Minutes
State Election Commission Meeting
January 9, 2017

The State Election Commission meeting was called to order by Chairman Donna Barrett at 12:10 p.m., Central Standard Time, January 9, 2017. The following members and staff were present: Chairman Barrett; Commissioners Blackburn, McDonald, Wheeler and Younce; Coordinator of Elections Mark Goins and Kathy Summers, Elections Specialist.

Commissioner Blackburn made a motion to adopt the following minutes:
- August 17, 2016 – Telephonic Meeting
- August 26, 2016 – Special Called Meeting
- September 15, 2016 – Telephonic Meeting
- December 29, 2016 – Telephonic Meeting

The motion to approve the minutes was seconded by Commissioner McDonald, and the minutes were unanimously approved by all members present. (Aye votes: Barrett, Blackburn, McDonald, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner Wheeler made a motion pursuant to T.C.A. § § 2-12-101 and 2-12-106, seconded by Commissioner Younce and unanimously approved to accept the nomination(s) for county election commission appointments as submitted, and to leave the nomination process open until 4:30 p.m. Central Standard Time Monday, January 9, 2017. (Aye votes: Barrett, Blackburn, McDonald, Wheeler and Younce; No votes: None; Abstention: None.) (See attached list of appointments made.)

Old Business
- MicroVote – Bill Whitehead – Infinity 4.1 – Bill Whitehead presented letters of recommendation from users in Indiana and went over the enhancements of Infinity 4.1. All Tennessee counties, using the MicroVote machine are eligible for the upgrade. The Infinity 4.1 upgrade, would be a part of the counties software maintenance agreement and each county has requested the upgrade once approved by the State Election Commission.

Chairman Barrett discussed a recent Q and A finding by the EAC. Mr. Whitehead indicated the finding has been addressed, but the EAC has not completed their final audit. MicroVote hopes to have the EAC approval by March.

Commissioner Blackburn made a motion to approve the Infinity 4.1, subject to a clean audit by the EAC, seconded by Commissioner Younce
and unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wheeler and Younce; No votes: None; Abstention: None.)

- **ES&S – Ben Swartz – Voting Machine – EVS – 5.2.1.0** – Ben Swartz spoke about the EVS 5.2.1.0, which was demonstrated before the State Election Commission on July 11, 2016, and is certified by the EAC. Letters of recommendation from various jurisdictions were also presented for approval of the EVS 5.2.1.0.

Commissioner Wheeler discussed the brightness of the voting machine. Mr. Swartz said the brightness is not a part of this upgrade, but they do have a cover that can go over the screen which will dim the screen.

Commissioner Wheeler made a motion to defer approval until the machines brightness could be adjusted. Also, discussed was the use of the box liner with the EVS 5.2.1.0. Wendell Moore of MNA Government Relations, representing ES&S, addressed the box liner. Mr. Moore indicated that ES&S would like to make the box liner an option for the county and not a requirement, since not all certified machines have a box liner. Chairman Barrett stated the intent of the box liner was going to be a requirement on all equipment going forward.

Commissioner Younce has concerns regarding holding up the approval and asked Mr. Swartz if the brightness of the voting machine would have to go to the EAC back for certification. Mr. Swartz indicated ES&S has the dimming capabilities in development and any changes would be required to go before the EAC. ES&S has three counties wanting the EVS 5.2.1.0 upgrade in order to use the DSW 200 write-in report. Commissioner Wheeler stated any voting machine product used in Tennessee should have a dimming device, and he does not want to hold up the certification of the EVS 5.2.1.0 and withdrew his motion.

Commissioner McDonald made a motion to approve the EVS 5.2.1.0. The motion to approval was seconded by Commissioner Blackburn and unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wheeler and Younce; No votes: None; Abstention: None.)

