



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

March 1, 2023

Ms. Lisa J. Stevenson
Acting General Counsel
Office of the General Counsel
Federal Election Commission
1050 First Street, NE
Washington, D.C. 20463

Email: EnfComplaint@fec.gov

COMPLAINT BEFORE THE FEDERAL ELECTION COMMISSION

RE: Rep. Cori Bush

Dear Ms. Stevenson,

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We achieve this mission by hanging a lantern over public officials who put their own interests over the interests of the public good. This complaint is submitted upon information and belief that Rep. Cori Bush and her campaign committee may have used campaign funds for personal use.¹ We request the Federal Election Commission (FEC) investigate and if needed, take appropriate enforcement actions.²

¹ This complaint is submitted pursuant to 52 U.S.C. § 30109(a)(1) and is against Cori Bush and her campaign committee, Cori Bush for Congress.

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 [Act] . . . [t]he Commission shall make an investigation of such alleged violation.” 52 U.S.C. § 30109(a)(2); 11 C.F.R. § 111.4(a).

Federal law prohibits federal candidates from soliciting, receiving, directing, transferring, or spending funds in connection with an election for federal office unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Act.³ Generally campaign funds may only be spent for “bona fide campaign or political purposes,” with limited defined exceptions such as: use to defray ordinary and necessary expenses incurred in connection with holding federal office, charitable contributions, transfers to a political party, and donations to state and local candidates.⁴ Federal law also provides certain examples of how campaign funds may not be spent, of which one prohibited category of spending is for “personal use.”⁵

Payments that are not for bonafide services at fair market value could fall under one of two prohibited categories—“payments to family members” or “gifts”. Candidates may not use campaign funds for personal use.⁶ “Personal use means any use of funds in a campaign account of a present or former candidate to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate's campaign or duties as a Federal officeholder.”⁷ Personal use includes: “Salary payments to a member of the candidate's family, unless the family member is providing *bona fide* services to the campaign. If a family member provides *bona fide* services to the campaign, any salary payment in excess of the fair market value of the services

³ 52 U.S.C. §§ 30101, 30116, 30118.

⁴ 11 C.F.R. § 113.2; U.S. House of Reps. Committee on Ethics, *House Ethics Manual*, at 121 (2022 Print) (“Provisions of the Rules of the House of Representatives, including rules that require that campaign funds be used only for campaign or political purposes, and prohibit their use for either personal or official House purposes, with limited exceptions.”).

⁵ 11 C.F.R. § 113.1(g).

⁶ 52 U.S.C. § 30114 (b)(2).

⁷ 11 C.F.R. § 113.1(g).

provided is personal use.”⁸ Personal use also includes “gifts” greater than a “nominal value . . . made on a special occasion.”⁹

During 2022, Bush’s campaign paid \$571,856 for security services.¹⁰ Those payments included \$225,281 to PEACE Security, \$62,359 to Cortney Merritts, and \$50,000 to Nathaniel Davis.¹¹ The payments to Merritts were bi-monthly in the amount of \$2,500.¹² However, reportedly Merritts does not have a St. Louis private security license, which is needed to perform security services in the area that encompasses Bush’s entire district, nor does he appear within the government database of licensed security professionals in the Washington D.C. area.¹³ It was recently revealed that Bush has had a personal relationship with Merritts since before she took office in 2021 and they were married in February 2023.¹⁴

At issue in this case is whether the payments made to Merritts were for a bona fide service and at a fair market rate, and if not then they would be either a impermissible gift or a payment to a family member. When a campaign negotiates salary payments with an unrelated party, both sides negotiate for their best interest and generally fair market value is naturally reached and paid for a service the campaign needs. However, when the campaign hires someone

⁸ 11 C.F.R. § 113.1(g)(1)(i)(H).

“The candidate’s family includes (i) The spouse of the candidate; (ii) Any child, step-child, parent, grandparent, sibling, half-sibling or step-sibling of the candidate or the candidate's spouse; (iii) The spouse of any child, step-child, parent, grandparent, sibling, half-sibling or step-sibling of the candidate; and (iv) A person who shares a residence with the candidate.” 11 C.F.R. § 113.1(g)(8).

⁹ 11 C.F.R. § 113.1(g)(4) (“Gifts of nominal value and donations of a nominal amount made on a special occasion such as a holiday, graduation, marriage, retirement, or death are not personal use, unless made to a member of the candidate’s family.”).

¹⁰ Greg Wehner, *Missouri Rep. Cori Bush, 'Squad' Democrat, Marries Campaign Security Guard: Reports*, Fox News, Feb. 26, 2023; Cori Bush for Congress, [FEC.gov](https://www.fec.gov), Accessed Mar. 1, 2023.

¹¹ *Id.* The payments to Merritts totaled \$62,359, with \$60,000 being paid for security services and \$2,359 for an expense reimbursement. *Id.*

¹² Joe Schoffstall, *Cori Bush’s Campaign Paid Her Husband for Security Services - But He Doesn’t Have A Private Security License*, Fox News, Feb. 28, 2023; Cori Bush for Congress, [FEC.gov](https://www.fec.gov), Accessed March 1, 2023.

¹³ Joe Schoffstall, *Cori Bush’s Campaign Paid Her Husband for Security Services - But He Doesn’t Have A Private Security License*, Fox News, Feb. 28, 2023.

¹⁴ *Id.*

with whom the candidate has a close personal relationship, there may be favoritism or an incentive for the campaign to pay for services that are not necessary or pay above the fair market value for those services. These types of payments are subjected to more scrutiny, especially when other factors present indicate the payments were not for bona fide services at fair market value. In this case Bush and Merritts clearly had a close relationship that resulted in marriage and there are other factors present, namely that (1) the payments were regularly made at the same time the campaign was apparently paying a security company for the exact same services and (2) the payee did not have a license to perform the services for which he was being paid.

Based on the facts above, it appears Rep. Bush's campaign may have made payments for services that were unnecessary or above fair market value because of her personal relationship with the payee. If so, these payments would qualify as either impermissible payments to a family member or an impermissible gift. Therefore, we request the FEC investigate whether Rep. Bush converted campaign funds for personal use by paying a salary that was not for bona fide services at fair market value. Ultimately, if one or more campaign laws are found to have been broken, we request the FEC hold the respondents accountable.

Respectfully submitted,

Kendra Arnold
Executive Director
Foundation for Accountability & Civic Trust
1717 K Street NW, Suite 900
Washington, D.C. 20006

Subscribed and sworn to before me on March _____, 2023.

Notary Public