

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

RUDE MUSIC, INC.)
)
v.) Case No. 1:12-cv-00640-(MFK)
)
NEWT 2012, INC., *et al.*)

SUPPLEMENTAL DECLARATION OF GREGG KELLER

I, Gregg Keller, declare as follows:

1. I am the National Executive Director of American Conservative Union (“ACU”).

I am of lawful age and, in the course of performing my responsibilities, I have gained knowledge of the facts set forth in this declaration. ACU’s lawyers have asked me to provide information to supplement an earlier declaration I made in connection with a motion to dismiss a lawsuit against ACU. This is not a general response to the lawsuit. If called as a witness, I could and would testify competently under oath to the following facts:

2. Under ACU’s articles of corporation, ACU’s voting membership is comprised of U.S. citizens who voluntarily support the objectives and purposes of ACU, apply to join, and pay annual dues. Voting members annually elect two (2) at-large members to ACU’s 33-member board of directors. ACU’s non-voting membership is comprised of U.S. citizens who voluntarily support the objectives and purposes of ACU and apply to join. The number of members in total and from various states fluctuates. From 2009 through 2011, about 11% of ACU members had Illinois addresses.

3. ACU’s website, www.conservative.org, invites guests to financially support ACU. Based on addresses provided by donors, Illinois residents have made online donations to ACU, which accounts for a small portion of ACU’s total online donations as documented in the chart below. ACU’s online store was not launched until 2012.

Year	Number & Percentage of Illinois Residents Who Made Online Donations	Total Number of Individuals Who Made Online Donations	Amount & Percentage of Illinois Residents' Online Donations	Total Amount of Online Donations
2009	67 (2%)	3,054	\$1,840 (2%)	\$114,638
2010	74 (6%)	1,172	\$1,680 (2%)	\$74,619
2011	78 (8%)	923	\$2,125 (4%)	\$55,741

4. The Federal Election Commission filings discussed in the Plaintiff's response and cited to as the Plaintiff's Exhibit 5 disclose the financial activity of ACU's federal political action committee ("PAC"). ACU's PAC is a separate legal entity from ACU. ACU's PAC is an unincorporated association, has its own employer identification number from the Internal Revenue Service, maintains its own bank account, and has its own governing committee.

5. Last year, ACU conceived of the idea to hold regional Conservative Political Action Conferences ("CPACs") similar to the annual national CPAC held in Washington, DC. ACU's first regional CPAC was held in Orlando, Florida on September 23, 2011. Based on its success, ACU decided to hold another regional CPAC in the midwest during the summer of 2012. However, when the Plaintiff filed its complaint, ACU was just beginning to plan for a Chicago CPAC to be held on June 8, 2012. No contract in connection with the Chicago CPAC had been signed. ACU publicly announced the Chicago CPAC on March 15, 2012. ACU did not launch the Chicago CPAC portion of its website or begin offering online registration for the Chicago CPAC until March 15, 2012. Except for the upcoming Chicago CPAC on June 8, 2012, ACU has not held any events in Illinois.


6. In February 2012, ACU spent \$1,560 to broadcast radio advertisements supporting Representative Bobby Schilling. ACU broadcast similar advertisements in many other states. The total cost of the nationwide advertising campaign was \$183,063; the amount spent in Illinois compared to overall cost was negligible.

7. ACU plans to rate members of the Illinois legislature and various other state legislatures as part of its legislative rating educational program, but it has not yet done so. The legislative rating program will gather Illinois legislators' voting records and compile statistics. These activities will primarily be conducted in Washington, DC, although in the future a small portion will take place in Illinois.

8. ACU has collected and posted information about the Association of Community Organizations for Reform Now's ("ACORN") Chicago Chapter, using sources that did not involve trips to Illinois, communications with ACORN agents, or other contacts with Illinois.

Pursuant to Section 1746 of Title 28 of the United States Code, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 28, 2012.



Gregg Keller