

● ORIGINAL ●

TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION

In Re:

MUR 4648

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C O N F I D E N T I A L

Deposition of JEFFREY T. BULEY

Pages 1 Thru 59

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March 4, 1998

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C O N F I D E N T I A L

Washington, D.C.
Wednesday, March 4, 1998

The deposition of JEFFREY T. BULEY,
called for examination by counsel for the Federal
Election Commission in the above-entitled matter,
pursuant to Notice, in the offices of the Federal
Election Commission, 999 E Street, N.W.,
Washington, D.C., convened at 9:35 a.m., before
Paula J. Eastes, a notary public in and for the
District of Columbia, when were present on behalf
of the parties:

APPEARANCES:

On behalf of the Federal Election Commission:

TONY BUCKLEY, ESQ.
ANNE WEISSENBERN, ESQ.
MARY ANN BUMGARNER, ESQ.
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Office of the General Counsel
Enforcement Division
999 E Street, N.W.
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(202) 219-3400

On behalf of Jeffrey T. Buley:

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C O N T E N T S

WITNESS EXAMINATION BY COUNSEL FOR
FEDERAL ELECTION COMMISSION

JEFFREY T. BULEY

By Mr. Buckley

Page 6

E X H I B I T S

BULEY EXHIBITS FOR IDENTIFICATION

Exhibit No. 1.....	9
Exhibit No. 2.....	22
Exhibit No. 3.....	37
Exhibit No. 4.....	56

1 P R O C E E D I N G S

2 MR. BUCKLEY: On the record.

3 Would you swear the witness in, please?

4 Whereupon,

5 JEFFREY T. BULEY

6 was called for examination by counsel for the
7 Federal Election Commission and, having been first
8 duly sworn by the notary public, was examined and
9 testified as follows:

10 EXAMINATION BY COUNSEL FOR THE

11 FEDERAL ELECTION COMMISSION

12 BY MR. BUCKLEY:

13 Q. Mr. Buley, my name is Tony Buckley. I am
14 an attorney with the Federal Election Commission,
15 Office of the General Counsel. With me today is
16 Anne Weissenborn, a Senior Attorney, and Mary Ann
17 Bumgarner, an Assistant General Counsel.

18 This deposition is being conducted
19 pursuant to Title 2 of the United States Code,
20 Section 437d(a)(4), which allows the Commission to
21 compel testimony in investigations.

22 I am going to remind you that this matter

1 is confidential. There are several respondents and
2 no respondent has waived the confidentiality.

3 Before we proceed further, would you
4 state your name and address for the record, please?

5 A. Jeffrey T. Buley. B-U-L-E-Y.

6 My business address is 315 States Street,
7 Albany, New York 12210.

8 Q. Mr. Buley, have you ever had your
9 deposition taken before?

10 A. No. I haven't.

11 Q. What is going to happen today is I am
12 going to ask you questions.

13 A. I have taken depositions.

14 Q. You have taken them?

15 A. I have taken them. I haven't been taken.

16 Q. You know the Court Reporter can only
17 record verbal answers. She can't record a nod of
18 the head. I am going to ask you to make all your
19 answers to me verbal.

20 If you don't hear or understand something
21 I ask you, please let me know and I will rephrase
22 it or repeat it.

1 If you realize during the course of our
2 deposition an answer you have previously given is
3 incomplete, let me know and I will give you an
4 opportunity to correct it or complete it.

5 If you need to take a break, let me know
6 and I will do my best to accommodate you in that
7 regard.

8 Other than your counsel, have you
9 discussed your deposition today with anybody?

10 A. No.

11 Q. Have you reviewed any documents in
12 preparation for your deposition?

13 A. Yes.

14 Q. What documents have you reviewed?

15 A. My affidavit and the responses that were
16 submitted to the Commission.

17 Q. Responses by whom?

18 A. What I reviewed was my response, my
19 affidavit, and the response of the Committee
20 itself.

21 Q. Have you brought any documents with you
22 today?

1 A. No. I haven't.

2 Q. For the record, would you identify
3 counsel who are with you here today?

4 A. Benjamin Ginsberg.

5 Q. And?

6 MR. GINSBERG: Don McGahn.

7 BY MR. BUCKLEY:

8 Q. Mr. Buley, would you state your birth
9 date for the record please?

10 A. February 24th, 1960.

11 Q. And your Social Security number?

12 A.

13 Q. Would you please state your education
14 beginning with college and any post college
15 education?

16 A. I have a Bachelor of Arts from Buchnell
17 University. Graduated in 1982. And I have a Juris
18 Doctorate from Union University Albany Law School,
19 graduating in 1987.

20 Q. After graduating from law school, what
21 did you do?

22 A. I was an associate attorney at a law

1 firm, Maynard, O'Connor & Smith, in Albany, New
2 York. I was there for two years.

3 Q. What was your area of practice?

4 A. Defense litigation. Primarily medical
5 malpractice defense litigation.

6 Q. After leaving that law firm, what did you
7 go into?

8 A. I became the counsel to the New York
9 State Senate Health Committee from 1989 until
10 January of 1994.

11 Q. In 1991 you started to work for the New
12 York Republican Party; is that correct?

13 A. Yes. That is correct. In
14 January/February of '91.

15 Well, I served. I served as a pro bono
16 counsel for quite a few years.

17 Q. And you were pro bono counsel until
18 September of '94?

19 A. Maybe September or October of '94.

20 Q. In October of '94 until present, you have
21 been paid for your services?

22 A. Yes.

1 Q. Is that your full-time position?

2 A. No. It isn't. Right now I am also the
3 Special Counsel to the Majority Leader of the New
4 York State Senate responsible for health and human
5 services.

6 Q. What I am going to do now is introduce as
7 an exhibit the initial affidavit you filed in this
8 matter.

9 MR. BUCKLEY: I will ask the Court
10 Reporter to mark this as Exhibit 1.

11 (Buley Exhibit No. 1
12 was marked for identification.)

13 BY MR. BUCKLEY:

14 Q. Mr. Buley, do you recognize that
15 document?

16 A. Yes. I do.

17 Q. Is that the initial affidavit you filed
18 with the Commission?

19 A. Right. That was my original affidavit.

20 Q. Was that one of the documents you
21 reviewed in preparation for the deposition today?

22 A. Yes.

1 Q. I will ask you to look at page 3 of that
2 document, number 7. This is where you talk about
3 implementing --

4 MR. GINSBERG: I'm sorry. Do you have a
5 copy for us, please?

6 MR. BUCKLEY: Sure.

7 BY MR. BUCKLEY:

8 Q. It talks about implementing your poll
9 program.

10 A. Yes.

11 Q. It states that you looked to the New York
12 State Election Code.

13 A. Yes.

14 Q. Do you recall what section of the law?

15 A. Article 8. I don't remember the precise
16 section, but it is Article 8.

17 Q. Would it be Article 8, Section 500?

18 A. It could very well be. That sounds
19 familiar.

20 Q. In training your poll watchers, how did
21 you train them?

22 A. They were trained through seminars.

1 Q. Who were these seminars conducted by?

2 A. Myself.

3 Q. How many poll watchers did you train?

4 A. Thousands. Over the course of 1993 and
5 1994 we trained thousands of poll watchers.

6 Q. Now, this training, did this take place
7 only in New York City or was this statewide?

8 A. At that time it was only in New York
9 City.

10 Q. How many poll watchers did you place at
11 each polling place?

12 A. It would differ, but minimally one,
13 depending on the specific poll area, determining
14 what we felt our need was. The law permits up to
15 three, but we at least had one everywhere.

16 Q. When you placed the poll watchers, did
17 you deliver written certificates of employment?

18 A. Yes.

19 The Election Law, New York Election Law,
20 provides for what they call poll watcher
21 certificates, which for a general election can be
22 signed by a Party Chairman. So, in this case it

1 would have to be signed by either the State
2 Chairman or one of the five Party Chairmen that
3 constitute the counties of New York City, the
4 County Chairmen.

5 Q. But all those certificates are filed for
6 all the poll watchers?

7 A. They were prepared. There is no
8 requirement under the law that they be filed
9 anywhere. They are prepared and given to the poll
10 watcher, who then presents them to the poll
11 inspector at the polling site.

12 The poll inspector is an employee, a one
13 day, if you will, employee of the county, or the
14 New York City Board of Elections.

