

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

SC SAFE ELECTIONS and)
MICHAEL FUNDERBURK)

C.A. NO. 2022-CP- 4004438

Plaintiff,)

) vs.)

THE BOARDS OF ELECTIONS FOR)

AIKEN COUNTY, BEAUFORT COUNTY,)
CHARLESTON COUNTY, DORCHESTER)
COUNTY, GREENVILLE COUNTY,)
LEXINGTON COUNTY, SPARTANBURG)
COUNTY, YORK COUNTY,and THE)
SOUTH CAROLINA STATE ELECTION)
COMMISSION, HOWARD KNAPP IN)
HIS OFFICIAL CAPACITY)

**AFFIDAVIT OF
JEFF O'DONNELL**

Defendant,)

NOW COMES Jeffrey Dean O'Donnell first duly sworn, who deposes and states as follows:

1. My name is Jeffrey Dean O'Donnell, and I am a citizen and resident of Polk County, Florida.
2. I am a computer systems/software/database expert with more than 40 years of professional experience.
3. Since August, 2021 I have been helping various grassroots organizations in more than 25 states by performing data analysis of available data from their county's elections in 2020, 2021, and 2022. In particular, I have led an effort to procure Cast Vote Records and other critical election records via Public Records Requests.
4. In the last 15 months, I have had the opportunity to review the data from almost 1,000 Cast Vote Record reports from counties in 28 states. Cast Vote Records have been procured and analyzed from the following Election Management System vendors: Election Systems & Software (ES&S), Dominion Voting Systems, Hart Intercivic, Clear Ballot, and Smartmatic.

5. My analysis of Cast Vote Records has shown them to be an invaluable auditing tool for elections, providing the ability to “replay” the election ballot by ballot to detect potential abnormalities down to the precinct level. No other analysis method, except for a complete hand recount of ballots, is as useful in determining the overall fairness of an election.
6. Cast Vote Records can be generated by most Election Management System versions, including ES&S, unless that capability has been deliberately disabled. In most Election Management System versions, the Cast Vote Record report can be produced through the Graphical User Interface provided to the County by the Vendor. As an example, I personally viewed the creation of a Cast Vote Record in an ES&S county in Florida, and the entire procedure involved selecting a menu item, pushing a button, and within 10 minutes the file was ready to be distributed. Once created, the same file can be used to respond to subsequent requests. Even a larger county which might take more time for the file to generate, the process does not require any attention by the County personnel while it is generated. As Counties routinely respond to Public Records Request which involve collation of digital and paper records which can take days, the process of producing a digital file containing the Cast Vote Record cannot be seriously seen as a burden on County personnel.
7. A Cast Vote Record can exist in numerous formats depending upon the Vendor and software version. However, they all give record of each ballot cast in an election, and the specific vote choices selected by the voter. In addition, they include some or all of the following information about the ballot.
 - a. A Cast Vote Record number, which is normally a sequential number uniquely identifying the ballot’s order of processing.
 - b. A Batch ID, which specifies which batch of ballots contained this particular ballot.
 - c. A Record ID, which specifies this ballot’s position within the batch.
 - d. A Precinct Identifier, which specifies the voter’s home precinct.
 - e. A Tabulator Identifier, which specifies which Tabulator device processed this particular ballot.
 - f. A Counting Group Identifier, which specifies the type of ballot cast, normally Early Voting, Absentee (Mail-in) Voting, Election Day Voting, or Provisional Voting.

An example Cast Vote Record is submitted as an attachment to this document. It shows

the first 10 lines from 2020 Election Cast Vote Record from the Calvert County, Maryland ES&S System. The Cast Vote Record produced by any South Carolina County ES&S system will be similar.

8. Some vendors provide all this information in the Cast Vote Record, while others provide a subset. Most provide the information in a spreadsheet file (usually CSV format), but some provide the information in a PDF report format and others in more complex JSON or XML formats.
9. Some counties redact the Cast Vote Records for very small precincts, normally 5 or 10 voters in size or less, to protect voter anonymity in the case that all of these voters cast identical votes.
10. **None of the Cast Vote Record formats I have personally analyzed provide any Personally Identifiable Information which could be used to identify the specific voter, and any statement to the contrary is false.**
11. Counties in 28 U.S. states have responded to FOIA or equivalent Public Records Requests for 2020, 2021, or 2021 election Cast Vote Records. Below is a partial list of counties which have been responsive. 53 of these counties use ES&S as its Election Management System vendor.

