

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

NEVADA DEMOCRATIC PARTY,

Plaintiff,

v.

Civil Action No. 1:16-cv-2514

NEVADA REPUBLICAN PARTY, DONALD
J. TRUMP FOR PRESIDENT, INC., ROGER J.
STONE, JR., STOP THE STEAL INC.,

Defendants.

DECLARATION OF BENNETT MURPHY

Pursuant to 28 U.S.C. § 1746, I, Bennett Murphy, declare as follows:

1. My name is Bennett Murphy. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.
2. I am a U.S. Citizen, and a resident of Los Angeles, California. I have been a practicing attorney since 1983, and currently work as a sole practitioner of bankruptcy law.
3. I began volunteering as a poll observer for the Democratic Party in 2012. I enjoyed the experience, and decided to continue volunteering in the 2016 General Election.
4. On October 29, 2016, I served as a poll observer at the Albertsons early voting location on Lake Mead Boulevard in Clark County, Nevada. While I was there a supporter of Donald Trump intimidated and harassed a number of voters who were attempting to vote at that location.

5. Specifically, at approximately 3:00 p.m., while I was observing the voting area, I noticed that the lead poll worker, Sylvia, appeared agitated and exited the voting area. Shortly thereafter, at approximately 3:15 p.m., I noticed two police squad cars outside of the building. Therefore, I left my designated observer location and went outside to find out what had happened.

6. When I exited the building, I saw Sylvia, another poll worker (Doug), and a police officer speaking. Because they were standing fairly close to where I stood, I could hear their conversation and learned that Sylvia and Doug had exited the voting location because a voter had reported that a man was outside of the polling location asking potential voters who they were voting for, speaking to them in a belligerent manner when he did not like their response, and harassing them and telling them not to vote. The man repeatedly told voters that the whole process was rigged and yelled at them not to go into the voting location.

7. Sylvia, Doug, and the manager of the Albertsons all asked the man to leave the voting location but he refused. He told them that he had a right to say anything he wanted to the voters, and that he would continue to do so. In response, Sylvia explained that she called the election staff and was instructed to call 911 for assistance. After Sylvia called 911 the man left the voting location and the police officers arrived soon thereafter.

8. After Sylvia finished speaking with the police officers, I approached one of the officers, explained to him that I was a poll observer, and asked if I could be of any assistance. The officer explained that in all of his time serving as a police officer an incident like this had never occurred, and he was unsure of the precise statute that this incident fell under. He asked if I knew the relevant statutes or had any materials that might provide the answer. After checking with the other Democratic poll observer who had been provided with legal materials, staff for the

Democratic Party, and discussing the statutory options provided to us with the officer, the officer determined that the actions of the man likely constituted voter intimidation in violation of Nevada Revised Statutes §§ 293.710 and 730. It is my understanding that the officer filed a report on the incident and that the incident number is LLV161029002292.

9. Later that afternoon, I spoke with Sylvia who still seemed very distraught. She explained that she had been serving as a poll worker in Nevada since 2000 and that she had never witnessed an incident like this before. Sylvia told me that the man supported Donald Trump and that he would become belligerent and intimidate voters when they told him that they were going to vote for Hillary Clinton. She also told me that as he left the voting location, the Trump Supporter knocked down "Vote Here" signs outside of the polling location.

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

Dated: October 31, 2016

Respectfully submitted,

Bennett Murphy

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