



FEDERAL ELECTION COMMISSION
Washington, DC 20463

April 21, 2021

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RE: MUR 7587
Senator Bernard Sanders, *et al.*

Dear Mr. Deutsch:

On March 27, 2019, and March 5, 2020,¹ the Federal Election Commission (the “Commission”) notified you of complaints alleging that your clients, Senator Bernard Sanders, Bernie 2016 and Susan Jackson in her official capacity as treasurer (“Bernie 2016”), and Bernie 2020 and Lora Haggard in her official capacity as treasurer (“Bernie 2020”), violated the Federal Election Campaign Act of 1971, as amended (the “Act”), and provided you with copies of the complaints.

After reviewing the allegations contained in the complaints, your responses, and publicly available information, the Commission, on March 9, 2021, found reason to believe that Senator Sanders, Bernie 2016, and Bernie 2020 violated 52 U.S.C. § 30121 and 11 C.F.R. § 110.20(g) and (i), provisions of the Act and Commission regulations. In addition, on February 23, 2021, the Commission dismissed the allegation that Bernie 2016 violated 52 U.S.C. § 30121 by accepting \$35 in foreign national contributions and admonishes the Bernie 2016 to refrain from violating the Act.

In order to expedite the resolution of this matter, the Commission has authorized the Office of the General Counsel to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. Pre-probable cause conciliation is not mandated by the Act or the Commission’s regulations, but is a voluntary step in the enforcement process that the Commission is offering to your clients as a way to resolve this matter at an early stage and without the need for briefing the issue of whether or not the Commission should find probable cause to believe that your clients violated the law.

¹ On February 23, 2021, the Commission severed the allegations regarding your clients from MUR 7712 and merged them into MUR 7587.

MUR 7587
Brad C. Deutsch, Esq.
Page 2

Please note that your clients have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

If your clients are interested in engaging in pre-probable cause conciliation, please contact Elena Paoli, the attorney assigned to this matter, at epaoli@fec.gov or (202) 694-1548 within seven days of receipt of this letter. During conciliation, you may submit any factual or legal materials that you believe are relevant to the resolution of this matter. Because the Commission only enters into pre-probable cause conciliation in matters that it believes have a reasonable opportunity for settlement, we may proceed to the next step in the enforcement process if a mutually acceptable conciliation agreement cannot be reached within sixty days. *See* 52 U.S.C. § 30109(a), 11 C.F.R. Part 111 (Subpart A). Conversely, if your clients are not interested in pre-probable cause conciliation, the Commission may conduct formal discovery in this matter or proceed to the next step in the enforcement process. Please note that once the Commission enters the next step in the enforcement process, it may decline to engage in further settlement discussions until after making a probable cause finding.

Pre-probable cause conciliation, extensions of time, and other enforcement procedures and options are discussed more comprehensively in the Commission's "Guidebook for Complainants and Respondents on the FEC Enforcement Process," which is available on the Commission's website at <http://www.fec.gov/respondent.guide.pdf>.

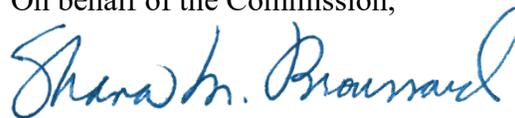
Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.²

This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. We look forward to your response.

² The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

MUR 7587
Brad C. Deutsch, Esq.
Page 3

On behalf of the Commission,



Shana M. Broussard
Chair

Enclosures: Factual & Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 RESPONDENTS: Bernard Sanders MUR 7587
4 Bernie 2016 and Susan Jackson in her official
5 capacity as treasurer
6 Bernie 2020 and Lora Haggard in her official
7 capacity as treasurer
8

9 **I. INTRODUCTION**

10 This matter was generated by complaints filed with the Federal Election Commission
11 (“Commission”) by the Coolidge-Reagan Foundation and Richard Turner.¹ See 52 U.S.C. §
12 30109(a)(1). The Complaint alleges that presidential candidate Bernard Sanders and his 2016
13 and 2020 authorized committees, Bernie 2016 and Susan Jackson in her official capacity as
14 treasurer and Bernie 2020 and Lora Haggard in her official capacity as treasurer (the
15 “Committees”), accepted prohibited foreign national contributions in violation of the Federal
16 Election Campaign Act of 1971, as amended (“Act”), by hiring three foreign national employees
17 for advisory positions and accepting direct contributions from one of them. Sanders and the
18 Committees respond that the employees did not hold positions of influence, it would be an
19 unnecessary expansion of the foreign national contribution prohibition to apply it to Deferred
20 Action for Childhood Arrivals (“DACA”) recipients, and the direct contribution was *de minimis*.

