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VIA ELECTRONIC MAIL AND U.S. MAIL

September 17, 2026

TO: All County and Municipal Election Superintendents, Boards of Elections and Registration, and Custodians of Election Records in the State of Georgia

Re: Notice of Your Independent Duty to Preserve 2024 General Election Records and Electronically Stored Information — Arising from the U.S. Department of Justice Preservation Directive of September 4, 2026

Dear Election Superintendent:

We are private citizens of the State of Georgia who are concerned that election records and electronically stored information ("ESI") relating to the November 5, 2024 General Election be preserved intact while they remain the subject of a federal investigation and litigation. We do not represent any party, and we do not purport to impose any obligation on you. **The purpose of this letter is narrow but important: to place you on actual notice of preservation duties that already bind you under federal and Georgia law, so that relevant records are not lost while retention periods lapse.** Please read this letter carefully and act on it promptly.

I. Background: The DOJ Preservation Directive

On September 4, 2026, the Voting Section of the Civil Rights Division of the U.S. Department of Justice ("DOJ") sent a records-preservation and litigation-hold letter to the Honorable Brad Raffensperger, Georgia Secretary of State, in his capacity as the State's chief election officer (the "DOJ Letter"), signed by Eric Neff, Acting Chief of the Voting Section. The DOJ Letter states that the Secretary "[is] currently under investigation and ongoing litigation" concerning compliance with the Civil Rights Act of 1960 ("CRA"), 52 U.S.C. § 20701 *et seq.*; the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501 *et seq.*; and the Help America Vote Act of 2002 ("HAVA"). It directs the preservation of "all hard copy documents and electronically stored information ('ESI'), as defined by Rule 34 of the Federal Rules of Civil Procedure," including the Statewide Voter Registration Lists ("SVRLs") and "other election records relevant to the 2024 election, as well as current records," and it warns that "failure to preserve relevant data may constitute spoliation of evidence, which may subject you to civil and criminal sanctions."

A note on one citation in the DOJ Letter: The DOJ Letter cites HAVA as "52 U.S.C. § 20181." That section does not exist; HAVA is codified at **52 U.S.C. §§ 20901–21145**. We note the discrepancy only for accuracy; it does not diminish the preservation obligations described below.

II. This Notice Concerns Records Under *Your* Control — and Reaches You Regardless of Any Communication from the Secretary of State

The DOJ Letter is addressed to the Secretary of State. But a great deal of the material it covers — including scanner and tabulator log files, cast vote records, ballot images, and the paper ballots themselves — is created, held, and controlled at the **county and municipal level**, not by the Secretary of State. Under federal law, the duty to retain and preserve federal election records rests directly on the local "officer of election" who has custody of those records. 52 U.S.C. § 20701.

Your preservation obligation is therefore independent, and it is triggered now — whether or not the Secretary of State forwards the DOJ Letter to you or instructs you to preserve anything. We are writing precisely so that you cannot later be said to have lacked notice. As explained below, the controlling authority makes clear that a preservation duty attaches upon notice of relevant litigation and does not depend on any request or order directed to you.

III. Your Legal Duty to Preserve

Your obligation to preserve arises from multiple, overlapping sources:

A. Federal retention statute (CRA). Every officer of election "shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election" for federal office, "all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election." 52 U.S.C. § 20701. This covers records in **digital and electronic form**, not merely paper. Willful failure to comply is a federal crime punishable by a fine of up to $1,000 or imprisonment of up to one year, or both. *Id.* Separately, **any person** who "willfully steals, destroys, conceals, mutilates, or alters" any such record is subject to the same criminal penalties. 52 U.S.C. § 20702.

B. Georgia retention law. Georgia law independently requires that "[a]ll primary and election documents on file in the office of the election superintendent of each county, municipal governing authority, superintendent, registrar, committee of a political party or body, or other officer shall be preserved therein for a period of **at least 24 months**." O.C.G.A. § 21-2-73. Ballots and related documents delivered under seal must likewise be held "for at least 24 months." O.C.G.A. § 21-2-500(a), (c).

