

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

JARROD STRINGER, et al.,
Plaintiffs,

v.

RUTH R. HUGHS, et al.,
Defendants.

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No. SA-20-CV-46-OG

**DEFENDANTS' RESPONSE IN OPPOSITION TO INTERVENORS' MOTION FOR SUMMARY
JUDGMENT AND COUNTER-MOTION FOR SUMMARY JUDGMENT DISMISSING INTERVENORS**

Exhibit C

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.

--ooOoo--

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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 CHANGES AND SIGNATURE

2 WITNESS NAME: DATE OF DEPOSITION:

3 SARA SCHAUMBURG April 30, 2020

4 PAGE/LINE CHANGE REASON

5 _____

6 _____

7 _____

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11 _____

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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)

3 REPORTER'S CERTIFICATION

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

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

16 Subscribed and sworn to by me this day,
17 May 8, 2020.

20 

21 Debbie D. Cunningham, CSR
22 Texas CSR 2065
23 Expiration: 6/30/2021
24 INTEGRITY LEGAL SUPPORT SOLUTIONS
25 P.O. Box 245
Manchaca, Texas 78652
www.integrity-texas.com
512-320-8690; FIRM # 528

FILED

JAN 21 2020

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JARROD STRINGER; BENJAMIN
HERNANDEZ; JOHN WOODS,

Plaintiffs,

and

TEXAS DEMOCRATIC PARTY; DSCC; DCCC,

Intervenor-Plaintiffs,

v.

RUTH HUGHS, in her official capacity as the
Texas Secretary of State;¹ STEVEN C. MCCRAW,
in his official capacity as the Director of the Texas
Department of Public Safety,

Defendants.

Civil Action

Case No. 5:16-cv-00257-OLG

**INTERVENOR-PLAINTIFFS TEXAS DEMOCRATIC PARTY, DSCC, AND
DCCC'S COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

NATURE OF THE CASE

1. This action seeks declaratory and injunctive relief to redress Defendants' systematic and continuing violation of the U.S. Constitution's guarantee of equal protection. Intervenor-Plaintiffs, who have invested and plan to invest substantially in voter registration efforts throughout the state and among whose membership are eligible Texas voters who utilize the Department of Public Safety's ("DPS") online portal for renewal and change of address transactions, have been injured by Defendants' continuing unconstitutional treatment of these individuals, who are arbitrarily subject to differential treatment regarding their efforts to register

¹ Intervenor-Plaintiffs have substituted the name of the current Texas Secretary of State in this case pursuant to Fed. R. Civ. P. 25(d).

to vote solely because they choose to utilize DPS's online portal for renewal and change of address transactions rather than accomplishing these tasks in person or by mail. Texas voters will continue to be shut out of the democratic process unless and until Defendants reform their registration practices.

2. Defendants permit certain Texas driver's license holders to renew their license and/or update the address on their license online on DPS' website at www.txdps.state.tx.us. While there have been many different iterations of this online process over the years, *see Stringer v. Pablos*, 320 F. Supp. 3d 862, 869, 871, 876, (W.D. Tex. 2018), none have offered any means for simultaneous voter registration. Today, despite years of litigation over this issue before this Court, Defendants still fail to allow for simultaneous registration with online renewals and changes of address. *See* Press Release, Ken Paxton, Attorney General of Texas, Fifth Circuit Rules in Favor of Texas Voter Registration System in "Motor Voter" Lawsuit (Nov. 14, 2019), <https://www.texasattorneygeneral.gov/news/releases/fifth-circuit-rules-favor-texas-voter-registration-system-motor-voter-lawsuit> ("Currently, Texans who use the DPS driver license renewal and change-of-address website are sent to a separate page – administered by the Texas Secretary of State – where they can complete an online application, print it out, sign it, and mail it to their county voter registrar to ensure their ability to vote in upcoming elections.").

3. In contrast to the multi-step process required for a driver using DPS's online systems to update their voter registration, DPS's in-person driver's license applications, ECF No. 93, exh. A-7, in-person renewal/replacement/change of address forms, ECF No. 93, exh. A-8, and mail in change of address forms, ECF No. 93, ex. A-9, serve as simultaneous voter registration applications.

4. Defendants' current practices treat similarly situated voters differently based solely on how those voters choose to transact with DPS without any adequate justification, in violation of the U.S. Constitution's requirement of equal protection.

5. Defendants must not be permitted to continue to ignore constitutional law. Intervenor-Plaintiffs respectfully request that this Court enjoin Defendants from further violations of the law and grant the relief set forth below.

JURISDICTION AND VENUE

6. Intervenor-Plaintiffs sue under 42 U.S.C. §§ 1983 and 1988 to redress the deprivation under color of state law of rights secured by the United States Constitution.

7. This Court has original jurisdiction over the subject of this action under 28 U.S.C. §§ 1331 and 1343 because the matters in controversy arise under the Constitution and laws of the United States.

8. This Court has personal jurisdiction over Defendants, who are citizens of the State of Texas and sued in their official capacity only.

9. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events that caused Intervenor-Plaintiffs' claims occurred in this judicial district, and each Defendant conducts business in this district.

10. This Court has the authority to enter a declaratory judgment and to provide injunctive relief under Rules 57 and 65 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201 and 2202.

PARTIES

11. Plaintiff the Texas Democratic Party ("TDP") is the statewide organization representing Democratic candidates and voters throughout the State of Texas within the meaning

of Section 117 of Texas's Election Code and all other applicable provisions of the election laws. TDP's purpose is to elect Democratic Party candidates to public office throughout Texas. To accomplish its purpose, TDP engages in vitally important activities, including supporting Democratic Party candidates in national, state, and local elections through fundraising and organizing; protecting the legal rights of voters; and ensuring that all voters have a meaningful ability to cast ballots in Texas. TDP has millions of members and constituents from across Texas, including millions of Texans who are registered with the Texas Department of State's Division of Elections as Democrats, millions of Texans who are drivers who interact with DPS, and many other Texans who regularly support and vote for candidates affiliated with the Democratic Party.

12. Plaintiff DSCC is the national senatorial committee of the Democratic Party, as defined by 52 U.S.C. § 30101(14), and its mission is to elect candidates of the Democratic Party to the United States Senate, including in Texas. DSCC works to accomplish its mission across the country and in Texas by, among other things, assisting state parties throughout the country, including in Texas. In 2018, DSCC made contributions and expenditures in the tens of millions of dollars to persuade and mobilize voters to support Democratic Senate candidates. In 2020, DSCC expects to invest millions in support of the Democratic candidate selected as the nominee to run against Republican Senator John Cornyn. Texas's conduct directly harms DSCC by frustrating its mission of, and efforts in, electing the Democratic Party candidate to the U.S. Senate in Texas by suppressing the access of eligible Texas citizens to the franchise. DSCC is aware of Texas's online portal system and will have to expend and divert additional funds and resources on ensuring that eligible citizens are not misled into believing that they have effectively registered to vote, and are in fact registered to vote, as well as to support GOTV, voter persuasion efforts, and

other activities in Texas, at the expense of its other efforts to defeat Senator Cornyn, as well as its efforts in other states, to combat the effects of Texas's conduct.

13. Plaintiff DCCC is the national congressional committee of the Democratic Party, as defined by 52 U.S.C. § 30101(14). DCCC's mission is electing Democratic candidates to the U.S. House of Representatives from congressional districts across the United States, including from Texas's 36 congressional districts. DCCC works to accomplish its mission across the country and in Texas by, among other things, assisting state parties throughout the country, including in Texas in its efforts to elect Democrats to public office. In 2018, DCCC made contributions and expenditures in the tens of millions of dollars to persuade and mobilize voters to support Democratic congressional candidates—several million dollars of which were spent for those purposes in Texas. For 2020, DCCC has identified at least eight congressional districts in Texas (Congressional Districts 7, 10, 21, 22, 23, 24, 31, and 32) as targeted races, in which it will expend resources to support the Democratic candidate, including specifically through expenditures on voter registration efforts. Overall, in 2020, DCCC expects to make contributions and expenditures in the millions of dollars to persuade and mobilize voters to support Democratic candidates in congressional elections around the country, including in Texas. Defendants' conduct directly harms DCCC by forcing DCCC to spend additional money on voter registration instead of other critical priorities. Defendants' conduct also frustrates DCCC mission of, and efforts in, electing Democratic Party candidates to the U.S. Congress in Texas by suppressing the access of eligible Texas citizens to the franchise. DCCC is aware of Texas's unconstitutional online portal system and will have to expend and divert additional funds and resources on voter registration and on ensuring that eligible citizens are not misled into believing that they have effectively registered to vote when they have not. Additional resources will need to be allocated to these efforts at the

expense of DCCC's other efforts to elect Democrats to Congress from Texas, as well as its efforts in other states, in order to combat the effects of Defendants' conduct.

14. Defendant RUTH HUGHS is sued in her official capacity as the Secretary of State of Texas. The Secretary is a person within the meaning of 42 U.S.C. § 1983 and acts under color of state law in her official capacity. The Secretary's official responsibilities include serving as the Chief Election Officer for Texas, assisting county election officials and ensuring the uniform application and interpretation of election laws throughout Texas. *See* Tex. Elec. Code Ann. § 31.001(a). As the head of the Elections Division of her office, the Secretary is charged with administering the Texas Election Code.

15. Defendant STEVEN C. MCCRAW is the Director of DPS, and is sued in his official capacity. DPS is Texas' motor vehicle bureau. DPS operates offices around the state, issues driver's licenses and other state identification cards, and is responsible under state and federal law for providing voter registration services and transmitting voter registration information to the Texas Secretary of State. *See* 52 U.S.C. §§ 20503-20504; Tex. Elec. Code Ann. §§ 20.063, 20.066.

STATEMENT OF FACTS AND LAW

A. The Fourteenth Amendment

16. The Fourteenth Amendment's Equal Protection Clause is implicated any time a state subjects voters to disparate treatment or places arbitrary restrictions upon the right to vote. U.S. Const. amend. XIV, § 1.

17. There is no "litmus test for measuring the severity of a burden that a state law imposes on . . . an individual voter, or a discrete class of voters. However slight that burden may appear, . . . it must be justified by relevant and legitimate state interests 'sufficiently weighty to justify the limitation.'" *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 191 (2008) (Stevens,

J., announcing judgment of Court); *accord Obama for Am. v. Husted*, 697 F.3d 423, 429 (6th Cir. 2012) (“When a plaintiff alleges that a state has burdened voting rights through the disparate treatment of voters, we review the claim using the flexible standard outlined in *Anderson v. Celebrezze* . . . courts must weigh the burden on voters against the state’s asserted justifications and make the hard judgment that our adversary system demands.” (quotation marks and citations omitted)).

B. Texas Election Code

18. Texas state law specifies that DPS must use “a form and procedure that combines the department’s application form for a license or card with an officially prescribed voter registration application form.” Tex. Elec. Code Ann. § 20.062(a).

19. DPS must also provide a “change of address form and procedure that combines department and voter registration functions,” *id.* § 20.062(b), so that when a voter submits a change of address, that “serves as a change of address for voter registration” as well, unless the individual indicates otherwise. *Id.* § 20.063(c).

20. In addition, if a “correct driver’s license number or personal identification card number” or if “correct residence address or mailing address” information is missing from a registration application, DPS employees have a duty to correct the voter’s application by “enter[ing] the information on the application.” *Id.* § 20.063(d).

21. Finally, voter registration applications and change-of-address forms must be promptly delivered to election officials. Specifically, “[n]ot later than the fifth day after the date a person completes a voter registration application and provides an electronic signature to the department, [DPS] shall electronically transfer the applicant’s voter registration data, including the applicant’s signature, to the [Texas Secretary of State].” *Id.* § 20.066(b); *see also id.* § 20.065.

C. DPS does not provide simultaneous voter registration with online transactions despite doing so with mail and in-person transactions

22. DPS's in-person driver's license applications, ECF No. 93, exh. A-7, in-person renewal/replacement/change of address forms, ECF No. 93, exh. A-8, and mail in change-of-address forms, ECF No. 93, ex. A-9, serve as simultaneous voter registration applications.

23. DPS encourages Texans to use a number of online services through its website, www.txdps.state.tx.us, an official governmental website for the State of Texas.

24. DPS invites many Texas driver's license holders to renew their license and/or update the address information associated with their license online through a portion of its website entitled "Driver License Renewal, Replacement, Change of Address or Change of Emergency Contacts," available at <https://txapps.texas.gov/tolapp/txdl/>.

25. This website page provides a single online portal for qualified holders of a Texas driver's license to renew their driver's licenses, update the address listed on their driver's licenses, or both.

26. The online process involves nine "Steps to Complete," including the following steps: Welcome, Login, Select Services, Enter Address, Select Options, Review Order, Submit Payment, Emergency Contacts, and Receipt.

27. Unlike Defendants' simultaneous voter registration services for license renewal or address update applications submitted in-person at a DPS office or through the mail, Defendants do not provide for simultaneous voter registration at any point during the online license renewal or address update process. Instead of providing any simultaneous opportunity for voter registration, the DPS website directs voters to an entirely different website, where voters must complete an online application, print it out, sign it, and mail it to their county voter registrar to ensure their ability to vote in upcoming elections.

28. Even though Defendants refuse to use information from online change-of-address transactions to properly register voters at their new addresses, they are certainly capable of using this information to do so. In fact, Defendants may use the same online information to cancel a voter's prior registration record even though they fail to give voters any notice of this possibility. *See* Tex. Elec. Code Ann. § 16.031.

D. Defendants' Voter Registration Failures Harm Countless Texas Voters

29. As a result of Defendants' failure to register eligible voters equally, countless eligible Texas residents have been denied the right to voter registration.

30. According to data already in the factual record before this Court, between September 2013 and February 2015, the Secretary's Elections Division confirmed over 1,700 incidents reported by voters who checked "yes" on their drivers' license applications at DPS, indicating they wanted to register to vote at that time, but did not appear on the voter rolls. ECF No. 1-4 at 7.

31. The voters who complained almost certainly represent just a fraction of the total affected during that time frame. Indeed, the State's records capture only those voters who contacted election workers, specifically complained about registration problems at DPS, and had their files investigated — surely, not all affected voters complained; others may have reported problems but had their complaints disregarded by election workers. Further, this data comes from just 123 of Texas' 254 counties, strongly suggesting that the data set itself is incomplete. *See* ECF No. 1-3; ECF No. 1-4 at 9.

CLAIMS FOR RELIEF

COUNT I

**Violation of Fourteenth Amendment: Disparate Treatment
U.S. Const. amend. XIV; 42 U.S.C. § 1983; 28 U.S.C. §§ 2201, 2202**

32. Intervenor-Plaintiffs reallege and incorporate by reference all previous and subsequent paragraphs as though set forth herein.

33. By arbitrarily subjecting eligible voters to disparate voter registration standards, Defendants have denied voters an equal opportunity to participate in federal and state elections in violation of Section 1 of the Fourteenth Amendment. As a result of this disparate treatment, Intervenor-Plaintiffs were directly harmed in their mission to elect Democratic representatives, and those among their membership harmed through disenfranchisement.

34. No legitimate state interest could justify the state's differential treatment, which creates arbitrary distinctions among Texas voters based on how they choose to interact with DPS.

