


**TENNESSEE VOTERS
FOR ELECTION INTEGRITY**

Why Williamson County Should Not Jump
Into An ES&S – Or Any Vendor’s -- Purchase Contract Right Now

December 3, 2022

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**TENNESSEE VOTERS
FOR ELECTION INTEGRITY**

SITUATION – WHERE WE ARE

- October 2021: WCEC experiences "Tennessee Error:"
- Affected machines: approved/certified by EAC*, VSTLS*, SEC*, WCEC*.
- S&S: Dominion configuration files did not match firmware version.
 - Hargett letter confirmed issue was in tabulator (ICP) and BMD* (ICX).
- EAC: RC inconclusive; Dominion: Erroneous code & misread of QR code.
- CISA: Software vulnerabilities present should be mitigated ASAP.
- Analyst Jeff Lenberg: "Does EAC certification/approval mean anything?"
- Dominion jettisoned; ES&S rental replacement

* Election Assistance Commission (EAC); Voting System Testing Labs (VSTLS); State Election Commission (SEC); Williamson County Election Commission (WCEC); Ballot Marking Device (BMD)

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QUESTION

- Is Williamson County getting the best return on investment for the ~\$900K+ it's spending on equipment and the people who work elections?
- We believe you can do much better than your current path...
 - Minimize your costs...
 - Maximize consumer confidence.

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**TENNESSEE VOTERS
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SITUATION

- You're now looking to go permanent with a vendor. ES&S:
 - Known problems, questionable reputation, no transparency.
 - Same DNA: Dominion (Smartmatic; Sequoia; Diebold; Premier; Am Info Sys)
- But all five vendors in Tennessee are completely opaque.
- Voting machines hampering any confidence in WCEC and our elections.

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WHO WE ARE/WHAT WE'VE DONE

- Citizens studied voting computers and processes intimately for several years.
- Composed of tech, research, legal, business professionals & consultants.
- National research teams including:
 - Election Integrity Network www.whoscounting.us
 - Cause of America www.causedofamerica.org
 - Heritage Foundation www.heritage.org
 - Center for Renewing America www.americarenewing.com
- Research/recommendations: www.tennesseeelectionintegrity.com

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WHY ARE CITIZENS SKEPTICAL ABOUT WILLIAMSON COUNTY ELECTIONS?

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WE APPRECIATE

- What TN & WCEC currently protects our vote:
 - Photo IDs, no election day registration, no mass mail-in ballots, no private funding of elections, watermarked absentee ballots, restrictive absentee ballot requests, no ballot drop boxes, to name a few.
- Working toward possibly posting post-election ballot images on-line.
- But you're about to make a very expensive mistake... that you don't have to make.
- Here's why...

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WHY ARE CITIZENS SKEPTICAL ABOUT WILLIAMSON COUNTY ELECTIONS?

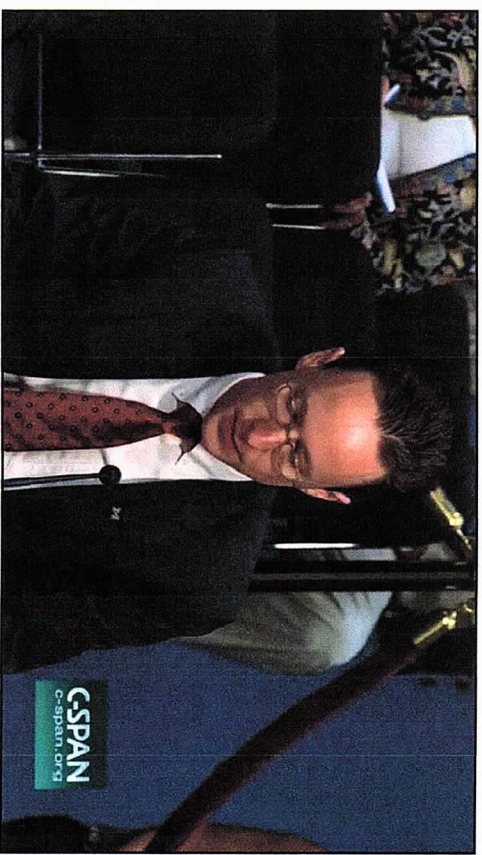
BECAUSE COMPUTERIZED VOTING MACHINES ARE VULNERABLE, THE VENDORS ARE REFUSING TO BE TRANSPARENT, MACHINE CERTIFICATION IS UNRELIABLE AND THE TENNESSEE CONSTITUTION IS BEING IGNORED.

