



**One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515**

April 22, 2020

The Hon. Christopher Krebs
Director
Cybersecurity and Infrastructure Security Agency
Department of Homeland Security
245 Murray Lane
Washington, D.C. 20528-0380

The Hon. Benjamin Hovland
Chairman
U.S. Election Assistance Commission
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

Dear Mr. Krebs and Mr. Hovland:

I write to understand how the Cybersecurity and Infrastructure Security Agency (CISA) and the Election Assistance Commission (EAC) are helping State and local elections officials administer safe, secure, and auditable elections during the COVID-19 global pandemic. I am interested in understanding how CISA and EAC are collaborating together and with the stakeholder community to develop sound guidance and recommendations.

Primary voters in Wisconsin braved the novel coronavirus to vote on April 7, and we must learn from their experience. Reports indicated there were fewer polling locations open and long lines,¹ not conducive to the social distancing recommendation issues by the Centers for Disease Control. Wisconsin health officials have already identified 19 COVID-19 cases linked to primary election activities.²

Meanwhile, approximately 80% of Wisconsin voters voted by absentee ballot—eight times as many as had voted absentee in 2016.³ But nearly 10,000 voters who requested absentee ballots

¹ Molly Ball, “What Went Wrong is Wisconsin, and What We Can Learn from It Before November,” *Time* (Apr. 9, 2020), <https://time.com/5818773/wisconsin-coronavirus-elections/>.

² Kendall Karon, “19 New Cases of Coronavirus in Wisconsin Linked to Election Activities: State Health Officials,” *ABCNews* (Apr. 2020), <https://abcnews.go.com/Politics/cases-coronavirus-wisconsin-linked-election-activities-state-health/story?id=70264956>.

³ Nathaniel Rakich, “What Went Down In The Wisconsin Primary,” *FiveThirtyEight* (Apr. 13, 2020) <https://fivethirtyeight.com/features/what-went-down-in-the-wisconsin-primary/>.

before the deadline never received them.⁴ The already cash-strapped U.S. Postal Service was stretched to its limits as it worked to accommodate the increased use of vote by mail.⁵ On April 8, as results were being tallied, President Trump tweeted that “Republicans should fight very hard when it comes to state wide *[sic]* mail-in voting. Democrats are clamoring for it. Tremendous potential for voter fraud, and for whatever reason, doesn’t work out well for Republicans,”⁶ undermining confidence in the election. Ultimately, results were not announced until six days after the Primary was held on April 13.⁷

The Wisconsin primary makes clear: Americans must to be prepared for elections to be administered and secured differently this November. At the same time, voters deserve to know that the elections will be safe, secure, and auditable. For elections to be administered safely, voters must be able to vote while maintaining appropriate social distancing – either by mail or in person. That entails increasing early voting opportunities, increasing the number of polling locations, and expanding vote by mail. Secure elections are free from foreign interference. That requires replacing outdated, unsecure election equipment and aggressively countering disinformation and misinformation designed to undermine confidence in democratic processes. Auditable elections require a voter-verified paper trail.

State and Local election officials look to your organizations for advice and guidance to adjudicate the security of voting systems and technologies and administer fair elections – particularly in the wake of the global COVID-19 pandemic and ongoing foreign influence efforts. Accordingly, CISA and EAC must provide appropriate advice on how to make in-person voting safe, expand vote by mail, and support secure means of voting which ensure votes counted are true to those cast. Additionally, CISA and EAC must provide candid assessments of the safety, security, and auditability of voting technologies and practices, dispel false or misleading information that could undermine voter confidence, and develop and share actionable measures to address safety and security vulnerabilities.

CISA and EAC have shared various iterations of election administration guidance, most recently on a “COVID-19 & Elections” webpage hosted by CISA and linked to EAC and elsewhere. These webpages include links and some guidance for administering and securing the 2020 election,⁸ but fail to indicate which method of voting is most secure in terms of physical or cyber security during a nationwide pandemic.

I also have concerns about what has not been said. Namely, none of the recent guidance expressly discourages voting via smart phone or mobile applications. I am interested in learning what guidance you propose to give on that issue. This Committee has long subscribed to the need for

⁴ David Byler, “The Wisconsin Election Was A Mess. But There’s One Element Worth Emulating,” *The Washington Post* (Apr. 8, 2020), <https://www.washingtonpost.com/opinions/2020/04/08/wisconsin-election-was-mess-theres-one-element-it-worth-emulating/>.

⁵ Nick Corasaniti & Stephanie Saul, “Inside Wisconsin’s Election Disaster: Thousands of Missing or Nullified Ballots,” (Apr. 10, 2020), <https://www.nytimes.com/2020/04/09/us/politics/wisconsin-election-absentee-coronavirus.html>.

