

## APPENDIX

### FINDINGS OF ADJUDICATIVE FACT

#### I. Parties

##### a. Plaintiffs

##### i. National Republican Senatorial Committee

1. The National Republican Senatorial Committee (NRSC) is a “national committee” of the Republican Party, as the term is defined by § 301 of the Federal Election Campaign Act of 1971 (FECA), 52 U.S.C. § 30101(14), that is registered with the Federal Election Commission and acts as the Republican Party’s senatorial campaign committee. (Doc. 1 ¶ 13, #5–6; Doc. 36-13, #1283–84; Doc. 40-4, #3873; Doc. 40-5, #3878).
2. The NRSC’s principal place of business is located at 425 2nd Street N.E., Washington, D.C. 20002. (Doc. 19-1, #174; Doc. 40-5, #3878).
3. The NRSC’s stated purpose is to “promote the election of Republican candidates for the United States Senate.” (Doc. 40-4, #3873; Doc. 40-5, #3878).
4. The NRSC, which was first organized in 1916, “was established by Republican Members of the United States Senate.” (Doc. 40-12, #3934).
5. The United States Senate Republican Conference “advises the [NRSC] Board of Directors” regarding NRSC matters and “elect[s] the Chairman” of the NRSC. (Doc. 40-5, #3879–80).
6. The Chairman “appoint[s] the Executive Director [of the NRSC],” who “supervise[s] and control[s] all of the affairs of the [NRSC] and oversee[s] the management of the [NRSC].” (Doc. 40-5, #3880; Doc. 40-12, #3936).

7. Members of the NRSC “are appointed by the Senate Republican Conference Committee.” (Doc. 40-12, #3934).
8. The current Executive Director, who has served in that role since January 2023, is Jason Thielman, who previously worked “as the Chief of Staff to Senator Steve Daines of Montana, the NRSC’s current Chairman,” as well as on federal and state election campaigns. (Doc. 19-1, #174).

**ii. National Republican Congressional Committee**

9. The National Republican Congressional Committee (NRCC) is a “national committee” of the Republican Party, as the term is defined by § 301 of the FECA, 52 U.S.C. § 30101(14), that is registered with the Federal Election Commission and acts as the Republican Party’s congressional campaign committee for elections to the United States House of Representatives. (Doc. 1 ¶ 14, #6; Doc. 36-13, #1283–84; Doc. 40-3, #3857).
10. The NRCC’s principal place of business is located at 320 First Street S.E., Washington, D.C. 20003. (Doc. 19-2, #184; Doc. 40-3, #3857).
11. “The NRCC exists for the purpose of electing Republicans to the United States House of Representatives.” (Doc. 40-3, #3857).
12. The NRCC “acts as counsel and advisor to the House Republican Conference.” (*Id.* at #3857).
13. The United States House Republican Conference, which is made up of “Republican members of the United States House of Representatives during

the [relevant] two-year Congressional cycle,” selects the Chairman of the NRCC. (*Id.* at #3861, 3863).

14. The House Republican Conference can also remove the Chairman, ratify his appointments to the NRCC’s Executive Committee, and dissolve the NRCC by a majority vote. (*Id.* at #3863).
15. The NRCC’s Board of Directors “must be Members of the House Republican Conference.” (*Id.* at #3858).
16. The NRCC’s Executive Committee “must be members of the U.S. House of Representatives in the Republican Party.” (*Id.* at #3864).
17. The Executive Committee, which has the “authority [to] govern[] and [to] manag[e] the political affairs” of the NRCC is “composed of at least 38 members, [which] includ[es] the Speaker (when Republicans constitute a majority in the House), the Republican Leader, the Republican Whip, the [House Republican] Conference Chairman, the NRCC Chairman, the Policy Chairman, the [House Republican] Conference Vice Chairman, and the [House Republican] Conference Secretary.” (*Id.*).
18. The NRCC Executive Director is appointed by the NRCC Chairman, who is “act[s] as a professional advisor of the Board of Directors on all aspects of the organization’s activities,” “oversee[s] the day-to-day operations of the organization ... [and] the planning, implementation and evaluation of the organization’s activities.” (*Id.* at #3861–62).

19. The current Executive Director, who has served in that role since January 2023, is Christopher Winkelman, who previously practiced election law and served as outside counsel to the NRCC as a partner at a law firm. (Doc. 19-2, #184).

**iii. James David Vance**

20. James David (“J.D.”) Vance is a United States Senator, who has represented the State of Ohio since January 3, 2023, after being elected in the 2022 General Election. (Doc. 19-3, #194).
21. Senator Vance is a member of the Republican Party. (*Id.*).
22. He was the 2022 Republican Party nominee for the United States Senate in Ohio. (*Id.*).
23. He is eligible to vote in any election for the office of the President of the United States. (*Id.*).
24. He intends to run for federal office again, which intention he has demonstrated by filing a statement of candidacy and making periodic disclosure reports reflecting his campaign’s raising contributions for his anticipated 2028 campaign. (Doc. 41-6, #4711, 4715).

**iv. Steven Joseph Chabot**

25. Steven Joseph Chabot is a former United States Congressman, who had represented Ohio’s First Congressional District in the United States House of Representatives. (Doc. 1 ¶ 16, #6–7).

26. He is eligible to vote in any election for the office of the President of the United States. (*Id.*).
27. He lost re-election to the United States House of Representatives in the 2022 General Election. (Doc. 36-31, #1541).
28. He does not intend to run for federal office again in the future having filed “to terminate his campaign committee, which has raised no funds toward any future election” and having taken no further actions revealing an intention to run for federal office again. (*Id.* at #1541–42).

**b. Defendants**

29. The Federal Election Commission (FEC) was established by the FECA, *see* Federal Election Campaign Act Amendments of 1974, Pub. L. No. 93-443, § 208(a), 88 Stat. 1263, 1280 (1974), and is the independent federal agency of the United States with exclusive jurisdiction over the administration and civil enforcement of the FECA. (Doc. 1 ¶ 17, #7; Doc. 24 ¶ 17, #280).
30. Defendant Shana M. Broussard is a commissioner of the FEC. As a commissioner, she is responsible for administering and enforcing FECA. She is sued in her official capacity. (Doc. 1 ¶ 20, #7; Doc. 24 ¶ 20, #280).
31. Defendant Sean J. Cooksey is a commissioner and the Chair of the FEC. As a commissioner, he is responsible for administering and enforcing FECA. He is sued in his official capacity. (Doc. 1 ¶ 21, #7; Doc. 24 ¶ 21, #280).

32. Defendant Allen J. Dickerson is a commissioner of the FEC. As a commissioner, he is responsible for administering and enforcing FECA. He is sued in his official capacity. (Doc. 1 ¶ 18, #7; Doc. 24 ¶ 18, #280).
33. Defendant Dara Lindenbaum is a commissioner of the FEC. As a commissioner, she is responsible for administering and enforcing FECA. She is sued in her official capacity. (Doc. 1 ¶ 19, #7; Doc. 24 ¶ 19, #280).
34. Defendant James E. Trainor, III is a commissioner of the FEC. As a commissioner, he is responsible for administering and enforcing FECA. He is sued in his official capacity. (Doc. 1 ¶ 22, #7; Doc. 24 ¶ 22, #280).
35. Defendant Ellen L. Weintraub is a commissioner and the Vice Chair of the FEC. As a commissioner, she is responsible for administering and enforcing FECA. She is sued in her official capacity. (Doc. 1 ¶ 23, #7; Doc. 24 ¶ 23, #280).

