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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 DEPOSITION OF: KELLI WARD

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15 Wednesday, March 16, 2022

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17 Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 2:30 p.m.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 ██████████ PROFESSIONAL STAFF MEMBER

9 ██████████ SENIOR INVESTIGATIVE COUNSEL

10 ██████████ INVESTIGATIVE COUNSEL

11 ██████████ CHIEF CLERK

12 ██████████ PARLIAMENTARIAN

13 ██████████ INVESTIGATIVE COUNSEL

14 ██████████ PROFESSIONAL STAFF MEMBER

15

16

17 For KELLI WARD:

18

19 LAURIN MILLS

20 ALEX KOLODIN

1

2 [REDACTED] Good afternoon, everyone.

3 This is a deposition of Dr. Kelli Ward conducted by the House Select Committee to
4 Investigate the January 6th Attack on the United States Capitol pursuant to House
5 Resolution 503.

6 Dr. Ward, could you please state your full name and spell your last name for the
7 record?

8 The Witness. Dr. Kelli Ward, W-a-r-d.

9 [REDACTED] Thank you very much.

10 This will be a staff-led deposition today, and members of the select committee
11 may, of course, choose to join us and will also ask questions.

12 Since we're doing this remotely, there's a participant list on the side of our Webex
13 screen. We will try to identify any members of the select committee if they join and
14 you'll be able to see their names appear there. And then, if they have any questions,
15 the convention usually is that they'll turn on their video, so they'll pop up on your screen
16 at that time as well.

17 My name is [REDACTED] I'm investigative counsel with the select committee.
18 And I'll let my colleagues here in the room today with me also introduce themselves.

19 [REDACTED] Good afternoon, Dr. Ward. My name is [REDACTED] I'm a
20 senior investigative counsel to the committee.

21 [REDACTED] Good afternoon, Dr. Ward. My name's [REDACTED] I'm a
22 professional staff member with the committee.

23 [REDACTED] Thank you.

24 We're joined by a couple of other members of the select committee staff,
25 including [REDACTED] also investigative counsel with the committee, and [REDACTED]

1 [REDACTED] our chief clerk.

2 Before we begin, we'd like to go through a few ground rules.

3 We will be following the House deposition rules today that we provided to your
4 counsel previously. Under the House deposition rules, counsel for other persons or
5 government agencies may not attend, and you are, Dr. Ward, permitted to have your
6 attorneys present.

7 Under the House rules neither committee members nor staff may discuss the
8 substance of your testimony that you provide today unless the committee approves
9 release. And you and your attorney can have an opportunity to review the transcript if
10 you wish.

11 At this time, counsel, could you please note your appearances for the record?

12 Mr. Mills. Good afternoon. Laurin Mills for Dr. Ward.

13 Mr. Kolodin. And good morning. Alexander Kolodin for Dr. Ward.

14 [REDACTED] Great.

15 There is an official reporter transcribing the record of this deposition. So we'll
16 ask you, Dr. Ward, to please wait until each question is completed before you begin your
17 response, and we will try to wait until your responses are all complete before we ask our
18 next question.

19 The stenographer cannot record nonverbal responses, such as shaking your head,
20 so it's important that you please answer each question with an audible verbal response.

21 We are, as you noted at the beginning, we are recording this deposition that's
22 being conducted virtually, but the official record of the deposition is the record that the
23 official reporters are taking down.

24 We ask that you provide complete answers based on your best recollection. If
25 the questions are not clear, please ask for clarification and we'd be happy to provide it.

1 And then if you do not know the answer, please simply say so.

2 You may only refuse to answer a question to preserve a privilege that is
3 recognized by the select committee. If you refuse to answer a question based on a
4 privilege, staff may either proceed with the deposition or seek a ruling from the chair on
5 the objection. If the chair overrules an objection, you are required to answer the
6 question.

7 Again, please don't hesitate to ask us to repeat a question if you have any trouble
8 hearing us or if it's not clear, and if you need to consult with your counsel at any time
9 during this interview -- or during this deposition, sorry -- that's not a problem at all.

10 Because we're doing this virtually, we recommend that you mute and turn off
11 your cameras to facilitate any sort of -- any private conversation that you need to have
12 with your lawyers.

13 If you need to have a break for any other reason during the deposition, please just
14 let us know and we'd be happy to accommodate that.

15 And finally, I want to remind you that it is unlawful to deliberately provide false
16 information to Congress. And since this deposition will be under oath, providing false
17 information could result in criminal penalties for perjury and/or for providing false
18 statements.

19 Do you understand that, Dr. Ward?

20 The Witness. Yes.

21 [REDACTED] Okay. So at this time, could you please stand and raise your right
22 hand to be sworn by the official reporter?

23 The Reporter. Do you solemnly declare and affirm under the penalty of perjury
24 that the testimony you are about to give will be the truth, the whole truth, and nothing
25 but the truth?

1 The Witness. I do, so help me God.

2 Mr. Mills. At this point, I'd like to make my statement before you continue.

3 ██████████ Sure. That makes sense, Mr. Mills. Go right ahead.

4 Mr. Mills. Yeah.

5 In light of Deputy Attorney General Lisa Monaco's statements to CNN on January
6 the 25th that there is an ongoing criminal investigation into the exact subject that you
7 want to examine Dr. Ward on, and in light of this committee's written filings in the
8 Central District of California, Santa Anna Division, in the Eastman case, Dr. Ward is going
9 to state her name, but she is going to invoke her right not to be a witness against herself
10 under the Fifth Amendment to the United States Constitution to every other question.

11 And what she will answer is, if it's okay with you guys, she will answer, "I rely on
12 my Fifth Amendment privilege," and that will be the shorthand for that.

13 And so Mr. Kolodin or I may assert another privilege or objection depending on
14 your question just to preserve it. But every answer you're going to get from Dr. Ward
15 after she states her name under oath will be, "I rely on my Fifth Amendment privilege."

16 ██████████ Okay. Thank you for that, Mr. Mills.

17 I think, as we previously discussed, we have questions here that we'd like to ask
18 Dr. Ward and we'll hear her objections to each of those questions.

19 I think we may need to hear a more fulsome statement at the outset, so that we
20 have a really clear record about what exactly it is in Dr. Ward's own words that she's
21 asserting. And then once we have that on the record, I think a shorthand will suffice for
22 the majority of the remaining questions.

23 Mr. Mills. You have her statement. She is going to say, "I rely on my Fifth
24 Amendment privilege." And so that's what she is going to say.

25 ██████████ Understood. Well, we appreciate your statement at the outset

1 here. I think we should go ahead and get started. We'll ask a couple of questions
2 really sort of preliminarily to get started and when we reach the point that Dr. Ward feels
3 it's appropriate to assert those privileges we can get that on the record.

4 Does that work?

5 Mr. Mills. It does.

6 [REDACTED] Okay. Any other issues that we should discuss?

7 Or, Dr. Ward, did you have any questions about the kind of ground rules that we
8 set out?

9 The Witness. Nope.

10 [REDACTED] Okay. Great. Let's get going then.

1

2 EXAMINATION

3 BY [REDACTED]

4 Q [REDACTED] could you please pull up exhibit No. 1?

5 Dr. Ward, we have several exhibits that we'd like to show you today. Since we're
6 doing this virtually, we'll do it in the screen share.

7 So for this first one, can you just confirm that you're able to see this document on
8 the screen?

9 A Yes.

10 Q Okay. Do you recognize this document?

11 A No.

12 Q Okay.

13 A Well, yes. I mean -- I can't see the entire --

14 Mr. Kolodin. I advise Dr. Ward to assert her Fifth Amendment privilege.

15 [REDACTED] Okay.

16 BY [REDACTED]

17 Q Dr. Ward, do you understand that you're appearing here today pursuant to a
18 subpoena issued by the select committee dated February 15th, 2022?

19 A I rely on my Fifth Amendment privilege.

20 Q Dr. Ward, are you declining to answer our questions today based on the Fifth
21 Amendment because you reasonably believe your factual responses to specific questions
22 may tend to incriminate you?

23 A I rely on my Fifth Amendment privilege.

24 Q Dr. Ward, let me just read to you the relevant section of the Fifth
25 Amendment to the United States Constitution so that you can confirm for us that this is

1 the provision of the Fifth Amendment that you're relying on today for your objections.

2 So the Fifth Amendment in relevant part reads, "No person shall be compelled in
3 any criminal case to be a witness against himself."

4 Is that the provision of the Fifth Amendment that you are asserting as a privilege
5 against your testimony today?

6 A I rely on my Fifth Amendment privilege.

7 [REDACTED] Mr. Mills, I think it makes sense, we need to have the witness
8 confirm what she is asserting, and there are multiple provisions of the Fifth Amendment.

9 So if you want to take a moment to speak with Dr. Ward about that just to confirm
10 that that is, in fact, the provision of the Fifth Amendment that she is asserting, we'd
11 appreciate that, and then we can move forward with her just saying I'm asserting the Fifth
12 Amendment privilege.

13 Mr. Mills. I believe I made it clear in, at least, two communications with you the
14 exact provision of the Fifth Amendment that we were asserting, and I made it clear on the
15 record the exact provision that she is asserting and what the shorthand would stand for.

16 But I'm not taking any chances that you guys will argue waiver. And so she is
17 going to say, "I rely on my Fifth Amendment privilege." It's very clear what privilege she
18 is asserting.

19 [REDACTED] And it's just, it's hers to assert, Mr. Mills. So we just need her to
20 say, yes, that that is, in fact, the provision, what you have explained is the one she's
21 relying on.

22 Mr. Mills. Okay. I will do that.

23 Dr. Ward, you can say yes, that that's the provision.

24 Mr. Kolodin. Can we consult briefly?

25 Mr. Mills. Yeah.

1 [REDACTED] Sure, yes. Why don't we go off the record for a moment here?

2 [Discussion off the record.]

3 [REDACTED] Let's go back on the record now.

4 Mr. Mills. Why don't you ask your question again?

5 [REDACTED] I'd be happy to.

6 Ms. Ward, I've asked you a few questions. You've asserted your Fifth
7 Amendment rights. And I asked you whether that was because you reasonably believed
8 your factual responses to those questions may tend to incriminate you.

9 Mr. Mills. Objection. That's not what you said. You cited a provision of the
10 Fifth Amendment and that's -- because the Fifth Amendment mentions nothing about
11 incrimination.

12 [REDACTED] Understood.

13 Mr. Mills. So read the exact words.

14 [REDACTED] Yes, I was getting there, yes, Mr. Mills.

15 So, Dr. Ward, is the provision of the Fifth Amendment that you are citing to in
16 response to our questions today the one that reads in relevant part, "No person shall be
17 compelled in any criminal case to be a witness against himself"?

18 The Witness. Yes, as well as my due process.

19 [REDACTED] Okay. Thank you. So we will understand as we go through the
20 remainder of our questions today that when you assert your Fifth Amendment rights that
21 it's that provision of the Fifth Amendment to which you're referring. Okay?

22 [REDACTED] Could you please bring back up exhibit No. 1.

23 Okay.

24 Dr. Ward, on the screen is exhibit No. 1, the subpoena issued to you by the select
25 committee. Can you see that document?

1 The Witness. Yes.

2 ██████████ Okay. Thank you.

