

OFFICE OF
GENERAL COUNSELBEFORE THE
FEDERAL ELECTION COMMISSION

2023 NOV 29 PM 1:30

Evelyn Bustos

[REDACTED]
South El Monte, CA 91733

Complainant,

v.

MUR # 8188Senator Susan Rubio
5445 Madison Ave.
Sacramento, CA 95841,Susan Rubio for Senate 2026
1700 Tribute Rd, Ste 201
Sacramento, CA 95815, andSusan Rubio for Congress and Denise Lewis, Treasurer
5445 Madison Ave.
Sacramento, CA 95841,

Respondents.

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1). Complainant is hereby writing to request that the Commission investigate multiple violations of the Federal Election Campaign Act by California State Senator Susan Rubio, Susan Rubio for Senate 2026, Susan Rubio for Congress, and Denise Lewis as Treasurer (collective, the "Respondents") for violating provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission (the "FEC" or "Commission") regulations. In particular, (1) Respondents have impermissibly spent nonfederal funds, including corporate special interest money, to advance Senator Rubio's federal election, (2) Respondents have impermissibly spent nonfederal funds on

public communications promoting and supporting Senator Rubio's federal candidacy; (3) Respondents have made prohibited transfers from Senator's nonfederal committee to the Senator's federal committee by using the nonfederal committee to promote the Senator's federal candidacy; and (4) the federal committee failed to properly report it.

As further explained below, the Commission should act immediately to investigate Respondents' actions and seek the appropriate financial penalties.

FACTUAL BACKGROUND

Susan Rubio is a member of the California State Senate. Susan Rubio for Senate 2026 (the "Nonfederal Committee") is a controlled committee that she established in connection with her reelection campaign in 2026.¹ Susan Rubio is also a candidate for Congress in California's 31st District and filed a statement of candidacy with the Commission on or about July 10, 2023.² Susan Rubio for Congress (the "Federal Committee") is her principal campaign committee.³

Since becoming a federal candidate, Senator Rubio has attempted to use her Nonfederal Committee to advance her federal election. On or about November 20, 2023, voters in California's 31st Congressional District received a mailer that states that it was paid for by Susan Rubio for Senate 2026. A copy of the mailer is attached to this Complaint as Exhibit A. The mailer is stylized as "The Susan Rubio Report: Legislative Update." However, its purpose is to promote the Senator's federal election. Most significantly, the mailer contains a QR code that links directly to susanrubio.com, which is the *Federal Committee's* website.⁴ When accessed

¹ See <https://cal-access.sos.ca.gov/Campaign/Candidates/Detail.aspx?id=1392891>.

² See Statement of Candidacy, Susan Rubio, at <https://docquery.fec.gov/pdf/648/202307110300444648/202307110300444648.pdf>.

³ See Statement of Organization, Susan Rubio for Congress, at <https://docquery.fec.gov/cgi-bin/forms/C00845180/1717581/>.

⁴ See [SusanRubio.com](https://susanrubio.com) (last accessed Nov. 21, 2023).

with a mobile device, the very top of that page urges the viewer to donate to the Federal Committee. A true and correct screenshot of the landing page is provided here:



The mailer also contains content that goes beyond a description of her legislative activities to promote her candidacy. For example, the mailer contains biographical information about the Senator and her father. It also describes non-legislative activities, including a statement "Senator Rubio stands in solidarity with Community Nurses."

A review of the Nonfederal Committee's campaign reports filed with the California Secretary of State indicates that Senator Rubio's campaign is predominantly funded by large corporate special interests. *Nearly 90 percent of the contributions her committee has received since the 2022 election have been from corporations, unions, and nonfederal PACs.*

According to the most recent reports, the Nonfederal Committee has accepted approximately \$427,000 in contributions. Of this amount, \$184,000 has been from corporations; \$166,000 has been from nonfederal PACs, most of which are connected to corporations or unions but not registered with the Commission; and \$30,000 has been from unions. In addition, many of these contributions exceeded the federal contribution limits.

