

December 4, 2023

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 Jen Easterly
Director
Cybersecurity & Infrastructure Security Agency (CISA)
Department of Homeland Security
Washington, DC 20023

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

We¹ are writing to follow up on the December 12, 2022, letter² calling for investigations by the Department of Justice (DOJ), Special Counsel, and Federal Bureau of Investigation (FBI) into the multistate conspiracy to access, copy, and distribute voting system software from multiple states to Trump allies and election deniers. The conspirators sought and obtained copies of voting system software from both Dominion Voting Systems and Election Systems & Software (ES&S),

¹ Free Speech For People is a non-profit, non-partisan public interest legal organization that works to renew our democracy and our United States Constitution for the people. As part of our mission, we are committed to promoting, through legal actions, secure, transparent, trustworthy and accessible voting systems for all voters. We are not parties or counsel in the civil litigation referenced in this letter. The coalition of signatories includes renowned computer security experts, election experts and organizations committed to free, fair, accessible and trustworthy elections.

² Available here: https://freespeechforpeople.org/wp-content/uploads/2022/12/doj.fbi_.dhs_.coffee.ga_.12.12.2022.pdf

which together count over 70% of U.S. votes.³ Copies of the software were then shared extensively with Trump supporters. How often this software has been copied, shared, recopied, and reshared can't be known.

We reiterate our earlier call for federal investigation of this multistate plot and federal action to mitigate the risks to elections that it created, due to new insights that we believe increase the urgency for the Department of Justice and FBI to open such an investigation before the U.S. progresses much further into the 2024 election cycle, because democracy is literally on the ballot.

This plot was allegedly carried out by agents of the Trump campaign in support of Donald Trump's effort to overturn the results of the 2020 presidential election, but **it has urgent implications for the 2024 election and beyond.**

The December letter urged the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) to conduct a risk assessment of U.S. voting systems to evaluate new or increased threats resulting from the unauthorized distribution of proprietary voting software to factions and individuals who have expressed intent to disrupt elections. There is no evidence that any such risk-assessment has been conducted.

The letter cited detailed evidence of the unlawful voting system breaches in Coffee County, Georgia, their links to the Trump campaign, and their connections to voting system security breaches in other states. The evidence cited in the letter was uncovered by the plaintiffs in the federal civil litigation *Curling v. Raffensperger*⁴, not by state or federal law enforcement.

Free Speech For People sent a follow-on letter April 18, 2023, which summarized evidence and testimony obtained by the U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol.⁵ The evidence cited implicates Donald Trump in the scheme to obtain voting system software from Georgia and other states.

According to testimony to the Committee, the plot to obtain access to voting machines through cooperative county officials in Georgia and Michigan was discussed with Trump by Sidney Powell and Rudy Giuliani at a December 18,

³ <https://verifiedvoting.org/verifier/#mode/navigate/map/makeEquip/mapType/normal/year/2022>

⁴ No. 17-cv-02989-AT (N.D. Ga. filed Aug. 8, 2017). Affidavits and depositions referred to herein are available at this docket.

⁵ Available at: https://freespeechforpeople.org/wp-content/uploads/2023/04/doj.sp_.coffee.j6.4.18.23.pdf

2020 meeting in the White House. Giuliani proposed a plan to gain access to voting equipment through ‘voluntary’ means, as an alternative to a proposal to direct federal agencies to seize voting machines.⁶ The evidence presented by the Committee also shows that Powell sent a follow up email to chief of staff Mark Meadows and Trump’s personal assistant a few days later to provide an update as to how the attempts to obtain voting software were progressing, apparently to keep Trump apprised of the scheme.⁷ The plans, alleged to have been discussed with Trump, appear to mirror the breaches in Coffee County and other states.

On August 14, 2023, Fulton County, Georgia, District Attorney Fani Willis filed an indictment alleging a multistate criminal conspiracy by Donald Trump and eighteen co-conspirators to engage in various crimes with the intent to unlawfully overturn the 2020 election. Included in the multifaceted Racketeer Influenced and Corrupt Organizations (RICO) indictment are charges of conspiracy to commit computer theft, conspiracy to commit computer trespass, and conspiracy to commit computer invasion of privacy, all related to the unauthorized voting system access that occurred in Coffee County. On September 29th Scott Hall pleaded guilty to his role in this part of the conspiracy. On October 19th, Sidney Powell also pleaded guilty.

The facts that formed the basis for the criminal charges in Coffee County by the Fulton County District Attorney are the same facts described in the December 2022 letter urging a federal criminal investigation.

The District Attorney’s actions are a commendable and necessary step to hold those involved in the Georgia plot accountable and to understand the role the misappropriated voting software was meant to play in the unlawful, complex, multipronged plot to keep Trump in power. But they are not a substitute for federal investigation of this multistate plot and federal action to mitigate the risks to elections that it created.