- **ES&S – Wendell Moore – Internal Box Liner** – Wendell Moore of MNA Government Relations, representing ES&S, requested direction on where ES&S should go regarding the box liner discussed earlier. Chairman Barrett stated it is her intent this box liner become standard for all equipment going forward, for any machine which has a collection box. The commission does not want a collection box to have doors open and ballots fall out everywhere. There is a potential for lost ballots and workers are required to get down on the floor to collect the ballots. A collection box would be confined and capped. Chairman Barrett stated any machines going forward should have the
collection box, and it is her preference if the commission could retro
fit any prior machines that they be retro fitted. Mr. Moore stated that
ES&S would like to be treated like all other vendors.

- **Dominion Voting – John Hastings – Image Cast X – (Touch
Screen Ballot Marking Device)** – Moved to April 3, 2017, State
Election Commission Meeting at the request of the vendor.

- **Voting Machine Vendor Response** – At the August 26, 2016, the
State Election Commission requested Elections staff to conduct a
survey of voting machine vendors, to see if they have an internal box
liner for current or pending voting machines used in Tennessee. The
results of the survey are attached.

Chairman Barrett reminded commission members their annual Conflict of
Interest Statement was due by January 31, 2017, and that this requirement is
required to be filed online with the Bureau of Ethics and Registry of
Finance.

Chairman Barrett discussed meeting dates for State Election Commission
meetings. Currently, the meetings are held quarterly on the second Monday
of January, April, July and October. In odd numbered years, the
commission is required to meet the first Monday of the month to make
county election commission appointments. Chairman Barrett would like to
accommodate all members’ schedules and would like to revisit future
meeting dates. Members are requested to let Chairman Barrett know which
days are better to meet.

**New Business**

- **Hamblen County Election Commission** – Commissioner Blackburn
discussed a commission member in Hamblen County, who has been
accused of taking original files from the Hamblen County Circuit
Court Clerk’s office. The commission member was a former
employee of the Circuit Court Clerk’s office and was familiar with
the operations of the office. Lawyers are officers of the court and
files are normally checked out when they go before the judge.
Allegedly the files were stolen from the Clerk’s office by the
commissioner. Commissioner Wheeler indicated this election
commissioner has been charged with five (5) misdemeanors. There
are people in the county who have tried to locate the commissioner
and to get him to resign. Commissioner Wheeler is concerned
because this member is not showing up to the county election
commission meetings. These issue will be taken into consideration at
the next meeting when appointments for county election commissioners are made.
Chairman Barrett advised commission members she has surveyed the county election commission offices about meeting attendance, election duties and pay of county election commissioners. Once the survey is complete Chairman Barrett will share the information with fellow members.

**Coordinator Update**

- **Employee Update** – Coordinator Goins advised the commission of staff changes.

- **Secretary of Homeland Security** – The Secretary of Homeland Security has deemed elections as critical infrastructure. Coordinator Goins said there is bi-partisan opposition to this deeming. Many states believe this is a step in federalizing elections. Coordinator Goins does not believe the new administration will declassify elections as critical infrastructure.
  - There are three main components with this deeming:
    - **States would have penetration tests on their data systems** – Coordinator Goins said that this test has been offered to all states previously.
    - **Critical infrastructure would remove some communications from public records requests** – Coordinator Goins does not believe removing records from public records works well in elections.
    - **Security Briefings for Directors of Elections** – Security briefing would be held to update states. Coordinator Goins indicated security briefings have been given previously on a limited bases.

- **Amendment 1** – Coordinator Goins gave an update on the status of the lawsuit regarding Constitutional Amendment 1, which is before the Sixth Circuit Court. Both plaintiffs and defendants have asked for oral arguments.

- **Libertarian Party** – The Libertarian Party is planning on organizing in Tennessee and they plan to file petitions with the Division of Elections.

- **Upcoming Legislation**
  - **Presidential Delegates** - There is possible legislation which will move Presidential Delegates to the bottom of the ballot.
  - **List Maintenance** - Coordinator Goins indicated the Elections Division may file legislation regarding list maintenance.
Chairman Barrett discussed Rutherford County Election Commission being a test center for Vote Centers in May 2018.

