

Planned testimony of Todd Shepherd to Pennsylvania State
Government Affairs Committee, 3/5/2022:

Members of the General Assembly:

It's an honor to testify before you today.

I am Todd Shepherd, a reporter with *Broad + Liberty*, based in Philadelphia.

Just to give you a few quick sentences on my background:

I received a degree in Radio and Television Arts with a journalism emphasis in 2004 from Oklahoma Baptist University. While still a student, I began my career as a journalist with an anchoring and reporting position for an Oklahoma City radio station that year.

In 2005, I went to 850 KOA in Denver where I won three regional Edward R. Murrow Awards. I'm not trying to bring that up in a boastful manner, but just trying to supply you with some bona fides.

I have reported on Pennsylvania issues, and in particular, Southeast Pennsylvania issues since 2020 when I began reporting for Delaware Valley Journal. And then with Broad + Liberty in 2021.

Today I will try to give you as accurate testimony as possible about my reporting on the 2020 election grants distributed in Pennsylvania by the nonprofit group the Center for Tech and Civic Life, or CTCL.

My reporting on these grants extended over several months, and is informed by about a dozen Right to Know Law requests, as well as on-the-record responses from elected officials and governments.

Before I go any further, let me state that my reporting was not intended to imply — nor do I personally believe — that Pennsylvania's election in 2020 was somehow “stolen” from Donald Trump. I believe Joe Biden duly won Pennsylvania, and he duly won the 2020 presidential election overall.

With that in mind, I would also say that when private money becomes involved in funding particular elements of government, rigorous scrutiny is warranted.

A good example of this recently emerged from South Dakota when it was revealed that a deployment by that state's national guard by the Republican governor was funded by an anonymous donor. That instance rightly raised questions as to whether the force of the South Dakota national guard could be purchased by outside interests.

Now to the matter at hand:

"Get out the vote" efforts are as old as American elections and are a natural part of our political DNA.

However, what we're examining today is if these election grants were really running a GOTV effort by coordinating with *select* county election offices, running GOTV efforts by using private money given to some election offices but not all — and that's a completely different animal.

In this presentation, I hope to show you that:

The grants awarded were heavily biased towards Democratic-voting counties; that agents of the Governor's office and Secretary of State's office appeared to have had a hand in creating that imbalance; that paid political consultants with partisan interests became involved, raising considerable ethical questions; and that some government actors involved with these grants knew about some of the political bias involved, but did not care or, — in one instance I will show you — told the public something very different than what they were saying behind closed doors.

At the outset I would also like to place in your mind a clear distinction about who we will be talking about:

Obviously, the grants as we know were made by the CTCL.

But another player, the Center for Secure and Modern Elections plays a significant role.

You all are government officials, so you're familiar that government discussions dip a little bit into the "alphabet soup", the names of agencies, etc. But please keep in mind that I'll be referring to the Center for Tech and Civic Life as the CTCL, and the Center for Secure and Modern Elections as the CSME. And I will give you a much fuller description of who the CSME is later.

As most of you know, the CTCL is a Chicago-based nonprofit that gave \$22.5 million in grants to 23 counties prior to the 2020 election. Their raw dollar grant amounts are listed for you here.

One of the first stories we did was to adjust these grants not on a population basis, but to adjust these grants on a registered voter basis, and our story contained the following graph.

This graph does omit Armstrong County, but it would not have altered really the striking red/blue imbalance you see. Keep in mind, the "Y AXIS" represents grant dollar per registered voter. The county was coded red, or blue based on its 2016 presidential vote.

Averaging out the grants this way is an important tool. This graph doesn't show that Philly just got more money because Philly is large.

What this graph shows is that with these grants, Philadelphia had \$8.83 cents that could be spent on each "Joe Citizen" registered to vote there. While in Luzerne or Erie county, those counties had about 75 cents to spend on "Joe Citizen" registered voter in those counties.

