

Division 6-B. CONTINUING COVERAGE, INDEPENDENT INTERNET SITE

Entrant: KnoxViews.com, Randy Neal

Title: Tennessee Voter Confidence Act

KnoxViews.com provided coverage of a controversial effort in the Tennessee General Assembly to delay implementation of the Tennessee Voter Confidence Act until after the 2010 elections. We did not believe that newspapers and other media across the state were covering this issue adequately or at all.

Our coverage was partisan (because the effort to delay implementation was driven by Republicans in the General Assembly and Republican appointees in the Secretary of State's office), and we advocated for implementation of the law which provides for, among other things, voter verifiable optical scan paper ballots.

During the 2009 session, advocates for election reform and voter-verifiable ballots won a victory when the State Senate voted against the bill that would delay implementation of the Voter Confidence Act.

Unfortunately, one of the State Senate's first actions in the 2010 was to vote for passage of the bill delaying implementation. It picked up wider support because county election commissions were delayed by the 2009 proposed legislation and "foot dragging" by the Secretary of State, making implementation in time for 2010 elections less feasible.

Following are the related articles and blog posts at KnoxViews.com during 2009.

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Tennessee Voter Confidence Act may be on the chopping block

By R. Neal
Created Feb 4 2009 - 07:28

The Tennessean reports that Rep. Jason Mumpower said the legislature may have to "revisit" [the Voter Confidence Act](#) [1] because of budget constraints. Passed last year, the law requires all state voting systems to have voter verifiable paper audit trails in time for the 2010 elections.

It was my understanding that this had already been funded by way of Federal HAVA money.

Source URL:

<http://www.knoxviews.com/node/10360>

Links:

[1] <http://www.tennessean.com/article/20090204/NEWS0201/902040416/1001/RSS01>



Published on KnoxViews (<http://www.knoxviews.com>)

Tennessee Republicans do not want voter verifiable voting in 2010

By R. Neal
Created Mar 26 2009 - 05:05

The Tennessee General Assembly passed bi-partisan legislation ([HB1256](#) [1]) last year requiring voter verifiable optical scan ballots for elections in all Tennessee counties and for new systems to be in place no later than the 2010 elections. The Governor signed it into law on June 5th ([Public Chapter 1108](#) [2]).

According to the bill's [fiscal note](#) [3], the cost for new machines would be a one-time expense of approx. \$25 million.

At that time, the most recent U.S. Election Assistance Commission report showed that Tennessee has approx. \$31.4 million in unused federal Help America Vote Act (HAVA) funds available for the upgrade.

Now Republicans legislators and the newly appointed GOP state election coordinator are [backpedaling](#) [4].

They say it will cost the state too much money. As noted previously, there was more than enough unused federal funding available for the upgrade.

They say there are no federally certified machines available. Florida passed a similar law in 2007 and had optical scan ballots in place for nearly every voter in the 2008 elections.

In fact, according to [Pew Research](#) [5], other states using optical scan ballots exclusively include Alabama, Iowa, Massachusetts, Michigan, Minnesota, Montana, New Mexico, North Dakota, and Rhode Island. Connecticut, Maine, New Hampshire, and Oklahoma have optical scan ballots and vote by phone.

Tennessee Republicans would have you believe that all of these states are in violation of federal election certification standards.

Optical scan systems are available from a variety of manufacturers. Hart Intercivic, whose ESlate systems are used in Knox and [thirty other counties](#) [6], has a [precinct optical scan system](#) [7] that meets Tennessee's Voter Confidence Act requirements. Presumably it is compatible with the back-end election management and tabulation systems already in place.

The bottom line is that Tennessee Republicans all of a sudden do not want voters to be able to verify that their vote is counted in the 2010 elections. They also do not want a human readable paper ballot to be the official vote of record in case of a recount. Why do you suppose that is?

UPDATE: The "federally certified" requirement was snuck into the final bill at some point and I completely missed it. The original bill just said machines had to be certified by the state. The [federal program](#) [8] is new and just getting underway. State participation is voluntary. This could all be fixed by changing the bill back to its original requirement.

