

# State of Tennessee



The Secretary of State  
State Capitol  
Nashville, Tennessee 37243-0305

Tre Hargett  
Secretary of State

615-741-2819  
Tre.Hargett@tn.gov

February 16, 2022

Commissioner Robert Brown  
Chairman  
Williamson County Election Commission  
405 Downs Boulevard  
Franklin, TN 37064

Dear Chairman Brown and members of the commission,

Due to the urgency of the pending May election, we wanted to inform you that it is our recommendation that Dominion voting machines not be used in Williamson County. As further discussed below, Dominion has not provided suitable service to the Williamson County Election Commission.

The Williamson County Election Commission purchased the Dominion D-Suite voting system in 2019. In the configuration used by Williamson County, the voter makes selections on an ImageCast X (ICX) ballot marking device, reviews their selections on a printed ballot, and inserts the ballot into an ImageCast Precinct (ICP) optical scanner to be counted. In 2021, the firmware was updated from version 5.5 to version 5.5-B.

As you are aware, an issue occurred in the 2021 Franklin City Election where the tapes from several scanners did not match the number of votes cast, but the centrally tabulated results contained all of the results. After identifying the issue on election night, you completed the count the next day by hand counting the ballots. The following summarizes information regarding the steps taken to determine the cause and a solution for the issue.

- **August 2021** – Dominion programs the election for the Franklin City Election. Williamson County Election Commission staff notifies Dominion that the election has been programmed incorrectly. Dominion must reprogram the election because they initially based it on the 2019 election conducted prior to implementation of vote centers.
- **October 26, 2021 (Election Day)** – Tapes printed from 7 of 19 scanners used in the election did not contain all ballots cast on the scanner, but all ballots are counted in the central tabulation when results are delivered to the election commission office based off the hand count.

- **October 27, 2021** – Williamson County Election Commission completes the unofficial count by hand counting paper ballots.
- **November and December 2021** – The state has discussions with the federal Election Assistance Commission regarding the Franklin City Election.

State election officials, local election officials, and technical staff visit Williamson County to review equipment used in the election. The scanner audit logs show a high number of affected ballots.

As part of the testing, ballots from one vote center are recreated and processed through several scanners. The issue is replicated randomly on multiple scanners. The tape printed from the scanner contains all results until the first affected ballot. For example, if a batch of 10 ballots was scanned and ballot 6 in the stack was affected, the tape would show only 6 votes.

- **December 2021** – Coordinator Goins notifies Williamson County that he is going to request further review from a federal voting system test laboratory (VSTL).
- **January 19-22, 2022** – Representatives from the EAC and both VSTLs (Pro V&V and SLI Compliance) conduct testing on the equipment in the presence of the Secretary of State and Division of Elections staff.

The issue is once again replicated randomly. The following observations are made:

- When the 2019 election project was copied to create the 2021 election project, the device configuration file (DCF) and machine configuration file (MCF) from 2019 were also copied. The 2019 configuration files are associated with D-Suite 5.5 instead of 5.5-B.
- The configuration files did not match the firmware version of the ICX and ICP, resulting in a configuration that had not been previously tested for certification by the VSTLs. Neither the ICX nor the ICP displayed any kind of error notification about an improper configuration or about the mismatch between the number of ballots cast and the number of ballots on the tape.
- When an election project is created from scratch in 5.5-B with the correct configuration files and loaded onto the ICX and ICP, limited testing showed no scanner errors.

Dominion representatives have complained about lack of access to the equipment since the Franklin City Election. At all times since the issue was identified, however, Dominion has had access to the election that they programmed for Williamson County and the ability to conduct their own testing.

Given the questions regarding the cause of the issue in the Franklin City Election, the voting system cannot be used in its current configuration in 2022. Although the May election is approaching quickly and poll workers need to be trained before early voting begins on April 13, it is our recommendation that you seek a new voting system for the elections this year.

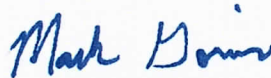
We stand ready to assist you however we can, including with funds available through the Help America Vote Act. The immediate question will be one of process to determine the proper procurement process under the abbreviated time frame. A short-term lease may be the most feasible option.

We recognize the difficult position you are in. Please let us know how we can help you throughout this process, and thank you for your service to the voters of Williamson County.

Sincerely,



Tre Hargett  
Secretary of State



Mark Goins  
Coordinator of Elections