3 The part of the subpoena that you received from the select committee requires
4 you to produce documents and information, including any electronically stored
5 information.

6 Do you understand that obligation?

7 Mr. Kolodin. I advise my client to assert her Fifth Amendment privilege.

8 The Witness. I rely on my Fifth Amendment privilege.

9 BY ██████████

10 Q Okay. Dr. Ward, have you reviewed the schedule of requests attached to
11 the subpoena?

12 A I rely on my Fifth Amendment privilege.

13 Q Did you conduct a search for records that might be responsive to the
14 schedule attached to the subpoena?

15 A I rely on my Fifth Amendment privilege.

16 Q Dr. Ward, you've not produced any documents to the select committee that
17 are responsive to the requests attached to the subpoena. Is that correct?

18 A I rely on my Fifth Amendment privilege.

19 Q Dr. Ward, do you intend to assert your Fifth Amendment privileges in
20 response to any further questions that I ask you about the documents, any search or
21 relevant documents that you discovered that were responsive to the subpoena?

22 A I rely on my Fifth Amendment privilege.

23 Q Okay. Dr. Ward, do you have a Twitter handle?

24 A I rely on my Fifth Amendment privilege.

25 Q Okay. We're aware of a Twitter account with the name @kelliwardaz,

1 k-e-l-l-i, w-a-r-d, a-z. Are you the individual that posts through that Twitter account?

2 A I rely on my Fifth Amendment privilege.

3 Q Dr. Ward, we're also aware of another Twitter account that posts with the
4 name @AZGOP. Are you an individual with control over posts under that account?

5 A I rely on my Fifth Amendment privilege.

6 Q Dr. Ward, can you tell us a little bit about your professional background?

7 Where did you attend undergraduate and graduate education?

8 A I rely on my Fifth Amendment privilege.

9 Q Did you graduate from Duke University?

10 A I rely on my Fifth Amendment privilege.

11 Q And medical school at the West Virginia School of Osteopathic Medicine --

12 A I rely on my Fifth --

13 Q Sorry. I was just going to pull it together. And also A.T. Still University in
14 Arizona?

15 A I rely on my Fifth Amendment privilege.

16 Q Dr. Ward, what is your current occupation?

17 A I rely on my Fifth Amendment privilege.

18 Q Have you held political office? And, in particular, did you serve as a
19 member of the Arizona State Senate between 2013 and '15?

20 A I rely on my Fifth Amendment privilege.

21 Q Have you been chair of the Republican Party of Arizona since approximately
22 2019?

23 A I rely on my Fifth Amendment privilege.

24 Q Dr. Ward, I'd like to ask you some questions today about the 2020 election.

25 I'll refer to it as the Presidential election or the 2020 election, but what I mean by that is

1 the election held on November 3rd, 2020, to elect the President of the United States.

2 My first question for you in that topic is, what role did you have with the Trump
3 reelection campaign leading up to and before election day?

4 A I rely on my Fifth Amendment privilege.

5 Q Where were you on election day, November 3rd, 2020?

6 A I rely on my Fifth Amendment privilege.

7 Q Did you have any official role for the Trump campaign on election day?

8 A I rely on my Fifth Amendment privilege.

9 Q What responsibilities did you have for the Trump campaign between
10 election day and November 7th, 2020, when the television networks called the
11 Presidential race for the Biden-Harris ticket?

12 A I rely on my Fifth Amendment privilege.

13 Q On November 3rd, 2020, FOX News called Arizona for then Vice President
14 Biden at approximately 11:20 in the evening on the East Coast with AP News following
15 with their call about 3 hours later. Do you recall that?

16 A I rely on my Fifth Amendment privilege.

17 Q Dr. Ward, did you ever exchange text messages with Mark Meadows, then
18 the White House chief of staff?

19 A I rely on my Fifth Amendment privilege.

20 Q [REDACTED] could you bring up exhibit No. 2, please?

21 Okay. Thank you.

22 Ms. Ward, this is an exhibit that shows text message communications. It's a
23 bit -- a bit hard to read, so please let us know if you need us to zoom in.

24 There we go. That's perfect.

25 I'd like to draw your attention to a line in this document that has the date

1 November 6th, 2020. It is in blue. And it reads -- it's a text message that you sent to
2 Mark Meadows, and it reads, "Do NOT concede," with the "NOT" capitalized.

3 Dr. Ward, why did you send this message to Mr. Meadows?

4 A I rely on my Fifth Amendment privilege.

5 Q Dr. Ward, do you use a phone number that ends in the numbers [REDACTED]?

6 A I rely on my Fifth Amendment privilege.

7 Q Do you still have access to the text messages sent through the phone
8 number that ends in [REDACTED]?

9 A I rely on my Fifth Amendment privilege.

10 Q Dr. Ward, the remaining television networks called the Presidential race in
11 Arizona for then Vice President Biden on November 12th, 2020.

12 Did you communicate with Mark Meadows about whether or not President Trump
13 should concede after the Presidential race was called in Arizona?

14 A I rely on my Fifth Amendment privilege.

15 Q I'd next like to ask you some questions about allegations of election fraud
16 that arose following the November 3rd, 2020, election.

17 The first question I'd like to ask you there is, what investigation did the Trump
18 campaign do into allegations of election fraud that arose following the Presidential
19 election?

20 A I rely on my Fifth Amendment privilege.

21 Q What, if any, was your role in those efforts, Dr. Ward?

22 A I rely on my Fifth Amendment privilege.

23 Q Two days after the Presidential election, on November 5th, 2020, did you
24 post a tweet about ways to, quote, "fix election chaos"?

25 A I rely on my Fifth Amendment privilege.

1 Q [REDACTED] could you please bring up exhibit No. 3.

2 Can you see exhibit 3, Dr. Ward?

3 A Yep.

4 Q Okay. So this is a tweet by @kelliwardaz posted November 5th, 2020. It
5 writes, "How do we fix election chaos?" and then, "Let me think," and suggests several
6 items, including vote on one specific day, require voter identification, use paper ballots,
7 and use pens not #Sharpies.

8 Dr. Ward, why did you tweet, "Vote on one specific day"?

9 A I rely on my Fifth Amendment privilege.

10 Q Dr. Ward, are you aware that Arizona has utilized early voting since at least
11 1992?

12 A I rely on my Fifth Amendment privilege.

13 Q Why did you tweet, "use pens not #Sharpies"?

14 A I rely on my Fifth Amendment privilege.

15 Q Dr. Ward, what investigation did you do into what were known as
16 "SharpieGate" allegations before posting this tweet on November 5th?

17 A I rely on my Fifth Amendment privilege.

18 Q Did you speak with any Maricopa County election officials regarding these
19 allegations about Sharpie markers?

20 A I rely on my Fifth Amendment privilege.

21 Q [REDACTED] could you please bring up exhibit No. 4?

22 Dr. Ward, this is another tweet posted by the account @MaricopaVote on
23 November 3rd, 2020. Did you review this or any other voter education materials that
24 Maricopa County distributed before and on election day informing the public that
25 Sharpies were safe to use when marking their ballots?

1 A I rely on my Fifth Amendment privilege.

2 Q Let's bring up exhibit No. 5, please.

3 Dr. Ward, do you recognize this document?

4 Mr. Kolodin. I advise my client to, in addition to asserting her Fifth Amendment
5 privilege, to also assert the attorney-client privilege.

6 ██████████ Okay. Just to be clear, my question was just whether she
7 recognized this document, which is a complaint filed in, I believe, State court in Maricopa
8 County.

9 The Witness. I rely on my Fifth Amendment privilege and attorney-client
10 privilege as it applies.

11 ██████████ Dr. Ward, the Arizona Republican Party was a plaintiff in an election
12 contest lawsuit, along with the Trump campaign and the Republican National Committee.
13 This is a complaint in that case filed on November 7th, 2020. Is that correct?

14 Mr. Kolodin. I advise my client to assert, in addition to her Fifth Amendment
15 privilege, the attorney-client privilege.

16 The Witness. I rely on my Fifth Amendment privilege and attorney-client
17 privilege.

18 ██████████ Understood. Your objections are noted. Just to be clear, I'm
19 not asking -- none of my questions and certainly not this one will I be asking for any
20 privileged communication between you and your counsel, merely directed at the fact of
21 the existence of this lawsuit and the fact that this is the complaint that was filed in
22 Federal Court -- or in State court, forgive me.

23 This suit centered on allegations relating to the use of Sharpies to mark ballots,
24 specifically contains allegations of, quote, "ink permeating the paper," end quote. And
25 it relates to the use of the quote, "green button," end quote, on Maricopa County

1 tabulation devices.

2 Is that correct?

3 Mr. Kolodin. Same advice.

4 The Witness. I rely on my Fifth Amendment privilege as well as attorney-client
5 privilege.

6 BY [REDACTED]

7 Q Dr. Ward, have you seen any actual evidence that votes for Trump were not
8 counted because Sharpies were used to mark ballots?

9 A I rely on my Fifth Amendment privilege.

10 Q Let's bring up exhibit No. 6, please.

11 Dr. Ward, this is a tweet. It was posted on November 11th, 2020, by the account
12 Brahm Resnik, B-r-a-h-m R-e-s-n-i-k. And it has a video embedded in it that we're going
13 to try to play for you. Here we go.

14 [Video shown.]

15 Q Thank you.

16 Dr. Ward, that video that we just played you that was embedded in the tweet,
17 exhibit 6, is an interview conducted on FOX News by Arizona Attorney General Mark
18 Brnovich. Is that correct?

19 A I rely on my Fifth Amendment privilege.

20 Mr. Kolodin. I also advise my client to assert her attorney-client privilege in
21 response to that question.

22 The Witness. As well as attorney-client privilege.

23 [REDACTED] Understood. Just to be clear, the question was about a public
24 statement made by the Arizona attorney general. Are you saying that it may implicate
25 an attorney-client privilege between Dr. Ward and the attorney general?

1 Mr. Kolodin. Same advice.

2 The Witness. I rely on my Fifth Amendment privilege as well as attorney-client
3 privilege.

4 ██████████ Okay. In this interview, the attorney general in Arizona stated that
5 State officials had received approximately 1,000 complaints about the election, but
6 found, quote, "no evidence of widespread voter fraud." He then stated, "If indeed there
7 was some great conspiracy, it apparently didn't work," close quote.

8 Dr. Ward, did you agree with the statement?

9 The Witness. I rely on my Fifth Amendment privilege.

10 Mr. Kolodin. I also advise my client to assert the attorney-client privilege.

11 The Witness. As well as attorney-client privilege.

12 ██████████ Dr. Ward, were you aware of any information about widespread
13 voter fraud on or around November 11th, 2020, that was not yet presented in litigation or
14 to State and local election officials?

15 Mr. Kolodin. Same advice.

16 The Witness. I rely on my Fifth Amendment privilege as well as attorney-client
17 privilege.

18 BY ██████████

19 Q Let's bring up exhibit No. 7.

20 We will try to zoom in a little bit. That's great.

21 So, Dr. Ward, again, these are some text messages that you exchanged with Mark
22 Meadows, then the White House chief of staff.