## **II. Procedural Background**

36. Plaintiffs brought this lawsuit on November 4, 2022, in which suit they challenge the FECA's coordinated party expenditure limits as an unconstitutional abridgment of their First Amendment rights. (Doc. 1, #1–5).
37. Plaintiffs' Complaint raises two claims for relief. The first challenges the coordinated party expenditure limits as facially unconstitutional. (*Id.* at #24–25). The second challenges those limits as unconstitutional as applied to “party coordinated communications,” as the term is defined in 11 C.F.R. § 109.37. (*Id.* at #26).

38. For these alleged violations, Plaintiffs demand declaratory and injunctive relief barring the FEC's enforcement of the coordinated party expenditure limits either *in toto* or as applied to party coordinated communications. (*Id.* at #26–27). And they request costs and fees as appropriate. (*Id.* at #27).
39. On January 9, 2023, Defendants moved to dismiss the Complaint or, in the alternative, to change the venue of this suit. (Doc. 10, #81–82). The motion to dismiss became ripe on February 13, 2023. (*See* Doc. 15).
40. On May 9, 2023, the Court denied Defendants' Motion to Dismiss, including denying the request to transfer venue. (Doc. 18).
41. On May 17, 2023, Plaintiffs moved to certify their facial and as-applied constitutional challenges to the United States Court of Appeals for the Sixth Circuit sitting en banc pursuant to § 310 of the FECA. (Doc. 20, #215).
42. On May 23, 2023, Defendants answered the Complaint denying Plaintiffs' entitlement to relief and reserving as its only affirmative defense a challenge to the Court's subject matter jurisdiction over “a plaintiff[]” (who was not explicitly named but was suggested to be Chabot). (Doc. 24, #280, 283, 291).
43. On June 7, 2023, Defendants opposed Plaintiffs' motion to certify arguing that certification was premature because discovery had not been conducted. (Doc. 26, #307–08).
44. On August 1, 2023, the Court met with the parties to discuss the pending motion and the scope of the requested discovery. (8/1/23 Min. Entry).

45. The same day, the Court issued a notation order setting an expedited briefing schedule permitting the parties to conduct limited discovery and to develop the factual record to be delivered to the Sixth Circuit if the Court ultimately granted Plaintiffs' motion. (8/1/23 Not. Order).
46. Discovery closed on October 31, 2023. (*Id.*). On November 17, 2023, the parties tendered their respective proposed findings of fact for the Court's consideration. (Docs. 43–44). These proposed findings of fact relied on nearly 5,000 pages of exhibits filed on the Court's docket. (Docs. 19, 36–42).
47. The Court met with the parties on November 30, 2023, to discuss the parties' proposed findings of fact. (11/30/23 Min. Entry). The parties were ordered to file a response to each other's proposed findings of fact. (*Id.*). And Defendants were ordered to file an updated response to the motion to certify with Plaintiffs' reply to be filed thereafter. (*Id.*). The supplemental briefing was completed on December 20, 2023. (*See* Doc. 48).
48. As detailed in the Court's Opinion and Order, pursuant to § 310 of the FECA, the Court certifies to the United States Court of Appeals for the Sixth Circuit sitting en banc the following question:

Do the limits on coordinated party expenditures in § 315 of the Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30116, violate the First Amendment, either on their face or as applied to party spending in connection with “party coordinated communications” as defined in 11 C.F.R. § 109.37?

And in addition to this question, the Court delivers this Appendix with the Court's findings of adjudicative fact to the United States Court of Appeals for the Sixth Circuit sitting en banc to serve as the record in this case.



### III. Coordinated Party Expenditure Limits and Their Effects on Plaintiffs

49. Plaintiffs' prior and future campaign activities are governed by the contribution and expenditure limits and rules set by the FECA and its implementing regulations. (Doc. 19-3, #194–95; Doc. 40-3, #3857, Doc. 40-4, #3873; *see generally* Doc. 41-7 (discovery requests and Chabot's answers reflecting the parties' unanimous belief that Chabot's former campaign activities were governed by the FECA and its implementing regulations)).
50. Under its authority to implement and to enforce the FECA, the FEC regularly publishes the applicable limits on contributions and coordinated expenditures with which Plaintiffs are required to comply for any given election cycle. *See Contribution Limits*, Fed. Election Comm'n (Feb. 2023), <https://perma.cc/QBZ7-SZEH>; *Coordinated Party Expenditure Limits*, Fed. Election Comm'n (Feb. 2, 2023), <https://perma.cc/FZQ2-AGBV>.
51. So long as the coordinated party expenditure limits remain in place, Plaintiffs will comply with those limits. (Doc. 19-3, #197; Doc. 41-1, #4043–44, 4048, 4053; Doc. 41-2, #4099, 4107; Doc. 41-6, #4714, 4721).
52. Under its FECA investigation and enforcement authorities, the FEC has a demonstrated history of investigating and enforcing the coordinated expenditure limits: instances of violations of the coordinated party expenditure limits have been brought to the FEC's attention, investigated, and enforced via civil proceedings. *E.g.*, Final Audit Report of the Commission on the Republican Party of Minnesota – Federal, Attachment to First General Counsel's Report in Audit Referral 22-01, Federal Election Commission, at 7,

30–36 (June 30, 2022), <https://perma.cc/PH7R-CQDA> (discussing an investigation into coordinated party expenditures alleged to be in excess of the limits established by the FECA by the Minnesota Republican party to Minnesotan candidates for the United States House of Representatives in the 2018 election); First General Counsel’s Report, MUR 7826 – Iowa Democratic Party & Theresa Greenfield for Iowa, MUR 7862 – Iowa Democratic Party & Rita Hart for Iowa, Federal Election Commission 16–19, 22 (June 16, 2021), <https://perma.cc/D4LW-9FQG> (discussing the investigation and analysis leading the FEC’s General Counsel’s Office to recommend that the FEC find that two candidates’ campaign committees knowingly accepted monies exceeding the FECA’s coordinated party expenditure limits during the 2020 election cycle); *Colo. Republican Fed. Campaign Comm. v. Fed. Election Comm’n (Colorado I)*, 518 U.S. 604, 612–13 (1996) (per curiam) (procedural history explaining that the FEC brought an enforcement action against the petitioner for alleged violations of the coordinated party expenditure limits).

**a. The NRSC’s and the NRCC’s Coordinated Expenditures**

53. When the NRSC and the NRCC engage in coordinated expenditures with specific candidates under the FECA (i.e., when they pay for goods or services in coordination with candidates for the latter’s benefit), the NRSC and the NRCC do not give money to candidates, do not relinquish ownership of the funds, and retain final approval over how such monies will be spent. (Doc. 19-1, #176–77; Doc. 19-2, #187–88; Doc. 41-1, #4039–41; Doc. 41-2, #4096).

54. When engaging in coordinated expenditures, the NRSC and the NRCC accept and account for the suggestions and recommendations of the relevant candidates regarding the end to which such coordinated expenditures should be put. (Doc. 41-1, #4039–41; Doc. 41-2, #4096).

