

The Many State Felonies Elon Musk Committed to Elect Trump

What he said in public. What his lawyers said under oath. What the law in four states calls it.

[Christopher Armitage](#)

In the closing weeks of the 2024 election, Musk spent roughly \$290 million on Trump's behalf, a figure documented in Federal Election Commission filings. About a quarter billion of that went through America PAC, the super PAC he founded in May 2024. Another \$20.5 million ran through a vehicle called RBG PAC, funded by his revocable trust and structured to hide his connection until after the votes were counted. More than \$50 million of the America PAC money paid for a giveaway program: a million dollars a day to one signer of an online petition, with the petition restricted to registered voters in seven swing states. Pennsylvania, Wisconsin, Michigan, Nevada, Arizona, Georgia, and North Carolina. No other states eligible. More than a million people signed. The first three winners came from Pennsylvania in the days leading up to its October 21 voter registration deadline. Musk personally announced the winners at public events, holding cardboard checks the size of a person. He told the public, in his own words, that the selection was random.

On October 5, 2024, at a rally in Butler, Pennsylvania, Musk told the crowd: "President Trump must win to preserve the Constitution. He must win to preserve democracy in America." Two weeks later, on October 19, at a Harrisburg town hall with Trump's campaign, he announced the giveaway program: "We're going to be awarding a million dollars randomly to people who have signed the petition every day from now until the election." That same day, he posted on X to his then-200 million followers that the prize would be "randomly" awarded. The next day, October 20, he posted again that signers had "a daily chance of winning \$1M!"

Random. Daily chance. Sweepstakes language. The kind of language that, if accurate, describes a lottery.

Sixteen days after Musk first used the word "randomly," his lawyers told a Pennsylvania state court, under oath, the opposite.

Philadelphia District Attorney Larry Krasner had filed against Musk and America PAC on October 28, 2024, seven days before the election, in *Krasner v. Musk*, case number 241003509 in Philadelphia's main trial court. The civil filing was the move available on that timeline. Criminal charges require grand jury work that cannot happen in a week. What was not available in those seven days has been available in the eighteen months since.

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The hearing was on November 4, 2024, the day before the election. Judge Angelo Foglietta presided. The PAC put two witnesses on the stand. Christopher Gober, the PAC's lawyer and former treasurer, and Christopher Young, its executive director and current treasurer.

Gober's words on the record: "There is no prize to be won. The \$1 million recipients are not chosen by chance. We know exactly who will be announced as the \$1 million recipient today and tomorrow."

Young testified that he personally vetted the recipients ahead of time, that the petition functioned "like a job application," and that signers were screened for political alignment with the PAC's mission before they could be selected. He confirmed that recipients signed nondisclosure agreements about how they were actually chosen. Asked about Musk's use of the word "randomly," Young conceded that it was "not the word I would have selected." The judge denied Krasner's preliminary injunction the same day on narrow Pennsylvania-lottery-law grounds, finding that because the recipients were preselected, the giveaway technically did not meet the legal definition of an illegal lottery.

The civil filing produced the evidentiary record any future prosecutor inherits. Gober's admission, on the record, that the recipients of more than \$50 million in payments were preselected, while Musk was simultaneously telling 200 million people the recipients were random. That record has been on Krasner's own docket for eighteen months. The criminal investigation he announced remains open. No charges have been filed. A person without Musk's resources who paid even a single voter twenty dollars to vote a particular way could be charged under 25 P.S. § 3539, Pennsylvania's vote-buying statute, and would face up to seven years in prison. A person caught selling drugs on a Philadelphia street corner with less evidentiary documentation than what is on the Krasner v. Musk docket would be in the back of a squad car the same day. The asymmetry is not about the strength of the case. It is about the identity of the defendant.

That brings us to the law.