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KEY POINT #: VOTING COMPUTERS CAN'T BE TRUSTED

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MORE PROOF OF UNTRUSTWORTHY VOTING COMPUTERS

- On Election Day (November 8, 2022):
- 48%+ of tabulators in Maricopa County, AZ, had significant malfunctions.
- Ballot scanners not working in Mercer, NJ.
- Computers down in Sumner County, TN, Fulton County, GA.
- Machines "broken" at several Connecticut township polling locations.
- Machines down at Blackburn Methodist Church, Rutherford County, TN.
- Temple, Texas, machines are down.
- Only half the machines in Harris County, Texas, working first hour.
- Machines in Fairport, NY, malfunctioned.
- Machines are NOT infallible. They can be exceptionally unreliable.

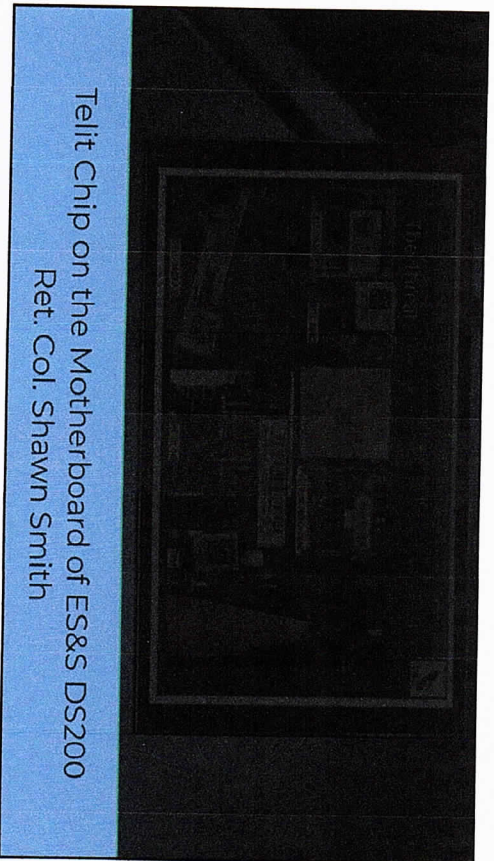
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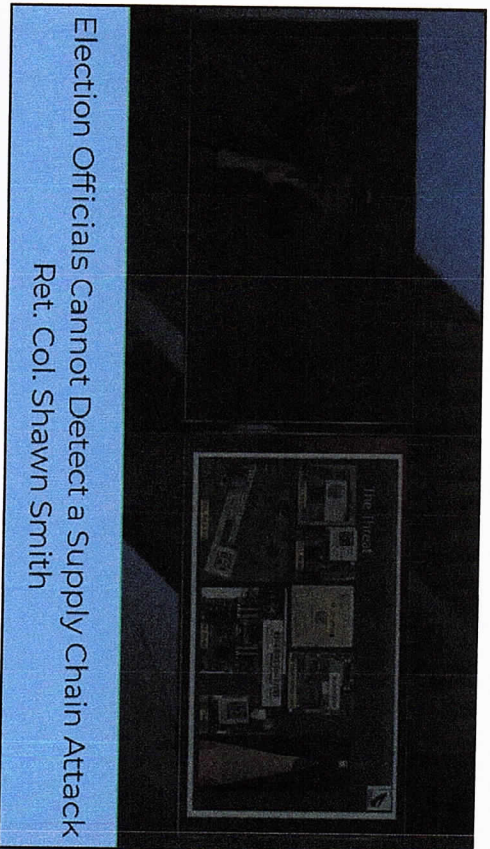
ES&S HAS DISTINCT VULNERABILITIES

- No red team review/system vulnerability/penetration tests on our SW/HW.
- ES&S has not provided complete SW/HW bill of materials to Williamson Co.
- BMD/scanners utilize java, subject to vulnerabilities (Log4J, Spring4Shell)
- NBC News 2019 story ES&S CEO affirms parts from China in machines. (2-20-19)
- All of these affect Williamson County: more in leave behind.
- Supports connectivity (Telit, Qualcomm add-on cards) beyond "modem."