15 So, the poll watcher comes to the poll,
16 says I am here to represent the Republican Party,
17 here is my certificate. They present it to the
18 inspector. They have the authority to determine
19 whether or not this is a legitimate certificate or
20 not. Usually they are okay.

21 Q. But the watcher retains their
22 certificate?

1 A. That is correct.

2 Q. Does the inspector make any notation of
3 who was serving as a poll watcher for whom?

4 A. I'm not aware of any legal requirement to
5 do that.

6 Q. Are you aware of any practice to do that?

7 A. No. I'm not.

8 Q. Moving down to your next number, page 3,
9 number 8, it states: "The Party directed that no
10 volunteer receive any more than \$99 in expense
11 money."

12 A. Yes.

13 Q. What is the significance of that amount?

14 A. Well, that was from the Federal Code.

15 Q. This would be Section 431(h)(1) regarding
16 petty cash?

17 THE WITNESS: Is that it?

18 MR. GINSBERG: I am sure they can show
19 you the Code. But, yes, that is the petty cash.

20 BY MR. BUCKLEY:

21 Q. In that statement the Party directed no
22 volunteer.

1 By volunteer do you mean just poll
2 watchers?

3 A. Volunteer meant the poll watchers were
4 not to receive more than \$99.

5 Q. You mentioned volunteer attorneys. The
6 volunteer in this statement is for the solitude of
7 poll watchers?

8 A. Well, we had poll watchers. We had
9 people stationed at polls. We had attorneys who
10 sometimes were at the polls, who were sometimes in
11 cars, that would act as support.

12 If problems arose at polling sites, poll
13 watchers were connected to a mission control, if
14 you will, through a 1-800 number. That is where I
15 was located. I would try to talk the poll watcher
16 through a problem and, if necessary, assist them,
17 if I could, from, if you will, this mission
18 control.

19 If there was a machine breakdown, I would
20 notify the City Board. If there was a real
21 problem, as in something potentially fraudulent, I
22 would call in assistance and other attorneys would

1 come to help them.

2 So, there are attorneys volunteering.

3 Q. What I am trying to do is determine -- I
4 am not trying to give you a hard time -- the term
5 volunteer in terms of people that received --

6 A. Volunteers meant the people in the field
7 on election day.

8 Q. Did anyone receive \$99?

9 Is that just the ceiling?

10 A. That was the instructed ceiling.

11 Q. Was there an average amount that people
12 received?

13 A. I can't tell you if there was an average
14 amount. The intent was to reimburse them for
15 actual expenses incurred to the extent possible.

16 Q. Turn to page 4, actually page 4 and 5,
17 number 13. You identify the Party's bank as Key
18 Bank.

19 A. Yes.

20 Q. When did the Party switch to Key Bank?

21 A. Switch to Key Bank or from Key Bank?

22 Q. Switch to Key Bank.

1 A. The Party was using Key Bank. When we
2 came in in 1991 they were using Key Bank.

3 Q. Are you aware of the Party ever filing a
4 designation with the FEC for Key Bank as a
5 certified campaign depositor?

6 A. I'm not aware of the filing because, once
7 again, when we came in the money was in Key Bank.

8 Q. Later in that same paragraph it states
9 that you concluded that the best system for
10 disbursing the funds to the volunteers was to have
11 checks cut by the Party to a number of individuals,
12 including myself.

13 A. Yes.

14 Q. Why did you conclude that that was the
15 best way?

16 A. I concluded that was the best way because
17 that was the means by which we could get the money
18 to the volunteers to reimburse their expenses on
19 the day of the election, as opposed to after the
20 fact. We have found that proposing after the fact
21 payments greatly deters the willingness of
22 volunteers to work.

1 Q. I think you stated before you wanted to
2 reimburse them for actual costs.

3 Did you require some sort of
4 documentation of actual costs or did you have a
5 schedule of costs that you would reimburse?

6 A. I don't know how it was actually
7 handled. I have no personal knowledge of the
8 actual distribution of the monies. So, I can't
9 answer that.

10 Q. Again on page 5, number 14, you identify
11 five people to whom the Party wrote the checks.
12 There is yourself, David Dudley, Mary Obwald, Greg
13 Serio and Luther Mook.

14 A. Yes.

15 Q. How did you decide upon these individuals
16 to receive checks?

17 A. They happened to be at the State
18 Committee Headquarters on that day.

19 Q. How did you decide on the amount that
20 each person received?

21 A. The increments were done in consultation
22 with the bank.

1 Q. What was the reason for using those
2 increments?

3 A. I had no reason for those increments.

4 Q. What was the bank's reason for those
5 increments?

6 A. I didn't get into what their reasons
7 were. They just recommended that I use a series of
8 individuals.

9 Q. Had you asked the bank prior to getting
10 Mr. Dudley and Ms. Obwald and Mr. Serio and
11 Mr. Mook and yourself, had you asked the bank if
12 you can withdraw a lump sum?

13 A. Right. I told them I need to withdraw
14 some \$50,000 in cash, how do they recommend I go
15 about doing it?

16 Q. What exactly did they recommend?

17 A. They recommended increments. I do not
18 recollect if they recommended these exact
19 increments, but they did recommend increments.

20 Q. Who did you talk to at the bank about
21 this?

22 A. I don't recollect.

1 Q. Do you have any written notation of the
2 conversations with the bank?

3 A. No. I don't.

4 Q. When did these conversations occur?

5 A. They would have occurred close to the
6 date that the checks were cashed.

7 Q. Within a day? Within two days?

8 A. Within two days.

9 Q. Now, election day was Tuesday and the
10 checks were cashed on Monday.

11 A. Well, it could have been more than two
12 days then. It could have been like Friday or even
13 Thursday. I do not know exactly.

14 Q. Do you know the title of the person that
15 you talked to?

16 A. No. I don't.

17 Q. Other than David Dudley's role in cashing
18 the check, did he have any other role in the
19 election day program?

20 A. Well, he was an attorney. He was at the
21 mission control, for the lack of a better term
22 again, with me.

1 Q. What about Mary Obwald?

2 A. Mary Obwald did not have a role in the
3 election day program.

4 Q. How about Greg Serio?

5 A. Greg Serio had a role in the election day
6 program in Albany, New York. We had poll watchers
7 also in Albany, New York. I did not conduct
8 training seminars in Albany, New York.

9 Albany, New York is also in the area of
10 the historic voter alleged fraud. We were also in
11 the streets in Albany. He was, if you will, the
12 mission control in Albany.

13 Q. What I would like you to do now is
14 describe the process of having the checks issued
15 and having them cashed.

16 When were the checks written out, about
17 what time of the day?

18 A. I cannot tell you exactly when in the day
19 they were written. I just don't know. I don't
20 know if we did them at that time or if we did them
21 ahead of time. I really don't know.

22 Q. How soon after they were written did you

1 cash them?

2 A. Once again, I can't give you an exact
3 answer.

4 Q. As best as you can recall.

5 A. It would not have been all that long.
6 The checks were not lying around.

7 Q. Was anyone else present when you had
8 these checks issued?

9 A. I believe that they were signed by the
10 Assistant Treasurer. So, he was present.

11 Q. But other than that, it was the Assistant
12 Treasurer and?

13 A. And myself.

14 Q. And yourself?

15 A. Yes.

16 Q. Now, did you and Ms. Obwald and Mr. Serio
17 and Mr. Dudley proceed to the bank together?

18 A. Yes. We did.

19 Q. What was the process used for cashing the
20 checks at the bank? Did you stand in the teller
21 line or did you meet with bank personnel elsewhere?

22 A. They took us off to the side and cashed

1 the checks. We did not stand at a teller line.

2 Q. About what time of the day was that?

3 A. It was right when the bank first opened,
4 early, 9 o'clock or so. That is my memory.

5 Q. Could it have been closer to noon?

6 A. It was in the morning. My memory is it
7 was in the morning. Once again, I could be wrong.

8 MR. BUCKLEY: I would ask the Court
9 Reporter to mark Exhibit 2.

10 (Buley Exhibit No. 2
11 was marked for identification.)

12 BY MR. BUCKLEY:

13 Q. I am showing you copies of the checks
14 issued. What I would like you to do is look at the
15 front of the checks.

16 A. I see here 12:01, 12:04.

17 Yes. I guess it was around noon.

18 Q. Is that your recollection?

19 A. Yes.

20 My recollection was also that the
21 processing took a little while. So, we might have
22 presented ourselves in the morning and by the time

1 everything got done it was noon.

