

Exhibit 3

Declaration of Janine Eveler

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

CORECO JA'QAN PEARSON, :
VIKKI TOWNSEND CONSIGLIO; :
GLORIA KAY GODWIN; JAMES :
KENNETH CARROLL; CAROLYN :
HALL FISHER; CATHLEEN :
ALSTON LATHAM; and BRIAN :
JAY VAN GUNDY, :

CIVIL ACTION FILE NO.:
1:20-cv-4809-TCB

Plaintiff,

vs.

BRIAN KEMP; :
BRAD RAFFENSPERGER; :
DAVID J. WORLEY; REBECCA N. :
SULLIVAN; MATTHEW :
MASHBURN; and ANH LE, :

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 the Motion to Amend the Temporary Restraining Order submitted by Governor Brian Kemp, Secretary of State Raffensperger, and the members of the State Elections Board in the above-styled matter of Pearson, et al. v. Kemp, et al., (Civil Action No. 1:20-cv-4809-TCB). Specifically, the purpose of this Declaration is to address the burdens created by Plaintiffs' request to allow Plaintiffs' expert(s) to inspect the Dominion voting

machines in Cobb County and by the Court's Order of November 29, 2020 enjoining the State from "allowing the alteration, destruction, or erasure of, any software or data on any Dominion voting machine in Cobb, Gwinnett, and Cherokee Counties." [Doc. ¶ 2].

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.

3.

Cobb Elections is already in the process of executing its plan for the January 5, 2021 Statewide Runoff Election ("Runoff Election"). This plan involves

preparing and deploying the same number of voting units used in the November 2020 General Election, including 1,772 Ballot Marking Devices (“BMD units”) for election day, and 69 BMD units for advance voting, as well as 197 precinct scanners for election day and 10 for advance voting.

4.

For Advance In-Person Voting, Cobb Elections is planning to use BMD units that were not deployed in the General Election and scanners that were used only for poll worker training. Preparation of those units, including the clearing of the memory cards for those units, was begun before the Court’s Order of November 29, 2020.

5.

While there are enough unused BMD units to deploy for Advanced Voting, in order to have enough BMD units ready for In-person Voting on January 5, 2021, Cobb Elections needs to use nearly all of the units that were deployed in the November 3, 2020 General Election. There are fewer than 300 BMD units, and less than 10 scanners, that were unused in November and available to deploy in January.

6.

In order to have sufficient BMD units ready by January 5, 2021 Cobb Elections is scheduled to start Logic and Accuracy Testing (“L&A Testing”)

required by Georgia Rules and Regulations Rule 183-1-12-.08 on Tuesday, December 8, 2020.

7.

The first step in the L&A Testing process is to create memory cards, which starts with clearing the old data from memory cards used in the prior election, in this case the November General Election. Clearing the data is expected to take at least half a day and then an additional 2 days will be needed to create cards with the new data.

8.

Therefore, in order to start the L&A Testing for polling place voting BMDs and scanners on December 8, Cobb Elections needs to be able to start clearing almost 400 memory cards by Friday, December 4.

9.

Cobb Elections will have two workstations set up for creating memory cards with two people working on this process. The actual L&A testing takes 12-14 workers to conduct the test scripts and to move the units into position for testing and then onto pallets for delivery. Cobb Elections' schedule anticipates L&A Testing occurring on every non-holiday weekday and at least one day during the weekend throughout the month of December. Delivery of tested voting units to polling places begins on December 28, 2020.

10.

L&A Testing needs to be conducted as a careful and methodical process. Delaying the testing of equipment for even a short time would likely cause the workers to have to rush the process which would potentially lead to errors or undiscovered technical problems which could cause problems on the day of the Runoff Election.

11.

Additionally, if the testing window tightens, personnel constraints will come into play. Workers are likely to drop out or become less available near the holidays, and personnel resources are already tired and strained from an unusually draining election year in which Cobb Elections has already performed a full hand-recount audit and a second recount of the November General Election ballots. The longer this process is delayed, the fewer workers Cobb Elections will have available.

12.

Additionally, storage and workspace are extremely limited. So even if Cobb Elections could acquire additional units to use for Runoff Election Day deployment, the voting equipment from the General Election cannot be stored for examination while also testing and storing additional equipment for the Runoff. Currently, Cobb Elections is already using three additional county buildings as overflow locations for the equipment warehouse. In addition, there is no available space at which to

conduct examinations, nor personnel available to monitor the activity until after the January Runoff is completed.

13.

In the conduct of the statewide audit that took place between November 13-19, 2020 and the recount that took place between November 25-December 2, 2020, no significant errors were uncovered in Cobb County that would lead to concerns about inaccurate or manipulated vote totals, especially with regard to the BMDs which provide voter verifiable paper ballots. Every voting unit deployed for the November 3, 2020 election was tested prior to the election and all units passed testing. In addition, the hand-count audit performed after the election showed that humans reading the votes by hand came up with virtually the same results as were determined by the machine count. In my opinion there would be more risk of confusion and potential for errors if the preparation for the January 2021 Runoff were delayed and the counties were forced to rush through L&A testing and deployment of election day voting units.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 3rd day of December, 2020.



Signature of Janine Eveler,
Director of Elections,
Cobb County Board of Elections
and Registration