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FEDERAL ELECTION COMMISSION
SEPTEMBER 11, 2020 2:41 PM
OFFICE OF GENERAL COUNSEL

From: [Andy Sandler](#)
To: [Enforcement Complaints](#)
Subject: Campaign Finance Complaint
Date: Friday, September 11, 2020 2:41:19 PM
Attachments: [Adkins FEC Complaint.pdf](#)

To whom this may concern:

I am a registered voter and resident of Kansas's Third Congressional District. I am hereby filing a complaint against a candidate for this district's Congressional seat, Amanda Adkins. I believe that she raised a highly excessive amount of money prior to her declaration of candidacy, which would be a violation of ethics laws. Enclosed is a copy of the complaint, the original of which I am sending to you via USPS Certified Mail, which *hypothetically* should reach you well before the election. Should you require anything else from me to help expedite and process this complaint, please do not hesitate to contact me as follows:

Email: As above,

Postal: Mission, KS 66202-4237

Landline:
Mobile:

Very sincerely yours,
Andrew B. Sandler

FEDERAL ELECTION COMMISSION

In the matter of:

Amanda Adkins

Amanda Adkins for Congress

Robert Phillips III, Treasurer, Amanda Adkins for Congress

MUR **7794**

COMPLAINT

This complaint is filed with the Federal Election Commission ("FEC") pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that Amanda Adkins moved beyond "testing the waters" to become a "candidate" under the Federal Election Campaign Act ("FECA") and subsequently violated the candidate registration and reporting requirements of FECA.

Complainant seeks an immediate investigation and enforcement action against Amanda Adkins, Amanda Adkins for Congress, and Robert Phillips III for violations of FECA.

FACTS**Adkins first began accepting campaign contributions from others in May 2019**

[FEC contribution records](#) for Amanda Adkins for Congress show that, in March and April 2019, Adkins made in-kind donations related to airfare and a P.O box. In May 2019, she began receiving itemized contributions from others, totaling at least \$42,450 in itemized contributions that month alone.

On July 30, 2020, a fundraising consultant acted on Adkins' behalf and represented her as a federal candidate

In September 2019, the Kansas City Star reported on emails sent "a full month before [Adkin's] FEC filing" where "political consultants referred to Adkins unequivocally as a candidate."¹

In one instance, Kathryn Jones, a fundraiser with High Cotton Consulting, sent a July 30 email to set up meetings with potential donors to Adkins, whom the fundraiser described as a "candidate in KS-03" who "hasn't announced but will be running in KS-03."²

"We are very excited to announce that High Cotton will be working with Amanda Adkins, candidate in KS-03 (formerly Yoder's seat)," wrote Kathryn Jones, a senior associate with High Cotton Consulting, in a July 30 email to a prospective donor.

High Cotton, a fundraising firm located in Washington, is one of a network of companies owned by Kansas City-based Axiom Strategies. Axiom, which advised former Republican Rep. Kevin Yoder last election, was founded by Jeff Roe, a long-time GOP strategist who ran Texas Sen. Ted Cruz's 2016 presidential campaign.

¹ ["Emails suggest Kansas GOP candidate skirted campaign finance rules, watchdogs say," Bryan Lowry, Kansas City Star, 9/12/2019](#)

² ["Emails suggest Kansas GOP candidate skirted campaign finance rules, watchdogs say," Bryan Lowry, Kansas City Star, 9/12/2019](#)

The Jones email includes a bio for Adkins identical to one currently on her campaign website, which touts her background as an executive at Cerner and describes the candidate as a “businesswoman, mother and social entrepreneur.”

In another email on the same day, Jones wrote that Adkins “hasn’t announced but will be running in KS-03.” Both emails sought to set up September meetings with potential donors.

