

Williamson County Election Commission
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Jonathan Duda, Chairman
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Robert D Brown, Member
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May 4, 2023

Williamson County Election Commission
405 Downs Blvd
Franklin, TN 37064

Re: Resolution 5-23-27

Honorable Commissioners,

The Williamson County Election Commission has completed a Request for Proposal (RFP) for the procurement of an election system in order to operate the elections for Williamson County. With Resolution 5-23-27, we are requesting authorization from the Williamson County Commission to fund the purchase of election equipment and also authorize the County Mayor to enter into necessary agreements to complete the purchase with Election System and Software (ES&S), with funding assistance from the State of Tennessee.

The purpose of this letter is to summarize how we arrived at our decision, and to address questions that we have received as we completed this process.

Executive Summary

Having completed a thorough Request for Proposal (RFP) and extensive evaluation of the various options that exist in procuring an election system to conduct elections for Williamson County, it is the considered judgement of the Williamson County Election Commission to proceed with a purchase of a configuration of election equipment that includes Ballot Marking Devices, Scanner Tabulators and the ExpressVote ballot style provisioning enhancement from ES&S.

Background

Although a Department of Williamson County, the Williamson County Election Commission (WCEC) is an extension of the State Election Commission, under Secretary of State, Tre Hargett. We must operate under the laws of the State of Tennessee. Our primary duty is to operate the elections for the 167,226 actively registered voters of Williamson County.

In Tennessee, all election systems must be approved by the Secretary of State Division of Elections (SSDOE). Each system must be certified under the federal Election Assistance Commission (EAC), and the State Election Commission.

On February 16, 2022, following an investigation into issues that we had experienced during the Franklin City Election of October 2021, we were notified by the SSDOE that we could no longer use the election equipment that we had previously purchased to conduct elections in Williamson County. This letter stated, in pertinent part:

Given the questions regarding the cause of the issue in the Franklin City Election, the voting system cannot be used in its current configuration in 2022. Although the May election is approaching quickly

Given the questions regarding the cause of the issue in the Franklin City Election, the voting system cannot be used in its current configuration in 2022. Although the May election is approaching quickly and poll workers need to be trained before early voting begins on April 13, it is our recommendation that you seek a new voting system for the elections this year.

We stand ready to assist you however we can, including with funds available through the Help America Vote Act. The immediate question will be one of process to determine the proper procurement process under the abbreviated time frame. A short-term lease may be the most feasible option.¹

We were able to secure a short-term rental agreement with ES&S for election equipment to be able to operate elections for Williamson County in 2022. This rental agreement was intended to be temporary, in order to provide the time that would be necessary for WCEC to complete a permanent purchase under the competitive bid Purchase Policy of Williamson County (the RFP). This rental agreement includes a provision that provides for a credit of lease payments paid towards the cost of purchasing the equipment. In March, we extended the rental agreement to provide for additional time to complete the RFP process, including securing funding assistance from the State of Tennessee.

The Request for Proposal (RFP) Process

The WCEC began the process of completing an RFP in September 2022. Working with Williamson County's Purchasing Agent, a request for responses was published on November 15, 2022 with a deadline to receive responses by December 13, 2022. Two (2) qualified vendors² submitted proposals. The WCEC hosted an Open House for the public, which was well attended, on January 18, 2023 which included a hands on demonstration of the election systems proposed by these vendors.

On February 1, 2023, after completing a thorough review of the vendors, including considering staff scoring of the proposals and their recommendations, it was the considered judgement of the WCEC to award the RFP to ES&S, who we determined was the most capable vendor to operate our elections in Williamson County.

Summary of Election System Options

We are constantly exploring ways to improve how we conduct elections for Williamson County citizens. In considering the election system to utilize in Williamson County, we must first consider the systems that are approved for use in Tennessee, then consider the various options and costs that exist for casting a ballot itself.

During this RFP process, we have been asked to consider implementing Hand-Marked Paper Ballots and Hand-counting of Ballots.

