



**RESPONSE TO QUESTION FOR THE  
RECORD FOLLOWING TESTIMONY  
ON DECEMBER 13, 2023**

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*Presented to*

Ways and Means Subcommittee on Oversight  
United States House of Representatives

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Chairman Schweikert, Ranking Member Pascrell, and Members of the Committee:

On January 3, 2024, the Committee requested that I provide an answer, for the record, to the following question in follow up to my December 13, 2023 testimony: *“Does election funding from private individuals and third parties, such as “Zuckerbucks,” have the potential to impact the integrity of the 2024 elections?”*

Unfortunately, the answer to your question is an emphatic “yes.”

Two of the strategies being employed by third-party groups to attempt to impact the integrity of the 2024 elections include what my organization, the Foundation for Government Accountability (FGA) has described as “Zuckerbucks 2.0” and “Bidenbucks.” In my testimony in December, I briefly outlined both schemes but stopped short of providing additional facts and details given the time constraint for my statement. To provide the Committee with the context needed to understand and appreciate the additional facts offered below, I have included a recap of some of the overview I provided during my testimony, but what follows is primarily additional information not yet provided to the Committee.

As I stated on December 13, 2023, during the 2020 election, the Chan Zuckerberg Initiative donated more than \$400 million to fund election activities.<sup>1</sup>

Most of those funds, coined “Zuckerbucks,” were provided to the Center for Tech and Civic Life (CTCL), a left-leaning non-profit run by a former Obama Foundation fellow.<sup>2</sup> Marketed as money for purchasing personal protective equipment in response to COVID-19, the funds were instead used primarily to drive procedural changes and get-out-the-vote efforts that benefited the Left. FGA research has revealed that counties won by President Biden in 2020 received significantly more in Zuckerbucks funding than counties won by former President Trump.<sup>3-4</sup> The infusion of cash into certain jurisdictions—those that leaned heavily Democrat—drove up voter turnout in blue districts and allowed partisanship to weasel its way into the one part of elections that is supposed to be non-partisan.<sup>5-6-7</sup> In other words, it appears that CTCL, a 501(c)(3) organization, used private funding to hijack and transform the government itself into a partisan get-out-the-vote tool.

Unfortunately, CTCL seems to be actively working to do this again in the lead-up to the 2024 election, attempting to sidestep new state Zuckerbucks bans in at least 27 states by rebranding itself as “the U.S. Alliance for Election Excellence.”<sup>8</sup> We call this “Zuckerbucks 2.0.” According to an announcement made by CTCL, the new program will distribute at least \$80 million in funding across the country while providing “coaching” and other support to a select group of local election officials who pass a “verification and review process.”<sup>9-10</sup> FGA research has revealed that as of October 2023, CTCL’s “new” program, “the U.S. Alliance for Election Excellence,” has already distributed at least \$13 million in grants to eight local election departments in six states: California, Connecticut, Georgia, Illinois, Nevada, and Wisconsin. By now, there are likely other states that have received funding and guidance as well. CTCL appears to have used private funding to impact elections in 2020 and may be actively working to do so again in 2024.<sup>11</sup>

But CTCL isn’t the only third-party group whose actions should draw serious concern from the Committee. There is another group, Demos, that appears to be an even graver concern.

Back in March 2021, President Biden signed Executive Order (EO) 14019.<sup>12</sup> We call this scheme “Bidenbucks” because it is Zuckerbergbucks on steroids. Instead of Mark Zuckerberg, it’s President Biden, and instead of \$400 million dollars, it is the unlimited power, resources, and reach of the federal government and its offices located in states across the country.

The order commands the head of every federal agency to develop a plan to do two things: promote voter registration *and* promote voter participation.<sup>13</sup> The order also commands all federal agencies to solicit and support “approved” third-party organizations to allow them to use federal resources to register and mobilize the voters these groups target, and to do so on federal property located in every state.<sup>14</sup> Which groups will receive this special “approval?” We don’t know, because the Biden administration refuses to disclose the list or even the criteria for approval, not only to FGA, but to the dozens of members of Congress who have demanded answers as well.<sup>15-16-17-18</sup>

At the end of the day, this is a massive get-out-the-vote effort designed by the Left, to benefit the Left, by specifically targeting only those voters more likely to vote for the current president’s political party.