2 Q. So, that check may not accurately reflect
3 when you were at the bank?

4 A. Yes. This would have been when the
5 actual processing occurred.

6 Q. You were together when the four of you
7 cashed the checks?

8 A. That is correct.

9 Q. Now, did Ms. Obwald, Mr. Serio and
10 Mr. Dudley then gave their cash immediately to you?

11 A. Yes. They did.

12 Q. This was while you were still at the
13 bank?

14 A. Yes.

15 Q. Did the bank require you to sign any
16 other documents other than the checks in order to
17 cash them?

18 A. I don't remember. I don't remember.

19 Q. Is it possible that they did?

20 A. I don't remember.

21 Q. What denominations of bills was received?

22 A. I know that it was standard practice to

1 ask for 10s and 20s and I believe that they
2 accommodated us to the extent possible. There
3 might have been some 50s.

4 Q. What did you carry the money out of the
5 bank in?

6 A. It eventually went into my legal
7 briefcase. It was either in a folder or a paper
8 bag inside of my legal briefcase.

9 Q. Can you describe the measurements of the
10 briefcase?

11 A. It is like a legal accounting bag.

12 Q. About a foot-and-a-half tall by --

13 A. A foot-and-a-half tall by maybe two,
14 two-and-a-half feet long. A standard legal bag.
15 And the money did not take up it all. It was yeah
16 big or so.

17 Q. Yeah big?

18 A. I understand.

19 The money did not take up the entire bag,
20 but it took up a portion of the bag.

21 Q. About how much of the bag?

22 A. I really can't remember exactly. I would

1 be speculating.

2 Q. To the best of your knowledge.

3 MR. GINSBERG: You don't need to
4 speculate.

5 BY MR. BUCKLEY:

6 Q. How soon after receiving the cash did you
7 proceed to New York City?

8 A. Immediately.

9 Q. And how did you get there?

10 A. By car.

11 Q. Was it your personal car?

12 A. No. It was David Dudley's car.

13 Q. Did David Dudley go with you?

14 A. Yes. He drove.

15 Q. Was anybody else with you on the trip?

16 A. I don't believe so.

17 Q. How long did it take you to get to New
18 York City?

19 A. Around two hours and fifteen minutes.
20 The usual standard time for Mr. Dudley.

21 Q. What did you do once you got to New York
22 City?

1 A. I rendezvoused with Chairman Bill Powers.

2 Q. Where did you rendezvous with him?

3 A. I do not remember precisely, but it had
4 to be one of two places. Okay? I really can't
5 commit. This is 1994 we are talking about.

6 Q. Yes.

7 A. It was either at the State Republican
8 Headquarters in New York City, which was on
9 Lexington Avenue -- I don't remember the exact
10 address at that time because we keep moving it, but
11 at that time it was to Lexington Avenue between
12 40th and 41st Street -- or it would have been at
13 the New York Sheraton Hotel.

14 Q. Where is the New York Sheraton Hotel
15 located?

16 A. It is on 7th and 51st.

17 Q. Is that far from the State Party
18 Headquarters?

19 A. It is across town. The Sheraton is sort
20 of on the west side.

21 Q. Any particular reason for the Sheraton?

22 A. That is the hotel for the State GOP.

1 When I go down I stay there. We actually ran the
2 election day operations that year out of the
3 Sheridan.

4 Q. About what time was it that you
5 rendezvoused with Mr. Powers?

6 A. I would say approximately 3 o'clock.

7 Q. Was anyone else present?

8 A. No.

9 Q. After you gave him the money, what did
10 you do then?

11 A. I had a million other things to do and I
12 went about doing them, setting up the command
13 control, mission control structure.

14 I had a lot of other problems at that
15 time. I had a former State Chairman trying to
16 freeze all of my bank accounts. So, I had
17 miscellaneous General Counsel duties going on at
18 that time.

19 Q. So, you gave the money to Mr. Powers
20 about 3 o'clock and then left his presence?

21 A. Yes. That is my recollection. Yes.

22 Q. Do you know what Mr. Powers did with the

1 money after you left?

2 A. No. I do not have direct knowledge of
3 what he did.

4 Q. Do you have indirect knowledge of what he
5 did?

6 A. The intent was for the money to reimburse
7 poll watchers.

8 Q. Who did Mr. Powers turn the money over
9 to?

10 A. I have no direct knowledge of that.

11 Q. Do you have any indirect knowledge?

12 Let me state that in your affidavit you
13 state on page 6, number 17: "Pursuant to my
14 directions, all the money was disbursed to
15 approximately 10,000 volunteers."

16 What were your directions?

17 A. Well, I told him that this is the money
18 for the poll watchers to reimburse them for their
19 expenses for working on election day and that no
20 one volunteer in the field on election day was to
21 receive more than \$99.

22 Q. Did you expect that Mr. Powers was

1 personally going to reimburse all 10,000 poll
2 watchers?

3 A. I don't think that is practical. No. I
4 did not.

5 Q. What did you expect them to do with the
6 money?

7 A. Once again, I have no direct knowledge.
8 I would expect him to use intermediaries of the
9 Party to make sure the money got to the volunteers
10 in the field.

11 Q. Who are these intermediaries that you
12 expected him to use?

13 A. That I don't know. That I can't comment
14 on.

15 Q. You had not discussed which
16 intermediaries to use with him?

17 A. No. I had not.

18 Q. Had you discussed with anyone which
19 intermediaries Mr. Powers should use?

20 A. I had not discussed that.

21 Q. Do you have any knowledge at all of what
22 intermediaries Mr. Powers was going to use?

1 A. I had no personal knowledge of who he was
2 going to use.

3 Q. By personal knowledge, what do you mean?

4 A. I mean I was not involved in the actual
5 distribution of the money to the volunteers in the
6 field.

7 Q. But did you have any knowledge of who
8 those intermediaries were going to be?

9 A. They were going to be agents of the
10 Party.

11 Q. Who? Who specifically?

12 A. Well, I can't comment on specific
13 individuals, but there are five county committees.

14 Q. Why can't you comment on specific
15 individuals?

16 A. Because I don't know them. I can't
17 comment on specific individuals. But by law the
18 county committees are agents or, if you will, are
19 affiliated with and are agents of the State Party,
20 the county committees.

21 Q. How many intermediaries did you expect
22 Mr. Powers to distribute the money to?

1 A. How many intermediaries?

2 Q. Yes.

3 A. I had no expectations in that regard.

4 Q. There is also a check for \$5,000 that was
5 issued to Luther Mook.

6 A. Yes.

7 Q. Why was the \$5,000 for Mr. Mook handled
8 differently than the \$50,000?

9 A. I was not involved personally in the
10 transaction with Mr. Mook.

11 (Discussion off the record between the
12 witness and Mr. Ginsberg.)

13 THE WITNESS: I don't know. I would note
14 that it is dated earlier than the other checks.

15 BY MR. BUCKLEY:

16 Q. Who was involved in the transaction with
17 Mr. Mook, to the best of your knowledge?

18 A. Mr. Powers signed the check.

19 Q. There is also a \$5,000 check issued to
20 the Kings County Republican Committee.

21 A. Yes.

22 Q. Part of that was also for Costs of poll

1 watchers?

2 A. Yes. It was. Yes.

3 I made an error in my original affidavit,
4 which I then submitted an amended affidavit. I
5 think the confusion was that the person makes the
6 7s look a little like a 9 and the accountant made
7 the transcription.

8 The race for New York State Attorney
9 General was fairly close and there were more paper
10 ballots, affidavits and absentee ballots in New
11 York City alone than there was a margin of
12 victory. So, as a part of what we do, we galvanize
13 the lawyers and count paper ballots at the various
14 Boards of Election in the city. Brooklyn had the
15 most paper on that election. I was at Brooklyn.

16 Q. Brooklyn being Kings County?

17 A. Yes. I'm sorry. Kings County.

18 I have a personal recollection of
19 Chairman Bramwell buying lunch for the lawyers that
20 day.

21 Q. And as you understand, that lunch came
22 out of the \$5,000 check?

1 A. It might well have come out of the
2 5,000.

3 Q. Mr. Buley, look on page 6 and 7, number
4 19 of your affidavit. Starting at the bottom and
5 going over to the top of page 7 you state --

6 A. The bottom of page 7?

7 Q. No. The bottom of page 6 going over to
8 7.

9 "Since no objections other than the
10 purpose used on the FEC report have been raised, I
11 implemented virtually the same election day program
12 as in 1994. The lone exceptions were that the
13 program was smaller and that the Party was now
14 using Trustco Bank."

