



One Hundred Eighteenth Congress  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515

October 9, 2024

The Honorable Alejandro Mayorkas  
Secretary  
Department of Homeland Security  
Washington, DC 20538

The Honorable Merrick Garland  
Attorney General  
Department of Justice  
Washington, DC 20530

Dear Secretary Mayorkas and Attorney General Garland:

We understand that both the Department of Homeland Security (DHS) and the Department of Justice (DoJ) have undertaken significant efforts to support the safe, secure administration of elections this November. We write to document those activities and to learn about any additional actions you will undertake between now and January 20, 2025, to ensure a peaceful transfer of power.

Four years ago, State and local election officials across the country administered the most secure elections in history under exceptionally challenging circumstances.<sup>1</sup> Nevertheless, confusion about voting and tabulation procedures, a politically polarized public, and a nationwide pandemic created a breeding ground for misinformation and conspiracy theories to flourish.<sup>2</sup> As a result, a violent mob bent on preventing the peaceful transfer of power attempted to interrupt the certification of election results on January 6, 2021.<sup>3</sup> Although the insurrection was ultimately unsuccessful, its legacy endures, notably through the targeting and harassment of election officials, baseless

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<sup>1</sup> Eric Tucker & Frank Bajak, *Repudiating Trump, Officials Say Election 'Most Secure,'* AP (Nov. 13, 2020), <https://apnews.com/article/top-officials-elections-most-secure-66f9361084ccbc461e3bbf42861057a5>.

<sup>2</sup> See FINAL REPORT OF THE SELECT COMMITTEE TO INVESTIGATE THE JANUARY 6TH ATTACK ON THE UNITED STATES CAPITOL, at 195–210 (2022), <https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf> [hereinafter FINAL REPORT]. See also Amy Mitchell, et al., *How Americans Navigated the News in 2020: A Tumultuous Year in Review*, Pew Research Center, at 21 (Feb. 22, 2021), [https://www.pewresearch.org/wp-content/uploads/sites/20/2021/02/PJ\\_2021.02.22\\_News-Pathways-2020-Lookback\\_FINAL.pdf](https://www.pewresearch.org/wp-content/uploads/sites/20/2021/02/PJ_2021.02.22_News-Pathways-2020-Lookback_FINAL.pdf).

<sup>3</sup> Michael Waldman, *The Great Resignation . . . Of Election Officials*, Brennan Center for Justice (Apr. 25, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/great-resignation-election-officials>; See FINAL REPORT, *supra* n. 2.

allegations that voter fraud will result in an illegitimate election result,<sup>4</sup> and suggestions by public officials that they may not accept the election outcome.<sup>5</sup>

We applaud the efforts your agencies have already undertaken to support the safe, secure administration of elections, and encourage ongoing engagement with appropriate partners at the State and local levels in the weeks and months ahead.

### *Coordination with State and Local Partners*

Election officials on the ground are the individuals who best understand the challenges of administering elections in today's environment. It is important that Federal programs designed to secure elections are aligned to the needs of State and local election officials.

- Attorney General Garland and Secretary Mayorkas, what processes are in place to receive feedback from election stakeholders to ensure your Departments are meeting the needs of election officials? How have your Departments incorporated stakeholder feedback into election security policies and programs? Please provide specific examples.
- Attorney General Garland and Secretary Mayorkas, have resource constraints in any way limited the ability of your Departments to provide assistance requested by State and local election officials? If so, how?

Last year, the Cybersecurity and Infrastructure Security Agency (CISA) announced it would establish dedicated election security advisors in each of the agency's ten regions.<sup>6</sup>

- Secretary Mayorkas, how do election security advisors complement the work of existing cybersecurity and protective security advisors? Please provide details about the priorities of election security advisors and describe the specific activities they have undertaken to help state and local election officials prepare for the 2024 election.

### *Election Cybersecurity*

CISA offers a range of no-cost cybersecurity services to election offices across the country, including cyber hygiene scans and risk and vulnerability assessments.

- Secretary Mayorkas, please describe the services that DHS offers directly to State and local election officials and the efforts DHS has undertaken to promote these services. To what degree have State and local election offices adopted the services DHS offers?

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<sup>4</sup> Joel Mathis, *Trump is Already Claiming Election Fraud*, The Week (Sept. 26, 2024), <https://theweek.com/politics/trump-election-fraud-claims-2024>.

