

## FALL 2019 ADVANCED DIVISION CORE FILES (NEGATIVE)

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**Negative Answers to the Affirmative's Case Arguments**

## First Negative Speech

Note: this evidence is a suggested starting point for your First Negative Constructive speech.

- While you cannot reference research from outside these files (for example, you cannot quote a piece of evidence from tomorrow's newspaper) – you can reference current events or make “analytic arguments”: common sense assertions that point out flaws in your opponent's position.
- You can use evidence from anywhere within this file to build your First Negative Constructive – you are not restricted to what is labeled “First Negative Constructive,” we are only giving you some ideas for how to start.

## First Negative Speech (1NC) – Answers to Affirmative's Advantage

**The plan won't help promote democracy – early voters will vote with incomplete information means their votes may not reflect their opinion if they had more information**

**von Spakovsky, Election Law Reform Initiative and Senior Legal Fellow at Heritage, 2017**

(Hans A. "Early Voting Disadvantages Seem to Outweigh Benefits". Heritage Foundation, Oct 18th, 2017 <https://www.heritage.org/election-integrity/commentary/early-voting-disadvantages-seem-outweigh-benefits> accessed DUDA-TM)

There are other problems. Voters who cast their ballots early are doing so without knowledge of events that may occur later in a campaign or just before Election Day that could be important to their choice of candidates. Last year, the early voting period started in some states before Hillary Clinton and Donald Trump had even completed their three debates.

**Turnout rates have been very consistent in the US over time, proves recent changes in early voting and registration isn't responsible**

**DeSilver, Pew Research, 2018**

(Drew, "U.S. trails most developed countries in voter turnout" Pew Research, May 21 2018 <https://www.pewresearch.org/fact-tank/2018/05/21/u-s-voter-turnout-trails-most-developed-countries/> Accessed DUDA-TM)

No matter how they're measured, U.S. turnout rates have been fairly consistent over the past several decades, despite some election-to-election variation. Since 1976, voting-age turnout has remained within an 8.5-percentage-point range – from just under 50% in 1996, when Bill Clinton was re-elected, to just over 58% in 2008, when Barack Obama won the White House. However, turnout varies considerably among different racial, ethnic and age groups.

## First Negative Speech (1NC) – Answers to Affirmative's Advantage

**States are fixing some of the problems – some states already passing pro-voter reforms**

**Brennan Center, 2019**

("Voting Laws Roundup 2019", July 10 2019

<https://www.brennancenter.org/analysis/voting-laws-roundup-2019> accessed DUDA-TM)

The massive burst of pro-voter bills introduced this session – 688 bills in 46 states – translated into significant reform across the country. As a group, states with new, Democratic trifectas led the way in terms of expansive laws this year – and, within that group, New York, Colorado, and Nevada enacted multiple, high-impact reforms. In addition, Delaware and Virginia enacted early in person voting. And a number of other states – under Democratic, GOP, and mixed control – enacted reforms that are either more incremental or alleviate past voter suppression. A couple of other trends emerged as well. States enacted a number of bills providing notice and cure opportunities for absentee ballots and voter registrations. In addition, despite Florida's decision to cut back on Amendment 4, rights restoration continues to gain momentum.

## First Negative Speech (1NC) – Answers to Affirmative's Solvency

**The Affirmative will have the opposite effect that they want because early voting actually decreases voter turnout – studies prove**

**von Spakovsky**, Election Law Reform Initiative and Senior Legal Fellow at Heritage, 2017

(Hans A. "Early Voting Disadvantages Seem to Outweigh Benefits". Heritage Foundation, Oct 18th, 2017 <https://www.heritage.org/election-integrity/commentary/early-voting-disadvantages-seem-outweigh-benefits> accessed DUDA-TM)

While early voting may seem more convenient, it appears to have the opposite effect of what its proponents sought: It actually decreases turnout. A number of studies, including one by American University and another by professors from the University of Wisconsin, conclude that states that have adopted early voting have lower voter turnout than states without early voting.

