected by the Tennessee General Assembly for a term of four years. To be eligible to serve on this commission, a person must be at least 25 years old, a resident of Tennessee for at least seven years, and a resident of the grand division of the state from which one seeks election for at least four years preceding the election. No more than any two members may be from the same grand division of the state. Candidates for statewide offices like

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<sup>2</sup> [https://publications.tnsosfiles.com/pub/blue\\_book/21-22/21-22preface.pdf](https://publications.tnsosfiles.com/pub/blue_book/21-22/21-22preface.pdf)

this Commission qualify by filing their candidate petitions with the commission, and the Commission must pass on the correctness and propriety of such petitions.

The SEC is responsible for appointing five county election commissioners for every county in the state. After making such appointments, the state-level election commissioners then monitor the activities and performance of the county election commissioners and remove a county election commissioner for violation of the oath of office or if that person is no longer qualified to hold the position.

The Commission works very closely with Mark Goins, the coordinator of elections in the Secretary of State's office.

But one of the SEC's biggest responsibilities is to approve all election machine vendors whose equipment can be used by counties throughout the state of Tennessee. Right now, [there are five vendors whose machines dot all 95 counties](#):<sup>3</sup> ES&S, MicroVote, Hart InterCivic, Unisyn and Dominion.

The SEC demands that all of these machines be [certified by the Election Assistance Commission \(EAC\)](#),<sup>4</sup> a national entity established by the 2002 Help America Vote Act (HAVA) to ensure safe, secure elections and to oversee the machinery on which Americans vote. [The EAC's certification process, however, is quite suspect, as is their personnel, processes and even their allegiance to the machine vendors.](#)<sup>5</sup>

In fact, the person at the EAC who directs the certification process [is a former ten-year employee of Dominion, Jessica Bowers](#),<sup>6</sup> who just happens to be the Dominion employee who presented to get Dominion into the state of Tennessee and into Williamson and Hamilton Counties. Nothing like a former machine vendor employee with approval/disapproval/ certification responsibilities over election machines. Yes, I am sure she would be fair and equitable.

So, given the following examples of how the Tennessee State Election Commission behaves, you be the judge if they are fair, impartial and diligent in what they do for Tennessee citizens.

**First, the SEC refused to do anything with the facts our group presented to them at their October 11, 2021 meeting concerning frightening election integrity issues we had found in both Williamson County and in counties across the state.**

At the Commission's third quarterly meeting of 2021, our group, which had just changed its name from Williamson County Voters for Election Integrity to Tennessee Voters for Election Integrity, presented the results of our extensive state-wide research to that date.

<sup>3</sup> <https://tennesseelectionintegrity.com/wp-content/uploads/2022/01/Tennessee-election-equipment-by-county-2021.pdf>

<sup>4</sup> <https://www.eac.gov/about-the-useac>

<sup>5</sup> <https://tennesseelectionintegrity.com/wp-content/uploads/2022/01/EAC-is-untrustworthy-012522.pdf>

<sup>6</sup> <https://themarketswork.com/2020/11/20/the-small-world-of-voting-machine-certification/>

Since founding the group, [our mission](#)<sup>7</sup> had always been to share with state legislators, election commissions and government officials opportunities that we have uncovered in our research so they could plug holes we identified in Tennessee's election systems. And for these leaders to make (and lead) necessary changes in machinery and methods that will strengthen Tennessee's leadership in election integrity while improving citizen trust and support of our election processes.

So, we hoped [our presentation that day](#)<sup>8</sup> would be faithfully received and would lead to more intense discussions about our findings and how they might be addressed. We additionally hoped we could be an ad hoc group of citizens who could then help the SEC implement solutions that would plug the holes in the system.

But our hopes were dashed early in our presentation.

From the start, the Commission was outwardly belligerent and state election coordinator Mark Goins began peppering us with questions about our research. When we asked if questions could be held until the end so we could stay on schedule, Commission Greg Duckett angrily said "No." It only went downhill from there. [Perhaps the best account of the tenor of the meeting can be found in this Tennessee Star report](#)<sup>9</sup> which captured, blow by blow, how rude and condescending the Commission was to our group.

Key findings that we presented that day include:

- Voter rolls are dirty, duplicative [and need to be cleaned more thoroughly](#).<sup>10</sup>
- Data logic checks, fraud detection and pattern analysis should be implemented ongoingly, so the rolls remain clean.
- [Machines in the voting process are not trustworthy](#).<sup>11</sup>
- [Voting centers are an opening for fraud](#)<sup>12</sup> because of the internet connections the centers require.
- We need to return to smaller, more manageable, precinct voting, with no internet.
- [Fake ballots can be inserted into the process](#).<sup>13</sup>
- [Ballot marking devices \(BMDs\) and scanner/tabulators are hackable](#)<sup>14</sup> and dangerous.
- We need to [return to secure, hand-marked, high-security paper ballots with unique IDs](#).<sup>15</sup>
- Check the scanners with a [Security Risk Evaluation](#)<sup>16</sup> to ensure they contain no nefarious tech.

