



Office of the Secretary of State

Brad Raffensperger
SECRETARY OF STATE

January 6, 2021

VIA ELECTRONIC MAIL

The Honorable Jody Hice
404 Cannon House Office Building
Washington, D.C. 20515

The Honorable Barry Loudermilk
2133 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Kelly Loeffler
131 Russell Senate Office Building
Washington, D.C. 20510

RE: Point by Point Refutation of False Claims about Georgia Elections

Dear Congressmen and Senator Loeffler:

Thank you to each of you for your service to our country. I am addressing this letter to you because each of you have publicly stated that you are going to object to Georgia's electors elected in the November 2020 election. You are certainly entitled to your opinions. However, I want to ensure that your colleagues in the House and Senate have accurate information on which to base their votes to your objection. I respectfully request that you enter this letter into the Congressional Record. Once these refutations are considered, I am confident that Georgia's validly elected electors will be accepted.

Like you, I am disappointed in the results of the 2020 Presidential Election. However, my office has taken multiple steps to confirm that the result is accurate, including conducting a hand audit that confirmed the results of the Presidential contest, a recount requested by President Trump that also confirmed the result, an audit of voting machines that confirmed the software on the machine was accurate and not tampered with, and an audit of absentee ballot signatures in Cobb County that confirmed that process was done correctly. Law enforcement officers with my office and the Georgia Bureau of Investigation have been diligently investigating all claims of fraud or irregularities and continue to investigate. Their work has shown me that there is nowhere close to sufficient

evidence to put in doubt the result of the presidential contest in Georgia. In Georgia, elections are run by county election officials in each of our 159 counties. While there is no such thing as a perfect election, our law enforcement officers are not seeing anything out of the ordinary scope of regular post-election issues that will be addressed by the State Election Board after the investigations are complete. There will end up being a small amount of illegal votes (there always is in any election because federal and state law err on the side of letting people vote and punishing them after the fact), but nowhere near the amount that would put the result of the presidential election in question.

The result of the presidential election is not what I preferred, but the result from Georgia is accurate. Indeed, this body, and both of you, have already voted to accept the results of Georgia's elections by voting to seat the elected Congressional representatives from Georgia. As your colleague Representative Chip Roy astutely pointed out, "[T]hose representatives were elected through the very same systems --- with the same ballot procedures, with the same signature validations, with the same broadly applied decisions of executive and judicial branch officials --- as were the electors chosen for the President of the United States under the laws of those states, which have become the subject of national controversy." Just as the result of your own election was valid and accurate, the certified result in the presidential contest is valid and accurate as well.

Losing candidates contesting election results and procedures is nothing new in Georgia. Former gubernatorial candidate Stacey Abrams and her allies made false claims about Georgia's election equipment and processes in the run up to and aftermath of her 2018 defeat. Many of those same claims are made now by the President and his allies. They were false then and are false now. Objecting to a state's presidential electors is nothing new in Congress either. Your colleagues on the other side of the aisle objected to accepting the votes of certain presidential electors after the 2000, 2004, and 2016 presidential elections. Those objections were not merited then, and, at least in the case of Georgia's electors, are not merited now. As Senator Tom Cotton recently pointed out, "If Congress purported to overturn the results of the Electoral College, it would not only exceed [it's] power, but also establish unwise precedents. ...Objecting to certified electoral votes won't give [President Trump] a second term—it will only embolden those Democrats who want to erode further our system of constitutional government."

POINT BY POINT REFUTATION OF FALSE CLAIMS

The claims raised by the President and his allies to dispute the result in Georgia fall into four broad categories: 1) allegations regarding Dominion voting machines, 2) allegations regarding absentee ballots, 3) allegations regarding poll watchers, and 4) allegations of votes cast by ineligible voters. I will go through each of the allegations in turn and explain how we know that none of these issues come even close to placing in doubt the result of the election.