35. Absent relief, DSCC, DCCC, and TDP along with its members and constituents, will be denied an equal opportunity to participate in Texas's elections.

PRAYER FOR RELIEF

WHEREFORE, Intervenor-Plaintiffs respectfully request this Court enter judgment:

- (a) declaring, under the authority granted to this Court by 28 U.S.C. § 2201, that Defendants have violated Section 1 of the Fourteenth Amendment by denying voters an equal opportunity to participate in federal and state elections;
- (b) permanently enjoining Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them, from implementing practices and procedures that likewise violate Section 1 of the Fourteenth Amendment;
- (c) directing Defendants, under a court-approved plan with appropriate reporting and monitoring requirements, to take all appropriate measures necessary to remedy the harm caused by their violation, including, but not limited to providing for the electronic transfer of voter registration information collected through online transactions to the Secretary of State, similar to the existing system to transfer voter registration information collected through in-person transactions;

- (d) awarding Intervenor-Plaintiffs their costs, disbursements, and reasonable attorneys' fees incurred in bringing this action under 42 U.S.C. § 1988 and other applicable laws;
- (e) retaining jurisdiction over this action to ensure that Defendants continue to comply with their obligations under Section 1 of the Fourteenth Amendment; and
- (f) granting such other and further relief as the Court deems just and proper.

Dated: December 20, 2019.

Respectfully submitted,

/s/ John R. Hardin

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Counsel for Intervenor-Plaintiff Texas

Democratic Party

**Motions for Admission Pro Hac Vice
Forthcoming*

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

JARROD STRINGER, et al.,
Plaintiffs,

v.

RUTH R. HUGHS, et al.,
Defendants.

§
§
§
§
§
§
§

No. SA-20-CV-46-OG

DEFENDANTS' NOTICE OF ORAL DEPOSITION
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 30

TO: Plaintiff-Intervenor DSCC, by and through its attorney of record, Aria C. Branch, Perkins Coie LLP, 700 13th Street, NW, Suite 600, Washington, DC, 20005, via email to abbranch@perkinscoie.com.

Defendants hereby notice the deposition upon oral examination of DSCC, including all subsidiaries, DBAs, and aliases, at **10:00am** on **April 30, 2020**, and continuing from day to day until complete. The deposition will be held virtually and recorded via Zoom videoconference and transcribed by a certified court reporter designated by Defendants. Defendants reserve the right to use this deposition for any purpose permitted under the Federal Rules of Civil Procedure or Federal Rules of Evidence.

Pursuant to Federal Rule of Civil Procedure 30(b)(6), DSCC is directed to designate one or more officers, directors, managing agents, or other persons who will testify on DSCC's behalf regarding all information known or reasonably available to DSCC with respect to the matters set forth in **Attachment A**. Defendants request that DSCC provide written notice to undersigned counsel at least five business days

before the deposition of the name(s) and employment position(s) of the individuals designated to testify on DSCC's behalf.

Pursuant to Federal Rules of Civil Procedure 30(b)(2) and 45, DSCC is also requested to produce at least 24 hours before the deposition, all documents in response to the subpoena *duces tecum* in **Attachment B**.

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

RYAN L. BANGERT
Deputy First Assistant Attorney General

DARREN L. MCCARTY
Deputy Attorney General for Civil Litigation

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/s/ Christopher D. Hilton
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that on April 14, 2020, this notice was served upon DSCC's counsel of record via email to:

Aria Branch
abranche@perkinscoie.com
John M. Geise
jgeise@perkinscoie.com
Emily Brailey
ebrailey@perkinscoie.com
Chad W. Dunn
chad@brazilanddunn.com

and upon counsel for Plaintiffs via email to:

Mimi Marziani
mimi@texascivilrightsproject.org
Rebecca Harrison Stevens
beth@texascivilrightsproject.org
Hani Mirza
hani@texascivilrightsproject.org
Ryan Cox
ryan@texascivilrightsproject.org
Joaquin Gonzalez
joaquin@texascivilrightsproject.org
Caitlyn E. Silhan
csilhan@waterskraus.com

/s/ Christopher D. Hilton
CHRISTOPHER D. HILTON

ATTACHMENT A

Definitions

1. “Person” means the plural as well as the singular and includes: natural persons, corporations, firms, associations, partnerships, joint ventures, trusts, estates, or any other form of legal entity; and governmental agencies, departments, units, or subdivisions thereof.
2. “DPS” means the Texas Department of Public Safety, including without limitation representatives, employees, agents, or officers acting on its behalf with respect to any matter inquired about herein.
3. “SOS” means the Texas Secretary of State, in her official capacity, including without limitation representatives, employees, agents, or officers acting on her behalf with respect to any matter inquired about herein.
4. “Defendants” means DPS and SOS, including without limitation representatives, employees, agents, or officers of the Defendants acting on their behalf with respect to any matter inquired about herein.
5. “You” or “your” or “yours” means DSCC, all DBAs, aliases, and subsidiaries, and any representative acting or purporting to act on its behalf with respect to any matter inquired about herein, including without limitation, employees, attorneys, consultants, agents, contractors, or volunteers.
6. “Plaintiffs” means MOVE Texas Civic Fund, the League of Women Voters of Texas, Jarrod Stringer, John Harms, or Nayeli Gomez, including without limitation any employees, agents, or other representative acting on their behalf with respect to any matter inquired about herein.
7. “Complaint” means your live pleading in this Lawsuit—at the time of service of this Notice, Docket Entry 28 in *Stringer v. Hughs*, No. 5:20-cv-00046 (W.D. Tex.—San Antonio Div.) (filed January 21, 2020).

30(B)(6) CORPORATE REPRESENTATIVE DEPOSITION TOPICS

1. Your mission.
2. Your organization, including your organizational structure, employees, physical assets, parent and sibling entities, tax status, and history; the services that you provide and the activities you perform.
3. Your funding sources, funding amounts, operational expenses, operational budget, and fundraising activities between January 1, 2014 and the present.
4. All activities on which you have spent funds or to which you have dedicated resources in Texas between January 1, 2014 and the present, including:
 - a. Total funds spent on all activities in Texas;
 - b. Total funds spent on voter persuasion efforts in Texas;
 - c. Total funds spent on GOTV efforts in Texas;
 - d. Total funds spent on voter registration efforts in Texas;
 - e. Activities other than voter persuasion efforts, GOTV efforts, and voter registration efforts on which you spent funds in Texas; and total funds spent on those activities.
5. All activities on which you plan to spend funds or to which you plan to dedicate resources in Texas between the present and January 1, 2024, including:
 - a. Total funds you plan to spend on all activities in Texas;
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6. The allegations in your Complaint and the factual bases therefor.
7. Your members who are eligible to use the DPS website for a driver license renewal or change-of-address transaction and intend to do so.
8. The documents produced in response to the subpoena duces tecum described in Attachment B.

ATTACHMENT B

Definitions from Attachment A are incorporated herein by reference.

1. Documents sufficient to substantiate the factual allegations in Paragraphs 12 and 29-35 of your Complaint. This request does not seek all documents relating to these factual allegations, it seeks only those documents necessary to substantiate these factual allegations.
2. All communications between you and any person to assist them in registering to vote or updating their voter registration information after a driver license renewal or change-of-address transaction on the DPS website.
3. Documents sufficient to show all information described and/or requested in deposition topic numbers 2, 3, 4, 5, and 7 as described in Attachment A to this notice. This request does not seek all such documents, it seeks only the minimum number of documents sufficient to show this information.
4. Documents sufficient to show your organizational structure and internal employee hierarchy, including an organizational chart and job descriptions of all employees. This request does not seek all such documents, it seeks only the minimum number of documents sufficient to show this information.
5. To the extent not already provided in response to items 1-4 above, all documents reviewed in preparation for your deposition.

From: DSCC Press Team [press@dsc.org]
Sent: 2/3/2020 3:31:08 PM
To: Dawn Le [le@dsc.org]
Subject: Democrats Post Record-Breaking Q4 Numbers, Continue Strong Fundraising Momentum in Battle for the Senate



For Immediate Release

February 3, 2020

Contact: Lauren Passalacqua, Stewart Boss - 202-545-3557

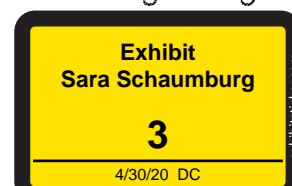
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Sent: 2/3/2020 3:31:07 PM
To: Shaun Kelleher [kelleher@dsc.org]
Subject: Democrats Post Record-Breaking Q4 Numbers, Continue Strong Fundraising Momentum in Battle for the Senate



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To: Sara Schaumburg [schaumburg@dsc.org]
Subject: Democrats Post Record-Breaking Q4 Numbers, Continue Strong Fundraising Momentum in Battle for the Senate



For Immediate Release

February 3, 2020

Contact: Lauren Passalacqua, Stewart Boss - 202-545-3557

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The DSCC "Raised a Record Amount of Money in 2019"

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- Several Democratic challengers, including in battleground races in Arizona and Maine, have also outraised Republican incumbents in recent quarters.
- Democrats also touted their small-dollar fundraising last year, hauling in more than \$18.6 million in unitemized donations under \$200. According to the committee, the number of online donations last year increased by more than 30 percent, compared to the same time frame in 2017.

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Sent: 2/3/2020 3:31:07 PM
To: Haris Aqeel [aqeel@dsc.org]
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Sent: Tue 1/28/2020 5:27:18 PM (UTC-06:00)
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DSCC EVENING CLIPS—JANUARY 28, 2020

National

- [Wall Street Journal: GOP Leaders Say They Don't Currently Have Enough Votes to Block Witnesses](#)
- [Wall Street Journal: Senate GOP Weighs Credibility of Longtime Ally John Bolton](#)
- [Politico: Senate Republicans calm down after Bolton panic](#)
- [LATimes: Feinstein leans toward acquitting Trump as his lawyers end their impeachment defense arguments](#)
- [Bloomberg: Trump Defense Finale Puts GOP Near Moment of Reckoning on Bolton](#)
- [Washington Post: Power Up: Republican senators divided over calling witnesses after Senate impeachment trial.](#)
- [Washington Post: What Trump allies and Republicans said about quid pro quo before the Bolton news](#)
- [Washington Examiner: Democrats scoff at proposal to read Bolton manuscript in secret](#)
- [CNBC: Koch donors at annual summit, concerned that Trump could lose, discuss the need to defend GOP Senate majority](#)
- [Washington Post: Super PAC supporting Senate Democrats reports record-breaking off-year haul of \\$61 million, officials say](#)
- [NYTimes: A Primary From the Right? Not in Trump's G.O.P.](#)
- [Axios: Exclusive: New group to focus on McConnell attacks](#)
- [The Hill: GOP leader warns lawmakers on fundraising: 'Getting our asses kicked'](#)

State

Alabama

- [AL.com: Sen. Doug Jones concedes Trump attorney made 'some good points' in impeachment defense](#)
- [Yellowhammer: Poll: Doug Jones reelection chances take hit if he votes to remove Trump](#)
- [AL.com: Bradley Byrne says he'll be in Senate runoff with Jeff Sessions](#)
- [WKRG: Sessions slips slightly in new poll; Byrne overtakes Tuberville](#)
- [NYTimes: How Impeachment Puts Doug Jones in a No-Win Situation in Alabama](#)

Arizona

- [E&E News: Public lands credentials may not save McSally](#)

Colorado

- [Denver Post: Cory Gardner noncommittal on subpoenaing John Bolton in impeachment trial](#)
- [Westword: Impeachment Pressure Mounts on Gardner After Bolton Revelations](#)
- [Aspen Daily News: Gardner must demand a fair trial](#)
- [NYTimes \(Opinion\): Sen. Cory Gardner \(R-Invisible\)](#)

Georgia

- [Atlanta Journal Constitution: Georgia anti-abortion group launches \\$3 million 2020 ad campaign](#)
- [Atlanta Journal Constitution: 'Doubts and questions.' Collins' Senate bid opens fissure in Georgia GOP](#)
- [Atlanta Journal Constitution: Collins avoids talk of Senate bid in address to Georgia House](#)
- [Atlanta Journal Constitution: The Jolt: Fights over budget, U.S. Senate seat threaten 2020 session](#)
- [Atlanta Journal Constitution: Bill eliminating 'jungle primary' for US Senate passes Georgia committee](#)
- [Georgia Public Broadcasting: Doug Collins Prepares Senate Run, Foreshadowing A Bruising Clash In Special Election](#)
- [11 Alive: Sen. David Perdue maintains continuity with campaign leadership team](#)
- [AP: Collins quiet on Georgia Senate during state Capitol stop](#)
- [NYTimes: *For Senator Kelly Loeffler, Impeachment Is an Early Proving Ground*](#)
- [CNN: The real reason Kelly Loeffler attacked Mitt Romney over impeachment](#)
- [Talking Points Memo: Loeffler's Trumpian Turn Makes Sense, Given Her Newest Challenger](#)
- [Fox News: GOP Rep. Doug Collins to run for Georgia Senate seat](#)
- [Washington Examiner: Ossoff: We Need to Beat Trump Backers So Badly They Can't Show Their Faces in Public](#)

Iowa

- [Des Moines Register \(Editorial\): Ernst, Grassley should support calling witnesses in impeachment trial; Ernst's comments betray a closed mind](#)
- [Iowa Starting Line: Joni Ernst Quickly Fundraises Off Joe Biden Comments](#)
- [Little Village: Joni Ernst gleefully suggests the impeachment trial could hurt Joe Biden's chances in the Iowa Caucus](#)
- [NYTimes: Joe Biden Says Joni Ernst 'Spilled the Beans' With Impeachment Comments](#)
- [Politico: Biden says Ernst 'spilled the beans' with caucus comments amid impeachment fight](#)
- [The Hill: GOP Iowa senator suggests Trump impeachment defense could hurt Biden at caucuses](#)
- [CNN: Joni Ernst just said the quiet part out loud about the Senate impeachment trial](#)
- [MSNBC: Describing attacks on Biden, Iowa's Ernst 'gave up the game'](#)
- [Washington Post \(Opinion\): Joni Ernst says the quiet part out loud](#)
- [Esquire: Republican Senator Joni Ernst Scored a Spectacular Own Goal Talking About Joe Biden and Ukraine](#)

KansasKansas City Star: Wagle warns of dystopian future in ad that misrepresents Bollier's health care stanceAbilene Reflector-Chronicle: Marshall: Bipartisan support needed to accomplish goalsKentuckyMaineBangor Daily News: Maine GOP files ethics complaint over 2018 ads from Senate hopeful Sara GideonBangor Daily News: Democrat Sara Gideon reports \$7.6M in Senate race, but still trails Susan CollinsNews Center Maine: Sara Gideon reports \$3.5 million raised in fourth quarter, still trails CollinsAP: Democrat Gideon Raises \$3.5M in Bid to Unseat Sen. CollinsThe Hill: Collins challenger Sara Gideon raises \$3.5 million in fourth quarter of 2019MichiganDetroit News: Trump-backing group airing anti-impeachment ads in MichiganNew HampshireNew MexicoNorth CarolinaCharlotte Observer: SC's Jaime Harrison, NC's Cal Cunningham join forces in bids to unseat GOP senatorsIndy Week: The Good, the Bad & the AwfulSouth CarolinaUSA Today: Lindsey Graham backs giving senators access to explosive John Bolton book – live Trump impeachment trial updatesTexasDallas Morning News: MJ Hegar raised \$1.1 million in 4th quarter for her Senate bid against Republican John CornynHouston Chronicle: You call this a trial? Call the witnesses. [Editorial]Galveston County Daily News (LTE): For Cornyn, it really is that simple

DSCC Evening Clips—January 28, 2020

National

Wall Street Journal: GOP Leaders Say They Don't Currently Have Enough Votes to Block Witnesses

At a meeting of all Republican senators on Tuesday after the White House lawyers wrapped their opening arguments, GOP leaders told their conference they don't have the votes to prevent witnesses from being called at the impeachment trial of President Trump, people familiar with the matter said. Senate Majority Leader Mitch McConnell said the vote total wasn't where it needed to be on blocking witnesses or documents, these people said. He had a card with "yes," "no," and "maybes" marked on it, apparently a whip count, but he did not show it to senators. Republican Senate leaders and the White House have dismissed the need for new witnesses or documents, and hoped to wrap the trial up by this week.

