DECLARATION OF STUART C. MCPHAIL
IN SUPPORT OF PLAINTIFFS’ REPLY IN SUPPORT OF PLAINTIFFS’ MOTION
FOR SUMMARY JUDGMENT AND IN OPPOSITION TO
DEFENDANT’S CROSS-MOTION FOR SUMMARY JUDGMENT

I, STUART C. MCPHAIL, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney licensed to practice law in the District of Columbia and am admitted to the Bar of this Court. I am counsel of record for Plaintiffs Citizens for Responsibility and Ethics in Washington and Melanie Sloan. I am personally familiar with the facts set forth herein, unless the context indicates otherwise.

2. Attached hereto as Exhibit 1 are true and correct excerpts from copies of the FEC Form 2, Statement of Candidacy, of Lou Barletta, Andrew P. Harris, George (“Mike”) J. Kelly Jr., John Michael ‘Mick’ Mulvaney, Scott R. Tipton, and Todd Christopher Young pertaining to their candidacy for federal office in the 2016 elections. These forms are available on the FEC website at http://www.fec.gov/data/CandidateSummary.do.
3. Attached hereto as Exhibit 2 is a table summarizing matters under review made available on the FEC website that I or my assistant could locate where the OGC recommended finding reason to believe that one or more respondents failed to register and report as a political committee. The chart is provided as a helpful summary, but all original materials may be located on the FEC’s website at http://eqs.fec.gov/eqs/searcheqs.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 12, 2016 at Washington, D.C.

/s/ Stuart McPhail
Stuart C. McPhail
**STATEMENT OF CANDIDACY**

1. (a) Name of Candidate (in full)
   Lou Barletta
   
   (b) Address (number and street)
   P.O. Box 128
   
   (c) City, State, and ZIP Code
   Hazleton, PA 18201

2. Candidate's FEC Identification Number
   H2PA11098

3. Is this Statement New (N) or Amended (A)?
   Amended (A)

4. Party Affiliation
   Republican Party

5. Office Sought
   House

6. State & District of Candidate
   PA 11

**DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE**

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2016 election(s).

   NOTE: This designation should be filed with the appropriate office listed in the instructions.

   (a) Name of Committee (in full)
   Lou Barletta for Congress

   (b) Address (number and street)
   P.O. BOX 128

   (c) City, State, and ZIP Code
   Hazleton, PA 18201

**DESIGNATION OF OTHER AUTHORIZED COMMITTEES**

   (Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

   NOTE: This designation should be filed with the principal campaign committee.

   (a) Name of Committee (in full)
   Victory for Pennsylvania Fund

   (b) Address (number and street)
   2470 Daniels Bridge Road
   Suite 121

   (c) City, State, and ZIP Code
   Athens, GA 30606

**Signature of Candidate**

Lou Barletta

[Electronically Filed] 04/29/2015

**Date**

04/29/2015

**NOTE:** Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.
FEC FORM 2
STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full)
   ANDREW P HARRIS

   (b) Address (number and street)  ☑ Check if address changed  2. Candidate’s FEC Identification Number
   PO BOX 426  H8MD01094

   (c) City, State, and ZIP Code
   STEVENSVILLE  MD  21666

   REPUBLICAN PARTY  House  MD  01

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2016 election(s).

   NOTE: This designation should be filed with the appropriate office listed in the instructions.

   (a) Name of Committee (in full)
   ANDY HARRIS FOR CONGRESS

   (b) Address (number and street)
   PO BOX 426

   (c) City, State, and ZIP Code
   STEVENSVILLE  MD  21666

DESIGNATION OF OTHER AUTHORIZED COMMITTEES
(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

   NOTE: This designation should be filed with the principal campaign committee.

