



Tennessee Department of State

Secretary of State Tre Hargett

For Immediate Release: Nov. 5, 2009

Statement from Coordinator of Elections Mark Goins:

Today we were in court over an issue that, at one point, was not even in controversy. The sponsor of the Act, the attorney who wrote the Act and Dick Williams, the lobbyist who lobbied for the Act (also the plaintiff) have all stated the Act requires the latest standards for paper ballot machines. Furthermore, an e-mail from the Election Assistance Commission's (EAC) certification attorney/advisor is consistent with that interpretation. If a court determines we are wrong in our interpretation then the sponsor, attorney and Dick Williams are also wrong.

Now, Common Cause and a handful of like-minded individuals are trying to force the state to spend 37 million taxpayer dollars on paper ballot equipment certified to obsolete standards. Some counties are complaining about being forced to purchase machines in 2002 only to turn around and spend millions of tax dollars replacing those machines in 2006. These machines were supposed to last for at least ten years.

My office has been very clear that we are going to make a deliberate, well- thought out acquisition. We are going to get it right. Unfortunately, this lawsuit has stalled our efforts to seek paper ballot machines certified to the strongest standards. As acknowledged by the plaintiffs in their lawsuit, we intended for a request for proposal (RFP) to be issued by now, and they sued to stop the RFP process. Taking into account the court process, including appeals, it appears we will have to wait until late December or January to issue the RFP. At that time, we will issue a RFP to purchase machines certified to the strongest standards.

According to the EAC, a vendor may have properly certified machines available for purchase by then. If not, we have developed a contingency plan. Since no rational person would think it wise to spend 37 million taxpayer dollars on obsolete equipment, we are exploring leasing machines with the weaker standards, while still protecting disabled Tennesseans' right to vote, until up-to-date machines become available.

We understand acquiring paper ballot machines will not take away the valid concerns expressed by many county, city and legislative leaders regarding the ongoing costs of paper ballots in these economically difficult times. In September of 2008, Obion County alerted other counties about the huge costs county taxpayers will have to pay associated with the massive changeover in voting equipment. Soon a nonpartisan statewide effort was underway by local government leaders to delay the Act to prevent property tax increases.

Responsible legislators from both parties listened to the local leaders and pushed for a delay to protect the taxpayers of Tennessee. Responsible legislators argue that with these hard economic times upon us, it is not the time for additional taxes or government spending. As I stated earlier, we are preparing to go back to paper ballots as directed under current law by the November 2010 election. We understand this debate will continue in the next legislative session.