

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CAMPAIGN LEGAL CENTER,

Plaintiff,

v.

IOWA VALUES,

Defendant.

Civ. No. 21-cv-00389-RCL

**PLAINTIFF CAMPAIGN LEGAL CENTER'S  
PROPOSED FINDINGS OF FACT**

Erin Chlopak (DC Bar No. 496370)

Alexandra Copper\*

Shanna Reulbach (DC Bar No. 1618245)

Brent Ferguson (DC Bar No. 1782289)

Kevin P. Hancock (DC Bar No. 90000011)

Kristen Roehrig (DC Bar No. 90027169)

CAMPAIGN LEGAL CENTER

1101 14th Street NW, Ste. 400

Washington, DC 20005

(202) 736-2200

[echlopak@campaignlegalcenter.org](mailto:echlopak@campaignlegalcenter.org)

[acopper@campaignlegalcenter.org](mailto:acopper@campaignlegalcenter.org)

[sports@campaignlegalcenter.org](mailto:sports@campaignlegalcenter.org)

[bferguson@campaignlegalcenter.org](mailto:bferguson@campaignlegalcenter.org)

[khancock@campaignlegalcenter.org](mailto:khancock@campaignlegalcenter.org)

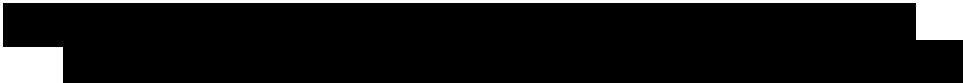
[kroehrig@campaignlegalcenter.org](mailto:kroehrig@campaignlegalcenter.org)

Counsel for Plaintiff

*\*admitted pro hac vice*

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**GLOSSARY OF SIGNIFICANT ENTITIES AND INDIVIDUALS IN PROPOSED  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

| <b>SIGNIFICANT ENTITIES</b>                                                                                                                                                                      | <b>RELEVANT ACTORS ASSOCIATED<br/>WITH LISTED ENTITIES</b>                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <u>Canvass America/Canvass Iowa</u><br>Vendor providing door-to-door canvassing services for Iowa Values. <i>See infra</i> ¶¶ 357, 384.                                                          | Allison Bedell<br>Chris Hansen                                                                  |
| <u>Causeway Solutions/MS Causeway Solutions, LLC</u><br>Vendor providing data and analytics services to Iowa Values, Ernst campaign, and other Ernst entities. <i>See infra</i> ¶¶ 32, 117, 226. | Chris McNulty<br>Molly Rutledge<br>Bill Skelly                                                  |
| <u>Ernst Victory</u><br>Ernst-affiliated political committee. <i>See infra</i> ¶ 599.                                                                                                            | Joni Ernst                                                                                      |
| <u>Ernst Victory Iowa</u><br>Federal joint fundraising committee with Joni Ernst, her leadership PAC, and the Republican Party of Iowa. <i>See infra</i> ¶ 757.                                  | Joni Ernst                                                                                      |
| <u>Holloway Consulting, Inc.</u><br>Vendor providing fundraising services to Iowa Values, Ernst campaign, and other Ernst entities. <i>See infra</i> ¶ 599.                                      | Claire Holloway Avella<br>Laurène Gros-Daillon<br>Amy Nycz<br>Amanda Stewart<br>Kristin Strubel |
| <u>Iowa Values</u><br>Defendant. <i>See infra</i> Part II.B.                                                                                                                                     | Paula Dierenfeld<br>Sara Fagen<br>Derek Flowers<br>Jon Kohan<br>Tom Tauke                       |
| <u>Iowa Values Action</u><br>Independent expenditure-only political committee (Super PAC) created by Iowa Values leadership and Board of Directors. <i>See infra</i> Part VII.                   | Paula Dierenfeld<br>Sara Fagen<br>Derek Flowers<br>Tom Tauke                                    |
| <u>Jamestown Associates</u><br>Vendor providing political consulting services to Iowa Values, Ernst campaign, and other Ernst entities. <i>See infra</i> ¶¶ 102, 165, 604.                       | Johnny Corbett<br>Jon Kohan                                                                     |

|                                                                                                                                                                               |                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <u>Jobs Opportunities and New Ideas (JONI) PAC</u><br>Ernst-affiliated political committee. <i>See infra</i> ¶ 113.                                                           | Joni Ernst                                                                                    |
| <u>Joni for Iowa</u><br>Ernst principal campaign committee. <i>See infra</i> ¶¶ 78, 107, 636.                                                                                 | Joni Ernst<br>Josie Beecher<br>Derek Flowers<br>Jon Kohan<br>Mary Kate Munro<br>Sam Pritchard |
| <u>Joni's Roast and Ride</u><br>Annual Ernst fundraiser and affiliated political committee. <i>See infra</i> ¶¶ 114, 418 & n.31.                                              | Joni Ernst<br>Derek Flowers                                                                   |
| <u>JONI PAC Iowa</u><br>Ernst state political action committee. <i>See infra</i> ¶ 113.                                                                                       | Joni Ernst<br>Derek Flowers                                                                   |
| <u>Majority Strategies</u><br>Vendor providing communications services, including advertising, to Iowa Values. <i>See infra</i> ¶¶ 384, 411, 416.                             | Logan Hemmert<br>Rachel Pewitt<br>Reid Vineis                                                 |
| <u>Office of Senator Joni Ernst</u> <i>See infra</i> ¶ 703.                                                                                                                   | Joni Ernst<br>Lisa Goeas<br>Courtney Klein                                                    |
| <u>Poolhouse</u><br>Vendor providing media services to Iowa Values and one or more Ernst-affiliated committees. <i>See infra</i> ¶ 110.                                       | Will Ritter                                                                                   |
| <u>RightSide Compliance</u><br>Vendor providing accounting and compliance services to Iowa Values, Ernst campaign, and other Ernst entities. <i>See infra</i> ¶¶ 119-20, 610. | Joanne Parker                                                                                 |
| <u>The Strategy Group Company/The Strategy Group for Media</u><br>Vendor providing media production services to Iowa Values. <i>See infra</i> ¶¶ 506, 575.                    | Courtney Alexander<br>Ben Yoho                                                                |
| <u>Targeted Victory</u><br>Vendor providing consulting services to Iowa Values, Ernst campaign, and other Ernst entities. <i>See infra</i> ¶¶ 111, 115.                       | Abe Adams                                                                                     |



|                                                                                                                                               |                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <u>The Tarrance Group</u><br>Vendor providing polling services to Iowa Values and Ernst campaign. <i>See infra</i> ¶¶ 433, 604.               | <br>Brian Nienaber |
| <u>Venable LLP</u><br>Law firm providing legal services to Iowa Values, Ernst campaign, and other Ernst entities. <i>See infra</i> ¶¶ 100-01. | Ronald Jacobs                                                                                       |
| <u>Woodberry Associates</u><br>Vendor providing consulting services to Iowa Values. <i>See infra</i> ¶ 111.                                   | Derek Flowers                                                                                       |

## INTRODUCTION

From at least 2019 to 2020—indeed, from the very moment of its founding in 2017—Defendant Iowa Values operated as a single-candidate political committee whose mission and purpose was to support U.S. Senator Joni Ernst’s 2020 re-election. Iowa Values set out to and succeeded in accomplishing that mission while keeping its donors and political spending secret, a scenario prohibited by federal campaign finance law. Iowa Values thus violated its legal obligations to register as a political committee when it purported to be but failed to operate as a nonprofit “social welfare” organization.

These basic facts, and the story of Iowa Values, its activities, and the intent behind them, are revealed in extraordinary detail in well over 4,000 pages of documents and testimony, numerous digital advertisements, and other electronic files amassed in the evidentiary record. Plaintiff Campaign Legal Center (“CLC”)’s proposed Findings of Fact and Conclusions of Law describe how, between 2017 and 2020, individuals and entities associated with U.S. Senator Joni Ernst—including two former campaign managers, her lawyer, and her fundraiser—collaborated, under the pretext of working for, with, or on behalf of a section 501(c)(4) “social welfare” organization, to execute a scheme to support Ernst’s 2020 re-election effort while evading federal campaign finance disclosure laws that require transparency about fundraising and spending to influence federal elections.

From Iowa Values’s inception in 2017, the purpose of this “501(c)(4) [*was to*] *be supportive of Senator Ernst*,” Findings of Fact (“FOF”) ¶ 110 (quoting JA-000122 (IAV00003482-83 at IAV00003483)) (emphasis added)). The group’s moniker—Iowa Values—helped to obfuscate its true purpose and bolster its façade as a “legitimate issues organization within Iowa.” *Infra* ¶ 227 (quoting JA-000634 (IAV00004756-59 at IAV00004758)). Evidence, however, leaves no room for doubt: Iowa Values was, in every conceivable sense, a federal political committee, whose self-

proclaimed “goal [was] *first and foremost helping re-elect Senator Joni Ernst.*” *Infra* ¶ 264 (quoting JA-004288 (IAV00003281-84 at IAV00003281) (emphasis added)). Given its singular focus on supporting Ernst, Iowa Values violated federal law by failing to register as a political committee or disclose any information about the sources and recipients of its millions of dollars in spending to help re-elect Ernst to the United States Senate in 2020.

The Findings of Fact describe Iowa Values’s four-pronged approach to support Ernst’s re-election, focused on: (1) electorate modeling and data sharing, (2) door-to-door canvassing, (3) digital and mail advertising, and (4) fundraising to support these programmatic activities. Specifically, Iowa Values gathered data about and modeled the Iowa electorate in order to identify and target specific voters who represented “the most critical segments of the electorate for Senator Ernst in 2019 and 2020.” *Infra* ¶ 125 (quoting JA-004288 (IAV00003281)). Iowa Values shared its data with the Ernst campaign, while also using this electorate modeling work for its own targeted door-to-door canvassing and advertising. Iowa Values’s plan was “to build a Joni firewall” with critical voters to ensure they would “be strong for Senator Ernst” in 2020. *Infra* ¶ 125 (quoting JA-004288 (IAV00003282)). Iowa Values financed these efforts by strategically and simultaneously using the same fundraiser as the Ernst campaign and other Ernst-affiliated entities to maximize its ability to raise funds for its pro-Ernst activities. And it was an effective approach: in 2019 alone, Iowa Values successfully raised \$1,090,000 in donations; when added to the donations it collected in 2018 and 2020, Iowa Values raised more than \$3.7 million in dark money to help re-elect Ernst. *Infra* ¶ 711-13.

Iowa Values began its digital advertising and door-to-door canvassing campaign to re-elect Ernst in the summer of 2019—only after Ernst declared and kicked off her 2020 campaign, *see infra* ¶ 125—with a press release, in which Iowa Values announced a “Digital Advertising Blitz

and Door to Door Voter Canvassing,” explained it had “invested six-figures in a digital advertising campaign that will touch swing voters in all 99 counties,” and proclaimed that this “large-scale effort is just the beginning of an election-long effort by Iowa Values to highlight the work of Sen. Joni Ernst,” *infra* ¶¶ 361-62 (quoting JA-001521 (IAV00000252-53 at IAV00000252)). From 2019 through the November 2020 General Election, every paid advertisement Iowa Values ran save one, along with all of its canvassing materials, featured and promoted Ernst, with lines like “We are Iowans. We Deserve Leaders Who Share Our Values Like JONI ERNST.” *See, e.g., infra* ¶ 457 (quoting JA-001524, 1580-89, various Iowa Values digital advertisements).

Iowa Values carried out its multi-year plan to help re-elect Ernst by intentionally and strategically enlisting individuals and vendors with connections to Ernst, her campaign, and her other political committees. Iowa Values simultaneously used the same vendors as Ernst—including the same fundraiser—without a firewall. Indeed, Iowa Values’s fundraiser frequently solicited large donations to Iowa Values “[a]s a follow up to our introduction by Senator Ernst” or members of her staff, *infra* ¶ 619 (quoting, *e.g.*, JA-001337 (HCI-00000341)), occasionally enlisting Ernst herself to help motivate donors to give to Iowa Values, and routinely coordinating with and reporting back to Ernst Senate staff about fundraising activities on behalf of Iowa Values.

In 2020, when Iowa Values wanted to engage in even more explicit campaign advocacy while continuing to evade federal campaign finance disclosure rules, it set up a companion super PAC—Iowa Values Action—and then funneled more than \$1.4 million of the undisclosed donations it had raised as a 501(c)(4) entity to fund advertisements explicitly advocating for Ernst and against her general election opponent, but under the auspices of Iowa Values Action. Iowa Values Action disclosed only Iowa Values, the purported “social welfare” organization, as the source of such funds—not the original donors. On the eve of Ernst’s 2020 election, Iowa Values

transferred close to a million dollars of its remaining funds to Iowa Values Action, thereby maximizing its impact supporting Ernst. Once the election was over and Ernst had won, Iowa Values then effectively shut down all program operations, raising *zero* dollars in 2021, and spending most of its money that year on legal fees, including to defend this lawsuit.

After the Federal Election Commission (“FEC”) failed to investigate CLC’s administrative allegations against Iowa Values, three Commissioners attempted to retroactively explain the agency’s failure by dismissing CLC’s preliminary evidence as “contextless,” “cherry-picked,” and “inherently subjective and ambiguous,” doubting that it “reflect[ed] the full internal discussion” within Iowa Values or the organization’s “actual activities.” *Infra* ¶ 126 (quoting JA-002727 (Statement of Reasons of Chairman Allen J. Dickerson and Commissioners Sean J. Cooksey and James E. “Trey” Trainor, III)). Of course, Iowa Values went to great lengths to actively conceal that information, and the FEC simply refused to dig any deeper.

The comprehensive evidentiary record CLC has developed after years of litigating this citizen suit thus not only exposes Iowa Values’s illegal scheme to secretly support Ernst with millions of dollars of undisclosed dark money, it also underscores the crucial importance, as Congress recognized, of the citizen suit provision in the Federal Election Campaign Act, which authorizes lawsuits like this one to demand the transparency Congress required—and to which CLC, and the American public is entitled—even when the federal agency charged with ensuring transparency of our elections shirks its responsibilities.

## FINDINGS OF FACT

### I. Procedural History

1. This is a private citizen suit brought by plaintiff Campaign Legal Center (“CLC”) against Defendant Iowa Values pursuant to an explicit statutory authorization in 52 U.S.C. § 30109(a)(8)(C).

2. As outlined in this Court’s prior memorandum opinions denying Iowa Values’s motions to dismiss, *CLC v. Iowa Values*, 573 F. Supp. 3d 243 (D.D.C. 2021), ECF No. 21, and for summary judgment, *CLC v. Iowa Values*, 691 F. Supp. 3d 94, 101 (D.D.C. 2023), ECF No. 81, and as further detailed below, CLC filed this citizen suit after first: (1) filing an administrative complaint with the Federal Election Commission (“FEC”) alleging violations of the Federal Election Campaign Act (“FECA”) by Iowa Values; (2) filing a lawsuit against the FEC for failing to act on CLC’s administrative complaint within 120 days of the date CLC filed it with the FEC; (3) obtaining an order from this Court in that case finding that the FEC had failed to act on CLC’s administrative complaint and ordering the FEC to conform with the Court’s order within 90 days; and (4) obtaining a subsequent order from this Court finding that the FEC had failed to timely conform within that 90-day period and authorizing CLC to file this citizen suit.

3. The complete procedural history of this litigation, including CLC’s underlying FEC complaint against Iowa Values and CLC’s related case against the FEC for failing to take timely action on that complaint, is set forth below.

#### **A. CLC Files an Administrative Complaint with the FEC and Then Sues the FEC for Failing to Act on the Complaint.**

4. CLC filed a complaint with the FEC on December 19, 2019, alleging that Iowa Values violated FECA by failing to register as a federal political committee and report its receipts and disbursements as required by the statute, despite having qualified as a federal political

committee by at least the summer of 2019. *See* Mot. to Dismiss Op., 573 F. Supp. 3d at 250; Mot. for Summ. J. Op., 691 F. Supp. 3d at 97.

5. On June 30, 2020, 194 days after CLC filed its administrative complaint with the FEC and without receiving a notification of any action on that complaint by the FEC, CLC filed an action in this Court alleging that the FEC had unlawfully failed to act on CLC’s administrative complaint. Mot. for Summ. J. Op., 691 F. Supp. 3d at 97 (citing Compl., *CLC v. FEC*, No. 1:20-cv-1778, ECF No. 1 (D.D.C. June 30, 2020)). CLC filed the lawsuit against the FEC pursuant to 52 U.S.C. § 30109(a)(8)(A), which permits a party who filed a complaint with the FEC to file a petition for judicial review when the FEC either dismissed the complaint or fails to act on it in the 120 days after it is filed. Mot. to Dismiss Op., 573 F. Supp. 3d at 250 (citing 52 U.S.C. § 30109(a)(8)(A)). CLC’s lawsuit against the FEC was assigned to this Court. Mot. for Summ. J. Op., 691 F. Supp. 3d at 97.

6. The FEC never entered an appearance in the case CLC filed against it. Mot. for Summ. J. Op., 691 F. Supp. 3d at 97. Accordingly, on October 9, 2020, the Clerk entered default against the FEC, *id.* at 97 (citing No. 1:20-cv-1778, ECF No. 13), and on October 14, 2020, the Court entered default judgment against the FEC and ordered it to act on CLC’s administrative complaint within 90 days—that is, by January 12, 2021. *Id.* (citing No. 1:20-cv-1778, ECF No. 14). As this Court previously “acknowledge[d,] . . . th[at 90-day] deadline [wa]s longer than the 30 days required by the statute. Had the Court ordered the FEC to conform within 30 days, the deadline would have been November 13, 2020.” *Id.* at 97 n.2 (citing 52 U.S.C. § 30109(a)(8)(C)).

7. On January 27, 2021, in CLC’s lawsuit against the FEC, CLC filed a motion for the Court to declare that the FEC had failed to conform with the Court’s October 14, 2020 Order. Mot. for Summ. J. Op., 691 F. Supp. 3d at 98 (citing No. 1:20-cv-1778, ECF No. 22).

8. On February 11, 2021, having received no indication that the FEC had acted on CLC's complaint, the Court entered an order declaring that the FEC had failed to conform with its earlier order and authorizing CLC to file a citizen suit pursuant to 52 U.S.C. § 30109(a)(8)(C). Mot. to Dismiss Op., 573 F. Supp. 3d at 250-51 (citing No. 1:20-cv-1778, ECF No. 24).

**B. CLC Files This Citizen Suit Against Iowa Values Pursuant to 52 U.S.C. § 30109(A)(8)(C).**

9. On February 12, 2021—the day after the Court entered its authorizing order in CLC's suit against the FEC for failing to act on CLC's administrative complaint, Mot. to Dismiss Op., 573 F. Supp. 3d at 250-51 (citing No. 1:20-cv-1778, ECF No. 24)—CLC filed this citizen suit against Iowa Values, *id.* at 251 (citing ECF No. 1), along with a notice designating this case as related to the earlier delay suit, Mot. for Summ. J. Op., 691 F. Supp. 3d at 98 (citing ECF No. 3), resulting in this case also being assigned to this Court.

10. Just over a month later, on March 23, 2021, Iowa Values filed a motion to dismiss for lack of subject-matter jurisdiction and failure to state a claim, Mot. for Summ. J. Op., 691 F. Supp. 3d at 98 (citing ECF No. 13), arguing that: (1) the FEC's failure to act was not contrary to law; (2) FECA's citizen-suit provision was unconstitutional; (3) CLC was not itself injured by Iowa Values's alleged FECA violations and thus lacked standing to sue; and (4) the complaint failed to plausibly allege any FECA violations. *Id.* at 98. The Court rejected all four arguments and denied the motion to dismiss. *Id.* at 98 (citing Mot. to Dismiss Op. 573 F. Supp. 3d 243). In rejecting Iowa Values's motion to dismiss, the Court "allowed Iowa Values 'to relitigate the merits of the delay suit'" based on the Court's view, at that time, that FECA's preconditions for bringing a citizen suit were jurisdictional and "a court 'cannot proceed at all' without subject matter jurisdiction." *Id.* at 98 (quoting Mot. to Dismiss Op., 573 F. Supp. 3d at 252).



11. The D.C. Circuit has since clarified that FECA's citizen suit preconditions are *not* jurisdictional, although they nevertheless must be satisfied for a citizen suit to proceed. *CLC v. 45Committee*, 118 F.4th 378, 389 (D.C. Cir. 2024). *See* COL ¶ 78.

12. Following the Court's denial of Iowa Values's motion to dismiss, the case proceeded to discovery. Mot. for Summ. J. Op., 691 F. Supp. 3d at 98. CLC moved to compel discovery from Iowa Values, while Iowa Values moved to compel discovery from the third-party FEC. *Id.* (citing ECF Nos. 31, 36). In addition, Iowa Values filed a motion to stay the case while it sought to determine whether the FEC had taken action on CLC's complaint. *Id.* (citing ECF No. 38).

13. In a letter dated September 1, 2022, while those motions were pending, the FEC informed Iowa Values that it had closed the file on CLC's administrative complaint. Mot. for Summ. J. Op., 691 F. Supp. 3d at 98 (citing Letter of Acting FEC General Counsel to Defendant (Sept. 1, 2022), ECF No. 64-9).

14. Shortly thereafter, the FEC made public records of a number of votes it had taken on CLC's administrative complaint against Iowa Values. The votes included deadlocked, 3-3 votes: (1) on January 26, 2021, regarding whether to find reason to believe that Iowa Values had violated FECA, Mot. for Summ. J. Op., 691 F. Supp. 3d at 98 (citing Certification of Failure to Find Reason to Believe, ECF No. 64-3); (2) on January 28, 2021, regarding whether to close the file on CLC's administrative complaint, *id.* (citing Certifications of Failure to Close at 1, ECF No. 64-5); and (3) on January 11, 2022, again regarding whether to close the file on CLC's administrative complaint, *id.* (citing Certifications of Failure to Close at 2, ECF No 64-5).

15. The three Republican FEC commissioners who voted not to find reason to believe on January 26, 2021, did not issue a statement explaining their reasons for that vote until more

than fifteen months later, on May 13, 2022. Mot. for Summ. J. Op., 691 F. Supp. 3d at 98-99 (citing Statement of Reasons of Chairman Allen J. Dickerson and Commissioners Sean J. Cooksey and James E. “Trey” Trainor, III at 5-19, ECF No. 64-4).

16. On August 29, 2022, the FEC voted 4-1 to close the file on CLC’s FEC complaint. Mot. for Summ. J. Op., 691 F. Supp. 3d at 99 (citing Certification of Vote to Close, ECF No. 64-10).

17. As this Court previously explained, the FEC’s January 26, 2021 failed reason-to-believe vote occurred *two weeks after* the deadline for action that the Court imposed in the delay suit, and over *two months after* FECA’s statutory 30-day conformance deadline, after which an administrative complainant like CLC may file a citizen suit. Mot. for Summ. J. Op., 691 F. Supp. 3d at 99. The successful vote to close the file did not occur until about a year and a half after CLC filed this citizen suit. *Id.*

**C. Iowa Values Moves for Summary Judgment; the Court Denies the Motion.**

18. On December 2, 2022, three months after Iowa Values learned of the FEC’s votes on CLC’s administrative complaint, Iowa Values moved for summary judgment, arguing that the Court lacked subject-matter jurisdiction or, in the alternative, that it should decline to exercise its jurisdiction under the doctrine of prudential mootness. Mot. for Summ. J. Op., 691 F. Supp. 3d at 100.

19. On March 24, 2023, in light of Iowa Values’s motion for summary judgment, the Court issued a decision denying as moot Iowa Values’s motion to stay the case, and further denying CLC’s motion to compel responses to its discovery requests without prejudice to CLC’s right to refile the motion pending resolution of Iowa Values’s summary judgment motion. Mot. for Summ. J. Op., 691 F. Supp. 3d at 100 (citing ECF No. 69 at 2); *see also supra* ¶ 12.

20. On August 31, 2023, the Court denied Iowa Values’s summary judgment motion. *See generally* Mot. for Summ. J. Op., 691 F. Supp. 3d 94.

21. First, the Court rejected Iowa Values’s challenge to CLC’s standing, concluding that CLC has Article III standing based on a cognizable informational injury “and never lost it.” Mot. for Summ. J. Op., 691 F. Supp. 3d at 101.

22. Second, the Court rejected Iowa Values’s challenge to the Court’s subject-matter jurisdiction and concluded that the Court possesses subject-matter jurisdiction over this action. Mot. for Summ. J. Op., 691 F. Supp. 3d at 102. The Court concluded that FECA’s failure-to-act requirement is jurisdictional, *id.*—a legal determination that has since been superseded by the D.C. Circuit’s decision to the contrary in *45Committee*, 118 F.4th at 389. *See* COL ¶ 78. The D.C. Circuit’s clarification of the *nature* of FECA’s failure-to-act precondition to a citizen suit does not disturb this Court’s factual determination that here, CLC satisfied the statutory preconditions to bringing its citizen suit because the FEC failed to act within the time prescribed both by FECA and this Court. Mot. for Summ. J. Op., 691 F. Supp. 3d at 104-07.

23. Third, the Court rejected Iowa Values’s prudential mootness argument and held that this case is not prudentially moot. Mot. for Summ. J. Op., 691 F. Supp. 3d at 107-09.

**D. Iowa Values Seeks Certification for an Interlocutory Appeal of the Court’s Decision Denying Its Motion for Summary Judgment; the Court Denies the Motion.**

24. On September 13, 2023, Iowa Values filed a motion seeking certification under 28 U.S.C. § 1292(b) for an interlocutory appeal of the Court’s August 31, 2023, decision denying Iowa Values’s summary judgment motion. ECF No. 84.

25. On January 8, 2024, the Court issued an order and opinion denying that motion, “because Iowa Values ha[d] failed to show a substantial ground for difference of opinion on the controlling questions of law involved in the order.” *CLC v. Iowa Values*, 710 F. Supp. 3d 35, 42

(D.D.C. 2024), ECF No. 99. In particular, the Court explained that its ruling “was based on the plain meaning of FECA,” and that Iowa Values failed to “point[] to any precedent that would supply the grounds for a difference of opinion,” “fail[ed] to address a contrary precedent,” and “misunderstands Supreme Court precedent.” Mot. to Compel Op., 710 F. Supp. 3d at 50.

**E. CLC Renews Its Motion to Compel Responses to Its Discovery Requests, Which the Court Grants in Its Entirety, While Rejecting Iowa Values’s Cross-Motion for a Protective Order.**

26. On September 20, 2023, CLC renewed its motion to compel Iowa Values to serve responses to CLC’s discovery requests. ECF No. 85. Iowa Values opposed the motion and cross-moved for a protective order prohibiting discovery of eight categories of information that covered most of the discovery sought by CLC. ECF No. 90.

27. Iowa Values neglected to meet and confer about its cross-motion, as required by the Local Rules of this Court. *See* Mot. to Compel Op., 710 F. Supp. 3d at 54 (citing Iowa Values’s acknowledgment of its failure to comply with Local Civil Rule 7(m)).

28. On January 8, 2024, in the same memorandum opinion in which the Court denied Iowa Values’s motion to certify an interlocutory appeal, the Court granted CLC’s renewed motion to compel and denied Iowa Values’s cross-motion for a protective order. Mot. to Compel Op., 710 F. Supp. 3d at 42. Although Iowa Values raised four arguments in opposing CLC’s motion to compel and in support of its cross-motion for a protective order, the Court declined to reach the merits of three of those arguments for two reasons: first, Iowa Values waived the arguments by failing to raise them when it first opposed CLC’s original motion to compel, and second, Iowa Values failed to comply with this Court’s Local Rules when filing its cross-motion for a protective order. Mot. to Compel Op., 710 F. Supp. 3d at 51-56.

29. The Court rejected Iowa Values’s fourth argument—seeking to withhold discovery of any material that post-dates CLC’s administrative complaint—explaining that “these items are

neither excluded by the Court’s discovery order nor categorically irrelevant.” Mot. to Compel Op., 710 F. Supp. 3d at 51, 56-57.

30. The Court accordingly ordered Iowa Values to produce material responsive to CLC’s outstanding discovery requests within 30 days of the Court’s order, and set a schedule for the remaining discovery and other deadlines in the case. ECF No. 98; Mot. to Compel Op., 710 F. Supp. 3d 35. Under the schedule, Iowa Values’s discovery responses were due by February 7, 2024, and the deadline to complete fact discovery was 30 days later, on March 8, 2024.

**F. The Parties Complete Fact Discovery After a Brief Extension of the Discovery Deadline to Accommodate Additional Discovery from Iowa Values’s Data Vendor, Causeway.**

31. On February 7, 2024, Iowa Values produced responsive discovery. CLC subsequently conducted two 30(b)(6) depositions: one of Iowa Values’s fundraiser, Holloway Consulting Inc., on March 6, 2024, and one of Iowa Values, on March 7, 2024.

32. During the deposition of Iowa Values’s Rule 30(b)(6) designee, Derek Flowers, which occurred the day before the close of fact discovery, Mr. Flowers was unable to answer questions about topics CLC had noticed regarding data work that Iowa Values’s data vendor, Causeway Solutions (“Causeway”) had performed for Iowa Values. *See* ECF No. 102 at 3-4. Mr. Flowers stated multiple times during his deposition that such questions would be better directed to Causeway. *Id.*

33. On March 15, 2024, CLC filed a motion seeking a brief extension of the March 8, 2024, deadline to complete fact discovery, so that it could notice a Rule 30(b)(6) deposition of Iowa Values’s data vendor, Causeway. *See* ECF No. 102.

34. On April 23, 2024, the Court granted CLC’s motion to extend the fact discovery deadline, finding that CLC was “diligent in obtaining discovery within the initial deadlines” and “had a relatively narrow window of time”—just four weeks—to review Iowa Values’s production

and take depositions, CLC only learned of Iowa Values’s data project from Iowa Values’s February 7, 2024 discovery production, and “the difficulty of getting information on this topic from Mr. Flowers only became clear after his deposition.” ECF No. 107 at 1-2. The Court accordingly extended the fact discovery deadline for 30 days and reset the remaining dates in its scheduling order. *Id.* at 3.

35. CLC conducted a Rule 30(b)(6) deposition of Bill Skelly from Causeway on May 23, 2024. Causeway Solution also produced documents responsive to discovery requests served by CLC.

36. Causeway designated every document it produced and every page of its deposition transcript as “Confidential” pursuant to the Stipulated Protective Order in this case, ECF No. 30. CLC attempted for weeks to negotiate the scope of Causeway’s confidentiality designations but, after reaching an impasse, ultimately moved to de-designate certain, limited documents and the Causeway deposition transcript; that motion and the briefing related to it are filed under seal. ECF Nos. 114, 120, 129; *see also* Pl.’s Notice Regarding Status of Its Motion for Ruling on Contested Confidentiality Designations, ECF No. 160 (notifying Court that the confidentiality dispute between CLC and Causeway remains unresolved notwithstanding the parties’ agreement to include designated Causeway materials and testimony in the joint evidentiary record). As this confidentiality dispute remains unresolved, references to Causeway testimony and documents are redacted from the publicly filed version of CLC’s Proposed Findings of Fact and Conclusions of Law.

**G. Neither Party Moves for Summary Judgment on the Merits.**

37. Under the Court’s April 23, 2024 Order, the deadline for filing dispositive motions on issues of liability was October 10, 2024. ECF No. 107 at 3. Given the fact-intensive nature of this case, *see infra* Parts IV-IX, ¶¶ 99-758, neither CLC nor Iowa Values filed a dispositive motion.

**H. The Case Is Initially Set for a Bench Trial, But the Parties Agree, and the Court Approves, for the Case to be Submitted on a Paper Record.**

38. On February 14, 2025, the Court issued an order scheduling a bench trial in this case to begin on May 12, 2025. ECF No. 133.

39. On February 24, 2025, the Court issued an order setting the pretrial schedule. ECF No. 135.

40. The parties submitted their respective pretrial statements and proposed witness and exhibit lists on March 31, 2025. *See* ECF Nos. 137, 138.

41. On April 4, 2025, Iowa Values filed three motions in limine: first, it moved to exclude evidence related to Iowa Values’s statements, conduct, or activities after 2019, ECF No. 145; second, it moved to exclude the Rule 30(b)(6) deposition testimony of third-party Causeway, ECF No. 146; and third, it moved to exclude the testimony and amended report of CLC’s expert, Dr. Abby Wood, ECF No. 147. CLC opposed each of those motions. *See* ECF Nos. 149-2, 150, 151.

42. On April 15, 2025, after meeting and conferring, the parties submitted a joint motion proposing that, in lieu of the bench trial then scheduled for May 12, 2025, the case “would be more efficiently resolved on a written record.” ECF No. 155. Specifically, the parties proposed that: (1) all exhibits on each party’s exhibit list, along with any cover email or attachments, “will be admitted for any purpose and for introduction by any party”; (2) the transcripts of the Rule 30(b)(6) depositions of Iowa Values, Causeway, and Holloway Consulting Inc. “will be admitted

in their entirety”; (3) “CLC will present direct testimony of one witness, Adav Noti, in the form of a written declaration”; (4) the parties would submit the foregoing as a joint record, along with their respective proposed findings of fact and conclusions of law on June 27, 2025; and (5) Iowa Values would withdraw its pending motions in limine if the Court grants the parties’ joint motion. ECF No. 155.

43. On April 22, 2025, at a pretrial conference before the Court, the Court ruled from the bench and issued a minute order granting the parties’ joint motion to submit the case on a written record, vacating the bench trial scheduled for May 12, 2025, and memorializing the parties’ agreement for Iowa Values to withdraw its three pending motions in limine.

44. On May 21, 2025, the Court issued a written order granting the parties’ April 15 joint motion, while also granting a subsequent consent request to extend to July 18, 2025, the parties’ deadline to file their proposed findings of fact and conclusions of law. *See* ECF No. 159.

45. On June 25, 2025, Iowa Values filed a notice that it was withdrawing its three motions in limine, ECF No. 162.

## **II. Parties**

### **A. Plaintiff Campaign Legal Center**

46. Plaintiff CLC is a nonpartisan, nonprofit organization headquartered in Washington, D.C., whose mission is to advance American democracy through research, education, litigation, and other legal and policy advocacy. CLC participates in judicial and administrative matters at the federal, state, and local levels regarding campaign finance, voting rights, redistricting, and government ethics issues. *See* JA-004270 (Decl. of Adav Noti (“Noti Decl.”) ¶ 5).



47. As part of this work, CLC conducts research, publishes reports and articles, and regularly provides expert legal analysis to the media. CLC also litigates campaign finance matters throughout the country; files administrative complaints with the FEC to seek enforcement action against individuals and organizations that violate the law; participates in rulemakings and advisory opinion proceedings before the FEC to ensure that the Commission is properly interpreting and enforcing federal campaign finance laws; and advocates for legislative reform measures at the federal, state, and local levels of government. *See* JA-004270 (Noti Decl. ¶ 6).

48. CLC's work on campaign finance issues—including the organization's public education, litigation, administrative advocacy and enforcement, and legislative reform efforts—depends on accurate and complete campaign finance reporting as required by federal law. CLC works to ensure that the public at large has access to critical information regarding the financing of U.S. election campaigns, including who is spending money to influence federal elections. To this end, CLC expends significant resources assisting members of the media in their investigations into candidates' financial support and their relationships with donors, so that the public is fully equipped with the information necessary to evaluate candidates and political messaging, and so voters can cast informed votes on Election Day. *See* JA-004270-71 (Noti Decl. ¶ 7). CLC also relies on accurate and fully disclosed federal campaign finance information to support its administrative practice before the FEC and state campaign finance agencies, and to defend campaign finance laws in its active litigation docket in federal and state courts. *See* JA-004270-71 (Noti Decl. ¶ 7).

49. CLC depends on accurate and complete reporting of campaign finance information under FECA to carry out programmatic activities that are central to its mission, including (among other activities) research, analysis, and public education about campaign spending and the true

sources of candidates' financial support. CLC also uses information reported pursuant to FECA and FEC regulatory requirements to support its litigation, and to develop legislative and regulatory solutions. *See* JA-004271 (Noti Decl. ¶ 10).

### **1. CLC's Public Education Activities**

50. CLC seeks to advance voters' informational interest in campaign finance disclosure by educating the public about the money given to, and spent in support of and by, federal candidates, which enables the public to evaluate candidates for office and hold them accountable for their public positions, monitor the influence of campaign money on officeholders and our democracy, and otherwise participate in the political process. *See* JA-004272 (Noti Decl. ¶ 13).

51. In CLC's experience, voters generally have neither the time nor expertise to review FEC campaign finance reports to find and analyze specific information regarding who is financing political activity. This work is often performed by intermediary groups, including reporters and nonprofit organizations, like CLC, that conduct the necessary fact-based research and legal analysis and then disseminate campaign finance information to journalists and others. *See* JA-004272 (Noti Decl. ¶ 14).

52. Complete and accurate disclosure reports filed by campaigns and political committees with the FEC are essential to CLC's public education efforts. CLC relies on information from FEC filings to develop a variety of public educational materials, including blogs posted on CLC's website, and reports and other materials that inform the public about the sources and extent of candidates' financial support, or about gaps in such information and their impact on voters and our elections. *See* JA-004272-73 (Noti Decl. ¶ 15 & nn.1-3).

53. In support of these public education efforts, CLC regularly relies on specific information contained in a particular contribution or disbursement entry within an FEC disclosure

report. For example, CLC has used in its various public education efforts the precise address of a contributor, the address of a payee or set of payees, the exact description of an expenditure's purpose, and the precise amount and date of an expenditure or contribution for a host of public-facing products and organizational functions. *See* JA-004273-74 (Noti Decl. ¶ 16 & nn.4-7).

54. CLC produces these public education materials and provides expert analysis to journalists to help voters understand not only the nature and origin of a candidate's support, but also its scope. CLC's public education efforts also help voters assess the relationship—or the disconnection—between candidates' stated policy positions and their campaign finance practices. *See* JA-004275-76 (Noti Decl. ¶ 17 & nn.8-9).

55. CLC's public education efforts are directly harmed when CLC is deprived of complete and accurate campaign finance disclosure reports. When such information is withheld, CLC cannot fully and accurately analyze the relationship between candidates and outside groups or the links between campaign contributions and policy outcomes. *See* JA-004276 (Noti Decl. ¶ 18).

56. For example, CLC would use this information in reports and public education materials that educate voters about the connections between election spending by groups like Iowa Values and the platform, policy positions, and potential performance in office of a candidate like Joni Ernst. Specifically, as Ernst is both an officeholder and current federal candidate seeking re-election in 2026, CLC would use Iowa Values's statutorily required disclosures to help voters understand and evaluate Ernst's positions and any connections between those positions and the current and past sources of financial support for her candidacy. *See* JA-004277 (Noti Decl. ¶ 19 & nn.10-11).

57. CLC would also use this information to evaluate the roles that Iowa Values and similar groups play in future elections, and to produce materials that outline the impact of any activities undertaken by Iowa Values's donors or leadership to influence elections, as well as to explain the relationships they may have or develop with candidates and officeholders. *See* JA-004277-78 (Noti Decl. ¶ 20).

58. As a result of deficiencies in campaign finance disclosure, reporters often contact CLC for guidance about the law, as well as for advice on how to find the information that is not being properly reported. To respond to these media inquiries, CLC staff pore over incomplete and inaccurate disclosure reports, and explain to reporters what information is missing and how they might attempt to find information not properly reported. *See* JA-004278 (Noti Decl. ¶ 21).

59. Furthermore, in conducting CLC's public education efforts, CLC managers and staff plan the allocation of resources and staff time based on the nature and timing of political committees' and other political actors' reporting obligations under FECA and FEC regulations. Such planning is particularly necessary around dates when large volumes of FEC reports are due simultaneously, e.g., shortly before and after an election, when staff time is especially limited. During those periods, inaccurate and incomplete disclosure causes substantial resources to be directed toward researching and explaining informational gaps. *See* JA-004278 (Noti Decl. ¶ 22).

## **2. CLC's Legislative Policy Program**

60. CLC's legislative policy work includes efforts to achieve legislative and policy solutions that are effective, realistic, and defensible under current Supreme Court jurisprudence. CLC supports legislators, partner organizations, and ballot measure groups in designing, drafting, and advocating for legislation and ballot referenda. *See* JA-004278-79 (Noti Decl. ¶ 24 & n.12).

61. At the federal level, CLC staff testify before Congress regarding problems with current campaign finance laws. CLC staff also provide expertise on and advocate for campaign finance legislation, including the DISCLOSE Act, the Stop Illegal Campaign Coordination Act, and H.R. 1, a wide-ranging pro-democracy bill passed by the U.S. House of Representatives in March 2021. *See* JA-004279 (Noti Decl. ¶ 25 & nn.13-16).

62. Complete and accurate disclosure reports filed with the FEC are a vital component of CLC’s legislative program. The information contained in FEC reports assists CLC staff in identifying problematic campaign practices that require legislative solutions; CLC staff then work with lawmakers and advocates to craft and implement such legislation. This information is also necessary for CLC’s efforts to assist lawmakers and other advocates in building a legislative record that contains national, regional, and local evidence of problems to be remedied by such legislation. *See* JA-004279-80 (Noti Decl. ¶ 26).

63. Enactment of legislative reforms depends on CLC’s ability to communicate credibly and accurately about specific problems addressed and public interests advanced by proposed legislation. Without accurate and complete disclosure, however, communications that attempt to “follow the money” and demonstrate the need for campaign finance laws are greatly impeded. The most effective communications often depend on a record documenting the role played by big donors, including outside groups and super PACs, in candidate elections and how their contributions and expenditures may influence the candidates they support. *See* JA-004280 (Noti Decl. ¶ 27).

### **3. CLC’s Regulatory Practice**

64. CLC also uses information from federal campaign finance disclosure filings as the foundation for its administrative practice at the FEC and other regulatory agencies. CLC relies on

this information when preparing administrative enforcement complaints and participating in rulemaking and advisory opinion proceedings. *See* JA-004280 (Noti Decl. ¶ 30).

65. Between the summer of 2019 and June 2025, CLC filed 90 new administrative enforcement complaints or supplements with the FEC. Many of these complaints were based on information that was required to be reported, and was in fact reported, in FEC filings. *See* JA-004280-81 (Noti Decl. ¶ 31 & n.17).

66. As is the case with CLC's legislative practice, CLC's regulatory practice relies on the information made available through full and accurate reporting. For example, in support of a rulemaking petition CLC filed with the FEC related to the refunding of illegal political contributions, CLC researched how candidates and committees handle such illegal contributions, using campaign finance reports. *See* JA-004281 (Noti Decl. ¶ 32 & n.18). Similarly, in support of a rulemaking petition CLC filed with the FEC regarding the regulation of personal use of leadership PAC funds, CLC researched and aggregated data from campaign finance reports on how leadership PAC funds are spent. *See* JA-004281 (Noti Decl. ¶ 32 & n.19).

#### **4. CLC's Campaign Finance Litigation**

67. Litigation is one of the main ways that CLC works to achieve its mission of improving the democratic process in the United States, including through the defense of campaign finance reforms. CLC has filed amicus briefs in every campaign finance case decided by the Supreme Court since representing the legislative sponsors of the Bipartisan Campaign Reform Act in *McConnell v. FEC*, 540 U.S. 93 (2003). *See* JA-004282 (Noti Decl. ¶ 34).

68. CLC and its affiliated 501(c)(4) organization, CLC Action, have litigated virtually every contested issue in campaign finance law, including campaign contribution limits, coordination, enforcement issues, and—increasingly in recent years—disclosure. In just the last

two years, CLC was active as a plaintiff, *amicus curiae*, or counsel to a party in at least a dozen campaign finance cases, including cases concerning the constitutionality or legality of various disclosure regimes applicable to campaign expenditures by campaigns and groups that operate independently of candidates or party committees. *See* JA-004282 (Noti Decl. ¶ 35 & n.20).

69. Complete and accurate FEC disclosure reports are essential to CLC’s litigation practice because CLC regularly uses research and analysis of FEC disclosure reports to prepare briefs and other litigation materials in campaign finance cases—for instance, to document the surge in spending by unauthorized political committees following *Citizens United*, assess historical outside spending patterns, and establish the need for disclosure of such spending. *See* JA-004283 (Noti Decl. ¶ 36 & n.21).

70. CLC’s work defending campaign finance laws often involves developing a record corroborating the anti-corruption interests they serve, with evidence demonstrating, for instance, the political influence and access obtained by those making large in-kind contributions in the form of coordinated expenditures to candidates, as well as any explicit or implicit quid pro quos that arise from such “disguised” contributions. *See* JA-004283 (Noti Decl. ¶ 37).

71. As detailed above, the complete and accurate disclosure of statutorily required campaign finance information is central to CLC’s public education, litigation, administrative advocacy and enforcement, and legislative reform efforts, and all of that work is obstructed when campaign finance information is not available despite statutorily mandated disclosure. *See* JA-004283-84 (Noti Decl. ¶ 38).

**B. Defendant Iowa Values**

72. Defendant Iowa Values is registered as a tax-exempt, nonprofit 501(c)(4) corporation, incorporated under the laws of the District of Columbia. JA-000018-21 (IAV00000170-73).

73. Iowa Values was incorporated by Ronald M. Jacobs on January 31, 2017, and its effective date of incorporation is February 1, 2017. *See* JA-000018-21 (IAV00000170-73). Ronald Jacobs is also counsel of record for Iowa Values in this case. *See, e.g.*, ECF No. 141 at 8.

74. Iowa Values's business address is 15920 Hickman Road, Ste. 400, PMB 413, Clive, IA 50325. *See, e.g.*, JA-002148 (IAV00000111).

75. Iowa Values never had any employees; all of its activities were conducted through vendors or "consultants," and "it never had an office." JA-002793 (Flowers Dep. at 14:16-21) ("A: Iowa has no employees. Q: No current employees? A: No employees ever."); *see also* JA-002816 (Flowers Dep. at 37:14-17) ("As everybody was a consultant, [Iowa Values] never had an office.").

76. Iowa Values has a three-member Board of Directors: Paula Dierenfeld, Tom Tauke, and Sara Fagen. JA-002817-18 (Flowers Dep. at 38:18-39:3). The same three individuals have served on Iowa Values's Board since it was incorporated and remain on the Board today. JA-002818 (Flowers Dep. at 39:1-6). Indeed, when Iowa Values's lawyer Ronald Jacobs emailed Paula Dierenfeld to invite her to join Iowa Values's Board, Dierenfeld responded, "I'm inclined to say 'yes' because I am such a strong supporter of Joni." JA-003205 (IAV000003032); *see also infra* ¶ 105.

77. Derek Flowers has served as Iowa Values's Executive Director from "[r]oughly the beginning of 2018 until present day." JA-002802-03, 002834 (Flowers Dep. at 23:19-24:2, 55:20-22). During the majority of his time serving as Executive Director of Iowa Values, he was paid as



“an independent contractor.” JA-002803 (Flowers Dep. at 24:3-10); *see also* JA-002835 (Flowers Dep. at 56:1-5).

78. Between 2013 and 2014, Flowers worked for Joni Ernst’s campaign, both as “a consultant to the campaign” and as “her campaign manager.” JA-002805 (Flowers Dep. at 26:6-17); *see also* JA-002801-02 (Flowers Dep. at 22:21-23:13) (“The last time I worked for Joni Ernst’s campaign would have been 2014”); *infra* ¶ 112.

79. Jon Kohan served as Iowa Values’s first Executive Director from 2017 until sometime in 2018. JA-002812-14 (Flowers Dep. at 33:14-35:15). Like Flowers, Kohan previously served as campaign manager for Joni Ernst during the 2014 election cycle. *See* JA-002813, 002814-15 (Flowers Dep. at 34:11-14, 35:21-36:8). Subsequently, following his departure from Iowa Values, Kohan served as a general consultant for Ernst’s 2020 campaign. *See* JA-003478-79 (Holloway Avella Dep. at 159:11-160:10); *see also infra* ¶ 102.

80. Iowa Values never registered as a federal political committee with the Federal Election Commission and never filed any of the FEC reports required of federal political committees. Answer ¶ 52, ECF No. 25 (“Iowa Values admits that it has not registered with the FEC as a political committee because it is not required to do so by the FECA. Iowa Values further admits that because it is not required to register with the FEC, it has also not filed a request to terminate its status as a political committee with the FEC.”); *id.* ¶ 56 (“Iowa Values admits that it has not filed any reports with the FEC because it is not required to do so.”).

### **III. Plaintiff’s Expert Witness, Dr. Abby K. Wood**

81. CLC retained Dr. Abby K. Wood to provide her expert opinion regarding the nature and purpose of Iowa Values’s activities throughout its operation and particularly in 2019, situating Iowa Values and its activities in the broader historical and legal context of politically active

501(c)(4) “social welfare” nonprofit organizations. *See* JA-004217-23 (Abby K. Wood’s Amended Expert Report at 2-8 (“Amended Report”)).

82. Dr. Wood is a former Commissioner on the California Fair Political Practices Commission; a full tenured professor at the University of Southern California Gould School of Law in law, political science, and public policy; an expert in nonprofit 501(c)(4) organizations and their political advertising practices; the author of many academic articles on campaign finance issues; a major participant in campaign finance discourse in the United States; and an expert witness in prior litigation. *See* JA-003600-06 (Curriculum Vitae of Abby K. Wood (“Wood CV”)).

83. Dr. Wood provided her expert report on June 20, 2024, reviewing, analyzing, and elucidating the complex evidence in this case, including financial information and digital political advertising, *see* Abby K. Wood’s Expert Report, and submitted an amended version of her expert report on March 30, 2025, to correct some mathematical and technical errors. *See* JA-004216-65 (Amended Report); JA-004266-68 (Abby K. Wood’s Amended Expert Report – List of Corrections).

84. Dr. Wood has extensive political science credentials, including relevant experience, demonstrated skill, and deep knowledge in the field of campaign finance, specifically about politically active nonprofit 501(c)(4) organizations like Iowa Values. *See* JA-003600-06 (Wood CV); JA-004261 (Amended Report at 46).

85. As a Commissioner on the California Fair Political Practices Commission (“FPPC”), Dr. Wood regulated 501(c)(4) organizations, including by administering state campaign finance laws and regulations that govern their conduct. *See* JA-003600-06 (Wood CV); JA-004261 (Amended Report at 46); *see also* Cal. Gov’t Code § 83111 (stating that the FPPC has the “primary responsibility for the impartial, effective administration and implementation of” the Political

Reform Act, Cal. Gov't Code § 81000, et seq.); Cal. Gov't Code § 84222 (statute that applies specifically to 501(c) organizations); Cal. Code Regs. tit. 2, §§ 18217, 18422, 18531.7 (regulations that apply specifically to 501(c) organizations). Additionally, Dr. Wood has served as a member of the FPPC's Digital Transparency Task Force, and as a member of the Federal Bipartisan Campaign Finance Task Force. JA-003600-06 (Wood CV); JA-004261 (Amended Report at 46).

86. Dr. Wood is an accomplished political scientist and a full tenured professor of law, political science, and public policy at the University of Southern California Gould School of Law. JA-004261 (Amended Report at 46); JA-003600-06 (Wood CV). Her prolific body of published research in the fields of campaign finance and transparency includes extensive scholarship on 501(c)(4) organizations. *See* JA-003600-06 (Wood CV). Dr. Wood has researched the regulatory landscape that applies to 501(c)(4) organizations; studied 501(c)(4) organizations' political advertising practices; studied 501(c)(4) organizations' unwillingness to divulge their donors; and assessed trends in 501(c)(4) organizations' electoral spending. *See* JA-003600-06 (Wood CV).<sup>1</sup> Dr.

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<sup>1</sup> Examples of Dr. Wood's extensive scholarship regarding 501(c)(4) organizations include the following published works listed in Dr. Wood's curriculum vitae: Abby K. Wood, *Campaign Finance Disclosure*, 14 Ann. Rev. of L. and Soc. Sci. 11, 13-16 (2018), <https://tinyurl.com/26teh3j7> (describing the limited disclosure requirements imposed on 501(c)(4) organizations and the ways in which they avoid transparency, as well as the specific allowances and restrictions that govern 501(c)(4) organizations' ability to support candidates); Abby K. Wood & Ann M. Ravel, *Fool Me Once: Regulating "Fake News" and Other Online Advertising*, 91 S. Cal. L. Rev. 1223, 1251-52 (2018), <https://perma.cc/6H5YR7XL> (discussing the disclosure requirements that apply to 501(c)(4) organizations and their overall electoral impact); Abby K. Wood, *Disclosing Campaign Financing*, Oxford Handbook of American Election, 8 (Jan. 10, 2024), <https://perma.cc/439B-TXLM> (discussing changes in how the IRS regulates and investigates 501(c)(4) organizations); Shomik Jain & Abby K. Wood, *Facebook Political Ads and Accountability: Outside Groups Are Most Negative, Especially When Hiding Donors*, 18 Proceedings of the Int'l AAAI Conf. on Web and Soc. Media 717, 722-24 (2024), <https://perma.cc/5J9U-W52S> (describing results of an original study, which yielded conclusions about how 501(c)(4) organizations advertise, including their propensity for negative ads, how frequently they remain in operation after an election, and how 501(c)(4) organizations are responsible for the bulk of nonprofit election spending); Abby K. Wood, *Learning from Campaign*

Wood holds a PhD in political science from the University of California, Berkeley, where she wrote her dissertation on anticorruption laws across the United States. JA-003600-06 (Wood CV); JA-004261 (Amended Report at 46).

87. Finally, Dr. Wood has provided expert testimony in both judicial and legislative contexts. *See* JA-003600-06 (Wood CV). In federal court, Dr. Wood: (1) testified as a campaign finance expert on behalf of the state of Colorado in *Lopez v. Griswold*, *see* JA-003600-06 (Wood CV); Defendant’s Written Summation, No. 1:22-cv-00247 (D. Colo. Oct. 23, 2024), ECF No. 122; and (2) was qualified to testify about 501(c)(4) organizations, among other campaign finance topics, in *United States v. Householder*, *see* JA-003600-06 (Wood CV); No. 1:20-cr-77, 2022 WL 17811477, at \*10-12 (S.D. Ohio Dec. 19, 2022)—though she ultimately was not called as a witness in that case. Additionally, Dr. Wood has provided testimony to both the U.S. Senate Judiciary Committee and, on multiple occasions, to California State Senate committees. *See* JA003600-06 (Wood CV).

88. Dr. Wood’s Amended Report reflects and employs her significant expertise regarding 501(c)(4) organizations and the legal and regulatory landscape regarding, and public benefits of, campaign finance disclosure. *See* JA-004217 (Amended Report at 2). Her expert report provides important and helpful context for understanding the factual issues in this case.

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*Finance Information*, 70 Emory L.J. 1091, 1096-1101, 1130-36 (2021), <https://perma.cc/9NCR-K2BL?type=image> (describing the regulatory landscape leading to the problem of dark money, and noting that most 501(c)(4) organizations do not voluntarily disclose donor information); Douglas M. Spencer & Abby K. Wood, *Citizens United, States Divided: An Empirical Analysis of Independent Political Spending*, 89 Ind. L.J. 315, 330-31 (2014), <https://perma.cc/2T77-BTVC?type=image> (presenting the findings of an empirical study, which showed an increase in dark money spending in state elections after *Citizens United*, and remarking on the rise of 501(c) groups in elections).

89. Dr. Wood explains that section 501(c)(4) is a provision of the Internal Revenue Code that exempts certain nonprofit “social welfare” organizations from taxation. JA-004220 (Amended Report at 5). Dr. Wood provides the historical context for the IRS’s current application of section 501(c)(4), explaining that “[t]he Tariff Act of 1913 exempted from taxation ‘any civic league or organization not organized for profit but operated exclusively for the promotion of social welfare.’” JA-004220 (Amended Report at 5) (citing Tariff Act of 1913, chapter 16, § II (G)(a), 38 Stat. 172). Dr. Wood explains that the legislative provision was moved to section 501(c) in 1954, and currently exempts the following organizations from taxation: “‘Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted **exclusively** to charitable, educational, or recreational purposes.’” JA-004220 (Amended Report at 5) (quoting 26 U.S.C. § 501(c)(4) (emphasis added by Dr. Wood)).

90. Dr. Wood opines that “Treasury regulations and IRS guidelines have watered down the meaning of ‘exclusively,’” as current rules require merely that “the organization’s primary activities [must] promote social welfare.” JA-004220 (Amended Report at 5) (quoting Rev. Rul. 81-95, 1981-1 C.B. 332). Dr. Wood further explains that “social welfare itself is not well defined and the 501(c)(4) categorization has been used as a ‘catch-all for presumptively beneficial non-profit organizations that resist classification under the other exempting provisions of the Code.’” JA-004220 (Amended Report at 5) (quoting Internal Revenue Service, *Social Welfare: What Does It Mean? How Much Private Benefit Is Permissible? What Is a Community?*, 1981 EO CPE Text 39, <https://www.irs.gov/pub/irs-tege/eotopicg81.pdf>).

91. Dr. Wood thus explains that “the IRS has long defined social welfare, in part, by what it cannot mean”—i.e., that “[a] social welfare organization will jeopardize its exemption under Code section 501(c)(4) if it ceases to operate primarily to further social welfare purposes,” such as by engaging primarily in “political activity” or “direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office.” JA-004220 (Amended Report at 5) (quoting Treas. Reg. § 1.501(c)(4)-1(a)(2)(ii) (as amended in 1990)).

92. Dr. Wood explains that the Internal Revenue Code includes section 527 governing “Political Organizations,” meaning “organizations that want to engage in a significant amount of campaigning.” JA-004221 (Amended Report at 6). Dr. Wood explains that a “[c]rucial[]” distinction between sections 501(c)(4) and 527 is that “whereas organizations created under section 501(c)(4) do not have to disclose their donors or detailed information about their expenditures, those operating under section 527 must.” JA-004221 (Amended Report at 6).

93. Dr. Wood provides important context for understanding why political organizations that are “engage[d] in a significant amount of campaigning” must disclose such information about the sources and recipients of their funds. JA-004221 (Amended Report at 6). In particular, Dr. Wood explains the anticorruption and informational benefits of campaign finance disclosures, including how required periodic campaign finance disclosures elucidate “who supports the [political] committee and how the committee spends its money,” helping the public, in turn, to “better understand to whom . . . politicians are beholden.” JA-004219 (Amended Report at 4). Dr. Wood explains that “campaign finance disclosures inform us about where to locate candidates on the . . . political spectrum,” and research supports that politicians are better aligned with the ideology of their donors than their constituents. JA-004220 (Amended Report at 5). Dr. Wood

likewise explains how “dark money, or money in our campaigns whose source remains anonymous,” reduces voters’ ability to accurately assess their representatives—though candidates often know who supports them. JA-004220 (Amended Report at 5).

94. Dr. Wood further provides the legal-historical context for understanding how decisions by the U.S. Supreme Court and D.C. Circuit Court of Appeals in *Citizens United v. FEC*, 558 U.S. 310 (2010) and *SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010), respectively, led to the current phenomenon of 501(c)(4) nonprofit corporations spending millions of dollars in undisclosed money on election-related spending. JA-004221-22 (Amended Report at 6-7). First, as Dr. Wood describes, in *Citizens United*, the Supreme Court ruled that “corporations can make independent expenditures directly from their corporate treasuries,” and then, in *SpeechNow.org*, the en banc D.C. Circuit “cleared the way for *independent expenditure-only political committees*, known as ‘Super PACs.’” JA-004221 (Amended Report at 6) (emphasis added by Dr. Wood). Dr. Wood then explains how, after *Citizens United* and *SpeechNow.org*, super PACs and 501(c)(4) nonprofit organizations are both permitted to spend unlimited amounts to influence elections, but super PACs are subject to federal campaign finance rules and thus must “register with the FEC and disclose their donors,” whereas “[b]y contrast, 501(c)(4) organizations are not required to register as political committees *unless their major purpose is nominating or electing a federal candidate and they meet FECA’s statutory contribution and expenditure thresholds.*” JA-004221 (Amended Report at 6) (emphasis added). As a result, Dr. Wood explains, “501(c)(4) organizations who do not have the major purpose of nominating or electing a federal candidate are not required to disclose their donors—not to the FEC, and not to the IRS due to the appropriations rider.” JA-004221 (Amended Report at 6) (citing Consolidated Appropriations Act, Pub. L. No. 114-113, § 107, 129 Stat. 3029-3030 (2015)).

95. Dr. Wood explains that since the IRS does not impose a donor disclosure requirement on 501(c)(4)s, 501(c)(4)s are able to spend “dark money” to influence elections without the public knowing who is behind such spending, as long as they eschew regulation as a “political committee” by the FEC. JA-004223 (Amended Report at 8).

96. Dr. Wood thus summarizes the current “state of play”:

Corporations, including 501(c)(4) organizations, spend money in election campaigns without public disclosure of the source of that money. Recognizing the unlimited contribution potential (created by *SpeechNow*), spending potential (created by *Citizens United*), and ability to hide donors for political spending (created by FEC inaction and appropriations riders), political operatives establish 501(c)(4) organizations to use for campaigning purposes. Suddenly, they are able to spend unlimited amounts – of nominally independent spending – from anonymous donors. This phenomenon has colloquially become known as “dark money.”

JA-004222 (Amended Report at 7).

97. Ultimately, Dr. Wood explains, “501(c)(4) organizations active in federal political campaigns do not disclose their donors unless they cross the line created by the ‘major purpose’ test” established by the Supreme Court in *Buckley v. Valeo*, 424 U.S. 1 (1976). JA-004223 (Amended Report at 8). Dr. Wood thus concludes that, in light of the “valuable . . . anticorruption and information[al] benefits” of information regarding the sources of political spending, the Supreme Court’s major purpose test is “important to enforce.” JA-004223 (Amended Report at 8).

98. Dr. Wood explains the FEC’s guidance regarding the agency’s implementation and application of the Supreme Court’s major purpose test, including the FEC’s “case-by-case” approach for evaluating evidence related to relevant factors such as an organization’s fundraising, expenditures and budget, mix of expenditure types, self-characterization, and duration of existence. JA-004217-18 (Amended Report at 2-3) (discussing Political Committee Status, 72 Fed. Reg. 5595, 5601 (Feb. 7, 2007) (“FEC PAC Status Notice”)); JA-004258-59 (Amended Report at



43-44) (Table 2); *see also* COL ¶¶ 41-48. As described in Part X, Dr. Wood then offers her own expert analysis of the evidence in this case based on the criteria set out in the FEC’s regulatory guidance. *See generally* JA-004223-60 (Amended Report 8-45); *see also infra* Part X, ¶¶ 759-72.

**IV. Iowa Values Was Formed by and Conducted Its Activities Through Individuals and Vendors with Close Ties to Senator Ernst and Her Election Campaigns.**

99. Iowa Values was formed by and conducted activities through individuals and vendors with close ties to, and who simultaneously performed work for, Senator Ernst and her campaigns and political committees.

100. Iowa Values was incorporated on January 31, 2017, by Ronald M. Jacobs. *See* JA-000018-21 (IAV00000170-73). Jacobs and his law firm, Venable LLP, have handled legal matters for Iowa Values throughout its existence: (1) advising Iowa Values on its strategies and activities, *see, e.g.*, JA-000121-22 (IAV00003482-83); JA-002102 (IAV00003025-28 at IAV00003025); JA-003376 (Holloway Avella Dep. at 57:13-16) (responding that Jacobs was legal counsel who communicated on behalf of Iowa Values with Holloway Consulting in 2019 and 2020); (2) representing his “client, Iowa Values” before the Federal Election Commission, JA-002740-42 (Exhibit I to Iowa Values’s Motion for Summary Judgment, Letter from Lisa Stevenson (FEC, Acting General Counsel)); and (3) serving as counsel of record for Iowa Values throughout this litigation, *see, e.g.*, ECF No. 25 at 12; ECF No. 141 at 8.

101. Jacobs has also “handle[d] legal issues for Senator Ernst (campaign, leadership PAC, Roast & Ride, etc.),” since at least 2014, three years before he incorporated Iowa Values. JA-000121-22 (IAV00003482-83); *see also, e.g.*, JA-004489-91 (FEC Data - Disbursements from Joni for Iowa to Venable LLP); JA-004500-07 (FEC Data - Disbursements from Jobs Opportunity and New Ideas (JONI) PAC to Venable LLP); JA-003351-52 (Holloway Avella Dep. at 32:20-33:5)

(testifying that she “had worked with Ron through . . . 2013, 2014, all that time” through his work with the Ernst campaign).

102. Iowa Values’s first Executive Director was Jon Kohan, a political consultant affiliated with Jamestown Associates, and who served as Executive Director of Iowa Values in 2017 and 2018. JA-002813, 002814 (Flowers Dep. 34:6-10, 35:1-2). Kohan previously served as campaign manager for Ernst during the 2014 election cycle. JA-002806, 002813, 002814-15 (Flowers Dep. at 27:14-15, 34:11-14, 35:21-36:2). Later, following his departure from Iowa Values, Kohan returned to working for Ernst, serving as a general consultant for her 2020 campaign, *see* JA-003478-79 (Holloway Avella Dep. at 159:11-160:10). [REDACTED]

[REDACTED]

[REDACTED]

103. For example, Causeway—which was acquired by Majority Strategies and became MS Causeway in January 2019, *see* JA-001276 (Jan. 21, 2019 Majority Strategies Press Release, Majority Strategies Acquires Causeway Solutions)—was one of Iowa Values’s principal vendors during the 2020 election cycle, collecting more than 28% of Iowa Values’s total spending in 2019. *See infra* ¶¶ 127, 129, 754.

104. Beginning as early as January 2017, shortly after Jacobs incorporated Iowa Values, Jacobs and Kohan worked to identify and enlist individuals and vendors with ties to Ernst to serve on Iowa Values’s Board and conduct or help with its activities.

105. On January 31, 2017, Jacobs emailed Paula Dierenfeld about serving as an Iowa Values Board member and copied Claire Holloway Avella, who, Jacobs explained, “does fundraising for Senator Ernst, and who, I presume, the board will select to raise money for this new organization [Iowa Values].” JA-000013 (IAV00003032). Dierenfeld responded a few days

later, “I’m inclined to say ‘yes’ because I am such a strong supporter of Joni.” JA-000013 (IAV00003032).

106. Ernst’s fundraiser, Claire Holloway Avella, knew both Ronald Jacobs and Jon Kohan from her work fundraising for Ernst. Holloway Avella testified that she “first met [Kohan] when he became Joni Ernst’s campaign manager in the 2014 Senate race. And then he worked in her official office.” JA-003351 (Holloway Avella Dep. at 32:5-7). At the time Kohan was Ernst’s campaign manager, Holloway Avella was providing fundraising services to Ernst’s campaign. JA-003351 (Holloway Avella Dep. at 32:8-12). Holloway Avella had also “worked with Ron [Jacobs] through . . . 2013, 2014, all that time” through Jacobs’s work as counsel to the Ernst campaign. JA-003351-52 (Holloway Avella Dep. at 32:20-33:8).

107. As described *infra* Part VI.A, ¶¶ 591-610, Holloway Avella worked between 2017 and 2020—the same time period she conducted fundraising for Iowa Values, *see, e.g.*, JA-003347, 003369-70, 003379, 003416, 003426-27, 003483 (Holloway Avella Dep. at 28:10-21, 50:22-51:2, 60:7-16, 97:14-16, 107:21-108:15, 164:10-20)—to “put[] together . . . fundraising plans and targeting projections” for Ernst’s principal campaign committee, Joni for Iowa, and “reach[ed] out to solicit donors for Joni for Iowa,” JA-003342, 003470, 003472-73, 003477, 003478 (Holloway Avella Dep. at 23:14-16, 151:3-8, 153:13-154:20, 158:11-13, 159:5-10); *see also* JA-004492-94 (FEC Data - Disbursements from Joni for Iowa to Holloway Consulting / Holloway Consulting, Inc.). Holloway Avella principally worked with Ernst’s campaign manager Sam Pritchard, an Ernst campaign scheduler Josie Beecher, and Jon Kohan, who, following his departure from Iowa Values in 2018, became a general consultant for Ernst’s 2020 campaign. JA-003478-79 (Holloway Avella Dep. at 159:11-160:10); *see also* JA-002813-14 (Flowers Dep. at 34:6-35:15) (discussing Kohan’s departure from Iowa Values sometime in 2018).

108. At the same time, in conducting fundraising efforts on behalf of Iowa Values, Holloway Avella routinely relied on introductions by Ernst or Ernst staff members to prospective donors, and then followed up with or reported back to Ernst's staff about particular donors, donor meetings, and successful contributions to Iowa Values. *See infra* Parts VI.B, ¶¶ 611-42, VI.D, ¶¶ 697-709.

109. During the same time (and before), when Holloway Avella conducted fundraising work on behalf of Iowa Values and the Ernst campaign, she and her company also conducted fundraising for a number of other Ernst-affiliated political committees, including Jobs Opportunities and New Ideas (JONI) PAC, Ernst Victory, Joni's Roast and Ride, Ernst Victory Team Iowa, and JONI PAC Iowa. *See* JA-003341-42, 003343, 003451-52, 003482-83 (Holloway Avella Dep. at 22:17-23:16, 24:10-14, 132:21-133:1, 163:21-164:9); JA-004508-16 (FEC Data - Disbursements from Jobs Opportunity and New Ideas (JONI) PAC to Holloway Consulting / Holloway Consulting, Inc.); JA-004520-28 (FEC Data - Disbursements from Ernst Victory to Holloway Consulting/ Holloway Consulting, Inc.); JA-004529-37 (FEC Data - Disbursements from Joni's Roast and Ride to Holloway Consulting, Inc.); JA-004538-46 (FEC Data - Disbursements from Ernst Victory Team Iowa to Holloway Consulting, Inc.); JA-001645 (July 19, 2019 Iowa Ethics and Campaign Disclosure Board - JONI PAC Iowa, DR-2 Disclosure Summary Page) (reflecting disbursements from JONI PAC Iowa to Holloway Consulting, Inc.).

110. Ronald Jacobs similarly used connections established through his role as legal counsel to Ernst and her various committees to advance his efforts on behalf of Iowa Values. For example, as discussed *infra* ¶¶ 418-20, on April 17, 2017, Jacobs reached out to Will Ritter of Poolhouse, a company that had filmed content for Ernst in the past, explaining Jacobs's overlapping legal work for both Ernst and Iowa Values and seeking to use "our agreements"

between Ernst's committees and Poolhouse to obtain access to raw footage and finished video content of Ernst for use by Iowa Values:

Will,

I don't think we've corresponded directly in the past—I *handle legal issues for Senator Ernst* (campaign, leadership PAC, Roast & Ride, etc.) I believe our agreements with Poolhouse in prior years for the Roast & Ride entitled us to get the raw footage, in addition to the finished videos. *I'm working with Jon Kohan on a new 501(c)(4) that will be supportive of Senator Ernst, and the c4 is interested in seeing the raw footage to see what we have.* Here's how I'd like to make this happen so it is all compliant:

- 1.) You send the footage to Jon however the two of you decide works mechanically.
- 2.) The leadership PAC, which is the entity that paid for and owns a copy of the footage, will allow Jon to review it.
- 3.) If Jon thinks the footage is useful for the c4, we will reconvene and discuss whether from a legal standpoint the c4 can buy it from the leadership PAC or whether it would be better for the c4 to purchase it from you directly.

JA-000121-22 (IAV00003482-83) (emphasis added). Jacobs concluded his email about obtaining Ernst footage for Iowa Values—as owned and paid for by Ernst's leadership PAC—by requesting copies of recent contracts from Poolhouse for filming Ernst's Roast and Ride event, noting that Jacobs had “relayed edits through Derek Flowers in the past.” JA-000122 (IAV00003483).

111. On January 4, 2018, Jon Kohan sent an email to Iowa Values's Board members, Ronald Jacobs, Claire Holloway, Bill Skelly, and others seeking “approval to retain Woodbury [sic] Associates and Targeted Victory” as vendors to Iowa Values. JA-000720 (IAV00005015-19 at IAV00005019). Kohan recommended that Iowa Values hire Derek Flowers and his team at Woodberry Associates, specifically noting that “*they are tightly involved with Team Joni* and have deep grassroots organizing experience.” JA-000719 (IAV00005018) (emphasis added); *see also* JA-001048 (IAV00002741) (2018 Iowa Values document characterizing Woodberry Associates' services as “Press, Grassroots, and Policy work”) Kohan further noted that Iowa Values “need[ed]

to put together the team to launch our digital efforts (website, social media, list building, etc.) for these *issue efforts* a[s] well. Most important here, is to pick a partner that has capability to do anything we imagine (high bar!), *is a crossover vendor with Joni* and interfaces well with Causeway Solutions.” JA-000719 (IAV00005018) (emphasis added). Kohan thus “recommend[ed] we enlist Abe Adams @ Targeted Victory to begin building our digital footprint in the education space, and who has the requisite skills for when we do voter communications down the road.” JA-000719 (IAV00005018); *see also* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (disclosing, *inter alia*, 2018 payments to Targeted Victory for “web services” totaling \$2,1870.50, and \$3,000 monthly payments to Woodberry as a consulting retainer).

112. Derek Flowers was hired and paid by Iowa Values not only as “an independent contractor,” JA-002803 (Flowers Dep. at 24:3-10), but he ultimately replaced Jon Kohan as Iowa Values’s Executive Director “[r]oughly [in] the beginning of 2018” and has remained in that role “until present day.” JA-002802-03, 002834 (Flowers Dep. at 23:19-24:2, 55:20-22); *see also supra* ¶ 77. Like Kohan, Flowers had previously worked for Joni Ernst’s campaign. As Flowers testified, between 2013 and 2014, he served both as “a consultant to the campaign” and as “her campaign manager.” JA-002805 (Flowers Dep. at 26:6-17).

113. According to public reports filed with the Iowa Ethics and Campaign Disclosure Board, Derek Flowers also served as Chairperson of JONI PAC Iowa, Ernst’s state political action committee, between 2016 and 2020. *See* JA-000001-03, 000004-06, 000007-09, 000010-12, 000608-11, 000998-1001, 001120-22, 001140-45, 001272-75, 001277-80, 001675-78, 002243-46, 002307-09 (2016 to 2020 Iowa Ethics and Campaign Disclosure Board reports). Indeed, Flowers was simultaneously the Executive Director of Iowa Values and the Chairperson of Joni PAC Iowa,

when on October 7, 2019, JONI PAC Iowa made a \$10,000 contribution to Iowa Values. *See* JA-002243, 002245 (Jan. 21, 2020, Iowa Ethics and Campaign Disclosure Board - Joni PAC Iowa, DR-2 Disclosure Summary Page at 1, 3).

114. Flowers further testified that he was responsible for “organizing [Ernst’s] annual Roast and Ride in Iowa,” which “occurred each summer starting after her election.” JA-002838-39 (Flowers Dep. at 59:16-60:10). The annual Roast and Ride is the same event Iowa Values’s lawyer Ronald Jacobs sought footage of for use by Iowa Values, invoking his role as legal counsel for Senator Ernst—her “campaign, leadership PAC, Roast & Ride, etc.”—and asserting that “agreements” between Ernst and Poolhouse “entitled us to get the raw footage.” JA-000121-22 (IAV00003482-83).

115. During his testimony, Flowers listed the numerous overlapping vendors “that w[ere] working for Iowa Values and Senator Ernst at the same time”:

Q Are you aware of anyone . . . who was contracted by Iowa Values that was working for Iowa Values and Senator Ernst at the same time?

A Concurrently, yes. Claire Holloway and Holloway Consulting. I believe Rightside Compliance or right—I think that’s their official name. Rightside, as we refer to them, does compliance for a number of entities, including both, I believe, Joni’s campaign and Iowa Values, of course Venable. And I believe—so Targeted Victory would have had initial overlap, though it would have been very early to consider campaign season for Senator Ernst at that point. And then from time to time, we may have used the same polling firm as Senator Ernst.

Q Do you recall what the name of the polling firm was?

A Tarrance, Tarrance Group.

JA-002843-44 (Flowers Dep. at 64:9-65:5).

116. When asked to identify any vendors or individuals “that did not have a connection to Joni Ernst,” Flowers named three: Majority Strategies, AdMakers, and Causeway. JA-002853-54 (Flowers Dep. at 74:19-75:7); *see also* JA-002854 (Flowers Dep. at 75:8-11) (testifying that Flowers did not believe that Causeway had worked with the Ernst campaign at any point in time in the 2020 cycle).

117. However, as discussed *infra* ¶ 145, Causeway *did* provide services to Ernst’s principal campaign committee throughout the 2020 election cycle, as well as to another Ernst-affiliated entity. *See* JA-004495-97 (FEC Data - Disbursements from Joni for Iowa to Causeway Solutions / MS Causeway Solutions LLC); JA-004517-19 (FEC Data - Disbursements from Jobs Opportunity and New Ideas (JONI) PAC to Causeway Solutions / MS Causeway Solutions LLC).

118. And while Flowers testified that “AdMakers” was a unique vendor that provided services to Iowa Values but not Ernst, *see* JA-002854 (Flowers Dep. at 75:3-4) (“Over time we used AdMakers whom I’m not aware of a connection with Joni.”), Iowa Values did not disclose any payments to “AdMakers” in its interrogatory responses identifying all of its spending between 2017 and 2020. *See* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2).

119. As mentioned in Jon Kohan’s email above, one of the many vendors that provided services to both Iowa Values and Ernst was RightSide Compliance. As Derek Flowers explained, RightSide “provides compliance for Iowa Values, accounting and compliance.” JA-002794 (Flowers Dep. at 15:11-12). Flowers testified that he conferred with “Joanne [Parker] at Rightside” about his deposition in this case. JA-002794 (Flowers Dep. at 15:4-8); *see* JA-002795 (Flowers Dep. at 16:1-8) (clarifying that Joanne’s last name is “Parker”).



120. RightSide is also identified as a vendor to Joni PAC Iowa, for which Flowers served as Chairperson from 2016 through 2020, in Joni PAC Iowa’s public reports filed with the Iowa Ethics and Campaign Disclosure Board. *See* JA-000001-03, 000004-06, 000007-09, 000010-12, 000608-11, 000998-1001, 001120-22, 001140-45, 001272-75, 001277-80, 001675-78, 002243-46, 002307-09 (2016 to 2020 Iowa Ethics and Campaign Disclosure Board reports).

121. “Joanne at Rightside” is RightSide’s Compliance Director, Joanne Parker. *See* JA-000912 (IAV00004791-94 at IAV00004792). Parker was well aware of Iowa Values’s close relationship to Ernst: as discussed *infra* ¶ 610, a February 2018 email exchange reflects that when a donation to Iowa Values had been coded to an account for Ernst-related donations, Parker confirmed that “Yes,” a donation to Iowa Values was “related to Ernst,” while clarifying, “but it needs to be completely separate as this *is supposed to be an unrelated C4*,” and accordingly asking, “If you set it up through the Ernst Crimson account, will all donation information still be completely separate *from her other entities*?” JA-000912 (IAV00004792) (emphases added). Parker followed up with a question to Iowa Values’s fundraiser, Claire Holloway Avella, regarding a plan to “set Iowa Values as a separate fund code to keep it *separate from the other Ernst entities*,” explaining “I know we are trying to keep everything as separate as possible for the C4. We can circle in legal counsel for clarification too if needed.” JA-000911 (IAV00004791) (emphasis added).

122. The Tarrance Group, meanwhile, is yet another shared vendor of Iowa Values and the Ernst campaign, *see* JA-002843-44 (Flowers Dep. at 64:9-65:5); JA-004498-99 (FEC Data - Disbursements from Joni for Iowa to The Tarrance Group)—[REDACTED] who is presumably related to Ernst’s chief of staff, Lisa Goeas, *see, e.g.*, JA-001432 (HCI-00000417).

123. Despite the extensive overlap between Ernst and Iowa Values people and vendors, and the pervasive, constant discussion of Ernst and her 2020 election in Iowa Values communications, strategy documents, and fundraising solicitations, *see generally infra* Parts IV-VI, ¶¶ 99-719, Iowa Values’s Executive Director Derek Flowers testified that the nature and extent of Iowa Values’s relationship with Ernst was relatively superficial and practically coincidental:

Q As an organization, did Iowa Values have any relationship with Senator Ernst?

A Can you define relationship.

Q Based on your common understanding of relationship, did Iowa Values as an organization have any relationship with Joni Ernst?

A No. I mean, I think the organization was certainly aware of her and her issues and where she stands on things. And that’s one of the things we did was try to make Iowans aware of where she stands on issues they care about. Certainly she would have been aware of us too, I would imagine.

Q Do you know how she would have been aware of Iowa Values?

A Well, I mean, hopefully she saw the good work we were doing around the issues that she has worked on that we align with. That’s as much as I know. I mean, she—well, I don’t want to speculate beyond that.

JA-002844-45 (Flowers Dep. at 65:6-66:3). According to Flowers, Iowa Values’s extensive connections to and focus on Senator Ernst were not indicative of a purpose of supporting her re-election but rather a reflection of how Ernst served as “a bit of a proxy,” “[l]ike, if Iowa Values care about these issues . . . that Joni Ernst espouses, right, she talks about them, she leans on them, there is—one can kind of stand for the other.” JA-002853, 002855 (Flowers Dep. at 74:2-5, 76:5-9); *see also* JA-002883 (Flowers Dep. at 104:12-21) (suggesting that Iowa Values is focused on advancing issues “through a number of mechanisms: digital, communication, mail, door-to-door canvassing,” and “so if you think about who supports the issues that you care about, then in the

context of Iowa, you're going to think about Joni Ernst"). As detailed below, Flowers's "proxy" explanation is contradicted by the voluminous evidentiary record detailing Iowa Values's plans, strategies, and activities focused directly and explicitly on supporting Senator Ernst's 2020 re-election. *See infra* Part V.C.5.vii, ¶¶ 578-88.