LEGAL ANALYSIS

The Act and Commission regulations prohibit federal candidates from soliciting, receiving, directing, transferring or spending funds in connection with a federal campaign unless the funds are in amounts and from sources permitted by the Act.⁵ A federal candidate is also prohibited from transferring funds or assets from the candidate's nonfederal campaign committee to their federal campaign committee.⁶

Further, individuals holding state elective office and their agents are prohibited from spending funds for public communications that promote, attack or oppose a federal candidate "unless the funds consist of Federal funds that are subject to the limitations, prohibitions, and reporting requirements of the Act."⁷ The term "public communication" includes mass mailings.⁸

⁵ 52 U.S.C. § 30125(e)(1); 11 C.F.R. § 300.61.

⁶ 11 C.F.R. § 110.3(d).

⁷ 11 C.F.R. § 300.71; 52 U.S.C. § 30125(f)(1).

⁸ 11 C.F.R. § 100.26.

Respondents have violated these provisions. The Nonfederal Committee, which has received approximately 90% of its funds from corporations, nonfederal PACs,⁹ and unions, paid for a mailer send to voters in the 31st Congressional District that promotes Senator Rubio's *federal* candidacy by prominently featuring a link to the *federal* campaign's website. That website includes a prominent request for funds for the federal committee and expressly advocates Senator Rubio's election to federal office. The mail piece also goes beyond what is contained in a typical "legislative update" by discussing the Senator's biography and generally promoting her as standing with nurses. The result is that the Nonfederal made, and the Federal Committee accepted, a prohibited in-kind transfer. Moreover, the Federal Committee failed to report the transfer.

For the same reasons, Senator Rubio has violated the soft money ban by using funds that are not subject to the federal limits, source restrictions or reporting requirements in connection with her federal elections. Further, the Nonfederal Committee, as an agent of the Senator, has violated the ban by using soft money to pay for communications that promote or support a federal candidate. While there are exceptions to these rules that permit a nonfederal candidate to spend nonfederal funds solely in connection with that candidate's nonfederal election, that exception is not applicable here, where the mailer clearly directed viewers to the Senator's federal campaign website.

REQUESTED ACTION

There is reason to believe that Respondents violated the Act and Commission rules by spending soft money raised from corporations and other federally prohibited sources to in

⁹ To donate federally, a separate segregated fund established by a corporation or union is required to register within 10 days of formation, must only solicit funds from the connected organization's restricted class, and must comply with other Commission regulations. *See generally* 52 U.S.C. § 30117; 11 C.F.R. § 114.5. Most of the nonfederal PACs that donated to the Nonfederal Committee were established by corporations or unions, but are not federally registered and, therefore, are not permissible federal sources.

connection with Senator Rubio's federal candidacy, using soft money to pay for public committees that promote or support a federal candidate, making prohibited transfers from a nonfederal to a federal committee, and failing to report those transfers. I respectfully request that the Commission immediately investigate these allegations, fine Respondents the maximum amount permitted by law, and enjoin Respondents from further violations of the law.

See attached
woose
certificate

CALIFORNIA ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles }On 11/25/2023 before me, JOHN QUINTANILLA, Notary Public
Date Here Insert Name and Title of the Officerpersonally appeared Evelyn Patricia Bustos
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal and/or Stamp Above

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached DocumentTitle or Type of Document: FEC Complaint

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer – Title(s): _____☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer is Representing: _____

**SUSAN
RUBIO**
Delivering for you.

SEPTEMBER EDITION

THE SUSAN RUBIO REPORT

LEGISLATIVE UPDATE

EDUCATION

Senator Susan Rubio Secures \$2.5 Million for East Los Angeles College



Senator Susan Rubio was proud to present a \$2.5 million check in support of the East Los Angeles College Center for Entrepreneurship and Innovation. The funds will support professional business development programs to empower the next generation of entrepreneurs, and includes support for veterans, transitioning foster youth, LGBTQ+ and women entrepreneurs.