State	County	Vendor
Arizona	Maricopa	Dominion Voting Systems
Arizona	Pima	Election Systems & Software
Arizona	Santa Cruz	Election Systems & Software
Arizona	Yuma	Election Systems & Software
Arkansas	Faulkner	Election Systems & Software
Arkansas	Pulaski	Election Systems & Software
California	Alameda	Dominion Voting Systems
California	Amador	Election Systems & Software
California	Contra Costa	Dominion Voting Systems
California	Del Norte	Dominion Voting Systems
California	El Dorado	Dominion Voting Systems
California	Fresno	Dominion Voting Systems
California	Glenn	Dominion Voting Systems
California	Humboldt	Hart InterCivic
California	Inyo	Dominion Voting Systems
California	Kern	Dominion Voting Systems
California	Los Angeles	Smartmatic/Los Angeles County

California	Marin	Dominion Voting Systems
California	Mariposa	Dominion Voting Systems
California	Merced	Election Systems & Software
California	Mono	Dominion Voting Systems
California	Orange	Hart InterCivic
California	Placer	Dominion Voting Systems
California	San Mateo	Dominion Voting Systems
California	Santa Cruz	Dominion Voting Systems
Colorado	Adams	Dominion Voting Systems
Colorado	Alamosa	Dominion Voting Systems
Colorado	Arapahoe	Dominion Voting Systems
Colorado	Archuleta	Dominion Voting Systems
Colorado	Baca	Dominion Voting Systems
Colorado	Bent	Dominion Voting Systems
Colorado	Boulder	Dominion Voting Systems
Colorado	Broomfield	Dominion Voting Systems
Colorado	Chaffee	Dominion Voting Systems
Colorado	Cheyenne	Dominion Voting Systems
Colorado	Clear Creek	Democracy Live
Colorado	Clear Creek	Dominion Voting Systems
Colorado	Clear Creek	HelpSystems
Colorado	Clear Creek	State of Colorado
Colorado	Conejos	Dominion Voting Systems
Colorado	Costilla	Dominion Voting Systems
Colorado	Crowley	Dominion Voting Systems
Colorado	Custer	Dominion Voting Systems
Colorado	Delta	Dominion Voting Systems
Colorado	Denver	Dominion Voting Systems
Colorado	Dolores	Dominion Voting Systems
Colorado	Douglas	Clear Ballot
Colorado	Eagle	Dominion Voting Systems
Colorado	El Paso	Dominion Voting Systems
Colorado	Elbert	Dominion Voting Systems
Colorado	Fremont	Dominion Voting Systems
Colorado	Garfield	Clear Ballot
Colorado	Gilpin	Dominion Voting Systems
Colorado	Grand	Dominion Voting Systems
Colorado	Gunnison	Dominion Voting Systems
Colorado	Hinsdale	Dominion Voting Systems
Colorado	Huerfano	Dominion Voting Systems

Colorado	Jackson	Dominion Voting Systems
Colorado	Jefferson	Dominion Voting Systems
Colorado	Kiowa	Dominion Voting Systems
Colorado	Kit Carson	Dominion Voting Systems
Colorado	La Plata	Dominion Voting Systems
Colorado	Lake	Dominion Voting Systems
Colorado	Larimer	Dominion Voting Systems
Colorado	Lincoln	Dominion Voting Systems
Colorado	Logan	Dominion Voting Systems
Colorado	Mesa	Dominion Voting Systems
Colorado	Mineral	Dominion Voting Systems
Colorado	Montezuma	Dominion Voting Systems
Colorado	Montrose	Dominion Voting Systems
Colorado	Morgan	Dominion Voting Systems
Colorado	Otero	Dominion Voting Systems
Colorado	Ouray	Dominion Voting Systems
Colorado	Park	Dominion Voting Systems
Colorado	Phillips	Dominion Voting Systems
Colorado	Pitkin	Dominion Voting Systems
Colorado	Pueblo	Dominion Voting Systems
Colorado	Rio Blanco	Dominion Voting Systems
Colorado	Rio Grande	Dominion Voting Systems
Colorado	Routt	Dominion Voting Systems
Colorado	Saguache	Dominion Voting Systems
Colorado	San Miguel	Dominion Voting Systems
Colorado	Sedgwick	Dominion Voting Systems
Colorado	Teller	Dominion Voting Systems
Colorado	Washington	Dominion Voting Systems
Colorado	Weld	Dominion Voting Systems
Colorado	Yuma	Dominion Voting Systems
Florida	Bay	Election Systems & Software
Florida	Bradford	Election Systems & Software
Florida	Brevard	Election Systems & Software
Florida	Broward	Election Systems & Software
Florida	Collier	Election Systems & Software
Florida	Hillsborough	Election Systems & Software
Florida	Indian River	Election Systems & Software
Florida	Osceola	Election Systems & Software
Florida	Palm Beach	Election Systems & Software
Florida	Pasco	Election Systems & Software