State Law³ provides that by January 1, 2024, each voting machine in Tennessee must produce a Voter-Verifiable Paper Audit Trail (i.e. a paper ballot). The primary methods of producing a paper ballot include Hand-Marked Paper Ballots (where voters mark their own ballots), and a Ballot Marking Device (aka BMD, where voters make selections on a terminal, and a paper ballot is printed that includes the selections made by the voter).

To be clear, every ballot that has been cast in Williamson County Elections since 2019 has been on a paper ballot. For in person voting, votes have been cast using a system of Ballot Marking Devices (BMDs) and Scanner

¹ Letter of Secretary of State, Tre Hargett and Coordinator of Elections, Mark Goins to Williamson County Election Commission; February 16, 2022

² Qualified Vendors included responses from vendors that provided an election system certified by the Election Assistance Commission (EAC), and approved by the State Election Commission for use in the State of Tennessee.

³ T.C.A. § 2-9-101 (d) (1)

Tabulators. For absentee, nursing home and other mail-in voting, votes have been cast using Hand-Marked Paper Ballots and Scanner Tabulators.

Hand-counting of Ballots

State Law currently does not permit Williamson County to perform Hand-counting as an exclusive method to tabulate election results⁴, and for good reason. Hand-counting of election results would take days or even weeks to tabulate, increase the opportunity for human mistakes to be made, and most importantly, would remove established controls that we currently have in place using our Scanner Tabulators to ensure that our election results reflect the actual votes cast. Additionally, the estimated costs of completing Hand-counting of election results are excessive. In Shasta County, California, a county that has 50,000 fewer registered voters than Williamson County, a recent detailed cost analysis estimated that it would cost \$1.6 Million and require 1,250 temporary staff members to complete a Hand-count of a single election⁵. To accommodate Hand-counting, Shasta County hired an additional seven (7) full-time employees to their election commission staff, and estimates that even with these measures, it is possible that they would not meet the 28 day deadline for reporting of results required by California State Law. Consider further that Tennessee Election Law requires that each county report uncertified election results on election night⁶.

Hand-counting of Ballots is not permitted by State Law and is not an option that the Williamson County Election Commission can support. As a result, in some manner, election machines will be a part of the election system we will use to conduct elections in Williamson County.

Hand-Marked Paper Ballots

Proponents of Hand-Marked Paper Ballots believe that elections would be more secure, less costly, and would provide for less risk than alternative systems. However, based on our review, Hand-Marked Paper Ballots would not provide for a more secure system, increases the potential for human error, and would cost Williamson County more to implement.

Without stringent chain of custody controls, Hand-Marked Paper Ballots are highly vulnerable to tampering. Once a ballot is added to the ballot box, there is no way to determine if it is legitimate or not. Ballot box “stuffing” on a large scale is not a hypothetical risk, it has actually occurred in other Counties across the United States⁷. Similarly, Hand-Marked Paper Ballots can be destroyed and manipulated. They are also very susceptible to human error, and introduce issues in determining the intent of the voter.

Studies have shown that the error rate of recording true voter intent with Hand-Marked Paper Ballots to be as high as 5% - one in every 20 ballots⁸. WCEC experience mirrors this for Mail-in Absentee Voting, which is completed with Hand-Marked Paper Ballots. In the November 2022 election, of 2,013 Hand-Marked Absentee ballots received, approximately 150, or 7.5%, had to be inspected for voter intent and transposed in order to be cast properly. At the Williamson County Republican Party Reorganization Convention that occurred in April

⁴ T.C.A. § 2-9-109

⁵ <https://s3.documentcloud.org/documents/23731943/letter-and-manual-tally-analysis.pdf>

⁶ T.C.A. § 2-8-101

⁷ There are over 750 documented cases of casting of ineligible ballots recorded by the Heritage Foundation, including Ineligible Voting, Duplicate Voting, Impersonation Fraud at The Polls, and Fraudulent Use Of Absentee Ballots. Source: <https://www.heritage.org/voterfraud>

⁸ “Analysis of Overvotes in the 2016 California Senate Primary Election”; 2016 Source: <https://civicdesign.org/breaking-the-ballot/>

2023, the WCEC was able to test a system of Hand-Marked Paper Ballot voting. Although the feedback we received was very positive, of 609 votes cast for a single race ballot with two candidates, 19 ballots, or 3%, had errors related to marking that had to be corrected.

