



DOCUMENTATION AND CHAIN OF CUSTODY CONCERNS FOUND IN THE MARCH 5, 2024 ELECTION THAT NEED TO BE ADDRESSED

Executive Summary

For the last nine elections, a group of Williamson County citizens has performed a detailed, post-election review/audit of Williamson County elections to ascertain if there were any issues that might have affected the outcome. This comes after concerns were identified in several previous Williamson County elections [here](#) and [here](#).

After inspecting the election artifacts from the March 5, 2024 election, we have found 55 issues in 12 specific vote centers (44% of the total number of vote centers in Williamson County) during both early voting and election day voting that need to be explained and/or corrected by the Williamson County Election Commission (WCEC). In addition to a number of chain of custody issues, they include:

- **4 instances of voting machine protected count starting numbers that changed long after the IT technicians set up, tested and sealed the tabulators.** Meaning the machine could have been tampered with before or during the election to change vote totals. **Sixty-six votes appear to be added to the election (1 + 39 + 13 + 13 = 66).** (Once the machine is set up, the protected count on the machine [like an odometer] should not change until voters begin to insert their ballots for counting.) But the time the count change was discovered was never documented; 66 votes could have been added between January 30, 2024 set-up and the March 5, 2024 election and the evidence zeroed out. Or specious software changes could have been inserted to instruct the tabulator to change the way it counts votes.
- **32 broken/missing and undocumented security tags on tabulators** that count the votes, meaning nefarious actors could have opened the tabulator and inserted malware or infected the software that could have affected how the tabulator performs. Election results could have been changed.
Chain of custody issues.
- The serial number of an early voting tabulator set up by the IT technicians on January 31st **became a completely different tabulator and number** which was actually used in the assigned vote center on February 14th. Yet the protective count and various seals on that “new” tabulator were the same as the “old” tabulator. **Meaning an entirely new machine that didn’t undergo Logic & Accuracy (L&A) testing could have replaced the old one that did. And the “new” tabulator did not come from the supply of spare tabulators.** The documentation was signed by two election commissioners and two poll officials who are obviously not checking out the numbers or their difference.
- **In several cases, the post-election agreement between the number of votes on machines compared to the number of applications to vote on those machines didn’t match.** At one early voting vote center, the number of votes on machine A on February 21 showed 20 votes were counted, yet there were only 17 applications to vote documented. At another, on February 26th, the math on machine B missed five votes yet the number of applications to vote didn’t agree with the correct number of votes. At a third vote center, on February 17th, there were 35 applications to vote on machine A, yet the number of machine votes on machine A was 36. Were these math errors or

true issues? **Again, at least two election commissioners signed these incorrect documents. So what good is their signature?**

- **A tabulator seal number that documents the compartment where the USB stick (that counts votes on the tabulator) sits was changed after the January 30th machine set-up and testing, without any documentation**, meaning the seal was somehow broken and the USB stick could have been tampered with and the election process or results on that machine changed.
- With regard to the Franklin Rec Center early voting report, what are two election commissioners approving since **none of the early voting documentation at that vote center showed an end-of-voting security tag number for either tabulator?** These two tabulators could have been tampered with following the election to where election results could have changed, and an audit would have been questionable. **Poor chain-of-custody documentation.**
- **Two vote centers provided no zero tapes** (tapes run at machine set-up to verify no candidate had any votes already added to his/her name) to start the election. So, did some candidates have a head start on votes? Why were zero tapes not provided to affirm that was not the case?
- Several vote centers held an **assortment of questionable data. So, after the fact how can citizens or auditors be sure of the correct numbers?** Three examples of bad math (so what were the correct numbers?), four examples of bad handwriting (the auditor had to guess at the correct number instead of being sure) and one example where a seal held too many numbers (again, what was the correct number?).

Problems like these do not generate trust in the Williamson County Election Commission and how it runs elections. Especially since it has sufficient staff and commissioners to perform all the double checking our group of citizens just did before it ever releases election results and, especially, before it certifies the election. More importantly, some of these issues could lead to several candidates contesting the election with lawsuits.

Specific issues/details that need to be addressed/explained before we can trust the WCEC.

