

# **TENNESSEE VOTER CONFIDENCE ACT (TVCA) INFO, MESSAGING & TALKING POINTS, AND REBUTTALS TO THE ARGUMENTS FOR DELAYING IMPLEMENTATION.**

## **I. TENNESSEE VOTER CONFIDENCE ACT (TVCA) HISTORY**

### **What the Tennessee Voter Confidence Act (TVCA) Gives Tennesseans.**

- Paper ballots for all 95 TN counties by November 2010 (replaces the paperless touch-screen electronic voting machines)
- The paper ballot becomes the ballot of record (for recounts and audits)
- Precinct-based optical scan machines (to count paper ballots).
- Random post-election audits of paper ballots in 3% of precincts (ensures that the optical scan machines are counting properly.)

### **What does the TVCA do?**

- Increases ACCURACY of elections in Tennessee.
- Improves INTEGRITY of elections in Tennessee.
- Allows for Meaningful RECOUNTS.
- Enforces automatic AUDIT procedures.

### **History of TVCA.**

- A NON-PARTISAN issue. In 2008, the TVCA (HB1256 Moore/Haynes) passed almost unanimously in TN State House (92-3) and Senate (33-0).
- When passed in 2008, it placed Tennessee among the 18 states with the most secure & verifiable voting systems in this country.
- In 2009, a bill to delay implementation of the TVCA until 2012 (HB0614 Todd/Ketron) was introduced. The delay bill also completely removes the audit and recount procedure.
- HB0614 passed in the House (73-20). HB0614 failed in the Senate but only because it did not receive a Constitutional majority. 16 voted for the delay and 14 against.
- Lt. Gov. Ron Ramsey said he will bring HB0614 back for a Senate floor vote during the first or second week of 2010 session (Jan 12).
- If HB0614 passes and the TVCA is weakened and delayed, Tennessee will return to the group of 11 states whose voting systems are rated the most inaccurate, unsafe and non-verifiable.

## **II. TVCA MESSAGING & TALKING POINTS**

Theme: *"All Tennesseans deserve fair and accurate elections."*

### **Messages**

- Voting is fundamental to our democracy.
- Fair and accurate elections are a non-partisan issue.
- Paperless electronic touch-screen voting systems are a threat to your vote being counted.
- Paper ballots can be monitored, audited, and recounted.
- If your vote doesn't count, then the issue most important to you doesn't matter.
- The machines we use now are broken.
- Conducting an election with paper ballots is cheaper than conducting one with the machines we use now.

### **What to Avoid When Talking about the TVCA**

- Partisan rhetoric.

- Do not engage someone when they suggest that our movement is hinged on a conspiracy. Instead, ask if they believe in "vote in secret, count in public" and how they know votes are being counted correctly if they cannot see them being counted.
- Do not answer any questions about accusations of election shenanigans and/or conspiracy theories. Instead, return to the main theme of the campaign ("All Tennesseans deserve fair and accurate elections") and the messages that drive the theme (see below).

### **Talking Points for Messages**

1. *"Voting is fundamental to our democracy."*
  - Fair and accurate elections are important to all Tennesseans.
  - What reason or reasons for delaying implementation of the Tennessee Voter Confidence Act could possibly trump what is fundamental to our democracy - fair and accurate elections?
  - Democracy is the greatest gift the American people gave to the rest of the world.
2. *"Fair and accurate elections are a non-partisan issue."*
  - The TVCA was passed almost unanimously in 2008 by both the State House and State Senate.
  - That means that in 2008, 56 Republicans (17 in the Senate, 40 in the House) and 68 Democrats (16 in the Senate, 52 in the House) heard from their constituents and voted to replace the voting system we use now with one that gives all Tennesseans fair and accurate elections.
3. *"Paperless electronic touch-screen voting systems mean your vote may not count."*
  - Paper ballots can give us tangible proof that our vote is counted and counted as cast.
  - All we want is the same level of proof that we get when we remove cash from an ATM or deposit money into our bank accounts.
4. *"Paper ballots can be monitored, audited, and recounted."*
  - We've seen so many close elections in this state and we are bound to see more.
  - When we vote on paperless electronic touch-screen voting machines we not only can't see how the votes are being counted but we having nothing tangible to recount in the case of a close election.
  - If your candidate who votes with you on your most important issue loses by 2 votes, there is currently nothing to recount.
5. *"If your vote doesn't count, then the issue most important to you doesn't matter."*
  - Your vote is your voice.
  - If your vote doesn't count for the candidate who will vote with you on the issue/ issues most important to you then your participation in our democracy is non-existent.
  - If your vote doesn't count, then your pro-2nd Amendment candidate doesn't get your vote. If your vote doesn't count, then your pro-public education candidate doesn't get your vote. If your vote doesn't count, then your [*fill in your favorite issue here*] candidate doesn't get your vote.
6. *"The machines are broken."*
  - No one can be sure that the votes of any Tennesseans are being counted correctly or counted at all.
  - Like with most computers, if a paperless electronic touch-screen voting machine crashes or malfunctions, data (in this case, our votes) can be irretrievably lost.

