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October 16, 2019

*By Messenger Delivery*

Ms. Lynn Tran, Esq.  
Office of General Counsel  
Federal Election Commission  
1050 First Street, N.E.  
Washington, DC 20002

RE: MURs 7351 and 7382  
Thom Tillis Committee, Collin McMichael,  
in his official capacity as Treasurer

  
Dear Ms. Tran:

On behalf of Thom Tillis Committee, Colin McMichael, in his official capacity as Treasurer, enclosed please find the Response to Reason to Believe Finding, and the Responses of Thom Tillis Committee to questions and document requests for the above MURs.

If you have any questions with regard to this document, please do not hesitate to contact me directly at (202) 295-4081. Thank you.

Sincerely,



Cleta Mitchell, Esq.

CM:def

Enclosures

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IN AND BEFORE THE  
FEDERAL ELECTION COMMISSION

On Behalf of the Thom Tillis Committee  
Collin McMichael, in his official capacity as Treasurer  
Respondent

MURs 7351 and 7382

**RESPONSE TO REASON TO BELIEVE FINDING**

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The Thom Tillis Committee (“the Committee”) and its Treasurer, Collin McMichael, in his official capacity as Treasurer of the Committee (“Treasurer”), (collectively hereafter “Respondent”), hereby respond to the Reason to Believe Finding entered on August 1, 2019 in the above-referenced Matters Under Review (“the Matters” or “the MURs”).

Respondent files this Response in opposition to the First General Counsel’s Report and the Reason to Believe Finding. Respondent affirmatively states that no violation of the Federal Election Campaign Act of 1971, as amended (“the Act” or “FECA”) was committed by Respondent in the MURs and the case must be dismissed.

**Factual Background and Statement of Material Verified Facts**

In its response to the complaint(s) in these MURs filed by Respondent on May 24, 2018, Respondent submitted sworn affidavits from three of its principals: Collin McMichael, treasurer; Jordan Shaw, campaign manager, and Paul Shumaker, general consultant to the Tillis 2014 campaign (“the Campaign”). The Office of General Counsel (“OGC”), in its Factual and Legal Analysis (“FLA”) supporting the Reason to Believe Finding (“RTB”) countered the sworn statements of the Campaign principals with statements and quotations from newspaper articles.

There is not a single verified fact in the record before the Federal Election Commission (“FEC” or “the Commission”) that controverts any of the facts filed of record by Respondent. The complaints should have been dismissed out of hand upon the review of the record, where there are no verified facts supporting the allegations of the complaints.

There are two threshold fact in these MURs, about which OGC and Respondent agree: 1) Cambridge Analytica, the company with which Respondent did business in 2014, was a duly and properly registered US company and 2) Respondent paid for the services rendered, such that there was no impermissible contribution from a foreign source. *See* FLA p. 1 and p. 9.

Attached to the Respondent's Response to the Questions and Requests for Documents filed contemporaneously with this Response are Exhibits A through J, which document the fact that Respondent contracted with a US company and paid for the services rendered:

- Standard vendor contract initially presented to the Campaign from SCL USA, which clearly states that the vendor is a USA company (Note: This contract was not agreed to by Respondent). Exhibit A
- Memorandum of Understanding (unsigned) between Respondent and Cambridge Analytica as of August 2014. Exhibit H
- Invoices received from Cambridge Analytica, reflecting a US address, the notation of the US chartered company and a US bank account. Exhibits I and J.
- Payments by Respondent to Cambridge Analytica for a three month contract between August – November 2014, which disclose payments made to a US entity, with a US address and a US bank account. Exhibit I.
- Invoice to and Payments from Respondent to Cambridge Analytica for the 2014 Win Bonus. See Exhibit J.

Respondent stipulates to the FLA conclusions that Cambridge Analytica LLC is a US company<sup>1</sup> and that Respondent paid market value for Cambridge Analytica's services, such that no impermissible foreign contribution was received by Respondent<sup>2</sup>.

### **Services provided by Cambridge Analytica did not violate federal law.**

In the RTB conclusion that Respondent may have violated the law by virtue of services received from Cambridge Analytica, OGC relies on the bare assertions by anonymous sources of one Christopher Wylie, someone who had *nothing* to do with the 2014 Tillis Campaign. In the week prior to this filing, a book authored by Wylie was released, which only confirms that none of his claims relate in any way to the 2014 Tillis

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<sup>1</sup> The FLA acknowledges that the public record discloses Cambridge Analytica LLC as a limited liability company chartered in Delaware. See FLA p. 1, fn 2: "Cambridge is a limited liability company organized in Delaware on December 31, 2013". Cambridge Analytica LLC, Delaware Div. of Corps., <https://icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx> (viewed July 19, 2018).

