



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

April 19, 2021

Maria Belen Sisa

Gilbert, Arizona 85234

RE: MUR 7587  
Maria Belen Sisa

Dear Ms. Belen Sisa:

On March 27, 2019, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (“the Act”). In addition, on March 5, 2020, the Commission notified you of a second complaint, numbered MUR 7712, making the same allegation. Copies of both complaints were forwarded to you at that time.

On February 23, 2021, the Commission severed the allegations in MUR 7712 pertaining to you and merged them into MUR 7587. Upon further review of the allegations contained in the complaints, the Commission, on February 23, 2021, voted to dismiss the allegations that you violated 52 U.S.C. § 30121 by making a prohibited foreign national contribution by working for the campaign of Senator Sanders and by making \$35 in contributions to the Sanders campaign. The Commission also admonishes you for apparent violations of 52 U.S.C. § 30121(a)(1) regarding your making \$35 in contributions in connection with an election while not a U.S. citizen. You should take steps to ensure that this activity does not occur in the future. The Factual and Legal Analysis, which more fully explains the Commission’s decision, is enclosed for your information.

You are advised that the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Elena Paoli, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Y. Tran".

Lynn Y. Tran  
Assistant General Counsel

Enclosure: Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENT: Maria Belén Sisa MUR 7587  
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6 **I. INTRODUCTION**

7 This matter was generated by a complaint filed with the Federal Election Commission  
8 (“Commission”) by the Coolidge-Reagan Foundation and a complaint filed by Richard Turner.  
9 *See* 52 U.S.C. § 30109(a)(1).<sup>1</sup> The Complaints allege that presidential candidate Bernard  
10 Sanders and his 2016 and 2020 authorized committees, Bernie 2016 and Susan Jackson in her  
11 official capacity as treasurer and Bernie 2020 and Lora Haggard in her official capacity as  
12 treasurer (the “Committees”), accepted prohibited foreign national contributions in violation of  
13 the Federal Election Campaign Act of 1971, as amended (“Act”), by hiring three foreign national  
14 employees for advisory positions and accepting direct contributions from one of them. Maria  
15 Belén Sisa did not respond to the Complaints.

16 **II. FACTUAL SUMMARY**

17 After initially volunteering for Sanders 2016, Maria Belén Sisa, an Argentinian national,  
18 was hired by the campaign in December 2015 to serve as a Latino Outreach Organizer in the Las  
19 Vegas, Nevada area.<sup>2</sup> From December 2015 through June 2016, the Committee paid Belén Sisa  
20 \$14,054.23 in salary for her work for Bernie 2016, which involved external community outreach

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<sup>1</sup> MUR 7587 Complaint (Mar. 25, 2019) and MUR 7712 Complaint (Mar. 2, 2020). The Commission merged the allegations in MUR 7712 as to Maria Belén Sisa into MUR 7587. Hereinafter, references to the Complaint are to the Complaint in MUR 7587.

<sup>2</sup> Compl. at 4.

1 through GOTV rallies in the Latino community.<sup>3</sup> From September 2015 through June 2016,  
2 Belén Sisa also made ten contributions to Bernie 2016, totaling \$35.<sup>4</sup> In late February 2019,  
3 Bernie 2020 hired Belén Sisa as Latino Press Secretary, a Deputy Press Secretary position with  
4 the campaign.<sup>5</sup> Belén Sisa’s current responsibilities involve outward-facing media statements  
5 and outreach to the Latino community and relationship building with Spanish-language and  
6 Latino media outlets.<sup>6</sup> Since being hired by Bernie 2020, Belén Sisa has received \$19,530.84 in  
7 salary payments and travel reimbursements.<sup>7</sup> In a September 2019 interview, Belén Sisa said  
8 that DACA recipients and other Latino staffers were helping to shape a forthcoming immigration  
9 policy statement from Sanders.<sup>8</sup>

10 The Complaints allege that Belén Sisa is one of several “high profile” activists who  
11 “serve in advisory campaign positions, enabling them to directly or indirectly participate in the  
12 decision-making process of persons with regard to the election-related activities of Bernie  
13 2016.”<sup>9</sup> In addition, the Complaint alleges that Belén Sisa continued to work for Bernie 2020

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<sup>3</sup> *Id.* at 4 (citing Jude Joffe-Block, *Can’t Vote But Campaigning Hard for Presidential Candidates*, NPR, <https://www.npr.org/templates/transcript/transcript.php?storyId=460317302> Dec., 24, 2015).

<sup>4</sup> Compl. at 4.

<sup>5</sup> *Id.* at 5.

<sup>6</sup> Belén Sisa has an active twitter account where she retweets Sanders’s tweets but also expresses her opinions on political issues related to the campaign. *See* <https://twitter.com/belenBelén Sisa>.