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MORE ES&S VULNERABILITIES

- Hardware based on Dell: Integrated Dell Remote Access Controller (iDRAC).
- In recent negotiations, Maury County learned ES&S would NOT:
 - Put in writing in RFP that there are no modems in their machines.
 - Sign affidavits stating there is no connectivity in ES&S equipment.
- Going excuse "On penalty of perjury" proven NOT to protect citizens.
- Dominion under same: have they been punished for "Tennessee Error?"
- Why still on the list of approved Tennessee vendors?

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ES&S DOESN'T SUPPORT TRANSPARENCY


- May 2022 inspection questions? ES&S rep says no.
- Their answer: Call corporate -- ES&S PR office.
- No questions answered. Four VMs never returned.
- This is their standard behavior... and it affects Williamson County voters with creating distrust in the system.
- But the gnus is on vendors/SEC -- NOT THE PEOPLE -- to prove machines are issue-free.

Get's talk more.

837-311-4433 VM 4/12 5:30
 837-311-4433 VM 4/12 5:30
 837-311-4433 VM 4/12 5:30

WILLIAMSON COUNTY ELECTION SYSTEMS & SOFTWARE

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THE TENNESSEE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS (TACIR) AGREES WITH US

"Elections are the basis of democracy, and it's not acceptable for a private interest to shield a part of the election process from the voters those private interests serve. Taxpayer dollars buy the voting machines and the software, and taxpayers have the right to ensure that their investment will produce reliable results. The source code is the actual counter of votes, and that counting must be more open if the public is to accept close election outcomes."


Trust But Verify: Increasing Voter Confidence in Election Results
TACIR 2007 Staff Report, page 9-10

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KEY POINT II: VOTING COMPUTERS COMPLICATE A SIMPLE PROCESS

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BMDs CREATE ISSUES

- Our BMD research in numerous white papers on our website. Time study.
- Aug & Nov 2022's long lines? Not the ballot/turnout. It was the BMDs.
- Can't purchase enough BMDs to accommodate an unpredictable crowd flow.
 - Not practical or economical, especially in recession.

Average Time	AUG EV 22 Nashville Rec	NOV EV 04/025/NT Franklin Rec	ED The Gate
Reg & wait BMD	4:07	12:47	4:23
BMD ballot	6:32	4:33	3:21
SCANNER	:07	:07	:07

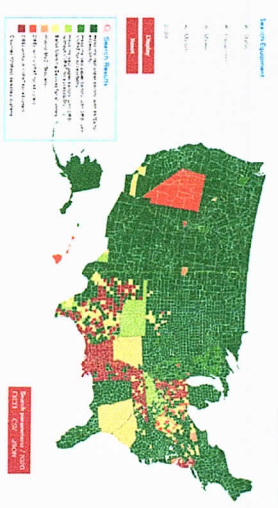
- That's with 20% eligible voters voting, what happens at 30%? 50%? 60%?
- This strongly affects Williamson County voters.

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MAJORITY OF US: HAND-MARKED PAPER, NOT BMDs

Goins gives false impression BMDs are the best option & hand-marked paper is not desirable.



69% w/low adjudication rates
 Verified Voting w/low adjudication rates
 Green: Hand-Marked Paper
 Red: BMDs

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SCANNERS/TABULATORS ARE UNTRUSTWORTHY

- None of these machines meet today's standards for corp./govt. security."
 - Clay Parkin, Northrop Grumman Missile Defense Security Officer and former 10-year Voting System Testing Lab (VSTL) analyst.
 - "Any CIO who ran this level of security in a US corporation would be fired"
 - Microsoft VP Security in 2019 Congressional testimony.
- Only certified to 2005 standards by the Election Assistance Commission.
 - First iPhone in 2007; multiple upgrades since
- Scanners accept/count counterfeit ballots (Maricopa 2020 = ten paper types).
- This, too, fosters distrust in our voting system.