I. ALLEGATIONS REGARDING DOMINION VOTING MACHINES

Many false allegations have been made about the Dominion voting machines. These claims were made by Democrat-allied groups prior to the election and are being made by people allied with the President now. These claims ranged from the perennial allegations from losing candidates that the machines were “flipping-votes” to the truly bizarre claims that Dominion was founded by foreign oligarchs and dictators for the purpose of keeping Hugo Chavez in power. The claims were false when Democrat-allied groups raised them prior to the election and are still false. These claims have been thoroughly debunked by election authorities, subject matter experts, and third party fact checkers.¹ There was even a social media rumor that a third-party had conducted an audit of voting machines in Ware County, Georgia and had found that the machines “flipped” votes from Trump to Biden at a rate of 28%. Not a single part of that rumor was true. It was quickly debunked by the Ware County Elections Director² and by fact checkers.³ After Fox News and Newsmax were made aware that they had been reporting false claims about Dominion voting machines, both networks published retractions. Newsmax stated, “[n]o evidence has been offered that Dominion... used software of reprogrammed software that manipulated votes in the 2020 election.”⁴

The allegations about Dominion most relevant to the election outcome in Georgia are that votes tallied on a Dominion vote tabulator were somehow manipulated on a statewide basis to elevate the count in favor of the Democratic presidential candidate. It is important to understand that this is not possible—not on a machine-by-machine basis, not by alleged hacking, not by manipulating software, and not by imagined ways of “sending” votes to overseas locations.⁵ In Georgia, we were able to show that none of these allegations are true because we completed a 100% hand audit of all ballots cast in the presidential contest.⁶ This hand audit, which relied exclusively on the printed text on

¹Setting the Record Straight: Facts and Rumors. <<https://www.dominionvoting.com/election2020-setting-the-record-straight/>>. Accessed January 5, 2021.

² Ware County Election Supervisor Carlos Nelson said, “I can tell you this—I don’t want to cuss—this is a darned lie. Our vote machines are secure. There’s no vote flips.” https://sos.ga.gov/index.php/elections/secretary_of_states_office_debunks_ware_county_voting_machine_story. Accessed January 5, 2021.

³ Dominion Machines Didn’t Flip Votes in Ware County, Georgia. Associated Press. December 7, 2020. <https://apnews.com/article/fact-checking-9773239691>. Accessed January 5, 2021.

⁴Fox News, Newsmax Shoot Down Their Own Aired Claims on Election After Threat of Legal Action. USA Today. December 22, 2020. <https://www.usatoday.com/story/entertainment/tv/2020/12/22/fox-newsmax-shoot-down-their-own-aired-claims-election/4004912001/>. Accessed January 5, 2021.

⁵ Dominion Statement on Sidney Powell Charges. <<https://www.dominionvoting.com/dominion-statement-on-sidney-powell-charges/>>. Accessed January 5, 2021.

⁶Georgia Secretary of State. Historic First Statewide Audit of Paper Ballots Upholds Results. https://sos.ga.gov/index.php/elections/historic_first_statewide_audit_of_paper_ballots_upholds_result_of_residential_race. Accessed January 5, 2021.

the ballot-marking device ballot or the bubbled in choice of the absentee ballot confirmed the result of the election with a 0% risk limit.⁷

We further know these allegations are false because our office engaged a federally-certified voting systems test lab to perform an audit of the voting machines following the November election.⁸ Pro V&V, based in Huntsville, Alabama is a U.S. Election Assistance Commission-certified⁹ Voting System Test Laboratory (VSTL), meaning the lab is “qualified to test voting systems to Federal standards.”¹⁰ Pro V&V’s accreditation by the USEAC was also recommended by the National Institute of Standards and Technology (NIST), the U.S. government’s physical science laboratory dedicated to creating standards and measures that would help America be the leading science innovator in the world.

