

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

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REPUBLICAN NATIONAL COMMITTEE,)	
<i>et al.</i> ,)	
Plaintiffs,)	
)	
v.)	Civ. No. 08-1953 (BMK, RJL, RMC)
)	
FEDERAL ELECTION COMMISSION,)	
<i>et al.</i> ,)	SUPPLEMENTAL SUMMARY
)	JUDGMENT MEMORANDUM
Defendants.)	
<hr/>)	

**DEFENDANT FEDERAL ELECTION COMMISSION’S SUPPLEMENTAL
MEMORANDUM IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

Pursuant to the Court’s Order dated May 5, 2009, Defendant Federal Election Commission (“Commission”) respectfully submits this supplemental memorandum in support of the Commission’s motion for summary judgment (Docket No. 56).¹ A supplemented Statement of Material Facts (“FEC SMF”) follows this memorandum.

This memorandum addresses only those issues of fact and law about which the discovery conducted pursuant to the Court’s May 5 Order produced new, relevant evidence. That evidence demonstrates that Plaintiffs currently give their donors more preferential access to federal candidates and officeholders than Plaintiffs have heretofore conceded, and that the Republican National Committee (“RNC”) has no concrete plans to prevent soft-money donors from exploiting their unlimited contributions to gain similar access and even greater influence. The evidence also demonstrates that some of the RNC’s litigation allegations regarding the activities

¹ The Commission’s other filings in connection with the parties’ cross-motions for summary judgment are its Opp. to Pls.’ Mot. for Summ. J. (“FEC S.J. Opp.”) (Docket No. 39); Mem. in Supp. of Mot. for Summ. J. (“FEC S.J. Mem.”) (Docket No. 56); and Reply Mem. in Supp. of Mot. for Summ. J. (“FEC S.J. Reply”) (Docket No. 63).

that it wishes to fund with soft money are inconsistent with the plans and intentions of the RNC's Chairman.²

I. NEWLY OBTAINED EVIDENCE SHOWS THAT PLAINTIFFS WOULD PROVIDE SOFT-MONEY DONORS WITH PREFERENTIAL ACCESS TO FEDERAL OFFICEHOLDERS

Under Plaintiffs' theory of their case, political parties must be permitted to solicit and spend soft money if they promise, *inter alia*, not to provide soft-money donors with preferential access to federal candidates or officeholders "beyond that currently afforded to contributors of federal funds." (*See* Pls.' SMF ¶ 24; Mem. in Supp. of Pls.' Mot. for Summ. J. 22-27 (Docket No. 21).) The Commission has previously shown that — even if it were legally possible for an unverifiable, self-imposed limitation to serve as the basis for a constitutional exemption — no such exemption would be warranted by Plaintiffs' proposal, given that Plaintiffs still intend to bring federal officials and soft-money donors together in situations where the officials would know that the donors had provided massive financial support to their party. (FEC S.J. Mem. 7-11; FEC SMF ¶¶ 13-18;³ *see also* FEC SMF ¶ 17 (citing Steele Dep.)). The recently obtained evidence further demonstrates the extent of such party-organized access to elected officeholders, and it shows that the RNC has no plans to prevent its soft-money donors from exploiting that access.

² Although the evidence demonstrates the lack of any factual basis for Plaintiffs' claims in this suit, the primary fatal legal flaw with such claims is that, under *McConnell v. FEC*, 540 U.S. 93 (2003), the proper constitutional analysis of a political party *contribution* limit asks whether the limit prevents corruption or the appearance thereof. (*See* FEC S.J. Opp. 7-13.) Plaintiffs' allegations regarding how they would ultimately *spend* their soft money are, therefore, irrelevant. (*Id.*; *see also* Def. FEC's Mem. in Supp. of Mot. to Dismiss 25-29 (Docket No. 20).)

³ Citations herein to the Commission's Statement of Material Facts refer to the supplemented Statement that follows this memorandum. For the convenience of the Court, a version of the supplemented Statement with the new material therein highlighted is being filed as an additional attachment.

A. Plaintiffs Provide Their Donors Meaningful Access to Federal Officeholders

New documentary evidence demonstrates that Plaintiffs' donor events, regularly attended by federal officeholders, are far more intimate affairs than the large, impersonal events that Plaintiffs have acknowledged organizing. (*See* Pls.' Mem. in Opp. to Def. FEC.'s Mot. for Summ. J. 6 (Docket No. 61).) Although the RNC has produced its guest lists for only a small subset of its donor events (FEC SMF ¶ 7), those few lists provide a meaningful glimpse into party-facilitated interaction between high-level donors and federal officeholders. For example, at one event, the President of the United States, six U.S. Senators, and one U.S. Representative attended a dinner with just forty-nine donors — a ratio of only six donors to each officeholder. (*Id.*) The RNC has organized even smaller Presidential appearances in private homes — events at which the President has been joined by as few as thirty-nine donors. (*Id.*) And the RNC has arranged similar interactions with executive branch officials: Senior White House official Karl Rove had breakfast with twenty-eight donors, and White House Chief of Staff Joshua Bolten and a sitting Member of Congress had lunch with thirty-seven donors. (*Id.*; *see also id.* ¶¶ 29, 34 (noting evidence regarding other Plaintiffs' donor events with federal candidates and officeholders).) Such intimate meals and receptions cannot be dismissed as merely perfunctory; they are events arranged by the RNC at which those who contribute the most to the party receive their reward in the form of time to interact with the officials who wield the levers of power.

Thus, even if it were true that the RNC would provide soft-money donors with the same access to federal officeholders as it currently provides hard-money donors, that access — coupled with the fact that the officeholders would know who the biggest soft-money donors are (FEC SMF ¶¶ 13-18) — would create a significant appearance of corruption and the opportunity for actual corruption. Because this was one of the primary rationales for the Supreme Court's

upholding of the soft-money ban in *McConnell v. FEC*, 540 U.S. 93 (2003), and it applies here with equal force, Plaintiffs' acknowledgement that they would give million-dollar donors prized access to federal officials is fatal to Plaintiffs' claims. (*See* FEC S.J. Mem. 7-11.)

B. The RNC and Chairman Steele Have No Concrete Plans to Prevent the RNC from Providing Soft-Money Donors with Preferential Access to Federal Officials

Not only would the RNC, even under its own allegations, provide its soft-money donors with significant preferential access, but the RNC's claim that it would abide by its hypothetical, self-imposed policies regarding such access is itself belied by the supplemented factual record. Most importantly, as both the RNC and Chairman Steele have acknowledged, the RNC has no written policy whatsoever against the RNC's providing its donors with preferential access. (FEC SMF ¶ 11.) In fact, Chairman Steele initially testified at his deposition that he was not aware of any policy, written or unwritten, against arranging for meetings between officeholders and candidates. (*See* Steele Dep. 52:15-53:1 ("I'm not aware of any policy of the RNC.")) Upon his counsel's later suggestion that such a policy exists (*id.* at 111:12-13), Chairman Steele stated that there was a "preexisting policy" when he took office (*id.* at 111:16-17), but that he has taken no steps to disseminate or further that policy (*id.* at 112:14-22), which he has never seen in writing (*id.* at 113:5-17).

To the extent that the RNC claims to have an *unwritten* policy against arranging individualized meetings between officeholders and donors, it is the same policy that was in effect before *McConnell* (FEC SMF ¶ 11) — a policy about which Chairman Steele, despite having been a member of the RNC and its executive committee at the time, admits he was unaware. (*Id.*) Even as Chairman, Steele has taken no steps to ensure that RNC staff is aware of the alleged unwritten policy on facilitation of meetings, relying instead on the employees to

“intuitively know[]” the appropriate procedures. (*Id.* (quoting Steele Dep. 109:20-110:3).)

Crucially, Chairman Steele does not intend to develop any more overt or formal policy against providing donors access to federal candidates and officeholders until this lawsuit is concluded, and he does not know what that future policy might permit or prohibit. (*Id.*)

In sum, the RNC’s constitutional claim relies on a self-imposed policy regarding some forms of donor access to federal officials, while its Chairman reserves the right to determine the contents of that policy after this Court rules.⁴ This claim is legally and factually untenable. As a legal matter, there is no precedent supporting the RNC’s argument that the meaning of the First Amendment — or a limitation on the power of Congress — can be dependent on a private party’s unverifiable pledge to comport itself in accordance with a code of conduct that it will determine for itself at some point in the future. (*See* FEC S.J. Opp. 27-32.) And, as a matter of fact, such circular and amorphous allegations devoid of concrete support in the record demonstrate that Plaintiffs are not entitled to relief.

II. NEW TESTIMONY SHOWS THAT THE RNC’S ALLEGATIONS REGARDING ITS PLANNED ACTIVITIES LACK ANY BASIS IN FACT

The RNC seeks a constitutional exemption to the soft-money ban as applied to the party’s intended spending on certain activities. In addition to the reasons discussed in the Commission’s prior briefs as to why this claim fails on its face (FEC S.J. Opp. 10-13; *see also* Def. FEC’s Mem. in Supp. of Mot. to Dismiss 25-29 (Docket No. 20)), Chairman Steele’s testimony makes clear that the activities at issue are defined so vaguely that, if the RNC were to prevail, it would

⁴ Although the contours of the RNC’s eventual anti-access policy are undefined, Chairman Steele’s understanding of the activity that would be covered by such a policy is extremely narrow: “Typically access is some — some secret cabal. You’re getting some special favor” (Steele Dep. 50:13-20.) Thus, according to the Chairman, arranging for federal candidates and officeholders to meet with donors does not constitute providing those donors with “access” to the candidates and officeholders unless a “special favor” is received. (*See id.*)

retain nearly unfettered authority to decide for itself which activities constitute permissible uses of its soft money.

The RNC's primary source for its description of the activities it wishes to finance with soft money is the affidavit of Richard Beeson, who was the RNC's political director at the time he submitted his testimony. (*See* Beeson Aff. (Pls.' SMF Exh. 1).) Chairman Steele, however, has since hired a new political director (Steele Dep. 21:20-22:6), and Beeson no longer has any authority at the RNC (*see id.* at 23:16-24:8). Indeed, Chairman Steele repeatedly testified that he was not even familiar enough with what Mr. Beeson's intentions had been to compare them to the RNC's current plans. (*See id.* at 50:1-6, 58:10-19, 85:20-86:1.) Thus, none of the allegations in the Beeson affidavit provide evidence as to the RNC's actual intended spending, and the record is devoid of any other factual showings as to what the RNC now considers to be within the scope of the activities that it would like to finance with unlimited and corporate donations.

Nonetheless, Chairman Steele's testimony belies any suggestion that the RNC's desired relief would encompass only limited, well-defined categories of conduct. For example, the RNC alleges that it would spend soft money to finance "grassroots lobbying," but Chairman Steele acknowledges that he cannot determine which types of advertising or which specific ads would constitute "grassroots lobbying" under the RNC's own definition of that term. (FEC SMF ¶ 63.) Similarly, although the RNC has alleged that it would use soft money in the 2009 New Jersey elections for activities such as "communications expressly advocating the election and defeat of state candidates, contributions to . . . state candidates, and contributions to the political parties involved" (Am. Compl. ¶ 16), Chairman Steele does not necessarily intend to limit the RNC's spending to those activities; in fact, he will not decide how to direct soft money to be spent in the New Jersey election until this court action is concluded. (FEC SMF ¶ 59.1; *see also id.* ¶ 61

(noting that RNC has not considered imposing restrictions on use of soft money transferred to state candidates, such as preventing it from being used for federal purposes).)⁵

Likewise, the Chairman has not decided — or even considered — *any* of the issues regarding how he would go about raising soft money if he were permitted to do so. (*Id.* ¶ 38.1 (quoting Steele Dep. 66:7-11 (“I have not thought about how I would raise the money.”)).) Thus, there is no concrete evidence in the record as to what either the RNC’s soft-money fundraising or spending actually would entail during Chairman Steele’s regime, nor does the RNC’s primary decisionmaker intend to decide such questions until the soft money has already begun flowing in. Many of the assertions in the RNC’s Complaint and Plaintiffs’ briefs thus appear to be unsupported by any relevant evidence. In short, granting the RNC’s request for relief “as applied” to ill-defined categories of spending would allow the RNC to write the rules governing its own conduct — a result unwarranted by *McConnell* or any other pertinent authority. (FEC S.J. Opp. 27-32 (discussing Supreme Court’s inclination towards bright-line rules in campaign finance context).)

III. NEW TESTIMONY CONFIRMS OTHER KEY ASPECTS OF THE UNDISPUTED FACTUAL RECORD

Chairman Steele’s testimony provides further factual support for several additional aspects of the Commission’s motion for summary judgment.

First, because the statutory soft-money restriction in no way limits how the RNC spends its funds or how much money the RNC can spend (*see* FEC S.J. Opp. 7-10; FEC S.J. Reply 5 n.4), the RNC’s choice not to spend its hard money on state campaigns or other activities at issue

⁵ The RNC’s Chairman has ultimate authority over the party’s spending decisions. (Steele Dep. 68:22-69:6.)

here — as confirmed by Chairman Steele — is attributable solely to the RNC’s strategic decisions regarding how to allocate its resources. (FEC SMF ¶ 53.)

Similarly, because there is no legal barrier to Chairman Steele’s raising soft money for state parties and candidates in his individual capacity — or raising hard money for them in his official capacity — his admitted choice not to raise funds for state parties and candidates is attributable solely to his own decisions regarding fundraising strategy. (FEC SMF ¶ 38.)

Third, Chairman Steele acknowledges that the redistricting process following the next census will determine “[t]he composition of the House of Representatives for the next 10 to 12 years or maybe even beyond that.” (FEC SMF ¶ 68 (quoting Steele Dep. 76:13-17).)⁶ This is consistent with the other Plaintiffs’ prior acknowledgements regarding the effect of redistricting activity on federal elections. (*Id.* ¶ 69.)

Fourth, although the RNC has claimed that “the explosion of internet fundraising” has placed the RNC at a “fundraising disadvantage” necessitating the party’s receipt of soft money (*see* Pls.’ SMF ¶ 26), Chairman Steele was unable to state any reason why the RNC will not be able to raise as much as the Democratic Party through email and internet fundraising in the future. (FEC SMF ¶ 50 (quoting Steele Dep. 92:20-94:8 (“I don’t know what the future holds for fundraising on the Internet.”))). Plaintiffs’ assertions of fundraising disadvantages are in any event contradicted by the factual record, and, regardless, one political party’s lack of proficiency at a particular fundraising method cannot state a claim under the First Amendment. (FEC S.J. Mem. at 5-6.)

⁶ The RNC has already commenced its redistricting activities. (*See* Steele Dep. 24:20-25:9, 89:4-9.) These activities presumably are being funded with hard money, and — because the RNC did not produce during discovery any documents relating to redistricting — there is no evidence in the record showing why the RNC would be constitutionally burdened by having to use hard money to continue them.

Finally, Chairman Steele provides additional confirmation of the “special relationship and unity of interest” between the national parties and federal candidates and officeholders, *McConnell*, 540 U.S. at 145. Specifically, he notes the RNC’s and his own frequent provision of strategic advice regarding congressional races, their assistance to Members of Congress in transmitting “message points” to the party’s “base,” and other frequent communications between the party and its federal elected officials. (FEC SMF ¶¶ 1, 6 (quoting Steele Dep.); *see also id.* ¶ 21 (noting Steele’s testimony regarding close relationship between RNC and state parties).)

IV. CONCLUSION

The new evidence discussed above confirms that the Commission is entitled to summary judgment. For those reasons and the reasons set forth in the Commission’s prior memoranda, the Commission respectfully requests that the Court grant the Commission’s motion for summary judgment and deny Plaintiffs’ motion.

Respectfully submitted,

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Dated: June 18, 2009

**UNITED STATES DISTRICT COURT
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REPUBLICAN NATIONAL COMMITTEE,)	
<i>et al.</i> ,)	
Plaintiffs,)	
v.)	Civ. No. 08-1953 (BMK, RJL, RMC)
FEDERAL ELECTION COMMISSION,)	
<i>et al.</i> ,)	STATEMENT OF MATERIAL FACTS
Defendants.)	

**DEFENDANT FEDERAL ELECTION COMMISSION'S SUPPLEMENTED
STATEMENT OF MATERIAL FACTS NOT IN GENUINE DISPUTE**

TABLE OF CONTENTS

I. UNLIMITED CONTRIBUTIONS TO PLAINTIFFS WOULD CREATE AN APPEARANCE OF CORRUPTION AND POSE A DANGER OF ACTUAL CORRUPTION1

 A. The Republican National Committee Is in a Unique Position Between Donors and Federal Candidates and Officeholders1

 B. The Republican National Committee Facilitates Its Largest Donors’ Access to and Influence Over Federal Candidates and Officeholders3

 C. Federal Candidates and Officeholders Know the Identity of Their Parties’ Large Donors, Regardless of Who Solicits the Donations7

 D. State and Local Political Parties Are Inextricably Intertwined with National Parties, Federal Candidates, and Federal Officeholders11

 E. State and Local Political Parties Facilitate Their Largest Donors’ Access to and Influence Over Federal Candidates and Officeholders13

 F. A National Party Official Acting as an Agent of His Party Raises the Same Actual and Apparent Corruption Concerns as the National Party Itself.....16

II. PLAINTIFFS AND OTHER POLITICAL PARTY COMMITTEES HAVE RAISED SUFFICIENT FUNDS FOR EFFECTIVE ADVOCACY WITHIN THE FEDERAL CONTRIBUTION LIMITS17

III. PLAINTIFFS’ ACTIVITIES21

 A. Plaintiffs Are Demonstrably Willing and Able to Finance Their Activities with Federal Funds.....21

 B. The RNC’s Ability to Support State and Local Candidates Is Unlimited, and Such Activity Has the Potential to Affect Federal Elections22

 C. The RNC’s “Grassroots Lobbying” Is Sham Issue Advertising.....24

 D. Redistricting Affects Federal Elections26

 E. Plaintiffs’ Litigation Affects Who Obtains Federal Office.....27

 F. Get-Out-The-Vote Activity Affects All Elections on the Ballot28

 G. Voter Registration Affects Federal Elections29

 H. Advertising that Mentions State Ballot Measures and Promotes, Attacks, Supports, or Opposes Federal Candidates Affects Federal Elections.....30

 I. Plaintiffs’ Other Federal Election Activity Affects Federal Elections31

Pursuant to LCvR 7(h) and 56.1, Defendant Federal Election Commission (“Commission”) submits in support of its motion for summary judgment the following statement of material facts not in genuine dispute.

I. UNLIMITED CONTRIBUTIONS TO PLAINTIFFS WOULD CREATE AN APPEARANCE OF CORRUPTION AND POSE A DANGER OF ACTUAL CORRUPTION

A. The Republican National Committee Is in a Unique Position Between Donors and Federal Candidates and Officeholders

1. Plaintiff Republican National Committee (“RNC”) is a “political arm of Republicans either seeking office or in office,” and representatives of the RNC are in communication with candidates and officeholders on a frequent, ongoing basis. (Josefiak Dep. 197:1-18 (FEC Exh. 1); *see also* Steele Dep. 26:16-27:10 (FEC Exh. 42).)¹

2. National political parties are “inextricably intertwined with federal officeholders and candidates.” *McConnell v. FEC*, 540 U.S. 93, 155 (2003) (quoting 148 Cong. Rec. H409 (Feb. 13, 2002)).²

3. “[T]here is no meaningful separation between the national party committees and the public officials who control them.” *Id.* (quoting *McConnell v. FEC*, 251 F. Supp. 2d 176, 468-69 (D.D.C. 2003) (Kollar-Kotelly, J.)).

¹ FEC Exhibits 1-25 were appended to the Commission’s memorandum in opposition to Plaintiffs’ motion for summary judgment (Docket No. 39); FEC Exhibits 26-41 were appended to the Commission’s memorandum in support of its motion for summary judgment (Docket No. 56); FEC Exhibits 42-51 are appended to the instant memorandum.

² Once resolved by an appellate court, issues of legislative fact need not be relitigated in lower courts each time they arise. *See A Woman’s Choice—E. Side Women’s Clinic v. Newman*, 305 F.3d 684, 689 (7th Cir. 2002). Thus, as to any fact that the Supreme Court resolved in *McConnell*, this Court may simply adopt the relevant finding from that case.

4. The “national parties” are in a “unique position” to serve as “agents for spending on behalf of those who seek to produce obligated officeholders.” *Id.* at 145 (quoting *FEC v. Colorado Republican Fed. Campaign Comm.*, 533 U.S. 431, 452 (2001)).

5. “The President typically controls his party’s national committee, and once a favorite has emerged for the presidential nomination of the other party, that candidate and his party’s national committee typically work closely together.” *McConnell*, 251 F. Supp. 2d at 697 (Kollar-Kotelly, J.). When the President of the United States is a Republican, the President nominates the chairperson of the RNC, and there is regular strategic coordination between the party and the White House. (*See* Josefiak Dep. 193:2-194:20 (FEC Exh. 1).)

6. The RNC works with federal candidates each election cycle to develop “victory plans,” which are joint, comprehensive, election-specific strategies. (*See* Josefiak Dep. 198:13-199:8 (FEC Exh. 1); *see also* *McConnell*, 540 U.S. at 159-60 (rejecting RNC’s Title I challenge in relation to victory plans); *Victory Dream Team*, CONGRESS DAILY, July 29, 2008, 2008 WLNR 14131041 (FEC Exh. 26) (noting victory plans’ use in federal and “down-ballot” elections); [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The RNC provides advice regarding the competitiveness and makeup of specific congressional districts (Steele Dep. 53:7-21 (FEC Exh. 42)), and it assists Members of Congress by distributing their “message point[s]” to the

party's "base" (*see id.* at 29:3-22). The RNC also sells voter preference data to campaigns (*see* Josefiak Dep. 200:10-12 (FEC Exh. 1)) and, on occasion, exchanges donor lists with them (*see id.* 98:8-14).

B. The Republican National Committee Facilitates Its Largest Donors' Access to and Influence Over Federal Candidates and Officeholders

7. To facilitate its donors' access to federal candidates and officeholders, the RNC organizes private receptions, dinners, and other events at which individuals who have made large contributions (i.e., \$15,000 or more) to the RNC have an opportunity to meet, dine, and speak with federal candidates and officeholders. (*See* Josefiak Dep. 58:18-61:5 (FEC Exh. 1).) These opportunities are "not offered to the public at large." (Pl. RNC's Discovery Resps. at 7 (FEC Exh. 4).) Many of the events are quite intimate: For example, at one event, the President of the United States, six U.S. Senators, and one U.S. Representative attended a dinner with just forty-nine donors — a ratio of only six donors to each officeholder. (*See* RNC 000830-32 (FEC Exh. 43; unredacted version filed under seal as FEC Exh. 43A).) The RNC has organized even smaller Presidential appearances in private homes — events at which the President has been joined by as few as thirty-nine donors. (*See* RNC 000821-22 (FEC Exh. 44; unredacted version filed under seal as FEC Exh. 44A) (thirty-nine attendees); RNC 000846-47 (FEC Exh. 45; unredacted version filed under seal as FEC Exh. 45A) (forty-one attendees); RNC000843-45 (FEC Exh. 46; unredacted version filed under seal as FEC Exh. 46A) (fifty-two attendees).) And the RNC has arranged similar interactions with executive branch officials: Senior White House official Karl Rove had breakfast with twenty-eight donors (RNC 000883-887 (FEC Exh. 47; unredacted version filed under seal as FEC Exh. 47A)), and White House Chief of Staff Joshua Bolten and a sitting Member of Congress had lunch with thirty-seven donors (RNC 000896-97 (FEC Exh. 48; unredacted version filed under seal as FEC Exh. 48A)). These examples are

drawn only from events for which the RNC has produced guest lists, which is a small subset of the total number of RNC donor events. (*See* RNC000058-371 (FEC Exh. 8) (invitations to donor events).)

8. The RNC has created tiers of donors with specified benefits: For example, donors who give \$15,000 receive “intimate luncheons, dinners, and meetings with key policymakers”; donors who give \$30,400 “enjoy exclusive private functions with elected Republican leaders”; and donors who commit to raising \$60,800 receive “at least one . . . exclusive event during the year,” as well as other “intimate events with key GOP policymakers.” (RNC 000130 (FEC Exh. 7).) All of these benefits involve the privilege of attending events with federal candidates and officeholders, from candidates for the U.S. House to the sitting President of the United States. (*See generally* RNC 000058-000371 (FEC Exh. 8) (invitations to donor events with federal candidates and officeholders).) At these events, an attending donor has an opportunity to inform the federal candidate or officeholder about the donor’s opinion on legislation or other issues, and the candidate or officeholder is aware that the person expressing that opinion is a major donor. (*See* Josefiak Dep. 76:14-77:11 (FEC Exh. 1); *see also* Draft letter from Jim Nicholson to Deimer True, RNC 0302806 [DEV 102]³ (explaining that donor who buys only one ticket to event is unlikely to sit with U.S. Senator because “sponsors, major donors, and table buyers are given first choice” of “VIP” assigned to their table).)

9. The RNC sets its highest donation tier to correspond to the legal contribution limit; when the contribution limits rise, the RNC increases the size of the donation required to

³ “DEV” and “Tab” citations refer to the *McConnell* Defendants’ Exhibit Volumes. A DVD copy of the non-confidential DEVs and a CD containing the confidential DEVs were filed in the instant action (*see* Docket No. 39-23), and courtesy copies were delivered to Chambers contemporaneously with the filing of the Commission’s opposition to Plaintiffs’ motion for summary judgment.

reach the top tier. (Josefiak Dep. 102:19-103:6 (FEC Exh. 1).) Prior to BCRA, when there was no legal limit on soft-money contributions, the RNC's donor tiers were substantially higher than they are now: The "Team 100" threshold (currently \$30,400) was \$100,000, and the "Regents" threshold (currently \$60,800 divided between the donor and his/her spouse) was \$250,000 from one person during a single election cycle. (See Shea Decl. ¶¶ 10, 14(f)-(g), *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (Oct. 4, 2002) (FEC Exh. 27).)

10. In *McConnell*, the plaintiffs' own expert testified that, assuming money does buy access to or influence over federal officeholders, soft money is more likely to buy access or influence "simply by virtue of the numbers." Primo Cross Tr. (Oct. 23, 2002) at 162, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.), Docket No. 344 (May 16, 2003); accord Krasno & Sorauf Expert Rep. at 15 [DEV 1-Tab 2] ("[T]he much greater size of the [soft money] individual donations at issue here pose a proportionately larger risk of influencing their beneficiaries than do contributions of hard money."); Andrews Decl. ¶ 18 [DEV 6-Tab 1]; Wirthlin Cross Tr. (Oct. 21, 2002) at 57, *McConnell*, Docket No. 344 (May 16, 2003).

11. The RNC has no written policy — and gives no written guidance to its employees — against providing donors with preferential access to federal candidates and officeholders. (Josefiak Dep. 128:2-5, 184:10-21 (FEC Exh. 1); Steele Dep. 109:20-110:5, 112:10-22, 113:5-17 (FEC Exh. 42) (also noting that Chairman relies on RNC's staff to "intuitively know[] what they can and can't do").) Chairman Steele does not plan to develop such a policy until after this lawsuit is resolved, and he does not know what the content of that policy will be. (Steele Dep. 59:13-19, 106:11-17 (FEC Exh. 42).) To the extent the RNC has an unwritten policy on this issue, it is the same policy that was in effect prior to BCRA. (*Id.* 129:18-21.) That policy, according to the RNC in *McConnell*, was to "not offer to arrange personal meetings between

donors — no matter how large — and federal officeholders or candidates for office.” (Shea Decl. ¶ 44 (FEC Exh. 27); *see also* Shea Dep. 79:22-81:11, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (FEC Exh. 28) (discussing policy).) When a donor requested such access as a condition of making a donation, the RNC asserted that it “rejected the donation and denied the request.” (Shea Decl. ¶ 44 (FEC Exh. 27).) When an existing donor requested a meeting with an officeholder, the RNC’s stated policy was to “pass the request along to the officeholder’s staff without inquiring into the purpose of the proposed meeting, but neither to advocate a meeting nor ascertain whether a meeting has been arranged.” (*Id.* ¶ 46.) In spite of this policy, trading of soft money for access to federal officeholders was rampant. *See McConnell*, 540 U.S. at 150-52 (“The record in the present case[] is replete with . . . examples of national party committees peddling access to federal candidates and officeholders in exchange for large soft-money donations. . . . [T]he RNC holds out the prospect of access to officeholders to attract soft-money donations and encourages officeholders to meet with large soft-money donors.”) (citing *McConnell*, 251 F. Supp. 2d at 500-03 (Kollar-Kotelly, J.), 860-61 (Leon, J.)); *see also* Steele Dep. 33:13-34:13 (FEC Exh. 42) (noting that, although Steele was RNC member from 2000-2002, he was never instructed at the time “not [to] provide a donor to the RNC access to a federal officeholder”).

12. Many donors make large contributions at the suggestion of professional lobbyists as part of a broader plan to obtain influence. As one lobbyist explained,

I advise my clients as to which federal office-holders (or candidates) they should contribute and in what amounts, in order to best use the resources they are able to allocate to such efforts to advance their legislative agenda. *Such plans also would include soft money contributions to political parties and interest groups associated with political issues.*

McConnell, 251 F. Supp. 2d at 495 (Kollar-Kotelly, J.) (citation omitted, emphasis added); *see also id.* (“To have true political clout, the giving and raising of campaign money for candidates and political parties is often critically important.”) (quoting different lobbyist). Through lobbyists and others, “national parties have actively exploited the belief that contributions purchase influence or protection to pressure donors into making contributions.” *McConnell*, 540 U.S. at 148 n.47. As the CEO of a major corporate donor explained, if a corporation had given a lot of money to one party, “the other side,” i.e., the opposing national party committee, might have “a friendly lobbyist call and indicate that someone with interests before a certain committee has had their contributions to the other side noticed.” *Id.* (internal quotation marks omitted).

C. Federal Candidates and Officeholders Know the Identity of Their Parties’ Large Donors, Regardless of Who Solicits the Donations

13. It is not only “contributions made at the express behest of” a candidate that raise corruption concerns, *McConnell*, 540 U.S. at 152, but also other contributions, because “[e]lected officials know exactly who the big party contributors are.” Rudman Decl. ¶ 12 [DEV 8-Tab 34]; *accord* Simpson Decl. ¶ 5 [DEV 9-Tab 38]; Greenwald Decl. ¶ 11 [DEV 6-Tab 16]. Donation patterns are well-known or easily ascertainable by party officials, officeholders, staff, and opposing lobbyists, through FEC reports or other means. *See McConnell*, 540 U.S. at 148 n.47; *McConnell*, 251 F. Supp. 2d at 488 (Kollar-Kotelly, J) (“[T]here is communication among Members about who has made soft money donations and at what level they have given, and this is widely known and understood by the Members and their staff.”) (quoting CEO Wade Randlett); *id.* at 487 (Kollar-Kotelly, J.), 853-54 (Leon, J.) (“[Y]ou cannot be a good Democratic or a good Republican Member and not be aware of who gave money to the party.”) (quoting Senator Bumpers); *id.* at 487-88 (Kollar-Kotelly, J), 854 (Leon, J.) (“Legislators of both parties often know who the large soft money contributors to their party are.”) (quoting

Senator McCain); *id.* at 487 (Kollar-Kotelly, J), 854 (Leon, J.) (donor’s “lobbyist informs the Senator that a large donation was just made”) (quoting Senator Boren). Congressional staffers also know the identities of the big soft-money donors. *See id.* at 482 (“Staffers who work for Members know who the big donors are, and those people always get their phone calls returned first and are allowed to see the Member when others are not.”) (quoting Senator Simpson).

14. In *McConnell*, the RNC asserted that it was “exceedingly rare for [Members of Congress] to solicit funds through telephone calls or personal meetings.” (Shea Decl. ¶ 17 (FEC Exh. 27); Josefiak Dep. 105:6-7, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (Sept. 28, 2002) (FEC Exh. 29) (“I am not aware of Members of Congress being asked to solicit soft money on behalf of the RNC.”); *id.* at 119:15-121-3 (testifying that RNC staff and existing donors conducted most major-donor solicitations for RNC, and “it’s certainly not a program that we have in place to ask Members of Congress to solicit soft money. I’m not aware of that at all.”);

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] In fact, however, before the passage of BCRA, some soft-money solicitations were made by employees or officers of the national parties, and some were made by officeholders. *McConnell*, 540 U.S. at 125 (“[S]oft-

money contributions . . . were in many cases solicited by the candidates themselves.”); *id.* at 147 (discussing fundraising in which federal candidates were not involved).

15. “Even when not participating directly in the fundraising, federal officeholders were well aware of the identities of the donors: National party committees would distribute lists of potential or actual donors, *or donors themselves would report their generosity to officeholders.*” *McConnell*, 540 U.S. at 147 (emphasis added). “[F]or a member not to know the identities of these donors, he or she must actively avoid such knowledge as it is provided by the national political parties *and the donors themselves.*” *Id.* (quoting *McConnell*, 251 F. Supp. 2d at 487-88) (Kollar-Kotelly, J.) (emphasis added); *see also id.* (citing *McConnell*, 251 F. Supp. 2d at 853-55 (Leon, J.)).

16. In light of the foregoing, even if Plaintiffs were to exclude federal officeholders from the soft-money solicitation process, soft-money donors “know that elected officials would become aware of who has given significant amounts” (Greenwald Decl. ¶ 11 (FEC Exh. 30) (former CEO of soft-money donor)): As a lobbyist and former congressional aide explains, “Members will find out who made large contributions from their staffs, other Members, or through ‘thank you’ type events run by the party.” (Rozen Decl. ¶ 4 (FEC Exh. 31).) Indeed, “fundraising does not always involve a solicitation directly from a Member. . . . Sophisticated donors would understand that elected officials of the party would be aware and appreciative of the amounts contributed even if an officeholder had not personally solicited the funds contributed.” (*Id.*)

17. Thus, “the pernicious effects of the soft money system . . . will result whether or not Members of Congress themselves directly solicit the contributions.” (Rozen Decl. ¶ 3 (FEC Exh. 31).) “Even if entrance to [donor] events were tied to hard money contributions rather than

soft money, such events would provide opportunities for people who had also given additional soft money amounts to interact with elected officials.” (*Id.*) For example, fundraising events for hard-money donors would inevitably include donors who had also made soft-money donations. At such events, “the officeholders would often know which of the attendees had made the large soft money donations, [and] they would naturally feel gratitude towards those donors commensurate with the amount of the donation.” (*Id.*; *see also* Ornstein Decl. ¶ 16 (Exh 3 to Van Hollen S. J. Opp. (Docket No. 41)) (“If the parties could now return to creating and managing events to solicit unlimited soft money contributions . . . with officeholders present, where they would interact with large donors and could be told by the parties who the large donors are, and would likely be told by the donors themselves, . . . it would require a huge suspension of disbelief to imagine that the officeholders would not pay close attention to who they are, and would lavish attention on them.”).) “The same willful suspension of disbelief is required to imagine that a busy lawmaker with a long list of phone calls to return or limited time to see people would ignore the call or appointment from a soft money donor who may have given six- or seven-figure contributions to his or her party.” (Ornstein Decl. ¶ 16; *see also* Rozen Decl. ¶ 4 (FEC Exh. 31) (“The dangers of the soft money system . . . will still be present. Members will find out who made large contributions . . . , and they will naturally be more responsive to those donors due to the amount of help the donors have provided to the Member’s party.”); *see also* Steele Dep. 61:4-63:20 (FEC Exh. 42) (acknowledging that soft-money donors would attend events with federal officials and contact officials in other ways, and RNC would be unable to prevent donors from informing officials of their donations).)

18. “Though a soft money check might be made out to a political party, . . . those checks open the doors to the offices of individual and important Members of Congress and the

Administration” (Greenwald Decl. ¶ 12 (FEC Exh. 30).) This access to federal candidates and officeholders, even if it were “not explicitly promised” by the party, “gives [soft-money donors] an opportunity to shape and affect governmental decisions.” (*Id.* ¶¶ 11-12.) Such influence provides the impetus for “the vast majority of soft money” (*id.* ¶ 11), and “the system would be perpetuated whether a Member or some other person representing the party is calling to ask.” (*Id.*)

D. State and Local Political Parties Are Inextricably Intertwined with National Parties, Federal Candidates, and Federal Officeholders

19. State and local parties — such as Plaintiffs California Republican Party (“CRP”) and Republican Party of San Diego County (“RPSD”) — are “entities uniquely positioned to serve as conduits for corruption” because of their close connection to the national parties and to federal officeholders and candidates. *See McConnell*, 540 U.S. at 156 n.51; *see also id.* at 161.

