

**FEDERAL ELECTION COMMISSION**  
**FIRST GENERAL COUNSEL'S REPORT**

**MUR 7863**

|                         |            |
|-------------------------|------------|
| DATE COMPLAINT FILED:   | 12/04/2020 |
| DATE OF NOTIFICATION:   | 12/11/2020 |
| LAST RESPONSE RECEIVED: | 02/05/2021 |
| DATE ACTIVATED:         | 03/16/2021 |
| EXPIRATION OF SOL:      | 07/25/2021 |
|                         | (earliest) |
|                         | 11/17/2024 |
|                         | (latest)   |
| ELECTION CYCLES:        | 2016, 2020 |

**COMPLAINANT:**

Richard I. Turner

**RESPONDENTS:**

Astrid Silva  
Dream Big Nevada  
Democratic National Committee and Virginia  
McGregor in her official capacity as treasurer  
Biden for President and Andrea Wise in her official  
capacity as treasurer  
Catherine Cortez Masto for Senate and Lili Snyder  
in her official capacity as treasurer  
Cory 2020 and Judith Zamore in her official  
capacity as treasurer  
Hillary for America and Elizabeth Jones in her  
official capacity as treasurer  
Kamala Harris for the People and John B. Emerson  
in his official capacity as treasurer  
People First Future and Sawyer Hackett in his  
official capacity as treasurer  
Warren for President, Inc. and Paul Egerman in his  
official capacity as treasurer  
Win the Era PAC and Edward J. Jordanich in his  
official capacity as treasurer

**RELEVANT STATUTES  
AND REGULATIONS:**

52 U.S.C. § 30121  
11 C.F.R. § 110.20

**INTERNAL REPORTS CHECKED:**

Disclosure Reports

1 **FEDERAL AGENCIES CHECKED:**

2

3 **I. INTRODUCTION**

4 The Complaint in this matter alleges that Astrid Silva, a foreign national, and Dream Big  
5 Nevada (“DBN”), an organization for which Silva serves as Executive Director, violated the  
6 foreign national prohibition of the Federal Election Campaign Act of 1971, as amended (the  
7 “Act”) by providing “something of value” to numerous federal candidates, including Hillary  
8 Clinton, Kamala Harris, Elizabeth Warren, Joe Biden, Cory Booker, Julian Castro, Pete  
9 Buttigieg, Catherine Cortez Masto, and the Democratic National Committee. Relying on news  
10 reports, the Complaint claims that Silva spoke at the 2016 Democratic National Convention,  
11 appeared in Hillary Clinton campaign ads in October 2016, provided something of value to 2016  
12 U.S. Senate candidate for Nevada Catherine Cortez Masto, gave the Democratic Party’s Spanish  
13 language response to the 2017 State of the Union, and met with several federal candidates prior  
14 to the 2020 Nevada caucuses.<sup>1</sup> The Complaint also claims Silva used DBN to campaign for and  
15 fund Democratic candidates and engage in other unspecified “electioneering” activities.<sup>2</sup>

16 The Commission received three separate responses: one joint response from Silva and  
17 DBN; one response from Biden for President; and one joint response from the DNC and other  
18 Democratic presidential candidates. Respondents deny violating the Act, contending that Silva  
19 acted as an uncompensated volunteer, did not participate in the decision-making process of  
20 another person’s election-related activities, and was permitted to engage in issue advocacy.

21 The available information fails to indicate that Silva or DBN made prohibited foreign  
22 national contributions or expenditures or that the DNC and the federal candidates accepted

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<sup>1</sup> See Compl. at 1 (Dec. 4, 2020).

<sup>2</sup> *Id.*

1 prohibited foreign national contributions. Accordingly, we recommend that the Commission  
2 find no reason to believe that the Respondents violated 52 U.S.C. § 30121(a).

