

**NOMINATION HEARING OF DANA LINDENBAUM
TO BE A COMMISSIONER ON THE
FEDERAL ELECTION COMMISSION**

HEARING
BEFORE THE
**COMMITTEE ON RULES AND
ADMINISTRATION**
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS
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C O N T E N T S

	Pages
OPENING STATEMENT OF:	
Hon. Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota	1
Hon. Roy Blunt, a United States Senator from the State of Missouri	3
Dara Lindenbaum, Nominee to be a Member of the Federal Election Commission	4
PREPARED STATEMENT OF:	
Dara Lindenbaum, Nominee to be a Member of the Federal Election Commission	18
MATERIALS SUBMITTED FOR THE RECORD:	
Recommendation Letter from various Organizations to confirm Dara Lindenbaum as a Commissioner on the Federal Election Commission	20
QUESTIONS SUBMITTED FOR THE RECORD:	
Hon. Amy Klobuchar, Chairwoman, a United States Senator from the State of Minnesota to Dara Lindenbaum, Nominee to be a Member of the Federal Election Commission	24
Hon. Roy Blunt, a United States Senator from the State of Missouri to Dara Lindenbaum, Nominee to be a Member of the Federal Election Commission	25
Hon. Ted Cruz, a United States Senator from the State of Texas to Dara Lindenbaum, Nominee to be a Member of the Federal Election Commission	26

**NOMINATION HEARING OF
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WEDNESDAY, APRIL 6, 2022

UNITED STATES SENATE
COMMITTEE ON RULES AND ADMINISTRATION
Washington, DC

The Committee met, pursuant to notice, at 3:17 p.m., in Room 301, Russell Senate Office Building, Hon. Amy Klobuchar, Chairwoman of the Committee, presiding.

Present: Senators Klobuchar, Blunt, King, Ossoff, Cruz, Fischer, Hyde-Smith, and Hagerty.

**OPENING STATEMENT OF HONORABLE AMY KLOBUCHAR,
CHAIRWOMAN, A UNITED STATES SENATOR FROM THE
STATE OF MINNESOTA**

Chairwoman KLOBUCHAR. Good afternoon. I call to order this hearing of the Committee on the Nomination of Dara Lindenbaum to be a Commissioner on the Federal Election Commission, the independent agency responsible for enforcing the Federal campaign finance laws. This Committee's last hearing on FEC nominees in November 2020 included two Republicans and one Democrat who were later confirmed by the Senate to restore a quorum to the Commission. We handled it well in the Committee and it got done. Just would like to point that out. That was my paraphrasing of the situation.

Now we are considering Ms. Lindenbaum's nomination to fill the seat being vacated by Commissioner Walther. The FEC is charged with a critical role in ensuring accountability in our system of government, and it was established by Congress in the wake of the Watergate scandal to restore the public's faith in our electoral processes, to make it clear that in America, politicians must play by the rules so that the votes of the people decide our elections.

Now, 47 years later, the work of the FEC is as important as ever. The 2020 election cycle was the most expensive in history. Total spending was over \$14 billion, and \$8 billion was spent on political advertisements alone. Too many voters feel like their voices are being drowned out. At the same time, the Commission is facing the challenges that arise given rapidly evolving technologies and the ongoing threat of foreign interference in our elections. It is a big and important job. But Dara Lindenbaum is an excellent nominee who is more than capable of taking it on.

Ms. Lindenbaum has extensive experience in election and campaign finance law with years of experience working for a civil rights nonprofit and in the private sector. She also has firsthand experience at the FEC, where she worked as a law clerk early in her legal career, and her work representing clients before the FEC would enable her to bring an important perspective to the Commission. She is both well-qualified and well-respected.

Last week, we received a letter from 30 of the Nation's top campaign finance lawyers. The letter enthusiastically, that is their words not mine, recommends Ms. Lindenbaum's confirmation, and it is signed by Republicans, Democrats, and Independents, including Lee Goodman, a former Republican Chairman of the FEC, and Karl Sandstrom, a former Democratic Commissioner. In the letter, these attorneys praise her as a thoughtful and conscientious advocate and a genial and inclusive colleague.

I agree with their conclusion that she will be an excellent addition to the Commission. Without objection, I will submit this letter to the record. I will submit it. No objection because he is so genial.

[The information was submitted for the record.]

Chairwoman KLOBUCHAR. Ms. Lindenbaum learned about Republicans and Democrats getting along at a young age from her own family. Growing up, her parents supported different political parties. Every Election Day, she would take two trips to the polling place, one with her mom and one with her dad. Her parents, Sandy and Lesley, are both with us here along with her husband, Jonathan. But I understand that for some reason you did not think, Dara, that it would be a good idea to bring your three year old twins here.

Her parents' example will serve her well on the Commission, which has suffered from partisan divides and stalemate. As we know, no more than three Commissioners can be from the same political party, but it requires four votes to take most actions. When votes consistently fall along party lines, very little gets done. It sounds a little like this place with the tie.

For example, the FEC has not enacted any major disclosure rules or internet regulations in over a decade. Hundreds of enforcement cases have been left unresolved. This is not fair to the candidates of any party or to the public. While I continue to urge my colleagues to pass legislation to address some of these issues, it is also up to the Commissioners to figure out ways to work across party lines and find bipartisan agreement.

I know that Ms. Lindenbaum is up to the task and look forward to hearing more today about how she will work with fellow Commissioners on the Federal Election Commission. As everyone on this Committee knows, we can never take our democracy for granted, and elections—and our election laws that enforce them—is a big part of that.

We certainly feel that, as our hearts and our minds today are with the people of Ukraine who are literally putting their lives on the line to protect their democracy. Our job is not only to help them, but also to support our democracy here at home by making sure that we have an agency that fulfills its mission to protect the integrity of the federal campaign finance process, and in so doing, to keep our democracy strong.

I am confident that you are up to this challenge, and I look forward to hearing from you today. I will now turn it over to Senator Blunt for his opening statement.

OPENING STATEMENT OF HONORABLE ROY BLUNT, A UNITED STATES SENATOR FROM THE STATE OF MISSOURI

Senator BLUNT. Well, good afternoon and thank you, Chair Klobuchar, for calling this hearing together. I agree with you, it is an important hearing, and I want to thank my colleagues for joining us today. Some are here in person, others I think virtually. I also want to welcome our nominee to today's hearing. Dara Lindenbaum is the president's nominee to be a member of the Federal Elections Commission.

I am glad to see her family and friends here today, as well as others, including those three year old twins who are watching virtually and welcome them as well. They may very well remember more of this when you remind them in the future than you think they might today.

In late 2020, as Chairwoman mentioned, this Committee gathered to confirm three nominees to restore a quorum to the FEC. I was Chairman at the time and gave my commitment that we would get to that fourth nominee soon, and more importantly, a full slate of nominees really for the first time since February 2017 at the time. But this will be the first time in years that a majority of those serving on the Commission were not on hold-over status.