**V. The Vast Majority of Iowa Values's Programmatic Activities Between 2017 and 2020 Focused on Support for Ernst's 2020 Re-Election.**

124. Evidence proves that the overwhelming majority of Iowa Values's programmatic activities between 2017 and 2020 focused on supporting Ernst's re-election.

125. Over the course of four years—from its inception in 2017, *see supra* Part IV, ¶¶ 99-123, through the November 2020 Election, after which it effectively ceased operations, *see infra* Part VIII, ¶¶ 742-49—Iowa Values engaged in a three-pronged approach to support Ernst's re-election, focused on: (1) electorate modeling and data sharing; (2) door-to-door canvassing; and (3) digital and mail advertising. Iowa Values sought to and succeeded in gathering data about and modeling the Iowa electorate in order to identify a select group of voters who represented "the most critical segments of the electorate for Senator Ernst in 2019 and 2020." JA-004288 (IAV00003281-84 at IAV00003281); *see generally infra* Parts V.C.2-.4, ¶¶ 248-413. Iowa Values, in turn, sought to and succeeded in sharing this data with the Ernst campaign, first through Iowa Values's own data warehouse, *see infra* Part V.B.2, ¶¶ 169-93, and then [REDACTED]

[REDACTED] At the same time, Iowa Values used its electorate modeling work as the basis for its own targeted canvassing, *see infra* Part V.C.4, ¶¶ 335-413, and advertising, *see infra* Parts V.C.5.iii-v, ¶¶ 441-559, through which it likewise sought "to build a *Joni firewall* with [critical voters] so despite their fluid nature of support for the GOP they will be *strong for Senator Ernst*." JA-004288 (IAV00003282) (emphasis added). In short, Iowa Values set out to and succeeded in using (1) modeling to "identify the people that need

extra attention *and the issues that motivate them*,” and (2) “personal contact . . . to move them from being a ‘Disengager’, to a supporter, and ultimately a voter” for Ernst in 2020. JA-004288 (IAV00003283) (emphasis added); *see also* JA-004288 (IAV00003284) (Iowa Values would “pivot to turn out each Joni Ernst supporter on November 3rd”).

126. Iowa Values’s plan, and the details thereof, are outlined at length in myriad internal communications and strategy documents, bolstered further by testimony from Iowa Values’s own Executive Director Derek Flowers and its subpoenaed vendors, Causeway and Holloway Consulting Inc. In direct refutation of the FEC’s failure to investigate CLC’s administrative allegations—dismissing CLC’s preliminary evidence as “contextless . . . leaked strategy memoranda and cherry-picked individual fundraising solicitations,” which are “inherently subjective and ambiguous, and seldom reflect the full internal discussion within an organization or its actual activities,” JA-002714 (ECF No. 64-4 at 13 (Statement of Reasons of Chairman Allen J. Dickerson and Commissioners Sean J. Cooksey and James E. “Trey” Trainor, III))—the extensive evidentiary record developed in this case and recounted below objectively and unambiguously reveals Iowa Values’s sophisticated, carefully crafted multi-year plan to support the re-election of Senator Ernst in 2020 in a manner intended and designed to evade FEC disclosure requirements.

**A. Iowa Values’s Principal Data Vendor, Causeway, and its Relationships to Iowa Values and the Ernst Campaign.**

127. Between 2017 and 2020, Causeway served as Iowa Values’s principal data vendor.

[REDACTED]

[REDACTED]

[REDACTED]

128. The original company—Causeway Solutions, LLC [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

129. In January 2019, Causeway Solutions was acquired by another of Iowa Values’s vendors, Majority Strategies,<sup>2</sup> after which time Causeway Solutions became MS Causeway Solutions LLC. *See* JA-001276 (Jan. 21, 2019 Majority Strategies Press Release, Majority Strategies Acquires Causeway Solutions); [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>2</sup> *See* JA-002779 (Flowers Dep. at 215:19-20) (identifying Majority Strategies as Iowa Values’s “digital vendor”).

[REDACTED]

130. Between 2017 and 2020, three principal Causeway employees performed work for Iowa Values: Bill Skelly, Chris McNulty, and Molly Rutledge. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Causeway became familiar with Iowa Values [REDACTED]

[REDACTED]

132. Causeway’s official relationship with Iowa Values began in August 2017. *See* [REDACTED]; JA-000616 (IAV00001432-37 at IAV00001433) (Initial Services Consulting Agreement, the terms of which “shall be from August 23, 2017, through December 31, 2017”); *see also infra* ¶ 182 (discussing 2017 Initial Services Consulting Agreement). Prior to that, [REDACTED] *see also, e.g., infra* ¶¶ 157-59 (discussing JA-000022-26 (IAV00005021-25) (February 16, 2017, memo from Skelly to Kohan titled “Machine Learning in the Modern Political Campaign”).

133. Iowa Values remained a client of Causeway [REDACTED]  
[REDACTED]  
[REDACTED] Causeway signed one additional contract with Iowa Values during that period, a Master Services Agreement effective as of January 1, 2018. *See* JA-000944-70 (IAV00006240-66). This Master Services Agreement was intended “to supersede the Initial Agreement,” and provided even greater specificity to Causeway’s scope of work for Iowa Values. JA-000944 (IAV00006240); *see also infra* ¶¶ 183-84 (discussing 2018 Master Services Agreement).

134. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

136. As to 2019, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

137. In 2020, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

138. In its work with Iowa Values, Causeway communicated with [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

139. Iowa Values’s Executive Director, Derek Flowers testified that “Causeway did three things for” Iowa Values: “strategic consulting, modeling, and polling guidance and then a place to store data.” JA-002900-01 (Flowers Dep. at 121:21-122:5). He further explained that one of Causeway’s “team members,” Chris McNulty, “served as strategic consultant,” and Causeway generally “provided guidance on polling and modeling and a lot of that data work that is required and then housed the data for Iowa Values.” JA-002854-55 (Flowers Dep. at 75:19-76:8).

140. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>3</sup> As discussed *supra* ¶ 102, at some point, Kohan left Iowa Values to work directly for the Ernst campaign.

[REDACTED]

[REDACTED]

141. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *see also infra*

Part V.B.2, ¶¶ 169-93. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

142. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

143. [REDACTED]

[REDACTED]

[REDACTED]

**1. Causeway’s Simultaneous Work for Ernst-Affiliated Entities, Without Any Firewall in Place at Least Prior to 2020.**

144. At the same time Causeway was performing data, analytics, and consulting services for Iowa Values [REDACTED]

[REDACTED]

145. When discussing other Ernst-affiliated entities, [REDACTED]

[REDACTED]

[REDACTED] Evidence confirms, however, numerous disbursements from Jobs Opportunity and New Ideas (JONI) PAC to Causeway Solutions and MS Causeway

Solutions LLC between 2018 and 2020. *See* JA-004517 (FEC Data - Disbursements from Jobs Opportunity and New Ideas (JONI) PAC to Causeway Solutions / MS Causeway Solutions LLC).

146. Despite Causeway’s simultaneous work for Iowa Values, the Ernst campaign, and another Ernst affiliated entity, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

147. Causeway’s 2018 Master Services Agreement with Iowa Values did not require a firewall policy. That Agreement specified that only “if [Iowa Values] determines that a firewall is necessary to satisfy Federal Election Commission regulations governing coordination when a common vendor is used, [Causeway] will create appropriate teams that will be screened from one another.” JA-000949 (IAV00006245). The Agreement further stated: “Nothing in this subsection shall suggest that such a firewall is required simply by virtue of having Allied Organizations

subscribe to the Hosted Services, just that such a firewall could be necessary in certain circumstances.” JA-000949 (IAV00006245).

148. Additional documentary evidence and testimony confirm: (1) the lack of a firewall governing Causeway’s simultaneous work for Iowa Values and the Ernst campaign, at least prior to 2020—as well as (2) Iowa Values’s four-year vision to collect, analyze, and share data about the Iowa electorate.

149. On October 23, 2017, Jon Kohan wrote to Bill Skelly and Chris McNulty of Causeway, including Iowa Values’s attorney Ronald Jacobs and Johnny Corbett of Jamestown Associates, to explicate Causeway’s “assignments” for Iowa Values. JA-000658 (IAV00004161-62 at IAV00004162). This included, “[i]deally . . . put[ing] together a powerpoint for review that lays out the general direction we have fleshed out in calls/memos for the rest of this year, next year, 2019 and 2020 (again, in general/theoretical terms).” JA-000658 (IAV00004162). Kohan then laid out his “general direction” and “rough[]” plan for Iowa Values’s efforts between 2017 and 2020:

- My general direction for each area would be roughly:
  - 2017
    - Training
    - Cross organization direction sharing
  - 2018
    - Continued training
    - Deployment of strategic analysis by Iowa Values
    - Action by friendly entities
    - Learning and data collection for 2020
  - 2019
    - Deployment of strategic orientation and division of labor (playbook)
    - Beginnings of outside data collection operation for machine learning
    - Practice the plays
  - 2020
    - Wall is up
    - Iowa Values will be doing X
    - JFI would (ideally) by doing Y
- Something like that roughly

JA-000658 (IAV00004162); *see also, e.g.*, JA-001049 (IAV00002739-40 at IAV00002739) (June 2018 memo explaining that “[w]e are beginning work on the playbook for how we will approach the 2020 cycle”).

150. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Accordingly, even though Causeway was a vendor to both Iowa Values and the Ernst campaign [REDACTED]

[REDACTED]

[REDACTED]

151. In discussing Kohan’s October 23, 2017, email, Iowa Values’s current Executive Director Derek Flowers agreed that, “Jon [Kohan] here is laying out an idea that looks three years into the future.” JA-002945 (Flowers Dep. at 166:10-22) (agreeing that the plan Kohan laid out “does go as far as 2020”); *see also* JA-002943-45 (Flowers Dep. at 164:12-166:9) (introducing email on JA-000658 (IAV00004162)). Flowers similarly explained his “presum[ption]” that

reference to the wall going up in 2020 “means there is a point in time at which . . . nobody involved in the campaign could communicate with people involved in Iowa Values *with few exceptions*.” JA-002946 (Flowers Dep. at 167:1-8) (emphasis added); *see also* JA-002946 (Flowers Dep. at 167:9-14) (confirming that JFI is Joni for Iowa).

152.

[REDACTED]

153.

[REDACTED]



[REDACTED]  
[REDACTED] *see infra* Part V.B.2, ¶¶ 169-93 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

154. In sum, Iowa Values’s principal data vendor, Causeway, provided services simultaneously for Iowa Values, the Ernst campaign, and another Ernst-affiliated entity, without any firewall policy to separate work among those clients, at least prior to 2020.

**B. Iowa Values’s Early Efforts to Predictively Model, Warehouse, and Share Voter Data.**

155. As discussed *supra* ¶ 125 and *infra* Parts V.B.1-V.C, ¶¶ 156-413, Iowa Values had a four-year vision and plan to collect, analyze, and share data about the Iowa electorate.

156. In its early days in 2017 and 2018, Iowa Values expended significant effort and resources attempting to build a predictive algorithm to model Iowa electorate data, and to warehouse and share data about the Iowa electorate with the Ernst campaign and other Ernst-affiliated entities. Iowa Values eventually abandoned both these projects in favor of other, more effective data work, *see infra* Part V.B.3, ¶¶ 194-203, but not before presenting Iowa Values’s data warehouse to the Ernst campaign in June 2018.

**1. Iowa Values’s Predictive Algorithm: Newton**

157. As early as February 16, 2017—just over two weeks after Iowa Values was incorporated, *see* JA-000019 (IAV000000171)—Bill Skelly of Causeway sent Iowa Values’s then-Executive Director, Jon Kohan, a memo with the subject line “Machine Learning in the Modern Political Campaign,” JA-000022-26 (IAV00005021-25). In it, Skelly proposed that Iowa Values

adopt “an algorithm-driven approach / investing in a new strategic technology for Iowa Values *and our 2020 efforts*.” JA-000023 (IAV00005022) (emphasis added). As Skelly explained, “I believe that our efforts in 2016 should focus on developing the algorithm necessary to be successful in 2020 and beyond instead of simply relying on the data and output of that algorithm”; this “new predictive algorithm *for Ernst victory* must remain a part of the overall campaign strategy and not wholly replace it.” JA-000022-23 (IAV00005021-22) (emphasis added).

158. Skelly proposed a name for the algorithm: “I propose that the Iowa Values organization develop ‘Newton’ – an algorithm that focuses on *the pathway for victory for Ernst 2020 operations*.” JA-000023 (IAV00005022) (emphasis added). Skelly then laid out a plan for developing this algorithm, including proposed inputs and outputs. JA-000024 (IAV00005023) (listing as one possible “ID Point we are modeling” “Joni Support (?)”). Skelly concluded by stressing that “[f]ew campaigns / organizations have the lead time to be thinking this far ahead of their own Election Day to undertake an operation that isn’t fully defined. We do.” JA-000025 (IAV00005024). As he summarized, “We know the starting point: a model that lays out a baseline and creates the initial pipeline / algorithm. We know where we want to be: a data driven campaign that allows our ‘Newton’ algorithm to predict and monitor movement in the electorates.” JA-000025 (IAV00005024) (“Newton doesn’t need to predict the final vote of the election within 1 person three years before voting even begins”—i.e., in 2020—“but it does need to be able to answer the simple questions we ask of it.”).

159. When discussing Skelly’s 2017 memo, Iowa Values’s Executive Director Derek Flowers confirmed that it was a “fair summary,” and that the “purpose of the Newton algorithm [wa]s to be able to monitor shifts in the electorate and to account for those shifts in voter targeting model[s].” JA-002972 (Flowers Dep. at 193:8-15); *see also* JA-002885 (Flowers Dep. at 106:7-

17) (introducing JA-000022-26 (IAV00005021-25)). He explained that the way he “read the memo is that [Skelly] is pitching Jon [Kohan] on an idea”: building an algorithm and data modeling to predict and monitor movement in the electorate. JA-002892-94 (Flowers Dep. at 113:17-115:16). Flowers agreed that Skelly “may be . . . fram[ing] it up” with an end goal of “victory for Joni Ernst in 2020,” and that may be the very purpose of Skelly’s pitch, though Flowers “read it to be a little more than that.” JA-002894-95 (Flowers Dep. at 115:17-116:20); *see also* JA-002899 (Flowers Dep. at 120:1-13) (“I would describe it . . . as relatively big picture that sounds to me like he wants to build a modeling and data machine, for lack of a better term, that is lasting and enduring.”). Still, Flowers testified that “the immediate outputs” Skelly proposed were “to identify a GOTV universe,” “to identify a swing universe,” and “then also to monitor how those universes might shift throughout an election cycle.” JA-002899-90 (Flowers Dep. at 120:14-121:2).

160. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

161. [REDACTED]

[REDACTED]

[REDACTED]

162. Flowers meanwhile insisted that “advancing the issues that we cared about was the mission of Iowa Values. To the extent that Joni is in there somewhere to the extent of her support for those issues or her actions on those issues as part of the communication, then that’s the extent of it.” JA-002889 (Flowers Dep. at 110:11-18); *see also* JA-002889-90 (Flowers Dep. at 110:19-111:12) (“It would be a common understanding that Senator Ernst would be better on the issues that Iowa Values cared about . . . than a Democratic opponent at the time.”).

163. But Flowers’s suggestion that Iowa Values’s focus on Ernst was merely the result of a coincidental overlap with issues Iowa Values “cared about,” JA-002889 (Flowers Dep. at 110:11-18)—i.e., that “reelecting Senator Joni Ernst in 2020” was simply “a proxy for our issues,” JA-003048-49 (Flowers Dep. at 269:20-270:10)—rather than an intentional focus on the 2020 Iowa Senate race does not match with internal discussions in December 2017 among Iowa Values’s leadership and consultants regarding how to determine which issues Iowa Values should focus on.

164. In a December 19, 2017, email, Jon Kohan wrote to the Iowa Values Board, along with its lawyer Ronald Jacobs, its fundraiser Claire Holloway Avella, Bill Skelly and Chris McNulty of Causeway, and Brian Nienaber of the Tarrance Group, “[f]ollowing [their] chat two

weeks back about whether we should set issues and then model the electorate, or model the electorate and then set issues.” JA-000675 (IAV00004732-36 at IAV00004732). Kohan explained that he had “connected with Bill [Skelly] on exactly that question” and “[h]is advice is that we use our polling . . . to guide our issue focus, and then use the modeling to dive deeper and match our focus up against the electorate – rather than the reverse.” JA-000675 (IAV00004732). Skelly’s recommendation—that Iowa Values decide its “issue focus” based on electorate polling and modeling rather than conducting such polling and modeling based on a pre-determined set of issues that the Iowa Values organization organically “cared about”—was consistent with Kohan’s “initial thoughts,” which were to “approach[] this issue focus for the organization with an eye towards what our candidates need cover on from the Dems, more so than by thinking about amplifying issues we already communicate well on.” JA-000677 (IAV00004734). In light of Skelly’s advice, Kohan proposed that Iowa Values focus on three “core themes”: 1. Increasing economic security, 2. Taking care of our veterans, and 3. Education. JA-000675-76 (IAV00004732-33). Iowa Values Board member Sara Fagen responded, “This makes sense to me. The issues poll well *and they fit with the Senator’s brand and focus.*” JA-000675 (IAV00004732) (emphasis added).

**i. Iowa Values’s Efforts to Build a Predictive Algorithm**

165. Evidence indicates that Iowa Values worked to build the predictive algorithm Skelly proposed. On March 14, 2018, Kohan wrote to the Iowa Values Board, its lawyer Ronald Jacobs, its fundraiser Claire Holloway Avella, and a colleague of Kohan’s at Jamestown Associates, Johnny Corbett, to provide an “Iowa Values: March Update (Read this one!),” including an update on Iowa Values’s “Data” efforts. JA-000716-17 (IAV00005015-16). Kohan explained that “Bill Skelly has been busy laying the groundwork for how the organization will build a data/field operation to create a machine learning algorithm to score the electorate. It’s our goal that we

achieve this *during the 2020 cycle*, and to the best of our knowledge, no campaign has been able to put something like this in place to date.” JA-000716 (IAV00005015). Kohan attached to the email Skelly’s February 2017 memo regarding “Machine Learning in the Modern Political Campaign.” *See* JA-000716 (IAV00005015) (“Attached is a very rough memo explaining what this idea is and why we are chasing it.”); *see also* JA-000022-26 (IAV00005021-25).

166. Three months later, on June 10, 2018, Kohan again wrote to the Iowa Values Board, Jacobs, Holloway Avella, and Corbett, this time to provide an “Iowa Values June Update.” JA-001049-50 (IAV00002739-40); *see also* JA-001052-53 (IAV00003075-77 at IAV00003076-77). Kohan confirmed that “Bill [Skelly] has completed an initial ‘Version 0’ of NEWTON, our attempt to create a self-training & self-refreshing model that will be fed by the 2019-2020 voter contact program.” JA-001049 (IAV00002739); JA-001053 (IAV00003077).

167. Iowa Values’s current Executive Director Derek Flowers agreed that his “read” of this email was “I guess, yes. Causeway put together what [Kohan] calls ‘Version 0’ of the self-training self-refreshing model.” JA-002969-71 (Flowers Dep. at 190:19-192:8).

168. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *infra* Part V.B.3, ¶¶ 194-203 (discussing Iowa Values’s abandonment of its early data efforts).

## **2. Iowa Values’s Data Warehouse: DANA**

169. In addition to a predictive algorithm, Iowa Values worked in 2017 and 2018 to set up a data warehouse, designed to allow it to share electorate data with the Ernst campaign and other Ernst-affiliated entities.

170. On August 16, 2017, Jon Kohan emailed the Iowa Values Board, Iowa Values’s lawyer Ronald Jacobs, and its fundraiser Claire Holloway Avella, reporting that “Ron is working on the legal agreements with Causeway, so that we can get our data warehouse built.” JA-000612 (IAV00004785-87 at IAV00004785); *see also* JA-000612 (IAV00004785) (“This has taken longer than I would have liked, but we needed to make sure that all our bases were covered and Ron [Jacobs] has taken pains to ensure everything is airtight. So even though it’s taking longer than anticipated it’s progressing well.”).<sup>4</sup>

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<sup>4</sup> In this same email, with the subject line “Iowa Values August Update,” Kohan reported that “Joni continues to do townhalls/events across Iowa (most recently just outside Iowa City yesterday) and her crowds are getting better. More even. Which is great news. Despite breaking with Trump on a few issues recently, GOPers in-state aren’t giving her a hard time about it. In a somewhat shaky summer, Joni looks strong.” JA-000612 (IAV00004785); *see also* JA-000612-13 (IAV00004785-86) (earlier July 28, 2017, email from Kohan forwarding an Ernst press release as an “FYI” and explaining “I feel like our ad still works for the current situation, so if we see a bunch dumped on us and we are able to raise funds to go up – we will be ready to punch back.”).

171. Iowa Values’s current Executive Director Derek Flowers testified that, based on Kohan’s August 2017 email, the data warehouse was “the only active project that Iowa Values had at” the time: “That would be one way to describe it. I would have hoped there was fundraising taking place too. But it doesn’t appear that there were any other communication activities, for example.” JA-002903 (Flowers Dep. at 124:13-21). Flowers further testified that he was not aware of Iowa Values doing any public education activities, digital advertising, or mail outreach in 2017—nothing, to his knowledge “besides this data warehouse project and fundraising.” JA-002903-04 (Flowers Dep. at 124:22-125:22) (“Again, I think our sort of public launch was a little bit later.”); *see also, e.g.*, JA-002988 (Flowers Dep. at 209:14-22) (testifying that Iowa Values’s issue-based activities “in 2017 and 2018, again, I believe” were “the release of the policy brief, the standing up of a Web site. But paid activity hadn’t occurred. I think it was laying the groundwork to get there.”); JA-002956 (Flowers Dep. at 177:18-22) (testifying, as to Iowa Values’s engagement in any public efficacy efforts in 2017: “I don’t know. I don’t believe so.”); JA-002959 (Flowers Dep. at 180:5-12) (agreeing that “over the course of the spring and summer” of 2017, “Iowa Values built a video library of footage of Senator Joni Ernst”: “it seems like they identified existing material and put together plans to fill more”).<sup>5</sup>

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<sup>5</sup> Despite the extensive documentary evidence and testimony reflecting Iowa Values’s primary focus on its data warehousing project in 2017 and 2018, as well as its payments to acquire footage of Ernst for future Iowa Values advertising, *see supra* ¶ 110; *infra* ¶¶ 420, 427, and to commission a poll to help identify which issues would best motivate voters to support Ernst, *see infra* ¶¶ 433-34, a handful of Iowa Values documents from the same years label Iowa Values a “nonpartisan forum,” or “free-market think tank” focused on educating voters and issue advocacy. *See, e.g.*, JA-000916 (IAV00002962-67 at IAV00002962) (draft Iowa Values document dated March 2018, stating that “Iowa lacks a state-based, free-market *think tank* to bring a conservative voice to policy discussions” and “Iowa Values looks to fill that void”) (emphasis added); JA-000982 (IAV00000336-47 at IAV00000337) (glossy pamphlet titled “Who We Are and What We Care About,” describing Iowa Values as a “nonpartisan forum,” “founded to help fill th[e] void” of “free-market organizations” in Iowa); JA-000915 (IAV00002961) (February 2018 email stating



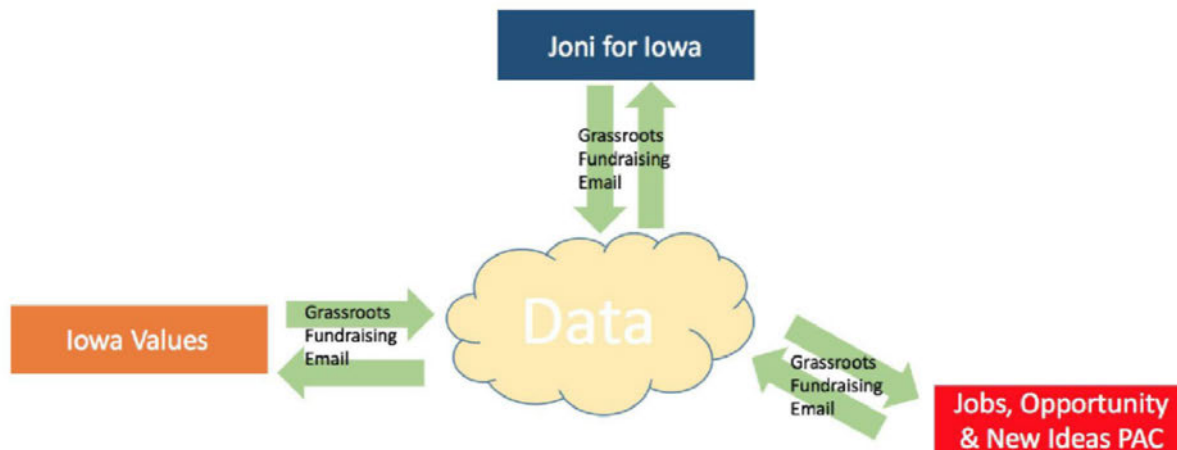
172. On September 19, 2017, Kohan authored a memo titled “Iowa Values Data Initiative,” addressed to all “Interested Parties.” JA-000622-25 (IAV00002297-300). The memo began by explaining that there are “great lessons to be learned from the 2016 Senate cycle in how campaigns and their accompanying super PACs managed side by side operations. . . . Missing from these field operations,” however “and the *side by side operations* in general, was the ability for both sides to align their targeting strategies and benefit from the identification/[voter] contact efforts of the other. Quite simply, what was not seen was the creation of a warehouse to pass data back and forth between these different entities.” JA-000622 (IAV00002297) (emphasis added).

173. The memo made clear Iowa Values’s intent to create just such a data warehouse: “Looking ahead to next cycle, we believe that investing time and resources now in creating a database that can interface with *all the vehicles associated with, or interested in helping Joni Ernst*, is a *potentially significant advantage heading into her reelection effort in 2020*.” JA-000622-23 (IAV00002297-98) (emphasis added); *see also* JA-002907 (Flowers Dep. at 128:3-8) (“That is what it says.”). Accordingly, Iowa Values was “pursuing construction of a data warehouse to be a ‘one stop shop’ for all things Iowa GOP data”—“a central repository where all the data that is being collected by *various Joni Ernst related entities* can live.” JA-000623 (IAV00002298) (emphasis added). Warehousing “all this data in the same place” would allow various organizations to “then draw on multiple sources of data from the field to conduct their activities without

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the pamphlet would be used “for press & donors,” though the record is silent on how, or if, it was ever used); JA-000993 (IAV00000356-58 at IAV00000356) (April 2018 “Intro Oped” suggesting Iowa Values was created to be “a new non-profit, *non-partisan think tank* that will promote the hard work, resilience, and policies that made Iowa such a great place to live, work, and raise a family”—though the record is silent on whether this op-ed was ever published) (emphasis added). The record of Iowa Values’s actual activities during that time does not match with such labels.

duplicating efforts and with the best information available.” JA-000623 (IAV00002298). The memo provided a visual of the data sharing setup Iowa Values sought to create:



JA-000623 (IAV00002298).

174. Kohan’s September 2017 memo explained directly that Iowa Values’s “vision” was “to create a level of data savvy and coordination amongst Iowa Values, Joni for Iowa, JONI [Jobs, Opportunity & New Ideas] PAC and other related groups that has not previously been undertaken at the non-presidential level.” JA-000623 (IAV00002298); *see also* JA-002913-14 (Flowers Dep. at 134:21-135:10) (“the idea that this lays out is to create a dataset that be accessed by all those entities”); JA-002921 (Flowers Dep. at 142:8-16) (“In the context of this memo, those are the entities he lays out, yes.”). The memo extolled the virtues of beginning this work in 2017, to “ensure we have the runway necessary to establish standard operating procedures across organizations to maximize the usefulness of the data set.” JA-000623 (IAV00002298). This would “pay off” “[d]own the road . . . when communication across entities is legally restricted, but everyone understands what is required of them to ensure that everyone has access to the best data possible.” JA-000623 (IAV00002298).

175. Kohan’s memo further explained Iowa Values’s decision to “set[] up this data warehouse through a vendor”—i.e., Causeway—“rather than in-house”: “we can enable access to it from other organizations whose activities will contribute to the overall health of the file and thereby benefit the outreach done by Iowa Values.” JA-000624 (IAV00002299); *see also* JA-000624 (IAV00002299) (“We have enlisted Chris McNulty (former RNC PD) and Bill Skelly (former RNC Data Director) and their team at Causeway Solutions to build what we are after.”). Finally, the memo laid out the anticipated costs of Iowa Values’s data warehousing project, including, *inter alia*, the costs to create the data warehouse, to develop proprietary Iowa Values data, and to train staff across “all entities.” JA-000625 (IAV00002300).

176. When asked how creation of a data warehouse to serve as “a one-stop shop for all things Iowa GOP data” served Iowa Values’s “mission in promoting issue advocacy,” Flowers testified that “while Iowa Values’ mission is to promote ideas, other people may have missions that are complimentary,” acknowledging that Kohan’s September 2017 memo referred specifically to “vehicles that are associated with or interested in helping Joni Ernst” in 2020. JA-002908-09 (Flowers Dep. at 129:14-130:12). Flowers asserted that this “may be taking a narrow read of Joni Ernst related entities” however, as “[t]hat could also mean any (c)(4) that aligns with us on issues, for example, *to the extent that we all agree that Joni Ernst is good on the issues that we care about.*” JA-002909-10 (Flowers Dep. at 130:21-131:15) (emphasis added). Flowers testified that, rather than “thinking of it simply as electing Joni Ernst,” he was “thinking of it as, boy, this is 2017, right. Back in 2018, you know, two years before her election, . . . what are the issues of the day . . . . What was happening that would align with Iowa Values’ mission? Where did Joni stand on those issues? Was she getting beat up for them or was she getting praised for her stance?” JA-002917-19 (Flowers Dep. at 138:11-140:1). “[O]ne activity that could be done by a group like”

Iowa Values “is to, as these issues are unfolding in real time, go out and talk about those issues . . . And if that results in a more favorable environment for Joni to do her policy work as an election approaches two years away, that’s where we are.” JA-002919 (Flowers Dep. at 140:2-10). Still, Kohan’s memo did not mention at all Iowa Values’s issue advocacy or how the data warehouse would promote it, as Flowers repeatedly conceded. JA-002920, 002921 (Flowers Dep. at 141:14-20, 142:17-21).

177. Flowers later confirmed that Iowa Values’s data warehouse was intended to “allow[] organizations, including the Ernst campaign, to share data” and to “act[] as a central repository for data . . . created or collected by Iowa Values, but [that] can be accessed by other organizations,” and “vice versa.” JA-002972-73 (Flowers Dep. at 193:16-194:1); *see also* JA-002911 (Flowers Dep. at 132:3-14) (“It could include Joni for Iowa and others.”). Flowers similarly testified that “Iowa Values worked with Causeway to build a database that can be accessed . . . by multiple entities”: those “could be perhaps a campaign entity. It could be other (c)(4) entities. That’s the way the system was built.” JA-002906-08 (Flowers Dep. at 127:13-129:2); *see also* JA-002908-09 (Flowers Dep. at 129:14-130:1) (testifying that, “while Iowa Values’ mission is to promote ideas, other people may have missions that are complimentary”). Flowers further explained that “Dana was a database that segmented the electorate. To my knowledge, it wasn’t like a file storage system where all sorts of things were kept. It was a place where, for lack of a better term, . . . the voter file or population file lived.” JA-003000-01 (Flowers Dep. at 221:11-222:2). Flowers did not “believe that a particular poll, for example, would be found in Dana,” but rather “that the extrapolations that Causeway did to model the electorate is what you would find in Dana.” JA-003001 (Flowers Dep. at 222:2-6); *see also infra* Part V.C.3, ¶¶ 298-354 (discussing Iowa Values’s 2019 and 2020 modeling efforts). In short, “Dana is the database of

individuals. Polling and other data can help inform the models that are housed in Dana.” JA-003001 (Flowers Dep. at 222:15-18); *see also* JA-003001 (Flowers Dep. at 222:18-21) (“And the way those models get built is by mashing all of that information together apparently with the help of an AI tool called Newton.”).

178. Flowers claimed it was “not *the* purpose” to create a database “to provide a significant advantage to Joni Ernst for her reelection efforts in 2020,” but conceded “it was a potential outcome.” JA-002907-08 (Flowers Dep. at 128:15-129:1) (emphasis added). He similarly did not dispute that the intended purpose of Iowa Values’s database was to allow organizations, including Joni for Iowa, to use the data stored therein, answering only that “perhaps more importantly” the purpose was “for us to bolster our own dataset, Iowa Values that is.” JA-002912-13 (Flowers Dep. at 133:17-134:1).

179. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

180.

[REDACTED]

181.

[REDACTED]

*but see infra* Part V.B.2.i, ¶¶ 185-93

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

182. Causeway’s contracts with Iowa Values further confirm Iowa Values’s intent to build a centralized data warehouse accessible to other political entities. The August 2017 Initial Services Consulting Agreement between Causeway and Iowa Values specified directly that “Consultant [Causeway]’s primary responsibility will be to provide administrative and strategic guidance in the creation of a centralized data warehouse and associated services to the Organization [Iowa Values].” JA-000615 (IAV00001432-37 at IAV00001432).<sup>6</sup>

183. The Master Services Agreement effective as of January 1, 2018, provided even greater specificity to Causeway’s scope of work for Iowa Values. *See* JA-000944-70 (IAV00006240-66). That Agreement directs that Causeway “provides database development, data hosting, consulting, and other similar services,” whereas Iowa Values “desires to obtain database development, data hosting, and consulting services.” JA-000944 (IAV00006240). The Agreement included a “Schedule A: Statement of Work and Fees,” which further specified Causeway’s responsibilities to: (1) “maintain the Data Warehouse”; (2) “maintain all subscriptions for data”; (3) “develop and maintain dashboards and Data Warehouse Access”; (4) “provide training to

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<sup>6</sup> The Initial Services Consulting Agreement indicated the existence of a separate “Exhibit A: Statement of Work.” JA-000615 (IAV00001432). However, no such exhibit was ever produced to CLC by Iowa Values or its subpoenaed vendor, Causeway Solutions. [REDACTED]

[REDACTED]

personnel identified by” Iowa Values; (5) “provide technical support”; and (6) provide hosting and consulting services. JA-000969 (IAV00006265).

184. The Master Services Agreement defines: (1) “Data Warehouse” to mean “the centralized database created for [Iowa Values] under the Initial Agreement that contains a voter file subscription and any other voter data subscriptions to which [Iowa Values] subscribes”; and (2) “Allied Organization” to include any entity other than Iowa Values or its affiliates “that may obtain a subscription to the Hosted Services *with Organization’s consent* as specified in Section 3.” JA-000944-45 (IAV00006240-41) (emphasis added). Section 3 of the Agreement specifies that Iowa Values “may grant consent to Allied Organizations to obtain a subscription to Hosted Services from [Causeway] in its sole discretion. Consultant may not grant any Allied Organization or other third party access to the Hosted Services without Organization’s written consent.” JA-000949 (IAV00006245); *see also* JA-000965 (IAV00006261) (“Consultant shall not provide services to” *inter alia*, “[a]ny candidates for federal, state, or local office in Iowa” “without the express consent of the Organization”); *cf. supra* ¶¶ 117, 144-46 (discussing Causeway’s simultaneous work for the Ernst campaign and other Ernst-affiliated entities); [REDACTED]

[REDACTED]

**i. Iowa Values’s Successful Efforts to Build a Data Warehouse**

185. Documents track Iowa Values’s progress towards establishing its data warehouse. On January 25, 2018, Kohan wrote to provide a “January Update” to the Iowa Values Board, Derek Flowers, Iowa Values’s lawyer Ronald Jacobs, its fundraiser Claire Holloway Avella, Bill Skelly and Chris McNulty of Causeway, Brian Nienaber of The Tarrance Group, and Johnny Corbett of Jamestown Associates. JA-000717-18 (IAV00005016-17). In that email, Kohan explained that “[w]e are ALMOST at the conclusion of our months long legal process for establishing our



database structure at Causeway and enabling them to license access to it to similarly minded center right organizations. Woohoo!” JA-000717 (IAV00005016).

186. On March 14, 2018, Kohan again wrote to the Iowa Values Board, Jacobs, Holloway Avella, and Corbett to provide, *inter alia*, an update on Iowa Values’s “Data” efforts. JA-000716-17 (IAV00005015-16). Kohan explained that “[w]e are finally at the end of our legal process to establish a database at Causeway Solutions that can be licensed out to similarly minded organizations. Ron [Jacobs] has been working hard on making this dream a reality.” JA-000716 (IAV00005015). Kohan noted that this is neither a “minor or ephemeral” accomplishment, but rather “the legal construction Ron has built, combined with Causeway’s know-how is going to position our entity to be a leader in center-right data within the state of Iowa unlike anything a political organization has built there to date.” JA-000716 (IAV00005015). Kohan made clear that “[t]his alone justifies [Iowa Values’s] existence as an organization and will be the foundation for everything we do in the coming years” as “our outreach will be better because of what our data will bring.” JA-000716 (IAV00005015). He likewise noted, “trust me in saying this is a major accomplishment of ours that is already reaping dividends for like-minded organizations that are signing their own contracts with Causeway for access to the data.” JA-000716 (IAV00005015).<sup>7</sup>

187. Kohan’s March 2018 email went on to explain that the “data platform, like all great vessels, now has a name. It will be ‘Dana’ . . . a [S]anskrit word that means ‘giving’ and ‘generosity’ and we’re creating a platform to give information out to wide audiences.” JA-000716 (IAV00005015); *see also* JA-002971 (Flowers Dep. at 192:9-17) (confirming “Dana” refers to Iowa Values’s data warehouse).

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<sup>7</sup> No contracts with other organizations for access to Iowa Values’s data warehouse were produced to CLC by Iowa Values or its subpoenaed vendor, Causeway Solutions.

188. On May 4, 2018, Jon Kohan authored an updated version of his September 2017 memo, still titled “Iowa Values Data Initiative” and addressed to all “Interested Parties.” *See* JA-001015-18 (HCI-00000226-29); JA-001022-25 (HCI-00000233-36); JA-001032-35 (HCI-00000243-46); JA-001041-44 (HCI-00000252-55); JA-001061-64 (HCI-00000265-68); *see also* JA-001130-35 (HCI-00000277-80) (memo identified as identical to JA-001015-18 (HCI-00000226-29), but dated July 11, 2018). This memo was substantially the same as the prior September 2017 version, with updates only to the timeline for work. *Compare, e.g.,* JA-001015-18 (HCI-00000226-29) *with* JA-000622-25 (IAV00002297-300). The revised memo indicated that, by May 2018, Iowa Values had completed the first phase of work: “[d]atabase creation,” and had thus moved on to phase two, focused on internal training. JA-001017 (HCI-00000228). Phase three—“Marketing and Strategic Usage”—was to occur between June and November 2018, including the official “‘Launch’ of IVDB [Iowa Values Database] for stakeholders and prospective users/clients.” JA-001018 (HCI-00000229); *see also infra* Part V.B.4, ¶¶ 204-16 (discussing June 2018 pitch of Iowa Values’s data warehouse to the Ernst campaign).

189. As discussed more *infra* ¶ 662, both Kohan’s September 2017 and May 2018 memos explicating Iowa Values’s data warehousing project and its purpose were included as attachments to numerous fundraising solicitations emailed to prospective Iowa Values donors between January and May 2018. *See* JA-000732-35 (HCI-00000025-28); JA-000789-92 (HCI-00000042-45); JA-000758-61 (HCI-00000053-56); JA-000781-84 (HCI-00000060-63); JA-000801-04 (HCI-00000072-75); JA-000810-13 (HCI-00000081-84); JA-000823-26 (HCI-00000094-97); JA-000831-34 (HCI-00000104-07); JA-000841-44 (HCI-00000114-17); JA-000865-68 (HCI-00000145-48); JA-000878-81 (HCI-00000159-62); JA-000928-31 (HCI-00000172-75); JA-000973-76 (HCI-00000198-201); JA-001015-18 (HCI-00000226-29); JA-

001022-25 (HCI-00000233-36); JA-001041-44 (HCI-00000252-55); JA-001061-64 (HCI-00000265-68); *see also* JA-000622-25 (IAV00002297-300) (identical).<sup>8</sup>

190. An identical version of the memo dated July 11, 2018, JA-001130-35 (HCI-00000277-80), was attached to an August 2, 2018, Iowa Values solicitation, JA-001128-29 (HCI-00000275-76).

191. On June 10, 2018, Kohan informed the Iowa Values Board, Ronald Jacobs, Claire Holloway Avella, and Johnny Corbett of Jamestown Associates that Iowa Values was now “building DANA with a national voter file, in order to be able to integrate major donor data from out of state individuals.” JA-001049 (IAV00002739); *see also* JA-001053 (IAV00003077) (identical).

192. Iowa Values succeeded in establishing a data warehouse, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *see also, e.g., infra*

Part V.B.4.i, ¶¶ 204-16 (discussing presentation materials about Iowa Values’s data warehouse, DANA).

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<sup>8</sup> For the solicitations to which these memos were attached, *see* JA-000731 (HCI-00000024); JA-000787 (HCI-00000040); JA-000735 (HCI-00000048); JA-000770 (HCI-00000057); JA-000795 (HCI-00000066-67 at HCI-00000066); JA-000807 (HCI-00000078); JA-000818 (HCI-00000089); JA-000827 (HCI-00000100-01 at HCI-00000100); JA-000839 (HCI-00000112-13 at HCI-00000112); JA-000859 (HCI-00000139-40 at HCI-00000139); JA-000873 (HCI-00000154); JA-000925 (HCI-00000169); JA-000971 (HCI-00000196-97 at HCI-00000196); JA-001005 (HCI-00000221); JA-001019 (HCI-00000230); JA-001038 (HCI-00000249); JA-001055 (HCI-00000259-60 at HCI-00000259); *see also infra* ¶¶ 650, 662 (discussing these solicitations in detail).

193. Iowa Values’s Executive Director Derek Flowers confirmed that Iowa Values “developed a database to house data.” JA-002891 (Flowers Dep. at 112:13-17); *see also* JA-002944 (Flowers Dep. at 165:14-22) (“I think that the data warehouse came into fruition”); JA-002990 (Flowers Dep. at 211:4-19) (“I think . . . it is fair to say in 2018, they put together the plan and framework to create Dana. I’m not sure that it was built in 2018, but it was probably started.”). Several Iowa Values strategy documents confirm that, in 2018, Iowa Values “accomplished the first step to create a legal mechanism (DANA) that will act as a central repository for data created and/or collected by Iowa Values that can be legally accessed with other ally organizations including but not limited to the Ernst Campaign.” JA-004329 (IAV00004883-89 at IAV00004883); *see also*, *e.g.*, JA-001283 (IAV00004818-24 at IAV00004818) (same); *cf.* JA-003021 (Flowers Dep. at 242:4-15) (testifying regarding Iowa Values’s data warehouse, DANA: “I don’t know if another entity would know that we knocked on this door and this guy said this. What I believe to be accurate is they could pull the model.”).

### **3. Iowa Values Abandoned Its Early Data Efforts.**

194. Despite significant work in 2017 and 2018 to create a predictive algorithm and data warehouse, Iowa Values eventually abandoned both in favor of other data-focused efforts, although Iowa Values nevertheless paid Causeway for work on the project during 2017 and 2018. *See* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (listing numerous payments to Causeway in 2017 and 2018); *see infra* Part V.C, ¶¶ 225-413 (describing Iowa Values’s subsequent electorate modeling and targeting efforts).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

195. With respect to Iowa Values’s predictive algorithm, Flowers testified that he was “not sure that the algorithm piece ever did” come to fruition. JA-002944 (Flowers Dep. at 165:14-22); *see also* JA-002891 (Flowers Dep. at 112:13-17) (“Not to my knowledge . . . I’m not certain about an algorithm.”).

196. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Without a predictive algorithm, Iowa Values pivoted to more traditional electorate data gathering and modeling. *See infra* Part V.C, ¶¶ 225-413.

197. [REDACTED]

[REDACTED]

[REDACTED] *cf.* JA-000615-20 (IAV00001432-37) (August 2017 Initial Services Consulting Agreement: “Consultant [Causeway]’s primary responsibility will be to provide administrative and strategic guidance in the creation of a centralized data warehouse and associated services to the

Organization [Iowa Values].”).

198.

*see also infra* Part V.C, ¶¶ 225-413. (describing Iowa Values’s subsequent electorate modeling and targeting). *But see* JA-002944 (Flowers Dep. at 165:14-22) (“I think that the data warehouse came into fruition.”).

199.

[REDACTED]

[REDACTED]

200. [REDACTED]

[REDACTED] Evidence

suggests, however, that Iowa Values planned and continued to input data into DANA in 2019. *See, e.g.*, JA-003242-43 (IAV00004883-84) (describing Iowa Values’s 2019 modeling, canvassing, and advertising plans and explaining that that “[a]ll of the data from” Iowa Values’s “modeling as well as digital and door to door will end up back in DANA”); JA-002076 (IAV00003278-79 at IAV00003278) (November 2019 Iowa Values Board Call Agenda noting that Iowa Values’s “Baseline Modeling Project” had been “Shared Legally thru DANA”).

201. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

202. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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9 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *see also* JA-004495-97 (FEC Data - Disbursements from Joni for Iowa to Causeway Solutions / MS Causeway Solutions LLC) (FEC data showing the Ernst campaign making payments to Causeway for “subscription” and “database management service” from 2018 to 2020).

203. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**4. Before Abandoning Its Early Data Efforts, Iowa Values Pitched Its Data Warehousing Project to the Ernst Campaign.**

204. While Iowa Values eventually moved on from its early data efforts, it did pitch those efforts to the Ernst campaign at least once, in June 2018. *Cf.* JA-0010118 (HCI-00000229) (noting the official “‘Launch’ of IVDB [Iowa Values Database] for stakeholders and prospective users/clients” would occur between June and November 2018).

205. In June 2018, Jon Kohan informed the Iowa Values Board, Ronald Jacobs, Claire Holloway Avella, and Johnny Corbett of Jamestown Associates, *inter alia*, that “[o]ur polling results will be presented at a June 29<sup>th</sup> meeting of other individuals that are interested in our cause in DC”; this presentation would be “[m]uch the same as our last one was last year.” JA-001049



(IAV00002739); *see also* JA-001053 (IAV00003077) (same).<sup>11</sup> In the very next bullet point, Kohan specified that the June 29, 2018, meeting was a “data presentation between Causeway and the Ernst organization to explain the capabilities of DANA and Newton in a clear way. Draft materials of this will be available week after next.” JA-001049 (IAV00002739); *see also* JA-001053 (IAV00003077) (same).

206. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

207. When asked about this meeting, Iowa Values’s Executive Director Derek Flowers testified that he “presume[d]” Iowa Values was preparing for a meeting between Causeway and the Ernst campaign to “let them know that the data warehouse exists and the model was put together for accessing it.” JA-002971-72 (Flowers Dep. at 192:18-193:7). Flowers explained that “[t]he benefit, the purpose” of “sharing Iowa Values’ data with the Ernst campaign” would be “to make sure everyone is working . . . from the most up-to-date, robust dataset that’s available.” JA-002973 (Flowers Dep. at 194:2-8). This, in turn, would allow the Ernst campaign “[t]o deliver whatever message they see fit,” with Flowers agreeing that “the purpose of a campaign delivering

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<sup>11</sup> No documentation was produced by Iowa Values or its subpoenaed vendors regarding any presentation of Iowa Values’s data efforts in 2017.

a message is to support the election of the candidate on behalf of whom they are working.” JA-002973-74 (Flowers Dep. at 194:9-195:8).

208. Flowers did not personally attend the June 2018 meeting or know who did; indeed, he testified that he did not know if the meeting occurred. JA-002974-75, 002977 (Flowers Dep. at 195:9-196:10, 198:9-14). When asked about the reference in Kohan’s June 2018 email to draft presentation materials, *see* JA-001049 (IAV00002739) (emphasis added); *see also* JA-001053 (IAV00003077) (same), Flowers testified that he did not know if such materials were ever produced or finalized, but that “[p]resumably Jon” Kohan would know and, if the materials were “about data, I would imagine that it was drafted in some combination of Jon and the Causeway team,” JA-002981-82 (Flowers Dep. at 202:20-203:17).

209. [REDACTED]

210. [REDACTED]

12

[REDACTED] *See supra* ¶ 122 [REDACTED] which provided services to the Ernst campaign and Iowa Values, and Lisa Goeas, Ernst’s chief of staff).

[REDACTED]

211. [REDACTED]

[REDACTED]

212. [REDACTED]

[REDACTED]

213. [REDACTED]

[REDACTED]

[REDACTED]

214.

[REDACTED]

[REDACTED]

215.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

217. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

218. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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220. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

221. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

223. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

224. In sum, Iowa Values devoted significant time and resources in 2017 and 2018 to its early data efforts, both of which were designed to support Ernst’s 2020 re-election.

**C. Iowa Values’s Separate Efforts to Model the Iowa Electorate and Target “Firewall” Voters through Canvassing and Advertising.**

225. After abandoning its early efforts to create a predictive algorithm and data warehouse, Iowa Values pivoted to more traditional electorate data gathering, modeling, and targeting efforts, devising and executing a plan to identify and target those voters critical for Ernst’s re-election.

**1. Iowa Values Formulates Its Modeling Plans in 2017 and 2018.**

226. As early as September 2017, Iowa Values’s then-Executive Director Jon Kohan proposed to, *inter alia*, Bill Skelly, Chris McNulty, and Molly Rutledge of Causeway, Iowa Values’s lawyer Ronald Jacobs, and its fundraiser Claire Holloway Avella a plan for “Weaponing



Iowa Values.” JA-000632-35 (IAV00004756-59). Jon Kohan wrote to Skelly and McNulty of Causeway on September 20, 2017, explaining:

Our mission as an organization is loosely organized around the following goals. By loosely, I mean it is in the process of being locked down and then acted upon:

1. Build a database to promote cooperation amongst conservative Iowa campaigns to set a new standard in how campaigns are run.
2. Be ready to begin defensive brand protection education activities at a moment’s notice for key Iowa conservative leaders to prevent being “Ayotte’d” (Bloomberg dumped \$3m against Ayotte in June 2013, tanking her numbers in a way that took years to recover after it took 30+ days for allies to go up on air and counter the salvo)
3. Establish credibility as a legitimate issues organization within Iowa.
4. Begin playing offense with important key voter segments.

JA-000634 (IAV00004758).

227. Kohan further reported how Iowa Values was “doing on these” goals, explaining that: (1) “build[ing] a database to promote cooperation among[] conservative Iowa campaigns” was “[i]n progress”; (2) Iowa Values was “ready” to “begin defensive brand protection education activities at a moment’s notice for key Iowa conservative leaders”; (3) Iowa Values had “some thoughts for how [it] might” establish credibility as a “legitimate issues organization within Iowa”; and finally, (4) “playing offense with important key voter segments” was where Iowa Values needed “[Causeway’s] help....” JA-000634 (IAV00004758). Kohan went on to explain that Iowa Values had done “a benchmark poll in Iowa” a “[f]ew months back,” so had “a good idea of who we are most interested in and looking at” and “a general sense for where their heads are at.” JA-000634 (IAV00004758). Still, Kohan explained, “here we are in September 2017 . . . we are so far out. So the question that begs itself and has stymied me is: **What can we be doing that isn’t a waste of money that will have a demonstrable impact on a key audience segment that we consider critical to the longterm [sic] success of Iowa’s conservative leaders?**” JA-000634 (IAV00004758) (emphasis in original). Kohan stressed that “[w]e need to weaponize the things we know and understand so we can take advantage of the most precious resource we have: time.” JA-000634 (IAV00004758).

228. McNulty responded on September 20, 2017, affirming, “Love this Jon,” and explaining that Causeway already had a “variety of convos about this basic set of goals[], particularly for off year activity as the political need is clear if not the path. We will circle . . . some ideas together and be right back.” JA-000634 (IAV00004758).

229. Skelly followed up the next day, on September 21, confirming that he “[a]gree[d] completely with Chris here,” and adding that “more than anything – we learned in 2014 and 2016 the power of peer-to-peer contacts and having a local on the ground empowered in some sort of ‘leadership’ role having 1-on-1 meetings with people talking about the importance of supporting candidate X.” JA-000633 (IAV00004757); *see also infra* Part V.C.4, ¶¶ 335-413 (discussing Iowa Values’s door-to-door canvassing in 2019 and 2020).

230. McNulty emailed Kohan again less than an hour later, with “an idea as a first step to proceed.” JA-000632 (IAV00004756). McNulty suggested “let’s use our social media listening tools that we have developed to run inexpensive on-line surveys on a regular basis to listen to the voters.” JA-000632 (IAV00004756). Causeway would then “build/provide a dashboard” for Iowa Values so that “[a]nalysis and conversation about what we are seeing could take place on a monthly or need be basis.” JA-000632 (IAV00004756).

231. McNulty specified that Iowa Values would “be able to see Ernst fav/unfav trend lines over time which this tool does very well.” JA-000632 (IAV00004756). Then, “[w]ith a baseline established,” Iowa Values “can monitor both ups and downs,” which would provide “an idea of what is making the world better and what is hurting us,” while also acting as “a trip wire for more activity” . . . “a consistent downward trend [] would trigger additional actions on our behalf.” JA-000632 (IAV00004756) (“Perhaps we go in and do a model at that point to discern where the damage is, who its with and devise a plan to go back at those specific individuals via

digital, email etc etc.”). The “upside to this,” McNulty explained, “is that it’s [a] relatively inexpensive means of keeping your finger on the pulse of the people and getting a sense of what hurts us and what helps us.” JA-000632-33 (IAV00004756-57). McNulty thus recommended that Iowa Values “should be developing a mid-range plan to get a baseline of the entire electorate on candidates and issues.” JA-000633 (IAV00004757).

232. On September 25, 2017, Kohan responded that he “[l]ove[d] the ground and the social media tools ideas,” and was already “beginning to collect proposals” for the latter, “because as [McNulty] stated, it’s a cost effective way to really establish what is happening on the ground.” JA-000632 (IAV00004756).

[REDACTED]

234. On October 3, 2017, McNulty again wrote to Kohan, notifying him that “Bill [Skelly] and I have” another “new idea for you regarding weaponizing Iowa [V]alues,” and would “draft something . . . and shoot it to you.” JA-000648 (IAV00003156-57 at IAV00003157); *see also* JA-000645 (IAV00005279-81 at IAV00005280) (same). On October 11, McNulty emailed Kohan, including, *inter alia*, Skelly and Jacobs, to apologize for the “delay” and explain that the

“[b]asic idea is to do a modeling project . . . to segment the electorate into strategic sub-groups.” JA-000647 (IAV00003156). “Each sub group would come with a definition” as well as “recommended treatments with a priority scale,” which would allow “any and all interested parties” to “take whatever piece of the electorate they wanted or needed.” JA-000647 (IAV00003156). McNulty made clear that “[w]e could and would do a Joni overlay that allowed us or allies to look at the electorate not just gene[r]ically but also through an Ernst model lens.” JA-000647 (IAV00003156).

235. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *cf. supra*

Part V.B.2, ¶¶ 169-93 (discussing Iowa Values’s efforts to build a data warehouse); [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

236. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

238. Iowa Values’s current Executive Director Derek Flowers described the purpose of this proposed modeling project by explaining that “anybody who is going to do marketing of any kind wants to segment the population into groups based on whatever criteria they might define.” JA-002934 (Flowers Dep. at 155:8-18); *see also* JA-002932 (Flowers Dep. at 153:4-155:7) (introducing IAV00005279-81). Flowers thus believed that McNulty’s October 3 proposal was referring to “just breaking down, as he terms it, the electorate into sub groups of people based on *perhaps* where they stand on the issues, those kind of things.” JA-002934 (Flowers Dep. at 155:20-22) (emphasis added). Flowers further testified that “all interested parties” would be “conservative Iowa campaign[s]”—which would include Joni for Iowa and Jobs Opportunity and New Ideas (JONI) PAC. JA-002935-36 (Flowers Dep. at 156:13-157:8). With respect to McNulty’s proposal to do a “Joni overlay,” Flowers testified that he could not “speak exactly for what Chris meant” but the way he “read it” a Joni overlay would allow Iowa Values to “understand the overlap between Joni’s stances and actions on the issues we care about and the issues we care about . . . , if that makes [sense].” JA-002938 (Flowers Dep. at 159:6-16).

239. On October 13, 2017, McNulty emailed a written proposal to, *inter alia*, Kohan, Skelly, and Jacobs, laying out a plan for an Iowa Values’s modeling project. JA-000647 (IAV00003156). That memo—titled “Weaponizing Iowa Values Data”—explained that the “key to ‘weaponizing the data that Iowa Values is accumulating is to segment the electorate into strategic subgroups and provid[e] definition, treatment recommendations and suggested periods of time for implementation for each strategic sub-group.” JA-000649 (IAV00003158-65 at IAV00003158). Causeway would “be in essence creating a strategic data plan for Iowa Values and its allies” with “a recommended priority ‘to do list’ for Iowa Values as well as its allies in coordination with Iowa Values.” JA-000649 (IAV00003158); *see also* JA-000649 (IAV00003158) (“The Path to Victory

would be a thoughtful approach for Iowa [V]alues to execute independently but also sets up a scenario where Iowa Values can suggest programs that other allied entities can pick up.”). The memo specified that, “despite not being up for election in 2018, we could look at the electorate through an Ernst lens,” which “would be helpful as [an] early indicator of strengths and weaknesses which Iowa [V]alues could begin to attack now.” JA-000649 (IAV00003158).

240. The memo explained that Causeway would “first conduct a baseline modeling program to establish an Ernst model, turnout, party and issue models.” JA-000649 (IAV00003158). “The subsequent analysis would provide the segmentation of the electorate and recommended treatments and timelines.” JA-000649 (IAV00003158). Causeway “would also establish expected electorate and vote goal[s],” which would help to “prioritize strategic sub-segments of the electorate for treatment.” JA-000649 (IAV00003158); *see also* JA-000649 (IAV00003158) (“These estimates will change as the electorate does but will give us the baseline we need to create a Path to Victory.”). Segmenting the electorate into subgroups with recommended treatments, in turn, would allow Causeway to “take[] the final step and provide[] real campaign next step recommendations . . . given the unique goals of each campaign.” JA-000650 (IAV00003159).

241. The memo provided a “hypothetical process and timeline” that included, *inter alia*, a “Statewide Modeling Project Survey,” “Analysis and Electorate Segmentation,” “Creation of Recommended Treatments for each Strategic Sub Group and Prioritization,” “Model Retrain(s)” and “Electorate Tracking.” JA-000651 (IAV00003160). The memo explained each possible step in turn, including projected cost information. *See* JA-000652-56 (IAV00003161-65).

242. Ten days later, on October 23, 2017, as discussed above *supra* ¶ 149, Kohan wrote to Bill Skelly and Chris McNulty of Causeway, including Jacobs and a colleague of Kohan’s, to explicate Causeway Solution’s “assignments” for Iowa Values. JA-000658 (IAV00004161-62 at

IAV00004162). Kohan laid out his “general direction” and “rough[]” plan for Iowa Values’s efforts between 2017 and 2020. JA-000658 (IAV00004162); *see also supra* ¶¶ 149-51 (discussing IAV00004161-62 and Iowa Values’s four-year plan); JA-000658 (IAV00004162) (noting Ronald Jacob’s “assignment” to have the “[l]egal agreement finished by next Wednesday”).

243. The next day, on October 24, Skelly responded that he had “[j]ust thought of something” having to do with “National Change of Address processing,” meaning “following or identifying the new address of a person who has moved.” JA-000657 (IAV00004161). Skelly explained that this information “caps out at a 48-month lifecycle,” and “2017-2018 will mark the 48-month window of activities that *Team Joni* would have done in 13/14 meaning if we want to process any old lists to get up to date addresses, we should seriously consider doing that this year or next.” JA-000657 (IAV00004161) (emphasis added); *see also* JA-000657 (IAV00004161) (“this might be old donor lists, volunteer lists, ids, event attendees, etc...”). Skelly emphasized that there could be a “serious ROI”—return on investment—“in the ability to keep those data points ‘current’ or track the people that have moved and cut down on the 6-year attrition of Senate re-election data.” JA-000657 (IAV00004161). Kohan responded that he thought this was a “[g]reat idea” and asked about cost. JA-000657 (IAV00004161). When discussing this proposal, Iowa Values’s Executive Director Derek Flowers agreed that, if Iowa Values were able to obtain that information and put it into a data warehouse, “those addresses . . . would be available to Team Joni”: “certainly . . . if they subscribe to the dataset, then the information in it would contain the updates referenced by Bill [Skelly], assuming that those things happened.” JA-002942-43 (Flowers Dep. at 163:9-164:2); *see also* JA-002938-40 (Flowers Dep. at 159:21-161:6) (introducing IAV00004161).

244. The following month, on November 20, 2017, Kohan emailed McNulty and Skelly, thanking them “for the time this past Friday” and expressing his “happ[iness]” that “the meeting



went so well.” JA-000644 (IAV00005279-81 at IAV00005279). Kohan further indicated that Iowa Values “want[ed] to start moving forward on getting a statewide modeling project laid out.” JA-000644 (IAV00005279).

245. Roughly a month and a half later, on January 4, 2018, Kohan wrote to the Iowa Values Board; its lawyer Ronald Jacobs; its fundraiser Claire Holloway Avella; Skelly, McNulty, and Rutledge of Causeway; a representative of The Tarrance Group; and Johnny Corbett of Jamestown Associates, explaining that, with “the approval of the 2018 plan,” Iowa Values was “now mov[ing] into executing the plan as it was laid out.” JA-000719 (IAV00005015-19 at IAV00005018). As relevant here, “Step 3” of the plan was “to put together a survey to do our baseline statewide modeling project,” and “Causeway (Skelly, McNulty and Molly Rutledge)” was “currently in development on that, and will be providing [Kohan] with recommendations, which I will then bring to the board for approval.” JA-000719 (IAV00005018).

246. On January 25, 2018, Kohan wrote to the Iowa Values Board and the same vendors again, plus Derek Flowers. *See* JA-000718 (IAV00005017). Kohan explained that “Causeway has delivered a first draft of the modeling project script, which I am in the process of reviewing with our team.” JA-000718 (IAV00005017). [REDACTED]

[REDACTED] Kohan noted for Board member Sara Fagen that he would run the script “past you for review ahead of bringing to the board.” JA-000718 (IAV00005017).

247. On March 14, 2018, Kohan reported to the Iowa Values Board, Jacobs, Holloway Avella, and Corbett, that “Sara [Fagen] has helped us lay the groundwork for how/when/where to do our first model of the Iowa electorate. We are still working on the survey, but anticipate doing one later in Q2, rather than earlier on as we initially had discussed.” JA-000716 (IAV00005015).

**2. “Operation Firewall”: Iowa Values’s Strategy in 2019 and 2020 to Identify and Target a Subset of Iowa Voters Referred to as “Disengagers” to Persuade Them to Vote for Ernst.**

248. Despite significant planning in 2017 and 2018, all evidence suggests that Iowa Values did not actually begin its modeling work until 2019. Throughout that year and 2020, Iowa Values articulated in numerous documents its plans, and progress, to use electorate modeling to identify a subset of Iowa voters it referred to as “disengagers”—defined, *inter alia*, as “voters that lean towards Senator Ernst but are vulnerable to attack because of lower support for the GOP or for President Trump.” *E.g.*, JA-1790-91 (HCI-00000673-74); [REDACTED]

[REDACTED]  
[REDACTED] Iowa Values then targeted this subset of voters with door-to-door canvassing and digital and mail advertising to persuade them to support, turn out, and vote for Ernst in November 2020. Iowa Values named its two-year strategy “Operation Firewall.” *See, e.g.*, JA-004334 (IAV00004883-89 at IAV00004888); [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**i. “Operation Firewall” in 2019**

249. One undated strategy document explained that “[i]n 2019, Iowa Values will segment the electorate through a baseline predictive modeling project so we can begin communication with specific segments of the Iowa population.” JA-004329 (IAV00004883-89 at IAV00004883). The focus of Iowa Values’s “efforts will be on the slice of the electorate that we believe will be largely determinant as it relates to the 2020 Election,” JA-004329 (IAV00004883), “to determine what those voters care most about and to communicate with them directly,” JA-004330 (IAV00004884). “Moving into the 2020 election,” this would position Iowa Values to

advance its “agenda by engaging with the citizens of Iowa in a way that is complimentary to what we can anticipate being the efforts of the Ernst Campaign in 2020.” JA-004329 (IAV00004883).

250. Iowa Values would also “be a full data circle,” meaning that, “[i]n addition to using advanced modeling to reach key targeted audiences, we will gather data from digital and field programs to continually grow our dataset and understanding of the electorate” and then “utilize the data loop to better understand what works and what doesn’t work with targeted voters.” JA-004330 (IAV00004884). “All of the data from modeling as well as digital and door to door,” in turn, would “end up back in DANA.” JA-004330 (IAV00004884); *see also supra* Part V.B.2, ¶¶ 169-93; *infra* Part V.C.5.iii.c, ¶¶ 480-88.

251. A section of the document titled “2019/2020 Strategy Overview” further explained that Iowa Values was “approaching 2020 with an effort to be **data driven** and **people focused**. Instead of building down from a broad-based television ad campaign we will build up from a person to person ground game focusing on the most determinant segments of the electorate.” JA-004330 (IAV00004884) (emphasis in original). Accordingly, Iowa Values’s “goal [was] to isolate the ‘firewall’ slice of the electorate, learn more about them and begin to message them directly this year”—2019. JA-004330 (IAV00004884).

252. The document went on to explain that Iowa Values would “start this process with a poll and modeling project to determine a baseline.” JA-004330 (IAV00004884). “That poll will provide us with the most important issues and attitudes,” whereas the “modeling project will provide us with the segments of the electorate and the actual voters to communicate with.” JA-004330 (IAV00004884). Iowa Values would also “focus on ground game” with the “intent . . . to build a ground game apparatus that not only takes messages to doors of the ‘firewall’ universe but also begins to develop a relationship with these targeted voters.” JA-004331 (IAV00004885); *see*

*also infra* Part V.C.4, ¶¶ 335-413 (discussing Iowa Values’s door-to-door canvassing). Iowa Values, finally, was “developing a complimentary long-term digital messaging plan” with the “goal . . . to deliver a ‘slow drip’ message over time to build up our brand and message early.” JA-004331 (IAV00004885); *see also infra* Parts V.C.5.iii-iv, ¶¶ 441-530 (discussing Iowa Values’s digital advertising). In short, Iowa Values’s “goal [wa]s to build a relationship both digitally and at the doorsteps of our target voters.” JA-004332 (IAV00004886).

253. The memo made clear that Iowa Values would focus its efforts on “the portion of the electorate that resides between ‘In the Bank’ Republican voters and ‘Swing’ voters,” JA-004332 (IAV00004886), dubbed “disengagers.” JA-004333 (IAV00004887). An “assessment of the electorate from 2015 forward” had revealed that “GOP losses have been the direct result of the movement away from the GOP by a specific segment of the Republican base vote,” but, as the memo declared, “[t]hese ‘disengagers’ are an irreplaceable part of a winning coalition . . . [w]e will need them at full strength to win in 2020.” JA-004332-33 (IAV00004886-87). “[N]ational data” had identified “126,407 ‘Disengagers’ in Iowa at the time this memo was written”; those voters were “primarily from Senator Ernst’s winning coalition in 2014 and the most vulnerable to being peeled off in 2020.” JA-004333 (IAV00004887). They were thus “critical because *they represent a necessary vote for Senator Ernst* that is moving away from a generic Republican.” JA-004333 (IAV00004887) (emphasis added).

254. The memo included a map of “Iowa Disengagers by Zip Code”:

## Iowa Disengagers by Zip Code



JA-004334 (IAV00004888).

255. It went on to explain that the “primary takeaway” from “[f]ocus groups conducted by Causeway Solutions in 2018”<sup>13</sup> that “examined “disengagers” was that “these voters lean Republican on most issues but are not always comfortable with the tone or direction of the party.” JA-004334 (IAV00004888); *see also* JA-003049-50 (Flowers Dep. at 270:20-271:10) (“It is defined here as voters that lean Republican on the issues but lean away from the tone of the GOP at times.”); [REDACTED]

[REDACTED] Iowa Values’s “mission will be to identify [these voters], understand their belief system through modeling and polling, and develop a long-term messaging and engagement plan to them. We are calling this **Operation Firewall**.” JA-004334 (IAV00004888) (emphasis in original). Iowa Values made clear its ultimate “goal to shore up these voters and move them from being a ‘Disengager’ to a supporter of Senator Ernst and ultimately as a 2020 voter.” JA-004334

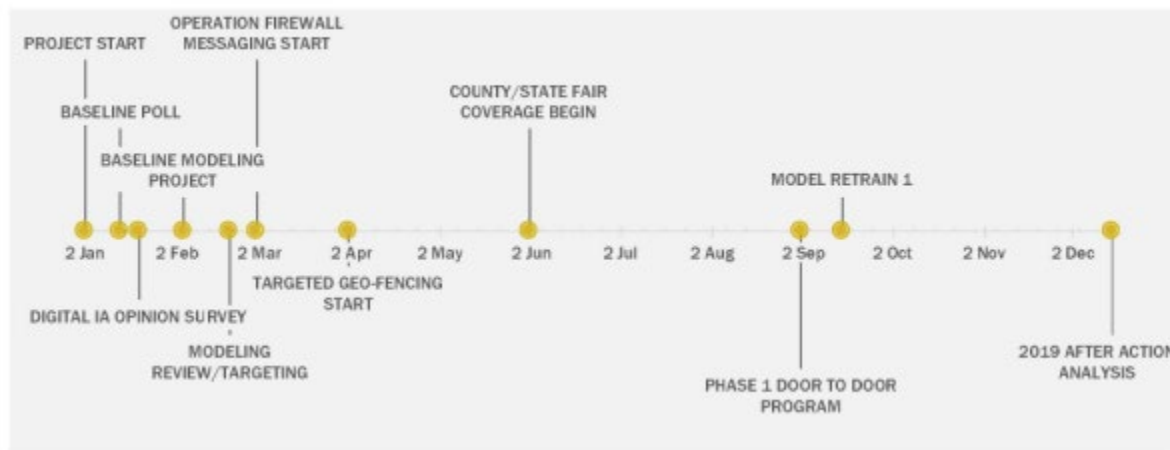
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<sup>13</sup> No documentation was produced by Iowa Values or its subpoenaed vendors regarding focus groups conducted for Iowa Values by Causeway Solutions in 2018.

(IAV00004888) (emphasis added); *see also* JA-003007 (Flowers Dep. at 228:12-17) (“It does say that, yes.”).

256. The document included a draft “Iowa Values 2019 Political Plan Timeline”:

### **Iowa Values 2019 Political Plan Timeline - Draft**



JA-004335 (IAV00004889).

257. The document, lastly, provided a roadmap for Iowa Values’s 2020 plans. It explained that “[i]n 2020, Iowa Values will continue to monitor the electorate as it changes throughout the election cycle,” allowing Iowa Values “to make sure” it was “putting resources in front of the most critical voters even as the electorate changes and to measure the effectiveness of our own programs.” JA-004335 (IAV00004889). Iowa Values would also “pick up the task of GOTV [get out the vote] in 2020 in addition to the continued focus on ‘Disengagers’.” JA-004335 (IAV00004889). The final line of the memo stressed: “We believe that there is critical work that must begin now in 2019 so that Senator Ernst has the best possible jumping off point in 2020.” JA-004335 (IAV00004889).

258. Iowa Values’s Executive Director Derek Flowers testified that this document was likely drafted in 2019 or late 2018, as it “talks about what was accomplished in 2018, and it lays out what it hopes to do in 2019.” JA-002987-88 (Flowers Dep. at 208:18-209:2). Flowers

explained that “a lot of the content” in the document—which “talks about portions of the electorate”—“could have come certainly from Causeway” Solutions, and he “would imagine that Jon [Kohan] may have written some of this as well.” JA-002985-86 (Flowers Dep. at 206:20-207:15). At the same time, Flowers testified “it is fair to say that the strategy” articulated in the document “is kind of created collectively,” as Iowa Values “had a lot of vendors providing a lot of ideas, a lot of pitches.” JA-002987 (Flowers Dep. at 208:5-14); [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

259. “One reason” to draft a strategy document like this, Flowers explained, “would be to put together just a plan of what you”—Iowa Values—“anticipate doing.” JA-002987 (Flowers Dep. at 208:15-17). Flowers confirmed that this document “generally describes” Iowa Values’s “thinking at the time it was written,” and “[f]or the most part” accurately represents what Iowa Values actually did between 2018 and 2020. JA-002991-92 (Flowers Dep. at 212:18-213:6). “[G]enerally speaking,” Iowa Values: (1) “had the canvassing that occurred”; (2) “did do digital advertising as planned”; and (3) “did evaluate the electorate” assuming “that refers to modeling that was done” wherein Iowa Values “looked for people that . . . might find our message appealing.” JA-002992 (Flowers Dep. at 213:7-15); *see also* JA-002820-21 (Flowers Dep. at 41:16-42:9) (Iowa Values “primarily . . . engaged with Iowans via mail or digital activity, digital communications,” as well as through door-to-door canvassing); JA-002827 (Flowers Dep. at 48:9-15) (“Primarily it was digital advertising and door-to-door canvassing and then direct mail.”); JA-002994 (Flowers Dep. at 215:3-20) (“as executive director” in 2019, “it would have been

[Flower’s] job to implement strategy that we agreed was what we wanted to do” though “a lot of this is carried out by vendors”).

260. When asked why Iowa Values would, as the document states, “want to engage with citizens of Iowa in a way that is complimentary to the Ernst campaign,” Flowers’s explanation was that “the issues that Iowa Values cares about were pretty well-aligned . . . with the issues that Senator Ernst was good on,” so “you would imagine that we would both be talking about the same issues during that time, along with others.” JA-002989 (Flowers Dep. at 210:1-12). Moreover, “to the extent that Joni Ernst is flying the flag on the issues that Iowa Values cares about, then our goal is to create the best environment for someone to be able to talk about them.” JA-002992-93 (Flowers Dep. at 213:16-214:6). Still, Flowers made clear that, “*it would be our view that the best way to advance our issues at that point in time would have been for her*”—i.e., Ernst—“*to be reelected.*” JA-002993 (Flowers Dep. at 214:7-13) (emphasis added). Iowa Values’s “goal” was thus “to remind” voters “that issues matter and where Joni stands on those issues,” and “[t]o the extent it furthers our mission on the issues, then yes, Joni Ernst being in office is a good thing for Iowa Values.” JA-003009 (Flowers Dep. at 230:3-22); *see also* JA-003010 (Flowers Dep. at 231:1-20) (“what we did was talk about where she stands on the issues and perhaps what she has done on the issues”).

261. Throughout 2019, Iowa Values produced and shared—including with numerous prospective donors, *see infra* Part VI.C.1, ¶¶ 661-76—several different versions of the same strategy document, spelling out Iowa Values’s plan to target “disengagers” or “firewall” voters in support of Ernst’s 2020 re-election. A second Iowa Values’s strategy document alone, titled “Strategy Overview: Iowa Values – 2019,” was included as an attachment to at least 27 solicitation emails sent to prospective Iowa Values donors between February and November 2019. *See* JA-



001299-1302 (HCI-00000306-09); JA-001308-11 (HCI-00000315-18); JA-001316-19 (HCI-00000322-25); JA-001340-43 (HCI-00000344-47); JA-001366-69 (HCI-00000367-70); JA-001372-75 (HCI-00000374-77); JA-001384-87 (HCI-00000391-94); JA-001409-12 (HCI-00000409-12); JA-001397-1400 (HCI-00000421-24); JA-001455-58 (HCI-00000428-31); JA-001465-68 (HCI-00000438-41); JA-001619-22 (HCI-00000493-96); JA-001647-50 (HCI-00000516-19); JA-001680-83 (HCI-00000532-35); JA-001693-96 (HCI-00000549-52); JA-001698-1701 (HCI-00000554-57); JA-001711-14 (HCI-00000571-74); JA-001733-36 (HCI-00000581-84); JA-001760-63 (HCI-00000600-03); JA-001752-55 (HCI-00000621-24); JA-001800-03 (HCI-00000628-31); JA-001816-19 (HCI-00000646-49); JA-002008-11 (HCI-00000828-31); JA-002023-26 (HCI-00000834-37); JA-002037-40 (HCI-00000849-52); JA-002051-54 (HCI-00000863-66); JA-002056-59 (HCI-00000868-71).<sup>14</sup>

262. This “Strategy Overview” included some familiar language and some different, explaining: (1) that Iowa Values was “approaching 2020 with an effort to be data driven and people focused”; (2) Iowa Values’s “focus on ground game” and “complimentary long-term digital messaging plan”; (3) “Operation Firewall,” and the plan to target “disengagers,” who represented the “‘firewall’ between winning and losing in 2020”; and (4) an “Iowa GOP Disengagers Heat Map by Zip Code” and “Iowa Values 2019 Political Plan Outline,” now with draft designation

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<sup>14</sup> For the solicitations to which each strategy document is attached, *see* JA-001294 (HCI-00000301); JA-001303 (HCI-00000310); JA-001315 (HCI-00000321); JA-001337 (HCI-00000341); JA-001361 (HCI-00000362); JA-001370-71 (HCI-00000372-73); JA-001380-81 (HCI-00000387-88); JA-001407 (HCI-00000407-08); JA-001394 (HCI-00000418); JA-001452 (HCI-00000425); JA-001461-62 (HCI-00000434-35); JA-001613-14 (HCI-00000487-88); JA-001643-44 (HCI-00000512-13); JA-001679 (HCI-00000531); JA-001688 (HCI-00000544); JA-001697 (HCI-00000553); JA-001706 (HCI-00000566); JA-001727 (HCI-00000575-76); JA-001756-57 (HCI-00000596-97); JA-001747 (HCI-00000616); JA-001797 (HCI-00000625); JA-001809-11 (HCI-00000639-41); JA-002002-03 (HCI-00000822-23); JA-002021 (HCI-00000832); JA-002036 (HCI-00000848); JA-002045 (HCI-00000858); JA-002055 (HCI-00000867); *see also infra* Part VI.C, ¶¶ 643-96 (discussing Iowa Values’s fundraising solicitations in detail).

removed; and (5) a description of Iowa Values’s 2020 plans “to continue to monitor the electorate,” “pick up the task of GOTV in 2020,” and “focus on ‘Disengagers’” all “so that Senator Ernst has the best possible jumping off point in 2020.” JA-001299-1302 (HCI-00000306-09); JA-001308-11 (HCI-00000315-18); JA-001316-19 (HCI-00000322-25); JA-001340-43 (HCI-00000344-47); JA-001366-69 (HCI-00000367-70); JA-001372-75 (HCI-00000374-77); JA-001384-87 (HCI-00000391-94); JA-001409-12 (HCI-00000409-12); JA-001397-1400 (HCI-00000421-24); JA-001455-58 (HCI-00000428-31); JA-001465-68 (HCI-00000438-41); JA-001619-22 (HCI-00000493-96); JA-001647-50 (HCI-00000516-19); JA-001680-83 (HCI-00000532-35); JA-001693-96 (HCI-00000549-52); JA-001698-1701 (HCI-00000554-57); JA-001711-14 (HCI-00000571-74); JA-001733-36 (HCI-00000581-84); JA-001760-63 (HCI-00000600-03); JA-001752-55 (HCI-00000621-24); JA-001800-03 (HCI-00000628-31); JA-001816-19 (HCI-00000646-49); JA-002008-11 (HCI-00000828-31); JA-002023-26 (HCI-00000834-37); JA-002037-40 (HCI-00000849-52); JA-002051-54 (HCI-00000863-66); JA-002056-59 (HCI-00000868-71); JA-002037-38 (HCI-00000849-52); JA-002051-52 (HCI-00000863-66); JA-002056-59 (HCI-00000868-71); *compare with* JA-004329-35 (IAV00004883-89).

