

BEFORE THE FEDERAL ELECTION COMMISSION

COOLIDGE-REAGAN FOUNDATION
441 North Lee Street, Suite 100
Alexandria, VA 22314

Complainant,

v.

MUR No. _____

SENATOR BERNARD SANDERS
FEC Candidate ID P60007168
221 Van Pattern Pkwy
Burlington, VT 05408

BERNIE 2016 CAMPAIGN COMMITTEE
FEC Committee ID C00577130
P.O. Box 905
Burlington, VT 05402
Susan Jackson, Treasurer

BERNIE 2020 CAMPAIGN COMMITTEE
FEC Committee ID C00696948
P.O. Box 391
Burlington, VT 05402
Lora Haggard, Treasurer

Respondents.

VERIFIED COMPLAINT

1. Coolidge-Reagan Foundation brings this complaint before the Federal Election Commission (“FEC” or “Commission”) seeking an immediate investigation and enforcement action against United States Senator Bernard Sanders, the Bernie 2016 Campaign Committee, and the Bernie 2020 Campaign Committee for direct and serious violations of the Federal Election Campaign Act (“FECA”).

2. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information providing reason to believe that:
3. Senator Sanders and Bernie 2016 permitted foreign nationals Erika Andiola, Cesar Vargas, and Maria Belén Sisa to serve in advisory campaign positions, enabling them to directly or indirectly participate in the decision-making process of persons with regard to election-related activities of Bernie 2016 in violation of FEC regulations;¹
4. Senator Sanders and Bernie 2016 knowingly accepted ten individual contributions from Ms. Sisa, a foreign national, in the aggregate amount of \$35.00 in violation of FECA;²
5. Senator Sanders and Bernie 2020 is permitting a foreign national, Ms. Sisa, to serve in an advisory position which allows her to directly or indirectly participate in the decision-making process of persons with regard to election-related activities in violation of FEC regulations.³

STATEMENT OF THE LAW

6. FEC regulations prohibit foreign nationals from directly or indirectly participating in the decision-making process of any person with regard to any election-related activities.⁴
7. In *Weller*, A.O. 2004-26, at 3 (Aug. 20, 2004), the Commission concluded although a foreign national—the fiancé of a Member of Congress—could legally volunteer for a federal campaign, § 110.20(i) prohibited her from “participat[ing] in [a candidate’s] decisions regarding his campaign activities” or “the decisions” of the candidate’s committee. She also could not be “involved in the management” of a candidate committee. *Id.*
8. FECA prohibits any foreign national from making “a contribution or donation of money or other thing of value” in connection with a federal, state, or local election.⁵

¹ 11 C.F.R. § 110.20(i); *See also* 67 Fed. Reg. 69946 (Nov. 19th 2002) (Explanation and Justification for 11 C.F.R. § 110.20).

² 52 U.S.C. § 30121(a)(1)(A); 11 C.F.R. § 110.20(b); *See also* 11 C.F.R. § 110.20(a)(4)

³ 11 C.F.R. § 110.20(i); *See also* 67 Fed. Reg. 69946 (Nov. 19th 2002) (Explanation and Justification for 11 C.F.R. § 110.20).

⁴ *Id.*

⁵ 52 U.S.C. § 30121(a)(1)(A); 11 C.F.R. § 110.20(b)

9. FECA prohibits persons from knowingly accepting or receiving a contribution from a foreign national.⁶ “Knowingly” means that a person must: (i) have actual knowledge that the source of the funds solicited, accepted, or received is a foreign national; or (ii) be aware of facts that would lead a reasonable person to conclude that there is a probability that the source of the funds solicited, accepted, or received is a foreign national; or (iii) be aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted, or received is a foreign national, but the person failed to conduct a reasonable inquiry.⁷
10. A “foreign national” is an individual who is not a citizen of the United States or a national of the United States and who is not lawfully admitted for permanent residence.⁸
11. In February of 2018, a cease and desist order was issued in MUR 7035 (Bernie 2016 *et al.*) requiring the Bernie 2016 committee stop violating 52 U.S.C. § 30121(a)(2).⁹

STATEMENT OF FACTS

12. Senator Sanders and his presidential campaign committee, Bernie 2016 announced the hiring of Cesar Vargas, a well-known immigration activist, Mexican national, and Deferred Action Childhood Arrival (“DACA”) recipient in October of 2015.¹⁰ His assignment was to mobilize young voters in the Southwestern United States. At the time of hiring, Mr. Vargas was quoted as saying, “I joined the campaign because the Senator believes not only that we should meet DREAMers but that DREAMers should be part of the conversation to champion policies for

⁶ 52 U.S.C. § 30121(a)(2); 11 C.F.R. § 110.20(g)

⁷ 11 C.F.R. § 110.20(a)(4)

⁸ 52 U.S.C. § 30121(b)(2); Additionally, it is important to note that the memorandum outlining DACA conferred “no substantive right, immigration status or pathway to citizenship.” Mem. From Janet Napolitano, Sec’y, DHS, Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children at 1-2 (June 15th, 2012).