## 3 **II. FACTUAL BACKGROUND**

### 4 **A. Silva's Political Activities**

5 Astrid Silva is currently permitted to remain in the United States because of the  
6 immigration relief program known as Deferred Action for Childhood Arrivals (DACA), which  
7 “allows certain unauthorized aliens who entered the United States as children to apply for a two-  
8 year forbearance from removal.”<sup>3</sup> Silva has been an advocate for persons who were brought to  
9 this country as children, like she was, and she has been a proponent of the Development, Relief,  
10 and Education for Alien Minors (DREAM) Act.<sup>4</sup>

11 In 2017, Silva co-founded DBN, a nonprofit Nevada corporation, and has been its  
12 Executive Director since its founding.<sup>5</sup> DBN is currently recognized as tax-exempt under  
13 section 501(c)(3) of the Internal Revenue Code.<sup>6</sup> The organization's website states that it  
14 “provide[s] aid to Nevada's immigrant families through direct services and by empowering  
15 community members to advocate for themselves and others in similar situations.”<sup>7</sup> According to  
16 the available data on file with the Internal Revenue Service, DBN constituted a small tax-exempt

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<sup>3</sup> *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 140 S. Ct. 1891, 1901 (2020); Silva/DBN Resp. at 1 (Feb. 5, 2021).

<sup>4</sup> See Silva/DBN Resp. at 2. The DREAM Act was first introduced in 2001 and similar versions have subsequently been introduced in Congress. See, e.g., H.R. 2820, 116th Cong. (2019); S. 264, 117th Cong. (2021); H.R. 6, 117th Cong. (2021).

<sup>5</sup> *Business Entity Search*, NEV. SEC'Y OF STATE, <https://esos.nv.gov/EntitySearch/OnlineEntitySearch> (search “Dream Big Nevada”) (last visited June 7, 2021).

<sup>6</sup> [https://apps.irs.gov/pub/epostcard/dl/FinalLetter\\_82-2765806\\_DREAMBIGNEVADA\\_04122018\\_01.tif](https://apps.irs.gov/pub/epostcard/dl/FinalLetter_82-2765806_DREAMBIGNEVADA_04122018_01.tif). As a 501(c)(3) charitable organization, DBN cannot engage in political campaign activities (as defined by the IRS) without jeopardizing its tax-exempt status.

<sup>7</sup> DREAM BIG NEVADA, <https://dreambignv.org/> (last visited June 7, 2021); see also Silver/DBN Resp. at 2.

1 organization in 2018, that is, an organization with gross annual receipts less than \$50,000.<sup>8</sup> In  
2 2019, its income was \$194,521.<sup>9</sup>

3 The available information indicates that Silva has been politically active. She spoke in  
4 support of Hillary Clinton at the 2016 Democratic National Convention and appeared in Hillary  
5 Clinton campaign ads in 2016.<sup>10</sup>

6 On September 21, 2016, Univision published an op-ed article by Silva in its opinion  
7 section.<sup>11</sup> In it, Silva wrote:

8 On Election Day, voters will be faced with a choice between two visions for  
9 America. . . . If Donald Trump has his way, it's likely that even DREAMers like  
10 myself . . . would be deported . . . . I am incredibly fortunate to have a deep bench  
11 of friends in public service who rushed to my defense. Not all undocumented  
12 immigrants are as lucky. That's why they need voters to be their voice in this  
13 election by voting for candidates who support comprehensive immigration reform  
14 and have the courage to stand up to Trump's xenophobia. In Nevada, the choice  
15 is clear. As our senator, Catherine Cortez Masto will stand with immigrants and  
16 push for a permanent solution to our country's broken immigration system. . . .  
17 Her opponent, Congressman Joe Heck, can't muster the courage to stand up to  
18 Donald Trump . . . . Joe Heck is more interested in paying lip service and lying  
19 about his record during election season than actually working to help hardworking  
20 families. As Nevadans cast their ballot on November 8 and during early voting, I  
21 hope they will consider what type of person they want representing our state in  
22 the Senate: a leader who will stand up for immigrant families and against bigotry,

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<sup>8</sup> See Dream Big Nevada, Form 990-N (search "Dream Big Nevada" in "Form 990-N (e-Postcard)" database).

