

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EMILY'S LIST,

Plaintiff,

v.

FEDERAL ELECTION COMMISSION,

Defendant.

CIVIL ACTION NO. 05-00049-CKK

**DECLARATION OF BRITT COCANOUR IN SUPPORT OF
EMILY'S LIST'S MOTION FOR SUMMARY JUDGMENT**

In accordance with 28 U.S.C. § 1746, Britt Cocanour declares as follows:

1. I serve as Treasurer and Chief of Staff of EMILY's List.
2. EMILY's List is a political organization whose purpose is to recruit and fund viable women candidates for local, state and federal office; to help them build and run effective campaign organizations; and to mobilize women voters to help elect progressive candidates across the country.
3. EMILY's List identifies viable opportunities to elect pro-choice Democratic women to office, recruits qualified candidates, trains them to be effective fundraisers and communicators, and works with them throughout the campaign to make sure that they are executing winning strategies.
4. EMILY's List also works through its Women Vote! Program to mobilize women voters through broadcast advertising, web sites, direct mail and personal voter contact.
5. EMILY's List was founded in 1985. At that time, no Democratic woman had ever been elected to the U.S. Senate in her own right, no woman had ever been elected governor of a large state, and the number of Democratic women in the U.S. House had declined to twelve.

6. Since 1985, EMILY's List has helped to elect sixty-one Democratic women to Congress, eleven to the U.S. Senate, eight to governorships, and 215 to other state and local offices.

7. Leadership development at the state and local level is an important part of EMILY's List's mission, more so than in previous election cycles. EMILY's List is acutely concerned with promoting the participation and upward mobility of women in the political process. Toward that end, it systematically recruits and promotes women candidates for state and local office.

8. After the 2000 election cycle, EMILY's List noted that the cycle had seen the first decrease in the number of women state legislators in 30 years. Concerned that women might be losing ground at the state and local level, even while enjoying significant success at the federal level, EMILY's List created the Political Opportunity Program ("POP").

9. The goal of POP is to recruit and train women for nonfederal office, to provide them with strategic guidance, and to financially support their campaigns.

10. In the 2004 election cycle, POP helped 140 pro-choice Democratic women win key positions in state and local government. Through POP, EMILY's List held 40 training sessions in 29 states, training 1,600 nonfederal candidates and staff – more individuals than had gone through the training program in the previous eight years combined.

11. EMILY's List expects that the POP program will train significantly more state and local candidates during the 2006 election cycle. Moreover, EMILY's List intends to engage in more direct nonfederal candidate support than in prior election cycles. This is partly because there will be more opportunities to support women nonfederal candidates than in previous years. This is also because there will be an unprecedented number of Democratic women seeking re-election for statewide political office, including the incumbent governors of Arizona, Kansas and Michigan.

12. The federal account of EMILY's List is a nonconnected political committee that is registered with, and reports to, the Federal Election Commission.

13. For the purpose of raising and disbursing funds for nonfederal elections, EMILY's List also maintains a nonfederal account. This account

accepts funds from sources, and in amounts, not permissible under federal campaign finance law.

14. Were it not for the rules published at 69 Fed. Reg. 68,056, EMILY's List would pay for less than fifty percent of its administrative expenses, generic voter drives, and public communications that refer only to a political party from its federal account.

15. Because of the rules published at 69 Fed. Reg. 68,056, EMILY's List will have to devote funds from its federal account to administrative expenses, generic voter drives, and public communications that refer only to a political party that it would otherwise spend on direct federal candidate support.

16. EMILY's List has found that its success in electing clearly identified federal candidates has been a powerful inducement to encourage persons to donate to EMILY's List's nonfederal account. This is because donors can be confident that EMILY's List will have this same sort of success in electing candidates to nonfederal office.

17. Were it not for the rules published at 69 Fed. Reg. 68,056, EMILY's List would discuss its past success in promoting the election of clearly identified federal candidates while soliciting contributions for its nonfederal account, whether through public communications or through one-on-one solicitations.

18. There have been instances in the past where support of a federal candidate by EMILY's List has been relevant to requests for support of multiple nonfederal candidates. For example, in the 2004 election cycle, the decision by Gwen Moore to run for Congress in Wisconsin's Fourth Congressional District created a vacancy in the Wisconsin State Senate that Lena Taylor ran to fill in that same election. In turn, Lena Taylor's decision to run for the Wisconsin State Senate created a vacancy in the Wisconsin State Assembly that Tamara Grigsby ran to fill in that same election. EMILY's List supported all three of these candidates in that election. All three won.

19. EMILY's List has, in the past, made solicitations that ask for both federal and nonfederal contributions. These solicitations sometimes asked for less than fifty percent federal funds. Some of these solicitations have indicated that the funds will be used to support or oppose clearly identified federal candidates.

20. Among EMILY's List's administrative expenses is a program called Campaign Corps, which trains young people in campaign skills and assists in placing them on campaigns. Although 77% of the individuals trained by the program during the 2004 election cycle ultimately worked on nonfederal races, the rules published at 69 Fed. Reg. 68,056 requires at least half of the training expenses to be paid from EMILY's List's federal account.

21. Were it not for the rules published at 69 Fed. Reg. 68,056, EMILY's List would continue to make solicitations that indicate that some of the funds will be used to support or oppose clearly identified federal candidates, and would treat less than fifty percent of the receipts as federal funds.

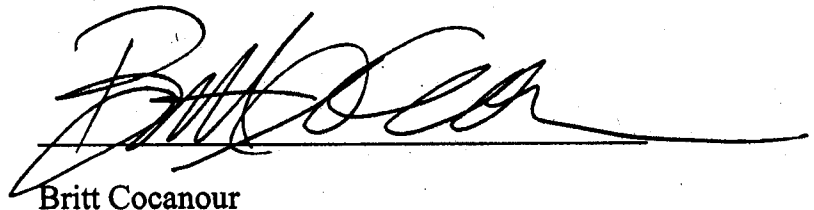
22. EMILY's List has sent in the past, and will continue to send in the future, public communications that refer to federal candidates, but do not support or oppose federal candidates, and do not refer to any clearly identified non-federal candidates. Some of these communications are sent outside of the federal candidates' electoral jurisdiction.

23. Because of the rules published at 69 Fed. Reg. 68,056, EMILY's List will have to devote funds from its federal account to public communications that refer to federal candidates that it would otherwise spend on direct federal candidate support.

24. Overall, the rules published at 69 Fed. Reg. 68,056 have impeded and will impede the ability of EMILY's List to raise and spend money in support of and in opposition to candidates for public office.

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

Executed this 27th day of June, 2005.



Britt Cocanour