The nominee presents another opportunity to do that. In fact, the person she will replace, the Commissioner she will replace has been on hold-over status for nearly 13 years. It is no wonder that people look at the FEC and wonder why it does not get more attention, and we have given it that attention, I hope, and I think that attention with good nominees.

Returning the FEC to a full slate of Commissioners has already allowed the Commission to continue its important work of holding hearings and making new rules, issuing advisory opinions, conducting investigations, and approving enforcement actions. Now, with a full slate, the agency has been able to do that, but it needs to work through the backlog of work that has piled up during the absence of a quorum. The FEC does not stop with this appointment, certainly. When a single Commissioner departs the agency, there are still Commissioners there to do the job.

The Federal Election Commission plays a vital role for campaign finance committees. As a former Secretary of State, I worked with the FEC on a regular basis, and since that time I have run in many Federal elections and I know how important a fully functioning FEC is to Federal candidates who need to avail themselves of the FEC's guidance, who need advisory opinions. I also know it is important to the stability of the agency and the regulated community to have a full set of Commissioners.

I look forward to hearing about our nominee's campaign finance experience, her views on the FEC's operations and priorities, and how she would approach the role of Commissioner. Again, thank you, Ms. Lindenbaum, for being willing to serve and being with us here today, and I appreciate the chance we had to talk just a few days ago.

Chairwoman KLOBUCHAR. Very good. Thank you so much, Senator Blunt. I will now introduce our witness and our nominee, Ms. Dara Lindenbaum, who is, of course, the nominee to be a Commissioner on the Federal Election Commission.

Ms. Lindenbaum is a partner at Sandler Reiff Lamb Rosenstein & Birkenstock, where she has worked since 2013. Previously, she worked at the Lawyers Committee for Civil Rights Under Law, where she focused on election law and voting rights. She holds a bachelor's degree from Northeastern University and a law degree from George Washington University.

I will now swear in our nominee. Want to stand? Ms. Lindenbaum, if you would raise your right hand. Do you swear that the testimony you will give before the Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Ms. LINDENBAUM. Yes.

Chairwoman KLOBUCHAR. Thank you. You can be seated, and you are now recognized for five minutes.

OPENING STATEMENT OF DARA LINDENBAUM, NOMINEE TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION

Ms. LINDENBAUM. Chairwoman Klobuchar, Ranking Member Blunt, and Members of the Committee, thank you for the opportunity to appear before you today as President Biden's nominee for the position of Commissioner on the Federal Election Commission. It is an honor to be here.

I would like to take a moment and introduce my family here with me today: my husband Jonathan, my parents Lesley and Sandy, aunt Marcy and uncle Randy, my quasi-uncle John, my brother David, my rock Freeman, and last but certainly not least, my best friend Amy.

Here with me in spirit are my grandmother Joan Sircus, who is watching with her entire temple in Florida, Sam Mars, who would have loved to be here to support me today, and as you said, my three year old daughters, Isabel and Zoey, who are probably not watching this hearing, but maybe one day we will show it to them.

I am eternally grateful to them, to my family and friends watching from home, my mentors and colleagues at Sandler Reiff Lamb Rosenstein & Birkenstock, and my mentor and Professor Spencer Overton, and everyone who has helped me get to this moment. I am also honored to have the support from bipartisan colleagues with whom I have worked throughout my career. I would not be here today without all of their encouragement.

As Senator Klobuchar said, I grew up with parents on both sides of the aisle. While that meant we had some spirited debates around the dinner table, the one thing they have always agreed on is the importance of voting. As a child, I got to take two trips to the polls on election days, one with mom and one with dad, and my parents instilled in me and my brother this core value of active participation in our democracy, and I have dedicated my career to the furtherance of this country's promise of civic engagement.

If I am so fortunate as to be confirmed to the FEC, I will stand on this foundational belief, bringing with me my experience as a practitioner for over a decade, working with candidates, campaigns, political action committees, vendors, donors, and voters. Through-

out my work in local, state, and federal elections, I bring a unique understanding of the complex systems and policies, candidates, and campaigns put in place to be in compliance with the law, the obstacles that are faced by all in the regulated community, and the importance of clear, transparent rules.

I take the core mission of the FEC to heart, to protect the integrity of the Federal campaign finance process by providing transparency and fairly enforcing and administering Federal campaign finance laws. As Senator Blunt has said, we need the FEC to work so that candidates can run in a way that allows the discourse of the campaign to occur, while protecting the system from those operating outside of the law.

If confirmed, I intend to be a consensus builder. I am honored to have the support from practitioners on both sides of the aisle. Both as a lawyer as well as a mother of three year old twins for whom I have to adjudicate disputes, I know that consensus will not come easily, but we must make every effort that we can. The consideration of the facts and the law in front of me will be my guideposts as I seek to provide clarity to the regulated community, increase transparency, and collaborate with my fellow Commissioners to further the important mission of the FEC.

It will be my duty to instill public confidence in the integrity of our system in a bipartisan manner, as directed by Congress. You have my commitment that, if confirmed, I will treat every party with business before the Commission fairly, objectively, and without prejudice or bias. It would be an honor to serve as Commissioner on the Federal Election Commission, and I look forward to taking your questions.

[The prepared statement of Ms. Lindenbaum was submitted for the record.]

Chairwoman KLOBUCHAR. Well, thank you so much, Ms. Lindenbaum. We of course, greet your grandma's temple from Florida. Right, Senator Blunt?

Senator BLUNT. Absolutely.

Chairwoman KLOBUCHAR. Yes, exactly. We are very excited they are watching. You know, we do not get a lot of people watching this all the time, so we are pretty excited. Now, first of all, you have spent your career in election and campaign finance law, including appearing before the FEC as an attorney, working there as a law clerk. Why do you want to serve on the FEC at this point in your career?

Ms. LINDENBAUM. It has been my life's work to bolster confidence in the election system and make sure that those eligible to participate can. A functioning FEC instills public confidence in the integrity of our system and allows candidates, campaigns, and other political actors to speak. It protects the system from those who operate outside of the law and allows voters to obtain the information they need to make informed decisions at the voting booth.

If confirmed, my experience as a practitioner working across the regulated community will further the FEC's critical mission to protect the integrity of the Federal campaign finance process by providing transparency and fairly enforcing and administering the laws.

Chairwoman KLOBUCHAR. Thank you. Like some of our other nominees, including Republican nominees in the past, as an attorney you have represented many clients, and I understand you have entered into an agreement with the FEC's designated ethics officials on how to handle potential conflicts of interest, including through recusal in some cases. Will you commit to following the terms of that agreement and the advice of the agency's ethics officials if you are confirmed?

Ms. LINDENBAUM. Yes.

