



PUBLIC INTEREST
LEGAL FOUNDATION

FINAL FRONTIER

AFTER OUR ELECTION SYSTEMS ARE BOUGHT,
THEY'LL NEVER LOOK THE SAME AGAIN



ZUCKBUCKS IN MONTANA

AUGUST 2022

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FINAL FRONTIER



Montana was not a hot battleground during the 2020 presidential election. Nor was Mark Zuckerberg's effort to pour hundreds of millions of dollars into local election offices a heroic one-off sacrifice. The goals of the spending were far greater – no matter the state of the political horse race locally.

Final Frontier tells the story of the lasting influence of Zuckbucks in Montana beyond the dollar figures and spending reports. Direct, left-wing funding of election administration is the last aspect to exert control over the election process. ***Purchasing the process – not the short-term electoral outcome – is the real play.*** It does not matter if Mark Zuckerberg is balking at putting up more money to fund elections – others are coming to take his place in states with no legal safeguards.

The rush is on, and local officials are already addicted to the easy money – whether they need it or not.

IMPORTANT DATES¹

- June 2, 2020: All-Mail Primary Election
- August 6, 2020: Counties given choice to perform all-mail or traditional general election
- September 2, 2020: First mention of Zuckbucks available to Montana officials
- September 18, 2020: Deadline to transmit military/overseas ballots
- September 24, 2020: First announcement of Zuckbucks received by Montana officials
- October 9, 2020: All ballots must be transmitted
- November 3, 2020: ELECTION DAY
- December 31, 2020: Deadline to spend Zuckbucks
- January 31, 2021: First CTCL deadline to report Zuckbucks expenditures, or seek an extension
- February 22, 2021: Zuckbucks ban (SB 335) introduced in Montana Senate
- March 17, 2021: Zuckbucks ban dies after floor vote
- June 30, 2021: Deadline to spend Zuckbucks from 2020
- July 31, 2021: Final deadline for counties to report extended Zuckbucks expenditures and send back any unused monies

MARCH 17, 2021

FROM: KRISTIE SMITH, VOTING RIGHTS COORDINATOR, MONTANA VOICES, PRONOUNS: SHE/HER/HERS

TO: SHANTIL M. SIAPERAS, COMMUNICATIONS DIRECTOR, MONTANA ASSOCIATION OF COUNTIES

RE: CONNECTING FROM NONPROFIT SECTOR

██████████

From: Kristie Smith <██████████>
Sent: Wednesday, March 17, 2021 1:00:13 PM
To: Shantil Siaperas <██████████>
Subject: Re: Connecting from Nonprofit Sector

Caution: This email was sent from someone outside of MACo. Do not open attachments, download images, or click links unless you were expecting this email and you trust the sender.

Hi Shantil,

I hope this finds you well and surviving the session.

I wanted to thank you for all of your great work in the HB 613 working group. I know our nonprofit partners appreciate the input and expertise you and the Clerks provide.

I had a quick question for you coming out of today's meeting. If this is a question best suited for Regina, I'm happy to connect with her.

There's a funder who has been watching HB 613 with a great deal of interest. They've invested in voting right efforts in Indian Country previously and are becoming increasingly aware that lack of equipment is one of the biggest barriers to the provision of satellite services.

Do you know how many counties might be interested in funding for additional ballot machines? If I recall correctly, the machines cost upwards of \$7,000. Correct me if I'm wrong. The funder is assessing the potential scope of their investment, and I'd love to be able to make a recommendation to them if there's interest.

Any thoughts you have would be greatly appreciated. If calling/texting/Signal is easier, please don't hesitate to reach out. My cell is ██████████.

If there's anything we can do on the HB 613 working group process, please just say the word!

Best,
Kristie

MARCH 17, 2021, WAS AN IMPORTANT DAY FOR ELECTION INTEGRITY IN MONTANA BECAUSE THE EXACT SAME AFTERNOON THIS EMAIL WAS SENT, THE BILL TO BAN PRIVATE FUNDING OF ELECTION ADMINISTRATION -- COMMONLY REFERRED TO AS “ZUCKBUCKS” AFTER FACEBOOK FOUNDER MARK ZUCKERBERG — DIED.

WHERE'S THE CRISIS?

Rewind the clock to late summer 2020. States around the country are experimenting with reopening government plans. How to administer public schools is a big topic. The Florida and Texas governors, who pushed for fully open schools and government, are considered brave or homicidal, depending on the beholder's politics.

Meanwhile, a national left-wing litigation campaign is raging to cling to the "safer at home" mentality, so it can be applied to the 2020 Presidential Election. If successful, these lawsuits would force states unpracticed in mass-mail ballot elections to pivot away from decades of standard, in-person procedures with only a few months' notice. Naturally, ballot harvesting and deadline extensions would often be required, said the plaintiffs, to address stresses caused by the influx of mail. Some states fought back and saw variations of success. Other attorneys general too politically cozy with the plaintiffs capitulated.

You know how this story ended in 2020. But, Montana's part in the broader narrative lays in perfect detail where the nation is headed now that millions—if not billions—in private money is moving toward election offices in select locations and dollar amounts.