Pro V&V conducted an audit of a random sample of Dominion Voting Systems voting machines throughout the state using forensic techniques, including equipment from Cobb, Douglas, Floyd, Morgan, Paulding, and Spalding Counties. ICP (precinct ballot scanners), ICX (ballot marking devices), and ICC (central absentee ballot scanners) components were all subject to the audit.¹¹ In conducting the audit, Pro V&V extracted the software or firmware from the components to check that the only software or firmware on the components was certified for use by the Secretary of State’s office.¹² The testing was conducted on a Pro V&V laptop independent of the system.¹³ According to the Pro V&V audit, all of the software and firmware on the sampled machines was verified to be the software and firmware certified for use by the Office of the Secretary of State.¹⁴

Through each of these actions, I can definitively say that the results reported by the Dominion Voting System used in Georgia were accurate.

II. ALLEGATIONS REGARDING ABSENTEE BALLOTS

Georgia has had no-excuse absentee voting since 2005, when it passed on a party-line vote by a Republican controlled legislature and was signed by a Republican governor. Traditionally, absentee by mail voting in Georgia only accounts for about 5% of the electorate, but due to the Coronavirus pandemic, it increased to approximately 25% of the electorate in November 2020. Absentee by mail ballots increased from around 222,000 in

⁷ *Id.*

⁸ Georgia Secretary of State. Secretary Raffensperger Announces Completion of Voting Machine Audit. https://sos.ga.gov/index.php/elections/secretary_raffensperger_announces_completion_of_voting_machine_audit_using_forensic_techniques_no_sign_of_foul_play. Accessed January 5, 2021.

⁹ <https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl/pro-vv>

¹⁰ *Id.*

¹¹ See Note 5, *supra*.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

the November 2018 General Election to over 1.3 million in the November 2020 Election. The President and his allies have alleged that Georgia did not adequately enforce its laws regarding verification of absentee ballots. This allegation is untrue. The truth is that my office protected and strengthened Georgia's signature verification system. My office provided GBI training to each county so that they could better conduct signature verification and also introduced a photo ID requirement into absentee ballot applications by creating an online request portal that requires the voter's name, date of birth, and Georgia driver's license number to match voter records in order to request an absentee ballot.

Much has been made of a Signature Match Settlement Agreement¹⁵ entered into on the advice and recommendation of the Georgia Attorney General's office in order to protect Georgia's signature verification laws on both absentee ballots and absentee ballot applications. The President and his allies allege that the Settlement Agreement unconstitutionally changed Georgia law. That assertion has been rejected by courts and is not supported by the facts.

Multiple lawsuits have challenged the Settlement Agreement. All have rejected the claims that it weakened Georgia's signature match laws.¹⁶ The Settlement Agreement came about because Democrat party groups filed a lawsuit challenging Georgia's signature verification process as unconstitutional. To get a full release of all claims and protect Georgia's signature verification laws, my office agreed to send out an Official Election Bulletin to counties from our Elections Director that offered best practices on how to conduct signature verification. The recommended practices were based off many counties' existing procedures.

As Judge Grimberg of the Northern District held in considering these claims, "[this] argument is belied by the record."¹⁷ According to the latest data provided to our office from counties, Georgia counties rejected 2980 absentee ballots for missing or invalid signatures in the November election. This is in addition to the 2777 ballots that were initially identified as having a missing or invalid signature and were later cured by the voter pursuant to the process set forth by the Georgia General Assembly. Out of 1,322,529 absentee ballots cast in the November election, this means 0.43% of absentee ballots were initially identified as having a signature issue and that 0.22% of ballots were rejected due to missing or invalid signatures. These numbers are actually slightly higher than the number of rejected ballots for signature issues in the 2018 election, where

¹⁵ The President and his allies generally refer to the Settlement Agreement as a Consent Order or Consent Decree. However, as the title of document clearly shows, it is a Compromise Settlement Agreement and Release.

