

BEFORE THE FEDERAL ELECTION COMMISSION

The Foundation for Accountability and Civic Trust
1717 K Street NW
Suite 900
Washington DC, 20006

v.

MUR No. _____

Rubén Gallego
P.O. Box 1710
Phoenix, AZ 85001

Gallego for Arizona
P.O. Box 1710
Phoenix, AZ 85001

DSCC
1200 Maryland Ave NE
Washington, DC 20002

La Machine
2401 N Central Ave #2
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Antonio Valdovinos
290 E Roosevelt St, Apt 314
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Arizona Democratic Party
PO Box 36123
Phoenix, AZ 85067

COMPLAINT

Since its founding, the United States of America has fought back against the attempts of foreign nationals to influence its federal elections.¹ Alexander Hamilton famously warned that “[o]ne of the weak sides of republics, among their numerous advantages, is that they afford too easy an inlet to foreign corruption.”² Contemporary observers agree. As Federal Election Commissioner Weintraub recently wrote, “Let me make something 100% clear to the American

¹ Dawson, Matthew. *Partisanship and the Birth of America's Second Party, 1796-1800: Stop the Wheels of Government*, pp. 38-39 (Greenwood Publishing Group, 2000).

² Hamilton, Alexander. *Federalist No. 22, Federalist Papers*; Congressional Research Service, “*Things of Value*” and the Foreign Contribution Ban, Oct. 28, 2019, available at: <https://sgp.fas.org/crs/misc/LSB10358.pdf>.

public and anyone running for public office: It is illegal for any person to solicit, accept, or receive anything of value from a foreign national in connection with a U.S. election. This is not a novel concept. Electoral intervention from foreign governments has been considered unacceptable since the beginnings of our nation.”³

This complaint is filed pursuant to 52 U.S.C. §§ 30118(a) and 30109(a)(1) and is based on information providing reason to believe that Respondents have knowingly and willfully violated prohibitions against contributions by foreign nationals, as established by FECA, 52 U.S.C. § 30121(a)(1) and Commission regulations. Specifically, the named Respondents have either made or received direct monetary contributions from a foreign national or been a party to a foreign national’s direct participation in influencing federal elections.

The standard for an FEC investigation is, “[i]f the Commission, upon receiving a complaint... has reason to believe that a person has committed, or is about to commit, a violation of [FECA]... [t]he Commission shall make an investigation of such alleged violation . . .” 52 U.S.C. § 30109(a)(2); *see also* 11 C.F.R. § 111.4(a). That standard is easily satisfied in this matter and the Commission should take proper action.

FACTS

Antonio Valdovinos is the founder and CEO of a political consulting firm named La Machine.⁴ Valdovinos is also a foreign national who regularly touts his status as a beneficiary of the Deferred Action for Childhood Arrivals (“DACA”) program.⁵ Yet despite his foreign national status, Valdovinos has (1) made direct monetary contributions to federal political committees, (2) worked as a campaign staffer to directly influence the election of federal candidate Rubén Gallego, and (3) worked to influence multiple federal elections through his political consulting firm, La Machine Consulting.

I. Direct Federal Contributions

As shown in the chart below, since October 2019 Valdovinos has made at least 17 direct contributions to federal political committees for an aggregate total of \$1,350.⁶

³ Chair Ellen Weintraub, Federal Election Commission, *Statement Regarding Illegal Contributions From Foreign Governments* (June 13, 2019), available at: https://www.fec.gov/resources/cms-content/documents/Chair_Weintraub_on_Illegal_Foreign_Contributions.pdf.

⁴ La Machine, *The La Machine Team*, available at: <https://lamachineconsulting.com/people-powered/>; Federal Election Commission, *Response and Designation of Counsel from Antonio Valdovinos*, MUR 7712, at 2 (Mar. 20, 2020), available at: https://eqs.fec.gov/eqsdocsMUR/7712_07.pdf.

⁵ La Machine, *Immigrants Embrace Activism Awaiting Word on DACA’s Future* (Feb. 25, 2020), available at: <https://lamachineconsulting.com/immigrants-embrace-activism-awaiting-word-on-dacas-future/> (“DACA recipients like Valdovinos are assuming prominent roles in the 2020 elections. They are becoming leaders in the Democratic presidential campaigns of Bernie Sanders and Tom Steyer and get-out-the-vote groups in immigrant communities, using their shared language and culture to build trust.”).

