



**WRITTEN TESTIMONY FOR HEARING
ON “WEAPONIZING FEDERAL
RESOURCES: EXPOSING THE SBA’S
VOTER REGISTRATION EFFORTS”
JUNE 4, 2024**

Presented to

Committee on Small Business
United States House of Representatives

Madeline Malisa, *Senior Fellow*
Stewart Whitson, *Senior Director of Federal Affairs*
Foundation for Government Accountability

Chairman Williams, Ranking Member Velázquez, and Members of the Committee: Good morning. My name is Stewart Whitson, and I am the Senior Director of Federal Affairs at the Foundation for Government Accountability (FGA).

FGA is a non-partisan, non-profit organization that seeks to enhance the lives of all Americans by improving welfare, workforce, health care, and election integrity policy at the state and federal levels.

Zuckerbucks was an unprecedented voter registration scheme that disproportionately targeted left-leaning jurisdictions in the lead-up to the 2020 presidential election, especially those located in key battleground states, including Michigan.¹⁻²⁻³ And it worked. The infusion of cash into certain jurisdictions—those that leaned heavily Democratic—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.⁴⁻⁵⁻⁶

Fortunately, lawmakers across the nation, from both political parties, recognized the danger to democracy posed by the Zuckerbucks scandal, and 28 states have passed new laws to help stop it.⁷

Unfortunately, the Biden administration has doubled down on a new, similar scheme that is using the same strategy pioneered through Zuckerbucks—*targeted* voter registration and mobilization—but on a new, unimaginable scale. And as we learned in recent months, the Small Business Administration (SBA) is playing a critical role in helping to carry out this new scheme.

So what is this new scheme that the SBA is helping to carry out?

Back in March 2021, President Biden signed Executive Order (EO) 14019.⁸ The order commands the head of every federal agency to develop a plan to do two things: promote voter registration *and* promote voter participation.⁹ 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.¹⁰ Which groups have received 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.¹¹⁻¹²⁻¹³⁻¹⁴ What little we do know, thanks in large part to the documents FGA has managed to force the Biden administration to hand over through an ongoing lawsuit, is deeply concerning.¹⁵

This EO is known as “Bidenbucks” because it is Zuckerbucks 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, including those of the SBA.

Here's some of what we know so far:

Back in March of this year, the SBA announced a new agreement it has made with the Michigan Department of State (MDOS) in response to the Bidenbucks executive order to “promote civic engagement and voter registration in Michigan.”¹⁶ So not just registering more voters, but actually helping to turn them out to vote. Campaigns call this a “get-out-the-vote” effort. This “first-of-its-kind collaboration” will include a new effort for the SBA to drive individuals visiting its website to a new site

where visitors can register to vote.¹⁷ But they don't plan to stop at online registration. According to MDOS, the "SBA's Michigan field office may also allow MDOS officials to conduct in-person voter registration at the SBA's small business outreach events."¹⁸

There are number of factors surrounding this new SBA effort that draw into question the true motivations behind this new partnership between Michigan's highly partisan secretary of state and the SBA. First, the complete lack of transparency by the Biden administration surrounding the Bidenbucks order and how, precisely, it is being implemented in the states.¹⁹ Second, the fact that this new unprecedented SBA partnership is being carried out in Michigan, a key battleground state.²⁰ Third, the recently uncovered evidence revealing that the Biden political appointee currently leading the SBA may have violated federal law by using her position and federal taxpayer resources to indirectly campaign for President Biden.²¹ Fourth, the timing of the announcement, mere months before the upcoming election.²² The worry is that this isn't about registering small business owners across the state of Michigan, but rather, this is about using generous business startup and other grants to lure targeted groups of voters, those the Left believes are more likely to vote for the current president, to SBA's website and to in-person outreach events hosted in Democratic strongholds, all to help register and mobilize these voters ahead of the 2024 election. In other words, this appears to be a get-out-the-vote effort aimed at directly benefiting the Biden campaign, at the expense of the American taxpayer and the small businesses the SBA is supposed to serve.

In addition to the SBA, scores of other federal agencies are helping to carry out the Bidenbucks scheme.

The U.S. Department of Health and Human Services (HHS) has transformed more than 1,400 federally qualified health centers located across the country into voter registration hubs.²³ Under the authority of 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.²⁴

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.²⁵ In other words, it appears that the 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 attract 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.²⁶

Meanwhile, the U.S. Department of Labor (DOL) has turned more than 2,300 American Job Centers into voter registration agencies, allowing third-party groups to engage in voter outreach activities on site.²⁷ The Biden administration is refusing to disclose which groups it is approving for this special access, nor has it disclosed the criteria for approval.²⁸

The U.S. Department of Agriculture (USDA) is allowing food stamps agencies to use administrative funds to pay for voter registration and participation services.²⁹ 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 the 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).³⁰ 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.³¹

And in response to the Bidenbucks EO, the Department of Education issued guidance to colleges and post-secondary schools encouraging them to use Federal Work Study funds to pay students to engage in voter registration efforts both on and off campus.³²⁻³³ The students are supposedly employed directly by the institution, but in reality, often work under the direction and supervision of third-party groups. Federal Work Study funds are now being used to pay students to work for certain left-wing voting groups to get out the vote of left-leaning voters. The Biden administration is literally giving these groups an army of workers to get President Biden re-elected, at any cost, paid for on the backs of all taxpayers.

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.³⁴ 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 introduce their organizations.³⁵ These non-government third-party groups are being given unfettered access to targeted groups of voters, along with the impression that they are sanctioned by the government. Newly admitted citizens and others attending naturalization ceremonies who are still making their way through the immigration approval process may feel pressured to 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.