Here's some of what we know so far:

The U.S. Department of Health and Human Services (HHS) is transforming more than 1,400 federally qualified health centers located across the country into voter registration hubs.<sup>19</sup> Under the authority of this EO 14019, new guidance has been issued authorizing federally qualified health centers to support voter registration efforts by third-party groups hand-selected by the current administration, including by making materials such as posters, brochures, and voter registration forms created by these third-party groups available to health center patients.<sup>20</sup> The Guidance also encourages these health centers to participate in voter registration community events by providing basic health assessments and screenings to help attract crowds to the event.<sup>21</sup> In other words, it appears that these third-party groups hand-selected by the White House are collaborating with federally qualified health centers across the country to use federally-funded benefits and other resources to lure targeted groups of voters (only those likely to vote for the current president’s political party) to registration events sponsored by these left-wing groups.<sup>22</sup>

Meanwhile, the U.S. Department of Labor (DOL) is turning more than 2,300 American Job Centers into voter registration agencies, allowing third-party groups to engage in voter outreach activities on site.<sup>23</sup> Which groups? No one knows because the Biden administration has refused to disclose which groups it is approving for this special access, nor has it disclosed the criteria for approval.<sup>24</sup>

The U.S. Department of Agriculture (USDA) will allow food stamp agencies to use administrative funds to pay for voter registration and participation services.<sup>25</sup> Not only is the administration ordering agencies to engage in voter turnout activities in unprecedented ways, but it is also finding new ways to divert federal funds to this effort.

In addition, the U.S. Department of Housing and Urban Development (HUD) sent guidance to executive directors of more than 3,000 public housing authorities managing about 1.2 million housing units, advising them on how to run voter registration drives through public housing agencies (PHAs).<sup>26</sup> Federal housing officials also advised the local agencies on how to apply to become a “voter registration agency under the National Voter Registration Act,” and how to set up drop boxes for ballots on the premises.<sup>27</sup>

And, in guidance the Department of Education issued to colleges and post-secondary schools in response to the Bidenbucks EO, the Department encouraged schools to use Federal Work Study funds to pay students supposedly employed directly by the institution, but who, in reality, often work under the direction and supervision of third-party groups, to engage in voter registration efforts and other community service activity related to the electoral process, both on and off campus.<sup>28-29</sup> Think about that for a second. Federal work-study funds are now being used to pay students to work for certain left-wing voting groups to help them carry out their mission to target left-leaning voters, not just on campus, but off campus as well. The Biden administration is literally giving these groups an army of free workers to advance the shared mission of these third-party organizations and the current administration (to get President Biden reelected, at any cost), paid for on the backs of all taxpayers. This represents a huge financial boon to the Biden administration's political allies.

And lastly, according to recent guidance issued by the United States Citizenship and Immigration Service (USCIS), whenever state and local election officials are unavailable to attend a citizenship ceremony, federal officials are now required to invite "approved" third-party groups to attend these ceremonies in their place.<sup>30</sup> Notably, not only are these groups allowed to distribute and collect registration applications before and after the ceremonies, but they are actually given the opportunity to speak at the ceremonies and address the entire crowd to introduce themselves and their organization.<sup>31</sup> These non-government third-party groups are being given special unfettered access to targeted groups of voters along with the impression that they are somehow sanctioned by the government. Obviously, there is a risk that newly admitted citizens and others attending naturalization ceremonies who might still be making their way through the immigration approval process may feel pressure to support or vote in a way that pleases these government-sanctioned groups.

