

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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March 30, 2022

V.A. Shiva Ayyadurai, Ph.D.
President and Chief Executive Officer
EchoMail, Inc.
701 Concord Avenue
Cambridge, MA 02138

Dear Dr. Ayyadurai:

We write in response to your March 18, 2022, letter denying your company's involvement in a potentially illegal canvassing of voters as part of an election "audit" underway in Otero County, New Mexico. As part of the Committee's ongoing investigation, we have obtained evidence contradicting your denial, and we are deeply concerned that your company's actions in Otero County, and those of your associates, may lead to voter intimidation in violation of Section 11(b) of the Voting Rights Act.

On March 16, 2022, we wrote to you seeking documents and information relating to EchoMail's involvement in the "audit" and canvass of the 2020 federal election in Otero County, New Mexico. We expressed concerns about the nature of EchoMail's contract with the county, EchoMail's connection to the conspiracist group New Mexico Audit Force (NMAF) that is conducting the canvass, and reports of potential intimidation of voters by canvassers.

Your response failed to provide the Committee with any of the documents we requested. Instead, you asserted, "EchoMail is not associated in any way with any alleged actions by NMAF – and certainly *not* a contractual relationship. EchoMail has no oversight of NMAF, and provides no guidance to NMAF." On the issue of NMAF's canvassing, you stated: "**EchoMail has no canvassers** be it in Otero County or any other part of the country or world. Neither has Otero County contracted EchoMail to do door-to-door canvassing nor has EchoMail contracted any other party to do any door-to-door canvassing in Otero County." You also asserted that "EchoMail is not conducting any audit in Otero County."¹

Your assertions are contradicted by documents submitted to state and local governments in New Mexico and numerous statements made by NMAF's leadership.

¹ Letter from V.A. Shiva Ayyadurai to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties (Mar. 18, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/EchoMail.220318.Response%20to%20CBM%20re%20EchoMail.pdf>).

The leader of NMAF, Erin Clements, submitted official requests for voter information to the Otero County Clerk's Office and the State of New Mexico in which she stated that she was representing EchoMail. On the signed Affidavit of Authorization requesting the "Otero County Voter File" she submitted to the County Clerk's office on February 2, 2022, Ms. Clements wrote that she was "representing EchoMail." On the signed official Voter Information Authorization state form, dated February 16, 2022, Ms. Clements wrote that she was requesting the Otero County voter rolls "on behalf of EchoMail and New Mexico Audit Force." As her address, Ms. Clements gave the address of EchoMail's office: "701 Concord Ave, Cambridge, MA 02138." Ms. Clements explained on this form that "the voter rolls will be used for the purposes of analysis for the audit as well as canvassing to confirm accuracy of the rolls as commissioned by the Otero County Commission."²

Your connection to NMAF leadership predates the Otero contract. On January 6, 2022, you appeared on the podcast of conspiracist Joe Oltmann alongside David Clements, the husband of Erin Clements and also a leader of the "audit" movement. During the two-hour podcast you and Mr. Clements discussed election audit and canvassing procedures and restoring "credibility" for future election audits and the "election integrity movement" as a whole. During the podcast you also mentioned that you and Mr. Clements both attended Mike Lindell's election conspiracist cyber symposium.³

One week later, on January 13, 2022, Erin and David Clements appeared together before a meeting of the Otero County Commission, during which the Commission authorized a contract with EchoMail. At that meeting, the leaders of NMAF served as the presenters in favor of the motion to hire EchoMail to audit the 2020 election. They presented the full details of their planned canvassing efforts as an explicit part of EchoMail's proposed audit contract with Otero County. Erin and David Clements repeatedly defended the audit and canvass plan, in one case invoking your personal reputation in response to the County Attorney's questions about the legality of EchoMail and NMAF's proposal. No distinction was made during the presentation between the proposed actions of EchoMail and NMAF.⁴

Following this presentation, the County Commission voted to authorize the "2020 election audit contract and professional services agreement with EchoMail, Inc."⁵

² Otero County Clerk's Office, Affidavit of Authorization (Feb. 3, 2022) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Final_Redacted_Affidavit%20of%20Authorization_Otero_county%20form%20final.pdf); State of New Mexico, Voter Data Request Form and Voter Information Authorization (Feb. 16, 2022) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Final_Redacted_Voter%20Data%20Request%20Form_Otero_state%20prescribed%20form%20final.pdf).

³ *Election Fraud Roundtable: Dr. Shiva and David Clements*, Conservative Daily (Jan. 6, 2022) (online at rumble.com/vs3asa-election-fraud-roundtable-dr.-shiva-and-david-clements.html).

⁴ Otero County, *County Commission Regular Meeting January 13, 2022* (Jan. 13, 2022) (online at youtu.be/C3oETQGHtnA?t=7077).

