

JULY 12, 2022 12:33 PM

OFFICE OF GENERAL COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION**MUR 8027****Dennis Lynn Sweet****Park Hills MO 63601**

v.

ERIC SCHMITTc/o Schmitt for Senate 101 W. Argonne Dr #24
Saint Louis, MO 63122**SCHMITT FOR SENATE**101 W. Argonne Dr #24
Saint Louis, MO 63122
Robert Phillips, Treasurer**SCHMITT FOR MISSOURI**PO Box 220722
Kirkwood MO, 63122
James Monafo, Treasurer**COMPLAINT**

This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) against Eric Schmitt for violations of the Federal Election Campaign Act of 1971, as amended (the “Act”) and Federal Election Commission (“FEC” or “Commission”) regulations.

FACTUAL BACKGROUND

Eric Schmitt has held public office since January 7, 2009. After holding state office for over 12 years, Eric Schmitt announced his candidacy for the U.S. Senate on March 24, 2022.¹ Eric Schmitt filed a statement of candidacy with the Federal Election Commission on April 1, 2022.² Eric Schmitt’s principal campaign committee is Schmitt for Senate.³ Eric Schmitt’s state campaign committee is Schmitt for Missouri.⁴ Eric Schmitt has failed

¹ <https://fox2now.com/news/politics/missouri-attorney-general-eric-schmitt-announces-campaign-for-u-s-senate/>

² <https://docquery.fec.gov/pdf/867/202104019442974867/202104019442974867.pdf>

³ Ibid.

⁴ https://mec.mo.gov/MEC/Campaign_Finance/CommInfo.aspx?MECID=C071320

to properly report a swath of in-kind contributions from himself and/or Schmitt for Missouri. Additionally, Schmitt for Senate has failed to report in-kind contributions from Axiom Strategies or Remington Research for polling services. Eric Schmitt has used his campaign and official social media accounts interchangeably to advertise his official duties and candidacy for the U.S. Senate. Eric Schmitt has used the same Facebook, Twitter, and Instagram accounts for his campaigns for state senator, state treasurer, state attorney general. According to Missouri Ethics Commission (MEC) reports, Schmitt failed to report these social media accounts as in-kind contributions. The same Facebook, Twitter, and Instagram accounts used to campaign for state office have been used to promote his candidacy for the U.S. Senate. According to FEC reports, Schmitt failed to report these social media accounts as in-kind contributions from either himself or his state committee.⁵

FAILING TO REPORT IN-KIND CONTRIBUTIONS FROM SCHMITT FOR MISSOURI

Eric Schmitt's verified Facebook page is currently used to promote Schmitt's candidacy for the U.S. Senate.⁶

Schmitt's verified Facebook page was also previously used to promote Schmitt's candidacy for state senator in 2009,⁷ state treasurer in 2016,⁸ and state attorney general in 2020.⁹

Eric Schmitt's verified Facebook page regularly promotes his official acts as state attorney general and his current candidacy for the U.S. Senate.¹⁰ According to FEC reports, **Schmitt failed to report this Facebook page as an in-kind contribution from either himself or Schmitt for Missouri.**¹¹

⁵ <https://docquery.fec.gov/cgi-bin/forms/C00775015/1527814/>

⁶ <https://www.facebook.com/SchmittForSenate>

⁷ [Facebook Post from State Senate Campaign, June 14, 2008](#); [Facebook Post from State Senate Campaign, Feb 3, 2012](#); [Facebook Post from State Senate Campaign; Sep 12, 2009](#)

⁸ [Facebook Post from State Treasurer Campaign, Nov. 9, 2016](#); [Facebook Post from State Treasurer Campaign, Nov. 8, 2016](#)

⁹ [Facebook Post from Attorney General Campaign, Oct. 19, 2019](#)

¹⁰ <https://www.facebook.com/photo/?fbid=559741412180144&set=pcb.559741455513473>