RELATED:

- [TennViews](#) [9]: TACIR report on Tennessee elections and voting systems
- [TennViews](#) [10]: Verifiable voting: It's the law!
- [Liberadio\(!\)](#) [11]: Urge Tennessee's Legislators to Keep the Voter Confidence Act Intact
- [Liberadio\(!\)](#) [12]: Tennessee Republicans Play the Electronic Voting Machine Hokey Pokey

Source URL:

<http://www.knoxviews.com/node/10853>

Links:

- [1] <http://www.capitol.tn.gov/legislation/Archives/105GA/bills/BillStatus/HB1256.htm>
- [2] <http://www.capitol.tn.gov/legislation/Archives/105GA/bills/Chapters/PC1108.pdf>
- [3] <http://www.capitol.tn.gov/legislation/Archives/105GA/bills/FiscalNotes/FM0891.pdf>
- [4] <http://blogs.knoxnews.com/knx/humphrey/2009/03/voting-machine-pants-down-unti.html>
- [5] http://www.pewcenteronthestates.org/template_page.aspx?id=42332
- [6] http://state.tn.us/sos/election/voting_systems/VotingSystems.20080109.pdf
- [7] <http://www.internetvoting.com/pages/215>
- [8] <http://www.eac.gov/program-areas/voting-systems/voting-system-certification>

[9] <http://www.tennviews.com/node/328>

[10] <http://www.tennviews.com/node/3708>

[11] <http://www.liberadio.com/2009/03/22/urge-tennessees-legislators-to-keep-the-voter-confidence-act-intact/>

[12] <http://www.liberadio.com/2009/03/25/tennessee-republicans-play-the-electronic-voting-machine-hokey-pokey/>



Published on KnoxViews (<http://www.knoxviews.com>)

TN Senate to vote on delay of voter verifiable ballots today

By R. Neal
Created Jun 8 2009 - 07:32

The Tennessee Senate is scheduled to vote today on whether to postpone implementation of voter verifiable paper ballots for Tennessee elections. [SB872](#) [1] weakens and delays the Tennessee Voter Confidence Act which was passed last year to require paper ballots for all Tennessee elections in time for 2010.

PREVIOUSLY:

- [Republican attack on free and fair elections in Tennessee](#) [2]
- [Tennessee Republicans do not want voter verifiable voting in 2010](#) [3]
- [TACIR report on Tennessee elections and voting systems](#) [4]
- [Verifiable voting: It's the law!](#) [5]

RELATED:

In a joint press release, Common Cause, Gathering to Save Our Democracy, the Tennessee League of Women Voters, VerifiedVoting.org, Voter Action, and Voters Unite.org call for state lawmakers to reject legislation delaying or weakening the Tennessee Voter Confidence Act. Full press release after the jump...

continued...

Civic Organizations Urge Lawmakers to Follow Through on Trustworthy Voting Systems

A coalition of civic organizations is urging the Tennessee General Assembly to stop legislation that would delay the state's move toward verifiable elections. Common Cause, Gathering to Save Our Democracy, the Tennessee League of Women Voters, and the national organizations VerifiedVoting.org, Voter Action, and Voters Unite.org call for state lawmakers to reject House Bill 614 and Senate Bill 872. The full Senate may vote on SB 872 on Monday.

The two bills would either delay implementation of the Tennessee Voter Confidence Act (TVCA), or delete key provisions of the law. The TVCA requires that by 2010, requires all votes be cast in Tennessee elections be cast on paper ballots marked by the voter. The ballots will be read and counted by scanning machines, and after the election, every county will conduct a hand-counted audit of a random sample of precincts to verify the scanners' tallies.

The TVCA was enacted last year after the Tennessee Advisory Commission in Intergovernmental Relations (TACIR) recommended that the state adopt voting technology with a reliable, independent paper record of every vote, and recommended that election officials use those records to conduct routine hand-counted audits of electronic vote tallies. (1)

"The Assembly passed the Voter Confidence Act in order to provide voters with verifiable ballots and election results we can trust," said Bernie Ellis of the citizen group Gathering to Save Our Democracy. "There is no legitimate reason not to implement this law on schedule," said Ellis.

