

BEFORE THE FEDERAL ELECTION COMMISSION

CAMPAIGN LEGAL CENTER
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200

v.

MUR No. _____

ERIC GREITENS
c/o Eric Greitens for U.S. Senate
P.O. Box 989
16105 Swingley Ridge Road
Chesterfield, MO 63006

GREITENS FOR U.S. SENATE
Jack Neyens, Treasurer
P.O. Box 989
16105 Swingley Ridge Road
Chesterfield, MO 63006

GREITENS FOR MISSOURI
Jack Neyens, Treasurer
P.O. Box 144
Jefferson City, MO 65102

COMPLAINT

1. Publicly available evidence indicates former Governor of Missouri and current Senate candidate Eric Greitens illegally spent more than \$100,000 from his gubernatorial campaign to pay the start-up expenses of his Senate candidacy. The evidence also indicates Greitens filed a report with the Commission falsely describing some of that spending as a personal contribution from himself to his Senate campaign.
2. “If the Commission, upon receiving a complaint . . . has reason to believe that a person has committed, or is about to commit, a violation of [FECA] . . . [t]he Commission *shall* make an

investigation of such alleged violation” 52 U.S.C. § 30109(a)(2) (emphasis added); *see also* 11 C.F.R. § 111.4(a).

3. Campaign Legal Center (“CLC”) is a nonpartisan, nonprofit 501(c)(3) organization whose mission is to protect and strengthen the U.S. democratic process through litigation and other legal advocacy. CLC participates in judicial and administrative matters throughout the nation regarding campaign finance, voting rights, redistricting, and government ethics issues.

FACTS

1. Eric Greitens is the former governor of Missouri and a current candidate for the Republican U.S. Senate nomination in Missouri.¹
2. Greitens for U.S. Senate is Greitens’ authorized committee.²
3. Dylan Johnson is Eric Greitens’ campaign manager for his U.S. Senate run.³ He is the founder and principal at Octavian Group LLC.⁴
4. Greitens for Missouri is Greitens’ state campaign committee.⁵ Greitens for Missouri was established in February 2015 and served as Greitens’ campaign committee for his successful 2016 gubernatorial run.⁶

¹ Eric Greitens, Statement of Candidacy, FEC Form 2 at 1 (Mar. 23, 2021), <https://docquery.fec.gov/pdf/597/202103239441842597/202103239441842597.pdf>.

² Greitens for US Senate, Statement of Organization, FEC Form 1 at 1 (Mar. 23, 2021) <https://docquery.fec.gov/pdf/332/202103239441842332/202103239441842332.pdf>.

³ *See, e.g.*, Bryan Lowry, *Eric Greitens was biggest donor to own Senate campaign; state filing raises red flags*, KANSAS CITY STAR (Apr. 16, 2021), <https://www.kansascity.com/news/politics-government/article250710984.html>.

⁴ The Octavian Group LLC, OPENCORPORATES, https://opencorporates.com/companies/us_mo/LC001645464 (last visited Oct. 26, 2021) (describing Dylan Johnson as the organizer and agent for the LLC); *see also* Dylan Johnson, LINKEDIN <https://www.linkedin.com/in/dylan-johnson-2b76681bb/> (last visited Oct. 26, 2021) (describing Johnson as a self-employed “Principal” at The Octavian Group LLC).

⁵ Greitens for Missouri, Missouri Ethics Commission, https://mec.mo.gov/MEC/Campaign_Finance/CommInfo.aspx?MECID=C151053 (last visited Oct. 26, 2021).

⁶ *Id.*

5. In the 2016 election cycle, Greitens for Missouri received dozens of contributions of \$100,000 and above from individuals and corporations.⁷
6. Greitens left the Missouri governor's office in May of 2018.⁸ Greitens for Missouri's first report following Greitens' resignation showed the committee had over \$1.1 million in cash-on-hand.⁹
7. Throughout the remainder of 2018 and into the first quarter of 2019, Greitens for Missouri continued reporting "campaign worker compensation" payments to two longtime campaign staffers, according to the state committee's reports filed with the Missouri Ethics Commission, along with disbursements for legal fees and other expenses.¹⁰

⁷ See, e.g., "Eric Greitens," Top Donors, FollowTheMoney.org, <https://www.followthemoney.org/entity-details?eid=26734933&default=candidate> (last visited Oct. 26, 2021) (describing dozens of contributions of six figures and above from individuals and corporations).

