

*CURLING, et al. v. KEMP, et al.*  
Civil Action File No: 1:17-CV-02989

**EXHIBIT 3**  
DECLARATION OF JANINE EVELER

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

DONNA CURLING, et al;	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION
	)	FILE NO: 1:17cv02989-AT
	)	
BRIAN P. KEMP, et al.;	)	
	)	
	)	
Defendants.	)	

**DECLARATION OF JANINE EVELER**

Pursuant to 28 U.S.C. 1746, Janine Eveler declares as follows:

1.

I make this Declaration in support of a response by the State Election Board (“SEB”), its members, and Secretary of State Brian P. Kemp, opposing certain motions for preliminary injunction filed by the Plaintiffs in the above-styled matter of Donna Curling, et al., v. Brian Kemp, et al., (Civil Action No. 1:17-cv-2989-AT). Specifically, the purpose of this Declaration is to address the practical realities surrounding implementation of the Plaintiff’s request to prohibit the use of Direct Recording Electronic (“DRE”) voting machines and require the use of paper ballots in the upcoming November 2018 General Election.

2.

I am the Director of the Cobb County Elections Department (“Cobb Elections”) and have been employed in that role since September 2010. In that role my duties include planning, directing and overseeing departmental operations and staff involved in conducting federal, state and local elections, registering voters, and maintaining voter lists in compliance with applicable laws and regulations. Furthermore, I direct staff in activities such as determining polling locations, conducting absentee voting, determining staff and equipment deployment levels for both early and election day voting, and developing poll worker training curriculum. I am responsible for approving ballot layouts, creating an election preparation schedule and task list so that milestone dates are met, implementing procedure changes to resolve issues, developing the department’s budget each fiscal year and monitoring expenditures for adherence to established budgetary parameters.

### **Ballot Preparation and Printing**

3.

Georgia law requires one ballot to be available for each active registered voter. O.C.G.A. § 21-2-290. DRE voting machines currently provide that capability as part of their functionality, with a limited number of paper ballots also provided for mail-in absentee voting or provisional ballots. However, if paper ballots were required to be printed for the more than 6 million active registered voters in Georgia,

ballot printers would have to start printing many weeks earlier to provide adequate numbers of ballots for the entire state. Contracts are already in place with existing vendors, but it is unlikely vendors would be prepared for the additional volume required to print over 6 million ballots.

4.

For Cobb County specifically, Cobb Elections would need at least 200,000 ballots printed for Advanced-In-Person voting at planned voting locations and for provisional ballots.

5.

Cobb Elections estimates that it would need at least an additional 475,000 regular poll ballots for voting at precincts on the date of the election. These ballots would need a unique header that is different from the current format for Absentee/Provisional/Challenged paper ballots, and therefore would have to be separately prepared, printed, and packaged.

6.

Cobb County's on-demand ballot printing equipment, Balotar, would be insufficient to print the additional ballots for Advance-In-Person voting and for regular voting on election day because it only prints in small batches. Balotar would likely only be used for mail-in absentee ballots.

7.

The 675,000 additional ballots would have to be shrink-wrap packaged in bundles and padded in some yet-to-be-determined number (25, 50, or 100) separated by precinct and district combos within each precinct.

8.

Georgia's Accu-Vote optical scanners require a specific type of paper that may not be available in sufficient quantities to meet the statewide demand. Cobb Elections inquired with its ballot vendor about the requirements for placing one order for approximately 200,000 ballots for Advance-In-Person voting and then a second order of approximately 475,000 for the election day polls to be delivered later. The vendor informed Cobb Elections that if he ordered the paper stock from the mill today (August 13) it could be received no earlier than the second week in October, at which time printing could begin. Early in-person voting must begin on October 15, 2018, the fourth Monday prior to the election. O.C.G.A. § 21-2-385.

9.

The print vendor used by Cobb Elections charges 29 cents per ballot printed. Printings ballots on the in-house Balotar equipment costs 60 cents per ballot printed.

10.

Applying these figures to proposed paper ballot voting in the November 2018 General Election, printing costs are estimated at \$208,933. For comparison purposes,

Cobb Elections' ballot costs for the 2016 November General (Presidential) Election totaled \$27,048. The amount budgeted for the 2018 November General Election is \$22,800; therefore this represents a 916% increase in estimated ballot printing costs. This plus anticipated storage, transportation, and tabulation expenses will far exceed the approved county budget for these items.

### **Storage, Transport and Delivery of Ballots**

11.

In addition to the difficulties associated with ordering and printing paper ballots, Cobb Elections would need to identify and procure new secure storage facilities to store the greatly increased quantity of ballots and prep them for delivery. Currently, Cobb Elections has just enough secure storage space to store its DRE machines and associated equipment, making it highly impractical to also provide space for large quantities of ballots in those facilities.

12.

