

Opening Statement of Chairman Ron Johnson:
“Examining Irregularities in the 2020 Election,” December 16, 2020

As submitted for the record:

A week ago, when I gave notice of this hearing, there were more outstanding issues and court cases than today. But even though courts have handed down decisions and the Electoral College has awarded Joe Biden 306 electoral votes, a large percentage of the American public does not believe the November election results are legitimate. This is not a sustainable state of affairs in our democratic republic.

There are many reasons for this high level of skepticism. It starts with today’s climate of hyper partisanship, which was only exacerbated by the persistent efforts to delegitimize the results of the 2016 election. The corrupt investigation and media coverage of the Russian collusion hoax reduced faith in our institutions. And the ongoing suppression and censorship of conservative perspectives by biased news media and social media adds fuel to the flames.

Senator Grassley’s and my investigation and report on the conflicts of interest and foreign financial entanglements of the Biden family is just one example of how media suppression can, and does, affect the outcome of an election. It is both amazing, and galling, that all of a sudden — post-election — this has become a news story and a scandal worthy of investigation.

With less than a month left in my chairmanship of this committee, the examination of irregularities in the 2020 election will obviously be my last investigation and last hearing as chairman. But oversight into election security should continue into the next Congress because we must restore confidence in the integrity of our voting system.

This effort should be bipartisan. In my statement announcing this hearing, I stated its goal was to “resolve suspicions with full transparency and public awareness.” That is what good oversight can accomplish. Unfortunately, Senators Schumer and Peters ignored my statement and instead chose to politically attack me and this hearing. As I commented in last Tuesday’s hearing on early treatment of COVID, closed-mindedness is a root cause of many problems we face.

As a quick aside, in preparation for this hearing, I asked my staff to find out as much as they could about basic election mechanics, controls and data flow. Much of the suspicion comes from

a lack of understanding how everything works and from how much variety there is in the way each precinct, county and state conducts its elections. Even though decentralization makes it more difficult to understand the full process, it also dramatically enhances the security of our national elections.

In addition to the witnesses testifying today, we spoke to state and local election officials, as well as suppliers of election equipment and data.

I believe the alleged irregularities can be organized into three basic categories: 1) lax enforcement or violations of election laws and controls, 2) fraudulent votes and ballot stuffing, and 3) corruption of voting machines and software that might be programmed to add or switch votes. In the time we had, it was impossible to fully identify and examine every allegation. But many of these irregularities raise legitimate concerns, and they do need to be taken seriously. Here is a brief summary of what we did learn.

First, multiple controls do exist to help ensure election integrity. Voter registration rolls and election logs for both in-person and absentee balloting are used to verify eligible voters and to help prevent fraudulent voting. But it is not a perfect system, as we will hear in testimony. We have increased the percentage of votes using paper ballots from 82% in 2016 to 95% in 2020. This is a significant improvement in providing a backup audit trail, but only if full or statistically valid recounts occur.

Optical scanners, ballot marking machines, and tabulators should not be connected to the internet during voting, but some have the capability of being connected and there are allegations that some were. Once voting ends, those machines print out a paper report and also transmit voting data in digital form into two separate data streams from precinct to the county level and then to the state level. The first data stream is sent to the official state election management system and the second to the unofficial media reporting system through companies such as Edison Research and the Associated Press. There is no uniform method of transmission, it is not fully automated, and thousands of human beings are involved in the process. Human error does occur, but that is what the paper backups and post-election canvassing is designed to catch.

Today, we will hear testimony on how election laws in some cases were not enforced and how fraudulent voting did occur, as it always does. The question that follows is whether the level of fraud would alter the outcome of the election. This year, in dozens of court cases, through the certification process in each state, and by the Electoral College vote, the conclusion has collectively been reached that it would not. However, lax enforcement, denying effective

bipartisan observation of the complete election process, and failing to be fully transparent or conduct reasonable audits has led to heightened suspicion.

The most difficult allegations to assess involve vulnerabilities in voting machines and the software used. In order to effectively determine the extent to which voting machines were subject to nefarious intrusion or other vulnerabilities, computer science experts must be given the opportunity to examine these allegations. This is a complex issue that has been under congressional scrutiny for several years. Since 2018, I am aware of three oversight letters requesting information from the main suppliers of voting machines. This oversight focused on Election Systems & Software LLC, Dominion Voting Systems Inc., and Hart InterCivic Inc. Today, we have a witness from the Election Assistance Commission, which certifies voting machines, to describe what has been done, and what more can be done, to address any vulnerabilities.

On March 7, 2018, it was reported that Senators Klobuchar and Shaheen “asked major vendors of U.S. voting equipment whether they have allowed Russian entities to scrutinize their software, saying the practice could allow Moscow to hack into American elections infrastructure.”

Last year, on March 26, 2019, Senators Klobuchar, Warner and Reed and Ranking Member Peters wrote: “The integrity of our elections remains under serious threat. Our nation’s intelligence agencies continue to raise the alarm that foreign adversaries are actively trying to undermine our system of democracy, and will target the 2020 elections as they did the 2016 and 2018 elections.” With companies offering “a combination of older legacy machines and newer systems, vulnerabilities in each present a problem for the security of our democracy and they must be addressed.”

And then on December 6, 2019, Senators Warren, Klobuchar and Wyden and Representative Pocan wrote:

“We are particularly concerned that secretive and ‘trouble-plagued companies,’ owned by private equity firms and responsible for manufacturing and maintaining voting machines and other election administration equipment, ‘have long skimmed on security in favor of convenience,’ leaving voting systems across the country ‘prone to security problems.’”

“Moreover, even when state and local officials work on replacing antiquated machines, many continue to ‘run on old software that will soon be outdated and more vulnerable to hackers.’

“In 2018 alone ‘voters in South Carolina [were] reporting machines that switched their votes after they'd inputted them, scanners [were] rejecting paper ballots in Missouri, and busted machines [were] causing long lines in Indiana.’ In addition, researchers recently uncovered previously undisclosed vulnerabilities in ‘nearly three dozen backend election systems in 10 states.’ And, just this year, after the Democratic candidate's electronic tally showed he received an improbable 164 votes out of 55,000 cast in a Pennsylvania state judicial election in 2019, the county's Republican Chairwoman said, ‘[n]othing went right on Election Day. Everything went wrong. That's a problem.’ These problems threaten the integrity of our elections.”

Maybe I missed it, but I don't recall the media or anyone else accusing these eight congressional Democrats of indulging in “quackery and conspiracy theories” or their letters of being a “ridiculous charade,” as Senator Schumer did when he used those exact words attacking me and this hearing from the Senate floor.

The fact that our last two presidential elections have not been accepted as legitimate by large percentages of the America public is a serious problem that threatens our republic. This hearing is part of what should be ongoing congressional oversight that is meant to transparently address that problem.