**i. Plaintiffs’ Coordinated Expenditures for the 2022 Election**

55. Senator Vance declares that in 2022, “NRSC’s staff consulted [his] campaign staff about how the NRSC should spend its money on [coordinated] advertising to best support [his] candidacy.” (Doc. 19-3, #196). He states that the coordinated expenditures paid for by the NRSC included an August 2022 television advertisement, “live and automated get-out-the-vote telephone” calls, and peer-to-peer “get-out-the-vote text messages.” (Doc. 41-6, #4716).

56. The NRSC approved an August 2022 television advertisement as a coordinated expenditure on behalf of Senator Vance’s 2022 campaign after being presented with a largely finished proposed advertisement. (Doc. 40-9). Senator Vance states that with respect to the television advertisement, his campaign “suggested the use of a draft television script,” which led to “the NRSC[’s] [use of] ... a common vendor for the production and distribution of the advertisement.” (Doc. 41-6, #4716). He declares he understood that the “approval of the advertisement and the decision to pay for it were all made at the sole discretion and authority of the NRSC and its staff.” (*Id.*).

57. Vance similarly states that his campaign staff and the NRSC staff “discussed the messaging of the[] [coordinated telephone calls and coordinated peer-to-

peer text messages] ... but [that the] approval of these communications and [the] decision to pay for them also were all at the sole discretion and authority of the NRSC and its staff.” (*Id.*).

58. In the 2022 election cycle, the NRSC “spent the full amount of the coordinated spending authority delegated to it” (\$1,991,800) on Senator Vance’s 2022 general election campaign. (Doc. 19-1, #178). The Ohio Republican Party had assigned all its coordinated expenditure authority (\$1,008,400) to the NRSC for the 2022 senate election in Ohio. (Doc. 39-40, #3838). The Republican National Committee (RNC) assigned \$983,400 in coordinated expenditure authority to the NRSC for the 2022 Senate election in Ohio. (Doc. 40-2, #3855).
59. Chabot states that the coordinated expenditure made by the NRCC during his 2022 campaign was spent on a television advertisement “targeting voters in Ohio’s [First] Congressional District, in the Cincinnati market, supporting Chabot’s election and opposing the election of his opponent, Greg Landsman,” which advertisement aired in September 2022. (Doc. 41-7, #4748).
60. Chabot states that “agents of his campaign requested or suggested the use of a draft television script and media plan to NRCC staff for use in a coordinated party communication, and the NRCC utilized the services of common vendor for the production and distribution of the advertisement.” (*Id.*). The completed television advertisement and media plan for Chabot’s 2022 campaign was presented to the NRCC in August, which then led to the latter’s approval of a

coordinated expenditure worth \$103,000 for the advertisement's airing in September. (Doc. 40-8).

61. Chabot states he understood that the "approval of the advertisement script, copy, media plan, and decision to pay for the advertisement were all at the sole discretion and authority of the NRCC and its staff." (Doc. 41-7, #4748). His campaign "paid for a further distribution of the advertisement" that was not part of the NRCC's coordinated party expenditure. (*Id.*).
62. In the 2022 election cycle, the NRCC "spent \$103,000 of its delegated coordinated spending authority on advertisements ... supporting former Congressman Chabot's general election candidacy, [and] le[ft] \$2,000 in reserve to ensure the NRCC's compliance with the coordinated party expenditure limits in the event of an unexpected cost becoming known after the election." (Doc. 19-2, #188). The Ohio Republican Party assigned \$55,000 in coordinated expenditure authority to the NRCC for the 2022 general election for Ohio's First Congressional District. (Doc. 39-39, #3836). The RNC assigned \$50,000 in coordinated expenditure authority to the NRCC for the 2022 general election for Ohio's First Congressional District. (Doc. 40-1, #3853).

**ii. Data on Plaintiff Committees' Coordinated Expenditures**

63. The NRSC receives assignments of expenditure authority that come from the RNC and Republican state party committees, which assignments increase the amount of money the NRSC may dedicate toward coordinated party expenditures. (Doc. 19-1, #177).

64. “Based on [] assignments of spending authority [eventually executed] during the 2021-2022 election cycle, the NRSC spent over \$15.5 million on coordinated party expenditures with the campaigns of Republican Senate nominees” across 17 electoral races. (*Id.*; Doc. 36-13, #1287).
65. Based on reporting to the FEC, the NRSC spent over \$9.7 million total on coordinated expenditures across 14 electoral races during the 2020 election. (Doc. 36-13, #1287).
66. The NRSC states that it “often spends the full amount of any coordinated party expenditure authority assigned to it in competitive Senate races.” (Doc. 19-1, #178).
67. The NRCC receives assignments of expenditure authority that come from the RNC and Republican state party committees, which assignments increase the amount of money the NRCC may dedicate toward coordinated party expenditures. (Doc. 19-2, #187).
68. “Based on [] assignments of spending authority [eventually executed] during the 2021–2022 election cycle, the NRCC spent over \$8.3 million on coordinated party expenditures with the campaigns of Republican House nominees” across 80 electoral races, which included “over \$400,000 on four Ohio House races.” (Doc. 19-2, #187; Doc. 36-13, #1287). The NRCC notes that requests for assignment authority from other party committees are “typically honor[ed] ... within a matter of days.” (Doc. 41-2, #4100–01).

69. Based on reporting to the FEC, the NRCC spent over \$5.5 million total on coordinated expenditures across 58 electoral races during the 2020 election. (Doc. 36-13, #1287).
70. The NRSC and the NRCC declare that “[c]oordinated spending [from segregated accounts exempted from the coordinated party expenditure limits] on legal proceedings directly involving or requested by [congressional] candidates or campaigns have become particularly common since 2014.” (Doc. 19-1, #178; Doc. 19-2, #188). They further declare that they “defrayed hundreds of thousands of dollars in legal costs at the request of 2022 [federal] campaigns” using these accounts. (Doc. 19-1, #178; Doc. 19-2, #188).

**b. The NRSC’s and the NRCC’s Independent Expenditure Units**

71. Based on the NRSC’s and the NRCC’s stated desire to avoid entanglement with an FEC enforcement action by accidentally flouting the coordinated party expenditure limits, they have erected “firewalls” between the main operations of the committees and their self-styled “independent expenditure units” or “IE units.” (Doc. 19-1, #178–79; Doc. 19-2, #188–89; Doc. 41-1, #4034, 4036; Doc. 41-2, #4090, 4092).
72. The NRSC’s and the NRCC’s IE units’ operations are separated from the main operations of the NRSC and the NRCC, which results in the IE units’ making messaging and spending decisions independent of the NRSC and NRCC leadership. (Doc. 19-1, #179; Doc. 19-2, #189).

73. Though independent, the NRSC and the NRCC allocate funds from their general operating accounts to fund their IE units. (Doc. 41-1, #4042; Doc 41-2, #4097–98; Doc. 40-6, #3886; Doc. 40-7, #3888–89). Both the NRSC and the NRCC declare that they would put such funding toward other uses, including expenditures made in coordination with candidates, if they did not feel compelled to create the IE units to ensure compliance with the FECA’s coordinated party expenditure limits. (Doc. 41-1, #4042–43; Doc 41-2, #4097–99).
74. Creation of an independent operation unit translates into the NRSC’s and the NRCC’s payment for separate facilities and employees for their IE units to avoid cross over between the units and those committee officials that might engage in coordinated expenditures. (Doc. 41-1, #4036–37; Doc. 41-2, #4092–93).
75. The NRSC and the NRCC report that because their respective IE units are not “candidate-sponsored advertisements” and therefore do not qualify for the regulatorily mandated “lowest-unit advertising” when the IE units purchase advertising time, the NRSC and the NRCC have incurred increased advertising costs by running these IE units. (Doc. 41-1, #4037; Doc. 41-2, #4093; *see* Doc. 47, #5362 (FEC’s acknowledgment that “broadcast stations [a]re not legally obligated to provide [the] NRSC and [the] NRCC[’s] [IE units] the lowest unit rate[s]”)). This is because they declare that they would have dedicated such money to additional coordinated expenditures for advertising



spots that qualify for the best rates were they permitted to engage in additional coordinated expenditures and thus did not feel compelled by the coordinated expenditure limits to set up and to operate fire-walled IE units. (Doc. 41-1, #4047–48; Doc. 41-2, #4106–07). But the record does not reveal specific expenses or dollar amounts the NRSC’s and the NRCC’s IE units have incurred as a result of not receiving the benefit of the legally mandated lowest-unit advertising rates to substantiate the magnitude of those added costs.