C. The common-law duty to preserve is independent and attaches now — even as the statutory retention windows lapse. The retention periods for the 2024 General Election are expiring: the federal 22-month period has run, and the Georgia 24-month minimum runs through approximately November 2026. Under controlling and persuasive authority, however, your duty to preserve evidence relevant to pending or anticipated litigation is **independent of these retention schedules and of any preservation request or court order**, and it attaches once you are on notice that the records may be relevant. As the court explained in *Thompson v. U.S. Dep't of Housing & Urban Development*, 219 F.R.D. 93, 100 (D. Md. 2003), a party's failure to seek a preservation order "does not vitiate the independent obligation of an adverse party to preserve such information," and once "a party reasonably anticipates litigation, it must suspend its routine document retention/destruction policy and put in place a 'litigation hold' to ensure the preservation of relevant documents" (quoting *Zubulake v. UBS Warburg LLC*, 2003 WL

22410619 (S.D.N.Y. Oct. 22, 2003)). That duty reaches back to "that period before the litigation when a party reasonably should know that the evidence may be relevant to anticipated litigation." *Silvestri v. Gen. Motors Corp.*, 271 F.3d 583, 591 (4th Cir. 2001), quoted in *Thompson*, 219 F.R.D. at 99–100.

Accordingly, please do not treat the expiration of the 22-month or 24-month period as authorization to destroy, purge, recycle, or overwrite any records relating to the 2024 General Election. With the DOJ Letter having placed the State's election apparatus on notice of relevant litigation — and with this letter placing you individually on notice — that duty now governs the records in your custody.

IV. Materials That Should Be Preserved

The records that should be preserved include all hard-copy documents and ESI relating to the 2024 General Election and related current records within your possession, custody, or control, including but not limited to:

1. **"SLOG" files** — the scanner/tabulator system-log files generated by the ballot-scanning and tabulation equipment (e.g., precinct scanners and central-count scanners) in connection with the 2024 General Election. *[Confirm exact file set/naming.]*
2. Statewide Voter Registration List ("SVRL") extracts, county voter-registration data, and list-maintenance records under O.C.G.A. §§ 21-2-233, 21-2-234 and the NVRA;
3. Cast vote records, ballot images, results/tabulation files, audit logs, and election-management-system ("EMS") databases and backups;
4. Voting-system hardware, memory devices, USB/flash media, PROM/memory storage devices, computer chips containing ballot-tabulation programs, and copies of computer records of ballot design (see O.C.G.A. § 21-2-500);
5. Paper ballots (voted, void, and unused), ballot stubs, oaths of poll officers, numbered lists of voters, tally sheets, and return sheets;
6. Chain-of-custody documentation, seals logs, and equipment-transfer records;
7. All related emails, text messages, and other communications concerning the administration, canvassing, auditing, or certification of the 2024 General Election.

Consistent with the DOJ Letter, preserving this ESI also means preserving the software, hardware, and information required to access or view it — including identification codes, passwords, decryption applications, decompression and reconstruction software, network access codes, manuals, and user instructions — and taking special measures to preserve archived or deleted ESI, ESI stored in databases, computer logs, and all metadata (including the date the ESI was created, the date it was last modified, and the identity of the person who created it).

V. Steps We Respectfully Urge You to Take Now

To honor your preservation obligation, we urge you to take reasonable steps immediately, including:

1. **Suspend** all document- and data-destruction and backup/tape-recycling policies as they relate to any 2024 General Election records and related current records — including any routine purge scheduled at the end of the 22-month or 24-month retention period.

2. **Notify** all staff, contractors, and vendors (including voting-system and EMS vendors) with access to relevant records that these materials must be preserved and that no covered material may be deleted, altered, overwritten, re-imaged, reformatted, or discarded.
3. **Preserve intact and without modification** all ESI, and preserve the credentials, software, and hardware necessary to access it.
4. **Maintain** the security, integrity, and chain of custody of all covered records, and ensure you retain ultimate management authority over — and the right to physically access — any records in the hands of a vendor or other custodian.
5. **Document** the preservation steps you take.

This list is not exhaustive. All information potentially relevant to the investigation and litigation referenced in the DOJ Letter should be preserved.

VI. Why This Matters — and the Consequences of Failure to Preserve

We raise these points not to threaten you — as private citizens, we seek no relief against you and impose no obligation of our own — but to be candid about what the law provides. Failure to preserve relevant records may constitute **spoliation of evidence**. As the DOJ Letter itself warns, that may subject an official to "civil and criminal sanctions," and may expose the office to adverse-inference and other litigation sanctions. Under 52 U.S.C. §§ 20701 and 20702, willful failure to preserve, or willful destruction of, covered federal election records is a federal crime. And federal courts have jurisdiction to compel production of covered records. 52 U.S.C. § 20705.