Provisional ballots are currently transported to and from the polls by poll managers in a sealed rolling bag that also contains all of the provisional supplies. Cobb Elections does not currently have any other secure receptacles in which to transport the additional 475,000 regular ballots.

13.

Poll managers could potentially pick up and transport the 475,000 regular ballots in cardboard boxes sealed with tamper-evident tape, since they will be in the custody of an election official, but this method would not provide the same level of security and accountability as the numbered seals currently used to secure provisional ballots. Additional costs will be incurred if Cobb Elections is required to procure additional secure storage and delivery containers for these ballots.

14.

After the polls are closed, poll workers would have to transport the voted ballots to a central tabulation location in secure receptacles, because Cobb Elections does not have enough optical scanners with attachable ballot boxes to tabulate paper ballots at the precinct locations throughout the county.

15.

Under current voting procedures, when voters use provisional ballots, those ballots are placed in two envelopes and then into a sealed ballot bag. Cobb Elections currently has just over 170 ballot bags which only hold approximately 60 voted ballot envelopes. Cobb Elections doesn't have any other secure receptacle for transporting voted ballots and would have to purchase at least 155 ballot boxes for the regular ballots at about \$125 to \$200 per unit depending on style and size, for a total cost of between \$19,375 and \$31,000.

### **Voter Privacy Requirements**

16.

Georgia law requires that “in precincts in which ballots are used, with a sufficient number of voting compartments or booths with proper supplies in which the electors may conveniently mark their ballots, with a curtain, screen, or door in the upper part of the front of each compartment or booth so that in the marking thereof they may be screened from the observation of others.” O.C.G.A. § 21-2-267. Cobb Elections currently has 234 privacy voting booths available for provisional voters at 141 polling places and 11 early voting locations. We would need to purchase at least 900-1100 additional stand-alone booths or cardboard privacy screens to be used on tabletops. Additional tables may need to be rented for some polls if tabletop voting screens are used. Cobb Elections’ vendor for tables and chairs is already stretched to accommodate the current rental needs and likely would not have inventory to provide the necessary items to meet this legal requirement for privacy screening.

### **Ballot Accounting and Tabulation**

17.

Ballot accounting at the polling places is necessary to verify that the number of paper ballots at the beginning matches the total number voted, spoiled, and unvoted at the end. Cobb’s poll workers currently do this for provisional ballots in



relatively smaller numbers. However, if all voting is required to be done on paper ballots then the regular ballots would also have to be counted by poll workers prior to opening the poll and reconciled after voting is completed. The counting would take significantly longer than the current accounting procedure and would likely require additional workers. This accounting would also have to be recorded on a newly developed Paper Ballot Recap form.

18.

Currently, Cobb Elections uses between 8 and 16 Optical Scanning (“OS”) units in elections to tabulate absentee mail-in ballots. Each of the OS units is assigned a set of precincts based on the number of ballots to be scanned and the OS memory cards are prepared accordingly from the GEMS database. This strategy is necessary to keep approximately the same number of ballots on each unit so that the OS memory card’s maximum capacity is not exceeded. It is also helpful if issues arise during uploading of a single unit because there are fewer ballots to be re-scanned.

19.

If paper ballots were required for all voting, Cobb Elections would need to create new scanning procedures for Advanced-In-Person voting and Election Day voting, including the dedication of a unique set of OS units, if they could be obtained. The GEMS database would have to be modified in order to create new OS memory

cards for each new category of OS ballots and many additional memory cards would need to be obtained to handle the increased data load.

20.

In addition, Cobb Elections only has 16 ballot collection boxes that attach to the scanners in order to separate ballots for manual processing when those ballots contain write-in votes. Cobb Elections would have to identify a source for additional OS units and collection boxes in order to conduct concurrent processing of all paper ballot categories. Cobb Elections does not currently have enough space to handle these proposed additional pieces of equipment in its present tabulation facility.

21.

Some hand-marked ballots always fail to scan due to damage, improper marking or overvotes. These must be reviewed by the Vote Review Panel and/or duplicated by teams of three workers onto clean ballots, which are then re-scanned. Cobb's current optical scanners are not like the newer high-speed units offered on the market today and the entire process currently takes many hours, even with a relatively small number of absentee paper ballots. Implementation of an all paper voting requirement using the current equipment and staffing levels will likely take large counties several days to provide final results.

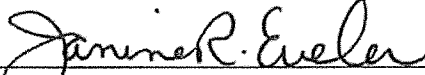
## Training

22.

Cobb Elections has scheduled poll worker training to begin on September 18, 2018. A minimum of 4 weeks is usually required to develop brand new curriculum prior to the start of training.

I declare under penalty of perjury that the foregoing is true and correct to the best of my ability.

This 14<sup>th</sup> day of August, 2018.

  
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Janine Eveler, Director  
Cobb County Elections Department