

**Comments urging fellow Commissioners to vote against
Williamson County Resolution 6-23-28 approving funds for purchasing
ES&S voting machines.**

**Mary Smith, County Commissioner, District 5
Monday, May 8, 2023**

I don't want to take too much time here but as most of you know, election integrity is something I am very passionate about along with many others, some of which are here tonight in this room.

So, before I go over my concerns, I just quickly want to thank all the hard-working people at our Elections Office, Administrator Gray, Chairman Duda and all the members of our Election Commission for your dedication to providing this most valuable of services to our county voters. I realize you have a lot of questions and requests coming your way, so thank you for your diligence in serving the community.

I also want to thank Commissioner Richards for organizing the Townhall we had here a couple of months ago. It was a great event, and we were fortunate to have several county, city and state officials attend along with approximately 85 concerned citizens.

Finally, to the many constituents who have reached out regarding this resolution, thank you for the emails, the prayers, and the generous amount of volunteer time you have invested into poll watching, training, researching, analyzing, reviewing, and developing legislation to support a higher degree of election integrity across our county and our state.

I am so grateful for the free thinkers who continue to ask questions and are willing to put in the time to provide valuable and critical analysis on the decisions being made on their behalf. As public servants, we should never be afraid of being respectfully scrutinized and collaborating with those who have no special interest in our processes except to see they are trustworthy and transparent.

Over the past several years, including the recent town hall meeting, there has continued to be concerns raised regarding the vulnerabilities in our election system. Out of the list of many, there are really two main ones that I want to mention directly impacting this resolution.

First off, regarding the vulnerabilities of the machines, I am concerned as to whether we have really addressed the issues which brought us here to begin with. It was just 4 years ago in 2019, the decision was made, based on recommendations from the Election Commission, that Dominion was the best permanent solution for our county. This decision cost taxpayers \$1.5 million. As we now know, those machines lasted for less than two years due to a "coding error" that was introduced by the vendor on 7 of 19 machines and for which the vendor, to the best of my knowledge, was not held

financially liable for the cost to our taxpayers. After an investigation of the machines by the Election Assistance Commission, it was decided by Tennessee's Secretary of State that it was in the best interest of Williamson County to replace the machines.

From there, we went to leasing ES&S machines with the costs once again going to the taxpayer. But what are we really improving upon? Based on the information provided by Chairman Duda, these machines and related software are currently only certified to the Voluntary Voting System Guideline version 1.0, adopted by the EAC in 2005, which was the same as the now retired Dominion system. On top of that, we are also being requested to fund additional software and hardware components, which introduces both additional costs and potential vulnerabilities.

The truth is that, according to the EAC's website, there are currently no vendors which meet the latest standard adopted in 2021 which makes significant changes to the safeguards necessary to protect the integrity of the voting process.

Also, according to Chairman Duda, it may be 2026 before any of these vendors meet these new guidelines. I find this both surprising and concerning since our Department of Homeland Security has designated our voting systems as critical infrastructure. And, let's be honest, if any of us were evaluating critical business systems for our own companies or for that matter personal use, I don't think we would be happy if we were forced to use technology that could be up to 18 years out of compliance. So, why would we settle for this for our own county? And, while I do respect the fact that our Election Commission was only allowed to look at certain vendors, is this really the permanent solution we want to invest our taxpayers' dollars in? I think our citizens would be better served if we continue to seek out options that give our voters a greater degree of trust and confidence.

Second, I am concerned that we are completely dismissing the requests from a large portion of our voters for the ability to cast their vote on a cost-effective, preprinted, verifiable and secure paper ballot due to the election commission's preference for vote centers. These are not the ballot-on-demand style ballots or the ballots we voted on 30 years ago. Think of these ballots as actual currency where there is a unique identifier and the ability to accurately audit and track movement through the end-to-end election process.

It was just a couple of weeks ago at the Williamson County Republican Mass Convention, our Election Commission and Administrator Gray effectively conducted a paper ballot election where we saw more than 600 preprinted ballots cast and counted in approximately an hour. So not only is it possible, if run securely and efficiently, it's an option that could drastically reduce wait times like we saw this past August and November where voters, who were willing, waited up to an hour and a half to vote. I can tell you for certain those lines were much shorter than 600 people.

If we continue to utilize vote centers, there are only two ways to address long wait times, which are certain to come in November 2024. We can either add more vote

centers (which is currently being discussed) or we can add more BMDs to the existing vote centers which, in both cases, means additional costs to the taxpayer.

While I was not part of the vote to move to voting centers in 2019, I do believe we need to look more closely at the objectives of the change and whether those objectives have truly been met. If it really was a matter of convenience and an attempt to increase turnout, we may, as a result, have created vulnerabilities that compromise security, voter confidence and transparency. And can we really state that vote centers allow for freer and fairer elections if the number of vote centers available favors residents living in the higher density areas versus those in the more rural areas of our county? With precinct voting, there is one location for each voter. To me, this may seem less convenient for some but fairer and more uniform for everyone.

As for turnout, for the last 20 years, we are fortunate to have maintained a high turnout of over 70% in all our presidential elections (with the highest of 80% occurring in 2004 long before vote centers were introduced). So, I'm not sure how much higher we can realistically expect to get but I would suggest analyzing this trend down to the precinct level across several elections to really decide.

By ignoring precinct voting as part of the evaluation process, we also ignore the benefits including (1) eliminating the dependency on having internet connectivity which allows for more polling location options including in areas where internet may be an issue, (2) removing the need for e-pollbooks and the ExpressLink/Vote option which reduces equipment costs and the dependency on vulnerable technology, and (3) and most importantly, the ability to give voters the freedom and the choice to cast their vote on a pre-printed, secure, and verifiable paper ballot, or if they still choose or need to do so, on a ballot marking device.

We also cannot ignore the real possibility that we could be going back to precinct voting based on future legislation and/or legal challenges as to the constitutionality of vote centers.

And please don't get me wrong. As someone who has over 28 years of information technology experience, I am not at all opposed to the use of technology but there is a right way to do it as we saw laid out in the Arizona State Legislature where just recently, they passed Joint Resolution 1037 which coincidentally names the "Williamson County Error" in their reasoning for wanting to make improvements to better secure their election system.

Here is a summary of several of the requirements set forth in this bill: (1) all voting system components be designed, manufactured, integrated and assembled by trusted US suppliers based on standards set by the Department of Defense, which makes sense for DHS designated critical infrastructure; (2) source code be made available to the public; and (3) ballot images and log files from the tabulator be made available free of charge to the public.

This is what transparency, security and accountability look like.

To be honest, I find it somewhat disappointing that another state beat us to making these recommendations considering part of the reasoning they used came from an election held right here in Williamson County.

Therefore, I believe it is in the best interest of our taxpayers to continue to lease the minimum required machines needed for the upcoming elections and that we continue to evaluate and research the most secure and efficient way to not only protect but fortify the purity of the ballot box.

We should also keep the lines of communication open with our voters so that we continue to build trust and confidence through feedback, collaboration, and transparency because, regardless of where the funding comes from be it county, state, or federal funds, it is all our tax dollars paying for these systems and our voters using them. It is those stakeholders we are ultimately accountable to, and it is their experience at the voting booth that should matter most.

So, while I do fully support, based on state statutes, the operational funding of our Elections Department and the need for specific machines for ADA compliance and counting purposes, I cannot support the purchase of these machines as a permanent solution and I would hope that we could work out an agreement with the state to use the funds being offered the way our voters are asking us to.

Thank you!