

July 15, 2020

Andrew Smith
Director
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Re: Request for Investigation into Privacy Wall for Election-Related Scam

Dear Mr. Smith:

Tech Transparency Project (“TTP”) respectfully requests that the FTC investigate PrivacyWall and its chief executive, Jonathan Wu, for perpetrating a number of scams on consumers.¹ Among the most serious: his company is misleading Americans into paying exorbitant fees to register to vote, effectively disenfranchising many as a result.

Background

On June 29, 2020, TTP published a report on deceptive advertisements targeting internet users who search Google for keywords related to voting and elections.² By far the most egregious example was an advertisement alongside the search term “register to vote” that directed users to a web form at vote.privacywall.org, a subdomain of the PrivacyWall site. A screenshot of the Google ad is provided below:

Ad · vote.privacywall.org/services/register-vote ▾
2020 Register To Vote - Register in 2 Minutes Online
Sign Up To **Register To Vote** in 2020 And Start The Process To **Vote** In The Upcoming Election.
Our Service Includes Filing The 2020 **Register To Vote** To **Register** Your Party Affiliation. Valid
Photo ID Required. Drivers License.
One-Day Expedited Service - \$129.00 - Same Day Processing · More ▾

Once users were on the PrivacyWall site, they were asked to provide personal information and a copy of their government identification. Users were then prompted them to pay \$69, or \$129 for

¹ Tech Transparency Project is a research initiative of Campaign for accountability, a 501(c)(3) nonpartisan, nonprofit organization. See <https://www.techtransparencyproject.org/about-us>.

² Tech Transparency Project, “Google Pushing Scam Ads on Americans Searching How to Vote,” June 29, 2020, available at <https://www.techtransparencyproject.org/articles/google-pushing-scam-ads-americans-searching-how-vote>.

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“rush delivery,” for the service of filling out and submitting the National Voter Registration Form. A demonstration of how the site worked is available at the following link:

<https://vimeo.com/432233758/88cf4863c3>.

PrivacyWall did not clearly disclose that the service for which it was charging up to \$129—filling out the Federal Voter Registration Form—is **free to all U.S. citizens**. Furthermore, there are questions about the legality of this effort. If PrivacyWall did, in fact, submit voter registration forms on behalf of users, those forms might violate state laws governing voter registration. At least one state, Oklahoma, prohibits a third party from signing a voter registration form on behalf of the registrant.³

Other states, such as Ohio, require the signer to indicate that they are legally authorized to sign on behalf of the registrant⁴; PrivacyWall’s voter registration form does not appear to request this authorization.

PrivacyWall’s offer of “One-Day Expedited Service” is also deceptive. While PrivacyWall claims that it uses U.S. Postal Service Express Mail to send “rush delivery” forms, the site makes no mention of registration deadlines and it is entirely possible that some mailings may not reach voter registration officials before the cut-off dates, leading potential voters to miss registration deadlines.

PrivacyWall also made other apparent misrepresentations. For example, the text at the bottom of its voter registration form states that the company is **“an official government contractor and registered delegated provider of government services.”** Yet searches of federal and state contracting databases reveal neither PrivacyWall nor its parent company, Social Game Media Inc., appears to have received any state or federal contracts in the United States.

Mr. Wu asserts that the service his company provides is submitting voter registration forms without the telephone and email information that political advertisers sometimes use to match the voter file with other advertising data.⁵ Voters may, however, simply omit that information from the Federal Voter Registration Form or from the online registration forms provided by 39 states.

After TTP released its report, PrivacyWall removed its deceptive online voter registration form and replaced it with a “free service” that accepts user data and encourages users to “donate” to cover the costs of submitting the registration.⁶

³ U.S. Election Assistance Commission, “Register to Vote in Your State by Using this Postcard Form and Guide,” p. 17, available at https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf.

⁴ Fairfield County Board of Elections, “Voter Registration,” available at https://www.fairfieldelections.com/Pages/For_Voters/Voter_Registration/.

⁵ Elizabeth Culliford, “Google Removes Ads Served to Users Seeking Voting Info for ‘Misrepresentation,’” *Reuters*, June 29, 2020, available at <https://uk.reuters.com/article/us-usa-election-google/google-removes-ads-served-to-users-seeking-voting-info-for-misrepresentation-idUKKBN24100L>.

⁶ <https://web.archive.org/web/20200708200307/https://vote.privacywall.org/>.

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When the user completes the new voter registration form at vote.privacywall.org, Privacywall displays a page stating that the user's registration has been submitted to their state election commission.⁷ This confirmation of submission is contradicted, however, by fine print on the first page of the form stating that PrivacyWall will send users a filled-out copy of their Federal Voter Registration form by email, which users must print and mail in to complete their registration.⁸

Users on PrivacyWall's site receive an email with a link that purports to lead to a pre-filled voter registration form. Clicking the link leads the user to a page that once again prompts them to donate to PrivacyWall. When a user clicks through the donation prompts, PrivacyWall once again displays a page that states that the user's registration has been submitted.

Apparently, this is not PrivacyWall's first such scheme. Posing as the U.S. Postal Service, PrivacyWall previously has charged for change-of-address forms.⁹

Potential Violations of Law

As you know, Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45, prohibits unfair or deceptive acts or practices in or affecting commerce. Misrepresentations or deceptive omissions of material fact constitute deceptive acts or practices prohibited by Section 5(a) of the Act. PrivacyWall appears to be engaging in deceptive business practices, including suggesting an affiliation with or endorsement by a government agency, making misleading statements about the services provided, and misrepresenting the service provided.

Conclusion

PrivacyWall's deceptive practices are particularly egregious in light of potential negative ramifications for citizens attempting to exercise their constitutional right to vote. Being duped by PrivacyWall's scheme, in addition to costing Americans money, likely will result in well-intentioned citizens missing their opportunity to properly register to vote in time for the November election. TTP looks forward to your prompt investigation of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan E Stevens", with a long horizontal flourish extending to the right.

Daniel E. Stevens
Executive Director

⁷ These videos illustrate the process: <https://vimeo.com/436584502/2bd95db065>;
<https://vimeo.com/436584522/36e548d1d8>.

⁸ <https://web.archive.org/web/20200708200307/https://vote.privacywall.org/>.

⁹ https://web.archive.org/web/20200707193833/https://www.reddit.com/r/privacy/comments/h7rbzd/privacywallorg_change_of_address/.