

Date: February 24, 2021
For Immediate Release

Braynard Responds to Dominion's 'Assassins': "I'm not backing down, I'm doubling down."

Washington DC – On February 11, Dominion Voting Systems' lawyers sent a letter to Look Ahead America Executive Director Matt Braynard making several demands, including that he retracts statements about their voting machines.

Matt Braynard responded with the following statement:

The letter from Dominion's attorneys, who on their own website describe themselves as 'assassins,' alleges that I claimed Dominion is responsible for voter fraud and irregularities in the 2020 general election. This is lie, and the lawyers never cite a specific example of such a statement. All of my work on election irregularities has focused on illegally cast ballots, and I've never made any allegations of fraud or irregularities against Dominion.

Their letter goes on to make many other false and misleading claims about my work and me personally. And while others have made accusations about their company, I never have, so I began to wonder, why would they send a letter like this to me?

But then, one of their sentences gives it all away: "We demand you retract calls to boycott Dominion."

This letter from Dominion has nothing to do with my findings from the 2020 general election, but everything to do with Look Ahead America's policy objective to ban the use of the black box voting equipment that Dominion sells for hundreds of millions of dollars to state and counties across the country.

Black box voting equipment runs on software and hardware that is a corporate secret and unavailable for examination by government officials and the public. For this principled reason and many others, Look Ahead America is leading the fight against its use in our elections, and our position has broad, bipartisan support and is backed by peer-reviewed science.

And this is the real reason why Dominion is coming after me— because they're worried about their bottom line and their monopoly on US elections.

I am fortunate enough to be represented by one of our nation's premier lawyers in this area, Harmeet Dhillon, and her team of expert attorneys, and they are determined to represent our cause. They've drafted a response letter that I'm happy to share with all of you.

But I also have my own, direct response to Dominion and their attorney ‘assassins’:

I'm not retracting anything. And I'm not going to stop speaking out.

If working for Donald Trump taught me anything, it's that you never back down, you double down.

Banning black box voting equipment was number three of six election integrity reforms we've advocated. It just moved up to #1, and we will not rest until black box voting machines are removed from every election precinct in the country and replaced by open-source platforms that are transparent and demonstrably secure.

First up in our renewed effort is preventing the state of Louisiana from awarding its \$100 million voting equipment contract to any black box vendor. Instead, we must insist that any new voting equipment meet the highest standards of transparency and open-source design. In the coming weeks, I will personally travel to Pelican state to organize bi-partisan and non-partisan allies and to rally like-minded activists to petition the legislature and request hearings to accomplish this goal.

To our supporters: if you're interested in donating to help our legal and organizational efforts or volunteering to help us with our cause, please go to lookaheadamerica.org. Together, we can put black box voting equipment in the dumpster of election history alongside the poll tax.

This is Matt Braynard with Look Ahead America. America First, America Forever.

MATT BRAYNARD is the former Director of Data and Strategy for President Trump's 2016 Campaign, was the director and founder of the Voter Integrity Project in the aftermath of the 2020 general election, and is the founder and executive director of Look Ahead America, a 501c3 organization dedicated to voter integrity, patriotic issues, and registering, educating, and turning out to vote disaffected, patriotic Americans.

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February 15, 2021

By Email

Matt Braynard

Executive Director

Look Ahead America

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Re: False Claims About the 2020 Election

Dear Mr. Braynard:

Our firm is defamation counsel to Dominion.¹ With this letter, Dominion formally demands that you cease and desist promoting bogus claims about the election being stolen.

Immediately after Election Day, you manufactured self-described analyses of the 2020 vote in swing states. Through these reports, you claimed that massive amounts of illegal votes were cast. But your conclusions were not based on legitimate data; instead, you and the former Trump campaign staff members on your team simply used “call center samples and social media research” to extrapolate statistical estimates that, according to you, showed a large influx of “illegal votes.”²

As a preliminary matter, despite masquerading as an expert in statistical analysis, your educational background—a bachelor’s degree in business and a master’s degree in fine arts—has no relation to your areas of purported expertise. But you didn’t let a lack of relevant expertise or education get in the way of collecting almost \$1 million by pretending to be an elections expert and authoring these so-called “reports.” Indeed, L. Lin Wood and Sidney Powell attempted to designate you as an expert witness, albeit unsuccessfully, in Arizona, Georgia, and Wisconsin. Your “expert” conclusion in Wisconsin is almost identical to your findings in the other two states:

“It is my opinion that due to the lax controls on absentee voting in the November 3, 2020 election that the current unofficial results of that election include tens of

¹ “Dominion” refers to US Dominion Inc., Dominion Voting Systems, Inc. and Dominion Voting Systems Corporation.