<sup>2</sup> FLA concluded that the data vendor services provided by Cambridge Analytica were contracted and paid for by Respondent, such that there is no impermissible contribution from Cambridge Analytica to Respondent by virtue of the business engagement and pricing. See FLA @ 9: "Cambridge's usual and normal business involved providing data analytics and message targeting services, and there is no specific information suggesting that Cambridge charged any committee less than its usual and normal rate for such services".

Campaign (MindF\*ck: Cambridge Analytica and the Plot to Break America: Verbena Limited / Random House, October 2019).

The North Carolina focus groups referenced in the RTB, relying on the Wylie news articles, apparently were conducted in the spring of 2014, before Cambridge Analytica even entered into discussions with the Tillis Campaign. *Ibid.* pp. 102-103. Such research was conducted by their company as part of building their voter data analysis and capability, and had nothing to do with any services provided to the Tillis Campaign. In fact, the Tillis Campaign is not even *mentioned* in Wylie's book. *Ibid.*

Respondent has submitted sworn affidavits, setting forth what Cambridge Analytica did and did not do in the 2014 Tillis campaign. Rather than accepting the sworn testimony in the record, OGC cites to and relies solely on unsubstantiated statements in news articles, many of them anonymous. It is noteworthy that OGC has failed to obtain verification of a single allegation in either complaint.

The FLA concludes that “[t]he available information supports a finding that Wylie or other foreign national Cambridge employees participated in the Tillis Committee's management or decision-making process in connection with its election-related spending. Cambridge reportedly provided "polling, focus groups and message development" services for the Tillis Committee during Thom Tillis's 2014 campaign for the U.S. Senate in North Carolina” (*See* FLA, p. 10), but reaches that conclusion with no substantiation whatsoever. The only sources for the RTB are the hearsay statements in the various news articles on which the FLA relies.

Respondent submits that the Commission cannot continue to ignore the verified and uncontroverted material facts of affidavits sworn as true under penalty of perjury and documents submitted by Respondent, that are now in the record in these MURs which vindicate Respondent of all allegations of violations.

The single most important verified fact, from multiple sources, is that Cambridge Analytica did NOT participate in the Tillis Committee's management or decision-making process in connection with its election-related spending. Cambridge further did NOT provide "polling, focus groups and message development" services for the Tillis Campaign in 2014.

Attached to this Response are sworn affidavits from Paul Shumaker, the Tillis campaign's 2014 General Consultant (“*Shumaker 2019 Affidavit*”), Exhibit K; Glen Bolger, the Tillis campaign's 2014 pollster (“*Bolger Affidavit*”), Exhibit L; and Brad Todd, the Tillis Campaign's 2014 media consultant (“*Todd Affidavit*”), Exhibit M. Respondent incorporates by reference the sworn affidavits filed with its May 24, 2018 Response to the complaints from Paul Shumaker (“*Shumaker 2018 Affidavit*”) and Jordan Shaw, the Tillis 2014 campaign manager (“*Shaw Affidavit*”).

These four individuals formed the senior leadership of the Tillis 2014 campaign and *all* of them have sworn under penalty of perjury that the services allegedly provided to the Tillis campaign that the Commission believes to be impermissible, were not provided to the Tillis campaign by Cambridge Analytica.

OGC has no verified facts to controvert the sworn testimony of the individuals who managed and made all the strategic decisions of the Tillis 2014 campaign.

The following verified facts from the sworn affidavits in the Commission record require dismissal of the MURs:

1. The individual who first approached Respondent's general consultant, Paul Shumaker, to pitch Cambridge Analytica for consideration as the Campaign's data vendor in 2014 was Mark Block, a political consultant known to several of Respondent's consultants and key contacts as someone who had worked in US political campaigns in previous election cycles. The documents reflect that these contacts were made in May 2014, after Sen. Tillis won the GOP nomination for US Senator in the May 2014 North Carolina Republican primary.
2. Alexander Nix attended a marketing meeting to promote Cambridge Analytica to the Campaign, but was not involved in the actual work after the Campaign retained Cambridge Analytica in late July 2014 to serve as its data vendor.
3. The individual who was the key contact between the Campaign and Cambridge Analytica during the 2014 election was *not* Alexander Nix, but was, instead, Alex Muir.
4. Alex Muir gave no indication that he was anything other than a US citizen and, in fact, discussed with the Campaign his past history of working as a data vendor in Democratic political campaigns and party committees.
5. To the best of Respondent's knowledge, any Cambridge Analytica personnel assigned to the North Carolina Senate race were US citizens, and the Campaign had no reason to believe otherwise.
6. Christopher Wylie is quoted in news articles relied on by OGC in the FLA describing his key role in the Campaign, but prior to the complaints, no one from the Campaign had ever heard of Christopher Wylie.
7. In questioning Campaign staff for this response, no one from the Campaign recalled knowing, working or speaking with Christopher Wylie during the 2014 campaign.