**i. Data on the NRSC’s Independent Expenditures**

76. For the 2022 election cycle, the NRSC’s IE unit incurred actual expenses that totaled \$37,379,382. (Doc. 40-11, #3930). The IE unit paid over \$300,000 toward employee salaries, over \$250,000 toward employee benefits and taxes, and nearly \$450,000 on consultants. (*Id.*). Over \$34 million of those expenses was spent on media and advertising. (*Id.*; *see also* Doc. 36-13, #1288). And the IE unit spent approximately \$1.5 million on polling and research related expenses. (Doc. 40-11, #3930; Doc. 41-1, #4037). Over \$164,000 of the monies expended by the IE unit went toward its offices—rent, furnishings, and related expenses. (Doc. 40-7, #3888; Doc. 41-1, #4037). For the 2022 election cycle, the IE unit made disbursements totaling over \$36,401,000. (Doc. 40-7, #3888–89).
77. The NRSC’s draft organizational charts that were produced during discovery in October 2023 lists one individual in the NRSC’s own corporate structure as being explicitly associated with its IE unit. (Doc. 40-10, #3920; Doc. 40-13).

78. Based on its self-reporting to the FEC for the last five election cycles (2014, 2016, 2018, 2020, and 2022 elections), the NRSC spent between 99.7% and 100% of all its independent expenditures on expenses that it categorized as “MEDIA” or “MEDIA BUY” expenditures. (Doc. 36-13, #1289; Doc. 41-1, #4034 (describing the 2022 election cycle IE unit expenditures as having been spent “mostly on television advertising”)).
79. Based on reporting to the FEC, the NRSC’s over \$34 million in independent expenditures during the 2022 election were spent on 10 electoral races. (Doc. 36-13, #1288). Approximately \$33.9 million of these expenditures was spent on electoral races in Arizona, Georgia, Nevada, New Hampshire, North Carolina, Pennsylvania, and Wisconsin. (*Id.* at #1308).
80. Based on reporting to the FEC, the NRSC spent over \$120.6 million in independent expenditures on 12 electoral races during the 2020 election. (*Id.* at #1288).

**ii. Data on the NRCC’s Independent Expenditures**

81. For the 2022 election cycle, the NRCC’s IE unit incurred actual expenses that totaled \$92,364,793.51. (Doc. 40-6, #3886; Doc. 41-2, #4092). The IE unit paid over \$830,000 related payroll for employees and over \$1 million on consultants. (Doc. 40-6, #3886; Doc. 41-2, #4092–93). Over \$87 million of those expenses was spent on media and advertising. (Doc. 41-2, #4093; *see also* Doc. 36-13, #1288). And the IE unit spent approximately \$4.4 million on polling and research related expenses. (Doc. 40-6, #3886; Doc. 41-2, #4092). Over \$265,000

of the monies expended by the IE unit went toward its offices—rent, furnishings, and related expenses. (Doc. 40-6, #3886; Doc. 41-2, #4093).

82. Based on its self-reporting to the FEC for the last five election cycles (2014, 2016, 2018, 2020, and 2022 elections), the NRCC spent between 96.5% and 100% of all its independent expenditures on expenses that it categorized as “MEDIA” or “MEDIA BUY” expenditures. (Doc. 36-13, #1289; Doc. 41-2, #4090 (describing the 2022 election cycle IE unit expenditures as having been spent “mostly on television advertising”)).
83. Based on reporting to the FEC, the NRCC’s over \$87 million in independent expenditures during the 2022 election were spent on 36 electoral races. (Doc. 36-13, #1288).
84. Based on reporting to the FEC, the NRCC spent over \$80.6 million in independent expenditures on 37 electoral races during the 2020 election. (*Id.*).

**c. The Effect of the Coordinated Expenditure Limits on Plaintiffs**

**i. The NRSC and the NRCC**

85. The NRSC and the NRCC have found, in their respective experiences, that engaging in both coordinated and firewalled independent expenditures (1) results in redundancies in spending and advertising, (2) is an inefficient means to promote the success of specific candidates the committees wish to sponsor, and (3) has created a material risk that the IE units will “disseminat[e] advertisements that are unhelpful to, if not entirely disfavored by, the candidate the party supports,” which stems from their campaign

experiences finding that “voters ... do not recognize [the] meaningful distinction[s] [among] a party’s general operation, its IE unit, [and] the supported candidate.” (Doc. 19-1, #179–80; Doc. 19-2, #189–90; Doc. 41-1, #4034, 4038–39, 4044, 4052; Doc. 41-2, #4089–90, 4093–94, 4102, 4106–07; *see also* Doc. 42-1, #4867–68 (deposition testimony from Krasno, the FEC’s expert, that “from the standpoint of a voter ... [parties and candidates] are ... a big blur” so it is “probably fair” to say that “most constituents don’t realize ... that there are differences between the party and the candidate”)).

86. The NRSC and the NRCC find coordinated expenditures to be more “efficient and effective” as compared to independent spending. (Doc. 41-1, #4039; Doc. 41-2, #4095). That is because, in their experiences, they have found that coordinated expenditures allow “the party and candidate [to] work together, [which makes] the party’s speech becomes more focused, understandable, and effective, based on the known goals of the candidate on the ground.” (Doc. 41-1, #4038; Doc. 41-2, #4094). And in their experiences, they have found that coordinated expenditures “allow[] the party to spend its resources on a unified message with its candidates,” which thereby avoids any “counterproductive” spending. (Doc. 41-1, #4038–39; Doc. 41-2, #4093–95).

87. Because of the coordinated expenditure limits, the NRSC and the NRCC will again institute IE units, as they have done before, to avoid violating the coordinated expenditure limits and will incur the attendant costs (tangible and intangible) detailed above. (Doc. 19-1, #179; Doc. 19-2, #189; Doc. 41-1, #4042;

Doc. 41-2, #4097–98). The NRSC and the NRCC would not establish IE units and incur the attendant costs but for the limits on coordinated party expenditures. (Doc. 41-1, #4036–37, 4043–44; Doc. 41-2, #4092–93, 4099). The NRSC and the NRCC declare that any money they would save for not erecting and operating IE units would be put to other party activities, such as more coordinated party communications. (Doc. 41-1, #4047–48, 4052; Doc. 41-2, #4102, 4106–07).

