

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

EXHIBIT 4
DECLARATION OF LYNN LEDFORD

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

DONNA CURLING, et al

Civil Action File

Plaintiffs

No: 1:17-CV-02989-AT

v.

BRIAN KEMP, et al

Defendants.

DECLARATION OF LYNN LEDFORD

Pursuant to 28 U.S.C. § 1746, Lynn Ledford, Elections Director for the Gwinnett County Board of Registrations and Elections declares as follows:

1. I make this Declaration in support of a response by Secretary Kemp, the State Election Board, and the members of the State Election Board to motions for preliminary injunction filed in the above-styled matter of *Donna Curling, et al, v. Brian Kemp, et al*, (Civil Action No. 1:17-cv-2989-AT).

2. I have served as the Elections Director to the Board of Registrations and Elections for Gwinnett County, Georgia since January 2002. I have worked on or been responsible for the management of all primaries and elections in Gwinnett County, Georgia for approximately 16 years. I have served on statewide committees related to the conduct of elections most recently on a blue ribbon commission for re-writing and updating the Georgia Election Code. I have provided testimony or written comments to committees of the Georgia General Assembly regarding election matters. As the Elections Director for Gwinnett County, Georgia I have

acquired a comprehensive understanding of all aspects of the business of conducting elections with the highest degree of efficiency and integrity, and in full compliance with the Elections Code, and the applicable regulations and the State Elections Board.

3. This declaration is provided at the request of the office of the Secretary of State and is intended to provide information on the practical realities of switching to a new system of voting in Gwinnett County, a large suburban county and one of 159 counties in Georgia, less than 90 days before major statewide elections. I understand that changes are necessary and that there is a state - wide commission looking at new voting equipment for Georgia. However, in my opinion, based on my years of experience, a change to paper ballots in time for the November 2018 election is not appropriate.

4. In 1990 Gwinnett County moved from a punch card voting system to an optical scan voting system. Thereafter in 2002, the County began using direct recording electronic voting machines on Election Day and advance in person voting for primaries and elections with optical scanning technology used for absentee and provisional ballots.

5. Gwinnett County is in a unique position as the only county in Georgia under a federal mandate, pursuant to Section 203 of the Voting Rights Act, to provide comprehensive language assistance to Spanish language speakers. The United States Department of Justice informed Gwinnett County of that designation in December 2016 and it took approximately eighteen months to prepare to fully implement that change in business practice in time for the May 22, 2018 primary and election. Based on that very recent experience, I believe a change to paper

ballots will require considerably more than a period less than ninety days before November 6, 2018.

6. Gwinnett County has a large potential voting population with approximately 500,000 registered voters and the preparation for elections on that scale requires a considerable effort. Although Election Day in Georgia is November 6, 2018, in Gwinnett, we are already in the process of finalizing the ballot in coordination with the Secretary of State's office. In a little less than a month, absentee by mail and Uniformed and Overseas Civilian Absentee Voting Act (UOCAVA) ballots begin to be sent out on September 18, and all UOCAVA ballots must go out by September 22. Absentee in person voting also known as advanced voting or early voting begins on October 15 and ends on November 2. The voter registration deadline for the November general election is October 9, 2018.

7. I am cautiously optimistic that the optical scan ballot for the November 6 election will be two pages, but there is the possibility of a three page ballot. This then becomes costly and confusing to both voters and poll officials. It is commonly known that the longer the ballot, the less likely voters are to vote on down-ballot races and those who choose to vote by mail, often do not return all pages of the ballot. This issue alone will require some significant voter education.

8. The implementation of paper ballots would be a sudden and unanticipated change that would require expenditure of significant funds that have been not been budgeted for expenditure in 2018. Additional funds would be necessary to print ballots, purchase equipment including but not limited to optical scanners, and supplies, and hire and train adequate staff. Additionally, the Elections Office in Gwinnett would have to develop and implement new processes in the midst of the normal preparation for executing an election on November 6, 2018.

9. A paper ballot voting system requires that a large number of ballots be printed to accommodate all of the voters. The cost of printing ballots has historically been a cost carried by the county. The printing of that quantity of ballots is anticipated to cost \$550,000.00, if the ballot is three pages the costs increases to \$825,000.00. A large number of ballots would have to be printed to allow for the fact that there will inevitably be a percentage of voters will need ballots re-issued because of errors and then the duplication of ballots not correctly marked.

