

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE  
GENERAL COUNSEL

2004 JUL 27 P 1:27

Office of General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

July 25, 2004

MUR #

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Dear Sir or Madam:

On behalf of the Russ Carnahan for Congress Committee, and pursuant to 11 C.F.R. 111.4, I hereby submit this complaint concerning multiple violations of federal election laws. Russ Carnahan is a Democratic candidate for Congress in the 3<sup>rd</sup> district of Missouri.

All of the violations involve the district-wide distribution of false and malicious information intended to deceive potential voters and evade proper federal disclosures. The materials were distributed anonymously, thus allowing the authors to evade responsibility for their misstatements and non-reporting. However, I was able to identify the origins of the offensive and false materials.

**Violation No. 1:** Attachment A was mailed to residents of the district in late July and received on or about July 23, 2004. As described in the affidavits of Paul Schmid and Scott Sorrell (Attachments B and C, respectively), the source of the material was traced to an individual named Eric Lillard, who serves in a capacity with the campaign office of Jeff Smith, one of Carnahan's opponents for the Democratic nomination. Mr. Lillard is listed as the CEO of St. Charles-based company "Web Expressions, Inc" (Attachment D). The mailing was sent with bulk-mail permit #2371 from Cleveland, Ohio.

This mailing violates FEC regulations for political ads and solicitations. Ads and solicitations that are not authorized by a candidate must comply with the following:

**Messages Not Authorized by a Candidate**

On a public communication that is not authorized by a candidate or his/her campaign committee, the disclaimer notice **must identify who paid for the message**, state that it was not authorized by any candidate or candidate's committee and **list the permanent street address, telephone number or World Wide Web address of the person who paid for the communication**. 11 CFR 110.11(b)(3). Example: "Paid for by the QRS Committee ([www.QRScommittee.org](http://www.QRScommittee.org)) and not authorized by any candidate or candidate's committee."

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Source: FEC's Special Notices on Political Ads and Solicitations, July 2003

Attachment A violates the requirements stated above, in that the mere identification of a website does not satisfy the requirement that the party who paid for the message be identified. Moreover, the website identified in Attachment A is not, as of the time of this complaint, functioning or accessible. (See attachment I). When it did function, it did not identify any individual, committee or entity that might have paid for the creation and distribution of Attachment A.

The affidavits of Paul Schmid and Scott Sorrell describe and document how the website referenced in the materials was traced to Eric Lillard and the basis for my conclusion that Lillard is connected to Jeff Smith's campaign. Mr. Lillard was identified as the domain name registrant at the time of the mailing of Attachment A. Mr. Lillard and/or the Jeff Smith campaign has further attempted to obscure the identity of those responsible for the mailing by amending the domain name registry on July 25, 2004 to "John Doe" at Anystreet, MO, US, Phone number 314-555-1212.

**Violation No. 2:** Attachment E was distributed at a joint press conference conducted by Jeff Smith and Joan Barry, each of whom opposes Carnahan for the Democratic nomination. My knowledge of how and when Attachment E was distributed came from members of the press who attended the press conferences. Attachment E or variants thereof (Attachments F & G), have been widely distributed and mailed throughout the district in white envelopes bearing no disclaimers or even a return address to indicate the source (Attachment H). The media has also informed me that Attachment F was being distributed by members of a local organization working on behalf of the Joan Barry in Congress Committee, at a press conference in the organization's headquarters.

Attachments E, F & G do not contain the disclaimer required by federal law for such materials. It violates federal law in that it contains no disclaimer indicating which candidate(s) or committee(s) or person(s) paid for the message. Nor does it indicate which candidate(s) authorized the message.

**Other potential violations:** Other violations have undoubtedly occurred with regard to the financing of each of these communications, although further specific allegations are difficult to cite due to the anonymous and unreported expenditures. For instance, we know that the mailings were widely distributed and that printing and postage costs were inevitably high. Because of the coordination that has occurred, the payment for the mailings was either a) an illegal undisclosed campaign expenditure or, b) an illegal violation of federal campaign contribution limits.

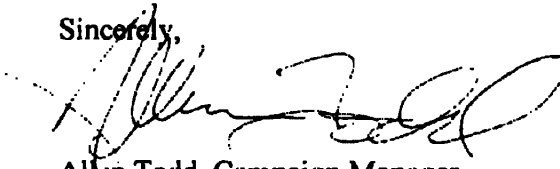
**I urge the Commission to take immediate action regarding the above referenced illegal and false election activity. The foundation of federal election law is based upon public disclosure of campaign activity and campaign financing. The campaign activity and communication described in this complaint is a blatant attempt to deceive voters with false**

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and inflammatory information. Furthermore, the anonymous nature of this activity is obscuring the source of the information and the source of the funds to disseminate that information.