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VENDORS – NOT WE THE PEOPLE – CONTROL OUR TOTAL VOTING PROCESS

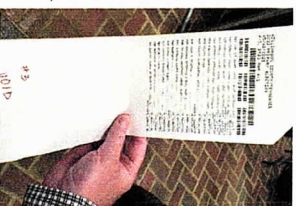
- We must use ES&S:
 - Paper to make our ballots;
 - BMDs to print ballot (can't confirm reflects our choices);
 - Scanners to scan our ballot;
 - Tabulators to tabulate all votes in Voting Center;
 - Programmed USB sticks to compile votes from each tabulator; and
 - Election Management System to compile all votes from county;
- Monopoly that no astute business would allow for its products: services.
- They have us over a barrel. That affects Williamson County voters

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NO VVPAT WITH CURRENT BALLOTS

- VVPAT = Voter-verifiable paper audit trail.
- Our vote encased in Bar code/QR code.
- Yes, we have paper, but...
 - Voter can't look at ballot and confirm bar code reflects their selections.
 - According to a Halderman study, 60% of voters don't check ballot despite reminders.
- Problem: QR Code being produced on one machine & being read on entirely different machine.




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KEY POINT III. GOVERNMENT ENTITIES AREN'T PROTECTING CITIZENS AGAINST THE HARM FROM VOTING COMPUTERS

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EAC CERTIFICATION PROCESS IS WORTHLESS

- No cybersecurity expertise on team. Standards are pre-historic.
- Their Voting Systems Testing Labs are weak at best
- Both have approved voting computers that contain vulnerabilities.
 - October 2021 machines.....
- Other examples of EAC failures:

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Test standards and inadequate


Ret. Col. Shawn Smith

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The "Diminimus" Lies from Machine Vendors

Ret. Col. Shawn Smith

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STATE ELECTION COMMISSION IS JUST AS BAD

- SEC forgoes inspecting machine security when approving machines.
- NO ONE in TN is allowed to inspect INSIDE machines: must trust vendor.
- SEC's oversight:
 - Did nothing w/presentation evidence we presented Oct 2021.
 - Despite April 5, 2021 promise to check out machines, refused.
 - Goin's rejected addressing security questions (8/10/21) re: machines
 - Everyone clueless about Hart Windows upgrade in January 2022.
- Because they won't do their jobs, Williamson County voters are defenseless

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CONSTITUTION NOT BEING FOLLOWED

- Precinct voting vs. voting centers.
 - TN Constitution Article IV Section 1: Voting in precincts.
 - Election day vs. election season.
 - TN Constitution Article I Section 7: Voting date – one day.
 - Open an equally fair number of urban and rural precincts for early voting.
 - TN Constitution Article I Section 5: Free and equal elections.
 - The people have the right to change election processes.
 - TN Constitution Section 1: All power is inherent in the people.
 - The number of vote applications must be rectified/reported with scanner totals.
 - TCA 2-7-114 (c)(2): If a ballot stub number not preprinted on the paper ballot?
- Number of applications issued must be rectified w/number of scanner ballots

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CONSTITUTION NOT BEING FOLLOWED

- Voters must be able to verify their vote.
- TCA 2-20-101(b)(3): The selections ... can be verified by the voter.
- Technicians must be able to inspect the voting machines.
- TCA 2-9-101(b): Technicians must be able to inspect parts, machines.
- ES&S affirms they have a number of "Asian" parts in their machines.
- TCA 2-20-106: Every effort to purchase US-manufactured machines.
- Fear of associating a ballot with a voter.
- TCA 2-7-114. Ballot number of each ballot written on the ballot app.

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KEY POINT IV: STOP THE RUSH

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IMMEDIATELY MOVE TO PAPER BALLOTS, NO MACHINES...

- OR extend the rental contract 6 months while conducting a robust, due diligence, comprehensive appraisal of a future voting system for the fiduciary wisdom of the county.
- The appraisal should go BEYOND simply relying on the word of vendors and the questionable nod of govt. entities.

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Do we want to fully secure our elections or just continue to follow the vulnerable status quo?



MORE TIME TO :

- Remove untrustworthy, archaic machines and de-complicate the processes
- Appease your customers and the county budget.
- Eliminate the need for government "savior."
- Implement a safer, more secure, cheaper, customer-friendly process that adheres closely to the Secretary of State's mission statement.

"Our mission 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."

