



## OP-ED: HERITAGE FOUNDATION'S ELECTION INTEGRITY SCORECARD MISSES MARK IN TENNESSEE

Imagine going for a physical and after checking your pulse, the doctor pronounces you in tip-top condition. No checking your blood pressure or respiration; no examination of your heart, vision, hearing or reflexes; no lab work, or x-rays, etc.

"Trust me, everything is fine," the doctor says.

If you believe that having a strong pulse is all you need to ensure your entire body is healthy, you would leave the doctor's office with a false sense of security that all is well, when, in reality, a serious disease may be lurking undetected.

That's our concern with The Heritage Foundation's Election Integrity Scorecard, which [recently rated Tennessee the #1 state in the nation for election integrity](#).<sup>1</sup>

But the scorecard and its categories only focus on ONE aspect of election integrity — [legislation governing elections](#) — resulting in an incomplete and misleading picture of our state's electoral health and giving citizens a false sense of security.

And that limited focus is what election bureaucrats and others have gotten all wrong.

The scorecard has a laudable goal: ["To give states and their residents and lawmakers a clear picture of whether their election laws and regulations meet best practices standards for fair, secure, and honest elections."](#)<sup>2</sup>

However, while legislation is an important aspect, issues such as the administration of an election, the vulnerabilities of voting machines and other technologies used in the process can easily change the outcome of an election.

Just like looking only at a person's pulse will not reveal other serious medical issues in a patient.

Interestingly, the scorecard gave Tennessee a "0" on election litigation. Maybe that's because a lot of election integrity bills submitted to the 2022 General Assembly never made it out of subcommittees.

- Just like HB 2074, which would have given citizens the option for hand-marked ballots with security markings...
- Or HB 2305, which would have established a state crime team to help local law enforcement catch and punish those who violate election rules...

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<sup>1</sup> <https://www.heritage.org/election-integrity/commentary/midyear-look-shows-improvement-state-election-integrity-laws>

<sup>2</sup> <https://www.heritage.org/election-integrity/commentary/how-earn-voters-trust-the-heritage-foundations-election-integrity>

- Or HB 2011, which would have filled an accountability gap by establishing a formal process in which a citizen could file a complaint with the State Election Commission (SEC) “alleging malfeasance or neglect of duty by a member of the state election commission or a county election commissioner.”

Tennessee got a perfect score from Heritage on citizenship, yet the state does not mandate authorized Registrars to request proof of citizenship or consult the Systemic Alien Verification for Entitlement (SAVE) program database at registration to ensure voters are eligible citizens.

Most distressingly, the scorecard doesn't address the proven liabilities in the voting machines, the total lack of transparency by voting machine vendors or the administration of elections.

Or that the state's remedy for the [70% of Tennessee counties that CAN'T audit their elections because their voting machines don't produce a paper ballot...](#)<sup>3</sup> is for the state to buy more machines that produce a paper ballot. (Wouldn't it be a lot easier and cheaper for those counties to simply move to a hand-marked, high-security paper ballot that is counted by hand?)

The scorecard also doesn't speak to the state wanting more counties to move away from citizens voting in neighborhood precincts. [Instead, election officials want citizens voting around the county in fewer, but larger, voting centers that must be connected by the Internet.](#)<sup>4</sup> Yes, it offers the convenience of voting anywhere, but it doesn't offer citizens the CONFIDENCE that their votes will not be tampered with since neighborhood precincts don't need Internet connectivity.

As Heritage points out in introducing the scorecard, existing legislation is only as good as the state's willingness to enforce it. For example, T.C.A. 2-12-101 (b) says that the State Election Commission should remove a commissioner who becomes unqualified or may remove or discipline a commissioner for cause.

Yet the SEC, the Coordinator of Elections and Secretary of State have completely ignored well-documented citizen complaints of a Williamson County election commissioner's code of ethics violations and refused to enforce a statutory law designed to ensure county election commissioners are acting appropriately and in an unbiased manner.

That's not covered by the scorecard.

Or when the SEC [agreed at their April 5, 2021 meeting to re-certify](#)<sup>5</sup> not only Dominion machines used in two counties, but all brands of machines used across Tennessee following issues raised by citizens in 2020 and 2021 about the machines. But, sadly, almost a year-and-a-half later, despite pleas from

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<sup>3</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/01/No-paper-in-70-of-counties-on-which-to-vote-audit-012522.pdf>

<sup>4</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/09/Voting-centers-an-opening-for-deceit-6-090422.pdf>

<sup>5</sup> [https://sos-tn-gov-files.tnsosfiles.com/20210405\\_SECMinutes.pdf](https://sos-tn-gov-files.tnsosfiles.com/20210405_SECMinutes.pdf)

citizens, [the SEC has done NOTHING about recertifying machines...](#)<sup>6</sup> which they promised local commissions they would do.

Or the fact that no IT technician, election commissioner or election official anywhere in Tennessee is allowed to inspect the inner workings of the voting machines. [Everyone must take the word of the machine vendor that there is no nefarious tech or software inside the machines.](#)<sup>7</sup>

That was the case when six Dominion scanners/tabulators stopped counting votes in the middle of the day in the October 2021 election in Franklin. Those machines had been certified and approved by the SEC, the Election Assistance Commission (EAC) and their Voting System Testing Laboratories (VSTL) for use in our elections. Afterwards, the [EAC](#)<sup>8</sup> and [Cybersecurity Infrastructure Security Agency \(CISA\)](#)<sup>9</sup> had to issue nation-wide alerts.

The Heritage scorecard doesn't account for issues like these.

It's true that Tennessee has a lot of good election laws in place when compared to other states. Tennessee requires a photo voter ID for voting; we don't mail out ballots in mass; we don't allow ballot drop boxes, and we don't allow rank choice voting, for instance.

But there are plenty of concerns and exposures with our voting system beyond voting laws that gravely worry us.

In truth, the Heritage Foundation's election integrity scorecard measures only a small sliver of what groups like ours believe comprise "the big picture" of election integrity. And that limited look into key issues, like the physician's limited look at only a pulse rate, will give Tennesseans a false sense of confidence in the health of our election-related processes and machines.

Resting on the laurels of one election scorecard that really doesn't measure all aspects of our election is dangerous. Leaders throughout Tennessee need to face the fact that we have critical election integrity issues that must be addressed to ensure our representative Constitutional government doesn't die.

[Tennessee Voters for Election Integrity](#)  
Tennessee Liberty Network  
Patriots Engage

Elections Future Alliance of Tennessee  
Friends of Hamilton

September 5, 2022

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<sup>6</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/08/SEC-cares-nothing-about-integrity-2-071822.pdf>

<sup>7</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/09/Election-machines-can-be-hacked-012522.pdf>

<sup>8</sup> [https://www.eac.gov/sites/default/files/TestingCertification/EAC\\_Report\\_of\\_Investigation\\_Dominion\\_DSuite\\_5.5\\_B.pdf](https://www.eac.gov/sites/default/files/TestingCertification/EAC_Report_of_Investigation_Dominion_DSuite_5.5_B.pdf)

<sup>9</sup> <https://www.cisa.gov/uscert/ics/advisories/icsa-22-154-01>