Generally speaking, the Republican theory of what these grants were intended to do goes like this: that the CTCL and its allies would use grants to greatly boost the election resources of blue counties so that turnout will be higher in blue counties, thereby boosting Democratic candidates.

Unsurprisingly, I did not uncover any smoking gun to this effect in my reporting. I did however find a tremendous amount of circumstantial evidence pointing in this direction, with minimal circumstantial evidence pointing to the contrary.

There is one important date to remember as we talk about these grants, and that is Sept. 1, 2020. That is when the CTCL announced it had received a \$250 million dollar grant from Mark Zuckerberg and Priscilla Chan's foundation.

It was this donation that provided the CTCL with enough money that it moved from selectively inviting counties to making an open call — any county that applied would get some kind of grant award.

But emails I obtained through the Right to Know Law show that no one involved with the CTCL grants knew the Sept. 1 Zuckerberg award was coming. This is instructive in many ways.

If the persons in the government didn't know the "open-call" was coming, it raises even more questions about how biased the process was before that date.

The counties approached before Sept. 1 were all blue counties. In my RTK requests through the governor's office and Department of state, I saw no emails in which those two government offices worked with or contacted any "red" county prior to Sept. 1.

This also means that the money used for grants prior to Sept. 1 still came from an unknown source. Interestingly, this is the exact reason Bucks County said it declined the offer for a grant.

The handful of blue counties contacted in July and August of that year were given special assistance by outside consultants — some of them paid political consultants with CLEAR partisan interests. (I will detail some of them in just a bit).

Those consultants worked to make sure the county would get the maximum grant award. I found no similar emails for grant maximization with any of PA's red counties.

Finally, with the exception of Centre County, the counties contacted prior to Sept. 1 are the only counties that used "satellite election offices" which not only greatly expanded the number of what you might call "early voting days" but which also provided turnkey voting.

In the thousands of emails I obtained, it became clear that the CTCL did very little of the administration work itself. Instead, it relied on many other actors — such as paid political consultants, and nonprofits other than the CTCL.

I believe this had the net effect of decreasing transparency, accountability, and it ran the risk of introducing the motivation of other persons/groups.

For example, this is the first email I could find in which Delaware County Councilwoman Christine Reuther was originally introduced to someone about the CTCL grants.

The email participants were as I mentioned Councilwoman Reuther, consultant Marc Solomon, Jennifer Walls-Lavelle who was a staffer for Gov. Wolf, Gwen Camp — the author of the email and a paid consultant for "The Voter Project" — and finally, Kevin Mack, a D.C.-based consultant.

I want to focus on Mr. Mack because he illustrates what I mean by outside interests, and whether his involvement in these grants taints the perception of absolute neutrality that an elections office must maintain.

This is Kevin Mack's corporate bio. Mr. Mack is a "senior partner" in the DC-based consulting firm "Deliver Strategies." — not just some employee, he is a "senior partner." This consulting group is paid to help deliver electoral wins.

Here is a screenshot of the firm's client list from their website, but I'll give you a closeup of who some of these are. The firm's clients include Stacey Abrams, AFSCME, AFT, Bob Casey, President Obama, Hillary Clinton, House Majority PAC (which is Democrat-aligned), the NEA, and Elizabeth Warren.

Deliver Strategies CAN NOT be called bipartisan. They are hired guns to help unions and Democrats — period. Don't take my word for it, their website says, "We develop cutting-edge strategies because your campaign is too important to lose."

This is a snapshot from Mr. Mack's biography page — which by the way, all biographies on the Deliver Strategies website have recently been removed.

In 2021, his bio said:

"Kevin Mack is a veteran political, communications and direct mail strategist. Mack most recently served as Lead Strategist for The Voter Project in Pennsylvania which was instrumental in signing up over 3.2 million people to vote by mail and leading the soft-side effort to win the swing state in 2020. Prior to that, Mack ran the Need to Impeach Campaign..."

I personally find it rather astonishing that someone who boasted he led the soft-side effort to help win the swing state was referring — at least in part — to his work on these grants, because the Voter Project, which he references, was instrumental in getting these grants to counties in the Southeast.