A motion was made by Commissioner Blackburn and seconded by Commissioner Wheeler to merge the April 10, 2017, meeting with the April 3, 2017 meeting. (Aye votes: Barrett, Blackburn, McDonald, Wheeler and Younce; No votes: None; Abstention: None.)

The next regularly scheduled meeting is set for April 3, 2017, and will be held in the William R. Snodgrass – Tennessee Tower, Nashville Room - 3rd floor at 12:00 Noon, Central Standard Time.

Chairman Barrett adjourned the meeting.

Respectfully submitted,

Mike McDonald, Secretary
State Election Commission
Vacant Status

Blount
D Tom Wheeler
R Judy Blackburn

Crockett
D Greg Duckett
R Jimmy Wallace

Perry
D Greg Duckett
R Donna Barrett

Total Vacancies: 3
## New Appointment Status

**09-Jan-17**

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<tr>
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<th>Appointment</th>
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<tr>
<td><strong>Blount</strong></td>
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<td>D. Tom Wheeler</td>
<td>1/9/2017</td>
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<tr>
<td>R. Judy Blackburn</td>
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<td>R. Geneva Williams Harrison</td>
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<td><strong>Crockett</strong></td>
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<tr>
<td>D. Greg Duckett</td>
<td>1/9/2017</td>
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<tr>
<td>R. Jimmy Wallace</td>
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<td>R. David Hart</td>
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**Total New Commissioners: 2**
MicroVote Infinity 4.1
January 9, 2017

Bill Whitehead - MicroVote

Presented previously before the State Election Commission on July 11, 2016.

Letters provided on:

- Hendricks Co, IN
- Clinton Co, IN
- Jay Co, IN
- Bartholomew Co, IN
- Huntington Co, IN
- MicroVote – Cover Letter
- EAC – Certification Number
  MVTEMS41
United States Election Assistance Commission

Certificate of Conformance

MicroVote EMS 4.1
(Modification)

The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the 2005 Voluntary Voting System Guidelines Version 1.0. Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the EAC Voting System Testing and Certification Program Manual and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.

Product Name: MicroVote EMS 4.1 (Modification)

Model or Version: Version 4.1

Name of VSTL: NTS Huntsville

EAC Certification Number: MVTEMS41

Date Issued: July 16, 2015

Chief Operating Officer & Acting Executive Director
Scope of Certification Attached
May 31, 2016

Dear Mark Goins,

My name is Laura Herzog and I serve as Election Supervisor in Hendricks County, Indiana.

We currently have a fleet of 280 MicroVote Infinity machines that were upgraded to version 4.1 in February of this year.

I am pleased to report we successfully utilized all 280 panels in the May 3rd Primary Election.

In my 22 years in Elections, MicroVote continues to have great customer service and a voting system that never lets us down. Please contact me if you would like more information.

Sincerely,

Laura Herzog
Hendricks County, IN
May 25, 2016

Mark Goins
312 Rosa Parks Avenue
8th Floor Snodgrass Tower
Nashville, TN 37243

Dear Mr. Goins:

We use the MicroVote Infinity Voting Machines, and have for approximately 11 years. MicroVote is a great company to do business with. I would recommend MicroVote to anyone that is thinking about a great company to do business with.

Primary Election we upgraded to the 4.1 version and was used successfully in Clinton County. We had all the machines upgraded and refurbished. Had many compliments on the machines easiness to use and the clarity of the screen. We had no problems with the 4.1 version at all. And would recommend this version to everyone.

