

“Ghost Candidates”

How They Manipulate (and sometimes steal) Florida Elections

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i n t e g r i t y

F L O R I D A

Integrity Florida is a nonprofit, nonpartisan research institute and government watchdog whose mission is to promote integrity in government and expose public corruption.

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Executive Summary

The term “ghost candidate” was first used in Florida press reports to describe a political dirty trick that took place in three state Senate races during the 2020 election cycle. In the Senate races for Districts 9, 37 and 39, No Party Affiliated candidates were essentially bribed to enter the races in a scheme to siphon votes away from Democratic candidates in favor of their Republican opponents.

Leaked documents from an Alabama-based political consulting firm with ties to Florida’s largest utility Florida Power and Light show how “dark money” political committees worked behind the scenes to promote the ghost candidates, even though the candidates themselves did no campaigning.

In large part, the ghost candidate scheme worked. All three Republican candidates won their elections. It is important to note that the votes that were siphoned away from the Democratic candidates in two of the Senate races would not have changed the outcome. However, in one race it clearly did.

In the race for Senate District 37, incumbent Democratic Senator José Javier Rodríguez lost to his Republican challenger by just over 30 votes. A ghost candidate with the same last name who did no campaigning yet was the beneficiary of a dark money advertising campaign, received over 6,000 votes. Clearly, the ghost candidate in the race received a significant number of votes, indicating that the candidate successfully siphoned votes away from the Democratic incumbent.

While there were several races in the 2018 and 2020 election cycles where ghost candidates were used to siphon votes, Florida has had a long history of ghost or spoiler candidates being used to make sure primary elections are closed to only voters of one party. A constitutional amendment passed in 1998 was meant to open primary elections to all voters in a district if the candidates were in the same political party and the primary would decide who represents the district.

The constitutional amendment did not address what effect a write-in candidate would have on the primary, thus creating a loophole that allows primaries to remain closed when a write-in candidate enters a race. The so-called write-in loophole has been used extensively by both political parties since 2000 to manipulate elections and thwart the intent of the voters when they passed the open primary constitutional amendment.

Key Findings

- So called “ghost candidates” have a more than 20-year history in Florida, but in the 2020 election cycle the use of three ghost candidates to siphon votes in three state senate races crossed the legal line to become a criminal form of voter fraud.
- Florida’s largest utility company Florida Power and Light (FPL) provided “dark money” funding for the ghost candidate scheme and, along with its Alabama-based political consulting firm Matrix, was actively involved in the strategic planning to carry out the scheme.
- The ghost candidate scheme worked as intended in at least one 2020 race for Senate District 37, where the incumbent Democratic Senator lost to his Republican challenger by a little over 30 votes. The ghost candidate in the race, with the same last name as the Democratic candidate, received over 6,000 votes, many of which were clearly siphoned due to misinformation and voter confusion. The ghost candidate did no campaigning for the seat but was the beneficiary of ads run by an outside political committee promoting the ghost candidate as a “progressive.”
- In August of 2022, long-time Tampa Democratic Congresswoman Kathy Castor called on the Justice Department to investigate Florida Power and Light’s use of “dark money” to manipulate elections in Florida. While it’s not clear whether such an investigation is taking place, **Integrity Florida believes a DOJ investigation into FPL’s involvement in the ghost candidate scheme is justified.**
- While the term “ghost candidate” was first applied to the candidates in the three 2020 state Senate races, there have been similar “spoiler” candidates in state and local races going back to the 2000 election. Write-in candidates exploit a loophole in a requirement in the Florida constitution that primary elections be open to all voters if the primary will decide the winner of the race.

Policy Options

- Redesign Florida’s campaign finance regulations with a goal of ensuring maximum transparency and accountability and eliminating so-called “dark money” that uses the federal tax code to hide the sources of campaign funding.
- Prohibit transfers of money between political committees.
- Expressly prohibit the use of paid “ghost candidates.”

- Eliminate the option to file as a write-in candidate without paying a filing fee or gathering a required number of petitions.
- Require primaries to be open to all voters if the only candidates on the ballot are from one political party, regardless of whether there is a write-in candidate in the race.