   (a) Name of Committee (in full)

   (b) Address (number and street)

   (c) City, State, and ZIP Code

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate  Date
ANDREW P HARRIS  11/26/2014

[Electronically Filed]

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.
Case 1:15-cv-02038-RC   Document 22-2   Filed 10/12/16   Page 4 of 7

1. (a) Name of Candidate (in full)
   George J Kelly Jr

(b) Address (number and street)  
   239 W Pearl St

(c) City, State, and ZIP Code  
   Butler, PA 16001

2. Candidate’s FEC Identification Number
   H0PA03271

3. Is This Statement New OR Amended
   X(N)   (A)

4. Party Affiliation
   REPUBLICAN PARTY

5. Office Sought
   House

6. State & District of Candidate
   PA 03

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2016 election(s).

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full)
   Mike Kelly For Congress

(b) Address (number and street)
   PO Box 476

(c) City, State, and ZIP Code
   Lyndora, PA 16045

DESIGNATION OF OTHER AUTHORIZED COMMITTEES
   (Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)
   Victory for Pennsylvania Fund

(b) Address (number and street)
   2470 Daniels Bridge Rd Suite 121

(c) City, State, and ZIP Code
   Athens, GA 30606

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate
George J Kelly Jr

Date 06/19/2015

[Electronically Filed]

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.
FEC FORM 2
STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full)
   JOHN MICHAEL 'MICK' MULVANEY
   
   (b) Address (number and street)
   550 RALPH HOOD ROAD
   
   (c) City, State, and ZIP Code
   INDIAN LAND

2. Candidate's FEC Identification Number
   H0SC05031

3. Is This Statement □ New (N) OR X Amended (A)

4. Party Affiliation
   REPUBLICAN PARTY

5. Office Sought
   House

6. State & District of Candidate
   SC 05

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2016 election(s).

   NOTE: This designation should be filed with the appropriate office listed in the instructions.

   (a) Name of Committee (in full)
   Mulvaney for Congress

   (b) Address (number and street)
   P.O. Box 1975

   (c) City, State, and ZIP Code
   Lancaster SC 29721

DESIGNATION OF OTHER AUTHORIZED COMMITTEES
(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

   NOTE: This designation should be filed with the principal campaign committee.

   (a) Name of Committee (in full)

   (b) Address (number and street)

   (c) City, State, and ZIP Code

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate
JOHN MICHAEL 'MICK' MULVANEY

[Electronically Filed] 01/27/2015

Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.
FEC FORM 2
STATEMENT OF CANDIDACY

1. (a) Name of Candidate (in full)
Scott R. Tipton
(b) Address (number and street)
13552 C R 26
☐ Check if address changed
2. Candidate’s FEC Identification Number
H6CO03139
(c) City, State, and ZIP Code
CORTEZ CO 81321-1321

3. Is This Statement □ New (N) OR □ Amended (A)

4. Party Affiliation
REPUBLICAN PARTY
5. Office Sought
House
6. State & District of Candidate
CO 03

DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2016 election(s).

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full)
VoteTipton.Com
(b) Address (number and street)
PO Box 1582
(c) City, State, and ZIP Code
Cortez CO 81321-1582

DESIGNATION OF OTHER AUTHORIZED COMMITTEES
(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)
(b) Address (number and street)
(c) City, State, and ZIP Code

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate
Scott R. Tipton

Date
01/13/2015

[Electronically Filed]

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.
**FEC FORM 2**  
**STATEMENT OF CANDIDACY**

1. (a) Name of Candidate (in full)  
   TODD CHRISTOPHER YOUNG

(b) Address (number and street)  
   PO BOX 1053

(c) City, State, and ZIP Code  
   BLOOMINGTON IN 47402

2. Candidate's FEC Identification Number  
   S6IN00191

3. Is This Statement  
   [ ] New (N)  
   [x] Amended (A)

4. Party Affiliation  
   [ ] Senate

5. Office Sought  
   Senate

6. State & District of Candidate  
   IN

**DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE**

7. I hereby designate the following named political committee as my Principal Campaign Committee for the  
   [ ] 2016 (year of election)

   NOTE: This designation should be filed with the appropriate office listed in the instructions.