The state has sufficient federal funds on hand to pay for the law's shift to better equipment. All but two counties in Tennessee now use purely electronic voting machines. In recent years, paperless electronic voting systems have been strongly criticized by leading computer scientists. The TACIR report noted that if Tennessee's electronic voting machines store votes incorrectly because of malfunction or fraud, recounts are "useless." (2)

Tennessee's law is part of a nationwide trend toward paper ballot voting systems. In the 2008 general election, the percentage of votes cast on paper ballots rose significantly, accounting for almost 60% of the total. A majority of the states also now have a provision for post-election hand audits. The TVCA requires voter-marked paper ballots rather than cash-register type "paper trail" printouts, because paper ballots are more durable, and because many voters fail to check secondary printouts. Since 2006, no states have added paper-trail printers to electronic voting machines.

"Everything depends on the ability of the citizenry to have that confidence their votes are being counted accurately. It's unconscionable to delay," said VerifiedVoting.org president Pamela Smith.

(1)"Trust But Verify," the [2007 TACIR Staff Report](#) [6].

(2) 2TACIR report, page 21.

Source URL:

<http://www.knoxviews.com/node/11415>

Links:

- [1] <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB0872>
- [2] <http://www.knoxviews.com/node/11352>
- [3] <http://www.knoxviews.com/node/10853>
- [4] <http://www.tennviews.com/node/328>
- [5] <http://www.tennviews.com/node/3708>
- [6] http://www.state.tn.us/tacir/PDF_FILES/Other_Issues/trustbutverify_phase1.pdf



Published on KnoxViews (<http://www.knoxviews.com>)

TN House votes to continue unverifiable black box voting

By R. Neal
Created Jun 18 2009 - 10:42

23 Democrats joined 50 Republicans in the Tennessee House to vote against voter verifiable paper ballots, which had already been approved by the legislature and signed into law last year. 20 Democrats (and no Republicans) stood strong for verifiable elections in Tennessee. The Senate is scheduled to vote today.

The [vote](#) [1] on [HB614](#) [2] (an 'aye' vote is a vote against paper ballots):

continued...

Representatives voting aye were: Barker (D), Bass (D), Bell (R), Bone (D), Borchert (D), Brooks H (R), Brooks K (R), Campfield (R), Carr (R), Casada (R), Cobb C (D), Cobb J (R), Cobb T (D), Coley (R), Curtiss (D), Dean (R), Dennis (R), Dunn (R), Eldridge (R), Evans (R), Faulkner (R), Ferguson (D), Floyd (R), Ford (R), Fraley (D), Hackworth (D), Halford (R), Harmon (D), Harrison (R), Harwell (R), Hawk (R), Haynes (R), Hensley (R), Hill (R), Johnson C (R), Johnson P (R), Jones U (D), Kelsey (R), Kernell (D), Litz (D), Lollar (R), Lundberg (R), Lynn (R), Maggart (R), Matheny (R), Matlock (R), McCord (R), McCormick (R), McDaniel (R), McDonald (D), McManus (R), Montgomery (R), Moore (D), Mumpower (R), Niceley (R), Ramsey (R), Rich (R), Roach (R), Rowland (R), Sargent (R), Shaw (D), Shepard (D), Shipley (R), Swafford (R), Tidwell (D), Tindell (D), Todd (R), Watson (R), Weaver (R), West (D), Winningham (D), Yokley (D), Mr. Speaker Williams (R) -- 73.

Representatives voting no were: Brown (D), Camper (D), Coleman (D), Cooper (D), DeBerry L (D), Favors (D), Fincher (D), Fitzhugh (D), Gilmore (D), Hardaway (D), Jones S (D), Naifeh (D), Odom (D), Pitts (D), Richardson (D), Sontany (D), Stewart (D), Towns (D), Turner M (D), Windle (D) -- 20.