<sup>7</sup> <https://tennesseeelectionintegrity.com/about/>

<sup>8</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/01/Tennessee-State-Election-Commission-101121.pdf>

<sup>9</sup> <https://tennesseestar.com/2021/10/13/state-election-commission-dismissive-of-citizens-concerns-about-election-integrity-and-said-the-issue-of-paper-ballots-should-be-taken-up-with-legislators/>

<sup>10</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/01/Voter-roll-data-integrity-is-concerning-012522.pdf>

<sup>11</sup> <https://dailycaller.com/2021/02/05/marc-elias-voting-machines-new-york-ted-brindisi-claudia-tenney/>

<sup>12</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/01/Voting-centers-an-opening-for-fraud-012522.pdf>

<sup>13</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/01/Hand-marked-paper-ballots-are-critical-to-election-integrity-012522.pdf>

<sup>14</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/05/BMDS-are-not-good-051022.pdf>

<sup>15</sup> <https://votefinchem.com/announcing-the-ballot-integrity-project/>

- Immediately remove [DREs \(Direct Recording Equipment voting machines\) that produce no paper ballot that can be re-counted or audited.](#)<sup>17</sup>
  - 70% of Tennessee counties use these paperless machines.
- [Weak audits create a sense of false security;](#)<sup>18</sup>
- We need mandatory post-election audits of paper ballots to substantiate the machine count.
- Also, implement an [operational audit of all 95 election commissions to ensure election integrity.](#)<sup>19</sup>
- There are [issues in Williamson County needing attention; probably similar statewide.](#)<sup>20</sup>
  - We recommend [a number of best practices to address the problems.](#)<sup>21</sup>
- [Voting machines can be hacked and do things they're not supposed to.](#)<sup>22</sup> We provided examples of this [via both videos](#)<sup>23</sup> and [reports](#).<sup>24</sup>
- The SEC's machine certification process is weak; [replace it with a Security Risk Audit.](#)<sup>25</sup>

Probably the [most appalling finding we presented in our presentation concerned the Dominion Results Tally & Reporting \(RTR\) system which we discovered was in the Election Management System downstream from the precincts.](#)<sup>26</sup> [The RTR can allow mass vote changes by deleting results previously entered from secure removable media and replacing them with data from a local file... with no dual-party authentication required.](#) We also learned that reports can be published to "Public" transfer points inferring that there is at least an indirect connection to the internet. Also, remote clients can communicate with the server through Dominion, again, inferring a network connection.

All of this was verified in Dominion's operator manuals and confirmed by an employee of the Williamson County Election Commission. This has later been confirmed to be a function on the ES&S EMS, as well. Presented to the SEC in our presentation, [this is a frightening vulnerability of these machines, but it didn't seem to phase any member of the SEC or Mark Goins.](#) Not a word was said, nor a question asked about this revelation. Did they just not care? Did they not understand what we were presenting? Or did they know of this grave issue and decided that any question they asked about it would draw more attention to a problem they didn't want known?

<sup>16</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/03/Security-Risk-Evaluation-Process-4-FINAL-031322.pdf>

<sup>17</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/01/No-paper-in-70-of-counties-on-which-to-vote-audit-012522.pdf>

<sup>18</sup> <https://www.heritage.org/election-integrity/report/best-practices-and-standards-election-audits>

<sup>19</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/01/Why-an-Operational-Audit-will-ensure-election-integrity-012522.pdf>

<sup>20</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/01/Best-practices-should-replace-issues-012622.pdf>

<sup>21</sup> <https://www.heritage.org/election-integrity/report/best-practices-and-standards-election-audits>

<sup>22</sup> <https://rumble.com/vtacuu-halderman-tells-congress-voting-machines-can-be-hacked-anywhere-anytime-by-.html>

<sup>23</sup> <https://rumble.com/vtah4d-congressional-members-testify-voting-machines-can-change-votes.html>

<sup>24</sup> <https://www.cisa.gov/uscert/ics/advisories/icsa-22-154-01>

<sup>25</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/03/Security-Risk-Evaluation-Process-4-FINAL-031322.pdf>

<sup>26</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/01/Election-machines-can-be-hacked-012522.pdf>

We don't know.<sup>27</sup>

Maybe they thought the Dominion voting system was just fine. We never heard what they thought at that time... or even a few weeks later when six EAC- and SEC-certified/approved Dominion voting machines stopped counting votes in three Williamson County voting centers in the middle of election day. The problem was discovered at precinct closing and, ultimately, led to the state and Williamson County kicking Dominion out of the county.<sup>28</sup> A hand recount of votes the next day verified the election's winners and losers (and it also verified that ballots can be counted by hand following an election).

These EAC- and SEC-approved/certified machines have since been the subject of nationwide warnings<sup>29</sup> to other locations about the use of these machines and their software. There has surprisingly been a bit of media coverage here<sup>30</sup> and here<sup>31</sup> and here.<sup>32</sup> One has to think the problem is partly because of the lax security steps with these machines the State Election Commission takes on behalf of citizens. No one checked any of these machines – or their software -- when they enter Tennessee or their designated county to be sure everything is on the up and up. No independent IT/cybersecurity technician performed an analysis on the machines while the SEC was concerning their request to enter Tennessee. The SEC purely takes the word of the EAC and machine vendors.

