

February 2, 2022

The Honorable Christopher Coons, Chair  
The Honorable James Lankford, Vice Chair  
Select Committee on Ethics  
United States Senate  
220 Hart Building  
United States Senate  
Washington, D.C. 20510

Re: Request for Investigation into Senate Candidate James Carlin for Failing to File Personal Financial Disclosure Form.

Dear Chairman Coons and Vice Chairman Lankford:

Complainant respectfully requests that the Senate Select Committee on Ethics investigate James Carlin, a candidate for the United States Senate for Iowa, for failing to file a Public Financial Disclosure Report within thirty (30) days of becoming a candidate, in violation of Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 101.

Title I of the Ethics in Government Act of 1978 requires that, “[w]ithin thirty days of becoming a candidate, or May 15, whichever is later” any candidate for office “other than a] . . . Member of Congress . . . shall file a [Financial Disclosure Report].”<sup>1</sup> A “candidate” is defined as an individual who seeks nomination for election to federal office by making expenditures or receiving contributions aggregating in excess of \$5,000.<sup>2</sup>

The Ethics in Government Act authorizes the Attorney General of the United States to seek a civil penalty of up to \$50,000 for a knowing and willful failure to file a Financial Disclosure Report.<sup>3</sup> Importantly, the Act makes clear that your committee shall refer to the Attorney General “the name of any individual which [your] committee has reasonable cause to believe has willfully failed to file a report. . . .”<sup>4</sup> In addition, the Act imposes a mandatory civil penalty on any candidate who files a report after the statutory deadline.<sup>5</sup>

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<sup>1</sup> Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 101(c).

<sup>2</sup> *Id.* (incorporating 52 U.S.C. § 30101(2) by reference).

<sup>3</sup> Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 104(a)(1). *See also* <https://www.ethics.senate.gov/public/index.cfm/financialdisclosure> (*Penalty for Failure to File a Report or Filing a False Report*).

<sup>4</sup> Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 104(b).

<sup>5</sup> *Id.* at § 104(d)(1).

Carlin officially announced his candidacy in February 2021<sup>6</sup> and filed a statement of candidacy with the Federal Election Commission on April 15, 2021.<sup>7</sup> Moreover, FEC records indicate that Carlin’s principal campaign committee, Carlin for U.S. Senate, has raised \$282,151.60 since January of 2021 – and exceeded the \$5,000 candidacy threshold as of Feb. 12, 2021.<sup>8</sup> Based on this campaign activity, Carlin became a federal candidate on Feb. 12, 2021. At the very latest, he certainly became a candidate upon officially announcing his campaign on Feb. 15, 2021.

As previously referenced, Title I of the Ethics in Government Act of 1978 requires that, “[w]ithin thirty days of becoming a candidate, or May 15, whichever is later” any “individual other than an incumbent . . . Member of Congress . . . shall file a [Financial Disclosure Report].”<sup>9</sup> Under certain circumstances, candidates may request an extension, on or before the filing deadline, for a period of up to 90 days.<sup>10</sup>

Accordingly, federal law required Carlin to file a Financial Disclosure Report, or request an extension, no later than May 15, 2021, in order to provide the public an accurate assessment of his current financial status. As of February 2, 2022, at least **352 days** after becoming a candidate for office, Carlin has failed to file a report or extension and thus appears to have breached his obligation under the law.<sup>11</sup> Every candidate for federal office has a duty to perform his or her disclosure obligations under the law, but as the Vice Chair of the Iowa State Senate Ethics Committee, Carlin has even more reason to be aware of such obligations.

Each day that Carlin fails to file his Personal Financial Disclosure is another day Iowans are left in the dark about the financial interests relevant to Carlin’s campaign. Iowans deserve to know whether Carlin has conflicts of interest or financial entanglements relevant to his candidacy. By shirking his disclosure obligations under federal law, Carlin has a comparative advantage over other candidates who are more forthright about their personal finances.

Accordingly, the Senate Select Committee on Ethics should investigate Carlin’s failure to file a Public Financial Disclosure. If he has indeed failed to file the required disclosure forms within thirty days of his candidacy, then he should be fined and sanctioned appropriately. Moreover, your office should investigate whether there is “reason to believe” that Carlin

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<sup>6</sup> Brianne Pfannenstiel, *Republican state Sen. Jim Carlin launches U.S. Senate bid, will run in a primary against Chuck Grassley if necessary*, Des Moines Register, Feb. 15, 2021, <https://www.desmoinesregister.com/story/news/politics/2021/02/15/chuck-grassley-jim-carlin-launches-2022-u-s-senate-bid-republican-primary/6752008002/>.

<sup>7</sup> FEC, Statement of Candidacy, FEC (April 15, 2021), <https://docquery.fec.gov/cgi-bin/forms/S2IA00131/1511596/>.

<sup>8</sup> See FEC, Committee Receipts, [https://www.fec.gov/data/receipts/?committee\\_id=C00769208&two\\_year\\_transaction\\_period=2022&data\\_type=processed](https://www.fec.gov/data/receipts/?committee_id=C00769208&two_year_transaction_period=2022&data_type=processed).

<sup>9</sup> Title I of the Ethics in Government Act of 1978, as amended, 5 U.S.C. app. § 101(a).

<sup>10</sup> *Id.* at § 101(g)(1).

<sup>11</sup> Current disclosures reviewed through the U.S. Senate Financial Disclosures database at <https://efdsearch.senate.gov/search/>.

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willfully failed to file the required report, and, if so, ask the Attorney General of the United States to impose up to \$50,000 in civil penalties.

Sincerely,

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

Will Rogers  
1328 43<sup>rd</sup> St.  
Des Moines, IA 50311