So what is "The Voter Project." that Mr. Mack was the Lead Strategist for?

On the screen, you can see a screenshot from a webpage from "The Voter Project" which in the fine print down below says it is "a fiscal sponsorship of the Keystone Research Center."

The Keystone Research Center, as many of you know, is a left-of-center think tank.

Next on the screen, you'll see some of the union donations made to the Keystone Research Center — this data is available from the national department of Labor, and their search tool of annual union disclosures.

Not surprisingly, many of the unions that give to the Keystone Research Center are the same unions that "Deliver Strategies" boasts as clients.

One final thing about Deliver Strategies: Here are a screenshots from the FEC website of payments made by the Pennsylvania Democratic Party in 2020 to Deliver Strategies for political work — and you can see that most of these payments go to benefit the campaigns of some familiar names: Susan Wild, Eugene DePasquale, Mary Gay Scanlon, and others.

I would ask the committee if it's OK for a "for-profit" — and obviously *partisan* consulting group — to be advising, monitoring, and sometimes selectively inviting counties while at the same time that consulting group is getting paid to advance candidates who are on the ballot elsewhere in the state?

This seems to be a clear conflict of interest.

I asked Delaware County about Mr. Mack's partisan leaning and work, and I was given this response from County Councilwoman Christine Reuther:

“I am not sure that I have ever met Kevin Mack face to face (I may have at an event or larger gathering but I do not recall). He isn't someone I have dealt with in a political or partisan context. Since I don't know him, I cannot comment on the information Mr. Shepard [sic] provided. It does not and would not have made a difference to me. I was introduced to CTCL in the context of facilitating statutorily mandated vote by mail processes that were not being funded by the Republican controlled legislature that imposed them or by the prior Council which had failed to budget for them.”

Next, I'd like to focus on Jennifer Walls-Lavelle who worked in Gov. Tom Wolf's office, first here you see her LinkedIn profile — and on this screen you'll see how she described her job.

She said she was QUOTE “... a Special Advisor to the Chief of Staff on Election Reform. In this role I am serving as a liaison between the Governor's Office, Dept. of State, county election offices and outside stakeholders with the goal of implementing Pennsylvania's new election reforms in the most robust and equitable way possible. END QUOTE.

Now I know I just introduced you to her, but I need to step back from Ms. Walls-Lavelle for just a quick minute while I also introduce you to a 501-c-4 called Project Keystone. On the screen

you see its incorporation documents and it says that it provides QUOTE – "polling services to organizations, candidates and elected officials in Pennsylvania[.]" (emphasis added)."

Project Keystone is a DEMOCRATIC polling outfit, and here are some screenshots from the Pennsylvania campaign finance website that shows you who funds Project Keystone, campaign expenditures to Project Keystone.

These are from 2020 — AFSCME, the Democratic Legislative Campaign Committee — I've put some totals up on the screen for you — PSEA — The Senate Democratic Campaign Committee, Turn PA Blue, and Wolf PAC. Not surprisingly, these are the same entities that fund the Keystone Research Center, and many of the same clients who are served by Deliver Strategies.

Next is a look at Project Keystone's 2018 IRS 990 form. The treasurer is Jessica Walls-Lavelle, and this person listed at number 7 is Fiona Conroy. Ms. Conroy is a partner at Deliver Strategies.

SO — Jennifer Walls-Lavelle who is the Special Advisor on Election Reform — when she is working with Deliver Strategies, she's essentially working with her old partisan colleagues.

Here are some of the other groups affiliated with Project Keystone.

I would quickly add when Ms. Walls-Lavelle moved to Gov. Wolf's office, she was no longer affiliated with Project Keystone, which is appropriate that she appears to have removed herself.

On this screen you'll see an email from Aug. 17 in which Solomon tells Councilwoman Reuther that "We've invited Chester Montco and Bucks to apply! They're on it."