Montana was not like Pennsylvania, Michigan, or Georgia in 2020. The last Democrat to win the state's three Electoral College votes was Bill Clinton (but only in 1992). Here, statewide-elected Democrats are only sometimes chosen to serve. Furthermore, then-Governor Steve Bullock (D) had already ordered an all-mail ballot primary election earlier in the year. In August, each county was given the option to perform another all-mail for the general election.² The governor touted the smooth experiences of the all-mail primary and made references to lessons learned ahead of fall contests, concluding that mail ballots would be the easier option.³

In sum, Montana election officials were choosing to expand their already robust mail ballot operations with the benefit of a trial run already performed in the primaries. All of this happened before the Center for Tech and Civic Life ("CTCL") appeared on Montana's radar, flush with Facebook Founder Mark Zuckerberg's cash. The state did not appear to need the Zuckbucks. So why did the CTCL send checks there anyway?

**THE STATE DID
NOT APPEAR
TO NEED THE
ZUCKBUCKS.
SO WHY DID
THE CTCL
SEND CHECKS
THERE
ANYWAY?**



THE ZUCKBUCKS ARRIVE

As demonstrated further in this report, the CTCL did not come barging in to promote the availability of and spread Zuckbucks around Montana. Again, it was not an Electoral College battleground. A public records request effort performed by PILF sought to capture all executed CTCL grant agreements and spending reports after all monies were expected spent or returned. As of the date of this report, roughly \$1.7 million was accounted for across 21 counties.⁴ A 22nd county, Sanders, declined the grant of \$5,535, citing adequate public funds available to administer the election. This was not an exorbitant amount under Zuckbuck standards. For example, Bexar County, Texas, (San Antonio) alone received \$1.9 million. How Montana counties spent the money also breaks with the national norm. The largest portion was spent on advertising and public outreach, as opposed to lightning-quick construction of mail balloting systems.

WHERE MT COUNTIES SPENT MOST FUNDS

PUBLIC EDUCATION/ADVERTISING	\$480,373
TEMPORARY STAFFING	\$360,636
POLL WORKER PERSONNEL	\$243,615



GRANT TOTALS BY MT COUNTY		ELECTION TYPE ⁵
Yellowstone	\$320,593	All Mail
Missoula	\$312,818	All Mail
Gallatin	\$295,681	All Mail
Lake	\$272,932	All Mail
Blaine	\$256,433	All Mail
Lewis and Clark	\$215,000	All Mail
Ravalli	\$19,592	All Mail
Custer	\$5,000	All Mail
Deer Lodge	\$5,000	All Mail
Daniels	\$5,000	All Mail
Liberty	\$5,000	All Mail
Madison	\$5,000	All Mail
Powell	\$5,000	Standard
Prairie	\$5,000	All Mail
Sheridan	\$5,000	All Mail
Stillwater	\$5,000	Standard
Sweet Grass	\$5,000	All Mail
Teton	\$5,000	All Mail
Toole	\$5,000	All Mail
Wheatland	\$5,000	All Mail
Wibaux	\$5,000	Standard

BUILDING AWARENESS AND BUY-IN FOR ZUCKBUCKS

Separate from an open records campaign to collect financial reports from the counties, PILF worked to harvest communication records to determine why Montana election officials were interested in private grants. The research effort operated on the theories that a) counties receiving the most money probably have the most to say in terms of a paper trail, and, b) they might be communicating through an email listserv system—perhaps on a statewide scale.⁶ Both theories proved true.⁷

This section of *Final Frontier* highlights scores of communications between county officials regarding Zuckbucks. Personal names are replaced with county names throughout but all emphasis and emojis remain original. The inclusion of emails from a for-profit company, Inclusion Solutions, was due to their efforts to market directly to county officials and the references to its products in listserv communications.

These emails were exchanged between September 2020 and January 2021.

L

Lewis and Clark County

Hi Everyone - I wanted to highlight information on grants as well as covid elections prep. Covid means more staff, supplies, outreach to voters, etc. ... **Center for Tech and Civic Life (CTCL) Grants:** This group does training and resources for election administrators. I am signed up for their newsletters and have done some of their trainings. They had a grant to help rural election administrators respond to COVID, then they got enough funding (250M!) to offer funding to all jurisdictions.

I

Inclusion Solutions

2020 is an unprecedented year. Never before has there been so much available funding to cover the cost of the must-have election supplies in the new COVID environment. Inclusion Solutions carries everything you need -- and can help with the grants to pay for them ... The [CTCL] has expanded their COVID-19 Response Grant ... **Here's Some of What You Can Get with the Grants...**

L

Lewis and Clark County

Good Morning – LC County was approved for a CTCL grant ... I know we are all busy and short on time, but it is pretty easy to apply. Our county was excited because we won't have to dip into [federal COVID relief] funds or provide any kind of match. You can apply here: ...

Y

Yellowstone County

How long did it take you to get approved?