To the Williamson County Election Commission:

1. On the election day Technician Certification form for most election day reports, it appears the **close lid seal numbers were all added after-the-fact** by the same person with the same handwriting. To be trustworthy, this documentation should be completed by the poll officials at the close of the poll, and that would include the final close lid seal. Otherwise, the documentation can't be trusted. **We would consider this a chain of custody documentation concern.**
2. At the Election Office, Nolensville Rec Center and at many other vote centers, **the close lid seal numbers captured at the closing of the poll were not found on the technician certification report**, which is the official summary report for the poll as it is signed by at least two election

commissioners. Otherwise, what are the commissioners attesting to? The daily technician's certification for early voting should be the detail that backs up the technician certification.

3. Why did two Williamson County Election Commission (WCEC) commissioners **only attest with their signature the early voting documentation? Why not the election day forms?**
4. At the Nolensville Rec Center, the green **early voting end-of-day closing tab number for machine B on February 27th is questionable.** Is it 0503747 or 0503797? How can an election worker verify this after-the-fact?
5. At the Longview Rec Center, the **beginning-of-the-day early voting protected count on scanner B changed** from 4636 on the January 31, 2024 technician certification when the machine was set up to either 4634, 4637 or 4639 (poor handwriting) on the Daily Technician's EV certification form on February 14 at the start of early voting. The Configuration Tape says the protective count was 4637. Why the difference from 4636? **There was no explanation why a number that is certified by the IT technicians during set up and after L&A testing – and should not change going forward – changed.** Who is CS who initialed this change (and he/she should have signed full name so independent auditors know who is making the change)? Why did he/she not document when (time & date) the change was made and why it was made? Significant changes such as this need to be detail documented and perhaps signed by two poll workers – a Republican and a Democrat. Two WCEC commissioners documented the original number with their signature, but not the new number. So, what did they document and, therefore, which is the correct number? Commissioner signatures affirming approval of the numbers should be dated and time-stamped for better post-election audits.
6. Also at Longview, there looks like a math mistake on February 26, 2024 on the Daily Technician's Certification for Early Voting that affected the scanner B total. So, **was the correct number of votes for the day and voter applications 148 or 143?** Our calculator says 148 votes. So, regarding the number of applications to vote, was it 148 or 143? Or are poll workers simply copying the number of machine votes for the day and insinuating it is the same number of applications to vote, which might not be the case. It sounds like proper checking is not occurring and workers are taking the easy way out. And since two Commissioners signed this report, they vouched for an incorrect number of votes and/or applications. If they are not going to check the math and the data, their check-off signatures are virtually meaningless.
7. The tabulator tape for machine A at Longview needs to be checked to see **if the public count ending tally at 761 votes matched the scanner tape.** We believe the 761 number did come from the tabulator tape, but obviously don't have access to that tape anymore. The question needs to be addressed by the Election Office to affirm the correct number.
8. At the Franklin Rec Center early voting, there was no end-of-vote-session green tag number that protected the closed lid on either tabulator. How come? **Broken chain of custody. So, what were the two commissioners approving when they signed?**

9. Also at the Franklin Rec Center early voting, there are **math mistakes on 2/16 and 2/17 with scanner A and scanner B**. Are poll officials not checking these daily numbers? More importantly, **what is the correct number of applications to vote here?** It looks like the correct number for machine A on 2/17 should be 36, not 35. Therefore, what is the correct number of applications to vote 35 or 36? If 35, where did that extra vote come from and how? How do you explain this incorrect documentation especially after-the-fact? And are poll workers and commissioners approving the documentation without checking the math? Looks like it.
10. At College Grove early voting, the **scanner serial number on scanner B is completely different from what is shown on the scanner tape and the Technician certification for scanner B, with no explanation as to why**. Technician certification says scanner B serial number is #DS0321390059, but the scanner tape says it's #DS0322420144. This "new" scanner did not come from the batch of EV-Spare machines. **So, was #0144 even L&A tested?** Probably not as it would have had a technician certification form. The starting protective count on the "new" scanner #0144 starts with 41 on both the Technician Certification and the Daily Technician's Certification form. Same with the seals that matched. So why the difference in serial numbers? **Another chain of custody issue**. Did the two commissioners sign/approve this without checking? And when did they approve this?
11. On the College Grove Daily Technician Certification form, February 21, 2024 shows 20 machine votes for the day, yet the number of applications to vote (machine apps column) shows only 17. **Where are the other three missing applications?** Why does this number not match? Did poll workers not check this application number which we know is tracked by your registrar computers?
12. At Independence High, the protective **count number at the start of the day on scanner A increased on March 5, 2024 by 39 votes from the 1228 that was noted by the IT technicians who set up the machine on January 29th to 1267. An increase of 39 votes** with no explanation for this dramatic change in protective count. The machine serial number remained the same. Where is the chain of custody documentation for this? It should include who found the issue (full name) when, date, time, reason.
13. At the same time, also at Independence High, **scanner B showed that the top lid green seal #05033391 was missing** either at the start of election day, mid-day, closing of election day. When did that seal go missing? We don't know because there is no documentation. Had the seal gone for a time between January 29, 2024 and March 5, 2024 allowing unfettered access to the machine during that time? Who discovered it? When? Why wasn't this documented with date/time/person/etc.? **Another broken chain of custody issue that needs explanation**.
14. At Legacy Elementary School and Longview Rec Center, there were **no zero tapes for either scanner A or B on election day**. Why? How can you definitively prove there were not "advance votes" for candidates?
15. At Heritage Elementary, **both scanners are off by 13 additional votes each** from their protective count as documented by the IT technicians during their equipment set up on January 30, 2024. Both scanners, though, have the same serial number as was documented by the IT technicians in the Technician certification form. Scanner A has a protective count of 1084 set on January 30, 2024 by