Pennsylvania's vote-buying statute, 25 P.S. § 3539, makes it a third-degree felony to give "any gift or reward in money, goods or other valuable thing" with intent to influence a person's vote. The statute is short, plain, and direct. The required elements are a person, gave something of value, to other persons, with intent to influence their vote for a particular candidate. Each element maps to public conduct on the record. Musk is the person. America PAC's \$50 million giveaway program, with payments restricted to registered voters in seven swing states, is the value given. The recipients, all registered voters in those states, are the persons. The intent to influence votes for Trump appears in the public statements at the Butler rally, in the geographic restriction to swing states, in the timing keyed to Pennsylvania's registration deadline, and in Young's sworn testimony that recipients were screened for political alignment with a PAC whose stated purpose was electing Trump. The maximum penalty is

seven years. The statute of limitations runs five years from the conduct, closing in October and November of 2029.

Three other states have functionally similar statutes that the same conduct violates.

Wisconsin's Statute 12.11 makes it a Class I felony to offer "anything of value" to induce an elector to go to the polls, vote, or refrain from voting. The Wisconsin statute is broader than Pennsylvania's because it reaches inducement to turn out at all, not only inducement to vote a particular way. The maximum penalty is three and a half years. The statute of limitations closes in 2030.

Michigan's MCL 168.932(a) makes it a five-year felony to attempt by bribery, menace, or other corrupt means to influence an elector. Statute of limitations closes in 2030.

Nevada's NRS 293.700 makes it a Category D felony to bribe or use any other corrupt means to influence an elector, punishable by one to four years. Statute of limitations closes in late 2027, the earliest of the four windows by more than two years.

The conduct also implicates state and federal fraud statutes covering knowing misrepresentations made to induce action. Musk told millions of people the giveaway recipients were chosen randomly while his own lawyer admitted in court the recipients were preselected. That is the textbook structure of a fraud charge. The cleanest fraud theory under federal wire fraud law, 18 U.S.C. § 1343, is unavailable because the people who would actually file it work for the administration Musk helped elect.

The election conduct is the chargeable case. The post-election conduct is the political case. Both are connected as one scheme. Within months of the election, the administration awarded SpaceX roughly \$6 billion in Pentagon launch contracts, and the Department of Justice has now acknowledged in a court filing that Musk's Department of Government Efficiency violated a federal court order by accessing Social Security Administration data. The election conduct bought the office. The post-election conduct is the office paying its debts.

That is the case. Now to the prosecutors.

The case is winnable. Not a slam dunk, but winnable. A little better chance than a coin toss of successful conviction, maybe a 60% chance Elon is convicted of a felony criminal activity, but that requires a state pursuing the charges. The odds change if every state with standing pursued criminal investigations and prosecutions. It's probably a two year process minimum from the moment a prosecutor decides to pursue the case and most prosecutors know how much can change in two years, the financial cost, all for something that could be an expensive loss on their record. A case against a billionaire is rarely a slam dunk just because they can afford the representation that gets a case delayed or dismissed over a typo in a filing.

What Guber said on the stand is why I say it's worth pursuing. "We know exactly who will be announced." That admission converts the entire defense theory in one sentence. Once the jury hears the

public statements about randomness next to that sworn testimony, the intent question is settled. A prosecutor can walk a jury from registered voters in seven swing states through money paid for the purpose of registering and signing to this is what the statute prohibits, in forty minutes of direct examination. The defense will eat fifteen years and ten million dollars trying to climb back out.

A prosecutor running this case in a state with a broad fraud statute would charge vote-buying and fraud in tandem. Two paths to conviction give a jury two chances to hold the defendant accountable, and the same evidence supports both theories. The Guber admission proves the misrepresentation. The geographic restriction proves the intent. The defense ends up arguing that millions of dollars paid to preselected recipients with NDAs was somehow neither vote-buying nor fraud, which is a hard sell to twelve people who got picked off a Philadelphia jury pool.

So far, everyone in a position to charge has done the same calculation and decided the personal cost is higher than the institutional reward.

That is what is broken in America. We can have clear evidence someone has committed crimes in full view of the public, stolen elections, and if they are monied and connected then a District Attorney or Attorney General will decide the case isn't worth pursuing.