L

Lewis and Clark County

Over \$240,000, but what I ended up asking them to lower it to \$215,000 because we think that is more realistic. Our communications person is working on a postcard, billboards, newspaper, radio, and TV ads. We estimated we could put about \$140,000 to advertising. The rest is for COVID and mail ballot issuing/processing.

G

Glacier County

How long did it take you to get approved?

I

Inclusion Solutions

Tomorrow is the deadline! Have you applied for the new CTCL Grant? Backed by a generous \$250M contribution from Mark Zuckerberg of Facebook, CTCL is providing grants, a minimum of \$5,000, to local election jurisdictions across the country ... Said funds would apply to new voting booths, Inclusion Solutions' new **PureVote LED UV Wand...**

Y

Yellowstone County

Yellowstone just got approved for \$320,000.00

C

Custer County

Custer got approved for \$5000

M

Missoula County

318,000 here

P

Pondera County

What are you using the money for specifically?

P

Prairie County

Prairie County received \$5,000 😊

M

Missoula County

We were approved much over our request. Here are [documents showing Missoula requested \$75,880.99]

F

Flathead County

Could those of you that submitted requests share what you sent in?

G

Glacier County

I am going to submit one for Glacier County and could use some advice. I have not been on the website yet, but will be soon.

T

Toole County

Easiest grant application ever!

G

Gallatin County

\$292,838 in Gallatin.

M

Madison County

Thanks for saying that, [Toole County]. It spurred me to do it and it took less than 10 minutes.

S

Sanders County

I did it today too. I agree, the easiest application in the history of grants!

M

Madison County

All you really need is your FY 2020-21 budget and a W9, voter totals. Super easy.

R

Ravalli County

Great links! It let me know that it is a “private” grant from a nonprofit & not fed or state funds. Good luck!!! I am going to use it for advertising...

F

Flathead County

Thanks [Lewis and Clark County]. We will likely put something in tomorrow (which is the deadline)...

R

Ravalli County

I just submitted and you do not have to have a plan. In fact, you don't ask for an amount. You submit your election budget, number of full-time staff, and number of voters. I guess they determine your amount from there.

C

CTCL Grants

Dear [Ravalli County], I'm pleased to share that Center for Tech and Civic Life has reviewed your COVID-19 Response Grant application and has approved a grant award totaling **\$19593** USD.

T

Teton County

How long did it take until you heard what a person will receive?

C

Custer County

[Teton County], mine was just a couple of days.

M

Madison County

Me, too. Easiest \$5000 I ever asked for...

I

Inclusion Solutions

Over 1,100 Election Officials Have Received Grants from \$5,000 - \$1,000,000. And it's Extended! The CTCL has extended the deadline to apply for your share of \$250 million to October 15. Inclusion Solutions carries EVERYTHING you need including the **PureVote LED UV Wand...**

B

Big Horn County

Is the grant really extended? Is anybody using UV wands?

I

Inclusion Solutions

Congratulations on getting through a successful election ... Check out this amazing piece on MSNBC ... As you know, although the election is over, the pandemic is unfortunately not and will continue to affect elections. And many offices still have remaining end of year budget fund, CARES grants, or CTCL grants which need to be expended by the end of the year. Inclusion Solutions can help -- and has launched our biggest sale ever...

C

CTCL Grants

For the CTCL COVID-19 Response Grant your office received for the amount totaling \$19593, please fill out your grant report form by January 31st, 2021 ... If you have not spent down the entirety of your grant amount, you may request a 6-month grant extension when you fill out the grant report form. You will hear back from us within two weeks. Our goal is to approve all extension requests.

A MINORITY OF MONTANA COUNTIES EXPECTING TO RECEIVE \$5,000 APIECE TRIGGERED A SHOWER OF AT LEAST \$1.7 MILLION IN ZUCKBUCK GRANTS ROUGHLY A MONTH BEFORE ELECTION DAY 2020. APART FROM THE EASE OF THE APPLICATION PROCESS, THE CHATTER DID NOT CENTER ON HOW THESE MONIES WERE LIFE-SAVERS TO PERFORM CORE ELECTION ADMINISTRATION DUTIES. THEY WERE GENERALLY TREATED AS WINDFALLS AT THE TIME. BUT, WHEN THEIR EASY MONEY WAS THREATENED BY THE LEGISLATURE IN 2021, THEIR OUTLOOK CHANGED.

ADDICTION

In early 2021, state legislatures were back in session. Some legislators had the foresight to seriously consider bans on Zuckbuck-type private grants to fund election administration. Precisely how much money was given and spent was not yet public knowledge overall, given the delayed reporting period and allowances given to counties to keep using the funds well into summer 2021.

In Montana, the county election official listerv was lighting up with concern about SB 335 in late February. Introduced by Senator Gordon Vance⁸ (SD-34, Gallatin County), the bill was intended as “an act prohibiting certain funds from being accepted or used for the purpose of conducting an election.”⁹ The bill focused the ban on election offices but allowed public education, hospitals, and other institutions to continue normally.

