



## THE BEHAVIOR OF THE TENNESSEE SECRETARY OF STATE AND HIS ELECTION INTEGRITY TEAM PROVES THEIR MISSION STATEMENT IS NOTHING BUT A BUNCH OF WORDS

### **Executive Summary**

The Tennessee Secretary of State, Tre Hargett, and his State Elections Coordinator, Mark Goins, are in charge of all things elections in the state of Tennessee. They have a wonderful mission statement that talks glowingly about being accountable to their customers -- the taxpayers, -- having high accuracy expectations and doing all that they do in a customer-centered setting.

***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.***<sup>1</sup>

Too bad they don't adhere to their goal.

Since 2021, our group has dealt with them and the groups they support, the Tennessee State Election Commission and the Williamson County Election Commission, and we've found them exceptionally weak in their concern with what their customers think and want in their election system in the state. These leaders are arrogant, conceited, condescending about anything citizens bring before them and, in all honesty, in our judgement, they don't have a clue about what they don't know about the machines and the election process. We base that on how they behave and what they do. ("Do as I say, not as I do.")

This white paper will present five examples over the recent year of how Hargett, Goins, the SEC and others have become truly government bureaucrats who are disdainful towards their "customers" and don't feel a need to treat taxpayers the way they claim they treat the taxpayers.

Both the mission statement and the players need to change. Dramatically.

### **Issues**

Tennessee Secretary of State Tre Hargett and his Election Coordinator Mark Goins are the top election officials in the state. Unfortunately, their performance is anything but tops. Their actions speak far louder than their words. They have proven they don't care about their customers -- the citizens -- or their job to ensure the highest in election integrity. They simply need to move on from their jobs and allow more customer-centered officials who truly care about election integrity to take their place.

Here are five examples why:

- Following a [presentation our group gave to Hargett and Goins in July 2021](#)<sup>2</sup> of all the issues that we had found in the state's (and Williamson County's) election system, they flippantly asked why we didn't spend more time on the good things Tennessee does. Yes, the state and the

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

<sup>2</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/01/Hargett-Goins-070721.pdf>

legislature have enacted some good election-related rules, but that wasn't the purpose of the meeting. It was to illuminate what issues we had found that needed to be addressed.

Afterwards, we asked both men for input and what changes we could/should make to our presentation, handing a hard copy to Goins, but despite numerous follow-ups, nothing has come from their office or them. No "thank you," no guidance, no sense that we are in this thing together. Where we had hoped to be able to work together on all we found, we were met from that point on with silence. And an obvious message that we were in this election integrity issue alone.

- On July 12, 2021, several of our members attended the quarterly in-person Tennessee State Election Commission meeting in Nashville where we heard Hart and ES&S election machines vendors present to the SEC. We followed up the meeting with questions sent to Mark Goins' assistant – Kathy Summers -- about what we had seen to better understand the process. Again, after three follow up requests, we did ultimately receive a note from Goins, but he answered only a couple of questions that he wanted to answer. So, we responded and have been waiting ever since for answers to our questions from either Goins or Summers.
- As an outcome of that July 12<sup>th</sup> meeting, the two Tennessee Voters for Election Integrity colleagues pulled together a series of security- and operations-related questions for all five vendors whose machines are used in Tennessee elections. [\(The questions can be found in this whitepaper, pages 10-15.\)](#)<sup>3</sup> When one vendor immediately told us they wouldn't answer any of our questions as we weren't election officials, we hand-delivered our questions to Goins and requested he make the ask. We have no clue what he did with the questions because we never heard another word about them despite multiple follow ups. Not a good example of exceeding the expectations of their customers!
- In the SEC's January 2022 quarterly meeting, one of the vendors, Hart InterCivic, presented an upgrade of its Verity Voting 2.5 machine to the Commission, which was approved. Without questions from the SEC. 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 [\(which Microsoft stopped supporting on January 14, 2020\)](#)<sup>4</sup> 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.

We immediately sent a follow up letter to Goins asking the questions that should have been asked by every member of the SEC at the meeting. "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?" But, once again, crickets.

- Finally, the Williamson County Election Commission (WCEC) seems to be taking their mission statement ideas straight from Hargett and Goins.