¹⁶ See *Wood v. Raffensperger et al.*, Order Denying TRO. NDGA. 1:20cv04651-SDG (stating that "Woods' argument is belied by the record.")

¹⁷ *Id.*

222,193 absentee by mail ballots were cast and 454 were rejected for signature issues, a rejection rate of 0.2%.¹⁸

To further put any questions regarding Georgia county elections officials signature verification to bed, the law enforcement officers in my office, in conjunction with law enforcement officers with the Georgia Bureau of Investigation, conducted an audit of signatures on absentee ballots in Cobb County. We chose to start with Cobb County because it was the only county where the President and his allies had submitted any credible evidence that the signature verification process was not properly done. The audit found “no fraudulent absentee ballots” with a 99% confidence threshold (based on the sample size of reviewed signatures).¹⁹ The audit found that only two ballots should have been identified by Cobb County Elections Officials for cure notification that weren’t.²⁰ In one case, the ballot was “mistakenly signed by the elector’s spouse,” and in the other, the voter “reported signing the front of the envelope only.”²¹ In both cases, the identified voters filled out the ballots themselves.²²

There have also been allegations of so-called “pristine ballots” in Fulton County. These are ballots that partisan poll watchers thought looked suspicious during the hand audit because they were not folded (as ballots that had been put in an envelope would be). First, there are numerous reasons why a hand-marked ballot may be not folded. Emergency ballots, which are ballots cast by eligible voters at polling places if there is an issue with a ballot marking device, are scanned straight into the scanner. Certain military/overseas ballots or ballots that are damaged and cannot be scanned are duplicated and would also not be folded prior to scanning. The unstated implication of this allegation is that county elections officials are creating fake or invalid ballots and running them through scanners. There is absolutely no evidence that this happened a single time in Georgia.

Finally, there have been allegations of illegal ballot harvesting. One of the first things I did as Secretary of State was to ensure that ballot harvesting was illegal in Georgia. The law outlawing ballot harvesting in Georgia was challenged in court, but we successfully defended it. No specific allegations of ballot harvesting have been brought forward. Nevertheless, the MITRE Corporation’s National Election Security Lab conducted a statewide Ballot Harvesting Analysis of the November elections across Georgia’s 159 counties. MITRE collected data on the absentee by mail ballots requested and returned to check for unusually high or unusually low return rates. According to the report, a

¹⁸ *Id.*

¹⁹ Georgia Secretary of State/Georgia Bureau of Investigation Absentee by Mail Signature Audit Report. December 29, 2020.
<https://sos.ga.gov/admin/uploads/Cobb%20County%20ABM%20Audit%20Report%2020201229.pdf>. Accessed January 5, 2021.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

“statistical analysis of ballot return rates shows no anomalous points; no suspicious indicators of ballot harvesting.”²³

III. ALLEGATIONS REGARDING POLL WATCHERS

There have been numerous reports of insufficient access for poll watchers or public monitors. Ironically, those reports are all made by poll watchers or other public monitors, showing that they were in fact highly involved in the process and monitoring each step of the way. Georgia law balances access for partisan poll watchers and public observers with the necessity of allowing county election officials to complete their work in a timely fashion without interference. It is not unusual in any election for partisan poll watchers and election officials to disagree on the exact level of access that they should receive. Throughout this election cycle, my office has told Georgia counties to ensure transparency and openness and, when any questions arise, to err on the side of transparency. We ensured monitors had access and that the public could observe the hand audit and recount, in addition to the regular laws that govern partisan poll watchers on Election Day and early voting.²⁴

