

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JARROD STRINGER, et al.,
Plaintiffs,

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§
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v.

No. SA-20-CV-46-OG

RUTH R. HUGHS, et al.,
Defendants.

DEFENDANTS’ REPLY IN SUPPORT OF MOTION TO DISMISS

The Democratic Party Intervenors¹ do not have standing to assert their claims and their participation adds nothing to this litigation. They are partisan political organizations whose sole purpose is to see their candidates elected, and they are attempting to use this Court as a platform to achieve a policy outcome, not vindicate a legal right. The Intervenors cannot show any concrete and particularized injury that stems from Defendants’ conduct, nor have they presented evidence that any of their members have been aggrieved. Article III Courts are not a forum for the airing of generalized grievances. Accordingly, because the Democratic Party Intervenors lack standing and have failed to state a claim upon which relief may be granted, the Court should grant Defendants’ motion to dismiss. *See* ECF No. 56 (“Mot.”).

I. The Evidence

A. The Texas Democratic Party (“TDP”)

TDP is a partisan political organization whose singular mission is to elect Democrats to public office—not to register Texas voters who interacted with DPS online. *See* TDP Depo. at

¹ “Democratic Party Intervenors” or “Intervenors” means the Texas Democratic Party (“TDP”), the Democratic Congressional Campaign Committee (“DCCC”), and the Democratic Senatorial Campaign Committee (“DSCC”), collectively.

22:1-13 (attached hereto as Exhibit A). Although TDP purports to conduct voter registration efforts, it is impossible for TDP to determine what it has spent on these efforts, what it takes to register a new voter, or what activities TDP would be engaging in but-for the complained-of conduct. *See id.* at 45:14-21, 101:1-4. Any funds that it receives are spent at its sole discretion, and nothing that is given by a donor can be earmarked for any particular purpose (voter registration or otherwise). *See id.* at 59:21-60:3. None of TDP's voter registration outreach efforts are targeted toward individuals who may have transacted online with DPS; instead, TDP targets voters that TDP thinks—based on sophisticated data analytics—will vote for Democrats. *See id.* at 57:2-11, 64:6-18. In fact, TDP has no idea whether it has registered even a single person who transacted with DPS online. *See id.* at 101:18-22. And TDP produced no evidence regarding whether any of its members are eligible and intend to interact with DPS online to change their address or renew their driver license. *See id.* at 108:21-109:6.

B. DCCC

DCCC is a national organization whose purpose is to elect Democrats to the U.S. House of Representatives. *See DCCC Depo.* at 6:19-24, 42:16-43:2 (attached hereto as Exhibit B). DCCC cannot specify how much of its political expenditures are used for voter registration efforts during past election cycles. *See id.* at 77:10-18, 78:23-79:20. Although DCCC speculated that some of the expenditures it made this election cycle might have been used for activities related to voter registration, the record shows that those funds were given to TDP and to a vendor to provide consulting and training services. *See id.* at 81:5-14, 82:10-22. DCCC does not know what percentage of its staff's time is spent on voter registration efforts, which are commingled with other organizational objectives targeted to elect democratic congressional candidates, such as voter persuasion. *See id.* at 84:8-10, 85:22-86:23. Nor does DCCC know how much it costs to register a

new voter. *See id.* at 88:8-24. DCCC's sole target group for its voter registration efforts are potential Democratic voters. *See id.* at 89:4-16. DCCC does not even track the number of people it interacts with who transact with DPS online, and it cannot identify any such voters. *See id.* at 98:2-8, 101:17-21. DCCC considers its members to be the Democratic members of the U.S. House of Representatives, *see id.* at 108:2-109:5, and it has produced no evidence regarding whether any of them are eligible and intend to interact with DPS online to change their address or renew their driver license.

C. DSCC

DSCC's sole mission is to elect Democratic candidates to the U.S. Senate. *See* DSCC Depo. at 21:6-14 (attached hereto as Exhibit C). DSCC accomplishes this mission by, among other things, transferring funds to state-level democratic party organizations, who may use that money however they wish. *Id.* at 30:2-13. DSCC did not transfer any funds to TDP in past election cycles. *Id.* at 39:23-40:8. And it provided no evidence that any funds invested in Texas in past election cycles were used for voter registration efforts. *See id.* at 39:23-40:8, 41:8-12. DSCC has made three investments in Texas this election cycle, but there is no evidence that any of those funds were used for voter registration efforts. *See id.* at 39:13-21. Instead, DSCC supported polling efforts unrelated to voter registration, *id.* at 38:24-39:3, and contributed the maximum amount to the MJ Hegar campaign, to be used at the campaign's discretion, *id.* 30:17-31:3. It did not contribute anything to TDP until *after* filing this lawsuit, *id.* at Ex. 5, and it cannot show that any of those funds were used to register voters (let alone how much), *id.* at 30:2-13. Moreover, DSCC produced no evidence regarding whether it has any members at all, and certainly has not identified any members who are eligible and intend to interact with DPS online to change their address or renew their driver license.

II. The Democratic Party Intervenors Cannot Demonstrate Standing

Nothing that the Democratic Party Intervenors produced during discovery was sufficient to demonstrate that they have standing to bring their claims. Defendants continue to maintain their challenge to all aspects of the Intervenors' assertion of standing, on which Intervenors bear the burden of proof at all stages of the litigation. But the Intervenors' evidence with respect to organizational and associational standing is particularly lacking, as described below, and this alone provides ample basis for the Court to dismiss their claims.

A. Organizational Standing

As explained in Defendants' motion to dismiss, the Democratic Party Intervenors failed to allege facts sufficient to constitute an injury-in-fact. *See* Mot. at 6-10. After discovery, it is clear that they cannot demonstrate any legally cognizable injury. Accordingly, the Democratic Party Intervenors lack standing to proceed in their own right.

The Democratic Party Intervenors are required to prove to this Court that they have suffered a "concrete and demonstrable injury to the organization's activities—with the consequent drain on the organization's resources [that] constitutes far more than simply a setback to the organization's abstract social interests." *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982). "Not every diversion of resources to counteract [a] defendant's conduct, however, establishes an injury in fact." *NAACP v. City of Kyle*, 626 F.3d 233, 238 (5th Cir. 2010). The alleged injury must be in some way "different from the plaintiffs' daily operations." *OCA-Greater Hous. v. Texas*, 867 F.3d 604, 612 (5th Cir. 2017) (citing *City of Kyle*, 626 F.3d 233); *see also Common Cause/Ga. v. Billups*, 554 F.3d 1350 (11th Cir. 2009) (holding that an organization can show standing if it demonstrates that it "will divert resources from its regular activities" to counteract defendants' allegedly illegal conduct). And, importantly, a plaintiff must have standing

not only throughout the life of the litigation, but at they time they filed suit. *See, e.g., Pluet v. Frasier*, 355 F.3d 381, 386 (5th Cir. 2004); *Soc’y of Separationists, Inc. v. Herman*, 959 F.2d 1283, 1288 (5th Cir. 1992).²

Courts are “not responsible for vindicating generalized partisan preferences.” *Gill v. Whitford*, 138 S. Ct. 1916, 1933 (2018). “Frustration of an organization’s objectives is the type of abstract concern that does not impart standing.” *Ctr. for Law & Educ. v. Dep’t of Educ.*, 396 F.3d 1152, 1161-62 (D.C. Cir. 2005) (quotation omitted). Mere “hope of achieving a Democratic majority in the legislature . . . is a collective political interest, not an individual legal interest,” and does not constitute an injury-in-fact for standing purposes. *Gill*, 138 S. Ct. at 1932. “Harm to an organization’s generalized partisan preferences describes only ‘a setback to [its] abstract social interests,’ which is insufficient to establish a concrete injury in fact.” *Jacobson v. Fla. Sec’y of State*, No. 19-14552, 957 F.3d 1193, at *8 (11th Cir. Apr. 29, 2020) (quoting *Havens Realty*, 455 U.S. at 379). “An organization’s general interest in its preferred candidates winning as many elections as possible is still a ‘generalized partisan preference[.]’ that federal courts are “not responsible for vindicating[.]” *Id.* (quoting *Gill*, 138 S. Ct. at 1933). Each of the Democratic Party Intervenors is clear that their sole mission is to elect Democratic candidates, as discussed above. Accordingly, the sole interest they seek to vindicate constitutes a mere “generalized partisan preference” that cannot form the basis of an injury-in-fact for standing purposes.

Moreover, the Democratic Party Intervenors must show an explicit connection between the challenged practice and the alleged injury. For example, in *ACORN v. Fowler*, 178 F.3d 350 (5th

² *See also, e.g., Friends of the Earth, Inc. v. Laidlaw Env’tl. Servs.*, 528 U.S. 167, 191 (2000) (recognizing that, unlike mootness, “[s]tanding admits of no similar exception; if a plaintiff lacks standing at the time the action commences, the fact that the dispute is capable of repetition yet evading review will not entitle the complainant to a federal judicial forum”)

Cir. 1999), the plaintiff organization brought three claims challenging Louisiana's voter registration practices on the theory that they violated the NVRA. ACORN demonstrated that it "engages in voter registration drives in Louisiana, that it provides voter registration applications to unregistered potential members, and that it makes voter registration applications available at housing fairs that it attends throughout the year." *Id.* at 359. ACORN also demonstrated that it "hired staff" to conduct voter registration training, "coordinated voter registration drives," and supervised staff, among other similar activities. *Id.* And ACORN claimed "that its efforts registering voters in Louisiana counteract the appellees' failure to properly implement the NVRA." *Id.* at 360.

The Fifth Circuit found that with respect its first two claims, ACORN had not demonstrated an injury. The court discounted much of ACORN's evidence regarding its staff hiring and supervision because ACORN did not show that these activities were "a direct result of Louisiana's alleged failure to properly implement the NVRA." *Id.* at 360. The court also doubted "ACORN's allegations of injury due to including voter registration applications with its membership applications or 'set[ting] up' a voter registration table at housing fairs that it already attends," and found that such activities did not constitute a perceptible impairment caused by the "purported failure to implement the NVRA." *Id.* (citing *Havens Realty*, 455 U.S. at 379). None of these activities were shown to have the requisite connection to the challenged activity that is necessary to demonstrate organizational standing. *See id.*

ACORN was found to have raised a genuine issue of material fact regarding its third claim because it "concentrated" one voter registration drive to specifically target "a population directly affected by one of the NVRA requirements that ACORN claims Louisiana has failed to implement." *Id.* at 361. The court found that ACORN was injured by having to conduct this highly

targeted voter registration effort because those resources were expended to register voters in a way that specifically “counteract[ed] Louisiana’s alleged failure to implement the [NVRA].” *Id.* This was the only injury that the court found to be “concrete and demonstrable.” *Id.* at 362. But with respect to all of ACORN’s other voter registration efforts, “[t]here is simply no suggestion in the record that anyone it has registered through its voter registration drives would already have been registered to vote if Louisiana implemented the NVRA requirements that form the basis of its first two claims.” *Id.*

The Democratic Party Intervenors’ evidence does not demonstrate that *any* of their voter registration activities are conducted specifically to counteract Defendants’ alleged practices. Unlike ACORN’s evidence regarding its third claim, which suggested that it may have been injured to the limited extent that some of its efforts were “concentrated” to reach a specific group, *see id.* at 361, the Democratic Party Intervenors do not target voter registration activities directed at individuals who transacted with DPS online. Instead, as discussed above, the evidence demonstrates that any voter registration efforts they undertake are carefully calculated to reach voters likely to vote for Democrats. Accordingly, their efforts are not specifically connected to the challenged practices.

To the extent any Intervenor has evidence that it engages in voter registration efforts in Texas, those are activities that they would have engaged in regardless of Defendants’ alleged conduct, and the Intervenors have not shown that any of their activities are “a *direct result* of [Texas’s] alleged failure to properly implement the NVRA.” *Id.* at 360 (emphasis added). None of the materials that they produced in discovery discuss any particular efforts directed at those who transacted online with DPS. Indeed, none of the Democratic Party Intervenors can offer proof showing how many individuals—if any at all—“would already have been registered to vote if

[Texas] implemented the NVRA requirements that form the basis of its . . . claims.” *Id.* at 362; *see supra*, Part I.

The Democratic Party Intervenors essentially argue that because they engage in some voter registration efforts, they have standing to challenge any voter registration practice with which they disagree or which does not align with their preferred policy. But this is not the law. The Democratic Party Intervenors must show a “concrete and demonstrable” injury, *Havens Realty*, 455 U.S. at 379, yet they cannot identify even one dollar that was spent or one voter that was registered as a result of their efforts to counteract this *particular* practice. None of their purported activities constitute anything other their routine “daily operations.” *OCA-Greater Hous.*, 867 F.3d at 612. Accordingly, the Democratic Party Intervenors have not shown that they have suffered a concrete and demonstrable injury as a result of Defendants’ practices, and they do not have standing to bring their claims.

B. Associational Standing

To the extent that the Democratic Party Intervenors claim standing to vindicate their members’ injuries, they also fail. “‘Standing,’ [the Supreme Court has] said, ‘is not ‘an ingenious academic exercise in the conceivable’ . . . [but] requires . . . a factual showing of perceptible harm.’” *Summers v. Earth Island Inst.*, 555 U.S. 488, 499 (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 566 (1992)). The Supreme Court “has required plaintiffs claiming an organizational standing to identify members who have suffered the requisite harm.” *Id.* at 499. The Democratic Party Intervenors have not identified any such member or demonstrated facts that show how even one of their members has been aggrieved by the Defendants’ conduct. Accordingly, the Democratic Party Intervenors do not have standing.

The Democratic Party Intervenors rely on *Hancock County Board of Supervisors v. Ruhr*, 487 F. App'x 189 (5th Cir. 2012), for the proposition that they do not need to identify a specific aggrieved member. *See* ECF No. 71 at 12 (“Opp.”). But whatever the relevance of *Hancock*—neither it nor the Intervenors cite or discuss the clear pronouncement in *Summers* on the issue—the lessened pleading standard that it describes is both irrelevant in this case because the parties have now conducted discovery, and legally untenable because the Supreme Court recently reaffirmed that “the essential elements of a claim remain constant through the life of a lawsuit.” *Comcast Corp. v. Nat’l Ass’n of African American-Owned Media*, 140 S. Ct. 1009, 1014 (2020). The Democratic Party Intervenors’ failure to demonstrate with evidence that any of its members would have standing is therefore fatal to their assertion of associational standing.

The Democratic Party Intervenors alternatively rely on the expansive argument that any voter who casts a ballot for a Democrat is one of their members for standing purposes. *See* Opp. at 11. Even if Intervenors were not required to allege and demonstrate a formal membership structure, they must show that their constituents “possess all of the indicia of membership in an organization,” such as electing the organization’s members, serving in the organization, and financing its activities. *Hunt v. Wash. State Apple Advertising Comm’n*, 432 U.S. 333, 344-45 (1977). The evidence here falls well short of this standard. And in any event, Intervenors have failed to demonstrate that any one of their members would have standing in their own right, even under this expansive definition. Accordingly, any assertion of associational standing fails.

III. Collateral Estoppel is Inapplicable

Defendants have explained in their motion to dismiss why the Democratic Party Intervenors’ equal protection claim is without merit, and their opposition adds nothing of substance. *See* Opp. at 20. Instead, the Intervenors rely solely on the Court’s prior rulings in

Stringer I—a case which did not involve them—and assert that collateral estoppel precludes Defendants from even mounting a defense. *See* Opp. at 16-19. But the Democratic Party Intervenors egregiously misconstrue the doctrine of collateral estoppel, also known as issue preclusion, which has no application to this litigation whatsoever.

“[A] civil judgment generates issue preclusion only when it’s ‘valid and final.’” *Langley v. Price*, 926 F.3d 145, 164 (5th Cir. 2019) (quoting Restatement (Second) of Judgments § 27 (Am. Law Inst. 1982)). “[O]nce a civil judgment is reversed on appeal, it’s obviously no longer ‘valid’ and retains *zero* preclusive effect.” *Id.* The Fifth Circuit reversed and vacated the judgment in *Stringer I* in its entirety due to the plaintiffs’ lack of standing; no part of that order survived. *See Stringer v. Whitley (Stringer I)*, 942 F.3d 715 (5th Cir. 2019). Accordingly, that prior judgment “retains *zero* preclusive effect.” *Langley*, 926 F.3d at 164. The Democratic Party Intervenors waste this Court’s time in suggesting otherwise.

CONCLUSION

For the foregoing reasons, the Court should grant Defendants’ motion to dismiss.

Respectfully submitted.

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CERTIFICATE OF SERVICE

I certify that on May 21, 2020, the foregoing document was filed electronically via the Court's CM/ECF system causing electronic service upon all counsel of record.

/s/Christopher D. Hilton

CHRISTOPHER D. HILTON
Assistant Attorney General

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JARROD STRINGER, et al., *
 Plaintiffs, *
 *
v. * No. SA-20-CV-46-OG
 *
RUTH R. HUGHS, et al., *
 Defendants. *

VIDEOCONFERENCED DEPOSITION OF

THE CORPORATE REPRESENTATIVE OF

THE TEXAS DEMOCRATIC PARTY,

TOMMY GLEN MAXEY

Monday, April 27, 2020

VIDEOCONFERENCED DEPOSITION OF TOMMY GLEN
MAXEY, produced as a witness at the instance of the
Defendants, and duly sworn, was taken in the
above-styled and numbered cause on Monday, April 27,
2020, from 10:03 a.m. to 2:04 p.m., before Debbie D.
Cunningham, CSR, in and for the State of Texas, remotely
reported via Machine Shorthand, pursuant to the Federal
Rules of Civil Procedure.

--ooOoo--

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1 (Monday, April 27, 2020, 10:03 a.m.)

2 P R O C E E D I N G S

3 THE REPORTER: Today is April 27th, 2020.

4 This is the deposition of the Texas Democratic Party
5 Representative, Glen Maxey, in the matter of Jarrod
6 Stringer, et al. versus Ruth R. Hughes, et al. We are
7 remotely situated due to COVID-19 and are appearing via
8 Zoom conference. We are now on the record at
9 10:03 a.m., Central time.

10 My name is Debbie Cunningham; and my
11 business address is P.O. Box 245, Manchaca, Texas.

12 Would all persons present please
13 introduce themselves for the record?

14 MS. MACKIN: This is Anna Mackin with the
15 Texas Office of the Attorney General on behalf of the
16 Defendant.

17 MR. GEISE: This is John Geise from the
18 law firm of Perkins Coie, LLP, on behalf of Plaintiff
19 Intervenor Texas Democratic Party.

20 MS. BRANCH: This is Aria Branch from
21 Perkins Coie on behalf of the Plaintiff Intervenor,
22 Texas Democratic Party.

23 MS. BRAILEY: This is Emily Brailey also
24 from Perkins Coie on behalf of the Plaintiff Intervenor,
25 Texas Democratic Party.

1 THE WITNESS: I'm Glen Maxey from the
2 Texas Democratic Party.

3 MR. GONZALES: This is Joaquin Gonzales
4 on behalf of Plaintiffs, Jarrod Stringer, et al.

5 (Witness sworn by the reporter.)

6 MS. MACKIN: And I'd just like to note on
7 the record that the parties have stipulated that that
8 oath can be taken remotely.

9 GLEN MAXEY,
10 having taken an oath to tell the truth, the whole truth,
11 and nothing but the truth, was examined and testified as

12 follows:

13 EXAMINATION

14 BY MS. MACKIN:

15 Q. All right. Good morning, Mr. Maxey.

16 A. Good morning.

17 Q. Please speak and spell your name for the
18 record.

19 A. Tommy Glen Maxey, T-O-M-M-Y G-L-E-N M-A-X-E-Y.

20 Q. Thank you.

21 My name is Anna Mackin. I represent the
22 Defendants in this case, and I'm going to be asking you
23 some questions today. You have been deposed before; is
24 that right?

25 A. That's correct.

1 Q. Okay. So you're probably familiar with what
2 we're about to cover; but I want to briefly go over some
3 ground rules, which are especially important given that
4 we're remotely situated and using this videoconference
5 technology to take your deposition today.

6 Please try to give a verbal answer to my
7 questions. "Yes" or "no" works a lot better than
8 "uh-huh" or "huh-uh" because it makes sure that the
9 record is clear and Ms. Cunningham is writing down
10 everything that we say. Okay?

11 A. All right.

12 Q. Okay. And please try to let me finish a
13 question before you begin your answer. I will also
14 endeavor to allow you to finish your answer before I
15 ask my next question. This is, again, so that
16 Ms. Cunningham can get an accurate record of everything
17 that is said. Okay?

18 A. Okay.

19 Q. And if you don't understand one of my
20 questions today, will you please tell me so that I can
21 rephrase it?

22 A. Yes, ma'am.

23 Q. Thank you.

24 And if you do answer, I will assume that
25 you have understood the question. Is that fair?

1 A. That's fair.

2 Q. Okay. A reminder: You are under oath, sworn
3 to tell the truth as if testifying at a courthouse in
4 front of judge and a jury under penalty of perjury if
5 you do not tell the truth. Do you understand that?

6 A. I do.

7 Q. Okay. And this is not an endurance contest.
8 You are the talent here. So if you ever need a break,
9 need to stretch your legs, use the restroom, please just
10 let me know; and we'll take a break. I'll just ask that
11 you answer any question that is pending before we go on
12 break. Okay?

13 A. All right.

14 Q. All right. Is there any reason that you might
15 not be able to answer my questions honestly, completely,
16 and accurately today?

17 A. Nothing at all.

18 Q. Okay. So during today's deposition I'm going
19 to show you some documents by publishing them on the
20 screen. If you have trouble seeing a document, just let
21 me know. I can zoom in or out, scroll up or down
22 however you need me to. Just let me know that I need to
23 do that. Okay?

24 A. All right. Let me just say that I learned
25 last time that with my progressive glasses, sometimes

1 I'm going to have to move the screen to see. So I
2 might -- my picture might go out of the frame while I'm
3 tilting the computer.

4 Q. Okay. Understood. And we also have a way to
5 send around a little link. If it's not really working
6 for me to publish the document on the screen, I can
7 share a link in the chat box; and that will allow
8 everybody to download whatever document we're talking
9 about. So we can explore what we need to do to make
10 sure that you're seeing the documents clearly.

11 A. Thank you.

12 Q. Of course. So let's go ahead and practice
13 with what's going to be Exhibit 1 to this deposition.

14 MR. GEISE: Can we actually just send
15 around the chat links as a matter of course so that
16 counsel can download them as well?

17 MS. MACKIN: Sure, sure. That's fine.
18 Let me stop this share, and I will circulate...

19 MR. GEISE: Yeah, we've had these hiccups
20 before; and it just ended up being easier.

21 MS. MACKIN: Not a problem. We are all
22 learning on the job a little bit when it comes to these
23 depositions.

24 MR. GEISE: I was in a deposition where
25 Debbie got cut out because she -- her house got struck

1 by lightening, so that was a particular --

2 MS. MACKIN: Oh my gosh. Are you all
3 right?

4 THE REPORTER: Yes.

5 MR. GEISE: That was particularly
6 different.

7 MS. MACKIN: Yeah.

8 All right. So I've sent around the
9 document in the chat box.

10 MR. GEISE: Yeah, I got it. It worked
11 for me. Thank you. Appreciate it.

12 MS. MACKIN: Sure.

13 (Exhibit 1 marked.)

14 Q (BY MS. MACKIN) Mr. Maxey, are you able to
15 view that document?

16 A. Yes.

17 Q. Okay. And have you seen this document before?

18 A. Yes.

19 Q. What is it?

20 A. It's the Defendants' Notice of Oral Deposition
21 pursuant to Federal Rule of Civil Procedure 30, in
22 Jarrod Stringer versus Ruth Hughs.

23 Q. And do you understand that you are here today
24 giving this deposition pursuant to this Notice of
25 Deposition?

1 A. Yes.

2 Q. And that your testimony today is on behalf of
3 the Texas Democratic Party, and your answers will bind
4 the Texas Democratic Party?

5 A. That's correct.

6 Q. Okay. And throughout this conversation today
7 when I say "TDP," I'm going to be referring to the Texas
8 Democratic Party, just to be clear about that; and if
9 you say "TDP," I'll also understand you to be referring
10 to the Texas Democratic Party unless you tell me
11 otherwise. Okay?

12 A. All right.

13 Q. All right. So I'd like to -- before we jump
14 into the substance, I'd like to go over the seven topics
15 for this corporate representative deposition. So if I
16 could have you please scroll down to page 5 of this
17 notice.

18 A. All right.

19 Q. So Topic 1 is your mission, "your" meaning
20 that of TDP. Are you designated to testify on this
21 topic?

22 A. Yes.

23 Q. Okay. And Topic 2, "Your organization,
24 including your organizational structure, employees,
25 physical assets, parent and sibling entities, tax

1 status, and history; the services that you provide and
2 the activities that you perform." Are you designated to
3 testify on this topic?

4 A. Yes.

5 Q. And Topic 3, "Your funding sources, funding
6 amounts, operational expenses, operational budget, and
7 funding activities between January 1st, 2014 and the
8 present." Are you designated to testify on this topic?

9 A. Yes.

10 Q. Topic 4, "All activities on which you have
11 spent funds or to which you have dedicated resources in
12 Texas between January 1st, 2014 and the present." And
13 then it lists, "including," several subtopics. Are you
14 designated to testify on Topic 4?

15 A. To the level that they are not protected under
16 our organizational First Amendment rights.

17 Q. And what do you mean by that?

18 A. Well, it's my understanding that, as an
19 entity, that we have the ability to not disclose our
20 day-to-day operational things; but I can, to the level
21 my attorney tells me, answer this question -- these
22 questions in Number 4.

23 Q. And there isn't another person who would be
24 designated to testify on Topic Number 4, is there?

25 A. No. I am it.

1 Q. You are it. All right.

2 Topic 5, "All activities on which you
3 plan to spend funds or to which you plan to dedicate
4 resources in Texas between the present and January 1st,"
5 2014 [sic.] Mr. Maxey, are you designated to testify on
6 this topic?

7 A. Well, it's 2024, not 2014, but --

8 Q. Correct. Apologies.

9 A. Yes, I am.

10 Q. Thank you for keeping me honest. I appreciate
11 it.

12 Topic 6, "The allegations in your
13 Complaint and the factual bases therefor." Are you
14 designated to testify on this topic?

15 A. I am.

16 Q. And the word "Complaint" as used in Topic 6,
17 do you understand that to mean the Complaint that your
18 attorneys filed on behalf of the Texas Democratic Party,
19 the DSCC and the DCCC in this lawsuit?

20 A. Yes.

21 Q. Okay. Thank you.

22 And then Topic 7, "Your members who are
23 eligible to use the DPS website for a driver license
24 renewal or change-of-address transaction and intend to
25 do so." Are you designated to testify on this topic?

1 A. Yes.

2 Q. All right. And, finally, Number 8, "The
3 documents produced in response to the subpoena duces
4 tecum," described and attached to the Deposition Notice.
5 Are you designated to testify on this topic?

6 A. I have no idea what those words mean, but I
7 suppose I am.

8 Q. Okay. Is it your understanding that some
9 documents have been produced to the Defendants by your
10 attorneys --

11 A. Yes.

12 Q. -- and that we can talk about them today?

13 A. Absolutely.

14 Q. All right. Sounds good.

15 All right. So how did you prepare for
16 today's deposition, Mr. Maxey?

17 A. I reviewed all of the documents that were
18 shared to me by my attorney. I had conversations with
19 my attorney about the general scope of what we would
20 discuss today.

21 Q. And which documents did you review?

22 MR. GEISE: Objection, attorney-client
23 privilege. I think he said he reviewed documents
24 provided to him by counsel. So I would instruct the
25 witness only to answer any documents that were not

1 provided by counsel.

2 MS. MACKIN: Is it your position that
3 we're going --

4 (Simultaneous speakers.)

5 MS. MACKIN: -- document is that that's
6 privileged because I'm not asking him about advice of
7 counsel. I'm simply asking which documents he relied
8 upon to prepare to testify on the topics.

9 MR. GEISE: I think that if he was
10 provided documents by counsel, then which documents he
11 was provided to review in preparation for the deposition
12 is attorney work product and goes to the mental
13 impressions of counsel.

14 So if you reviewed any documents outside
15 of those provided by counsel, I would -- you can answer
16 that. If the only documents you reviewed were documents
17 which counsel provided you to review, I would instruct
18 you not to answer.

19 I think he's allowed to answer how many
20 documents he reviewed, but -- or the general topics of
21 documents he reviewed.

22 But I think that specific documents you
23 reviewed, I would instruct you not to answer. So with
24 that instruction, you can answer the number of documents
25 you reviewed and the general scope of the documents you

1 reviewed.

2 MS. MACKIN: I'd just like to note on the
3 record that I don't think that's correct. Of course,
4 the witness is able to answer to the extent that he
5 feels is appropriate; but the mere fact of reviewing a
6 document and the nature of what the document is is not
7 protected.

8 MR. GEISE: And, again, I would instruct
9 the witness that I believe that reviewing specific
10 documents selected by counsel goes to the mental
11 impressions and work product of counsel. And I would
12 instruct the witness to answer a summary, a general
13 summary of the documents -- well, a general summary of
14 the documents you reviewed at a high level and the
15 number. And that's what I would instruct the witness to
16 answer.

17 A. So I reviewed approximately, I would say,
18 maybe about 50 documents that were sent to me by counsel
19 that all appeared to be the filings in this case alone.
20 I have not looked at any document, done any research
21 outside of my general knowledge about the Texas
22 Democratic Party in response to doing this deposition.
23 I have not looked at anything outside of what came that
24 appeared all to be things that have already been
25 produced into the record or will be produced into the

1 record in this lawsuit.

2 Q. So you did not search any files for documents
3 in preparation for today's deposition?

4 A. No. My brain is it.

5 Q. Did you bring any documents with you today?

6 A. Nope.

7 Q. Your attorneys have produced 55 PDF files to
8 us as a response to the subpoena attached to this
9 Notice. I'm going to make all of those files Exhibit 2
10 to this deposition.

11 (Exhibit 2 marked.)

12 Q. (BY MS. MACKIN) We will pull up a few of them
13 later on to look at them, but the documents that were
14 produced to us all appear to be e-mails sent by the
15 Texas Democratic Party to, be it -- well, it was not
16 clear who they were sent to; but they appeared to be
17 externally- sent e-mails, not within the Party, but sent
18 outside of TDP. Did you review any of those documents
19 in preparation for your deposition?

20 A. I did. I went through each one of them
21 opened. There were some of them that were garbled that
22 I couldn't read, but they seemed to be in the same vein
23 as the previous ones; and historically every one of
24 those e-mails I also received in my inbox when they were
25 originally sent.

1 MS. MACKIN: Okay. And I'm just going to
2 memorialize, again, on the record our objection to
3 withholding documents that the witness reviewed in
4 preparation for today's deposition, and we do request a
5 supplementation of that production to ensure --

6 THE WITNESS: I --

7 (Simultaneous speakers.)

8 MR. GEISE: Well, Glen, you don't --
9 Glen, you don't have to answer.

10 We can discuss that after the deposition
11 or off the record of the deposition. We are happy to
12 discuss our -- we maintain that the Texas Democratic
13 Party has publicly available financial records and that
14 anything that is an internal Party document is subject
15 to the First Amendment privilege, is not critical to the
16 needs of this case or critical to establishing the Texas
17 Democratic Party's standing and that --

18 MS. MACKIN: I think, Counsel, we can
19 discuss --

20 MR. GEISE: We can discuss that off the
21 record. We don't need to have that discussion now.

22 MS. MACKIN: I'm just preserving our
23 objection on the record.

24 MR. GEISE: Yes, understood. And I'm
25 preserving our response; but, yes, we can talk after.

1 Q (BY MS. MACKIN) All right. Mr. Maxey, did
2 you meet with anyone at TDP to prepare for today's
3 deposition?

4 A. No, ma'am.

5 Q. And how many times did you meet with counsel
6 to prepare for today's deposition?

7 A. Once.

8 Q. And how long did you meet with counsel?

9 A. I think approximately an hour.

10 Q. Okay. And are you adequately familiarized
11 with the facts to testify as TDP's representative today?

12 A. I believe so.

13 Q. Okay. Just a brief discussion of your
14 background, Mr. Maxey. You are currently employed by
15 TDP; is that correct?

16 A. That's correct.

17 Q. What is your job title?

18 A. Currently my job title is Primary Director.

19 Q. How long have you held that position?

20 A. Well, I work for the Texas Democratic Party
21 year round; and I use different titles depending on the
22 time of the election cycle. For instance, during the
23 legislative session, I am the Legislative Director. I
24 lobby for the Party and election issues before the Texas
25 Legislature. So during the primary season, which begins

1 approximately September 1st of the odd year, through the
2 month after the runoff election, which is now going to
3 be August, I have the title of Primary Director because
4 we're in the period of having our Democratic primary and
5 primary runoff.

6 Q. Do you report to anyone in your role with the
7 Texas Democratic Party?

8 A. I report to the chairman of the Party,
9 Gilberto Hinjosa and Manny Garcia.

10 Q. And does anyone report to you?

11 A. I'm -- I do not have general employees
12 reporting to me. I am a senior advisor. So many of the
13 employees come to me for advice about election law, job
14 descriptions, things that I am knowledgeable of, since
15 I've been doing this over 50 years and most of them are,
16 you know, in their twenties. And Luke Warford, who is
17 the Director of Voter Registration -- or Voter
18 Expansion, which is voter registration and vote by mail
19 and those kind of programs, reports directly to me.

20 Q. Okay. So Luke Warford is your direct report;
21 and then for others, you are a wealth of institutional
22 knowledge, so to speak?

23 A. Yes.

24 Q. Okay. Who made the decision that the Texas
25 Democratic Party would join this lawsuit?

1 MR. GEISE: Objection. I think that that
2 goes to attorney-client privilege as well as the First
3 Amendment privilege. I would instruct the witness not
4 to answer.

5 MS. MACKIN: To be clear, I'm not asking
6 why the Texas Democratic Party decided to join this
7 lawsuit. I'm simply, under the topic of the
8 organizational structure, seeking to understand those
9 lines of authority.

10 MR. GEISE: I don't think that how the
11 Texas Democratic Party makes strategic litigation
12 decisions -- I think that's First Amendment privileged
13 and not relevant to this lawsuit. I would instruct the
14 witness not to answer.

15 MS. MACKIN: And I'll note again I didn't
16 ask how that decision was made. I asked for the
17 identity of the individual with the decision rights to
18 make it.

19 MR. GEISE: Understood. I would still
20 instruct the witness not to answer.

21 A. Therefore, I will not answer under the advice
22 of counsel.

23 Q. (BY MS. MACKIN) You're following the advice
24 of your counsel. Okay.

25 All right. I want to jump into Topic 1.

1 What is the mission of the Texas Democratic Party?

2 A. The mission of the Texas Democratic Party is
3 to elect people who call themselves Democrats to public
4 office at all levels, from president to public offices,
5 such as city councils and school boards, that are
6 non-partisan. But anybody who believes in the
7 Democratic philosophy, agrees with our platform. We
8 educate voters. We register voters so that they are
9 capable of casting a ballot. We inform voters about
10 issues and candidates. We run coordinated campaigns to
11 elect those Democrats. There are literally thousands of
12 different pieces of all of that, but generically it's
13 electing Democrats to public office.

14 Q. Okay. Has the mission of the Texas Democratic
15 Party changed over time?

16 A. No. I mean, the fundamental mission, you
17 know, began when the Party was formed in the early 1800s
18 to be the mission of electing people of our Party, with
19 our general philosophy and support our platform, to
20 public office. That's always been our mission. I don't
21 think we've deviated very far with that. How we do
22 that, methodologies, have changed radically over time;
23 and certainly radically just in the last decade,
24 radically in the last months because of the pandemic.
25 So methodologies have changed, but mission has not.

1 Q. And when you say methodologies have changed,
2 how have those methodologies changed?

3 A. Well, there was not a -- when I started in
4 this business doing Democratic Party work, there were
5 no computers. I started out on a manual typewriter
6 without -- not even with white-out or a corrective
7 ribbon. So the access to cellphones versus land lines
8 versus party lines over the 50 years I've been doing
9 this, access to whether you could do -- you know, I have
10 been from hand address the envelope, to stick on the
11 adhesive label, to laser printing at a mail shop over
12 the 50 years that I've been doing this.

13 So, I mean, all kinds of technology, all
14 kinds of communications, the fact that you can now talk
15 to tens of thousands of people simultaneously through
16 an e-mail is radically different than when we had to
17 phone each individual voter one by one when I started a
18 mere -- in the 1980s, you know. So the methodologies of
19 communicating and the fact that we have a voter
20 registration system where a person has to fill out the
21 paper form and put a wet signature on it that has
22 changed over the years to the ability of people who can
23 be registered to vote when they get their driver's
24 license renewed or registered or get a driver's license
25 for the first time, which brings us all the way to this

1 lawsuit. The State of Texas is refusing to follow
2 federal law in registering a person to vote when they
3 change their driver's license address.

4 MS. MACKIN: I'm going to object to the
5 last sentence as nonresponsive to the question.

6 Q. (BY MS. MACKIN) I would like to ask you,
7 Mr. Maxey, you mentioned that in the past few months,
8 even, methodologies have changed in light of the
9 pandemic. Can you tell me a little bit about how that
10 has changed?

11 A. Well, I would have had right now literally
12 dozens upon dozens of TDP employees knocking on doors
13 and being in the living rooms of voters or on their
14 porch having conversations about registering to vote.
15 Because of the COVID-19 those person-to-person
16 interactions are not happening. So now we're having to
17 do things in a different way of e-mail and phone calling
18 and other kinds of things, sort of a throwback to what
19 we did 50 years ago. So person-to-person communications
20 are not possible in social-distancing situations or at
21 least not advisable. We're not putting people at risk
22 to even put people in the situation that they have to be
23 6 foot apart. We don't want anybody to -- until the
24 governor and the president say it's all clear, we won't
25 be doing that kind of door-to-door campaigning.

1 Q. Okay. I want to talk about TDP's
2 organizational structure. Can you explain to me how TDP
3 is structured?

4 A. How it's structured governance-wise?

5 Q. Yes, sir.

6 A. The Texas Democratic Party has an Executive
7 Committee that's elected at our quadrennial state
8 conventions by delegates that are elected that consist
9 of a chairman and a vice chair and then 62 people, 31 --
10 two from each of the 31 state Senate districts, a man
11 and a woman. So it's a 64-member Executive Committee
12 that's outlined in the Texas Election Code statutorily,
13 membership of that committee. They make the policy.
14 The Executive Director hires -- I mean, the State Chair
15 hires an Executive Director. The Executive Director
16 hires a staff. The staff reports to the Executive
17 Director. The Executive Director reports to the State
18 Chair.

19 Q. And within that structure, would you fall
20 under the staff category?

21 A. Yes.

22 Q. Okay. And how many other staff members does
23 TDP have right now?

24 A. As reported in our staff meeting last week, we
25 had 61 staffers.

1 Q. And how are TDP staff members paid? I'm not
2 asking how much, just where the funds come from.

3 A. They come from donations that are made legally
4 and through federal and state law from donors,
5 individuals, organizations, political action committees.

6 Q. Okay. I'm going to jump ahead to Topic 4.
7 And as you were alluding to earlier, Mr. Maxey, I
8 understand that there are various permutations of how
9 TDP furthers its mission and sort of engages in its
10 activities; but I would like to understand kind of the
11 main buckets of activity, the main categories of
12 activity, that TDP is engaged in.

13 From what you said earlier, I wrote down:
14 Elect Democrats, educate voters, and register voters.
15 But I don't want to sort of pin you to that if there's
16 kind of a better way to describe the main categories of
17 activity that TDP engages in.

18 A. Sure. Let me just run down sort of job titles
19 of the 61 people, and that will give you an idea.

20 Q. Cool. Perfect.

21 A. We have a comptroller who receives and expends
22 the funds, who makes all the reports to the Federal
23 Election Committee and Texas Election Committee. She
24 has two assistants that also deal with HR and hiring and
25 doing Human Relations kind of hiring and removing

1 employees.

2 We have a data team that works on the
3 voter files, targeting, preparing lists for phone
4 banking, voter contact all through technology systems.
5 It's basically data work.

6 We have a fundraising team that consists
7 of four people that raise money from individual donors
8 and major donors and organizations.

