



November 8, 2018

VIA ELECTRONIC AND U.S. MAIL

Re: Preservation Notice

Dear Sir or Madam,

This letter is to put you on notice of anticipated litigation involving the 2018 General Election (“The Election”) in Georgia and to notify you of your obligations to preserve any evidence — physical or electronic (including specifically email and text messages) — that is or may become relevant in the litigation. As used in this letter, the term “The Election” specifically covers both the period of August 1, 2018 through the present. You are hereby reminded of your obligation not to destroy or otherwise remove any documents or information covered by this Legal Hold.

This request extends to any personnel who may possess control information relevant to The Election. Here, that would specifically include any employees of the Department of Registration and Elections, Board of Elections, Registrar’s office, Superintendent’s office, as well as any poll workers who worked at any time in any polling location in your county during early voting and on election day.

What information does this Preservation Notice cover?

- Any and all communications between your office and the office of the Secretary of State concerning The Election;
- Any and all communications between your office and any campaign concerning the Election such as communications with the Brian Kemp campaign, the Stacey Abrams campaign, or the campaign of any other candidate for state-wide office;
- Any and all communications between your office and any poll worker who worked at any polling location in your county during The Election;
- Any and all communications between your office and any person who applied for, received, or submitted an absentee ballot that was rejected;
- Any and all communications between your office and any person who cast or attempted to cast a provisional ballot;
- Any and all communications between your office and any elector who was told — for whatever reason — that he or she was not eligible to vote;
- Any and all communications that you or any employee in your office may have had with or about an elector related to The Election regardless of whether such communication was made in your (or their) official capacity;

- Any and all communications that any poll worker may have had with or about an elector related to The Election regardless of whether such communication was made as part of their service as a poll worker during The Election;
- All machine ballots cast in your county;
- All absentee cast in your county;
- All absentee ballots rejected in your county (including the reason for the rejection);
- All complaints about absentee ballots;
- All provisional ballots cast in your county;
- All provisional ballots rejected in your county;
- All efforts to determine whether any provisional ballot should be counted in your county;
- All of the following materials that were or should have been in each polling location in your county:
 - Voting instructions;
 - Lists of acceptable identification;
 - The “Georgia Voting Information” form;
 - Card of Instructions;
 - Voting Rights Poster;
 - Notice of Penalties;
 - Sample ballots;
 - Prohibition Notice;
 - Magnified Ballot Requests;
 - Notice for electors 75 and older;
 - Vote Here signs;
 - No Campaigning signs; and
 - Handicapped parking signs.
- All completed forms for the polling places, including
 - Oath of Manager;
 - Oath of Assistant Manager;
 - Oath of Clerks;
 - Voter Certificates;
 - Voter Certificate Binders;
 - Voter Registration Applications;
 - DRE Recap Sheets;
 - Express Poll Recap Sheets;
 - Provisional/Challenged Ballot Recaps;
 - Daily Absentee Recap Sheets;
 - Numbered Lists of Voters;
 - Voters with Disabilities Kits;
 - Provisional VR Applications;
 - Provisional Voter Certificates;
 - Inner Provisional Ballot Envelopes;
 - Outer provisional Ballot Envelopes; and
 - Provisional Numbered Lists of Voters.

- Any and all reports of problems with individual electors being able to cast their ballots;
- Any and all reports of any systemic issues at any polling location such as insufficient or non-working DREs, rude or condescending poll workers, closed or wrong polling locations, or extended wait periods;
- Any and all requests for assistance in casting ballots — whether in-person, absentee, or provisional;
- Any and all instructions given to poll workers including instructions on opening and closing the polling location and the conduct of the election;
- Any and all reports of incidents of any kind (such as improper campaigning, long lines, or refusal to allow an elector to cast a ballot (including a provisional ballot));
- Any and all reports of incidents or complaints concerning an elector's alleged lack of appropriate identification; and
- Any and all challenges made to the qualification of any elector.

Please note that this preservation notice covers all documents and other evidence. The following list is not exhaustive, but “documents” that must be preserved include:

- Printed or written documents, notebooks, notes, memos, and individual files or notes (letters, notes taken during meetings);
- Electronically stored documents (word-processing documents, spreadsheets, and presentation files);
- E-mail messages and attachments;
- Other electronic communications (text and instant messages)
- Video and audio recordings including voicemail;
- Social media postings;
- Diagrams, charts, and pictures;
- Datebooks and calendar entries.

The Preservation Notice, and your corresponding obligation to preserve covered documents, will continue until further notice. Please note that covered documents should be preserved in their original or current form, and the existence of electronic or hard copies does not justify the destruction of an original document. In addition, be aware that the restrictions of this Litigation Hold apply to documents created in the future as well as to those already in existence.

Thank you for your cooperation.



Dara Lindenbaum
General Counsel
Abrams for Governor