23 On November 11th, 2020, you texted two images to Mark Meadows. Can you
24 describe those images for us, please?

25 A I rely on my Fifth Amendment privilege.

1 Q You then texted a link to the same Twitter post that we showed you in the
2 previous exhibit, which included the video of the Arizona attorney general being
3 interviewed on FOX News. Your text accompanying that tweet that you sent to Mr.
4 Meadows read, "What are these people on 'our side' doing here in Arizona??" followed
5 by two question marks.

6 Did you send this text message to Mr. Meadows?

7 A I rely on my Fifth Amendment privilege.

8 Q Okay. Why did you send that text message?

9 A I rely on my Fifth Amendment privilege.

10 Q Dr. Ward, did you think it would be harmful for Republican State officials to
11 publicly state that they had found no evidence of widespread election fraud?

12 A I rely on my Fifth Amendment privilege.

13 Q When you sent those text messages to Mr. Meadows, had you seen actual
14 evidence that the statements made by the attorney general of Arizona were wrong?

15 Mr. Kolodin. I advise my client, in addition to asserting the Fifth Amendment
16 privilege, to assert the attorney-client privilege.

17 The Witness. I rely on my Fifth Amendment privilege, as well as attorney-client
18 privilege.

19 The Reporter. Excuse me, counsel, can we get the camera on both of you, the
20 counsel with the witness in the room, so that we can see you speak?

21 Mr. Kolodin. Unfortunately, our technical setup doesn't allow for that, at least I
22 don't know how to do it, so I apologize.

23 [REDACTED] Maybe we can go off the record for a moment here.

24 [Discussion off the record.]

25 [REDACTED] Let's go back on the record now.

1 I want to ask you a few more questions about the complaint that we showed you
2 in exhibit 5, Dr. Ward. It was a complaint that the caption of the case is the Trump
3 campaign, Republican National Committee, and Arizona Republican Committee against
4 Hobbs, et al., in Maricopa County Court.

5 And this is a lawsuit that was widely referred to as the SharpieGate suit. But on
6 November 12th, 2020, it was also widely reported that counsel for the plaintiffs in that
7 case, Kory Langhofer, appeared in court in Maricopa County and stated clearly, quote,
8 "This is not a fraud case. We are not alleging fraud. We are not alleging that anyone is
9 stealing the election," end quote.

10 Do you recall that, Dr. Ward?

11 Mr. Kolodin. Same advice.

12 The Witness. I rely on my Fifth Amendment privilege, as well as attorney-client
13 privilege.

14 ██████████ Okay. Just to be clear, my question was not directed at any
15 privileged communication that you may have had as a representative of the Arizona
16 Republican Party with Mr. Langhofer, but rather what was reported that he said in a
17 hearing, open hearing, in court. Do you understand that?

18 Mr. Kolodin. Form.

19 ██████████ Do you understand the basis of my question? -

20 The Witness. I rely on my Fifth Amendment privilege and my attorney-client
21 privilege.

22 ██████████ Okay. Thank you.

23 As has been publicly reported, during the hearing the defendants in this case
24 represented that the issues alleged in the complaint affected less than 200 ballots. Is
25 that correct?

1 Mr. Kolodin. Same advice.

2 The Witness. I rely on my Fifth Amendment right and privilege, as well as
3 attorney-client privilege.

4 ██████████ Okay. And following the hearing, lawyers for the Trump campaign
5 acknowledged that the relief sought in the suit, which was a hand recount of potential
6 overvotes, would not affect the outcome of the Presidential contest because the margin
7 of victory was significantly greater than the number of these potential overvotes.

8 Did you attend or listen to the hearing in that case, Dr. Ward?

9 Mr. Kolodin. Same advice.

10 The Witness. I rely on my Fifth Amendment privilege and my attorney-client
11 privilege.

12 ██████████ Okay. Also, as reported after that hearing, the court questioned
13 plaintiffs' counsel regarding the method of gathering evidence in support of the
14 allegations, which apparently included some allegations submitted through an online
15 portal that about which the campaign lawyers were not able to determine their veracity.

16 Do you recall that reporting about the court's questioning during a hearing in this
17 case, Dr. Ward?

18 Mr. Kolodin. Same advice.

19 The Witness. I rely on my Fifth Amendment privilege and attorney-client
20 privilege.

21 ██████████ Were you aware of or involved in these efforts to gather and
22 investigate evidence in support of the allegations of election fraud raised in this
23 complaint?

24 Mr. Kolodin. Same advice.

25 The Witness. I rely on my Fifth Amendment privilege, as well as attorney-client

1 privilege.

2 [REDACTED] On November 13th, 2020, the lawyer representing plaintiffs in this
3 case, Trump v. Hobbs, Kory Langhofer, filed a Notice of Partial Mootness alerting the
4 court that, quote, "The tabulation of votes statewide has rendered unnecessary a judicial
5 ruling as to the Presidential electors," end quote.

6 Is that correct, Dr. Ward?

7 Mr. Kolodin. Same advice.

8 The Witness. I rely on my Fifth Amendment privilege and attorney-client
9 privilege.

10 [REDACTED] Okay. I'd like to show you now exhibit No. 8.

11 Okay. These are additional text messages between yourself and Mark Meadows,
12 then the White House chief of staff, exchanged on November 13th, 2020.

13 After that hearing, do you recall exchanging a number of text messages with Mr.
14 Meadows regarding the litigation developments and legal strategy?

15 Mr. Kolodin. Same advice.

16 The Witness. I rely on my Fifth Amendment privilege, as well as attorney-client
17 privilege.

18 [REDACTED] Just to be clear, Mr. Meadows was at that time the White House
19 chief of staff, is not a lawyer, to the extent of my knowledge. Are you asserting that
20 your communications with Mr. Meadows may implicate an attorney-client privilege?

21 Mr. Kolodin. Same advice.

22 The Witness. I rely on my Fifth Amendment privilege and attorney-client
23 privilege.

24 [REDACTED] On November 13th, 2020, you sent a link in a text message to Mr.
25 Meadows. It links to a CNN news article with the headline, "Trump Campaign Drops

1 Arizona Lawsuit Requesting Review of Ballots."

2 Is that correct?

3 Mr. Kolodin. Same advice.

4 The Witness. I rely on my Fifth Amendment privilege and attorney-client
5 privilege.

6 [REDACTED] And at the same time, you sent a text message to Mr. Meadows
7 saying, "WTH?" which I think is an abbreviation for "what the hell?" Is that correct, Dr.
8 Ward?

9 Mr. Kolodin. Same advice.

10 The Witness. I rely on my Fifth Amendment privilege and attorney-client
11 privilege.

12 [REDACTED] In light of the issues that were raised in the hearing in court in
13 Maricopa County the preceding day, why did you send this article to Mr. Meadows with
14 the commentary "WTH"?

15 Mr. Kolodin. Same advice.

16 The Witness. I rely on my Fifth Amendment privilege and attorney-client
17 privilege.

18 [REDACTED] Okay. Mr. Saunders, if you could scroll down a little bit.

19 BY [REDACTED]

20 Q Dr. Ward, I'd like to direct your attention to the next text message in time
21 there. Less than an hour later, still on November 13th, 2020, you texted Mr. Meadows
22 and said, "Just talked to POTUS. He may call the Chairman of the Maricopa Board of
23 Supervisors (BOS). Want to be sure he's briefed on what to discuss." You then
24 provided what appear to be some talking points for that discussion.

25 Do you recall this, Dr. Ward?

1 A I rely on my Fifth Amendment privilege.

2 Q Okay. The talking points that you provide were, "1. BOS has full authority
3 (and obligation) to ensure integrity of the election in Maricopa County. Because State
4 law is being ignored in Maricopa as they are unable to verify/hand audit by precinct (as
5 required by law), a hand count audit of all votes cast in voting centers is necessary."

6 Did you send that text message, Dr. Ward?

7 A I rely on my Fifth Amendment privilege.

8 Q These talking points went on. Number 2, "The BOS can ask for increased
9 hand counting before certifying the election." And number 3, "There are potential
10 issues with Dominion systems that MUST," in capital letters, "be adjudicated before
11 certification should ever be considered by BOS."

12 Did you send this text message to Mr. Meadows, Dr. Ward?

13 Mr. Kolodin. Same advice.

14 The Witness. I rely on my Fifth Amendment privilege and attorney-client
15 privilege.

16 BY [REDACTED]

17 Q Did you recommend that President Trump call members of the Maricopa
18 County Board of Supervisors?

19 A I rely on my Fifth Amendment privilege.

20 Q Dr. Ward, why did you recommend that the President of the United States
21 call members of the Maricopa County Board of Supervisors?

22 A I rely on my Fifth Amendment privilege.

23 Q What was the factual basis for your statement in this text message that
24 there were, quote, "potential issues," close quote, with Dominion systems that needed to
25 be adjudicated before certification?

1 Mr. Kolodin. Same advice.

2 The Witness. I rely on my Fifth Amendment privilege and attorney-client
3 privilege.

4 ██████████ Okay. You then asked Mr. Meadows why lawyers in Arizona had
5 dropped the campaign lawsuit following the 6-hour hearing in Maricopa County State
6 court.

7 Do you recall Mr. Meadows' response?

8 Mr. Kolodin. Same advice.

9 The Witness. I rely on my Fifth Amendment privilege and attorney-client
10 privilege.

11 ██████████, can you just scroll down a little bit so we can see the next?

12 That's great. Yeah, keep going a little bit. There we are. Yep.

13 Dr. Ward, I just wanted to direct your attention to the text messages on
14 November 13th, 2020, with the time stamp 14:25 and 14:26. Mr. Meadows responded
15 suggesting that there was a concern about a counterclaim for sanctions.

16 Do you recall discussing this with Mr. Meadows?

17 Mr. Kolodin. Same advice.

18 The Witness. I rely on my Fifth Amendment privilege and attorney-client
19 privilege.

20 ██████████ Dr. Ward, do you think that lawyers for the Trump campaign should
21 have continued seeking to overturn the election result even after being notified that their
22 arguments were potentially sanctionable?

23 Mr. Kolodin. Same advice.

24 The Witness. I rely on my Fifth Amendment privilege and attorney-client
25 privilege.

1 [REDACTED] Just to be clear, my question is not directed at any privileged
2 communications that you may have had with lawyers that were representing you in this
3 case, but rather to your impressions of the circumstances then and in connection with
4 your communications to Mr. Meadows, the White House chief of staff.

5 Mr. Kolodin. Form.

6 The Witness. I rely on my Fifth Amendment privilege and attorney-client
7 privilege.

8 [REDACTED] Okay. Let's look at exhibit No. 10, please. And if you could just
9 scroll down a little bit so we can see the caption. That's great. Thank you.

10 BY [REDACTED]

11 Q Dr. Ward, do you recognize this document?

12 A I rely on my Fifth Amendment privilege and attorney-client privilege.

13 Q Okay. This document, exhibit No. 10, is a verified amended complaint filed
14 in the Superior Court in Arizona for the County of Maricopa. The plaintiff is reflected in
15 the caption as Kelli Ward.

16 Is that you? Are you the same person that filed this complaint, Dr. Ward?

17 A I rely on my Fifth Amendment privilege and on attorney-client privilege.

18 Q Okay. This complaint was filed on November 24th, 2020. It was a petition
19 seeking to block certification of the 2020 Presidential election and require a, quote,
20 "reasonable inspection," close quote, through sampling of ballots. The court convened
21 an evidentiary hearing and heard witness testimony in this case.

