

Congress of the United States
Washington, DC 20515

February 6, 2020

Mr. Gerard Niemira
Chief Executive Officer
Shadow, Inc.
1342 Florida Ave NW
Washington, DC 20009

Dear Mr. Niemira,

As Ranking Members of the House Committees on Homeland Security and House Administration, which have oversight jurisdiction over election security matters in the U.S. House of Representatives, we write to express our grave concern over the manner in which your company serviced the Iowa Democratic Caucus (“Caucus”) this past week. In order for democracy to work, Americans must believe the results of their elections, and caucuses, are rock-solid and secure beyond a shadow of a doubt. Unfortunately, by choosing not to test your app for any technical glitches prior to its rollout, your company has caused significant doubt over the Caucus results and, consequently, has undermined electoral confidence.

It is our understanding that the Department of Homeland Security’s (DHS) Cybersecurity and Infrastructure Agency (CISA) offered to test the app, but the help was declined. It was also reported that the Democratic National Committee’s (DNC) Chief Security Officer, Bob Lord, urged the Caucus to not use the app. It is not apparent that the app was security tested or vetted for statewide use prior to Monday’s Caucuses. It is very worrisome that you moved forward with the app despite warnings that it could be problematic without sharing testing that was done to prove otherwise.


While it may not have been possible to do comprehensive testing, given that the app was still being tweaked as late as two days prior to the caucus, testing of earlier versions of the app would have been advisable. Testing of the app should have included security measures such as penetration testing, capacity testing and reviews for coding errors prior to being used in the Caucuses. Additionally, we would recommend robust training for Caucus volunteers and staff on how to use the app, fully resourced, comprehensive and available technical support as well as a clear back up plan should there be failures.

We also believe that Mr. Davis’s bill, H.R. 5707 – Protect America’s Voters Act – could help to prevent situations like this from happening in the future. This legislation calls for the Election Assistance Commission (“EAC”) to establish a committee that would promulgate guidelines for non-voting election equipment, which could include an app such as yours that transmits caucus results. This committee would ideally serve to establish a best-practices regime that would be agile and updated regularly to reflect rapid changes in technology, while also

helping vendors to ensure their products are fully secure prior to their rollout. As this bill moves through the legislative process, and as the EAC continues to address this issue, we hope that you take advantage of this type of expertise if you assist in future caucuses or elections. Americans are counting on vendors such as yourselves to take advantage of every available resource to assist in the integrity of our elections, and not to go at it alone as you tried to do this past week.

We hope that this experience involving your company serves as a reminder to other election vendors and officials of the DHS CISA program that currently exists to prevent such scenarios from occurring. Also, there is legislation pending in Congress, as well as resources available at the EAC, that could serve to garner confidence in our election infrastructure and prevent another Iowa Democratic Caucus debacle.

Sincerely,



Rep. Mike Rogers
Ranking Member
Committee on Homeland Security



Rep. Rodney Davis
Ranking Member
Committee on House Administration