<sup>5</sup> See Andrew Solender, *Johnson Spikes Top Democrats' Anxiety About a Jan. 6 Redux*, Axios (Sept. 24, 2024), <https://www.axios.com/2024/09/24/johnson-spikes-top-democrats-anxiety-about-a-jan-6-redux> (Speaker Johnson committing to certifying the Presidential election only if he deems it "free, fair, and safe.").

<sup>6</sup> Jen Easterly, *CISA Establishes Regional Election Security Advisors to Strengthen Front Line Support for the Election Security Community*, CISA Blog (July 25, 2023), <https://www.cisa.gov/news-events/news/cisa-establishes-regional-election-security-advisors-strengthen-front-line-support-election>.

- Secretary Mayorkas, DHS, through CISA, supports the Center for Internet Security, which houses Election Infrastructure Information Sharing and Analysis Center (EI-ISAC). The EI-ISAC provides State and local election officials with a range of additional services to defend election infrastructure from cyber attacks. Please describe the election security-related activities DHS funding supports at the EI-ISAC.
- Secretary Mayorkas, how is the Department working with State and local election officials to ensure resilience in the event of a cyber incident on or near election day?

As the Sector Risk Management Agency for the Election Infrastructure Subsector, DHS, through CISA, is responsible for engaging with a range of stakeholders involved in the administration of elections, including election technology and equipment vendors.

- Secretary Mayorkas, please describe how the Department has worked with election technology and equipment vendors to improve security.

### *Physical Security*

Recent swatting incidents and white powder mailings targeting election officials, along with disturbingly frequent social media threats, have highlighted the physical security threats facing election officials.<sup>7</sup> Ensuring State and local officials are aware of the services available to them and have access to the resources necessary to improve their security will be critical to protecting election officials and infrastructure before, during, and after the election.

- Secretary Mayorkas, please describe the physical security services DHS offers directly to State and local election officials and how DHS is increasing awareness of Federal resources available to protect the physical security of election infrastructure and officials. To what degree have State and local election officials utilized the physical security services DHS offers?
- Attorney General Garland and Secretary Mayorkas, how are DOJ and DHS ensuring that they have relevant expertise on staff to support physical security services and outreach?
- A security threat in one jurisdiction may suggest a heightened risk of similar situations in other jurisdictions. Attorney General Garland and Secretary Mayorkas, how are you ensuring that timely and actionable threat information based on recent incidents is shared with election officials nationally as threats emerge?
- In the absence of Federal funding dedicated to improving the physical security of elections, State and local jurisdictions may struggle to implement security recommendations. Secretary Mayorkas, how is DHS supporting State and local election officials' efforts to implement recommendations provided by CISA's security assessments? How does CISA

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<sup>7</sup> Christina A. Cassidy, Associated Press, *From Panic Buttons to Bulletproof Glass, U.S. Election Officials Are Preparing for Threats*, PBS (Sept. 17, 2024), <https://www.pbs.org/newshour/politics/from-panic-buttons-to-bulletproof-glass-u-s-election-officials-are-preparing-for-threats>.

assist election officials in prioritizing cost-effective solutions to issues identified by the assessments?

The January 6, 2021, attack on the Capitol demonstrated that election security risks do not end on Election Day. We are particularly concerned that similar violence could take place during the counting and certification of election results this cycle.

- Attorney General Garland and Secretary Mayorkas, with a heightened risk of violence in the post-election period, what plans are in place to support election officials in the aftermath of the November election? What specific resources will be deployed following the election to support State and local election officials should threats develop?

### *Mis- and Disinformation*

Public reporting indicates that foreign adversaries continue efforts to influence U.S. elections, and election misinformation has the potential to undermine the public's confidence in election results and could fuel election-related violence.<sup>8</sup> It is our understanding that the Federal government has modified its approach to combatting misinformation compared to the previous presidential election.

- Attorney General Garland and Secretary Mayorkas, what are your current policies regarding engagements with social media companies on the threats posed by election-related misinformation? Please describe current activities related to combatting foreign influence and election misinformation.

A recent poll by Associated Press-NORC Center for Public Affairs Research and USAFact found that two-thirds of Republicans polled trust Donald Trump and his campaign for accurate information about election results, but only 51 percent of Republicans polled would trust the government's certification of election results.<sup>9</sup> Donald Trump has already begun to suggest the election will be rigged against him.<sup>10</sup>

- Attorney General Garland and Secretary Mayorkas, how will your Departments work to build confidence in the election outcome in the event a candidate, without evidence, attempts to call into question the legitimacy of the election outcome?

