

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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<https://oversight.house.gov>

September 23, 2021

Mr. Douglas Logan
Chief Executive Officer and Principal Consultant
Cyber Ninjas, Inc.
c/o Mr. Jack D. Wilenchik, Esq.
2810 North Third Street
Phoenix, AZ 85004

Dear Mr. Logan:

We are writing to request your testimony at a hearing on October 7, 2021, regarding Cyber Ninjas' role in an "audit" of nearly 2.1 million ballots cast in Maricopa County, Arizona, in the 2020 election. This request follows your repeated refusal to produce documents requested by the Committee regarding this largely privately funded audit. As a result of your obstruction, your participation in a Committee hearing is necessary for the Committee to advance the investigation of the questionable audit your company performed and to examine whether this audit is interfering with Americans' right to vote free from partisan interference.

In April 2021, the Arizona State Senate launched an audit of the 2020 election results in Maricopa County, Arizona, despite a clear, bipartisan consensus among county officials and outside experts that the election results were valid and that the additional audit served no legitimate purpose.¹ The State Senate hired your company, Cyber Ninjas, to conduct this audit even though your company had no prior federal election audit experience. Since then, significant questions have been raised regarding the "dark money" organizations funding the audit, the impartiality of your company, and the mismanagement and insecure audit practices that have jeopardized the integrity of ballots and voting machines.²

¹ "No Legitimate Reason" for Arizona Audit: Maricopa County's GOP Recorder, ABC News (May 24, 2021) (online at www.abcnews.go.com/Politics/legitimate-reason-arizona-audit-maricopa-countys-gop-recorder/story?id=77879316); *The GOP-Led Arizona Election Review Appears Close to Finishing. Here's What to Expect*, National Public Radio (Aug. 9, 2021) (online at www.npr.org/2021/08/09/1025542756/the-gop-led-arizona-election-review-appears-close-to-finishing-heres-what-to-exp).

² *The Big Money Behind the Big Lie*, New Yorker (Aug. 2, 2021) (online at www.newyorker.com/magazine/2021/08/09/the-big-money-behind-the-big-lie); *Arizona's Audit Continues to Be a Chaotic Mess*, The Atlantic (Sept. 18, 2021) (online at www.theatlantic.com/ideas/archive/2021/09/arizona-election-audit-still-unraveling-chaos/620115/).

On July 14, 2021, we sent a letter to Cyber Ninjas detailing the Committee's concerns about Cyber Ninjas' role in the highly unusual audit. We requested nine categories of documents related to Cyber Ninjas' audit procedures, funding sources, communications regarding the audit with outside parties that may exert improper influence on the company, and related issues. We asked that Cyber Ninjas produce these documents by July 28, 2021.³

Rather than producing the requested documents, Cyber Ninjas sent a letter on August 9, 2021, raising spurious objections to all nine of our requests and providing 336 pages of publicly available material to the Committee, including public legal filings.⁴

On August 22, 2021, the Committee responded to Cyber Ninjas in a letter reiterating our need for the documents, explaining that the company's objections provided no legitimate justification to obstruct the Committee's inquiry, and describing the Committee's clear constitutional authority to conduct this inquiry. As an accommodation to Cyber Ninjas, we extended the deadline to produce documents to August 27, 2021.⁵

Instead of producing the documents as requested, Cyber Ninjas continued to obstruct the Committee's work. On August 27, 2021, Cyber Ninjas sent a second letter to the Committee reiterating its objections to producing documents and claiming inaccurately that the Committee was "far outside of its proper legislative jurisdiction."⁶

This claim appears to be based on a misunderstanding of the House Rules, and the citation in your letter purporting to support the claim is erroneous.⁷ As noted in our July 14, 2021, letter, the House Rules grant the Oversight Committee broad authority to conduct investigations. In addition to the Oversight Committee's specific areas of legislative responsibility, the Committee is authorized to "conduct investigations of any matter."⁸

³ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, to Mr. Douglas Logan (July 14, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-07-14.CBM%20JR%20to%20Logan-Cyber%20Ninjas%20re%20Arizona%20Election%20Audit.pdf>).

⁴ Letter from Mr. Jack D. Wilenchik, Esq., to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Aug. 9, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/8-9-21%20Cyber%20Ninjas%20Letter%20to%20Committee%20on%20Oversight%20and%20Reform.pdf>).

⁵ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, to Mr. Douglas Logan (Aug. 22, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-08-22.CBM%20JR%20to%20Logan-Cyber%20Ninjas%20re%20Follow-Up.pdf>).

⁶ Letter from Mr. Jack D. Wilenchik, Esq., to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Aug. 27, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/08-27-21%20JDW%20ltr%20to%20Committee%20Chair.pdf>).

⁷ Cyber Ninjas' letter cited House Rule X.1(h)(1)-(12). Clause 1(h) of House Rule X contains the legislative jurisdiction for the Committee on Financial Services, not the Oversight Committee.

⁸ House Rule X, clause 4(c)(2). The Committee's specific areas of legislative responsibility are found in House Rule X, clause 1(n).

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investigating the extent to which your company's actions have undermined the integrity of federal elections and interfered with Americans' constitutional right to cast their ballot freely and to have their votes counted without partisan interference.

In light of your company's refusal to produce key documents, it is critical that you testify before the Committee to address your company's participation in the Maricopa County audit, the issues raised in this letter and the Committee's previous letters to you, and your unjustified refusal to produce documents to the Committee.

Please inform the Committee whether you intend to appear at this hearing voluntarily by September 30, 2021.

The enclosed Witness Instruction Sheet provides information for witnesses appearing before the Committee. Please note the procedures for submitting written testimony at least two business days prior to the hearing. If you have any questions, please contact Committee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Jamie Raskin
Chairman
Subcommittee on Civil Rights and
Civil Liberties

Enclosure

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Pete Sessions, Ranking Member
Subcommittee on Civil Rights and Civil Liberties