

RON WYDEN
OREGON

RANKING MEMBER OF COMMITTEE ON
FINANCE

221 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:

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JOINT COMMITTEE ON TAXATION

July 12, 2019

The Honorable Christy McCormick
Chairwoman
U.S. Election Assistance Commission
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

Dear Chairwoman McCormick:

I write to better understand what the Election Assistance Commission (EAC) is doing to address the looming cybersecurity crisis created by states using out-of-date software to administer elections, leaving our democracy needlessly vulnerable to hackers.

As you are aware, there are currently no nationwide, mandatory cybersecurity standards for elections. No federal law or regulation makes it illegal for states to use election systems that run old operating systems with known software vulnerabilities that hackers can easily exploit. For example, it has been widely reported that the voting machines used by Georgia in the 2018 general election were running Windows 2000, an operating system that Microsoft stopped updating in 2010. Until 2015, Virginia used WiFi-connected, paperless voting machines which last received a security update in 2005 and used "abcde" as the administrator password.

This problem will only get worse. On January 14, 2020, Microsoft will stop providing security updates for its Windows 7 operating system. This operating system is widely used by ES&S, the largest voting machine manufacturer in the United States. It appears from documents published on the EAC website that every single release of ES&S' election management products, certified by the EAC from 2011 to May of this year, uses a version of Windows that will not receive security updates after January 14, 2020.

In February 2019, I asked the Department of Homeland Security (DHS) for data on the number of states that used voting machines with out-of-date, insecure software in the 2018 general election. In its response, DHS revealed that it does not have that data, and, as such, has no idea how vulnerable our election infrastructure is to foreign hackers.

Intelligence officials have made it clear that Russian hackers targeted our elections in 2016, and that they expect similar threats in 2020. The continued use of out-of-date software on voting machines and the computers used to administer elections lays out the red carpet for foreign hackers. This is unacceptable. Now more than ever, the American people expect that the government is taking the necessary steps to secure our elections from foreign attacks. To that end, please provide me with answers to the following questions by July 26, 2019:

911 NE 11TH AVENUE
SUITE 630
PORTLAND, OR 97232
(503) 326-7525

405 EAST 8TH AVE
SUITE 2020
EUGENE, OR 97401
(541) 431-0229

SAC ANNEX BUILDING
105 FIR ST
SUITE 201
LA GRANDE, OR 97850
(541) 962-7691

U.S. COURTHOUSE
310 WEST 6TH ST
ROOM 118
MEDFORD, OR 97501
(541) 858-5122

THE JAMISON BUILDING
131 NW HAWTHORNE AVE
SUITE 107
BEND, OR 97701
(541) 330-9142

707 13TH ST, SE
SUITE 285
SALEM, OR 97301
(503) 589-4555

[HTTP://WYDEN.SENATE.GOV](http://wyden.senate.gov)

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1. Do you expect that all of the voting machines and election management systems used by states and local governments in the November 2020 election will be running up-to-date, vendor-supported software? If not, which states do you expect to be using voting systems that run out-of-date software, and what is the EAC doing to address this serious cybersecurity problem?
2. Has the EAC directed ES&S to submit for certification updated products that use operating system software that will be supported by the manufacturer beyond November, 2020? If not, why not?
3. Does the EAC intend to decertify ES&S products that use Windows 7 before January 15, 2020? If not, why not?

If you have any questions regarding this request, please contact Chris Soghoian in my office.

Sincerely,



Ron Wyden
United States Senator