⁹ *In the Matter of Bernie 2016 and Susan Jackson in her official capacity as treasurer*, MUR 7035 (Feb. 14th, 2018), <https://www.fec.gov/files/legal/murs/7035/18044437388.pdf>.

¹⁰ Adrian Carrasquillo, *Bernie Sanders Hires High-Profile DREAMer Activist For Latino Outreach*, BUZZFEED NEWS (Oct. 22nd, 2015), <https://www.buzzfeednews.com/article/adriancarrasquillo/bernie-sanders-hires-high-profile-dreamer-activist-for-latin#.tcKvbMYPa>; *See also*, *New York’s First Undocumented Lawyer: ‘We All Have a Voice’*, NEW AMERICAN ECONOMY, <https://www.newamericaneconomy.org/feature/new-yorks-first-undocumented-lawyer-we-all-have-a-voice/> (Feb. 1, 2018).

the Latino community.”¹¹ As the National Latino Outreach Strategist, Mr. Vargas collected \$48,247 from Bernie 2016 during his work on the campaign.¹²

13. Later in October of 2015, Senator Sanders hired Erika Andiola, another well-known immigration activist, Mexican national, and DACA recipient.¹³ An article from *BuzzFeed News* announcing her hiring stated in relevant part, “But behind the scenes, she [Andiola] has been involved in the Democratic primary process for months, as each major campaign has reached out to her for suggestions and advice on immigration policy.” While serving as Press Secretary for Latino Outreach for Bernie 2016, Ms. Andiola collected \$46,588 during the campaign.¹⁴

14. Maria Belén Sisa, an Argentinian national in the United States under the protections of DACA, began working as a volunteer for Bernie 2016 in 2015. She announced her hiring by Bernie 2016 in a *National Public Radio* interview in late December of 2015.¹⁵ Ms. Sisa collected a total of \$14,054.23 in salary from Bernie 2016 for her work in the 2016 primary election.¹⁶

15. Beginning in September of 2015 and through June of 2016, Ms. Sisa began making small-dollar contributions to Bernie 2016. She made a total of ten contributions in the aggregate amount of \$35.00.¹⁷ She lists “Mi Familia Vota” as her employer, despite concurrent employment with Bernie 2016, and describes her occupation as “citizenship coordinator” on each of the ten contributions.¹⁸

¹¹ *Id.*

¹² Federal Election Commission, [Disbursements](#) to Cesar Vargas (last visited Mar. 14th, 2019).

¹³ Adrian Carrasquillo, *Bernie Sanders Just Hired The Best Known Immigration Activist In The Country*, BUZZFEED NEWS (Oct. 30th, 2015), <https://www.buzzfeednews.com/article/adriancarrasquillo/bernie-sanders-just-hired-the-best-known-immigration-activist>; *See also*, Erika Andiola Biography, All American Speakers, <https://www.allamericanspeakers.com/celebritytalentbios/Erika+Andiola/405698> (last visited Mar. 14th, 2019).

¹⁴ DACA Seminar, <https://dacaseminar.fas.harvard.edu/people/erika-andiola> (last visited Mar. 14th, 2019); Federal Election Commission [Disbursements](#) to Erika Andiola (last visited Mar. 14th, 2019).

¹⁵ Jude Joffe-Block, *Can't Vote But Campaigning Hard For Presidential Candidates*, NATIONAL PUBLIC RADIO (Dec. 24th, 2015), <https://www.npr.org/2015/12/24/460317302/cant-vote-but-campaigning-hard-for-presidential-candidates>.

¹⁶ Federal Election Commission [Disbursements](#) to Maria Sisa (last visited Mar. 14th, 2019).

¹⁷ Federal Election Commission, [Individual Contributions](#) from Belén Sisa (last visited on Mar. 14th, 2019).

