



POLITICS

Elon Musk's \$1 million-a-day voter sweepstakes can proceed, a Pennsylvania judge says

1 of 7 | Elon Musk is pledging to give away \$1 million a day to voters for signing his political action committee's petition backing the Constitution. The giveaway by the Donald Trump supporter is raising questions among some who say it's a

BY [MARY CLAIRE DALE](#)

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PHILADELPHIA (AP) — The [\\$1 million-a-day voter sweepstakes](#) that [Elon Musk](#)'s political action committee is hosting in swing states can continue through Tuesday's presidential election, a Pennsylvania judge ruled Monday.

Common Pleas Court Judge Angelo Foglietta — ruling after Musk's lawyers said the winners are paid spokespeople and not chosen by chance — did not immediately explain his reasoning.

District Attorney Larry Krasner, a Democrat, had called the process a scam "designed to actually influence a national election" and asked that it be shut down.

Musk lawyer Chris Gober said the final two recipients before Tuesday's presidential election will be in Arizona on Monday and Michigan on Tuesday.

"The \$1 million recipients are not chosen by chance," Gober said Monday. "We know exactly who will be announced as the \$1 million recipient today and tomorrow."

Chris Young, the director and treasurer of [America PAC](#), testified that the recipients are vetted ahead of time, to "feel out their personality, (and) make sure they were someone whose values aligned" with the group.

Musk's lawyers, defending the effort, called it "core political speech" given that participants sign a petition endorsing the U.S. Constitution. They also said Krasner's bid to shut it down under Pennsylvania law was moot because there would be no more Pennsylvania winners before the program ends Tuesday.

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Krasner believes the giveaways violates state election law and contradict [what Musk promised when he announced them](#) during an appearance with [Republican presidential nominee Donald Trump](#) 's campaign in Harrisburg, Pennsylvania, on Oct. 19: "We're going to be awarding a million dollars randomly to people who have signed the petition every day from now until the election," Musk vowed.



AP AUDIO: Musk PAC tells Philadelphia judge the \$1 million sweepstakes winners are not chosen by chance

With reporters outside the courtroom in Philadelphia, Chris Gober, an attorney representing Elon Musk's political action committee, says the \$1 million dollar sweepstakes Musk has been conducting is legal.

Young also acknowledged that the PAC made the recipients sign nondisclosure agreements.

"They couldn't really reveal the truth about how they got the money, right?" Krasner lawyer John Summers asked.

"Sounds right," Young said.

In an Oct. 20 social media post shown in court, Musk said anyone signing the petition had "a daily chance of winning \$1M!"

Summers grilled him on Musk's use of both the words "chance" and "randomly," prompting Young to concede the latter was not "the word I would have selected."

Young said the winners knew they would be called on stage but not specifically that they would win the money.

Musk did not attend the hearing. He has committed [more than \\$70 million to the super PAC](#) to help Trump and other Republicans win in November.

"This was all a political marketing masquerading as a lottery," Krasner testified Monday. "That's what it is. A gift."

Lawyers for Musk and the PAC said they do not plan to extend the lottery beyond Tuesday. Krasner said the first three winners, starting on Oct. 19, came from Pennsylvania in the days leading up to the state's Oct. 21 voter registration deadline.

Other winners came from the battleground states of Wisconsin, Nevada, Arizona, Georgia, North Carolina and Michigan. It's not clear if anyone has yet received the money. The PAC pledged they

would get it by Nov. 30, according to an exhibit shown in court.

More than 1 million people from the seven states have registered for the sweepstakes by signing a petition saying they support the right to free speech and to bear arms, the first two amendments to the U.S. Constitution. Krasner questioned how the PAC might use their data, which it will have on hand well past the election.

"They were scammed for their information," Krasner said. "It has almost unlimited use."

Krasner's team called Musk "the heartbeat of America PAC," and the person announcing the winners and presenting the checks.

"He was the one who presented the checks, albeit large cardboard checks. We don't really know if there are any real checks," Summers said.

Foglietta presided over the case at Philadelphia City Hall after Musk and the PAC lost an effort to move it to federal court.

Krasner has said he could still consider criminal charges, as he's tasked with protecting both lotteries and the integrity of elections.

Pennsylvania remains a key battleground state with 19 electoral votes and both Trump and Democratic Vice President Kamala Harris have repeatedly visited the state, including stops planned Monday in [the final hours of the campaign](#).

Krasner — who noted that he has long driven a Tesla — said he could also seek civil damages for the Pennsylvania registrants. Musk is the CEO and largest shareholder of [Tesla](#). He also owns the social media platform X, where America PAC has published posts on the sweepstakes, and the rocket ship maker [SpaceX](#).



MARYCLAIRE DALE

Dale covers national legal issues for The Associated Press, often focusing on the federal judiciary, gender law, #MeToo and NFL player concussions. Her work unsealing Bill Cosby's testimony in a decade-old deposition led to his arrest and sexual assault trials.



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