I may be contacted at Russ Carnahan for Congress headquarters at 314-534-2004 for any immediate questions the commission may have regarding this complaint.

Sincerely,

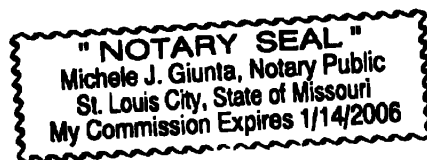
  
Allen Todd, Campaign Manager  
Russ Carnahan for Congress

Allen Todd [REDACTED] St. Louis, Missouri, 63123, of lawful age, being duly sworn, on his oath states that he is the person named above, and that the facts therein are true according to his best knowledge and belief.

Subscribed and sworn to before me this 31<sup>st</sup> day of July, 2004

  
Notary Public

My commission expires: 1/14/2006



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B

STATE OF MISSOURI     )  
                                      )  
COUNTY OF ST. LOUIS    )     ss

AFFIDAVIT OF PAUL SCHMID

I, Paul Schmid, reside at [redacted] and was born in [redacted] on [redacted] and I testify as follows:

1. At about 8:00 p.m. CDT on Friday, July 23, 2004 I placed a call to the office of Jeff Smith for Congress at 314-481-5333.
2. The phone was answered by someone who said "Jeff Smith for Congress, this is Brian."
3. I asked, "Is Eric Lillard there?" The staffer (Brian) responded, "I'm sorry, he's not here right now. Can I take a message?"
4. I then said, "So he does work in this office?" The staffer responded, "Yes he does, sir."
5. I finished the call by stating, "Ok, thank you" and hung up the phone.

FURTHER AFFIANT SAYETH NOT

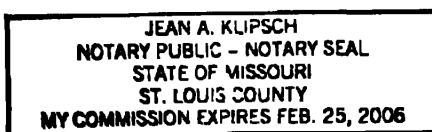
Paul Schmid  
PAUL SCHMID, AFFIANT

Paul Schmid, of lawful age, being duly sworn, on his oath states that he is the person named above, and that the facts therein are true according to his best knowledge and belief.

Subscribed and sworn to before me this 26<sup>th</sup> day of July, 2004.

[Signature]  
Notary Public

My commission expires: 2.25.06



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STATE OF MISSOURI     )  
                              )  
COUNTY OF PHELPS     )     ss

AFFIDAVIT OF SCOTT A. SORRELL

I, Scott A. Sorrell, reside at [REDACTED] Rolla, MO 65401, and was born in Sedalia, Missouri on April 19, 1970 and I testify as follows:

I am President of Sorrell Computer Consulting and a general partner of CS Data Managers, L.L.C. I have been in the information technology business for over 12 years working primarily in database systems and internet services. I do work on behalf of the Russ Carnahan for Congress Committee.

On July 23<sup>rd</sup> around 6:30pm I was asked by the Carnahan Committee to research the domain name rustycarnahan.org and find out who registered it.

I went to the website [http://www.pir.org/whois\\_search/](http://www.pir.org/whois_search/), the official location to retrieve information about ".org" domain names. The information returned on July 23<sup>rd</sup> for rustycarnahan.org was as follows:

Domain ID: D104632282-LROR  
Domain Name: RUSTYCARNAHAN.ORG  
Created On: 14-Jul-2004 23:00:54 UTC  
Expiration Date: 14-Jul-2005 23:00:54 UTC  
Sponsoring Registrar: Abacus America Inc. (R14-LROR)  
Status: TRANSFER PROHIBITED  
Registrant Name: Eric Lillard  
Registrant Organization: Web Expressions, Inc  
Registrant Street1: [REDACTED]  
Registrant City: St.Charles  
Registrant State/Province: MO  
Registrant Postal Code: 63304  
Registrant Country: US  
Registrant Phone: [REDACTED]  
Registrant Email: [ericlillard@charter.net](mailto:ericlillard@charter.net)  
Admin Name: Eric Lillard  
Admin Organization: Web Expressions, Inc  
Admin Street1: [REDACTED]  
Admin City: St.Charles  
Admin State/Province: MO  
Admin Postal Code: 63304  
Admin Country: US  
Admin Phone: [REDACTED]  
Admin Email: [ericlillard@charter.net](mailto:ericlillard@charter.net)  
Tech Name: Eric Lillard  
Tech Organization: Web Expressions, Inc  
Tech Street1: [REDACTED]

Tech City: St.Charles  
Tech State/Province: MO  
Tech Postal Code: 63304  
Tech Country: US  
Tech Phone: [REDACTED]  
Tech Email: [ericilliard@charter.net](mailto:ericilliard@charter.net)  
Name Server: NS2.ABAC.COM  
Name Server: NS1.ABAC.COM