20. “Congress recognized that” there were “close ties between federal candidates and state party committees,” *id.* at 161, and concluded — “based on the evidence before it” — that “state committees function as an alternative avenue for precisely the same corrupting forces” of soft money as the national party committees, *id.* at 164.

21. The chairperson of each state Republican party sits on the RNC. (Josefiak Dep. 14:18-15:13 (FEC Exh. 1).) This arrangement facilitates near-constant strategic communication between state parties and the RNC. (*See id.* 200:13-201:1; *see also* Steele Dep. 12:13-20, 31:9-13, 53:7-21 (FEC Exh. 42) (noting RNC’s and Steele’s frequent strategic communication with state parties).)

22. The CRP’s chairperson serves on the RNC, and all three of the CRP’s RNC members regularly convey strategic information among and between the CRP and the RNC. (*See* Christiansen Dep. 14:16-18, 15:2-5, 17:14-18 (FEC Exh. 2).) Communication between the

RNC and CRP is particularly frequent during election years, when the parties discuss strategic topics such as voter registration and voter contact goals. (*See id.* 173:19-174:15.) In addition, the CRP's Board of Directors always includes a United States Representative, who serves on behalf of the entire California Republican congressional delegation. (*Id.* 170:6-11.) The CRP, therefore, is inextricably intertwined with both the RNC and California's federal officeholders and candidates.

23. Each Republican nominee for the United States Senate and House of Representatives sits on the CRP's State Central Committee. *Standing Rules & Bylaws of the Cal. Republican Party* § 2.01.01(A)(1)-(2) (Feb. 22, 2009), available at http://www.cagop.org/index.cfm/about_party_bylaws.htm. If elected, each of these federal officeholders appoints a minimum of eight to twelve additional delegates to the Committee. *See id.* § 2.01.01(B)(1)-(2),(6). Even if not elected, each nominee appoints a minimum of one to five additional delegates. *See id.* § 2.01.01(B)(7). All of California's RNC members also sit on the CRP's State Central Committee. *See id.* § 2.01.01(A)(3)-(4). Each of these members appoints four to twelve additional delegates to the Committee. *See id.* § 2.01.01(B)(3)-(4).

24. The CRP engages in strategic coordination with local Republican committees, including the RPSD, as to key party activities, such as voter registration and voter contact. (*See* Christiansen Dep. 175:8-176:4 (FEC Exh. 2).)

25. The CRP's Board of Directors — which always includes at least one federal officeholder, *see supra* ¶ 22 — is informed of individual “generous donations.” (*Id.* 82:14-83:25.)

26. Each Republican United States Representative from San Diego County is an officer of the RPSD (Buettner Dep. 11:14-23, 99:14-24 (FEC Exh. 3)), and so the leadership of the RPSD is inextricably intertwined with that area's federal officeholders and candidates.

27. The RPSD's committee members — including federal officeholders, *see supra* ¶ 26 — have access to the RPSD's internal donor records. (Buettner Dep. 33:20-34:4 (FEC Exh. 3).)

28. The RPSD also makes available to some candidates for the House or Representatives the RPSD's file containing voter information. (*Id.* at 89:9-90:2.)

E. State and Local Political Parties Facilitate Their Largest Donors' Access to and Influence Over Federal Candidates and Officeholders

29. The CRP invites its donors to meet and speak with federal candidates and officeholders, including the President and Vice President (Christiansen Dep. 62:5-25 (FEC Exh. 2)), candidates for President and Vice President (*id.* 54:2-58:16), and many other federal candidates and officeholders (*see id.* 94:24-99:2 (describing state party conventions); *see also id.* 109:22-110:7 (acknowledging that “at a fundraising event, . . . [donors] can have access through that”); Pls.' Supplemental Discovery Resps. at 5-6 (Response ¶ 4) (FEC Exh. 32) (“Federal candidates or officeholders who have spoken at such events include: Former Mayor Rudy Giuliani and former Governor Mitt Romney (2007); Senate candidate Bill Jones (2004); Congressman Ed Royce, Congresswoman Mary Bono Mack, Congressman Dana Rohrabacher, and Congressman Kevin McCarthy.”); FEC Exh. 49 (invitations to nine CRP fundraising events with presidential candidate Sen. John McCain over three-month period)).

30. Some of these events have tiered ticket structures, with donors who pay larger amounts receiving more intimate access to the officeholders and candidates, such as at seated

dinners, where the officeholders and candidates know that the people with whom they are eating are the largest donors. (*See* Christiansen Dep. 54:2-58:16, 94:24-99:2 (FEC Exh. 2).)

31. The CRP has a menu of defined benefits for its major donors, promising them that they will “work closely with California’s Republican candidates and officials” and that donors “are well recognized for their important support of the Republican campaign.” California Republican Party, *Golden State Leadership Team*, http://www.cagop.org/index.cfm/golden_state_leadership_team.htm (last visited Mar. 8, 2009) (FEC Exh. 9); *see also* California Republican Party, *Join the California Republican Party Golden State Leadership Team*, http://www.cagop.org/pdf/Golden_State_Leadership_Application.pdf (last visited Mar. 8, 2009) (FEC Exh. 10). The CRP believes that providing these benefits helps the party raise funds. (Christiansen Dep. 88:10-89:4 (FEC Exh. 2).)

32. The CRP also “strong arms” federal candidates and officeholders into participating in conference calls with major donors. (Christiansen Dep. 85:25-86:16 (FEC Exh. 2).) For example, Senator McCain’s presidential campaign manager held a conference call for the CRP’s major donors (*id.* 91:17-20, 92:23-94:6), and then held a second call for an even more exclusive set of the CRP’s very biggest donors — those who gave over \$25,000 (*id.* 106:19-107:15).

33. The CRP does not intend to change its practice of giving its donors access to federal candidates and officeholders, even if the CRP is permitted to raise and spend soft money on federal election activity. (*See id.* 177:19-178:6.)

34. The RPSD provides its donors with access to federal candidates and officeholders, including at events attended by such candidates and officeholders where donors giving larger

amounts receive greater recognition. (Buettner Dep. 20:15-22:2 (FEC Exh. 3); *see also id.* 37:10-38:3, 39:7-9.) Each month, the RPSD holds a meeting that is open to the public but that is followed by a reception to which only major donors and important guests (including federal candidates and officeholders) are invited. (*Id.* 49:2-51:3.) The RPSD also arranges “VIP junkets” to Washington, where major donors meet with members of Congress. (*Id.* 43:23-45:2, 45:24-46:7.) This preferential access is set out in menus of defined benefits, including, “for [the RPSD’s] most generous supporters . . . private, complimentary VIP meetings and events with major Republican leaders and candidates.” RPSD, *Join a Republican Supporter Club or Renew Your Membership*, <https://secure.repweb.net/sandiegorepublicans/donor/> (last visited Mar. 8, 2009) (FEC Exh. 11); *see also* RPSD, *Tony Krvaric, Chairman’s Circle Chair*, http://www.sandiegorepublicans.org/donor/chairmans_circle/ (last visited Mar. 8, 2009) (FEC Exh. 12) (listing benefits for RPSD’s highest donor group); CRP-RPSD-44 (FEC Exh. 50) (inviting donors to be “personally introduce[d]” to candidate for U.S. Senate); CRP-RPSD-58 (FEC Exh. 51) (inviting donors to private reception with sitting Member of Congress and presidential candidate).

35. The RPSD does not intend to change its practice of giving access to donors, even if the RPSD is permitted to raise and spend soft money on federal election activity. (*See* Buettner Dep. 56:18-23 (FEC Exh. 3).)

36. “[T]he federal candidates who benefit from state party use of [soft money] will know exactly whom their benefactors are; the same degree of beholdenness and obligation will arise; the same distortions on the legislative process will occur; and the same public cynicism will erode the foundations of our democracy — except it will all be worse in the public’s mind

because a perceived reform was undercut once again by a loophole that allows big money into the system.”” *McConnell*, 251 F. Supp. 2d at 467 (Kollar-Kotelly, J.) (quoting Senator Rudman).

F. A National Party Official Acting as an Agent of His Party Raises the Same Actual and Apparent Corruption Concerns as the National Party Itself

37. Plaintiff Steele is the Chairman of the RNC. (Am. Compl. ¶ 14.)

38. To the extent Chairman Steele wishes to solicit soft-money donations in his capacity as an RNC officer, each of the foregoing facts regarding the RNC, *see supra* ¶¶ 1-18, applies to Chairman Steele with equal force. To the extent Chairman Steele wishes to solicit soft money for state and local candidates in his individual capacity, BCRA does not prevent him from doing so. *McConnell*, 540 U.S. at 157. Nonetheless, Chairman Steele does not intend to solicit soft money in his individual capacity, nor does he plan to solicit federal funds for state or local parties or candidates. (Steele Dep. 83:13-84:22 (FEC Exh. 42).)

38.1. Chairman Steele has not decided whether or how he would solicit soft-money donations to be used for specific purposes (*see id.* at 85:1-19, 106:11-17), nor has he even considered the question. (*Id.* at 66:7-11 (“I have not thought about how I would raise the money.”).)

39. Former plaintiff and former RNC Chairman Robert M. Duncan remains a member of the RNC, but he has no official leadership role within that organization. (Josefiak Dep. 29:21-30:13 (FEC Exh. 1).) He has no authority, beyond that of any other RNC member, over the actions or decisions of the current RNC Chairman. (*See id.*)

II. PLAINTIFFS AND OTHER POLITICAL PARTY COMMITTEES HAVE RAISED SUFFICIENT FUNDS FOR EFFECTIVE ADVOCACY WITHIN THE FEDERAL CONTRIBUTION LIMITS

40. Since BCRA's enactment, which raised the limit on contributions to national political parties and indexed it to inflation, BCRA § 307(a)(2),(d), the national party committees⁴ have raised more hard money during each presidential election cycle than they raised in hard and soft money combined prior to BCRA:

a. In the 1999-2000 election cycle, the national party committees raised a total of approximately \$1.09 billion — approximately \$574.5 million in hard money and approximately \$515.1 million in soft money. (Biersack Decl. ¶¶ 3-4 (FEC Exh. 33).)

b. In the 2003-2004 election cycle, the national party committees raised approximately \$1.24 billion in hard money. (*Id.*)

c. In the 2007-2008 election cycle, the national party committees raised approximately \$1.24 billion in hard money. (*Id.*)

41. In the 2005-2006 non-presidential election cycle, the national party committees raised approximately \$900.2 million in hard money alone, representing approximately 90 percent of the \$1.011 billion (\$515.2 million in hard money and \$496.1 million in soft money) they raised in 2001-2002. (Biersack Decl. ¶¶ 3, 5 (FEC Exh. 33).)

42. Since BCRA's enactment, the amounts of hard money raised by the RNC each presidential election cycle have been greater than the amounts the RNC raised in hard and soft money combined prior to BCRA:

⁴ The national party committees are the RNC, the National Republican Congressional Committee (NRCC), the National Republican Senatorial Committee (NRSC), the Democratic National Committee (DNC), the Democratic Congressional Campaign Committee (DCCC), and the Democratic Senatorial Campaign Committee (DSCC).

a. In the 1999-2000 election cycle, the RNC raised a combined total of approximately \$379 million — nearly \$212.8 million in hard money and approximately \$166.2 million in soft money. (Biersack Decl. ¶¶ 3, 6 (FEC Exh. 33).)

b. In the 2003-2004 election cycle, the RNC raised approximately \$392.4 million in hard money. (*Id.*)

c. In the 2007-2008 election cycle, the RNC raised approximately \$427.6 million in hard money. (*Id.*)

43. In the 2005-2006 non-presidential election cycle, the RNC raised approximately \$243 million in hard money, representing approximately 85 percent of the \$284 million (\$170 million in hard money and \$113.9 million in soft money) the RNC raised in 2001-2002. (Biersack Decl. ¶¶ 3, 7 (FEC Exh. 33).)

44. The RNC, CRP, and RPSD are subject to the same contribution limits as their Democratic Party equivalents. *See* 2 U.S.C. § 441a(a)(1).

45. Since BCRA's enactment, the RNC, CRP, and RPSD have in most election cycles each raised considerably more hard money than their Democratic counterparts:

a. In the 2007-2008 cycle, the RNC raised approximately \$427.5 million, roughly 64% more than the DNC's \$260.1 million. In the 2005-2006 election cycle, the RNC raised approximately \$243 million, approximately 85% more than the DNC's \$130.8 million. In the 2003-2004 election cycle, the RNC and DNC each raised almost \$400 million. (Biersack Decl. ¶¶ 3, 8 (FEC Exh. 33).)

b. In the three post-BCRA election cycles, the CRP has raised significantly more hard money than the California Democratic Party ("CDP"). In the 2007-2008 election cycle, the CRP raised approximately \$14 million, over 3.5 times more hard money than the

CDP's \$3.8 million. In the 2005-2006 election cycle, the CRP raised approximately \$10.8 million, almost double CDP's \$5.6 million. And in the 2003-2004 election cycle, the CRP raised approximately \$13.3 million, or 25% more than the CDP's \$10.7 million. (Biersack Decl. ¶¶ 9-10 (FEC Exh. 33).)

c. In the six years since BCRA became effective, the RPSD has raised considerably more hard money than the San Diego Democratic Party ("SDDP"). Although the SDDP raised about \$90,000 more hard dollars than the RPSD in the 2007-2008 election cycle, the RPSD raised twice as much hard money as the SDDP in the 2005-2006 cycle: \$648,137 for the RPSD, versus \$297,827 for the SDDP. In the 2003-2004 election cycle, the RPSD raised \$703,478, more than 5.5 times the \$121,803 raised by the SDDP. (Biersack Decl. ¶¶ 11-12 (FEC Exh. 33).)

46. In the three election cycles since BCRA's enactment, the amount of money raised by the national committees of the Republican Party is considerably greater than the combined total raised by all of the Democratic-leaning 527 groups that have a national presence and affect federal elections. In the 2007-2008 election cycle, the three national committees of the Republican Party cumulatively raised approximately \$640.3 million, while the national Democratic 527 groups raised less than one-quarter of that amount, about \$154 million. (Biersack Decl. ¶¶ 3, 13 (FEC Exh. 33); Hajjar Decl. ¶ 4 (FEC Exh. 34).) Similarly, in the 2005-2006 election cycle, the national committees of the Republican Party raised approximately \$508.1 million, more than quadrupling the Democratic 527 groups' \$112.5 million. (Biersack Decl. ¶¶ 3, 13 (FEC Exh. 33); Hajjar Decl. ¶ 5 (FEC Exh. 34).) The national Republican committees raised almost 2.5 times as much as all national Democratic 527 groups in the 2003-2004 election cycle: \$657 million for the Republican committees versus \$264.5 million for the

key Democratic 527 groups. (Biersack Decl. ¶¶ 3, 13 (FEC Exh. 33); Hajjar Decl. ¶ 6 (FEC Exh. 34).) The corresponding fundraising totals for national Republican-leaning 527 groups were \$138 million in the 2008 election cycle, \$106.2 million in the 2006 cycle, and \$164.7 million in the 2004 cycle. (Hajjar Decl. ¶¶ 7-9 (FEC Exh. 34).)

47. The RNC raises substantial funds via joint fundraising committees (“JFCs”), through which the RNC, state parties, and candidate campaign committees solicit donors collectively and share the proceeds received from those solicitations. (*See, e.g.*, RNC 000106-000110 at 000108, 000110 (FEC Exh. 13) (explaining breakdown of donations to JFC shared by RNC, McCain presidential campaign, and state Republican parties of Colorado, Minnesota, New Mexico, and Wisconsin).)

48. The RNC predicted in *McConnell* that “[t]he net effects of BCRA will be massive layoffs and severe reduction of . . . speech at the RNC, and reduction of many state parties to a ‘nominal’ existence.” *McConnell*, 251 F. Supp. 2d at 698 (Kollar-Kotelly, J.) (quoting RNC brief). The RNC “calculate[d] that the BCRA will cause the RNC to lose revenues of approximately \$48.5 million per non-presidential election year, and \$125 million per presidential election year.” (Shea Decl. ¶ 19 (FEC Exh. 27).) The RNC further asserted that it would “*not* be able to recoup these lost non-federal revenues” because, the RNC projected, “it is unlikely that the RNC will be able to raise more federal money from lower-dollar contributors than it currently does.” (*Id.* (emphasis in original).)

49. Directly contrary to the RNC’s foregoing predictions in *McConnell*: (a) the RNC generally raises more hard money now than it raised in hard and soft money combined before BCRA, *see supra* ¶¶ 40-43; and (b) the RNC also has massively expanded its low-dollar

contributor base. (See Ornstein Decl. ¶¶ 21-26 (Exh 3 to Van Hollen S. J. Opp. (Docket No. 41)).)

50. The RNC acknowledges that it has not yet “been able to compete effectively in [the] area” of fundraising via the internet. (Josefiak Dep. 185:22-186:12 (FEC Exh. 1); see also *id.* 188:17-189:1 (Q: . . . [T]here’s no reason that the RNC can’t raise hard dollars over the Internet in the same way and with the same effect as any other hard money group, is there? A. Correct. We attempt to raise it. It’s not productive, so the competition is there because others can, and we can’t.”), 83:18-84:5 (“[E]ven though we constantly try to increase . . . the solicitations by e-mail, which is very cost effective, we have not been as successful as the opposition party in generating interest by our donor base to contribute that way.”).) But the RNC does not know if its competitive disadvantage in this area will continue. (Steele Dep. 92:20-94:8 (FEC Exh. 42) (“I don’t know what the future holds for fundraising on the Internet.”).)

III. PLAINTIFFS’ ACTIVITIES

A. Plaintiffs Are Demonstrably Willing and Able to Finance Their Activities with Federal Funds

51. BCRA does not “in any way limit[] the total amount of money parties can spend. Rather, [it] simply limit[s] the source and individual amount of donations.” *McConnell*, 540 U.S. at 139 (citation omitted).

52. Since BCRA’s enactment, the RNC has engaged in all of the activities it now claims to wish to pursue: supporting state candidates, including in elections where no federal candidates were on the ballot (Plaintiff RNC’s Discovery Resps. at 4-5 (FEC Exh. 4)); redistricting (*id.* at 5); grassroots lobbying (Josefiak Dep. 156:22-157:10 (FEC Exh. 1)); and litigation (*id.* 171:20-172:9).

53. To the extent that the RNC has chosen to forego certain activities, that is the result of the RNC's strategic decision to spend its plentiful federal funds on other elections. (*See id.* 141:10-143:16, 160:12-20; Steele Dep. 71:11-76:11 (FEC Exh. 42).)

54. Since BCRA's enactment, the CRP has "spent . . . money supporting" federal candidates through direct and coordinated expenditures (*see* Pls.' Statement of Material Facts ¶ 38), and through substantial sums spent on federal election activity, including voter registration, voter identification, GOTV, and generic campaign activity, *see infra* ¶¶ 72-83.

55. Since BCRA's enactment, the RPSD has distributed material promoting federal and state candidates together in every election cycle. (*See* FEC Exh. 20 (RPSD materials); *see also* Buettner Dep. 77:2-79:21 (FEC Exh. 3) (acknowledging that RPSD has distributed materials endorsing federal candidates).)

56. The purpose of the RPSD's alleged activities is "to get Republicans elected" at the federal, state, and local levels. (Buettner Dep. 62:5-63:18, 66:3-67:9 (FEC Exh. 3).) Regardless of the result of this case, the RPSD will continue to conduct all of its voter registration, GOTV, and generic campaign activities in the same manner that it has conducted them since BCRA was enacted. (*See id.* 76:2-12.)

B. The RNC's Ability to Support State and Local Candidates Is Unlimited, and Such Activity Has the Potential to Affect Federal Elections

57. The RNC contributed approximately \$900,000 to a candidate for governor of Virginia in 2005, \$300,000 to New Jersey county parties that year, \$540,000 to the Louisiana Republican Party in 2007, and \$450,000 to the Kentucky Republican Party in 2007. (*See* Pl. RNC's Discovery Resps. at 4-5 (FEC Exh. 4).) Thus, as to elections "in which there is no federal candidate on the ballot," the RNC has spent a total of approximately \$2.2 million on such elections since 2003, although that only constitutes approximately 0.2% of the RNC's

disbursements during this period. (*See id.*; disbursements per election cycle available at <http://www.fec.gov/finance/disclosure/srssea.shtml>.)

58. If the RNC were interested in committing more of its resources to state and local activity, it was free to spend more of the nearly \$1.1 billion it raised in that time period on such activity. *See supra* ¶¶ 42-43.

59. Prior to BCRA — when the RNC was permitted to receive nonfederal funds ostensibly for the same type of activities at issue in this case — the RNC donated only a “small fraction” of its federal funds to state and local candidates. *McConnell*, 251 F. Supp. 2d at 464 (Kollar-Kotelly, J.). Combined, the two national parties donated “less than 4% of their soft money spending and 1.6% of their total financial activity in 2000” to state candidates. *Id.* (internal quotation marks omitted). Activities such as training of state and local candidates or direct donations to them “constituted a very small portion of the political parties’ nonfederal expenditures during the 2000 election cycle.” *Id.* at 465.

59.1. Chairman Steele has not determined the specific activities that the RNC would finance with soft money if it were permitted to do so in connection with the 2009 New Jersey elections, and he does not intend to make such a determination until this lawsuit is concluded. (Steele Dep. 69:19-70:9 (FEC Exh. 42).)

60. The RNC’s off-year voter registration efforts increase the number of registered Republicans in subsequent years and facilitate the RNC’s compilation of voter information that the party uses to drive its GOTV and other programs assisting federal candidates in later elections. (*See* Josefiak Dep. 245:17-248:20.) More generally, the RNC’s state and local activities “give the RNC the opportunity to test new and improved targeting and tactics.” *See* RNC, “Memo From Chairman Mehlman Regarding GOTV Efforts in Special Elections,” at 1

(May 23, 2005) (FEC Exh. 35). This is true regardless of whether federal elections are also on the ballot: For example, to “improve [its] grassroots effort, the RNC . . . deployed trained staff and resources into 2005 legislative and local special elections.” (*Id.* at 2.) These same efforts, refined in state and local races, “helped the GOP expand [its] majorities in the U.S. Congress . . . , in addition to re-electing President George W. Bush.” (*See id.* at 1; *see also* Press Release, “RNC Makes Additional Investment in Northeast Republican Leadership” (Mar. 17, 2009) (FEC Exh. 36) (stating that RNC’s “investment in [its] state parties and . . . grassroots organizations . . . will help ensure victory in the special election in New York’s 20th Congressional district.”).) The CRP, too, uses its state and local campaign activities to “further refine the strategies and tactics for [its] target congressional candidates.” Ron Nehring, *California GOP Chair: Go Local*, http://www.cagop.org/index.cfm/in-case-you-missed-it_599.htm (Dec. 7, 2008) (FEC Exh. 15).

61. In light of the foregoing, if the RNC is permitted to funnel soft money to them, “state and local candidates and officeholders will become the next conduits for the soft-money funding of sham issue advertising,” just as state parties served as that conduit prior to BCRA. *See McConnell*, 540 U.S. at 185. The RNC does not plan (unless this Court orders otherwise) to restrict the use of the soft money it would transfer to state candidates. (*See* Steele Dep. 105:10-20 (FEC Exh. 42).)

C. The RNC’s “Grassroots Lobbying” Is Sham Issue Advertising

62. Prior to BCRA — when the RNC was permitted to receive nonfederal funds ostensibly to, *inter alia*, conduct “issue advertising” — “genuine issue advocacy on the part of political parties [was] a rare occurrence.” *McConnell*, 251 F. Supp. 2d at 451 (Kollar-Kotelly, J.). Similarly, the RNC spent only “a minuscule percentage” of its nonfederal budget on state

and local governmental affairs. *Id.* at 463. “What is clear from the evidence [in *McConnell*], however, is that regardless of whether or not it is done to advocate the party’s principles, the Republican Party’s primary goal is the election of its candidates who will be advocates for their core principles.” *Id.* at 470.

63. The precise contours of what the RNC now considers to be “grassroots lobbying” are unclear: When asked during discovery to respond to interrogatories and to produce certain documents relating to “grassroots lobbying,” as that term was defined in Plaintiffs’ Statement of Material Facts, the RNC objected that the term was “extremely vague, overbroad and ambiguous.” (*See* Pls.’ Supplemental Discovery Resps. at 3 (Objection ¶ 8) (FEC Exh. 32).) Chairman Steele similarly disavowed any ability to determine what would or would not constitute “grassroots lobbying” under the RNC’s own definition. (Steele Dep. 80:1-82:19 (FEC Exh. 42).)

64. The RNC cannot determine how much money — if any — it has spent on advertisements that it considers “grassroots lobbying” during the last three election cycles. (Pl. RNC’s Discovery Responses at 6 (FEC Exh. 4); Pls.’ Supplemental Discovery Resps. at 4 (Response ¶ 1 (FEC Exh. 32).)

65. The RNC has testified that several communications that this Court found in *McConnell* to be sham issue ads — i.e., “so-called ‘issue ads’” that “were actually electioneering advertisements,” *McConnell*, 251 F. Supp. 2d at 826-27 (Leon, J.) — would constitute “grassroots lobbying” under the RNC’s definition of that term. (*Compare* Josefiak Dep. 164:8-22 (FEC Exh. 1) (testifying that RNC’s “Taxed Too Much” ad is grassroots lobbying), 170:14-171:19 (same for RNC’s “More” ad), *with McConnell*, 251 F. Supp. 2d at 446 (Kollar-Kotelly,

J.) (including both ads in list of sham issue ads), 826 (Leon, J.) (same); *see also* ODP0029-00041 (FEC Exh. 5) (text of ad); ODP 0023-02326 (FEC Exh. 6) (same).)

66. Plaintiffs' Statement of Material Facts (§ 39) includes disbursements for "non-advocacy issue oriented mailings" in the CRP's lists of disbursements "supporting" candidates, thereby further confirming the evidence that so-called "grassroots lobbying" affects candidate elections.

67. Using hard money, the Democratic National Committee (which has far less cash-on-hand than does the RNC) has recently produced and distributed a genuine grassroots lobbying advertisement. *See* "Door to Door," http://www.youtube.com/watch?v=KtE4YX7_GVk (last visited Apr. 3, 2009).

D. Redistricting Affects Federal Elections

68. "Redistricting efforts affect federal elections no matter when they are held," and national party redistricting efforts "are of value to Members of Congress because the changes in the composition of a Member's district can mean the difference between reelection and defeat."

McConnell, 251 F. Supp. 2d at 462, 468 (Kollar-Kotelly, J.).

The most important legislative activity in the electoral lives of U.S. House members takes place during redistricting, a process that is placed in the hands of state legislatures. The chances that a House incumbent will be ousted by unfavorable district boundaries are often greater than the chances of defeat at the hands of the typical challenger. Thus, federal legislators who belong to the state majority party have a tremendous incentive to be attuned to the state legislature and the state party leadership.

Id. at 462 (quoting Defendants' expert Donald Green). The importance of redistricting to federal officeholders was not lost on large soft-money donors: As one memorandum to a high-level Fortune 100 company executive from the company's own governmental affairs staff explained,

because both [national] parties will be working to influence redistricting efforts during the next two years, we anticipate that we will be asked to

make soft money contributions to these efforts. Redistricting is a key once-a-decade effort that both parties have very high on their priority list. Given the priority of the redistricting efforts, relatively small soft money contributions in this area could result in disproportionate benefit.

Id. at 508. Thus, as Chairman Steele has testified, the redistricting process following the next census will determine “[t]he composition of the House of Representatives for the next 10 to 12 years or maybe even beyond that.” (Steele Dep. 76:13-17 (FEC Exh. 42).)

69. In this case, the RNC has conceded that the purpose of its redistricting activities is to divide *federal* and state legislative districts “into a proper format that hopefully would be . . . more of a benefit to [the RNC] than the opposition party.” (Josefiak Dep. 155:18-21 (FEC Exh. 1); *see also* Remarks of Chairman Jim Nicholson, RNC 0293683-85 [DEV 102].) Indeed, the CRP has repeatedly noted in this case the effect that redistricting can have on campaigns for the United States House of Representatives. (*See* Pls.’ Statement of Material Facts ¶¶ 36, 38 (“California’s Congressional seats were redistricted in 2001 to virtually eliminate partisan competition at general elections”); *see also* Erwin Dep. 47:3-11, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (FEC Exh. 37) (“Q. . . . [T]he prospects for election of a candidate for the [H]ouse of [R]epresentatives would depend on redistricting; correct? A. Yes. Q. And to your knowledge do actual members of Congress and candidates for the [H]ouse of [R]epresentatives communicate with the state party and with state legislative officials about redistricting? A. Certainly members of Congress did.”).) The RPSD has noted the same effect. (Pls.’ Statement of Material Facts ¶ 55.)

E. Plaintiffs’ Litigation Affects Who Obtains Federal Office

70. Plaintiffs’ complaint alleged that the “litigation account” would “be used *solely* for paying the fees and expenses attributable to this case.” (Compl. ¶ 21 (emphasis added).)

71. To the extent the litigation account would be used to fund litigation regarding voter registration and similar issues (*see* Josefiak Dep. 172:13-176:3 (FEC Exh. 1)), such litigation affects federal elections. *See infra* ¶¶ 77-78.

F. Get-Out-The-Vote Activity Affects All Elections on the Ballot

72. The purpose of the CRP’s voter identification and GOTV activities is to “get . . . to the polls” all Republicans and Republican-leaning voters (Christiansen Dep. 127:14-25 (FEC Exh. 2)), so that Republican candidates “win on election day” in federal and state races (*id.* at 128:1-4). Accordingly, the CRP acknowledges that its GOTV activities affect federal elections. (*Id.* at 128:24-129:1.)

73. The RNC, too, has acknowledged the affect of GOTV on federal elections:

A. . . . Your get-out-the-vote program is to get Republicans and independents and maybe disgruntle[d] democrats to vote for your candidate. So it’s more than just the Republican base. It’s getting the base plus in order to win.

Q. So it’s designed to get people to the polls who you believe will vote Republican?

A. Correct.

Q. And, again, doesn’t that also help Republican candidates for federal office?

A. It helps the ticket and Republican candidates, all Republican candidates for office, federal and non-federal.

(Josefiak Dep. 27:18-28:19, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (Oct. 15, 2002) (FEC Exh. 17).)

74. In 2008, then-Chairman Duncan stated publicly that the RNC’s “prodigious fundraising” has allowed it to “buil[d] up over a long period of time” a GOTV program and other “organizational efforts [that] make the difference . . . generally, there’s probably a 2 to 5 percent difference in additional turnout for a candidate that you make.” *Victory Dream Team*, CONGRESS

DAILY, July 29, 2008, 2008 WLNR 14131041 (FEC Exh. 26). This “difference” applies to both federal and “down-ballot” candidates. *See id.*

75. The CRP includes federal candidates in some of its GOTV slate listings. (*See* Door Hanger, “Elect Our Republican Team” (FEC Exh. 14); *see also* Christiansen Dep. 137:24-139:11 (FEC Exh. 2) (noting that door hanger was distributed).)

76. The RPSD uses federal funds to make GOTV phone calls and to distribute GOTV doorhangers “that include[] all Republican candidates.” (Pls.’ Supplemental Discovery Resps. at 10 (Response ¶ 16) (FEC Exh. 32).)

G. Voter Registration Affects Federal Elections

77. The purpose of the CRP’s voter registration activities is to register “as many Republicans as possible” and help elect Republican candidates in federal and state elections. (Christiansen Dep. 121:12-14, 121:23-122:3 (FEC Exh. 2).) The CRP acknowledges that its voter registration activity is intended to — and actually does — affect federal elections. (*Id.* 123:1-17 (“Q: Does the CRP’s voter registration activity affect federal elections? A: Yes.”); *see also* Phillip J. LaVelle, *For GOP, California Dreamin’?*, 2004 WLNR 17013682, San Diego Union Tribune, Sept. 1, 2004 (FEC Exh. 16) (“[C]hairman of the California Republican Party . . . said Republican registration gains are creating a Bush-friendly environment.”); Erwin Dep. 31:15-32:25, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (FEC Exh. 37) (stating that voter registration is an “ongoing project[]” to “build our party base” that “helps with elections”).)

78. The RNC, too, has acknowledged the affect of voter registration on federal elections:

Q. When a state party . . . conduct[s] voter registration drives, are they designed to register likely Republican voters?

A. Yes.

Q. Doesn't that help Republican candidates for federal office?

A. The hope is, as a lot of these plans refer to it, helps the entire ticket in that state. And whether it's for the legislature or whether it's for governor, whether it's for Congress or the U.S. Senate, if they have any of those races in that particular year, that's the whole purpose behind it and that was really the purpose behind the Federal Election Commission's allocation regulations in the states recognizing based on who was on a ballot in any particular election federal election year. That's how you would allocate resources. There was an acknowledgment that it benefited the entire ticket and how it benefited and what kind of funds were used were based on the categories on those candidates on the ballot.

Q. So it does help federal candidates?

A. It does.

(Josefiak Dep. 26:5-27:8, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (Oct. 15, 2002) (FEC Exh. 17).)

H. Advertising that Mentions State Ballot Measures and Promotes, Attacks, Supports, or Opposes Federal Candidates Affects Federal Elections

79. As to the direct effect on federal elections of advertising that promotes, attacks, supports, or opposes a federal candidate, “[t]he record on this score could scarcely be more abundant.” *McConnell*, 540 U.S. at 170. “Such ads were a prime motivating force behind BCRA’s passage,” and “any public communication that promotes or attacks a clearly identified candidate directly affects the election in which he is participating.” *Id.* at 169-70 (emphasis added).

80. Using federal funds, the CRP has distributed communications that endorse or oppose state ballot initiatives and identify federal candidates — thus associating the officeholder with the initiative — without promoting or attacking the candidate. (See California Republican Party, *Your Official Orange County Republican Party Endorsements* at 5 (FEC Exh. 21) (listing members of Congress endorsing ballot proposition); Pls.’ Supplemental Discovery Resps. at 9 (Response ¶ 13) (FEC Exh. 32) (acknowledging that Exhibit 21 “was distributed to Republican voters in Orange County” and was paid for with “federal funds only”).) The CRP’s assertions

that it “has not made any public communication that supported or opposed a ballot initiative that mentioned a federal candidate since BCRA became effective,” and that “[n]o federal funds were used for ballot measures” (*id.* at 9-10 (Response ¶¶ 14-15)) are therefore contradicted by the undisputed existence of occurrence of such a communication.

I. Plaintiffs’ Other Federal Election Activity Affects Federal Elections

81. To the extent that any of the CRP’s intended activities constitute “generic campaign activity” 2 U.S.C. § 431(20)(A)(ii) — which is “campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate” 2 U.S.C. § 431(21) — such activity also influences federal elections. *See* Ron Nehring, *A Republican 50-State Strategy?*, http://www.cagop.org/index.cfm/in-case-you-missed-it_617.htm (Jan. 27, 2009) (FEC Exh. 18) (CRP Chairman’s statement: “Building organizational and communications capability — and expanding the ranks of congressional, state and local officials from our party — makes it more likely a state will be competitive in a presidential election down the road.”); *San Joaquin Republicans Organizing for Dean Andal*, <http://www.cagop.org/blog/2008/09/san-joaquin-republicans-organizing-for.html> (Sept. 12, 2008) (FEC Exh. 19) (CRP Chairman’s blog post noting that Congressional candidate was “benefitting from the organization our volunteer groups have built in the region”); *see also supra* ¶ 60 (noting use of party-building operations to refine strategies and tactics for federal campaigns).

82. The “generic” activities the CRP plans to conduct with soft money directly helps federal candidates and influences their election. Voter registration, voter identification, GOTV, and generic campaign activity as defined by BCRA “clearly capture activity that benefits federal candidates,” and “funding of such activities creates a significant risk of actual and apparent corruption.” *McConnell*, 540 U.S. at 167-68.

Common sense dictates, and it was “undisputed” below, that a party’s efforts to register voters sympathetic to that party directly assist the party’s candidates for federal office. 251 F. Supp. 2d, at 460 (Kollar-Kotelly, J.). It is equally clear that federal candidates reap substantial rewards from any efforts that increase the number of like-minded registered voters who actually go to the polls. *See, e.g., id.*, at 459 (“[The evidence] shows quite clearly that a campaign that mobilizes residents of a highly Republican precinct will produce a harvest of votes for Republican candidates for both state and federal offices. A campaign need not mention federal candidates to have a direct effect on voting for such a candidate [G]eneric campaign activity has a direct effect on federal elections” (quoting Green Expert Report 14)).

