

February 12, 2024

The Honorable Merrick Garland
Special Counsel Jack Smith
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

The Honorable Christopher Wray
Assistant Director Robert Wells
Federal Bureau of Investigation
935 Pennsylvania Avenue N.W.
Washington, D.C. 20530-0001

The Honorable Ryan K. Buchanan
Assistant U.S. Attorney
Northern District of Georgia
U.S. Department of Justice
Richard B. Russell Federal Building
75 Ted Turner Dr. SW
Suite 600
Atlanta, GA 30303-3309

The Honorable Jill E. Steinberg
Assistant U.S. Attorney
Southern District of Georgia
U. S. Department of Justice
22 Barnard Street, Suite 300
Savannah, Georgia 31401

Dear Attorney General Garland, Special Counsel Smith, Director Wray, Assistant Director Wells, Assistant Attorney Buchanan, and Assistant Attorney Steinberg,

In January of 2021, nearly three years ago, operatives working on behalf of the Trump campaign entered the election offices of Coffee County, Georgia to unlawfully copy the voting system software and to perform “tests” on the voting

system.¹ The illicit activities were caught in detail on surveillance video,² and records show that copies of the voting system software, (which is the same throughout Georgia), were uploaded to a sharefile site and covertly shared with an unknown number of Trump allies and activists that sought to overturn the 2020 presidential election.³

Nearly three years later, no charges have been filed by the state or by the local authorities in Coffee County. The only law enforcement entity in Georgia that has sought to hold those involved accountable is the Fulton County District Attorney, (nearly 300 miles away from Coffee County).⁴ An investigation by the Georgia Bureau of Investigation, released to the public, reveals a profound failure of Georgia state law enforcement to adequately investigate the software breaches.⁵ We are writing to you to urge the Department of Justice and Federal Bureau of Investigation to immediately initiate an investigation into this matter.

These alleged criminal acts were uncovered in 2022, not by the Georgia Secretary of State, State Election Board, Georgia Bureau of Investigation (GBI), or local enforcement in Georgia, but by plaintiffs in the civil litigation *Curling v. Raffensperger*.⁶ Hiding in plain sight, the plaintiffs found overwhelming evidence of the alleged crimes - including the surveillance camera footage⁷ that illustrated in sharp detail the multiple security breaches.⁸ The evidence uncovered by the *Curling* plaintiffs formed the factual basis for criminal charges related to computer trespass, computer fraud and computer identity theft included in the Fulton County indictment. It also spurred heaps of national media coverage which compelled the

¹ Emma Brown, Jon Swaine, "Inside the secretive effort by Trump allies to access voting machines," *The Washington Post*, October 28, 2022. Available at: <https://www.washingtonpost.com/investigations/2022/10/28/coffee-county-georgia-voting-trump/>

² Kate Brumback, "Video shows 'unauthorized access' to Ga. election equipment," *The Associated Press*, September 20, 2022. Available at: <https://apnews.com/article/2022-midterm-elections-technology-voting-lawsuits-378bdd712f73ebee18e79cbbceb0d84d>

³ Jon Swaine, Aaron C. Davis, Amy Gardner and Emma Brown, "Files copied from voting systems were shared with Trump supporters, election deniers," *The Washington Post*, August 22, 2022. Available at: <https://www.washingtonpost.com/investigations/2022/08/22/election-system-copied-files-trump/>

⁴ Randy Travis, "He boasted about breaching election computers, forever linking Fulton and Coffee County," *Fox5 Atlanta*, August 23, 2023. Available at: <https://www.fox5atlanta.com/news/he-boasted-about-breaching-election-computers-forever-linking-fulton-and-coffee-county>

⁵ Anna Bower, "What the GBI missed in Coffee County," *Lawfare*, November 28, 2023. Available at: <https://www.lawfaremedia.org/article/what-the-gbi-missed-in-coffee-county>

⁶ No. 17-cv-02989-AT (N.D. Ga. filed Aug. 8, 2017).

⁷ Mark Neisse, "Video shows fake Trump elector aided copying of Georgia election data," *The Atlanta Journal Constitution*, September 6, 2022. Available at: <https://www.ajc.com/politics/video-shows-fake-trump-elector-aided-copying-of-georgia-election-data/NQM2F4KKMNGKRBHEAUSH6ALTGU/>

⁸ Emma Brown, Jon Swaine, "Election deniers repeatedly visited Ga. county election office at center of criminal probe, video shows," *The Washington Post*, September 6, 2022. Available at: <https://www.washingtonpost.com/investigations/2022/09/06/coffee-county-georgia-breach-logan/>

Secretary of State to request the GBI open an investigation in August of 2022, more than a year and a half after the alleged crimes occurred.

Recently, the GBI's investigative summary has been made public, revealing that the state investigators did little original investigating and instead relied heavily on evidence already developed by the Curling plaintiffs and the House Select Committee to Investigate the January 6th Attack on the United States Capitol.⁹ Lawfare reviewed the GBI's summary and characterized the investigation as "badly inadequate," noting that the GBI failed to answer or even contemplate key questions, missed important connections, omitted significant communications, and failed to interview individuals central to the alleged crimes.¹⁰ The analysis exposes an embarrassingly inferior investigation, concluding with a note to Georgia Attorney General Chris Carr that he has been ill-served by GBI's investigative department.¹¹

As representatives of the citizens of Georgia, we all have been ill-served by the GBI's woefully insufficient investigation. The crimes alleged in Coffee County by District Attorney Willis are serious and have significant implications for the security of Georgia's elections going forward.

On behalf of the citizens of Georgia, and in the absence of a competent state investigation, we respectfully request the Department of Justice and Federal Bureau of Investigation promptly launch a vigorous investigation into the voting system software breaches that occurred in Coffee County, Georgia in January 2021.

Thank you for your time and attention to this matter.

Sincerely,

The Honorable Billy Mitchell
Minority Chair
Georgia House of Representatives
District 88

The Honorable Sam Park
Minority Whip
Georgia House of Representatives
District 107

⁹ See *supra* note 5.

¹⁰ Anna Bower, "A New Player in Coffee County," *Lawfare*, December 2, 2023. Available at: <https://www.lawfaremedia.org/article/what-else-the-gbi-missed-in-coffee-county>

¹¹ See *supra* note 5.

The Honorable Sandra Scott
Minority Deputy Whip
Georgia House of Representatives
District 76

The Honorable Park Cannon
Minority Secretary
Georgia House of Representatives
District 58

The Honorable Shea Roberts
Minority Treasurer
Georgia House of Representatives
District 52

The Honorable Sheila Jones
Georgia House of Representatives
District 60

The Honorable Marvin Lim
Georgia House of Representatives
District 98

The Honorable Becky Evans
Georgia House of Representatives
District 89