¹ MUR 7587 Complaint (Mar. 25, 2019) and MUR 7712 Complaint (Mar. 2, 2020). The Commission merged the allegations in MUR 7712 as to Sanders and the Committees into MUR 7587. See MUR 7712 Certification, April 7, 2021. Hereinafter, references to the Complaint are to the Complaint in MUR 7587.

1 **II. FACTUAL SUMMARY**

2 The Complaint alleges that in October 2015, Sanders and Bernie 2016 hired well-known
 3 immigration activists Erika Andiola and Cesar Vargas.² Andiola, originally from Mexico,
 4 served as Press Secretary for Latino Outreach for Bernie 2016 and the Committee paid her
 5 \$46,588 in salary from November 13, 2015, to August 15, 2016.³ According to press reports,
 6 Andiola, then 28, had advised the Hillary Clinton and Martin O’Malley presidential campaigns
 7 on their immigration policies before being hired by the Sanders campaign.⁴ Andiola was
 8 described as someone who “played a key role in crafting” Sanders’s immigration platform and
 9 had the “remarkable ability to leverage strong grassroots power at key moments.”⁵ According to
 10 the Response, Andiola’s work for the Committee involved making “outward-facing media

² Compl. at 3-4, (citing Adrian Carrasquillo, *Bernie Sanders Hires High-Profile DREAMer Activist For Latino Outreach*, BUZZFEED NEWS, [HTTPS://WWW.BUZZFEEDNEWS.COM/ARTICLE/ADRIANCARRASQUILLO/BERNIE-SANDERS-HIRES-HIGH-PROFILE-DREAMER-ACTIVIST-FOR-LATIN](https://www.buzzfeednews.com/article/adriancarrasquillo/bernie-sanders-hires-high-profile-dreamer-activist-for-latin) (Oct. 22, 2015) (referring to Vargas) (“BUZZFEED, Oct. 22, 2015”); Adrian Carrasquillo, *Bernie Sanders Just Hired the Best Known Immigration Activist In The Country*, BUZZFEED NEWS, [HTTPS://WWW.BUZZFEEDNEWS.COM/ARTICLE/ADRIANCARRASQUILLO/BERNIE-SANDERS-JUST-HIRED-THE-BEST-KNOWN-IMMIGRATION-ACTIVIS](https://www.buzzfeednews.com/article/adriancarrasquillo/bernie-sanders-just-hired-the-best-known-immigration-activis) (Oct. 30, 2015) (referring to Andiola) (“BUZZFEED, Oct. 30, 2015”).

³ Compl. at 4; *see also* Bernie 2016, Disbursements to Andiola, Nov. 13, 2015 – Aug. 15, 2016, https://www.fec.gov/data/disbursements/?committee_id=C00577130&two_year_transaction_period=2016&cycle=2016&line_number=F3P-23&data_type=processed&recipient_name=Andiola.

⁴ BUZZFEED, Oct. 30, 2015. Sanders was reportedly in “catch-up mode” when it “comes to Hispanic voter engagement, name recognition among Latinos compared to Clinton, and organization in Nevada, where many of these hires [Andiola and Cesar Vargas] will be focused.” *Id.*; *see also* Ed Pilkington, *Dreamers on the campaign trail: “We cannot vote, but we do have a voice,”* GUARDIAN (UK), [HTTPS://WWW.THEGUARDIAN.COM/US-NEWS/2016/JAN/25/LATINO-VOTERS-CLINTON-SANDERS-CAMPAIGNS-DREAMERS](https://www.theguardian.com/us-news/2016/jan/25/latino-voters-clinton-sanders-campaigns-dreamers) (Andiola and Vargas, Sanders’s Latino outreach directors, can’t vote and can’t work in White House, but “[t]hey are at the epicenter.”).

