

# Exhibit J

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

DEMOCRATIC NATIONAL COMMITTEE, *et al.*

Plaintiffs,

v.

REPUBLICAN NATIONAL COMMITTEE, *et al.*

Defendants.

Civil Action No.: 81-3876

Judge John Michael Vazquez

DECLARATION OF JOHN R. PHILLIPPE JR.

I, John R. Phillippe Jr., state the following based on my personal knowledge:

1. I am over 18 years of age and competent to make this Declaration.
2. I reviewed the Court's Order dated October 31, 2016 (Dkt. #113) ("Order") in the above captioned case.

3. I am the Chief Counsel of the Republican National Committee ("RNC"), and have served in this position since July 2009. I am responsible for managing the RNC Counsel's Office and all of the RNC's day-to-day legal affairs, including ensuring the organization's compliance with the Consent Decree.

4. In response to the Court's Order, I conducted the following investigation regarding the allegations set forth in the Democratic National Committee's (DNC) Memorandum in Support of Order to Show Cause.

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### **Agreements With Trump Campaign**

5. I personally inquired whether the RNC has any agreements whatsoever with Donald J. Trump or his presidential campaign related to voter fraud, ballot security, ballot integrity, poll watching, or poll monitoring activities.

6. I spoke with each official at the RNC who has authority to execute contracts on behalf of the RNC: the Chairman; Chief of Staff; and Chief Operating Officer. I also spoke with the RNC Chief Financial Officer, who must sign off on every RNC contract. None of these individuals was aware of any such agreement or of any facts suggesting the RNC may be engaging in any activities implicated by the Consent Decree.

7. In addition, I spoke with all employees in our Political division who I believe reasonably could be expected to know if the RNC and the Trump campaign had any agreement with respect to these activities: the Political Director, Deputy Political Director, National Field Director, Operations Manager for the Political division, and all six Regional Political Directors. None of them knew of any such agreement or of any facts suggesting the RNC may be engaging in any activities implicated by the Consent Decree.

8. I also asked personnel to review the RNC's electronic and hard-copy files for any agreement with Mr. Trump or his campaign related to voter fraud, ballot security, ballot integrity, poll watching, or poll monitoring activities. My staff in the Counsel's Office searched the locations where contracts are stored in hard copy and electronic, and did not locate any written agreements between the RNC

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and Trump campaign with respect to any of the activities identified by the Court in its Order.

9. I also had a telephone conversation with Donald McGahn, general counsel of the Trump campaign. Mr. McGahn was not aware of any agreements between the Trump campaign and the RNC with respect to any of these activities other than oral agreements between he and myself recognizing an understanding that the RNC would not be involved in any such activities and that, to the extent it was involved in any of these activities, the Trump campaign would not receive any assistance from the RNC whatsoever. Mr. McGahn has been consistently sensitive to the RNC's obligations under the Consent Decree.

10. Finally, it is standard practice at the RNC for my office to draft and/or review all RNC contracts. Neither I nor my staff has reviewed, or been asked to review or advise about, any contract or agreement of the type described by the Court. If we had been asked to review or advise about such a contract, we would have rejected it.

11. In light of this investigation – except for the understanding between myself and Mr. McGahn that the RNC would not be involved or assist in any such activities as described above – I am confident that there is no written or oral agreement between the RNC and Mr. Trump or his campaign with respect to voter fraud, ballot security, ballot integrity, poll watching, or poll monitoring activities.

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### **Press Statements by Trump Campaign**

12. On November 1, 2016, at approximately 5:45 pm, I personally spoke by telephone with Republican nominee for Vice President of the United States, Governor Mike Pence, concerning Governor Pence's reported remarks at an event in Denver, Colorado on August 3, 2016, purportedly mentioning efforts to "ensure ballot integrity."

13. Governor Pence stated to me that he has "no knowledge whatsoever" of any effort between the Trump campaign and the RNC to ensure ballot integrity. He further stated that he neither ever has been a part of, nor is aware of, any discussions between the Trump campaign and the RNC concerning any efforts to ensure ballot integrity or that would suggest any RNC involvement in such activities.

14. On November 2, 2016, at approximately 2:55 pm, I personally spoke by telephone with Trump Campaign Manager Kellyanne Conway regarding remarks she reportedly made to a reporter that the RNC might be assisting the Trump campaign in monitoring voting precincts throughout the country.