15 A. Yes.

16 Q. Did you or anyone associated with the
17 Party inform the FEC about the particulars of this
18 program?

19 A. The contact between myself and the FEC
20 regarding this involved the report. In 1994 we
21 filed our report and I admittedly erroneously
22 instructed the accountants to put election day

1 expenses and then recognized after the fact that
2 that was directly prohibited by regulation.

3 The Reports Analysis Division sent a
4 letter. I had a conversation with somebody at the
5 FEC. I don't know if it was the Reports Analysis
6 Division or if it was the Information Office.

7 I went through a brief overview of what
8 we did regarding reimbursing expenses to poll
9 workers. In talking with that person and using the
10 regulatory cite -- once again, I don't know what
11 chapter and verse of the code, but there is the one
12 section that gives specific examples of
13 descriptions -- in describing the program, we came
14 up with what should be used as the new description
15 and we came up with GOTV - Travel Expense
16 Reimbursement and Catering Costs using my
17 explanation of the program and what was in the
18 regulation.

19 Q. Did you discuss with this person the fact
20 that you reported the recipients of the initial
21 checks?

22 A. Yes. Because that is actually what was

1 at direct issue. Like the checks to myself. Yes.
2 This was '94. To Serio and Dudley. Those were
3 directly at issue.

4 Q. Who is the person you talked to?

5 A. I really didn't know.

6 Q. You didn't write down a name?

7 A. I have no recollection of what the name
8 was.

9 Q. Did you make any notes of this
10 conversation?

11 A. No. None that I have. No.

12 Q. You are not sure whether this person was
13 in the Reports Analysis Division or in the
14 Information Division?

15 A. I'm not sure.

16 Q. Now, in that statement I cited previously
17 you state that the Party was now using Trustco
18 Bank.

19 A. Yes.

20 Q. When did the Party switch to Trustco?

21 A. I believe in 1995.

22 Q. Did the Party designate Trustco as a

1 depository with the FEC?

2 A. I believe they did.

3 I mean, I instructed the Treasurer to do
4 that. I remember preparing a form. But then the
5 Treasurer would have done the actual filing.

6 MR. BUCKLEY: Could we take a ten minute
7 break?

8 (Recess.)

9 MR. BUCKLEY: Let's go back on the
10 record.

11 BY MR. BUCKLEY:

12 Q. Mr. Buley, look at page 7 of Exhibit 1,
13 number 20.

14 You identify J. Brendan Quinn, Mary
15 Obwald, William Powers, Jason Powers, Kenneth
16 Dippel, Lisa Hebst Ruggles and Darryl Fox as
17 persons to whom checks were issued.

18 A. Yes.

19 Q. How did you decide upon these persons?

20 This is in regard to the 1996 poll
21 watching.

22 A. Yes.

1 Q. How did you decide upon these individuals
2 to receive checks?

3 A. Do we have a copy of the checks?

4 Q. Yes. We do.

5 MR. BUCKLEY: I will ask the Reporter to
6 mark this as Exhibit 3.

7 (Buley Exhibit No. 3
8 was marked for identification.)

9 THE WITNESS: Once again, these were
10 people -- some of them are common names -- these
11 were people that were at the State Committee on the
12 day when the transaction was to be conducted.

13 Again, I can't remember exactly. The
14 possible exception is Darryl Fox. I see his check
15 is dated earlier. Mr. Fox usually worked out of
16 the New York City office.

17 BY MR. BUCKLEY:

18 Q. How did you decide upon the amounts each
19 person received?

20 A. Once again, I don't remember if there was
21 any magic to the actual number. But once again,
22 the bank again recommended increments of checks.

1 Q. I note that in 1996 there was about half
2 of the money that was used in 1994, but twice the
3 people, about twice the amount of people received
4 checks.

5 Is there any reason for that difference?

6 A. Once again, I did what the bank
7 recommended.

8 Q. Do you recall who you talked to at the
9 bank about this?

10 A. I don't remember the exact person.
11 Someone at that time at Trustco Bank.

12 Q. Do you recall the person's title?

13 A. No.

14 Q. I note that in 1996 you were the person
15 who signed the checks.

16 A. Yes.

17 Q. Why is it that you were the person who
18 signed the checks in 1996?

19 A. Well, when we moved to Trustco Bank, I
20 prepared forms to change the depository and add me
21 as a signatory.

22 Based upon your previous questions now, I

1 prepared forms. So, I did that under the belief
2 that I was a signatory on the federal account.

3 Q. Also in 1996 the procedure changed in
4 that, according to your affidavit, the individuals
5 to whom the checks were made out endorsed the
6 checks and they returned the checks to you; is that
7 correct?

8 A. I'm not sure I understand the question.

9 Q. Let's look at it.

10 Page 7, number 22.

11 A. Yes. Right. In 1996, I alone went to
12 the bank.

13 Q. Why was this change in procedure?

14 A. That is the way the bank said to do it.
15 The bank said that all the individuals didn't have
16 to come, just have them endorse them and turn the
17 checks over to me.

18 Q. How close to actually going through this
19 procedure had you talked to the bank about it?

20 A. Once again, assuming November 1 was a
21 Monday.

22 Q. Yes.

1 A. Once again, probably similar to the 1994
2 scenario. Probably like the Thursday or the Friday
3 beforehand.

4 Q. About what time of the day were the
5 checks cashed?

6 A. I don't see anything on here that would
7 help me.

8 Q. I believe you don't find anything on that
9 exhibit.

10 Do you have any recollection?

11 A. I don't have a direct recollection. It
12 would have been standard practice for me to go in
13 the morning.

14 Q. Do you recall what denominations of bills
15 were received?

16 A. Once again, it would have been standard
17 practice for me to request the lower denominations
18 to the extent possible, 10s and 20s. We
19 begrudgingly took 50s if we had to. People have a
20 tendency not to break a 50 for you.

21 Q. How soon after receiving the cash did you
22 proceed down to New York City?

1 A. You know, I am going to have to say
2 1996. Although it is a more recent date, my
3 recollections are not as clear. Maybe because it
4 really wasn't a very competitive election for us I
5 just don't remember as well.

6 But, once again, it would have been
7 standard practice, this being the day for the
8 election, for me to high-tail it immediately to New
9 York City.

10 Q. Did anyone go with you?

11 A. I don't remember. I don't remember.

12 Q. Did you drive again this time, go by car?

13 A. I am pretty sure I did.

14 Q. Did you take your own car?

15 A. That is what I am trying to remember. I
16 really don't remember. I might have, but I can't
17 be sure.

18 Q. How long did it take you to get to New
19 York City?

20 A. If I drove, it probably took about
21 2 hours and 45 minutes.

22 Q. So, you drive within the speed limit?

1 A. I have a Honda Accord. Mr. Dudley has a
2 BMW. At the time I had a Honda Accord.

3 Q. Would you have been comfortable carrying
4 \$22,000 in cash to New York City by yourself?

5 A. Yes. I played rugby.

6 Q. Do you recall what time you arrived in
7 New York City?

8 A. You know, once again, for whatever
9 reason, for '96 my direct recollections are not as
10 vivid, but I assume it would have been early to mid
11 afternoon.

12 Q. Where did you go once you arrived?

13 A. Once again, the answer would be the
14 same. In 1996 I either would have gone to the
15 State GOP Headquarters, which at that time was
16 again on Lexington Avenue between 40 and 41st
17 Street, but it was moved across the street to what
18 is now, it remains there, 355 Lexington Avenue, or
19 I would have gone to the Sheraton Hotel.

20 Once again, election day mission control
21 was run out of the Sheraton Hotel.

22 Q. Was anyone else present when you turned

1 the money over to Mr. Powers?

2 A. No.

3 Q. Who was Mr. Powers supposed to give the
4 money to?

5 A. Well, once again, the intent of the money
6 was to reimburse poll watchers in the field on
7 election day for their expenses. It was my
8 expectation that he would use Party intermediaries
9 to make sure that that money got to those
10 volunteers in the field.

11 Q. Do you have any knowledge of the
12 identities of these intermediaries?

13 A. I have no direct knowledge of them.

14 Q. Do you have an indirect knowledge?

15 A. Once again, it would be my expectation
16 that he would use the Party apparatus to whatever
17 extent possible.

18 Q. Did you have any discussion with him
19 about who specifically he might turn the money over
20 to?

21 A. No. I didn't.

22 Q. Did you have discussions with anyone

1 other than Mr. Powers about who Mr. Powers might
2 turn the money over to?