**The Affirmative can't solve the other factors that influence turnout rates – Texas proves**

**Young**, writer for Dallas Observer, 2019

(Stephen, "Voting in Texas Still Broken, New Report Says". Dallas Observer, MARCH 21, 2019 <https://www.dallasobserver.com/news/how-to-fix-texas-voter-turnout-11613360> accessed DUDA-TM)

In the past, when the Observer has looked at Texas' abysmal voter turnout, the experts we've talked to have cited the lack of competitive races in the state, leading to a less-than-robust voting culture. "Texas isn't really a competitive state," Victoria DeFrancesco Soto, a political scientist at the University of Texas, told us in March 2016. "So we don't have that culture of voting that you have in swing states where you're always in the political eye. Texas doesn't have that. It doesn't have this exciting national political scene."

## Supporting Evidence

Please note: the following pages **may** be useful for affirmative speeches after the *First Negative Constructive*.

This evidence is provided to help you challenge the negative's arguments, mainly in the Second Affirmative Constructive speech. Only **some** of this evidence will need to be read in your debate, depending on what arguments your opponent makes.

We **discourage** you from reading evidence in the final Rebuttal speeches (1AR, 2NR, 2AR). This is **not** a rule – you can do it if you like – but your rebuttals will be better and score you more speaker points if you use your speech time to analyze and compare your arguments to the ones your opponent has made – rather than just reading more of the following pages. Most judges want to watch you engage your opponent's arguments directly, rather than watching you read page after page of evidence every speech.

One more piece of advice: you should actively **listen** to your opponents' speeches, and track the specific arguments they are making by taking notes ("flowing" the debate). In your rebuttals, aim to make reference to their arguments and respond to them directly as time allows – don't rely entirely on pre-written speeches that aren't unique to the situation of your debate round.

### Early voting creates political division

**Early voting undermines democratic cohesion that voting on the same day would provide**

**von Spakovsky**, Election Law Reform Initiative and Senior Legal Fellow at Heritage, 2017

(Hans A. "Early Voting Disadvantages Seem to Outweigh Benefits". Heritage Foundation, Oct 18th, 2017 <https://www.heritage.org/election-integrity/commentary/early-voting-disadvantages-seem-outweigh-benefits> accessed DUDA-TM)

Early voting seems to damage the civic cohesiveness inherent in having voters throughout the nation turn out on a single day to choose our president and our legislative representatives. Given the costs, particularly its tendency to lower turnout, early voting is a "reform" that states should consider undoing.

## Early voting won't increase voter turnout

**Plan won't result in an increase in turnout – new and unengaged voters won't know about the expansion in voting rights**

**Root, Associate Director, Voting Rights AND Kennedy, Senior Fellow Increasing Voter Participation in America, 2018**

(Danielle and Liz " Policies to Drive Participation and Make Voting More Convenient" Center for American Progress July 11, 2018,

[https://www.americanprogress.org/issues/democracy/reports/2018/07/11/453319/incre](https://www.americanprogress.org/issues/democracy/reports/2018/07/11/453319/increasing-voter-participation-america/)  
asing-voter-participation-america/ accessed DUDA-TM)

Infrequent or first-time voters are especially unlikely to know about the availability of things such as same-day voter registration and early voting. This obligation falls largely on states and localities, both of which should send eligible voters notifications regarding voting registration deadlines and information about eligibility as well as where and how to register. Well in advance of Election Day, eligible voters should receive notifications that remind them to vote and include information about their respective polling place and voting hours. This would help cut down on improperly cast ballots.<sup>39</sup> Distributing sample ballots can also help to improve the voting experience and reduce wait times at polling places.<sup>40</sup> One study found that, during the 2000 elections, participation was 2.5 percent higher in states that mailed information about polling places to voters in advance and 2 percentage points higher in states that mailed sample ballots.<sup>41</sup> The effects were especially notable for voters with little education and for young people.<sup>42</sup> In the seven states that mailed sample ballots, voter participation for registered youths was 73 percent, compared with 67.3 percent in states that did not distribute sample ballots.<sup>43</sup>

**Negative Disadvantage – Affirmative Makes Elections Insecure**

## First Negative Speech

## First Negative Speech (1NC) – Voting Security Disadvantage

**Election security in the United States is failing and underfunded – by expanding elections, the affirmative increases the risk that foreign countries can exploit these weaknesses.**

**Sanger, et al, 2019**

(David E. "States Rush to Make Voting Systems More Secure as New Threats Emerge" NYTimes July 26, 2019

<https://www.nytimes.com/2019/07/26/us/politics/states-voting-systems.html> accessed DUDA-TM)

But money is scarce. Much of the \$380 million that Congress allocated two years ago has been spent and Senator Mitch McConnell, Republican of Kentucky, blocked a Democratic effort on Thursday to provide more money to the states for election security.