At the end of the day, this is *targeted* voter registration and mobilization aimed at keeping the current administration in office, using the power, resources, and reach of the federal executive branch and its offices located in states across the country. And, again, Demos, a third-party organization funded by private individuals, is at the heart of this order—its creation *and* its implementation.<sup>32</sup>

Lastly, it is important for the Committee to understand that not only is the Bidenbucks EO a serious threat to election integrity in 2024, but it is also an *unlawful* effort on the part of the Biden administration for at least three separate reasons.

First, Article I, Section 4, clause 1 of the U.S. Constitution affirms the authority of state legislatures to govern the time, places, and manner of elections with legislative oversight from Congress, but nowhere is the President given the power to control elections,<sup>33</sup> and for good and obvious reasons. Yet, that is precisely what President Biden is trying to do through this EO: control the *manner* in which state elections are carried out, including, how, when, where, and by whom voters can be not only registered to vote, but *mobilized* to vote.<sup>34</sup> And all of this is being accomplished courtesy of taxpayer funding and resources used in coordination with third-party groups hand-selected by and allied to the Biden administration.<sup>35</sup> By impermissibly seizing power which belongs exclusively to the legislature, the President is violating the constitutional right of state legislatures to regulate elections (and of Congress to, "*at any time by Law make or alter such Regulations, except as to the Places of Chusing Senators*"), undermining the Constitution's bedrock principles of Separation of Power, and Federalism.<sup>36 - 37 - 38</sup> Even if the

administration could point to a federal statute clearly granting it the secretive, unbridled power over elections that it is seeking to exercise through this Bidenbucks EO, which it obviously cannot, such a delegation of power would *still* be unconstitutional. That is because the power at issue here, outlined in the elections clause, is clearly *legislative* power. And under the nondelegation doctrine Congress cannot delegate powers that are strictly and exclusively legislative, even if it wished to.<sup>39</sup> Bottom line, on its face, this Bidenbucks EO is unconstitutional.

Second, President Biden's EO violates federal law under the National Voter Registration Act of 1993 (NVRA) and the Administrative Procedure Act (APA), as the EO directs all agencies to assist in registering voters whether or not they are legally authorized to do so under the NVRA.<sup>40-41</sup> This goes beyond the statutory authority of these federal agencies that have been neither explicitly authorized under current law to register voters nor designated by the state to do so (as the NVRA requires).<sup>42</sup> The irony is, the Biden administration is claiming statutory authority under the NVRA, yet its agencies are actually violating that law (as well as the APA) by acting as NVRA-designated voter registration agencies without the state designation required under federal law.<sup>43</sup>

Third, the Bidenbucks EO violates a federal law known as the Anti-Deficiency Act, since it requires agencies to spend funds to carry out this scheme that Congress never authorized these agencies to spend.<sup>44</sup> The Anti-Deficiency Act, codified at 31 U.S.C. Section 1341, strictly forbids this.<sup>45</sup>

At the end of the day, as several members of the Committee emphasized during the hearing, election integrity is about more than just stopping election fraud. It is about inspiring confidence in the outcome of elections. On the day following an election, every American, whether their preferred candidate won or lost, should at least have confidence in the accuracy of the outcome. Ignoring, for a moment, the illegal and unconstitutional aspects of the Bidenbucks EO, all members of this Committee should at least be able to agree that the EO represents an improper use of Executive Branch power that will surely undermine confidence in the outcome of the next election. It may even impact the result. And even if it doesn't, what's to stop the next president, no matter what party he or she happens to hail from, from using this EO to keep his or her political party in power? For the sake of our country, Congress must do everything it can to stop this unprecedented scheme. This hearing was surely an important step in that direction.

In closing, on behalf of FGA, I once again thank Chairman Schweikert, Ranking Member Pascrell, and Members of the Committee for the opportunity to provide testimony and this written response to your question regarding this important issue.

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<sup>1</sup> "Press Release: CTCL Receives Additional \$100M Contribution to Support Critical Work of Election Officials," Center for Tech and Civic Life (2020), <https://www.techandcivicle.org/100m/>.

