IN THE IOWA DISTRICT COURT FOR POLK COUNTY

PRESIDENT DONALD J. TRUMP, an individual, U.S. REPRESENTATIVE MARIANNETTE MILLER-MEEKS, an individual, and FORMER STATE SENATOR BRADLEY ZAUN, an individual,
 	
        Plaintiffs,
 	
v.
 	
J. ANN SELZER, an individual, SELZER & COMPANY, DES MOINES REGISTER AND TRIBUNE COMPANY, and GANNETT CO., INC.,
 	
        Defendants.
	Case No.:_____
	
	PETITION
	
	Jury Trial Demanded

Plaintiffs, PRESIDENT DONALD J. TRUMP ("President Trump"), U.S. REPRESENTATIVE MARIANNETTE MILLER-MEEKS ("Representative Miller-Meeks"), and FORMER STATE SENATOR BRADLEY ZAUN ("Zaun"), by and through undersigned counsel, bring this action against Defendants J. ANN SELZER ("Selzer"), SELZER & COMPANY ("S&C"), DES MOINES REGISTER AND TRIBUNE COMPANY ("DMR"), and GANNETT CO., INC. ("Gannett") (together "Defendants"), and allege as follows:

NATURE OF THE ACTION

1. This action, which arises under the Iowa Consumer Fraud Act, Iowa Code Chapter 714H, including § 714H.3(1) and related provisions, as well as under Iowa common law, including, without limitation, fraudulent misrepresentation and negligent misrepresentation, seeks accountability for brazen election interference committed by the Defendants in favor of now-defeated former Democratic presidential candidate Kamala Harris ("Harris"), along with other

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Democrat candidates, through use of a manipulated, incorrect, and improperly leaked Des Moines Register/Mediacom Iowa Poll conducted by Selzer and S&C, and published online by DMR and Gannett in the *Des Moines Register* and other Gannett-owned outlets including nationally distributed *USA Today*, on November 2, 2024, and in print on November 3, 2024 (the "Harris Poll"). *See* Brianne Pfannenstiel, *Iowa Poll: Kamala Harris leapfrogs Donald Trump to take lead near Election Day. Here's how*. DES MOINES REGISTER (Nov. 2, 2024), available at https://www.desmoinesregister.com/story/news/politics/iowa-poll/2024/11/02/iowa-poll-kamala-harris-leads-donald-trump-2024-presidential-race/75354033007/ (last visited June 29, 2025)[1] (the "Harris Poll Article"); Brianne Pfannenstiel, *Kamala Harris leapfrogs Donald Trump to take lead in ruby red Iowa near Election Day*. USA TODAY (Nov. 3, 2024), https://www.usatoday.com/story/news/politics/elections/2024/11/03/iowa-poll-kamala-harris-leads-trump/76018358007/ (last visited June 29, 2025).

2.   Contrary to reality and tortiously defying credulity, Defendants' Harris Poll was published three days before Election Day, purporting to show Harris leading President Trump in Iowa by three points (47%-44%) (*see* Harris Poll Article). The Poll was utterly wrong and intentionally misleading. President Trump won Iowa by *over thirteen* points (13.3%; 56%-42.7%),

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[1] URLs for the *Des Moines Register* in this Petition are accurate but are hidden behind a paywall at www.desmoinesregister.com.

with 927,019 votes in Iowa to 707,278 votes for Harris, and thereby captured Iowa's six electoral votes. *See Iowa President*, ASSOCIATED PRESS, available at https://apnews.com/projects/election-results-2024/iowa/?r=0 (last visited June 29, 2025). Before this astonishing *sixteen-point* polling miss, Selzer brazenly claimed: "It's hard for anybody to say they saw this coming . . . . Harris has clearly leaped into a leading position." (*See* Harris Poll Article). However, as Selzer knew, there was a perfectly good reason nobody "saw this coming"—because a three-point lead for Harris in deep-red Iowa was not reality; it was election-interfering fiction.

3.   Defendants' brazen 2024 election interference was not limited to the Harris Poll. Also on November 2, 2024 and November 3, 2024, DMR and Gannett published another poll in the online and print versions of the *Des Moines Register*, which purported to show that incumbent U.S. Representative ("Representative") Miller-Meeks trailed by sixteen points (53%-37%) against Democrat challenger Christina Bohannan in the race for Iowa's 1st Congressional District (the "Congressional Poll") (the Harris Poll and Congressional Poll together, the "Defendant Polls" or the "Polls"); Representative Miller-Meeks ultimately won the 1st District by two-tenths of a point (50.1%-49.9%), with 206,955 votes to 206,156 for Bohannan. *See* Stephen Gruber-Miller, *Iowa poll: Democrats are preferred over Republicans in 2 of 4 congressional districts,* DES MOINES REGISTER (Nov. 3, 2024), available at https://www.desmoinesregister.com/story/news/politics/iowa-poll/2024/11/03/iowa-poll-democrats-preferred-over-republicans-congress-nunn-baccam-miller-meeks-bohannan-hinson/75988058007/ (last visited June 29, 2025) (the "Congressional Poll Article"); Marissa Payne, *Recount affirms Mariannette Miller-Meeks' win over Christina Bohannan in 1st District,* DES MOINES REGISTER (Nov. 27, 2024), available at https://www.desmoinesregister.com/story/news/politics/elections/2024/11/27/iowa-election-

results-mariannette-miller-meeks-wins-congressional-1st-district-recount/76595052007/ (last

visited June 29, 2025); *Iowa First Congressional District Results*, NEW YORK TIMES, available at

https://www.nytimes.com/interactive/2024/11/05/us/elections/results-iowa-us-house-1.html (last

visited June 29, 2025).

4. The odds of a pollster with Selzer's experience and track record innocently missing

both President Trump's *and* Representative Miller-Meeks' races by the same margin, sixteen

points, and favoring the Democrat candidates with both "misses," are outside any reasonable range

of error.

5. Yet, Selzer—who had brandished and relied on her mainstream reputation for

accuracy despite several other, far less publicized, egregious polling misses in favor of

Democrats—discussed *infra*—would have the public believe it was merely a coincidence that two

of the worst polling misses of her career came just days before the most consequential election in

memory, that one was leaked, *and* both happened to go against Republican candidates. The Harris

Poll and the Congressional Poll were no "misses," but rather attempts to corruptly influence and

interfere in the outcome of the 2024 Presidential Election and other key elections, including the

Iowa 1st District.

6. As intended, Selzer's manipulated Harris Poll impacted many other elections,

including Representative Miller-Meeks' contest against Bohannan and Zaun's race against

Democrat challenger Matt Blake in Iowa Senate District 22, in which Blake narrowly emerged

victorious by a margin of four points. *See* Donnelle Eller, *Democratic challenger Matt Blake

upsets Republican incumbent Brad Zaun in Iowa Senate race,* DES MOINES REGISTER (Nov. 5,

2024), available at

https://www.desmoinesregister.com/story/news/politics/elections/2024/11/05/iowa-election-results-brad-zaun-matt-blake-senate-district-22/75722250007/# (last visited June 29, 2025).

7. President Trump's resounding victory was consistent with Iowa's recent electoral history: he won Iowa by over eight points and nearly ten points, respectively, in the 2020 and 2016 Presidential Elections. President Trump certainly could not have trailed Harris by three points in Iowa at any time in the 2024 cycle. *See Iowa*, CNN (Feb. 16, 2017), https://www.cnn.com/election/2016/results/states/iowa (last visited June 29, 2025); *Iowa*, CNN (Dec. 15, 2020), (https://www.cnn.com/election/2020/results/state/iowa (last visited June 29, 2025).

8. Defendants and their cohorts in the Democrat Party hoped that the Harris Poll would create a false narrative of inevitability for Harris in the final week of the 2024 Presidential Election, to drive down enthusiasm among Republicans; they had similar hopes for the Congressional Poll. Instead, the November 5 Election was a monumental victory for President Trump in the Electoral College and the Popular Vote, resulting in an overwhelming mandate for his America First principles and the consignment of the radical socialist agenda to the dustbin of history. Representative Miller-Meeks also secured a hard-fought victory despite substantial headwinds caused by the Congressional Poll, while Zaun suffered the aforementioned defeat.

9. After over 35 years in the industry, Selzer retired in disgrace from polling less than two weeks after Harris's resounding defeat. Selzer quitting polling is an admission of her guilt and liability for the Defendant Polls. *See* Ben Brasch, *Ann Selzer to step away from Iowa Poll with the Des Moines Register*, WASHINGTON POST (Nov. 17, 2024), https://www.washingtonpost.com/politics/2024/11/17/selzer-poll-iowa-election/ (last visited June 29, 2025).

10.   As Iowa Republican Party Chairman Jeff Kaufman observed: "Not only did [Selzer] disrespect Iowa and our voters, but she caused Iowa to be laughed at by the entire country." *See* Jeff Kaufman, *Trump wins, Ann Selzer loses*, WASHINGTON EXAMINER (Nov. 13, 2024),   https://www.washingtonexaminer.com/opinion/3227498/trump-wins-ann-selzer-loses/#google_vignette (last visited June 29, 2025).