8. Christopher Wylie, in his new book, does not mention the Tillis Campaign at all; the references to focus groups conducted by Cambridge Analytica in several states took place well before the time when the company approached or was hired by the Campaign.
9. Cambridge Analytica wanted to be more involved in various aspects of the Campaign but those requests were rejected and Cambridge Analytica served solely as the data vendor for the Campaign, as that role is typically defined.
10. The only services provided to the Campaign by Cambridge Analytica were data analysis and turnout modeling.
11. Cambridge Analytica did not make individual voter contacts nor did they develop 'individually tailored messages'.
12. The Campaign did not develop or deliver 'individually tailored messages' during the 2014 general election; rather, all communications were delivered to a statewide audience.
13. Cambridge Analytica did no fundraising, no polling, no focus groups, no message testing, and had no role or involvement in the administration, management, or decisions regarding election-related expenditures by the Campaign.
14. All polling, focus groups, and message testing services for or by the Campaign were performed by Public Opinion Strategies, the Campaign's polling company, and its principal Glen Bolger.
15. The Campaign's key television commercial about the incumbent Senator's failure to attend Senate Armed Services committee meetings and hearings, and her skipping a committee hearing about ISIS to attend a campaign fundraiser, was an idea of the Campaign's media consultant Brad Todd, from On Message, Inc., who then produced the ad for testing by the Campaign's pollster, Glen Bolger.
16. Neither Cambridge Analytica nor any of its employees or consultants played any role in the development, production, or testing of the referenced commercial, nor did they direct the Campaign's messaging or play any role related to any other messages from or communications by the Campaign.
17. The Campaign's 'message team' was *not* Cambridge Analytica or any group of individuals from Cambridge Analytica, but was the same as the Campaign's senior leadership team, consisting of Paul Shumaker, Jordan Shaw, Glen Bolger, and Brad Todd.

18. The Campaign's senior leadership team made all decisions related to the management and administration of the Campaign, including all election-related expenditures and no one from Cambridge Analytica was part of those decisions.
19. The sole involvement of Cambridge Analytica in the Campaign was the development and sale of voter data and analysis to the Campaign, and the normal and customary services of a data vendor to any campaign.
20. The advances in technology over the past several years have made all data vendors, including Cambridge Analytica, essentially equal in terms of their ability to develop turnout models and update their models based on inputs of data from multiple sources.
21. Data modeling does not require interactions with or targeting of particular, individual voters and Cambridge Analytica engaged in no such activities for the Campaign.
22. Cambridge Analytica performed the normal and customary data vendor role for the Campaign, there was no differentiation because of 'the Brits claims to superiority' referenced in the FLA.
23. The claims and comments in the news articles are not true as related to or involving Respondent.

In short, the material facts of the MURs are undisputed and Respondent has clearly not violated federal law by its engagement of Cambridge Analytica, a US company, as its 2014 data vendor.

### **Legal Analysis in Opposition to Reason to Believe Finding**

Respondent Thom Tillis Committee does not take issue with the recitation of legal authority regarding the role of a foreign national in a US political campaign. In fact, Respondent cited much of the same authority in its Response filed in May 2018 to the complaints in these MURs. *See* Response of Thom Tillis Committee filed on May 24, 2018. Respondent hereby incorporates by reference the legal authority cited and contained in its Response to the Complaints.

Respondent does object to OGC's application of the law to the facts of these MURs and its conclusion, with no credible evidence, that Respondent has committed a violation of 52 U.S.C. § 30121, a provision of the Act, and the Commission's regulation at 11 C.F.R. § 110.20(i).

Respondent emphatically states, again, that it did not engage Cambridge Analytica for any services that violated the provisions of 52 U.S.C. § 30121, or the Commission's regulation at 11 C.F.R. § 110.20(i) nor did Cambridge Analytica perform any of the services described in the FLA for or on behalf of the Tillis Campaign.

The RTB relies solely on hearsay and unverified allegations in *news articles* as the basis for concluding that a violation occurred, saying that “the available information supports a finding that Cambridge employees participated in the Tillis Committee’s management or decision-making process in connection with its election-related spending.” See *FLA p 10*. However, all of the references to violations of law by Respondent are based on false and wholly unsubstantiated information.