¹¹ <https://docquery.fec.gov/cgi-bin/forms/C00775015/1527814/>

Eric Schmitt previously used his verified Twitter account to promote his candidacy for state treasurer¹² and state attorney general.¹³ Eric Schmitt currently uses his verified Twitter account to promote his candidacy for the U.S. Senate.¹⁴ According to FEC reports, **Schmitt failed to report this Twitter account as an in-kind contribution from either himself or Schmitt for Missouri.**¹⁵

Although Eric Schmitt has an official Attorney General Twitter account,¹⁶ Schmitt regularly uses his campaign account to simultaneously promote his official acts as attorney general and his candidacy for U.S. Senate. On April 28, 2022, Schmitt posted the same video to both his official and campaign Twitter accounts.¹⁷ On May 7, 2022, Schmitt posted the same photos, potentially taken by a state government employee, to both his official and campaign Twitter accounts.¹⁸ On April 28, 2022, Schmitt posted a video from his taxpayer-funded trip to Washington, D.C. to his campaign Twitter account.¹⁹

Eric Schmitt previously used his verified Instagram account to promote his candidacy for state treasurer²⁰ and state attorney general.²¹ Eric Schmitt now uses his verified Instagram account to promote his candidacy for the U.S. Senate.²² According to FEC reports, **Schmitt failed to report this Instagram account as an in-kind contribution from either himself or Schmitt for Missouri.**²³

¹² [Twitter Status Announcing State Treasurer Candidacy](#)

¹³ [Twitter Status Announcing Attorney General Candidacy](#)

¹⁴ https://twitter.com/Eric_Schmitt/status/1522682171886034944;

¹⁵ <https://docquery.fec.gov/cgi-bin/forms/C00775015/1527814/>

¹⁶ <https://twitter.com/AGEricSchmitt>

¹⁷ https://twitter.com/Eric_Schmitt/status/1519726636966584322;

<https://twitter.com/AGEricSchmitt/status/1519724391247925248>

¹⁸ https://twitter.com/Eric_Schmitt/status/1523018265869512705;

<https://twitter.com/AGEricSchmitt/status/1522979748716191750>

¹⁹ https://twitter.com/Eric_Schmitt/status/1519036216313847813

²⁰ <https://www.instagram.com/p/BFW-VIBglxH/>

²¹ <https://www.instagram.com/p/BsLnj8CDrzu/>

²² <https://www.instagram.com/p/CcrY21aiKsX/>

²³ <https://docquery.fec.gov/cgi-bin/forms/C00775015/1527814/>

On October 31, 2008, the domain *SchmittForSenate.com* was published live to the web, hosted by GoDaddy.²⁴ In this version, the site, paid for by Schmitt for Missouri, promoted Eric Schmitt's 2008 candidacy for the Missouri state senate. On January 20, 2016, the *SchmittForSenate.com* site was no longer publicly available.²⁵

On March 11, 2021, *SchmittForSenate.com* went live, parked free by GoDaddy, 12 days prior to his announcement to run for U.S. Senate.²⁶ Immediately following his announcement, on March 24th, 2021, a fully redesigned website promoting Schmitt's candidacy for the U.S. Senate was made publicly available by search.²⁷

On May 19, 2021, Schmitt for Senate distributed \$3,640.00 to The Prosper Group for website design and maintenance. **According to FEC reports, Schmitt failed to properly report the donation of *SchmittForSenate.com* as an in-kind contribution from either himself or Schmitt for Missouri.**²⁸

Remington Research Group (RRG) is a subsidiary company owned by Axiom Strategies.²⁹ Remington Research has distributed at least five polls of Missouri's 2022 GOP Senate primary. Remington Research has been criticized for publishing inaccurate polling data, ostensibly to aid clients represented by RRG's parent company, Axiom Strategies.³⁰ In the 2022 Ohio GOP Senate primary, Remington Research falsely claimed that the eventual nominee would have lost even with the endorsement of President Donald J. Trump.³¹ In a significant departure from consistent, public polling, Remington Research has repeatedly distributed polling that shows Eric Schmitt in first place in the 2022 Missouri GOP Senate primary. **Axiom Strategies has been paid 49 payments of more**