⁵ Julianne Hing, *The Young Activists Who Remade the Democratic Party’s Immigration Politics*, NATION (Jan. 21, 2016), <https://www.thenation.com/article/the-young-activists-who-remade-the-democratic-partys-immigration-politics/>.

1 statements and outreach to the Latino community and build[ing] relationships with Spanish-
2 language and Latino media outlets.”⁶ She co-hosted a Families First conference with Sanders.⁷
3 Vargas, also originally from Mexico, was hired by Bernie 2016 as the National Latino
4 Outreach Strategist with responsibility for mobilizing young voters in the Southwest.⁸ The
5 Committee paid him \$48,247 in salary from October 30, 2015, to August 15, 2016, for his work
6 with Sanders.⁹ The Response states that Vargas served as a contact with the Spanish-language
7 and Latino community and as speaker at community events, engaged in voter outreach, and
8 “sought to organize and excite the Latino community base about the campaign.”¹⁰ Vargas has
9 stated that he “joined the campaign because the Senator [Sanders] believes not only that we
10 should meet DREAMers but that DREAMers should be part of the conversation to champion
11 policies for the Latino community,”¹¹ and that he was hired “to advise on Latino outreach and
12 education.”¹²

⁶ Resp. of Sanders, Bernie 2016, and Bernie 2020 at 2-3 (June 4, 2019).

⁷ See Families First with Bernie Sanders, YOUTUBE (Dec. 7, 2015),
<https://www.youtube.com/watch?v=cxaP4Ijo0ig&t=496s>.

⁸ Compl. at 3-4. The Response states his title as Latino Outreach Deputy Director. Resp. at 3. It appears that Vargas became a U.S. citizen after he married a U.S. citizen in 2016. See Claudia Grisales, *Immigrant’s 18-year dream to join US military finally becomes reality*, STARS AND STRIPES, Apr. 24, 2019,
<https://www.stripes.com/news/us/immigrant-s-18-year-dream-to-join-us-military-finally-becomes-reality-1.578336>.

⁹ Compl. at 4; see also Bernie 2016, Disbursements to Vargas, Oct. 30, 2015 – Aug. 15, 2016,
https://www.fec.gov/data/disbursements/?committee_id=C00577130&two_year_transaction_period=2016&cycle=2016&line_number=F3P-23&data_type=processed&recipient_name=Vargas.

¹⁰ Resp. at 3.

¹¹ BUZZFEED, Oct. 22, 2015.

¹² Marlana Fitzpatrick, *Cesar Vargas: American Dreamer*, LATINO REBELS, Jan. 2, 2016,
<https://www.latinorebels.com/2016/01/02/cesar-vargas-american-dreamer/>.

1 After initially volunteering for Sanders, Maria Belén Sisa, an Argentinian national, was
2 hired by the campaign in December 2015 to serve as a Latino Outreach Organizer in the Las
3 Vegas, Nevada area.¹³ From December 2015 through June 2016, the Committee paid Belén Sisa
4 \$14,054.23 in salary for her work for Bernie 2016, which the Response states involved “external
5 community outreach through GOTV rallies in the Latino community.”¹⁴ From September 2015
6 through June 2016, Belén Sisa also made ten contributions to Bernie 2016, totaling \$35.¹⁵ In late
7 February 2019, Bernie 2020 hired Belén Sisa as Latino Press Secretary, a Deputy Press Secretary
8 position with the campaign.¹⁶ The Response states that Belén Sisa’s current responsibilities
9 involve “outward-facing media statements and outreach to the Latino community and
10 relationship building with Spanish-language and Latino media outlets.”¹⁷ Since being hired by
11 Bernie 2020, Belén Sisa has received \$19,530.84 in salary payments and travel
12 reimbursements.¹⁸ In a September 2019 interview, Belén Sisa said that DACA recipients and

¹³ Compl. at 4.

¹⁴ Resp. at 3; *see also* Compl. 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).

