

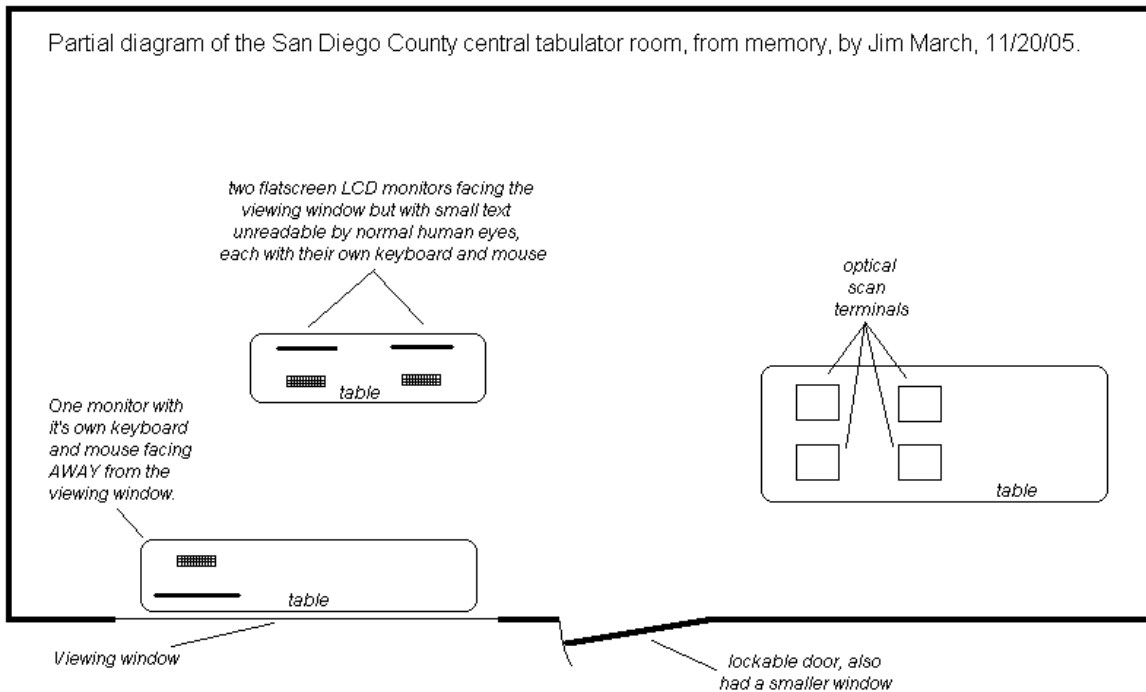
1 I, James “Jim” March, declare as follows:

2 1. I make this declaration of my own personal knowledge and if called as a witness, I
3 would competently testify to the facts set forth herein.

4 2. On July 26th, 2005 I appeared in San Diego county at the location of the central
5 tabulation (5201 Ruffin Road, San Diego) – this was election night for the San
6 Diego mayoral primaries. My purpose was to observe the counting of the vote as a
7 representative of Black Box Voting – at that time I was an unpaid volunteer and
8 member of the Board of Directors.

9 3. Prior to the start of tabulation, I was introduced to a Mr. Willits, described to me by
10 Assistant registrar Charles MacNamara as the chief technical officer of the San
11 Diego County Registrar’s office. Willits was wearing a polo shirt with a large US
12 flag pattern.

13 4. I am including a graphic of the layout of the central tabulator room as best I can
14 recall at this date (11/20/05). This is the area of the room closest to the “viewing
15



area” window.

1 5. Mr. Willits described the contents of the room to me as follows: the two screens
2 facing the viewing window were connected to the Diebold GEMS central tabulator
3 and the backup tabulator CPU, one each. My recollection is that the one on the right
4 was the active “primary” one used during election night processing but I am not
5 100% sure of that. The system nearest the viewing window facing away from the
6 observers (with it’s contents completely unreadable) was described as a “standard
7 Internet-connected PC” much like any county desktop business computer. We were
8 told that it did no election processing. The optical scan terminals on the right were
9 used to read precinct memory cards into GEMS.

10 6. At 8:05pm (just after polls closed) I observed Mr. Willits and one other individual
11 stare intently at the “standard internet terminal” nearest the viewing window.
12 Another person accompanied him; I am unsure who this was. They were intently
13 issuing mouse and keyboard commands. I was then able to hear (through the
14 viewing window) Mr. Willits say, “wow, Donna Frye is in the lead”.

15 7. Very shortly thereafter (within 15 minutes as best I can recall) elections staff brought
16 out the first of a series of sheets showing the vote count up to that time. The first of
17 these showed the absentee ballots counted to that point having Donna Frye in the
18 lead.

19 8. I was able to question Mr. Willits about the configuration of the systems. He told
20 me that there was an automated process to report early results to the county’s
21 Internet website, engineered by the county staff, SAIC under contract and Diebold
22 Election Systems Inc. This system consisted of a “firewall” between the central
23 tabulator computer supplied by Diebold (running GEMS) and the actual Internet.
24 This is consistent with my observation of the results showing up immediately at the
25 “standard Internet connected PC” (facing away from the window) if the nature of
26 that PC is as Mr. Willits represented.

27 9. On November 5th, 2005, I made an appearance at the headquarters of the San Joaquin

1 County Registrar of Voter's office. This was a planned event to conduct a pre-
2 election inspection of voting machines on behalf of the Libertarian Party who had
3 hired Black Box Voting to conduct an inspection under California Election Code
4 15004.

5 10 . During this examination, I was not allowed to touch the keyboard of the GEMS
6 server. I was instead allowed to request printouts of documents and screenshots. I
7 was able to observe San Joaquin County elections staff as they operated the
8 keyboard and I was able to immediately take possession of the printouts in question,
9 which are included here as a series of attachments which I will describe one by one.
10 Our organization has scanned them and inserted our own watermark but otherwise
11 has not altered the contents.

12 11 . Attachment A is a screenshot of the Windows "task manager". It shows the sub-
13 screen displaying "processes", the various utility and operating system components
14 running that the user doesn't normally interact with. This included networking
15 components.

16 12 . Attachment B is a two-page-long listing of the contents of "services.msc", a utility
17 program built into Windows that shows all installed underlying utility and operating
18 system components, whether running in memory at that particular moment ("started"
19 in the third column) or not. This listing shows in more detail which network
20 components are loaded on this system. These two pages form the complete list of
21 what "services.msc" shows on the computer in question.

22 13 . Attachment C is a partial directory listing of the Diebold-supplied central tabulator
23 computer, using Windows Explorer and with the "program files" directory open.
24 We can see that there are a number of applications loaded which are not written by
25 Diebold, including "Microsoft Frontpage", "SmartFTP", the Nero CD writer
26 software and more.

27 14 . Attachment D shows the programs available by way of screenshot.

1 15. Attachment E is a screenshot of the "System Properties" display containing general
2 information about the operating system, "service pack" patch upgrade status and
3 system CPU/memory information.

4 16. San Joaquin elections staff allowed me to examine a Diebold "Central Count"
5 optical scanner. Assistant Registrar Erdman informed me that these optical scanners
6 used for absentees don't record the same "running totals" of votes per terminal that
7 the precinct terminals do (optical scan or touchscreen).

8 I declare under penalty of perjury that the foregoing is true and correct and that this declaration
9 was executed on November 20th, 2005 at Renton, Washington.

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12 James "Jim" March

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