Introduction

“Ghost candidate” is a term first used to describe three candidates running for Florida Senate Districts in the 2020 election cycle. It amounted to a political dirty trick that at the very least would be considered a cynical take on democracy and worse, a potentially criminal scheme to mislead voters and steal an election. Consider this statement by Florida State Attorney Phil Archer whose office is investigating one of the ghost candidate cases.

Some candidates with no party affiliation “commonly referred to as ‘ghost’ candidates, have been used by political parties as a way to close elections or siphon off votes,” State Attorney Phil Archer, whose jurisdiction covers Seminole County, said in a statement.

“While not illegal per se, many have questioned the ethics of the practice. However, when that candidate and the partisan political operatives involved violate election finance laws by illegally funding those races and filing false reports, it is the responsibility of government to act.”¹

This report examines how “ghost candidates” have been used to manipulate elections in Florida. The focus is not just on the 2020 state Senate elections when the term “ghost candidate” was first coined, but also how spoiler or shadow candidates have historically been manipulating elections in Florida for more than 20 years.

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Ghost Candidates Used to Siphon Votes

The term “ghost candidate” was first used by the Florida press to describe candidates in three state Senate elections in the 2020 election cycle.² Extensive reporting by the Orlando Sentinel, the Miami Herald, and others document how Florida Power and Light (FPL) and other powerful corporations have funded the behind-the-scenes campaigns of fake candidates used to siphon votes from legitimate candidates.

While the ghost candidate scheme used in the 2020 election cycle has been publicly exposed, further reporting documents how the same political operators were using dark money political committees and nonprofits to manipulate elections in the 2018 election cycle.³

As originally reported by the Orlando Sentinel in August 2021, an Alabama-based communication and political consulting firm called Matrix LLC was at the center of the ghost candidate scheme in both election cycles.⁴ According to records obtained by the Orlando Sentinel and the government watchdog group the Florida Center for Government Accountability, consultants working at the time for Matrix had ties to a nonprofit called Grow United. Grow United was set up in Delaware but based out of a UPS store in Denver.

The Matrix consultants that were involved with the ghost candidate scheme left the firm at the end of 2020 after a falling out with the firm's founder. They later became embroiled in a lawsuit accusing them of diverting fees from Matrix clients to businesses and nonprofits they set up for themselves. A stream of documents coming from a Matrix server were anonymously leaked to the Miami Herald and the Orlando Sentinel and show how the former Matrix employees manipulated Florida elections to benefit the firm's client at the time, the utility company Florida Power and Light.⁵

The documents show executives at Florida Power and Light were in communication with the former Matrix employees concerning elections in Florida where FPL had an interest in the outcome. Matrix and FPL's political operation relied on a daisy chain network of secretive nonprofits, out-of-state consultants, and shell corporations to shield the nation's largest electric company from being revealed as the source of millions of dollars in political funds. Florida Power and Light has denied any involvement with the ghost candidate scheme.⁶

2018

Over the course of two election cycles, documents show Matrix used Florida Power and Light funds to manipulate five Florida elections. In the 2018 cycle, they were focused on a Gainesville-area state Senate race and a Miami-Dade County Commission race, both of which FPL had a political interest. It appears to be a trial run for the ghost candidate scheme that would play out at the state Senate level in 2020. Unlike 2020, the candidates that were used to siphon votes in 2018 were not technically "ghost candidates." The 2018 candidates actually did some campaigning rather than just rely solely on direct mail advertising to voters, as did the ghost candidates in 2020.⁷

State Senate Race

In the 2018 Gainesville state Senate race, a strong Democratic candidate was threatening to unseat an FPL friendly Republican incumbent. The race was important to Florida Power and Light because the Florida Senate confirms the appointment of members of the state's Public Service Commission which regulates utility companies like FPL.

FPL used a Matrix-connected nonprofit called Broken Promises to secretly bankroll a spoiler in the Senate race. Leaked records from Matrix show FPL donated \$200,000 to Broken Promises which then donated \$20,000 to the spoiler candidate's political committee and spent another roughly \$115,000 on mailers and advertising supporting him. As a nonprofit, Broken Promises did not have to disclose its donors so the money could not be traced back to Florida Power and Light.

