



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

February 18, 2025

VIA ELECTRONIC MAIL

Trevor M. Stanley
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RE: MUR 8148

Dear Mr. Stanley,

On July 20, 2023, the Federal Election Commission notified your clients, Frank LaRose and LaRose for Senate and Lisa Lisker in her official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On January 16, 2025, the Commission, on the basis of the information provided in the complaint and information provided by the Committee, voted to dismiss the allegations that: (1) Frank LaRose violated 52 U.S.C. § 30102(e)(1) and 11 C.F.R. § 101.1(a) by failing to timely file a Statement of Candidacy; (2) LaRose for Senate and Lisa Lisker in her official capacity as treasurer violated 52 U.S.C. § 30103(a) and 11 C.F.R. § 102.1(a) by failing to timely file a Statement of Organization; and (3) Frank LaRose violated 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61 by soliciting soft money as a candidate for federal office. Accordingly, the Commission voted to close its file in this matter effective February 18, 2024.

Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Any applicable Factual and Legal Analysis or Statements of Reasons available at the time of this letter's transmittal are enclosed.

If you have any questions, please contact Kevin Fortkiewicz, the attorney assigned to this matter, at (202) 694-1169.

Sincerely,

Aaron Rabinowitz

Aaron Rabinowitz
Assistant General Counsel

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Frank LaRose MUR 8148
LaRose for Senate and Lisa Lisker in
her official capacity as treasurer
Leadership for Ohio Fund and Dustin McIntyre
in his official capacity as treasurer

I. INTRODUCTION

This matter arises from a Complaint alleging that Frank LaRose became a federal candidate on or before May 1, 2023, and therefore filed his Statement of Candidacy late on July 17, 2023, in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”). The Complaint argues that LaRose became a candidate in May based on communications he made to potential donors starting in May 2023 when he solicited contributions to Leadership for Ohio Fund, then a 527 organization, which was allegedly formed to support LaRose’s candidacy. This claim also raises the possibility that LaRose’s campaign committee, LaRose for Senate and Lisa Lisker in her official capacity as treasurer (the “Committee”), filed its Statement of Organization late on July 17, 2023. The Complaint further alleges that, during the two-and-a-half-month period when LaRose was a candidate but failed to timely register, LaRose solicited donations outside the amount limitations and source prohibitions of the Act to Leadership for Ohio Fund to support his candidacy, in violation of the soft money provision of the Act and Commission regulations. The Complaint also alleges that Leadership for Ohio Fund, which registered with the Commission as an independent expenditure-only political committee on July 15, 2024, funded a “push poll” in support of LaRose prior to registering with the Commission, raising the allegation that it was engaged in

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1 federal election activity before it registered with the Commission and thus failed to timely file as
2 a political committee.

3 The Response from LaRose and the Committee asserts that LaRose timely filed his
4 Statement of Candidacy, contending that he was focused on promoting election initiatives and
5 that any discussion on a potential run for U.S. Senate was ambiguous. The Response also
6 contends that, although LaRose solicited donations to Leadership for Ohio Fund, this activity
7 was to promote his work as Ohio Secretary of State and election initiatives; thus, it was not in
8 connection with a federal election and accordingly did not result in soft money solicitations.
9 Additionally, the Response argues that the prohibition on soliciting soft money contributions did
10 not apply because LaRose was not a federal candidate at the time he made the solicitations.
11 Finally, LaRose avers that he did not control or direct Leadership for Ohio Fund. The Response
12 on behalf of Leadership for Ohio Fund contends that it did not engage in any activities regulated
13 by the Commission prior to it registering with the Commission.