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DON'T RUSH TO JUDGMENT

- If ES&S' rental worked as well as you say, why rush to make it permanent?
 - Especially with these issues needing to be resolved
- Include technical experts in your deliberation, not just a few bureaucrats.
 - Meantime, implement:
 - 25 security fixes per October 1, 2022 recommendation; and
 - 8 documentation upgrades suggested in Nov '10, 2022 recommendation.

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KEY POINT V: SIMPLIFY A SIMPLE PROCESS

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SIMPLIFY #1: RETURN TO PRECINCT VOTING

- Removes internet connections between voter centers
- Legislature given NO powers for VC; TN Constitution affirms PRECINCTS.
- Simplifies ballot requirements; improves security; eliminates downstream problems with voting centers.

"Most of the time those (local) poll officials want to work in their community, many times because they're retired. And you go in you're seeing your old teacher, whatever... that's really instilling integrity as well. These are folks that care about you personally because they know you, but they also care about the system."

*..Mark Gans, January 29, 2022
House Local Government Committee Presentation*

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SIMPLIFY #2: CLEAN UP THE VOTER ROLLS FURTHER

- Our initial canvass (October) of Williamson County found:
 - Deceased voters: Voters moved out of county or state, yet voted;
 - Multiple people from different families voting from same address.
- Our analysis of recent voter rolls over time found:
 - Data suggests NCOA not run annually as suggested by Mark Goins;
 - Registration dates changed in the database to move voters to the "eligible" registration date range:
 - Abnormal registration spikes: Sundays, holidays, last date eligibility.
- Harms Williamson County voters

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SIMPLIFY #3: REMOVE HACKABLE, SECRETIVE VOTING COMPUTERS

- That means BMDs, Scanners/Tabulators and EMS.
- Halts both the risk and exposing citizens to vulnerable ES&S machines.
- Adds security, confidence in the election and saves the county money.

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SIMPLIFY #4: RETURN TO PAPER BALLOTS

- Hand-marked, high-security paper ballots, 15-20 privacy voting booth/precinct.
- More secure, less expensive, fewer workers, Hargett approves (1/22).
- Seven-level, random-numbered, currency-grade security ballot.
- Moves the technology from the machines into the paper ballots & processes
- Affirms a true voter intent.
- Others are moving FROM machines TO hand-marked paper:
 - Otero Co., NM; Matanuska, AK; Maury Co., TN...
 - Germany (60.4M) (Supreme Ct – machines unconstitutional 2009)
 - Japan (129.8M); Netherlands (2018); England uses paper ballots


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SIMPLIFY #5: COUNT BALLOTS BY HAND

- Count ballots by hand in precincts at close of election.
- Proven possible in Oct 2021 (7,406) and three 2022 hand re-counts (4,700)
- Avg. size Williamson County precinct: 5,000 voters (34 precincts)
- Hand counting: Various counties in Arkansas, Kansas, Idaho, Massachusetts, Montana, New Hampshire, Nevada, South Dakota
- First 5 steps alone...
 - Precincts, cleaner rolls, no machines, secure ballot, hand voted/counted ...
 - Will MAXIMIZE CONSUMER CONFIDENCE, and help minimize costs


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SIMPLIFY #6: BUT TO REALLY MINIMIZE COSTS IN A RECESSION....

- Currently spending with ES&S:
 - \$467,600 on machinery (200 BMDs, 75 scanners, EMS, DS450) **\$550,185 (P)**
 - \$10,000 on software, USB sticks, assorted items **\$41,410 (S)**
 - \$114,000 on services (ES&S project mgt, training, support) **\$591,595**
- Thermal paper costs? Unknown (\$21K @ .57) & not in contract.
- Best price for W/C? Use a hard negotiator?
- We suspect you've not performed full cost/lifecycle/benefit analysis...
 - Machine-based system vs. paper-based system.
- **\$591,595 + \$214,600 (Partial machine reimburse from County?) = \$806,195**
- **Doesn't include current election staffing costs – Unknown** **\$144/vote/election** **\$806,195** **(3 2022 elections w/o staffing cost)**