The spoiler candidate ran as a no-party candidate in the 2018 race for Senate District 8 and was successful in siphoning enough votes away from the Democrat in the race to allow the Republican incumbent to hold onto the seat. As a corporation, Florida Power and Light can make political contributions, but under both state and federal law it is not allowed to hide contributions using "straw" donors.⁸

County Commission Race

In the 2018 Miami-Dade County Commission race, Florida Power and Light wanted to drain votes away from the incumbent Democrat who had clashed with FPL over its nuclear power plant at Turkey Point.⁹ In this race, Matrix recruited a black candidate to run against the incumbent and her Republican challenger. Again, leaked documents and ledgers from Matrix show it sent more than \$120,000 in FPL funds to another Alabama-based company called Tarella that had connections to Matrix.

Tarella paid the spoiler candidate a \$60,000 salary in 2017 according to the candidate's financial disclosure filed for the county commission race. Tarella also agreed to pay the spoiler candidate's \$2,300 monthly rent starting in 2017 according to a letter the company sent to his landlord. Matrix also tried to help the spoiler candidate by covertly sending FPL money to a Washington D.C.-based political consulting firm hired to advise the candidates campaign, potentially a violation of state campaign finance laws.

In the end the scheme didn't work. In the nonpartisan race, the spoiler candidate captured 17% of the vote while the Republican candidate only received 22%. That meant the incumbent, the target of the vote siphoning scheme, avoided a runoff and won reelection to her seat.

2020

While it may have had its roots in the 2018 cycle, the ghost candidate scheme employed by Matrix and funded by Florida Power and Light came into full fruition in the 2020 election cycle. Those behind the ghost candidate scheme targeted three state Senate races including Senate districts 9, 37 and 39.¹⁰ The ghost candidates that ran in those races did no campaigning themselves, but they were promoted by \$550,000 in nearly identical advertising. The advertising was designed by Republican political consultants based in Tallahassee and was worded to appeal to Democratic-leaning voters.

In 2020 the dark-money nonprofit that funded the advertising was called Grow United. Leaked Matrix records demonstrate that Grow United was set up and controlled by consultants who were working for Matrix at the time. Grow United was incorporated in Delaware and the leaked Matrix records show FPL was the client that was billed for the corporate filing fee. None of the leaked records indicate FPL contributed directly to Grow United, but they do demonstrate that FPL was billed by the Matrix consultants for millions of dollars shortly before they started moving money through the nonprofit in 2020.

Grow United also received money from a nonprofit called “Let’s Preserve the American Dream” run by a longtime political consultant to the business lobby group Associated Industries of Florida. FPL is one of Associated Industries biggest members. The leaked Matrix records show Associated Industries sent Grow United \$600,000 on September 29, 2020. Three days later Grow United sent \$550,000 to two political committees that would pay for the advertisements supporting the ghost candidates in the three Senate races.

FPL’s interest in the three Senate races is best explained by the fact that the Florida Senate is important to the utility’s profits. FPL is regulated by the state’s Public Service Commission and members of the Commission are appointed by the Governor but must be confirmed by the Senate.

The ghost candidates in the three 2020 Senate races were Jistine Iannotti in Senate District 9, Alex Rodriguez in Senate District 37, and Celso Alfonso in Senate District 39. None of these candidates actively campaigned or even publicly expressed interest in serving in office if they were elected. The advertising supporting these ghost candidates, which was paid for by money Grow United sent to two Florida-based political committees, was intentionally misleading.

Senate District 9

In the District 9 race in central Florida, the ghost candidate was a little-known independent candidate by the name of Jistine Iannotti.¹¹ The advertising mailers that supported her featured a photo of a Black woman, promising a candidate that would be free of the influence of special interests and emphasized her support for social justice issues and campaign finance reform. In actuality, Iannotti is a white woman who was planning to move to Sweden. The dark money that financed the ad campaign was controlled by Matrix consultants working closely with FPL. FPL's corporate lobbyists were supporting the Republican candidate and the eventual winner of the race, Senator Jason Brodeur.