14 As explained below, although the Complaint points to certain statements and activity that
15 it contends indicate that LaRose intended to run as of May 2023, there does not appear to be
16 information, whether in the Complaint, the Committee's filings, or public sources, to indicate
17 that LaRose exceeded the \$5,000 threshold before he filed his Statement of Candidacy.
18 Accordingly, the Commission dismisses the allegations that LaRose violated 52 U.S.C.
19 § 30102(e)(1) and 11 C.F.R. § 101.1(a) by failing to timely file a Statement of Candidacy and
20 that the Committee violated 52 U.S.C. § 30103(a) and 11 C.F.R. § 102.1(a) by failing to timely
21 file a Statement of Organization. Because the available information does not establish that
22 LaRose was a candidate prior to July 17, 2023, the Commission dismisses the allegation that
23 LaRose solicited soft money in violation of 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61.

1 Finally, the Commission dismisses the allegation that Leadership for Ohio Fund failed to timely
2 register and file reports with the Commission in violation of 52 U.S.C. §§ 30103, 30104 and 11
3 C.F.R. §§ 102.1(d) and 104.1 given that the Commission is not aware of information establishing
4 that Leadership for Ohio Fund engaged in federal election activity prior to registering with the
5 Commission.

6 **II. FACTUAL BACKGROUND**

7 Frank LaRose was a candidate in the 2024 Ohio Republican senatorial primary election.¹
8 LaRose for Senate is LaRose's principal campaign committee.² Leadership for Ohio Fund
9 registered with the IRS as a 527 organization on March 3, 2023, and then with the Commission
10 as an independent expenditure-only political committee on July 15, 2023.³ Leadership for Ohio
11 Fund's Notice of Section 527 Status states that the organization's purpose is "[t]o engage in
12 exempt function activities in Ohio."⁴

13 The Complaint alleges that LaRose failed to timely file his Statement of Candidacy
14 because he became a candidate on or before May 1, 2023, and thus should have filed his
15 Statement of Candidacy by May 16, 2023.⁵ Additionally, the Complaint alleges that the
16 Committee should have filed its Statement of Organization within ten days after that, or by
17 May 26, 2023. The Complaint cites to articles reporting that LaRose left voice messages with

¹ Frank LaRose, Statement of Candidacy (July 17, 2023), <https://docquery.fec.gov/pdf/836/202307179583764836/202307179583764836.pdf>.

² LaRose for Senate, Statement of Organization at 1 (July 17, 2023), <https://docquery.fec.gov/pdf/832/202307179583764832/202307179583764832.pdf>.

³ Leadership for Ohio Fund, IRS Form 8871 (Political Organization Notice of Section 527 Status) (Mar. 3, 2023) [hereinafter Leadership for Ohio Fund, Form 8871], <https://forms.irs.gov/app/pod/basicSearch/downloadFile?formId=119753&formType=e8871>; Leadership for Ohio Fund, Statement of Organization at 1 (July 15, 2023), <https://docquery.fec.gov/pdf/011/202307159583163011/202307159583163011.pdf>.

⁴ Leadership for Ohio Fund, Form 8871.

⁵ Compl. at 1 (July 17, 2023).

1 potential donors stating “I am preparing to, hopefully soon, announce my candidacy for this
 2 office” and “I am actively working towards and hope to soon announce my candidacy for the
 3 U.S. Senate.”⁶ The Complaint also claims that LaRose raised funds for Leadership for Ohio
 4 Fund to support his candidacy and, as explained below, the Complaint alleges that Leadership for
 5 Ohio Fund engaged in activity that supported his candidacy starting in May 2023.⁷ Additionally,
 6 the Complaint provides a copy of a flyer that states that LaRose “Can Win” in the general
 7 election, describing him as a “potential candidate” and states the mission of the flyer’s author is
 8 to “Beat Sherrod Brown.”⁸ The Complaint alleges that LaRose or his agents disseminated the
 9 flyer; however, the Complaint does not explain how the Complainant obtained the flyer or how it
 10 was distributed.⁹