10. A change in voting systems would require the development of new signage and instructional material to guide voters. In Gwinnett, all of the documentation would need to be translated into Spanish. It would require adequate time to procure these materials and the November 6 election is less than ninety days away with absentee in person voting beginning on October 15, 2018. Any change in voting system between elections is confusing to both voters and poll officials. Although it may seem easy to vote correctly vote on an optical scan ballot, it is not as intuitive to many voters. This leads to the need for duplication of many ballots, which would create additional expenses to hire more vote review panel members, duplication team members and training for both. Duplicating a large number of ballots brings about insecurity with ballot secrecy and accuracy amongst the voters and the media.

11. The deployment of a paper ballot system for the November 2018 election would require major training changes to be developed for both online and in-person training of poll officials. Additionally, staff would require training on new voting systems procedures and troubleshooting. The cost of putting together an absentee ballot package, including outgoing and incoming postage, would be another substantial and currently-unbudgeted expense, estimated to exceed \$2.00 per addressee/registered voter. The estimated cost of mailing out an absentee ballot

package to all Gwinnett's registered voters, including postage, would exceed \$1,000,000.00. None of these expenses have been allocated to the Gwinnett County Board of Registrations and Elections. It is not clear that the Secretary of State could subsidize these additional expenses from state funds.

12. Paper ballots are not counted by hand. The Gwinnett County Board of Registrations and Elections like most other election superintendents uses optical scan units to count the ballots. The current inventory of optical scan units would not handle the number of ballot pages to be scanned. The time that it takes to scan a ballot depends on the length of the ballot, the number of pages and the accuracy of marks made by the individual voter. The units are electronic devices and when they become overheated they often shut down. The unit does not lose votes from already scanned ballots, but units will need to be replaced on a rotating basis throughout Election Day as ballots are scanned. This then increases the time it takes to for voters to cast their ballot and at peak times for busy precincts this could impact parking and add to the voters' level of frustration.

13: To avoid delays in scanning and minimize the risk of overheating scan units, polling places would be need to be equipped with adequate optical scan units to minimize delays. The procurement of adequate units is not an anticipated expense that has been budgeted for 2018.

14. Polling places would need to be able to accommodate deployment of the additional equipment. Private facilities may already have other functions scheduled in large rooms and may not be able to accommodate the additional voting booths needed.

15. With 159 counties looking to acquire optical scan units within a short time frame, the surge in demand could create a tighter market which could raise prices and may ultimately make it challenging to acquire the necessary number of units in time for the beginning of absentee in person voting or Election Day.

16. In addition to preparation for voting, staff is engaged in all matters related to voter registration. The deadline for voters to register to participate in the November 6 election is October 9, 2018.

17. Attempting to change to a new statewide system of voting at this point would create a significant administrative and financial burden on Gwinnett County's election officials. With less than ninety days until elections and approximately 60 days until absentee in person voting begins, the range of activities outlined above could not be accomplished. Many poll workers for the upcoming election have already been trained in the existing processes in connection with the May 22 Primary and the run off that followed in July.

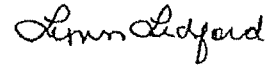
18. The Gwinnett County Board of Registration and Elections prides itself on providing timely and accurate information to its voters. There simply is not enough time to adequately and effectively train staff, poll managers and poll workers and for them to be prepared to fully support voters or to properly educate the public on these changes. Voter education in advance of a change of this magnitude is critical, as is trained staff to support them. Any increase in the amount of time it takes to vote leads to longer lines which are an irritant to voters and can lead to voters walking off if they are unaware of any changes that adds to the time it takes to vote.

19. Additional measures would need to be developed and implemented to protect the security of the ballots and any routine problems associated with equipment, and thereby to preserve voter confidence in the integrity of the voting process. The State Election Board may need to develop

rules to govern ballot security and that will likely take more time than is remaining between now and the beginning of in-person absentee voting on October 15, 2018.

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

Executed, this 13th day of August, 2018.



LYNN LEDFORD
*Elections Director, Gwinnett County Board
of Registrations and Elections*