22 Is that correct?

23 A I rely on my Fifth Amendment privilege and attorney-client privilege.

24 Q You were in this case the plaintiff, Dr. Ward, you as the plaintiff, you were
25 successful in obtaining a sampling review of ballots cast in Maricopa County. Is that

1 correct?

2 A I rely on my Fifth Amendment privilege and on attorney-client privilege.

3 Q Okay. Just to be clear, I'm asking not for any privileged communications
4 between you and lawyers that represented you in this case, but rather asking as to the
5 fact that the court ordered and the Maricopa County elections officials participated in a
6 sampling review during the pendency of this case. Is that correct?

7 Mr. Kolodin. Form.

8 The Witness. I rely on my Fifth Amendment privilege and attorney-client
9 privilege.

10 [REDACTED] As is reflected in the decision order issued by the Arizona Supreme
11 Court on appeal from this case that we have in front of you right now, a total of 1,626
12 ballots were reviewed and nine errors were identified, seven of which would have been
13 Trump votes. Is that correct?

14 The Witness. I rely on my Fifth Amendment privilege.

15 Mr. Kolodin. I also advise my client to assert the attorney-client privilege.

16 The Witness. I also assert attorney-client privilege.

17 [REDACTED] The Arizona Supreme Court in this matter held that, quote, the
18 "review confirmed the witness testimony that there were mistakes in the duplication
19 process, the mistakes were few, and when brought to the attention of election workers,
20 they were fixed." Further, the court held that the error rate was insufficient to call the
21 election results into question.

22 Your election contest suit in the complaint that we just had before you, Dr. Ward,
23 it was decided on the merits. Is that correct?

24 Mr. Kolodin. Same advice.

25 The Witness. I rely on my Fifth Amendment privilege and my attorney-client

1 privilege.

2 BY [REDACTED]

3 Q Okay. After receiving this decision order from the Arizona Supreme Court,
4 did you accept the results of that litigation, Dr. Ward?

5 A I rely on my Fifth Amendment privilege and attorney-client privilege.

6 Q Okay. Dr. Ward, did you file a cert petition seeking to appeal that decision
7 to the United States Supreme Court?

8 A I rely on my Fifth Amendment privilege and attorney-client privilege.

9 Q Okay. What was the result in the Supreme Court on the cert petition?

10 A I rely on my Fifth Amendment privilege and attorney-client privilege.

11 Q I'd now like to bring up exhibit 38, please, which is another video that we'll
12 play for you, Dr. Ward.

13 [Video shown.]

14 [REDACTED] Thank you.

15 Dr. Ward, in this video posted on or around November 19th, 2020, you discussed
16 Dominion voting system software. You cited to Sidney Powell, among other sources,
17 and election night vote dumps in this video message. Is that correct?

18 Mr. Kolodin. Same advice.

19 The Witness. I rely on my Fifth Amendment privilege and attorney-client
20 privilege.

21 [REDACTED] Ms. Ward, I'm asking you about your own statements in a video that
22 was posted to YouTube that we just played for you. So I'm certainly not asking for any
23 privileged communications that you had between yourself and any lawyer that
24 represented you.

25 That being said, let me ask you again, did you discuss Dominion voting system

1 software in that YouTube video posted on or around November 19th, 2020?

2 Mr. Kolodin. Form.

3 The Witness. I rely on my Fifth Amendment privilege and attorney-client
4 privilege.

5 [REDACTED] This, the video posted on YouTube, also provided a contribution link
6 that traced back to the Arizona Republican Party's Audit the Vote page. Is that correct?

7 The Witness. I rely on my Fifth Amendment privilege.

8 [REDACTED] Dr. Ward, what investigation did you do into the various allegations
9 that you discussed during this video?

10 The Witness. I rely on my Fifth Amendment privilege.

11 Mr. Kolodin. I also advise my client to assert her attorney-client privilege.

12 The Witness. As well as attorney-client privilege.

13 [REDACTED] Dr. Ward, in this video you repeated several claims made by Sidney
14 Powell, including, for instance, that substantial sums of money had been given to family
15 members of State officials who bought this software.

16 What was your understanding of the factual basis for this statement?

17 Mr. Kolodin. Same advice.

18 The Witness. I rely on my Fifth Amendment privilege and attorney-client
19 privilege.

20 [REDACTED] In this video, Smartmatic is described as a subsidiary of Dominion.

21 What was your understanding of the factual basis for this statement?

22 The Witness. I rely on my Fifth Amendment privilege and attorney-client
23 privilege.

24 [REDACTED] In fact, Dr. Ward, there are no ties between Smartmatic and
25 Dominion. Isn't that correct?

1 Mr. Kolodin. Same advice.

2 The Witness. I rely on my Fifth Amendment privilege and attorney-client
3 privilege.

4 BY [REDACTED]

5 Q I would now like to direct your attention to exhibit No. 11, please.

6 And if we could scroll down a little bit just to see the caption. That's great.

7 Dr. Ward, this is a complaint filed in the United States District Court for the District
8 of Arizona on December 2nd, 2020. There are several names in the plaintiffs' part of the
9 caption. The last two listed are Kelli Ward and Michael Ward.

10 Are you the same Kelli Ward that filed this complaint in Federal Court?

11 A I rely on my Fifth Amendment privilege and on attorney-client privilege.

12 Q Okay. And if we could just scroll back up to the top, the very top of the
13 page. There's a signature block there for counsel in that case.

14 Were you represented by Sidney Powell in this matter?

15 A I rely on my Fifth Amendment privilege and attorney-client privilege.

16 Q Okay. Dr. Ward, what investigation did you do into the factual basis for the
17 allegations made in this complaint?

18 A I rely on my Fifth Amendment privilege and attorney-client privilege.

19 Q As was later reported by The Washington Post, you received a cease and
20 desist notice from lawyers representing Dominion. Is that correct?

21 A I rely on my Fifth Amendment privilege and attorney-client privilege.

22 Q Have you issued any retraction or any other -- of any of the statements that
23 you made regarding Dominion?

24 A I rely on my Fifth Amendment privilege and attorney-client privilege.

25 Q Okay. I'd now like to direct your attention to exhibit No. 12. These are

1 some additional text messages exchanged between yourself and Mark Meadows. And I
2 would just direct your attention -- maybe if we could zoom in a little bit more on the far
3 right-hand side, [REDACTED]. That's great. Thank you.

4 So that we don't lose context here, Dr. Ward, the blue lines on this exhibit are text
5 messages sent from you, from Kelli Ward, with a phone number ending [REDACTED]. The white
6 lines are the outgoing text messages from Mark Meadows to yourself, to Kelli Ward, with
7 the phone number ending [REDACTED].

8 In the, let's see, fifth line down there is a message from you to Mr. Meadows
9 providing the name and contact information of an individual named Bobby Piton.

10 Why did you provide this individual's name and phone number to Mr. Meadows?

11 A I rely on my Fifth Amendment privilege.

12 Q You described Mr. Piton as "the algorithm guy." What algorithm are you
13 referring to here?

14 A I rely on my Fifth Amendment privilege.

15 Q Back in the first text message at the top of this page, which is dated
16 December 9th, 2020, at 22:11, you -- which is about 3 days before you provided the
17 contact information for Mr. Piton to Mr. Meadows, did you send a text to Mr. Meadows
18 about a, quote, "guy who says he's cracked the whole election fraud and wants to speak
19 to someone"?

20 A I rely on my Fifth Amendment privilege.

21 Q Was the individual that you were referring to in that text message Mr. Piton
22 or someone else?

23 A I rely on my Fifth Amendment privilege.

24 Q In this same text thread, you indicate that you also sent his contact
25 information to Molly Michael, who is President Trump's executive assistant. Is that

1 correct?

2 A I rely on my Fifth Amendment privilege.

3 Q Do you know if President Trump contacted Mr. Piton?

4 A I rely on my Fifth Amendment privilege.

5 Q Did you ever speak with President Trump about the guy that you refer to in
6 this text as someone who said he cracked the whole election fraud?

7 A I rely on my Fifth Amendment privilege.

8 Q Okay. Dr. Ward, are you going to assert your Fifth Amendment privilege to
9 any further questions I would ask you about your knowledge of evidence supporting or
10 contradicting the various allegations of election fraud that were raised by you and
11 lawyers representing the Trump campaign, RNC, or Arizona Republican Party following
12 the 2020 election?

13 Mr. Kolodin. Same advice.

14 The Witness. I rely on my Fifth Amendment privilege and my attorney-client
15 privilege.

16 BY [REDACTED]

17 Q Okay. Let's bring up exhibit 13, please.

18 Dr. Ward, did you exchange text messages with any members of the Maricopa
19 County Board of Supervisors following the 2020 election?

20 A I rely on my Fifth Amendment privilege.

21 Q Okay. These are text messages between yourself and Clint Hickman, who
22 was then chair of the Maricopa County Board of Supervisors. They're screenshots, so
23 they're somewhat long. I'm going to direct your attention to page 3 to begin, please.

24 And it's towards the bottom of the page, if you don't mind scrolling down. There
25 we are. Great.

1 Dr. Ward, did you text Clint Hickman, quote, "We need you to stop the counting"?

2 A I rely on my Fifth Amendment privilege.

3 Q Why did you send that text message?

4 A I rely on my Fifth Amendment privilege.

5 Q I'd next like to show you a text message on page 10, please.

6 There we go. Right at the top.

7 This is another message sent by you to Mr. Hickman. At the top of this page it
8 reads, "What if election fraud was as easy as dragging votes from one folder to another?"

9 Did you send this text to Mr. Hickman?

10 A I rely on my Fifth Amendment privilege.

11 Q Was this a statement of fact or speculation?

12 A I rely on my Fifth Amendment privilege.

13 Q Dr. Ward, had you ever been presented with evidence that election fraud
14 had been committed by dragging votes from one folder to another?

15 A I rely on my Fifth Amendment privilege.

16 Q I'd also like to show you a text message on page 16, please.

17 This is a continuation of your text with Mr. Hickman. This one reflects that it was
18 sent on Friday, November 13th, 11:44 a.m., and the text that you sent is the first one
19 there in gray. It says, "POTUS will probably be calling you."

20 Did you send this text message to Mr. Hickman?

21 Mr. Kolodin. Same advice.

22 The Witness. I rely on my Fifth Amendment privilege and on attorney-client
23 privilege.

24 [REDACTED] Okay. Just to be clear, are you asserting an attorney-client privilege
25 between yourself and Mr. Hickman?

1 The Witness. I rely on my Fifth Amendment privilege and attorney-client
2 privilege.

3 ██████████ What was your understanding of why President Trump wanted to
4 talk to Mr. Hickman?

5 Mr. Kolodin. Same advice.

6 The Witness. I rely on my Fifth Amendment privilege and on attorney-client
7 privilege.

8 BY ██████████

9 Q About 4 days after this text message, on November 17th, 2020, Mr. Hickman
10 sent a letter to voters in Maricopa County, it was publicly released and reported, stating
11 that there was no evidence of fraud, misconduct, or malfunction, and imploring voters to,
12 quote, "dial back the rhetoric, rumors, and false claims."