Chairwoman KLOBUCHAR. Okay, thank you. The FEC, as we have noted, has an even number of Commissioners limited to no more than three from a single political party, and that frequently leads to a stalemate that can hamstring the Commission from initiating investigations, approving rulemakings, and issuing advisory opinions—some of the things we have talked about here with rules about the new dawn of the internet, which was many decades ago. Just talk to me about how you will commit to working with your colleagues in an effort to find consensus to ensure that critical rulemakings and enforcement proceedings can move forward regardless of what party the candidate whose case may be before you is from.

Ms. LINDENBAUM. Thank you for that question. As you said, the only way for the FEC to function is for the Commissioners to work together across the aisle to find consensus. I start by coming with a position of respect. I am proud to have the bipartisan support of 30 of my colleagues in the political law community, some of whom I have even opposed in court and in recounts.

That position of respect is one I try to bring to everything that I do. If confirmed, my general process will be to figure out where we can find common ground, what our sticking points are, and where there is actual room for movement.

Chairwoman KLOBUCHAR. Very good. One area where we have seen bipartisan consensus coming out of the Commission is on the issue of fraudulent fundraising practices. In recent years, we have seen the emerging threats posed by scam PACs—groups pretending to fundraise for candidates and then they pocket the money.

I have heard many of my colleagues on both sides of the aisle talk about it. Senator King and I are working on legislation to address this issue. Do you agree that the threats posed by these scam PACs are serious and that action should be taken?

Ms. LINDENBAUM. Yes, absolutely.

Chairwoman KLOBUCHAR. Okay. Following the 2020 election, we have seen a dramatic increase in threats against both election officials and Members of Congress. Last year, Capitol Police responded to over 9,000 threats against Members, nearly double the number of threats faced by Members of Congress just three years ago.

In March 2021, the FEC issued guidance clarifying that Members can use campaign funds for personal security. Can you speak to the importance of this guidance in light of the rise in threats that we are seeing?

Ms. LINDENBAUM. Yes, and thank you for this. This is one that I really do care about, especially working with candidates, and that is that candidates need to be protected. It is an unfortunate part of what is happening right now that there are threats and legiti-

mate reasons to believe that somebody, be it a candidate or staff or the campaign itself, may have threats.

I think it is important that campaigns and candidates be able to use their campaign funds, but also make sure that those that do not have their own personal funds have the ability to find another source to actually pay for their security.

Chairwoman KLOBUCHAR. Alright. Thank you. We are continuing to look in more ways for security payments, but that is for another day. Senator Blunt.

Senator BLUNT. Thank you, Chair. Ms. Lindenbaum, you have had a lot of experience before the FEC. Are there times when you have been particularly frustrated, or from your personal experience as a person that has dealt with the FEC a lot, what kind of things do you think the FEC could do that would be more helpful to campaigns and candidates and the people that represent campaigns and candidates?

Ms. LINDENBAUM. Sure. Thank you for that. One of the frustrations that I think we face as practitioners and that candidates face is time. A complaint is filed, and it could take years to be adjudicated. That complaint is hanging over that candidate's head, that campaign's head. In the event of a candidate who is no longer running, they cannot close their committee until after the case is closed.

I think that is kind of a broader matter, and one the Commission is really working on, especially since it has found a new quorum, on speeding that along. But there is also practical things, and I think that being a resource for those in the regulated community, having a way to answer questions, which the FEC is starting to do, are other ways that you can really improve the process, make it easier for candidates, especially candidates that may not have the funds to spend on lawyers to work through the process.

Senator BLUNT. On the whole idea of the files and the time it takes to process this, and I think we have both mentioned and I know I mentioned in my comments the importance of clearing through this backlog, but I have heard recently that the FEC is not always voting now to close files when they have reached a final determination.

It seems to me that that is—it is unnecessary to have a file out there that is still available to the public if, or other attorneys, if the FEC has made a final decision on that. What is your view on whether these files that have been decided on, how should they be—how should they be handled?

Ms. LINDENBAUM. I believe they should be closed.

Senator BLUNT. Okay, good. You will commit to advocating for that?

Ms. LINDENBAUM. Yes.

Senator BLUNT. As a member of the Commission? On—Senator Klobuchar mentioned your work and your agreement to step back if you have had—if you have done legal work for campaigns that have a case—what is, give me the broad outlines of that for both the people you have represented and if there are any outlines for others that your firm has represented. Just share that with us, would you?

Ms. LINDENBAUM. Sure. Under that agreement, I would have to recuse myself for a period of two years from any candidate that I have done work with or, any client. Two years for any matter that involves one of my—that involves Sandler Reiff.

Senator BLUNT. Okay. Then what if you had a question after that? How would you resolve that?

Ms. LINDENBAUM. If I have a question after that, I would go and bring that question to the Ethics Council and ask for their opinion, and I would follow that opinion.

Senator BLUNT. Good. As long as—where your personal opinions are concerned, in the past we have heard concerns about Commissioners advocating for certain legislation or commenting on potential investigations appearing to establish their own view of this before they deal with the case. What is your view of your role as a legislative advocate or making comments on things that might appear before the Commission?

Ms. LINDENBAUM. If I am confirmed, I certainly am aware that the role is to be a regulator, not a lawmaker. I would not intend to go outside those bounds. I cannot speak to other Commissioners, but what I can say is what I would do, which is stick to enforcing the law and regulating the law as written by Congress, not as I would want it to be. In addition, I would be working with my fellow Commissioners on the yearly unanimous recommendations that they make to Congress. I would see that as the extent to my advocacy.

Senator BLUNT. How important do you think unanimity is at the FEC?

Ms. LINDENBAUM. I think unanimity would be fantastic as often as we can find it. There are many issues that they do find full agreement on.

Senator BLUNT. What about your approach to implementing legislation that you do not agree with, your past support for changing certain campaign finance policies or other things, how would you deal with those kinds of issues?

Ms. LINDENBAUM. Well, I certainly respect the different role between the role as a private lawyer versus the role as a Commissioner, should I be confirmed. My job, if confirmed, would be to enforce and regulate the law as written by Congress and interpreted by the courts, not what I want it to be.

Senator BLUNT. Thank you. Thank you, Chair.

Chairwoman KLOBUCHAR. Thank you very much, Senator Blunt. Senator King.

Senator KING. Thank you, Madam Chair. To follow-up on Senator Blunt's questions, there is no question about your past affiliation with the Democratic Party or Democratic candidates. Some would argue that this Commission is set up to be deadlocked. The only way to avoid that is the personal interaction among the Commissioners.

Do you have any thoughts about how you as a new individual joining the Commission can try to help break the deadlock in terms—by working to find compromise, to find consensus solutions to some of these issues? Because if the FEC is continued—if the FEC is continually deadlocked, it cannot perform its function.

