ENERAL COUNSEL

### **BEFORE THE**

2023 1:04 2.9 (1) 1:30

# FEDERAL ELECTION COMMISSION

Evelyn Bustos

South El Monte, CA 91733

MUR # 8188

Complainant,

V.

Senator Susan Rubio 5445 Madison Ave. Sacramento, CA 95841,

Susan Rubio for Senate 2026 1700 Tribute Rd, Ste 201 Sacramento, CA 95815, and

Susan 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. 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. Susan Rubio for Congress (the "Federal Committee") is her principal campaign committee.

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 31<sup>st</sup> 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.<sup>4</sup> When accessed

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

<sup>&</sup>lt;sup>2</sup> See Statement of Candidacy, Susan Rubio, at

https://docquery.fec.gov/pdf/648/202307110300444648/202307110300444648.pdf.

<sup>&</sup>lt;sup>3</sup> See Statement or Organization, Susan Rubio for Congress, at

https://docquery.fec.gov/cgi-bin/forms/C00845180/1717581/.

<sup>4</sup> See 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.<sup>5</sup> A federal candidate is also prohibited from transferring funds or assets from the candidate's nonfederal campaign committee to their federal campaign committee.<sup>6</sup>

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." The term "public communication" includes mass mailings.8

<sup>&</sup>lt;sup>5</sup> 52 U.S.C. § 30125(e)(1); 11 C.F.R. § 300.61,

<sup>&</sup>lt;sup>6</sup> 11 C.F.R. § 110.3(d).

<sup>&</sup>lt;sup>7</sup> 11 C.F.R. § 300.71; 52 U.S.C. § 30125(f)(1).

<sup>8 11</sup> 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, 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.

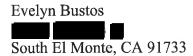
# REQUESTED ACTION

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

<sup>&</sup>lt;sup>9</sup> 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.

Respectfully submitted,



SUBSCRIBED AND SWORN to before me this 25 day of November 2023.

Notary Public

My Commission Expires:

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JOHN QUINTANILLA Notary Public - California Notary Public - California Los Angeles County Los Angeles County Commission # 2378764 Commission # 2378764	I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
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### EDUCATION

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



enator 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.

### PROTECTING CHILDREN

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



iqui'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



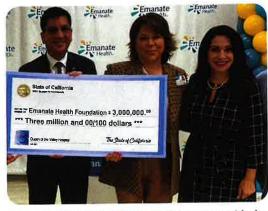
enator Rubio's unrelenting fight against human trafficking has raised public awareness. Her co-authored SB14, which makes human trafficking of a minor a serious felony, was signed into law. Child predators will now be prosecuted to the fullest extent of the law. Celebrating Senator Rubio's Father & Role Model, Former Bracero Farm Worker Born in Chihuahua, Mx.



enator 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.

## HEALTHCARE

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



enator 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 hardworking healthcare workers and staff at the hospital.



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

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South El Monte, CA 91733-3-2 ՈՒՈւՈլունդիդովիինիկըը իրիհենիկունիկ PRESORTED STANDARD U.S. POSTAGE PAID IMAGE CUBE



# ESUSAN RUBIO REPORT

# SEPTEMBER EDITION

### ENVIRONMENT

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

he 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



he 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

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

# HOUSING

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

overnor 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

ith 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



s 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.

