

April 28, 2021

The Honorable Chris Carr  
Attorney General  
Office of the Attorney General  
40 Capitol Square, SW  
Atlanta, GA 30334

Dear Attorney General Carr:

I write to request an investigation into whether actions taken by Brad Raffensperger (hereinafter “Secretary Raffensperger”), in his capacity as Secretary of State of Georgia, put his political self-interest ahead of the people of Georgia in conducting elections, and whether these actions constitute a conflict of interest in violation of the Georgia Constitution and/or statutes.

Since his term began in January 2019, Secretary Raffensperger has made unprecedented changes to elections in his constitutional duty to conduct elections, including those actions outlined below, which have reduced trust and transparency. Secretary Raffensperger politicized and minimized voters’ legitimate concerns about changes to Georgia’s elections which were related to the pandemic and legal settlements, failed to complete investigations and provide timely information, and engaged in political matters during an election.

This request is not about the outcome of an election, but about the loss of confidence in our elections and the importance of holding elected officials accountable for upholding the law and carrying out their constitutional duties. If voters don’t trust the electoral process and their elected officials, we risk sustained damage to voter participation in our state. We saw the impact of reduced faith in elections in the Senate runoffs, when over 339,000 Republican voters who voted in November did not vote in January. Voting rights are not a partisan issue, and the loss of electoral confidence disenfranchises voters of any political affiliation. Following are examples of potential conflicts of interest that furthered Secretary Raffensperger’s own self-interests:

- 1) Georgia’s primary election on June 9, 2020 was administered so poorly the Georgia House Governmental Affairs Committee was tasked with investigating the election. The investigation identified the following: (i) multiple issues related to absentee ballots; (ii) inadequate training for the new voting machines; and (iii) procedural issues regarding COVID-19. Secretary Raffensperger glossed over these issues and failed to take sufficient corrective or legal actions prior to either the general election or run-off election.[1]
- 2) Secretary Raffensperger announced on September 8, 2020 approximately 1,000 individuals faced investigation for double voting in the primary election by casting both an absentee ballot and voting in person. Eight months and two elections later, Secretary Raffensperger has not fully resolved the double voting issues.[2]
- 3) Secretary Raffensperger entered into a Compromise Settlement Agreement and Release (“Consent Decree”) on March 6, 2020 that materially altered the signature verification process for absentee ballot review—without informing the Georgia General Assembly or the

general public—just weeks prior to mailing out mass, unsolicited absentee ballot requests statewide. He later claimed in media interviews the settlement did not materially change the absentee ballot signature review process, yet the administrative process for rejecting ballots was increased.

4) According to a March 26, 2021 report, Secretary Raffensperger’s office accepted unregulated, outside funds totaling \$5.59 million from the Center for Election Innovation & Research (“CEIR”), an organization linked to Facebook founder Mark Zuckerberg. According to CEIR, Secretary Raffensperger’s office used the funds in both the general and runoff elections to conduct messaging, including to “counteract disinformation” by issuing “public service” announcements.[3] Separately, CEIR also gave millions of dollars in grants to certain Georgia counties.

5) In his role as Chair of the State Board of Elections, Secretary Raffensperger made sweeping, poorly communicated, and inconsistently applied changes to critical elections procedures including, but not limited to: (i) permitting unsecure drop boxes whose number varied across the state, with some counties having dozens and others having none, and (ii) mass unsolicited absentee ballot request mailings, which unlocked the potential for fraud.[4]

6) Secretary Raffensperger’s office orchestrated the recording of a call with the President of the United States and subsequently released the recording to the *Washington Post* just days before the January runoff, interfering with an election that was already underway by reducing faith in the process and eroding trust in our election officials.

7) Six months after the general election, the status of hundreds of primary and general elections investigations allegedly opened by the Secretary of State’s office remains unknown. Additionally, no investigations relating the runoff elections have been announced by his office.

Georgians deserve answers regarding these issues and to understand the impact these and other matters may have on future elections. Failure to acknowledge these issues and irregularities will lead to a continued loss of trust in our elections.

For that trust to be restored, there must be accountability from Secretary Raffensperger in his role managing our elections, and whether he has served his own self-interest by attempting to protect his own political career. Accordingly, we respectfully request an investigation into whether Secretary Raffensperger’s actions were lawful and consistent with his fiduciary and statutory obligations to Georgia’s citizenry as a statewide elected official under the Georgia Constitution and law.

Respectfully,

Kelly Loeffler

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[1] See Primary Elections Investigation, House of Representatives Government Affairs Committee, available at: [https://www.house.ga.gov/Documents/CommitteeDocuments/2020/GovernmentalAffairs/Elections\\_Investigation\\_Report.pdf](https://www.house.ga.gov/Documents/CommitteeDocuments/2020/GovernmentalAffairs/Elections_Investigation_Report.pdf) (last accessed April 22, 2021).

[2] 1,000 people double-voted in Georgia primary, says secretary of state, The Atlanta Journal-Constitution (September 8, 2020), available at: <https://www.ajc.com/politics/1000-people-double-voted-in-georgia-primary-and-may-face-charges/RR7ZPMO2SBBVLOSCUUAV7S3JEQ/>.

[3] See The Center for Election Innovation & Research 2020 Voter Education Grant Program, March 26, 2021, available at: <https://electioninnovation.org/download/16514/> (last accessed April 22, 2021).

[4] See SEB Rule 183-1-14-0.80.14, available at <https://sos.ga.gov/admin/files/Table%20of%20Contents%20for%20SEB%20Rule%20183-1-14-0.8-.14.pdf>.