- Real incidences of paperless electronic touch-screen voting machines failing the voters of Tennessee have been reported as far back as 2004 and as recently as last October. (Database by County at Votersunite.org: <http://bit.ly/7NAMOr>)

7. *"Conducting an election with paper ballots is cheaper than conducting one with the machines we use now."*

- Not only is implementing the Tennessee Voter Confidence Act the right thing to do, it's also the fiscally responsible thing to do.
- The new paper ballot system is cheaper, faster, and more secure than what we have now.
- See more detailed opposition arguments and rebuttals below.

### III. ARGUMENTS AGAINST THE TVCA WITH REBUTTALS

EQUIPMENT ARGUMENT: The equipment mandated by the General Assembly is not available / 2002 machines are not most up-to-date / We will be purchasing outdated technology.

REBUTTAL: A judge ruled that the TVCA legislation does not dictate that the machines purchased must adhere to 2005 standards. Therefore, machines that are certified to other standards can be purchased and are perfectly acceptable.

- Machines that do not adhere to 2005 standards have been used for years without incident in two Tennessee counties - Pickett and Hamilton - and, according to the National Association of Secretaries of State, in "jurisdictions in 49 other states and the District of Columbia." (<http://bit.ly/5fyPsD>).
- *"I'm so elated that this protracted legislative battle is over. The Tennessee Voter Confidence Act was overwhelmingly supported by the people of Tennessee, the legislature, and now the courts. We are finally going to get the fair and accurate elections Tennesseans deserve!"*

TOO EXPENSIVE ARGUMENT: Switching to a paper ballot election will strain the already tight budgets of each Tennessee county.

REBUTTAL: If your concern is saving money, the best thing you can do is implement the Voter Confidence Act.

- Only one Optical Scan machines is needed per precinct instead of the multiple machines in each precinct needed with the paperless electronic touch screen voting system we use now.
- Because we eliminate up to 80% of existing equipment when we move to paper ballots counted by optical scan machines, counties will save the money they now spend to program, service, test, store and transport so many unnecessary paperless electronic touch-screen machines.
- In fact, studies in Florida, Maryland, and North Carolina have confirmed that voting with paper ballots counted by optical scan machines is 30-40% cheaper than voting the way we do now because of the reduction in programming, software, maintenance, storage and transportation costs.

Florida study: <http://www.votersunite.org/info/costcomparison.asp>  
Miami Dade County: <http://www.votersunite.org/info/MiamiInitialReportfromSoE.pdf>  
Maryland: <http://www.saveourvotes.org/reports/08-costs-mdvotingsystem.pdf>  
North Carolina: <http://www.ncvoter.net/affordable.html>

**MACHINE COST ARGUMENT:** The counties lack sufficient revenue or funding to purchase the optical scan voting machines required by the legislation.

**REBUTTAL:** The TVCA legislation states that the machines will be purchased with federal dollars allotted to the state from the Help America Vote Act (HAVA).

- Tennessee still has \$37+ million in HAVA funds that was originally allocated for the replacement of voting equipment.
- It will cost us around \$25 million to put an optical scan (and a compatible ballot-marking device for disabled voters) into every TN precinct, so the replacement of our current equipment will cost our counties nothing.

**BALLOT PRINTING COST ARGUMENT:** The cost of a paper ballot election is too high. Counties cannot afford the ballot printing costs or any of the other costs associated with holding a paper ballot election.

**REBUTTAL:** Each county election commission already prints Paper ballots (provisional, emergency and absentee), no matter which voting system is utilized.

- The printing set-up is always the most expensive thing. Since they are already printing paper ballots it won't cost that much more to increase the printing run.
- A printing maxim is that higher volume brings lower prices; therefore, the cost per ballot in optical scan elections will be lower than in the cost per ballot incurred using the system we have now.
- Economies of scale for other necessary equipment (in-house printing, security screens, poll worker training materials, etc.) should also be used for maximum cost savings.
- The real wasteful spending associated with paper ballots is the requirement that Tennessee counties print many more ballots (sometimes five times as many) than they will use in an election. This problem can be easily corrected, saving counties money that is now wasted on excess ballots, while also providing the safety and security that is only possible with paper ballots.

**NOT ENOUGH TIME ARGUMENT:** There is not enough time to make the switch to a paper ballot election by next November.

REBUTTAL: The 2006 implementation of DREs was accomplished in less than 8 months

FRAUD ARGUMENT: Election fraud is easily committed with paper ballots.

REBUTTAL: In the past, paper ballots have been used by those in power to commit fraud.

- As as citizens we must always be vigilant about overseeing our elections.
- Which would you prefer, paperless electronic touch-screen voting machines that count votes using secret software that no one is allowed to monitor or paper ballots that give the citizens of Tennessee something tangible to oversee, recount, and audit?
- The Tennessee Advisory Commission on Intergovernmental Relations (TACIR), composed of state and local elected officials, spent over a year studying the vulnerabilities of different voting systems. In their comprehensive report, *Trust But Verify: Toward Increasing Voter Confidence in Election Results*, TACIR concluded: "(Paper ballots) reassure voters that their vote is being counted accurately and can be audited or recounted..... Governmental entities and private corporations are routinely audited regardless of whether problems are suspected. With so much at stake, the same should be true for elections."