²⁴ <https://web.archive.org/web/20081031234324/http://www.schmittforsenate.com/>

²⁵ <https://web.archive.org/web/20160110022516/http://schmittforsenate.com/>

²⁶ <https://web.archive.org/web/20210311085624/http://schmittforsenate.com/>

²⁷ <https://web.archive.org/web/20140308060416/http://www.schmittforsenate.com/>

²⁸ <https://docquery.fec.gov/cgi-bin/forms/C00775015/1527814/>

²⁹ <https://axiomstrategies.com/rrg/>

³⁰ <https://twitter.com/JCunninghamMO/status/1525307976688492544?s=20&t=zBEhi-L8JR6-6TavuGy8lw;>

³¹ https://twitter.com/PeteMundo/status/1525242784294309889?s=20&t=IkW_R4eNwHK88hvi70eH6Q

than \$150,000 in total by Schmitt for Senate, with the first payment starting on May 19, 2021 for \$14,000, as reported to the FEC.³²

It appears that Axiom Strategies via Remington Research is conducting favorable polling for their client, Eric Schmitt. According to FEC reports, **Schmitt failed to report these polling services as in-kind contributions from either Axiom Strategies or Remington Research.**³³

MEC Guidelines states that: “when funds are spent for professional services or for “consulting or consulting services, fees, or expenses,” additional details must be reported about the expenditure, to include: Specific services provided such as polling, research, direct mailing, broadcast media, computer programming or data entry, postage, rent or utilities.³⁴

IMPROPER USE OF OFFICIAL STATE OFFICE TO AID FEDERAL CANDIDACY

On June, 17, 2022, the Missouri Supreme Court renounced a campaign mailer promoting Schmitt’s candidacy for the U.S. Senate that used a photograph of Eric Schmitt and three of the Court’s judges.³⁵ According to the Court, the photograph was taken by a member of the attorney general’s staff during a public event to which the judges were invited.³⁶

³²https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00775015&recipient_name=axiom&two_year_transaction_period=2022&two_year_transaction_period=2020&two_year_transaction_period=2018&line_number=F3-17

³³ <https://docquery.fec.gov/cgi-bin/forms/C00775015/1527814/>

³⁴ https://www.mec.mo.gov/WebDocs/PDF/CampaignFinance/CF_FAQ.pdf, page 17, Question 4

³⁵ <https://www.courts.mo.gov/page.jsp?id=89434>

³⁶ *Ibid.*

On October 21, 2021, Eric Schmitt's campaign Twitter account announced Schmitt's visit to the U.S. southern border.³⁷ On October 21, 2021, Schmitt's official Twitter account announced he was at the U.S. southern border.³⁸

On October 21, 2021, Eric Schmitt's campaign Facebook account announced his visit to the U.S. southern border.³⁹ On October 23, 2021, Schmitt's official Twitter account posted another video and additional photos from his trip.⁴⁰

On October 22, 2021, The Kansas City Star reported that Schmitt's trip to the border was paid for by taxpayers.⁴¹

Within this article, attorney general's office spokesman, Chris Nuelle⁴², said in an e-mail:

"The trip was paid for by the State, because it was a lawsuit filed by the State of Missouri on behalf of the people of Missouri [...] Further, I booked the cheapest possible accommodations (I stayed at the La Quinta Airport) for this trip to reduce the money spent. Securing the border has far reaching national security implications, including in Missouri, and the focus should be on Joe Biden's failure to secure the border."

This may represent a finding under Quid Pro Quo, Conflict of Interest, outlined in MEC Guideline (§ 105.452, RSMo)⁴³, which states: "Public officials and employees of the state or any political subdivision may not act or refrain from acting by reason of any payment, offer to pay, promise to pay, or receipt of anything of value to themselves or any third person. This includes any gift or campaign contribution made or received in relationship to or as a condition of the performance of an official act."