The accepted error rate of Ballot Marking Devices (BMDs), the current system used in Williamson County that produces a paper ballot for the voter at Early Voting and Election Day Vote Centers, is less than 1%. Said differently, a system exclusively of Hand-Marked Paper Ballots is 3 to 5 times more error prone than the current system used in Williamson County.

Costs are an additional factor the WCEC considered. For any given election in Williamson County, there could be as many as over one hundred fifty (150) different ballot style based on a voter's district, precinct or City that a voter would need to cast a vote. With in person voting, either at Early Voting locations or at polling locations on Election Day, a voter must receive the correct ballot style to vote. With a Ballot Marking Device (BMD), the correct ballot style is provided to the voter. With Hand-Marked Paper Ballots, a paper ballot would either have to be pre-printed, or printed at the polling location using a Ballot on Demand printing system. Pre-printed ballots would be problematic due to the requirement of securely storing potentially over a hundred ballot styles at each location.

In order to provide access to each ballot style, and to reduce the possibility of error or security risk of the ballots, a Ballot on Demand printing system would be required.

The WCEC has completed a cost analysis of the various election systems that utilize a paper ballot that are approved in Tennessee:

Scenario 1) Paper Ballots prepared by a Ballot Marking Device (BMD), and cast by the voter with a Scanner/Tabulator (this is the system we currently use in Williamson County)

Net cost to Williamson County*: \$116,000

Scenario 2) Hand-Marked Paper Ballots prepared by the Voter on a ballot printed at the polling location by a Ballot on Demand printing system, and cast by the voter with a Scanner/Tabulator.

Net cost to Williamson County*: \$367,599

Scenario 3) A Hybrid system where the voter is given the option to prepare their ballot through a Ballot Marking Device (BMD), or prepare their own Hand-Marked Paper Ballot. Both of these options require the vote to be cast with a Scanner/Tabulator.

Net cost to Williamson County*: \$591,000

** Net costs to Williamson County include applicable Credit for Rental Fees Paid and Additional Discount from ES&S, and financial assistance from State of Tennessee. The detailed cost analysis completed is attached.*

The costs to add Hand-Marked Paper Ballot as an option for voting in Williamson County are higher than a system of Paper Ballots prepared by a Ballot Marking Device (BMD).

An additional consideration in whether to introduce Hand-Marked Paper Ballot as an option for voting in Williamson County is the utilization. In 2022, Shelby County implemented the hybrid voting system, where the voter is given the option to prepare their ballot through a Ballot Marking Device (BMD), or prepare their own Hand-Marked Paper Ballot. Per the Administrator of Elections in Shelby County, utilization rates are very low. In November 2022 Early Voting, 3.02% requested the Hand-Marked Paper Ballot option. For November 2022 Election Day Voting, 4.54% requested the Hand-Marked Paper Ballot option. In a January 2023 Special Election, just 1.63% requested the Hand-Marked Paper Ballot option.

Based on our findings that Hand-Marked Paper Ballots are more prone to potential errors, coupled with the increase in cost and the relatively low utilization versus paper ballots produced by a Ballot Marking Device (BMD), the WCEC cannot recommend introducing Hand-Marked Paper Ballots at this time. BMDs provide for a uniform voting system for all voters with all abilities, error checks, and an additional important step that is not existent in Hand-Marked Paper Ballot – required verification for every vote cast as the voter receives a confirmation screen before the ballot is printed.

However, paper ballots do play a critical role in our elections by providing an auditable and verifiable back-up to electronic voting systems. Together, paper ballots and election machines play an important role in election security and auditing. Electronic voting directly enhances and supports election integrity by ensuring auditability. A fundamental part of our data integrity is best accomplished with multiple records of the same data on multiple storage media so they can be verified and audited against each other.