11 The Complaint argues that, because LaRose was a candidate, the Act prohibited him from
 12 raising soft money for Leadership for Ohio Fund.¹⁰ The Complaint does not allege how much
 13 LaRose solicited for Leadership for Ohio Fund, but in its initial amended filing with the IRS, it
 14 reported raising \$1,023,877 in a four-month period.¹¹ Additionally, the Complaint asserts that
 15 LaRose’s solicitations for Leadership for Ohio Fund were intended to benefit his candidacy
 16 because Leadership for Ohio Fund spent funds conducting a “push poll in favor of LaRose.”¹²

⁶ *Id.* at 2-3; Henry J. Gomez, *Ohio Secretary of State Tells Donors He'll Enter GOP Senate Primary 'Soon'*, NBC NEWS (May 9, 2023), <https://www.nbcnews.com/politics/2024-election/ohio-secretary-state-frank-larose-eyes-gop-senate-primary-race-rcna83576> (cited in Compl. at 2).

⁷ Compl. at 8; Gomez, *supra* note 6.

⁸ Compl. at 7 & Ex. 1.

⁹ *Id.* at 2.

¹⁰ *Id.* at 1-2.

¹¹ Leadership for Ohio Fund, IRS Form 8872 (Initial Amended Report 2023) (Aug. 2, 2023) [hereinafter Leadership for Ohio Fund, Form 8872], <https://forms.irs.gov/app/pod/basicSearch/downloadFile?formId=141818&formType=e8872>.

¹² Compl. at 9-10.

1 The Complaint cites to an article in the *Washington Examiner* reporting that Causeway Solutions
 2 conducted the poll for Leadership for Ohio Fund.¹³ The article notes that it obtained the poll and
 3 that it shows LaRose with a lead in the primary if he chose to run, but the article links only to a
 4 two-page summary document that does not include the questions asked to participants.¹⁴

5 LaRose and the Committee filed a joint Response asserting that LaRose first actively
 6 considered a run for Senate around July 4, 2023, and ultimately announced his candidacy on
 7 July 17, 2023.¹⁵ Additionally, the Committee did not report contributions or expenditures
 8 exceeding \$5,000 until July 17, 2023.¹⁶ In a declaration, LaRose attests that, prior to July 4,
 9 2023, he occasionally mentioned to supporters that he hoped to run for Senate but took no action
 10 to qualify for the ballot or raise funds for a federal campaign.¹⁷ Additionally, the Response
 11 argues that the flyer included in the Complaint does not indicate that LaRose had become a
 12 candidate and that there is no information indicating that LaRose was involved in distributing the
 13 flyer.¹⁸ The Response acknowledges that LaRose solicited funds for Leadership for Ohio Fund,
 14 but states that “it is clear he was raising funds for non-federal activity” to support election

¹³ Reese Gorman, *Undeclared Frank LaRose Leads Ohio Senate Republican Primary Race, Poll Says*, WASH. EXAMINER (June 7, 2023), <https://www.washingtonexaminer.com/news/2583938/undeclared-frank-larose-leads-ohio-senate-republican-primary-race-poll-says/> (cited in MUR 8148 Compl. at 3).

¹⁴ *Id.*

¹⁵ Frank LaRose & LaRose for Senate Resp. at 9 (Oct. 4, 2023) [hereinafter LaRose Resp.]; Frank LaRose, Statement of Candidacy at 1 (July 17, 2023) <https://docquery.fec.gov/pdf/836/202307179583764836/202307179583764836.pdf>.

¹⁶ *FEC Receipts: Filtered Results*, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00845735&two_year_transaction_period=2024&min_date=01%2F01%2F2023&max_date=12%2F31%2F2024 (last visited Nov. 14, 2024) (reflecting receipts to LaRose for Senate for the 2024 election cycle); *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00845735&two_year_transaction_period=2024&min_date=01%2F01%2F2023&max_date=12%2F31%2F2024 (last visited Nov. 14, 2024) (reflecting disbursements to LaRose for Senate for the 2024 election cycle).