88. Because of the coordinated expenditure limits, the NRSC states that it “regularly makes the risk assessment that it is best to forego spending the full amount of any assigned coordinated spending authority on party speech and reserve a portion to ensure the NRSC’s compliance with the coordinated party expenditure limits in the event of an unexpected cost becoming known after the election.” (Doc. 41-1, #4041; *see* Doc. 19-1, #178).
89. Based on the NRSC’s experiences, those entities that assign coordinated expenditure authority to the NRSC also make similar decisions to stop short of the expenditure limits—the NRSC notes that “assigning committee [will] often prophylactically withhold[] some portion of its coordinated party expenditure authority to ... avoid entanglement in an enforcement action.” (Doc. 41-1, #4041). For example, the RNC withheld from the NRSC \$25,000 of the RNC’s coordinated expenditure authority when it delegated its expenditure authority to the NRSC—\$25,000 the NRSC asserts it would have expended in coordination with Senator Vance’s 2022 campaign. (*Id.* at #4026). Although the

NRSC did not list any specific costs incurred to obtain assignments from these entities, it does declare that “NRSC staff had to devote time to attend meetings ... [to] engage in follow-up discussions,” which “divert[ed] [] party resources away from other activities.” (*Id.* at #4044–45).

90. The NRSC also declares that it has felt compelled by the coordinated party expenditure limits to restrict itself by “limit[ing] interactions” with candidates, which “leads to less collaboration between the party and candidate.” (*Id.* at #4039).
91. Based on the uncontroverted evidence in the record founded on its personal experiences with these limits, the NRSC has avoided “fully associating with and advocating for” candidates for federal office as it desires to do because of the coordinated party expenditure limits. (*Id.* at #4040).
92. And based on the uncontroverted evidence in the record founded on its personal experiences with these limits, the NRSC would, during the 2022 election cycle and in the future, engage in greater cooperation with electoral candidates and “make coordinated party expenditures, including for party coordinated communications, in excess of [the] FECA’s coordinated party expenditure limits, and without any assignment authority from any other [entity],” but for those limits. (*Id.* at #4040, 4043, 4047, 4051–52; *see* Doc. 19-1, #181; *see also* Doc. 42-1, #4896–98 (deposition testimony from Krasno, the FEC’s expert, that absent coordinated expenditure limits, party committees would engage in more coordinated expenditures); Doc. 43, #5190, 5196, 5207–08 (The FEC’s

requested findings of fact acknowledging that without coordinated expenditure limits, the party committees would engage in further coordinated spending and cooperation with candidates.)).

93. The NRSC declares that based on its experience, the greater cooperation without the coordinated expenditure limits would result in added cost savings because it would enable the NRSC “to receive its candidates’ input on how best to utilize the party’s resources to win elections.” (Doc. 41-1, #4034, 4048, 4052).
94. Because of the coordinated expenditure limits, the NRCC states that it “regularly foregoes spending the full amount of any assigned coordinated spending authority ... to ensure the NRCC’s compliance with the coordinated party expenditure limits.” (Doc. 41-2, #4097; *see* Doc. 19-2, #188).
95. Based on the NRCC’s experiences, those entities that assign coordinated expenditure authority to the NRCC also make similar decisions to stop short of the expenditure limits—the NRCC notes that “assigning committee [will] often prophylactically withhold[] some portion of its coordinated party expenditure authority to ... avoid entanglement in an enforcement action.” (Doc. 41-2, #4097). For example, the RNC withheld from the NRCC \$5,000 of the RNC’s coordinated expenditure authority when it delegated its expenditure authority to the NRCC—\$5,000 the NRSC asserts it would have expended in coordination with Chabot’s 2022 campaign (as well as in other House campaigns where similar amounts were withheld by the RNC). (*Id.* at #4105). Although the NRCC did not list any specific costs incurred to obtain

assignments from these entities, it does declare that “NRCC staff had to devote time to requesting assignments ... diverting [] party resources away from other activities.” (Doc. 41-2, #4100).

96. The NRCC also declares that it has felt compelled by the coordinated party expenditure limits to restrict itself by “limit[ing] interactions” with candidates, which “leads to less collaboration between the party and candidate.” (*Id.* at #4095).
97. Based on the uncontroverted evidence in the record founded on its personal experiences with these limits, the NRCC has avoided “fully associating with and advocating for” candidates for federal office as it desires to do because of the coordinated party expenditure limits. (*Id.* at #4096).
98. And based on the uncontroverted evidence in the record founded on its personal experiences with these limits, the NRCC would, during the 2022 election cycle and in the future, engage in greater cooperation with electoral candidates and “make coordinated party expenditures, including for party coordinated communications, in excess of [the] FECA’s coordinated party expenditure limits, and without any assignment authority from any other [entity],” but for those limits. (*Id.* at #4096, 4098, 4101–02, 4104–07; *see* Doc. 19-2, #191; *see also* Doc. 42-1, #4896–98 (deposition testimony from Krasno, the FEC’s expert, that absent coordinated expenditure limits, party committees would engage in more coordinated expenditures); Doc. 43, #5190, 5196, 5207–08 (The FEC’s requested findings of fact acknowledging that without coordinated expenditure



limits, the party committees would engage in further coordinated spending and cooperation with candidates.)).

99. The NRCC declares that based on its experience, the greater cooperation without the coordinated expenditure limits would result in added cost savings because it would enable the NRCC “to receive its candidates’ input on how best to utilize the party’s resources to win elections.” (Doc. 41-2, #4090, 4102, 4107).

**ii. Senator Vance and Chabot**

100. Senator Vance declares that his campaign limited its interactions with the NRSC and the Republican Party during the 2022 election cycle, “particularly on matters relating to the party’s public advertising in support of his campaign, to ensure his campaign committee and the party did not violate the limits on coordinated party expenditures.” (Doc. 19-3, #196; Doc. 41-6, #4713–14, 4720–21).
101. Based on the uncontroverted evidence in the record founded on his personal campaign experience, Senator Vance declares that but for the FECA’s coordinated party expenditure limits, he would, during the 2022 election cycle and in the future, accept coordinated expenditures on behalf of his candidacy in excess of the statutory limits. (Doc. 19-3, #196; Doc. 41-6, #4713–14, 4721).
102. Senator Vance also states that he would work in greater cooperation with the NRSC “to make more efficient and effective use of party resources in support of Vance’s campaign” in the absence of the coordinated party expenditure limits. (Doc. 41-6, #4717). He states that he would direct such cooperation to

“work [on] ... a greater number of coordinated public communication advertisements supporting his campaign, similar to those that were made in coordination with the NRSC in 2022.” (*Id.* at #4717–18).

103. Chabot states that he would have desired to work in greater cooperation with the NRCC during his 2022 campaign on additional coordinated public communication advertisements supporting his campaign in the absence of the FECA’s coordinated party expenditure limits. (Doc. 41-7, #4746, 4750, 4752). Chabot notes that this would have included “cooperation with the NRCC staff on the [over \$1.8 million] in media advertising the NRCC disseminated as independent expenditures in connection with the 2022 general election for Ohio’s First Congressional District.” (*Id.*).

#### **IV. Campaign Expenditures Reported to the FEC**

##### **a. Coordinated Expenditures**

104. The FEC reports that in 2022 election cycle, the Democratic Senatorial Campaign Committee (DSCC) (the Democratic counterpart to the NRSC) spent over \$8.8 million total on coordinated expenditures across 8 electoral races during the 2022 election. (Doc. 36-13, #1287). Based on reporting to the FEC, the DSCC spent over \$15.3 million total on coordinated expenditures across 15 electoral races during the 2020 election. (*Id.*).
105. The FEC reports that in 2022 election cycle, the Democratic Congressional Campaign Committee (DCCC) (the Democratic counterpart to the NRCC) spent over \$6.2 million total on coordinated expenditures across 87 electoral

racers during the 2022 election. (*Id.*). Based on reporting to the FEC, the DCCC spent over \$7.3 million total on coordinated expenditures across 121 electoral races during the 2020 election. (*Id.*).