In this section of Final Frontier is a second grouping of listerv emails obtained via a PILF public records request for communications about SB 335 and other legislation which could have banned Zuckbucks in the future. There are new speakers added to the email threads, including the Montana Association of Counties¹⁰ and Disability Rights MT¹¹.

The email correspondence spans from February 23 to March 17, 2021. Again, all spelling, emphasis, and emojis are original.

R

Ravalli County

Since everything is moving so quickly right now I really need you to review these two bills for me ASAP. If you oppose either one or both, will you please give me reason(s) why? ... SB 335 Prohibiting certain funding to be used for state/local elections.

M

Missoula County

This would prohibit the usage of funds like the grant from CTCL and could possibly impact other future grants. This last cycle, the CTCL grant was critical to ensuring that voters were aware of the changes to election laws, election administrators had supplies to handle the unique election, and that already strained county budgets would not go over and pass extra expenses along to taxpayers.

G

Gallatin County

Reason for opposition is clear – there is no quid pro quo in accepting these funds and grant funds are used in lieu of taxes.

L

Lewis and Clark County

OPPOSE! Can [Montana Association of Counties] help us with this or do they support it? It's not uncommon for local government to accept grants or for elections departments to accept grants. I am guessing the concern will be over people "buying" our elections...

R

Ravalli County

I will bring that up to the sponsor.

T

Toole County

[G]et rid of grant funding??? I believe they are trying to say we are being bought. I think this needs to be addressed by [Montana Association of Counties].

P

Phillips County

Oppose.

G

Gallatin County

The [Montana Secretary of State] and [Senator Gordon Vance (Gallatin County)] are conspiring to oppose grant funding for future elections for no other reason than their grudge match.

C

Carter County

Does anyone have examples as to what this grant funding is? I have no recollection whatsoever of receiving any monies for elections (unless it was under the table)!

G

Gallatin County

Some counties received grant funding from the Center for Tech and Civic Life (CTCL). [Lewis and Clark County] sent out info about it to the listserv in October.

S

Sweet Grass County

Oppose - I do like [Lewis and Clark County's] amendment for not accepting donations but still accept grants.

C

Cascade County

This would put an end to grants like CTCL, which helped all of us with advertising and extra expenses during the last election.

G

Gallatin County

Food for thought – **ZERO state tax dollars go to supporting elections** ... So if the state wants to restrict the counties' ability to obtain funding to offset the use of local tax dollars in paying for elections, perhaps the state needs to offer up the difference in funding federal/statewide elections.

T

Teton County

OPPOSE, I only received \$5,000 from the CTCL but I put in security cameras in our area and [Lewis and Clark County] let me piggy back on the full page ads for Teton County and Lewis and Clark County.

M

Montana Association of Counties

We will for sure talk about counties footing the bill for elections in our testimony ... [We're] not too concerned about this bill passing. However, [we] will be concerned if it gets assigned to House Judiciary, which could happen if we throw all of our weight behind it right now. We need to fight in the House. Strategy is key.

S

Stillwater County

Oppose. Stillwater County received a CTCL grant for \$5000.00 which was used to purchase items for our polling places and for cleaning crews...

W

Wheatland County

Opposed. We received \$5,000 which was applied towards purchasing Express Votes. Our small county had to come up with over \$15,000 for equipment no one uses.

EXPRESSVOTE IS AN ES&S TOUCHSCREEN VOTING MACHINE WHICH PRODUCES A PAPER RECORD FOR TABULATION.

[HTTPS://WWW.ESSVOTE.COM/PRODUCTS/EXPRESSVOTE/](https://www.essvote.com/products/expressvote/)

M

Montana Association of Counties

I did find this: <https://www.influencewatch.org/non-profit/center-for-tech-and-civic-life/>

R

Ravalli County

Although, no matter the grant source, we by law cannot use the money for anything partisan and I know if any of us are audited, we would come out clean as far as that goes. However, when you read that website it looks bad. I get why the Republicans are skeptical...

L

Lewis and Clark County

This influencewatch.org group is biased. Look at this paragraph:

On July 30, 2020, CTCL posted a webinar entitled “Combatting Election Misinformation” as a resource to help election officials be “reliable source[s] of information” to combat misinformation. It justified the need for election officials to combat misinformation citing Russian interference in the 2016 election, and claimed Donald Trump himself has been a source of disinformation. The webinar encourages the reporting of social media posts when they are suspicious of being misinformation and provides instructions on how to do so. It also encourages election officials to establish relationships with factcheckers and journalists to make spreading factual information easier.

Fact: This type of training was specifically encouraged at the national level by election administration experts. The National Association of Secretaries of State had a #TrsutedInfo2020 campaign...

M

Montana Association of Counties

[I]t's the final stretch and time to try and kill really bad legislation that has survived thus far ... The first survey for which we need your assistance is regarding SB 335, Prohibiting certain funding to be used for state or local elections (Senator Gordy Vance). This is the one that has to do with the CTCL grants from the 2020 election cycle.

R

Roosevelt County

What is a CTCL grant????? We must not have had an offer. Never heard of it.

