

**STATE OF NEW HAMPSHIRE**  
**UNITED STATES DISTRICT COURT OF NEW**  
**HAMPSHIRE**

ALBERT S. BRANDANO

Plaintiff

v.

Case No 1:24- CV-00333-SM\_AJ

DAVID SCANLAN, in his official capacity as

Secretary of State New Hampshire

Defendant

**EXPEDITED MOTION FOR EMERGENCY INJUNCTION TO PRESERVE EVIDENCE**

Plaintiff, Albert S. Brandano acting pro se , I have no legal training or schooling and respectfully request of this court any mistakes in my pleading or omissions are not intentional, or out of disrespect. In this spirit I respectfully request to move this Court to act immediately on the preliminary injunction preserve evidence of the Nov. 5, 2024 election as set out below and for the reasons:

- I. Plaintiff request the court for this extraordinary relief because the defendants have created a rule which allows for destruction of the federal election results. The statutory federal requirements mandate retention of all federal election records for 22 months per 52 U.S.C. §20701 *Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation.*
- II. Plaintiff and The Public Interest will suffer irreparable injury and harm without an Immediate Emergency Injunctive Relief.

1. Preliminary Injunctive relief to order the Defendant to preserve New Hampshire electronic election records was requested of this court on October 15, 2024
2. The court responded without injunctive relief noted or granted on October 29, 2024 at 8:13 EDT where the court “found a good cause to extend the deadline for issuing a scheduling order pursuant to Fed.R.Civ.P. 16(b) to after the rescheduling pretrial conference.”
3. On the day the court made the first order, the Plaintiff responded to the Defendants Motions with 2 motions to dismiss in response to the Writ of Mandamus and Injunctive Relief on October 29, 2024. No pretrial conferences had been scheduled and in both motions. the Plaintiff sought injunctive relief to preserve the November electronic election evidence until a hearing and judgement on the merits of the Writ of Mandamus could be completed.
4. Once again, the Plaintiff filed a motion on November 1, 2024 requesting an immediate hearing on The Writ. Relief sought by the Plaintiff was to schedule a hearing and injunctive relief to preserve the election evidence for the November 5, 2024 federal election until there was a judgement on the Writ of Mandamus.
5. Time is of the essence: Without a hearing on this matter, the electronic records for the November 5<sup>th</sup> presidential election will be destroyed and irreparable harm to the Plaintiff and the people of New Hampshire will occur.

**REQUEST FOR RELIEF**

Wherefore, the Plaintiff respectfully requests that this Honorable Court enter the following relief:

- A. Order office holder of Secretary of State, David Scanlan, to instruct all moderators and town clerks in New Hampshire to properly enforce the retention and preservation of records and papers by officers of elections and prevent the theft, destruction, concealment, mutilation, or alteration of records or papers by retaining all AccuVote memory cards, any Voting Works digital until such time the court can rule on the Plaintiff's Writ of Mandamus
- B. And for other relief as is just and proper.

**VERIFICATION**

I, Albert S. Brandano, certify that the foregoing facts are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Albert S. Brandano

STATE OF NEW HAMPSHIRE

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 7th day of November, 2024, by  
Albert S. Brandano

\_\_\_\_\_

(Seal)

Signature of Notary Public

\_\_\_\_\_

Date of Commission ending

Personally known: \_\_\_\_\_

OR Produced Identification: \_\_\_\_\_

Type of Identification Produced: \_\_\_\_\_

**CERTIFICATION OF SERVICE**

I, Albert S. Brandano, do hereby swear that on November 7, 2024 I did mail or hand deliver a copy of this Motion for Preliminary Injunction was served to David Scanlan Secretary of State.

Dated November 7, 2024 \_\_\_\_\_