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<sup>3</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/09/Election-machines-can-be-hacked-012522.pdf>

<sup>4</sup> <https://support.microsoft.com/en-us/windows/windows-7-support-ended-on-january-14-2020-b75d4580-2cc7-895a-2c9c-1466d9a53962>

During this saga, we also sent questions to WCEC Chairman Bob Brown to help us better understand the system and alert him to some of our early findings. Brown told us in late March that he was going to stop answering questions since the SEC had agreed to review the certification of Dominion as a vendor and the Dominion system. ([Of course as we've discussed in another whitepaper linked here, over a year later the SEC has never performed any recertification or review of the voting machines.](#))<sup>5</sup> Over the next eight months, we followed up with Brown and several employees in the Secretary of State's office who were helping him answer questions. But by October 2021, that stopped as we were getting nowhere.

All individuals in these positions need to leave and allow other, more effective leaders who are truly concerned with election integrity, and true customer service, to lead the fight and work with citizens.

### **Discussion**

In July 2021, the Secretary and his Election Coordinator were given a private presentation of all that our group, [Tennessee Voters for Election Integrity](#)<sup>6</sup>, had found to date in our deep research into the election machines, election process and election people across the state. Our presentation was filled with examples and videos, supportive articles and reports that backed up our warnings about frightening vulnerabilities. At the end of the discussion, the pair didn't say "thanks," "how's your mother," or dig into the issues we raised. Instead, they complained that we weren't telling the wonderful story they wanted to hear.

Of course, the purpose of the meeting wasn't to tell them what they already knew, but what they didn't know, as evidenced by what the state was doing and all that we had found. Our thought as [voiced at the bottom of our website landing page](#)<sup>7</sup> was if we do the legwork and unearth issues that could affect our elections in Tennessee, they would hopefully be willing to look into it and plug the holes we had found.

Unfortunately, we were wrong.

We discussed: [That machines can be hacked](#)<sup>8</sup>; That the [majority of Tennesseans voting is done on machines that don't create a ballot, and, therefore, can't be audited](#);<sup>9</sup> That the [solution is paper ballots](#),<sup>10</sup> scanners and audits; That they should [get rid of vulnerable ballot marking devices \(BMDs\)](#);<sup>11</sup>

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<sup>5</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/08/SEC-cares-nothing-about-integrity-2-071822.pdf>

<sup>6</sup> <https://tennesseeelectionintegrity.com/>

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

<sup>8</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/09/Election-machines-can-be-hacked-012522.pdf>

<sup>9</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/01/No-paper-in-70-of-counties-on-which-to-vote-audit-012522.pdf>

<sup>10</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/08/Hand-marked-paper-ballots-support-document-FINAL-9-010822.pdf>

<sup>11</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/10/BMDs-are-not-good-10-093022.pdf>

That they should [perform a Security Risk Assessment to check the machines](#);<sup>12</sup> and That they [should implement best practices to address the number of technological, process and legislative issues](#)<sup>13</sup> we named.

After giving Election Coordinator Mark Goins a print copy of the presentation, we asked him to point out where we were wrong, misleading or where we didn't understand the process as he and Hargett had intimidated. To date, more than a year later, and after countless follow-ups with Goins, we are still waiting for his input.

#### **Our outreach to Mark Goins following our July 2, 2021 presentation to he and Tre Hargett**

- July 7, 2021 – Gave copy of our presentation to Goins following Hargett/Goins presentation. Requested them to share with us any corrections. Goins said he would.
- July 20 – Called to inquire of progress; no answer.
- July 24 – We fax second copy of presentation to his staff at his request to send to him on road.
- Aug 4 – We followed up Beth Henry-Robertson for help on status of a response from Mark because we're about to start more presentations and wanted to be factually correct.
- Aug 8 – Goins responds by email that he's working on a response.
- Sept 7 – We requested again Goins' status of his input. No answer.
- Sept 21 – Email all four issues asking status & cc Johnson, Casada, Ogles, Whitson, Brown.
- Oct 11 – No answer, nor even an acknowledgement of receipt of requests.

On July 12, 2021, several of our members attended the quarterly in-person Tennessee State Election Commission meeting in Nashville. [Several election machine vendors presented their new machines for approval by the SEC to bring them into Tennessee](#).<sup>14</sup> (Currently, only five brands of machines are allowed by the SEC to operate in Tennessee – ES&S, Dominion, Unisyn, Hart and Microvote.)