⁸ Mitch Smith & Julie Bosman, *Missouri's Governor, a Rising G.O.P. Star, Resigns Amid Scandal*, N.Y. TIMES (May 29, 2018), <https://www.nytimes.com/2018/05/29/us/eric-greitens-resigns.html>.

⁹ Greitens for Missouri, July 2018 Quarterly Report at 2, Missouri Ethics Commission (filed Jul. 16, 2018), <https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKGI8cDcdGFsgJsm99XwPL2G3dE592B6RmSsW%2fHoZfgzZKYv3cEPpDXhbLMe%2f5JPNqAIgeZaQ4F1iRojJj6yT5Hq>.

¹⁰ See Greitens for Missouri, April 2019 Quarterly Report at 8, Missouri Ethics Commission (amended July 3, 2019), <https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKGI8cDcdGFsgJsm99XwPL2GT9UBEtCegm7BNUi0zXsa+MCHkhUFL8NGbc0mf42WbvXGO7HIAuggAvzYegpXCNVQ> (showing \$71,875 aggregate payment to Scott Turk through Mar. 1, 2019); *id.* at 7 (showing \$10,106 aggregate payment to Christopher Jablonski through Jan 2, 2019); see also Greitens for Missouri, 2016 30 Days After General Election Report at 58, Missouri Ethics Commission (filed Dec. 8, 2016), <https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKGI8cDcdGFsgJsm99XwPL2GdAqCpwA%2bFe7fIWySnTII7ST34muvS0qLAbGa53Zspm2hNIZz%2bTycoFQzvsk6hpK7> (showing \$28,794 aggregate payment to Scott Turk through Nov. 30, 2016); *id.* at 56 (showing \$10,774 aggregate payment to Christopher Jablonski through Nov. 30, 2016). Greitens for Missouri also reported paying "campaign worker payments" to Alexandra Beck from July 3, 2017 through Sept. 4, 2018. See Greitens for Missouri, October 2017 Quarterly Report at 22, Missouri Ethics Commission (filed Oct. 16, 2017), <https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKGI8cDcdGFsgJsm99XwPL2GN%2f1s35Fd3nHzhv4YobSaagCaQIEvhbssLx2L6rMozVE9rcqIBrOIbt1JpJx4aoVA> (showing \$808 aggregate payment to Alexandra Beck through Sept. 1, 2017); Greitens for Missouri, October 2018 Quarterly Report at 8, Missouri Ethics Commission (filed Oct. 15, 2018), <https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKGI8cDcdGFsgJsm99XwPL2G5wmG5AczP8Eert12DyQtcD1tv+owEKDYPAAdGk1FWyqiMdJSGAEZWicnz1znjoazx> (showing \$4,687 aggregate payment to Alexandra Beck through Sept. 4, 2018).

8. In March 2019, Greitens for Missouri stopped paying those two staffers, and began reporting “campaign worker compensation” payments to Dylan Johnson.¹¹ The committee would go on to pay Johnson \$54,747 in “campaign worker compensation” between March of 2019 and October of 2020.¹²
9. In July 2019, Greitens for Missouri amended its statement of organization to describe Greitens as a 2020 gubernatorial candidate,¹³ apparently in order to retain its status as an “active” campaign committee.¹⁴ However, Greitens stated publicly in 2020 that he was not running for governor.¹⁵
10. On April 2, 2020, the *Associated Press* reported:

[Greitens] won’t run for governor this year, at least not as a Republican. The filing deadline was Tuesday . . . Local media have suggested he could be a candidate for the U.S. Senate in 2022 if incumbent Republican Roy Blunt retires.

.....

