

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

COMMON CAUSE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17-1398 (RCL)
)	
PRESIDENTIAL ADVISORY)	
COMMISSION ON ELECTION INTEGRITY,)	
<i>et al.</i> ,)	
)	
Defendants.)	
_____)	

DECLARATION OF KAREN HOBERT FLYNN

I, KAREN HOBERT FLYNN, hereby state, under penalty of perjury, that the following information is true to my knowledge, information, and belief:

1. I am the President of Common Cause and have served in this position since June 2016. Prior to serving as President, I served as Senior Vice President in Common Cause's national office for several years, and oversaw all the organization's programmatic work. Before serving as Senior Vice President, I served as Vice President for the State Operations where I oversaw all of Common Cause's state organizations and their operations. Prior to that position, I was the Chair of Common Cause Connecticut, and prior to that, Executive Director of Common Cause Connecticut where, among other things, I was responsible for all the voter-protection, advocacy, education, and outreach activities conducted by that office. I originally joined Common Cause as an employee in 1985.

2. I submit this Declaration in support of Common Cause's Motion for a Preliminary Injunction against the Presidential Advisory Commission on Election Integrity, the Department of Homeland Security, and the Social Security Administration. Defendants' actions threaten the integrity of the political process and election system in the United States. As I outline below, if not enjoined, Defendants' actions in collecting information concerning voters' First Amendment activities will irreparably injure Common Cause and its members, including by frustrating Common Cause's organizational mission, causing a diversion of resources from its core activities, and frustrating the ability of its members to participate to the fullest extent in the political process.

I. Common Cause's Mission and Activities

3. Common Cause is a nonpartisan grassroots organization dedicated to upholding core values of American democracy. We work to advance an open, honest, and accountable government. Since its founding in 1970, Common Cause has been dedicated to the promotion and protection of the democratic process, such as the right of all citizens, including eligible members of Common Cause, to be registered for and vote in fair, open, and honest elections.

4. As part of our mission to create an open and accountable democracy that works for all, we work in the areas of campaign finance reform, ethics, redistricting, transparency, fair access to media, and voting matters. We do so through advocacy, creation and distribution of educational materials, engagement in election protection work, communications, engagement with our membership, and litigation.

5. Common Cause conducts significant nonpartisan voter-protection, advocacy, education, and outreach activities to ensure that voters are registered to vote and have their ballots counted as cast. Common Cause provides on-site election protection assistance during general and presidential elections, and it helps to facilitate voter registration. In addition, Common Cause also advocates for policies, practices, and legislation – such as automatic and same day registration – that facilitate voting for eligible voters and ensure against disenfranchisement. Common Cause opposes efforts that unduly burden registration and/or voting, including, but not limited to, restrictive voter identification laws, improper voter registration requirements, and partisan gerrymandering.

II. Common Cause's Structure and Membership

6. Common Cause is a nonprofit corporation organized and existing under the laws of the District of Columbia.

7. Common Cause currently has state organizations in 30 states and a national office in the District of Columbia. We additionally have strong volunteer boards in a number of states where we do not have paid staff in place.

8. Common Cause is a membership organization with more than 900,000 members and supporters. Supporters engage in activism as led by Common Cause – signing onto petitions, taking action as a result of digital outreach and engagement, attending rallies we announce, calling or meeting with their representative on issues we educate them on, etc. – while members are encouraged both to make financial contributions and to engage in activism. Nearly

100,000 members have made financial contributions to the organization in the past two years. Common Cause members fund a significant portion of its activity.

9. Members and supporters of Common Cause are engaged in organized political activities, including election protection work, coordinated protests, coordinated letter-writing campaigns, petition drives, and lobbying. Common Cause's members sign up for coordinated activities including election protection. For example, during the 2016 election, Common Cause mobilized and trained volunteers in 20 states across the country; these volunteers, who included members and supporters of Common Cause, fielded calls on the election protection hotline and/or were directed to polling places where they provided voters with information, identified problems in real time, and notified pertinent elections officials of outstanding issues in need of remedy.

10. Members of Common Cause are benefitted through receiving extensive educational materials concerning current developments in the political process. Common Cause provides its members with comprehensive information regarding its work on their behalf, including regular emails – called “causenets” – regarding current issues and requests for participation in rallies or lobbying days, in addition to telephone issue briefings. Common Cause also conducts online/telephonic trainings for members. It also hosts electronic “town hall” meetings for its members and the public, including a recent such town hall on Twitter to provide contemporaneous analysis of the July 19, 2017 meeting of the Commission.

11. Common Cause regularly seeks out the views of its members, which inform the position Common Cause takes on various issues.

III. The Damaging Effects of the Commission's Data Collection Activities on Common Cause's Organizational Purpose and Mission

12. Common Cause and its members have been and will be injured by the Commission's activities, including its efforts to obtain personal information regarding voter affiliation, vote history, and other related details.

13. The Commission's conduct has frustrated Common Cause's mission of ensuring that the elections voters participate in are fair, open and honest, as well as its efforts to safeguard personal voter information.

14. Common Cause has already expended significant staff time and resources to engage in non-litigation-related outreach, communications, and education efforts for its members and the public to oppose the impermissible collection of the voter information sought by the Commission, diverting resources from its core ongoing activities and projects. These expenditures are aimed at counteracting the harm that the Commission's impermissible attempt to collect voter information will cause to Common Cause's mission of encouraging and facilitating voter participation and engagement.