<sup>7</sup> Bernie 2020, Disbursements to Belén Sisa, Mar. 15, 2019 – June 28, 2019, [https://www.fec.gov/data/disbursements/?committee\\_id=C00696948&two\\_year\\_transaction\\_period=2020&two\\_year\\_transaction\\_period=2018&line\\_number=F3P-23&data\\_type=processed&recipient\\_name=Belén Sisa; October 2020 Quarterly Report](https://www.fec.gov/data/disbursements/?committee_id=C00696948&two_year_transaction_period=2020&two_year_transaction_period=2018&line_number=F3P-23&data_type=processed&recipient_name=Belén Sisa; October 2020 Quarterly Report).

<sup>8</sup> *See* Rising with Krystal and Saagar, [hill.tv](https://www.youtube.com/watch?v=cDEOAJHzoEw&t=19s), Sept. 3, 2019, available at <https://www.youtube.com/watch?v=cDEOAJHzoEw&t=19s>.

<sup>9</sup> Compl. at 2.

1 and made the prohibited direct contributions.<sup>10</sup> The Complaint also notes that Bernie 2016 is the  
2 subject of a conciliation agreement, in which the Committee agreed that it had accepted  
3 prohibited in-kind foreign national contributions when Australian “delegates” performed  
4 campaign services for the Committee while the delegates received per diem stipends and had  
5 their travel paid for by the Australian Labor Party.<sup>11</sup>

### 6 **III. LEGAL ANALYSIS**

7 The Act provides that a contribution includes “any gift, subscription, loan, advance, or  
8 deposit of money or anything of value made by any person for the purpose of influencing any  
9 election for Federal office.”<sup>12</sup> The Act prohibits any “foreign national” from directly or  
10 indirectly making a contribution or donation of money or other thing of value, or an expenditure,  
11 in connection with a federal, state, or local election.<sup>13</sup> The Act’s definition of “foreign national”  
12 includes an individual who is not a citizen or national of the United States and who is not  
13 lawfully admitted for permanent residence, as well as a “foreign principal” as defined at  
14 22 U.S.C. § 611(b).<sup>14</sup> Commission regulations implementing the Act’s foreign national  
15 prohibition provide:

16 A foreign national shall not direct, dictate, control, or directly or indirectly  
17 participate in the decision-making process of any person, such as a corporation,

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<sup>10</sup> *Id.* at 6.

<sup>11</sup> *Id.* at 5 (citing MUR 7035).

<sup>12</sup> 52 U.S.C. § 30101(8)(A).

<sup>13</sup> 52 U.S.C. § 30121(a)(1); *see also* 11 C.F.R. § 110.20(b), (c), (e), (f). Courts have consistently upheld the provisions of the Act prohibiting foreign national contributions on the ground that the government has a clear, compelling interest in limiting the influence of foreigners over the activities and processes that are integral to democratic self-government, which include making political contributions and express-advocacy expenditures. *See Bluman v. FEC*, 800 F. Supp. 2d 281, 288-89 (D.D.C. 2011), *aff’d* 132 S. Ct. 1087 (2012); *United States v. Singh*, 924 F.3d 1030, 1040-44 (9th Cir. 2019).

<sup>14</sup> 52 U.S.C. § 30121(b); 22 U.S.C. § 611(b)(3); *see also* 11 C.F.R. § 110.20(a)(3).

1 labor organization, political committee, or political organization with regard to  
2 such person’s Federal or non-Federal election-related activities, such as decisions  
3 concerning the making of contributions, donations, expenditures, or  
4 disbursements. . . or decisions concerning the administration of a political  
5 committee.<sup>15</sup>

6  
7 The Commission has explained that this provision also bars foreign nationals from “involvement  
8 in the management of a political committee.”<sup>16</sup>

9 In light of these provisions, Commission regulations permit any person or company —  
10 foreign or domestic — to provide goods or services to a political committee, without making a  
11 contribution, if that person or company does so as a “commercial vendor,” *i.e.*, in the ordinary  
12 course of business, and at the usual and normal charge, as long as foreign nationals do not  
13 directly or indirectly participate in any committee’s management or decision-making process in  
14 connection with election-related activities.<sup>17</sup>

15 The Commission has found that not all participation by foreign nationals in the election-  
16 related activities of others will violate the Act. In MUR 6959, for example, the Commission

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<sup>15</sup> 11 C.F.R. § 110.20(i).

<sup>16</sup> Contribution Limits and Prohibitions, 67 Fed. Reg. 69928, 69946 (Nov. 19, 2002); *see also* Advisory Op. 2004-26 at 2-3 (Weller) (noting that foreign national prohibition at section 110.20(i) is broad and concluding that, while a foreign national fiancé of the candidate could participate in committees’ activities as a volunteer without making a prohibited contribution, she “must not participate in [the candidate’s] decisions regarding his campaign activities” and “must refrain from managing or participating in the decisions of the Committees.”).