106. In the 2022 election cycle, the Republican committees (national, state, and local) made coordinated expenditures in 126 congressional races. (*Id.* at #1292). In the 2020 election cycle, the Republican committees (national, state, and local) made coordinated expenditures in 103 congressional races. (*Id.*).
107. In the 2022 election cycle, the Democratic committees (national, state, and local) made coordinated expenditures in 128 congressional races. (*Id.*). In the 2020 election cycle, the Democratic committees (national, state, and local) made coordinated expenditures in 164 congressional races. (*Id.*).
108. In the 2022 election cycle, Republican committees (national, state, and local) combined spent above 95% of the authorized coordinated expenditure limits in 9 Senate races—6 races of which received over \$1 million. (*Id.* at #1293). In the 2020 election cycle, Republican committees (national, state, and local) combined spent above 95% of the authorized coordinated expenditure limits in 5 Senate races—3 races of which received over \$1 million. (*Id.* at #1296).
109. Based on reporting to the FEC, in the 2022 election cycle, Democratic committees (national, state, and local) combined spent above 95% of the authorized coordinated expenditure limits in 4 Senate races—3 races of which received over \$1 million. (*Id.* at #1295). In the 2020 election cycle, Democratic committees (national, state, and local) combined spent above 95% of the

coordinated expenditure limit in 7 Senate races—2 races of which received over \$1 million. (*Id.* at #1297).

110. In the 2022 election cycle, Republican committees (national, state, and local) combined spent above 95% of the authorized coordinated expenditure limits in 73 House races. (*Id.* at #1293–95). In the 2020 election cycle, Republican committees (national, state, and local) combined spent above 95% of the coordinated expenditure limit in 37 House races. (*Id.* at #1296–97).
111. Based on reporting to the FEC, Democratic committees (national, state, and local) combined spent above 95% of the authorized coordinated expenditure limits in 7 House races in the 2022 election cycle. (*Id.* at #1295). In the 2020 election cycle, Democratic committees (national, state, and local) combined spent above 95% of the authorized coordinated expenditure limits in 9 House races. (*Id.* at #1297).
112. In the 2022 election cycle, the Republican committees (national, state, and local) made coordinated expenditures equal to the applicable limit for 8 congressional candidates. (*Id.* at #1292). In the 2020 election cycle, the Republican committees (national, state, and local) made coordinated expenditures equal to the applicable limit for 5 congressional candidates. (*Id.*).
113. In the 2022 election cycle, the Democratic committees (national, state, and local) made coordinated expenditures equal to the applicable limit for 6 congressional candidates. (*Id.*). In the 2020 election cycle, the Democratic

committees (national, state, and local) made coordinated expenditures equal to the applicable limit for 6 congressional candidates. (*Id.*).

114. Based on reporting to the FEC, the RNC spent approximately \$5,000 on coordinated expenditures in two electoral races during the 2022 election. (*Id.* at #1287).
115. Based on reporting to the FEC, Democratic National Committee (DNC) (the Democratic counterpart to the RNC) spent approximately \$713,000 on coordinated expenditures in one electoral race during the 2022 election. (*Id.*).
116. Based on reporting to the FEC, the RNC spent approximately \$25.4 million on coordinated expenditures in four electoral races during the 2020 election. (*Id.*).
117. Based on reporting to the FEC, the DNC spent over \$17.1 million on coordinated expenditures in one electoral race during the 2020 election. (*Id.*).
118. Based on reporting to the FEC, coordinated expenditures during the 2022 election made by all Republican committees (national, state, and local) amounted to over \$25.8 million. (*Id.* at #1305).
119. Based on reporting to the FEC, coordinated expenditures during the 2020 election made by all Republican committees (national, state, and local) amounted to over \$46.2 million. (*Id.*).
120. Based on reporting to the FEC, coordinated expenditures during the 2022 election made by all Democratic committees (national, state, and local) amounted to over \$17.9 million. (*Id.*).

121. Based on reporting to the FEC, coordinated expenditures during the 2020 election made by all Democratic committees (national, state, and local) amounted to over \$40.6 million. (*Id.*)
122. Based on reporting to the FEC during the last five election cycles (2014, 2016, 2018, 2020, and 2022), coordinated expenditures from the Republican national party committees have ranged from approximately \$11.5 million during the 2014 election cycle to approximately \$40.7 million during the 2020 election cycle. (*Id.* at #1287). When factoring in coordinated expenditures from state and local Republican party committees, Republican coordinated expenditures have ranged from approximately \$14.6 million during the 2014 election cycle to approximately \$46.3 million during the 2020 election cycle. (*Id.* at #1305).
123. Based on reporting to the FEC during the last five election cycles (2014, 2016, 2018, 2020, and 2022), coordinated expenditures from the Democratic national party committees have ranged from approximately \$7.7 million during the 2014 election cycle to approximately \$39.8 million during the 2020 election cycle. (*Id.* at #1287). When factoring in coordinated expenditures from state and local Democratic party committees, Democratic coordinated expenditures have ranged from approximately \$13.2 million during the 2014 election cycle to approximately \$40.6 million during the 2020 election cycle. (*Id.* at #1305).

**b. Independent Expenditures**

124. Based on reporting to the FEC, the DSCC spent over \$49.4 million in independent expenditures on 6 electoral races during the 2022 election. (*Id.* at

- #1288). Approximately \$33.38 million of these expenditures was spent on electoral races in Arizona, Georgia, Nevada, New Hampshire, Pennsylvania, and Wisconsin. (*Id.* at #1308).
125. Based on reporting to the FEC, the DSCC's spent over \$91.2 million in independent expenditures were spent on 8 electoral races during the 2020 election. (*Id.* at #1288).
126. Based on reporting to the FEC for the last five election cycles (2014, 2016, 2018, 2020, and 2022 elections), the DSCC spent 66.3% of all its independent expenditures in the 2022 election and 100% of all its independent expenditures in the other four election cycles on expenses that it categorized as "MEDIA" or "MEDIA BUY" expenditures. (*Id.* at #1289).
127. Based on reporting to the FEC, the DCCC's spent over \$96.4 million in independent expenditures on 45 electoral races during the 2022 election. (*Id.* at #1288).
128. Based on reporting to the FEC, the DCCC's over \$90.8 million in independent expenditures were spent on 53 electoral races during the 2020 election. (*Id.*).
129. Based on reporting to the FEC for the last five election cycles (2014, 2016, 2018, 2020, and 2022 elections), the DCCC spent between 96.6% and 100% of all its independent expenditures on expenses that it categorized as "MEDIA" or "MEDIA BUY" expenditures. (*Id.* at #1289).

