



# *Tennessee Department of State*

*Secretary of State*

*Tre Hargett*

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## **SECRETARY OF STATE TRE HARGETT CALLS VOTER CONFIDENCE ACT "A CATCH-22"**

Secretary of State Tre Hargett said today that although the Tennessee Voter Confidence Act is an important piece of legislation, implementing it by November 2010 will be difficult, if not impossible.

"I fully support the goal of the Voter Confidence Act, which passed both houses of the General Assembly with broad bipartisan support," Hargett said. "However, after researching the law, I believe it is unlikely that counties will be able to implement it before the November 2010 elections. In fact, the act as it was adopted creates a Catch-22 for county governments. Whether counties acquire new equipment or not, they will still not be in compliance with the act."

The act requires all of Tennessee's 95 counties to use optical scan voting machines and paper ballots no later than the November 2010 elections. However, the mandated equipment isn't available for sale anywhere in the United States.

"The act is very specific," Hargett said. "It requires counties to use only certified equipment that meets the security and reliability standards adopted by the federal Election Assistance Commission in 2005. Currently, there are no vendors certified to sell equipment meeting these standards. And because the commission's certification process typically takes about 18 to 24 months, I'm not confident that a vendor could complete that process in time to have equipment in place for the November 2010 elections."

Hargett supported a bill in the General Assembly's recently completed legislative session that would have delayed implementation of the act until 2012. That bill passed the state House of Representatives with broad bipartisan support, but fell one vote short of passage in the Senate.

"I was supportive of the delay because I want to see the act properly implemented," Hargett said. "The required equipment simply isn't on the market yet. And I'm hesitant to suggest to county election officials that they begin using equipment that is less secure and less reliable than the act requires."

Hargett still believes that a delay, while not an ideal option, represents the best course of action under the circumstances.

“The act could be amended to weaken the security and reliability standards so currently available equipment could be used, but that doesn’t seem like a very good solution to me,” Hargett said. “Why force counties to use equipment that will soon be outdated? It’s just a matter of time before one or more vendors complete the certification process. Why not hold out for equipment that meets the highest standards available?”

To help prepare for implementation, Hargett said he and his staff at the state Division of Elections have been educating county election officials about the act’s requirements and training them on the proper procedures for conducting elections using paper ballots. The Division of Elections has also secured funding available through the federal Help America Vote Act to cover the counties’ expenses for the election machines when they become available.

“I really want to make this work,” Hargett said. “But I can’t provide counties with equipment that doesn’t exist.”