We don't think they've heard the Ronald Reagan admonition... "Trust but verify." Which is why we have no faith in the State Election Commission.<sup>33</sup>

**Second, despite agreeing in 2021 to recertify all brands of voting equipment used in Tennessee, the State Election Commission has done nothing with this promise to all 95 county election commissions to verify machine security and has punted the process to 2023 and 2024 without an explanation or publicized Commission decision.**

This has been a complete, abject failure on the part of the Tennessee State Election Commission, Mark Goins and Tre Hargett.

Following the November 3, 2020 election when news stories began flying about Dominion voting machines and its Director of Sales/Security Eric Coomer's pre-election promise emerged that he would

<sup>27</sup> [https://www.theepochtimes.com/even-in-red-tennessee-election-integrity-an-uphill-battle\\_4047323.html](https://www.theepochtimes.com/even-in-red-tennessee-election-integrity-an-uphill-battle_4047323.html)

<sup>28</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/02/Remaining-problems-Willco-elections-2-022822.pdf>

<sup>29</sup> <https://www.cisa.gov/uscert/ics/advisories/icsa-22-154-01>

<sup>30</sup> <https://uncoverdc.com/2022/06/06/cisa-advisory-report-admits-voting-machine-vulnerabilities-denies-exploitation/>

<sup>31</sup> <https://beckernews.com/elections-security-watchdog-blows-the-whistle-on-serious-vulnerabilities-in-dominion-voting-systems-machines-45214/>

<sup>32</sup> [https://theconservativetreehouse.com/blog/2022/06/04/homeland-security-admits-dominion-voting-systems-have-inherent-vulnerabilities-easily-manipulated-by-local-election-officials](https://theconservativetreehouse.com/blog/2022/06/04/homeland-security-admits-dominion-voting-systems-have-inherent-vulnerabilities-easily-manipulated-by-local-election-officials/?utm_source=rss&utm_medium=rss&utm_campaign=homeland-security-admits-dominion-voting-systems-have-inherent-vulnerabilities-easily-manipulated-by-local-election-officials)

<sup>33</sup> <https://revealthesteal.blogspot.com/2022/06/rise-of-machines.html>

ensure that President Trump would lose his election because “I’ve made sure of it,” Williamson Countians began seeking answers from the Williamson County Election Commission (WCEC) about the Dominion machines on which they had just voted. This was also the time when our group was born and its founders weren’t sure if anything had happened in the county because of Dominion, but they felt they needed to at least look into the matter.

On January 11, 2021, the WCEC sent the SEC a letter asking them to reexamine all Dominion voting machines<sup>34</sup> because of the concerns of citizens. As Williamson County Election Administrator Chad Gray said in his note, reexamination needed to be done “to ensure that such machines meet the minimum criteria for certification pursuant to TCA 2-9-117” and “to maintain and ensure confidence in the sanctity of the ballot for the voters of our county.”

By that, most citizens would expect the reexamination would be done before the next Williamson County election ten months later to ensure Williamson Countians had faith in their voting machines in the October 2021 election. But neither a reexamination nor recertification were done. Williamson Countians voted on Dominion machines in the October election after all.

And in that election, six Dominion voting machines stopped counting votes. Not the best performance for the brand. Proof that the SEC’s approval process had done little to protect citizens and the WCEC.

You would think that event alone would have sped up the State Election Commission on its process of examining the machines. Especially since six months prior to that election they had agreed they would recertify the machines.<sup>35</sup> But you’d be wrong.

At their April 5, 2021 meeting, Commissioner Tom Wheeler made a motion to review ALL brands of voting machines in Tennessee, not just the Dominion machines. It was seconded by Commissioner Kent Younce. The motion passed unanimously, and a three-member ad hoc committee was formed (Blackburn, McDonald and Younce) to review the machines.<sup>36</sup> In their minutes, there was no mention of a deadline for this committee’s results.

At its July 12, 2021 meeting, the Commission discussed the recertification process a little more<sup>37</sup> and the group agreed that the election staff would work with the vendors and State Election Commissioners to set up a review schedule (which you would assume has a targeted end date) for these recertifications. As the typical election machine certification process involves the Election Assistance Commission (EAC) and their Voting System Testing Laboratories (VSTL),<sup>38</sup> it can also best be assumed that those entities would be involved in recertifying these five brands of machines in Tennessee. But neither the process – nor participants nor a date for completion of this recertification effort -- was spelled out verbally or in the minutes.