9 As I said, we have an Executive Director.
10 We have an Assistant Executive Director who also does
11 sort of the political work of the organization.

12 We have a political team that has two
13 people that work directly with candidate services, two
14 people who work directly with volunteers for the
15 candidates, two people who work directly with the county
16 parties, with their plans, funding plans, coordinated
17 plans, training county chairs and county executive
18 committees and volunteers at the county level.

19 I'm sort of going around my office.

20 We have a five-member voter protection
21 team that deal with voter laws and educating people to
22 comply with all election laws and assist where we find
23 voters who have had problems casting their ballot or
24 getting registered, to make sure that everybody is
25 legally able to participate.

1 There's the voter expansion team, Luke
2 Warford, who does voter registration, vote by mail. I
3 work a lot in that program.

4 We have a communications staff, typical
5 communication directors, research director, digital
6 team, people who do all of our online, whether it's
7 e-mails, Instagram, Facebook, Twitter, all of those kind
8 of programatic things.

9 And we have an organizing team that works
10 in the field. We have constituency organizers for
11 allied groups within the Party, African-Americans,
12 Hispanic, disability community, LGBT community, the
13 women's community, Asian Pacific Islanders community. I
14 might be missing one of those groups, but there's a
15 staffer there.

16 And then there are literally -- there
17 will be by November approximately a thousand people in
18 the field talking to voters all over the state of Texas.

19 And that's how we do it.

20 Q. That's how the sausage is made.

21 Okay. So I appreciate that rundown. And
22 it sounds, from what you've said, like some of those
23 apparatuses are necessary to engage in a variety of
24 activities, like, it's not like you just have a -- like,
25 for example, your comptroller, that's sort of

1 infrastructure that's, like, necessary for the whole
2 organization to run, right?

3 A. Well --

4 MR. GEISE: I'm just going -- I think
5 it's -- I'm just going to object to preserve the First
6 Amendment objection and just instruct the witness. I
7 think this is all fine. You can continue to answer at a
8 high level. I just -- you know, if we start getting
9 into more and more detail, I just wanted to preserve
10 that objection for the record.

11 THE WITNESS: I understand.

12 A. So let me just say that nothing's siloed.
13 Everybody on our staff is trained to register a voter.
14 Everybody on our staff is trained to answer a voter's
15 questions so that no matter where -- what department
16 you're in, we're all supportive; and we're cross-
17 trained. Nothing is -- I mean, there are some people
18 who do just the same thing every day; but I work in
19 pretty much all of those areas.

20 I'm the author of many of the
21 communication e-mails we send out, perhaps, on voter
22 registration. And I think that's the whole nut of where
23 we're going with this is that we are having to move
24 money from all of those departments to deal with voter
25 registration because the State, in this case, is not

1 doing its work in registering people appropriately.

2 Q. (BY MS. MACKIN) Okay. And so I'm trying to
3 get a list of the main activities of the Texas
4 Democratic Party. And so based on what you've said, it
5 sounds like there is fundraising. There is candidate
6 services. There is county services, voter protection,
7 voter expansion, and maybe organizing. I mean, if you
8 had to break it down into categories of activity, how
9 would you do that, because I appreciate the explanation
10 of kind of the departments and the structure?

11 A. Every day we communicate with voters. We
12 educate voters. We help Texans who are not registered
13 get them registered in myriads of ways to make sure that
14 we expand the voting pool. We educate them how to cast
15 a vote, when to cast a vote, where to cast a vote, and
16 who to cast a vote for, pure and simple.

17 Our main goal right now is to register
18 approximately 2.6 million people to vote, which we're
19 spending lots of money on doing because the State of
20 Texas is not following the federal law in registering
21 people when they change their driver's license.

22 Q. And just to be clear on the record, Mr. Maxey,
23 are you an attorney?

24 A. No, and I never claimed to be one.

25 Q. Okay. And --

1 A. But let me just say this, though: I'm not an
2 attorney, but I was a legislator for 12 years. I have
3 drafted in the last four election cycles more than 150
4 pieces of election law. I have gotten legislators to
5 file them. I have testified on behalf of those bills,
6 and I have rewritten major sections of the Election Code
7 through things that I have drafted. So I am not an
8 attorney, but I understand the law.

9 Q. Okay. And I appreciate that.

10 I want to come back to what I'm trying
11 to understand with this question about TDP's activities.
12 So TDP engages in communications, right? You
13 mentioned -- when I just tried to get a list the last
14 time, you said communication, education, and voter
15 registration; but that doesn't seem to capture
16 everything that you talked about.

17 A. Please ask something specifically about what
18 you want to know, and I'll answer it.

19 Q. Sure. So what are the main categories of
20 activities that TDP is engaged in? And I think I did
21 ask that already, but I'll ask it again.

22 MR. GEISE: Objection to the form.

23 You can answer.

24 A. I'll answer it yet again. Our mission is to
25 educate voters to vote for Democratic candidates. In

1 order to do that, we must register them to vote. We
2 must educate them when, where, and how to vote. That's,
3 pure and simple, everything that we do. Candidates,
4 training, it's all about getting them elected. We train
5 them how to campaign, but our overarching goal is to
6 have more votes for Democrats than for Republicans,
7 Green Parties or Libertarian candidates or Write-in
8 candidates. That's our goal, pure and simple: Elect
9 Democrats. Number 1 on that is to have more Democrats
10 registered to vote, and that's the problem we're having
11 here is that we have impediments to doing that. We're
12 having to move funds into --

13 Q. (BY MS. MACKIN) Okay. But I'm not hearing an
14 answer to my question.

15 A. Sorry. Don't interrupt me. You told me I
16 could answer a question before you would interrupt.

17 So our goal is to register voters to
18 vote, and there is an impediment by the State of Texas
19 not registering voters when they update their driver's
20 license.

21 MS. MACKIN: Okay. Objection,
22 nonresponsive.

23 Q (BY MS. MACKIN) Mr. Maxey, what are the main
24 categories of activities that TDP is engaged in?

25 MR. GEISE: Objection, asked and

1 answered.

2 MS. MACKIN: I didn't hear an answer to
3 my question.

4 A. The main activities are voter registration,
5 voter education, candidate recruitment, candidate
6 education, and telling people when, where, and how to
7 cast a ballot. That's it in a nutshell. Whether we
8 raise money, whether we do data work, whether we do
9 communication, it's all about registering people to
10 vote, getting them to go vote for Democratic candidates.
11 Answered.

12 Q. (BY MS. MACKIN) And so is there a difference
13 between -- I just want to make sure I have the list
14 correct. I have as the main activities: Communication,
15 voter education, voter registration, candidate
16 recruitment, and candidate education. Do I have that
17 right?

18 A. Well, I don't know if it's limited to that.
19 I've been talking for 15 minutes here about the mission
20 of the Party and what we do and named every staffer with
21 a job description title. I think any logic is that all
22 of those things go back to having an educated electorate
23 of Democrats who know when an election is, where to go
24 vote, how to cast a ballot, how to do it legally, how to
25 do it, whether in person or by mail. All of that stuff

1 is our mission to get to the goal of electing Democrats
2 to office, pure and simple.

3 Please be specific because I've answered
4 that five times now.

5 Q. The thing that I'm struggling with, though --

6 A. You want me to give you a tick-tock of hours
7 from 8:00 to 5:00 every day of what I do? Is that what
8 you --

9 Q. No, sir.

10 A. Okay. Then think of a question other than the
11 one you've asked five times now, that I've answered.

12 Q. But respectfully, sir, it's a fair question;
13 and I'm just trying to make sure that I have the answer
14 clear because I'm a little bit confused by the way that
15 it's being answered.

16 So the list I have of the main activities
17 that TDP is engaged in, the list that I have of the main
18 activities -- I understand your mission is to elect
19 Democratic candidates, pure and simple. I've heard
20 that. I appreciate that. In terms of the specific
21 activities in which TDP is engaged, the main
22 activities -- I'm not asking for each granular thing;
23 but if you kind of divide it up, the work that TDP does,
24 I have five categories based on what you've said. And I
25 want to make sure that I understand that right and that

1 I have everything down as a list. So the list that I
2 have --

3 A. (Inaudible.)

4 Q. Go ahead.

5 A. I'm not -- you've not asked a question. Ask a
6 question.

7 Q. Okay. You started speaking, so I wanted to
8 give you an opportunity to do so.

9 The list that I have for the main
10 activities that TDP is engaged in includes:
11 Communication, voter education, voter registration,
12 candidate recruitment, and candidate education. Is that
13 an accurate and complete list of the main categories of
14 activities that TDP is engaged in?

15 MR. GEISE: Objection, mischaracterizes
16 the testimony.

17 But you can answer.

18 A. I don't think -- when you say is it a complete
19 list -- because I don't want to -- you know, it sounds
20 like a trick question here. If you want me to add on to
21 it, we raise money to do those activities. We do data
22 work to do those activities. We do work with county
23 parties and candidates and volunteers and activists and
24 voters to do those activities. It seems like I'm in a
25 circular question here.

1 Q. I'm not trying to --

2 A. We want voters to cast ballots. The main --
3 the only mission we have is for voters to vote for
4 Democratic candidates and for those Democratic
5 candidates to win. Anything more than that is getting
6 into granular things of how we do that. And I can talk
7 for hours if we want to do that; but you keep saying, "I
8 want to just go at the top level of stuff." So let's
9 stay at the top level. We educate voters. We register
10 them to vote. We educate them again about when the
11 election is, how to vote, where to vote to cast a vote
12 for a Democrat. That is the mission of TDP, pure and
13 simple; and that is it.

14 You might have five things on your list.
15 There's one thing on the list: Educate voters, register
16 voters, turn them out to vote. And I don't know what
17 else you're trying to get to. Be more specific.

18 Q. So does TDP participate in any activities that
19 don't fall into either communication, voter education,
20 voter registration, candidate recruitment, candidate
21 education, or fundraising?

22 MR. GEISE: I'm going to object, asked
23 and answered.

24 But you can answer.

25 A. Sure. We just had a staff party. None of

1 that was about voter education or voter registration or
2 turning out a vote.

3 I mean, we're a big institution. We do a
4 lot of things. I don't think any activities that are
5 officially done in a job description of an employee of
6 the Texas Democratic Party is outside of the goals of
7 educating voters, registering voters, and getting them
8 to cast a ballot for Democratic candidates. So, no, I
9 don't think we do anything outside of that mission.

10 Q. (BY MS. MACKIN) Educating, registering,
11 getting them to cast a ballot for Democratic candidates?

12 A. If you know something you only answer "yes" or
13 "no" when you do it, please ask me; but I can't think of
14 anything that's outside of that mission that the
15 employees of the Texas Democratic Party or its Executive
16 Committee or Chair does.

17 Q. Okay. Thank you.

18 All right. How would you describe TDP's
19 efforts to educate voters?

20 A. We communicate by e-mail, by text message, by
21 Twitter, by direct mail, by speeches by various
22 candidates, party officers, staffers. We go door to
23 door. We make phone calls. Any kind of communications
24 that humans possibly have, we do to talk about
25 Democratic values, registering to vote, how to get

1 registered to vote, when to go vote, and how to vote for
2 Democrats. So we communicate in all of those ways.

3 Q. And have you produced documents that reflect
4 those communications?

5 A. There are documents of e-mails that we have
6 sent to voters that were produced.

7 Q. Is there documentation of those other types of
8 communications that you mentioned?

9 MR. GEISE: Objection on the basis of the
10 First Amendment privilege.

11 I think you can answer "yes" or "no"
12 whether other types of communication with voters exist;
13 but other than that, I'm going to object on the basis of
14 the First Amendment privilege and instruct you not to
15 answer other than whether or not other types of
16 communications exist.

17 MS. MACKIN: And just to be clear, have
18 you-all produced a privilege log of documents responsive
19 to the subpoena that are being withheld?

20 MR. GEISE: Not -- well, no. I don't
21 think that a privilege log would need to hold every
22 communication that the Texas Democratic Party has with
23 voters because that would be millions, and that wasn't
24 what the subpoena requested. But, again, I don't think
25 that that needs to be a discussion for this deposition.

1 I would instruct the witness: You can
2 answer "yes" or "no" whether there are communications
3 outside of e-mails that the Texas Democratic Party has
4 with voters.

5 MS. MACKIN: And we can talk offline
6 about the scope of the objection; but based upon what
7 we've heard so far today, it appears that the response
8 to the subpoena's incomplete and that we have some
9 issues to resolve with respect to that.

10 MR. GEISE: Well, I don't know that
11 that's a topic for the witness; but you can answer "yes"
12 or "no" --

13 MS. MACKIN: I --

14 MR. GEISE: All right. So you can answer
15 "yes" or "no" whether or not there are communications
16 other than e-mails that the Texas Democratic Party has
17 with voters.

18 A. Can you be more specific what you mean by
19 that?

20 Q (BY MS. MACKIN) The question I asked --

21 MS. MACKIN: Ms. Cunningham, would you
22 mind reading back my last question?

23 THE REPORTER: Okay.

24 MS. MACKIN: Thank you.

25 (The requested material was read as

1 follows:

2 "QUESTION: Is there documentation of
3 those other types of communications that you
4 mentioned?")

5 A. Generically in my answer I was talking -- you
6 said what kind of communications do we have with voters,
7 I think was the original question; and I said we have
8 direct mail. That would be the glossy kind of mail that
9 you send a candidate -- to voters about issues or
10 candidates and giving voter information. I suppose we
11 have those laying around from the past election cycle.
12 We've not done those this election cycle yet.

13 But there's -- if we're asking if there's
14 communication about this case, no, I don't know of
15 anything that we have. I have no knowledge of anything
16 like that being in existence.

17 I was talking about generically what a
18 volunteer -- an organizer would -- how they would
19 communicate -- you asked how do we communicate, and so
20 that's what I was saying. The LGBT organizers talking
21 to LGBT voters could be passing out literature or hand
22 them a palm card or something that says about getting
23 ready to vote or passing out voter registration cards.
24 That's the kind of communication I was talking about.

25 You seem to be talking about

1 communications about this lawsuit; and, no, I don't have
2 any of those, never have seen any of those.

3 Q. (BY MS. MACKIN) Okay. How much did TDP spend
4 on voter education in 2014?

5 A. You know, I don't know that I can break out
6 voter education. I mean, the staff salaries for all of
7 the people we had in 2014, whether they're the data
8 person or the fundraising person or the comptroller's
9 salary or the executive director's salary or my salary,
10 I know that generically in 2014, we spent around
11 \$2 million, raised and spent.

12 Q. Total?

13 A. Total.

14 Q. So not limited to voter education, but
15 overall?

16 A. Well, there's -- I don't have any knowledge
17 about how to pull that out of my brain about what was
18 voter education and what was just institutional
19 organizational payroll and things. We could ferret out
20 that the comptroller is doing voter education if she's
21 processing the money that we pay for voter education.
22 So I don't know how you find -- I don't know the details
23 of how much was voter education versus any other
24 mission -- part of the mission. Approximately
25 \$2 million -- all of this is public record at the FEC

1 and TEC.

2 Q. So you couldn't tell me --

3 A. What we spent I cannot tell you, no, not
4 today, not from my memory how much of the \$2 million was
5 specific on voter communication, however nebulous that
6 is.

7 Q. How about voter registration efforts in 2014,
8 could you tell me how much TDP spent on voter
9 registration efforts in 2014?

10 A. No, ma'am.

11 Q. Okay. What about in 2015?

12 A. No. I mean, because --

13 Q. What about in 2016?

14 A. You're asking me --

15 MR. GEISE: Objection, asked and
16 answered. I think the witness has answered that it
17 would be impossible to calculate those numbers.

18 But you can answer to the extent of your
19 ability.

20 A. Well, I will just say that, you know, we
21 passed out a lot of voter registration applications,
22 most of those provided to us by the Secretary of State
23 at no cost. We did online voter registration. There's
24 a cost to maintaining that and staffing that. We mailed
25 out voter registration applications when people

1 requested them. We did rallies with voter registrars,
2 volunteer voter registrars. So to ferret out exactly
3 how much generally educating a volunteer how to do voter
4 registration and how much that time of training cost
5 down to the cent, I can't do. I cannot ferret it out.
6 It's impossible for us to even do that.

7 So part of -- part of our budget went to
8 voter registration; but figuring it out to the penny or
9 even a gross amount -- because, like I said, everybody
10 on our staff in almost every department, whether the
11 digital people are sending out links to go fill out a
12 voter registration application, whether an organizer's
13 standing at a door, whether an organizer is door
14 hanging, whether a college student is tabling on the
15 university campus, all of which are things that we
16 organize and train volunteers to do, the cost of that is
17 impossible to ferret out because everybody in our
18 department is somehow touching that. So I can't tell
19 you a number. It's impossible.

20 Q. (BY MS. MACKIN) And is that true for every
21 year between 2014 and 2020?

22 A. Yes.

23 Q. Okay.

24 A. Now, if you asked -- you know, at some point
25 in time, a person -- if we had done a mailing and I had

1 time to go research it, I could probably find out some
2 things; but I don't know that -- anything from memory
3 that I could pull out and give you a cost on.

4 Q. But you were designated to testify on Topic
5 4(d) in the Deposition Notice, were you not?

6 A. Yes, ma'am.

7 Q. Okay.

8 A. And I did not go and do ten years of stuff and
9 have it in my brain for this deposition this morning.
10 So, no, I don't know the details.

11 MS. MACKIN: So to that extent, then,
12 we're going to have to object to the preparedness of the
13 witness.

14 MR. GEISE: I think the witness -- I
15 think the witness said that it would be -- and I can
16 clean this up with some questions after; that's fine.
17 I'll wait to do that. But I think the witness testified
18 that it would be impossible to determine those numbers,
19 and he gave a top-line number for the question you
20 asked. So he can testify top line how much was spent.
21 He's indicated that all of the Texas Democratic Party's
22 spending is publicly available on both the FEC and the
23 Texas Ethics Communication website and is happy to
24 testify about any specifics of those that you want to
25 provide him for and ask him about.

1 And I don't think that the witness needs
2 to be prepared to do something which is impossible.
3 He's testified that he can give top-level amounts. He's
4 prepared to talk about programmatic aspects of every one
5 of those years, the programs they did; and I think that
6 top-line amounts and programs is, from the witness'
7 testimony, the only level of detail that would be
8 possible for anyone to testify to. So I don't know how
9 we would prepare anyone to do more than that. Having
10 said that --

11 MS. MACKIN: I think that this --

12 MR. GEISE: Again, this is a discussion I
13 suppose should be offline.

14 Q. (BY MS. MACKIN) Just to make sure everything
15 is perfectly clear, all activities on which TDP has
16 spent funds or to which TDP has dedicated resources in
17 Texas between January 1st, 2014 and the present
18 including, total funds spent on voter registration
19 efforts, that number is not -- is it your testimony,
20 Mr. Maxey, that that number is not knowable?

21 A. It is not knowable.

22 Q. Okay. How does the Texas Democratic Party
23 track the success of its voter education efforts -- or
24 let me ask that better.

25 Does the Texas Democratic Party track the

1 success of its voter education efforts?

2 A. I think that's a broad question. We do
3 metrics, you know. We know when we send an e-mail how
4 many people open the e-mail. We don't know if they read
5 it or not. We know that they opened it.

6 We know that -- studies are done over
7 time that there are areas of Texas where we do door-
8 to-door activities or have done series of mailings to
9 voters to persuade them or educate them; and after an
10 election, we do analysis of are the turnout patterns
11 bigger where we did those efforts or didn't.

12 We make a phone call to a voter. We tell
13 them to go vote. We then look at daily, during early
14 vote, whether that voter has cast a ballot or not. If
15 we had done a million of those calls and nobody that we
16 called voted, we would probably stop making the phone
17 calls.

18 So, yes, we track all of this stuff to
19 the best of our abilities using technology, pen and
20 paper, you know, marks on a walk sheet about who we
21 talked to, whether that person then went to vote. And
22 whether in those precincts where we have done activities
23 we won the precinct or didn't win the precinct tells us
24 a lot about activities. So yes, yes, we do.

25 Q. And so does TDP adjust -- I mean, I think you

1 said this; but I want to make sure it's clear. Does TDP
2 adjust its activities based on the success rate?

3 A. Sure. I mean, let me just say that, you know,
4 in my world of asking the Legislature to do things, I've
5 asked the Legislature to pass bills allowing people to
6 go online and register to vote. If that were the case
7 in Texas, we would not be spending the time and effort
8 to go door to door, to table, to mail out voter
9 registration applications to newly -- new arrivals in
10 Texas or people who moved in. We wouldn't be doing all
11 that activity, expending that money, expending that
12 staff time if we had more accessible voter registration
13 in Texas. So, yes, we are changing our programatic
14 stuff in response to the voter suppression in Texas day
15 by day.

16 So that is our mission is to educate
17 voters. We have big impediments in Texas for voter
18 registration, the most restrictive state in the nation
19 for registering people to vote. And so we spend a
20 myriad amount of money and adjust our budget accordingly
21 to all of the impediments that are put in front of us.

22 MS. MACKIN: Objection, nonresponsive.

23 Q. (BY MS. MACKIN) I don't think my question was
24 very clear. I apologize.

25 We've talked about registering voters.

1 Are TDP's voter registration efforts focused on
2 targeting Democratic voters?

3 MR. GEISE: I'm just going to object on
4 the basis of the First Amendment privilege. I think the
5 question is fine.

6 But I would instruct the witness again
7 that based on the First Amendment privilege, all these
8 things going into specific strategy of the Texas
9 Democratic Party, I would instruct the witness you can
10 answer at a high level.

11 So I think that specific question is
12 fine, but I just want to continue to note that objection
13 for the record.

14 MS. MACKIN: If we could please limit the
15 speaking objections, to keep objections to the rules and
16 an instruction not to answer, I would appreciate it.

17 A. Yes.

18 Q (BY MS. MACKIN) Okay. The Texas Democratic
19 Party began a new voter registration campaign in January
20 of 2020; is that correct?

21 A. That's correct.

22 Q. Okay. I am going to show you some
23 documents -- actually, rather than show you, I will send
24 around a link so that you can view them. And these
25 documents were produced by your counsel in response to

1 the subpoena duces tecum related to this deposition.

2 If you received that file, if you would,
3 please pull it up for me, Mr. Maxey; and let me know
4 when you're ready to discuss it.

5 A. I got it.

6 Q. Okay. And do you recognize this document?

7 A. Yes, it's an e-mail that was sent out by our
8 digital department from me to people on our e-mail list,
9 asking for donations to do voter registration and vote
10 by mail. I guess this one is a vote-by-mail thing.

11 Q. And how does the Texas Democratic Party --
12 well, strike that.

13 You mentioned your e-mail list. Who
14 would be on that e-mail list?

15 A. Anybody who has requested to be on the list.
16 People who give us an e-mail at events, at our
17 convention, asking to be on our list.

18 Q. And a little ways down on this e-mail it talks
19 about a contribution to our vote-by-mail fund. Do you
20 see that?

21 A. Yes.

22 Q. What is the vote-by-mail fund?

23 MR. GEISE: I'm going to object on the
24 basis of the First Amendment.

25 You can talk generally -- actually, no.

1 You can answer that question. To the extent it doesn't
2 implicate internal strategic matters of the Democratic
3 Party, you can answer that question at a high level.

4 A. It's a euphemism for money we would like
5 people to give to us that we might use for sending out
6 applications for seniors, disabled, and people out of
7 the county to vote by mail.

8 Q. (BY MS. MACKIN) And do you know if the funds
9 that were raised in response to this e-mail went
10 directly to the vote-by-mail fund?

11 MR. GEISE: I'm going to object on the
12 basis of the First Amendment privilege. I think that
13 the internal financial matters of a political
14 organization are core First Amendment protected. And I
15 would instruct the witness not to answer. I think he's
16 answered at the level that is adequate under a First
17 Amendment privilege.

18 MS. MACKIN: The Protective Order entered
19 in this case allows you to designate any portion of this
20 transcript as confidential if you wish, so --

21 MR. GEISE: There's case law on a
22 privilege -- on a Protective Order still not infringing
23 or not requiring the infringement of the First Amendment
24 privilege. So I would still instruct the witness not to
25 answer on the basis of the First Amendment privilege

1 that the internal financial matters of a political
2 organization are core First Amendment protected. I
3 would instruct the witness not to answer.

4 MS. MACKIN: I'm not asking about
5 internal financial matters. I'm asking a question that
6 appears on the face of this document which was produced
7 to us.

8 MR. GEISE: He answered what the
9 vote-by-mail fund was. I think that asking the next
10 question, which is what I objected to -- I think that
11 asking the next question beyond that about internal
12 financial decisions of the Texas Democratic Party is
13 core First Amendment protected. I would instruct the
14 witness not to answer.

15 MS. MACKIN: I'm not inquiring into
16 internal financial decisions of the Texas Democratic
17 Party. The issue of spending -- okay.

18 Q (BY MS. MACKIN) Are you going to decline to
19 answer my question on the advice of your counsel,
20 Mr. Maxey?

21 A. I do.

22 Q. Okay. So down here it also says, "Can you
23 make a \$7 contribution to our vote-by-mail fund so we
24 can send 21 Texans their application?" Did I read that
25 correctly?

1 A. That's what it says.

2 Q. And so how much does it cost to send one Texan
3 a vote-by-mail application?

4 A. Do you want to know the postage?

5 Q. I want to know how much it costs the Texas
6 Democratic Party.

7 A. Well, approximately -- I mean, if you're doing
8 the math here, you can divide \$7 by 21; and you'll sort
9 of get what the cost is. There is the actual postage.
10 There's the printing. There's the lasering. There's
11 paying of the mail house. There is the cost of the
12 paper. There is all of that. I would have to have a
13 calculator to do the math here, but I'm thinking it's
14 around about 30 to 33 cents.

15 It's different in each county, depending
16 on whether I am sending a hundred thousand into a postal
17 zone or whether I'm sending fifty, because it's a
18 different postage rate. So I cannot tell you
19 definitively the cost of a single piece. On average
20 they're probably about 32 cents.

21 Q. Are you aware that Texans can request a
22 vote-by-mail application be mailed to them for free on
23 the Texas Secretary of State's website?

24 A. Do what?

25 Q. Are you aware that on the Texas Secretary of

1 State's website Texans have an ability to request that a
2 vote-by-mail application form be mailed to them for
3 free?

4 A. Yes.

5 Q. I'm going to show you another document which
6 is part of Exhibit 2 and begins at TDP 33.

7 THE REPORTER: Excuse me, Ms. Mackin.
8 I'm sorry.

9 MS. MACKIN: Yes.

10 THE REPORTER: That last document that
11 you displayed, did you want that marked as an exhibit?

12 MS. MACKIN: So all of these documents
13 that begin with the TDP preface, they're all going to be
14 Exhibit 2.

15 THE REPORTER: Okay. Thank you.

16 MR. GEISE: Is now a good -- I know we've
17 been going for a little over an hour. Is now a good
18 time for a break?

19 Glen, I don't know if you want one. I
20 could use a five-minute break.

21 THE WITNESS: I need to use the restroom.

22 MS. MACKIN: Sure.

23 MR. GEISE: I figured. All right.

24 MS. MACKIN: Come back at 11:25.

25 MR. GEISE: Great.

1 THE REPORTER: We're going off the record
2 at 11:18 a.m.

3 (Off the record from 11:18 to 11:27 a.m.)

4 THE REPORTER: We are back on the record
5 at 11:27 a.m.

6 MR. GEISE: We can't see you, Glen. I
7 don't know if you can bring us back up.

8 There you go.

9 THE WITNESS: The technician must have
10 turned my camera off.

11 MR. GEISE: Yeah. Just fire that guy.

12 MS. MACKIN: All right.

13 THE WITNESS: Are we talking about a
14 document?

15 MS. MACKIN: TDP 33.

16 THE WITNESS: Okay. Got it.

17 MR. GEISE: Sorry. Did you -- is it in
18 the -- it's not in the -- oh, there it is. It just came
19 up for me.

20 Q (BY MS. MACKIN) Do you recognize this
21 document, Mr. Maxey?

22 A. It's an e-mail sent by the Texas Democratic
23 Party, yes.

24 Q. And it looks to me that there's a box that
25 says, "What we did this year," colon, and that there is

1 no text underneath that. Do you know if that's how the
2 e-mail went out to your Listserv?

3 A. I expect that this is a technical thing of it
4 not showing on this thing. I'm sure it had things that
5 we had did -- we had done that year.

6 Q. Okay.

7 MS. MACKIN: And I guess we'll just
8 request a supplementation with a legible copy.

9 MR. GEISE: Yes, I will make a note of
10 that.

11 MS. MACKIN: And I don't think I need to
12 show it to the witness. I'll just let you know,
13 Counsel, the same issue was present in TDP 37 as well.

14 MR. GEISE: Okay. Okay.

15 Q (BY MS. MACKIN) Okay. I'm going to circulate
16 the document marked TDP 43. Mr. Maxey, please take a
17 look at that and let me know when you're ready to
18 discuss it.

19 A. All right.

20 Q. Do you recognize TDP 43?

21 A. It's an e-mail from Cliff Walker that went out
22 to our e-mail list.

23 Q. Okay. And it looks like it's a forward of an
24 e-mail from Representative Gina Calanni; is that right?

25 A. Yes.

1 Q. And down on the page marked TDP 44, about
2 25 percent of the way down the page --

3 A. Uh-huh.

4 Q. -- it says, "Texas Democrats' vote-by-mail
5 program made the difference between my victory and my
6 defeat. Without their vote-by-mail initiative, I
7 wouldn't be where I am today." Did I read that
8 correctly?

9 A. Yes.

10 Q. And how did TDP know that
11 Representative Calanni's 113-vote margin of victory was
12 attributable to Texas Democrats' ballot-by-mail program?

13 A. I mean, this is like everything in an
14 election. If you win by a small margin, most any
15 program you did is that margin. We do know in this
16 district -- I don't know the numbers offhand -- but we
17 do know that several thousand seniors voted by mail as a
18 result of the application we mailed them because we
19 track the senior getting the application through the
20 mail and mailing it back to their clerk. So because we
21 did a vote-by-mail program, several thousand seniors
22 voted in her district; and that number of voters is more
23 than her margin of victory by a long shot.

24 Q. How do you know that all those voters voted
25 Democrat -- well, specifically, how do you know that all

1 those voted for Representative Calanni?

2 A. We don't. But I'll elaborate: The chances
3 are that if you send an application to a person who's
4 voted in multiple Democratic primaries and then they
5 vote in a general election, they -- more than likely,
6 there is probably a high percentage -- in the 85
7 percentile or above -- that they voted for a Democrat.

8 Parties don't send stuff to opposing
9 voters. We target and, therefore, the people we sent
10 the application to almost entirely are people who voted
11 in the Democratic primaries.

12 Q. And then down at the bottom, the last sentence
13 says, "Can you make a \$7 contribution to the Texas
14 Democratic Party so we can send 21 Texans their
15 application?" Were all of the funds generated by this
16 e-mail used to send Texans applications to vote a ballot
17 by mail?

18 MR. GEISE: I'm going to, again, object
19 on the internal use of fundraising of a political party
20 as core First Amendment protected and instruct the
21 witness not to answer on the internal use of funds on
22 the basis of the First Amendment.

23 A. I decline to answer on advice of counsel.

24 MS. MACKIN: Okay. And so to the extent
25 that I have anymore questions about the e-mails that

1 were produced that were asking for contributions and
2 then what those contributions were ultimately used
3 for --

4 MR. GEISE: Yeah, we're -- the witness is
5 going to -- I mean, I'm going to instruct the witness
6 not to answer on the internal financial decisions of the
7 Texas Democratic Party on the basis of the First
8 Amendment privilege as going to the core of the First
9 Amendment.

10 He can talk generally -- the witness --
11 just so we're clear, I think that if you ask general
12 questions about how the Texas Democratic Party makes
13 funding decisions, how they decide where to allocate
14 funds, the witness can answer at a high level, that that
15 does not go into specific internal strategy or a
16 specific use of specific funds.

17 I think the First Amendment protects the
18 core; but if you want to ask the witness high level, how
19 does the Texas Democratic Party decide to allocate
20 funds, how do they decide to allocate funds, even in a
21 specific year, at a high level, I think that you're
22 entitled to inquire into that. It's just I think the
23 specific use of specific funds is core First Amendment
24 protected by numerous decisions, and I would instruct
25 the witness not to answer.

1 MS. MACKIN: And is it your position that
2 the e-mails that were produced which make a specific ask
3 for a contribution fall within that category?

4 MR. GEISE: Well, I don't think -- I
5 think that asking once someone sent the Texas Democratic
6 Party specific funds in response to a specific e-mail,
7 where did those funds go is core First Amendment
8 protected by numerous decisions that would go to -- and
9 even with a Protective Order, a Protective Order in
10 multiple cases does not entitle you -- it's the same way
11 it doesn't inquire [sic] you to entitle [sic] into the
12 attorney-client privilege. It doesn't entitle inquiry
13 into things that are protected by the core of the First
14 Amendment. So I would instruct the witness not to
15 answer.

16 A. Let me answer a general answer so that we're
17 clear. All fundraising that the Texas Democratic Party
18 asks donors to make is done in the context of --
19 typically of: Help us pay for a program, which is what
20 this is. Help us send out vote-by-mail applications.
21 By law we cannot dedicate -- if a donor gives us a
22 hundred dollars and says spend this only on vote by
23 mail, a donor may not do that. We cannot target their
24 donation. The Party must and does make decisions on all
25 of its funds coming in on how to spend. It cannot be

1 directed by the donor to go for a specific candidate or
2 a specific program. They can donate toward it, and we
3 can then choose to use it for that program or not.

4 In this particular issue on the specific
5 question you asked about the \$7 for 21 applications, in
6 all of these vote-by-mail programs, the cost of the
7 program is considerably larger than what the individual
8 donors donate. And it comes from county parties. They
9 come from candidates. It's come from major donors to
10 perhaps raise, you know, a quarter million dollars to do
11 a program like this. The individual \$7 somebody spent
12 may or may not be used exclusively in that program.
13 Typically, because it's less than the program, you could
14 say you give it towards the program; we used it there.
15 But the donor is not ultimately -- the money is not
16 directly for mail-outs.

17 MS. MACKIN: Okay. Thank you for that
18 explanation.

19 Just to make sure that we are clear, to
20 the extent that I would inquire about other e-mails
21 produced and about what the funds generated in response
22 to that e-mail were used for, you would object and
23 instruct the witness not to answer, Counsel; is that
24 right?

25 MR. GEISE: Yes. And I would instruct

1 him to answer in the manner that he just did, which is,
2 I think, that the funds can't be -- even if the donor
3 wanted to, funds are not, by law, allowed to be put to
4 X, Y, or Z, which I think he's answered. So I think
5 he's provided an answer to the question at the level
6 that we believe Counsel is entitled to inquire into.

7 Q. (BY MS. MACKIN) And, Mr. Maxey, again, just
8 to be clear, if I were to inquire into the use of funds
9 in response to a specific e-mail produced today, you
10 would follow your attorney's instruction not to answer
11 such questions; is that right?

12 A. That is correct.

13 Q. Okay. Thank you.

14 A. My answer about targeting funds would apply.

15 MS. MACKIN: Okay. I'm going to share
16 a document with everyone on the chat function marked
17 TDP 63.

18 Q. (BY MS. MACKIN) Mr. Maxey, please let me know
19 when you've had a chance to open up that document and
20 are ready to discuss it.

21 A. All right.

22 Q. Do you recognize this document?

23 A. It's an e-mail from Manny Garcia to our e-mail
24 list.

25 Q. And this e-mail discusses -- the second

1 sentence of the e-mail reads, "There are about
2 2.6 million unregistered voters in Texas who are likely
3 to vote Democratic if registered." Did I read that
4 correctly?

5 A. That's correct.

6 Q. And what is the source of that statistic?

7 A. There are many groups that do analytics on the
8 population of the state of Texas. The Texas Legislative
9 Council does such work, how many people are in Texas,
10 how many are registered to vote, how many are voting age
11 population or not. So you take the number, which is
12 around, I think -- well, I don't know it off the top of
13 my head -- but there is a bigger number than 2.6 million
14 people who are unregistered in Texas who are legal
15 citizens who could register. You can apply a simple
16 algorithm to it of how many people in the general
17 population did have similar characteristics of income,
18 geography, ethnicity, age, those kinds of analytics to
19 come up with that there's 2.6 million unregistered
20 Texans who are likely to vote Democratic.

21 Q. And so did TDP come up with this 2.6-million
22 figure?

23 MR. GEISE: I'm going to object and
24 instruct the witness to not answer to the extent it's
25 internal strategic information. I think the witness has

1 provided a broad overview of how that number could be
2 arrived at -- well, I guess the witness -- you can
3 answer "yes" or "no." But I think any inquiry other
4 than that would be prohibited by the First Amendment.

5 Q. (BY MS. MACKIN) To be clear, I'm just trying
6 to determine the source of this statistic that is
7 provided in this e-mail. I'm not asking how it was
8 calculated.

9 A. To my knowledge, this is a number that's come
10 from a source outside of TDP's staff. We did not crunch
11 the numbers to get here. This was something that's been
12 published along the way, and I don't have memory of
13 where it was published.

14 Q. Fair enough.

15 A. If the Legislative Council comes up with a
16 number of unregistered Texans and then we -- our data
17 team could come up with a demographic about what
18 percentage of those people were likely to be Democrats,
19 I would expect; but I'm not fully aware.

20 Q. Okay. So this e-mail describes -- well, the
21 third sentence says, "That's why we're launching a voter
22 registration program unlike any other in Texas history
23 by" and then it lists -- there's five bullets underneath
24 that. The first one says, "Investing in cutting-edge
25 data programs to turn out new voters." Can you tell me

1 at a high level about those programs, not going into
2 anything --

3 A. Sure.

4 Q. -- internally sensitive or First Amendment
5 protected?

6 A. For instance, there's approx- -- there are
7 tens of thousands of new people moving into Texas every
8 day from around the country. We know by data source of
9 where they were registered to vote before they got here,
10 what their demographics of being a Democrat were, their
11 sort of data score being Democratic. And so we know
12 they're in Texas. We know their name and their address
13 from the post office. And so using cutting-edge data,
14 we can figure out approximately 30,000 Democrats move to
15 Texas each month that we need to get registered to vote.
16 That's one example of using cutting-edge data to target
17 people who are likely to be Democrats who are
18 unregistered who need to be registered.

19 We have the same kind of technology to
20 figure out that when somebody moves from Dallas to
21 Houston, they are no longer able to vote in general
22 elections unless they get registered in Harris County
23 unless they vote a limited ballot, which is highly
24 difficult to do; and then they won't be able to vote in
25 down-ballot races. So we use cutting-edge data programs

1 to identify those improperly registered Texans, to get
2 them registered in their appropriate county.

3 That's it.

4 Q. Okay. Thank you for that.

5 And then the second bullet point says,
6 "Deploying 1,000 field organizers and canvassers on the
7 ground to register voters in person." I think we've
8 talked about this. I think that seems pretty clear on
9 its face what that is.

10 The third bullet, "Adopting a digital
11 approach to voter registration through our online hub
12 MyTexasVotes.com." What is MyTexasVotes.com?

13 A. It's a website maintained by the Texas
14 Democratic Party that gives basic voting information.
15 You can look up your precinct on the early vote
16 locations nearest you, find your voting center or
17 precinct for election day, get a map to that location,
18 find out the hours of early voting or hours of voting on
19 election day. You can check your voter registration.
20 You can request a mail ballot application. You can
21 request a voter registration application, or you can
22 fill out an application online and print it out through
23 the system that is provided. It's a voter education --
24 it's an activation website.

25 Q. And where does the data on MyTexasVotes.com

1 come from?

2 A. The Texas Secretary of State, local county
3 elected officials of polling places.

4 Q. And are you aware that an individual can
5 request a postage-paid voter registration application be
6 mailed to them on the Texas Secretary of State's
7 website?

8 A. When the website works.

9 Q. So are you aware that an individual can --

10 A. Yes, but we are making it -- this is making it
11 convenient to our voters. A person in Texas can
12 register to vote by handwriting it out on a napkin and
13 putting it in an envelope and mailing it in. You don't
14 have to use the Texas Secretary of State's website.