Id.; *see also supra* ¶¶ 60, 72-78 (discussing purpose and effect of voter registration, voter identification, and GOTV activities); RNC Memorandum, *Non-Allocable Party Building Programs*, RNC 0084450-64 at 0084455 [DEV 101] (“There are certain election related party expenditures that make no reference to any specific candidates but do benefit the entire Republican ticket These generic programs include voter registration[] and GOTV programs These programs and projects benefit the Republican Party and all of its candidates, federal and state.”); Philp Dep. 49:8-16, *McConnell v. FEC*, Civ. No. 02-874 (D.D.C.) (Sept. 19, 2002) (FEC Exh. 38) (Chairman of Colorado Republican Party testifying that state party’s “Get-out-the-vote program is designed to benefit all candidates. That could include voter registration and so on and so forth. Q. And is the same true of generic party advertising, in other words, Vote Republican, that’s designed to benefit all the candidates? A. Yes.”).

83. Each of the organizational Plaintiffs has conceded that, in an election where both state and federal candidates are on the ballot, *any* GOTV activity inherently affects the federal elections, even if such activity does not specifically mention any of the federal candidates. (Josefiak Dep. 45:7-16 (FEC Exh. 1); Christiansen Dep. 129:25-130:5 (FEC Exh. 2); Buettner Dep. 68:16-21 (FEC Exh. 3).)

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Dated: June 18, 2009

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

REPUBLICAN NATIONAL COMMITTEE,)	
<i>et al.</i> ,)	
Plaintiffs,)	
v.)	Civ. No. 08-1953 (BMK, RJL, RMC)
FEDERAL ELECTION COMMISSION,)	
<i>et al.</i> ,)	STATEMENT OF MATERIAL FACTS
Defendants.)	

| **DEFENDANT FEDERAL ELECTION COMMISSION'S SUPPLEMENTED
STATEMENT OF MATERIAL FACTS NOT IN GENUINE DISPUTE**

TABLE OF CONTENTS

I. UNLIMITED CONTRIBUTIONS TO PLAINTIFFS WOULD CREATE AN APPEARANCE OF CORRUPTION AND POSE A DANGER OF ACTUAL CORRUPTION1

 A. The Republican National Committee Is in a Unique Position Between Donors and Federal Candidates and Officeholders1

 B. The Republican National Committee Facilitates Its Largest Donors’ Access to and Influence Over Federal Candidates and Officeholders3

 C. Federal Candidates and Officeholders Know the Identity of Their Parties’ Large Donors, Regardless of Who Solicits the Donations7

 D. State and Local Political Parties Are Inextricably Intertwined with National Parties, Federal Candidates, and Federal Officeholders11

 E. State and Local Political Parties Facilitate Their Largest Donors’ Access to and Influence Over Federal Candidates and Officeholders13

 F. A National Party Official Acting as an Agent of His Party Raises the Same Actual and Apparent Corruption Concerns as the National Party Itself.....16

II. PLAINTIFFS AND OTHER POLITICAL PARTY COMMITTEES HAVE RAISED SUFFICIENT FUNDS FOR EFFECTIVE ADVOCACY WITHIN THE FEDERAL CONTRIBUTION LIMITS17

III. PLAINTIFFS’ ACTIVITIES21

 A. Plaintiffs Are Demonstrably Willing and Able to Finance Their Activities with Federal Funds.....21

 B. The RNC’s Ability to Support State and Local Candidates Is Unlimited, and Such Activity Has the Potential to Affect Federal Elections22

 C. The RNC’s “Grassroots Lobbying” Is Sham Issue Advertising.....24

 D. Redistricting Affects Federal Elections26

 E. Plaintiffs’ Litigation Affects Who Obtains Federal Office.....27

 F. Get-Out-The-Vote Activity Affects All Elections on the Ballot28

 G. Voter Registration Affects Federal Elections29

 H. Advertising that Mentions State Ballot Measures and Promotes, Attacks, Supports, or Opposes Federal Candidates Affects Federal Elections.....30

 I. Plaintiffs’ Other Federal Election Activity Affects Federal Elections31

Pursuant to LCvR 7(h) and 56.1, Defendant Federal Election Commission (“Commission”) submits in support of its motion for summary judgment the following statement of material facts not in genuine dispute.

I. UNLIMITED CONTRIBUTIONS TO PLAINTIFFS WOULD CREATE AN APPEARANCE OF CORRUPTION AND POSE A DANGER OF ACTUAL CORRUPTION

A. The Republican National Committee Is in a Unique Position Between Donors and Federal Candidates and Officeholders

1. Plaintiff Republican National Committee (“RNC”) is a “political arm of Republicans either seeking office or in office,” and representatives of the RNC are in communication with candidates and officeholders on a frequent, ongoing basis. (Josefiak Dep. 197:1-18 (FEC Exh. 1); [see also Steele Dep. 26:16-27:10 \(FEC Exh. 42\).](#))¹

2. National political parties are “inextricably intertwined with federal officeholders and candidates.” *McConnell v. FEC*, 540 U.S. 93, 155 (2003) (quoting 148 Cong. Rec. H409 (Feb. 13, 2002)).²

3. “[T]here is no meaningful separation between the national party committees and the public officials who control them.” *Id.* (quoting *McConnell v. FEC*, 251 F. Supp. 2d 176, 468-69 (D.D.C. 2003) (Kollar-Kotelly, J.)).

¹ FEC Exhibits 1-25 were appended to the Commission’s memorandum in opposition to Plaintiffs’ motion for summary judgment (Docket No. 39); FEC Exhibits 26-41 were appended to the Commission’s memorandum in support of its motion for summary judgment (Docket No. 56); [FEC Exhibits 42-51 are appended to the instant memorandum.](#)

² Once resolved by an appellate court, issues of legislative fact need not be relitigated in lower courts each time they arise. *See A Woman’s Choice—E. Side Women’s Clinic v. Newman*, 305 F.3d 684, 689 (7th Cir. 2002). Thus, as to any fact that the Supreme Court resolved in *McConnell*, this Court may simply adopt the relevant finding from that case.

4. The “national parties” are in a “unique position” to serve as “agents for spending on behalf of those who seek to produce obligated officeholders.” *Id.* at 145 (quoting *FEC v. Colorado Republican Fed. Campaign Comm.*, 533 U.S. 431, 452 (2001)).

5. “The President typically controls his party’s national committee, and once a favorite has emerged for the presidential nomination of the other party, that candidate and his party’s national committee typically work closely together.” *McConnell*, 251 F. Supp. 2d at 697 (Kollar-Kotelly, J.). When the President of the United States is a Republican, the President nominates the chairperson of the RNC, and there is regular strategic coordination between the party and the White House. (*See* Josefiak Dep. 193:2-194:20 (FEC Exh. 1).)

6. The RNC works with federal candidates each election cycle to develop “victory plans,” which are joint, comprehensive, election-specific strategies. (*See* Josefiak Dep. 198:13-199:8 (FEC Exh. 1); *see also* *McConnell*, 540 U.S. at 159-60 (rejecting RNC’s Title I challenge in relation to victory plans); *Victory Dream Team*, CONGRESS DAILY, July 29, 2008, 2008 WLNR 14131041 (FEC Exh. 26) (noting victory plans’ use in federal and “down-ballot” elections); [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The RNC provides advice regarding the competitiveness and makeup of specific congressional districts (Steele Dep. 53:7-21 (FEC Exh. 42)), and it assists Members of Congress by distributing their “message point[s]” to the

party's "base" (see *id.* at 29:3-22). The RNC also sells voter preference data to campaigns (see Josefiak Dep. 200:10-12 (FEC Exh. 1)) and, on occasion, exchanges donor lists with them (see *id.* 98:8-14).

B. The Republican National Committee Facilitates Its Largest Donors' Access to and Influence Over Federal Candidates and Officeholders

7. To facilitate its donors' access to federal candidates and officeholders, the RNC organizes private receptions, dinners, and other events at which individuals who have made large contributions (i.e., \$15,000 or more) to the RNC have an opportunity to meet, dine, and speak with federal candidates and officeholders. (See Josefiak Dep. 58:18-61:5 (FEC Exh. 1).) These opportunities are "not offered to the public at large." (Pl. RNC's Discovery Resps. at 7 (FEC Exh. 4).) Many of the events are quite intimate: For example, at one event, the President of the United States, six U.S. Senators, and one U.S. Representative attended a dinner with just forty-nine donors — a ratio of only six donors to each officeholder. (See RNC 000830-32 (FEC Exh. 43; unredacted version filed under seal as FEC Exh. 43A).) The RNC has organized even smaller Presidential appearances in private homes — events at which the President has been joined by as few as thirty-nine donors. (See RNC 000821-22 (FEC Exh. 44; unredacted version filed under seal as FEC Exh. 44A) (thirty-nine attendees); RNC 000846-47 (FEC Exh. 45; unredacted version filed under seal as FEC Exh. 45A) (forty-one attendees); RNC000843-45 (FEC Exh. 46; unredacted version filed under seal as FEC Exh. 46A) (fifty-two attendees).) And the RNC has arranged similar interactions with executive branch officials: Senior White House official Karl Rove had breakfast with twenty-eight donors (RNC 000883-887 (FEC Exh. 47; unredacted version filed under seal as FEC Exh. 47A)), and White House Chief of Staff Joshua Bolten and a sitting Member of Congress had lunch with thirty-seven donors (RNC 000896-97 (FEC Exh. 48; unredacted version filed under seal as FEC Exh. 48A)). These examples are

drawn only from events for which the RNC has produced guest lists, which is a small subset of the total number of RNC donor events. (See RNC000058-371 (FEC Exh. 8) (invitations to donor events).)

8. The RNC has created tiers of donors with specified benefits: For example, donors who give \$15,000 receive “intimate luncheons, dinners, and meetings with key policymakers”; donors who give \$30,400 “enjoy exclusive private functions with elected Republican leaders”; and donors who commit to raising \$60,800 receive “at least one . . . exclusive event during the year,” as well as other “intimate events with key GOP policymakers.” (RNC 000130 (FEC Exh. 7).) All of these benefits involve the privilege of attending events with federal candidates and officeholders, from candidates for the U.S. House to the sitting President of the United States. (See generally RNC 000058-000371 (FEC Exh. 8) (invitations to donor events with federal candidates and officeholders).) At these events, an attending donor has an opportunity to inform the federal candidate or officeholder about the donor’s opinion on legislation or other issues, and the candidate or officeholder is aware that the person expressing that opinion is a major donor. (See Josefiak Dep. 76:14-77:11 (FEC Exh. 1); see also Draft letter from Jim Nicholson to Deimer True, RNC 0302806 [DEV 102]³ (explaining that donor who buys only one ticket to event is unlikely to sit with U.S. Senator because “sponsors, major donors, and table buyers are given first choice” of “VIP” assigned to their table).)

9. The RNC sets its highest donation tier to correspond to the legal contribution limit; when the contribution limits rise, the RNC increases the size of the donation required to

³ “DEV” and “Tab” citations refer to the *McConnell* Defendants’ Exhibit Volumes. A DVD copy of the non-confidential DEVs and a CD containing the confidential DEVs were filed in the instant action (see Docket No. 39-23), and courtesy copies were delivered to Chambers contemporaneously with the filing of the Commission’s opposition to Plaintiffs’ motion for summary judgment.

reach the top tier. (Josefiak Dep. 102:19-103:6 (FEC Exh. 1).) Prior to BCRA, when there was no legal limit on soft-money contributions, the RNC's donor tiers were substantially higher than they are now: The "Team 100" threshold (currently \$30,400) was \$100,000, and the "Regents" threshold (currently \$60,800 divided between the donor and his/her spouse) was \$250,000 from one person during a single election cycle. (See Shea Decl. ¶¶ 10, 14(f)-(g), *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (Oct. 4, 2002) (FEC Exh. 27).)

10. In *McConnell*, the plaintiffs' own expert testified that, assuming money does buy access to or influence over federal officeholders, soft money is more likely to buy access or influence "simply by virtue of the numbers." Primo Cross Tr. (Oct. 23, 2002) at 162, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.), Docket No. 344 (May 16, 2003); accord Krasno & Sorauf Expert Rep. at 15 [DEV 1-Tab 2] ("[T]he much greater size of the [soft money] individual donations at issue here pose a proportionately larger risk of influencing their beneficiaries than do contributions of hard money."); Andrews Decl. ¶ 18 [DEV 6-Tab 1]; Wirthlin Cross Tr. (Oct. 21, 2002) at 57, *McConnell*, Docket No. 344 (May 16, 2003).

11. The RNC has no written policy — and gives no written guidance to its employees — against providing donors with preferential access to federal candidates and officeholders. (Josefiak Dep. 128:2-5, 184:10-21 (FEC Exh. 1); Steele Dep. 109:20-110:5, 112:10-22, 113:5-17 (FEC Exh. 42) (also noting that Chairman relies on RNC's staff to "intuitively know[] what they can and can't do").) Chairman Steele does not plan to develop such a policy until after this lawsuit is resolved, and he does not know what the content of that policy will be. (Steele Dep. 59:13-19, 106:11-17 (FEC Exh. 42).) To the extent the RNC has an unwritten policy on this issue, it is the same policy that was in effect prior to BCRA. (*Id.* 129:18-21.) That policy, according to the RNC in *McConnell*, was to "not offer to arrange personal meetings between

donors — no matter how large — and federal officeholders or candidates for office.” (Shea Decl. ¶ 44 (FEC Exh. 27); *see also* Shea Dep. 79:22-81:11, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (FEC Exh. 28) (discussing policy).) When a donor requested such access as a condition of making a donation, the RNC asserted that it “rejected the donation and denied the request.” (Shea Decl. ¶ 44 (FEC Exh. 27).) When an existing donor requested a meeting with an officeholder, the RNC’s stated policy was to “pass the request along to the officeholder’s staff without inquiring into the purpose of the proposed meeting, but neither to advocate a meeting nor ascertain whether a meeting has been arranged.” (*Id.* ¶ 46.) In spite of this policy, trading of soft money for access to federal officeholders was rampant. *See McConnell*, 540 U.S. at 150-52 (“The record in the present case[] is replete with . . . examples of national party committees peddling access to federal candidates and officeholders in exchange for large soft-money donations. . . . [T]he RNC holds out the prospect of access to officeholders to attract soft-money donations and encourages officeholders to meet with large soft-money donors.”) (citing *McConnell*, 251 F. Supp. 2d at 500-03 (Kollar-Kotelly, J.), 860-61 (Leon, J.)); *see also* Steele Dep. 33:13-34:13 (FEC Exh. 42) (noting that, although Steele was RNC member from 2000-2002, he was never instructed at the time “not [to] provide a donor to the RNC access to a federal officeholder”).

12. Many donors make large contributions at the suggestion of professional lobbyists as part of a broader plan to obtain influence. As one lobbyist explained,

I advise my clients as to which federal office-holders (or candidates) they should contribute and in what amounts, in order to best use the resources they are able to allocate to such efforts to advance their legislative agenda. *Such plans also would include soft money contributions to political parties and interest groups associated with political issues.*

McConnell, 251 F. Supp. 2d at 495 (Kollar-Kotelly, J.) (citation omitted, emphasis added); *see also id.* (“To have true political clout, the giving and raising of campaign money for candidates and political parties is often critically important.”) (quoting different lobbyist). Through lobbyists and others, “national parties have actively exploited the belief that contributions purchase influence or protection to pressure donors into making contributions.” *McConnell*, 540 U.S. at 148 n.47. As the CEO of a major corporate donor explained, if a corporation had given a lot of money to one party, “the other side,” i.e., the opposing national party committee, might have “a friendly lobbyist call and indicate that someone with interests before a certain committee has had their contributions to the other side noticed.” *Id.* (internal quotation marks omitted).

C. Federal Candidates and Officeholders Know the Identity of Their Parties’ Large Donors, Regardless of Who Solicits the Donations

13. It is not only “contributions made at the express behest of” a candidate that raise corruption concerns, *McConnell*, 540 U.S. at 152, but also other contributions, because “[e]lected officials know exactly who the big party contributors are.” Rudman Decl. ¶ 12 [DEV 8-Tab 34]; *accord* Simpson Decl. ¶ 5 [DEV 9-Tab 38]; Greenwald Decl. ¶ 11 [DEV 6-Tab 16]. Donation patterns are well-known or easily ascertainable by party officials, officeholders, staff, and opposing lobbyists, through FEC reports or other means. *See McConnell*, 540 U.S. at 148 n.47; *McConnell*, 251 F. Supp. 2d at 488 (Kollar-Kotelly, J) (“[T]here is communication among Members about who has made soft money donations and at what level they have given, and this is widely known and understood by the Members and their staff.”) (quoting CEO Wade Randlett); *id.* at 487 (Kollar-Kotelly, J.), 853-54 (Leon, J.) (“[Y]ou cannot be a good Democratic or a good Republican Member and not be aware of who gave money to the party.”) (quoting Senator Bumpers); *id.* at 487-88 (Kollar-Kotelly, J), 854 (Leon, J.) (“Legislators of both parties often know who the large soft money contributors to their party are.”) (quoting

Senator McCain); *id.* at 487 (Kollar-Kotelly, J), 854 (Leon, J.) (donor’s “lobbyist informs the Senator that a large donation was just made”) (quoting Senator Boren). Congressional staffers also know the identities of the big soft-money donors. *See id.* at 482 (“Staffers who work for Members know who the big donors are, and those people always get their phone calls returned first and are allowed to see the Member when others are not.”) (quoting Senator Simpson).

14. In *McConnell*, the RNC asserted that it was “exceedingly rare for [Members of Congress] to solicit funds through telephone calls or personal meetings.” (Shea Decl. ¶ 17 (FEC Exh. 27); Josefiak Dep. 105:6-7, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (Sept. 28, 2002) (FEC Exh. 29) (“I am not aware of Members of Congress being asked to solicit soft money on behalf of the RNC.”); *id.* at 119:15-121-3 (testifying that RNC staff and existing donors conducted most major-donor solicitations for RNC, and “it’s certainly not a program that we have in place to ask Members of Congress to solicit soft money. I’m not aware of that at all.”);

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] In fact, however, before the

passage of BCRA, some soft-money solicitations were made by employees or officers of the national parties, and some were made by officeholders. *McConnell*, 540 U.S. at 125 (“[S]oft-

money contributions . . . were in many cases solicited by the candidates themselves.”); *id.* at 147 (discussing fundraising in which federal candidates were not involved).

15. “Even when not participating directly in the fundraising, federal officeholders were well aware of the identities of the donors: National party committees would distribute lists of potential or actual donors, *or donors themselves would report their generosity to officeholders.*” *McConnell*, 540 U.S. at 147 (emphasis added). “[F]or a member not to know the identities of these donors, he or she must actively avoid such knowledge as it is provided by the national political parties *and the donors themselves.*” *Id.* (quoting *McConnell*, 251 F. Supp. 2d at 487-88) (Kollar-Kotelly, J.) (emphasis added); *see also id.* (citing *McConnell*, 251 F. Supp. 2d at 853-55 (Leon, J.)).

16. In light of the foregoing, even if Plaintiffs were to exclude federal officeholders from the soft-money solicitation process, soft-money donors “know that elected officials would become aware of who has given significant amounts” (Greenwald Decl. ¶ 11 (FEC Exh. 30) (former CEO of soft-money donor)): As a lobbyist and former congressional aide explains, “Members will find out who made large contributions from their staffs, other Members, or through ‘thank you’ type events run by the party.” (Rozen Decl. ¶ 4 (FEC Exh. 31).) Indeed, “fundraising does not always involve a solicitation directly from a Member. . . . Sophisticated donors would understand that elected officials of the party would be aware and appreciative of the amounts contributed even if an officeholder had not personally solicited the funds contributed.” (*Id.*)

17. Thus, “the pernicious effects of the soft money system . . . will result whether or not Members of Congress themselves directly solicit the contributions.” (Rozen Decl. ¶ 3 (FEC Exh. 31).) “Even if entrance to [donor] events were tied to hard money contributions rather than

soft money, such events would provide opportunities for people who had also given additional soft money amounts to interact with elected officials.” (*Id.*) For example, fundraising events for hard-money donors would inevitably include donors who had also made soft-money donations. At such events, “the officeholders would often know which of the attendees had made the large soft money donations, [and] they would naturally feel gratitude towards those donors commensurate with the amount of the donation.” (*Id.*; *see also* Ornstein Decl. ¶ 16 (Exh 3 to Van Hollen S. J. Opp. (Docket No. 41)) (“If the parties could now return to creating and managing events to solicit unlimited soft money contributions . . . with officeholders present, where they would interact with large donors and could be told by the parties who the large donors are, and would likely be told by the donors themselves, . . . it would require a huge suspension of disbelief to imagine that the officeholders would not pay close attention to who they are, and would lavish attention on them.”).) “The same willful suspension of disbelief is required to imagine that a busy lawmaker with a long list of phone calls to return or limited time to see people would ignore the call or appointment from a soft money donor who may have given six- or seven-figure contributions to his or her party.” (Ornstein Decl. ¶ 16; *see also* Rozen Decl. ¶ 4 (FEC Exh. 31) (“The dangers of the soft money system . . . will still be present. Members will find out who made large contributions . . . , and they will naturally be more responsive to those donors due to the amount of help the donors have provided to the Member’s party.”); *see also* Steele Dep. 61:4-63:20 (FEC Exh. 42) (acknowledging that soft-money donors would attend events with federal officials and contact officials in other ways, and RNC would be unable to prevent donors from informing officials of their donations).)

18. “Though a soft money check might be made out to a political party, . . . those checks open the doors to the offices of individual and important Members of Congress and the

Administration” (Greenwald Decl. ¶ 12 (FEC Exh. 30).) This access to federal candidates and officeholders, even if it were “not explicitly promised” by the party, “gives [soft-money donors] an opportunity to shape and affect governmental decisions.” (*Id.* ¶¶ 11-12.) Such influence provides the impetus for “the vast majority of soft money” (*id.* ¶ 11), and “the system would be perpetuated whether a Member or some other person representing the party is calling to ask.” (*Id.*)

D. State and Local Political Parties Are Inextricably Intertwined with National Parties, Federal Candidates, and Federal Officeholders

19. State and local parties — such as Plaintiffs California Republican Party (“CRP”) and Republican Party of San Diego County (“RPSD”) — are “entities uniquely positioned to serve as conduits for corruption” because of their close connection to the national parties and to federal officeholders and candidates. *See McConnell*, 540 U.S. at 156 n.51; *see also id.* at 161.

20. “Congress recognized that” there were “close ties between federal candidates and state party committees,” *id.* at 161, and concluded — “based on the evidence before it” — that “state committees function as an alternative avenue for precisely the same corrupting forces” of soft money as the national party committees, *id.* at 164.

21. The chairperson of each state Republican party sits on the RNC. (Josefiak Dep. 14:18-15:13 (FEC Exh. 1).) This arrangement facilitates near-constant strategic communication between state parties and the RNC. (*See id.* 200:13-201:1; *see also Steele Dep. 12:13-20, 31:9-13, 53:7-21 (FEC Exh. 42) (noting RNC’s and Steele’s frequent strategic communication with state parties).*)

22. The CRP’s chairperson serves on the RNC, and all three of the CRP’s RNC members regularly convey strategic information among and between the CRP and the RNC. (*See Christiansen Dep. 14:16-18, 15:2-5, 17:14-18 (FEC Exh. 2).*) Communication between the

RNC and CRP is particularly frequent during election years, when the parties discuss strategic topics such as voter registration and voter contact goals. (*See id.* 173:19-174:15.) In addition, the CRP's Board of Directors always includes a United States Representative, who serves on behalf of the entire California Republican congressional delegation. (*Id.* 170:6-11.) The CRP, therefore, is inextricably intertwined with both the RNC and California's federal officeholders and candidates.

23. Each Republican nominee for the United States Senate and House of Representatives sits on the CRP's State Central Committee. *Standing Rules & Bylaws of the Cal. Republican Party* § 2.01.01(A)(1)-(2) (Feb. 22, 2009), available at http://www.cagop.org/index.cfm/about_party_bylaws.htm. If elected, each of these federal officeholders appoints a minimum of eight to twelve additional delegates to the Committee. *See id.* § 2.01.01(B)(1)-(2),(6). Even if not elected, each nominee appoints a minimum of one to five additional delegates. *See id.* § 2.01.01(B)(7). All of California's RNC members also sit on the CRP's State Central Committee. *See id.* § 2.01.01(A)(3)-(4). Each of these members appoints four to twelve additional delegates to the Committee. *See id.* § 2.01.01(B)(3)-(4).

24. The CRP engages in strategic coordination with local Republican committees, including the RPSD, as to key party activities, such as voter registration and voter contact. (*See* Christiansen Dep. 175:8-176:4 (FEC Exh. 2).)

25. The CRP's Board of Directors — which always includes at least one federal officeholder, *see supra* ¶ 22 — is informed of individual “generous donations.” (*Id.* 82:14-83:25.)

26. Each Republican United States Representative from San Diego County is an officer of the RPSD (Buettner Dep. 11:14-23, 99:14-24 (FEC Exh. 3)), and so the leadership of the RPSD is inextricably intertwined with that area's federal officeholders and candidates.

27. The RPSD's committee members — including federal officeholders, *see supra* ¶ 26 — have access to the RPSD's internal donor records. (Buettner Dep. 33:20-34:4 (FEC Exh. 3).)

28. The RPSD also makes available to some candidates for the House or Representatives the RPSD's file containing voter information. (*Id.* at 89:9-90:2.)

E. State and Local Political Parties Facilitate Their Largest Donors' Access to and Influence Over Federal Candidates and Officeholders

29. The CRP invites its donors to meet and speak with federal candidates and officeholders, including the President and Vice President (Christiansen Dep. 62:5-25 (FEC Exh. 2)), candidates for President and Vice President (*id.* 54:2-58:16), and many other federal candidates and officeholders (*see id.* 94:24-99:2 (describing state party conventions); *see also id.* 109:22-110:7 (acknowledging that “at a fundraising event, . . . [donors] can have access through that”); Pls.' Supplemental Discovery Resps. at 5-6 (Response ¶ 4) (FEC Exh. 32) (“Federal candidates or officeholders who have spoken at such events include: Former Mayor Rudy Giuliani and former Governor Mitt Romney (2007); Senate candidate Bill Jones (2004); Congressman Ed Royce, Congresswoman Mary Bono Mack, Congressman Dana Rohrabacher, and Congressman Kevin McCarthy.”); [FEC Exh. 49 \(invitations to nine CRP fundraising events with presidential candidate Sen. John McCain over three-month period\)](#)).

30. Some of these events have tiered ticket structures, with donors who pay larger amounts receiving more intimate access to the officeholders and candidates, such as at seated

dinners, where the officeholders and candidates know that the people with whom they are eating are the largest donors. (*See* Christiansen Dep. 54:2-58:16, 94:24-99:2 (FEC Exh. 2).)

31. The CRP has a menu of defined benefits for its major donors, promising them that they will “work closely with California’s Republican candidates and officials” and that donors “are well recognized for their important support of the Republican campaign.” California Republican Party, *Golden State Leadership Team*, http://www.cagop.org/index.cfm/golden_state_leadership_team.htm (last visited Mar. 8, 2009) (FEC Exh. 9); *see also* California Republican Party, *Join the California Republican Party Golden State Leadership Team*, http://www.cagop.org/pdf/Golden_State_Leadership_Application.pdf (last visited Mar. 8, 2009) (FEC Exh. 10). The CRP believes that providing these benefits helps the party raise funds. (Christiansen Dep. 88:10-89:4 (FEC Exh. 2).)

32. The CRP also “strong arms” federal candidates and officeholders into participating in conference calls with major donors. (Christiansen Dep. 85:25-86:16 (FEC Exh. 2).) For example, Senator McCain’s presidential campaign manager held a conference call for the CRP’s major donors (*id.* 91:17-20, 92:23-94:6), and then held a second call for an even more exclusive set of the CRP’s very biggest donors — those who gave over \$25,000 (*id.* 106:19-107:15).

33. The CRP does not intend to change its practice of giving its donors access to federal candidates and officeholders, even if the CRP is permitted to raise and spend soft money on federal election activity. (*See id.* 177:19-178:6.)

34. The RPSD provides its donors with access to federal candidates and officeholders, including at events attended by such candidates and officeholders where donors giving larger

amounts receive greater recognition. (Buettner Dep. 20:15-22:2 (FEC Exh. 3); *see also id.* 37:10-38:3, 39:7-9.) Each month, the RPSD holds a meeting that is open to the public but that is followed by a reception to which only major donors and important guests (including federal candidates and officeholders) are invited. (*Id.* 49:2-51:3.) The RPSD also arranges “VIP junkets” to Washington, where major donors meet with members of Congress. (*Id.* 43:23-45:2, 45:24-46:7.) This preferential access is set out in menus of defined benefits, including, “for [the RPSD’s] most generous supporters . . . private, complimentary VIP meetings and events with major Republican leaders and candidates.” RPSD, *Join a Republican Supporter Club or Renew Your Membership*, <https://secure.repweb.net/sandiegorepublicans/donor/> (last visited Mar. 8, 2009) (FEC Exh. 11); *see also* RPSD, *Tony Krvaric, Chairman’s Circle Chair*, http://www.sandiegorepublicans.org/donor/chairmans_circle/ (last visited Mar. 8, 2009) (FEC Exh. 12) (listing benefits for RPSD’s highest donor group); [CRP-RPSD-44 \(FEC Exh. 50\) \(inviting donors to be “personally introduce\[d\]” to candidate for U.S. Senate\)](#); [CRP-RPSD-58 \(FEC Exh. 51\) \(inviting donors to private reception with sitting Member of Congress and presidential candidate\)](#).

35. The RPSD does not intend to change its practice of giving access to donors, even if the RPSD is permitted to raise and spend soft money on federal election activity. (*See* Buettner Dep. 56:18-23 (FEC Exh. 3).)

36. “[T]he federal candidates who benefit from state party use of [soft money] will know exactly whom their benefactors are; the same degree of beholdenness and obligation will arise; the same distortions on the legislative process will occur; and the same public cynicism will erode the foundations of our democracy — except it will all be worse in the public’s mind

because a perceived reform was undercut once again by a loophole that allows big money into the system.”” *McConnell*, 251 F. Supp. 2d at 467 (Kollar-Kotelly, J.) (quoting Senator Rudman).

F. A National Party Official Acting as an Agent of His Party Raises the Same Actual and Apparent Corruption Concerns as the National Party Itself

37. Plaintiff Steele is the Chairman of the RNC. (Am. Compl. ¶ 14.)

38. To the extent Chairman Steele wishes to solicit soft-money donations in his capacity as an RNC officer, each of the foregoing facts regarding the RNC, *see supra* ¶¶ 1-18, applies to Chairman Steele with equal force. To the extent Chairman Steele wishes to solicit soft money for state and local candidates in his individual capacity, BCRA does not prevent him from doing so. *McConnell*, 540 U.S. at 157. Nonetheless, Chairman Steele does not intend to solicit soft money in his individual capacity, nor does he plan to solicit federal funds for state or local parties or candidates. (Steele Dep. 83:13-84:22 (FEC Exh. 42).)

38.1. Chairman Steele has not decided whether or how he would solicit soft-money donations to be used for specific purposes (see id. at 85:1-19, 106:11-17), nor has he even considered the question. (Id. at 66:7-11 (“I have not thought about how I would raise the money.”).)

39. Former plaintiff and former RNC Chairman Robert M. Duncan remains a member of the RNC, but he has no official leadership role within that organization. (Josefiak Dep. 29:21-30:13 (FEC Exh. 1).) He has no authority, beyond that of any other RNC member, over the actions or decisions of the current RNC Chairman. (*See id.*)

II. PLAINTIFFS AND OTHER POLITICAL PARTY COMMITTEES HAVE RAISED SUFFICIENT FUNDS FOR EFFECTIVE ADVOCACY WITHIN THE FEDERAL CONTRIBUTION LIMITS

40. Since BCRA's enactment, which raised the limit on contributions to national political parties and indexed it to inflation, BCRA § 307(a)(2),(d), the national party committees⁴ have raised more hard money during each presidential election cycle than they raised in hard and soft money combined prior to BCRA:

a. In the 1999-2000 election cycle, the national party committees raised a total of approximately \$1.09 billion — approximately \$574.5 million in hard money and approximately \$515.1 million in soft money. (Biersack Decl. ¶¶ 3-4 (FEC Exh. 33).)

b. In the 2003-2004 election cycle, the national party committees raised approximately \$1.24 billion in hard money. (*Id.*)

c. In the 2007-2008 election cycle, the national party committees raised approximately \$1.24 billion in hard money. (*Id.*)

41. In the 2005-2006 non-presidential election cycle, the national party committees raised approximately \$900.2 million in hard money alone, representing approximately 90 percent of the \$1.011 billion (\$515.2 million in hard money and \$496.1 million in soft money) they raised in 2001-2002. (Biersack Decl. ¶¶ 3, 5 (FEC Exh. 33).)

42. Since BCRA's enactment, the amounts of hard money raised by the RNC each presidential election cycle have been greater than the amounts the RNC raised in hard and soft money combined prior to BCRA:

⁴ The national party committees are the RNC, the National Republican Congressional Committee (NRCC), the National Republican Senatorial Committee (NRSC), the Democratic National Committee (DNC), the Democratic Congressional Campaign Committee (DCCC), and the Democratic Senatorial Campaign Committee (DSCC).

a. In the 1999-2000 election cycle, the RNC raised a combined total of approximately \$379 million — nearly \$212.8 million in hard money and approximately \$166.2 million in soft money. (Biersack Decl. ¶¶ 3, 6 (FEC Exh. 33).)

b. In the 2003-2004 election cycle, the RNC raised approximately \$392.4 million in hard money. (*Id.*)

c. In the 2007-2008 election cycle, the RNC raised approximately \$427.6 million in hard money. (*Id.*)

43. In the 2005-2006 non-presidential election cycle, the RNC raised approximately \$243 million in hard money, representing approximately 85 percent of the \$284 million (\$170 million in hard money and \$113.9 million in soft money) the RNC raised in 2001-2002. (Biersack Decl. ¶¶ 3, 7 (FEC Exh. 33).)

44. The RNC, CRP, and RPSD are subject to the same contribution limits as their Democratic Party equivalents. *See* 2 U.S.C. § 441a(a)(1).

45. Since BCRA's enactment, the RNC, CRP, and RPSD have in most election cycles each raised considerably more hard money than their Democratic counterparts:

a. In the 2007-2008 cycle, the RNC raised approximately \$427.5 million, roughly 64% more than the DNC's \$260.1 million. In the 2005-2006 election cycle, the RNC raised approximately \$243 million, approximately 85% more than the DNC's \$130.8 million. In the 2003-2004 election cycle, the RNC and DNC each raised almost \$400 million. (Biersack Decl. ¶¶ 3, 8 (FEC Exh. 33).)

b. In the three post-BCRA election cycles, the CRP has raised significantly more hard money than the California Democratic Party ("CDP"). In the 2007-2008 election cycle, the CRP raised approximately \$14 million, over 3.5 times more hard money than the

CDP's \$3.8 million. In the 2005-2006 election cycle, the CRP raised approximately \$10.8 million, almost double CDP's \$5.6 million. And in the 2003-2004 election cycle, the CRP raised approximately \$13.3 million, or 25% more than the CDP's \$10.7 million. (Biersack Decl. ¶¶ 9-10 (FEC Exh. 33).)

c. In the six years since BCRA became effective, the RPSD has raised considerably more hard money than the San Diego Democratic Party ("SDDP"). Although the SDDP raised about \$90,000 more hard dollars than the RPSD in the 2007-2008 election cycle, the RPSD raised twice as much hard money as the SDDP in the 2005-2006 cycle: \$648,137 for the RPSD, versus \$297,827 for the SDDP. In the 2003-2004 election cycle, the RPSD raised \$703,478, more than 5.5 times the \$121,803 raised by the SDDP. (Biersack Decl. ¶¶ 11-12 (FEC Exh. 33).)

46. In the three election cycles since BCRA's enactment, the amount of money raised by the national committees of the Republican Party is considerably greater than the combined total raised by all of the Democratic-leaning 527 groups that have a national presence and affect federal elections. In the 2007-2008 election cycle, the three national committees of the Republican Party cumulatively raised approximately \$640.3 million, while the national Democratic 527 groups raised less than one-quarter of that amount, about \$154 million. (Biersack Decl. ¶¶ 3, 13 (FEC Exh. 33); Hajjar Decl. ¶ 4 (FEC Exh. 34).) Similarly, in the 2005-2006 election cycle, the national committees of the Republican Party raised approximately \$508.1 million, more than quadrupling the Democratic 527 groups' \$112.5 million. (Biersack Decl. ¶¶ 3, 13 (FEC Exh. 33); Hajjar Decl. ¶ 5 (FEC Exh. 34).) The national Republican committees raised almost 2.5 times as much as all national Democratic 527 groups in the 2003-2004 election cycle: \$657 million for the Republican committees versus \$264.5 million for the

key Democratic 527 groups. (Biersack Decl. ¶¶ 3, 13 (FEC Exh. 33); Hajjar Decl. ¶ 6 (FEC Exh. 34).) The corresponding fundraising totals for national Republican-leaning 527 groups were \$138 million in the 2008 election cycle, \$106.2 million in the 2006 cycle, and \$164.7 million in the 2004 cycle. (Hajjar Decl. ¶¶ 7-9 (FEC Exh. 34).)