² Jon Swaine, Rosalind S. Helderman, Josh Dawsey & Tom Hamburger, Conservative nonprofit group challenging election results around the country has tie to Trump legal adviser Jenna Ellis, The Washington Post (Dec. 7, 2020), available at, https://www.washingtonpost.com/politics/thomas-more-jenna-ellis/2020/12/07/09057432-362d-11eb-b59c-adb7153d10c2_story.html.



thousands of individuals who were not eligible to vote or failed to record ballots from individuals that were. As a result, it is my opinion that the unofficial results should not be certified.”³

Despite these extraordinary demands, your conclusions are not supported by reliable data or by generally accepted scientific methods. One lawmaker in Georgia reviewed your claims about irregularities in that state and confirmed that many of the so-called “illegal voters” were actually “longtime Georgia residents and property owners” who were properly registered to vote.⁴ As a result, the courts in all three of those cases uniformly rejected your conclusions. But that didn’t stop you from collecting \$230,000 for your proposed testimony.

By now, it is a matter of public record that you lack the qualifications to opine about inferential statistics. Here are the facts. You have never been accepted as an expert in any court. You have not published a single peer-reviewed article in any relevant field. And the legitimate academics who have reviewed your “analysis” have flatly rejected your methodology and your conclusions as “completely without merit,” they have also found that relying on your conclusions would be “irresponsible and unethical.”⁵ A rebuttal report by Harvard professor Stephen Ansolabehere indicates that you failed to present your estimates with a “measure of statistical precision or uncertainty which is standard in the field.”⁶ Ansolabehere has also explained that “errors in recordkeeping readily account for each of the claims made in Braynard’s report.” Moreover, your survey had an unacceptably low response rate—approximately 99.6% of the voters you targeted did not respond.

As a result of these glaring errors, one court described you as “an unknown person named ‘Matt Braynard,’ a person who may or may not have tweeted” about voter irregularity. *Bowyer v. Ducey*, No. CV-20-02321-PHX-DJH, 2020 WL 7238261, at *14 (D. Ariz. Dec. 9, 2020). The same court rejected your proposed analysis based on its “sheer unreliability,” and explained further that your “‘analysis’ . . . cannot plausibly serve as a basis to overturn a presidential election.” *Id.*

The court decisions eviscerating your “opinions” effectively ended your short-lived career as an expert witness. But in the months following those dismissal orders, you have continued to spread false information about the election, which has enabled you to raise even more money in donations to support your efforts to trump up accusations about illegal voting. On November 29, 2020, for instance, you told your followers that the FBI “proactively and directly requested from me the VIP

³ Your report is available here: <https://www.maciverinstitute.com/wp-content/uploads/2020/12/Braynard-Witness-Report-1.pdf>.

⁴ Michell Ye Hee Lee, *Here’s what happened when a Georgia lawmaker scrutinized the Trump campaign’s list of allegedly illegal votes*, The Washington Post (Dec. 10, 2020), available at, https://www.washingtonpost.com/politics/heres-what-happened-when-a-georgia-lawmaker-scrutinized-the-trump-campaigns-list-of-allegedly-illegal-votes/2020/12/10/1400d628-3b06-11eb-bc68-96af0daae728_story.html.

⁵ Francesca Paris, *Williams prof disavows own finding of mishandled GOP ballots*, Berkshire Eagle (Nov. 24, 2020), available at, https://www.berkshireeagle.com/news/local/williams-prof-disavows-own-finding-of-mishandled-gop-ballots/article_9cfd4228-2e03-11eb-b2ac-bb9c8b2bfa7f.html.

⁶ Stephen Ansolabehere, *Response to Matthew Braynard Expert Report*, Dec. 4, 2020, available at, <https://cdn.factcheck.org/UploadedFiles/AnsolabehereReport.pdf>.



findings that indicates [sic] illegal ballots.”⁷ But two days later, Attorney General Bill Barr confirmed that the FBI and Department of Justice had uncovered “no evidence of widespread voter fraud.”⁸

More recently, you published videos on your Twitter account urging election officials to boycott Dominion by falsely suggesting that Dominion is responsible for voter fraud or other irregularities described in your discredited expert testimony. As you know—and as you intended as a foreseeable consequence of your actions—disinformation videos like these continue to cause immense harm to Dominion and its employees. And the permanent reputational damage Dominion has suffered is irreparable, resulting in millions of dollars in lost profits.