¹⁵ Compl. at 4.

¹⁶ Compl. at 5; Resp. at 3; MUR 7712 Response (April 6, 2020) (incorporating MUR 7587 response).

¹⁷ Compl. at 5; Resp. at 3. 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/belensisaw>.

¹⁸ Bernie 2020, Disbursements to 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=Sisa; October 2020 Quarterly Report.

1 other Latino staffers were helping to shape a forthcoming immigration policy statement from
2 Sanders.¹⁹

3 The Complaint alleges that Andiola, Vargas, and Belén Sisa are “high profile” activists
4 who “serve in advisory campaign positions, enabling them to directly or indirectly participate in
5 the decision-making process of persons with regard to the election-related activities of Bernie
6 2016.”²⁰ In addition, the Complaint alleges that Belén Sisa continued to work for Bernie 2020
7 and made the prohibited direct contributions.²¹ The Complaint also notes that Bernie 2016 is the
8 subject of a conciliation agreement, in which the Committee agreed that it had accepted
9 prohibited in-kind foreign national contributions when Australian delegates performed campaign
10 services for the Committee while the delegates received per diem stipends and had their travel
11 paid for by the Australian Labor Party.²²

12 The Response asserts that the three employees were not engaged in positions that
13 provided them with a basis to influence, directly or indirectly, the decision-making processes of
14 the committees, “either on funding or administration,” and “were hired to serve solely in non-
15 discretionary roles.”²³ They also argue that DACA recipients are in a special category of foreign
16 nationals for which the foreign national prohibition is of far less concern, and that enforcing it

¹⁹ 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>.

²⁰ Compl. at 2.

²¹ *Id.* at 6.

²² *Id.* at 5 (citing MUR 7035).

²³ Resp. at 2.

1 against them would violate their First Amendment rights. The Response finally argues that
2 Belén Sisa’s \$35 in political contributions are *de minimis*.

3 **III. LEGAL ANALYSIS**

4 The Act provides that a contribution includes “any gift, subscription, loan, advance, or
5 deposit of money or anything of value made by any person for the purpose of influencing any
6 election for Federal office.”²⁴ The Act prohibits any “foreign national” from directly or
7 indirectly making a contribution or donation of money or other thing of value, or an expenditure,
8 in connection with a federal, state, or local election.²⁵ The Act’s definition of “foreign national”
9 includes an individual who is not a citizen or national of the United States and who is not
10 lawfully admitted for permanent residence, as well as a “foreign principal” as defined at
11 22 U.S.C. § 611(b).²⁶ Commission regulations implementing the Act’s foreign national
12 prohibition provide:

13 A foreign national shall not direct, dictate, control, or directly or indirectly
14 participate in the decision-making process of any person, such as a corporation,
15 labor organization, political committee, or political organization with regard to
16 such person’s Federal or non-Federal election-related activities, such as decisions
17 concerning the making of contributions, donations, expenditures, or
18 disbursements. . . or decisions concerning the administration of a political
19 committee.²⁷
20

²⁴ 52 U.S.C. § 30101(8)(A).

²⁵ 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).

²⁶ 52 U.S.C. § 30121(b); 22 U.S.C. § 611(b)(3); *see also* 11 C.F.R. § 110.20(a)(3).

²⁷ 11 C.F.R. § 110.20(i).

1 The Commission has explained that this provision also bars foreign nationals from “involvement
2 in the management of a political committee.”²⁸

3 In light of these provisions, Commission regulations permit any person or company —
4 foreign or domestic — to provide goods or services to a political committee, without making a
5 contribution, if that person or company does so as a “commercial vendor,” *i.e.*, in the ordinary
6 course of business, and at the usual and normal charge, as long as foreign nationals do not
7 directly or indirectly participate in any committee’s management or decision-making process in
8 connection with election-related activities.²⁹

9 The Commission has found that not all participation by foreign nationals in the election-
10 related activities of others will violate the Act. In MUR 6959, for example, the Commission
11 found no reason to believe that a foreign national violated 52 U.S.C. § 30121 by performing
12 clerical duties, such as online research and translations, during a one month-long internship with

²⁸ 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.”).