Many localities say they do not have the funds to spend on gear they will use once a year, at most. In Texas, 106 of its 254 counties have bought new voting equipment since the 2016 elections, said Stephen Chang, the communications director for the Texas secretary of state's office.

**Exposure to political manipulation by foreign actors increases the risk of international conflict.**

**Bender, writer for Politico, 2019**

(Bryan, "Russia beating U.S. in race for global influence, Pentagon study says". Politico, June 30 2019 DUDA-TM)

"In this environment, economic competition, influence campaigns, paramilitary actions, cyber intrusions, and political warfare will likely become more prevalent," writes Navy Rear Adm. Jeffrey Czerewko, the Joint Chiefs' deputy director for global operations, in the preface to the report. "Such confrontations increase the risk of misperception and miscalculation, between powers with significant military strength, which may then increase the risk of armed conflict."

**Supporting evidence & answers to affirmative arguments**

### Early voting undermines election security

**States have saved money to fund election security by shutting down early voting – the plan reverses this and weakens our protections**

**Paterson, 2018**

(Blake “Bipartisan Furor as North Carolina Election Law Shrinks Early Voting Locations by Almost 20 Percent”. Propublica Sept. 24, 2018

<https://www.propublica.org/article/bipartisan-furor-as-north-carolina-election-law-shrinks-early-voting-locations-by-almost-20-percent> accessed DUDA -TM)

But with the start of early voting only weeks away, county election officials across the state — who previously had control over setting polling hours in their jurisdictions — say the new law has hamstrung their ability to best serve voters. Some officials in rural counties say they've had to shrink the number of early voting locations to accommodate the law's longer hour requirements and stay within their budgets.

## Same day registration undermines election security

**Same day voting registration is expensive – it will trade off funding for election security.**

**NCSL, 2019**

(National Conference of States Legislatures, June 28 2019

<http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>  
accessed DUDA TM)

Same day registration procedures vary within states, and so costs vary as well. Some states indicate there is little to no additional cost in implementing same day registration, especially those that have had this option available for a long time. Some costs that may be associated with implementing same day registration include:

The purchase of additional equipment, which could include e-poll books or ballot-on-demand printers. Additional technology is not a requirement to implement same day registration, however, and Connecticut, Hawaii, Idaho, Maine, Montana, New Hampshire and Vermont all report that they are not currently using e-poll books for this process.

If e-poll books are used, an additional cost may be associated with connecting to a network, either within the polling place or connecting to the statewide voter registration database. This may also be difficult in more rural areas.

Updates of the existing statewide voter registration system to accommodate same day registration.

Increased election staff or poll workers to process same day registrations. This extra administrative task can be time consuming at the same day registration site and verifying registration information after the election. Many states report this is more a reallocation of costs and resources, though, rather than an additional cost.

**Funding is low – expanded voting rights trade off with security**

**Limited resources exist for states to run elections – any expansion in voting rights will trade off with efforts to improve security by doing things like updating ballot machines.**

**Sanger and Edmondson, 2019**

(David and Catie, “Russia Targeted Election Systems in All 50 States, Report Finds”. NY Times, July 25 2019 <https://www.nytimes.com/2019/07/25/us/politics/russian-hacking-elections.html?module=inline> accessed DUDA TM)

While the report praised the steps the agencies have since taken to assist in securing elections, the committee found that concerns about aging voting equipment remain. “As states look to replace machines that are now out of date, they should purchase more secure voting machines. At a minimum, any machine purchased going forward should have a voter-verified paper trail,” a summary of the report said, while adding that “states should remain firmly in the lead on running elections.” The states say they do not have the money to conduct a replacement program by November 2020.