⁶ Federal Election Commission, *Individual Contributions*, available at: https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=Valdovinos%2C+Antonio&contributor_city=Phoenix&two_year_transaction_period=2020&two_year_transaction_period=2018&two_year_transaction_period=2022&two_year_transaction_period=

TABLE 1

Contributor name	Amount	Recipient	Receipt Date
Antonio Valdovinos De La Mora	\$500.00	Arizona Democratic Party	10/13/2019
Antonio Valdovinos De La Mora	\$100.00	Arizona Democratic Party	10/14/2019
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	6/15/2021
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	7/15/2021
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	8/15/2021
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	9/15/2021
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	10/15/2021
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	11/15/2021
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	12/15/2021
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	1/19/2022
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	2/15/2022
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	4/19/2022
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	7/15/2022
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	8/15/2022
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	9/15/2022
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	10/15/2022
Antonio Valdovinos	\$50.00	Friends of Jevin D. Hodge (via ActBlue)	11/15/2022

His first two contributions to the Arizona Democratic Party, which is the federal account of a Democratic state party committee, were made during the 2019-2020 election cycle. As of the date of this complaint, FEC records reflect that the Arizona Democratic Party has not refunded these contributions.⁷

These 2019 contributions to the Arizona Democratic Party also contradict a March 2020 statement made under penalty of perjury by Valdovinos in a separate FEC matter that did not involve these contributions. In MUR 7712, Valdovinos submitted a Response through counsel

2016&two_year_transaction_period=2014. Additionally, when making several of these contributions Valdovinos reported inaccurate information regarding his employer, stating both that his employer was “La Machine Consulting” and that he was “not employed.” *Id.* In fact, on the same day, April 19, 2022, Valdovinos stated his employer was “La Machine Consulting” and he was “not employed.” *Id.* One of these cannot be accurate.

⁷ Fed. Election Comm’n, *Disbursements*, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00166710 (search disbursements with “Arizona Democratic Party” as spender and “Valdovinos” as recipient).

addressing allegations that he had violated the foreign national ban under 52 U.S.C. § 30121(a). His Response through counsel in that matter stated as follows:

In fact, Mr. Valdovinos has never violated 52 U.S.C. § 30121(a). The law provides that “[i]t shall be unlawful for—(1) a foreign national, directly or indirectly, to make—(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 . . .”⁸

In support of this Response, Valdovinos submitted a signed Declaration swearing “that the facts contained in the Response to MUR #7712, submitted on March 20, 2020, are true and correct” and that the entire Declaration “is true and correct under penalty of perjury.”⁹

However, at the time he submitted this sworn Response on March 20, 2020, Valdovinos had already contributed a total of \$600 to the Arizona Democratic Party—mere months prior to submitting a response claiming that he had never done so. Following submission of this Response, in which he demonstrated an awareness of the existence of the foreign national ban in 52 U.S.C. § 30121(a), Valdovinos made 15 additional contributions to federal political committees without any apparent change in his citizenship status.¹⁰

II. Paid Employment to Influence a Federal Election in 2014

Valdovinos’s illegal participation in federal elections has been ongoing for nearly a decade and has not been limited to monetary contributions to federal committees. In fact, in 2014, before he made any recorded federal contributions, Valdovinos worked as a paid campaign staffer for then-state legislator Rubén Gallego, helping elect Gallego to the U.S. House of Representatives. Between May and December 2014, Gallego for Arizona paid Valdovinos a total of \$25,581.67 for his field services as a campaign staffer.¹¹ Of this campaign experience Valdovinos later said, “I wasn’t able to join the Marines, but I joined a Marine (Gallego), and he taught me how to organize.”¹² While the statute of limitations has already run on these 2014 disbursements for enforcement purposes, they are evidence of a long and ongoing pattern of impermissible meddling in federal elections. Indeed, given that the Gallego campaign was Valdovinos’s employer, we can assume that candidate Gallego had knowledge of Valdovinos’s foreign national status beginning in 2014 and continuing to the present day.

⁸ Federal Election Commission, *Response and Designation of Counsel from Antonio Valdovinos*, MUR 7712, at 1-2 (Mar. 20, 2020), available at: https://eqs.fec.gov/eqsdocsMUR/7712_07.pdf.

⁹ *Id.* at 3.

¹⁰ See Table 1.

¹¹ Federal Election Commission, *Disbursements*, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00558627&recipient_name=valdovinos%2Cantonio&two_year_transaction_period=2014 (search disbursements with “Gallego for Arizona” as spender and “Valdovinos, Antonio” as recipient).