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<sup>34</sup> [https://sos-tn-gov-files.tnsosfiles.com/20210405\\_SECMinutes.pdf](https://sos-tn-gov-files.tnsosfiles.com/20210405_SECMinutes.pdf)

<sup>35</sup> [https://sos-tn-gov-files.tnsosfiles.com/20210405\\_SECMinutes.pdf](https://sos-tn-gov-files.tnsosfiles.com/20210405_SECMinutes.pdf)

<sup>36</sup> [https://sos-tn-gov-files.tnsosfiles.com/20210405\\_SECMinutes.pdf](https://sos-tn-gov-files.tnsosfiles.com/20210405_SECMinutes.pdf)

<sup>37</sup> [https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20210712\\_SECMinutes.pdf](https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20210712_SECMinutes.pdf)

<sup>38</sup> <https://www.eac.gov/voting-equipment/certified-voting-systems>

At the meeting, Hart InterCivic presented their Verity Voting 2.5 voting machine and ES&S presented their Election Management System EVS 6.1.1.0 (not their precinct voting machine equipment) for approval to begin to be used in Tennessee. Nothing was said in the meeting or in the minutes that these two brands were now being recertified as part of this recertification effort. Also at the meeting, the Commission agreed to allow our Tennessee Voters for Election Integrity (TVEI) group to present at the Commission's October 11, 2021 meeting our election integrity research findings and possible solutions. Commissioner Greg Duckett asked that Dominion be present for the meeting to allow the company to voice any concerns about the TVEI presentations. For whatever reason, Dominion never appeared.

At the October 11, 2021 Commission meeting, our group made its presentation<sup>39</sup> and there were some spirited discussions about our findings (minus Commissioner Younce, who angrily walked out of the meeting). But there were no questions or requests from the Commission or bureaucrats present for further talks concerning several of the more egregious vulnerabilities we presented. Additionally, there was no report verbally or in the minutes about the recertification process and no vendor – including Dominion -- presented their machines at the meeting. Chairman Blackburn did offer at the end of the meeting that the recertification process was being delayed until the January 10, 2022 meeting. The Commission also canceled the October 25, 2021 Commission meeting.

Its next meeting was January 10, 2022, one day shy of a year since the Williamson County Election Commission presented to the state Commission its request for a re-examination of its voting machinery.<sup>40</sup> Nothing was said about the fact that six SEC- and EAC-certified Dominion machines had stopped counting votes in the October 26, 2021 Franklin Alderman election. Not a word.

Hart InterCivic presented an upgrade of its Verity Voting 2.5 machine to the Commission, which was approved and there was no discussion verbally or in the minutes that this was part of the recertification process. In fact, there was no mention of the recertification process or timetable period.

What was frightening, though, and seemed to go over everyone's head, was the fact that Hart's request was to upgrade their machines in Tennessee from Windows 7 (which Microsoft stopped supporting on January 14, 2020) to Windows 10. That meant that all Hart machines in the state were at high security risk before, during and after the November 2020 election since security patches were not being installed by Microsoft. What were administrators doing in the 25 or so counties that had Hart machines? Were they patching them? If so, how? Or did they even know they needed to be patched? Most of those county election commissions don't contain IT security expertise. None of these questions were discussed, although we did send Goins a follow-up note about this vulnerability. And where was the State Election Commission staying on top of this security situation? What about the Secretary of State's IT personnel? We're not sure, but we know there were no other machines inspected for recertification, upgrade or anything else at the meeting.

By this time, if we were on the Williamson County Election Commission – or any county election commission in Tennessee, for that matter -- we would be getting a little ticked that the SEC was

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<sup>39</sup> [https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20211011\\_SECMMinutes.pdf](https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20211011_SECMMinutes.pdf)

<sup>40</sup> [https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20220110\\_SECMMinutes.pdf](https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20220110_SECMMinutes.pdf)

completely ignoring our security concerns. And the concerns of the citizens for whom the county commissions work. Especially given what had occurred with the Dominion machines in October 2021.

So, let's turn to the SEC's next quarterly meeting on April 11, 2022, more than a year since the Commission agreed to recertify all five brands of voting machinery in Tennessee.

Since nothing had been said in previous meetings (including telephonic meetings) verbally about the recertification process – or its timetable – our group felt we needed to publicly ask the question at the April meeting: “Was the SEC going to honor its commitment to recertify machines?” So, on March 10, 2022, we asked Kathy Summers, Mark Goins’ assistant, if we could get on the April 11<sup>th</sup> agenda to ask a question. Summers said she’d have to ask Chairman Judy Blackburn. Almost two weeks later, hearing nothing back, we asked again on March 22 and March 29 if we could ask a question.

(Isn't this strange that we're having to ask again and again if we can speak at a public meeting?)

Summers finally said Blackburn wanted to know what questions we wanted to ask. So, on March 30, we sent her the two questions. The one regarding recertification had to do with Mark Goins’ September 28, 2021 memo to all Tennessee election machine vendors asking each vendor to address the presence of “modems” in their machinery. Our question: “Was that question about “modems” going to be the extent of the SEC’s recertification process since there had been no other information about the recertification process?”

(Keep in mind that in the tech world, the word “modem” that Goins used is a generic term for wireless items. Machine vendors could take the word and question vaguely or literally or anyway they wanted. Which they did. The question should have been more succinctly framed: “Do the machines contain any wireless technologies, such as Bluetooth, ethernet, iDRAC chips, Telit chips or Qualcomm chips?” Our research has uncovered those wireless technologies in voting machines that have been approved by the EAC.)