<sup>9</sup> *Exempt Organizations Business Master File Extract*, IRS, <https://www.irs.gov/charities-non-profits/exempt-organizations-business-master-file-extract-ee-bmf> (download CSV file for Nevada and search for "Dream Big Nevada") (last visited Mar. 25, 2021).

<sup>10</sup> Hillary Clinton, *Nevadense* | *Hillary Clinton*, YOUTUBE (Oct. 11, 2016), <https://www.youtube.com/watch?v=gl2rhCR0Wxc>; 2020 Democratic National Convention, *Astrid Silva at DNC 2016*, YOUTUBE (July 25, 2016), <https://www.youtube.com/watch?v=GfO2zt6fHlw>.

<sup>11</sup> Astrid Silva, *Cortez Masto Will Stand with immigrants and Push for a Permanent Solution to Our Country's Broken Immigration System*, UNIVISIONNEWS (Sept. 21, 2016), <https://www.univision.com/univision-news/opinion/cortez-masto-will-stand-with-immigrants-and-push-for-a-permanent-solution-to-our-countrys-broken-immigration-system>. Univision also stated that it published the op-ed "as a contribution to public debate" and that the views and opinions Silva expressed "are those of its author(s) and/or the organization(s) they represent and do not reflect the views or the editorial line of Univision Noticias." *Id.*

1           or an opportunist willing to hitch his wagon to Trump's anti-immigrant campaign.  
2           I am with Catherine.

3           Following the 2016 election, Silva provided the Democratic Party's Spanish language  
4 response to the 2017 State of the Union address and spoke against the Trump administration's  
5 immigration policies.<sup>12</sup> Further, in 2020, she met with numerous Democratic presidential  
6 candidates, including Kamala Harris, Elizabeth Warren, Joe Biden, Cory Booker, Julian Castro  
7 and Pete Buttigieg.<sup>13</sup> According to a news article cited in the Complaint, these meetings  
8 included "dinner with Kamala Harris, policy roundtables with Elizabeth Warren and Joe Biden,  
9 and vegan tamales with Cory Booker."<sup>14</sup> The same article includes a photo of Silva with Castro  
10 and also mentions a phone call between Silva and Buttigieg.<sup>15</sup> The article indicates that the issue  
11 of immigration was the main topic of discussion.<sup>16</sup>

## 12           **B.       The Complaint and Responses**

13           The Complaint alleges that Silva's political activities described above constituted  
14 violations of the Act's foreign national prohibition because she provided "something of value" to  
15 the DNC and the federal candidates.<sup>17</sup> The Complaint also makes two allegations involving  
16 DBN that are more general in nature. First, the Complaint alleges that Silva used DBN to

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<sup>12</sup> Silva/DBN Resp. at 2; Univision Noticias, *La respuesta de una dreamer al discurso de Trump al Congreso*, YOUTUBE (Mar. 1, 2017), <https://www.youtube.com/watch?v=Z6fJevTHkgE>.

<sup>13</sup> See Silva/DBN Resp. at 2 (citing Associated Press, *She Can't Vote, but 2020 Democrats Want Her Support Anyway*, VOA (Dec. 2, 2019, 3:17 PM), <https://www.voanews.com/usa/immigration/she-cant-vote-2020-democrats-want-her-support-anyway>).

<sup>14</sup> See Associated Press, *She Can't Vote, but 2020 Democrats Want Her Support Anyway*, LAS VEGAS SUN (Dec. 2, 2019), <https://lasvegassun.com/news/2019/nov/19/las-vegan-cant-vote-but-2020-democrats-want-her-su/>. The article states that Booker, Harris, and Warren have had several meetings with Silva.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Compl. at 1. The basis for the allegation against Cortez Masto appears to be Silva's September 2016 Univision op-ed. See *id.* (referencing "Univisionnews: 21 Sep 2016 Opinion by Astrid Silva").

