

OFFICE OF  
GENERAL COUNSEL

March 20, 2018

Federal Election Commission  
Office of Complaints Examination and Legal Administration  
Attn: Christal Dennis, Paralegal  
999 E Street, NW  
Washington, DC 20463

2018 APR -3 AM 9:14

*Amendment*

Ms. Dennis:

I am submitting some additional evidence in the matter of MUR 7335. In my complaint, I am seeking immediate investigation and enforcement action against Keep El Paso Honest (C00660076) and the treasurer of Keep El Paso Honest, Lindsey Workman, for failing to meet reporting obligations in the Texas-16 congressional race.

The El Paso Times wrote about my complaint on February 26, 2018 in an article titled, "Congressional candidate Veronica Escobar files complaint against Keep El Paso Honest PAC." In that article, Carlos Sierra who runs the PAC is alerted to the various failures of the PAC to report timely and to report at all. Despite being alerted to these facts, Keep El Paso Honest still failed to file their 12-day pre-election report due on February 22, 2018 and to report any 48-hour independent expenditure reports.

In addition, Mr. Sierra shows a complete disregard for these laws by stating that voters aren't concerned with whether his PAC is following federal guidelines. He states, "I have personally spoken to and heard from thousands of voters in Congressional District 16. Not once have they asked or brought up filing an FEC report a few days late."

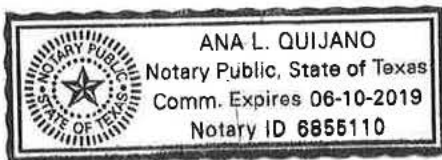
I am submitting the El Paso Times article as additional evidence in this case. This evidence indicates that Mr. Sierra was aware of the reporting deadlines but failed to report anyway and demonstrates an absolute disregard for federal election guidelines.

Thank you for your consideration.

*Veronica Escobar*  
Veronica Escobar

El Paso, Texas 79930

Sworn and subscribed before me on this 26th day of February 2018 by Veronica Escobar under penalty of perjury.



*Ana L. Quijano*  
Notary Public  
IN and for the  
State of Texas

# Congressional candidate Veronica Escobar files complaint against Keep El Paso Honest PAC

Madlin Mekelburg, USA Today Network Austin Bureau Published 3:09 p.m. MT Feb. 26, 2018 | Updated 4:22 p.m. MT Feb. 26, 2018



(Photo: RUBEN R. RAMIREZ/EL PASO TIMES)

AUSTIN — Veronica Escobar on Monday asked the Federal Election Commission to investigate a political action committee that has targeted her campaign for El Paso's congressional seat.

The Keep El Paso Honest PAC submitted a campaign finance report to federal authorities six days late and has failed to file at least two subsequent reports required by campaign finance laws — the basis of Escobar's complaint.

"Keep El Paso Honest is neither honest nor law abiding; their name is somewhat of a misnomer," Escobar said in an interview. "There are rules and laws in place for a reason, and people who choose to run campaigns that fly in the face of those laws should be held accountable."

**More:** [Anti-Escobar PAC fails to report campaign spending on advertisements \(/story/news/politics/elections/2018/02/16/anti-escobar-pac-ramping-efforts-march-primary-el-paso/335407002/\)](#)

The Keep El Paso Honest PAC, which was formed late last year, is campaigning hard against Escobar and endorsed another Democrat in the race to replace U.S. Rep. Beto O'Rourke: Dori Fenenbock, a former president of the El Paso Independent School District board of trustees.

Carlos Sierra, the political consultant behind the PAC, said voters aren't concerned with whether his PAC is following federal guidelines.

Instead, he said, El Pasoans are concerned about Escobar's record while she was county judge and the fact that she took a pay increase while raising property taxes — claims that feature prominently in the [PAC's advertising materials \(/story/news/politics/elections/2018/02/16/anti-escobar-pac-ramping-efforts-march-primary-el-paso/335407002/\)](#) but contain some factual inaccuracies.

"I have personally spoken to and heard from thousands of voters in Congressional District 16," Sierra said in an email. "Not once have they asked or brought up filing an FEC report a few days late. ... The voters are genuinely concerned with Veronica going to Congress because everything she touches ends up failing."