The most prominent allegation of issues with monitors took place in State Farm Arena, where Fulton County conducted its absentee ballot processing. Unfortunately, due to what appears to be a miscommunication between county staff and poll watchers, the poll watchers left at 10:30 p.m. on election night when they thought Fulton was done scanning for the night. Fulton denies ever telling monitors that they had to leave. Fortunately, a monitor designated by the State Election Board arrived shortly after the other poll watchers left. Partisan poll watchers and other monitors remained at Fulton County’s election warehouse where results were being tabulated the entire time and were aware that absentee ballot scanning was continuing at State Farm Arena. Fortunately, surveillance video of the entire time scanning was taking place exists and is publicly available. While the President and his allies have used snippets of that video to imply untoward activity, review of the entire surveillance tape by both law enforcement officers with my office and fact checkers has shown that no untoward activity took place—election officials simply scanned valid ballots as they had been doing all night. The entire video has been made available by my office so that people can confirm this fact for themselves.²⁵

IV. ALLEGATIONS REGARDING INELIGIBLE VOTERS VOTING

²³ Georgia Secretary of State. National Election Security Lab Report on November Election. https://sos.ga.gov/index.php/elections/national_election_security_lab_report_on_november_election_shows_sec_raffenspergers_ballot_harvesting_ban_holds_strong. Accessed January 5, 2021.

²⁴ Georgia Secretary of State. Monitors Closely Observing Audit Triggered Full Hand Recount. https://sos.ga.gov/index.php/elections/monitors_closely_observing_audit_triggered_full_hand_recount_transparency_is_built_into_process. Accessed January 5, 2021.

²⁵ SecureVote GA Fact Check. <https://securevotega.com/factcheck/>. Accessed January 5, 2021.

The President and his allies have also made allegations regarding ineligible voters voting. My office has investigated each of these allegations and will continue to investigate them, but our initial investigations show two things: 1) the data used by the President's allies is not correct and 2) the actual number of potentially ineligible voters who voted in Georgia does not put the result of the election in question.

There are ineligible voters who vote in every election because both federal and state law err on the side of letting a potentially eligible voter vote and then punish any illegal voting after the fact. If the number of illegal voters is sufficient to place the result in question, the remedy is an election contest filed in state court. The President and his allies have filed multiple election contests in Georgia. Three have already been dismissed, and one remains ongoing. In Georgia, we have strong laws to deter illegal voting, and we conduct as much list maintenance on our voter rolls as allowed by federal law.

The data that the President's allies used to determine their alleged number of illegal voters is wrong. Matt Braynard, the President's purported expert witness in his election contest, has already admitted in testimony to the Georgia House of Representatives Government Affairs Committee that he is not accusing the people he has identified of actually voting illegally.²⁶ Although he states in his affidavit filed in Court that there were 20,312 individuals who cast ballots illegally in the November 3, 2020 election..., he clarified to the Georgia House of Representatives Government Affairs Committee that he was not actually accusing anyone of voting illegally.²⁷ Actual experts in political science, data analysis, and election data have pointed out the data used by Mr. Braynard is not reliable. Dr. Charles Stewart III, the Kenan Sahin Distinguished Professor at the Massachusetts Institute of Technology and the founding director of the MIT Election Data and Science Lab, reviewed Mr. Braynard's declaration and data and concluded that he uses data matching techniques that are "[k]nown to be unreliable and produce a preponderance of 'false positives' and that the methodology used by Mr. Braynard and the President's other purported experts is "highly inaccurate."²⁸

Despite the inaccuracy of the numbers alleged by the President's allies, my office is committed to fully investigating all claims of illegal voting, and that is exactly what we have been doing. Those investigations are tedious and time consuming because whether or not a person actually illegally voted can depend on the specific factual circumstances, but those investigations have allowed me to get a good sense of the potential universe of illegal voters in the November election in Georgia. The factual investigations confirm the

²⁶ *Trump v. Raffensperger*. Fulton County Superior Court. Civil Action No. 2020-CV343255. Respondent's Motion to Exclude Affidavits and Testimony of Experts. December 15, 2020.

²⁷ *Id.* Braynard Testimony to Georgia House of Representatives Government Affairs Committee. December 10, 2020. ("In my affidavit I don't believe I specifically accuse anybody of committing any crime. I said there were indications—over and over again potentially illegal ballots has been my language. Uh indications of illegally cast ballots. I have not accused anybody of committing a felony in any of my declarations.")