3 A. No. No. I didn't.

4 Q. Now, the Williams Powers to whom a \$3,000
5 check was issued --

6 A. William D. Powers. Yes.

7 Q. Is that the same Williams Powers who you
8 turned the money over to later that day?

9 A. Yes.

10 Q. I am trying to understand this
11 procedure.

12 A. He didn't want to go to the bank. So, he
13 gave me his check. I went to the bank, cashed the
14 checks, and he went down to New York City. When I
15 left for the bank, he left for New York City.

16 Q. You left for New York City immediately
17 after cashing the checks?

18 A. That is correct.

19 But the process of cashing these checks,
20 first of all, this new bank was up in Schenectady,
21 which is a half hour north of Albany. So, it took
22 awhile to process the checks.

1 Q. Now, did the bank require you to sign any
2 documentation when you received the cash?

3 A. I don't remember signing anything.

4 Q. Is it possible that you signed some
5 acknowledgment of receipt of \$22,000 in cash?

6 A. It is possible, but I don't have any
7 recollection.

8 Q. I need to go back and clear up a couple
9 of things.

10 We talked earlier about who you
11 considered to be volunteers.

12 A. Yes.

13 Q. We identified lawyers in the field.

14 A. Yes.

15 Q. We identified poll watchers.

16 A. Yes.

17 Q. Any other people who you considered to be
18 volunteers?

19 A. No. That was pretty much the structure.

20 I mean, you know, like I said, sometimes
21 poll watchers were attorneys and sometimes we held
22 attorneys back and allocated them to polling places

1 that were, if you will, in crisis.

2 Q. You state on page 3, number 7 of your
3 affidavit: "New York City has approximately 5,500
4 election districts."

5 A. Yes.

6 Q. What is your source for that number?

7 A. I believe I got that from probably in our
8 data bank or I got it from the New York City Board
9 of Elections.

10 Q. Is an election district the same as a
11 polling place?

12 A. No. But it is close.

13 A polling place could contain many
14 election districts, but an election district would
15 be one or two distinct machines. Okay?

16 In New York City obviously you can have a
17 lot of condensed election districts. For example,
18 in one apartment complex you could have six or
19 seven election districts. They literally divide
20 them by building and sometimes by floor. You could
21 live on the 8th floor and be in one ED and be on
22 the 5th floor and be in another.

1 So, a polling place, especially in New
2 York City, can quite often contain more than one
3 election district. The voter will show up and then
4 say, I live blah, blah, blah, and then they will be
5 directed to the proper election district within
6 that polling place.

7 Upstate usually there is one polling
8 place and everyone there is from the same ED.

9 Q. How does the poll watcher program relate
10 to what you just described to me?

11 A. Well, poll watcher certificates are ED
12 specific and it is different voting. While they
13 are in one place, the machines are dispersed let's
14 say in the gymnasium of a school or the auditorium
15 of an apartment complex. So, you need watchers at
16 each machine.

17 So, at one polling place, depending on
18 how many -- we could have 15, 20 poll watchers at
19 that one polling place watching each machine -- the
20 poll watchers are assigned by ED to the specific
21 machines of that ED.

22 Okay? Does that make sense?

1 Q. I believe it does. It will probably make
2 sense after I go over your transcript five or six
3 times.

4 MR. GINSBERG: Off the record for a
5 second.

6 MR. BUCKLEY: Off the record.

7 (Discussion off the record.)

8 MR. BUCKLEY: Back on the record.

9 BY MR. BUCKLEY:

10 Q. Returning to the \$5,000 check that was
11 issued to Luther Mook.

12 A. In 1994?

13 Q. In 1994.

14 Did you ever have any discussions with
15 Mr. Powers about issuing the check to Mr. Mook?

16 A. I don't recollect any direct
17 conversations regarding that particular check.

18 Q. What do you mean by direct conversations?

19 A. I'm sorry. I just don't have any direct
20 recollections of an actual conversation regarding
21 the check to Mr. Mook.

22 Q. Did Mr. Mook and Mr. Powers have any sort

1 of special relationship?

2 A. I think, as we have detailed in our file
3 or our disclosures, Mr. Mook was the Republican in
4 charge of organizing the Asian American community
5 in New York City.

6 As I said, a lot of what we were trying
7 to do was outreach into areas that Republicans had
8 virtually abandoned since Mayor Lindsey, which we
9 felt was really at the core of what all our
10 problems were. We had basically left New York City
11 without a Republican presence for two decades and,
12 consequently, vote manipulations were occurring.

13 That was the basis of all our actions.
14 That was Mr. Mook's job to organize the Asian
15 American portions.

16 Q. Now, '94 was your first poll watch
17 program affecting federal elections.

18 A. That is correct.

19 Q. And 1993 you had a poll watcher program
20 which affected --

21 A. The mayoral election. There were not
22 federal elections in '93.

1 Q. Did you also have a program to reimburse
2 poll watchers in 1993?

3 A. Yes. We did.

4 Q. What was your method for getting cash?

5 A. The same. It was virtually -- I can't
6 say it was identical. It was virtually the same
7 and conceptually similar to this program, except
8 that it was reported out of our state account,
9 non-federal account.

10 Q. How much money was spent in your 1993
11 program?

12 A. I do not have the exact figure.

13 Q. Can you give me an approximation?

14 A. No. I can't.

15 I mean, I would have to look at my
16 records. I can tell you that I think it was more
17 than in 1996 or 1994.

18 Q. So, it would have been more than \$50,000?

19 A. We had more volunteers in 1993. I don't
20 know though.

21 Q. What was your method for obtaining the
22 cash in 1993?

1 A. The same.

2 Q. How many people did you issue checks to?

3 A. Once again, it was in increments, but the
4 exact number, I would have to go back and look. I
5 don't have those records with me. I haven't looked
6 at them in awhile.

7 Q. Did you bring the cash to New York City?

8 A. Yes. I did.

9 Q. And did you deliver the cash to
10 Mr. Powers?

11 A. Yes. I did.

12 Q. Then did Mr. Powers see to --

13 A. Yes.

14 Like I said, virtually the same,
15 conceptually similar to '94. I mean, the primary
16 difference was the source of the funds.

17 Q. So, in 1993 did you consult with your
18 bank about the best way to handle this?

19 A. In what year now?

20 Q. 1993.

21 A. Yes. Yes. I would have.

22 Q. In 1993 did you receive the instructions

1 that it was best to do it in increments?

2 A. Yes. I did.

3 Q. Did anyone explain to you why it was
4 easier to cash four checks as opposed to one
5 check?

6 A. It was their desire to do it that way.
7 So, I am assuming they had their reasons. I have
8 never really had any experience in banking law.

9 Q. Did you ever ask anybody to look into why
10 the bank did it in this fashion?

11 A. No. I didn't really think it was my
12 business.

13 Q. I need to ask you about the reporting on
14 the 1996 report. Page 7 of your affidavit, number
15 21.

16 A. Yes. Okay.

17 Q. You said: "The purpose was mistakenly
18 described as "election day expenses" as a result of
19 a bookkeeper at the Party inadvertently copying the
20 purpose from the original 1994 report."

21 A. Yes.

22 Do you want me to describe how that

1 happened?

2 Q. Yes. Please.

3 A. You know, once again, I did the program
4 the same way. I told the accountants this is how
5 we should describe it. At that time I couldn't
6 remember that GOTV. I couldn't remember exactly
7 what it was. I said look at the '94 reports and
8 see what the description says. Unfortunately, the
9 accountants went to the original, didn't notice
10 there was an amended report, copied the wrong one.
11 Then I, my own fault, didn't proof it adequately
12 and I didn't catch it and it went out with the same
13 erroneous description. Then almost immediately
14 upon finding it out we filed an amendment.

15 Q. Can you identify the person who actually
16 filled out the reports?

17 A. You mean the accountant?

18 It is sort of a team. We have outside
19 accountants do our books. Mary Obwald from our
20 office coordinates things with them. Then
21 obviously they are reviewed by myself and the
22 Treasurer.

1 Q. Who are your accountants?

2 A. Urbach, Kahn & Werlin. They are on State
3 Street in Albany, New York.

4 MR. BUCKLEY: Let's take another short
5 break.

6 THE WITNESS: Okay.

7 (Recess.)