In 2009, Commissioner Steven Walther, then Chairman of the Commission, compiled a list of publicly submitted recommendations for improving the Commission’s procedures, including enforcement procedures. One of those recommendations in Commissioner Walther’s memorandum dealt with the Reason to Believe analysis, stating that “OGC should not use publicly available information in analyzing RTB”. See Memorandum from Chairman Steven Walther, June 23, 2009, Agency Procedures Recommendations, Attachment A, Section V, C. 1: “Reason to Believe (RTB)”

Here, the OGC has *only* used ‘publicly available information’ in analyzing this RTB.

In fact, the *only* ‘evidence’ in support of the complaints are the news articles cited in the complaints and nothing else.

Respondent has refuted with sworn testimony the statements in the news articles, which OGC has disregarded.

Under normal rules of evidence and proper procedures, the complaints should have been dismissed. Instead, OGC equates statements from newspaper articles with sworn testimony.

Generally speaking, statements in news articles are considered hearsay and are normally inadmissible as evidence in a federal court under a combination of Fed. R. Evid. 801(c) (defining hearsay) and Fed. R. Evid. 802 (barring hearsay from trial). Courts have generally excluded newspaper articles as evidence to prove the truth of the matters asserted. See *Dulin v. Bd. of Comm'rs of the Greenwood Leflore Hosp.*, 646 F.3d 232, (5th Cir.), *op. withdrawn*, *sub. op.*, *remanded*, *on reh'g*, 657 F.3d 251 (5th Cir. 2011) (barring attorney from admitting a newspaper article to prove the truth of the matters asserted in it: that hospital board members made certain statements). Other cases, as *Roberts v. City of Shreveport*, 397 F.3d 287, 295 (5th Cir. 2005) (indicating that newspaper articles are classic hearsay, and cannot be used to win a motion for summary judgment); *White v. City of Birmingham*, Case No.: 2:13-cv-00099-KOB, 2015 U.S. Dist. LEXIS 68202, at \*15-16 (N.D. Ala. May 27, 2015) (newspaper articles are classic hearsay and may not be admitted for the truth of the matter asserted (but may be admissible if



offered for other purposes); *Miles v. Ramsey*, 31 F. Supp. 2d 869, 876 (D. Colo.) (newspaper articles are inadmissible hearsay when the article was not written or acknowledged by the defendant, yet is produced as proof of facts stated in that article); *In re Columbia Sec. Litig.*, 155 F.R.D. 466, 475 (S.D.N.Y 1994) (holding that courts admitting newspaper articles as evidence “require some showing that the defendant’s perception, memory, narration, or sincerity are reliable.”).

The exception to the hearsay rule, extended to newspaper articles, requires the existence of a factual predicate that the source is trustworthy and can be treated as reliable. Fed. R. Evid. 806. That threshold requirement of trustworthiness of the source is not present here.

The publication of the news articles giving rise to the complaints and cited in the FLA were published four years after the 2014 election in North Carolina, and appear as “news” primarily because of media interest in Mr. Steve Bannon in early 2018. Mr. Bannon, one of the principals in Cambridge Analytica, was also a deputy campaign manager of the 2016 presidential campaign of Donald Trump and a White House Advisor to the President until 2018.

The news articles each appear to be directed more at Mr. Bannon and his role with the 2016 campaign of President Donald Trump than the 2014 Senate campaign of Thom Tillis. The articles are not ‘neutral’ news reporting that would qualify their content to be an exception to the hearsay rule for purposes of these proceedings. Indeed, it appears that Christopher Wylie was and is fixated on Bannon, Trump and the 2016 election, perhaps all in an effort to promote sales of his new book.

The senior leadership team of the 2014 Tillis Campaign, all of them, have confirmed in writing under penalty of perjury that the news articles are wrong, that Cambridge Analytica did not engage in the types of services and activities for the Tillis campaign that are described in the news articles. Mr. Shumaker testifies that he had never heard of Christopher Wylie before reading the complaints, and that Mr. Wylie had nothing to do with the Tillis Campaign in 2014. All of the senior leadership of the Tillis Campaign have stated under oath that none of the campaign decisions were made by its data vendor, Cambridge Analytica.

In short, there are no fact witnesses whose testimony has been taken under oath in support of the RTB who can or have disputed the firsthand knowledge of the facts attested under oath by Respondent.

There are no ‘equivalent circumstantial guarantees of trustworthiness’ in these news articles, and using the articles as the basis for contravening sworn testimony of multiple witnesses to the facts cannot stand.

There is no evidence other than anonymous or unverified allegations in *news articles*, to support the RTB Finding.

In summary, no foreign nationals, directly or indirectly, participated in the Tillis Committee's management or decision-making process in connection with its election-related spending. And there is zero evidence in the record to support such a conclusion.

Accordingly, there is no evidence that Respondent has violated federal law because Respondent did not violate the law.