47. The RNC raises substantial funds via joint fundraising committees (“JFCs”), through which the RNC, state parties, and candidate campaign committees solicit donors collectively and share the proceeds received from those solicitations. (*See, e.g.*, RNC 000106-000110 at 000108, 000110 (FEC Exh. 13) (explaining breakdown of donations to JFC shared by RNC, McCain presidential campaign, and state Republican parties of Colorado, Minnesota, New Mexico, and Wisconsin).)

48. The RNC predicted in *McConnell* that “[t]he net effects of BCRA will be massive layoffs and severe reduction of . . . speech at the RNC, and reduction of many state parties to a ‘nominal’ existence.” *McConnell*, 251 F. Supp. 2d at 698 (Kollar-Kotelly, J.) (quoting RNC brief). The RNC “calculate[d] that the BCRA will cause the RNC to lose revenues of approximately \$48.5 million per non-presidential election year, and \$125 million per presidential election year.” (Shea Decl. ¶ 19 (FEC Exh. 27).) The RNC further asserted that it would “*not* be able to recoup these lost non-federal revenues” because, the RNC projected, “it is unlikely that the RNC will be able to raise more federal money from lower-dollar contributors than it currently does.” (*Id.* (emphasis in original).)

49. Directly contrary to the RNC’s foregoing predictions in *McConnell*: (a) the RNC generally raises more hard money now than it raised in hard and soft money combined before BCRA, *see supra* ¶¶ 40-43; and (b) the RNC also has massively expanded its low-dollar

contributor base. (See Ornstein Decl. ¶¶ 21-26 (Exh 3 to Van Hollen S. J. Opp. (Docket No. 41)).)

50. The RNC acknowledges that it has not yet “been able to compete effectively in [the] area” of fundraising via the internet. (Josefiak Dep. 185:22-186:12 (FEC Exh. 1); see also *id.* 188:17-189:1 (Q: . . . [T]here’s no reason that the RNC can’t raise hard dollars over the Internet in the same way and with the same effect as any other hard money group, is there? A. Correct. We attempt to raise it. It’s not productive, so the competition is there because others can, and we can’t.”), 83:18-84:5 (“[E]ven though we constantly try to increase . . . the solicitations by e-mail, which is very cost effective, we have not been as successful as the opposition party in generating interest by our donor base to contribute that way.”).) But the RNC does not know if its competitive disadvantage in this area will continue. (Steele Dep. 92:20-94:8 (FEC Exh. 42) (“I don’t know what the future holds for fundraising on the Internet.”).)

III. PLAINTIFFS’ ACTIVITIES

A. Plaintiffs Are Demonstrably Willing and Able to Finance Their Activities with Federal Funds

51. BCRA does not “in any way limit[] the total amount of money parties can spend. Rather, [it] simply limit[s] the source and individual amount of donations.” *McConnell*, 540 U.S. at 139 (citation omitted).

52. Since BCRA’s enactment, the RNC has engaged in all of the activities it now claims to wish to pursue: supporting state candidates, including in elections where no federal candidates were on the ballot (Plaintiff RNC’s Discovery Resps. at 4-5 (FEC Exh. 4)); redistricting (*id.* at 5); grassroots lobbying (Josefiak Dep. 156:22-157:10 (FEC Exh. 1)); and litigation (*id.* 171:20-172:9).

53. To the extent that the RNC has chosen to forego certain activities, that is the result of the RNC's strategic decision to spend its plentiful federal funds on other elections. (*See id.* 141:10-143:16, 160:12-20; [Steele Dep. 71:11-76:11 \(FEC Exh. 42\).](#))

54. Since BCRA's enactment, the CRP has "spent . . . money supporting" federal candidates through direct and coordinated expenditures (*see* Pls.' Statement of Material Facts ¶ 38), and through substantial sums spent on federal election activity, including voter registration, voter identification, GOTV, and generic campaign activity, *see infra* ¶¶ 72-83.

55. Since BCRA's enactment, the RPSD has distributed material promoting federal and state candidates together in every election cycle. (*See* FEC Exh. 20 (RPSD materials); *see also* Buettner Dep. 77:2-79:21 (FEC Exh. 3) (acknowledging that RPSD has distributed materials endorsing federal candidates).)

56. The purpose of the RPSD's alleged activities is "to get Republicans elected" at the federal, state, and local levels. (Buettner Dep. 62:5-63:18, 66:3-67:9 (FEC Exh. 3).) Regardless of the result of this case, the RPSD will continue to conduct all of its voter registration, GOTV, and generic campaign activities in the same manner that it has conducted them since BCRA was enacted. (*See id.* 76:2-12.)

B. The RNC's Ability to Support State and Local Candidates Is Unlimited, and Such Activity Has the Potential to Affect Federal Elections

57. The RNC contributed approximately \$900,000 to a candidate for governor of Virginia in 2005, \$300,000 to New Jersey county parties that year, \$540,000 to the Louisiana Republican Party in 2007, and \$450,000 to the Kentucky Republican Party in 2007. (*See* Pl. RNC's Discovery Resps. at 4-5 (FEC Exh. 4).) Thus, as to elections "in which there is no federal candidate on the ballot," the RNC has spent a total of approximately \$2.2 million on such elections since 2003, although that only constitutes approximately 0.2% of the RNC's

disbursements during this period. (*See id.*; disbursements per election cycle available at <http://www.fec.gov/finance/disclosure/srssea.shtml>.)

58. If the RNC were interested in committing more of its resources to state and local activity, it was free to spend more of the nearly \$1.1 billion it raised in that time period on such activity. *See supra* ¶¶ 42-43.

59. Prior to BCRA — when the RNC was permitted to receive nonfederal funds ostensibly for the same type of activities at issue in this case — the RNC donated only a “small fraction” of its federal funds to state and local candidates. *McConnell*, 251 F. Supp. 2d at 464 (Kollar-Kotelly, J.). Combined, the two national parties donated “less than 4% of their soft money spending and 1.6% of their total financial activity in 2000” to state candidates. *Id.* (internal quotation marks omitted). Activities such as training of state and local candidates or direct donations to them “constituted a very small portion of the political parties’ nonfederal expenditures during the 2000 election cycle.” *Id.* at 465.

59.1. Chairman Steele has not determined the specific activities that the RNC would finance with soft money if it were permitted to do so in connection with the 2009 New Jersey elections, and he does not intend to make such a determination until this lawsuit is concluded. (Steele Dep. 69:19-70:9 (FEC Exh. 42).)

60. The RNC’s off-year voter registration efforts increase the number of registered Republicans in subsequent years and facilitate the RNC’s compilation of voter information that the party uses to drive its GOTV and other programs assisting federal candidates in later elections. (*See* Josefiak Dep. 245:17-248:20.) More generally, the RNC’s state and local activities “give the RNC the opportunity to test new and improved targeting and tactics.” *See* RNC, “Memo From Chairman Mehlman Regarding GOTV Efforts in Special Elections,” at 1

(May 23, 2005) (FEC Exh. 35). This is true regardless of whether federal elections are also on the ballot: For example, to “improve [its] grassroots effort, the RNC . . . deployed trained staff and resources into 2005 legislative and local special elections.” (*Id.* at 2.) These same efforts, refined in state and local races, “helped the GOP expand [its] majorities in the U.S. Congress . . . , in addition to re-electing President George W. Bush.” (*See id.* at 1; *see also* Press Release, “RNC Makes Additional Investment in Northeast Republican Leadership” (Mar. 17, 2009) (FEC Exh. 36) (stating that RNC’s “investment in [its] state parties and . . . grassroots organizations . . . will help ensure victory in the special election in New York’s 20th Congressional district.”).) The CRP, too, uses its state and local campaign activities to “further refine the strategies and tactics for [its] target congressional candidates.” Ron Nehring, *California GOP Chair: Go Local*, http://www.cagop.org/index.cfm/in-case-you-missed-it_599.htm (Dec. 7, 2008) (FEC Exh. 15).

61. In light of the foregoing, if the RNC is permitted to funnel soft money to them, “state and local candidates and officeholders will become the next conduits for the soft-money funding of sham issue advertising,” just as state parties served as that conduit prior to BCRA.

See McConnell, 540 U.S. at 185. The RNC does not plan (unless this Court orders otherwise) to restrict the use of the soft money it would transfer to state candidates. (See Steele Dep. 105:10-20 (FEC Exh. 42).)

C. The RNC’s “Grassroots Lobbying” Is Sham Issue Advertising

62. Prior to BCRA — when the RNC was permitted to receive nonfederal funds ostensibly to, *inter alia*, conduct “issue advertising” — “genuine issue advocacy on the part of political parties [was] a rare occurrence.” *McConnell*, 251 F. Supp. 2d at 451 (Kollar-Kotelly, J.). Similarly, the RNC spent only “a minuscule percentage” of its nonfederal budget on state

and local governmental affairs. *Id.* at 463. “What is clear from the evidence [in *McConnell*], however, is that regardless of whether or not it is done to advocate the party’s principles, the Republican Party’s primary goal is the election of its candidates who will be advocates for their core principles.” *Id.* at 470.

63. The precise contours of what the RNC now considers to be “grassroots lobbying” are unclear: When asked during discovery to respond to interrogatories and to produce certain documents relating to “grassroots lobbying,” as that term was defined in Plaintiffs’ Statement of Material Facts, the RNC objected that the term was “extremely vague, overbroad and ambiguous.” (*See* Pls.’ Supplemental Discovery Resps. at 3 (Objection ¶ 8) (FEC Exh. 32).) Chairman Steele similarly disavowed any ability to determine what would or would not constitute “grassroots lobbying” under the RNC’s own definition. (Steele Dep. 80:1-82:19 (FEC Exh. 42).)

64. The RNC cannot determine how much money — if any — it has spent on advertisements that it considers “grassroots lobbying” during the last three election cycles. (Pl. RNC’s Discovery Responses at 6 (FEC Exh. 4); Pls.’ Supplemental Discovery Resps. at 4 (Response ¶ 1 (FEC Exh. 32).)

65. The RNC has testified that several communications that this Court found in *McConnell* to be sham issue ads — i.e., “so-called ‘issue ads’” that “were actually electioneering advertisements,” *McConnell*, 251 F. Supp. 2d at 826-27 (Leon, J.) — would constitute “grassroots lobbying” under the RNC’s definition of that term. (*Compare* Josefiak Dep. 164:8-22 (FEC Exh. 1) (testifying that RNC’s “Taxed Too Much” ad is grassroots lobbying), 170:14-171:19 (same for RNC’s “More” ad), *with McConnell*, 251 F. Supp. 2d at 446 (Kollar-Kotelly,

J.) (including both ads in list of sham issue ads), 826 (Leon, J.) (same); *see also* ODP0029-00041 (FEC Exh. 5) (text of ad); ODP 0023-02326 (FEC Exh. 6) (same).)

66. Plaintiffs' Statement of Material Facts (§ 39) includes disbursements for "non-advocacy issue oriented mailings" in the CRP's lists of disbursements "supporting" candidates, thereby further confirming the evidence that so-called "grassroots lobbying" affects candidate elections.

67. Using hard money, the Democratic National Committee (which has far less cash-on-hand than does the RNC) has recently produced and distributed a genuine grassroots lobbying advertisement. *See* "Door to Door," http://www.youtube.com/watch?v=KtE4YX7_GVk (last visited Apr. 3, 2009).

D. Redistricting Affects Federal Elections

68. "Redistricting efforts affect federal elections no matter when they are held," and national party redistricting efforts "are of value to Members of Congress because the changes in the composition of a Member's district can mean the difference between reelection and defeat."

McConnell, 251 F. Supp. 2d at 462, 468 (Kollar-Kotelly, J.).

The most important legislative activity in the electoral lives of U.S. House members takes place during redistricting, a process that is placed in the hands of state legislatures. The chances that a House incumbent will be ousted by unfavorable district boundaries are often greater than the chances of defeat at the hands of the typical challenger. Thus, federal legislators who belong to the state majority party have a tremendous incentive to be attuned to the state legislature and the state party leadership.

Id. at 462 (quoting Defendants' expert Donald Green). The importance of redistricting to federal officeholders was not lost on large soft-money donors: As one memorandum to a high-level Fortune 100 company executive from the company's own governmental affairs staff explained,

because both [national] parties will be working to influence redistricting efforts during the next two years, we anticipate that we will be asked to

make soft money contributions to these efforts. Redistricting is a key once-a-decade effort that both parties have very high on their priority list. Given the priority of the redistricting efforts, relatively small soft money contributions in this area could result in disproportionate benefit.

Id. at 508. Thus, as Chairman Steele has testified, the redistricting process following the next census will determine “[t]he composition of the House of Representatives for the next 10 to 12 years or maybe even beyond that.” (Steele Dep. 76:13-17 (FEC Exh. 42).)

69. In this case, the RNC has conceded that the purpose of its redistricting activities is to divide *federal* and state legislative districts “into a proper format that hopefully would be . . . more of a benefit to [the RNC] than the opposition party.” (Josefiak Dep. 155:18-21 (FEC Exh. 1); *see also* Remarks of Chairman Jim Nicholson, RNC 0293683-85 [DEV 102].) Indeed, the CRP has repeatedly noted in this case the effect that redistricting can have on campaigns for the United States House of Representatives. (*See* Pls.’ Statement of Material Facts ¶¶ 36, 38 (“California’s Congressional seats were redistricted in 2001 to virtually eliminate partisan competition at general elections”); *see also* Erwin Dep. 47:3-11, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (FEC Exh. 37) (“Q. . . . [T]he prospects for election of a candidate for the [H]ouse of [R]epresentatives would depend on redistricting; correct? A. Yes. Q. And to your knowledge do actual members of Congress and candidates for the [H]ouse of [R]epresentatives communicate with the state party and with state legislative officials about redistricting? A. Certainly members of Congress did.”).) The RPSD has noted the same effect. (Pls.’ Statement of Material Facts ¶ 55.)

E. Plaintiffs’ Litigation Affects Who Obtains Federal Office

70. Plaintiffs’ complaint alleged that the “litigation account” would “be used *solely* for paying the fees and expenses attributable to this case.” (Compl. ¶ 21 (emphasis added).)

71. To the extent the litigation account would be used to fund litigation regarding voter registration and similar issues (*see* Josefiak Dep. 172:13-176:3 (FEC Exh. 1)), such litigation affects federal elections. *See infra* ¶¶ 77-78.

F. Get-Out-The-Vote Activity Affects All Elections on the Ballot

72. The purpose of the CRP’s voter identification and GOTV activities is to “get . . . to the polls” all Republicans and Republican-leaning voters (Christiansen Dep. 127:14-25 (FEC Exh. 2)), so that Republican candidates “win on election day” in federal and state races (*id.* at 128:1-4). Accordingly, the CRP acknowledges that its GOTV activities affect federal elections. (*Id.* at 128:24-129:1.)

73. The RNC, too, has acknowledged the affect of GOTV on federal elections:

A. . . . Your get-out-the-vote program is to get Republicans and independents and maybe disgruntle[d] democrats to vote for your candidate. So it’s more than just the Republican base. It’s getting the base plus in order to win.

Q. So it’s designed to get people to the polls who you believe will vote Republican?

A. Correct.

Q. And, again, doesn’t that also help Republican candidates for federal office?

A. It helps the ticket and Republican candidates, all Republican candidates for office, federal and non-federal.

(Josefiak Dep. 27:18-28:19, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (Oct. 15, 2002) (FEC Exh. 17).)

74. In 2008, then-Chairman Duncan stated publicly that the RNC’s “prodigious fundraising” has allowed it to “buil[d] up over a long period of time” a GOTV program and other “organizational efforts [that] make the difference . . . generally, there’s probably a 2 to 5 percent difference in additional turnout for a candidate that you make.” *Victory Dream Team*, CONGRESS

DAILY, July 29, 2008, 2008 WLNR 14131041 (FEC Exh. 26). This “difference” applies to both federal and “down-ballot” candidates. *See id.*

75. The CRP includes federal candidates in some of its GOTV slate listings. (*See* Door Hanger, “Elect Our Republican Team” (FEC Exh. 14); *see also* Christiansen Dep. 137:24-139:11 (FEC Exh. 2) (noting that door hanger was distributed).)

76. The RPSD uses federal funds to make GOTV phone calls and to distribute GOTV doorhangers “that include[] all Republican candidates.” (Pls.’ Supplemental Discovery Resps. at 10 (Response ¶ 16) (FEC Exh. 32).)

G. Voter Registration Affects Federal Elections

77. The purpose of the CRP’s voter registration activities is to register “as many Republicans as possible” and help elect Republican candidates in federal and state elections. (Christiansen Dep. 121:12-14, 121:23-122:3 (FEC Exh. 2).) The CRP acknowledges that its voter registration activity is intended to — and actually does — affect federal elections. (*Id.* 123:1-17 (“Q: Does the CRP’s voter registration activity affect federal elections? A: Yes.”); *see also* Phillip J. LaVelle, *For GOP, California Dreamin’?*, 2004 WLNR 17013682, San Diego Union Tribune, Sept. 1, 2004 (FEC Exh. 16) (“[C]hairman of the California Republican Party . . . said Republican registration gains are creating a Bush-friendly environment.”); Erwin Dep. 31:15-32:25, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (FEC Exh. 37) (stating that voter registration is an “ongoing project[]” to “build our party base” that “helps with elections”).)

78. The RNC, too, has acknowledged the affect of voter registration on federal elections:

Q. When a state party . . . conduct[s] voter registration drives, are they designed to register likely Republican voters?

A. Yes.

Q. Doesn't that help Republican candidates for federal office?

A. The hope is, as a lot of these plans refer to it, helps the entire ticket in that state. And whether it's for the legislature or whether it's for governor, whether it's for Congress or the U.S. Senate, if they have any of those races in that particular year, that's the whole purpose behind it and that was really the purpose behind the Federal Election Commission's allocation regulations in the states recognizing based on who was on a ballot in any particular election federal election year. That's how you would allocate resources. There was an acknowledgment that it benefited the entire ticket and how it benefited and what kind of funds were used were based on the categories on those candidates on the ballot.

Q. So it does help federal candidates?

A. It does.

(Josefiak Dep. 26:5-27:8, *McConnell v. FEC*, Civ. No. 02-582 (D.D.C.) (Oct. 15, 2002) (FEC Exh. 17).)

H. Advertising that Mentions State Ballot Measures and Promotes, Attacks, Supports, or Opposes Federal Candidates Affects Federal Elections

79. As to the direct effect on federal elections of advertising that promotes, attacks, supports, or opposes a federal candidate, “[t]he record on this score could scarcely be more abundant.” *McConnell*, 540 U.S. at 170. “Such ads were a prime motivating force behind BCRA’s passage,” and “any public communication that promotes or attacks a clearly identified candidate directly affects the election in which he is participating.” *Id.* at 169-70 (emphasis added).

80. Using federal funds, the CRP has distributed communications that endorse or oppose state ballot initiatives and identify federal candidates — thus associating the officeholder with the initiative — without promoting or attacking the candidate. (See California Republican Party, *Your Official Orange County Republican Party Endorsements* at 5 (FEC Exh. 21) (listing members of Congress endorsing ballot proposition); Pls.’ Supplemental Discovery Resps. at 9 (Response ¶ 13) (FEC Exh. 32) (acknowledging that Exhibit 21 “was distributed to Republican voters in Orange County” and was paid for with “federal funds only”).) The CRP’s assertions

that it “has not made any public communication that supported or opposed a ballot initiative that mentioned a federal candidate since BCRA became effective,” and that “[n]o federal funds were used for ballot measures” (*id.* at 9-10 (Response ¶¶ 14-15)) are therefore contradicted by the undisputed existence of occurrence of such a communication.

I. Plaintiffs’ Other Federal Election Activity Affects Federal Elections

81. To the extent that any of the CRP’s intended activities constitute “generic campaign activity” 2 U.S.C. § 431(20)(A)(ii) — which is “campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate” 2 U.S.C. § 431(21) — such activity also influences federal elections. *See* Ron Nehring, *A Republican 50-State Strategy?*, http://www.cagop.org/index.cfm/in-case-you-missed-it_617.htm (Jan. 27, 2009) (FEC Exh. 18) (CRP Chairman’s statement: “Building organizational and communications capability — and expanding the ranks of congressional, state and local officials from our party — makes it more likely a state will be competitive in a presidential election down the road.”); *San Joaquin Republicans Organizing for Dean Andal*, <http://www.cagop.org/blog/2008/09/san-joaquin-republicans-organizing-for.html> (Sept. 12, 2008) (FEC Exh. 19) (CRP Chairman’s blog post noting that Congressional candidate was “benefitting from the organization our volunteer groups have built in the region”); *see also supra* ¶ 60 (noting use of party-building operations to refine strategies and tactics for federal campaigns).

82. The “generic” activities the CRP plans to conduct with soft money directly helps federal candidates and influences their election. Voter registration, voter identification, GOTV, and generic campaign activity as defined by BCRA “clearly capture activity that benefits federal candidates,” and “funding of such activities creates a significant risk of actual and apparent corruption.” *McConnell*, 540 U.S. at 167-68.

Common sense dictates, and it was “undisputed” below, that a party’s efforts to register voters sympathetic to that party directly assist the party’s candidates for federal office. 251 F. Supp. 2d, at 460 (Kollar-Kotelly, J.). It is equally clear that federal candidates reap substantial rewards from any efforts that increase the number of like-minded registered voters who actually go to the polls. *See, e.g., id.*, at 459 (“[The evidence] shows quite clearly that a campaign that mobilizes residents of a highly Republican precinct will produce a harvest of votes for Republican candidates for both state and federal offices. A campaign need not mention federal candidates to have a direct effect on voting for such a candidate [G]eneric campaign activity has a direct effect on federal elections” (quoting Green Expert Report 14)).

Id.; *see also supra* ¶¶ 60, 72-78 (discussing purpose and effect of voter registration, voter identification, and GOTV activities); RNC Memorandum, *Non-Allocable Party Building Programs*, RNC 0084450-64 at 0084455 [DEV 101] (“There are certain election related party expenditures that make no reference to any specific candidates but do benefit the entire Republican ticket These generic programs include voter registration[] and GOTV programs These programs and projects benefit the Republican Party and all of its candidates, federal and state.”); Philp Dep. 49:8-16, *McConnell v. FEC*, Civ. No. 02-874 (D.D.C.) (Sept. 19, 2002) (FEC Exh. 38) (Chairman of Colorado Republican Party testifying that state party’s “Get-out-the-vote program is designed to benefit all candidates. That could include voter registration and so on and so forth. Q. And is the same true of generic party advertising, in other words, Vote Republican, that’s designed to benefit all the candidates? A. Yes.”).

83. Each of the organizational Plaintiffs has conceded that, in an election where both state and federal candidates are on the ballot, *any* GOTV activity inherently affects the federal elections, even if such activity does not specifically mention any of the federal candidates. (Josefiak Dep. 45:7-16 (FEC Exh. 1); Christiansen Dep. 129:25-130:5 (FEC Exh. 2); Buettner Dep. 68:16-21 (FEC Exh. 3).)

Respectfully submitted,

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Dated: June 18, 2009

FEC Exhibit 42

Michael Steele

June 1, 2009

<p>5</p> <p>1 CONTENTS</p> <p>2 EXAMINATION OF MICHAEL STEELE BY: PAGE:</p> <p>3 Mr. Deeley 6, 112</p> <p>4 Mr. Valentini 94, 113</p> <p>5 Mr. Bopp 111</p> <p>6</p> <p>7 DEPOSITION EXHIBITS: FOR ID:</p> <p>8 A - Major Donor Groups 44</p> <p>9 B - Affidavit of Richard Clinton Beeson 45</p> <p>10 C - Advertisement 80</p> <p>11 D - First Set of Discovery Requests 87</p> <p>12 E - Blueprint for Tomorrow 99</p> <p>13</p> <p>14 (All exhibits attached to transcript.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>7</p> <p>1 Q Have you ever been deposed before?</p> <p>2 A Yes.</p> <p>3 Q How many times?</p> <p>4 A Once.</p> <p>5 Q And have you conducted any depositions?</p> <p>6 A No.</p> <p>7 Q Have you attended any depositions?</p> <p>8 A Just in the context of the one in which I</p> <p>9 was deposed.</p> <p>10 Q So you're somewhat familiar with how it</p> <p>11 works. Let me just give you a few reminders on how</p> <p>12 things would proceed this afternoon. I'll ask a</p> <p>13 series of questions, and Ms. Newton, the court</p> <p>14 reporter, will take down my questions and your</p> <p>15 answers.</p> <p>16 It's important that you answer verbally,</p> <p>17 not through gestures or nods, okay?</p> <p>18 A Correct.</p> <p>19 Q And if you do not hear or understand a</p> <p>20 question, please tell me so I can restate it. If you</p> <p>21 answer, I'll assume that you've heard the question and</p> <p>22 understood it. Okay?</p>
<p>6</p> <p>1 Thereupon,</p> <p>2 MICHAEL STEELE,</p> <p>3 was called for examination by counsel for the</p> <p>4 Defendant FEC, and, after having been sworn by the</p> <p>5 notary, was examined and testified as follows:</p> <p>6 EXAMINATION BY COUNSEL FOR THE DEFENDANT FEC</p> <p>7 BY MR. DEELEY:</p> <p>8 Q Good afternoon, Mr. Steele.</p> <p>9 A Good afternoon.</p> <p>10 Q My name is Kevin Deeley. I'm an attorney</p> <p>11 with the Federal Election Commission. Joining me</p> <p>12 today is Adav Noti, also with the FEC. And in</p> <p>13 addition to your counsel, also here today is Francesco</p> <p>14 Valentini from the Wilmer Hale firm representing</p> <p>15 Congressman Van Hollen.</p> <p>16 Will you, please, state your full name and</p> <p>17 your business address for the record.</p> <p>18 A Michael Stephen Steele, 310 First Street,</p> <p>19 Southeast, Washington, D.C., 20005 -- what is our zip?</p> <p>20 MS. SIDWELL: '3.</p> <p>21 THE WITNESS: 20003.</p> <p>22 BY MR. DEELEY:</p>	<p>8</p> <p>1 A Yes.</p> <p>2 Q And since Ms. Newton can only take down one</p> <p>3 person's words at a time, please let me finish my</p> <p>4 question before you answer, even if you already know</p> <p>5 the answer while I'm asking the question. Okay?</p> <p>6 A Okay.</p> <p>7 Q There's water here. Feel free to help</p> <p>8 yourself during the deposition if you need it. If you</p> <p>9 need a break at any time, please let me know. We will</p> <p>10 finish your answer, if we're in the middle of one, and</p> <p>11 then talk about a break after that.</p> <p>12 A Okay.</p> <p>13 Q If you give an answer and then later on you</p> <p>14 remember some additional information in response to an</p> <p>15 earlier question, or you think of a clarification you</p> <p>16 need to make, please tell me. We can go ahead and do</p> <p>17 it whenever that's on your mind.</p> <p>18 A Okay.</p> <p>19 Q Is there any reason that you cannot give</p> <p>20 truthful and accurate testimony today?</p> <p>21 A No.</p> <p>22 Q Do you have any question for me before we</p>

Michael Steele

June 1, 2009

9	1 proceed? 2 A No. 3 Q Did you have any meetings to prepare for 4 today's deposition? 5 A Yes. 6 Q With whom? 7 A With my counsel. 8 Q Other than your attorneys, did you talk to 9 anyone else about today's deposition? 10 A No. 11 Q Other than documents your lawyers may have 12 shown you, did you review or prepare any documents in 13 preparation for the deposition? 14 A No. 15 Q Where do you presently work? 16 A The Republican National Committee. 17 Q And what's your position? 18 A I'm the chairman. 19 Q How long have you held that position? 20 A Four months. 21 Q So you became the chairman when? 22 A January 30th, 2009.	11	1 of Maryland? 2 A 2003 to 2007. 3 Q And did you run for the United States 4 Senate? 5 A Yes. 6 Q And when was that? 7 A 2006. 8 Q What years were you with Dewey & LeBoeuf? 9 A 2007 until 2009. 10 Q Have you also been -- well, let me first 11 ask. What type of practice did you have with Dewey & 12 LeBoeuf? 13 A It was largely corporate, primarily focused 14 on Africa and Asia. 15 Q Still no litigation? 16 A No litigation. 17 Q And were you -- have you been affiliated 18 with a group called GOPAC at some point? 19 A Yes. 20 Q When was that? 21 A I was chairman of GOPAC from February of 22 2007 until being elected chairman of the RNC.
10	1 Q And can you briefly summarize your 2 professional background? 3 A Lawyer. I was -- before coming here was a 4 partner at Dewey & LeBoeuf, and prior to that, I was 5 the Lieutenant Governor of the state of Maryland. And 6 prior to that, I was chairman of the Maryland state 7 party, as well as a lawyer at the law firm of Cleary 8 Gottlieb Steen & Hamilton. 9 Q Okay. And for what years were you an -- 10 approximately employed with Cleary Gottlieb? 11 A 1991 to '97. 12 Q And what type? 13 A I was an associate. 14 Q What type of practice? 15 A Finance, international finance. 16 Q Any litigation? 17 A No. Stayed as far away from that as 18 possible. 19 Q And for what years were you the chairman of 20 the Maryland Republican Party? 21 A 2000 to 2002. 22 Q What years were you the Lieutenant Governor	12	1 Q Was that a paid position? 2 A No. 3 Q Can you just briefly describe that group. 4 A Well, GOPAC is a national grass-roots 5 organization that focuses on state and local races 6 across the country, from governor all the way down to 7 sheriff, and it's a training team for candidates 8 building a farm team, spending -- since 1978, it's 9 been around. 10 Q What are your responsibilities as RNC 11 chairman? 12 A Win elections, raise money. 13 Q And what -- what tasks do you personally 14 undertake to make those happen? 15 A Well, with respect to both of those, it's 16 spending time in the various states working with state 17 chairmen and working with candidates and elected 18 officials and helping them develop various strategies 19 to get candidates elected. So it depends on the 20 states. It's all state-specific. 21 Q And what particular tasks do you personally 22 undertake to raise money?

Michael Steele

June 1, 2009

<p>13</p> <p>1 A It depends. It could be a meeting or it 2 could be a phone call. Those are largely the two ways 3 in which that's done. 4 Q By "meeting," you mean a meeting with a 5 prospective donor? 6 A Yes, or an existing donor. 7 Q Existing donor who would be encouraged to 8 contribute again? 9 A Maybe. Maybe not. Sometimes the 10 conversation could be about something other than 11 having them contribute. It could be about, you know, 12 their impressions of, you know, the national climate 13 and mood. So it's not just solely focused on the 14 fundraising. 15 Q And what purpose is served by meeting with 16 them to discuss these other topics besides 17 solicitations? 18 A It's just getting a sense from them, if 19 there's a businessperson, getting their views on 20 various policies that, you know, the Democrats are 21 advocating or espousing, get their impressions just 22 like we would from any citizen. But many of them are</p>	<p>15</p> <p>1 speak to what I've put in place so far. Chief of 2 staff, and you've got directors of various departments 3 who may or may not have a deputy working with them, 4 and then the rest of the staff from there. 5 Q Have you named a chief of staff? 6 A Yes. 7 Q Who is that? 8 A Ken McKay. 9 Q And what are the various departments? 10 A Let's see. There's Coalitions, Political, 11 Finance, Strategy, Research, Communications, and 12 others to be designed. 13 Q And then is there an organizational 14 structure separate from the paid staff? 15 A What do you mean? 16 Q How is the -- how are you and the paid 17 staff governed? 18 A Still don't know what you mean. 19 Q What is the Republican National Committee? 20 A It's a collection of representatives from 21 50 states and the territories made up of about 168 22 members who make the Republican National Committee,</p>
<p>14</p> <p>1 in unique positions, having run successful businesses. 2 So their insights are also very helpful in 3 appreciating the role of a small business owner, for 4 example, and the challenges that they face. 5 So we take that information. We put it in 6 the context of, you know, how an effective business 7 should run and the role of government relative to what 8 they do to make the principal argument of less 9 government, lower taxes, et cetera. 10 Q To make the principal arguments you 11 discussed to who? 12 A To voters. 13 Q And you mentioned in addition to meetings, 14 phone calls, as well. Are those also with prospective 15 donors or existing donors? 16 A Yes. 17 Q On the same sorts of topics? 18 A Yeah. 19 Q Can you, please, explain the organizational 20 structure of the RNC, starting with the top of its 21 leadership just briefly. 22 A Well, it's changing. So -- I can only</p>	<p>16</p> <p>1 make up the committee itself. 2 Q Okay. And how do they -- how do they 3 oversee the work of the RNC? 4 A Well, the ultimate responsibility, you 5 know, rests with the chairman and the senior staff for 6 the execution of, you know, the day-to-day operations. 7 There's an Executive Committee of the RNC and various 8 other committees that, you know, have specific 9 responsibilities that deal with the operations in some 10 cases or the budget. There's a Budget Committee and 11 the like. 12 Q So how do you interact with the Executive 13 Committee? 14 A It's sort of -- I haven't had an 15 interaction with them yet, because we haven't had a 16 meeting of the Executive Committee. So I don't know. 17 Q But your expectation is that there will be 18 periodic meetings? 19 A Oh, yeah. According to the rules, yeah, at 20 the required times. 21 Q So those rules are not going to be 22 changing?</p>

Michael Steele

June 1, 2009

<p>17</p> <p>1 A No. They're set by the members every four 2 years when they meet at convention. 3 Q And does the -- you're an officer of the 4 RNC; is that right? 5 A Yes. 6 Q Are there other officers? 7 A There's a secretary -- well, there's a 8 co-chair, secretary, and a treasurer. 9 Q And are you a current member of the RNC? 10 A No. 11 Q Is the co-chair a member of the RNC? 12 A Yes: national committeewoman from Wyoming. 13 Q And is the secretary a member? 14 A National committeewoman from Florida. 15 Q And who's that? 16 A Sharon Day. 17 Q Is the treasurer a member? 18 A The chairman of Arizona, Randy Pullen. 19 Q Could you spell that, please. 20 A P-u-l-l-e-n. 21 Q Is there a committee of the RNC members 22 that is involved with fundraising?</p>	<p>19</p> <p>1 different. So there's no one set responsibility, 2 other than, like the chair, be a cheerleader for the 3 party and, you know, to help across the country in 4 various activities, whatever they may be. 5 Q You described member services as involving 6 connecting the membership with the leadership of the 7 party. By "membership," you meant the RNC members? 8 A The RNC, yeah, of -- the 168 members of the 9 RNC, developing that relationship and meeting their 10 needs, their inquiries, their questions, concerns in 11 their states, and that office works as sort of a 12 filter clearinghouse, so we can get -- if they've got 13 a Communications question, we can direct it to the 14 Communications shop, et cetera, like that. 15 Q When you spoke about the leadership of the 16 party, who are you referring to? 17 A The chairman, the co-chair, the secretary, 18 the treasurer. 19 Q What are the general responsibilities of 20 the secretary? 21 A Generally what secretaries do in any 22 corporate entity.</p>
<p>18</p> <p>1 MR. BURCHFIELD: Object to form. 2 THE WITNESS: I don't know how -- what do 3 you mean is there a committee involved with 4 fundraising? 5 BY MR. DEELEY: 6 Q Is there -- is one of the committees 7 involved with overseeing or engaging in fundraising 8 for the RNC? 9 A Not to my knowledge. 10 Q What are the general responsibilities of 11 the co-chair briefly? 12 A It depends on what she runs on, what a 13 particular interest that she wants to be a leader on, 14 espouse during her term. She typically would -- well, 15 in the past has overseen member services. So that's 16 the relationship -- you know, developing the 17 relationship between the membership and the leadership 18 of the party. 19 Again, that all depends on, you know, the 20 understanding between the chair and the co-chair of 21 what she wants to do. You try to accommodate that to 22 the fullest extent possible. Each co-chair is</p>	<p>20</p> <p>1 Q So recording minutes? 2 A Minutes of meetings and notices, et cetera, 3 yeah. 4 Q What are the general responsibilities of 5 the treasurer? 6 A General responsibilities are to work with 7 the chairman and the Budget Committee on the budget 8 and to take responsibility for the execution and 9 organizing of the FEC report, which you guys get, and 10 that's primarily it. 11 Q And how does the RNC chairman get to that 12 position? 13 A You have to run for it. 14 Q And who elects the -- 15 A The 168. It's a full-blown campaign. 16 Q Who does the RNC chairman report to? 17 A In terms of what? 18 Q Just general oversight of performance 19 and -- 20 A Oh, the 168. They are the ultimate 21 arbiters of whether you're doing well or you're not 22 doing well.</p>