Jones reportedly “said she should not have called Adkins a candidate without couching it, nor should she have said Adkins had officially hired High Cotton.” She also “said she had been approached by someone on Adkins’ team, but emphasized that no contract had been signed when the emails went out and that the firm did not receive payment.”³ While there may not have been a signed contract, [FEC spending records](#) show Adkins did start paying High Cotton Consulting and its parent company, Axiom Strategies, immediately after her official campaign launch in September 2019.

Select payments to Axiom Strategies entities

Payee	Description	Date	Amount
AXIOM STRATEGIES, LLC	CAMPAIGN MATERIALS	9/13/2019	\$876.00
AXIOM STRATEGIES, LLC	CAMPAIGN STRATEGY CONSULTING SERVICES	9/13/2019	\$3,000.00
AXIOM STRATEGIES, LLC	TRAVEL EXPENSE REIMBURSEMENT	9/13/2019	\$437.60
AXIOM STRATEGIES, LLC	DOMAIN NAME REGISTRATION	9/22/2019	\$1,000.00
HIGH COTTON CONSULTING	REIMBURSEMENT - DC FUNDRAISING EXPENSES	11/18/2019	\$359.39

Adkins raised more than \$33,000 between July 30 and August 30, 2019

[FEC contribution records](#) show that, in August 14 through August 29, Adkins raised \$33,800 in itemized contributions.

Entity Type	Donor	Date	Amount
IND	SHAFRAN, ZACHARY H.	8/14/2019	\$1,800.00
IND	CRAIG, STEVEN	8/16/2019	\$2,800.00
IND	SANDHERR, STEPHEN	8/20/2019	\$1,000.00
IND	HERZOG, PATRICIA	8/22/2019	\$2,800.00
IND	DUNN, JEFFREY DR.	8/22/2019	\$1,000.00
IND	KAMINSKY, LARRY	8/23/2019	\$2,800.00
IND	BALDWIN, GENE	8/23/2019	\$2,000.00
IND	ALDRIDGE, KENNETH	8/26/2019	\$2,800.00
IND	ALDRIDGE, KENNETH	8/26/2019	\$2,800.00
IND	MURFIN, JANET	8/27/2019	\$2,800.00
IND	MURFIN, DAVE	8/27/2019	\$2,800.00
IND	TETRICK, CHARLES	8/28/2019	\$2,800.00
IND	ANESTIS, ROBERT	8/28/2019	\$2,800.00
IND	HUBBARD, RD	8/29/2019	\$2,800.00

³ [“Emails suggest Kansas GOP candidate skirted campaign finance rules, watchdogs say,” Bryan Lowry, Kansas City Star, 9/12/2019](#)

Adkins first filed paperwork for her candidacy and her committee on August 30, 2019

On August 30, 2019, Adkins filed her Statement of Candidacy for Kansas' 3rd Congressional District.⁴ Minutes later, a Statement of Organization was filed for Amanda Adkins for Congress.⁵

At the time she filed her candidacy, Adkins had raised at least \$139,000 and spent less than 10 percent

[FEC contribution records](#) show that, as of August 29, 2019, Adkins had raised \$139,403.82 in itemized contributions (including \$2,103.82 in candidate in-kind contributions). [FEC spending records](#) show that, as of that day, she had spent only \$11,153.82 (including in-kind contributions).

Thus, Adkins spent roughly 8 percent of the money she raised during her testing the waters period and had roughly \$128,000 on-hand when she officially filed her candidacy.

SUMMARY OF THE LAW

Complainant believes that Adkins met the criteria to become a candidate and triggered registration and reporting responsibilities prior to August 15, 2020. By filing a statement of candidacy on August 30, 2020, Adkins failed to comply with timely registration requirements.

