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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.

8

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10

11      DEPOSITION OF:   MICHAEL J. MCDONALD

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15                      Thursday, February 24, 2022

16

17                      Washington, D.C.

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20                      The deposition in the above matter was held via Webex, commencing at 10:03  
21                      a.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       [REDACTED], STAFF ASSOCIATE

9       [REDACTED], SENIOR INVESTIGATIVE COUNSEL

10      [REDACTED], CHIEF CLERK

11      [REDACTED], INVESTIGATIVE COUNSEL

12      [REDACTED], PROFESSIONAL STAFF MEMBER

13      [REDACTED], OF COUNSEL TO THE VICE CHAIR

14

15

16      For the WITNESS:

17

18      RICHARD WRIGHT

19      Wright, Marsh, and Levy

20      300 South 4th Street, Suite 701

21      Las Vegas, Nevada

22      BRIAN HARDY

23      Marquis Aurbach

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3 [REDACTED] So we will now go on the record. It is 10:03 a.m. on February  
4 24th, 2022. This is a deposition of Mr. Michael McDonald conducted by the House  
5 Select Committee to Investigate the January 6th Attack on the United States Capitol  
6 pursuant to House Resolution 503.

7 At this time I'd like to ask Mr. McDonald to please state his full name and spell his  
8 last name for the record.

9 The Witness. Yes. Michael J. McDonald, M-c-D-o-n-a-l-d.

10 [REDACTED] Thank you, Mr. McDonald.

11 The Witness. Yes, sir.

12 [REDACTED] As you can see, this will be a staff-led interview. My name is  
13 [REDACTED], and I'm an investigative counsel for the select committee. I'm joined on  
14 my left by [REDACTED]. [REDACTED] is a senior investigative counsel for the select committee,  
15 and [REDACTED] also serves as of counsel to the vice chair, Representative Liz Cheney. Also in the  
16 room today on my right is [REDACTED] who's professional staff for the select  
17 committee.

18 Members of the committee itself may be joining us and leaving at various points  
19 during the course of our discussion. And if any of them so choose, of course, they are  
20 allowed to ask questions as well.

21 I'll do my best to announce for the record whenever they join, but right now I  
22 don't believe that we have any of them on here with us.

23 At this time I'd like to ask Mr. McDonald's counsel to please state their names for  
24 the record.

25 Mr. Wright. Richard Wright, W-r-i-g-h-t. I'm with the law firm Wright, Marsh,

1 and Levy, 300 South 4th Street, Suite 701, Las Vegas, Nevada.

2 Mr. Hardy. And Brian Hardy with the law firm of Marquis Aurbach. Our  
3 address is 10001 Park Run Drive, Las Vegas Nevada, 89145.

4 [REDACTED] Thank you both.

5 So now at this time I'd like to ask the court reporter to administer the oath to Mr.  
6 McDonald.

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

10 The Witness. I do.

11 [REDACTED]. Thank you.

12 So before we begin, I'd just like to go over a few ground rules.

13 So as you know, there's an official reporter who's transcribing a record of this  
14 interview. You and your attorneys will have an opportunity to review that transcript  
15 and suggest any corrections before it's finalized. And as you know, as you probably  
16 heard earlier, this is being videotaped and audio recorded. But I'll note that the court  
17 reporter's transcript is the official record of the proceedings.

18 Because this is being transcribed, we ask that you wait until each question that we  
19 ask is complete before you begin your response. And, similarly, we will try to wait until  
20 your response is complete before we ask our next question. That just allows for a more  
21 complete and accurate version of the record.

22 Also, the stenographer cannot record nonverbal responses like shaking your head  
23 or saying uh-huh. So we ask that you answer each question with an audible, verbal  
24 response like yes, no, I don't know.

25 I want to make sure that you understand that you're appearing pursuant to a

1 subpoena from the select committee dated January 28th, 2022. That's in the materials  
2 that have been provided to your counsel, and they'll also be included in the record.

3 As you know, you're under oath, which means that any knowing false statement  
4 that you make can constitute perjury, as well as a violation of 18 United States Code  
5 1001. So it's important that you tell the truth at all times.

6 That said, it's important that you understand our questions and you're able to  
7 answer them to the best of your ability. So to that end, please don't hesitate to ask us  
8 to repeat a question if it's not clear. Similarly, if you don't know the answer to a  
9 question, it's perfectly fine to say that you don't know or you don't recall. But do keep  
10 in mind that you're under oath, so you have to be truthful. So if you do recall the  
11 answer to a question, you must say so.

12 If you need to consult with your lawyers at any time during this interview, that's  
13 perfectly fine. Please just let us know. We will disable the cameras and the audio on  
14 our end so that you can consult with them in private. So at anytime you need to do  
15 that, please feel free to speak up.

16 If you need a break at any other time during the interview just to rest or for any  
17 other reason, just let us know.

18 So, with that, do you have any questions for us before we begin?

19 Mr. Wright. I have one question on -- I understand this is a nonpublic deposition  
20 at this time. Does that mean he cannot speak about it? What are the ground rules on  
21 that?

22 [REDACTED] So, [REDACTED] can correct me if I am wrong on this, but Mr. McDonald  
23 has a First Amendment right to, you know, speak publicly about this interview or his  
24 cooperation in whatever capacity he likes. We as a select committee typically do not  
25 release publically transcripts of these depositions or interviews. That said, it's within the

1 prerogative of the select committee to release information as it sees fit.

2 And, [REDACTED] if you have any other --

3 [REDACTED] That's correct. So this is a nonpublic proceeding. It's technically  
4 called an executive session, I believe. So the transcript can only be made public if the  
5 chair so rules, but the chair of the committee has the authority to so rule at anytime if he  
6 chooses to.

7 Mr. Wright. Understood. Thank you. No other questions by me.

8 Mr. Hardy. We're good.

9 [REDACTED]. Great. Thank you.

10 EXAMINATION

11 BY [REDACTED]:

12 Q So just to start, I'll begin by directing Mr. McDonald's attention to exhibit 40  
13 which we will show you on the screen. Can you see that?

14 Mr. Wright. Can you see it, Michael?

15 The Witness. Yes.

16 BY [REDACTED]:

17 Q All right. Mr. McDonald, and this is a copy of the subpoena that we sent  
18 you on January 28th. Is this, as far as you can tell, the copy of the subpoena that you  
19 received from the select committee?

20 A Yes.

21 Q And do you understand that you are appearing here today pursuant to the  
22 subpoena with your name, Mr. Michael J. McDonald, on it?

23 A Yes, sir.

24 Q Great. Part of the subpoena required you to produce documents and  
25 information, including electronically stored information. Do you understand that?

1           A    Yes, sir.

2           Q    And did you search for records that are responsive to the subpoena  
3        schedule?

4           A    Yes, sir.

5           Q    Have you produced to the select committee all the documents and  
6        communications in your possession, custody, or control that are responsive to the  
7        requests in the subpoena?

8           A    Yes, sir.

9           Q    All right. I'll just ask a few general questions about that.

10          And so, for one, did you search your personal devices for any responsive  
11        information, including your laptop, phone, or any other devices?

12          A    Yes, sir.

13          Q    Did you use any secured messaging applications on any of your personal  
14        devices? And by that I mean applications like Signal, Telegram, WhatsApp, anything like  
15        that?

16          A    Could you repeat the question, sir?

17          Q    On your personal devices, did you use any secured messaging applications  
18        like Signal, telephone, or WhatsApp?

19          A    Yes, sir.

20          Q    And did you search those applications for any materials that might be  
21        responsive to the subpoena?

22          A    Yes, sir.

23          Q    All right. Did you have any devices or email accounts that you would have  
24        used in an official capacity, for example, an email account with the Nevada GOP?

25          A    Yes, sir.

1           Q    And have you searched all of those accounts for any responsive materials?

2           A    Yes, sir.

3           Q    Did you keep any handwritten or electronic notes? And if so, have you  
4    searched for and produced any responsive materials from those sources?

5           A    I did not keep handwritten notes, sir.

6           Q    All right. Do you have any role in running the Nevada GOP Twitter  
7    account?

8           A    No, sir.

9           Q    Do you know who does?

10          A    I believe it was our executive director.

11          Q    And who is that?

12          A    It was Jessica Hanson. She has since moved on to a different role in  
13    another State.

14          Q    Okay. And did you have any input into the tweets that got posted from  
15    that account?

16          A    Yes, sir. I knew when they put it out, the tweets, they would ask me pretty  
17    much is this okay.

18          Q    All right. And you had the authority, I take it, to say yes, post this tweet, or,  
19    no, something needs to change before this goes out?

20          A    Yes, sir.

21          Q    All right. Thank you.

22          Did you coordinate with any other person, other than your lawyers, in responding  
23    to the document requests in the subpoena?

24          A    Could you clarify the question? I mean, as far as did I talk to staff or  
25    anybody? Is that kind of what you're asking?

1           Q     I mean, certainly in a sort of administrative capacity, I understand what it  
2     takes to produce documents, but anyone other than your lawyers or any administrative  
3     staff?

4           Mr. Hardy.  Or our staff as well?

5           The Witness.  Yes, sir.  I'm not very computer savvy, so I asked for all the help I  
6     could get from my attorney, as well as former staff.

7           BY [REDACTED]

8           Q     Totally understood.  I'm not computer savvy either, so I would probably do  
9     the same in your situation.

10          A     [Inaudible.]

11          Q     All right.  So before we dive into the substance, it would be helpful for me if  
12     you could just tell me a little bit about your professional background, and just start with  
13     any schooling and then sort of walk me through your professional history up until today.

14          A     Educated in Las Vegas, went to college at UNLV.  I attended the Las Vegas  
15     Metropolitan Police Department Academy.  Graduated from there.  I was a police  
16     officer for 10 years.  And then I was elected a Las Vegas city councilman.  Served as  
17     mayor pro tem for the Las Vegas City Council.  Then I was also the -- elected to chairman  
18     of the Las Vegas Convention and Visitors Authority and also chairman of the Las Vegas  
19     Housing Authority.

20          Professionally, I do government affairs.  And then I was elected to the chairman  
21     of the Nevada Republican Party in 2012, and I serve that capacity to this day.

22          Q     You said that you work in governmental affairs.  What do you mean by  
23     that?

24          A     Lobbyist.  So if there's an issue, an issue before the city council or county  
25     commission or State, my job is to go lobby that issue and bring it before that perspective

1 body -- respective body and try and get the issue resolved.

2 Q Understood. And does that lobbying typically happen at the local or State  
3 level in Nevada?

4 A Yes, sir.

5 Q All right. Did you have any formal role in either the 2016 or 2020 Trump  
6 Presidential campaigns?

7 A Not formal role, no, sir.

8 Q Did you have an informal role in either one of those campaigns?

9 A I was chairman of the Nevada Republican Party for that issue, and then I  
10 campaigned for President Trump throughout the State.

11 Q Understood. And can you describe for me, even in just general terms, you  
12 know, what it meant to chair the Nevada Republican Party in the State, you know, as it  
13 related to the campaign and all of that?

14 A Well, the first thing is to make sure everybody in 2016, make sure everyone  
15 had a fair opportunity that was running for President of the United States, had a fair  
16 opportunity through our caucus, to provide a caucus for the State for all members of the  
17 ballot to have an opportunity to participate in that, and then select the nominee for the  
18 President of the United States.