VII. Preservation of This Notice

We ask that you retain a copy of this letter with your 2024 General Election records. In the event of any future dispute concerning preservation, this letter may be relied upon as evidence that you were placed on actual notice of your preservation obligations as of the date above. Should you have questions, you may contact the undersigned at [email/phone]. We would welcome written confirmation, at your convenience, that a preservation hold consistent with this letter has been implemented.

Thank you for your attention to this important matter and for your service to Georgia's voters.

Respectfully,

/s/ Sam Carnline
/s/ Field Searcy

Private citizens of Grady County, Georgia, acting in the interest of the preservation of election records

Enclosure: DOJ Civil Rights Division letter dated September 4, 2026 (Eric Neff, Acting Chief, Voting Section)

Cc: Eric Neff, Acting Chief of Voting Section, Department of Justice
Secretary of State Brad Raffensperger
Georgia State Election Board

U.S. Department of Justice
Civil Rights Division

Voting Section – 4CON
950 Pennsylvania Ave, NW
Washington, DC 20530

September 4, 2026

Via Electronic Mail

The Honorable Brad Raffensperger
Georgia Secretary of State
214 State Capitol
Atlanta, GA 30334

Re: Maintenance of All Election Records in Your Possession as Chief Election Officer During Pending Litigation

Dear Secretary Raffensperger:

We represent the United States in enforcing your duties as the chief election officer of Georgia under the Civil Rights Act of 1960 ("CRA"), codified at 52 U.S.C. § 20701, *et seq*. As you are aware, you are currently under investigation and ongoing litigation as to the extent to which you have failed to comply with your duties under the CRA as well as the National Voter Registration Act ("NVRA"), codified at 52 U.S.C. § 20501 *et seq.*, and Help America Vote Act of 2002 ("HAVA"), codified at 52 U.S.C. § 20181, *et seq.* You were initially put on notice of this investigation based on our letters to your office in 2025 and the subsequent litigation that followed. These letters notified you of your duty to preserve election records which have come into possession under the CRA for the prior 22 months, including records from the 2024 federal election.

The purpose of this letter is to notify you of your obligations to take reasonable steps to conduct a litigation hold and preserve and retain all hard copy documents and electronically stored information ("ESI"), as defined by Rule 34 of the Federal Rules of Civil Procedure, which may be relevant, or likely to lead to the discovery of admissible evidence. The duty to preserve records supersedes any statutory limitations, especially where the party "has notice that the evidence is relevant to litigation." *Thompson v. U.S. Dept. of Housing and Urban Development*, 219 F.R.D. 93, 100 (D. Md. 2003). While the CRA requires that election officials preserve election records for 22 months after an election, this Litigation Hold letter would override any argument that you would now be authorized to destroy such records related to the 2024 election. The SVRLs and other election records relevant to the 2024 election, as well as current records, are relevant to the litigation.

To fulfill your preservation obligation, you must take reasonable steps to preserve all hard copy documents and ESI which constitute Relevant Information, including, but not limited to:

(a) Suspending your document and data destruction and backup tape recycling policies;

(b) Retaining software, hardware, or other information required to access or view the ESI, such as:

1. identification codes;
2. passwords;
3. decryption applications;
4. decompression software;
5. reconstruction software;
6. network access codes;
7. manuals; and
8. user instructions;

(c) Taking special measures to ensure the preservation of:

1. archived or deleted ESI;
2. ESI stored in a database;
3. computer logs;
4. metadata, including the date ESI was created, the date ESI was last modified, the name of the individual who created the ESI as well as all other metadata fields; and

(d) Taking any other reasonable steps necessary to prevent the destruction, loss, override, or modification of relevant data, either intentionally or inadvertently, such as through modification of your document retention policy and systems.

To make this clear - All ESI must be preserved intact and without modification. The above list is not exhaustive, and you must preserve all information that is potentially relevant to any lawsuit the United States files against you.

Your failure to preserve relevant data may constitute spoliation of evidence, which may subject you to civil and criminal sanctions. We trust that you will preserve for the duration of our investigation and any subsequent litigation all Relevant Documents. In the event of a dispute arising out of your failure to preserve documents, we will rely on this letter in court as evidence of our request for litigation hold and notice of your preservation obligations.

Please direct any questions to Eric Neff, Acting Chief of the Voting Section, at Eric.Neff@usdoj.gov. Failure to preserve and then timely produce the requested records upon further request may result in the United States seeking a court order for production of such records. 52 U.S.C. § 20705.

Thank you in advance for your cooperation.

Regards,

Eric Neff
Acting Chief, Voting Section
Civil Rights Division