Representatives present and not voting were: Miller (D) -- 1.

PREVIOUSLY:

- [Republican attack on free and fair elections in Tennessee](#) [3]
(Looks like it's not just Republicans.)
- [Tennessee Republicans do not want voter verifiable voting in 2010](#) [4]
- [TACIR report on Tennessee elections and voting systems](#) [5]
- [Verifiable voting: It's the law! Maybe.](#) [6]

Source URL:

<http://www.knoxviews.com/node/11492>

Links:

- [1] <http://wapp.capitol.tn.gov/apps/BillInfo/BillVotesArchive.aspx?ChamberVoting=H&BillNumber=HB0614&ga=106>
- [2] <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB0614>
- [3] <http://www.knoxviews.com/node/11352>
- [4] <http://www.knoxviews.com/node/10853>
- [5] <http://www.tennviews.com/node/328>
- [6] <http://www.tennviews.com/node/3708>



Published on KnoxViews (<http://www.knoxviews.com>)

A narrow but huge win for democracy in the Tennessee Senate

By R. Neal
Created Jun 18 2009 - 18:32

Incredibly, the bill opposing verifiable voting has failed in the Senate [1].

UPDATE: Mary Mancini has more [2]. Apparently, Sen. Tim Burchett of Knoxville was the lone Republican vote against ditching the Voter Confidence Act, thus saving verifiable paper ballot voting.

Source URL:

<http://www.knoxviews.com/node/11502>

Links:

- [1] <http://blogs.knoxnews.com/knx/humphrey/2009/06/senate-vote-lets-stand-mandate.html>
- [2] <http://www.liberadio.com/2009/06/18/delay-of-paper-ballot-bill-stalls-in-senate/>



Published on KnoxViews (<http://www.knoxviews.com>)

Media (and some bloggers) missing the point of Tennessee election reform controversy

By R. Neal
Created Jul 12 2009 - 09:48

Tennessee Democratic Party Chair Chip Forrester released a statement on Friday saying that Secretary of State Tre Hargett should be fired [1] for "refusing to do his job" and for "using his office to obstruct the voting rights of all Tennesseans."

Sean Braisted says Forrester is over the top [2], making "outlandish claims with very little to back them up," and that the "notion that the GOP (via the SOS) is involved in a massive conspiracy between 95 county election commissions to commit felonious election fraud is not backed up as of yet by any real evidence."

While I don't think anyone (except maybe Forrester in his strongly worded statement) is accusing the GOP of conspiring to commit "felonious election fraud," there is clear and very real evidence of an organized effort to undermine election reforms in Tennessee [3]. Go read that and tell me how you interpret it as anything short of an effort to discourage voter registration, suppress voter turnout, inject big money into elections, make it impossible to verify election results, and install hand picked election officials to oversee their schemes.

continued...

The only thing that isn't clear is the motive. It may be as simple as "because they can." More likely, it's to gain every possible legal advantage going in to the 2010 elections.

As for the Secretary of State's recent statement defending his refusal to comply with the Voter Confidence Act, Mary Mancini has the point by point rebuttal [4] with actual, you know, facts and stuff.

Mainstream media is taking a pass on the controversy. They are too busy mourning the death of journalism to go do some journalism as part of their "fourth estate" duties, one of which is to watch over this most fundamental element of representative democracy. Other than a couple of bloggers and a "colorful" activist (who got a visit from the TBI [5] courtesy of the Secretary of State's office for his trouble), nobody seems to care.

Except Chip Forrester, who resorts to making "outlandish claims" in an effort to get someone, anyone, to pay attention. Good for Chip Forrester.

P.S. This Republican talking point about optical scan ballots being the same technology used in the recent Iranian elections is absurd and an insult to our intelligence. They're comparing the State of Tennessee to Iran? Give me a break. Who cares how you count the votes if you don't plan to count them in the first place? If, on the other hand, you plan to count the votes (which is what we do in America, right?), isn't it better to use a system that allows you to verify the votes are actually being counted and count them manually if you have to?