15 So, yes, you can do it on the Secretary
16 of State's website. You can do it at MyTexasVotes.com.
17 You can do it at Vote.org, Register2Vote.com [sic.]
18 There's lots of places you can register to vote.

19 Q. And you mentioned that MyTexasVotes.com makes
20 it more convenient or -- I don't remember specifically
21 what your words were -- but that it can make it more
22 convenient for some folks. Can you explain that to me a
23 little more? How does it make it more convenient?

24 A. Well, every -- during an election season,
25 every piece of e-mail, every mail-a-candidate-across-

1 Texas, a thousand Democratic candidates, everything on
2 it says, "For voter information, go to MyTexasVotes."

3 So they go there. They find everything
4 they might need to know in one location. They're not
5 searching a very unfriendly website at the Secretary of
6 State or in -- let's just say -- I passed legislation
7 this last session -- I got legislation passed, drafted
8 and then lobbied it, to require election clerks to
9 actually have a website with their voting locations
10 because approximately a third of the counties in Texas
11 didn't post that information.

12 So MyTexasVotes is a way for us to tell
13 anybody that we come in contact with during an election
14 season, "If you need any of this information, where to
15 vote, when to vote, click on MyTexasVotes; and you can
16 find it there."

17 Q. Okay. And then the fourth bullet says,
18 "Mailing hundreds of thousands of voter registration
19 cards." What do you mean -- what does the phrase "voter
20 registration cards" mean in this context?

21 A. Voter applications. A hard-copy piece of
22 paper that a person signs, puts in a postage-paid
23 envelope, and sends to their voter registrar.

24 Q. And how does the Texas Democratic Party
25 determine whom to mail a voter registration application

1 to?

2 A. People who we believe are not registered at
3 their current address.

4 Q. Based on your data analytics?

5 A. Yes.

6 Q. And why not just go on the Secretary of
7 State's website and request that the State send a voter
8 registration application to their -- to those folks?

9 A. Obviously, because, A, the voter would have to
10 find that SOS link, print out the paper -- and many
11 voters don't own a printer or print --

12 Q. No, no, no, no. I'm talking about the link on
13 the Secretary of State's website where one can request
14 that a postage-paid application be mailed --

15 A. A, have the computer to do that. But when you
16 get there, you can ask them, yes, to send you a form.
17 It is a laborious process. It takes a week or more for
18 people to get that piece of paper. Then they have to
19 fill it out and mail it in.

20 Often, we -- most people register -- I
21 mean, a considerable amount of people register in the
22 last weeks before the registration deadline. And asking
23 the Secretary of State to send a blank piece of paper to
24 you for you to fill out and then send back in, to get it
25 in before that deadline often causes, let's say, tens of

1 thousands of people not to make the deadline.

2 So we make a decision of sending a
3 registration card in August to people that we know are
4 not registered to vote already, for them to have
5 convenience to fill it out. That's what you call "how
6 you win an election." We don't wait for people to
7 figure it out. We make it available to them so that
8 they can take advantage of it by just filling in their
9 personal data, signing it, putting it in a postage-paid
10 envelope coming with the application.

11 In other words, we're not waiting for
12 people to ask. We are sending people who are unaware
13 that they need to register to vote because they have not
14 been educated. Remember that voter education project?
15 "Hey, you have to get on a registration list. We're not
16 a state with automatic voter registration. I'm sure you
17 vote -- you moved here from Washington, but you're not
18 going to automatically be on the voter registration
19 roles. So you need to fill out a piece of paper."

20 That's why we mail it to them and not
21 just wait for people. If we waited for people, then the
22 voter registration would be sorely lacking in Texas.

23 Q. So --

24 A. And, frankly, the majority of people in Texas,
25 just so I can say this again, register when they get

1 their driver's license. That is the Number 1 place that
2 people register to vote for the first time; and they
3 could update their registration if the State of Texas
4 was following the federal law.

5 Q. How do you know that the majority of people
6 register for the first time in connection with getting a
7 driver's license?

8 A. The Texas Secretary of State announced that.

9 Q. You mentioned a moment ago something about how
10 tens or hundreds of thousands of people would miss the
11 voter registration deadline by attempting to request a
12 form be mailed to them from the Secretary of State's
13 office. Did I understand your testimony correctly?

14 A. The deadline is 30 days before an election,
15 and we are depending on people to ask the Secretary of
16 State to send them by bulk e-mail a voter registration
17 paper form. And a person asks for that a week before
18 the deadline. The Secretary of State takes
19 approximately a week to mail that application to them.
20 They get it. If they fill it out and drop it in the
21 mail, it will be after the deadline. And across the
22 state of Texas in every general election, there are
23 thousands upon thousands of people whose application
24 comes in on the 29th, the 28th, the 27th, the 26th day
25 before an election. They all get a letter saying,

1 "Sorry. You're not registered to vote because you
2 didn't hit the magic 30-day deadline."

3 Q. And how do you know that?

4 A. How do I know that?

5 Q. Yes.

6 A. Because the election -- every -- I hear
7 anecdotally, as somebody who deals with voter protection
8 on our hotline, we have hundreds of people calling us
9 and say, "Well, I mailed my application."

10 And we investigate with the registrar,
11 "Did you receive an application from Joe Smith?"

12 And they say, "Yes, we received it 28
13 days before the election. It was after the deadline."

14 So I've been doing this for 50 years.
15 Every election cycle there are people who are rejected
16 because their application comes in too late.

17 It is a known fact. Any election
18 administrator talks about this problem. If we had
19 automatic voter registration and online voter
20 registration, we wouldn't have this problem; but, you
21 know, that's an argument that we've made to the
22 Legislature and others about depending on people mailing
23 a signed piece of paper.

24 Q. Is it your testimony that if Texas had online
25 voter registration, people would not submit their voter

1 registration applications after the deadline?

2 A. No. I'm going to say that the problem of the
3 U.S. Post Office delaying delivering an application
4 would go away.

5 Q. How does the U.S. Post Office delay delivery
6 of a voter registration application?

7 A. Because it takes -- it's not instantaneous.
8 If you could register online, when you hit submit, you'd
9 be registered to vote. If I have to take a piece of
10 paper on three days before the deadline and drop it in
11 the mail -- and in rural Texas, it typically takes
12 something that's mailed in Taylor, Texas to go to
13 Georgetown, 5 miles away or 8 miles away, it has to go
14 first to Dallas and back to Georgetown; and it takes
15 three days. So that person mailing it two days before
16 the deadline won't get registered because the post
17 office process of delivering mail takes more than
18 instantaneous. Online voter registration is
19 instantaneous. People --

20 Q. Where?

21 A. Huh?

22 Q. Where?

23 A. Thirty-eight states where people register
24 online.

25 Q. It's instantaneous?

1 A. As soon as you fill it in and hit "submit,"
2 you are registered to vote -- well, I mean, let me be
3 technical. As soon as you do it, your application has
4 met the deadline. The clerk then makes sure that you
5 are who you say you are and does all of the required
6 stuff, but you have met the 30-day deadline when you
7 submit it.

8 Q. Do all of those states have a 30-day deadline?

9 A. No, some of them have automatic registration.
10 You're on the list when you submit it to vote. Texas is
11 the most archaic voter registration state in the United
12 States. It has more impediments than any other state
13 imposed by Republicans for voter suppression.

14 Q. What is the basis for that statement?

15 A. Fifty years of personal knowledge. Going back
16 to almost 50 years ago when I was turned away from being
17 a deputy voter registrar because I was a college
18 student, a federal lawsuit was filed by university
19 students at Prairie View. I was at Sam Houston State.
20 I go back 50 years knowing about the problems of voter
21 registration in Texas that people in the other -- at
22 least another 40 states don't have, including --

23 Q. This is based on your anecdotal experience in
24 the state of Texas, right?

25 A. My personal. Not anecdotal, my personal

1 experience.

2 Q. Sure.

3 A. You don't have to be deputized to register
4 someone to vote in almost any state in the country other
5 than Texas. I've trained thousands of people to be
6 deputy voter --

7 Q. Okay. Mr. Maxey, I appreciate it. I haven't
8 asked a question. So if you could please just let me
9 ask a question and then answer, I would appreciate that.

10 A. Glad to.

11 Q. Thank you.

12 MS. MACKIN: All right. I am going to
13 share with everyone TDP 73.

14 Q. (BY MS. MACKIN) And please take the time you
15 need to review it and let me know when you're ready to
16 discuss it.

17 A. Okay.

18 Q. Do you recognize this document?

19 A. An e-mail from me to our e-mail list.

20 Q. Okay. Dated February 7th, 2020?

21 A. Yes.

22 Q. Okay. And this e-mail says, "We kicked off
23 our Voter Protection Fund so we can expand Texas voters
24 access to the ballot box." Can you please tell me at a
25 high level what the Texas Democratic Party's Voter

1 Protection Fund is?

2 A. It is a generic way to -- euphemistic way to
3 talk about money that we expend to do what is commonly
4 called "voter protection" being done by campaigns and
5 candidates and parties everywhere. Voter protection
6 includes having things like a hotline where a voter can
7 call in and say, "I'm not on the voter registration
8 list. Can you help me figure out why I'm not registered
9 to vote?" And we then do the investigation and assist
10 that voter.

11 And so voters call in. They call in and
12 ask about where their polling place is, hours of voting.
13 All of the information that we have on MyTexasVotes we
14 answer orally by phone call.

15 We have lawyers stationed around Texas
16 during voting periods that can go in person to a polling
17 place or to a clerk's office and assist a voter in
18 making sure their right to vote is not infringed upon.

19 We train volunteers in every county to
20 talk to voters, perhaps standing outside of polling
21 places, even, to give people information; or if they're
22 having problems, make sure that we rectify those
23 problems while the polls are still open.

24 All those things are generically called
25 voter protection; and that's why we raise money, to have

1 a staff of people.

2 Q. Okay. Thank you. That's all I have on that
3 document. I'm going to close out of that.

4 MS. MACKIN: And then I'm going to share
5 with everyone the document marked TDP 139, still a part
6 of Exhibit 2, just as all of these documents are.

7 Actually you know what? Rather than -- there we go.

8 Q. (BY MS. MACKIN) Mr. Maxey, please feel free
9 to take your time to review the document and let me know
10 when you're ready to discuss it.

11 A. It's taking forever to load.

12 Q. It's a bigger one than some of the previous
13 ones.

14 A. It's about halfway.

15 Okay.

16 Q. All right. And if I can direct your attention
17 to the page marked TDP 140, there's a bit of white text
18 that's offset by a shadow of a ballot box behind it that
19 says, "Looking forward to 2020. There remains 2.6 [sic]
20 unregistered voters in Texas who are likely to vote
21 Democrat if registered." Just to clarify, that's based
22 on the same information as the e-mail we talked about
23 earlier that provided that 2.6-million figure?

24 A. Yes.

25 Q. Okay. And then a little ways down the page,

1 right under that graphic, actually, it says, "During the
2 2018 midterm elections, thanks to our voter registration
3 initiatives, we helped 133,000 Democratic Texans
4 register shortly before the registration deadline and
5 120,000 of those who registered voted." Did I read that
6 correctly?

7 A. You did.

8 Q. How did the Texas Democratic Party help
9 133,000 Democratic Texans register shortly before the
10 registration deadline in the 2018 midterms?

11 A. We mailed out approximately a half million
12 voter registration applications to unregistered Texans
13 and tracked that 133,000 of those people returned those
14 applications to their voter registration clerk. And
15 after the election, we checked the voter rolls to see
16 how many of the 133 people voted; and 120,000 of them
17 actually cast a ballot.

18 Q. And in order to track who returned an app- --
19 well, how does the Texas Democratic Party track which
20 voters returned an application that the TDP sent the
21 voter to the county registrar?

22 A. We use a program called Intelligent, I think,
23 of the U.S. Postal Service, by putting a bar code on the
24 application. And the Post Office tells us when the
25 voter has mailed that application to their clerk. It's

1 a business application that almost any direct mail
2 company -- I mean, direct mail that a business does uses
3 to track whether somebody has returned a payment or, in
4 our case, returned a voter registration application.

5 Q. And so I know that after the election, it's
6 publicly available to find out whether somebody voted in
7 that election. Is there a way to determine -- TDP can
8 determine that the application they sent was then sent
9 on to the county registrar. Can they determine whether
10 or not the registrar accepted the application and
11 registered the voter?

12 A. Yes. We can -- we get a list of newly
13 registered voters.

14 Q. Okay.

15 A. And those that have been processed, we buy
16 those weekly -- or pay the fee to get them from the
17 Secretary of State weekly, put them in our file so we
18 can know that they're on the list. If they're not on
19 the list, we inquire -- if there's time left. Typically
20 this is happening right at the election. But if we're
21 doing this long term, if the registration application,
22 we have tracked that it was returned but they don't show
23 up on the roll, then we can inquire with the voter
24 and/or the registrar the reason the application was
25 rejected and get that person re-registered correctly.

1 Q. And I apologize if we've already covered this.
2 I just want to make sure I understand. And it's getting
3 a little close to lunch, so my blood sugar is a little
4 lower; but before you send out the voter registration
5 applications, how do you determine whether an individual
6 is already registered? Where does that information come
7 from?

8 A. It's simple data analytics. You take the list
9 you're going to mail to and you plop it against the
10 people who are on the list; and if they're on the list,
11 you remove them. And the people left are the people
12 that are not registered.

13 Q. Okay. Thank you.

14 All right. Let's scroll down to the next
15 page, TDP 141.

16 A. Okay.

17 Q. So this mentions, at the very top, that an
18 estimated 2.6 million Texans are likely to vote
19 Democratic if they are registered. How does the Texas
20 Democratic Party intend to try to register those folks?

21 MR. GEISE: And, again, I'm just going to
22 instruct the witness to answer at a high level without
23 infringing on anything that's First Amendment protected.

24 A. We will (inaudible.)

25 (Reporter requests repeat.)

1 THE WITNESS: Sorry. I had a pillow on
2 my lap, and it probably covered up the...

3 A. We will train tens of thousands of deputy --
4 or get trained through their clerk tens of thousands of
5 deputy registrars who will register people in their
6 communities. We will have tabling on college campuses.
7 We do a program right on the deadline tabling in
8 probably 5- or 6,000 locations around Texas all day
9 long. We will mail probably during this cycle close to
10 a million voter registration cards or applications out
11 to people we perceive that are unregistered in the
12 program we just talked about. We will direct people
13 through social media, online digital ads to
14 RegisterTexas.com, a voter registration app that we
15 have.

16 We will have people phoning -- or
17 organizers going where -- you know, our LGBT organizer
18 will go to LGBT events; our Muslim organizer will go to
19 Muslim events and ask people to register to vote.

20 So there are literally dozens upon dozens
21 of voter contact ways. Any and everything that we do,
22 there will be a voter registration component to it
23 between now and the 30-day deadline before the November
24 election.

25 Q. What is RegisterTexas.com? You mentioned it's

1 a voter registration application, but can you tell me a
2 little bit more about it?

3 A. It's an online system where a person goes and
4 fills out their voter registration information, their
5 name, their address; and it will then -- when they
6 submit it, we will mail them a pre-populated voter
7 registration application with the information they have
8 given us. When they get it, they sign it, put it in a
9 postage-paid envelope and drop it in the mail. It's
10 already addressed to their voter registrar.

11 It's a shortcut for those people who
12 don't either own a printer, an envelope, or a stamp
13 because the biggest impediment for people to registering
14 on their own without a postage-paid envelope is the
15 inability to have a postage stamp. People just don't
16 regularly have those in this day and age or have an
17 envelope, even, in this day and age, especially younger
18 voters. So this is a way to: Give us your information.
19 We will send you the application filled out. You just
20 have to add in the personal information, like your
21 driver's license number that we don't have, those kinds
22 of things, IDing things, sign it, date it, put in the
23 postage-paid envelope.

24 Q. About how long does that process take? Like,
25 if I went on RegisterTexas.com and filled it out, how

1 long, approximately, would it be until I got my
2 application in the mail to sign and then forward along
3 in the postage-paid envelope?

4 A. We're mailing them out weekly. We will do
5 that all the way up until a week before the election.

6 Q. Okay.

7 A. And most of this we wouldn't have to do if
8 people could update their registration when people got
9 their driver's license updated.

10 MS. MACKIN: I'm going to object to the
11 last sentence as nonresponsive to a question that I've
12 asked.

13 Q (BY MS. MACKIN) Lower down on page TDP 141 --

14 MR. GEISE: Does it make sense to take a
15 break after we're done with this document?

16 MS. MACKIN: Sure, yes.

17 MR. GEISE: Okay.

18 MS. MACKIN: Good idea. And I've only
19 got ten minutes, maximum, left on it, maybe less.

20 MR. GEISE: Okay.

21 Q (BY MS. MACKIN) So it mentions that -- sorry.

22 MS. MACKIN: I'm used to doing this on
23 paper, and the computer is an adjustment. I know I'm
24 making this, like, inquisitive face into the camera.

25 MR. GEISE: It's a whole different

1 process. I got you.

2 Q. (BY MS. MACKIN) It's this first full
3 paragraph. It says, "Through the shifting demographics
4 in Texas, amplified by Texas Democrats' aggressive voter
5 registration initiative, we anticipate the voter rolls
6 will swell to upwards of 18 million registered voters in
7 2020." And without inquiring into any internal
8 proprietary information, can you tell me the source of
9 that projection?

10 A. I think it's -- if you read down this page,
11 there's references to TargetSmart, which is an analytics
12 firm --

13 Q. I see.

14 A. -- that does data around registration. You
15 know, they later say that 2.6 [sic] people registered
16 since 2016. And you can do analysis on how many people
17 were registered at the beginning of this election cycle,
18 how many people are registering per month with the
19 Secretary of State, how many potential people are moving
20 in the state, the growth of population, the number of
21 18-year-old -- people coming onto the rolls who are 18,
22 the number of people who are dying off the roles. You
23 do all that analysis, and you come up with an estimate
24 that we will move from the approximately 16 million that
25 were registered in 2018 to 18 million by 2020.

1 Q. All right.

2 A. The hard part of that will be the efforts of
3 the Democratic Party and the Republican Party to add new
4 people to the program, the kind of programs that we run
5 and they run. Plus, as I said before, the number of
6 people moving into the state or changing address being
7 registered through the DPS.

8 Q. All right. I'd like to move down to TDP 142,
9 just the next page.

10 A. Uh-huh.

11 Q. What does this show, Mr. Maxey?

12 A. It's an analysis of legislative districts and
13 those we -- let me make sure I'm doing this -- it's sort
14 of the Democratic voting strength by legislative
15 district and showing that there are 18 districts that
16 have -- potentially can flip to be Democratic districts
17 in the 2020 election if the registration trends and
18 voter turnout (inaudible.)

19 (Reporter requests repeat.)

20 THE WITNESS: Voter turnout trends are
21 what we hope they are.

22 Q. (BY MS. MACKIN) And just to be clear, this
23 refers to State House Districts?

24 A. Yes.

25 Q. Okay. And then scrolling down to the next

1 page, TDP 143, what does this page show?

2 A. The same kind of analysis, potential new
3 Democrats by Congressional Districts.

4 Q. All right. And then down to page 1 -- well,
5 actually -- page TDP 147, the second-to-last paragraph.

6 A. The one, "That's why we're coming together"?

7 Q. It begins, In January 2020."

8 A. Okay. I was on 148. All right.

9 Q. So it talks about a lawsuit challenging an
10 unconstitutional electronic signature ban spearheaded by
11 the Texas Secretary of State. Do you know what that is
12 a reference to?

13 A. Yes.

14 Q. And what is that a reference to?

15 A. The Secretary of State has made a ruling that
16 a person who signs a voter registration application and
17 then scans it and mails it -- e-mails it in has to be
18 rejected (inaudible.)

19 (Reporter requests repeat.)

20 THE WITNESS: Because it's not wet ink.

21 Q. (BY MS. MACKIN) And what ruling is that? You
22 referenced a ruling by the Secretary of State.

23 MR. GEISE: And I'm just going to object
24 because it calls for a legal conclusion, but you can
25 answer.

1 A. In 2018 an organization called Vote.org
2 suggested to Texas voters that they could fill out an
3 application, take a picture of their signature, place
4 that picture on the application, attach it to the
5 application, and e-mail it in, which complied with all
6 state law, as I understood it at this time, that it was
7 an application with a signature on it. And the
8 Secretary of State issued a ruling at that point in time
9 or told Vote.org or election administrators not to
10 accept those apps -- voter registrars not to accept
11 applications because there was not wet ink on the paper.

12 Q. Okay.

13 MS. MACKIN: All right. That's all I
14 have on this document. So if we want to break for
15 lunch, how long do folks need? I can be flexible. I
16 think maybe somewhere between one and two hours left for
17 me today on this depo.

18 MR. GEISE: Okay. Glen, how long do you
19 want for lunch? I mean, I can be pretty -- an hour,
20 half an hour, 45? It's up to you.

21 THE WITNESS: I can eat a sandwich in 20.

22 MR. GEISE: So let's do -- half an hour's
23 fine by me if it's fine by everyone else.

24 MS. BRANCH: Yep, half an hour sounds
25 good. Is that okay with you, Anna?

1 MS. MACKIN: Can I add, like, five
2 minutes and we come back at 1:00, just so we make it a
3 round number?

4 MR. GEISE: Yeah, that's perfect.

5 MS. MACKIN: I'm ordering my Uber Eats
6 right now.

7 MR. GEISE: Well, if you need more
8 time -- I mean, if you need more time, that's totally --
9 we can do 45 or whatever you want to do. 1:15?

10 MS. MACKIN: How about we plan on 1:15
11 just to be safe?

12 MR. GEISE: Yeah, that works.

13 MS. MACKIN: Appreciate it.

14 MR. GEISE: Yeah.

15 THE REPORTER: We're going off the record
16 at 12:25 p.m.

17 (Off the record from 12:25 to 1:18 p.m.)

18 THE REPORTER: Going back on the record
19 at 1:18 p.m.

20 MS. MACKIN: All right. I'm going to
21 share a document with everyone in the chat box, marked
22 TDP 92.

23 Q (BY MS. MACKIN) Mr. Maxey, please let me know
24 when you've had a chance to pull up that document and
25 take a look at it.

1 A. All right.

2 Q. Do you recognize this document?

3 A. It's an e-mail sent by Manny Garcia to the TDP
4 e-mail list.

5 Q. On December 31st, 2019, correct?

6 A. Correct.

7 Q. All right. And down about halfway through the
8 e-mail, underneath Protecting & Expanding the Vote, the
9 last sentence says, "We aren't done yet, but we have big
10 voting rights news to announce soon." Did I read that
11 correctly?

12 A. You did.

13 Q. Okay. Has that big voting rights news been
14 announced yet?

15 A. Yes.

16 Q. And what was that voting rights news?

17 A. That news was that FairFight.org would be
18 giving the Texas Democratic Party a major grant to hire
19 voter protection staffers.

20 Q. And what are those voter protection staffers
21 that are funded by the FairFight.org grant working on?

22 A. All of the voter protection things that we've
23 already put in the record that we do.

24 Q. And so those would be the hotline?

25 A. Hotline, poll watchers, working with the

1 county clerks and election administrator on election
2 procedures. That department is working with election
3 administrators and folks all over the state right now in
4 how to handle the Democratic primary election that I
5 run, but they are working on the logistics to make
6 polling places vote-by-mail accessible during the
7 COVID-19 crisis, those kinds of activities.

8 Q. All right. Thank you. That's all I have on
9 that document.

10 MS. MACKIN: I'm now going to share a
11 link in the chat box to a document marked TDP 129.

12 Q. (BY MS. MACKIN) Please let me know when
13 you've had a chance to pull that up and are ready to
14 discuss it.

15 A. Okay.

16 Q. And this is an e-mail dated September --

17 MR. GEISE: It took me a second to do it,
18 too.

19 MS. MACKIN: Counting on my fingers.

20 Q. -- September 24th, 2019 from Kassandra Aleman
21 sent out to the TDP Listserv; is that right?

22 A. Correct.

23 Q. Okay. Down under that signature block, it
24 says in bold text, "Don't forget to register to vote or
25 share this e-mail with friends and family to help them

1 register. Click here to update your registration today.
2 It only takes two minutes." Do you know what that
3 "click here" language linked to?

4 A. I'm going to surmise because I can't click the
5 link to figure that out, but I imagine it goes to our
6 website that links to Register2Vote.org, which is the
7 same kind of system as our RegisterTexas.org -- or dot
8 com that we just talked about where people can fill out
9 an application, print it out, and mail it in.

10 MR. GEISE: And, Counsel, we can check.
11 I don't know if it's still live or if I could look and
12 see if there's a way to get back to you on what that
13 was, after.

14 MS. MACKIN: Okay. We'd appreciate that.
15 Thank you.

16 A. The only thing that we would have had live in
17 September of 2019 is the Register2Vote.org site that's
18 branded to the TDP through an agreement. And that's
19 where they fill in their information, Register2Vote.org
20 mails them an application, which they sign and put in
21 their personal ID information, put it in a postage-paid
22 envelope and send to the clerk to register.

23 Q. (BY MS. MACKIN) And how is Register2Vote.org
24 different from the other site that we were discussing
25 before lunch? I'm blanking on the URL. I think it was

1 RegisterMe.com or something like that.

2 A. Register, the number 2, vote dot org.

3 Q. Okay.

4 A. It's an organization that does voter
5 registration kind of work. We have a contractual
6 agreement as a vendor with them. So they have a site
7 where people can do this, register. Anybody can
8 register to vote, Democrats or Republicans. And we've
9 contracted to have a version of that branded through the
10 Texas Democratic Party through a contractual agreement.

11 Q. And what is the purpose of having both of
12 these systems?

13 A. The first one was one we just branded and we
14 wanted to make it something that looked more specific to
15 the Texas Democratic Party and also that we would be
16 able to see the data of who registered through the data
17 agreement and contractual stuff. So it's a new
18 iteration of the old system that's probably
19 discontinued.

20 Q. Okay. And are both systems still in operation
21 today, or is it just Register2Vote.org?

22 A. Both are in operation today.

23 Q. And the Texas Democratic --

24 A. We're pointing people to the new system. In
25 the past it was going there, and we didn't know who was

1 registering because it was a tool of Register2Vote.org
2 that we were just pushing people to. Now, they're going
3 through our system; and we have a data-sharing agreement
4 by contract to know who has filled in the applications.

5 Q. And what information does the Texas Democratic
6 Party receive about who has filled in those
7 applications?

8 MR. GEISE: I'm just going to -- on the
9 First Amendment -- I mean -- yeah, I guess -- I think
10 you can answer broadly.

11 I'll withdraw the objection. That's
12 fine.

13 A. It's the information that's legally available
14 if I were to go to the Secretary of State and ask for a
15 list of voter registrars, the information they could
16 give us, their name, their address, their date of birth.
17 That's about it on the voter registration.

18 Q. (BY MS. MACKIN) That's it, first and last
19 name, address, and date of birth?

20 A. Yeah. I mean, the Secretary of State does not
21 give us, you know, the driver's license, the last four
22 of Social. Any of that personal ID is prohibited by law
23 to be shared, so we never collect it. We are very
24 careful not to ever collect things that would be
25 prohibited if we asked the Secretary of State to give

1 stuff off of the system.

2 Q. And so just so I'm clear, under the data-
3 sharing agreement with Register2Vote.org, y'all collect
4 first and last name, address, and date of birth on the
5 individuals and no other information?

6 A. No. We get their phone number and e-mail, but
7 that is done prior to the person asking to fill out the
8 form. We ask, "What's your e-mail? What's your phone
9 number?" And then we -- the question is, "Would you
10 like to register to vote?" So if it had been asked in
11 a different manner, the e-mail and phone number -- or
12 the phone number because the e-mails are not on the
13 registration applications -- I guess phone numbers
14 aren't, either -- they may be; I can't remember. But if
15 we were getting them after they registered and signed
16 it, then that would be illegal; but we ask up front
17 before they fill it out.

18 Q. That's all I have on that document. Thank
19 you, Mr. Maxey.

20 MS. MACKIN: I am going to share with
21 everyone a file marked TDP 157.

22 Q. (BY MS. MACKIN) And, if you could, please let
23 me know when you have been able to pull up that document
24 and are ready to discuss it.

25 A. Okay. All right.

1 Q. Do you recognize this document?

2 MR. GEISE: I'm sorry, Counsel. This was
3 meant to -- sorry. I realize that this document -- we
4 can produce a better version of this, but we can talk
5 about that later.

6 MS. MACKIN: Thank you. I wasn't --

7 A. I recognize it. It's a screenshot of
8 something that pops up when you go to the page on our
9 website about Democratic leaders. It's what's called a
10 pop-up. Its asks people to give some money.

11 Q (BY MS. MACKIN) And do the identities of the
12 Democratic leaders appear on this copy?

13 A. No, because it's a screenshot. These are all
14 links to our website.

15 Q. Okay.

16 MR. GEISE: And I think for maybe three
17 of them -- we can talk after. I think for three of
18 these we are providing in response to requests things
19 that were meant to be screenshots of the website; and
20 maybe if we provide the address, you guys would know
21 that address and go to it and that will -- rather than
22 trying to figure out a technical way to produce it so it
23 shows, we can just give that to you. But I have a list
24 of those, and we can figure that out after.

25 MS. MACKIN: Okay. Thank you. I

1 appreciate that.

2 All right. I'm sharing with everyone a
3 file titled TDP 164.

4 Q (BY MS. MACKIN) And, Mr. Maxey, please let me
5 know when you have that up on the screen and are ready
6 to discuss it.

7 A. A very slow download.

8 Q. It's a lengthier one of the files.

9 A. I got it.

10 Q. All right. Do you recognize this document,
11 Mr. Maxey?

12 A. A screenshot of our website on the section
13 dealing with our platform. It has the platform spelled
14 out.

15 Q. Okay. Is this the current version of the
16 Texas Democratic Party platform?

17 A. The version -- the platform adopted at the
18 2018 Democratic State Convention. We'll adopt a new one
19 in June of this year in our virtual state convention.

20 Q. You will adopt a new one in June of this year,
21 you said?

22 A. Every (inaudible.)

23 (Reporter requests repeat.)

24 THE WITNESS: Every two years at our
25 biennial state convention, we update our platform.

1 Q. (BY MS. MACKIN) And so is TDP 164 an accurate
2 reflection of the current Texas Democratic Party
3 platform?

4 A. (Inaudible.)

5 Q. I'm sorry. Did you -- you broke up a little
6 bit.

7 MR. GEISE: I think he said "verbatim."

8 THE WITNESS: Verbatim.

9 MS. MACKIN: Thank you.

10 Q. (BY MS. MACKIN) And so it would be a fair and
11 accurate representation of TDP's positions on issues?

12 A. Our values and positions on legislative and
13 policy issues, yes.

14 Q. Okay. Thank you for that. That's all I have
15 on that document.

16 MS. MACKIN: I am sharing with everyone
17 TDP 256.

18 Q. (BY MS. MACKIN) And please let me know when
19 you have that pulled up and are ready to discuss it.

20 A. I've got it.

21 Q. Do you recognize this document?

22 A. It's an e-mail from Cliff Walker, our Deputy
23 Section Director, to our e-mail list.

24 Q. And how would you describe this e-mail? What
25 type of activity by the Texas Democratic Party would you

1 say that this falls under?

2 A. Organizing. This is going out from -- to our
3 list about our organizing efforts in the -- when
4 COVID-19 hit, our organizers who were doing door-to-door
5 stuff were sort of sidelined and we've gone into more of
6 an e-mail online organizing, asking people to go into
7 what we call Connect Texas, where there are local people
8 who are working in their communities -- volunteering to
9 work in their communities around educating people about
10 public health, who are doing wellness checks of senior
11 citizens who are Democratic voters and talking to them,
12 all in the mode of checking on them, getting them
13 COVID-19 information, where appropriate, and asking if
14 they're registered to vote or they need a vote-by-mail
15 application, and other kinds of things that we can do in
16 the age of COVID-19, Connect Texas.

17 Q. Thank you for that. I think that's all I have
18 on documents.

19 I want to follow up on a couple of more
20 points. Is TDP a membership organization?

21 A. Yes.

22 MR. GEISE: I'm just going to object to
23 legal conclusion. You can answer.

24 Q. (BY MS. MACKIN) And who are TDP's members?

25 MR. GEISE: Same objection. You can

1 answer.

2 THE WITNESS: And so you say objection; I
3 can't answer?

4 MR. GEISE: No, I said you can answer. I
5 said same objection to a legal conclusion, but you can
6 answer.

7 A. The Texas Election Code states that members of
8 a political party are the voters who cast a ballot in
9 their primary election or sign an Affidavit of
10 Affiliation with a Party -- it's spelled out in the
11 Election Code -- with a Party officer. And so our
12 members, in a legal sense, are approximately 2,084,000
13 Texans who voted in the March 3rd Democratic primary.

14 Q. (BY MS. MACKIN) Does TDP maintain a list of
15 those members?

16 A. They are in our voter file as having cast a
17 ballot. They are -- we don't deal with them as a
18 membership list on a regular basis. They are legally
19 members.

20 MR. GEISE: And I think the question
21 asked whether or not there's a membership list. I think
22 any further inquiry into membership is core First
23 Amendment protected under a number of the cases.

24 (Inaudible.)

25 THE WITNESS: Can I just say that there's

1 feedback when Mr. Geise is speaking? Are y'all hearing
2 it?

3 MS. MACKIN: I was hearing it.

4 THE REPORTER: I'm sorry, Mr. Geise. I
5 can't hear you now.

6 MR. GEISE: Can you hear me?

7 THE REPORTER: It's still very staticky.

8 MS. BRANCH: Can you try it -- we can't
9 hear you. Can you try it without the headphones? Will
10 that help?

11 For what it's worth, I think there was an
12 objection to form, legal conclusion, and --

13 MR. GEISE: I think I fixed it now.

14 THE WITNESS: Yeah.

15 MR. GEISE: You can hear me?

16 THE WITNESS: Yes.

17 MR. GEISE: (Inaudible.) You can't hear
18 me?

19 THE REPORTER: It's still very staticky
20 on my end.

21 MR. GEISE: Does this work better?

22 MS. MACKIN: I'm getting a lot of static,
23 still, as well.

24 MR. GEISE: Okay. Well, I can try to
25 change it to --

1 MS. MACKIN: Well, wait. That just got a
2 little better.

3 MR. GEISE: Yeah. Okay.

4 THE VIDEOGRAPHER: It's still there in
5 the background.

6 MR. GEISE: I mean, I can try to use my
7 laptop microphone and see if that would improve it. Let
8 me try switching to that.

9 Is this better?

10 THE WITNESS: Yes.

11 MR. GEISE: Okay. Well, I will listen in
12 on the headset unless, you know, it kind of breaks up;
13 and I will talk through my PC microphone. So hopefully
14 you don't hear my cat in the background too much.

15 MS. MACKIN: That's much better. You
16 just -- if you could -- I can still hear you, but it's a
17 lot quieter. So if you want to make a forceful
18 objection, you might speak up a little bit more.

19 MR. GEISE: All right. I'll try to --
20 okay. Well, I will awkwardly be close to the
21 microphone.

22 MS. MACKIN: There is nothing about this
23 process that is not awkward, so.

24 MR. GEISE: So, anyways, I'm sorry.
25 Sorry for that interruption.

1 Q (BY MS. MACKIN) All right. Mr. Maxey, can
2 the Texas Democratic Party apportion a specific cost to
3 each new voter that it registers?

4 A. I think that's an impossibility because it's
5 wrapped up in multiple levels of employee salaries,
6 whether that message went through the technology, the
7 data targeting, who we talked to, the communication
8 method that happened -- it could have been through a
9 text message. It could have been through a piece of
10 mail. It could have been through -- you know, so
11 pulling all that apart is just an impossibility. I
12 mean, to allocate some of my salary, just as Luke
13 Warford, as the voter expansion, the data team's salary,
14 the communications salary, the end cost to mail
15 something, the postage cost if we mailed it. You know,
16 I guess you could go through and figure out the cost of
17 a particular mailing, but not the overall cost by voter.

18 Q. When the Texas Democratic Party reaches out to
19 someone to attempt to register them to vote, do you
20 check whether that individual has engaged in an online
21 transaction with DPS?

22 A. No, we would not know that.

23 Q. Does the Texas Democratic Party believe that
24 any increase in voter registrations will benefit
25 Democrats?

1 A. I think that's pretty much a given that the
2 more people that vote, the more likelihood -- I mean,
3 this is my opinion now, if that's what you're asking.
4 If you look at the demographics of the people that we
5 believe are unregistered in Texas, they are
6 overwhelmingly African-American, Hispanic, and Asian.
7 They are overwhelmingly under the age of 35, and they
8 are overwhelmingly in Democratic areas of Texas -- or
9 communities that vote overwhelmingly for Democrats. So,
10 yes, we believe that gross amount of registration inures
11 to our benefit a lot.

12 Q. Okay. I'd just like to go through -- turning
13 back to Exhibit 1, the Notice of the Deposition -- I
14 think if we scroll up to the chat box, it's still
15 available there.

16 A. Sorry. I'm readjusting my water cup.

17 Q. No problem.

18 And once you are there, please join me on
19 page 7.

20 A. Of what?

21 Q. Of the Deposition Notice.

22 A. Are you sharing it with me?

23 Q. Oh, it's -- I can share it again; but if you
24 go to the group chat and go all the way to the top, it
25 will be the first document that we're sharing.

1 A. You're right. Okay.

2 Q. All right. On page 7 this is a list of the
3 categories of documents that Defendants have requested
4 TDP to produce, and I'm just going to go through each
5 one with you. Category 1 says, "Documents sufficient to
6 substantiate the factual allegations in Paragraphs 11
7 and 29 through 35 of your Complaint." I'd be happy to
8 pull up the Complaint if that's helpful, but my question
9 is whether you've produced documents responsive to this
10 category.

11 MR. GEISE: And I'm just going to object.
12 And you can answer any of this other than if -- I mean,
13 you can answer to the extent any of this doesn't
14 implicate conversations or documents that you produced
15 that -- I mean, to the extent it doesn't implicate
16 conversations with counsel, you can answer this; but if
17 your only answer is that you produced documents in
18 consultation with counsel, I think that's the extent of
19 that inquiry.

20 MS. MACKIN: We are entitled to inquire
21 into compliance with the subpoena.

22 MR. GEISE: Well, but you can ask -- I
23 mean, yes; and you can ask him if they produced
24 documents, I mean.

25 MS. MACKIN: And that's what I'm asking.

1 MR. GEISE: All right.

2 A. Well, I believe that we have produced
3 documents sufficient to substantiate the allegations.

4 Q. (BY MS. MACKIN) Okay.

5 MR. GEISE: And I'm also going to then
6 object that that calls for a legal conclusion, but you
7 can continue. Sorry. I just wanted to get that on
8 record.

9 Q. (BY MS. MACKIN) Are there any other documents
10 that I would need to look at to substantiate the factual
11 allegations that TDP is making in this lawsuit?

12 A. Not that I'm --

13 MR. GEISE: Objection, calls for a legal
14 conclusion.

15 But you can answer.

16 Q. (BY MS. MACKIN) All right. Moving on to
17 Category 2, "All communications between you, TDP, and
18 any person to assist them in registering to vote or
19 updating their voter registration information after a
20 driver's license renewal or change of address
21 transaction on the DPS website." Did you produce
22 documents responsive to this category?

23 A. I'm unaware of any documents that we have in
24 our possession or have ever even created that is a
25 conversation between TDP staffers and voters after

1 they've completed this transaction as far as a document.
2 I mean, most -- everything we know about this process is
3 anecdotal or people reporting us -- to us through oral
4 conversations on our hotline or clerks telling us of
5 these problems of people getting registered after going
6 to the DPS. We get many, many reports from county
7 clerks and election officials of people who believe they
8 have registered with DPS or when they changed their
9 address, but it didn't happen. And we've relied on
10 reports from some studies from Battleground Texas about
11 that process. But us reaching out and finding a voter
12 one by one as they've used DPS -- because we have no
13 knowledge personally of that unless that voter calls us
14 and tells us that they used DPS and didn't get
15 registered to vote.

16 Q. So is it your understanding that TDP doesn't
17 have anything responsive to this category?

18 A. Nothing that's e-mail or writing. Almost all
19 of this conversation -- is conversations between voters
20 and our hotline people or voter protection people or us
21 talking about the problem of it, not with the voter but
22 with the clerks or election administrators.