The MURs must be dismissed.

Respectfully submitted,



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Clea Mitchell, Esq.  
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Thom Tillis Committee  
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(202) 295-4081 (direct)  
[cmitchell@foley.com](mailto:cmitchell@foley.com)

Date: Oct 16. 2019

# EXHIBIT K

## Affidavit of Paul Shumaker

OFFICE OF  
GENERAL COUNSEL  
2019 OCT 17 PM 2:07

## .IN AND BEFORE THE FEDERAL ELECTION COMMISSION

Wake County  
State of North Carolina

MURs 7351 and 7382

**Affidavit of Paul Shumaker**

I, Paul Shumaker, a resident of the State of North Carolina and being of lawful age, do hereby affirm and state:

1. During the 2013-14 election cycle, I served as the general consultant to the Thom Tillis Committee, the campaign committee to elect Thom Tillis to the U.S. Senate (“the Tillis Campaign”).
2. My duties as General Consultant included interviewing and recommending vendors for the various functions needed for the Tillis Campaign, within the allowable budget and funding available for the Tillis Campaign.
3. I have reviewed the sworn affidavit, signed and attested by me on May 24, 2018, under penalty of perjury, and filed of record with the Federal Election Commission.
4. The statements in my 2018 Affidavit are true and correct and I hereby restate and resubmit my 2018 Affidavit as part of this additional sworn statement in response to the FEC’s Reason to Believe Finding.
5. The Tillis Campaign retained Cambridge Analytica LLC which is related to another US entity, SCL USA, to serve as the microtargeting data vendor for the Tillis Campaign in 2014, as I stated in my 2018 Affidavit.
6. There is no reference to or mention of any foreign entity in the agreement between the Tillis Campaign and Cambridge Analytica LLC, and as far as I knew, we were engaging a US company to serve as the campaign’s data analysis vendor.
7. The evolution in technology between 2010 and 2014 was the key factor in the status and role of micro-targeting services afforded the Tillis Campaign in 2014.
8. The micro-targeting role performed by Cambridge Analytica in the 2014 Tillis Campaign followed basically the same formula used by all data vendors, and was not ‘differentiated’ other than as technology had advanced to allow for turnout models to be more quickly updated throughout the election period.
9. Micro-targeting data analysis essentially involves a data vendor acquiring publicly available data, from election data to consumer data, as well as other data, and building current turnout models based on the available data, then updating the models by adding additional data from myriad sources throughout the election period.

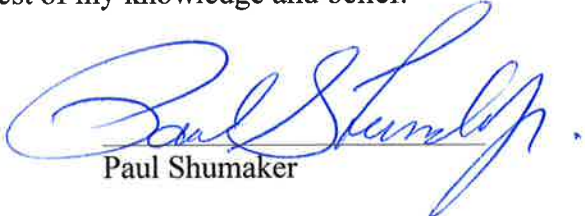
10. Data vendors add additional data over the course of the campaign, and analyze it through their computer software and proprietary logarithms.
11. Data vendors do not customarily design or develop messages or assume responsibility for disseminating campaign messages and themes, nor does the data vendor assume responsibility for communicating with individual voters, groups of voters, or any segment of voters.
12. Cambridge Analytica did not interact with individual voters or any groups of voters in North Carolina in 2014 on behalf of the 2014 Tillis Campaign.
13. Cambridge Analytica did not develop 'individually targeted messages' for the Campaign, nor did it direct the Campaign as to where to target messages or spend resources.
14. The Tillis Campaign in 2014 did not utilize Cambridge Analytica or any of its employees for message testing services. All polling, focus groups, and message testing was conducted by the Tillis Campaign's pollster, Glen Bolger and his firm Public Opinion Strategies.
15. No persons from Cambridge Analytica participated in or attended the campaign's focus groups.
16. Alexander Nix attended the meeting in May 2014 primarily set up by Mark Block to describe the services Cambridge Analytica could offer and to pitch the Tillis 2014 campaign to hire Cambridge Analytica as our data vendor.
17. After the initial marketing meeting, Alexander Nix was otherwise not involved with the 2014 Tillis Campaign.
18. I do not recall seeing or speaking with Alexander Nix again after the initial meeting to pitch Cambridge Analytica, a US company, to be retained as the Tillis Campaign's 2014 data vendor.
19. Cambridge Analytica initially indicated its desire to play a larger role in the Tillis Campaign, but I specifically declined that request because the Tillis Campaign had no need for or funding to utilize the types of services Cambridge Analytica was offering.
20. Cambridge Analytica was retained solely to serve in the capacity of a data vendor to prepare and update voter turnout models.