11.   For too long, left-wing pollsters—knowing that polls *can, and often do,* materially impact elections—have attempted to influence electoral outcomes through manipulated polls that are not grounded in widely accepted polling methodologies and have unacceptable error rates. While Selzer is not the only pollster to engage in this corrupt practice, she had a huge platform and following, resulting in a significant and impactful opportunity to deceive voters.

12.   The need for Democrats to produce fake polls was even more acute than usual in the 2024 Election, given Harris's many fatal weaknesses as a candidate and lack of appeal to critical swaths of the traditional Democrat base. Her incessant use of "word salads"—i.e., jumbles of exceptionally incoherent speech—only underscored the urgency for left-wing pollsters to try and rescue Harris's candidacy. *See, e.g*., Hanna Panreck, *CNN panel critical of Kamala Harris' town hall performance: 'World salad city'*, CNN (Oct. 24, 2024) https://www.foxnews.com/media/cnn-panel-critical-kamala-harris-town-hall-performance-word-salad-city (last visited June 29, 2025); Ian Hanchett, *Van Jones: Harris Had Needless 'Evasions' During CNN Town Hall, 'Word Salad Stuff' Is Annoying*, BREITBART (Oct. 24, 2024), https://www.breitbart.com/clips/2024/10/24/van-jones-harris-had-needless-evasions-during-cnn-town-hall-word-salad-stuff-is-annoying/ (last visited June 29, 2025); Ian Hanchett, *Axelrod: Harris Gives a 'Kind of' 'Word Salad' 'When She Doesn't Want to Answer a Question' Like on Israel*, BREITBART (Oct. 24, 2024),   https://www.breitbart.com/clips/2024/10/axelrod-harris-

gives-a-kind-of-word-salad-when-she-doesnt-want-to-answer-a-question-like-on-israel/ (last visited June 29, 2025).

13. Millions of Americans, including President Trump, Iowans including but not limited to Representative Miller-Meeks and Zaun, and others who contributed to President Trump's campaign and its affiliated entities (the "Trump 2024 Campaign"), were lied to, deceived, and maligned by the doctored Harris Poll. President Trump has made impactful, widely read statements on the matter, writing on Truth Social, *inter alia*, that Selzer's misconduct caused "great distrust and uncertainty at a very critical time." *See* President Donald J. Trump, @realDonaldTrump, TRUTH SOCIAL (Dec. 9, 2024), https://truthsocial.com/@realDonaldTrump (last visited June 29, 2025); *see also Harris Now Leads Trump*, DES MOINES REGISTER (Nov. 3, 2024), at 1, 6A (excerpt shown below).
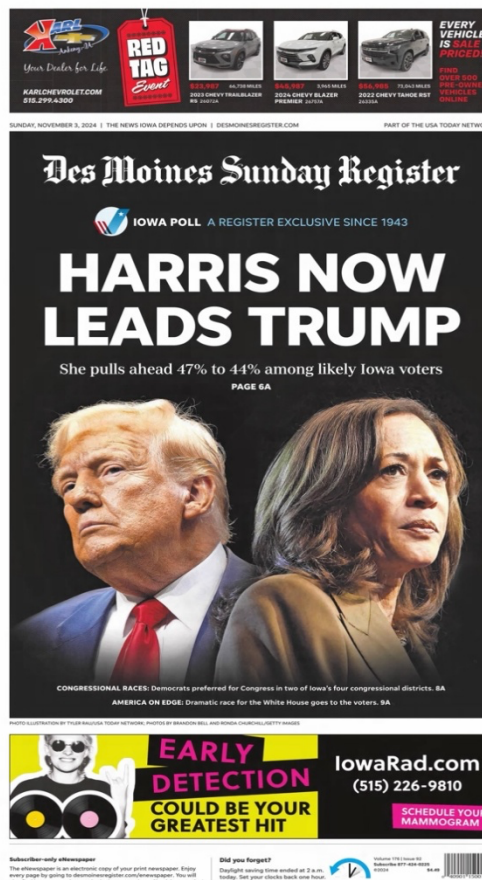
14.   Selzer's polling "miss" was not an astonishing coincidence—it was intentional. As President Trump observed: "She knew exactly what she was doing." *Id.*

15.   In addition, hundreds of thousands of Iowans, including but not limited to Representative Miller-Meeks and Zaun, and others who contributed to their Campaigns and affiliated entities, were lied to, deceived, and maligned by the doctored Congressional Poll.

16.   Defendants' conduct violated Iowa Code § 714H.3(1), pursuant to which "a person shall not engage in a practice or act the person knows or reasonably should know is an unfair practice, deception, fraud, false pretense, or false promise, or the misrepresentation, concealment, suppression, or omission of a material fact, with intent that others rely upon [same] . . . . "

17.   Defendants' conduct was also tortious at common law in that Defendants engaged in fraudulent and/or negligent misrepresentation.

18.   Accordingly, President Trump and his co-Plaintiffs, Representative Miller-Meeks and Zaun, bring this action to redress the immense harm caused to them as individual candidates and as individual consumers, to the Trump 2024 Campaign, to Representative Miller-Meeks' Campaign, to Zaun's Campaign, and to millions of citizens in Iowa and across America by the Defendant Polls.

19.   Further, this action is necessary to deter Defendants and their fellow radicals from continuing to act with corrupt intent in releasing polls manufactured for the purpose of skewing election results in favor of Democrats.

PARTIES

20.   President Trump is an individual, a citizen of Florida, the 45th President of the United States of America, and, as the landslide winner of the 2024 Presidential Election and having been inaugurated on January 20, 2025, the 47th President of the United States. President Trump read the election coverage at issue in this action in the *Des Moines Register*.

21.   Representative Miller-Meeks is an individual, a citizen of Iowa, and represents Iowa's 1st District in the United States House of Representatives. A physician, she has served as a United States Representative since 2021, having previously represented the Iowa Senate 41st District from 2019 to 2021. Representative Miller-Meeks is a regular reader of the *Des Moines Register*, read the election coverage at issue in this action, and purchased the *Des Moines Register* newspaper issue containing the election coverage at issue.

22.   Zaun is an individual, a citizen of Iowa, representing Iowa Senate District 22, serving in the Iowa Senate from 2005 through January 12, 2025. He also served as the mayor of Urbandale from 1998 to 2005. Zaun read the election coverage at issue in this action.

23.   Defendant Selzer is an individual, a citizen of Iowa, resides in the Des Moines area, and is the founder and president of S&C. Selzer worked as the pollster for the *Des Moines Register* for many years, overseeing all the *Register's* polls from 1987 to 2024. She has also conducted polls for *The Detroit Free Press*, *Bloomberg News*, and the *Indianapolis Star*. Selzer holds a Ph.D. in Communication Theory and Research from the University of Iowa.

24.   Defendant S&C is an Iowa domestic for-profit corporation that does business in Iowa generally, and in Polk County specifically, and is registered with the Iowa Secretary of State (No. 200824), with an office at 308 Fifth Street, West Des Moines, IA 50265. Selzer has published and released her polls to the public by and through S&C, which conducts polling for the Des Moines Register and other clients.

25.   Defendant DMR is an Iowa domestic corporation that does business in Iowa generally and in Polk County specifically. DMR owns and publishes the *Des Moines Register*. DMR is a wholly owned subsidiary of Gannett and a domestic for-profit corporation registered with the Iowa Secretary of State (No. 8971).

26.   Defendant Gannett is a Delaware corporation headquartered in New York that does business in Iowa generally, and Polk County specifically, and is publicly traded. Gannett owns DMR and myriad other publications, including the widely read and nationally distributed *USA Today*, and participates in the operations of the *Des Moines Register*, as evidenced by its investigation of the leak of the Harris Poll, discussed *infra*.

JURISDICTION AND VENUE

27.   This Court has jurisdiction over this action under Iowa Code § 714.16(7). The amount in controversy exceeds the jurisdictional amount for a small claims action. Polk County is a proper venue because this is a "county where the transaction or any substantial portion of the transaction occurred" and where Defendants are "doing business." Iowa Code § 714.16(10).

28.   Defendants reside in Iowa or are incorporated in Iowa, engage in substantial business in Iowa, and target Iowa consumers in the conduct of their business.

FACTUAL ALLEGATIONS

Selzer's Misleading Reputation for Objectivity

29.   Selzer has long enjoyed a celebrated, mainstream reputation for accurate polling. For example, in 2016, Clare Malone of *FiveThirtyEight* described Selzer as "the best pollster in politics." *See* Clare Malone, *Ann Selzer Is The Best Pollster In Politics*, FIVETHIRTYEIGHT (Jan. 27, 2016), https://fivethirtyeight.com/features/selzer/ (last visited June 29, 2025). In a June 2024 rating of 25 pollsters, Nate Silver rated Selzer first with an A+ score. *See* Nate Silver, *Pollster ratings*, *Silver Bulletin style*, SILVER BULLETIN (June 12, 2024), https://www.natesilver.net/p/pollster-ratings-silver-bulletin (last visited June 29, 2025).

