

Affidavit of John Washburn

¶1 I, John Washburn, state under penalty of perjury following signed affidavit is to the best of my ability true and correct.

¶2 On February 15, 2005 I made an open records request for certain election records from the Milwaukee Election Commission for the November 2, 2004 general election. This initial open record request is included as exhibit B.

¶3 This open records request was ultimately denied by the Interim Commissioner and the Election Commission on April 27, 2005. This denial letter is included as Exhibit C.

¶4 The Complainant renewed his original open records request with an open request of the current Executive director of the City of Milwaukee commission, Susan Edman, on April 26, 2007. This request for production of records was denied as well. The April 26, 2007 open records request, subsequent email correspondences, and ultimate denial are included as exhibit D.

¶5 On May 29, 2007 the Complainant then initiated a suit in state circuit court demanding the production of the requested records. During the discovery and settlement of case 2007CV006131, I was informed by my attorney, Robert Drepps, the Interim Director and the City Election Commission turned over the original election records to the Joint Task Force without judicial review, subpoena, or judicial order. The Complainant has not been informed of the exact date of the voluntary transfer of original election records. It is my understanding the voluntary transfer of original election records from the Election Commission to the Joint Task Force occurred on or about April 1, 2005.

¶6 The Interim Director and the City Election Commission did not even ask for a receipt of the original records given to the Joint Task Force. Because of this, forty-two (42) of the poll books from this election have gone missing and there is no record as to when these forty-two (42) records were lost. There is no record of the missing poll books having been received by the Election Commission on the night of November 2, 2004. There is no record of the missing poll books having been delivered by

1 Election Commission to the Joint Task Force. All that is known today is that sometime between 7:00  
2 am November 2, 2004 and the afternoon of July 10, 2007, the forty-two (42) poll books disappeared.  
3 I will stipulate to the fact the forty-two (42), now missing poll books were delivered to the polling  
4 locations on the morning of November 2, 2004. The summary of missing poll books is included as  
5 exhibit D. I have no knowledge if other election records are missing. I only know that there is now a  
6 clearly broken chain of custody on the election records for November 2, 2004 and that forty-two (42)  
7 poll books are now missing.

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11 Signed this day, August 28, 2007

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15 John Washburn