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13 UNITED STATES DISTRICT COURT
 14 CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

vs.

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

Defendant.

Case No. CV 04 3318 (FMC) (JPWx)

**DECLARATION OF PATRICIA
 YEAGER 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
 Rpybal Federal Courthouse

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19 **ATTORNEYS FOR PLAINTIFFS**

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1 I, Patricia Yeager, declare as follows:

2 1. I am the Director of California Foundation for Independent Living Centers
3 ("CFILC") and my duties include implementing board policies across the organization,
4 supervising the organization's directors, managers and project directors, serving as
5 organizational spokesperson, overseeing all human resources operations within the
6 organization, as well as monitoring budget and fundraising activities. I have personal
7 knowledge of the matters set forth in this declaration, and if called to testify as a witness
8 in this matter, I could and would testify competently to the matters set forth herein.

9 2. I informally became aware of the Voting Systems Procedures Panel
10 (VSPP) meeting originally scheduled for April 21-22, 2004 through an email from a
11 member of the Ad Hoc Touchscreen Committee that was convened by the Secretary of
12 State during the summer months of 2003. This VSPP meeting was extended to, and
13 concluded on, April 28, 2004. I was provided an electronic copy of the agenda. The
14 agenda did not provide notice or any indication that the decertification of all direct
15 record electronic (DRE) voting systems would be considered as part of this meeting.

16 3. It was my understanding that the main focus of this meeting was the first
17 agenda item the investigation of the Diebold voting systems. Specifically, the panel
18 would be discussing an investigation into allegations that the Diebold TSx electronic
19 voting system was not federally certified.

20 4. At no time prior to April 28, 2004, did I receive formal notice or any
21 communication from the Secretary of State, or anyone acting on his behalf, that the
22 decertification of all direct record electronic (DRE) voting systems was being
23 considered.

24 5. At no time prior to April 28, 2004, did I received formal notice or any
25 communication from the Secretary of State, or anyone acting on his behalf, regarding
26 the alleged defects of DRE voting systems generally.

27 6. I contacted the Office of the Secretary of State on April 20, 2004 in an
28 attempt to obtain a detailed agenda for the April 21-22, 2004 VSPP meeting. I was able

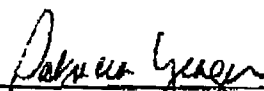
1 to speak with a staff member in the Elections Division of the Secretary's office who
2 provided me the order of the agenda items, and indicated that the third agenda item was
3 voting systems to be used in November. However, the staff member at no time
4 indicated that the Secretary was considering decertification of all DRE voting systems.
5 Additionally, the staff member failed to provide any information regarding the alleged
6 defects of DRE voting systems generally.

7 7. I was informed, during a March 23, 2004 visit with Derrin Chesin,
8 legislative staff member to Senator Don Perata, that legislation was being formulated to
9 de-certify all DRE voting systems in California if the Secretary of State did not do so
10 himself. Consistent with this, I am aware that the California Legislature has proposed
11 legislation to prohibit paperless voting systems from being used in the November 2004
12 elections. The pending bills are SB 1723 and SB 530. Additionally, there is legislation
13 pending, SB 1438 that would require a voter verified paper audit trail (VVPAT) for use
14 on DRE voting systems by 2005.

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

17 Executed this day of May, 2004, at Sacramento, California.

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Patricia Yeager