30.   However, underneath the surface, Selzer has quietly used her polls to attempt to influence recent elections in favor of Democrats, receiving ample cover from the legacy media and thus lacking accountability. As Chairman Kaufman observed after President Trump's

commanding victory: "For too long, we have let Ann Selzer use her polls to influence races. She is fully aware that her polls can influence voters." *See* Kaufman, *Trump wins, Ann Selzer loses*, *supra*.

31.   In 2022, Selzer attempted to influence the outcome of the Iowa Attorney General Election between current Republican Attorney General Brenna Bird and then-Democrat incumbent Tom Miller (who had served in that capacity for 40 years). To do so, Selzer released a poll that missed the mark by an even more astonishing amount than the Harris Poll and the Congressional Poll—*eighteen* points. *See* Stephen Gruber-Miller, *Iowa Poll: Tom Miller leads Brenna Bird by 16 percentage points in attorney general race*, DES MOINES REGISTER (Oct. 25, 2022), https://www.desmoinesregister.com/story/news/politics/iowa-poll/2022/10/25/iowa-poll-attorney-general-election-tom-miller-brenna-bird-2022/69563197007/ (last visited June 29, 2025) ("The poll was conducted Oct. 9-12 by Selzer & Co."). Yet, two weeks after Selzer declared that Bird trailed Miller by sixteen points, Bird defeated Miller by two points. *See* Stephen Gruber-Miller, *Republican Brenna Bird defeats Tom Miller in Iowa attorney general race*, DES MOINES REGISTER (Nov. 9, 2022), https://www.desmoinesregister.com/story/news/politics/elections/2022/11/09/brenna-bird-topples-incumbent-tom-miller-in-iowa-attorney-general-race/69610291007/ (last visited June 29, 2025).

32.   In another example of Selzer's pattern of malicious deceit and election interference, in the 2018 Iowa governor's race between Democrat Fred Hubbell and Republican Kim Reynolds, Selzer showed Hubbell up by two points in the final November poll. *See* Brianne Pfannestiel, *Just days before election, Iowa poll shows Fred Hubbell with 2-point lead over Kim Reynolds*, DES MOINES REGISTER (Nov. 3, 2018),   available   at

https://www.desmoinesregister.com/story/news/politics/iowa-poll/2018/11/03/iowa-poll-governor-race-kim-reynolds-fred-hubbell-jake-porter-selzer-iowa-election-2018-medicaid/1871874002/ (last visited June 29, 2025). Reynolds won by almost three points (50.3%-47.5%). *See Iowa Governor Election Results 2018,* POLITICO (Dec. 9, 2018), https://www.politico.com/election-results/2018/iowa/governor/ (last visited June 29, 2025).

33.   In the 2020 U.S. Senate race, Selzer showed Republican Joni Ernst behind Democrat Theresa Greenfield by three points in June and three points in September. *See* Brianne Pfannestiel, *Iowa Poll: Theresa Greenfield narrowly leads Joni Ernst in hyper-competitive Senate race*, DES MOINES REGISTER (Sept. 19, 2020), available at https://www.desmoinesregister.com/story/news/politics/iowa-poll/2020/09/19/iowa-poll-theresa-greenfield-narrowly-leads-joni-ernst-senate-race/3486994001/ (last visited June 29, 2025). Selzer then belatedly put Ernst ahead by four points a little over a month later in the final poll. *See* Brianne Pfannestiel, *Iowa Poll: Republican Joni Ernst pulls ahead of Democrat Theresa Greenfield in closing days of U.S. Senate Race*, DES MOINES REGISTER (Oct. 31, 2020), available at https://www.desmoinesregister.com/story/news/politics/iowa-poll/2020/10/31/election-2020-iowa-poll-greenfield-ernst-us-senate-race-voters/6055545002/ (last visited June 29, 2025). Notwithstanding Selzer's efforts to create suspense where there was none, Ernst won the race by a comfortable margin of nearly seven points (51.8%-45.2%). *See Iowa U.S. Senate Results 2020,* POLITICO (Jan. 6, 2021), https://www.politico.com/2020-election/results/iowa/senate/ (last visited June 29, 2025).

34.   These races were not a matter of being wrong in the end—they exposed that Defendants, led by Selzer, were manufacturing fake support for Democrat candidates to interfere in the elections.

Selzer's Polling Materially Impacted Elections

35.   As Selzer knows, manipulated polls create a narrative of inevitability for Democrat candidates, increases enthusiasm and turnout among Democrats, decreases enthusiasm and turnout among Republicans, and deceives the public into believing that Democratic candidates are performing better than they really are.

36.   And, given Selzer's position of trust before November 5, 2024, she had the power to influence campaign spending and strategy, change public perception of races, and even impact the outcome of elections. Her polls most certainly had a material impact on the electoral process both in Iowa and nationally, a fact that candidates and their teams long knew—and anticipated. Iowa's outsized importance on the national political stage only added to Selzer's influence while lengthening her shadow over Presidential, Congressional, and State races.

37.   As a reverent *New York Times* reminisced: "The Surveys of J. Ann Selzer *once carried the hopes and fears of the men and women who sought to lead the nation*, recording with uncanny accuracy the views of Iowa voters who exercised outsize influence in the choosing of American presidents." *See* Jonathan Weisman, *A Famed Iowa Pollster's Career Ends With a 'Spectacular Miss' and a Trump Lawsuit*, NEW YORK TIMES (Dec. 19, 2024), https://www.nytimes.com/2024/12/19/us/politics/ann-selzer-iowa-trump.html (last visited June 29, 2025) (emphasis added).

38.   Lis Smith, senior adviser to Pete Buttigieg's 2020 Presidential Campaign, was among the many seasoned political operatives who acknowledged Selzer's sway over election outcomes. In 2020, Selzer's "highly anticipated poll of Iowa Democrats" was "shelved" after Smith raised concerns "about irregularities in the methodology" when it came to light that Buttigieg's name was left off the menu of options presented during a phone survey. *See* Lisa Lerer, Jonathan Martin and Michael M. Grynbaum, *Des Moines Register Poll of Iowa Caucusgoers*

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Abruptly   Shelved,   NEW   YORK   TIMES   (Feb.   3,   2020),

https://www.nytimes.com/2020/02/01/us/politics/des-moines-register-polls-iowa-caucus.html

(last visited June 29, 2025).

39.   Recalled Smith: "This was *the most impactful and important poll* in presidential primary politics. It would *set the narrative* for the caucuses, dominating the media coverage and *dictating caucus choices . . . .*" *See* Weisman, *A Famed Iowa Pollster's Career Ends With a 'Spectacular Miss' and a Trump Lawsuit.* (Emphasis added).

40.   Given Selzer's power, Smith was right to fear for her candidate. "The late-breaking nature of the state's political culture len[t] the poll outsized influence, with the power to fuel a last-minute surge in the state . . . ." *See* Lerer, Martin and Grynbaum, *Des Moines Register Poll of Iowa Caucusgoers Abruptly Shelved*.

41.   Selzer and her handlers at DMR and Gannett knew she had the power to materially impact election outcomes. By unleashing the Harris Poll, Defendants "jolted the nation" and "set off a torrent of predictions that the vice president could be swept to a convincing victory by angry women other polls may not have captured." *Id*. Of course, these predictions proved to be in direct contradiction to reality.

42.   Furthermore, academic studies show that polling data on a race affects voter choices and turnout. Such polling may also change the candidates that voters select based on their assessment of their viability (for instance, a voter may cast a third-party protest vote in a race that he thinks won't be close). *See generally* Andre Blais, *et al.*, *Do Polls Influence the Vote?*, in HENRY E. BRADY & RICHARD G. C. JOHNSTON, eds., CAPTURING CAMPAIGN EFFECTS (2009).

43.   Moreover, "[b]esides receiving national news coverage, [the Harris Poll] had a significant impact on the expectations of Iowans themselves. Such dramatic public findings, which

this Iowa Poll represents, can mislead voters and undermine trust in the polling enterprise itself." Samantha J. DeRagon, Tracy Osborn, and Michael S. Lewis-Beck, *The 2024 Iowa Poll for President: A Cautionary Tale*, The Center for Politics at the Univ. of Virginia (Dec. 12, 2024), https://centerforpolitics.org/crystalball/the-2024-iowa-poll-for-president-a-cautionary-tale/   (last visited June 29, 2025)

44.   "The notion that published vote intention polls influence voter behavior expresses [a] hypothesis of long standing. Normally, it would be difficult to trace out the effect of this last minute, single poll on would-be voters in a single state. However, we had in the field our own poll of Iowa voters, namely a sample of 214 University of Iowa students. . . . The results show a statistically significant 9-percentage-point rise (p < .05, one-tailed) in expectations of a Harris victory among those who said Iowa was their home state (150 respondents). While these data are observational, they are nevertheless highly suggestive. It looks like the *Iowa Poll* did, in fact, increase Iowa public opinion favoring Harris to win the state." *Id.* (emphasis in original).