³⁷ <https://twitter.com/Schmitt4Senate/status/1451185765547864065>

³⁸ <https://twitter.com/AGEricSchmitt/status/1451281541389242368>

³⁹ <https://www.facebook.com/SchmittForSenate/videos/1289966921447545>

⁴⁰ <https://twitter.com/AGEricSchmitt/status/1451930662953439233>

⁴¹ <https://www.kansascity.com/news/politics-government/article255211321.html>

⁴² <https://www.linkedin.com/in/christopher-nuelle-0145a9106/>

⁴³ <https://www.mec.mo.gov/WebDocs/PDF/Misc/EthicsGuide2020.pdf>; (§ 105.452, RSMo), page 31

This may also represent a finding under Use of Public Funds, Conflict of Interest, outlined in MEC Guideline (§ 115.646, RSMo)⁴⁴, which states: No contribution or expenditure of public funds can be made by an officer, employee, or agent of a political subdivision to advocate, support, or oppose any ballot measure or candidate for public office.

On October 24, 2021, the St. Louis Post-Dispatch reported that Schmitt’s campaign paid for the border trip, while taxpayers paid to send a spokesman from the attorney general’s office.⁴⁵

Within this article, it’s also claimed that Nuelle ‘declined to release a tally of the costs to the Post-Dispatch, directing the newspaper to file a public records request for the information.’”

According to a report on October 24, 2021 by Fox 2 NOW, Missouri taxpayers paid \$820 for the trip, which was promoted on his campaign social media accounts.⁴⁶ The article goes on to state that Nuelle later changed his statement, stating that he: “was mistaken when he said that the State [of Missouri] had paid for the entire trip.”

On October 25, 2021, KRCG 13 reporter Michael Adkison reported that Nuelle stated, “The State paid for my travel [...] - [the] \$820 for airfare and hotel ... This was a lawsuit filed by the Attorney General’s Office on behalf of all Missourians.”⁴⁷ However, there are no flight expenses reported to the FEC by Schmitt for Senate for the month of October 2021.⁴⁸

⁴⁴ <https://www.mec.mo.gov/WebDocs/PDF/Misc/EthicsGuide2020.pdf>; (§ 105.452, RSMo), page 30

⁴⁵ https://www.stltoday.com/news/local/govt-and-politics/new-story-from-missouri-ag-s-office-schmitt-s-campaign-paid-for-border-trip-taxpayers/article_11da43d5-5e52-5a39-9852-39b40112696a.html#tncms-source=login

⁴⁶ <https://fox2now.com/news/missouri/eric-schmitts-campaign-to-pay-for-texas-trip-to-announce-lawsuit/>

⁴⁷ https://twitter.com/madkisonews/status/1452695737427431425?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1452695737427431425%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fkrcgtv.com%2Fnews%2Flocal%2Fattorney-general-schmitts-trip-to-border-paid-for-by-senate-campaign-aide-says

⁴⁸ https://www.fec.gov/data/disbursements/?committee_id=C00775015&two_year_transaction_period=2022&two_year_transaction_period=2020&two_year_transaction_period=2018&line_number=F3-17&data_type=processed

On or around January 28, 2022, Eric Schmitt took another trip to the U.S. southern border.⁴⁹ One video posted to Schmitt's campaign Facebook page shows Schmitt aboard a Texas Department of Public Safety boat alongside Texas DPS personnel.

COORDINATION THROUGH EMPLOYMENT OF COMMON VENDOR

Candidates and Super PACs have strict guidelines regarding coordination between the two parties.⁵⁰ The FEC defines coordinated as "made in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents."⁵¹

Violation of federal election law regulation Super PACs and federal campaigns is a serious criminal offense that has resulted in federal prosecutions by the U.S. Department of Justice.⁵²

Save Missouri Values is a Super PAC independently supporting Eric Schmitt's candidacy for the U.S. Senate.⁵³ Schmitt for Senate⁵⁴ and the Super PAC behind him, Save Missouri Values⁵⁵, have three common vendors; MGS Consulting, Holloway Consulting, and Gober Group, PLLC.

