

**Congress of the United States**  
**Washington, DC 20515**

June 20, 2018

The Honorable Thomas Hicks  
Chairman  
U.S. Election Assistance Commission  
1335 East West Highway, Suite 4300  
Silver Spring, MD 20910

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

Dear Chairman Hicks and Vice Chairman McCormick:

The Election Assistance Commission (EAC) was created in 2002 with a statutory mandate to serve as a “national clearinghouse of information.”<sup>1</sup> Given the ongoing threats facing our election infrastructure, this responsibility is more important now than ever. The EAC has the opportunity to provide states with guidance on how best to secure their election systems, and to discourage spending on activities that are known to make election systems less secure

We have been pleased to learn of the invaluable role the agency has been playing in this new threat landscape. The EAC has facilitated communications between state election officials and the Department of Homeland Security (DHS) and produced educational materials to help state and local election officials with cybersecurity. Most significantly, in March 2018, the EAC was appropriated \$380 million in Help America Vote Act (HAVA) grants to distribute to states to enhance election security.<sup>2</sup>

Congress appropriated these funds because it wanted states to be able to take the necessary steps to secure their voting systems well in advance of the 2018 elections. Recognizing the urgency of the situation, the Consolidated Appropriations Act of 2018 (the “Act”) requires that the EAC make funds available no later than 45 days after the enactment of the Act.<sup>3</sup> Further, the Act was accompanied by a bipartisan joint explanatory statement that clearly specifies what Congress believes to be the most urgent priorities, stating that states may use these grants to do the following:

- Replace voting equipment that only records a voter’s intent electronically with equipment that utilizes a voter verified paper record;
- Implement a post-election audit system that provides a high level of confidence in the accuracy of the final vote tally;

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<sup>1</sup> Help America Vote Act, 52 U.S.C. 20922

<sup>2</sup> Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, § 501

<sup>3</sup> *Ibid.*

- Upgrade election related computer systems to address cyber vulnerabilities identified through Department of Homeland Security, or similar scans or assessments of, existing election systems;
- Facilitate cybersecurity training for the state chief election official's office and local election officials;
- Implement established cybersecurity best practices for election systems; and
- Fund other activities that will improve the security of elections for Federal office.<sup>4</sup>

Thus, it was Congress' clear intent that these funds be used to improve election security, and that any new voting machines purchased with these funds have a voter-verifiable paper record.

Accordingly, we respectfully request that the EAC fulfill its duty to serve as an information clearinghouse and take the following steps: 1) Send a letter to each state and territory's chief election official outlining Congress' intended uses for the HAVA grants; 2) When a state or locality reaches out to the EAC seeking guidance on how to spend their grant money, as part of your response, you direct them to the language of the joint explanatory statement; and 3) Do not permit the grant money to be used to purchase new paperless electronic voting machines.

Thank you for your attention to this matter.

Sincerely,

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ROBERT A. BRADY  
Member of Congress

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STENY HOYER  
Member of Congress

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ZOE LOFGREN  
Member of Congress

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JAMIE RASKIN  
Member of Congress


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G.K. BUTTERFIELD  
Member of Congress

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DAVID N. CICILLINE  
Member of Congress

<sup>4</sup> Joint Explanatory Statement for the Financial Services and General Government Appropriations Bill, 2018, p. 57



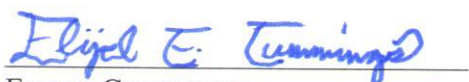
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JIM COOPER  
Member of Congress



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J. LUIS CORREA  
Member of Congress




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ELIJAH CUMMINGS  
Member of Congress




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PETER DEFAZIO  
Member of Congress



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VAL BUTLER DEMINGS  
Member of Congress



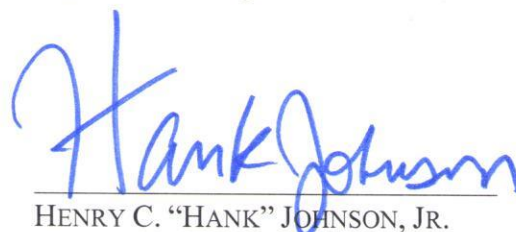
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ANNA ESHOO  
Member of Congress




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BRIAN HIGGINS  
Member of Congress



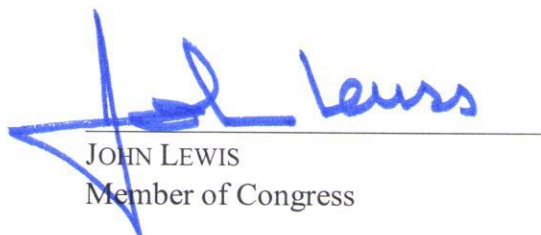
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HENRY C. "HANK" JOHNSON, JR.  
Member of Congress



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RO KHANNA  
Member of Congress



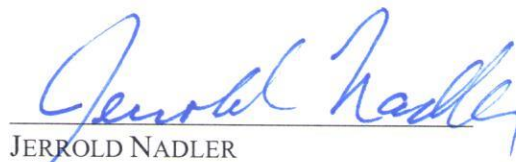
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JOHN LEWIS  
Member of Congress



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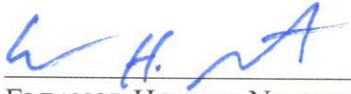
ALAN LOWENTHAL  
Member of Congress



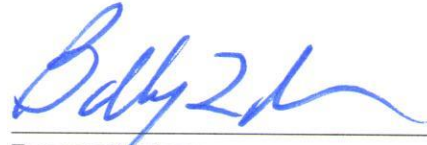
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JERROLD NADLER  
Member of Congress





ELEANOR HOLMES NORTON  
Member of Congress



BOBBY L. RUSH  
Member of Congress



JAN SCHAKOWSKY  
Member of Congress



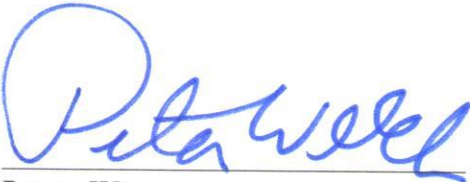
CAROL SHEA-PORTER  
Member of Congress



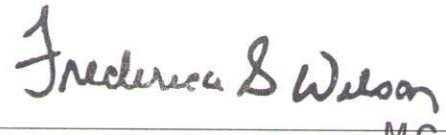
BENNIE THOMPSON  
Member of Congress



DINA TITUS  
Member of Congress



PETER WELCH  
Member of Congress



FREDERICA S. WILSON  
Member of Congress

M.C.



JOHN YARMUTH  
Member of Congress



FRANK PALLONE, JR.  
Member of Congress

cc: Brian Newby, Executive Director  
Cliff Tatum, General Counsel