IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LIBERTARIAN PARTY OF OHIO, et al.,
Plaintiffs,

vs.

JON HUSTED,
Defendant.

Case No. 2:13-cv-953
Judge Michael H. Watson

DECLARATION OF CHARLES “JERRY” AMICK, ELECTON SYSTEMS & SOFTWARE

1. My name is Charles “Jerry” Amick, I am over eighteen years of age, and state the following based on personal knowledge.

2. I am a Customer Service Contractor for Election Systems & Software, LLC (“ES&S”) a company that specializes in selling voting machines and election management systems and software to elections officials across the United States and Canada. ES&S is headquartered in Omaha, Nebraska.

3. Ohio is one of 41 states in which ES&S conducts business. We currently contract with 54 county boards of elections within the State of Ohio to provide voting machines, election management systems and software. We also provide in-person technical support (in Ohio) for the products that we provide.

4. Ohio is one of the few states where ES&S operates in which coding or programming the machines must be done at the local level. By contract, ES&S is required to send a technician to each of the county boards of elections before the November 2014 general election to provide in-person technical support and assistance.

5. Each ES&S technician assists with programming the machines and the election software. Once the election software is programmed ES&S also assists boards with testing it to ensure accuracy. The amount of programming assistance a board needs varies across the state depending on the size of the county, the types of software used, and the skill level of the board personnel.

6. None of the county boards of elections with which ES&S contracts could begin programming, or effectuate a programming change after it has begun or is complete, without the help of our on-site technician. If a ballot were to change after
programming is complete, all of the counties with which ES&S contracts would need to have a technician sent to the county board again to complete the change.

7. ES&S employs 4 technicians to provide support in Ohio. The technicians are “assigned” anywhere from 4 to 12 Ohio counties. When a technician is assigned a county, he or she acts as the representative to that particular board of elections and is responsible for providing all of the required technical assistance, including programming and testing voting machines and software.

8. The amount of time each technician spends at a county before an election varies. It typically takes 3 to 4 days at a county board to complete the programming, coding, and testing of the software and machines. The exception to this would be the counties of Cuyahoga and Franklin where it typically takes up to 2 weeks to complete the programming, coding and testing of the software and machines.

9. Because we contract with so many Ohio counties, ES&S begins scheduling the on-site visits in August for a November election.

10. It takes from August 24 to September 22 for all of our on-site programming work to be completed before an election.

11. ES&S has already begun programming machines and software for the November 2014 general election based on the ballot that was certified by the Secretary of State on August 28, 2014. As of the date of the signing of this affidavit programming is complete in 37 counties. We anticipate that all programming will be completed by September 19, 2014.

12. If the ballot is changed after programming is complete ES&S will have to send technicians back to Ohio to re-program each county’s machines and/or election software systems. ES&S’s travel and personnel costs will be passed on to the individual county boards of elections. ES&S would also have to reprint all test decks, absentee and Election Day ballots.

13. ES&S employs enough technicians to ensure that all of the programming is complete before the election begins. If the ballot is changed after programming is complete, it would likely take 2 days per county to send technicians back to Ohio to re-program the machines. Once again, Cuyahoga and Franklin Counties would take much longer. Some counties would be “complete” before others, resulting in different ballots in different counties.

14. As of the date of the signing of this affidavit, I estimate that it would take approximately 10 days (utilizing 4 technicians) for ES&S to effectuate a change in the ballot in all of the 42 counties with which it performs programming, coding and testing of software and machines.
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate.

Executed this 16th day of September, 2014, in Brown County, State of Ohio.

Charles "Jerry" Amick