the technicians, yet on March 5, 2024, before the election, the protective count has changed to 1097, which is verified on the scanner tape. An increase of 13 votes. Scanner B has a protective count of 1086 on January 30, 2024 by the technicians, yet on March 5, 2024, before the election, the protective count has changed to 1099, which is also verified by the scanner tape. An increase of 13 votes as well. A total increase of 26 votes in this vote center and these two scanners/tabulators. Definitely a **chain of custody issue** that needs to be explained.

16. At the Spring Station Middle School vote center, the **Scanner B red seal on the front access compartment where the scanner's thumb drive (which tracks votes into the scanner) is kept was missing**. But there is no documentation as to when it was found (date/time) and by who. The Technician certification form documented on January 30, 2024 when the machine was being set up shows a seal number of 45636372. Yet, the number was apparently changed to 45636316 with no explanation. Looks like multiple people documented the change in number, but we don't know who they are, nor do we know when it was noticed. Where is the chain of custody documentation?
17. At Sunset Elementary School there were **no green top lid seals at the end of voting on either tabulator A or B**. Were the machines left open? How do we know? **Another broken chain of custody issue**.
18. At Edmondson Elementary School, the top lid **green seal on the closed lid of scanner A was broken**. When was it broken or noticed and why not replaced and documented? Who found it and at what time/date? How does that happen without it being checked and a new tag placed on the scanner and the issue documented with date/time/person? **Another chain of custody issue**.
19. Also at Edmondson, the open lid **green seal has an entirely different number** typed in by the IT technicians at set up (0303366) than another number penciled in probably on election day (?) (0503366) by some poll worker. So, who found the discrepancy and penciled in the difference, when and at what time? Why is the number different? Which number is correct? How do you know exactly what happened? **Another chain of custody issue**.
20. At Brenthaven Church at the end of election day, **both scanner A and scanner B have two numbers shown as a close lid seal/tag for each**. No indication as to which number is correct or an explanation of why there are two numbers cited and what that means. Better documentation is needed. Could be considered broken chain of custody.
21. What is the difference between the Power Management Firmware (1.2.15.0) and the DS200 Firmware version (2.30.0.0)? Where is the software version listed? Can that not be listed on the Equipment manifest document you now produce for citizens showing the tabulators and BMD numbers and locations?

Recommendations

1. You need to **establish a process that has the commissioners or an Election Office worker doing nothing on Election Day night but checking the documentation** and making sure everything balances. Much like a bank teller who can't leave for the day until his/her teller window drawer is

completely balanced. While you are not dealing with money, you're dealing with a far more precious commodity – votes.

