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13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15 Case No. *EDCV04-05225 VAP(SLGX)*

16 PETER BENAVIDEZ; PAMELA HILL;
17 MITCH POMERANTZ; DEBORAH
18 MILES; JAMES TROESH; AUDREY
19 HARTHORN; JESSIE LORENZ;
20 BYRON YAN; PAUL LONGMORE;
21 RHONDA KING; SCOTT TAYLOR;
22 JEREMY JOHANSEN; AMERICAN
23 ASSOCIATION OF PEOPLE WITH
24 DISABILITIES; CALIFORNIA
25 COUNCIL OF THE BLIND, INC.;
26 CALIFORNIA FOUNDATION FOR
27 INDEPENDENT LIVING CENTERS;
28 RIVERSIDE COUNTY; and
MISCHELLE TOWNSEND as Registrar
of Riverside County in her official
capacity,

Plaintiffs,

vs.

KEVIN SHELLEY, as Secretary of State
for the State of California
Defendant.

DECLARATION OF PETER
BENAVIDEZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING
ORDER AND/OR FOR A
PRELIMINARY INJUNCTION

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Attorneys for Plaintiffs

1 I, Peter Benavidez, declare as follows:

2 1. I am a plaintiff in this lawsuit in my individual capacity. I have personal
3 knowledge of the following and if called upon to testify thereto, I could and would
4 competently do so.

5 2. I am a U.S. citizen and a resident of Riverside County. I am also registered
6 to vote in Riverside County.

7 3. I have voted in previous elections in Riverside County, including the
8 March 2, 2004 primary, and I intend to vote in future elections in Riverside County,
9 including the November 2004 election.

10 4. I am legally blind. Due to my visual impairment, I am unable to vote
11 independently, in secret, and without third party assistance without the use of accessible
12 Direct Recording Electronic (DRE) voting systems. Prior to DRE voting, I had to have
13 someone read the ballot to me. I was then forced to reveal my vote to that person so
14 that they could mark my ballot for me in order to vote.

15 5. I would like to cast a ballot in the November 2004 election and in future
16 elections independently, unassisted, and in secret, the same as all other voters in
17 Riverside County who are not disabled. I do not want to lose my right to vote
18 independently and secretly. However, it is my understanding that I will be unable to do
19 so because the California Secretary of State has decertified the accessible DRE voting
20 system used by the County of Riverside.

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

23 Executed this 5th day of April, 2004, at Riverside, California.

24
25 Peter Benavidez (Signed Electronically)

26
27 _____
28 Peter Benavidez