23 Q. And would there be any documentation of those
24 conversations that you mentioned?

25 A. Not that I'm aware of.

1 Q. All right. Moving on to Category 3,
2 "Documents sufficient to show all information described
3 and/or requested in Deposition Topic Numbers 2, 3, 4, 5,
4 and 7, as described in Attachment A." Please join me on
5 the previous page if it's helpful. Did you produce
6 documents responsive to this category with respect to
7 30(b)(6) Topic 2?

8 MR. GEISE: And -- well, I guess,
9 Mr. Maxey, you can answer that to the extent you're
10 aware and whether or not you're aware of whether or
11 not Counsel has provided the State with publicly
12 available -- with the locations of publicly available
13 information other than the documents produced.

14 A. I'm sorry. Are we talking about Number 2,
15 "Your organization, including your organizational
16 structure, employees, physical assets...?"

17 Q. (BY MS. MACKIN) Yes, sir. I am asking
18 whether you produced documents sufficient to show TDP's
19 "organization, including organizational structure,
20 employees, physical assets, parent and sibling entities,
21 tax status, and history, the services that you provide,
22 and the activities you perform."

23 MR. GEISE: And I will instruct the
24 witness that you can answer to the extent of your
25 knowledge of whether or not non-privileged, non-First

1 Amendment privileged documents were produced in response
2 to that request.

3 A. I believe they have been. I don't know if
4 there were any questions or documents about our tax
5 status. So I can answer that if you want to know our
6 tax status, but I don't know if there's a document
7 anywhere in this about that.

8 Q. What is your tax status? Sure, go ahead and
9 provide that.

10 A. Political parties are an IRS 527, created by
11 the IRS Code; and we are legally established through the
12 Texas Legislature.

13 Q. All right. Moving on to 30(b)(6) Topic 4,
14 have you produced documents sufficient to show the
15 activities on which TDP has spent funds or to which it
16 has dedicated resources in Texas between January 1st,
17 2014 and the present?

18 MR. GEISE: I'm going to just, again,
19 object. It calls for a legal conclusion.

20 And you can answer to the extent that you
21 believe that non-privileged documents have been produced
22 or indicated to Defendants where they are publicly
23 available.

24 A. Well, I think all our non-privileged documents
25 have been produced; and all this information is publicly

1 available on the Texas Ethics Commission and the Federal
2 Election Commission websites.

3 Q. Okay. Did you -- moving on to Deposition
4 Topic Number 5, did you produce documents sufficient to
5 show the activities on which TDP plans to spend funds or
6 to which it plans to dedicate resources between the
7 present and January 1st, 2024?

8 MR. GEISE: And, again, I would instruct
9 the witness that you can answer to the extent you are
10 aware of non-privileged, non-public documents regarding
11 Request Number 5.

12 A. I mean, this whole Number 5, everything would
13 be privileged under our First Amendment. And I will
14 tell you that we will spend all the money we raise.

15 Q. But you have not produced documents responsive
16 to -- you have not produced documents sufficient to show
17 the information in Topic 5 on advice of Counsel?

18 A. I am saying exactly that. There is nothing on
19 this list that's not protected under our First Amendment
20 organizing rights.

21 Q. Okay. And then have you produced -- jumping
22 down to Topic 7, have produced documents sufficient to
23 show your members who are eligible to use the DPS
24 website for a driver's license renewal or change of
25 address transaction and intends to do so?

1 MR. GEISE: I'm just going to object,
2 asked and answered, to the earlier conversation about
3 whether or not such documents exist. So to the extent
4 you're aware of whether or not such documents exist, you
5 can answer.

6 A. We have no such document to produce. It's
7 just common knowledge that every Texan who's over the
8 age of 16 who might want to get a driver's license or
9 change their address may use the DPS system. So it is
10 pretty much all of our members and those that have some
11 kind of disability that they cannot drive a car, such as
12 a blind person.

13 Q. But you haven't identified any specific
14 individual member, have you?

15 A. Well, there are named Plaintiffs in this
16 lawsuit. I think that almost all of our members are
17 similarly situated that at some point every six years
18 they will have to go to a DPS office and renew their
19 driver's license unless they use the online system to
20 change their address in between those six-year periods,
21 which doesn't get them registered to vote. So, no, we
22 don't have a list because it's everybody.

23 Q. All right. Back to the categories of
24 documents, Number 4 requests "Documents sufficient to
25 show your organizational structure and employee -- and

1 internal employee hierarchy, including an organizational
2 chart and job description of all employees." Have you
3 produced documents responsive to this category?

4 MR. GEISE: The same instruction. You
5 can answer to the extent you're aware of non-privileged
6 responsive documents or to the extent that you don't
7 believe you've testified to this matter.

8 MS. MACKIN: I don't think it's a valid
9 objection.

10 MR. GEISE: All right. You can answer to
11 the extent you are aware of non-privileged responsive
12 documents.

13 A. I'm aware of not -- I'm not aware of any
14 non-privileged responsive documents to that question.
15 It's all internal to our First Amendment rights.

16 Q. (BY MS. MACKIN) And so just to make it
17 perfectly clear --

18 A. Who our employees are and what we pay them is
19 on the TEC or FEC websites.

20 Q. And this does not request what your employees
21 are paid. It requests organizational structure,
22 including an organizational chart and job descriptions.
23 And as I understand your counsel, is it TDP's position
24 that that information is protected under the First
25 Amendment?

1 MR. GEISE: Yes. Although, I believe
2 that Mr. Maxey has testified to the public nature of
3 that information. If you're aware that any -- and that
4 we provided the publicly available organizational chart,
5 which I understand did not come through correctly; and
6 we will supplement the production in that manner with
7 that website. But I believe that anything other than
8 that is privileged.

9 A. All of our staff and their job titles, at
10 least, is posted on our website; and the links were in
11 the document that we produced.

12 Q. All right. And then the final category, "To
13 the extent not already produced in response to Items 1
14 through 4 above, all documents reviewed in preparation
15 for your deposition." Have you produced documents
16 responsive to this category?

17 MR. GEISE: I'm just going to object. I
18 mean, you are able to answer that question "yes" or
19 "no." But I believe that any specific documents you
20 reviewed are subject to the attorney-client privilege.
21 You can answer "yes" or "no" whether all documents you
22 reviewed in preparation for this deposition have either
23 been produced or Counsel has been -- or, to your
24 knowledge, whether or not Counsel has been directed to
25 the appropriate publicly available websites.

1 A. So my answer is: Every document I reviewed in
2 response to this has been produced or I have told you
3 where to find it on a publicly available website.

4 Q. Okay.

5 MS. MACKIN: We'll request
6 supplementation, as was discussed with my colleague,
7 Chris, earlier and was discussed today; and we will hold
8 this deposition open to ask any questions about
9 documents that have been supplemented. But subject to
10 that, we pass the witness.

11 MR. GEISE: All right. And we'll --
12 well, I just have a couple of questions, Mr. Maxey.

13 EXAMINATION

14 BY MR. GEISE:

15 Q. Now, Mr. Maxey, without reviewing or
16 discussing any specific documents you reviewed in
17 preparation for this deposition, did you review or come
18 to understand the total expenditures spent by the Texas
19 Democratic Party for every year from 2014 through 2019?

20 A. Yes, I looked at the documents or the FEC and
21 TEC to get a general understanding of about how much we
22 spent each calendar year during that period.

23 Q. And now, Counsel asked you about -- and the
24 Deposition Notice provides specific certain breakdowns
25 of those funds, including voter persuasion, Get Out the

1 Vote, voter registration, funds spent on supporting
2 Democratic candidates through fundraising, funds spent
3 on supporting Democratic candidates through organizing.
4 And I believe your testimony -- and correct me if I'm
5 wrong -- was that such numbers are unknowable. And
6 could you briefly explain why that is?

7 A. As I stated early on, every employee that
8 comes to the TDP is asked to become a deputy voter
9 registrar. Every employee has -- every department has
10 some level of educating voters or candidates or
11 activists on how to register somebody or how to get
12 registered for the target registration. And so every
13 staffer we have at some point during their time with us
14 does voter registration. I can recall when our
15 comptroller sat at a table registering people to vote at
16 a music festival. So we are all doing that.

17 The cost of all our technology, our data
18 systems, is done for targeting and voter registration
19 and vote by mail and Get Out the Vote; and so you can't
20 just pull out which -- how much of that -- those
21 computers, those data files, those employees are doing
22 voter registration.

23 The same thing with communication.
24 You're talking about all kinds of topics. On a regular
25 basis they talk about voter registration. Pulling out

1 the cost of their technology, their subscriptions, their
2 access to Twitter or Instagram, Facebook, other digital
3 platforms, and e-mail communications, you can't pull out
4 an exact cost of those programs that was used just for
5 voter registration. It would be impossible to do
6 because it's all in the same -- sort of the same pot.

7 Everybody's doing voter registration
8 activities. You know, the closest I could ever get is
9 if somebody wanted to see the cost of a specific
10 mailing; and that is publicly available on the FEC or
11 TEC because it would have been a bill paid to a vendor.

12 You know, it's the cost of -- I process
13 about -- right now about, through volunteers, about 300
14 vote-by-mail applications and dozens of voter
15 registration applications each week. They go through a
16 postage meter, and we do not determine which postage
17 stamp went on a voter registration application being
18 mailed out versus a vote by mail versus a Get Out the
19 Vote or a thank you note for fundraising. It's all in
20 the same pot. So you can't ferret out these costs.

21 The same thing with copy machines, making
22 copies of voter registration applications to mail to
23 somebody who asks for one.

24 You know, hand addressing an envelope.
25 The cost of envelopes, we buy them by the case. We

1 don't say, "Oh, these five were voter registration."

2 So you cannot ferret it out and cannot
3 give a specific answer.

4 MR. GEISE: Thank you.

5 No further questions for me.

6 MS. MACKIN: And I just have one follow-
7 up.

8 FURTHER EXAMINATION

9 BY MS. MACKIN:

10 Q. Mr. Maxey, you just talked about how you did
11 review documents to ascertain the Texas Democratic
12 Party's total expenditures for the years 2014 through
13 2020; is that right?

14 A. I did.

15 Q. But that those aren't able to be broken down
16 into discreet activities, correct?

17 A. I looked at the FEC totals and the TEC totals
18 because that was on that list.

19 Q. On which list?

20 A. On your list of Depo Notice things that you're
21 going to ask about, total expenditures. So I looked at
22 FEC and TEC and I jotted those down on a piece of paper,
23 that I'm not reviewing now, because I didn't memorize
24 them totally. But I did not then scroll through the
25 tens of thousands of entries to see if I could find

1 anything that said "voter registration" because I would
2 have been doing that for the past week.

3 So does that answer the question? I've
4 sort of forgotten it.

5 Q. I just wanted to make sure that if I looked at
6 the publicly available filings --

7 A. You're going to see them.

8 Q. Okay. Thank you.

9 And then, yeah, subject to additional
10 document production and the witness being unprepared or
11 improperly instructed to answer, we're holding the
12 deposition open.

13 But I pass the witness at this time.

14 MR. GEISE: We have no further questions.

15 THE REPORTER: Going off the record at

16 2:04 p.m.

17 (Deposition recessed at 2:04 p.m.)

18 (Signature was not request on the
19 record.)

20 --ooOoo--

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1 STATE OF TEXAS)

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REPORTER'S CERTIFICATION

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I, DEBBIE D. CUNNINGHAM, CSR, hereby
certify that the witness was duly sworn and that this
transcript is a true record of the testimony given by
the witness.

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I further certify that I am neither
counsel for, related to, nor employed by any of the
parties or attorneys in the action in which this
proceeding was taken. Further, I am not a relative or
employee of any attorney of record in this cause, nor am
I financially or otherwise interested in the outcome of
the action.

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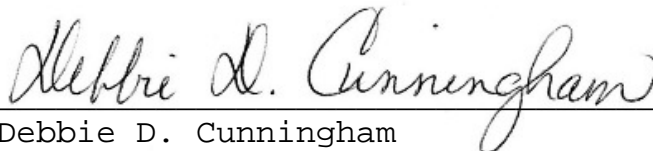
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Subscribed and sworn to by me this day,
May 3, 2020.



Debbie D. Cunningham
Certified Shorthand Reporter
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JARROD STRINGER, et al., *
 Plaintiffs, *
 *
v. * No. SA-20-CV-46-OG
 *
RUTH HUGHS, et al., *
 Defendant. *

VIDEOTAPED VIDEOCONFERENCED

ORAL DEPOSITION

OF

THE DEMOCRATIC CONGRESSIONAL

CAMPAIGN COMMITTEE REPRESENTATIVE,

JACQUELINE NEWMAN

Tuesday, April 28, 2020

VIDEOTAPED VIDEOCONFERENCED DEPOSITION OF
JACQUELINE NEWMAN, produced as a witness at the instance
of the Defendant, and duly sworn, was taken in the
above-styled and numbered cause on Tuesday, April 28,
2020, from 10:09 a.m. to 2:05 p.m. Central Time, before
Debbie D. Cunningham, CSR, in and for the State of
Texas, remotely reported via Machine Shorthand, pursuant
to the Federal Rules of Civil Procedure.

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Brian Christopher

--ooOoo--

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1 (Tuesday, April 28, 2020, 10:10 a.m.)

2 P R O C E E D I N G S

3 THE REPORTER: Today is April 28th, 2020.

4 This is the deposition of the Corporate Representative
5 of DCCC, Jacqueline Newman, in the matter of Jarrod
6 Stringer, et al. versus Ruth R. Hughs, et al. We are
7 situated remotely and are on the record at 10:09 a.m.,
8 Central Standard Time.

9 My name is Debbie Cunningham, and my
10 business address is P.O. Box, Manchaca, Texas 78652.

11 Would all persons present please
12 introduce themselves for the record?

13 MR. HILTON: Chris Hilton for the
14 Defendants.

15 MS. BRANCH: Aria Branch for the
16 Plaintiff Intervenor DCCC. That's "D" and then three
17 "Cs."

18 MS. BRAILEY: Emily Brailey, also for the
19 Plaintiff Intervenor, DCCC.

20 THE WITNESS: Jacqueline Newman with the
21 DCCC.

22 *

23 *

24 *

25 JACQUELINE NEWMAN,

1 having taken an oath to tell the truth, the whole truth,
2 and nothing but the truth, was examined and testified as
3 follows:

4 EXAMINATION

5 BY MR. HILTON:

6 Q. Good morning, Ms. Newman.

7 A. Hi.

8 Q. Could you please state and spell your name one
9 more time for the record?

10 A. Sure. It's Jacqueline Newman,
11 J-A-C-Q-U-E-L-I-N-E N-E-W-M-A-N.

12 Q. And you're here on behalf of DCCC to testify
13 as their representative today, right?

14 A. I am.

15 Q. Before starting to prepare for this, I
16 truthfully didn't know a whole lot about the DCCC and
17 what it does. I think I'm still pretty murky on the
18 details, and I'm hoping you can explain for me so I can
19 kind of understand more today. Can you just start me
20 off with kind of an overview about what the DCCC is,
21 what its purpose is, what it does?

22 A. Sure. The DCCC is the national party tasked
23 with electing Democrats to the U.S. House of
24 Representatives.

25 Q. You said it's a party?

1 A. Yes.

2 Q. Is it separate from, like, the Democratic
3 Party; or how does that work?

4 A. Yes. I mean, we are part of the Democratic
5 Party. We are separate from the Democratic National
6 Committee, which is often what people think of when they
7 think of the National Democratic Party.

8 Q. So you're separate from the Democratic
9 National Committee. Is it a subordinate role, is it a
10 partnership; or what's the relationship there?

11 A. I would say we're affiliated, but we are
12 not -- we are not interlinked in any way. And we are
13 also not their subordinate.

14 Q. Okay. And, I mean, I just didn't know. Do
15 you have a separate Party platform, or how does that
16 work?

17 A. Yes, I mean, we don't necessarily have a
18 platform as the DCCC.

19 Q. Okay. And why is that?

20 A. That's just not something we set out to do.

21 Q. So what do you set out to do? I mean, is it
22 primarily fundraising; or just what is, you know?

23 A. We -- again, we're trying to elect Democrats
24 to the U.S. House of Representatives; and so we support
25 campaigns in a variety of ways and functions.

1 Q. Okay. Well, we'll go through some of the
2 details of some of that later. I guess I would like to
3 start, also, with understanding a little bit more about
4 you and your background. So you're currently employed
5 by the DCCC; is that right?

6 A. I am.

7 Q. And what's your role?

8 A. I'm the Deputy Executive Director and Chief
9 Operating Officer.

10 Q. Okay. And what are the responsibilities for
11 those roles?

12 A. I oversee all the administrative and
13 operations functions for the building -- or for the
14 committee, that includes the building itself, our Human
15 Resources functions, our budgets, our legal activity,
16 just making sure everything is functioning as it should.

17 Q. How many employees does DCCC have?

18 A. Right now we are roughly at about 265
19 employees.

20 Q. So these are folks that receive a paycheck
21 from DCCC?

22 A. Yes.

23 Q. And where are they located, and what kind of
24 work do they engage in? I'm trying to get a sense of,
25 you know, who's out there.

1 A. Sure. They -- our employees are located
2 across the country. The majority are based in DC. We
3 have several employees that are on the ground in Texas
4 as it relates to this case.

5 Q. Uh-huh. And as far as your job, Deputy
6 Executive Director -- did I get that right?

7 A. Yes.

8 Q. How long have you had that role?

9 A. I think I've had this title since September.
10 I've been with the committee in some fashion since 2014,
11 and I was previously with the committee in 2012.

12 Q. And what about the COO title, how long have
13 you had that?

14 A. About two and a half years.

15 Q. Okay. Who -- what's the reporting -- what's,
16 I guess, the leadership structure? You're the Deputy
17 Executive Director, so I assume you report to an
18 Executive Director. Is there anyone else you report to,
19 other folks that report to you? Can you give me a sense
20 of that?

21 A. Yes, you're right. There's an Executive
22 Director who oversees all the day-to-day functions of
23 the committee; and then we also have a Chair of the
24 committee, Congresswoman Cheri Bustos.

25 Q. Anyone else that you report to?

1 A. No.

2 **Q. And then who reports to you?**

3 A. I have a team below me, a Chief Administrative
4 Officer, IT Director.

5 **Q. Is that it, there's two people that report to**
6 **you?**

7 A. Oh, I'm sorry. Then there's some junior-level
8 staffers below them who are kind of the senior team and
9 then HR and Administration Manager.

10 **Q. Okay. How many people would you say report to**
11 **you directly?**

12 A. I think it's about eight or nine people.

13 **Q. Okay. Are there any other deputy executive**
14 **directors, or are you the only one? Like, a lot of**
15 **agencies have, like, multiple deputy commissioners in**
16 **charge of certain things.**

17 A. Sure. There are two other deputy executive
18 directors.

19 **Q. What are their names, and what are their**
20 **responsibilities?**

21 A. One is Ryan Hedgepeth, and he is our Deputy
22 Executive Director for Member Engagement. He works
23 directly with members of our caucus, members of
24 Congress. And Mike Smith is also a Deputy Executive
25 Director, and he oversees our fundraising operations.

1 Q. Has there been any change to that structure in
2 the time that you've been with the DCCC?

3 A. The Deputy Executive Director structure?

4 Q. Yes, yeah.

5 A. Yes, there has.

6 Q. So what were the changes and when did they
7 occur, again, just kind of focusing on this top-level
8 structure?

9 A. Sure. So I'm sorry. Could you -- did you say
10 this year or during my entire time at the DCCC?

11 Q. Just since you've been at DCCC.

12 A. Sure. So each cycle, which is a two-year
13 election period, the DCCC goes through the process of --
14 at one point it was appointing and now it's electing a
15 Chair of the committee. And each Chair that comes in is
16 able to kind of re-image the structure as they see
17 necessary in order to carry out their goals for the
18 cycle. And so with that, I would say each cycle there
19 has been a slightly different leadership structure.

20 Q. Can you give me some examples, maybe? Maybe
21 if it changes every two years regularly, we don't have
22 to go through every one; but if you could, kind of give
23 me a sense of what type of changes that there are.

24 A. Sure. So usually -- I think in the past few
25 cycles there has been a Deputy Executive Director, at

1 least one or a few. And last cycle there was one Deputy
2 Executive Director, and they reported to the Executive
3 Director. In other cycles there have been a few deputy
4 executive directors that kind of oversee a few key
5 functions of the building and then report back to the
6 Executive Director. Again, it just kind of depends on
7 the Executive Director and the Chair at the time.

8 **Q. How are the Executive Director and the Chair**
9 **chosen?**

10 A. Currently -- and this is a somewhat recent
11 change -- the Chair of the committee is elected by the
12 Democratic Caucus, and the Executive Director is hired
13 by the Chair.

14 **Q. Okay. And so you've been with DCCC since 2014**
15 **and then another stint before then. Is it typical to**
16 **have a long tenure, you know, for employees to be**
17 **tenured that length of time; or is there a lot of**
18 **turnover with these two-year cycles?**

19 A. Yeah, it's definitely more common that people
20 work a cycle and then they move on to another
21 opportunity. There's a lot of turnover usually.

22 **Q. Is some of that top down? I mean, does the**
23 **Executive Director bring in their own people every year**
24 **or...**

25 A. No. I think it's more just the nature of

1 campaigns that every two years people are moving on to
2 something else. I think you would see -- and this
3 partially explains why I've been here longer than most
4 people, but the administrative functions are the people
5 who tend to stay cycle to cycle. And the people who
6 work kind of in different parts of the committee are
7 often moving on to other campaigns or other
8 organizations.

9 **Q. So that would be more typical of the folks who**
10 **do the fundraising or the -- I forget how you put it --**
11 **the direct interfacing with the caucus members?**

12 A. Yes.

13 **Q. Okay. You've been here, you know, at DCCC**
14 **quite a while. I take it you enjoy your job?**

15 A. I do.

16 **Q. What do you enjoy about your job?**

17 A. I think the work we do is important, and I
18 like the values we represent.

19 **Q. Okay. What values?**

20 A. I think electing Democrats to the U.S. House
21 of Representatives -- you know, the House, I think,
22 impacts a lot of change within this country; and it's
23 important that we expand and protect our majority.

24 **Q. You've mentioned that a couple of times**
25 **already and we're going to talk -- you know, one of the**

1 missions of DCCC and we're going to talk more about that
2 throughout; but is that the best statement of the
3 mission, to elect Democrats?

4 A. Definitely.

5 Q. Is there any other component of that, or is
6 that really what it's all about?

7 A. I think everything ties back to electing
8 Democrats.

9 Q. Okay.

10 MR. HILTON: I'm going to send out
11 through the chat what's actually -- I'm going a little
12 out of order. I kind of prenumbered some of these. So
13 I'm going to send out Exhibit 5 now, and then we'll come
14 back to the other ones.

15 (Exhibit 5 discussed.)

16 Q (BY MR. HILTON) So let me know if you're able
17 to access Exhibit 5; and once you've had a chance to
18 pull it up and review it, let me know.

19 A. Okay. I have it open.

20 Q. Is that your LinkedIn page, at least part of
21 it?

22 A. Yes.

23 Q. And I should say -- I forgot to mention this
24 before -- other than the documents that I send you and
25 then the Bates numbered documents that your counsel

1 provided to you that were the DCCC's production, do you
2 have any other documents in front of you, with you? Are
3 you referring to any other documents?

4 A. No, I don't.

5 Q. Okay. I'll ask for you to continue not to do
6 that; and if you do refer to another document, please
7 let me know. And I think the same thing goes with
8 talking to other people, including by e-mail, text, you
9 know, anything like that. Please refrain from doing
10 that, you know, until the deposition is over. And if
11 you do do that, I'd ask that you please, you know, let
12 me know.

13 All right. So turning to Exhibit 5,
14 which is at least a portion of your LinkedIn page, it
15 has employment history for you going back to May 2008.
16 I was kind of hoping you could walk me through each of
17 these positions, starting with May 2008, and explain to
18 me -- obviously, we don't have to go into a huge amount
19 of detail for all of these; but if you could, explain to
20 me just kind of generally what the company was or what
21 the organization was, what your role was, and kind of
22 give me a sense of the evolution of your career. That's
23 my goal here.

24 So if you could just kind of start from
25 GIS Specialist at the Timmons Group and work your way

1 **through, I think that's the most efficient way to go**
2 **about it.**

3 A. Okay. Sure. So in 2008 I worked with the
4 Timmons Group, which is an engineering firm. I was a
5 GIS Specialist at the time, Geographic Information
6 Systems.

7 **Q. What is a Geographic Information System?**

8 A. It's like a lot of building kind of digital
9 maps. That's what I did, usually, for local governments
10 that were hoping to convert to a modern era, if you
11 will.

12 **Q. In what sense?**

13 A. Like, the work I did was taking, like, paper
14 documents, land parcels, and I was digitizing them.

15 **Q. Oh, I see. So any kind of, you know, records**
16 **or whatever, just trying to make it into a modern**
17 **electronically-accessible system?**

18 A. Yeah, yeah, basically.

19 **Q. Got it. Any particular projects that stand**
20 **out from that time? I don't mean to make you go all the**
21 **way back through your career.**

22 A. Oh, sure. No, no. So most of the work I
23 specialized in, we worked with a lot of rural, I guess,
24 counties and locations; and they were in the process of
25 trying to basically get up and running a system that --

1 where people in their location can call 9-1-1 and it
2 would be linked to their home, which I think is
3 something that, especially in urban and suburban areas,
4 people take for granted that you call 9-1-1 and they
5 know where you're calling from. So that required
6 digitizing all of the maps and then linking each, like,
7 land parcel to the phone information we had for people
8 living there. That was the majority of the work I did
9 at Timmons.

10 **Q. Okay. And I'm sorry to dwell on this, but it**
11 **looks like your career kind of takes a more political --**
12 **or politically-oriented turn from here. Did you do any**
13 **political type work or redistricting or anything like**
14 **that when you were with Timmons Group?**

15 **A. I didn't do any political work with Timmons.**
16 **I was involved through my school; and while I was**
17 **working at Timmons, I took on a side project, which is a**
18 **strong majority the role I did above it. And so I was**
19 **kind of doing that in my spare time.**

20 **Q. All right. Well, I know I asked you to just**
21 **kind of walk me through this and let you explain it; and**
22 **then I immediately interrupted you. So sorry about**
23 **that, but maybe you can pick it up from there and**
24 **continue to walk me through the rest of your career.**

25 **A. Sure. So for a strong majority, I was their**

1 Compliance Director. I basically oversaw their
2 bookkeeping and was responsible for accounting and
3 reporting through the Virginia State Board of Elections,
4 just maintaining their compliance.

5 And then I found myself in Indiana, where
6 I was hired as the Deputy Director of Compliance and
7 Operations; and in that role -- you will sense a theme
8 here -- but I oversaw the HR, the operations and the
9 bookkeeping budgets and compliance for the Indiana
10 Democratic Party.

11 **Q. And I'm sorry to interrupt you one more time,**
12 **at least. I should have started with this, but I**
13 **forgot. What was your -- what education did you have**
14 **that led you into all these roles? Like, I think you**
15 **mentioned you were still in school when you started with**
16 **Timmons. Now, what were you in school for? What**
17 **degree, if any, did you attain?**

18 A. Sure. I went to school, and I received a
19 bachelor's degree in geography.

20 **Q. And I know as a component of that, there's a**
21 **lot of, you know, technical and software and all sorts**
22 **of stuff like that that kind of led you to be able to do**
23 **the more technical side of things that you're doing?**

24 A. Yes.

25 **Q. Okay. All right. I interrupted you again.**

1 **I'm sorry. Let's try it again.**

2 A. No problem. So I was in Indiana briefly. I
3 stayed through the end of the election cycle and moved
4 back to Virginia. In April of 2011 I started with
5 Protect Your Care and Know Your Care as their Director
6 of Operations. Again, I kind of oversaw the budget
7 aspects, the compliance, HR. After --

8 **Q. I'm sorry. What is that group?**

9 A. It was a 501(c)(3) and (c)(4) organized around
10 educating people on Obamacare --

11 **Q. Okay.**

12 A. -- and the Affordable Care Act.

13 **Q. Okay.**

14 A. In 2012 I took a job with the DCCC as their
15 Director of Operations on their 2012 Independent
16 Expenditure Program; and in that role, I managed the
17 administrative functions for the IE, which is a large
18 paid media campaign.

19 **Q. And when you say a paid media campaign, can**
20 **you elaborate a little bit on that?**

21 A. Sure. It's mostly a bunch of TV ads that the
22 DCCC puts out.

23 **Q. And what was the nature of the ads? What was**
24 **the purpose?**

25 A. To elect Democrats to the U.S. House.

1 **Q. Anywhere in particular? Any particular type**
2 **of ad; or was it just, you know, all House members?**

3 A. It was certainly focused in our targeted
4 races. I don't know how much that was off the top of my
5 head; but I would say, ballpark, it probably covered
6 about 30 races across the country.

7 **Q. And -- okay. I think that's enough for now.**
8 **I'll let you continue.**

9 A. Following 2012 I took a job with Terry
10 McAuliffe's campaign for governor in Virginia; and I
11 operated largely in the same capacity for that roll,
12 overseeing all the operations functions, HR, budgets,
13 legal.

14 **Q. Was that a successful campaign?**

15 A. It was a successful campaign.

16 **Q. He's still governor, right? Did he get re-**
17 **elected since then or...**

18 A. He is not still governor --

19 **Q. Oh, okay.**

20 A. -- but he is always around.

21 **Q. Okay.**

22 A. So you feel like he's still governor.

23 And then, following his successful
24 campaign, after his inauguration I returned to the DCCC
25 as Deputy Chief Operating Officer and over the years

1 have slowly progressed.

2 Q. You've stayed around and stayed in a couple
3 different roles, and I know how it goes when you stay at
4 a place for a long time.

5 I guess the only other one I wanted to
6 ask you about specifically was Interim Executive
7 Director from July of 2019 to September 2019. How did
8 you come to have that role, and the way you're
9 describing -- I guess my other question is, as your
10 primary viewpoint, you know, if it goes in two-year
11 election cycles, is that a down period since the 2018
12 election had just been over?

13 What was -- I guess I was saying all of
14 that to say -- I'll give you an actual question that you
15 can answer. How did you come to get that role, what did
16 you do during that period, and how did that relate to
17 the cyclical nature of DCCC's work?

18 A. Sure. So we had a leadership transition in
19 the middle of our cycle this year, which actually isn't
20 common. Usually an Executive Director would be hired in
21 December or January and stay for two years or longer in
22 some cases. So there was a leadership transition. In
23 that moment I stepped up to be the Interim Executive
24 Director, and largely I ran the entire process to find a
25 permanent Executive Director.

1 Q. And you say there was a leadership transition.
2 I'm assuming that someone had signed up to do the role
3 and then moved on to take another opportunity
4 unexpectedly?

5 A. Yes.

6 Q. Okay. And you may have mentioned this. I
7 just don't recall. Where did you say you went to, got
8 your bachelor's?

9 A. I went to the University of Mary Washington in
10 Fredericksburg, Virginia.

11 Q. Well, I appreciate all that. It's always
12 helpful to know. Even though you're a representative on
13 DCCC's behalf, it's extremely helpful to know your
14 perspective, your background, and your expertise. So I
15 appreciate you walking me through that. I know talking
16 about the full length of one's career is not necessarily
17 the most exciting, but I appreciate it.

18 I would like to turn now to talk a little
19 bit about how you -- you know, about the depo itself and
20 how you prepared for this deposition today. So I guess
21 start there. What did you do to prepare for the
22 deposition today?

23 A. Sure. Well, I discussed with my counsel. I
24 reviewed the Complaint that we had filed and reviewed
25 the Deposition Notice topics. I also reviewed a

1 declaration that a member of my team had submitted in
2 response to this.

3 **Q. Any other documents?**

4 A. I gathered information related to the
5 deposition topics, but that was it.

6 **Q. How did you gather information?**

7 A. I guess searching through DCCC documents.

8 **Q. Okay. Did you search through e-mails or some
9 other source of documents?**

10 A. I think mostly just documents that are on our
11 drive, like on --

12 **Q. Did you use search terms, or did you just
13 browse through them?**

14 MS. BRANCH: I want to just object to the
15 extent that it calls for attorney-client privileged
16 information.

17 But you can answer as long as you're not
18 revealing any of the content of our conversations.

19 **Q. (BY MR. HILTON) Yeah. And particularly in
20 this prep area it gets kind of close to that. I am not
21 asking you for content of any conversations with your
22 attorneys. So please do not provide that information.
23 I don't want it. It is privileged, so.**

24 All right. So you said that you were
25 just browsing through files, I guess, based on your

1 knowledge and familiarity with the files of the
2 organization?

3 A. Yes, that's correct.

4 Q. Did you speak to anyone other than your
5 attorneys?

6 A. Just our -- yes, with our attorneys.

7 Q. But no other employees of DCCC or anyone else
8 other than your attorneys?

9 A. Right.

10 (Exhibit 1 discussed.)

11 Q. (BY MR. HILTON) Okay. I'd like to turn to
12 Exhibit 1, which I had sent out previously via the Zoom
13 chat. And do you recognize Exhibit 1?

14 A. Yes.

15 Q. And what is it?

16 A. These are the deposition topics you sent in a
17 Notice for this role.

18 Q. Right. And so let's turn to page 5 of
19 Exhibit 1. The heading is 30(b)(6) Corporate
20 Representative Deposition Topics?

21 A. Yes.

22 Q. Are you prepared to testify as to all these
23 topics today?

24 A. I am.

25 Q. And then I'd like to go to page 6. The

1 heading is Attachment B. These are the document
2 requests that we sent in connection with this Notice; is
3 that right?

4 A. Yes.

5 Q. And it sounds like you searched for documents
6 that were responsive to these requests?

7 A. I worked with my counsel on this.

8 Q. Okay. Did DCCC produce documents responsive
9 to these requests?

10 A. Yes.

11 Q. So did DCCC comply with these requests?

12 A. Yes.

13 (Exhibit 2 discussed.)

14 Q. (BY MR. HILTON) Okay. The next one is going
15 to be Exhibit 2, which, hopefully, is the Complaint in
16 this matter.

17 A. Yes.

18 Q. So you have Exhibit 2 in front of you?

19 A. I do.

20 Q. And have you seen this document before?

21 A. I have.

22 Q. Did you review it before it was filed?

23 A. Yes.

24 Q. How much time did you spend reviewing it,
25 before it was filed, I mean?

1 A. Before it was filed?

2 Q. Yes.

3 A. Probably -- to be clear, you mean the
4 Complaint itself or in preparation for the Complaint?

5 Q. I'm breaking it into two parts. So the first
6 part is: How much time did you spend reviewing the
7 Complaint before it was filed? And then the next part
8 will be: Did you review it again for this deposition,
9 and how much time did you spend reviewing it?

10 A. I probably spent about 30 minutes reviewing
11 the Complaint before it was filed.

12 Q. Okay. And you said you reviewed it again to
13 prepare for the deposition today. How much time did you
14 spend then?

15 A. Probably about an hour.

16 Q. Okay. I'm going to send out the next exhibit,
17 Exhibit 3, hopefully.

18 (Exhibit 3 discussed.)

19 A. Okay.

20 Q (BY MR. HILTON) Do you recognize what I'm
21 marking as Exhibit 3 to the deposition? It says
22 Exhibit B on the first page of it, but I'm going to
23 refer to it as Exhibit 3.

24 A. Yes.

25 Q. Okay. And what is Exhibit 3?

1 A. This is a Declaration from Alexander Edelman
2 in support of the Plaintiff's motion.

3 **Q. Who is he?**

4 A. He's DCCC's National Field Director.

5 **Q. Do you know Mr. Edelman?**

6 A. I do.

7 **Q. And how do you know him?**

8 A. He's my colleague at the DCCC.

9 **Q. And can you describe exactly what a National
10 Field Director does?**

11 A. Sure. The National Field Director oversees
12 the entire field program for the DCCC.

13 **Q. What is a field program?**

14 MS. BRANCH: I'm going to object to the
15 extent that this calls for information that would be
16 protected by the First Amendment.

17 But you may answer at a high level.

18 A. Sure. Our field program is geared at
19 mobilizing and persuading voters, usually directly on
20 the ground in our targeted districts.

21 **Q. (BY MR. HILTON) And how does the field
22 program go about accomplishing that?**

23 A. We usually work with coordinated campaigns,
24 which is a collaboration between national parties and
25 state parties to elect Democrats up and down the ballot.

1 So in Texas we work with the Texas Democratic Party,
2 along with the other national party committees and, you
3 know, each state sometimes looks a little bit different;
4 but usually we are running Get-Out-the-Vote programs,
5 voter registration programs, engaging our voters
6 directly on the ground through canvasses.

7 Q. And how does the DCCC's support for that kind
8 of program play out in practice? I mean, I guess, is it
9 just providing funding? Do you provide manpower as
10 well, or what other resources do you provide?

11 A. Yeah, so it's all of the above. We provide
12 funding. We transfer money to the State Party to be
13 used for the Coordinated Campaign. We also have our own
14 direct investments in people on the ground in some
15 cases. In Texas, for example, we have four offices
16 opened; and we have staff in those offices.

17 Q. All right. Well, I'm getting a little ahead
18 of myself. We'll get into more details of that later,
19 but I realize I forgot to ask: You said -- you
20 mentioned you reviewed a declaration in connection with
21 this matter to prepare for the deposition today. Was
22 this the declaration you were referring to?

23 A. Yes, it was.

24 Q. All right. So we'll leave that to the side
25 for now and come back to it.

1 (Exhibit 4 discussed.)

2 Q. (BY MR. HILTON) The next group of documents
3 that I'm going to designate as Exhibit 4 to the
4 deposition is going to be the DCCC's production in
5 response to our subpoena duces tecum. So that's Bates
6 Numbers DCCC 000001 through 805. Do you have those
7 documents available to you?

8 A. Yes, I do.

9 Q. And are you familiar with those documents?

10 A. I am.

11 Q. Okay. Did you review all of them before the
12 deposition today?

13 A. Yes.

14 Q. How much time did you spend reviewing them?

15 A. Probably about an hour.

16 Q. Who gathered these documents?

17 MS. BRANCH: I'm going to object to the
18 extent that this calls for conversations between
19 attorney and client or attorney work product.

20 MR. HILTON: It does not. I'm asking for
21 an identity of the person who collected the documents.

22 MS. BRANCH: You can answer that, Jacqui.

23 A. This specific group of documents?

24 Q (BY MR. HILTON) Yeah, Bates Number 1 through
25 805, the entire production.

1 A. These came from my counsel.

2 **Q. But who collected them?**

3 A. Initially in this process?

4 **Q. Yeah, who at DCCC gathered the documents for**
5 **production?**

6 A. Staff. And, I mean, I think several people
7 collected documents related to this production based
8 on -- based on the request and the search terms guided
9 by our counsel.

10 **Q. What were the search terms?**

11 MS. BRANCH: Objection, attorney-client
12 privilege.

13 **Q. (BY MR. HILTON) You can answer.**

14 MS. BRANCH: I'm instructing you not to
15 answer that.

16 It's clearly search terms that we worked
17 with them and communicated with them to find the
18 documents. If there's specific documents you want to
19 ask about, I think we can do that; but...

20 MR. HILTON: I would like to know the
21 search terms. Will you provide them to me, Aria?

22 MS. BRANCH: We can talk off the record
23 about that.

24 MR. HILTON: I would like an answer now
25 because I feel like I'm entitled to what the search

1 terms are.

2 MS. BRANCH: I don't have them in front
3 of me, but we can discuss that. They are search terms
4 that were created based on the subpoena.

5 MR. HILTON: I just want to know if
6 you'll give me the search terms later.

7 MS. BRANCH: And I'm happy to discuss
8 that.

9 Q. (BY MR. HILTON) I'm sorry. I feel like I
10 have to ask my question again, Ms. Newman. What were
11 the search terms that were used?

12 MS. BRANCH: And I'm going to assert the
13 same objection and instruct the witness not to answer.

14 Q (BY MR. HILTON) Are you going to abide by
15 that instruction?

16 A. Yes, I am.

17 Q. Do you know what the search terms are?

18 A. Not off the top of my head.

19 Q. Did you at one point know what they were?

20 A. Yes.

21 Q. Did you refer to something else and refresh
22 your memory as to what the search terms are?

23 A. I could refer to my conversations with my
24 counsel.

25 Q. So you could give me the search terms if you

1 were required to do so?

