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Congress of the United States
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Washington, DC 20515

December 15, 2020

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The Honorable Patricia Layfield
Inspector General
U.S. Election Assistance Commission
633 3rd Street NW, Suite 200
Washington, DC 20001

Dear Madam Inspector General:

I am writing to request an investigation concerning the U.S. Election Assistance Commission's (EAC) initial certification and re-certification process of Dominion Voting Systems ("Dominion") and its software used in many states during the 2020 General Election. Many of our nation's leading experts in mathematics, computer science and statistics are finding anomalies when analyzing the data from vote counts in a number of communities across the United States. These anomalies coincide with reports of votes being switched or deleted entirely. Some officials are quick to describe these events as software "glitches" or clerical errors.

For example, a clerk in Antrim County, Michigan, initially reported the Democratic Presidential nominee beating President Trump by approximately 3,000 votes. However, after manually entering the results from printed tabulated tapes, the results flipped and had President Trump ahead by about 2,500.¹ The county uses Dominion Voting Systems equipment. This same equipment is used by most of the other Michigan counties including Wayne County. It is also used by many counties located in 28 states, including the battleground states of Arizona, Georgia, Michigan, Nevada, Pennsylvania and Wisconsin all of which are dealing with allegations of election fraud.

A recent court-permitted forensic examination of Dominion tabulators in Antrim County by the Allied Security Operations Group found "an error rate of 68.05%" with the tabulators.² Their report goes on to state an "allowable election error rate established by the Federal Election Assistance Commission guidelines is of 1 in 250,000 ballots (.0008%)."³ What error rates did EAC find when reviewing Dominion voting machines? Did EAC's review find error rates in excess of .0008% in your review of Dominion machines? Please provide specific details on EAC's error rate findings?

¹ See. <https://www.freep.com/story/news/politics/elections/2020/11/06/antrim-county-vote-glitch-software-update/6194745002/> Last accessed on December 15, 2020

² *Id.*

³ See. https://www.depernow.com/uploads/2/7/0/2/27029178/antrim_michigan_forensics_report_%5b121320%5d_v2_%5bredacted%5d.pdf Last accessed on December 15, 2020

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Were taxpayer dollars used to purchase these voting machines in the State of Michigan? If machines are found to have error rates significantly higher than those allowable under the Federal Election Assistant Commission guidelines, please outline the specific means your agency has to recoup U.S. taxpayer dollars that were used to purchase faulty equipment. What steps has your office taken or can we expect your office to take to recoup such funds?

The Help America Vote Act (HAVA) of 2002 (P.L. 107-252) was enacted to provide funds to states to help acquire voting systems and to establish the EAC to assist in the administration of federal elections. "The EAC also accredits testing laboratories and certifies voting systems as well as audits the use of HAVA funds."⁴

Because the HAVA authorizes and grants federal funds for the voting systems, Congress has oversight jurisdiction concerning election systems used by these states. Did the Inspector General's office certify and re-certify these machines and software (including software updates)? If so, when were these reviews conducted and what were the results of such certifications? Was the exact software used in all voting machines on November 3, 2020, certified by EAC? Does the Inspector General's office conduct the certification themselves or rely on a third-party? If a third party conducts the review, who is the third-party that conducts such reviews? Does the Inspector General review certifications? Does the Inspector General's office have investigators, or do they rely on other federal agencies of Inspector General offices to conduct its investigations? And finally, please provide all relevant documents pertaining to the questions above.

The best way to ensure confidence in our elections is through greater transparency. To provide no doubt in the integrity of our nation's election process, we urge the EAC's Inspector General's office to investigate these allegations of excessive high error rates involving the use of Dominion software and hardware. With such a closely divided nation, Americans need to be assured that their government is listening to their concerns and places a high priority on ensuring transparent and fair elections.

Thank you for your attention to my request. I look forward to your response.

Sincerely,



Bill Posey
Member of Congress

⁴ See. <https://www.eac.gov/about-the-useac> Last accessed on December 15, 2020