Ms. LINDENBAUM. Yes, Senator, thanks. It is something that I have thought quite a bit about, it is one of the most important things for me coming into the Commission, to see what I can do to be a consensus builder. I intend to come in with a position of respect for my fellow Commissioners on both sides of the aisle. I also have a letter of support from 30 of my fellow practitioners from both sides of the aisle that can—that speaks to my ability to work well with others and to respect each other's opinion.

I think that letter and that support from my colleagues in this community gives me a baseline and a level of understanding in good faith to go into these conversations so that my fellow Commissioners know that I am on, you know, the same page and we all are trying to further the mission of the agency, and to provide transparency to the public, and provide clear rules to those in the regulated community.

Again, the heart of it is coming to a position of respect. Finding out what areas we can all agree on and what areas there is some movement on.

Senator KING. Do you consider yourself a Democratic Commissioner or a Commissioner?

Ms. LINDENBAUM. I would be filling a Democratic seat, but my—I believe that I am coming in without any bias. Everyone in front of me will have a fair hearing, no matter what party they are from or what their policy positions are.

Senator KING. Thank you. Thank you, Madam Chairwoman.

Chairwoman KLOBUCHAR. Very good. Senator King, the independent Member of our Committee.

Senator KING. You managed not to use the word independent, but that is okay.

[Laughter.]

Chairwoman KLOBUCHAR. It is a gauntlet, and you are still okay by the way.

Ms. LINDENBAUM. Thank you.

Chairwoman KLOBUCHAR. Yes. Okay, Senator Hyde-Smith.

Senator HYDE-SMITH. Thank you, Madam Chairwoman. Thank you for being here today, and it is lovely that you have your family with you to support you. This is a really important day. I so much appreciated your comments and your testimony about your desire to be a consensus builder on the Federal Elections Commission, if you are confirmed, and I appreciated hearing your commitment to instill public confidence in the integrity of our system in a bipartisan manner. Why is it especially important that FEC in particular operate by consensus and in a bipartisan manner?

Ms. LINDENBAUM. I think that the way I would address that is that there are two major reasons. One is because of the way that Congress designed the Commission, the only way for it to work and take action is for it to come to bipartisan agreement.

But then on a different level, I think for candidates and others in the political community, the only way you can campaign and the only way you can reach the public is knowing that you are operating under the same rules as the others that you are competing against. The way to do that is to know that those regulating your campaigns are going to do so in a bipartisan and unbiased manner.

Senator HYDE-SMITH. Thank you for that answer. Part of ensuring that the FEC is fair and without bias is ensuring that the Commissioners do not have a conflict of interest in matters that come before the Commission.

As I understand it, you are currently the General Counsel for Stacey Abrams' campaign for Governor in Georgia. If a matter came before the Commission involving her particular campaign or any other campaign you have been involved in, would you recuse yourself from those issues? Why or why not?

Ms. LINDENBAUM. Yes, I would follow the ethics agreement that requires that I recuse myself for any matter involving a current client or anything involving my firm for a period of two years. If after that two year period there is some reason to believe that there could be any kind of conflict, I would go to the Ethics Council and take any advice that—or follow their opinion.

Senator HYDE-SMITH. Thank you. Thank you, Madam Chairwoman.

Chairwoman KLOBUCHAR. Thank you very much. Next online with us is Senator Ossoff. Oh, he is having a technical issue, so I will filibuster for a second, and—right, go ahead, Roy.

Senator BLUNT. Just a couple of more questions. The FEC is subject to a great deal of litigation. You know, part of that is just to prove your outrage that the FEC voted against you—there are other litigation as well. But recently, there have been instances where the agency has defaulted in litigation against it. How—what would be your view of defending the agency's decisions once they have been made?

Ms. LINDENBAUM. I think it is important for an agency to defend itself in court. It does a number of different things, including building a record.

Senator BLUNT. Do you think there would—are there circumstances that come to mind where you would think that it would be appropriate not to litigate and just default?

Ms. LINDENBAUM. Nothing comes to mind.

Senator BLUNT. You believe the Commissioners' votes on whether or not to defend the FEC in court should be made public?

Ms. LINDENBAUM. I do.

Senator BLUNT. Thank you.

Chairwoman KLOBUCHAR. I have got one. Let me know when Senator Ossoff is on. As you know, when reviewing an FEC complaint, four Commissioners need to find a reason to believe that there has been a campaign finance violation in order for the complaint to proceed.

The consistent pattern of FEC votes that deadlock along party lines has resulted in the Commission often being unable to fulfill its enforcement role and enforce the law. If confirmed, how would you approach determining whether there is a reason to believe that a campaign finance violation has occurred?

Ms. LINDENBAUM. Sure. I would take every case in front of me with respect and view the facts and the law in front of me before making a decision. To—the reason to believe standard is one that has been relatively open to interpretation and Commissioners are still working through it.

But in my opinion, there needs to be a reason to believe that a violation occurred based on sufficient evidence in order to take on an investigation. It is important that the FEC and the Commissioners understand the weight that comes into play if an investigation is launched, and we need to take care in making those kinds of determinations.

Chairwoman KLOBUCHAR. Okay, very good. Thank you. A lot going on up here, noises in the hallway. I did not mean you, Senator Cruz. I know you are here. Senator Ossoff is online and then we will hear from Senator Cruz.

Ms. LINDENBAUM. Great.

Senator OSSOFF. Thank you, Chair Klobuchar, Ranking Member Blunt. I am sorry I am not there in person. Just between meetings here in the office. Thanks for making this option available. Ms. Lindenbaum, congratulations on your nomination. Thank you for joining us. First question for you, and I am sure some of this has been covered, but I want to dig in a little bit deeper as to understand your approach to disclosures for digital electioneering communications and political advertisements, please.

Ms. LINDENBAUM. Sure. You know, campaigns are operating in an environment that is ever changing. You, as Congress, are doing your best to keep up with those changes and those evolutions that we see in every election.

It is the FEC's job to ensure that they are keeping up with those changes, to the extent the Commission has the legal authority to do so. It is crucial that we maintain the technological flexibility while providing the public with the transparency so they can make informed decisions.

Right now, there is a pending rulemaking that my understanding is there may be some agreements among the Commissioners that can actually get passed. It has taken a number of attempts. But I will be working with my fellow Commissioners, if I am confirmed, to try to find consensus and to make sure that the law and the regulations that are being put forward are ones that are straightforward, clear, and can be complied with without making it impossible to take advantage of new technologies out there.

Senator OSSOFF. Thank you. Let's discuss how you will maintain impartiality as a member of a body whose members are often at least publicly deemed to have some partisan affiliation. Your obligation will be to apply relevant law and rules impartially without regard for personal political preferences or partisan affiliation, correct?

Ms. LINDENBAUM. Yes.

Senator OSSOFF. Will you do so?

Ms. LINDENBAUM. Yes.

Senator OSSOFF. How will you ensure that you remain substantively impartial and avoid taking any action that would damage the public's confidence in your impartiality?