19 Out of that, President Trump was selected. And then we basically rallied  
20 everyone around. And rallying, that means get everybody to participate and get  
21 involved, make sure that community was well-informed, and then upon that, get their  
22 people out to vote. And that was the role of the Nevada Republican Party.

23 Q And was that similar in 2020? Obviously, the second time around there  
24 wasn't a primary. But, otherwise, was your role fairly similar?

25 A Yes, sir. We did not have a caucus at that time. At that time, the body of

1       the Nevada Republican Party voted to endorse President Trump full-throated, and so we  
2       didn't have a caucus or a primary. And that moved forward. Then in the same, outline  
3       was basically made that we had to rally our troops, which our troops I mean by the  
4       representatives of each county, and then make sure they have their people out to vote.

5           Q     Thank you. So I'd like to ask you a few questions about the 2020  
6       Presidential election and specifically in the period sort of immediately during and after  
7       the election. And can you tell me where you were on the day of the Presidential  
8       election in 2020, which was November 3rd?

9           A     November 3rd, sir, we were out in the field, early morning. We were pretty  
10      much working throughout the Clark County, Nevada. I live in Las Vegas. That is  
11      encompassed by Clark County.

12           We had operations set up in the Nevada Republican Party office, as well as we had  
13      a situation room, a war room, if you want to call it that. We basically put everything  
14      together at a local hotel here, and that was kind of the ground zero for central for the  
15      operations of us to make sure we have all of our participants out in the field, collectively  
16      make sure everybody's getting out to vote. And then we also had a party there that was  
17      going to be the victory party.

18           Q     All right. You mentioned a hotel. Where was that hotel?

19           A     The South Wynn hotel.

20           Q     And in what city is that hotel?

21           A     I'm sorry. That was in Clark County, Las Vegas, Nevada.

22           Q     Thank you. Were you also in Nevada on November 4th, the next day?

23           A     Yes, sir. I was in Las Vegas.

24           Q     So in the days after the election, and by that I mean, you know, anytime  
25      between, let's say, November 3rd and the 2 weeks following, did you participate in any

1 conversations with either Trump campaign officials or Trump administration officials  
2 about their response to the election results?

3 A Sir, upon the advice of my counsel, I'm asserting my rights under Article 1,  
4 Section 8 of the Nevada Constitution and the Fifth Amendment to the United States  
5 Constitution.

6 The United States Supreme Court has long held the constitutional protection  
7 against self-incrimination were designed to protect the innocent as well as the guilty.  
8 The Supreme Court has also recognized that one basic function of the privilege is to  
9 protect innocent men, and has firmly rejected the view that any adverse assumption or  
10 implication of guilt should be drawn about anyone who exercises these cherished  
11 constitutional rights.

12 According upon advice of my counsel, I expressly decline to answer your question  
13 and invoke my Fifth Amendment right.

14 Q Thank you, Mr. McDonald.

15 And, of course, we recognize your constitutional right to invoke your Fifth  
16 Amendment privileges. We explained this to your counsel previously, but how it will  
17 work from here essentially is that we will continue to ask you questions. And anytime  
18 that you wish to invoke your Fifth Amendment rights, you may do so.

19 You do not have to read everything you just read each time. If there's some  
20 shorthand that you'd like to use instead whenever you'd like to invoke, that's perfectly all  
21 right.

22 A Yes, sir.

23 Q If it's okay, we'll continue asking questions.

24 A Yes, sir.

25 Q All right. Thank you.

1           So during the same time period that I just discussed, which is to say November 3rd  
2 and the 2 weeks thereafter in 2020, did you participate in any conversations with  
3 members of the Republican National Committee or the Nevada GOP about their response  
4 to the election results?

5           A     Sir, based on my advice from counsel --

6           Mr. Wright. You can just say "same answer."

7           The Witness. Oh. Same answer, sir.

8           ██████████ All right. Is "same answer" fine or should he say Fifth?

9           ██████████ I think to have a cleaner record, in case this is ever released and  
10 somebody's looking at only a portion of it, if you'd make some reference to the Fifth  
11 Amendment, I think that would be helpful.

12          We're not going to make you go through the entire thing you just read to us. We  
13 understand that what you say going forward will be a reference to that, but some  
14 reference to the Fifth Amendment would be helpful to us.

15           ██████████ Yes. You can simply just say Fifth if you like, if that's easier.

16           The Witness. Yes, sir.

17           ██████████ Great. Okay. So let's move on.

18          I'd like to direct your attention to exhibit 1, and we will pull that up on the screen  
19 for you. So while we're pulling it up, I'll describe to you that exhibit 1 appears to be a  
20 November 4th, 2020, text message exchange between you and an individual named Paula  
21 regarding the election results. The other participant in this text message exchange  
22 relays to you a number of claims about irregularities related to the election results, and  
23 then you responded. And this is on the second page of the exhibit.

24          You responded, quote, "We are on it. I have been on the phone this morning  
25 with the President, Eric Trump, Mark Meadows, and Mayor Giuliani. There is a major

1 plan. We are meeting at the hotel with attorneys and national staff in about 20  
2 minutes."

3 Did you participate in a phone call with President Trump, Eric Trump, Mark  
4 Meadows, and Rudy Giuliani on November 4th, 2020, regarding the election results?

5 The Witness. Based on advice from my attorney, I'll be invoking my Fifth  
6 Amendment.

7 Mr. Wright. Does that exhibit 1 have a Bates number on it?

8 [REDACTED]. It does. It's at the bottom of the page, and the Bates number  
9 ends in 493.

10 Mr. Wright. Thank you.

11 [REDACTED]. And I'm happy to read the Bates numbers for you as we go  
12 through these documents.

13 Mr. Wright. I appreciate it.

14 [REDACTED]. Sure.

15 BY [REDACTED]

16 Q So who else, Mr. McDonald, was present on the phone call that you  
17 referenced in this message?

18 A Based on advice of my attorney, I'll be invoking my Fifth Amendment  
19 privilege.

20 Q All right. What was the major plan that was discussed during that phone  
21 call?

22 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23 privilege.

24 Q Did you participate in a meeting with attorneys and national staff on  
25 November 20 -- November 4th, 2020 -- excuse me -- regarding the election results?

1           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
2 privilege.

3           Q    Who participated in that meeting?

4           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
5 privilege.

6           Q    And what was discussed during that meeting?

7           A    Based on my advice from my attorney, I'll be invoking my Fifth Amendment  
8 privilege.

9           Q    All right. Briefly I'd like to direct your attention to exhibit 2 with Bates  
10 number ending in 495. This appears to be a November 4th, 2020, text message  
11 exchange between you and an individual named Steve. In the text message you write,  
12 quote, "Was on the phone to President, Mark Meadows, Giuliani, and they want full  
13 attack mode. We're gonna have a war room meeting in about an hour in the bosses  
14 suite," unquote.

15           What did you mean when you said that President Trump, Mark Meadows, and  
16 Mr. Giuliani, quote, "want full attack mode"?

17           A    Based on advice of my attorney, I'll be invoking my Fifth Amendment  
18 privilege.

19           Q    All right. So next I'd like to move to exhibit 3, and this is the Bates number  
20 ending in 534.

21           While we pull it up, I'll describe to you that this is a November 7th, 2020, text  
22 message exchange between you and Mr. Bernard Kerik. And in that text message  
23 exchange, you provide a fairly detailed description for the process for certifying the  
24 Presidential election vote in Nevada, running from the canvassing of the vote on  
25 November 13th to the date when the Nevada secretary of state and the Supreme Court

1       are supposed to canvass the certified county results on November 24th, the issuance of  
2       certificates of ascertainment by the safe harbor date of December 8th, and then finally  
3       the electoral certification on January 6th.

4                  In what capacity were you in contact with Mr. Kerik following the 2020  
5       Presidential election?

6                  A      Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7       privilege.

8                  Q      Why did you send Mr. Kerik information regarding the various dates related  
9       to the certification of the election results in Nevada?

10                 A      Based on my advice from my attorney, I'll be invoking my Fifth Amendment  
11       privilege.

12                 Q      Did Mr. Kerik request this information from you? And if so, why?

13                 A      Based on advice from my attorney, I'll be invoking my Fifth Amendment  
14       privilege.

15                 Q      All right. On page 4 of this exhibit, you write the following, quote: Unless  
16       nobody gets 270 votes," referring to electoral votes, "in which case the House of  
17       Representatives immediately convenes and vote for President.

18                 Why did you send this information to Mr. Kerik?

19                 A      Based on advice from my attorney, I'll be invoking my Fifth Amendment  
20       privilege.

21                 Q      In your understanding, was this scenario a part of the Trump campaign's  
22       postelection strategy in any way?

23                 A      Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24       privilege.

25                 Q      Were you in contact with President Trump, White House staff, any member

1 of the Trump campaign, or any member of the RNC regarding what you discussed in these  
2 messages, other than Mr. Kerik?

3 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
4 privilege.

5 Q Briefly I'd like to go back to exhibit 1, which is the text message exchange  
6 between you and Paula. On November 17th, the other participant in this text message  
7 exchange sent you a video of a One America News report with the chyron quote,  
8 "Reports: Seized SCYTL data shows landslide win for President Trump."

9 And then you responded, quote, "There is something there. Mayor Giuliani took  
10 over the investigation and legal fight for the President. There's more to come."

11 At that time, had you obtained any evidence suggesting that there was, quote,  
12 "something there" to these allegations?

13 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
14 privilege.

15 Q What did you write when you wrote, quote, "there's more to come"?

16 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17 privilege.

18 Q All right. Thank you.

19 So, next, I'd like to move to the issue of alternate electors more generally, and I'll  
20 start at a fairly high level.

21 So, Mr. McDonald, can you describe your understanding of the concept of  
22 alternate electors as it relates to the 2020 Presidential election?

23 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24 privilege.

25 Q Were you aware of a plan to convene alternate electors in a number of

1 States that were contested in the 2020 election -- and for the record, whenever I refer to  
2 those States, I mean Michigan, Pennsylvania, Wisconsin, New Mexico, Georgia, Nevada,  
3 or Arizona -- to cast electoral votes for President Trump and Vice President Pence?

4 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
5 privilege.

6 Q When did you first become aware of a plan related to alternate electors in  
7 the 2020 election, and who first told you about it?

8 A Based on my advice from my attorney, I'll be invoking my Fifth Amendment  
9 privilege.

10 Q In your understanding, why was it necessary for alternate electors to  
11 convene in these States?

12 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13 privilege.

14 Q Did you participate in a meeting of alternate electors that took place in  
15 Carson City, Nevada, on December 14th, 2020, to cast electoral ballots for President  
16 Trump and Vice President Pence?

17 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
18 privilege.

19 Q Did you participate in the organizing of that ceremony?

20 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
21 privilege.

22 Q Who else at the Nevada State level was involved in organizing that  
23 ceremony?

24 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
25 privilege.

1           Q     Who, if anyone, in the Trump campaign, Trump legal team, White House, or  
2 RNC was involved in coordinating that ceremony?

3           A     Based on my advice from my attorney, I'll be invoking my Fifth Amendment  
4 privilege.

5           Q     All right. So I'd like to ask about your communications with a number of  
6 individuals related to the alternate set of electors that was submitted for Nevada in 2020.  
7 And just so you don't have to reassert your rights for each name that I'm about to list, I  
8 will just name them all, and you can respond as you see appropriate.