13 Did you read that letter?

14 A I rely on my Fifth Amendment privilege.

15 Q Mr. Hickman continued in that letter, saying, quote, "The evidence
16 overwhelmingly shows the system used in Maricopa County is accurate and provided
17 voters with a reliable election."

18 Do you remember that, Dr. Ward?

19 A I rely on my Fifth Amendment privilege.

20 Q If you look at page 24 of these text messages, there is a message you sent to
21 Mr. Hickman on that same day. It's at the bottom of this page.

22 Thank you,██████████

23 It's Tuesday, November 17th, 7:38 a.m. You texted Mr. Hickman, "Here is Sidney
24 Powell's number. Please call her."

25 Why did you want members of the Maricopa County Board of Supervisors,

1 including Mr. Hickman, to be in touch with Sidney Powell?

2 Mr. Kolodin. Same advice.

3 The Witness. I rely on my Fifth Amendment privilege and on attorney-client
4 privilege.

5 [REDACTED] Let's look at exhibit No. 14, please, and page 3.

6 Dr. Ward, did you also exchange text messages with Maricopa County Supervisor
7 Jack Sellers?

8 Mr. Kolodin. Same advice.

9 The Witness. I rely on my Fifth Amendment privilege and attorney-client
10 privilege.

1

2 [3:31 p.m.]

3 BY [REDACTED]

4 Q [REDACTED] if you could scroll up a little bit first. Great. Perfect.

5 At the top of this page, you see a text message that you sent to Mr. Sellers. It
6 appears to be a document with the -- a title, and the part that we can read in the text
7 message that says "Keshel," K-e-s-h-e-l, "contested state."

8 Is this a document authored by Seth Keshel?

9 A I rely on my Fifth Amendment privilege.

10 Q Did you speak with Mr. Keshel about alleged election fraud or about the
11 outcome of the Presidential election?

12 Mr. Kolodin. Same advice.

13 The Witness. I rely on my Fifth Amendment privilege and on attorney-client
14 privilege.

15 BY [REDACTED]

16 Q And why did you send this document to Maricopa County Supervisor
17 Mr. Sellers?

18 A I rely on my Fifth Amendment privilege.

19 Mr. Kolodin. And same advice.

20 The Witness. As well as attorney-client privilege.

21 BY [REDACTED]

22 Q Also on November 17, 2020, did you text Sidney Powell's phone number to
23 Mr. Sellers and ask him to call her as well?

24 A I rely on my Fifth Amendment privilege and on attorney-client privilege.

25 Q Public reporting also indicates that, on November 14, 2020, you texted

1 Maricopa County Supervisor Steve Chucri that you wanted the board, quote, "to be well
2 armed with info as you go into this," end quote, and told him that "you all have the ability
3 to be real heroes."

4 Is that correct?

5 A I rely on my Fifth Amendment privilege.

6 Q What did you mean when you told Mr. Chucri that he had the ability to be a
7 hero?

8 A I rely on my Fifth Amendment privilege.

9 Q I will now play for you an audio recording that's exhibit No. 37.

10 Mr. Kolodin. And after this is played, before you start it, we'll take a break.
11 She'll answer the question, obviously, so there's no question pending, but --

12 [REDACTED] That's great. That sounds like a good idea.

13 Mr. Kolodin. Okay.

14 [Audio recording played.]

15 BY [REDACTED]

16 Q Thank you, [REDACTED]

17 Dr. Ward, is that a voicemail that you left for Mr. Hickman?

18 A I rely on my Fifth Amendment privilege.

19 Q Okay.

20 Mr. Kolodin. At this point --

21 [REDACTED] Now sounds like a -- yeah, I think it's a good idea to take a quick
22 break. Let's go off the record.

23 [Recess.]

24 [REDACTED] Let's go back on the record now, 3:55 Eastern, in the deposition of
25 Dr. Kelli Ward.

1 BY [REDACTED]

2 Q Dr. Ward, before we took a brief recess, we were discussing your
3 interactions with local officials, in particular, members of the Board of Supervisors in
4 Maricopa County.

5 So I just want to ask, in summary, are you going to assert your Fifth Amendment
6 privilege in response to any questions I would ask you about your communications with
7 local election officials in Arizona regarding the outcome of the 2020 election?

8 A I rely on my Fifth Amendment privilege as well as my attorney-client
9 privilege.

10 Q Okay.

11 I'd next like to ask you some questions about interactions with State officials
12 following the election.

13 On November 30, 2020, Arizona Governor Doug Ducey participated in a signing
14 ceremony certifying the Arizona election results. Do you recall that?

15 A I rely on my Fifth Amendment privilege.

16 Q Okay.

17 I would now like to direct your attention to exhibit No. 15.

18 Do you see that document, Dr. Ward?

19 A I rely on my Fifth Amendment privilege.

20 Q Okay. Just want to make sure that you can see what's on the screen.

21 A I can see it the same as I've been able to see the whole time.

22 Q Okay.

23 Mr. Kolodin. I advise my client to rely on her Fifth Amendment privilege.

24 [REDACTED] Okay. Thank you.

25 Mr. Kolodin. Oh -- yeah. There you go.

1 BY [REDACTED]

2 Q Exhibit 15 is a tweet by the account @AZGOP posted on November 30, 2020,
3 the same day that we were just discussing Governor Doug Ducey certified the Arizona
4 election results. In all capital letters, the tweet reads, "DO NOT CERTIFY A FALSE
5 ELECTION."

6 Did you authorize this posting by the Arizona GOP Twitter account, Dr. Ward?

7 A I rely on my Fifth Amendment privilege.

8 Q Okay. Why did the Arizona Republican Party Twitter account say not to
9 certify a false election on November 30th?

10 A I rely on my Fifth Amendment privilege.

11 Q I will also direct your attention to exhibit No. 16.

12 This is a tweet also from November 30, 2020. It was posted by your Twitter
13 account, @KelliWardAZ. It responds to a Twitter post on November 30th by the Doug
14 Ducey Twitter account. And you tweeted in response an abbreviation, "#STHU," which I
15 believe stands for "shut the hell up," in response to this tweet about the strengths of
16 Arizona's election system.

17 Dr. Ward, why did you post this tweet?

18 A I rely on my Fifth Amendment privilege.

19 Q I'll direct your attention to exhibit No. 17 next.

20 This is a full version of the Twitter thread that you were responding to in that
21 tweet at exhibit 16. It was posted by Arizona Governor Ducey, @DougDucey, on
22 November 30, 2020, at 9:48 p.m., following his signing of the certification of the election
23 results in Arizona. You posted this series of tweets defending the integrity of the
24 Arizona elections.

25 Do you recall reading these posts?

1 A I rely on my Fifth Amendment privilege.

2 Q Okay.

3 He starts in the first tweet here by saying, quote, "I've been pretty outspoken
4 about Arizona's election system, and bragged about it quite a bit, including in the Oval
5 Office. And for good reason."

6 He continues in the second post, "We've been doing early voting since 1992.

7 Arizona didn't explore or experiment this year. We didn't cancel election day voting as
8 some pushed for -- we weren't going to disenfranchise any voter."

9 Dr. Ward, did you read these Twitter posts before responding to them on
10 November 30th?

11 A I rely on my Fifth Amendment privilege.

12 Q Do you agree with Governor Doug Ducey's statement that Arizona has been
13 doing early voting since 1992?

14 A I rely on my Fifth Amendment privilege.

15 Q Governor Ducey continues in the tweet thread, quote, "In Arizona, we have
16 some of the strongest election laws in the country, laws that prioritize accountability and
17 clearly lay out procedures for conducting, canvassing, and even contesting the results of
18 an election."

19 Do you agree with that post?

20 A I rely on my Fifth Amendment privilege.

21 Q Governor Ducey continued, quote, "We've got ID at the polls. We review
22 EVERY signature (every single one) on early ballots -- by hand -- unlike other states that
23 use computers. Prohibitions on ballot harvesting. Bipartisan poll observers. Clear
24 deadlines, including no ballots allowed after Election Day."

25 Dr. Ward, do you agree with Governor Ducey's summary of Arizona election law

1 and procedures?

2 A I rely on my Fifth Amendment privilege.

3 Q Were you aware at the time that you made public statements following the
4 November 2020 election of these election procedures in Arizona?

5 A I rely on my Fifth Amendment privilege.

6 Q If we could scroll down a little bit, Governor Ducey actually posts a link to a
7 provision of Arizona election law relating to the canvass for State offices, amendments,
8 and measures. It's code provision 16-648.

9 And then he continues on to explain that the canvass "can ONLY be delayed if
10 counties DECLINE to certify their results. ALL 15 counties in Arizona -- counties run by
11 both parties -- certificated their results."

12 Dr. Ward, were you aware on November 30th that all counties in Arizona had
13 certified their results of the Presidential election?

14 A I --

15 Mr. Kolodin. Same advice.

16 The Witness. I rely on my Fifth Amendment privilege and attorney-client
17 privilege.

18 BY [REDACTED]

19 Q Just to be clear, I'm not asking for the contents of any privileged
20 communications between you and any of your counsel. I am merely asking for your
21 understanding of the facts of whether all counties in Arizona had certified their election
22 on November 30th.

23 Mr. Kolodin. Form.

24 The Witness. I rely on my Fifth Amendment privilege as well as attorney-client
25 privilege.

1 BY [REDACTED]

2 Q Dr. Ward, are you going to assert your Fifth Amendment privileges to any
3 questions I would ask you about your communications with State election officials,
4 including Governor Doug Ducey, regarding the outcome of the 2020 election?

5 A I rely on my Fifth Amendment privilege.

6 Q Dr. Ward, how many times have you been to the White House?

7 A I rely on my Fifth Amendment privilege.

8 Q How many times have you met -- did you meet with former
9 President Trump?

10 A I rely on my Fifth Amendment privilege.

11 Q Did you ever speak to former President Trump about claims of election fraud
12 while he was still in office?

13 A I rely on my Fifth Amendment privilege.

14 Q Did you ever speak to former President Trump about options for overturning
15 the results of the 2020 Presidential election?

16 A I rely on my Fifth Amendment privilege.

17 Q Were you involved in any discussions about rerunning the 2020 Presidential
18 election?

19 A I rely on my Fifth Amendment privilege.

20 Mr. Kolodin. And same advice.

21 The Witness. As well as my attorney-client privilege.

22 BY [REDACTED]

23 Q Were you involved in any discussions regarding the seizure of voting
24 machines?

25 A I rely on my Fifth Amendment privilege as well as my attorney-client

1 privilege.

2 Q Did you have any discussions about seizing voting machines following the
3 2020 election with any members of the legal team representing President Trump or his
4 campaign?

5 A I rely on my Fifth Amendment privilege and attorney-client privilege.

6 Q Did you have any discussions regarding the seizure of voting machines with
7 General Mike Flynn?

8 A I rely on my Fifth Amendment privilege and attorney-client privilege.

9 Q Did you have any discussions regarding the seizure of voting machines with
10 any other White House staff or Federal officials?

11 A I rely on my Fifth Amendment privilege and on attorney-client privilege.

12 Q Did you have any discussions about imposing martial law related to the 2020
13 Presidential election?

14 A I rely on my Fifth Amendment privilege and on attorney-client privilege.

15 Q Did you make any calls to local law enforcement or prosecutors regarding
16 voting machines or the outcome of the 2020 Presidential election?