With no reply, we had to ask Blackburn immediately before the meeting if we could voice our two questions. She said she’d deny the recertification question (Why?) but allow the second, which concerned: “What would it take for the SEC to demand that vendors meet the latest (2021) EAC security certifications in order to protect the sanctity of citizens’ vote?”

In the end, after all we had done to politely find answers to our questions from this public commission, she allowed neither, gaveling the meeting closed without allowing us to ask our question.

When pressed after the meeting about the lack of truthfulness in her pre-meeting word, Blackburn made inane statements such as “you are the only person in Tennessee worried about election integrity” and that our “question would not receive a new answer than before...” whatever that meant. She said the machines would be recertified in 2023 (now, when was that decided? It wasn't in a public meeting, nor was it documented in minutes), which is the next year when they’re to be recertified anyway.

So much for honoring its promise to Williamson County and all other counties in the state and their citizens about recertifying all machine brands for the sake of security. Yes, the fact that Williamson

County has since moved to ES&S machines means that Dominion is off the hook in Williamson County. But Dominion still operates in Hamilton County and there's still plenty of time for other brands of machines to misbehave or be less than transparent during voting, which remains our concern. That has proven to be the case with ES&S already.

This example is why consumers have no confidence in voting machines or the commissioners of state election commissions or even the EAC and its VSTLs to protect citizens.<sup>41</sup> The SEC has proven how (ir)responsible it is to local election commissions and the voters they represent... and to the idea of election integrity. They agree to take security steps that could benefit all citizens and then they somehow, outside of the public eye and ear, in private, over a year later, change their minds. They've virtually flipped the WCEC – and all other election commissions -- the bird.

How could one come to any other conclusion? When it gets down to it, they really don't care about voters, county commissions or election integrity.

**Third, the bureaucrats behind the Tennessee State Election Commission – State Coordinator of Elections Mark Goins and his staff – go out of their way NOT to talk with consumers. Especially if those consumers have a different opinion about election integrity than they do. They reveal very well the snooty side of public service.**

In 2021, the Secretary of State had a mission statement on his website:

*The mission of the Office of the Secretary of State is to exceed the expectations of our customers, the taxpayers, by operating at the highest levels of accuracy, cost-effectiveness, and accountability in a customer-centered environment.*

Interestingly, today the mission statement is no longer on the site. Which is probably quite predictive as their staff has proven themselves to no longer be customer centered. If they ever were.

While Election Coordinator Mark Goins works closely with the Tennessee State Election Commission, the Secretary of State's office provides administrative support and guidance to the SEC. But neither he nor his administrative support person, Kathy Summers, have any desire to communicate with or listen to citizens when questions arise about the state's election machines and processes. Here's what we mean.

On July 7, 2021, our group made a personal presentation of our statewide research findings to Secretary of State Hargett and Elections Coordinator Goins. Following the presentation, Hargett told us we're not telling the whole story in our presentation, that there are a lot of good things that Tennessee has done for election integrity. That is true, there are good things the state has done. But that was not the purpose of our meeting. Our purpose, as stated in our mission statement and in the meeting set-up, was to share research we had conducted about issues and vulnerabilities that needed to be addressed. We had assumed we didn't need to waste time telling Hargett and Goins things they already knew, but to spend time discussing issues and begin to address them.

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<sup>41</sup> <https://revealthesteal.blogspot.com/2022/06/rise-of-machines.html>

We were wrong.

At the end of the meeting, we handed a hard copy of the presentation to Goins and asked that he please identify anything we are saying that was untrue or needed to change. Over the following 15 weeks, we followed up with six calls and emails requesting his input and received nothing. One of the emails was sent to our State Senator, three House Representatives and the WCEC Chairman. But, again, there were no answers. From anyone. We stopped asking after Goins said nothing to us at our October 11, 2021 presentation about any concerns he had with the presentation.

On July 12, 2021, two members of our group attended the SEC's quarterly meeting where Hart InterCivic and ES&S presented several pieces of equipment for certification by the SEC for use in Tennessee. The next day, we sent several questions to Kathy Summers just seeking clarification of several statements made during the day's meeting. No answers came.

Over the next four weeks we sent three emails to Summers seeking her explanation of what occurred, with nothing coming back from her. Not even confirmation that she had received any of the messages or was working on answers to our questions. Finally, on August 12, we carbon copied Mark Goins on the email and later that night he responded. But he sidestepped several of our questions. So, we sent a follow-up email to Goins the next day for clarification. But we received nothing back. On September 21, 2021, we sent another request for clarification and cc'd the WECE Chairman and our Williamson County delegation. Crickets. Nothing from anyone. No calls, no emails, no messages, no questions. We quit asking following the October 11<sup>th</sup> meeting where neither Goins nor Summers answered our questions.

Maybe this is why the mission statement no longer exists?

During the July 12, 2021 SEC quarterly meeting, we also asked several security-related questions of Hart and ES&S. The representative from both election equipment vendors gave us their cards and instructed those questions should be directed to the addresses on the cards. We sent our questions to the representatives (as well as the MicroVote representative, who also gave us her card). We followed up several times and eventually got an answer back from Hart... saying that they weren't going to answer any of our questions because we weren't election officials. We got nothing back from ES&S or MicroVote. Not even an acknowledgement.