Schmitt for Senate has paid MGS Consulting over \$170,000 across 10 payments since August 24, 2021.⁵⁶ Save Missouri Values has paid MGS Consulting over \$260,000 across 4 payments since July 6, 2021.⁵⁷

Schmitt for Senate has paid Holloway Consulting over \$117,000 across 50 payments since July 2, 2021.⁵⁸ Save Missouri Values has paid Holloway Consulting over \$16,000 across 1 payment since January 11, 2022.⁵⁹

⁴⁹ <https://www.facebook.com/watch/?v=198836325753384>; <https://www.facebook.com/watch/?v=1645907289114396>

⁵⁰ <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/coordinated-communications/>

⁵¹ Ibid.

⁵² <https://www.justice.gov/opa/pr/campaign-manager-pleads-guilty-coordinated-campaign-contributions-and-false-statements>

⁵³ <https://www.fec.gov/data/committee/C00776385/?tab=about-committee>

⁵⁴ <https://www.fec.gov/data/candidate/S2MO00544/>

⁵⁵ <https://www.fec.gov/data/committee/C00776385/>

⁵⁶ https://www.fec.gov/data/disbursements/?data_type=efiling&committee_id=C00775015

⁵⁷ https://www.fec.gov/data/disbursements/?cycle=2022&data_type=efiling&committee_id=C00776385

⁵⁸ https://www.fec.gov/data/disbursements/?data_type=efiling&committee_id=C00775015

⁵⁹ https://www.fec.gov/data/disbursements/?cycle=2022&data_type=efiling&committee_id=C00776385

Schmitt for Senate has paid Gober Group, PLLC over \$36,000 across 21 payments since July 2, 2021.⁶⁰ Save Missouri Value has paid Gober Group, PLLC over \$12,000 across 3 payments since August 16, 2021.⁶¹

DISSEMINATION, DISTRIBUTION, REPUBLICATION OF CAMPAIGN MATERIALS

Schmitt for Senate has regularly used campaign materials that were seen or used in previous state campaigns, without reporting as in-kind contributions reported to the FEC for re-use or lease.

A photograph prominently displayed on Schmitt's U.S. Senate campaign Facebook page⁶² was previously distributed on June 1, 2017 as part of Schmitt's campaign for state treasurer.⁶³

Another photograph posted to Schmitt's campaign Facebook page on November 4, 2016 is prominently featured on Schmitt's website homepage promoting his candidacy for U.S. Senate.⁶⁴

According to the November 4, 2016 post, the photograph was paid for by Eric Schmitt for Missouri, John Hessel, Treasurer.⁶⁵ The same photograph can be found in an advertisement posted on August 13, 2020 promoting Schmitt's candidacy for attorney general.⁶⁶

Another photograph featured on Schmitt's U.S. Senate campaign website⁶⁷ was originally posted on Schmitt's campaign Facebook page on October 19, 2019 with the disclaimer: 'Paid for by Schmitt for Missouri, John Hessel, Treasurer.'⁶⁸

⁶⁰ https://www.fec.gov/data/disbursements/?data_type=efiling&committee_id=C00775015

⁶¹ https://www.fec.gov/data/disbursements/?cycle=2022&data_type=efiling&committee_id=C00776385

⁶² <https://schmittforsenate.com/>

⁶³ <https://www.facebook.com/16177663441/photos/pb.100044328704696.-2207520000../10155495674623442/?type=3>

⁶⁴ <https://www.facebook.com/16177663441/photos/pb.100044328704696.-2207520000../10154867115933442/?type=3>

⁶⁵ <https://www.facebook.com/16177663441/photos/pb.100044328704696.-2207520000../10154779988868442/?type=3>

⁶⁶ <https://www.facebook.com/watch/?v=300689034528665>, 1 minute 06 seconds

⁶⁷ <https://schmittforsenate.com/about/>; <https://schmittforsenate.com/issues/>

⁶⁸ www.facebook.com/16177663441/photos/pb.100044328704696.-2207520000../10157940082618442/?type=3

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

Sworn pursuant to 18 U.S.C. § 1001.

Dennis Lynn Sued

Name

Sworn to and subscribed before me on this 11th day of July 2022.

Megan M Crocker

Notary Public



MEGAN M CROCKER
My Commission Expires
February 14, 2023
St. Francois County
Commission #19198370