The Harris Poll

45.   On the evening of November 2, 2024, when the Harris Poll was unveiled in the *Des Moines Register*, President Trump led Harris in Iowa by any objective, reasonable, and reliable measure.

46.   Notably, until Defendants released the Harris Poll, Selzer's previous 2024 Presidential Election polls published in the *Des Moines Register* showed President Trump leading. *See* Brianne Pfannestiel, *Trump's Iowa lead shrinks significantly as Kamala Harris replaced Biden, Iowa Poll shows*, DES MOINES REGISTER (Sept. 15, 2024), available at https://www.desmoinesregister.com/story/news/politics/iowa-poll/2024/09/15/iowa-poll-donald-trump-iowa-lead-shrinks-as-kamala-harris-replaces-joe-biden/75180245007/ (last visited June 29, 2025). Although Selzer was already trying to generate fake enthusiasm and momentum for

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Harris—she characterized Harris's supposed four-point deficit as a "dramatic turnaround from Joe Biden's double-digit deficit"—this September poll still had President Trump up by four points. *Id.*

47.   The premise of Selzer's poll, that Harris had somehow turned Joe Biden's eighteen-point deficit (50%-32%) into a mere four-point deficit (47%-43%), was so implausible that no objective pollster could have honestly advanced it. "'I wouldn't say 4 points is comfortable' for Trump, said pollster J. Ann Selzer, president of Selzer & Co. 'The race has tightened significantly.'" *Id.*

48.   This poll, purporting to show that President Trump's commanding lead all but vanished upon Harris's entry into the race, was indicative of Defendants' intent, even as early as September, to paint an incorrect and cynical picture of the downward trajectory for President Trump in the face of a supposedly turbocharged Harris Campaign. In truth, Harris's hollow message of "joy" was missing badly with voters across all demographics and regions, who craved actual policy changes that only President Trump can and will deliver. *See* Herald readers, *Message of 'joy' at Democratic Convention hides Kamala Harris' poor track record*, MIAMI HERALD (Aug. 27, 2024), https://www.miamiherald.com/opinion/article291479270.html (last visited June 29, 2025).

49.   Meanwhile*, every other* mainstream Iowa poll also showed President Trump comfortably ahead, and by significantly more than Selzer presented. A poll conducted September 27-28, 2024 by Cygnal showed President Trump ahead by seven points; a poll conducted

November 1-2, 2024 by Emerson College showed President Trump ahead by nine points; a poll conducted November 2-3, 2024 by InsiderAdvantage showed President Trump ahead by seven points; a poll conducted November 2-3, 2024 by SoCal Strategies showed President Trump ahead by seven points; and a second poll conducted November 2-3, 2024 by SoCal Strategies showed President Trump ahead by eight points. *See Iowa Latest Polls*, FIVETHIRTYEIGHT, https://projects.fivethirtyeight.com/polls/iowa/ (last visited June 29, 2025).

50.   Moreover, as revealed after the Election, even Harris's internal polling showed that she was never leading President Trump, and could not possibly have been ahead in Iowa. Diana Glebova, *Harris camp's own polling never showed VP leading Trump, team 'surprised' by reports showing her ahead: top adviser*, NEW YORK POST (Nov. 27, 2024) https://nypost.com/2024/11/27/us-news/harris-camps-own-polling-never-showed-vp-leading-trump-team-surprised-by-reports-showing-her-ahead-sr-adviser/(last visited June 29, 2024); Sam Woodward, *Kamala Harris advisers: Internal polling never showed VP ahead,* USA TODAY (Nov. 27, 2024) https://www.usatoday.com/story/news/politics/elections/2024/11/27/kamala-harris-advisers-internal-polling/76626278007/ (last visited June 29, 2024).

51.   Further demonstrating Selzer's departure from reality, in each of the highest-stakes races—President, Governor, Senator—from 2016 to 2022, the Republican won in Iowa and did so by a convincing margin. A three-point lead by a Democrat candidate for President would have been remarkably out of line compared to election results in the prior four cycles.

52.   Other pollsters who frequently work in swing states, such as Quinnipiac University, did not even poll Iowa in 2024, assuming, correctly, that it was a lock for President Trump. When major news outlets reported on swing states, Iowa was never included.

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53.   In sharp contrast to common sense, electoral history, all other public polls, and Harris's internal polling, the Harris Poll falsely showed Harris leading President Trump in Iowa with just three days to go, which suggested major, but in reality nonexistent, momentum for Harris nationwide. In truth, the Harris Poll was just a piece of political theater concocted by an individual—Selzer—who, as a supposedly legendary pollster with the power to shape public perception of elections, should have known better than to poison the electorate with a poll that was nothing more than a work of fantasy. *See* Shelby Talcott, *Gannett probes possible leak of bombshell Iowa poll*, SEMAFOR (Nov. 10, 2024), https://www.semafor.com/article/11/10/2024/gannett-probes-possible-leak-of-bombshell-iowa-poll (last visited June 29, 2025) ("The Des Moines Register is legendarily careful with Selzer's polls, which shape perceptions of crucial early caucuses in both parties . . . .").

54.   The Harris Poll wasn't irregular just because it was wrong by an appalling sixteen points. Indeed, not coincidentally, the circumstances under which the Harris Poll became public via an unprecedented leak also broke DMR's longstanding policy of secrecy with Selzer's polls, proving that the Harris Poll was intended to aid Harris and harm President Trump.

55.   Defendants' misconduct should have surprised no one, given Gannett, DMR, and Selzer's increasing abandonment of objectivity in recent years. Their election interference was a long time in the making.

56.   As reported by the *New York Times*, the *Register's* "liberal editorial board has become increasingly out of step with the conservative state [Iowa]." *See* Weisman, *A Famed Iowa Pollster's Career Ends With a 'Spectacular Miss' and a Trump Lawsuit*, *supra*.

57.   Moreover, as the *Times* also acknowledged, Selzer "revealed a slight but consistent lean toward Democrats" in "her last *eight* final Iowa presidential polls . . . ." *Id*. In truth, Selzer has not just leaned toward Democrats, but has outright favored Democrats.

58.   The Harris Poll, a bombshell "making nationwide news and giving Democrats what would turn out to be false hope," was leaked by Defendants to Democrat operatives earlier in the day on November 2, 2024, many hours before the Harris Poll Article appeared. *Id*. ("But roughly 45 minutes prior to the poll's public release, a stray tweet predicted the poll's findings. Its author said that Illinois Governor JB Pritzker, a Duke University alumnus, had mentioned the not-yet-released poll during a Duke Democrats meeting that day."). This breach resulted in Gannett, DMR's parent company, being forced to investigate "how Pritzker and possibly other political actors could have learned of the poll early, and is reviewing employees' emails . . . ." *See* Talcott, *Gannett probes possible leak of bombshell Iowa poll*, *supra*; Yael Halon, *Company behind Selzer poll launches probe into potential leak after results published on X prior to publishing*, Fox News (Nov. 11, 2024), https://www.foxnews.com/media/company-behind-seltzer-poll-launches-probe-potential-leak-after-results-posted-x-prior-publishing (last visited June 29, 2025) ("The company behind the Des Moines Register, which published Ann Selzer's poorly-aged Iowa poll, has launched an investigation after the poll's findings were allegedly leaked on X prior to publishing . . . .").

59.   The "stray tweet" referenced in the *Semafor* article was posted by "Ryan@IllinoisLib" at 6:15 p.m. EST on November 2, 2024, and has now been viewed over 1,100,000 times, stating:

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See https://x.com/IllinoisLib/status/1852837036597948760 (last visited June 29, 2025).

60.   Moreover, this leak was not the only security breach that occurred in connection with the Harris Poll.

61.   On October 31, 2024, two days before the malicious leak and publication of the Harris Poll Article, Selzer became so uncontrollably excited about the Poll that, in an unfathomable breach of professional polling standards and lapse of judgment, she allowed her nephew—who was not employed by S&C or the *Des Moines Register*—to view the Poll. Admitted Selzer: "I will say that my nephew is a senior at the University of Nebraska and currently interning at Gallup, interestingly enough. And I [sic] he wanted to come and I wanted to have him here for this and he walked in Thursday night and I had a folder and I had to swear him to secrecy [sic] has to take the oath and he opened the folder and and [sic] he he [sic] couldn't believe what he was looking at. And his mouth sort of fell down to the kitchen counter and it took him a while to wrap his head around it . . . ." *See* Tim Miller, *Kamala Harris DOMINATES in Final Polls (w/J. Ann Selzer)*, THE BULWARK PODCAST (Nov. 3, 2024) (time stamp: 16:15), https://www.youtube.com/watch?si=LECNF1OBr2S2HnZU&v=P-ysKh_Gyd0&feature=youtu.be (last visited June 29, 2025).

