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Kathryn Ross
Date: 2020.04.22
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April 22, 2020

Via Email & U.S. Mail

Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Kathryn Ross, Paralegal
1050 First Street, NE
Washington, DC 20463
cela@fec.gov

Re: MUR 7712
Response of the Maricopa County Democratic Party

Dear Ms. Ross:

We represent the Maricopa County Democratic Party ("MCDP"), and write today in response to the complaint filed by Richard I. Turner on February 25, 2020 (the "Complaint"). For the reasons outlined below, MCDP requests that the Commission find no reason to believe that it violated the Federal Election Campaign Act (the "Act") and that the Commission take no action on the basis of the Complaint.

MCDP is an Arizona political action committee and a "political party" under Arizona law. The Complaint's sole allegation against MCDP is that it violated 52 U.S.C. § 30121(a) by employing a beneficiary of the "Deferred Action for Childhood Arrivals" program; specifically, communications director Edder Diaz-Martinez. Mr. Diaz-Martinez was hired by MCDP as a full-time salaried employee on August 18, 2019 (after working as an independent contractor for several months prior), and at that time presented a valid employment authorization document. [Exhibit 1] As required by federal law, MCDP ran a successful "E-Verify" check on Mr. Diaz-Martinez before he even began to work as an independent contractor. [Exhibit 2]

As communications director, Mr. Diaz-Martinez works at the direction of MCDP's executive director. He is responsible for posting on MCDP's social media accounts, working on MCDP's email distributions, and providing training to MCDP's legislative district partners on social media and email issues. He serves in a support role for MCDP's executive staff and board, who ultimately make all of MCDP's strategic decisions.

52 U.S.C. § 30121(a) provides that:

It shall be unlawful for--

(1) a foreign national, directly or indirectly, to make--

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(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election;

(B) a contribution or donation to a committee of a political party; or

(C) an expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 30104(f)(3) of this title); or

(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.

In other words, the statute prohibits "foreign nationals" from making "a contribution or donation of money or other thing of value," and for a person to "accept" or "receive" such a contribution or donation. And by employing Mr. Diaz-Martinez and paying him for the support services he renders, MCDP has not received a "contribution" or "donation" as defined in Act; the two parties have an employer-employee relationship like any other, one that is authorized by existing federal immigration law.

For these reasons, MCDP has not violated 52 U.S.C. § 30121(a) as alleged in the Complaint, and MCDP respectfully requests that the Commission find no reason to believe that it violated the Act and that this matter be closed without any further action.

Sincerely,



Roopali H. Desai
D. Andrew Gaona

RHD/DAG:slm
Enclosures

Exhibit 2

Exhibit 2



Case Verification Number: 2019158192721BA

Report prepared: 04/21/2020

Company Information

Company ID: 108197

Company Name: Maricopa County Democratic Party

Client Company ID: 108197

Client Company Name: Maricopa County Democratic Party

Employee Information

Name: Edder Diaz-Martinez

Date of Birth:

U.S. Social Security Number: ***-**-****

Employee's First Day of Employment: 06/05/2019

Citizenship Status: Lawful Permanent Resident

Alien/USCIS Number:

Document Information

List B Document: ID card issued by a U.S. federal, state or local government agency

List C Document: Employment authorization document issued by the U.S. Department of Homeland Security

Case Information

Case Status: Closed

Case Submitted By: Maritza Miranda Saenz

Current Case Result: Employment Authorized

Reason for Closure: Employment Authorized Auto Close



FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

FAX 202-219-3923

AR/MUR/RR/P-MUR# 7712

Name of Counsel: Roopali Desai & D. Andrew Gaona

Firm: Coppersmith Brockelman PLC

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Phoenix, AZ 85004

Office#: (602) 381-5478

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Mobile#: _____

E-mail: rdesai@cblawyers.com; agaona@cblawyers.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/21/2020
Date

Maritza M. Saenz
(Signature - Respondent/Agent/Treasurer)

Executive Director
Title

Maritza M. Saenz
(Name - Please Print)

RESPONDENT:

Maricopa County Democratic Party

(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address:
(Please Print)

2914 N. Central Avenue
Phoenix AZ 85012

Home#: _____ Mobile#: _____

Office#: 602-298-0503 Fax#: _____

E-mail: Maritza@maricopademocrats.org

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.