263. This version of Iowa Values’s 2019 “Strategy Overview” further specified that at “this point in the election cycle” Iowa Values did not “need to communicate with all voters” but rather needed “to identify and communicate directly with specific segments of the electorate that will be determinant in winning or losing in 2020.” JA-001299-1300 (HCI-00000306-07); JA-001308-09 (HCI-00000315-16); JA-001316-17 (HCI-00000322-23); JA-001340-41 (HCI-00000344-45); JA-001366-67 (HCI-00000367-68); JA-001372-73 (HCI-00000374-75); JA-001384-85 (HCI-00000391-92); JA-001409-10 (HCI-00000409-10); JA-001397-98 (HCI-00000421-22); JA-001455-56 (HCI-00000428-29); JA-001465-66 (HCI-00000438-39); JA-

001619-20 (HCI-00000493-94); JA-001647-48 (HCI-00000516-17); JA-001680-81 (HCI-00000532-33); JA-001693-94 (HCI-00000549-50); JA-001698-99 (HCI-00000554-55); JA-001711-12 (HCI-00000571-72); JA-001733-34 (HCI-00000581-82); JA-001760-61 (HCI-00000600-01); JA-001752-53 (HCI-00000621-22); JA-001800-01 (HCI-00000628-29); JA-001816-17 (HCI-00000646-47); JA-002008-09 (HCI-00000828-29); JA-002023-24 (HCI-00000834-35); JA-002037-38 (HCI-00000849-50); JA-002051-52 (HCI-00000863-64); JA-002056-57 (HCI-00000868-69). Iowa Values was thus “already taking steps to develop a paid door to door effort which incorporates people from Iowa, from the neighborhoods and areas we are targeting.” JA-001299-1300 (HCI-00000306-07); JA-001308-09 (HCI-00000315-16); JA-001316-17 (HCI-00000322-23); JA-001340-41 (HCI-00000344-45); JA-001366-67 (HCI-00000367-68); JA-001372-73 (HCI-00000374-75); JA-001384-85 (HCI-00000391-92); JA-001409-10 (HCI-00000409-10); JA-001397-98 (HCI-00000421-22); JA-001455-56 (HCI-00000428-29); JA-001465-66 (HCI-00000438-39); JA-001619-20 (HCI-00000493-94); JA-001647-48 (HCI-00000516-17); JA-001680-81 (HCI-00000532-33); JA-001693-94 (HCI-00000549-50); JA-001698-99 (HCI-00000554-55); JA-001711-12 (HCI-00000571-72); JA-001733-34 (HCI-00000581-82); JA-001760-61 (HCI-00000600-01); JA-001752-53 (HCI-00000621-22); JA-001800-01 (HCI-00000628-29); JA-001816-17 (HCI-00000646-47); JA-002008-09 (HCI-00000828-29); JA-002023-24 (HCI-00000834-35); JA-002037-38 (HCI-00000849-50); JA-002051-52 (HCI-00000863-64); JA-002056-57 (HCI-00000868-69); *see also* *infra* Part V.C.4, ¶¶ 335-413 (discussing Iowa Values’s canvassing efforts).

264. A third, undated version of Iowa Values’s 2019 “Strategy Overview” is particularly overt in its descriptions of Iowa Values’s support for Ernst, stating in its first sentence: “*Iowa Values goal is first and foremost helping re-elect Senator Joni Ernst.*” JA-004288 (IAV00003281-

84 at IAV00003281) (emphasis added). This version of the document states that Iowa Values’s ground game would “focus[] on the most critical segments of the electorate *for Senator Ernst in 2019 and 2020.*” JA-004288 (IAV00003281) (emphasis added). Its description of “disengagers” specified that “movement away from the GOP is most concentrated in the ‘suburbs’ but the specific sub-segment of the electorate that has been in flux is not isolated to the suburbs.” JA-004288 (IAV00003281). Iowa Values’s “mission” would be “to isolate [these voters], understand their belief system through modeling and polling, [and] develop a long-term messaging and engagement plan to them.” JA-004289 (IAV00003282). Iowa Values’s intent was to “begin to build a *Joni firewall* with [these voters] so despite their fluid nature of support for the GOP they will be *strong for Senator Ernst.*” JA-004289 (IAV00003282) (emphasis added). In sum, Iowa Values would use (1) modeling to “identify the people that need extra attention *and the issues that motivate them,*” and (2) “personal contact . . . to move them from being a ‘Disengager’, to a supporter, and ultimately a voter.” JA-004290 (IAV00003283) (emphasis added).

265. This undated version of Iowa Values’s 2019 “Strategy Overview” further detailed Iowa Values’s plans for door-to-door canvassing in 2019 and 2020, *see infra* Part V.C.4, ¶¶ 335-413, specifying that “moving into election season,” Iowa Values would “*pivot to turn out each Joni Ernst supporter on November 3rd.*” JA-004291 (IAV00003284) (emphasis added); *see also, e.g.*, JA-004294 (IAV00003365-68 at IAV00003367) (another version of Iowa Values’s “Strategy Overview,” including the same language); JA-001288 (IAV00004823) (another Iowa Values’s “Strategy & Vision Overview” for “2019/2020,” including the same language). The document specifies that the “risk is not that we lose all these voters. The vulnerability here is that 2020 is a presidential cycle and will be much more difficult than 2014”—i.e., the year Ernst was first elected to the U.S. Senate. JA-004289 (IAV00003282); *see also* JA-004293 (IAV00003365-68 at

IAV00003366) (including the same language); JA-001521 (IAV00000252-53 at IAV00000252) (referring to Ernst winning election in 2014). Of note, this version of Iowa Values’s 2019 “Strategy Overview” indicates that “national data” had “identified 154,930 ‘Disengagers’ in Iowa, at the time this memo was written,”—28,523 more than the 126,407 identified in previous versions—suggesting this version may have been written later, as an update to prior drafts. *Compare* JA-004289 (IAV00003282) *with, e.g.,* JA-001340 (HCI-00000344) & JA-004333 (IAV00004887).

266. When asked about this document, Iowa Values’s Executive Director Derek Flowers testified that the audience for it “would have been internal,” so it was “[m]aybe” sent “as a draft” to vendors—“[k]eep[ing] in mind, everybody was a vendor”—but would not have gone to the Iowa Values Board “in this form” and “should not have” been sent to donors. JA-003026-27 (Flowers Dep. at 247:14-248:16). Flowers testified that he knew “it is a draft document” because helping re-elect Ernst was “not the *stated* mission of Iowa Values”—even if “it may be a consultant’s shorthand for what he thinks we are doing here.” JA-003027-28 (Flowers Dep. at 248:17-249:10) (emphasis added). When asked if re-electing Ernst was an *unstated* mission of Iowa Values, Flowers responded that “Iowa Values set out to . . . inform Iowans on the issues that matter,” and “[t]o let them know where she”—i.e., Ernst—“stands on those issues, certainly.” JA-003028 (Flowers Dep. at 249:11-18); *see also* JA-003032-33 (Flowers Dep. at 253:19-254:9) (“[E]ducating voters about issues was our mission. And if something else happened because of any voters made up their mind based on that information, it is what it is.”).

267. A fourth, slightly revised strategy document titled “Iowa Values: Strategy Overview and Update” was sent to prospective Iowa Values donors, as an attachment to at least 11

solicitations<sup>15</sup> emailed between August 27 and September 20, 2019. *See* JA-001790-92 (HCI-00000673-75); JA-001855-57 (HCI-00000693-95); JA-001861-63 (HCI-00000699-701); JA-001873-75 (HCI-00000711-13); JA-001898-1900 (HCI-00000719-21); JA-001911-13 (HCI-00000727-29); JA-001926-28 (HCI-00000742-44); JA-001968-70 (HCI-00000785-87); JA-001982-84 (HCI-00000790-92); JA-001989-91 (HCI-00000797-99); JA-001977-79 (HCI-00000813-15); *see also* JA-001840-42 (IAV00000455-57) (identical). This “Strategy Overview and Update” included much of the same language as other documents discussed, but also reported Iowa Values’s progress on modeling the electorate and reaching its “firewall universe” of voters both on the ground and through digital advertising. It specified that: (1) “[m]odeling has been done to determine what . . . voters care most about, enhancing our ability to communicate with them directly on issues that matter to them”; (2) Iowa Values had “built an on-the-ground apparatus that not only takes messages to doors of the ‘firewall’ universe but also begins to develop a relationship with these targeted voters”; (3) Iowa Values had “begun a complimentary long-term digital messaging plan,” so “[t]he same ‘firewall’ universe of voters are receiving a sophisticated mix of online messages”; and (4) “[a]s time goes on, the digital messaging will be segmented even further and deliver more specific messages germane to the voter in the target universe for maximum effectiveness.” JA-001790 (HCI-00000673); JA-001855 (HCI-00000693); JA-001861 (HCI-00000699); JA-001873 (HCI-00000711); JA-001898 (HCI-00000719); JA-001911 (HCI-

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<sup>15</sup> For the solicitations themselves, *see* JA-001788-89 (HCI-00000671-72); JA-001852 (HCI-00000690); JA-001860 (HCI-00000698); JA-001868 (HCI-00000706); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001901-02 (HCI-00000788-89); JA-001987-88 (HCI-00000795-96); JA-001971-72 (HCI-00000807-08); *see also infra* Part VI.C, ¶¶ 643-96 (discussing Iowa Values’s fundraising solicitations in more detail).

00000727); JA-001926 (HCI-00000742); JA-001968 (HCI-00000785); JA-001982 (HCI-00000790); JA-001989 (HCI-00000797); JA-001977 (HCI-00000813).

268. This 2019 “Strategy Overview and Update” explained in more detail each aspect of Iowa Values’s work. With respect to modeling, Iowa Values had “[t]his summer . . . fielded a modeling survey” that “allows us to focus on the specific voters within the ‘firewall’ universe.” JA-001791 (HCI-00000674); JA-001856 (HCI-00000694); JA-001862 (HCI-00000700); JA-001874 (HCI-00000712); JA-001899 (HCI-00000720); JA-001912 (HCI-00000728); JA-001927 (HCI-00000743); JA-001969 (HCI-00000786); JA-001983 (HCI-00000791); JA-001990 (HCI-00000798); JA-001978 (HCI-00000814). This document specified that “the firewall universe is understood as ‘true swing’ voters and voters that lean towards Senator Ernst but are vulnerable to attack because of lower support for the GOP or for President Trump.” JA-001791 (HCI-00000674); JA-001856 (HCI-00000694); JA-001862 (HCI-00000700); JA-001874 (HCI-00000712); JA-001899 (HCI-00000720); JA-001912 (HCI-00000728); JA-001927 (HCI-00000743); JA-001969 (HCI-00000786); JA-001983 (HCI-00000791); JA-001990 (HCI-00000798); JA-001978 (HCI-00000814). With respect to canvassing, the document indicated that Iowa Values was “paying for person to person contact in the form of door to door efforts at the targeted ‘firewall’ universe,” with a goal of “150,000 contacts” and “approximately 40,000 contacts” made to date. JA-001791 (HCI-00000674); JA-001856 (HCI-00000694); JA-001862 (HCI-00000700); JA-001874 (HCI-00000712); JA-001899 (HCI-00000720); JA-001912 (HCI-00000728); JA-001927 (HCI-00000743); JA-001969 (HCI-00000786); JA-001983 (HCI-00000791); JA-001990 (HCI-00000798); JA-001978 (HCI-00000814).<sup>16</sup> Finally, for “targeted digital advertising,” this 2019

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<sup>16</sup> Another undated version of Iowa Values’s same 2019 “Strategy Overview and Update” made even more explicit that Iowa Values “will build up from a person to person ground game *focusing*

“Strategy Overview and Update” reported that, “using the dat[a] from its modeling, Iowa Values is able to serve ads directly to the voters within its firewall universe,” and had already “delivered 4 million impressions across Facebook, Twitter, Display and Youtube,” including “over 1 million video views” and “over 7,700 clicks to the website.” JA-001792 (HCI-00000675); JA-001857 (HCI-00000695); JA-001863 (HCI-00000701); JA-001875 (HCI-00000713); JA-001900 (HCI-00000721); JA-001913 (HCI-00000729); JA-001928 (HCI-00000744); JA-001970 (HCI-00000787); JA-001984 (HCI-00000792); JA-001991 (HCI-00000799); JA-001979 (HCI-00000815).

269. This 2019 “Strategy Overview and Update” made clear that the “strong frequency” of Iowa Values’s voter contact was “*meant to burn in a favorable impression of Senator Ernst on the issues most important to specific voters.*” JA-001792 (HCI-00000675) (emphasis added); *see also* JA-001857 (HCI-00000695); JA-001863 (HCI-00000701); JA-001875 (HCI-00000713); JA-001900 (HCI-00000721); JA-001913 (HCI-00000729); JA-001928 (HCI-00000744); JA-001970 (HCI-00000787); JA-001984 (HCI-00000792); JA-001991 (HCI-00000799); JA-001979 (HCI-00000815) (same).

270. When discussing an identical version of this document, JA-003255-57 (IAV00000455-57), Iowa Values’s Executive Director Derek Flowers testified that the document was created “probably [for] multiple reasons. “Number one,” as “a guiding document for where we are, what we are doing, what we need,” noting “this is a . . . nicer looking version of memos we have previously seen.” JA-003047 (Flowers Dep. at 268:11-19); *see also* JA-003045 (Flowers Dep. at 266:1-14) (introducing IAV00000455-57). Creation of the document “would have been a

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*on the most critical segments of the electorate critical to Senator Ernst.*” JA-003255 (IAV00000455-57 at IAV00000455) (emphasis added).



group effort,” as “it looks like there is information from Causeway and information from Canvass America and information from Majority [Strategies] included.” JA-003046 (Flowers Dep. at 267:2-8); *see also* JA-002994 (Flowers Dep. at 215:19-20) (referring to “Majority Strategies, our digital vendor”).

271. The audience for the document, Flowers suspected “was largely internal to Iowa Values,” such that “[s]omething like this may have” gone to the Iowa Values Board and to vendors, though Flowers could not speak to whether this type of document was ever provided to donors. JA-003046-47 (Flowers Dep. at 267:9-268:4). *But see supra* ¶ 267 (discussing sharing of identical document with prospective Iowa Values donors).

272. When asked why Iowa Values “focused on the segments of the electorate critical to Joni Ernst,” Flowers explained that “those are segments that are critical to the advancement of our issues.” JA-003047-48 (Flowers Dep. at 268:20-269:19). Flowers suggested that “reelecting Senator Joni Ernst in 2020” was simply “a proxy for our issues”: “if this is the basket of things we care about, this is the basket of things that Joni . . . does and cares about and, *people tend to view them as intertwined*, then it makes sense that a segment of the electorate critical to Joni is also a segment of the electorate that’s critical to us and the issues we care about.” JA-003048-49 (Flowers Dep. at 269:20-270:10) (emphasis added); *see also* JA-003049 (Flowers Dep. at 270:11-19) (“those two things are likely very similar”).

273. Flowers confirmed that Iowa Values’s “intent, again, was to inform where Senator Ernst is on the issues most important to specific voters,” agreeing that “if they knew where Senator Ernst stands on the issues that matter to them, they would view her favorably.” JA-003055 (Flowers Dep. at 276:1-19). Flowers insisted that giving a favorable impression of Ernst “could . . . just be an impact” and “what happens” from Iowa Values’s work, but also agreed he was “aware

that that was the impact or . . . the intended impact at least.” JA-003055-56 (Flowers Dep. at 276:20-277:12); *see also* JA-003056 (Flowers Dep. at 277:12-15) (“I mean, our goal was to let people know where Senator Ernst stands on the issues. And that’s what we were doing.”).

274. In a separate exchange, when asked if Iowa Values supported candidates who aligned with Iowa Values’s position on issues, Flowers similarly testified that “‘support’ is probably a strong word. I would say we let Iowans know where elected officials stand on issues that matter to them.” JA-002822 (Flowers Dep. at 43:7-13). Still, when asked which elected officials and their positions Iowa Values’s informed Iowans about, Flowers acknowledged that Iowa Values focused “[p]rimarily” on “Joni Ernst.” JA-002822 (Flowers Dep. at 43:14-22).

275. A fifth Iowa Values strategy document, titled “Strategy & Vision Overview: Iowa Values – 2019/2020” confirms still further Iowa Values’s focus on identifying and targeting Iowa voters in 2019 to support Ernst’s re-election in 2020. The first sentence of the document makes clear: “Our vision for Iowa Values is one that is complimentary and runs parallel to what we can anticipate being the efforts of the Ernst Campaign in 2020.” JA-001283 (IAV00004818-24 at IAV00004818). Accordingly, “[i]n 2019, Iowa Values will gather data through predictive modeling so we can begin communication with specific segments of the electorate,” with the “goal . . . to run a long-term messaging program at target voters beginning in 2019 through a digital /social media program and build our capacity to take the message to the voters directly.” JA-001283 (IAV00004818). At the same time, Iowa Values would “not just be a remote data and digital operation,” but rather, “[w]orking with Derek Flowers and his team, Iowa Values will have a physical presence in Iowa.” JA-001283 (IAV00004818) (“Specifically, we want our county chair operations to create an echo chamber for our messaging.”); *see also* JA-001284 (IAV00004819) (“Our goal is to build a relationship both digitally and at the doorsteps of our target voters.”).

276. As Iowa Values “believe[d] that specific segments of the electorate will determine the election in November of 2020,” its “goal” was “to identify these segments early and begin to understand those voters and properly message them through personal, repetitive mediums including doors, digital, and mail.” JA-001284 (IAV00004819). Iowa Values would “strive to build the proper positive and negative messages with these voters, so they come into the 2020 election season in line with Iowa Values’ 2020 election goals.” JA-001284 (IAV00004819). Iowa Values would likewise “operate under the premise that the more personal and repetitive we can make communications with voters, the better,” JA-001284 (IAV00004819), with a “goal, based on previous studies, . . . to contact each of these ‘Disengagers’ 8-10 times for maximum return,” JA-001288 (IAV00004823). Of note, the document specified that this “investment” would also “have the positive effect of making any and all additional communications the[se voters] get from other entities that much more effective because these voters will be ‘prepped’ for the inevitable push and pull of messages they will get in 2020.” JA-001284 (IAV00004819).

277. The memo included “an Ohio 2018 Example,” illustrating the capacity for an entity like Iowa Values to “isolate the ‘Defend’ and ‘Reinforce’ universe as the specific segments of the electorate that were going to be determinant and that were also the most volatile”:

## Defining Our Universes

| Total Voters: 7,961,037    Expected Turnout: 4,005,818    Vote Goal: 2,042,967 |              |           |            |       |        |         |
|--------------------------------------------------------------------------------|--------------|-----------|------------|-------|--------|---------|
| Universe                                                                       | Total Voters | HH        | Exp. Votes | R-D   | DeWine | Turnout |
| GOP ITB                                                                        | 876,088      | 638,210   | 784,524    | 94-6  | 81-19  | 89.5%   |
| GOP GOTV                                                                       | 506,816      | 426,578   | 313,895    | 89-11 | 76-24  | 61.9%   |
| Hard to Reach GOP                                                              | 42,512       | 40,274    | 9,286      | NA    | NA     | 21.8%   |
| Defend                                                                         | 225,401      | 208,921   | 199,716    | 78-22 | 60-40  | 88.6%   |
| Reinforce                                                                      | 1,074,891    | 926,344   | 416,866    | 82-18 | 72-28  | 38.8%   |
| Hard to Reach Swing                                                            | 418,076      | 383,469   | 234,205    | 74-26 | 59-41  | 56.0%   |
| Key Swing                                                                      | 1,061,860    | 967,735   | 386,563    | 57-43 | 64-36  | 36.4%   |
| Dem Lean                                                                       | 351,196      | 339,945   | 67,228     | 60-40 | 75-25  | 19.1%   |
| Ignore                                                                         | 712,202      | 670,004   | 167,059    | 33-67 | 48-52  | 23.5%   |
| Dem ITB                                                                        | 718,196      | 582,230   | 638,426    | 17-83 | 20-80  | 88.9%   |
| Dem GOTV                                                                       | 1,345,897    | 1,185,200 | 199,716    | 25-75 | 35-65  | 14.8%   |
| Hard to Reach Dem                                                              | 536,208      | 506,475   | 121,625    | 24-76 | 37-63  | 22.7%   |

JA-001287 (IAV00004822).

278. As did other Iowa Values strategy documents, *see, e.g.*, JA-004335 (IAV00004889), this “Strategy & Vision Overview” for “2019/2020” concluded by stressing: “We believe that there is critical work that must begin now in 2019 so that Senator Ernst has the best possible jumping off point in 2020,” JA-001289 (IAV00004818-24 at IAV00004824).

279. Flowers testified that he “suspect[ed]” this document “was largely produced based on what is included here by Chris at Causeway” Solutions. JA-003058 (Flowers Dep. at 279:3-10); *see also* JA-003057-58 (Flowers Dep. at 278:8-279:2 (introducing JA-001283-89 (IAV00004818-24))). When asked why there were so many slightly different versions of Iowa Values’s 2019 strategy document generally, Flowers testified, that “it could be a handful of guesses,” ultimately concluding, “I honestly think that there are just a lot of drafts.” JA-003058-59 (Flowers Dep. at 279:21-280:20).

280. Finally, a November 20, 2019, “Iowa Values Board Call Agenda” spelled out Iowa Values’s vision for its work from “Present thru Election Day 2020.” JA-002076-77 (IAV00003278-79). This agenda made clear Iowa Values’s overall “Dual Focus” on its “Firewall Universe,” as

well as “AB/EV & GOTV.” JA-002076 (IAV00003278).<sup>17</sup> From November 2019 to mid-February 2020, Iowa Values would focus on “Digital Counter Punching” and otherwise “Conserve \$\$ and Build Up [a] War Chest.” JA-002076 (IAV00003278). In mid-February after the Iowa Caucus, Iowa Values would conduct a model re-train, which would include an “assessment of key audiences,” including the “Trajectory of [the] Firewall Universe,” and an “any other key persuasion universes.” JA-002076-77 (IAV00003278-79). From March to May 2020, Iowa Values would: continue its “digital focus on [the] Firewall Universe”; “Build[] Resources for AB/EV and GOTV . . . Voter Contact Plans,” including mail, phone, digital, and doors; and “[m]onitor RNC/TRUMP/IOWA GOP programs.” JA-002077 (IAV00003279). Iowa Values’s “Focus Audience” during this time would “be Pro Ernst / Anti Trump mid/low propensity voters (generally).” JA-002076 (IAV00003278). Finally, from June to Election Day 2020, Iowa Values would focus on absentee applications, an absentee chase, and an early vote push. JA-002077 (IAV00003279).

## **ii. “Operation Firewall” in 2020**

281. Numerous documents track Iowa Values’s continued efforts and progress toward accomplishing “Operation Firewall” in 2020.

282. A January 31, 2020, “Q1 2020 UPDATE,” for example, detailed Iowa Values’s 2019 efforts and made clear its “Plan for the Year” in 2020. JA-002248-49 (IAV00000519-22 at IAV00000520-21). This document explained that, in 2019, Iowa Values had successfully: (1) “conducted a baseline predictive modeling project that identified key segments of the Iowa populations *and the issues that mattered most to them*”; (2) “engaged in an aggressive door to door

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<sup>17</sup> As commonly understood in the campaigns and elections sector, “AB” means absentee ballots, “EV” means early voting, and “GOTV” means get-out-the-vote.

and digital program to talk to [and] gather more data from this audience and deliver specific messages to them based on our research,” including “recruit[ing] and train[ing] 35 canvassers who knocked on 73,269 doors of targeted voters and deliver[ing] digital ads to 116,597 individuals”; and (3) “conducted an after-action analysis and survey that showed an[] 11% increase in positive response.” JA-002249 (IAV00000521 (emphasis added)). In 2020, meanwhile, Iowa Values would “see how the population has changed since our baseline modeling project in 2019,” which would allow it “to fine tune our targeting and messaging.” JA-002249 (IAV00000521). This “Update” made clear: “Given that this is now an election year, *the issues data that we collected will also help us in 2020 to identify the key voters that we will need to reach to support Senator Ernst in the next phase of our efforts.*” JA-002249 (IAV00000521 (emphasis added)); *see also* JA-003087-88 (Flowers Dep. at 308:21-309:17 (“Yes, that’s what it says.”)).

283. Iowa Values’s “goal” was to follow “up digitally continuously to [its] target audience until Memorial Day,” 2020, at which point it would “pivot into more electorally focused activity.” JA-002249 (IAV00000521). This pivot would coincide with when Iowa Values “believe[d] that friendly third-party entities will begin to spend resources on ‘air cover.’” JA-002249 (IAV00000521). Iowa Values’s “goal” was “to act as a bridge till this outside messaging begins,” because “[a] strong digital ad buy during [t]his period is critical *to keep Senator Ernst and our conservative agenda in a strong position moving into the summer before her election.*” JA-002249 (IAV00000521) (emphasis added). “As the election draws closer,” Iowa Values planned to “shift from issue messaging and move toward electoral messaging,” with the “goal . . . to shift our digital advertising to focus on Senator Ernst as [a] candidate and start up our door to door program.” JA-002249 (IAV00000521). The “key” to Iowa Values’s “door to door program,” the memo made clear, would be “having enough funds to be sure we can start and not have to stop

until Election Day,” with the focus “on a very narrow audience of voter we want to persuade and/or turn out to vote.” JA-002249 (IAV00000521).

284. Iowa Values Executive Director Derek Flowers explained that the interested parties for this “Q1 2020 Update” “could be anyone who has got interest in work that Iowa Values was doing,” including the Iowa Values Board, its vendors, its fundraiser Claire Holloway Avella, and Iowa Values donors. JA-003080 (Flowers Dep. at 301:1-21). Flowers further agreed that, in essentially all the Iowa Values’s strategy documents discussed during his deposition, support for Ernst’s 2020 re-election was “a common theme.” JA-003081-82 (Flowers Dep. at 302:17-303:2). His only explanation was that “you know, when you’re working on issues, it is hard to ignore the climate that you’re working in. I mean, it just is the case that an election was coming.” JA-003081 (Flowers Dep. at 302:2-5).

285. An Iowa Values’s “2020 Overview”—sent to at least two prospective Iowa Values donors as attachments to June 26 and August 25, 2020, solicitations respectively, *see* JA-002318-19 (HCI-00001106-07); JA-002362-63 (HCI-00001199-1200)—specified that “Iowa Values 2020 electoral efforts will be divided into three distinct phases.” JA-002321 (HCI-00001109-13 at HCI-00001109); JA-002378 (HCI-00001215-19 at HCI-00001215).

286. Phase One would run from “Jan 1<sup>st</sup> thru June 2<sup>nd</sup> Iowa Primary” with the “primary goal . . . to continue to collect data and message the issues of the day and how candidates on both sides of the aisle are addressing those issues.” JA-002321 (HCI-00001109); JA-002378 (HCI-00001215); *see also* JA-002321 (HCI-00001109); JA-002378 (HCI-00001215) (“This continues work completed in 2019.”). Iowa Values’s “[c]ampaign advocacy work” would continue to “focus[] on the firewall universe,” which the document defined “as individuals who meet one or all of the below criteria according to the 2019 baseline modeling:

1. Favorable Opinion of Senator Ernst and Negative Opinion of President Trump.
2. Swing or Lean R voter who is ‘unsure’ regarding opinion of Senator Ernst.
3. Lean R, Swing or Lean D voter who are ‘unsure’ if Senator Ernst is ‘part of the problem or part of the solution’ in Washington DC.

JA-002321 (HCI-00001109); JA-002378 (HCI-00001215). Iowa Values’s “goal” was “to stay up on digital continually to this universe, and at the same time, raise and bank enough funds to be confident that we can execute more aggressive Phase Two and Phase Three programs.” JA-002321 (HCI-00001109); JA-002378 (HCI-00001215). Iowa Values likewise planned to “execute a refresh of our 2019 baseline modeling project,” which would “provide Iowa Values not only [a] top line assessment of Iowa voter opinions on the issues and candidates, but, most importantly, an understanding of how and if those sentiments have changed over time.” JA-002321 (HCI-00001109); JA-002378 (HCI-00001215).

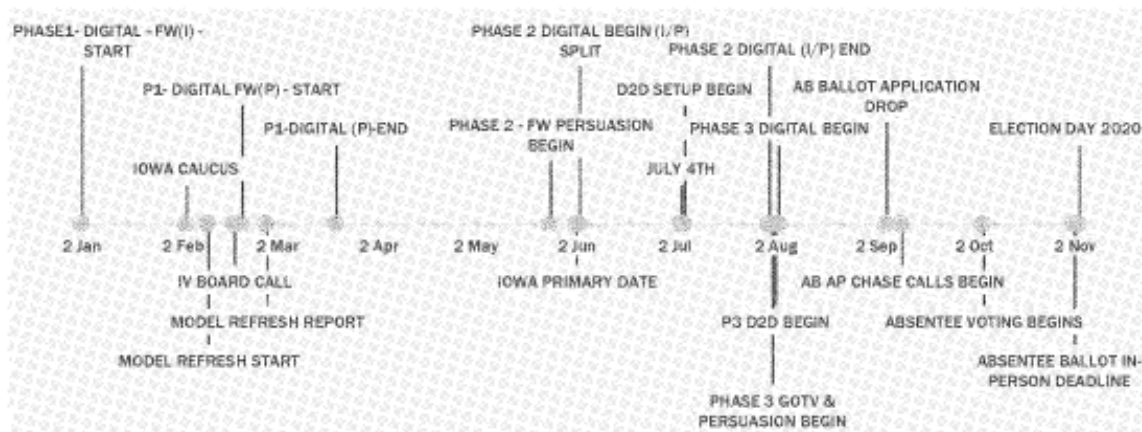
287. Phase Two of Iowa Values’s 2020 efforts would run from “June 3<sup>rd</sup> thru August 1<sup>st</sup>” with the intent, “[a]t a minimum . . . to be able to maintain our digital presence with the aforementioned ‘Firewall Universe.’” JA-002322 (HCI-00001110); JA-002379 (HCI-00001216). Iowa Values would also be “looking forward to Phase Three ‘GOTV’ efforts,” and “[t]o those ends, a companion Super PAC organization will be created *to execute candidate-focused programs legally*.” JA-002322 (HCI-00001110); JA-002379 (HCI-00001216) (emphasis added); *see also infra* Part VII, ¶¶ 720-41 (discussing Iowa Values companion super PAC, Iowa Values Action, in detail). At the same time, “[i]f fundraising is successful so that we are confident in Phase Three being fully funded our additional goal in Phase Two would be to provide a targeted TV campaign to offset the millions already spent by opposition third-party organizations.” JA-002322 (HCI-00001110); JA-002379 (HCI-00001216).



288. Phase Three of Iowa Values’s 2020 efforts would run from “August 1<sup>st</sup> thru Election Day,” and “must be looked at through two different lenses.” JA-002322 (HCI-00001110); JA-002379 (HCI-00001216). First, “[t]he goal of Iowa Values C-4 will be to continue to collect data on and message the ‘Firewall Universe’ on the issues and the positions that candidates are taking on those issues”; this “would be executed both by a continued digital effort and by paid door-to-door efforts . . . focused on collecting information from the ‘firewall’ voter and further disseminating issue positions.” JA-002322 (HCI-00001110); JA-002379 (HCI-00001216); *see also* JA-002322 (HCI-00001110); JA-002379 (HCI-00001216) (“The data collected will also be utilized to validate and track the accuracy of the latest model.”). At the same time, “Iowa Values Super PAC will be executing a targeted Absentee/Early Vote and GOTV plan,” which “will consist of a digital operation, paid door program, mail, and phone program” and “will be focused firstly on individuals who are less likely to vote but who, according to modeling, support Iowa Values issues and candidates.” JA-002322 (HCI-00001110); JA-002379 (HCI-00001216).

289. The document included an “Iowa Values and Iowa Values Super-Pac 2020 Strategic Timeline”:

#### **Iowa Values and Iowa Values Super-Pac 2020 Strategic Timeline**



JA-002322 (HCI-00001110); JA-002379 (HCI-00001216).

290. A separate Iowa Values slide deck—attached to the same August 25, 2020, solicitation of a prospective Iowa Values donor, JA-002362-63 (HCI-00001199-1200)—further explicated “Iowa Values Plan and Priorities” in 2020, including:

1. Door to Door
  - Persuasion and AB/EV Chase
  - Only entity that will do door to door
  - July – Election Day Plan
  - Cost - \$400K to \$700K
2. Complimentary Digital
  - Persuasion and AB/EV Chase
  - Two Message Track
    - ✓ Define Greenfield Now (July-September)
    - ✓ Pro-Joni throughout
  - Cost - \$468-\$679K
3. AB/EV Chase Program (Mail)
  - Small Pro-Joni Universe not in Trump Effort
  - Cost - \$200K

JA-002376 (HCI-00001205-13 at HCI-00001213); *see also* JA-002677 (IAV00002829-37 at IAV00002837) (January 5, 2021, Iowa Values’s slide deck including same information). Iowa Values’s 2020 activities were thus focused on “Persuasion” and/or “AB/EV [Absentee Ballot/Early Voter] Chase,” including through digital efforts defined by a “Two Message Track”—“Define Greenfield Now (July-September)” and “Pro-Joni throughout”—and a mail program focused on a “Small Pro-Joni Universe not in Trump Effort.” JA-002376 (HCI-00001213), JA-002677 (IAV00002837); *compare with e.g.*, JA-001791 (HCI-00000674) (defining “disengagers” as “voters that lean towards Senator Ernst but are vulnerable to attack because of lower support for the GOP or for President Trump”).

291. The 2020 Iowa Values slide deck included additional information about “Polling and Environment” and “Outside Spending,” which focused exclusively on Ernst and her 2020 Democratic opponent, Theresa Greenfield. JA-002369 (HCI-00001206), JA-002374-75 (HCI-00001211-12); *see also* JA-002675-76 (IAV00002835-36). The slide deck likewise included a

graph tracking over time “Trended Net Senate Ballot Among . . . Snapshot Groups,” identified as Democratic and Republican “In the Bank,” “GOTV,” and “Lean,” voters, and “Swing” voters. JA-002373 (HCI-00001210); *see also* JA-002674 (IAV00002834) (January 5, 2021, Iowa Values’s slide deck tracking “Net Senate Ballot by Universe” for same groups).

292. Another Iowa Values strategy document dated November 6, 2020—just three days after the 2020 election—reported on the success of Iowa Values’s efforts during that election cycle. *See* JA-002616-19 (IAV00000451-54). A section titled “Assumptions” made clear that Iowa Values was “[f]ocused on Senator Ernst and her policy positions,” and had “worked with Causeway Solutions to build a model of Iowa voters and their stances on key issues, helping to determine who we could count on and who we need to work on, and how we should talk to them.” JA-002616 (IAV00000451). Iowa Values’s “only initial assumption was that, broadly speaking, enough Iowans support Senator Ernst and her policy positions that a path to reelection could be identified.” JA-002616 (IAV00000451).

293. Another section describing Iowa Values’s “Tactics” made clear that Iowa Values had been “committed to a data driven strategy from day one,” with focus on a “two-year package” that consisted of a baseline modeling project conducted in 2019, two model re-trains in February and June of 2020 and Electorate Tracking conducted over the final six weeks of the election.” JA-002616-17 (IAV00000451-52); *see also infra* Parts V.C.3.ii-.iv, ¶¶ 313-41 (describing Iowa Values’s three rounds of modeling in detail). In sum, Iowa Values had used “prescriptive modeling, weekly electorate tracking leading up to the election and absentee and early vote targeting” to be “able to zero in on a universe of people for targeted contacts, monitor and adjust that universe, and maintain an accurate handle on the state of the U.S. Senate race.” JA-002617 (IAV00000452).

294. With respect to Iowa Values’s canvassing in 2019 and 2020, this post-election document explained that, “[i]n June of 2019, Iowa Values announced a massive, statewide door to door canvassing operation” that allowed “for a two-way conversation”: Iowa Values was “able to survey Iowans about their feelings on topics like jobs and the economy, taxes, health care, and the environment, while simultaneously educating them about our elected officials’ work on these issues.” JA-002617 (IAV00000452). “Data collected at the doorsteps” was “fed back into the machine, validating the modeling.” JA-002617 (IAV00000452). Iowa Values resumed door knocking again “in the fall of 2020,” “[a]fter pausing for winter, and COVID,” and ultimately “knocked on 244,612 doors across the state in 2020.” JA-002617 (IAV00000452).

295. The document further specified that digital advertising had “quickly bec[o]me Iowa Values’ and Iowa Values Action’s preferred method of getting our message out to the masses.” JA-002617 (IAV00000452); *see also infra* Part VII, ¶¶ 720-41 (discussing Iowa Values Action and its activities in detail). Iowa Values had “sought to make an early impression on Iowa voters, beginning digital advertising before any other group focused on Iowa, with our digital launch in June of 2019.” JA-002617 (IAV00000452). Then, “throughout 2019 and 2020, Iowa Values ran six different ads focused on issues like health care and the economy, and closing with a voter guide ad featuring the two U.S. Senate candidate’s views on key issues,” with “laser[] focus[] on targeted audiences based on the modeling.” JA-002618 (IAV00000453).

296. At the same time, “[d]irect mail continues to be an efficient, highly-targetable form of voter contact,” so Iowa Values and its companion super PAC had “put our data to work in Iowans’ mailboxes,” specifically those of Iowa Values’s “targeted audiences, matching the digital advertising and door to door efforts.” JA-002618 (IAV00000453). In total, Iowa Values sent “twelve pieces of mail” in 2020 “showcasing Joni Ernst’s voting record on issues ranging from

protecting Iowans with pre-existing conditions to cutting presidential perks to the Violence Against Women Act.” JA-002618 (IAV00000453); *see also infra* Part V.C.5.v, ¶¶ 531-59.

297. Overall, this post-2020 election strategy document made clear that Iowa Values was “proud to have served as a resource” in “efforts to reelect Joni Ernst.” JA-002619 (IAV00000454).

### **3. Iowa Values Conducted Three Rounds of Modeling of the Iowa Electorate Between June 2019 and August 2020.**

298. As part of “Operation Firewall,” Iowa Values and its principal data vendor Causeway conducted three rounds of modeling of the Iowa electorate in 2019 and 2020, as well as electorate tracking in the six weeks immediately preceding the November 2020 election. Iowa Values’s own strategy documents confirm as much, stating that Iowa Values’s “two-year package consisted of a baseline modeling project conducted in 2019, two model re-trains in February and June<sup>[18]</sup> of 2020 and Electorate Tracking conducted over the final six weeks of the election.” JA-002616-17 (IAV00000451-54 at IAV00000451-52).<sup>19</sup> In total, Iowa Values spent \$273,750 on its three rounds of modeling, and \$90,000 on weekly model tracking from September through November 2020. JA-002660 (IAV00002782-94 at IAV00002786); *see also* JA-001592 (IAV00002327) (July 1, 2019 MS Causeway Solutions invoice for “modeling project” for \$90,000); JA-002257 (IAV00004951) (March 4, 2020 MS Causeway Solutions invoice for

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<sup>18</sup> *But see* [REDACTED] JA-002357 (IAV00002805-10 at IAV00002806) (August 25, 2020, email explaining that Iowa Values’s “[r]etrain is ready to go into the field now,” and “[i]t was always our intent to go in at the end of August”); [REDACTED]

<sup>19</sup> [REDACTED]

“February Modeling Refresh” for \$90,000); JA-002440 (IAV00001226) (September 15, 2020 MS Causeway Solutions invoice for “Late August Modeling” for \$93,750); JA-002456 (IAV00001231) (September 25, 2020 MS Causeway Solutions invoice for “Electorate Tracking (1 Week)” for \$15,000); JA-002579 (IAV00001244) (October 5, 2020 MS Causeway Solutions invoice for “Electorate Tracking (Week 2- Week of Sept. 28)” for \$15,000); [REDACTED]

[REDACTED] JA-002600 (IAV00001203) (October 19, 2020 MS Causeway Solutions invoice for “Electorate Tracking (Week 4- Week of 10/12)” for \$15,000); JA-002607 (IAV00001205) (October 26, 2020 MS Causeway Solutions invoice for “Electorate Tracking (Week 5- Week of 10/19)” for \$15,000); [REDACTED]

299. The result: Iowa Values “had 9,000 completed surveys in Iowa over 15 months.” JA-002617 (IAV00000452); *see also* JA-002661 (IAV00002787) (same). This allowed it to “define and track targeted universe[s] of voters for persuasion and GOTV,” with Iowa Values identifying three target universes and setting goals for each. JA-002661 (IAV00002787). These target universes were categorized as: (1) “Soft Republicans,” who Iowa Values needed to “defend against attacks”; (2) “Swing Voters,” who were “late deciders” and “need[ed] constant messaging”; and (3) “Lean Dem / Pro Ernst,” of whom Iowa Values hoped to “keep as many as possible.” JA-002661 (IAV00002787).

300. Iowa Values’s Executive Director Derek Flowers further explained that Iowa Values “conducted public opinion polls from time to time. And based on those results and . . . other commercially available data points constructed what we called or anyone who does marketing

calls modeling.” JA-002827-28 (Flowers Dep. at 48:16-49:16) (testifying that Iowa Values “would segment the population in various ways”). In short, Iowa Values “create[d] models of the population in Iowa” to “determine who would be most receptive to Iowa Values’ message or perhaps who we thought would need to hear it.” JA-002828 (Flowers Dep. at 49:17-20); *see also*, *e.g.*, JA-003003-04 (Flowers Dep. at 224:20-225:7) (testifying that Iowa Values did “nothing for a while” with its baseline modeling results, but “[l]ater the model would have been used to inform our outbound mass messaging, digital advertising[,] mail, things like that”).

301.

302.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

304. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

305. [REDACTED]

[REDACTED]

306. [REDACTED]

[REDACTED]

[REDACTED] JA-001791 (HCI-00000674) (defining

“disengagers” as “voters that lean towards Senator Ernst but are vulnerable to attack because of lower support for the GOP or for President Trump”).

307.

[REDACTED]

308.

[REDACTED]

309.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

310.

[REDACTED]

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311.

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312.

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[REDACTED]

[REDACTED]

**ii. June 2019 Baseline Modeling**

313. Evidence proves that Iowa Values used its modeling script as the basis for actual modeling of the Iowa electorate in 2019 and 2020, beginning with baseline modeling in June 2019. *See, e.g.*, JA-002990 (Flowers Dep. at 211:4-19) (“my recollection is the first modeling was done in 2019”).

314. Iowa Values’s Executive Director Derek Flowers explained that the purpose of a baseline poll is to have “a starting point to understand what people think about the issues that we are talking about, what messages might resonate, where they stand at a specific point in time.” JA-002997 (Flowers Dep. at 218:8-17). Accordingly, a baseline modeling survey “generally” would include “a battery of questions relating to whatever your organization cared about. So in this instance, they should have included questions on a smattering of issues that were either topical at the time or are . . . part of our mission or broad enough that it would sort of fall in those categories. And it could also include views of public officials at that time too.” JA-002995-96 (Flowers Dep. at 216:17-217:7). While Flowers could not “recall every question that was involved in a baseline poll, three, four, five years ago,” he testified that “broadly that it would have involved questions related to where Iowans stand on a number of issues” and “where they stand on or how they view

political figures, officeholders.” JA-002996-97 (Flowers Dep. at 217:8-218:2). Flowers further testified that this baseline poll “probably would have been put together in conjunction with Causeway and Tarrance,” as “Tarrance was the pollster.” JA-002997 (Flowers Dep. at 218:3-7).

315. A Causeway slide deck titled “Iowa Statewide Analytics: June 2019” presents the results of Iowa Values’s baseline modeling efforts. *See* JA-001474-1508 (IAV00000728-62); [REDACTED]. The presentation is organized into five distinct sections: “Research,” “Issues,” “Presidential Election,” “U.S. Senate Election,” and “Universes.” *See* JA-001474-1508 (IAV00000728-62).

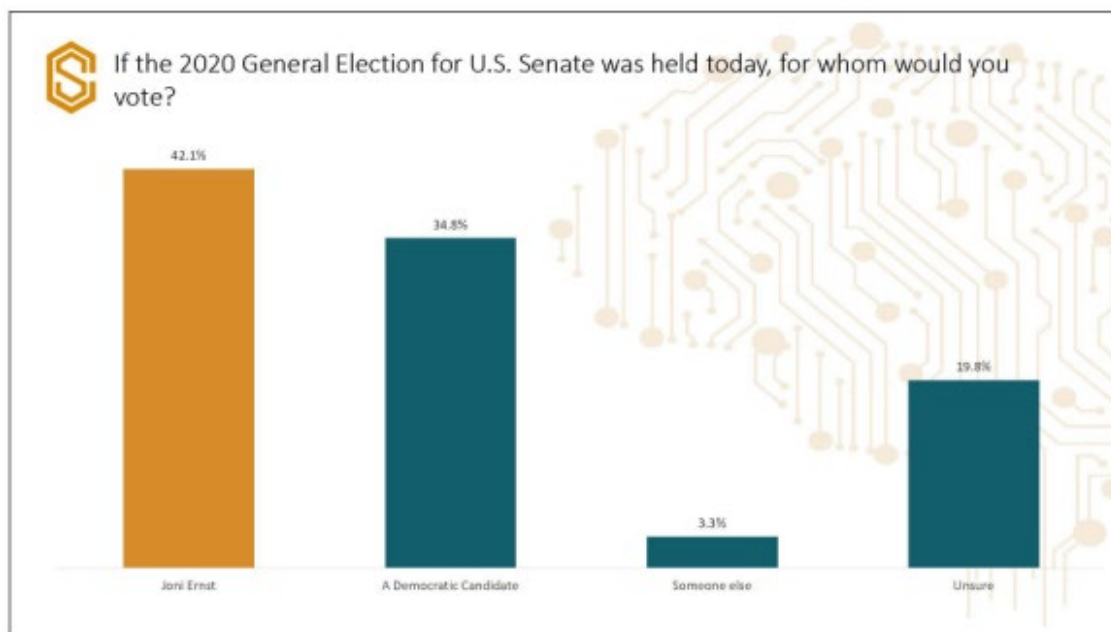
316. The “Research” section of the slide deck presented responses to certain questions asked during Iowa Values’s June 2019 baseline modeling, namely: (1) “Thinking about national government policies, do you think the country is generally going the right direction or the wrong direction?”; (2) “Thinking about state and local government policies, do you think Iowa is generally going in the right direction or the wrong direction?”; (3) “Among individuals who think the state is headed in the right direction but the country is headed in the wrong direction,” their political party affiliation; (4) “Do you approve or disapprove of the way Donald Trump is handling his job as President?”; and (5) “*Do you approve or disapprove of the way Joni Ernst is handling her job as Senator?*” JA-001475-80 (IAV00000729-34) (emphasis added); *see also* JA-003060-61 (Flowers Dep. at 281:20-282:12) (confirming his “understanding” that these “were questions that were posed to voters” and “were asked during the baseline poll”).

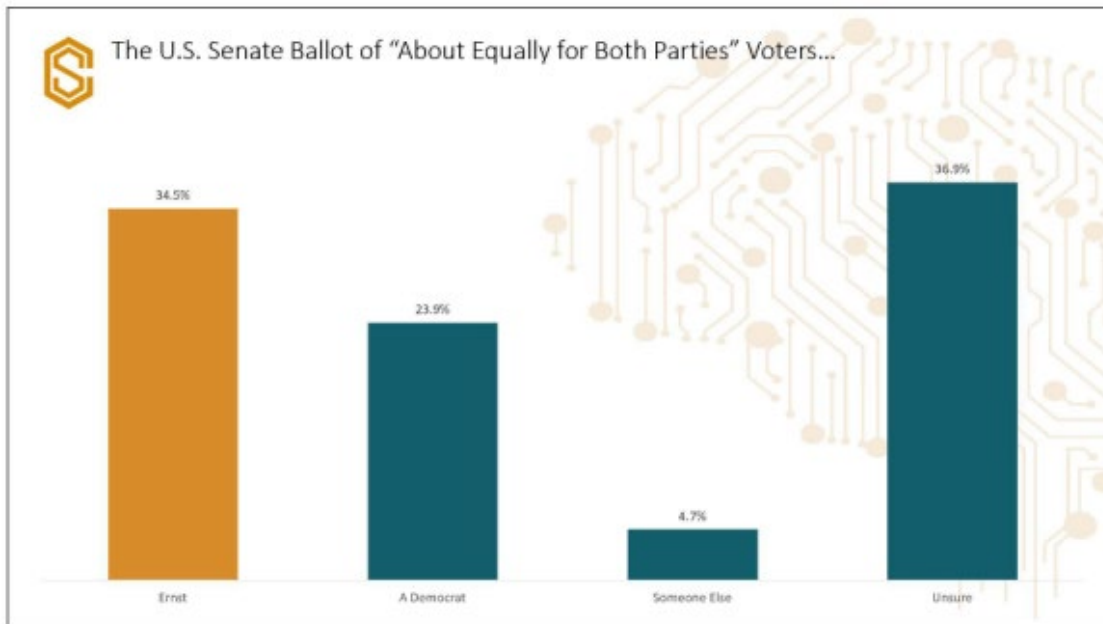
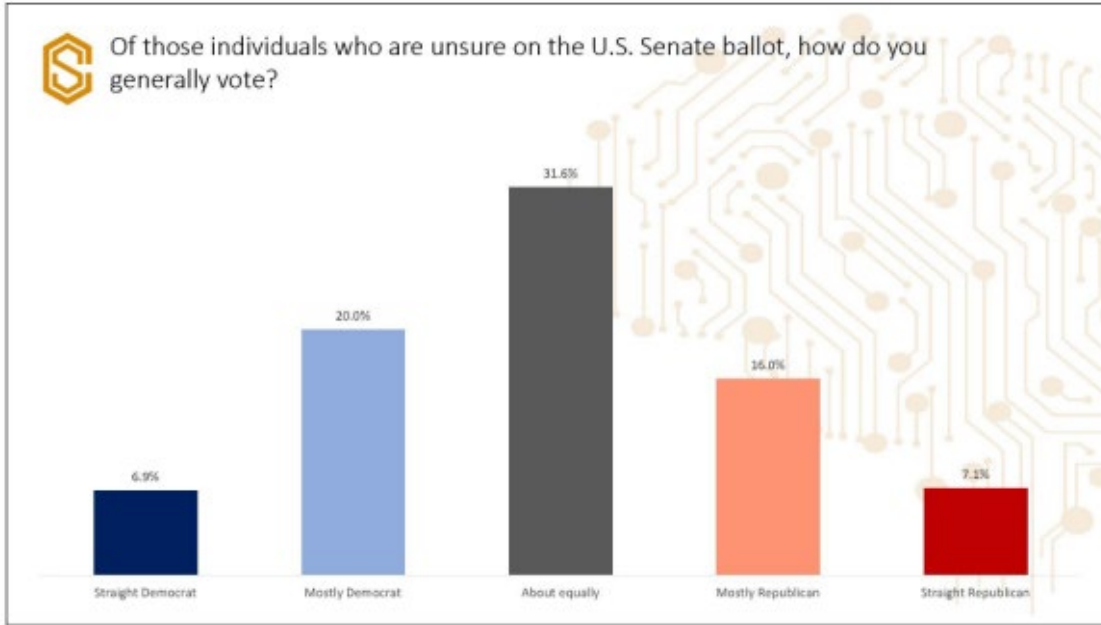
317. The “Issues” section of the slide deck presented respondents’ answers to Iowa Values’s issue-focused modeling questions, including respondents’ views on healthcare, immigration, agriculture policy, energy policy, paid family leave, “social issues like abortion and

same sex marriage,” and “fiscal issues like taxes, government spending, and debt.” JA-001481-88 (IAV00000735-42).

318. The “Presidential Election” section presented answers to Iowa Values’s modeling question: “If the November election for President were being held today, for whom would you vote?” JA-001490 (IAV00000744); *see generally* JA-001489-93 (IAV00000743-47). The section further analyzed: (1) “those individuals who are unsure on the Presidential ballot” and how they “generally vote” with respect to party affiliation; (2) the Presidential ballot among those voters who generally vote about equally for both parties; and (3) “Presidential Ballot vs. Modeled Partisanship.” JA-001490-93 (IAV00000744-47).

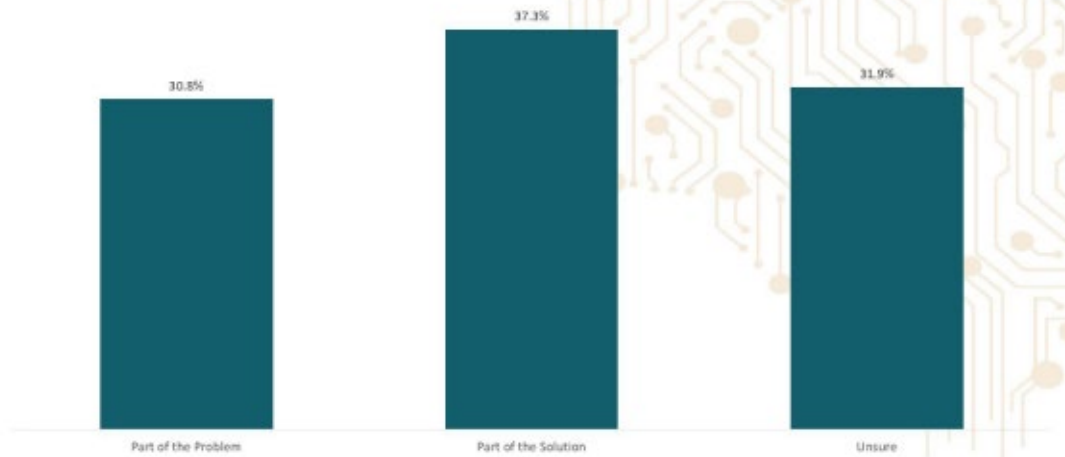
319. The “U.S. Senate Election” section, meanwhile, presented eight separate slides—more than any other section of the slide deck—analyzing responses to Iowa Values’s 2020 U.S. Senate-focused modeling questions:



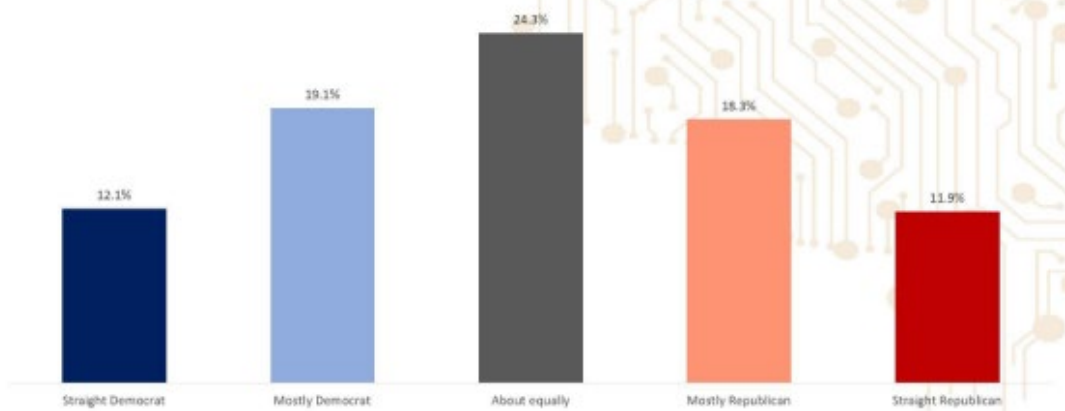




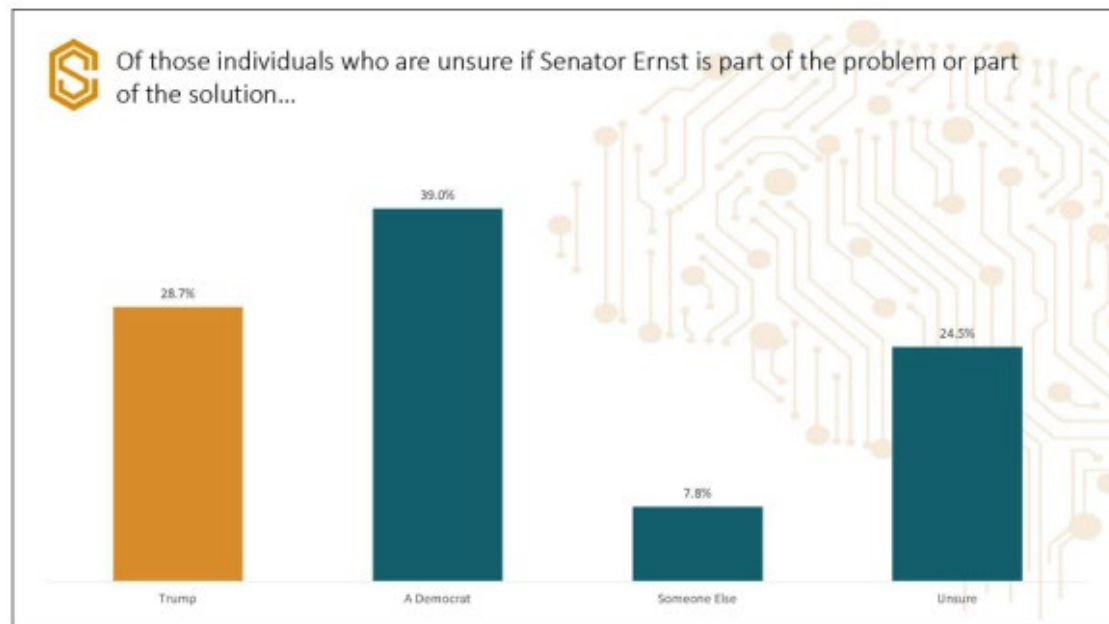
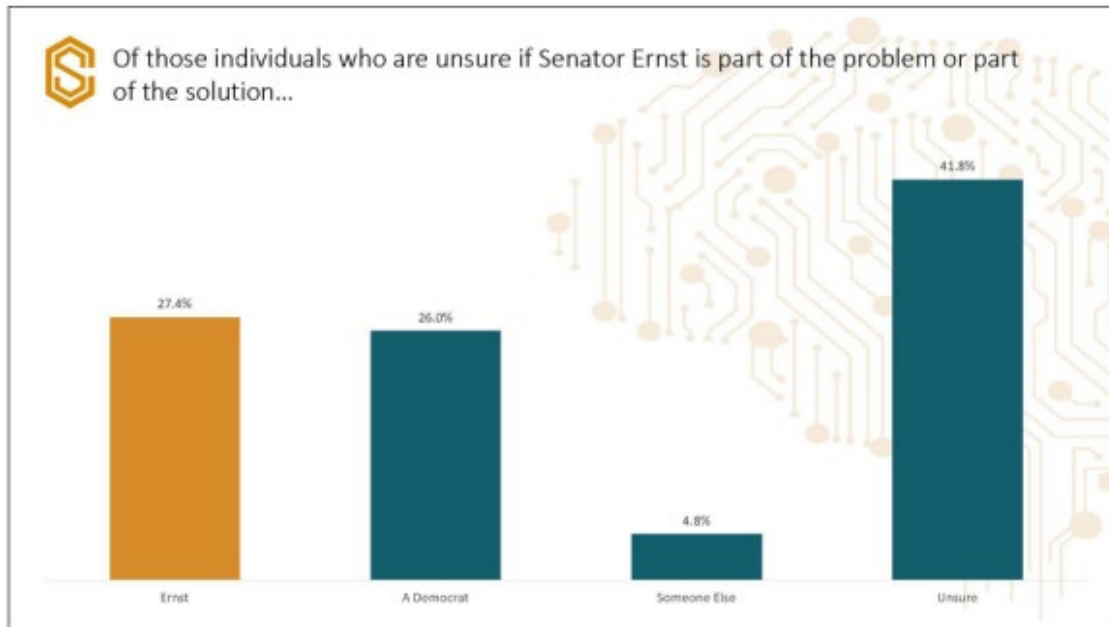
Do you think Senator Joni Ernst is part of the problem in Washington D.C. or part of the solution for Washington D.C.?

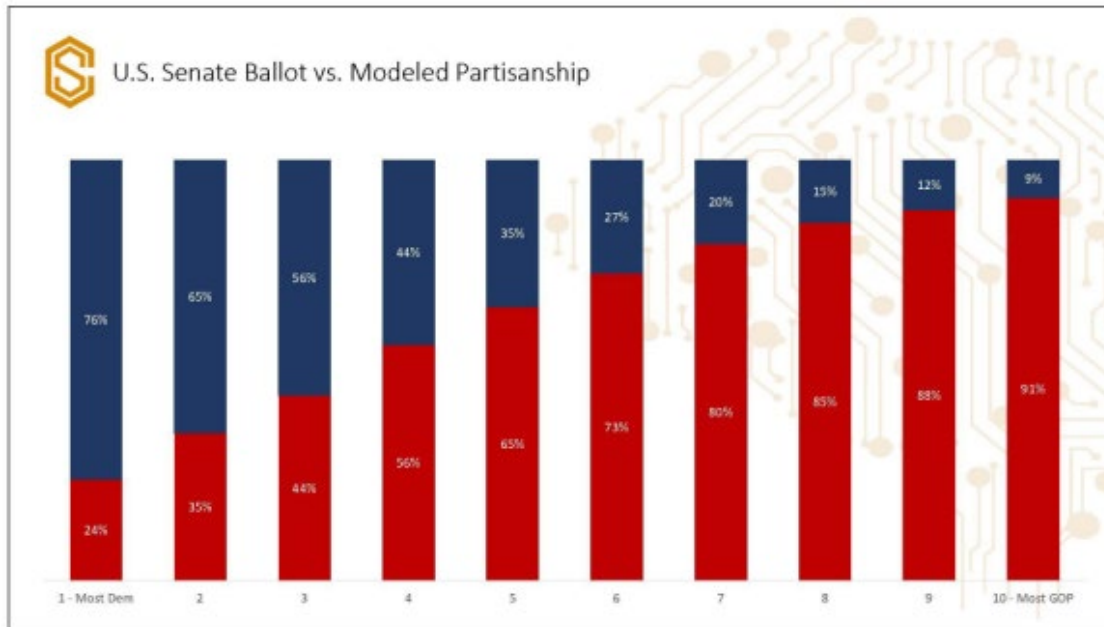


Of those individuals who are unsure if Senator Ernst is part of the problem or part of the solution...









JA-001494-1502 (IAV00000748-56).

320. Finally, the “Universes” section of the slide deck, JA-001503-07 (IAV00000757-61), presented Iowa Values’s July 2019 “Pathway to Victory Universes,” identifying twelve different universes, and the total voters, expected votes, turnout rate, and *Ernst versus Democrat support rate* for each:

|  <b>Pathway to Victory Universes</b> |              |                                    |             |                           |
|-------------------------------------------------------------------------------------------------------------------------|--------------|------------------------------------|-------------|---------------------------|
| <b>Total Voters: 2,090,385</b>                                                                                          |              | <b>Expected Turnout: 1,411,200</b> |             | <b>Vote Goal: 719,712</b> |
| Universe                                                                                                                | Total Voters | Exp. Votes                         | Ernst-Dem   | Turnout                   |
| GOP ITB                                                                                                                 | 409,835      | 349,953                            | 79.5%-8.1%  | 85.4%                     |
| GOP GOTV                                                                                                                | 180,273      | 96,233                             | 75.2%-8.5%  | 53.4%                     |
| Hard to Reach GOP                                                                                                       | 20,741       | 7,290                              | 91.2%-5.7%  | 35.1%                     |
| Defend                                                                                                                  | 28,974       | 24,048                             | 57.1%-14.6% | 83.0%                     |
| Reinforce                                                                                                               | 97,852       | 42,301                             | 50.1%-16.1% | 43.2%                     |
| Hard to Reach Swing                                                                                                     | 132,188      | 101,768                            | 48.7%-18.2% | 77.0%                     |
| GOP Lean                                                                                                                | 14,209       | 4,746                              | 43.3%-24.9% | 33.4%                     |
| Key Swing                                                                                                               | 360,188      | 226,966                            | 33.3%-28.6% | 63.0%                     |
| Soft D                                                                                                                  | 2,120        | 1,302                              | 26.0%-36.8% | 61.4%                     |
| Hard to Reach Dem                                                                                                       | 254,731      | 173,224                            | 20.3%-50.3% | 68.0%                     |
| Dem GOTV                                                                                                                | 295,556      | 132,145                            | 14.4%-64.8% | 44.7%                     |
| Dem ITB                                                                                                                 | 293,718      | 251,223                            | 10.3%-78.3% | 85.5%                     |

JA-001504 (IAV00000758).

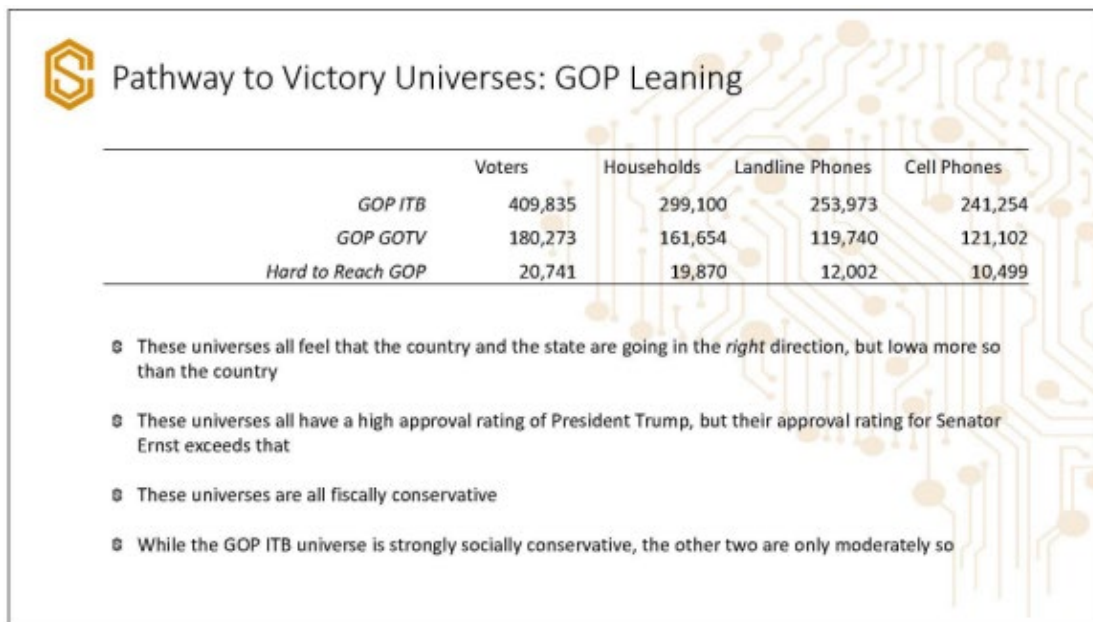
321. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

322. The “Universes” section of the slide deck further grouped these twelve universes into three categories: “GOP Leaning,” “Contested,” and “Dem Leaning.” JA-001505-07 (IAV00000759-61); *compare with* JA-002661 (IAV00002787) (“2020 Recap” categorizing Iowa Values’s target universes as: (1) “Soft Republicans”; (2) “Swing Voters”; and (3) “Lean Dem / Pro Ernst”). The “Universes” section included for each category, the group’s views on the direction of the country and state, approval ratings for Trump and Ernst, and degree of social and fiscal conservatism:



 Pathway to Victory Universes: GOP Leaning

|                          | Voters  | Households | Landline Phones | Cell Phones |
|--------------------------|---------|------------|-----------------|-------------|
| <i>GOP ITB</i>           | 409,835 | 299,100    | 253,973         | 241,254     |
| <i>GOP GOTV</i>          | 180,273 | 161,654    | 119,740         | 121,102     |
| <i>Hard to Reach GOP</i> | 20,741  | 19,870     | 12,002          | 10,499      |

- ⊗ These universes all feel that the country and the state are going in the *right* direction, but Iowa more so than the country
- ⊗ These universes all have a high approval rating of President Trump, but their approval rating for Senator Ernst exceeds that
- ⊗ These universes are all fiscally conservative
- ⊗ While the GOP ITB universe is strongly socially conservative, the other two are only moderately so



### Pathway to Victory Universes: Contested

|                            | Voters  | Households | Landline Phones | Cell Phones |
|----------------------------|---------|------------|-----------------|-------------|
| <i>Defend</i>              | 28,974  | 28,274     | 25,901          | 22,100      |
| <i>Reinforce</i>           | 97,852  | 94,291     | 69,849          | 67,694      |
| <i>Hard to Reach Swing</i> | 132,188 | 122,707    | 105,771         | 96,049      |
| <i>GOP Lean</i>            | 14,209  | 14,118     | 9,994           | 9,549       |
| <i>Key Swing</i>           | 360,188 | 326,328    | 238,328         | 237,637     |

- ⊗ All of these universes feel the state is going in the *right* direction, however, they are less certain about the direction of the country
- ⊗ These universes are much less likely to support President Trump than the previous universes, but their support for Senator Ernst is still positive
- ⊗ While these universes continue to identify as fiscal conservatives, they are much less likely than the previous universes to identify as socially conservative



### Pathway to Victory Universes: Dem Leaning

|                          | Voters  | Households | Landline Phones | Cell Phones |
|--------------------------|---------|------------|-----------------|-------------|
| <i>Soft D</i>            | 2,120   | 2,119      | 1,712           | 1,569       |
| <i>Hard to Reach Dem</i> | 254,731 | 234,203    | 174,063         | 173,164     |
| <i>Dem GOTV</i>          | 295,556 | 277,697    | 153,122         | 176,409     |
| <i>Dem ITB</i>           | 293,718 | 240,319    | 174,063         | 173,164     |

- ⊗ All of these universes feel the country is headed in the *wrong* direction, but the Soft D and Dem GOTV universes feel that the state is headed in the *right* direction
- ⊗ Although all of these universes have high disapproval of President Trump, only the Dem ITB universe has a strong negative opinion of Senator Ernst.
- ⊗ These voters are not likely to be either fiscally or socially conservative

JA-001505-07 (IAV00000759-61).

323. Iowa Values's Executive Director Derek Flowers confirmed that this June 2019 slide deck presents the results of Iowa Values's baseline modeling project. JA-003059-60 (Flowers Dep. at 280:21-281:13) (introducing JA-001474-1508 (IAV00000728-62)); [REDACTED]

[REDACTED] Flowers further confirmed that the only federal candidates mentioned in the slide deck—and the only candidates voters were asked about during

Iowa Values’s June 2019 modeling—were Donald Trump and Joni Ernst. *See* JA-003061-63 (Flowers Dep. at 282:13-284:9). Finally, Flowers confirmed that the results of Iowa Values’s June 2019 baseline modeling informed Iowa Values’s subsequent activities, including its voter outreach and who Iowa Values targeted for advertising. JA-003067-68 (Flowers Dep. at 288:16-289:2).<sup>21</sup> Flowers explained that his “expectation would have been that a more detailed version of what you see here would be used to determine the sizes of groups that are getting various communications.” JA-003068 (Flowers Dep. at 289:3-13).

324.

325.

---

<sup>21</sup>

[REDACTED]

326.

[REDACTED]

[REDACTED] *infra* Part V.C.3.v, ¶¶ 342-47 (discussing five-by-three grids of Iowa Values’s target universes for persuasion, turnout, or both).

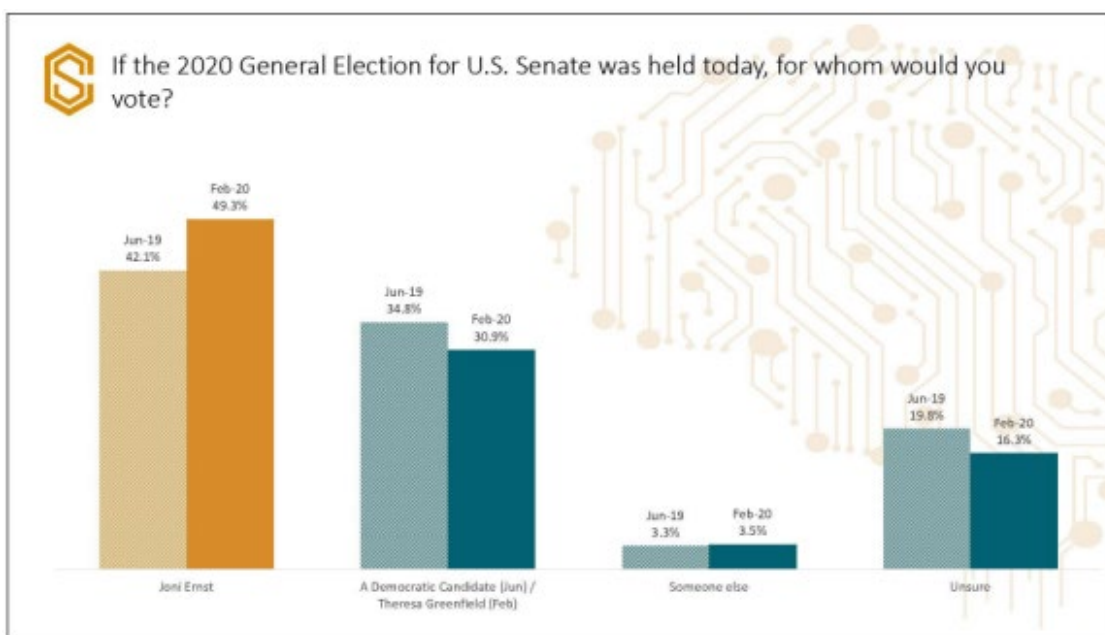
**iii. February 2020 Model Refresh**

327. Another Causeway slide deck presents the results of Iowa Values’s February 2020 model refresh. *See* JA-004298-4326 (IAV00003672-700) (organized, as with the June 2019 presentation, into five sections: “Research,” “Issues,” “Presidential Election,” “U.S. Senate

Election,” and “Universes”);

.<sup>22</sup>

328. This slide deck presented overwhelmingly the same information as the June 2019 slide deck but tracked changes in responses to the same questions between Iowa Values’s June 2019 baseline and its February 2020 model refresh. *See* JA-004299-325 (IAV00003673-99). This included the change in respondents’ support for Ernst over time. *See* JA-004317-23 (IAV00003691-97). For example:



JA-004317 (IAV00003691). This slide included one additional update from June 2019, revising the Democratic option from a generic “Democratic Candidate” to “A Democratic Candidate (Jun) / Theresa Greenfield (Feb).” JA-004317 (IAV00003691); *compare with, e.g.,* JA-001495 (IAV00000749).

<sup>22</sup> This slide deck is mistitled “June 2019,” but clearly contains information from February 2020. *See* JA-004298-4326 (IAV00003672-700)

329. The presentation further included a new February 2020 “Pathway to Victory Universes” for Iowa Values, identifying the same set of universes, and the total voters, expected votes, turnout rate, and Ernst versus Democrat support rate for each:

| Pathway to Victory Universes – February 2020 |              |                             |               |                    |
|----------------------------------------------|--------------|-----------------------------|---------------|--------------------|
| Total Voters: 2,090,010                      |              | Expected Turnout: 1,476,742 |               | Vote Goal: 753,138 |
| Universe                                     | Total Voters | Exp. Votes                  | Ernst-Dem     | Turnout            |
| GOP ITB                                      | 331,370      | 296,018                     | 86.3% - 3.3%  | 89.3%              |
| GOP GOTV                                     | 181,133      | 128,034                     | 84.0% - 5.0%  | 70.7%              |
| Hard to Reach GOP                            | 9,997        | 5,303                       | 90.1% - 0.9%  | 53.0%              |
| Defend                                       | 99,039       | 87,451                      | 61.2% - 9.9%  | 88.3%              |
| Reinforce                                    | 212,517      | 134,650                     | 57.3% - 12.3% | 63.4%              |
| Hard to Reach Swing                          | 73,346       | 62,338                      | 50.5% - 16.0% | 85.0%              |
| GOP Lean                                     | 53,771       | 28,270                      | 43.7% - 20.4% | 52.6%              |
| Key Swing                                    | 230,127      | 172,860                     | 37.3% - 23.1% | 75.1%              |
| Soft D                                       | 99,377       | 64,519                      | 32.9% - 33.7% | 64.9%              |
| Hard to Reach Dem                            | 265,020      | 200,434                     | 21.1% - 47.6% | 75.6%              |
| Dem GOTV                                     | 282,270      | 182,470                     | 11.2% - 66.9% | 64.6%              |
| Dem ITB                                      | 252,043      | 226,180                     | 8.1% - 77.5%  | 89.7%              |

JA-004325 (IAV00003699).

330.



[REDACTED]

[REDACTED]

331. An undated memo sent from Chris McNulty of Causeway to “Claire Avella / Iowa Values Fundraising Team” further detailed Iowa Values’s “February 2020 Modeling Survey Analysis.” JA-004285-87 (IAV00002265-67). It explained that Causeway had “conducted a statewide survey (N=3000) in February of 2020 for Iowa Values” which “was a re-train of our baseline modeling project from the fall of 2019.” JA-004285 (IAV00002265). This “combination of surveys” provided “a view of the electorate now as well as a better understanding of the trajectory of the electorate,” with several key takeaways. JA-004285 (IAV00002265).

332. First, “Senator Ernst remains in a solid overall position as it pertains to her . . . 2020 election, but the millions spent against the Senator in the form of negative attack ads have chipped away at her approval rating and increased her disapproval rating.” JA-004285 (IAV00002265). Accordingly, “Iowa Values must match this expenditure in order to combat the effort to make Senator Ernst more vulnerable.” JA-004285 (IAV00002265).

333. Second, “Iowa Values is focused on the right audience and it is working.” JA-004286 (IAV00002266). Iowa Values’s “primary focus” in its “door to door and digital campaign has been . . . on . . . the individuals who were ‘unsure’ on the Senate ballot test and those who typically split their ticket evenly between Republican and Democrat candidates.” JA-004286 (IAV00002266). The February 2020 model refresh showed success thus far, as “the ‘unsure’ vote shrinking by 9 pts since the 2019 Baseline Project and Senator Ernst’s support growing by an almost equal amount among voters who split their vote equally between the parties.” JA-004286 (IAV00002266). The “key moving forward,” the memo stressed, was “to continue to convert these swing voters into supporters and keep them in the support column”: “Iowa Values must be able to

stay in front of these voters with equal resources or risk losing them under the weight of the anti-Ernst 3<sup>rd</sup> party effort.” JA-004286 (IAV00002266) (emphasis in original).

334. Finally, the memo specified that “[w]e tested the ballot test vs (D) Theresa Greenfield now that the Senator has a certain opponent.” JA-004287 (IAV00002267). The result was that “Senator Ernst captures 49.3% of the vote compared to Theresa Greenfield[’]s 30.9% with 16.3% undecided. JA-004287 (IAV00002267). Still, “there is vulnerability,” as the “growth in Senator Ernst[’]s ballot support from the 2019 baseline has come primarily from soft Democrats,” which “[w]hile helpful . . . is likely to erode over time as the election draws near and the Greenfield campaign gets going.” JA-008287 (IAV00002267).

335. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### **iv. August 2020 Model Refresh**

336. On August 25, 2020, Chris McNulty of Causeway reported to two redacted recipients, Iowa Values’s Executive Director Derek Flowers, and its lawyer Ronald Jacobs, that Iowa Values’s “[r]etrain is ready to go into the field now,” and that “[i]t was always our intent to go in at the end of August.” JA-002357 (IAV00002805-10 at IAV00002806). McNulty further

indicated that the “script is done,” and he would send it, welcoming edits. JA-002357 (IAV00002806).<sup>23</sup>

337. [REDACTED]

[REDACTED]

338. [REDACTED]

[REDACTED]

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<sup>23</sup> No draft or final version of Iowa Values’s August 2020 modeling script was produced to CLC by Iowa Values or its subpoenaed vendor, Causeway Solutions.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

340. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

341.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**v. Iowa Values Identified Universes of Voters to Target for Persuasion, Turnout, or Both.**

342. In addition to slide decks presenting results and analysis of Iowa Values's three rounds of modeling in 2019 and 2020, Causeway prepared slides specifically identifying Iowa Values's universes of voters to target for persuasion, turnout, or both. *See* [REDACTED]

[REDACTED] JA-004339-40 (IAV00006223-39 at IAV00006225-26); [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

343. One document prepared by Causeway included multiple graphs illustrating these universes of voters for Iowa Values to persuade, turnout, or both. [REDACTED]

[REDACTED]; *see also* JA-004339-40 (IAV00006225-26). Each universe was defined by two metrics: (1) turnout rate; and (2) support for Ernst versus her Democratic opponent, Theresa Greenfield. [REDACTED] *see also* JA-004339-40 (IAV00006225-26); [REDACTED]

[REDACTED]

[REDACTED]

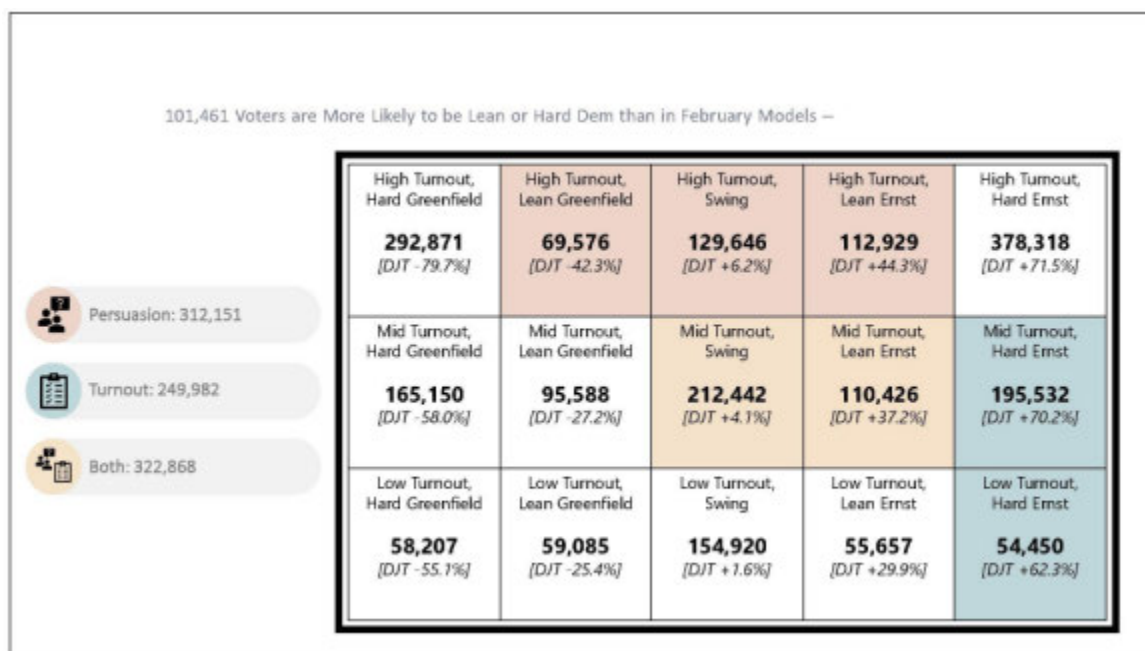
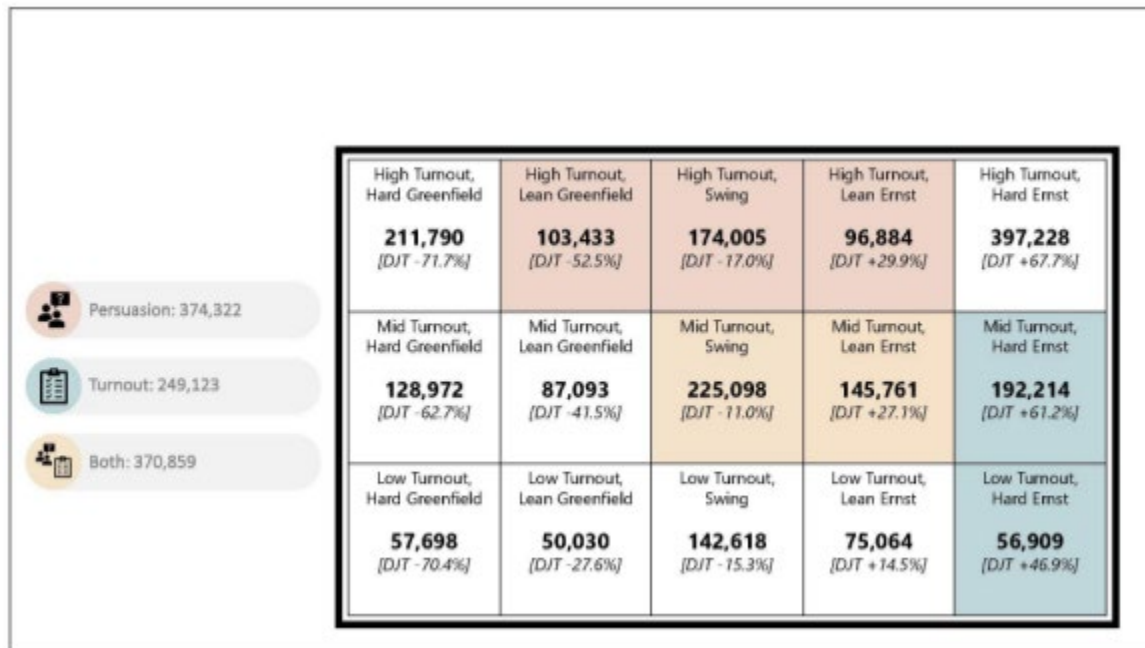
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



see also JA-004339-40 (IAV00006225-26).

