

## The Escalating Nationwide Battle Over Private Millions to Bankroll Public Elections

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January 12, 2022

Democrats across the country are pushing to continue allowing private money to fund public elections as Republicans try to limit the practice, which they say gave Joe Biden an unfair and perhaps decisive advantage in his victory over Donald Trump in the 2020 presidential contest.

So far at least 10 Republican-controlled states have passed laws to prohibit or limit the use of private money in public elections. These include the swing states of Arizona, Florida, Georgia, and Ohio. In another swing state, North Carolina, Democratic Gov. Roy Cooper vetoed such legislation, as did other Democratic governors.

During 2020, nonprofits donated more than \$400 million to state and local election boards to support their work and get out the vote. Most of the funding, around \$350 million, came from Facebook founder Mark Zuckerberg and his wife, Priscilla Chan, distributed primarily through the Center for Tech and Civic Life, or CTCL, a Chicago-based progressive-led group that includes former operatives of President Obama.

Democrats and others contend that such money – an amount approaching the \$479.5 million in federal and state matching funds provided for COVID-related election expenses in 2020 – is necessary to support the work of underfunded election boards facing the added challenges of the pandemic.

In vetoing the North Carolina legislation, Gov. Cooper said the money provided “necessities such as masks, single-use pens and other protective equipment, so voters stayed safe during the pandemic.”

Republicans assert that the private grants were disproportionately allocated to counties eventually won by Biden, a mismatch that hurt them in 2020 and, if continued, would damage their chances in future elections.

“Our elections should never be for sale, but they were in 2020,” Congresswoman Claudia Tenney (R-N.Y.) said last month, calling the private funding a “partisan exercise.”

The CTCL insists the grants were available to any entity that applied.

Among other things, the money went to get-out-the-vote efforts and tallying mail-in ballots. In some cases, the money allowed Democratic Party operatives in key states to help run the election, including the counting of votes.

The center was “very lenient regarding what we could spend the money on,” Deb Cox, a Lowndes County, Ga., elections supervisor, told RealClearInvestigations in May. The county

paid off a \$15,000 legal bill with some of the grant. “They put virtually no restrictions on it as long as it relates to the election.”

The center reports that it distributed the grants to elections offices in 48 states and the District of Columbia. Included in its election funding, it said, was \$25 million from the New Venture Fund, a progressive nonprofit affiliated with Arabella Advisors, which coordinates a politically liberal, so-called "dark money" network.

With federal election funding distributed primarily based on voting age population, most money tends to flow to logistically challenged cities and larger counties — often Democrat-run. This was the case in 2020 and 2018, both years when Congress approved hundreds of millions of dollars for election security upgrades.

The outsized private grants in 2020, however, were not covered by transparency laws governing federal spending. And many on the right saw in the opaqueness little more than political advocacy at play.

The Capital Research Center, a conservative group that describes its study of election 2020 as “exposing how one billionaire privatized a presidential election,” estimates that in Georgia, the Zuckerberg-aligned center gave \$5.06 per capita in counties that went for Joe Biden and 98 cents in counties that went for Donald Trump.

In Pennsylvania, another swing state, the group estimates that the center gave \$3.11 per capita in counties that went for Biden, while Trump counties received 57 cents per capita. In Arizona, the group says, the breakdown was \$5.83 for Biden counties and \$1.29 for Trump counties.

CTCL’s executive director, Tiana Epps-Johnson, told the Associated Press that the funding allocation “reflects those who chose to apply.” “Every eligible election department that was verified as legitimate was approved for a grant,” the center said on its website.

Epps-Johnson did not respond to an email seeking an interview.

Interested parties are monitoring the issue ahead of this year’s midterms. According to the progressive Brennan Center for Justice, 19 states have enacted 34 laws to “make it harder” for Americans to vote. It says 25 states have enacted 62 new laws that make it easier to vote, including expanded mail ballot drop-off points and less stringent mail ballot verification.

The Brennan Center did not respond to an interview request.

Lawmakers in 27 states this year passed legislation specifically to make mail-in voting easier, according to the Voting Rights Lab, which declined an interview request.

A review of these laws finds many are returning to pre-pandemic policies that were uprooted as a flurry of states insisted it was unsafe for voters in the pandemic year to cast ballots as they had before. Other new rules call for stricter monitoring of mail-in ballot procedures in addition to bans or limits on private grants.

The private funding on its own is not as problematic as the appearance it creates based on the originator of the money, said Ilya Shapiro, director of the Robert A. Levy Center for Constitutional Studies at the Cato Institute.

“If just one group is providing the money, it has the look of being tainted,” Shapiro said. “Part of election integrity is the perception.”

The private grants are legal if not specifically outlawed, said Ron Labasky, general counsel for the Florida Supervisors of Elections.

“Florida has precluded public officials from taking money for running elections,” Labasky said. “But there were no legal prohibitions from receiving those grants. “

Florida’s election bill to ban the funding, like those in several other states, was part of an omnibus voting measure that also codified rules regarding mail-in ballots and the responsibilities of poll watchers. Moves to restrict that funding have been opposed with the help of an army of lobbyists funded by progressive groups including New Venture, the Hopewell Fund, Secure Democracy and Represent.us.

The laws struck down in exclusively blue states include Wisconsin, where Gov. Tony Evers vetoed a measure outlawing private grants to local elections offices, claiming the law “unnecessarily restricts the use of resources that may be needed to ensure elections are administered effectively.”

Michigan’s Democratic Gov. Gretchen Whitmer rejected a similar bill, although her veto did not state her reason. Louisiana’s Democratic Gov. John Bel Edwards vetoed a bill outlawing private donations to election officials claiming the measure would ban all donations, “no matter how good the intentions,” while calling committee debate over Zuckerberg’s grants “overheated rhetoric.”

The “rhetoric” included a comment during the introduction of the legislation from Republican state Rep. Blake Miguez (the bill’s sponsor), who said that “the money that was sent through this nonprofit organization was a disguised way of getting out the vote for a particular ... special interest in this case.”

Miguez was asked by a political opponent in the statehouse during the hearing if the measure would have come if the presidential election went the other way.

“I think this bill is good in any scenario,” Miguez said.

As a result of the vetoes, several states governed by Democrats are now fully open to receiving largesse from partisan sources in 2022, a year in which both houses of Congress are up for grabs in the midterm elections.

“It remains to be seen if there will be more people dumping money through private foundations into our election system,” said Jason Snead, executive director of the conservative Honest Elections Project. “There’s unquestionably a need for adequate public funding to run an election, and the money should come from the states. I encourage states to close this [private] money off.”

Snead added that there could be an argument made this year that the nation is still dealing with the coronavirus and there remains the need for protective equipment, which was an argument made for the private money in 2020.

In an October 2020 statement, Zuckerberg said he hopes “that for future elections the government provides adequate funding. But absent that funding, I think it's critical that this urgent need is met.”

Without the billions these elections officials seek, Zuckerberg can again assert the lack of “adequate funding” in plying elections supervisors with money this fall.

“The average American does not want to see this practice going forward,” said Ohio Secretary of State Frank LaRose, a Republican who took some of the private grant money in 2020, which was approved by state legislators. Some states require such approval while others do not.

“That was an extraordinary circumstance, and I would not accept that money now,” LaRose said. The practice should be halted, he said.

“Ideally, maybe something should be done at the federal level, sort of putting a line in the sand on private funding. I think it’s time for that.”