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State of Tennessee
Department of State
Division of Elections
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September 7, 2007

Diane Latimer, Administrator of Elections
Benton County Election Commission
113 Maple Avenue, Suite 1
Camden TN 38320

RE: Process for Testing Voting Machines

Dear Diane:

While preparing for a recent referendum, the Benton County Election Commission (the election commission) conducted test elections on the voting machines to be used in the referendum. On that day, the election commission tested each voting machine to be used on election day and printed the results or tally tapes from those election day voting machines.

In contrast, the election commission tested the early voting machines, but did not print the results tapes from these machines. Questions about whether the election commission should have printed the tally tapes of the early voting machine test elections have been raised. An additional question has been asked which concerns whether the election commission should have tested the computer software used to produce the cumulative vote totals from all voting precincts.

Regarding the printing of the results tape from the early voting test elections, the election commission has the same interest and duty to print the results tapes produced from the early voting machines as they do of the election day voting machines. I realize that the election commission had a mistaken belief that because the results tapes may not be printed during the early voting period, the test election of the early voting machines could not be printed.

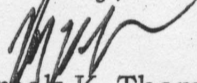
However, the fact that the statute prohibits the printing of the early voting results tapes until the absentee counting board convenes on election day, does not interfere with or cancel the requirement that the early voting machines be properly and completely tested before being used in the election. Indeed, the proper testing of the early voting machines plays an imperative part to assuring a fair and accurate election. To be clear, a complete test of the early voting machines includes the printing of the results tapes from the early voting test election.

Regarding the testing of the elections result management computer software (elections results software) used to produce the cumulative vote totals from all voting precincts, the election commission must take other measures to assure that this election results software serves as a reliable tool for obtaining unofficial, but accurate, election results on election day. Although the election commission did not test the election results software during the voting machine testing, before placing any election results in the software, the election commission must run a zero tape from the software. This zero tape must be printed from the election results software on day of the election, before any early voting results or election day voting precinct results are tabulated through this software.

Realize that although the election commission uses the elections results software as a convenience for producing cumulative totals, this software does not provide the only basis upon which the election results become certified. The election commission must assure that after the election, but before the official certification of the election results, that an audit of the early voting machine tapes and the election day precinct voting machine tapes has been accomplished. This audit of each voting machine used in the election must be the basis for the final and official certified election results.

Thank you for assuring that your county complies with these requirements and for your open and honest cooperation throughout this inquiry. If you have further questions regarding the testing of voting machines or the auditing process, please contact me.

Sincerely,



Brook K. Thompson
Coordinator of Elections

James Wallace, Commissioner
State Election Commission

Richard Wright, Chairman
Benton County Election Commission

Britt Johnson, Secretary
Benton County Election Commission

Danny C. Doherty, Commissioner
Benton County Election Commission

Mark Ward, Commissioner
Benton County Election Commission

John W. Whitworth, Commissioner
Benton County Election Commission