2 MS. BRANCH: They're privileged.

3 MR. HILTON: I understand that that's
4 your assertion. I disagree with that assertion. And
5 I'm trying to question the witness, and you cannot
6 answer for the witness.

7 Q. (BY MR. HILTON) So, Ms. Newman, if you were
8 required to tell me what the search terms are by a Court
9 or someone else, would you be able to do so?

10 A. I believe I could.

11 Q. Okay. Who ran the search terms?

12 A. A combination of our staff and our IT
13 Director.

14 Q. And you mentioned earlier as well that several
15 people assisted in gathering the documents. Did I
16 understand your testimony correctly?

17 A. Yes.

18 Q. What are the names of each person who assisted
19 in gathering these documents?

20 A. I don't know that information. I would have
21 to check.

22 MR. HILTON: Aria, will you provide me
23 that information?

24 MS. BRANCH: Again, I think this calls
25 for privileged information and that these are

1 discussions that we, the attorneys, had with staff at
2 the DCCC to advise them on how to respond to the
3 subpoena.

4 MR. HILTON: I'm not asking about the
5 discussions. I'm asking for the identity of the
6 individuals who ran the search terms and collected the
7 documents. I believe your document production is
8 insufficient. I'm entitled to understand what you did
9 to produce these documents, and I'm entitled to this
10 which is not privileged. So I'm going to ask --

11 MS. BRANCH: I think we can have that
12 conversation. I don't think that Jacqui knows; and I
13 also think that it infringes on the privilege, so.

14 Q (BY MR. HILTON) Well, Ms. Newman, do you know
15 the identities of the individuals who ran these search
16 terms?

17 A. It's a wide group, I think.

18 Q. Okay. Do you know the identity of those
19 individuals in that wide group?

20 A. I have it somewhere. I do not know right now.

21 Q. But you could get me that information if you
22 were required to do is?

23 A. I believe so.

24 Q. And you mentioned that several people helped
25 gather the documents. Were you referring to just

1 running the search terms, or was there some other way in
2 which documents were gathered?

3 MS. BRANCH: Again, I think this calls
4 for attorney-client privileged information in that it
5 goes to the communications we had on how to formulate
6 the search for documents.

7 Q. (BY MR. HILTON) I am not asking about the
8 content of any communication that you or anyone at DCCC
9 had with your counsel, Ms. Newman. I want to be very
10 clear about that. But I would like to know the method
11 by which these documents were gathered, and I want
12 clarity on your earlier testimony. Earlier you said
13 that several people helped gather the documents. Do I
14 have that correct?

15 A. Yes.

16 Q. And you also mentioned that there was a wide
17 group of people who ran search terms. Do I have that
18 correct?

19 A. I believe so. Like I said, I would have to
20 check.

21 Q. Okay. And I want to know: Is that the same
22 group you were referring to, or are there two different
23 groups of individuals that you're referring to in your
24 testimony?

25 MS. BRANCH: Same objection. I think

1 asked and answered. She's answered the question.

2 MR. HILTON: With respect, Aria, it has
3 not been answered. I want to understand who searched
4 for what and how, and I'm entitled to that information.

5 Q. (BY MR. HILTON) So Ms. Newman, who -- was
6 there another method of gathering documents other than
7 running search terms?

8 MS. BRANCH: Again, it's privileged. I
9 mean, these -- what you're asking -- I understand where
10 you're coming from, but what you're asking is asking for
11 the content of the communications we had with them in
12 terms of how to comply with the subpoena.

13 MR. HILTON: Can you read back my
14 question?

15 MS. BRANCH: I'm going to instruct the
16 witness not to answer, and I'm hopeful that we can maybe
17 move on to another topic.

18 MR. HILTON: Can you read back the
19 question, Debbie, that I asked? I'd like you to read
20 the question.

21 THE REPORTER: Yes.

22 (The requested material was read as
23 follows:

24 "QUESTION: Okay. And I want to know:
25 Is that the same group you were referring to, or are

1 there two different groups of individuals that you are
2 referring to in your testimony?")

3 MS. BRANCH: Objection, vague.

4 You may answer if you are able to.

5 A. I don't really understand the question.

6 **Q (BY MR. HILTON) Well, I don't really**
7 **understand your testimony. You said earlier that there**
8 **was a group of -- that there were several people who**
9 **gathered documents, correct? That's what you first**
10 **said?**

11 A. Well -- and I would like to clarify. We might
12 have asked several people. That does not mean several
13 people had documents to gather, and I do not know that
14 information right now.

15 **Q. All right. I'm going to ask you one more**
16 **time: Who collected the documents for DCCC?**

17 MS. BRANCH: Objection, asked and
18 answered.

19 You can repeat the same answer.

20 MR. HILTON: I would appreciate it, Aria,
21 if you didn't instruct your witness how to answer my
22 questions. Okay? That's a speaking objection. It's
23 not permitted. You can state the basis of your
24 objection, and you can either instruct her to answer or
25 not.

1 MS. BRANCH: I think I've done that now.

2 MR. HILTON: Debbie, can you please read
3 back my question?

4 (The requested material was read as
5 follows:

6 "QUESTION: I'm going to ask you one more
7 time: Who collected the documents for DCCC?")

8 A. We would have requested documents from a group
9 of staff and our IT Director.

10 **Q (BY MR. HILTON) What's the name of your IT**
11 **Director?**

12 MS. BRANCH: Objection.

13 MR. HILTON: What is the basis of your
14 objection?

15 MS. BRANCH: I think this is -- we're
16 getting into attorney-client privileged discussions in
17 terms of preparing for the -- for this.

18 **Q (BY MR. HILTON) Ms. Newman, my question is:**
19 **What is the name of DCCC's IT Director?**

20 A. David Winston.

21 MR. HILTON: I just want to, again, make
22 clear on the record that I think this document
23 production is insufficient. We're going to reserve all
24 rights to pursue whatever remedies we think we need to.

25 I'm asking questions that clearly are not

1 calling for any privileged information, and you're
2 instructing the witness not to answer. That's improper.
3 I believe I'm entitled to the answers to these questions
4 to understand whether this document collection effort
5 was sufficient. Clearly it was not.

6 Q (BY MR. HILTON) Ms. Newman, I apologize.
7 I've gotten a little heated during this part of the
8 questioning. I want you to understand I have no quarrel
9 with you whatsoever. I'm just trying to get the
10 information that I need to represent my clients. And so
11 I'm trying --

12 MS. BRANCH: And I'm happy -- sorry. I
13 didn't mean to cut you off.

14 MR. HILTON: Go ahead.

15 MS. BRANCH: Well, I'm happy to have, you
16 know, a further conversation about the document
17 production. I do think that several of the requests
18 infringe upon the First Amendment privilege. We've
19 produced documents responsive to the requests to the
20 extent they're not privileged. And the client has
21 stated that they undertook efforts to respond to the
22 subpoena.

23 If you want to meet and confer, have a
24 separate conversation about that, we can off the record.
25 It's probably not as fruitful to do with Ms. Newman,

1 given that she doesn't have vision over the entire
2 process. And I do think that some of the questions,
3 when you're talking about search terms, do infringe upon
4 communications that we've had with our client.

5 MR. HILTON: Sorry. Well, if you can
6 find a case that says the search terms are going to be
7 privileged in this context, I'd love to see it.

8 And I think Ms. Newman testified that she
9 could answer all these questions if you had properly
10 prepared her; and clearly, you didn't. So, anyway...

11 Q. (BY MR. HILTON) And, again, Ms. Newman,
12 that's no point against you. I just think your
13 counsel's not done what they should have done with
14 respect to the document production, but we'll move on.

15 MS. BRANCH: I think that she's prepared
16 for this deposition. She's prepared on the topics; and,
17 you know, we've produced her here to answer the
18 questions on the topics. And we produced documents
19 responsive to the extent that they were not privileged.

20 Q (BY MR. HILTON) Did you review any other
21 documents other than the ones that we've already
22 discussed today in preparation for your deposition,
23 Ms. Newman?

24 A. I don't believe so.

25 Q. Okay. You mentioned that you met with counsel

1 **to prepare for this deposition, correct?**

2 A. Yes.

3 **Q. When?**

4 MS. BRANCH: Just -- I'm going to just
5 assert the objection.

6 This particular question is not
7 privileged; but I just want to be clear, Jacqui, that
8 you don't have to disclose anything that we discussed.
9 But you may answer the question.

10 MR. HILTON: Ms. Branch, again, please
11 refrain from speaking objections. You just spoke
12 without an objection, and that's improper.

13 **Q (BY MR. HILTON) Ms. Newman, when did you meet**
14 **with your attorneys?**

15 MS. BRANCH: The objection, just for the
16 record, is attorney-client privilege.

17 But you may answer to the extent that
18 you're not disclosing our communications.

19 A. I met with counsel regarding this deposition
20 yesterday and last week.

21 **Q. (BY MR. HILTON) So on two occasions?**

22 A. Yes.

23 **Q. How long were those meetings, again, without**
24 **disclosing the content?**

25 A. I think roughly about an hour each.

1 Q. Who was in attendance at those meetings?

2 A. My counsel, Aria and Rachel.

3 Q. And yourself. Anyone else?

4 A. Yeah, myself. We met with another member of
5 my team, too, Alex Edelman.

6 Q. That's the same person who signed that

7 Declaration that's Exhibit 3?

8 A. Yes.

9 Q. Okay.

10 MR. HILTON: All right. I'd like to take
11 a short break if that's all right. I will need about
12 five minutes; but if y'all want to take a longer break,
13 that's fine.

14 THE WITNESS: Can we have ten minutes?

15 MR. HILTON: Sure.

16 THE WITNESS: Thank you.

17 THE REPORTER: Going off the record at
18 11:02 a.m.

19 (Off the record from 11:02 to 11:14 a.m.)

20 THE REPORTER: We're back on the record
21 at 11:14 a.m.

22 MR. HILTON: And as we've done in the
23 other depositions, I'm fine waiving the additional read-
24 on every time we go back on, as long as y'all are fine
25 with that.

1 MS. BRANCH: I'm good. Thank you.

2 Q. (BY MR. HILTON) Ms. Newman, I, again, just
3 wanted to, you know, apologize that you had to get
4 dragged into that discussion between counsel and I. I
5 hate to do that kind of stuff in depositions; sometimes
6 it happens. But just, you know, I'm going to try and
7 move on and get through the substance of what I have to
8 ask you about kind of as painlessly as possible as I
9 can.

10 You know, I just want to, again, make
11 clear that I'm not asking for you to reveal any
12 privileged information with any of my questions. Of
13 course, your counsel will instruct you or object, you
14 know, as necessary. But I just want to make that clear.
15 I'm not intending to ask for privileged information.

16 So I want to turn back to the DCCC and
17 just talking about the organization's background and
18 activities and that kind of thing. And I can't remember
19 if I asked you this or not before: When was the DCCC
20 first established?

21 A. It was established over 150 years ago. I
22 think it's 1866.

23 Q. Wow. And has its mission changed over time?

24 A. I don't believe so.

25 Q. But electing Democrats is the name of the game

1 since 1866?

2 A. I think that's about right.

3 Q. We talked a little bit earlier about the
4 relationship between DCCC and the DNC, and I kind of
5 want to explore similar issues in relation to an exhibit
6 that I just sent out in the Zoom chat. This is
7 something I found on the FEC's website. That's the
8 Federal Election Commission. Are you familiar with the
9 FEC?

10 A. Yes, I am.

11 Q. I would imagine that you would be.

12 (Exhibit 6 discussed.)

13 Q. (BY MR. HILTON) Do you have Exhibit 6 in
14 front of you?

15 A. Yes, I do.

16 Q. And do you recognize Exhibit 6?

17 A. Yes, I do.

18 Q. And what is it?

19 A. This is a Statement of Organization filed with
20 the FEC.

21 Q. And I guess before we dig into it, I'm
22 curious: Are you responsible for, you know, making sure
23 that the FEC filings get done?

24 A. I am not responsible for those.

25 Q. Who has that responsibility?

1 A. Our Chief Financial Officer.

2 **Q. And who is that?**

3 A. Jackie Forte-Mackay.

4 **Q. Yeah, her name pops up on some of this stuff,**
5 **I think. She's on this one.**

6 **Are you familiar with FEC filings for the**
7 **DCCC?**

8 A. Yes, I am.

9 **Q. Do you review them before they get filed?**

10 A. I do not.

11 **Q. How are you familiar with them, then?**

12 A. I have an awareness -- a top-line awareness of
13 our filings before they are filed; and if there's any
14 questions or concerns, sometimes I am a part of those
15 conversations.

16 **Q. So just in the course of your job, you have**
17 **occasion to refer to them and work with them?**

18 A. Yes.

19 **Q. Did you review any FEC filings before the**
20 **deposition today?**

21 A. I reviewed some of our FEC filings that show
22 our work in Texas.

23 **Q. Which filings?**

24 A. I believe Aria shared these with you; but,
25 basically, the money that we sent to the Texas

1 Democratic Party.

2 Q. Well, let's skip ahead so I don't lose the
3 thread of this. I'm going to send out what I'm marking
4 as Exhibit 8 to the deposition. This is an Excel
5 spreadsheet.

6 (Exhibit 8 discussed.)

7 Q (BY MR. HILTON) And this was, you know, my
8 attempt to export the data from the FEC link that your
9 counsel provided. So let me know once you have the
10 spreadsheet open.

11 A. Okay. I have this open.

12 Q. I hesitate to ask: Do you recognize what you
13 are looking at here in Exhibit 8?

14 A. Yes, I do.

15 Q. Okay. And what is this?

16 A. This appears to be a document showing
17 transfers from the Democratic -- or from the DCCC to the
18 Texas Democratic Party, dating back to 2014.

19 Q. Is this the FEC filings that you were
20 referring to when you said you reviewed some FEC
21 information prior to the deposition?

22 A. Yes, this looks like it.

23 Q. There's another version on the web page that
24 looks a little better. I prefer to use this version if
25 you can manage to work with it because this is the

1 version that you get when you export the data from the
2 FEC; but if it just becomes unworkable, we have that as
3 an option. And I can try to do a little screen share.
4 But, again, this is the data from the link that your
5 counsel provided to me last night; and is that what it
6 appears to be to you as well?

7 A. Yes.

8 Q. Okay. I think you already said that, but I
9 just wanted to make that clear.

10 Since we're here, I might as well ask you
11 the questions I have on this document. What information
12 can I glean about what the purpose of these funds was
13 from Exhibit 8?

14 MS. BRANCH: Objection, vague.

15 You may answer the question.

16 A. You can learn how much money we transferred to
17 the Texas Democratic Party and on what dates.

18 Q. (BY MR. HILTON) Can I learn what the funds
19 were for?

20 A. No.

21 Q. I can't learn which activities they supported?

22 MS. BRANCH: Objection.

23 A. No.

24 Q (BY MR. HILTON) Is there another document
25 that I could refer to that would allow me to determine

1 **what these fund transfers were used for?**

2 A. No.

3 **Q. So no document exists that would allow me to**
4 **determine what any of these fund transfers were used for**
5 **in the possession of DCCC?**

6 A. I mean, our internal budgets and plans may
7 share information -- or have information related to
8 these transfers.

9 **Q. And were those documents produced?**

10 MS. BRANCH: Objection. This is
11 attorney-client privilege, and you're asking questions
12 that call for information protected by the First
13 Amendment privilege.

14 **Q. (BY MR. HILTON) I'm not intending to call for**
15 **privileged information. I just want to understand if**
16 **the documents that you were just referring to,**
17 **Ms. Newman, were included in the production which I've**
18 **marked as Exhibit 4 to this deposition, Bates Number**
19 **DCCC 1 through 805.**

20 MS. BRANCH: And I think those documents
21 were privileged. So whatever she's referring to, that
22 would be the reason why they were not produced.

23 MR. HILTON: Ms. Branch, I'm sorry. I'd
24 like to hear the answer from the witness.

25 **Q. (BY MR. HILTON) Ms. Newman, were those**

1 documents that you were just referring to included in
2 Bates Number DCCC 1 through 805?

3 A. I'm not sure.

4 Q. Well, you have those documents in front of
5 you. If you want to look through that and see if
6 they're in there, you can do that.

7 A. Oh, sorry. They are not in Exhibit 4.

8 Q. Okay. So those documents that would show me
9 what activities these funds were spent on, those have
10 not been produced?

11 A. That's my understanding.

12 Q. Okay. And, again, I want you to be sure. You
13 have all the documents that were produced in front of
14 you. So I would kind of like a definitive answer to
15 that.

16 MS. BRANCH: Objection, asked and
17 answered.

18 A. I don't believe that they are included in that
19 document. They are strategic information and documents
20 related to our work.

21 Q (BY MR. HILTON) Okay. So they were not
22 produced?

23 A. Right.

24 Q. All right. I think we are done with
25 Exhibit 8.

1 Can we turn back to Exhibit 6, which is
2 where I think this digression started? Do you still
3 have that in front of you, Ms. Newman?

4 A. Yes, I do.

5 Q. Had you seen Exhibit -- when was the last time
6 you've seen Exhibit 6, or have you seen Exhibit 6
7 before?

8 A. Yes. It's probably been several months since
9 I've seen this.

10 Q. Okay. So you didn't review it to prepare for
11 the deposition?

12 A. I did not.

13 Q. And it has a list of what I'll refer to as
14 affiliated committees/organizations. And each of those
15 appear to have an affiliated relationship code that
16 describes them as a joint fundraising representative.
17 Do I have that about right?

18 A. Yes.

19 Q. And so can you explain to me what an
20 affiliated relationship code is and what a joint
21 fundraising representative is?

22 A. Again, I don't file these reports. So I'm not
23 deeply familiar, but I believe an affiliated
24 relationship code is an FEC term to qualify the
25 relationship here. And a joint -- and these are all

1 committees that we have joint fundraising committees
2 with.

3 **Q. Is that what joint fundraising representative**
4 **means? It means you do joint fundraising activities?**

5 A. Yes.

6 **Q. Which of these listed groups relates to**
7 **activities in Texas?**

8 A. The Blue Texas Fund is related to Texas. It
9 is possible the New Wave Women's Fund -- I believe that
10 also has a Texas connection.

11 **Q. Any others?**

12 A. I believe that's it. There's also a chance
13 the Red to Blue Victory Fund may have a connection to
14 Texas, but I'm not aware of that at this time.

15 **Q. Okay. So sitting here today, you don't know**
16 **for sure whether Red to Blue Victory Fund has a Texas**
17 **connection?**

18 A. Correct.

19 **Q. But Blue Texas Fund, I assume, does. And New**
20 **Wave Women, you also think has a Texas connection. Do I**
21 **have that about right?**

22 A. Yes.

23 **Q. Okay. Let's start with Blue Texas Fund. What**
24 **is it?**

25 A. This is a joint fundraising agreement with

1 campaigns in Texas.

2 **Q. Any campaigns in particular?**

3 A. I believe the Fletcher campaign in Texas 7 and
4 the Allred campaign in Texas 32.

5 **Q. Any others?**

6 A. I would need to confirm.

7 **Q. Do you know if that information is reflected**
8 **in any of the documents that were produced to us?**

9 A. Yes, I believe it is.

10 **Q. All right. I think -- I think that we will**
11 **get there later. So I think we can leave that for now.**

12 **But what activities does the Blue Texas**
13 **Fund engage in specifically?**

14 A. Fundraising.

15 **Q. And how is that conducted?**

16 A. I'm sorry. Could you repeat the question?

17 **Q. You said Blue Texas Fund, the only activity**
18 **you said was fundraising; is that right?**

19 A. Yes.

20 **Q. Okay. No other purpose for Blue Texas Fund?**
21 **Nothing else that it does?**

22 A. Correct.

23 **Q. And so how does Blue Texas Fund go about its**
24 **fundraising activities?**

25 MS. BRANCH: And I'm just going to object

1 to the extent that this calls for a legal conclusion
2 based on how joint fundraising works.

3 But you may answer to the extent that you
4 know.

5 A. It's mostly a direct mail fundraising
6 campaign.

7 Q (BY MR. HILTON) So sending mail solicitations
8 to people for donations?

9 A. Yes.

10 Q. And you said "mostly." Are you aware of any
11 other fundraising activities that the Blue Texas Fund
12 engages in?

13 A. No. I believe it's direct mail.

14 Q. And what's DCCC's involvement in those
15 activities?

16 A. We help facilitate the direct mail, the copy,
17 getting it out.

18 Q. I don't think I understand what you mean by
19 facilitate and help getting it out. Can you describe
20 that a little more specifically?

21 A. Sure.

22 MS. BRANCH: I'm going to object to the
23 extent that is calls for information privileged by the
24 First Amendment.

25 You may answer at a high level.

1 THE WITNESS: Sure.

2 A. We -- we work with, you know, whoever else is
3 in the fund and work on the creative printing and direct
4 mailing of the mail solicitations.

5 Q. (BY MR. HILTON) And when you say "work on,"
6 do you mean -- does that just mean you're providing
7 funds; or do you also provide actual, you know,
8 manpower, labor?

9 A. Actual manpower.

10 Q. I'm sorry. Go ahead.

11 A. Oh, no.

12 Q. And you said you worked with whoever else is
13 in the fund. Is that the two campaigns you referred to
14 earlier?

15 A. Yes.

16 Q. And then whoever else you can't recall, but
17 it's in the documents?

18 A. Yes.

19 Q. And the direct mail Blue Texas Fund engages
20 in, is that purely a solicitation for donations; or is
21 there anything else that these, you know, mailers are
22 trying to accomplish?

23 A. It's just for fundraising.

24 Q. Okay. Does Blue Texas Fund engage in any
25 voter registration efforts?

1 A. No.

2 Q. And how about New Wave Women, what is -- you
3 know, what is that?

4 A. It's very similar to the Blue Texas Fund
5 except it is a joint fundraising agreement highlighting
6 our frontline women candidates.

7 Q. And who is that fundraising agreement with?
8 Is it also with campaigns in Texas?

9 A. Again, I would need to check on who that
10 agreement is with. I believe it's broader than Texas.

11 Q. Understood. You did say that earlier. You're
12 right.

13 Do you know who the participants from
14 Texas in the New Wave Women group are?

15 A. Again, I would need to check.

16 Q. Is that in the document that was produced?

17 A. If it is related to Texas, I think it would be
18 in the production.

19 Q. I'm going to pull up a document that I had
20 prepared to talk about with you, and I want to see if
21 this is going to show me the information that we're kind
22 of circling around here. So I'm going to send it out
23 again through the group chat. This is a portion of
24 Exhibit 4, which is the document production that was
25 given to us. This is a file labeled DCCC 661. That's

1 the beginning Bates number. It's a two-page document.

2 Let me know when you have that in front of you.

3 A. Okay. I have it open.

4 Q. What is this document?

5 A. This is a release of our House Majority
6 Battlefield and the first twelve candidates named to the
7 DCCC's Red to Blue program.

8 Q. Does this document show the participants in
9 the Blue Texas Fund or New Wave Women?

10 A. No, it does not.

11 Q. Okay. Well, maybe let's do this, because I
12 would like to know who in Texas is involved with those
13 funds. I'd like to understand the relationships that
14 DCCC has with affiliates who work in Texas. And so
15 maybe the next time that we take a break would be an
16 appropriate time for you to look through Exhibit 4 and
17 find those documents that you're referring to.

18 A. Okay.

19 MS. BRANCH: Yes, I think we did produce
20 information on the Blue Texas Fund. So we can pull up
21 those documents after the break for sure.

22 MR. HILTON: Yeah. Let's -- if that's
23 all right with y'all, let's just do that on the next
24 break. I'm going to make a note real quick to come back
25 to that.

1 Q. (BY MR. HILTON) And, Ms. Newman, if you
2 happen to, you know, as we're going through other
3 stuff -- if you happen to come across these documents as
4 we're going through stuff, you know, holler at me; and
5 we can take care of it right then so we don't have to
6 come back to it.

7 A. Will do.

8 Q. I think that's all I have for Exhibit 6.

9 I'm going to move now to Exhibit 7.

10 (Exhibit 7 discussed.)

11 Q (BY MR. HILTON) I've just sent it out via
12 Zoom chat. I gave this a file name that I thought it
13 was, but I actually really don't know what I'm looking
14 at here. So please let me know once you have this in
15 front of you. And once you do, if you know, if you
16 could, tell me what is that we're looking at here.

17 A. Sure. This appears to be the summary page for
18 an amended year-end report from the DCCC.

19 Q. And are you familiar with these year-end
20 reports?

21 A. Yes.

22 Q. Did you review any year-end reports in
23 preparation for your deposition?

24 A. I did not.

25 Q. What is your familiarity with these reports?

1 Is it similar to the first one we looked at where it
2 just comes up in the course of your work?

3 A. Yes, it is.

4 Q. And I don't mean to speak for you, but any
5 other differences compared to what we looked at before?
6 Anything else I should know about your familiarity with
7 this report?

8 A. No. I mean, we talked about it from a high
9 level; but I do not review the reports.

10 Q. Got it. And you said this is just a summary
11 page. Do you know what other information is included
12 with these forms, these reports?

13 A. Yes. So this is the summary, the overview of
14 mostly cash on hand, total money in, and total money
15 out. And then on the FEC website itself, you would be
16 able to click through these filings and see all of the
17 receipts and disbursements itemized. And at least with
18 the disbursements, that also shows, like, the vendor and
19 a purpose.

20 Q. So on page 1 of Exhibit 7, there are some
21 links there. It says, "Summary Page, Detailed Summary
22 Page." And then describes Schedule A, B, and D filings.
23 Are those the attachments to the schedules that you're
24 referring to?

25 A. Yes.

1 Q. And I did not include those in Exhibit 7.
2 That's not my normal practice; but when I tried to
3 download them all, it was something like almost 50,000
4 pages. So I don't intend to go through 50,000 pages
5 with you today; but, you know, what I'm -- I'm hoping
6 maybe you can tell me if I were to look at the itemized
7 disbursements in Schedule B, you mentioned that it
8 included the description of the purpose for the
9 disbursement. Did I hear you correctly?

10 A. Yes.

11 Q. And what -- can you give me an example of what
12 that might look like?

13 A. Yes. So for all the disbursements, it usually
14 shows who the expense is disbursed to, what the vendor
15 name is, the date of the disbursement; and then there is
16 an amount related to that expense, as well as a
17 description for the expense itself.

18 Q. Well, what kind of information will be
19 contained in the description field or maybe --

20 MS. BRANCH: I'm going to object on the
21 basis that this is all public, and the documents speak
22 for themselves.

23 You may answer to the extent that you can
24 describe this.

25 A. Sure. I mean, it depends on the expense; but

1 it's usually a general descriptor. So if it's office
2 space, it might say "rent." If it's, you know,
3 staples.com, it would say "office supplies."

4 Q. (BY MR. HILTON) But -- okay. That's helpful.
5 That's what I assumed that it was going to be, kind of a
6 high level of detail; and that's what it sounds like
7 you're describing. It sounds like if I look at those
8 Schedule B filings, it will not tell me, you know,
9 "Funds spent in Bexar County related to voter
10 registration efforts in Precinct 3"? It won't be that
11 level of detail; is that right?

12 MS. BRANCH: Objection, public
13 information. The document speaks for itself.

14 You may answer.

15 A. Yes, I would agree with that.

16 Q (BY MR. HILTON) Okay. I'd like to focus
17 on -- turn back to Exhibit 7. I'd like to focus on
18 page 2 in the disbursements section.

19 A. Yes.

20 Q. What I was hoping you could do for me is
21 explain to me what each of these types of disbursements
22 are. It sounds like, you know, dealing with these
23 filings and putting them together is not your primary
24 job duty. So, you know, to the extent that you can, if
25 you have an understanding of any of these categories,

1 **I'd like to know what your understanding is.**

2 MS. BRANCH: And I'm just going to object
3 to the extent that this calls for a legal conclusion
4 since some of these are legal terms.

5 Jacqui, you may answer.

6 MR. HILTON: And, again, I think it's
7 going to go smoother if you could just limit the
8 speaking objections. I'd appreciate it.

9 A. Yeah, I'm happy to share my non-expert opinion
10 on these. So each line item the FEC calls for relates
11 to a slightly different kind of expenditure. Line 21 is
12 our operating expenditures; 22 are transfers to
13 affiliated or other party committees. So, actually,
14 what you see in Column A, the 45,360 number, that is
15 money that we transferred to Texas at the end of the
16 year, to the Texas Democratic Party. And any money we
17 transfer to party committees would show up on that line
18 item. Twenty-three is contributions to federal
19 candidates or other party -- or other political --

20 **Q. (BY MR. HILTON) I'm sorry. I had a question**
21 **for you on 22 there.**

22 A. Sure.

23 **Q. I'm looking at Column A. It's 45,360. You**
24 **said that represented funds transferred to the Texas**
25 **Democratic Party?**

1 A. Yes.

2 Q. And how do you know that?

3 A. Well, it's -- usually, we don't transfer a lot
4 of money in the off year. And so I'm aware that we had
5 transferred money to Texas in December, and I also came
6 across that again in preparation for that -- for this
7 deposition.

8 Q. Okay. And so there are two columns here. One
9 of them says, "Column A, This Period." And that's where
10 the 45,360 appears. There's also Column B that says,
11 "Calendar Year." And that number's quite a bit higher,
12 885,821.16. Do you see that?

13 A. Yes.

14 Q. What's the difference between those two
15 numbers?

16 A. Column B refers to amounts that were filed in
17 previous reports. So it's the total amount that we
18 transferred that calendar -- in 2019. And we had
19 transferred the 45,360, I believe, in December, which
20 was the report filing in question for this time.

21 Q. Oh, okay. So this is -- what I've given you,
22 I think, is the second amended year-end report. I
23 guess -- tell me if I have this correctly -- Column B
24 would be the total of transfers to affiliated or other
25 party committees that appear on all of the year-end

1 reports then?

2 A. Yes. It's the total we transferred to other
3 party committees in the year 2019.

4 Q. Okay. Okay. And you just happen to know that
5 this 45,360 was the Texas Democratic Party because of
6 the timing, and you just happen to know?

7 MS. BRANCH: Objection. This is all
8 public.

9 A. Yes. And in Exhibit 8 that you shared
10 earlier, you can see that transfer as well.

11 Q. (BY MR. HILTON) Okay. Great. That's
12 helpful.

13 But I wouldn't be able to tell that from
14 the face of Exhibit 7?

15 A. No.

16 MS. BRANCH: Objection. Vague.

17 Q (BY MR. HILTON) Let's go down to -- all
18 right. Well, let's -- sorry to interrupt you again
19 there; but that was helpful to help me understand the
20 difference between Column A and Column B here.

21 Can you -- I guess we were on Line 23
22 then; and maybe you could pick back up with, you know,
23 explaining to me what these -- your categories of
24 disbursement are.

25 A. So Line 23 is contributions to federal

1 candidates or other political committees.

2 Twenty-four would show any disbursements
3 we made that are considered to be independent
4 expenditures.

5 **Q. And what does that mean?**

6 A. An independent expenditure is an expenditure
7 that's made kind of without any coordination. So those
8 are expenses that would not be working directly with a
9 campaign or another party.

10 **Q. Could it be an expenditure related to a**
11 **campaign?**

12 A. Yes.

13 MS. BRANCH: Objection to the extent
14 these questions call for legal conclusions.

15 But, Jacqui, you may answer based on your
16 knowledge.

17 **Q (BY MR. HILTON) So if you -- this is a**
18 **hypothetical example; I don't know whether it's**
19 **happened -- but if DCCC wanted to run ads in support of,**
20 **you know, Wendy Davis in her campaign and didn't**
21 **coordinate with that campaign prior to running the ads,**
22 **just kind of did it on its own, would that be an**
23 **independent expenditure?**

24 MS. BRANCH: Objection to the extent that
25 this calls for a legal conclusion.

1 But you may answer.

2 A. In a very simple view, yes. It's a little bit
3 more complicated than that because it requires us to
4 meet certain standards to prove that we haven't
5 coordinated with the campaign. We're not using any
6 campaign information.

7 Q (BY MR. HILTON) Yeah, understood. When
8 lawyers are involved, it's never going to be that
9 simple. So I get that. But that's helpful to help me
10 kind of understand what we're looking at.

11 All right. So that was 24, independent
12 expenditures. How about 25?

13 A. This is coordinated expenditures made by a
14 party committee, so that's almost the opposite of an
15 independent expenditure.

16 Q. Sure.

17 A. Twenty-six is loan repayments made.
18 Twenty-seven is --

19 Q. Is that 16 million on loan repayments made?

20 A. Yes.

21 Q. And what was that payment?

22 MS. BRANCH: Objection to the extent that
23 this calls for information privileged by the First
24 Amendment.

25 But if you can answer that without

1 revealing strategic information, you may do so.

2 A. As you can see in the publicly available
3 findings -- or filings, the DCCC took a line of credit
4 for \$16 million.

5 **Q. From who?**

6 A. Bank of America.

7 **Q. And what were those funds used for?**

8 MS. BRANCH: Objection, same one.

9 You can answer at a high level.

10 A. Our expenditures.

11 **Q (BY MR. HILTON) Which expenditures?**

12 A. Just generally.

13 **Q. Can you give me an example?**

14 A. Well, this loan was taken in the 2018 cycle,
15 so it was for expenditures that occurred in 2018.

16 **Q. So, like what?**

17 MS. BRANCH: Objection to the extent that
18 this calls for strategic information. I don't know the
19 relevance. Is there a specific relation to this case on
20 this question?

21 MR. HILTON: I would like to know an
22 example of what this money was spent on in the 2018
23 campaign.

24 MS. BRANCH: Okay. I think the fact that
25 they took out a loan is public, but I instruct the

1 witness not to answer specific information about what
2 the loan was used for.

3 MR. HILTON: On what basis?

4 MS. BRANCH: The First Amendment.

5 MR. HILTON: I'm not asking for any
6 strategic information.

7 MS. BRANCH: I think you can answer at a
8 high level, Jacqui.

9 I think she's already done that, but...

10 **Q (BY MR. HILTON) I just want to know an**
11 **example of an expenditure that came from the \$16 million**
12 **during the 2018 campaign.**

13 A. Yeah, we -- I definitely can't point to, like,
14 "This expense was paid for by this loan." It's kind of
15 all of our activities and expenditures grouped together.

16 **Q. I don't understand.**

17 MS. BRANCH: Is there a question?

18 **Q. (BY MR. HILTON) Can you please elaborate on**
19 **your answer because I don't understand?**

20 A. I would just say the loan generally applied to
21 our activities in the 2018 cycle.

22 **Q. So --**

23 A. There's not a specific expense.

24 **Q. So it was a 16-million-dollar line of credit,**
25 **you said?**

1 A. Yes.

2 Q. And my understanding of how lines of credit
3 work -- maybe this one is different -- is that you have
4 to make the decision to draw down on that line of
5 credit, correct?

6 A. Yes.

7 Q. It's not like Bank of America just handed you
8 a check for \$16 million; and it got thrown into a common
9 account, correct?

10 A. Correct.

11 Q. Okay. So can you give me an example of when
12 the DCCC -- let's do it this way: How about an example
13 from an expenditure that was made in Texas from this
14 line of credit?

15 MS. BRANCH: Again, same objection on the
16 First Amendment.

17 But, Jacqui, you can talk about the 2018
18 spending in Texas at a high level.

19 A. Sure. Well, we, the DCCC, invested over
20 \$6.7 million in Texas in the 2018 cycle. Again, I can't
21 point to any expense that this loan went directly to
22 fund other than to say it allowed us to complete all of
23 our activities in 2018.

24 Q. (BY MR. HILTON) Who would know how this line
25 of credit was used?

1 MS. BRANCH: Objection, First Amendment.

2 Do not answer is my instruction.

3 Q. (BY MR. HILTON) Are you going to abide by
4 that instruction?

5 A. Yes, I am.

6 Q. You mentioned DCCC has a CFO?

7 A. Yes.

8 Q. What's that person's name?

9 MS. BRANCH: Objection, First Amendment.

10 This is -- some of this is public information, but I'm
11 just not sure what the purpose of this line of
12 questioning is.

13 MR. HILTON: Ms. Branch, please limit
14 your speaking objections.

15 Q. (BY MR. HILTON) I would like to know the name
16 of the CFO of the DCCC.

17 A. Jackie Forte-Mackay.

18 Q. Would she know how this expenditure was used,
19 how this line of credit was used?

20 MS. BRANCH: Objection, First Amendment.

21 Vague. I'm going to instruct the witness not to answer.
22 Again, the strategic decisionmaking of the DCCC and use
23 of that loan is protected by the First Amendment; and
24 the witness is not going to answer further questions on
25 that.

1 So we can keep objecting and you can take
2 offense to my speaking objections, but I'm going to put
3 that on the record and I want that to be clear. I also
4 want to make clear on the record that your tone earlier
5 with respect to my objection and then cutting me off has
6 been hostile. So I want that to be reflected.

7 But, again, I'm going to continue to make
8 that objection; and we can kind of do that all day. I
9 don't think it's directly relevant to the DCCC's
10 standing, but we can proceed.

11 MR. HILTON: Well, I disagree with your
12 characterization of my tone; and I disagree that this
13 information is privileged.

14 **Q. (BY MR. HILTON) Ms. Newman, are you going to**
15 **follow your counsel's instructions not to answer?**

16 A. I am.

17 **Q. Okay.**

18 MR. HILTON: And, Ms. Branch, again, I'm
19 not offended by your speaking objections; but they're
20 not permissible under the rules. And so I'd just ask
21 you to limit them.

22 MS. BRANCH: I'm trying to limit them as
23 much as possible, and I understand. I don't want to
24 testify. Jacqui's here to testify.

25 MR. HILTON: Thank you.

1 Q (BY MR. HILTON) How much money did you say
2 was spent in Texas in the 2018 election cycle?

3 A. Over 6.7 million.

4 Q. Is that reflected on Exhibit 7?

5 A. No. No, because Exhibit 7 is showing our 2019
6 year-end report.

7 Q. If we were to look at the same form for 2018,
8 the year-end, you know, report, would that show the
9 expenditures in Texas?

10 MS. BRANCH: Objection. Public.

11 But you can answer to the extent that you
12 know. It's all published information.

13 A. It would show all of the money that we
14 transferred to State Party committees and other
15 expenditures made at a general level.

16 Q. (BY MR. HILTON) Would I have to look at the
17 Schedule B to that 2018 year-end report to find the
18 disbursements related to Texas?

19 A. Yes, and you would have to look at all of the
20 reports, probably.

21 Q. Okay. Did you look at any of those reports in
22 preparation for your deposition?

23 A. I did not.

24 Q. And I'm so sorry. This is like the fourth
25 time I've asked you: What was that number, again, that

1 **was spent in the 2018 election cycle in Texas?**

2 MS. BRANCH: Objection, asked and
3 answered.

4 You may answer.

5 A. It was over 6.7 million.

6 **Q. (BY MR. HILTON) And what was that money used**
7 **for?**

8 A. It was used for persuasion and mobilization of
9 voters in support of our campaigns in Texas.

10 **Q. Voter persuasion and mobilization of**
11 **campaigns?**

12 MS. BRANCH: Objection, mischaracterizes
13 the testimony.

14 You may answer.

15 **Q. (BY MR. HILTON) Voter persuasion and**
16 **mobilization of voters?**

17 A. Yes.

18 **Q. Is that what you said?**

19 A. Yes.

20 **Q. Is that what you said? I just didn't hear it.**

21 A. Yes.

22 **Q. Anything else that it was used for?**

23 A. I think that encompasses a lot of activities,
24 but...

25 **Q. Are there any other types of activities that**

1 **that doesn't encompass?**

2 MS. BRANCH: Objection, vague.

3 You may answer.

4 A. You know, again, I think everything is --
5 everything we do is to an end of mobilizing and
6 persuading voters.

7 Q (BY MR. HILTON) I'm going to ask you to pull
8 up Exhibit 1, which was sent out earlier. It's the
9 Deposition Notice, and I'd like to turn to page 5 of the
10 Notice.

11 A. Okay.

12 Q. And I'm looking at Topic 4, section --
13 subsection (b). And starting with the year 2014, what
14 were the total funds spent on voter persuasion efforts
15 in Texas during the year 2014?