¹² Raul A. Reyes, ‘*Americano!*’ puts a Focus on ‘Dreamers’ and Their Quest for the American Dream (Apr. 18, 2022), available at: <https://www.nbcnews.com/news/latino/americano-puts-focus-dreamers-quest-american-dream-rcna24244>.

III. Valdovinos's Continuing Influence on Federal Elections through his Political Consulting Firm, La Machine, 2016-present

Finally, Valdovinos continues to work for political parties and candidates to influence U.S. federal elections through his political consulting firm, La Machine, founded in 2016.¹³

La Machine markets itself as a “**complete** political operation firm”¹⁴ that is “focused on delivering client success in **every dimension**.¹⁵ Specifically, the firm touts its ability to “help local and national clients reach and interact with potential voters” and “to reach the new, growing and the culturally diverse American electorate.”¹⁶ In other words, La Machine’s work is to consult with federal candidates and committees on their outreach to voters and potential voters for the purpose of influencing the outcome of elections. La Machine’s marketing materials go even further, offering “**one-on-one coaching geared toward developing a field-organizing plan and budget based on a strategic analysis of objectives, resources, timeline and demographics.**”¹⁷ This marketing is particularly brazen given the prohibition on foreign nationals “participat[ing] in the Committees’ decision-making processes” regarding election-related activities, discussed in MUR 7587.¹⁸ Altogether, La Machine helps federal campaigns develop particular strategic objectives and then achieve those goals via targeted outreach to particular groups of voters.

Services

Contact business to request an appointment.

<p>Canvassing ...</p> <p>Duration varies</p> <p>Whether its educating voters about progressive issues or working to elect candidates – we have the track record...</p>	<p>Signature Gathering ...</p> <p>Duration varies</p> <p>We can earn your campaign access to the ballot with no hassle, while ensuring that your campaign is delivering...</p>
<p>Volunteer Coordination ...</p> <p>Duration varies</p> <p>We have vast experience managing and recruiting volunteers to ensure that they make a positive...</p>	<p>Consulting ...</p> <p>Duration varies</p> <p>La Machine offers one-on-one coaching geared toward developing a field-organizing plan and budget based o...</p>
<p>Voter Registration ...</p> <p>30 mins</p> <p>We have the field strength and game plan to run a successful voter registration drive. Whether on its own...</p>	

¹³ *Id.*

¹⁴ Facebook, *La Machine Consulting: Privacy and Legal Info*, available at: https://www.facebook.com/LaMachineConsulting/about_privacy_and_legal_info (emphasis added).

¹⁵ Facebook, *La Machine Consulting: Intro*, available at: <https://www.facebook.com/LaMachineConsulting> (emphasis added).

¹⁶ La Machine Consulting website, available at : <https://lamachineconsulting.com/>

¹⁷ Facebook, *La Machine Consulting: About*, available at: <https://www.facebook.com/LaMachineConsulting/about> (emphasis added).

¹⁸ Federal Election Commission, *First General Counsel’s Report*, MUR 7587 (Bernard Sanders), at 9–11 (Nov. 1, 2019), https://eqs.fec.gov/eqsdocsMUR/7587_14.pdf.

In addition to touting its capability to develop a campaign field strategy, La Machine’s branding and marketing efforts have also heavily emphasized the owner’s status as a DACA recipient. In fact, the firm’s election-related services and Valdovinos’s foreign national background are so intertwined that they were featured in an off-Broadway musical that tells the story of how Valdovinos came to have such significant influence on U.S. political campaigns.¹⁹ Titled *¡Americano! Because We’re All Dreamers*, the musical is a “true story” about Valdovinos’s life that highlights his participation in American politics and even features La Machine’s firm logo in the production set.²⁰ Indeed, La Machine’s branding is so heavily associated with Valdovinos’s status as a DACA recipient that former President Obama chose the set of *¡Americano!* to commemorate the 10-year anniversary of DACA and host a roundtable discussion with Dreamers.²¹

The website for the musical features an interview with Valdovinos titled “In Tony’s Own Words,” in which he explains how his DACA status motivated his desire to influence American elections, stating, “we were able to mobilize effectively and efficiently a lot of Latinos to participate in these elections for the very first time, and ten years later **completely changing what city hall looks like now, what the state legislature looks like now, and most importantly for me, it was the 2014 election of Rubén Gallego.**”²² NBC News summarized Valdovinos’s and La Machine’s influence on American elections, stating, “While *¡Americano!* chronicles the journey of Tony Valdovinos onstage, the real-life Valdovinos stays focused on his career as a political consultant.”²³ Put simply, Valdovinos and La Machine use Valdovinos’s DACA status as a major marketing tool to political campaigns, in open defiance of FECA’s prohibition on foreign nationals such as Valdovinos influencing federal elections by participating in the decision-making of federal political committees.