¹⁷ LaRose Resp., Ex. A ¶¶ 22-23 (Decl. of Frank LaRose) [hereinafter LaRose Decl.]. The declaration is not notarized but contains the statement that LaRose “declare[s] under penalty of perjury that the following is true and correct.” *Id.*

¹⁸ LaRose Resp. at 11.

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integrity and spread the group’s “message of fair, open, and honest elections.”¹⁹ The Response attaches a thank-you note sent to a donor, which discusses his “work as Ohio Secretary of State” and election initiatives.²⁰ Finally, LaRose avers that he was not involved with any of Leadership for Ohio Fund’s activities other than his solicitations on its behalf.²¹

The Response from Leadership for Ohio Fund denies that it violated the Act, asserting that it “did not engage in activities regulated by the Commission” until it filed a Statement of Organization with Commission.²² It does not address the content of the alleged “push poll” raised in the Complaint. In its initial amended filing with the IRS, Leadership for Ohio Fund reported raising \$1,023,877 and making expenditures totaling \$344,536 from March 2, 2023 to June 30, 2023.²³ The Committee reported a \$122,000 payment to Causeway Solutions, LLC — which is the organization that purportedly ran the poll referenced in the Complaint — for “research services.”²⁴ After filing with the Commission, Leadership for Ohio Fund, to date, has reported independent expenditures in favor of LaRose and opposing a candidate running against LaRose totaling \$5,477,980.70.²⁵

¹⁹ *Id.* at 5, 7.

²⁰ *Id.* at 8 & Ex. B.

²¹ LaRose Decl. ¶¶ 11, 20, 24.

²² Leadership for Ohio Fund Resp. at 1 (Sept. 6, 2023); *see* Leadership for Ohio Fund, Statement of Organization at 1 (July 15, 2023), <https://docquery.fec.gov/pdf/011/202307159583163011/202307159583163011.pdf>.

²³ Leadership for Ohio Fund, Form 8872.

²⁴ *Id.* at 14.

²⁵ *FEC Independent Expenditures: Filtered Results*, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?q_spender=C00845685&two_year_transaction_period=2024&cycle=2024&is_notice=false&data_type=processed (last visited Nov. 14, 2024) (reflecting 18 independent expenditures by Leadership for Ohio Fund for the 2024 election cycle).

III. LEGAL ANALYSIS

A. The Commission Dismisses the Allegations That LaRose Failed to Timely File a Statement of Candidacy and That LaRose for Senate Failed to Timely File a Statement of Organization

An individual becomes a candidate under the Act if he or she receives contributions or makes expenditures in excess of \$5,000 or consents to another doing so on his or her behalf.²⁶ A contribution is any gift, subscription, loan, advance or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office.²⁷ Once the \$5,000 threshold has been met, the candidate has 15 days to file a Statement of Candidacy with the Commission that designates a principal campaign committee.²⁸ The principal campaign committee must file a Statement of Organization within ten days of its designation,²⁹ and it must file disclosure reports with the Commission.³⁰

The available information does not indicate that LaRose crossed the \$5,000 threshold prior to July 17, 2023, and therefore it does not appear that LaRose or the Committee failed to timely file Statements of Candidacy and Organization. This is also consistent with disclosure reports filed by the Committee, which do not disclose any contributions or disbursements prior to July 17, 2023.³¹

²⁶ 52 U.S.C. § 30101(2) (definition of candidate); *accord* 11 C.F.R. § 100.3(a) (same).

²⁷ 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52.

²⁸ 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a).

²⁹ 52 U.S.C. § 30103(a); 11 C.F.R. § 102.1(a).

³⁰ 52 U.S.C. § 30104(a), (b).

³¹ *FEC Receipts: Filtered Results*, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00845735&two_year_transaction_period=2024&min_date=01%2F01%2F2023&max_date=12%2F31%2F2024 (last visited Nov. 14, 2024) (reflecting receipts reported by LaRose for Senate during the 2024 election cycle); *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00845735&two_year_transaction_period=2024&min_date=01%2F01%2F2023&max_date=12%2F31%2F2024 (last visited Nov. 14, 2024) (reflecting disbursements reported by LaRose for Senate during the 2024 election cycle).