### Lack of election security causes foreign interference

**Lack of security investment means 2016 vulnerabilities laid out in the Mueller Report remain**

**Andriole, Villanova University, 2019**

(Steve, “Mueller Was Right: Read The New Senate Report On Russian Technology Meddling In U.S. Elections” Forbes, August 1, 2019

<https://www.forbes.com/sites/steveandriole/2019/08/01/mueller-was-right-read-the-new-senate-report-on-russian-technology-meddling-in-us-elections/#31202e841ff2>  
accessed DUDA-TM)

The report also states that “in 2016, cybersecurity for electoral infrastructure at the state and local level was sorely lacking; for example, voter registration databases were not as secure as they could have been. Aging voting equipment, particularly voting machines that had no paper record of votes, were vulnerable to exploitation by a committed adversary. Despite the focus on this issue since 2016, some of these vulnerabilities remain.” (Italics mine.)

**Must put security over expanded rights – 2020 elections**

**There is lots of evidence hacking will go on in 2020 elections – security must come first**

**Lynch and Underhill, National Conference of State Legislatures, 2019**

(Dylan and Wendy, “Election Security | Cybersecurity: What Legislators (and Others) Need to Know” National Conference of State Legislatures February 4 2019  
<http://www.ncsl.org/research/elections-and-campaigns/election-security.aspx> accessed DUDA-TM)

Prior to the 2016 presidential election, malicious actors connected to the Russian government sought to gain access to at least 21 state voter registration systems; some say voter registration systems in all 50 states may have been probed for entry. These were not “breaches” or “hacks” per se, but rather akin to a burglar checking locks and rattling windows to see if there’s an easy way into a house.

### Election security is essential to democracy

**Voter confidence is key to democracy – without election security, people won't trust the results of elections – means the affirmative makes the problem worse**

**Lynch and Underhill, National Conference of State Legislatures, 2019**

(Dylan and Wendy, "Election Security | Cybersecurity: What Legislators (and Others) Need to Know" National Conference of State Legislatures February 4 2019  
<http://www.ncsl.org/research/elections-and-campaigns/election-security.aspx> accessed DUDA-TM)

Since cybersecurity in elections thrust itself into the public eye prior to the 2016 presidential election, many state, local and federal officials saw that the greatest threat to the process was not that votes would be changed or that an election would be influenced by bad information. It was that voters would not have enough confidence in the system to get out and vote. The foundation of our democracy is based on voters being confident that when they vote, their ballots are counted as cast.

**Russian hacking proves our systems can be exploited – the outcome of insecure elections is a weak democracy**

**Piore, writer for Newsweek, 2019**

(Adam, "Russia Is Using Cold War Strategy to Undermine the Faith of Americans in the 2020 Election—Will It Work?" Newsweek July 23 2019,  
<https://www.newsweek.com/2019/08/02/elections-2020-will-take-place-cyber-battleground-that-puts-us-disadvantage-says-expert-1450351.html> accessed DUDA-TM)

Three years later, as the U.S. gears up for a new presidential election, Mook and other experts expect the Russians to strike again. They'll continue using their modern version of "agitprop" (a mashup of agitation and propaganda) that KGB officers—including a young recruit posing as a translator in Dresden, East Germany named Vladimir Putin—perfected during the Cold War. The overall intent of the Russians, most intelligence officials and Russia experts agree, has always been to "to spin us up, pit us against each other, sow divisiveness and discord, undermine Americans' faith in democracy," in the words of FBI Director Christopher Wray. Or as Richard Clarke, a former member of the State Department and the National Security Council and a seasoned Cold Warrior, puts it: what the Russians really want is for "the American people to give up on our system."

### Other countries will see and exploit our insecurity

**Inaction for 2020 election will send a signal to other countries they can hack our democracy**

**Senator Mark Warner, 2019**

("Russia is going to up its game for the 2020 elections" Matt Laslo interviewing Senator WarnerWired Magazine July 31 2019 <https://www.wired.com/story/russia-2020-election-security-mark-warner/> DUDA -TM).

