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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 JIM MARCH 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;
CONNOR 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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RICE
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1 I, Jim March, declare as follows:

2 1. Except as otherwise indicated, this declaration is based on my personal knowledge, and
3 if called as a witness, I could and would testify competently to the matters contained in it.

4 2. I am a computer professional with 15 years experience in private industry and
5 government in the fields of local area network (LAN) administration and troubleshooting, software
6 installation, applications certification, technical support, technical writing and computer security
7 analysis.

8 3. On March 3rd, 17th, and 18th, 2006, I participated in examination and testing of
9 Diebold AV-TSx voting machines, in Emery County, Utah on the 3rd, in Salt Lake City Utah on the
10 17th and again in Emery County on the 18th. The examinations and testing were authorized by
11 Bruce Funk, then the Emery County Clerk.

12 During the examination of the Emery County Diebold AV-TSx voting machines, I took
13 numerous photographs of the exterior and interior of the equipment. Some of those
14 photographs were subsequently included in two reports prepared by computer security
15 expert Harri Hurst and published by Black Box Voting, Inc., a nonprofit, nonpartisan,
16 501(c)(3) consumer protection group for elections with which I am associated. A true and
17 correct copy of the first report, *Diebold TSx Evaluation, Security Alert: May 11, 2006:*
18 *Critical Security Issues with Diebold TSx*, is attached hereto as Exhibit A. A true and correct
19 copy of the second report, *Diebold TSx Evaluation, Security Alert: May 22, 2006:*
20 *Supplemental Report, Additional Observations*, is attached as Exhibit B.

21 4. True and correct copies of six additional photographs of the Diebold TSx that I took
22 during the examination in Emery County, Utah are attached as Exhibits C through H. Exhibit C is a
23 front view of the Diebold TSx. Exhibit D is a cart holding four TSx units.

24 5. Exhibits E through H show components visible only when the exterior case of the
25 Diebold TSx is removed, a process which required only the removal of eight standard Phillips
26 screws which left no visible evidence that was apparent to me. Exhibit E is a top view of the
27 Diebold TSx motherboard. Exhibit F is a close-up of the Diebold TSx telephone modem. Exhibit G
28 is a close-up of the Diebold TSx SD/MMC card slot. Exhibit H is a close-up of one of the two

1 PCMCIA card slots on the Diebold TSx motherboard. I added a set of "grid location guides" ("A"
2 through "E" and "1" through "4") to the photograph in Exhibit E for easy written reference to the
3 top-view of the motherboard, changing only areas of the photo surrounding the motherboard.

4 6. Based on my personal and professional knowledge of computer and consumer
5 electronics products, I can state that there is something odd regarding the SD/MMC slot shown in
6 Exhibit G. "SD" stands for "Secure Digital" – it is a fairly new format of high capacity memory in a
7 small physical size similar to a slightly thickened and hardened postage stamp. One original use
8 was in cellular phones. The form factor for SD memory cards has been absolutely set to just one
9 length up through the biggest capacity made to date (4 gigabytes). The MMC design is physically
10 similar, it just has a different notch in one corner and a slight software change. All are the same
11 overall dimensions. The socket Diebold has provided for an SD or MMC card is of a standard type,
12 except that it is an oversize (in terms of length) card slot. There is a possible reason. Other than
13 memory, the only other current use of the SD card format that I am aware of is for "WiFi" (wireless)
14 interface cards meant for the Palm and similar "palmtop" class computers. Some of these had SD
15 memory card slots but no provision for WiFi to be added on; some hardware vendors are currently
16 selling over-length SD format cards that contain WiFi circuitry and antennae for this class of
17 computer, but the devices would function with any computer that had an available slot length long
18 enough for the WiFi card. The Diebold slot is physically set up to take such an interface and hence
19 add wireless communications from and to the TSx in a fashion that would not be externally visible.
20 I do not know if Diebold has enabled support for any such WiFi add-on in this or any other fashion
21 in the software they ship with the system.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct and that this declaration was executed on August 1, 2006, at
24 Sacramento, California.

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26 

27 JIM MARCH
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