J

Judith Basin County

Judith Basin DID NOT USE THE CTCL Grant.

G

Garfield County

Garfield County did not use the CTCL grant.

P

Powder River County

Powder River did not use the CTCL grant.

B

Broadwater County

If our county received a ctcl grant it was handled through the commissioners office and we did not put in for any excess funds because of covid for elections.

Yellowstone County

I sent the following to our senators and suggest outreach by any county that used the CTCL grant or any other avenue of election related funding or donations in the past that were not directly out of the county coffers...

Senators,

*I am writing in opposition to SB 335. Yellowstone County saved the taxpayers \$320,593.00 in fiscal year 20-21 by accessing nongovernmental grants and this bill would disallow a critical avenue of funding in the future. The **State of Montana does not fund** any portion of the election process at the local level, thus the \$0.00 fiscal note ... Yellowstone County spent \$84,251.09 alone on temporary staff for the presidential cycle. Passage of this bill only puts more of a burden on local tax payers via unfunded mandates. Also, the sponsor opened and closed with concerns of "dark money" affecting our elections as if this was a campaign finance issue which it is not. If the legislature is concerned about the origins of nongovernmental grants, I would suggest some sort of reporting requirement to the state rather than an outright ban. Keep in mind that Yellowstone County tracks these grants the same way as we track governmental grants and they are available for audit.*

Please vote no!

Montana Association of Counties

Good points to focus on: EVERY GRANT SAVES THE TAXPAYERS DOLLARS; How counties use ANY money that comes to them is 100% transparent—all dollars are trackable and open for public view.

Inclusion Solutions

2020 is over but as you work towards 2021 and future elections, here's what you need to consider. All items are eligible for CTCL and other grants. our LED Purification wands --now only \$399 (Kill the COVID virus on machines, booths, epollbooks, in your office, on inbound ballots and more)-- never buy PPE again.

Disability Rights Montana

Howdy - what's the story on sb 335? Did you all oppose?

Montana Association of Counties

SB 335 dead and indefinitely postponed.

T

Toole County

Yeah! [Senator Mary McNally D-Billings] respects [Yellowstone County], double yeah!!

S

Sanders County

Woot! Woot! Great job [Yellowstone County]!

F

Fallon County

Great job [Yellowstone County]!

P

Prairie County

Yeah! That is so awesome! Great work [Yellowstone County]!

C

Carbon County

Thanks [Yellowstone County] 😊😊

G

Glacier County

Thank you!!! Your all amazing!! 😊

D

Daniels County

Good job [Yellowstone County]!

AS THE EMAILS INDICATE, SB 335 EFFECTIVELY DIED ON MARCH 17, 2021 DUE TO A DEADLOCKED VOTE IN THE SENATE. THE BILL WAS CARRIED BY ONLY ONE SPONSOR, AFOREMENTIONED SENATOR GORDON VANCE.



MONTANA LAWMAKERS DID NOT HAVE ALL THE FACTS ABOUT ZUCKBUCKS WHEN FAILING TO BAN THEM

During the heat of the 2021 legislative session in Montana, county election officials and their trade group lobbied hard against the Zuckbucks ban. They successfully deployed a three-point argument, as was crystallized in Yellowstone County's email copied to the listserv. But, if Montana lawmakers had the benefit of time to see the grant process performed to the end that summer, it's possible the bill would have become law.

"We need these grants because they save taxpayer money!" Unless this line was only intended to pander to extreme fiscal conservatives, the facts of 2020 do not support the claim. Remember, these are counties sometimes operating with \$250,000 to \$750,000 annual budgets for election operations¹² and they only learned about what they thought were \$5,000 grants one month before the big day, according to the initial email chatter. These were counties that performed a universal vote-by-mail election in the primaries and had already opted to do largely the same for the general.

The taxpayer savings argument is even more disingenuous when reading the terms of the CTCL grants. In every letter to a jurisdiction receiving funds, recipients must agree that they will "not supplant previously appropriated funds. The Grantee shall not reduce the budget of the [Election Department] or fail to appropriate or provide previously budgeted funds to the Election Department for the term of this grant."¹³ In other words, using the grant to give a direct break to the local taxpayer would violate the CTCL's own rules and eventually force a refund.

Interpreting the talking point more broadly, some Zuckbucks apologists have claimed that late windfalls helped save taxpayers on the late-breaking expenses driven by the Wuhan Coronavirus Pandemic. Rather than falling into a chicken-or-egg cycle of trying to discern if late grant money drove late spending or the reverse, simply look at the financials. Of the 21 Montana counties disclosing Zuckbucks records to PILF, 14 received the advertised \$5,000 grants apiece and managed to spend them within the initial window covering the general election. The largest portion of the funds went to extra election office equipment purchases (\$26,500), followed by mail voting expenses and postage (\$19,500). Only \$265 were declared as spent on public education/ad buys within this cohort of 14 counties. But it was the bigger counties that undercut the taxpayer relief argument even more so by the numbers.