So I think there are a couple of new threats. One, Russia in 2016 was surprised at how vulnerable our systems were, our electoral systems. And how easy Facebook and Twitter and YouTube were to be manipulated. So I think that playbook is now out there, they've used the same tactics in the Brexit vote [and] the French presidential elections. So my fear is we may not only see Russia, we can see Iran, we could potentially see China, who has a great deal of control over a number of their Chinese tech companies, start to use these tools because they're cheap and effective. I like to point out that if you add up all Russia spent in the Brexit vote, the French presidential elections, and the 2016 American elections, it's less than the cost of one new F-35 airplane. So Russia and our adversaries, I think, have decided the way to engage with us in conflict is not through straight up old-school military but through cyber activities, misinformation and disinformation, increasingly trying to weaken and interfere, for example with our space communications, and I think Russia will up their game ... and others ... [It] means there will be more adversaries in 2020.

**Answer to: “States can’t eliminate all hacking threats”**

**Need to take steps to assure integrity by getting rid of as many opportunities as we can**

**Biddle, 2018**

(Sam, “ARE WE MAKING ELECTIONS LESS SECURE JUST TO SAVE TIME?” The Intercept, September 4 2018 <https://theintercept.com/2018/09/04/election-results-voting-system/> accessed DUDA-TM)

To White and many of his peers, there's one simple takeaway: Get rid of as many of those screw-up opportunities as possible. “Do we want to assure the integrity of our votes or not? If we do, and we want it at scale, then paper-verifiable, electronic voting systems [are] our best path forward,” White said. “The less complex and connected we can make those systems, the more faith we can have that every citizen's vote cast is recorded.”

**Answer to: “history proves election tampering won’t cause conflict”**

**2016 wasn’t an example of election tampering – but it showed how our system COULD be exploited**

**Lynch and Underhill, National Conference of State Legislatures, 2019**

(Dylan and Wendy, “Election Security | Cybersecurity: What Legislators (and Others) Need to Know” National Conference of State Legislatures February 4 2019  
<http://www.ncsl.org/research/elections-and-campaigns/election-security.aspx> accessed DUDA-TM)

While the 2016 election brought election security to the forefront, there is no evidence or reason to believe that any voting equipment or vote tallies were tampered with. The election results are not in question.

The adversaries were successful at getting inside the system of at least one state: Illinois. This intrusion was detected by Illinois’ existing security measures, and there is no evidence that data was changed or altered. While the fact that bad actors were probing registration systems is disturbing, the discovery of this effort was good. It shown light on the already-strong cyber defenses in many states, and raised the commitment of federal, state and local officials to defend against these threats.

**State and local officials need to improve security for elections for 2020 specifically**

**Lynch and Underhill, National Conference of State Legislatures, 2019**

(Dylan and Wendy, “Election Security | Cybersecurity: What Legislators (and Others) Need to Know” National Conference of State Legislatures February 4 2019  
<http://www.ncsl.org/research/elections-and-campaigns/election-security.aspx> accessed DUDA-TM)

There is every reason to believe that election systems in the states will continue to be targets—and thus state and local officials need to improve their ability to detect, defend and respond to cyber incidents for what may come in the future.

**Answer to: “Congress will fund election security if states can’t pay”**

**Senate leader Mitch McConnell won’t let election security funding come to a vote – doesn’t want to pay out to help**

**Sanger and Edmondson, 2019**

(David and Catie, “Russia Targeted Election Systems in All 50 States, Report Finds”. NY Times, July 25 2019 <https://www.nytimes.com/2019/07/25/us/politics/russian-hacking-elections.html?module=inline> accessed DUDA TM)

While the Senate Intelligence Committee’s findings were bipartisan, they came on a day when Senator Mitch McConnell, Republican of Kentucky and the majority leader, moved again to block consideration of election security legislation put forward by Democrats.

Mr. McConnell has long opposed giving the federal government a greater hand in an institution of American democracy typically run by the states.

And despite the warnings about the Russia threat, he argues that Congress has already done enough — passing \$380 million worth of grants for states to update their election systems and supporting executive branch agencies as they make their own changes. Some administration officials have suggested that the issue is not getting enough high-level attention because President Trump equates any public discussion of malign Russian election activity with questions about the legitimacy of his victory.