21. Cambridge Analytica did not provide any of the services claimed to have been provided, as described in the complaints and the Reason to Believe Finding, namely, no individually tailored messaging, no direction to the Tillis Campaign regarding which messages should be sent to which voters, no individual voter contacts, no polling, no focus groups, no fundraising, no communications strategy, and no management or administrative control or decisions regarding election-related spending by the 2014 Tillis Campaign.
22. On Message, Inc. created and executed all advertising messages for the Thom Tillis Committee in the general election of 2014. None of those messages were created, developed or tested by Cambridge Analytica.
23. Brad Todd from On Message, Inc. originated the idea of a television ad attacking the incumbent Democratic Senator for missing over half of the Armed Services Committee meetings and hearings, including missing a hearing about ISIS to attend a campaign reception for her reelection.
24. The ad was tested by our pollster, Glen Bolger, through focus groups and other polling.
25. Cambridge Analytica had nothing to do with that ad, or any other advertising or messages of the 2014 Tillis Campaign.
26. Cambridge Analytica had nothing to do with decisions about expenditures, budgeting, strategy or any election-related spending by the Tillis campaign.
27. Cambridge Analytica is a technology company, specializing in data analysis for campaigns for office and it served solely in that capacity for the 2014 Tillis Campaign.
28. As far as anyone from the Tillis Campaign was aware then, and now, Cambridge Analytica was a U.S. company and was legally able to function as a data vendor to US political campaigns and the people assigned to work in North Carolina in 2014 were US citizens.
29. Alex Muir was the key contact for the data services provided by Cambridge Analytica to the Tillis Campaign in 2014.
30. Mr. Muir told me and others in the NCGOP and the Tillis Campaign that he had worked for Democratic campaigns prior to 2014 and had been offered the position as the chief data officer at the Democratic National Committee, but because he is a conservative at heart, he decided to work for GOP candidates and political party committees instead. Mr. Muir has continued to work for a national Republican data firm and has continued to offer his services to candidates in North Carolina.
31. Based upon Mr. Muir's claims of previous work in US election and his continued work in US elections, to my knowledge, Mr. Muir has legal citizenship or legal status to work as a data analyst.

32. All media expenditures by the Tillis Committee in the 2014 General Election were limited to cable TV and broadcast media.
33. All message targeting, media creation and media placement were developed and implemented by On Message, Inc. for the Tillis Campaign, with input from the senior leadership of the campaign.
34. No person from Cambridge Analytica was part of the Tillis Campaign's senior leadership team.
35. Despite Cambridge Analytica's desire to engage in message creation and testing, the Tillis Campaign did not need and did not utilize Cambridge Analytica for that purpose.
36. Cambridge Analytica offered to provide targeted voter contact lists with tested messages and message delivery recommendations for individual voters, but that did not happen, as the Tillis Campaign could not afford any additional voter contact messaging other than cable and broadcast televisions; no other voter contact expenditures were made by the Tillis Campaign in the 2014 General Election.
37. None of the other services that were offered by Cambridge Analytica or claimed by outsiders to have been provided to the campaign in 2014 were received, accepted, or utilized by the Tillis Campaign.
38. I was always very clear as to what the Tillis Campaign needed from our data vendor and that is all that we asked for, received, or paid for from Cambridge Analytica.
39. For purposes of Cambridge Analytica's data analysis and micro-targeting role, the Tillis Campaign dealt with individuals in the State of North Carolina who we believed to be US citizens based upon their past involvement in US national politics.
40. As with all technology companies, it is entirely possible that Cambridge Analytica had servers or personnel located in countries other than the United States; in fact, the Tillis Campaign has no knowledge of the location of any of its vendors' servers, support services, or other functionalities used by the vendor to provide services to the campaign.
41. Many companies and vendors with whom the Tillis Campaign did business may have computer technology and support located in foreign countries. It is impossible for any US campaign or political party to monitor the physical location of every vendor's customer support system, hardware, software or other system(s) employed by the vendor to carry out its services for a campaign.
42. Christopher Wylie is the individual quoted in the news articles on which the FEC apparently relies for its finding that there is reason to believe that the Thom Tillis Committee violated federal law in 2014 by hiring Cambridge Analytica to serve as the campaign's data vendor.

