

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Senator Mitch McConnell, et al,

Plaintiffs,

v.

Federal Election Commission, et al,

Defendants.

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) Civil Action No. 02-0582
) (CKK, KLH, RJL)
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) *All Consolidated Cases*
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DECLARATION OF BRUCE BENSON

1. My name is Bruce Benson. I am the Chairman of the Colorado Republican Party. I submit this Declaration as an expert witness on the role of state parties in the American political system, particularly concerning their direct aid to candidates for federal and state office, the party building programs they conduct such as voter registration, identification, contact and turnout, and the fundraising they undertake to be able to run these programs.

2. I have served as state chairman of the Colorado Republican Party since April 2002 and previously served in that role from 1987 to 1993. I was the Republican nominee for Colorado Governor in 1994 and have been active in numerous campaigns on the national, state and local levels.

3. As State Chair, I oversee the general direction of the Republican Party's party-building programs and candidate support efforts, and seek to promote Republican positions. I have raised millions of dollars in federal and non-federal dollars to support these programs and efforts.

4. In the 1995-96 election cycle, the Colorado Republican Party (CRP) raised \$3.7 million in the federal account and \$2.4 million in the state account. In the 1997-98 cycle, CRP raised \$1.3 million in the federal account and \$1.2 million in the state account. In the 1999-2000 cycle, CRP raised \$2.4 million in the federal account and \$2.7 million in the state account. CRP has received hundreds of thousands of dollars in transfers from the national committees since 1995. Although it is difficult to precisely determine how much was raised by the national party committees and federal candidates and officeholders, they did participate in a number of CRP events and direct mail fundraising efforts.

5. Numerous special interests groups also funded candidates and conducted voter registration/identification/contact/namout programs in these election cycles including the Colorado AFL-CIO, the Plumbers and Pipefitters No. 208, United Food Commercial Workers Local 7, the Communication Workers of America Local 7777, and the Colorado Teachers Association. I do not know how much they raised and spent, or from what sources, because Special Interest Groups are not required to report their activities and they may raise and spend money from any source in any amount.

6. It is my understanding that the Bipartisan Campaign Reform Act of 2002 ("BCRA") would federalize all our state party activities that aided both the Federal and State candidates on the ticket, by stopping us from using money legal under Colorado law to pay for our State candidates' share of any program that mentioned a specific Federal candidate or urged support for the generic ticket. For example, under the current Act, a slate mailing urging support for our Presidential candidate, gubernatorial candidate, attorney-general candidate and a state legislative candidate would be paid for 25 percent from the Federal account and 75 percent from the State account; under BCRA, that piece would have to be paid for entirely from the Federal account because it mentions a specific Federal candidate.

7. It is my understanding that under BCRA we will have to allocate any message that includes a generic "vote Republican" call between the Federal account and the so-called Levin account, which consists of contributions of up to \$10,000 if permissible under state law. It is my opinion as a State Chair that generic messages (as opposed to mention of a specific candidate) in voter registration/identification/contact/turnout programs is of minimal impact and value. For that reason, I do not believe that the Levin accounts will be used to any significant degree by state political parties, and will not permit us to participate to as great a degree in voter registration/identification/contact/turnout programs as Special Interest Groups.

8. Each election cycle, every state Republican party drafts a "Victory Plan" which sets forth the operational details of these voter contact programs. As programs that support the entire ticket, they often place a greater emphasis on state-wide and state legislative races than on federal races. Victory Plans are the result of a process that encourages the national, state and local party organizations to work together, along with the campaigns of many candidates. The initial drafting of the Victory Plan is the responsibility of the State Party, but we work closely with all our campaigns and all the national and local party committees.

9. After a plan is drafted, we generally have a series of meetings with the Republican Party committees and campaigns to coordinate the party building programs. At these meetings, it has been my experience that the representatives of the national party committees are particularly interested in programs that will achieve the greatest voter participation for the entire ticket. The meetings also discuss how the costs of the programs will be shared. A key component of this is how much money will be transferred and contributed by the national party committees, in both Federal and State dollars. The Republican national party committees typically provide a very substantial share of the funding for these programs, and this share is essential to their effectiveness.

10. In addition to providing money directly to support our Victory Plans, the Republican national party committees also assists us in raising money for these party building programs. For example, the national party committees frequently provide national political figures and surrogates to appear at fundraisers for the Party. This cycle, for example, the RNC arranged for President Bush and Vice President Cheney to make several fundraising appearances on our behalf and on behalf of several of our federal and state candidates. The national parties also direct donors to our Party when there are especially significant state and federal races in Colorado and the Party's supporters want to help on a national basis.

11. It is my understanding that the BCRA will drastically change the ways that the state party Victory Plans are executed and paid for. The role of the state parties will, in my opinion, suffer because of this. If the national party committees cannot participate in our Victory Plans with money that is legal under Colorado law and, instead, must use only Federal dollars, there will be less money from the national committees, and thus less money for these programs. The impact on the state parties' ability to fund these programs will be severe. The federalization of the party building programs caused by BCRA will severely injure the ability and desire of the national, state and local party committees working together and will greatly reduce the resources available for these joint activities.

12. I have heard BCRA proponents maintain that the ban on state parties using funds legal under state law to pay for State candidates' share of ticket-wide activities will reduce the influence of Special Interest Groups. In my professional judgment, that is naïve and wrong. The simple fact is that Special Interest Groups, using precisely the same funds that my state party is banned from using under BCRA, will be able to conduct the very same activities. This will drastically weaken the ability of my party committee and other political party committees to participate in the political process for the simple reason that parties will have less funds. The Special Interest Groups will fill the void

caused by this reduction in Political Party activity since they will not have to report the unlimited contributions from any source they will be able to raise and spend.

13. Based on my experience, I believe that once the ability of the political parties to aid their candidates is reduced over time by BCRA, and the Special Interest Groups fill the void using unreported money in any amount from any source to do the same activities that the political parties now do, that the legislative process will suffer because elected officials will become beholden to the Special Interest Groups that elected them, rather than to the broad-based political parties. This will lead to a greater number of single interest candidates than is the case now.

14. The argument by BCRA proponents that State Parties will still be able to conduct voter registration/identification/contact/turnout programs misses the point, in my judgment. The scale of the Political Parties' programs will be dramatically reduced by BCRA because the parties will have less funds available, and in any event will have far fewer available resources than Special Interest Groups, who will be able to use unlimited, unreported "soft money" from any source to conduct precisely the same activities. The BCRA proponents argument is like saying someone living in Colorado is free to drive to Florida whenever and however they wish – but they only have one tank of gasoline to do it.

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



Bruce Benson

Executed on October 4, 2002