

1 JOHN EICHHORST (No. 139598)
Email: jeichhorst@howardrice.com
2 MICHAEL L. GALLO (No. 220552)
Email: mgallo@howardrice.com
3 JASON S. TAKENOUCI (No. 234835)
Email: jtakenouchi@howardrice.com
4 D'LONRA C. ELLIS (No. 239623)
Email: dellis@howardrice.com
5 HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
6 A Professional Corporation
Three Embarcadero Center, 7th Floor
7 San Francisco, California 94111-4024
Telephone: 415/434-1600
8 Facsimile: 415/217-5910

9 LOWELL FINLEY (No. 104414)
Email: lfinley@wwc.com
10 LAW OFFICES OF LOWELL FINLEY
1605 Solano Avenue
11 Berkeley, California 94707
Telephone: 510/290-8823
12 Facsimile: 415/723-7141

13 Attorneys for Plaintiffs/Petitioners

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 CITY AND COUNTY OF SAN FRANCISCO

17 JOSEPH HOLDER, PETER CANTISANI,
DOLORES HUERTA, JUDY BERTELSEN,
18 CHARLES L. KRUGMAN, DAVID
HAGUE GOGGIN, ALYCE E. FRET LAND,
19 HELEN ACOSTA, MARY C. KENNEDY,
CHARLES FOX, MARTY KRASNEY,
20 MITCH CLOGG, BEN P. VAN METER,
NANCY TILCOCK, CHARLES O.
21 LOWERY, JR., LILLIAN RITT,
HAROLD C. CASE, SUSAN J. CASE,
22 KENNETH MARTIN STEVENSON,
LARRY MARKS, HARRY JOHN RAPF,
23 MERRILEE DAVIES, BERNICE M.
KANDARIAN, VICTORIA POST, and
24 VERONICA ELSEA, individuals,

25 Plaintiffs/Petitioners,

26 v.

27 (see following page)
28

ENDORSED
FILED
San Francisco County Superior Court

AUG 08 2006

GORDON PARK II, Clerk
BY WESLEY RAMIREZ Deputy Clerk

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No. CPF 06-506171

Action Filed: March 21, 2006

Action Remanded to this Court:
July 17, 2006

DECLARATION OF BRAD FRIEDMAN
IN SUPPORT OF VERIFIED PETITION
FOR WRIT OF MANDATE AND
MOTION FOR PRELIMINARY
INJUNCTION

Date: August 31, 2006
Time: 9:30 a.m.
Dep't: 302
Judge: Hon. Ronald E. Quidachay

Trial Date: None Set

1 BRUCE MCPHERSON, as California
Secretary of State; ELAINE GINNOLD, as
2 Elections Official of Alameda County;
CANDACE J. GRUBBS, as Elections
3 Official of Butte County; VICTOR E.
SALAZAR, as Elections Official of Fresno
4 County; ANN BARNETT, as Elections
Official of Kern County; THERESA NAGEL,
5 as Elections Official of Lassen County;
CONNY McCORMACK, as Elections
6 Official of Los Angeles County; MARSHA
WHARFF, as Elections Official of
7 Mendocino County; MAXINE MADISON, as
Elections Official of Modoc County;
8 KATHLEEN WILLIAMS, as Elections
Official of Plumas County; MIKEL HASS, as
9 Elections Official of San Diego County;
DEBBIE HENCH, as Elections Official of
10 San Joaquin County; COLLEEN BAKER, as
Elections Official of Siskiyou County; and
11 DOES 1 through 50,

12 Defendants/Respondents.

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1 I, Brad Friedman, declare as follows:

2 1. I am a registered voter in the State of California. I reside in Los Angeles,
3 California, which is located in Los Angeles County. Except as otherwise indicated, this
4 declaration is based on my personal knowledge, and if called as a witness, I could and would
5 testify competently to the matters contained in it.

6 2. I am employed as an independent journalist. I also operate bradblog.com, a
7 website blog with current news and commentary focused on politics and election issues.
8 bradblog.com has been in operation since January 2004.

9 3. On June 13, 2006, I interviewed San Diego County Registrar of Voters Mikel
10 Haas by phone. During the interview I asked Mr. Haas questions about the June 6, 2006
11 primary election, including the use of and security measures for the Diebold AV-TSx
12 electronic voting machines that San Diego County used in the election. I made notes of my
13 interview, and I reviewed these notes in the process of making this declaration.

14 4. I asked Mr. Haas about reports that his office had given AV-TSx machines to poll
15 workers days or even weeks before the election, and that the machines had been stored in
16 private homes, garages and cars. Mr. Haas said the machines had been given to poll workers
17 before Election Day. He said this was necessary because there was no other way to ensure
18 that they were in place on Election Day. He said "I don't know how else you're going to get
19 them out there."

20 5. I asked Mr. Haas whether allowing poll workers to take the machines home for
21 storage in garages and cars could be considered "secure." He admitted that he couldn't
22 respond specifically to garages, but that storage in cars "would *not* be considered secure."
23 He added, "No, we would advise them not to do that. No."

24 6. I then asked him if the overnight storage of voting machines with poll workers
25 was in violation of the rules promulgated by the National Association of State Election
26 Directors (NASSED), the national body which oversees the certification of voting systems.
27 Specifically, the NASSED requires that "[t]hroughout the life of the voting system, the
28 election official shall maintain control of all memory cards and keep a perpetual chain of

1 custody record for all of the memory cards used with the system. Programmed memory
2 cards shall be stored securely at all times with logged accesses and transfers.” Attached
3 hereto as Exhibit A is a true and correct copy of the NASED regulation which contains this
4 requirement.

5 7. Mr. Haas initially told me that as long as the programmed AV-TSx memory card
6 is in the custody of a poll worker, it is “secure” under the NASED regulations. He said it
7 would not be “secure” if it were kept in a poll worker’s car. Later, after I read to him the
8 NASED regulations on this, Mr. Haas told me that allowing poll workers to store the
9 machines in garages and cars “may be secure, but it’s not the *most* secure.”

10 8. Mr. Haas told me that the seals on the memory cards in the AV-TSx were “placed
11 to indicate if someone has tampered with the case.”

12 9. Mr. Haas confirmed that tamper seals were NOT placed over the secondary
13 external PCMCIA slot or the AV-TSx’s power switch. When asked if it was possible then
14 that someone could tamper with the machines via that vulnerability, Mr. Haas replied: “I
15 don’t know . . . I think it’s highly improbable.” When I said I was not asking if it was
16 probable or not, but rather if it was possible, he replied, “You’d have to want to commit a
17 felony, which knocks out most of our poll workers.”

18 10. When I pressed further on the PCMCIA vulnerability, Mr. Haas said: “I’m sure
19 they could stick something in the system . . . Whether it’s detectable or not, I’m pretty sure
20 that it is. But again, you’re tampering with election equipment.”

21 11. Mr. Haas indicated he was not aware of any election officials or poll workers in
22 the country who had been indicted for or had committed felony acts of election fraud.

23 12. Mr. Haas told me that San Diego County would use the AV-TSx as long as it was
24 certified. He said: “They’re certified, and as long as they’re certified we’re going to use
25 them. At this point we’re moving forward with using the product.” He also indicated that
26 San Diego County plans to use all AV-TSx systems this November instead of the currently
27 blended system of both optical scans and AV-TSx touchscreens.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. Executed this 20th day of July, 2006, at Los Angeles,
3 California.

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6 BRAD FRIEDMAN

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