344.

[REDACTED]

[REDACTED]

345. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

346. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>24</sup> This presentation included additional, detailed demographic profiles about each of Iowa Values's three target universes, Persuasion, Turnout, and Both. *See* JA-004340-42 (IAV00006227-29);

[REDACTED]



347.

[REDACTED]

vi.

[REDACTED]

348. While Iowa Values eventually moved on from its initial data warehousing project, *see supra* Part V.B.3, ¶¶ 194-03, [REDACTED]

[REDACTED]

349.

[REDACTED]

350.

[REDACTED]

[REDACTED]

351. [REDACTED]

[REDACTED]

352. [REDACTED]

[REDACTED]

353. [REDACTED]

[REDACTED]

[REDACTED]

354. [REDACTED]

#### 4. Iowa Values Canvassed Door to Door in 2019 and 2020.

355. After using electorate modeling to identify its “Firewall Universe” of voters, Iowa Values then targeted those voters with door-to-door canvassing—and advertising, *see infra* Parts V.C.5.iii-v, ¶¶ 441-559—in 2019 and 2020.

356. One of Iowa Values’s 2019 “Strategic Overview” documents spelled out clearly Iowa Values’s plans for canvassing in 2019 and 2020. *See* JA-004290 (IAV00003283). This

document made clear that, “[d]uring the summer and fall of 2019, Iowa Values will build a robust operation capable of knocking on the number of doors needed to move this segment of the population,” namely “Disengagers.” JA-004290 (IAV00003283). Subsequently, “[i]n spring and summer of 2020, activation will begin as Iowa Values volunteers begin visiting voters on the doorsteps,” before “moving into election season, that field force will pivot *to turn out each Joni Ernst supporter on November 3rd.*” JA-004290 (IAV00003283) (emphasis added).

357. Iowa Values’s Executive Director Derek Flowers testified that Iowa Values “worked with a vendor called Canvass America” to conduct its initial door to door canvassing program, with the goal “to get started early, . . . starting to talk to people on their doorsteps about the issues that were on people’s minds and again collecting data along the way.” JA-003015-16 (Flowers Dep. at 236:15-237:2). This data “would then be put into Dana, for example,” and “could have been available” to the Ernst campaign or other allies through that data warehouse. JA-003016 (Flowers Dep. at 237:3-10). Flowers further confirmed that canvassing data “absolutely” informed Iowa Values’s future communications with voters in the 2020 election: “whatever we heard we took to heart and would have considered that for future communications.” JA-003016-17 (Flowers Dep. at 237:11-238:4).

358. Flowers explained that canvassing door to door did not mean knocking on every door, but rather canvassers had a walk list generated from Iowa Values’s electorate modeling. JA-003017 (Flowers Dep. at 238:5-15); *see also* JA-003005 (Flowers Dep. at 226:17-19) (agreeing that Iowa Values’s electorate modeling helped “identify which door to go to on the street”). Flowers testified that canvassers “should have been” targeting Iowa Values’s Operation Firewall universe of voters, meaning “[t]he primary focus would have been the disengagers,” though Iowa Values was not exclusively “limiting ourselves just to that.” JA-003017-18 (Flowers Dep. at 238:16-

239:5) (“when you do canvassing, there is a fine balance between hitting doors that don’t matter and not having enough doors to make it efficient”).

359. Flowers explained that the feedback loop between Iowa Values’s canvassing and modeling efforts was “a constantly ongoing process,” such that, as Iowa Values “sent people door to door,” the results of its canvassing “went back in” to Iowa Values’s electorate modeling. JA-003004-05 (Flowers Dep. at 225:22-226:14). The result was that Iowa Values “kn[e]w who specifically was talked to at that door” and could analyze whether “their responses match what we think that they would based on the model.” JA-003005 (Flowers Dep. at 226:15-16); *see also* JA-003039-40 (Flowers Dep. at 260:15-261:7) (“It would help us determine if the issues we are talking about are the issues that are on people’s mind and then . . . either reinforce the models that were created or cause us to reevaluate them.”).

360. Flowers testified that he believed the script canvassers used for Iowa Values mentioned Joni Ernst. JA-003018-19 (Flowers Dep. at 239:18-240:5). Flowers further testified that Iowa Values “collected feedback on President Trump at the time,” agreeing that would make sense given Iowa Values’s focus on a firewall universe of “people who we want to ensure focus on the issues more than the personality.” JA-003019 (Flowers Dep. at 240:6-14). Finally, Flowers testified that canvassers “should have” handed out literature at the door, and that such literature “may have” included a picture of Joni Ernst: “there would have been pieces that could have had her likeness and that of others too that could have been used in print.” JA-003022 (Flowers Dep. at 243:7-22).

#### **i. Door to Door Canvassing in Summer 2019**

361. In July 2019, Iowa Values announced the beginning of a “Digital Advertising Blitz and Door to Door Voter Canvassing.” *See* JA-001521-22 (IAV00000252-53); *see also* JA-001610

(7/9-19/2019 Meta Ad Library - Iowa Values Advertisement, ID 423001604963177: Iowa Values Announces Digital Advertising Blitz and Door to Door Voter Canvassing (shown July 9-19, 2019; times shown 30k-35k), <https://www.facebook.com/ads/library/?id=423001604963177>); JA-001609 (7/9-19/2019 Meta Ad Library - Iowa Values Advertisement, ID 2877442698949231: Iowa Values Announces Digital Advertising Blitz and Door to Door Voter Canvassing (shown July 9-19, 2019; 1k-2k impressions), <https://www.facebook.com/ads/library/?id=2877442698949231>).<sup>25</sup> This press release indicated that Iowa Values had “launched a six-month voter education and data collection blitz across Iowa last week.” JA-001521 (IAV00000252); *see also* JA-001521 (IAV00000252) (“In addition, the organization invested six-figures in a digital advertising campaign that will touch swing voters in all 99 counties.”).<sup>26</sup>

362. Iowa Values’s July 2019 press release made clear that this “large-scale effort is just the beginning of an election-long effort by Iowa Values to highlight the work of Sen. Joni Ernst.” JA-001521 (IAV00000252). Iowa Values’s Board member Paula Dierenfeld is quoted, further explaining that: “Like so many Iowans, Joni Ernst has selflessly served our community, state, and nation, and made a lifetime of tough choices. Now, Iowa Values is going to make sure everyone knows how she’s fighting for all Iowans in Washington.” JA-001522 (IAV00000253). The press release thus made clear that “Iowa Values plans to be a consistent and strong advocate for the conservative and free market principles it was founded to promote during the 2020 election,” and “in particular will highlight the work of Sen. Joni Ernst.” JA-001522 (IAV00000253).

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<sup>25</sup> *See also* JA-003068-69 (Flowers Dep. at 289:14-290:20) (testifying “I would believe it if you told me” that “in CLC’s original 2019 FEC complaint, [CLC] cited to a very similar, if not the same press release that was issued [o]n June 27, 2019”).

<sup>26</sup> Iowa Values’s digital advertising campaign, general advertising strategy, and specific advertisements are explicated fulsomely *infra* at Parts V.C.5.iii-iv, ¶¶ 441-530.

363. With respect to canvassing, the press release quotes Iowa Values’s Executive Director Derek Flowers, explaining: “We plan to knock on 150,000 doors over the next six months, an immense mobilization effort that will showcase this organization’s commitment and resources.” JA-001521 (IAV00000252); *see also* JA-001522 (IAV00000253) (“In 2019, Iowa Values canvassers will visit 150,000 doorsteps this summer and fall in areas across the state achieving high-quality, in-person, face-to-face contacts with important segments of the electorate.”). Flowers further explained that “[t]hrough our voter education efforts, we’re going to highlight the work Sen. Ernst has done to fight for Iowans and to combat wasteful government spending.” JA-001521 (IAV00000252). The press release indicated that Iowa Values had already begun by “canvassing neighborhoods in the Des Moines area, talking with voters about the issues that matter to them and the ways that Senator Ernst is fighting for our Iowa values.” JA-001522 (IAV00000253).

364. On August 20, 2019, Canvass America—Iowa Values’s principal canvassing vendor, *see, e.g.*, JA-003015-16 (Flowers Dep. at 236:15-237:2)—shared a “Canvass Iowa Daily Report” with Iowa Values, *see* JA-001843-50 (IAV00001734-41). The report indicated that canvassers that day had “worked 43 hours with a take rate of 14%,” with another “71 hours scheduled tomorrow[,] 138 hours scheduled through the end of this week,” and “[a]s of now . . . about 450 hours scheduled for next week.” JA-001843 (IAV00001734).

365. The daily report likewise indicated that Iowa Values had begun running Facebook advertisements, specifying that the “Iowa Values legal team signed off on using Senator Ernst’s name in ads to try to increase urgency,” and “[p]ending results, we will add Senator Ernst’s name to all ads or rework the ad text to continue to increase urgency.” JA-001843 (IAV00001734); *see also infra* Parts V.C.5.iii-v, ¶¶ 441-559 (discussing Iowa Values’s 2019 and 2020 advertisements featuring Ernst).

366. The daily report went on to summarize the number and percentage of door knocks completed to date, as well as respondents' general participation and specific answers to five questions asked during canvassing. *See* JA-001844-50 (IAV00001735-41). Those questions included, *inter alia*: "If the election for U.S. Senate were held today, would you vote for Republican Senator Joni Ernst or the Democrat nominee?" JA-001847 (IAV00001738); *see also* JA-001847 (IAV00001738) (indicating that, to date, 2,252 respondents—39 percent of total respondents—answered "Definitely Joni," whereas another 1,095 respondents—19 percent—were "Lean Joni").

367. On September 30, 2019, Canvass America shared with Iowa Values its "Canvass Iowa Final Door Report." *See* JA-003302-10 (IAV00001556-64). This report explained that, "[o]ver the course of the project, Canvass Iowa completed 73,269 doors and completed 13,550 surveys with an average survey completion rate of 18%." JA-003302 (IAV00001556) ("The team was based in Des Moines and much of the canvassing was located in Polk County, but our recruitment efforts allowed us to build sizeable satellite operations in Cerro Gordo, Dallas, Dubuque, Johnson, Linn, Pottawattamie, Scott, Story, and Warren counties."). Like the daily report before it, this Final Door Report summarized the number and percentage of door knocks completed, as well as respondents' general participation and specific answers to the same five questions asked during canvassing—including respondents' support for Ernst. *See* JA-003304-10 (IAV00001558-64).

368. The Final Door Report identified "top issues to voters at the doors," which included healthcare and immigration. JA-003302 (IAV00001556). On the topic of healthcare, Canvass America explained that, "[o]ver the course of the summer, Democrat groups ran tv ads attacking Senator Ernst for supporting pharmaceutical companies instead of lowering drug costs and for her



lack of support of covering those with pre-existing conditions.” JA-003302-03 (IAV00001556-57). Iowa Values’s canvassers “routinely fielded questions regarding those ads and their validity, including from Republican voters who repeated the messaging back to the canvassers.” JA-003303 (IAV00001557); *see also infra* ¶¶ 569-76 (discussing Iowa Values’s responsive healthcare-focused advertisements in 2019 and 2020).

369. The September 2019 Final Door Report finally explained that, “[k]ey to the operation, we identified 3,238 voters who are undecided (24%) on the ballot question and 4,083 voters who are undecided (30%) on the direction of the state.” JA-003303 (IAV00001557). Consequently, the report made clear that “Senator Ernst still has a strong base of support, but there are a number of voters who are persuadable and persuadable early.” JA-003303 (IAV00001557). “A fully funded program working in concert with a robust digital effort and backed up by a sophisticated data operation would be able to replicate or increase our current response rate to identify persuadable voters between April and Labor Day of next year,” i.e., 2020. JA-003303 (IAV00001557). This, in turn, would allow Iowa Values to “create a firewall *to ensure victory for Senator Ernst on Election Day* by identifying, solidifying support from, and turning out these persuadable voters in the final weeks of the campaign.” JA-003303 (IAV00001557) (emphasis added).

370. When asked about this document, Iowa Values’s Executive Director Derek Flowers testified that he “read it . . . as a recap” and the final report on Iowa Values’s phase 1 door to door program. JA-003069-70, 003071 (Flowers Dep. at 290:21-291:9, 292:10-16). At the same time, Flowers agreed that the Final Door Report was “laying out what could be done” in 2020. JA-003071-72 (Flowers Dep. at 292:17-293:4).

371. Flowers testified that Iowa Values “hired the canvassing vendor to do the things that you see laid out here in the report, right. So they went door to door. They asked questions related to the issues. You can see those here, on the right track or the wrong direction. If the election were held today, would you vote Republican Ernst or the Democratic nominee, which again didn’t exist at this point. What is the most important issue affecting your household. How likely are you to vote. Voter support [for] President Trump.” JA-003073-74 (Flowers Dep. at 294:22-295:12). Flowers confirmed that the only candidates or officeholders Iowa Values’s canvassers asked voters about were Ernst and Trump, and that identifying voters’ attitudes toward Ernst in comparison to Trump could help Iowa Values identify the universe of disengagers it wanted to target as part of Operation Firewall. JA-003075-76 (Flowers Dep. at 296:7-297:2).

372. When asked why Iowa Values’s canvassing vendor thought the purpose of Iowa Values’s canvassing program was to “persuade . . . voters and have them turn out to vote for Joni Ernst in 2020,” Flowers responded, “I think he probably rightly thought that information that we could get at any point is valuable, right. That’s the whole point of this is to get more data and tell Iowans where Senator Ernst stands on issues, what she has done for them on the things that matter to them.” JA-003077-78 (Flowers Dep. at 298:21-299:16); *see also* JA-003079 (Flowers Dep. at 300:12-22) (“You put together a memo quickly that laid out the results of a number of months of work, and that’s what it said.”). At the same time, when asked about references in the document to “[v]oters who are undecided on *the ballot question*,” Flowers testified that “[m]y assumption is that it is the question about voting for Senator Ernst or a Democratic opponent.” JA-003076 (Flowers Dep. at 297:3-18) (emphasis added).

373. [REDACTED]

[REDACTED]

[REDACTED]

374.

[REDACTED]

[REDACTED] *compare with, e.g.,* JA-002077 (IAV00003278-79 at

IAV00003279) (November 2019 “Iowa Values Board Call Agenda” specifying that Iowa Values’s “Focus Audience will be Pro Ernst / Anti Trump mid/low propensity voters (generally”).

375.

[REDACTED]

376.

[REDACTED]

377. Iowa Values’s November 20, 2019, “Board Call Agenda” indicated that Chris McNulty of Causeway presented this “Door to Door Analysis” to the Iowa Values’s Board and discussed the “Goal / Achieved” of Iowa Values’s 2019 canvassing efforts. JA-002076

(IAV00003278). The Board agenda likewise indicated Iowa Values’s intent to continue canvassing door to door in 2020, as part of its “GOTV [get out the vote] Effort Voter Contact Plans.” JA-002077 (IAV00003279).

**ii. Door to Door Canvassing and Get Out the Vote Efforts in 2020**

378. Fewer documents exist, or were produced, detailing Iowa Values’s specific plans for its door to door canvassing and get out the vote efforts in 2020.

379. Iowa Values’s Executive Director Derek Flowers confirmed that Iowa Values was “back on the doors in 2020,” “keep[ing] in mind COVID occurred, right. And so there were obvious reasons to pause. . . . Also winter in Iowa wasn’t a great time to be going out either.” JA-003014-15 (Flowers Dep. at 235:22-236:11). Flowers further testified that Iowa Values’s 2020 canvassing occurred “[c]ertainly through the summer” though he was “not exactly sure from memory when we resumed.” JA-003015 (Flowers Dep. at 236:12-14).

380. Iowa Values’s “Q1 2020 Update” from January 31, 2020, made clear Iowa Values’s plan to “start up our door to door program” in “Summer 2020.” JA-002249 (IAV00000521). The document specified that “[t]he key to the door to door program will be having enough funds to be sure we can start and not have to stop until Election Day,” and “Door to Door efforts will focus on a very narrow audience of voter we want to persuade and/or turn out to vote.” JA-002249 (IAV00000521).

381. Another strategy document—shared with at least two prospective Iowa Values donors, *see supra* ¶¶ 285-89—spelled out Iowa Values’s 2020 efforts from “August 1<sup>st</sup> thru Election Day” which “must be looked at through two different lenses.” JA-002379 (HCI-00001215-19 at HCI-00001216); *see also* JA-002322 (HCI-00001109-13 at HCI-00001110) (identical). First, “[t]he goal of Iowa Values C-4 will be to continue to collect data on and message

the ‘Firewall Universe’ on the issues and the positions that candidates are taking on those issues”; this “would be executed both by a continued digital effort and by *paid door-to-door efforts* . . . focused on collecting information from the ‘firewall’ voter and further disseminating issue positions.” JA-002379 (HCI-00001216) (emphasis added). At the same time, “Iowa Values Super PAC will be executing a targeted Absentee/Early Vote and GOTV plan,” which “will consist of a digital operation, *paid door program*, mail, and phone program” and “will be focused firstly on individuals who are less likely to vote but who, according to modeling, support Iowa Values issues and candidates.” JA-002379 (HCI-00001216) (emphasis added); *see also infra* Part VII, ¶¶ 720-41 (discussing Iowa Values’s companion super PAC, Iowa Values Action).

382. Iowa Values’s post-election documents confirm that, in the end, “[a]fter pausing for winter, and COVID,” Iowa Values resumed door knocking “in the fall of 2020,” and ultimately “knocked on 244,612 doors across the state in 2020.” JA-002617 (IAV00000451-54 at IAV00000452); *see also* JA-002660 (IAV00002786) (“2020 Recap” noting Iowa Values’s “Robust Door to Door Campaigns in 2019 + 2020 (\$650K),” including 244,612 doors knocked). “This proved fruitful, as Iowa Democrats lamented their failure to visit with Iowans after the election.” JA-002617 (IAV00000452).

**iii. Iowa Values’s Canvassing Materials Referenced, Pictured, and Centered on Ernst.**

383. Iowa Values’s 2019 and 2020 canvassing literature referenced, pictured, and generally centered on Ernst, even in its discussion of issues. This is evident from communications among Iowa Values’s vendors and its Executive Director, Derek Flowers, as well as from Iowa Values’s canvassing literature itself, *see infra* ¶¶ 384-413.

384. Internal communications reveal that Iowa Values used Ernst’s campaign and Senate statements and positions as the basis for its canvassing materials. On May 22, 2019, for example,

Allison Bedell of Canvass America emailed Iowa Values’s Executive Director, Derek Flowers, Chris McNulty of Causeway, Reid Vineis and Rachell Pewitt of Majority Strategies, and another Canvass America employee, Chris Hansen, in an exchange about Iowa Values’s “Talkers/lit content.” *See* JA-001434 (IAV00006125-26 at IAV00006126). Bedell wrote that, “[p]er our discussion yesterday, I went through the Senator’s official website and drafted some bullets that I would put on a palm card at this point in the game for some initial conversation for the group.” JA-001434 (IAV00006126). After welcoming “any feedback and/or thoughts,” Bedell pointed out that “[a]t some point we’ll want to have the attorney take a look and make sure when it’s tied to a larger ‘Joni shares our values’ theme it passes the test.” JA-001434 (IAV00006126).

385. In another June 27, 2019, email exchange between Flowers, Bedell and Hansen of Canvass America, and Chris McNulty of Causeway, Bedell wrote to explain that “[w]ith the new universe I anticipate the conversations” with voters “to be different than the base we’ve been knocking” to date. JA-001523 (IAV00006146). Accordingly, Bedell wanted to get Iowa Values’s “okay on some talkers for us to train the canvassers on,” explaining that she had “pulled these from Joni’s campaign and official sites as the things she’s highlighted the most.” JA-001523 (IAV00006146). Bedell further explained that “on immigration,” Ernst had “kept it pretty vague,” with “[n]o explicit plan for immigration reform or support to build the wall.” JA-001523 (IAV00006146) (“I included what they talked about and tried to shape those bullets based on the data we saw last week.”). Bedell’s email included an attached document, titled “Joni Talkers.” JA-001523 (IAV00006146).<sup>27</sup>

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<sup>27</sup> This attachment was not produced to CLC by Iowa Values or either of its subpoenaed vendors, Causeway Solutions and Holloway Consulting Inc.

386. Flowers responded to Bedell within 30 minutes, indicating that the talking points “look good to me.” JA-001523 (IAV00006146). He further explained that he had done “some searching on immigration a couple nights ago too and the best thing [he] could find was this, which addresses border security and DACA”—linking to an official Ernst Senate press release. JA-001523 (IAV00006146). Flowers specified that, “[a]lthough she”—i.e., Ernst—“hasn’t said a lot in her releases about the wall, I’d guess she voted for the funding when it came up.” JA-001523 (IAV00006146). Within a matter of minutes, Bedell replied to thank Flowers and indicate that she would “add some of this to those talkers” for Iowa Values. JA-001523 (IAV00006146).

387. In a separate July 8, 2019, email exchange regarding a “Response to push against Joni,” Chris McNulty of Causeway wrote to his colleague Molly Rutledge, Iowa Values’s Executive Director Derek Flowers, Reid Vineis of Majority Strategies, and Chris Hansen and Allison Bedell of Canvass America, suggesting at the outset that “perhaps our next messaging line is decided for us.” JA-001596 (IAV00006147-49 at IAV00006147). “She”—i.e., Ernst—“is getting hit by IOWA Voices (nice play on Iowa Values) for [t]aking money from special interest groups and letting insurance companies discriminate against pre existing conditions. It’s messaged by an Afgan [sic] veteran woman who has a special needs child. Probably pretty effective.” JA-001596 (IAV00006147). McNulty asked, “Derek can you see if you can get the clip to send around? Copying Hansen and Bedell” from Canvass America “in for their opinions.” JA-001596 (IAV00006147).

388. McNulty further elaborated that he wanted to bring in some messaging/production folks here to help us respond properly” and “[i]n the interim Molly [Rutledge] suggests just staying on the YELLOW broad universe which is the most susceptible to this messaging.” JA-001596 (IAV00006147). McNulty suggested Iowa Values “can go a couple of ways w/ this”: (1) “Go right



at all the GOOD things Ernst has done for veterans in particular- [] bills etc and kind of just muddy the waters” or (2) “See if we can find strong examples to rebut or pivot from the message from Iowa Voices.” JA-001596 (IAV00006147). McNulty stressed that “[w]hat I DON’T want to do is somehow send a message that vaguely reinforces that Joni is negative on Health Care issues or with vets.” JA-001596 (IAV00006147).

389. Amid discussion of Iowa Values’s digital advertising response, *see infra* ¶¶ 569-73, Allison Bedell of Canvass America wrote separately to her colleague Chris Hansen, to suggest that “we recommend images and messaging of Joni leading troops and being a strong leader. Not sure what to suggest re healthcare other than maybe the transparency and drug prices, but at least that will neutralize the other half.” JA-001596 (IAV00006147).

390. Later the same day, Hansen replied to the full group—Flowers, McNulty, Rutledge, Vineis, and Bedell—making clear “[w]e can definitely prime our canvassers to push back hard on this if/when it comes up.” JA-001598 (IAV00006149). He further suggested “one idea . . . to have the posture that anything the Dems are saying on the presidential debate stage is the platform of the Democratic Party and therefore *our future opponent is guilty of this too.*” JA-001598 (IAV00006149) (emphasis added). In essence, “[m]ake the national Dems the boogie man and say we’re going to stop them and then hit back with our positive messaging on it.” JA-001598 (IAV00006149). Hansen concluded: “Just an idea. But the problem is we don’t have an opponent so maybe we should just pick one.” JA-001598 (IAV00006149).

391. Within 20 minutes, Flowers responded, agreeing, “I think you’re right about that. Greenfield raised \$625K last month – she is the opponent. And until she starts differentiating herself from the national Dems, she has to answer for them.” JA-001598 (IAV00006149).

392. Hansen, in turn, replied to add, “[a]lso it puts them in a pickle. If we say Greenfield supports xyz, and she runs from it, it only makes her primary hard because her opponents will hit her over the head with it.” JA-001598 (IAV00006149).

393. With respect to its canvassing script, Iowa Values produced an undated document titled “IOWA VALUES RE-LAUNCH TALKERS.” See JA-001509-10 (IAV00000261-62). Flowers testified that a talker was “shorthand for talking point[s],” and that Iowa Values’s relaunch “would refer to the time when [Iowa Values] started to . . . put some of the planning to work with regard to outward communications. So this would have happened just before the advertising began, just before door knocking began, that kind of thing.” JA-003033-34 (Flowers Dep. at 254:18-255:4); see also JA-003033 (Flowers Dep. at 254:14-17) (introducing JA-001509-10 (IAV00000261-62)).

394. Iowa Values’s “RE-LAUNCH TALKERS” included eight distinction sections: (1) “What is Iowa Values?”; (2) “Who is involved?”; (3) “What’s the message?”; (4) “Is this just a front for a pro-Joni pac?”; (5) “Examples of Joni working hard for Iowans (pulled from canvassing palmcard)”; (6) “What’s Iowa Values doing?”; (7) “IA Values Funding and Budget”; and (8) “What’s the state of the race?” JA-001509-10 (IAV00000261-62).

395. Iowa Values’s “What’s the message?” section spelled out, *inter alia*, that “Joni Ernst has been fighting for our Iowa values her whole life, whether serving . . . [a]s the Montgomery County Auditor, [i]n the state senate representing southwest Iowa, [a]s a Lt. Colonel in combat in the middle east, [o]r as our US Senator.” JA-001509 (IAV00000261). When asked how discussion of Ernst’s record is relevant to Iowa Values’s mission of educating the public on various policy issues, Iowa Values’s Executive Director Derek Flowers testified that Iowa Values was “[l]ike I said before, letting people know where their elected official stand[s] on issues that matter to them.”

JA-003034 (Flowers Dep. at 255:5-22). Similarly, when asked if Iowa Values's talking points let voters know where Ernst stands on the issue of fiscal responsibility, Flowers testified that "if you bundle it up into the category of Iowa Values, it does." JA-003035 (Flowers Dep. at 256:1-7).

396. The section asking if Iowa Values is "just a front for a pro-Joni pac?" does not answer no. It states only that "Iowa Values is focused on issues that matter to Iowans, like fiscal responsibility, and economic security, caring for our seniors and veterans, and fighting for Iowa's agriculture and manufacturing industries. We're letting voters know where our policymakers stand." JA-001509 (IAV00000261). The next section, however, provided six "[e]xamples of Joni working hard for Iowans," as "pulled from [Iowa Values's] canvassing palmcard." JA-001509-10 (IAV00000261-62).

397. When asked whether Iowa Values is a pro-Joni PAC, Flowers testified that "[n]o is implied. It then goes on to say what we are." JA-003035 (Flowers Dep. at 256:8-13). He agreed that it would have been "easy to just say no, Iowa Values is not a pro-Joni PAC," but added, "[i]t would be easy, but not required." JA-003036 (Flowers Dep. at 257:15-19). Still, Flowers could not identify any reason why Iowa Values did not include a "simple no" in answer to this question, testifying that a direct refutation was not included "[b]ecause it is not. . . . I would rather spend time talking about what we do than what we don't do." JA-003036-37 (Flowers Dep. at 257:20-258:7).

398. As to the "[e]xamples of Joni working hard for Iowans," Flowers testified that, "[b]ased on timing," the information in Iowa Values's talkers "would have been probably even preprinting of the palm cards. So it was probably based off of what we planned to use at doors at the time." JA-003037 (Flowers Dep. at 258:8-20); *see also* JA-003037-38 (Flowers Dep. at 258:21-259:3) (agreeing Iowa Values used "palm cards referencing Joni working hard for Iowans

on these issues during the canvassing”); *infra* Part V.C.4.iii.a, ¶¶ 405-08 (discussing Iowa Values’s 2019 canvassing materials). Flowers testified that he “would describe it, again, as informing [voters] where Joni stands on issues that matter to them.” JA-003038 (Flowers Dep. at 259:4-13).

399. The section of Iowa Values’s “RE-LAUNCH TALKERS” describing “What’s Iowa Values doing?” made clear that Iowa Values would “have the resources and the manpower to provide a sustained effort on digital and doorsteps through the election cycle,” which would include “knocking on the doors of 150K swing voters across the state . . . complemented with spending in the six figures on digital advertising, *reinforcing to those same swing voters why Joni Ernst personifies our Iowa Values.*” JA-001510 (IAV00000262); *see also* JA-001510 (IAV00000262) (“we’ve built a budget that will sustain us this year and through 2020”). Finally, Iowa Values’s undated talkers concluded by describing “What’s the state of the race?” reporting, *inter alia*, that: “Joni Ernst has been working hard fighting for our Iowa values in the Senate for the last four and a half years. We’re going to make sure Iowans know what she’s been doing on issues that matter most to them.” JA-001510 (IAV00000262).

400. The focus of Iowa Values’s canvassing literature on Ernst continued in 2020. Indeed, documents reveal Iowa Values’s intent to get as close to the line as legally possible for a 501(c)(4) organization in its support for Ernst.

401. On August 27, 2020, a redacted individual emailed Iowa Values’s Executive Director Derek Flowers, its lawyer Ronald Jacobs, Chris McNulty of Causeway, and another redacted individual attaching a “contract back from our outside counsel,” who “has requested a few more details on the door knocking effort.” JA-002356 (IAV00002805). In particular, the outside counsel wondered: “A door-to-door campaign close to the election seems closer to the line than the usual c4 grassroots advocacy campaign, in that such campaigns typically include a get-

out-to-vote message or are used for election-related data collection purposes.” JA-002356 (IAV00002805). The lawyer then asked, “Will the scripts include express advocacy or get-out-the-vote communications? What will Iowa Values do with the data that it collects? Will it provide the data to campaigns or Super PACs?” JA-002356 (IAV00002805).

402. The next day, on August 28, Iowa Values’s lawyer Ronald Jacobs responded that the “scripts do not include express advocacy or GOTV messaging.” JA-002356 (IAV00002805).<sup>28</sup> At the same time, Jacobs indicated that “Iowa Values uses the data to build its model and data related to its core social welfare purposes of educating Iowan[]s about public policy issues” and that “[t]he data is part of Iowa Value’s unique subscription-based platform that other organizations may access.” JA-002356 (IAV00002805); *see also supra* Parts V.B.2, ¶¶ 169-93, V.C.1-V.C.3.iv, ¶¶ 225-341 (discussing Iowa Values’s data warehouse and electorate modeling efforts); [REDACTED]

[REDACTED]

[REDACTED]

403. In a separate exchange on August 29, 2020, Chris McNulty of Causeway wrote to “Team Majority” Strategies to explain that “we also need to add a door to door piece that Chris Hansen/Allison Bedell and their team” at Canvass America “will use going door to door.” JA-002406 (IAV00002754-57 at IAV00002756). McNulty specified that Iowa Values was “limited here again by this being c-4 activity but you all can work w/ Chris on what he needs using some of the same imagery and message that has been approved thus far for the C-4 mail.” JA-002406 (IAV00002756); *see also infra* Part V.C.5.v, ¶¶ 531-59 (discussing Iowa Values’s 2020 mail

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<sup>28</sup> Neither Iowa Values nor its subpoenaed vendors produced any of Iowa Values’s 2020 canvassing scripts to CLC, so there is no way to know whether this representation is accurate. Moreover, the literature Iowa Values’s canvassers carried and distributed in Fall 2020 did comment on Ernst’s “leadership” and urge people to vote. *See infra* Part V.C.4.iii.b, ¶¶ 409-13.

advertisements). Still, McNulty made clear that “[g]enerally” the message of these canvassing materials “should be the message of ‘Thank Senator Ernst for her leadership during A) B) C) we are using for the mail messaging.’” JA-002406 (IAV00002756); *compare with* JA-002418-19 (IAV00002758-59) (“THANK YOU, JONI ERNST. LEADERSHIP THROUGH TOUGH TIMES”). McNulty asked “Team Majority” to “copy Dereck [sic] [Flowers] and I” on future communications and “[b]efore printing let us approve for content and legal.” JA-002407 (IAV00002757).

404. Bedell of Canvass America responded later the same day, offering to “expedite the process” by “rework[ing] a few bullets about the economy from the piece we did last year.” JA-002406 (IAV00002756). She noted this “would help with the compliance portion.” JA-002406 (IAV00002756).<sup>29</sup>

**a. 2019 Canvassing Materials**

405. Beyond internal communications confirming Iowa Values’s focus on Ernst, Iowa Values’s canvassing materials themselves picture and obviously centered on Ernst.

406. In 2019, Iowa Values’s canvassing efforts involved production of a palm card to distribute at Iowans’ doors. *See* JA-001449-50 (IAV00003037-38); *see also* JA-001451 (IAV00003036) (stating, on June 4, 2019, that JA-001449-50 (IAV00003037-38) was the final version of a palm card and was “going to print”).

407. This double-sided palm card focused entirely on Ernst. The first side featured two photos of Ernst and, echoing a 30-second digital video ad that was airing around the same time in June and July 2019, *see infra* ¶ 449, the text of the palm card stated: “JONI ERNST IS FIGHTING

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<sup>29</sup> The remainder of this email exchange is redacted based on attorney-client privilege. JA-002404-06 (IAV00002754-56).

FOR IOWA VALUES. We work hard. We care for our neighbors. We put service over self. We are proud. We are Iowans.” JA-001449 (IAV00003037). The backside of the palm card had another photo of Ernst and large text in the header stating, “JONI ERNST IS FIGHTING FOR IOWA VALUES,” followed by a list of six of Ernst’s legislative accomplishments. JA-001450 (IAV00003038). The list included “backing the year-round sale of E-15 to support Iowa’s ethanol producers,” “[f]ighting for her fellow veterans,” obtaining funding to “address flood damage,” and pursuing measures to reduce government spending and keep money in taxpayers hands, i.e., the same accomplishments referenced with printed news headlines in the 30-second digital video advertisement. JA-001450 (IAV00003038); *see infra* ¶ 450. The palm card appears below:

**JONI ERNST**  
IS FIGHTING FOR IOWA VALUES

We work hard.  
We care for our neighbors.  
We put service over self.  
We are proud.  
We are Iowans.

**IOWA Values**

[www.OurIowaValues.com](http://www.OurIowaValues.com)

IAV00003037

**JONI ERNST**  
IS FIGHTING FOR IOWA VALUES

- ✓ Fighting for our farmers by protecting the Renewable Fuel Standard (RFS) and backing the year-round sale of E-15 to support Iowa's ethanol producers
- ✓ Demanding transparency for taxpayers with the Billion Dollar Boondoggle Act, requiring Washington to explain federal projects that are a billion dollars over budget or five years past completion
- ✓ Passed the Tax Cuts and Jobs Act to put more money in the pockets of working Iowa families
- ✓ Cracking down on illegal robocallers with the TRACED Act, especially those who use local Iowa numbers to try to scam Iowans over the phone
- ✓ Fighting for her fellow veterans to make sure they get the healthcare they need when VA waits are too long
- ✓ Helping Iowa get critical funding for projects that address flood damage by fighting Washington rules that prioritize coastal projects over Midwest infrastructure

**IOWA Values**

[www.OurIowaValues.com](http://www.OurIowaValues.com)

IAV00003038

JA-001449-50 (IAV00003037-38).

408. As Iowa Values’s “Digital Advertising Blitz and Door to Door Voter Canvassing” press release promised, the 2019 canvassing literature “highlight[ed] the work of Sen. Joni Ernst,” demonstrated how “she’s fighting for all Iowans in Washington,” and “talk[ed] with voters about . . . the ways that Senator Ernst is fighting for our Iowa Values.” JA-001522 (IAV00000253).

**b. 2020 Canvassing Materials**

409. During its 2020 door-to-door canvassing operation, Iowa Values distributed two additional palm cards urging voters to turn out at the polls and vote for Ernst.

410. The first palm card—which Iowa Values began work on in August 2020—complimented a digital advertising campaign, *see infra* ¶¶ 518-25, and asked voters to thank Ernst for her leadership. JA-002418-19 (IAV00002758-59); *see also* JA-002404-07 (IAV00002754-57) (discussing, on a late August 2020 email chain, the design of a “door to door piece” that has the message of ““Thank Senator Ernst for her leadership during difficult times”” that the Canvass America team can “use going door to door”). The front of the palm card featured a photo of Ernst smiling in a suit and said, “THANK YOU, JONI ERNST. LEADERSHIP THROUGH TOUGH TIMES. From the darkest days to the brightest days, Joni Ernst is there, fighting for our Iowa values. Thank Joni Ernst for her leadership through tough times,” and provided a phone number to call. JA-002418 (IAV00002758). The back had prominent text stating, “JONI ERNST LEADERSHIP THROUGH TOUGH TIMES,” and then listed biographical information about Ernst paired with her accomplishments in fighting “For Every Iowan,” “For Victims,” “For Small Businesses,” and “For Farmers.” JA-002419 (IAV00002759). It had another photo of Ernst, this



time dressed casually in an agricultural setting. JA-002419 (IAV00002759). Photos of both sides of the palm card appear below:



JA-002418-19 (IAV00002758-59).



411. Iowa Values's second palm card was printed in late October 2020 and styled as a "voter guide." JA-002604-05 (IAV00002743-44); *see also* JA-002595-99 (IAV00006088-92). Allison Bedell, Chris McNulty, Derek Flowers, and Logan Hemmert of Majority Strategies

emailed about the design and production of the palm card from October 20 to 27). McNulty stated, on October 20, that “Priority #1 for us is getting new lit based on the Voter Guide to Allie. She will need 50K pieces. We are making changes to and getting it legally approved.” JA-002595 (IAV00006088). On October 22, Hemmert sent a copy of “the new walk piece”—a file labeled “Iowa Values\_IA\_Contrast\_Palmcard”—and stated that “[w]e’re sending you guys 50,000 and they should be there by Tuesday.” JA-002597 (IAV00006090). On October 27, Hemmert followed up and stated that one set of palm cards had been delivered, according to UPS’s tracking service, and that the “final and bigger shipment” of the palm cards would arrive the next day. JA-002597 (IAV00006090).

412. The front of the “contrast” or “voter guide” palm card stated, “YOUR 2020 IOWA VOTER GUIDE. PROTECTING DEFENDING STRENGTHENING OUR IOWA VALUES. Make a Plan to Vote TUESDAY, NOVEMBER 3<sup>RD</sup>.” JA-002604 (IAV00002743). The back said, “VOTE FOR IOWA VALUES” and had a flattering, high-quality photo of Ernst next to a less flattering photo of her opponent, Greenfield. JA-002605 (IAV00002744). The back also compared Ernst’s and Greenfield’s policy positions on health care, taxes, crime and safety, COVID, and rural Iowa, framing Ernst’s positions favorably and Greenfield’s positions as damaging to Iowa. JA-002605 (IAV00002744). For example, the chart stated that Ernst “[s]upported relief for Iowa farmers and small businesses” during the COVID crisis, while Greenfield “[o]pposed bi-partisan relief packages.” JA-002605 (IAV00002744). The back concluded with a second call for people to make a plan to vote on Election Day. JA-002605 (IAV00002744). The content of the card echoed both a mailer and digital advertisement that Iowa Values was also distributing in fall 2020 and a voter guide that Iowa Values had posted on its website. *See infra* ¶¶ 527-28, 555. Images of the palm card appear below:



IAV00002743

| VOTE FOR IOWA VALUES                                                                                                                                                                                                                                               |                |                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------|
| <div> <div>  <div>JONI ERNST</div> </div> <div>  <div>THERESA GREENFIELD</div> </div> </div> |                |                                                                                |
| Supports health care reform focused on choice, not mandates <sup>1</sup>                                                                                                                                                                                           | Health Care    | Supports a government run health care system <sup>11</sup>                     |
| Fights for increased transparency and lower health care costs <sup>2</sup>                                                                                                                                                                                         |                |                                                                                |
| Co-sponsored legislation to protect Iowans with pre-existing conditions <sup>3</sup>                                                                                                                                                                               |                | Would close 52 rural Iowa hospitals <sup>12</sup>                              |
| Lowered taxes for Iowa's middle class workers <sup>4</sup>                                                                                                                                                                                                         | Taxes          | Supports an income tax increase <sup>13</sup>                                  |
| Supports police reform <sup>5</sup>                                                                                                                                                                                                                                | Crime & Safety | Denounced police as racist <sup>14</sup>                                       |
| Supported relief for Iowa farmers and small businesses <sup>6</sup>                                                                                                                                                                                                | COVID          | Opposed bi-partisan relief packages <sup>15</sup>                              |
| Supported by the Iowa Farm Bureau, Iowa Cattlemen's Association, Iowa Corn Growers <sup>7</sup>                                                                                                                                                                    | Rural Iowa     | Endorsed by national organizations supporting the Green New Deal <sup>16</sup> |
| Strong supporter of renewable fuels <sup>8</sup>                                                                                                                                                                                                                   |                | Won't commit on renewable fuels <sup>17</sup>                                  |

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1. <https://www.ernst.senate.gov/public/index.cfm?health-care-3>; 2. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 3. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 4. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 5. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 6. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 7. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 8. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 9. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 10. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 11. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 12. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 13. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 14. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 15. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 16. <https://www.ernst.senate.gov/public/index.cfm?transparency>; 17. <https://www.ernst.senate.gov/public/index.cfm?transparency>

IAV00002744

JA-002604-05 (IAV00002743-44).

413. In sum, the evidentiary record establishes that Iowa Values used the data it gathered from modeling the electorate and identifying its “Firewall Universe” of voters to target those voters with a robust door-to-door canvassing operation in 2019 and 2020, which was designed to move

so-called “Disengagers” into Ernst supporters and, ultimately, “*to turn out each Joni Ernst supporter on November 3rd.*” JA-004290 (IAV00003283) (emphasis added).

## **5. Iowa Values Ran Numerous Advertisements in 2019 and 2020 Designed and Targeted to Support Ernst’s Re-Election**

414. In 2019 and 2020, Iowa Values carried out three broad projects to create paid advertisements that, in its view, would most effectively support Ernst’s 2020 re-election effort. The organization: (1) used the results of its survey and modeling projects to develop content for digital advertisements and mailers that would encourage swing voters to support Ernst;<sup>30</sup> (2) methodically targeted the resulting digital ads and mailers to “disengagers” or the “firewall” universe for maximal electoral effect on Ernst’s November 2020 election; and (3) analyzed the impact of its advertising to enhance its targeting and messaging for future Ernst-focused ads. *See infra* ¶¶ 442-559.

415. Iowa Values’s internal and external documents, communications, and donor solicitations demonstrate that Iowa Values followed a careful plan—developed during and prior to

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<sup>30</sup> It is possible that Iowa Values also paid for and distributed text message communications and radio advertisements. With respect to text messages, Iowa Values’s 2020 cash report includes a record of a disbursement to Majority Strategies on October 30, 2020, for \$209,030.65 for “digital advertising/text messages.” JA-002189 (IAV00001015). The record also includes an email dated October 19, 2020, in which Chris McNulty of Causeway asked Allison Bedell of Canvass America how much Canvass America charges for texting. JA-002595 (IAV00006088). A November 2019 Iowa Values strategy document even included a reference to contacting voters by “phone” in 2020. JA-002077 (IAV00003279). However, Iowa Values did not produce any text messages or text-message planning documents.

Similarly with respect to radio, Iowa Values’s “2020 recap” slide deck says Iowa Values “Narrowed the Gap on Radio,” reaching 9,158 people. *See* JA-002660 (IAV00002786). Other documents, however, reference Iowa Values Action, Iowa Values’s companion super PAC, having conducted radio advertising, suggesting the “2020 recap” slide deck was consolidating 501(c)(4) and super PAC activities, and it was actually the super PAC that ran radio advertisements. *See* JA-002616 (IAV0000451) (memorandum discussing Iowa Values Action’s radio buys); *see also* JA-001222-23 (Iowa Values Action’s independent expenditures, as reported to the Federal Election Commission, including “radio advertising placement” fees). There are no invoices or cash report entries for radio buys by Iowa Values in the record.

2019—to carry out these goals. *See supra* Part V.C.2, ¶¶ 248-97. That plan began in 2017, with Iowa Values’s acquisition of photos and video footage of Ernst to be used later in its paid communications, followed by its launch of an online presence in 2018 to build up credibility with voters, and then Iowa Values’s development and delivery of targeted digital ads beginning in 2019 to “burn in a favorable impression of Senator Ernst” early in the 2020 election cycle. JA-001792 (HCI-00000675). In 2020, Iowa Values pivoted to communications designed to translate voters’ electoral support for Ernst into actual votes for Ernst. All the while, Iowa Values was also tracking negative advertisements against Ernst to respond to specific attacks, and employing modeling and survey data, and undertaking ad analyses, to make sure it was succeeding in influencing its target audience.

416. Crucially, Iowa Values used issues in its advertisements only to the extent it could highlight Ernst’s position or actions on the issues to motivate voters to support her. While Iowa Values worked closely with communications and data vendors—primarily Majority Strategies and Causeway—to develop and carry out its advertising agenda, it remained in control of its communications and actions and focused on its mission of supporting Ernst. *See, e.g.*, JA-004290 (IAV00003283) (Iowa Values’s 2019 “Strategy Overview” stating explicitly, “Iowa Values goal is first and foremost helping re-elect Senator Joni Ernst.”).

**i. Iowa Values Paid for and Shot Footage of Ernst in 2017 for Use in Iowa Values’s Later Advertisements.**

417. Beginning at its inception in 2017, Iowa Values focused on—and dedicated its resources to—acquiring a collection of video footage of Ernst that it could use in advertisements once it launched its voter-facing public messaging program.

418. To that end, in April 2017, Iowa Values’s attorney Ronald Jacobs introduced then-Executive Director Jon Kohan to Will Ritter, a co-founder of Poolhouse, the agency that filmed

Ernst’s appearance at her annual Roast and Ride event in 2015 and 2016. *See* JA-000121-22 (IAV00003482-83);<sup>31</sup> JA-002948 (Flowers Dep. at 169:4-6) (confirming that the abbreviation in the email, “R&R,” meant Roast and Ride). In an April 18, 2017, email to Ritter, copying Kohan, Jacobs stated, “I’m working with Jon Kohan on *a new 501(c)(4) that will be supportive of Senator Ernst*, and the c4 is interested in seeing the raw footage” from the Roast and Ride events. JA-000121-22 (IAV00003482-83) (emphasis added). As described *supra* ¶ 110, Jacobs invoked his overlapping roles as legal counsel for *both* Ernst and Iowa Values, and “our agreements” between Ernst’s committees and Poolhouse, to obtain access to the footage and finished video content of Ernst for use by Iowa Values. *See* JA-000121 (IAV00003482).

419. Jacobs requested that Poolhouse send the raw footage to Kohan for review, so that Kohan could review it and decide if “the footage is useful for the c4.” JA-000122 (IAV00003483). Within 30 minutes, however, Kohan responded: “Honestly—lets skip step 1 [the footage review]. I want all the footage that we are able to purchase, in any and all forms. So Will once we figure out the legal/cost, you can just dump me all the RAW footage.” JA-000121 (IAV00003482).

420. Iowa Values’s February 7, 2024, supplemental interrogatory responses confirm that Iowa Values paid Poolhouse \$5,000 for the Ernst footage. *See* JA-002766-67 (Iowa Values’s

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<sup>31</sup> The Roast and Ride is an annual event that happens at the Iowa State Fair and consists of a hog roast and motorcycle ride for veterans. JA-004486-88 (Iowa’s Roast and Ride Website). Flowers—who was himself the “lead organizer” of the event, *see* JA-002952 (Flowers Dep. at 173:14-22); *supra* ¶ 114—testified that Roast and Rides are Ernst events. *See* JA-002948 (Flowers Dep. at 169:7-8) (Q: “And that’s a Joni Ernst event? A: It is.”). Indeed, FEC reports reflect that Ernst had a political committee officially named “Joni’s Roast and Ride.” *See, e.g., infra* ¶ 599 (citing disbursements to Holloway Consulting from “Joni’s Roast and Ride” and citing Holloway Avella’s testimony confirming that “Yes,” Holloway Avella provided fundraising services to “Joni’s Roast and Ride”).

Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (listing April 21, 2017, payment to Poolhouse for “MEDIA PRODUCTION”).<sup>32</sup>

421. About a month later, on May 13, 2017, Kohan emailed the Iowa Values Board, copying Jacobs and Iowa Values’s fundraiser Claire Holloway Avella, to provide an update about the organization’s efforts to build an Ernst media library and the next steps for expanding the catalog. JA-000597-98 (IAV00002796-97). Kohan stated, “Iowa Values has purchased past footage of Joni Ernst for the purposes of building up our footage library. This footage is mainly from past Roast and Rides, and a little bit from the campaign in 2014.” JA-000597 (IAV00002796). Kohan continued, “It’s important we build our footage library now for two main reasons: 1. So that we can be ready at a moment’s notice if we need to go into action . . . [and] 2. The more opportunities we take advantage of to get footage over time, the better our paid voter contact activities will be because we won’t need to be as reliant on stock footage or still images.” JA-000597 (IAV00002796). Accordingly, Kohan said, “[a]fter reviewing and logging all the footage we bought, I am recommending that we shoot the upcoming Roast and Ride (which is three weeks away) in order to fill gaps in the footage we have available.” JA-000597 (IAV00002796).

422. In the same May 13, 2017, email, Kohan then detailed his plan to “shoot the [upcoming] R&R in a way that captures the natural, off the cuff, casual interactions Joni has with voters,” explaining that this type of footage “is the hardest footage for independent groups to obtain, since we don’t have the opportunity to conduct shoots with the candidate.” JA-000597 (IAV00002796). Kohan proposed “get[ting] tons of shots of Joni hugging, talking, listening, with lots of groups of everyday Iowans in casual attire. We’d shoot it in a way that makes it looks [sic]

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<sup>32</sup> While Iowa Values identified the \$5,000 payment to Poolhouse on April 21, 2017, for media production in its supplemental interrogatory responses, JA-002766-78, it did not produce the corresponding invoice, nor any other invoice from Poolhouse.

like a backyard barbecue, or fair atmosphere, rather than a Joni branded event. Even better is the fact that Joni will be dressed casually.” JA-000597 (IAV00002796). Kohan then again emphasized that this “is hard footage to get of a sitting Senator for an outside group.” JA-000597 (IAV00002796).

423. Kohan’s May 13, 2017, email included an attached memorandum from Kohan to “Iowa Values” Re: Roast and Ride, dated May 12, 2017, that included additional details of the proposal and a cost estimate for Jamestown Associates to shoot the event. *See* JA-000136 (IAV00002777). In the memorandum, as in his email, Kohan wrote, “After acquiring existing video assets of Joni Ernst, it is my recommendation that we shoot the 2017 Roast and Ride to build our footage library with the types of shots we need for TV advertising down the road.” JA-000136 (IAV00002777). Kohan described the “objectives” of filming the 2017 Roast and Ride as capturing, *inter alia*: “Joni’s casual interactions with Iowans in a way that it doesn’t look like a big, produced event”; “‘Man on The Street’ interviews with attendees on poll tested messages”; and “Senator Ernst’s speech.” JA-000136 (IAV00002777).

424. Kohan estimated shooting Ernst’s Roast and Ride event would cost \$14,932 to obtain the desired footage. JA-000136 (IAV00002777). The Iowa Values Board approved the project at the estimated rate, with Board member Tom Tauke commenting that “shooting at the R&R is a wise decision.” JA-000596-97 (IAV00002795-96).

425. As part of Iowa Values’s project to shoot footage of the 2017 Roast and Ride, Jamestown Associates also created an “IOWA VALUES Roast ‘N Ride 2017 Shot List,” listing various shots Iowa Values sought to obtain at the event. JA-004327-28 (IAV00004191-92). The list included video of Ernst “shaking hands with attendees . . . hugging attendees . . . walking toward and away from camera . . . taking selfies . . . [and] [g]eneral interaction with attendees.”



JA-004327 (IAV00004191). It also included “DTC” (direct-to-camera) shots of attendees saying positive things about Ernst, such as, “Joni/Joni Ernst/She shares our Iowa Values . . . She puts Iowa first . . . She is on our side [and] . . . She is fighting for Iowa,” among other phrases. JA-004327 (IAV00004191). The shot list did not contain instructions to capture commentary about any other candidate or about any issue topics. *See* JA-004327 (IAV00004191).

426. On June 7, 2017, Kohan sent an email following up with the Iowa Values Board, again copying Jacobs and Holloway Avella, to say the 2017 Roast and Ride shoot went “[a]wesome” and we “got everything we came for.” JA-000596 (IAV00002795); *see also* JA-002952 (Flowers Dep. at 173:14-16) (stating “I believe so” when asked if Iowa Values shot the 2017 Roast and Ride). Kohan stated that he had processed and reviewed the footage, and there were “tons of Joni hugs, smiles, handshakes, selfies, autographs, you name it with all sorts of different folks. *All the warm, big smile Joni stuff we want to compile.*” JA-000596 (IAV00002795) (emphasis added). Kohan concluded that he felt “very good about the base level of footage we have on hand now.” JA-000596 (IAV00002795).

427. In the same email, Kohan also said that he “made a last minute call to cut our crew down and go lighter because USSS [U.S. Secret Service] complicated our ability to shoot the event so we will see some savings on the cost end.” JA-000596 (IAV00002795). Iowa Values did not produce an invoice for shooting the Roast and Ride, but its interrogatory responses include a July 3, 2017, payment to Jamestown Consulting for \$10,525.11 for “media production.” JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2). This may reflect Iowa Values’s payment for the shoot, but there is insufficient detail to be sure.

428. When asked during his deposition why Iowa Values would build a “library of footage of Joni Ernst,” Flowers responded that the footage would be helpful because Iowa Values was “going to talk about the issues that matter to Iowans and matter to Joni.” JA-002953-54 (Flowers Dep. at 174:15-175:7). When asked if Iowa Values “might use that footage in digital ads or other communications,” Flowers responded that it could. JA-002954 (Flowers Dep. at 175:13-16); *see also infra* Parts V.C.5.iii.b, ¶¶ 447-79, V.C.5.iv.b, ¶¶ 499-530.

**ii. Iowa Values Ran a Small Digital Acquisition Program Around Its 2018 Launch to Build an Audience for Its 2019 and 2020 “Operation Firewall” Efforts.**

429. Iowa Values publicly launched in 2018. *See, e.g.*, JA-001521-22 (IAV00000252-53) (press release announcing “six-month voter education and data collection blitz” that is “beginning of an election-long effort by Iowa Values to highlight the work of Sen. Joni Ernst,” and stating “Iowa Values was formed in 2018 to promote conservative, free market policies for Iowa and the nation”); *see also* JA-002984 (Flowers Dep. at 205:11-16) (confirming Iowa Values launched in 2018).

430. Following its launch, Iowa Values ran its first set of digital advertisements from June to August 2018. *See* JA-000886 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 5); JA-004551-57 (Meta Ad Library, Advertisement Page – Iowa Values). These ads ran on Meta (Facebook) from June 24 to August 31, 2018. *See* JA-004551-57 (Meta Ad Library, Advertisement Page – Iowa Values).

431. While the Meta ad archive has removed most of the relevant ad images for violating the platform’s advertising standards, JA-004551 (Meta Ad Library, Advertisement Page – Iowa Values), the ads that remain available online have photos of corn fields and vague phrases like “IOWA VALUES Agriculture” and “IOWA VALUES The American Dream,” JA-004551-57 (Meta Ad Library, Advertisement Page – Iowa Values). They tell viewers to “Like our page to learn more”

or “see what we are doing,” and they have a button for people to click to like the Iowa Values’s Facebook page. JA-004551-57 (Meta Ad Library, Advertisement Page – Iowa Values). Iowa Values also produced what appear to be some of the removed ads, and they are consistent with this pattern, using the Iowa Values pun to highlight the organization’s commitment to the “seniors,” “education,” “economic prosperity,” “power[ ]” (referencing ethanol or fuel), and “growth and opportunity,” and asking people to “sign up” or “like our page.” *See* JA-001054 (IAV00001444); JA-004578 (IAV00001445); JA-001110 (IAV00001448); JA-001111 (IAV00001449); JA-001115 (IAV00001450); JA-001066 (IAV00001451); JA-001117 (IAV00001453); JA-001118 (IAV00001456); JA-001119 (IAV00002173); JA-001065 (IAV00002177); JA-001116 (IAV00002185); JA-001124 (IAV00002189); JA-004581 (IAV00002193); JA-004582 (IAV00002202).<sup>33</sup>

432. In a July 10, 2018, email to the Iowa Values Board, copying Jacobs, Holloway Avella, and Johnny Corbet of Jamestown Associates, Jon Kohan explained the purpose of these advertisements: “We will begin digital acquisition and social media promotion this week to begin building the Iowa Values brand online. We won’t spend a ton on this, but we want to build some visibility and credibility for our social media pages, while beginning to build out email lists based off our best testing issues.” JA-001049 (IAV00002739); *see also* JA-001053 (IAV00003077) (same); JA-000717 (IAV00005016) (March 14, 2018 email from Kohan to the same group explaining goal for second quarter of 2018 to “build[ ] our email list and social media presence”).

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<sup>33</sup> These documents, as produced by Iowa Values, are undated on their face and do not have any associated metadata disclosing a date. However, they appear similar to the 2018 advertisements available in the Meta ad archive: The ads generically reference issues, have generic photos, and have a “sign up” or “like” button. Two of the documents are also almost identical to ads still available in the archive. *Compare* JA-001054 (IAV00001444), JA-001117 (IAV00001453), *with* JA-004551-57 (Meta Ad Library, Advertisement Page – Iowa Values).

Evidence thus demonstrates that these 2018 ads were meant to be a low-cost way to build Iowa Values’s social media following and email list and establish “credibility” for the “Iowa Values brand.”

433. The issues Iowa Values mentioned in these 2018 ads—seniors, education, and economic buzz words—were identified as key issues for Ernst swing voters in a poll conducted for Iowa Values in May 2017 by The Tarrance Group, [REDACTED] and another shared vendor of Iowa Values and the Ernst campaign, [REDACTED]; JA-002843-44 (Flowers Dep. at 64:9-65:5). In a memo to “Iowa Values” from Brian Nienaber of The Tarrance Group, analyzing the results of a survey of Iowa voters conducted for Iowa Values from May 8-10, 2017, Nienaber concluded that “[p]rotecting our most vulnerable citizens like the elderly” was an important issue, especially for “*key groups for us* like those with no opinion about Ernst (41%), those unsure on Ernst’s job approval (41%), and those unsure if Ernst cares about the problems and concerns of someone like them (46%).” JA-000146 (IAV00003708) (emphasis added). The Tarrance Group also found that “improving economic opportunity is the top rated priority” for Iowa voters, making the economy an attractive issue for Iowa Values. JA-000148 (IAV00003710); *compare with supra* ¶ 431 (describing ads, JA-001115 (IAV00001450) and JA-001118 (IAV00001456), that say, “IOWA VALUES Economic Prosperity” and “IOWA VALUES Growth and Opportunity”). Iowa Values reported paying The Tarrance Group \$30,786 for “polling/research” on May 17, 2017, apparently for conducting this poll. *See* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2).

434. While the Tarrance Group did include questions about Iowa political figures other than Ernst in this early poll, the memo that it sent Iowa Values analyzing the poll results focused

on Ernst. *See* JA-000142-48 (IAV00003704-10). The only firm takeaway that Nienaber included in the memo was that “a key goal for Iowa Values should be promoting the valuable work that Senator Ernst has done on cutting wasteful spending.” JA-000148 (IAV00003710). Nienaber did not make recommendations for messaging “goals” around any other elected official. Additionally, all the references in the memo to other leaders relate back to Ernst. For example, Nienaber described Senator Grassley’s job approval rating only to say that “[a] key demographic target for Iowa Values would be the 11% of voters who approve of the job performance of Grassley but do not approve of the job performance of Ernst.” JA-000143 (IAV00003705) (emphasis in original). Likewise, Nienaber mentioned poll results related to Trump, but only to the extent that it illuminated what voters thought of Ernst’s support for Trump and whether there was a target universe of voters who believed Senator Grassley’s approach to Trump was better. *See* JA-000143 (IAV00003705).

435. This focus aligns with other evidence, as Nienaber advised Iowa Values in a December 2017 email, that “[t]he DSCC”—Democratic Senatorial Campaign Committee—“playbook in 2018 is almost certain to be to paint all GOP US Senators as Trump clones who are pursuing policies that serve the powerful and not everyday people. To the extent we can counteract this narrative by pointing out efforts by Ernst to advance policies with broad appeal and with broad benefits, we will be doing an enormous amount of good.” JA-000677 (IAV00004734). Iowa Values’s identification of kitchen-table issues in its 2018 Facebook ads thus aligned with its goal of attracting an audience ultimately receptive to supporting Ernst.

436. In any event, this subtle advertising campaign was not a top priority for Iowa Values in a year when it was focused on collecting, modeling, and sharing data in support of Ernst. *See*

*supra* Parts V.B.2, ¶¶ 169-93, V.C.1, ¶¶ 226-47 (describing Iowa Values’s data warehousing efforts and 2018 modeling plans).

437. In an August 27, 2018, email to the Iowa Values Board, Kohan announced that, in light of budget constraints, Iowa Values “will terminate our online activities that we have been pushing throughout the summer.” JA-001051 (IAV00003075-77 at IAV00003075). Kohan said that the organization had only spent \$7,000 so far, and that “[h]alting this will save us a monthly retainer to Targeted Victory (\$3k per month) as well as the advertising cost and design cost which cost about the same.” JA-001051 (IAV00003075).

438. Terminating the advertising plan allowed Iowa Values to maintain its “analytics/data team,” JA-001051 (IAV00003075)—evidencing that in 2018, Causeway’s modeling and data storage efforts were more important to Iowa Values than its efforts related to issue-oriented digital ads. Still, Kohan noted in his August 27, 2018, email, that Iowa Values was able to “build a nice Facebook following of about 700 folks, along with an email list of about 650 emails” during the three months it ran the ads. JA-001051 (IAV00003075); *see also* JA-001138 (IAV00003078) (presenting the same statistics, along with the number of impressions and clicks the ads received, in a Targeted Victory “Iowa Values Paid Advertising Report” attached to the email).

439. Iowa Values’s interrogatory responses attest to the fact that Iowa Values paid Targeted Victory \$8,500 for the Facebook ads it ran from June to August 2018. JA-000886 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 5). Targeted Victory invoices and Iowa Values cash reports from 2018, meanwhile, reflect payment of \$12,937.50 from Iowa Values to Targeted Victory for digital strategy, advertising, and design work between June and August 2018, although the invoices and cash reports do not specify

whether the work covered the Facebook ads. *See* JA-001113 (IAV00003221) (June 30, 2018, invoice for \$3,437.50 for “digital strategy/design – June 2018”); JA-000686 (IAV00002977) (Iowa Values cash report reflecting Targeted Victory invoice for \$2,750 for “digital advertising-July”); JA-001125 (IAV00003226) (July 31, 2018, invoice for \$3,750 for “digital strategy/design/website development”); JA-001127 (IAV00003227) (August 1, 2018, invoice for \$3,000 for “online advertising: email acquisition/social acquisition – August 2018”).

440. While the exact cost of the ads thus remains unclear from the record, Iowa Values’s 2018 digital advertising program apparently represented such an insignificant portion of Iowa Values’s work and budget that Derek Flowers seemed to forget it existed. Twice during his deposition he asserted that Iowa Values did not begin paid advertising until 2019. *See* JA-002988 (Flowers Dep. at 209:14-22) (stating that, “In 2017 and 2018 . . . paid activity hadn’t occurred”); JA-003012-13 (Flowers Dep. at 233:19-234:6) (stating, in response to a question about whether Iowa Values did geofencing in April 2019, “I believe that we launched our first advertising later that year. So it would have been early, midsummer probably”).<sup>34</sup> And indeed, Iowa Values’s paid advertising in furtherance of “Operation Firewall”—the heart of its strategy for re-electing Ernst, *see supra* Part V.C.2, ¶¶ 248-97—did begin in 2019.

**iii. Iowa Values’s 2019 Digital Advertisements All Centered on Ernst and Were Targeted to “Disengagers.”**

441. In 2019, Iowa Values conducted digital advertising on the Meta and Google platforms, and every advertisement it disseminated either featured or referenced Ernst. *See* JA-000886-87 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of

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<sup>34</sup> Iowa Values’s own strategy documents likewise discount its 2018 advertising program. *See, e.g.*, JA-002617 (IAV00000451-54 at IAV00000452) (“Iowa Values sought to make an early impression on Iowa voters, beginning digital advertising before any other group focused on Iowa, with *our digital launch in June of 2019.*”) (emphasis added).

Interrogatories at 5-6); *see infra* Part V.C.5.iii.b, ¶¶ 447-79. The Ernst-focused content of Iowa Values’s 2019 advertisements alone demonstrates that Iowa Values’s goal was to create a positive impression of Ernst with voters and persuade them to support her in the 2020 election. Internal and external documents, however, make that goal explicit: Iowa Values stated again and again that (1) it was disseminating its digital advertisements to the same “disengagers” it identified through modeling and was simultaneously targeting through its canvassing program, and (2) it was acting for the purpose of influencing Ernst’s election. Any use of issues by Iowa Values was part of its long-term strategy to prove to swing voters that Ernst was addressing the issues they cared about and that Ernst therefore deserved their vote to serve another term in the U.S. Senate. *See infra* Part V.C.5.iii.a, ¶¶ 442-46. Indeed, in September 2020, the FEC’s Office of General Counsel concluded that many of Iowa Values’s 2019 advertisements and 2020 advertisements to that date expressly advocated for Ernst’s election under both 11 C.F.R. § 100.22(a) and (b). *See* JA-002459, 002488-90 (FEC Office of General Counsel’s First General Counsel’s Report in MURs 7672, 7674, and 7732, at 3, 32-34 (Iowa Values, *et al.*) (“FEC General Counsel’s Report”).

**a. Iowa Values Planned to Target “Disengagers” with Digital Advertisements to Complement Its Canvassing Effort and “Burn in a Favorable Impression of Senator Ernst.”**

442. As detailed above, *see supra* Part V.C.1-4, ¶¶ 226-413, and in cited portions of the Joint Appendix, Iowa Values’s strategy for 2019 had three pillars: (1) get in front of voters early and often “to burn in a favorable impression of Senator Ernst” that would withstand the barrage of attack ads to come in 2020, *see, e.g.*, JA-004331 (IAV00004885); JA-001792 (HCI-00000675); (2) target “disengagers” to have the most strategic impact on the election’s outcome, *see, e.g.*, JA-001857 (HCI-00000695); and (3) favorably connect Ernst to the issues that Iowa Values’s polling and modeling show “matter most” to Iowans, *see, e.g.*, JA-001510 (IAV00000262). A series of



similar Iowa Values strategy memos, described in detail at *supra* Part V.C.2, ¶¶ 248-97, describe each of these aims at length. *See, e.g.*, JA-001510 (IAV00000262) (describing Iowa Values’s “sustained effort on digital” in 2019 to “tell swing voters why Joni Ernst personifies our Iowa Values” now—instead of waiting until 2020—because her “race could be competitive,” requiring an early start); JA-004290 (IAV00003283) (stating goal of contacting “each of these ‘Disengagers’ 8-10 times for maximum return”); JA-001283-84 (IAV00004818-19) (stating that “the more personal and repetitive we can make communications with voters, the better” in order to “build a relationship” with them); JA-004331 (IAV00004885-86) (document explaining that “[t]he goal is to deliver a ‘slow drip’ message over time” to “build up [the target universe’s] belief system” and get them “‘prepped’ for the inevitable push and pull of messages they will get in 2020”); JA-001855, 001857 (HCI-00000693, 695) (describing a “long-term digital messaging plan” that would be “complimentary” to a canvassing effort directed at the same “‘firewall’ universe of voters” and geared at “burn[ing] in a favorable impression of Senator Ernst on the issues most important to specific voters”); JA-001340 (HCI-00000344) (“We believe it is critical to start this messaging now in order to provide these voters with the information they will need to be able to fend off the disinformation attacks that will come in 2020.”).

443. In addition, an April 1, 2019, memo sent from Reid Vineis, Vice President of Digital at Majority Strategies—the vendor that created most of Iowa Values’s digital ads, *see, e.g.*, JA-002994 (Flowers Dep. at 215:20) (describing Majority Strategies as “our digital vendor”); *see also* JA-002848, 002853 (Flowers Dep. at 69:8-20, 74:19-2); *infra* Parts V.C.5.iii.b, ¶¶ 447-79, V.C.5.iv.b, ¶¶ 499-530—to Chris McNulty of Causeway and Iowa Values’s Executive Director Derek Flowers, further explained the plan for Iowa Values’s 2019 advertising strategy, *see* JA-001401-02 (IAV00000482-83). The memo’s subject line was “Iowa Values Digital Advertising

Program” and began with a “BACKGROUND” section that got straight to the point: “As Senator Ernst faces re-election in 2020, Iowa Values will be supporting her effort *as an independent expenditure*. The follow [sic] document outlines a plan of attack for an initial digital advertising campaign in the Spring of 2019.” JA-001401-02 (IAV00000482-83) (emphasis added). This memorandum evidences Majority Strategy’s understanding, as the firm hired to carry out Iowa Values’s digital advertising program, that Iowa Values intended to run ads urging people—implicitly or explicitly—to vote for Ernst in the 2020 election.

444. In this April 1, 2019, memo, Vineis described three “goals” for Iowa Values’s 2019 digital advertisements: (1) “Establish a presence for Iowa Values online;” (2) “Test messaging with key target audiences;” and (3) “Begin to persuade these key audiences.” JA-001401-02 (IAV00000482-83). The memo clarified that the “audiences” would be the “164,720 voters who fall into the ‘disengagers’ universe.” JA-001401-02 (IAV00000482-83). Vineis stated that “digital video” should be “the primary driver of this campaign” and that Iowa Values should also “run some complementary display ads that mimic the videos to boost ad recall”; those digital display ads “will be static or animated images that have the same look/feel as the videos.” JA-001401-02 (IAV00000482-83).

445. This April 2019 memo further suggested running Iowa Values’s ads on: (1) Facebook, which Vineis explained “is good for targeting specific audiences” and encouraging engagement; (2) “YouTube,” which “is the number one video platform online” and “the go-to platform for delivering video advertisements”; and (3) various websites and applications. JA-001401-02 (IAV00000482-83). Vineis suggested the YouTube ads “run ‘pre-roll’ which means they appear before a user’s desired content.” JA-001401-02 (IAV00000482-83).

446. Two months later, in July 2019, Iowa Values issued a press release that it promoted on Facebook. *See* JA-001521-22 (IAV00000252-53); JA-001609 (Meta Ad Library - Iowa Values Advertisement, ID 2877442698949231: Iowa Values Announces Digital Advertising Blitz and Door to Door Voter Canvassing (shown July 9-19, 2019; 1k-2k impressions)); JA-001610 (Meta Ad Library - Iowa Values Advertisement, ID 423001604963177: Iowa Values Announces Digital Advertising Blitz and Door to Door Voter Canvassing (shown July 9-19, 2019; times shown 30k-35k)). That press release, titled “Iowa Values Announces Digital Advertising Blitz and Door to Door Voter Canvassing,” stated that “Iowa Values launched a six-month voter education and data collection blitz across Iowa last week,” referencing Iowa Values’s 2019 canvassing effort described *supra* Parts V.C.4.i, ¶¶ 361-77, V.C.4.iii.a, ¶¶ 383-408. *See* JA-001521 (IAV00000252). “In addition,” the press release said, “the organization invested six-figures in a digital advertising campaign that will touch swing voters in all 99 counties.” JA-001521 (IAV00000252). The release promoted Iowa Values’s first digital video advertisement, said it “will run on YouTube and Facebook, and be accompanied by display ads across the web,” and called this project “*just the beginning of an election-long effort by Iowa Values to highlight the work of Sen. Joni Ernst.*” JA-001521 (IAV00000252). (emphasis added). The press release ended by stating that Iowa Values will “highlight the work of Sen. Joni Ernst,” including “the work Sen. Ernst has done to fight for Iowans and to combat wasteful government spending.” JA-001522 (IAV00000253). It included a quote from Iowa Values Board member Paul Dierenfeld stating: “Iowa Values is going to make sure everyone knows how she’s fighting for all Iowans in Washington.” JA-001522 (IAV00000253).

**b. Iowa Values’s 2019 Digital Advertisements Promoted Ernst by Connecting Her to Issues Important to the “Firewall” Universe.**

447. Iowa Values began its actual 2019 advertising campaign on June 27, 2019, *see* JA-001524, 1580-89 (Google Ads Transparency Center, Iowa Values Advertisements); *see also infra* ¶ 457 (discussing the display ads that began on June 27, 2019)—a date notable for its proximity to Senator Ernst’s formal announcement of her intention to run for re-election, which occurred less than two weeks earlier at the 2019 Roast and Ride. *See* JA-002483 (FEC General Counsel’s Report at 27, noting Iowa Values’s lack of online presence “between July 2018 and June 2019, until it started running ads featuring Ernst,” and observing that “Iowa Values’ activities appeared to ramp up after Ernst filed her Statement of Candidacy in April 2019”). While Ernst filed her statement of candidacy with the Federal Election Commission in April 2019, she did not publicly kick off her election until the 2019 Roast and Ride, held on June 15. *See* JA-001404-06 (Joni K. Ernst: FEC Form (Statement of Candidacy), 2020 Iowa Senate Election); JA-002504 (FEC, First Gen. Counsel’s Rpt. at 48 n.211) (citing an Eventbrite link to buy tickets to Ernst’s “campaign-kick-off-at-roast-and-ride-saturday-june-15<sup>th</sup>”). Iowa Values launched its first “Operation Firewall” advertisement less than two weeks later. *See* JA-001524, 1580-89 (Google Ads Transparency Center, Iowa Values Advertisements) (beginning June 27, 2019).

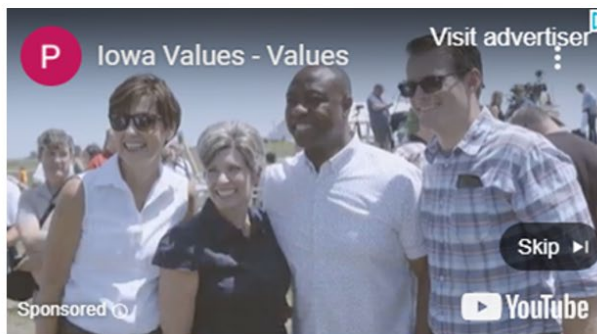
448. As Iowa Values’s “Digital Advertising Blitz” press release stated, Iowa Values’s first ad campaign featured a video “highlight[ing] the work of Sen. Joni Ernst” and accompanying display ads. *See* JA-001521 (IAV00000252).

449. Iowa Values disseminated the video on YouTube, running it in two flights from June 28 to July 27, 2019. *See* JA-001590 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values - Values (shown June 28-July 28, 2019; times shown 200k-225k)); JA-001595 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values - Values

(shown July 2-July 28, 2019; times shown 600k-700k)). The video was 30 seconds long and had a voiceover running throughout, which stated: “What are the values that make Iowans different? Caring for our neighbors. Putting service over self. And doing the right thing even when it’s hard. We deserve leaders who have walked in our shoes and share these beliefs. Like Joni Ernst. Standing up for Iowans all across our state and fighting for what we believe in. We are Iowans. These are our Iowa values.” *See* JA-001590 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values - Values (shown June 28-July 28, 2019; times shown 200k-225k)); JA-001595 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values - Values (shown July 2-July 28, 2019; times shown 600k-700k)); *see also* JA-001429-31 (IAV00000484-86) (script stating ad was 30 seconds); JA-001579 (IAV00000775) (version of the ad produced by Iowa Values). Ernst appeared on the screen for approximately 22 of the 30 seconds of the ad. *See* JA-001590 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values - Values (shown June 28-July 28, 2019; times shown 200k-225k)); JA-001595 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values - Values (shown July 2-July 28, 2019; times shown 600k-700k)); JA-001579 (IAV00000775). There were images of her talking with seniors, hugging individuals, posing for pictures with people, and talking with people at what appears to be a fair. *See* JA-001590 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values); JA-001595 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values); JA-001579 (IAV00000775). The fairground images—which included people wearing motorcycle and veterans apparel, *see* JA-001590 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values); JA-001595 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values); JA-001579 (IAV00000775), appear to be from the Ernst Roast and Ride footage Iowa Values obtained in 2017, *see supra* Part V.C.5.i, ¶¶ 417-28.

450. Onscreen text throughout the advertisement quoted positive news headlines about Ernst, including: “Joni Ernst tours Davenport businesses hit by historic flood,” “Ernst moves to crack down on annual year-end federal spending sprees,” “Ernst Pushes Two Bipartisan Bills to Help Veterans in Crisis,” and “Ernst presses EPA administrator on summer E15 sales.” JA-001590 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values); JA-001595 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values); JA-001579 (IAV00000775).

451. YouTube showed the ad a total of 800,000 to 925,000 times. JA-001590 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values); JA-001595 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values). Images from this advertisement appear below:



JA-001590 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values).<sup>35</sup>

452. From June 28 to July 27, 2019, Iowa Values disseminated a nearly identical version of this 30-second video advertisement on Facebook. *See* JA-001591 (Meta Ad Library - Iowa Values Advertisement, ID 2786066358088466: Joni Ernst Fighting for Our Iowa Values (shown June 28-July 27, 2019; 350k-400k impressions)). The Facebook version of the advertisement was identical to the YouTube version, except that it appeared with text above the video stating: “From caring for our neighbors to standing up for what’s right, Joni shares our values.” JA-001591 (Meta Ad Library - Iowa Values Advertisement, ID 2786066358088466); *see also* JA-002485, 2488 (FEC General Counsel’s Report at 29, 32: (1) describing Iowa Values’s June to July 2019 Facebook ad; (2) observing that it, like “additional examples” of Iowa Values’s expenditures in Facebook’s ad library “all supported Ernst”; and (3) listing various pro-Ernst statements featured in Iowa Values’s digital ads, which “use language identifying Ernst’s experience, personal qualities, characteristics in a positive light, and repeated slogans, all of which appeared aimed at directing viewers to vote for Ernst”).

453. The Facebook version of the advertisement was viewed 350,000 to 400,000 times by Facebook users. JA-001591 (Meta Ad Library - Iowa Values Advertisement, ID 2786066358088466). An image of the video, framed by the on-screen text, appears below:

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<sup>35</sup> The parties have produced all video evidence to the Court so that the Court may view Iowa Values’s video advertisements in full.



JA-001591 (Meta Ad Library - Iowa Values Advertisement, ID 2786066358088466).

454. The “Iowa Values Re-Launch Talkers” described *supra* ¶¶ 393-99, included a section discussing “[o]ur first video,” which stated that the intended message of this advertisement was that “Joni Ernst has been fighting for our Iowa Values her whole life, whether serving . . . As the Montgomery County Auditor[,] In the state senate representing southwest Iowa[,] As a Lt. Colonel in combat in the middle east[,] Or as our US Senator.” JA-001509 (IAV00000261).

