

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

REDACTED

REPUBLICAN NATIONAL
COMMITTEE, et al.,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION, et
al.,

Defendants.

CIVIL ACTION NO.
02-0582 (CKK, KLH, RJL)

All consolidated cases.

AFFIDAVIT OF JOE SOLMONESE

I, Joe Solmonese, do depose and state as follows:

1. I am currently the Chief-of-Staff of EMILY's List. I have worked for EMILY's List since the summer of 1993 and served as Chief-of-Staff since 1999. Through this position, I am familiar with the day-to-day operations of the EMILY's List. I am authorized by EMILY's List under Rule 30(b)(6) of the Federal Rules of Civil Procedures to provide the information contained herein.

2. EMILY'S LIST is a political organization, exempt from taxation under Section 527 of the Internal Revenue Code. It is also incorporated as a non-profit corporation under the laws of the District of Columbia. This status has not changed since January 1, 1995.

3. EMILY's List's principal goal is to help elect Democratic pro-choice women to public office. EMILY's List also seeks to educate voters, particularly women voters, on a variety of political and public issues. Over the past seven years, 36 candidates supported by EMILY's List have been elected to public office.

4. EMILY's List continuously encourages its members and members of the public to become involved in the political process, and specifically identifies for them the issues on which they and EMILY's List should become active, and also candidates who merit their support and the support of EMILY's List.

[C] 5.

[C] 6.

[C] 7.

¹ Paragraphs in this affidavit designated with [C] are considered "Confidential" under the Protective Order entered August 12, 2002 among the parties. Paragraphs in this affidavit designated with [A] are considered "Attorneys Only" under the Protective Order dated August 12, 2002.

8. EMILY's List's nonfederal account is also registered with the Internal Revenue Service and files required reports of receipts and disbursements with that agency. Examples of these reports are attached at Tab C.

9. EMILY's List uses many fundraising strategies to recruit and resolicit active EMILY's List members:

- a. Direct mail solicitations
- b. Telemarketing solicitations
- c. Fundraising events
- d. Joint fundraising events

The sole source of funds used to pay these expenses would be federal and nonfederal contributions to EMILY's List.

- e. Individual calls or contacts by EMILY's List fundraising staff
- f. Internet solicitations

Examples of these fundraising methods are attached at Tab D.

[C] 10.

1995-1996

1997-1998

1999-2000

2001-2002

[C] 11.

1995-1996

1997-1998

1999-2000

2001-2002

[C] 12.

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1996-1996	1997-1998	1999-2000	2001-2002

Examples of these candidate recommendation materials are attached at Tab E.

[C] 13.

1995-1996

1997-1998

1999-2000

2001-2002

[C] 14.

[C] 15.

throughout each elect
soliciting funds and h

	<u>No. of Mailings</u>	<u>No. of Fundraising Events</u>
1995-1996		
1997-1998		
1999-2000		
2001-2002		

16. Federal candidates and Federal officeholders participate in EMILY's List fundraising activities in a variety of ways, including attending fundraising events and signing direct mail solicitation materials. Examples of this participation are attached at Tab F.

[C] 17.

1995
1996
1997
1998
1999
2000
2001
2002

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[C] 18.

[C] 19.

20. **EMILY's List does not engage in lobbying federal officeholders.**

[C] 21.

Federal

Nonfederal

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1995-96

1997

1998

1999

2000

2001

2002

[C] 22.

1999

2000

8/27/02

2001

REDACTED

2002

23. EMILY's List has made electioneering communications in various locations around the country. These communications included, for example, television and radio advertisements on the issues such as healthcare, education, prescription drugs and choice. Examples of scripts of electioneering communications are attached at Tab G. Also attached at Tab G are examples of videos of copies of electioneering and communications. The sole source of funds used to pay these expenses was the federal and nonfederal contributions to EMILY's List:

1999-2000	\$5.9 million
2001-2002	\$2.8 million (through 7/31/02)

24. EMILY's List has engaged in limited amounts of express advocacy of the election or defeat of clearly identified federal, state and local candidates in various locations around the country. Examples of express advocacy communications are attached at Tab H. Individual expenditures for express advocacy communications are

reflected in the publicly available FEC reports, state campaign finance reports and IRS reports filed by EMILY's List. The sole source of funds used to pay these expenses was the federal and nonfederal contributions to EMILY's List.

1995-1996	\$0
1997-1998	\$430,000
1999-2000	\$21,000
2001-2002	\$0

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[A] 25.

a.

b.

c.

d.

e.

f.

g.

h.

i.

j.

k.

l.

m.

n.

o.

p.

q.

r.

s.

t.

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[C] 26.

[A] 27.

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[A] 28.

[A] 29.

[A] 30.

31. EMILY's List communicates with its members in a variety of methods including:

- a. Fundraising solicitations
- b. E-mail communications
- c. Web site information
- d. Periodic newsletters
- e. Conferences and events
- f. Telephone communications

Examples of these types of communications are attached at Tab J. The sole source of funds used to pay these expenses was the federal and nonfederal contributions to EMILY's List:

1995-1996	\$876,869.00
1997-98	\$835,624.00
1999-2000	\$975,628.00
2001-2002	\$775,730.00 (through 7/31/02)

FURTHER AFFIANT SAYETH NOT.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 27 day of August, 2002.



Joe Solmonese