Wall Street Journal: Senate GOP Weighs Credibility of Longtime Ally John Bolton

By Siobhan Hughes & Natalie Andrews

He has acted as a surrogate for a Republican presidential candidate, raised money for GOP Senate campaigns and built relationships with Senate Republicans for decades, ever since the GOP-held Foreign Relations Committee recommended him for a post at an international-development agency. Now, almost 38 years to the day that John Bolton appeared before the committee for a hearing as a President Reagan nominee, the former Trump national-security adviser has unsettled his own Republican friends, who must decide whether he will play a potentially crucial role in the impeachment trial of President Trump by providing witness testimony. The drama was touched off by revelations that Mr. Bolton wrote in the draft of a forthcoming book that Mr. Trump told him that he wanted to freeze aid to Ukraine until the country aided in investigations of Democrats. Mr. Trump said in a tweet on Sunday that he "NEVER" told Mr. Bolton that the aid was linked to the investigations, putting Senate Republicans in the position of having to choose which man they believe.

Politico: Senate Republicans calm down after Bolton panic

By John. Bresnahan, Marianne Levine, Heather Caygle & Burgess Everett

Senate Republicans have regained their footing and are once again pushing for a quick end to President Donald Trump's impeachment trial, newly confident they can squash the question of whether to hear new

evidence. The GOP conference emerged cautiously optimistic from a critical meeting on whether to defeat the call witnesses. The meeting marked the caucus' first gathering since Trump's defense finished its opening arguments on the Senate floor. "The consensus is: That we've heard enough. And it's time to go to a final judgment vote," said Sen. John Barrasso (R-Wyo.), the No. 3 leader. "We've all heard enough and the articles don't rise to the level of impeachable offenses." In the closed-door meeting in the Strom Thurmond Room, a location where they've had tough internal debates over the years, critics of hearing from witnesses made a "strong" case against voting for new evidence, according to two attendees. A third attendee who opposes new witnesses said the meeting seemed to solidify the position against new witnesses and documents: "I feel good."

LATimes: Feinstein leans toward acquitting Trump as his lawyers end their impeachment defense arguments

By Molly O'Toole, Jennifer Haberkorn & Eli Stokols

Just after President Trump's defense lawyers ended arguments in their Senate trial Tuesday, Sen. Dianne Feinstein of California became the first Democrat to suggest that she could vote to acquit him despite serious concerns about his character. "Nine months left to go, the people should judge. We are a republic, we are based on the will of the people — the people should judge," Feinstein said Tuesday, after the president's team finished a three-day presentation in his defense. "That was my view and it still is my view." Still, she indicated that arguments in the trial about Trump's character and fitness for office had left her undecided. "What changed my opinion as this went on," she said, is a realization that "impeachment isn't about one offense. It's really about the character and ability and physical and mental fitness of the individual to serve the people, not themselves."

Bloomberg: Trump Defense Finale Puts GOP Near Moment of Reckoning on Bolton

By Steven T. Dennis & Laura Litvan

President Donald Trump's lawyers begin their final day of arguments Tuesday having only barely noted the bombshell revelation from former National Security Adviser John Bolton that threatens to upset White House plans for a quick end to the Senate impeachment trial. Trump's defense team is expected to speak for about two more hours as they wrap up their case, an administration official said, speaking on condition of anonymity. That will be followed by hours of questions from senators, although Roy Blunt, a Republican from Missouri, said he doesn't expect the questioning period to begin Tuesday because senators need more time to streamline their queries. Then will come what promises to be a dramatic debate and a moment of reckoning for a handful of Republican moderates over whether to call Bolton or other witnesses.

Washington Post: Power Up: Republican senators divided over calling witnesses after Senate impeachment trial.

By Jaqueline Alemany

SLOW BURN: The GOP divide over calling witnesses to testify in President Trump's impeachment trial is threatening to widen, with a handful of senators signaling they might oppose the president in what's shaping up as one of the most high-stakes vote of their careers.

The usual suspects — and then some: Sens. Mitt Romney (R-Utah) and Susan Collins (R-Maine) told reporters yesterday they expected more of their colleagues to join their push for new evidence and witnesses after revelations about the president's behavior detailed in former national security adviser John Bolton's unpublished book.

Republican senators who could side with them spoke out: **Sen. Lisa Murkowski** (R-Alaska) said she is "still curious" about Bolton's account, while **Sen. Lamar Alexander** (R-Tenn.) declined to weigh in on Bolton's book.

Reciprocity is back: But our colleague Bob Costa reported that at least one influential Senate conservative was privately mulling calling two witnesses to Trump's trial, one drafted by Republicans and one by Democrats.

Washington Post: What Trump allies and Republicans said about quid pro quo before the Bolton news

By Philip Bump

President Trump has few more loyal allies than Sen. Lindsey O. Graham (R-S.C.). A contentious relationship during the 2016 presidential primaries evolved into a close bond, with Graham frequently serving as one of Trump's most vocal defenders and most frequent golf partners. It was therefore not surprising when, after the

White House released a rough transcript of Trump's July 25 call with Ukrainian President Volodymyr Zelensky, Graham was one of the first to celebrate how that document seemed to undercut criticisms just beginning to swirl around the president. "From a quid pro quo aspect of the phone call," Graham said in a statement released by his office, "there's nothing there." Speaking to Axios a month later, though, Graham suggested that his exoneration of Trump didn't extend much further than that call.

Washington Examiner: Democrats scoff at proposal to read Bolton manuscript in secret

By Susan Ferrechio

Democrats rejected a proposal by two Republicans to read former national security adviser John Bolton's unpublished book in a secure area of the Capitol. "What an absurd proposal," Senate Minority Leader Chuck Schumer, a New York Democrat, said Tuesday. Republican Sens. Lindsey Graham of South Carolina and James Lankford of Oklahoma said lawmakers should have an opportunity to read Bolton's manuscript. In parts of the book that were disclosed to the *New York Times*, Bolton wrote that Trump wanted to withhold Ukraine security aid until officials there publicly promised an investigation into Democrats, including former Vice President Joe Biden. Lankford said he wanted to obtain the manuscript to see exactly what Bolton is claiming. Graham said he agreed with Lankford, adding that the manuscript should be made available in a secure area of the Capitol known as the Sensitive Compartmented Information Facility.

CNBC: Koch donors at annual summit, concerned that Trump could lose, discuss the need to defend GOP Senate majority

By Brian Schwartz

Libertarian and conservative donors who attended the annual Koch network summit over the weekend discussed the need to defend the GOP majority in the Senate as a backstop in case a Democrat defeats President Donald Trump in November. People at the meeting in Palm Springs, California, didn't just fret about progressive candidates Sens. Bernie Sanders and Elizabeth Warren winning — they were also concerned about the moderate former Vice President Joe Biden, according to attendees who declined to be named since the conversations were deemed private. These people said that all three candidates have proposed policies that would fly in the face of the free-market philosophy shared by much of the network, which is partially funded by billionaire Charles Koch. "Sanders and Warren provided the most fright," said one of the attendees.

Washington Post: Super PAC supporting Senate Democrats reports record-breaking off-year haul of \$61 million, officials say

By Michelle Ye Hee Lee

The super PAC aligned with Senate Democrats raised \$61 million in 2019 and entered the new year with \$47 million, both record-setting amounts for a non-election year, officials said Tuesday. The majority of the money raised in 2019 came in the second half of the year, officials said, pointing to enthusiasm among their donors for supporting Democrats "as Senate Majority Leader Mitch McConnell continued to block key legislation and President Trump faced an impeachment investigation for his abuse of power." The money raised in 2019 by Senate Majority PAC, which works to elect Democrats to the Senate, is more than twice the amount its Republican counterpart reported raising in the same year. And it does not include additional funds raised by Majority Forward, a nonprofit affiliated with Senate Majority PAC. Majority Forward is not required to report its 2019 finances until after the 2020 elections. Officials declined on Tuesday to release Majority Forward's fundraising figures.

NYTimes: A Primary From the Right? Not in Trump's G.O.P.

By Elaina Plott

The scene was almost quaint, this cowboy-hatted neophyte preaching his gospel as about 15 supporters, peering out from snow-drenched hoodies, nodded along. Glimpsed from afar, it seemed a reminder that even in 2020, politics still boils down to this: small-town voters braving the elements to listen to an underdog candidate speak truth to power. Except Andy Meehan, the star of that Saturday afternoon's generously termed "rally," was not necessarily looking to stick it to The Man. He was there to "FIGHT FAKE FITZ!" — a.k.a. Representative Brian Fitzpatrick, a Republican seeking re-election in Pennsylvania's First Congressional District. A conservative challenging Mr. Fitzpatrick for their party's nomination, Mr. Meehan is promising voters that he, unlike his "disloyal" opponent, will always be faithful to The Man. "President Trump is going to win in 2020," Mr. Meehan, a 55-year-old financial adviser, told his audience. "Do you want a half-baked, fake Republican on the ticket who's going to get in on his coattails again? And then not support him?"

Axios: Exclusive: New group to focus on McConnell attacks

By Alayna Tree & Margaret Talev

Amid the impeachment trial, a new independent expenditure group called Fix Our Senate will launch on Tuesday to go after Senate Majority Leader Mitch McConnell, organizers tell Axios. **Why it matters:** As a national political figure, McConnell is both extremely powerful and highly unpopular, with a favorability rating of 29.8% in the latest average of polls tracked by Real Clear Politics. **What they're saying:** "McConnell is already the least popular politician in America — now, we're going to shine a light on McConnell and every ally who supports him," the group's director, Joshua Karp, a Democratic strategist and communications consultant, tells us. **Details:** The group plans to conduct and disseminate research on McConnell and his record and leadership strategies to share with activists and surrogates and shape opinion.

The Hill: GOP leader warns lawmakers on fundraising: 'Getting our asses kicked'

By Juliegrace Brufke & Reid Wilson

House Minority Leader Kevin McCarthy (R-Calif.) in a closed-door meeting of his conference on Tuesday admonished Republicans for insufficient fundraising, telling the members, "We're getting our asses kicked." The stark message comes amid rising concerns that Democratic party committees and candidates are building a massive financial advantage, seriously compromising the GOP's chances of reclaiming the House in the elections in November. At the meeting, McCarthy, House Minority Whip Steve Scalise (R-La.) and National Republican Congressional Committee (NRCC) Chairman Tom Emmer (R-Minn.) urged members to step up their fundraising and their contributions to the NRCC. "Emmer said we are sounding the alarm," one source in the room told The Hill. "Steve said members need to be raising money and paying dues, Kevin said we're getting our asses kicked." "McCarthy and Emmer reviewed the overall numbers and the disparity. Also stressed difference between D and R member and candidate campaign COH (cash on hand) — about a \$40m disparity," one GOP lawmaker texted The Hill. "Members need to meet their dues commitment minimally while also funding their campaign. Too many members well behind on their dues."

State**Alabama****AL.com: Sen. Doug Jones concedes Trump attorney made 'some good points' in impeachment defense**

By Leada Gore

Alabama Sen. Doug Jones said attorney Alan Dershowitz made "some good points" in his defense of President Trump during his impeachment trial. Speaking to USA Today, Jones said during the Senate trial he'd highlighted concerns related to the impeachment, specifically the charges tied to the president obstructing justice. "(Dershowitz) did make some good points on a couple of things on factual issues that I've got concerns about with, especially with regard to Article II," Jones said. The defense related to Article I — charging the president with abuse of power — were less persuasive, he said. "And Article I, they're focusing solely on the (July 25th call) transcript and there's so much more to the story than the transcript, and they continue to talk about cross-examination of witnesses but yet they continue to block witnesses that have first-hand knowledge. That's disingenuous," Jones said. The comments indicate Jones, who faces a battle for reelection against a host of Republican contenders, is open to splitting his vote on impeachment.

Yellowhammer: Poll: Doug Jones reelection chances take hit if he votes to remove Trump

By Jeff Poor

According to polling data provided to Yellowhammer News, Sen. Doug Jones (D-Mountain Brook) could be in a weaker position for reelection should he vote to convict and remove President Donald Trump in the U.S. Senate's impeachment trial currently underway. The survey, conducted by WPA Intelligence on behalf of Club for Growth PAC of 500 likely voters, found that nearly two-in-five Alabama voters say they would be less likely to reelect Doug Jones if he votes to remove President Trump. That is compared to just 14% who say they would be more likely to reelect Jones if he votes to remove.

AL.com: Bradley Byrne says he'll be in Senate runoff with Jeff Sessions

U.S. Rep. Bradley Byrne of Fairhope said today he's confident of making a runoff with former Attorney General Jeff Sessions in the race for the Republican nomination for the U.S. Senate. Byrne spoke to the River Region Republican Club in Montgomery over lunch today at the Farmers Market Cafe in Montgomery and was asked about polling as the March 3 primary draws closer. A survey released by the Sessions campaign this week showed Sessions leading with 43%, followed by Byrne with 22%, and former Auburn University football coach Tommy Tuberville at 21%. The survey, by OnMessage Inc., was conducted by interviewing 700 likely Republican voters by telephone on Jan. 13-15. The margin of error was plus or minus 3.7 percent.

WKRG: Sessions slips slightly in new poll; Byrne overtakes Tuberville

By Bill Riales

A new internal poll conducted for the Jeff Sessions for Senate campaign by On Message shows the candidate slipping by one percentage point, while Rep. Bradley Byrne gained to overtake former Auburn Coach Tommy Tuberville. The new poll of 700 likely Republican Voters shows Sessions with 43% compared to 44% in a previous poll from December. It also shows Rep. Byrne at 22% a surge of 7 points. In the previous poll, Byrne was at 14%. While the race seems neck and neck between Byrne and Tuberville, who is at 21%, the surge for Byrne is significant for the prospect of a runoff. The poll was conducted between January 13-15. The Republican primary is March 3rd.

NYTimes: How Impeachment Puts Doug Jones in a No-Win Situation in Alabama

By Jeremy W. Peters

Senator Doug Jones of Alabama waved a stack of legal pads in the air — all of them filled with his notes from the opening days of President Trump's impeachment trial — and insisted he needed to hear more facts. "Yesterday's evidence was pretty compelling," he said in a [video](#) posted to his Twitter feed last week. "So I'm anxious to see what the president will say and do." Mr. Jones has recorded five-minute segments like these every morning since the trial began to try to answer why he is still undecided on a question that most Americans resolved long ago. "I caution everyone that we're still in the early stages," Mr. Jones, a former trial lawyer, said in [another video](#). "We've got to hear the other side of the story."