We followed up the meeting with questions sent to Mark Goins' assistant – Kathy Summers -- about what we had seen at the meeting so we could better understand the process. Again, after three follow up requests, we did ultimately receive a note from Goins, but he answered only a couple of questions that he wanted to answer, leaving the rest. So, we responded back to him asking the questions he refused to answer. After two follow-ups that were also copied to our elected Williamson County delegation to demonstrate that these two public servants who are supposedly dedicated to working with their constituents, are refusing to answer our questions. A year and a half later, we still have no answers or response. From ANYONE.

#### **Questions of Kathy Summers following July 12<sup>th</sup> meeting seeking clarification of meeting issues**

- July 12, 2021 – SEC meeting where we viewed Hart/ES&S machine approval by SEC.
- July 13 – Sent follow-up questions to Kathy about meeting; no response or acknowledgment of having received the request.
- July 21 – Sent follow-up email; no response or acknowledgment.
- July 26 – Sent follow-up email; no response or acknowledgment.

<sup>12</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/03/Security-Risk-Evaluation-Process-4-FINAL-031322.pdf>

<sup>13</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/01/Best-practices-should-replace-issues-012622.pdf>

<sup>14</sup> [https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20210712\\_SECMinutes.pdf](https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20210712_SECMinutes.pdf)

- Aug 12 – Final request to Kathy and cc'd Goins; no response or acknowledgment from Kathy.
- Aug 12 – Goins responds that night, but doesn't answer all questions.
- Aug 25 – We follow up and ask unanswered questions. No response or acknowledgment from Goins.
- Sept 21 – Email all four issues asking status & cc Johnson, Casada, Ogles, Whitson, Brown.
- Oct 11 – Still no response or acknowledgment of receipt of requests.

As an outcome of that July 12<sup>th</sup> meeting, the two Tennessee Voters for Election Integrity colleagues asked several questions of the two vendors – Hart and ES&S. In both cases we were told to send our questions to the business card we were given. But Hart quickly replied that they weren't going to answer any of our questions as we weren't election officials. As we expected ES&S to do the same (actually they never answered our questions at all), we prepared our questions for the five vendors and affirmatively got them into the hands of Goins, asking him to send them to the vendors.

We doubt Goins ever did anything with the questions because we've never heard another word from him about them or what he did. We followed up with him, again cc'ing our elected delegation, but heard nothing back. Again, from ANYONE.

This is a fine example of what citizens are up against in this fight for election integrity.

**Vendor questions to Mark Goins that were never answered or acknowledged**

- July 23, 2021 – Questions for all five vendors shared with Mark in an email to Kathy. No response.
- Aug 11 – Questions handed to Mark by former state representative following no answers, no acknowledgment.
- Sept 7 – New question for Dominion to be added to list sent to Mark. No response, no acknowledgement from him.
- Sept 21 – Email all four issues asking status & cc Johnson, Casada, Ogles, Whitson, Brown.
- Oct 11 – Still no response or acknowledgment of receipt of requests.

Our fourth example of the Secretary of State's customer-friendly environment came in January 2022.

In the January 10, 2022 meeting, [Hart InterCivic presented an upgrade of its Verity Voting 2.5 voting machine to the Commission](#),<sup>15</sup> which readily approved it without any affirmation from any technology expert that all was okay. 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](#)<sup>16</sup>) to [Windows 10](#).<sup>17</sup> That meant that for the last two years, 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.

We immediately sent a follow up letter to Goins asking the questions that should have been asked by every member of the SEC at the meeting. "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?"

<sup>15</sup> [https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20220110\\_SECMminutes.pdf](https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20220110_SECMminutes.pdf)

<sup>16</sup> <https://support.microsoft.com/en-us/windows/windows-7-support-ended-on-january-14-2020-b75d4580-2cc7-895a-2c9c-1466d9a53962>

<sup>17</sup> [https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20220110\\_SECMminutes.pdf](https://sos-prod.tnsosgovfiles.com/s3fs-public/document/20220110_SECMminutes.pdf)

Most of those county election commissions don't contain IT security expertise. So where was the State Election Commission staying on top of this security situation? What about the Secretary of State's IT personnel? Of course, we never received any answer to our questions.

And, yes, you know the answer. We've never heard again from Goins despite follow-ups.

#### **Hart Windows security & wireless connection to approved system questions asked & ignored**

- Jan 10, 2022 – Two questions to Goins re: Hart systems approved at Jan 10 SEC meeting.

