

October 24, 2024

The Honorable Merrick B. Garland, Attorney General
Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Chief Corey Amundson
Public Integrity Section, Criminal Justice Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Garland and Mr. Amundson,

We write to urge you to investigate the America PAC and its founder and primary financier Elon Musk for violating a federal law that prohibits anyone from paying people to register to vote and to take immediate action to prevent ongoing violations. Musk has flouted this long-standing law by offering a daily lottery with awards of \$1 million, available only to individuals who are registered to vote and who sign a petition from his partisan America PAC.

While we applaud the Justice Department's public integrity section for its letter to the America PAC that warns of a potential violation, this is insufficient, especially given Musk's long history of defiance of the law. This warning must be coupled with a prompt, thorough investigation and appropriate enforcement action, including, at a minimum, an immediate demand that Musk and America PAC cease and desist offering or making payments in violation of federal law. Otherwise, Musk remains free to continue to violate this crucial pillar of election law even as voting is already underway and election day less than two weeks away.

Musk announced his lottery on October 19, 2024. It is open only to registered voters in seven swing states who have signed a petition by the America PAC. The deadline to sign the petition expired on October

21, the same day that voter registration in Pennsylvania closed. When subject to scrutiny, Musk [hastily reframed the lottery](#) as one in which winners receive the opportunity to be paid \$1 million as a spokesperson for his partisan PAC.¹ This does not render the lottery lawful; it only demonstrates that the lottery has always been a brazen attempt to buy voter registrations for his preferred candidate.

But it does not matter why Musk, or anyone, buys voter registration. Federal law is unequivocal: “[w]hoever knowingly or willfully . . . pays or offers to pay or accepts payment either for registration to vote or for voting” in federal elections has violated the law and should be subject to appropriate prosecution. 52 U.S.C. § 10307(c). The law must be fairly applied to anyone who violates it—and this includes Musk and the America PAC.

This is far from the first time that Elon Musk has brazenly violated the law, apparently believing that his wealth renders him immune from compliance or accountability. He has a [long history](#) of bending or breaking the law and typically gets away with it because government regulators in this country fail “[to use their maximum enforcement powers against Musk](#).”² [As Brazilian authorities recently demonstrated](#),³ it is only by taking serious and consequential enforcement action that Musk can be forced to comply with the law. Warnings were not enough; court orders were not enough; only when the government shut down his platform and imposed significant fines did Musk finally comply with the law. History has demonstrated that a warning letter will not suffice to bring Musk into compliance.

No one—regardless of their wealth—should be allowed to openly defy federal law in order to buy voters or voter registrations. It is

¹ Evan Perez, Hannah Rabinowitz, & Marshall Cohen, “Justice Department Warns Elon Musk That His \$1 Million Giveaway to Registered Voters May Be Illegal,” CNN.com, Oct. 23, 2024, <https://www.cnn.com/2024/10/23/politics/elon-musk-justice-department-letter/index.html>.

² Timeline of Elon Musk’s Legal Troubles,” Newsweek, May 15, 2024, <https://www.newsweek.com/timeline-elon-musk-legal-troubles-twitter-x-1900792>; Michael Hiltzik, “Column: Why Don’t Regulators Stop Elon Musk From Breaking the Law?,” LA Times, May 18, 2022, <https://www.latimes.com/business/story/2022-05-18/how-does-elon-musk-get-away-with-it>.

³ Ben Derico & Ione Wells, “Brazil Lifts Ban on Musk’s X After It Pays \$5m Fine,” BBC News, Oct. 8, 2024, <https://www.bbc.com/news/articles/c5y06vzk3yjo>.

imperative that the America PAC's lottery be promptly investigated and appropriate action be taken to enforce the law and protect our elections.

Sincerely,

Courtney Hostetler, Legal Director
John Bonifaz, President
Ben Clements, Chairman and Senior Legal Advisor
Amira Mattar, Counsel
Free Speech For People
48 North Pleasant Street, Suite 304
Amherst, Massachusetts 01002
(617) 244-0234
chostetler@freespeechforpeople.org