Arizona

E&E News: Public lands credentials may not save McSally

By Timothy Cama

Arizona Republican Sen. Martha McSally's work on public lands policy, including taking a leading role on numerous bipartisan measures, might not be enough to protect her in this year's election. McSally is facing a challenge from Mark Kelly, a former Navy aviator and astronaut who has received strong accolades from environmentalists and their allies. McSally narrowly lost the 2018 Senate race to Sen. Kyrsten Sinema (D). But Arizona Gov. Doug Ducey (R) then appointed her to serve out the remainder of the late Sen. John McCain's (R) term. She's used her post in the Energy and Natural Resources Committee to take a very public and leading role on matters such as shoring up federal water supply infrastructure and increasing funding for the Land and Water Conservation Fund ([E&E Daily](#), Nov. 6, 2019). It was just not a popular vote, putting a coal lobbyist in charge of EPA.

Colorado

Denver Post: Cory Gardner noncommittal on subpoenaing John Bolton in impeachment trial

By Justin Wingerter

[U.S. Sen. Cory Gardner](#) remained noncommittal Tuesday on whether former national security adviser John Bolton should be subpoenaed in [the impeachment trial](#) of President Donald Trump. The Yuma Republican, one of 100 senators who will likely decide whether to subpoena Bolton this week, said he is reviewing trial testimony and the law. He did not say if he would like to see Bolton or any other witnesses testify. "I have approached every aspect of this grave constitutional duty with the respect and attention required by law, and with the seriousness our oath requires," Gardner said in a statement to The Denver Post. "Now that the House and defense have closed their arguments, I will continue to closely review the law and evidence presented to the Senate, including testimony from the impeachment witnesses." Gardner said his focus is now on the

Westword: Impeachment Pressure Mounts on Gardner After Bolton Revelations

By Chase Woodruff

As a critical vote on whether to seek additional witness testimony and evidence looms over the U.S. Senate's impeachment trial of President Donald Trump, Colorado Senator Cory Gardner is once again feeling the heat — and still refusing to say much about it. Soon after the approval of two articles of impeachment by the Democrat-controlled House of Representatives in December, top Republicans in the Senate signaled that they would seek to block efforts to subpoena new witnesses and documents in the trial phase, a significant departure from previous impeachment proceedings. Gardner voted to defeat eleven Democratic proposals to call witnesses and obtain documents from the Trump administration on January 21, and with a final vote on trial procedure expected within the next few days, has appeared unlikely to break with the GOP majority. "We've heard a lot of impeachment witnesses," Gardner told reporters on Capitol Hill last week, just before a set of elevator doors spared him from further questions.

Aspen Daily News: Gardner must demand a fair trial

We are writing to you as local elected officials in Colorado. As such, we share representation with you for citizens throughout the State. Along with many in the United States, we are closely watching the Senate Impeachment trial of Mr. Trump. As local elected officials we have a duty and a legal requirement to conduct our governing business as transparently as possible. We urge you to demand transparency as a top priority during the Senate Impeachment trial. Our shared constituents have a right to see our elected officials conduct their business. The heightened importance of this process with respect to the stability of our democracy makes transparency critical. As local decision makers we must ensure that we have all relevant information available to us before we make a decision that will affect our constituents. Any evidence related to the Articles of Impeachment, including the testimony of Ambassador John Bolton, must be made available to the members of the Senate so that you can make an informed decision. Again, the heightened importance of this process makes the provision of any relevant evidence critical.

NYTimes (Opinion): Sen. Cory Gardner (R-Invisible)

By David Leonhardt

President Trump lost Colorado by 5 percentage points in 2016, and he's on pace to lose it by more this year. His most recent approval rating there was 39 percent, according to Morning Consult. His unpopularity creates a problem for Cory Gardner, a first-term Republican senator from Colorado, who will be running for re-election this year — which makes Gardner's behavior during the impeachment trial especially striking. Rather than act as the senator he is, with his own power to shape events, Gardner has served as a Trump loyalist. Gardner has not expressed skepticism about the obvious lies Trump's lawyers are telling. Gardner doesn't seem concerned about Trump perverting foreign policy for his own personal interests. And Gardner has shown no interest in hearing all the relevant evidence by calling witnesses to testify. We now know that John Bolton, Trump's former national security adviser, heard the president demand the precise quid pro quo that he has since denied. For Bolton to be called to testify, however, at least four Republican senators would have to join with the 47 Democrats and independents to create a majority.

Georgia

Atlanta Journal Constitution: Georgia anti-abortion group launches \$3 million 2020 ad campaign

By Maya T. Prabhu

A Georgia anti-abortion group has announced it will spend at least \$3 million on an advertising campaign heading into the 2020 election. Georgia Life Alliance will launch its campaign this week, starting with a radio ad supporting U.S. Sens. David Perdue and Kelly Loeffler, who the ad says "will stop Washington liberals undermining our pro-life reforms with their impeachment witchhunt." The group's executive director Joshua Edmonds said a goal of the campaign is to combat out-of-state money that's being spent by activists as an attempt to oust lawmakers who voted for legislation limiting access to abortion last year. The Georgia General Assembly last year passed House Bill 341, which would outlaw abortions once a doctor can detect fetal cardiac activity — usually around six weeks of pregnancy and before many women know they are pregnant.

Atlanta Journal Constitution: 'Doubts and questions.' Collins' Senate bid opens fissure in Georgia GOP

By Greg Bluestein

Just before U.S. Rep. Doug Collins stepped up to the microphone to deliver a morning invocation, one of the most powerful politicians in Georgia offered a personal story about the Gainesville Republican. "I have a confession, he is my friend. He is my friend," House Speaker David Ralston said, gesturing toward the lanky congressman at his right. "He has stood by me when few would, and I don't forget that." It's not quite an endorsement of Collins' plan to challenge U.S. Sen. Kelly Loeffler, a wealthy financial executive picked by Gov. Brian Kemp, but it might as well have been. And that moment underscored the tense decisions in private and in public that will force state Republicans to draw battle lines within their own party at a precarious political moment. Over the next few weeks, conservatives will be pressured to choose: Will they support Collins and his devoted grassroots supporters or a brand-new senator with the full backing of Georgia's governor? And many squeamish Republicans will be caught between the two warring camps.

Atlanta Journal Constitution: Collins avoids talk of Senate bid in address to Georgia House

By Amanda C. Coyne

Hours after news broke that U.S. Rep. Doug Collins is preparing to challenge U.S. Sen. Kelly Loeffler, he addressed the Georgia House - and studiously avoided any mention of a bid for higher office. Anointed the chamber's chaplain of the day, Collins on Tuesday delivered a sermon challenging legislators to "set stones" to guide their lives and acknowledged that sometimes "mistakes" can become one of those touchstones. That was an allusion to a recent incident in which he said Democrats were "in love with terrorists." "I said something that was wrong and I apologized for it," Collins said. In his sermon and closing prayer, Collins honored Rep. Jay Powell, the House Rules Committee chairman who died in November and who Collins described as a mentor.

Atlanta Journal Constitution: The Jolt: Fights over budget, U.S. Senate seat threaten 2020 session

By Jim Galloway & Greg Bluestein

Key to the Loeffler/Collins, Kemp/Ralston confrontation is House Bill 757, which would create a partisan May primary in the state's upcoming U.S. Senate election -- doing away with the "jungle" election now scheduled for November. A House Government Affairs subcommittee approved an amended version of the bill on an 8-2 vote Monday -- a vote that featured an alliance of Democrats and Republicans. Our AJC colleague Mark Niesse has the details here. At the 12-minute subcommittee meeting, state Rep. Scot Turner, R-Holly Springs, who has become a critic of the House speaker and cast one of the "no" votes, very clearly laid out the dynamics behind the legislation:

"Obviously, there's something happening this year, where somebody doesn't like what the governor has done, his appointment. And so we're changing the law in advance of this....Specifically, this speaker has some issues with conservatives. This is how he reacts to decisions made by conservatives. He tries to change the rules or tries to bully people into decisions."

Atlanta Journal Constitution: Bill eliminating 'jungle primary' for US Senate passes Georgia committee

By Mark Niesse

A bill that would force U.S. Sen. Kelly Loeffler into a Republican primary election against U.S. Rep. Doug Collins passed a committee Tuesday, clearing a path for a full vote in the Georgia House of Representatives. The House Governmental Affairs Committee approved the legislation that would replace a planned free-for-all special election in November with a partisan primary election in May. Then the Republican and Democratic nominees would compete head-to-head in a November election. The Republican-led committee and its Democratic minority joined forces in support of the proposal, with only one no vote from a Republican representative. The vote came as Collins, a chief defender of President Donald Trump during impeachment proceedings, is preparing to run against Loeffler, Gov. Brian Kemp's pick for the Senate seat. Kemp appointed Loeffler in December to complete the term of retiring U.S. Sen. Johnny Isakson.

Georgia Public Broadcasting: Doug Collins Prepares Senate Run, Foreshadowing A Bruising Clash In Special Election

By Stephen Fowler

Georgia Congressman Doug Collins (R-Gainesville) is taking steps to run for the U.S. Senate seat currently occupied by Sen. Kelly Loeffler (R-Ga.), setting up a contentious campaign to earn Republican votes in a wide-open contest Democrats are hoping to flip. Collins, ranking member of the House Judiciary Committee and a staunch ally of President Trump, has been informing supporters of his decision in recent days and has no official announcement date planned yet. He spoke on the Georgia House floor Tuesday to honor the late Rules Chairman Jay Powell (R-Camilla) who died late last year. Afterward, he said nothing to reporters about his aspirations except more information would come soon. His allies in the Georgia state legislature have moved quickly to boost his chances of defeating Loeffler, appointed by Gov. Brian Kemp in January to replace retiring Sen. Johnny Isakson.

11 Alive: Sen. David Perdue maintains continuity with campaign leadership team

By Jonathan Raymond

Sen. David Perdue announced his campaign leadership team for his November re-election bid, largely sticking by senior operatives who helped him into the Senate in 2014. His statewide campaign chairman will again be Republican strategist Alec Poitevint, who served in the same position six years ago. Co-chairs will include another GOP strategist, Chuck Warren, and financial executives Neal Purcell and Jimmy Blanchard. All three were part of the 2014 campaign. Perdue also announced an extensive list for his statewide leadership committee and county chairs for all 159 Georgia counties. "With a campaign that is well-positioned to win in November, these state and county leaders representing all 159 counties will work tirelessly to ensure David's victory in November," a release said. Perdue will face off in November with whomever emerges from a crowded Democratic primary field that includes former Columbus mayor Teresa Tomlinson, 2018 lieutenant governor candidate Sarah Riggs Amico and 2017 House candidate Jon Ossoff.

AP: Collins quiet on Georgia Senate during state Capitol stop

By Ben Nadler & Jeff Amy

Republican U.S. Rep. Doug Collins said "there will be more coming later" about his expected Senate bid, otherwise keeping quiet about the race during a visit Tuesday to the Georgia state Capitol as lawmakers advanced a bill that could give the congressman an edge if he decides to challenge newly sworn-in GOP Sen. Kelly Loeffler. Collins, one of President Donald Trump's most high-profile House defenders, showed up in Atlanta as a proposal to change the way Georgia conducts its special Senate election this year has exposed divisions in the allegiances of statehouse Republicans. GOP Gov. Brian Kemp has threatened to veto any election changes ahead of what will be the debut campaign for Loeffler, a wealthy businesswoman and political novice appointed by the governor to replace recently retired Republican Sen. Johnny Isakson. Meanwhile, powerful state House Speaker David Ralston, also a Republican, praised Collins at the Capitol on Tuesday as a loyal friend and ally.

NYTimes: For Senator Kelly Loeffler, Impeachment Is an Early Proving Ground

By Catie Edmondson

As her colleagues fretted privately on Monday over revelations from John R. Bolton, the former national security adviser whose forthcoming book pokes holes in President Trump's impeachment defense, the newest Republican member of the United States Senate rushed to publicly side with Mr. Trump. Senator Kelly Loeffler of Georgia, who is all of a month into her job, lashed out at one of her fellow Republicans, Senator Mitt Romney of Utah, for pressing to subpoena Mr. Bolton, accusing her colleague of wanting to "appease the left by calling witnesses who will slander the @realDonaldTrump during their 15 minutes of fame." "The circus is over," she added in a post on the president's favorite platform, Twitter. "It's time to move on."

CNN: The real reason Kelly Loeffler attacked Mitt Romney over impeachment

By Chris Cillizza

The attack came seemingly out of the blue. On Monday afternoon, newly appointed Georgia Republican Sen. Kelly Loeffler tweeted this:

"After 2 weeks, it's clear that Democrats have no case for impeachment. Sadly, my colleague @SenatorRomney wants to appease the left by calling witnesses who will slander the @realDonaldTrump during their 15 minutes of fame. The circus is over. It's time to move on! #gapol." Which, well, ouch. Loeffler, appointed to fill the vacancy created by the resignation of former Republican Sen. Johnny Isakson, hasn't even been in office for a month. And usually, senators don't make publicly attacking a colleague -- especially one who was your party's 2012 presidential nominee -- a priority in their first month in office. After all, Loeffler

could have very easily asked to speak with Romney off the Senate floor to tell him she disagreed with his belief that former national security adviser John Bolton's allegations about President Donald Trump and Ukraine make it important for the Senate to hear from Bolton personally.

Talking Points Memo: Loeffler's Trumpian Turn Makes Sense, Given Her Newest Challenger

By Kate Riga

Rep. Doug Collins (R-GA), one of President Donald Trump's staunchest and most vocal allies, will announce a challenge to appointed Sen. Kelly Loeffler (R-GA) in upcoming days. According to Politico, the two would be competing to finish Sen. Johnny Isakson's (R-GA) term after he retired for health reasons last year. There will be an all-party election this November, with the top two candidates going to a runoff in January if no one gets over 50 percent. Collins raised his profile as the ranking member on the House Judiciary Committee, where he loudly, and often armed with conspiracy theory talking points, gave a full-throated defense of the President. His impending challenge may explain Loeffler's attack against Sen. Mitt Romney (R-UT) Monday for "appeasing" Democrats by calling for witnesses who will "slander" Trump's name.

Fox News: GOP Rep. Doug Collins to run for Georgia Senate seat

By Tyler Olson

Rep. Doug Collins, R-Ga., who has been one of President Trump's staunchest defenders through the impeachment process, is expected to announce that he will run for U.S. Senate. Collins, as reported Monday by the Atlanta Journal-Constitution and Politico, will attempt to oust current GOP Sen. Kelly Loeffler, who was appointed to her seat last year by Georgia Gov. Brian Kemp. The conservative Collins, the top Republican on the House Judiciary Committee, was Trump's preferred choice for the appointment. Trump supporters had criticized Loeffler as too moderate. Loeffler, a wealthy co-owner of the Atlanta Dream, a WNBA franchise, has said she would spend \$20 million to retain her seat. But she will likely face a tough battle against the popular Collins. Collins' run does complicate things for Republicans as they try to hold the seat vacated by retired Sen. Johnny Isakson, R-Ga. — the special election to be held in November will feature all candidates from all parties, with a runoff in January if nobody secures a majority.

