

November 6, 2018

The Honorable Kirstjen M. Nielsen
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen:

I urge the Department of Homeland Security (DHS) to forensically examine paperless voting machines used in the November 6, 2018 general election for signs of tampering or other manipulation by foreign governments or other malicious actors.

Russia and other foreign governments continue to pose a threat to U.S. election infrastructure, including state election systems. This is not some abstract concern; in a July speech, Director of National Intelligence Dan Coats stated that the “warning lights are blinking red again. Today, the digital infrastructure that serves this country is literally under attack.”

Despite this threat, Delaware, Georgia, Louisiana, New Jersey, and South Carolina will conduct elections on November 6 using only paperless voting machines. According to the non-profit election-security watchdog Verified Voting, an additional nine states will use voting machines that produce no paper trail in some localities. Without paper trails, it is impossible to meaningfully audit the results of elections. Indeed, earlier this year, you testified at an U.S. Senate Select Committee on Intelligence open hearing that voting machines without a verifiable paper trail pose “a national security concern.”

After Russia’s efforts to influence the 2016 election were confirmed by the intelligence community, the Department of Homeland Security (DHS) should have conducted a nationwide forensic audit of the paperless voting machines used by states. As far as I can tell, no systematic post-election forensic examination of these voting machines took place. Whatever the reason for this failure to act, this administration cannot afford to repeat the mistakes of 2016. In particular, the state election officials cannot continue to turn a blind eye to the vulnerability of their election infrastructure. Interference with U.S. elections is a clear and pressing national security threat, and where state officials refuse to acknowledge the obvious or don’t have the resources to upgrade their systems, the federal government must act.

Accordingly, I am calling on you to conduct comprehensive forensic examinations of voting machines in states where robust post-election audits are not possible because there is no paper trail. Forensic examinations allow cybersecurity experts to search for evidence of whether voting machines were improperly accessed or compromised by hackers during or before the

elections. By conducting these audits, cybersecurity experts may be able to determine whether foreign governments or other adversaries accessed the machines or infected them with malware. Critically, I also urge you to request that states participate in this comprehensive forensic examination. Too many states have refused to acknowledge the threat and have dragged their heels on making necessary improvements; other states lack the resources or capacity to move forward. The result is the same: our elections remain needlessly vulnerable to foreign meddling.

Allowing this threat to fester demeans our democracy and disenfranchises American voters. DHS must take seriously its responsibility to protect the American homeland. I urge you to help ensure the veracity of American elections by conducting a forensic examination of paperless voting machines — or to explain why you cannot or will not take this important action. Please respond to this letter no later than November 12, 2018.

Sincerely,

A handwritten signature in blue ink, appearing to read 'RW', is written over a horizontal line. The signature is fluid and cursive.

Ron Wyden
United States Senator