

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

STATE OF GEORGIA

v.

DAVID J. SHAFER

Defendant.

Case Number:

1:23-cv-03720-SCJ

DECLARATION OF WILLIAM BRADLEY CARVER

1. My name is William Bradley Carver. I am over eighteen years old and otherwise competent in all respects to make this Declaration, which is based upon my personal knowledge and expertise.

2. I attended Duke University undergraduate (Class of 1994) and received a joint J.D./M.B.A. from the University of Georgia in 1999. Between undergraduate and law school, I served as a commissioned field artillery officer in the United States Army, and I served in the Army Reserves until 2018.

3. I am an attorney licensed in the State of Georgia since 1999, and I am a member in good standing of the Georgia Bar. Currently, I am a Partner at the law firm of Hall, Booth, Smith, P.C. ("HBS"), where I serve as the Senior Managing Director of the Firm's Government Affairs and as a member of the Government Affairs, Energy, Regulatory and Utilities, Environmental, Mass Torts and Land Use,

International, and Business Litigation practice groups. My full bio is available at <https://hallboothsmith.com/attorney/brad-carver/#biography>.

4. I am currently the District Chairman of the 5th Congressional District in Georgia and a member of the Executive Committee of the Georgia Republican Party, in which capacity I have served for 11 years. I have previously served as an alternate delegate to the 2012 Republican National Convention in Tampa, FL, a delegate to the 2016 Republican National Convention in Cleveland, OH, and as a Republican presidential elector nominee for the State of Georgia in 2020. I also Chair the Election Confidence Task Force of the Georgia Republican Party, appointed on January 13, 2021 until present.

5. In my capacity as an attorney and as active participant in the Georgia Republican Party, I am familiar with the processes of the Georgia Republican Party and of elections in Georgia, including presidential elections.

6. On or about March 4, 2020, the State Executive Committee of Georgia Republican Party nominated David Shafer, Shawn Still, Cathy Latham and thirteen other Georgians as presidential electors ("Presidential Electors") for the November 3, 2020, general election. Shortly thereafter, the Georgia Republican Party certified to the Secretary of State that David Shafer, Shawn Still, Cathy Latham and thirteen other Georgians were the Republican nominees for Presidential Elector.

7. The general election was held on November 3, 2020. On November 20, 2020, Georgia Secretary of State Brad Raffensperger certified the election results, which showed that Joe Biden won the Georgia presidential election by a narrow margin. Governor Kemp also certified the democrat slate of presidential electors on that date. The same day, President Donald J. Trump demanded a recount of the vote for president.

8. On December 4, 2020, President Trump and Mr. Shafer, in his capacity as a Presidential Elector nominee and voter, filed a “Verified Petition to Contest Georgia’s Presidential Election Results for Violations of the Constitution and Laws of the State of Georgia, and Request for Emergency Declaratory and Injunctive Relief” in the Superior Court of Fulton County. *See Trump et al. v. Raffensperger et al.*, Case No. 2020CV343255, Fulton County Superior Court (Dec. 4., 2020).

9. On December 7, 2020, Secretary Raffensperger issued a statement that he had re-certified the election for Joe Biden following a recount. The second certification still showed that Biden had won the Georgia presidential election, but by a smaller margin than originally certified. The same day, Governor Kemp recertified the democrat presidential electors.

10. On December 9, 2020, the Superior Court of Fulton County issued an order in *Trump v. Raffensperger* stating that the Superior Court would consider the election contest “in the normal course.”

11. On December 11, 2020, plaintiffs in *Trump v. Raffensperger* filed an emergency petition for writ of certiorari with the Georgia Supreme Court, *see Trump et al. v. Raffensperger et al.*, Case No. S21M0561, expressing concern that the Superior Court would not issue a decision before date required under federal law for Presidential Electors to cast their ballots (December 14, 2020). On December 12, 2020, the Georgia Supreme Court denied the emergency Petition on procedural grounds. *Id.* The *Trump v. Raffensperger* case in Fulton County Superior Court remained pending, but that court had taken no action nor had any hearings.

12. On or about Saturday, December 12, 2020, I was asked by Robert Sinners, an individual I knew to be associated with President Trump, to serve as a replacement Republican presidential elector nominee for the 2020 presidential election, and I agreed to serve in this role if needed.¹

¹ Replacement presidential electors are governed by O.C.G.A. § 21-2-12, which provides as follows:

If any such presidential elector shall die, or for any cause fail to attend at the seat of government at the time appointed by law, the presidential electors present shall proceed to choose by voice vote a person of the same political party or body, if any, as such deceased or absent presidential elector, to fill the vacancy occasioned thereby; and immediately after such choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, who shall immediately cause notice of his or her election in writing to be given to such person. The person so elected, and not the person in whose place he or she shall have been chosen, shall be a presidential elector and shall, with the other presidential electors, perform the duties required of them by the Constitution and laws of the United States.