⁶ Donald J. Trump Twitter page, <https://twitter.com/realDonaldTrump/status/1247861952736526336>.

⁷ Nathaniel Rakich, “What Went Down In The Wisconsin Primary,” *FiveThirtyEight* (Apr. 13, 2020) <https://fivethirtyeight.com/features/what-went-down-in-the-wisconsin-primary/>.

⁸ Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, “COVID-19 & Elections,” (Apr. 2020) <https://www.cisa.gov/covid-19-and-elections>.

offline voting methods (i.e. paper ballots, in-person voting) to promote greater election security,⁹ and are encouraged that the consensus of cybersecurity professionals is that voting and reporting should not be done by mobile app.¹⁰ Earlier this year, West Virginia and jurisdictions within Washington State contemplated allowing certain voters to vote using smart phones.¹¹ Although the discovery of numerous security flaws¹² halted those efforts, I am concerned the debate to use mobile technology to vote is not over, particularly in the wake of COVID-19. CISA and the EAC must clearly state the security flaws inherent in these technologies and make public clear recommendations to this effect.

Similarly, none of the current guidance advises the implementation of risk-limiting audits. In 2018, an election in North Carolina was marred by absentee ballot misconduct which was only caught by a state post-election investigation.¹³ As I said before, the 2020 election will not look like previous elections. States will be using new technology and adversaries will take advantage of unfamiliar circumstances to execute influence campaigns that undermine voter confidence in our democratic institutions. Risk-limiting audits can help ensure votes this year are counted correctly and will ensure voter confidence in the outcomes. I implore you to say as much.

The November elections are less than 200 days away. It is my hope that each of you work together to recommend best practices to State and local and party officials regarding adopting new technologies and proposed voting methods well before the 2020 election. To ensure I have an accurate understanding of the issues raised in these reports, and pursuant to Rule X(3)(g) and Rule XI of the Rules of the House of Representatives, I respectfully request that you provide the following no later than May 8, 2020.

1. Have CISA and EAC worked together to assess the lessons learned from the manner in which the Wisconsin primary was administered? How have the lessons learned informed the guidance CISA and EAC have shared with State and local election officials?
2. Already, 19 COVID-19 cases in Wisconsin have been linked to election-related activities from the April 7 primary.

⁹ See e.g., Congressional Task Force on Election Security, Jan. 2018, at 36, <https://homeland.house.gov/imo/media/doc/TFESReport.pdf>.

¹⁰ Steven Overly and Eric Geller, “Why 2020 could be a year of election malfunctions,” *POLITICO*, (Feb. 4, 2020), <https://www.politico.com/news/2020/02/04/why-2020-could-be-a-year-of-election-malfunctions-110772>; Kevin Collier, “West Virginia plans to make smartphone voting available to disabled people for 2020 election,” *ABC News*, (Jan. 31, 2020), <https://www.nbcnews.com/tech/security/west-virginia-plans-make-smartphone-voting-available-disabled-people-2020-n1127931>.

¹¹ Kevin Collier, “West Virginia plans to make smartphone voting available to disabled people for 2020 election,” *ABC News*, (Jan. 31, 2020), <https://www.nbcnews.com/tech/security/west-virginia-plans-make-smartphone-voting-available-disabled-people-2020-n1127931>; Miles Parks, “Exclusive: Seattle-Area Voters to Vote By Smartphone In 1st For U.S. Elections,” *NPR*, (Jan. 22, 2020) <https://www.npr.org/2020/01/22/798126153/exclusive-seattle-area-voters-to-vote-by-smartphone-in-1st-for-u-s-elections>.

¹² Michael A. Specter, et. al, Massachusetts Institute of Technology, “The Ballot is Busted Before the Blockchain: A Security Analysis of Voatz, the First Internet Voting Application Used in U.S. Federal Elections,” (Feb. 2020) https://internetpolicy.mit.edu/wp-content/uploads/2020/02/SecurityAnalysisOfVoatz_Public.pdf.

¹³ Matthew Harwood, “Why a Vote-by-Mail Option Is Necessary,” The Brennan Center for Justice (Apr. 16, 2020) <https://www.brennancenter.org/our-work/research-reports/why-vote-mail-option-necessary>.

