

Congress of the United States

Washington, DC 20515

December 3, 2020

The Honorable Patricia Layfield
Inspector General
U.S. Election Assistance Commission
1335 East West Hwy, Suite 4300
Silver Spring, MD 20910

Dear Inspector General Layfield:

In light of media reports that California Secretary of State Alex Padilla is now the front-runner to be appointed to California's open United States Senate seat, we are writing to request a member-level briefing on the status of your review of the highly questionable \$35 million contract for voter contact the California Secretary of State's Office awarded to SKD Knickerbocker (SKD), Joe Biden's main election campaign advisory firm.¹

According to the *New York Times*, "Alex Padilla, California secretary of state, has emerged as the front-runner to succeed Kamala Harris."² Secretary Padilla reportedly provided California's governor Gavin Newsom with an early endorsement during the 2018 election and "[n]ow Mr. Newsom is in a position to return the favor."³ An appointment is expected to be made before January 20, 2021.⁴ Because Secretary Padilla may become a member of the United States Senate in a matter of days or weeks, it is critical that he provide answers about his decision to award a contract to a partisan firm that appears to be both a misuse of taxpayer money and a violation of the law.

To our knowledge, your office has not yet began a formal investigation of the contract. We wrote to you on October 13, 2020 about the California Secretary of State's Office use of Help America Vote Act (HAVA) grant money from the CARES Act to fund the voter contact contract with SKD.⁵ Documents provided to your office by Committee Republicans appear to show that the California Secretary of State's Office planned to use HAVA money for voter contact. As you know, the use of HAVA funds for voter contact is a violation of the law. According to the U.S. Election Assistance Commission (EAC), HAVA grants cannot be used to

¹ Lara Korte, *California to Spend \$35 Million on Mail Voting Campaign Run by Firm With 'Team Biden' Ties*, THE SACRAMENTO BEE, Aug. 27, 2020, available at <https://www.sacbee.com/news/politics-government/capitol-alert/article245279195.html>.

² Shawn Hubler & Alexander Burns, *One Seat, Competing Pressures as Newsom Considers Senate Pick*, NY TIMES, Nov 29, 2020, available at <https://nytimes.com/2020/11/29/us/California-senate-seat-padilla-newsom.html>.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

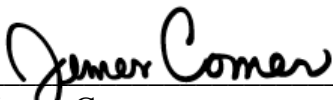
get out the vote (GOTV) or to encourage voting.⁶ Further, the CARES Act is very specific about the use of these funds, which must be used to “prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle.”⁷

The \$35 million contract was apparently intended to provide a partisan firm the opportunity to use taxpayer money to influence the federal election. The \$400 million supplemental appropriation funding, distributed by the EAC, was designed to provide states with additional resources to protect the 2020 election from the pandemic. As it stands, the Secretary’s decisions ensured no Californians benefited from this appropriation. Before Secretary Padilla has the opportunity to become a member of the United States Senate entrusted with upholding the integrity of all federal elections and safeguarding taxpayer money, the American people deserve to know whether he has misused federal funds to benefit political allies. Since your office is charged with rooting out waste, fraud, and abuse in EAC programs, your office is critical in determining whether the contract awarded to SKD violated the law by using HAVA grant money.

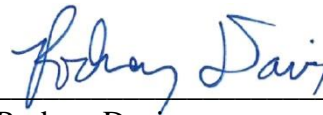
Please contact Committee staff at (202) 225-5074 to schedule this briefing by December 10, 2020. Thank you in advance for your cooperation with this matter.

The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
House Committee on Oversight
and Reform



Rodney Davis
Ranking Member
House Committee on
Administration



Jody Hice
Ranking Member
Subcommittee on Government
Operations

⁶ U.S. Election Ass’t Commission, *Grants Frequently Asked Questions*, available at <https://www.eac.gov/payments-and-grants/grants-faqs>.

⁷ U.S. Election Ass’t Commission, *Guidance on Use of HAVA Funds for Expenses Related to COVID-19*, <https://www.eac.gov/election-officials/guidance-use-hava-funds-expenses-related-covid-19>.

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Page 3 of 3

cc: The Honorable Carolyn B. Maloney, Chairwoman, House Committee on Oversight and Reform

The Honorable Zoe Lofgren, Chairwoman, House Committee on Administration

The Honorable Gerry Connolly, Chairman, Subcommittee on Government Operations