

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TOM OGNIBENE, *et al.*,

Plaintiffs,

- against -

DECLARATION OF
SUE ELLEN DODELL

JOSEPH P. PARKES, *et al.*,

08 CV 01335 (LTS) (TDK)

Defendants.

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Sue Ellen Dodell, under penalty of perjury, declares pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am the General Counsel of the New York City Campaign Finance Board (“the Board”), one of the defendants in this action. As General Counsel, my responsibilities include drafting and reviewing legislative initiatives, agency regulations, and advisory opinions concerning the provisions of the Campaign Finance Act (“CFA”).
2. I submit this Declaration in opposition to plaintiffs’ motion to vacate the stay in this proceeding before the Second Circuit has ruled on plaintiffs’ appeal.
3. The Board currently is evaluating the bonus provisions of the CFA in light of the decision in *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, and will shortly recommend legislative changes to the New York City Council.
4. Such changes, if adopted by the City Council, would very likely alter, if not render altogether moot, plaintiffs’ challenges to the bonus and “sure winner” provisions of the CFA. Therefore it would be improvident for the Court to lift the stay now, so that plaintiffs

can challenge sections of the law that may be substantially revised or repealed. In any event, the bonus and sure winner provisions are unlikely to be invoked in advance of the 2013 elections, so there is simply no urgent need for a decision on their legality.

Dated: New York, New York
August 10, 2011


Sue Ellen Dodell