Of the seven counties receiving more than \$5,000, only one (Lewis and Clark) managed to spend all funds before the first deadline. This meant that while a minority of counties were documented to be pressuring the Montana Senate to kill the Zuckbucks ban by arguing how the grants saved their collective necks in 2020, they still had not spent all the money they were given. Sometimes, even the provided timeline was not long enough to spend the grants necessary to “save the 2020 Election.” Take Missoula County: originally given \$312,818; it spent \$263,924.44 by December 31, 2020; it spent another \$48,398.85 during the 2021 legislative cycle; and it still had to refund roughly \$500 back to CTCL in July 2021.¹⁴

Just how many Zuckbucks were spent before versus after the 2020 Election? The CTCL designed a system where that is not easily determined.

“This was not ‘dark money’ – it’s a transparent process!” Gallatin County Senator Gordon Vance had to wait 19 weeks after SB 335 died to see final Zuckbucks financials showing how his hometown officials spent their \$295,681 grant. The CTCL built a system to hide the ball in plain sight.

The CTCL designed an electronic system for grant application, award, and reporting which generated the slimmest paper trail possible. Forget about letters of intent, clarifying correspondence, conference calls, grant writing consultants, and due diligence. All of that leads to delay and email trails with attachments subject to pesky public records requests. Instead, the CTCL doled out hundreds of millions in Zuckbucks using an online survey platform called Jotform, which likely cost the nonprofit shell group \$80 a year to subscribe.¹⁵ On the platform, applications and reports were designed so as to not ask for receipts or corroborating documents. Only topline figures were sought.

**GALLATIN COUNTY SENATOR
GORDON VANCE HAD TO WAIT
19 WEEKS AFTER SB 335 DIED
TO SEE FINAL ZUCKBUCKS
FINANCIALS SHOWING HOW HIS
HOMETOWN OFFICIALS SPENT
THEIR \$295,681 GRANT**

Definitions of spending categories also had a sense of fluidity. If a county election official felt that an 80-inch 4K television was needed in the spirit of “ensuring the safety of elections,” then sure – go buy that “election administration equipment.” A county did not have to spend funds on additional poll workers – the existing payroll could be treated to “hazard pay.” Even if expenditures did not fit the 11 pre-set categories, that’s okay, just state how you got creative on the question about “additional purposes.” Jotform does not judge. As an example, Missoula County spent \$19,550 on a customer service opinion survey.¹⁶

County by county, document retention practices involving CTCL interactions were not perfect either. Management for the Deer Lodge County Clerk & Recorder changed hands after the 2020 Election and with that, the documentation accounting for the grant was lost in transition.¹⁷ Wibaux County informed PILF that it neglected to take a screenshot of the Jotform confirmation page displaying its post-election spending report. PILF was able to recreate and administer the report questions over email to collect key dollar figures.¹⁸

Any person who wants to research the effects of Zuckbucks in 2020 are forewarned: the public record, if even still available, comes with few instructions and a lot of assembly required.

“We wouldn’t need these grants if we were funded adequately!” This line of argument probably upped the shame factor for lawmakers unwilling to ban Zuckbucks outright. Montana differs from many states in how it structures funding for election operations. State law is straightforward: “[A]ll costs of the regularly scheduled primary and general elections shall be paid by the counties and other political subdivisions for which the elections are held. Each political subdivision shall bear its proportionate share of the costs as determined by the county governing body.”¹⁹

States have an iron-clad interest in wanting to ban Zuckbucks-type scenarios in the future. A system where counties are allowed to ingratiate themselves to private interests to fund sovereign functions is the ultimate slippery slope for the American Experiment. That said, if Montana legislators want another chance at a Zuckbucks ban in the near future, they could consider packaging it as a compromise deal.

Policymakers could survey other states’ funding streams for election administration and discern a best fit for Montana. The existing spectrum of frameworks is broad. Some states like Alaska²⁰ fund all operations from a top-down system. Alabama evenly splits all costs with counties unless there are only statewide races on the ballot, which means the State pays 100 percent.²¹ Idaho and Washington state repay local costs incurred to perform presidential primaries.²² West Virginia reimburses local expenses to administer vacancy-driven special elections.²³ There is no shortage of options for how a compromise can be crafted.



Mark Zuckerberg F8 2018 Keynote. Photograph by Anthony Quintano, April 30, 2018. Licensed under CC BY 2.0.

MEET THE OLD GUARD AND NEXT-GEN ZUCKBUCKS ORGANIZATIONS

As of this report's publication, Mark Zuckerberg is still publicly standing by his decision to not put new monies in the 2022 midterms and beyond. The Center for Technology and Civic Life does not want to return to the 2020 playbook, either.²⁴ But that does not mean the threats of private money and intrusion are disappearing.

In fact, the CTCL is expanding. They are launching a new venture called the U.S. Alliance for Election Excellence, which promises an \$80 million grant fund for local election officials to tap for aid.²⁵ This represents only a shallow representation of the parallel ecosystem of left-leaning nonprofits standing ready to financially support and augment government administration of elections.