Senate Districts 37 and 39

The Republican candidates in all three races where ghost candidates were on the ballot ended up winning their elections.¹² Of the three ghost candidate Senate races in 2020, the race for District 37 most clearly demonstrated how a spoiler candidate could change the outcome of an election.

Democratic state Senator José Javier Rodríguez was seeking reelection and faced two opponents, Republican Ileana Garcia and No Party Affiliated candidate Alex Rodriguez.¹³ It was a seat that was generally considered safe for the incumbent. But state Senator José Javier Rodríguez had angered Eric Silagy, the CEO of Florida Power and Light by proposing a law that could cut into FPL's profits.¹⁴ Silagy wrote a 2019 email to two of his vice presidents directing them to make the state Senator's life "a living hell."

One of the vice presidents immediately forwarded the email to the CEO of Matrix, the political consulting firm which counted Florida Power and Light as one of its biggest clients. The email is part of a trove of Matrix documents and ledgers that were anonymously leaked to the Orlando Sentinel, Miami Herald and other news outlets.

Records also show that Data Targeting, a Gainesville-based political consulting firm, had a \$15,000 a month contract with former South Florida Senator Frank Artiles to work on "certain contested Florida Senate Districts in Miami-Dade County – at the same time Data Targeting was being paid millions of dollars by state Republican leaders to run Senate campaigns."¹⁵

Artiles recruited two ghost candidates to run in neighboring Senate Districts 37 and 39. One of the candidates, Alex Rodriguez who had the same last name as the incumbent Senator, admitted Artiles paid him nearly \$45,000 in bribes in exchange for putting his name on the ballot. The scheme was intended to mislead voters and siphon votes away from Senator José Javier Rodríguez and help the Republican in the race, Ileana Garcia.

Leaked records show that Matrix consultants used their dark-money nonprofit Grow United to fund two Florida political committees which paid for advertising in the race promoting the ghost candidate, Alex Rodriguez, as a left-leaning progressive.

In the race for Senate District 37 the ghost candidate scheme worked as intended. The Republican candidate, Ileana Garcia, won the election by just 32 votes over the incumbent Democrat. The ghost candidate received 6,382 votes, easily enough votes to swing the election to the Republican candidate.

Consequences

Five people, including ghost candidates Alex Rodriguez and Jistine Iannotti, were charged in two separate criminal investigations into the ghost candidate scheme. The Florida Commission on Ethics recommended that the third ghost candidate, Celso Alfonso who ran in Senate District 39, be fined \$250 for financial disclosure violations.¹⁶

Alex Rodriguez has pled guilty and has agreed to testify in the trial of Frank Artiles. Artiles' trial is currently scheduled for December 2022.

Neither the consulting firm Matrix or their client Florida Power and Light have been charged for their roles in the ghost candidate scheme. In August of 2022, long-time Tampa Democratic Congresswoman Kathy Castor called on the Department of Justice to investigate Florida Power and Light over its use of dark money to manipulate elections.¹⁷

“Generally, electric utilities should operate in the public interest and it appears that FPL and its officers use dark money, pressure campaigns and illicit, and possibly illegal, activity to disadvantage the citizens of Florida,” U.S. Rep. Kathy Castor wrote in a letter to U.S. Attorney General Merrick Garland.¹⁸

2022 Election Cycle

The criminal use of ghost candidates did not surface again at the state level in 2022, likely because many of those who took advantage of the scheme are facing charges that will result in convictions and possible jailtime. While there were no ghost candidates in 2022 at the state level, there was at least one report of a possible ghost candidate in an Osceola County Commission race.¹⁹

In a lawsuit, one of the losing candidates claims another losing candidate was “given or offered a bribe or reward” to enter the race in a scheme to siphon Hispanic votes, allowing the incumbent

Commissioner to retain her seat. The candidate who is being called a “ghost candidate” denies he was paid to run and says he was a serious candidate.

Ghost Candidates Used to Close Primary Elections

Ghost candidates in Florida have a long history going back to the early 2000’s. Primarily, they have been used to exploit what has become known as “the write-in candidate loophole.”