One of the important factors we considered as we sought a new election system is the ability of the election system to be flexible and able to accommodate changes that could occur over time in election processes, including increased security measures. The Scanner Tabulators offered by ES&S provide for the ability to accommodate Hand-Marked Paper Ballots or ballots prepared by BMDs, should we ultimately decide to implement Hand-Marked Paper Ballots.

An additional option that we have considered is an enhancement to the voting system that would reduce a human error element that we have experienced. Currently, a BMD device is provisioned with the ballot style by an election official who selects the ballot style from the voter application that the voter received at registration. ES&S provides an ExpressVote printing option that prints the ballot style directly to the ballot that the voter receives at registration, removing the possibility of human error in provisioning an incorrect ballot style. When a voter inserts their ballot into the BMD, their ballot style would be automatically provisioned, eliminating the possibility of a voter receiving an incorrect ballot style. This enhancement, which is not eligible for financial assistance from the State because it is not considered a core feature of the election system, costs \$116,000.

Having considered all of these factors, the WCEC has elected to proceed with an election system that includes Ballot Marking Devices, Scanner Tabulators and the ExpressVote ballot style provisioning enhancement from ES&S. This system we have selected is the latest technology available from ES&S. It was tested and received certification by the EAC in May 2020. It was approved for use in Tennessee by the State Election Commission in July 2021. It should be noted that this configuration is recommended by the 2018 Consensus Study Report of the Committee on the Future of Voting by The National Academies of Sciences, Engineering and Medicine and the National Academies Press⁹.

Cost of Procurement for Williamson County

The total cost for the purchase of the election equipment in the configuration selected by WCEC is as follows:

Price before applicable Credits and Discounts	\$1,534,549
Credit for Rental Fees Paid and Additional Discount	(\$510,505)
Shipping & Handling	\$1,235
Net Price	\$1,025,279
Financial Assistance from State of Tennessee ¹⁰	(\$909,279)
Net Cost to Williamson County	\$116,000

⁹ “Securing the Vote: Protecting American Democracy”; 2018 Source: <https://doi.org/10.17226/25120>

¹⁰ Pursuant to the February 2022 letter from the Secretary of State and Coordinator of Election where assistance was offered to replace our election equipment owned by WCEC that was determined by the State that could no longer be used,

Purchasing versus Rental Option

At the request of Williamson County Commissioners, WCEC requested options from ES&S for both purchase, and renting or leasing the election system selected by the WCEC.

As noted above, the Net Cost to Williamson County for the purchase option would be \$116,000. In addition to the purchase price, there would be an annual licensing and warranty cost of \$78,325.

The Annual Rental Price quoted by ES&S is \$492,055, with a two (2) term option Total Rental Price of \$984,110. Annual licensing and warranty cost is not applicable under a rental agreement. We have confirmed that the financial assistance offered by the State of Tennessee for the purchase of the equipment would not be available for in a rental scenario.

Aside from the clear cost benefit of purchasing versus leasing, it has been suggested that a benefit to leasing would be that WCEC would have greater flexibility regarding new equipment and emerging technology over the next few years. Specifically, the Election Assistance Commission (EAC) adopted updated Voluntary Voting System Guidelines (VVSG 2.0) in 2021 that new election systems will need to adhere to. No voting systems have currently been certified under VVSG 2.0, and most vendors have indicated that they do not anticipate submitting new systems until after the 2024 election cycle.

Per the State Division of Elections:

It will likely be at least 2026 before systems under the new standards are presented for review in Tennessee...