8 MR. BUCKLEY: Back on the record.

9 BY MR. BUCKLEY:

10 Q. Mr. Buley, getting back to your
11 transactions with the banks.

12 A. Okay.

13 Q. In your dealings with Key Bank, did you
14 have one person there who was your contact person
15 for financial transactions?

16 A. Not that I remember.

17 Q. How about with Trustco Bank?

18 A. With Trustco, not that I remember.

19 Usually transactions with the bank were not handled
20 by me. I mean, I think it was rare. This one
21 particular project I dealt with the bank.

22 Q. Who was the person who handled the

1 transactions with the bank?

2 A. I am trying to think. We have had people
3 in and out on pregnancy leave and what not. In '94
4 it would have been, I believe, Mary Obwald.

5 Q. How about '96?

6 A. Mary Obwald has been in and out on
7 pregnancy leave. I am just not sure who it would
8 have been in '96.

9 Q. Do you speak directly to the bank about
10 how to handle these checks or does someone
11 intercede with you?

12 A. On these particular checks?

13 Q. On those particular checks.

14 A. I dealt directly with the bank.

15 Q. You dealt with the bank?

16 A. Yes. I did.

17 MR. BUCKLEY: That pretty much does it
18 for my questions. I am going to ask you to provide
19 us some information if you could.

20 Any information you can give us about the
21 '93 poll watcher program would be beneficial.

22 MR. GINSBERG: Are we on the record or

1 off the record?

2 MR. BUCKLEY: We are on the record.

3 MR. GINSBERG: Okay.

4 MR. BUCKLEY: That is really it.

5 At this point I am going to have the
6 Reporter mark as an exhibit a Confidentiality
7 Advisement.

8 You are aware that there are other
9 respondents to this matter. At least as we
10 interpret the confidentiality provision, nobody is
11 allowed to speak on divulging information gained
12 during the course of an ongoing investigation.

13 (Buley Exhibit No. 4
14 was marked for identification.)

15 MR. BUCKLEY: Mr. Ginsberg, I will ask
16 you at this time if you have any questions for the
17 witness?

18 MR. GINSBERG: No.

19 MR. BUCKLEY: Mr. Buley, you are entitled
20 to a witness fee. That will be processed and
21 forwarded to your attorney.

22 Also there is a form that needs to be

1 filled out for your travel costs. I will forward
2 that to your attorney and he can have you fill it
3 out and give us proper receipts. You will receive
4 costs after that.

5 I will ask my co-counsels if they have
6 any questions for you.

7 MS. WEISSENBERG: No.

8 MS. BUMGARDNER: No.

9 MR. BUCKLEY: What we will do at this
10 point is we will not conclude the deposition. We
11 will continue it. That allows us to call you
12 back. I don't anticipate that being necessary, but
13 if it is, I will discuss an appropriate time with
14 Mr. Ginsberg.

15 Thank you for coming in today.

16 THE WITNESS: Thank you for your
17 courtesy.

18 MR. BUCKLEY: With that, we are off the
19 record.

20 (Whereupon, at 11:40 a.m., the taking
21 of the deposition was concluded.)

22 (Signature not waived.)

CERTIFICATE OF DEPONENT

I have read the foregoing _____ pages which contain the correct transcript of the answers made by me to the questions therein recorded.

* * *

Subscribed and sworn before me this
_____ day of _____, 19 _____.

Notary Public in and for

My commission expires _____.

CERTIFICATE OF NOTARY PUBLIC

I, **Paula J. Eastes**, the officer before whom the foregoing deposition was taken, do hereby testify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me stenographically and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto nor financially or otherwise interested in the outcome of the action.

Paula J. Eastes

Paula J. Eastes

Notary Public in and for
the District of Columbia

My commission expires: February 14, 2001

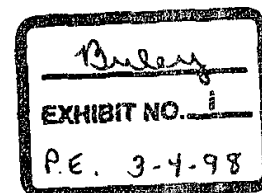
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 4648
New York Republican Federal Committee and)	
Lewis B. Stone, as treasurer, Jeffrey T. Buley.)	

AFFIDAVIT OF JEFFREY T. BULEY

Jeffrey T. Buley, being duly sworn, deposes and says:

1. I am an attorney at law admitted to practice before the Courts of the State of New York and am the General Counsel to the New York Republican State Committee ("the Party"). I served as pro bono counsel to the Party from January 1991 through September 1994. I have received compensation for my services to the Party since October 1994. I make this affidavit in response to inquiries and allegations made by the Federal Election Commission in MUR 4648.
2. In both 1994 and 1996, I was asked by Party Chair William Powers to head up the Party's election day program to ensure an honest vote count. To accomplish this, I consulted both federal and state law.
3. Having an effective election day program became a priority for the Party and chairman Powers as a result of what we observed happen in New York City in 1992. In that election, our focus was on the reelection campaign of Senator Al D'Amato, as well as the legislative and congressional candidates running under new lines for the first time as a result of redistricting.



4. In that election, we suspected improper activity when Democrats went to court on election day in an attempt to keep the New York City polls open two hours past their scheduled closing time. Our attorneys successfully opposed this motion in court. To accentuate that there were basic problems, Senator D'Amato had a 60,000 vote lead on election night. But the following morning, Party attorneys found out that approximately 150,000 unopened, uncounted paper ballots had been "discovered" throughout New York City. The Party became incensed at what we believed was a blatant attempt to steal the election, and Republican attorneys volunteered to serve throughout the City in unprecedented numbers at the counting of the unopened paper ballots at the local boards of election. This was so blatant that we believed we had probably been victimized by similar tactics in the past but didn't have poll watchers and volunteers to know what was happening to us.

5. The presence of GOP volunteers at the counting proved to be absolutely necessary. For example, at the Manhattan Board of Elections, where many of the unopened ballots turned up, the Democratic Deputy Election Commissioner, William Perkins, announced in the counting room that registration checks for the persons casting the ballots would be bypassed to expedite the process. Our attorneys objected strenuously, and Perkins backed down. The registration checks led to the invalidation of 70 percent of the unopened paper ballots. We became more convinced than ever that if we had not been present (which had been the case in the past), the 1992 election would have been stolen.

6. As the 1993 Mayoral election approached, we knew that a strong volunteer election day program was essential. We also realized from the 1992 experience that Republicans had abandoned parts of New York City since the election of John Lindsey in the 1960s. To prepare

for the 1993 elections, we moved on several fronts, including convincing the New York City Election Commission to institute the legally required mail check of all registered voters for the first time in more than a decade. This turned up more than 100,000 persons registered at addresses at which they no longer apparently lived. Additional investigation prompted media articles about 1,400 names being registered at one post office box, the registration of deceased persons, and the processing of 19,000 illegal registration forms. A New York State Senate Elections Committee investigation turned up even more past abuses. Exhibit 3.

7. In implementing our program, we looked to the New York State Election Code which permits a party to have three poll watchers at an election district polling station. New York City has approximately 5,500 election districts, so we knew that an unprecedented program was needed. The Party recruited and trained over 10,000 poll inspectors and poll watchers, as well as approximately 400 attorneys to assist when problems arose. This meant that we had Republicans in all the City's polling places for the first time in memory.

8. In determining how to get this many volunteers, we decided that the key was being able to make it as easy as possible for a person to take election day off from work. To do this, we utilized the section of State law that permits payments to poll watchers and other volunteers for election day activities. We reimbursed the Party's volunteers in varying amounts to cover such expenses as transportation, food, day care, and communications expenses. The Party directed that no volunteer receive more than \$99 in expense money, and I believe that none did.

9. The 1993 election day program was deemed a tremendous success, with Republicans appearing on election day in areas of the City where they had not been seen in decades, including communities traditionally "forgotten" by Republicans such as those in African-American,

Hispanic, Asian and other minority communities. The volunteers also assisted in the post-election day operations when 100,000 uncounted and unopened paper ballots were again found on the day after the election, threatening Rudy Guiliani's 44,000 vote lead in the Mayor's race. Approximately 55,000 of those ballots were invalidated in the challenge process and Guiliani won an additional 9,000 votes from the remaining 45,000 ballots.

10. Party officials believed that the election day program in New York City played an integral role in the victories of 1992 and 1993, and the 1993 program with its 10,000 volunteers for the mayoral election became the template for the program instituted by the Party in 1994 and 1996.