A Member of Congress since 2015, Rubén Gallego recently announced he is running for U.S. Senate in 2024.²⁴ In 2018, Rep. Gallego announced that his one guest to the State of the Union address would be his former campaign staffer, Antonio Valdovinos. In a press release from his official congressional website, Gallego’s office states:

¹⁹ On its website La Machine goes so far as to brag that this musical was about the firm, claiming, “La Machine’s story, and the story of its Founder, Antonio Valdovinos, is so compelling it was the basis of the record setting Phoenix musical, *¡Americano!*” La Machine, *What We Do*, available at: <https://lamachineconsulting.com>.

²⁰ Twitter, @AmericanoBway (Jun, 17, 2022)

https://twitter.com/AmericanoBway/status/1537847883080388608?s=20&t=teq_kfu3SHJspzSsGoGZ0A

²¹ Broadway World, *VIDEO: President Obama Meets with Dreamers on the Stage of ¡AMERICANO! to Reflect on 10th Anniversary of DACA* (Jun, 15, 2022), available at:

<https://www.broadwayworld.com/article/VIDEO-President-Obama-Meets-with-Dreamers-On-the-Stage-of-AMERICANO-to-Reflect-on-10th-Anniversary-of-DACA-20220615>

²² *¡AMERICANO!*, *About*, available at: <https://americanothemusical.com/about/> (relevant comments begin at 0:28 in video).

²³ See Raul A. Reyes, ‘*¡Americano!*’ puts a Focus on ‘Dreamers’ and Their Quest for the American Dream (Apr. 18, 2022), available at: <https://www.nbcnews.com/news/latino/americano-puts-focus-dreamers-quest-american-dream-rcna24244>.

²⁴ Kelly Hooper, *Gallego Officially Launches Bid for Senate’s Seat*, Politico (Jan. 23, 2023), available at: <https://www.politico.com/news/2023/01/23/gallego-bid-senate-run-2024-00078976>.

Antonio is a 27-year-old DACA recipient, who became involved in politics and community activism after being denied entry to the Marine Corps due to his legal status. In 2011, Antonio was one of the founding members of Team Awesome, a group of Dreamers who canvassed to get progressives elected to the Phoenix City Council. He then founded his own business, La Machine, focused on executing grassroots activism, community engagement and voter contact programs in Arizona and the Southwest.²⁵

Since March 2018, Gallego's campaign committee, Gallego for Arizona, has paid La Machine \$211,587.66 for services that include "Petition Signature Gathering Services" and "Consulting Services."²⁶ Merriam-Webster defines "consulting" to mean "providing **professional or expert advice**."²⁷ La Machine did not provide mere clerical work, but instead provided 'professional or expert advice' to Gallego's campaign.

The same is true of the Democratic Senatorial Campaign Committee (DSCC). The DSCC is the national political party committee for electing Democrats to the U.S. Senate. Over a span of two months in 2022, the DSCC paid La Machine \$710,000 for services that included "voter canvassing."²⁸ Merriam-Webster defines "canvass" as "to go through (a district) or go to (persons) in order to solicit orders or political support."²⁹ In layman's terms, "voter canvassing" is more commonly understood to include "getting-out-the-vote" or "field work." Thus, put more plainly, the DSCC paid La Machine \$710,000 for get-out-the-vote and field services.³⁰

Below is a chart outlining all disbursements to Valdovinos and La Machine from Gallego for Arizona and the DSCC:

Contributor name	Amount	Recipient	Receipt date
Gallego for Arizona	\$917.66	La Machine Field Operations LLC	7/18/18
Gallego for Arizona	\$1,200.00	La Machine Field Operations LLC	6/21/18
Gallego for Arizona	\$1,620.00	La Machine Field Operations LLC	6/1/18

²⁵ Office of Rep. Ruben Gallego, *Rep. Ruben Gallego Announces State of the Union Guest* (Jan. 30, 2018), available at: <https://rubengallego.house.gov/media-center/press-releases/rep-ruben-gallego-announces-state-union-guest>.

