

**BEFORE THE
FEDERAL ELECTION COMMISSION**

Craig Holman, Ph.D.
Public Citizen
215 Pennsylvania Avenue, SE
Washington, D.C. 20003

Complainant,

v.

Elon Musk
Chris Gober, Treasurer
America PAC
P.O. Box 341027
Austin, TX 78734

COMPLAINT

1. America PAC is an independent expenditure-only committee (“super PAC”) registered with the Federal Election Commission. America PAC was originally founded and largely financed by Elon Musk, CEO of Space X and co-founder of Tesla, on May 22, 2024 (amended on July 29, 2024). FEC Committee ID: C00879510. Chris Gober serves as the committee’s Custodian of Records and Treasurer.
2. On October 19, 2024, Elon Musk pledged to award \$1 million every day until Election Day on November 5 to randomly selected registered voters who sign a petition to “support the constitution” launched by America PAC in seven “swing” states. According to the America PAC web site, the \$1 million reward is exclusively open to “registered voters” in Pennsylvania, Nevada, Arizona, Michigan, Wisconsin, Georgia and North Carolina. Before signing the petition, persons signing the non-legally binding petition must become registered voters.
3. The deadline to sign the petition expired on October 21, which is the day that voter registration in Pennsylvania closed.
4. The purpose of the \$1 million reward for signing the petition appears to be to motivate voter registration and voting at the polls by those sympathetic with the candidacy of Donald Trump in the key swing states for the 2024 presidential election.
5. Payments intended to encourage voter registration and voting are expressly illegal under 52 U.S.C. §10307(c), which reads in part:

§10307. Prohibited acts

(c) False information in registering or voting; penalties

Whoever knowingly or willfully gives false information as to his name, address or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both: Provided, however, That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

6. If the Federal Election Commission “upon receiving a complaint ... has reason to believe that a person has committed, or is about to commit, a violation of (the Federal Election Campaign Act) ... The Commission shall make an investigation of such alleged violation....” 52 U.S.C. §30109(a)(2).

BACKGROUND

7. Federal election laws expressly prohibit any payment to any person to register, vote or withhold their vote (52 U.S.C. §10307(c)). This prohibition also applies to payments to encourage any person to register to vote.
8. Billionaire Elon Musk has devised a scheme in concert with America PAC to launch a non-binding petition reaffirming the conservative agenda of Donald Trump’s campaign, which certainly is legal. Musk has also employed signature-gatherers at \$47 for each signature solicited for the petition, which is also legally in bounds.
9. Elon Musk appears to have crossed the legal line when he upped the ante and pledged to award \$1 million a day to a randomly selected petition signer who is a registered voter. The America PAC web site (*attached* as Appendix A) explicitly states that only registered voters who sign the petition are eligible for the financial reward. The offer expired on the date that voter registration ended in Pennsylvania.
10. America PAC announced on October 22 that it is expanding the reward payment to any of the seven battleground states, not just Pennsylvania. So far, two petition signers have received the \$1 million reward each, [John Dreher and Kristine Fishell](#).
11. Pennsylvania Gov. Josh Shapiro called Musk’s plan to give money to registered voters in his state “deeply concerning” and “it’s something that law enforcement could take a look at.”
12. On October 22, several [former Republican officials](#) sent a letter to the Department of Justice requesting an investigation into the matter under a separate election law, 18 U.S.C. §597.

CONCLUSION

13. 52 U.S.C. §10307(c) expressly prohibits payments to encourage or discourage voting.
14. The Elon Musk and America PAC \$1 million reward program, targeting seven swing states and explicitly designed to reward only registered voters in those states, appears to constitute payment to encourage voter registration and to influence votes.
15. Consequently, there is reason to believe that Elon Musk and America PAC have violated the Federal Campaign Finance Act that prohibits payments for voter registration or for voting. We request that the Federal Election Commission investigate whether this reward program violates federal law and how best to address the advertising campaign by America PAC.

APPENDIX A

America PAC Web Site on the \$1 Million Reward Program



💰 EARN \$1,000,000! 💰

Oct 19: John earned \$1,000,000 in Harrisburg, PA!

Oct 20: Kristine earned \$1,000,000 in Pittsburgh, PA!

Oct 21: Shannon earned \$1,000,000 in McKees Rocks, PA!

Oct 22 - Nov 5: Each day, one petition signer from either PA, GA, NV, AZ, MI, WI, or NC will earn \$1,000,000.

The First and Second Amendments guarantee freedom of speech and the right to bear arms. By signing below, I am pledging my support for the First and Second Amendments.

In appreciation for your support, you will receive \$47 for each registered voter you refer that signs this petition.

Our goal is to get 1 million registered voters in swing states to sign in support of the Constitution, especially freedom of speech and the right to bear arms. This program is exclusively open to registered voters in [Pennsylvania](#), [Nevada](#), [Arizona](#), [Michigan](#), [Wisconsin](#) and [North Carolina](#). Expires October 21.

First Name *

Last Name *

Email Address *

Cell Phone Number *

Will only be used to confirm you are the legitimate petition signer. No other purpose.

Mailing Address *[Use Manual Address](#)**Did someone refer you?****Email or Cell Phone Number****SIGN PETITION**

Each person may only sign this petition once. Eligible people may only list one eligible person as their referrer. Signing the petition on behalf of another person is not permitted. Before payment is made, America PAC will verify the accuracy of all information of the referrer and referee. Payments of \$600 or more will require the referrer to provide a signed IRS W-9 so an IRS 1099 can be issued. To be eligible, both the referrer and the petition signer must be registered voters of Arizona, Michigan, Nevada, North Carolina, Pennsylvania, or Wisconsin.

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and beliefs, true.

Sworn pursuant to 18 U.S.C. 1001.

For Complainant:

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Washington, D.C. 20003