The 1998 Constitution Revision Commission²⁰ placed nine proposed constitutional amendments on that year’s ballot. Proposed Constitution Revision 11 dealt with ballot access, public campaign financing, and election process revisions.²¹ The proposed constitutional amendment contained the following language relating to open primary elections:

(b) If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.

During the 1998 Constitution Revision Commission’s debates and discussions on Proposition 11, members never addressed the issue of what impact the presence of a write-in candidate would have in a field otherwise composed entirely of candidates from one political party.²²

The proposed constitutional amendment was passed by 64% of Florida voters and the open primary language became part of Florida’s constitution. In 1999, the Florida legislature tried to pass a bill that would implement the constitutional language on open primaries into state law. The bill failed to pass after the Senate and the House of Representatives couldn’t agree on whether a write-in candidate would constitute “opposition” in the general election.²³

The Senate took the position that the primary should be open to all voters even if there is a write-in candidate on the ballot for the general election. The House took the position that the primary should remain closed if there is a write-in candidate.²⁴

With no agreement in the legislature on write-in candidates and open primaries, it fell to the Florida Division of Elections to interpret the new language in the Constitution. In May of 2000, the Division issued an advisory opinion that sided with the House and concluded that a write-in candidate on the ballot meant the primary would remain closed to only voters of the party with candidates on the ballot.²⁵

Write-in Ghost Candidates in Florida

Since that 2000 advisory opinion was issued it has become common practice for candidates from both major parties to use write-in candidates to “close” primaries. A big part of the problem is how easy it is in Florida to become a write-in candidate. If someone wants to become a “ghost” write-in candidate to close a primary, all they have to do is fill out a form and turn it in.²⁶

Florida general election ballots contain blank lines for voters to write in candidates other than the ones listed for a given elected office. The ballot qualification requirements for write-in candidates are basic – they must file qualifying papers with the appropriate state or local offices during the established qualification period.²⁷

Currently, under Florida law a write-in candidate must reside in the district he or she would be representing at the time of ballot qualification, although a subsequent court decision found this requirement unconstitutional. Unlike other candidates, write-in candidates do not have to pay a fee or collect the required number of petition signatures to qualify for the ballot.

In October of 2017, the Florida Association of Supervisors of Election made a presentation before a committee of the 2018 Constitution Revision Commission.²⁸ The representative for the Supervisors made the following points:

- In any given election cycle, write-in candidates close primaries that otherwise would be open in approximately 10 of Florida’s 67 counties.
- Voter turnout in Florida primary elections is significantly lower than in general elections. One factor that may be contributing to low turnout is that the majority of Florida primaries are closed, including when write-in candidacies result in the closing of primaries that otherwise would have been open.
- In recent years the largest growth in Florida voter registration has been among voters who do not affiliate with any political party. When primary elections are closed, unaffiliated voters may not participate.
- Over time, county Supervisors of Elections have received more complaints from voters about the inability to vote due to closed primaries than any other issue, particularly when primaries are closed due to write-in candidates.
- Allowing primaries to remain open even when write-in candidacies are included could contribute to increased voter participation in Florida primary elections, as well as fewer voter complaints to county Supervisors of Elections over primaries being closed because of write-in candidacies.

Attempts to Close the Write-in Candidate Loophole

There have been attempts to close or at least further restrict the use of the write-in candidate loophole. Then state Senator Dave Aronberg sponsored a bill in 2007 that would have required write-in candidates to pay a qualifying fee equal to 0.7% of the annual salary of the office sought as well as a party assessment fee of 0.3%. Alternatively, the write-in candidate could also collect petitions by gathering the signatures of 0.10% of the voters of the district sought to be represented. Facing strong opposition from both political parties, the bill was heard in only one Senate committee before dying at its next committee stop.

The 2018 Constitution Revision Commission also considered a proposal to close the write-in candidate loophole created by its 1998 predecessor. Dave Aronberg, now Palm Beach County State Attorney, called on the Revision Commission to close the write-in loophole.²⁹ “The write-in candidates are used to manipulate the system to prevent people from voting. It’s a scam,” said Aronberg. “It’s something that the party bosses and political consultants employ to limit the number of voters in every election.”