²⁶ Federal Election Commission, *Disbursements*, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00558627&recipient_name=La+Machine&two_year_transaction_period=2018&two_year_transaction_period=2020&two_year_transaction_period=2022 (search "Gallego for Arizona" as the spender and "La Machine" as the recipient).

²⁷ <https://www.merriam-webster.com/dictionary/consulting> (emphasis added).

²⁸ Federal Election Commission, *Disbursements*, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00042366&recipient_name=La+Machine&recipient_name=Valdovinos&two_year_transaction_period=2022

²⁹ <https://www.merriam-webster.com/dictionary/canvass>

³⁰ Valdovinos has similarly described La Machine as a "get-out-the-vote consulting firm." Antonio Valdovinos, *I Can't Serve My Country If Congress Doesn't Pass a Path to Citizenship*, AZ Central (Jun. 25, 2022), available at: <https://www.azcentral.com/story/opinion/op-ed/2022/06/25/daca-recipient-antonio-valdovinos-inspired-americano-musical-scared/7706360001/>.

Gallego for Arizona	\$1,800.00	La Machine Field Operations LLC	11/16/18
Gallego for Arizona	\$3,445.00	La Machine Field Operations LLC	6/7/16
Gallego for Arizona	\$5,000.00	La Machine Field Operations LLC	3/16/18
Gallego for Arizona	\$5,000.00	La Machine Field Operations LLC	11/23/18
Gallego for Arizona	\$5,000.00	La Machine Field Operations LLC	2/29/16
Gallego for Arizona	\$5,000.00	La Machine Field Operations LLC	4/14/16
Gallego for Arizona	\$5,150.00	La Machine Field Operations LLC	5/23/18
Gallego for Arizona	\$7,500.00	La Machine Field Operations LLC	8/10/18
Gallego for Arizona	\$9,750.00	La Machine Field Operations LLC	6/21/18
Gallego for Arizona	\$12,000.00	La Machine Field Operations LLC	8/29/16
Gallego for Arizona	\$13,300.00	La Machine Field Operations LLC	6/21/18
Gallego for Arizona	\$25,350.00	La Machine Field Operations LLC	7/25/18
Gallego for Arizona	\$10,500.00	La Machine Field Operations LLC	11/4/19
Gallego for Arizona	\$10,500.00	La Machine Field Operations LLC	2/4/20
Gallego for Arizona	\$20,000.00	La Machine Field Operations LLC	12/7/20
Gallego for Arizona	\$12,500.00	La Machine Field Operations LLC	1/31/22
Gallego for Arizona	\$22,500.00	La Machine Field Operations LLC	3/14/22
Gallego for Arizona	\$29,500.00	La Machine Field Operations LLC	6/23/22
Gallego for Arizona	\$29,500.00	La Machine Field Operations LLC	7/19/22
DSCC	\$2,000.00	La Machine Consulting	9/9/22
DSCC	\$83,000.00	La Machine Consulting	9/12/22
DSCC	\$85,000.00	La Machine Consulting	9/12/22
DSCC	\$540,000.00	La Machine Consulting	12/6/22

CAUSE OF ACTION

COUNT 1: Knowing and Willful Contributions by Foreign National(s)

I. Illegal Direct Contributions

Under FECA, a contribution is defined as 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 office.”³¹ The phrase “anything of value” includes all in-kind contributions.³² Federal law prohibits foreign nationals, including DACA recipients, from making contributions to federal candidates and party committees and participating in decisions involving election-related activities.³³

Valdovinos made numerous illegal contributions even after filing an affidavit reflecting his knowledge of the foreign national ban.

Under 52 U.S.C. § 30121(a) and 11 C.F.R. § 110.20, foreign nationals (a category that includes DACA recipients) are prohibited from making direct contributions to federal campaign committees and state party committees.³⁴ Valdovinos has violated this prohibition at least 17 times, including twice during the months leading up to his submission of a Declaration under penalty of perjury attesting that he had never made such prohibited contributions.³⁵ As explained above, in his Declaration, Valdovinos stated, “I swear that the facts contained in the Response to MUR #7712, submitted on March 20, 2020, are true and correct. . . . I swear the above is true and correct under penalty of perjury.”³⁶ In the cited Response, counsel for Valdovinos stated:

In fact, **Mr. Valdovinos has never violated 52 U.S.C. § 30121(a)**. The law provides that “[i]t shall be unlawful for—(1) a foreign national, directly or indirectly, to make—(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[.]”³⁷

At the time of submitting this Response, Valdovinos had already contributed \$600 to the Arizona Democratic Party. These contributions did not occur years in the past, but less than six months before the submission of his Response in MUR 7712. Following submission of this Response, in which he demonstrates knowledge of the foreign national ban in the course of arguing that he hasn’t violated it, Valdovinos made **15 additional contributions** to federal campaign committees.³⁸ Thus, in March 2020, Valdovinos swore that he had never contributed to a federal

³¹ 52 U.S.C. § 30101(8); 11 C.F.R. § 100.52.

