

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JACK DAVIS)
 Davis for Congress)
 P.O. Box 2006)
 Akron, NY 14001)
)
 Plaintiffs,)
)
 v.)
)
 FEDERAL ELECTION COMMISSION)
 999 E Street, NW)
 Washington, D.C. 20463,)
)
 Defendant.)

Civil No. 06-

DECLARATION OF PLAINTIFF JACK DAVIS

I, JACK DAVIS, hereby declare as follows under penalty of perjury:

1. On March 30, 2006, I declared my candidacy for the Democratic Party's nomination for New York's 26th District seat in the United States House of Representatives in the 2006 general election.
2. In 2004, I ran as the Democratic candidate for the same seat and lost to the incumbent, Republican Thomas Reynolds, in the general election.
3. This year, the primary election will be held on Tuesday, September 12, 2006. At this time, I am running unopposed for the Democratic nomination.
4. If I receive the Democratic nomination, I will face the Republican nominee on November 7, 2006, in the general election for the seat.
5. My Republican opponent will likely again be the incumbent, Thomas Reynolds.

6. In financing my campaign, I intend to contribute and spend over \$350,000 of my own funds to finance my own campaign. I have elected to finance my campaign primarily with my own funds because I believe that candidates who rely heavily on individual and committee contributions suffer from the appearance, and occasionally the actuality, of corruption.

7. Once I have contributed \$350,000 of my own funds to my campaign committee's general election fund, I will have to comply with the "Millionaires' Amendment's" notice requirements. *See* 11 C.F.R. §§ 400.20-25. These regulations compel me to inform the Federal Election Commission and my opponent once I have exceeded the \$350,000 threshold and, after that, each time that I contribute an additional \$10,000 to my campaign. *See id.*

8. At that point, the provisions will likely permit my opponent to avail himself of the benefits from the Amendment's relaxation of individual contribution limits and abolishment of committee contribution limits. *See* 11 C.F.R. §§ 400.30-32.

9. Because I have elected to finance my campaign primarily with my own funds, I will suffer direct injury from the unconstitutional Millionaires' Amendment statute and regulations. The relaxed individual contribution limits and abolished committee limits will allow my opponent to raise significantly more money from donors than under normal circumstances. In short, the more money that I contribute to my campaign, the more money my opponent will be able to procure from donors and committees.

10. This will directly affect the manner in which I run my campaign, including potentially discouraging me from spending my own money on my race. As a result, I will be harmed by having to anticipate how my opponent will take advantage of the regulations to raise funds in ways that would normally be barred under the nation's campaign finance laws.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: Akron, New York
~~July~~, 2006
JUN 27, 2006



JACK DAVIS



JOHN R. DAVIS JR