15. Specifically, to date, as a result of the Commission's collection of data and its stated intent to collect data, the national and state offices of Common Cause have devoted significant staff time to member education and outreach, public education and outreach, non-litigation-related oppositional activities aimed at stopping the Commission's collection of data, and efforts to help dissuade prospective and current voters from curtailing their participation in voting and the political process as a result of the Commission's activities, including data

collection. In particular, such activities by Common Cause have included but are not limited to the following:

- a. Corresponding with authorities in states concerning the Commission's request;
- b. Engaging in strategy sessions on how to minimize the Commission's effects of voter participation and engagement;
- c. Preparation of op-ed and other materials to counteract wave of voter de-registrations taking place in response to the Commission;
- d. Preparing and sending email outreach and action alerts regarding the Commission to Common Cause members that discuss the Commission's request for voter information;
- e. Preparing web content for Common Cause's website regarding the Commission and its data request;
- f. Preparing for and participating in a Twitter Town Hall for the purpose of educating the public regarding the July 19, 2017 meeting of the Commission;
- g. Organizing an email campaign to the Commission from 30,000 individuals opposed to the Commission's data request;
- h. Organizing, preparing for, and speaking at a rally in opposition to the Commission that specifically addressed the data request, including urging individuals not to be intimidated from exercising their freedom to vote;
- i. Corresponding with state officials regarding the Commission's data request;
- j. Engagement with media regarding the Commission's data request; and

- k. Preparation of a forthcoming educational report on the Commission that will be distributed to Common Cause members and the public at large and that discusses how previous commissions on election administration compare to this Commission.

16. The time and resources expended by Common Cause in response to the Commission have diverted resources from its ability to advance activities that are central to its mission. In particular, Common Cause is currently engaged in (among other things) advocating and educating its membership and the public about proactive voter reform such as automatic voter registration, creation of educational materials on transparency issues in our government, lobbying at the state and federal levels for proactive voter measures such as full funding of the Election Assistance Commission, creation of communications products about achieving reform through bipartisan efforts, communications work to encourage greater participation in elections, among other work – all of which have been delayed, halted, or otherwise detracted from as a result of the non litigation-related efforts Common Cause has had to engage in due to the Commission’s data collection.

17. Specific examples of how resources have been diverted include but are not limited to the following:

- a. State organizations of Common Cause have had to divert attention as well as member and volunteer time and resources away from on-the-ground efforts to promote voter engagement and election integrity, including efforts concerning redistricting and state constitutional rights;

- b. Common Cause has limited digital capacity. It has a team of three individuals who are primarily responsible for communicating with members and the public. The time these individuals have spent, for example, on the web content to counteract the Commission's data collection has detracted from the time they spend on other ongoing Common Cause projects, such as Common Cause's net neutrality advocacy, its work to educate its members about voting machine security, and the need for a nonpartisan investigation into foreign interference in the 2016 election, all of which are in furtherance of Common Cause's overall mission.
- c. Common Cause also has limits on the number of email alerts it sends so as to be respectful of people's preferences and not to overwhelm its members and/or those on its email list. This means that national action alerts that Common Cause has sent in response to the Commission have hampered its ability to send national action alerts regarding Common Cause's other ongoing national campaigns, such as those addressing foreign interference in our elections, net neutrality, transparency issues, ethics concerns, and proactive voting reforms such as automatic voter registration. If the Commission's actions are not enjoined, Common Cause will continue to have to divert its digital resources away from these ongoing projects.
- d. The staff time and financial resources used for other education and outreach activities regarding the Commission's collection of voter data, such as the

preparation of the education report and other outreach materials, have likewise been diverted from other ongoing Common Cause outreach and educational projects, such as a report on automatic voter registration, a report on the importance of transparency in government, and work to set up discussion panels on the need for an independent and free press, among other things.

18. The Commission's impermissible collection of voter data has caused numerous individuals to de-register from voting, according to reports in the media and from election officials. The Commission's effort also has caused other individuals to be uncertain about participating in the political process, according to media reports. For voters and prospective voters facing political polarization, the threat that the federal government will monitor their electoral participation and even their party affiliations is deeply troubling and has deterred and will continue to deter the exercise of their First Amendment-protected rights to express their views through the ballot box. To help counteract these serious consequences, which are antithetical to Common Cause's organizational interests and mission, Common Cause has and expects that it will have to continue to divert resources to opposing and managing the fallout from these illegal actions, frustrating its ability to engage in its other core and ongoing activities.

IV. The Damaging Consequences of the Commission's Activities on The Activities and Interests of Common Cause's Members

19. Many of Common Cause's members and supporters have faced substantial injury as a result of the Commission's activities.

20. Many of Common Cause's members have been and will be injured by the federal government's impermissible collection and/or maintenance of personal information reflecting

their First Amendment activities. Some of these members face anxiety over how their personal information will be maintained and used by the government and are now highly concerned about the consequences of engaging fully and openly in the political process for fear of their personal information being collected and/or maintained and cross-checked by the Commission.

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

Executed this 28th day of July, 2017.

A handwritten signature in cursive script, appearing to read "Karen Hobert Flynn", followed by a stylized flourish.

Karen Hobert Flynn