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9 Attorneys for Barbara Gail Jacobson,  
Lillian Ritt

10 **SUPERIOR COURT OF CALIFORNIA,**  
11 **COUNTY OF SAN DIEGO**

12 **BARBARA GAIL JACOBSON,**  
13 **LILLIAN RITT, and DOES 1-50,**

14 **Contestants,**

15 **vs.**

16 **BRIAN P. BILBRAY, MIKEL HAAS,**  
17 **DOES 1-50,**

18 **Defendants.**

**CASE NO.:**

**VERIFIED STATEMENT OF  
LILLIAN RITT IN SUPPORT OF  
ELECTION CONTEST**

**(Elections Code, section 16400)**

19 I, Lillian Ritt, declare the following:

- 20
- 21 1. I, Contestant, Lillian M. Ritt, reside at 15916 Las Planideras in Rancho Santa Fe,  
22 an unincorporated area of the County of San Diego, State of California, and am a  
23 qualified elector of the 50<sup>th</sup> Congressional District in the State of California.
- 24 2. Michael Haas, Registrar of Voters of the County of San Diego, hereinafter referred  
25 to as “Defendant,” does business at 5201 Ruffin Road, Suite I, in the City of San Diego,  
26 County of San Diego, State of California.
- 27 3. The office contested is Member of the United States House of Representatives  
28 from the 50<sup>th</sup> Congressional District of the State of California.

1 4. At the Special Election, held on June 6, 2006, in San Diego County, State of  
2 California, Brian Bilbray, was purportedly elected to the aforementioned office.

3 5. The grounds for this contest are stated in the petition for Election Contest and  
4 incorporated by reference herein.

5 6. The result of the election was declared on June 29, 2006, by the Canvassing Board  
6 of the County of San Diego.

7 7. This statement by contestant is filed in accordance with the provisions of Section  
8 16400 of the Elections Code of the State of California.

9 8. Defendant Brian P. Bilbray is the declared winner of the election contested.

10 9. Defendant Bilbray was sworn into office on June 13, 2006, before the election was  
11 certified.

12 10. Defendant Mikel Haas is the registrar of voters for the County of San Diego and  
13 responsible for the conduct of the election contested.

14 11. Diebold Election Systems, Inc., (Diebold) is a corporation in the business of  
15 manufacturing electronic voting machines, and is the manufacturer of the voting  
16 machines at issue in this case.

17 12. This contest relates to the special election conducted on June 6, 2006, and  
18 Defendant Bilbray's right to hold and fill the office of United States Congressman to the  
19 House of Representatives from the 50<sup>th</sup> Congressional District.

20 13. Mikel Haas and other San Diego County elections officials have conspired, and  
21 aided and abetted in the suppression, non-collection, and the destruction of relevant  
22 evidence and election materials concerning the June 6, 2006 election, under a variety of  
23 pretenses. The pretenses include, but are not limited to, (a) asserting claims of  
24 "confidential," "proprietary," and "trade secrecy" claims on behalf of Diebold to avoid  
25 producing electronic programs, electronic ballots and electronic audit logs and system  
26 files and other computerized records necessary to a proper and complete audit of the  
27 electronic voting systems (both optical scan and touchscreen) used in San Diego County,  
28

1 (b) failure to fulfill timely, or at all, public records requests filed on April 14, 2006, and  
2 June 30, 2006, for inspection and copying of election records, seeking, *inter alia*, audit  
3 logs, system logs, ballot definition files, security logs, seal logs, ballot envelopes,  
4 electronic ballots, paper ballots, provisional ballots, pollbooks/signature logs, etc.

5 14. Mikel Haas, as an official policy, directed that security procedures and chain of  
6 custody be abandoned on voting machines, by directing that essentially all voting  
7 machines, both optical scan and touchscreen, be released to the personal possession of  
8 pollworkers for overnight “sleepover” stays ranging from several days to over a week.  
9 During these sleepovers, the voting machines were unsecured, subject to access by  
10 innumerable neighbors, strangers and family members, and stored without records or  
11 proof of actual chain of custody, eliminating the ability of any person to detect whether  
12 or not fraud or improper access to the voting machines occurred.

13 15. The actions of Defendant Haas, as Registrar of Voters, and Does 1-50, constitute  
14 such reckless indifference and intent to obscure the chain of custody, and frustrate  
15 reconciliation of ballots and other accountability for election mistakes, as to constitute  
16 aiding and abetting fraud or attempts at fraud and aiding and abetting, in violation of  
17 California Election Code, section 18500.

18 16. The one per cent audit in this case revealed discrepancies in the canvass as alleged  
19 herein.

20 17. The voting machines they authorized for use in the election had serious security  
21 flaws and failed to address the security issues by, among other things, releasing the  
22 voting machines into the hands of persons not properly trained to protect the voting  
23 machines from tampering; by allowing the voting machines to remain in unsecured  
24 locations, such as pollworkers’ car trunks and residential garages, for as long as seven  
25 days, or more, prior to the election; by failing to provide tamper-proof seals on ports in  
26 the machines that subject the machines to hacking of the software that counts the vote;  
27 by failing to maintain a chain of custody of the machines; by allowing keys to the  
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1 machines to be possessed by persons not authorized to possess them; and by violating  
2 the conditions under which the voting machines were certified by the Secretary of State.  
3 The malconduct resulted in an election subject to fraud, without credibility, and which,  
4 therefore, cannot be relied on as an expression the will of the people. The malconduct  
5 affected each precinct in the District. The malconduct occurred throughout the election  
6 cycle.

7 18. There has been such a radical departure from the expected chain of custody and  
8 compliance with recordkeeping requirements that the ability of the public to detect fraud  
9 has been radically frustrated or eliminated.

10 19. Defendants Haas and Does 1-50, failed to take all action necessary to make the  
11 votes effective in the election by failing to ensure proper voter registration, and by  
12 failing to comply with all prerequisites to voting, casting a ballot, and having the ballot  
13 counted properly and included in the appropriate totals of votes cast with respect to the  
14 candidates.

15 20. Polling places in San Diego County were scheduled to open at 7 a.m., on June 6,  
16 2006, but some did not open until as late as noon on election day denying hundreds of  
17 people the right to vote.

18 21. The actual conditions of the election, unknown to contestants until the day of the  
19 election or thereafter, violated the conditional certification of the Diebold Voting  
20 machines by the Secretary of State.

21 22. Over five hundred absentee voters ballots were mailed late and/or not received  
22 timely, denying those voters the right to vote.

23 23. Officials added to or mixed other ballots with the ballots of given precincts, with  
24 the intent to change the result of the election and obfuscate reconciliation attempts  
25 matching registered voters and ballots, particularly with regard to all absentee voter  
26 precincts.

27 24. The errors included reported election results exceeding registered voters by  
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1 several thousand percent in numerous precincts, as further set forth in the declarations  
2 and exhibits attached hereto.

3 25. The cost of a recount of the votes in San Diego County is \$1.00 or more per vote  
4 recounted. Compared to other counties, such as nearby Orange County, the cost is \$0.14  
5 per vote.

6 I declare under penalty of perjury, pursuant to the laws of the State of California  
7 that the foregoing is true and correct.

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9 Dated: \_\_\_\_\_

Signed: \_\_\_\_\_  
Lillian Ritt

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