1 “[c]ampaign for, fund and influence Democratic Party Presidential candidates during the 2020  
2 Democratic Presidential primary campaign season.”<sup>18</sup> Second, the Complaint claims that Silva  
3 had “undue influence” over DBN’s “electioneering activities”<sup>19</sup>

4 The Commission received three responses: (1) a joint response from Silva and DBN (the  
5 “Silva/DBN Response”); (2) a joint response from Hillary for America and Elizabeth Jones in  
6 her official capacity as treasurer, Kamala Harris for the People and John Emerson in his official  
7 capacity as treasurer, Warren for President, Inc. and Paul Egerman in his official capacity as  
8 treasurer, Cory 2020 and Judith Zamore in her official capacity of treasurer, Win the Era PAC  
9 (formerly known as Pete for America, Inc. and Ed Jordanich in his official capacity as treasurer,  
10 the Democratic National Committee and William Derrough in his official capacity as treasurer,  
11 and Catherine Cortez-Masto for Senate and Steve Mele in his official capacity as treasurer (the  
12 “DNC/Candidate Committees Response”); and (3) a response from Biden for President and  
13 Andrea Wise in her official capacity as treasurer (“Biden Committee Response”).<sup>20</sup>

14 Each response denies that any violation of the Act occurred. Although the Silva/DBN  
15 Response acknowledges that Silva participated in the political activities identified by the  
16 Complaint, it argues that such conduct is not illegal.<sup>21</sup> The Silva/DBN Response relies on the  
17 Act’s volunteer exemption and cites Commission advisory opinions and enforcement matters to  
18 support its claim that Silva was solely engaged in lawful volunteer activities.<sup>22</sup> The Silva/DBN

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> People First Future did not submit a response.

<sup>21</sup> Silva/DBN Resp. at 2-3.

<sup>22</sup> *Id.* (citations omitted); *see also* 52 U.S.C § 30101(8)(B)(i) (excluding from the definition of contribution “the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee”); 11 C.F.R. § 100.74 (same).

1 Response argues that Silva's volunteer activities were undertaken separately from DBN and that  
2 DBN never engaged in partisan political activity in violation of its status as a 501(c)(3)  
3 charitable organization.<sup>23</sup>

4 The DNC/Candidate Committees Response also relies on the Act's volunteer exemption,  
5 and states that the Complaint is insufficient under the Commission's regulations because it  
6 provides "[n]o . . . details or information regarding why any of these allegations would constitute  
7 a violation of the Act."<sup>24</sup> It characterizes the Complaint as "simply conclud[ing] that meeting  
8 with a candidate, speaking at a political convention or in response to another speech, or  
9 appearing in a candidate's advertisement constitutes a thing of value under the Act."<sup>25</sup> The  
10 DNC/Candidate Committees Response cites prior Commission enforcement matters for the  
11 proposition that mere conclusory allegations are insufficient to find reason to believe.<sup>26</sup> Finally,  
12 the DNC/Candidate Committees Response argues that because DBN was not founded until 2017,  
13 it could not have provided something of value to the DNC in 2016.<sup>27</sup>

14 The Biden Committee Response states that the Complaint provides "no facts supporting  
15 the bare assertion that the Committee received a 'thing of value.'"<sup>28</sup> It also argues that the  
16 Complaint sets forth no facts indicating that the types of foreign national political activities  
17 identified in *Bluman v. FEC* as being prohibited occurred, which include, direct contributions,  
18 express advocacy expenditures, and "donations to outside groups" when those donations would

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<sup>23</sup> Silva/DBN Resp. at 2.

<sup>24</sup> DNC/Candidate Committees Resp. at 2 (Jan 25, 2021).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* (citing Statement of Reasons, Comm'rs. Mason, Sandstrom, Smith & Thomas at 1, MUR 4960 (Hillary Rodham Clinton for U.S. Senate Exploratory Committee)).

<sup>27</sup> *Id.* at 4.

<sup>28</sup> Biden Committee Resp. at 2 (Jan. 26, 2021).