Individuals must register as candidates if they campaign after meeting the \$5,000 threshold

As explained by the FEC campaign guide, "An individual triggers registration and reporting responsibilities under the Act when campaign activity exceeds \$5,000 in either contributions or expenditures. Money raised and spent to test the waters does not count toward this dollar threshold until the individual decides to run for federal office or conducts activities that indicate he or she is actively campaigning rather than testing the waters."⁶

Adkins raised at least \$5,000 prior to July 2019, meaning any subsequent campaign activity would trigger candidacy

Adkins raised more than \$5,000 in itemized contributions by the end of May 2019. While these contributions would not trigger the \$5,000 threshold while Adkins tested the waters, they would trigger the threshold once Adkins engaged in campaign activity.⁷

Adkins exited the testing the waters period when a consultant sought fundraising meetings for later in the year

FEC regulations state that the testing the waters period does not cover activity like fundraising for expenses beyond the testing the waters period or authorizing others to refer to the individual as a candidate for a particular office.⁸

This exemption does not apply to funds received for activities indicating that an individual has decided to become a candidate for a particular office or for activities relevant to conducting a campaign. Examples of activities that indicate that an individual has decided to become a candidate include, but are not limited to:

...

⁴ [Statement of Candidacy, Amanda Adkins, FEC.gov, Filed 8/30/2019](#)

⁵ [Statement of Organization, Amanda Adkins for Congress, FEC.gov, Filed 8/30/2019](#)

⁶ [FEC Campaign Guide, June 2014](#)

⁷ [FEC Campaign Guide, June 2014](#)

⁸ [11 CFR § 100.72\(b\); 11 CFR § 100.131\(b\)](#)

2.The individual raises funds in excess of what could reasonably be expected to be used for exploratory activities or undertakes activities designed to amass campaign funds that would be spent after he or she becomes a candidate.

3.The individual makes or authorizes written or oral statements that refer to him or her as a candidate for a particular office.

On July 30, a fundraising consultant who had been previously approached by an Adkins representative sent multiple emails that “sought to set up September meetings with potential donors” and referred to Adkins as a candidate for Congress.⁹ Complainant believes this meets the criteria for activity outside the bounds of testing the waters.

Adkins exited the testing the waters by raising far more than required for testing the waters

As established above, one indication that an individual is no longer testing the waters is that “The individual raises funds in excess of what could reasonably be expected to be used for exploratory activities.”¹⁰ Adkins raised an amount of money – roughly \$140,000 – that is on-its-face inappropriate for the testing the waters period. Further, it was clearly more than necessary for the testing the waters period, as less than 10 percent was spent by the time she filed her candidacy.

If Adkins exited the testing the waters period by August 1, she was required to register as a candidate weeks earlier than she did

After reaching the \$5,000 threshold and triggering registration and reporting responsibilities, candidates must designate a principal campaign committee within 15 days.¹¹ The July 30 email demonstrated that Adkins exited the testing the waters period by at least that point, meaning she should have filed a Statement of Candidacy before August 15.

By not filing a Statement of Candidacy until August 30, she violated FEC’s registration requirements.

Adkins continued to raise money for her campaign after missing her registration deadline

Throughout August 2019 – including after August 15 – Adkins raised money despite being an unregistered candidate.

PRAYER FOR RELIEF

Wherefore, Complainant requests that the FEC conduct an investigation into these allegations; declare the respondents to have violated the FECA and applicable FEC regulations; and order respondents to correct these violations. In addition, Complainant requests that the FEC impose sanctions appropriate to these violations and take such further action as may be appropriate.

Respectfully Submitted,



ORGANIZATION/NAME

⁹ [“Emails suggest Kansas GOP candidate skirted campaign finance rules, watchdogs say,” Bryan Lowry, Kansas City Star, 9/12/2019](#)

¹⁰ [11 CFR § 100.72\(b\); 11 CFR § 100.131\(b\)](#)

¹¹ [FEC Campaign Guide, June 2014](#)

VERIFICATION

The complainant listed below hereby verifies that the statements made in the attached Complaint are, upon information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.





ANDREW R. SANDER
NAME

Sworn to and subscribed before me this 11 day of September 2020.


Notary Public