Worse yet, under EO 14019, it appears that third-party groups politically aligned with the current president have been empowered to not only register voters on the federal government’s behalf using taxpayer-funded resources, but to help applicants fill out the registration forms and then collect the forms on behalf of the state. With zero oversight, left-wing groups are free to disregard state and federal election laws these groups openly describe as “racist” and “undemocratic,” including laws related to voter identification and noncitizen voting. With chaos reigning at a wide-open southern border, and more than 10 million illegal aliens having already flooded into the country—with 860,000 got-aways in 2023 alone, according to the Congressional Budget Office (CBO)—the threat to free and fair elections cannot be overstated.³⁶⁻³⁷

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 three 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,³⁸ 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.³⁹ 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.⁴⁰⁻⁴¹⁻⁴²

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 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.⁴³ The Bidenbucks EO is unconstitutional on its face.

Second, the Bidenbucks 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.⁴⁴⁻⁴⁵ The irony is: The Biden administration is claiming statutory authority under the NVRA, yet its agencies are likely violating that law (as well as the APA) by acting as NVRA-designated voter registration agencies without the state designation required under federal law.⁴⁶

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.⁴⁷ The Anti-Deficiency Act, codified at 31 U.S.C. Section 1341, strictly forbids this.⁴⁸

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 political power? Congress must do everything it can to stop this unprecedented scheme. This hearing is an important step in that direction.

With that, I thank you for the opportunity to testify in today’s hearing and I look forward to your questions.

¹ “Zuckerbucks” Were a Problem in the 2020 Election, Foundation for Government Accountability (2022), <https://thefga.org/one-pagers/zuckerbucks/>.

² Hayden Dublois, “How ‘Zuckerbucks’ infiltrated and influenced the 2020 Florida election,” Foundation for Government Accountability (2021), <https://thefga.org/research/zuckerbucks-infiltrated-florida-election/>.

³ 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/>.

⁴ 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/>.

-
- ⁵ Alli Fick and Tyler Lamensky, "How Zuckerbucks infiltrated the Wisconsin election," Foundation for Government Accountability (2021), <https://thefga.org/research/zuckerbucks-wisconsin-election/>.
- ⁶ 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-missouris-2020-election/>.
- ⁷ States Banning or Restricting "Zuck Bucks," Capital Research Center (2024), <https://capitalresearch.org/article/states-banning-zuck-bucks/>.
- ⁸ "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>.
- ⁹ Ibid.
- ¹⁰ Ibid.
- ¹¹ 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/>.
- ¹² "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>.
- ¹³ "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>.
- ¹⁴ "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/>.
- ¹⁵ FGA v. Department of Justice: Exposing the Bidenbucks Scandal, Foundation for Government Accountability (2024), <https://thefga.org/fga-v-doj/>.
- ¹⁶ Michigan Department of State, U.S. Small Business Administration announce voter registration agreement, Michigan Department of State (2024), <https://www.michigan.gov/sos/resources/news/2024/03/20/mdos-and-us-small-business-administration-announce-voter-registration-agreement>.
- ¹⁷ Ibid.
- ¹⁸ Ibid.
- ¹⁹ FGA v. Department of Justice: Exposing the Bidenbucks Scandal, Foundation for Government Accountability (2024), <https://thefga.org/fga-v-doj/>.
- ²⁰ Michigan Department of State, U.S. Small Business Administration announce voter registration agreement, Michigan Department of State (2024), <https://www.michigan.gov/sos/resources/news/2024/03/20/mdos-and-us-small-business-administration-announce-voter-registration-agreement>.
- ²¹ Chairman Williams, Senator Ernst Demand documents on the SBA's Voter Registration Activities and Political Travel, House Committee on Small Business (2024), <https://smallbusiness.house.gov/news/documentsingle.aspx?DocumentID=405981>.
- ²² Michigan Department of State, U.S. Small Business Administration announce voter registration agreement, Michigan Department of State (2024), <https://www.michigan.gov/sos/resources/news/2024/03/20/mdos-and-us-small-business-administration-announce-voter-registration-agreement>.
- ²³ 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/>.
- ²⁴ Voter Registration and Health Centers, Health Center Program, Health Resources & Services Administration (2022), <https://bphc.hrsa.gov/compliance/scope-project/voter-requirements>.
- ²⁵ Ibid.
- ²⁶ Ibid.
- ²⁷ 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>.
- ²⁸ 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>.
- ²⁹ 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/>.
- ³⁰ 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/>.
- ³¹ Ibid.
- ³² 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>.

-
- ³³ 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/>.
- ³⁴ 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>.
- ³⁵ Ibid.
- ³⁶ Illegal border crossers total over 10 million since Biden inauguration, Washington Examiner (2023), <https://www.washingtonexaminer.com/news/2455010/illegal-border-crossers-total-over-10-million-since-biden-inauguration/>.
- ³⁷ The Demographic Outlook: 2024 to 2025, Congressional Budget Office (2024), <https://www.cbo.gov/system/files/2024-01/59697-Demographic-Outlook.pdf>.
- ³⁸ U.S. Const. art. I, §4, cl. 1.
- ³⁹ “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>.
- ⁴⁰ See, e.g., *Rucho v. Common Cause*, 139 S. Ct. 2484, 2496 (2019).
- ⁴¹ *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 17 (2013) (quoting THE FEDERALIST No. 60, at 371 (A. Hamilton)).
- ⁴² See U.S. CONST. amend. X.
- ⁴³ *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.’”).
- ⁴⁴ 52 U.S.C. §§20501 et seq.
- ⁴⁵ 5 U.S.C. §706(2).
- ⁴⁶ Ibid.
- ⁴⁷ 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.”).
- ⁴⁸ Ibid.