Michael Steele

June 1, 2009

<p>21</p> <p>1 Q Does the Executive Committee play a more 2 immediate oversight role? 3 A No, not really. At least it hasn't in the 4 past, to my knowledge. It is an advisory role. It's 5 partnership role with the chairman, probably very much 6 like DNC's operation. Both parties -- political 7 parties functionally work very similar in terms of the 8 various roles that are played. 9 It's more advisory, and certainly the 10 chairman will turn to the Executive Committee for 11 ideas on various issues or approaches that can be 12 taken. But it's not an oversight, you know, type of 13 situation. 14 Q How does the co-chair get that position? 15 A Runs for it as well. All the officers run 16 for their positions, and the 168 members vote on them. 17 Q And do any of the other officers report to 18 anyone other than the membership as a whole? 19 A No. 20 Q Who currently leads the Political Division 21 of the RNC, if anyone? 22 A When you say who leads the Political</p>	<p>23</p> <p>1 dollars for the ongoing operations of the RNC within 2 the limits of the law. 3 Q And what are the Political Division's 4 general responsibilities? 5 A Politics. The politics of the various 6 states; candidate identification; coordinating with 7 state parties, their political activity. 8 Q People sometimes have different meaning of 9 the term "politics." What did you mean by that? 10 A You know, everything political. I don't 11 know any other term that politics could mean other 12 than working with candidates, working with grass-roots 13 activists, working with various organizations out 14 there that have issues and concerns that they want to 15 make the party aware of. 16 Q Do former heads of the Political Division 17 have any authority over the conduct of their 18 successors? 19 A Former heads have any authority -- no. 20 MR. BURCHFIELD: Object to form. 21 THE WITNESS: No. 22 What do you mean? Do they have the ability</p>
<p>22</p> <p>1 Division, what do you mean? 2 Q Has someone been hired to -- 3 A Director? Yes. Gentry Collins is the 4 director. 5 Q And when was that hiring made? 6 A Two months ago. 7 Q And to whom does Gentry Collins report? 8 A Chief of staff. 9 Q To whom does the chief of staff report? 10 A Chairman. 11 Q Has the RNC had a chief of staff in the 12 past, to your knowledge? 13 A Yes. 14 Q Who is the current director, if there is 15 one, of the Finance Division? 16 A Just recently announced and hired a 17 gentleman by the name of Rob Bickhart. 18 Q Could you spell that, please? That's okay. 19 A Thank you on that one. 20 Q What are the general responsibilities of 21 the Finance Division? 22 A To develop a strategic plan to raise</p>	<p>24</p> <p>1 to do what? 2 BY MR. DEELEY: 3 Q To control the behavior their successors -- 4 A You're asking if a former director, now 5 replaced by a new director, still has control or sway 6 over the new director? 7 Q In any way. 8 A No. 9 Q What generally is the Strategy Division's 10 responsibilities? 11 A It's looking at -- for example, they're 12 looking at redistricting right now, which is a big 13 issue coming up for the various states. And it's 14 really looking at the landscape, the political 15 landscape, where lines are and where bodies are, the 16 political electeds and people that are going to run. 17 Their job is to, you know, look at potential races for 18 us and give assessments of strength or weaknesses and 19 the likes. 20 Q Approximately how many people are working 21 on redistricting now? 22 A Well, we're just beginning that emphasis,</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">25</p> <p>1 that focus. Unfortunately, it had not been done prior</p> <p>2 to my arriving here. So I'm now trying to get up to</p> <p>3 speed as quickly as possible. So I've got a small</p> <p>4 committee that's being formed as we speak, and the</p> <p>5 full complement of folks has not been determined, what</p> <p>6 we're going to need, who we're going to need.</p> <p>7 Q You do expect to shortly have some paid</p> <p>8 staff working on the issue?</p> <p>9 A Yes.</p> <p>10 Q And what are the responsibilities of the</p> <p>11 Research Division?</p> <p>12 A Research. It's just generally whatever the</p> <p>13 issue, whatever the subject, to get me information if</p> <p>14 I need it.</p> <p>15 Q What are the general responsibilities of</p> <p>16 the Communications Division?</p> <p>17 A Communicate the research.</p> <p>18 Q To who?</p> <p>19 A To the general public and to base activists</p> <p>20 around the country.</p> <p>21 Q Can you tell me what papers you have in</p> <p>22 front of you, please.</p>	<p style="text-align: center;">27</p> <p>1 about.</p> <p>2 Q So just a ballpark figure, how frequently</p> <p>3 does one of them --</p> <p>4 MR. BURCHFIELD: I'd remind the witness</p> <p>5 he's not required to guess. If you have a</p> <p>6 well-founded basis for making an estimate, then you</p> <p>7 may make an estimate, but don't just give a wild</p> <p>8 guess.</p> <p>9 THE WITNESS: No, I'm not.</p> <p>10 I would say probably once or twice a week.</p> <p>11 BY MR. DEELEY:</p> <p>12 Q What are the frequent purposes of those</p> <p>13 communications?</p> <p>14 MR. BURCHFIELD: Object to form.</p> <p>15 THE WITNESS: That's tough to answer. It</p> <p>16 just depends on what the question is.</p> <p>17 BY MR. DEELEY:</p> <p>18 Q What are some examples of some recurring</p> <p>19 questions?</p> <p>20 MR. BURCHFIELD: Object to form.</p> <p>21 THE WITNESS: Not recurring. It's not</p> <p>22 necessarily recurring. An example of a question could</p>
<p style="text-align: center;">26</p> <p>1 A This is the affidavit and the bio of my</p> <p>2 attorney here, and just my own notes on, you know, the</p> <p>3 history of this case and just getting up to speed and</p> <p>4 educating myself, since I'm a new chairman and wasn't</p> <p>5 part of the original lawsuit. Just my way of kind of</p> <p>6 making sure I understand the issues at hand.</p> <p>7 MR. DEELEY: I think those would probably</p> <p>8 be responsive to our discovery requests, and so we</p> <p>9 request a copy of that.</p> <p>10 MR. BURCHFIELD: We'll take that under</p> <p>11 advisement. These actually reflect his discussions</p> <p>12 with counsel. So I think they may be privileged.</p> <p>13 BY MR. DEELEY:</p> <p>14 Q Is that accurate, that they reflect --</p> <p>15 A Yes.</p> <p>16 Q How frequently do you communicate with</p> <p>17 federal officeholders?</p> <p>18 A I would say it depends on what issues are</p> <p>19 out there that they want to talk about or that they</p> <p>20 plan to talk about. So I think, you know, it's not</p> <p>21 like a regular conversation. It just depends if they</p> <p>22 call or if I have an issue that I want to ask them</p>	<p style="text-align: center;">28</p> <p>1 be: What is the RNC going to say about health care?</p> <p>2 BY MR. DEELEY:</p> <p>3 Q And do you have an understanding as to why</p> <p>4 a federal officeholder is concerned about what the RNC</p> <p>5 is going to say about health care?</p> <p>6 A We try to have a --</p> <p>7 MR. BURCHFIELD: Objection. Are you asking</p> <p>8 him why the questioner asks the question?</p> <p>9 BY MR. DEELEY:</p> <p>10 Q I'm asking you if you have an understanding</p> <p>11 as to why the -- why the question was asked.</p> <p>12 MR. BURCHFIELD: You may certainly answer</p> <p>13 that question if you have an understanding. But don't</p> <p>14 speculate about what someone else may have --</p> <p>15 THE WITNESS: I was going to say, I</p> <p>16 don't -- it depends on when I pick up the phone what</p> <p>17 they ask. I have no idea ahead of time what their</p> <p>18 question is. I mean, it just depends on their own</p> <p>19 particular interest.</p> <p>20 BY MR. DEELEY:</p> <p>21 Q And so for in that particular example, did</p> <p>22 the officeholder explain why they were -- wanted to</p>

Michael Steele

June 1, 2009

<p>29</p> <p>1 know what the RNC was going to say about health care?</p> <p>2 A No.</p> <p>3 Q For what purposes do you initiate contact</p> <p>4 with federal officeholders?</p> <p>5 A I'm trying to think -- typically my</p> <p>6 conversations -- and they've been very few where I've</p> <p>7 initiated to an officeholder -- federal officeholder</p> <p>8 have been to have them get us information on a</p> <p>9 subject, you know, so that we understand, you know,</p> <p>10 what their message point is and that our team can</p> <p>11 better understand the issue, particularly if there's</p> <p>12 legislation or piece of legislation that is being</p> <p>13 proposed so that we have the understanding of what it</p> <p>14 is they want, what they're trying to do.</p> <p>15 Q And why do you seek to gain that</p> <p>16 understanding?</p> <p>17 A So that we can educate our base as to, you</p> <p>18 know, why the stimulus bill is bad, why government</p> <p>19 spending is out of control, and the solutions that</p> <p>20 legislative leaders are looking to propose as a</p> <p>21 counter balance to what the administration is doing or</p> <p>22 proposing.</p>	<p>31</p> <p>1 BY MR. DEELEY:</p> <p>2 Q Yes.</p> <p>3 A Well, the state parties are 50 independent</p> <p>4 entities that coalesce under the banner RNC. And our</p> <p>5 relationship with them is to, you know, help develop</p> <p>6 strategies for farm teams and communication and</p> <p>7 winning elections. They're the foot soldiers.</p> <p>8 They're the ones on the ground.</p> <p>9 Q How frequently do you have conversations</p> <p>10 with representatives of the state or local parties?</p> <p>11 A Rarely with local parties. Fairly</p> <p>12 frequently with state chairmen and national committee</p> <p>13 members.</p> <p>14 Q And in what different -- through what</p> <p>15 different means do you communicate with them?</p> <p>16 A Phone or e-mail or -- if we see -- if I'm</p> <p>17 in their state, obviously, or meetings like we just</p> <p>18 had recently.</p> <p>19 Q As chair of the Maryland state Republican</p> <p>20 Party, were you a member of the RNC?</p> <p>21 A Yes.</p> <p>22 Q And for how long were you a member?</p>
<p>30</p> <p>1 Q Have you made any recommendations to</p> <p>2 federal officeholders on legislative issues?</p> <p>3 A No.</p> <p>4 Q Have you had any conversations with federal</p> <p>5 officeholders in which you mentioned that someone was</p> <p>6 a donor to the RNC?</p> <p>7 A No.</p> <p>8 Q Does it appear from your conversations with</p> <p>9 federal officeholders that they are often aware of who</p> <p>10 the large donors to the RNC are?</p> <p>11 MR. BURCHFIELD: Object to form and</p> <p>12 foundation.</p> <p>13 You may answer.</p> <p>14 THE WITNESS: I have no basis for knowing</p> <p>15 that.</p> <p>16 BY MR. DEELEY:</p> <p>17 Q Can you, please, describe in general the</p> <p>18 relationship between the RNC and state or local</p> <p>19 Republican parties.</p> <p>20 MR. BURCHFIELD: Object to form.</p> <p>21 You may answer.</p> <p>22 THE WITNESS: Describe the relationship?</p>	<p>32</p> <p>1 A Two years.</p> <p>2 Q Did you have any leadership roles within</p> <p>3 the RNC?</p> <p>4 A Yes.</p> <p>5 Q What were those?</p> <p>6 A I served on the Executive Committee.</p> <p>7 Q How many people were on the Executive</p> <p>8 Committee at the time?</p> <p>9 A I don't recall.</p> <p>10 Q Approximately.</p> <p>11 A I couldn't begin to guess.</p> <p>12 Q How many people are on the Executive</p> <p>13 Committee now, approximately?</p> <p>14 A I would estimate about 13. There may be</p> <p>15 more, because the various regions also elect</p> <p>16 representatives. So I'm not sure how big the number</p> <p>17 grows to.</p> <p>18 Q Did you have any particular role during</p> <p>19 those two years on the Executive Committee?</p> <p>20 A No.</p> <p>21 Q How frequently did the Executive Committee</p> <p>22 meet during your time?</p>

Michael Steele

June 1, 2009

<p>33</p> <p>1 A Pursuant to the rules, I would say probably 2 twice a year at the winter meeting and the summer 3 meeting, and a minimum twice a year, and if there was 4 any need for any other occasion, I would call. 5 Minimum two; twice a year. 6 Q Did you have any other position within the 7 RNC as a member, apart from the Executive Committee? 8 A No. 9 Q And other than your time as a member and 10 Executive Committee member and chairman, have you had 11 any other positions with the RNC at any other times? 12 A No. 13 Q Just for the record, which years were those 14 that you were an RNC member? 15 A 2000 to 2002. 16 Q Are you aware of the RNC's policy or 17 practices regarding providing access to federal 18 officeholders for donors for any time period before 19 you came -- became chairman? 20 A No. 21 Q When you were an RNC member, did anyone 22 instruct you not to serve as a conduit for access to</p>	<p>35</p> <p>1 A No. 2 Q Did you have any communications with any 3 Executive Branch officials as a result of your 4 position with the RNC? 5 A When I was chairman you mean? 6 Q When you were a member -- 7 A State chairman, no. 8 Q Did you have any communication with White 9 House staff members during the time that you were an 10 RNC member as a result of that position? 11 A No. 12 Q Did you have communications with any 13 federal officeholders during the time you were an RNC 14 member as a result of that position? 15 A No. 16 Q Do you have an understanding as to what 17 hard money is, if I use that term? 18 A Yes. 19 Q It's money raised in compliance with 20 federal contribution limits and source restrictions, 21 right? 22 A Correct.</p>
<p>34</p> <p>1 federal officeholders? 2 MR. BURCHFIELD: Object to form. 3 THE WITNESS: You have to restate that 4 question. 5 BY MR. DEELEY: 6 Q You were a member of the RNC. 7 A Yeah. 8 Q Did anyone tell you that you should not 9 provide a donor to the RNC with access to the federal 10 officeholder? 11 A That I should not provide a donor to the 12 RNC access to a federal officeholder? No, I never had 13 that conversation. 14 Q Did you -- during that time, did you have 15 any conversations with President Bush specifically as 16 a result of your position with the RNC? 17 MR. BURCHFIELD: Object to form. 18 THE WITNESS: Did I have conversations? 19 No. 20 BY MR. DEELEY: 21 Q Did you have communications with him as a 22 result of your position with the RNC?</p>	<p>36</p> <p>1 Q And do you have an understanding what soft 2 money is? 3 A Yes. 4 Q That's money raised under state law without 5 regard to the federal contribution limits and source 6 restrictions, right? 7 A Correct. 8 Q So if I use the term soft money, you'll 9 understand what I mean? 10 A Yes. 11 Q And do you know whether the RNC provided 12 soft money donors with access to federal officeholders 13 during the time you were an RNC member? 14 A No. 15 Q You're not sure? 16 A No, I don't know. 17 Q What role, if any, do you have in making 18 the strategic decisions about how the RNC will raise 19 funds? 20 A Well, you start with the law. The law 21 tells you what you can do and what you can't do. And 22 then you go from there. We are currently under</p>

Michael Steele

June 1, 2009

<p>37</p> <p>1 federal law that bans us from raising money, soft 2 money. So the only strategic conversations are with 3 respect to hard money. And there are no -- there's no 4 if, ands, or buts about that. It's very clear. 5 Q And there are different potential ways you 6 could raise hard money, right? 7 A How do you mean? 8 Q Well, there's different means of reaching 9 prospective donors, like e-mail or having events or 10 direct mail? 11 A Yeah. 12 Q And are you involved in the big-picture 13 decision-making about how to allocate resources and do 14 fundraising? 15 A No. 16 Q Who is involved in those decisions? 17 A Well, typically the way I -- the way I am 18 setting up shop here, and the way I've run when I was 19 state chairman, is I look to the staff to develop the 20 plan and the strategy, and they come to me with the 21 recommendations of, you know, Our target is we want to 22 raise X amount of dollars, or we want to reach X</p>	<p>39</p> <p>1 BY MR. DEELEY: 2 Q On the different ways of fundraising for 3 the RNC, you also mentioned that you periodically have 4 meetings with prospective donors or former donors? 5 A Yes. 6 Q And does anyone else have meetings with 7 prospective donors or former donors as part of your 8 fundraising on behalf of the RNC? 9 MR. BURCHFIELD: Object to form, 10 foundation. 11 THE WITNESS: I don't know who -- who you 12 would be referring to. 13 BY MR. DEELEY: 14 Q Does -- do people from the Finance Division 15 have meetings with donors, prospective donors? 16 A To the best of my knowledge, they -- in 17 large measure, they arrange for me to have a 18 conversation with them, in many cases, or donors may 19 call in and have questions or an issue that they want 20 to have raised with the chairman. So that's generally 21 their role, as far as I know. 22 I don't know if anyone has independent --</p>
<p>38</p> <p>1 number of voters, or we want to develop X number of 2 candidates, and I sign off on the broad idea. But in 3 terms of the development of that strategy, I don't do 4 that. 5 Q Are there any points at which you're 6 involved in specifics, like approving specific 7 solicitations or making decisions on what specific 8 events will be held? 9 A No, no. That's my minutia of detail there. 10 No. 11 Q So what are the different means by which 12 the RNC does raise money? 13 A Direct mail, fund-raisers, Internet. 14 Whatever's legal. 15 Q And telephone solicitations? 16 A Telephones. 17 Q And e-mail -- I mean -- yeah, e-mail 18 solicitations? 19 A Yes. 20 MR. DEELEY: Why don't we take a five-minute 21 break. 22 (A brief recess was taken.)</p>	<p>40</p> <p>1 meaning the sole fund-raiser for the RNC has been the 2 chairman or the finance director in working together. 3 Q Do federal officeholders assist in having 4 any meetings with prospective donors for RNC 5 contributions? 6 A No. 7 Q When you have meetings with prospective or 8 former donors, are federal officeholders ever in 9 attendance with you? 10 A No. 11 Q When you have -- when the RNC has in-person 12 fund-raisers, are federal officeholders sometimes 13 featured guests at those fund-raisers? 14 A What do you mean "in-person fund-raiser"? 15 Q Fundraising dinner or reception. 16 A Oh, if we host a dinner or something like 17 that? 18 Q Yes. 19 A And you're asking if federal officeholders 20 are -- 21 Q -- featured guests at those events. 22 A Sometimes. Sometimes.</p>

Michael Steele

June 1, 2009

<p>41</p> <p>1 Q And when the RNC has large dinner events, 2 there are also smaller receptions before and/or after 3 the dinner, correct? 4 A Sometimes. 5 Q And people who have contributed more to the 6 RNC get to attend the smaller receptions, correct? 7 A Not necessarily. 8 Q Sometimes that's how -- 9 A Sometimes that happens. 10 MR. BURCHFIELD: All these questions relate 11 to the current time, right, where the RNC is raising 12 only federal dollars? 13 MR. DEELEY: That's right. 14 THE WITNESS: Right. 15 BY MR. DEELEY: 16 Q People who have contributed more sometimes 17 get photo opportunities with a featured guest 18 officeholder, federal officeholder, correct? 19 A Sometimes. 20 Q And at dinner events, how is it determined 21 which donors get to sit with the officeholders? 22 A I don't know.</p>	<p>43</p> <p>1 Q Do you plan to make any? 2 A No. 3 Q Why do you plan to continue to have these 4 groups for different donor levels? 5 A Well, because they currently exist. Those 6 donors have shown their support. These programs are 7 comfortable for them in terms of their participation 8 level, and so I don't see any need to change that. 9 Again, all of those programs are consistent with BCRA 10 and McCain-Feingold in terms of appropriate 11 disclosures and -- so all of the donors know exactly 12 what's expected and required under the law, et cetera. 13 There's no need to change any of that. 14 Q Does having the groups help raise money? 15 A Yeah, because, you know, some people 16 are -- have the means to give more. I wish we had 17 Hollywood, but we don't. Our opponents do. So our 18 donors are very limited in what they can give. We 19 don't have unions. So we don't get that level of 20 contribution support. So we recognize that there's a 21 certain level to which we can reasonably expect an 22 individual to give, from \$5 to the maximum under</p>
<p>42</p> <p>1 Q Does your name appear on e-mail 2 solicitations for the RNC? 3 A I don't know, but I would presume in some 4 cases, yes. Sometimes, maybe not. 5 Q Do you know whether federal officeholders 6 sometimes -- solicitations go out in their names? 7 A From us? 8 Q Yes. 9 A I don't know that, no. 10 Q Have you made any changes to the way the 11 RNC raises money? 12 A Not yet. 13 Q Do you have plans to change how -- 14 A No. 15 Q Does the RNC have major donor groups? 16 A Yes. 17 Q And there's higher benefits for higher 18 donor levels, correct? 19 A Yes. 20 Q And have you made any changes to the major 21 donor groups? 22 A No.</p>	<p>44</p> <p>1 federal law. 2 Q Do the benefits that the major donor groups 3 offer -- do they get some people to give at a higher 4 level than they otherwise would? 5 A I don't know. I don't know what floats 6 their boat, what their interests may be. 7 MR. DEELEY: I'd like to have this marked 8 for identification as Exhibit A, please. 9 (Deposition Exhibit No. A was marked for 10 identification and attached to the transcript.) 11 BY MR. DEELEY: 12 Q I'll give a copy to your counsel, as well. 13 Please generally review it, and let me know if you're 14 familiar with it. 15 A Yes, vaguely. 16 Q What is it? 17 A It is the major donor groups for 2009. 18 Q And does this accurately reflect the RNC's 19 major donor groups? 20 A Yes. 21 Q And have you experienced people requesting 22 that their donations be used for particular purposes,</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">45</p> <p>1 without regard to the major donor groups, just 2 generally? 3 A I have not, no. 4 MR. DEELEY: I'd like to have this marked 5 for identification as Exhibit B, and I'll hand a copy 6 to your counsel as well. 7 (Deposition Exhibit No. B was marked for 8 identification and attached to the transcript.) 9 BY MR. DEELEY: 10 Q I'm going to direct your attention to 11 Paragraph 19. 12 A Paragraph 19, uh-huh. 13 Q This is an affidavit from the then-RNC 14 political director Richard Beeson. And please review 15 Paragraph 19. 16 A Okay. Okay. 17 Q The second sentence begins, "For example, 18 the RNC will not, in any manner different than or 19 beyond that currently afforded to contributors of 20 federal funds, one, encourage officeholders or 21 candidates to meet with or have other contact with 22 contributors to these accounts."</p>	<p style="text-align: center;">47</p> <p>1 contribute the amount that is required to get into the 2 reception? 3 MR. BURCHFIELD: Object; foundation and 4 form. 5 THE WITNESS: Well, I mean, yes, to the 6 extent that a donor, you know, contributes to a 7 fund-raiser, and federal candidate or federal official 8 is a speaker or attending in some fashion. But not 9 all donors are contributors. 10 BY MR. DEELEY: 11 Q How can one be a donor without being a 12 contributor? 13 A In other words, are you meaning contribute 14 each time there's a fund-raiser or just generally 15 making a contribution? 16 Q Just generally making a contribution. 17 A Then that would be the answer. 18 Q What would be the answer? 19 A What I just said; that to the extent that a 20 federal official is there, they may or may not have an 21 opportunity to speak to them. 22 Q So in some circumstances, people would get</p>
<p style="text-align: center;">46</p> <p>1 The question is: To what extent does the 2 RNC currently encourage officeholders or candidates to 3 meet with or have other contact with RNC donors? 4 A We don't. 5 Q The sentence continues, "No. 2, arrange for 6 contributors to participate in conference calls with 7 federal candidates for officeholders." 8 The question is: To what extent does the 9 RNC currently arrange for contributors to participate 10 in conference calls with federal candidates or 11 officeholders? 12 A We don't. 13 Q Then Section 3 of the sentence, "Offer 14 access to federal officeholders or candidates in 15 exchange for contributions." 16 So to what extent does the RNC currently 17 offer access to federal officeholders or candidates in 18 exchange for contributions? 19 A We don't. 20 Q Doesn't the RNC have dinners, receptions at 21 which donors to the RNC may have an opportunity to 22 speak with officeholders or candidates if they</p>	<p style="text-align: center;">48</p> <p>1 access to a federal officeholder as a result of 2 contributions they had made to the RNC, correct? 3 MR. BURCHFIELD: Object to the term 4 "access." 5 THE WITNESS: Yeah, I -- what do you mean 6 by "access"? 7 BY MR. DEELEY: 8 Q They would have a chance to meet and 9 potentially speak with an officeholder at a reception 10 or dinner. 11 MR. BURCHFIELD: Object to form and 12 foundation. 13 THE WITNESS: They would -- yeah. I mean, 14 if they're in the room, and they have a chance to see 15 them and talk to them. Typically these conversations 16 are about three to seven seconds long: Hi. How are 17 you. 18 BY MR. DEELEY: 19 Q In addition to the dinner, there's also 20 more -- there are receptions at which a smaller number 21 of contributors are allowed to attend? 22 A Sometimes.</p>

Michael Steele

June 1, 2009

<p>49</p> <p>1 Q So the RNC does, to at least that extent, 2 currently offer access to federal officeholders and 3 candidates in exchange for contributions, correct? 4 MR. BURCHFIELD: Object to form and the 5 word "access," and foundation. I think you are also 6 mischaracterizing his testimony. 7 THE WITNESS: Yeah. I'm not -- you're 8 inferring that somehow they're getting something more 9 than -- or that there's something nefarious going on 10 because they happen to be in the room with a federal 11 official. That's just not the case. Again, political 12 parties, both of them, Democrat and Republican, have 13 these functions where federal officials are invited, 14 again within the rule of the law, the appropriate 15 information is put on invitations, and all the 16 precautions are taken. 17 So this is not a question or an opportunity 18 to have access. It is an event. If I'm a donor, I'm 19 invited. If I attend, I may have a chance to say 20 hello. I may have an opportunity for a photo op. But 21 depending on the size of the room and the program, it 22 is more than likely not.</p>	<p>51</p> <p>1 attendees at which a federal officeholder appears? 2 A I don't know. I've only been on the job 3 three months and haven't had one of those functions 4 yet. 5 Q If you go back to the first sentence of 6 Paragraph 19, it reads, "The RNC will not aid 7 contributors to any of the accounts in obtaining 8 preferential access to federal candidates or 9 officeholders." 10 The question is: To what extent does the 11 RNC currently aid its contributors in obtaining 12 preferential access to federal candidates or 13 officeholders? 14 A It does not. 15 Q And does the RNC plan in the future to 16 offer preferential access for donors to federal 17 candidates or officeholders? 18 A No. 19 Q Why doesn't the RNC do that? 20 A Do what? 21 Q Offer preferential access to donors to 22 federal candidates or officeholders.</p>
<p>50</p> <p>1 Q I'm not making any suggestions, but if I 2 understand you correctly, you don't consider those 3 types of events to be access within the meaning of the 4 way that Mr. Beeson used that term? 5 A I don't. I'm not familiar with how 6 Mr. Beeson used that term. 7 Q But to you, an opportunity to briefly speak 8 with an officeholder does not constitute access to 9 that officeholder? 10 A No, not -- not the way it is typically 11 understood in Washington. 12 Q What is "access" typically understood? 13 A Typically access is some -- some secret 14 cabal. You're getting some special favor, and that's 15 not -- that's not what these events are about. That's 16 not how they're styled. That's not the function, nor 17 is that opportunity really ever present. Because if 18 you've attended them, you know it's a brief handshake. 19 If you see the individual, it's a quick photo line. 20 They push and pull. That's it. 21 Q And what are the smallest receptions that 22 the RNC hosts at which -- the lowest number of</p>	<p>52</p> <p>1 A It's against the law. 2 Q Preferential access? 3 A As far as I'm concerned, it is. Try to 4 keep your nose clean. 5 Q Any other reasons? 6 A I don't know what other reasons there would 7 be, other than you don't want to create an environment 8 where people believe that that's available to them. 9 Q Do you have an understanding as to whether 10 anyone on the RNC staff helps to arrange for donors to 11 have meetings with federal officeholders? 12 A I'm not aware of that. 13 Q You don't know either way? 14 A I'm just not aware of it happening. 15 Q Have you issued any instructions for people 16 not to arrange for donors to have meetings with 17 federal officeholders? 18 A I've not issued any instructions on that 19 subject at all. 20 Q Have you -- are you aware of any policies 21 of the RNC about arranging for donors to have meetings 22 with federal officeholders?</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">53</p> <p>1 A I'm not aware of any policy of the RNC.</p> <p>2 Q To your knowledge, the responsibilities of</p> <p>3 the new political director are similar to that of</p> <p>4 Mr. Beeson?</p> <p>5 A I'm not familiar with what Mr. Beeson's</p> <p>6 responsibilities were.</p> <p>7 Q You say the political department does</p> <p>8 candidate identification?</p> <p>9 A Among other things.</p> <p>10 Q What is that?</p> <p>11 A State parties will say, Hey, we got a</p> <p>12 candidate who's running for -- who's looking to run</p> <p>13 for X, Y, Z -- typically someone who's looking to run</p> <p>14 for Congress -- and we -- we will advise them of, you</p> <p>15 know, the makeup of the district and what we know</p> <p>16 about the competitiveness of the race and tell them</p> <p>17 that they need to be very familiar with you, the FEC,</p> <p>18 and BCRA and McCain-Feingold and all the other</p> <p>19 constraints and restraints and responsibilities that</p> <p>20 they have as a federal candidate for office.</p> <p>21 That's pretty much it.</p> <p>22 Q And what are the ways, other than that</p>	<p style="text-align: center;">55</p> <p>1 if any, other ways does the Political Division work</p> <p>2 with state parties?</p> <p>3 MR. BURCHFIELD: Objection; foundation and</p> <p>4 form.</p> <p>5 THE WITNESS: That's -- that's pretty much</p> <p>6 it, and depending on whatever issues they raise.</p> <p>7 That's pretty much it.</p> <p>8 BY MR. DEELEY:</p> <p>9 Q So if the RNC prevails in this lawsuit,</p> <p>10 will it aid contributors to the new proposed accounts?</p> <p>11 A Will it -- I didn't hear the first part of</p> <p>12 that.</p> <p>13 Q For people who give money to the new</p> <p>14 accounts that are proposed in the lawsuit --</p> <p>15 A Right, the nine or so that were listed in</p> <p>16 the affidavit, yes.</p> <p>17 Q Yes.</p> <p>18 -- will the RNC aid those contributors in</p> <p>19 obtaining preferential access to federal candidates or</p> <p>20 officeholders in any way different from the way that</p> <p>21 hard-money contributors are treated now?</p> <p>22 A Absolutely not, no.</p>
<p style="text-align: center;">54</p> <p>1 specific one we discussed, that the Political Division</p> <p>2 coordinates or works with the state parties?</p> <p>3 A It really is driven bottom up, you know, if</p> <p>4 they have a particular question. These rules are very</p> <p>5 complicated for a lot of state parties. And they</p> <p>6 sometimes run -- particularly when you get into the</p> <p>7 heat of a presidential election, for example, or a</p> <p>8 very hot federal election, we try to provide them with</p> <p>9 clear guidance and making sure they understand what</p> <p>10 the rules are, because they're less familiar with it.</p> <p>11 Their purview tends to be more state</p> <p>12 focused, because in any given state, they could</p> <p>13 have, like Maryland, eight federal candidates for</p> <p>14 office, but, you know, 300 candidates running for</p> <p>15 state and local offices. So their emphasis is much</p> <p>16 different, their focus is much different. You want to</p> <p>17 make sure they stay within the letter of the law and</p> <p>18 the rules that they're required and, you know, not do</p> <p>19 a fund-raiser that puts the candidate, the state</p> <p>20 party, or the campaign as a whole in jeopardy of being</p> <p>21 afoul of the law.</p> <p>22 Q So other than compliance type issues, what,</p>	<p style="text-align: center;">56</p> <p>1 Q And how will representatives of the RNC</p> <p>2 determine how much -- how will they determine in the</p> <p>3 future how much preferential access is being given to</p> <p>4 hard-money contributors?</p> <p>5 MR. BURCHFIELD: Object to form and</p> <p>6 foundation.</p> <p>7 THE WITNESS: I don't understand your</p> <p>8 question.</p> <p>9 BY MR. DEELEY:</p> <p>10 Q Well, if someone from the RNC is raising</p> <p>11 money for the new accounts, they'll need to make --</p> <p>12 they'll -- the claim in the affidavit is they won't</p> <p>13 give any more preferential access than the hard-money</p> <p>14 contributors are getting. So if an RNC staff person</p> <p>15 is working on raising money for the new accounts, how</p> <p>16 will they know how much preferential access the</p> <p>17 hard-money contributors are getting?</p> <p>18 MR. BURCHFIELD: Object to form and</p> <p>19 foundation.</p> <p>20 THE WITNESS: Well, the goal is to not</p> <p>21 create preferential treatment, the way I think you're</p> <p>22 using it. I mean, the goal is to -- if we're giving</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">57</p> <p>1 the access to create these accounts, then the goal 2 would be to raise the money to do what has been stated 3 in the affidavit, whether it's redistricting, whether 4 it's operations, and to -- New Jersey and Virginia 5 races this year are very important. 6 So there's -- federal candidates have 7 nothing to do with that. There will be no need for 8 any staffer who wouldn't be in that position in the 9 first place, having that kind of conversation with a 10 donor, No. 1. No. 2, to the extent that it's myself 11 or the finance director, we don't need to talk to them 12 about the federal race, because it's nothing to do 13 with the matter at hand. 14 BY MR. DEELEY: 15 Q What steps, if any, will be taken to make 16 sure that no preferential access is given to the 17 contributors to the new accounts that goes beyond what 18 the hard-money contributors are getting? 19 MR. BURCHFIELD: Object to form and 20 foundation. 21 THE WITNESS: Well, it will be subject to 22 whatever the ruling that becomes the basis of the</p>	<p style="text-align: center;">59</p> <p>1 that was necessary to make sure that there was no 2 confusion as to what our limitations are or would be 3 with respect to those donations for the soft-money 4 accounts. So we would -- again, we would look to see 5 how the ruling comes down, and then we'd work within 6 the parameters of the ruling. 7 But I can't speculate as to what steps 8 would be taken until I understand what the nature of 9 the ruling is. I don't know what limitations the 10 judge is going to put. I don't know to what extent 11 the judge accepts all or part of what's in 12 Mr. Beeson's affidavit. 13 Q Well, assuming that the language from the 14 ruling mirrors Mr. Beeson's affidavit, then what steps 15 would the RNC take? 16 A I would address that issue as chairman at 17 that time. I'm not, at this point, prepared to 18 speculate as to what that would be other than to say 19 it would meet whatever requirements the court sets. 20 Q What will you do if you learn that someone 21 at the RNC has provided a donor to the new accounts 22 with preferential access to a federal officeholder?</p>
<p style="text-align: center;">58</p> <p>1 parameters for which we can raise the money. I mean, 2 that's -- it's no different than what McCain-Feingold 3 currently does. It sets in place the parameters, what 4 you can do with respect to hard money and soft money. 5 So now if we prevail here, there will be new 6 procedures and rules in place that we'll be required 7 to follow, which we'll follow to the letter of the law 8 and keep in the spirit of the law. 9 BY MR. DEELEY: 10 Q So if the ruling mirrors the language in 11 Mr. Beeson's affidavit and says no preferential access 12 will be given to contributors to the new accounts 13 beyond what hard-money contributors are getting, what 14 steps would the RNC take to make sure that no 15 preferential access beyond what the hard-money 16 contributors are getting is given? 17 A Well, given that I'm unfamiliar with 18 Beeson's affidavit, so I can't really base the answer 19 off of that, because I'm not familiar with -- 20 Q I'm referring to the paragraph we just 21 walked through. 22 A Again, you know, we would take every step</p>	<p style="text-align: center;">60</p> <p>1 A They'd likely be fired. That's violation 2 of the law, wouldn't it be? 3 Q Anything else? 4 A Definitely do whatever investigations are 5 necessary to see to the extent the offense occurred. 6 You take whatever internal steps you need to take. 7 Look, I don't tolerate violation of the 8 law, period. The law's very clear. We -- we abide by 9 it very clearly, and that's -- anyone who has 10 responsibilities within this building with respect to 11 our donors understand that and will come to understand 12 that based on whatever rulings come out of this 13 proceeding. 14 Q Even under a scenario where there's a 15 specific ruling about the RNC providing preferential 16 access, lobbyists would still be able to inform 17 officeholders of the amounts that their clients have 18 given to these new proposed RNC accounts, correct? 19 A I don't know. I don't know what a lobbyist 20 tells his clients or tells a donor -- potential donor. 21 Q You're not proposing that officeholders 22 would be unable to learn who had made large</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">61</p> <p>1 contributions to the accounts, correct?</p> <p>2 A I don't know how officeholders get access</p> <p>3 to the information that they want.</p> <p>4 Q When -- people who had given large amounts</p> <p>5 to the new accounts would still be able to seek to</p> <p>6 speak directly with an officeholder or have a meeting</p> <p>7 with an officeholder, correct?</p> <p>8 A On their own?</p> <p>9 Q Yes.</p> <p>10 A Or through us?</p> <p>11 Q On their own.</p> <p>12 A I don't know. I guess if they picked up</p> <p>13 the phone and called an officeholder on their own. I</p> <p>14 can't control that. That has nothing to do with</p> <p>15 whether or not they contribute to us.</p> <p>16 Q Nothing would stop --</p> <p>17 A In other words, they don't have to make a</p> <p>18 contribution to the RNC to make that phone call.</p> <p>19 Q If they had made a contribution as large as</p> <p>20 a million dollars to one of these new accounts,</p> <p>21 nothing would prevent those contributors from</p> <p>22 informing the federal officeholders of how much they</p>	<p style="text-align: center;">63</p> <p>1 A They would get to participate whether or</p> <p>2 not they gave to the state account, because they would</p> <p>3 have given to the hard-money account, and they would</p> <p>4 get the benefits that are outlined in Steele</p> <p>5 Deposition Exhibit A, Steele A, under those programs.</p> <p>6 So that has nothing to do with whether or not they</p> <p>7 write a check to one of the soft-money accounts.</p> <p>8 Q So they -- someone who -- someone who had</p> <p>9 given to both, by virtue of their hard-money</p> <p>10 contributions, could potentially have the ability to</p> <p>11 speak with an officeholder at a fundraising reception</p> <p>12 or major-donor event, correct?</p> <p>13 A Someone whose given both hard and soft at a</p> <p>14 hard-money event you're saying?</p> <p>15 Q Yes.</p> <p>16 A Could have potential to speak to, I</p> <p>17 presume, or they could just as easily call that</p> <p>18 individual -- they don't need an event. If they need</p> <p>19 to speak to a Congressman, they'll call them. That's</p> <p>20 what happens now, I think.</p> <p>21 Q Now, people who --</p> <p>22 A I'm just saying --</p>
<p style="text-align: center;">62</p> <p>1 had given to the new account, right?</p> <p>2 A I don't know. Again, I don't know if</p> <p>3 that --</p> <p>4 Q You're not proposing any prohibition on</p> <p>5 people making such a statement to a federal</p> <p>6 officeholder, are you?</p> <p>7 A I can't control what people say. You can</p> <p>8 write whatever law you want in the book. That still</p> <p>9 doesn't necessarily infringe on my freedom of speech</p> <p>10 to tell you what I want you to know. I can't</p> <p>11 speculate on what a potential donor to these accounts</p> <p>12 would say to a potential officeholder or an existing</p> <p>13 officeholder outside of the purview of the RNC.</p> <p>14 Q If you had the new accounts, there would be</p> <p>15 people who would give both hard money and money to the</p> <p>16 new proposed accounts, right?</p> <p>17 A Perhaps.</p> <p>18 Q And so if someone was in an elite major</p> <p>19 donor group through their hard-money contributions,</p> <p>20 and then they also gave to the new proposed accounts,</p> <p>21 they would still get to participate in all of the</p> <p>22 major donor group activities, correct?</p>	<p style="text-align: center;">64</p> <p>1 MR. BOPP: There's no question.</p> <p>2 BY MR. DEELEY:</p> <p>3 Q People who have contributed to the RNC do</p> <p>4 call officeholders directly to speak with them?</p> <p>5 A I don't know if they do or not.</p> <p>6 Q But you have some personal knowledge of</p> <p>7 contributors trying to set up meetings with</p> <p>8 officeholders?</p> <p>9 A No, I don't.</p> <p>10 Q So if you were to prevail in this lawsuit,</p> <p>11 you would solicit donations to the new accounts in</p> <p>12 amounts above the federal contribution limits,</p> <p>13 correct?</p> <p>14 A Within the limits of state law, to the</p> <p>15 extent the state law's applicable, yeah.</p> <p>16 Q And to the extent that state law permits</p> <p>17 you to raise money from sources the federal law</p> <p>18 prohibits, you would solicit from those sources such</p> <p>19 as corporations, correct?</p> <p>20 A If state law permits it.</p> <p>21 Q Other than that fact -- those facts, are</p> <p>22 there any other ways that your fundraising practices</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">65</p> <p>1 would change? Would you solicit the money in any 2 different manner? 3 MR. BURCHFIELD: Object to form and 4 foundation. 5 THE WITNESS: You would -- you would raise 6 money by the means that are appropriate and necessary. 7 You do mailings or you could -- again, certain states 8 have limitations on that as well. So you would be 9 mindful of what state law requirements are. So if 10 you're raising money for your redistricting account or 11 for your building account, you know, again, state law 12 would be determinative in this situation. 13 BY MR. DEELEY: 14 Q Would you hold separate fund-raisers for 15 soft-money -- the soft-money accounts? 16 A We could not have a joint fund-raiser 17 between soft money and federal money. 18 Q No. I mean so would you have a fund-raiser 19 just for the soft-money accounts? 20 A I would raise that money separately from 21 anything that comes close to touching federal campaign 22 finance laws and money.</p>	<p style="text-align: center;">67</p> <p>1 much as, again, a lot of third-party organizations do 2 right now for the DNC of various ballot initiatives. 3 So we would look to raise money within the context of, 4 again, state law, the requirements that are set forth 5 by the judge in this particular case, should we 6 prevail. 7 I don't know what way that necessarily 8 would be. If it would be a letter, if it would be a 9 direct fund-raiser, you know, event. I'm not sure. 10 Q So setting -- let's set aside the new 11 accounts and the proposed activities in the lawsuit 12 for a second. Just generally the way the RNC works 13 now, can you just describe generally how it's decided 14 what -- what activities are going to be funded and in 15 what amounts? 16 A Again, we look at the costs -- the relative 17 costs to the organization, whether or not we have the 18 money or can raise the money under existing federal 19 laws to meet that cost, that obligation. Everything 20 has a price tag. So you assess and evaluate whether 21 or not you have the resources to meet that price tag. 22 In some cases, you say you don't. Other</p>
<p style="text-align: center;">66</p> <p>1 Q Including you would have fundraising events 2 like dinners to raise the money? 3 MR. BURCHFIELD: Object. You may -- on 4 foundation. 5 You may answer that if you have thought 6 about how you would raise the money. 7 THE WITNESS: I was about to say I have not 8 thought about how I would raise the money. There's a 9 variety of ways to do it. I don't know one specific 10 way that would be better or worse than another. So I 11 would evaluate that at the time. 12 BY MR. DEELEY: 13 Q So just generally, how does the RNC decide 14 what activities it's going to spend its money on, kind 15 of big-picture decision-making? 16 A Like many organizations, you look at the 17 available resources, what the potential costs are, and 18 you make a determination. If its, in the case of 19 California, an initiative, a ballot initiative, if we 20 get opportunities to assist under this suit to -- you 21 look at that as a potential thing to be involved in. 22 So you would raise money accordingly, very</p>	<p style="text-align: center;">68</p> <p>1 cases, you say you do. And others, you may take -- 2 you'll take the risk. The race may be that important 3 or whatever. 4 Q And just as a matter of process, who is 5 involved and what are their roles? 6 A Well, again, I can't give too much to that, 7 since I've only been on the job a very short time. So 8 I can't say that there's an established protocol under 9 my administration yet as to how that would come about. 10 We're just now beginning to have to deal with, you 11 know, some of these issues that are beginning to come 12 up. 13 Candidates are coming in and they're 14 starting to talk about their races for Congress and 15 the U.S. Senate. So there's been -- there's no form 16 established. But I think, looking at the past 17 practices, it would be the same thing. You evaluate 18 and the chairman and the finance director or the -- 19 the finance director will tell you how much you can 20 play with, how much we can raise. Maybe the political 21 shop. 22 Q And who has the authority to make the</p>