1 be used to make contributions to candidates, parties, or express advocacy expenditures.<sup>29</sup>  
2 Instead, the Biden Committee Response argues that Silva's meeting with 2020 presidential  
3 candidates amounted to issue advocacy, which *Bluman* found to be lawful, and that her volunteer  
4 activities are permissible under the Act and Commission regulations.<sup>30</sup>

### 5 **III. LEGAL ANALYSIS**

#### 6 **A. Legal Standard**

7 The Act and Commission regulations prohibit any "foreign national" from directly or  
8 indirectly making a contribution or donation of money or other thing of value, or an expenditure,  
9 independent expenditure, or disbursement, in connection with a federal, state, or local election.<sup>31</sup>  
10 The Act's definition of "foreign national" includes an individual who is not a citizen or national  
11 of the United States and who is not lawfully admitted for permanent residence, as well as a  
12 "foreign principal" as defined at 22 U.S.C. § 611(b), which, in turn, includes a "partnership,  
13 association, corporation, organization, or other combination of persons organized under the laws  
14 of or having its principal place of business in a foreign country."<sup>32</sup>

15 The Act also prohibits persons from soliciting, accepting, or receiving a contribution or  
16 donation from a foreign national.<sup>33</sup> The Commission has recognized the "broad scope" of the

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<sup>29</sup> *Id.* at 2 (citing *Bluman v. FEC*, 800 F. Supp. 2d 281, 284 (D.D.C. 2011), *aff'd* 556 U.S. 1104 (2012)).

<sup>30</sup> *Id.* at 2-3.

<sup>31</sup> 52 U.S.C. § 30121(a)(1); 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 grounds 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*, 800 F. Supp. 2d at 288-89; *United States v. Singh*, 924 F.3d 1030, 1040-44 (9th Cir. 2019).

<sup>32</sup> 52 U.S.C. § 30121(b); 22 U.S.C. § 611(b)(3); *see also* 11 C.F.R. § 110.20(a)(3).

<sup>33</sup> 52 U.S.C. § 30121(a)(2).

1 foreign national prohibition and found that even where the value of a good or service “may be  
2 nominal or difficult to ascertain,” such contributions are nevertheless banned.<sup>34</sup>

3 Commission regulations implementing the Act’s foreign national prohibition provide:

4 A foreign national shall not direct, dictate, control, or directly or  
5 indirectly participate in the decision-making process of any person,  
6 such as a corporation, labor organization, political committee, or  
7 political organization with regard to such person’s Federal or non-  
8 Federal election-related activities, such as decisions concerning the  
9 making of contributions, donations, expenditures, or  
10 disbursements . . . or decisions concerning the administration of a  
11 political committee.<sup>35</sup>

12 The Commission has explained that this provision also bars foreign nationals from “involvement  
13 in the management of a political committee.”<sup>36</sup>

14 **B. The Commission Should Find No Reason to Believe that Silva or DBN Made**  
15 **Prohibited Foreign Contributions or Expenditures**

16 1. Silva is a foreign national under the Act

17 Silva acknowledges that she is a participant in the DACA program, and therefore not a  
18 citizen or national of the United States and not “lawfully admitted for permanent residence.”<sup>37</sup>

19 Based upon a recent court decision as well as a memorandum issued by the Department of  
20 Homeland Security, the Commission determined that such persons remain foreign nationals  
21 under the Act. Accordingly, Silva is a foreign national for purposes of the Act’s prohibition.

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<sup>34</sup> Advisory Opinion 2007-22 at 6 (Hurysz) (“AO 2007-22”) (citing Contribution Limitations and Prohibitions, 67 Fed. Reg. 69,928, 69,940 (Nov. 19, 2002) (“As indicated by the title of section 303 of [the Bipartisan Campaign Reform Act], ‘Strengthening Foreign Money Ban,’ Congress amended [52 U.S.C. § 30121] to further delineate and expand the ban on contributions, donations, and other things of value by foreign nationals.”).

<sup>35</sup> 11 C.F.R. § 110.20(i).

<sup>36</sup> Contribution Limitations and Prohibitions, 67 Fed. Reg. at 69,946.

<sup>37</sup> Silva/DBN Resp. at 1.