Sincerely,

Sherri N. Crews

cc: Kathy Summers
ATT:
Mark Goins
312 Rosa Parks Avenue
8th Floor Snodgrass Tower
Nashville, TN 37243

May 27, 2016

To whom it may concern:

Jay County Indiana updated all of our MicroVote panels to version 4.1 for our May 2016 Primary election with great results. The upgrade improved the voting experience for the voters of our county. In the past voters would sometimes have trouble reading the ballot on the panel screens. This year, to the best of my knowledge, we did not have a single voter who was unable to read the ballot on the panel because of the improvement to the screens from the upgrade.

MicroVote, as always, provided excellent customer service and support for all of our questions involved with the upgrade.

Sincerely,

Ellen Coats
Ellen Coats
Clerk of Jay County
260-726-6915
May 31, 2016

Mark Goins
312 Rosa Parks Ave
8th Floor Snodgrass Tower
Nashville, TN 37243

Dear Mr. Goins,

This letter is to inform you that Bartholomew County has upgraded to version 4.1 of our Infinity voting machines for the 2016 Primary Election, and the results were nothing short of outstanding. We are a vote center county, which means these machines must hold hundreds if not thousands of votes, and they did this without any mechanical issues. We are very pleased with the outcome and will continue standing by this product in the future.

Sincerely,

Jay Phelps
Bartholomew County Clerk
P.O. Box 924
Columbus, IN 47202
(812) 565-5624
Jay.phelps@bartholomew.in.gov
May 25, 2016

Mark Goins
312 Rosa Parks Avenue
8th Floor Snodgrass Tower
Nashville, TN 37243

Dear Mr. Goins,

We recently upgraded our MicroVote Infinity panels to the 4.1 version prior to the 2016 Primary Election here in Indiana. We were assured by MicroVote that this upgrade would be a smooth transition and not noticed at all on the “front end”.

This was absolutely correct. The MicroVote team showed up in force to handle the upgrade quickly and efficiently. On Election Day the system ran as smooth as always and we achieved yet another successful election.

MicroVote continues to keep us supplied with the best technology and customer service!

Sincerely,

Pam Fowler
Huntington County Election Deputy

Cc: Kathy Summers
Mark Goins
312 Rosa Parks Boulevard
8th Floor Snodgrass Tower
Nashville, TN 37243

Mark,

Enclosed you will find letters of recommendation from 4 Indiana Counties that just completed the May Primary Election using the latest version of our Infinity Software and Hardware. Version 4.1

Jay County – Vote Center (Equivalent of 25 Precincts) – 60 Units
Hendricks County – Over 100 Precincts – 255 Units
Bartholomew County – Vote Center (Equivalent of 75 Precincts) – 137 Units
Huntington County – Vote Center (Equivalent of 40 Precincts) – 73 Units

I look forward to seeing you all at the July 11 State Election Commission Meeting.

Regards,

Bill Whitehead
Regional Sales Manager
Tennessee and Kentucky

6366 Guilford Avenue ■ Indianapolis, IN 46220-1750 ■ 317/257-4900 ■ Fax 317/254-3269

RECEIVED
ES&S
EVS 5.2.1.0 – Voting System
January 9, 2017

Ben Swartz – ES&S

Presented previously before the State Election Commission on July 11, 2016.

Letters of Recommendation:

- State of Maine
- Gila County, AZ
- Santa Cruz County, AZ
- Graham County, AZ

- EAC – Certification Number
  ESSEVS5210
March 9, 2017

Ben Swartz
State Certification Manager
11208 John Galt Boulevard
Omaha, NE 68137

Dear Mr. Swartz,

This letter is to inform you of certification of the ES&S EVS 5.2.1.0 voting machine, bearing the EAC Certification Number: ESSEVS5210, by the State Election Commission (SEC) on January 9, 2017. Your voting machine was made available before the SEC for demonstration on July 11, 2016, and letters of recommendation were received and reviewed by the commission. As you know during the SEC meeting Chairman Barrett stated that, for any Tennessee county using this machine, the SEC specifically, requires the use of the DS200 ballot tote bins and serially-numbered ballots with ballot stubs.

Thank you for your cooperation in the certification process.