Furthermore, on July 25<sup>th</sup> I performed the same query from the pir.org whois website and the results now return:

Domain Name: RUSTYCARNAHAN.ORG  
Created On: 14-Jul-2004 23:00:54 UTC  
Last Updated On: 25-Jul-2004 15:49:00 UTC  
Expiration Date: 14-Jul-2005 23:00:54 UTC  
Sponsoring Registrar: Abacus America Inc. (R14-LROR)  
Status: TRANSFER PROHIBITED  
Registrant Name: John Doe  
Registrant Organization: No Organization  
Registrant Street1: 110 Anystreet  
Registrant City: Missouri  
Registrant State/Province: MO  
Registrant Postal Code: 63017  
Registrant Country: US  
Registrant Phone: +1.3145551212  
Registrant Email: [anyone@rustycarnahan.org](mailto:anyone@rustycarnahan.org)  
Admin Name: John Doe  
Admin Organization: No Organization  
Admin Street1: 110 Anystreet  
Admin City: Missouri  
Admin State/Province: MO  
Admin Postal Code: 63017  
Admin Country: US  
Admin Phone: +1.3145551212  
Admin Email: [anyone@rustycarnahan.org](mailto:anyone@rustycarnahan.org)  
Tech Name: John Doe  
Tech Organization: No Organization  
Tech Street1: 110 Anystreet  
Tech City: Missouri  
Tech State/Province: MO  
Tech Postal Code: 63017  
Tech Country: US  
Tech Phone: +1.3145551212  
Tech Email: [anyone@rustycarnahan.org](mailto:anyone@rustycarnahan.org)  
Name Server: NS2.ABAC.COM  
Name Server: NS1.ABAC.COM

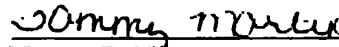
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FURTHER AFFIANT SAYETH NOT

  
SCOTT A. SORRELL, AFFIANT

Scott A. Sorrell, of lawful age, being duly sworn, on his oath states that he is the person named above, and that the facts therein are true according to his best knowledge and belief.

Subscribed and sworn to before me this 26th day of July, 2004.

  
Notary Public

My commission expires: \_\_\_\_\_

**TAMMY MARTIN**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Phelps County  
My Commission Expires: 06-05-2008

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SECRETARY OF STATE,  
MATT BLUNT

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D

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Orders
- Order Good Standing

Filed Documents

Date: 7/25/2004 (Click above to view filed documents  
that are available.)

Business Name History

Name	Name Type
WEB EXPRESSIONS, INC.	Legal

General Business - Domestic - Information

Charter Number:	00505305
Status:	Good Standing
Entity Creation Date:	2/4/2002
State of Business.:	MO
Expiration Date:	Perpetual
Last Annual Report Filed Date:	4/26/2004
Last Annual Report Filed:	2004
Annual Report Month:	January

Registered Agent

Agent Name:	ERIC L. LILLARD
Office Address:	[REDACTED] ST. CHARLES MO 63304

Mailing Address:

Office of the Secretary of State, Missouri - Matt Blunt  
State Capitol, Room 208 and State Information Center, 600 W. Main  
Jefferson City, MO 65101 • (573) 751-4936 • SOSMain@sosmail.state.mo.us  
[Internet Privacy Policy Statement]

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## Welcome

Welcome to Web Expressions, a company that is focused on the success of you and your business. At Web Expressions, our mission is to support the small to medium sized business markets in the area of web site development, maintenance, and hosting. We provide cost effective solutions that are needed in today's challenging business environment.

As a customer of Web Expressions, you will receive the attention that you deserve. You will work directly with an officer of the company to ensure you are completely satisfied with the service we provide. Our goal is to develop a life long partnership with all of our customers. We understand that we must earn your business each and every day.

Web Expressions uses the very best software development tools in the industry. As a result, you can be assured that your web site is reliable, fast, easy to navigate, and visually appealing to the visitors of your company web site.

For all web sites that we host, we use state-of-the-art web servers in a data center that is secure and monitored 24 hours a day. By giving Web Expressions the opportunity to host your companies web site, we allow you to do what you do best, manage your business.

Please contact Web Expressions at: [info@webexpressions.biz](mailto:info@webexpressions.biz), or (314) 406-0993 and give us the opportunity to discuss your web development and hosting needs. There is no project too big, or too small for us to consider.