For the last 20 years, an incredible divide has deepened between the political left and right as it relates to priorities for election administration. On the right, a habit of indifference morphed into a hyper-focused (and successful) interest in voter ID laws with sprinklings of voter roll list maintenance and poll watcher access. On the left, a network of auxiliary organizations and nonprofit programs was built to replicate core elements of election administration so they could be embedded into official operations at the first opportunity/crisis/invitation. It took 20 years and Zuckbucks to awaken a majority of Americans to the facts that such actions were possible, let alone totally legal in 2020.

Get to know these auxiliary election administration groups. Some have been around for generations, others are upstarts. All are well-funded and likely already in contact with your local election officials.



Center for Election Innovation & Research

Founded: 2016

HQ: Washington, D.C.

Tax ID: 81-3815137²⁶

Core Interests: Grants to election offices

Led by the architect of the Electronic Registration Information Center (ERIC), the previously modest nonprofit took in \$70 million from Mark Zuckerberg in 2020 to distribute grants for similar purposes as the CTCL effort. The largest share of CEIR's Zuckbuck grants went to Arizona totaling \$4.8 million, followed by Connecticut with \$2.1 million. Twenty-three (23) states received grants from the CEIR in 2020.²⁷

Center for Civic Design

Founded: 2013

HQ: Cambridge, MD

Tax ID: 46-3535619

Core Interests: Ballot structure/language, “anywhere balloting”²⁸

The CCD focuses on ballot designs and structure, citing incidents in 2000²⁹ and others as reasons for why their methods should be accepted by officials. Leadership is also on record for saying that bad designs reasonably “swayed” elections to Florida Republicans in 2018.³⁰ The group also calls for simplified ballot language on questions and resolutions. The CCD is a major booster of mass-mail voting and pushes the concept of the “anywhere ballot” capable of being accessed on personal devices like smartphones and tablets.³¹ CCD Co-Director Whitney Quesenbery also sits on the Los Angeles County elections division’s Technical Advisory Committee.³²

Center for Democracy and Technology

Founded: 1994

HQ: Washington, D.C.

Tax ID: 52-1905358

Core interests: Election security, disinformation³³

This relatively older nonprofit receives funds from Google, Facebook, George Soros’ Foundation to Promote Open Society, and the Ford Foundation. The CDT also took a six-figure donation in 2016³⁴ from now-sanctioned Kaspersky Labs based in Moscow.³⁵ CDT advertises its work in election security and, after 2020, a focus on election disinformation in the U.S., Europe, and South America.³⁶ The CDT is credited for donating funds to the Center for Tech and Civic Life (CTCL).

The Elections Group

Founded: 2020³⁷

HQ: Virginia

Core interests: Mail balloting, Risk-Limiting Audits, Physical election security

Run by former election officials from the Virginia State Board of Elections and Cook County, Illinois, the CTCL partner group offers insights to officials about risk-limiting audits, mail ballot dropbox implementation, physical security, and more.³⁸

Electronic Registration Information Center

Founded: 2012

HQ: Washington, D.C.

Tax ID: 45-5389681³⁹

Core Interests: Voter list maintenance, expansion of voter rolls

Established by Pew Charitable Trusts, ERIC is a nonprofit group governed by its 31 member states plus D.C. which performs substantial amounts of the labor required to generate voter list maintenance leads.⁴⁰ Members pay to receive guidance on which of their respective registrants are deceased or relocated. Contingent upon this arrangement is the member’s acceptance of lists of individuals not registered to vote—whom are then sent official mail to encourage registration. PILF believes the “ERIC Data” acted upon by member states is a public record under federal document inspection rights. The ERIC by-laws explicitly prohibit disclosure of such records. Finding this to be an unacceptable contract to violate federal law, PILF is suing Alaska, Colorado, the District of Columbia, and Louisiana for access to the records.⁴¹

THE NEXT ‘CRISIS’ LEADING TO ZUCKBUCKS 2.0?

If public health trends hold, Coronavirus alone probably will not muster the same justification for hundreds of millions in private cash to support election administration. A new existential crisis will be needed. Not only is one ready and waiting, but at least one Montana election official has already made mention:

“This grant was also key in our fight against misinformation and disinformation. I believe local messaging is crucial to engaging our citizens and educating them about democratic processes in order to build trust – this grant made that possible.” – Lewis and Clark County Final Report to CTCL, January 2021

Nonprofit groups like the aforementioned Center for Democracy and Technology argue that mis-, dis-, and mal-information (MDM)⁴² is steadily rising as a threat which local election officials and federal partners must prepare to counteract. The Biden Administration is also raising the specter for concern. In February 2022, the Department of Homeland Security released a terrorism threat summary which listed “proliferation of false or misleading narratives, which sow discord or undermine public trust in U.S. government institutions,” citing “false or misleading narratives regarding unsubstantiated widespread election fraud” as the number one threat example in the terrorism bulletin.⁴³ The administration followed this up with the unveiling of the Disinformation Governance Board housed within DHS initially chaired by a wannabe TikTok star until her, and the mysterious body’s, predictable downfall.⁴⁴