1 The Complaint alleges that LaRose or his agents disseminated general public advertising
2 stating that LaRose “Can Win” in the general election and that his mission is to “Beat Sherrod
3 Brown.”³² But the Commission is not aware of any information indicating that LaRose prepared
4 or approved the flyer.³³ The Response by LaRose and the Committee contends that the flyer
5 does not state that LaRose is a federal candidate.³⁴ Moreover, there is no available information
6 indicating that the one-page flyer cost more than \$5,000 to produce or distribute. The Complaint
7 provides a copy of the flyer, but it does not provide information as to how it was obtained or how
8 broadly it was distributed.³⁵

9 Also, the Complaint claims that LaRose became a federal candidate by soliciting
10 contributions for Leadership for Ohio Fund.³⁶ However, there does not appear to be
11 contemporaneous publicly available information indicating that contributions to (or solicitation
12 on behalf of) Leadership for Ohio Fund were made in connection with LaRose’s federal
13 candidacy. Additionally, LaRose avers that funds raised for Leadership for Ohio Fund were to
14 promote election integrity initiatives, and the Commission is not aware of information to the
15 contrary.³⁷

16 Therefore, the Commission dismisses the allegation that Frank LaRose violated
17 52 U.S.C. § 30102(e)(1) and 11 C.F.R. § 101.1(a) by failing to timely file a Statement of
18 Candidacy. Additionally, because there is no information indicating that LaRose filed his

³² Compl. at 7.

³³ LaRose Resp. at 11.

³⁴ *Id.*

³⁵ Compl. at 2 & Ex. 1; *see* 11 C.F.R. § 100.27.

³⁶ Compl. at 8.

³⁷ LaRose Decl. ¶ 10; *see also* LaRose Resp., Ex. B (attaching thank-you cards to donors detailing he was raising funds for Leadership for Ohio Fund to promote his work as Secretary of State and election initiatives).

Statement of Candidacy late, there is likewise no information indicating that the Committee filed its Statement of Organization late. Therefore, the Commission dismiss the allegation that the Committee violated 52 U.S.C. § 30103(a) and 11 C.F.R. § 102.1(a) by failing to timely file a Statement of Organization.

B. The Commission Dismisses the Allegation That LaRose Violated the Soft Money Solicitation Prohibition

The Act prohibits federal candidates and officeholders, their agents, and entities directly or indirectly established, financed, maintained, or controlled by or acting on behalf of one or more candidates or individuals holding federal office, from “solicit[ing], receiv[ing], direct[ing], transfer[ing], or spend[ing] funds in connection with an election for Federal office, . . . unless the funds are subject to the limitations, prohibitions, and reporting requirements of [the] Act.”³⁸

The Complaint alleges that LaRose raised money for Leadership for Ohio Fund in order to help promote his Senate election.³⁹ As discussed above, the available information does not indicate that LaRose was a federal candidate when he made solicitations on behalf of Leadership for Ohio Fund.⁴⁰ Therefore, the Commission dismisses the allegation that Frank LaRose violated 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 300.61 by soliciting soft money contributions as a federal candidate.

C. The Commission Dismisses the Allegation That Leadership for Ohio Fund Failed to Timely Register with the Commission

The Act and Commission regulations define a “political committee” as “any committee club, association, or other group of persons which receives contributions aggregating in excess of

³⁸ 52 U.S.C. § 30125(e)(1)(A); 11 C.F.R. § 300.61.

³⁹ Compl. at 3.

⁴⁰ Cf. Factual & Legal Analysis (“F&LA”) at 11, MUR 6430 (Steven Daines) (finding that the prohibition on the use of “soft money” did not apply to an individual who had not become a federal candidate).