455. Some of the headlines displayed in the video ad highlighted policies that Iowa Values’s polling had identified as important to voters. For example, one of the headline snippets printed on screen stated, “Ernst moves to crack down on annual year-end federal spending sprees.” JA-001579 (IAV00000775). In The Tarrance Group’s May 2017 survey, “cutting wasteful government spending” came back as the fourth most important issue to voters. JA-000145 (IAV00003707). However, Brian Nienaber explained that “this issue rates highly among potential key target groups like those with no opinion about Ernst (49%) and those unsure about Ernst’s job approval (48%).” JA-000146 (IAV00003708). He further explained that “a key goal for Iowa Values should be promoting the valuable work that Senator Ernst has done on cutting wasteful spending. This issue is a significant concern for voters. By promoting her work on this issue, Iowa



Values can improve her image with voters while also promoting an issue that is both important and relevant to voters.” JA-000148 (IAV00003710). This recommendation to “promote” Ernst’s work to cut “wasteful spending” is echoed in Iowa Values’s July 2019 “Digital Advertising” press release, which made clear Iowa Values’s plan in 2019 to “highlight the work Sen. Ernst has done . . . to combat wasteful government spending.” JA-001521 (IAV00000252).

456. Iowa Values’s first video ad also included a headline stating, “Ernst Pushes Two Bipartisan Bills to Help Veterans in Crisis.” JA-001579 (IAV00000775). “[T]aking care of veterans” rated as a high priority for Iowans in the May 2017 Tarrance Group survey for Iowa Values, JA-000148 (IAV00003710), and [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] References

in Iowa Values’s 2019 video advertisement to Ernst’s support of her fellow veterans track with that recommendation.

457. Iowa Values further reinforced its first video advertisement with display advertisements disseminated on Google from June 27 to July 27, 2019. JA-001524, 1580-89 (Google Ads Transparency Center, Iowa Values Advertisements). While each advertisement flight was formatted slightly differently—because the advertisement was appearing on different parts of the Google platform—every advertisement featured the same photograph of Ernst with rotating panels of text stating, “We are Iowans. We Deserve Leaders Who Share Our Values Like JONI ERNST.” JA-001524, 1580-89 (Google Ads Transparency Center, Iowa Values Advertisements);

*see also* JA001527-39 (IAV00000600-12); JA-001540-52 (IAV00000629-41); JA-001553-65 (IAV00000643-55); JA-001566-78 (IAV00000671-83); *see also* JA-002486, 2489 (FEC General Counsel’s Report at 30, 33, quoting Google ad stating “We Deserve Leaders Who Share Our Values Like JONI ERNST,” as an example of an Iowa Values ad that “advocate[s] the election of Ernst or the defeat of her opponent”). These lines echoed the voiceover in the video ad, which said at various times, “We deserve leaders who have walked in our shoes and share these beliefs. Like Joni Ernst” and “We are Iowans.” *See, e.g.*, JA-001579 (IAV00000775).

458. Iowa Values purchased 10 flights of the display ad, and Google showed the advertisement a cumulative total of 350,000 to 400,000 times. *See* JA-004547-48 (Google Ads Transparency Center, Advertiser Page - Iowa Values); JA-001524, 1580-89 (Google Ads Transparency Center, Iowa Values Advertisements). An example of the display advertisement appears below:



JA-001580 (Google Ads Transparency Center - Iowa Values Advertisement: We Deserve Leaders Who Share Our Values Like Joni Ernst (square) (shown June 28-July 27, 2019; times shown 700k-800k).

459. Iowa Values’s interrogatory responses establish that Iowa Values paid Majority Strategies \$36,735 for the Facebook and Google advertisements launched in June 2019. JA-

000886-87 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 5-6). Iowa Values stated that Majority Strategies “produced, developed, and placed” the ads, and “did not invoice Iowa Values for each individual advertisement.” JA-000886-87 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 5-6). Iowa Values’s 2019 cash reports reflect that Majority Strategies invoiced Iowa Values \$36,735 for “digital media” on June 27, 2019. JA-001248 (IAV00001079). Iowa Values did not produce this invoice during discovery, however, and there is no \$36,735 disbursement to Majority Strategies listed in Exhibit B of Iowa Values’s interrogatory responses. *See* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2).

460. Google and Meta maintain records of ad spend amounts—meaning the amount they charged an advertiser to run an ad on their platform—in their ad archives. *See, e.g.*, JA-001524, 1580-91, 1595 (Iowa Values Digital Advertisements). According to archive data, Iowa Values spent: (1) \$15,000 to \$21,000 to run the video ad on YouTube, JA-001590 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values - Values (shown June 28-July 28, 2019; times shown 200k-225k)); JA-001595 (Google Ads Transparency Center - Iowa Values Advertisement: Iowa Values - Values (shown July 2-July 28, 2019; times shown 600k-700k)); (2) \$3,000 to \$3,500 to run the video ad on Facebook, JA-001591 (Meta Ad Library - Iowa Values Advertisement, ID 2786066358088466: Joni Ernst Fighting for Our Iowa Values (shown June 28-July 27, 2019; 350k-400k impressions)); and (3) \$2,100 to \$3,500 to run the display ads on Google, JA-001524, 1580-89 (Google Ads Transparency Center, Iowa Values Advertisements). Iowa Values has not produced any invoices from Google or Meta, however, or listed payments to those platforms in its interrogatory responses. *See* JA-002766-78 (Iowa Values’s Second Supplemental

Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2). Rather, it appears that Majority Strategies paid Google and Meta to place Iowa Values’s ads, then included the placement fees in its invoice(s) to Iowa Values. *See* JA-000886 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 5) (stating that the June 2019 Facebook and Google advertisements were “placed” by Majority Strategies). Without the Majority Strategies invoice(s), however, the details of the arrangement remain unclear.

461. Iowa Values’s second advertisement campaign in 2019 focused on Ernst’s position on healthcare. [REDACTED]

[REDACTED] *see also infra* Part V.C.5.vi, ¶¶ 560-77. Iowa Values disseminated a still advertisement showing a photograph of Ernst smiling and shaking hands with a woman and two children with the words “JONI ERNST KNOWS: Iowans want a healthcare system with choices for care.” JA-001662 (Google Ads Transparency Center, Iowa Values Advertisement: Joni Ernst Knows Iowans want a healthcare system with choices for care (narrow side panel) (shown July 17, 2019; times shown 0-1k)); JA-001667 (Google Ads Transparency Center, Iowa Values Advertisement: Joni Ernst Knows Iowans want a healthcare system with choices for care (narrow side panel) (shown July 17-31, 2019; times shown 20k-25k)); JA-001668 (Google Ads Transparency Center, Iowa Values Advertisement: Joni Ernst Knows Iowans want a healthcare system with choices for care (medium side panel) (shown July 17-31, 2019; times shown 45k-50k)).

462. The advertisement ran in three flights on Google—again in slightly different configurations for display on different parts of Google’s platform—from July 17 to July 31 and was viewed 65,000 to 76,000 times. JA-001662, 1667-68. The placement cost was \$100 to \$400. JA-001662, 1667-68. An example of the advertisement appears below:



JA-001668 (Google Ads Transparency Center, Iowa Values Advertisement: Joni Ernst Knows Iowans want a healthcare system with choices for care (medium side panel) (shown July 17-31, 2019; times shown 45k-50k)).

463. Iowa Values disseminated the same advertisement on Facebook from July 17 to July 31, 2019. *See* JA-001665-66, 001723-26 (Meta Digital Advertisements); *see also* JA-001717 (IAV00000157) (the version of the ad that Iowa Values produced). It paid \$1,900 up to \$2,497 to place 6 flights of the ad, which garnered 123,000 to 150,000 impressions. JA-001665-66, 001723-26 (Meta Digital Advertisements). The Facebook version of the advertisement had a slightly different shape and additional text stating, “Joni Ernst is fighting to bring down healthcare costs and preserve choices for Iowans.” JA-001665-66, 001723-26 (Meta Digital Advertisements). The Facebook advertisement appears below:



### Our Iowa Values

Sponsored • Paid for by Iowa Values

Joni Ernst is fighting to bring down healthcare costs and preserve choices for Iowans.



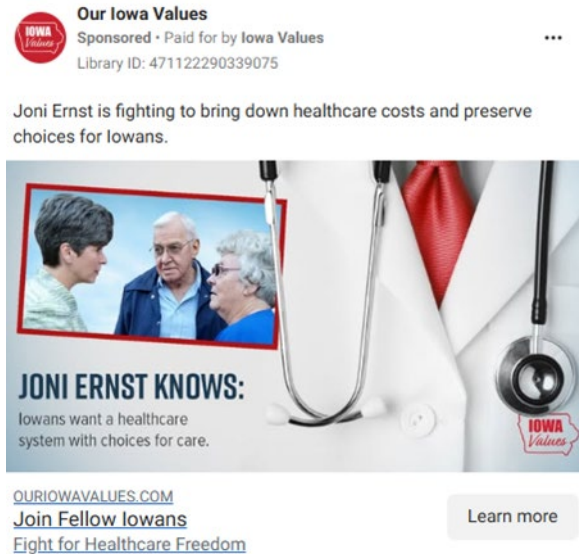
**JONI ERNST KNOWS:**  
Iowans want a healthcare system with choices for care.

OURIOWAVALUES.COM  
Join Fellow Iowans  
Fight for Healthcare Freedom

[Learn more](#)

JA-001665 (Meta Ad Library - Iowa Values Advertisement, ID 2526353754095716: Joni Ernst Knows: Iowans want a healthcare system with choices for care. (Ernst and woman and two children) (shown July 17-22, 2019; times shown 4k-5k)).

464. A companion ad, with the same text but a different image—this one featuring Ernst with an elderly couple, set over a backdrop of a doctor's white coat—ran on Facebook at the exact same time, and was specifically targeted to people 65 and over instead of to a general Iowa audience. *See* JA-001663-64, 001719-22 (Meta Digital Advertisements); *see also* JA-001718 (IAV00000158) (the version of the ad that Iowa Values produced). Iowa Values paid for 6 flights of this ad, garnering 37,000 to 47,000 impressions between July 17 and July 31, 2019. JA-001663-64, 1719-22 (Meta Digital Advertisements). It paid \$700 up to \$1,297 in placement fees. JA-001663-64, 001719-22. This Facebook advertisement appears below:



JA-001663 (Meta Ad Library - Iowa Values Advertisement, ID 2847776241962183: Joni Ernst Knows: Iowans want a healthcare system with choices for care. (Ernst and two elderly people) (shown July 17-22, 2019; 8k-9k impressions)).

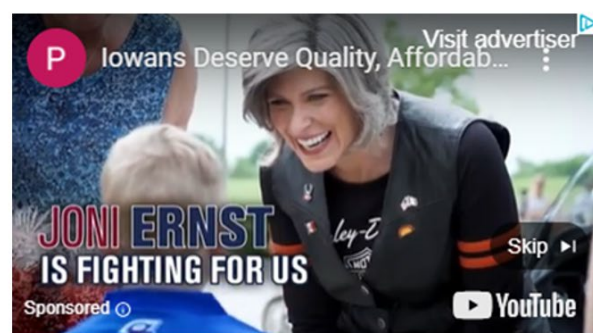
465. In August and September 2019, Iowa Values used YouTube to disseminate another 15-second video ad, similarly focused on Ernst’s plans to improve healthcare. *See* JA-001787 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 2-10, 2019; times shown 70k-80k)); JA-001808 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 10-September 3, 2019; times shown 1M-1.25M)); *see also* JA-001786 (IAV00000162) (the version of the ad that Iowa Values produced); JA-001674 (IAV00000355) (specifying 15 seconds in the ad script). The voiceover running through the advertisement stated: “The radical Left’s plan? Abolish private insurance. Government run healthcare. Iowans deserve quality, affordable choices in healthcare. Joni Ernst is fighting for us. Quality care. Iowa Values. Joni Ernst.” *See* JA-001787 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 2-10, 2019; times shown 70k-80k));

JA-001808 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 10-September 3, 2019; times shown 1M-1.25M)).

466. The onscreen text of this YouTube advertisement largely quotes the voiceover, with the phrases “Joni Ernst is fighting for us” or “Joni Ernst” appearing on the screen for the last 5 seconds of the ad. JA-001787 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 2-10, 2019; times shown 70k-80k)); JA-001808 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 10-September 3, 2019; times shown 1M-1.25M)). Ernst is onscreen for 9 of the 15 seconds of the ad, appearing with a puppy, giving a speech, and talking with Iowans. JA-001787 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 2-10, 2019; times shown 70k-80k)); JA-001808 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 10-September 3, 2019; times shown 1M-1.25M)). Given the motorcycle apparel and fair-like background in many of the shots, it appears that this advertisement too used footage Iowa Values obtained in 2017 of Ernst’s Roast and Ride events. *See supra* Part V.C.5.i, ¶¶ 417-28.

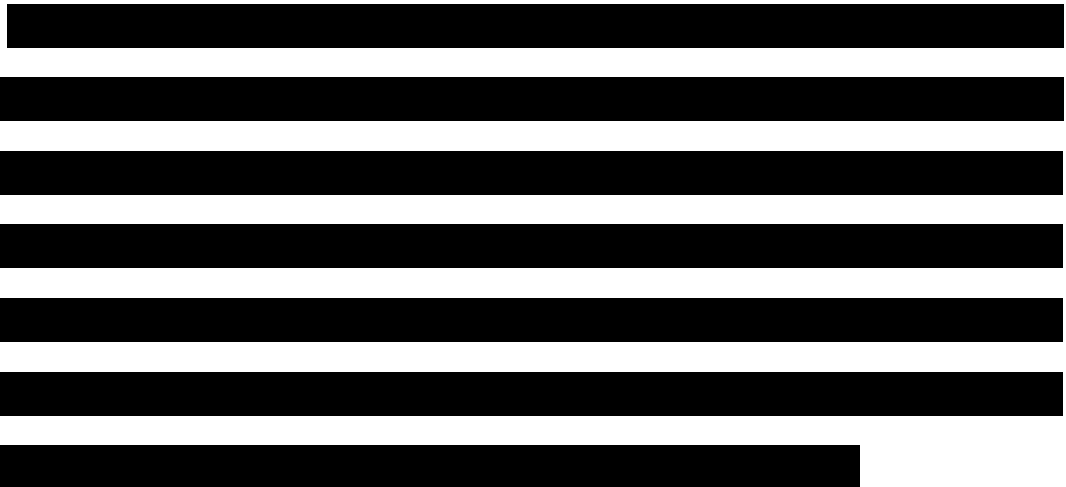
467. Iowa Values’s YouTube advertisement ran in two flights from August 2 to September 3, 2019, and was shown 1,070,000 to 1,330,000 times at a cost of \$9,900 to \$11,000. JA-001787 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 2-10, 2019; times shown 70k-80k)); JA-001808 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 10-September 3, 2019; times shown 1M-1.25M)). Frames from this video advertisement appear below:





JA-001787 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 2-10, 2019; times shown 70k-80k)).

468.



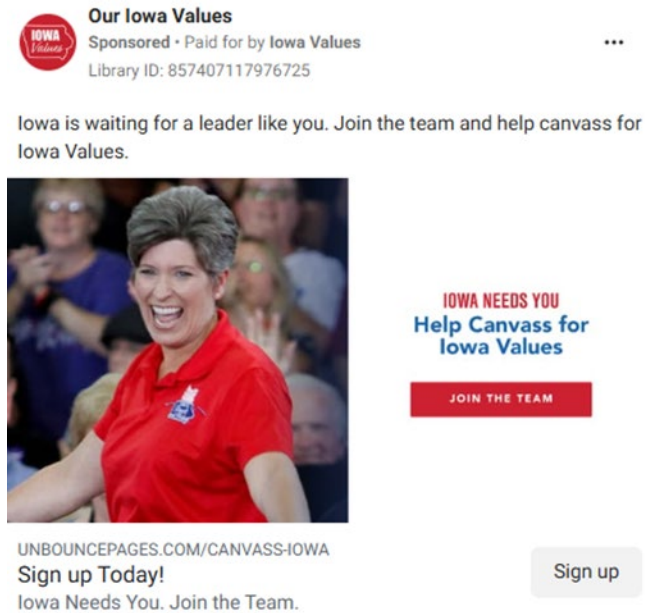
469. Moreover, Iowa Values had flagged multiple ads criticizing Ernst for her “vote to repeal Obamacare” and her overall stance on healthcare, and was eager to combat those negative messages. *See infra* Part V.C.5.vi, ¶¶ 560-77 (describing Iowa Values’s tracking and reaction to 2017 and 2019 healthcare-related attack ads against Ernst). Indeed, as described *infra* ¶¶ 654, 679-

96, Iowa Values explicitly mentioned ads criticizing Ernst’s vote to repeal Obamacare in its 2019, and 2020, fundraising appeals, explaining that “[t]he purpose of our group, Iowa Values, is to push back against these type of negative attacks.” See, e.g., JA-001643-44 (HCI-00000512-13) (emphasis added); JA-002353-54 (HCI-00001195-96).

470. The next set of ads that Iowa Values ran in summer 2019 were Facebook recruitment ads attempting to hire more people to Canvass America’s team. While these ads were not part of Iowa Values’s “Operation Firewall” messaging arc, the organization nevertheless used the ads as an opportunity to promote Ernst.

471. Iowa Values ran two recruitment ads, both of which featured photos of Ernst. One recruitment advertisement had a photo of Ernst smiling and stated, “Iowa is waiting for a leader like you. Join the team and help Canvass for Iowa Values.” See JA-001606, 001608, 001612, 001634, 001636, 001638, 001640, 001642, 001716 (Meta Digital Advertisements). A separate text field over a “JOIN THE TEAM” button said, “IOWA NEEDS YOU[.] HELP CANVASS FOR IOWA VALUES.” JA-001606, 001608, 001612, 001634, 001636, 001638, 001640, 001642, 001716 (Meta Digital Advertisements).

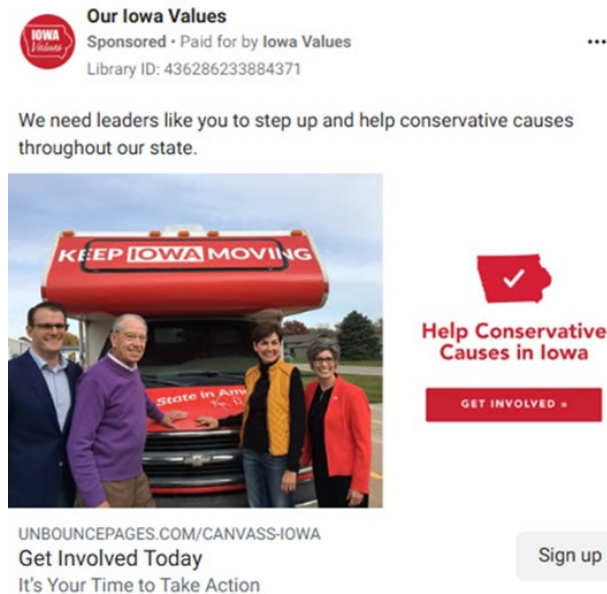
472. Iowa Values paid for 9 flights of this recruitment advertisement at a cost of \$200 up to \$1,099, running it continuously from July 9 to 23, 2019. JA-001606, 001608, 001612, 001634, 001636, 001638, 001640, 001642, 001716 (Meta Digital Advertisements). Across the 9 flights, the advertisement received approximately 11,000 to 20,000 impressions. JA-001606, 001608, 001612, 001634, 001636, 001638, 00001642, 001716 (Meta Digital Advertisements). The advertisement appears below:



JA-001606 (Meta Ad Library - Iowa Values Advertisement, ID 663623980770534: Iowa Needs You - Help Canvass for Iowa Values (shown July 9-10, 2019; <1k impressions)).

473. The second of Iowa Values’s Facebook recruitment advertisement stated, “We need leaders like you to step up and help conservatives causes throughout our state. Help Conservative Causes in Iowa. GET INVOLVED.” See JA-001604-05, 001607, 001611, 001633, 001635, 001637, 001639, 001715 (Meta Digital Advertisements). This advertisement had a photo of Ernst standing in a group in front of a van. JA-001604-05, 001607, 001611, 001633, 001635, 001637, 001639, 001715 (Meta Digital Advertisements).

474. Iowa Values paid between \$300 and \$1,298 to place 10 flights of this advertisement between July 9 and July 23, 2019, garnering approximately 22,000 to 32,000 impressions. JA-001604-05, 001607, 001611, 001633, 001635, 001637, 001639, 001715 (Meta Digital Advertisements). The advertisement appears below:



JA-001604 (Meta Ad Library - Iowa Values Advertisement, ID 341433923191461: Help Conservative Causes in Iowa (shown July 9, 2019; <1k impressions)).

475. On August 20, 2019—after this round of recruitment ads had already come down—Allison Bedell of Canvass America emailed her colleague Chris Hansen, Iowa Values’s Executive Director Derek Flowers, and Chris McNulty of Causeway to ask if it would be “possible to name Joni” in recruitment ads to “put some added urgency into the ads” and, in turn, “help drive recruitment up.” JA-001851 (IAV00002946). While the remainder of the email chain was redacted, a Canvass Iowa daily report from the same day stated that “[t]he Iowa Values legal team signed off on using Senator Ernst’s name in ads to try to increase the urgency, so we will run a duplicate ad with minor changes in Des Moines to see what it yields. Pending results, we will add Senator Ernst’s name to all ads.” JA-001843 (IAV00001734). It is unclear whether Iowa Values’s recruitment ads ever progressed from showing Ernst in photos to naming her, as no additional recruitment ads were produced during discovery or appear in the Google or Meta ad archives. *See*

JA-004547-48 (Google Ads Transparency Center, Advertiser Page - Iowa Values); JA-004551-57 (Meta Ad Library, Advertisement Page - Iowa Values).

476. The only other digital advertisement that Iowa Values paid to disseminate in 2019 was a promotion of its summer 2019 “Digital Advertising Blitz” press release. *See* JA-001609 (Meta Ad Library - Iowa Values Advertisement, ID 2877442698949231: Iowa Values Announces Digital Advertising Blitz and Door to Door Voter Canvassing (shown July 9-19, 2019; 1k-2k impressions)); JA-001610 (Meta Ad Library - Iowa Values Advertisement, ID 423001604963177: Iowa Values Announces Digital Advertising Blitz and Door to Door Voter Canvassing (shown July 9-19, 2019; times shown 30k-35k)). This advertisement ran on Facebook, showing Iowa Values’s logo and stating: “Iowa Values Announces Digital Advertising Blitz and Door to Door Voter Canvassing.” JA-001609-10 (Meta Digital Advertisements).

477. The advertisement ran in two flights from July 9 to July 19, 2019, and had 31,000 to 37,000 impressions. JA-001609-10 (Meta Digital Advertisements). It cost Iowa Values \$900 to \$1,099 to place. JA-001609-10 (Meta Digital Advertisements). The ad appears below:



Our Iowa Values

Sponsored - Paid for by Iowa Values

Library ID: 423001604963177

...

Iowa Values Announces Digital Advertising Blitz and Door to Door  
Voter Canvassing.



US3.CAMPAIGN-ARCHIVE.COM

RELEASE: Conservative Organization Begins Voter  
Outreach

JA-001609 (Meta Ad Library - Iowa Values Advertisement, ID 2877442698949231: Iowa Values Announces Digital Advertising Blitz and Door to Door Voter Canvassing (shown July 9-19, 2019; 1k-2k impressions)).

478. While the face of this advertisement did not mention Ernst, the ad linked directly to the “Digital Advertising Blitz” press release, which, as discussed *supra* ¶ 446, announced Iowa Values’s plans to support Ernst through digital advertising and canvassing and stated that Ernst is “fighting for all Iowans in Washington” and “fighting for our Iowa Values.” *See* JA-001521-22 (IAV00000252-53).

479. Iowa Values attested in its interrogatory responses that it paid Majority Strategies \$10,500 for development, production, and placement of the Facebook and Google advertisements that launched in July 2019. *See* JA-000887 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6). It attested that it paid Majority Strategies a further \$25,200 for developing, producing, and placing the Google advertisements launched in

August 2019, with reference to the 15-second ad about Ernst’s plans to improve healthcare —the only one of Iowa Values’s ads that aired in August 2019. *See* JA-000887 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6); JA-004547-48 (Google Ads Transparency Center, Advertiser Page - Iowa Values). Iowa Values explained that Majority Strategies identified \$15,000 of this \$25,200 “as specifically relating to ‘YouTube’ advertising.” *See* JA-000887 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6). Still, it is unclear whether the YouTube-specific expenses were for placement of the video ads, as the Google ad archive indicates that the maximum amount Iowa Values paid to place those ads was \$11,000. *See* JA-001787 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 2-10, 2019; times shown 70k-80k); JA-001808 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 10-September 3, 2019; times shown 1M-1.25M). Iowa Values did not produce any 2019 invoices from Majority Strategies to clarify this discrepancy, and the only Majority Strategies bill referenced in Iowa Values’s 2019 cash report is the one identified above as corresponding to the June 2019 advertisements. *See* JA-001228-71 (IAV00001059-1102).<sup>36</sup>

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<sup>36</sup> It is likewise unclear whether Iowa Values was paying Majority Strategies or Canvass Iowa for creating and disseminating its digital recruitment advertisements. Majority Strategies was not copied on the email in which Allison Bedell of Canvass America raised an ad-design recommendation to Derek Flowers, Chris McNulty, and Chris Hansen. *See* JA-001851 (IAV00002946). The Canvass Iowa daily report stating that future recruitment ads could mention Ernst also made it sound as if Canvass Iowa was taking the lead in creating and disseminating the ads. *See* JA-001843 (IAV00001734). The single invoice Iowa Values produced from Canvass America/Canvass Iowa—and the lack of invoices from Majority Strategies—do not shine light on this issue. *See* JA-001964 (IAV00002337).

**c. Iowa Values Analyzed its 2019 Digital Advertisements to Confirm the Effectiveness of Their Pro-Ernst Messaging and Targeting.**

480. After running its slate of 2019 digital ads, Iowa Values engaged in an effort to understand the ads' impact on the electorate, so that it could refine its 2020 advertising, if needed. As explained in one of Iowa Values's "Strategy Vision & Overview" memos for "2019/2020," Iowa Values wanted to be "a full data circle." JA-001283 (IAV00004818); *see also supra* ¶¶ 275-79 (discussing same document). "In addition to advanced targeting through modeling," Iowa Values planned to "gather data from digital and field programs to continually grow [its] dataset and understanding of the electorate" and to "understand what works and what doesn't work with targeted voters." JA-001283 (IAV00004818). Iowa Values set out to accomplish this by "measuring and recording what images have [the] greatest 'open' rate," gathering "feedback," fielding "surveys delivered digitally," and "maintaining a running dialogue and messaging platform to keep these voters engaged and continue to listen to them." JA-001283 (IAV00004818); JA-001288 (IAV00004823). Iowa Values's memo further explained that "[m]etrics will be a key ingredient. Every voter contact will be recorded and analyzed." JA-001288 (IAV00004823); *see also supra* ¶¶ 249-60 (discussing JA-004330 (IAV00004884), an undated strategy memo conveying an almost identical version of this plan).

481. Iowa Values Executive Director Derek Flowers testified to Iowa Values's "data circle," explaining that it was "important for Iowa Values' digital team to interface well with Causeway" because, as Flowers explained, one of the "three core services" Causeway provided "was the modeling and the data. And so when it comes to digital advertising, those two things feed each other . . . a marketer might segment the population into groups that would be responsive to a message. It would be Causeway's job to do that, create those segments." JA-002855 (Flowers Dep. at 76:9-21). In turn, "those are the people that would receive the digital advertising. And then vice



versa, any data that comes in via the digital work . . . would . . . go back in to feed the future iteration of the model.” JA-002855-56 (Flowers Dep. at 76:21-77:3).

482. Indeed, in the April 1, 2019, memo from Reid Vineis of Majority Strategies to Flowers and Chris McNulty of Causeway, regarding “Iowa Values Digital Advertising Program,” *see supra* ¶¶ 443-45, Vineis proposed the following specific measures: “We’ll run ‘Brand Lift’ studies on the ads we are running which measure the impact of the videos. Ads are shown to an exposed group (our audience) and are not shown to a control group. At the end of the campaign, YouTube asks questions of both groups to see if they have seen our advertising. The difference in response rates between the groups is the lift we generated. The report also highlights the demographics most influenced.” JA-001401 (IAV00000482).

483. The memo continued that Iowa Values would further “measure success by testing engagement rates on the digital ads, both video and display. On display, we’ll look at awareness and click through rates. With video, we’ll look at completion rates to measure voter’s interests. Both of these will show us whether people are engaged with the content we’re developing.” JA-001402 (IAV00000483). These metrics were in sum all designed, as Vineis explained, to show “what ads worked, what didn’t, and what groups were most responsive to the ads.” JA-001402 (IAV00000483).

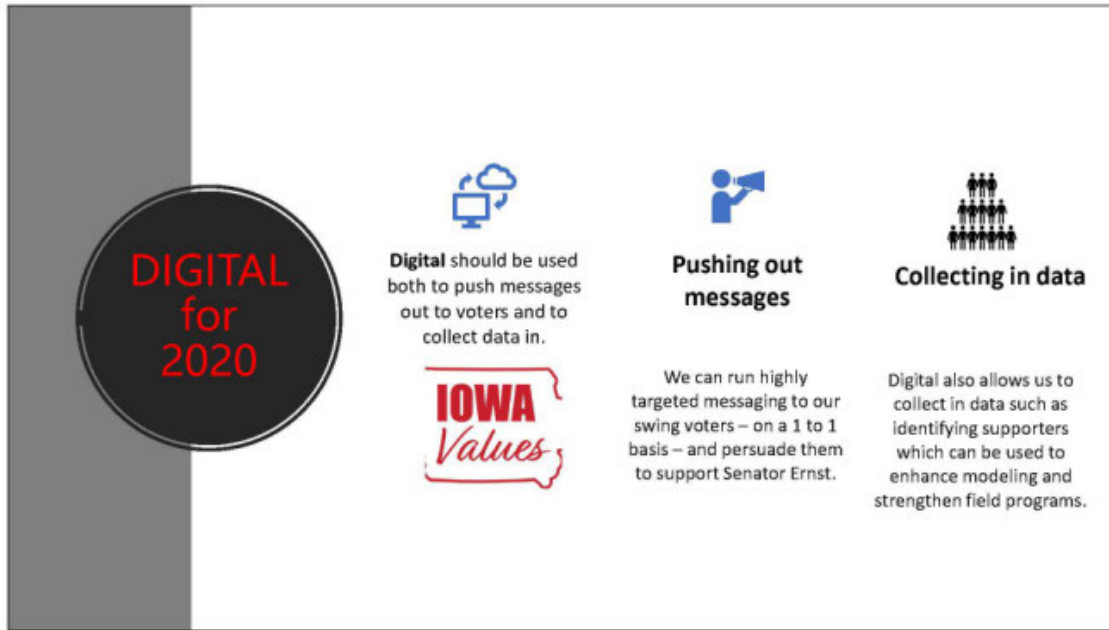
484. Evidence indicates that Iowa Values embraced Vineis’s proposals and adhered to its “data circle” plan of tracking all online voter interactions—ultimately concluding that its 2019 digital ad program had been successful and should continue relatively unchanged into 2020. Another of Iowa Values’s 2019 “Strategy Overview and Update” memos, for example—which Holloway provided to potential donors—touted that, “[t]o date, Iowa Values has delivered 4 million impressions across Facebook, Twitter, Display and YouTube. Notably, we have notched

over 1 million video views, with an excellent ad recall rate of 12.57% and received over 7,700 clicks to the website.” JA-001857 (HCI-00000695). *See supra* ¶ 267.

485. An undated Iowa Values slide deck that appears to be from late 2019 or early 2020, includes a slide titled “2019 Digital Overview” that features a photo of Ernst and states that Iowa Values ran digital ads for three months, from July to September 2019, “[t]argeting key swing audience.” JA-002066 (IAV00000348-54 at IAV00000349). The slide specified that the “[a]ds were video & display images,” and that the “KEY TAKEAWAY” was that “[w]e used digital effectively to begin to push messages directly to swing voters.” JA-002066 (IAV00000349).

486. The next slide, titled “DIGITAL ANALYSIS 2019,” elaborated that Iowa Values “conducted an online survey to measure effectiveness of video ad. Some voters in our swing universe were shown the video (exposed group), – while others did not see it (control group). When asked if they remembered seeing any advertisements for Senator Ernst – **the exposed group had an 11% increase in positive response. 116,597 voters recalled our ads.** This tells us that digital was effective at delivering memorable messaging.” JA-002067 (IAV00000350) (emphasis in the original) (describing what appears to be the “Brand Lift” Vineis pitched). The slide deck further included an assessment of Iowa Values’s “2019 Political Goals vs Actual,” which stated that Iowa Values had “Identif[ied] Target Audience and hit w/ . . . digital to build positive brand and buttress against attacks. (Firewall Universe).” JA-002071 (IAV00000354).

487. Another slide, titled “DIGITAL for 2020” laid out Iowa Values’s plan moving forward, which was to continue using digital advertising “both to push messages out to voters and to collect data in”:



JA-002068 (IAV00000351); *see also infra* ¶ 497 (discussing JA-002068 (IAV00000351) again).

488. An Iowa Values memo to “Interested Parties” dated January 31, 2020, and titled “Iowa Values Q1 2020 Update” further summarized Iowa Values’s 2019 digital advertising efforts, reporting that, in 2019, Iowa Values “delivered digital ads to 116,597 individuals” and then “conducted an after-action analysis and survey that showed an 11% increase in positive response.” JA-002249 (IAV00000521). “In short,” the memo concluded “our message gets through to people [and] is effective.” JA-002249 (IAV00000521). The memo further noted that “the issues data that we collected will [ ] help us in 2020 to identify the key voters that we will need to reach to support Senator Ernst in the next phase of our efforts.” JA-002249 (IAV00000521). As described below, *see infra* Parts V.C.5.iv.a-V.C.5.iv.b, ¶¶ 490-530, those 2020 efforts included increasingly election-explicit messages delivered to “disengagers” through both online digital advertisements and mailers.

**iv. Iowa Values’s 2020 Digital Advertisements Continued to Focus on Ernst and Target “Disengagers.”**

489. As planned, Iowa Values continued its digital advertising program into 2020, the election year. Iowa Values’s internal communications and strategy documents reveal that it continued to target “disengagers” or the “firewall” universe with digital ads that connected Ernst to the issues these swing voters cared about (as determined through polling and modeling). *See infra* Part V.C.5.iv.a-V.C.5.iv.b, ¶¶ 490-530. Iowa Values also deliberately shifted the content of its advertising as the election neared, starting with ads that gave Ernst cover from other groups’ attacks, then transitioning to ads generally promoting her or criticizing Greenfield, and ending in the fall with an ad explicitly calling on people to vote on November 3, 2020, and highlighting why Ernst was the clear choice over Greenfield. *See infra* Part V.C.5.iv.a-V.C.5.iv.b, ¶¶ 490-530. The ads—along with the 2020 mailers and canvassing literature, *see supra* Part V.C.4.iii.b, ¶¶ 409-13 and *infra* Part V.C.5.v, ¶¶ 531-59—represent the culmination of Iowa Values’s multiyear, multifaceted plan to locate swing voters and convince them to vote for Ernst.

**a. In 2020, Iowa Values Planned Multiple Phases of Ernst-Centered Advertising for the “Firewall” Universe.**

490. Iowa Values stated in several different iterations of strategy documents that its high-level plan for digital advertising in 2020 was to “pick up the task of GOTV . . . in addition to the continued focus on ‘Disengagers’” or the “firewall universe.” *See supra* Part V.C.2, ¶¶ 248-97 (citing, *e.g.*, JA-004291 (IAV00003284); JA-004294 (IAV00003367); JA-001289 (IAV00004824); JA-004335 (IAV00004889); JA-001857 (HCI-00000695)). A “2020 Recap” slide deck recounting the goals, plans, and achievements of Iowa Values and its companion super PAC, Iowa Values Action—*see generally infra* Part VII, ¶¶ 720-41 (discussing Iowa Values Action)—in 2019 and 2020, explained that the “2020 Plan” was to “Stay in Front of Ernst Supporters, Persuadable Swing Voters and Lean Ernst Soft Dems w/ Positive Issue Messaging.” JA-002659 (IAV00002785).

Numerous documents spelled out the finer points of the strategy, often breaking the advertising plan into phases.

491. As discussed *supra* ¶¶ 278, an agenda for a November 20, 2019, Iowa Values Board meeting stated that, through mid-February 2020, Iowa Values would focus on “Digital Counter Punching,” meaning responding to Ernst attack ads. JA-002076 (IAV00003278-79 at IAV00003278). From March to May 2020, Iowa Values would have a “[c]ontinued digital focus on [the] Firewall Universe,” such that Iowa Values’s “Focus Audience will be Pro Ernst / Anti Trump mid/low propensity voters.” JA-002077 (IAV00003279). In general, Iowa Values would adopt a “Dual Focus” through “Election Day 2020,” targeting both the “Firewall Universe/AB/EV [Absentee Ballot/Early Voting] & GOTV.” JA-002076 (IAV00003278).

492. Iowa Values’s “Q1 2020 Update”—dated January 31, 2020, and addressed to Interested Parties, *see supra* ¶ 472—likewise made clear Iowa Values “*anticipates that more of its work will be for influencing elections now that 2020 is upon us.*” JA-002247 (IAV00000519) (emphasis added). In a section labeled “Spring 2020,” the memo stated: “Our goal is to be up digitally continuously to this target audience until Memorial Day”—defining Iowa Values “target audience” to mean “segments of the electorate that can be persuaded to our positions” based on a “modeling project.” JA-002249 (IAV00000521). Memorial Day, in turn, would be Iowa Values’s “pivot into more electorally focused activity” as Iowa Values “believe[d] that friendly third-party entities will begin to spend resources on ‘air cover’ at about that time of year,” and “[o]ur goal is to act as a bridge till this outside messaging begins.” JA-002249 (IAV00000521). The memo emphasized that “[a] strong digital ad buy during this period is critical to keep Senator Ernst and our conservative agenda in a strong position moving into the summer before her election.” JA-

002249 (IAV00000521). The memo further specified that, in “Summer 2020,” Iowa Values would “shift our digital advertising to focus on Senator Ernst as candidate.” JA-002249 (IAV00000521).

493. As described *supra* ¶¶ 285-89, an undated Iowa Values’s “2020 Overview” memo further tracked Iowa Values’s multi-phase plan for 2020. Phase One of Iowa Values’s 2020 activity would run from January 1 through Ernst’s June 2 primary election, with “[c]ampaign advocacy work . . . focused on the firewall universe” in line with Iowa Values’s “goal . . . to stay up on digital continually to this universe.” JA-002378 (HCI-00001215). Phase Two would run from June 3 through August 1, 2020, during which time Iowa Values would, “[a]t a minimum [ ] want to be able to maintain our digital presence with the aforementioned ‘Firewall Universe.’” JA-002379 (HCI-00001216). During Phase Three, set to run from August 1 through the November 2020 General Election, Iowa Values would maintain its “continued digital effort” messaging to the “Firewall Universe.” JA-002379 (HCI-00001216). The memo made clear that, in “2019 and early 2020[,] [Iowa Values] executed . . . 7 months of digital campaign to the critical ‘Firewall’ universe” and wanted to “stay in front of them during the entirety of” 2020. JA-002380 (HCI-00001217). Such digital messaging would echo the messaging conveyed “through person to person contact . . . to the same universe.” JA-002382 (HCI-00001219).

494. In June 2020, Reid Vineis, Vice President of Digital at Majority Strategies presented an “IA Values Digital Plan” to Iowa Values’s Executive Director Derek Flowers and Chris McNulty of Causeway, in which he recommended that the best strategy for the remainder of 2020 would be “to deliver compelling messages to the key swing audiences identified by the Causeway modeling project.” JA-002315 (IAV00000464-65 at IAV00000464); [REDACTED]

[REDACTED]

[REDACTED] This digital plan further

explained that, “[t]hrough the campaign, we can adapt and adjust as the race shifts. That includes shifting our audiences based on re-trains of the Causeway model as well as shifts in spending from other entities.” JA-002315 (IAV00000464). Vineis recommended using “digital as *a targeted vehicle to deliver messages that will persuade swing voters to support Senator Ernst.*” JA-002315 (IAV00000464) (emphasis added). The persuasion would occur by “walk[ing] voters through what in the brand world is known as a conversion funnel. First we’ll make them aware of Senator Ernst’s contributions & value. Second, we’ll persuade them that she is superior to her Democrat opponent. Finally, we’ll motivate them to vote for Senator Ernst on Election Day.” JA-002315 (IAV00000464) The memo encouraged Iowa Values to come up with a “messaging arc” so that its advertising “campaign is cohesive.” JA-002316 (IAV00000465).

495. Vineis’s memo delved in more detail into the mechanics of how Iowa Values’s messaging would work. It explained that “display ads”—defined as “static or animated banner ads which would either run on Facebook or on websites/apps”—should start “in June to start lightly communicating with our audiences without the expense of video.” JA-002315 (IAV00000464). “Video ads would start in August.” JA-002315 (IAV00000464). The memo asserted that “[t]he bulk of the effort should be online video” because that “is the most persuasive medium.” JA-002315 (IAV00000464).

496. On August 25, 2020, Chris McNulty of Causeway Solutions emailed to Iowa Values’s lawyer Ron Jacobs, its Executive Director Derek Flowers, and redacted individuals a “digital plan” for ads going up in August and September. JA-002359-60 (IAV00002808-09). The plan included a chart, and in the column labeled “Universe Description” for each advertisement, McNulty wrote “Broad Persuasion +Joni / -Trump” or “Likely Independent Voters”:

# Digital Plan

| SOCIAL MEDIA ADS                    |                                  |                                        |         |         |         |           |             |         |             |
|-------------------------------------|----------------------------------|----------------------------------------|---------|---------|---------|-----------|-------------|---------|-------------|
| Flight                              | Universe Description             | Units                                  | Begins  | Ends    | Count   | Frequency | Impressions | CPM     | Cost        |
| Facebook Video                      | Broad Persuasion +Joni / - Trump | Display video to your audience         | 8/26/20 | 9/9/20  | 161,412 | 5         | 781,250     | \$32.00 | \$25,000.00 |
| Facebook Video                      |                                  |                                        | 9/9/20  | 9/29/20 | 161,412 | 5         | 781,250     | \$32.00 | \$25,000.00 |
| Facebook Video                      |                                  |                                        | 9/23/20 | 10/6/20 | 161,412 | 5         | 781,250     | \$32.00 | \$25,000.00 |
| DISPLAY ADS                         |                                  |                                        |         |         |         |           |             |         |             |
| Flight                              | Universe Description             | Units                                  | Begins  | Ends    | Count   | Frequency | Impressions | CPM     | Cost        |
| Pre-Roll and OTT/CTV Video Flight 1 | Broad Persuasion +Joni / - Trump | Video on apps, websites and OTT & CTV. | 8/26/20 | 9/9/20  | 161,412 | 3         | 543,478     | \$46.00 | \$24,999.99 |
| Pre-Roll and OTT/CTV Video Flight 2 |                                  |                                        | 9/9/20  | 9/29/20 | 161,412 | 3         | 543,478     | \$46.00 | \$24,999.99 |
| Pre-Roll and OTT/CTV Video Flight 3 |                                  |                                        | 9/23/20 | 10/6/20 | 161,412 | 3         | 543,478     | \$46.00 | \$24,999.99 |
| Pre-Roll and OTT/CTV                |                                  |                                        |         |         |         |           |             |         |             |

IAV00002808

|                  |                           |                                                   |         |         |  |  |             |              |             |
|------------------|---------------------------|---------------------------------------------------|---------|---------|--|--|-------------|--------------|-------------|
| Video Flight 4   |                           |                                                   |         |         |  |  |             |              |             |
| VIDEO ADS        |                           |                                                   |         |         |  |  |             |              |             |
| Flight           | Universe Description      | Units                                             | Begins  | Ends    |  |  | Impressions | CPM          | Cost        |
| YouTube Flight 1 | Likely Independent Voters | Video ads on YouTube: 6s, 15s, 30s Pre-Roll Video | 8/26/20 | 9/9/20  |  |  | 1,136,364   | \$22.00      | \$25,000.00 |
| YouTube Flight 2 |                           |                                                   | 9/9/20  | 9/29/20 |  |  | 1,136,364   | \$22.00      | \$25,000.00 |
| YouTube Flight 3 |                           |                                                   | 9/23/20 | 10/6/20 |  |  | 1,136,364   | \$22.00      | \$25,000.00 |
|                  |                           |                                                   |         |         |  |  | TOTAL       | \$224,999.96 |             |



JA-002359-60 (IAV00002808-09). This email confirms that Iowa Values was carrying through with its plan to continue targeting a “firewall universe” of voters in 2020.

497. Iowa Values further continued embracing in 2020 the philosophy that its “[d]igital should be used both to push messages out to voters and collect data in.” JA-001352 (IAV00000351). As discussed *supra* ¶ 487, an undated Iowa Values slide deck describing Iowa Values’s digital activities and plans for 2019 and 2020, included a slide titled “DIGITAL for 2020,” which made explicit Iowa Values’s plan to “run highly targeted messaging to our swing voters – on a 1 to 1 basis – *and persuade them to support Senator Ernst.*” JA-001352 (IAV00000351) (emphasis added). At the same time, “[d]igital also allows [Iowa Values] to collect in data such as identifying supporters which can be used to enhance modeling and strengthen field programs.” JA-001352 (IAV00000351).

498. As described *supra* ¶ 257, it was “important” for Iowa Values in 2020—as it was in 2019—“to measure the effectiveness of our . . . digital messaging efforts.” JA-004335 (IAV00004889). Accordingly, as at least one Iowa Values’s strategy document made clear: “In 2020, Iowa Values will continue to monitor the electorate as it changes throughout the election cycle. This will allow us to make sure we are putting resources in front of the most critical voters even as the electorate changes and to measure the effectiveness of our own programs.” JA-004335 (IAV00004889).

**b. Iowa Values’s 2020 Digital Advertisements Connected Ernst to Issues Important to the “Firewall” Universe and Explicitly Sought to Get Out the Vote for Her.**

499. When it came time to launch its 2020 digital advertisements, Iowa Values generally followed the plan it had laid out. As anticipated as early as November 2019, Iowa Values’s spent the first few months of 2020 “Digital Counter Punching” by running two ads ostensibly about healthcare but both actually designed to support Ernst. *See* JA-002076 (IAV00003278).

500. The first ad, which ran on Facebook from January 14 to February 3, 2020, *see* JA-002253 (IAV00000160); JA-004551-57 (Meta Ad Library, Advertisement Page - Iowa Values), “explain[ed] the damage that single-payer healthcare would have on peoples’ relationships with the[ir] doctors and their access to quality healthcare of their choosing,” JA-002247 (IAV00000519). This is the only paid digital advertisement that Iowa Values ever disseminated which did not picture or reference Ernst.

501. Iowa Values’s interrogatory responses reflect that “Iowa Values paid The Strategy Group for Media \$3,500 for the production” of this ad. JA-000887 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6). The interrogatory responses also state that Iowa Values paid Majority Strategies \$67,000 for advertising work Majority Strategies did in December and January, which was not broken down by ad. JA-000887 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6). However, Iowa Values identified that \$20,000 of the \$67,000 as “specifically relating to ‘Facebook’ advertising.” JA-000887 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6). The Meta ad archive data on the placement costs are not part of the record. It remains unclear what portion of the Majority Strategies payment, if any, corresponds to the “issue” ad, as Iowa Values did not produce any Majority Strategies invoices that clearly correspond to December 2019 and January 2020 work.

502. While Iowa Values’s first 2020 advertisement did not picture or reference Ernst, Iowa Values’s documents establish that the purpose of the advertisement was not to persuade voters to reject “Medicare for All”; rather, its purpose was defending Ernst. As discussed more *infra* Part V.C.5.vi, ¶¶ 560-77, outside spending groups aligned with the Democrats had been attacking Ernst over her efforts to repeal Obamacare since 2017, culminating in damaging messaging against her

in the later part of 2019. Iowa Values wanted to defend Ernst against these attacks and decided to do so by creating a two-part messaging series. The first ad—the purported issue ad—would be directed to the organization’s “target audience” and “point[ ] out what a world with ‘Medicare for all’ could look like for Iowa families.” JA002249 (IAV00000521). The second ad, which would follow “[i]n short order,” would “point[ ] out to these same voters how Senator Ernst is fighting for them to prevent the Democrats from enacting their ‘Medicare for all’” agenda. JA-002249 (IAV00000521). Iowa Values’s plan was thus to disseminate an “issue ad” to pave the way for and make voters more receptive to a follow-up ad about Ernst.

503. That follow-up Ernst ad came a little more than two weeks after the “issue ad” stopped airing. From February 21 to March 5, 2020, Iowa Values disseminated a 30-second video advertisement on Facebook asserting that Ernst is protecting Iowans from Democrats’ “radical plans” for single-payer healthcare. *See* JA-002255 (Meta Ad Library - Iowa Values Advertisement, ID 2675579542539841: Joni Ernst A Fighter for Iowa Families (shown February 21-March 5, 2020; 300k-350k impressions)); *see also* JA-002254 (IAV00000159) (Iowa Values’s produced version of the video); JA-002098-99 (IAV00005129-30) (script specifying 30 seconds). The ad’s audio stated: “They’re descending on Iowa. Big government Democratic elites pushing radical plans that will rob us of our healthcare, taking away doctor choice and giving us endless bureaucracy. And Joni Ernst knows Iowans won’t stand for it. Joni Ernst is fighting for our Iowa Values in Washington, working to cut prescription drug costs, end surprise medical billing, and improve healthcare for our nation’s veterans. Joni always looks out for those most in need, especially those with pre-existing conditions. Joni Ernst, a fighter for Iowa families.” JA-002255 (Meta Ad Library - Iowa Values Advertisement, ID 2675579542539841: Joni Ernst A Fighter for Iowa Families (shown February 21-March 5, 2020; 300k-350k impressions)).

504. On-screen text highlighted Ernst’s “record” and statements. JA-002255 (Meta Ad Library - Iowa Values Advertisement, ID 2675579542539841: Joni Ernst A Fighter for Iowa Families (shown February 21-March 5, 2020; 300k-350k impressions)). For example, various frames of the advertisement said, “JONI’S RECORD: CUT PRESCRIPTION COSTS,” “JONI’S RECORD: END SURPRISE MEDICAL BILLING,” and “JONI’S RECORD: IMPROVE VETERAN HEALTHCARE.” JA-002255 (Meta Ad Library - Iowa Values Advertisement, ID 2675579542539841: Joni Ernst A Fighter for Iowa Families (shown February 21-March 5, 2020; 300k-350k impressions)). Another frame reproduced an Ernst quote where she said, “It is important that we protect people with pre-existing conditions.” JA-002255 (Meta Ad Library - Iowa Values Advertisement, ID 2675579542539841: Joni Ernst A Fighter for Iowa Families (shown February 21-March 5, 2020; 300k-350k impressions)). The final frame had “JONI ERNST[.] A FIGHTER FOR IOWA FAMILIES” written in large letters. JA-002255 (Meta Ad Library - Iowa Values Advertisement, ID 2675579542539841: Joni Ernst A Fighter for Iowa Families (shown February 21-March 5, 2020; 300k-350k impressions)). Ernst was on-screen for 20 of the 30 seconds of the ad, appearing in casual clothes with soldiers, babies, and senior citizens, giving out hugs and making a speech at a Roast and Ride. JA-002255 (Meta Ad Library - Iowa Values Advertisement, ID 2675579542539841: Joni Ernst A Fighter for Iowa Families (shown February 21-March 5, 2020; 300k-350k impressions)). Text displayed above the advertisement said, “Joni Ernst is working to lower health care costs for Iowans.” JA-002255 (Meta Ad Library - Iowa Values Advertisement, ID 2675579542539841: Joni Ernst A Fighter for Iowa Families (shown February 21-March 5, 2020; 300k-350k impressions)).

505. This February to March 2020 ad ran in a single flight for \$3,000 to \$3,500 and garnered 300,000 to 350,000 impressions. JA-002255 (Meta Ad Library - Iowa Values

Advertisement, ID 2675579542539841: Joni Ernst A Fighter for Iowa Families (shown February 21-March 5, 2020; 300k-350k impressions)). Images from the ad appear below:



JA-002255 (Meta Ad Library - Iowa Values Advertisement, ID 2675579542539841: Joni Ernst A Fighter for Iowa Families (shown February 21-March 5, 2020; 300k-350k impressions)).

506. Iowa Values’s interrogatory responses reflect that it paid The Strategy Group for Media \$3,500 for producing this ad. *See* JA-000887 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6); *see also* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (showing a January 5, 2020, payment to The Strategy Group for Media, Inc. for “media

production,” which may have encompassed the production of this ad and the “issue” ad). Again, it is unclear what, if any, portion of the \$67,000 that Iowa Values paid Majority Strategies for the vendor’s December and January advertising work went toward this ad. *See* JA-000887 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6).

507. Moving from “counterpunching” to phase two of its digital plan—promoting Ernst to voters in the target universe—Iowa Values launched a series of display ads promoting Ernst’s “leadership.” From April 30 to May 14, 2020, Iowa Values disseminated a Facebook advertisement that showed Ernst in a red suit and said, “JONI ERNST[.] STRONG LEADERSHIP IN DIFFICULT TIMES.” JA-002287 (Meta Ad Library - Iowa Values Advertisement, ID 2759227770854830: Joni Ernst Strong Leadership in Difficult Times (shown April 30-May 14, 2020; 20k-25k impressions)); JA-002288 (Meta Ad Library - Iowa Values Advertisement, ID 722934295117599: Joni Ernst Strong Leadership in Difficult Times (shown April 30-May 14, 2020; >1M impressions)); JA-002289 (IAV00000449) (Iowa Values’s produced version of the ad); JA-002279-80 (IAV00000991-92) (drafts of the ad that Majority Strategies emailed to Derek Flowers and Chris McNulty for feedback). Text surrounding the advertisement stated, “In these tough and uncertain times, we need strong leadership.” JA-002287 (Meta Ad Library - Iowa Values Advertisement, ID 2759227770854830: Joni Ernst Strong Leadership in Difficult Times (shown April 30-May 14, 2020; 20k-25k impressions)); JA-002288 (Meta Ad Library - Iowa Values Advertisement, ID 722934295117599: Joni Ernst Strong Leadership in Difficult Times (shown April 30-May 14, 2020; >1M impressions)).

508. Iowa Values paid up to \$4,600 to \$5,000 to place two flights of this ad, which garnered approximately 20,000 to 1,025,000 impressions. JA-002287 (Meta Ad Library - Iowa Values Advertisement, ID 2759227770854830: Joni Ernst Strong Leadership in Difficult Times

(shown April 30-May 14, 2020; 20k-25k impressions)); JA-002288 (Meta Ad Library - Iowa Values Advertisement, ID 722934295117599: Joni Ernst Strong Leadership in Difficult Times (shown April 30-May 14, 2020; >1M impressions)). The advertisement appears below:



See JA-002287 (Meta Ad Library - Iowa Values Advertisement, ID 2759227770854830: Joni Ernst Strong Leadership in Difficult Times (shown April 30-May 14, 2020; 20k-25k impressions)).

509. Back-to-back with this advertisement, Iowa Values ran another advertisement promoting Ernst’s leadership qualities—this one also featuring Ernst in a red suit— which ran on Facebook from May 14 to May 30, 2020. JA-002304 (Meta Ad Library - Iowa Values Advertisement, ID 2736063856522548: Joni Ernst Strong Leadership in Difficult Times (shown May 14-30, 2020; 25k-30k impressions)); JA-002305 (Meta Ad Library - Iowa Values Advertisement, ID 240794693872519: Joni Ernst Strong Leadership in Difficult Times (shown May 14-30, 2020; >1M impressions)); JA-002306 (IAV00000448) (Iowa Values’s produced version of the ad). This advertisement was a photo of Ernst with the same phrase: “JONI ERNST[.] STRONG LEADERSHIP IN DIFFICULT TIMES.” JA-002304 (Meta Ad Library - Iowa Values Advertisement, ID 2736063856522548: Joni Ernst Strong Leadership in Difficult Times (shown

May 14-30, 2020; 25k-30k impressions)); JA-002305 (Meta Ad Library - Iowa Values Advertisement, ID 240794693872519: Joni Ernst Strong Leadership in Difficult Times (shown May 14-30, 2020; >1M impressions)); JA-002306 (IAV00000448). The text around the advertisement was different, however, stating: “Senator Joni Ernst is working hard to provide relief for Iowa families and small businesses.” JA-002304 (Meta Ad Library - Iowa Values Advertisement, ID 2736063856522548: Joni Ernst Strong Leadership in Difficult Times (shown May 14-30, 2020; 25k-30k impressions)); JA-002305 (Meta Ad Library - Iowa Values Advertisement, ID 240794693872519: Joni Ernst Strong Leadership in Difficult Times (shown May 14-30, 2020; >1M impressions)).

510. Iowa Values paid a maximum of \$4,600 to \$5,000 for two flights of this Facebook advertisement and received more than one million impressions on the ad in total. JA-002304 (Meta Ad Library - Iowa Values Advertisement, ID 2736063856522548: Joni Ernst Strong Leadership in Difficult Times (shown May 14-30, 2020; 25k-30k impressions)); JA-002305 (Meta Ad Library - Iowa Values Advertisement, ID 240794693872519: Joni Ernst Strong Leadership in Difficult Times (shown May 14-30, 2020; >1M impressions)). The advertisement appears below:





See JA-002304 (Meta Ad Library - Iowa Values Advertisement, ID 2736063856522548: Joni Ernst Strong Leadership in Difficult Times (shown May 14-30, 2020; 25k-30k impressions)).

511. In the process of designing this second advertisement focused on Ernst’s “leadership,” Chris McNulty of Causeway suggested—in a May 2020 email exchange with Iowa Values’s Executive Director Derek Flowers and Reid Vineis of Majority Strategies—that Iowa Values’s ad could link to a landing page with a brief survey asking people when they think the economy should reopen, in light of the COVID crisis, i.e., the “difficult times” mentioned in the ad. JA-002302 (IAV00002224-31 at IAV00002230). He thought that would be a useful way to “collect data.” JA-002302 (IAV00002230). Vineis responded, “*Are we still making the connection to Joni though?*” JA-002302 (IAV00002230) (emphasis added). McNulty acknowledged that was a “fair” question, after which Flowers responded with the last word: “*I think the Joni messaging should be the primary focus.*” JA-002302 (IAV00002230) (emphasis added).

512. In line with that focus, from June 1 to June 5, 2020, Iowa Values ran two flights of a third Ernst “leadership” ad on Facebook. See JA-002312 (Meta Ad Library - Iowa Values Advertisement, ID 258305775438645: Joni Ernst Strong Compassionate Leadership (shown June 1-5, 2020; 200k-250k impressions)); JA-002313 (Meta Ad Library - Iowa Values Advertisement, ID 260066438601865: Joni Ernst Strong Compassionate Leadership (shown June 1-5, 2020; 45k-50k impressions)); see also JA-002314 (IAV00000702) (Iowa Values’s produced version of the ad). This advertisement had a different photo of Ernst and stated, “JONI ERNST[.] STRONG COMPASSIONATE LEADERSHIP.” JA-002312 (Meta Ad Library - Iowa Values Advertisement, ID 258305775438645: Joni Ernst Strong Compassionate Leadership (shown June 1-5, 2020; 200k-250k impressions)); JA-002313 (Meta Ad Library - Iowa Values Advertisement, ID 260066438601865: Joni Ernst Strong Compassionate Leadership (shown June 1-5, 2020; 45k-50k

impressions)) . The surrounding text used the same phrase as the previous advertisement, however: “Senator Joni Ernst is working hard to provide relief for Iowa families and small businesses.” JA-002312 (Meta Ad Library - Iowa Values Advertisement, ID 258305775438645: Joni Ernst Strong Compassionate Leadership (shown June 1-5, 2020; 200k-250k impressions)); JA-002313 (Meta Ad Library - Iowa Values Advertisement, ID 260066438601865: Joni Ernst Strong Compassionate Leadership (shown June 1-5, 2020; 45k-50k impressions)).

513. The two flights of this advertisement cost a maximum of \$5,100 to \$6,000, according to the Meta ad archive, and received a combined 245,000 to 300,000 impressions on Facebook. JA-002312 (Meta Ad Library - Iowa Values Advertisement, ID 258305775438645: Joni Ernst Strong Compassionate Leadership (shown June 1-5, 2020; 200k-250k impressions)); JA-002313 (Meta Ad Library - Iowa Values Advertisement, ID 260066438601865: Joni Ernst Strong Compassionate Leadership (shown June 1-5, 2020; 45k-50k impressions)). The advertisement appears below:



See JA-002312 (Meta Ad Library - Iowa Values Advertisement, ID 258305775438645: Joni Ernst Strong Compassionate Leadership (shown June 1-5, 2020; 200k-250k impressions)).

514. In the middle of 2020, Iowa Values’s digital advertising expanded to not only support Ernst but attack her Democratic opponent, Theresa Greenfield. On July 27, 2020—for one day only—Iowa Values ran a 15-second video on YouTube attacking Greenfield, which was titled “Theresa Greenfield’s Values.” JA-001737 (Google Ads Transparency Center - Iowa Values Advertisement: Theresa Greenfield's Values (shown July 27, 2020; times shown 0-1k)); JA-002347 (IAV00003545) (Iowa Values’s produced version of the ad). This advertisement was shown up to 1,000 times and cost up to \$100 to place. JA-001737 (Google Ads Transparency Center - Iowa Values Advertisement: Theresa Greenfield's Values (shown July 27, 2020; times shown 0-1k)). The video featured Scott Valencia of Winterset, Iowa, who appears to either own or work at the restaurant that served as the backdrop to the ad. JA-001737 (Google Ads Transparency Center - Iowa Values Advertisement: Theresa Greenfield's Values (shown July 27, 2020; times shown 0-1k)). Valencia narrates the whole ad, stating, “For years, we’ve been proud to welcome Republicans and Democrats. But we just can’t support Theresa Greenfield. Greenfield is supporting job-killing tax hikes that would make it harder for Iowa small businesses to recover. She does not share our values.” JA-001737 (Google Ads Transparency Center - Iowa Values Advertisement: Theresa Greenfield's Values (shown July 27, 2020; times shown 0-1k)).

515. This anti-Greenfield advertisement interspersed images of Valencia and his restaurant with images of Greenfield. JA-001737 (Google Ads Transparency Center - Iowa Values Advertisement: Theresa Greenfield's Values (shown July 27, 2020; times shown 0-1k)). Text on the screen labeled the advertisement a “VOTER ALERT.” JA-001737 (Google Ads Transparency Center - Iowa Values Advertisement: Theresa Greenfield's Values (shown July 27, 2020; times shown 0-1k)). The advertisement also included onscreen text echoing the audio, including the phrases: “Greenfield supports job-killing tax hikes,” “Making it harder for small businesses to

recover,” and “THERESA GREENFIELD DOESN’T SHARE OUR IOWA VALUES.” JA-001737 (Google Ads Transparency Center - Iowa Values Advertisement: Theresa Greenfield's Values (shown July 27, 2020; times shown 0-1k)). Images from the advertisement appear below:



JA-001737 (Google Ads Transparency Center - Iowa Values Advertisement: Theresa Greenfield's Values (shown July 27, 2020; times shown 0-1k)).

516. Of note, Iowa Values’s Greenfield attack ad had a disclaimer at the end that read, “PAID FOR BY IOWA VALUES ACTION. NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE’S COMMITTEE. WWW.IOWAVALUESACTION.COM.” JA-001737 (Google Ads Transparency Center - Iowa Values Advertisement: Theresa Greenfield's Values (shown July 27, 2020; times shown 0-1k)) (emphasis added). The disclaimer’s identification of “IOWA VALUES ACTION” as the source of the advertisement suggests that Iowa Values erred in running this explicit anti-Greenfield ad at all and actually intended to run the advertisement through its companion super PAC, Iowa Values Action. *See generally infra* Part VII, ¶¶ 720-41 (discussing Iowa Values Action in detail).

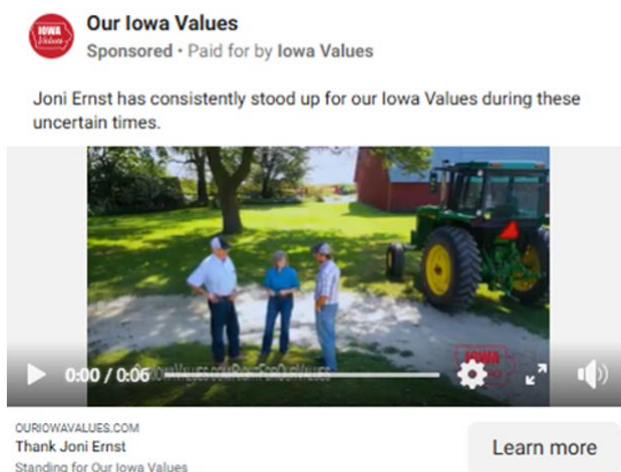
517. This appears to be confirmed by the fact that Iowa Values’s companion super PAC, Iowa Values Action, began running the exact same anti-Greenfield advertisement on YouTube the very next day, July 28, 2020, through August 10, and then again on September 9. JA-002348 (Google Ads Transparency Center - Iowa Values Action Advertisement: Theresa Greenfield Doesn't Share Our Iowa Values (shown July 28-August 10, 2020; times shown 0k-1k)); JA-002423 (Google Ads Transparency Center - Iowa Values Action Advertisement: Theresa Greenfield Doesn't Share Our Iowa Values (shown September 9, 2020; times shown 0k-1k)). YouTube showed the ads through the super PAC’s account up to an additional 2,000 times. *See* JA-002348 (Google Ads Transparency Center - Iowa Values Action Advertisement: Theresa Greenfield Doesn't Share Our Iowa Values (shown July 28-August 10, 2020; times shown 0k-1k)); JA-002423 (Google Ads Transparency Center - Iowa Values Action Advertisement: Theresa Greenfield Doesn't Share Our Iowa Values (shown September 9, 2020; times shown 0k-1k)). This apparent mistake only highlights the level of integration between Iowa Values’s 501(c)(4) and super PAC operations. *See generally* Part VII, ¶¶ 720-41.

518. From September 15 to October 8, 2020, Iowa Values ran another six-second Facebook advertisement asking voters to thank Ernst. JA-002444 (Meta Ad Library - Iowa Values Advertisement, ID 600360547269265: Thank Joni Ernst for defending our Iowa values (shown September 15-October 8, 2020; >1M impressions)); JA-002445 (Meta Ad Library - Iowa Values Advertisement, ID 316614516268824: Thank Joni Ernst for defending our Iowa values (shown September 15-16, 2020; 20k-25k impressions)). Text surrounding the advertisement stated, “Joni Ernst has consistently stood up for our Iowa Values during these uncertain times.” JA-002444 (Meta Ad Library - Iowa Values Advertisement, ID 600360547269265: Thank Joni Ernst for defending our Iowa values (shown September 15-October 8, 2020; >1M impressions)); JA-002445

(Meta Ad Library - Iowa Values Advertisement, ID 316614516268824: Thank Joni Ernst for defending our Iowa values (shown September 15-16, 2020; 20k-25k impressions)). Ernst then appeared in all six seconds of the video. JA-002444 (Meta Ad Library - Iowa Values Advertisement, ID 600360547269265: Thank Joni Ernst for defending our Iowa values (shown September 15-October 8, 2020; >1M impressions)); JA-002445 (Meta Ad Library - Iowa Values Advertisement, ID 316614516268824: Thank Joni Ernst for defending our Iowa values (shown September 15-16, 2020; 20k-25k impressions)). The audio stated, “Joni Ernst stands for us and fights for our values. Click to thank Joni Ernst for supporting us.” JA-002445 (Meta Ad Library - Iowa Values Advertisement, ID 316614516268824: Thank Joni Ernst for defending our Iowa values (shown September 15-16, 2020; 20k-25k impressions)); JA-002444 (Meta Ad Library - Iowa Values Advertisement, ID 600360547269265: Thank Joni Ernst for defending our Iowa values (shown September 15-October 8, 2020; >1M impressions)). On-screen text shown during the last three seconds of the advertisement echoed the voiceover and stated, “THANK Joni ERNST for defending our Iowa values.” JA-002444 (Meta Ad Library - Iowa Values Advertisement, ID 600360547269265: Thank Joni Ernst for defending our Iowa values (shown September 15-October 8, 2020; >1M impressions)); JA-002445 (Meta Ad Library - Iowa Values Advertisement, ID 316614516268824: Thank Joni Ernst for defending our Iowa values (shown September 15-16, 2020; 20k-25k impressions)).

519. Iowa Values paid \$50,300 to \$60,399 for two flights of this ad, which together earned 200,000 to 1 million impressions. JA-002444 (Meta Ad Library - Iowa Values Advertisement, ID 600360547269265: Thank Joni Ernst for defending our Iowa values (shown September 15-October 8, 2020; >1M impressions)); JA-002445 (Meta Ad Library - Iowa Values

Advertisement, ID 316614516268824: Thank Joni Ernst for defending our Iowa values (shown September 15-16, 2020; 20k-25k impressions)). Images from the advertisement appear below:



See JA-002445 (Meta Ad Library - Iowa Values Advertisement, ID 316614516268824: Thank Joni Ernst for defending our Iowa values (shown September 15-16, 2020; 20k-25k impressions)).

520. Iowa Values's final Facebook advertisement before the November 2020 election was another, similar video asking people to thank Ernst. See JA-002446 (Meta Ad Library - Iowa Values Advertisement, ID 722252571697692: Thank Joni Ernst for defending our Iowa values (shown September 16-October 8, 2020; 45k-50k impressions)). This variant was 15 seconds long, ran from September 16 to October 8, 2020, and garnered 45,000 to 50,000 impressions at a cost of \$1,500 to \$2,000. JA-002446 (Meta Ad Library - Iowa Values Advertisement, ID

72252571697692: Thank Joni Ernst for defending our Iowa values (shown September 16-October 8, 2020; 45k-50k impressions)).

521. The text surrounding Iowa Values’s final advertisement made the same statement as its previous ad: “Joni Ernst has consistently stood up for our Iowa Values during these uncertain times.” JA-002446 (Meta Ad Library - Iowa Values Advertisement, ID 72252571697692: Thank Joni Ernst for defending our Iowa values (shown September 16-October 8, 2020; 45k-50k impressions)). Ernst was onscreen for 11 of the 15 seconds of the ad, appearing in agricultural settings and with law enforcement officers. JA-002446 (Meta Ad Library - Iowa Values Advertisement, ID 72252571697692: Thank Joni Ernst for defending our Iowa values (shown September 16-October 8, 2020; 45k-50k impressions)). For the first seven seconds of the ad, Ernst’s name also appeared on the screen in prominent text. JA-002446 (Meta Ad Library - Iowa Values Advertisement, ID 72252571697692: Thank Joni Ernst for defending our Iowa values (shown September 16-October 8, 2020; 45k-50k impressions)). The ad’s voiceover stated: “Joni Ernst has consistently stood up for us, working to solve the problems that touch our lives. Fighting to grow our economy. Helping Iowans with pre-existing conditions get care. Keeping us safe. Click to thank Joni Ernst for defending Iowa Values.” JA-002446 (Meta Ad Library - Iowa Values Advertisement, ID 72252571697692: Thank Joni Ernst for defending our Iowa values (shown September 16-October 8, 2020; 45k-50k impressions)). Like the previous ad, the final frame of this advertisement echoed the narration and had written on screen, “THANK Joni ERNST for defending our Iowa Values.” JA-002446 (Meta Ad Library - Iowa Values Advertisement, ID 72252571697692: Thank Joni Ernst for defending our Iowa values (shown September 16-October 8, 2020; 45k-50k impressions)). Images from the advertisement appear below:





#### Our Iowa Values

Sponsored • Paid for by Iowa Values

Library ID: 722252571697692

...

Joni Ernst has consistently stood up for our Iowa Values during these uncertain times.



OURIOWAVALUES.COM

Thank Joni Ernst

Standing for Our Iowa Values

[Learn more](#)



JA-002446 (Meta Ad Library - Iowa Values Advertisement, ID 722252571697692: Thank Joni Ernst for defending our Iowa values (shown September 16-October 8, 2020; 45k-50k impressions)).

522. Though Iowa Values did not produce a corresponding invoice, it attests in its interrogatory response that it paid The Strategy Group for Media \$5,000 to produce this ad. JA-000888 (Iowa Values's Second Supplemental Objections and Responses to Pl.'s First Set of Interrogatories at 7); *see also* JA-002766-78 (Iowa Values's Second Supplemental Objections and Responses to Pl.'s First Set of Interrogatories, Ex. 2) (showing a \$5,000 disbursement to The Strategy Group for Media, Inc. for "media production" on September 14, 2020). It is unclear whether The Strategy Group paid to place the ad and included the placement fee within the \$5,000,

or whether Majority Strategies placed the ad (or Iowa Values itself or another vendor). Iowa Values provides minimal itemization of its payments to Majority Strategies in its interrogatory response, stating only that it paid Majority Strategies \$512,280 for its “advertising work” in 2020, with \$112,625 of that amount relating to Facebook and \$80,000 relating to YouTube. JA-000887 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6). The two 2020 invoices that Iowa Values produced from Majority Strategies, JA-002290 (IAV00001212) and JA-002606 (IAV00001328)), do not shine any light on this question.

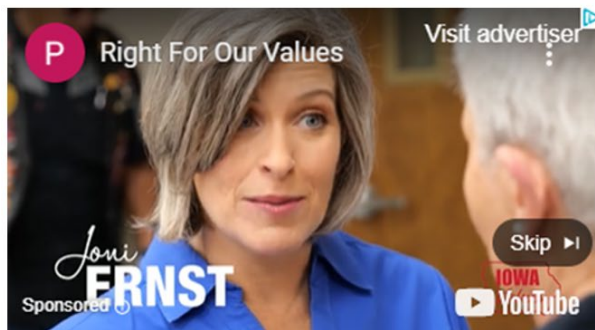
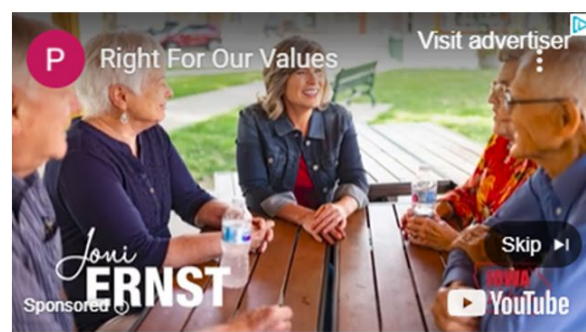
523. The remainder of Iowa Values’s 2020 digital advertising occurred on Google’s platform, including YouTube. From September 15 to October 8, 2020, Iowa Values disseminated the same 15-second thank-you ad described *supra* ¶¶ 520-21. See JA-002441 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (shown September 15, 2020; times shown 20k-25k) - 1); JA-002442 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (shown September 15, 2020; times shown 20k-25k) - 2); JA-002447 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (shown September 16-October 8, 2020; times shown 3M-3.5M )). Iowa Values paid \$50,600 to \$60,800 for three flights of the ad on YouTube, which together were viewed between 3,040,000 and 4,000,000 times. JA-002441 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (shown September 15, 2020; times shown 20k-25k) - 1); JA-002442 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (shown September 15, 2020; times shown 20k-25k) - 2); JA-002447 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (shown September 16-October 8, 2020; times shown 3M-3.5M )). The YouTube and Facebook

versions of the advertisement were identical, except that there was no text surrounding the YouTube version. *Compare* JA-002446 (Meta Ad Library - Iowa Values Advertisement, ID 722252571697692: Thank Joni Ernst for defending our Iowa values (shown September 16-October 8, 2020; 45k-50k impressions)), *with* JA-002441 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (shown September 15, 2020; times shown 20k-25k) - 1); JA-002442 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (shown September 15, 2020; times shown 20k-25k) - 2); JA-002447 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (shown September 16-October 8, 2020; times shown 3M-3.5M)).

524. During the same time period—from September 15 to October 8, 2020—Iowa Values was also disseminating another longer, 30-second variant of its Ernst thank-you advertisement on YouTube. *See* JA-002443 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (titled Right for Our Values) (shown September 15-October 8, 2020; times shown 125k-150k)). YouTube played this advertisement 125,000 to 150,000 times at a cost of \$2,500 to \$3,000. JA-002443 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (titled Right for Our Values) (shown September 15-October 8, 2020; times shown 125k-150k)). The audio of the ad stated, “The world’s gotten stranger. Uncertain. Even dangerous. But through it all, Joni Ernst has consistently stood up for us, protecting the values that keep us strong and working tirelessly to solve the problems that touch all our lives. Ernst is fighting to grow our economy. Facing down big government. Making certain Iowans with pre-existing conditions get the care they need. And keeping us safe during these troubled days. Click here to thank Joni Ernst

for her work defending our Iowa Values.” JA-002443 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (titled Right for Our Values) (shown September 15-October 8, 2020; times shown 125k-150k)).

525. Ernst’s name appeared alongside the Iowa Values’s logo as the only text on screen for 12 seconds of Iowa Values’s 30-second ad. JA-002443 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (titled Right for Our Values) (shown September 15-October 8, 2020; times shown 125k-150k)). In addition, the last frame of the advertisement repeated Iowa Values’s refrain to: “THANK Joni Ernst for defending our Iowa Values.” JA-002443 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (titled Right for Our Values) (shown September 15-October 8, 2020; times shown 125k-150k)). The advertisement further contained images of Ernst talking with farmers, senior citizens, and police officers, and showed her standing with a child. JA-002443 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (titled Right for Our Values) (shown September 15-October 8, 2020; times shown 125k-150k)). In total, Ernst herself appeared on screen for 18 of the ad’s 30 seconds. JA-002443 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (titled Right for Our Values) (shown September 15-October 8, 2020; times shown 125k-150k)). Images from the advertisement appear below:



JA-002443 (Google Ads Transparency Center - Iowa Values Advertisement: Thank Joni Ernst for defending our Iowa values (titled Right for Our Values) (shown September 15-October 8, 2020; times shown 125k-150k)).

526. Iowa Values’s 2020 Ernst thank you ads covered a smattering of issues, including government excess, healthcare, and the economy, all of which were top issues for Iowa Values’s target universe of “disengagers.” As described *supra* ¶¶ 368, 434, 469, Iowa Values identified curbing wasteful spending as a positive issue for Ernst based on 2017 polling, and healthcare was the number one issue for voters, and an issue on which Iowa Values felt it needed to defend Ernst. Finally, Canvass America’s 2019 data indicated that “[j]obs and the economy also consistently ranked as an important issue” for Iowa Values’s, and therefore Ernst’s, firewall universe. JA-003302 (IAV00001556).

527. Iowa Values’s final paid communication was disseminated on YouTube from October 31 to November 3, 2020, and executed phase 3 of Iowa Values’s advertising plan by

openly referencing the upcoming U.S. Senate election and encouraging people to vote. *See* JA-002613 (Google Ads Transparency Center - Iowa Values Advertisement: Voter Guide (shown October 31-November 3, 2020; times shown 800k-900k)); *see also* JA-002247 (IAV00000519) (memo containing three-part advertising plan). The advertisement was titled “Voter Guide” and reinforced the content of the “voter guide” that Iowa Values distributed door-to-door and by mail. *See* JA-002601-02 (IAV00000999-1000); JA-002604-05 (IAV00002743-44).

528. Iowa Values paid \$30,000 to \$35,000 for distribution of one flight of this 30-second ad, which was shown 800,000 to 900,000 times. JA-002613 (Google Ads Transparency Center - Iowa Values Advertisement: Voter Guide (shown October 31-November 3, 2020; times shown 800k-900k)); *see also* JA-002575-76 (IAV00003129-30) (script for ad stating the length was 30 seconds). The voiceover on the ad stated: “Tuesday, there are big issues on the ballot. Our healthcare: Joni Ernst cosponsored legislation to protect Iowans with pre-existing conditions. Theresa Greenfield supports a government-run healthcare system. On COVID: Ernst supported relief for Iowa farmers and small businesses. Greenfield opposed bipartisan relief packages. And on crime and safety: Ernst supports police reform. Greenfield denounced police as racist. Vote Tuesday, November 3<sup>rd</sup>.” JA-002613 (Google Ads Transparency Center - Iowa Values Advertisement: Voter Guide (shown October 31-November 3, 2020; times shown 800k-900k)). The ad’s imagery was all b-roll, but the onscreen text emphasized key points from the audio, showing phrases like “GREENFIELD government run healthcare” and “JONI ERNST relief for farmers and small businesses.” JA-002613 (Google Ads Transparency Center - Iowa Values Advertisement: Voter Guide (shown October 31-November 3, 2020; times shown 800k-900k)). The last frame of the advertisement stated, “VOTE TUESDAY NOV. 3<sup>rd</sup>[.] For the full voter guide, visit [www.ouriowavalues.com/guide](http://www.ouriowavalues.com/guide).” JA-002613 (Google Ads Transparency Center - Iowa



Values Advertisement: Voter Guide (shown October 31-November 3, 2020; times shown 800k-900k)). Images from the advertisement appear below:



JA-002613 (Google Ads Transparency Center - Iowa Values Advertisement: Voter Guide (shown October 31-November 3, 2020; times shown 800k-900k)).

529. Again, Iowa Values’s interrogatory response regarding what it paid Majority Strategies for all ads launched after February 2020 lacks detail. It appears that Majority Strategies “produced, developed, and placed” all the post-February advertisements, except the The Strategy Group for Media’s September 16 to October 8, 2020 video ad. JA-000887-88 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6-7). Iowa Values stated that it paid Majority Strategies \$512,280 for all of its 2020 advertising work. JA-000887 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6). Excluding the \$67,000 Iowa Values paid Majority Strategies for the ads launched in January and February, Iowa Values therefore appears to have paid Majority Strategies

\$445,280 for the ads launched after March. *See* JA-000887 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6).