He certainly has the look of a politician once again.

Twice this week, Greitens made public appearances dropping off protective masks to ease the shortage caused by the coronavirus — on Monday at a fire house in St. Louis and on Tuesday with police in Kansas City. He has done some recent interviews, been increasingly active on social media, and offered political commentary on Fox News on March 10, the day of the Missouri presidential primary.

¹¹ Greitens for Missouri, April 2019 Quarterly Report at 8, *supra* note 9 (showing the first reported payment to Johnson on Mar. 1, 2019).

¹² *Id.* at 8 (showing the first reported payment to Johnson on March 1, 2019); Greitens for Missouri, January 2021 Quarterly Report at 7, Missouri Ethics Commission (filed Jan. 15, 2021), <https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKgI8cDcdGFsgJsm99XwPL2GgM3Xk6GhxpPp8Pdnrra%2fLiRbRZvtKVGrLCbmiNs4h0txaBMfSZ1t51v4%2faN2i0qm> (disclosing final payment to Johnson on October 14, 2020, and listing \$54,747 “aggregate paid”).

¹³ See Greitens for Missouri, Amended Statement of Committee Organization (Jul. 3, 2019), <https://mec.mo.gov/Scanned/PDF/2019/148672.pdf>; see also Greitens for Missouri, Amended Statement of Committee Organization (June 9, 2020), <https://mec.mo.gov/Scanned/PDF/2020/157242.pdf> (describing Greitens as a candidate for statewide office).

¹⁴ See *supra* note 5 (Missouri Ethics Commission website describing Greitens for Missouri in “active” status).

¹⁵ See, e.g., Chris Hayes, *Greitens says he’s not running for governor despite post on his website*, FOX 2 NOW (May 19, 2020), <https://fox2now.com/news/fox-files/greitens-says-hes-not-running-for-governor-despite-post-on-his-website/>.

St. Louis University political scientist Ken Warren said Greitens is clearly “testing the waters.” But Warren doubts if the former governor can ever win support from the Republican establishment or big-money donors.¹⁶

11. In May of 2020, Greitens launched an updated version of his website, www.ericgreitens.com.¹⁷ The website included the disclaimer “Greitens for Missouri,” and the statement “Website created by Abrot Creative.”¹⁸
12. Greitens for Missouri paid a total of \$18,750 to Abrot Creative¹⁹ for “web services” in 2020: \$9,500 on May 14, 2020,²⁰ \$4,750 on June 19, 2020,²¹ and \$4,500 on July 31, 2020.²²
13. Other disbursements from Greitens for Missouri in the second and third quarters of 2020 include:
 - a) \$30,000 total paid to Status Labs.com for “Digital Media Services” on April 27, 2020 and September 21, 2020;²³
 - b) \$22,500 total paid to Driver Eight Media LLC for “Media Services” on May 7, 2020, June 8, 2020, and July 20, 2020;²⁴

¹⁶ See Jim Salter, *Greitens’ re-emergence fuels speculation of comeback*, ASSOCIATED PRESS (Apr. 2, 2020), <https://apnews.com/article/81ad32d9c1102453160ee9671727ce11>.

¹⁷ See Hayes, *supra* note 15 (article dated May 19, 2020 describing a post on Greitens’ “new website”); see also Eric Greitens (@EricGreitens), TWITTER (May 18, 2020, 11:38 pm) <https://twitter.com/EricGreitens/status/1262588461351079937?s=20> (showing Greitens tweeting “Check out our website”).

¹⁸ ERICGREITENS.COM (archived May 19, 2020), <https://web.archive.org/web/20200519045445/https://www.ericgreitens.com/>.

¹⁹ Abrot Creative describes itself as a web design agency for growing organizations. See Abrot Creative, <https://www.abrotcreative.com/> (last visited Oct. 26, 2021).

²⁰ Greitens for Missouri, July 2020 Quarterly Report at 9, Missouri Ethics Commission (filed Jul. 15, 2020), <https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKgl8cDcdGFsgJsm99XwPL2GC0dzubqxd661fVwtT7EhYZIR3Y9jm2N8YFw9tlSf5UAJ9GG2rsBELP7d98Cqglf8>.