Michael Steele

June 1, 2009

<p>69</p> <p>1 decisions?</p> <p>2 A Ultimately the chairman. Everything's made</p> <p>3 in terms of recommendations to spend this money,</p> <p>4 because the chairman is ultimately accountable to the</p> <p>5 membership and to the donors for how the money's</p> <p>6 spent.</p> <p>7 Q So the -- there's a few accounts that are</p> <p>8 proposed related to state activities. One of them</p> <p>9 involves the 2009 election and the elections in New</p> <p>10 Jersey?</p> <p>11 A Uh-huh.</p> <p>12 Q Can you just generally describe what</p> <p>13 activities the RNC intends to undertake in New Jersey</p> <p>14 in 2009?</p> <p>15 MR. BURCHFIELD: Object; foundation.</p> <p>16 You may answer.</p> <p>17 THE WITNESS: None, right now. We can't.</p> <p>18 BY MR. DEELEY:</p> <p>19 Q If you prevail, what -- in the lawsuit,</p> <p>20 what activities do you intend to undertake?</p> <p>21 MR. BURCHFIELD: Same objection.</p> <p>22 THE WITNESS: Again, I would -- that's</p>	<p>71</p> <p>1 money, itself. There's nothing -- however much cash</p> <p>2 on hand the RNC has, there's nothing stopping it from</p> <p>3 spending --</p> <p>4 A Bankruptcy.</p> <p>5 Q -- on -- whatever money it has available,</p> <p>6 there's nothing stopping you --</p> <p>7 A Bankruptcy stops it.</p> <p>8 MR. BURCHFIELD: Let him finish his</p> <p>9 question here.</p> <p>10 BY MR. DEELEY:</p> <p>11 Q Also there's nothing stopping it from</p> <p>12 spending whatever money it has, for example, on an</p> <p>13 independent expenditure in the New Jersey governor's</p> <p>14 race?</p> <p>15 A Well, the reality is, the only thing that</p> <p>16 stops is the fact you don't have the money. You're</p> <p>17 only raising hard dollars, federal dollars. My</p> <p>18 opponents don't have that -- they don't have that same</p> <p>19 limitation, because there's so many other sources that</p> <p>20 are working to assist them in any given election</p> <p>21 cycle, whether state or federal elections.</p> <p>22 Certainly with respect to activities on the</p>
<p>70</p> <p>1 speculation for me at this point. I don't know. I'd</p> <p>2 have to see what's needed. I mean, it depends on when</p> <p>3 the ruling comes down and where we are in the election</p> <p>4 process at that point. The election is November.</p> <p>5 This is June. If the ruling comes next week, that's</p> <p>6 one scenario. If the ruling comes two weeks before</p> <p>7 the general election, that's a different scenario.</p> <p>8 So I can't speculate as to what we would do</p> <p>9 until I know what I can do.</p> <p>10 BY MR. DEELEY:</p> <p>11 Q Now, for the funds that you raise within</p> <p>12 the hard-money limits, nothing stops you from spending</p> <p>13 those on New Jersey state activities, correct?</p> <p>14 A The monies that are raised for hard -- out</p> <p>15 of hard dollars?</p> <p>16 Q Correct.</p> <p>17 A To the extent that state party has a</p> <p>18 federal account, you know, that you have that, I can't</p> <p>19 see -- again, you're working within the limits of</p> <p>20 federal law with respect to what you do for a federal</p> <p>21 candidate.</p> <p>22 Q I'm talking about just the RNC spending</p>	<p>72</p> <p>1 ground, you know, we would be -- we're severely</p> <p>2 limited right now. Just spending these dollars so now</p> <p>3 we spend it on the federal races, the state races,</p> <p>4 then what do I do come January?</p> <p>5 Q Are you familiar with the fact that the RNC</p> <p>6 has spent money on New Jersey state races in off-year</p> <p>7 elections in the past?</p> <p>8 A Yeah, absolutely, yeah, at great risk.</p> <p>9 Again, like I said, you take that risk that you're</p> <p>10 able to win the election. That's how you ultimately</p> <p>11 can justify the expense. If you have an opportunity</p> <p>12 there. Would I prefer to spend federal dollars on a</p> <p>13 state race? Absolutely not. If I had unions, if I</p> <p>14 had 527s, if I had Hollywood, if I had a whole bunch</p> <p>15 of resources that are not available to the RNC, then I</p> <p>16 probably wouldn't mind so much.</p> <p>17 Q The main reason that you need to be able to</p> <p>18 raise above the federal limits is because, under the</p> <p>19 existing law, your opponents raise more money than you</p> <p>20 do?</p> <p>21 A Under existing law, our opponents may not</p> <p>22 raise --</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">73</p> <p>1 MR. BURCHFIELD: Object to form and 2 foundation. 3 You may answer. 4 THE WITNESS: Under existing law, our 5 opponents may not raise more money than the RNC does 6 necessarily in any given, but there are other 7 resources that they have available that they can tap 8 into that assist them in raising those dollars and 9 putting those dollars to work. Give me a George 10 Soros, and I'd be a very happy RNC chairman. 11 BY MR. DEELEY: 12 Q So when you talk about your opponents, 13 you're referring to the Democratic Party? 14 A Yes. 15 Q And the outside assistance that the 16 Democratic Party gets, you're referring to nonprofit 17 groups and unions; is that right? 18 A Yes, and individuals. 19 Q So in regard to other state elections in 20 the future, stepping outside of just 2009 New Jersey, 21 is it -- are the issues basically the same in terms of 22 availability of hard-money resources being the main</p>	<p style="text-align: center;">75</p> <p>1 assist the states the way you'd like to, and the way 2 others are able to on the other side, on the 3 Democratic Party. 4 So we have to stretch those dollars a lot 5 farther, because the playing field is a lot bigger 6 now, and more races are involved. So it would be very 7 helpful to be able to clearly delineate, particularly 8 given next year is redistricting and a host of other 9 activities that are going to be part of the national 10 and state and local political scene -- to be able 11 to -- to be as effective as we can with the monies 12 that we raise and not be so limited as to take federal 13 dollars and put it in 17 different places at one time. 14 Q So in a world of limited means, your first 15 priority is the federal races, and you only spend on 16 the state races if there's money left over? 17 A If -- again, I'm not in that situation yet. 18 I anticipate being there, I'm sure, because of just 19 the magnitude of the number of races that we have. 20 But you are limited when all we are raising is federal 21 dollars. Priority is to take care of the federal 22 candidates for the Senate; 36 seats in the Senate up</p>
<p style="text-align: center;">74</p> <p>1 issue for why you need to be able to take in amounts 2 and from sources different from the federal limits? 3 MR. BURCHFIELD: Object to form. 4 THE WITNESS: Could you clarify that so I 5 can clearly understand. I think I know what you're 6 asking. If you could just clarify the question. 7 BY MR. DEELEY: 8 Q Sure. 9 I guess basically it's just, is the -- we 10 just had a conversation largely about -- we started 11 talking about the New Jersey 2009 election. 12 A Yes. 13 Q Is it basically the same issues for other 14 state election accounts that you want to create? 15 A It -- it's exacerbated in 2010 beyond any 16 comprehensible measure. Because in 2009, you have two 17 states, Virginia and New Jersey. Next year you have 18 50 -- 48 states that have state elections, and all 50, 19 of course, have federal elections. So the 20 constriction on federal -- the use of federal funds is 21 exacerbated, because then you're really targeting 22 down -- you don't have the resources to otherwise</p>	<p style="text-align: center;">76</p> <p>1 next year. Every member of the House, some are 2 vulnerable; some not so, but still -- 3 So there are a lot of pieces that go into 4 the federal equation. Then you layer on top of that 5 governors' races, attorney general races, state 6 official races, and then a few legislative races that 7 could be outcome determinative in terms of who 8 controls the state legislature, and then there's 9 redistricting on top of that. 10 So, yeah, I've got to stretch a federal 11 dollar a very long way; whereas, my opponents do not. 12 Q And why is redistricting important? 13 A Because redistricting sets in place the 14 map, the lines that will determine who controls state 15 legislatures for the next 10 to 12 years. The 16 composition of the House of Representatives for the 17 next 10 to 12 years or maybe even beyond that. And I 18 would much prefer to have our party, the Republican 19 Party, go into such battles, if you will, with both 20 hands free, as opposed to having one arm tied behind 21 our back. 22 Q Just again, when it comes time for the RNC</p>

Michael Steele

June 1, 2009

<p>77</p> <p>1 to decide where it's going to spend money on 2 advertising, who makes that decision? 3 A I mean, all decisions are ultimately run by 4 the chairman, I would suspect. I don't know how the 5 process has been in the past. The staff will again 6 evaluate what's required and what's necessary, and 7 they will make the appropriate recommendations. And 8 if I feel we have the money to spend, we may or may 9 not spend it. It just depends. 10 Q So there's a proposal to have an account 11 for -- to do grass-roots lobbying advertising? 12 A Yes. 13 Q Who at the RNC would decide which issues to 14 be advertising about? 15 A I don't know. I don't know how that will 16 shape out just yet. 17 You know, grass-roots activities generally 18 involve state party operations and the grass roots of 19 the party, you know. The men and women who are door 20 knocking and working on, you know, handing out 21 literature and certainly working to create sort of a 22 competitive environment for the state party or the</p>	<p>79</p> <p>1 in the grass-roots lobbying advertisements? 2 A The state party, I guess. 3 Q I'm talking about the -- if the RNC could 4 run grass-roots lobbying advertisements as it proposes 5 to do. 6 A You mean who in the building? 7 Q Yeah. Who on behalf of the RNC would 8 decide? 9 A Again, that's -- I'm not sure how that 10 process will be worked out. It is a world I hope to 11 step into, and then I can make that decision at that 12 time. But again, it would be consistent with the 13 requirements set forth by the court and consistent 14 with the applicable laws. And at no time is there any 15 intention to mingle or comingle or otherwise mix into 16 it the federal candidates, federal issues, federal 17 component. 18 We're, again, trying to be a competitive 19 grass-roots party and working with state issues and 20 local issues and local candidates and state issues -- 21 and state candidates. And the appropriate walls that 22 need to be built will be built.</p>
<p>78</p> <p>1 local party. 2 A lot of that's grass-roots focused. We'd 3 have to -- if the court, you know, rules in our favor, 4 then the appropriate strategies will be put in place 5 to assist in grass-roots efforts from training 6 candidates to run for sheriff or county office to 7 issue advocacy that are focused on state issues or 8 local issues, grass roots. 9 Q So another issue that would have to be made 10 would regard which federal candidates are 11 officeholders to mention in the grass-roots lobbying? 12 A That wouldn't be a part. Federal 13 candidates wouldn't be a part of that process. 14 Q They wouldn't be a part of the process of 15 deciding which federal candidates get mentioned in the 16 grass-roots lobbying? 17 A No, they wouldn't -- I don't see a reason 18 for them to be involved in that issue -- 19 Q So who -- 20 A -- on that situation. 21 Q Who would be involved in deciding which 22 candidates or officeholders were going to be mentioned</p>	<p>80</p> <p>1 MR. DEELEY: I'd like to have a document 2 marked for identification, and this would be 3 Exhibit C. 4 (Deposition Exhibit No. C was marked for 5 identification and attached to the transcript.) 6 BY MR. DEELEY: 7 Q I've handed copies to your lawyers as well. 8 And this is an advertisement that I'll represent has 9 previously been run by either the RNC or the NRCC. 10 Please review it. 11 A Okay. Okay. 12 Q Now, assuming that this was run in the time 13 period immediately preceding an election in which 14 David Woo was involved, would this be grass-roots 15 lobbying as the RNC has proposed to do in this case? 16 MR. BURCHFIELD: Object to form and 17 foundation. 18 THE WITNESS: I can't speak to that. I 19 don't have any prior history with this piece or what 20 the RNC has proposed in the past as grass-roots 21 lobbying, so I can't -- I don't know if this would fit 22 that definition or not.</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">81</p> <p>1 BY MR. DEELEY: 2 Q I'm not talking about the past. I just 3 mean the future. If this was -- if this was an 4 advertisement that was proposed for the 2010 election 5 cycle, would this qualify as grass-roots lobbying as 6 the RNC has proposed it? 7 A I don't know. 8 Q What else would you need to know to 9 determine that? 10 A I'd want to know what, if any, limitations 11 are put on such activity by the courts. Until the 12 ruling has come, I can't speak to what the future 13 looks like, because that, in my view, would -- is 14 outcome determinative. It determines the outcome for 15 everything you do. 16 Q So the RNC is not itself proposing any 17 means by which the court could determine what is 18 grass-roots lobbying and what is not? 19 MR. BURCHFIELD: Object to form and 20 foundation. 21 THE WITNESS: All I'm saying is I can't say 22 whether or not this would fit in the definition of</p>	<p style="text-align: center;">83</p> <p>1 A I would presume that -- 2 MR. BOPP: They better be. 3 THE WITNESS: I would presume they are. 4 BY MR. DEELEY: 5 Q And how many -- how much has been paid to 6 date? 7 A I do not know. 8 Q Approximately how much does the RNC expect 9 to pay for the litigation of the case? 10 A As little as possible. 11 THE WITNESS: Sorry, Counsel. 12 BY MR. DEELEY: 13 Q Assuming that there's no change in the law 14 as a result of this lawsuit, do you intend to solicit 15 money for state parties in your personal capacity as 16 Michael Steele as opposed to your official capacity as 17 the RNC chairman? 18 A I have no such intention. 19 Q Why not? 20 A I just don't. 21 Q Do you intend, if there's no change in the 22 law, to solicit hard money for state parties in your</p>
<p style="text-align: center;">82</p> <p>1 grass-roots lobbying, because I don't know what that 2 looks like in the future. 3 BY MR. DEELEY: 4 Q So if I -- 5 A But the ability to be able to communicate a 6 message through our grass roots, through various 7 activities, advertisements and the like, relevant to 8 state and local issues, something that we would like 9 to do, again, within the restrictions of the law and 10 state law included without having to, as we do now, if 11 we engage -- I don't know when this piece was done -- 12 using federal dollars to do it. 13 Q So if I showed you other advertisements, 14 you would similarly be unable to provide an answer? 15 A Absolutely. 16 Q It's not this particular -- 17 A No, it's not this particular piece. I 18 would not be able to speak to what the future would 19 look like until someone gives me a clue what it's 20 supposed to look like. 21 Q Is the RNC paying any legal fees or 22 expenses associated with this case?</p>	<p style="text-align: center;">84</p> <p>1 official capacity as RNC chairman? 2 A Got to raise the money. As the RNC 3 chairman, would I ask, you know, for hard dollars, 4 federal dollars? 5 Q Will you ask for hard dollars to be 6 contributed to state parties as the -- 7 A Contributed to state parties? 8 Q Yes. 9 MR. BURCHFIELD: Object to form and 10 foundation. 11 THE WITNESS: Asking a hard -- asking a 12 donor to contribute federal dollars to a state party 13 for what purpose? 14 BY MR. DEELEY: 15 Q For any purpose. 16 A No. 17 Q Why not? 18 A Because I'd want the dollars to come to me. 19 Q You mean the RNC? 20 A The RNC. Not me personally, but the RNC. 21 I would want those dollars -- federal dollars to come 22 to the RNC.</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">85</p> <p>1 Q If you were soliciting for the RNC, how 2 would you go about soliciting funds for a specific 3 purpose? 4 MR. BURCHFIELD: Object to form and 5 foundation. 6 THE WITNESS: If I were soliciting for the 7 RNC? 8 BY MR. DEELEY: 9 Q Yes. 10 A Just ask you. 11 Q Just ask someone to give for a particular 12 purpose? 13 A I generally don't ask for them to give for 14 a particular purpose. I ask them just to give 15 generally. 16 Q If you prevailed in the lawsuit, would you 17 then, in the future in some circumstances, ask people 18 to give for specific purposes? 19 A I don't know. 20 Q Turning back to Exhibit B, the Beeson 21 affidavit, did you say that you are generally not 22 familiar with its contents?</p>	<p style="text-align: center;">87</p> <p>1 to this litigation? 2 A I am not aware of that. 3 Q To your knowledge, have any relevant 4 documents been deleted or thrown away since the 5 litigation commenced? 6 A To my knowledge, no. 7 Q To your knowledge, have any relevant 8 e-mails been deleted since this litigation commenced? 9 A To my knowledge, no. 10 MR. DEELEY: I'd like to mark for 11 identification a document as Exhibit D, and I'll hand 12 copies to your lawyers, as well. 13 (Deposition Exhibit No. D was marked for 14 identification and attached to the transcript.) 15 BY MR. DEELEY: 16 Q Please take a few moments to generally 17 familiarize yourself with it. 18 A Okay. 19 Q Are you familiar with what's been marked as 20 Exhibit D? 21 A Yes. 22 Q It's discovery requests the FEC sent for</p>
<p style="text-align: center;">86</p> <p>1 A That's correct. 2 Q You can put that document aside. 3 A Okay. 4 Q Are you familiar with the RNC's website? 5 A Yes. 6 Q When items appear on that site under the 7 chairman's name, who writes them? 8 A Staff. 9 Q And do you approve them? 10 A No. 11 Q Do you have any reason to believe that 12 anything posted under your name is inaccurate that's 13 currently on the website? 14 A I have no reason to believe anything as 15 currently posted is inaccurate, no. 16 Q Without revealing the substance of any 17 communications you've had with your lawyers, were you 18 advised to retain all documents that may be relevant 19 to this litigation? 20 A No. 21 Q Do you know whether other RNC personnel 22 were told to retain all documents that may be relevant</p>	<p style="text-align: center;">88</p> <p>1 documents from you, correct? 2 A Yes. 3 Q And to your knowledge, have -- have you 4 provided all responsive documents to your lawyers? 5 A To my knowledge, yes. 6 Q Are there any potentially relevant 7 documents on a non-RNC e-mail account? 8 A Not that I'm aware of. 9 Q Are there any potentially relevant 10 documents on a personal computer that haven't been 11 provided to your lawyers? 12 A Not that I'm aware. 13 Q You'll see Requests for Production 2 asks 14 for all documents relating to any of the planned 15 activities for which you have alleged that you would 16 solicit non-federal funds if you were legally 17 permitted to do so. One of those activities was 18 redistricting. 19 Have you forwarded all documents related to 20 redistricting that have begun to your lawyers? 21 A To the extent that there have been any 22 documents produced, yeah. But that's very -- again, I</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">89</p> <p>1 just arrived here. So there's not a formal 2 redistricting process under way. It would be very, 3 very limited. 4 Q A chairman has been named for the 5 Redistricting Committee, correct? 6 A That's correct, yes. 7 Q And you mentioned there have been some 8 efforts to plan for redistricting, correct? 9 A Yeah. 10 Q No documents were produced in response to 11 this request. So if any were located, we would 12 obviously request that they be produced to us 13 immediately. 14 A Understood. 15 Q Similarly, any -- some of the planned 16 activities involve the Virginia and New Jersey 17 elections, this election cycle, so any documents 18 related to those, if there are -- any of those exist, 19 have they been passed on to your lawyers? 20 A To my knowledge, they should have been or 21 have been, yes. 22 Q And with respect to Document Request 3, it</p>	<p style="text-align: center;">91</p> <p>1 particular officeholder at a reception, anything like 2 that would have been passed along to your lawyers? 3 A I would -- I would presume so. 4 Q Again -- 5 A I don't know. I don't know if, you know -- 6 if they have. To my knowledge, if they existed and 7 requested, they would have been delivered. 8 Q Okay. Again, we didn't receive any 9 documents in response to that request. 10 A Then that means they probably don't exist. 11 MR. DEELEY: Why don't we take another 12 short break. Does that work for you guys? 13 THE WITNESS: I'm fine. I'd rather keep 14 going. 15 MR. DEELEY: Just five minutes, and that 16 will help wrap this up. 17 (A brief recess was taken.) 18 BY MR. DEELEY: 19 Q Just talking about hard-money 20 contributions -- 21 A If I could, before -- I wanted to go back 22 and clarify one of my answers with respect to the</p>
<p style="text-align: center;">90</p> <p>1 asks for all documents relating to any preferential 2 access to federal candidates or officeholders or other 3 benefits that you or the RNC currently affords to 4 contributors of federal funds, and I'm omitting the 5 quotations. 6 Have you preserved all documents relating 7 to such benefits that the RNC currently affords to 8 contributors of federal funds? 9 A To my knowledge, if they exist, yes. 10 Q And any that exist have been passed on to 11 your lawyers? 12 A That's correct. 13 Q So for example, any documents relating to 14 benefits that the major donor groups receive, those 15 have been passed on to your lawyers? 16 A Similar to the exhibit that you referred 17 to, yes. 18 Q Yes. Or any specific individual 19 communications with a donor about any of those 20 benefits? 21 A To my knowledge, that would be true, yes. 22 Q Or for example, a request to sit with a</p>	<p style="text-align: center;">92</p> <p>1 document retention question that you had asked. 2 Q Sure. 3 A I had been informed by my counsel with 4 respect to that. So my interpretation of the question 5 was, outside of my counsel, has anyone else; and the 6 answer to that was no. But my counsel did inform me, 7 with respect to the policy, to make sure we keep all 8 the appropriate documents related to the case. 9 I just wanted to make sure we were clear of 10 what was meant there. 11 Q Okay. Just talking about hard-money 12 contributions, are there any reasons why the 13 Republican National Committee won't be able to raise 14 as much money through e-mail and Internet fundraising 15 as the Democratic Party in the future? 16 A The Democratic Party has President Barack 17 Obama. I think that's very clearly been demonstrated 18 his capacity to raise money on e-mail and the 19 Internet. Will we be limited is the question? 20 Q Are there any reasons why, in the future, 21 the RNC won't be able to raise as much as the 22 Democratic Party through e-mail and Internet</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">93</p> <p>1 fundraising?</p> <p>2 MR. BURCHFIELD: Object to form and</p> <p>3 foundation. I think that's somewhat speculative.</p> <p>4 THE WITNESS: I don't -- I don't know what</p> <p>5 the future holds for fundraising on the Internet. So</p> <p>6 it's very hard to say what we will be able to do or</p> <p>7 not do with respect to that one particular form of</p> <p>8 fundraising or any form of fundraising.</p> <p>9 Donors are a particular creature and not</p> <p>10 necessarily one of habit. So it's hard to say that</p> <p>11 the Internet will be a key source or any source for</p> <p>12 money in the future.</p> <p>13 BY MR. DEELEY:</p> <p>14 Q So to your knowledge today, other than</p> <p>15 President Obama's demonstrated capacity to raise money</p> <p>16 through those means, are you aware of any other</p> <p>17 reasons why the RNC won't be able to raise as much</p> <p>18 through the Internet and e-mail as the Democratic</p> <p>19 Party?</p> <p>20 MR. BURCHFIELD: Object to form and</p> <p>21 foundation.</p> <p>22 THE WITNESS: Again, you know, I don't know</p>	<p style="text-align: center;">95</p> <p>1 participate in this deposition. However, I am unaware</p> <p>2 of a court order that allows you to participate in</p> <p>3 this deposition. Do you have one?</p> <p>4 MR. VALENTINI: We interpret the court</p> <p>5 record as permitting our participation in the</p> <p>6 deposition by permitting a deposition of Mr. Steele,</p> <p>7 and it is -- it goes without saying that if the FEC is</p> <p>8 permitted to take the deposition of Chairman Steele,</p> <p>9 we are also allowed to participate as a full party to</p> <p>10 this action.</p> <p>11 MR. BOPP: Well, I assume by that answer</p> <p>12 the answer is, no, that you do not have a court order?</p> <p>13 MR. VALENTINI: The answer is that we</p> <p>14 interpret the court order as permitting our</p> <p>15 participation in this deposition.</p> <p>16 MR. BOPP: The one dated May 5th?</p> <p>17 MR. VALENTINI: Precisely.</p> <p>18 MR. BOPP: Well, without a subsequent court</p> <p>19 order, the original order permitted certain discovery</p> <p>20 to be conducted by various parties. For instance,</p> <p>21 Van Hollen is specifically allowed to take -- for</p> <p>22 instance, to seek leave of court to depose a</p>
<p style="text-align: center;">94</p> <p>1 to what extent, you know, the Democrats are able to</p> <p>2 raise such money. I know that, you know, for the RNC,</p> <p>3 it is an avenue that we, you know, try to raise</p> <p>4 dollars through with mixed success. So I don't -- I</p> <p>5 can't speak to even in present terms of how much money</p> <p>6 we'll be able to raise, you know, this cycle, next</p> <p>7 cycle, or at any point in time, just because of the</p> <p>8 nature of the environment right now.</p> <p>9 MR. DEELEY: I have no further questions at</p> <p>10 this time. I think Francesco might need another</p> <p>11 minute to -- before he gets himself prepared.</p> <p>12 MR. VALENTINI: I think we can just swap</p> <p>13 seats.</p> <p>14 (Discussion off the record.)</p> <p>15 EXAMINATION BY COUNSEL FOR THE DEFENDANT</p> <p>16 VAN HOLLEN</p> <p>17 BY MR. VALENTINI:</p> <p>18 Q My name is Francesco Valentini. I'm an</p> <p>19 attorney with Wilmer Cutler Pickering Hale and Dorr,</p> <p>20 and we represent Defendant Van Hollen.</p> <p>21 MR. BOPP: I'd like to interpose an</p> <p>22 objection. We are, of course, aware of your notice to</p>	<p style="text-align: center;">96</p> <p>1 representative. The FEC is the only defendant that is</p> <p>2 authorized to -- is permitted, according to court</p> <p>3 order, to conduct discovery related to Plaintiff</p> <p>4 Steele.</p> <p>5 So without a -- without a court order, I</p> <p>6 don't think that you have authority to answer</p> <p>7 questions -- to ask questions of this deponent. Now,</p> <p>8 I do note that it is -- and frankly, I might not have</p> <p>9 raised this except in the past -- the -- Van Hollen</p> <p>10 has sought to take liberties.</p> <p>11 For instance, serving a discovery</p> <p>12 response -- request on the RNC and unilaterally</p> <p>13 shortening the periods of time on which the response</p> <p>14 was to be made absent a court order, without a court</p> <p>15 order. So there's a pattern, in my view, of</p> <p>16 participation by Van Hollen which is designed to --</p> <p>17 designed to, one, take liberty with the rules, and</p> <p>18 No. 2, is designed to obstruct, delay, and otherwise</p> <p>19 unduly burden this litigation.</p> <p>20 So now I do note that it is a few minutes</p> <p>21 after 4:00. This deposition was scheduled to go until</p> <p>22 6:00. And the fact that the FEC has completed their</p>