Washington Examiner: Ossoff: We Need to Beat Trump Backers So Badly They Can't Show Their Faces in Public

By David Rutz

Georgia Senate candidate Jon Ossoff (D.) told a crowd earlier this month that Democrats needed to defeat President Donald Trump's backers so badly that they wouldn't be able to show their faces in public. "We need to send a message this year," Ossoff said. "We need to send a message that if you indulge this kind of politics, you're not just going to get beat. You're going to get beaten so bad you can never run or show your face again in public, because we have had enough, absolutely enough of what we are getting from Donald Trump and his fellow travelers right now." He made the remarks at a Jan. 19 Democratic candidate forum in Dunwoody, a northern suburb of Atlanta. Ossoff is seeking the Democratic nomination to challenge Sen. David Perdue (R., Ga.), a Trump ally up for reelection in 2020. Teresa Tomlinson and Sarah Riggs Amico, who lost a lieutenant governor race in Georgia in 2018, are his only remaining primary opponents after Clarkston, Ga., mayor Ted Terry dropped out this week.

Iowa

Des Moines Register (Editorial): Ernst, Grassley should support calling witnesses in impeachment trial; Ernst's comments betray a closed mind

By Editorial Board

It is hard to imagine anyone questioning Sen. Joni Ernst's allegiance to President Donald Trump. She has been among his most unwavering supporters. Some Iowans watching her daily commentaries to reporters as Trump's impeachment trial unfolds may question her allegiance to the U.S. Constitution and the integrity of the U.S. Senate. The current president was impeached by the U.S. House in December on charges that he pressured the Ukrainian government to investigate his political rivals and withheld aid to the country, and that he obstructed the House's investigation of him. Now it is up to the Senate to decide whether to remove him from office. Senators would benefit from hearing from witnesses to have as much information as possible before making that important decision, but many Republicans seem uninterested in uncovering new

Iowa Starting Line: Joni Ernst Quickly Fundraises Off Joe Biden Comments

By Nikoel Hytrek

Fresh off her viral moment where she inadvertently revealed that Republican's real goal with their impeachment testimony was damaging Joe Biden politically, Sen. Joni Ernst is now fundraising off of it. Her newest fundraising email calls on the conservatives in Iowa to donate to her to prove Biden wrong after comments he made about her on the trail. "You Iowa caucus-goers have a chance for a twofer here," he said at an event in Muscatine today. "You can ruin Donald Trump's night by caucusing for me, and you can ruin Joni Ernst's night as well." He also tweeted: On Monday, Ernst mentioned the upcoming caucuses and questioned whether Iowans would support the former vice president after the day's developments.

Little Village: Joni Ernst gleefully suggests the impeachment trial could hurt Joe Biden's chances in the Iowa Caucus

By Paul Brennan

Sen. Joni Ernst attracted national attention on Monday night when she cheerfully suggested President Trump's impeachment trial might damage Joe Biden in the Iowa Caucus. "Those Democratic caucus-goers," Ernst said, standing with a few other Republican senators, following hours of speeches by the president's defense attorneys. "Will they be supporting pres— [sic] Vice President Biden at this point? Not certain about that." On Monday, the defense team had promoted unsupported allegations about Biden and his son Hunter's activities in, and related to, Ukraine. The attorneys also repeated conspiracy theories embraced by President Trump, but which have described as Russian propaganda by U.S. intelligence agencies. Trump was impeached by the House of Representatives last month on charges related to an April phone call during which he asked President Volodymyr Zelensky of Ukraine to publicly announce an investigations into the Bidens actions in Ukraine. So far, the evidence supports the allegation that Trump wanted the announcement in order to damage Biden's chances as a 2020 presidential candidate.

NYTimes: Joe Biden Says Joni Ernst 'Spilled the Beans' With Impeachment Comments

By Thomas Kaplan

Former Vice President Joseph R. Biden Jr. on Tuesday seized on comments by Senator Joni Ernst, Republican of Iowa, suggesting that the White House's arguments at the impeachment trial could hurt his political fortunes. At the impeachment trial on Monday, President Trump's legal team spent time walking through Mr. Biden's son Hunter's work for Burisma, a Ukrainian energy company. Ms. Ernst suggested that the discussion could hurt Mr. Biden in the Iowa caucuses next Monday. "I'm really interested to see how this discussion today informs and influences the Iowa caucus voters, those Democratic caucusgoers," Ms. Ernst said. "Will they be supporting former Vice President Joe Biden at this point?" At an event on Tuesday in Muscatine, Mr. Biden quoted Ms. Ernst's comments. "She spilled the beans," Mr. Biden told the crowd. "She just came out and flat said it. You know, the whole impeachment trial for Trump is just a political hit job to try to smear me, because he is scared to death to run against me, and he has good reason to be concerned."

Politico: Biden says Ernst 'spilled the beans' with caucus comments amid impeachment fight

By Quint Forgey

Democratic presidential candidate Joe Biden on Monday evening said Sen. Joni Ernst had "spilled the beans" after the Iowa Republican gleefully suggested that the Senate impeachment debate surrounding the former vice president could hinder his performance in her state's first-in-the-nation caucuses next week. "Iowa caucus-goers take note," Biden tweeted. "Joni Ernst just spilled the beans. She and Donald Trump are scared to death I'll be the nominee. On Feb. 3rd, let's make their day." During its second day of oral arguments in the impeachment trial Monday, President Donald Trump's legal defense team argued that Biden, not the president, should be investigated for corruption or abuse of power for seeking the dismissal of Ukraine's former prosecutor general, Viktor Shokin, in 2016 — all while Biden's son Hunter sat on the board of a Ukrainian energy company, Burisma.

The Hill: GOP Iowa senator suggests Trump impeachment defense could hurt Biden at caucuses

By Justin Wise

Iowa Sen. Joni Ernst (R) suggested Monday that President Trump's legal team's focus on Joe Biden and his

son during its ongoing impeachment arguments could hurt the former vice president during next week's caucuses. "Iowa caucuses are this next Monday evening, and I'm really interested to see how this discussion today informs and influences the Iowa caucus voters," Ernst said of the first-in-the-nation 2020 vote. "Will they be supporting Vice President Biden at this point? Not sure about that." Ernst made the remarks to reporters shortly after Trump's defense team zeroed in on allegations of a conflict of interest involving Joe Biden, a leading Democratic presidential candidate, and his son Hunter Biden during the Senate impeachment trial.

CNN: Joni Ernst just said the quiet part out loud about the Senate impeachment trial

By Chris Cillizza

Sometimes politicians can't help themselves. They get careless. They say stuff they shouldn't say. They tell the truth that they have been trying to disguise. So it went for Iowa Sen. Joni Ernst on Monday night. Following an afternoon at the Senate impeachment trial in which President Donald Trump's legal team made the case -- without any established factual basis -- that former Vice President Joe Biden had acted inappropriately in 2016 when he called for the resignation of the top prosecutor in Ukraine, Ernst told reporters this: "Iowa caucuses are this next Monday evening. And I'm really interested to see how this discussion today informs and influences the Iowa caucus voters, those Democratic caucus goers. Will they be supporting VP Biden at this point?" For Nick and Lindsey Ybarra, the Maah Daah Hey Trail is a place where people come together. See how the Ybarras are reimagining wealth by making an impact on their community.

MSNBC: Describing attacks on Biden, Iowa's Ernst 'gave up the game'

By Steve Benen

One of the most important moments in Rep. Kevin McCarthy's (R-Calif.) political career came in late-September 2015, as the then-House majority leader appeared poised to become Speaker of the House. The California Republican's efforts were derailed, however, when he made the mistake of accidentally telling the truth. McCarthy appeared on Fox News and acknowledged a fact that everyone knew, but which Republicans weren't supposed to admit out loud: the GOP's taxpayer-financed Benghazi committee was all about the Republicans' "strategy to fight and win" against Hillary Clinton. Or put another way, it was not a sincere effort to investigate an attack that left four Americans dead. The congressman's bid to become Speaker collapsed soon after.

Washington Post (Opinion): Joni Ernst says the quiet part out loud

By Jennifer Rubin

President Trump's entire rickety case rests on the dubious proposition that he was a corruption fighter, not a malicious president deadset on using his office to malign a political opponent. (Don't we already know the president uses his office every day to attack critics — e.g., using antitrust powers to carry out his vendetta against CNN, and seeking to punish Amazon, whose founder and chief executive Jeff Bezos owns The Post?) For months now, his defense has been that he has an obsession with fighting corruption (except in his own government or governments led by dictators with whom he curries favor). He was not — do you understand, *not*?! — out to use his power to attack the political rival he fears most, former vice president Joe Biden. But this is claptrap, as any reasonable person knows. In fact, his lawyers spent a good deal of Monday's impeachment trial session falsely arguing that Biden's pushing of Ukraine to fire a prosecutor (who was corrupt and whose ouster was sought by the United States and its allies) was just the same as Trump using his office to get a foreign government to investigate Biden, who had fired a corrupt prosecutor. Or something like that.

Esquire: Republican Senator Joni Ernst Scored a Spectacular Own Goal Talking About Joe Biden and Ukraine

By Jack Holmes

No one expects much from United States senators these days, particularly as the chamber's majority caucus finishes the job of debasing itself before the nation and the world in defense of Donald Trump, American president. Republicans led by Mitch McConnell have blocked the addition of new evidence and witnesses that could shed more light on Trump's behavior with respect to Ukraine, as if to formally announce that they do not care about corruption or whether the president undermined national security. They have done Fox News hits while the trial is in progress. They've scarcely batted an eye as Trump's legal defenders have embarked on a phantasmagorical festival of lies, which culminated yesterday in a recitation on the Senate floor of the grand unified conspiracy theory about Joe Biden.

Talking Points Memo: Almost Comical

By David Kurtz

You don't need more evidence that Trump and Republicans are coopting the impeachment drama to advance the Biden smear campaign. But here's Sen. Joni Ernst (R-IA) shouting the quiet part: Iowa caucuses are this next Monday evening and I'm really interested to see how this discussion today informs and influences the Iowa caucus voters. Those Democratic caucus goers — will they be supporting Vice President Biden at this point? Not as certain about that. Our team is doing a great job documenting the Trump defense team's half truths, potshots, and conspiracy mongering.

Washington Examiner: Ernst Calls for End of Taxpayer-Funded Presidential Campaigns

By Yuichiro Kakutani

As candidates prepare to spend billions on the 2020 presidential election, Sen. Joni Ernst (R., Iowa) is working to put to use more than \$300 million taxpayer dollars sitting idly in a public campaign fund. Presidential candidates today may request grants from the taxpayer-funded Presidential Election Campaign Fund to pay for campaign expenses. The fund has accumulated more than \$350 million, as no major party candidates have requested public financing in the last 12 years. The Iowa senator has introduced a bill to abolish the fund and divert its money to pay down the national debt. "Taxpayers see our federal government as spend, spend, spend," Ernst said. "These are taxpayer dollars, let's apply them to our country's debt and move forward. It's over \$300 million right now that could be used to close down deficits that we have in our budget."

Kansas**Kansas City Star: Wagle warns of dystopian future in ad that misrepresents Bollier's health care stance**

By Bryan Lowry

A line of people walk through a dimly lit prison-like facility as government officials bark orders, observe them on security monitors and scan their wrists to determine if they receive healthcare. What looks like a trailer for the latest dystopian television series is Kansas Senate President Susan Wagle's first ad for her U.S. Senate campaign. The spot launched Tuesday. Wagle, a Wichita Republican campaigning for the GOP nomination, targets Democratic front runner state Sen. Barbara Bollier rather than her Republican rivals with an ad that misrepresents Bollier's position on health care. Bollier, a Johnson County Democrat and retired physician, been vocal about her opposition to Medicare For All, which would establish a federally funded single-payer health care system and effectively abolish current private insurance plans. Bollier favors building on the current health care system.

Abilene Reflector-Chronicle: Marshall: Bipartisan support needed to accomplish goals

By Tim Horan

Balance the U.S. budget. Fix health care. Secure the border. While those may seem like lofty goals, U.S. Rep. Roger Marshall, R-Great Bend, said they are at the top of his bucket list as he campaigns for the Republican nomination for the U.S. Senate held by U.S. Senator Pat Roberts who is not seeking re-election. On his way back to Great Bend after attending the Kansas Commodity Classic in Manhattan, Marshall stopped in Abilene Friday evening. "I think the big difference between now and three years ago when I went to Congress; I actually see solutions. I see solutions that work," Marshall said.

Kentucky**Maine****Bangor Daily News: Maine GOP files ethics complaint over 2018 ads from Senate hopeful Sara Gideon**

By Jessica Piper

The Maine Republican Party filed a Tuesday complaint with the Maine Ethics Commission alleging campaign

finance violations by House Speaker Sara Gideon during the past state election cycle as the Democrat runs against U.S. Sen. Susan Collins in 2020. The issue centers around Facebook ads paid for Gideon's now-shuttered state political action committee in 2018. The ads, on a Facebook page named "Speaker Sara Gideon" laud House Democrats for their work in Augusta and encourage viewers to sign up for Gideon's email list. The central question of the complaint centers on the timing of the reports and whether the ethics board sees ads paid for by Gideon's leadership PAC as advocating for the House speaker's reelection. Republicans allege Gideon's committee failed to report the ad spending in its quarterly campaign finance reports submitted to the Maine Ethics Commission.

Bangor Daily News: Democrat Sara Gideon reports \$7.6M in Senate race, but still trails Susan Collins

By Jessica Piper & Michael Shepherd

Maine House Speaker Sara Gideon's campaign said Tuesday it raised \$3.5 million in the last three months of 2019 in her race against U.S. Sen. Susan Collins, though the challenger spent nearly that much over the period and trails the incumbent overall. It brings Gideon to a total of \$7.6 million raised since announcing her candidacy in June, and she has nearly \$2.8 million on hand, her campaign said. That was only slightly more than it had after the third quarter of 2019, indicating near-equal spending and fundraising in late 2019. Gideon, who is backed by Senate Democrats' campaign arm and other national groups, is one of four Democrats running to unseat Collins. The Republican incumbent raised \$8.5 million and had \$7.1 million left at the end of 2019's third quarter and is a top target of national Democrats. Collins has yet to release updated numbers in a race expected to be the most expensive in Maine history.

News Center Maine: Sara Gideon reports \$3.5 million raised in fourth quarter, still trails Collins

By Gabrielle Mannino

Sara Gideon, Maine state House Speaker and Democratic candidate for U.S. Senate, reported \$3.5 million raised in the fourth quarter of 2019. According to a press release Tuesday, Gideon's grassroots support had contributions from nearly 4,200 Mainers, with nearly 95 percent of individual donations under \$100. Since announcing her candidacy opposing incumbent Susan Collins in June, Gideon has raised a total of \$7.6 million but still trails her opponent. Collins raised \$8.6 million through just three quarters of 2019 and has a little more than \$7 million cash on hand. "Over the past seven months, we've built a strong grassroots movement traveling to every corner of the state, holding Suppers with Sara and talking to Mainers about the challenges they face," Gideon said in the release. "Washington is broken – it's too responsive to special interests, and that's why I'm not accepting any corporate PAC money in this race. I'm so proud that thousands of Mainers have joined our team, and I promise to be a Senator who fights for them, not special interests."