Ms. LINDENBAUM. My guideposts will be the facts and the law in front of me. I will take every case on its own merits and without taking into account who the respondent is or what the matter involves. I am honored to have the bipartisan support from colleagues in the political law community, and who I have even op-

posed in court and who trust and respect, that I will, if confirmed, that I will do so in a nonpartisan and unbiased manner.

Senator OSSOFF. Thank you. Congratulations again on your nomination. Madam Chair, I yield back.

Chairwoman KLOBUCHAR. Senator Cruz.

Senator CRUZ. Thank you, Madam Chair. Ms. Lindenbaum, welcome.

Ms. LINDENBAUM. Thank you.

Senator CRUZ. There have been consistent concerns about public confidence in the security of our elections. Do you agree that those concerns are legitimate?

Ms. LINDENBAUM. I think many of the concerns are legitimate.

Senator CRUZ. Do you think that criticizing an election as stolen, or otherwise invalid, undermines the public faith in the democratic process?

Ms. LINDENBAUM. Well, I should say first, Senator, that these matters, the election security matters are outside the purview of the Federal Election Commission, which is solely focused on campaign finance issues and not the issues of election administration, the machines, or what have you.

Senator CRUZ. Okay, with that caveat, let me ask the question again. Do you think that criticizing an election is stolen undermines faith in the democratic process?

Ms. LINDENBAUM. I think it can. I think it depends on the context involved.

Senator CRUZ. Who won the 2018 Georgia Governor's race?

Ms. LINDENBAUM. Brian Kemp.

Senator CRUZ. Did his opponent, Stacey Abrams, concede the 2018 gubernatorial election?

Ms. LINDENBAUM. Yes.

Senator CRUZ. When?

Ms. LINDENBAUM. I believe it was nine days after. She gave a speech where she acknowledged that Brian Kemp won the election and she said that, you know, her assessment was that the law currently allowed no further viable remedy. She said she could keep the case—the contest going but did not want to hold public office if it meant scheming her way into the post. During that speech, she said that the election was over, and acknowledged that she did not win.

Senator CRUZ. I guess I am a little bit puzzled by that answer because you said she conceded nine days after the election. But you filed a complaint in Federal court on behalf of Stacey Abrams on November 28th, which was 10 days afterwards.

In the complaint, you sought to permanently enjoin the Secretary of State and the State Election Board and declare Georgia's election process unconstitutional and in violation of Federal law. Is that right?

Ms. LINDENBAUM. Well, again, Senator, I do need to say that any of these matters fall outside the purview of the Federal Election Commission. I would also say that that is not actually what the case did. It was not on behalf of Stacey Abrams. It was on behalf of Ebenezer Church, which is a historic church in Georgia, another—a number of AME churches and Fair Fight Action and Care in Action. Stacey Abrams is not an individual plaintiff in that case.

Senator CRUZ. Okay, but you were seeking an election victory for her. In fact, as part of the complaint, you argued that Georgia's electronic voting machines were, "insecure and unreliable." Is that correct?

Ms. LINDENBAUM. That was an argument. Then the next year and in the 2020 election, the machines were changed. Those machines in 2018 were DRE machines with no paper trail. In 2019, the end of 2019, Georgia purchased new machines and the 2020 machines were optical scan machines with a paper trail.

Senator CRUZ. The complaint you filed argued that the machines in 2018 actually switched votes for Abrams to vote for Kemp, is that correct?

Ms. LINDENBAUM. The complaint, I believe, had those allegations in it and those allegations were all based on affidavits and other stories from voters. The other thing I need to say, Senator, and I understand going down this line is, that case is in very active litigation. It goes to trial actually on Monday. I am very, very much limited in what I can say about it, talking about what was or is not in the complaint is one thing, but it would not be appropriate for me to go too far into this case.

Senator CRUZ. But as an officer of the court, you were willing to put your name on a legal pleading alleging that the machines used in Georgia in 2018 were switching votes illegally from one candidate to another. Is that correct?

Ms. LINDENBAUM. Yes.

Senator CRUZ. The FEC requires a majority to undertake substantive action in policymaking, and at present it is 3–3. When the FEC is sued, it must vote to defend itself. But the Democrats have begun consistently voting against the FEC doing its job, resulting in deadlocked votes, no shows in court, and default judgments.

Since 2020, the FEC has defaulted in court nine times. One case did not have a vote at all, but in the remaining eight cases, the no-show default was because the Democratic Members voted not to defend. The FEC not showing up and defending itself is troubling. Will you vote for the FEC to defend itself in suits?

Ms. LINDENBAUM. Yes.

Senator CRUZ. You are committing to this Committee that you will not participate in a blocking, a party line blocking of the FEC showing up and defending itself in suits?

Ms. LINDENBAUM. I am committed, and I believe that it is important for an agency to defend itself in court. I think it does a number of things, including establishing a record. I cannot say definitively and that there would be no possible way for that to change. I cannot foresee one sitting here today, but I do not want to make that promise to you here in the event that there is something that is completely outside the realm that I do not know about, not being in the agency at the moment.

Senator CRUZ. Thank you.

Chairwoman KLOBUCHAR. Next up, Senator Hagerty.

Senator HAGERTY. Thank you, Madam Chair. Just to follow-up on Senator Cruz's line—initial line of questioning. I myself ran against a Stacey Abrams inspired Democrat opponent in 2020. I beat her by a considerable margin, more than 20 points. She has

never conceded her loss either. This is a pattern that is very disturbing.

I would like to turn to my questions, Ms. Lindenbaum to the function at the FEC, if I might. I know that you mentioned earlier that unanimity is great to achieve when possible, but there has been a lot of discussion about deadlock among the six members of the FEC. I know that there are many times when the FEC fails to muster four votes for certain policy or enforcement activities.

Is the lack of bipartisan—if you could just give me an idea if that reveals a lack of bipartisan consensus on changing the status quo? Or is there a need to change the balance of the FEC to come out with what could be a partisan outcome?

Ms. LINDENBAUM. I think the structure is established by Congress. Should Congress decide to change the structure of the FEC, I leave that decision, of course, to Congress. I think that if I were to be confirmed, I would intend to be a consensus builder, and to work with my colleagues on both sides of the aisle to try to find common ground, to try to limit those deadlocks.

I think most importantly, when it comes to advisory opinions. Advisory opinion deadlocks are one of the biggest areas of frustration for practitioners on both sides of the aisle because we are not getting clear guidance on what we can and cannot do. You as candidates and us as your lawyers need to know how to advise you properly. I commit to you that if I am confirmed, I will be working with my fellow Commissioners to try to find as much consensus as possible, particularly on those advisory opinions.

Senator HAGERTY. But to be clear, though, do you have an opinion yourself on whether the FEC should be reduced to a five member body, or should it remain at an even number?