Under current State Election Commission policy, a voting system is not eligible for certification in Tennessee until it has been certified by the EAC and viewed by two state election commissioners of opposite parties and the coordinator of elections in use in an election of a substantial size in another state. If systems are not even being submitted for review until late 2024, they likely will not be purchased by other states before 2025 at the earliest. Then a qualifying election will have to be identified to visit, which likely would not be before 2026, and that will have to be scheduled around our own elections in that year.¹¹

Given the high costs of leasing compared to purchasing, and that it will likely be a minimum of three (3) years before new election equipment compliant with Voluntary Voting System Guidelines 2.0 will be approved for use in Tennessee, the WCEC recommends proceeding with the purchase option of the election system from ES&S.

Conclusion

The WCEC has completed a thorough Request for Proposal (RFP) for procurement of an election system to conduct elections for Williamson County. Throughout this process, we have received feedback and considerations from the Williamson County Commission and citizens. We have responded to questions that have been raised throughout this process, and have evaluated the various options that exist. Having completed

on February 3, 2023, we submitted a request for funding assistance. In April 2023, WCEC received word that funding assistance towards replacing election equipment owned by WCEC in the amount of \$909,279 would be available.

¹¹ Email Andrew Dodd, HAVA Attorney Division of Elections to Jonathan Duda, Chairman Williamson County Election Commission; March 8, 2023

this process, it is the considered judgement of the Williamson County Election Commission to proceed with a purchase of a configuration of election equipment that includes Ballot Marking Devices, Scanner Tabulators and the ExpressVote ballot style provisioning enhancement from ES&S in order to conduct elections for Williamson County.

We have provided a supplemental Frequently Asked Questions document to address many of the questions that we have received.

Please do not hesitate to contact us if you have any questions.

Sincerely,



Chad Gray
Administrator of Elections
Williamson County Election Commission



Jonathan Duda
Chairman
Williamson County Election Commission

Attachments:

- 1) Cost Analysis of Election Equipment ES&S Vote System Options
- 2) Frequently Asked Questions

Williamson County Election Commission
Cost Analysis of Election Equipment ES&S Vote System Options
Updated with Final Pricing and Applicable Funding Assistance from the State of Tennessee

	ES&S Vote System	ES&S Additional Vote System Options	
	<i>Configuration as Voted on by WCEC 2/1/2023 Adds ExpressVote Printing (Printing of Ballot Style)</i>	<i>Vote Center Hand-Marked Paper Ballot as Primary Voting System With BMD Support to Fulfill ADA Requirements ²</i>	<i>Voter Given Choice of BMD or Hand-Marked Paper Ballot Adds Ballot on Demand Printing for Early Voting and Election Day Voting at Vote Centers</i>
	<u>Scenario 1</u>	<u>Scenario 2</u>	<u>Scenario 3</u>
Hardware	\$1,505,104	\$1,277,604	\$1,980,104
Ballot Marking Devices	\$782,000	\$195,500	\$782,000
Vote Center Tabulators	\$505,725	\$505,725	\$505,725
Central Tabulator	\$56,595	\$56,595	\$56,595
Election Management System Hardware	\$4,449	\$4,449	\$4,449
Express Vote Printers	\$116,000	\$0	\$116,000
Ballot on Demand Hardware ¹	\$0	\$475,000	\$475,000
Other	\$40,335	\$40,335	\$40,335
Software	\$29,445	\$22,815	\$29,445
Licensing	\$14,320	\$9,845	\$14,320
Software Other	\$15,125	\$12,970	\$15,125
Gross Total	\$1,534,549	\$1,300,419	\$2,009,549
Applicable Discount from ES&S ³	\$0	\$0	\$0
Shipping and Handling (ExpressVote Printers)	\$1,235	\$0	\$1,235
Net Total	\$1,025,279	\$1,125,419	\$1,500,279
Financial Assistance from State of Tennessee ³	\$909,279	\$757,820	\$909,279
Estimated Net Williamson County Cost	\$116,000	\$367,599	\$591,000
<u>Services (Annual Cost)</u>	\$78,325	\$46,850	\$78,325
Annual Licensing and Warranties	\$78,325	\$46,850	\$78,325

*** Notes to Above**

1) ES&S Ballot On Demand Vote Center Printing Option costs are Estimated from Prior Pricing Provided.