17 A I rely on my Fifth Amendment privilege and on attorney-client privilege.

18 Q Did you have any discussions or were you involved in any efforts to gain
19 access to Dominion voting machines following the Presidential election?

20 A I rely on my Fifth Amendment privilege as well as attorney-client privilege.

21 Q Okay.

22 Dr. Ward, before November 2020, what was your understanding of the role of
23 State legislatures in the process of electing the President of the United States?

24 A I rely on my Fifth Amendment privilege.

25 Q Did you ever speak or write on this topic?

1 A I rely on my Fifth Amendment privilege.

2 Q Are you aware of whether there was a plan in place as early as

3 September 2020 that involved appointing alternate electors in contested States?

4 A I rely on my Fifth Amendment privilege as well as attorney-client privilege.

5 Q Who was involved in any such discussions?

6 A I rely on my Fifth Amendment privilege as well as attorney-client privilege.

7 Q Dr. Ward, did you attend a hearing in Phoenix, Arizona, on November 30,
8 2020?

9 A I rely on my Fifth Amendment privilege.

10 Q What role did Lyle Rapacki play in the Trump campaign's effort to overturn
11 the outcome of the election in Arizona?

12 A I rely on my Fifth Amendment privilege.

13 Q Did you play any role in organizing a meeting with State legislative
14 leadership, including State House Speaker Rusty Bowers and Senate President Karen
15 Fann, the day after the hearing in Phoenix?

16 A I rely on my Fifth Amendment privilege.

17 Q What was the purpose of this meeting?

18 A I rely on my Fifth Amendment privilege.

19 Q I will now direct your attention to exhibit No. 18.

20 Okay. Exhibit 18 is a tweet by your account, Dr. @KelliWardAZ, retweeting a
21 post dated December 6, 2020, by Christina Bobb.

22 Who is Christina Bobb?

23 A I rely on my Fifth Amendment privilege.

24 Q What role did she play in the Trump campaign's efforts to overturn the
25 outcome of the election in Arizona?

1 A I rely on my Fifth Amendment privilege.

2 Mr. Kolodin. And same advice.

3 The Witness. As well as my attorney-client privilege.

4 BY [REDACTED]

5 Q In this Twitter post, Christina Bobb writes -- reports, essentially, that
6 "Arizona Speaker of the House Rusty Bowers has closed the Arizona House for a week
7 'due to COVID.'"

8 She continues, "Sounds like he needs an excuse to give his angry constituents
9 about why he's refusing to call a session and examine the fraud in his state. First time
10 it's been closed the whole pandemic."

11 Then you respond in a tweet, "This is a 100% unnecessary, cowardly move."

12 Did you post this tweet, Dr. Ward, on December 6, 2020?

13 A I rely on my Fifth Amendment privilege.

14 Q Okay.

15 I'll direct your attention next to exhibit 19.

16 This is a public statement, a news release, by Arizona Speaker of the House Rusty
17 Bowers dated December 4, 2020. So it was just 2 days before those posts that we were
18 looking at in exhibit 18.

19 In this statement, Speaker Bowers was very clear about the limits of the
20 legislature's authority in Arizona. He writes, quote, "This week, Rudy Giuliani, Jenna
21 Ellis, and others representing President Donald Trump came to Arizona with a
22 breathtaking request: that the Arizona Legislature overturn the certified results of last
23 month's election and deliver the state's electoral college votes to President Trump. The
24 rule of law forbids us to do that."

25 Do you see that statement in exhibit 19, Dr. Ward?

1 A I rely on my Fifth Amendment privilege.

2 Q Do you recall reading this press release when Speaker Bowers issued it on
3 December 4th, Dr. Ward?

4 A I rely on my Fifth Amendment privilege.

5 Q Okay.

6 Later in this document -- if you don't mind scrolling a little bit for me, [REDACTED], it's
7 the second sentence of the fourth paragraph. There we go.

8 Dr. Ward, I'd like to direct you to another portion of this statement by Speaker
9 Bowers. He writes, "The U.S. Constitution authorizes each state to appoint presidential
10 electors 'in such Manner as the Legislature thereof may direct.' For decades, Arizona
11 law has required that the voters elect the state's electors on Election Day -- this year, on
12 November 3rd."

13 Then, a little bit later, he continues, "Nothing in the U.S. Constitution or the
14 decisions of the U.S. Supreme Court even suggest that the Arizona Legislature could
15 retroactively appoint different electors who would cast their ballots for different
16 candidates."

17 Do you see that portion of Speaker Bowers' statement, Dr. Ward?

18 A I rely on my Fifth Amendment privilege.

19 Q Do you recall reading it when he issued it publicly on December 4th?

20 A I rely on my Fifth Amendment privilege.

21 Q Dr. Ward, did you ever ask Speaker Bowers or any other Arizona legislator to
22 appoint Trump electors despite the fact that Trump had lost the election in Arizona?

23 A I rely on my Fifth Amendment privilege.

24 Q I will now direct your attention to exhibit 20, please.

25 Dr. Ward, this is a post you made to Twitter, the account @KelliWardAZ, on

1 January 4, 2021, at 2:01 p.m. You wrote, "I believe the AZ Legislature has the ability &
2 responsibility to call themselves into session for the purpose of certifying (or decertifying)
3 this election. Short of that, I urge Gov @dougducey to call the AZ Legislature into
4 session immediately & not wait for 1/11/21."

5 Dr. Ward, do you recall tweeting this on January 4th?

6 A I rely on my Fifth Amendment privilege.

7 Q Why did you post this?

8 A I rely on my Fifth Amendment privilege.

9 Q Dr. Ward, you continued to call for the Arizona legislature to decertify the
10 election results up to and including on January 4, 2021. Is that correct?

11 A I rely on my Fifth Amendment privilege.

12 Q Dr. Ward, are you going to assert your Fifth Amendment privilege in
13 response to any questions I would ask you about the role of State legislatures or attempts
14 to pressure Arizona legislative leaders to overturn the outcome of the Presidential
15 election?

16 A I rely on my Fifth Amendment privilege and attorney-client privilege where it
17 applies.

18 Q Okay.

19 Dr. Ward, you were a Republican elector for the 2020 Presidential election. Is
20 that correct?

21 A I rely on my Fifth Amendment privilege.

22 Q Had you been a Presidential elector before?

23 A I rely on my Fifth Amendment privilege.

24 Q How did you become a Republican elector for the 2020 election?

25 A I rely on my Fifth Amendment privilege.

1 Q As chair of the State Republican Party in Arizona, did you select the other
2 Arizona Republican electors?

3 A I rely on my Fifth Amendment privilege.

4 Q Did you know about the Trump campaign's plan to convene alternate slates
5 of Trump-Pence electors in certain contested States and send purported slates of
6 Trump-Pence electoral votes to Federal authorities?

7 A I rely on my Fifth Amendment privilege and attorney-client privilege.

8 Q Dr. Ward, in your understanding, why was it necessary for alternate electors
9 to convene in these States?

10 A I rely on my Fifth Amendment privilege and on attorney-client privilege.

11 Q Did you speak with Trump campaign staff or advisors about the plan to
12 convene alternate electors in Arizona, among other contested States?

13 A I rely on my Fifth Amendment rights and privileges as well as my
14 attorney-client privilege.

15 Q Okay.

16 I am going to ask you a list of several names of specific individuals who were
17 affiliated with the Trump campaign either as staff or advisors potentially in a legal or
18 other capacity. And my question for each of them is whether you spoke with them
19 about the plan to convene alternate electors in Arizona, among other States.

20 So did you speak to Thomas Lane about this?

21 Mr. Kolodin. Form.

22 The Witness. I rely on my Fifth Amendment privilege and attorney-client
23 privilege.

24 BY [REDACTED]

25 Q What about Mike Brown?

- 1 A I rely on my Fifth Amendment privilege and attorney-client privilege.
- 2 Q What about Mike Roman?
- 3 A I rely on my Fifth Amendment privilege as well as attorney-client privilege.
- 4 Q Nick Trainor?
- 5 A I rely on my Fifth Amendment privilege and attorney-client privilege.
- 6 Q And Boris Epshteyn?
- 7 A I rely on my Fifth Amendment privilege as well as attorney-client privilege.
- 8 Q Rudy Giuliani?
- 9 A I rely on my Fifth Amendment privilege as well as attorney-client privilege.
- 10 Q Jenna Ellis?
- 11 A I rely on my Fifth Amendment privilege as well as attorney-client privilege.
- 12 Q Bernard Kerik?
- 13 A I rely on my Fifth Amendment privilege as well as attorney-client privilege.
- 14 Q Christina Bobb?
- 15 A I rely on my Fifth Amendment privilege as well as attorney-client privilege.
- 16 Q John Eastman?
- 17 A I rely on my Fifth Amendment privilege as well as attorney-client privilege.
- 18 Q Judge James Troupis?
- 19 A I rely on my Fifth Amendment privilege as well as attorney-client privilege.
- 20 Q What about an individual named Kenneth Chesebro?
- 21 A I rely on my Fifth Amendment privilege as well as attorney-client privilege.
- 22 Q I'm going to direct your attention to exhibit 21, please.
- 23 Dr. Ward, this is a memo written by Kenneth Chesebro. The header indicates
- 24 that it was to Judge James Troupis and dated November 18, 2020. The subject line is
- 25 "The Real Deadline for Settling a State's Electoral Votes."

1 Have you ever read this memorandum?

2 A I rely on my Fifth Amendment privilege and attorney-client privilege.

3 Q Dr. Ward, what attorney-client privilege is implicated by us presenting you
4 with this memorandum?

5 A I rely on my Fifth Amendment privilege and attorney-client privilege.

6 Q Okay. Are you asserting that you have an attorney-client privilege with any
7 of the individuals reflected in the header of this memorandum?

8 A I rely on my Fifth Amendment privilege and attorney-client privilege.

9 Q On the first page of this memo -- if we could scroll down to the second
10 paragraph under "Summary," please.

11 Great. Thank you.

12 This memo reads, "Assuming the electors pledged to Trump and Pence end up
13 meeting [in a State] on December 14 to cast their votes, and then send their votes to the
14 President of the Senate in time to be opened on January 6, a court decision (or, perhaps,
15 a state legislative determination) rendered after December 14 in favor of the
16 Trump-Pence slate of electors should be considered timely."

17 Dr. Ward, do you recall receiving advice, either in this memo or elsewhere, similar
18 with this proposition?

19 A I rely on my Fifth Amendment privilege and attorney-client privilege.

20 Q What was your understanding of the relevance of January 6th to the concept
21 of convening alternate electors?

22 A I rely on my Fifth Amendment privilege and attorney-client privilege.

23 Q In this memo, in the paragraph that I just read to you, it refers to the
24 possibility of a State legislative determination. Were you aware of any possible State
25 legislative determination in Arizona that would have affected the outcome of the

1 Presidential election?

2 A I rely on my Fifth Amendment privilege and attorney-client privilege.

3 Q It also refers to the possibility of a court decision. And I have the same
4 question for you. Were you aware of any court decision that might have affected the
5 outcome of the Presidential election in Arizona?