Accordingly, we demand that you retract your false accusations and calls to boycott Dominion. Make no mistake, Dominion is determined to set the record straight and to defend its good name. We have already filed suits against Sidney Powell and Rudy Giuliani. More will follow. **We are enclosing copy of Dominion’s complaints against Powell and Giuliani (and the voluminous exhibits supporting those complaints) so that there is absolutely no doubt in the future that you are fully aware of the facts and that you know your accusations about Dominion are false.**⁹

In addition, you must preserve, without limitation, all communications with:

- Any member, volunteer, staff, or employee of the Trump campaign;
- Sidney Powell, Rudy Giuliani, Jenna Ellis, L. Lin Wood, and each of their partners, associates, and paralegals;
- Every individual who assisted you in drafting, or drafted for you, any and all affidavits or declarations you submitted in litigation related to Dominion or the November 2020 presidential election;
- Every individual who assisted you in drafting, or drafted for you, any and all prepared remarks related to Dominion or alleged voting improprieties.
- Every reporter, editor, blogger, host, or other member of the media with whom you communicated about Dominion or the November 2020 presidential election, regardless of whether they published any of your claims; and
- Every individual who has compensated you or any related entity in any manner for making public statements about, submitting affidavits or declarations in litigation

⁷Matt Braynard Twitter (@MattBraynard) Nov. 29, 2020, 8:36 p.m., <https://twitter.com/MattBraynard/status/1333042159981912067?s=20>.

⁸ Michael Balsamo, Disputing Trump, Barr says no widespread election fraud, AP News (Dec. 1, 2020), available at, <https://apnews.com/article/barr-no-widespread-election-fraud-b1f1488796c9a98c4b1a9061a6c7f49d>.

⁹ Dominion’s complaints against Sidney Powell and Rudy Giuliani are available here <https://beta.documentcloud.org/documents/20445944-dominion-voting-systems-v-sidney-powell> and here https://beta.documentcloud.org/documents/20463211-govuscourtsdcd22648510_1.



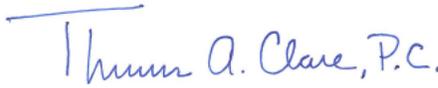
related to, or undertaking any other related actions related to Dominion or the November 2020 presidential election.

The laws and rules prohibiting destruction of evidence apply to electronically stored information in the same manner that they apply to other evidence. Due to its format, electronic information is easily deleted, modified, or corrupted. As a result, you must take every reasonable step to preserve this information until this matter is resolved. This may include, but would not be limited to, an obligation to discontinue all data destruction and data backup recycling policies and procedures on any and all devices within your possession, custody, or control. Your obligation to preserve documents applies both to you individually, and to any entities that you control.

Please confirm receipt of this letter and that you intend to adhere to our request to retain documents as set forth above. This is not a complete recitation of Dominion's rights and remedies, all of which are expressly reserved.

We look forward to your prompt response.

Regards,


Thomas A. Clare, P.C.


Megan L. Meier



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February 24, 2021

VIA E-MAIL ONLY

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Megan L. Meier, Esq. megan@clarelocke.com
10 Prince Street, Alexandria, VA 22314

Re: Your Frivolous Dominion Demand Letter

Counsel:

This firm represents Mr. Matthew Braynard. We write in response to your letter dated February 15, 2021 on behalf of your clients US Dominion Inc., Dominion Voting Systems, Inc. and Dominion Voting Systems Corporation (“Dominion”).

We are unimpressed. Your letter is factually and legally baseless, nothing more than an attempt to harass and intimidate Mr. Braynard and chill his constitutionally protected free speech, dressed in the mock-serious garb of a legal demand letter purporting to assert valid legal claims where none exist. Mr. Braynard will not be intimidated by these thuggish tactics.

Your letter embarks by smearing both Mr. Braynard and the extensive, data-driven work he has done seeking to bring transparency to the 2020 general election. Many Americans have expressed concern about the fairness of the election, and Mr. Braynard’s statistical analyses based on samples of hundreds of thousands of voters indicated two glaring problems: (1) thousands of voters were sent mail ballots despite not requesting them, and (2) thousands of mail-in votes were counted from voters who no longer lived in the places where their votes were cast.

Your letter fails to even address, much less rebut, any of Mr. Braynard’s findings. Instead it disparages Mr. Braynard with selective citations to sources that never ultimately analyzed Mr. Braynard’s work – as opposed to merely disagreeing with his conclusions, none of which have to do with your clients’ products or services. Notwithstanding characterizations by partisan reporting, Mr. Braynard’s analysis is not “manufactured,” a term which implies falsification. In fact, his work raises serious and legitimate questions regarding election integrity. Your clients may disagree with his conclusions, though your letter provides no basis for them to do so. In any event, that disagreement with his conclusions confers exactly zero legal rights on your clients.