2) Vote Center Hand-Marked Paper Ballot option assumes 50 BMDs for ADA Compliance, 50 Ballot on Demand Printers, and 75 DS200 Tabulators. All costs are Estimated.

3) Financial Assistance from State of Tennessee and Applicable Discount from ES&S for Scenarios 2 and 3 are Estimated.

Williamson County Election Commission
Frequently Asked Questions
2023 RFP for the Procurement of an Election System for Williamson County

1. Why is the Williamson County Election Commission (WCEC) completing an RFP to purchase election equipment?

On February 16, 2022, following an investigation into issues that we had experienced during the Franklin City Election of October 2021, we were notified by the Secretary of State Division of Elections that we could no longer use the election equipment that we had previously purchased to conduct elections in Williamson County. The WCEC approved replacing Dominion with ES&S. Due to the short period of time until voting was scheduled to start for the May 2022 election, the WCEC sought and received approval for an emergency RFP that provided a short term equipment lease from ES&S to conduct the three elections in 2022. The WCEC started a formal RFP process in September 2022 under the guidance of the Williamson County Purchasing Office.

2. What is the status of the RFP?

The WCEC began the process of completing an RFP in September 2022. Working with Williamson County's Purchasing Agent, a request for responses was published on November 15, 2022 with a deadline to receive responses by December 13, 2022. Two (2) qualified vendors submitted proposals. The WCEC hosted an Open House for the public, which was well attended, on January 18, 2023 which included a hands on demonstration of the election systems proposed by these vendors.

On February 1, 2023, after completing a thorough review of the vendors, including considering staff scoring of the proposals and their recommendations, the WCEC voted to award the RFP to ES&S, who we determined was the most capable vendor to operate our elections in Williamson County.

3. Why does Williamson County have to use election voting machines?

According to State Law (T.C.A § 2-9-109), "Precincts having more than three hundred (300) registered voters shall be equipped by the county in which they are located with voting machines". In Tennessee, all election systems must be approved by the Secretary of State Division of Elections (SSDOE). Each system must be certified under the federal Election Assistance Commission (EAC), and the State Election Commission. Our system was inspected by accredited Voting System Test Laboratories, and also independent cybersecurity laboratories such as Idaho National Laboratory, which works with nuclear power facilities and other critical United States infrastructure.

4. Are voting machines that are used in Williamson County connected to the internet?

No. Modems and wireless connectivity of election equipment are not permitted in Tennessee. Our vendor, ES&S, has confirmed to the State Division of Elections that none of their systems in Tennessee have wireless connectivity. They have also provided us with proprietary information to confirm where connectivity boards would be located if installed. We have inspected each machine used in Williamson County to confirm that they do not have this capability.

Williamson County Election Commission
Frequently Asked Questions
2023 RFP for the Procurement of an Election System for Williamson County
(Continued)

5. Has The WCEC explored using Hand-Marked Paper Ballots?

Yes. Based on our review, Hand-Marked Paper Ballots would not provide for a more secure system, increases the potential for human error, and would cost Williamson County more to implement.

Without stringent chain of custody controls, Hand-Marked Paper Ballots are highly vulnerable to tampering. Once a ballot is added to the ballot box, there is no way to determine if it is legitimate or not. Ballot box “stuffing” on a large scale is not a hypothetical risk, it has actually occurred in other counties across the United States. Similarly, Hand-Marked Paper Ballots can be destroyed and manipulated. They are also very susceptible to human error and introduce issues in determining the intent of the voter.

Studies have shown that the error rate of recording true voter intent with Hand-Marked Paper Ballots to be as high as 5% - one in every 20 ballots. WCEC experience mirrors this for Mail-in Absentee Voting, which is completed with Hand-Marked Paper Ballots. In the November 2022 election, of 2,013 Hand-Marked Absentee ballots received, approximately 150, or 7.5%, had to be inspected for voter intent and transposed in order to be cast properly. At the Williamson County Republican Party Reorganization Convention that occurred in April 2023, the WCEC was able to test a system of Hand-Marked Paper Ballot voting. Although the feedback we received was very positive, of 609 votes cast for a single race ballot with two candidates, 19 ballots, or 3%, had errors related to marking that had to be corrected.