9           So, did you have any communications with any of the following Trump campaign  
10 officials regarding plans to convene an alternate set of electors for Nevada: Rudy  
11 Giuliani, Jenna Ellis, Matt Morgan, Justin Clark, Nick Trainer, Kenneth Chesebro, James  
12 Troupis, John Eastman, Boris Epshteyn, Bernard Kerik, Mike Roman, or Mike Brown?

13          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
14 privilege.

15          Q     Did you have any communications with President Trump, Chief of Staff Mark  
16 Meadows, or any other member of the Trump White House regarding plans to convene  
17 an alternate set of electors for Nevada?

18          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
19 privilege.

20          Q     Okay. Were you aware of any coordination of alternate elector ceremonies  
21 across multiple States?

22          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23 privilege.

24          Q     All right. I'd like to direct your attention to exhibit 4, which is from  
25 Mr. DeGraffenreid's production but ends with the Bates number 459.

1           Mr. McDonald, this appears to be a handwritten chart depicting the names of  
2       Trump electors in seven States, I believe, along with the various electoral vote numbers  
3       for each of those States.

4           Have you seen this chart before?

5           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
6       privilege.

7           Q     Who created this chart and for what purpose?

8           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
9       privilege.

10          Q     What was the source of the information that's depicted on this chart?

11          A     Based on my advice from my attorney, I'll be invoking my Fifth Amendment  
12       privilege.

13          Q     Are you aware of any meetings, communications, or other discussions  
14       related to the information on this chart?

15          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
16       privilege.

17          Q     Okay. Some of the names that appear on this chart are circled and appear  
18       with notations next to them that say either chair, NCM, or NCW. What do those mean?

19          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
20       privilege.

21          Q     Two of the States that are listed on this chart, Pennsylvania and New  
22       Mexico, appear with notations next to them that say "disclaimer." Why is that?

23          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24       privilege.

25          Q     All right. So for most of these States, you'll see that the electoral vote

1 counts are sort of circled multiple times, but the two States with  
2 disclaimers -- Pennsylvania, New Mexico -- their electoral vote counts appear in  
3 parentheses. Do you know why that is?

4 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
5 privilege.

6 Q Are you aware of any discussions or other communications related to the  
7 significance of disclaimers placed on the electoral ballots in any State?

8 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
9 privilege.

10 Q All right. At the bottom right of this page there is a set of calculations, I  
11 suppose you could say, that say the following: 7 over 59 are RNC, and then in  
12 parentheses 12 percent. 10 out of 84 are RNC, in parentheticals 12 percent. And then  
13 at the bottom and circled is 6 percent of 168.

14 Do you know what these calculations refer to?

15 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
16 privilege.

17 Q Why would it be relevant whether any of the electors on this chart were RNC  
18 members?

19 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
20 privilege.

21 Q Do you know anything more about the involvement of any of the names on  
22 this list in efforts to convene alternate electors for the 2020 Presidential election?

23 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24 privilege.

25 Q All right. Mr. McDonald, when did you first become aware of any sort of

1 plan or discussion related to alternate slates of electors in the 2020 Presidential election?

2 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
3 privilege.

4 Q All right. So I'd like to direct your attention to exhibit 5. This, again, is  
5 from Mr. DeGraffenreid's production with a Bates number ending in 591 (sic). And this  
6 is an October 30th, 2020, text message exchange between Mr. DeGraffenreid and Shawn  
7 Meehan, who I understand was another one of the electors in Nevada.

8 Mr. McDonald, obviously I know that this is not your set of text messages, but as  
9 you can see, it contains the following:

10 So on October 30th, 2020, Mr. Meehan writes, quote, "Been reading more on  
11 electoral college. If things get really sorted up, I could see Sisolak submitting one slate  
12 and Barbara having to send our slate. As she dislikes controversial situations, I wonder  
13 how that plays out."

14 And then Mr. DeGraffenreid responded, quote, "Elder might do a lot of things, but  
15 sending a slate of Republican electors without them being clearly the winners of the  
16 popular vote is not one of them."

17 Had you heard any discussions of the concept of submitting competing slates of  
18 electors in the event that President Trump didn't win Nevada at anytime before the 2020  
19 Presidential election?

20 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
21 privilege.

22 Q Do you know why there would have been discussions or why this would have  
23 been a topic of discussion before you knew whether President Trump had won Nevada or  
24 not?

25 A Based on advice from my attorney, I'll be invoking my Fifth Amendment

1 privilege.

2 Q Next we'll turn to exhibit 6, which is also from Mr. DeGraffenreid's  
3 production, with the Bates number ending in 544. This appears to be a November 29th,  
4 2020, text message exchange between Mr. DeGraffenreid and, again, Mr. Meehan.

5 And Mr. Meehan wrote, quote, "And we have a template for when we can plea  
6 ours and send it in ourselves when Sisolak refuses."

7 And you can see from the context of the text message before from  
8 Mr. DeGraffenreid that he's referring to a certificate of ascertainment.

9 At this time, end of November 2020, was there a plan in place to prepare an  
10 alternate certificate of ascertainment for President Trump's Nevada electors?

11 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
12 privilege.

13 Q Around this time, were you aware of any discussions involving the Trump  
14 administration, Trump campaign, or RNC related to this scenario?

15 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
16 privilege.

17 Q All right. We'll discuss this in more detail later. But is it correct that you  
18 and the other Trump electors in Nevada had filed a lawsuit in State court related to the  
19 2020 Presidential election results?

20 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
21 privilege.

22 Q Did you participate in any calls or meetings with anyone from the Trump  
23 administration, Trump campaign, or RNC related to that litigation?

24 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
25 privilege.

1           Q    Were you part of a discussion on December 8th, 2020, related to alternate  
2       electors?

3           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
4       privilege.

5           Q    Did anyone from the Trump administration, Trump campaign, or RNC  
6       participate in that discussion?

7           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
8       privilege.

9           Q    Okay. Next, I will direct your attention to exhibit 7, which ends in Bates  
10      number 634, from Mr. DeGraffenreid's production. This is a December 9th, 2020,  
11      instant messaging exchange between Mr. DeGraffenreid, Mr. Meehan, and Jim Hindle.

12           And in it, on December 9th, Mr. DeGraffenreid wrote, quote, "And we need to  
13      also decide if we're sending in our own ballot. Need to know which Senator and  
14      Congressman will make the objection. Cruz and Jordan maybe? What is the deadline  
15      for that?"

16           At the time of this text message exchange, which is December 9th, were there  
17      discussions related to the submission of alternate electoral ballots and, if so, among  
18      whom?

19           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
20      privilege.

21           Q    Was the alternate elector plan contingent in any way upon the objection of a  
22      House Member and a Senator during the certification on January 6th?

23           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24      privilege.

25           Q    Okay. Later in this exchange, on page 2, Mr. DeGraffenreid wrote: "the

1        elector frustration was clearly communicated last evening. Crystal clearly."

2              In what way were the Nevada Trump electors frustrated at this time?

3              A      Based on advice from my attorney, I'll be invoking my Fifth Amendment  
4        privilege.

5              Q      Okay. Later in that same exchange, Mr. DeGraffenreid wrote, quote, "So  
6        we have some time to consider and plan."

7              What were the relevant considerations in deciding whether to move forward with  
8        sending alternate electoral ballots for President Trump?

9              A      Based on advice from my attorney, I'll be invoking my Fifth Amendment  
10      privilege.

11             Q      Did you participate in a call with the Trump campaign regarding alternate  
12      electors on December 9th, 2020?

13             A      Based on advice from my attorney, I'll be invoking my Fifth Amendment  
14      privilege.

15             Q      Okay. I'd like to direct your attention to exhibit 16, which ends in Bates  
16      number 637, from Mr. DeGraffenreid's production. This is a December 9th instant  
17      messaging exchange, again, between Mr. DeGraffenreid, Mr. Meehan, and Mr. Hindle.

18              And in it Mr. DeGraffenreid wrote, quote, "On line with legal right now.  
19      Attorneys and campaign have in mind to have the electors meet in Carson City Monday to  
20      cast our ballots and transmit to the Senate."

21              Who were the campaign representatives who participated in this call?

22             A      Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23      privilege.

24             Q      And who were the attorneys who participated in this call?

25             A      Based on advice from my attorney, I'll be invoking my Fifth Amendment

1 privilege.

2 Q All right. The exchange that we discussed earlier from Mr. DeGraffenreid  
3 on this same chain suggested that there had not yet been at that time a decision made  
4 regarding alternate electors. What changed between that time and this time?

5 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
6 privilege.

7 Q And in your understanding, what was the basis for the attorneys and the  
8 campaign's plan for you to cast your ballots?

9 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
10 privilege.

11 Q Next, let's turn to exhibit 8, which ends in Bates number 774. Mr.  
12 McDonald, this is a December 10th, 2020, email exchange between a number of  
13 individuals. But it begins at the bottom with an email from an individual named  
14 Kenneth Chesebro on December 10th at 4:27 p.m. That email was sent to you, an email  
15 address that I take it is Mr. DeGraffenreid's, and another email address that I take it is  
16 Mr. Law's.

17 And in that email Mr. Chesebro wrote, quote, "Mayor Giuliani and others with the  
18 Trump-Pence campaign, including Justin Clark and Nick Trainer, asked me to reach out to  
19 you and the other Nevada electors to run point on the plan to have all Trump-Pence  
20 electors in all six contested States meet and transmit their votes to Congress on Monday,  
21 December 14th."

22 Who is Kenneth Chesebro?

23 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24 privilege.

25 Q If you know, what was Mr. Chesebro's connection to Mr. Giuliani, Mr. Clark,

1       Mr. Trainer?

2           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
3       privilege.

4           Q     How were Mr. Giuliani, Mr. Clark, and Mr. Trainer involved in any efforts  
5       relating to alternate electors?

6           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7       privilege.

8           Q     Why was Mr. Chesebro reaching out to you, if you know, as opposed to  
9       others in Nevada?

10          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
11       privilege.

12          Q     In his email Mr. Chesebro wrote that he was reaching out to you related to,  
13       quote, "to run point on the plan to have all Trump-Pence electors in all six contested  
14       States meet." That suggests to me that the recipients on this chain were already at least  
15       somewhat familiar with that idea. Is that accurate?

16          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17       privilege.

18          Q     Was what Mr. Chesebro described in this email consistent with your  
19       understanding about what the plan was?

20          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
21       privilege.

22          Q     Okay. Did you ever have contact with Mr. Giuliani, Mr. Clark, or Mr. Trainer  
23       related to alternate electors?

24          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
25       privilege.

1           Q     And other than the communications we've already discussed, what other  
2     conversations or communications did you have with anyone else on the Trump campaign,  
3     the White House, RNC related to this issue?

4           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
5     privilege.

6           Q     All right. In Mr. Chesebro's email, he goes on in the last paragraph to write,  
7     quote, "I have two memos explaining the rationale for the electors voting on Monday,  
8     though you may already have those, and I am preparing drafts of the documents that the  
9     electors in Nevada could sign to effect their votes, in case having drafts in hand would be  
10    of help."

11          Had you already received any memos or other communications regarding the  
12    alternate electors issue?

13          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
14    privilege.