1 online research and translation duties for a political committee and where the information failed  
2 to indicate that she “participated in the committee’s decision-making or management  
3 processes.”<sup>44</sup> In MURs 5987, 5995, and 6015, the Commission found no reason to believe that  
4 Elton John, a foreign national, violated 52 U.S.C. § 30121 by volunteering to perform at a  
5 campaign fundraiser and agreeing to let the political committee use his name and likeness in its  
6 emails promoting the concert and soliciting support.<sup>45</sup> The Commission determined that “there  
7 is no information to suggest that Elton John had any involvement in the decision-making process  
8 of the Committee in connection with the making of contributions, donations, expenditures, or  
9 disbursements, as envisioned by 11 C.F.R. § 110.20(i).”<sup>46</sup>

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13 Here, all Respondents assert that Silva acted as a volunteer, and we have no information  
14 to the contrary. The Complaint also gives no indication that Silva had a decision-making or  
15 management role in any campaign or party committee. Thus, there is no information that Silva’s

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<sup>44</sup> Factual & Legal Analysis at 4-5, MUR 6959 (Cindy Nava) (citing 52 U.S.C. § 30101(8)(A)(ii); 11 C.F.R. § 100.54; Advisory Opinion 1982-04 at 2-3 (Apodaca)) (finding 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).

<sup>45</sup> Factual & Legal Analysis at 6-9, MURs 5987, 5995, & 6015 (Sir Elton John).

<sup>46</sup> *Id.* at 7-8 (“[T]he pertinent regulation speaks of decisions concerning the making of contributions, donations, expenditures, or disbursements in connection with elections for any Federal, State, or local office or decisions concerning the administration of a political committee”).

1 speeches, ad appearances, candidate meetings, or op-ed fell outside the scope of permissible  
 2 volunteer activity.<sup>48</sup>

3 Accordingly, the Commission should find there is no reason to believe that Silva or any  
 4 of the Respondents violated 52 U.S.C. § 30121 as a result of those activities.<sup>49</sup>

### 5 3. Silva's Alleged Use of Dream Big Nevada

6 As a foreign national for purposes of the Act's prohibition, Silva is prohibited from  
 7 participating in any decision with regard to DBN making a contribution, donation, expenditure,  
 8 or disbursement in connection with an election for federal, state, or local office.<sup>50</sup> The  
 9 Commission has found violations of the foreign national prohibition where foreign national

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<sup>48</sup> We have no information that Silva was paid by another person to post her online op-ed supporting Catherine Cortez Masto and Hillary Clinton. *See* Factual & Legal Analysis at 4-5, MUR 5853 (Michael Grace, *et al.*) (finding no reason to believe respondent made an expenditure when *he* expended time and effort to advocate the defeat of a federal candidate on a free blog);

Therefore, leaving aside any possible application of the Act's media exemption resulting from Univision's publication, Silva's op-ed does not appear to be an expenditure in violation of the Act's foreign national prohibition because of the Commission's internet exemption. *See* 11 C.F.R. § 100.155 (excluding from the definition of "expenditure" uncompensated personal services and use of equipment or services related to internet activities engaged in for the purpose of influencing a Federal election); *see also* Internet Communications, 71 Fed. Reg. 18589, 18594 (Apr. 12, 2006) ("The cost of . . . [political commentary on the Internet] is often only the time and energy that is devoted by an individual to share his or her views and opinions with the rest of the Internet community."). And because the Commission's coordinated communication regulation applies only to "electioneering communications" and "public communications," Silva's online op-ed would not qualify as an in-kind contribution (*i.e.*, something of value) to Cortez Masto. *See* 11 C.F.R. § 109.21(c)(1)–(5).