³² 11 C.F.R. § 100.52(d)(1).

³³ 52 U.S.C. § 30121(a); 11 C.F.R. § 110.20(i).

³⁴ “DACA recipients are neither United States citizens nor legal permanent residents. . . . Under the Act, then, DACA recipients are foreign nationals.” Federal Election Commission, *Statement of Reasons of Chair Shana M. Broussard & Vice Chair Allen Dickerson*, MURs 7587/7712 (Apr. 9, 2021), available at: https://eqs.fec.gov/eqsdocsMUR/7587_34.pdf.

³⁵ Valdovinos reported his employer was La Machine Consulting when making both of these contributions. Federal Election Commission, *Individual Contributions*, available at: https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=Valdovinos%2C+Antonio&contributor_city=Phoenix&two_year_transaction_period=2020&two_year_transaction_period=2018&two_year_transaction_period=2022&two_year_transaction_period=2016&two_year_transaction_period=2014.

³⁶ Federal Election Commission, *Response and Designation of Counsel from Antonio Valdovinos*, MUR 7712, at 3 (Mar. 20, 2020), available at: https://eqs.fec.gov/eqsdocsMUR/7712_07.pdf.

³⁷ *Id.* at 1-2.

³⁸ Fed. Election Comm’n, *Individual Contributions*, available at: https://www.fec.gov/data/receipts/individual-contributions/?contributor_name=Valdovinos%2C+Antonio&contributor_city=Phoenix&two_year_transaction_peri

campaign or party committee, even though he had done so twice previously, and would continue to do so on a regular basis in the future. In addition, because he swore to knowledge of the foreign national prohibition against making contributions on March 20, 2020, all prohibited direct contributions that he made after that date were knowing and likely willful.

The Arizona Democratic Party Accepted \$600 in Illegal Contributions in 2019 Despite Likely Having Knowledge of Valdovinos's Foreign National Status.

Similarly, it is illegal for a state party committee, like the Arizona Democratic Party, to “knowingly” accept a contribution from a foreign national.³⁹ The Arizona Democratic Party is the federal account of a Democrat state party committee. In October 2019, the Arizona Democratic Party accepted a total of \$600.00 in contributions from Valdovinos and has yet to refund the contributions.⁴⁰

According to press reports, Valdovinos has worked closely with the Arizona Democratic Party over the last decade. In 2012, ABC News published a report about a group called “Team Awesome” that “worked closely with the Arizona’s Democratic Party. . . . Tony Valdovinos is one of the leaders of Team Awesome and a DREAMer.”⁴¹ If ABC News had knowledge of Valdovinos’s foreign national status and publicly disseminated that information, then it is likely that the Arizona Democratic Party—which worked “closely” with Valdovinos on his get-out-the-vote efforts—similarly knew of his foreign national status. In addition, the Arizona Democratic Party paid La Machine over \$5,000 for field services years before it accepted Valdovinos’s contributions.⁴² Given these ties, and Valdovinos’s notoriety and frequent press attention as a local activist, it is implausible that the Arizona Democratic Party would be unaware of Valdovinos’s foreign national status.

II. Illegal Participation in Election-Related Activities for the DSCC and Gallego

Under 11 C.F.R. § 110.20(i), foreign nationals “shall not direct, dictate, control, or directly or indirectly participate in the decision-making process of any person, such as a corporation, labor organization, political committee, or political organization with regard to such person’s Federal or non-Federal election-related activities, such as decisions concerning the making of contributions,

od=2020&two_year_transaction_period=2018&two_year_transaction_period=2022&two_year_transaction_period=2016&two_year_transaction_period=2014 (search “Antonio Valdovinos” as contributor).

³⁹ 52 U.S.C. § 30121(a)(2).

⁴⁰ See Federal Election Commission, *Disbursements*, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00166710 (search disbursements with “Arizona Democratic Party” as spender and “Valdovinos” as recipient).