AP: Democrat Gideon Raises \$3.5M in Bid to Unseat Sen. Collins

By Staff

DEMOCRAT SARA GIDEON raised \$3.5 million in the last three months of 2019 and spent nearly that much over the same period in her bid to unseat Republican Sen. Susan Collins, her campaign said Tuesday. The fundraising brings Gideon to a total of \$7.6 million raised since she announced her candidacy in June, and she has \$2.77 million in cash on hand, her campaign said. Gideon, the speaker of the Maine House, is still trailing Collins in overall fundraising. The senator's fourth-quarter numbers weren't yet available Tuesday but her most recent campaign finance reports had put her total fundraising at about \$8.6 million, the most of any political candidate in state history. She also had \$7.1 million cash in hand. Gideon, who is backed by the Democratic Senatorial Campaign Committee, faces activist Betsy Sweet, attorney Bre Kidman, former Google executive Ross LaJeunesse and travel agent Michael Bunker in the Democratic primary.

The Hill: Collins challenger Sara Gideon raises \$3.5 million in fourth quarter of 2019

By Max Greenwood

Maine state House Speaker Sara Gideon (D) on Tuesday announced that she raised \$3.5 million in the fourth quarter of 2019 in her bid to oust Sen. Susan Collins (R-Maine), a sum that puts her among the top Democratic Senate fundraisers. The multimillion fundraising haul was powered by nearly 4,200 Maine residents, her campaign said, adding that 95 percent of the individual donations to Gideon's Senate bid were under \$100. Year-end campaign finance reports for 2019 aren't due to the Federal Election Commission (FEC) until Jan. 31, so it's unclear how much of Gideon's \$3.5 million haul came from out-of-state donors, though it's expected to be a substantial amount. Democrats across the country are eager to unseat Collins, especially after her 2018 vote to confirm Supreme Court Justice Brett Kavanaugh, and have poured money

Michigan

Detroit News: Trump-backing group airing anti-impeachment ads in Michigan

By Craig Mauger

A nonprofit group that supports President Donald Trump is airing anti-impeachment ads in Michigan, encouraging viewers to ask the state's U.S. senators to "end the witch hunt." The ads from America First Policies, the nonprofit affiliate of the pro-Trump super political action committee America First Action, began airing Tuesday and will run through Monday. They come as Trump's impeachment trial continues in the U.S. Senate. It would take a two-thirds vote in the GOP-controlled Senate to remove the president or at least 67 votes. Republicans hold a 53-47 edge in the chamber. The Democratic-controlled U.S. House voted to impeach Trump on Dec. 18, charging Trump with abuse of power and obstruction of Congress over allegations he withheld aid to Ukraine to spur an investigation to politically harm former Vice President Joe Biden, a Democratic candidate for president.

New Hampshire

New Mexico

North Carolina

Charlotte Observer: SC's Jaime Harrison, NC's Cal Cunningham join forces in bids to unseat GOP senators

By Joseph Bustos

What does a candidate do when he's setting fundraising records in his party? In the case of Jaime Harrison — the South Carolina Democrat raking in millions for his bid to unseat U.S. Sen. Lindsey Graham — the answer is: start working with another U.S. Senate candidate in a neighboring state, where the race is expected to be a toss up. Harrison, who has raised more than \$7 million in 2019, formed a joint fundraising account in January called the Cunningham Harrison Victory Fund with Cal Cunningham, who is running for the U.S. Senate in North Carolina. The committee has not reported any fundraising yet. Cunningham is hoping to unseat Republican U.S. Sen. Thom Tillis, who was elected in 2014. Cunningham raised \$1.6 million in the final quarter of 2019, for a total of \$3.1 million since he joined the race in June of last year. The victory fund allows Harrison and Cunningham to set up joint fundraisers for their campaigns.

Indy Week: The Good, the Bad & the Awful

THE BAD: THOM TILLIS

There are probably senators who've acquitted themselves just as poorly during Trump's impeachment, but they don't represent North Carolina. And so we're once again going to talk about Senator Thom Tillis, a human-squid hybrid who has somehow survived 59 years on Earth without a backbone. Tillis, who's been diligently kissing Trump's derriere ever since his national border emergency flip-flop last year, long ago declared Trump's innocence. But on Sunday night, the news about John Bolton's book—and Bolton's claim that Trump told him he was linking the Ukrainian aid to an investigation into the Bidens—gave Tillis another chance to show a smidge of moral courage. Here was a bona fide conservative refuting the president's chief defense; who wouldn't want to learn more? Well, Thom Tillis. By Monday morning, he'd reiterated his position: Nothing to see here, move along.

South Carolina

USA Today: Lindsey Graham backs giving senators access to explosive John Bolton book – live Trump impeachment trial updates

Sen. Lindsey Graham, an ally of President Donald Trump, tweeted out his support Tuesday for giving senators access to explosive material about Trump written by former national security adviser John Bolton. “I totally support @SenatorLankford’s proposal that the Bolton manuscript be made available to the Senate, if possible, in a classified setting where each senator has the opportunity to review the manuscript and make their own determination,” tweeted Graham, R-S.C. In an upcoming book, Bolton reportedly says Trump personally told him that he hoped to continue to withhold nearly \$400 million in military aid for Ukraine until the country announced investigations into political rival Joe Biden and his son Hunter. Democrats need four GOP senators to vote with them to subpoena Bolton as a witness, a showdown expected in the Senate later this week.

Texas

Dallas Morning News: MJ Hegar raised \$1.1 million in 4th quarter for her Senate bid against Republican John Cornyn

By Gromer Jeffers Jr.

MJ Hegar raised \$1.1 million in last year’s final fundraising quarter, a total she hopes will boost her to a primary victory in Texas’ Democratic race for Senate. The fourth-quarter haul brings Hegar’s campaign contribution total to over \$3.2 million, according to data shared with *The Dallas Morning News*. She has \$1 million in the bank for her campaign’s primary stretch run. “We have tapped into the energy and excitement in Texas to build a winning grassroots campaign that is raising millions of dollars from tens of thousands of individuals,” Hegar said in a statement to *The News*. “I am proud that the strength of our fundraising has enabled us to build out the strongest operation and put us in the best position to meet the demands of a Texas-sized winning Senate race.” Hegar, a former Air Force helicopter pilot and businesswoman, raised more money in 2019’s fourth quarter than at any point in her campaign. She’s in a 12-person race in the March 3 Democratic Primary, where a runoff is expected. The winner will meet Republican incumbent John Cornyn in the November general election.

Houston Chronicle: You call this a trial? Call the witnesses. [Editorial]

By Editorial Board

The case for calling additional witnesses in the Senate trial of the president is getting stronger by the day. So is the opportunity for Texas’ two senators to show both backbone and leadership by voting to demand testimony of witnesses who so far the president has succeeded in muzzling. It takes just 51 votes for the Senate to subpoena former National Security Advisor John Bolton, former Energy Secretary Rick Perry, and Trump’s acting White House Chief of Staff Mick Mulvaney and compel their testimony. Will such testimony help the president? Or strengthen the case against him? It’s impossible to know for sure, but neither does it matter. The Senate heard testimony from witnesses in the trials of Presidents Andrew Johnson and Bill Clinton, and there is simply no good reason to refuse to hear what they and others might add.

Galveston County Daily News (LTE): For Cornyn, it really is that simple

By John R. Cobarruvias

If Sen. John Cornyn needs help in making a decision concerning removing Trump from office here is some advice: Either vote to remove this cancer from your party, or we will vote to remove you from Congress in November.

It really is that simple.

John R. Cobarruvias

Houston (Clear Lake)

From: Regina Anderson [randerson@dsc.org]
Sent: 1/28/2020 10:31:26 AM
To: Real Time Clips [RealTimeClips@dsc.org]
Subject: TX-Dallas Morning News: MJ Hegar raised \$1.1 million in 4th quarter for her Senate bid against Republican John Cornyn

Dallas Morning News: MJ Hegar raised \$1.1 million in 4th quarter for her Senate bid against Republican John Cornyn

By Gromer Jeffers Jr.

1/28/2020

<https://www.dallasnews.com/news/politics/2020/01/28/mj-hegar-raised-11-million-in-4th-quarter-for-her-senate-bid-against-republican-john-cornyn/>

MJ Hegar raised \$1.1 million in last year's final fundraising quarter, a total she hopes will boost her to a primary victory in Texas' Democratic race for Senate.

The fourth-quarter haul brings Hegar's campaign contribution total to over \$3.2 million, according to data shared with *The Dallas Morning News*. She has \$1 million in the bank for her campaign's primary stretch run.

"We have tapped into the energy and excitement in Texas to build a winning grassroots campaign that is raising millions of dollars from tens of thousands of individuals," Hegar said in a statement to *The News*. "I am proud that the strength of our fundraising has enabled us to build out the strongest operation and put us in the best position to meet the demands of a Texas-sized winning Senate race."

Hegar, a former Air Force helicopter pilot and businesswoman, raised more money in 2019's fourth quarter than at any point in her campaign. She's in a 12-person race in the March 3 Democratic Primary, where a runoff is expected. The winner will meet Republican incumbent John Cornyn in the November general election.

After former U.S. Rep. Beto O'Rourke's close finish in 2018 against Republican incumbent Ted Cruz, Democrats are hoping to beat Cornyn and win their first statewide race since 1994.

Hegar, 43, ran for Congress in 2018 against Republican incumbent John Carter of Round Rock. Though she had a narrow loss to Carter, Hegar opted to challenge Cornyn rather than seek a congressional race rematch.

Her Senate campaign is backed by the Democratic Senatorial Campaign Committee.

Until this point, Hegar has focused on digital campaigning, but she's expected to use her resources to expand, including a targeted media campaign that includes television ads.

The Round Rock Democrat's rivals for the nomination include former U.S. Rep. Chris Bell of Houston, former Houston council member Amanda Edwards, Austin-based labor activist Cristina Tzintzún Ramirez and state Sen. Royce West of Dallas. The race also includes Sema Hernandez of Pasadena, the runner-up to O'Rourke in the 2018 Democratic primary race.

Polls show that no candidate has taken control of the race, though few surveys have been done since last fall.

According to Hegar, about 29,000 donors have contributed to her campaign. In the fourth quarter of 2018, her average donation was \$22. She does not accept donations from corporate political action committees.

From: DSCC Press Team [press@dsc.org]
Sent: 2/3/2020 3:31:07 PM
To: Justin Barasky [barasky@dsc.org]
Subject: Democrats Post Record-Breaking Q4 Numbers, Continue Strong Fundraising Momentum in Battle for the Senate



For Immediate Release

February 3, 2020

Contact: Lauren Passalacqua, Stewart Boss - 202-545-3557

Democrats Post Record-Breaking Q4 Numbers, Continue Strong Fundraising Momentum in Battle for the Senate

*Democrats Outraised Republicans Last Quarter in Key States
Including Colorado, Arizona, Maine, Alabama, Kansas*

The DSCC "Raised a Record Amount of Money in 2019"

Democrats running for Senate continued to build fundraising momentum in the fourth quarter of 2019, outpacing Republicans and breaking fundraising records -- in many cases, records they had set themselves earlier in the year. The Democratic Senatorial Campaign Committee also had its best-ever off-year fundraising after bringing in nearly \$63 million, with more than 50% of the total raised in 2019 coming from grassroots donations online, on the phones, and in the mail.

Vulnerable Republican incumbents have seen their support continue to sink in recent months and remain out of step with their constituents on critical issues like health care. Meanwhile, Democrats' across-the-board fundraising strength

is the latest sign that they are running campaigns that resonate with voters, and that they will have the resources to compete and win in November.

“After years of voting with Mitch McConnell and against their constituents’ health care in Washington, it’s no surprise that vulnerable Republicans are getting outraised and losing support back home,” **said DSCC spokesperson Stewart Boss**. “As Democratic Senate candidates surge with grassroots donors and build out winning operations, our work to flip the Senate is going to continue to build momentum in 2020.”

Read more about Democrats’ historic fundraising strength heading into 2020:

POLITICO Pro: DSCC raised \$7.3M in December, record \$63M in 2019

- Senate Democrats’ campaign committee raised a record amount of money in 2019 as the party gears up to challenge for the Senate majority, according to details shared with POLITICO.
- The Democratic Senatorial Campaign Committee raised nearly \$63 million last year — including \$7.3 million in December — the most the committee has ever raised in an off year. The amount significantly exceeded the \$54 million it raised in 2017, when they were overwhelmingly on defense protecting incumbents in states President Donald Trump carried in 2016.
- Several Democratic challengers, including in battleground races in Arizona and Maine, have also outraised Republican incumbents in recent quarters.
- Democrats also touted their small-dollar fundraising last year, hauling in more than \$18.6 million in unitemized donations under \$200. According to the committee, the number of online donations last year increased by more than 30 percent, compared to the same time frame in 2017.

CNN: “Senate tossups -- Democratic candidates in some of the nation’s most competitive contests... outpaced the Republican incumbents they are trying to oust.”

National Journal: “Despite bringing in millions, Sens. Martha McSally (R-AZ) and Susan Collins (R-ME) both underperformed their DSCC-endorsed

challengers.”

The Hill: “Democratic candidates running in the most competitive Senate contests around the country raised a combined \$5 million more than their Republican counterparts...”

Here are more highlights from the states on Democrats’ record-breaking Q4 fundraising:

ARIZONA - Retired astronaut and combat veteran **Mark Kelly** raised a record \$6.3 million last quarter, outraising unelected Senator Martha McSally for the fourth straight quarter. He now holds a \$6 million cash-on-hand advantage.

- Associated Press: Kelly tops McSally in fundraising for Arizona Senate race
- KTAR News: Mark Kelly heads into election year with big cash lead over Sen. McSally
- KNXV: “Much of Kelly’s fundraising prowess is coming from donations that are ‘unitemized contributions,’ or donors that have given less than \$200 to the campaign. He raised over \$2.7 million in that category alone, more than double McSally.”

COLORADO - Former governor **John Hickenlooper** outraised Senator Cory Gardner, and reported contributions from each of the state’s 64 counties.

- Colorado Public Radio: “Former Gov. John Hickenlooper raised \$2.8 million in the fourth quarter for his bid to challenge Republican Sen. Cory Gardner this fall... According to the campaign, the amount raised was the most in an off-year quarter for any U.S. Senate campaign in the state. Donations came from each of Colorado’s 64 counties, with 93 percent made up of small donations of \$200 or less.”

- @JustinWingerter: “Sen. Gardner was outraised by @Hickenlooper last quarter...”

IOWA - **Theresa Greenfield** posted record-breaking off-year fundraising for a Senate challenger, outraising Senator Joni Ernst for the second half of the year, and in Q4 alone she tripled Ernst’s entire off-year fundraising haul from 2013.

- Mason City Globe Gazette: “Theresa Greenfield, a Democratic primary candidate for U.S. Senate, said she will report having raised \$1.6 million during the most recent three-month federal fundraising period. The campaign claimed the figure is a state record for quarterly fundraising by a challenger in a non-election year.”

- Iowa Starting Line: “Greenfield’s campaign said it has received donations from nearly 3,000 Iowans in all 99 counties, bringing the total number of Iowa contributions to more than 9,000. Ninety-four percent of her total donations were \$100 or less. Online donations averaged \$17, the campaign said, and it did not accept corporate PAC money.”

