

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MATTHEW DUNLAP,

Plaintiff,

v.

PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY, *et al.*,

Defendants.

Civil Action No. 1:17-cv-2361 (CKK)

SECOND DECLARATION OF CHARLES C. HERNDON

I, Charles C. Herndon, declare as follows:

1. I am the Director of White House Information Technology (“WHIT”) and Deputy Assistant to the President. I am the senior officer responsible for the information resources and information systems provided to the President, Vice President and Executive Office of the President. I report to the White House Deputy Chief of Staff and Assistant to the President for Operations, and through him to the Chief of Staff and the President. I am part of what is known as the White House Office. This declaration is based on my personal knowledge and upon information provided to me in my official capacity.

2. On January 3, 2018, the President signed an Executive Order terminating the Presidential Advisory Commission on Election Integrity.

3. All of the state voter data provided to the Commission is encrypted and stored in a separate container within the domain electionintegrity.whitehouse.gov. Only four members of WHIT’s staff have had and continue to have access to the data. These staff members are not

authorized to transfer or utilize this data. No Commission member was provided access to the state voter data prior to the Commission's termination and none has access now. Although my original declaration stated that the Commission would receive dedicated laptops on which it could access the data, that did not occur and no dedicated laptops were issued.

4. The state voter data has never been transferred to, or accessed or utilized by, the Department of Homeland Security ("DHS") or any other agency. The state voter data will not be transferred to, or accessed or utilized by, DHS or any other agency, except to the National Archives and Records Administration ("NARA"), pursuant to federal law, if the records are not otherwise destroyed. Pending resolution of outstanding litigation involving the Commission, and pending consultation with NARA, the White House intends to destroy all state voter data. Until such disposition, the data will continue to be maintained by the WHIT technical staff as Presidential Records.

5. The Commission did not create any preliminary findings. In any event, no Commission records or data will be transferred to the DHS or another agency, except to NARA, if required, in accordance with federal law. Commission documents and records remain publicly accessible on the former Commission's public webpage at <https://www.whitehouse.gov/articles/presidential-advisory-commission-election-integrity/>. Non-public Commission records will continue to be maintained as Presidential Records.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of January 2018.



Charles C. Herndon