Declaration of James “Jim” March

I, JAMES “JIM” MARCH, hereby declare:

I make the following declaration regarding Ohio’s election processes. I have personal knowledge of the matters set forth below, and, if called upon to do so, would testify competently thereto.

1) I have extensive professional experience working with computer technology since 1984. My experience in the computer industry (completely separate from personal and professional work on election systems) totals approximately 17 years and includes computer technical support, systems administration, technical writing, training and security analysis. I hold authorized install and support certifications for Novell and IBM networking components, and have received a broad range of ongoing industry training through my career in high-tech computer industry. In recent years, I have used my experience to provide technical assistance to persons and organizations active in the analysis of computer-based voting systems.

2) Beginning in June of 2003 I was given access to a variety of materials related to Diebold Election Systems Incorporated (“Diebold”) and their corporate ancestors Global Election Systems Inc. and Spectrum Print and Mail. These materials were provided to me primarily by writer/activist Bev Harris, who obtained them from a public, unsecured Internet site run by Diebold. The first batch of materials obtained by Ms. Harris in January 2003 included running program files, a variety of election data files, system manuals, source code for some components, internal corporate memos (some marked “not for customer review”), industry-specific documents and the like. This material included functional copies of the Diebold “central tabulator” software known as GEMS - Global Election Management Software.
3) After I assisted Ms. Harris in sorting through the material she had obtained from the public, unsecured Diebold website, she posted much of this material, including the GEMS tabulator software code, on a public website.

4) In the years since I have testified in numerous court cases, the most recent in a mandamus and injunction action in Pima County AZ on Nov. 1st 2012. My testimony is available and online at: youtu.be/1FylivEZqzI

5) I currently sit on the Pima County Election Integrity Commission, an official advisory body to the Pima County Board of Supervisors. In this unpaid position I meet in accordance with AZ's open meetings laws. I also hold a position of member of the board of directors, Southern Arizona chapter, ACLU, and I am a founding and current board member at http://blackboxvoting.org - a nationally known 501(c)3 organization which investigates and comments on electronic voting issues. I do not write this declaration on behalf of any of these named organizations.

I am in possession of an electronic copy of a document titled "AGREEMENT BETWEEN THE OHIO SECRETARY OF STATE AND ELECTION SYSTEMS AND SOFTWARE LLC". There is a contract number of "2013-004". It is 28 pages long, in PDF format from what appears to be original scanned paper documents. There is no obvious evidence of tampering with the document - the resolution, fonts and other formatting/stylistic issues are consistent throughout. For the purposes of this declaration I will assume this document to be accurate and I will comment on it on that basis.

6) This document purports to describe a custom software application created by Election Systems and Software ("ES&S") that will have the following characteristics:
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a) It will run on the primary central tabulator computers that add up
the vote totals for each county that is already an ES&S customer.
b) It will have access to the central tabulator database, extracting
information into a very simple, standard data format known as "comma
separated values" or .CSV. These .CSV files will contain actual,
live vote totals organized most likely by precinct, original voting
method (precinct, mail-in, early voting, provisional voting, etc.)
and vote totals for candidates, issues, etc.

7) For a number of reasons, I believe that this custom software is not
necessary for the conduct of elections and is in fact highly dangerous -
the presence of this software significantly reduces the odds that the
election results (on a county or statewide level) will be legally and/or
constitutionally correct. My analysis follows.

8) First, I have examined the election results created by the “normal”
(or “built in”) election reporting tools included with the standard,
certified ES&S central tabulator application. The results reports so
created are entirely adequate to figure out who won and lost, on a
precinct or jurisdiction-wide level. The standard, certified ES&S system
can also produce electronic data file results that can be written from
the central tabulator to a CD-ROM or other such media for uploading to
the Internet. Transcribing the results for use by some other system
might take a little bit of time but is a simple enough matter.

9) Like any modern election management system the vote totals (along with
candidate/race names, precinct numbers and the like) are stored in a
database. ES&S uses a variant of SQL - Structured Query Language - which
can be read to and written from a number of different programs. The
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situation is the same with world processing files - a Microsoft Word .DOC
document file can also be read by and worked with in WordPerfect,
AbiWord, OpenOffice, LibreOffice and others.

10) What ES&S has chosen to do here is extremely dangerous and exactly
what you'd want to do if you wanted to plant a "cheat" onto the central
tabulator. Their custom application written in a variant of the COBOL
programming language would have full contact with the central tabulator
database on both a read and write basis, while running on the same
computer as where the "master vote records" (the central tabulator
database - the "crown jewels" of the whole process) are stored.

11) Under this structure a case of accidental damage to the "crown
jewels" of the election data is possible. A case of deliberate tampering
of that data using uncertified, untested software would be child's play.

12) What they should have done is perform the normal export of the
election results by way of the standard process built into the central
tabulator, print that out to paper, then write a program that runs on
some other computer to takes the electronic output from the standard
central tabulator software as an "input" and then spit out
industry-standard .CSV data as an "output". In this scenario the new
custom software to create .CSV files could not possibly change the "crown
jewels" data because it doesn't have access to the original source
records - only a copy. And if that new custom application messed up and
mis-reported results, a quick eyeball check against the standard central
tabulator results would reveal the issue in a matter of minutes.

13) What they have done instead is criminally negligent just from a
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standpoint of data security. To double-check the results after this new system is implemented you'd have to go back to the original paper and/or any remaining "poll tapes" from the precincts ("cash register" type paper strips containing that precinct's vote totals). "Poll tapes" from the mail-in vote process may not even exist - most systems feed mail-in votes from scanners straight into the central tabulator with no independent record of the vote. In either case there would need to be public records access to either the poll tapes (if they exist or new ones haven't been faked up on a small PC printer meant for cash registers) or the original paper ballots. There has been widespread media complaints about the lack of access to either sort of public records in Ohio (esp. the 2004 election) and elsewhere. Common public records delays in access to those records would allow alteration or replacement of those documents.

14) In conclusion, the idea of producing industry-standard .CSV data files of election results is not inherently bad. The method of execution chosen however is unspeakably stupid, excessively complex and insanely risky. In medical terms it is the equivalent of doing open heart surgery as part of a method of removing somebody's hemorrhoids. Whoever came up with this idea is either the dumbest Information Technology "professional" in the US or has criminal intent against the Ohio election process - and if I were to guess it would be the latter.

Executed this 4rd day of November, 2012 at Tucson, Arizona.

James "Jim" March

Sworn and subscribed before me this 4th day of November 2012.

[Signature]

Notary Public