

Declaration of James "Jim" March

1 I, JAMES "JIM" MARCH, hereby declare:

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

5
6 1) I have extensive professional experience working with computer
7 technology since 1984. My experience in the computer industry
8 (completely separate from personal and professional work on election
9 systems) totals approximately 17 years and includes computer technical
10 support, systems administration, technical writing, training and security
11 analysis. I hold authorized install and support certifications for
12 Novell and IBM networking components, and have received a broad range of
13 ongoing industry training through my career in high-tech computer
14 industry. In recent years, I have used my experience to provide
15 technical assistance to persons and organizations active in the analysis
16 of computer-based voting systems.

17
18 2) Beginning in June of 2003 I was given access to a variety of materials
19 related to Diebold Election Systems Incorporated ("Diebold") and their
20 corporate ancestors Global Election Systems Inc. and Spectrum Print and
21 Mail. These materials were provided to me primarily by writer/activist
22 Bev Harris, who obtained them from a public, unsecured Internet site run
23 by Diebold. The first batch of materials obtained by Ms. Harris in
24 January 2003 included running program files, a variety of election data
25 files, system manuals, source code for some components, internal
26 corporate memos (some marked "not for customer review"),
27 industry-specific documents and the like. This material included
28 functional copies of the Diebold "central tabulator" software known as
GEMS - Global Election Management Software.

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1 3) After I assisted Ms. Harris in sorting through the material she had
2 obtained from the public, unsecured Diebold website, she posted much of
3 this material, including the GEMS tabulator software code, on a public
4 website.

5

6 4) In the years since I have testified in numerous court cases, the most
7 recent in a mandamus and injunction action in Pima County AZ on Nov. 1st
8 2012. My testimony is available and online at: youtu.be/lFYliwE2gzI

9

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

18 I am in possession of an electronic copy of a document titled "AGREEMENT
19 BETWEEN THE OHIO SECRETARY OF STATE AND ELECTION SYSTEMS AND SOFTWARE
20 LLC". There is a contract number of "2013-004". It is 28 pages long, in
21 PDF format from what appears to be original scanned paper documents.

22 There is no obvious evidence of tampering with the document - the
23 resolution, fonts and other formatting/stylistic issues are consistent
24 throughout. For the purposes of this declaration I will assume this
25 document to be accurate and I will comment on it on that basis.

26

27 6) This document purports to describe a custom software application
28 created by Election Systems and Software ("ES&S") that will have the
following characteristics:

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1 a) It will run on the primary central tabulator computers that add up
2 the vote totals for each county that is already an ES&S customer.
3 b) It will have access to the central tabulator database, extracting
4 information into a very simple, standard data format known as "comma
5 separated values" or .CSV. These .CSV files will contain actual,
6 live vote totals organized most likely by precinct, original voting
7 method (precinct, mail-in, early voting, provisional voting, etc.)
8 and vote totals for candidates, issues, etc.

9
10 7) For a number of reasons, I believe that this custom software is not
11 necessary for the conduct of elections and is in fact highly dangerous -
12 the presence of this software significantly reduces the odds that the
13 election results (on a county or statewide level) will be legally and/or
14 constitutionally correct. My analysis follows.

15
16 8) First, I have examined the election results created by the "normal"
17 (or "built in") election reporting tools included with the standard,
18 certified ES&S central tabulator application. The results reports so
19 created are entirely adequate to figure out who won and lost, on a
20 precinct or jurisdiction-wide level. The standard, certified ES&S system
21 can also produce electronic data file results that can be written from
22 the central tabulator to a CD-ROM or other such media for uploading to
23 the Internet. Transcribing the results for use by some other system
24 might take a little bit of time but is a simple enough matter.

25
26 9) Like any modern election management system the vote totals (along with
27 candidate/race names, precinct numbers and the like) are stored in a
28 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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1 situation is the same with word processing files - a Microsoft Word .DOC
2 document file can also be read by and worked with in WordPerfect,
3 AbiWord, OpenOffice, LibreOffice and others.

4
5 10) What ES&S has chosen to do here is extremely dangerous and exactly
6 what you'd want to do if you wanted to plant a "cheat" onto the central
7 tabulator. Their custom application written in a variant of the COBOL
8 programming language would have full contact with the central tabulator
9 database on both a read and ~~write~~ basis, while running on the same
10 computer as where the "master vote records" (the central tabulator
11 database - the "crown jewels" of the whole process) are stored.

12
13 11) Under this structure a case of accidental damage to the "crown
14 jewels" of the election data is possible. A case of deliberate tampering
15 of that data using uncertified, untested software would be child's play.

16
17 12) What they should have done is perform the normal export of the
18 election results by way of the standard process built into the central
19 tabulator, print that out to paper, then write a program that runs on
20 some other computer to takes the electronic output from the standard
21 central tabulator software as an "input" and then spit out
22 industry-standard .CSV data as an "output". In this scenario the new
23 custom software to create .CSV files could not possibly change the "crown
24 jewels" data because it doesn't have access to the original source
25 records - only a copy. And if that new custom application messed up and
26 mis-reported results, a quick eyeball check against the standard central
27 tabulator results would reveal the issue in a matter of minutes.

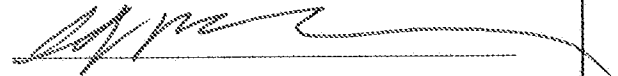
28
13) What they have done instead is criminally negligent just from a

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

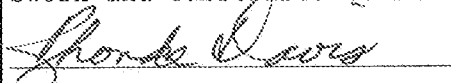
14
 15 14) In conclusion, the idea of producing industry-standard .CSV data
 16 files of election results is not inherently bad. The method of execution
 17 chosen however is unspeakably stupid, excessively complex and insanely
 18 risky. In medical terms it is the equivalent of doing open heart surgery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

23
 24 Executed this 4rd day of November, 2012 at Tucson, Arizona.

25 

26 James "Jim" March

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

28 

Notary Public

