

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DEMOCRACY NORTH CAROLINA)
et al.,)
)
 Plaintiffs,)
)
v.) Case No. 1:23-cv-878-TDS-JEP
)
ALAN HIRSCH *et al.*,)
)
 Defendants.)
_____)

DECLARATION OF NON-PARTY CLETA MITCHELL

Pursuant to 28 U.S.C. § 1746, the undersigned Cleta Mitchell declares as follows:

1. My name is Cleta Mitchell. I am over the age of 18 and competent to testify the matters stated herein, all of which are based on personal knowledge.
2. An attorney licensed to practice law in Oklahoma and the District of Columbia, I earned my B.A., with high honors, and J.D. from the University of Oklahoma.
3. I engaged in the private practice of law in Oklahoma focusing on litigation and administrative law until 1991 when I became director and general counsel of the Term Limits Legal Institute in Washington, D.C. Most recently, I was a partner and political law attorney in the

Exhibit A

Washington, D.C. office of Foley & Lardner LLP, where I was a member of the firm's Political Law Practice.

4. I have more than 40 years of experience in law, politics, and public policy. I have practiced before the Federal Election Commission, the ethics committees of the U.S. House and Senate, and similar state and local enforcement bodies and agencies. I have also litigated cases in state and federal courts nationwide.
5. I have extensive experience on the federal lobbying and ethics law enacted by Congress in 2007, having taught dozens of seminars on the subject since its passage. In 2008, I authored *The Lobbying Compliance Handbook*, published by Columbia Books, Inc.
6. I have testified before Congress on numerous occasions related to election law, campaign finance and lobbying, and ethics laws, and I am a frequent speaker and guest commentator on political law.
7. I have served on the advisory council to the American Bar Association's Standing Committee on Election Law, as an advisor on the American Law Institute's Election Law Project entitled, "Principles of Election Law: Dispute Resolution," and a Fellow at Harvard's Institute of Politics.
8. Additionally, I was a member of the Oklahoma House of Representatives from 1976 to 1984, where I chaired the House Appropriations and Budget

Committee (the first woman to hold that position) and served on the executive committee of the National Conference of State Legislatures.

9. I am the Founder of the Election Integrity Network and am the Senior Legal Fellow at the Conservative Partnership Institute (“CPI”). CPI provides a platform whereby citizen leaders, scholars, and activists who are committed to conservative values and principles can be connected with the conservative movement, and with Congress, congressional staff, and organization leaders in Washington, D.C. CPI’s work focuses on staffing, education and training, incubation of new organizations to fill strategic voids in the conservative movement, and coalition building.
10. I am also Chairman of the Public Interest Legal Foundation, a 501(c)(3) public interest law firm dedicated to election integrity.
11. I am aware of the general nature of the instant case from reviewing the complaint filed by the plaintiffs.
12. In 2023, I met *once* with a group of three state senators concerning myriad potential changes to North Carolina election law along with two other election integrity advocates—James Womack of NCEIT and Jay DeLancy of the Voter Integrity Project. While potential changes to same day voter registration (“SDR”) may have been among the numerous topics discussed in that meeting, if SDR were raised or discussed by any of the election integrity advocates present (and I do not recall if it was), it would

have been by Mr. Womack (and perhaps Mr. DeLancy), but not by me. Mr. Womack and NCEIT's belief about SDR, which he expressed in an email sent later that same day to a legislative staffer who was likewise present in that meeting (Brent Woodcox) was that same day registrants should vote by provisional ballot, but this is not the path that the General Assembly adopted in its legislation. I, however, did not discuss any potential changes related to drafting or enacting the same day registration ("SDR") provisions of SB 747 with any legislators, or their staffers, in that meeting or at any time prior to passage of SB 747.

13. I have never advocated before the North Carolina State Board of Elections concerning SDR.
14. The Governor of North Carolina, Roy Cooper, publicly and falsely identified me in his veto statement at the time of his veto of SB 747, stating incorrectly that I had been a primary advocate for SB 747, which is not true.
15. Since enactment of SB 747, I have become actively focused on noncitizen voting and have talked to many people across the country about the perils of SDR as it relates to *noncitizen voting* and college student voting. But neither of those were discussed by me with legislators regarding SB 747

16. My discussion of the topic of SDR in North Carolina has been limited to one or two conversations, as a constituent, with one of my own state legislators and **not** related to SB 747.
17. My work regarding elections, including work to protect the integrity of elections nationwide, is extensive. Being subjected to deposition questioning regarding matters far beyond the scope of this litigation, which are unrelated to North Carolina or governmental entities in North Carolina and are further unrelated to SB 747 that do not specifically concern the subject matter of this litigation during the time period relevant to this suit (namely, SB 747's provisions regarding same day registration adopted by the General Assembly in 2023) is entirely too broad and leaves me unable to prepare for the deposition and extends well beyond the relevance to this litigation.
18. Such questioning would also be highly invasive of my public policy work and would likely require disclosure of propriety information and would invade my First Amendment associational rights regarding such advocacy. It further threatens to dissuade individuals and entities from seeking my advice and involvement regarding these public policy issues in the future if my advice is the subject of inquiry in unrelated litigation where neither they nor I are parties.

19. The plaintiffs in this case are all organizations that engage in public policy advocacy on issues, matters, and policies in direct opposition to my election integrity work. Indeed, one of the firms representing the plaintiffs in this case—the Southern Coalition for Social Justice—represented plaintiffs who sued the Public Interest Legal Foundation in *LULAC v. Public Interest Legal Foundation*, Case No. 1:18-cv-00423 (E.D. Va.), which has since been settled. I am one of the founders and chair the board of the Public Interest Legal Foundation and was well aware of the harassing and intrusive nature of that litigation at the time.

20. Due to my public profile, plaintiffs’ proposed questioning would further expose me to potential harassment, threats, and efforts at intimidation. I have been and continue to be the target of threats and harassment because of my work on election integrity, I am well aware that the scope of deposition questioning sought by plaintiffs is for the purpose of obtaining proprietary information that plaintiffs and their colleagues in their ‘democracy’ movement will utilize to attack me, my work, and the election integrity movement, and will result in increased threats and harassment of me and those with whom I associate across the country.

21. The scope of questioning sought by plaintiffs is not likely to lead to admissible evidence in the subject litigation because of my very limited role in the subject of the litigation.

22. Plaintiffs are aware that my role in the subject litigation barely exists but are insistent upon questioning me about matters well beyond the subject matter, facts, parties, and time period of this lawsuit.

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

Executed on September 24, 2024.



Cleta Mitchell