16 A. So I looked into our spending in the past
17 cycles and I can share with you what we've spent in
18 Texas, but this doesn't necessarily align with how we
19 track or know our spending.

20 Q. How do you track your spending?

21 A. It's more general than this because, again,
22 we're kind of thinking of everything in terms of
23 everything is a voter persuasion effort or GOTV effort.

24 Q. So the entirety of the 6.8 million, or
25 whatever the number was that you spent in Texas in 2018,

1 for example, that was all spent on voter persuasion and
2 Get Out the Vote?

3 A. Yes.

4 Q. What about voter registration efforts, can you
5 break that out?

6 A. For past cycles I cannot.

7 Q. That relates to 2014 through 2019, I suppose?

8 A. Through 2018. I can speak to our voter
9 registration efforts this cycle.

10 Q. Well, let's leave this cycle aside for a
11 second; and let's stick on the past ones then. So what
12 were the total funds spent on all activities in Texas in
13 the year 2014?

14 A. It was just over \$3.1 million.

15 Q. And that was all spent on voter persuasion and
16 Get-Out-the-Vote efforts?

17 A. Yes.

18 Q. And you can't tell me what portion was spent
19 on voter registration efforts?

20 A. Correct.

21 MS. BRANCH: Objection. She's asked and
22 answered. To the extent that these questions call for
23 strategic information, I'm going to object on the basis
24 of the First Amendment.

25 But you may answer at a high level.

1 **Q. (BY MR. HILTON) Are there any activities**
2 **other than voter persuasion, Get Out the Vote, or voter**
3 **registration activities on which DCCC spent money in**
4 **2014?**

5 A. In Texas?

6 **Q. In Texas.**

7 A. Not to my knowledge.

8 **Q. How about the year 2015, what was the total**
9 **amount of funds spent on all activities in Texas?**

10 MS. BRANCH: Same objection.

11 But you may answer at a high level.

12 First Amendment.

13 MR. HILTON: I'm sorry. What's the
14 objection?

15 MS. BRANCH: First Amendment.

16 You may answer at a high level.

17 I think the witness --

18 **Q. (BY MR. HILTON) The question is the total**
19 **funds spent on all activities in Texas in the year 2015.**

20 A. So we -- and I apologize if I didn't mention
21 this earlier. We look at all of our spending on a
22 cyclical basis. So the years 2015 and 2016 would be
23 grouped together. So I don't know exactly how much we
24 spent in 2015. I would actually guess it's little to
25 nothing, just because it's the off year; and most of our

1 spending is in the on year. But I can tell you in 2016
2 the DCCC spent just over \$6 million in Texas.

3 **Q. And you did mention the two-year cyclical**
4 **nature earlier, and now it's starting to make a little**
5 **more sense. What kind of activities and expenditures do**
6 **occur in the off year?**

7 MS. BRANCH: Objection to the extent it
8 calls for First Amendment privileged information.

9 You may answer at a high level.

10 A. It's generally limited; but if coordinated
11 campaigns are beginning to get set up, there might be
12 Coordinated Campaign expenses we're transferring to the
13 Party. Voter registration may begin in an off year.
14 That is usually it. The bulk of our spending takes
15 place in the on year, usually, as we get closer in to
16 the election.

17 **Q. (BY MR. HILTON) Are you withholding**
18 **information in your answer based on your instruction**
19 **from counsel?**

20 MS. BRANCH: Objection.

21 You may answer.

22 MR. HILTON: What's the basis?

23 MS. BRANCH: Attorney-client privilege.

24 I mean, she answered on the record. You asked her
25 earlier.

1 Q. (BY MR. HILTON) Let me explain my question a
2 little more. Your counsel instructed you -- objected on
3 the basis of a First Amendment privilege and stated that
4 you could answer to the extent it doesn't reveal
5 privileged information and that you could answer at a
6 high level.

7 MR. HILTON: Is that a fair
8 characterization of your objection, Ms. Branch?

9 MS. BRANCH: It is.

10 Q. (BY MR. HILTON) Okay. You heard that
11 objection, Ms. Newman?

12 A. I did.

13 Q. And did your answer change on the basis of
14 that objection?

15 A. It did not.

16 Q. So you would have given me the same answer
17 regardless of whether your counsel objected?

18 A. Yes.

19 Q. Okay. That's all I'm asking. I just want to
20 know if there actually is something being withheld when
21 your counsel makes these objections, or not. So that's
22 all I was trying to ask. Thank you for clarifying that.

23 All right. So let's go back to the
24 questions from the topics, and we're dealing with this
25 is in the two-year cycles; that's how y'all account for

1 it. And so in the 2016 election cycle, you spent just
2 over 6 million on all activities in Texas. Do I
3 remember that correctly?

4 A. Yes, that's correct.

5 Q. What was the total amount spent on voter
6 persuasion efforts in that election cycle?

7 A. Similar to what I said before. It is all kind
8 of part of the same bucket of voter persuasion/GOTV
9 efforts.

10 Q. And how much was spent on voter registration
11 efforts?

12 A. I can't speak to that.

13 Q. Is that because you don't know?

14 A. Yes.

15 Q. And that's because DCCC doesn't track that
16 information?

17 A. Yes, it has not been tracked like this in the
18 past.

19 Q. Are there any other, you know, broad
20 categories or buckets of activities other than voter
21 persuasion, Get Out the Vote, and voter registration
22 efforts on which DCCC spent money in the 2016 election
23 cycle?

24 A. Spent money in general or spent money in
25 Texas?

1 Q. I'm sorry. In Texas.

2 A. No, it's just this.

3 Q. Okay. How about the 2018 election cycle? So
4 I understand that to mean from the -- you know, the
5 presidential election in 2016 to the presidential
6 election in or -- I'm sorry -- for the federal election,
7 the congressional election in 2016, to the congressional
8 election in 2018. That's how I'm thinking of the
9 two-year cycle. Is that how y'all measure it as well?

10 A. Yeah, more or less. I mean, we kind of
11 started at January 1st.

12 Q. Okay. So it would be -- it's really the
13 calendar years 2017 and 2018?

14 A. Yeah.

15 Q. Okay. So for that period, 2017 to 2018, or
16 the 2018 election cycle, what was the total amount spent
17 on all activities in Texas?

18 A. It was over \$6.7 million.

19 Q. And how much of that was spent on voter
20 persuasion efforts?

21 A. Again, it's -- that 6.7 covers all of our
22 voter persuasion and GOTV efforts in the 2018 cycle.

23 Q. And how much of that just over 6.7 million, I
24 think you said, was spent on voter registration efforts?

25 A. I don't know.

1 Q. And that's because DCCC doesn't have that
2 information?

3 A. Yeah. And I'm not being deliberately vague
4 here. It's most likely -- you know, we kind of see it
5 all as one bucket of money that is going towards this
6 cause; and we are, as mentioned before, transferring
7 money to the Texas Democratic Party for the Coordinated
8 Campaign where a lot of those voter registration efforts
9 are taking place.

10 Q. And I'm not making a judgment as to whether
11 you should or should not have this information or how
12 you track it. I understand, you know, how y'all view
13 it. It seems like it's all one bucket of activity that
14 goes towards electing Democrats for the House, right?

15 MS. BRANCH: Objection, mischaracterizes
16 the testimony. I think you should let the witness
17 testify, so.

18 Q. (BY MR. HILTON) Is that a fair
19 characterization of your testimony?

20 A. Yes, I think generally that's it.

21 Q. Okay. So I think we've finished 2018.

22 How about the current election cycle,
23 what's the total amount that's been spent so far in the
24 current election cycle?

25 A. So, so far this cycle, we've spent -- and you

1 can see this in -- I think, it's Exhibit 8, our
2 transfers to the Texas Democratic Party. We've
3 transferred over \$145,000 to the Texas Democratic Party.
4 The DCCC has spent directly in Texas over \$1.1 million,
5 and I believe over \$550,000 of that is directly related
6 to voter registration in Texas.

7 **Q. \$550,000 of what has been spent so far is**
8 **related to voter registration?**

9 A. Yes.

10 **Q. And how do you know that?**

11 A. Because we have been working with the Texas
12 Democratic Party on voter registration, and we have --
13 directly, the DCCC has engaged in voter registration on
14 the ground. And I believe there -- I believe we have
15 produced documents showing that commitment, but...

16 **Q. So I guess my question is: In previous**
17 **election cycles, DCCC can't separate out exactly what**
18 **was spent on voter registration; but for the current**
19 **election cycle, you can. And I'm trying to understand**
20 **why that's the case.**

21 A. Sure. Well, I mean, one, I think there is a
22 large voter registration effort in Texas right now in
23 particular; and so it's easy for us to identify that.
24 You know, as I mentioned earlier, we have a lot of
25 turnover each cycle; and so a lot of the people behind

1 spending decisions from past cycles aren't here to speak
2 to how we spent money in the past. And, you know, I've
3 directly been involved with some of these transactions
4 and expenses, so I can speak to them.

5 **Q. And how are you able to get such a precise**
6 **number for this year's expenditures on voter**
7 **registration efforts?**

8 **A. On the voter registration efforts?**

9 **Q. Yes.**

10 **A. Well, the 145K that we have transferred to the**
11 **Texas Democratic Party to date, that has all been to the**
12 **Coordinated Campaign to support voter registration and**
13 **then what we -- what I know we have spent on voter**
14 **registration.**

15 **Q. Do you make any other transfers to any**
16 **other -- does DCCC make any other transfers to any other**
17 **groups for voter registration activities?**

18 **A. To other state parties?**

19 **Q. Any other groups in Texas. I'm sorry. And**
20 **I'm doing a poor job of clarifying that, so I appreciate**
21 **you noting that. I'm trying to ask about activities in**
22 **Texas.**

23 **A. To my knowledge, we have transferred the money**
24 **to the Texas Democratic Party's Coordinated Campaign for**
25 **voter registration and, again, we have engaged a vendor**

1 ourselves to do voter registration efforts on the ground
2 in Texas.

3 Q. I think that was mentioned in your colleague's
4 Declaration, the vendor, if I remember that correctly.
5 That's Exhibit 3.

6 A. Yes.

7 Q. And it looks like that's Paragraph 7 of the
8 Declaration in Exhibit 3?

9 A. Yes.

10 Q. Agreement for nearly \$400,000 for a consultant
11 to provide voter registration services in Texas
12 Congressional District 23. That's what you're referring
13 to?

14 A. Yes.

15 Q. And so what services is that consultant going
16 to provide?

17 MS. BRANCH: Objection to the extent that
18 this calls for strategic party information.

19 You may answer at a high level.

20 A. They help us go through our process of
21 training staff on the ground to try to learn how to
22 register people to vote in Texas.

23 Q. (BY MR. HILTON) And what does that training
24 look like?

25 A. I am not very familiar on the details, but I

1 know that all -- anyone who is registering voters in
2 Texas needs to be trained and deputized in order to do
3 so.

4 **Q. And who are the staff that you are training,**
5 **like staff of whom?**

6 A. So it depends, I think. You know, we hired a
7 consultant who ran some of these efforts that's laid out
8 in Exhibit 3. In that case the consultant has employees
9 who are helping this effort in Texas.

10 We have -- with the money that we have
11 sent to the Texas Democratic Party, I believe at least
12 two people have been hired with the express purpose of
13 assisting voter registration efforts.

14 And then we also have staff on the ground
15 who work directly for the DCCC whose roles involve a lot
16 of community engagement and help with voter
17 registration.

18 **Q. Do you know what -- so community engagement**
19 **and voter registration, are those two different things?**

20 A. I think so. I think maybe community
21 engagement is an overarching bucket that could involve
22 voter registration.

23 **Q. What are the other types of buckets of**
24 **activities that your direct staff in Texas are engaging**
25 **in this cycle?**

1 A. They're organizing events. They are meeting
2 with our constituents in the districts. They are
3 following events of our challengers, as well, and
4 reporting back to the team on what's happening on the
5 ground in Texas.

6 **Q. Anything else?**

7 A. I think that's the bulk of it.

8 **Q. Do you know what percentage of their time is**
9 **devoted to voter registration efforts?**

10 **A. I don't.**

11 **Q. Does anyone at DCCC?**

12 A. I think our field team would. I also think it
13 probably shifts throughout the cycle. You know, early
14 on, when there is time to register voters, that is a
15 bigger focus. I also think that we would be doing a lot
16 of voter registration right now if we were not in the
17 current situation we are in, speaking from our homes.

18 **Q. Yeah. Yeah, I can only imagine how much that**
19 **has kind of thrown a wrench in everything. And so,**
20 **yeah.**

21 Well, let me ask you this: Turning back
22 to Exhibit 3, Paragraph 6, the last sentence of that,
23 the second sentence of that paragraph, it says, "DCCC
24 uses voter registration not only to expand the pool of
25 individuals who are eligible to vote for Democratic

1 candidates but also to have important conversations with
2 people about the importance of voting and important
3 causes to the Democratic Party." Did I read that
4 correctly?

5 A. Yes.

6 Q. Can you explain what is meant by this?

7 A. Sure. I think in the process of registering
8 people to vote, people who are not currently registered
9 or participating in the voting process, it allows you to
10 start a dialogue about why it's important for people to
11 register and to show up and make a plan about voting on
12 Election Day, which is what getting out the vote is all
13 about.

14 Q. And how about important causes to the
15 Democratic Party? How does that piece of it play into
16 these voter registration efforts?

17 A. I think that usually the important causes tie
18 back to what somebody's motivation might be to vote.

19 Q. How do all of these purposes get accomplished
20 when you're engaging in efforts to register voters?

21 A. I'm sorry. Could you clarify the question?

22 Q. Well, it seems to me there's a few different
23 purposes to DCCC's voter registration efforts, as
24 explained in Paragraph 6 of Exhibit 3. And as you're
25 explaining to me now, it's to expand the pool of

1 individuals, to have important conversations with people
2 about the importance of voting, and conversations about
3 important causes to the Democratic Party. I'm trying to
4 understand how all of those purposes are accomplished.
5 So how do the voter registration activities address all
6 of those purposes? What do you do to achieve those
7 purposes in the context of your voter registration
8 efforts?

9 A. I think that this is all part of one
10 conversation that naturally flows together where, you
11 know, it might look something like, "Hey, are you
12 registered to vote? Would you like to register to vote?
13 And do you know there's an election coming in November?
14 If you register to vote now, you can participate in that
15 or if there's a primary coming up, you can participate
16 in that" and why it might be important to a voter to
17 participate in that election and register at this time.
18 I really think of it as all one conversation, not
19 necessarily three different or a few different goals.

20 Q. Okay. So this is -- all of these things are
21 part of every conversation with someone who you're
22 trying to engage with; is that what you're saying?

23 A. Yes.

24 Q. Okay. That is helpful. Thank you for
25 clarifying that.

1 **Is there -- sorry. I have a few**
2 **follow-up questions on this, so I was trying to organize**
3 **my thoughts. How does DCCC track the success of these**
4 **kinds of voter registration efforts?**

5 MS. BRANCH: Object to the extent this
6 calls for strategic information.

7 But you may answer at a high level.

8 A. We certainly want to know how many voters
9 we've registered.

10 **Q (BY MR. HILTON) So number of voters who get**
11 **registered, how is that tracked?**

12 A. I am not familiar with the specifics, but
13 usually the people who are tasked with registering
14 voters report back the top-line numbers.

15 **Q. The top-line number being the total number of**
16 **people who are registered?**

17 A. Yes.

18 **Q. Is that tracked for the whole cycle or by**
19 **activity or by location? What are some of the ways in**
20 **which that's broken down?**

21 A. Yeah --

22 MS. BRANCH: Again, I'm going to assert
23 the same objection on First Amendment grounds.

24 You can answer at a high level.

25 A. I think it depends based on who's in charge of

1 the program, but it could be any of those things. It
2 could be just number of people or by the specific
3 activity, like, "This is how many people got registered
4 today at this event" or in a place.

5 Q (BY MR. HILTON) Are there any other ways in
6 which it's tracked?

7 A. Not that I can think of.

8 Q. Can DCCC apportion a cost to register each new
9 voter?

10 A. I guess it's possible.

11 Q. Is that something that DCCC has already done?

12 A. No.

13 Q. That's not data that DCCC has?

14 A. Correct.

15 Q. And when you said it was possible, what did
16 you mean by that?

17 A. I mean, I think you could come up with some
18 metric of how much money we are spending as it relates
19 to how many people we are able to register to vote.

20 Q. But DCCC does not have any such metric
21 currently?

22 MS. BRANCH: Objection, asked and
23 answered.

24 A. No, not to my knowledge.

25 Q (BY MR. HILTON) Has DCCC had a metric like

1 that at any time from the beginning of 2014 to the
2 present?

3 A. Not to my knowledge.

4 Q. How does the DCCC decide which voters to
5 target?

6 MS. BRANCH: Objection, First Amendment
7 privilege.

8 You can answer at a high level to the
9 extent you can. We can't disclose targeting and
10 strategic information.

11 A. There are ways that we're able to identify
12 voters who are likely to support Democratic candidates
13 or vote for Democrats.

14 Q. (BY MR. HILTON) So that's the target group,
15 is folks you expect to vote Democratic?

16 A. Yes.

17 Q. How does DCCC decide which types of voter
18 registration efforts to pursue?

19 MS. BRANCH: Again, same objection.

20 You can answer at a high level.

21 And that's to First Amendment, to
22 clarify.

23 A. I think it's probably a variety of factors
24 based on where our targeted races are as far as priority
25 districts for the DCCC and where we are able to make an

1 effort and a successful activity out of registering
2 voters.

3 **Q. (BY MR. HILTON) Does DCCC adjust its**
4 **activities based on a success rate?**

5 A. Yeah. I want to be clear that I don't know if
6 there's necessarily, like, a success rate or a
7 definition; but, you know, we certainly aren't going to
8 engage in efforts where -- in voter registration efforts
9 where it's not possible because of, like, geographic or
10 logistics.

11 **Q. Who makes those kinds of decisions?**

12 MS. BRANCH: Objection, First Amendment
13 privilege. I'm going to instruct the witness not to
14 answer that.

15 MR. HILTON: And so to be clear, my
16 question is: Who at the DCCC decides whether to adjust
17 voter registration activities and how they do that. And
18 you're instructing the witness not to answer?

19 MS. BRANCH: I mean, I think that you
20 have that information. If you want to pursue a high-
21 level line of questioning, I'm okay with that; but my --
22 what I think we're doing is going into the strategy of
23 how the D-Trip targets voters for voter registration.
24 And that is protected by the First Amendment.

25 So, Jacqui, if you want to answer that

1 question, that's fine.

2 And maybe we can have the court reporter
3 read that back; but beyond that, I'm going to object.

4 MR. HILTON: I'll restate my question.

5 **Q. (BY MR. HILTON) Who at DCCC adjusts which**
6 **voter registration efforts that the group is going to**
7 **engage in?**

8 A. I think that a lot of that responsibility
9 falls on the National Field Director.

10 **Q. And how are those decisions made?**

11 MS. BRANCH: Objection. I'm going to
12 instruct the witness not to answer.

13 Is now maybe a good time to break for
14 lunch? I don't mean to interrupt.

15 MR. HILTON: Well, I think now is a good
16 time to take a break. I need, like, ten minutes; but if
17 y'all want to take longer, that's fine, whatever y'all
18 want to do.

19 MS. BRANCH: Can we do -- well, can I ask
20 you how long you may have after lunch, if you have a
21 rough estimate?

22 MR. HILTON: I don't know. I need the
23 ten minutes to figure out what I'm going to do next.

24 MS. BRANCH: Okay. Well, I think we
25 need -- Jacqui, is 30, 45 minutes good for a you?

1 THE WITNESS: Yeah, 30 minutes should be
2 fine for me.

3 MS. BRANCH: Okay. That will be 1:50.

4 MR. HILTON: All right. We can go off
5 the record.

6 THE REPORTER: Going off the record at
7 12:29 p.m.

8 (Off the record from 12:30 to 1:05 p.m.)

9 THE REPORTER: We're back on the record
10 at 1:05 p.m.

11 Q (BY MR. HILTON) All right. Ms. Newman,
12 before we broke we were talking about voter registration
13 activities and expenditures. And we, I think, had
14 covered most of what I wanted to cover; but I just have
15 a few -- couple of things to make sure I'm tying up all
16 that that I want to discuss with you today.

17 So for the 2018 cycle, which is the cycle
18 where DCCC has some more insight into specific
19 expenditures on voter registration, I just want to make
20 sure that I have everything that you've told me so far
21 correct. You've given money to -- DCCC has given money
22 to the Texas Democratic Party that's earmarked for voter
23 registration. DCCC has hired a vendor to help with
24 voter registration efforts, which we discussed earlier
25 in connection with the Declaration, which I think is

1 **Exhibit 3. Is there -- has anything else been spent**
2 **that's been earmarked for voter registration efforts for**
3 **the 2018 election?**

4 A. Sorry. To be clear, I think -- I think the
5 money we are talking about right now is for the current
6 cycle, the 2020 cycle.

7 **Q. Sorry. Yes, I misspoke. For the current**
8 **cycle, the 2020 cycle. So the TDP money that is**
9 **earmarked and then the vendor for the 2020 cycle. Is**
10 **there anything else at this time?**

11 A. Specifically on voter registration at this
12 time, I don't believe there is more money I can
13 identify. I mean, I think I mentioned earlier we've
14 spent up to -- or a little bit over 1.1 million in Texas
15 alone; and that includes our offices and our staff on
16 the ground. And, of course, you know, our staff is
17 engaging in this, you know, community engagement; and
18 they are out talking to voters and possibly registering
19 voters as part of their daily activities. And that is,
20 you know, like, wrapped up in their salary. It's not
21 necessarily identified in the other money I identified
22 for voter registration.

23 And I -- you know, I would say that we
24 are still several months out from the election; and we
25 will continue to make spending decisions as things

1 develop and get closer and that some of the difficulties
2 we face just around, you know, confusion that Texas
3 voters might have around changing their address or
4 renewing their information online and not being able to
5 simultaneously register to vote will inevitably lead us
6 to have to spend more money on voter registration and
7 more time making sure we are educating voters, that they
8 know that they might not have been registered to vote or
9 had their address updated if they changed any
10 information online through the DPS website.

11 Q. (Inaudible.)

12 THE REPORTER: I'm sorry. Something's
13 happened to your audio.

14 MR. HILTON: (Inaudible.) Better?

15 THE REPORTER: Not really.

16 THE VIDEOGRAPHER: Something has gone
17 wrong with your audio.

18 MR. HILTON: (Inaudible.)

19 THE VIDEOGRAPHER: It's a bandwidth
20 issue. Yeah, it sounds like you're having bandwidth
21 issues. The audio seems to be cutting out, Chris.

22 MR. HILTON: Yeah, I don't know. Nothing
23 has changed on my end (echoing audio.)

24 THE VIDEOGRAPHER: We had the same
25 problem the other day with Mr. Geise. Are you using a

1 headset?

2 MR. HILTON: I am not (echoing audio.)

3 THE VIDEOGRAPHER: So you're just using
4 your laptop audio?

5 MR. HILTON: Yes, sir. Should I drop off
6 and reconnect (echoing audio)?

7 THE VIDEOGRAPHER: Let's try that, yeah,
8 just kind of an if you restarted your computer type of
9 situation. Just log out and then log back in and see if
10 that doesn't correct the issue.

11 THE REPORTER: I'm going to take us off
12 the record at 1:10 p.m.

13 (Off the record from 1:10 to 1:12 p.m.)

14 THE REPORTER: We are back on the record
15 at 1:12 p.m.

16 Q (BY MR. HILTON) Ms. Newman, how much more
17 time and money will you have to spend?

18 A. I think it's hard to say at this point as,
19 again, we're several months out from the election. I
20 also think, you know, the current COVID-19 crisis we're
21 in may have an outside impact on this because fewer
22 people will be able to go into DPS in person and change
23 their information and update their voter registration.

24 So I think it's too far out to put a
25 number on it; but given that we've already invested, you

1 know, over a half a million dollars to date, you know, I
2 do not think that it is a small -- small investment.

3 **Q. How much more do you plan to spend on voter**
4 **registration efforts in Texas?**

5 MS. BRANCH: Objection to the extent that
6 this calls for strategic information.

7 If you know, you can answer.

8 A. I -- you know, again, I don't know if that has
9 been decided yet. I think it will depend as things
10 shape up with the current environment; and as we get
11 closer to the election, those expenditures are usually
12 decided.

13 **Q. (BY MR. HILTON) How much money did DCCC spend**
14 **on voter registration efforts in Texas for this election**
15 **cycle prior to January 21st, 2020?**

16 A. At least 40, \$45,000. \$45,630.

17 **Q. That was the transfer to TDP that we looked at**
18 **earlier on one of the exhibits?**

19 A. Yes. And, you know, I would ad that we've had
20 our staff on the ground in Texas in 2019. So they were
21 beginning to engage in these activities.

22 **Q. And I appreciate you mentioning that when I**
23 **was trying to get my arms around all the voter**
24 **registration activities for the staff. And we talked**
25 **about earlier you couldn't really break down what**

1 percentage of their duties were related to voter
2 registration. Am I remembering that correctly?

3 A. Yes, that's correct.

4 Q. Okay. Are there any other activities for
5 this -- or expenditures of funds for the 2020 election
6 cycle that we haven't touched on yet?

7 MS. BRANCH: Objection, vague. Is that
8 related to voter registration or just expenditures
9 generally?

10 MR. HILTON: I'm sorry. I thought I said
11 voter registration.

12 A. No, I think we've basically covered it.

13 Q. (BY MR. HILTON) How much of that money has
14 gone to try to register voters who change their address
15 or renew their driver's license online with DPS?

16 A. I don't know if there's a specific dollar
17 amount associated with that. I think that's just part
18 of our ongoing voter education effort to make sure when
19 we're talking to voters, "Are you registered to vote?"
20 Making sure they are aware that if they've moved
21 recently, depending on how they conducted that
22 transaction online, that if it was online versus in
23 person, that their information is treated differently
24 than going in person to change that and that they might
25 not, in fact, be registered to vote at their current

1 address.

2 **Q. Does DCCC keep track of the number of people**
3 **who it talks to who change their address or renew their**
4 **driver's license online with DPS?**

5 MS. BRANCH: **Objection to the extent that**
6 **this calls for strategic information.**

7 **But you may answer.**

8 **A. Not that I'm aware of.**

9 **Q (BY MR. HILTON) Do you have any -- does DCCC**
10 **have any training materials that reflect those kinds of**
11 **conversations that you were just referring to?**

12 MS. BRANCH: **Objection, vague, First**
13 **Amendment privilege.**

14 **A. Not that I'm aware of. I think, you know, the**
15 **information required is part of the reason why we engage**
16 **a consultant on the ground to run some of this. You**
17 **know, it's difficult to register voters in Texas; and it**
18 **requires a high level of expertise. I think a lot of**
19 **these activities also go through the Texas Democratic**
20 **Party for these reasons.**

21 **Q. (BY MR. HILTON) Okay. So leaving aside what**
22 **the Texas Democratic Party might have, DCCC doesn't have**
23 **any training materials reflecting how to have these**
24 **conversations beyond what a vendor might have?**

25 MS. BRANCH: **Objection. I think that's**

1 been asked and answered. I also think that it calls for
2 internal materials in the content of what's reflected in
3 those. So I'm going to instruct the witness not to
4 answer that question.

5 **Q. (BY MR. HILTON) So my question is: Does DCCC**
6 **have any materials that reflect training with respect to**
7 **how to have these kinds of conversations for voter**
8 **registration efforts?**

9 A. I don't believe we have any public materials.

10 **Q. Do you have any non-public materials?**

11 MS. BRANCH: Again, I maintain the
12 objection and instruct the witness not to answer.

13 MR. HILTON: Okay. So you won't allow
14 the witness to answer as to the existence of such
15 materials?

16 MS. BRANCH: She's already answered the
17 question.

18 **Q. (BY MR. HILTON) Do such materials exist,**
19 **Ms. Newman?**

20 A. I'm not going to answer.

21 **Q. And is that at counsel's instruction?**

22 A. Yes.

23 **Q. Okay. And no such materials were produced to**
24 **us?**

25 A. Correct.

1 **Q. Why is registering voters in Texas important?**

2 A. Voter registration is important in Texas
3 because we have several priority targeted races. We
4 have two -- we call them frontline districts, as well as
5 a handful of red-to-blue districts, that signify
6 priority within the DCCC. And registering voters makes
7 sure that we are broadening the people who are turning
8 out to vote for these candidates and members of
9 Congress.

10 MR. HILTON: All right. Maybe now is a
11 good time to switch over and talk about -- we had a
12 discussion earlier about the Blue Texas Fund and
13 documents showing DCCC's, you know, relationship
14 involved with something related to the Blue Texas Fund.
15 And, Ms. Branch, I believe you had a Bates number that
16 we could refer to?

17 MS. BRANCH: Yes. Let me just pull that
18 up.

19 **Q. (BY MR. HILTON) And -- I'm sorry -- one more**
20 **question I had on the -- going back to the vendor that**
21 **y'all hired in Texas.**

22 A. Yes.

23 **Q. Did you produce any documents related to what**
24 **that vendor is going to do for the DCCC?**

25 MS. BRANCH: Objection, those documents

1 are privileged. This calls for attorney-client
2 privileged conversations regarding our discussions on
3 what we produced in response to the subpoena.

4 Q. (BY MR. HILTON) Okay. I'm not intending to
5 ask for any conversations between you and your counsel,
6 Ms. Newman. I just want to know if any such documents
7 have been produced. You have the entire production
8 there in front of you, and you testified earlier that
9 you're familiar with it. So that's why I asked you.

10 A. And can you repeat the original question?

11 Q. Are there any documents that will show what
12 this vendor that you've engaged in Texas is going to do
13 for the DCCC in the production?

14 A. I don't believe so, other than maybe a press
15 release sharing that we're engaging in voter
16 registration.

17 Q. Okay. And can DCCC identify any voters who
18 have been registered to vote after -- by the DCCC, after
19 they changed their address or renewed their driver's
20 license online with DPS?

21 A. No, not that I'm aware of.

22 Q. Okay.

23 MR. HILTON: All right. And going back
24 to this Blue Texas Fund issue.

25 MS. BRANCH: So it's Bates Number 665 is

1 one of the Blue Texas Fund mail pieces, and it shows a
2 paid-for-by disclaimer.

3 MR. HILTON: 665, you said?

4 MS. BRANCH: Correct.

5 MR. HILTON: Okay. Great. Bear with me
6 one second while I pull it up.

7 Q. (BY MR. HILTON) Oh, and, I guess, Ms. Newman,
8 the same question: Could your vendor identify any such
9 voters?

10 MS. BRANCH: Objection, First Amendment
11 privilege. I'm going to instruct the witness not to
12 answer.

13 Q. (BY MR. HILTON) Are you going to follow your
14 counsel's instruction, Ms. Newman?

15 A. Yes.

16 MR. HILTON: Where am I going to find
17 this document?

18 Gosh, that was on the record, wasn't it?
19 I'm so used to talking to myself while I putz around my
20 computer that it's really gotten me in trouble on this
21 Zoom depo stuff. Sorry you have to watch my face while
22 I confusedly look through my files here.

23 All right. And it was -- I'm sorry --
24 665?

25 MS. BRANCH: 665 is the page -- one of

1 the pages that contains the disclaimer.

2 Q (BY MR. HILTON) All right. Ms. Newman, can
3 you pull up page 665?

4 A. Yes.

5 Q. Let me know once you're there.

6 A. I'm there.

7 Q. All right. What is this -- what is this
8 document?

9 A. This is a mailing from the Blue Texas Fund;
10 and I guess to confirm what we discussed earlier, this
11 is a joint fundraising committee that is with Colin
12 Allred for Congress, Elizabeth Pannill Fletcher, for
13 Congress, and the DCCC.

14 Q. Okay. So those are all the folks who are part
15 of this joint fundraising committee?

16 A. Yes.

17 Q. Okay. I appreciate that. And I see here
18 there are a couple of other kind of targeted races, I
19 guess, listed in this mailing; but those campaigns are
20 not part of the Blue Texas Fund?

21 A. Correct.

22 Q. So the Blue Texas Fund is raising money on
23 their behalf, or what's the relationship to these other
24 campaigns?

25 A. The Blue Texas Fund currently raises money for

1 just the committees that are listed in the disclaimer.

2 Q. Okay.

3 A. And, you know, again, these are two of our
4 members of Congress who won in the 2018 election in
5 Texas; and they are part of our highest priority races
6 across the country and in Texas.

7 Q. Okay. I'd like to turn to another page from,
8 I think, what we marked as Exhibit 4. It's the
9 production from DCCC. It's a two-page document starting
10 at Bates DCCC 661. Please let me know when you have
11 that pulled up.

12 MS. BRANCH: You say Exhibit 4?

13 MR. HILTON: Yeah, the entire DCCC
14 production is designated as Exhibit 4 for the purposes
15 of the deposition. So I'm just referring to particular
16 pages out of that.

17 A. I have this pulled up.

18 Q (BY MR. HILTON) All right. 661, we had
19 looked at that earlier; it wasn't what I thought it was.
20 So maybe you can kind of explain to me what I'm looking
21 at here. It's a map of the United States, obviously.
22 And it has a bunch of races listed, and there's a key
23 for certain symbols. So maybe you can kind of break
24 this down for me.

25 A. Sure. This is our House battlefield that

1 highlights our frontline candidates. These are our, you
2 know, kind of our targeted members who are running for
3 re-election. And you'll see, again, that includes
4 Lizzie Fletcher and Colin Allred in Texas.

5 Q. And so what are each of the categories listed
6 here? Like, it says, Frontline Candidates, Red to Blue,
7 Offensive Battlefield Districts, Expanded Battlefield
8 Districts, and a bunch of different campaigns or states
9 listed under each category.

10 Could you go through each of these
11 categories and explain to me what they are and how they
12 differ from each other? I understand you're saying
13 they're all targeted in some way, but maybe you could
14 explain why they're broken out separately on this
15 document.

16 A. Sure. So our frontlines are incumbent members
17 of Congress. Red to Blue are the first tier of targeted
18 challenger races. So these are people who are hoping to
19 unseat a Republican member of Congress. And this
20 document actually might be slightly out of date because
21 we have Texas 21 and Texas 23 listed here as red-to-blue
22 districts, but we've also recently added Texas 22 to
23 this list.

24 Q. I see -- I'm sorry to interrupt. I see a date
25 at the bottom that's March 5th, 2020. Would this list

1 **be accurate as of that date?**

2 A. Yes. Yes, it is.

3 **Q. Okay. You can continue from there. I**
4 **appreciate that.**

5 A. Well, I think coming out of the recent Texas
6 primary, we were able to add an additional district to
7 this. And then we have our Offensive Battlefield
8 Districts; and, you know, this is almost like -- if Red
9 to Blue was our top priority, then this is the next
10 priority.

11 **Q. It looks like you're trying to unseat a**
12 **Republican incumbent or claim an open seat that was**
13 **previously held by a Republican?**

14 A. Yes, exactly. And then our Expanded
15 Battlefield Districts. It is also a version of that,
16 kind of showing the priority.

17 And then there's just some helpful other
18 information here that may or may not be relevant to
19 Texas, remaining districts that were won by Hillary
20 Clinton but still held by Republicans. Democrats
21 running in districts that Trump won. Districts that
22 have Republican retirements this year or this cycle.
23 And then where we have battle stations, which are
24 offices -- that's what we like to call them -- and field
25 managers on the ground.

1 Q. Okay. Politics is a full-contact sport. So
2 you've got to get into the mindset. I get it.

3 It sounds like these categories are
4 listed in rough order of priority, seem to be. That was
5 my impression from how you were describing them. Is
6 that fair?

7 A. Yeah. I think, you know, kind of through the
8 expanded battlefield districts; and then those remaining
9 sections are more just information points.

10 Q. Got it.

11 And I think I have one more document that
12 I wanted to review with you, and that's DCCC 455. And
13 this is part of Exhibit 4, which is DCCC's document
14 production. And just let me know when you have that up.

15 A. 455?

16 Q. Yes.

17 A. Okay. I have that up.

18 Q. All right. And 455 is the first page of a
19 two-page document. Can you tell me what this document
20 is, please?

21 A. Sure. This is, I guess, a two-page memo, not
22 necessarily a one-pager, that overviews our member
23 programs, our member dues program, in particular. And
24 this is shared with members within our caucus and speaks
25 to how we recognize members who participate through

1 paying dues to the DCCC.

2 **Q. Who are the members of the DCCC?**

3 MS. BRANCH: Objection to the extent that
4 this calls for a legal conclusion.

5 But you may answer the question.

6 A. Yeah. I realize now that there's a very legal
7 definition for the term "member" that I can't
8 necessarily speak to; but in the DCCC's mind, our
9 members are members of -- Democratic members of Congress
10 that are in our caucus.

11 I think that "member" in kind of a
12 broader term, we also think about Democratic voters as a
13 whole who participate in any of our activities, whether
14 it's donating to us or volunteering or supporting and
15 voting Democratic. You know, those people who we see as
16 our constituents because we represent them also kind of
17 sometimes get thrown around as, like, a member; but,
18 really, it's our members of Congress.

19 **Q. (BY MR. HILTON) Okay. And I'm not asking for**
20 **a legal definition. I understand you're not an**
21 **attorney. I'm trying to understand how DCCC uses that**
22 **term, I guess. And I understand that it's the members**
23 **of Congress and then, in a broader sense, the**
24 **constituents who are members of the Party. Which of --**
25 **which people would participate in the member dues**

1 **program?**

2 **A. The majority of our members participate in**
3 **this.**

4 **Q. And by that, you mean the Democratic --**

5 **A. Members of Congress.**

6 **Q. And then it has, I guess -- this document**
7 **describes -- like, is this tiers of membership or**
8 **different types of membership? Can you explain to me**
9 **what the DCCC Gavel Society, the Leadership Circle, and**
10 **Point Guards are?**

11 MS. BRANCH: Objection to the extent that
12 it calls for privileged information.

13 But you can describe at a high level, and
14 you can certainly speak to what the document states.

15 MR. HILTON: And that's my question.

16 **A. Yeah. What's laid out here is -- it is**
17 **basically levels of recognition for participating in**
18 **this program, yeah.**

19 **Q. (BY MR. HILTON) And how is it -- how do**
20 **you -- how does a member qualify for the Gavel Society**
21 **or the Leadership Circle or as a Point Guard?**

22 **A. That's a discussion with our member dues team.**

23 **Q. Is it based on, like, the amount of**
24 **fundraising that they contribute?**

25 MS. BRANCH: Objection, First Amendment

1 privilege.

2 Jacqui, if this is something that's
3 publicly available or not internal to the D-Trip, you
4 can answer it.

5 But, otherwise, I'm going to instruct the
6 witness not to answer.

7 A. It has been publicly reported that members
8 generally can earn -- and this is kind of laid out in
9 the Point Guard section -- earn points for participating
10 in activities with the DCCC or through paying dues and
11 raising money for the committee.

12 **Q. (BY MR. HILTON) Are you withholding**
13 **information on the basis of your counsel's objection?**

14 A. No. That is basically it.

15 **Q. Okay. I appreciate that.**

16 **Is there any other way to get a DCCC**
17 **coffee mug, or do you have to get 150 points in the**
18 **Point Guard program?**

19 A. Sometimes asking nicely does end in a coffee
20 mug.

21 **Q. I'll keep that in mind. Do you have a coffee**
22 **mug?**

23 A. I do.

24 **Q. Do you have it handy? I'm kind of curious as**
25 **to what it looks like.**

1 A. I don't have it handy. I keep it at work
2 because it's, like, 24 ounces.

3 Q. Oh, I gotcha. Lots of late nights, I suppose,
4 at the DCCC, where you need a lot of coffee.

5 All right. Bear with me just one second.
6 Let me look at my notes here. I think this is about all
7 I have.

8 I appreciate your patience with the
9 technological issues, with going through these
10 documents, with kind of the mechanical nature of my
11 questions, and, you know, again, your patience with your
12 counsel and I while we discussed our disagreements.

13 I hope I've otherwise been professional
14 to you as we've gone through this.

15 And that reminds me, I should have asked:
16 On the two breaks that we took today -- I think it was
17 two, maybe three -- did you discuss the substance of
18 your testimony with anyone during those breaks?