At that time, we were also experiencing the same from the Williamson County Election Commission so Chairman Bob Brown is not blameless. Maybe he's a big proponent of Hargett's mission statement?

During this saga, we also sent questions to Brown, following up his offer at several public meetings to answer any questions that citizens had. After a number of months digging into the various issues, we decided to take Bob up on this offer and in March 2021 sent him a number of questions to help us better understand the system and alert him to some of our early findings. Over the next eight months, we followed up with him, as well as several employees in the Secretary of State's office who were helping him answer questions. We finally gave up in October since we were getting nowhere.

Brown told us in late March that he was going to stop answering questions since the SEC had agreed to review the certification of Dominion as a vendor and the Dominion system. Of course as we've discussed in another whitepaper linked here, the SEC never did any recertification or review of Dominion.<sup>18</sup> Brown never came back to us and renewed his offer to answer our questions after it was clear that the State Election Commission wasn't going to do a thing in checking out the security of the county's and state's election voting machines.

#### **Series of questions to Bob Brown that were never answered by him or SoS personnel**

- Mar 5, 2021 – Introduction of our team to Bob and request to ask questions.
- Mar 6 – Brown replies that he's happy to answer; requests we submit by email.
- Mar 7 – We agree but also request an opportunity to view machines up close.
- Mar 8 – Brown denies "special meeting at the machines;" agrees to answer questions.
- Mar 10 – We send 47 questions divided into five categories.
  - Our understandings that we'd like to verify with WCEC.
  - Process questions we'd like to understand better but still explore.
  - Areas of concerns we have with Dominion and machines; any previous actions taken?
  - General questions.
  - Issues in the WCEC voting system that we've found that could be addressed with best practices.
- May 11 -- We begin working with Beth Henry-Robertson, SoS office, who is helping Bob with questions.
- May 13 – Another call/discussion with Beth Henry-Robertson.
- Mar 23 – Brown says he will hold off answering any questions related to Dominion as the SEC has voted unanimously to review Dominion's certification and system.<sup>19</sup> (Actually, the SEC voted to review not only

<sup>18</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/08/SEC-cares-nothing-about-integrity-2-071822.pdf>

<sup>19</sup> [https://sos-tn-gov-files.tnsosfiles.com/20210405\\_SECMinutes.pdf](https://sos-tn-gov-files.tnsosfiles.com/20210405_SECMinutes.pdf)

Dominion but all five brands of voting machines used in the state. But sadly, nothing ever happens with this promise to citizens and county commissions.)

- Jun 16 – Another call/discussion with Beth Henry-Robertson.
- Oct 1 – Last call/discussion with Beth Henry-Robertson.

These efforts have been terribly disappointing and seem to underscore that Goins, Hargett, Summers and Brown don't really care for or desire to fulfil the Secretary of State's mission.

There's a great short poem written by early 20<sup>th</sup> century American poet Edgar Albert Guest who became known as the People's Poet: "[I'd rather see a sermon, than to hear one any day.](#)"<sup>20</sup>

How we wish these government bureaucrats would take that – and their mission – to heart!

### **Recommendation**

It's really simple. Because of their lack of fulfillment of their stated mission statement, these civil servants need to either adhere to their mission and begin to work with citizens who are concerned about election integrity and the future of our Constitutional Republic or resign and go work somewhere else. Their behaviors are poor and they are casting unearned doubt on the rest of state workers who know truly that they work for the people and not the other way around.

### **Conclusion**

Secretary of State Tre Hargett, Election Coordinator Mark Goins, the Tennessee State Election Commission and Williamson County Election Commission member Bob Brown all serve at the pleasure of the people. In fact, [here is an excellent organization chart found in the front of the Tennessee State Blue Book](#),<sup>21</sup> produced every couple of years by the Tennessee General Assembly.

Note who is at the top. And per the state Constitution who is in charge. Given the actions we've experienced with the Secretary of State, his Election Coordinator and the various election commissions, this mission statement needs to be radically changed. Because right now it's just a joke.

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<sup>20</sup> <https://kubik.org/id-rather-see-a-sermon-than-hear-one-any-day/>

<sup>21</sup> <https://tennesseeelectionintegrity.com/wp-content/uploads/2022/10/Elections-Org-Chart.pdf>