

BEFORE THE FEDERAL ELECTION COMMISSION

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FEDERAL ELECTION COMMISSION

FEBRUARY 12, 2024 8:00 AM

OFFICE OF GENERAL COUNSEL

Foundation for Accountability and Civic Trust
1717 K Street NW
Suite 900
Washington, D.C. 20006

v.

MUR No. **8230**

American Mainstream Policy Leadership Institute
Our American Future Foundation
1015 18th Street NW
Suite 1000
Washington, D.C. 20036

COMPLAINT

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We request the Federal Election Commission (FEC) investigate and take appropriate enforcement actions to address apparent violations of the Federal Election Campaign Act by The American Mainstream Policy Leadership Institute (AMPLI) and the federal candidates who have accepted funds from this organization. AMPLI has made payments to candidates under the guise of a “fellowship,” however the true purpose of the payments, as explained by its founders, is to give money to candidates for their personal expenses such as groceries and housing. Thus, there is reason to believe The American Policy Leadership Institute has made illegal contributions to federal candidates. We request the Commission investigate and immediately take enforcement actions to address these apparent violations.

Facts. Several federal candidates have reported receiving income or other payments from a fellowship program run by “The American Mainstream Policy Leadership Institute” (AMPLI).¹ The fellowship was first created in 2019 by a section 501(c)(3) organization named New Politics Leadership

¹ Gabe Kaminsky, *Failed Democratic Candidates Pocket ‘Fellowship’ Cash From Opaque Progressive Group To Run In 2024*, *Washington Examiner*, Jan., 24, 2024, available at: <https://www.washingtonexaminer.com/news/campaigns/2812270/opaque-progressive-group-fellowship-pay-failed-candidates/>; Emily Brooks, *Unusual ‘Fellowship’ Paid High-Profile, Repeat Democratic Candidates Between Runs*, *Washington Examiner*, Oct. 6, 2020, available at <https://www.washingtonexaminer.com/news/2624659/unusual-fellowship-paid-high-profile-repeat-democratic-candidates-between-runs/>.

Academy (New Politics).² New Politics began a revamped version of the fellowship project in October 2022, but after only one month another 501(c)(3) organization named Our American Future Foundation was both created and took over the fellowship program.³

The New Politics founder and director publicly explained the fellowship was intended to function as a way to give money to candidates who had lost an election so that they would have money for “rent or groceries or their mortgage.”⁴ She stated:

“What’s equally as important is the ones who don’t win, and what we have piloted and started this year is a fellowship program. And so what we realized was, a lot of our candidates who are not wealthy, have spent a year and a half not working, and they’re exhausted,” Cherniack said during the podcast. “And we just thought if we could provide some transition time for them; four months, where they get a stipend, so they don’t have to like worry about paying their rent or their groceries or their mortgage, right, and also they get four months to rethink and reflect and work on and do research on things that they find would be valuable for them as political leadership development.”⁵

A communications director for New Politics also stated the fellowship was offered to former candidates.⁶

According to AMPLI’s fiscal sponsorship agreement, the fellowship’s true purpose of paying individuals before or after they run for office is evident in its mission: “1 - To develop and support a talent pipeline of public servants committed to sustaining democratic norms and evidenced-based public policies. 2 - Provide paid fellowships for a diverse cadre of public policy leaders experimenting with innovations in messaging mobilizing citizens around common-sense ideas. 3 - AMPLI places priority on federal policies but will consider emergent state and local leaders when appropriate.”⁷

² *Id.*

³ *Id.*

⁴ Emily Brooks, *Unusual ‘Fellowship’ Paid High-Profile, Repeat Democratic Candidates Between Runs*, Washington Examiner, Oct. 6, 2020, available at <https://www.washingtonexaminer.com/news/2624659/unusual-fellowship-paid-high-profile-repeat-democratic-candidates-between-runs/>.

⁵ *Id.*

⁶ *Id.*

⁷ Gabe Kaminsky, *Failed Democratic Candidates Pocket ‘Fellowship’ Cash From Opaque Progressive Group To Run In 2024*, Washington Examiner, Jan., 24, 2024, available at: <https://www.washingtonexaminer.com/news/campaigns/2812270/opaque-progressive-group-fellowship-pay-failed-candidates/>.