19 MS. BRANCH: Objection to the extent that
20 this calls for attorney-client privileged information.

21 You can answer as to whether or not you
22 spoke with anyone, but you can't discuss the content of
23 the conversations.

24 A. I did check in with my counsel on the breaks.

25 Q (BY MR. HILTON) And did you discuss the

1 **substance of your testimony?**

2 MS. BRANCH: Objection, and I'm going to
3 instruct the witness not to answer.

4 MR. HILTON: Okay. I'll just note for
5 the record that I believe I'm entitled to that
6 information since the witness has been under oath all
7 this time.

8 Q. (BY MR. HILTON) All right. So I think the
9 last thing we need to do is turn back to Exhibit 1,
10 which is the Deposition Notice.

11 A. Okay.

12 Q. And I'd like to go to the last page of
13 Exhibit 1. That's the document request.

14 A. Okay.

15 Q. And I'd like to just kind of go through each
16 of these and make sure I understand -- or just have you
17 confirm again that we've gotten a full production.

18 So Document Request Number 1, did the
19 DCCC produce documents responsive to this request?

20 MS. BRANCH: Objection to the extent that
21 this calls for attorney-client and attorney work
22 product.

23 But, Jacqui, if you are able to answer,
24 you may.

25 A. Yes, I believe we've turned over everything

1 that we could here.

2 Q. (BY MR. HILTON) Okay. And when you say "we
3 could," I assume you're referring to your counsel's
4 privilege -- her objection related to privilege?

5 MS. BRANCH: Objection, attorney work
6 product, attorney-client privilege. I think the record
7 speaks for itself on that.

8 You're inquiring about whether we
9 instructed -- or, you know, how we put together the
10 production and our discussions about asserting the First
11 Amendment privilege, which I think is a conversation
12 itself that is privileged.

13 MR. HILTON: I'm sorry. Let me clarify
14 my question.

15 Q. (BY MR. HILTON) Ms. Newman, you said that you
16 thought you'd turned over all the documents that you
17 could; and I'm trying to understand what you meant by
18 "you could." And I'm assuming that it's related to the
19 privilege objection; and if so, I think that's the end
20 of my questioning. But if there's something else that
21 you're referring to, that's what I was trying to find
22 out.

23 MS. BRANCH: You may answer that
24 question, Jacqui.

25 A. Yeah. Yes.

1 Q. (BY MR. HILTON) So when you said you turned
2 over all the documents you could, that was in reference
3 to the privilege issues?

4 A. Yes.

5 Q. Okay. That's all I was trying to ask. And,
6 again, I am not trying to ask for attorney-client
7 privileged information.

8 Were documents withheld that would
9 otherwise be responsive to this request?

10 MS. BRANCH: Again, I'm going to object
11 on the basis of attorney work product and attorney-
12 client privilege; and I'm going to instruct the witness
13 not to answer that.

14 Q. (BY MR. HILTON) Do any other documents exist
15 in the possession of DCCC that would substantiate the
16 factual allegations of Paragraphs 13 and 29 to 35 of
17 your Complaint?

18 MS. BRANCH: You can answer that,
19 Ms. Newman.

20 A. Hold on. I just want to look at the
21 Complaint.

22 Q. (BY MR. HILTON) Yeah, of course. Please take
23 your time. Of course.

24 A. Can you remind me which --

25 Q. Exhibit 2.

1 A. Thank you. You said Paragraphs 13 to...

2 Q. 13 and 29 through 35. That's what's in the
3 document request. And so I'm just trying to understand
4 from you whether there are any documents that exist that
5 would substantiate the factual allegations in these
6 paragraphs that have not been produced to us. I'm just
7 asking about the existence of such documents.

8 A. I believe we've turned over all the documents
9 we could produce here.

10 Q. Okay. Great.

11 Number 2. Number 2 on Exhibit 1, on the
12 last page, the second document request, did DCCC produce
13 documents responsive to this request?

14 A. Yes.

15 Q. Okay. Are any -- do any documents exist that
16 would be responsive to this request that were not
17 produced?

18 A. I'm sorry. What number are we looking at now?

19 Q. This is Document Request Number 2, which is on
20 the last page of Exhibit 1, which is the Deposition
21 Notice.

22 I'm sorry. I haven't found a better way
23 to do this in my career; and it's hard and kind of
24 mechanical, but I just need to wrap -- you know, put a
25 bow on the document.

1 A. To my knowledge, we did not withhold anything
2 related to this. I believe we've turned over everything
3 we could. It might shock you to learn that the majority
4 of our conversations are just sending press clips back
5 and forth to one another.

6 **Q. That was a little surprising, actually,**
7 **because that was the bulk of the production. I'm not**
8 **trying to ask for anything privileged or strategic, but**
9 **I'm just kind of curious as to why that is. I mean,**
10 **it's just such a foreign kind of work flow to me. I'm**
11 **curious as to why that constitutes most of your**
12 **communications.**

13 A. I think that is -- you know, press clips are
14 really the best way to guide what our strategy is and
15 what's happening on the ground in all of these
16 districts. You know, keep in mind, we're kind of
17 looking at a 30,000-foot view of, you know, 30 to 50
18 districts across the country; and so we're constantly up
19 to date on what's happening there, what issues are
20 arising in the districts, and how they might relate to
21 the Congressional campaigns in those districts.

22 **Q. Okay. I appreciate that. It's always**
23 **interesting. That's one of the things I like about my**
24 **job is I get insight into how other people do their**
25 **jobs. I appreciate that.**

1 **So if I understand you correctly, you**
2 **have produced documents responsive to Request Number 2**
3 **and that no other documents exist that would otherwise**
4 **be responsive?**

5 MS. BRANCH: I'm going to object just on
6 the -- you know, the use of the term "responsive" and
7 the legal conclusions and legal background associated
8 with that term.

9 But, Jacqui, to the extent that you can
10 answer based on your knowledge, you may.

11 A. Yes, I believe so.

12 **Q (BY MR. HILTON) Number 3. Has DCCC produced**
13 **all the documents responsive to Number 3?**

14 A. I believe we've produced documents that speak
15 to these topics as long as they don't conflict with our
16 strategy and attorney-client privilege.

17 **Q. So that was my next question, privilege**
18 **assertions...**

19 MS. BRANCH: Same objection, attorney
20 work product, attorney-client privilege. The decision
21 on --

22 THE WITNESS: Did we just lose him?

23 MS. BRANCH: Oh, I think we did.

24 THE VIDEOGRAPHER: It appears that he did
25 drop out of the meeting.

1 THE REPORTER: We're going off the record
2 at 1:48 p.m.

3 (Off the record from 1:48 to 1:48 p.m.)

4 THE REPORTER: We're back on the record
5 at 1:48 p.m.

6 MR. HILTON: All right. I'm sorry about
7 that. Literally my last handful of questions, and my
8 Internet connection's going out on me here.

9 Q (BY MR. HILTON) So I think my question was,
10 for Number 3, whether documents have been withheld on
11 the basis of privilege assertion.

12 MS. BRANCH: And I have an objection on
13 that because the decision to withhold is attorney work
14 product, and it was made by us. So I'm going to
15 instruct the witness not to answer that.

16 MR. HILTON: Okay. So I just want to
17 know whether any documents at all have been withheld,
18 and you're instructing Ms. Newman not to answer that
19 question?

20 MS. BRANCH: Yes. I think she's also
21 testified to this multiple times throughout the
22 deposition.

23 MR. HILTON: Be that as it may, with
24 respect to Number 3, you're instructing her not to
25 answer whether any documents are being withheld?

1 MS. BRANCH: Correct.

2 MR. HILTON: Okay.

3 Q. (BY MR. HILTON) With respect to Request
4 Number 3, other than what's been included in the
5 production, do any other documents exist that would show
6 the information described or requested in the listed
7 deposition topic numbers?

8 MS. BRANCH: Objection, attorney work
9 product, attorney-client privilege.

10 You may answer the question if you know
11 the answer.

12 A. Yes.

13 Q. (BY MR. HILTON) And some documents exist that
14 would otherwise be response to Number 3 that have not
15 been produced to us?

16 MS. BRANCH: Objection. Same objection.
17 I'm going to instruct the witness not to answer. I
18 think this is the same question, just kind of in a
19 different phrase.

20 MR. HILTON: I'm sorry. I thought it
21 was -- I'm trying to -- I mean, with respect,
22 Ms. Branch, I think that I have the right to know
23 whether documents have been withheld.

24 I'm not, even at this point, asking for a
25 privilege log, which I also think I'm entitled to. I

1 just want to know if other documents exist because if
2 they don't, then I don't think we have anything to
3 quarrel about.

4 So you're instructing the witness not to
5 answer the question of whether documents exist that have
6 not been produced?

7 MS. BRANCH: So I think that that's a
8 conversation that you and I can have; but I think that
9 whether not documents exist on these topics, like, that
10 reflects -- the answer that she's going to give is going
11 to reflect our conversations. And so that is my basis
12 for the objection.

13 MR. HILTON: I'm sorry. I just don't
14 understand.

15 **Q. (BY MR. HILTON) I just want to know if**
16 **documents exist that would be responsive to Number 3.**

17 MR. HILTON: And I'm asking Ms. Newman.
18 And if you're going to let her answer, I'd like to know
19 the answer; and if not, then we move on.

20 MS. BRANCH: I am going to instruct the
21 witness not to answer.

22 **Q. (BY MR. HILTON) Are you going to follow that**
23 **instruction, Ms. Newman?**

24 A. Yes.

25 **Q. With respect to Document Request Number 4, did**

1 **DCCC produce documents responsive to this request?**

2 A. I believe we did.

3 **Q. Okay. You can refer to Exhibit 4 and double-**
4 **check if you are uncertain.**

5 A. I don't know, then.

6 **Q. So you don't know whether documents responsive**
7 **to Request Number 4 have been produced?**

8 A. I mean, this -- a lot of this is public
9 information that I think you've shown or gone over in
10 other parts of this discussion.

11 **Q. Okay.**

12 MR. HILTON: I'm going to object to that
13 answer as nonresponsive.

14 **Q. (BY MR. HILTON) I just want to know if it's**
15 **included in DCCC's production.**

16 MR. HILTON: I'm sorry. It looks like
17 I'm having a technical issue again. Was there an
18 answer?

19 THE REPORTER: There wasn't an answer
20 that I heard.

21 A. I mean, we've produced what we have.

22 **Q. (BY MR. HILTON) That's responsive to**
23 **Number 4?**

24 A. Yes.

25 **Q. Okay. So no other documents exist that would**

1 **be responsive to Number 4 other than what we've**
2 **discussed today and that's included in the production?**

3 MS. BRANCH: Same objection. And I just
4 want to note, Chris -- and this might be a discussion
5 for offline -- but the subpoena clearly states that it
6 seeks only the minimum number of documents sufficient to
7 show the information. So the fact that things are being
8 withheld is in compliance with the subpoena. Whether or
9 not they're being held on the basis of the First
10 Amendment privilege, though, is an attorney work product
11 and a privileged conversation. So that's my objection
12 to the line of questioning.

13 MR. HILTON: I appreciate that. I am
14 trying to ask both things. Okay? I'm trying to
15 understand whether documents have been withheld on the
16 basis of privilege and I'm trying to understand whether
17 other documents exist that would otherwise be responsive
18 but have not been produced because they were not
19 necessary to be produced because of how we drafted our
20 subpoena.

21 MS. BRANCH: I think all of that is
22 attorney work product and strategic decisionmaking on
23 the part of Ms. Newman's attorneys, and I'm going to
24 instruct the witness not to answer.

25 MR. HILTON: Okay. And, Ms. Branch, in

1 case I'm being unclear, I'm not asking for the substance
2 of any communication. I'm not asking for the substance
3 of any documents. I'm not even asking for how many
4 documents at this point. I'm just asking whether such
5 documents exist, and you're claiming that's privileged
6 information?

7 MS. BRANCH: I think she can answer the
8 question as to whether additional documents exist, but
9 the basis upon which they were withheld is attorney work
10 product. That reflects our strategic decisionmaking.
11 So I don't -- I mean, I don't think that was the
12 question on the table. If the question is, "Are there
13 additional documents that exist within the DCCC on this
14 topic," she can answer that. But we can't -- she can't
15 answer why they were or were not produced.

16 MR. HILTON: Debbie, can you read back my
17 last question?

18 THE REPORTER: Okay.

19 (The requested material was read as
20 follows:

21 "QUESTION: So no other documents exist
22 that would be responsive to Number 4 other than what
23 we've discussed today and in the production?")

24 THE REPORTER: Is that the question you
25 were looking for?

1 MR. HILTON: That's exactly it.

2 MS. BRANCH: And that's with respect to
3 Number 4?

4 MR. HILTON: I think that's what Debbie
5 just read back, yes.

6 MS. BRANCH: You can answer that, Jacqui.

7 A. Yes, I think other documents exist; but we've
8 produced what we've needed to to answer this request.

9 Q. (BY MR. HILTON) Let me ask you about that,
10 actually. Currently on the DCCC's website there are a
11 number of job openings posted; is that right?

12 A. Yes.

13 Q. And it's dccc.org/jobs, and it has a bunch of
14 jobs listed. And if you click those jobs, it brings you
15 to a job description. Are you familiar with what I'm
16 talking about?

17 A. Yes.

18 Q. And did you produce job descriptions for
19 current employees?

20 A. I don't believe so.

21 Q. Okay. Do job descriptions for current
22 positions in DCCC exist?

23 A. Mostly.

24 I'm sorry. If you were talking, I just
25 heard nothing.

1 Q. I'm sorry. Did you produce all documents that
2 you reviewed in preparation for your deposition?

3 A. I'm sorry. Can you ask that again?

4 Q. Did DCCC produce all documents that you
5 reviewed in preparation for this deposition?

6 A. I believe so.

7 Q. Would you like to check the production?

8 A. I mean, I think there are some documents in
9 here that come from...

10 Yes, I believe we did.

11 MR. HILTON: And, Ms. Branch, you're not
12 going to allow the witness to answer whether documents
13 were withheld on the basis of privilege with respect to
14 any of these requests?

15 MS. BRANCH: No. I think that that is a
16 conversation that reflects our privileged discussions;
17 and, frankly, I don't know that she knows. She's not a
18 lawyer.

19 MR. HILTON: Well, if that's her answer,
20 then I don't really know why we're fighting about it.

21 MS. BRANCH: Can we have a discussion
22 about this separately? I think that Jacqui, Ms. Newman,
23 has answered a lot of the questions related to the
24 production to the best extent of her knowledge; but I
25 don't want to get into a situation where she's talking

1 about strategic decisions that attorneys made. And she
2 honestly probably can't testify to those, anyway; but
3 they would reflect our conversations, which I think we
4 both agree are privileged.

5 MR. HILTON: Okay. I'm not asking about
6 privileged conversations. I'm not asking about any
7 strategic determinations. You've put forth Ms. Newman
8 as a 30(b)(6) representative for the DCCC to speak on
9 behalf of the documents produced in response to the
10 subpoena. And so, you know, I'm just not asking for
11 privileged information. And she has a duty to be
12 prepared as to these topics.

13 Ms. Newman, this is not a reflection on
14 you at all.

15 But I'm going to object to this witness
16 being insufficiently and inadequately prepared for this
17 deposition today as to a number of topics. I'm also
18 going to object to insufficient document production.
19 You're not even letting me explore the ways in which it
20 was insufficient, so I don't even know the depth of the
21 insufficiency.

22 I'm going to object to your failure to
23 provide a privilege log, your failure to disclose
24 whether documents have even been withheld on the basis
25 of a privilege.

1 And I'm going to object to your improper
2 instructions not to answer and your improper objections
3 throughout this deposition.

4 On the basis of that, we're going to hold
5 this deposition open. We reserve the right to seek
6 whatever relief is appropriate.

7 And I truly hope we can work something
8 out offline with each other because I don't think this
9 should be that difficult. I'm truthfully not trying to
10 get privileged information. I have no interest in
11 attorney-client privileged information. And to the full
12 extent that you have a privilege, an associational
13 privilege, you know, you have a privilege; but you're
14 not even giving me the basic information to begin to
15 evaluate it. And so I just -- I think this entire
16 deposition could have been a lot smoother.

17 And I'm sorry, Ms. Newman, that it was so
18 difficult in spots.

19 But there's a lot of information here
20 that I believe I'm entitled to that you're not allowing
21 the witness to testify to. So on that basis --

22 MS. BRANCH: I did want --

23 (Simultaneous speakers.)

24 MR. HILTON: You can respond; but I'd
25 like to finish, please.

1 On that basis, we're going to hold the
2 deposition open.

3 Ms. Newman, I don't have anything else
4 for you.

5 And I pass the witness.

6 MS. BRANCH: I do want to just respond on
7 the record to counsel's objections. We have covered
8 each of the 30(b)(6) deposition topics that were Noticed
9 here; and Ms. Newman, I believe, has testified to each
10 one of them. She was prepared for the deposition.

11 In response to the document request, the
12 subpoena specifically states that it seeks only the
13 documents necessary to substantiate the allegations or
14 to provide the minimum number of documents sufficient to
15 show information responsive to each of the requests; and
16 the DCCC's production has satisfied that.

17 We've also tried to point you to public
18 information related to each of these topics. Because
19 the DCCC is a national party committee, for instance,
20 they are required to publicly report all of their
21 funding sources, which is -- that was requested in Topic
22 Number 3; and there's a request related to that. If the
23 DCCC were to produce every single document related to
24 all its funding sources, we would have given you, like,
25 mountains and mountains of paper.

1 So I think that our document production
2 responded to the topics in accordance with the subpoena
3 instructions which asked for the minimum number of
4 documents. I am happy to discuss whether there are more
5 documents that, you know, we could try to negotiate
6 over; but I'm not going to -- I do not agree with the
7 objection that the witness was inadequately prepared or
8 that the subpoena -- the production in response to the
9 subpoena was inadequate. I'm happy to meet and confer
10 about that.

11 I've tried to be as open as possible
12 about it; but, you know, you're recognizing the
13 associational privilege that the DCCC has; and we have
14 asserted that. We've also produced the minimum number
15 of documents on each of the topics that are not
16 privileged.

17 And the witness doesn't know which
18 documents are privileged and which are not. So I don't
19 think that's an appropriate line of questioning. My
20 objections were not to block the witness -- or block you
21 from getting information from the witness, but rather,
22 to protect the privilege.

23 MR. HILTON: I disagree with all your
24 characterizations. I think we understand each other's
25 positions. Hopefully, we can work it out; and if not,

1 we'll see what the Court has to say about it. But my
2 objection stands.

3 And, again, Ms. Newman, this is not a
4 reflection on you. And I appreciate your time today
5 answering my questions.

6 THE REPORTER: Ms. Branch, do you have
7 any questions of the witness?

8 MS. BRANCH: I do not.

9 THE REPORTER: Are you ordering a copy of
10 the transcript?

11 MS. BRANCH: Yes.

12 THE REPORTER: All right. Thank you.
13 We're going off the record at --

14 MS. BRANCH: And we'd --

15 THE REPORTER: -- 2:05 p.m.

16 MS. BRANCH: -- like to read and sign as
17 well.

18 (Deposition recessed at 2:05 p.m.)

19 --ooOoo--

20

21

22

23

24

25

1 I, JACQUELINE NEWMAN, have read the
2 foregoing deposition and hereby affix my signature that
3 same is true and correct, except as noted herein.

4

5

6

JACQUELINE NEWMAN

7

8 THE STATE OF _____)

9

Before me, _____, on

10 this day personally appeared JACQUELINE NEWMAN, known to
11 me (or proved to me under oath or through

12 _____) (description of identity card or other

13 document) to be the person whose name is subscribed to

14 the foregoing instrument and acknowledged to me that

15 they executed same for the purposes and consideration

16 therein expressed.

17

Given under my hand and seal of office on

18 this _____ day of _____, _____.

19

20

21

22

NOTARY PUBLIC IN AND FOR

23

THE STATE OF _____

24

My Commission Expires: _____

25


1 STATE OF TEXAS)

2 REPORTER'S CERTIFICATION

3 I, DEBBIE D. CUNNINGHAM, CSR, hereby
4 certify that the witness was duly sworn and that this
5 transcript is a true record of the testimony given by
6 the witness.

7 I further certify that I am neither
8 counsel for, related to, nor employed by any of the
9 parties or attorneys in the action in which this
10 proceeding was taken. Further, I am not a relative or
11 employee of any attorney of record in this cause, nor am
12 I financially or otherwise interested in the outcome of
13 the action.

14 Subscribed and sworn to by me this day,
15 May 11, 2020.

16
17
18 

19 _____
20 Debbie D. Cunningham,
21 Texas CSR 2065
22 Expiration: 6/30/2021
23 INTEGRITY LEGAL SUPPORT SOLUTIONS
24 P.O. Box 245
25 Manchaca, Texas 78652
www.integrity-texas.com
512-320-8690; FIRM # 528

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JARROD STRINGER, et al.,	*
Plaintiffs,	*
	*
v.	* No. SA-20-CV-46-OG
	*
RUTH HUGHS, et al.,	*
Defendant.	*

VIDEOTAPED VIDEOCONFERENCED

ORAL DEPOSITION

OF

THE DEMOCRATIC SENATORIAL
CAMPAIGN COMMITTEE REPRESENTATIVE,

SARA SCHAUMBURG

Thursday, April 30, 2020

VIDEOTAPED VIDEOCONFERENCED DEPOSITION OF SARA SCHAUMBURG, produced as a witness at the instance of the Defendant, and duly sworn, was taken in the above-styled and numbered cause on Thursday, April 30, 2020, from 10:15 a.m. to 12:04 p.m. Central Time, before Debbie D. Cunningham, CSR, in and for the State of Texas, remotely reported via Machine Shorthand, pursuant to the Federal Rules of Civil Procedure.

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Brian Christopher

--ooOoo--

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EXHIBIT INDEX

Exhibit Number	Description	Page
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Exhibit 2	Defendants' Notice of Oral Deposition Pursuant to Federal Rule of Civil Procedure 30	10
Exhibit 3	2/3/2020 DSCC press release	15
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--ooOoo--

1 (Thursday, April 30, 2020, 10:15 a.m.)

2 P R O C E E D I N G S

3 THE REPORTER: Today is Thursday,
4 April 30, 2020. This is the videoconferenced deposition
5 of the DSCC's Corporate Representative, Sarah
6 Schaumburg, in the matter of Jarrod Stringer, et al.
7 versus Ruth Hughs, et al. Due to the COVID-19 pandemic,
8 we are remotely situated, and we are on the record at
9 10:15 a.m., Central Standard Time.

10 My name is Debbie Cunningham, and my
11 business address is P.O. Box, Manchaca, Texas 78652.

12 Would all persons present please
13 introduce themselves for the record?

14 MS. MACKIN: This is Anna Mackin with the
15 Texas Attorney General's office on behalf of the
16 Defendants.

17 MS. BRAILEY: This is Emily Brailey with
18 Perkins Coie on behalf of the Plaintiff Intervenors.

19 MS. BRANCH: Aria Branch with Perkins
20 Coie on behalf of the Plaintiff Intervenors.

21 THE REPORTER: Is anyone else making
22 announcements?

23 (No audible response.)

24 (Witness sworn by the reporter.)

25 MS. SCHAUMBURG: I apologize.

1 (Brief interruption.)

2 SARA SCHAUMBURG,
3 having taken an oath to tell the truth, the whole truth,
4 and nothing but the truth, was examined and testified as
5 follows:

6 EXAMINATION

7 BY MS. MACKIN:

8 Q. Good morning, Ms. Schaumburg. If you wouldn't
9 mind, just please speak and spell your name one more
10 time for the record.

11 A. Sure. It's Sara Schaumburg, S-A-R-A
12 S-C-H-A-U-M-B-U-R-G.

13 Q. Thank you.
14 My name is Anna Mackin. I'm an attorney
15 with the Texas AG's Office, and I represent the
16 Defendants in the case. I'm going to be taking your
17 deposition today. Have you been deposed before?

18 A. Yes.

19 Q. Okay. So you're probably familiar with the
20 basic ground rules, but I want to touch on a couple of
21 high points before we get into the meat of the
22 questions. Since we are using this remote means, please
23 try to give a verbal answer to my questions, a "yes" or
24 a "no," as opposed to "uh-huh" or "huh-uh." That's
25 because Debbie is writing down everything we say, and so

1 that way we can get a clear and accurate record. Okay?

2 A. Yes.

3 Q. Okay. And please let me finish my question
4 before you answer. I will also endeavor to let you
5 finish your answer before I ask my next question.
6 Again, this is especially important that we avoid
7 speaking over today to give the court reporter time to
8 get everything down.

9 If you don't understand one of my
10 questions, will you agree to tell me so that I can
11 rephrase it?

12 A. Yes.

13 Q. Thank you.

14 And this is not an endurance contest.
15 You are the talent. If you need a break to use the
16 restroom, stretch your legs at any time, just let me
17 know. I'll have you answer any question that is pending
18 at the time; but then you can go ahead and take that
19 break. Okay?

20 Any reason that you might not be able to
21 answer my questions honestly, completely, and accurately
22 today?

23 A. No.

24 Q. And now that the deposition is underway,
25 please tell me if you communicate via text, e-mail, or

1 any other means about [sic] your counsel about the
2 substance of your testimony between now and when I
3 conclude the deposition. Okay?

4 A. Yes.

5 Q. Do you have any documents in front of you?

6 A. No.

7 Q. Okay. I'm going to be showing you some
8 documents today; but since we're situated remotely, if
9 you refer to any document or any website to aid you in
10 answering my questions, please let me know that. Okay?

11 A. And just to -- sorry. I do have a hard copy
12 of the Complaint.

13 Q. Okay.

14 A. And the -- and my declaration.

15 Q. Okay. Thank you for that.

16 Also during our conversation today, when
17 I say DSCC, I will be referring to the Democratic
18 Senatorial Campaign Committee; and when you say DSCC, I
19 will also understand you to be referring to the
20 Democratic Senatorial Campaign Committee. Is that fair?

21 A. Yes.

22 Q. Okay. So during today's deposition, I'm going
23 to be showing you some documents. We can do this one of
24 two ways. I can share documents on my screen, or I can
25 send a link in the chat box to allow you to click and

1 download the document. Do you have a preference? Would
2 one of those be easier for you?

3 A. Probably the link.

4 Q. Okay. Let's go ahead, then, and practice with
5 what's going to be Exhibit 1.

6 (Exhibit 1 marked.)

7 Q (BY MS. MACKIN) So I'm placing a document in
8 the chat box. Did that go through okay?

9 A. It did.

10 Q. Okay. And if you wouldn't mind opening that
11 up, take a look at it and let me know when you are ready
12 to discuss it.

13 A. Okay.

14 Q. Have you seen this document before,
15 Ms. Schaumburg?

16 A. Yes. My only hesitation is just the date is
17 different than the one that I was familiar with. I
18 thought one -- I'm looking at one, so I'm just -- or the
19 one that I have is from December. This one is from
20 January, but I think I am generally familiar with this
21 document.

22 Q. Okay. And what is it?

23 A. This is our Complaint in this case.

24 Q. Okay. And did you review the document before
25 it was filed?

1 A. Yes.

2 Q. Okay. How much time would you say that DSCC
3 staff spent reviewing this document before it was filed?

4 A. Personally, I probably spent about an hour or
5 two looking over it before it was filed. I can't speak
6 to others.

7 Q. Do you know if anyone else with DSCC reviewed
8 it before it was filed?

9 A. I believe so, but I don't know for sure.

10 Q. Okay. That's all that I have on that
11 document.

12 MS. MACKIN: I'm going to share another
13 document in the chat box.

14 (Exhibit 2 marked.)

15 Q. (BY MS. MACKIN) Please let me know if that's
16 come through okay, and let me know when you're ready to
17 discuss it. And, obviously, take all the time you need
18 to look it over.

19 A. Okay.

20 Q. All right. Have you seen this document
21 before?

22 A. Yes.

23 Q. And what is it?

24 A. This is the Notice of my deposition and the
25 deposition topics.

1 Q. Okay. And so you understand that you are here
2 today pursuant to this Deposition Notice?

3 A. Yes.

4 Q. And you understand that this document says
5 that DSCC is directed to designate one or more persons
6 to testify on its behalf on the topics of this Notice?

7 A. Yes.

8 Q. And so do you understand that your testimony
9 today is on behalf of DSCC, and your answers will bind
10 DSCC?

11 A. Yes.

12 Q. Okay. And, again, taking all the time you
13 need to review the topics listed in the Notice, have you
14 been designated as DSCC's representative on each topic
15 in Exhibit 2?

16 A. That's my understanding, yes.

17 Q. Okay. How did you prepare for today's
18 deposition?

19 MS. BRAILEY: I'm going to object on the
20 attorney-client privilege.

21 Sara, you can answer as long as you don't
22 reveal any conversation with me on that.

23 A. I've had two sessions with counsel. I spoke
24 with some other employees at the DSCC about our
25 involvement in Texas, and I reviewed some of the filings

1 in the case and the documents that the DSCC has produced
2 in the case.

3 **Q. Who did you meet with at DSCC to prepare for**
4 **today's deposition?**

5 A. I spoke briefly with Allison Wright and Ben
6 Walden.

7 **Q. And what is Ms. Wright's position with DSCC?**

8 MS. BRAILEY: I'm going to object on the
9 First Amendment to the extent that any of your answers
10 would include strategic information.

11 But you can answer at a high level.

12 A. She handles our compliance.

13 **Q. (BY MS. MACKIN) So, like, one of her job**
14 **duties is filing your filings with the FEC, for example?**

15 A. That, I don't know.

16 **Q. Oh, okay. No problem.**

17 **And then what is Mr. Walden's role with**
18 **DSCC?**

19 MS. BRAILEY: The same objection. I'm
20 going to just object on the First Amendment.

21 You can answer at a high level as long as
22 you don't reveal strategic information.

23 A. He's the director of Candidate Services.

24 **Q. (BY MS. MACKIN) So did you meet with anyone**
25 **else at DSCC to prepare for today's deposition besides**

1 **Ms. Wright and Mr. Walden?**

2 A. No.

3 **Q. Okay. And why did you meet with Ms. Wright to**
4 **prepare for today's deposition?**

5 A. To make sure I had a complete understanding of
6 our investments and involvement in Texas in the Texas
7 Senate race.

8 **Q. And how about Mr. Walden, why did you meet**
9 **with him?**

10 A. I'm sorry. I said for the same reason as
11 Ms. Wright.

12 **Q. Okay. Thank you for that.**

13 **And you mentioned that you met with your**
14 **counsel twice?**

15 A. Correct.

16 **Q. Okay. And, again, I'm not asking for the**
17 **substance of those communications or what you discussed,**
18 **nothing privileged, just kind of the nuts and bolts of**
19 **how long were each of those meetings?**

20 A. A couple of hours.

21 **Q. All right. And so are you adequately**
22 **familiarized with the facts to testify as DSCC's**
23 **representative on the topics in the Notice?**

24 A. Yes.

25 **Q. Okay. Did you review -- well, let's see. You**

1 mentioned that you reviewed the filings in this lawsuit,
2 not all of them, some of them, and the documents that
3 DSCC has produced to us. Did you review any other
4 documents to prepare for today's deposition?

5 MS. BRAILEY: I'm just going to object to
6 preserve the attorney-client privilege.

7 You can answer as long as none of this
8 involves our conversations.

9 A. No.

10 Q (BY MS. MACKIN) So your counsel has provided
11 some documents to us that are Bates numbered DSCC 1
12 through DSCC 906. Are you aware of that?

13 MS. BRAILEY: Objection.

14 Anna, just so you know, it goes to 911 is
15 the final Bates number.

16 MS. MACKIN: I apologize. 911. I guess
17 the last document is titled 906, but it's several pages.

18 MS. BRAILEY: Right.

19 MS. MACKIN: I appreciate that. Thank
20 you, Emily.

21 Q (BY MS. MACKIN) And so are you familiar with
22 the fact that those documents have been provided to us,
23 Ms. Schaumburg?

24 A. I understand that counsel produced this set of
25 documents in advance of this.

1 Q. And is it your understanding that the
2 documents were provided as DSCC's response to the
3 subpoena on page 6 of Exhibit 2?

4 A. Yes.

5 Q. Okay.

6 MS. MACKIN: And I'm going to attach a
7 copy of that production to this deposition as Exhibit 3.

8 (Exhibit 3 marked.)

9 MS. MACKIN: I can try to share it in the
10 chat box. Let me see if it will go through. No, it's
11 not letting me do that; but I'll provide them to all
12 parties after the deposition. Plaintiffs are welcome --
13 sorry. Intervenors are welcome to verify that it is, in
14 fact, the production.

15 MS. BRAILEY: And, Anna, if you're going
16 to use specific ones, will you puts those specific pages
17 in the chat.

18 MS. MACKIN: Yes, yes.

19 MS. BRAILEY: Okay.

20 Q (BY MS. MACKIN) And, Ms. Schaumburg, did you
21 review the documents that were produced to us before
22 they were produced?

23 A. I believe so.

24 Q. Okay. And do you know the names of the DSCC
25 staff members who searched for documents to respond to

1 **the subpoena?**

2 MS. BRAILEY: I'm going to object on both
3 attorney-client privilege because of our conversations
4 and also on the First Amendment to the strategic
5 information.

6 You can answer to the extent that you
7 know and don't reveal strategic or privileged
8 communications.

9 A. No, I don't know.

10 **Q (BY MS. MACKIN) Okay. All right. So I'd**
11 **just like to briefly go through the list on page 6 of**
12 **Exhibit 2. The first category of documents, did DSCC**
13 **provide documents in response to this request?**

14 A. So I was not involved in putting together the
15 production, but it's -- just looking at it, it's my
16 understanding that the DSCC searched for and produced
17 documents in consultation with counsel and that those
18 documents satisfied the request.

19 **Q. Okay. And would that be your answer with**
20 **respect to all five categories of documents listed on**
21 **page 6 of Exhibit 2?**

22 A. Yes.

23 **Q. Okay. In preparation for today's deposition,**
24 **did you review any documents that have not been produced**
25 **to us?**

1 MS. BRAILEY: I'm going to object on
2 attorney-client privilege.

3 You can answer to the extent that you
4 don't reveal privileged conversations.

5 A. Did I review any -- other than the filings
6 that I mentioned, no.

7 Q (BY MS. MACKIN) Okay. And so you are
8 currently employed by DSCC; is that right?

9 A. Yes.

10 Q. And that is a national party committee of the
11 Democratic Party?

12 A. That's correct.

13 Q. Okay. What is your job title?

14 A. I'm the Director of Voter Protection and the
15 Deputy Policy Director.

16 Q. And how long have you held that position?

17 A. Since early November of 2019.

18 Q. And before that, what was your job?

19 A. I was a litigation associate at WilmerHale.

20 Q. I cannot believe you got out of the game.

21 So what are your job duties in your
22 current role at DSCC?

23 A. So on the voter protection side, I work to
24 manage and oversee the DSCC's voter protection efforts.
25 A lot of that entails working with the state voter

1 protection directors in the Senate battleground states
2 to advise and provide guidance on their voter protection
3 programs and helping them identify issues as they come
4 up, identify opportunities to expand voting access, and
5 eliminate barriers and obstacles to voting.

6 And on the policy side, a lot of it
7 involves tracking federal legislation, what's going on
8 on the Senate floor, and helping our campaigns and
9 candidates understand and follow that process and
10 develop their policy platforms.

11 **Q. You mentioned sort of liaising with state**
12 **voter protection directors. Is there a voter protection**
13 **director for the state of Texas?**

14 A. Yes.

15 **Q. And what is that person's name?**

16 A. Rose Clouson.

17 (Reporter requests spelling.)

18 THE WITNESS: C-L-O-U-S-O-N.

19 **Q (BY MS. MACKIN) And who do you report to**
20 **within the DSCC organizational structure?**

21 A. In the voter protection role, I would report
22 to our executive director.

23 **Q. What is the executive director's name?**

24 A. Scott Fairchild.

25 **Q. Okay. And then in the policy role?**

1 A. I would report to the policy director.

2 **Q. And what is that person's name?**

3 A. Hazeen Ashby. I spell that. H-A-Z-E-E-N.

4 The last name is Ashby, A-S-H-B-Y.

5 **Q. Does anyone report to you?**

6 A. No.

7 **Q. Okay. Do you enjoy your job?**

8 A. Yes, I do.

9 **Q. Good.**

10 **And I just briefly want to cover your**
11 **educational background, starting with the most advanced**
12 **degree obtained. I assume you went to law school?**

13 A. I did.

14 **Q. And where did you go to law school?**

15 A. I graduated from Harvard Law School.

16 **Q. In what year?**

17 A. 2016.

18 **Q. And then how about undergraduate? Where did**
19 **you go to undergraduate?**

20 A. University of Pennsylvania.

21 **Q. And what did you study?**

22 A. Political science.

23 **Q. And what year did you graduate?**

24 A. 2007.

25 **Q. Okay. What did you do in between college and**

1 **law school?**

2 A. So in 2006 I took time off of college and
3 worked on a House race in Pennsylvania. I continued to
4 work on that after graduation in the '08 and 2010
5 cycles. Although in 2009, in January 2009, I went to
6 the official side for a while; and I was a Congressional
7 staffer, a legislative aide, focused primarily on
8 healthcare policy. And then towards the end of the
9 campaign cycle, I went back to the campaign side as the
10 communications director.

11 After 2010 -- we lost that race -- I went
12 to work for another congressman, then Congressman Ed
13 Markey, from Massachusetts. I was with him through June
14 2013. And then went to law school in that fall.

15 **Q. And so you mentioned working for Congressman**
16 **Markey; and then, before that, you talked about a couple**
17 **of roles with campaigns and then on the official side.**
18 **Was that all for the same person?**

19 A. Yes.

20 **Q. And who was that?**

21 A. Patrick Murphy.

22 **Q. All right.**

23 A. I should say on the campaign side, I served as
24 a field organizer and also was the deputy finance
25 director for a cycle; and then my final role was as the

1 comms director.

2 Q. I worked on a couple of campaigns. I know
3 that sometimes you can wear many hats.

4 All right. So jumping over to the topics
5 in the Notice, I'm just going to start with Topic 1.

6 **What is DSCC's mission?**

7 A. So the DSCC is the National Senatorial
8 Committee of the Democratic Party's organization that's
9 responsible for the day-to-day operations of the Party
10 at a national level, and its mission is just to elect
11 Democrats, Democratic candidates to the United States
12 Senate, including candidates from Texas.

13 **Q. And has that mission changed over time?**

14 A. Not that I know of.

15 Q. Okay. When was DSCC first established? And
16 I'll say I understand that from the FEC filings, some of
17 them say Democratic Senatorial Campaign Committee; and
18 some of them just say DSCC. I'm referring to the same
19 organization.

20 A. I would have to check.

21 Q. Okay. What percentage of DSCC's activities,
22 just approximately, would you say are focused on voter
23 registration?

24 MS. BRAILEY: I'm going to object on the
25 First Amendment.

1 You can answer at a high level.

2 A. So I don't think I could give that a
3 percentage. It doesn't exactly -- that's not how we
4 would break down our operations. I mean, the core of
5 what the DSCC does is working with campaigns and state
6 parties to support a range of different activities,
7 including field; and that would, you know, be voter
8 registration, voter turnout, GOTV. So it's definitely a
9 core part of the GOTV's mission and activities, but
10 it's -- I cannot put a percentage on it.

11 I can't -- I don't know if something
12 happened with the sound.

13 **Q. Can you hear me?**

14 A. I can now.

15 **Q. Okay. I didn't really say anything. I said,**
16 **"Fair enough" but kind of to myself.**

17 A. I saw the mouth moving, but I couldn't hear
18 you.

19 **Q. Sorry.**

20 **Would you say at a high level that DSCC's**
21 **focus on voter registration activities has been the same**
22 **over time, or has it changed?**

23 MS. BRAILEY: Again -- I know you said
24 "high level," but just to preserve it, object on the
25 First Amendment.

1 You can answer to the extent you don't
2 reveal internal strategic decisions.

3 A. I think it's definitely been a focus of the
4 DSCC's mission. I think, you know, our focus depends --
5 like, it will vary. Depending on the cycle, depending
6 on the state and what race you're talking about, there's
7 different -- you know, each state is different and
8 presents different challenges.