²⁸ See Note 25, *supra*. Declaration of Dr. Charles Stewart III.

opinions of experts like Dr. Stewart who have accurately concluded that the numbers of illegal voters in Georgia alleged by the President's allies are not accurate or reliable.

The President's allies have alleged that 2,056 felons voted illegally in Georgia. By comparing information from the Department of Corrections and Department of Community Supervision to the list of people who voted in November, the actual universe of potential felon voters is 74. Each of those voters are under investigation to determine if they are the same person indicated and that they are still under felony sentence.

The President's allies have alleged that 66,241 underage teenagers voted in Georgia in November. The actual number is 0. Our office compared the list of people who voted in Georgia to their full birthdays to determine this. 4 voters requested a ballot prior to turning 18, and all 4 turned 18 prior to the November 3 election.

The President's allies allege that 2,423 people voted who were not registered to vote. The actual number is 0. Voters cannot be given credit for voting in Georgia unless they are registered to vote.

The President's allies allege that 10,315 dead people voted. Our office has discovered 2 potential dead voters and both instances are under investigation. We will fully investigate all credible allegations of potential dead voters, but the allegation that a large number of dead people voted in Georgia is not supported by any evidence.

The President's allies allege that 395 people cast ballots in both Georgia and another state in November. That list is under investigation and in working with election officials from other states, we have already determined that many of the alleged "double voters" are not the same people.

The President's allies allege that 1,043 people voted who were registered at addresses that are actually post office boxes. A simple google search of this list revealed that many of the addresses that are alleged to be post office boxes are actually apartments. The President's allies allege that approximately 4000 people voted in Georgia who had subsequent voter registrations in other states. Our research into these people shows that these allegations rely on inaccurate and incomplete data. The detailed voter registration records on those voters reviewed so far show that they are legitimate Georgia voters. The President's allies also allege that there are approximately 15,000 people who voted in Georgia after having filed a National Change of Address with the U.S. Post Office indicating they had a new out of state address. Mr. Braynard himself admits this fact does not establish that a person voted illegally. There are many people who live out of state who are still completely legitimate Georgia residents, including military and overseas citizens, people in government service, college students, temporary workers on assignment somewhere else, and voters temporarily caring for family others, etc. There will end up being a small amount of illegal out-of-state voters, and my office will seek punishment for those voters to the full extent of the law. But our initial investigation

indicates that the total number of illegal voters for any reason (no longer a Georgia resident, felon, double voter, etc.) will not be close to sufficient to place the result of the presidential election in Georgia in question.

CONCLUSION

As Secretary of State of Georgia, I know that half the people are going to be happy after an election and the other half are going to be upset. My job is to make sure that both sides know that the results are accurate. That is why I ordered a hand audit, a recount, a signature audit in Cobb County, and a statewide signature study in conjunction with the University of Georgia. The facts show that the claims asserted by the President and his allies about the voting machines used in Georgia are false. The facts show that the claims that the 2020 election did not follow Georgia law on absentee ballots are false. The claims that the election was not transparent or that monitors did not have the access to which they were entitled are false. The claims that there are a sufficient number of illegal voters to put the result of the Presidential contest in question are false. You have already accepted the results of the November 3, 2020 election in Georgia for your own seats and those of your colleagues. I respectfully request that, after you review this evidence, you do the same for the presidential electors who were validly elected by the people of Georgia. We do not have to like the results of an election to accept them. Thank you for your consideration and your continued service to our country.

Sincerely,


Brad Raffensperger

cc: Georgia Congressional Delegation
Office of the Vice President of the United States
Office of the Speaker of the United States House of Representatives
Office of the Minority Leader of the United States House of Representatives
Office of the Majority Leader of the United States Senate
Office of the Minority Leader of the United States Senate