11. The gubernatorial campaign was the focus of the 1994 elections in New York, although the election day program was designed to help all candidates on the ballot including federal candidates. I directed that in order to comply with the Federal Election Campaign Act, the Party would pay for the program out of the allocation account. The appropriate disbursements for the program were on the Party's post-election report filed with the Commission.

12. In 1994, the Party recruited and trained more than 8,000 poll watchers. This number was slightly lower than in 1993, probably because there was no local election and because of a falling out between Mayor Guiliani and the Party over the Mayor's endorsement of Mario Cuomo over George Pataki.

13. In implementing the program and recruiting volunteers for the program, I worked to make the process as easy as possible for the volunteers. This included reimbursing them for their costs of transportation, meal expenses, communications, and day care when necessary as

permitted by New York law. After researching federal and state law and consulting with the Party's bank (Key Bank in Albany, N.Y.), I concluded that while there was no clear-cut answer, the best system for dispersing the funds to the volunteers was to have checks cut by the Party to a number of individuals, including myself.

14. To do this, the Party wrote checks totaling \$55,000 in the following amounts: me, \$15,000; David Dudley, \$15,000; Mary Obwald, \$10,000; and Greg Serio, \$10,000, and Luther Mook, \$5,000. All were party activists and volunteers in the election day program, and myself and Mary Obwald were also employed by the Party.

15. These disbursements to the six of us were reported to the Commission on the Party's post-election report according to my understanding of the Federal Election Campaign Act and the Commission's regulations. The purpose was described as "election day expenses", and corrected to "GOTV -Travel Expense Reimbursement and Catering Costs" after receiving a letter from the Reports Analysis Division. All the expenditures were for volunteers, none of whom had a candidate specific role or message and did not advocate the election or defeat of any specific candidate.

16. The \$5,000 disbursement to the Kings County Republican Committee was not a part of the Party's election day program. The Kings County Republican Committee is a county party committee created under New York law; its reports are on file with the New York Board of Elections in Albany. The Kings County organization is a separate political committee and not a part of the Party under New York law. The Party made the \$5,000 disbursement to the Kings County Republican Committee on the day after the 1994 election in anticipation of the increased expenses in the Borough of Brooklyn given the large number of unopened, uncounted paper

ballots there and the possibility of a recount in a very close race for state Attorney General. The KCRC needed the funds to pay for its participation in the post-election counting and challenging, with Brooklyn being perhaps the most difficult section of New York City for Republicans.

17. As I devised the program, each of the individuals cashed the check made out to him or her at the Key Bank and gave the money to me, with the exception of Luther Mook. I proceeded to New York City with the \$50,000 in cash for disbursement to the poll watchers and other volunteers. To the best of my knowledge and belief, and pursuant to my directions, all the money was disbursed to the approximately 10,000 volunteers. No volunteer received more than \$99 from the Party for his or her participation in the election day program. We did this in the belief we were complying with the Act's rules regarding the disbursement of petty cash.

18. In 1996, because of the races on the ballot, the election day program was smaller than in 1994. I was again given the job of planning and executing the election day program by Chairman Powers. The focus was on aiding all Republican candidates on the ballot by helping to achieve an honest vote and count. The Party paid for the program out of its allocation account and reported the disbursements to the Commission. The Party again contacted its list of more than 8,000 poll watchers to recruit volunteers for 1996. This effort was not as successful as 1993 and 1994, but we still had enough volunteers to have a presence at every polling location in New York City.

19. We again believed that the key to the program was making the process as easy as possible for the volunteers. This again included reimbursing them for their costs of transportation, meal expenses, communications, and day care when necessary as permitted by New York law. Since no objections other than the purpose used on the FEC report had been

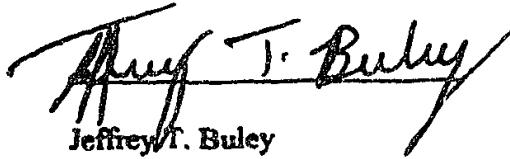
raised, I implemented virtually the same election day program as in 1994. The lone exceptions were that the program was smaller and that the Party was now using Trustco Bank in Schenectady, N.Y.

20. To cover the 1996 election day expenses for the poll watchers and other volunteers, the Party wrote checks totaling \$22,500 in the following amounts: me, \$3,000; J. Brendan Quinn, \$3,000; Mary Obwald, \$2,500; William D. Powers, \$3,000; Jason Powers, \$3,000; Kenneth Dippel, \$3,000; Lisa Herbst Ruggles, \$2,500, and Darryl Fox, \$2,500. All were either employees or campaign volunteers of the Party for purposes of election day activities.


21. The disbursements of these funds to the eight individuals were reported to the Commission on the Party's post-election report. The purpose was mistakenly described as "election day expenses" as a result of a bookkeeper at the Party inadvertently copying the purpose from the original 1994 report and not the amended purpose sent to the Reports Analysis Division in 1995. This mistake on our part was amended as soon as the error was brought to the Party's attention. All the disbursements were for volunteers, none of whom had a candidate specific role or message and did not advocate the election or defeat of any specific candidate.

22. Under the 1996 program, each of the individuals endorsed the checks and turned them over to me. I then cashed them at the Trustco Bank, and proceeded to New York City with the \$22,500 in cash for disbursement to the poll watchers and other volunteers. I directed that all the money be disbursed to the approximately 8,000 volunteers and that no volunteer receive more than \$99 from the Party for his or her participation in the election day program. I believe that these directions were followed.

I swear that the proceeding statements are true to the best of my knowledge, information
and belief.


Jeffrey T. Buley

SUBSCRIBED AND SWORN to before me this 18th day of August, 1997


Christopher F. Grimaldi
Notary Public

02GR5059031

Albany County, NY

My Commission Expires:

4/22/98

09.04.2014 14:00

NEW YORK REPUBLICAN STATE COMMITTEE
 ALLOCATION ACCOUNT
 315 STATE STREET
 ALBANY, NY 12210

PAY
 AMOUNT
 OF

Fifteen thousand dollars and 00/100

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
11/7/94	D. Jeffrey T. Buley	194: 60TV	3321

11/10/11

110794 12101158 0057619 25 A 0010 Cash Check
~~5110-0000-57~~ 01 15,000.00

KEY BANK OF NEW YORK
 PARK OFFICE ALBANY, NY 12210

James P. O'Leary

⑈003321⑈ ⑈02130007⑈ 511 000635 9⑈

⑈0001500000⑈

3321
 28-7-218
 CHECK
 AMOUNT
 \$ 15,000.00

NEW YORK REPUBLICAN STATE COMMITTEE
 ALLOCATION ACCOUNT
 315 STATE STREET
 ALBANY, NY 12210

PAY
 AMOUNT
 OF

Ten thousand dollars and 00/100

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
11/3/94	Mary F. Obwald	194: 60TV	3322

11/10/11

110794 12104103 0057619 31 A 0010 Cash Check
~~5110-0000-57~~ 01 10,000.00

KEY BANK OF NEW YORK
 PARK OFFICE ALBANY, NY 12210

James P. O'Leary

⑈003322⑈ ⑈02130007⑈ 511 000635 9⑈

⑈0001000000⑈

3322
 28-7-218
 CHECK
 AMOUNT
 \$ 10,000.00

Buley
 EXHIBIT NO. 2
 P.E. 3-4-98

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Jeffrey T. Bully

OKKS

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NEW YORK CITY 11/07/94
17 CORP MTD ALBANY, NY
0300411678

07 NOV 94

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Mary J. Cwale

OKKS

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NEW YORK CITY 11/07/94
17 CORP MTD ALBANY, NY
0300411799

07 NOV 94

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NEW YORK REPUBLICAN STATE COMMITTEE

ALLOCATION ACCOUNT
315 STATE STREET
ALBANY, NY 12210

PAY
AMOUNT
OF

Ten thousand dollars and 00/100

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	DOLLARS
11/7/94	Gregory Gerio	V94: GOTV	3323	

11/10/11

KEY BANK OF NEW YORK
PARK OFFICE ALBANY, NY 12210

SEP 27
916443605
12,000

Gregory Gerio

11003332310 1021300077 511 000635 910

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CHECK
AMOUNT

\$ 10,000.00

3323

28-7-213

NEW YORK REPUBLICAN STATE COMMITTEE

ALLOCATION ACCOUNT
315 STATE STREET
ALBANY, NY 12210

PAY
AMOUNT
OF

FIVE THOUSAND 00/100

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	DOLLARS
11/5/94	LUTHER MARR	NOV 21 94		