530. An undated Iowa Values memo with the heading “ASSUMPTIONS,” summarizes Iowa Values’s digital activities in 2019 and 2020, stating that: “Digital advertising quickly became Iowa Values’ . . . preferred method of getting our message out to the masses. Iowa Values sought to make an early impression on Iowa voters, beginning digital advertising before any other group focused on Iowa, with our digital launch in June of 2019. . . . Throughout 2019 and 2020, Iowa Values ran six different ads focused on issues like health care and the economy, and closing with a voter guide ad featuring the two U.S. Senate candidate’s views on key issues.” *See* JA-002616-19 (IAV00000451-54). Iowa Values was “laser-focused on targeted audiences based on the modeling,” with the successful result that targeted voters saw Iowa Values’s and Iowa Values Actions’ “ads an average of 125 times over the final five months of the election.” JA-002618 (IAV00000453). Accordingly, the memo concluded, while “Theresa Greenfield vastly outspent Joni Ernst on digital advertising,” Iowa Values was “able to help provide key air cover on the right, spending approximately \$1 million on digital advertising in the ninety days leading up to the Election.”<sup>37</sup> JA-002618 (IAV00000453).

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<sup>37</sup> One million dollars in 90 days is a drastically different figure from the \$512,280 Iowa Values stated in its interrogatory responses that it paid Majority Strategies for advertising for all of 2020, plus the \$12,000 it paid The Strategy Group for Media. *See* JA-000887-88 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 6-7). It is possible the \$1 million figure relies on a combination of Iowa Values’s and its companion super PAC, Iowa Values Action’s spending.



**v. Iowa Values Sent Mailers in 2020 Centered on Ernst and Targeted to “Disengagers.”**

531. While Iowa Values had a long-term focus on digital advertising, it also conducted a robust mail program in 2020 to shore up “disengagers” and motivate them to turn out and vote for Ernst.

532. During the final months before the November 2020 election, Iowa Values sent out twelve different mailers, constituting 2,951,983 individual pieces of mail.<sup>38</sup> *See* JA-002618-19 (IAV00000453-54); *see also* JA-002660 (IAV00002786). While Iowa Values’s earliest plan was to begin sending mailers on August 1, 2020, it did not actually send out its first set of mailers until early September—concentrating all 12 mailers between September and Election Day. *Compare* JA-002379 (HCI-00001216) (undated forward-looking “2020 Overview” memo stating that Iowa Values would send mail “from August 1, 2020 . . . through Election Day”), *with* JA-002420 (IAV00003513) (Derek Flowers stating in a September 2, 2020, email that “attached is the creative for the first three pieces on the C4 side. . . . Some of these pieces will begin hitting Iowa mailboxes as early as next week.”).

533. All 12 of Iowa Values’s mailers, like its digital advertisements, focused on Ernst and touted her achievements and positions on issues that Iowa Values’s 2017 to 2019 polling and modeling efforts had shown would resonate with swing voters and get them to the polls. *See* JA-002376 (HCI-00001213) (slide deck envisioning Iowa Values’s 2020 mailers as a ballot chase program); JA-002077 (IAV00003279) (Iowa Values Board agenda including mail as part of the organization’s “GOTV Effort Voter Contact Plans”). As Derek Flowers explained in a September

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<sup>38</sup> This 2,951,983 figure may include mailers sent by Iowa Values Action, as Iowa Values often conflated its activities with those of its companion super PAC in describing Iowa Values’s own pro-Ernst efforts. *See infra* Part VII, ¶¶ 720-41; JA-002656-68 (IAV00002782-94).

2, 2020, email to the Iowa Values Board, its lawyer Ronald Jacobs, and Chris McNulty of Causeway: “Each piece highlights issues that our target universe cares about and informs on Joni’s work on those issues.” JA-002420 (IAV00003513). Likewise, the above-described “Assumptions” memo recapping Iowa Values’s 2020 election work stated that the mailers “showcase[d] Joni Ernst’s voting record on issues ranging from protecting Iowans with pre-existing conditions to cutting presidential perks to the Violence Against Women Act”—all issues that Iowa Values had poll-tested or monitored prior to 2020. JA-002618 (IAV00000453); *see also infra* Part V.C.5.v.b, ¶¶ 537-59.

**a. Iowa Values Targeted Its Mailers to “Disengagers.”**

534. As with both its canvassing and digital advertising, Iowa Values enhanced the effectiveness of its mailers by using its electorate modeling to target the mailers to “disengagers” and other swing audiences identified by Causeway. On August 25, 2020, Chris McNulty of Causeway emailed Iowa Values’s Executive Director Derek Flowers, its lawyer Ronald Jacobs, and redacted individuals about Iowa Values’s mail plan. McNulty stated that the audience for mail would be the same as the “digital universes,” and the mailers and digital ads would be “reflective in message to offer a two-way hit on these voters.” JA-002357 (IAV00002806).

535. McNulty included charts in his email, describing exactly how nine of Iowa Values’s mail pieces would be targeted. *See* JA-002358 (IAV00002807). The charts identified Iowa Values’s target universes as “High TO Lean GOP,” “High TO Swing,” “Mid TO Swing,” and “Broad Persuasion +Joni / -Trump” and applied those classifications to each mailer. JA-002358 (IAV00002807). McNulty’s email further included a note that “Broad Persuasion +Joni / -Trump are individuals in the broad persuasion universe who have a positive Ernst score and a negative Trump score”—i.e., “disengagers.” JA-002358 (IAV00002807). Causeway had “sliced this

particular universe for additional focus and attention than even the other segments” and “fe[lt] this group is particularly vulnerable to falling off.” JA-002358 (IAV00002807). Accordingly, McNulty made clear that “[o]ur primary focus is High TO Swing and Lean GOP. We are also touching Mid TO Swing because we anticipate a bit of a bump from this group and don’t want to leave them unattended.” JA-002358 (IAV00002807). The detailed charts of Iowa Values’s 2020 mail plan appear below:

**Mail Plan**

1) Universes

| Universe                         | Voters  | Households | Landlines | Cells   |
|----------------------------------|---------|------------|-----------|---------|
| High TO Lean GOP                 | 185,554 | 174,079    | 143,844   | 144,565 |
| High TO Swing                    | 300,539 | 276,666    | 217,449   | 225,149 |
| Mid TO Swing                     | 129,163 | 124,915    | 92,723    | 100,368 |
| Broad Persuasion +Joni / - Trump | 161,412 | 155,268    | 124,005   | 125,307 |

- Note - 'Broad Persuasion +JONI / - TRUMP are individuals in the broad persuasion universe who have a positive Ernst score and a negative Trump score. We have sliced this particular universe for additional focus and attention than even the other segments. We feel this group is particularly vulnerable to falling off. Note this universe is not mutually exclusive like the others.
- Our primary focus is High TO Swing and Lean GOP. We are also touching Mid TO Swing because we anticipate a bit of a bump in turnout from this group and don't want to leave them unattended.

**2) Mail Plan Draft**

FOR GENERAL ELECTION ON NOVEMBER 3, 2020

|         |                                |        |         | To Print |           | Estimated | Estimated   | Estimated   |              |
|---------|--------------------------------|--------|---------|----------|-----------|-----------|-------------|-------------|--------------|
| Piece   | Audience                       | Size   | Count   | Date     | Drop Date | In-Home   | Production  | Postage     | Cost         |
| Piece 1 | Broad Persuasion +Joni/- Trump | 5.5x11 | 161,412 | 8/28/20  | 9/4/20    | 9/8/20    | \$30,668.28 | \$40,353.00 | \$71,021.28  |
| Piece 2 | High TO Swing                  | 5.5x11 | 300,539 | 9/4/20   | 9/11/20   | 9/15/20   | \$45,080.85 | \$75,134.75 | \$120,215.60 |
| Piece 3 | Mid TO Swing                   | 5.5x11 | 129,163 | 9/11/20  | 9/18/20   | 9/22/20   | \$24,540.97 | \$32,290.75 | \$56,831.72  |
| Piece 4 | Broad Persuasion +Joni/- Trump | 5.5x11 | 161,412 | 9/18/20  | 9/25/20   | 9/29/20   | \$30,668.28 | \$40,353.00 | \$71,021.28  |
| Piece 5 | High TO Lean GOP               | 5.5x11 | 300,539 | 9/25/20  | 10/2/20   | 10/6/20   | \$45,080.85 | \$75,134.75 | \$120,215.60 |
| Piece 6 | Mid TO Swing                   | 5.5x11 | 129,163 | 10/2/20  | 10/9/20   | 10/13/20  | \$24,540.97 | \$32,290.75 | \$56,831.72  |
| Piece 7 | Broad Persuasion +Joni/- Trump | 5.5x11 | 161,412 | 10/9/20  | 10/16/20  | 10/20/20  | \$30,668.28 | \$40,353.00 | \$71,021.28  |

IAV00002807

|         |                  |        |         |          |          |          |             |             |              |
|---------|------------------|--------|---------|----------|----------|----------|-------------|-------------|--------------|
| Piece 8 | High TO Lean GOP | 5.5x11 | 300,539 | 10/13/20 | 10/20/20 | 10/24/20 | \$45,080.85 | \$75,134.75 | \$120,215.60 |
| Piece 9 | Mid TO Swing     | 5.5x11 | 129,163 | 10/16/20 | 10/23/20 | 10/27/20 | \$24,540.97 | \$32,290.75 | \$56,831.72  |
| TOTAL   |                  |        |         |          |          |          |             |             | \$744,205.80 |

JA-002358-59 (IAV00002807-08).

536. Iowa Values affirmed this targeting in other documents. In its post-election “Assumptions” memo, Iowa Values stated that the “mail was delivered to target audiences, matching the digital advertising and door to door efforts.” JA-002618 (IAV00000453). Holloway also shared the targeting plan with potential donors. As described *supra* ¶¶ 290-91, an Iowa Values slide deck attached to a solicitation email stated that the mailers would be targeted to a “Small Pro-

Joni Universe not in Trump Effort,” which would likewise appear to be the “disengagers.” *See supra* ¶ 290 (discussing JA-002368-76 (HCI-00001205-13)).

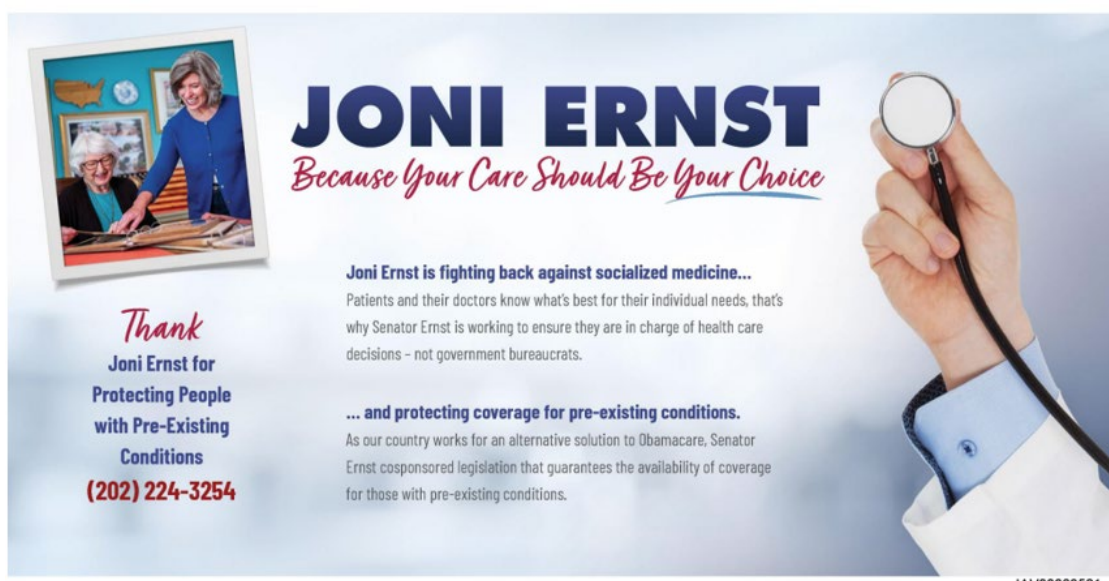
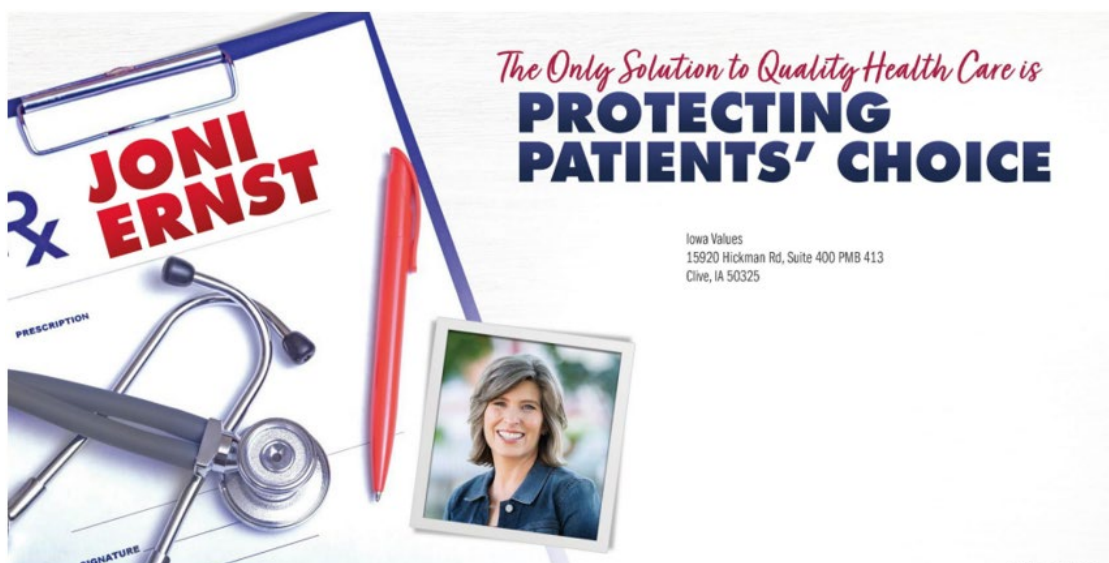
**b. Iowa Values’s 2020 Mailers Focused on Themes from Earlier Polling and Modeling to Promote Ernst.**

537. Iowa Values’s 2020 mailers themselves fall into five categories. The first addressed Ernst’s stance on healthcare; the second lauded her efforts to cut wasteful spending in Washington; the third related to her protection of individual freedoms; the fourth focused on her leadership and ties to Iowa, covering a smattering of poll-tested issues under that umbrella; and the fifth category of Iowa Valuers mailers summarized Ernst’s and Greenfield’s positions on key issues and told voters to go the polls (to support Ernst). Each mailer contained flattering photos of Ernst and positive slogans like, “Joni Ernst[.] Putting the Care in Healthcare” or “Joni Ernst[.] Putting People First. *See, e.g.*, JA-002577-58 (IAV00004202-03); JA-002591-92 (IAV00004182-83).

538. The first of Iowa Values’s mailers addressing Ernst’s stance on healthcare is dated August 30, 2020, based on metadata,<sup>39</sup> and featured photos of Ernst alongside doctor-related imagery. *See* JA-002408-09 (IAV00003520-21). The first page of the mailer stated, “RX JONI ERNST”—implying that the solution or treatment for an ailment is Ernst—and suggested, “The Only Solution to Quality Health Care is PROTECTING PATIENTS’ CHOICE.” JA-002408 (IAV00003520). The second page of the mailer prominently stated “JONI ERNST[.] Because Your Care Should be Your Choice,” and listed her efforts to fight “socialized medicine” and protect people with pre-existing conditions. JA-002409 (IAV00003521). This mailer appears below:

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<sup>39</sup> The date of this and other mailers is identified through metadata associated with the mailers, which does not identify when Iowa Values distributed the mailers, but merely when the files were created or modified. The metadata dates thus provide a rough estimate of when Iowa Values was working on and finalizing the mailers, but not the precise dates of distribution, which are not identified in any evidence in the record.



JA-002408-09 (IAV00003520-21).<sup>40</sup>

539. Iowa Values’s second mailer addressing Ernst’s stance on healthcare was dated September 18, 2020, based on metadata, and featured the tagline “JONI ERNST[.] COMMONSENSE SOLUTIONS TO FIX HEALTHCARE” on both pages. JA-002449-50 (IAV00006046-47). It touted Ernst’s plans to “Protect Coverage for Pre-Existing Conditions” and

<sup>40</sup> Full-size images of each Iowa Values mailer are available in the Joint Appendix, which the parties have produced to the Court electronically.

“Prevent Socialized Medicine.” JA-002450 (IAV00006047). This mailer featured a mix of photos of Ernst and doctors with patients and appears below:



JA-002449-50 (IAV00006046-47).

540. Iowa Values’s third mailer addressing Ernst’s stance on healthcare was dated October 4, 2020, based on metadata, and repeatedly used the phrase “JONI ERNST[.] PUTTING THE CARE IN HEALTHCARE.” *See* JA-002577-78 (IAV00004202-03). The mailer further stated that Ernst has been fighting to protect people with pre-existing conditions, reduce healthcare costs, and expand rural healthcare access, while maintaining patients’ choices. *See* JA-002577-78 (IAV00004202-03). It complimented Ernst for “IMPROVING HEALTHCARE FOR IOWA FAMILIES & SMALL BUSINESSES.” JA-0025778 (IAV00004203). Each page of this mailer contained a photo of Ernst, as appears below:





JA-002577-78 (IAV00004202-03).

541. Iowa Values’s use of healthcare as the theme in these Ernst-focused mailers aligns with both its digital communications and its modeling and polling. As explained *supra* ¶ 368, Iowa Values had identified healthcare as the most important issue to voters in its swing universe, and as discussed *infra* Part V.C.5.vi, ¶¶ 560-77, had identified that Ernst’s opponents were attacking her on the subject, openly solicitating contributions to Iowa Values to counter those attacks.

542. The second theme of Iowa Values’s mailers was Ernst fighting to clean up Washington—another familiar topic from its digital advertisements, as eliminating government waste was a popular issue with Iowa Values’s target universe of “disengagers.” See *supra* ¶¶ 434, 455. Causeway was even tracking whether swing voters believed Ernst was part of the problem or



part of the solution in Washington, evidencing an interest in persuading voters that Ernst was not part of the D.C. establishment. *See, e.g.*, JA-001498-501 (IAV00000752-55); JA-004320-23 (IAV00003694-97); [REDACTED]

[REDACTED]

[REDACTED]

543. One of Iowa Values’s mailers addressing Ernst’s “fight” to “tak[e] on Washington” was dated August 31, 2020, based on metadata, and portrayed Ernst as fighting on behalf of Iowans against the Washington establishment. *See* JA-002410-11 (IAV00003515-16). The first page of the mailer stated, “JONI ERNST IS TAKING ON WASHINGTON INSIDERS AND STANDING UP FOR IOWANS.” JA-002410 (IAV00003515). It contained a photo of Ernst in a leather vest—suggesting the photo may have come from a Roast and Ride where Ernst would have been in her motorcycle attire. *See* JA-002410 (IAV00003515). The second page of the mailer had another photo of Ernst and stated, “JONI ERNST[.] STANDING UP FOR IOWANS. STANDING UP TO WASHINGTON INSIDERS.” and “Joni Ernst is a leader Iowans trust to fight for what’s right.” JA-002411 (IAV00003516). The mailer then listed Ernst’s accomplishments in reigning in Washington waste and dysfunction and “HOLDING WASHINGTON ACCOUNTABLE.” JA-002411 (IAV00003516). This mailer appears below:



JA-002410-11 (IAV00003515-16).

544. Another of Iowa Values’s mailers, dated September 21, 2020, based on metadata, similarly portrayed Ernst’s efforts to cut spending in Washington. *See* JA-002453-54 (IAV00006063-64). This mailer stated, “IOWANS TRUST JONI ERNST TO CHANGE THE STATUS QUO” and “SENATOR JONI ERNST[.] TIGHTEN THE BELT & MAKE ‘EM SQUEAL.” JA-002453-54 (IAV00006063-64). The mailer suggested Ernst “is tired of greedy and

lazy government leadership” and so, took action to eliminate tax breaks for Members of Congress and fight to end “taxpayer-funded perks” and get the nation’s “debt under control.” JA-002454 (IAV00006064). The mailer contrasted Ernst with others in Washington, asserting that Ernst has “A Farmer’s Work Ethic,” “A Veteran’s Commitment,” and knows the “the importance of honesty, service and hard work.” JA-002453-54 (IAV00006063-64). This mailer, featuring three pictures of Ernst, appears below:





JA-002453-54 (IAV00006063-64).

545. Another of Iowa Values’s mailers, dated September 10, 2020, based on metadata, focused on Iowa Values’s third mail theme: Ernst as a defender of “freedom.” See JA-002432-33 (IAV00006061-62). One side of this mailer showed an image of Ernst and stated, “JONI ERNST[.] Fighting for Iowans’ Freedom,” and “Preserving Personal Liberty Starts with Keeping Power in Your Hands.” JA-002432 (IAV00006061). The other side of the mailer repeated the “JONI ERNST[.] Fighting for Iowans’ Freedom” slogan and said that Ernst is fighting for private health insurance, a competitive economic marketplace, and a reduction in government regulations. JA-002433 (IAV00006062). This side featured a photo of Ernst and praised her for “Keeping the Power in Iowans’ Hands.” JA-002433 (IAV00006062). The mailer appears below:





IAV00006061



JA-002432-33 (IAV00006061-62).

546. A slide deck produced by Causeway titled “Iowa Statewide Analytics: June 2019,” and discussed above *supra* ¶¶ 315-20, 322-23, presented the results of Causeway’s June 2019

model refresh and advised Iowa Values that the voters in its swing universes “identify as fiscal conservatives.” *See* JA-001505-06 (IAV00000759-60). This Iowa Values mailer appears to be an appeal to those swing voters who support a free market and small government.

547. The fourth set of Iowa Values mailers covered several topics under the header of Ernst’s “leadership” and deep connection to the people of Iowa. These mailers typically highlighted Ernst’s background as a veteran and domestic violence and sexual assault survivor, and tied those experiences to her policy positions surrounding healthcare, families, and the economy.

548. The topics included in these mailers, as with others, come from Iowa Values’s data collection projects. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

549. Similarly, the May 2017 Tarrance Group survey for Iowa Values indicated that “improving economic opportunity” was the top-rated policy proposal among target voters, and that “combating sexual assault and violence against women and giving veteran[s] more choices in health care” were also popular issues. JA-000148 (IAV00003710). Brian Nienaber from The Tarrance Group separately advised that “pointing out efforts by Ernst to advance policies with broad appeal and broad benefits” would do “an enormous amount of good” in showing that she is not the type of politician “that serve[s] the powerful and not everyday people.” JA-000677

(IAV00004734). Iowa Values appears to have seized on all these ideas, [REDACTED]

[REDACTED]

[REDACTED]

550. The first of Iowa Values’s broad-ranging mailers was dated September 1, 2020, based on metadata, and cast Ernst as a defender or fighter for the people of Iowa. *See* JA-002413-15 (IAV00003517-19). The cover of the mailer had a photo of Ernst with a child and stated, “JONI ERNST[.] AN OATH TO SUPPORT AND DEFEND.” JA-002413 (IAV00003517). The next page had a photo of Ernst and said, “JONI ERNST[.] SURVIVOR. DEFENDER. PROTECTOR.” JA-002413 (IAV00003517). The interior portion of the mailer’s header read, “JONI ERNST[.] ONE OF US. THERE FOR US,” and smaller text beside photos of Ernst explained that Ernst is a domestic violence and sexual assault survivor who stands up for other women and wants to protect people with pre-existing medical conditions. JA-002414 (IAV00003518). The mail panel read, “JONI ERNST[.] ONE OF US. THERE FOR US. FIGHTING FOR IOWA VALUES” and had another photo of Ernst. JA-002413 (IAV00003517). This mailer appears below:

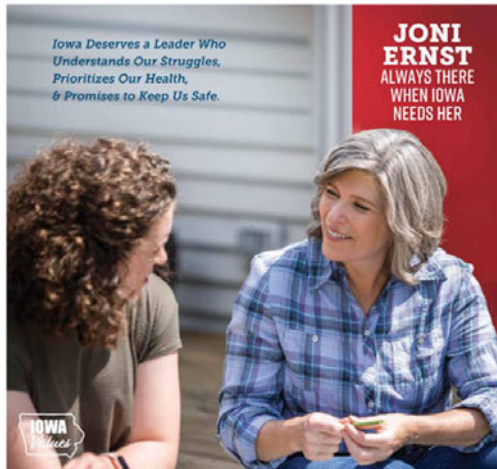




JA-002413-14 (IAV00003517-18).

551. A second, related Iowa Values mailer, dated September 14, 2020, based on metadata, focused on Ernst’s leadership and reliability. *See* JA-002438-39 (IAV00006048-49). The front of the mailer said, “JONI ERNST[.] ALWAYS THERE WHEN IOWA NEEDS HER” and “Iowa Deserves a Leader Who Understands Our Struggles, Prioritizes Our Health, & Promises to Keep Us Safe.” JA-002438 (IAV00006048). The back of the mailer had the headline, “JONI ERNST[.] STRENGTH. COMPASSION. LEADERSHIP” and praised Ernst as “a dedicated fighter who understands our struggles,” “a passionate leader who prioritizes our health,” and someone who protects “THE NEEDS OF IOWA FAMILIES.” JA-002438 (IAV00006049). Both the language and one of the images of Ernst echoed the “strong compassionate leadership” ads Iowa Values had placed on Facebook earlier in the summer of 2020. *Compare* JA-002438 (IAV00006049), *with supra* ¶¶ 512-13. This mailer appears below:





DESIGNED BY JONI ERNST  
 PHOTOGRAPH BY JONI ERNST  
 IAV00006048

IAV00006048



IAV00006048

JA-002438-39 (IAV00006048-49).

552. Iowa Values’s third mailer on the topic of Ernst’s leadership was dated September 21, 2020, based on metadata, and proclaimed “IOWANS KNOW AND TRUST JONI ENST” and, in two spots, “JONI ERNST[.] PUTTING PEOPLE FIRST.” JA-002451-52 (IAV00006050-51). This mailer included photos of Ernst by herself and with young women and children, and said Ernst is “PROTECTING THE NEEDS OF IOWA FAMILIES.” JA-002451-52 (IAV00006050-51). The mailer asserted that Ernst “KNOWS WHAT IT MEANS TO BE A SURVIVOR” and “TO STAND UP AND FIGHT FOR VICTIMS,” and highlighted Ernst’s work on behalf of women, domestic violence and sexual-assault victims, and those with pre-existing health conditions. JA-002451-52 (IAV00006050-51). This mailer appears below:



Iowa Values  
15920 Hickman Rd  
Suite 400 PNB-415  
Clio, IA 50225

# Let's Talk Leadership.

## JONI ERNST

Helped Secure More Than \$1.25 Billion in Aid to  
Help Iowa Small Businesses Through the Pandemic.



**IOWA Values**

**MAILED**

IAV00006040

### LET'S TALK LEADERSHIP. **LET'S TALK JONI ERNST.**

*Let's Talk Recovery.*  
**Supporting Iowa Small Businesses**  
Joni Ernst stepped up and helped secure more than \$1.25 billion in aid through the CARES Act to ensure Iowa small businesses could make it through the pandemic.

*Let's Talk Quality Healthcare.*  
**Protecting Our Families**  
Joni Ernst knows any healthcare reforms need to include coverage for those with pre-existing conditions. Ernst knows socialized medicine isn't the answer; expanding patient choice, preserving private insurance, and protecting our individual freedoms are the steps we need to take now.

*Let's Talk Jobs.*  
**Jumpstarting Iowa's Economy**  
Joni Ernst is on the side of Iowa's farmers and job creators, working to cut burdensome regulations and make it easier for small businesses and entrepreneurs to succeed.




**THANK JONI ERNST**  
FOR PUTTING IOWANS FIRST  
**(515) 284-4574**

**IOWA Values**

IAV00006041

JA-002572-73 (IAV00006040-41).

554. Another of Iowa Values's mailers, dated October 12, 2020, based on metadata, centered on the theme of "putting people first." JA-002591-92 (IAV00004182-83). Each page of



the mailer touted, “JONI ERNST[.] PUTTING POPEL FIRST” next to a photo of Ernst. JA-002591-92 (IAV00004182-83). The mailer further described Ernst as a “SURVIVOR,” “FIGHTER,” and “LEADER” who does “WHAT’S RIGHT FOR IOWA FAMILIES” and knows “PEOPLE ARE ALWAYS MORE IMPORTANT THAN PARTY.” JA-002591-92 (IAV00004182-83). The mailer included blurbs about Ernst’s commitment to helping domestic violence and sexual assault victims and prohibiting discrimination against people based on their health conditions. JA-002592 (IAV00004183). This mailer appears below:



JA-002591-92 (IAV00004182-83).

555. Iowa Values’s twelfth and final mailer was dated October 20, 2020, based on metadata, and was fashioned as a voter guide comparing and contrasting Ernst and Theresa Greenfield, Ernst’s Democratic opponent for U.S. Senate. JA-002601-02 (IAV00000999-1000). The front of the mailer stated, “IT ALL COMES DOWN TO YOU. MAKE YOUR VOTE COUNT ON TUESDAY, NOVEMBER 3<sup>RD</sup>.” JA-002601 (IAV00000999). The second page had a chart

comparing Ernst’s and Greenfield’s position on health care, taxes, crime and safety, COVID, “Rural Iowa,” and the Supreme Court. JA-002602 (IAV00001000). Ernst’s positions were stated in a positive light (ex. “Supported relief for Iowa farmers and small businesses”), whereas Greenfield’s positions were stated in a negative light (ex. “Opposed bi-partisan relief packages”). JA-002602 (IAV00001000). The mailer also had a high-resolution photo of Ernst smiling beside a grainy, unflattering photo of Greenfield. JA-002602 (IAV00001000). This mailer, which was very similar to both a palm card Iowa Values canvassers were distributing and one of Iowa Values’s digital ad, *see* JA-002604-05 (IAV00002743-44); JA-002613 (Google Ads Transparency Center - Iowa Values Advertisement: Voter Guide (shown October 31-November 3, 2020; times shown 800k-900k)), appears below:



JA-002601-02 (IAV00000999-1000).

556. The issues selected for this final Iowa Values’s mailers came from contemporaneous modeling. As Iowa Values explained in a post-election memo, “[I]n the closing days our modeling indicated a familiar theme resurfacing across Iowa’s undecided voters: Concern

about Democrat overreach. Whether it was packing the Supreme Court, government-controlled health care, defunding police departments or the broad concept of wealth distribution, Iowans showed a distrust of a possible Democrat trifecta (Presidency, Senate, House) in Washington.” JA-002619 (IAV00000454). Accordingly, evidence establishes that Iowa Values relied on the data infrastructure it built in previous years to continue monitoring the electorate and updating its messaging through Election Day 2020.

557. Despite Plaintiff’s interrogatory requests asking Iowa Values to list “all costs incurred in relation to” “every advertisement” it produced, Iowa Values only provided information about digital ads. *See* JA-000885-88 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories at 4-7).

558. However, the list of disbursements provided at Exhibit 2 of Iowa Values’s interrogatory responses includes ten payments to Majority Strategies for the purpose of “direct mail”:

| <b>Date of Disbursement</b> | <b>Amount of Disbursement</b> |
|-----------------------------|-------------------------------|
| September 10, 2020          | \$155,619.90                  |
| September 15, 2020          | \$50,728.80                   |
| September 16, 2020          | \$63,059.92                   |
| September 21, 2020          | \$78,108.31                   |
| September 22, 2020          | \$80,739.75                   |
| September 25, 2020          | \$132,478.19                  |
| October 5, 2020             | \$91,450.13                   |
| October 13, 2020            | \$73,075.28                   |
| October 19, 2020            | \$51,076.62                   |
| October 29, 2020            | \$79,900.00                   |
|                             | <b>Total: \$856,236.90</b>    |

JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2).

559. The \$79,900.00 payment corresponds to a Majority Strategies invoice dated October 22, 2020, for the “Production & Delivery” of “IowaValues\_IA\_Ernst\_Contrast\_guide,” which appears to correspond to the final mailer in the series comparing Ernst and Greenfield’s positions. *See* JA-002606 (IAV00001328) (invoice); JA-002601-02 (IAV00000999-1000) (mailer). Iowa Values only produced one other 2020 Majority Strategies invoice, and that invoice related to digital advertising. *See* JA-002290 (IAV00001212). The remaining nine payments in the table above correlate with entries in Iowa Values’s 2020 cash report for fees paid to Majority Strategies for unspecified services or “mail production/postage,” except the cash report states that the October 5, 2020, disbursement was for \$92,449.13 (not \$91,450.13).<sup>41</sup> *See* JA-002190-91 (IAV00001007-57 at IAV00001016-17); JA-002193 (IAV00001019); JA-002195-96 (IAV00001021-22). As Iowa Values produced 12 mailers, and there are only 10 payments listed in Iowa Values’s interrogatory response, it is unclear whether some payments are missing or if some of the listed payments covered more than one mailer.

**vi. Iowa Values Tracked and Responded to Advertisements Attacking Ernst.**

560. As described in the preceding sections, the evidence demonstrates that Iowa Values’s pro-Ernst advertising followed two tracks: (1) communications based on what its internal polling and modeling indicated would resonate with swing voters; and (2) communications responding to attacks on Ernst. *See, e.g.,* JA-002076-77 (IAV00003278-79) (Iowa Values Board meeting agenda stating that the organization wanted to be available for “Digital Counter Punching” and, at other times, focus on “disengagers”).

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<sup>41</sup> None of the payments align with the amounts Chris McNulty of Causeway projected for nine mailers in his August 25, 2020, email. *See* JA-002358-59 (IAV00002807-08); *see also supra* ¶ 535.

561. Beginning in 2017 and continuing through 2020, Iowa Values regularly monitored spending against Ernst and developed messaging plans to respond to any particularly powerful lines of attack. *See, e.g.*, JA-002020 (IAV00005144) (October 18, 2019, email from Derek Flowers to Chris McNulty, Claire Holloway Avella, and Ronald Jacobs with subject line “More anti-Joni Ads + Slumping Approval,” providing links to two ads attacking Ernst); *see infra* Part VI.C.2, ¶¶ 677-96 (describing fundraising solicitations informing potential Iowa Values donors about attack ads and Iowa Values’s responses); JA-002859 (Flowers Dep. at 180:18-22) (testifying “Yes” when asked to confirm that “Iowa Values monitored attack ads” over summer 2017). Indeed, in more than 20 separate fundraising solicitations sent on behalf of Iowa Values to prospective donors in 2019, Claire Holloway Avella, Iowa Values’s fundraiser, repeatedly described Iowa Values’s “purpose” as “push[ing] back against these type[s] of negative attacks.” *See infra* ¶ 685.

562. The first ad that triggered a response from Iowa Values was a June 2017 ad from the AARP and Coalition to Protect America’s Health that attacked Ernst for her position on repealing the Affordable Care Act, or “Obamacare.” On June 21, 2017, Iowa Values then-Executive Director Jon Kohan emailed the Iowa Values Board, its lawyer Ronald Jacobs, and its fundraiser Claire Holloway Avella a link to the ad, stating, “AARP is running the following ad campaign in Iowa against Joni.” JA-000600-01 (IAV00002340-41). Kohan made the subject line of his email “AARP Anti-Ernst Activity.” JA-000600 (IAV00002340). Iowa Values Board member Tom Tauke responded that “the ad is effective” and “[d]epending on the buy, some push-back should be made.” JA-000600 (IAV00002340). Iowa Values Board member Sara Fagen also replied to “agree there should be some response, but size of buy should probably dictate level of response.” JA-000600 (IAV00002340). Kohan replied to Fagen that “we start preparing for war, even if ultimately we don’t wade in.” JA-000600 (IAV00002340). Kohan also said that he would activate



“our media watching subscription for the state” now that there was “activity in Iowa.” JA-000600 (IAV00002340). He explained that the service will send “updates in advance of buy’s [sic] starting. We will be ahead of the game moving forward.” JA-000599 (IAV00002339).

563. Later that day, Kohan started a new email chain with the same individuals to share the “buy size and levels,” which disclosed that the Coalition to Protect America’s Health was funding part of the buy, along with the AARP. *See* JA-000608-09 (IAV00004217-20 at IAV00004219-20). The next day, in the course of discussing how to respond to the ad, Kohan stated, “Given the state of the AHCA in Iowa, its [sic] the perfect place to make the argument that a change is needed. As such, conducting education efforts to provide some cover to Ernst and Grassley on this issue would be a real benefit.” JA-000607 (IAV00004218); *see also* JA-000600 (IAV00002340) (realizing that “they’re running the same ad against Senator Grassley”).

564. In a subsequent email from June 23, 2017, Kohan stated that he “huddled” with Iowa Values’s lawyer Ronald Jacobs and its fundraiser Claire Holloway Avella, and they continued to “see value in conducting proactive education efforts on healthcare reform/Obamacare repeal, in order to provide cover for both Senators.” JA-000607 (IAV00004218). Kohan recommended that Iowa Values respond by creating an ad, and then, depending on how much money it could raise, determine whether to put the ad up immediately or “stockpile” it and keep it “on hand to conduct an aggressive response campaign if Dem groups start[] going wild.” JA-000607 (IAV00004218); *see also* JA-000607 (IAV00004218) (stating that a stockpiled ad would allow Iowa Values to “quickly go in . . . to blunt the attacks” and that the ad would “favorably influence the echo chamber and give Ernst/Grassley cover”). Iowa Values Board members Tom Tauke and Paula Dierenfeld agreed with this plan. JA-000606 (IAV00004217). While the joint record does not contain the ad

itself that resulted from these deliberations, communications reveal that Iowa Values did, in fact, create an ad intended for television. *See* JA-002343 (IAV00003411); JA-000612 (IAV00004785).

565. About a month later, on July 20, 2017, Holloway Avella emailed Kohan, copying Jacobs, to share that she may have found a donor willing to fund the ad. JA-002343 (IAV00003411). She asked Kohan if Iowa Values still wanted to run the ad and whether it would need to be updated in light of intervening events surrounding Republicans' efforts to repeal Obamacare. *See* JA-002343 (IAV00003411). Kohan responded, "I don't think it needs to change. When they vote to repeal, and she"—i.e., Ernst—"votes yes, and it fails they could definitely hit her harder. . . . *I think it's good cover for her.* We'd plan to go up right after the vote, to blunt the press coverage and the protests." JA-002343 (IAV00003411) (emphasis added).

566. On July 28, 2017, following a failed vote in the Senate to repeal the Affordable Care Act, Kohan forwarded a press release from Ernst's official office to Holloway Avella and said, "I feel like our ad still works for the current situation, so if we see a bunch dumped on us and we are able to raise funds to go up – we will be ready to punch back." JA-000612-13 (IAV00004785-86).

567. On August 16, 2017, Kohan emailed the Iowa Values Board, Jacobs, and Holloway Avella again, using the subject line "Iowa Values August Update." JA-000612 (IAV00004785). He stated that, "[w]ith no new fundraising news to report, we don't have any current plans for advertising activity." JA-000612 (IAV00004785). Kohan further noted that there had not been any new negative advertising and "[i]n a somewhat shaky summer, Joni looks strong." JA-000612 (IAV00004785).

568. While it thus appears that Iowa Values never raised the funds to air an ad in 2017 defending Ernst against the AARP and Coalition to Protect America's Health advertising, Iowa

Values nevertheless *prepared* to launch a defense of Ernst in response to the ad and invested resources in the effort. Moreover, it is clear that “providing cover” to Ernst was the purpose of the contemplated responsive ad. Though there was some talk of defending Grassley as well, Kohan spotted the attack ad because it contained “Anti-Ernst Activity,” and he weighed what the ad should say and when it should air only with reference to Ernst’s vote on the repeal bill and Iowans’ views of her. *See* JA-000612 (IAV00004785); *supra* ¶¶ 562, 565-67.

569. Iowa Values continued to track spending against Ernst after 2017 and, in summer 2019, decided that it again needed to act. An organization called Iowa Voices was running an ad attacking Ernst “for taking money from special interest groups and letting insurance companies discriminate against pre existing conditions.” JA-001596 (IAV00006147). The ad was “messed by an Afgan [sic] veteran woman who has a special needs child.” JA-001596 (IAV00006147); *see also* JA-001601 (IAV00006137) (stating the ad “hits Senator Ernst on pre-existing conditions”).

570. On July 8, 2019, Chris McNulty of Causeway emailed his colleague Molly Rutledge, Iowa Values’s Executive Director Derek Flowers, Reid Vineis of Majority Strategies, and Chris Hansen and Allison Bedell of Canvass America to alert them to this Iowa Voices ad. JA-001596 (IAV00006147); *see also supra* ¶¶ 387-92 (discussing same document). McNulty titled the email “Response to push against Joni” and opened by stating “perhaps our next messaging line is decided for us.” JA-001596 (IAV00006147). In the email, McNulty said, “I want to bring in some messaging/production folks here to help us respond properly. In the interim Molly [Rutledge] suggests just staying on the YELLOW broad universe which is the most susceptible to this messaging.” JA-001596 (IAV00006147).

571. Hansen responded that he had an idea for an ad to counter the attack: Iowa Values should take “the posture that anything the Dems are saying on the presidential debate stage is the

platform of the Democratic Party and therefore our future opponent is guilty of this too. So ‘They’ want to take away your healthcare plan and put you on a government run healthcare plan. ‘They’ don’t want just Medicare for all but Medicare for all who come here illegally. We’re going to stop them. Make the national Dems the boogie man and say we’re going to stop them then hit back with our positive messaging on it. . . . [T]he problem is we don’t have an opponent so maybe we should just pick one.” JA-001598 (IAV00006149). Flowers and Hansen expressed agreement with this proposed messaging plan. *See* JA-001598 (IAV00006149).

572. The next day, McNulty emailed Flowers, Rutledge, Hansen, Bedell, Vineis, and Logan Hemmert of Majority Strategies to report that “[w]e have asked Majority to start working on a concept response.” JA-001600 (IAV00006136). McNulty said that the response should be “under the umbrella of ‘Our Iowa Values’” and directed to “our target universe (yellow) with suppression of any ‘anti’ individuals based on the issues we are pushing.” JA-001600 (IAV00006136). The message would be “Joni is a DOER” and “Joni is passionate about fighting for Iowans and the issues that matter to Iowans.” JA-001600 (IAV00006136). McNulty also reiterated the plan from the previous email that “one idea is to put Joni out as a defender against the push for medicare for all / elimination of private insurance . . . private choices. Gov control of healthcare, medicare for all, elimination of private insurance all score horribly in the polling and in the modeling survey. Joni as the defender here is a good position for her to be in. Joni is fighting the extreme ideas coming out of DC that will affect every Iowan, take away personal choices and raise taxes.” JA-001600 (IAV00006136).

573. As described *supra* ¶¶ 465-67, Iowa Values ran a 15-second video ad on YouTube from August 2 to September 3, 2019, which said: “The radical Left’s plan? Abolish private insurance. Government run healthcare. Iowans deserve quality, affordable choices in healthcare.

Joni Ernst is fighting for us. Quality care. Iowa Values. Joni Ernst.” JA-001787 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 2-10, 2019; times shown 70k-80k)); JA-001808 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 10-September 3, 2019; times shown 1M-1.25M)). This advertisement aligns with the timing of and messaging discussed in these early July emails, strongly suggesting that it is Iowa Values’s response to the Iowa Voices anti-Ernst ad.

574. Iowa Values grew increasingly concerned about additional anti-Ernst messaging during the latter half of 2019 and early 2020. Multiple communications referenced additional attack ads from Iowa Voices and Ernst’s potential Democratic opponents in the 2020 general election. *See* JA-002104 (IAV00003027) (December 11, 2019, email with a link to a YouTube channel where “you can find the opposition ads from Iowa Voices”); *see also* JA-002248 (IAV00000520) (describing, in an “Iowa Values Q1 2020 Update” memo, “opposition ads from Iowa Voices” and attacks from potential opponents). Canvass America even indicated that these ads were making inroads with Republicans, sharing the following in its September 30, 2019 “Final Doors Report”: “Over the course of the summer, Democrat groups ran tv ads attacking Senator Ernst for supporting pharmaceutical companies instead of lowering drug costs and for her lack of support covering those with pre-existing conditions. Canvassers routinely fielded questions regarding those ads and their validity, including from Republican voters who repeated the messaging back to the canvassers.” JA-003302-03 (IAV00001556-57).

575. By the end of 2019, Iowa Values was planning its response. On December 11, 2019, Iowa Values’s Executive Director Derek Flowers reached out to Ben Yoho and Courtney Alexander

of The Strategy Group Company,<sup>42</sup> including Chris McNulty of Causeway on the email chain, to ask them to rework an ad that “doesn’t quite hit the mark.” JA-002104 (IAV00003027). Flowers included a link and said, “[A]t this link you can find the opposition ads from Iowa Voices that we’re looking to defend against.” JA-002104 (IAV00003027). He continued that the idea behind the response ad is “that Joni is a fighter for Iowa values, from her military service to her work on healthcare including pushes to lower drug costs, end surprise billing and improve care for our veterans, while contrasting that work with the radical Dem Medicare for All plans.” JA-002105 (IAV00003028).

576. On December 12, 2019, Yoho emailed Flowers and McNulty back an updated script for a responsive advertisement with ideas for the imagery. *See* JA-002098 (IAV00005129) (script); *see also* JA-002100 (IAV00005127) (cover email). This script clearly corresponds to the 30-second video ad Iowa Values disseminated on Facebook from February 21 to March 5, 2020. *See supra* ¶¶ 503-05 (discussing this 2020 video advertisement in detail). *Compare* JA-002098 (IAV00005129), *with* JA-002255 (Meta Ad Library - Iowa Values Advertisement, ID 2675579542539841: Joni Ernst A Fighter for Iowa Families (shown February 21-March 5, 2020; 300k-350k impressions)). The record thus proves that this 2020 Iowa Values ad was directly intended to rehabilitate Ernst—contrasting the Democrats’ healthcare ambitions with Ernst’s record cutting prescription drug costs, ending surprise medical billing, improving healthcare for veterans, and protecting people with pre-existing conditions.

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<sup>42</sup> The Strategy Group Company provided limited “Media Production” services to Iowa Values in 2019 and 2020. *See, e.g.*, JA-001313 (IAV00003658); JA-002098 (IAV00005129); JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (citing a \$7,000 January 5, 2020, and \$5,000 September 14, 2020, payment to The Strategy Group Company for “MEDIA PRODUCTION”).

577. As discussed *infra* Part VI.C.2, ¶¶ 677-96, Iowa Values’s fundraiser Claire Holloway Avella also frequently sent solicitations to prospective Iowa Values donors specifically highlighting these same anti-Ernst ads and the amount of money groups were spending to attack Ernst, and soliciting funds for Iowa Values to counter such attacks. Those solicitations further confirm Iowa Values’s intent and actions taken to track and respond to anti-Ernst messaging.

**vii. Iowa Values’s Limited Issue Advertising Was Pretext for Supporting Ernst.**

578. As described *supra* ¶¶ 162, 272-74, Iowa Values Executive Director Derek Flowers testified repeatedly that Iowa Values was focused on advocating for issues “we care about” and that, to the extent Iowa Values talked about re-electing Ernst, it was merely because Ernst served as “a proxy for our issues”: “[I]f this is the basket of things we care about, this is the basket of things that Joni . . . does and cares about and . . . *people tend to view them as intertwined*, then it makes sense that a segment of the electorate critical to Joni is also a segment of the electorate that’s critical to us and the issues we care about.” JA-003048-49 (Flowers Dep. at 269:20-270:10) (emphasis added); *see also* JA-002853 (Flowers Dep. at 74:5-9) (stating that Ernst served as “a bit of a proxy”); JA-003049 (Flowers Dep. at 270:11-19) (“those two things are likely very similar”).

579. But Flowers’s “proxy” explanation is contradicted by extensive evidence in the record here, including Iowa Values’s actions and statements about the purpose undergirding the limited “issue” advocacy it undertook. As detailed *supra* ¶ 164, Iowa Values’s former Executive Director, Jon Kohan, raised with the Iowa Values Board members and others as late as December 2017—almost a full year after Iowa Values was incorporated, *see* JA-000018-21 (IAV00000170-73)—what process Iowa Values should use for determining which issues the organization should focus on, *see* JA-000675-79 (IAV00004732-36), ultimately agreeing with the recommendation of Bill Skelly of Causeway to “*use our polling . . . to guide our issue focus, and then use the modeling*

*to dive deeper and match our focus up against the electorate* – rather than the reverse,” JA-000675 (IAV00004732) (emphasis added).

580. Eight months earlier, however, well before Iowa Values was deciding how to pick which issues it should care about, its legal counsel Ronald Jacobs was already describing Iowa Values as “a new 501(c)(4) that will be supportive of Senator Ernst,” and using his overlapping role as counsel for Iowa Values and various Ernst committees to obtain footage of Ernst to use in future Iowa Values advertising, as described *supra* ¶¶ 418-19. *See* JA-000121-22 (IAV00003482-83).

581. Iowa Values proceeded to use Jacobs’ connections to purchase Ernst footage, and then also filmed her at the 2017 Roast and Ride to build—in Jon Kohan’s words—a “footage library” for “paid voter contact activities.” *See supra* ¶¶ 420-28 (discussing JA-000597 (IAV00002796)). After these exercises, Kohan wrote to the Iowa Values Board in June 2017 that he felt “very good about the base level of footage we have on hand,” because it includes “tons of Joni hugs, smiles, handshakes, selfies, autographs, you name it with all sorts of different folks. All the warm, big smile Joni stuff we wanted to compile.” *See supra* ¶ 426 (JA-000596 (IAV00002795)).

582. In addition to its acquisition of Ernst media footage during the first half of 2017, Iowa Values also commissioned a poll in May 2017 to help identify which issues would best motivate voters to support Ernst. *See supra* ¶¶ 433-34 (describing May 2017 poll conducted on behalf of Iowa Values by The Tarrance Group, which identified, *e.g.*, that “[p]rotecting our most vulnerable citizens like the elderly” was an important issue, especially for “*key groups for us* like those with no opinion about Ernst (41%), those unsure on Ernst’s job approval (41%), and those



unsure if Ernst cares about the problems and concerns of someone like them (46%)” (emphasis added).

583. The evidence described above and elsewhere in these Findings of Facts thus reflects that: (1) Iowa Values knew as early as April/May 2017 that it wanted to build a “footage library” of Ernst images that could be used in future advertising; (2) Iowa Values acquired such footage for its “footage library” by June 2017; (3) Iowa Values also paid for a May 2017 survey to help identify which issues would best motivate voters to support Ernst; and (4) although Iowa Values was thus certain by June 2017 of its need for a “footage library” with “tons of” shots of Ernst, and was already looking to identify issues that would motivate voters to support Ernst, it still had not defined its issue focus at that time. Indeed, Iowa Values was still discussing *how* to go about defining its issue focus six months later, in December 2017. This timeline flatly contradicts Flowers’s “proxy” explanation for Iowa Values’s focus on Ernst. The evidence demonstrates that Iowa Values knew it wanted to support Ernst before it even determined how to pick its issues, let alone which issues it would pick. The evidence thus demonstrates that Iowa Values’s issues were, in fact, a proxy for Ernst, not the other way around.

584. Iowa Values’s advertising also bears this out. As described *supra* Part V.C.5.ii, ¶¶ 429-40, the digital advertisements Iowa Values disseminated on Facebook in 2018 superficially referenced issues it knew voters supported and that it could tie to Ernst in advertising closer to the election. Iowa Values also stated in internal communications that the purpose of the ads was to attract a Facebook following and email list for its 2019 and 2020 Ernst-oriented efforts—it was not attempting to convince anyone to support the issues referenced in the ads or take any action on policy proposals. *See supra* ¶¶ 432, 438.

585. In 2019, every advertisement that Iowa Values ran pictured, referenced, or mentioned Ernst. *See supra* Part V.C.5.iii.b, ¶¶ 447-79. While the joint record includes a number of images dated to 2019 with metadata, which reference issues without showing Ernst, those were not paid advertisements. *See* JA-001003 (IAV00000145); JA-002093 (IAV00000458); JA-002094 (IAV00000459); JA-002095 (IAV00000461); JA-001004 (IAV00000462); JA-002096 (IAV00000463); JA-001781 (IAV00006056).<sup>43</sup> The Google and Meta ad archives do not contain copies of those “ads,” which means there is no record that Iowa Values ever paid to promote the images. *See* JA-004547-48 (Google Ads Transparency Center, Advertiser Page - Iowa Values); JA-004551-57 (Meta Ad Library, Advertisement Page - Iowa Values). Accordingly, while Iowa Values may have posted the images to its Facebook wall or website in 2019, where its followers could see them, there is no evidence that it promoted them to a wider audience or otherwise paid to increase their visibility.<sup>44</sup>

586. Iowa Values continued its pattern in 2020, with all but one of Iowa Values’s 2020 advertisements centered on Ernst, and evidence that Iowa Values ran its lone “issue” ad as a way to prime voters to receive another follow-up ad about Ernst. *See supra* Part V.C.5.iv.b, ¶¶ 499-530. Iowa Values thought this one-two punch would achieve its goal of persuading voters in its target universe to support Ernst. *See supra* ¶ 502.

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<sup>43</sup> Three other images, JA-004577 (IAV00001439), JA-004579 (IAV00001447), and JA-004578 (IAV00001445), are undated but appear similar to this set of 2019 communications.

<sup>44</sup> Likewise, Iowa Values’s website may have referenced issues, *see* JA-004572-76 (IAV00000256-60) (capture of Iowa Values’s website), but a website is not a paid advertisement—people have to search for or navigate to a website; it is not pushed to them while they are visiting other platforms. Furthermore, those issues referenced on Iowa Values’s website, such as economic security and caring for veterans, were proxies for Ernst, *see supra* ¶¶ 433-35, and Iowa Values included at least one Ernst-centric video it paid to disseminate alongside any issues discussion, *see* JA-004572 (IAV00000256) (website capture featuring an Ernst video).

587. Furthermore, in its internal strategy documents and communications, Iowa Values consistently indicated that it was promoting only those issues that voters cared about and that it could tie to Ernst. As discussed *supra* Parts V.C.5.iii.a, ¶¶ 442-46, V.C.5.iv.a, ¶¶ 489-98, Iowa Values’s plan was to convince voters that Ernst was on the right side of the issues that mattered most to them and that she therefore deserved their vote. Several discussions of advertising strategy confirm as much, as Iowa Values outlined a plan to talk about issues to build up voters’ belief systems, and then point out how Ernst aligned with those beliefs. *See, e.g.*, JA-004331-32 (IAV00004885-86) (stating that Iowa Values would use a “long-arc” tactic to “build up their [voters’] belief system over time” to get them “‘prepped’ for the . . . messages they will get in 2020”); JA-004332 (IAV00004886) (planning a messaging progression that would “shore up these voters and move them from being a ‘Disengager’ to a supporter of Senator Ernst and ultimately as a 2020 voter”); JA-001284 (IAV00004819) (“We will strive to build the proper positive and negative messages with these voters, so they come into the 2020 election season in line with Iowa Values’ 2020 election goals.”); JA-001855 (HCI-00000693) (stating, in the context of a memo that said Iowa Values’s communications would focus on the “segments of the electorate critical to Senator Joni Ernst,” that “[m]odeling has been done to determine what those voters care most about, enhancing our ability to communicate with them”); JA-001340 (HCI-00000344) (planning to provide “voters with the information they will need to be able to fend off the disinformation attacks that will come in 2020” against Ernst); *see also* JA-001857 (HCI-00000695) (planning to “burn in a favorable impression of Senator Ernst on the issues most important to specific voters”); JA-002616 (IAV00000451) (stating that Iowa Values’s was “[f]ocused on Senator Ernst and her policy positions” and that it believed “enough Iowans support[ed] Senator Ernst and her policy positions” that she could win re-election).

588. In sum, Iowa Values knew it wanted to support Ernst *months before* it even decided how to go about identifying which issues to purportedly focus on. It ultimately decided to select which issues it would “care about” based on polling of swing voters’ preferences and their perceptions of Ernst’s accomplishments. Iowa Values then referenced those issues in ads only to show how Ernst was fighting on the side that the targeted voters preferred. Iowa Values hoped that connecting Ernst to important issues would motivate this swing universe of “disengagers” to vote for her, while allowing Iowa Values to operate as a 501(c)(4) and thus collect donations from donors who did not want to be identified. *See infra* ¶¶ 650, 652, 721. In other words, Iowa Values’s ultimate goal was promoting Ernst, not issues; issues were just a tool to promote Ernst.

**VI. Iowa Values’s Fundraising Was Closely and Explicitly Tied to Ernst’s Re-Election Campaign.**

589. Iowa Values’s fundraising activities, like its programmatic activities, overwhelmingly centered on Iowa Values’s support for Ernst’s 2020 re-election.

590. Iowa Values used the same fundraiser as the Ernst campaign, without a meaningful firewall to separate the two entities’ fundraising activities. To the contrary, Ernst and her staff regularly identified, referred, and communicated with or about prospective donors to Iowa Values, including individuals who had contributed to Ernst’s campaign and were seeking to continue supporting her re-election through other vehicles. Iowa Values’s and the Ernst campaign’s mutual fundraiser, in turn, directed solicitations on behalf of Iowa Values to donors referred by Ernst. Those solicitations for donations to Iowa Values generally centered on Ernst and her 2020 re-election efforts, regularly including Iowa Values’s Ernst-related strategy documents as attachments to solicitations, and soliciting contributions to Iowa Values specifically to counter advertisements attacking Ernst. Finally, Iowa Values’s fundraiser frequently coordinated with Ernst and her staff regarding solicitations and contributions to Iowa Values. From all these efforts, Iowa Values

solicited and received millions of dollars in donations between 2018 and 2020, which it used to finance its programmatic work supporting support Ernst’s 2020 re-election, *see supra* Part V, ¶¶ 124-588, as well as its companion super PAC, Iowa Values Action, which also supported Ernst, *see infra* Part VII, ¶¶ 720-41.

**A. Iowa Values’s Fundraiser, Holloway Consulting Inc., and its Relationships to Iowa Values and the Ernst Campaign**

591. By March 2017, Iowa Values hired as its fundraiser Claire Holloway Avella and her company, Hollowing Consulting Inc. *See* JA-000113 (IAV00001390-93 at IAV00001393) (March 24, 2017, Agreement, signed by Paula Dierenfeld as Director and Chairman of Iowa Values’s Board); JA-000110 (IAV00001390) (“The term of this Agreement shall commence January 1, 2017 and shall conclude on December 31, 2018.”); JA-003368-69 (Holloway Avella Dep. at 49:17-50:6) (testifying “[t]o the best of my knowledge,” this is a true and complete copy of the Agreement); JA-003370, 2274-75 (Holloway Avella Dep. at 51:8-15, 55:18-56:10) (testifying that Holloway Consulting Inc. provided the same services to Iowa Values in 2019 and 2020 as laid out in the 2017 and 2018 Agreement). The decision to hire Holloway Avella as Iowa Values’s fundraiser was predictable given that two months prior, Iowa Values’s lawyer Ronald Jacobs had explained to Iowa Values Board member Paula Dierenfeld, when asking her to join Iowa Values’s Board, that “Claire Holloway Avella . . . does fundraising for Senator Ernst, and . . . I presume, the board will select [her] to raise money for this new organization.” JA-003205 (IAV00003032); *see also supra* ¶ 105.

592. Holloway Consulting Inc. is a “fundraising consulting firm” founded in 2003, that engages in “political fundraising,” particularly “major donor fundraising,” which Holloway Avella explained “would exclude . . . direct mail and online and all of that” and focus instead on “more direct solicitation” of high worth prospective donors. JA-003334-35 (Holloway Avella Dep. at

15:16-16:18); *see also* JA-003327, 3336-37 (Holloway Avella Dep. at 8:7-13, 16:20-17:4) (testifying to serving as CEO and President of Holloway Consulting Inc. since its founding). Holloway Avella testified that her company's "particular areas of expertise" are "raising money from federal PACs and then also national major donor . . . fundraising, individual or corporate," it just "depends on . . . the client." JA-003339-40 (Holloway Avella Dep. at 20:18-21:2). "[D]epend[ing] on the type of client," Holloway Avella and others at her company would "put together plans, goals for how much can be raised for a particular initiative. And then provide updates on that. . . . You know, we'll staff meetings. We will set up and organize fundraising events. Yeah, make solicitations, direct solicitations, follow up on solicitations." JA-003338-39 (Holloway Avella Dep. at 19:19-20:17).

593. Holloway Consulting Inc. provided many of these fundraising services for Iowa Values between 2017 and 2020, after which time their work together ended. *See* JA-003347, 3369-70, 3379, 3416, 3426-27 (Holloway Avella Dep. at 28:10-21, 50:22-51:2, 60:7-16, 97:14-17, 107:21-108:15); *see also* JA-003332 (Holloway Avella Dep. at 13:12-21). Holloway Consulting Inc. provided Iowa Values with "[m]ajor event or fundraising consulting": "[t]arget[ing] . . . potential donors and . . . relationship building . . . with those donors," and "some soliciting for Iowa Values to those donors." JA-003347 (Holloway Avella Dep. at 28:22-29:13). Holloway Avella and her company likewise engaged in "a collaborative process" to set Iowa Values's fundraising goals and were "involved in identifying potential donors to Iowa Values" from 2017 through 2020. JA-003388-89, 3397 (Holloway Avella Dep. at 69:14-70:7, 78:3-12); *see also* JA-003389-90 (Holloway Avella Dep. at 70:4-15, 71:3-6) (testifying to helping set and "definitely participat[ing] in a conversation" about Iowa Values's fundraising targets in 2017 and 2018). Under the contract between Holloway Consulting and Iowa Values, Holloway Avella collected a ten

percent commission, up to a cap, on each donation that she successfully solicited on behalf of Iowa Values. JA-003374 (Holloway Avella Dep. at 55:1-15).

594. Holloway Avella testified that she first became familiar with Iowa Values in 2017, when, at some point “Ron or whoever was at that time – Kohan, maybe, somebody asked me to do fundraising for them.” JA-003350 (Holloway Avella Dep. at 31:12-21). As discussed *supra* ¶ 106, Holloway Avella had a preexisting relationship with both Kohan and Jacobs, having (1) “first met [Kohan] when he became Joni Ernst’s campaign manager in the 2014 Senate race” at the same time Holloway Avella was providing fundraising services for the Ernst campaign, JA-003351 (Holloway Avella Dep. at 32:5-12); and (2) “worked with Ron [Jacobs] through . . . 2013, 2014, all that time” through Jacobs’s role as legal counsel to the Ernst campaign, JA-003351-52 (Holloway Avella Dep. at 32:20-33:8); *see also supra* ¶ 101.

595. In working with Iowa Values between 2017 and 2020, Holloway Avella communicated with Iowa Values’s “strategist or the general consultant and legal counsel.” JA-003349 (Holloway Avella Dep. at 30:5-7). While she could not “remember when the transition happened,” Holloway Avella testified that the strategist “[a]t some point . . . was Jon Kohan and at some point . . . was Derek Flowers and at some point . . . was Chris McNulty,” whereas Iowa Values’s legal counsel was always “Ron Jacobs.” JA-003349 (Holloway Avella Dep. at 30:8-19); *see also* JA-003376-77 (Holloway Avella Dep. at 57:12-58:13) (testifying that “Derek and Chris were [strategists] at the same time” whereas Kohan was “before their time”); JA-003378 (Holloway Avella Dep. at 59:20-22) (testifying that, in 2020, she was communicating with “Derek [Flowers], Chris McNulty or Ron Jacobs”).

596. Holloway Avella repeatedly testified to her own personal involvement in fundraising work for Iowa Values, explaining: “I was involved. . . . I think it was really just me. I

don't remember exactly. But typically I would handle it, and then there would be one person, like another person who would be designated, firewalled off with me," though she could not "remember exactly who that was during those time frames." JA-003348 (Holloway Avella Dep. at 29:14-22); *see also* JA-003397 (Holloway Avella Dep. at 78:13-17) (testifying that she was the only Holloway Consulting employee involved in identifying prospective Iowa Values donors).

597. With respect to 2019 in particular, Holloway Avella testified that she was "the point person" for work with Iowa Values and could not remember who among her colleagues served as support staff. JA-003377 (Holloway Avella Dep. at 58:14-21). She testified that her colleague, Laurène Gros-Daillon, "probably" worked on Iowa Values, though she "started in 2020" and Holloway Avella didn't "remember her really actively being involved." *See* JA-003349 (Holloway Avella Dep. at 30:1-4). *But see infra* ¶ 605 (citing numerous 2020 Iowa Values communications including Gros-Daillon).

598. Despite her significant personal involvement in Iowa Values's fundraising, Holloway Avella testified that she could not "remember exactly" if Iowa Values worked on any particular issues: "Generally I would say, you know, issues relevant to Iowans. But I don't remember exactly." JA-003349 (Holloway Avella Dep. at 30:20-31:2). She likewise testified that she did not know if supporting Ernst was an area of focus for Iowa Values, JA-003350 (Holloway Avella Dep. at 31:3-11) ("I don't know. I wasn't the strategist."), and that she was not aware of support for Ernst as a recurring message in Iowa Values's fundraising appeals, JA-003396-97 (Holloway Avella Dep. at 77:21-78:2). Holloway Avella's unawareness about whether Iowa Values's fundraising appeals regularly messaged about Iowa Values's support for Senator Ernst defies credulity given the explicit content of Iowa Values's fundraising solicitations, most, if not all, of which were sent by Holloway Avella herself and most, if not all, of which prominently



feature Iowa Values’s support for Ernst, including in the subject line of the solicitation emails. *See infra* Part VI.C, ¶¶ 643-96.

**1. Holloway Consulting’s Overlapping Work for Ernst-Affiliated Entities Without an Adequate Firewall in Place**

599. As discussed *supra* ¶¶ 105, 107, 109, at the same time—and even before—Holloway Avella and her company performed fundraising work for Iowa Values, they also conducted fundraising for Ernst’s principal campaign committee, Joni for Iowa, and other Ernst-affiliated federal political committees, including the Jobs Opportunities and New Ideas (JONI) PAC, Ernst Victory, Joni’s Roast and Ride, and Ernst Victory Team Iowa. *See* JA-003341-42, 3343, 3470, 3472,-73, 3482-83 (Holloway Avella Dep. at 22:17-23:16, 24:10-14, 151:3-8, 153:13-154:20, 163:21-164:9); *see also* JA-004492 (FEC Data - Disbursements from Joni for Iowa to Holloway Consulting / Holloway Consulting, Inc.); JA-004508 (FEC Data - Disbursements from Jobs Opportunity and New Ideas (JONI) PAC to Holloway Consulting / Holloway Consulting, Inc.); JA-004520 (FEC Data - Disbursements from Ernst Victory to Holloway Consulting/Holloway Consulting, Inc.); JA-004529 (FEC Data - Disbursements from Joni’s Roast and Ride to Holloway Consulting, Inc.): JA-004538 (FEC Data - Disbursements from Ernst Victory Team Iowa to Holloway Consulting, Inc.).

600. Indeed, Iowa Values’s current Executive Director Derek Flowers first became familiar with Holloway Consulting in 2013, when he was working for Ernst’s 2014 U.S. Senate campaign. JA-002850 (Flowers Dep. at 71:1-8). Flowers confirmed that Holloway Consulting provided fundraising services to the Ernst campaign during both the 2014 and 2020 election cycles. JA-002850 (Flowers Dep. at 71:9-21).

601. The Ernst campaign retained Holloway Consulting Inc. to perform “[n]ational and PAC fundraising,” meaning fundraising from individuals and federal PACs through solicitations

of high dollar donors, holding fundraising events for Ernst, and staffing in-person meetings with donors. JA-003474-75 (Holloway Avella Dep. at 155:1-156:18). Holloway Avella, in turn, worked between 2017 and 2020 to “put[] together . . . fundraising plans and targeting projections” for Joni for Iowa, and “reach[ed] out to solicit donors for Joni for Iowa.” JA-003477-78 (Holloway Avella Dep. at 158:11-13, 159:5-10). During that time, Holloway Avella worked with Ernst’s campaign manager Sam Pritchard, a campaign scheduler Josie Beecher, and the campaign’s 2020 general consultant and Iowa Values’s previous Executive Director, Jon Kohan. JA-003478-79 (Holloway Avella Dep. at 159:11-160:10); *see also supra* ¶ 107.

602. Holloway Avella readily admitted that Holloway Consulting Inc. “perform[ed] work for Iowa Values and Senator Ernst’s campaign at the same time” and that she herself “worked concurrently with the Iowa Values and Senator Ernst campaign account[s]” on “fundraising” at a “high level.” JA-003483 (Holloway Avella Dep. at 164:10-20) (acknowledging overlap “[t]he entire time”: “I mean, it was my company so I had some involvement at some point, yeah.”); JA-003485 (Holloway Avella Dep. at 166:14-16) (“Generally . . . I was the person who was . . . dealing with the Iowa Values and Iowa Values Action.”). Holloway Avella further confirmed that she sent out email solicitations for Ernst’s campaign “generally through this period” that she also sent email solicitations on behalf of Iowa Values. JA-003484 (Holloway Avella Dep. at 165:16-22); *see also* JA-003485-86 (Holloway Avella Dep. at 166:10-167:4) (“yeah, I probably was doing both – yes. Soliciting, yeah.”).

603. Holloway Avella likewise testified that she is “sure I was” performing work for other Ernst affiliated entities while working for Iowa Values “because those were clients of Holloway Consulting.” JA-003485 (Holloway Avella Dep. at 166:1-5).

604. Holloway Avella further testified that Holloway Consulting Inc. had its own relationship, clients in common, or otherwise interacted with numerous vendors that served both Iowa Values and the Ernst campaign or other Ernst-affiliated entities, including RightSide Compliance, Jamestown Associates, Venable LLP, Compliance Consulting VA, Woodberry Associates, and The Tarrance Group. *See* JA-003380-86 (Holloway Avella Dep. at 61:11-62:3, 62:12-64:21, 65:7-67:11); *see also supra* Part IV, ¶¶ 99-123.

605. While Holloway Avella testified that other Holloway Consulting employees did not perform work for Iowa Values and the Ernst campaign simultaneously, JA-003483-84 (Holloway Avella Dep. at 164:21-165:2), documentary evidence and additional testimony from Holloway Avella herself prove otherwise. Holloway Avella testified that other Holloway Consulting Inc. employees who worked on fundraising for *Ernst's campaign committee* between 2017 and 2020 included Amanda Stewart, Amy Nycz, and Laurène Gros-Daillon. JA-003476, 3477-78 (Holloway Avella Dep. at 157:4-10, 158:3-159:4). At the same time, documentary evidence proves that Stewart, Nycz, and Gros-Daillon were all included on *Iowa Values* solicitations and other communications at points between January 2018 and September 2020. *See* JA-000795-96 (HCI-00000066-67) (January 2018 solicitation including Stewart); JA-000807 (HCI-00000078) (same); JA-000818 (HCI-00000089) (same); JA-000827-28 (HCI-00000100-01) (same); JA-000839-40 (HCI-00000112-13) (same); JA-000859-60 (HCI-00000139-40) (same); JA-000971-72 (HCI-00000196-97) (March 2018 solicitation including Stewart); JA-001038 (HCI-00000249) (May 2018 solicitation including Stewart); JA-001128-29 (HCI-00000275-76) (August 2018 solicitation including Stewart); JA-001315 (HCI-00000321) (February 2019 solicitation including Stewart); JA-001362 (HCI-00000362) (March 2019 solicitation including Stewart); JA-003577-78 (HCI-00000399-400) (same); JA-001407-08 (HCI-00000407-08) (April 2019 solicitation including

Stewart); JA-001394 (HCI-00000418) (May 2019 solicitation including Stewart); JA-001599 (IAV00002351) (July 2019 communication including Stewart); JA-001766-67 (HCI-00000606-07) (same); JA-001756-57 (HCI-00000596-97) (same); JA-003596 (HCI-00000540) (July 2019 communication including Stewart and Nycz); JA-001688 (HCI-00000544) (July 2019 solicitation including Stewart and Nycz); JA-001697 (HCI-00000553) (same); JA-001706 (HCI-00000566) (same); JA-001797 (HCI-00000625) (August 2019 solicitation including Stewart and Nycz); JA-001809-11 (HCI-00000639-41) (August 2019 communication including Stewart and Nycz); JA-001837-39 (IAV00005175-77) (August 2019 communication including Nycz); JA-001901 (HCI-00000788) (September 2019 communication including Nycz); JA-002030 (HCI-00000841) (October 2019 communication including Nycz); JA-002234 (IAV00005113-16) (January 2020 communication including Gros-Daillon); JA-002259-62 (HCI-00000930-33) (March 2020 communication including Nycz and Gros-Daillon); JA-002270-73 (HCI-00001000-03) (March-April 2020 communication including Nycz and Gros-Daillon); JA-002326-28 (HCI-00001080-82) (June 2020 communication including Nycz and Gros-Daillon); JA-002351-52 (HCI-00001181-82) (August 2020 communication including Gros-Daillon); JA-002435-36 (HCI-00001256-57) (September 2020 communication including Nycz and Gros-Daillon). Holloway Avella herself later acknowledged that, while she did “not remember Laurene [Gros-Daillon] nor Amanda [Stewart] soliciting,” for Iowa Values, “[t]hey could have. I just don’t remember.” JA-003486 (Holloway Avella Dep. at 167:5-8).

606. Holloway Avella further testified that “to my knowledge” no Holloway Consulting Inc. staff members were ever cordoned off from having information about donors to Joni for Iowa. *See* JA-003479-80 (Holloway Avella Dep. at 160:19-161:14). Accordingly, although Holloway Avella alleged that a firewall policy existed to govern Holloway Consulting Inc.’s work for Iowa

Values, Iowa Values Action, and the Ernst campaign, *see* JA-003364-65, 3486-87 (Holloway Avella Dep. at 45:14-47:4, 167:9-168:16), that policy did not actually prevent sharing of information about Iowa Values donations with individuals involved in fundraising for the Ernst campaign or other Ernst-affiliated entities, including Holloway Avella herself, *see also infra* Parts VI.B, ¶¶ 611-42, VI.D, ¶¶ 697-709 (regarding communication and coordination by Holloway Avella and other Holloway Consulting Inc. employees with Ernst and her staff about Iowa Values solicitations).

607. Indeed, given Holloway Consulting Inc.’s simultaneous work for Iowa Values and Ernst-affiliated entities, Holloway Avella testified that “[t]here could have been, sure, yeah” a crossover between the donors she solicited for Iowa Values and donors to Senator Ernst’s campaign and other affiliated entities. JA-003401-02 (Holloway Avella Dep. at 82:14-83:7). She explained that, among prospective donors, “a lot of these people I was dealing with on a number of other clients for, you know, ten plus years,” and “what I do is fundraising. . . . I’m in the business of soliciting and connecting and garnering support for our clients. So I’m trying to think about why else I would be trying to get somebody. I don’t know. I can’t think of anything.” JA-003408-10 (Holloway Avella Dep. at 89:5-91:5); *see also* JA-003998 (Holloway Avella Dep. at 79:18-22) (“We have a data set of donors that we’ve interacted with over 20 years that we have a knowledge base and relationships with.”); JA-003437 (Holloway Avella Dep. at 118:11-13) (“My role was the targeting and the introduction, and it was very . . . relationship based, getting the conversations.”).

608. Sometimes, donors’ contribution history was already contained in Holloway Consulting Inc.’s database, and Holloway Avella acknowledged targeting at least some prospective Iowa Values donors who had previously contributed to Ernst’s campaign. JA-003399-3400 (Holloway Avella Dep. at 80:16-81:2) (“not necessarily only ones that had given”). She likewise

testified that a prior contribution to Senator Ernst “was a factor” in whom she solicited for contributions to Iowa Values. JA-003402 (Holloway Avella Dep. at 83:8-18).

609. In short, Iowa Values’s chosen fundraiser, Holloway Avella, and her firm, Holloway Consulting Inc., were providing services simultaneously for both Iowa Values and the Ernst campaign and other Ernst-affiliated entities between 2017 and 2020, without a meaningful firewall policy in place to separate fundraising efforts on behalf of Iowa Values from those in service of the Ernst campaign and other Ernst-affiliated entities.

610. Indeed, as described above, evidence in the record reflects that on at least one occasion, the lack of separation between fundraising efforts for Iowa Values and fundraising for Ernst entities led to the improper coding of a donation to Iowa Values as an Ernst-related donation. *See supra* ¶ 121 (describing email correspondence in which Joanne Parker—Compliance Director for Iowa Values and the Ernst campaign’s shared compliance firm, RightSide Compliance—(1) stated that “Yes,” a donation to Iowa Values was “related to Ernst,” though it “needs to be completely separate as this *is supposed to be an unrelated C4*,” and accordingly, (2) followed up with Holloway Avella regarding a plan to “set Iowa Values as a separate fund code to keep it separate from *the other Ernst entities*.”) (quoting JA-000911-12 (IAV00004791-94 at IAV00004791-92) (emphases added)).

**B. Ernst and Her Staff Referred Donors to Holloway Avella for Iowa Values Contributions.**

611. Between 2018 and 2020, Ernst and her staff routinely helped identify and refer prospective donors to Iowa Values. Iowa Values’s fundraiser, in turn, directed fundraising solicitations to prospective Iowa Values donors referred by Ernst and her staff, including individuals who had already contributed to Ernst’s campaign and were seeking to continue supporting her 2020 re-election efforts through other vehicles.

612. Iowa Values’s own March 2017 “Policy on Interaction with Candidates” expressly allowed for and anticipated that: “[a]t times, the Corporation”—i.e., Iowa Values—“may ask candidates to assist it with soliciting contributions.” JA-000093 (IAV00003587-616 at IAV00003607); *see also* JA-000092 (IAV00003606) (“The Corporation includes the Iowa Values as well as its agents, employees, contractors, and board members.”); JA-000062-63 (IAV00000298-329 at IAV00000319-20) (identical).

613. When discussing this policy, Iowa Values’s Executive Director, Derek Flowers, acknowledged that Iowa Values’s fundraiser, “Claire [Holloway Avella] may have” asked Ernst to assist with fundraising for Iowa Values. JA-002862 (Flowers Dep. at 83:10-16). While Flowers did not recall personally discussing Iowa Values’s fundraising with Ernst, he testified that he “did not know” whether Ernst had, in fact, ever assisted with fundraising for Iowa Values and stressed that “Claire would know far better than me on that . . . that was her wheelhouse.” JA-002862-63 (Flowers Dep. at 83:17-84:9) (“The most likely person to talk about fundraising to anybody would be Claire [Holloway Avella].”).

614. Holloway Avella, for her part, repeatedly testified that Ernst introduced and referred prospective donors to Iowa Values. “She [Ernst] would connect me with somebody to get more information about Iowa Values[,] [n]ot *necessarily* a donation”; “[t]here were times for sure” where Ernst “definitely would say, oh, [t]alk to Claire. So yeah, she did”; “[o]n occasion [Ernst] would direct people to talk to me about Iowa Values”; “[g]enerally, it was if somebody was interested, she would tell me or she would connect occasionally.” JA-002862-63, 2870, 2883 (Holloway Avella Dep. at 83:19-84:2, 91:6-92:9, 104:13-19) (emphasis added); *see also* JA-003436 (Holloway Avella Dep. at 117:14-18) (confirming Ernst “sent people with questions about Iowa Values” to Holloway Avella); JA-003405 (Holloway Avella Dep. at 86:18-88:8 (confirming

“Senator Ernst was referring people who wanted to know more information about Iowa Values to a fundraising firm”); *cf.* JA-003402 (Holloway Avella Dep. at 83:8-18) (testifying that a prior contribution to Senator Ernst “was a factor” in whom Holloway Avella solicited for contributions to Iowa Values).

615. Holloway Avella testified that such introductions by Ernst to prospective Iowa Values donors “definitely could have” occurred in person, and over email. JA-003410 (Holloway Avella Dep. at 91:12-19). While she claimed that introductions by Ernst were “pretty infrequent,” *see, e.g.*, JA-003410 (Holloway Avella Dep. at 91:6-92:9), documentary evidence, and Holloway Avella’s other testimony cited above, belie that assertion.

616. Numerous fundraising solicitations sent via email to prospective Iowa Values donors confirm introductions and referrals by Ernst. This includes Iowa Values solicitations from as early as January 2018, wherein Holloway Avella explained to prospective donors that she was “follow[ing] up” on prior conversations with Ernst and “reaching out . . . on behalf of Iowa Values.” *See* JA-000795 (HCI-00000066) (“Senator Ernst suggested I reach out to follow up on your conversation yesterday. I am reaching out to you on behalf of Iowa Values.”); JA-000807 (HCI-00000078) (“I am following up on a conversation [redacted] had yesterday with Senator Ernst, in which he recommended that I contact you. I am reaching out to you on behalf of Iowa Values.”); JA-000827 (HCI-00000100) (same); JA-000859-60 (HCI-00000139-40) (“I am following up on your conversation with Senator Ernst. I am reaching out to you on behalf of Iowa Values.”); *see also* JA-000731 (HCI-00000024) (“Senator Ernst asked me to follow up with you on your conversation earlier this afternoon. . . . Last year, you generously supported Iowa Values with a \$50,000 donation and we hope you will consider supporting again at that level.”); JA-000787 (HCI-00000040) (same).