You commit a big enough crime and the government throws up its hands because justice just doesn't fit into their budget at that point. The AGs and DAs and County Prosecutors who think this way are the enemies of justice. They are supposed to be its defenders and they are the demolition crew. They're the guardians of those who are destroying our system. Lady justice is blindfolded for a reason, she doesn't check her career win rate or exclusively pursue justice when the defendant is an easy target.

This is what kills a democracy. But it doesn't have to be this way.

Larry Krasner, Philadelphia District Attorney.. He is the founding spokesperson of the Project for the Fight Against Federal Overreach, a nine-prosecutor coalition that launched on January 28, 2026, with public commitments to prosecute federal officials who exceed lawful authority.

FAFO has filed one charge in three months. That charge is against an ICE officer in Hennepin County who had an aggressive on duty road rage incident and waved his gun around at the other car. One filing across nine prosecutors and three months is a record of talking, far more than doing. The press conferences and the "hunt you down the way they hunted Nazis" rhetoric are aggressive. The actual filings don't reflect that.

The publicly stated reason for the gap is federal obstruction of evidence on the priority shooting cases. What "federal obstruction" actually means in the FAFO context is that prosecutors who want federal cooperation in their evidence-gathering are not getting it, and they are using that absence as a reason to wait rather than as a problem to work around. That is a choice consistent with the larger pattern: file when filing is easy, hold press conferences when filing is hard, and credit yourself with caring about accountability while the docket sits empty.

The Musk case has none of the evidentiary complications, supremacy clause challenges, with the benefit of being entirely disconnected from the federal government's official reach.

Wisconsin Attorney General Josh Kaul charged three Trump lawyers under Wisconsin's election-conspiracy statute in June 2024, a case that survived a motion to dismiss and was bound over for trial in December 2025. He has the demonstrated willingness and the statutory runway through 2030.

Nevada Attorney General Aaron Ford indicted six Republican fake electors in December 2023, and the Nevada Supreme Court reinstated the case in November 2025 after an earlier dismissal. His statute of limitations on the Musk conduct closes in roughly eighteen months, the shortest window of the four states. Ford has the urgency and the demonstrated willingness.

Michigan Attorney General Dana Nessel charged sixteen Republican fake electors in July 2023. A Michigan judge dismissed the cases on September 9, 2025, on insufficient-evidence-of-intent grounds. The Musk record on intent is substantially stronger than the fake-electors record because of Goyer's sworn admission.

That is the terrain. Four prosecutors. Each one a space for you and me and the rest of our readers to suss out just how deep the rot is within our justice system.

Now, we apply pressure and remind ourselves that you can't always see the cracks in a dam forming, or know which will be the crack that breaks the dam and releases the flood of justice to wash away the excrement we call Donald Trump and his cohorts.

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If you want to do something with what you just read, calling the Philadelphia DA's office is one tactic that works. Their main number is **(215) 686-8000**. A short script that gets the point across:

"Hi, my name is [your name] and I'm calling about the Elon Musk vote-buying case. His lawyers admitted under oath in November 2024 that the million-dollar giveaway recipients were preselected, while Musk was telling the public it was random. Pennsylvania's vote-buying statute, 25 P.S. § 3539, carrying up to a 15 year prison sentence upon conviction, fits the conduct. I want to know what the office is doing with that evidence. Thank you."

The call takes twenty seconds and the office logs it whether you live in Pennsylvania or not. Calls accumulate. They are not the only thing that matters, but they are part of how pressure gets applied.

Krasner has also asked the public to send thoughts on his office directly to **justice@phila.gov**, an address he named in his November 2025 victory speech as the place to reach him. The mailing address

is Philadelphia District Attorney's Office, Three South Penn Square, Philadelphia, PA 19107. An email or letter naming the case, the statute, and the docket gets the message in front of staff.

If you want to learn more, you can find free booklets and resources at BuyMeACoffee.com/TheER, physical copies and merch at TheExistentialistRepublic.com, and the organizing community in our comment sections.

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