The accepted error rate of Ballot Marking Devices (BMDs), the current system used in Williamson County that produces a paper ballot for the voter at Early Voting and Election Day Vote Centers, is less than 1%. Said differently, a system exclusively of Hand-Marked Paper Ballots is 3 to 5 times more error prone than the current system used in Williamson County.

An additional consideration in whether to introduce Hand-Marked Paper Ballot as an option for voting in Williamson County is the utilization. In 2022, Shelby County implemented the hybrid voting system, where the voter is given the option to prepare their ballot through a Ballot Marking Device (BMD), or prepare their own Hand-Marked Paper Ballot. Per the Administrator of Elections in Shelby County, utilization rates are very low. In November 2022 Early Voting, 3.02% requested the Hand-Marked Paper Ballot option. For November 2022 Election Day Voting, 4.54% requested the Hand-Marked Paper Ballot option. In a January 2023 Special Election, just 1.63% requested the Hand-Marked Paper Ballot option.

Based on our findings that Hand-Marked Paper Ballots are more prone to potential errors, coupled with the relatively low utilization versus paper ballots produced by a Ballot Marking Device (BMD), the WCEC cannot recommend introducing Hand-Marked Paper Ballots at this time.

Williamson County Election Commission
Frequently Asked Questions
2023 RFP for the Procurement of an Election System for Williamson County
(Continued)

6. I have heard that election machines can be hacked, is this true?

All machines that run on code are susceptible to hacking, including medical equipment, telephones, and vehicles. This is not limited to election machines. We don't stop using these devices because of the possibility that they could be hacked. It is through a combination of independent systems and records that must agree with each other that we are able to successfully limit risk and assure the entire election system process is working. This is an intentional risk control that would be removed if we removed election machines.

7. Has The WCEC explored leasing voting machines versus purchasing?

Yes, however the cost to lease greatly exceeds the cost to purchase. For example, the ES&S Annual Rental Price without any additional equipment is \$492,055 per year. The same cost to purchase is approximately \$1,025,279. Part of the reason the purchase cost is lower is that ES&S agreed to give Williamson County a credit for the previous 2022 lease cost of approximately \$500,000.

Additionally the Tennessee Secretary of State has offered financial assistance in the amount of \$909,279 to Williamson County in order to replace the election equipment previously owned by WCEC that was determined by the State that could no longer be used, bringing the total purchase cost to Williamson County to \$116,000 for the configuration selected by the WCEC.

8. Is the State of Tennessee financial assistance to Williamson County available for a lease option?

No. The financial assistance has been offered to Williamson County in order to replace the election equipment previously owned by WCEC that was determined by the State that could no longer be used. The State does not view a temporary rental agreement as a permanent solution to replacing equipment previously owned by Williamson County.

9. Wouldn't a lease of equipment be better than purchasing so that Williamson County can benefit from newer and updated equipment?

The Election Assistance Commission adopted updated Voluntary Voting System Guidelines (VVSG 2.0) in 2021. No voting systems have currently been certified under VVSG 2.0, and most vendors have indicated that they do not anticipate submitting new systems until after the 2024 election cycle. In Tennessee, a system has to be operational before being considered for approval for use in Tennessee. The State Election Commission estimates that it will not be before 2026 that new systems would be approved for use in Tennessee.

The system we have selected is the latest technology available from ES&S. It was tested and received certification by the Federal Election Assistance Commission in May 2020. It was approved for use in Tennessee by the State Election Commission in July 2021. The configuration follows the recommendation by the 2018 Consensus Study Report of the Committee on the Future of Voting by The National Academies of Sciences, Engineering and Medicine and the National Academies Press.