“Write-in candidates rarely get any votes, they’ve never won, and they are really just used to close out primaries, to thwart the will of the voters,” Aronberg went on.

The 2018 Revision Commission considered Proposal 11 allowing all voters, regardless of party affiliation to vote in a primary if the winner will be opposed only by one or more write-in candidates in the general election. Facing opposition from the political parties, the Revision Commission did not include the proposal in the list of proposed amendments it put before voters on the 2018 ballot.

2022 Election Cycle

There were several reports in the 2022 election cycle of “ghost candidates” being used to close primaries. The Florida Times-Union reported that the primary race for state House District 16 between three Republican candidates was closed to only Republican voters because two write-in candidates had filed for the seat.³⁰

In September 2022, Florida Politics reported on another Jacksonville area race involving four Democratic candidates. The race to represent Florida House District 14 drew a write-in candidate that ensured that Republicans and No Party Affiliated voters could not participate in what ended up being the decisive election in the heavily Democratic district. The write-in candidate withdrew from the race after the primary election.

The use of ghost candidates to exploit the write-in loophole is happening at the local level as well. The Naples Daily News reported in September 2022 that the write-in candidate in a Collier County Commission race withdrew his candidacy two days after the primary that was closed to only Republican voters.³¹ The report said the write-in candidate was responsible for “disenfranchising roughly half of all eligible voters in that district.”

Florida Today reported on a “ghost” write-in candidate in a 2022 Brevard County Commission race.³² With a headline that read, “*Ghost candidate*” in Brevard Commission race locks out 54,000 voters, the report detailed how a registered Republican entered the race as a write-in candidate solely to prevent Democratic and unaffiliated voters from voting in the Republican primary.

Even though the only other candidates in the race were also Republicans, the write-in candidate ensured the primary would be closed to only Republican voters. “As a member of the Republican Party, I feel that only Republicans should vote for Republican candidates, especially when only Republican candidates are running,” the candidate told Florida Today in a written statement. “I know that the only way to accomplish this is to become a write-in candidate.”

Clearly, Florida’s voter-approved open primary requirement is not being implemented as voters intended. The use of write-in candidates to “close” primaries in Florida will likely continue unless the legislature takes action or there is a new constitutional amendment that clarifies the voter’s intent.

Conclusion

So called “ghost candidates” have a more than 20-year history in Florida, but in the 2020 election cycle the use of three ghost candidates to siphon votes in three state Senate races crossed the legal line to become a criminal form of voter fraud.

Florida’s largest utility company, Florida Power and Light, provided “dark money” funding for the ghost candidate scheme and, along with its Alabama-based political consulting firm Matrix, was actively involved in the strategic planning to carry out the scheme.

The ghost candidate scheme worked as intended in at least one 2020 race for Senate District 37, where the incumbent Democratic Senator lost to his Republican challenger by a little over 30 votes. The ghost candidate in the race, with the same last name as the Democratic candidate, received over 6,000 votes, many of which were clearly siphoned due to voter misinformation. The ghost candidate did no campaigning for the seat but was the beneficiary of ads run by an outside political committee promoting the ghost candidate as a “progressive.”

In August of 2022, long-time Tampa Democratic Congresswoman Kathy Castor called on the Department of Justice to investigate Florida Power and Light’s use of “dark money” to manipulate elections in Florida. While it’s not clear whether such an investigation is taking place, **Integrity**

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Policy Options for Consideration

- Redesign Florida’s campaign finance regulations with a goal of ensuring maximum transparency and accountability and eliminating so-called “dark money” that uses the federal tax code to hide the sources of campaign funding.
- Prohibit transfers of money between political committees.
- Expressly prohibit the use of paid “ghost candidates.”
- Eliminate the option to file as a write-in candidate without paying a filing fee or gathering a required number of petitions.
- Require primaries to be open to all voters if the only candidates on the ballot are from one political party, regardless of whether there is a write-in candidate in the race.

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