⁴¹ Albert Sabaté, *Team Awesome is Giving Latinos a New Reason to Vote*, ABC News (Oct. 25, 2012), available at: https://abcnews.go.com/ABC_Univision/News/team-awesome-undocumented-activists-arizona-latino-voter-turnout/story?id=17563331.

⁴² Federal Election Commission, *Disbursements*, available at: https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00166710&recipient_name=La+Machine&recipient_name=Valdovinos&two_year_transaction_period=2012&two_year_transaction_period=2014&two_year_transaction_period=2010&two_year_transaction_period=2016&two_year_transaction_period=2018&two_year_transaction_period=2020 (search “Arizona Democratic Party” as the spender and “La Machine” as the recipient).

donations, expenditures, or disbursement in connections with elections for any Federal, State, or local office or decisions concerning the administration of a political committee.”⁴³ In recent years, the Commission has reviewed numerous enforcement matters assessing the breadth of the foreign national ban contained in 11 C.F.R. § 110.20(i). One of those matters even involved alleged violations of the foreign national ban by the very political consultancy implicated here.

In MUR 7712, the complainant alleged that various federal political committees had violated the foreign national ban by hiring foreign nationals or using them as vendors to provide services to the committees; the latter claim focused on the same foreign national (Antonio Valdovinos) and the same political consultancy (La Machine) implicated in this Complaint.⁴⁴ The Commission’s Office of General Counsel determined that DACA recipients are foreign nationals for the purposes of the FECA,⁴⁵ a finding reiterated by Commissioners Broussard and Dickerson in their Statement of Reasons.⁴⁶ The First General Counsel’s Report also found that La Machine’s status as a commercial vendor (*i.e.*, the fact that it was paid fair-market value for its services) did not automatically resolve the question of whether Valdovinos had been unlawfully involved in campaign decision-making, because “a campaign’s hiring of a vendor could result in a prohibited contribution if the foreign national directly or indirectly participates in [the] committee’s management or decision-making process in connection with those activities.”⁴⁷ This is directly contrary to Valdovinos’s argument in his sworn Response in the Matter that because La Machine was paid for its services, then no violation could have occurred.⁴⁸

Significantly, the General Counsel expressed concern about the nature of La Machine’s operations, noting that:

the type of work [Valdovinos’s] company performs, ***which includes campaign strategy***, raises the prospect that the company could provide the type of services that the Commission has previously found resulted in prohibited foreign national contributions.⁴⁹

Nevertheless, the FEC General Counsel recommended dismissing the allegations against Valdovinos due to the lack of “specific information that Valdovinos or La Machine provided services to any particular committee,”⁵⁰ and the Commission subsequently dismissed those complaints in an exercise of prosecutorial discretion while providing no substantive analysis of the allegations.⁵¹ According to Chair Broussard and Vice Chair Dickerson, the lack of “specific

⁴³ 11 C.F.R. § 110.20(i).

⁴⁴ Federal Election Commission, *First General Counsel’s Report*, MUR 7712, at 1–2 (Sept. 24, 2020), https://eqs.fec.gov/eqsdocsMUR/7712_13.pdf.

⁴⁵ *Id.* at 6.

⁴⁶ Federal Election Commission, *Statement of Reasons of Chair Shana M. Broussard & Vice Chair Allen Dickerson*, MURs 7587/7712 (Apr. 9, 2021), available at: https://eqs.fec.gov/eqsdocsMUR/7587_34.pdf.

⁴⁷ Federal Election Commission, *First General Counsel’s Report*, MUR 7712, at 10.

⁴⁸ Federal Election Commission, *Response and Designation of Counsel from Antonio Valdovinos*, MUR 7712, at 1–2 (Mar. 20, 2020), available at: https://eqs.fec.gov/eqsdocsMUR/7712_07.pdf.

⁴⁹ Federal Election Commission, *First General Counsel’s Report*, MUR 7712, at 10.

⁵⁰ *Id.* at 11.