13. On or about Sunday, December 13, 2020, Mr. Sinners confirmed that I would be needed to serve in this replacement Republican presidential elector nominee role on December 14, 2020.

14. On December 14, 2020, the date required under federal law for presidential electors to meet and cast their ballots, I, along with Mr. Shafer, Mr. Still, Mrs. Latham, and other Republican Presidential Elector nominees went to the State Capitol to cast contingent ballots. I was elected as a replacement elector for one of the four original Republican presidential elector nominees who was not present at the December 14, 2020 meeting.

15. Our purpose in meeting and casting our contingent presidential elector ballots was to keep the *Trump v. Raffensperger* judicial challenge to the presidential election in Georgia pending in Fulton County Superior Court from being rendered moot. We understood that our contingent presidential elector ballots were necessary for Congress to have legitimate ballots for Congress to consider and count for the State of Georgia if the pending Fulton County judicial challenge were successful.

16. Our meeting did not occur in secret or behind closed doors. Members of the press were invited into and attended the meeting (which started by law at 12:00 PM). Members of the press recorded some or all of the meeting, and, as I am now aware, the meeting was taken down by a court reporter.

17. No “contingency language” was inserted into the presidential elector ballots that we cast because we understood that (a) no such contingency language was included in the contingent ballots executed by the contingent Democrat presidential electors for Kennedy in the 1960 Hawaii election which were ultimately counted by Congress in that election, and (b) inclusion of such language deviating from the normal format of presidential elector ballots ran the risk of invalidating those ballots or otherwise subjecting them to challenge should the Fulton County judicial challenge be successful such that Congress would need to consider our contingent ballots.

18. It was made abundantly and publicly clear, however, both in the December 14 meeting itself and immediately after the meeting, that the Republican presidential elector nominees were acting only contingently to preserve the ability of Congress to have legitimate votes from Georgia to count *if* the judicial contest then pending in Fulton County Superior Court were successful.

19. As the transcript of court reporter who recorded the meeting reflects,² Mr. Shafer stated that President Trump had filed a challenge to the certified election results, that the election contest had not yet been heard or decided by any judge with

² The transcript of the December 14 meeting is more detailed and specific than, but consistent with, my recollection of the events of that day. It is attached as Exhibit C to Mr. Shafer’s Notice of Removal and Request for Habeas and Injunctive Relief (ECF No. 1).

the authority to hear it. Mr. Shafer emphasized that, “in order to preserve President Trump’s rights in the pending contest, it was important that the contingent Presidential Electors meet that day and cast their votes.” *See* Shafer Notice of Removal and Request for Habeas or Injunctive Relief (“Shafer Notice”), Exhibit C, p. 3.

20. During the December 14 meeting, Ray Smith, an attorney for the President, confirmed that the Republican presidential nominees were meeting and voting “because the contest of the election in Georgia is ongoing. And so we continue to contest the election of the electors in Georgia. And so we are going to conduct this in accordance with the Constitution of the United States, and we are going to conduct the electorate today similar to what happened in 1960 in Hawaii.” *Id.* at 7. Mr. Shafer then informed those in attendance that: “And if we did not hold this meeting, then our election contest would effectively be abandoned; ...” *Id.* at 8. Mr. Smith confirmed Mr. Shafer’s statement was correct. *Id.* Mr. Shafer then further explained: “And so the only way for us to have any judge consider the merits of our complaint, the thousands of people who we allege voted unlawfully, is for us to have this meeting and permit the contest to continue; is that not correct?” *Id.* Mr. Smith again confirmed that Mr. Shafer’s statement was correct. *Id.*

21. Immediately after the December 14 meeting, statements were issued from Mr. Shafer’s Twitter account that confirmed these same sentiments and principles.

22. Also on December 14, Greg Bluestein, a reporter for the Atlanta Journal Constitution, posted on social media a picture of me signing the presidential paperwork along with a contemporaneous statement from me that the Republican presidential elector nominees had acted to preserve their legal rights because the presidential election had been contested in Georgia. That Tweet is attached hereto as **Exhibit 1**.

23. In my personal and professional opinion, the actions that I and my fellow contingent presidential electors took on December 14, 2020 were lawful.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that this Declaration is true and correct.

This the 19th day of September, 2023.



William Bradley Carver
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EXHIBIT 1



Greg Bluestein ✓
@bluestein

...

Says Brad Carver, one of the GOP electors: “The presidential election has been contested in Georgia. In order to preserve our legal rights, we must elect a slate of presidential electors.” [#gapol](#)