¹⁸ *Id.*

16. In MUR 7035, the Commission found that Bernie 2016 *et al.* accepted a \$24,422 prohibited in-kind foreign national contribution in violation of 52 U.S.C. § 30121(a)(2). The Australian Labor Party (ALP), a foreign political party, paid for delegates from the party to travel to various states to provide, in effect, campaign services to the Bernie 2016 committee. As part of the Conciliation Agreement between the FEC and Bernie 2016 *et al.*, Bernie 2016 and Susan Jackson, in her capacity as treasurer, agreed to cease and desist from violating 52 U.S.C. § 30121(a)(2). If the Commission believes this requirement has been violated, the Commission may institute a civil action for relief in the United States District Court for the District of Columbia. According to publicly available FEC records, Ms. Sisa's contributions to Bernie 2016 described above occurred at or around the same time of the ALP contributions to Bernie 2016, and continued through 2016.¹⁹

17. In late February of 2019 Ms. Sisa, still an Argentinian national, was announced as the new deputy press secretary for Bernie 2020.²⁰

CAUSES OF ACTION

COUNT I – AGAINST RESPONDENTS SENATOR SANDERS AND BERNIE 2016 Participation of Foreign Nationals in Decisions Involving Election-Related Activities in Violation of 11 C.F.R. § 110.20(i)

18. Due to the high profile of Cesar Vargas, Erika Andiola, and Maria Belén Sisa as leading activists in the undocumented community, there is reason to believe that respondents are “foreign nationals” within the meaning of 52 U.S.C. § 30121(b)(2), and in violation of 11 C.F.R. § 110.20(i) and A.O. 2004-26, directly or indirectly participated in the decision-making process of persons with regard to the election-related activities of Bernie 2016.²¹

¹⁹ See MUR 7035 (Bernie 2016 *et al.*). In November of 2015, ALP asked Bernie 2016 to allow delegates to be volunteers on the Bernie 2016 campaign. The committee agreed and made arrangements for the ALP delegates arrivals in various campaign offices.

²⁰ Joseph Simonson, *Bernie Sanders hires illegal immigrant to be press secretary*, WASHINGTON EXAMINER (Feb. 28th, 2019), <https://www.washingtonexaminer.com/news/bernie-sanders-hires-illegal-immigrant-to-be-press-secretary>.

²¹ 11 C.F.R. § 110.20(i); See also 67 Fed. Reg. 69946 (Nov. 19th 2002) (Explanation and Justification for 11 C.F.R. § 110.20).

COUNT II – AGAINST RESPONDENTS SENATOR SANDERS AND BERNIE 2016
Contributions by Foreign Nationals in Connection with Elections in Violation of 52
U.S.C. § 30121(a)(2)

19. There is reason to believe that Bernie 2016 knowingly received contributions from a foreign national, Ms. Sisa, in violation of FECA and Commission regulations prohibiting contributions to campaign committees from foreign nationals, and in violation the cease and desist order issued in MUR 7035 (Bernie 2016 *et al.*).²²

COUNT III – AGAINST RESPONDENTS SENATOR SANDERS AND BERNIE 2020
Participation of Foreign Nationals in Decisions Involving Election-Related Activities in
Violation of 11 C.F.R. § 110.20(i)

20. There is reason to believe, having previously employed Ms. Sisa, that Bernie 2020 is currently, and knowingly, permitting a “foreign national” within the meaning set out in 52 U.S.C. § 30121(b)(2), and in violation of 11 C.F.R. § 110.20(i) and A.O. 2004-26, to directly or indirectly participate in the decision-making process of persons with regard to the election-related activities of Bernie 2020.²³

PRAYER FOR RELIEF

21. Wherefore, the Commission should find reason to believe that Senator Sanders, Bernie 2016, and Bernie 2020 have violated 52 U.S.C. § 30121, et seq., and 11 C.F.R. § 110.20(i), and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2). The Commission should determine and impose appropriate sanctions for any and all violations. Further, the Commission should enjoin respondents from any future violations and impose any necessary and appropriate remedies to ensure respondents’ future compliance with FECA.

²² 52 U.S.C. § 30121(a)(1)(A); 11 C.F.R. § 110.20(b); *See also* 11 C.F.R. § 110.20(a)(4).

²³ 11 C.F.R. § 110.20(i); *See also* 67 Fed. Reg. 69946 (Nov. 19th 2002) (Explanation and Justification for 11 C.F.R. § 110.20).

VERIFICATION

I declare under penalty of perjury the foregoing is true and correct to the best of my personal knowledge.

Respectfully submitted,



Shaun McCutcheon

Dated March 21, 2019

Notary Acknowledgment

The State of Alabama

County of Tuscaloosa

I, Teresa Beers, a Notary Public, hereby certify that Shaun McCutcheon whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day that bears the same date.

Given under my hand this 21 day of March, 2019.


Notary Public

22. If the Commission finds that respondents have, through the employment of, or contributions from “foreign nationals,” violated the cease and desist order issued in MUR 7035 (Bernie 2016 *et al.*), that review be undertaken, and appropriate penalties be imposed.

March 21, 2019

Respectfully Submitted,

A handwritten signature in cursive script, reading "Shaun McCutcheon". The signature is written in black ink and is positioned above a horizontal line.

Coolidge-Reagan Foundation, by
Shaun McCutcheon
441 North Lee Street, Suite 100
Alexandria, VA 22314