

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:

COMMITTEE ON FINANCE
COMMITTEE ON BUDGET
COMMITTEE ON ENERGY & NATURAL RESOURCES
SELECT COMMITTEE ON INTELLIGENCE
JOINT COMMITTEE ON TAXATION

April 2, 2019

Mr. Tom Burt
President and Chief Executive Officer
Election Systems and Software
11208 John Galt Blvd.
Omaha, NE 68137

Dear Mr. Burt:

I write to seek an explanation of suspect claims that Election Systems and Software (ES&S) has made regarding the security of your voting machines.

In a January 15, 2019, letter to the League of Women Voters of South Carolina, ES&S wrote that “[n]o ES&S machine has ever been breached or compromised in an election.” Your company’s letter does not explain the basis for its assessment that its voting machines have a spotless cybersecurity track record. A copy of that letter, which was provided to my office by the League, is enclosed.

I have long been concerned about the vulnerability of our elections, particularly those conducted by states using insecure, paperless voting machines, such as those manufactured by ES&S. On November 6, 2018, I wrote to the Department of Homeland Security (DHS) urging them to forensically examine voting machines used in the November 6, 2018, election for signs of tampering or other manipulation. On December 18, 2018, DHS responded, stating that “[u]nder our existing authorities, DHS cannot mandate that states submit to comprehensive forensic examinations of their voting machines.”

I am unaware of any systematic effort by states to conduct routine, post-election forensic examinations of electronic voting machines used in elections. If states have not examined their own voting machines, and DHS apparently does not have the authority to require states to submit their voting machines to expert analysis, I have serious questions about the evidentiary basis for ES&S’ claims of a perfect cybersecurity record.

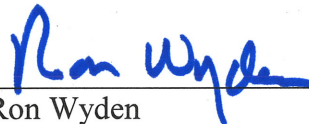
In order to help the American people understand whether ES&S-manufactured voting machines are as secure as your company claims, please provide me by April 19, 2019 with answers to the following questions:

1. Please explain the evidentiary basis for your statement to the League of Women Voters of South Carolina that “[n]o ES&S machine has ever been breached or compromised in an election.”

2. How many ES&S-manufactured voting machines used in each of the past four general elections were subjected to post-election forensic examinations by cybersecurity experts at the direction of:
 - a. State or local governments.
 - b. Federal agencies.
 - c. ES&S.
3. If ES&S has conducted post-election forensic examinations of ES&S-manufactured voting machines used in elections, please identify the forensic tools used by ES&S and provide me with a copy of the testing protocol employed by the cybersecurity experts who examined the voting machines.
4. How many ES&S-manufactured voting machines used in each of the past four general elections were running software with known cybersecurity vulnerabilities (for example, an out-of-date version of Microsoft Windows)?

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

Sincerely,



Ron Wyden
United States Senator

Tuesday, January 15, 2019

Holley Ulbrich
League of Women Voters of South Carolina
POB 8453
Columbia, SC 29202

Christe McCoy-Lawrence
League of Women Voters of South Carolina
POB 8453
Columbia, SC 29202

Dear League of Women Voters of South Carolina,

As South Carolina considers alternatives for its future voting system, and LWVSC weighs in with its perspective, we at Election Systems and Software want to make sure facts are known and accurate information is shared.

First, please know that we at ES&S appreciate your statement of support of voting systems that are secure, accurate, re-countable, accessible and transparent. Every person at our company strives to ensure voter confidence and enhance the voting experience. Secure, accurate elections are the bedrock of our nation's democracy, and there is nothing more important to ES&S than upholding its responsibility in that process.

Second, ES&S employs the most advanced techniques to continue to uphold this responsibility and earn trust. No ES&S machine has ever been breached or compromised in an election. All ES&S equipment goes through extensive federal and state certification processes, sometimes taking more than two years, to ensure accuracy and reliability. ES&S proactively works with state and local jurisdictions, the U.S. government, academics, researchers and scientists to ensure its voting systems perform as expected.

Third, the ES&S ExpressVote, which is mischaracterized on your website, uses the very latest technology to ensure that each and every vote is accurately captured. With the ExpressVote, which is a ballot marking device, the voter's selections are printed on a ballot that gives the voter an opportunity to review their choices for accuracy before placing their ballot into the DS200, a digital paper scanner. Voter selections are clearly marked, and voters are alerted about undervotes while prevented from over voting. All of this reduces lost votes and ensures votes are counted accurately. The ability for a post-election paper trail provides additional auditability. The ExpressVote enables voting for all registered voters, ensuring ADA compliance.

Your stated desire for secure, accurate, re-countable, accessible and transparent elections is met with this system.

We welcome the opportunity to meet with the LWVSC and answer questions regarding our systems, approach and commitment to the voters of South Carolina.

Sincerely,

A handwritten signature in blue ink that reads 'Kathy A. Rogers'.

Kathy A. Rogers
SVP Government Relations
kathy.rogers@essvote.com
404-432-4485