Mr. Thomas Clare
Ms. Megan Meier
February 24, 2021
Page 2 of 3

Your extended, snobbish attacks on Mr. Braynard's qualifications to express opinions on obvious electoral irregularities also miss their mark and suggest, by going the route of the ad hominem, an attempt to obfuscate the lack of substantive merit in your clients' complaint. Mr. Braynard graduated from George Washington University in 2000 with a degree in business administration and a concentration in finance and management information systems. 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 was also a senior analyst at Election Data Services for eight years, providing expertise to states and municipalities on voter databases, delineation, and litigation support relating to election integrity. Given these readily ascertainable facts concerning Mr. Braynard's background and experience, your personal attacks reflect poorly only on you and your clients.

Your letter references to your lawsuits against Rudy Giuliani and Sidney Powell, and your document requests suggest that Mr. Braynard could be a potential witness in those cases. The derisive and threatening tone of your letter comes across as an attempt at witness intimidation. It naturally follows that by previewing your "hit pieces" against Mr. Braynard, you seek to affect his potential testimony.

I note that your letter fails to identify specifically *any single statement* made by Mr. Braynard regarding your Dominion clients. Your generic reference to "videos ... urging election officials to boycott Dominion by falsely suggesting that Dominion is responsible for voter fraud or other irregularities" is vague and mischaracterizes any alleged statements by Mr. Braynard. And your demand to "retract your false accusations and calls to boycott Dominion" lacks specificity, is misleading, and also mischaracterizes any alleged statements by Mr. Braynard.

Mr. Braynard's statements regarding election matters were made in good faith based on his reasoned judgement and provide his personal opinions on a wide variety of matters. As you well know, the First Amendment to the United States Constitution protects such opinions. Truthful statements of fact, such as those made by Mr. Braynard, are also fully protected by the First Amendment, as are calls to boycott a business. And you are no doubt aware that any statements made by Mr. Braynard in the course of judicial proceedings are absolutely privileged.

Perhaps your clients are upset that Mr. Braynard has urged election officials to prefer voting equipment reliant upon transparent, "open source" software rather than the so-called "proprietary" software, also known as "black box" software, that your clients peddle.¹ Mr. Braynard's position on this issue is not only grounded in the obvious fact that open source

¹ <https://www.nytimes.com/2018/09/26/magazine/election-security-crisis-midterms.html>.

Mr. Thomas Clare
Ms. Megan Meier
February 24, 2021
Page 3 of 3

software is more readily accessible to the public, cheaper, and less susceptible to manipulation – but also in the fact that the public will have more confidence in elections that are run transparently rather than with the aid of expensive and secretive corporate products. Your client doubtless disagrees that transparent and open-source software is superior to its products, but that mercenary view gives Dominion no legally cognizable right to issue free-floating, critic-menacing ultimatums laundered through legal counsel.

Your letter concludes with a pseudo-official-sounding evidence preservation demand, yet it reveals *nothing* that an objective reader could reasonably interpret as identifying bona fide grounds for litigation against Mr. Braynard on your clients' behalf. Your evidence preservation demand is therefore specious,² and appears calculated to both intimidate him as prospective witness and to impose a costly burden tied to no legal obligation on his part or right on your clients' part. Absent any legal or factual basis, it will be disregarded.

I draw your attention to Virginia State Bar Rule of Professional Conduct 3.1, which prohibits lawyers from bringing a proceeding or asserting an issue unless they have a non-frivolous basis for doing so. Your letter fails this test. You have identified *no* facts or law in your letter that would render Mr. Braynard liable to your clients for *anything*.

In conclusion, Mr. Braynard will not be intimidated into silence by a bullying, bloviating missive sent by a global corporation's legal henchmen seeking to chill his constitutionally protected speech on a matter of great public interest. Indeed, no company – and especially no lawyer – should send such a threatening letter to a potential witness who is merely exercising his First Amendment rights on a matter of the highest national interest. It is ironic that a firm that vaunts its expertise in defending clients against unfounded reputational attacks would engage in drive-by digital character assassination of the nature seen in your letter. It is you and your clients who owe apologies and retractions to our client.

Regards,



Harmeet K. Dhillon

² See, e.g., *Chen v. District of Columbia*, 839 F. Supp. 2d 7, 12 (D.D.C. 2011) (explaining that a party only has a duty to preserve potentially relevant evidence once litigation is anticipated).