

STATE OF FLORIDA

Affidavit of Susan Pynchon, Plaintiff in action for declaratory and injunctive relief to preserve digital ballot images.

I, Susan Pynchon, swear and affirm as follows:

1. I reside at 498 DeSoto Avenue, DeLeon Springs, Florida 32130.
2. I am registered to vote in Volusia County in the 6th Congressional District.
3. I serve as Director of the Florida Fair Elections Coalition.
4. I am initiating this action in order to preserve all digital ballot images and to require that state and local election officials comply with federal and state law to preserve all election materials, including ballot images, related to the 2018 general election in Florida and for all Florida elections thereafter.
5. According to information and belief, it is the practice and intention of Florida state election officials to permit the deletion and destruction of digital ballot images, contrary to federal and state law.
6. In March, 2018, I met with Volusia County Supervisor of Elections Lisa Lewis. During our meeting we discussed the fact that Volusia County had not been preserving ballot images. In the course of our discussion, Supervisor Lewis committed to preserving all ballot images in future elections.
7. On Nov. 8, 2018, I filed records requests with 64 of Florida's 67 counties, specifically those counties that have digital scan voting systems, seeking digital copies of ballot images from the November 6, 2018 General Election.
8. As of the date of this Affidavit, I have not received responses from all 64 counties. Of the responses I have received, 16 counties saved all ballot images; 34 did **not** save all ballot images; and the remaining 14 counties are still unknown.
9. In follow-up conversations with the Supervisors of Elections or support staff in several counties, they indicated that they plan to save ballot images in the future. They said they had not saved ballot images for the 2018 elections because they had not been educated as to how to save them or had been unaware of the benefits of saving them, or that they had received my request too late to re-program the General Election to "save all" ballot images.
10. The Supervisors of Elections in other counties did not save all the ballot images and made it clear they do not plan to do so in the future. Others expressed some confusion as to what they should do and expressed the need to "check with the state."

11. As of the date of this Affidavit, 16 counties have responded that they **did** save all ballot images: Volusia, Sarasota, Manatee, Leon, Collier, Alachua, Walton, Columbia, Hendry, Dixie, Bay, Gilchrist, Hernando, Taylor, Bradford, and Wakulla counties.

12. As of the date of this Affidavit, 34 counties have responded that they did **not** save all ballot images or saved only write-in images. The counties are: Miami-Dade, Broward, Hillsborough, Orange, Pinellas, Duval, Lee, Brevard, Pasco, Marion, Lake, St. Lucie, St. Johns, Clay, Charlotte, Martin, Indian River, Citrus, Flagler, Monroe, Gadsden, Osceola, Okaloosa, Sumter, Franklin, Escambia, Santa Rosa, Suwanee, Seminole, Gulf, Calhoun, DeSoto, Hamilton and Polk counties.

13. Orange County erroneously claimed that it does not have digital scan voting machines, even though the county uses ES&S DS200 and DS850 digital scan voting machines that count the digital images (ballot images) rather than the paper ballots. The "DS" in DS200 means "data scan" or "digital scan."

14. On November 12, 2018, I spoke on the phone with Ken Carbullido, former Director of Development for Election Systems & Software (ES&S). Mr. Carbullido told me that he was "part of a team" that developed the ES&S digital scan voting system. I asked Mr. Carbullido if the system automatically creates ballot images and he responded, "Yes, of course it does. That's how the system works."

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

12-14-2018
Date

Susan Pynchon
Susan Pynchon

State of Florida
County of Volusia

I, LEINYS DIFO, a Notary Public of the aforesaid county, hereby certify that Susan Pynchon personally appeared before me this day and having been duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

[Signature]
Notary Public

My commission expires:
SEPT / 9 / 2022