Below is a chart of known AMPLI fellows who have run or are running for federal office:⁸

Name	AMPLI Fellow Class	Amount Received	Income Source	Candidacy	Candidacy Dates	Party
Kirsten Engel	2023	Unknown	N/A	Congress (AZ-6)	3/19/21 – 11/8/22 4/12/23 – Present	D
Will Rollins	2023	\$28,527	Our American Future Foundation	Congress (CA-41)	10/26/21 – 11/8/22 5/16/23 – Present	D
Will Rollins	2023	\$10,789	New Politics Leadership Academy	Congress (CA-41)	10/26/21 – 11/8/22 5/16/23 – Present	D
Tony Vargas	2023	\$60,000	AMPLI	Congress (NE-2)	7/13/21 – 11/8/22 7/5/23 – Present	D
Cheri Beasley	2023	Unknown	N/A	Senate (NC)	4/27/21 – 11/8/22	D
Laura Gillen	2023	>\$5,000	Our American Future Foundation	Congress (NY-4)	2/24/22 – 11/8/22 5/10/23 – Present	D
Mandela Barnes	2023	Unknown	N/A	Senate (WI)	7/20/21 – 11/8/22	D
Josh Riley	2023	\$30,000	AMPLI	Congress (NY-19)	11/9/21 – 11/8/22 4/11/23 – Present	D

Law. Federal law prohibits any person from making, and any candidate or committee from knowingly accepting, a contribution in excess of the federal law’s limits.⁹ In 2023, contributions to federal candidates were limited to (1) \$3,300 from an individual or a non-multicandidate PAC; (2) \$5,000 from a multicandidate PAC; and (3) no amount from any corporation or labor organization or organization that accepts contributions from corporations or labor organizations.¹⁰

Contributions are broadly defined as “(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal

⁸ *Id.*, Kirsten Engel, Twitter, 2/2/23, available at: <https://twitter.com/EngelForArizona/status/1621324378209226753>. Income identified through disclosures filed with the Clerk of the U.S. House of Representatives, available at: <https://disclosures-clerk.house.gov/FinancialDisclosure>.

⁹ 52 U.S.C. § 30116(a), (f); 11 C.F.R. §§ 110.1(b)(1), 110.9.

¹⁰ 52 U.S.C. §§ 30101; 30116(a)(1)(A); 30118; 11 C.F.R. § 110.1(b)(1)(i).

office; or (ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.”¹¹

Payments of “compensation” to a candidate “shall be considered contributions” from the payor to the candidate unless: (A) The compensation results from bona fide employment that is **genuinely independent of the candidacy**; (B) The compensation is exclusively in consideration of services provided by the employee as part of this employment; and (C) The compensation does not exceed the amount of compensation which would be paid to any other similarly qualified person for the same work over the same period of time.¹²

Cause of Action. There is reason to believe that AMPLI has made illegal contributions to several candidates. The fellowship’s true purpose was explicitly described by its founder as a way to give money to failed candidates (or prospective candidates) for personal expenses in the brief downtime before they are able to file again to run for another office. Thus, the fellowship is directly tied to a federal candidacy and not for bona fide independent employment. Any claim otherwise would strain credulity.

Of course, in this case before the FEC, AMPLI will likely **now** argue that the payments were for employment that was not related to the recipient’s candidacy and identify some vague job description. This argument simply cannot overcome the true purpose of the program. Any work description AMPLI provides must be viewed in the context of their true purpose to provide money to candidates, which would cast serious doubt on whether any claimed work was bona fide. Would AMPLI have offered the fellowship to a person they did not already know or anticipate would be a candidate in the near future? According to their statements, they would not. The evidence shows the work was most likely created simply to fund a prospective candidate and not for any other purpose.

In a case considered by the FEC in MUR 7816, the Commission found that the “compensation” was “likely” from bona fide employment independent from the payee’s candidacy. However, in that

¹¹ 52 U.S.C. § 30101(8)(A); *see also* 11 C.F.R. §§ 100.52(a), 114.1(a)(1). “Anything of value” includes all in-kind contributions, such as the provision of goods or services without charge or at a charge less than the usual and normal charge. 11 C.F.R. § 100.52(d)(1). “Usual and normal” charge is “the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution.” 11 C.F.R. § 100.52(d)(2).

¹² 11 C.F.R. § 113.1(g)(g)(iii).

case, the Commission did not have any evidence of the self-admitted true purpose of the fellowship and only had the payor's claims the employment was bona fide.¹³

The true purpose of the fellowship at issue here is clearly to provide payments to candidates before announcing or between their campaigns, essentially creating full-time professional politicians. For decades now all polling has shown a fervent and bipartisan distaste for lifelong politicians that are growing ever increasingly disconnected from the average American—without a doubt this would cement this phenomenon into permanence. As important, this is not legally allowed—the law does not allow a corporation to use a guise to pay candidates before or between their campaigns. We respectfully request the Commission immediately investigate and hold the Respondents accountable.

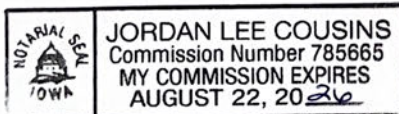
Respectfully submitted,

Kendra Arnold

Foundation for Accountability & Civic Trust
By, Kendra Arnold, Executive Director
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STATE OF Iowa)
) ss.
COUNTY OF Polk)

Subscribed and sworn to before me on March 11th, 2024.



Jordan Lee Cousins
Notary Public in and for the State of Iowa

¹³ Federal Election Commission, *Factual and Legal Analysis*, MUR 7816 (Daniel Feehan, et al.), available at: https://www.fec.gov/files/legal/murs/7816/7816_19.pdf.