1 \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000
 2 during a calendar year.”⁴¹ In *Buckley v. Valeo*, the Supreme Court held that defining political
 3 committee status “only in terms of [the] amount of annual ‘contributions’ and ‘expenditures’”
 4 might be overbroad, reaching “groups engaged purely in issue discussion.”⁴² To cure that
 5 infirmity, the Court concluded that the term “political committee” “need only encompass
 6 organizations that are under the control of a candidate or the *major purpose of which is the*
 7 *nomination or election of a candidate.*”⁴³ Accordingly, under the statute as thus construed, an
 8 organization that is not controlled by a candidate must register as a political committee only if
 9 (1) it crosses the \$1,000 threshold and (2) it has as its “major purpose” the nomination or election
 10 of federal candidates.

11 Political committees must comply with certain organizational and reporting requirements
 12 set forth in the Act. They must register with the Commission, file periodic reports, appoint a
 13 treasurer who maintains its records, and identify themselves through disclaimers on all their
 14 political advertising, on their websites, and in mass emails.⁴⁴

15 The Complaint alleges that Leadership for Ohio Fund was formed to support a LaRose
 16 candidacy.⁴⁵ Leadership for Ohio Fund states that, prior to registering as a federal political
 17 committee, “the Fund did not engage in any activities regulated by the Commission.”⁴⁶ LaRose
 18 avers that he understood that Leadership for Ohio Fund would engage in activity regarding

⁴¹ 52 U.S.C. § 30101(4)(A); 11 C.F.R. § 100.5.

⁴² 424 U.S. 1 at 79 (1976) (*per curiam*).

⁴³ *Id.* (emphasis added).

⁴⁴ 52 U.S.C. §§ 30102-30104; 11 C.F.R. § 110.11(a)(1).

⁴⁵ Compl. at 3.

⁴⁶ Leadership for Ohio Fund Resp. at 1.

1 election integrity.⁴⁷ A Leadership for Ohio Fund filing with the IRS states that its purpose was
 2 “[t]o engage in exempt function activities in Ohio.”⁴⁸

3 The Complaint argues that “[Leadership for Ohio Fund’s] apparent push poll in favor of
 4 LaRose” indicates that it was supporting LaRose’s federal candidacy prior to registering with the
 5 Commission.⁴⁹ However, there is no available information establishing that the poll Leadership
 6 for Ohio Fund reportedly commissioned advocated for the election or defeat of a clearly
 7 identified federal candidate.⁵⁰ The only basis for the Complaint’s allegation that it was a “push
 8 poll” appears to be that the results favored LaRose.⁵¹ Additionally, LaRose avers that “[he] was
 9 not aware of, or involved in directing, any expenditure decisions made for polling or other
 10 activities for Leadership for Ohio Fund.”⁵² The Complaint does not identify any additional
 11 expenditures made by Leadership for Ohio Fund that supported LaRose’s senatorial candidacy
 12 prior to it registering with the Commission.

13 The Complaint also alleges that LaRose raised money for Leadership for Ohio Fund to
 14 support LaRose’s candidacy, but it does not provide specific information to support that
 15 allegation. By contrast, LaRose avers that he was raising money for Leadership for Ohio Fund
 16 for messaging “to help raise public confidence in elections.”⁵³ Although Leadership for Ohio
 17 Fund raised greater than \$1,000 prior to its registration date with the Commission and did

⁴⁷ LaRose Decl. ¶ 9.

⁴⁸ Leadership for Ohio Fund, Form 8871.

⁴⁹ Compl. at 9-10.

⁵⁰ Neither the Complaint nor the article it cites includes the specific language of the poll.

⁵¹ Gorman, *supra* note 13.

⁵² LaRose Decl. ¶ 20.

⁵³ *Id.* ¶ 9.

1 ultimately support LaRose's candidacy after mid-July 2023,⁵⁴ the available information does not
2 establish that the committee's major purpose was supporting LaRose's candidacy before it
3 registered with the Commission.