43. Until receiving the Complaint filed against the Thom Tillis Committee, I had never heard of Christopher Wylie, and I still have never met, spoken with, or had any dealings, directly or indirectly, with that individual. I had to Google his name to find an image of him and learn about his background.
44. Furthermore, I asked all members of the Tillis 2014 Campaign team if they ever recall meeting or talking to Christopher Wylie. Not a single person involved in the 2014 Tillis Campaign recalled hearing of him, talking with him, or meeting him.
45. Christopher Wylie was not involved with the Tillis Campaign in 2014 and has zero firsthand knowledge of what Cambridge Analytica was doing or not doing with the Tillis Campaign.
46. All statements on which the FEC is relying for its findings are apparently from news articles in which Christopher Wylie or anonymous sources are quoted.
47. No verified affidavits or sworn testimony has been provided to the FEC or to the Tillis Committee refuting the sworn statements that Jordan Shaw and I previously submitted to the FEC or the sworn statements attached to the Tillis Committee's response to the FEC's Reason to Believe Finding.
48. I can unequivocally state, under penalty of perjury, that the assertions in the complaints, and the 'factual statements' regarding Cambridge Analytica's role in the FEC's Reason to Believe Finding, are false.
49. The statements by Christopher Wylie and others as to the role played by Cambridge Analytica for the Thom Tillis Committee are puffery at best and did not happen.
50. Under penalty of perjury, I hereby once again state, unequivocally, that no foreign national directed, dictated, controlled, or directly or indirectly participated in the decision-making process of the Thom Tillis Committee's campaign for the US Senate in 2014, with regard to the Tillis Campaign's Federal election-related activities, including decisions concerning the making of contributions, donations, expenditures, or disbursements, or decisions concerning the administration, management, or election-related expenditures of the Thom Tillis Committee and/or the 2014 Tillis Campaign.

The above and foregoing is true and correct to the best of my knowledge and belief.

  
Paul Shumaker



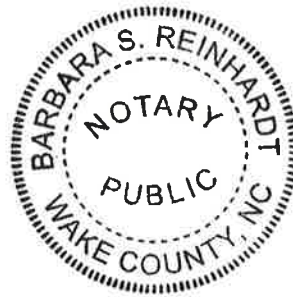
Paul Shumaker appeared before me personally on this 15<sup>th</sup> day of October, 2019, and did swear and affirm under penalty of perjury that the above and foregoing statements are true and correct to the best of his knowledge and belief.

Notary S E A L

My Commission Expires: 9-29-23



Notary Public



# EXHIBIT M

Affidavit of  
Brad Todd

OFFICE OF  
GENERAL COUNSEL  
2019 OCT 17 PM 2:07

## IN AND BEFORE THE FEDERAL ELECTION COMMISSION

Commonwealth of Virginia  
City of Alexandria

MURs 7351 and 7382

**Affidavit of Brad Todd**

I, Brad Todd, am an adult citizen and resident of the Commonwealth of Virginia. I do hereby affirm and state as follows:


1. I am a founder and partner in On Message, Inc., a political media, communications, and messaging consulting firm ("OMI").
2. I have been involved in the field of political strategy, communications, media and messaging for Republican political candidates and party committees, conservative issue organizations, and other clients in the political and policy process since 1994.
3. During the 2014 election cycle, one of OMI's candidate clients was the Thom Tillis for US Senate campaign to elect Thom Tillis to the US Senate from North Carolina.
4. I had the primary responsibility for the Tillis campaign on behalf of OMI.
5. I worked with the senior leadership team of the Tillis campaign to develop the strategy for the general election, which included the television advertising and other messaging for the campaign.
6. The senior leadership team for the Tillis campaign included Paul Shumaker, the general consultant, Jordan Shaw, the campaign manager, Glen Bolger, the pollster, and me, as communications and media consultant.
7. I cannot recall any person(s) from or representing Cambridge Analytica being involved in any conversation, meeting, discussion, or other event to decide messaging strategy for the campaign.
8. I worked with the senior leadership team on the messaging for and by the campaign and Cambridge Analytica was not part of those discussions or decisions.
9. I recommended to the senior leadership team of the campaign that we should do an ad about the incumbent Democratic Senator's failure to attend over half of the meetings and hearings of the Senate Armed Services Committee, of which she was a member, and that she missed a hearing about ISIS to attend a fundraising event for her campaign. The internal title of this ad was "Cocktails."
10. I produced the ad described above for possible use in the campaign, to educate voters in North Carolina that their Senator had missed over half the meetings of the Senate Armed

Services Committee, including one hearing on ISIS that she missed in order to attend her campaign fundraising reception in New York.

- 11. I did not receive or rely on any advice, data or information from anyone with Cambridge Analytica for the creation of this ad or the creation of any of the campaign's advertising.
- 12. My decades of experience in campaigns, including prior successful U.S. Senate campaigns and successful federal campaigns in North Carolina, gave me the background to develop the ad about Sen. Kay Hagan's performance as a US Senator on the Armed Services Committee, which was very effective in helping elect Senator Tillis in 2014; the idea for that ad or any other Tillis TV ad that year had nothing to do with any information or advice from Cambridge Analytica.
- 13. No one from Cambridge Analytica directed the 2014 Tillis campaign in messaging strategy, nor to my knowledge was anyone from Cambridge Analytica even part of the campaign's strategic message decision-making discussions.
- 14. To my knowledge, claims by any person(s) that Cambridge Analytica was involved in strategic decisions on major campaign messaging by the campaign are not true, and should be regarded as marketing puffery.