Michael Steele

June 1, 2009

<p>97</p> <p>1 questions allows time here, even though we would all 2 prefer to do something else. So we will permit the 3 questions. But we're going to take careful -- keep a 4 careful eye of the time. 5 MR. DEELEY: I just note for the record the 6 silence shouldn't be construed to indicate agreement 7 with the suggested end date of the -- end time for the 8 deposition. 9 MR. VALENTINI: Before we proceed with the 10 deposition, I would just like to note for the record 11 that there is absolutely no precedent for 12 Representative Van Hollen attempted to unilaterally 13 shorten the discovery period on any of the requests 14 that have been served on the plaintiffs. Moreover, I 15 note -- I note, for the record, that the court order 16 does not provide that the FEC is the only party that 17 will be allowed to seek discovery of Mr. Steele. 18 That is not part of the court order and it 19 is not our interpretation of the court order. And 20 with that, we do appreciate that we will have the 21 opportunity to seek -- to answer a few questions 22 within the time remaining for the deposition.</p>	<p>99</p> <p>1 Q Is it your view that the outcome of the 2 New Jersey and Virginia races may have an impact on 3 the recruiting of candidates for future elections? 4 A I don't know. 5 Q When you say "I don't know," you mean to 6 say you don't know that it may have? 7 A It could or it could not. I don't know. 8 We have, for example, the outcome of 2006, following 9 the logic of your question, would presume that our 10 ability to recruit candidates for 2008 could be 11 impacted. You don't know until you do it. 12 Similarly, the outcome in 2009 in Virginia 13 and New Jersey, I have no idea what that means for 14 anything in 2010 and beyond. 15 MR. VALENTINI: I would ask the court 16 reporter to mark this document for identification as 17 the next exhibit. This document is entitled 18 "Blueprint for Tomorrow." 19 (Deposition Exhibit No. E was marked for 20 identification and attached to the transcript.) 21 BY MR. VALENTINI: 22 Q Would you, please, turn to Page 6 -- first</p>
<p>98</p> <p>1 BY MR. VALENTINI: 2 Q With respect to the Virginia and New Jersey 3 upcoming elections, what do you view as the direct and 4 indirect political impact that may result from a 5 Republican victory in the Virginia and New Jersey 6 gubernatorial races? 7 MR. BURCHFIELD: Object -- object to form 8 and foundation. 9 THE WITNESS: What is the direct impact of 10 a Republican victory in New Jersey and Virginia? 11 BY MR. VALENTINI: 12 Q Political impact. 13 A Political impact on what? 14 Q Let me be more specific. 15 Would the results in New Jersey and 16 Virginia have an impact on the RNC's fundraising 17 ability going forward? 18 A I don't know. 19 MR. BURCHFIELD: Object to form and 20 foundation. 21 THE WITNESS: I don't know. 22 BY MR. VALENTINI:</p>	<p>100</p> <p>1 of all, Mr. Chairman, are you familiar with this 2 document at all? 3 A Yes. 4 MR. BURCHFIELD: This is Steele Exhibit E? 5 COURT REPORTER: Yes. 6 MR. BURCHFIELD: Which page are you on? 7 BY MR. VALENTINI: 8 Q If you could, please turn to Page 6. And I 9 would direct your attention to the series of bullet 10 points, and in particular I would direct your 11 attention to Bullet Point No. 4. 12 A Uh-huh. 13 Q If you could, please, review it. 14 A Okay. 15 Q So is it your position that the elections 16 this year in Virginia and New Jersey offer Republicans 17 a chance to demonstrate that the Republican Party got 18 the message and is on its way back? 19 A Yeah, as noted there. 20 Q And when you state that the Republican 21 Party is on its way back, does that mean -- what do 22 you mean by that?</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">101</p> <p>1 A That we have redeveloped our relationship 2 with the voters. If anybody's been paying attention 3 to the last two election cycles, we haven't actually 4 been their favorite. So clearly, whether you're 5 talking federal elections or not, there is a 6 downstream effect on state and local elections. 7 I can speak to my own race for the United 8 States Senate, as well as the impact that races have 9 across the board, federal races have across the board, 10 presidential, for example, on state and local 11 elections. So a win for the governorship, yes, it's a 12 way of saying that, you know, our -- we've developed a 13 message that the voters trust and issues that they 14 support candidates -- our candidates on. 15 Q And the impact of that message would not be 16 limited to, say, Virginia? 17 A It could be or it could not be. It depends 18 on how -- what you do with it, how people read it, how 19 the liberal media interprets it and defines it going 20 forward. I'm sure they will not put the best spin on 21 it for the Republican Party should we win. And they 22 certainly wouldn't use glowing terms as I've used in</p>	<p style="text-align: center;">103</p> <p>1 2011? 2 A I'm sure they will. I'm sure. Sure. 3 Q That will include redrawing Congressional 4 districts, correct? 5 A Not the -- well, the legislative races are 6 drawn differently and separate and apart from the 7 congressional districts. That's total two different 8 processes. 9 Q I'm sorry. Let me rephrase the question. 10 My question was whether the upcoming 11 legislative elections in Virginia will have an impact 12 on the redistricting process in Virginia, both 13 congressional and legislative. 14 A No. I can tell you from my experience as 15 state chairman, when I had to draw the lines in 16 Maryland, our legislative process had nothing to do 17 with the congressional -- in fact, the congressional 18 race's maps were drawn separately and apart from what 19 I was doing as state party chairman, which is why I 20 was able to sue the governor. Oh, and win. 21 Q But the composition of the General Assembly 22 of Virginia will have an impact on the redistricting</p>
<p style="text-align: center;">102</p> <p>1 this document that I ran on for this job as to say 2 that, you know, we're on our way back. 3 Q And the RNC intends -- your intent in 4 assisting Republican candidates is for this message to 5 be limited to Virginia and New Jersey, or to be a 6 nationwide message? 7 A If we lose, I'm not going to be saying too 8 much. There's no specific intent on the message at 9 this point. Let's get to Wednesday after the 10 election, and then I'll answer that question. 11 Q Right. But it is your intent to send a 12 message that the Republican Party is on its way back, 13 correct? 14 A Well, it's been my intent since the losses 15 of 2006 to say that the Republican Party is on its way 16 back. Every election is an opportunity for both 17 parties to stake particular claims of overcoming 18 opposition and putting themselves in a position to win 19 future elections. 20 Q And will the outcome of the New Jersey and 21 Virginia legislative races have an impact on future 22 redistricting processes that will occur in Virginia in</p>	<p style="text-align: center;">104</p> <p>1 process that will begin in -- 2 A It will have an impact on the state and 3 local redistricting process, not the federal process. 4 Q But under -- 5 A The legislative wins have nothing to do, 6 necessarily, with how the congressional lines are 7 drawn. 8 Q Under the -- is it your understanding that 9 under the Virginia constitution, the General Assembly 10 will engage in a redistricting process that will 11 include both legislative districts and congressional 12 districts? 13 A I'm not familiar with what Virginia 14 requires. I just know that the legislative lines are 15 drawn separately and apart from the federal lines. So 16 legislative districts may or may not line up 17 within -- within a given congressional district. 18 Q If you were to prevail in this lawsuit, it 19 is my understanding that you plan to solicit 20 contributions on behalf of specific state candidates, 21 correct? 22 A Yes.</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">105</p> <p>1 Q Just to be clear, you intend to solicit 2 these contributions on behalf of state candidates 3 running for office during dual state and federal 4 elections, meaning on -- not only on off-year cycles, 5 but also on -- 6 A Yeah, yes. 7 Q -- even number of years? 8 A You wouldn't -- yeah. Congress runs every 9 two years, so they're going to be in every cycle. 10 Q And do you plan to impose any restrictions 11 on how these contributions would be used by the state 12 candidates that would receive the contributions? 13 A Whatever restrictions are imposed are going 14 to be within the determination made by the court in 15 this proceeding, and so however the judge decides the 16 case, then we, again, will determine what the 17 limitations are. And as I said before, the 18 appropriate standard will be applied to all state 19 parties, and everybody will know. This is the bright 20 line -- you cannot cross it -- 21 Q But you have -- 22 A -- between state and federal.</p>	<p style="text-align: center;">107</p> <p>1 THE WITNESS: What's -- what do you mean 2 necessary precautions have been taken? 3 BY MR. VALENTINI: 4 Q Well, precautions -- what steps are being 5 taken currently to ensure that donors do not get 6 preferential access to federal candidates and 7 officeholders? 8 A Generally, it's policy of the RNC that you 9 don't -- that's not the purpose. You don't set that 10 in motion. You don't put in motion preferential 11 access to a federal official vis-a-vis -- through 12 fund-raisers, for example. So the policy is very 13 clear, since BCRA has been in place; and, you know, we 14 adhere to that, No. 1. 15 No. 2, with respect to such events, we 16 follow what the requirements are in terms of 17 appropriate notification, invitation, the appropriate 18 listing of names of federal officials, if that's 19 appropriate, and we follow what's required. So if it 20 involves a state party, then we make sure that, again, 21 all those rules are very, very closely followed. 22 That would be the situation in a</p>
<p style="text-align: center;">106</p> <p>1 Q But you have taken no steps, up to now, to 2 determine what that line is? 3 A That's correct. No steps have been taken. 4 Q And that goes not only for solicitations 5 for state candidates but for all the solicitations 6 that you will be able to do -- 7 A -- as a result of winning this lawsuit. 8 Q Do you mind, just for the court reporter. 9 -- if you were to prevail in this lawsuit? 10 A That's correct. 11 Q So just to make clear for the record, you 12 have not taken any steps as to the limitations that 13 you would put on the fundraising of soft money if you 14 were to prevail in this lawsuit? 15 A No steps have been taken, correct. 16 Q And no policies have been developed? 17 A That's correct. 18 Q If I remember correctly, before you stated 19 that in connection with the federal fund-raisers, that 20 is fund-raisers for federal dollars, all the necessary 21 precautions are being taken; is that correct? 22 MR. BURCHFIELD: Object to the form.</p>	<p style="text-align: center;">108</p> <p>1 presidential election where those types of events are 2 held for presidential candidates coming into a state. 3 You want to make sure everything is lined up and is 4 appropriate and right as possible. 5 Q And who's in charge of the policy that you 6 stated? 7 A Who's in charge of the policy? I don't 8 know who specifically wrote. I would assume that 9 policy is developed and vetted by counsel of the RNC, 10 in-house counsel, with an understanding of the 11 mandates of the law, and they take those mandates and 12 they put them in an appropriate form for the body as a 13 whole to operate under. 14 Q And is that policy memorialized in any sort 15 of writing? 16 A I don't know. 17 Q Aside from this policy that you just 18 mentioned, is there anything else that the RNC does to 19 prevent granting preferential access to federal 20 candidates and officeholders? 21 A I can say that there is -- there is a high 22 degree of due diligence of asking questions and</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">109</p> <p>1 clarifying and -- because, again, a lot of folks come 2 to these events as either donors or as participants. 3 In other words, they're helping to put it on, and 4 they're unaware and unfamiliar with the laws. So we 5 have to -- we're very diligent in educating them in 6 what they can and can't do, what the limitations are, 7 what the specific placards in some cases that you have 8 to have outside the door of letting you know what the 9 deal is inside the room.</p> <p>10 So the staff has been very, very particular 11 about that. I know from my own experience firsthand 12 as a candidate in 2006, as a federal candidate for 13 office, making sure those steps were followed by my 14 campaign in coordination with the NRCC -- NRSC, for 15 example. So those steps are very -- very well 16 understood by the staff that you got to follow, and to 17 the extent that we have third parties that come in to 18 work with an event, we try to make sure that we stay 19 on top of it.</p> <p>20 Q Are these due-diligence policies 21 memorialized in any writing? 22 A I'm not sure. I'm not aware of it being</p>	<p style="text-align: center;">111</p> <p>1 for today. 2 MR. BOPP: I have a cross-question. 3 EXAMINATION BY COUNSEL FOR THE PLAINTIFF 4 BY MR. BOPP: 5 Q You were asked a question about whether you 6 have instituted a policy here at the RNC whereby 7 people in the building, at the request of the donor, 8 are not going to arrange a meeting with a federal 9 officeholder, and your -- you said no to that 10 question, as I understood it. 11 A That's correct. 12 Q Now, are you aware, however, that there is 13 such a policy that you have continued -- 14 A Yes. 15 Q -- as the chairman? 16 A Yes, there is. There's preexisting policy 17 with respect to that particular issue, but I have not 18 issued any new policy or any correction or update to 19 that policy. 20 Q So that policy continues? 21 A That policy continues, yes. 22 MR. BOPP: No more questions.</p>
<p style="text-align: center;">110</p> <p>1 memorialized other than folks knowing -- just 2 intuitively knowing what they can and can't do and 3 what they need to tell people. 4 Q But you're not aware of any writing? 5 A I'm not aware of any writing, no. 6 Q Are there any other steps that the RNC 7 takes -- 8 A None that I'm aware of. 9 Q -- in connection with federal dollars 10 fund-raisers? 11 A None that I'm aware of. 12 Q Does the political director of RNC interact 13 with the Finance Division in organizing the current 14 fund-raisers? 15 A No. Let me just -- not under my watch in 16 the time I have been here, that has not happened. I 17 can't speak to what's occurred in the past. I'm 18 unaware of that. 19 Q Just to make clear, you're not aware that 20 it happened? 21 A I'm not aware that has happened, right. 22 MR. VALENTINI: I think that's all I have</p>	<p style="text-align: center;">112</p> <p>1 FURTHER EXAMINATION BY COUNSEL FOR THE DEFENDANT 2 FEC 3 BY MR. DEELEY: 4 Q When did you become aware of that policy? 5 A When I arrived here as chairman. I was 6 made aware of litigation and potential litigation and 7 just general operations of the building. 8 Q And how did you become aware of the policy? 9 A Counsel informed me. 10 Q And how do other people become aware of the 11 policy? 12 A I'm not aware of how other people in the 13 building become aware of it. 14 Q And do you take any steps to make people 15 aware of it? 16 A How do you mean? 17 Q Do you do anything in furtherance of the 18 policy? 19 A As chairman, personally? 20 Q Yes. 21 A No, I have not taken any affirmative steps 22 in that regard as chairman.</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">113</p> <p>1 MR. DEELEY: Nothing further.</p> <p>2 FURTHER EXAMINATION BY COUNSEL FOR THE DEFENDANT</p> <p>3 VAN HOLLEN</p> <p>4 BY MR. VALENTINI:</p> <p>5 Q Just to make clear, that policy has not</p> <p>6 been memorialized in any writing, correct?</p> <p>7 A I was not handed a piece of paper in my</p> <p>8 discussion with counsel. That does not mean there</p> <p>9 does not exist a piece of paper at some point in time,</p> <p>10 but I'm not familiar with one being in existence.</p> <p>11 Q But to your knowledge, such a piece of</p> <p>12 paper does not exist, correct?</p> <p>13 A I don't know. I don't know if it does or</p> <p>14 doesn't.</p> <p>15 Q You've never seen one, correct?</p> <p>16 A I have not seen it, no.</p> <p>17 MR. VALENTINI: That's all I have.</p> <p>18 MR. BOPP: We're concluded.</p> <p>19</p> <p>20 (Whereupon, the signature not having been waived, the</p> <p>21 deposition concluded at 4:26 p.m.)</p> <p>22</p>	<p style="text-align: center;">115</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC</p> <p>2 I, Tammy S. Newton, the officer before whom</p> <p>3 the foregoing proceedings was taken, do hereby certify</p> <p>4 that the foregoing transcript is a true and correct</p> <p>5 record of the proceedings; that said proceedings were</p> <p>6 taken by me stenographically and thereafter reduced to</p> <p>7 typewriting under my supervision; and that I am</p> <p>8 neither counsel for, related to, nor employed by any</p> <p>9 of the parties to this case and have no interest,</p> <p>10 financial or otherwise, in its outcome.</p> <p>11 IN WITNESS WHEREOF, I have hereunto set my</p> <p>12 hand and affixed my notarial seal this 2nd day of</p> <p>13 June, 2009.</p> <p>14 My commission expires:</p> <p>15 8/01/2012</p> <p>16</p> <p>17 _____</p> <p>18 Notary Public in and for the</p> <p>19 District of Columbia</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: center;">114</p> <p>1 * * *</p> <p>2 ACKNOWLEDGMENT OF DEPONENT</p> <p>3</p> <p>4 I, Michael Steele, do hereby acknowledge I have read</p> <p>5 and examined the foregoing pages of testimony, and the</p> <p>6 same is a true, correct and complete transcription of</p> <p>7 the testimony given by me, and any changes and/or</p> <p>8 corrections, if any, appear in the attached errata</p> <p>9 sheet signed by me.</p> <p>10</p> <p>11</p> <p>12 _____</p> <p>13 Date Michael Steele</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: center;">116</p> <p>1 Heather Sidwell, Esquire</p> <p>2 Republican National Committee</p> <p>3 310 First Street, S.E.</p> <p>4 Washington, D.C. 20003</p> <p>5</p> <p>6 Re: RNC V FEC</p> <p>7 Dear Ms. Sidwell:</p> <p>8 Enclosed please find your copy of the deposition of</p> <p>9 Michael Steele, along with the original signature</p> <p>10 page. As agreed, you will be responsible for</p> <p>11 contacting the witness regarding reading and signing</p> <p>12 the transcript.</p> <p>13 Within 30 days of receipt, please forward the errata</p> <p>14 sheet and original signature page signed to opposing</p> <p>15 counsel.</p> <p>16 If you would like to change this procedure or if you</p> <p>17 have any questions, please do not hesitate to call.</p> <p>18</p> <p>19 Thank you.</p> <p>20</p> <p>21 Sincerely,</p> <p>22</p> <p>Tammy Newton Reporter/Notary</p>

Michael Steele

June 1, 2009

<p style="text-align: center;">117</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2</p> <p>3 RE: Esquire Deposition Solutions</p> <p>4 File No. 18680</p> <p>5 Case Caption: REPUBLICAN NATIONAL COMMITTEE, et al.</p> <p>6 vs. FEDERAL ELECTION COMMISSION, et al.</p> <p>7 Deponent: MICHAEL STEELE</p> <p>8 Deposition Date: June 1, 2009</p> <p>9 To the Reporter:</p> <p>10 I have read the entire transcript of my Deposition taken</p> <p>11 in the captioned matter or the same has been read to me.</p> <p>12 I request that the following changes be entered upon the</p> <p>13 record for the reasons indicated. I have signed my name to</p> <p>14 the Errata Sheet and the appropriate Certificate and</p> <p>15 authorize you to attach both to the original transcript.</p> <p>16</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p>	
<p style="text-align: center;">118</p> <p>1 Deposition of MICHAEL STEELE</p> <p>2</p> <p>3 Page No. _____ Line No. _____ Change to: _____</p> <p>4 _____</p> <p>5 Reason for change: _____</p> <p>6 Page No. _____ Line No. _____ Change to: _____</p> <p>7 _____</p> <p>8 Reason for change: _____</p> <p>9 Page No. _____ Line No. _____ Change to: _____</p> <p>10 _____</p> <p>11 Reason for change: _____</p> <p>12 Page No. _____ Line No. _____ Change to: _____</p> <p>13 _____</p> <p>14 Reason for change: _____</p> <p>15 Page No. _____ Line No. _____ Change to: _____</p> <p>16 _____</p> <p>17 Reason for change: _____</p> <p>18</p> <p>19</p> <p>20 SIGNATURE: _____ DATE: _____</p> <p>21 MICHAEL STEELE</p> <p>22</p>	

FEC Exhibit 43

You are cordially invited to a
New Republican Regents Dinner
hosted by the
Republican National Committee
with
President George W. Bush

Thursday, November 1, 2007

4:30 p.m.

At the home of:
Suzy and Bob Pence

[REDACTED]
[REDACTED]
[REDACTED]

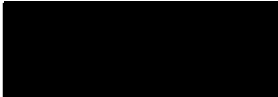
Business Attire

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RNC000830

11.01.07 Washington, DC	
First Name	Last Name
George	
Susan	
R [REDACTED]	
Tom	
Stuart	
Wilma	
Eric	
Norman	
Christopher	
John	
Tony	
Robert	
John	
Jonathan	
Roger	
Theodore	
Rachel	
Cynthia [REDACTED]	
Richard	
C [REDACTED]	
Thomas [REDACTED]	
Linda	
Wayne	
Susan	
Joy [REDACTED]	
James [REDACTED]	
Alex	
Mel	
Arthur	
A [REDACTED]	
William	
Stephen	
Robert	
Susan	
J [REDACTED]	
Stephen	
Geoffrey	
Stacy	
Brian	
Leigh	
Ed	
Lynn	



Nancy		
Gretchen		
Craig		
David		
Daniel		
John		
Sally		
A [redacted]		
Tracy		
S [redacted]		
John		
William [redacted]		
Sarah [redacted]		
Howard		
Rhonda		

FEC Exhibit 44

Please join

Elliott Broidy David Burke The Honorable Ken Mehlman
Jack L. Oliver The Honorable Bill Paxon

for a luncheon

hosted by

The Republican National Committee

with

President George W. Bush

Wednesday, September 26, 2007

12 noon

At the home of

Jennifer Saul Yaffa and Robert Yaffa

[REDACTED]

*Please RSVP to Olivia Dorieux at [REDACTED]
or by email to: olivia@[REDACTED]*

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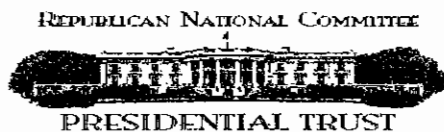
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RNC000821



9.26.07 New York, NY	
FN	LN
Kenneth	
Katherine	
Catherine	
██████ Leanna	
██████ Stanley	
David	
Katharine	
Joseph	
Olivia	
Judith	
Christine	
John	
George	
Marian	
Deborah	
Jennifer	
Marc	
John	
Carol	
Earle	
Robert	
Rachel	
Elizabeth	
██████	
G ██████	
██████ William	
Michael	
Julie	
Andrew	
Denise	
Jennifer	
Lily	
Edward	
Rebecca	
Christopher	
V ██████	
Geoff	
Michael	
Jason	
Robert	

FEC Exhibit 45



The Republican National Committee

Along with

Martha and Dwight Schar

Cordially Invite You To

A Presidential Trust Dinner

Featuring Special Guest

President George W. Bush

On

Tuesday, March 18, 2008

At the Home of

Martha and Dwight Schar

[REDACTED]
[REDACTED]
[REDACTED]

*Time: 4:00 p.m.**

Doors close promptly at 4:45 p.m.

(Times are subject to change)

Business Attire

RSVP to Ann Herberger

[REDACTED] (phone) [REDACTED] (fax)

ann@[REDACTED]

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RNC000846



3.18.08 Palm Beach, FL	
FN	LN
Al	
Brian	
George	
Marilynn	
James	
Nancy	
George	
Jeb	
Raymond	
I [REDACTED]	
Joe	
Mary	
Mark	
Gary	
Carol	
Charles	
Jim	
Lisa	
Armando	
David	
Thomas	
Teresa	
Lisa	
Susan	
James	
Suzanne	
J.	
H.	
Renee'	
Michelle	
Augusta	
Joseph	
Eric	
Linda	
Joseph	
Spencer	
Stuart	
Dwight	
Martha	
Robert	
Stanley	
Zachariah	

FEC Exhibit 46



The Republican National Committee

Along with

Ambassador John Rood

Cordially Invite You To

A Presidential Trust Luncheon

Featuring Special Guest

President George W. Bush

On

Tuesday, March 18, 2008

*At the Home of
Ambassador John Rood*

[REDACTED]
[REDACTED]

*Time: 11:00 a.m.**

Doors close promptly at 11:40 a.m.

(Times are subject to change)

Business Attire

RSVP to Ann Herberger

[REDACTED] (phone) [REDACTED] (fax)

Email: ann@[REDACTED]

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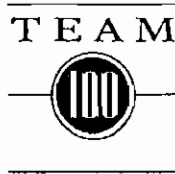
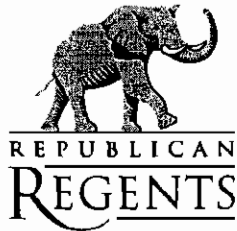
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RNC000843



3.18.08 Jacksonville, FL	
FN	LN
Carol	
Maggie	
S [REDACTED]	
Bennett	
Melanie	
Barbara	
Edgar	
David	
Ed	
George	
Alberto	
Luther	
Ruth	
James	
Charlie	
Susie	
Henry	
Kennan	
J.	
Emily	
F [REDACTED]	
Thomas	
Steve	
James	
Gloria	
Lance	
Jordan	
Michael	
Marcia	
Wanda	
Walter	
H.	
Renee'	
Ernest	
Betty	
Thomas	
Thomas	
Kathryn	
Gretchen	
John	
Holly	
Jennifer	

FEC Exhibit 47



**PLEASE JOIN
THE REPUBLICAN NATIONAL COMMITTEE**

FOR A BREAKFAST WITH

KARL ROVE

TUESDAY, OCTOBER 10, 2006

8:00 A.M. – 9:00 A.M.

**HILTON GARDEN INN
8202 S 100TH EAST AVENUE
TULSA, OK 74133
PHONE: 918 392-2000**

TULSA, OKLAHOMA

**R.S.V.P. WITH DEBBIE LEHARDY BY FAXING THE ATTACHED
FORM TO [REDACTED]**

**FOR FURTHER INFORMATION, PLEASE CONTACT DEBBIE AT
[REDACTED]**



Today's Date: 10/6/06

FAX to: Kevin Moore, Donna Moore and Xavier Neira
PH: [REDACTED]

FAX#: [REDACTED]

From: Heather Patterson
PH: [REDACTED]

RE: Fact Sheet on Breakfast with Karl Rove

Pages: ONE

☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆

Date: Tuesday, October 10, 2006

Time: 8:00 a.m. – 9:00 a.m.

Location: Hilton Garden Inn
8202 S 100TH East Avenue
Tulsa, OK 74133
Phone: 918 392-2000
Room: The Boardroom—Lobby Level

Contact on the Ground: Raul Damas, Associate Director, Office of
Political Affairs
Raul's Mobile PH: [REDACTED]

Please note that you will proceed to the Boardroom on the Lobby level and after a meet and greet with Karl, you will all get your breakfast at the main buffet in the restaurant and carry it back to the Boardroom. There will be coffee and orange juice in the Boardroom.

Many thanks for your participation!



Name	Occupation/Affiliation
Kevin	[Redacted]
Donna	
X	
L	



Today's Date: 10/6/06

FAX to: Lew Ward
PH: [REDACTED]

FAX#: [REDACTED]

From: Heather Patterson
PH: [REDACTED]

RE: Fact Sheet on Breakfast with Karl Rove

Pages: ONE

☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆

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Location: Hilton Garden Inn
8202 S 100TH East Avenue
Tulsa, OK 74133
Phone: [REDACTED]
Room: The Boardroom—Lobby Level

Contact on the Ground: Raul Damas
Raul's Mobile PH: [REDACTED]

Please note that you will proceed to the Boardroom on the Lobby level and after a meet and greet with Karl, you will all get your breakfast at the main buffet in the restaurant and carry it back to the Boardroom. There will be coffee and orange juice in the Boardroom.

Many thanks for your participation!



Pfx	FN	LN	Sfx_e_fax::Phone_Ext_calc
	Aubrey		
	Charles		
	Dan		
	Fred		
	George		
	Robert		
	Kevin		
	L		
	L.F.		
	Ralph		
	Larry		
	Dana		
	A		
	William		
	James		
	Joseph		
	Richard		

FEC Exhibit 48



**PLEASE JOIN
THE REPUBLICAN NATIONAL COMMITTEE**

FOR A LUNCHEON WITH

JOSH BOLTEN

THURSDAY, OCTOBER 19, 2006

12:00 NOON – 1:00 P.M.

**HAY ADAMS HOTEL-ROOFTOP TERRACE
16TH AND H STREETS, NW
WASHINGTON, D.C. 20006
PHONE: [REDACTED]**

**R.S.V.P. WITH DEBBIE LEHARDY BY FAXING THE ATTACHED
FORM TO [REDACTED]**

**FOR FURTHER INFORMATION, PLEASE CONTACT DEBBIE AT
[REDACTED]**

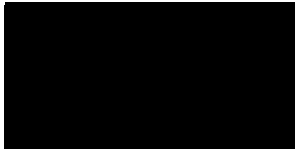


RNC000896



Prefix	LN	FN	CLUB	Title
		Bill		Senior Adviser
		Ed		Managing Director
		Dan		Federal Relations Manager
		Jim		Founder and Chairman Emeritus
		Gretchen		Director of Grassroots and Political Involvement
		Kate		Political Programs Specialist
		Mel		Chairman and CEO
		Anthony		Senior Adviser
		Becca		Vice President
		Ben		Vice President and Acting Head of Federal Relations
		Gina		Director of Federal Relations
		Bob		Director
		Jamie		Managing Director of Legislative Affairs
		Jerry		Senior Vice President of Government Affairs
		Dick		Executive Vice President
		Jane		Homemaker
		Rick		President
		K [redacted]		PAC Manager
		Phil		Vice President of Legislative Affairs
		Tom		Director of Tax Group
		Jennifer		Director of Federal Government Relations
		Tim		Vice President of Federal Relations
		John		Managing Director and Senior Lobbyist
		D [redacted]		Managing Director
		R [redacted]		Public Affairs Manager
		Jerry		Senior Vice President of Federal Relations
		Patricia		Director of Federal Government Affairs
		Brendan		Vice President of Government Relations
		Leo		Vice President of Government Relations
		L [redacted]		Vice President of Government Relations
		H [redacted]		[redacted]
		Gilbert		President
		Fred		Founder and Chairman
		Chris		Manager of Federal Relations
		Randy		Director of Special Operations
		Randy		Chief Lobbyist
		Ike		Executive Vice President
		Adam		[redacted]

STAFF



FEC Exhibit 49

ADELE AND BENY ALAGEM
PATTI AND BILL BLOOMFIELD
DONALD BREN
ROBIN AND ELLIOTT BROIDY

SUSAN AND ALAN CASDEN
KELLY AND ROBERT DAY
JOAN AND JOHN HOTCHKIS

MARGIE AND JERRY PERENCHIO
CORRINE AND LENNY SANDS
NICKIE AND JOE SHAPIRA
YURI VANETIK

and the
McCAIN VICTORY
CALIFORNIA
LEADERSHIP TEAM

invite you to join them for an evening honoring

CINDY & JOHN McCAIN

MONDAY, AUGUST 25, 2008

5:30 P.M. *host committee reception* 6:00 P.M. *general reception*

7:00 P.M. *chair, co-chair, and vice chair dinner*

the BEVERLY HILTON

9876 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA

individual tickets

~ \$1,000 PER PERSON

Chairs

RAISE \$250,000

(MAXIMUM CONTRIBUTION: \$43,100 INDIVIDUAL; COUPLE \$86,200)
ONE TABLE OF TEN AND SPECIAL ACKNOWLEDGEMENT AT THE
HOST COMMITTEE DINNER, SIX TICKETS TO THE PRIVATE
RECEPTION WITH THREE PHOTO OPPORTUNITIES

Vice Chairs

CONTRIBUTE OR RAISE \$43,100

TWO TICKETS TO THE HOST COMMITTEE DINNER, TWO TICKETS
TO THE PRIVATE RECEPTION WITH ONE PHOTO OPPORTUNITY

young professionals (35 AND UNDER)

~ \$500 PER PERSON

Co-Chairs

RAISE \$100,000

FOUR TICKETS TO THE HOST COMMITTEE DINNER WITH PREMIER
SEATING, FOUR TICKETS TO THE PRIVATE RECEPTION WITH TWO
PHOTO OPPORTUNITIES

Deputy Chairs

CONTRIBUTE OR RAISE \$10,000

TWO TICKETS TO THE PRIVATE RECEPTION WITH ONE PHOTO
OPPORTUNITY

FOR ADDITIONAL INFORMATION OR QUESTIONS, PLEASE SEE ATTACHED REPLY FORM OR CONTACT
CASSANDRA VANDENBERG AT (562) 988-3366 OR CASSANDRA@VANDENBERGINC.COM

business attire
CRP-RPSD-18

McCain Victory CALIFORNIA Leadership Team

RECEPTION with CINDY & JOHN MCCAIN ★ MONDAY, AUGUST 25, 2008 ★ *the* BEVERLY HILTON

Chair

RAISE \$250,000

ONE TABLE OF TEN AND SPECIAL ACKNOWLEDGEMENT AT THE HOST COMMITTEE DINNER, SIX TICKETS TO THE PRIVATE RECEPTION WITH THREE PHOTO OPPORTUNITIES

Vice Chair

CONTRIBUTE OR RAISE \$43,100

TWO TICKETS TO THE HOST COMMITTEE DINNER, TWO TICKETS TO THE PRIVATE RECEPTION WITH ONE PHOTO OPPORTUNITY

Co-Chair

RAISE \$100,000

FOUR TICKETS TO THE HOST COMMITTEE DINNER WITH PREMIER SEATING, FOUR TICKETS TO THE PRIVATE RECEPTION WITH TWO PHOTO OPPORTUNITIES

Deputy Chair

CONTRIBUTE OR RAISE \$10,000

TWO TICKETS TO THE PRIVATE RECEPTION WITH ONE PHOTO OPPORTUNITY

PLEASE LIST MY/OUR NAME ON PRINTED MATERIALS AS: _____

- YES, I/WE WOULD LIKE TO ATTEND THE RECEPTION. PLEASE MAKE RESERVATIONS FOR _____ INDIVIDUALS AT \$1,000 PER PERSON.
- YES, I/WE WOULD LIKE TO ATTEND THE RECEPTION. PLEASE MAKE RESERVATIONS FOR _____ YOUNG PROFESSIONALS (35 AND UNDER) AT \$500 PER PERSON.
- NO, I/WE CANNOT ATTEND BUT WILL CONTRIBUTE: _____ (MAXIMUM CONTRIBUTION: \$43,100 PER PERSON; \$86,200 PER COUPLE).

FOR ADDITIONAL INFORMATION OR QUESTIONS, PLEASE CONTACT
CASSANDRA VANDENBERG AT (562) 988-3366 OR CASSANDRA@VANDENBERGINC.COM

MAKE CONTRIBUTIONS PAYABLE TO **MCCAIN VICTORY CALIFORNIA** AND MAIL TO:

3927 ELM AVENUE, LONG BEACH, CA 90807 OR FAX TO: (562) 988-3372

TO CONTRIBUTE BY PERSONAL CREDIT CARD, PLEASE COMPLETE THE FOLLOWING:

Please circle one:



Name on Card _____ Signature _____

Card Number _____ Expiration Date _____ Amount _____

My signature verifies that this contribution represents my personal funds and is not drawn on an account maintained by an incorporated entity or other prohibited sources.

Signature of Contributor _____ Signature of Spouse (if joint account on credit card or check contribution) _____

ALL CONTRIBUTORS MUST COMPLETE THE FOLLOWING INFORMATION. WE ARE REQUIRED TO REPORT THE NAME, ADDRESS, OCCUPATION AND EMPLOYER OF ALL CONTRIBUTORS.*

Name _____ Spouse's Name (joint contribution only) _____

Employer _____ Spouse's Employer (joint contribution only) _____

Occupation _____ Spouse's Occupation (joint contribution only) _____

Address _____ City _____ State _____ Zip _____

Home Phone _____ Office Phone _____ Email _____

THIS CONTRIBUTION WAS REFERRED BY: _____

TRACKING NUMBER: _____

Contributions to McCain Victory California ("MVC") are not deductible as charitable contributions for federal income-tax purposes. MVC allocates contributions to John McCain 2008 ("JM 2008"), John McCain 2008 General Election Compliance Fund ("Compliance Fund"), the California Republican Party, and the Republican National Committee ("RNC"). Unless a contribution would exceed federal limits or a contributor designates otherwise, MVC will divide contributions as follows:

For Individuals - The first \$2,300 to JM 2008, the next \$2,300 to the Compliance Fund, the next \$10,000 to the California Republican Party's federal account, and the next \$28,500 to the RNC. **For Couples** - The first \$4,600 to JM 2008, the next \$4,600 to the Compliance Fund, the next \$20,000 to the California Republican Party's federal account, and the next \$57,000 to the RNC. **For Federal Multicandidate PACs** - The first \$5,000 to JM 2008, the next \$5,000 to the Compliance Fund, the next \$5,000 to the California Republican Party's federal account, and the next \$15,000 to the RNC.

Contributions to the Compliance Fund will be used solely for legal and accounting services to ensure compliance with federal law and not for campaign activities. Compliance funds may defray a portion of broadcast advertising, national and state office "overhead", and computer/website expenses. Contributions from corporations, labor unions, federal contractors, and foreign nationals without permanent residency status to MVC are prohibited. *Federal law requires us to report the name, address, occupation, and employer of any contributor who gives more than \$200 in an election cycle (for JM 2008 and Compliance Fund contributions) or more than \$200 in a calendar year (for RNC and California Republican Party contributions).

Paid for by McCain Victory California — A joint fundraising committee by and composed of John McCain 2008, John McCain 2008 General Election Compliance Fund, the California Republican Party, and the Republican National Committee. **CRP RBSD-19**

**MCCAIN VICTORY
LEADERSHIP TEAM**

☆ Paid for by McCain Victory California ☆

A joint fundraising committee by and composed of John McCain 2008, John McCain 2008 General Election Compliance Fund, the California Republican Party, and the Republican National Committee.



Event Sponsors:

Bill & Maurine Jones

Barbara Grimm-Marshall & Darcy Marshall
Congressman Kevin McCarthy

Co-Chairs:

Bonnie & Stan Ellis

Kari Grimm

Judy & Bob Hampton
Diane Lake

Host Committee:

Lee Anne & Al Adler

California Independent Petroleum Association

Sue & Les Denberder

Jack Pandol, Jr.

Jay Rosenlieb

Monica & John Sacco

Tuesday & Kevin Small

Jeff Smith

Nancy Wheeler-Smith & Blaise Smith

Shana & Larry Starrh

Betty & Bob Stine

Linda & Eugene Voiland

- Partial List



and

CONGRESSMAN KEVIN MCCARTHY

Invite You to a Luncheon Honoring

JOHN MCCAIN

Monday, July 28, 2008

12:00 p.m. Private Reception for Co-Chairs and Host Committee
12:30 p.m. Luncheon*

\$1,000 Per Person

or

\$2,300 Per Person (includes McCain 2008 Lapel Pin)

At the

Seven Oaks Country Club

2000 Grand Lake Avenue
Bakersfield, California

Co-Chairs

GIVE or RAISE \$20,000

4 Tickets to the Private Reception

Includes 2 photos

2 Reserved Tables of 10 at the Luncheon

Host Committee

GIVE or RAISE \$10,000

2 Tickets to the Private Reception

Includes 1 photo

1 Reserved Table of 10 at the Luncheon

For additional information or questions about your contribution, please contact

Ann Kramer at 916.941.1977 or ann.kramer@comcast.net

All RSVP's must be received by July 25th. No RSVP's will be taken at the door.