617. These early 2018 solicitations focused on fundraising to support Iowa Values’s data warehousing initiative, *see supra* Part V.B.2, ¶¶ 169-93—its “top priority th[at] year”—to create “a database that can interface with all the vehicles associated with, or interested in helping Joni Ernst.” *E.g.*, JA-000795 (HCI-00000066); JA-000807 (HCI-00000078) (same); JA-000827 (HCI-00000100) (same); JA-000859-60 (HCI-00000139-40) (same); *see also* JA-000731 (HCI-00000024) (describing Iowa Values’s “data warehousing project” as “a top priority for us this year”); JA-000787 (HCI-00000040) (same); *infra* ¶¶ 647-49 (describing these solicitations and others focused on Iowa Values’s data warehousing efforts).

618. One Iowa Values solicitation from August 2018 even includes an introductory email from Ernst herself. On August 1, 2018, Ernst emailed a redacted donor, noting how “wonderful” it was “catching up with you yesterday” and thanking them “for your pledge to contribute \$10,000 to my Ernst Victory Iowa committee.” JA-001128 (HCI-00000275). Ernst then explained that she had “also copied Claire Holloway Avella on this email who will be in touch with you regarding *the other effort we discussed.*” JA-001129 (HCI-00000276) (emphasis added). Holloway Avella followed up with the prospective donor the next day to “attach[] a brief update on *our activities through Iowa Values,*” as well as an Iowa Values contribution form.<sup>45</sup> JA-002228 (HCI-00000275) (emphasis added); *see also* JA-001128 (HCI-00000275) (“Last year, [redacted] contributed \$5,000. We would be delighted if he would do so again.”).

619. Introductions and referrals of prospective donors to Iowa Values by Ernst, and her staff, continued throughout 2019. This included at least 23 solicitation emails sent to prospective Iowa Values donors between March and September 2019, wherein Holloway Avella explicitly tied

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<sup>45</sup> *See* JA-001130-33 (HCI-00000277-80) (attached July 2018 memo from Jon Kohan to “Interested Parties” regarding “Iowa Values Data Initiative”); JA-001134-35 (HCI-00000281-82) (attached Iowa Values contribution form).

outreach on behalf of Iowa Values to an introduction by Ernst or her staff. Such solicitations made clear that Holloway Avella was “reaching out on behalf of Iowa Values”:

(1) “[a]s a follow up to our introduction by Senator Ernst,” JA-001337 (HCI-00000341); JA-001706 (HCI-00000566); JA-001756 (HCI-00000596); JA-003588 (HCI-00000616); JA-001788 (HCI-00000671-72 at HCI-00000671); JA-001876 (HCI-00000680-81 at HCI-00000680);

(2) “[a]s a follow up to our *email* introduction by Senator Ernst,” JA-001361 (HCI-00000362) (emphasis added); *see also* JA-003577 (HCI-00000399); JA-001407 (HCI-00000407); JA-001394 (HCI-00000418); JA-001452 (HCI-00000425); JA-001613 (HCI-00000487-88 at HCI-00000487); JA-001643 (HCI-00000512); JA-003598 (HCI-00000540-43 at HCI-00000542); JA-001868 (HCI-00000706); JA-001901 (HCI-00000788-89 at HCI-00000788); JA-002003 (HCI-00000822-23 at HCI-00000823);<sup>46</sup>

(3) “[a]s a follow up to your conversation in late July with Senator Ernst,” JA-001852 (HCI-00000690);

(4) “[a]t the recommendation of Senator Ernst,” JA-001893 (HCI-00000714);

(5) “[a]s a follow up to our email introduction by Lisa Goeas,” Ernst’s chief of staff, JA-001908 (HCI-00000724);<sup>47</sup> and

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<sup>46</sup> Only two even potentially corresponding emails were ever produced to CLC by Iowa Values or Holloway Consulting. *See* JA-001128-29 (HCI-00000275-76), discussed *supra* ¶¶ 190, 618; JA-001643-44 (HCI-00000512-13), discussed *infra* ¶ 627.

<sup>47</sup> No corresponding email from Goeas was produced by Iowa Values or Holloway Consulting.

(6) “[a]s a follow up to your conversation with Senator Ernst,” JA-001697 (HCI-00000553); JA-001971 (HCI-00000807-08 at HCI-00000807).<sup>48</sup>

620. One of these 2019 solicitations alone led to a contribution of at least \$20,000 to Iowa Values, which the donors confirmed in a March 27, 2019, email. *See* JA-003577 (HCI-00000399-400 at HCI-00000399) (“We will give \$10,000 each from [redacted].”); *see also* JA-003441-45 (Holloway Avella Dep. at 122:13-126:6) (“[I]t says they’re giving 10,000 each but it doesn’t say to who. So it could be two, it could be three” donors); JA-003445 (Holloway Avella Dep. at 126:13-16) (agreeing the “donor indicated that they would give at least \$10,000”); JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (identifying \$20,000 donation to Iowa Values on April 12, 2019). Another of these 2019 solicitations led, at minimum, to a donor’s “pledge of support” to Iowa Values. JA-001876 (HCI-00000680).

621. When discussing one of these emails from March 2019, JA-003572 (HCI-00000341), Holloway Avella testified that it “is generally the template” for Iowa Values solicitations, *see also infra* ¶¶ 644-45 (discussing templates for Iowa Values’s solicitations)—though “this one says, ‘follow up to our introduction by Senator Ernst.’ That . . . wasn’t always in there” but rather was “a customization” Holloway Avella made in the “template if Senator Ernst made an introduction.” JA-003427-29 (Holloway Avella Dep. at 108:20-110:13). Still, Holloway Avella testified that “generally” speaking, this solicitation was “representative of other fundraising

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<sup>48</sup> In total, all but two of these 2019 solicitations used the same subject line, or a slight variation thereof: “Funding Request from Iowa Values 501(c)(4) - promoting issues Senator Joni Ernst advocates,” *see infra* ¶ 651; the other two solicitations shared another subject line, “Follow up to your conversation with Sen. Joni Ernst,” JA-001407-08 (HCI-00000407-08); JA-0020002-03 (HCI-00000822-23).

appeals” for Iowa Values that she “sent out in 2019.” JA-003439-40 (Holloway Avella Dep. at 120:18-121:5).

622. Holloway Avella likewise confirmed that a number of other 2019 solicitations were “virtually identical” to this template solicitation. *See* JA-003441-44 (Holloway Avella Dep. at 122:13-125:5) (agreeing JA-003577-78 (HCI-00000399-400) is “virtually identical,” including “language about an email introduction by Senator Ernst”); JA-002445-46 (Holloway Avella Dep. at 126:17-127:12) (agreeing JA-003579-80 (HCI-00000402-03) is “virtually identical”); JA-003456 (Holloway Avella Dep. at 137:2-19) (for JA-003588 (HCI-00000616), agreeing paragraphs 1 and 3 are “virtually identical,” and it includes “language about ‘our [email] introduction by Senator Ernst’”); JA-003494 (Holloway Avella Dep. at 175:1-18) (agreeing JA-003596-99 (HCI-00000540-43) is “virtually identical,” and includes “language regarding our introduction by Senator Ernst”).

623. Holloway Avella further testified that, as Iowa Values’s fundraiser, she “would assume” Iowa Values sent similar solicitation emails to prospective donors in 2020, including similar attachments. JA-003447 (Holloway Avella Dep. at 128:1-6); *see also infra* ¶¶ 628-31, 644-46.

624. At least three times in 2019, Ernst not only introduced a prospective Iowa Values donor to Holloway Avella but then followed up with that prospective donor again to facilitate the connection. On June 5, 2019, Holloway Avella emailed a prospective donor “on behalf of Iowa Values” “[a]s a follow up to our email introduction by Senator Ernst”; more than a month later, on July 11, 2019, Holloway Avella emailed the prospective donor again, explaining “Senator Ernst spoke with [redacted’s] office just now and they suggested that I follow up with you.” JA-001613-14 (HCI-00000487-88).

625. On July 15, 2019, Holloway Avella emailed another prospective Iowa Values donor “[a]s a follow up to our email introduction by Senator Ernst.” JA-002003 (HCI-00000823). Holloway Avella emailed again on August 14, 2019, and then again on September 17, explaining in the latter email that “Senator Ernst just spoke with [redacted]. He said he had not received any of my emails. I am [resending] to see if he would be willing to take my call regarding Iowa Values.” JA-002002 (HCI-00000822).

626. Lastly, on September 11, 2019, Holloway Avella emailed a prospective Iowa Values donor “[a]s a follow up to our email introduction by Senator Ernst,” and nine days later, wrote again to “follow[] up on Senator Ernst[’s] voicemail to you just now. I wanted to make sure you had links to the anti-Joni ads run by our opposition.” JA-001901 (HCI-00000788); *see also infra* Part VI.C.2, ¶¶ 677-96.

627. As in August 2018—when Ernst herself emailed a donor thanking them for pledging “\$10,000 to my Ernst Victory Iowa committee” and connecting them with Holloway Avella to discuss “*the other effort*,” i.e., Iowa Values, *see supra* ¶ 618 (citing JA-001128-29 (HCI-00000275-76)) (emphasis added)—at least one Iowa Values solicitation from July 2019 includes an introductory email from Ernst herself. On July 15, 2019, Ernst emailed a redacted donor “to connect you with Claire Holloway Avella. I would be very appreciative if you would be willing to take a call from her regarding *an outside initiative that you may be interested in*.” JA-001643-44 (HCI-00000512-13) (emphasis added). Within fifteen minutes, Holloway Avella followed up with the prospective donor, “reaching out to you on behalf of *Iowa Values*.” JA-001643 (HCI-00000512) (emphasis added).

628. Referrals and introductions by Ernst and her staff to prospective Iowa Values donors continued and only became more overt in 2020. In March and April 2020, for example, a Holloway

Consulting staff member, Laurene Gros-Daillon, *see supra* ¶ 605, reported in an email that “[Redacted] contributed \$50,000 to Iowa Values in both 2017 and 2019 when she”—i.e., Ernst—“was not in cycle so we expect that he will be receptive to a larger contribution this year. Sen[ator] Ernst lobbed a call to [redacted] on Wednesday to thank him for his support and [redacted].” JA-002272 (HCI-00001000-03 at HCI-00001002). The email concluded: “If we need to have JKE [Joni Kay Ernst] call again next week on Iowa Values, we can absolutely do that.” JA-002272 (HCI-00001002).

629. Three days later, on April 2, 2020, Holloway Avella confirmed that the prospective donor “told JKE today he would contribute” and asked for someone to follow up with him “ASAP.” JA-002271 (HCI-00001001). This solicitation alone resulted in a \$250,000 donation to Iowa Values. *See* JA-002270 (HCI-00001000) (“[Redacted] is going to send in \$250k!!”); *see also* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (identifying \$250,000 contribution to Iowa Values on April 7, 2020); JA-002275-78 (IAV00002119-22) (Iowa Values invoice dated April 8, 2020, from Holloway Consulting, Inc. for \$25,000 fundraising commission on \$250,000 [redacted] contribution).

630. In July 2020, Holloway Avella emailed another prospective donor, explaining “Senator Ernst asked me to reach out to schedule a time that she and [redacted] can visit by phone/zoom to discuss her race.” JA-002336 (HCI-00001136-38 at HCI-00001137). Holloway Avella followed up six days later to “check[] in on setting up a call with Senator Ernst.” JA-002336 (HCI-00001137). Once possible timing for the call was determined, Holloway Avella reached out to Ernst’s chief of staff, Lisa Goeas, to ask if there was “any way we can make 1-2PM on Monday work for a call for JKE and [redacted]? *Big Big ask for Iowa Values.*” JA-002335 (HCI-00001136)

(emphasis added); *see also* JA-002336 (HCI-00001136) (“I . . . wanted to check with you first since I could tell you about the Iowa values ask”).

631. In a separate July to August 2020 email exchange—with the subject line “Re: [redacted]-Joni”—Holloway Avella received a request for another prospective donor’s “donation history with Joni *for campaign and outside groups if applicable*,” to which Holloway Avella responded: “In 2018, I spoke with [redacted] about *Iowa Values* and considered, but he never contributed.” JA-0023445-46 (HCI-00001166-67) (emphasis added); *see also* JA-002345 (HCI-00001166) (“At the time, he commented that he would consider Iowa Values but wanted to be sure that none of that would flow to support Trump directly/indirectly, which it would not.”). Several weeks later, Holloway Avella followed up “regarding the potential of [redacted] contributing to Iowa Values,” and offered, “[w]e *would be happy to arrange a call with Senator Ernst* to touch base in advance of my solicitation for his renewed support.” JA-002345 (HCI-00001166) (emphasis added).

632. In sum, documentary and testimonial evidence prove that, between 2018 and 2020, Ernst and her staff routinely referred prospective donors to Iowa Values, whose fundraiser in turn directed solicitations to those prospective donors on behalf of Iowa Values.

**1. Iowa Values Solicited Contributions from Ernst Campaign Donors Looking to Support Her Re-Election Through Other Vehicles.**

633. Indeed, in both 2019 and 2020, Iowa Values specifically directed solicitations to donors who had *already* contributed to the Ernst campaign and were looking to support her re-election effort through other vehicles, including Iowa Values.

634. In September 2019, for example—in an email exchange with the subject line “Senator Ernst Contributions”—Holloway Avella was contacted on behalf of a prospective donor who wanted to know if she was “still the best point of contact to ask about contributions to Senator

Ernst,” as Holloway Avella had advised this prospective donor “on contributions in the last couple years” so he wanted to “follow up.” JA-001920 (HCI-00000736). Holloway Avella responded an hour later: “Yes, I am the best contact.” JA-001920 (HCI-00000736). She indicated that another Holloway Consulting staff member, Amy Nycz, *see supra* ¶ 605, would reply with what the prospective donor “has contributed so far to the campaign,” but stated that she “believe[d] he may be maxed.” JA-001920 (HCI-00000736).<sup>49</sup> In the very next sentence, Holloway Avella continued, “I also did a call with him regarding *an independent expenditure effort through Iowa Values*. At the time he said it was too early for him to invest. I will send you updated information about Iowa Values activities. We would be delighted to have his support.” JA-001920 (HCI-00000736) (emphasis added).

635. Iowa Values’s solicitations of maxed out Ernst donors continued in 2020. In June 2020, for example, Holloway Avella received an email with the subject line “Contributions Beyond Maxing to the Senate Candidates-Iowa Values,” which indicated a prospective donor was “interested in getting information on where you recommend \$’s to be sent once a donor has maxed to the Candidate.” JA-002319 (HCI-00001107). Holloway Avella responded roughly two weeks later: “I am following up on our email intro by [redacted] where *you indicated an interest in ways to help beyond maxing to Senator Ernst campaign directly*. Thank you for agreeing to learn more.

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<sup>49</sup> For the 2019-2020 election cycle, individuals were limited to contributing \$2,800 per candidate, per election (with primary and general elections treated as separate elections), and \$5,000 per year to federal political committees “that make[] contributions to other federal political committees,” including a federal candidate’s leadership PAC. *See* FEC, Contribution Limits for 2019-2020, [https://www.fec.gov/resources/cms-content/documents/contribution\\_limits\\_chart\\_2019-2020.pdf](https://www.fec.gov/resources/cms-content/documents/contribution_limits_chart_2019-2020.pdf); *see also* FEC, Leadership PACs, <https://www.fec.gov/help-candidates-and-committees/registering-pac/types-nonconnected-pacs/leadership-pacs/> (explaining that leadership PACs “may be associated with a candidate for federal office, [but] they remain legally unaffiliated with the candidate’s principal campaign committee (also known as the candidate’s authorized committee) and operate under the same rules as other nonconnected committees”).



*This email outreach is on behalf of Iowa Values.*” JA-002318 (HCI-00001106) (emphases added). Holloway Avella included as an attachment “an update from the team that sets out [Iowa Values’s] objectives for this critical election year and their spending plan,” and indicated that her assistant would “follow up to confirm a time” for a call to discuss the prospective donor’s “potential support for Iowa Values this year.” JA-002318 (HCI-00001106) (“There is a lot of important work to do and we will need your support to get it done.”).

636. In another June 2020 email exchange, Holloway Avella sent to a redacted recipient and two staff members of Ernst’s campaign committee, Joni for Iowa—Mary Kate Munro and Sam Pritchard, *see supra* ¶ 601—an update on how much certain prospective donors could give “to [m]ax [o]ut to Ernst Victory Iowa,” a separate Ernst-affiliated political committee. JA-002327-28 (HCI-00001080-82 at HCI-00001081-82); *see also supra* ¶ 599 (citing FEC filings of Ernst Victory Iowa among other Ernst committees); ¶ 627 (citing email, JA-001128-29 (HCI-00000275-76), from Ernst herself thanking a donor for pledging “\$10,000 to my Ernst Victory Iowa committee” and connecting them with Holloway Avella to discuss “the other effort” i.e., Iowa Values). The redacted recipient responded later the same day to thank Holloway Avella for “taking the time to visit this morning” and to confirm “are you saying all of these folks have Maxed Out (\$2,800 & \$2,800) to JKE”—i.e., directly to the Ernst campaign. JA-002327 (HCI-00001081). The redacted recipient went on to indicate that certain prospective donors “will probably ask” if it “[w]ould be better to Max Out to Ernst Victory Iowa before they consider donating to Iowa Values’?,” and suggested, “I almost get the impression that IV [Iowa Values] could help more with regard to getting more ads up and running,” before asking for Holloway Avella’s “thoughts please.” JA-002326-27 (HCI-00001080-81).

637. Two days later, the redacted individual reached out again, this time directly to Mary Kate Munro of Joni for Iowa to ask that, in advance of a meeting the following week, she “please make sure Claire [Holloway Avella] provides me with the contribution amounts that [redacted] have *contributed to JKE either in her PACs and Iowa Values.*” JA-002326 (HCI-00001080) (emphasis added). Munro relayed the request to Holloway Avella and other Holloway Consulting staff, and Holloway Avella followed up with the redacted individual directly to confirm that her colleague would provide the prospective donors’ donation history “to Ernst Victory Iowa and will highlight whether or not they have maxed to the campaign.” JA-002326 (HCI-00001080). Holloway Avella concluded by noting that “[t]o date, [redacted] has contributed \$10K to Iowa Values.” JA-002326 (HCI-00001080).

638. Holloway Avella continued directing maxed out Ernst donors to Iowa Values right up until the November 2020 General Election. On October 27, 2020, for example, Holloway Avella received an email from another redacted sender addressed to her and Sam Pritchard of Joni for Iowa, to connect them with a prospective donor “who is working to facilitate another donation to all of the various JKE entities here in the final week.” JA-002611 (HCI-00001385-87 at HCI-00001387). Holloway Avella responded less than hour later to “attach[] a contribution form for Ernst Victory Iowa as well as a FedEx reply form,” and indicated that her colleague, Laureène Gros-Daillon, would “provide wiring information for Ernst Victory Iowa.” JA-002610 (HCI-00001386); *see also* JA-002609 (HCI-00001385) (email from Gros-Daillon providing wiring information and instructions for Ernst Victory Iowa). When the redacted sender responded, however, that the prospective donor was going to be “making a 1MM contribution to Senator Ernst,” Holloway Avella replied within minutes to make clear: “*The \$1mm will need to go to Iowa Values Inc. It is the only entit[y] that can accept such an amount.*” JA-002609 (HCI-00001385) (emphasis added).

639. At times, solicitation by Holloway Avella of the same donors for contributions to the Ernst campaign, Ernst-affiliated political committees, *and* Iowa Values led to confusion for donors about what entity was soliciting their money, to what entity they had contributed, and the nature of Iowa Values as an organization.

640. This is evident in May and June 2019 emails with a prospective Iowa Values donor, in response to a solicitation discussed above. *See supra* ¶¶ 619, 622 (discussing JA-003596 (HCI-00000540-43)). Holloway Avella emailed the prospective donor on behalf of Iowa Values three separate times, finally asking at the end of June 2019, whether they “expect[ed] to contribute before the end of the quarter.” JA-003597-98 (HCI-00000541-42). The redacted individual replied, “I sent it a few days ago to Ernst Victory Iowa”—i.e., the Ernst-affiliated political committee. JA-003597 (HCI-00000541). Holloway Avella responded to clarify: “Yes, Sir. We received your contribution which was max you could do to the campaign committee. We also saw that you contributed via the Winning Women JFC<sup>50</sup>] but unfortunately we cannot accept those funds because you are maxed.” JA-003597 (HCI-00000541). Instead, Holloway Avella directed the prospective donor back to Iowa Values: “My *email below was regarding the 501C4, Iowa Values. Senator Ernst said you were willing to discuss with me support for that effort as well.*” JA-003597 (HCI-00000541) (emphasis added)

641. The prospective donor replied to Holloway Avella again, this time to express “confus[ion]” because they “thought the 10K” was *already* “to your PAC.” JA-003596-97 (HCI-00000540-41) (emphasis added). Holloway Avella did not correct the characterization of Iowa Values as a political committee but rather asked again if the prospective donor “would [] consider

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<sup>50</sup> Holloway Avella testified that the Winning Women JFC was a joint fundraising committee for “multiple candidates, female candidates and members for re-election, Republicans,” including Ernst’s 2020 campaign. JA-003496-97 (Holloway Avella Dep. at 177:21-178:6).

contributing to Iowa Values”—to which they responded, “I have done the max to the campaign and \$10K to the *other* PAC. That is it for now.” JA-003596 (HCI-00000540) (emphasis added). Holloway Avella did not correct this characterization either; instead, she answered only that she “[u]nderst[oo]d” and thanked the donor for their “generous support.” JA-003596 (HCI-00000540).

642. Holloway Avella, when testifying, agreed that, based on this email exchange, “the donor . . . looks like they were confused” and “[t]here seems to be overlapping confusion here.” JA-003495-96 (Holloway Avella Dep. at 176:9-177:20). She likewise testified that donors generally “could have been” confused about the difference between Iowa Values and Senator Ernst’s committees. JA-003404-05 (Holloway Avella Dep. at 85:8-86:17).

**C. Iowa Values’s Fundraising Solicitations Centered on Ernst and Her Re-Election.**

643. Possible confusion among prospective donors is understandable given that, between 2018 and 2020, Iowa Values’s fundraising solicitations generally centered on Ernst, soliciting donations to Iowa Values for the explicit purpose of supporting and defending her. In addition, Iowa Values’s solicitations regularly included Ernst-related strategy documents, *see infra* Part VI.C.1, ¶¶ 661-76, and/or highlighted and sought contributions to Iowa Values to counteract advertisements attacking Ernst, *see infra* Part VI.C.2, ¶¶ 677-96.

644. With respect to email, phone, and in-person solicitations of prospective Iowa Values donors, Holloway Avella testified that “we used templates to solicit”: “[i]t was basically a template . . . and then I would change the name and maybe the dollar amount or something.” JA-003425-26 (Holloway Avella Dep. at 106:19-107:19) (agreeing that phone solicitations were “similarly formulaic” and in-person solicitations “follow[ed] the same pattern,” only “[t]he amount of money and, you know, whether I knew the person or not, . . . sort of small talk was customized”).

645. Holloway Avella testified that Holloway Consulting did not develop these templates, but rather, “if there were specific things that did not come either directly from the [Iowa Values] mission statement that had been approved by legal counsel, then I would ask the client to provide those details. And once a template was . . . ready, get it approved, make sure it was good to send by legal counsel.” JA-003440 (Holloway Avella Dep. at 121:6-121:19). To the extent solicitations for Iowa Values mentioned Ernst in either the body of the communication or any attachments, Holloway Avella testified that “it was only . . . the attachments that were provided by the campaign or it was in sort of canned template language that had been approved by [Iowa Values’s] legal counsel.” JA-003440-41 (Holloway Avella Dep. at 121:20-122:8).

646. Holloway Avella further testified that, when contacting prospective Iowa Values donors, she would not send a contribution form “a hundred percent of the time[,] [i]t just depended”: if she already “knew the donor and they knew me,” she “might include the donation form because the[] [prospective donors] weren’t going to get offended”—a “large” consideration for Holloway Avella in whether to send a contribution form or not. JA-003407-08 (Holloway Avella Dep. at 88:9-89:90:11). Documentary evidence proves, however, that Holloway Avella included a contribution form with virtually all the solicitation emails she sent to prospective Iowa Values donors between 2018 and 2020. *See, e.g., infra* ¶¶ 650, 652.

647. Iowa Values began fundraising in earnest in early 2018, when Holloway Avella sent a series of emails to prospective donors soliciting funds to support Iowa Values’s data warehousing initiative. *See supra* ¶ 617. At least 16 solicitations sent between January and May 2018, began by introducing “Iowa Values, a 501(c)(4) formed to educate Iowans about common-sense solutions to various public policy issues of national, state, and local importance *for which Senator Ernst advocates.*” JA-000753 (HCI-00000048) (emphasis added); *see also* JA-000770 (HCI-00000057);

JA00795 (HCI-00000066); JA-000807 (HCI-00000078); JA-000818 (HCI-00000089); JA-000827 (HCI-00000100); JA-000839 (HCI-00000112-13 at HCI-00000112); JA-000859 (HCI-00000139); JA-000873 (HCI-00000154); JA-000909 (HCI-00000163-64 at HCI-00000163); JA-000925 (HCI-00000169); JA-000971 (HCI-00000196-97 at HCI-00000197); JA-001005 (HCI-00000221); JA-001019 (HCI-00000230); JA-001038 (HCI-00000249); JA-001055 (HCI-00000259-60 at HCI-00000259).

648. These solicitations continued: “[o]ur top priority this year”—2018—“is the construction of a data warehouse” to serve as “a central repository where all the data that is being collected by various entities that support conservative causes (*including those supporting Joni Ernst*) can live.” JA-000753 (HCI-00000048) (emphasis added); *see also* JA-000770 (HCI-00000057); JA-000795 (HCI-00000066); JA-000807 (HCI-00000078); JA-000818 (HCI-00000089); JA-000827 (HCI-00000100); JA-000839 (HCI-00000112); JA-000859 (HCI-00000139); JA-000873 (HCI-00000154); JA-000909 (HCI-00000163); JA-000925 (HCI-00000169); JA-000971 (HCI-00000197); JA-001005 (HCI-00000221); JA-001019 (HCI-00000230); JA-001038 (HCI-00000249); JA-001055 (HCI-00000259);<sup>51</sup> *cf.* JA-000731 (HCI-00000024); JA-000787 (HCI-00000040) (additional January 2018 solicitations describing Iowa Values’s “data warehousing project” as “a top priority for us this year”).

649. The next paragraph of each solicitation touted: “We believe that investing time and resources now in creating a database that can interface with *all the vehicles associated with, or*

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<sup>51</sup> At least four of these 2018 solicitations were directed to prospective donors who had already contributed to Iowa Values in 2017. *See* JA-000731 (HCI-00000024) (“Last year, you generously supported Iowa Values with a \$50,000 donation and we hope you will consider supporting again at that level.”); JA-000787 (HCI-00000040) (same); JA-001005 (HCI-00000221) (“We thank you again for your generous support in April 2017.”); JA-001019 (HCI-00000230) (“We thank you again for your previous contribution in February 2017.”).

*interested in helping Joni Ernst, is a potentially significant advantage heading into her reelection effort in 2020.”* JA-000735 (HCI-00000048) (emphasis added); *see also* JA-000770 (HCI-00000057); JA-000795 (HCI-00000066); JA-000807 (HCI-00000078); JA-000818 (HCI-00000089); JA-000827 (HCI-00000100); JA-000839 (HCI-00000112); JA-000859 (HCI-00000139); JA-000873 (HCI-00000154); JA-000909 (HCI-00000163); JA-000925 (HCI-00000169); JA-000971 (HCI-00000197); JA-001005 (HCI-00000221); JA-001019 (HCI-00000230); JA-001038 (HCI-00000249); JA-001055 (HCI-00000259).

650. Each solicitation included (1) an “overview” of Iowa Values, (2) a “memo outlining the Iowa Values Data Initiative,” (3) an Iowa Values contribution form with wiring instructions, and (4) a final “reminder”: “contributions to 501(c)(4) entities are not publicly disclosed.” JA-000735 (HCI-00000048); JA-000770 (HCI-00000057); JA-000795 (HCI-00000066); JA-000807 (HCI-00000078); JA-000818 (HCI-00000089); JA-000827 (HCI-00000100-01); JA-000839 (HCI-00000112); JA-000859 (HCI-00000139); JA-000873 (HCI-00000154); JA-000909 (HCI-00000163-64); JA-000925 (HCI-00000169); JA-000971 (HCI-00000197); JA-001005 (HCI-00000221); JA-001019 (HCI-00000230); JA-001038 (HCI-00000249); JA-001055 (HCI-00000259-60);<sup>52</sup> *see also* JA-000731 (HCI-00000024); JA-000787 (HCI-00000040); JA-001128-

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<sup>52</sup> For the attachments to these solicitations, *see* JA-000754-55 (HCI-00000049-50); JA-000756-57 (HCI-00000051-52); JA-000758-61 (HCI-00000053-56); JA-000779-80 (HCI-00000058-59); JA-000781-82 (HCI-00000060-63); JA-000785-86 (HCI-00000064-65); JA-000797-98 (HCI-00000068-69); JA-000799-800 (HCI-00000070-71); JA-000801-02 (HCI-00000072-75); JA-000808-09 (HCI-00000079-80); JA-000810-13 (HCI-00000081-84); JA-000814-15 (HCI-00000085-86); JA-000819-20 (HCI-00000090-91); JA-000821-22 (HCI-00000092-93); JA-000823-26 (HCI-00000094-97); JA-000831-34 (HCI-00000104-07); JA-000835-36 (HCI-00000108-09); JA-000837-38 (HCI-00000110-11); JA-000841-44 (HCI-00000114-17); JA-000845-46 (HCI-00000118-19); JA-000847-48 (HCI-00000120-21); JA-000861-62 (HCI-00000141-42); JA-000863-64 (HCI-00000143-44); JA-000865-68 (HCI-00000145-48); JA-000874-75 (HCI-00000155-56); JA-000876-77 (HCI-00000157-58); JA-000878-81 (HCI-00000159-62); JA-000926-27 (HCI-00000170-71); JA-000928-31 (HCI-00000172-75); JA-

29 (HCI-00000275-76) (additional 2018 solicitations including as attachments, *inter alia*, “an overview of our organization [Iowa Values] as well as a memo outlining a data warehousing project” and “a contribution form for your convenience”). Two of these 2018 solicitations further included an Iowa Values assurance letter from its lawyer, Ronald Jacobs. *See* JA-000807 (HCI-00000078); JA-000816-17 (HCI-00000087-88); JA-000827-28 (HCI-00000100-01); JA-000829-30 (HCI-00000102-03).<sup>53</sup>

651. As early as February 2018, Holloway Avella began using a standard subject line for solicitations on behalf of Iowa Values, which she used frequently from then through at least September 2019: “Funding Request from Iowa Values 501(c)(4) - promoting issues Senator Joni Ernst advocates.” *See, e.g.*, JA-001294 (HCI-00000301). Indeed, between February 2018 and September 2019, Holloway Avella sent at least 36 solicitation emails to prospective Iowa Values donors with this subject line. *See* JA-001294 (HCI-00000301); JA-001303 (HCI-00000310); JA-001315 (HCI-00000321); JA-001361 (HCI-00000362); JA-003579-80 (HCI-00000402-03); JA-001005 (HCI-00000221); JA-001019 (HCI-00000230); JA-001038 (HCI-00000249); JA-001055 (HCI-00000259); JA-001337 (HCI-00000341); JA-001348 (HCI-00000399); JA-001394 (HCI-00000418); JA-001452 (HCI-00000425); JA-001613-14 (HCI-00000487-88); JA-001643-44 (HCI-00000512-13); JA-001679 (HCI-00000531); JA-003598 (HCI-00000542); JA-001688 (HCI-00000544); JA-001697 (HCI-00000553); JA-001706 (HCI-00000566); JA-001727-28

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000932-33 (HCI-00000176-77); JA-000973-76 (HCI-00000198-201); JA-000977-78 (HCI-00000202-03); JA-000979-80 (HCI-00000204-05); JA-001006-07 (HCI-00000222-23); JA-001008-09 (HCI-00000224-25); JA-001010-13 (HCI-00000226-29); JA-001020-21 (HCI-00000231-32); JA-001022-25 (HCI-00000233-36); JA-001026-27 (HCI-00000237-38); JA-001029-30 (HCI-00000250-51); JA-001041-44 (HCI-00000252-55); JA-001045-46 (HCI-00000256-57); JA-001057-58 (HCI-00000261-62); JA-001059-60 (HCI-00000263-64); JA-001061-64 (HCI-00000265-68).

<sup>53</sup> *See* JA-000816-17 (HCI-00000087-88); JA-000829-30 (HCI-00000102-03).



(HCI-00000575-76); JA-001756-57 (HCI-00000596-97); JA-001747 (HCI-00000616); JA-001810-11 (HCI-00000639-41 at HCI-00000640-41); JA-001788 (HCI-00000671); JA-001876-77 (HCI-00000680-81); JA-001852 (HCI-00000690); JA-001860 (HCI-00000698); JA-001868 (HCI-00000706); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001901 (HCI-00000788); JA-001971-72 (HCI-00000807); JA-003593 (HCI-00000819-21 at HCI-00000820). Holloway Avella testified that she “can’t say” if “all of the funding requests for Iowa Values use[d] this same subject line” but acknowledged that she “used a lot of the same ones.” JA-003465-66 (Holloway Avella Dep. at 146:20-147:14).

652. In 2019, Iowa Values’s solicitations became broader than earlier funding requests, seeking support not for Iowa Values’s data warehousing initiative but for its efforts more generally. At least 37 solicitation emails sent between February 13 and November 8, 2019, all repeated the same stock language:

- (1) introducing Iowa Values as a “501(c)(4) formed to educate Iowans about common-sense solutions” to “various public policy issues” for which “*Senator Ernst advocates*”;
- (2) attaching a memo outlining Iowa Values’s 2019 strategy, *see infra* Part VI.C.1, ¶¶ 661-76;
- (3) soliciting a donation, often for a specific dollar amount, and attaching a contribution form with wiring instructions;
- (4) sharing the same “reminder” that “contributions to 501(c)(4) entities are not publicly disclosed”; and
- (5) emphasizing Holloway Avella’s availability for a phone call should the prospective donor want to “discuss further,” “visit briefly by phone,” or ask “additional questions.”

JA-001294 (HCI-00000301); JA-001303 (HCI-00000310); JA-001315 (HCI-00000321); JA-001337 (HCI-00000341);<sup>54</sup> JA-001361 (HCI-00000362); JA-001348 (HCI-00000399-400 at HCI-00000399); JA-003579-80 (HCI-00000402-03); JA-001407 (HCI-00000407-08 at HCI-00000407); JA-001394 (HCI-00000418); JA-001452 (HCI-00000425); JA-001613-14 (HCI-00000487-88); JA-001643-44 (HCI-00000512); JA-001679 (HCI-00000531); JA-003598 (HCI-00000542); JA-001688 (HCI-00000544); JA-001697 (HCI-00000553); JA-001706 (HCI-00000566); JA-001727 (HCI-00000575-76); JA-001756-57 (HCI-00000596-97); JA-001747 (HCI-00000616); JA-001810-11 (HCI-00000640-41); JA-001788 (HCI-00000671); JA-001876-77 (HCI-00000680-81); JA-001852 (HCI-00000690); JA-001860 (HCI-00000698); JA-001868 (HCI-00000706); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001901-02 (HCI-00000788-89); JA-001971-72 (HCI-00000807); JA-003593 (HCI-00000820); JA-002002-03 (HCI-00000822-23); JA-002021 (HCI-00000832); JA-002036 (HCI-00000848); JA-002055 (HCI-00000867).

653. All but one of these 2019 solicitations further attached “an assurance letter for your compliance” purposes and/or offered to connect the prospective donor or their team “with the Iowa Values legal counsel should you have additional questions.” JA-001294 (HCI-00000301); JA-001303 (HCI-00000310); JA-001337 (HCI-00000341); JA-001361 (HCI-00000362); JA-001348 (HCI-00000399); JA-003579-80 (HCI-00000402-03); JA-001407 (HCI-00000407); JA-001394 (HCI-00000418); JA-001452 (HCI-00000425); JA-001613-14 (HCI-00000487-88); JA-001643

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<sup>54</sup> As explained *supra* ¶¶ 621-22, Holloway Avella testified that “generally” speaking JA-001337 (HCI-00000341) was “representative of other fundraising appeals” for Iowa Values that she “sent out in 2019,” and other 2019 solicitations were “virtually identical.” JA-003439-45, 003455, 003494 (Holloway Avella Dep. at 120:18-121:5, 122:13-125:5, 126:17-12, 137:2-19, 175:1-8); *see also* JA-003447 (Holloway Avella Dep. at 128:1-6) (testifying she “would assume” Iowa Values used similar solicitation emails in 2020).

(HCI-00000512); JA-001679 (HCI-00000531); JA-003598 (HCI-00000542); JA-001688 (HCI-00000544); JA-001697 (HCI-00000553); JA-001706 (HCI-00000566); JA-001727 (HCI-00000575-76); JA-001756-57 (HCI-00000596-97); JA-001747 (HCI-00000616); JA-001810-11 (HCI-00000640-41); JA-001788 (HCI-00000671); JA-001876-77 (HCI-00000680-81); JA-001852 (HCI-00000690); JA-001860 (HCI-00000698); JA-001868 (HCI-00000706); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001901-02 (HCI-00000788-89); JA-001971 (HCI-00000807); JA-003593 (HCI-00000820); JA-002002-03 (HCI-00000822-23); JA-002021 (HCI-00000832); JA-002036 (HCI-00000848); JA-002055 (HCI-00000867).

654. As discussed more *infra* Part VI.C.2, ¶¶ 677-96, many of Iowa Values’s 2019, and 2020, solicitations also highlighted advertisements run by another organization “attacking Senator Ernst,” and made clear that “[t]he purpose of our group, Iowa Values, is to push back against these type of negative attacks.” JA-001747 (HCI-00000616); JA-001852 (HCI-00000690); JA-001860 (HCI-00000698); JA-001868 (HCI-00000706); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001901-02 (HCI-00000788-89); JA-001971-72 (HCI-00000807-08); JA-001890-93 (HCI-00000819-21); JA-001643-44 (HCI-00000512-13); JA-001679 (HCI-00000531); JA-001688 (HCI-00000544); JA-001697 (HCI-00000553); JA-001706 (HCI-00000566); JA-001727 (HCI-00000575); JA-001756-57 (HCI-00000596-97); JA-001809-12 (HCI-00000639-41); JA-001876-77 (HCI-00000680-81); JA-002002-03 (HCI-00000822-23); JA-002021 (HCI-00000832); JA-002036 (HCI-00000848); JA-002055 (HCI-00000867) (emphasis added). This would include “through [a] person to person ground game effort,” JA-001868 (HCI-00000706); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001901-02

(HCI-00000788-89); JA-001971-72 (HCI-00000807-08); JA-001890-93 (HCI-00000819-21), “directly targeting persuadable voters,” JA-001860 (HCI-00000698), *see also supra* Parts V.C.2-V.C.5.v, ¶¶ 248-559 (discussing Iowa Values’s efforts in 2019 and 2020 to identify and target persuadable voters).

655. In total, Iowa Values’s produced 2019 solicitation emails sought at least \$3.3 million in contributions from prospective donors. *See* JA-001294 (HCI-00000301) (thanking prospective donor “for your generous support in April 2017” and soliciting “another investment of \$250,000 before March 31, 2019”); JA-001303 (HCI-00000310) (soliciting “\$100,000 before March 31, 2019”); JA-001315 (HCI-00000321) (“[Redacted] generously supported Iowa Values with a \$20,000 donation in May 2017. . . . It is our hope that you will consider another investment of \$250,000 before March 31, 2019.”); JA-001337 (HCI-00000341) (soliciting “\$100,000 before March 31, 2019”); JA-001361 (HCI-00000362) (soliciting “\$25,000 before March 31, 2019”); JA-001348 (HCI-00000399) (soliciting “\$25,000 before March 31, 2019”); JA-003579-80 (HCI-00000402-03) (soliciting “\$250,000 before March 31, 2019”); JA-001407 (HCI-00000407) (soliciting “\$50,000 toward this effort”); JA-001394 (HCI-00000418) (soliciting “\$50,000 before June 30, 2019”); JA-001452 (HCI-00000425) (soliciting “\$250,000 before June 30, 2019”); JA-001613-14 (HCI-00000487-88) (soliciting “\$250,000 before June 30, 2019”); JA-001643 (HCI-00000512) (soliciting “\$50,000 to help continue our efforts over the summer months”); JA-001679 (HCI-00000531) (soliciting “\$250,000 to help continue our efforts over the summer months”); JA-003598 (HCI-00000542) (soliciting “\$50,000 before June 30, 2019”); JA-001688 (HCI-00000544) (soliciting “\$10,000 to help continue our efforts over the summer months”); JA-001697 (HCI-00000553) (soliciting “\$100,000 to help continue our efforts over the summer months”); JA-001706 (HCI-00000566) (soliciting “\$10,000 to help continue our efforts over the summer

months”); JA-001727 (HCI-00000575-76) (soliciting “\$250,000 to help continue our efforts over the summer months”); JA-001756-57 (HCI-00000596-97) (soliciting “\$10,000 to help continue our efforts over the summer months”); JA-001747 (HCI-00000616) (soliciting “\$50,000 to help continue our efforts over the summer months”); JA-001810-11 (HCI-00000640-41) (soliciting “\$250,000 to help continue our efforts over the summer months”); JA-001788 (HCI-00000671) (soliciting “\$25,000 to help continue our efforts over the summer months”); JA-001876-77 (HCI-00000680-81) (soliciting “\$25,000 to help continue our efforts over the summer months”); JA-001852 (HCI-00000690) (soliciting “\$100,000 before September 15 to help continue our efforts through the Fall”); JA-001860 (HCI-00000698) (noting that “[i]n June 2018 you generously contributed \$20,000 toward our effort,” and soliciting “another investment of \$20,000 by September 15 to help continue our efforts through the Fall”); JA-001868 (HCI-00000706) (soliciting “giving/bundling \$50,000 to help continue our efforts through the Fall.”); JA-001893 (HCI-00000714) (soliciting “\$25,000 to help continue our efforts through the Fall”); JA-001908 (HCI-00000724) (soliciting “giving/bundling \$50,000 to help continue our efforts through the Fall.”); JA-001921 (HCI-00000737) (soliciting “\$100,000 to help continue our efforts through the Fall”); JA-001971 (HCI-00000807) (soliciting “\$100,000 to help continue our efforts through the Fall”); JA-003593 (HCI-00000820) (soliciting “giving/bundling \$100,000 to help continue our efforts through the Fall”); JA-002002-03 (HCI-00000822-23) (“In 2017 you contributed \$5,000 to Iowa Values. Now that the election is in full swing, it is our hope that you will consider an investment of \$50,000 to help continue our efforts over the summer months.”); JA-002036 (HCI-00000848) (soliciting “an investment of \$25,000 to help continue our efforts”).

656. The evidentiary record reflects that 2019 solicitations garnered \$1.09 million in donations to Iowa Values. *See* JA-002766-78 (Iowa Values’s Second Supplemental Objections and

Responses to Pl.’s First Set of Interrogatories, Ex. 2); JA-001390-93 (IAV00002159-62 at IAV00002160) (invoice and payment confirmation for Holloway Consulting commission on “1st quarter donations” for 2019 of \$295,000); JA-001776 (IAV00002074-78 at IAV00002075) (invoice and payment confirmation for Holloway Consulting commission on “April 2019 donations” of \$50,000); JA-001471 (IAV00002070-73 at IAV00002072) (invoice and payment confirmation for Holloway Consulting commission on “July 2019 donations” of \$100,000); JA-001470 (IAV00002070-73 at IAV00002071) (invoice and payment confirmation for Holloway Consulting commission on “August 2019 donations” of \$70,000); JA-001997 (IAV00002167-72 at IAV00002168) (invoice and payment confirmation for Holloway Consulting commission on “September 2019 donations” of \$60,000); JA-001998 (IAV00002167-72 at IAV00002169) (invoice and payment confirmation for Holloway Consulting commission on “October 2019 donations” of \$265,000); JA-002073 (IAV00002163-66 at IAV00002164) (invoice dated November 20, 2019, and payment confirmation for Holloway Consulting commission on “[redacted] contributions” of \$250,000).

657. In turn, at least three of these 2019 solicitations led to confirmed contributions to Iowa Values of at least \$320,000.<sup>55</sup> One February 13, 2019, solicitation led to a \$250,000 contribution to Iowa Values. *See* JA-003579-80 (HCI-00000402-03) (Holloway Avella

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<sup>55</sup> Invoices for Holloway Consulting’s fundraising commissions produced by Iowa Values are each missing a referenced “attached list” of donations reflected in the total amount raised for the covered period, which makes it difficult in some cases to match the aggregated invoiced totals with the specific donations confirmed in correspondence between Holloway Avella and particular donors, or donor representatives. *See* JA-001391 (IAV00002160) (missing “attached list of 1st quarter donations” for 2019); JA-001777 (IAV00002075) (missing “attached list of April 2019 donations”); JA-001469-72 (IAV00002070-73) (missing “attached list of July 2019 donations”); JA-001469-72 (IAV00002070-73) (missing “attached list” of August 2019 donations”); JA-001996-2001 (IAV00002167-72) (missing “attached list of September 2019 donations”); JA-001996-2001 (IAV00002167-72) (missing “attached list of October 2019 donations”).

“confirm[ing] that we have received your generous \$250,000 contribution to Iowa Values”); *see also* JA-003445-46 (Holloway Avella Dep. at 126:17-127:22) (discussing JA-003579-80 (HCI-00000402-03)); JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (identifying \$250,000 donation to Iowa Values on March 28, 2019). As discussed *supra* ¶ 620, a March 19, 2019, solicitation led to another contribution of at least \$20,000 to Iowa Values, which the donors confirmed in a March 27, 2019, email. *See* JA-001348 (HCI-00000399) (“We will give \$10,000 each from [redacted].”); *see also* JA-003441-45 (Holloway Avella Dep. at 122:13-126:6) (“[I]t says they’re giving 10,000 each but it doesn’t say to who. So it could be two, it could be three” donors); JA-003445 (Holloway Avella Dep. at 126:13-16) (agreeing the “donor indicated that they would give at least \$10,000”); *see* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (identifying \$20,000 donation to Iowa Values on April 12, 2019). Additionally, a July 25, 2019, solicitation led to a contribution from two donors who “will contribute \$25,000 each, for a total of \$50,000, to Iowa Values, Inc.,” which the donors confirmed in an August 9, 2019, email to Holloway Avella. JA-001809 (HCI-00000639-41 at HCI-00000639); *see* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (identifying two \$25,000 donations to Iowa Values, each on August 20, 2019). A fourth 2019 solicitation led, at minimum, to a donor’s “pledge of support” to Iowa Values. JA-001876 (HCI-00000680).

658. In 2020, Iowa Values made a noteworthy change to its solicitation template, modifying language used in earlier funding requests. The description of Iowa Values was expanded to identify—for the first time in any solicitation—Iowa Values’s general issues of interest, explaining: “Iowa Values is a 501(c)(4) that educates Iowans about common-sense solutions to

public policy issues, including limited government, defending life, cutting wasteful spending, finding solutions for the challenges facing rural America, and building a strong national defense.” JA-002202-03 (HCI-00001000-03 at HCI-00001002-03); JA-002318 (HCI-00001106); JA-002354 (HCI-00001195-96 at HCI-00001196); JA-002362 (HCI-00001199-1200 at HCI-00001199). Even still, these 2020 solicitations made clear “[t]hese are issues that Senator Ernst advocates for” and which Iowa Values “expect[s] to play a significant role in the upcoming election.” JA-002203 (HCI-00001003) (emphasis added); *see also* JA-002354 (HCI-00001196); JA-002362 (HCI-00001199).

659. In just two solicitations produced in the entire case—from June and August 2020—Iowa Values included language to inform a prospective donor that “[u]nder strict federal laws, Iowa Values and the Ernst campaign operate independently and do not coordinate in any way on spending.” JA-002318 (HCI-00001106); JA-002354 (HCI-00001196).

660. Holloway Avella testified that she had “no idea” when Iowa Values started to include this language and did “not recall” if she used similar coordination language in solicitation emails to other prospective Iowa Values donors. JA-003448 (Holloway Avella Dep. at 129:13-18). Holloway Avella acknowledged, however, that this coordination language was not in “[any 2019 solicitation emails] that we’ve looked at,” and testified that “if we had added any language that wasn’t directly taken from the memo or . . . whatever attachment or the disclaimer, it would have been at the advice and approval of the client,” Iowa Values. JA-003447-48 (Holloway Avella Dep. at 128:7-129:12).

**1. Holloway Avella Included Ernst-Related Strategy Documents with Solicitations of Prospective Iowa Values Donors.**

661. It was not simply the text of Iowa Values’s solicitations that centered on Ernst. In addition, numerous Iowa Values solicitations sent between 2018 and 2020 specifically attached



Ernst-related strategy documents, highlighting for prospective donors Iowa Values’s plan of action and the ways in which its work would support Ernst’s 2020 re-election efforts. *Cf.* JA-002476 (FEC - First General Counsel's Report, MURs 7672, 7674, & 7732 (Iowa Values) at 20) (FEC General Counsel’s Report observing that “Iowa Values’ decision to attach the memo to [fundraising] emails underscores that the funds sent in response to those solicitations would be targeted to the election of Ernst”).

662. As mentioned *supra* ¶ 189, both Kohan’s September 2017 and May 2018 memos explicating Iowa Values’s data warehousing project and its purpose were included as attachments to at least 17 separate fundraising solicitations emailed to prospective Iowa Values donors between January and May 2018. *See* JA-000731 (HCI-00000024); JA-000787 (HCI-00000040); JA-000735 (HCI-00000048); JA-000770 (HCI-00000057); JA-000795 (HCI-00000066); JA-000807 (HCI-00000078); JA-000818 (HCI-00000089); JA-000827 (HCI-00000100); JA-000839 (HCI-00000112); JA-000859 (HCI-00000139); JA-000873 (HCI-00000154); JA-000925 (HCI-00000169); JA-000971 (HCI-00000197); JA-001005 (HCI-00000221); JA-001019 (HCI-00000230); JA-001038 (HCI-00000249); JA-001055 (HCI-00000259); *see also* JA-000910 (HCI-00000164) (February 2018 solicitation produced without attachments but indicating: “Attached please find an overview of the organization and memo outlining the Iowa Values Data Initiative”).<sup>56</sup> As also discussed *supra* ¶¶ 648-49, these solicitations identified construction of a

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<sup>56</sup> For the strategy memos attached to these solicitations, *see* JA-000732-35 (HCI-00000025-28); JA-000789-92 (HCI-00000042-45); JA-000758-61 (HCI-00000053-56); JA-000781-84 (HCI-00000060-63); JA-000801-04 (HCI-00000072-75); JA-000810-13 (HCI-00000081-84); JA-000823-26 (HCI-00000094-97); JA-000831-34 (HCI-00000104-07); JA-000841-44 (HCI-00000114-17); JA-000865-68 (HCI-00000145-48); JA-000878-81 (HCI-00000159-62); JA-000928-31 (HCI-00000172-75); JA-000973-76 (HCI-00000198-201); JA-001010-13 (HCI-00000226-29); JA-001022-25 (HCI-00000233-36); JA-1041-44 (HCI-00000252-55); JA-001061-64 (HCI-00000265-68); *see also supra* ¶¶ 172-90 (discussing these 2018 strategy memos in detail).

data warehouse as Iowa Values’s “top priority this year,” and used language from the attached strategy memos to explain that “investing time and resources now in creating a database that can interface with all the vehicles associated with, or interested in helping Joni Ernst, is a potentially significant advantage heading into her reelection effort in 2020.” JA-000735 (HCI-00000048); JA-000770 (HCI-00000057); JA-000795 (HCI-00000066); JA-000807 (HCI-00000078); JA-000818 (HCI-00000089); JA-000827 (HCI-00000100); JA-000839 (HCI-00000112); JA-000859 (HCI-00000139); JA-000873 (HCI-00000154); JA-000925 (HCI-00000169); JA-000971 (HCI-00000197); JA-001005 (HCI-00000221); JA-001019 (HCI-00000230); JA-001038 (HCI-00000249); JA-001055 (HCI-00000259).

663. In another August 2, 2018, solicitation, Holloway Avella followed up on an introduction from Ernst herself, to email a redacted individual regarding an “Iowa Values follow up.” JA-001128-29 (HCI-00000275-76). Here too, Holloway Avella attached for the prospective donor the same “brief update on our activities through Iowa Values.” JA-001128-29 (HCI-00000275-76); *see also* JA-001130-35 (HCI-00000277-80) (July 11, 2018, memo, identical to May 2018 version, from Jon Kohan to “Interested Parties” regarding “Iowa Values Data Initiative”); *compare with, e.g.*, JA-001041-44 (HCI-00000252-55).

664. It is further evident from the text of emails and their attachments that at least 40 of Iowa Values’s solicitations sent between February and November 2019 included as attachments for prospective donors various iterations of Iowa Values’s 2019 strategy documents, discussed *supra* ¶¶ 249-79, 285-89. *See* JA-001294 (HCI-00000301); JA-001303 (HCI-00000310); JA-001293 (HCI-00000403) (“Attached please find a memo outlining our 2019 strategy.”); JA-001315 (HCI-00000321); JA-001337 (HCI-00000341); JA-001361 (HCI-00000362); JA-001349 (HCI-00000400) (“Attached please find a memo outlining our 2019 strategy.”); JA-001370-71

(HCI-00000372-73); JA-001407-08 (HCI-00000407-08); JA-001394 (HCI-00000418); JA-001461-62 (HCI-00000434-35); JA-001452 (HCI-00000425); JA-001613-14 (HCI-00000487-88); JA-001643-44 (HCI-00000512-13); JA-001679 (HCI-00000531); JA-001688 (HCI-00000544); JA-001697 (HCI-00000553); JA-001706 (HCI-00000566); JA-001727 (HCI-00000575-76); JA-001756-57 (HCI-00000596-97); JA-001747 (HCI-00000616); JA-001809-11 (HCI-00000639-41); JA-001788 (HCI-00000671-72); JA-001876-77 (HCI-00000680-81); JA-001852 (HCI-00000690); JA-001860 (HCI-00000698); JA-001868 (HCI-00000706); JA-003593 (HCI-00000820) (“Attached please find a memo outlining our 2019 strategy.”); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001987-88 (HCI-00000795-96); JA-001902 (HCI-00000789) (“Attached please find a memo outlining our 2019 strategy.”); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001971-72 (HCI-00000807-08); JA-002002-03 (HCI-00000822-23); JA-002021 (HCI-00000832); JA-002036 (HCI-00000848); JA-002045 (HCI-00000858); JA-002055 (HCI-00000867).<sup>57</sup>

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<sup>57</sup> For the strategy memos attached to these solicitations, *see* JA-001299-1302 (HCI-00000306-09); JA-001308-11 (HCI-00000315-18); JA-001316-19 (HCI-00000322-25); JA-001340-43 (HCI-00000344-47); JA-001366-69 (HCI-00000367-70); JA-001372-75 (HCI-00000374-77); JA-001409-12 (HCI-00000409-12); JA-001397-1400 (HCI-00000421-24); JA-001465-68 (HCI-00000438-41); JA-001455-58 (HCI-00000428-31); JA-001619-22 (HCI-00000493-96); JA-001647-50 (HCI-00000516-19); JA-001680-83 (HCI-00000532-35); JA-001693-96 (HCI-00000549-52); JA-001698-1701 (HCI-00000554-57); JA-001711-14 (HCI-00000571-74); JA-001733-36 (HCI-00000581-84); JA-001760-63 (HCI-00000600-03); JA-001752-55 (HCI-00000621-24); JA-001816-19 (HCI-00000646-49); JA-001790-93 (HCI-00000673-75); JA-001880-83 (HCI-00000684-87); JA-001855-58 (HCI-00000693-95); JA-001861-64 (HCI-00000699-701); JA-001873-76 (HCI-00000711-13); JA-001898-1901 (HCI-00000719-21); JA-001911-14 (HCI-00000727-29); JA-001989-91 (HCI-00000797-99); JA-001926-28 (HCI-00000742-44); JA-001968-70 (HCI-00000785-87); JA-001977-79 (HCI-00000813-15); JA-002008-13 (HCI-00000828-31); JA-002023-26 (HCI-00000834-37); JA-002037-40 (HCI-00000849-52); JA-002051-54 (HCI-00000863-66); JA-002056-59 (HCI-00000868-71); *see also supra* ¶¶ 249-79 (discussing these 2019 strategy memos in detail).

665. Internal documents reveal Holloway Avella specifically requested Iowa Values’s strategy documents to be able to share with donors. On August 17, 2019—in an email exchange between Holloway Avella and two of her Holloway Consulting colleagues, Iowa Values’s Executive Director Derek Flowers, its lawyer Ronald Jacobs, and Chris McNulty of Causeway—Holloway Avella responded to an email from Flowers to request “the updated doc to send to donors by COB on Monday? I’d like to include it with the note I send about this new ad.” JA-003590-91 (IAV00005175-77 at IAV00005176-77); *see infra* ¶ 690.

666. Two days later, Flowers replied to “attach[] . . . an updated version of a memo Chris provided a few weeks ago,” and asked Holloway Avella to “[p]lease take a look and let me know if this is the kind of thing you had in mind or if there’s anything else we should focus on.” JA-003590 (IAV00005176); *see also* JA-003590 (IAV00005176) (“Chris and Ron, please take a look as well - certainly open to feedback and would want the legal thumps up.”).<sup>58</sup>

667. Holloway Avella again asked for an updated Iowa Values’s strategy document to share with potential donors in 2020. In a January 20, 2020, email from Holloway Avella to Iowa Values’s Executive Director Derek Flowers, its lawyer Ronald Jacobs, Chris McNulty of Causeway, and two of her Holloway Consulting colleagues—with the subject line “Updated Iowa Values memo”—Holloway Avella stated: “As I mentioned on our last call we need an updated version of the Iowa Values memo to send to potential donors/renewals.” JA-002236-37 (IAV00005113-16 at IAV00005115-16). Holloway Avella mentioned a redacted prospective donor had “expressed a willingness to give again,” so wondered “[h]ow quickly can I get something to

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<sup>58</sup> No corresponding attachment to this email was produced to CLC by Iowa Values or either of its subpoenaed vendors.

send them? Apologies for the fire drill...but people are finally paying attention to *this race*.” JA-002237 (IAV00005116) (emphasis added).

668. Two days later, on January 22, 2020, Holloway Avella emailed again: “Following up here – need a document to share as soon as possible.” JA-002236 (IAV00005115). Derek Flowers responded later that day to thank Holloway Avella “for flagging this” and express that he was “glad people now have an eye on Iowa.” JA-002236 (IAV00005115). Flowers further noted that “Chris [McNulty] is working on an updated memo and we should have it to you by the end of the week.” JA-002236 (IAV00005115).

669. The next day, Holloway Avella’s colleague, Laurène Gros-Daillon, *see supra* ¶ 605, followed up again with “Derek and Chris,” asking: “[a]re you going to be able to get us the 2020 memo by tomorrow?” JA-002236 (IAV00005115). McNulty responded an hour later to say that he “will have it to you today.” JA-002235 (IAV00005114).

670. Roughly one page of this email exchange is redacted for attorney-client privilege, but eventually on January 24, 2020, McNulty shared a document titled “Iowa Values – 2020 Strategy Overview- Claire – DFEEdits.docx,” which reflected edits from both Flowers and McNulty. *See* JA-002234-35 (IAV00005113-14).

671. Later, at least two solicitations sent to prospective Iowa Values donors—on June 26 and August 25, 2020, respectively—included Iowa Values’s final “2020 Overview” strategy document. *See* JA-002318-19 (HCI-00001106-07); JA-002362-63 (HCI-00001199-1200);<sup>59</sup> *see also* JA-003582 (HCI-00001196) (August 14, 2020, solicitation produced without an attachment, but noting “attached and below find information for your review and consideration”). The August

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<sup>59</sup> For the strategy memos attached to these solicitations, *see* JA-002321-25 (HCI-00001109-13); JA-002378-82 (HCI-00001215-19); *see also supra* ¶¶ 285-89 (discussing this 2020 strategy memo in detail).

25, 2020, solicitation further attached a separate Iowa Values slide deck that, *inter alia*, explicated “Iowa Values Plan and Priorities” in 2020. JA-002362-63 (HCI-00001199-1200).<sup>60</sup>

672. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

673. Holloway Avella, meanwhile, testified that “[g]enerally I would share a top line mission statement and contribution form that outlines what the organization -- what their mission was.” JA-003403 (Holloway Avella Dep. at 84:3-7).

674. When asked about one 2019 “Strategy Overview” she attached to an Iowa Values’s solicitation, *see* JA-003573-76 (HCI-00000344-47); *see also* JA-001337 (HCI-00000341) (corresponding March 2019 solicitation), Holloway Avella made clear that no one at Holloway Consulting wrote or had input into the content of this document. JA-003432-33 (Holloway Avella Dep. at 113:8-114:3). Instead, “[t]his document would have been produced by the client, Iowa Values, and provided to [Holloway Consulting] as a collateral piece to be able to send out about

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<sup>60</sup> For the slide deck attached to this solicitation, *see* JA-002368-74 (HCI-00001205-13); *see also supra* ¶¶ 290-91 (discussing this 2020 slide deck in detail).

what the organization was doing.” JA-003433 (Holloway Avella Dep. at 114:4-8). Holloway Avella further explained that, “when I received something, it was sent to me with my understanding that it was . . . approved and ready to go to be distributed to donors, or potential donors, prospects.” JA-003433 (Holloway Avella Dep. at 114:9-17).

675. When asked about specific language in this 2019 “Strategy Overview” describing Iowa Values’s efforts to identify disengagers—defined as “primarily from Senator Ernst’s winning coalition in 2014 and the most vulnerable to being peeled off in 2020,” JA-003574 (HCI-00000344-47 at HCI-00000345)—Holloway Avella again testified that “[t]his is what I was provided by the client. I wasn’t in a position to agree or disagree.” JA-003438 (Holloway Avella Dep. at 119:1-19).

676. In discussing another March 2019 solicitation, Holloway Avella agreed that it too included one of Iowa Values’s 2019 strategy memos. JA-003445-46 (Holloway Avella Dep. at 126:17-127:15). She further testified that she “would assume” that Iowa Values made solicitations using similar emails in 2020, and though she did not “remember the attachments,” “generally speaking” those email solicitations would have included similar attachments. JA-003446-47 (Holloway Avella Dep. at 127:18-128:6).

## **2. Holloway Avella Fundraised for Iowa Values by Informing Potential Donors About Advertisements Attacking Ernst.**

677. In 2019 and 2020, numerous Iowa Values solicitations specifically highlighted for prospective donors advertisements attacking Ernst and solicited contributions to Iowa Values to counter such attacks.

678. Iowa Values’s strategy documents made clear its desire to fundraise to be able to oppose advertisements attacking Ernst. One version of Iowa Values’s undated 2019 “Strategy Overview and Update” explained—in a section titled “2019 Overview and Needs”—that Iowa

Values’s “budget for 2019 is roughly \$1M. With that, Iowa Values can sustain [its] 6-month digital and door push to the firewall universe.” JA-001790 (HCI-00000673-75 at HCI-00000675); JA-001857 (HCI-00000695); JA-001863 (HCI-00000699-701 at HCI-00000701); JA-001875 (HCI-00000711-13 at HCI-00000713); JA-001898 (HCI-00000719-21 at HCI-00000721); JA-001913 (HCI-00000727-29 at HCI-00000729); JA-001928 (HCI-00000742-44 at HCI-00000744); JA-001970 (HCI-00000785-87 at HCI-00000787); JA-001984 (HCI-00000790-92 at HCI-00000792); JA-001991 (HCI-00000797-99 at HCI-00000799); JA-001979 (HCI-00000813-15 at HCI-00000815); *see also* JA-001840-42 (IAV00000455-57) (identical). At the same time, however, “[o]pposing 3<sup>rd</sup> party groups are currently on TV leveling hit and run attack ads with great frequency against Senator Ernst. With a \$1.5M budget, Iowa Values could exact its base mission, Operation Firewall, of doors and digital to the target audience, *as well as react in kind to the one-off attack ads being seen now in Iowa.*” JA-001790 (HCI-00000675) (emphasis added); *see also* JA-001857 (HCI-00000695); JA-001863 (HCI-00000701); JA-001875 (HCI-00000713); JA-001898 (HCI-00000721); JA-001913 (HCI-00000729); JA-001928 (HCI-00000744); JA-001970 (HCI-00000787); JA-001984 (HCI-00000792); JA-001991 (HCI-00000799); JA-001979 (HCI-00000815); *supra* ¶¶ 560-77 (describing reactive Iowa Values’s advertisements). The section concluded: “This full program would help Senator Ernst maintain her edge in polling and not allow the opposition to define her early.” JA-001857 (HCI-00000695).<sup>61</sup>

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<sup>61</sup> As included in the broader accounting, *supra* ¶ 664, versions of this strategy memo were attached to at least 11 solicitation emails sent to prospective Iowa Values donors. *See* JA-1788-89 (HCI-00000671-72); JA-001852 (HCI-00000690); JA-001860 (HCI-00000698); JA-001868 (HCI-00000706); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001901-02 (HCI-00000788-89); JA-001987-88 (HCI-00000795-96); JA-001971-72 (HCI-00000807-08).



679. Between July and September 2019 alone, Holloway Avella sent at least 23 solicitation emails to prospective donors highlighting and seeking contributions to Iowa Values to counteract advertisements attacking Ernst. *See* JA-001643-44 (HCI-00000512-13); JA-001679 (HCI-00000531); JA-003598 (HCI-00000542); JA-001688 (HCI-00000544); JA-001697 (HCI-00000553); JA-001706 (HCI-00000566); JA-001727-28 (HCI-00000575-76); JA-001756-57 (HCI-00000596-97); JA-001747 (HCI-00000616); JA-001809-11 (HCI-00000639-41); JA-001788 (HCI-00000671); JA-001876-77 (HCI-00000680-81); JA-001852 (HCI-00000690); JA-001860 (HCI-00000698); JA-001868 (HCI-00000706); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001901-02 (HCI-00000788); JA-001971-72 (HCI-00000807); JA-003593 (HCI-00000820); JA-002002-03 (HCI-00000822-23).

680. Such solicitations began only after, on July 9, 2019, Iowa Values’s Executive Director Derek Flowers sent Holloway Avella and her Holloway Consulting colleague Amanda Stewart, *see supra* ¶ 605, Chris McNulty of Causeway, Iowa Values’s lawyer Ronald Jacobs, and individuals from Canvass America and Majority Strategies, an email with the subject line “Iowa Voices Spot Attacking Joni.” JA-001599 (IAV00002351). Flowers shared “the details around the hit we’ve been anticipating,” linking to an article that “notes a six-figure ad buy in media markets across the state and includes the ad.” JA-001599 (IAV00002351). Flowers went on to explain: “The real attack is her”—i.e., Ernst’s—“vote to repeal Obamacare, which they turn into a vote to discriminate against people with pre-existing conditions. They also try to take some shine off her military service by having a fellow service member deliver the attack.” JA-001599 (IAV00002351). On Iowa Values’s “end, the Majority team is working up some creative that we can run online to show Joni as a defender of private health insurance, contrasting against the

Democrats’ government-run healthcare dreams.” JA-001599 (IAV00002351); *see also supra* ¶¶ 570-73.

681. When asked about this email, Holloway Avella testified that she “d[id]n’t know” and didn’t “remember exactly” soliciting donations on behalf of Iowa Values to defend against anti-Ernst advertisements. JA-003455-56 (Holloway Avella Dep. at 136:14-137:1); *see also* JA-003453-55 (Holloway Avella Dep. at 134:19-136:13).<sup>62</sup> But documentary evidence contradicts this testimony.

682. Just six days after Flowers’s July 9 email, Holloway Avella sent the first Iowa Values solicitation referencing anti-Ernst advertisements. On July 15, 2019, Holloway Avella followed up with a prospective Iowa Values donor to ask if they would “consider contributing to Iowa Values,” explaining that “[t]here is a new hit up on Senator Ernst by a[] liberal outside group,” and the “buy is for the two largest Iowa media markets to run from now through the end of August.” JA-001444 (HCI-00000540). Holloway Avella pulled language verbatim from Flowers’s July 9 email to describe the focus of the advertisement: “The real attack is her vote to repeal Obamacare, which they turn into a vote to discriminate against people with pre-existing conditions. They also try to take some shine off her military service by having a fellow service member deliver the attack.” JA-001444 (HCI-00000540); *compare with* JA-001599 (IAV00002351). In the very next sentence, Holloway Avella asked if the prospective Iowa Values donor would “be willing to contribute \$25K or even[] \$10K to our efforts?” JA-001444 (HCI-00000540).

683. Subsequent summer 2019 solicitations sent between July 15 and September 20, 2019, all used the same stock language, explaining to prospective Iowa Values donors: “As you

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<sup>62</sup> At the same time, Holloway Avella testified that Iowa Values provided copies of *its own* advertisements to Holloway Consulting staff to share with prospective donors. *See* JA-003452-53 (Holloway Avella Dep. at 133:17-134:12).

may have seen, an outside group on the left, Iowa Voices (not to be confused with our group, Iowa Values) recently launch[ed] a six-figure ad buy in media markets across the state attacking Senator Ernst.” JA-001643-44 (HCI-00000512-13); JA-001679 (HCI-00000531); JA-001688 (HCI-00000544); JA-001697 (HCI-00000553); JA-001706 (HCI-00000566); JA-001727 (HCI-00000575-76); JA-001756-57 (HCI-00000596-97); JA-001747 (HCI-00000616); JA-001809-11 (HCI-00000639-41); JA-001788 (HCI-00000671); JA-001876-77 (HCI-00000680-81); JA-001852 (HCI-00000690); JA-001860 (HCI-00000698); JA-001868 (HCI-00000706); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001901 (HCI-00000788); JA-001971 (HCI-00000807); JA-003593 (HCI-00000820); JA-002002-03 (HCI-00000822-23).

684. All these solicitations further explained—as did Flowers’s July 9 email, *see supra* ¶ 680—that these advertisements (1) attacked Ernst “on her vote to repeal Obamacare, which they turn into a vote to discriminate against people with pre-existing conditions,” and (2) “also try to take some shine off her military service by having a fellow service member deliver the attack.” JA-001643-44 (HCI-00000512-13); JA-001679 (HCI-00000531); JA-001688 (HCI-00000544); JA-001697 (HCI-00000553); JA-001706 (HCI-00000566); JA-001727 (HCI-00000575-76); JA-001756-57 (HCI-00000596-97); JA-001747 (HCI-00000616); JA-001809-11 (HCI-00000639-41); JA-001788 (HCI-00000671); JA-001876-77 (HCI-00000680-81); JA-001852 (HCI-00000690); JA-001860 (HCI-00000698); JA-001868 (HCI-00000706); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001901 (HCI-00000788); JA-001971 (HCI-00000807); JA-003593 (HCI-00000820); JA-002002-03 (HCI-00000822-23).

685. Finally, these 2019 solicitations all made explicit, “[t]he purpose of our group, Iowa Values, is to push back against these type of negative attacks,” before directly soliciting a contribution to Iowa Values. JA-001643-44 (HCI-00000512-13) (emphasis added); *see also* JA-001679 (HCI-00000531); JA-001688 (HCI-00000544); JA-001697 (HCI-00000553); JA-001706 (HCI-00000566); JA-001727-28 (HCI-00000575-76); JA-001756-57 (HCI-00000596-97); JA-001747 (HCI-00000616); JA-001809-11 (HCI-00000639-41); JA-001788 (HCI-00000671); JA-001876-77 (HCI-00000680-81); JA-001852 (HCI-00000690); JA-001860 (HCI-00000698); JA-001868 (HCI-00000706); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001901 (HCI-00000788); JA-001971 (HCI-00000807); JA-003593 (HCI-00000820); JA-002002-03 (HCI-00000822-23).<sup>63</sup>

686. On July 30, 2019, Holloway Avella even followed up with one prospective Iowa Values donor she had already solicited in June 2019, to ask if they needed “any additional information . . . regarding Iowa Values” or if they “have a sense of timing for his decision regarding support.” JA-001766 (HCI-00000606). Holloway Avella made clear that the prospective donor’s “support could not come at a more critical time” as “[t]he opposition group has their first ad running against Senator Ernst and has put over \$1MM in reserved time to keep i[t] on the air through November.” JA-001766 (HCI-00000606).

687. Iowa Values continued to solicit contributions to counter anti-Ernst advertisements through the fall of 2019. On October 25, November 6, and November 8, 2019, for example, Holloway Avella sent additional solicitation emails using the same stock language as her summer solicitations. *See* JA-002021 (HCI-00000832); JA-002036 (HCI-00000848); JA-002055 (HCI-

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<sup>63</sup> *See also supra* ¶ 657; *infra* ¶ 712 (discussing specific contribution amounts sought and secured from, *inter alia*, these 2019 solicitation emails).

00000867); *see also supra* ¶ 686. The latter two communications added one additional piece of information for prospective donors, emphasizing that “[t]o date there has been more liberal outside spending in Iowa than any other senate race in the country!” JA-002036 (HCI-00000848); JA-002055 (HCI-00000867).

688. When discussing one of Iowa Values’s summer 2019 solicitations—JA-001747 (HCI-00000616)—and whether Holloway Avella understood “that the purpose of Iowa Values was to push back against negative attacks like this one on Senator Ernst,” she acknowledged “[t]hat is what is written . . . yes.” JA-003456 (Holloway Avella Dep. at 137:2-19); *see also* JA-003460 (Holloway Avella Dep. at 141:6-10) (similar). Holloway Avella further testified that she “[p]ossibly” could have sent email solicitations to other Iowa Values donors with the same language about anti-Ernst advertisements, but she did not “remember at all.” JA-003457 (Holloway Avella Dep. at 138:20-22). Still, Holloway Avella testified that the goal of sending solicitations like this one “was to raise money for Iowa Values”; “in terms of how they used the money, what percentage, all of that . . . I wasn’t a party to.” JA-003458 (Holloway Avella Dep. at 139:7-15).

689. When discussing another of Iowa Values’s 2019 solicitations—JA-001890-93 (HCI-00000819-21)—Holloway Avella acknowledged that the solicitation referenced “generic, anti-Joni ads,” though she suggested the focus was on “[Ernst’s] votes on issues. So -- issues.” JA-003467-68 (Holloway Avella Dep. at 148:1-149:7). Holloway Avella nevertheless confirmed that the purpose of the email was to solicit a contribution for Iowa Values and explained that, in doing so, she referenced advertisements attacking Ernst because “it looks like . . . I had received them from the client.” JA-003468-69 (Holloway Avella Dep. at 149:13-150:5). As Holloway Avella described, “Iowa Values had contracted me to solicit donations and from time to time, they would

share . . . information that I would then share with donors . . . I don't really recall specifics on . . . these ads." JA-003469 (Holloway Avella Dep. at 150:6-12).

690. Further internal communications from the same period confirm Iowa Values's intent to fundraise off of anti-Ernst advertisements. In August 2019, Iowa Values's Executive Director Derek Flowers shared with Holloway Avella a short article about a "new TV ad" run by "Iowa Voices, a progressive dark money group," that "targets Sen. Joni Ernst (R-Iowa)," criticizing her "for taking money from the insurance industry." JA-001838-39 (IAV00005175-77 at IAV00005176-77); *see also* JA-001838-39 (IAV00005176-77) (noting "the buy will be six figures and the ad will start airing statewide"). The next day, Holloway Avella responded, to ask for an updated Iowa Values strategy memo, so that she could, in soliciting prospective donors, "include it with the note I send *about this new ad*." JA-001838 (IAV00005176) (emphasis added).<sup>64</sup>

691. When discussing this document, Holloway Avella confirmed that "based on this exchange" it "looks like, yes" she did "intend to send a copy of the ad attacking Senator Ernst to prospective [Iowa Values] donors." JA-003462-63 (Holloway Avella Dep. at 143:12-144:19).

692. In 2020, Iowa Values continued to solicit prospective donors by highlighting and seeking contributions to counteract advertisements attacking Ernst. This is evident from March 2020 internal communications, wherein Flowers shared with Holloway Avella, Iowa Values's

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<sup>64</sup> This exchange further confirms Iowa Values's ultimate focus in 2019, on 2020. In a follow-up email discussing the shortfalls of Iowa Values's 2019 fundraising, Chris McNulty of Causeway Solutions explained to Flowers, Holloway Avella, Iowa Values's attorney Ronald Jacobs, and two other Holloway Consulting staff members: "I want to go into 2020 w/no debt and ideally some seed money *even if that means scaling back this year hard*." JA-001837-38 (IAV00005175-77 at IAV00005175-76) (emphasis added); *see also* JA-001837 (IAV00005175) (Flowers confirming "Chris is right on the numbers, but to be clear \$100K . . . may preserve some ability to canvass through September - I'm not yet sure how far into the month it gets us."). Ultimately, McNulty had "a good long convo" with a prospective Iowa Values donor who "said he will do what he can with their donor group," adding "I feel like [the donor] is genuine and now is the time if they are going to get in in 2019." JA-001837 (IAV00005175).

lawyer Ronald Jacobs, and Chris McNulty of Causeway, “[i]n case [they] didn’t see this yesterday,” a link to “a good writeup on early TV reservations for #IASEN”—i.e., the Iowa Senate race—“and the new pro-Greenfield spot that’s on the air now.” JA-002264 (IAV00002268).

693. Chris McNulty responded within minutes, directing his message to Holloway Avella as Iowa Values’s fundraiser: “Claire.. I think its very possible that the other side has seen similar #’s to what we have and this push is an effort to keep Greenfield close .. Our message now is get us \$500K asap ... let us press our advantage and offset this surge by the other side. Otherwise we let her creep back into the race.” JA-002264 (IAV00002268).

694. An August 2020 email solicitation further confirms that Iowa Values continued fundraising on the basis of anti-Ernst activity. *See* JA-002353-54 (HCI-00001195-96), discussed *supra* ¶¶ 658, 671. On August 14, 2020, Holloway Avella emailed a prospective donor, cc’ing her colleagues Laurène Gros-Daillon and Kristin Strubel; Holloway Avella concluded the solicitation by explaining, “[l]ast year you generously supported this effort with a donation of \$100,000,” and “[w]ith polls tightening *as a result of the \$15MM+ spent OPPOSING Senator Ernst thus far*, we are reaching out to our past supporters to ask for your help once again.” JA-002354 (HCI-00001196) (emphasis added). Holloway Avella then solicited directly: “It is our hope that you will consider a contribution of \$250,000 to Iowa Values before September 15 *to help ensure we can continue to set the record straight on the policies Senator Ernst’s [sic] has advocated throughout her first term.*” JA-002354 (HCI-00001196) (emphasis added).

695. When asked about this solicitation and why it was relevant to Iowa Values’s fundraising to “mention money spent opposing Senator Ernst,” Holloway Avella testified that her “general understanding [wa]s that” Iowa Values, as a 501(c)(4) organization could “in some cases, make political spending.” JA-003449 (Holloway Avella Dep. at 130:2-12); *see also* JA-003457

(Holloway Avella Dep. at 128:7-130:1) (introducing JA-002353-54 (HCI-00001195-96)). Holloway Avella explained that what she “typically did was ask for some relevant pertinent . . . kind of talking points to make the ask, particularly in this case like to a donor to give again.” JA-003449 (Holloway Avella Dep. at 130:12-19). As such, any information about anti-Ernst advertisements in the solicitation Holloway Avella “would have had to receive” “from the [Iowa Values] strategist,” as it was not in Holloway Consulting’s “scope of work to know the details about any kind of spending” or “anything that’s talking about . . . any sort of political” work. JA-003449-50 (Holloway Avella Dep. at 130:17-131:6).

696. In sum, in 2019 and 2020, Iowa Values’s fundraiser regularly solicited contributions to Iowa Values using solicitations that centered on Ernst, attached Ernst-related strategy documents to solicitations, and highlighted and sought donations to Iowa Values to counteract advertisements and other political activity attacking Ernst.

**D. Holloway Avella Coordinated with Ernst and Her Staff Regarding Solicitations and Contributions to Iowa Values.**

697. Between 2018 and 2020—while simultaneously serving as the fundraiser for Iowa Values, the Ernst campaign, and other Ernst-affiliated entities, *see supra* Part VI.A, ¶¶ 591-610—Holloway Avella coordinated with Ernst and her staff regarding solicitations and contributions to Iowa Values.

698. Holloway Avella testified that, while she did “not recall specifically” discussing donations to Iowa Values with Ernst, she “may have” done so, to enable Ernst to “thank them”—i.e., Iowa Values’s donors—for their contributions, or simply to “make her [Ernst] aware.” JA-003412, 14 (Holloway Avella Dep. at 93:3-7, 95:5-13). Holloway Avella more readily testified that she “may have” discussed donations to Iowa Values with members of Ernst’s staff, particularly with Ernst’s chief of staff, Lisa Goeas. JA-003412 (Holloway Avella Dep. at 93:8-20) (“the only



time I would have said something would have been to get a message to, like, maybe the chief”). Although Holloway Avella couldn’t “remember any specific occasions” when she updated Ernst’s staff about Iowa Values donations and asserted it “wasn’t part of . . . our regular process,” she also testified that “because of the frequency, there must have been occasions where I shared” such information. JA-003412-13 (Holloway Avella Dep. at 93:21-94:17). She further acknowledged that, “[a]fter the fact, I might say, oh, by the way, this person gave last year or something,” or “[j]ust X person gave who received support from, and there may have been a dollar amount . . . but that would be it.” JA-003412-13 (Holloway Avella Dep. at 93:17-19, 94:18-95:1).