<sup>2</sup> Tiana Epps-Johnson, Center for Tech and Civic Life (2023), <https://www.techandcivicle.org/team/tiana-epps-johnson/>.

<sup>3</sup> Hayden Dublois, "How 'Zuckerbucks' infiltrated and influenced the 2020 Florida election," Foundation for Government Accountability (2021), <https://thefga.org/research/zuckerbucks-infiltrated-florida-election/>.

<sup>4</sup> Hayden Dublois and Jonathan Bain, "How 'Zuckerbucks' infiltrated and influenced the 2020 Iowa election," Foundation for Government Accountability (2021), <https://thefga.org/research/zuckerbucks-iowa-election/>.

<sup>5</sup> Hayden Dublois and Tyler Lamensky, "Zuckerberg went down to Georgia: How Zuckerbucks influenced the Georgia elections," Foundation for Government Accountability (2021), <https://thefga.org/research/zuckerbucks-influenced-georgia-elections/>.

<sup>6</sup> Alli Fick and Tyler Lamensky, "How Zuckerbucks infiltrated the Wisconsin election," Foundation for Government Accountability (2021), <https://thefga.org/research/zuckerbucks-wisconsin-election/>.

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<sup>7</sup> Trevor Carlsen, "Show Me the Zuckerbucks: Outside money infiltrated Missouri's 2020 election," Foundation for Government Accountability (2021), <https://thefga.org/research/show-me-the-zuckerbucks-outside-money-infiltrated-missouri-2020-election/>.

<sup>8</sup> Center for Tech and Civic Life, "CTCL launches the U.S. Alliance for Election Excellence," Center for Tech and Civic Life (2022), <https://www.techandcivillife.org/us-alliance-for-election-excellence-launch/>.

<sup>9</sup> *Id.*

<sup>10</sup> U.S. Alliance for Election Excellence, "A community of support focusing on the fundamentals of democracy," U.S. Alliance for Election Excellence (2022), <https://www.electionexcellence.org/>.

<sup>11</sup> Foundation for Government Accountability, "New funding program launched by Center for Tech and Civic Life could sidestep state bans on private funding of local elections – Including bans on Zuckerbucks," Foundation for Government Accountability (2022), <https://thefga.org/press/new-funding-program-launched-by-center-for-tech-and-civic-life-could-sidestep-state-bans-zuckerbucks/>.

<sup>12</sup> "Presidential Executive Order 14019, Promoting Access to Voting," Federal Register, National Archives (2021), <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Michael Ginsberg & Henry Rodgers, Exclusive: House Republicans Demand Investigation Into Biden's Order to Promote Voter Registration," Daily Caller (2022), <https://dailycaller.com/2022/01/19/house-republicans-biden-voter-registration/>.

<sup>16</sup> "Nine House Republican Committee Leaders Raise Concerns On Biden Administration Directing Federal Agencies To Engage In Voting Access & Registration Activities," Committee on House Administration, Ranking Member Rodney Davis (2022), <https://republicans-cha.house.gov/media/press-releases/nine-house-republican-committee-leaders-raise-concerns-biden-administration>.

<sup>17</sup> "Rep. Norman Leads Letter Demanding the Department of Justice Disclose Its Plans to Carry Out President Biden's Executive Order to Promote Voter Registration and Voter Participation," Office of Rep. Ralph Norman (2022), <https://norman.house.gov/news/documentsingle.aspx?DocumentID=1494>.

<sup>18</sup> "Hagerty and Colleagues Call Out Biden for Ignoring Demands for Transparency on Taxpayer-Funded Voter-Mobilization Plans," Office of Sen. Bill Hagerty (2023), <https://www.hagerty.senate.gov/press-releases/2023/11/29/hagerty-and-colleagues-call-out-biden-for-ignoring-demands-for-transparency-on-taxpayer-funded-voter-mobilization-plans/>.

<sup>19</sup> Briefing Room, "Fact sheet: Biden-Harris administration releases report on Native American voting rights," The White House (2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/24/fact-sheet-biden-harris-administration-releases-report-on-native-american-voting-rights/>.

