



February 7, 2024

Chairman Christopher A. Coons  
Vice Chairman James Lankford  
U.S. Senate Select Committee on Ethics  
220 Hart Building  
Washington, D.C. 20510

*Sent via email (mailbox\_office@ethics.senate.gov)*

Dear Chairman Coons and Vice Chairman Lankford:

Campaign Legal Center (“CLC”) respectfully requests that the U.S. Senate Select Committee on Ethics (“Ethics Committee”) investigate the missing financial disclosure reports for seven Michigan Senate candidates. These individuals appear to have qualified as candidates pursuant to the Ethics in Government Act (“EIGA”) in 2023, but they do not have the requisite candidate personal financial disclosure reports on file with the Senate.

When candidates fail to accurately and timely file their financial disclosure reports, they deprive voters of crucial information about the financial interests of those who hope to represent them. In some cases, the failure to accurately and timely file these reports puts even more at stake than the voters’ informational interests. The missing or inaccurate reports can conceal critical details from the Ethics Committee or law enforcement, including facts about how a campaign for Senate is ultimately funded.

In the past, the Ethics Committee enforced the requirement for candidates to file financial disclosures and referred knowing and willful violations to the Justice Department, even when the candidate lost the election.<sup>1</sup> Now, in the wake of the expulsion of a Member of Congress partially based on fraudulent candidate financial disclosure reports,<sup>2</sup> it is more important than ever for the Ethics Committee to transparently enforce the existing rules

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<sup>1</sup> See, e.g., *United States v. Tarver*, 642 F. Supp. 1109 (D. Wyo. 1986) (issuing civil penalties against a losing Senate candidate who failed to file a financial disclosure report in a matter the Senate Ethics Committee referred to the Attorney General).

<sup>2</sup> Michael Gold and Grace Ashford, *George Santos Is Kicked Out of Congress in a Historic Vote*, N.Y. TIMES (Dec. 1, 2023), <https://www.nytimes.com/2023/12/01/nyregion/santos-expulsion-vote-congress.html>.

that govern late and inaccurate filings; reform internal processes that ensure timely filing; and provide updated, detailed guidance on requirements for filing financial disclosure reports.

### **I. Senate Candidates Are Required by Law to File Timely and Accurate Financial Disclosure Reports with the Senate Ethics Committee**

EIGA requires Senate candidates to file personal financial disclosure reports with the Ethics Committee “within 30 days of becoming a candidate” as defined in the Federal Campaign Act of 1971<sup>3</sup> or on or before May 15, whichever is later. A candidate is an individual who “seeks nomination for election, or election, to Federal office, and . . . has received contributions aggregating in excess of \$5,000 or has made expenditures aggregating in excess of \$5,000.”<sup>4</sup> Funds raised and spent while an individual is testing the waters for possible candidacy do not themselves trigger candidacy, but they do count toward the threshold once an individual decides to become a candidate.<sup>5</sup>

EIGA allows for “reasonable extensions of time for filing any report” by the supervising ethics authority, but the extensions cannot exceed ninety days.<sup>6</sup> The Senate may not grant an extension after 30 days following a report’s due date.<sup>7</sup> A report filed more than 30 days after it is due must pay a \$200 penalty unless waived by the Ethics Committee; a waiver is granted only in extraordinary circumstances.<sup>8</sup>

Within 60 days of receiving a financial disclosure report, the Ethics Committee reviews it for timeliness and accuracy and to determine whether it has been filed “in compliance with the law.”<sup>9</sup> The Ethics Committee may initiate action on their own or refer to the Attorney General if the reports show reasonable cause to believe knowing and willful violations of EIGA occurred.<sup>10</sup> Anyone who knowingly and willfully “makes any materially false, fictitious, or fraudulent statement or representation” on their financial disclosure reports may face fines or imprisonment.<sup>11</sup> “A statutory violation is knowing and willful when an individual intentionally disregards the statute or is indifferent to its requirements.”<sup>12</sup>

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<sup>3</sup> 5 U.S.C. § 13103(c).

<sup>4</sup> 52 U.S.C. § 30101(2).

<sup>5</sup> See *Testing the waters for possible candidacy*, FEC, <https://www.fec.gov/help-candidates-and-committees/registering-candidate/testing-the-waters-possible-candidacy/> (last visited Feb. 5, 2024).

<sup>6</sup> 5 U.S.C. § 13103(g)(1).

<sup>7</sup> U.S. Select Committee on Ethics, 108th Cong., Senate Ethics Manual, 126 (2003), <https://www.ethics.senate.gov/public/cache/files/f2eb14e3-1123-48eb-9334-8c4717102a6e/2003-senate-ethics-manual.pdf#page=135>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*; 5 U.S.C. § 13106.

<sup>11</sup> 18 U.S.C. § 1001(a).

<sup>12</sup> *United States v. Tarver*, *supra* note 1, at 1111 (internal citations omitted).

## II. Seven Senate Candidates in Michigan Failed to Timely File Required Personal Financial Disclosure Reports

Seven individuals competing in the Michigan Senate race have met the threshold requirements for filing personal financial disclosure reports, but they do not appear to have timely filed those reports with the Senate. Each candidate has declared their candidacy with an FEC Form 2, meaning all funds they had raised or spent testing the waters would factor in to the \$5,000 candidate threshold. Each candidate had raised or spent \$5,000 at the time they declared their candidacy or shortly thereafter. After raising or spending \$5,000 and declaring their candidacy, each candidate would have been required to file a personal financial disclosure report with the Senate or request an extension.