The above and foregoing statements are true and correct to the best of my knowledge and belief.

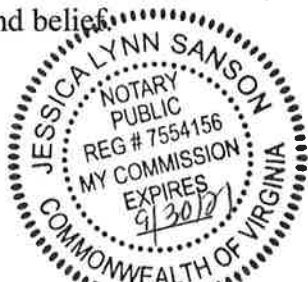
Further Affiant Sayeth Not.



Bradley A. Todd

Before me this 15<sup>th</sup> day of October, 2019, appeared Brad Todd who stated under penalty of perjury that the above and foregoing statements are true and correct to the best of his knowledge and belief.

SEAL



My Commission Expires: 9/30/2021



Notary Public

# EXHIBIT L

Affidavit of  
Glen Bolger

OFFICE OF  
GENERAL COUNSEL  
2019 OCT 17 PM 2:07

County of Arlington

Commonwealth of Virginia

**Affidavit of Glen Bolger**

Glen Bolger, a resident of the Commonwealth of Virginia, does hereby affirm and state:

1. I am a public opinion pollster and partner in the polling firm of Public Opinion Strategies ("POS"), where I have worked since co-founding the firm in 1991.
2. I have been engaged in public opinion polling and voter research for 34 years.
3. POS engages in public opinion polling for and on behalf of Republican candidates, campaigns, and committees.
4. In 2014, my firm served as the polling company for the US Senate campaign of Thom Tillis and I personally was the pollster for the Tillis campaign.
5. The surveys, questionnaires, data analysis, focus groups, and reports were conducted by POS under my supervision.
6. The Tillis campaign and the North Carolina Republican party retained Cambridge Analytica's United States subsidiary as its micro-targeting voter data vendor for the 2014 campaign.
7. The data vendor for a campaign is responsible for receiving information from multiple sources and developing voter turnout models for the campaign.
8. POS fed information from our surveys and focus groups into Cambridge Analytica for their use in developing the voter turnout models for the Tillis campaign.
9. Cambridge Analytica did not provide messaging or communications strategy to POS for our use in developing surveys and focus group questionnaires, nor were any Cambridge Analytica consulted by POS for input regarding the surveys and/or focus group questionnaires.
10. The overall communications and messaging strategies were developed by the Tillis campaign's strategic leadership team, consisting of Paul Shoemaker, general consultant to the Tillis campaign, Jordan Shaw, campaign manager, Brad Todd, the Tillis campaign's media consultant and myself, as the campaign's pollster.
11. I am aware of no time when Cambridge Analytica was consulted by the campaign's strategic leadership team regarding television commercials or other messaging by the Tillis campaign.

12. Normally, the data vendor develops turnout models campaign, based on information supplied by the campaign's pollster, applied to the data vendor's amplified and enhanced voter files and data.
13. To the best of my knowledge, the Tillis campaign followed that protocol which is standard in the micro-targeting industry.
14. The key message determined by the Tillis strategic leadership team in 2014 general election was to focus on fighting terrorism and the fact that during her tenure in office, the incumbent Democratic senator had missed nearly half of the meetings of the Senate Armed Services committee, of which she was a member.
15. It was the campaign's media consultant, Brad Todd, who had the idea to create an ad that focused on terrorism and the incumbent's failure to attend the Senate Armed Services Committee meetings.
16. Based on my company's survey data, we agreed as a team to test the ad in focus groups of women voters, who responded to the ad in a way that was important to electing Senator Tillis.
17. The team who considered and approved the ad on this topic consisted solely of the four members of the campaign's strategy team: myself, Paul Shumaker, Jordan Shaw, and Brad Todd.
18. There were no Cambridge Analytica personnel involved in the decisions about any advertising, public communications or other messaging, and no one from Cambridge Analytica played a role in the creation, testing, and ultimate dissemination of the ad regarding terrorism and the incumbent's failure to attend the Senate Armed Services Committee meetings.

Further Affiant Sayeth Not.

The above and foregoing statements are true and correct to the best of my knowledge and belief.

  
Glen Bolger

Glen Bolger appeared before me personally on this 11<sup>th</sup> day of September, 2019, and did swear and affirm under penalty of perjury that the above and foregoing statements are true and correct to the best of his knowledge and belief.

  
Notary Public

Notary S E A L

1. My Commission Expires: August 31<sup>st</sup>, 2023