<sup>20</sup> Voter Registration and Health Centers, Health Center Program, Health Resources & Services Administration (2022), <https://bphc.hrsa.gov/compliance/scope-project/voter-requirements>.

<sup>21</sup> *Id.*

<sup>22</sup> *See Id.*

<sup>23</sup> Employment and Training Administration, "US Department of Labor issues guidance to states, territories to designate American Job Centers as voter registration agencies," U.S. Department of Labor (2022), <https://www.dol.gov/newsroom/releases/eta/eta20220325>.

<sup>24</sup> Tarren Bragdon & Stewart Whitson, Voter Registration Drive: What's Biden Hiding?, The Wall Street Journal (2022), <https://www.wsj.com/articles/voter-drive-whats-biden-hiding-justice-department-freedom-of-information-foia-transparency-corruption-lawsuit-foundation-for-government-accountability-11650403740>.

<sup>25</sup> Briefing Room, "Fact sheet: Biden-Harris administration releases report on Native American voting rights," The White House (2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/24/fact-sheet-biden-harris-administration-releases-report-on-native-american-voting-rights/>.

<sup>26</sup> Fred Lucas, HUD Pushes Voter Registration Drives in Public Housing Under Biden's Executive Order, The Daily Signal (2022), <https://www.dailysignal.com/2022/04/27/hud-pushes-voter-registration-drives-in-public-housing-under-bidens-executive-order/>.

<sup>27</sup> *Id.*

<sup>28</sup> Requirements for Distribution of Voter Registration Forms, GEN-22-05, U.S. Department of Education (2022), <https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2022-04-21/requirements-distribution-voter-registration-forms>.

<sup>29</sup> Fact Sheet: Biden-Harris Administration Releases Report on Native American Voting Rights, White House Briefing Room (2022), <https://www.whitehouse.gov/briefingroom/statements-releases/2022/03/24/fact-sheet-biden-harris-administration-releases-report-on-native-american-voting-rights/>.

<sup>30</sup> Policy Alert: Access to Voter Registration Services During Naturalization Ceremonies, PA-2023-25, USCIS (2023), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20230825-VoterRegistration.pdf>.

<sup>31</sup> *Id.*

<sup>32</sup> Stewart Whitson, "Biden's Unlawful Plan to Federalize Elections," The American Spectator (2021), <https://spectator.org/bidens-unlawful-plan-to-federalize-elections/>.

<sup>33</sup> U.S. Const. art. I, §4, cl. 1.

<sup>34</sup> "Presidential Executive Order 14019, Promoting Access to Voting," Federal Register, National Archives (2021), <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

<sup>35</sup> *Id.*

<sup>36</sup> *See, e.g., Rucho v. Common Cause*, 139 S. Ct. 2484, 2496 (2019).

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<sup>37</sup> *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 17 (2013) (quoting THE FEDERALIST No. 60, at 371 (A. Hamilton)).

<sup>38</sup> See U.S. CONST. amend. X.

<sup>39</sup> *Gundy v. United States*, 139 S. Ct. 2116, 2123 (2019) (quoting *Wayman v. Southard*, 23 U.S. (10 Wheat.) 1, 42-43 (1825) (“All legislative Powers ... [are] vested in [the] Congress of the United States,” U.S. Const. Art. I, §1, and “Congress ... may not transfer to another branch ‘powers which are strictly and exclusively legislative.’”).

<sup>40</sup> 52 U.S.C. §§20501 *et seq.*

<sup>41</sup> 5 U.S.C. §706(2).

<sup>42</sup> 52 U.S. §§20502, 20506

<sup>43</sup> *Id.*

<sup>44</sup> 31 U.S.C. Section 1341 (The Anti-Deficiency Act provides that “an officer or employee of the United States Government ... may not ... make or authorize an expenditure or obligation exceeding an amount available in an appropriation,” or else “involve [the] government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law.”).

<sup>45</sup> *Id.*