<sup>17</sup> 11 C.F.R. § 114.2(f)(1); *see* 11 C.F.R. § 116.1(c) (defining “commercial vendor” as “any persons providing goods or services to a candidate or political committee whose usual and normal business involves the sale, rental, lease or provision of those goods or services). The Act defines a contribution to include “anything of value,” which in turn includes all “in-kind contributions,” such as “the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services.” 11 C.F.R. § 100.52(d)(1); *see* 52 U.S.C. § 30101(8). Goods or services provided at the usual and normal charge do not constitute “anything of value” under the Act, and the person providing those goods or services does not thereby make a contribution. However, soliciting or receiving information regarding a federal candidate from a foreign national, as opposed to hiring a foreign national in a bona fide commercial transaction to perform services for a federal campaign, could potentially result in the receipt of a prohibited in-kind contribution.

1 found no reason to believe that a foreign national violated 52 U.S.C. § 30121 by performing  
2 clerical duties, such as online research and translations, during a one month-long internship with  
3 a party committee.<sup>18</sup> Similarly, in MURs 5987, 5995, and 6015, the Commission found no  
4 reason to believe that a foreign national violated 52 U.S.C. § 30121 by volunteering his services  
5 to perform at a campaign fundraiser and agreeing to let the political committee use his name and  
6 likeness in its emails promoting the concert and soliciting support, where the record did not  
7 indicate that the foreign national had been involved in the committee's decision-making process  
8 in connection with the making of contributions, donations, expenditures, or disbursements.<sup>19</sup> By  
9 contrast, the Commission has consistently found a violation of the foreign national prohibition  
10 where foreign national officers or directors of a U.S. company participated in the company's  
11 decisions to make contributions or in the management of its separate segregated fund.<sup>20</sup>

12 Additionally, the Commission has found that providing strategic advice to political  
13 committees on the content and target audience for campaign communications may amount to

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<sup>18</sup> Factual and Legal Analysis at 4-5, MUR 6959 (Cindy Nava) (noting that the available information, which was based on two press reports that did not detail the foreign national's activities, did not indicate that the foreign national participated in any political committee's decision-making process). The Commission also found that a \$3,000 stipend that the foreign national received from third parties resulted in an in-kind contribution from the third parties to the committee, but the value of the foreign national volunteer's services to the committee was not a contribution. *Id.* at 4-5 (citing 52 U.S.C. § 30101(8)(A)(ii); 11 C.F.R. § 100.54; Advisory Op. 1982-04 (Apodaca)).

<sup>19</sup> Factual and Legal Analysis at 6-9, MURs 5987, 5995, and 6015 (Sir Elton John); *see also* Factual and Legal Analysis at 5, MUR 5998 (Lord Jacob Rothschild); Advisory Op. 2004-26 (Weller).

<sup>20</sup> *See, e.g.*, Conciliation Agreement, MUR 6093 (Transurban Grp.) (U.S. subsidiary violated Act by making contributions after its foreign parent company's board of directors directly participated in determining whether to continue political contributions policy of its U.S. subsidiaries); Conciliation Agreement, MUR 6184 (Skyway Concession Company, LLC) (U.S. company violated Act by making contributions after its foreign national CEO participated in company's election-related activities by vetting campaign solicitations or deciding which nonfederal committees would receive company contributions, authorizing release of company funds to make contributions, and signing contribution checks); Conciliation Agreement, MUR 7122 (American Pacific International Capital, Inc. ) (U.S. corporation owned by foreign company violated Act by making contribution after its board of directors, which included foreign nationals, approved proposal by U.S. citizen corporate officer to contribute).

1 participation in the decision-making process on a political committee in connection with its  
2 election-related activities.

3 **A. Belén Sisa is a Foreign National under the Act**

4 There is no dispute that Belén Sisa is, or was at the time of the events at issue, a  
5 participant in the DACA program and, therefore, was not a citizen or national of the United  
6 States and had not been “lawfully admitted for permanent residence.”<sup>21</sup>

7 In 2012, under the DACA program, certain individuals born outside the United States,  
8 but brought to the United States as children, were granted a reprieve from the enforcement of  
9 immigration laws in an exercise of prosecutorial discretion.<sup>22</sup> In the memo establishing the  
10 policy, then-Department of Homeland Security (“DHS”) Secretary Janet Napolitano said that the  
11 policy conferred “no substantive right, immigration status or pathway to citizenship.”<sup>23</sup> The  
12 policy permits recipients a “lawful presence” in the United States, but one that could be revoked  
13 at any time.<sup>24</sup> Currently, after three federal courts issued injunctions to prevent DACA’s  
14 termination by DHS, persons who had already been granted DACA status could continue to

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<sup>21</sup> 52 U.S.C. § 30121(b).