KANSAS - State Senator **Dr. Barbara Bollier** raised more than \$1 million in her first quarter in the U.S. Senate race, and outraised a Republican field stuck in a messy and crowded primary.

- Associated Press: “The leading Democratic candidate for the Senate in Kansas raised twice as much money in contributions during the last three months of 2019 as the top four Republicans combined, campaign finance reports showed Friday.”

- National Journal: “State Sen. Barbara Bollier (D) substantially led the Republican field in fundraising for the open seat in Kansas, bringing in more than \$1 million.”

MAINE - House Speaker **Sara Gideon** outraised Senator Susan Collins by more than \$1 million for the second quarter in a row, outpacing her own “record haul” from last quarter to bring in more than \$3.5 million in Q4.

- Portland Press Herald: Collins raised \$2.3 million in fourth quarter as Gideon narrowed gap

- Portland Press Herald: “Sara Gideon, the leading Democratic challenger to U.S. Sen. Susan Collins, raised \$3.5 million for her campaign in the final quarter of 2019. Gideon’s campaign said in a statement Tuesday that the donors included nearly 4,200 Mainers and that 95 percent of individual donations were \$100 or less.”

NORTH CAROLINA - Decorated Army veteran **Cal Cunningham** closed out 2019 with a “big fundraising quarter,” raising \$1.6 million in Q4 and \$3.1 million for the cycle -- the most ever for a Democratic challenger at this point in a North Carolina Senate race.

- Raleigh News & Observer: “Democratic Senate candidate Cal Cunningham will report raising \$1.6 million in the final three months of 2019, far outpacing what North Carolina’s last two Senate challengers raised in the same time period of their races... The Cunningham campaign said he has more than 7,000 North Carolina donors and that 93% of his fourth-quarter donations were less than \$100.”

SOUTH CAROLINA - Former educator and South Carolina Democratic Party chair **Jaime Harrison’s** “small-donor army” powered him to another record-breaking fundraising quarter. He raised more than \$3.5 million in the fourth quarter from more than 67,000 supporters, including contributions from each of South Carolina’s 46 counties.

- The State: Democrat Harrison touts another fundraising record in bid to unseat Lindsey Graham

- The Hill: “Harrison received donations from voters in each of South Carolina’s 46 counties, the campaign said. The \$3.5 million was raised from more than 112,000 total contributions, with the average donation being about \$27. Harrison is starting 2020 with more than \$4.6 million cash on hand.”

TEXAS - Decorated veteran **MJ Hegar** raised \$1.1 million for the third quarter in a row with an average online contribution of just \$22 – the latest sign of her grassroots momentum in this race.

- Houston Chronicle: Democrat MJ Hegar raises another \$1.1M, leading primary race for U.S. Senate – “Hegar’s campaign said she has received contributions from more than 29,000 donors, the majority coming from within Texas. Nine out of 10 donations were under \$100 and the average online donation was \$22. She’s also sworn off money from corporate PACs.”

Democratic incumbents also continued to show fundraising strength heading into 2020:

ALABAMA - **Senator Doug Jones** again outraised the entire Republican field, bringing in more than \$1.9 million and reporting more than \$5 million in cash on hand.

- Montgomery Advertiser: Doug Jones leads 4th quarter Alabama Senate fundraising

- Alabama Political Reporter: “The Doug Jones for Senate campaign reports a strong fourth quarter with over \$1.9 million raised in the fourth quarter

of 2019. He is leading all of his Republican rivals.”

- The Hill: “Jones hauled in \$1.9 million, more than the three top Republicans who will fight it out for the right to face him in November. Jones has stockpiled a nearly \$5.5 million war chest.”

MICHIGAN - Senator Gary Peters had his best quarter yet, raising more than \$2.5 million in Q4 and reporting a record-breaking \$8 million cash on hand.

- Michigan Advance: “The junior senator said he raised \$2.51 million in the fourth quarter of 2019, running from Oct. 1 to Dec. 31, his largest haul of the cycle. Peters has roughly \$8 million in the bank and has raised more than \$9.3 million since the start of 2019.”

- The Hill: “the incumbent held a substantial cash lead... Peters holds \$2 million more than James.”

NEW HAMPSHIRE - Senator Jeanne Shaheen raised nearly \$2 million in the fourth quarter and set an off-year record for her \$7.7 million haul in 2019.

- WMUR: Shaheen raised more than \$2M in fourth quarter, record \$7.7M in all of 2019, for reelection bid
- New Hampshire Union Leader: “Sen. Jeanne Shaheen raised \$7.7 million for her reelection bid in of 2019, according to her campaign. Of that, about \$2 million came in the last three months of 2019. The state Democratic Party said \$7.7 is the largest sum a Senate candidate has raised in an off-year”

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###



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From: Anna Lee Hirschi [annalee@mjfortexas.com]
Sent: 1/28/2020 10:40:15 AM
To: Anna Lee Hirschi [annalee@mjfortexas.com]
Subject: MJ Hegar Clips 1/28/2020

Press Clips

1/28 MJ Hegar raised \$1.1 million in 4th quarter for her Senate bid against Republican John Cornyn by Gromer Jeffers [Dallas Morning News]

The former Air Force helicopter pilot has \$1 million in the bank as March 3 Democratic primary approaches.

MJ Hegar raised \$1.1 million in last year's final fundraising quarter, a total she hopes will boost her to a primary victory in Texas' Democratic race for Senate.

The fourth-quarter haul brings Hegar's campaign contribution total to over \$3.2 million, according to data shared with The Dallas Morning News. She has \$1 million in the bank for her campaign's primary stretch run.

"We have tapped into the energy and excitement in Texas to build a winning grassroots campaign that is raising millions of dollars from tens of thousands of individuals," Hegar said in a statement to The News. "I am proud that the strength of our fundraising has enabled us to build out the strongest operation and put us in the best position to meet the demands of a Texas-sized winning Senate race."

Hegar, a former Air Force helicopter pilot and businesswoman, raised more money in 2019's fourth quarter than at any point in her campaign. She's in a 12-person race in the March 3 Democratic Primary, where a runoff is expected. The winner will meet Republican incumbent John Cornyn in the November general election.

Democrats former U.S. Rep. Chris Bell of Houston, left, Houston City Council member Amanda Edwards, former Army helicopter pilot MJ Hegar of Round Rock, Cristina Ramirez, and State Sen. Royce West are all trying to unseat longtime incumbent Republican U.S. Sen. John Cornyn

After former U.S. Rep. Beto O'Rourke's close finish in 2018 against Republican incumbent Ted Cruz, Democrats are hoping to beat Cornyn and win their first statewide race since 1994.

Hegar, 43, ran for Congress in 2018 against Republican incumbent John Carter of Round Rock. Though she had a narrow loss to Carter, Hegar opted to challenge Cornyn rather than seek a congressional race rematch.

Her Senate campaign is backed by the Democratic Senatorial Campaign Committee.

Until this point, Hegar has focused on digital campaigning, but she's expected to use her resources to expand, including a targeted media campaign that includes television ads.

The Round Rock Democrat's rivals for the nomination include former U.S. Rep. Chris Bell of Houston, former Houston council member Amanda Edwards, Austin-based labor activist Cristina Tzintzún Ramirez and state Sen. Royce West of Dallas. The race also includes Sema Hernandez of Pasadena, the runner-up to O'Rourke in the 2018 Democratic primary race.

Polls show that no candidate has take control of the race, though few surveys have been done since last fall.

According to Hegar, about 29,000 donors have contributed to her campaign. In the fourth quarter of 2018, her average donation was \$22. She does not accept donations from corporate political action committees.

1/28 Trump impeachment bombshell, church shooter trains armed parishioners, special election today By Jamie Hancock [Dallas Morning News]

4. MJ Hegar raised \$1.1 million in last year's final fundraising quarter, a total she hopes will boost her to a primary victory in Texas' Democratic race for Senate.

The fourth quarter fundraising haul brings Hegar's campaign contribution total to over \$3.2 million, according to data shared with The Dallas Morning News. She has \$1 million in the bank for her campaign's primary stretch run.

Hegar is in a 12-person race in the March 3 Democratic primary, where a runoff is expected. Over the weekend, six of the hopefuls pitched to a sympathetic labor audience how they intend to retire John Cornyn from the U.S. Senate this fall.

1/28 MJ Hegar raises \$1.1M in Senate bid by Nicole Cobler [Austin American Statesman]

MJ Hegar, a Democrat seeking to replace U.S. Sen. John Cornyn, R-Texas, said Tuesday that she has raised \$1.1 million in the fourth quarter of 2019 and has \$1 million in cash on hand.

Hegar, a retired Air Force helicopter pilot from Round Rock, also reported that more than 29,000 donors have contributed to her campaign. A majority of those donors were Texans and nearly all of her donations came in amounts of less than \$100 dollars, she said.

"We have tapped into the energy and excitement in Texas to build a winning grassroots campaign that is raising millions of dollars from tens of thousands of individuals," Hegar said in a statement. "I am proud that the strength of our fundraising has enabled us to build out the strongest operation and put us in the best position to meet the demands of a Texas-sized winning Senate race."

Hegar proved to be a strong fundraiser in 2018 when she raised more money than U.S. Rep. John Carter, R-Round Rock, and came within 3 percentage points of unseating him in a district once considered to be a GOP stronghold.

No other candidates, including Cornyn, have publicly announced their fourth quarter fundraising numbers.

Candidates must report those figures to the Federal Election Commission by Friday.

MJ Hegar Tweets/Retweets

1/28/2020 Fort Bend area, get out and vote today for @ElizMarkowitz! Polls are open until 7 p.m. Find your polling location here: PHOTO

1/27/2020 TWU @transportworker Members of TWU Local 260 with @MJHegar, running for U.S. Senate PHOTO

Cristina Tzintzún Ramirez Clips

1/28 Can a Latina Get What Beto O'Rourke Couldn't? by [Be Latina]

Her name is Cristina Tzintzún Ramirez and her goal is to achieve what Beto O'Rourke couldn't in 2018: the position of Senator for Texas.

Under the slogan "Building a Texas for all of us," this young Irish Mexican American wants to "create a government that truly represents us and solves our state and nation's biggest problems."

Her mother is the oldest of nine kids from a farm-working family in Southern Mexico, and her father is an entrepreneur from Ohio, and according to her campaign website, “They raised me to be a proud Irish Mexican American and I grew up being a part of two very different worlds. That experience taught me that at the end of the day, even if we look different, speak different languages, or come from different communities, we all want the same things — for our families to be safe, healthy, and treated with respect.”

A graduate of UT Austin, Tzintzún became involved in activism in projects to protect workers’ rights such as the Workers Defense Project, but it was not until after the 2016 election that she decided to turn her efforts to mobilizing Latinos to register and vote.

Under the name Jolt, the 38-year-old organized campaigns to protect immigrant families and to “fix things that are unfair.”

Four years later, and in view of the political scenario that has been built under the Trump Administration, Tzintzún —along with a handful of other Democrats including two more Latinos— wants to achieve what Beto O’Rourke could not achieve in 2018: the seat of Republican Senator Ted Cruz.

Although the race won’t be easy with opponents like veteran M.J. Hegar, according to NBC News, it may be activism and social work that will make the difference for Tzintzún.

“It’s no secret that no Democrat wins unless they drive up voter turnout among young and Latino voters,” she told NBC. “I also have a real deep commitment to investing in communities of color and voters that are often an afterthought and should be front and center to a strategy to win in Texas.”

In fact, it was precisely her work to mobilize Latinos through the Jolt organization that has given her hope to do what few have even tried: take over the bulk of the Latino community in Texas, which represents 38.2 percent of the state’s population.

While it was Tzintzún herself who wrote O’Rourke’s plan to get the Latino vote in the general election — O’Rourke’s campaign made some changes but eventually won the support of most young Latinos — her strategy will have to deal with a deeply conservative population.

“Along the way, politicians will try to convince us that we don’t have the power to change things. They’ll tell us that our vision is too bold, that our plan is too ambitious,” says the candidate in her campaign. “But we won’t back down. We’ll remind them that in Texas, we dream big because we are big.”

Cristina Tzintzún Ramirez Tweets/Retweets

1/28/2020 Noticias Telemundo @TelemundoNews La latina que aspira lograr en #Texas lo que Beto O'Rourke no consiguió. @cristinafortx, de 38 años, se está postulando para el Senado de EE.UU. Más información [LINK](#) [PHOTO](#)

1/27/2020 Alex Segura @_alexsegura_ Un placer volver a entrevistar para @EFEnoticias a @cristinafortx sobre su campaña para llegar al Senado nacional. Hablamos de discriminación racial, de sus opciones e ideas. Numerosos medios la publicaron ya: [LINK](#)

1/27/2020 On #HolocaustRemembranceDay, #WeRemember the 6 million Jews and millions of others murdered in the Nazi Genocide. #NeverAgain means fighting the rise of anti-Semitism today – and refusing to repeat our past mistakes. The public charge rule was wrong then and it is wrong today. QUOTE Melissa Boteach @mboteach It's #HolocaustRemembranceDay And the Supreme Court just allowed the Trump admin to move forward w/a rule that served as primary grounds for excluding thousands of Jews fleeing from Nazi Germany in the 1930s.

1/27/2020 Beto came closer to flipping Texas than anyone has in years— and he did so by running an honest, unapologetically progressive campaign. We're finishing what he started in 2020. Read more from @NBCNews below: QUOTE NBC Latino @NBCLatino “It’s no secret that no Democrat wins unless they drive up voter turnout among young and Latino voters,” says @cristinafortx, who aims to defeat a senior Republican U.S. senator in Texas, by @SuzGamboa LINK

Amanda Edwards Tweets/Retweets

1/28/2020 Check out this clip of my @claycane interview! Hear what I had to say about how the Texas political landscape is changing right before our eyes! #amandafortexas VIDEO

1/27/2020 Clay Cane @claycane Big thanks to @AmandaForTexas for coming on the #claycaneshow. She is running for the U.S. Senate in TEXAS! Spread the word - you can listen to my full interview with her on @sxmurbanview. #claynation #amandaedwards And forgive me for not knowing how to work my camera - lol. VIDEO

1/27/2020 L. Joy Williams @ljoywilliams It was wonderful to host a lunch for @HigherHeightPAC endorsed candidate @AmandaForTexas to hear more about the race and how we can support the change happening in Texas. Early vote starts soon so chip in TODAY! #BlackWomenLead PHOTOS

1/27/2020 Her Agenda @HerAgenda "Even with confidence, there are two things that can get in the way of you being able to fulfill your purpose: having a limited imagination and allowing others limited imaginations to become your own." - @AmandaForTexas PHOTO

1/27/2020 Her Agenda @HerAgenda *new* A Peek Inside Her Agenda: Amanda Edwards (@AmandaForTexas) U.S. Senate Candidate LINK PHOTOS

1/27/2020 SiriusXM Urban View @SXMUrbanView Become an Official Founding Donor of Amanda's campaign @claycane @DrewMcCaskill @AmandaForTexas #ClayCaneShow #ClayNation

1/27/2020 Catch me on @claycane @SXMUrbanView @SIRIUSXM at 2:30pm EST/1:30pm CST today! #AmandaForTexas VIDEO

Cornyn Clips

1/27 17 **Candidates Vying To Knock Senator John Cornyn Out Of Office [Cheddar]**

VIDEO

Mark Vancey, a Republican candidate for U.S. Senate in Texas, explains why he believes John Cornyn's time in Congress needs to end in November.