²⁹ 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 a party committee.³⁰ Similarly, in MURs 5987, 5995, and 6015, the Commission found no
2 reason to believe that a foreign national violated 52 U.S.C. § 30121 by volunteering his services
3 to perform at a campaign fundraiser and agreeing to let the political committee use his name and
4 likeness in its emails promoting the concert and soliciting support, where the record did not
5 indicate that the foreign national had been involved in the committee's decision-making process
6 in connection with the making of contributions, donations, expenditures, or disbursements.³¹ By
7 contrast, the Commission has consistently found a violation of the foreign national prohibition
8 where foreign national officers or directors of a U.S. company participated in the company's
9 decisions to make contributions or in the management of its separate segregated fund.³² The Act
10 further prohibits persons from soliciting, accepting, or receiving a contribution or donation from
11 a foreign national.³³

³⁰ 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)).

³¹ 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).

³² *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).

³³ 52 U.S.C. § 30121 (a)(2). The Commission's regulations employ a "knowingly" standard here. 11 C.F.R. § 110.20(g). A person knowingly accepts a prohibited foreign national contribution or donation if that person has actual knowledge that funds originated from a foreign national, is aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the funds originated from a foreign national, or is aware of facts that would lead a reasonable person to inquire whether the funds originated from a foreign national but failed to conduct a reasonable inquiry. 11 C.F.R. § 110.20(a)(4).

1 Additionally, the Commission has found that providing strategic advice to political
2 committees on the content and target audience for campaign communications may amount to
3 participation in the decision-making process on a political committee in connection with its
4 election-related activities.

5 **A. DACA Recipients are Foreign Nationals Under the Act**

6 Respondents do not dispute that the three Sanders employees are, or were at the time of
7 the events at issue, participants in the DACA program and, therefore, were not citizens or
8 nationals of the United States and had not been “lawfully admitted for permanent residence.”³⁴

9 In 2012, under the DACA program, certain individuals born outside the United States,
10 but brought to the United States as children, were granted a reprieve from the enforcement of
11 immigration laws in an exercise of prosecutorial discretion.³⁵ In the memo establishing the
12 policy, then-Department of Homeland Security (“DHS”) Secretary Janet Napolitano stated that
13 the policy conferred “no substantive right, immigration status or pathway to citizenship.”³⁶ The
14 policy permits recipients a “lawful presence” in the United States, but one that could be revoked
15 at any time.³⁷ Currently, after three federal courts issued injunctions to prevent DACA’s
16 termination by DHS, persons who had already been granted DACA status could continue to

³⁴ 52 U.S.C. § 30121(b).

³⁵ 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”).

³⁶ *Id.*

³⁷ *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.”³⁸

3 All three Sanders employees apparently took advantage of the 2012 policy, which
4 allowed them to be lawfully present in the United States.³⁹ But, as the Napolitano Memo states
5 and courts have confirmed, DACA status does not confer citizenship, lawful permanent
6 residence, or any other immigration status.⁴⁰ Thus, at the time of their employment by the
7 Committees, Andiola, Vargas, and Belén Sisa were foreign nationals under the Act.

8 **B. There is Reason to Believe that the Foreign National Employees Directly or**
9 **Indirectly Participated in Decision-Making Processes Regarding the**
10 **Sanders’s Committees’ Election-Related Activities**

11 Neither the Complaint nor Response provide a clear picture of the roles that Vargas,
12 Andiola, and Belén Sisa played in the Sanders campaigns. The Complaint does not explicitly
13 detail the manner in which the three employees participated in the Committees’ decision-making
14 processes in connection with the making of contributions, donations, expenditures, or
15 disbursements, instead alleging that they violated the foreign national prohibition by working for
16 the campaign. The Response attempts to minimize the employees’ activities on the campaign
17 and asserts that they had “no influence over campaign decisions concerning its funding,
18 expenditures, or administration” without providing more specific information on their work for
19 the campaign.⁴¹

³⁸ Department of Homeland Security, available at <https://www.dhs.gov/deferred-action-childhood-arrivals-daca> (last visited Oct. 8, 2019). See also *Department of Homeland Security v. Regents of The University of California*, 140 S. Ct. 1891 (2020) (invalidating rescission of policy).