Florida	Walton	Election Systems & Software
Georgia	Bacon	Dominion Voting Systems
Georgia	Barrow	Dominion Voting Systems
Georgia	Bartow	Dominion Voting Systems
Georgia	Ben Hill	Dominion Voting Systems
Georgia	Berrien	Dominion Voting Systems
Georgia	Bibb	Dominion Voting Systems
Georgia	Bleckley	Dominion Voting Systems
Georgia	Brantley	Dominion Voting Systems
Georgia	Bryan	Dominion Voting Systems
Georgia	Burke	Dominion Voting Systems
Georgia	Camden	Dominion Voting Systems
Georgia	Candler	Dominion Voting Systems
Georgia	Carroll	Dominion Voting Systems
Georgia	Catoosa	Dominion Voting Systems
Georgia	Charlton	Dominion Voting Systems
Georgia	Chatham	Dominion Voting Systems
Georgia	Cherokee	Dominion Voting Systems
Georgia	Clarke	Dominion Voting Systems
Georgia	Cobb	Dominion Voting Systems
Georgia	Coffee	Dominion Voting Systems
Georgia	Colquitt	Dominion Voting Systems
Georgia	Columbia	Dominion Voting Systems
Georgia	Cook	Dominion Voting Systems
Georgia	Crisp	Dominion Voting Systems
Georgia	Dade	Dominion Voting Systems
Georgia	Dawson	Dominion Voting Systems
Georgia	Dekalb	Dominion Voting Systems
Georgia	Douglas	Dominion Voting Systems
Georgia	Early	Dominion Voting Systems
Georgia	Echols	Dominion Voting Systems
Georgia	Elbert	Dominion Voting Systems
Georgia	Fayette	Dominion Voting Systems
Georgia	Floyd	Dominion Voting Systems
Georgia	Forsyth	Dominion Voting Systems
Georgia	Franklin	Dominion Voting Systems
Georgia	Fulton	Dominion Voting Systems
Georgia	Gilmer	Dominion Voting Systems
Georgia	Glynn	Dominion Voting Systems
Georgia	Gordon	Dominion Voting Systems

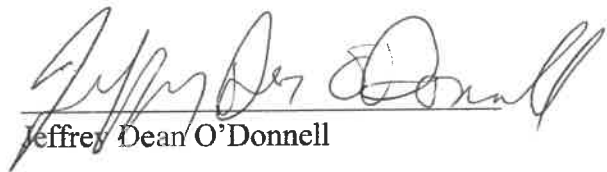
Georgia	Greene	Dominion Voting Systems
Georgia	Gwinnett	Dominion Voting Systems
Georgia	Hall	Dominion Voting Systems
Georgia	Haralson	Dominion Voting Systems
Georgia	Harris	Dominion Voting Systems
Georgia	Hart	Dominion Voting Systems
Georgia	Hart	KNOWiNK
Georgia	Heard	Dominion Voting Systems
Georgia	Henry	Dominion Voting Systems
Georgia	Houston	Dominion Voting Systems
Georgia	Irwin	Dominion Voting Systems
Georgia	Jackson	Dominion Voting Systems
Georgia	Jasper	Dominion Voting Systems
Georgia	Lanier	Dominion Voting Systems
Georgia	Laurens	Dominion Voting Systems
Georgia	Lee	Dominion Voting Systems
Georgia	Lowndes	Dominion Voting Systems
Georgia	Lumpkin	Dominion Voting Systems
Georgia	Madison	Dominion Voting Systems
Georgia	McDuffie	Dominion Voting Systems
Georgia	Mitchell	Dominion Voting Systems
Georgia	Morgan	Dominion Voting Systems
Georgia	Murray	Dominion Voting Systems
Georgia	Muscogee	Dominion Voting Systems
Georgia	Newton	Dominion Voting Systems
Georgia	Oconee	Dominion Voting Systems
Georgia	Paulding	Dominion Voting Systems
Georgia	Pickens	Dominion Voting Systems
Georgia	Pierce	Dominion Voting Systems
Georgia	Pike	Dominion Voting Systems
Georgia	Polk	Dominion Voting Systems
Georgia	Pulaski	Dominion Voting Systems
Georgia	Putnam	Dominion Voting Systems
Georgia	Rabun	Dominion Voting Systems
Georgia	Richmond	Dominion Voting Systems
Georgia	Rockdale	Dominion Voting Systems
Georgia	Schley	Dominion Voting Systems
Georgia	Spalding	Dominion Voting Systems
Georgia	Sumter	Dominion Voting Systems
Georgia	Talbot	Dominion Voting Systems