15          Q     Mr. Chesebro also writes that he's attaching to you a draft press release that  
16    was to be released in Wisconsin. And at the end of the email, a draft of that is attached,  
17    titled, "Proposed Jim Troupis Statement on Electors' Meeting."

18          Who is Jim Troupis, if you know?

19          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
20    privilege.

21          Q     The last paragraph of that release says the following, quote, "Given that the  
22    results in Wisconsin are still in doubt, with legal arguments that have yet to be decided,  
23    just as the Democrat electors met in Hawaii in 1960 while awaiting a final resolution of  
24    that State's vote, so too the Republican electors should meet this year on December 14th  
25    as we await a final resolution in Wisconsin."

1           What did you understand this press release to mean?

2           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
3       privilege.

4           Q     And how did you think that the discussion in this press release applied to  
5       your situation in Nevada?

6           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7       privilege.

8           Q     Did you understand Mr. Chesebro's guidance to mean that alternate electors  
9       were appropriate because litigation was still ongoing in your State?

10          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
11       privilege.

12          Q     Did you understand Mr. Chesebro's guidance to mean that alternate electors  
13       were justified because the results in your State were, quote, "still in doubt"?

14          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
15       privilege.

16          Q     Okay. So if we go back to the top of this chain, Mr. DeGraffenreid, it looks  
17       like, sent this message to a number of other individuals, including yourself, Mr. Law, and  
18       Mr. Hindle. And he wrote, quote, "What do we know about Ken? Is this a legit  
19       outreach?"

20          At this time, what was your understanding of Mr. Chesebro's relationship to the  
21       Trump campaign?

22          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23       privilege.

24          Q     Did you ever learn more information about that?

25          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment

1 privilege.

2 Q Later, Jesse Binnall, who I understand to be your lawyer in the Nevada State  
3 court suit, responded, quote, "I'll handle."

4 Are you aware of any further steps that Mr. Binnall took on this issue?

5 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
6 privilege.

7 Q Are you aware of any communications that Mr. Binnall had with  
8 Mr. Chesebro or others at the RNC or on the Trump campaign?

9 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
10 privilege.

11 Q Next, let's move to exhibit 9, and this is from your production with the Bates  
12 number ending in 761.

13 And while we pull it up for you, I will describe to you that this is a December 11th  
14 and 12th email exchange that starts with Mr. Chesebro and then later it looks like gets  
15 forwarded to you, Mr. DeGraffenreid, and Jessica Hanson.

16 There we go. All right. So I'll start at the bottom here.

17 On December 11th, Mr. Chesebro emails a number of individuals with email  
18 addresses, indicating that they are connected either to the Trump campaign or to the  
19 GOP. And he writes, quote, "Attached are the seven documents I've prepared for  
20 Nevada. It sounds like it's in great shape. As mentioned to Mike Brown, who I am now  
21 copying on this thread, I was in email communication with Jim DeGraffenreid a couple of  
22 days ago and he was very responsive."

23 And then Mr. Chesebro attached what looks like seven documents related to the  
24 alternate electors issue.

25 How were the recipients of Mr. Chesebro's email involved in coordinating the

1 alternate slate of electors, if you know?

2 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
3 privilege.

4 Q Who is Mike Brown, and what was his connection to coordinating alternate  
5 electors, if you know?

6 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7 privilege.

8 Q Okay. In that email, Mr. Chesebro wrote that he was in email  
9 communication with Mr. DeGraffenreid, quote, "A couple of days ago," before December  
10 11th. Do you know if that's referring to the first email outreach that he made on  
11 December 10th or some earlier communication?

12 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13 privilege.

14 Q Okay. So from that email, an individual named Jeremy Hughes forwarded  
15 Mr. Chesebro's message to you, Mr. DeGraffenreid, and Ms. Hanson on December 12th.  
16 And he wrote, quote, "Sounds like you all connected. Feel like everything is good?"

17 What was your relationship to Jeremy Hughes?

18 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
19 privilege.

20 Q Had you or any of the other people on this email chain been in contact  
21 previously with Mr. Hughes about alternate elector issues?

22 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23 privilege.

24 Q Great. So lower down in this same exhibit is one of the attachments to this  
25 email, and we'll start on page 2, [REDACTED] It's Bates number ending in 762. And this is a

1 document that is titled, quote, "How to cast electoral votes in Nevada." And then it  
2 contains a number of instructions, you know, starting before the meeting of the electors  
3 and then moving through the whole process.

4 Was this more or less the guide that you and the other electors followed when  
5 planning for the signing ceremony on December 14th?

6 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7 privilege.

8 Q All right. On page 4 of this document, which I believe is technically page 5  
9 of the exhibit, there is a section that's titled, "Draft language for NV Republican Party re  
10 December 14th casting of electoral votes." And then it contains what looks to be a  
11 proposed press statement regarding signing in Nevada.

12 In the last paragraph of that, it says the following:

13 Quote, "Given that the results in Nevada are still in doubt, with legal arguments  
14 that have yet to be decided," dot, dot, dot, "so too the Republican electors should meet  
15 this year on December 14th as we await a final resolution of Nevada's six electoral votes."

16 Was this statement consistent with your understanding of the purpose of  
17 alternate electors casting electoral ballots for President Trump?

18 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
19 privilege.

1

2 [11:01 a.m.]

3 BY [REDACTED]:

4 Q Was it your understanding that the purpose of the ceremony was to cast  
5 ballots because, quote, "The results in Nevada are still in doubt with legal arguments that  
6 have yet to be decided"?

7 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
8 privilege.

9 Q Why, in your understanding, were the results of the Presidential election in  
10 Nevada still in doubt?

11 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
12 privilege.

13 Q All right. So, moving on, I'd like to ask some questions about the guidance  
14 that you received from Mr. Chesebro or others about the legality of the elector  
15 ceremony.

16 So, to start, did you have any discussions with anyone related to any legal issues  
17 surrounding the alternate elector ceremony on December 14th, 2020?

18 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
19 privilege.

20 Q What was your understanding of any guidance that you received regarding  
21 the legality of the elector ceremony on December 14th?

22 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23 privilege.

24 Q Were you aware before the ceremony of any key issues or concerns related  
25 to how the ceremony was supposed to be conducted from a legal standpoint?

1           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
2 privilege.

3           Q    Did anyone provide you with any documentation, and by that I mean  
4 memoranda or anything else to support a particular understanding of the law about  
5 alternate electors?

6           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7 privilege.

8           Q    All right. Without divulging any privileged information, of course, did you  
9 or any of the other electors seek your own legal advice regarding the strategy?

10          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
11 privilege.

12          Q    Okay. In any discussions that you had related to the elector ceremony on  
13 December 14th, did you discuss Nevada State laws regarding the appointment of  
14 Presidential and Vice Presidential electors?

15          Mr. Hardy. Objection to the extent it impedes upon the attorney-client privilege.  
16 Beyond the attorney-client privilege discussions, he's welcome to answer.

17          BY [REDACTED]:

18          Q    All right. Please go on, Mr. McDonald.

19          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
20 privilege.

21          Q    All right. Were you aware of any concerns about whether an elector  
22 ceremony was permissible under Nevada State law?

23          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24 privilege.

25          Q    Were you aware that Nevada State law requires electors to meet in the

1 presence of the Nevada secretary of state?

2 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
3 privilege.

4 Q Were you aware that Nevada State law requires electors to commit to voting  
5 for the popular vote winner in the State of Nevada?

6 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7 privilege.

8 Q Did you have any discussions -- of course, again, without divulging any  
9 privileged information -- as to how the State laws would affect the alternate elector  
10 ceremony, and, if so, what were they?

11 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
12 privilege.

13 Q Was your understanding that it was lawful to proceed with the alternate  
14 elector ceremony in spite of any of those concerns that I just discussed, and, if so, why?

15 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
16 privilege.

17 Q Okay. So, next, let's turn to exhibit 10, which ends in Bates number 746.

18 And, Mr. McDonald, this is a memorandum from Mr. Chesebro directed to  
19 Mr. Troupis dated November 18th, 2020, although it's characterized as being a December  
20 10th streamlined revision, and the title of the memorandum is "RE: The Real Deadline  
21 for Settling a State's Electoral Votes?"

22 Did you read this memorandum before the alternate elector ceremony on  
23 December 14th?

24 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
25 privilege.

1           Q     So I'll direct your attention to page 2 under the header, quote, "What must  
2 happen on December 14th." And the second paragraph says the following, quote,  
3 "Prudence dictates that the electors in each State who are pledged to Trump and Pence  
4 meet and cast their votes on December 14th."

5                 And then the third paragraph reads, quote, "It may seem odd that the electors  
6 pledged to Trump and Pence might meet and cast their votes on December 14th even if,  
7 at that juncture, the Trump-Pence ticket is behind in the vote count and no certificate of  
8 election has been issued in favor of Trump and Pence. However, a fair reading of the  
9 Federal statutes suggests that this is a reasonable course of action."

10              What was your understanding, if any, of the guidance provided in this  
11 memorandum?

12           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13 privilege.

14           Q     Was your understanding that an alternate elector ceremony in Nevada was a  
15 prudential step, and quote, "a reasonable course of action"?

16           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17 privilege.

18           Q     Next, let's move to exhibit 11, ending in Bates number 463.

19                 This appears to be another memorandum from Mr. Chesebro to Mr. Troupis, this  
20 one dated December 9th, 2020, and it is titled "RE: Statutory Requirements for  
21 December 14th Electoral Votes."

22                 Did you read this memorandum before the alternate elector ceremony on  
23 December 14th?

24           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
25 privilege.

1           Q     All right. So this memorandum contains a number of sections, including  
2 one titled "Federal law," and then another one that's titled "Statutory Requirements for  
3 December 14th Electoral Votes," and then walks through a series of bullet points related  
4 to the relevant provisions of law.

5                 Are those instructions consistent with how you prepared for and conducted the  
6 elector ceremony in Nevada on December 14th?

7           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
8 privilege.

9           Q     Did you follow the guidelines laid out here exactly, or did your circumstances  
10 require any Nevada-specific alterations?

11          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
12 privilege.

13          Q     Okay. Page 4 of this memorandum outlines -- outlines, rather -- the  
14 statutory requirements for casting electoral votes in Nevada.

15                 And immediately under that header, it reads, quote, "Nevada is an extremely  
16 problematic State because it requires the meeting of the electors to be overseen by the  
17 Secretary of State, who is only supposed to permit electoral votes for the winner of the  
18 popular vote in Nevada?"

19                 What did you understand that language to mean?

20          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
21 privilege.

22          Q     Specifically, did you understand the words "extremely problematic" to mean  
23 that an elector ceremony would be unlawful or something else?

24          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
25 privilege.

1           Q     So the next paragraph of that section goes on to say that the provisions of  
2     Nevada State law relate to faithless electors.

3                 And then it says, quote, "They make no sense when applied to this situation in  
4     which we are trying to have an alternate slate vote in hopes that its legitimacy will be  
5     validated before January 6th. Therefore, perhaps arguably, the Nevada electors could  
6     simply meet and cast their votes without the involvement of the Secretary of State."

7                 And then in the next paragraph it says, quote, "If there were a vote in Congress to  
8     take Nevada away from Biden and Harris, presumably along with it would come a vote to  
9     overlook this procedural detail."