Sincerely,

Eric Lillard  
Founder & CEO

E

# **RUSS CARNAHAN**

## **THE ABSENT LEGISLATOR**

**Russ Carnahan missed almost 60% of the two Special Legislative Sessions that determined the future of our education funding.** (Source: *House Journal, June and September 2003*)

**Russ Carnahan missed a vote to ban concealed weapons.** (Source: *HB 349, House Journal, March 6, 2003*)

**Russ Carnahan missed a vote to restrict landfill construction within ¼ mile of a home or school.** (Source: *HA 13 HCS SS SCS SB 36, House Journal, April 30, 2003*)

**Russ Carnahan missed a vote to help prevent identity theft.** (Source: *HB 1762, House Journal, March 21, 2002*)

**Russ Carnahan missed a vote to help law enforcement.** (Source: *HB 1183, House Journal, March 15, 2004*)

**Russ Carnahan missed a vote that would have provided mental health services to Missourians.** (Source: *HB 1440, House Journal, March 21, 2002*)

**Russ Carnahan missed a vote to help disabled people be more independent.** (Source: *HB 923, House Journal, March 8, 2004*)

**Russ Carnahan missed a vote to help Missouri Reservists meet their training requirements.** (Source: *HB1822, House Journal, March 21, 2002*)

**Russ Carnahan missed a vote to establish a state suicide prevention plan.** (Source: *HCS HB 59 and 269, House Journal, DATE*)

**Russ Carnahan missed a vote to honor Korean War veterans.** (Source: *HCS HB 245, House Journal, DATE*)

**Russ Carnahan missed a vote to prohibit immunizations containing mercury.** (Source: *HS HCS HB 852, House Journal, DATE*)

**And he missed over 120 votes in just the last ten legislative months!**

**Sorry Russ...We need a Congressman who shows up for work!**

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F

# RUSS CARNAHAN: NO SHOW, NO GO!

Russ Carnahan had one of the worst absentee records as a State Representative and he shouldn't be rewarded for it.

Russ missed almost 60% (10 of 17 days) of the Special legislative sessions while the future of education funding for our Missouri schools was being decided (House Journal, June and September, 2003)

Here are just some of the other important votes Russ has missed:

- Russ missed a vote that would help disabled people be more independent  
(HB 923, House Journal, 3/8/04)
- Russ missed a vote that would have provided mental health services to Missourians  
(HB 1440, House Journal 3/21/02)
- Russ missed a vote that helped taxpayers get refunds when their property is wrongfully assessed  
(HB 60, House Journal 4/15/03)
- Russ missed a vote to help Missouri Reservists meet their training requirements  
(HB 1822, House Journal 3/21/02)
- Russ missed a vote creating a restitution fund to assist law enforcement  
(HB 1183, House Journal 3/15/04)
- Russ missed a vote to restrict landfills from being constructed within 1/4 mile of a residence, stream, creek or river  
(House Amendment 13, HCS SS SCS SB 36, 4/30/03)
- Russ missed a vote that would help prevent identity theft  
(HB 1762, House Journal 3/21/02)

**WHEN IT MATTERED, RUSS CARNAHAN WAS NOWHERE TO BE FOUND**

Russ didn't SHOW up for work,  
Russ shouldn't get to GO to Washington!!

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G

## Why is Russ Carnahan Lying About his Record?

**Russ says** in his TV ad and in his campaign literature that he is the only Democrat who voted against Conceal and Carry legislation.

**The Truth is** Joan Barry also voted against Conceal Carry legislation (as reported in the Post-Dispatch on 7/20/2004) **AND Russ missed a crucial vote** against the final version of the House bill on Conceal and Carry (as reported by the P-D 3/6/2003).

**Russ says** he worked hard in the Missouri House.

**The Truth is** Russ Carnahan...

- **missed more votes than 97% of his colleagues**, on issues affecting education, the environment, concealed carry of handguns, and landfills in our neighborhoods.
- missed 9 days of a 17-day special session to save MO's public education.
- has yet to sponsor a successful piece of legislation in the MO house.
- led the coordinated campaign that lost the MO House to Republicans.

**Russ says** he is the hardest working candidate.

**The Truth is** that even though he has the best name in Missouri politics...

- 9 fellow Democrats are running against him.
- He trails Jeff Smith (a first-time candidate) in fundraising.
- He had to buy door-to-door "volunteers" through a company called Grassroots Solutions.
- His five issue statements on his website average three sentences each.

**Russ says** he wants to carry on his family tradition.

**The Truth is** that he is not capable of doing so. He is an apple that fell far from the Carnahan tree.

We all like the Carnahans. But the next Congressman is likely to hold the seat for 25-30 years. Let's not be so loyal to our friends in high places, that we forget what is good for the whole community. **Vote for a competent candidate on August 3<sup>rd</sup>.**

**- A concerned supporter of Mel, Jean, and Robin Carnahan**

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For information only, please do not use this information.

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# Forbidden

I

You don't have permission to access / on this server.

You may need to create an **index.html** page or enable the directory browsing by creating an **.htaccess** file containing "Options +Indexes".

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*Apache/1.3.29 Server at [www.rustycarnahan.org](http://www.rustycarnahan.org) Port 80*

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