So, we packed up the questions for all five vendors and with the help of a former House Representative, got all the questions personally into the hands of Mark Goins, asking him to send the questions to vendors for answers since he was an election official. Over the next two months, we followed up with emails, receiving nothing back in return. Again, Goins said nothing to us on October 11<sup>th</sup> so we dropped our follow-up, as well as our hope for a bureaucrat who could help us with our questions.

Following the January 10, 2022 SEC quarterly meeting, where Hart announced a "small" change to their machines in Tennessee – upgrading from Windows 7 to Windows 10 – we sent a final note to Goins asking what was done in those counties from January 2020 to January 2022 when Microsoft was no longer sending security patches to these machines? We suspected the answer would be "nothing,"

which meant those machines were, indeed, at great risk for hacking because of the lack of security protections. We suspect Hart – and Goins – knew this.

Once again, we heard nothing back from Goins nor Hart. Probably because he knew we were right and neither he, nor anyone at the Secretary of State's office, nor anyone on the Tennessee State Election Commission were paying any attention to this vulnerability that affected at least a quarter of the counties throughout the state.

In addition to this being anything but customer-friendly, this is appalling.

**Finally, with no process in place for citizens to either complain or seek to reprimand the Tennessee State Election Commission for what they do – or don't do -- it is apparent that the Commission is a group of bureaucrats that does what they want and feel they owe no loyalty to the customers for whom they work – the electorate of the state of Tennessee.**

In 2021, Williamson County citizens had a number of concerns about a Commissioner on the Williamson County Election Commission (WCEC) and wanted to complain about her blatant political and personal public statements denigrating conservatives in the county. The members of all Tennessee election commissions take an oath according to their Code of Ethics to be a-political in everything they do while serving on the Commission. But this Commissioner had formed and led a highly left-wing political group in the county. During her tenure on the Commission, she continued leading this group which vilified citizens who didn't share her political leanings.

She was eventually chastised by the WCEC Chairman for this. But when it came time in 2021 for her to be re-appointed to her position, a number of Williamson Countians wrote to the SEC – and, particularly to Commissioner Mike McDonald, who had appointed her in the first place – asking the Commission to not renew her appointment. McDonald never responded to the formal complaint about the WCEC Commissioner or shared it and the subsequent complaints about her performance with any other SEC Commissioner. He apparently simply ignored everything, including letting his fellow SEC Commissioners know what was going on. The SEC approved her reappointment seemingly without knowing the extent of citizen distrust of this local commissioner.

If the SEC is not going to take action when an alleged violation has occurred and evidence of citizen distrust provided, why bother having a Code of Ethics?

Tennessee's state election commission is required by statute (TCA 2-12-101 (b)) to "remove a commissioner who becomes unqualified and may remove or otherwise discipline a commissioner for cause." Further, the Tennessee Secretary of State's website indicates the SEC members are supposed to "monitor the activities and performance of the 475 Tennessee county election commissioners."

Our colleague, along with sixteen other county residents, submitted complaints and a substantial amount of documentation, providing evidence that this commissioner had violated the Code of Ethics and is extremely biased. They felt this individual is not able to perform her duties in a fair and impartial manner, as required.

The colleague also repeatedly asked in writing of the SEC members, Mark Goins and Secretary Hargett whether they believe the SEC has a duty to investigate such complaints. But he never received a single response.

Unfortunately, the SEC ignored all of these complaints and documentation, as has the Secretary of State.

So, our colleague dug deep into the General Assembly, the state government and into other entities to find out to whom in the General Assembly does the SEC answer? He found scant information about their reporting or appointment structure. No one with whom our colleague talked could confirm any relationship, reporting structure or direction over the SEC. By definition that makes the SEC almost a rogue commission.

Our colleague then worked with several Representatives in 2022 developing a structure for better monitoring by citizens of the SEC and, by extension, all 95 county election commissions. With the help of a Williamson County State Representative, bill HB 2011/SB 2877 was introduced in the 112<sup>th</sup> General Assembly<sup>42</sup> which would establish a formal process by which a citizen may file a complaint with the state election commission alleging malfeasance or neglect of duty by a member of the state election commission or a county election commission.

A great bill that would help consumers keep the Tennessee State Election Commission and its tentacles in check. It died in committee. Sadly, holding bureaucrats responsible for their work and jobs is not important to legislators.

Taken individually, these four situations are disappointing. Taken together, they show a pattern of behavior of all who surround and compose the Tennessee State Election Commission. They are anything but customer-oriented and a complete letdown when it comes to protecting the citizens of Tennessee to ensure that election integrity and security are uppermost in their minds and actions.

### **Recommendation**

We believe the Tennessee State Election Commission could play a strong role in helping keep Tennessee elections safe from nefarious actions of rogue players who want to change election results throughout the state.<sup>43</sup> But several things need to happen.

