

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,
Plaintiff

**DECLARATION OF
RADY ANANDA**

Case No. 06-CV-0263
(GLS)

NEW YORK STATE BOARD OF ELECTIONS;
PETER KOSINSKI and STANLEY L. ZALEN,
Co-Executive Directors of the New York State
Board of Elections, in their official capacities; and,
STATE OF NEW YORK,
Defendants

Pursuant to 28 U.S.C. sec 1746, **RADY ANANDA**, declares as follows:

Background

1. I am a legal investigator trained in Salem, Oregon in 1994. Most of my practice has been in Ohio, working for attorneys, sometimes in-house and other times as an independent contractor. Prior to that I served as a paralegal starting in 1987. I also hold a Bachelor of Science from Ohio State University in Natural Resources, which I obtained in December 2003.
2. I am a co-founder of J30 Coalition of Columbus, Ohio, having served as its Chair of the Research and Investigations Committee, since J30's inception on January 30, 2005.

Our work is known to government representatives from several County Boards of Elections in Ohio, as well as the current and past Secretary of State's office. In early 2007, members of J30 met with Ohio Secretary of State Jennifer Brunner and her new Voting Rights Institute, presenting my annotated bibliography of expert studies addressing the lack of security inherent in software-driven election systems. This January 2007 annotation has been reproduced on several websites in three countries.

3. Since then, several new studies have been published on the World Wide Web. At the request of attorney Andrea Novick, I have now compiled my annotations into a single document for this matter, annexed hereto as exhibit "A", entitled 12-

07TechReportsRananda.pdf, which can also be found at <http://tinyurl.com/2okz67>.

4. I have conducted independent research and investigations into election matters since December 2004. I prepared a fully sourced 16-page spreadsheet of documented problems experienced in the 2004 election in Ohio, which was submitted to the Election Assistance Commission in 2005. That document appears in one of two books which reproduce some of my election research and analysis, authored by Bob Fittrakis, Steve Freeman and Harvey Wasserman.

5. Since 2005, I have written extensively on the topic of elections, posting well-sourced news articles and opinion pieces to the World Wide Web. The bulk of my work is posted at <http://www.opednews.com/author/author2795.html> and a smaller portion appears at <http://www.guvworld.org/cgi-bin/live.cgi?d=/Election%20Reform>.

6. In July 2005 three of us from J30 formed the original team to go into a county and photograph their election records. Since then I have gone into several other Ohio county

Boards of Election and helped organize the training and the teams for photographic collection of public election records. This work now represents the only remaining evidence of Ohio's 2004 ballots and other election records from specific counties which have since destroyed those records.

7. Since April 2005, J30 has endorsed the use of a hand-counted paper ballot (HCPB) system, and has prepared hundreds of public outreach materials to educate the public and election officials about the superiority of HCPB as to security, cost and transparency.

8. J30 has allied with other local election integrity groups to sponsor conferences and teach-ins, bringing in national speakers to address Ohio audiences about election integrity issues.

9. J30 has run four parallel elections (PE) outside an official polling site, modeling a hand-counted paper ballot system. In addition to prior training, I participated in three and ran two of these in November 2005 and November 2006. At the 2006 parallel election, we polled a site with 3,400 registered voters and used 24 volunteers to complete the project. These projects required me to prepare training manuals, which included specifics about hand-counting the ballots. Each parallel election project clarified ways to improve chain of custody and auditing techniques.

10. Through my research and collaboration with others across the nation who have also conducted hand-counted elections and parallel elections, I am able to contribute to a growing body of work on best electoral management practices. These experiences allow me to consider the administrative details New York would face when implementing a hand-counted paper ballot system.

11. In August 2006 I was hired to travel to San Diego to assist attorney Paul Lehto in an election contest captioned, *Jacobson, et al. vs. Bilbray, et al.*, San Diego County Superior Court Case No. GIC 870044.

12. In November 2006, I participated in a legally-required automatic recount which occurred in Ohio's 15th U.S. Congressional District race between Mary Jo Kilroy and Deborah Pryce, observing the inability of a touch screen voting system to provide independent auditable records.

13. In December, 2006, I was hired as an independent researcher to observe the recount of a contested race between Carole Squire and Chris Geer for a Franklin County, Ohio judgeship. We observed torn as well as missing Voter Verified Paper Audit Trails (known in Franklin County, Ohio as Real Time Audit Logs) in 35 precincts. As part of this lawsuit (*Squire v. Geer*, Franklin County (Ohio) Court of Appeals, Case No. 06APD-12-1285), Squire also hired me to organize and head a team of investigators to count signatures of those who voted in that midterm election. Part of my contracted responsibilities included preparing a spreadsheet of data collected and performing preliminary mathematical analyses of same. In February 2007, I testified in court as to my preliminary analysis of what the signature count yielded as compared to officially reported data.

14. Part of my duties as a legal investigator, and as a paralegal, required me to learn bookkeeping programs such as Quicken, Lotus and Excel. I have performed corporate research, and have prepared preliminary analyses of corporate financial reports. These experiences provide me with an ability to read and review complicated materials and

resolve them into graphic or written form that is clear to a lay person. They also provide me with the experience to perform preliminary mathematical analysis with varying parameters. An example of this can be found at <http://tinyurl.com/ypj38l> which required me to sift thru Census Bureau reports, as well as other analyses concerning minimum wage, housing wage, and living wage comparisons.

15. Spreadsheet: Estimated 2008 Registration & Turnout for New York

16. In order to offer assistance to New York should the State be permitted to hand-count the two federal races in the upcoming November 2008 election, I examined New York State's public documents available at the SBOE and county election web sites.

17. I prepared an Excel spreadsheet to calculate projected registration by November 2008, and projected turnout in the November 2008 election, broken down by county. On December 6-8, 2007, I downloaded all actual turnout and actual registration figures from the New York State Board of Elections (NY SBOS) website, for all 62 counties, for the relevant years mentioned below. The spreadsheet is annexed hereto as an exhibit "F", entitled RadyAdanda-NY08Reg&TurnoutProjections.pdf and can also be found at <http://tinyurl.com/2pggzx>.

18. The 2008 turnout prediction is first based on an expected increase in registrations from November 2007 to November 2008. I arrived at projected registration by averaging the percent registration increase from November 1999 to November 2000 and the percent registration increase from November 2003 to November 2004. This gave me a column, "Estimated Registration November 2008". This was done for each of the 62 counties individually.

19. I then averaged the 2000 and 2004 turnout, for each county individually, and multiplied that average by the 11/08 Estimated Registration, to arrive at an estimate for the 2008 turnout for each county. The statewide average anticipated voter turn out is 62%. Columns representing these projections have been incorporated into a spreadsheet designed and prepared by Dave Berman, annexed hereto as exhibit "E", NY_HCPB.pdf.

20. Dave Berman used these figures in his Forecast Tool, as described in detail in his declaration, in order to arrive at a final cost estimate which includes number of hand-counters needed, and hours spent counting

21. Were the Court to direct a hand-count of the Federal races for the 2008 election, J30 Coalition is willing to assist in training and organizing or providing whatever help it can to New York, and will help to send volunteers if needed to help count the vote.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 13, 2007

/s/ _____

RADY ANANDA