6 A I rely on my Fifth Amendment privilege and attorney-client privilege.

7 Q Okay.

8 I'll direct your attention to exhibit 22 -- unless there's anything else you want to do
9 on that.

10 Let's look at the next one please, [REDACTED]

11 Thank you.

12 Dr. Ward, this is another memo drafted by Kenneth Chesebro to James Troupis.
13 This one is dated December 9, 2020, and the subject line reflects that it concerns
14 "Statutory Requirements for December 14 Electoral Votes."

15 Did you receive this memo?

16 A I rely on my Fifth Amendment privilege and attorney-client privilege.

17 Q Okay. When did you receive the memo?

18 A I rely on my Fifth Amendment privilege and attorney-client privilege.

19 Q If we could please look at the beginning of page 3.

20 This is under the header "Statutory Requirements for December 14 Electoral
21 Votes" in a subsection on "STATE LAW." It begins alphabetically, I believe, with Arizona.
22 It describes the State law requirements and describes Arizona as, quote, "the most
23 straightforward State," end quote, because it has no additional State law requirements
24 beyond what is set forth in Federal law.

25 Is that a correct statement of Arizona law regarding Presidential electors,

1 Dr. Ward?

2 A I rely on my Fifth Amendment privilege and attorney-client privilege.

3 Q Did you conduct a review of Arizona State law to confirm whether there
4 were any other applicable rules or regulations related to Presidential electors?

5 A I rely on my Fifth Amendment privilege and attorney-client privilege.

6 Q Okay. Did you have any discussions related to any legal issues surrounding
7 convening the alternate electors in Arizona?

8 A I rely on my Fifth Amendment privilege and attorney-client privilege.

9 Q In any of those discussions, did you discuss Arizona State law regarding the
10 appointment of Presidential and Vice Presidential electors?

11 A I rely on my Fifth Amendment privilege and attorney-client privilege.

12 Q Were you aware, Dr. Ward, that Arizona law, State law, requires electors to
13 vote for the winner of the popular vote in the State?

14 A I rely on my Fifth Amendment privilege and attorney-client privilege.

15 Q Okay.

16 I'd now like to play a video for you. This is exhibit 39, please.

17 [Video shown.]

18 BY ██████████

19 Q Okay. Thank you.

20 Dr. Ward, is this a video of the meeting of the purported alternate electors from
21 Arizona on December 14, 2020?

22 A I rely on my Fifth Amendment privilege and attorney-client privilege.

23 Q Did this meeting take place at the headquarters of the Arizona Republican
24 Party?

25 A I rely on my Fifth Amendment privilege and attorney-client privilege.

1 Q Okay.

2 In the video that we just watched, there are a number of individuals sitting around
3 the table, and then there is one individual who walks around and hands out papers.

4 Who is that person who handed out the papers?

5 A I rely on my Fifth Amendment privilege and on attorney-client privilege.

6 Q Okay.

7 I'd next like to direct your attention to exhibit No. 23.

8 Okay. If we could just scroll down to the body of the memo part.

9 Yeah, that's perfect.

10 Dr. Ward, do you recognize this document?

11 A I rely on my Fifth Amendment privilege and attorney-client privilege.

12 Q Okay. This is a document that starts with "MEMORANDUM" at the top and
13 then says it's from Nancy Cottle, chairperson of the "Electoral College of Arizona." It's
14 dated December 14, 2020. And in the subject line, it states it's regarding "Arizona's
15 Electoral Votes for President and Vice President."

16 Dr. Ward, is this the certificate of electoral votes prepared by the Trump-Pence
17 electors in Arizona?

18 A I rely on my Fifth Amendment privilege and attorney-client privilege.

19 Q Okay.

20 If we could please look at page number 3, towards the bottom.

21 Dr. Ward, is that your signature, the second from the bottom on page 3 here?

22 A I rely on my Fifth Amendment privilege and attorney-client privilege.

23 Q Okay.

24 [REDACTED] if you could just go back to page 2, at the top of the page, please.

25 Great.

1 Dr. Ward, on the top of this page, under the header "Certificate of the Votes of
2 the 2020 Electors from Arizona," it states, "WE, THE UNDERSIGNED, being the duly
3 elected and qualified Electors for President and Vice President of the United States of
4 America from the State of Arizona."

5 Is this a document that you signed and submitted to Federal authorities following
6 the meeting on December 14, 2020?

7 A I rely on my Fifth Amendment privilege and attorney-client privilege.

8 Q What was your understanding of the meaning of the language in this
9 paragraph, "duly elected and qualified"?

10 A I rely on my Fifth Amendment privilege and attorney-client privilege.

11 Q By signing this document, did you represent that you and the other
12 Republican electors were the electors, quote, "duly elected and qualified," end quote,
13 under State law?

14 A I rely on my Fifth Amendment privilege and attorney-client privilege.

15 Q Dr. Ward, did you have any discussions before the meeting on
16 December 14th about modifying this language in any way?

17 A I rely on my Fifth Amendment privilege and attorney-client privilege.

18 Q Did you consider adding language that would indicate that the Republican
19 electors were in some way contingent?

20 I can restate my question if you didn't hear it.

21 A Okay. Go ahead.

22 Q Okay. Did you have any discussions before December 14th about
23 modifying the language in the certificate to reflect that the Republican electors were in
24 any way contingent?

25 A I rely on my Fifth Amendment privilege and attorney-client privilege.

1 Q Okay.

2 Let's look at exhibit 24 next.

3 Dr. Ward, this is a tweet by the Arizona GOP account on Twitter posted on
4 December 14, 2020. It's a photo with a caption.

5 Are the individuals in that photo the same ones that we saw sitting around the
6 table in the video I played for you a moment ago?

7 A I rely on my Fifth Amendment privilege and attorney-client privilege.

8 Q Okay.

9 At the top, the caption on this tweet says, quote, "Some person tried to issue a
10 forged slate of Arizona electors to the National Archives. This was quickly caught and
11 debunked, thank goodness! Yet, oddly, the #FakeNews can't get enough of it. Below
12 is the only slate of 11 you need to worry about -- ignore the 'others.'"

13 Dr. Ward, did you post this tweet on December 14, 2020?

14 A I rely on my Fifth Amendment privilege and attorney-client privilege.

15 Q Did you believe that the slate of electors for President Biden and Vice
16 President Harris were a forged slate of electors?

17 A I rely on my Fifth Amendment privilege and attorney-client privilege.

18 Q Okay.

19 I will next direct your attention to exhibit 36, please. This is another short video
20 I'd like to show you.

21 [Video shown.]

22 BY [REDACTED]

23 Q That's great. Thank you.

24 Dr. Ward, this is an interview conducted by The Epoch Times of Arizona
25 Representative Anthony Kern.

1 Was Mr. Kern one of the Republican electors that met on December 14th and
2 signed the certificates we were looking at a moment ago?

3 A I rely on my Fifth Amendment privilege and attorney-client privilege.

4 Q In that interview that we just played you, Representative Kern states that,
5 quote, "On January 6th, Vice President Mike Pence gets a choice on which electors he's
6 going to choose," end quote.

7 Did you share that understanding at the time of the meeting of Republican
8 electors on December 14th or right around there, Dr. Ward, that there would be a choice
9 for Vice President Pence to make?

10 A I rely on my Fifth Amendment privilege and attorney-client privilege.

11 Q Okay. What was your understanding on December 14 and 15, 2020, of the
12 role of the Vice President at the joint session of Congress certificating the outcome of the
13 election?

14 A I rely on my Fifth Amendment privilege and attorney-client privilege.

15 Q Did you communicate with any members of the Arizona State House or
16 Senate about the meeting of Republican electors in Arizona?

17 A I rely on my Fifth Amendment privilege and attorney-client privilege.

18 Q Did you ask any member of the Arizona legislature to take action to
19 recognize the Republican electors?

20 A I rely on my Fifth Amendment privilege and attorney-client privilege.

21 Q Did you communicate with any Members of Congress about the meeting of
22 Republican electors in Arizona?

23 A I rely on my Fifth Amendment privilege and attorney-client privilege.

24 Q Did you ask any Members of Congress to take action to recognize the
25 Republican electors of Arizona?

1 A I rely on my Fifth Amendment privilege and attorney-client privilege.

2 Q Did you communicate with Vice President Pence or his staff about the
3 meeting of Republican electors in Arizona?

4 A I rely on my Fifth Amendment privilege and attorney-client privilege.

5 Q Did you ask the Vice President or his staff to take action to recognize the
6 Republican electors from Arizona?

7 A I rely on my Fifth Amendment privilege and attorney-client privilege.

8 Q I will direct your attention to exhibit 26, please.

9 Dr. Ward, this is a tweet that you posted on January 4, 2021, at 9:18 p.m. It
10 reads, "I hope our great @VP comes through for us, too. #PrayForPence
11 #GeorgiaMAGA."

12 Did you post this tweet, Dr. Ward?

13 A I rely on my Fifth Amendment privilege.

14 Q What did you mean when you said you hope that the Vice President "comes
15 through for us, too"?

16 A I rely on my Fifth Amendment privilege.

17 Q On this same day, January 4th, did you participate in a call or a
18 videoconference organized by the Groundswell coalition?

19 A I rely on my Fifth Amendment privilege.

20 Q This is a call that occurred on that day featuring speakers including yourself
21 and Newt Gingrich, as well as the executive directors of the House and Senate
22 conservative caucuses. Do you recall that?

23 A I rely on my Fifth Amendment privilege.

24 Q The discussion during that call apparently focused on State legislatures
25 sending alternative slates of electors as the only remaining path forward as of

1 January 4th. Is that accurate?

2 A I rely on my Fifth Amendment privilege.

3 Q Do you know whether the former President wanted alternate electors to
4 submit electoral college votes in States that he had lost so that the Vice President could
5 choose them during the joint session of Congress on January 6th?

6 A I rely on my Fifth Amendment privilege and attorney-client privilege.

7 Q Dr. Ward, are you going to assert your Fifth Amendment privilege in
8 response to any further questions I would ask you about the alternate slates of electors
9 or the submission of the electoral votes to Federal authorities, including the National
10 Archives and the Vice President in his capacity as president of the Senate?

11 A I rely on my Fifth Amendment privilege and attorney-client privilege as it
12 applies.

13 Q Okay.

14 Dr. Ward, on November 7, 2020, a "Stop the Steal" rally was held at the Arizona
15 capitol, which then moved to the Maricopa County Recorder's Office, where protests had
16 been occurring since election day.

17 Do you recall that?

18 A I rely on my Fifth Amendment privilege.

19 Q Did you participate in that protest?

20 A I rely on my Fifth Amendment privilege.

21 Q Representative Paul Gosar later stated about this protest that he, quote,
22 helped organize the very first "Stop the Steal" rally in Arizona. Is that accurate?

23 A I rely on my Fifth Amendment privilege.

24 Q I will direct your attention to exhibit 27 next, please.

25 Mr. Kolodin. And after the pending question, we're going to eat some pizza. So

1 we'll need about 10 minutes.

2 [REDACTED] Okay. Let's finish this question. I will say, though, to the extent it
3 is helpful to you all -- if you want to take a break, that's fine -- we are getting close to the
4 end of our planned questions. So if you wanted to take a shorter break and push
5 through --

6 Mr. Kolodin. Yeah. We'll just take 10 minutes after you ask this question.

7 [REDACTED] Sure. Okay.