<sup>49</sup> We note that the Las Vegas Sun article cited in the Complaint reports that "Latino immigrants often give the 2020 hopefuls small tokens to remember them, like an image of St. Jude, the patron saint of lost causes, or an escapulario, a devotional necklace featuring the Catholic icon Our Lady of Guadalupe, the patron saint of Mexico. . . ." Associated Press, *She Can't Vote, but 2020 Democrats Want Her Support Anyway*, LAS VEGAS SUN (Dec. 2, 2019), <https://lasvegassun.com/news/2019/nov/19/las-vegan-cant-vote-but-2020-democrats-want-her-su/>. The Act's definition of "contribution" includes "any gift . . . or anything of value made by any person for the purpose of influencing an election." 52 U.S.C. § 30101(8)(A). This can include goods whose value is "nominal or difficult to ascertain." AO 2007-22 at 6. However, given that this information involved a number of unidentified individuals other than the Respondents in this matter, and the Complaint does not reference such activity, we make no recommendation with regards to this activity.

<sup>50</sup> 11 C.F.R. § 110.20(i).

1 officers or directors of a U.S. company participated in the company's decisions to make  
2 contributions.<sup>51</sup>

3 But here, the Complaint provides no facts indicating that DBN ever engaged in activities  
4 covered by the foreign national prohibition or that it funded Silva's complained-of activities.  
5 The Silva/DBN Response asserts that Silva "has been very careful" to conduct her political  
6 activities on her own time and to not represent herself as being affiliated with DBN when  
7 engaged in those activities.<sup>52</sup> We do not have any information to the contrary. DBN has never  
8 filed a report with the Commission disclosing that it made a contribution, express-advocacy  
9 expenditure, or electioneering communication. We also have no evidence that DBN ever  
10 donated to any state or local candidate. And because DBN did not incorporate until 2017, it  
11 could not have provided something of value to the DNC in 2016.

12 Because the available information fails to indicate that Dream Big Nevada engaged in  
13 any activity covered by the foreign national prohibition, the Commission should find there is no  
14 reason to believe that it violated 52 U.S.C. § 30121.

#### 15 **IV. RECOMMENDATIONS**

16 1. Find no reason to believe that Astrid Silva violated 52 U.S.C. § 30121 by making a  
17 prohibited foreign national contribution, expenditure, independent expenditure, or  
18 disbursement for an electioneering communication;

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<sup>51</sup> See, e.g., Conciliation Agreement, MUR 7122 (American Pacific International Capital, Inc.) (conciliating with U.S. corporation owned by foreign company that violated Act by making contribution after its board of directors, which included foreign nationals, approved proposal by U.S. citizen corporate officer to contribute); Conciliation Agreement, MUR 6184 (Skyway Concession Company, LLC) (conciliating with U.S. company that 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 6093 (Transurban Grp.) (conciliating with U.S. subsidiary that 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).

<sup>52</sup> Silva/DBN Resp. at 2.

2. Find no reason to believe that Dream Big Nevada violated 52 U.S.C. § 30121 by making a prohibited foreign national contribution, expenditure, independent expenditure, or disbursement for an electioneering communication;
3. Find no reason to believe that the Democratic National Committee and Virginia McGregor in her official capacity as treasurer, Biden for President and Andrea Wise in her official capacity as treasurer, Catherine Cortez-Masto for Senate and Lili Snyder in her official capacity as treasurer, Cory 2020 and Judith Zamore in her official capacity as treasurer, Hillary for America and Elizabeth Jones in her official capacity as treasurer, Kamala Harris for the People and John B. Emerson in his official capacity as treasurer, People First Future and Sawyer Hackett in his official capacity as treasurer, Warren for President, Inc. and Paul Eggerman in his official capacity as treasurer, and Win the Era PAC and Edward J. Jordanich in his official capacity as treasurer violated 52 U.S.C. § 30121 by soliciting, accepting or receiving a foreign national contribution;
4. Approve the Factual and Legal Analysis;
5. Approve the appropriate letters; and
6. Close the File.

Lisa J. Stevenson  
 Acting General Counsel

Charles Kitcher  
 Acting Associate General Counsel for Enforcement

07.06.21

DATE

BY: Stephen Gura  
 Stephen Gura  
 Deputy Associate General Counsel for Enforcement

Jin Lee  
 Jin Lee  
 Acting Assistant General Counsel

Christopher S. Curran  
 Christopher S. Curran  
 Attorney

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