

23L-08

REPORTS ANALYSIS DIVISION REFERRAL
TO
OFFICE OF GENERAL COUNSEL

DATE: March 9, 2023

ANALYST: R. Bradley Austin

- I. COMMITTEE: Spencer Toder for Senate
C00777227
Spencer Toder, Treasurer (1/24/23-
Present)
Nicholas Zateslo, Treasurer (3/19/22 –
1/23/23)
PO Box 23039
Saint Louis, MO 63056
- II. RELEVANT STATUTE: 52 U.S.C. § 30104(b)(4)
11 C.F.R. § 104.3(b)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)

Spencer Toder for Senate (“the Committee”) amended its 2022 12-Day Pre-Primary Report to disclose disbursements totaling \$521,598.14 which were not disclosed in the original report (Attachment 1).

On July 22, 2022, the Committee filed the original [2022 12-Day Pre-Primary Report](#) covering the period from July 1, 2022 to July 13, 2022. The report disclosed no disbursements on Line 17 (Operating Expenditures) and Line 19(a) (Loan Repayments of Loans Made or Guaranteed by the Candidate) of the Detailed Summary Page (Attachment 1).

On December 1, 2022, the Committee filed an [Amended 2022 12-Day Pre-Primary Report](#). The report disclosed \$21,598.14 in disbursements on Line 17 and \$500,000.00 in disbursements on Line 19(a) of the Detailed Summary Page, a total increase in disbursements of \$521,598.14 from the original report (Attachment 1).

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On December 6, 2022, a [Request for Additional Information \(RFAI\)](#) was sent to the Committee referencing the Amended 2022 12-Day Pre-Primary Report, received December 1, 2022. The RFAI requested clarification regarding the substantial increase in disbursements disclosed on the Amended 2022 12-Day Pre-Primary Report, which were not disclosed in the original filing.

Since July 22, 2022, the Reports Analysis Division (RAD) logged six (6) communications with a representative of the Committee which reflect efforts to help the Committee voluntarily comply with the Act regarding the matter referenced in this referral. RAD was able to connect with the Committee on all these occasions and notified Spencer Toder, Candidate, that the Committee would be referred to another Commission office for further review. RAD advised the Committee to file amended reports or an FEC Form 99 (Miscellaneous Electronic Submission) with any clarifying information for the public record (Attachment 2).

On December 27, 2022, the Committee filed an [FEC Form 99](#) in response to the RFAI. The Committee stated, in part:

“...Additionally in response to the 12 Day Pre-Primary Report, it seems that no loans or expenses properly uploaded into the reporting system for the final quarter of the primary election. Prior to termination, however, all loans and expenses, their repayment, and their forgiveness, were resubmitted to amend.

The largest of the loans was repaid almost immediately, as the candidate became aware that his competitor had committed over \$5 million dollars of personal funds and as it was determined that it would not be prudent to continue to spend at the initial budgeted rate.”

On January 17, 2023, the Committee filed an [FEC Form 99](#) which stated, in part:

“I, Spencer Toder, attest that all loans made to the Spencer Toder for Senate Campaign in the 2021-2022 campaign cycle have been forgiven in full.”

Filings and correspondence related to the Committee can be found here: [Spencer Toder for Senate](#). To date, no further communications have been received from the Committee regarding this matter.

Spencer Toder for Senate (C00777227)[2022 12-Day Pre-Primary Report/Amended 2022 12-Day Pre-Primary Report](#)Overview of Additional Disbursements

Report Line	Original 2022 12-Day Pre- Primary Report	Amended 2022 12-Day Pre-Primary Report, received 12/1/2022	Variance Amount
Line 17: Operating Expenditures	\$0.00	\$21,598.14	\$21,598.14
Line 19(a): Loan Repayments of Loans Made or Guaranteed by the Candidate	\$0.00	\$500,000.00	\$500,000.00
		Total:	\$521,598.14