²¹ *Id.* at 11.

²² Greitens for Missouri, October 2020 Quarterly Report at 8, Missouri Ethics Commission (filed Oct. 15, 2020), <https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKgl8cDcdGFsgJsm99XwPL2Gb9XpsOp0sKD0XM8HuELxguNXishLG9rYrK4Y1u7ZwfHYHX0gkczYuvyH36O7ac%2ba>.

²³ Greitens for Missouri, July 2020 Quarterly Report, *supra* note 20, at 8; Greitens for Missouri, October 2020 Quarterly Report, *supra* note 22, at 10.

c) \$7,500 to JK Public Relations for “public relations” on June 17, 2020, July 20, 2020, and August 24, 2020;²⁵

d) \$34,400 to Facebook for “advertising.”²⁶

14. On November 6, 2020, the *Kansas City Star* reported:

The election year is not behind us yet, but political professionals are already peering past 2020 to 2022, when Missouri will be electing a U.S. Senator. According to the St. Louis Business Journal, the usual suspects are likely to be looking at the seat held by Republican Sen. Roy Blunt.

Chief among them, writes political analyst Dave Drebes, is former governor Eric Greitens, who resigned in 2018 after allegations of sexually violent misconduct and a felony prosecution in St. Louis that ended in a plea deal. His exit also averted probable impeachment by the Missouri General Assembly.

“In Jefferson City, there are always rumors about Greitens trying to make a comeback. Some think he might primary Blunt in 2022,” Drebes wrote. “Greitens has done nothing to tamp that suspicion.”²⁷

15. Greitens for Missouri reported a \$47,222 payment to Push Digital LLC on November 20, 2020 for “digital media,” according to the committee’s reports filed with the Missouri Ethics Commission.²⁸ The disbursement did not correspond to any publicly-available digital ads attributed to Greitens for Missouri, including any ads run by Greitens’ social media pages.²⁹

²⁴ Greitens for Missouri, July 2020 Quarterly Report, *supra* note 20, at 8, 10; Greitens for Missouri, October 2020 Quarterly Report, *supra* note 22, at 8.

²⁵ Greitens for Missouri, July 2020 Quarterly Report, *supra* note 20, at 11; Greitens for Missouri, October 2020 Quarterly, *supra* note 22, at 8-9.

²⁶ Greitens for Missouri, July 2020 Quarterly Report, *supra* note 20, at 9-11; Greitens for Missouri, October 2020, *supra* note 22, at 7-10.

²⁷ Jesse Newell, *Enough with 2020. A Look at Missouri 2022 Senate race from St. Louis Business Journal*, KANSAS CITY STAR (Nov. 6, 2020), <https://www.kansascity.com/article247011922.html>.

²⁸ Greitens for Missouri, Jan. 2021 Quarterly Report, *supra* note 12, at 7.

²⁹ Greitens’ Facebook page did not run any ads between August 3, 2020 and April 27, 2021. *See* Ads by Eric Greitens, Facebook Ad Library, FACEBOOK, https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=US&view_all_page_id=253153019746&search_type=page&media_type=all (last visited Oct. 26, 2021). Greitens for Missouri had not run any ads on the Google network since 2016. *See* Ads by Greitens for Missouri, Google Transparency Report, GOOGLE, <https://transparencyreport.google.com/political-ads/advertiser/AR287959690132848640> (last visited Oct. 26, 2021);

16. On December 31, 2020, Greitens for Missouri reported its first payment to Dylan Johnson’s Octavian Group LLC: a \$1,200 disbursement for “strategic planning.”³⁰
17. On February 11, 2021, Greitens for Missouri reported another \$1,200 “strategic planning” payment to Octavian Group, LLC.³¹
18. In a March 2, 2021 interview, Greitens responded to a question about a potential U.S. Senate candidacy by stating, “I am evaluating right now what I am going to be doing this year,” and continued:

I do think Missouri needs strong leadership, and that voters deserve to have leaders in the U.S. Senate who are going to fight for them. As you know, Roy Blunt has been out fighting with Mitch McConnell, he’s been criticizing the President of the United States over what happened on January 6, he’s been criticizing the President of the United States for not coming to Joe Biden’s inauguration, where obviously everyone in Missouri saw Roy Blunt there, so it’s something that I am certainly going to keep the door open to, and take a look at, because the people of Missouri deserve a fighter.”³²

19. On March 10, 2021, Greitens for Missouri paid “Dri[v]er 8 Media LLC” \$7,500 for “media services.”³³ Driver Eight Media describes itself as “a boutique public relations firm focused on booking clients for high profile interviews on broadcast and cable television.”³⁴ Its founder is a former *Fox News* producer whose online profile boasts of booking clients on shows including the program “Special Report with Bret Baier.”³⁵

Ads by Greitens for U.S. Senate, Google Transparency Report, GOOGLE, <https://transparencyreport.google.com/political-ads/advertiser/AR247379430370967552> (last visited Oct. 26, 2021).

³⁰ Greitens for Missouri, January 2021 Quarterly Report, *supra* note 12, at 7.

³¹ Greitens for Missouri, April 2021 Quarterly Report at 7, Missouri Ethics Commission (filed Apr. 15, 2021), <https://www.mec.mo.gov/CampaignFinanceReports/Generator.aspx?Keys=B2G41dEVPKgl8cDcdGFsgJsm99XwPL2GZ7u2I0zAYdA9zWOF3JfxFUfWJJWpYha3R6y6lFpZ%2beoE4VyojcWfLIqLXUL7LfFv>.

³² 3-2-21 Hour 1: Eric Greitens, Marc Cox Morning Show (Mar. 2, 2021), <https://omny.fm/shows/the-marc-cox-show-podcast/3-2-21-hour-1-eric-greitens>.

³³ Greitens for Missouri, April 2021 Quarterly Report, *supra* note 31, at 7.

³⁴ DRIVER EIGHT MEDIA, <http://drivereightdc.com/> (last visited Oct. 26, 2021).

³⁵ *See Meet Alex Finland*, Driver Eight Media, <http://drivereightdc.com/> (last visited Oct. 26, 2021).

20. On March 22, 2021, Greitens announced his Senate candidacy on *Fox News's* Special Report with Bret Baier.³⁶ Greitens filed his statement of candidacy with the Commission the next day.³⁷
21. On or around March 22, 2021, the date that Greitens publicly announced his candidacy for U.S. Senate,³⁸ the disclaimer on Greitens' website was changed to read "Paid for by Greitens for U.S. Senate," and the banner image changed to reflect Greitens' Senate logo, but the website was otherwise unchanged.³⁹
22. Greitens for U.S. Senate's first report filed with the Commission disclosed one receipt: an \$18,000 in-kind contribution from the candidate, dated March 23, 2021, described as "in-kind: website."⁴⁰ It did not disclose any disbursements for testing the waters or exploratory activities.

CAUSES OF ACTION

I. Greitens for Missouri Made, and Greitens for U.S. Senate Accepted, An Illegal and Unreported Contribution

23. There is reason to believe that Greitens for U.S. Senate disclosed an in-kind contribution from the candidate that actually came from Greitens' state campaign committee, in violation of the committee's reporting obligations at 52 U.S.C § 30104(b), and that Eric Greitens violated the prohibition on transferring assets from a state committee to a federal committee

³⁶ See Charles Creitz, *Former Missouri Gov. Eric Greitens announces Senate bid on 'Special Report,' FOX NEWS* (Mar. 22, 2021), <https://www.foxnews.com/politics/eric-greitens-running-for-senate-2022-roy-blunt-special-report>.

³⁷ Eric Greitens, Statement of Candidacy, *supra* note 1.

³⁸ Orion Rummier, *Eric Greitens Announces Run for Roy Blunt's Senate Seat*, *Axios* (Mar. 22, 2021), <https://www.axios.com/eric-greitens-roy-blunt-senate-seat-08e643c7-ec33-44dd-b1ab-4a0b590f2a18.html>.