130. Based on reporting to the FEC, the RNC spent approximately \$1.2 million on independent expenditures in one electoral race during the 2022 election. (*Id.* at #1288).
131. Based on reporting to the FEC, the RNC spent approximately \$7.1 million on independent expenditures in one electoral race during the 2020 election. (*Id.*).
132. Based on reporting to the FEC, the DNC spent no money on independent expenditures in either the 2020 or the 2022 election. (*Id.*).
133. Based on reporting to the FEC, independent expenditures during the 2022 election made by all Republican committees (national, state, and local) amounted to over \$124.2 million. (*Id.* at #1305).
134. Based on reporting to the FEC, independent expenditures during the 2020 election made by all Republican committees (national, state, and local) amounted to over \$209.2 million. (*Id.*).
135. Based on reporting to the FEC, independent expenditures during the 2022 election made by all Democratic committees (national, state, and local) amounted to over \$146.5 million. (*Id.*).
136. Based on reporting to the FEC, independent expenditures during the 2020 election made by all Democratic committees (national, state, and local) amounted to over \$183.4 million. (*Id.*).
137. Based on publicly disclosed campaign finance data, independent expenditures made by non-party entities has increased from \$14.7 million in 2004 to \$1.678 billion in 2020. (Doc. 41-3, #4150).



**c. Other Campaign Finance Data**

138. Based on reporting to the FEC, the Republican national party committees' total contributions to federal candidates amounted to \$1,495,800 for the 2022 election cycle and \$1,251,057 for the 2020 election cycle. (Doc. 36-13, #1290). When factoring in contributions from state and local Republican party committees, total Republican contributions to federal candidates amounted to \$1,783,668 for the 2022 election cycle and \$1,461,839 for the 2020 election cycle. (*Id.* at #1305).
139. Based on reporting to the FEC, the Democratic national party committees' total contributions to federal candidates amounted to \$1,252,842 for the 2022 election cycle and \$1,420,939 for the 2020 election cycle. (*Id.* at #1290). When factoring in contributions from state and local Democratic party committees, total Democratic contributions to federal candidates amounted to \$1,755,663 for the 2022 election cycle and \$1,809,209 for the 2020 election cycle. (*Id.* at #1305).
140. Based on a subset of the data reported to the agency for the 2020 election cycle, the FEC reports 8 examples of 2020 senatorial races in which an individual candidate received more than \$50,000 in contributions from his or her party (combining all national, state, and local contributions). (*Id.* at 1299).
141. Based on a subset of the data reported to the agency for the 2022 election cycle, the FEC reports 11 examples of 2022 senatorial races in which an individual candidate received more than \$50,000 in contributions from his or her party (combining all national, state, and local contributions). (*Id.* at #1298).

142. Based on a subset of the data reported to the agency for the 2020 election cycle, the FEC reports 2 examples of 2020 races in which a House candidate received more than \$25,000 in contributions from his or her party (combining all national, state, and local contributions). (*Id.* at #1300).
143. Based on a subset of the data reported to the agency for the 2022 election cycle, the FEC reports 4 examples of 2022 races in which a House candidate received more than \$25,000 in contributions from his or her party (combining all national, state, and local contributions). (*Id.*).
144. Based on reporting to the FEC, the NRSC spent a total of \$256,279,028 during the 2022 election cycle. (*Id.*). And the NRSC's expenditures that the FEC does not code as independent expenditures, coordinated expenditures, or contributions amounted to \$154,257,232 during the 2022 election cycle. (*Id.* at #1301).
145. Based on reporting to the FEC, the NRCC spent a total of \$285,469,165 during the 2022 election cycle. (*Id.* at #1300). And the NRCC's expenditures that the FEC does not code as independent expenditures, coordinated expenditures, or contributions amounted to \$130,377,109 during the 2022 election cycle. (*Id.* at #1301).
146. Based on reporting to the FEC, the DSCC spent a total of \$289,027,976 during the 2022 election cycle. (*Id.*). And the DSCC's expenditures that the FEC does not code as independent expenditures, coordinated expenditures, or contributions amounted to \$151,381,249 during the 2022 election cycle. (*Id.*).

147. Based on reporting to the FEC, the DCCC spent a total of \$367,701,788 during the 2022 election cycle. (*Id.*). And the DCCC's expenditures that the FEC does not code as independent expenditures, coordinated expenditures, or contributions amounted to \$198,353,141 during the 2022 election cycle. (*Id.*).
148. Based on financial disclosures to the FEC, approximately half of the total direct contributions, coordinated expenditures, and independent expenditures made by the national Republican party and its committees in the 2022 election for seats in the United States House of Representatives were spent in 11 congressional districts. (*Id.* at #1302).
149. Based on financial disclosures to the FEC, approximately half of the total direct contributions, coordinated expenditures, and independent expenditures made by the national Republican party and its committees in the 2020 election for seats in the United States House of Representatives were spent in 12 congressional districts. (*Id.*).
150. Based on financial disclosures to the FEC, approximately half of the total direct contributions, coordinated expenditures, and independent expenditures made by the national Democratic party and its committees in the 2022 election for seats in the United States House of Representatives were spent in 17 congressional districts. (*Id.*).
151. Based on financial disclosures to the FEC, approximately half of the total direct contributions, coordinated expenditures, and independent expenditures made by the national Democratic party and its committees in the 2020 election

for seats in the United States House of Representatives were spent in 18 congressional districts. (*Id.*).

152. Based on financial disclosures to the FEC, the non-inflation adjusted total amount of funding the Republican national party committees raised during the 1992 election cycle was \$245,608,214 (\$194,530,781 constituted “hard money” or monies raised that were subject to limits under the then-applicable FECA statutory regime; the remainder raised constituted “soft money” not subject to limits under the then-applicable FECA statutory regime).\* (Doc. 36-13, #1306).
153. Based on financial disclosures to the FEC, the total amount of funding the Republican national party committees raised during the 2000 election cycle was \$619,744,718 (\$361,558,430 constituted “hard money”; the remainder raised constituted “soft money”). (*Id.* at #1285).
154. Based on financial disclosures to the FEC, the total amount of funding the Republican national party committees raised during the 2002 election cycle was \$602,908,687 (\$352,876,067 constituted “hard money”; the remainder raised constituted “soft money”). (*Id.*).
155. Based on financial disclosures to the FEC, the total amount of funding the Republican national party committees raised during the 2014 election cycle

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\* Since the passage of the Bipartisan Campaign Reform Act of 2002 (BCRA), national party committees and federal candidates have been prohibited from raising “soft money.” Pub. L. No. 107-155, Title I § 101, 116 Stat. 82 (amending the FECA to add § 323. 52 U.S.C. § 30125). The Supreme Court has found that this ban withstands constitutional challenge. *McConnell v. Fed. Election Comm’n*, 540 U.S. 93, 188–89 (2003), *overruled on other grounds by Citizens United v. Fed. Election Comm’n*, 558 U.S. 310 (2010).

was \$476,627,510: the RNC raised \$194,861,133; the NRSC raised \$128,278,255; and the NRCC raised \$153,488,122. (*Id.*)

156. Based on financial disclosures to the FEC, the total amount of funding the Republican national party committees raised during the 2016 election cycle was \$652,349,694: the RNC raised \$343,371,200; the NRSC raised \$138,376,518; and the NRCC raised \$170,601,976. (*Id.*)

157. Based on financial disclosures to the FEC, the total amount of funding the Republican national party committees raised during the 2018 election cycle was \$682,183,239: the RNC raised \$324,836,805; the NRSC raised \$151,570,520; and the NRCC raised \$205,775,914. (*Id.*)

158. Based on financial disclosures to the FEC, the total amount of funding the Republican national party committees raised during the 2020 election cycle was \$1,509,714,293: the RNC raised \$890,538,963; the NRSC raised \$338,263,383; and the NRCC raised \$280,911,947. (*Id.*)

159. Based on financial disclosures to the FEC, the total amount of funding the Republican national party committees raised during the 2022 election cycle was \$874,555,820: the RNC raised \$335,196,209; the NRSC raised \$250,044,900; and the NRCC raised \$289,314,711. (*Id.*)

160. Based on financial disclosures to the FEC, the non-inflation adjusted total amount of funding the Democratic national party committees raised during the 1992 election cycle was \$140,348,570 (\$104,057,403 constituted “hard money”; the remainder raised constituted “soft money”). (*Id.* at #1307).