<sup>22</sup> See Memorandum from Janet Napolitano, DHS Secretary, June 15, 2012, available at <https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf> (“Napolitano Memo”).

<sup>23</sup> *Id.*

<sup>24</sup> *Texas v. U.S.*, 809 F.3d 134, 148 (5th Cir. 2015). In *Texas v. U.S.*, the Court discussed DACA in upholding an injunction against the implementation of Deferred Action for Parents of Americans and Lawful Permanent Residents program (“DAPA”). DACA recipients are able to, *inter alia*, apply for certain federal and state benefits, attend public schools. *Id.*

1 request renewal: “Until further notice, and unless otherwise provided in this guidance, the  
2 DACA policy will be operated on the terms in place before it was rescinded on Sept. 5, 2017.”<sup>25</sup>

3 Belén Sisa apparently took advantage of the 2012 policy, which allowed her to be  
4 lawfully present in the United States.<sup>26</sup> But, as the Napolitano Memo states and courts have  
5 confirmed, DACA status does not confer citizenship, lawful permanent residence, or any other  
6 immigration status.<sup>27</sup> Thus, at the time of her employment by the Committees, Belén Sisa was a  
7 foreign national under the Act.

### 8 **B. Belén Sisa Participated in Election-Related Activities**

9 The Complaints do not provide a clear picture of the role that Belén Sisa played in the  
10 Sanders campaigns. The Complaints do not explicitly detail the manner in which Belén Sisa  
11 participated in the Committees’ decision-making processes in connection with the making of  
12 contributions, donations, expenditures, or disbursements, instead alleging that she violated the  
13 foreign national prohibition by working for the campaign.

14 Nevertheless, based on the available information about Belén Sisa’s work for the Sanders  
15 campaign, including her own public statements about her role in the campaign, it is evident that  
16 Belén Sisa was not a mere clerical worker, like Nava in MUR 6959, or like Sir Elton John in  
17 MURs 5987, 5995, and 6015, a one-time volunteer performer. As a Latino leader and face of the  
18 Sanders campaign, Belén Sisa was in a position to make decisions about targeting voters and  
19 messaging, helping to shape the Committees’ election-related spending decisions and  
20 administration. In her role working on Latino outreach for the Sanders campaign, Belén Sisa

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<sup>25</sup> Department of Homeland Security, *available at* <https://www.dhs.gov/deferred-action-childhood-arrivals-daca> (last visited Oct. 8, 2019).

<sup>26</sup> *See* Napolitano Memo.

<sup>27</sup> *See id.*; *Texas v. U.S.*, 809 F.3d at 147.



1 was tasked with planning and executing events intended to mobilize the Latino community to  
2 support Sanders. In addition, she worked to help craft and deliver campaign policy on the issue  
3 of immigration and other issues of interest to the Latino community. By advising the campaign  
4 on its targeting and messaging, and then implementing the campaign’s outreach to Latino voters  
5 by planning and attending events, Belén Sisa participated in the decision-making processes of  
6 the Sanders committee in connection with election-related activities.

7 Although Belén Sisa violated the law, the Commission exercises its prosecutorial  
8 discretion and dismisses the allegations as to her.<sup>28</sup> The information in the record indicates that  
9 while Belén Sisa was more involved than the low-level “delegates” in MUR 7035, she does not  
10 appear to have held a management position or had a significant level of responsibility.<sup>29</sup> Thus,  
11 under the specific circumstances of this matter and in consideration of the Commission’s  
12 resources and other priorities, the Commission dismisses the allegations as to Maria Belén Sisa.

13 **C. Belén Sisa’s Contributions were *de minimis***

14 The Complaint alleges and the Commission’s disclosure reports confirm that Belén Sisa  
15 made ten contributions totaling \$35 to Bernie 2016. Based on the low dollar amount, the  
16 Commission exercises its prosecutorial discretion and dismisses the allegation that Maria Belén  
17 Sisa made \$35 in prohibited foreign national contributions.<sup>30</sup>

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<sup>28</sup> See *Heckler v. Chaney*, 470 U.S. 8221 (1985).

<sup>29</sup> Accord MUR 7035 (Australian Labor Party) (Foreign national “delegates” not named as respondents).

<sup>30</sup> See Factual & Legal Analysis at 2, MURs 7430, 7444, and 7445 (Unknown Respondents) (dismissing \$30 in foreign national contributions); Factual & Legal Analysis at 8, MURs 6962 and 6982 (Project Veritas) (dismissing \$35 or \$45 contribution for purchase of campaign t-shirt) .