⁶ Danny Hakim, Richard Faussett, “Testimony Suggests Trump Was at Meeting About Accessing Voting Software,” The New York Times, April 21, 2023. Available at: <https://www.nytimes.com/2023/04/21/us/trump-voting-software-2020-election.html>

⁷ During Rudy Giuliani’s deposition to the January 6th Committee, a Committee investigator read aloud an email, represented to be from Sidney Powell to Mark Meadows and Trump’s assistant. The email read, “*Also be advised Michigan trip was not set up properly on the ground with locals. Team is there with no access. It has cost us great expense that should be reimbursed by Rudy's funding. Georgia machine access promised in meeting Friday night to happen Sunday has not come through.*”

1. The Coffee County voting system software breach is part of a multistate conspiracy to obtain voting machine software, carried out through cooperation of a network of Trump allies.

Since the December letter, public reporting has provided additional evidence that the breach in Coffee County was just one element of a much broader, coordinated plan that involved many of the same actors engaging in the same unlawful activities in the pursuit of unauthorized copies of voting system software from multiple states.⁸ From public reporting and civil lawsuits, we know that in addition to the breach in Coffee County, voting machines were improperly accessed, or there were attempts to access them improperly in Pennsylvania,⁹ Michigan,¹⁰ Ohio,¹¹ Nevada,¹² and Colorado,¹³ sometimes in more than one county. Furthermore, the activities in these different states were carried out and coordinated by many of the same individuals and entities. (Access might have been attempted, successfully or unsuccessfully, in other jurisdictions as well; this is one reason further investigation is needed.)

For instance, **Sidney Powell** was charged in the Fulton RICO indictment alleging she directed and funded the cyber forensics firm **SullivanStrickler** to copy election system software from Coffee County, **Georgia**. Documents also

⁸ Bruce Siwy, Robert Anglen, “Wealthy GOP donor bankrolled Cyber Ninjas’ effort to get voting data, whistleblower says,” Arizona Republic, October 4, 2023. Available at: <https://www.azcentral.com/story/news/politics/elections/2023/10/04/stefanie-lambert-sued-by-xrvision-in-pennsylvania-voting-machine-dispute/71051050007/>

⁹ Nathan Lane, “Pennsylvania alleges Fulton County breached security of voting machines for second time,” Reuters, October 21, 2022. Available at: <https://www.nasdaq.com/articles/pennsylvania-alleges-fulton-county-breached-security-of-voting-machines-for-second-time>

¹⁰ Jon King, “Report: Trump attorneys tried to access 2020 election data in Wayne, Antrim counties,” Michigan Advance, August 16, 2022. Available at: <https://michiganadvance.com/blog/report-trump-lawyers-tried-to-access-2020-election-data-in-wayne-antrim-counties/>

¹¹ Sabrina Eaton, “Officials confirm investigation into attempted Lake County Board of Elections data breach used to fuel voter-fraud lies,” Cleveland.com, November 19, 2021. Available at: <https://www.cleveland.com/open/2021/11/election-conspiracy-theorists-focus-on-attempted-computer-breach-in-lake-county.html>

¹² Emma Brown, Jon Swaine, Aaron C. Davis, Amy Gardner, “Trump allied lawyers pursued voting machine data in multiple states, records reveal,” Washington Post, August 15, 2022. Available at: <https://www.washingtonpost.com/investigations/2022/08/15/sidney-powell-coffee-county-sullivan-strickler/>

¹³ Bente Birkeland, Megan Verlee, “Colorado clerk is indicted for election tampering and misconduct,” NPR, March 9, 2022. Available at: <https://www.npr.org/2022/03/09/1085452644/colorado-clerk-indicted-on-13-counts-of-election-tampering-and-misconduct>

show that Powell funded a similar effort to have **SullivanStrickler** copy election software in **Michigan**.¹⁴

The **Michigan** effort was coordinated with **Stephanie Lambert Junttila** and **Matthew DePerno**.¹⁵ Both have been indicted in **Michigan** for illegally accessing and possessing voting systems (Powell does not face charges in Michigan).¹⁶

According to records, **SullivanStrickler** sent a hard drive that held a copy of the software taken from Coffee County, **Georgia** to **Lambert Junttila** in **Michigan**.¹⁷ **Lambert Junttila** was also **Powell**'s co-counsel in the failed "Kraken" lawsuit which sought to overturn the 2020 election.¹⁸

According to testimony (taken by the Coalition for Good Governance and its co-plaintiffs in *Curling*) from **Jeff Lenberg**¹⁹ and **Ben Cotton**²⁰—two computer scientists who accessed voting software from Coffee County and other states—**Lambert Junttila** hired **Misty Hampton** (the election supervisor from Coffee County, **Georgia** charged in the Fulton RICO indictment for allegedly facilitating the software theft) as a consultant on lawsuits challenging the 2020 presidential election. **Hampton** allegedly traveled to **Michigan** and met with **Cotton** and **Lambert Junttila**.²¹ **Hampton** also reportedly engaged **Lambert Junttila** to represent her.²²

¹⁴ See note 10.

¹⁵ See note 12.