³⁹ Compare ERICGREITENS.COM (archived Jan. 31, 2021) [<https://web.archive.org/web/20210131073145/https://www.ericgreitens.com/>] with ERICGREITENS.COM (archived Mar. 23, 2020) [<https://web.archive.org/web/20210323042825/https://www.ericgreitens.com/>].

⁴⁰ Greitens for U.S. Senate, 2021 April Quarterly Report, FEC Form 3X at 11-12 (filed Apr. 15, 2021), <https://docquery.fec.gov/pdf/488/202104159443607488/202104159443607488.pdf> (disclosing an \$18,000 reimbursement paid to the candidate for "in kind: website" on Mar. 23, 2021).

at 11 C.F.R. § 110.3(d). Moreover, there is reason to believe that Eric Greitens, Greitens for Missouri, and Greitens for U.S. Senate violated the straw donor ban at 52 U.S.C. § 30122.

24. A “contribution” includes “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.”⁴¹ “Anything of value” includes all in-kind contributions.⁴²
25. A candidate’s campaign committee must report the identity of all persons who contribute more than \$200.⁴³
26. FECA provides that “[n]o person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.”⁴⁴
27. Commission regulations prohibit a candidate from transferring non-federal funds from their state committee to a federal committee.⁴⁵ The Commission has emphasized that this regulation prohibits all “transfers of cash *or other assets* from state campaign committees to federal campaign committees.”⁴⁶
28. Greitens launched an updated version of his website, www.ericgreitens.com, in May of 2020, with the disclaimer “Greitens for Missouri.”⁴⁷ The website stated it was “created by Abrot Creative,” to which Greitens for Missouri paid \$18,750 for “web services.”⁴⁸

⁴¹ 52 U.S.C. § 30101(8)(A)(i); *see also* 11 C.F.R. §§ 100.52(a), 114.1(a)(1).

⁴² 11 C.F.R. § 100.52(d)(1).

⁴³ 52 U.S.C § 30104(b).

⁴⁴ 52 U.S.C. § 30122; *see also* 11 C.F.R. § 110.4(b)(1)(i-ii), (iii).

⁴⁵ 11 C.F.R. § 110.3(d).

⁴⁶ Explanation and Justification for Transfer of Funds from State to Federal Campaigns, 58 Fed. Reg. 3474 at 3475 (January 8, 1993).

⁴⁷ *See* sources cited *supra* ¶¶11.

⁴⁸ *See* sources cited *supra* ¶¶12.

29. On or around March 22, 2021, the date that Greitens publicly announced his candidacy for U.S. Senate,⁴⁹ the disclaimer on Greitens’ website was changed to read “Paid for by Greitens for U.S. Senate,” and the banner image changed to reflect Greitens’ Senate logo, but the website was otherwise unchanged: for example, the front page of the website used the same background videos featuring Greitens, used the same professional profile photos of the candidate, and contained the same content in the “About Eric Greitens” section.⁵⁰
30. Greitens for U.S. Senate’s first report filed with the Commission disclosed an \$18,000 in-kind contribution from the candidate, dated March 23, 2021, described as “in-kind: website.”⁵¹
31. Given that Greitens for Missouri spent roughly \$18,000 developing the website, and that the website content was largely unchanged after control was transferred to Greitens for U.S. Senate, there is reason to believe that Greitens’s state campaign committee—rather than Eric Greitens himself—actually made the \$18,000 in-kind website contribution to Greitens for U.S. Senate.
32. Therefore, there is reason to believe that Eric Greitens violated the ban on transferring non-federal funds from his state campaign committee to his federal campaign committee, 11 CFR § 110.3(d), and that Greitens for U.S. Senate violated its reporting obligations at 52 U.S.C § 30104(b) by attributing a contribution to Eric Greitens that it knew had come from Greitens for Missouri.

⁴⁹ Orion Rummier, *Eric Greitens Announces Run for Roy Blunt’s Senate Seat*, *supra* note 38.