Williamson County Election Commission
Frequently Asked Questions
2023 RFP for the Procurement of an Election System for Williamson County
(Continued)

10. Can the WCEC respond to the claim that it is not spending taxpayer dollars efficiently?

The WCEC has historically been one of the most efficient Election Commissions in the State of Tennessee. The latest study conducted by Chairman Duda of the most populated counties showed Shelby County spending \$8.09 per voter, Knox \$5.23 per voter, Davidson \$4.55 per voter and Williamson \$3.20 per voter.

11. There are claims made that Hand-counting of votes would save the county money. Have you researched this claim?

Yes. However, State Law (T.C.A § 2-9-109) currently does not permit Williamson County to perform Hand-counting as an exclusive method to tabulate election results, and for good reason. Hand-counting of election results would take days or even weeks to tabulate, increase the opportunity for human mistakes to be made, and most importantly, would remove established controls that we currently have in place using our Scanner Tabulators to ensure that our election results reflect the actual votes cast.

Additionally, the estimated costs of completing Hand-counting of election results are excessive. In Shasta County, California, a county that has 50,000 fewer registered voters than Williamson County, a recent detailed cost analysis estimated that it would cost \$1.6 Million and require 1,250 staff members to complete a Hand-count of a single election.

The bottom line is that Hand-counting of Ballots is not permitted by State Law and is not an option that the Williamson County Election Commission can support.

12. What is the status of Election Integrity in Williamson County?

Tennessee is ranked #1 in the Nation for Election Integrity by The Heritage Foundation. Voting machines used in Tennessee have multiple built-in layers of security and are specifically designed to not be accessible via the internet. Together with printed paper ballots, voting machines provide a system that ensures elections are completed safely and with integrity. We know this works because in 2022, the WCEC has completed hand-count performance audits after each election, confirming 100% accuracy in the election system we use.

In Williamson County, every vote cast since October 2019 has been on a paper ballot. Early Voting and Election Day Voting have been done on a Ballot Marking Device that produces a paper ballot. This system provides the security, integrity and fidelity of our elections that voters need and require in Williamson County.

Williamson County Election Commission
Frequently Asked Questions
2023 RFP for the Procurement of an Election System for Williamson County
(Continued)

13. There are claims made the Tennessee election laws providing for Early Voting and Convenience Vote Centers are unconstitutional. Can you comment on that?

When this claim was first made, the WCEC made inquiries to the attorneys at the State Coordinator of Elections Office whose duty it is to provide the WCEC with advice (T.C.A. § 2-11-202). In their opinion, the claim is without merit for the following reasons: 1.) *Millsaps V. Thompson*, 259 F. 3d 535 (6th Cir. 2001) was a federal case that holds that early voting is not unconstitutional. While a federal case, the court referenced the timing of elections as prescribed by Article 2, Section 7 of the Tennessee Constitution. 2.) The Tennessee Constitution gives the State Legislature broad powers to make election laws. 3.) Every voter in the state continues to cast their ballots in the precinct where they reside. This has been true since 1929 for Absentee voters, since 1994 for voters who choose to vote early, and since 2019 for those voters using vote centers. All voters cast their ballots by precincts.

The State Coordinator's office reminded the WCEC that our job is to follow the statutes of the T.C.A., which provides for Early Voting and Convenience Vote Centers.

14. Can you comment on the status of Early Voting and Convenience Voter Centers?

Early Voting has been available in Tennessee since 1994 and has been extremely popular among Williamson County voters. In November 2020, 80% of voters took advantage of Early Voting. Eliminating Early Voting as some propose would force voters into long lines on Election Day.

Williamson County has utilized Convenience Vote Centers since 2019 when the County Commission unanimously approved the funding to implement them. Most of the voter feedback has been very positive, with a few exceptions. Approximately 35% of Election Day voters use a vote center that is not the closest one to their residence. These voters prefer to vote at Vote Center near their work or where they shop. Convenience Vote Centers have the added benefit of being able to handle last minute voters who under the old system may not have been able to vote if they showed up at the wrong precinct.