2. You have shared with us a document that shows how many blank ballot cards were sent pre-election to each vote center. And you show how many of those were spoiled. This is good to know but **stops short of completely documenting the number of ballots in the election**. In a simple chart, you need to:
 - a. Indicate the total blank voter cards sent to each vote center.
 - b. The vote center then tracks how many were used and/or spoiled daily.
 - c. At the end of the vote day or early voting, the registrars count the number of remaining blank ballots.
 - d. Together, all three (used, spoiled, remaining) should equal the starting number for the day or early voting. A three-legged stool that balances.
 - e. Tracked on the form, this would be a much better accounting of what went on in the poll with the ballot cards.
 - f. This form could also do the same with absentee and nursing home ballots:
 - i. How many were sent out;
 - ii. How many were used; and
 - iii. How many were returned or not returned (absentee).
3. The **end-of-day protected counts and public counts need to be added** and documented on the technician certification form, just like the close lid seal is on that form for documentation.
4. Your Technician Certification forms show a column for the number of the close lid seal at the end of election day. At the same time you're closing the precinct and documenting the close lid seal, why can't you **document on the form right next to the close lid seal tag # the number of applications to vote for election day, which is found on all of your registrar computers?** I'm told you track daily applications to vote during early voting in the No. of Machine Apps column on the Daily Technician's Certification for Early Voting. Why can't you do the same for election day during the closing of the precinct for better tracking and transparency? It's one more step **that can improve transparency**.
5. Because no one knows who the poll workers/officials are and their initials cannot be determined/easily read after-the-fact on the documentation forms, there should be **a key at the bottom of all forms indicating who signed the document** stating the data is okay. Equate the initials with the name of a poll worker. (e.g., DJ = Don James)
6. Since elections are held for citizens to vote on their preferred candidates of both parties and since there is limited time for citizens to see if the election was held fairly and accurately, and since the WCEC claims to execute elections with accuracy and transparency, citizens request that all of these **documents and artifacts studied by this auditor from Tennessee Voters for Election Integrity be available to citizens no later than two days following the election to see if that was done. That would allow several days for citizens to audit the election.**
7. Finally, if the WCEC truly cares about transparency, it is the people's recommendation that the Commission **hire a professional auditor approved by both parties to receive all the documents this**

auditor received no later than two days after the close of the election for he/she to conduct this audit and publicly report the results no later than five days after the close of the election.

Produce a chart and a report such as this chart and report. I'm sure the Williamson Herald would cover such a story/release after each election to let citizens know the election was executed professionally.

If the Williamson County Election Commission would adopt these improvements and improve their actual documentation of the election, they would have a better basis on which to stand. Certainly, though, removing the machines, returning the voters to precinct voting vs. vote center voting and more aggressively cleaning the voting rolls before an election would further enhance the comfort citizens would have about our elections.

Notes

What was cross-checked during this audit:

- *Pre-election technician certification documents;*
- *Daily technician/poll official certification documents for both early voting and election day;*
- *Pre- and post-election seal and machine numbers;*
- *Pre- and post-election public and protective counts on all scanner/tabulators per the reports and scanner tapes post-election;*
- *The serial numbers of all ballot marketing devices and scanner/tabulators;*
- *Their placement in vote centers during early and election day voting;*
- *Any changes that occur in those numbers/machines;*
- *Absentee and nursing home voting reports;*
- *I've secured but have yet to assess the election's cast vote record and its corresponding ballot manifest report and several log reports from the ES&S election machines.*
- *I have charted the key election data to notate any issues.*

***Why the printed documentation of our elections is so critical to be precise and correct:**

- *By customary standards, legal documentation of an organization is printed and signed – which the Williamson County Election Commission's printed documents are.*
- *The Williamson County Election Commission emphasizes that in 2019 they made the decision to employ a QR-coded paper ballot on their Dominion machines for voters to use so that should something go wrong with the machines in tracking election results, the paper ballots could be hand counted to determine the accuracy of the election.*
- *Following the failure of seven of nineteen tabulators in the 2021 Franklin municipal election, a hand count of ballots was done and deemed by the Secretary of State to be the official record of the election. Not the machine totals, but the hand-counted paper totals.*
- *The tabulators produce both electronic numbers (public counts and protective counts) on their screens and printed hard-copy scanner tapes to back up what is shown on tabulator screens.*
- *In short, paper backs up electronics, which is the logical rationale since we know machines can be hacked. The paper documentation -- all the IT technician, poll official and election worker printed and signed paper reports -- are the official records of the election. They should be spotless and trustworthy.*

Respectfully submitted,

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[Tennessee Voters for Election Integrity](#)

Franklin, TN

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