8 Mr. Kolodin. And I'm on camera.

9 [REDACTED] Yeah. Thank you.

10 All right. Let's ask the questions about this remaining exhibit, and then we'll take
11 a brief recess.

12 BY [REDACTED]

13 Q Okay. Exhibit 27 are a number of tweets, Dr. Ward, that have subsequently
14 been deleted. They're no longer available to the public.

15 The first one -- [REDACTED] if you don't mind scrolling down a little bit -- is on or around
16 December 8, 2020. The Twitter account of the Arizona Republican Party retweeted a
17 tweet by Ali Alexander under the hashtag "StopTheSteal."

18 The original post read, "I am willing to give my life for this fight." And then the
19 Arizona GOP account stated, "He is. Are you?"

20 Do you see those tweets there, Dr. Ward?

21 A I rely on my Fifth Amendment privilege.

22 Q Did you authorize this posting by the Arizona Republican Party?

23 A I rely on my Fifth Amendment privilege.

24 Q If we can scroll up to the top, there is a further post here, again by the
25 Arizona Republican Party account, posting a video from the movie "Rambo" and stating,

1 quote, "This is what we do, who we are. Live for nothing, or die for something."

2 Do you see that post in exhibit 27, Dr. Ward?

3 A I rely on my Fifth Amendment privilege.

4 Mr. Kolodin. All right. Pizza time.

5 [REDACTED] Did you --

6 Mr. Kolodin. We'll be back in 10 minutes, before you put another question
7 pending, and look forward to it. Thanks, guys.

8 [REDACTED] Okay. Let's take a brief recess. We'll come back again at
9 10 minutes of the hour. Thank you.

10 Mr. Kolodin. Thank you.

11 [Recess.]

12 [REDACTED] Let's go back on the record. It is 4:51 here in Washington. This is
13 the continued deposition of Dr. Kelli Ward.

14 BY [REDACTED]

15 Q Before we took a little break, Dr. Ward, we were looking at exhibit 27, so I
16 want to bring that back up on the screen for you.

17 So, again, I think before the break I had asked you about these tweets that started
18 with Ali Alexander with the hashtag "StopTheSteal" and then two subsequent tweets by
19 the Arizona Republican Party.

20 My question for you is, did you authorize these posts on or around December 8,
21 2020?

22 A I rely on my Fifth Amendment privilege.

23 Q Dr. Ward, who is Ali Alexander?

24 A I rely on my Fifth Amendment privilege.

25 Q What did you understand him to be referring to in this tweet saying that he

1 was willing to give his life for this fight?

2 A I rely on my Fifth Amendment privilege.

3 Q And what did you or the Arizona Republican Party intend to convey by
4 retweeting this and saying, "He is. Are you?"

5 A I rely on my Fifth Amendment privilege.

6 Q I will next direct your attention to another tweet. This is exhibit 28, please.

7 Dr. Ward, do you recognize this?

8 A I rely on my Fifth Amendment privilege.

9 Q This is a tweet that you posted, KelliWardAZ, on December 19, 2020, at
10 8:53 p.m.

11 In this tweet, you were tweeting support for President Trump and stated that you
12 were, quote, "working every avenue to stop this coup." You ended the post with
13 "#CrossTheRubicon" and tagged General Flynn, "@GenFlynn."

14 First question is, did you post this tweet, Dr. Ward?

15 A I rely on my Fifth Amendment privilege.

16 Q What is the coup that you referred to in this tweet?

17 A I rely on my Fifth Amendment privilege.

18 Q And when you said you were working every avenue to stop it, what were you
19 referring to there?

20 A I rely on my Fifth Amendment privilege.

21 Q Why did you include the phrase "cross the Rubicon"?

22 A I rely on my Fifth Amendment privilege.

23 Q Just generally, what does the phrase "cross the Rubicon" mean to you?

24 A I rely on my Fifth Amendment privilege.

25 Q I would next like to show you exhibit No. 29.

1 The next several exhibits are tweets that you posted around the days leading up
2 to January 6th.

3 This first one, exhibit 29, is a tweet from your account, KelliWardAZ, posted
4 January 4, 2021. Did you tweet this quote, "It's really
5 #FightForOurCountry!" -- President @realDonaldTrump. We know that when we
6 #FightForTrump we #FightForAmerica!"?

7 A I rely on my Fifth Amendment privilege.

8 Q What were you referring to with this repeated reference to "fight"?

9 A I rely on my Fifth Amendment privilege.

10 Q The next document is exhibit No. 30, please.

11 This is a tweet from your account, KelliWardAZ, January 4, 2021, at 10:07 p.m.

12 Dr. Ward, did you tweet this? "We caught them. We cannot legitimize
13 #ElectionFraud. Stand up, Republicans. Wake up, America."

14 A I rely on my Fifth Amendment privilege.

15 Q What did you mean when you said "we caught them"?

16 A I rely on my Fifth Amendment privilege.

17 Q Who did you catch doing what?

18 A I rely on my Fifth Amendment privilege.

19 Q Dr. Ward, was this tweet related to the January 6th joint session of
20 Congress?

21 A I rely on my Fifth Amendment privilege.

22 Q Okay.

23 The next document I'd like you to look at is exhibit No. 31, please.

24 Dr. Ward, this is another tweet from you on January 5, 2021. It reads -- it's
25 essentially -- it's a post on Twitter encouraging people just to participate in rallies.

1 You write, "If you can't make it to DC tomorrow then gather with America-loving
2 patriots in YOUR state capital. If you can't get to the capital, gather in YOUR town. Let
3 them hear us ROAR! #StopTheSteal #FightForTrump."

4 Did you tweet this on January 5th, Dr. Ward?

5 A I rely on my Fifth Amendment privilege.

6 Q What was your understanding of the purpose of encouraging people to rally
7 in D.C. on January 6th?

8 A I rely on my Fifth Amendment privilege.

9 Q Why were you encouraging people to gather in their State capitals or in their
10 towns on January 6th?

11 A I rely on my Fifth Amendment privilege.

12 Q Okay.

13 The next one is exhibit 32, please.

14 Dr. Ward, this is another tweet by you, @KelliWardAZ, on January 5, 2021. This
15 is retweeting a post by the account "Stephanie Hamill" that reports that Apple Maps
16 would not give directions to D.C. before a pro-Trump rally the following day. And your
17 tweet says, "Patriots: if you don't have a printed atlas, I think it's time to get one!!"

18 Did you post that tweet on January 5th, Dr. Ward?

19 A I rely on my Fifth Amendment privilege.

20 Q Was this tweet intended to encourage people to participate in a rally in
21 Washington on January 6, 2021?

22 A I rely on my Fifth Amendment privilege.

23 Q Did you speak at a rally at the Arizona State Capitol in Phoenix on January 6,
24 2021?

25 A I rely on my Fifth Amendment privilege.

1 Q At that rally, did you state that the violence that had already occurred that
2 day in Washington could've been avoided by taking certain steps, including auditing the
3 results of the 2020 Presidential election?

4 A I rely on my Fifth Amendment privilege.

5 Q Dr. Ward, do you have any information about the planning of the rally on the
6 Ellipse or other rallies to be held in Washington, D.C., on January 6th?

7 A I rely on my Fifth Amendment privilege.

8 Q Were you asked to speak at any rallies in Washington on January 6th?

9 A I rely on my Fifth Amendment privilege.

10 Q Okay. Did you have any information before the rally on the Ellipse on
11 January 6th that the crowd could become violent?

12 A I rely on my Fifth Amendment privilege.

13 Q Let's look at exhibit No. 33, please.

14 Dr. Ward, this is a tweet that you posted, @KelliWardAZ, on January 6, 2021, at
15 3:30 p.m., so this would've been after the rioters had broken into the Capitol in
16 Washington.

17 You retweeted a post by an individual associated with OANN, One America News
18 Network, I believe. This original post reported that a source close to White House
19 discussions told OANN, quote, "only reason Pence did not send contested electors back to
20 respective states was that he believed 'he did not have authority to adjourn congress.'"

21 And then reported, "#StopTheSteal Protestors have adjourned Congress.
22 Awaiting to hear Pence's current stance."

23 Do you see that original tweet here, Dr. Ward, in exhibit 33?

24 A I rely on my Fifth Amendment privilege.

25 Q Okay.

1 You then retweeted it, commenting, "Congress is adjourned. Send the elector
2 choice back to the legislatures."

3 Did you know about the violence at the Capitol at the time that you tweeted this,
4 Dr. Ward?

5 A I rely on my Fifth Amendment privilege.

6 Q Were you encouraging Congress to send the outcome of the election back to
7 the States even after the riot at the Capitol on January 6th?

8 A I rely on my Fifth Amendment privilege.

9 Q I'll now show you exhibit 34, please.

10 This is another tweet that you posted on January 6th about 3 minutes or so after
11 the previous one that we were just looking at. You tweeted this statement describing
12 various election integrity measures that you say could have prevented the attack on the
13 Capitol, I believe, including, quote, "full evaluation of Dominion machines," and then
14 ending with, quote, "Remember, Democrats refused."

15 So my first question is, did you tweet this on January 6th?

16 A I rely on my Fifth Amendment privilege.

17 Q What did you mean by including a full evaluation of Dominion machines?

18 A I rely on my Fifth Amendment privilege.

19 Q In the last sentence of this tweet, who are the Democrats that you were
20 referring to as having refused?

21 A I rely on my Fifth Amendment privilege.

1

2 [5:01 p.m.]

3 BY [REDACTED]

4 Q Okay.

5 Dr. Ward, are you going to assert your Fifth Amendment privileges to any
6 questions I would ask you about the events of January 6, 2021, including regarding the
7 attack on the Capitol?

8 A I rely on my Fifth Amendment privilege as well as attorney-client privilege as
9 it applies.

10 Q Okay. What's the attorney-client privilege that is implicated here?

11 A I rely on my Fifth Amendment privilege and attorney-client privilege as it
12 applies.

13 Mr. Kolodin. Form founda- -- form objection. Sorry.

14 [REDACTED] Mr. Kolodin, yeah, make sure that you're on camera, please.

15 Mr. Kolodin. Yeah.

16 [REDACTED] Can you please restate your objection, Mr. Kolodin, while you're on
17 camera?

18 Mr. Kolodin. Objection to form.

19 [REDACTED] Thank you.

20 [REDACTED] Okay. Thank you.

21 Okay. Thank you very much, Dr. Ward.

22 Based on the objections that we've heard today, including your various assertions
23 of attorney-client privilege, which we plan to discuss with your attorneys after this
24 deposition, at this time this deposition will be in recess, subject to the call of the chair.

25 And we can go off the record.

1 Mr. Mills. Before you go off the record, we object to that. We believe we've
2 fully complied with the subpoena at this point.

3 ██████████ Mr. Mills, your objection is stated on the record, but this deposition
4 at this time will be recessed, subject to the call of the chair.

5 Mr. Mills. You have my objection.

6 ██████████ Okay. Thank you.

7 We can go off the record now.

8 [Whereupon, at 5:03 p.m., the deposition was recessed, subject to the call of the
9 chair.]

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Certificate of Deponent/Interviewee

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3

4 I have read the foregoing ____ pages, which contain the correct transcript of the
5 answers made by me to the questions therein recorded.

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Witness Name

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Date

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