161. Based on financial disclosures to the FEC, the total amount of funding the Democratic national party committees raised during the 2000 election cycle was \$469,864,075 (\$212,880,651 constituted “hard money”; the remainder raised constituted “soft money”). (*Id.* at #1286).
162. Based on financial disclosures to the FEC, the total amount of funding the Democratic national party committees raised during the 2002 election cycle was \$408,386,152 (\$162,325,003 constituted “hard money”; the remainder raised constituted “soft money”). (*Id.*).
163. Based on financial disclosures to the FEC, the total amount of funding the Democratic national party committees raised during the 2014 election cycle was \$538,435,215: the DNC raised \$163,319,917; the DSCC raised \$168,323,305; and the DCCC raised \$206,791,993. (*Id.*).
164. Based on financial disclosures to the FEC, the total amount of funding the Democratic national party committees raised during the 2016 election cycle was \$755,302,343: the DNC raised \$354,610,726; the DSCC raised \$179,800,229; and the DCCC raised \$220,891,388. (*Id.*).
165. Based on financial disclosures to the FEC, the total amount of funding the Democratic national party committees raised during the 2018 election cycle was \$620,891,026: the DNC raised \$175,769,640; the DSCC raised \$148,698,958; and the DCCC raised \$296,422,428. (*Id.*).
166. Based on financial disclosures to the FEC, the total amount of funding the Democratic national party committees raised during the 2020 election cycle

was \$1,141,395,183: the DNC raised \$491,727,344; the DSCC raised \$303,883,335; and the DCCC raised \$345,784,504. (*Id.*).

167. Based on financial disclosures to the FEC, the total amount of funding the Democratic national party committees raised during the 2022 election cycle was \$966,596,028: the DNC raised \$306,790,180; the DSCC raised \$296,838,737; and the DCCC raised \$362,967,111. (*Id.*).
168. Based on financial disclosures to the FEC, state and local Republican party committees have raised the following “hard money” amounts for the last five election cycles: \$189,752,802 during the 2014 election; \$317,045,586 during the 2016 election; \$205,114,861 during the 2018 election; \$560,859,122 during the 2020 election; and \$244,430,946 during the 2022 election. (*Id.* at #1304).
169. Based on financial disclosures to the FEC, state and local Democratic party committees have raised the following “hard money” amounts for the last five election cycles: \$272,480,105 during the 2014 election; \$547,451,981 during the 2016 election; \$327,992,371 during the 2018 election; \$662,831,271 during the 2020 election; and \$440,556,460 during the 2022 election. (*Id.*).
170. Based on financial disclosures to the FEC, Republican and Democratic state and local party committees have raised a total of \$42,636,070 in “Levin funds” and have made a total of \$43,380,090 “Levin-funds” disbursements from January 1, 2009, through December 31, 2022.† (*Id.* at #1306).

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† State and local party committees, which can raise soft money for non-federal elections without facing FECA limits, must comply with the limits found in § 323(b) of FECA, 52 U.S.C. § 30125(b) (added by BCRA), when using such soft money in connection with federal

171. Based on publicly disclosed campaign finance data for elections from 1980 until 2020, contributions from political action committees to federal campaigns has consistently exceeded the contributions and expenditures made by party-affiliated committees to federal campaigns. (Doc. 41-3, #4150).

## V. Additional Findings of Adjudicative Fact

172. During discovery, the parties retained policy experts. The experts' reports detailing their respective policy views on the FECA's coordinated party expenditure limits and the propriety of ruling for or against Plaintiffs based on their policy expertise were filed on the Court's docket. (Docs. 41-3, 41-8). The parties also filed transcripts of the depositions taken of each of their policy experts on the Court's docket. (Docs. 41-4, 41-5).

173. Defendants' expert, Jonathan Krasno, is a professor of political science at Binghamton University in Binghamton, New York, who was designated as an expert witness in other campaign finance cases. (Doc. 36-1, #397, 399). In each case, he had been retained by the governmental entity to provide his opinion in defense of the campaign finance regulations. (*Id.* at #400). Krasno was the FEC's designated expert in *FEC v. Colorado Republican Federal Campaign Committee (Colorado II)*, 533 U.S. 431 (2001), in which case he co-authored a report in support of upholding the FECA's coordinated party expenditure

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elections. *McConnell*, 540 U.S. at 122, 161–62. But Levin funds are an exception to the hard limits as they permit state and local party committees to pay for specified federal election activities using “an allocated ratio of hard money and ‘Levin funds.’” *Id.* at 162–63 (citing § 323(b)(2) of the FECA and noting that Levin funds may be spent on “voter registration activity, voter identification drives, GOTV drives, and generic campaign activities”).



limits. (Doc. 36-1, #399–400). Krasno has published several articles and books, which academic works cover topics including campaign finance laws and American political parties. (*Id.* at #416–19).

174. Plaintiffs’ expert, Raymond La Raja, is a professor of political science and Associate Dean at the University of Massachusetts, Amherst, who previously served as the designated expert for the plaintiffs in *McConnell v. Federal Election Commission*, 540 U.S. 93 (2003), *overruled in part by Citizens United v. Fed. Election Comm’n*, 558 U.S. 310 (2010). (Doc. 41-3, #4123–24, 4172). La Raja has published several articles and books, which academic works cover topics including campaign finance laws and American political parties. (*Id.* at #4162–65, 4166–69). La Raja also has served on a couple of task forces related to election matters, in which he has focused on campaign finance reform. (*Id.* at #4171–72; Doc. 41-5, #4672–73).
175. Neither the NRSC nor the NRCC have personal knowledge of what they understand to be instances of donors’ seeking to use contributions to the committees to facilitate a quid pro quo arrangement with an elected official or candidate for office. (Doc. 19-1, #176; Doc. 19-2, #186).
176. Both Senator Vance and Chabot have declared that they have “no knowledge” of the party’s “sources of funding used to engage in coordinated expenditures in support of” their respective 2022 campaigns. (Doc. 41-6, #4720; Doc. 41-7, #4752).

177. Neither Senator Vance nor Chabot or their agents identified any documents responsive to the FEC's requests for production relating to their knowledge of the sources of funding for coordinated party expenditures or communications with party donors concerning expectations of "legislative action or inaction." (Doc. 41-6, #4726–28; Doc. 41-7, #4757–59).
178. Neither the NRSC nor the NRCC identified any documents responsive to the FEC's requests for the production of documents relevant to establishing a connection between (1) contributions to the party committees and donor expectation about legislation action, (2) the amount of money the party committee expended on a candidate and the amount the latter raised for the party committee, and (3) the amount of money a candidate raised and his committee assignment once in office. (Doc. 41-1, #4057–58, 4061–62; Doc. 41-2, #4112–13, 4116–17).