Ms. LINDENBAUM. I can say that I have practiced in front of—in many different states and in areas where sometimes the regulatory body may have a partisan bias and it is a hard way to practice. I again leave it to your decision if that is a change that you and Congress decide to make. But if I am confirmed, I will be following, and part of the structure established by Congress.

Senator HAGERTY. Could I turn my question, my next question is regarding hold-over Commissioners? I am sure you are familiar with that circumstance. I wanted to get your thoughts on whether you think recent practice experience is an important qualification for an FEC Commissioner.

Ms. LINDENBAUM. I think it is a great value to have. I think that my experience as a practitioner will bring quite a bit to the current Commissioners, and the knowledge of what parties go through and how rules and the laws affect them. I do not think it needs to be a prerequisite. I think there are Commissioners on the current Commission that do not have that experience but bring quite a bit of value.

Senator HAGERTY. Clearly. In fact, the seat that you are taking, I think, has been—the person before you has been there since 2009. There is a hold-over Commissioner that has been there for 15 years.

It seems to me that Congress imposed a 6-year term for a reason, and that one of the good reasons for that would be to ensure that the Commission includes recent practitioners who are familiar with

the current state of the practice, and I expect that you would believe that your recent practice experience will benefit you as a Commissioner.

I am interested to know if you think Commissioners holding over for significantly more than six years following their appointment creates the potential that they could lose perspective in terms of the current practice of campaign finance law, perspective and understanding both.

Ms. LINDENBAUM. I am sure it is possible. I can tell you that if I am confirmed, I commit to serving my full term. I also commit to staying in touch with the regulated community. That is through these rulemakings that we do and making sure that I am understanding the comments that are coming in.

Campaigns evolve by the moment, it is feeling like. The current practices are constantly changing. It is important for the Commission, no matter the makeup, no matter who is on it, to stay up to date on what is happening, to make sure that the laws and the regulations enforcing the laws are clear and match what is happening.

Senator HAGERTY. Well, I agree with that. Finally, I would like to turn to a very different subject, and that is the issue of proper disclosure, failing to truly disclose the purpose of campaign expenditures.

I think we are all familiar with the fine that the FEC announced just last week against the Democratic National Committee and Hillary Clinton's 2016 campaign for concealing their campaign disclosures regarding the funding of Fusion GPS to concoct this fabricated Steele Dossier. They did a tremendous amount of damage with this false opposition research. They did a tremendous amount of damage for years in terms of trying to undermine the credibility of a Presidential Administration.

In doing this, they called the campaign disclosure that they used called their payments to a law firm, Perkins Coie, as legal and compliance consulting, concealing the fact that they paid a subcontractor, Fusion GPS, for the purpose that I just mentioned to create this fake dossier.

I know you did not work on the case at the FEC, but generally speaking, do you agree that describing a disbursement for opposition research as legal and compliance consulting fails to clearly disclose its true purpose?

Ms. LINDENBAUM. I truly do not know enough about that case to be able to opine on that. I think it is important as a general matter that candidates and campaigns and other entities take care to report all of their expenditures. I think another important aspect is for the FEC to be clear about how you actually do reporting.

It is something that is being done. The research and analytics division puts out guides on how to file your reports and what should be reported and how it should be reported. This is evolving. If confirmed, I commit that I will work with the RAD division to make sure that is very clear to all candidates.

Senator HAGERTY. I hope that members in the practice that you participate in right now listen carefully to your comments. Thank you. Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much. I want to thank the Senators. As you can see, Ms. Lindenbaum, we do not always

have everyone just hanging out listening to a nominee. One, I think we found a good time to schedule this, but two, it is you. You have answered people's questions and I think people are genuinely interested in your nomination. I think they also are interested in the issues, as you could see, facing the FEC.

We know there have been changes in our technology and everything else, and we want the FEC to be as up to date and able to cope with elections that are happening now as opposed to elections 100 years from now. We have appreciated how you have answered questions, which are understandable, about cases you have had in the past. We have had other nominees answer similar questions about clients and the like, how you pledged to follow the ethics rules, and also your broad bipartisan support, as reflected in the letter that I put on the record. The fact that you are focused on consensus building. I think you can see interest in that from both sides of the aisle.

I look forward to advancing your nomination, and I encourage my colleagues to join me in supporting your confirmation. Senator Blunt, you want to say a few closing words here.

Senator BLUNT. Well, Chairwoman, thanks for holding the hearing today. Ms. Lindenbaum, thanks for your direct answers to the questions. I think your specific understanding, there is a difference in being an advocate as a litigant and the new role you would play, if confirmed. I look forward to supporting your nomination and was pleased to hear your determination to serve this term.

Hopefully the Congress and the—whoever is in the White House in the future, will do a better job of either re-nominating you for that new term or finding somebody else who is willing to serve so you can leave when you want to leave. But thanks.

I think your answers were direct. I think we understood them all, and I think we particularly should understand how well you seem to perceive the importance of this role and the importance of you performing the job of an FEC Commissioner, not somebody else's job, whether that is a legislative job or an advocacy job. You are stepping into a new role, if confirmed, and I hope you are.

Chairwoman KLOBUCHAR. Very, very nice. Our independent Member, you are good, Senator King? Okay, excellent. The hearing record will remain open for one week, and we say goodbye to your grandma, your twins, everyone watching. We thank your family for being with us. The hearing is adjourned. Thank you.

[Whereupon, at 4:06 p.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

Prepared Statement of Dara Lindenbaum

Chairwoman Klobuchar, Ranking Member Blunt, and Members of the Committee, thank you for the opportunity to appear before you today as President Biden's nominee for the position of Commissioner on the Federal Election Commission (FEC). It is an honor to be here today.

I would like to take a moment to introduce my family here with me today. My husband, Jonathan, my parents Leslie and Sandy; Aunt Marcy and Uncle Randy; my Uncle Jon; my brother David, my rock Freeman; and last, but certainly not least, my best friend, Amy.

Here with me in spirit are my grandmother Joan Circus who is watching with her entire temple in Florida; Sam Mars who would have loved to be here to support me today; and my three-year-old daughters Isabel and Zoey who are more interested in Peppa Pig than Mommy's hearing.

I am eternally grateful to them, my family and friends watching from home, my mentors and colleagues at Sandler Reiff Lamb Rosenstein & Birkenstock, my mentor and professor Spencer Overton, and everyone who has helped me get to this moment. I am also honored to have support from bipartisan colleagues with whom I have worked throughout my career. I would not be here today without all of their encouragement.

I grew up with parents on both sides of the aisle. While that meant we had some spirited debates around the dinner table, the one thing they have always agreed on is the importance of voting. As a child, I got to take two trips to the polls on Election Days: one with mom and one with dad. My parents instilled in me and my brother this core value of active participation in our democracy, and I have dedicated my career to the furtherance of this country's promise of civic engagement. If I am so fortunate as to be confirmed to the FEC, I will stand on this foundational belief, bringing with me my experience as a practitioner for over a decade, working with candidates, campaigns, political action committees, vendors, donors, and voters.

