



August 16, 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 at least six Senate candidates in six states. 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.

CLC first asked the Ethics Committee to investigate 41 candidates in 21 states on February 29, 2024.¹ Six of those candidates won their primaries or are otherwise still running for Senate but still have not filed personal financial disclosure reports. Three candidates have already qualified for the general election ballot, two will face primaries in September, and one has declared his candidacy for election in 2026.

All of these individuals have been candidates as defined in the Federal Election Campaign Act² for at least eight months – some for well over a year. While they should have already known of the requirement to file a personal financial disclosure report, they were given a further reminder six months ago when CLC sent its initial letter to the Ethics Committee. Yet, these Senate candidates continue to deprive voters of critical information about their financial interests.

¹ Letter from Campaign Legal Center to Senate Ethics Committee, https://campaignlegal.org/sites/default/files/2024-03/FINAL%20CLC%20Complaint_Senate%20Candidates%20-%20Missing%20FDs.pdf (Feb. 29, 2024).

² 5 U.S.C. § 13103(c).

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.³ Now, in the wake of the expulsion of Representative George Santos partially based on fraudulent candidate financial disclosure reports,⁴ it is more important than ever for the Ethics Committee to transparently enforce the existing rules 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 Election Campaign Act of 1971⁵ 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.”⁶ 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.⁷

EIGA allows for “reasonable extensions of time for filing any report” by the supervising ethics authority, but the extensions cannot exceed 90 days.⁸ The Senate may

³ 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).

⁴ 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>.

⁵ 5 U.S.C. § 13103(c).

⁶ 52 U.S.C. § 30101(2). Funds provided to the campaign from the candidate themselves count toward this threshold. See U.S. House of Representatives Committee on Ethics, *Instruction Guide for Financial Disclosure Statements for Calendar Year 2022 Reporting Period and Periodic Transaction Reports*, 3 (2023),

<https://ethics.house.gov/sites/ethics.house.gov/files/documents/Updated%20Final%20Combined%202023%20Instruction%20Guide.pdf> (“Funds loaned to a campaign from any source, including from the candidate, as well as funds expended for state filing fees, count toward the \$5,000 threshold.”)

⁷ A candidate is no longer considered to be “testing the waters” when they file a Form 2 Statement of Candidacy with the Federal Election Commission (“FEC”). *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. 28, 2024).

⁸ 5 U.S.C. § 13103(g)(1).

not grant an extension after 30 days following a report's due date.⁹ A candidate filing their report 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.¹⁰

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."¹¹ 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.¹² 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.¹³ "A statutory violation is knowing and willful when an individual intentionally disregards the statute or is indifferent to its requirements."¹⁴

II. At Least Six Senate Candidates in Six States Have Still Not Filed the Required Personal Financial Disclosure Reports

At least six Senate candidates competing in Senate races in six states 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 Ethics Committee. 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 at some point thereafter in 2023. 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 Ethics Committee or request an extension.

The six 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 Ethics Committee:

⁹ U.S. Senate 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>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*; 5 U.S.C. § 13106.

¹³ 18 U.S.C. § 1001(a).

¹⁴ *United States v. Tarver*, *supra* note 1, at 1111 (internal citations omitted).

Qualifying Senate Candidates Without Personal Financial Disclosures On File

Name	Candidate State	FEC Statement of Candidacy Date¹⁵	\$5,000 Raised or Spent? (Yes/No)¹⁶	Personal FD on File with Senate? (Yes/No)
Phillip Norman Anderson	WI	3/14/2023	Yes	No
Dr. Tracy Andrus Sr.	TX	3/11/2023	Yes	No
Robert Joseph Antonellis	MA	5/24/2023	Yes	No
Douglas Bennett	IL	11/9/2023	Yes	No
Preston Love Jr.	NE	11/29/2023	Yes	No
Patricia L. Morgan	RI	7/18/2023	Yes	No

III. Conclusion

The Ethics Committee must investigate to determine why these 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/_____
Sophia Gonsalves-Brown

Senior Researcher/Investigator, Campaign Finance and
Ethics

¹⁵ Each candidate’s FEC Form 2 Statement of Candidacy can be found in Appendix A. The Statement of Candidacy shows that the candidate is seeking nomination for federal office and ends the “testing the waters” phase of the candidacy.

¹⁶ A link to each candidate’s committee’s receipts or disbursements compiled by the FEC can be found in Appendix A. These resources show that the candidate raised or spent \$5,000 in support of their candidacy in 2023, passing the threshold that requires a personal financial disclosure filing.

Appendix A

Senate Candidates' Statement of Candidacy and Campaign Committee Raising or Spending Data

Phillip Norman Anderson, Wisconsin

- Phillip Norman Anderson Statement of Candidacy (FEC Form 2) (March 14, 2023), <https://docquery.fec.gov/pdf/097/202303149579056097/202303149579056097.pdf>.
- Receipts for Phillip Anderson for US Senate, https://www.fec.gov/data/receipts/?committee_id=C00835140&two_year_transaction_period=2024&data_type=processed (last visited Aug. 15, 2024).

Dr. Tracy Andrus, Texas

- Dr. Tracy Andrus Statement of Candidacy (FEC Form 2) (March 11, 2023), <https://docquery.fec.gov/pdf/768/202303119578983768/202303119578983768.pdf>.
- Receipts for Committee to Elect Tracy Andrus to the U.S. Senate, https://www.fec.gov/data/receipts/?committee_id=C00835108&two_year_transaction_period=2024&data_type=processed (last visited Aug. 15, 2024).

Robert Joseph Antonellis, Massachusetts

- Robert Joseph Antonellis Statement of Candidacy (FEC Form 2) (May 24, 2023), <https://docquery.fec.gov/pdf/313/202305249581677313/202305249581677313.pdf>.
- Disbursements for Robert Antonellis for US Senate, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00841080&two_year_transaction_period=2024 (last visited Aug. 15, 2024).

Douglas Bennett, Illinois

- Douglas Bennett Statement of Candidacy (FEC Form 2) (Nov. 9, 2023), <https://docquery.fec.gov/pdf/268/202311099598979268/202311099598979268.pdf>.
- Disbursements for Friends of Doug Bennett, https://www.fec.gov/data/disbursements/?committee_id=C00634808&two_year_transaction_period=2024&line_number=F3-17&data_type=processed (last visited Aug. 15, 2024).

Preston Love Jr., Nebraska

- Preston Love Jr. Statement of Candidacy (FEC Form 2) (Nov. 29, 2023), <https://docquery.fec.gov/pdf/577/202311299599366577/202311299599366577.pdf>.
- Receipts for Love 4 Senate, https://www.fec.gov/data/receipts/?committee_id=C00858274&two_year_transaction_period=2024&data_type=processed (last visited Aug. 15, 2024).

Patricia L. Morgan, Rhode Island

- Patricia L. Morgan Statement of Candidacy (FEC Form 2) (July 18, 2023), <https://docquery.fec.gov/pdf/653/202307189583795653/202307189583795653.pdf>.
- Receipts for Patricia for RI, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00846014&two_year_transaction_period=2024 (last visited Aug. 15, 2024).