10               Q     What did you understand this guidance to mean?

11               A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
12     privilege.

13               Q     Did you understand any of the guidance in this memorandum to mean that  
14     Nevada State laws that I just discussed did not apply to a meeting of alternate electors?

15               A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
16     privilege.

17               Q     Did you understand any of the guidance in this memorandum to mean that  
18     Nevada State law did apply but that Congress could simply choose to overlook any  
19     violations of the State law?

20               A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
21     privilege.

22               Q     What about the requirement that Mr. Chesebro references in which electors  
23     are only supposed to permit electoral votes for the winner of the popular vote in Nevada?  
24     How, if at all, did you understand Mr. Chesebro's guidance applied to that provision?

25               A     Based on advice from my attorney, I'll be invoking my Fifth Amendment

1 privilege.

2 Q Did Mr. Chesebro's analysis in this memorandum make sense to you?

3 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
4 privilege.

5 Q Did you discuss the analysis in this memorandum with anyone else?

6 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7 privilege.

8 Q So at the beginning of this memorandum there is something of an executive  
9 summary. It is on the second paragraph of the first page. And it summarizes the State  
10 law issues as follows, quote, "It appears that," dot, dot, dot, "most of the electors (with  
11 the possible exception of the Nevada electors) will be able to take the essential steps  
12 needed to validly cast and transmit their votes."

13 And then later it says, and the electors can do so, quote, "without any  
14 involvement by the Governor or any other State official except in Nevada where the  
15 Secretary of State is involved."

16 What was your understanding of Mr. Chesebro's conclusion here?

17 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
18 privilege.

19 Q Did you understand this memo's conclusion to mean that it was lawful to  
20 convene an alternate elector ceremony in Nevada or not?

21 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
22 privilege.

23 Q Were you aware of any disagreement about the conclusions that  
24 Mr. Chesebro drew in this memo? And that can include anyone among your colleagues  
25 in Nevada, the RNC, the Trump campaign, or publicly.

1           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
2 privilege.

3           Q    Did you or others ever consider trying to convene the Trump electors before  
4 the secretary of state?

5           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
6 privilege.

7           Q    Did you or anyone else ever consider signing any sort of pledge to the effect  
8 that President Trump was the winner of the popular vote in Nevada?

9           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
10 privilege.

11          Q    Did you have any discussions with Mr. Chesebro or others who were  
12 involved about these issues specifically?

13          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
14 privilege.

15          Q    Okay. Next, I will direct your attention to exhibit 12 with a Bates number  
16 ending in 786.

17                 This is a December 10th and 11th, 2020, email exchange that starts at the bottom  
18 with a message from Mr. Chesebro on December 10th to Mr. DeGraffenreid.

19                 And in that message he wrote, quote, "I spoke this evening with Mayor Giuliani  
20 who is focused on doing everything possible to ensure that all the Trump-Pence electors  
21 vote on December 14th."

22                 What was Mr. Giuliani's role in coordinating alternate electors?

23          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24 privilege.

25          Q    In your understanding, what did Mr. Chesebro

1 mean when he wrote that Mr. Giuliani was doing, quote, "everything possible to ensure  
2 that all the Trump-Pence electors vote on December 14th"?

3 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
4 privilege.

5 Q Did you have any direct communications with Mr. Giuliani related to  
6 alternate electors?

7 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
8 privilege.

9 Q Did you have any communications with any of Mr. Giuliani's associates on  
10 the campaign related to alternate electors?

11 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
12 privilege.

13 Q Are you aware of any communications that took place between any of the  
14 other Nevada electors and Mr. Giuliani or anyone on his team related to alternate  
15 electors?

16 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17 privilege.

18 Q So two paragraphs lower in this email Mr. Chesebro wrote, quote, "You'll  
19 note that page 4 of the December 9th memo mentions a concern regarding Nevada law  
20 about the role of the Secretary of State. It may well be that the electoral vote needs to  
21 proceed without the participation of the Secretary of State on the view that these  
22 technical aspects of State law are unlikely to matter much in the end."

23 What did you understand Mr. Chesebro to mean when he wrote that, quote, "It  
24 may well be that the electoral vote needs to proceed without the participation of the  
25 Secretary of State"?

1           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
2     privilege.

3           Q     Did you understand Mr. Chesebro to be communicating that it was lawful  
4     under Nevada State law to convene alternate electors without the presence of the  
5     secretary of state?

6           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7     privilege.

8           Q     Alternately, did you understand Mr. Chesebro's guidance to mean that  
9     convening alternate electors without the secretary of state might be unlawful but that it  
10    was, quote, "a technical aspect of State law that was unlikely to matter much in the end"?

11          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
12    privilege.

13          Q     In your understanding, what did Mr. Chesebro mean when he wrote that it  
14    was, quote, "unlikely to matter much in the end"?

15          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
16    privilege.

17          Q     So the next day Mr. DeGraffenreid forwarded this email to you and to Ms.  
18    Hanson, and he wrote, "I've connected Jesse Binnall and Ken to discuss details."

19          Other than what we have already discussed, are you aware of any other  
20    communications between Mr. Binnall and Mr. Chesebro?

21          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
22    privilege.

23          Q     In that same email Mr. DeGraffenreid wrote, quote, "It explains very clearly  
24    the process and the justification for our actions," referring to the attached memos from  
25    Mr. Chesebro.

1           Was it your understanding that Mr. Chesebro had effectively signed off on moving  
2 forward?

3           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
4 privilege.

5           Q     Other than what we've already discussed, did you receive any other  
6 guidance or participate in any other discussions about these State law issues in  
7 connection with the alternate elector ceremony?

8           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
9 privilege.

10          Q     Do you recall any of the other Nevada electors expressing any doubts or  
11 concerns about the legal basis for the plan?

12          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13 privilege.

14          Q     Do you recall any of the Nevada electors expressing any other kinds of  
15 doubts or concerns about the plan separate from State law issues?

16          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17 privilege.

18          Q     So, briefly, I'd like to touch upon a few questions related to the lawsuit that  
19 you and the other Trump electors filed in Nevada State court, which I understand was  
20 styled Law v. Whitmer.

21          Other than you and your lawyers, was anyone else involved in coordinating that  
22 litigation from the Trump administration, Trump campaign, or RNC?

23          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24 privilege.

25          Q     On the whole, what do you recall Trump campaign or Trump White House

1 representatives saying about the case?

2 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
3 privilege.

4 Q Okay. Just to make sure that I have the correct timeline of the history of  
5 that litigation, I'm going to ask a few questions.

6 So, first, is it correct that you and the other plaintiffs filed the lawsuit in State  
7 district court on or around November 17th, 2020?

8 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
9 privilege.

10 Q Is it correct that the district court dismissed that case on December 4th,  
11 2020?

12 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13 privilege.

14 Q And is it correct that you and the other plaintiffs appealed that ruling to the  
15 Nevada Supreme Court?

16 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17 privilege.

18 Q And is it correct that the Nevada Supreme Court affirmed the district court's  
19 ruling on December 8th, 2020?

20 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
21 privilege.

22 Q Okay. After the Nevada Supreme Court decision came down, what was  
23 your understanding of the state of the litigation?

24 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
25 privilege.

1           Q     And, again, without divulging any privileged conversations, do you recall any  
2 discussions about whether to appeal that case to the U.S. Supreme Court?

3           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
4 privilege.

5           Q     Was anyone from the Trump administration, Trump campaign, or RNC  
6 involved in any of those discussions?

7           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
8 privilege.

9           Q     What, if anything, did representatives from the Trump campaign or RNC say  
10 about the decision as to whether to appeal that case to the Supreme Court?

11          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
12 privilege.

13          Q     So I will direct your attention to exhibit 16 with a Bates stamp ending in 637  
14 from Mr. DeGraffenreid's production.

15                 This is the same instant messaging exchange from Mr. DeGraffenreid,  
16 Mr. Meehan, and Mr. Hindle that we discussed earlier, and it takes place on December  
17 9th, 2020. And, in it, Mr. DeGraffenreid wrote, quote, "On line with legal right now,"  
18 and then later, "They are also looking at ways we might have certiorari at SCOTUS."

19                 Were you a part of the conversation that's referenced in this message?

20          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
21 privilege.

22          Q     What was the basis for the campaign's belief that there might be an  
23 opportunity to file for certiorari at SCOTUS?

24          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
25 privilege.

1           Q     How was filing for cert connected to the alternate elector ceremony, if at all?  
2           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
3     privilege.

4           Q     All right. Very quickly, I think we can turn to exhibit 17, which is Bates  
5     stamped 510 from your production.

6                 And this is a December 10th, 2020, text message exchange between you and an  
7     individual named Michael Bertrand. And he wrote, quote, "Can we as a party join the  
8     Texas lawsuit, and if so, would that help? I feel we need to keep moving forward after  
9     our Supreme Court brush off."

10                 Do you recall any conversations, including with the campaign or RNC, about the  
11     Nevada GOP joining in the Texas lawsuit that's discussed here?

12                 A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13     privilege.

14                 Q     All right. You later responded to that message, quote, "We are still pushing  
15     it, brother. I'm waiting to hear back from Mayor Giuliani."

16                 Were you, in fact, pushing for the Nevada GOP to join the Texas lawsuit?

17                 A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
18     privilege.

19                 Q     What, if any, was Mr. Giuliani's response to those discussions? Did he  
20     agree or disagree, and why or why not?

21                 A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
22     privilege.

23                 Q     Next, let's go to exhibit 18. This ends in Bates number 778, and it looks like  
24     it is a separate thread of the same email discussion that we discussed earlier in exhibit 8  
25     in which Mr. Chesebro emailed Mr. DeGraffenreid on December 10th.

1           So Mr. DeGraffenreid, it looks like, responded directly to Mr. Chesebro's message  
2       on December 11th.

3           And then Mr. Chesebro responded with the following quote, "Can you tell me  
4       whether all court challenges Nevada are final? I'm wondering if there will be an effort  
5       to seek Supreme Court review of this decision."

6           Why was Mr. Chesebro asking about the status of the Nevada State court  
7       litigation?

8           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
9       privilege.

10          Q     In your understanding, why did it matter whether the litigation was still  
11       ongoing?

12          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13       privilege.

14          Q     Was it your understanding that litigation needed to be ongoing in order for  
15       the alternate elector ceremony to be considered valid for whatever reason?

16          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17       privilege.

18          Q     So later in this email chain Mr. DeGraffenreid responded to Mr. Chesebro,  
19       and he wrote, "Forwarding your question on the lawsuit to our lead attorney, Jesse  
20       Binnall."

21           Are you aware of any discussions, other than what we've already talked about,  
22       between Mr. Binnall and Mr. Chesebro on this issue?

23          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24       privilege.

25          Q     Do you know what Mr. Binnall conveyed to Mr. Chesebro about the status of

1 the Nevada State court litigation?

2 Mr. Hardy. And just to be clear, and I think it's -- you've done a good job up to  
3 this point in time making sure that you always say "without impeding upon privileged  
4 information."

5 Can we just have an agreement going forward that all of these questions are  
6 without impeding upon the attorney-client privilege and then go forward from there  
7 rather than having me address it those times when you miss it?

8 [REDACTED] Yeah. Absolutely. And just to clarify my understanding here,  
9 I'm asking about a conversation between Mr. Binnall and Mr. Chesebro, which I would  
10 not, as far as I know, constitute a confidential communication between an attorney and a  
11 client.