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<sup>8</sup> See Dan DeLuce, *U.S. Spy Agencies are Ready to Warn Voters about Foreign Election Interference – If It's Severe Enough*, NBC News (June 12, 2024), <https://www.nbcnews.com/politics/national-security/us-spy-agencies-are-ready-warn-voters-foreign-election-interference-rcna156895>.

<sup>9</sup> Miranda Nazzaro, *Republicans More Likely to Trust Trump than Election Results: Survey*, The Hill (Sept. 10, 2024), <https://thehill.com/homenews/campaign/4871345-republicans-trust-trump-campaign-over-certification/>.

<sup>10</sup> Joel Mathis, *Trump is Already Claiming Election Fraud*, The Week (Sept. 26, 2024), <https://theweek.com/politics/trump-election-fraud-claims-2024>; Mariah Timms, *Trump Claims 2024 Will Be Rigged, Putting Republican Turnout at Risk*, Wall Street Journal (Mar. 20, 2024), <https://www.wsj.com/politics/elections/trump-claims-2024-will-be-rigged-putting-republican-turnout-at-risk-830b213d>; Amy Gardner, et al., *Trump Pledges to Jail Opponents, Baselessly Suggests Election Will Be Stolen from Him*, Wash. Post (Sept. 8, 2024), <https://www.washingtonpost.com/politics/2024/09/08/trump-election-threats/>.

Recent indictments by DOJ allege that Russian intelligence used American media influencers to unwittingly promote Russia's foreign influence campaigns.<sup>11</sup>

- Attorney General Garland, does DOJ have policies in place to alert Americans who may be unwittingly amplifying illegal foreign influence campaigns?

Many Republican officials have publicly claimed that non-citizens are voting in large numbers and could impact the outcome of the November election.<sup>12</sup> The Texas Attorney General recently announced he was investigating whether organizations were purposefully registering non-citizens to vote, despite there being no indication that it is happening.<sup>13</sup>

- Attorney General Garland and Secretary Mayorkas, is there any evidence that non-citizens vote in large numbers in the United States? Is there any evidence that organizations are deliberately registering non-citizens to vote?

Mis- and disinformation can lead to voter suppression. The Secretary of State of Alabama, for example, recently deactivated the registration of more than 3,000 people, including some naturalized citizens who must now update their records before they can vote.<sup>14</sup> Some of them have expressed reluctance to register to vote again.<sup>15</sup>

- Attorney General Garland and Secretary Mayorkas, how are your Departments countering mis- and disinformation that may disproportionately affect naturalized citizens or target communities of color?

Rapid advances in AI technological development have the potential to shift how foreign and domestic actors seek to shape public opinion and Federal efforts to secure elections must reflect the latest technological landscape.

- Attorney General Garland and Secretary Mayorkas, what is your current assessment of the impact of AI-generated content in foreign influence campaigns and how are your Departments increasing awareness regarding the threat of AI-generated content in disinformation efforts?

By and large, the most reliable sources of accurate election information are the official communications and websites of State and local election officials responsible for administering elections. The Federal government's greater media visibility can play an important role in directing Americans to reliable sources of information and amplifying the voices of state and local officials.

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<sup>11</sup> Alan Suderman & Ali Swenson, *Right-Wing Influencers Were Duped to Work for Covert Russian Operation*, *US Says*, Associated Press (Sept. 5, 2024), <https://apnews.com/article/russian-interference-presidential-election-influencers-trump-999435273dd39edf7468c6aa34fad5dd>.

<sup>12</sup> Alexandra Berzon, *Republicans Seize on False Theories About Immigrant Voting*, *NY Times* (Sept. 5, 2024), <https://www.nytimes.com/2024/09/05/us/politics/immigrant-noncitizen-voting-republicans.html>.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Jane C. Timm, *GOP Crackdowns on Noncitizen Voting Ensnare Newly Naturalized Americans*, *NBC News* (Aug. 29, 2024), <https://www.nbcnews.com/politics/2024-election/gop-crackdowns-noncitizen-voting-ensnare-newly-naturalized-americans-rcna168234>.

- Secretary Mayorkas, how is DHS amplifying efforts by State and local election officials to promote accurate election information and to respond to false rumors about the integrity, security, or accuracy of election systems and results? What are CISA's plans to increase such communications closer to Election Day and following the election?

Thank you for your attention to this letter. We look forward to your response and to continuing to work with you to ensure a safe, secure election next month.

Sincerely,