62.   Clearly, the Harris Poll, unlike Defendants' other polls, was leaked and disclosed to unauthorized third parties because the Harris Poll was created by Selzer and published by Gannett and DMR for maximum "shock and awe" political impact rather than accuracy or

reliability. It is indeed no coincidence that Defendants' most significant polling "miss" also happened to be the one that would be leaked to cause as much harm to the electoral process as possible—and one that induced the legacy media to go "all in" and treat the Harris Poll as a "canary in the coal mine" for President Trump. *See* Montage, *Media goes all in on Iowa poll showing Harris lead, sees 'canary in the coal mine' for Trump*, FOX NEWS (Nov. 4, 2024), https://www.foxnews.com/video/6364191963112 (last visited June 29, 2025) ("MSNBC, CNN and the hosts of 'The View' went all in on the results of a new *Des Moines Register* poll that found Vice President Kamala Harris leading Donald Trump by three points in Iowa.").

63.   Indeed, as intended by Defendants, the Harris Poll grabbed national and international headlines. *See, e.g.,* Dan Mangan, *Shock poll shows Harris leading Trump in Iowa*, CNBC (Nov. 2, 2024), https://www.nbcbayarea.com/news/business/money-report/shock-poll-shows-harris-leading-trump-in-iowa/3697783/?os=io...&ref=app (last visited June 29, 2025);

NEWS

Shock poll shows Harris leading Trump in Iowa

The Des Moines Register/Mediacom Iowa Poll's results came as a complete surprise to political observers

By Dan Mangan,CNBC • Published November 2, 2024 • Updated on November 5, 2024 at 10:21 am

Chidanand Rajghatta, *Ayya va! Shock poll in non-battleground state shows Kamala winning*, TIMES OF INDIA (Nov. 3, 2024), https://timesofindia.indiatimes.com/world/us/ayya-va-shock-poll-in-non-battleground-state-shows-kamala-winning/articleshow/114914960.cms (last visited June 29, 2025);

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THE TIMES OF INDIA

Ayya va! Shock poll in non-battleground state shows Kamala winning

TNN | Nov 3, 2024, 08.12 PM IST

Nate Silver, *What 'Shocking New Iowa Poll Means for Kamala Harris' Chances*, NEWSWEEK (Nov. 2, 2024) https://www.newsweek.com/what-shocking-new-iowa-poll-means-kamala-harris-chances-nate-silver-1979244 (last visited June 29, 2025);

Brie Stimson, *Shock Poll has Harris leading Trump in Iowa with 3-point shift toward vice president in red state,* FOX NEWS (Nov. 2, 2024) https://www.foxnews.com/politics/shock-poll-harris-leading-trump-iowa-3-point-shift-toward-vice-president-red-state.amp (last visited June 29, 2025);
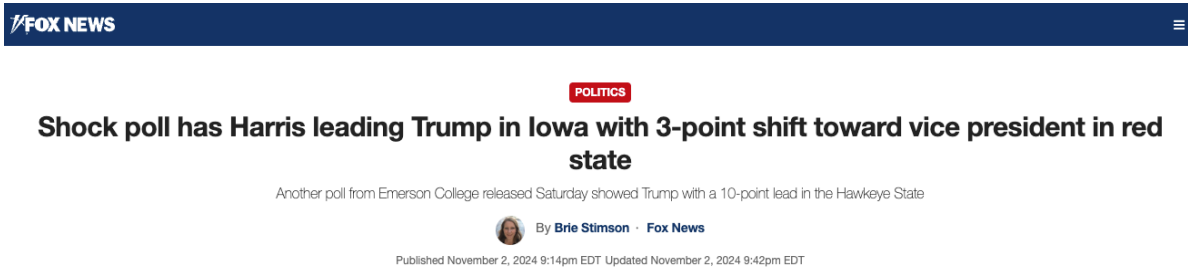
Jennifer Agiesta, *Trump no longer leads in a state he carried twice, according to new Iowa Poll*, CNN POLITICS (Nov. 2, 2024), https://www.cnn.com/2024/11/02/politics/iowa-poll-harris-trump/index.html (last visited June 29, 2025);

22
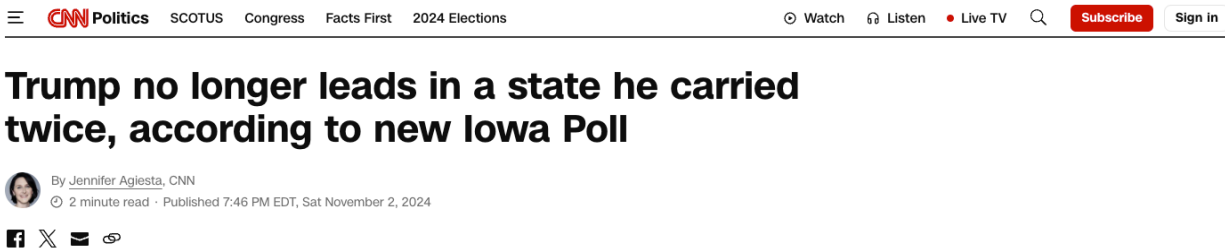
Sara Dorn, *Why Outlier Poll Showing Harris Winning Iowa Could Spell Trouble For Trump*, FORBES (Nov. 3, 2024), https://www.forbes.com/sites/saradorn/2024/11/03/why-outlier-poll-showing-harris-winning-iowa-could-spell-trouble-for-trump/ (last visited June 29, 2025).

64.   After President Trump's historic victory and Representative Miller-Meeks' triumph, Selzer, aided and abetted by DMR and Gannett, attempted to sidestep her disastrous and deceitful Harris Poll, Congressional Poll, and polling on other races with vacuous platitudes and discussion about her next career moves. *See* J. Ann Selzer, *Pollster Ann Selzer ending election polling, moving 'to other ventures and opportunities,'* DES MOINES REGISTER (Nov. 17, 2024), available at https://www.desmoinesregister.com/story/opinion/columnists/2024/11/17/ann-selzer-conducts-iowa-poll-ending-election-polling-moving-to-other-opportunities/76334909007/   (last visited June 29, 2025).

65.   In reality, Selzer quit the polling industry in disgrace after an attempt at election interference. Such action is an admission of Selzer's guilt and liability for the fake, election-interfering poll.

66.   Further, lacking any sensible or innocent explanation for the Harris Poll, the *Des Moines Register* could only weakly offer that "[t]o date, no likely single culprit has emerged to explain the wide disparity." *See* Carol Hunter, *An update from the editor: What a review of the pre-election Iowa Poll has found,* DES MOINES REGISTER (Nov. 17, 2024), https://www.desmoinesregister.com/story/opinion/columnists/from-the-editor/2024/11/17/editors-update-what-a-review-of-the-pre-election-iowa-poll-has-found/76300644007/ (last visited June 29, 2025).

67.   Selzer, aware that there is no innocent explanation for the Harris Poll, continues to try and talk her way out of the malignant fiction she unleashed on the public. *See* Hanna Panreck, *Former pollster Ann Selzer hits back at criticisms over Iowa poll: 'They are accusing me of a crime,'* FOX NEWS (Dec. 15, 2024), https://www.foxnews.com/media/former-pollster-ann-selzer-hits-back-criticisms-over-iowa-poll-they-accusing-me-crime (last visited June 29, 2025). Appearing on the *Iowa Press*, Selzer remarked: "Well, I'm not here to break any news. If you were hoping that I had landed one exactly why things went wrong, I have not." *See J. Ann Selzer,* IOWA PRESS (Dec. 13, 2024), https://www.iowapbs.org/shows/iowapress/iowa-press/episode/11885/j-ann-selzer (last visited June 29, 2025). Later, Selzer inadvertently revealed the root of the problem, that the Harris Poll was bought and paid for: "And the polling industry is predicated on getting people to pay money for their products." *Id*.

68.   Notably, *PollFair*, an online polling analyst that reweighs polls based on historic exit poll data, took the Harris Poll and reweighted it according to historical data. Selzer weighed her sample at R+2, while *PollFair* weighted its sample at R+10. Doing so moved the results from Harris   +3   (47-44)   to   President   Trump   +6   (50-44).   *See* https://x.com/poll_fair/status/1852857893307158678 (last visited June 29, 2025).

69.   The truth is that there is no sensible or innocent explanation for the Harris Poll

since, as Manhattan Institute senior fellow James Piereson wrote, Selzer's "miss" was *beyond*

extreme:

> The Selzer Poll, with a margin of error of 3.4, missed the real outcome by 16 points, or by as many as five standard deviations from the true result as revealed on election day. What are the odds of drawing such a sample by legitimate means? Answer: roughly one time in 3.5 million trials. In other words, given these odds, the results in the Iowa poll likely did not come about by "honest error."

> *See* James Piereson, *Statistical questions about the Iowa poll,* THE NEW CRITERION (Nov. 12, 2024), https://newcriterion.com/dispatch/statistical-questions-about-the-iowa-poll/ (last visited June 29, 2025).

70.   Selzer's deceptive "miss" caused extensive harm:

> It is more likely that someone deliberately manipulated the sample so that it included too many Democrats, or simply made up the numbers as they came in for the purpose of giving confidence to Harris voters and worry for Trump supporters, or to bring national attention to a poll taken in a state not regarded as competitive. The poll did receive national attention and was widely discussed. Selzer appeared on television interviews to talk about the poll and its implications. If the goal was to promote the poll, then the gambit succeeded—at least until election day, when it was revealed to be ridiculously far off the mark.

