

## SECOND DECLARATION OF AARON ZISSER

AARON ZISSER, declares under penalty of perjury, that the following is true and correct:

1. I am an attorney at the Public Interest Law Center of Philadelphia. I am a member of the bar of the State of New York.
2. On October 1, 2008, I attended a public hearing before the Philadelphia City Commissioners. The Chairwoman of the City Commissioners, Margaret Tartaglione, stated on the record at the hearing that the policy for Election Day on November 4 is to distribute emergency back-up paper ballots only if all of the electronic voting machines at a particular precinct are inoperable. She stated that the policy is to follow exactly the State directive in this regard and not to distribute emergency back-up paper ballots any more than is required under that directive.
3. The City Commissioners staff, including Voter Registration Administrator Bob Lee and Deputy Commissioner Fred Voight, echoed this policy on the record at the hearing.
4. Mr. Lee and Mr. Voight did so once again, this time off the record, on October 22, 2008, when I approached them immediately following another public hearing before the City Commissioners, when they again insisted that emergency back-up paper ballots will be distributed only if all the machines at a particular precinct become inoperable. Mr. Voight had made similar statements in a phone conversation with myself and my colleague, Michael Churchill, on or around September 29, 2008.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 22<sup>nd</sup> day of October, 2008.

/s/

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AARON ZISSER