15. Ms. Conway informed me that she had retracted her statement to the reporter because she had been mistaken. She further expressly stated that she has no knowledge of, and knows of no facts indicating, that the RNC is involved in any poll monitoring activities in any state.

16. Based on my discussions with Governor Pence and Ms. Conway, and my other investigation described in this Declaration and my Declaration dated October 31, I am confident that the initial statements by Governor Pence and Ms.

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Conway were mistaken, and in fact that they have no knowledge of any cooperation between the Trump campaign and the RNC in ballot security efforts.

### **Remarks by State Party Chairs**

17. The DNC's brief also identified articles published in the *Washington Post* and *Detroit News* quoting the Chairs of the Pennsylvania Republican Party and Michigan Republican Party about ballot security activities in their respective home states. Notably, both articles refer to the individuals as State Party Chairs, and, as I read the articles, I am confident this is the capacity in which they were speaking. Under Rules 1(a) and 3(b) of *The Rules of the Republican Party* (the "Party Rules"), State Party Chairs automatically become members of the RNC upon their selection as State Party Chairs.

18. I contacted Lawrence Tabas, who I understand has served as outside counsel to the Pennsylvania GOP for approximately 25 years. Mr. Tabas confirmed that the RNC does not have any involvement in poll watching programs by the Pennsylvania GOP. Mr. Tabas also could not recall a single occasion when the RNC has been involved with such activities in the Commonwealth of Pennsylvania. Finally, Mr. Tabas informed me that the Pennsylvania GOP has not "targeted" voters in Philadelphia as part of its poll watching programs.

19. I also spoke with Eric Doster, who I understand has served as outside counsel to the Michigan GOP since the 1980s. Mr. Doster explained that the Michigan GOP has been involved in various programs related to poll watching and ballot security during his entire time as counsel to the state party, but the RNC has

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not been involved in these efforts. He also confirmed that this year's program, which is focused predominantly on get-out-the-vote activities, is no different – there have been no discussions with or involvement by the RNC in the program.

20. Since my discussions with Messrs. Tabas and Doster, I have reviewed the Declarations of Robert Gleason and Ronna Romney McDaniel, in which both individuals confirm they have no knowledge of RNC involvement in their respective poll watching programs. This is consistent with my understanding.

21. Finally, because of their regular contact with state party officials, our Political Director, Chris Carr, our national field director and our six Regional Political Directors are the RNC personnel most likely to know if there has been any involvement by the RNC in any state ballot security efforts. As noted above, I spoke with each of these individuals, including Mark Jefferson, who handles activities in Michigan, and Sarah Nelson, who handles Pennsylvania. Each individual reaffirmed that they are not aware of any participation in ballot security efforts in Pennsylvania, Michigan, or any other state by RNC or anyone acting on its behalf.

22. Based on my investigation into the comments by Mr. Gleason and Ms. Romney McDaniel, I am confident that there is and has not been at any relevant time RNC participation in ballot security programs in Pennsylvania or Michigan. Nor am I aware of the RNC's participation in any such activities in any other state.

### **Affirmations of RNC**

23. As explained in my Declaration dated October 31, 2016, earlier this year the RNC Counsel's Office contacted all RNC staff and all independent

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contractors who were at the time under contract with the RNC to provide services to the Political and Finance divisions and required each to sign an affirmation that they had read RNC guidance regarding the Consent Decree and would comply with its instructions. I will continue to do this with respect to any new employees or relevant contracts through the remainder of this election season.

24. As also explained in my October 31, 2016 Declaration, the RNC received signed affirmation forms from all recipients, 406 people, representing all RNC employees and contractors who, in my judgment, would have even a remote possibility of being involved in matters covered by the Consent Decree. Pursuant to the Court's order, I have provided a breakdown of the categories of individuals who received the RNC's guidance, which is depicted in the chart attached to this Declaration as Exhibit J.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true.

Executed on November 2, 2016.

  
John R. Phillippe Jr.



# **EXHIBIT J**

<b>Category</b>	<b>Number of People</b>
Administration	20
Chairman's Office	11
Co-Chair's Office	4
Data/Digital/Engineering	74
Fundraising	29
Fundraising Independent Contractor	27
Legal	14
Media/Communications	20
Member Services	3
Misc. Employees	12
Political Field	48
Political HQ	27
Political Independent Contractor	90
Research	23
War Room	4