> *Id.*

71.   Indeed, Selzer *widely* appear on television interviews, where she shamelessly

promoted her Harris Poll to drum up Democrat fervor while feigning shock at her own findings,

most notably on MSNBC with left-wing extremist Rachel Maddow. As Selzer had intended, a

giddy Maddow—like other Democrat-aligned commentators who reported on the Harris Poll—

spread manufactured enthusiasm and hope to MSNBC's overwhelmingly Democrat viewers. "And

the reason this is *consequential* to our psyche is that if this is accurate—and if anybody is accurate

it is likely to be Ann Selzer in the Iowa poll—if this is accurate—this implies that Harris might be

winning Iowa." *See* Rachel Maddow, *'Shock result': Maddow on bombshell Iowa poll with Harris*

leading Trump, MSNBC (Nov. 3, 2024), https://www.msnbc.com/msnbc/watch/-shock-result-

maddow-on-bombshell-iowa-poll-with-harris-leading-trump-223450181755 (last visited June 29, 2025). (Emphasis added).
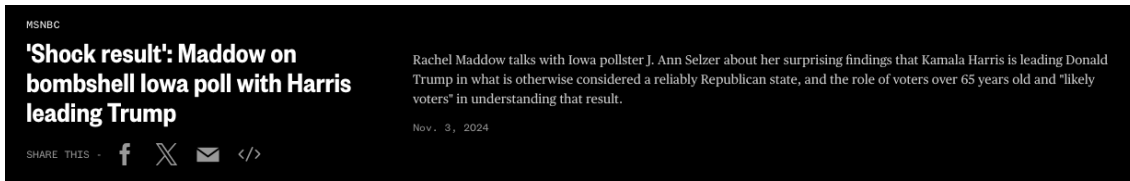
72. Maddow was perceptive about one thing: the Harris Poll *was* consequential, but for all the wrong reasons. Selzer, who Maddow breathlessly called a "living bullseye," carried more than enough weight to shift public perception about the race. *Id.*

73. Ironically, as Maddow attempted to put the magnitude of the Harris Poll in perspective for her suddenly rejuvenated audience, she only underscored why the Harris Poll was a partisan fiction. "Iowa is a State where neither campaign has spent any time or resources since the primaries. They don't have a ground game up there. They don't have ads up there. Trump won Iowa by eight points last time and nine points the time before that. Nobody thinks of it as a swing state . . . . but here she is with a lead?" *Id.*

74. Maddow then welcomed Selzer to the program, with the pollster immediately complimenting Maddow's perspective on the Harris Poll as "picture perfect." *Id.* Selzer added: "I don't see how anybody would look at those numbers and the history in Iowa in the past eight to

twelve years and think that these numbers could have been foretold." *Id*. Of course, the numbers could not have been foretold because they weren't possible or real, they were fake.

75.   Nor can Selzer hide behind feeble excuses about the purported difficulty of polling in races involving President Trump—the Harris Poll wasn't Selzer's only inexplicable, flagrant "miss" in favor of a Democrat candidate in the 2024 election cycle. The Harris Poll was one of *five* massive "misses" favoring Democrats this cycle.

The Congressional Poll

76.   The Congressional Poll was another of Selzer's five massive "misses" favoring Democrats this cycle.

77.   Regarding the Congressional Poll, the DMR, aided by Gannett, reported in the Congressional Poll Article:

> Now, voters prefer a Democratic candidate by a 16-point margin in the 1st District, where Democrat Christina Bohannan, a law professor and former state representative, is in a rematch with Republican U.S. Rep. Mariannette Miller-Meeks, who is seeking her third term. Miller-Meeks defeated Bohannan in 2022 by nearly 7 percentage points.
>
> *See* Gruber-Miller, *Iowa poll: Democrats are preferred over Republicans in 2 of 4 congressional districts, supra.*

78.   Given that Representative Miller-Meeks defeated Bohannan by nearly seven points in 2022 (53.4%-46.6%), Selzer's projection that Bohannan led Miller-Meeks by sixteen points in the rematch constituted a *twenty-three-point* swing in Bohannan's favor—virtually a statistical impossibility and an absurd suggestion given the absence of any significant events or developments that might explain such a dramatic change. *See 2022 Iowa U.S. House – District 1 Election Results*, DES MOINES REGISTER, https://www.desmoinesregister.com/elections/results/race/2022-11-08-house-IA-17071 (last visited June 29, 2025).

79.   Selzer also disregarded Representative Miller-Meeks' recent electoral history as two-time Congressional incumbent: having eked out a 6-vote victory in 2020 and defeated Bohannan handily in 2022, Miller-Meeks certainly could not have trailed Bohannan by sixteen points this cycle. *See 2020 Iowa U.S. House – District 2 Election Results*, Des Moines Register (Jan. 11, 2021), https://www.desmoinesregister.com/elections/results/race/2020-11-03-house-IA-17072/ (last visited June 29, 2025); *See 2022 Iowa U.S. House – District 1 Election Results*, *supra*.

80.   Even a poll from a few weeks earlier (Sept. 30 to Oct. 1, 2024) by the Democrat Party had Bohannan up only four points (50%-46%). *See* https://projects.fivethirtyeight.com/polls/house/2024/iowa/1/ (last visited June 29, 2025).

81.   Further, a poll from the end of August by Normington, Petts & Associates for the Bohannan Campaign had showed the race tied at 47% each. *See id*.

82.   The Selzer Congressional Poll was twelve points off from even the Democrats' optimistic projection. Furthermore, Iowa's 1st District is normally an R+3 seat, according to the Cook Political Report. President Trump had won it in 2020 by three points, and Kim Reynolds won it in 2018 by three points.

83.   Following a bruising and costly recount in what proved to be a historically tight race, Miller-Meeks prevailed by two-tenths of a point. *See* Payne, *Recount affirms Mariannette Miller-Meeks' win over Christina Bohannan in 1st District, supra.* This outcome meant that the Congressional Poll had been off by a whopping *sixteen* points—the same amount of the "miss" in the Harris Poll, also favoring the Democrat.

84.   Representative Miller-Meeks never should have been subjected to a recount—and a costly recount at that—and would not have been if not for the combined impact of the Harris Poll and the Congressional Poll on her race.

85.   Not only did the Harris Poll and the Congressional Poll substantially contribute to forcing Representative Miller-Meeks into an electoral struggle, but she, like many other consumers who read the *Des Moines Register*, was also deceived by the Harris Poll and the Congressional Poll.

86.   But that was not all. In the race for Iowa's 3rd Congressional District—rated by the Cook Political Report as R+3—between incumbent Republican Zach Nunn and Democrat challenger Lanon Baccam, Selzer projected Baccam with a seven-point lead over Nunn (48%-41%), according to another poll published by the Des Moines Register on November 3, 2024. *See* Gruber-Miller, *Iowa poll: Democrats are preferred over Republicans in 2 of 4 congressional districts, supra.*

87.   Notwithstanding Selzer's poll, Nunn prevailed by four points. *See* Stephen Gruber-Miller and Courtney Crowder, *Republican Zach Nunn defeats Lanon Baccam, wins reelection bid in Iowa's 3rd District,* DES MOINES REGISTER (Nov. 6, 2024), available at https://www.desmoinesregister.com/story/news/politics/elections/2024/11/05/zach-nunn-lanon-baccam-face-off-in-iowas-3rd-congressional-district/75777485007/ (last visited June 29, 2025). This outcome meant Selzer's poll had been off by a disastrous eleven points—again in favor of the Democrat.

88.   In the race for Iowa's 2nd Congressional District between incumbent Republican Ashley Hinson and Democrat challenger Sarah Corkery, Selzer projected Hinson with a tight three-point lead over Corkery (45%-42%), according to another poll published by the Des Moines Register on November 3, 2024. *See* Gruber-Miller, *Iowa poll: Democrats are preferred over Republicans in 2 of 4 congressional districts, supra.*

89.   Notwithstanding Selzer's poll, Hinson prevailed by over *fifteen* points. *See* Sabine Martin, *Republican U.S. Rep. Ashley Hinson wins third term, vows to back President Trump's agenda,* DES MOINES REGISTER (Nov. 5, 2024), available at https://www.desmoinesregister.com/story/news/politics/elections/2024/11/05/iowa-election-results-ashley-hinson-sarah-corkery-jody-puffett-2nd-congressional-district/75721251007/ (last visited June 29, 2025). This outcome meant Selzer's poll had been off by a disastrous twelve points—again in favor of the Democrat.