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SIMPLIFY #6: REMOVE MACHINES AND BELIEVE IN PEOPLE

- Registration: Use approx. 200 paid volunteers (Same EEs for EV and ED).
- Precincts: EEs, green bar paper w/Election Office as only open internet.
- Training, prep, staffing election (Avg: 6 EE/precinct – 4 registration; 1 box: 1 PO)
- Ballot creation: Move technology from the voting computers to paper ballots.
 - Hand-marked paper w/privacy booths: VVPAT vs. BMDs: 90K ballots?
 - 1 rental BMD for ADA needs. Sealed, locked ballot boxes.
- Ballot counting: Use approx. 916 paid volunteers (fresh, haven't worked ED precinct).
 - ED hand-counting in precincts (24 EEs ea.) immediately post-election.
 - EV/absentee hand-counting (100 EEs) all day.
 - (May = 20,550; Aug = 37,110; Nov = 85,999)
- Reporting: All costs here are absorbed by WCEC as staff duties.
 - Excel chart, observers/verification, faxed/carried to Nashville. **Citizen's RFP \$270,000** **\$789/vote/election**

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SIMPLIFY #7: OTHER TRANSPARENCY MOVES


- Complete post-election audit by third-party auditors, not the WCEC.
 - Currently just a hand/re-count; stiffen the audit.
- Return to voting day, versus voting season.
- Live stream all voting/counting w/appropriately placed cameras.
- Post all ballot images (no identification), poll official reports, videos on-line day after election for additional transparency.
- The People's Audit.

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CONCLUSION

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**TENNESSEE VOTERS
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A SOLUTION THAT CAN WORK FOR YOU AND CITIZENS

- Don't lock us into a permanent contract with a vendor you've rejected before.
- All vendors completely opaque. We believe:
 - Machines and vendors are completely untrustworthy and secretive.
 - Machines too risky, costly and not helping county realize a sound ROI.
 - No one (EAC, VSTLS, SEC) is protecting citizens from machine hazards
 - Our 7 ideas are a win-win that can maximize confidence, minimize costs
 - The process needs to be re-worked, simplified, without machines. So:
 - Immediately switch to paper ballots, no machines, in precincts, & hand count.... or
 - Take interim step of continuing to rent and perform comprehensive appraisal.
 - Convene People's/Purchasing Task Force to collaborate on next steps.

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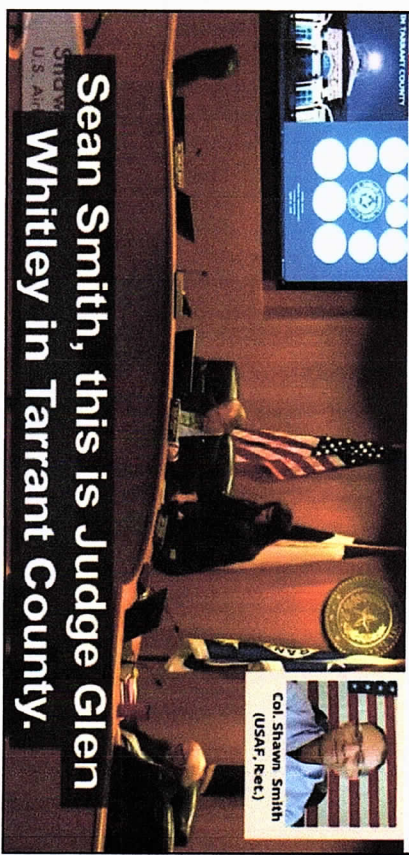
IMMEDIATE CALL TO ACTION

- WCEC to confirm permanent contract with machine vendor by mid-January.
- Citizens MUST express their "NO" to this.
- Request leaders halt the rush to a permanent contract with ES&S or any vendor.
- Dig into advantages of hand-marked paper ballots voted & counted in precincts on election day.
- It can be done... without vulnerable, secretive machines and vendors.
- Call, email, write county leaders ASAP. www.tennesseeelectionintegrity.com
- **Red Action button:** Addresses and call-to-action. Presentations; RFP response.
- **Sign petition** for hand-marked paper ballots, voted & counted in precincts
 - <https://www.tnvoterpetition.com/>

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Sean Smith, this is Judge Glen Whitley in Tarrant County.

**Col. Shawn Smith
(USAF, Ret.)**

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www.tennesseeelectionintegrity.com

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