Sincerely,

[Signature]
Mark Goins
Coordinator of Elections

Enclosure: EAC Certification Number ESSEVS5210
The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the 2005 Voluntary Voting System Guidelines (2005 VVSG). Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the EAC Voting System Testing and Certification Program Manual and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.
Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

Matthew Dunlap
Secretary of State

July 1, 2016

Julie L. Flynn
Deputy Secretary of State

Dear Election Official Colleague:

I am happy to provide this letter of reference in support of Election Systems & Software (ES&S). ES&S and its predecessor BRC have supported elections at the municipal level in Maine since the mid 1980’s. In 2012, the Secretary of State conducted a competitive bid process and selected ES&S to be its sole-source vendor for a uniform system of tabulation (i.e., the DS200 digital scan tabulator) deployed in 280 municipalities across the state between 2012 and 2013. These municipalities serve over 90% of Maine’s voters.

In early 2016, the Secretary of State completed another competitive bid process and selected ES&S to be its sole-source vendor for a uniform system of accessible voting in all 500 municipalities (i.e. the ExpressVote™ Universal Voting System). The ExpressVote™ units were successfully deployed and used for the June 14, 2016 State Primary Election, providing a significant improvement in accessible voting from the prior telephone voting system. Due to some unforeseen delays in the bid process, we had a compressed deployment schedule before the primary, and staff from ES&S went above and beyond to make sure we received timely support for all phases of the rollout.

ES&S has been a great partner for the State of Maine, providing hardware and software support to the Elections Division and user municipalities, biennial on-site preventative maintenance (in 280 municipalities) for the DS200 units, ballot layout, printing and coding support for both the State and the municipalities, election day support—both in person and via telephone help desk, and implementation support. We have interacted with staff from many departments at ES&S, and at many levels of the organization, and are always satisfied with the outcome. Their commitment to ensuring we have a successful election is apparent.

We are especially pleased with the upgrade to the EVS 5.2.1.0. The DS200 user interface provides intuitive screen prompts and instructions for both voters and election officials. The ExpressVote™ is very simple for voters and election officials to use and a marked ballot can be tabulated by the DS200, which was not something we could do with the prior accessible ballot. Although turnout was light for the primary election, we have received many positive comments from disability advocates and voters on the new ExpressVote™ and we expect usage to increase significantly for the general election.

You are welcome to contact me if you have questions about Maine’s experience with ES&S products and services. You may reach me by phone at 207-624-7659 (direct) or by email at julie.flynn@maine.gov.

Sincerely,

Julie L. Flynn
Deputy Secretary of State

101 State House Station, Augusta, Maine 04333-0101
www.Maine.gov/sos/sec; tel. 207-287-7736
June 30, 2016

To Whom It May Concern:

Please accept this letter of reference for Election Systems & Software (ES&S). ES&S has supported elections with equipment and service support in Gila County since 2011.

In January of 2015 the Gila County Elections Department began the process seeking an elections system that could synthesize the most modern and up to date equipment while at the same time be easy to use by our poll workers and elections staff. Gila County found such a system in the ES&S line of products.

Gila County procured the Electionware software management system, Expresspoll electronic pollbook, ExpressVote, the C711 Ballot on Demand Printer and the DS850 High Speed Tabulator. The versatility of this system has given the Gila County Elections Department the ability to provide seamless and highly effective Election Day services to the citizens of Gila County.

In May of 2016, for a Special Statewide Election we used our new equipment for the first time. The response from both poll workers and voters was unanimous, we got it right. A comment made to me by a voter summed it up very well. Gila County has moved into the 21st century.

ES&S has a quality elections system from start to finish, but their greatest asset is to be found in their staff. The ES&S staff is highly competent, experienced and very easy to work with. ES&S staff constantly checked in on us wanting to know how they could help, a very refreshing experience. The combination of quality products and a dedicated staff makes it easy to recommend the ES&S product line.