³⁹ See Napolitano Memo.

⁴⁰ See *id.*; *Texas v. U.S.*, 809 F.3d at 147.

⁴¹ Resp. at 3.

1 Nevertheless, based on the available information about their work for the Sanders
2 campaign, including their own public statements about their roles in the campaign, it is evident
3 that the three Sanders employees were not mere clerical workers, like Nava in MUR 6959, or
4 like Sir Elton John in MURs 5987, 5995, and 6015, a one-time volunteer performer. As the
5 Latino leaders and faces of the Sanders campaign, these employees were in a position to make
6 decisions about targeting voters and messaging, helping to shape the Committees' election-
7 related spending decisions and administration. In their roles working on Latino outreach for the
8 Sanders campaign, they were tasked with planning and executing events intended to mobilize the
9 Latino community to support Sanders. In addition, all three employees worked to help craft and
10 deliver campaign policy on the issue of immigration and other issues of interest to the Latino
11 community. By advising the campaign on its targeting and messaging, and then implementing
12 the campaign's outreach to Latino voters by planning and attending events, Andiola, Vargas, and
13 Belén Sisa participated in the decision-making processes of the Sanders committees in
14 connection with election-related activities.

15 Thus, because the overall record supports the allegation that foreign nationals participated
16 directly or indirectly in the Committees' decision-making processes in connection with its
17 election-related spending, the Commission finds reason to believe that Bernie 2016 and Susan
18 Jackson in her official capacity as treasurer, and Bernie 2020 and Lora Haggard in her official
19 capacity as treasurer violated 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(g) and (i).

1 In addition, it appears that Sanders himself worked closely with Andiola and Vargas,
2 attending events with them and discussing immigration policy with them.⁴² He was undoubtedly
3 aware that they were DACA participants, and thus not U.S. citizens, but nevertheless intended
4 them to be part of his campaign by participating in the Committees' decision-making processes.
5 At a minimum, given the significant press coverage about Andiola, Vargas, and Belén Sisa
6 joining his campaign, Sanders acquiesced to his campaign hiring foreign nationals to advisory
7 roles. Under these facts, the Commission finds reason to believe that Bernard Sanders violated
8 52 U.S.C. § 30121(a)(2) and 11 C.F.R. § 110.20(g) and (i).⁴³

9 **C. Belén Sisa's Contributions were *de minimis***

10 The Complaint alleges and the Commission's disclosure reports confirm that Belén Sisa
11 made ten contributions totaling \$35 to Bernie 2016. Based on the low dollar amount, the
12 Commission dismisses the allegation that Bernie 2016 accepted \$35 in prohibited foreign
13 national contributions.⁴⁴

⁴² See *Bernie Sanders promises swift immigration reform while visiting Arizona-Mexico border*, KTAR NEWS, March 19, 2016, <https://ktar.com/story/971290/bernie-sanders-immigration-visiting-arizona-mexico-border/> (attending rally with Andiola); *Families First with Bernie Sanders*, YOUTUBE (Dec. 7, 2015), <https://www.youtube.com/watch?v=cxaP4Ijo0ig&t=496s> (Video of Families First conference with Sanders and Andiola); Dara Lind, *Inside Bernie Sanders's quest to win over Nevada's Latinos*, VOX, Feb.18, 2016, <https://www.vox.com/2016/2/17/11037066/bernie-sanders-latinos-nevada> (showing Sanders's presence at Last Vegas campaign office with Andiola and Vargas).

⁴³ Sanders's personal involvement in this matter differs markedly from MUR 7035. In MUR 7035, the foreign national "delegates" provided campaign services in the form of volunteer recruitment calls, canvassing on the phone and door-to-door, and assistance on caucus days and for GOTV, all of which are activities on a local level. See Factual & Legal Analysis at 5, MUR 7035 (Bernie 2016). In this matter, the foreign national employees were given formal, campaign-wide titles, helped to form policy platforms, and placed in positions in close proximity to Sanders.

⁴⁴ 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) .