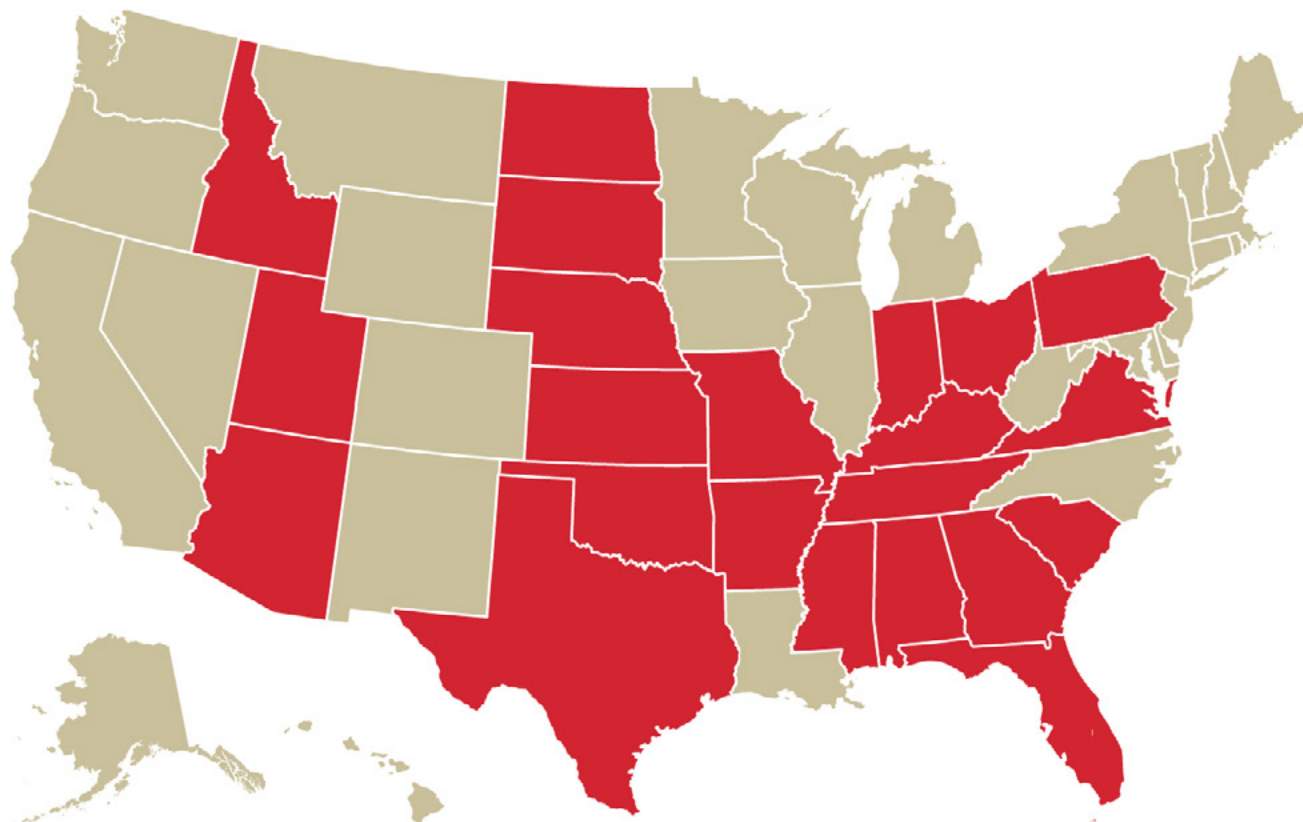
In practice, and just as Lewis and Clark County referenced, future efforts to combat MDM with private funds can follow some Zuckbuck 2020 experiences. Boosted by private funds, 2022 elections and beyond could see pay-to-play media collaboration in the form of sponsored content or general friendly coverage due to larger ad buys. Shortly before this report was published, a former National Public Radio correspondent covering voting process issues told election administration students at the University of Minnesota that they should plan to befriend reporters willing to drop their “adversarial relationship” and enlist them as “allies” to support government-approved narratives.⁴⁵



NCSBE Misinformation Program

STATES WITH ZUCKBUCKS BANS AHEAD OF 2022 MIDTERMS

Is your state protected against selective, private funding of elections?



States shaded in red indicate where Zuckbuck bans are in place.

QUESTIONS FOR THE READER

Having read this report, you may be wondering what you can do to make a meaningful difference, even if you do not have a billion-dollar fortune to marshal. Based upon your answers to these questions, you might have a good idea on how to proceed in your own community.

- Do I live in a state where Zuckbucks are banned?
- Did your county receive Zuckbucks in 2020 or early 2021?
- Has your local election official been in contact with the CTCL or its aforementioned partner organizations since 2020?
- Has your county expressed any interest in participating in CTCL's new U.S. Alliance for Election Excellence?
- Does your county elections office complain about budgeting shortages that would make them vulnerable to CTCL?
- Is your county election official committing resources to fighting mis-, dis-, and mal-information (MDM) and, if so, who's is training or partnering with them?



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