⁵ *Id.*

After the audit and canvass in Otero County were approved by the Otero County Commissioners, NMAF repeatedly described you and your company as leading the audit and explicitly described their canvassing efforts as part of the audit. For example:

- On January 26, 2022, Mr. Clements posted on Telegram about “[t]he services provided by EchoMail (Dr. Shiva) to audit” the 2020 election in Otero County.⁶
- On March 2, 2022, the NMAF Telegram account stated that EchoMail was hired by the County to conduct an election audit and that NMAF’s canvass was a part of that audit:

the Otero County Commission voted to hire a third-party expert, EchoMail, to audit their Election System. New Mexico Audit Force is assisting in recruiting and directing volunteers to handle parts of the audit, which includes a full canvass of Otero County voter rolls.⁷

- On March 15, 2022, Mr. Clements described you as the leader of the audit, posting on his personal Telegram account: “The New Mexico Audit, thus far, has been run by the book. It has the most credible and competent expert leading the audit in Dr. Shiva.” That post was viewed by more than 100,000 people.⁸
- On March 17, 2022, in response to public reporting of the Committee’s March 16 letter, Mr. Clements again connected you to the audit and canvass, posting on his personal Telegram account: “My wife and I, Dr. Shiva, Fight Back, Lin Wood, are all being treated like domestic terrorists.”⁹
- On March 20, 2022, the NMAF Telegram account and Mr. Clements’ personal Telegram account both posted that “Dr. Shiva—MIT PhD and inventor of email—and his organization EchoMail is currently performing an analysis of ballot images and envelope signatures, while volunteer canvassers are surveying county residents.”¹⁰

The Committee also has reason to believe that you are in direct communication with Mr. Clements. On January 27, 2022, Mr. Clements stated on his personal Telegram account that he

⁶ David K. Clements, *The Professor’s Record*, Telegram (Jan. 26, 2022) (online at t.me/theprofessorsrecord/4735).

⁷ Erin Clements, *New Mexico Audit Force*, Telegram (Mar. 2, 2022) (online at t.me/NewMexicoAuditForce/1245).

⁸ David K. Clements, *The Professor’s Record*, Telegram (Mar. 15, 2022) (online at t.me/theprofessorsrecord/5916).

⁹ David K. Clements, *The Professor’s Record*, Telegram (Mar. 17, 2022) (online at t.me/theprofessorsrecord/5948).

¹⁰ Erin Clements, *New Mexico Audit Force*, Telegram (Mar. 20, 2022) (online at t.me/NewMexicoAuditForce/1404); David K. Clements, *The Professor’s Record*, Telegram (Mar. 20, 2022) (online at t.me/theprofessorsrecord/6013).

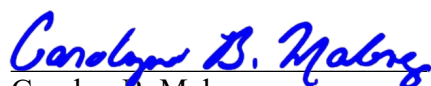
“[s]poke with Dr. Shiva this morning” and that he would “provide an update soon on Dr. Shiva’s work.”¹¹ On February 10, 2022, Mr. Clements stated on Telegram that you communicated directly to him regarding a dispute over election audit-related fundraising with former Trump National Security Advisor Michael Flynn and Trump supporter Patrick Byrne, who have led efforts to perpetuate the “Big Lie” of widespread fraud in the 2020 election.¹² Your communications about the Otero County “audit” or canvass with Mr. Clements, Mrs. Clements, NMAF volunteers, and others are responsive to the Committee’s requests and should be produced.

Your March 18, 2022, letter to the Committee enclosed a March 16 cease-and-desist letter you sent to New Mexico State Auditor Brian S. Colon, which asserts, “EchoMail would only be using Door to Door Data received for use in their Integrated Data Warehousing function.”¹³ To be clear, documents and communications related to the acceptance or use of data from a door-to-door canvass conducted by NMAF or others would also be directly responsive to the Committee’s requests and should be produced.

The Committee intends to get to the bottom of this so-called audit and canvass and the threats they pose to free and fair elections. The significant discrepancies between your claims and the multiple filings and statements by NMAF—as well as your apparent admission that EchoMail used data from the door-to-door canvass—reinforce the Committee’s need for the documents we requested. As you are aware, the Committee’s requests cover not only work performed directly by EchoMail under contract with Otero County, but also all of your documents and communications regarding the Otero County “audit” and canvass and several other categories of documents.

Please produce all responsive documents requested in the Committee’s March 16 letter by the deadline of March 31, 2022.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Jamie Raskin
Chairman
Subcommittee on Civil Rights and
Civil Liberties

¹¹ David K. Clements, *The Professor’s Record*, Telegram (Jan. 27, 2022) (online at t.me/theprofessorsrecord/4772).

¹² David K. Clements, *The Professor’s Record*, Telegram (Feb. 10, 2022) (online at t.me/theprofessorsrecord/5223).

¹³ Letter from V.A. Shiva Ayyadurai to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties (Mar. 18, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/EchoMail.220318.Response%20to%20CBM%20re%20EchoMail.pdf>).

Dr. V.A. Shiva Ayyadurai

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

The Honorable Nancy Mace, Ranking Member
Subcommittee on Civil Rights and Civil Liberties