9 You know, in a situation where we're
10 dealing with a state that has put in place a lot of
11 obstacles to voter registration, like in Texas, then it
12 will be an even greater focus for the DSCC if there's --
13 you know, if you have a situation like we have here,
14 where the State's not allowing simultaneous online
15 registration, then we know that voter registration's
16 going to have to be a higher priority than it might be
17 in another state where it's easier to register folks.

18 **Q. And would you say that -- well, strike that.**

19 **Okay. Moving on to Topic 2, DSCC's**
20 **organizational structure, how many employees does DSCC**
21 **have?**

22 A. (Inaudible.)

23 **Q. Okay.**

24 (Reporter requests repeat.)

25 THE WITNESS: Roughly, a rough

1 approximation, 50; but I don't have an exact number.

2 **Q. (BY MS. MACKIN) Does DSCC have any parent or**
3 **sibling entities?**

4 MS. BRAILEY: I'm just going to object on
5 First Amendment.

6 But, obviously, you know, answer to the
7 extent that you know it at a high level.

8 A. I'm not sure what you mean by -- what did you
9 say, sister?

10 **Q. (BY MS. MACKIN) Sibling.**

11 A. What do you mean by that?

12 **Q. Well, I think we can actually explore that**
13 **with an exhibit later on. So we can move along from**
14 **that.**

15 **DSCC is a 501(c)(4), though, correct?**

16 MS. BRAILEY: I'm going to object on a
17 legal conclusion.

18 You can answer to the extent that you
19 know.

20 A. I believe that's correct.

21 **Q (BY MS. MACKIN) Okay. All right. I want to**
22 **jump down to Topic 4 and talk about DSCC's activities in**
23 **Texas. I'd like to get a sense of the general**
24 **categories, types of activities that DSCC is engaged in.**
25 **So I know that it can change from cycle to cycle; and**

1 I'm not trying to get overly granular, just kind of --
2 one of the things you mentioned earlier was candidate
3 services might be, like, one bucket of activity. How
4 would you kind of describe the main categories of
5 activities that DSCC conducts in Texas?

6 A. So the DSCC engages in a range of activities;
7 and, again, it will depend on the particular state and
8 particular race. But we advise candidates and state
9 parties to support their programs and operations.

10 We raise and spend tens of millions of
11 dollars that we use to support individual Senate
12 campaigns, either via direct contributions or by making
13 investments on behalf of the campaigns, a lot to the
14 limit.

15 We transfer down funding to state parties
16 that's used part of the coordinated campaign to hire key
17 staffers, invest in field and turnout operations. So
18 that would include voter registration, persuasion, GOTV.

19 And we invest in communications tools
20 that would make it easier for campaigns and -- for
21 campaigns to contact voters, like texting, dialing, that
22 would help our candidates expand their voter
23 registration and turnout efforts.

24 Q. Okay. So, again, with the understanding that,
25 you know, I'm not expecting you to list every discreet

1 activity but just to get a sense of, like, the broad
2 categories, what I have, based on your answer, seems to
3 fall into -- and correct me if I'm wrong; I'm just
4 trying to make a list -- state party support, candidate
5 support, the coordinated campaign, and investments in
6 communication tools. Did I miss something,
7 mischaracterize it?

8 A. When you say the state party -- I mean, the
9 transfers down are used to support the coordinated, so.

10 Q. Okay. So that's kind of like one bucket,
11 like, state party support, the coordinated campaign
12 would fall within that?

13 A. Sure.

14 Q. Okay. And so what types of -- and I know you
15 gave some examples; but now I do want to dive a little
16 deeper, again, with the understanding that I'm not
17 expecting, you know, like, "We ran this ad on March 1st"
18 or whatever. But what types of activities does the DSCC
19 engage in that you would characterize as state party
20 support?

21 MS. BRAILEY: And I'll object on the
22 First Amendment.

23 You can answer at a high level.

24 A. So we transferred down funding to the state
25 parties; and, again, that's used to support and finance

1 activities that are part of a coordinated campaign which
2 supports Democratic candidates up and down the ballot.
3 And so that's the things I've listed before. It would
4 include hiring staff, supporting field and turnout,
5 things like that.

6 **Q. And would you categorize voter-registration**
7 **efforts as falling under that state party support**
8 **umbrella?**

9 A. In part at least.

10 **Q. And what else might voter-registration**
11 **efforts -- well, you said voter-registration efforts**
12 **could, in part, be characterized as state party support.**
13 **How else could they be characterized?**

14 A. I mean, again, the communication tools that we
15 invest in help candidates expand their voter-contact
16 efforts, to include voter registration.

17 **Q. And so what types of voter-registration**
18 **efforts does the DSCC engage in?**

19 MS. BRAILEY: I'll object on the First
20 Amendment.

21 You can answer at a high level.

22 A. Sorry. I'm just trying to distinguish from
23 what I've -- what you've already asked. I mean, we
24 provide support for state parties, which is the
25 coordinated, and comms tools. I think that is primarily

1 how we would support voter registration.

2 Q (BY MS. MACKIN) So it would be like -- oh, I
3 see. So, like, the support that you provide to the
4 state party, some of that is used by the state party for
5 voter-registration efforts? Is that what you're saying?

6 A. As part of a coordinated campaign.

7 Q. Okay. And then you also make investments in
8 these tools that you make available to state parties and
9 the tools can assist the state parties with voter
10 registration; is that right?

11 A. My understanding is that the communications
12 tools are something we provide to individual campaigns.
13 I'm not sure if we provide that to the state party.

14 Q. So I'm getting a sense that the ways that DSCC
15 support voter-registration efforts are, Number 1, by
16 providing funds to state parties, which then use those
17 funds for voter-registration efforts. And, Number 2, by
18 providing communications tools to campaigns, which the
19 campaigns can then use for voter-registration efforts;
20 is that right?

21 A. It also provides funding to individual
22 campaigns that might use that for voter registration.

23 Q. Okay. And when you provide funds to a state
24 party, do you -- I want to say earmark; but I know that
25 has, like, a legal connotation in a campaign finance

1 context. So that's not really what I mean. Like, when
2 you provide funds to state parties, do you specify, "Use
3 these funds for voter registration"; or is up to the
4 party to take the funds that it receives from DSCC and
5 then decide to use them for voter registration?

6 MS. BRAILEY: I'm going to object on the
7 First Amendment.

8 You can answer at high level.

9 But I'm also going to object on form that
10 it's vague and compound.

11 A. Yeah. Can I -- sorry. Can I ask you to
12 rephrase?

13 Q (BY MS. MACKIN) Sure. So -- actually, I kind
14 of forgot my question.

15 MS. MACKIN: Debbie, would you mind
16 reading it back, just to remind me; and then I will
17 rephrase it.

18 THE REPORTER: Okay.

19 MS. MACKIN: Thank you.

20 (The requested material was read as
21 follows:

22 "QUESTION: And when you provide funds to
23 a state party...")

24 THE REPORTER: Oh, do you want me to
25 continue?

1 MS. MACKIN: Now I remember.

2 Q (BY MS. MACKIN) So when the DSCC provides
3 funds to a state party, will it ever specify that those
4 funds are to be used for voter registration?

5 MS. BRAILEY: Objection on the First
6 Amendment.

7 You can answer at a high level.

8 A. Specify in what way?

9 Q (BY MS. MACKIN) In any way.

10 A. My understanding is that we would not. And I
11 don't -- you know, that we provide funding to the state
12 party; but it's not designated for particular specific
13 purposes.

14 Q. Okay.

15 A. I think the -- you know, in deciding -- well,
16 I'll leave it at that.

17 Q. Okay. Thank you.

18 And then when DSCC provides support to
19 campaigns, will it ever designate the funds it provides
20 for voter registration activities?

21 MS. BRAILEY: Objection on the First
22 Amendment.

23 You can answer at a high level.

24 And, also, an objection to a legal
25 conclusion.

1 So just answer to the extent that you
2 know in your experience.

3 A. Not to my knowledge.

4 Q (BY MS. MACKIN) Okay. And when the DSCC
5 makes communication tools available to campaigns, will
6 it ever designate those tools to be used specifically
7 for voter registration purposes?

8 MS. BRAILEY: Same objection, First
9 Amendment.

10 You can answer at a high level.

11 And legal conclusion.

12 If you know what it means in your
13 experience.

14 A. I'm not really sure -- I'm not sure I totally
15 understand the question. I mean, there are
16 communication tools which are, by definition, meant to
17 communicate with voters for doing -- for voter-contact
18 activities which would include voter registration. So I
19 think it's sort of inherent to the nature of the tool.

20 Q. (BY MS. MACKIN) But the tool can be used for
21 multiple purposes, right?

22 A. It's for voter contact.

23 Q. Okay. And just to make sure I'm clear, does
24 DSCC itself conduct voter registration activities in
25 Texas?

1 MS. BRAILEY: Objection on the First
2 Amendment.

3 Answer at a high level.

4 A. Other than what I've described?

5 Q (BY MS. MACKIN) Other than by providing
6 support to candidates and campaigns who can then conduct
7 voter-registration activities.

8 A. I mean, I think that there could be instances
9 where DSCC staff advise, whether by training or other
10 guidance, on voter-registration activities, in addition
11 to everything that we've already talked about.

12 Q. Okay. Anything else?

13 A. On? I'm sorry. Anything else...

14 Q. Does DSCC conduct any other voter-registration
15 activities in Texas besides the support it provides to
16 state parties, the support it provides to campaigns; and
17 then you mentioned the possibility of DSCC staff
18 providing guidance or training on voter registration?

19 A. That's all I can think of.

20 Q. Okay. How often would you say DSCC's staff
21 has provided guidance on voter registration in Texas?

22 A. How often?

23 Q. Uh-huh.

24 A. What do you mean by, like --

25 Q. Well, you mentioned that it might happen. And

1 so I'm just trying to get a sense of whether that has,
2 in fact, happened or it's more of a hypothetical
3 possibility.

4 A. I mean, it has certainly happened. It's
5 hard -- I'm not sure how -- how often. You know, like I
6 said, they would advise as needed. It depends, again,
7 on the other needs of the campaign and what's going on
8 in a particular state.

9 Q. Okay.

10 A. But we certainly do provide guidance and
11 training and, you know, expertise on all things field
12 and voter contact; and voter registration is a big part
13 of that.

14 Q. Any other voter-registration activities that
15 DSCC has engaged in in Texas?

16 A. Again, that's all I can think of.

17 Q. Okay. How much did DSCC spend on voter
18 registration in Texas in 2014?

19 MS. BRAILEY: Objection on the First
20 Amendment.

21 Just answer at a high level.

22 A. It's not like there's a line item for
23 voter-registration efforts, so it's hard for me to
24 answer that.

25 Q (BY MS. MACKIN) And would your answer be the

1 **same for the years 2015, 2016, 2017, 2018, and 2019?**

2 A. My answer to the question of how much did the
3 DSCC spend on voter registration? Yes.

4 **Q. And would that also be your answer for how**
5 **much the DSCC spent on voter registration in 2020?**

6 A. I mean, again, there's no line item for voter
7 registration. So in 2020 we've made investments in
8 Texas and we expect to make significantly more, given
9 the state of that race; but there's not a particular --
10 there's not a specific, like, line item for voter
11 registration in the budget or something like that.

12 **Q. Okay. What investments have you made in**
13 **Texas?**

14 MS. BRAILEY: Again, I'll object to the
15 First Amendment.

16 But you can answer at a high level.

17 A. What time period are you talking about?

18 **Q (BY MS. MACKIN) In 2020.**

19 A. Like, in the 2020 cycle?

20 **Q. Well, sure.**

21 A. Okay. Because that would be 2019, too.

22 **Q. Okay. Fair enough.**

23 A. So for this cycle, it's my understanding that
24 we have invested nearly \$200,000 in Texas in various
25 ways. I know we've max'ed out to the MJ for Senate

1 Campaign. We've done \$25,000 in transfer downs and
2 roughly a hundred thousand in polling.

3 **Q. And do you know if any of those investments**
4 **have been used for voter-registration activities?**

5 A. So I do know that TDP is -- as you might be
6 aware, is undertaking the biggest voter registration
7 initiative in the history of the state party. And so
8 it's my understanding that, again, the funding that we
9 provide to the state party is used for coordinated
10 campaign expenses; and so that would all be part of
11 those efforts.

12 **Q. All right. Other than the funds that DSCC**
13 **transferred down to TDP, do you know if any of its other**
14 **investments in the 2019-2020 cycle in Texas have been**
15 **used for voter registration?**

16 A. So I don't know specifically; but I do want to
17 make two points, just to make sure this is clear so --
18 as far as the funding goes, because you're asking about
19 what we've done so far. As far as transfer down
20 funding, it's very early in the cycle to be assessing
21 the level of transfer down funding. You know, a lot of
22 those investments are things you wouldn't expect to see
23 until later in the cycle, with early voting not starting
24 for six months.

25 So we've done, you know, what we've done

1 so far; but on a related note, you know, we intend to
2 spend significantly more in Texas than what we've seen
3 already, easily into the millions, given the
4 competitiveness of the race and the fact that the DSCC
5 is aware of several obstacles that Texas has put in
6 place to turning out voters, including the failure to
7 allow for simultaneous online registration. So I just
8 wanted to make sure that was clear.

9 **Q. Okay. Thank you for that.**

10 **But so far in the 2019-2020 cycle, you**
11 **mentioned that the DSCC has transferred money to the TDP**
12 **that might be used for voter registration. Other than**
13 **that, has the DSCC made any other investments in the**
14 **2019-2020 cycle that can be used for voter registration?**

15 A. So I listed all of the investments that we've
16 made in Texas that I'm aware of; and, again, we'll just
17 stress that the DSCC intends to make significantly more
18 investments as the cycle progresses.

19 **Q. Sure. Fair enough. But to date.**

20 MS. BRAILEY: I'm going to object on the
21 form.

22 You can answer if you understand.

23 A. So I think I've answered it. I've listed the
24 investments in Texas in this cycle that I'm aware of.

25 **Q. (BY MS. MACKIN) Right. And I'm sorry if my**

1 **question wasn't clear. I was asking which of those**
2 **investments have been used for voter registration.**

3 MS. BRAILEY: I'm going to object on form
4 again.

5 A. So we contributed to the MJ for Senate. I'm
6 not -- I can't -- I don't know what exactly that is
7 being used for; but we have provided the maximum amount
8 that we are able to, to her campaign directly, which I
9 think could be used for voter registration.

10 We've given 25,000 to the coordinated,
11 which engages in voter-registration efforts and intend
12 to do more -- anticipate doing more through the
13 coordinated.

14 **Q. (BY MS. MACKIN) Okay. And do you know how**
15 **much of that 25,000 to the coordinated has been used for**
16 **voter registration?**

17 A. Sitting here, I couldn't give you a specific
18 amount. Again, I don't -- I can't speak to TDP's, you
19 know, recordkeeping; but, like, the DS, as I said
20 before, it's not like there's a line item for voter
21 registration. But I do know that TDP is undertaking a
22 huge voter-registration effort, in part, to compensate
23 for some of the unique challenges that it faces in the
24 state.

25 **Q. Okay. So now I'm a little bit confused. In**

1 terms of the funds that you've invested in Texas in the
2 2019-2020 cycle, I have funds to TDP, funds to MJ for
3 Senate, and then funds to the coordinated campaign?

4 A. No, to the -- sorry.

5 Q. No, please go ahead. I'm trying to
6 understand, so correct me.

7 A. The funding to the state party is -- when I
8 say "transfer down," that's funding that we transfer
9 down from the DSCC to the state party that is used for
10 the coordinated campaign expenses.

11 Q. Okay. So I've got funds to TDP and funds to
12 MJ for Senate; is that -- is that right? Sorry. That's
13 a terrible question.

14 For your investments in Texas in the
15 2019-2020, I've got funds to TDP and funds to MJ for
16 Senate. Is there anything else?

17 A. I also mentioned the polling.

18 Q. Polling. Okay. Tell me about that.

19 MS. BRAILEY: Objection, vague.

20 A. Can you clarify?

21 Q (BY MS. MACKIN) What do you mean by
22 "polling"? I don't --

23 A. Like, what is polling?

24 Q. Like, you say you have invested in polling.
25 Do you know if any of your investments in -- so if you

1 invested in polling, those funds would not be used for
2 voter registration, right? They'd be used for polling?

3 A. Yes.

4 Q. Okay. And then, so other than the funds to
5 TDP, the funds to MJ for Senate, and the investments in
6 polling, have you made any other investments in Texas in
7 the 2019 to 2020 cycle so far?

8 MS. BRAILEY: Objection in that it
9 mischaracterizes the testimony.

10 Q. (BY MS. MACKIN) And if I've got it wrong,
11 please tell me. I'm just trying to get the list.

12 A. Can you repeat the question?

13 Q. Sure. So in the 2019 to 2020 cycle, DSCC has
14 invested in Texas in the following ways: Funds to TDP,
15 fund to MJ for Senate, and investments in polling. Is
16 there anything else so far?

17 A. It this --

18 THE WITNESS: I'm sorry. Emily, did
19 you...

20 A. At this stage of the cycle, that's my
21 understanding of our investments in the state.

22 Q. (BY MS. MACKIN) Thank you for that.

23 All right. And jumping back to the
24 previous cycle, 2017 to 2018, did DSCC make any
25 investments in voter registration in Texas in the 2017-

1 **2018 cycle?**

2 A. So I don't -- I mean, as far as expenditures
3 that the DSCC made to Texas in the 2018 cycle, I'm aware
4 that I believe we spent, like, \$35,000 on polling. I'm
5 not aware of specific, like, itemized expenditures.
6 That's not to say that -- like, there could have been
7 staff time spent on supporting voter-registration
8 efforts, but not that I'm aware of.

9 Q. Okay. In the 2015 to 2016 cycle, are you
10 aware of DSCC making any investments in voter
11 registration in Texas?

12 A. When you say "investments," can you -- like,
13 what are you...

14 Q. I'm tracking the language in your Complaint.
15 So if there's a better way to describe it, please let me
16 know.

17 A. So I'm not aware of expenditures that the DSCC
18 made to Texas in the 2016 cycle.

19 Q. So there weren't any that you're aware of?

20 MS. BRAILEY: Objection, mischaracterizes
21 the testimony.

22 A. I'm not aware of expenditures that the DSCC
23 made in Texas in 2016.

24 Q (BY MS. MACKIN) And what about 2015?

25 MS. BRAILEY: Objection on form.

1 A. If you're asking -- 2015 would be part of the
2 2016 cycle, so --

3 Q. Okay.

4 A. -- my answer was to the 2016 cycle.

5 Q. Okay. And so that includes 2015 as well?

6 A. Calendar year 2015 would be part of the 2016
7 election cycle.

8 Q. Okay. And then, are you aware of the DSCC
9 making any expenditures for voter registration in Texas
10 in the 2014 cycle?

11 A. As with the 2016 cycle, I'm not aware of DSCC
12 expenditures in Texas in the 2014 cycle.

13 Q. Okay.

14 MS. BRAILEY: Anna, are we getting to a
15 point where we might be able to take a break? We're
16 about at the hour.

17 MS. MACKIN: Yeah, that's fine. We can
18 take a quick break now. How long --

19 Let's go off the record.

20 THE REPORTER: Going off the record at
21 11:11 a.m.

22 (Off the record from 11:11 to 11:26 a.m.)

23 THE REPORTER: Going back on the record
24 at 11:26 a.m.

25 MS. MACKIN: I'm sharing a document in

1 the chat box -- two documents, actually; and they are
2 Bates numbered -- the first one begins at DSCC 796 and
3 goes through 797; and the second one begins at DSCC 798
4 and goes through 799.

5 **Q. (BY MS. MACKIN) Please take a look at those**
6 **documents and let me know when you're ready to discuss**
7 **them.**

8 A. Okay.

9 **Q. So the page labeled DSCC 796 through 797, do**
10 **you recognize this document?**

11 A. I think it was -- I recognize it as -- I
12 believe as part of the production.

13 **Q. Okay. Have you seen it before?**

14 A. Before right now?

15 **Q. Yes.**

16 A. Again, I reviewed the production before it
17 went out. So I think -- I believe this is part of
18 production, so I would have seen it then.

19 **Q. Okay. Do you recall whether you saw it before**
20 **reviewing the production?**

21 A. I don't.

22 **Q. Okay. Based on your experience with the DSCC,**
23 **what does this e-mail appear to be?**

24 A. It appears to be an e-mail asking a survey
25 question.

1 Q. And do you know whether the document that
2 begins at 798 reflects a question that was asked on the
3 survey linked in the e-mail, labeled 796?

4 A. I wouldn't be able to tell you.

5 Q. Okay. At a high level, what is the purpose of
6 sending out a survey to -- here it says, "The audience
7 of highly reliable Democrats"?

8 MS. BRAILEY: Objection on the First
9 Amendment.

10 You can answer at a high level to the
11 extent you don't reveal internal strategic decisions.

12 A. Generally speaking, the DSCC wants to hear
13 from Democratic voters around the country, understand
14 what their priorities are, what folks' concerns are, and
15 just get a sense of that. And so I think that outreach
16 like this would be an attempt to obtain that insight.

17 Q. (BY MS. MACKIN) Do you know approximately how
18 often DSCC conducts surveys like this?

19 A. I don't. I mean, I would say it's not
20 infrequently; but it's hard for me to be more specific.

21 Q. And then, turning to the page -- well,
22 actually, that's all I have on those.

23 MS. MACKIN: All right. I am pulling
24 up -- well, I'm sharing in the chat box an exhibit -- a
25 document, rather; and it will be a page from Exhibit 3,

1 the document marked DSCC 800.

2 Q. (BY MS. MACKIN) Please take a look at that
3 document, and let me know when you are ready to discuss
4 it.

5 A. Okay.

6 Q. This is an e-mail dated April 18th, 2020 that
7 appears to have been sent from info@DSCC.org, with the
8 name Chuck Schumer; is that right?

9 A. Yes.

10 Q. Okay. And at a high level, what is the
11 purpose of an e-mail like this?

12 MS. BRAILEY: Objection on the First
13 Amendment.

14 You can answer to the extent it doesn't
15 reveal internal strategic decisions.

16 A. This is a fundraising e-mail.

17 Q. (BY MS. MACKIN) Okay. And about halfway down
18 the page there's a paragraph that begins, "We're already
19 putting your funds to work making crucial investments
20 that will make the difference on Election Day. Your
21 support is funding things like advertising to boost our
22 Democratic Senate candidates and registering a record
23 number of new voters in swing states." Did I read that
24 correctly?

25 A. Yes.

1 **Q. And this mention of registering a record**
2 **number of new voters in swing states, does that include**
3 **the -- well, is that a reference to any activities in**
4 **Texas?**

5 A. I'm not sure what the drafter of this e-mail
6 is specifically referring to, but certainly we have
7 made investments in Texas that will further voter-
8 registration efforts. And so -- I'll leave it at that.

9 But I can't -- I don't know what the
10 person who drafted this was specifically referring to,
11 if they had Texas in mind.

12 **Q. And so it also mentions a record number of new**
13 **voters. I guess I'm -- can you help me understand what**
14 **is meant by "a record number" in this context?**

15 A. So, again, I didn't draft this; and I don't
16 know exactly what the drafter meant. But, generally, a
17 record number means more than have been registered
18 through our efforts before.

19 **Q. Okay.**

20 A. And as I said earlier, again, TDP is in the
21 midst of a massive voter registration campaign that
22 transfer down funding from the DS would help to support,
23 so.

24 **Q. All right. Thank you.**

25 **All right. That's all I have on that.**

1 MS. MACKIN: I'm going to share a
2 document in the chat box that will be Exhibit 4 to this
3 deposition.

4 (Exhibit 4 marked.)

5 Q (BY MS. MACKIN) Please take a look at it and
6 let me know when you're ready to discuss it.

7 A. Okay.

8 Q. All right. Do you recognize this document?

9 A. I don't believe I've seen this document
10 before.

11 Q. Okay. Based on looking at it, what does it
12 appear to be?

13 A. The title of the document is Statement of
14 Organization.

15 Q. And it is a Federal Election Commission form
16 that appears to have been submitted by the DSCC to the
17 Federal Election Commission?

18 A. That seems right.

19 Q. Okay. And scrolling down to page 3 of this
20 document, there is a box for "Name of Any Connected
21 Organization, Affiliated Committee, Joint Fundraising
22 Representative or Leadership PAC Sponsor." And beneath
23 that it says, "Colorado Senate Victory 2016." Are you
24 familiar with Colorado Senate Victory 2016?

25 A. No.

1 **Q. Okay. Do you know if it is active in Texas?**

2 MS. BRAILEY: Objection that this calls
3 for a legal conclusion and is outside of the scope of
4 the Deposition Notice.

5 But you can answer to the extent that you
6 know.

7 MS. MACKIN: And I'll just note that the
8 Notice does include all activities in Texas. And so if
9 this entity has acted in Texas, I think it would fall
10 within the scope of the Notice.

11 MS. BRAILEY: Same objection.

12 But you can answer.

13 A. I'm not aware. I'm not familiar with the
14 entity.

15 **Q. (BY MS. MACKIN) And so scrolling down to page**
16 **5 of 14, there's an entry that says, "Colorado Senate**
17 **Victory 2020." Are you familiar with Colorado Senate**
18 **Victory 2020?**

19 MS. BRAILEY: Same objection to the
20 extent it calls for a legal conclusion and is outside
21 the scope of the Notice.

22 You can answer to the extent that you
23 know.

24 A. I'm not familiar with it, no.

25 **Q. (BY MS. MACKIN) And then scrolling down to**

1 page 6 there's an entry for "Illinois Senate Victory
2 2020." Are you familiar with Illinois Senate Victory
3 2020?

4 MS. BRAILEY: I will make the same
5 objection, object to legal conclusion and outside the
6 scope.

7 You can answer.

8 A. No.

9 Q (BY MS. MACKIN) All right. Scrolling down to
10 page 7 there's an entry for "Pennsylvania Senate 2016."
11 It's listed as a Joint Fundraising Representative by the
12 box indicated on the form. Are you familiar with
13 Pennsylvania Senate 2016?

14 MS. BRAILEY: I'm going to raise the same
15 objection, legal conclusion and outside the scope.

16 But you can answer.

17 A. No.

18 Q (BY MS. MACKIN) All right. Scrolling down to
19 page 8 there's an entry on this form for "Michigan
20 Senate Victory 2020," and the box ticketed says, "Joint
21 Fundraising Representative." Are you familiar with
22 Michigan Senate Victory 2020?

23 MS. BRAILEY: I'm going to make the same
24 objection. So if we're going to go page by page, can I
25 say that I'm going to make the same objection to these

1 pages so that I don't interrupt you; or I can just keep
2 making the same objection?

3 MS. MACKIN: I'm fine with that.

4 MS. BRAILEY: So for the record, I'll
5 make the same objection, legal conclusion and outside
6 the scope for each of the pages 8 through 14 on
7 Exhibit 4.

8 You can answer.

9 A. No. And I'll have the same answer for the
10 rest of the pages.

11 **Q (BY MS. MACKIN) So you've reviewed this**
12 **entire document; and you're not familiar with any of the**
13 **entities listed under -- and I'm reading from the form**
14 **here -- "Name of Any Connected Organization, Affiliated**
15 **Committee, Joint Fundraising Representative, or**
16 **Leadership PAC Sponsor?**

17 A. No. I mean, we can go through it but...

18 **Q. I mean, we don't have to. If you're not**
19 **familiar, I don't need to burn anybody's time.**

20 **All right. We will X out of that one.**

21 MS. MACKIN: Okay. I am sharing a
22 document in the chat box that will be Exhibit 5 to this
23 deposition.

24 (Exhibit 5 marked.)

25 **Q (BY MS. MACKIN) And your counsel provided**

1 this to us via a link. Please go ahead and open up that
2 document, and let me know when you are ready to discuss
3 it.

4 A. Okay.

5 Q. Your counsel has represented to us this list
6 reflects all of the transfers DSCC has made to the Texas
7 Democratic Party between 2014 and the present; is that
8 accurate?

9 A. I'm sorry. What date was this sent?

10 Q. Yesterday, so --

11 A. It's my understanding that, like, maybe
12 yesterday or the day before, I think there was an
13 additional transfer.

14 Q. Okay.

15 A. But it's all public. So if you go on FEC's
16 website and you look up DSCC's disbursements to the
17 Texas Democratic Party, you can find it.

18 Q. Okay. And does it appear that the criteria
19 that were used to pull this report would pull all the
20 transfers DSCC has made to the Texas Democratic Party
21 between 2014 and the date that the report is run?

22 MS. BRAILEY: Objection to form.

23 A. Yeah. Sorry. You say criteria?

24 Q. (BY MS. MACKIN) So at the top -- sure. It
25 says, "Disbursements." And then it says, "Viewing

1 filtered results." And underneath, there are some what
2 appear to be filters that were input into the FEC
3 website to pull this data. So if I were to enter these
4 filters and run this report, let's say, today, as long
5 as an additional disbursement had been processed, it
6 would appear on that report, right?

7 MS. BRAILEY: Objection to form.

8 A. If you searched for the spender as the DSCC
9 and the recipient as the Texas Democratic Party, that's
10 all public. Everything that the DSCC brings in and
11 every penny that the DSCC spends is public, and that's
12 what the FEC filings would reflect.

13 Q (BY MS. MACKIN) Okay. Thank you.

14 Does DSCC have members who are eligible
15 to vote in Texas?

16 MS. BRAILEY: Objection, that it calls
17 for a legal conclusion.

18 You can answer to the extent that you
19 know.

20 A. What do you mean by members?

21 Q. (BY MS. MACKIN) Well, does DSCC have members?

22 MS. BRAILEY: Again, objection to a legal
23 conclusion.

24 You can answer.

25 A. What do you mean by members?

1 Q (BY MS. MACKIN) I guess whatever that means
2 to you. I mean, is DSCC a -- is DSCC comprised of --
3 does it represent the Democratic members of the Senate?
4 Would those folks be regarded by DSCC as its members?

5 MS. BRAILEY: Objection to a legal
6 conclusion.

7 But you can answer.

8 A. I don't know what our corporate filings would
9 say about members. I mean, to the extent that you're
10 asking how does DSCC interact with or associate with
11 Democratic voters around the country, I mean, we have
12 folks who sign up for our Listserv. We have people who
13 donate to the DSCC. You know, I don't know that we have
14 a set term for them. I think we call them "people on
15 the Listserv" or "donors" or "supporters."

16 Q. Okay.

17 MS. MACKIN: I think that this is
18 probably all I have; but do you mind if we go off the
19 record for, like, five minutes for me to just take a
20 look at my notes and make sure that I've covered
21 everything?

22 MS. BRAILEY: Yeah, absolutely.

23 THE REPORTER: Going off the record at
24 11:48 a.m.

25 (Off the record from 11:48 to 11:58 a.m.)

1 THE REPORTER: Going back on the record
2 at 11:58 a.m.

3 Q (BY MS. MACKIN) All right. Just a few more
4 questions, Ms. Schaumburg.

5 Has the DSCC developed any voter
6 registration training materials?

7 MS. BRAILEY: Objection on the First
8 Amendment.

9 You can answer at a high level.

10 A. What do you mean by "training materials"?

11 Q (BY MS. MACKIN) Sure. Any documents that you
12 might provide to campaigns or DSCC staff to assist in
13 voter-registration efforts.

14 A. So sitting here, I can't tell you. I'd have
15 to check.

16 Q. Does the DSCC ever communicate with individual
17 voters to assist them with voter registration?

18 A. Generally, the DSCC supports voter-
19 registration efforts in states through the means that
20 we've talked about, less on an individual basis, not
21 that it wouldn't happen; but we provide support,
22 funding, resources to state parties, to the campaigns
23 for their grounding.

24 Q. Rather than DSCC actually communicating with
25 the individual voter?

1 A. Not that we couldn't.

2 **Q. Are you aware of it ever happening?**

3 A. Of -- sorry. Am I aware of...

4 **Q. Are you aware of the DSCC ever communicating**
5 **directly with an individual voter to assist them with**
6 **their voter registration in Texas?**

7 A. So in a sense that, yeah, I mean, the DSCC had
8 staff on the ground. Again, like, DSCC funded
9 positions. You know, those staffers could be in charge
10 of working on voter registration. So in that sense,
11 sure.

12 **Q. Okay. But what I'm trying to get at is a DSCC**
13 **employee specifically. Are you aware of a DSCC employee**
14 **ever communicating with a Texas voter to assist them**
15 **with their voter registration?**

16 MS. BRAILEY: Objection. I think that
17 was just asked and answered from her last answer.

18 **Q. (BY MS. MACKIN) I was just hoping for a "yes"**
19 **or "no," like a clear answer.**

20 A. So I think your first question was about Texas
21 specifically. So can you rephrase your question?

22 **Q. It was, but I'll ask it again. Are you aware**
23 **of any DSCC employee directly communicating with a Texas**
24 **voter to assist them with their voter registration?**

25 A. So I think generally the DSCC supports voter-

1 registration activities by the things we've talked
2 about.

3 **Q. And would that be a "no"?**

4 A. It's possible that they have.

5 **Q. Are you aware of any specific instance?**

6 A. Sitting here today, can I name a specific
7 instance, like, a date and time? Not to that level of
8 specificity. But the DSCC provides voter registration
9 guidance, and it's -- you know, we do interact with
10 individual voters in certain situations. So it's
11 just...

12 **Q. So I guess I'm still just looking for, like, a**
13 **"yes" or a "no."**

14 MS. BRAILEY: I'm going to object, again,
15 on form.

16 **Q (BY MS. MACKIN) So would it be fair to say to**
17 **that you are not aware of any DSCC employee directly**
18 **communicating with an individual Texas voter to assist**
19 **them with their voter registration?**

20 MS. BRAILEY: Objection.

21 A. I would --

22 MS. BRAILEY: Objection, mischaracterizes
23 the witness.

24 A. I would have to check. I mean, we have field
25 folks. We have a field team. So I haven't reviewed

1 with them, like, their specific conversations or every
2 interaction that they've had with individual voters; but
3 I would have to ask.

4 Q (BY MS. MACKIN) Okay. I want to jump back to
5 Exhibit 2, page 6. Just going over the subpoena duces
6 tecum, the documents that were subpoenaed for today's
7 deposition, Category 1, which requests documents
8 sufficient to substantiate certain factual allegations
9 in your Complaint, do you know whether any documents
10 were withheld in responding to this request on the basis
11 of privilege?

12 MS. BRAILEY: Objection on the -- based
13 on the attorney-client privilege.

14 Q. (BY MS. MACKIN) And just to be clear, I'm not
15 asking whether -- what documents -- if the answer is
16 "yes," I'm not inquiring into the substance of those
17 documents sitting here today; but since we haven't
18 received a privilege log, I'm inquiring into whether
19 documents exist, just a "yes," "no," not seeking a
20 description of the document or even at this point the
21 privilege asserted, simply whether documents exist that
22 were withheld on the basis of privilege.

23 MS. BRAILEY: Again, I'll make the same
24 objection to preserve it.

25 But, Sara, you can answer as long as you

1 don't reveal our conversations.

2 A. Sitting here right now, I couldn't tell you.
3 I'd have to check with counsel.

4 Q. (BY MS. MACKIN) Okay. Do you know with --
5 would that be your answer with respect to all five
6 categories of documents that were requested?

7 MS. BRAILEY: It would be my objection to
8 all five categories.

9 You can answer.

10 Same objection.

11 A. That would be my answer to all five categories
12 or to all categories regarding documents.

13 MS. MACKIN: All right, Ms. Schaumburg.
14 Thank you for your time today.

15 I'll pass the witness.

16 MS. BRAILEY: Great. I just have a few
17 questions.

18 EXAMINATION

19 BY MS. BRAILEY:

20 Q. Ms. Schaumburg, earlier today counsel asked
21 you about money that the DSCC transferred to the Texas
22 Democratic Party. Do you remember that?

23 A. Yes.

24 Q. And then I believe she also asked you
25 questions about money that the DSCC transferred to the

1 **Texas Democratic Party specifically this cycle. Do you**
2 **remember that?**

3 A. Yes.

4 Q. Okay. For that money that was transferred to
5 TDP for this cycle, did T -- was that money used by TDP
6 for voter-persuasion efforts?

7 A. That's my understanding.

8 Q. And was is it used for voter-registration
9 efforts?

10 A. That's my understanding, yes.

11 Q. And was it used for Get-Out-the-Vote efforts?

12 A. So it's my understanding that it will be used
13 for Get-Out-the-Vote efforts. It's, you know, a program
14 that would ramp up closer to election day.

15 Q. And how do you know that the money transferred
16 to TDP in this cycle from DSCC is used in these ways?

17 A. I mean, we -- we work closely with the state
18 parties in our -- in the Senate states, including with
19 the Texas Democratic Party, on programming, on advising
20 them on various aspects of their campaign. And so, you
21 know, we share our -- the DS and its employees share
22 their insight and their expertise on how to manage a
23 campaign, what the priorities should look like. And
24 certainly voter registration is one of those top
25 priorities and, you know, that the TDP's budget, what

1 they prioritize, the more funding that they have from
2 whatever sources, the more they can invest in those
3 activities. And so, you know, I think by providing,
4 we've conveyed that voter registration is one of our
5 priorities; and, you know, the more budget that TDP has
6 to spend, the more they can invest in activities around
7 that.

8 **Q. Great. Thank you.**

9 MS. BRAILEY: Those are all my questions.
10 I'll pass the witness.

11 MS. MACKIN: All right. And I'd just
12 like to note that we are going to hold this deposition
13 open to the extent that there is any subsequent
14 delinquent production of documents; and once we have an
15 opportunity to evaluate the claims of privilege. But
16 that's all that I have for today.

17 MS. BRAILEY: Okay. Great.

18 And, Debbie, can I get on the record that
19 I'd like to read and sign and get a copy of the
20 transcript.

21 THE REPORTER: Going off the record at
22 12:09 p.m.

23 (Deposition recessed at 12:09 p.m.)

24 --ooOoo--

25

1 I, SARA SCHAUMBURG, have read the
2 foregoing deposition and hereby affix my signature that
3 same is true and correct, except as noted herein.

4

5

6

SARA SCHAUMBURG

7

8 THE STATE OF _____)

9

Before me, _____, on

10 this day personally appeared SARA SCHAUMBURG, known to
11 me (or proved to me under oath or through

12 _____) (description of identity card or other
13 document) to be the person whose name is subscribed to

14 the foregoing instrument and acknowledged to me that

15 they executed same for the purposes and consideration

16 therein expressed.

17

Given under my hand and seal of office on

18 this _____ day of _____, _____.

19

20

21

22

NOTARY PUBLIC IN AND FOR

23

THE STATE OF _____

24

My Commission Expires: _____

25

1 STATE OF TEXAS)

2

3

REPORTER'S CERTIFICATION

4

5

6

7

8

I, DEBBIE D. CUNNINGHAM, CSR, hereby
certify that the witness was duly sworn and that this
transcript is a true record of the testimony given by
the witness.

9

10

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15

I further certify that I am neither
counsel for, related to, nor employed by any of the
parties or attorneys in the action in which this
proceeding was taken. Further, I am not a relative or
employee of any attorney of record in this cause, nor am
I financially or otherwise interested in the outcome of
the action.

16

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25

Subscribed and sworn to by me this day,
May 8, 2020.




Debbie D. Cunningham, CSR
Texas CSR 2065
Expiration: 6/30/2021
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Home > Campaign finance data > Browse data > Disbursements

Disbursements






Viewing **3** filtered results for: [Clear all filters](#) 


Data type: processed

DSCC (C00042366) 

TEXAS DEMOCRATIC PARTY (C00099267) 

Beginning 01/01/2014 

Spender	Recipient	State	Description	Disbursement date 	Amount 	
DSCC	TEXAS DEMOCRATIC PARTY	TX	TRANSFER	03/03/2020	\$5,000.00	
DSCC	TEXAS DEMOCRATIC PARTY	TX	TRANSFER	02/04/2020	\$5,000.00	
DSCC	TEXAS DEMOCRATIC PARTY	TX	TRANSFER	01/10/2020	\$5,000.00	

Results per page: 30 



Showing 1 to 3 of 3 entries

Exhibit
Sara Schaumburg

5

4/30/20 DC

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