**Answer to: “states are getting money to improve their security”**

**All the money from 2018 has been spent – there is a need for more going into 2020**

**Lynch and Underhill, National Conference of State Legislatures, 2019**

(Dylan and Wendy, “Election Security | Cybersecurity: What Legislators (and Others) Need to Know” National Conference of State Legislatures February 4 2019 <http://www.ncsl.org/research/elections-and-campaigns/election-security.aspx> accessed DUDA-TM)

Through the Department of Homeland Security, elections have been designated a “critical infrastructure,” which gives states access to many kinds of voluntary support. And, on March 23, 2018, President Donald Trump signed the Consolidated Appropriations Act of 2018 into law, which included \$380 million in Help America Vote Act (HAVA) grants for states to make election security improvements. States were required to provide at least a 5 percent match within two years of receiving the federal funds and to submit a state plan detailing how the funds are to be used. States responded quickly, and the funds have already been distributed.

Answer to: “election tampering is inevitable”

**Hackers can't interfere with voting machines – only with voter registration, which is what the affirmative expands – they overstretch our registration system and put it at risk**

**Sanger, et al, 2019**

(David E. “States Rush to Make Voting Systems More Secure as New Threats Emerge” NYTimes July 26, 2019

<https://www.nytimes.com/2019/07/26/us/politics/states-voting-systems.html> accessed DUDA-TM)

The Senate report was less concerned about election machines, which are off-line and usually hard to hack from afar, than the voter registration systems, which are online. Elections officials across the country said there were innumerable attempts from hackers abroad and inside the United States to breach their voter rolls and elections data — most of them amateurish, some skilled. The vast majority of them are turned back with basic firewall technology.

**Answer to: “states have already secured elections”**

**Some states are possibly set up with effective security measures – but the Senate Intelligence Committee says most states are at risk of being unprepared.**

**Sanger, et al, 2019**

(David E. “States Rush to Make Voting Systems More Secure as New Threats Emerge” NYTimes July 26, 2019

<https://www.nytimes.com/2019/07/26/us/politics/states-voting-systems.html> accessed DUDA-TM)

Less than 16 months from the next Election Day, the picture of American preparedness is mixed. The report issued Thursday by the Senate Intelligence Committee found that “some states were highly focused on building a culture of cybersecurity; others were severely underresourced and relying on part-time help.”

Federal officials say they are particularly worried about states like New Jersey, where only three counties are making the first experiments that create a paper trail for balloting. Pennsylvania and Texas also remain major concerns, the officials said.

**Answer to: “states have already secured elections”**

**The states need significant upgrades to avoid hacking and election results insecurity – reliance on wireless as a part of the voting process proves the need Biddle, 2018**

(Sam, “ARE WE MAKING ELECTIONS LESS SECURE JUST TO SAVE TIME?” The Intercept, September 4 2018 <https://theintercept.com/2018/09/04/election-results-voting-system/> accessed DUDA-TM)

According to one former federal election official who spoke to The Intercept on the condition of anonymity because he was not permitted to speak to the press, many states already employ wireless connections in one form or another and are loath to give them up now, even in the name of making the vote harder to hack. “Election officials do understand that it’s a security issue,” this person told The Intercept, “but this capability is already embedded into their election process and they rely upon it. Making that sort of logistical change to their process – during an election year – is arduous. This is especially true for results transmission on election night.” Some voting machines allow preliminary results to be beamed to a county office using the same kind of modem found in smartphones, rather than being physically carried from each polling station. This means early results can be shared instantly — but it also means that the data is only as secure as the cellular company carrying it. Such connections, which not only transmit data but also receive it, provide yet another potential weak point that hackers could use to pry into a machine and compromise it. Wi-Fi skeptics like George Washington University computer science professor Poorvi Vora have argued that such vulnerabilities must be eliminated. “We have to reduce all opportunities for interference. Our systems are only as secure as their weakest links,” Vora wrote earlier this year on an election security email list maintained by NIST, the National Institute for Standards and Technology.