

February 25, 2022

Senate State and Local Government Committee  
State of Tennessee  
600 Dr. MLK Jr Blvd  
Nashville, TN 37243  
*Via email*

## **Verified Voting Recommends Passing Measures to Adopt Paper Ballots Marked by Hand or Assistive Ballot Marking Device**

Dear Committee Members,

On behalf of Verified Voting, I submit these comments on SB 1929. Verified Voting is a nonpartisan nonprofit organization whose mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. We believe that the integrity and strength of our democracy rely on citizens' trust that each vote is counted as cast.

Paper-based voting systems are fundamental to election security. In an interview, former Department of Homeland Security CISA Director Chris Krebs said, "Auditability is a key tenet of ensuring you can have a secure and resilient system. If you've got paper you've got receipts, and so you can build back up to what the accurate count is."<sup>1</sup>

Why do we need voter-verifiable paper records in our high-tech world? Because they mitigate against the risks of hacks, malfunctions, and errors that might subvert the will of the voters. In essence, paper records provide a way to make sure, and to demonstrate to voters, that the computers counted votes correctly. Having voters inspect, verify, and have the opportunity to spoil their ballots and redo them, if necessary, provides trustworthy evidence of voter intent. Once counted, the ballots then can be used in routine audits, and in recounts, to confirm or establish the correct outcomes. These steps are necessary for the public to have confidence in the election results.

Tennessee is one of just six states that still use "paperless" voting systems for in-person voters in some or all counties. SB 1929 has the potential to address this shortfall. While adding a definition into law for voter-verified paper audit trail and allowing for some use of paper ballots is a step in the right direction, it does not go nearly far enough in establishing the highest standard of security. **We recommend doing away with direct recording electronic (DRE) systems altogether and instead passing measures to adopt paper ballots marked by hand or**

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<sup>1</sup> Patterson, Dan. "Paper Ballots Could Save the Election, DHS Cybersecurity Chief Says." CNET, August 26, 2020. <https://www.cnet.com/news/how-paper-ballots-could-save-the-election/>.

**assistive ballot marking device (BMD)**, a method of voting that is currently in use in 17% of Tennessee counties. Hand-marked paper ballots (HMPBs) provide the easiest way for most voters to verify their votes, and they provide resilience against errors in or doubts about the vote count through routine post-election audits. Additionally, BMDs can supplement HMPBs by providing assistive technology for voters who desire or need this method to mark their ballot. With a paper-based, voter-verifiable voting system, the state would be far better positioned to weather both cyberattacks and efforts to undermine public confidence in elections.

Thank you for considering these provisions and these comments. We look forward to future opportunities to work with Tennessee officials in implementing more evidence-based systems in our elections.

Respectfully submitted,

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Director