Celebrating Senator Rubio's Father & Role Model, Former Bracero Farm Worker Born in Chihuahua, Mx.



Senator Rubio celebrated the birthday of her father, Sabino Rubio - a remarkable man with unwavering work ethic and dedication to his family. Throughout his life, Sabino displayed tremendous strength and resilience in the face of adversity, and has served as an inspiration to his entire family.

PROTECTING CHILDREN

Senator Rubio's SB331 "Piqui's Law" to Protect Children & Families from Violence Signed by Governor Newsom



Piqui's Law, named after a 5 year-old boy tragically murdered by his father, will reform family court to strengthen protections for children and domestic violence victims during court proceedings.

Senator Susan Rubio's Fight Against Human Trafficking & Child Abuse Receives National Attention



Senator Rubio's unrelenting fight against human trafficking has raised public awareness. Her co-authored SB14, which makes human trafficking of a minor a serious felony, was signed into law. Child predators will now be prosecuted to the fullest extent of the law.

HEALTHCARE

\$3 million Delivered to Queen of the Valley Hospital to Increase ER Beds



Senator Susan Rubio was proud to partner with the local Assemblywoman as \$3 million was delivered to Emanate Health for a state-of-the-art Emergency Department and ICU at Queen of the Valley. Funding will help increase bed capacity, reduce wait time, and provide enhanced emergency and critical care services to our community. This funding will also support recruitment and hiring of new employees to assist the hard-working healthcare workers and staff at the hospital.



Paid for by Susan Rubio
for Senate 2026
FPPC #1456613
1787 Tribute Road, Suite K
Sacramento, CA 95815

45*B*****ECRLOT 0018A**C069

South El Monte, CA 91733-1202



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THE SUSAN RUBIO REPORT

LEGISLATIVE UPDATE

SEPTEMBER EDITION

HOUSING

ENVIRONMENT

Senator Rubio Pushes SB867 to Advance Clean Energy Solutions, Fund Water Recycling Projects & Reduce Extreme Heat

The bill will provide critical funding for climate change resiliency, water recycling grants, and authorize the purchase of necessary offshore wind and geothermal energy resources to meet California's energy goals.



VETERANS

Senator Susan Rubio's Housing Trust Continues to Deliver Funding for Veterans & Seniors



The San Gabriel Valley celebrated the Grand Opening of Villa Esperanza which has 57 units for homeless Veterans, as well as individuals and families experiencing homelessness. Senator Rubio's Regional Housing Trust has been critically important in reducing homelessness and making housing more affordable.

WORKING FAMILIES

Senator Rubio Stands in Solidarity with Community Nurses

Senator Rubio proudly joins SEIU 121RN Nurses at Garfield Medical Center to advocate for patient safety and adequate staffing.

Senator Rubio's SB734 Provides Relief to Low-Income Renters

Governor Gavin Newsom signed Senator Rubio's SB734 into law, making sure that low-income renters who live in publicly owned housing projects do not incur property tax assessments that would add significant financial burden to families.

Senator Rubio's SB20 Will Create Affordable Housing & Tackle the Homelessness Crisis Statewide

With unanimous bipartisan support, Governor Gavin Newsom signed Senator Rubio's SB20 into law, empowering local governments to establish regional housing trusts aimed at addressing California's affordable housing and homelessness issues. Through the Senator's efforts, we have already seen the positive impact in the San Gabriel Valley, inching closer to financing and building 800 affordable housing units.

FOR OUR CHILDREN

Senator Rubio Working on Bill to Give Children Access to Hearing Aids



As a teacher, Senator Rubio was honored to partner with Let California Kids Hear and Sen. Menjivar to ensure every child reaches their full academic potential.