⁵⁰ Compare ERICGREITENS.COM, archived Jan. 31, 2021, <https://web.archive.org/web/20210131073145/https://www.ericgreitens.com/>, with ERICGREITENS.COM, archived Mar. 23, 2020, <https://web.archive.org/web/20210323042825/https://www.ericgreitens.com/>.

⁵¹ Greitens for U.S. Senate, 2021 April Quarterly Report, *supra* note 40 (disclosing the candidate’s \$18,000 in-kind contribution).

33. Moreover, there is reason to believe that Greitens for Missouri violated the straw donor ban by making a contribution in the name of Eric Greitens, 52 U.S.C. § 30122, 11 C.F.R. § 110.4(b)(1)(i); that Eric Greitens violated the ban by knowingly permitting his name to be used to effect the contribution, 52 U.S.C. § 30122, 11 C.F.R. § 110.4(b)(1)(i); and that Greitens for U.S. Senate violated the straw donor ban by knowingly accepting a contribution from Greitens for Missouri made in the name of the candidate, 52 U.S.C. § 30122, 11 C.F.R. § 110.4(b)(1)(iv).

II. Eric Greitens Unlawfully Used His State Committee to Finance “Testing the Waters” Expenses, and Greitens for U.S. Senate Failed to Report Contributions Received

34. There is reason to believe that Greitens for Missouri unlawfully financed “testing the waters” activities for Greitens’ federal candidacy, and that Greitens for U.S. Senate failed to report those expenses, either as expenditures or as in-kind contributions.

35. An individual becomes a “candidate” if “he or she receives contributions or makes expenditures in excess of \$5,000 or gives consent to another person” to do so on his or her behalf.⁵² However, Commission regulations create a limited exception to the definitions of “contribution” and “expenditure” that allow an individual to explore the feasibility of a federal campaign, *i.e.*, to “test the waters,” without becoming a candidate under FECA.⁵³

36. Section 100.131 provides that “[p]ayments made solely for the purpose of determining whether an individual should become a candidate are not expenditures,” but “[i]f the individual subsequently becomes a candidate, the payments made are expenditures subject to the reporting requirements of the Act.”⁵⁴ When an individual becomes a candidate, all funds

⁵² See Payments Received for Testing the Waters Activities, 50 Fed. Reg. 9992-93 (Mar. 13, 1985) (Final Rules and Explanation and Justification).

⁵³ *Id.*; 11 C.F.R. §§ 100.72 and 100.131.

⁵⁴ 11 C.F.R. § 100.131(a).

received or payments made in connection with “testing-the-waters” activities become contributions or expenditures subject to FECA’s reporting requirements, “and shall be reported . . . in the first report filed by such candidate’s principal campaign committee.”⁵⁵

37. Only funds permissible under FECA may be used for testing the waters activities.⁵⁶ Federal candidates also may not solicit, receive, direct, transfer or spend funds in connection with either federal or non-federal elections unless the funds comply with the Act’s federal contribution limits, source restrictions, and reporting requirements.⁵⁷

38. Greitens began exploring a federal candidacy no later than early 2021. In a March 2, 2021 interview, Greitens clearly indicated he was testing the waters for a federal candidacy, when he responded to a question about a potential U.S. Senate run by stating, “I am evaluating right now what I am going to be doing this year,” that “voters deserve to have leaders in the US Senate who are going to fight for them,” and that a Senate candidacy is “something that I am certainly going to keep the door open to, and take a look at, because the people of Missouri deserve a fighter.”⁵⁸

39. During this same period, Greitens reported used Greitens for Missouri resources to pay for services apparently connected to his Senate candidacy. For example:

- a) Shortly before Greitens publicly confirmed that he was contemplating a Senate run, Greitens for Missouri reported a \$1,200 payment for “strategic planning” to Octavian Group, an LLC created by Dylan Johnson, who was later announced as Greitens Senate campaign manager.⁵⁹ Greitens’ state committee also paid \$1,200

⁵⁵ 11 C.F.R. § 101.3.