Please contact me for additional specifics about Elections Systems & Software. If you would like to speak with me in person about ES&S products and services, please call me at (928) 402-8708 or email me at emariscal@gilacountyaz.gov.

Sincerely,

[Signature]
Eric A. Mariscal, Director
Gila County Elections Department
June 30, 2016

To Whom it May Concern:

I’m writing this letter of recommendation for Election Systems & Software (ES&S) because I am pleased to have been a customer of theirs since 1997. They were there when we needed them and they let us stand on our own when we were ready.

We purchased M-100 in 1997 and found them to be extremely reliable, efficient and easy to use. We just recently upgraded to Central Count and ExpressVotes and am happy to say the level of training and support has been top notch.

Staff, poll workers and the voters find ES&S equipment very easy to use. The equipment is reliable and accurate. ES&S support staff is the best I have seen and it is a pleasure to work with them at every level.

In conclusion, I highly recommend ES&S for their quality equipment, superior support and knowledge of the election process. They are truly one of the best teams I have ever worked with.

Please feel free to contact me if you have additional questions.

Sincerely,

[Signature]

Judy Dickerson
Election Director
To whom it may concern:

We have had the pleasure of establishing a business relationship with Election Systems & Software (ES&S) as we upgraded from our post-2000 elections equipment to the latest technologies. While we approached the transition with the normal degree of hesitation and trepidation, we have been delighted with the results. ES&S has been all that we could hope for both from an equipment standpoint and in terms of support. We are particularly excited with how user-friendly, accurate and helpful the EVS 5.2.1.0 voting system is as well as the products within that voting system.

Any legitimate elections equipment company can come up with the technology to securely manage local elections. However, ES&S has made it not only easy for local officials in their own training, but also a simple process to teach to novice and veteran pollworkers alike. Frankly, we have not seen the level of enthusiasm among our pollworkers in years and it is all because of the technology and the support of ES&S.

We have been through our first election here in Santa Cruz County using ES&S equipment. While not a flawless process, it was lightyears ahead of our former system in terms of voter acceptance and confidence, poll worker effort, and results delivery.

Without hesitation, we highly recommend ES&S for elections equipment and support and feel confident that any local government user will be very happy with choosing them for their provider.

Please feel free to contact me for any additional information about our experience with ES&S at mmeek@santacruzcountyaz.gov or by phone at 520-375-7812.

Sincerely,

Melinda Meek
Elections Director
Vendor Survey Results

A survey was conducted regarding the use of an internal box liner, and the availability of such liner for any current or pending voting machines used in TN. This survey was requested by the State Election Commission at the August 26, 2016, meeting.
Voting Machine Vendor Survey
(Per State Election Commission Request – August 26, 2016)

Question:
The State Election Commission has requested we contact the voting machine vendors to see if any approved voting machines have an internal box liner similar to the one attached to this email. This request would address currently approved voting machines and any pending machines. If the machines do not have one is there one available for sale?

Dominion - Response
We currently do not have a liner.

Harp/ HartIntercivic – Response
We currently have such a product under development. In prior meetings with Tennessee stakeholders, we learned that some users prefer to have such an accessory, as an added convenience. Accordingly, we are working with a supplier to offer an internal box as an optional product enhancement. Our current design is for a collapsible nylon bag, with an internal metal frame to support the bag container when it is installed inside our secure ballot box. This design is lightweight and cost-effective. The design has other features, such as a closure that can be secured with a tamper-evident seal, and a “pull handle” to make it easier for authorized personnel to remove the bag after it is filled. At this point in the development process, we are working on early articles to validate the overall design and dimensions.

MicroVote – Response
This appears to apply only to Opti Scan or Paper Ballot Systems.

Unisyn – Response
The Unisyn system does not have an internal box as you have described below. The ballot box is designed to be secure from tampering without the need for anything additional. The EAC thoroughly tests the ballot box for tampering and have deemed the Unisyn tamper proof.