Through my work in local, state, and federal elections, I bring a unique understanding of the complex systems and policies candidates and campaigns put in place to be in compliance with the law, the obstacles that are faced by all in the regulated community, and the importance of clear, transparent rules.

I take the core mission of the FEC to heart: to protect the integrity of the federal campaign finance process by providing transparency and fairly enforcing and administering federal campaign finance laws. As Senator Blunt has said, we need the FEC to work so that candidates can run in a way that allows the discourse of the campaign to occur while protecting the system from those operating outside of the law.

If confirmed, I intend to be a consensus builder, and I am honored to have support from practitioners on both sides of the aisle. Both as a lawyer as well as a mother to three-year-old twins (for whom I consistently adjudicate disputes), I know that consensus will not come easily, but we must make every effort we can. The consideration of the facts and the law in front of me will be my guideposts as I seek to provide clarity to the regulated community, increase transparency, and collaborate with my fellow Commissioners to further the important mission of

the FEC. It will be my duty to instill public confidence in the integrity of our system in a bipartisan manner as directed by Congress.

You have my commitment that if confirmed I will treat every party with business before the Commission fairly, objectively, and without prejudice or bias.

It would be an honor to serve as a Commissioner on the Federal Election Commission, and I look forward to taking your questions.

March 30, 2022

VIA E-MAIL

The Hon. Amy Klobuchar
Chairwoman, Committee on Rules and Administration
United States Senate

The Hon. Roy Blunt
Ranking Member, Committee on Rules and Administration
United States Senate

Dear Chairwoman Klobuchar and Ranking Member Blunt:

The undersigned are lawyers who represent or work for organizations and candidates regulated or affected by federal campaign finance law. We are Democrats, Republicans, independents, and non-partisans. Many of us meet monthly to discuss current legal issues in campaign finance law and developments in public advocacy. These non-partisan discussions help candidates, news media, government officials, and other Americans navigate difficult and complex federal laws.

We represent diverse organizations, interests and views spanning the political spectrum – non-partisan, left, right, and center. We may find ourselves in adversarial positions in the legal or policy arena. Yet we are united in our commitment to the rule of law and the need for the agency tasked with regulating federal campaign finance laws do so fairly and impartially.

We write today to enthusiastically recommend that the Senate vote to confirm Dara Lindenbaum as a Commissioner of the Federal Election Commission. Her deep experience gained from advising clients on state and federal campaign finance and election laws would make her an excellent addition to the Commission.

Over the years, many of us have interacted with Ms. Lindenbaum. We have observed Ms. Lindenbaum to be a principled advocate for her clients and an expert on campaign finance and election law. In our interactions with Ms. Lindenbaum, we have observed her as a thoughtful and conscientious advocate for her clients. She is a genial and inclusive colleague who approaches issues with an open mind. If confirmed, we would expect Ms. Lindenbaum to take the same thoughtful approach in her consideration of matters before the Commission.

As practitioners in this field, we applaud the nomination of someone with her deep experience advising those regulated by the Commission. We are confident her unique experience will provide a valuable perspective and asset to the Commission as it works to carry out its important mission.

March 30, 2022

Page 2

(Organizational affiliations listed for identification only)

Elli Abdoli
Partner
Nielsen Merksamer Parrinello Gross &
Leoni, LLP

Robert Benton

Elliot S. Berke
Managing Partner
Berke Farah LLP

Jonathan Berkon
Partner
Elias Law Group LLP

Samuel Brown
Partner
Holland & Knight LLP

Sarah Duniway
Partner
Lathrop GPM LLP (formerly Gray Plant
Mooty)

Richard Eisenberg
Partner
Harmon, Curran, Spielberg & Eisenberg LLP

Craig Engle
Partner
ArentFox Schiff LLP

William J. Farah
Managing Partner
Berke Farah LLP

Laurence E. Gold
Partner
Trister, Ross, Schadler & Gold, PLLC

March 30, 2022

Page 3

Lee E. Goodman
Former Chairman
Federal Election Commission

Andrew D. Herman
Member
Miller & Chevalier Chartered

Stephen J. Kaufman
Principal Attorney
Kaufman Legal Group, APC

Beth Kingsley
Partner
Harmon, Curran, Spielberg & Eisenberg
LLP

Katherine T. LaBeau
Partner
Elias Law Group LLP

Abby Levine
Senior Director, Bolder Advocacy
Alliance for Justice

Jacquelyn Lopez
Partner
Elias Law Group LLP

Bryson B. Morgan
Member
Caplin & Drysdale, Chartered

Rachel T. Provencher
Associate
Holland & Knight LLP

Matthew T. Sanderson
Member
Caplin & Drysdale, Chartered

March 30, 2022

Page 4

Karl J. Sandstrom,
Senior Counsel
Perkins Coie LLP

B. Holly Schadler
Partner
Trister, Ross, Schadler & Gold, PLLC

Joseph W. Steinberg
Associate
Trister, Ross, Schadler & Gold, PLLC

Renata Straus
Associate
Trister, Ross, Schadler & Gold, PLLC

Brian G. Svoboda
Partner
Perkins Coie LLP

Jason Torchinsky
Partner
Holtzman Vogel Baran Torchinsky &
Josefiak PLLC

Eric Wang
Partner
The Gober Group

Andrew Harris Werbrock
Partner
Olson Remcho LLP

Chris Winkelman
Partner
Holtzman Vogel Baran Torchinsky &
Josefiak PLLC

Barnaby Zall
Principal
Law Office of Barnaby Zall

Senate Committee on Rules and Administration
FEC Nomination Hearing
April 6, 2022
Questions for the Record
Ms. Dara Lindenbaum

Chairwoman Klobuchar

At the hearing, you testified about the importance of the Federal Election Commission's (FEC) mission to provide transparency and instill public confidence in our elections.

- Can you expand on your view of the FEC's role in ensuring accountability in our elections and why that is important in our democracy?

Response: The FEC's role is to protect the integrity of the federal campaign finance process by providing transparency and fairly enforcing and administering federal campaign finance laws. This mission is critical to our democracy. The FEC must function so that political actors are operating under fair and consistently applied rules, bad actors are held accountable, the voters can obtain the information they need to make informed decisions, the public and the free press are able to better understand who is influencing political campaigns and who is funding communications to voters, and citizens have confidence in the integrity of the electoral system.

The FEC can meet its responsibilities by enforcing the law in a fair and unbiased manner, providing information and guidance on the law and regulations; and administering the campaign finance disclosure database in a clear, transparent, accessible way.

The Honest Ads Act, which I first introduced with Senator McCain and have since led with Senators Graham and Warner, addresses foreign interference in our elections by putting in place disclosure requirements for online political ads, bringing those rules in line with requirements for TV and radio ads.

- Do you agree that requiring online platforms to disclose who purchases political ads is important to improve transparency and prevent foreign actors from influencing our elections?