Escobar and Fenenbock are the financial front-runners in a field of six Democrats fighting to represent Texas' 16th congressional district. Former state Rep. Norma Chávez, immigration attorney Enrique Garcia, KTEP public radio executive John Carrillo and retired Army Maj. Jerome Tilghman also are in the running.

Republicans Alia Garcia-Ureste and Rick Seeberger also are competing for the seat.

**More:** [Political consultant Carlos Sierra's PACs target Veronica Escobar's bid for Congress \(/story/news/politics/2017/11/16/el-paso-political-consultant-says-hes-out-ensure-escobar-loses-congressional-race/868998001/\)](#)

Candidates running for federal office are required to submit information about their fundraising and expenses to the Federal Election Commission, as are political action committees.

They are required to submit quarterly reports detailing their spending and additional reports. Early voting in Texas ends March 2 and the primary election is March 6.

**More:** [El Paso Democratic voter turnout up 86 percent over 2014 on first day of early voting \(/story/news/politics/elections/2018/02/21/first-day-early-voting-march-primary-sees-large-increase-democratic-party/360043002/\)](#)

The Keep El Paso Honest PAC submitted a report for the last fundraising quarter of 2017 six days after the deadline and it showed that the committee raised only \$250 and had a \$148 deficit at the end of December.

Sierra said the committee has raised at least \$125,000 since then, but no reports reflecting this fundraising have been filed.

A pre-primary campaign finance report was due to the Federal Election Commission on Thursday, detailing fundraising and spending for the first 44 days of 2018. As of Monday afternoon, the PAC had not yet filed the report.

Campaign finance laws also require candidates or political action committees to submit "48-hour reports" to the election commission if they spend more than \$10,000 in a calendar year on communications that advocate for or against a candidate for office.

The Keep El Paso Honest PAC has filed no such reports, even though the political consultant behind the organization said earlier this month that it has spent more than \$10,000 this year.

"Since Jan. 1, yes," Sierra said earlier this month. "We have spent more than \$10,000."

**More:** [Hear from the Democratic candidates running for the 16th Congressional District seat \(/story/news/politics/elections/2018/02/20/democratic-candidates-running-16th-congressional-district/355312002/\)](#)

The PAC has aired television ads, sent flyers through the mail and rented billboards in different parts of the city since it was established.

As a regulatory agency, the Federal Election Commission only investigates violations of campaign finance laws when it receives a formal complaint from an individual or receives a referral from another government agency or its own audit division.

Once a complaint is filed, the commission contacts the candidate or PAC in question and gives them 15 days to either correct the complaint or explain why no action should be taken by the commission, [according to a guidebook on FEC policies \(https://transition.fec.gov/em/respondent\\_guide.pdf\)](#).

A committee can be fined if it doesn't file reports on time, doesn't file reports at all or fails to file required 48-hour reports. The entire process can take as long as six months.

Although it is unlikely action will be taken on the complaint until well after the primary, Escobar said she wants to protect future candidates from the committee.

"I absolutely know that nothing will happen in time for our election or before March 6," she said. "My hope is that they can't do this to somebody else again without consequences."

**More:** [What you need to know about the March primary election in Texas \(/story/news/2018/02/12/what-you-need-know-voter-guide-march-2018-primary-election-el-paso/1066406001/\)](#)

But Victoria Farrar-Myers, a senior fellow at Southern Methodist University's Tower Center for Political Studies, said the Federal Election Commission can't ensure compliance in the future.

Even if the commission finds that the committee violated the law and decides to levy a fine, there is no mechanism to ensure that the committee actually pays the fine or starts abiding by the law.

"The FEC is a political body and it has no enforcement power," Farrar-Myers said. "Even if it is to rule, it wouldn't stop this behavior in the future."



It could serve as the basis for future reforms at the commission, as Farrar-Myers said previous changes to policy were enacted after similar issues were raised across a number of cases.

"Short term, it's not as satisfying, perhaps because there really isn't winning this case," she said. "Yes, you win it. But it's a more hollow win."

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