Business attire

*Please arrive with ample time for registration due to security measures.

HONORARY CHAIRS

CHARLOTTE & GEORGE SHULTZ

CHAIRS

KATIE BOYD
JOHN CHAMBERS
ANN & CHARLIE JOHNSON
DICK KOVACEVICH

MAURINE & BILL JONES
GRETCHEN & HOWARD LEACH
MARY & HOWARD LESTER
BONNIE & MICHAEL MOE
STEVE POIZNER

DAVID POTTRUCK
OJ & GARY SHANSBY
DANNA & ALEX SLUSKY
MEG WHITMAN & GRIFF HARSH

CO-CHAIRS

ISAAC APPLBAUM
CARLY FIORINA

DAVID HEDLEY
JERRY HUME
MELISSA & SEAN MCAVOY

LISA & GREG WENDT
DEDE WILSEY

VICE-CHAIRS

SANDRA & DOUG BERGERON
DAVID BLUMBERG
MARGARET & PAUL DENNING
GEORGE DRYSDALE
BORIS FELDMAN
DARREN GOLD

JOE HARPER
ANTHONY HELFET
ROBERT HUDSON
KEN JUSTER
LETITIA & MICHAEL KIM
ROBERT LAM

THERESA & PETER NEWMAN
RITU RAJ
CAB & GARY ROGERS
ROD TEEPLE
CAROL WALLACE
CATHIE BENNETT WARNER

DEPUTY-CHAIRS

KURTIS FECHTMAYER
BOB GRADY

GUY HOUSTON

JOHN HERRINGTON
ARLENE INCH

and the

MCCAIN VICTORY
California
LEADERSHIP TEAM

Invite You to an Evening Honoring

JOHN MCCAIN

Monday, July 28, 2008

6:00 p.m. Private Chairman's Dinner
7:00 p.m. Reception

at the

Fairmont Hotel
950 Mason Street
San Francisco, California

For additional information or questions, please contact
Caitlin Ashlock at (310) 309-2101 or cashlock@mccain08.com **RPD-22**

MCCAIN VICTORY
California
 Chairman's Dinner and Reception with
JOHN MCCAIN

Monday, July 28, 2008 ★ Fairmont Hotel - San Francisco

- | | |
|--|---|
| <input type="checkbox"/> CHAIRS - RAISE \$100,000
Private Reception with Photo Opportunity, Head table Seating at
Chairman's Dinner , California Victory Advisory Team
Membership | <input type="checkbox"/> CO-CHAIRS - GIVE OR RAISE \$43,100
Private Reception with Photo Opportunity, Two Tickets to
Chairman's Dinner with priority seating, California Victory
Executive Team Membership |
| <input type="checkbox"/> VICE CHAIRS - GIVE OR RAISE \$25,000
Private Reception with Photo Opportunity, Two Tickets to
Chairman's Dinner , California Victory Executive Team
Membership | <input type="checkbox"/> DEPUTY CHAIRS - GIVE \$15,000
Private Reception with Photo Opportunity, One Ticket to
Chairman's Dinner |
- Yes, I/we would like to attend the **reception and photo opportunity**. Please reserve _____ ticket(s) at \$10,000 per couple (two tickets to the photo reception - one photo).
- Yes, I/we would like to attend the **reception**. Please reserve _____ ticket(s) at \$2,300 per person.
 Please reserve _____ ticket(s) at \$1,000 per person (*35 & under*).
- No, I/we cannot attend but support John McCain and will contribute: _____ (up to \$43,100 per person).

For additional information or questions, please contact
Caitlin Ashlock at (310) 309-2101 or cashlock@mccain08hq.com

MAKE CONTRIBUTIONS PAYABLE TO MCCAIN VICTORY CALIFORNIA AND MAIL TO:
 834 GRANT STREET, SUITE 2 ~ SANTA MONICA, CA 90405 OR FAX TO: (310) 496-1220

TO CONTRIBUTE BY PERSONAL CREDIT CARD, PLEASE COMPLETE THE FOLLOWING:

Please circle one:

Name on Card _____ Signature _____

Card Number _____ Expiration Date _____ Amount _____

My signature verifies that this contribution represents my personal funds and is not drawn on an account maintained by an incorporated entity or other prohibited source(s).

Signature of Contributor _____ Signature of Spouse (if joint account on credit card or check contribution) _____

ALL CONTRIBUTORS MUST COMPLETE THE FOLLOWING. WE ARE REQUIRED TO REPORT THE NAME, ADDRESS, OCCUPATION AND EMPLOYER OF ALL CONTRIBUTORS.*

Name _____ Spouse Name (joint contribution only) _____

Employer _____ Spouse's Employer (joint contribution only) _____

Occupation _____ Spouse's Occupation (joint contribution only) _____

Address _____ City _____ State _____ Zip _____

Home Phone _____ Office Phone _____ Email _____

THIS CONTRIBUTION WAS REFERRED BY: _____ TRACKING NUMBER: _____

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Paid for by McCain Victory California — A joint fundraising committee by and composed of John McCain 2008, John McCain 2008 General Election Compliance Fund, the California Republican Party, and the Republican National Committee.

CRP-RPSD-23

MCCAIN VICTORY
California
LEADERSHIP TEAM

CHAIRS

NANCY & DOUG BARNHART
VIVIAN & SAM HARDAGE
MAURINE & BILL JONES
MARIE & JOE JUBELA

FRED MAAS
CAROLE & KEN MARKSTEIN
ANN & JOEL REED

CO-CHAIRS

KELLY BURT
BARBARA & TERRY CASTER
SUZI & ADAM DAY
CHRIS FRAHM
DEBRA & DR. CLAYTON FULLER
KOUROSH HANGAFARIN

ROXANA FOXX & ROBERT HERTZKA, MD
MARCELLA & JOHN HEUBUSCH
DOUG HUTCHESON
CONGRESSMAN DARRELL ISSA
DAPHNE & JIM JAMESON
JACK KENNEDY

ROBIN & GERRY PARSKY
CANDY & KEN SATTERLEE
MAO & DR. BOB SHILLMAN
SUSIE & DEAN SPANOS
ALEXANDRA TRAN
KATHY KEMPER & JIM VALENTINE
JULIE & KEN WARREN

SAN DIEGO HOST COMMITTEE

ANN & DOUG ALLRED
CONGRESSMAN BRIAN BILBRAY
BRIGITTE & DONALD BREN
BECKY & JOHN CHAMBERLAIN
SUPERVISOR GREG COX
BRIAN DEVINE
MARTHA & DAVID DOMINGUEZ
HON. BONNIE DUMANIS
MARILYN & KIM FLETCHER
JEROME FOSTER
SALLY & HAL FURMAN
ASSEMBLYMAN MARTIN GARRICK
LINDA & BOB HALLAM

KAYE & RON HARPER
DON HILDRE
SUPERVISOR BILL HORN
SUPERVISOR DIANNE JACOB
MICHAEL KELLY
SHERIFF BILL KOLENDER
BETH & LEN LAUER
KATHY & ALEX LUKIANOV
MAUREEN & RON MCMAHON
C'ANN & MARK MCMILLIN
JULIE & BRYAN MIN
SHERRIE & PHIL NAPIERSKIE
TERRY O'MALLEY
HELEN & RICK OTIS

MICK PATTINSON
ASSEMBLYMAN GEORGE PLESCIA
PAMELA BELLAMY & STEVE QUINN
SUPERVISOR RON ROBERTS
BROOKE & DOUG SAIN
SONIA & NASEEM SALEM
MAYOR JERRY SANDERS
LOUIS SCHOOLER
MERCEDES & HARRY SINGH
COOKIE & TOM SADBERRY
SALLY & JOHN THORNTON
SENATOR MARK WYLAND
HON. CHARLENE & DAVID ZETTEL

Invite You to Join a Reception Honoring

CINDY & JOHN MCCAIN

With Special Guest, Academy Award Winning Actor

JON VOIGHT

Tuesday, August 26, 2008

6:00 p.m. Private Reception ~ 6:30 p.m. General Reception

at

The Grand Del Mar

5300 Grand Del Mar Court
San Diego, California 92130

Tickets ~ \$1,000 Per Person

CHAIRS

GIVE or RAISE \$50,000

Six Tickets — Host Committee Reception
Three Photo Opportunities

CO-CHAIRS

GIVE or RAISE \$25,000
Four Tickets — Host Committee Reception
With Two Photo Opportunities

VICE CHAIRS

GIVE or RAISE \$10,000
Two Tickets — Host Committee Reception
With Photo Opportunity

For additional information or questions, please contact
Karolyn Dorsee at 858.756.2027 or karolyn@dorsee productions.com

Valet parking

CRP-RPSD ~~24~~ *Business attire*

MCCAIN VICTORY
California
 Reception Honoring

CINDY & JOHN MCCAIN

Tuesday, August 26, 2008 ~ 6:00 p.m.
 at The Grand Del Mar ~ San Diego, California

Chairs

GIVE or RAISE \$50,000
 Maximum contribution: \$43,100/person; \$86,200/couple
 Host Committee Reception for six people, three photo opportunities

Co-Chairs

GIVE or RAISE \$25,000
 Maximum contribution: \$43,100/person; \$86,200/couple
 Host Committee Reception for four people, two photo opportunities

Vice Chairs

GIVE or RAISE \$10,000 to McCain Victory California
 Maximum contribution: \$43,100/person; \$86,200/couple
 Host Committee Reception for two people, one photo opportunity

PLEASE LIST MY/OUR NAME ON PRINTED MATERIALS AS: _____

- Yes, I/we would like to attend. Please make reservations for _____ individuals at \$1,000 per person.
 No, I/we cannot attend but will contribute: _____ (maximum contribution: \$86,200 per couple; \$43,100 per person).

For additional information or questions about your contribution, please contact
 Karolyn Dorsee at (858) 756-2027 or karolyn@dorseeproductions.com

MAKE CONTRIBUTIONS PAYABLE TO MCCAIN VICTORY CALIFORNIA AND MAIL TO:
 P.O. BOX 455 RANCHO SANTA FE, CA 92067 **OR FAX TO:** (858) 756-2597

TO CONTRIBUTE BY PERSONAL CREDIT CARD, PLEASE COMPLETE THE FOLLOWING:

Please circle one:



Name on Card _____ Signature _____

Card Number _____ Expiration Date _____ Amount _____

My signature verifies that this contribution represents my personal funds and is not drawn on an account maintained by an incorporated entity or other prohibited sources.

Signature of Contributor _____ Signature of Spouse (if joint account on credit card or check contribution) _____

ALL CONTRIBUTORS MUST COMPLETE THE FOLLOWING INFORMATION. WE ARE REQUIRED TO REPORT THE NAME, ADDRESS, OCCUPATION AND EMPLOYER OF ALL CONTRIBUTORS.*

Name _____ Spouse Name (joint contribution only) _____

Employer _____ Spouse's Employer (joint contribution only) _____

Occupation _____ Spouse's Occupation (joint contribution only) _____

Address _____ City _____ State _____ Zip _____

Home Phone _____ Office Phone _____ Email _____

THIS CONTRIBUTION WAS REFERRED BY: _____ TRACKING NUMBER: _____

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Paid for by McCain Victory California — A joint fundraising committee by and composed of John McCain 2008, John McCain 2008 General Election Compliance Fund, the California Republican Party, and the Republican National Committee.

CRP-RPSD-25

KELLY & DUANE ROBERTS

&

THE MCCAIN VICTORY

California

LEADERSHIP TEAM

Invite You to a Luncheon Honoring

JOHN MCCAIN

Tuesday, June 24, 2008

11:30 a.m. Private Reception for Honorary Chairs, Co-Chairs and Host Committee

12:00 p.m. Luncheon

\$1,000 Per Person

Or

\$2,300 Per Person (Includes McCain Lapel Pin)

At the

Riverside Convention Center

Raincross Ballroom

3443 Orange Street

Riverside, CA 92501

Honorary Chairs

RAISE \$50,000

Head Table Seating for Two

6 Tickets to the Private Reception

3 Photo Opportunities (2 people per photo)

2 Reserved Tables of 10 with Preferred Seating for Luncheon

Co-Chairs

GIVE or RAISE \$25,000

4 Tickets to the Private Reception

2 Photo Opportunities (2 people per photo)

1 Reserved Table of 10 at the Luncheon

Host Committee

GIVE or RAISE \$10,000

2 Tickets to the Private Reception

1 Photo Opportunity (2 people per photo)

1 Reserved Table of 10 at the Luncheon

For additional information, please contact

Stacy Davis at 949.474.6930 or stacy@stacy-davis.com

CRP-RPSD-33
Business Attire

MCCAIN VICTORY
California
 Luncheon with
 JOHN MCCAIN

Tuesday, June 24th, 2008 ~ 12:00 p.m.
 at The Riverside Convention Center • Riverside, California

Honorary Chairs
 RAISE \$50,000

Head Table Seating for Two, 6 Tickets to the Private Reception,
 3 Photo Opportunities (2 people per photo),
 2 Reserved Tables of 10 with Preferred Seating for Luncheon

Co-Chairs

GIVE or RAISE \$25,000

4 Tickets to the Private Reception
 2 Photo Opportunities (2 people per photo)
 1 Reserved Table of 10 at the Luncheon

Host Committee

GIVE or RAISE \$10,000

2 Tickets to the Private Reception, 1 Photo Opportunity (2 people per photo),
 1 Reserved Table of 10 at the Luncheon

Yes, I/we would like to attend. Please make reservations for _____ individuals at \$2,300 per person.
 Guests who contribute the maximum of \$2,300 will receive a McCain 2008 Lapel Pin

Yes, I/we would like to attend. Please make reservations for _____ individuals at \$1,000 per person.

No, I/we cannot attend but will contribute: \$4,600 per couple \$2,300 \$1,000 _____ Other

For additional information or questions about your contribution, please contact
 Stacy Davis at 949.474.6930 or stacy@stacy-davis.com

MAKE CONTRIBUTIONS PAYABLE TO **MCCAIN VICTORY CALIFORNIA** AND MAIL TO:
 18800 VON KARMAN AVENUE, SUITE 100 • IRVINE, CA 92612 OR FAX TO: (949) 474-8258

TO CONTRIBUTE BY PERSONAL CREDIT CARD, PLEASE COMPLETE THE FOLLOWING:

Please circle one:



Name on Card _____ Signature _____
 Card Number _____ Expiration Date _____ Amount _____

My signature verifies that this contribution represents my personal funds and is not drawn on an account maintained by an incorporated entity or other prohibited sources

Signature of Contributor _____ Signature of Spouse (if joint account on credit card or check contribution) _____

ALL CONTRIBUTORS MUST COMPLETE THE FOLLOWING INFORMATION. WE ARE REQUIRED TO REPORT THE NAME, ADDRESS, OCCUPATION AND EMPLOYER OF ALL CONTRIBUTORS.*

Name _____ Spouse Name (joint contribution only) _____

Employer _____ Spouse's Employer (joint contribution only) _____

Occupation _____ Spouse's Occupation (joint contribution only) _____

Address _____ City _____ State _____ Zip _____

Home Phone _____ Office Phone _____ Email _____

THIS CONTRIBUTION WAS REFERRED BY: _____

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Paid for by McCain Victory California — A joint fundraising committee by and composed of John McCain 2008, John McCain 2008 General Election Compliance Fund, the California Republican Party, and the Republican National Committee.

CRP/RPSD-34

THE
MCCAIN VICTORY
California
LEADERSHIP TEAM

and the
SANTA BARBARA HOST COMMITTEE

CHAIRS

BILL FOLEY
CAROL J. FOLEY
DAVID LACK
RICHARD N. MASSEY
HONORABLE STEVE POIZNER

DENISE DECKER AND PETER SADOWSKI
SCOTT SLATER
MARY BELLE AND TOM SNOW
LISA AND AL STINSON
KAREN AND CARY THOMPSON

CO-CHAIRS

SUE AND BRENT BICKETT
NANCY AND JOSEPH BYRNE
BO DEREK
WAYNE DIAZ
DON DUBOIS
MARTY FIORENTINO
GREGORY GANDRUD
MAUREEN AND PHILIP HFAISLEY
LEE A. KENNEDY
GREG LANE

JAN AND MIKE LOWTHER
PENNY AND DAVE NORTH
DENNIS R. PATRICK
JANICE AND MICHAEL QUINN
LINDA AND RANDY QUIRK
HONORABLE JOHN D. ROOD
TARA AND MIKE STOKER
ERIC SWENSON
PATRICIA AND NICHOLAS WEBER
KAREN AND FRANK P. WILLEY

Invite You To Join a Reception Honoring

JOHN MCCAIN

Monday, June 23, 2008

5:30 p.m. Chair and Co-Chair Reception

6:00 p.m. General Reception

at the home of

Carol and Bill Foley



Individual Tickets ~ \$1,000 Per Person

CHAIRS

GIVE or RAISE \$43,100

(maximum contribution: \$43,100 individual; couple \$86,200)

Four Individual Tickets to Chair and Co-Chair

Reception with Two Photo Opportunities

CO-CHAIRS

GIVE or RAISE \$10,000

Two Individual Tickets to Chair and Co-Chair

Reception with Photo Opportunity

For additional information or questions, please see attached reply form or contact
Cassandra Vandenberg at [redacted] and cassandra@[redacted]

Business attire

CRP-RPSD-35

MCCAIN VICTORY
California

Reception with
JOHN MCCAIN
Monday, June 23, 2008 ~ 5:30 p.m.
at the home of Carol and Bill Foley
Santa Barbara, California

CHAIRS: GIVE OR RAISE \$43,100
Four Tickets to Chair and Co-Chair Reception with
Two Photo Opportunities

CO-CHAIRS: GIVE OR RAISE \$10,000
Two Tickets to Chair and Co-Chair Reception with
Photo Opportunity

PLEASE LIST MY/OUR NAME ON PRINTED MATERIALS AS: _____

- Yes, I/we would like to attend the reception. Please make reservations for _____ individuals at \$1,000 per person.
 No, I/we cannot attend but will contribute: _____ (maximum contribution: \$43,100 per person; \$86,200 per couple)

For additional information or questions, please contact Cassandra Vandenberg at
(562) 988-3366 and cassandra@vandenberginc.com

MAKE CONTRIBUTIONS PAYABLE TO MCCAIN VICTORY CALIFORNIA AND MAIL TO:
3927 ELM AVENUE, LONG BEACH, CA 90807 OR FAX TO: (562) 988-3372

TO CONTRIBUTE BY PERSONAL CREDIT CARD, PLEASE COMPLETE THE FOLLOWING:

Please circle one:    

Name on Card _____ Signature _____
Card Number _____ Expiration Date _____ Amount _____

My signature verifies that this contribution represents my personal funds and is not drawn on an account maintained by an incorporated entity or other prohibited sources.

Signature of Contributor _____ Signature of Spouse (if joint account on credit card or check contribution) _____

ALL CONTRIBUTORS MUST COMPLETE THE FOLLOWING INFORMATION. WE ARE REQUIRED TO REPORT THE NAME, ADDRESS, OCCUPATION AND EMPLOYER OF ALL CONTRIBUTORS.*

Name _____ Spouse's Name (joint contribution only) _____

Employer _____ Spouse's Employer (joint contribution only) _____

Occupation _____ Spouse's Occupation (joint contribution only) _____

Address _____ City _____ State _____ Zip _____

Home Phone _____ Office Phone _____ Email _____

THIS CONTRIBUTION WAS REFERRED BY: _____ TRACKING NUMBER: _____

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HONORARY CHAIRS

MRS. RONALD REAGAN

GOVERNOR ARNOLD SCHWARZENEGGER

CHAIRS

PATTY & BILL BLOOMFIELD
RORIN & ELLIOTT BROIDY
SUSAN & ALAN CASDEN
KELLY & ROBERT DAY

BRAD FREEMAN
JOAN & JOHN HOTCHKIS
MARGIE & JERRY PERENCHIO

KATHLEEN & DEAN RASMUSSEN
CORRINE & LENNY SANDS
FLORENCE & HARRY SLOAN
EVA & MARC STERN

CO-CHAIRS

CHERYL & BRAD COHEN
RENÉE & LLOYD GREIF
JOHANNA & JEFF GUNTER
GINNY & DAVID HANNA
DAVID A. JAVDAN

LISA & IGOR KORBATOV
DEBBIE & TERRI LANNI
KATHLEEN & LARRY PAUL
HON. STEVE POIZNER

SID ROSEN
ANNE & LEE SAMSON
CHRISTINA AND MARK SIEGEL
SANDY STEIN
SUSAN AND C. FREDERICK WEHBA

VICE-CHAIRS

AVERY & ANDY BARTH
JEANIE & JOHN CUSHMAN

JOSHUA FRIEDMAN
JOLEEN & MITCH JULIS

TAWNY & JERRY SANDERS
KIM & RICK SELBY

DEPUTY-CHAIRS

MONA & ED ATSINGER
ROYA & JOEL GEIDERMAN
ROBERT J. HILDEBRAND
JAMIE & SCOTT HONOUR

LAUREN & BEN MATHIS
ANNETTE & RON PLOTKIN
RICHARD SCHNEIDER
DR. BOB SHILLMAN

CAM & PETER STARRETT
CARLA & FRED SANDS
TRICIA & PHIL SWAN
BARBERA THORNHILL &
GARY WILSON

HOST COMMITTEE

GLORIA & LIONEL CHETWYND
ARTHUR M. KASSEL
JERRY KATELL
MARC LITTLE

ELAINE & JEFF LOVELL
MIRIAM & MICHAEL MILLER
BILL MUNDELL

SANDY & LARRY POST
CATHY & PAUL TOSETTI
MIREILLE & BARRY WOLFE

and the

MCCAIN VICTORY
California
LEADERSHIP TEAM

Invite You To Join the Host Committee for a Reception and Dinner Honoring

SENATOR
JOHN MCCAIN

Wednesday, May 28, 2008

5:30 p.m. Reception

7:30 p.m. Dinner for Deputy Chairs and Above

at the home of

Robin & Elliott Broidy

[REDACTED]
[REDACTED]

For additional information or questions, please see attached reply form or contact

Cassandra Vandenberg at ([REDACTED]) and cassandra@[REDACTED]

or

Matthew Jubitz at ([REDACTED]) and jubitz@[REDACTED]

Business attire

CRP-RPSD-30 *Get parking*

~~MCCAIN VICTORY~~
California
Reception and Dinner with
SENATOR JOHN MCCAIN
Wednesday, May 28, 2008 ~ 5:30 p.m.
at the home of Robin & Elliott Broidy

- | | |
|--|---|
| <input type="checkbox"/> CHAIRS: RAISE \$250,000
Private Greet with Senator McCain, Private Reception with Photo Opportunity, Premier Seating at Dinner, California Victory Leadership Team Membership | <input type="checkbox"/> CO-CHAIRS: RAISE \$125,000
Private Reception with Photo Opportunity, Priority Seating at Dinner, California Victory Advisory Team Membership |
| <input type="checkbox"/> VICE CHAIRS: RAISE \$86,200
Private Reception with Photo Opportunity, Two Tickets to Dinner, California Victory Executive Team Membership | <input type="checkbox"/> DEPUTY CHAIRS: GIVE OR RAISE \$43,100
Private Reception with Photo Opportunity, One Ticket to Dinner |
| <input type="checkbox"/> HOST COMMITTEE: GIVE OR RAISE \$10,000
Two Tickets to Private Reception with One Photo Opportunity and Program Listing | |

PLEASE LIST MY/OUR NAME ON PRINTED MATERIALS AS: _____

- Yes, I/we would like to attend the reception. Please make reservations for _____ individuals at \$2,300 per person.
- No, I/we cannot attend but will contribute: \$4,600 per couple \$2,300 \$1,000 _____ Other

For additional information or questions, please contact Cassandra Vandenberg at (562)988-3366 and cassandra@vandenberginc.com or Matthew Jubitz at (213) 236-3733 and jubitz@pluvius.com

MAKE CONTRIBUTIONS PAYABLE TO MCCAIN VICTORY CALIFORNIA AND MAIL TO:
3927 ELM AVENUE, LONG BEACH, CA 90807 OR FAX TO: (562) 988-3372

TO CONTRIBUTE BY PERSONAL CREDIT CARD, PLEASE COMPLETE THE FOLLOWING: Please circle one:

Name on Card _____ Signature _____

Card Number _____ Expiration Date _____ Amount _____

My signature verifies that this contribution represents my personal funds and is not drawn on an account maintained by an incorporated entity or other prohibited sources.

Signature of Contributor _____ Signature of Spouse (if joint account on credit card or check contribution) _____

ALL CONTRIBUTORS MUST COMPLETE THE FOLLOWING INFORMATION. WE ARE REQUIRED TO REPORT THE NAME, ADDRESS, OCCUPATION AND EMPLOYER OF ALL CONTRIBUTORS.*

Name _____ Spouse Name (joint contribution only) _____

Employer _____ Spouse's Employer (joint contribution only) _____

Occupation _____ Spouse's Occupation (joint contribution only) _____

Address _____ City _____ State _____ Zip _____

Home Phone _____ Office Phone _____ Email _____

THIS CONTRIBUTION WAS REFERRED BY: _____

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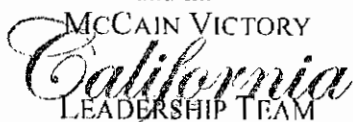
For Individuals - The first \$2,300 to JM 2008, the next \$2,300 to the Compliance Fund, the next \$10,000 to the California Republican Party's federal account, and the next \$28,500 to the RNC. **For Couples** - The first \$4,600 to JM 2008, the next \$4,600 to the Compliance Fund, the next \$20,000 to the California Republican Party's federal account, and the next \$57,000 to the RNC. **For Federal Multicandidate PACs** - The first \$5,000 to JM 2008, the next \$5,000 to the Compliance Fund, the next \$5,000 to the California Republican Party's federal account, and the next \$15,000 to the RNC.

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FAYE & ALEX SPANOS,
GOVERNOR ARNOLD SCHWARZENEGGER,
and the



Invite You To Join the Host Committee for a Reception Welcoming

SENATOR JOHN MCCAIN

Thursday, May 22, 2008

5:30 p.m. Host Committee Reception • 6:00 p.m. General Reception
at the home of

Faye & Alex Spanos

★ **Co-Host**

I/we agree to GIVE or RAISE \$25,000 (circle one)

Private Reception with photo opportunity for 4 and
25 General Reception tickets

★ **Host Committee**

I/we agree to GIVE or RAISE \$10,000 (circle one)

Private Reception with photo opportunity for 2 and
10 General Reception tickets

PLEASE LIST MY/OUR NAME ON PRINTED MATERIALS AS:

- Yes, I/we would like to attend. Please make reservations for _____ individuals at \$2,300 per person with McCain 2008 lapel pin.
 Yes, I/we would like to attend. Please make reservations for _____ individuals at \$1,000 per person.
 No, I/we cannot attend but will contribute: \$4,600 per couple \$2,300 \$1,000 Other

For additional information or questions about your contribution, please contact

Ann Kramer at [redacted] or ann.kramer@[redacted]

MAKE CONTRIBUTIONS PAYABLE TO **MCCAIN VICTORY CALIFORNIA** AND MAIL TO:

101 PARKSHORE DRIVE, FOLSOM, CA 95630 OR FAX TO: (916) 941-6112

TO CONTRIBUTE BY PERSONAL CREDIT CARD, PLEASE COMPLETE THE FOLLOWING:

Please circle one:



Name on Card _____ Signature _____

Card Number _____ Expiration Date _____ Amount _____

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Name _____ Spouse's Name (joint contribution only) _____

Employer _____ Spouse's Employer (joint contribution only) _____

Occupation _____ Spouse's Occupation (joint contribution only) _____

Address _____ City _____ State _____ Zip _____

Home Phone _____ Office Phone _____ Email _____

THIS CONTRIBUTION WAS REFERRED BY: _____

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Paid for by McCain Victory California — A joint fundraising committee by and composed of John McCain 2008, John McCain 2008 General Election Compliance Fund, the California Republican Party, and the Republican National Committee.

MEG WHITMAN & GRIFF HARSH

JOHN CHAMBERS

DAVID POTTRUCK

GRETCHEN & HOWARD LEACH

OJ & GARY SHANSBY

and the

MCCAIN VICTORY
California
LEADERSHIP TEAM

JAY ADAIR
DAVID BLUMBERG
KATIE BOYD
SAFRA CATZ
GREG CONLON
BRADLEY DEFOOR
BILL DRAPER
GEORGE DRYSDALE
KURTIS FECHTMEYER
CARLY FIORINA
HEATHER FLICK

CAROL & JOHN HAMILTON
JOE HARPER
DAVID HEDLEY
ANTHONY HELFET
KEN JUSTER
SARA & STEVE KAHN
LETITIA & MICHAEL KIM
MARY & HOWARD LESTER
SEAN MCAVOY
BONNIE & MICHAEL MOE

JOHN MOZART
PETER NEWMAN
PAUL OTELLINI
ALLEN PAYTON
RITU RAJ
MICHELLE & RICHARD ROCK
DANNA & ALEX SLUSKY
ROD TEEPLE
CAROL WALLACE
FRANCES & MICHAEL WILSON
PEGGY & MONROE WINGATE

Invite You to a Luncheon Honoring

SENATOR
JOHN MCCAIN

Thursday, May 22, 2008

12:00 p.m. Host Committee Reception

12:30 p.m. Luncheon

at the home of

Meg Whitman & Griff Harsh
Atherton, California

Individual Tickets ~ \$2,300 per person

California Victory Advisory Team

RAISE \$100,000

(maximum contribution: \$43,100 individual; couple \$86,200)

Host Committee Reception for 6 people, 3 photo opportunities

Table of 10 for luncheon with preferred seating

2 seats at head table

California Victory Executive Team

RAISE \$50,000

(maximum contribution: \$43,100 individual; couple \$86,200)

Host Committee Reception for 4 people, 2 photo opportunities

Table of 10 for luncheon with preferred seating

California Victory Host

GIVE or RAISE \$25,000

Host Committee Reception for 2 people, 1 photo opportunity

Table of 10 for luncheon

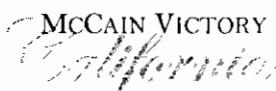
For additional information or questions, please contact

Cassandra Vandenberg at (562) 988-3366 or

Caitlin Ashlock at (310) 309-2101 or cashlock@mccain08hq.com

Business attire

CRP-RPSD ~~40~~ let parking



Luncheon with
SENATOR JOHN MCCAIN

Thursday, May 22, 2008 ~ 12:30 p.m.
at the home of Meg Whitman & Griff Harsh

California Victory Advisory Team

RAISE \$100,000 to McCain Victory California
(maximum contribution: \$43,100 individual; couple \$86,200)
Host Committee Reception for 6 people, 3 photo opportunities
Table of 10 for luncheon with preferred seating
2 seats at head table

California Victory Executive Team

RAISE \$50,000 to McCain Victory California
(maximum contribution: \$43,100 individual; couple \$86,200)
Host Committee Reception for 4 people, 2 photo opportunities
Table of 10 for luncheon with preferred seating

California Victory Host

GIVE or RAISE \$25,000 to McCain Victory California
Host Committee Reception for 2 people, 1 photo opportunity ~ Table of 10 for luncheon

- Yes, I/we would like to attend. Please make reservations for _____ individuals at \$2,300 per person.
 No, I/we cannot attend but will contribute: \$4,600 per couple \$2,300 \$1,000 _____ Other

For additional information or questions about your contribution, please contact
Cassandra Vandenberg at (562) 988-3366 or Caitlin Ashlock at (310) 309-2101 or cashlock@mccain08hq.com

MAKE CONTRIBUTIONS PAYABLE TO **MCCAIN VICTORY CALIFORNIA** AND MAIL TO:
834 GRANT STREET, SUITE 2 ~ SANTA MONICA, CA 90405 OR FAX TO: (310) 496-1220

TO CONTRIBUTE BY PERSONAL CREDIT CARD, PLEASE COMPLETE THE FOLLOWING:

Please circle one:



Name on Card _____ Signature _____
Card Number _____ Expiration Date _____ Amount _____

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Name _____ Spouse's Name (joint contribution only) _____
Employer _____ Spouse's Employer (joint contribution only) _____
Occupation _____ Spouse's Occupation (joint contribution only) _____
Address _____ City _____ State _____ Zip _____
Home Phone _____ Office Phone _____ Email _____

THIS CONTRIBUTION WAS REFERRED BY: _____

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FEC Exhibit 50

July 5, 2006

Prefix FN LN
Adr
City, State Zip

***Invitation to Chairman's Circle & Reagan Club Luncheon with
United States Senate Candidate; State Senator Richard Mountjoy
July 10th at 12:00 PM at the Westgate Hotel, San Diego.***

Dear FN:

I would like to personally introduce you to **Senator Richard Mountjoy**, Republican Party candidate for United States Senate, at a private Chairman's Circle/Reagan Club member Luncheon on Monday, July 10 at Noon in the Westgate Hotel's Embassy Room in San Diego.

As a Reagan Club member, you are helping the Republican Party of San Diego County become one of America's strongest county Republican organizations.


In the next few months, Reagan Club members will also meet personally with Senator Tom McClintock (now campaigning for Lt. Governor), Senator Chuck Poochigian (running for Attorney General), and other statewide Republican leaders who are campaigning to be on the 2006 California Republican ticket with Governor Schwarzenegger.

Please RSVP by calling Sara at the San Diego Republican Center at 858-450-4600 ext. 203 today.

Reagan Club members are vital to the success of Republican candidates in San Diego County. Your financial support goes to support our first class headquarters facilities, maintaining our large volunteer Republican Neighborhood Precinct Organization, provide rapid response to the media on local political issues, and more.

Thank you for your leadership in supporting the Republican Party.

Warmest regards,


Ronald Nehring
CHAIRMAN

PS: Please RSVP for the lunch with Senator Mountjoy by Sunday evening, July 9.

CRP-RPSD-44

FEC Exhibit 51

August 2, 2007

[REDACTED]

PRIVATE RECEPTION WITH
CONGRESSMAN DUNCAN HUNTER,
CANDIDATE FOR PRESIDENT
AUGUST 13TH AT 6:00 PM

Dear [REDACTED],

As a recent Chairman's Circle Club member, please join me at a for a private reception with San Diego's very own 2008 Presidential Candidate, Congressman Duncan Hunter, at a private reception on Monday, August 13 at 6:00 pm in Royal Palm Ballroom at the Town & Country Hotel and Convention Center, 500 Hotel Circle North, San Diego, CA 92108.

Your longstanding support as a Chairman's Circle member has helped build one of the strongest county Republican organizations in the nation. Every single dollar enables us to help elect Republicans who put our ideas in to action, which is why I am personally asking you to renew your membership today, and attend this private Chairman's Circle reception.

Space is limited, so please RSVP as soon as possible for the August 13 reception by contacting Ashley Puetz at the Republican Party of San Diego at [REDACTED]-[REDACTED] ext. [REDACTED] or puetz@[REDACTED].

[REDACTED], your sustained commitment is critical to putting Republican ideas into action in San Diego County. With your steadfast support, we can continue to endorse, support and elect Republican candidates, build our powerful Republican Neighborhood Precinct Organization, and continue our critical voter registration programs.

Warmest regards,



Tony Krvaric
CHAIRMAN

PS: Please renew your Chairman' Circle membership today. If you would like to speak to me personally before doing so, contact Ashley and she will set it up. I look forward to seeing you on the 13th.

CRP-RPSD-58

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

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REPUBLICAN NATIONAL COMMITTEE,)	
<i>et al.</i> ,)	
Plaintiffs,)	
)	
v.)	Civ. No. 08-1953 (BMK, RJL, RMC)
)	
FEDERAL ELECTION COMMISSION,)	
<i>et al.</i> ,)	NOTICE
)	
Defendants.)	
<hr/>)	

NOTICE OF FILING UNDER SEAL

Pursuant to the Court’s Protective Order dated March 10, 2009 (Docket No. 43), Defendant Federal Election Commission (“Commission”) hereby submits the following documents under seal:

- (1) The Commission’s unredacted Supplemented Statement of Undisputed Material Facts, which includes material that was redacted from paragraphs 6 and 14 of the electronically filed version of that document; and
- (2) FEC Exhibits 43A through 48A, which include material redacted from the electronically filed versions of FEC Exhibits 43 through 48, respectively.

Courtesy copies of the sealed material are being delivered to each Judge’s Chambers, and additional copies are being sent by e-mail to counsel for Plaintiffs and Intervenor-Defendant Van Hollen.

Respectfully submitted,

Thomasenia P. Duncan (D.C. Bar No. 424222)
General Counsel

David Kolker (D.C. Bar No. 394558)
Associate General Counsel

Kevin Deeley
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/s/ Adav Noti
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Dated: June 18, 2009