90.   In the race for Iowa's 4th Congressional District between incumbent Republican Randy Feenstra and Democrat challenger Ryan Melton, Selzer projected Feenstra would win with the same sixteen-point lead over Melton (53%-37%) that she projected for Bohannan over Representative Miller-Meeks, according to another poll published by the *Des Moines Register* on November 3, 2024. *See* Gruber-Miller, *Iowa poll: Democrats are preferred over Republicans in 2 of 4 congressional districts, supra.*

91.   Notwithstanding Selzer's poll, Feenstra prevailed by over *thirty-four* points. *See* Philip Joens, *Randy Feenstra defeats Ryan Melton in Iowa's Fourth Congressional District,* DES MOINES REGISTER (Nov. 5, 2024), available at https://www.desmoinesregister.com/story/news/politics/elections/2024/11/05/randy-feenstra-ryan-melton-vie-for-iowas-4th-congressional-district/75721620007/ (last visited June 29, 2025). This outcome meant Selzer's poll had been off by a disastrous eighteen points—again in favor of the Democrat.

92.   The odds of a pollster with the experience and track record of Selzer innocently missing the presidential race by sixteen points and all four Iowa Congressional races by sixteen points (1st District), eleven points (2nd District), twelve points (Third District), and eighteen points

(Fourth District), respectively, and favoring the Democratic candidates with all five "misses," are outside any reasonable range of error. *See, e.g.,* Piereson, *Statistical questions about the Iowa poll, supra.* This is proof of intentional wrongdoing.

Impact of the Harris Poll on Zaun

93.   Zaun served in the Iowa Senate from 2005 through January 12, 2025. In his two most recent victories, he won re-election to the 20th District by nineteen points and over two points in 2016 and 2020, respectively. *See Brad Zaun,* https://ballotpedia.org/Brad_Zaun (last visited June 29, 2025).

94.   However, this cycle, Matt Blake defeated Zaun by four points for the 22nd District Seat, upon information and belief fueled by momentum from the Harris Poll. *See* Eller, *Democratic challenger Matt Blake upsets Republican incumbent Brad Zaun in Iowa Senate race, supra.*

95.   Not only did the Harris Poll substantially contribute to Zaun's election defeat, but he, like many other consumers, was also deceived by the Harris Poll.

CLAIMS FOR RELIEF

COUNT I
Violation of Iowa Consumer Fraud Act
Iowa Code Chapter 714H
(All Plaintiffs v. All Defendants)

96.   Plaintiffs reallege their allegations contained in paragraphs 1 through 95 as if set fully forth herein.

97.   This action is brought pursuant to Iowa Code Chapter 714H and its relevant provisions.

98.   Iowa Code § 714H.3(1) provides:

A person shall not engage in a practice or act the person knows or reasonably should know is an unfair practice, deception, fraud, false pretense, or false promise, or the misrepresentation, concealment, suppression, or omission of a material fact, with intent that others rely upon the unfair practice, deception, fraud, false pretense, false

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promise, misrepresentation, concealment, suppression, or omission in connection with the advertisement, sale, or lease of consumer merchandise . . . .

99.   Iowa Code § 714H.2(3) defines a consumer as "a natural person or the person's legal representative."

100.   Iowa Code § 714H.2(5) defines "deception" as "an act or practice that is likely to mislead a substantial number of consumers as to a material fact or facts."

101.   Iowa Code § 714H.2(6) defines "merchandise" the same as the definition contained in Iowa Code § 714.16, under which the term includes "any objects, wares, goods, commodities, intangibles, securities, bonds, debentures, stocks, real estate or *services*." (Emphasis added).

102.   Iowa Code § 714H.2(9) defines "unfair practice" the same as the definition contained in Iowa Code § 714.16, under which the term "means an act or practice which causes substantial, unavoidable injury to consumers that is not outweighed by any consumer or competitive benefits which the practice produces."

103.   Iowa Code § 714H.5 provides for a private right of action for consumers damaged by violations of § 714H.3(1):

1. A consumer who suffers a sustainable loss of money or property as the result of a prohibited practice or act in violation of this chapter may bring an action at law to recover actual damages. The court may order such equitable relief as it deems necessary to protect the public from further violations, including temporary and permanent injunctive relief.

2. If the court finds that a person has violated this chapter and the consumer is awarded actual damages, the court shall award to the consumer the costs of the action and the consumer's attorney reasonable fees.

104.   As to the nature of the conduct that constitutes an "unfair practice," the "Iowa Consumer Fraud Act 'is not a codification of common law fraud principles.'" *Moeller v. Samsung Electronics America, Inc*., 623 F.Supp.3d 978, 985 (2002) (quoting *State ex rel. Miller v. Pace*, 677 N.W. 2d 761, 770 (Iowa 2004). "It permits relief upon a lesser showing that the defendant

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made a misrepresentation or omitted a material fact 'with the intent that others rely upon the . . . omission.'" *Id*. (quoting § 714.16(2)(a)). "A course of conduct contrary to what an ordinary consumer would anticipate contributes to a finding of an unfair practice. *State ex rel. Miller v. Vertrue, Inc*., 834 N.W.2d 12, 37 (Iowa 2023).

105.   President Trump, together with all voters in Iowa and across America impacted by the Harris Poll, is a "consumer" within the meaning of the statute, having acquired, read, and been deceived by the *Des Moines Register*, in particular the Harris Poll Article and the Congressional Poll Article.

106.   Representative Miller-Meeks, together with all voters in Iowa impacted by the Harris Poll and the Congressional Poll, is a "consumer" within the meaning of the statute, having acquired, read, and been deceived by the *Des Moines Register*, in particular the Harris Poll Article and the Congressional Poll Article.

107.   Zaun, together with all voters in Iowa impacted by the Harris Poll, is a "consumer" within the meaning of the statute, having read and been deceived by the *Des Moines Register*, in particular the Harris Poll Article and the Congressional Poll Article.

108.   Defendants furnished "merchandise" to consumers, including Plaintiffs, within the broad meaning of the statute since they provided a service: physical newspapers, online newspapers, and other content that contained the Defendant Polls.

109.   Defendants engaged in "deception" because the Defendant Polls were "likely to mislead a substantial number of consumers as to a material fact or facts"; in this case, consumers were misled into believing that Harris was leading President Trump in the Iowa Presidential race and were also misled into believing that Bohannan was leading Representative Miller-Meeks in

the 1st Congressional District race. The Defendant Polls were misleading about the only material facts that matter when it comes to polling: who is winning the race in question and by how much.

110. Defendants engaged in an "unfair act or practice" because the publication and release of the Harris Poll "cause[d] substantial, unavoidable injury to consumers that [was] not outweighed by any consumer or competitive benefits which the practice produced," to wit: consumers, including Plaintiffs, were badly deceived and misled as to the actual position of the respective candidates in the Iowa Presidential race. Moreover, President Trump, the Trump 2024 Campaign, and other Republicans were forced to divert campaign and financial resources to Iowa based on the deceptive Harris Poll. Consumers within and without Iowa who paid for subscriptions to the *Des Moines Register, USA Today,* and other Gannett-owned publications*,* or who otherwise purchased the publication, including Plaintiffs, were also badly deceived. Additionally, Iowans who contributed to the Trump 2024 Campaign were similarly deceived.

111. Additionally, Defendants engaged in a further "unfair act or practice" because the publication and release of the Congressional Poll "cause[d] substantial, unavoidable injury to consumers that [was] not outweighed by any consumer or competitive benefits which the practice produced," to wit: consumers, including Plaintiffs, were badly deceived and misled as to the actual position of the respective candidates in the Iowa 1st Congressional District race. Moreover, Representative Miller-Meeks and her Campaign were forced to fight a recount that never should have happened and was caused by the deceptive Congressional Poll. Consumers within and without Iowa who paid for subscriptions to the *Des Moines Register, USA Today,* and other Gannett-owned publications, or who otherwise purchased the publication, including Plaintiffs, were also badly deceived. Additionally, Iowans who contributed to Representative Miller-Meeks' 2024 Campaign were similarly deceived.

112.   Exacerbating their deception and unfair acts and practices, Defendants originally made the Harris Poll Article and Congressional Poll Article publicly available, but then deceptively concealed both Articles behind a paywall after this action was commenced. This completely undermines their disingenuous claims of fairness and transparency and shows consciousness of guilt.

113.   The Harris Poll was deceptive, misleading, unfair, and the result of concealment, suppression, and omission of material facts about the true respective positions of President Trump and Harris in the Presidential race, all of which were known to Defendants and should have been disclosed to the public.

114.   The Congressional Poll was deceptive, misleading, and unfair. It resulted from the concealment, suppression, and omission of material facts about Representative Miller-Meeks' and Bohannan's true respective positions in the 1st District race, all of which were known to the Defendants and should have been disclosed to the public.

115.   Moreover, as demonstrated by the leak of the Harris Poll before publication in the *Des Moines Register*, Defendants created, published, and released the Harris Poll for the improper purpose of deceptively influencing the outcome of the 2024 Presidential Election.

116.   Defendants also created, published, and released the Harris Poll for the improper purpose of deceptively influencing the outcome of other electoral races, such as those involving Representative Miller-Meeks and Zaun.

117.   Similarly, Defendants created, published, and released the Congressional Poll for the improper purpose of deceptively influencing the outcome of the 1st Congressional District race and other electoral races.