4 Therefore, the Commission dismisses the allegation that Leadership for Ohio Fund
5 violated 52 U.S.C. §§ 30103, 30104 and 11 C.F.R. §§ 102.1(d) and 104.1 by failing to timely
6 register and file reports with the Commission.

⁵⁴ *FEC Receipts: Filtered Results*, FEC.GOV, https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00845685&two_year_transaction_period=2024&min_date=01%2F01%2F2023&max_date=07%2F14%2F2023 (last visited Nov. 14, 2024) (reflecting \$665,025.40 in contributions for Leadership for Ohio Fund on July 6, 2024); *see also* Leadership for Ohio Fund, Form 8872 (disclosing raising \$1,023,877 and making expenditures totaling \$344,536 from March 2, 2023 to June 30, 2023).



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Frank LaRose, <i>et al.</i>	)	MUR 8148
	)	

STATEMENT OF REASONS OF CHAIR ELLEN L. WEINTRAUB

This matter involves allegations surrounding the relationship between a super PAC and the candidate the super PAC promoted. The Commission took the final votes on this matter just a few days before the 15th anniversary of the *Citizens United* decision that ushered in the era of super PACs in American democracy.¹ Over the last 15 years, super PACs have come to play an increasingly dominant role in our elections, as their supposed independence from the candidates they support has simultaneously eroded. This matter is only the latest example.

The complaint here alleged that then-Senate candidate Frank LaRose filed a late statement of candidacy and solicited soft money because he allegedly became a federal candidate several months prior when he solicited contributions to Leadership for Ohio Fund (“LFO”). LFO was a 527 organization which later registered as an independent-expenditure only political committee (the technical name for a super PAC)² and went on to spend 100% of its expenditures, nearly \$5.5 million, promoting LaRose’s Senate candidacy.³

LaRose maintains that before registering as a super PAC, LFO’s activities were for “non-federal activity” and to “support election integrity and spread the group’s “message of fair, open, and honest elections.”⁴ The available information, however, indicates that both before and after registering as a federal PAC, LFO’s activities focused on supporting LaRose. LFO raised \$1 million before registering with the Commission, yet LFO spent a mere fraction of those funds before converting to a federal committee and spending those funds to support LaRose’s federal candidacy. Furthermore, of the small

¹ *Citizens United v. FEC*, 558 US 310 (2010).

² First Gen. Counsel’s Rpt (“FGCR”) at 1-2. Leadership for Ohio Fund registered with the Commission just two days prior to LaRose formally announcing his candidacy.

³ *FEC Independent Expenditures: Filtered Results*, FEC.GOV, https://www.fec.gov/data/independent-expenditures/?q_spender=C00845685&two_year_transaction_period=2024&cycle=2024&is_notice=false&data_type=processd (last visited Jan. 16, 2025) (reflecting 18 independent expenditures by LFO for the 2024 election cycle).

⁴ FGCR at 6 (citing Frank LaRose & LaRose for Senate Resp. at 9).

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percentage of money LFO did spend before becoming a super PAC, the single largest expense was for polling related to LaRose's Senate race.⁵

In a thank you letter to an LFO contributor, LaRose stressed that the contribution would promote "my work as Ohio Secretary of State, my exceptional dedication to election integrity, and the recent legislation I've introduced to increase voter transparency in Ohio."⁶ The letter continued:

LFO Fund will tell my "Ohio Story" – the story of a husband, father, and decorated combat veteran, which, when combined with my public service as Ohio Secretary of State, and before that as an Ohio Senator, have given me a unique voice that LFO Fund will help amplify in Ohio and around the country."⁷