- **First, most of the current members need retire from the Commission and be replaced with more tech-savvy members.** After witnessing a number of SEC meetings, we believe there are only a few current members of the Commission that might come close to understanding election machine technology and the potential it has for dramatically disrupting the election process throughout Tennessee. Perhaps these few might remain on the Commission. But because of the increasing role that technology is playing in elections thanks to EAC and SEC

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<sup>42</sup> <https://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2011>

<sup>43</sup> <https://tennesseestar.com/2022/02/04/commentary-states-have-the-power-to-restore-faith-in-our-electoral-system/>

officials, as well as election commissions and legislators nationwide who seem oblivious to the threat that technology plays, we feel the SEC needs new Commission members who are highly trained in technology and data. Despite an abundance of verified evidence across the country that election machinery can be hacked and election results changed, current SEC members and bureaucrats refuse to admit that technology could be a trojan horse. And given all that we've researched and presented so far, for these existing Commissioners to close their eyes to this fact – in fact, not even be curious about these truths -- is frightening. In essence, most of these Commissioners are no longer protecting the citizens. They are protecting the election machine vendors. They need to go.

- **Second, a special council of technology experts should be formed by the Commission to help Commission members work through sticky issues with the certification and delivery of voting machinery... until the machinery can be removed from the process entirely.**<sup>44</sup> This special council should include IT/data/cyber security/process control professionals, as well as industrial/process engineering skills, from across the state. These experts could advise the Commission in technology and processes surrounding the approval of machines that may enter Tennessee, until all technology is jettisoned from the election process. In turn, this council should establish regional teams of technology experts who can thoroughly check out every new shipment of election machinery to a county BEFORE it is put in use to ensure there are no nefarious technologies contained therein. Right now, this is not done by the SEC, meaning citizens must trust the word of voting machine vendors and government entities such as the EAC for their security protection. Yes, machine vendors are under the penalty of perjury to ensure that bad technology doesn't happen but given the vendors' collective lack of transparency and the recent event of EAC-, SEC-, and WCEC-approved Dominion machines that stopped counting votes in a Franklin election,<sup>45</sup> there must be independent verification of the technology that is inside these machines. "Trust but verify" should be the motto of these teams.
- **Third, if the State Election Commission is going to do its job, it needs to require Voluntary Voting System Guidelines 2.0 certification of all voting systems in the state, or the state removes the vendor and machines from Tennessee.** In view of their refusal to inspect or recertify the five voting systems in Tennessee, the SEC should demand that each system be certified against the VVSG (Voluntary Voting System Guidelines) provided by the United States Election Assistance Commission (EAC) or thrown out of the state. The VVSG Version 2.0 was adopted on February 10, 2021. It appears to be a robust set of criteria for both election systems and procedures, with the latest version offering significant upgrades in the areas of system integrity, cyber security, data protections, auditability, and testing. But the SEC must take the bold stand of demanding vendors adopt these standards and be able to prove it, or they are kicked out of Tennessee. Paper ballots and hand counting of ballots on election night is a viable alternative to having untrustworthy equipment in the process.

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<sup>44</sup> <https://fox17.com/news/local/tennessee-lawmaker-proposes-eliminating-voting-machines-for-paper-ballots-starting-in-2022-politics-democrat-republican-usa-news>

<sup>45</sup> <https://www.cisa.gov/uscert/ics/advisories/icsa-22-154-01>

Unfortunately, the EAC last year approved allowing vendors to make changes in these standards such as allowing machines to contain wireless network devices. The move has cost the EAC one of its lead Board members who has resigned because of this irrational move and is now suing the EAC.<sup>46</sup>

All five voting systems on which Tennesseans vote are currently certified only to a Version 1.0 certification from 2005 and have not been certified to either of new newer versions of VVSG (version 1.1 adopted in 2015, or version 2.0 adopted in 2021). The first iPhone was launched in 2007 and is more secure, has greater technology guardrails and is certified higher than any of the equipment on which we vote in Tennessee. That is frightening and must change. And the SEC must demand this change. If not, they are useless to citizens.

- **Fourth, if the SEC won't demand adoption of the VVSG 2.0, then the state should develop a Minimum Voting System Requirements (MVSR) mapped to VVSG 2.0 for Tennessee software selection and certification process.** As mentioned, as of May 27, 2021, no voting systems used in Tennessee have been Election Assistance Commission (EAC)-certified to be compliant with VVSG 1.1 or VVSG 2.0, according to Jonathon Panek, EAC Testing and Certification Director. This is alarming. The newer guidelines provide more robust security safeguards and should strongly be considered as critical standards to be met in a risk audit or recertification process. Since no software vendor is likely to immediately be compliant with VVSG 2.0 during this current process, it is recommended the Tennessee State Election Commission develop their own minimum requirements (MVSR) for Tennessee voting systems by identifying and prioritizing VVSG 2.0 standards. This document would then be used to evaluate and certify the top five software vendor brands. Our group offered a well-thought-out process for this, which was ignored by the SEC in our October 21, 2021 presentation.<sup>47</sup> It should be taken seriously now that the 2022 demise of Dominion in Williamson County proved these machines are vulnerable despite all sorts of certifications and approvals.
- Fifth, because of its questionable personnel choices and poor performance over the last number of years that has caused Board members to quit and sue the Election Assistance Commission for highly problematic practices,<sup>48</sup> **and Dominion to be kicked out of a county, the SEC should move away from using the EAC as the certifier of election equipment in Tennessee.** There are certainly other, more trustworthy technical entities around the nation that can independently check and certify election voting equipment for use. Ones that are not tied to machine vendors and are bound by contractual restraints from getting too close to machine vendors. Ones that can't choose which voting system testing lab can test their equipment for certification. According to the 2002 Help America Vote Act (HAVA), participation by states in the EAC certification program or adoption of the VVSG is totally voluntary.<sup>49</sup> Let's find another