All the individuals listed below have qualified as candidates under EIGA, but do not have a personal financial disclosure report or extension request on record with the Senate:

| Name                   | FEC Statement of Candidacy Date | \$5,000 Raised or Spent? (Yes/No) | Personal FD on File with Senate? (Yes/No) |
|------------------------|---------------------------------|-----------------------------------|---|
| Nasser Beydoun         | 4/20/2023 <sup>13</sup>         | Yes <sup>14</sup>                 | No  |
| Zack Burns             | 4/16/2023 <sup>15</sup>         | Yes <sup>16</sup>                 | No  |
| Michael Hoover         | 2/2/2023 <sup>17</sup>          | Yes <sup>18</sup>                 | No  |
| Peter Meijer           | 11/06/2023 <sup>19</sup>        | Yes <sup>20</sup>                 | No  |
| Sherrell Ann O'Donnell | 8/8/2023 <sup>21</sup>          | Yes <sup>22</sup>                 | No  |

<sup>13</sup> Nasser Beydoun Statement of Candidacy (FEC Form 2) (April 20, 2023), <https://docquery.fec.gov/pdf/358/202304209581192358/202304209581192358.pdf>.

<sup>14</sup> See Receipts for Committee to Elect Nasser Beydoun, [https://www.fec.gov/data/receipts/?committee\\_id=C00837112&two\\_year\\_transaction\\_period=2024&data\\_type=processed](https://www.fec.gov/data/receipts/?committee_id=C00837112&two_year_transaction_period=2024&data_type=processed).

<sup>15</sup> Zach Burns Statement of Candidacy (FEC Form 2) (April 16, 2023), <https://docquery.fec.gov/pdf/890/202304169581019890/202304169581019890.pdf>.

<sup>16</sup> See Receipts for Zach Burns for Michigan (until April 16, 2023) [https://www.fec.gov/data/receipts/?data\\_type=processed&committee\\_id=C00837856&two\\_year\\_transaction\\_period=2024&max\\_date=04%2F16%2F2023](https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00837856&two_year_transaction_period=2024&max_date=04%2F16%2F2023).

<sup>17</sup> Michael Hoover Statement of Candidacy (FEC Form 2) (February 2, 2023), <https://docquery.fec.gov/pdf/897/202302029578116897/202302029578116897.pdf>.

<sup>18</sup> See Receipts Michael Hoover for Senate (until February 2, 2023) [https://www.fec.gov/data/receipts/?data\\_type=processed&committee\\_id=C00832618&two\\_year\\_transaction\\_period=2024&max\\_date=02%2F02%2F2023](https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00832618&two_year_transaction_period=2024&max_date=02%2F02%2F2023).

<sup>19</sup> Peter Meijer Statement of Candidacy (FEC Form 2) (November 6, 2023) <https://docquery.fec.gov/pdf/656/202311069598949656/202311069598949656.pdf>.

<sup>20</sup> See Receipts for Meijer for Senate, [https://www.fec.gov/data/receipts/?data\\_type=efiling&committee\\_id=C00855668](https://www.fec.gov/data/receipts/?data_type=efiling&committee_id=C00855668).

<sup>21</sup> Sherrell Ann O'Donnell Statement of Candidacy (FEC Form 2) (August 8, 2023) <https://docquery.fec.gov/pdf/375/202308089596504375/202308089596504375.pdf>.

<sup>22</sup> See Receipts for Dr. Sherry for Senate, [https://www.fec.gov/data/receipts/?committee\\_id=C00847657&two\\_year\\_transaction\\_period=2024&data\\_type=processed](https://www.fec.gov/data/receipts/?committee_id=C00847657&two_year_transaction_period=2024&data_type=processed).

| Name                  | FEC Statement of Candidacy Date | \$5,000 Raised or Spent? (Yes/No) | Personal FD on File with Senate? (Yes/No) |
|-----------------------|---------------------------------|-----------------------------------|---|
| Sharon Maureen Savage | 8/24/2023 <sup>23</sup>         | Yes <sup>24</sup>                 | No  |
| Alexandria J. Taylor  | 6/12/2023 <sup>25</sup>         | Yes <sup>26</sup>                 | No  |

### III. Conclusion

The Ethics Committee must investigate to determine why so many Senate candidates have failed to timely file their candidate financial disclosure reports or request a filing extension. Failing to enforce violations of the Senate’s transparency requirements may incentivize others to ignore the law. The Ethics Committee should also provide updated guidance making the filing requirements and the penalties for not filing timely and accurate disclosure reports clear.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
Kedric L. Payne Vice President, General Counsel and  
Senior Director, Ethics

\_\_\_\_\_/s/\_\_\_\_\_  
Delaney Marsco  
Senior Legal Counsel, Ethics

<sup>23</sup> Sharon Maureen Savage Statement of Candidacy (FEC Form 2) (August 24, 2023), <https://docquery.fec.gov/pdf/694/202308249596771694/202308249596771694.pdf>.

<sup>24</sup> See Receipts for Sharon Savage for Senate, [https://www.fec.gov/data/receipts/?committee\\_id=C00848879&two\\_year\\_transaction\\_period=2024&ata\\_type=processed](https://www.fec.gov/data/receipts/?committee_id=C00848879&two_year_transaction_period=2024&ata_type=processed).

<sup>25</sup> Alexandria Taylor Statement of Candidacy (FEC Form 2) (June 12, 2023), <https://docquery.fec.gov/pdf/174/202306129581782174/202306129581782174.pdf>.

<sup>26</sup> See Receipts for Alexandria Taylor for Michigan, [https://www.fec.gov/data/receipts/?committee\\_id=C00842716&two\\_year\\_transaction\\_period=2024&ata\\_type=processed](https://www.fec.gov/data/receipts/?committee_id=C00842716&two_year_transaction_period=2024&ata_type=processed).