1/27 **Congress warns Britain to stay away from Huawei By Josh Rogin [Washington Post]**

On Friday, three GOP senators wrote to the members of the British National Security Council to urge them to bar Huawei from playing a role in their next-generation telecom networks.

“This letter represents a genuine plea from one ally to another. We do not want to feed post-Brexit anxieties by threatening a potential U.S.-U.K. free trade agreement when it comes to Congress for approval. Nor would we want to have to review U.S.-U.K. intelligence sharing,” wrote Sens. Marco Rubio (R-Fla.), Tom Cotton (R-Ark.) and John Cornyn (R-Tex.). “The facts on Huawei are clear. We hope that your government will make the right decision and reject Huawei’s inclusion in its 5G infrastructure.”

The letter comes on the heels of a new bill introduced by Rep. Jim Banks (R-Ind.) last week that would outright

halt U.S. intelligence-sharing with countries that use Huawei tech in their 5G infrastructure. These congressional efforts are meant to bolster the Trump administration's extensive efforts to convince British leaders that Huawei technology represents a security vulnerability that could impact the U.S.-British relationship.

1/27 Sen. John Cornyn says adding witnesses will ensure the Senate impeachment goes on 'forever and ever and ever' [Yahoo/Fox News]

VIDEO

Claims of executive privilege over witnesses will have to be litigated in the court system, says Texas Senator John Cornyn, Republican member of the Senate Judiciary and Intelligence Committees.

1/28 The first vote of 2020 ends Tuesday, in Texas By Lauren Egan [NBC News]

"Fort Bend County is representative of what is happening in Texas writ large. There are a lot of immigrants," said Brendan Steinhauser, a Texas-based Republican strategist who ran GOP Sen. John Cornyn's 2014 campaign. "Republicans want to hold this and need to hold this to say: 'Look, we can stem the tide of the Blue Wave that everyone is talking about.'"

1/27 Texans, you have a week left to register for the March 3 primary. Here's what you need to know. By Robert T. Garrett [Dallas Morning News]

AUSTIN — Texans have one more week to register to vote in next month's primary election, kicking off a momentous year in state politics.

The stakes are high for Democrats and Republicans alike, as Texas takes part in a Super Tuesday presidential day of voting that could help decide the Democrats' White House nominee. On the GOP side, President Donald Trump is all but guaranteed renomination.

Statewide, Democrats also will begin sifting a dozen choices for a November nominee to put up against three-term Republican U.S. Sen. John Cornyn. He faces only token opposition in the March 3 GOP primary. A May 26 Democratic runoff is expected.

In North Texas, down-ballot primaries may set up key contests -- three for U.S. House, and seven for Texas House.

Here's information about how to vote and what's on the ballot.

1/27 Trump impeachment team spotlights Bidens' alleged corruption as Bolton bombshell hangs over trial by Todd Gillman [Dallas Morning News]

WASHINGTON — Shrugging aside bombshell revelations from the former national security adviser as irrelevant to the impeachment trial, and an effort to sell books, President Donald Trump's team and its Senate allies focused Monday on Joe Biden and his son, arguing that the Bidens' corruption justified all of Trump's actions with Ukraine.

Texas Sens. John Cornyn and Ted Cruz, like many other GOP jurors in the ongoing trial, rejected the need to put Bolton under oath despite a report that his forthcoming memoir recounts in detail that Trump froze military aid to pressure Ukraine to dig for dirt on the Bidens.

But a handful of GOP senators were working behind the scenes — when they weren't stuck at their desks

without access to electronics — on a deal that could bring both Hunter Biden and Bolton to the trial as part of a one-for-one deal on witnesses sought by each side.

Bolton's account, which surfaced Sunday, ramped up pressure on Republican senators to allow witnesses and hung over the trial throughout the day Monday as the Trump team continued to deliver its case.

Ken Starr, the special counsel whose investigation of Bill Clinton led to the last presidential impeachment, in 1998, asserted that "tragically," the effort to remove Trump is an unjustified, partisan effort from a "runaway House."

The former law school dean and Baylor University president argued that impeachment should be a "once in a century phenomenon," pursued only with bipartisan support, when a specific crime is alleged, as "truly a measure of last resort," and not during an election year when voters could soon pass judgment on a president's conduct.

Although we won't vote on additional witnesses in impeachment trial until Friday, House managers need to know that both sides will have same chance to identify potential witnesses to call. Obvious choices are Adam Schiff, Joe Biden and Hunter Biden for starters.

Bolton's allegations go to the heart of abuse of power allegations in the first article of impeachment. His testimony would provide behind-the-scenes insight into Trump's statements and motives that Trump's defenders have insisted were missing from the House inquiry.

House managers blame that gap on Trump, for ordering Bolton, acting White House chief of staff Mick Mulvaney, then Energy Secretary Rick Perry and every other member of his administration not to cooperate.

"The press loves to obsess over the latest bombshell," Cruz said during a break in the trial. "I don't know what John Bolton's book says or doesn't say ... but at the end of the day, it doesn't impact the legal issue before this Senate" which is "whether the president has the authority to investigate corruption."

He reiterated his demand for testimony from Hunter Biden but flat-out rejected the need to put Bolton under oath, calling whatever he has to say irrelevant — an assertion that Democrats vehemently dispute.

"I don't believe the testimony is necessary," Cruz said.

The New York Times reported the contents of Bolton's memoir on Sunday night, triggering the fresh frenzy over whether he should testify — and recriminations from Trump and his defenders, who cast it as an attempt to distract from the defense case.

In a prime-time presentation Monday night, famed Harvard law professor Alan Dershowitz hit head-on the allegations that his colleagues on the defense team had ignored all day.

"Nothing in the Bolton revelations, even if true, would rise to the level of an abuse of power or an impeachable offense," Dershowitz told senators during an erudite review of the history and jurisprudence of impeachment.

He challenged senators to apply a "shoe on the other foot" test, and assess whether they would feel the same way if the allegations were leveled against a president of the other party. And he maintained that he would reject the House charges without regard to his views of Trump.

GOP senators crowded around him after the session to thank and congratulate him on a compelling presentation.

I NEVER told John Bolton that the aid to Ukraine was tied to investigations into Democrats, including the

Bidens. In fact, he never complained about this at the time of his very public termination. If John Bolton said this, it was only to sell a book. With that being said, the...

"The timing is a little interesting, isn't it?" Cornyn said on Fox News, shrugging off Bolton's allegations as old news. "It's nothing different than what we've already heard. No crimes were alleged, and these events never actually occurred — the withholding of aid and the investigation."

Cornyn complained that if the Senate were to subpoena witnesses, the cloud and distraction of impeachment would linger for months as the issue plays out in court.

"It goes on forever and ever and ever," Cornyn said.

Bolton reportedly writes that he tried to talk Trump out of withholding military aid to Ukraine, and that Trump refused to let go of a belief, debunked by the U.S. intelligence community, that Ukraine meddled in the 2016 election.

Trump, in the Oval Office with Israeli Prime Minister Benjamin Netanyahu, insisted that Bolton's claims are "totally false."

Trump's case

Trump lawyer Jay Sekulow reminded senators that Speaker Nancy Pelosi used numerous pens to sign the formal articles of impeachment, and handed them as souvenirs to key players in the House inquiry — an unseemly display of gloating and partisanship, he said.

Without mentioning Bolton, he seemed to shrug off the revelations: "We do not deal with speculation."

Democrats marveled at the defense team's ability to ignore the elephant in the room.

"This session was surreal," said Sen. Richard Blumenthal, D-Conn. "The rest of America is talking about John Bolton This bombshell has just struck The White House lawyers are in a bubble of denial."

Inside the Senate, the focus was indeed elsewhere for most of the day.

As expected, the defense sought to put Biden on trial, hoping to dispel the allegation that Trump abused his office in seeking a corruption probe from Ukraine aimed at the Bidens.

If they could show that Trump had good reason to believe that Biden himself had acted corruptly — by pressuring Ukraine's government to fire a prosecutor who was investigating Burisma, an energy company that had hired his son Hunter Biden — that would refute the House managers' allegations.

Pam Bondi, a former Florida attorney general, led senators through the argument on behalf of the president, noting that the accusers invoked Biden or Burisma over 400 times in their presentation last week.

"They say sham. They say baseless." But she said, "This is fiction."

Trump's team also focused at Barack Obama, arguing that under the House Democrats' view of impeachment power, he committed a far more egregious offense than Trump in 2012, when he was caught on a hot mic telling Russian President Dmitri Medvedev that he would have more flexibility to negotiate on missile defense after his reelection.

Deputy White House counsel Patrick Philbin took aim at Article 2 of the impeachment, which accuses Trump of

obstructing Congress by refusing to cooperate with the House inquiry.

House managers argued last week that if a president can stymie an investigation of his own misdeeds, the Constitution's impeachment clause has no teeth.

If that argument prevails, Philbin asserted, presidents could be impeached for withholding any information from Congress.

"Virtually every president has asserted at one time or another these constitutional prerogatives," he said.

Republican senators seized on the defense team's discussion of Hunter Biden and Burisma as irrefutable proof that Trump did not abuse his office.

"The White House counsel has done a brilliant job in really shredding the House managers' case," Iowa Sen. Joni Ernst said.

Possible deal on witnesses

Utah Sen. Mitt Romney, a rare GOP voice for calling Bolton to testify, told reporters that with the new revelations, "it's increasingly likely that other Republicans will join those of us who think we should hear from John Bolton."

Sen. Pat Toomey, R-Pa., was reportedly leading an effort to hammer out a witness swap.

The defense team used two hours of its 24-hour allotment on Saturday, and has until Tuesday night to finish its presentation. The next two days will be devoted to written questions from senators, with a decision expected Friday on whether to move to a vote on conviction or acquittal.

If witnesses are called, the Senate likely would conduct depositions first, prolonging the trial by days or weeks.

It takes a two-thirds vote to remove a president from office. Republicans control 53 seats.

Rep. John Ratcliffe, R-Heath, part of the president's defense team — House members who provide off-the-floor advice and advocate his case for the cameras — likewise shrugged off the Bolton allegations.

"The president said it's not true. The attorney general has come out today and said specifically, it's not true," Ratcliffe said. "Every time things don't go the Democrats' way, they try to change the narrative and selectively leak information."

He and other Trump defenders sidestepped the issue of whether Bolton's knowledge is relevant to the case against the president, focusing on the claim that it's too late because the House didn't force him to testify before approving articles of impeachment.

"The president ordered everyone with first-hand knowledge of his actions not to testify," Minority Leader Chuck Schumer said, accusing any senator who votes against ordering testimony from Bolton of being an accomplice to a cover-up.

Rep. Adam Schiff, the lead prosecutor for the House, noted that Bolton had refused to testify before the House.

"We would still be in court trying to get John Bolton's testimony ... but at the end of the day the senators cannot hide from a relevant witness who has come forward willing to testify," he said, accusing the White House of trying to suppress Bolton's manuscript, noting that he submitted it for review a month ago.

Sen. John Kennedy, R-La., said the allegations would be more credible from someone other than Bolton, who was forced from his post and is now peddling a book. He counseled medically-assisted patience before asking the Senate to decide about witnesses.

“I think everybody ought to pop a Zolof, take their meds and let’s wait,” Kennedy said.

1/27 Cornyn: Bolton Revelations ‘Nothing Different Than What We’ve Already Heard’ by JEFF POOR [Breitbart]

Monday during an appearance on Fox News, Sen. John Cornyn (R-TX) dismissed the so-called bombshell revelations in former National Security Advisor John Bolton’s forthcoming book, as reported by The New York Times.

Cornyn pointed to the timing but said nothing changed in his view from what has already been put forth.

“Yes, the timing is a little interesting, isn’t it?” he said. on “Fox & Friends.” “But the best I can tell from what’s reported in The New York Times — it’s nothing different than what we’ve already heard. And as I said, the — no crimes were alleged and these events never actually occurred, the withholding of aid and the investigations. So it’s — I’m trying to get my head around exactly what is the impeachment manager’s theory of the case and why they should provoke this constitutional crisis.”

1/27 Largest Texas labor union backs progressive Cisneros over incumbent Rep. Henry Cuellar by Benjamin Wermund [San Antonio Express News]

The AFL-CIO voted to endorse Cisneros at its annual convention in Austin over the weekend, when it also hosted a debate between six of the Democrats vying to take on Republican U.S. Sen. John Cornyn. The group failed to reach a two-thirds vote on any of those candidates, however, and declined to endorse in the race.

1/27 Impeachment trial of President Trump by Meg Wagner, Mike Hayes and Veronica Rocha [CNN]

GOP senators downplayed the Bolton manuscript: Republican Sen. John Cornyn downplayed the significance of Bolton’s revelation. Cornyn said the timing around this was suspicious and accused Democrats of having a “credibility problem.”

Cornyn Tweets/Retweets

1/28/2020 The lives of President George H.W. Bush and First Lady Barbara Bush were characterized by love of country and service for others – these coins will help preserve that legacy. PHOTO

1/28/2020 This law honors those Texas families who travelled from Galveston to Houston to share the monumental news that all slaves had been freed. This important study will celebrate their legacy and remind future generations of how far our nation has come. Thank you, @realDonaldTrump. PHOTO

1/28/2020 Paul Sperry @paulsperry_ BREAKING: All Big 3 networks ABC, CBS, NBC blacked out Trump defense lawyer Pam Bondi’s presentation this afternoon of Ukraine corruption related to Joe Biden, son Hunter Biden & Burisma. In contrast, Big 3 carried Schiff’s p.m. presentations live, preempting regular programming

1/28/2020 In Crucial Pennsylvania, Democrats Worry a Fracking Ban Could Sink Them LINK

1/27/2020 Lee Zeldin @RepLeeZeldin Pam Bondi & Erik Hirschmann are laying it out professionally w/cold hard facts on a corrupt Ukraine gas co, Burisma, run by a corrupt Ukraine Oligarch, Zlovchevsky, hiring the VP’s son, Hunter Biden, for a ton of \$ w/no Ukraine or energy experience solely bc of his last name.

1/27/2020 Sen. John Cornyn says adding witnesses will ensure the Senate impeachment goes on 'forever and ev... LINK @Yahoo

1/27/2020 President Trump signs bill to honor George H.W. Bush, Barbara Bush with coins | LINK

1/27/2020 The impeachment managers put the cart ahead of the horse by impeaching the President before completing their investigation, which they should've done in the House inquiry. I joined @BillHemmer this afternoon to discuss: LINK

1/27/2020 Democrats have said that this impeachment process is “solemn,” “sad,” and “serious.” Despite the lip service, they continue to treat this as nothing more than a partisan process meant to damage the President – even going as far to suggest a SECOND impeachment. PHOTO

1/27/2020 Although we won't vote on additional witnesses in impeachment trial until Friday, House managers need to know that both sides will have same chance to identify potential witnesses to call. Obvious choices are Adam Schiff, Joe Biden and Hunter Biden for starters. But at some point the trial needs to end so we can get on with legislative business and the elections.

1/27/2020 Kasie Hunt @kasie Would really like to go back in time and tell 2004 Dems John Bolton has turned into a liberal hero

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