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May 24, 2021

VIA EMAIL

Bradford J. Raffensperger
Georgia Secretary of State
214 State Capitol
Atlanta, Georgia 30334
soscontact@sos.ga.gov

Re: Your False Claims About the 2020 Election and our Client Matthew Braynard

Secretary Raffensperger:

This firm represents Matthew Braynard. We write concerning your ongoing smear campaign against Mr. Braynard, seeking to discredit him to cover up your own incompetent administration of the November 2020 Presidential election in Georgia.

With this letter, we demand that you immediately cease and desist defaming Mr. Braynard, and retract your defamatory statements regarding him.

Mr. Braynard's background and work in the areas of elections and data analysis are well-known and well-respected. He has worked in the voter data and election administration field since 1996, where he built and deployed voter databases for the Republican National Committee, five Presidential campaigns, and over one hundred political campaigns and election-related organizations in all fifty states and the U.S. Virgin Islands. He also worked for eight years as a senior analyst at Election Data Services, where he worked with states and municipalities on voter databases, delineation, and litigation support relating to election integrity. These readily ascertainable facts only serve to highlight your malicious intentions in seeking to discredit Mr. Braynard.

Many Americans have expressed serious concern about the fairness of the recent Presidential election,¹ and various individuals have pointed out your failure to properly

¹ <https://www.politico.com/news/2020/11/09/republicans-free-fair-elections-435488>.

administer that election in Georgia.² Mr. Braynard, who is an expert in elections and data analysis, sent you a letter on December 8, 2020, highlighting numerous irregularities in Georgia's November 2020 election. These included many out-of-state voters voting illegally in the Georgia election and voters who voted in multiple states, including Georgia, in a single election. To date, Mr. Braynard has not received any response from you regarding these irregularities, despite offering to make himself available to assist you and your staff in addressing these issues.

On January 2, 2021, you participated in a phone call with President Donald J. Trump regarding the election debacle in Georgia in which you mentioned Mr. Braynard.³ After President Trump publicly pointed out your election administration failures the next day, you responded by publicly threatening the President, claiming that "[t]he truth will come out."⁴ Later, an audio recording of your phone call with the President that was leaked to the Washington Post, was published by the Post, including both the audio and a purported transcript of that audio.⁵ To our knowledge, you have never denied leaking or approving the leak of the audio of the conversation to the media, even when asked about it.⁶ Your alleged leaking of this phone call, if true, is further evidence of your malicious intent towards President Trump and Mr. Braynard.

In the transcript of your leaked phone call with the President, you make the following specific, material statement of fact about Mr. Braynard, which is false and defamatory:

Well, Mr. President, the challenge that you have is the data you have is wrong. We talked to the congressmen, and they were surprised. But they — I guess there was a person named Mr. Braynard who came to these meetings and presented data, and he said that there was dead people, I believe it was upward of 5,000. The actual number were two. Two. Two people that were dead that voted. So that's wrong.⁷

Your statement is false, as Mr. Braynard has never claimed that 5,000 dead people voted in the Georgia election. In fact, in November 2020, Mr. Braynard publicly stated that his analysis did

² <https://thehill.com/homenews/campaign/526377-georgias-elections-chief-caught-in-gop-crosshairs>.

³ https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html.

⁴ <https://www.dailymail.co.uk/news/article-9111271/Brad-Raffensperger-leaked-recording-Donald-Trump-president-tweeted-no-clue.html>.

⁵ https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html.

⁶ <https://www.newsweek.com/fox-news-host-confronts-georgia-official-over-leaked-call-trump-1559079>.

⁷ https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html.

not find a targeted effort to cast the ballots of deceased voters.⁸ Further, your statement was made with actual malice or gross negligence, as you knew or should have known it was false because Mr. Braynard had sent you his actual analysis on December 8 outlining serious, legitimate concerns with the election in Georgia – which nowhere included any reference to dead people voting. You ignored this analysis, lied about Mr. Braynard to the President, and then allegedly leaked that lie for political purposes, in the process defaming Mr. Braynard in an attempt to discredit him and cover up your incompetent election administration. You later expanded your defamation streak by repeating the false statement you made about Mr. Braynard to the former President and to NBC News on January 4, 2021,⁹ further damaging Mr. Braynard's reputation. Specifically, in an interview with Blayne Alexander you stated that “we’ve debunked everything that [the President] was saying. There haven’t been over 1,000, or over 5,000 dead people vote in Georgia. We’ve found two.”¹⁰

Given the baseless, defamatory, and malicious nature of your multiple false statements about our client, we demand that you retract your false statements regarding Mr. Braynard immediately. Mr. Braynard is determined to set the record straight and to protect his good name; he will take all necessary actions, including litigation, if appropriate, to do so.

Due to the potential for litigation, you and your office are on notice to preserve and retain all documents, data, and electronically stored information relating in any way to Mr. Braynard, your false and misleading statements about him, and the distribution of these statements to third parties, including the media by you or others who were present or listening during these statements. You must preserve these items regardless of the medium, format, or device on which they are stored or hosted, and regardless of whether they appear in documents, drafts, notes, calendar entries, emails, text messages, voicemails, social media posts, or in any other form. Mr. Braynard expressly reserves all of his legal rights, including the right to bring an action against you for your defamatory statements.

Regards,



Harmet K. Dhillon

CC: Stuart McCommas, Esq.

⁸ <https://twitter.com/MattBraynard/status/1328184525269168130?s=20>.

⁹ <https://www.youtube.com/watch?v=ytk8gWdqouM>.

¹⁰ *Id.*