- What are the physical safety and security risks associated of voting during a pandemic? How do you advise State and local election official to mitigate those risks?
3. As I indicated earlier, the November 2020 elections may appear different to voters. The results of the April 7, 2020 Wisconsin primary were not announced until April 13. Other States expanding the use of vote-by-mail in November may similarly need to delay the announcement of results in order to accurately count all votes cast.¹⁴
 - How are CISA and EAC working together to advise State and local election officials, as well as the public, of the implications of expanded vote by mail on the timeliness of election result announcements?
 4. All voting mechanism have vulnerabilities. Has there been any assessment of the security vulnerabilities associated with vote by mail? What are they and how can they be mitigated?
 5. CISA recently launched a COVID-19 & Elections Resource website. Which stakeholders did CISA consult in the development of the website and guidance it provided?
 6. The U.S. Postal Service (USPS) plays an essential role in the administration of vote by mail. Unfortunately, it is predicted that USPS could be insolvent as soon as September, or earlier.¹⁵ That could force USPS to modify its operations, including by modifying routes or delivery schedules.
 - Has CISA or EAC assessed how the solvency of USPS will affect State plans to expand vote by mail in November?
 - How would CISA and EAC advise State and local election officials who plan to rely on expanded use of vote by mail to administer the November elections while maintaining social distancing to account for the potential consequences of USPS solvency issues in their election plans?
 7. There is a growing appetite to vote absentee and by mail in 2020.¹⁶ At the same time, the U.S. Postal Service approaches insolvency with each passing day.¹⁷ Will the EAC make postage costs an allowable expense for HAVA grant funds due to the exigencies presented by COVID-19?
 8. How has the #Protect2020 campaign adapted to the reality of voting in the time of COVID-19? What is the Election Security Initiative doing to adapt to the physical threat presented

¹⁴ Amber Phillips, “Why Vote by Mail Will Be So Hard for States to Set Up on the Fly,” *The Washington Post* (Apr. 3, 2020), <https://www.washingtonpost.com/politics/2020/04/03/vote-by-mail-difficulties/>.

¹⁵ Kevin Kosar, “The Postal Service Is in Deep Trouble. Here’s One Way to Get It Out,” *POLITICO* (Apr. 16, 2020) <https://www.politico.com/news/agenda/2020/04/16/the-right-way-to-bail-out-the-post-office-190271>.

¹⁶ Paul Handley, “Coronavirus worries drive push in US for November ‘vote by mail’” *AFP* (Apr. 9, 2020) <https://news.yahoo.com/coronavirus-worries-drive-push-us-november-vote-mail-000550545.html>.

¹⁷ Kevin Kosar, “The Postal Service Is in Deep Trouble. Here’s One Way to Get It Out,” *POLITICO* (Apr. 16, 2020) <https://www.politico.com/news/agenda/2020/04/16/the-right-way-to-bail-out-the-post-office-190271>.

by COVID-19? How do you propose State and local election officials mitigate associated physical and cyber risk?

9. How are CISA and EAC continuing election security and administration outreach and support to State and local election officials amid various stay-at-home orders and social distance measures in effect across the country? How are CISA's Cyber Security Advisors augmenting their activities to continue engagement with State and local election officials?
10. Voting in November will be different, and the country will still be dealing with the COVID-19 pandemic. Are there plans for virtual tabletop exercises and virtual training between now and November? How many of these will be jointly supported by CISA and EAC?
11. I understand that in 2016, the Department of Homeland Security (DHS) publicly issued warnings against any kind of online voting¹⁸ and intended to issue guidance to State and local officials reflecting that conclusion. To the best of my knowledge, however, DHS has not issued such guidance.
 - Have the conclusions DHS reached related to the security vulnerabilities of online voting changed since 2016? If so, why? If not, when and how will you advise State and local election officials of the security vulnerabilities associated with the use of online voting?
12. When will the EAC vote on the VVSG 2.0? Will these standards be in place before the 2020 election?
13. What guidance are you giving to State and local election officials related to COVID-19 and election disinformation and misinformation? How are you helping State and local governments prepare the public that the November elections will be different than previous elections to prevent bad actors from opportunistically sowing seeds of doubt among voters?
14. COVID-19 has amplified the amount of disinformation and misinformation in media and social media. How are you advising election officials to report disinformation or misinformation spread on social media?
15. How are your agencies targeting near-term primary State election officials, supporting them on election day, and ensuring a fair and safe election during a nationwide emergency?
16. With the best practices and guidance presented by your agencies, how and when will you provide guidance to State and local officials about post-election audits?

¹⁸ Sari Horowitz, "More than 30 states offer online voting, but experts warn it isn't secure," *Washington Post*, (May 17, 2016), <https://www.washingtonpost.com/news/post-nation/wp/2016/05/17/more-than-30-states-offer-online-voting-but-experts-warn-it-isnt-secure/>.

Voters must have confidence in the integrity of the November election. Unsubstantiated remarks like the President's April 8th tweets about vote by mail undermine voter confidence and politicize well-intentioned efforts to ensure the continuity of democratic institutions. Your organizations have the important responsibility of ensuring State and local elections officials are equipped with the best information possible to make smart decisions about how to administer elections during this complicated time. Your work is also critical to voter confidence in the electoral process. I look forward to working with you as you carry out your important missions.

Thank you for your attention to my request. I look forward to your response.

Sincerely,



Bennie G. Thompson
Chairman
Committee on Homeland Security