Response: Yes, increased disclosure is an important tool to improve transparency and prevent circumvention of the law.

Senator Blunt**Agency Function:**

The FEC plays a vital role in providing advisory opinions and guidance to assist candidates and other campaign committees in navigating the complicated federal campaign finance regulatory scheme. Without the guidance of the FEC, many federal candidates, especially first-time candidates, would be required to hire expensive accountants and lawyers in order to run for public office.

- If confirmed, what would you do to ensure that the FEC is offering candidates and other political committees consistent, accurate, and timely guidance?

Response: There are a number of ways the FEC can offer candidates and other political committees guidance and assistance. 1) The FEC's website has certainly improved over the years but more is needed. If confirmed, I will work with the FEC's staff to get input from members of the regulated community and other stakeholders to improve how information is organized, explained, and presented on the website. 2) The FEC should be clearly presenting information on reporting processes. Providing a way for committees to contact the analysts has been a significant improvement but these one-off questions should be compiled and made publicly available and categorized in an easy-to-find location on the FEC's website with keyword search functionality. 3) The FEC should update FECFile, the FEC's free filing software. Many first-time candidates cannot afford to pay for other filing software and improving FECFile will make it significantly easier for them to file their reports.

- Do you have ideas for expanding or improving the types of guidance that the FEC offers?

Response: The FEC hosts a number of training and other learning opportunities on the federal campaign finance laws. I attended a virtual two-day conference in August of 2021, and I was impressed by the content and presentation of the information. These conferences, or at least elements of these conferences, should be offered more often and better publicized. Additionally, the FEC's website contains a link to helpful videos but the videos can be difficult to find and navigate through. If confirmed, I will work with the staff to update and organize the videos so political committees can find the information they need with the addition of keyword search functionality. Finally, many of the written compliance guides should be updated. The Commission staff should work with political committees to better understand what practical information should be provided and how to present it.

Congressional Oversight:

- Do you agree that Congress has an important oversight function over the FEC and that the FEC should be responsive to the committee's oversight requests?

Response: Yes.

- Will you commit to responding to letters and other requests from our committee and to appearing before the committee for hearings if called?

Response: Yes.

Senator Cruz

- Was the 2018 Georgia's governor election legitimate? Why or why not?

Response: Yes, the candidate who won the most votes was certified as the winner of the election.

- Which candidate, Stacey Abrams or Brian Kemp, won the election?

Response: Brian Kemp.

- Did voter suppression affect the outcome 2018 Georgia Gubernatorial election?

Response: I do not know if voter suppression affected the outcome of the 2018 Georgia Gubernatorial election. Further, matters of election administration would not be under the purview of the Federal Election Commission.

At your hearing, in a response to a question by me, you testified under oath that Stacey Abrams conceded the 2018 Gubernatorial election nine days after election day, on Thursday, November 15, 2018. In that speech, Stacey Abrams plainly stated "Let's be clear, this is not a speech of concession."

- Multiple news outlets, including many left-leaning ones, reported on Abrams's November 15, 2018 speech, and specifically pointed out how Abrams did not concede the election. These outlets include, but are not limited to, The New York Times, Huffington Post, CNN, NBC News, N.Y. Times Magazine, Daily Beast, BuzzFeed, The New Yorker, Mother Jones, Glamour, Vanity Fair, Think Progress, Daily Kos, Boston Globe, Chicago Tribune, and NPR. In light of the above, was your statement, under oath, that Stacey Abrams conceded the 2018 Gubernatorial race nine days after the election, accurate?

Response: Yes. In that speech, Ms. Abrams said, *"I acknowledge that former Secretary of State Brian Kemp will be certified as the victor in the 2018 gubernatorial election... I will pray for the success of Brian Kemp, that he will indeed be a leader for all Georgians...."*

- If you still maintain that Abrams conceded the election nine days after Election Day, are all of the above news outlets incorrect in their reporting? If yes, did you or

other representatives of the Abrams campaign contact any of the above news agencies to request that they retract their stories in which they state that Abrams refused to concede? If so, which ones and when?

Response: As an attorney, it would not be appropriate for me to disclose positions or actions I may or may not have taken on behalf of a client.

- At the hearing, again in response to a question from me, you denied that you filed a lawsuit on behalf of Stacey Abrams on November 28, 2018. You instead stated that you filed the lawsuit on behalf of Fair Fight Action and other groups. Just to be clear, Fair Fight Action is Stacey Abrams' group, founded by Stacey Abrams, correct?

Response: No, Fair Fight Action was founded by Ms. Abrams but it is not correct to call it her group.

- You have previously contended that voting machines in the 2018 Georgia Gubernatorial election changed votes from Stacey Abrams to Brian Kemp. The voting machines used in the 2018 Georgia's governor election were paperless direct recording electronic systems (DREs). In a 2018 complaint you argued Georgia should be enjoined "from using the insecure and unreliable DRE voting machines" in the future. Should any elections that used DRE machines be considered invalid? If so, which ones?

Response: No. However, my understanding is that there is near-universal agreement that DRE machines should be replaced with paper-based optical scan systems and that is what Georgia did following the 2018 election. The paper-based optical scan system was used for the 2020 election.

- In the 2020 presidential election, New Jersey, which voted for Joe Biden, used DRE voting machines. Were the DRE voting machines used in New Jersey insecure or unreliable? Is there any reason to believe the election results from New Jersey were unreliable or inaccurate?

Response: I do not have sufficient information about the New Jersey system to answer this question.

- The FEC recently fined the Democratic National Committee and Hillary Clinton's 2016 Presidential Campaign for deliberately concealing the fact they funded the Steele dossier. Do you agree that the Clinton Campaign and the DNC violated law by actively concealing the fact they funded the dossier?

Response: I do not have sufficient information about the facts of the case to answer this question.

- Since May of 2020, the FEC has defaulted or functionally defaulted in nine separate matters after the FEC's commissioners failed to produce a majority vote to defend the agency. In each and every one of these cases the default was the result of the Democratic-affiliated commissioners either abstaining or voting against the defending the FEC. It's obviously quite embarrassing for a federal agency to simply not show up to court. If confirmed as a FEC commissioner, will you commit to allowing the American people—as represented by FEC—have their day in court by voting for the FEC to defend itself in suits?

Response: I believe it is important for the FEC to defend itself in court, however, it is not appropriate for me to commit to voting a certain way on any matter before the Commission.

- I am likewise concerned that the FEC has repeatedly voted against closing completed investigations, doing so again on partisan grounds and under the contrived justification that there might be a theoretical need for future action. Keeping cases open hampers the public's ability to scrutinize the FEC's decisions and actions. If confirmed as a FEC commissioner will you commit to voting to close completed investigations?

Response: I believe it is important for cases to be closed in a timely manner, however, it is not appropriate for me to commit to voting a certain way on any matter before the Commission.