   (a) Name of Committee (in full)  
   FRIENDS OF TODD YOUNG, INC.

   (b) Address (number and street)  
   PO BOX 1053

   (c) City, State, and ZIP Code  
   BLOOMINGTON IN 47402

**DESIGNATION OF OTHER AUTHORIZED COMMITTEES**

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

   NOTE: This designation should be filed with the principal campaign committee.

   (a) Name of Committee (in full)  
   YOUNG VICTORY COMMITTEE

   (b) Address (number and street)  
   PO BOX 1053

   (c) City, State, and ZIP Code  
   BLOOMINGTON IN 47402

   I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

   Signature of Candidate  
   Signature

   Date  
   9/7/16

**NOTE:** Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.
Table 2. Commission Certification votes in MUR cases where the Office of the General Counsel recommends a finding of “reason to believe” that respondent violated the law by failing to register as a political committee.

<table>
<thead>
<tr>
<th>MUR #</th>
<th>Respondent</th>
<th>Respondent type</th>
<th>Certification date</th>
<th>Vote tally</th>
<th>Dissenting commissioners</th>
<th>Certification url</th>
<th>Dissenting commissioners' reliance on prosecutorial discretion to dismiss</th>
<th>Statement of Reasons url</th>
</tr>
</thead>
<tbody>
<tr>
<td>5831</td>
<td>Softer Voices</td>
<td>527</td>
<td>2/11/2009</td>
<td>6-0</td>
<td>none</td>
<td><a href="http://eqs.fec.gov/eqsdocsMUR/10044282424.pdf">http://eqs.fec.gov/eqsdocsMUR/10044282424.pdf</a></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>6106</td>
<td>MN Corn PAC</td>
<td>State political committee</td>
<td>10/21/2008</td>
<td>6-0</td>
<td>none</td>
<td><a href="http://eqs.fec.gov/eqsdocsMUR/29044224629.pdf">http://eqs.fec.gov/eqsdocsMUR/29044224629.pdf</a></td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>6315</td>
<td>Alvin M. Greene for Senate Campaign Committee</td>
<td>2/16/2011</td>
<td>6-0</td>
<td>none</td>
<td><a href="http://eqs.fec.gov/eqsdocsMUR/12044322967.pdf">http://eqs.fec.gov/eqsdocsMUR/12044322967.pdf</a></td>
<td>N/A</td>
<td>N/A</td>
<td></td>
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<tr>
<td>6317</td>
<td>Utah Defenders of Constitutional Integrity</td>
<td>Not formally organized</td>
<td>4/5/2011</td>
<td>5-0</td>
<td>none</td>
<td><a href="http://eqs.fec.gov/eqsdocsMUR/12044312662.pdf">http://eqs.fec.gov/eqsdocsMUR/12044312662.pdf</a></td>
<td>N/A</td>
<td>N/A</td>
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<td>6560</td>
<td>Victory Ohio SuperPAC</td>
<td>Not formally organized</td>
<td>1/8/2013</td>
<td>3-2</td>
<td>McGahn II; Petersen</td>
<td><a href="http://eqs.fec.gov/eqsdocsMUR/14044362075.pdf">http://eqs.fec.gov/eqsdocsMUR/14044362075.pdf</a></td>
<td>Statement not issued</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Note: These cases were identified using the Federal Election Commission’s (FEC) Enforcement Query System. CREW researchers reviewed MUR cases concerning possible violations of the law requiring that political committees register with the Federal Election Commission (FEC) on which a majority of the current commissioners cast votes (June 24, 2008 through the present). The universe of cases for review was identified using text field and statutory citation field searches for mentions of “433” and “30103” to capture references to 52 U.S.C. § 30103 and its previous codification at 2 U.S.C. § 433, the provisions of the FECA requiring groups to register as political committees. Additional cases were identified using text searches for “failing to register” and “failing to organize,” phrases which appear frequently in cases relevant to our inquiry.