¹⁶ Joey Cappelletti, "Trump allies who 'orchestrated' plan to tamper with voting machines face charges in Michigan," Associated Press, August 3, 2023. Available at: <https://apnews.com/article/stefanie-lambert-trump-michigan-election-fraud-bf9608af4b0972d41b5f4d303f5f6a29>

¹⁷ Clara Hendrickson, "Did data from Georgia voting machine breach play a role in alleged Michigan election plot?", The Detroit Free Press, August 31, 2023. Available at: <https://www.freep.com/story/news/politics/2023/08/31/michigan-and-georgia-voting-machine-breach-connection/70702597007/>

¹⁸ Craig Mauger, "Sidney Powell, team ordered to pay \$175,250 in fees for Michigan election case," The Detroit News, December 2, 2021. Available at: <https://www.detroitnews.com/story/news/politics/2021/12/02/sidney-powell-team-ordered-pay-175-250-fees-michigan-case/8843056002/>

¹⁹ Lenberg Dep. Document 1613, page 172, 173. Available at: <https://www.dropbox.com/s/t9pkebeb44dg3it/Ex%2024%20%201613%20Depo%20Jeffrey%20Lenberg.pdf?dl=0>

²⁰ Cotton Dep. Document 1607, page 84. Available at: <https://coalitionforgoodgovernance.sharefile.com/share/view/s52e08b875d664db79eb975af0fc2459d>

²¹ Ibid.

²² See note 19.

Lambert Junttila was also deeply involved in the unlawful examination of voting machines in Fulton County, **Pennsylvania**.²³ After being appointed county attorney for the Republican-leaning Fulton County board of elections,²⁴ Lambert Junttila oversaw the unauthorized access of voting systems there.²⁵

Documents show that **Lambert Junttila** communicated extensively about access to voting machines with **Doug Logan**, CEO of Cyber Ninjas and architect of the discredited **Arizona** election audit.²⁶ In March 2021, **Lambert Junttila** wrote to **Logan**, “We have access to new machines here. Keep that a secret.”²⁷

In addition to his role in accessing voting machines in **Arizona**, **Logan** allegedly participated in the improper access of voting devices in Coffee County, **Georgia**,²⁸ and in **Michigan**, where he reportedly was involved in examining five voting machines taken from three Michigan counties.²⁹

Available evidence also shows that the software has been covertly shared extensively among Trump supporters, and their analysis of the software is alleged to have continued through 2022.³⁰

This is by no means a comprehensive account, but is meant to provide a brief summary representing a portion of what is known about the web of cooperation among key Trump allies and election deniers to obtain voting software.

The Fulton County District Attorney does not have the authority to investigate the full scope of the alleged voting system software heists across the country. Nor is her office responsible for investigating and ascertaining how widely the misappropriated software has been shared, nor whether it has been provided to hostile nation-state or domestic actors. Nor is the Fulton County District Attorney resourced or authorized to gather evidence and information about

²³ See note 8.

²⁴ Ibid.

²⁵ See note 9.

²⁶ Clara Hendrickson, “Pro-Trump lawyer charged in voting machine probe wanted to keep access to machines secret,” The Detroit Free Press, August 8, 2023. Available at: <https://www.freep.com/story/news/politics/2023/08/08/pro-trump-lawyers-texts-shed-light-on-voting-machine-probe/70543233007/>

²⁷ Ibid.

²⁸ Emma Brown, Jon Swaine, “Election deniers repeatedly visited Ga. county 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/>

²⁹ See note 8.

³⁰ Ibid.

any potential plans to disrupt or corrupt future elections, or to take action to prevent any such schemes. These matters are the responsibility of the Department of Justice, Special Counsel, FBI, CISA, and perhaps other federal agencies.

2. The unauthorized, covert appropriation and distribution of voting software among domestic extremists poses threats to the 2024 election, and future elections.

Possessing copies of the voting system software enables bad actors to install it on electronic devices and create their own replicas of the voting systems, probe them, and develop exploits. Skilled adversaries can decompile the software to get a version of the source code, study it for vulnerabilities, and could even develop malware designed to be installed with minimal physical access to the voting equipment by unskilled accomplices to manipulate votes in 2024, or other future elections. And they could use their knowledge of the software to fabricate evidence of stolen votes, either for disinformation or to challenge election results.

Election security experts have warned that the stolen voting software released “into the wild” puts future elections at risk.³¹ In fact, before the election system breaches were publicly known, Dominion Voting Systems argued vigorously that the distribution of its voting software to biased, partisan entities would cause “irreparable damage” to the “election security interests of the nation.”³² Georgia’s state Chief Information Officer testified that if potential adversaries obtained voting system software, it would give them a “road map” to hack the system.³³

The multistate effort to unlawfully obtain copies of voting system software poses serious threats to election security and national security and constitutes a potential criminal conspiracy of enormous consequences. We must protect our most sacred tenet of democracy – the security of our vote. It is imperative that our national security agencies respond appropriately with a swift and vigorous investigation.

³¹ Christina Cassidy, “Experts warn of dangers from breach of voter system software,” Associated Press, August 28, 2021. Available at: <https://apnews.com/article/technology-software-election-2020-1341028212960b9b4ed713620d764629>

³² Available at: <https://twitter.com/brahmresnik/status/1392926118924095489>

³³ Beaver Dep. Document 1368-3 Page 157-158.

We thank you very much for your consideration and stand ready to assist in any way we can.

Sincerely,

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