11/10/11

KEY BANK OF NEW YORK
PARK OFFICE ALBANY, NY 12210

Stephen J. Donner

11003332610 1021300077 511 000635 910

000050000000

CHECK
AMOUNT

\$ 5,000.00

3326

28-7-213

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Raymond K. [Signature]

OK

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NEW YORK 11/21/94
17 CORP MOD ALBANY, NY
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William [Signature]
William [Signature]

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7137-52-7214

[Signature]

NOV 21 1994
+0210003224
National Instruments Inc. USA
Federal Reserve Bank
New York

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NATIONAL
WESTING
BANK
MIL.
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PROCESSED BY
11/22/94
PAYOR BANK
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*FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

NEW YORK REPUBLICAN STATE COMMITTEE

ALLOCATION ACCOUNT
315 STATE STREET
ALBANY, NY 12210

PAY
AMOUNT
OF

Fifteen thousand and 09/100

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	DOLLARS
11/7/94	David Dudley	194: GOTV	3320	

11/011

110794 12103:36 0057619 29 A 0010 Cash Check
5110 0063 59 01 \$15,000.00

KEY BANK OF NEW YORK
PARK OFFICE ALBANY, NY 12210

George P. Long

⑈003320⑈ ⑆021300077⑆ 511 000635 4⑈

⑈0001500000⑈

3320

28-7-213

CHECK
AMOUNT

\$ 15,000.00

NEW YORK REPUBLICAN STATE COMMITTEE

ALLOCATION ACCOUNT
315 STATE STREET
ALBANY, NY 12210

PAY
AMOUNT
OF

FIVE THOUSAND DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	DOLLARS
11/7/94	Kings County Rep Comm			

11/011

KEY BANK OF NEW YORK
PARK OFFICE ALBANY, NY 12210

Michael Dine

⑈003329⑈ ⑆021300077⑆ 511 000635 9⑈

⑈0000500000⑈

3329

28-7-213

CHECK
AMOUNT

\$5000.00

ENDORSE HERE

David Dudley
OKKS

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Kings County
Rep. Committee
Arthur Bramwell

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PROCESSED BY
FEDERAL RESERVE BANK
NEW YORK, N.Y.
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PAYOR BANK
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NEW YORK REPUBLICAN STATE COMMITTEE

ALLOCATION ACCOUNT
315 STATE ST.
ALBANY, NY 12210

PAY
AMOUNT
OF

two thousand five hundred & no/100

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	AMOUNT
10/31/96	Darryl Fox	Exp. Reimb.	5521	

111011

MAIN OFFICE 1 SCHENECTADY, NEW YORK 12305

Jeffrey T. Bulley

⑈005522⑈ ⑈021300912⑈

30476702A

⑈0000050000⑈

NEW YORK REPUBLICAN STATE COMMITTEE

ALLOCATION ACCOUNT
315 STATE ST.
ALBANY, NY 12210

PAY
AMOUNT
OF

three thousand 0 and no/100

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	AMOUNT
11/1/96	Jeffrey T. Bulley	Exp. Reimb.	5522	

111011

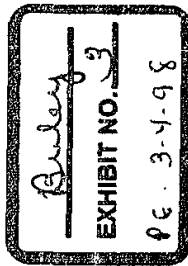
MAIN OFFICE 1 SCHENECTADY, NEW YORK 12305

Jeffrey T. Bulley

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30476702A

⑈0000300000⑈



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NEW YORK REPUBLICAN STATE COMMITTEE
ALLOCATION ACCOUNT
315 STATE ST.
ALBANY, NY 12210

5523

50-91-213

CHECK
AMOUNT

\$3000.00

PAY
AMOUNT
OF

three thousand and no/100

DOLLARS

| DATE | TO THE ORDER OF | DESCRIPTION | CHECK
NUMBER |
|---------|------------------|-------------|-----------------|
| 11/1/96 | J. Brendan Quinn | Exp. Reimb. | 5523 |

111011

TRUSTCO BANK
MAIN OFFICE 1 SCHENECTADY, NEW YORK 12305

Theresa T. Bulley
304767026

⑈005523⑈ ⑆026300912⑆

⑈0000300000⑈

NEW YORK REPUBLICAN STATE COMMITTEE
ALLOCATION ACCOUNT
315 STATE ST.
ALBANY, NY 12210

5525

50-91-213

CHECK
AMOUNT

\$3000.00

PAY
AMOUNT
OF

three thousand and no/100

DOLLARS

| DATE | TO THE ORDER OF | DESCRIPTION | CHECK
NUMBER |
|---------|-------------------|-------------|-----------------|
| 11/1/96 | William D. Powers | Exp. Reimb. | 5525 |

111011

TRUSTCO BANK
MAIN OFFICE 1 SCHENECTADY, NEW YORK 12305

Theresa T. Bulley
304767026

⑈005525⑈ ⑆026300912⑆

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Brendan 2

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Chemical Protection

Erase Protection
Security Screen

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- Stains or spots appear with chemical alteration
- White mark appears when erased
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Michael P. Piro

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Security Screen

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NEW YORK REPUBLICAN STATE COMMITTEE

ALLOCATION ACCOUNT
316 STATE ST.
ALBANY, NY 12210

5526

50-81-213

PAY
AMOUNT
OF

three thousand and no/100

DOLLARS

| DATE | TO THE ORDER OF | DESCRIPTION | CHECK
NUMBER |
|---------|-----------------|-------------|-----------------|
| 11/1/96 | Tason Powers | Exp. Reimb. | 5526 |

CHECK
AMOUNT

\$3000.00

11/01

TRUSTCO BANK
MAIN OFFICE 1 SCHENECTADY, NEW YORK 12305

Thy T. Bully
304767021
1000552610 02130091210 0000300000

NEW YORK REPUBLICAN STATE COMMITTEE

ALLOCATION ACCOUNT
316 STATE ST.
ALBANY, NY 12210

5527

50-81-213

PAY
AMOUNT
OF

three thousand and no/100

DOLLARS

| DATE | TO THE ORDER OF | DESCRIPTION | CHECK
NUMBER |
|---------|-----------------|-------------|-----------------|
| 11/1/96 | Ken Dipple | Exp. Reimb. | 5527 |

CHECK
AMOUNT

\$3000.00

11/01

TRUSTCO BANK
MAIN OFFICE 1 SCHENECTADY, NEW YORK 12305

Thy T. Bully
304767021
1000552710 02130091210 0000300000

John Young

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Don Brown

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NEW YORK REPUBLICAN STATE COMMITTEE

ALLOCATION ACCOUNT
315 STATE ST.
ALBANY, NY 12210

5528

50-91-213

CHECK
AMOUNT

\$ 2500.00

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AMOUNT
OF | DATE | TO THE ORDER OF | DESCRIPTION | CHECK
NUMBER | AMOUNT |
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| 11/1/96 | 11/1/96 | Mary Obwald | Exp. Reimb. | 5528 | |

TRUSTCO BANK
MAIN OFFICE 1 SCHENECTADY, NEW YORK 12305

Theresa T. Buluy
3047870218

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NEW YORK REPUBLICAN STATE COMMITTEE

ALLOCATION ACCOUNT
315 STATE ST.
ALBANY, NY 12210

5529

50-91-213

CHECK
AMOUNT

\$ 2500.00

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AMOUNT
OF | DATE | TO THE ORDER OF | DESCRIPTION | CHECK
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| 11/1/96 | 11/1/96 | Lisa Herbert | Exp. Reimb. | 5529 | |

TRUSTCO BANK
MAIN OFFICE 1 SCHENECTADY, NEW YORK 12305

Theresa T. Buluy
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Mary Swartz

Lisa Swartz

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CONFIDENTIALITY ADVISEMENT

Since this information is being sought as part of an investigation being conducted by the Federal Election Commission, the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation. You are advised that no such consent has been given in this case.

Jeffrey T. Bulley
(Signature)

3/4/98
(Date)

Jeffrey T. Bulley
(Print Full Name)

2/24/60
(Date of Birth)

(Social Security Number)

(Telephone Number)

315 State St. Albany NY 12210
(Address including Street, City, State, and Zip Code)

026

| |
|----------------------|
| <u>Bulley</u> |
| EXHIBIT NO. <u>4</u> |
| P.E. 3-4-98 |