Just two and a half hours before that, Walls-Lavelle reached out to Chester County to begin the invitation process with that county. MY questions are:

Why isn't the CTCL reaching out for this invitation? Why is an agent of the government doing it? Is the CTCL borrowing from the government's reputation and credibility by having someone in the government make the introduction? For example, is a county more likely to think the grants are already "vetted" if it's the Department of State that does the initial invitation? I also think it's appropriate to ask if Ms. Walls-Lavelle was taking direction from Solomon here.

And finally, why is this agent of the government inviting some counties, but not all counties?

Next I'd like to introduce you to Marc Solomon.

Solomon is a "principal" with Civitas Public Affairs in New York City, and generally speaking his clients are less partisan than Deliver Strategies, but I think it's very fair to still characterize his work as left-of-center.

But Solomon and his firm also represents the Center for Secure and Modern Elections, and in emails I obtained, Mr. Solomon identifies himself as working on behalf of CSME.

What's important to know about CSME is that it is not a 501-c-3, but rather it is a fiscally sponsored project of the New Venture Fund. And on the screen you see a job posting by the CSME in which it identifies itself as a project of the New Venture Fund.

This is important because the New Venture Fund is managed by Arabella Advisors.

These groups —the "parent" group Arabella, New Venture Fund — they are part of what the Atlantic Magazine identified "The Massive Progressive Dark-Money Group You've Never Heard Of."

The New York Times just this January wrote a report on these groups with the headline, "Democrats Decried Dark Money. Then they Won with it in 2020." — and they specifically mentioned the New Venture Fund.

These actors and activities raise the following questions for me:

= Why is the CSME more involved in the grant management process than CTCL?

= The public was sold grants by the CTCL, ****NOT**** *work by the CSME.*

= Did the PA counties that vetted CTCL also vet CSME? And were they happy with the results/answers?

= Would grants from CSME have sparked controversy sooner? Would it have been harder to call those grants "nonpartisan"?

Now that you're familiar with most of the players, let me walk you through some of the remaining issues I uncovered.

On the screen, you'll see more pre-Sept. 1 efforts to bring in another blue county, Lakawanna. This is Gwen Camp who works for the Voter Project which I described for you earlier. It's not a stretch at all to say if she's working for the Voter Project, she was taking direction from Kevin Mack of Deliver Strategies.

Jessica Walls-Lavelle is also included as an email recipient.

On occasion, Solomon and CSME said they wanted the grants to help highly populated counties with large minority populations that had possibly been underserved.

According to U.S. Census data, Lackawanna has a black population of 3.9 percent. So at a time when there is no "open call" why are they reaching out there?

For example, if it's about underserved communities, Berks has a much higher black and hispanic population and it's also just twice as big in terms of raw population, yet I obtained no emails —

before or after Sept. 1, — in which the Dept of State was actively inviting Berks, or even counties like Berks.

However, by the 2020 election, Lackawanna did have about a 37-thousand voter registration advantage in favor of Democrats.

On the screen now is an email between Councilwoman Reuther and Delaware County Solicitor William "Bill" Martin. Mr. Martin was sending her some information on who comprised and funded the CTCL.

Ms. Reuther responded, "Not at all surprising. I am seeking funds to fairly and safely administer the election so everyone legally registered to vote can do so and have their votes count. If a left leaning public charity wants to further my objective, I am good with it. I will deal with the blow back."

This next slide shows you about two weeks later, the county put out a press release announcing the grant. So, while behind closed doors Ms. Reuther was characterizing the CTCL as "left leaning" — in public the county was describing the CTCL as "nonpartisan."

This illustrates clear issues with transparency and accountability.

On the next slide, you'll see some of the conversation about bringing in Montgomery County.

The email begins from Marc Solomon, and he says, "What think you, Sam and Tiana? It's an application for \$1.2 million — the third largest county in the state, Philly suburbs!"

He then goes on to add, "Shall we turn it into more of a plan, or could this suffice?"

This last sentence in particular raises questions for me.

