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One Hundred Eighteenth
Congress of the United States
House of Representatives

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September 13, 2024

Chairman Benjamin Hovland
U.S. Election Assistance Commission
633 3rd St. NW, Ste. 200
Washington, D.C. 20001

Vice Chairman Donald Palmer
U.S. Election Assistance Commission
633 3rd St. NW, Ste. 200
Washington, D.C. 20001

Dear Chairman Hovland and Vice Chairman Palmer:

As Chairman of the U.S. House of Representatives Committee on House Administration (“Committee”), which has broad oversight of our nation’s federal elections,¹ I write today seeking clarification on the role of the Election Assistance Commission (“EAC”) in certifying electronic voting machines and whether allegations in a recently filed Georgia lawsuit are of valid concern. The House of Representative is the “Judge of [its own] Elections,”² and the Committee is required by the Federal Contested Elections Act to adjudicate disputes as to who was legitimately elected to the House.³ Throughout my time as Chairman, the Committee has strived to promote election-security measures that prevent fraud and give all Americans confidence in our elections. A recently filed Georgia lawsuit alleges inadequate maintenance of the confidentiality of certain voting-machine encryption keys, which could arise in an election contest.⁴

Last month, the DeKalb County Republican Party filed suit against the Georgia Secretary of State alleging that encryption keys for certain voting machines, along with usernames and passwords for some election administrators and technicians, may be accessible through public information requests.⁵ As you may be aware, Georgia law requires the State to furnish a “system of electronic ballot markers and ballot scanners for use in each county” that must be “certified by the EAC.”⁶ The complaint claims, however, the Georgia Secretary of State is out of compliance with various EAC certification protocols, including those mandating that voting-machines’ cryptographic encryption keys be protected from unauthorized access.⁷

As the Committee prepares to judge the results of the November election of House members-elect, we seek to be confident in the security of the voting machines that are essential to the balloting process. The Committee thus seeks information on whether the allegations set out in the DeKalb

¹ Rules of the United States House of Representatives, rule X(k)(12), <https://rules.house.gov/sites/evo-subsites/republicans-rules.house.gov/files/documents/118/Additional%20Items/118-House-Rules-Clerk-v2.pdf>.

² See U.S. Const. art. I, § 5.

³ 2 U.S.C. §§ 381–96.

⁴ See DeKalb County Republican Party, Inc. v. Brad Raffensperger, No 24-cv-011028 (Ga. Sup. Ct. Aug. 30, 2024) (“Complaint”).

⁵ See *id.* at 2–3, 10, 13.

⁶ O.C.G.A. § 21-21-300(a)(3).

⁷ Complaint at 2, 7–8, 10, 13.

County Republican Party's lawsuit are of valid concern. Specifically, the Committee requests the EAC's response to the following set of questions:

1. What are encryption keys, and what role do they play in safeguarding voting machines from ballot tampering or other interference?
2. Would releasing voting-machine encryption keys through public information requests violate any aspect of the EAC's best-practices protocol or the "Voluntary Voting System Guidelines" ("VVSG")?
3. Would public release of a voting-machine encryption key heighten the risk of tampering or interference with voting machines?
4. Has the EAC previously certified the Georgia voting system as compliant with the VVSG?
5. Has the EAC ever certified that Georgia is or was compliant with mandatory practices for cryptographic keys under the VVSG?
6. Does the EAC mandate or recommend ongoing compliance with the VVSG?
7. If so, does the EAC play any oversight role in continuing certification of voting machines?
8. What precautions does EAC recommend or require governments take to safeguard voting-machine encryption keys?
9. What steps, if any, has the EAC taken to ensure state and local election officials are aware of risks to public disclosure of voting-machine encryption keys or usernames and passwords related to voting machines or computers?

Thank you for your prompt attention to this matter. Please send your response by September 23, 2024, to Rachel Collins, Deputy General Counsel, at Rachel.Collins@mail.house.gov. If you have any questions, do not hesitate to contact the Committee at 202-225-8281.

Sincerely,



Bryan Steil
Chairman
Committee on House Administration

Enclosures: *DeKalb County Republican Party, Inc. v. Brad Raffensperger*, No 24-cv-011028 (Ga. Sup. Ct. Aug. 30, 2024).