118.   Pollsters such as Selzer, polling companies such as S&C, and news organizations such as DMR and Gannett, are responsible for accurately representing the truth of events, not distorting polls to try and falsely make their preferred candidate appear to be in the lead.

119.   Due to Defendants' actions, the public could not discern who was truly leading in the Iowa Presidential race and, as a result, were, or could have been, badly deceived into thinking that Harris was leading the race.

120.   Also due to Defendants' actions, the public could not discern who was truly leading in the 1st District race and, as a result, were, or could have been, badly deceived into thinking Bohannan was leading the race.

121.   Further, due to Defendants' actions, other down-ballot races such as Zaun's were maliciously impacted.

122.   Defendants' broad misconduct gives rise to liability under the Iowa Consumer Fraud Act because the Harris Poll was deceptive, misleading, and involved concealment, suppression, and omission of material facts. Defendants engaged in this misconduct to try to improperly influence the outcome of the 2024 Presidential Election and other electoral races.

123.   Defendants' misconduct here also gives rise to liability under the Iowa Consumer Fraud Act because the Congressional Poll was deceptive, misleading, and involved concealment, suppression, and omission of material facts. Defendants engaged in this misconduct to improperly influence the outcome of the 1st Congressional District race.

124.   Because of Defendants' false, misleading, and deceptive conduct, President Trump has sustained actual damages by having to expend extensive time and resources, including direct federal campaign expenditures, to mitigate and counteract the harms of the Defendants' conduct.

Because the Defendants' conduct was willful and wanton, President Trump is also entitled to statutory damages three times the actual damages suffered.

125.   Also because of Defendants' false, misleading, and deceptive conduct, Representative Miller-Meeks has sustained actual damages due to the need to expend extensive time and resources, to mitigate and counteract the harms of the Defendants' conduct. Because the Defendants' conduct was willful and wanton, Representative Miller-Meeks is also entitled to statutory damages three times the actual damages suffered.

126.   Further, because of Defendants' false, misleading, and deceptive conduct, Zaun has sustained actual damages due to the loss of his Senate seat. Because the Defendants' conduct was willful, Zaun is also entitled to statutory damages three times the actual damages suffered.

127.   Additionally, because the Iowa Consumer Fraud Act is equitable in nature, Plaintiffs are entitled to injunctive relief, including an order enjoining Defendants and their associates, affiliates, or any related entities, from publishing or releasing any further deceptive polls designed to influence the outcome of an election, and requiring Defendants to disclose all data and information upon which they relied in creating, publishing, and releasing the false, misleading, and deceptive Harris Poll and the Congressional Poll.

COUNT II
Fraudulent Misrepresentation
(All Plaintiffs v. All Defendants)

128.   Plaintiffs reallege their allegations contained in paragraphs 1 through 127 as if fully set forth herein.

129.   The elements of fraudulent misrepresentation are: (1) representation; (2) falsity; (3) materiality; (4) scienter; (5) intent to deceive; (6) justifiable reliance; and (7) resulting injury. *Midwest Home Distributor, Inc. v. Domco Indust. Ltd.,* 585 N.W.2d 735 (Iowa 1998).

130.   The Defendant Polls were misrepresentations of the state of the respective races at the time they were taken and published. These Polls were more than outliers—they were statistically impossible.

131.   The Defendant Polls were false misrepresentations of the state of the races. They were not even close to accurate.

132.   The Defendant Polls were material misrepresentations. Selzer's polling was long wrongfully regarded as the gold standard nationally and in Iowa, and predictably generated enormous media attention. Numerous media outlets at the state, national, and global level reported on the Polls.

133.   The Defendant Polls were knowingly false misrepresentations of the races. Any responsible pollster or journalist with experience in Iowa politics would recognize the clear inaccuracy of the Defendant Polls, yet Defendants chose to publish the Polls anyway. Statistically, the results of the Harris Poll have a 1 in 3,500,000 chance of being the result of honest error, and the odds of the Congressional Poll being the result of honest error are similar. This was not honest error.

134.   The Defendant Polls were intentionally deceptive misrepresentations. Selzer and Gannett's senior staff at the *Des Moines Register*, all of whom lean strongly toward Democrats, knew that the Defendant Polls were considered an accurate representation of the Iowa electorate and that these Polls were inaccurate, and yet they decided to publish the Polls anyway, showing their intent to deceive Plaintiffs, other candidates for elected office, their readers, and the broader electorate with false Polls.

135.   Worse still, exacerbating their intentionally deceptive misrepresentations, Defendants originally made the Harris Poll Article and Congressional Poll Article publicly

available, but then deceptively concealed both Articles behind a paywall after this action was commenced, which shows consciousness of guilt.

136.   Given Selzer's historic accuracy and the *Des Moines Register's* general reputation for accuracy, Plaintiffs justifiably relied on the Defendant Polls.

137.   Plaintiffs were injured by the fraudulence of the Defendant Polls: not only did these Polls impact Plaintiffs' races, but Plaintiffs, as readers of the *Des Moines Register* and Selzer's polls, were entitled to accurate information, not to be misled by fraudulent misrepresentations.

138.   Defendants are liable for presenting false Polls.

COUNT III
Negligent Misrepresentation
(All Plaintiffs v. All Defendants)

139.   Plaintiffs reallege their allegations contained in paragraphs 1 through 138 as if fully set forth herein.

140.   If the Court finds that the misrepresentations were not intentional, as it should, then in the alternative Plaintiffs plead the tort of negligent misrepresentation.

141.   Negligent misrepresentation is also sometimes described as "the tort of negligently giving misinformation." *Sain v. Cedar Rapids Cmty. Sch. Dist.*, 626 N.W.2d 115, 123 (2001).

142.   "[P]rofessionals such as accountants, abstractors, and attorneys owe a duty of care in supplying information to foreseeable third parties as members of a limited class of persons who would be contemplated to use and rely upon the information." *Id*.

143.   The "duty [of care for negligent misrepresentation] arises only when the information is provided by persons in the business or profession of supplying information to others." *Id*.

144.   "[T]he foreseeability of harm helps support the imposition of a duty of care." *Id*.

145. "[T]he pecuniary interest which a person has in a business, profession, or employment which supplies information serves as an additional basis for imposing a duty of care." *Id.*

146. Newspaper journalists and pollsters are professionals with at least a bachelor's degree and some years of experience, if not advanced degrees in journalism, political science, or statistics. Selzer, for example, has a Ph.D. in Communication Theory and Research.

147. Consumers and readers of newspapers and online media content, as well as political candidates who are covered by the media and polling, are part of the limited class of foreseeable third parties who rely on the information provided by these professionals.

148. Newspaper journalists and pollsters are supposed and expected to be in the business of supplying accurate, reliable information to others.

149. Newspaper journalists and pollsters are not supposed to provide information to their readers in an adversarial or arms-length setting.

150. Defendants could foresee that reporting obviously inaccurate polling results would harm their readers and the subjects of their polls by delivering a product other than the one that those individuals expected or were entitled to, an honest snapshot of the election being polled. The product to which those receiving information are entitled to is accurate news and data—not wildly inaccurate polls calculated to interfere with elections.

151. Defendants have a pecuniary interest in their business of supplying information— this is how they get and keep readers, and how Selzer and S&C get and keep clients.

152. The inaccurate information supplied by Defendants harmed Plaintiffs as both consumers and candidates—it gave them a false impression of the state of the world at a critical moment in their races.

153. The information supplied by the Defendants was a false portrayal of the facts, not a statement of opinion or future intentions.

154. The decision of Defendants to publish this information was not reasonable. In fact, given Defendants' knowledge of previous elections in Iowa and other polling data in Iowa at the time, it was reckless or at minimum, negligent.

155. Worse still, exacerbating their recklessness and negligence, Defendants originally made the Harris Poll Article and Congressional Poll Article publicly available, but then deceptively concealed both Articles behind a paywall after this action was commenced, which shows consciousness of guilt.

156. Defendants' recklessness or negligence created an ascertainable pecuniary loss: the value of the false content that they acquired, purchased, and consumed as well as expenditures and losses relating to their races.

CONCLUSION AND PRAYER

WHEREFORE, Plaintiffs PRESIDENT DONALD J. TRUMP, U.S. REPRESENTATIVE MARIANNETTE MILLER-MEEKS, and FORMER STATE SENATOR BRADLEY ZAUN, demand judgment against Defendants J. ANN SELZER, SELZER & COMPANY, DES MOINES REGISTER AND TRIBUNE COMPANY, and GANNETT CO., INC. as follows:

(a) On Counts One, Two, and Three, actual damages to be determined upon trial of this action;

(b) On Count One, statutory damages three times the actual damages sustained;

(c) On Count One, an order enjoining Defendants' ongoing deceptive and misleading acts and practices relating to the Harris Poll and Congressional Poll and compelling

Defendants to disclose all information upon which they relied to engage in the deceptive and misleading acts relating to the Harris Poll and Congressional Poll.

(d) The attorneys' fees and costs associated with this action; and

(e) Such other relief as the Court deems just and proper.

Date: June 30, 2025   Respectfully submitted,

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