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<sup>46</sup> <https://freespeechforpeople.org/u-s-election-assistance-commission-sued-for-improperly-loosening-voting-system-standards-after-private-meetings-with-voting-machine-manufacturers/>

<sup>47</sup> <https://tennesseelectionintegrity.com/wp-content/uploads/2022/03/Security-Risk-Evaluation-Process-4-FINAL-031322.pdf>

<sup>48</sup> <https://dailycaller.com/2021/07/14/election-assistance-commission-voting-lawsuit/>

<sup>49</sup> <https://www.eac.gov/voting-equipment/frequently-asked-questions>

certification entity we can trust. Or let's move to paper ballots and hand counting of ballots, which we did successfully for several hundred years.<sup>50</sup> That's what France does right now.<sup>51</sup>

- **Sixth, if we must continue using machines in our election process, the Tennessee State Election Commission should demand that only open-source voting machines with open-source software and firmware be used in the state's voting machines,** so both can be inspected thoroughly by experts to ensure against questionable technologies therein. Right now, no county or state commission or Commissioner or technology expert can inspect the machines. No one. Credible businesses would never allow this to occur on products or services they must purchase and use in their processes or resale to customers. Yet citizens are told they must take the word of these highly opaque companies and meek commissions concerning the trustworthiness of the machines. This must change. In the interim, all machines should undergo a Security Risk Assessment before they are allowed to be used in the state.<sup>52</sup>
- **Seventh, legislators or candidates that truly understand the challenges of election integrity today and the technology that is bulldozing this most precious benefit of being an American into an unrecognizable mess, need to be identified, touted, supported and elected.** Before they run or gain their seats, candidates need to be educated into the election integrity issue and the potential value of the Tennessee State Election Commission. They probably should make election integrity a key plank of their campaign and service in the General Assembly. More than anyone else, they should care about the integrity of elections today, as their future in the General Assembly depends upon a fair and transparent election. And they should hold the SEC accountable for what it does – and doesn't – do. Citizens must regain their trust in Tennessee elections and legislators – and the SEC – could be key to that.<sup>53</sup>
- **Eighth, more media exposure should be pursued to shine more light on the practices of this Commission and its members.** Most Commission members have proven they do not want to work with citizens that bring concerning issues to their meetings.<sup>54</sup> So, if our appeals for them to address these vulnerabilities are ignored, then it may well be time to pull in media exposure to better enlighten the public to the behavior of the SEC.
- **Finally, if necessary, a lawsuit should be filed against the State of Tennessee** for failing to make the State Election Commission follow statutory law and fulfill their Code of Ethics and mission of protecting the citizens of Tennessee against election machine vendors and nefarious actors. These individuals were selected by someone to do an important job for citizens. They're not performing well and that needs to change if citizens ever hope to regain their lost trust in the state's election process.

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<sup>50</sup> <https://conservativebrief.com/judge-31-64656/>

<sup>51</sup> <https://abcnews.go.com/International/wireStory/voting-france-paper-ballots-person-hand-counted-83992829>

<sup>52</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/03/Security-Risk-Evaluation-Process-4-FINAL-031322.pdf>

<sup>53</sup> <https://dailycaller.com/2022/07/24/opinion-election-integrity-restores-voter-confidence-increases-turnout-and-strengthens-our-democracy-spencer/>

<sup>54</sup> [https://www.thepochoptimes.com/even-in-red-tennessee-election-integrity-an-uphill-battle\\_4047323.html](https://www.thepochoptimes.com/even-in-red-tennessee-election-integrity-an-uphill-battle_4047323.html)

### **Conclusion**

As has been proven again and again, government and government bureaucrats have a tendency to let power go to their heads:

- When they remain unchecked.
- When they answer to no one;
- When they stop listening to citizens who come to them with exhaustive research seeking their help in addressing legitimate vulnerabilities that exist in the state's election system;
- When they are so arrogant that they angrily get up and storm out of a presentation by citizens because they don't like what they're hearing; and
- When they forget for whom they work.

While we've identified some ways the SEC can be improved in what it does to where it could become once again a force for fair, transparent and trustworthy elections, the Commission continues to prove they care little about election integrity and the oath they took to be an advocate for citizens in anything having to do with elections in the state of Tennessee. They have become the epitome of today's government bureaucrat and the group, and its processes, need to be summarily changed.

It will take new people, new leadership, a new mindset and a new focus. But it can, and should, be done.

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