12 So to the extent that those conversations would not be privileged, that's what I  
13 consider to be the scope of my question.

14 Mr. Hardy. Yeah. No. I understand. But what you asked was how he knew  
15 about or whether he knew about this conversation. If he learned about that through his  
16 attorney, that would impede upon a client privilege.

17 So I just wanted to make sure, because the way you worded that question  
18 potentially had that implication. And so if we can just have an agreement that we're  
19 preserving the attorney-client privilege with respect to this issue -- these questions.

20 And you've done a good job. I'm not trying to interrupt you. You've done a  
21 good job up to this point making sure that it was nonprivileged communications. You've  
22 said that over and over. If we can just have that agreement, then we don't have to  
23 move forward anymore on me worrying about making objections. That will just be an  
24 understanding, that you're not seeking attorney-client privileged information.

25 [REDACTED]. Of course. And that's a fair point. I think it's perfectly fine to

1 proceed along those lines.

2 Mr. Hardy. Excellent. Thank you so much.

3 [REDACTED]. Thank you.

4 BY [REDACTED]:

5 Q All right. So I'll ask it this way. Did any plans about appealing to the  
6 Nevada Supreme Court -- appealing the Nevada Supreme Court ruling change after  
7 Mr. Binnall was put in contact with Mr. Chesebro?

8 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
9 privilege.

10 Q Were you a part of a discussion on December 12th, 2020, related to the  
11 Nevada State court litigation or alternate electors?

12 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13 privilege.

14 Q Let's move to exhibit 19. This is from Mr. DeGraffenreid's production with  
15 a Bates number ending in 569, and it appears to be some sort of messaging exchange  
16 between Mr. DeGraffenreid, Mr. Hindle, and Ms. Hanson that took place on December  
17 12th, 2020.

18 And in it, Ms. Hanson wrote, quote, "Just FYI, national wants to kill going to the  
19 Supreme Court. Doing another call in the AM, and they don't want press or rallies on  
20 Monday. Not sure why."

21 Did you participate in this call, Mr. McDonald?

22 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23 privilege.

24 Q Why did national want to, quote, "kill going to the Supreme Court"?

25 A Based on advice from my attorney, I'll be invoking my Fifth Amendment

1 privilege.

2 Q Earlier we discussed another message in which Mr. DeGraffenreid wrote that  
3 attorneys in the campaign are, quote, "looking at ways we might have certiorari at  
4 SCOTUS."

5 Do you know what, if anything, changed between that conversation and this one?

6 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7 privilege.

8 Q Let's move to exhibit 20. This is another text message exchange from  
9 Mr. DeGraffenreid's production with a Bates number ending in 539. And it appears to  
10 be a December 13th, 2020, exchange between Mr. DeGraffenreid and Mr. Law,  
11 apparently referring to the same conversation that's referenced in the other message.

12 And in the exchange Mr. Law wrote, quote, "SCOTUS filing either canceled or  
13 delayed. I think delayed is likely to get past tomorrow."

14 Again, without divulging any privileged communications, Mr. McDonald, do you  
15 know why that filing was either canceled or delayed?

16 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17 privilege.

18 Q And do you know why a delay was more likely than declining to file a cert  
19 petition?

20 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
21 privilege.

22 Q What did Mr. Law mean when he wrote, "Delayed is likely to get past  
23 tomorrow"?

24 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
25 privilege.

1           Q    Was Mr. Law referring to the elector ceremony that took place the next day?  
2           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
3       privilege.

4           Q    In your understanding, was the purpose of a delay to ensure that the  
5       litigation was technically still pending when the elector ceremony happened?

6           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7       privilege.

8           Q    Okay. Did you and the other plaintiffs ultimately file for cert in this  
9       litigation?

10          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
11      privilege.

12          Q    In that same message Mr. Law wrote, quote, "Suddenly mixed messages and  
13      direction on publicity for tomorrow. Not pleased that was raised on the call and not  
14      with me beforehand. Upset chairman."

15          Who was delivering mixed messages regarding "publicity for tomorrow"?

16          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17      privilege.

18          Q    What were the mixed messages that were expressed on that call?

19          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
20      privilege.

21          Q    In your understanding, what were the concerns related to publicizing the  
22      alternate elector ceremony on December 14th?

23          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24      privilege.

25          Q    This message refers to, quote, "Upset chairman," which I would think would

1 mean you, Mr. McDonald. Why were you upset as a result of this call?

2 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
3 privilege.

4 Q So Mr. Law's message, he wrote that SCOTUS filing was either canceled or  
5 delayed. Do you know whether a final decision was made on that question?

6 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7 privilege.

8 Q So, next, I'd like to take us to exhibit 21 from Mr. DeGraffenreid's production  
9 with the Bates number ending in 810. This is a December 13th, 2020, email from Ms.  
10 Hanson to a number of individuals, including Mr. DeGraffenreid and you, it appears.

11 And the email consists of an invitation to edit the following document, which is  
12 titled "Elector Voting Talking Points."

13 And then the attached document to that is on the next page of this exhibit.  
14 That's Bates number 811. And it contains what appears to be the talking points that  
15 were circulated to you and others.

16 I'll just point out a few of the bullet points here.

17 The fourth one down says, quote, "No court of law meaningfully heard our  
18 evidence or allowed us to fully plead our case. No one reviewed the more than 8,000  
19 pages of evidence."

20 At the time that this was circulated on December 13th, was it the electors'  
21 intention to file for cert in the Supreme Court?

22 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23 privilege.

24 Q Why would you refer to this litigation in the past tense if you were still  
25 planning on pursuing further litigation?

1           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
2 privilege.

3           Q    What I believe is the eighth bullet down in these talking points contains the  
4 following, quote, "The Cash-for-Votes scheme has been turned over to the FBI. They  
5 have not made any declaration saying this investigation is completed and as such  
6 Congress should not certify the electoral votes with ongoing investigations."

7           What was the Cash-for-Votes scheme that's discussed here?

8           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
9 privilege.

10          Q    And what was the significance of saying that the information about the  
11 scheme had been turned over to the FBI?

12          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13 privilege.

14          Q    Was this in any way related to characterizing the outcome of the election as  
15 still being in doubt in time for the signing ceremony on December 14th?

16          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17 privilege.

18          Q    Do you recall any concerns expressed about any of the wording in this  
19 statement?

20          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
21 privilege.

22          Q    So I know we've been going for a while, and I'm at a stopping point,  
23 Mr. McDonald. I'm happy to take a break, a quick 5-minute break, if you are.

24          A    Sounds good.

25          Q    This seems like as good a time to stop as any.

1           Mr. Hardy. That would be great. I'll use the bathroom.

2           ██████████. Sounds good.

3           So how about we reconvene at 50 minutes on the hour. That will give us  
4 7 minutes.

5           Mr. Hardy. That would be great.

6           ██████████. Fantastic. All right. Well, we will go off the record.

7           Mr. Hardy. Thank you.

8           [Recess.]

9           ██████████ We can go back on the record. The time is 11:56 a.m. eastern.  
10          And from here, I'd like to talk about the elector ceremony itself that took place on  
11 December 14th.

12          Mr. McDonald, who participated in the logistics for preparing that ceremony?

13          The Witness. I can't hear you. You're cutting out.

14          Mr. Hardy. You're frozen. I think you're frozen. Are you there now? Can  
15 you hear us?

16          ██████████ I can hear you. Can you hear me?

17          Mr. Hardy. Your microphone is out. I think the microphone keeps going out on  
18 your end. You're on mute.

19          ██████████. Can you hear me now?

20          Mr. Hardy. Yeah. We've got you now.

21          ██████████. Fantastic. You know, even in the Zoom era these snags still  
22 happen. So we appreciate your patience.

23           BY ██████████

24          Q All right. So I'll just repeat my question to make sure that, Mr. McDonald,  
25 you heard everything.

1           So right now I'd like to cover the ceremony itself, which is to say the elector  
2         ceremony that took place in Carson City on December 14th. And my question to you  
3         was, who participated in the logistics for preparing that ceremony?

4           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
5         privilege.

6           Q     Who participated in efforts to coordinate messaging or press coverage  
7         related to that ceremony, if any?

8           A     Based on my advice from my attorney, I'll be invoking my Fifth Amendment  
9         privilege.

10          Q     Did you ever receive any instructions or encouragement not to publicize the  
11         ceremony or to keep any information about it kept confidential?

12          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13         privilege.

14          Q     Were members of the Trump administration, Trump campaign, or RNC  
15         involved in any discussions related to the issues I just asked you about?

16          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17         privilege.

18          Q     So let's turn to exhibit 24. This is from Mr. DeGraffenreid's production, and  
19         I believe that it's a document that begins with Bates 544.

20                 This is a December 13th, 2020, text message exchange between  
21         Mr. DeGraffenreid and Mr. Meehan. And Mr. Meehan wrote, quote, "We just have to  
22         meet is all required, right? In Carson City is the only requirement, not certain building.  
23         NVSOS not being there dorks it up too."

24                 I will assume that "dorks" is an autocorrected version of a more colorful word.  
25         But what did Mr. Meehan mean when he wrote that the NVSOS not being there dorks it

1 up too, if you know?

2 A Based on advice from my attorney, I'll be asserting my Fifth Amendment  
3 privilege.

4 Q Was it your understanding that the ceremony might be impeded in any way  
5 or be inappropriate in any way without the secretary of state's presence?

6 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7 privilege.

8 Q Are you aware of any discussions, other than what we've already covered,  
9 discussing whether the ceremony could proceed without the Nevada secretary of state?

10 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
11 privilege.

12 Q Okay. Did you participate in a December 12th, 2020, discussion related to  
13 the alternate elector ceremony?

14 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
15 privilege.

16 Q Okay. Later in this exchange, on December 13th, Mr. Meehan wrote,  
17 quote, "Was pretty pissed off last night on call, good thing you missed it. Law and  
18 Amanda were trying to change the location and to say no crowd. I was very clear that  
19 we were cleared to proceed on our prior call, time/location set."

20 Is the call that Mr. Meehan's referring to here the December 12th call that we  
21 discussed earlier in this deposition related to other documents?

22 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23 privilege.

24 Q Okay. If you know, why were Mr. Law and Amanda trying to change the  
25 location of the ceremony?

1           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
2 privilege.

3           Q    And if you know, why did Mr. Law and Amanda want to say no crowd?

4           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
5 privilege.

6           Q    Was that directive a directive from the RNC, anyone on the Trump campaign,  
7 anyone in the Trump administration, or anyone else?

8           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
9 privilege.

10          Q    And, if you know, why did Mr. Meehan want to proceed on the original plan?

11          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
12 privilege.

13          Q    At a high level, can you tell me what was supposed to take place during the  
14 ceremony on December 14th? And by that I mean things like speeches, a signing  
15 ceremony, any public statements.

16          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17 privilege.

18          Q    Let's move to exhibit 25, which is from Mr. DeGraffenreid's production with  
19 a Bates number ending in 550.

20          And, for [REDACTED] I'm going to start on the second -- the center sort of pane on the  
21 top row.

22          This is a December 13th, 2020, exchange between Mr. Meehan and  
23 Mr. DeGraffenreid discussing the ceremony. And Mr. Meehan wrote, quote, "Actual  
24 signing, 11 a.m., re-create ceremony for public at Noon, some speeches, yada yada.  
25 RNC essentially put us in a box on what we can say, but doesn't sound too bad."