Source URL:

<http://www.knoxviews.com/node/11691>

Links:

[1] <http://tndp.org/blog/2009/07/10/hargett-must-go-tndp-chair-chip-forrester-calls-for-secretary-of-state%E2%80%99s-firing/>

[2] <http://seanbraisted.blogspot.com/2009/07/swinging-for-fences.html>

[3] <http://www.knoxviews.com/node/11352>

[4] <http://www.liberadio.com/2009/07/10/ellis-vs-hargett-this-time-bernies-all-like-wtf/>

[5] http://blogs.nashvillescene.com/pitw/2009/06/what_kind_of_thugs_are_running.php



Published on KnoxViews (<http://www.knoxviews.com>)

Odom to Goins: Do your job! Goins: I'm the Decider, besides elections are complicated and cost too much

By R. Neal
Created Aug 10 2009 - 08:22

State House Democratic Leader Gary Odom recently sent a letter to Tennessee Election Coordinator Mark Goins and his boss Secretary of State Tre Hargett demanding that they implement the Voter Confidence Act.

Goins responds with this [five page letter](#) [0]. Odom responds with this [press release](#) [0].

Via Tom Humphrey, who forwarded the documents (thanks, Tom) and [has more](#) [1].

P.S. Goins says he is bound by the Federal Election Assistance Commission 2005 voluntary election system standards. Here's the [Voter Confidence Act](#) [2] as signed into law by the Governor last year. Do you see "2005" in it anywhere? Me neither.

Source URL:

<http://www.knoxviews.com/node/11916>

Links:

[1] <http://blogs.knoxnews.com/humphrey/2009/08/another-voter-confidence-volle.html>

[2] <http://state.tn.us/sos/acts/105/pub/pc1108.pdf>



Published on KnoxViews (<http://www.knoxviews.com>)

Maybe Sen. Bob Corker can monitor Tennessee elections?

By R. Neal
Created Aug 22 2009 - 07:16

We see that Sen. Bob Corker went to Afghanistan this week to monitor their elections. According to this [Chattanooga Times Free Press report](#) [1], the elections were secure and orderly.

Hopefully, Sen. Corker will be able to come monitor Tennessee's elections in 2010. Unfortunately, he won't be able to verify any votes in most Tennessee Counties, because they use electronic voting systems with no paper audit trail making it impossible to verify that votes are being counted correctly. In Afghanistan, they use paper ballots that can be counted, recounted, audited, and verified by humans.

And while he's waiting for Tennessee's 2010 elections, maybe Sen. Corker could walk over to the Federal Election Commission (their offices are at 999 E St. NW, about a mile and half walk down Constitution Ave. and up Pennsylvania Ave. from Sen. Corker's office) and ask them why the Election Assistance Commission hasn't certified any new optical scan paper ballot systems in a while.

That's the excuse being given by Tennessee's newly installed Republican election officials for failing to implement the Tennessee Voter Confidence Act, which was passed over a year ago. Even though it is not a requirement in the law as signed by the Governor, it would be interesting to eliminate that excuse so we can see what new excuses they can come up with.

But being a Republican, Sen. Corker is probably fine with Republican efforts to engineer Tennessee's election systems for maximum Republican advantage in 2010. There's a lot a stake for Republicans, including control of the state House and Senate and the redistricting process, by which they will gerrymander Democrats in Tennessee's U.S. Congressional Delegation out of existence.

You might think that sounds like hyperbole. You should read more about the [Republican attack on free and fair elections in Tennessee](#) [2]. If you're still not convinced, you should read the latest from [Tom Humphrey](#) [3].

OK, then.

Source URL:

<http://www.knoxviews.com/node/11997>

Links:

[1] http://www.chattanooga.com/articles/article_157240.asp

[2] <http://www.knoxviews.com/node/11352>

[3] <http://blogs.knoxnews.com/humphrey/2009/08/republicans-may-get-top-ballot.html>