

Congress of the United States

Washington, DC 20515

September 16, 2020

The Honorable Alex Padilla
California Secretary of State
1500 11th Street
Sacramento, CA 95814

Dear Secretary Padilla:

The Committee on Oversight and Reform is conducting oversight of a \$35 million contract the California Secretary of State's office awarded to a pro-Biden consulting firm, SKD Knickerbocker, to "produce advertising to encourage voters to participate in the November election."¹ This contract will undoubtedly provide a partisan firm the opportunity to use taxpayer money to influence the federal election. Additionally, there are serious questions about how the contract was awarded, whether the firm will have access to sensitive voter information, and if any of the firm's employees affiliated with "Team Biden" will be involved with the project.

California awarded SKD Knickerbocker a \$35 million contract to run "Vote Safe California." According to media reports, this program is intended to raise awareness of voters about the upcoming election by developing "strategic messaging."² However, SKD Knickerbocker does not hesitate to trumpet its relationship with Joe Biden's political campaign, highlighting in a bold graphic on its homepage its pride in being "part of Team Biden". Moreover, the firm's managing director is a senior strategist for Biden's campaign.³ Media reports even describe the firm as "Joe Biden's main election campaign advisory firms."⁴ This is clearly a conflict of interest.

A review of websites of the other two contract finalists shows that neither company appears to have listed publicly any 2020 election political candidate clients.⁵ This raises

¹ Kathleen Ronayne & Michael R. Blood, *Biden-linked firm won California Voter Outreach Contract*, AP NEWS, Aug. 27, 2020, available at <https://apnews.com/dd6828533f65960c4dbfe823a662cd56>.

² 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>.

³ Ronayne & Blood, *supra* note 1

⁴ See Joel Schectman & Raphael Satter, et al., *Exclusive: Microsoft Believes Russians that Hacked Clinton Targeted Biden Campaign Firm – Sources*, Reuters, Sept. 10, 2020, available at <https://www.reuters.com/article/us-usa-election-cyber-biden-exclusive/exclusive-russian-state-hackers-suspected-in-targeting-biden-campaign-firm-sources-idUSKBN2610I4>.

⁵ See Grace Public Affairs website, available at <https://gracepublicaffairs.com> (last visited Sept. 14, 2020) & Mercury's website, available at <https://www.mercuryllc.com> (last visited Sept. 14, 2020).

questions about why the contract was awarded to a firm that has such an obvious interest in the outcome of the federal election. In fact, being awarded a \$35 million contract to contact voters using taxpayer money while publicly advertising its work on behalf of Joe Biden's campaign for president and employing a senior advisor to his campaign essentially provides a pro-Biden entity the opportunity to conduct get out the vote efforts. Unfortunately, this voter contact operation is being funded by taxpayers.

Additionally, the contract "did not follow a traditional schedule" and was awarded on an "expedited" basis.⁶ According to the *Sacramento Bee* reporting, a group of six people in your office huddled together to determine the winning bid.⁷ Without transparency in the contracting process, political bias rather than price likely influenced the award. This comes at a time when every registered voter in California will be mailed a ballot for the November 2020 election⁸ -- a state with documented instances of voter fraud. For example, an individual in California was recently charged with casting ballots for his dead mother in three different elections.⁹ With regard to the "Vote Safe California" contract, it remains unclear whether SKD Knickerbocker will have access to sensitive voter information, including voter contact information, potentially allowing them to target individual voters who will likely be in possession of general election ballots.

Further, foreign actors are reportedly attempting to hack SKD Knickerbocker. According to *Reuters*, these hacking attempts include phishing, a method used to "trick users into disclosing passwords."¹⁰ The reporting states that "one of the sources familiar with the incident said it was not clear whether Biden's campaign was the target or whether the hackers were attempting to gain access to information about other SKD clients."¹¹ Since the California Secretary of State's office is a client of SKD Knickerbocker, these attempted hacks raises serious concerns about whether any data related to voter information is being targeted.

Republicans on the Committee are committed to ensuring the integrity of the 2020 election. Awarding taxpayer money to a partisan firm with the potential to influence an election after the contractor has publicly advertised its work on behalf of a political candidate in that same election is a conflict of interest. Moreover, awarding a contract to a firm outside of the traditional contract process undermines the integrity of California's federal election because it raises serious concerns about how this particular firm was chosen, what kind of voter information may become available to the firm, and whether any voter information is being targeted by hackers.

⁶ Korte, *supra* note 2.

⁷ *Id.*

⁸ Tyler Green, *California Mail-In Voting: What to Know*, FOX NEWS, Sept. 3, 2020, available at <https://www.foxnews.com/politics/california-mail-in-voting-what-to-know>.

⁹ Paul Best, *California Man Charged With Mail-In Voting Fraud in Three Elections*, FOX NEWS, Aug. 18, 2020, available at <https://www.foxnews.com/us/california-man-charged-mail-in-voting-fraud-elections>.

¹⁰ Schectman & Satter, *supra* note 4.

¹¹ *Id.*

In light of these concerns, the Committee requests the following documents and information as soon as possible but no later than September 23:

- (1) All documents and information relating to how SKD Knickerbocker was selected by the California Secretary of State's office for the contract to execute the "Vote Safe California" program to develop messaging for the November 2020 election, including documents and information related to the decision to not award the contract through a traditional schedule.
- (2) All documents and information relating to SKD Knickerbocker having access to California voter information, including ballot tracking data from the "Where's My Ballot Program" or any other ballot tracking tools.
- (3) All documents and information, including any written recusals that SKD Knickerbocker provided to the California Secretary of State's office to ensure that employees involved with the Biden campaign or "Team Biden" are not involved with the project.
- (4) A copy of all proposals for the "Vote Safe California" contract submitted to the California Secretary of State's office.
- (5) All documents and information relating to any hacking attempts by foreign actors of SKD Knickerbocker networks, including whether any information related to the California Secretary of State's office was the target of hackers.

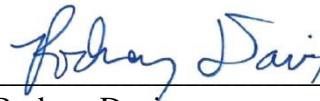
Additionally, please make arrangements to schedule a briefing on this matter with Committee staff no later than September 25. The briefing may be conducted remotely. To schedule the briefing or ask any follow-up or related questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074.

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

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Jody Hice
Ranking Member
Subcommittee on Government
Operations

Enclosure

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