1           Is it correct that the actual signing of the ballots that you submitted on behalf of  
2 President Trump and Vice President Pence took place privately before the public  
3 ceremony?

4           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
5 privilege.

6           Q     Is Mr. Meehan's description in this message consistent with how the  
7 ceremony ended up taking place?

8           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
9 privilege.

10          Q     Who in the RNC was coordinating with Mr. Meehan, you, or others about  
11 the messaging related to this event?

12          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13 privilege.

14          Q     And what limitations did the RNC place on statements that you could make  
15 at the ceremony?

16          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17 privilege.

18          Q     What did you want to say during the ceremony, and what were the RNC's  
19 concerns about it?

20          A     Based on advice from my attorney, I'll be invoking the Fifth Amendment  
21 privilege.

22          Q     Okay. Later on that day Mr. Meehan wrote another message, and he  
23 wrote, quote, "Spoke to the chairman. Wants a smaller group of us for planning at  
24 breakfast." Then, in a later message he wrote, quote, "He's stressing on the optics."  
25 And then in a later message Mr. Meehan wrote, "He's very concerned RNC will cut cord if

1 looks bad and steal credit if we do well."

2 Why did you want a smaller group planning the ceremony that day?

3 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
4 privilege.

5 Q What were your concerns about the optics of the ceremony that took place  
6 on December 14th?

7 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
8 privilege.

9 Q Mr. Meehan referred to a number of individuals who were supposed to be  
10 involved in planning out the ceremony. And in particular, he referred to Mike, Kevin,  
11 "you," referring to Mr. DeGraffenreid, T, Hindle, and "me," referring to Mr. Meehan.

12 Who were these individuals, and how were they involved in planning the  
13 ceremony?

14 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
15 privilege.

16 Q Okay. In one of the messages I read Mr. Meehan referred to a concern that  
17 you had about the RNC. Can you explain to me what that concern was?

18 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
19 privilege.

20 Q If you know, what were the RNC's concerns about holding the ceremony, if  
21 any?

22 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23 privilege.

24 Q In one of these messages, Mr. -- it's at the bottom left,

25 [REDACTED] -- Mr. DeGraffenreid wrote, "he" -- referring to you, Mr. McDonald -- "he's

1 concerned that we look like foolish crybabies. Have tried to explain."

2 Can you explain the concern that Mr. DeGraffenreid referred to in this message?

3 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
4 privilege.

5 Q And do you know what the substance of Mr. DeGraffenreid's disagreement  
6 with you was regarding those concerns?

7 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
8 privilege.

9 Q So later in this exchange you can see on the screen that Mr. Meehan wrote,  
10 quote, "Attorney Jesse and Amanda said we're clear to announce the same is occurring in  
11 all States where votes were stolen. We're in good company."

12 Were you a part of any discussions related to whether you could announce that  
13 alternate elector ceremonies were taking place in States other than Nevada?

14 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
15 privilege.

16 Q Were you or others originally discouraged from identifying that other  
17 alternate elector ceremonies were happening, and if so, by whom?

18 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
19 privilege.

20 Q What was the concern, if you know, about making public the existence of  
21 alternate electoral slates in other States?

22 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23 privilege.

24 Q Who ultimately made the decision to allow you to discuss alternate elector  
25 ceremonies in other States, and, if you know, why?

1           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
2     privilege.

3           Q     So as part of the planned ceremony, we understand that you signed and  
4     submitted a number of documents, including a certificate of President Trump's electoral  
5     votes in Nevada as well as individual ballots for President and Vice President.

6           Is that understanding correct?

7           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
8     privilege.

9           Q     Were the documents you submitted the documents that you originally  
10    received from Mr. Chesebro?

11          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
12    privilege.

13          Q     Did you or others make any changes to those documents before using them  
14    at the signing ceremony?

15          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
16    privilege.

17          Q     Are you aware of any discussions as to whether revisions were necessary?

18          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
19    privilege.

20          Q     So, next, let's turn to exhibit 26, which is Bates number 631, from  
21    Mr. DeGraffenreid's production. This appears to be part of an exchange that we  
22    discussed earlier between Mr. Meehan, Mr. Hindle, and Mr. DeGraffenreid. And the  
23    particular message that I'm interested in discussing was sent on December 9th, and it's on  
24    page 7 of the exhibit.

25          And there, Mr. Meehan wrote, quote, "If we make up our own certificate of

1 ascertainment, it probably ought to have two whereas statements and maybe one  
2 resolved based on us concluding that we are responding to a fraudulent election, and this  
3 is why we are justified and submitting this."

4           Why did Mr. Meehan feel that it was important to include this language in a  
5 certificate of ascertainment, if you know?

6           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7 privilege.

8           Q     Did you agree with Mr. Meehan that it was important to include this kind of  
9 language in a certificate of ascertainment or any of the other electoral documents that  
10 you ultimately signed and submitted?

11          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
12 privilege.

13          Q     Are you aware of any discussions about whether this kind of language was  
14 necessary on any of the documents that were involved in the signing ceremony?

15          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
16 privilege.

17          Q     I'd like to direct your attention to exhibit 30. This is from  
18 Mr. DeGraffenreid's production with the Bates number ending in 541. And this is an  
19 exchange between Mr. Law and Mr. DeGraffenreid that took place on December 13th.

20           And Mr. DeGraffenreid wrote, quote, "I can send you the forms if you want to  
21 print all the sets." Mr. Law responded, "Great. Please do once you get those 12th  
22 Amendment adjustments made. I will print agendas."

23           If you know, what were the 12th Amendment adjustments that Mr. Law thought  
24 needed to be made?

25          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment

1 privilege.

1

2 [12:15 p.m.]

3

BY [REDACTED]

4 Q Do you know why those changes would have been necessary in the  
5 documents?

6 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7 privilege.

8 Q Were those changes ultimately reflected in the documents that you signed  
9 and submitted?

10 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
11 privilege.

12 Q Mr. DeGraffenreid later wrote in this exchange, quote, Shawn, " referring to  
13 Mr. Meehan, "pointed out a serious error on the certification, so I need to modify that  
14 form."

15 If you know, what was the serious error that Mr. Meehan identified on the  
16 certification?

17 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
18 privilege.

19 Q Were those changes ultimately reflected in the documents that you signed  
20 and submitted?

21 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
22 privilege.

23 Q Next I'd like to direct your attention to exhibit 27. This is a document from  
24 Mr. DeGraffenreid's production ending in 470. It is titled, "Memorandum." And it  
25 appears to be a letter from you, Mr. McDonald, dated December 14th, 2020. It is

1 addressed to the President of the Senate, the Archivist of the United States, the secretary  
2 of state for the State of Nevada, and the chief judge of the U.S. District Court for the  
3 District of Nevada. And it is titled, Regarding: "Nevada's Electoral Votes for President  
4 and Vice President."

5 It then reads: "Pursuant to 3 U.S. Code Section 11, enclosed please find  
6 duplicate originals of Nevada's electoral votes for President and Vice President."

7 Is this the cover letter that you submitted, along with the electoral votes, cast by  
8 the Nevada Trump electors?

9 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
10 privilege.

11 Q Is this the same version of the letter that you received from Mr. Chesebro?

12 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13 privilege.

14 Q Did you revise or alter the letter in anyway before sending it out?

15 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
16 privilege.

17 Q Did you have any discussions about revising this document before sending  
18 it?

19 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
20 privilege.

21 Q The bottom of this document contains a signature. Is that your signature,  
22 Mr. McDonald?

23 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24 privilege.

25 Q Let's turn to exhibit 28. This is also from Mr. DeGraffenreid's production,

1 with a Bates number ending in 477. This document is titled, "Certificate of the Votes of  
2 the 2020 Electors from Nevada," containing six electoral votes for President Trump.

3 Is this certificate the document that you submitted along with the electoral votes  
4 cast by the Nevada Trump electors?

5 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
6 privilege.

7 Q Is this the same version of the document that you received from  
8 Mr. Chesebro?

9 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
10 privilege.

11 Q Did you revise or alter this document in any way before signing and sending  
12 it?

13 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
14 privilege.

15 Q Did you have any discussions about revising this document before sending  
16 it?

17 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
18 privilege.

19 Q The text of this document contains the following language, quote, "We, the  
20 undersigned, being the duly elected and qualified electors for President and Vice  
21 President of the United States of America from the State of Nevada, do hereby certify the  
22 following."

23 In your view, did this certificate purport to show that you and the other Trump  
24 electors were the, quote, "duly elected and qualified electors" from Nevada?

25 A Based on advice from my attorney, I'll be invoking my Fifth Amendment

1 privilege.

2 Q Was it your understanding at the time of signing and sending this document  
3 that the electoral votes were cast as provisional ballots depending on the outcome of  
4 pending litigation?

5 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
6 privilege.

7 Q In your view, is the language that I just read to you consistent with a belief  
8 that the electoral ballots were provisional and, if so, why?

9 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
10 privilege.

11 Q Did you have any discussions about altering the language in this certificate to  
12 reflect a view that the electoral vote was meant to be provisional?

13 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
14 privilege.

15 Q My understanding is that alternate electors in some of the relevant States  
16 edited the language in their versions of the certificate to indicate that they were meant to  
17 be provisional.

18 In particular, I understand that in New Mexico, this language read, quote, "We,  
19 the undersigned, on the understanding that it might be later determined that we are the  
20 duly elected and qualified electors."

21 And then similarly in Pennsylvania, I understand this language said, quote, "We,  
22 the undersigned, on the understanding that if as a result of a final nonappealable court  
23 order or other proceeding prescribed by law we are ultimately recognized as being the  
24 duly elected and qualified electors."

25 Were you aware of any alterations that were made to this certificate in other

1 States at this time?

2 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
3 privilege.

4 Q Is there any reason that you felt it wasn't necessary to alter the language on  
5 this certificate in your case?

6 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7 privilege.

8 Q Do you recall any discussions about the significance of characterizing the  
9 vote as provisional or not?

10 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
11 privilege.

12 Q All right. The next page of this document contains six signatures from the  
13 individuals who I understand were the Presidential electors for President Trump in  
14 Nevada. And the top entry is your name, Michael J. McDonald, chairperson.

15 Is the signature there your signature?

16 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17 privilege.

18 Q Next, let's move to exhibit 29, the Bates number ending in 479, from  
19 Mr. DeGraffenreid's production. The first page of this reads, State of Nevada, then,  
20 quote, "Nevada Presidential Elector, Official Ballot for President of the United States. I  
21 hereby cast my vote for," blank, "for President of the United States." And then in  
22 handwriting, the name Donald J. Trump is entered.

23 Is that your handwriting, Mr. McDonald?

24 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
25 privilege.

1           Q     Below that, there is a signature. Is that your signature, Mr. McDonald?  
2           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
3     privilege.

4           Q     Is this the document that you signed on December 14th, 2020, in Carson  
5     City, Nevada?

6           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7     privilege.

8           Q     Is this the document that you ultimately submitted to the various parties  
9     that I referred to earlier, including the archivist, the President of the Senate, and so on?

10          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
11     privilege.

