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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 LI, Clerk  
BY WESLEY RAMIREZ  
Deputy Clerk

No. CPF 06-506171

Action Filed: March 21, 2006

Action Remanded to this Court:  
July 17, 2006

DECLARATION OF JOSEPH HOLDER  
IN SUPPORT OF 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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& RABKIN  
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1 I, Joseph Holder, hereby declare:

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

6 2. On April 13, 2006 I submitted a Public Records Act request with the California  
7 Secretary of State. In response to that request I received a copy of an e-mail exchange  
8 between Bruce McDannold—a voting systems analyst for the Secretary of State—and  
9 independent analyst Harri Hursti. The e-mail discussion includes Steve Freeman, another  
10 analyst with the Secretary of State's office. Attached hereto as Exhibit A is a true and  
11 correct copy of this e-mail exchange.

12 3. On June 6, 2006 I voted in my neighborhood precinct on a Diebold AccuVote  
13 TSx electronic voting machine. The polling location was the garage of the Hays residence,  
14 at 1159 Lexington Ave., Manteca, CA. After voting I left the precinct.

15 4. I returned to the precinct prior to the close of the polls at about 7:50 p.m. When  
16 there were no voters I talked to several of the poll workers until the close of the polls at 8:00  
17 p.m. Mr. and Mrs. Hays have been providing their garage as a polling place for many years.  
18 They told me they picked up the AccuVote TSx voting machines on Saturday June 3, 2006,  
19 and stored them at their home between June 3 and June 6.

20 5. On June 6, 2006, I took a series of photographs of some of the various stages of  
21 the procedures for closing the polls. The pictures were taken with a 35 MM SRL camera. I  
22 have the pictures as negatives, originals, and a digital copy.

23 6. Attached hereto as Exhibit B are true and correct copies of photographs that I  
24 took on June 6, 2006. These pictures accurately depict the AV-TSx machines that were used  
25 in my precinct as I personally observed them on January 6, 2006.

26 7. During my inspection of the AV-TSx machines I noticed that on each individual  
27 unit there were two doors on the left side of each unit. There was only one security tape seal  
28 on each unit. That security tape seal was affixed over the lower door behind which was the

1 PCMCIA "memory" card that contained the electronic ballot and the recorded votes. I  
2 personally observed the poll workers cut the security tape and remove the PCMCIA memory  
3 card containing the electronic ballot and recorded votes from the lower door and place the  
4 PCMCIA cards into the provided bag during the close of polls procedures.

5 8. I observed there was no security tape or other tamper-resistant or tamper evident  
6 device over the upper access door to the second PCMCIA port. Behind that door was the  
7 power switch that I observed them use to shut down the machine.

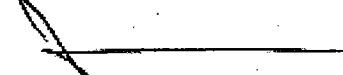
8 9. I observed there was no security tape seal observable anywhere else on the  
9 machine, specifically none where the two halves of the case met together.

10 10. I observed there was no observable security tape or other tamper-resistant or  
11 tamper evident device over the screws that hold the unit's case together.

12 11. When I told the poll workers that when each security seal was broken they were  
13 supposed to record the serial number in a logbook, they told me they had not been given a  
14 security seal logbook. They also told me they had not received any training regarding using  
15 a security seal serial number logbook.

16 11. I observed the entire process of closing the polls, including the point where the  
17 voting machines, voting supplies, and security bags containing the memory cards and poll  
18 tapes were loaded into a vehicle for delivery to a central collection point.

19 I declare under penalty of perjury under the laws of the State of California that the  
20 foregoing is true and correct. Executed this 24 day of July 2006 at Manteca, California.

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24 JOSEPH HOLDER  
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