Why is Montgomery County's initial application not enough for Mr. Solomon right off the bat? Why does he feel the impulse to QUOTE – turn it into more of a plan END QUOTE ?

Does Mr. Solomon know of needs that the county has that the county itself is ignorant of?

Also, take note that a CTCL executive looked at the original \$1.1 million dollar grant submitted by Montgomery which included a proposal for 4-5 satellite voting locations, and he STILL wants MORE satellite locations — this raises my curiosity and suspicions that the grants were a COVID-safety effort but rather a Get-Out-The-Vote effort.

In this email, I won't linger on it long, but Mr. Solomon is so invested in this particular grant to Delaware County that he asks Councilwoman Reuther if there are concerns about getting the necessary political approvals. So he's asking Councilwoman Reuther for political reconnaissance information, and she gives it to him.

Why is this necessary? The grantor seems very invested that this happen, and that it happens in Delaware County.

Just as a point of information, in Delaware County, Democrats had taken a roughly 18-thousand voter registration advantage in 2016 and turned it into a 47-thousand voter registration advantage in 2020. Perhaps that's why Mr. Solomon wanted to get a readout on the odds that the grant would be approved by the Delaware County Election Board and also the County Council.

In another email, Mr. Solomon proposes drafting a press release *for* the county about the grant. Councilwoman Reuther told me by email that the county did not use a press release drafted by anyone else, but I think it's indicative of the potential pitfalls of these kinds of arrangements that you have a paid political consultant, Marc Solomon, who doesn't even work for the grant-giving entity, he works for an Arabella-managed dark money agency the CSME, and he's proposing to draft the whole press release on behalf of the county and the Center for Tech and Civic Life.

Again, I feel this illustrates some pretty clear transparency and accountability issues.

Additionally, you see that he says that he and the county ought to work together to “frame the award smartly around COVID, etc.)”

Why does the press release need to be “framed smartly”? This phrasing certainly allows for the question as to whether COVID

safety was the legitimate TOP PRIORITY INTEREST for these grants, and instead it could have been boosting voter turnout in the exact right places.

Now on the screen, — and this is post Sept. 1 — but Ms. Walls-Lavelle is sending a completed grant from Centre County, a “blue” county from 2016 to Marc Solomon, the NYC-based consultant working for the Center for Secure and Modern Elections.

Once she sends that to him, he responds, "Can you find out what Lehigh is planning to do?"

Solomon eventually answers his own question, saying, "Just talked to Gwen, she is going to take on Lehigh," — referring to Gwen Camp who identified herself in an email as working for the Voter Project.

Again, these officials in the government and this dark-money not-for-profit — even after the open call goes out, they keep a high interest in shepherding the grants for blue counties, but not red.

Another example of that: even after the open call goes out on Sept. 1, Gwen Camp (who works for the Voter Project with Kevin Mack) — Camp goes back to Delaware County to see if they can get even more money!

Last, in terms of exhibits, we have the mid-August email from then-Secretary of State Kathy Boockvar to a county commissioner in Bucks County, establishing communication about the CTCL grants.

Bucks is a very purple-ish county as you all know, but still, I feel this selective invitation to an election grant by the state's top election official needs answers. Why is *she* making the introductions instead of the CTCL?

And just to drive home the question. With just two and a half months to go before the election, why is the Secretary of State inviting some counties to get this grant money, but not others? How was she deciding who to reach out to? Was she told by the CTCL and CSME who the preferred counties were? Or did she decide herself? And if she did decide by herself, what information or concerns guided those decisions?

I would like you to know that across my five or six reports on this issue, I reached out to Marc Solomon, the CTCL, the CSME, Ms. Camp, Ms. Walls-Lavelle, Mr. Mack, the New Venture Fund, former Secretary of State Boockvar — for most of them, I reached out more than once, as you would expect — and I never once received any response to my many requests for comment.

Members of the committee, this concludes my presentation. Thank you very much for your attention through this presentation. I will be available through the rest of the meeting to answer any questions you may have.