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 11 **UNITED STATES DISTRICT COURT**
 12 **CENTRAL DISTRICT OF CALIFORNIA**
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14 PETER BENAVIDEZ; PAMELA HILL;
 MITCH POMERANTZ; DEBORAH
 15 MILES; JAMES TROESH; AUDREY
 HARTHORN; JESSIE LORENZ;
 16 BYRON YAN; PAUL LONGMORE;
 RHONDA KING; SCOTT TAYLOR;
 17 JEREMY JOHANSEN; AMERICAN
 ASSOCIATION OF PEOPLE WITH
 18 DISABILITIES; CALIFORNIA
 COUNCIL OF THE BLIND, INC.;
 19 CALIFORNIA FOUNDATION FOR
 INDEPENDENT LIVING CENTERS;
 20 RIVERSIDE COUNTY; and
 MISHELLE TOWNSEND as Registrar
 21 of Riverside County in her official
 capacity,

22 Plaintiffs,

23 vs.

24 KEVIN SHELLEY, as Secretary of State
 25 for the State of California

26 Defendant.
27
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Case No. CV04-3318 FMC (PJWx)

DECLARATION OF M. GLENN NEWKIRK IN SUPPORT OF:

- 1) Plaintiffs' Reply To The Secretary Of State's Opposition To Plaintiffs' Motion For Preliminary Injunction;
- 2) Plaintiffs' Reply to Los Angeles County's Amicus Brief; and
- 3) Plaintiffs' Reply to the Electronic Frontier Foundation's, *et al.* Amicus Brief

Date: June 3, 2004
 Time: 2:30 p.m.
 Place: Courtroom 750
 Roybal Federal Courthouse

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1 I, M. Glenn Newkirk, declare:

2 1. I am the President of InfoSENTRY Services, Inc., and have held that
3 position since 1994. I am responsible for directing many of InfoSENTRY's major
4 consulting engagements. I have also worked with and consulted with numerous state
5 legislatures in the United States and have been involved in many aspects of the
6 implementation of statewide voter registration systems and vote tabulation systems in
7 the United States. My resume, which is incorporated herein, is attached hereto as
8 Exhibit A.

9 2. InfoSENTRY assists clients with implementation of various technologies,
10 including optical scan systems, Vote-by-Mail systems, and Direct Record Electronic
11 ("DRE") voting systems. One issue that has arisen in InfoSENTRY's work is the claim
12 that voters mistrust these new technologies, particularly DRE voting system technology.
13 To determine whether voters do, in fact, mistrust new voting technologies,
14 InfoSENTRY contracted with Opinion Research Corporation ("ORC"), one of the best
15 known and most established opinion research organizations in the United States, to
16 conduct a survey of public opinion toward the security of some of the new voting
17 technologies now available in the United States. I authored a March 1, 2004 White
18 Paper resulting from ORC's survey work that occurred in February of 2004. The White
19 Paper is titled "US Public Opinion toward Voting Technologies" and is attached hereto
20 as Exhibit B, and is incorporated herein.

21 3. As reported in Exhibit B hereto, public opinion research shows that
22 significantly more U.S. voting age adults expressed trust in the confidentiality and
23 accuracy of DRE voting systems than the other voting technologies included in the
24 survey, namely, optical scan with precinct count, optical scan with Vote-By-Mail, and
25 internet voting.

26 4. Based on this report (Exhibit B, hereto), my experience in assisting states
27 and counties in implementing DRE voting systems, and my reviews of other survey
28 research regarding voters' opinions toward voting technology, it is my expert opinion

1 that claims made about voters not trusting DRE voting system technology do not reflect
2 the majority opinion in the United States.

3 5. It is also my expert opinion that, although the Secretary of State has a
4 legitimate interest in security, it is not clear that efforts by the Secretary of State and
5 others to enhance security of voting systems to alleviate a supposed public concern
6 should be focused solely on DRE voting systems. Indeed, based on public opinion and
7 my work in the field, efforts to improve voting systems security should be directed to all
8 voting systems, not focused exclusively on DRE systems.

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10 I declare under penalty of perjury under the laws of the United States that the
11 foregoing is true and correct.

12 Executed this 18th day of May, 2004 at Raleigh, North Carolina.

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M. Glenn Newkirk

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