⁵⁶ 11 C.F.R. § 100.72(a); *see also* Advisory Opinion 1981-32 (Askew).

⁵⁷ 52 U.S.C. § 30125(e)(1)(A); 11 C.F.R. §§ 300.60, 300.61.

⁵⁸ 3-2-21 Hour 1: Eric Greitens, Marc Cox Morning Show (Mar. 2, 2021), *supra* note 32.

⁵⁹ Greitens for Missouri, Apr. 2021 Quarterly Report, *supra* note 31, at 7.

to Johnson’s firm for “strategic planning” on December 31, 2020.⁶⁰ Greitens for Missouri had remained active in the years since Greitens left office, but these were its first disbursements for “strategic planning,” and its first payments to Johnson’s firm. Greitens was not seeking state office at the time; the only reasonable inference is that the payments to his campaign manager’s firm for “strategic planning” were in connection with Greitens’ soon-to-be-announced federal candidacy.

b) One week after Greitens publicly acknowledged his testing the waters status, on March 10, 2021, Greitens for Missouri paid \$7,500 to a firm that specializes in booking clients on *Fox News*.⁶¹ On March 22, 2021, Greitens appeared on *Fox News*’s Special Report with Bret Baier, where he publicly announced his candidacy for U.S. Senate.⁶² The only reasonable inference is that the \$7,500 “media services” expenditure was made for the purpose of booking the television appearance where Greitens would announce his candidacy.

40. There is additionally reason to believe that Greitens for Missouri paid for earlier testing the waters or campaign expenses. For example, four months before Greitens formally declared his candidacy, on November 20, 2020, Greitens for Missouri reported a \$47,222 payment to Push Digital LLC for “digital media.”⁶³ Throughout 2020, Greitens also paid tens of thousands of dollars to his future campaign manager, to public relations firms, and to media consulting firms, and spent tens of thousands more on digital advertising.⁶⁴

⁶⁰ Greitens for Missouri, Jan. 2021 Quarterly Report, *supra* note 12, at 7.

⁶¹ See sources cited *supra* ¶ 19.

⁶² See sources cited *supra* ¶ 20.

⁶³ See sources cited *supra* ¶ 15.

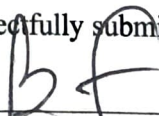
⁶⁴ See sources cited *supra* ¶¶ 8, 11-13, 15-17, 19.

41. Because the available evidence indicates that Greitens for Missouri made disbursements for Greitens' testing the waters activities, there is reason to believe that Greitens for U.S. Senate violated 52 U.S.C. § 30104(b) by failing to report in-kind contributions from the state committee. Additionally, because Greitens for Missouri's funds consisted of contributions that exceeded federal limits and came from prohibited sources like corporations, there is reason to believe that Eric Greitens violated 52 U.S.C. § 30125(e)(1)(A) and 11 C.F.R. § 100.72(a) by spending non-federal funds in connection with his federal candidacy.

PRAYER FOR RELIEF

42. Wherefore, the Commission should find reason to believe that Eric Greitens, Greitens for U.S. Senate, and Greitens for Missouri violated 52 U.S.C. § 30101 *et seq.*, and should conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).
43. The Commission should seek appropriate sanctions for any and all violations, including civil penalties sufficient to deter future violations and an injunction prohibiting the respondents from any and all violations in the future, and should seek such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

Respectfully submitted,



Campaign Legal Center, by
Brendan M. Fischer
1101 14th Street, NW, Suite 400
Washington, DC 20005
(202) 736-2200

Brendan M. Fischer
Campaign Legal Center
1101 14th Street, NW, Suite 400
Washington, DC 20005
Counsel to the Campaign Legal Center
October 28, 2021

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.



For Complainant Campaign Legal Center

A handwritten signature in black ink, appearing to be "BF", written over a horizontal line.

Brendan M. Fischer

Sworn to and subscribed before me this 21st day of October 2021.

A handwritten signature in black ink, written over a horizontal line.

Notary Public