Thus, by LaRose's own account, LFO was not spending its funds promoting the issue of "fair, open, and honest elections." Rather, LaRose was raising funds for LFO to enable it to "amplify" his "unique voice" and biography. In light of the fact that LaRose solicited funds for LFO, which appears to have been promoting LaRose's candidacy before either LaRose or the PAC registered with the Commission, along with other indicia in press reports that LaRose had already privately decided that he was running for Senate in May 2023,⁸ I could not support dismissing this complaint.⁹

Sadly, this is not the first, or even the most egregious example of a candidate driving a truck through the wall that is supposed to exist between the candidate and so-called "independent" spending groups.¹⁰ Nor will it likely be the last. On the tenth anniversary of *Citizens United*, I testified before Congress on some of the loopholes that had then developed (through fundraising and endorsements by candidates for super PACs, staffing overlaps, and posting of materials by candidates for the use of super

⁵ See Leadership for Ohio Fund, IRS Form 8872 at 14 ("Initial Amended Report 2023") (Aug. 2, 2023), <https://forms.irs.gov/app/pod/basicSearch/downloadFile?formId=141818&formType=e8872> (disclosing a \$122,000 payment to Causeway Solutions, LLC which did the polling). Notably, LFO's political director was a former member of LaRose's professional staff when he was Secretary of State and after LFO became a Super PAC, transitioned over to LaRose's federal campaign committee. See Initial Amended Report 2023 at 14-15 (disclosing multiple payments to Jay Bergles); *FEC Independent Expenditures: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00845735&recipient_name=jay+bergles&two_year_transaction_period=2024 (disclosing multiple payments to Jay Bergles); LinkedIn profile for Jay Bergles, <https://www.linkedin.com/in/jay-bergles-5877bb77/>.

⁶ LaRose Resp., Ex. B (emphasis added).

⁷ *Id.*

⁸ See FGCR at 3 (citing Henry J. Gomez, *Ohio Secretary of State Tells Donors He'll Enter GOP Senate Primary 'Soon'*, NBC NEWS (May 9, 2023), <https://www.nbcnews.com/politics/2024-election/ohio-secretary-state-frank-larose-eyes-gop-senate-primary-race-rcna83576>).

⁹ See Cert., MUR 8148 (Jan. 15, 2025).

¹⁰ See, e.g., Statement of Reasons of Commissioner Ellen L. Weintraub, MURs 6915 and 6927 (John Ellis Bush, Right to Rise USA, *et al.*), https://www.fec.gov/files/legal/murs/6915/6915_46.pdf.

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PACs).¹¹ Since then, only more have developed and in some instances, been approved by the Commission.¹²

As I emphasized in my 2020 testimony: “The Supreme Court, in upholding FECA’s contribution limits in *Buckley v. Valeo*, recognized ‘the reality or appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.’”¹³ Limiting that potential for corruption becomes increasingly difficult in a world where the independence of super PACs is increasingly questionable.

January 18, 2025

Date



Ellen L. Weintraub
Chair

¹¹ See Written Testimony of Commissioner Ellen L. Weintraub Before the Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties U.S. House of Representatives Citizens United at 10: The Consequences for Democracy and Potential Responses by Congress (Feb. 6, 2020), <https://www.congress.gov/116/meeting/house/110456/witnesses/HHRG-116-JU10-Wstate-WeintraubE-20200206.pdf> (“Weintraub 2020 Testimony”).

¹² See, e.g., Statement of Vice Chair Ellen L. Weintraub Regarding Advisory Opinion 2024-07 (Team Graham, Inc.), https://www.fec.gov/files/legal/aos/2024-07/202407S_1.pdf (super PAC permitted to conduct joint fundraising with candidate committee); see also Vote, Advisory Opinion 2021-01 (Texas Majority PAC), https://www.fec.gov/files/legal/aos/2024-01/202401V_1.pdf (super PAC permitted to coordinate with a candidate committee regarding paid canvassing). I dissented on both of these opinions.

¹³ Weintraub 2020 Testimony at 3, quoting *Buckley v. Valeo*, 424 U.S. 1, 28 (1976).