699. Documentary evidence proves regular communications by Holloway Avella with Ernst or her staff about Iowa Values donations. As early as January 2018, Holloway Avella forwarded to Ernst’s chief of staff, Lisa Goeas—within a matter of minutes—an email she originally sent to Iowa Values’s lawyer Ronald Jacobs, its then-Executive Director Jon Kohan, and Joanne Parker from RightSide Compliance, with the subject line “\$50K received to Iowa Values-[redacted],” in which Holloway Avella confirmed “[w]e received a \$50,000 contribution to Iowa Values today from [redacted].” JA-000869-70 (HCI-00000152-53). Holloway Avella forwarded this to Goeas as an “FYI” and proceeded to answer questions from Goeas about the donor, noting that “[h]e gave \$50K to Iowa Values last year [in 2017] as well.” JA-000869 (HCI-00000152).

700. Communication and coordination with the Ernst campaign about Iowa Values contributions continued and expanded in 2019. On at least one occasion, Holloway Avella suggested that she and Ernst staff a meeting with a potential donor together, to solicit contributions for both the Ernst campaign *and* Iowa Values. In May 2019, Ernst’s chief of staff, Lisa Goeas, emailed Holloway Avella to inform her that a prospective donor would be “in town tomorrow - and they have checks for Joni” so Goeas and a colleague were “scrambling for time to send her

[Ernst] over there tomorrow to do this.” JA-001432 (HCI-00000417). Goeas offered to attend the meeting with Ernst, “unless this is something you all would want to staff,” to which Holloway Avella responded: “That’s great news! *It would be helpful if I can staff so that I can ask them about Iowa Values.*” JA-001432 (HCI-00000417) (emphasis added).

701. Holloway Avella testified that, without the redacted donor’s name in the email, it was “hard to say” if she actually attended the meeting, and she couldn’t “remember specifically” what about Iowa Values she wanted to discuss with the prospective donor: “perhaps” making a contribution to Iowa Values, “[m]aybe I wanted to introduce Iowa Values,” “[m]aybe I’d already asked them . . . so I was going to reconnect or maybe I was asking them if they got the information they needed.” JA-003490-93 (Holloway Avella Dep. at 171:12-173:9, 174:12-22).<sup>65</sup> Ultimately, however, Holloway Avella agreed that whatever she wanted to discuss, it would have been “all under the scope of ultimately getting to a donation” for Iowa Values. JA-003493 (Holloway Avella Dep. at 174:12-22); *see also* JA-003493 (Holloway Avella Dep. at 174:6-11) (when she talked to potential Iowa Values donors, “[g]enerally it would be [about] fundraising”).

702. In another, October 2019 email exchange, Holloway Avella received a request from Sam Pritchard of Joni for Iowa—Ernst’s campaign committee—to “reschedule today’s finance call.” JA-002030 (HCI-00000841). The following day, Holloway Avella responded to Pritchard, Ernst’s chief of staff Lisa Goeas, Jon Kohan,<sup>66</sup> and two Holloway Consulting colleagues to ask if

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<sup>65</sup> JA-001432 (HCI-00000417), and Holloway Avella’s testimony about it, belie her assertion that any communication with Ernst or her staff regarding solicitations and contributions to Iowa Values was “always after the fact.” JA-003414 (Holloway Avella Dep. at 95:1-2); *see also* JA-003412 (Holloway Avella Dep. at 93:17-19). Evidence instead proves that communication with Ernst and her staff about donations to Iowa Values often occurred *before* and in order to facilitate those donations. *See also, e.g.,* JA-002335-37 (HCI-00001136-38).

<sup>66</sup> It is not clear if Kohan, by October 2019, was still acting in some capacity for Iowa Values, or as a part of the 2020 Ernst campaign. *See supra* ¶ 102.

they could meet “tomorrow” as there were still “several big calls that I need to prep JKE.” JA-002030 (HCI-00000841). Holloway Avella further reported that “[redacted] pledged \$250k to Iowa Values!!!! We are working to get the rest of [redacted] to step up.” JA-002030 (HCI-00000841); *see also* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (identifying \$250,000 donation to Iowa Values on November 12, 2019).

703. Coordination with Ernst and her staff regarding contributions to Iowa Values continued and further intensified in 2020. In March 2020, Holloway Avella recommended that Ernst meet with a prospective donor because of that donor’s longstanding support for Iowa Values. A staff member for Senator Tom Cotton emailed an Ernst staff member, Courtney Klein, to “ask your boss if she would like for [Cotton] to set up a meeting with [redacted prospective donor] before the event starts.” JA-002259 (HCI-00000930-33 at HCI-00000930). Klein forwarded the email to Holloway Avella, asking “[d]o you want me to say yes to a meeting with [the prospective donor]?” JA-002259 (HCI-00000930). Within an hour, Holloway Avella replied to Klein, including several of her Holloway Consulting colleagues and Ernst’s chief of staff, Lisa Goeas, to confirm: “We definitely need to do this meeting. He’s an Iowa Values supporte[r] dating all the way back to 2017.” JA-002259 (HCI-00000930).

704. In June 2020—as discussed above, *supra* ¶¶ 636-37—Holloway Avella sent to a redacted recipient and two staff members of the Ernst campaign committee, Joni for Iowa, an update on how much certain prospective donors could give “to Max Out to Ernst Victory Iowa,” a separate Ernst-affiliated political committee. JA-002327-28 (HCI-00001081-82). In the same exchange, Holloway Avella also responded to a request—relayed by a Joni for Iowa staff

member—to provide “the contribution amounts that [redacted] have contributed to JKE either *in her PACs and Iowa Values*.” JA-002326 (HCI-00001080) (emphasis added).

705. The next month, in July 2020—as discussed above, *supra* ¶ 630—Holloway Avella emailed Ernst’s chief of staff, Lisa Goeas, to ask if Ernst could staff a meeting with a prospective donor about a “*Big Big ask for Iowa Values*,” explaining that she reached out to Goeas first “since I could tell you about the Iowa values ask.” JA-002335 (HCI-00001136-38 at HCI-00001136) (emphasis added).

706. In August 2020, Holloway Avella again shared information with Ernst’s chief of staff, Lisa Goeas, this time about an unsuccessful solicitation on behalf of Iowa Values. Holloway Consulting staff member Laurene Gros-Daillon had emailed a redacted recipient “[c]ircling back on Iowa Values to see whether you and/or [redacted] have any additional questions for us, or have made any decisions.” JA-002352 (HCI-00001181-82 at HCI-00001182). The redacted individual replied that the prospective donor “does not wish to go with this vehicle” but “is supportive thru other vehicles.” JA-002352 (HCI-00001182). A week later, Holloway Avella forwarded this exchange to Lisa Goeas as an “FYI.” JA-002352 (HCI-00001182). Goeas wrote back to confirm, “Was this for IA Values?” to which Holloway Avella responded, “Yes. They declined. I’m not sure he’s giving more to SLF [Senate Leadership Fund]. I know he gave [redacted] to SLF in June[.]” JA-002352 (HCI-00001181). Goeas, in turn, expressed “frustrat[ion] that they make us move heaven and hell to be on ‘an hour’ call that only was 15 mins that netted nothing...” JA-002352 (HCI-00001181). Holloway Avella agreed—“I know!!!”—and suggested, “[w]e can only hope that they are making that size donation to slf to help Joni.” JA-002352 (HCI-00001181).

707. Later the same month, Lisa Goeas emailed Holloway Avella again, to ask if another prospective donor had “given any money to Joni.” JA-002355 (HCI-00001192). Holloway Avella

responded: “We solicited him for *Iowa Values the non-disclosed C4*.” JA-002355 (HCI-00001192) (emphasis added). Goeas asked if the prospective donor had given, to which Holloway Avella replied, “[n]ot yet but I haven’t followed up.” JA-002355 (HCI-00001192). Holloway Avella then asked for Goeas’s *permission* to follow up, on behalf of Iowa Values. JA-002355 (HCI-00001192) (“Is it OK to?”).

708. Communication with Ernst staff about Iowa Values donations continued until at least September 2020, when Holloway Avella notified Lisa Goeas, that “[redacted] has pledged \$20k to iowa values. \$10k to the [super PAC, Iowa Values Action] and \$10k to the C4.” JA-002435 (HCI-00001256-57 at HCI-00001256). Anxious to confirm the donation, Goeas responded: “Pledged? When is he gonna give it?,” to which Holloway Avella answered within a minute: “Processing it this week.” JA-002435 (HCI-00001256).

709. Evidence thus proves that, between 2018 and 2020, Iowa Values’s fundraiser coordinated with Ernst and her staff regarding solicitations and contributions to Iowa Values.

**E. Iowa Values Solicited At Least \$3.7 Million Dollars Between 2018 and 2020, Including at Least \$1,090,000 in Contributions in 2019 Alone.**

710. In sum, by: (1) using introductions by and connections to Senator Ernst and her staff; (2) explicitly referencing the need for funds to support Iowa Values’s 2018 “top priority” of constructing “a data warehouse” to serve as “a central repository where all the data that is being collected by various entities that support conservative causes (*including those supporting Joni Ernst*) can live,” and Iowa Values’s 2019 and 2020 “purpose . . . to push back against . . . negative attacks” against Senator Ernst; and (3) by sharing with prospective donors Iowa Values’s strategy memos detailing its plans and strategies for supporting Senator Ernst’s re-election in 2020, *see supra* ¶¶ 611-709, Holloway Consulting successfully solicited at least \$3.7 million dollars in

contributions to Iowa Values between 2018 and 2020, including at least \$1,090,000 in contributions to Iowa Values in 2019.

711. Evidence in particular proves that in 2018, Holloway Consulting used these Ernst introductions and connections, and Ernst-focused appeals for financial support, to successfully solicit at least \$162,000 in contributions to Iowa Values. *See* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (identifying 2018 payments of Holloway’s ten percent commission<sup>67</sup> on successfully solicited donations); JA-000872 (IAV00005262); JA-001123 (IAV00003223); *see also* JA-000680 (IAV00002971-3004 at IAV00002971) (January-August 2018 Cash Report) (Accounts Payable) (\$3,700 for “fundraising commission- June/July”); JA-000690 (IAV00002981) (Accounts Payable) (\$2,500 for “fundraising commission- May”); JA-000703 (IAV00002994) (Accounts Payable) (\$5,000 for “fundraising commission- Feb”); JA-000708 (IAV00002999) (Accounts Payable) (\$5,000 for “fundraising commission”).

712. Evidence further proves that in 2019, Holloway Consulting used these Ernst introductions, connections, and Ernst-focused appeals for financial support to successfully solicit at least \$1,090,000 in contributions to Iowa Values. *See* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (identifying 2019 payments of Holloway’s ten percent commission on successfully solicited donations; JA-001390-93 (IAV00002159-62); JA-001469-72 (IAV00002070-73); JA-001776-80 (IAV00002074-78); JA-001996-2001 (IAV00002167-72); JA-002072-75 (IAV00002163-66).

713. Evidence further proves that in 2020, Holloway Consulting used these Ernst introductions, connections, and Ernst-focused appeals for financial support to successfully solicit

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<sup>67</sup> *See supra* ¶ 593 (citing JA-003374 (Holloway Avella Dep. at 55:1-15)).

at least \$2,467,000 in contributions to Iowa Values. *See* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2) (identifying 2020 payments of Holloway’s ten percent commission on successfully solicited donations); JA-002263 (IAV00001174); JA-002265 (IAV00002148-52); JA-002275-78 (IAV00002119-22); JA-002310 (IAV00001145); JA-002317 (IAV00001161); JA-002329-32 (IAV00002155-58); JA-002334 (IAV00001005); JA-002350 (IAV00001121); JA-002422 (IAV00001224); JA-002437 (IAV00001225); JA-002448 (IAV00001227); JA-002455 (IAV00001230); JA-002580-84 (IAV00002087-91); JA-002585-80 (IAV00002127-32); JA-002603 (IAV00001204); JA-002608 (IAV00001206); JA-00002612 (IAV00001207).

714. Iowa Values’s first Executive Director Jon Kohan anticipated this dramatic uptick in Iowa Values’s fundraising from 2018 to 2019 and 2020, attributing Iowa Values’s weak fundraising in 2018 to Ernst not yet being “in cycle,” while predicting that Iowa Values’s fundraising would go “gangbusters” once the 2020 election cycle was underway. JA-004032-34 (IAV00003075-77). In an August 27, 2018, update email to Iowa Values Board members Tom Tauke, Paula Dierenfeld, and Sara Fagen, Kohan reported on Iowa Values’s weak 2018 financial situation, acknowledging that it was “disappointing,” and explaining that it was “due to the simple fact that Joni [wa]s not in cycle” yet and Iowa Values thus had “not been able to garner the interest we expected to be able to.” JA-001051-52 (IAV00003075-76). Kohan then reassured Tauke, Dierenfeld, and Fagen that he did “not expect this to continue,” and predicted, correctly, that “*as soon as Joni is ‘in cycle’ things will be going gangbusters again.*” JA-001052 (IAV00003076) (emphasis added).

715. Iowa Values’s second and current Executive Director Derek Flowers likewise confirmed Iowa Values’s weak fundraising in 2018. *See* JA-002983-84 (Flowers Dep. at 204:22-

205:3) (testifying that “it certainly appears that funds came in less than desired” in 2018). According to Flowers, aside from finalizing the Newton and DANA projects, *see supra* Parts V.B.1-V.B.2, ¶¶ 156-93, Iowa Values’s only other activity in 2018 was preparing a policy paper. JA-00298-85 (Flowers Dep. at 205:11-206:5). Flowers did not identify any other activity in 2018, instead acknowledging that Iowa Values “certainly had more activity in 2019.” JA-002985 (Flowers Dep. at 206:5).

716. Flowers hypothesized that “[p]resumably,” the reason Kohan anticipated “gangbusters” fundraising once Ernst was “in cycle” was because people “would be paying more attention to the issues that we care about and the work that we are doing . . . [b]ecause elections are times when people care about issues.” JA-002985 (Flowers Dep. at 206:14-19).

717. That explanation, however, does not match the overwhelming evidence in the record, which includes, *inter alia*, Iowa Values’s repeated solicitations of contributions in 2018, not to fund issue advocacy but instead to help finance Iowa Values’s creation of “a database that can interface with all the vehicles associated with, or interested in helping Joni Ernst,” which “is a potentially significant advantage heading into her reelection effort in 2020.” JA-001038 (HCI-00000249); *see supra* ¶ 662.

718. Nor does Flowers’s explanation match with Iowa Values’s 2019 and 2020 fundraising solicitations, which repeatedly highlighted ads attacking Ernst and explained that “[t]he purpose of *our group*, Iowa Values, is to push back against these type of negative attacks.” *See supra* ¶¶ 654, 685; JA-001747 (HCI-00000616); JA-001852 (HCI-00000690); JA-001860 (HCI-00000698); JA-001868 (HCI-00000706); JA-001893 (HCI-00000714); JA-001908 (HCI-00000724); JA-001921 (HCI-00000737); JA-001965 (HCI-00000782); JA-001901-02 (HCI-00000788-89); JA-001971-72 (HCI-00000807-08); JA-001890 (HCI-00000819-21); JA-001643-



44 (HCI-00000512-13); JA-001679 (HCI-00000531); JA-001688 (HCI-00000544); JA-001697 (HCI-00000553); JA-001706 (HCI-00000566); JA-001727 (HCI-00000575); JA-001756-57 (HCI-00000596-97); JA-001809-11 (HCI-00000639-41); JA-001876-77 (HCI-00000680-81); JA-002002-03 (HCI-00000822-23); JA-002021 (HCI-00000832); JA-002036 (HCI-00000848); JA-002055 (HCI-00000867).

719. Flowers’s explanation is also inconsistent with Iowa Values’s fundraiser, Holloway Avella’s repeated communications—with prospective Iowa Values donors (or their representatives) and with Ernst staffers about prospective donations to Ernst *and* Iowa Values—in which Holloway Avella treated donations to Iowa Values as an alternative way for donors who had “maxed out” on permissible contributions to Ernst to continue supporting her candidacy, i.e., by supporting what Holloway Avella described as “an independent expenditure effort through Iowa Values.” JA-001920 (HCI-00000736); *see also supra* Part VI.B.1, ¶¶ 633-42.

**VII. Iowa Values Formed a Super PAC—Iowa Values Action—and Redirected More Than a Million Dollars Anonymously Contributed to Iowa Values to Fund the Super PAC’s Advertisements Expressly Advocating for Ernst’s Re-Election and Against Her Opponent’s Election.**

720. As described above, between 2019 and 2020, Iowa Values used a “data driven strategy” to “zero in on a universe of people for targeted contacts, monitor and adjust that universe, and maintain an accurate handle on the state of the U.S. Senate race.” JA-002616-19 (IAV00000451-54 at IAV00000451-52). As part of its multi-year strategy to help re-elect Ernst, in July 2020, Iowa Values created a companion super PAC, Iowa Values Action, which shared a “common board” and “a common leadership team, allowing seamless coordination between the organizations.” JA-002843 (Flowers Dep. at 55:12-16); JA-002616 (IAV00000451).

721. As Iowa Values’s fundraiser Claire Holloway Avella explained to the representative of a prospective donor in August 2020, following up on a conversation a month earlier discussing

a possible contribution to Iowa Values: “Subsequent to our conversation [at the end of July], we set up an affiliated federally registered 527 (aka super PAC), Iowa Values ACTION.” JA-002362-63 (HCI-00001119-1200 at HCI-00001199). Holloway Avella reminded the donor representative that “[a]bsentee/[e]arly voting . . . in Iowa begins on October 5, which is quickly approaching” and attached contribution forms for both Iowa Values and Iowa Values Action, explaining that “donors to Iowa Values (a 501c4) are not publicly disclosed. Donors to Iowa Values ACTION (the 527) are able to donate unlimited personal/corporate donations that will be reported to the FEC.” JA-002362 (HCI-00001199).

722. Among the various ways that Iowa Values’s two entities pursued a unified effort to support Ernst’s re-election, Iowa Values Action used the voter data Iowa Values had been gathering and refining since at least 2019, *see supra* Parts V.C.3.ii-V.C.3.iv, ¶¶ 313-41, to ensure the most effective voter-targeting of the super PAC’s advertising in support of Ernst and in opposition to her opponent, Theresa Greenfield. At the same time, Iowa Values redirected over \$1.4 million in anonymous contributions it had solicited and received to fund such advertising through Iowa Values Action, and thereby shield its donors from being disclosed as the sources of such expenditures.

723. On or around July 15, 2020—less than four months before the U.S. Senate election in Iowa—the “leadership” and “board” of Iowa Values created this super PAC, Iowa Values Action, which Iowa Values’s Executive Director Derek Flowers confirmed then spent millions of dollars on express advocacy “in support of the election of Joni Ernst and against the election of Theresa Greenfield.” JA-002831 (Flowers Dep. at 52:17-19); JA-002834 (Flowers Dep. at 55:12-16) (confirming that Iowa Values and Iowa Values Action had “[c]ommon leadership, common board”); JA-002830 (Flowers Dep. at 51:3-6) (confirming that Iowa Values Action’s Board “would

be the same members [as the Board of Iowa Values], Tom [Tauke], Paula [Dierenfeld], and Sara [Fagen].”); JA-2829-31 (Flowers Dep. at 50:8-16, 51:7-17, 52:9-22) (confirming Iowa Values Action was founded to and did engage in express advocacy). As Flowers explained:

Q You said you founded Iowa Values Action; is that correct?

A Yes.

Q And that it was run by the same board as Iowa Values?

A Yes.

Q To your knowledge, did Iowa Values have any employees?

A Iowa Values Action --

Q Action.

A-or Iowa Values?

Q Iowa Values Action.

A Neither had employees.

...

Q Did Iowa Values and Iowa Values Action use any common vendors?

A Yes, surely.

Q Do you know which vendors?

A Well, yes. So Majority Strategies would have been a common vendor for digital advertising purposes and for mail. That would be the one that would stand out as having been paid by both.

Q Was there any relationship between Iowa Values and Iowa Values Action?

A I mean, what has been described.

Q Can you explain what that is?

A Common leadership, common board.

JA-002832 (Flowers Dep. at 53:10-55:16); *see also, e.g.*, JA-002616 (IAV00000451-54 at IAV00000451) (explaining that Iowa Values and Iowa Values Action “share a common leadership team, allowing seamless coordination between the organizations”).

724. In addition to being controlled by the same individuals and Board, using the same vendors and legal counsel, and having zero employees between the two entities, Iowa Values and Iowa Values Action used the same mailing address. JA-002832 (Flowers Dep. at 53:10-55:16); *see also* JA-002420-21 (IAV00003513-3514) (attorney, Ronald Jacobs, communicating on behalf of both entities); JA-002148-79 (IAV00000111) (Iowa Values’s 2019 Form 990, listing Iowa Values’s

address); JA-002338 (Iowa Values Action: FEC Form 1 (Statement of Organization), <https://docquery.fec.gov/cgi-bin/forms/C00751768/1424556/>) (listing Iowa Values Action's address as the same).

725. The two entities were also inextricably intertwined financially. Not only did the fundraiser they shared with each other *and* with the Ernst campaign, Claire Holloway Avella, solicit contributions to both Iowa Values and Iowa Values Action simultaneously, *see, e.g.*, JA-002362 (HCI-0000119-1200 at HCI-00001199) (soliciting contributions to Iowa Values and/or Iowa Values Action and attaching contribution forms for each entity), Iowa Values was the source of nearly **sixty percent** of Iowa Values Action's funds, **ninety percent** of which were used to finance express advocacy activities in support of Ernst's re-election, or in opposition to Ernst's opponent.

726. After filing its statement of organization with the Federal Election Commission on July 15, 2020, Iowa Values Action received its first contribution—\$75,000 from Iowa Values—the following day, on July 16, 2020; it received another \$1,000 from Iowa Values on July 17, 2020. *See* JA-001209-12 (FEC Committee Profile for Iowa Values Action - Raising, 2019-2020, <https://www.fec.gov/data/committee/C00751768/?cycle=2020&tab=raising>).

727. On July 17, 2020, just two days after registering with the FEC and having received funds exclusively from Iowa Values at that point, Iowa Values Action paid Majority Strategies, LLC a total of \$76,000—all of the money Iowa Values Action had at that point, and all of which had been contributed by Iowa Values in the two preceding days—\$75,000 for digital advertising placement and \$1,000 for Website Design. *See* JA-001213 (FEC Committee Profile for Iowa Values Action - Spending, 2019-2020, <https://www.fec.gov/data/committee/C00751768/?cycle=2020&tab=spending>). Iowa Values Action reported both payments—again entirely financed

with contributions from Iowa Values—as independent expenditures opposing Ernst’s general election opponent, Theresa Greenfield. *See* JA-001213 (FEC Committee Profile for Iowa Values Action - Spending, 2019-2020, <https://www.fec.gov/data/committee/C00751768/?cycle=2020&tab=spending>). In short, while those independent expenditures made in support of Ernst were reported by Iowa Values Action, 100% of the money used to pay for them came from anonymous donations to Iowa Values.

728. In the not-quite four months between the formation of Iowa Values Action and the November 2020 Iowa Senate election, Iowa Values contributed a total of \$1,451,000 of its anonymous donors’ funds to Iowa Values Action—including \$975,000 just days before the election. *See* JA-001209-12 (FEC Committee Profile for Iowa Values Action - Raising, 2019-2020, <https://www.fec.gov/data/committee/C00751768/?cycle=2020&tab=raising>). This amounted to well over half—59.8%—of the total \$2,424,850 that Iowa Values Action raised in 2020. *See* JA-001209-12 (FEC Committee Profile for Iowa Values Action - Raising, 2019-2020, <https://www.fec.gov/data/committee/C00751768/?cycle=2020&tab=raising>).

729. Of that total \$2,424,850 Iowa Values Action received in 2020, it spent \$2,204,465.20—more than 90 percent of its funds—on independent expenditures, all of which either supported Ernst or opposed her general election opponent. *See* JA-001213 (FEC Committee Profile for Iowa Values Action - Spending, 2019-2020, <https://www.fec.gov/data/committee/C00751768/?cycle=2020&tab=spending>).

730. The two entities’ “[c]ommon leadership, common board,” JA-002834 (Flowers Dep. at 55:12-16), thus used Iowa Values as a mechanism to finance an election-cycle-long effort to help re-elect Senator Ernst, *see generally supra* Part V, ¶¶ 124-588, culminating in 2020 with

the effective laundering of \$1.451 million of anonymous contributions made to Iowa Values into express advocacy for Ernst and against her opponent. *See supra* ¶¶ 728-29.

731. The synchronized nature of the two entities' election-focused activities is further reflected in internal communications about those entities among their shared leadership, describing efforts by Iowa Values and Iowa Values Action as a singular effort to support Ernst's 2020 re-election that began with Iowa Values's data work in 2019. For example, on September 2, 2020, Flowers emailed an update regarding "Iowa Values / Iowa Values Action" to "Members of the Board"—of both entities—in which he reported:

As the election draws closer, we've seen an uptick in interest for Iowa Values and Iowa Values Action. On the C4 side, our planned programming including door-to-door canvassing and modeling is now fully funded and resources are available for additional voter education, including mail and further digital outreach. On the Super PAC side, we've been able to to [sic] fully fund our initial digital plan and intend to expand upon it in the coming weeks.

*See* JA-002420 (IAV00003513-14 at IAV00003513). At the time of Flowers's email, Iowa Values Action had collected a total of \$806,000 in contributions, more than half of which—\$476,000—was contributed by Iowa Values. *See* JA-001209-12 (FEC Committee Profile for Iowa Values Action - Raising, 2019-2020, <https://www.fec.gov/data/committee/C00751768/?cycle=2020&tab=raising>). Accordingly, the majority of funding that created the super PAC's ability "to fully fund [its] initial digital plan" came from undisclosed, anonymous contributions to Iowa Values.

732. A November 2020 memo similarly describes the collective, intertwined efforts of Iowa Values and Iowa Values Action, noting that the entities' "common leadership team" "allow[ed] seamless coordination between the organizations." JA-002616 (IAV00000451-54 at IAV00000451). As the memo explains, beginning in 2019, Iowa Values used a "data driven

strategy” that included a “baseline modeling project conducted in 2019, two model re-trains in February and June of 2020 and Electorate Tracking conducted over the final six weeks of the election.” JA-002616-17 (IAV00000451-52). “The resulting data was the foundation of [its] strategy and [its] voter contact programs,” and “[t]he granularity of [its] data provided a far more accurate look at the electorate than most of the polling that was occurring over the same period of time.” JA-002617 (IAV00000452). “Through the use of prescriptive modeling, weekly electorate tracking leading up to the election and absentee and early vote tracking, the Iowa Values team was able to zero in on a universe of people for targeted contacts, monitor and adjust that universe, and maintain an accurate handle on the state of the U.S. Senate race.” JA-002617 (IAV00000452).

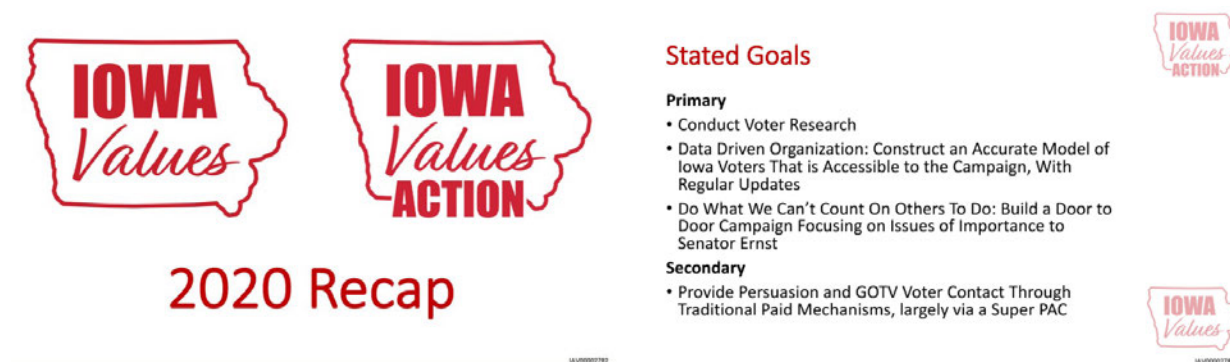
733. The data work conducted by Iowa Values between 2019 and 2020, *see supra* Parts V.C.3.ii-V.C.3.iv, ¶¶ 313-41, formed the basis of electoral efforts conducted through Iowa Values Action—though still largely funded by Iowa Values—in 2020. As the November 2020 memo “proud[ly]” asserts, “[n]ot only was Iowa Values Action able to make good use of Iowa Values’ survey work and canvassing feedback loop, but we were also asked for data assistance by other Iowa-based and national organizations seeking to talk to Iowa Voters. . . . *Our team is proud to have served as a resource to others in their efforts to reelect Joni Ernst.*” JA-002619 (IAV00000454) (emphasis added).

734. The November 2020 memo also explains that the work and money Iowa Values spent to identify and target voters between 2019 and 2020 enabled “[b]oth entities [to be] laser-focused on targeted audiences based on the modeling,” including both in digital advertising and direct mail. JA-002617-18 (IAV00000452-53). “Because of that focus, these Iowans saw [Iowa Values and Iowa Values Actions’s] [digital] ads an average of 125 times over the final five months of the election.” JA-002618 (IAV00000453). “Iowa Values and Iowa Values Action were able to

help provide key air cover on the right, spending approximately \$1 million on digital advertising in the ninety days leading up to the Election.” JA-002618 (IAV00000453).

735. The November 2020 memo further describes how, on the direct mail front, Iowa Values and Iowa Values Action pursued a “concurrent” effort aimed at their “targeted audience, matching the digital advertising and door to door efforts,” with Iowa Values sending “twelve pieces of mail showcasing Joni Ernst’s voting record on issues ranging from protecting Iowans with pre-existing conditions to cutting presidential perks to the Violence Against Women Act,” while “[c]oncurrently, Iowa Values Action sent seven pieces of mail matching the messages being delivered on digital, including mail urging Iowans with absentee ballots to get them returned.” JA-002618 (IAV00000453).

736. A post-election “2020 Recap” presentation produced by Iowa Values touts the two entities’ collective efforts supporting Ernst’s re-election, portraying their intertwined goals, plans, fundraising, and spending between 2019 and 2020 as a single, unified project. JA-002656-68 (IAV00002782-94). Images of the slides from the presentation are reproduced below:





## 2019 Plan

- Stay in Front of Ernst Supporters, Persuadable Swing Voters and Lean Ernst Soft Dems w/ Positive Issue Messaging
  - Door to Door
  - Digital
- Lessons Learned
  - Early Money Important – Dems Hitting Ernst Hard
  - Fundraising Difficulties
  - Cut Door to Door One Month Early



## 2020 Plan

- Stay in Front of Ernst Supporters, Persuadable Swing Voters and Lean Ernst Soft Dems w/ Positive Issue Messaging
  - Don't Pull Trigger Until Confident in Fundraising Projections
- Add Super PAC for Direct Messaging While Staying True to Original Mission
  - Laser Focus on Target Universe / Key Messages
- Lessons Learned
  - Continued Early Fundraising Struggles
  - Plan for Late Money Proved Important
  - Ability to be Nimble



## Goals Met

- Primary**
  - Three Rounds of Modeling (\$270K)
  - Weekly Model Tracking in Oct/Nov (\$60K)
  - Robust Door to Door Campaigns in 2019 + 2020 (\$650K)
- Secondary**
  - Digital Advertising Beginning in 2019
  - Launched Super PAC in 2020
  - 12 Rounds of Mail
  - Narrowed the Gap on Radio
  - Final Weekend of TV

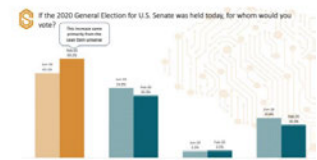
### BY THE NUMBERS:

Doors Knocked → 244,612  
 Pieces of Mail Sent → 2,951,983  
 Digital Impressions → 44,565,493  
 Video Views → 31,983,575  
 Radio Spots → 9,158

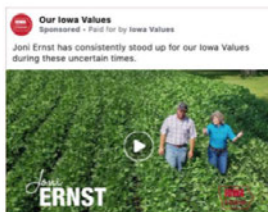


## Modeling

- Identify Target Universes**
  - 9,000 Completed Surveys
  - Define and Track Targeted Universe of Voters for Persuasion and GOTV
- Categorize**
  - Soft Republicans
    - Defend Against Attacks
  - Swing Voters
    - Late Deciders Need Constant Messaging
  - Lean Dem / Pro-Ernst
    - Keep as Many as Possible



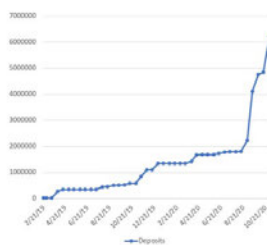
## Positive Issue-Based Messaging



## Contrast Messaging



## Fundraising Timeline



### C4 Key Milestones

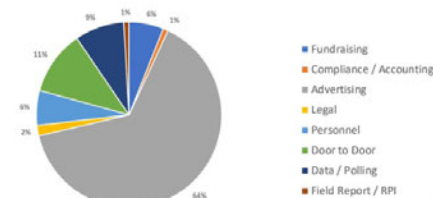
- \$750K Nov-Dec 2019
- \$1.67M Sept 2020
- \$1M Nov 2020

### SPAC Funding

- \$1.451M c4 Transfer
- \$974K Major Donor



## Spending Analysis



## 2021 Plan

### Ongoing

- Research Project: What Do Iowans Want Post-Election?
  - Focus Group in December
  - Poll Late January
- Outcomes
  - Earned Media
  - Graphics / Advertising
  - Paper
  - Frame Issues in Manner Favorable to Sen. Ernst and the Republican Team



## Why?

### December Focus Group Findings

- Iowans Narrowly Focused on COVID, and Not Impressed With How It's Been Handled
- Iowans Tired of Politicians and Politics in General
  - Upset at Lack of Civility and Compromise
  - Upset at Lack of Accomplishment
- Sen. Ernst Took a Beating in Negative Advertising



## Opportunity to Help Build Early Momentum



### Iowa Values' Unique Position

- Only Entity Focused on Senator Ernst
- Shared Legal Team Ensures Compliance
- Focus Group Data Suggests Highlighting Work on Economy
- Ability to be Useful to Gov. Reynolds, GOP Legislature, Others, Through Shared Research & Data
- Late Contribution Left Funds in the Bank to Start 2021



JA-002656-68 (IAV00002782-94).

737. This “Recap” of the collective efforts of Iowa Values and Iowa Values Action between 2019 and 2020 shows that such efforts were part of Iowa Values’s multi-year plan that included fundraising, data modeling, door-to-door canvassing, digital advertising, launching a super PAC, direct mailing, and radio and television advertising. JA-002656-58 (IAV00002784-86). Although the entities’ “common leadership team” may have divvied up particular activities and believed that their “Shared Legal Team Ensure[d] Compliance” with federal law, JA-002668 (IAV00002794), internal communications like this “Recap” presentation illustrate the two entities’ singular purpose and goal of re-electing Senator Ernst in 2020. The concluding slide of the Recap presentation, for example, highlights as the top feature of “Iowa Values’ Unique Position” that it is the “*Only Entity Focused on Senator Ernst.*” JA-002668 (IAV00002794) (emphasis added).

738. The Recap presentation also highlights how both entities used advertising to support Ernst's re-election, with Iowa Values disseminating "Positive Issue-Based Messaging" promoting Ernst and Iowa Values Action focusing on "Contrast Messaging" attacking Ernst's electoral opponent. JA-002662-63 (IAV00002788-89). Despite labeling Iowa Values's advertising as "Issue-Based," the three examples included in the Recap presentation are all centrally focused on Ernst rather than any issue, and one of the examples *does not even mention any issue*—it simply shows Ernst standing in a field with her name on the screen and the message "Joni Ernst has consistently stood up for our Iowa Values during these uncertain times." JA-002662 (IAV00002788).

739. The Recap presentation likewise presents information about the two entities' collective fundraising and spending without distinguishing which entity received particular contributions or made particular expenditures. JA-002664-65 (IAV00002790-91). The Recap presentation features a "Fundraising Timeline" chart that shows more than forty "deposits" to Iowa Values and Iowa Values Action between February 21, 2019, and October 21, 2020, but does not identify which entity was the recipient of particular contributions on particular dates. JA-002664 (IAV00002790). The presentation further highlights three "Key Milestones" in Iowa Values's fundraising during that time period, while including two bullet points reflecting that Iowa Values Action received nearly 60% of its total funding from Iowa Values as a "\$1.451M c4 Transfer," and the remaining 40% of its funding is described as "\$974K Major Donor." JA-002664 (IAV00002790); *see also* JA-001209-12 (FEC Committee Profile for Iowa Values Action - Raising, 2019-2020, <https://www.fec.gov/data/committee/C00751768/?cycle=2020&tab=raising>).

740. The Recap presentation also depicts the two entities’ collective spending in a pie chart of “Spending Analysis” that breaks down spending by category of expenditure, *but not by which entity incurred the expense, or when*. JA-002665 (IAV00002791). According to that chart, the two entities collectively devoted 64% of their spending to advertising, with “door to door” and “data/polling” efforts consuming the next largest categories of spending at 11% and 9%, respectively. JA-002665 (IAV00002791).

741. Iowa Values’s internal documents and publicly reported contributions thus show how the two entities’ “[c]ommon leadership, common board,” JA-002834 (Flowers Dep. at 55:12-16), used a super PAC in 2020 to effectively launder \$1.451 million of anonymous contributions solicited and received by Iowa Values into express advocacy by Iowa Values Action for Ernst and against her opponent. *See supra* ¶¶ 728-29.

#### **VIII. Iowa Values Ceased Operations After the November 2020 Election.**

742. Iowa Values largely emptied its coffers in the months before the November 3, 2020, General Election and effectively ceased all programmatic and fundraising operations after that election.

743. As described *supra* ¶ 728, between July and November 2020, Iowa Values contributed \$1,451,000 to Iowa Values Action, the companion super PAC it created to funnel Iowa Values’s anonymous donors’ contributions to pay for express advocacy for Ernst and against her opponent, while still maintaining those donors’ anonymity. *See* JA-001209-12 (FEC Committee Profile for Iowa Values Action - Raising, 2019-2020, <https://www.fec.gov/data/committee/C00751768/?cycle=2020&tab=raising>).

744. Iowa Values contributed more than half of that money—\$975,000—in the *days* immediately before the November 2020 election. *See supra* ¶ 728; JA-001209-12 (FEC Committee

Profile for Iowa Values Action - Raising, 2019-2020, <https://www.fec.gov/data/committee/C00751768/?cycle=2020&tab=raising>).

745. Iowa Values’s Form 990s filed with the Internal Revenue Service reflect that, after a dip in revenue from 2017 to 2018,<sup>68</sup> Iowa Values dramatically increased its revenue and spending each year between 2018 and 2020, and then raised **zero** dollars in 2021—following its successful effort to support Senator Ernst’s re-election—and that the vast majority of Iowa Values’s spending after 2020 was for legal expenses. *See* JA-001146-1176 (IAV00000080-110) (Iowa Values 2017 Form 990) (reporting \$390,000 in total revenue and \$268,014 in total expenses for 2017); JA-001181-1208 (IAV00000052-79) (Iowa Values 2018 Form 990) (reporting \$187,000 in total revenue and \$295,680 in total expenses for 2018); JA-002148-79 (IAV00000111-42) (Iowa Values 2019 Form 990) (reporting \$1,350,000 in total revenue and \$839,256 in total expenses for 2019); JA-002622-55 (IAV00000216-49) (Iowa Values 2020 Form 990) (reporting \$3,901,750 in total revenue and \$4,079,056 in total expenses for 2020); JA-002747-65 (IAV00000197-215) (Iowa Values 2021 Form 990) (reporting \$0 in total revenue and \$179,561 in total expenses for 2021, \$127,998 of which Iowa Values attributed to legal expenses).

746. Iowa Values’s fundraiser, Claire Holloway Avella, confirmed repeatedly that Holloway Consulting’s fundraising contract with Iowa Values “ended, to the best of [her] recollection, in 2020.” *See* JA-003427 (Holloway Avella Dep. at 108:4-5).

Q Did you use -- did you start providing services to Iowa Values in 2017?

A That’s my recollection.

Q When did Holloway Consulting finish providing services?

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<sup>68</sup> Iowa Values’s first Executive Director Jon Kohan explained that Iowa Values’s drop in revenue in 2018 was “due to the simple fact that Joni [wa]s not in cycle,” *supra* ¶ 714 (quoting JA-003239-41 (IAV00003075-77), while correctly predicting that “as soon as Joni is ‘in cycle’ things will be going gangbusters again,” *supra* ¶ 714 (quoting JA-003240 (IAV00003076)).

A My recollection is 2020 was the last.

JA-003347 (Holloway Avella Dep. at 28:19-21).

Q Did you enter into any other contracts with Iowa Values?

A Well, I would have had a contract -- this one ended in 2018, so there would have been another, or maybe it just went ongoing. We would have signed another one for '19 and '20.

Q So you think there was one other contract? Was there any contract after 2020?

A No.

JA-003369 (Holloway Avella Dep. at 50:18-51:2).

Q And you said earlier that Holloway Consulting stopped providing services in 2020?

A At the end of 2020, I believe.

We didn't do it in 2021[.]

Q Were there ever plans for Holloway Consulting to provide services past 2020?

A I have no recollection.

Q There was no contract in place for anything after?

A No.

JA-3379 (Holloway Avella Dep. at 60:7-16).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

748. Iowa Values's Executive Director Derek Flowers confirmed that "the last time [Iowa Values] did activity was probably early 2021." JA-003357 (Flowers Dep. at 38:1-7). Flowers

implied that CLC’s legal claims against Iowa Values were the reason Iowa Values ceased its operations. *See* JA-003357 (Flowers Dep. at 38:3-6) (“a lawsuit doesn’t help when it comes to raising money”). CLC, however, filed its underlying administrative complaint against Iowa Values in December 2019, that complaint was “picked up by several news outlets,” *see* JA-004257 (Amended Report at 42) (citing press coverage of CLC’s FEC complaint against Iowa Values), and Iowa Values continued to operate in the wake of CLC’s administrative complaint, JA-003357 (Flowers Dep. at 38:14-17). Indeed, Iowa Values brought in its largest fundraising haul—\$3,901,750—the following year, in 2020. *See* JA-002622-55 (IAV00000216-49) (Iowa Values 2020 Form 990) (reporting \$3,901,750 in total revenue for 2020).

749. Iowa Values has further represented to the Court that it is now “a dormant operation,” has “no employees,” and “no paid contractors.” ECF No. 89 at 11; *see also* ECF No. 97 at 11 (same).

#### **IX. Iowa Values’s Overall Spending in 2019**

750. Iowa Values reported to the Internal Revenue Service on its Form 990 for 2019 that it spent a total of \$839,256.00 on expenses in 2019. JA-002148-79 (IAV00000111-42) (Iowa Values’s 2019 Form 990).

751. Iowa Values similarly averred in its interrogatory responses that it spent a total of \$839,255.32 on expenses in 2019. *See* JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2).

752. Iowa Values’s interrogatory responses provide the following information regarding Iowa Values’s 2019 spending:

**Table of Iowa Values’s 2019 Disbursements Based on Interrogatory Responses**

| <b>Recipient</b>                                                 | <b>“Account”</b>                              | <b>Amount</b>       |
|------------------------------------------------------------------|-----------------------------------------------|---------------------|
| Anedot                                                           | Fundraising/Online Processing Charges         | \$400.30            |
| Atchley & Associates, LLP                                        | Consulting/Accounting/<br>Compliance          | \$1,667.50          |
| BB&T                                                             | Bank Fees                                     | \$370.00            |
| Canvass Iowa, LLC                                                | Polling/Research                              | \$245,378.23        |
| Causeway Solutions                                               | Subscriptions/Database                        | \$12,900.00         |
| MS Causeway Solutions LLC                                        | Consulting/Retainers                          | \$100,500.00        |
| MS Causeway Solutions LLC                                        | Subscription/Database                         | \$32,500.00         |
| MS Causeway Solutions LLC                                        | Polling/Research                              | \$90,000.00         |
| Holloway Consulting Inc.                                         | Fundraising Commissions                       | \$109,000.00        |
| Holloway Consulting Inc.                                         | Printing/Postage                              | \$43.50             |
| Intuit                                                           | Subscription/Database                         | \$792.60            |
| Majority Strategies LLC                                          | Media Production                              | \$8,700.00          |
| Majority Strategies LLC                                          | Media Placement/Digital                       | \$130,735.00        |
| Republican Party of Iowa                                         | Fundraising/Online; Advertising/List Building | \$2,500.00          |
| RightSide Compliance                                             | Consulting/Accounting/<br>Compliance          | \$8,606.00          |
| United States Postal Service                                     | Printing/Postage                              | \$7.35              |
| Venable LLP                                                      | Consulting/Legal                              | \$40,154.84         |
| Woodberry Associates                                             | Consulting/Retainers                          | \$55,000.00         |
| <b>Total 2019 Disbursements Based on Interrogatory Responses</b> |                                               | <b>\$839,255.32</b> |

See JA-002766-78 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 2).

753. Iowa Values’s cash reports as well as invoices produced by Iowa Values and some of its vendors provide additional detail regarding the dates of certain vendor payments and the services performed on behalf of Iowa Values in exchange for those payments. Although CLC did not receive a complete production of invoices for all 2019 services performed on behalf of Iowa Values,<sup>69</sup> and produced invoices from Holloway Consulting omit attached lists of itemized

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<sup>69</sup> The above Table of Iowa Values’s 2019 Disbursements Based on Interrogatory Responses thus reflects both additional vendors—such as Anedot, BB&T, Intuit, and the United States Postal Service—and higher total amounts paid to certain vendors—such as Canvass America, Causeway, Majority Strategies, Rightside Compliance, Venable, and Woodberry Associates—for which some, but not all, invoices were produced. *Compare* Table of Iowa Values’s 2019 Disbursements Based on Interrogatory Responses, at ¶ 752, *with* Table of Iowa Values’s 2019 Disbursements Based on Produced Invoices and Cash Reports, at ¶ 753.



donations,<sup>70</sup> the produced invoices and “accounts payable” as reflected in cash reports describing Iowa Values’s payments to its vendors nevertheless provide greater insight into the nature and purpose of Iowa Values’s 2019 expenditures:

**Table of Iowa Values’s 2019 Disbursements Based on Produced Invoices and Cash Reports**

| <b>Recipient</b>                                | <b>Date</b> | <b>Description</b>                                                                | <b>Amount</b>       | <b>Exhibit</b>                                                                             |
|-------------------------------------------------|-------------|-----------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------------|
| Atchley & Associates, LLP                       | 11/26/2019  | Preparation & filing of 2018 Form 990                                             | \$1,667.50          | JA-002080<br>(IAV00000940)                                                                 |
| <b>Atchley &amp; Associates, LLP 2019 Total</b> |             |                                                                                   | <b>\$1,667.50</b>   |                                                                                            |
| Canvass America                                 | 07/22/2019  | Walk Program Buildout                                                             | \$95,000.00         | JA-001247<br>((IAV00001059-1102)<br>(Cash Report) at<br>IAV00001078<br>(Accounts Payable)) |
| Canvass America                                 | 09/19/2019  | Walk Program Balance                                                              | \$15,000.00         | JA-001242<br>((IAV00001059-1102)<br>(Cash Report) at<br>IAV00001073<br>(Accounts Payable)) |
| <b>Canvass America 2019 Total</b>               |             |                                                                                   | <b>\$110,000.00</b> |                                                                                            |
| Causeway Solutions                              | 1/4/2019    | Hosting: \$1,500<br>Causeway<br>Analytic & Data<br>Management<br>Support: \$2,800 | \$4,300.00          | JA-001226<br>(IAV00004839)                                                                 |
| Causeway Solutions                              | 2/1/2019    | Hosting: \$1,500<br>Causeway<br>Analytic & Data<br>Management<br>Support: \$2,800 | \$4,300.00          | JA-001290<br>(IAV00005196)                                                                 |
| Causeway Solutions                              | 3/1/2019    | Strategic<br>Consulting: \$1,500<br>Analytic & Data<br>Management:<br>\$2,800     | \$4,300.00          | JA-001332<br>(IAV00004844)                                                                 |

<sup>70</sup> See *supra* ¶ 657 n.55 (identifying missing “attached list[s]” from Holloway Consulting fundraising invoices).

|                    |          |                                                                                                                      |             |                            |
|--------------------|----------|----------------------------------------------------------------------------------------------------------------------|-------------|----------------------------|
| Causeway Solutions |          |                                                                                                                      |             |                            |
| Causeway Solutions | 5/1/2019 | Strategic Consulting: \$1,500<br>Analytic & Data Management: \$2,800<br>General Consulting & Data Strategy: \$10,000 | \$14,300.00 | JA-001418<br>(IAV00001303) |
| Causeway Solutions | 6/1/2019 | Strategic Consulting: \$1,500<br>Analytic & Data Management: \$2,800<br>General Consulting & Data Strategy: \$10,000 | \$14,300.00 | JA-001448<br>(IAV00001307) |
| Causeway Solutions |          |                                                                                                                      |             |                            |
| Causeway Solutions | 7/1/2019 | Modeling Project                                                                                                     | \$90,000.00 | JA-001592<br>(IAV00002327) |
| Causeway Solutions | 8/1/2019 | Strategic Consulting: \$1,500<br>Analytic & Data Management: \$2,800<br>General Consulting & Data Strategy: \$10,000 | \$14,300.00 | JA-001783<br>(IAV00000875) |
| Causeway Solutions | 9/3/2019 | Strategic Consulting: \$1,500<br>Analytic & Data Management: \$2,800<br>General Consulting & Data Strategy: \$10,000 | \$14,300.00 | JA-001888<br>(IAV00004938) |

|                                      |           |                                                                                                                      |                     |                                                                                            |
|--------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------------|
| Causeway Solutions                   | 10/1/2019 | Strategic Consulting: \$1,500<br>Analytic & Data Management: \$2,800<br>General Consulting & Data Strategy: \$10,000 | \$14,300.00         | JA-002012<br>(IAV00000884)                                                                 |
| Causeway Solutions                   | 11/1/2019 | Strategic Consulting: \$1,500<br>Analytic & Data Management: \$2,800<br>General Consulting & Data Strategy: \$10,000 | \$14,300.00         | JA-002031<br>(IAV00000860)                                                                 |
| Causeway Solutions                   | 12/2/2019 | Strategic Consulting: \$1,500<br>Analytic & Data Management: \$2,800<br>General Consulting & Data Strategy: \$10,000 | \$14,300.00         | JA-002081<br>(IAV00000871)                                                                 |
| <b>Causeway Solutions 2019 Total</b> |           |                                                                                                                      | <b>\$231,600.00</b> |                                                                                            |
| Holloway Consulting                  | 3/31/2019 | Fundraising commission on 1 <sup>st</sup> Quarter 2019 (\$295,000 in contributions)                                  | \$29,500.00         | JA-001391<br>(IAV00002159-62)                                                              |
| Holloway Consulting                  | 4/15/2019 | Reimbursement; FedEx Fees                                                                                            | \$43.50             | JA-001254<br>((IAV00001059-1102)<br>(Cash Report) at<br>IAV00001085<br>(Accounts Payable)) |
| Holloway Consulting                  | 6/7/2019  | Commission on fundraising July 2019 (\$100,000 in contributions)                                                     | \$10,000.00         | JA-001471<br>(IAV00002070-73)                                                              |
| Holloway Consulting                  | 7/31/2019 | Commission on fundraising April 2019 (\$50,000 in contributions)                                                     | \$5,000.00          | JA-001777<br>(IAV00002074-78)                                                              |

|                                       |            |                                                                                         |                     |                                                                                |
|---------------------------------------|------------|-----------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------|
| Holloway Consulting                   | 8/31/2019  | Commission on fundraising August 2019 (\$70,000 in contributions)                       | \$7,000.00          | JA-001470 (IAV00002070-73)                                                     |
| Holloway Consulting                   | 9/30/2019  | Commission on fundraising September 2019 (\$60,000 in contributions)                    | \$6,000.00          | JA-001997 (IAV00002167-72)                                                     |
| Holloway Consulting                   | 11/13/2019 | Commission on fundraising October 2019 (\$265,000 in contributions)                     | \$26,500.00         | JA-001998 (IAV00002167-72)                                                     |
| Holloway Consulting                   | 11/20/2019 | Fundraising commission on [redacted] contributions (\$250,000 in contributions)         | \$25,000.00         | JA-002073 (IAV00002163-66)                                                     |
| <b>Holloway Consulting 2019 Total</b> |            |                                                                                         | <b>\$109,043.50</b> |                                                                                |
| Majority Strategies                   | 6/27/2019  | YouTube: \$25,000<br>Facebook: \$4,941<br>Desktop: \$3,294<br>Video Design Fee: \$3,500 | \$36,735.00         | JA-001526 (IAV00000163-64)                                                     |
| Majority Strategies                   | 7/17/2019  | Facebook: \$4,000<br>Desktop: \$2,500                                                   | \$6,500.00          | JA-001671 (IAV00000167)                                                        |
| Majority Strategies                   | 8/5/2019   | YouTube: \$15,000<br>Mobile: \$5,000<br>Video Design Fee: \$5,200                       | \$25,200.00         | JA-001670 (IAV00000166)                                                        |
| Majority Strategies                   | 7/8/2019   | Facebook: \$1,000                                                                       | \$1,000.00          | JA-001672 (IAV00000168)                                                        |
| Majority Strategies                   | 6/27/2019  | Twitter: \$3,000                                                                        | \$3,000.00          | JA-001673 (IAV00000169)                                                        |
| <b>Majority Strategies 2019 Total</b> |            |                                                                                         | <b>\$72,435.00</b>  |                                                                                |
| RightSide Compliance                  | 1/3/2019   | Compliance Consulting - Dec                                                             | \$247.50            | JA-001268 ((IAV00001059-1102) (Cash Report) at IAV00001099 (Accounts Payable)) |

|                      |           |                                                    |            |                                                                                            |
|----------------------|-----------|----------------------------------------------------|------------|--------------------------------------------------------------------------------------------|
| RightSide Compliance | 3/5/2019  | Standard Regulatory & Treasury Consulting Services | \$472.50   | JA-001336<br>(IAV00005214)                                                                 |
| RightSide Compliance | 4/3/2019  | Compliance Consulting - Jan                        | \$450.00   | JA-001257<br>((IAV00001059-1102)<br>(Cash Report) at<br>IAV00001088<br>(Accounts Payable)) |
| RightSide Compliance | 5/2/2019  | Standard Regulatory & Treasury Consulting Services | \$1,237.50 | JA-001419-20<br>(IAV00001304-05)                                                           |
| RightSide Compliance | 6/4/2019  | May Consulting                                     | \$877.50   | JA-001250<br>((IAV00001059-1102)<br>(Cash Report) at<br>IAV00001081<br>(Accounts Payable)) |
| RightSide Compliance | 7/2/2019  | June Consulting                                    | \$180.00   | JA-001250<br>((IAV00001059-1102)<br>(Cash Report) at<br>IAV00001081<br>(Accounts Payable)) |
| RightSide Compliance | 08/5/2019 | Standard Regulatory & Treasury Consulting Services | \$956.00   | JA-001806-07<br>(IAV00005152-53)                                                           |
| RightSide Compliance | 9/4/2019  | Standard Regulatory & Treasury Consulting Services | \$405.00   | JA-001889<br>(IAV00000922)                                                                 |
| RightSide Compliance | 10/3/2019 | Standard Regulatory & Treasury Consulting Services | \$1,327.50 | JA-002016-17<br>(IAV00000885-86)                                                           |
| RightSide Compliance | 11/6/2019 | Standard Regulatory & Treasury Consulting Services | \$832.50   | JA-002034-05<br>(IAV00000933-34)                                                           |

|                                        |            |                                                              |                    |                                                                                           |
|----------------------------------------|------------|--------------------------------------------------------------|--------------------|-------------------------------------------------------------------------------------------|
| RightSide Compliance                   | 12/4/2019  | Standard Regulatory & Treasury Consulting Services           | \$1,192.50         | JA-002082-83<br>(IAV00000909-10)                                                          |
| <b>RightSide Compliance 2019 Total</b> |            |                                                              | <b>\$8,178.50</b>  |                                                                                           |
| Venable LLP                            | 1/4/2019   | General Nonprofit Counseling and Advice on Political Matters | \$2,000.00         | JA-001227<br>(IAV00005207)                                                                |
| Venable LLP                            | 2/1/2019   | General Counseling                                           | \$2,154.84         | JA-001291<br>(IAV00005209)                                                                |
| Venable LLP                            | 3/1/2019   | General Counseling                                           | \$2,000.00         | JA-001333<br>(IAV00005211-12)                                                             |
| Venable LLP                            | 4/1/2019   | Legal Consulting - Mar                                       | \$2,000.00         | JA-001257<br>((IAV00001059-1102<br>(Cash Report) at<br>IAV00001088<br>(Accounts Payable)) |
| Venable LLP                            | 5/1/2019   | General Counseling                                           | \$2,000.00         | JA-001417<br>(IAV00001302)                                                                |
| Venable LLP                            | 6/20/2019  | General Counseling                                           | \$2,000.00         | JA-001473<br>(IAV00005172)                                                                |
| Venable LLP                            | 8/1/2019   | General Counseling                                           | \$4,000.00         | JA-001784-85<br>(IAV00000915-16)                                                          |
| Venable LLP                            | 9/1/2019   | General Counseling                                           | \$4,000.00         | JA-001886-87<br>(IAV00005155-56)                                                          |
| Venable LLP                            | 10/1/2019  | General Counseling                                           | \$4,000.00         | JA-002013-14<br>(IAV0000926-27)                                                           |
| Venable LLP                            | 11/4/2019  | General Counseling                                           | \$4,000.00         | JA-002032-33<br>(IAV00000931-32)                                                          |
| Venable LLP                            | 11/14/2019 | General Counseling                                           | \$4,000.00         | JA-002062-63<br>(IAV00000898-99)                                                          |
| Venable LLP                            | 12/16/2019 | General Counseling                                           | \$4,000.00         | JA-002111-12<br>(IAV00001104-05)                                                          |
| <b>Venable LLP 2019 Total</b>          |            |                                                              | <b>\$36,154.84</b> |                                                                                           |
| Woodberry Associates                   | 7/1/2019   | Consulting Fees for June 2019                                | \$5,000.00         | JA-001593<br>(IAV00002338)                                                                |
| <b>Woodberry Associates 2019 Total</b> |            |                                                              | <b>\$5,000.00</b>  |                                                                                           |

754. Based on the information provided in Iowa Values’s interrogatory responses, Iowa Values made payments to 14 vendors in 2019—including Causeway Solutions and MS Causeway Solutions, which are successor entities and provided the same, continuous services to Iowa Values.

Of those vendors, Iowa Values directed the vast majority of its spending in 2019 to pay for work performed by Canvass America (29.2%), Causeway/MS Causeway Solutions (28.1%), Majority Strategies (16%), Holloway Consulting (13%), Woodberry Associates (6.6%), and Venable LLP (4.8%), with the remaining seven vendors each receiving 1% or less of Iowa Values's total 2019 spending. This distribution is summarized in the table below:

**Table of Percentage of Iowa Values's 2019 Spending by Vendor**

| <b>Vendor</b>                                  | <b>Total Amount Paid to Vendor in 2019</b>               | <b>Services Performed for Iowa Values in 2019</b>                                    | <b>Percentage of Iowa Values's 2019 Spending</b> |
|------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------|
| Anedot                                         | \$400.30                                                 | Fundraising/Online Processing Charges                                                | <1%                                              |
| Atchley & Associates, LLP                      | \$1,667.50                                               | Consulting/Accounting/ Compliance                                                    | <1%                                              |
| BB&T                                           | \$370.00                                                 | Bank Fees                                                                            | <1%                                              |
| Canvass America (aka Canvass Iowa)             | \$245,378.23                                             | Polling/Research (Walk program)                                                      | 29.24%                                           |
| Causeway Solutions / MS Causeway Solutions LLC | \$235,900.00                                             | Strategic Consulting; Analytic & Data Management; General Consulting & Data Strategy | 28.1%                                            |
| Holloway Consulting Inc.                       | \$109,043.50*<br><i>*\$43.50 is for printing/postage</i> | Fundraising Commissions                                                              | 13%                                              |
| Intuit                                         | \$792.60                                                 | Subscription/Database                                                                | <1%                                              |
| Majority Strategies LLC                        | \$139,435.00                                             | Media Placement on YouTube, Facebook, Twitter, Mobile, Desktop; Video Design         | 16.6%                                            |
| Republican Party of Iowa                       | \$2,500.00                                               | Fundraising/Online Advertising/List Building                                         | <1%                                              |
| RightSide Compliance                           | \$8,606.00                                               | Standard Regulatory & Treasuring Consulting Services                                 | 1%                                               |
| United States Postal Service                   | \$7.35                                                   | Printing/Postage                                                                     | <1%                                              |
| Venable LLP                                    | \$40,154.84                                              | General Counseling                                                                   | 4.8%                                             |
| Woodberry Associates                           | \$55,000.00                                              | Consulting                                                                           | 6.6%                                             |

755. Even among Iowa Values's vendors that provided miscellaneous overhead and administrative services, financial records reflect Iowa Values's connection to Senator Ernst. In

addition to the various and extensive connections describe above, *see supra* Part IV, ¶¶ 99-123, a December 4, 2019, invoice from RightSide Compliance LLC—which provided a variety of accounting and compliance services to Iowa Values and the Ernst campaign, *see, e.g.*, JA-002082-83 (IAV00000909); *supra* ¶¶ 119-20—includes the following entry for work performed on behalf of Iowa Values on October 4, 2019:

| Date       | By | Services                                                                                                                                                             | Hours | Rates        | Amount    |
|------------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------------|-----------|
| 10/04/2019 | JP | Correspondence with [REDACTED] re Joni for Iowa check; email legal counsel re contribution restrictions; transfer funds; execute invoice payments via ACH and record | 0.60  | \$ 225.00/hr | \$ 135.00 |

JA-002034 (IAV00000933).

756. This entry corresponds to a \$10,000 contribution to Iowa Values on October 7, 2019, via ACH (automated clearing house), from Joni PAC Iowa, Senator Ernst’s state political committee. *See* JA-000893 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 1 at 1). It is the only contribution to Iowa Values identified in its interrogatory responses from a PAC, and also the only contribution identified in its interrogatory responses made via ACH. *See* JA-000893 (Iowa Values’s Second Supplemental Objections and Responses to Pl.’s First Set of Interrogatories, Ex. 1 at 1).

757. In 2019, Joni PAC Iowa, the source of a \$10,000 contribution to Iowa Values on October 7, 2019, received most of its funding from Ernst Victory Iowa, a federal joint fundraising committee among Joni Ernst, her leadership PAC, and the Republican Party of Iowa. *See* JA-001277; JA-001675 (Iowa Ethics and Campaign Disclosure Board reports)).

758. More significantly, and as detailed above, Iowa Values’s payments to Canvass America, Causeway (including MS Causeway Solutions), Holloway Consulting, and Majority Strategies for their collective data collecting, data modeling, polling, canvassing, fundraising, and



advertising work in 2019 amounted to \$729,756.73 and consumed 86.95% of Iowa Values’s total spending in 2019. *See supra* Part IX, ¶¶ 750-57.<sup>71</sup> The comprehensive evidentiary record in this case, detailed above in these Findings of Fact, *see generally supra* Parts V-VII, ¶¶ 124-741, establishes that the overwhelming majority, if not all, of that spending was undertaken by Iowa Values in service of its fundamental goal of re-electing Senator Ernst in 2020.

**X. Analysis by and Conclusions of Plaintiff’s Expert Witness, Dr. Abby K. Wood**

759. Plaintiff’s expert Dr. Abby K. Wood synthesized in her expert report the voluminous evidence detailed above. *See generally* JA-004223-60 (Amended Report at 8-45); *supra* Parts IV-IX, ¶¶ 99-758. In so doing, Dr. Wood applied the FEC’s case-by-case analysis required to determine an organization’s major purpose. *See* JA-004218-19 (Amended Report at 2-3) (describing criteria); *supra* ¶¶ 89-98 (describing regulatory background provided by Dr. Wood). Dr. Wood concluded her report with a table summarizing the evidence that falls in each relevant category, including Iowa Values’s organizational self-characterization, fundraising, expenditures and budget, mix of expenditure types, and duration of existence. *See* JA-004258-59 (Amended

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<sup>71</sup> This calculation, like Dr. Wood’s calculation discussed below, proves that the overwhelming majority, if not all, of Iowa Values’s programmatic spending was undertaken by Iowa Values in service of its fundamental goal of re-electing Senator Ernst in 2020. Dr. Wood’s calculation, *see infra* ¶ 766 (citing Dr. Wood’s conclusion that “Iowa Values spent 99.3% of all non-overhead expenditures in 2019 supporting Ernst’s campaign”), differs because she excluded overhead expenses from the denominator rather than using the total amount of Iowa Values’s 2019 spending; in addition, Dr. Wood relied on Iowa Values’s invoices and cash reports which, as discussed *supra* ¶ 753 & n.69, were incomplete.

Report at 43-44) (Table 2); *see also* Political Committee Status, 72 Fed. Reg. 5595, 5601 (Feb. 7, 2007) (“FEC PAC Status Notice”).

**A. Dr. Wood Assessed Iowa Values’s Self-Characterization, Fundraising, Expenditures, Budget, and Duration of Operations.**

**1. Dr. Wood Described How Iowa Values Characterized Itself as Supporting Ernst’s Re-Election in Strategy Documents, Advertisements, and Fundraising Appeals.**

760. Dr. Wood’s analysis determined that Iowa Values consistently characterized itself as supporting Ernst’s 2020 re-election in strategy, planning, fundraising, and other documents, as well as its public advertising. JA-004258-59 (Amended Report at 43-44) (table 2); *see, e.g.*, JA-003579 (HCI-00000402); JA-001840 (IAV00000455-57); JA-003239-40 (IAV00003075-77); JA-004020 (IAV00002298); JA-001343 (HCI-00000347); *supra* Part V.C.5, ¶¶ 414-588 (describing Iowa Values’s advertising). Dr. Wood explored various statements, both internal and external, describing Iowa Values’s mission, including in strategy memos. Those statements made clear that Iowa Values sought to ensure “that Senator Ernst has the best possible starting point in 2020.” JA-004232-33 (Amended Report at 17-18) (citing JA-001842 (IAV00000457)); *see also* JA-004226 (Amended Report at 11) (quoting JA-000623 (IAV00002298)) (discussing strategy memo describing Iowa Values’s data collection and modeling as creating “a potentially significant advantage heading into [Ernst’s] reelection effort in 2020”); *supra* Part V.C.2, ¶¶ 248-97 (describing Iowa Values’s 2019 and 2020 strategy memos).

761. Dr. Wood also described how Iowa Values’s advertising demonstrated “clear support for Sen. Ernst.” JA-0042559 (Amended Report at 44) (Table 2); *see, e.g.*, JA-004247-51 (Amended Report at 32-36) (Figures 10-13); *supra* Part V.C.5, ¶¶ 414-588. She noted that Iowa Values’s advertisements prominently featured Ernst’s image and name, JA-004247-51 (Amended Report at 32-36) (Figures 10-13) (citing JA-001590 (Google Ads Transparency Center - Iowa

Values Advertisement: Iowa Values - Values (shown June 28-July 28, 2019; times shown 200k-225k)); JA-001591 (Meta Ad Library - Iowa Values Advertisement, ID 2786066358088466: Joni Ernst Fighting for Our Iowa Values (shown June 28-July 27, 2019; 350k-400k impressions)); JA-001610 (Meta Ad Library - Iowa Values Advertisement, ID 423001604963177: Iowa Values Announces Digital Advertising Blitz and Door to Door Voter Canvassing (shown July 9-19, 2019; times shown 30k-35k)); JA-001715 (Meta Ad Library - Iowa Values Advertisement, ID 436286233884371: Help Conservative Causes in Iowa (shown July 20-23, 2019; 3k-4k impressions)); JA-001716 (Meta Ad Library - Iowa Values Advertisement, ID 857407117976725: Help Canvass for Iowa Values (shown July 20-23, 2019; 1k-2k impressions)); JA-001719 (Meta Ad Library - Iowa Values Advertisement, ID 2561026307242816: Joni Ernst Knows: Iowans want a healthcare system with choices for care. (Ernst and two elderly people) (shown July 22-31, 2019; 3k-4k impressions)); JA-001723 (Meta Ad Library - Iowa Values Advertisement, ID 351133415557231: Joni Ernst Knows: Iowans want a healthcare system with choices for care. (Ernst and woman and two children) (shown July 22-31, 2019; 10k-15k impressions)); JA-001808 (Google Ads Transparency Center - Iowa Values Advertisement: Iowans Deserve Quality, Affordable Choices (shown August 10-September 3, 2019; times shown 1M-1.25M)), and cited Iowa Values's early purchase of raw campaign event footage to use in such advertisements, JA-004248 (Amended Report at 33) (citing JA-000121-22 (IAV00003482-83)); *see also supra* Part V.C.5.i, ¶¶ 417-28.

762. Dr. Wood further noted how Iowa Values characterized itself in fundraising appeals, describing how Iowa Values's fundraiser, Claire Holloway Avella, "worked hard to keep Ernst's name in front of potential Iowa Values donors." JA-0042560 (Amended Report at 45); *see also supra* Part VI.C, ¶¶ 643-96. Dr. Wood concluded that Iowa Values's fundraising appeals accurately

reflected the organization’s self-characterization, quoting one of many solicitations that made explicit: “the purpose of our group, Iowa Values, is to push back against these type of negative attacks,” referring to political advertisements attacking Senator Ernst. JA-004244 (Amended Report at 29) (quoting JA-003593 (HCI-00000820)); *see also supra* Part VI.C.2, ¶¶ 677-96. Dr. Wood noted that Iowa Values’s strategy of fundraising by explicitly invoking the need to respond to attacks against Ernst was successful, confirming multiple contributions and pledges to Iowa Values stemming from Ernst-focused solicitations. JA-004244 (Amended Report at 29) (citing JA-003579-80 (HCI-00000402-03); JA-001348-49 (HCI-00000399-400); JA-003443-44 (Holloway Avella Dep. at 124-25)).

763. Dr. Wood determined that Iowa Values’s self-characterizations consistently demonstrate the organization’s intent and actions taken to support Ernst’s 2020 re-election. JA-004258-59 (Amended Report at 43-44) (Table 2); *see, e.g.*, JA-001038 (HCI-00000249); JA-001348-49 (HCI-00000399-400); JA-001890-91 (HCI-00000819-20).

## **2. Dr. Wood Described How Iowa Values’s Fundraising Methods Demonstrated Its Focus on Re-Electing Ernst.**

764. Dr. Wood also described how Iowa Values’s fundraising operation demonstrates its focus on re-electing Ernst. In addition to statements in fundraising appeals characterizing Iowa Values as supporting Ernst, *see supra* ¶ 762, Dr. Wood explained that Iowa Values’s fundraiser, Holloway Avella, was also the principal fundraiser for the Ernst campaign and other Ernst-affiliated entities, JA-004241 (Amended Report at 26) (citing JA-003377 (Holloway Avella Dep. at 58)); *see also* JA-004224 (Amended Report at 9) (Table 1); *supra* Part VI.A, ¶¶ 591-610. Dr. Wood examined how this overlap allowed Ernst and her staff “to direct big-money donors to Iowa Values, to give in unlimited, anonymous amounts.” JA-004242 (Amended Report at 27) (citing JA-003595 (HCI-00000417); JA-001444-47 (HCI-00000540-43); JA-001345 (HCI-00000349);

JA-003588 (HCI-00000616)); *see also supra* Part VI.B, ¶¶ 611-42. Indeed, as Dr. Wood noted, Iowa Values’s lawyer Ronald Jacobs “presume[d]” the Iowa Values Board would choose Holloway Avella as the organization’s fundraiser because of her ties to Ernst, which “suggests Iowa Values focused from its inception on connection to Senator Ernst.” JA-004225 (Amended Report at 10) (quoting JA-000013 (IAV00003032)).

765. Dr. Wood determined that Holloway Avella’s repeated invocation of Ernst by name in Iowa Values’s solicitations, collaboration with the Ernst campaign over Iowa Values’s solicitations, and characterization within fundraising appeals of Iowa Values’s purpose as responding to negative attacks against Ernst all indicated that Iowa Values’s fundraising was focused on supporting Ernst’s 2020 re-election. *See* JA-004241-45 (Amended Report at 26-30); JA-004258-59 (Amended Report at 43-44) (table 2); *see also supra* Parts VI.B-D, ¶¶ 611-709.

**3. Dr. Wood Calculated That 99.3% of Iowa Values’s Programmatic Expenditures in 2019 Were Directed at Political Objectives.**

766. Dr. Wood also determined which vendors provided campaign-related services for Iowa Values and concluded that the vast majority of Iowa Values’s non-overhead expenditures in 2019 went toward campaign-related activities.<sup>72</sup> JA-004252 (Amended Report at 37); *see supra* Part IX, ¶¶ 750-58. Dr. Wood described that Iowa Values paid Holloway Consulting, Majority Strategies, Canvass America, and Causeway each for campaign-related services, and determined that other vendors constituted overhead expenses.<sup>73</sup> JA-004251-52 (Amended Report at 36-37); *see supra* Part IX, ¶¶ 750-58. She excluded a payment to Causeway for “hosting,” as a potentially

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<sup>72</sup> Dr. Wood based her calculations of Iowa Values’s spending on programmatic (non-overhead) expenses identified in the invoices and cash reports produced through discovery, which, as noted *supra* ¶ 753 & n.69, are neither comprehensive nor complete.

<sup>73</sup> Dr. Wood determined that payments to RightSide Compliance, Venable LLP, Atchley & Associates, and Woodberry Associates constituted Iowa Values’s overhead expenses. *See* JA-004252 (Amended Report at 37).

non-political purpose, *but see* Part V.B.2, ¶¶ 169-93, and calculated that 99.3% of Iowa Values’s non-overhead expenditures went toward campaign-related activities in 2019. *See* JA-004251-52 (Amended Report at 36-37).

767. Dr. Wood explained how she determined the purpose of the spending she analyzed. Iowa Values hired Causeway to collect and warehouse polling data to “weaponiz[e] Iowa Values” by ensuring that the Ernst campaign and other Ernst-affiliated entities could access Iowa Values’s modeling and analytics data. JA-004227-28 (Amended Report at 12-13) (quoting JA-004028 (IAV00005280); [REDACTED] *see supra* Part V.B.2, ¶¶ 169-93. Dr. Wood explained that Iowa Values’s data gathering, warehousing, and modeling were intended to create a “level of data savvy and coordination amongst Iowa Values” and Ernst-affiliated entities, JA-004227 (Amended Report at 12) (quoting JA-000623 (IAV00002298)), and that presentations of Causeway’s work for Iowa Values included “a ‘Pathway to Victory’ section” showing how Iowa Values “could help Ernst secure a victory.” JA-004235 (Amended Report at 20) (citing JA-001504-07 (IAV00000758-61); [REDACTED] [REDACTED] Dr. Wood observed that Causeway’s modeling for Iowa Values considered issues “only as it relates to the electoral fortunes of Senator Ernst.” JA-004233 (Amended Report at 18) (citing JA-002816 (Flowers Dep. at 37)); *see also supra* Part V.C.1, ¶¶ 226-47 (describing modeling efforts tying issues to Ernst’s re-election prospects); *cf. supra* Part V.C.5.vii, ¶¶ 578-88 (describing Iowa Values’s limited issue advertising as pretext for supporting Ernst). Dr. Wood thus concluded that Iowa Values’s electorate modeling and warehousing work, conducted by Causeway, supported Ernst’s re-election campaign. *See* JA-004231-32 (Amended Report at 16-17).

768. Dr. Wood similarly described how Canvass America’s canvassing work on behalf of Iowa Values was part of Iowa Values’s effort to support Ernst’s 2020 re-election. JA-004238-39 (Amended Report at 23-24) (citing JA-003302-10 (IAV00001556-64)). Dr. Wood quoted Canvass America’s September 2019 Canvass Iowa Final Door Report, which made clear Iowa Values’s intent to “create a firewall to ensure victory for Senator Ernst on Election Day by identifying, solidifying support from, and turning out these persuadable voters in the final weeks of the campaign.” JA-004239 (Amended Report at 24) (quoting JA-003303 (IAV00001557)). Given the overt focus of Iowa Values’s canvassing efforts on supporting Ernst’s 2020 re-election, *see supra* Part V.C.4, ¶¶ 355-413, Dr. Wood concluded that Iowa Values’s expenditures to Canvass America were for a political purpose, JA-004239 (Amended Report at 24).

769. As to fundraising, Dr. Wood concluded that the collaboration between Iowa Values’s fundraiser, Holloway Avella, and Ernst and her staff regarding Iowa Values’s solicitations “implies a shared purpose: to re-elect Senator Ernst,” JA-004245 (Amended Report at 30), while the content of the fundraising appeals themselves reflected Iowa Values’s purpose of supporting Ernst, JA-004258-59 (Amended Report at 43-44) (Table 2); JA-004244 (Amended Report at 29) (quoting JA-003593 (HCI-00000820)); *see also supra* Parts VI.B-.D, ¶¶ 611-719. Dr. Wood thus determined that Iowa Values’s expenditures on fundraising, specifically on Holloway Avella’s commission, were focused on re-electing Ernst.

770. Dr. Wood further concluded that Iowa Values’s expenditures on advertising by Majority Strategies were focused on re-electing Ernst, using her name and image—including footage filmed at campaign events—in the vast majority of Iowa Values’s advertisements. JA-004259 (Amended Report at 44); *see also supra* Parts V.C.5.iii-V.C.5.v, ¶¶ 441-559 (discussing Iowa Values’s digital and mail advertising in detail). Dr. Wood noted that Iowa Values’s plan to

“target its advertisements to ‘persuade swing voters to support Senator Ernst’ was consistent with statements in other documents and internal communications demonstrating the organization’s purpose to re-elect Senator Ernst.” JA-004246 (Amended Report at 31) (quoting JA-002315 (IAV00000464)).<sup>74</sup>

**4. Dr. Wood Described How Iowa Values Ceased Functioning After the 2020 Election, Further Demonstrating Its Focus on Ernst’s Campaign.**

771. Dr. Wood observed in her report that “issues matter beyond elections, and an issue advocacy organization would presumably persist and not halt operations when an election ends.” JA-004256 (Amended Report at 41). Dr. Wood explained that Iowa Values, however, effectively ceased operations after the November 2020 Election, reporting no revenue and minimal expenses thereafter. JA-004256 (Amended Report at 41) (citing JA-002695-2713 (Iowa Values 2021 Form 990)). Dr. Wood further observed that “Iowa Values largely emptied its coffers in the month before the election” by contributing \$975,000 to its companion super PAC, Iowa Values Action, between mid- and late-October 2020, and then “largely ceased functioning after the election.” JA-004256 (Amended Report at 41) (analyzing FEC Data- Receipts for Iowa Values Action, 2019-2020); JA-004258-59 (Amended Report at 43-44) (Table 2). Dr. Wood concluded that Iowa Values’s cessation of electorate modeling, polling, canvassing, fundraising, and advertising activities after November

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<sup>74</sup> As noted *supra* ¶ 758 n.71, both Dr. Wood’s calculation of the percentage of Iowa Values’s programmatic, *non-overhead* spending devoted to its fundamental goal of re-electing Senator Ernst in 2020 and the percentage of Iowa Values’s overall spending, including overhead, devoted to that goal prove that it spent the vast majority of its funds on its efforts to help re-elect Senator Ernst. As further noted above, *supra* ¶ 758 n.71, Dr. Wood’s calculation relies on Iowa Values’s invoices and cash reports, the record of which is incomplete, but which does not change the ultimate conclusion that the overwhelming majority of Iowa Values’s spending went toward supporting Ernst’s re-election. See *supra* ¶ 758 & n.70.



2020 “only serves to confirm its purpose” of supporting Ernst’s 2020 re-election. JA-004217 (Amended Report at 2).

**B. Dr. Wood Concluded That Iowa Values Had the Major Purpose of Supporting Ernst’s 2020 Re-Election Campaign.**

772. After analyzing the facts described above and detailed in her report in the context of the analytical criteria set out in the FEC’s 2007 PAC Status Notice, *see* 72 Fed. Reg. 5595, 5601 (Feb. 7, 2007); JA-004246, 4258-59 (Amended Report at 42, 43-44) (Table 2), Dr. Wood determined that evidence in this case overwhelmingly shows that “Iowa Values had the major purpose of electing Senator Ernst from its inception but by at least June 2019,” JA-004250 (Amended Report at 45).

Dated: July 18, 2025

Respectfully submitted,

/s/ Erin Chlopak  
Erin Chlopak (DC Bar No. 496370)  
Shanna Reulbach (DC Bar No. 1618245)  
Brent Ferguson (DC Bar No. 1782289)  
Alexandra Copper\*  
Kristen Roehrig (DC Bar No. 90027169)  
CAMPAIGN LEGAL CENTER  
1101 14th Street NW, Ste. 400  
Washington, DC 20005  
(202) 736-2200  
echlopak@campaignlegalcenter.org  
sports@campaignlegalcenter.org  
bferguson@campaignlegalcenter.org  
acopper@campaignlegalcenter.org  
kroehrig@campaignlegalcenter.org

*Counsel for Plaintiff*

*\*admitted pro hac vice*