Georgia	Tattnall	Dominion Voting Systems
Georgia	Terrell	Dominion Voting Systems
Georgia	Thomas	Dominion Voting Systems
Georgia	Tift	Dominion Voting Systems
Georgia	Upson	Dominion Voting Systems
Georgia	Walker	Dominion Voting Systems
Georgia	Walton	Dominion Voting Systems
Georgia	Ware	Dominion Voting Systems
Georgia	Warren	Dominion Voting Systems
Georgia	Whitfield	Dominion Voting Systems
Georgia	Wilcox	Dominion Voting Systems
Idaho	Bonner	Hart InterCivic
Illinois	Hamilton	Election Systems & Software
Illinois	Lake	Election Systems & Software
Kentucky	Leslie	Election Systems & Software
Maryland	Allegany	Election Systems & Software
Maryland	Anne Arundel	Election Systems & Software
Maryland	Baltimore	Election Systems & Software
Maryland	Calvert	Election Systems & Software
Maryland	Caroline	Election Systems & Software
Maryland	Carroll	Election Systems & Software
Maryland	Cecil	Election Systems & Software
Maryland	Charles	Election Systems & Software
Maryland	Dorchester	Election Systems & Software
Maryland	Frederick	Election Systems & Software
Maryland	Garrett	Election Systems & Software
Maryland	Harford	Election Systems & Software
Maryland	Howard	Election Systems & Software
Maryland	Kent	Election Systems & Software
Maryland	Montgomery	Election Systems & Software
Maryland	Prince Georges	Election Systems & Software
Maryland	Queen Annes	Election Systems & Software
Maryland	Somerset	Election Systems & Software
Maryland	Talbot	Election Systems & Software
Maryland	Washington	Election Systems & Software
Maryland	Wicomico	Election Systems & Software
Maryland	Worcester	Election Systems & Software
Michigan	Alcona	Dominion Voting Systems
Michigan	Alger	Dominion Voting Systems
Michigan	Alpena	Dominion Voting Systems

12. Based upon the list above, any claim by any person that a county is not permitted to publicly release a Cast Vote Record report is demonstrably false.

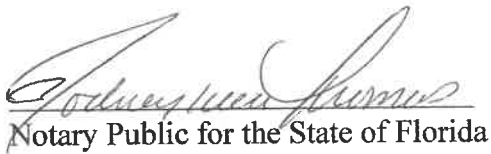
13. Numerous counties, notably San Francisco County in California, have so recognized the importance of Cast Vote Records that they provide them for download on their county election websites.

14. Based upon all of the points above, for the purpose of providing the public with a transparent and auditable view of their elections, Cast Vote Records should always be considered public record, and no barriers to their public release and analysis should exist.



Jeffrey Dean O'Donnell

Sworn to and Subscribed before me this 2nd day of ~~February~~ ^{March} 2023. (R.T)


Notary Public for the State of Florida



Rodney Kieth Thomas
Notary Public
State of Florida
Comm# HH058000
Expires 10/28/2024

My commission expires: 10/28/2024

STATE OF FLORIDA
COUNTY OF OSCEOLA
SIGNED ON 03/02/2023
BY JEFFERY O'DONNELL
WHO PRESENTED A FL
DRIVERS LICENSE AS I.D.