12          Q     So moving on to the ceremony itself on December 14th, can you briefly  
13     describe what took place in the meeting of you and the other electors outside the State  
14     legislature building in Carson City on December 14th?

15          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
16     privilege.

17          Q     Did you make any statements during that ceremony reflecting your belief  
18     that the electoral votes you were casting were provisional?

19          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
20     privilege.

21          Q     And did you make any statements during that ceremony reflecting your  
22     belief that litigation was still pending related to the Nevada election results?

23          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24     privilege.

25          Q     Let's turn to exhibit 32. This exhibit is a tweet dated December 14th, 2020,

1 from the Nevada GOP account. And it reads, quote, "History made today in Carson City,  
2 Nevada, as @McDonaldNV leads our electors in casting Nevada's 6 electoral votes for the  
3 winner of Nevada, @realDonaldTrump and @Mike\_Pence!"

4 Did you have any role in posting this tweet?

5 A Based on advice from my attorney, I'll be invoking my Fifth Amendment right  
6 privilege.

7 Q Do you recall any discussions related to the content of this tweet before it  
8 was posted?

9 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
10 privilege.

11 Q Similarly, I will direct your attention to exhibit 33. This is also a tweet on  
12 the same day, also from the Nevada GOP account. It contains a photo of I count seven  
13 individuals standing at a table outside the State legislature building in Carson City,  
14 Nevada.

15 And the text of the tweet reads, quote, "Our brave electors standing up for what is  
16 right and casting their electoral votes for @realDonaldTrump. We believe in fair  
17 elections and will continue the fight against voter fraud in the Silver State!"

18 Mr. McDonald, are you depicted in this photo?

19 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
20 privilege.

21 Q Did you have any role in posting this tweet?

22 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23 privilege.

24 Q Do you recall any discussions related to the content of this tweet before it  
25 was posted?

1           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
2 privilege.

3           Q     Like I said, the tweet contains the language, "We believe in fair elections and  
4 will continue the fight against voter fraud in the Silver State."

5           If you know, what did it mean to continue the fight against voter fraud?

6           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
7 privilege.

8           Q     Next, let's turn to exhibit 34. This is from Mr. DeGraffenreid's production,  
9 ending in 813. And it's a December 14th, 2020, email exchange between you and then a  
10 number of other individuals in Nevada, including, it appears, Mr. DeGraffenreid, Mr. Law,  
11 Ms. Hanson, Mr. Hindle, and others, discussing the content of a Nevada GOP statement  
12 on the NVGOP electoral vote.

13           And in the language of that statement, the third paragraph contains the following,  
14 quote, "there is a legitimate concern over the rightful victor in the Silver State. A court  
15 of law has failed to meaningfully evaluate the evidence and our law enforcement  
16 agencies and government officials have failed to investigate. This left our electors no  
17 choice but to send their votes for President Trump to Congress to make a determination  
18 as to who is the rightful victor of Nevada between the dueling votes."

19           What was your role, if any, in preparing the statement?

20           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment right  
21 privilege.

22           Q     Do you recall any discussions about the content of this statement before it  
23 was released?

24           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
25 privilege.

1           Q     Like I said, the statement read, quote, "A court of law has failed to  
2 meaningfully evaluate the evidence and our law enforcement agencies and government  
3 officials have failed to investigate."

4           In your understanding, what did that mean?

5           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment right  
6 privilege.

7           Q     The language also contains the claim that electors, quote, "Had no choice  
8 but to send their votes for President Trump to Congress to make a determination as to  
9 who is the rightful victor of Nevada between the dueling votes."

10          In your view, is that statement consistent with the belief that the electoral votes  
11 were meant to be provisional?

12          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
13 privilege.

14          Q     In your view, is that language consistent with a belief that litigation was still  
15 ongoing with respect to the election results in the State of Nevada?

16          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
17 privilege.

18          Q     In the lowest paragraph in this statement, a statement that is directly  
19 attributed to Nevada Republican Party Chairman and Presidential Elector Michael J.  
20 McDonald -- so, you, Mr. McDonald -- it says, quote, "The people of Nevada did not have  
21 a fair election due to the irregularities and fraud seen throughout the State. With  
22 ongoing challenges and evidence left to be meaningfully investigated, we must submit  
23 our electoral votes for the rightful victors and allow Congress to make a determination."

24          Did you have any role in the preparation of this statement before it was released?

25          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment

1 privilege.

2 Q When the statement refers to "ongoing challenges and evidence left to be  
3 meaningfully investigated," what did that mean?

4 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
5 privilege.

6 Q When the statement says that we must, quote, "allow Congress to make a  
7 determination," in your view, is that consistent with an understanding that the electoral  
8 votes you cast were provisional?

9 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
10 privilege.

11 Q And is it consistent with an understanding that litigation was still pending  
12 with respect to the election results in Nevada?

13 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
14 privilege.

15 Q So based on the documents that you produced, Mr. McDonald, I understand  
16 that you mailed the electoral ballots and all of the accompanying documents on the same  
17 day as the ceremony, December 14th, 2020. Is that correct?

18 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
19 privilege.

20 Q What was the significance of sending the ballots on December 14th, in your  
21 understanding, if any?

22 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
23 privilege.

24 Q Why didn't you wait to send the ballots until after the resolution of any  
25 ongoing disputes about Nevada's election outcome?

1           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
2 privilege.

3           Q    Did you have any discussions about this question with anyone from the  
4 Trump administration, Trump campaign, or RNC?

5           A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
6 privilege.

7           Q    Okay. We're almost done. I only have one set of issues I'd like to cover  
8 quickly before we conclude, and this relates to Members of Congress.

9           We understand that Members of Congress reached out to members of the Nevada  
10 State Republican Party before January 6th, 2021, in order to collect evidence of election  
11 fraud in advance of the joint session of Congress that was supposed to take place on that  
12 day. Is that accurate?

13          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
14 privilege.

15          Q    To your knowledge, which Members of Congress or their staffs reached out  
16 seeking information about election fraud?

17          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
18 privilege.

19          Q    What, if anything, did they say about how they intended to use the  
20 information that you would provide them?

21          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment  
22 privilege.

23          Q    What, if anything, did they say about what they intended to do during the  
24 joint session of Congress on January 6th?

25          A    Based on advice from my attorney, I'll be invoking my Fifth Amendment

1 privilege.

2 Q Do you know what information you or others in Nevada provided to them  
3 related to these issues?

4 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
5 privilege.

6 Q Did you have any other contacts with Members of Congress, members of the  
7 Trump White House, Trump campaign, or RNC regarding the joint session on January 6th?

8 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
9 privilege.

10 Q Let's turn to exhibit 37. This is a document from Mr. DeGraffenreid's  
11 production, ending in 544. This appears to be a December 18th, 2020, text message  
12 between Mr. DeGraffenreid and Mr. Meehan. And in it Mr. DeGraffenreid wrote, quote:  
13 I was heartened to see this a couple of days ago. Andy Biggs, who signed onto the  
14 letter, has reached out to NV to ask about our evidence.

15 Are you aware of any communications between Representative Biggs and you or  
16 others related to evidence of election fraud during this time?

17 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
18 privilege.

19 Q Do you know what information he was seeking as part of these  
20 communications?

21 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
22 privilege.

23 Q To your knowledge, did you or anyone else provide him with information  
24 related to election fraud?

25 A Based on advice from my attorney, I'll be invoking my Fifth Amendment

1 privilege.

2 Q To your knowledge, did any other House Member reach out to anyone in  
3 Nevada related to evidence of election fraud?

4 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
5 privilege.

6 Q We will now turn to exhibit 38. This is another document from  
7 Mr. DeGraffenreid's production, ending in 579. This appears to be a December 20th,  
8 2020, text message exchange between Mr. DeGraffenreid, you, and a Jolette Gowens.

9 It looks like Mr. DeGraffenreid sent a link to a press release from Representative  
10 Brooks' office, and he wrote: "it's likely that this is what was behind the phone call from  
11 AZ." And then, quote, "Sounds like they're doing their homework in advance of  
12 January 6th."

13 What, if you know, was the phone call from AZ that Mr. DeGraffenreid was  
14 referring to here?

15 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
16 privilege.

17 Q If you know, what did he mean when he said that House Members were,  
18 quote, "doing their homework in advance of January 6th"?

19 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
20 privilege.

21 Q And at that time, what did you understand their strategy, if any, to be with  
22 respect to the joint session on January 6th?

23 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
24 privilege.

25 Q Next let's turn to exhibit 39. This is a document from Mr. DeGraffenreid's

1 production, ending in 564. And it is a December 29th, 2020, exchange between him and  
2 Janet Freixas, although I'm sure I have just mispronounced that name.

3 But in it Ms. Freixas wrote, quote: has anyone put anything on the record that  
4 the Democrats' ballots were filed inappropriately?

5 And then Mr. DeGraffenreid responded, quote, "I believe that's still a day-of  
6 objection by Congress. It has been shared with the objectors."

7 Do you know what the reference to Democratic electoral votes being filed  
8 inappropriately was?

9 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
10 privilege.

11 Q Mr. DeGraffenreid indicated that that information had been shared with the  
12 objectors. Do you know who the objectors referenced here were?

13 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
14 privilege.

15 Q Other than the individuals that I've just asked you about, what objectors had  
16 you or others in Nevada been in contact with in advance of the joint session on  
17 January 6th?

18 A Based on advice from my attorney, I'll be invoking my Fifth Amendment  
19 privilege.

20 [REDACTED]. Okay. I have just a few more final concluding questions. But  
21 before I ask them, [REDACTED], please let me know if you have any other questions  
22 that you'd like to ask.

23 [REDACTED]. No.

24 [REDACTED]. Great.

25 BY [REDACTED]:

1           Q     So, Mr. McDonald, is there anyone that we should talk to in order to learn  
2 more about the issues that we have discussed today?

3           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
4 privilege.

5           Q     If you know, are there other sources of information that would be helpful for  
6 us to collect?

7           A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
8 privilege.

9           Q     And are there any issues that we haven't discussed today that you think  
10 would be relevant for us to pursue?

11          A     Based on advice from my attorney, I'll be invoking my Fifth Amendment  
12 privilege.

13          [REDACTED]. Those are all the questions that I have. So I'll just conclude by  
14 thanking you, Mr. McDonald, for your time. We appreciate you meeting with us.

15          And I think we can go off the record.

16          [REDACTED]. So, before we do that, though, so we are going to recess, subject to  
17 the call of the chair.

18          So the committee does not at this time have any expectation or intention of  
19 calling Mr. McDonald back, but we're doing this just as a procedural mechanism in the  
20 event that either we learn of additional information that causes us to need to ask  
21 additional questions or his position regarding invocation of the Fifth Amendment should  
22 change and such that he's willing to answer our questions.

23          Mr. Wright. Very good.

24          Mr. Hardy. Understood. And then after this, we'll be getting a link, a new link, I  
25 think, to the next one. Is that correct?

1 [REDACTED] That's correct.

2 [REDACTED] That's right.

3 Mr. Hardy. Okay.

4 [REDACTED] So I guess we'll now go off the record.

5 [REDACTED] That's right.

6 [Whereupon, at 12:42 p.m., the deposition was recessed, subject to the call of the

7 chair.]

1 Certificate of Deponent/Interviewee

2

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.

6

7

8

9

10 Witness Name

11

12

13

14

Date