⁵¹ Federal Election Commission, *Statement of Reasons of Chair Shana M. Broussard & Vice Chair Allen Dickerson*, MURs 7587/7712 (Apr. 9, 2021), https://eqs.fec.gov/eqsdocsMUR/7587_34.pdf.

information” in the complaint that Valdovinos “or La Machine provided services *to any particular committee*, or that those services include[d] election-related decision-making concerning a committee’s contributions or expenditures,” was particularly relevant to the Commission’s determination.⁵²

Although the Commission did not pursue enforcement against Valdovinos or La Machine in MUR 7712, it did find reason to believe in MUR 7587 that Senator Bernie Sanders’s 2016 and 2020 presidential campaigns each violated the Act by hiring three DACA recipients.⁵³ Again, the Commission agreed that DACA recipients are “foreign nationals” within the meaning of the Act, and determined in this case that there was reason to believe that the foreign nationals in question *had* participated in decision-making concerning the Sanders campaigns’ election-related activities.⁵⁴ Based partly upon the foreign nationals’ “own public statements about their roles in the campaign,” the Commission determined that they “were not mere clerical workers” but instead were “in a position to make decisions about targeting voters and messaging, helping to shape the Committees’ election-related spending decisions and administration.”⁵⁵ They also worked on “Latino outreach for the Sanders campaign . . . tasked with planning and executing events intended to mobilize the Latino community to support Sanders.”⁵⁶ Significantly, the Commission found a violation even where the foreign nationals “appear not to have held management positions” within the campaign or even exercised a “significant level of responsibility.”⁵⁷

MUR 7350 is similarly instructive on the question of how much influence a foreign national must have over decision-making within a political campaign to trigger the foreign national prohibition. In that Matter, the First General Counsel’s report recommended finding reason to believe that several federal political committees violated the foreign national prohibition during the 2014 and 2016 election cycles by utilizing the services of Cambridge Analytica LLC, a Delaware limited liability company owned by a British parent company and managed by a CEO, Alexander Nix, who was a British citizen.⁵⁸ The Commission determined that Cambridge’s services “went well beyond the types of activities that the Commission has previously determined do not violate the foreign national prohibition,” encompassing “not only . . . communications and targeting advice, i.e., advice about how to effectively craft tailored communications and target them to receptive voters in order to maximize the messages’ impact, but ‘directed’ the committees in their messaging.”⁵⁹ Cambridge employees (most of whom were also foreign nationals) “instruct[ed] campaigns on which messages go where and to who,” thereby violating the foreign national prohibition “[b]y helping committees determine *both* the content *and* target audience for their campaign communications.”⁶⁰ The Commission also found it relevant to the existence of a

⁵² *Id.* at 4 (emphasis in original).

⁵³ See Federal Election Commission, *Certification*, MUR 7587 (Bernard Sanders), at 2-3 (Apr. 7, 2021), https://eqs.fec.gov/eqsdocsMUR/7587_17.pdf (explaining that the Commission found reason to believe that the campaigns violated the foreign national ban by a vote of 4-1).

⁵⁴ *Id.* at 17.

⁵⁵ *Id.* at 11.

⁵⁶ *Id.* at 11-12.

⁵⁷ *Id.* at 13.

⁵⁸ Federal Election Commission, First General Counsel’s Report, MUR 7350 (Cambridge Analytica), at 40-41 (Dec. 14, 2018), https://eqs.fec.gov/eqsdocsMUR/7350_26.pdf.

⁵⁹ *Id.* at 20-21.

⁶⁰ *Id.* at 21 (emphasis added).

FECA violation that, “although Cambridge executives were apparently aware of the risks of using foreign nationals to fulfill a wide range of responsibilities on behalf of political committees, Cambridge failed to provide its foreign national employees with any compliance training on types of conduct to avoid.”⁶¹

The political committees that utilized Cambridge’s services were equally guilty of violations. The First General Counsel’s Report found that Cambridge, “which employed mostly foreigners in 2014, assumed ‘comprehensive’ responsibilities” for one committee that included “managing basic campaign functions and providing strategic advice.”⁶² Most importantly, “[e]ven if” the client committee’s staff “made all final decisions regarding the committee’s management and electoral strategy, the Commission’s regulation broadly prohibits foreign nationals *from even participating in that process.*”⁶³ According to the Commission:

[T]he key issue is not whether foreign nationals had final decision-making authority or final say regarding any analysis, but whether they directed, or directly or indirectly participated in, the process by which the committee made decisions regarding election activity, including by providing strategic advice to committee leaders authorized to make final decisions.⁶⁴

Hence, the fact that foreign national vendors lacked the authority to exercise final sign-off on a committee’s strategic decisions will not insulate that committee from a violation when it utilized the services of foreign nationals at every preliminary step in the decision-making process.

Nevertheless, despite voting to find reason to believe that Cambridge and four federal political committees that utilized its services violated the foreign national ban during the 2014 election cycle, difficulties in gathering evidence from foreign sources during a lengthy investigation and the expiration of the applicable statute of limitations led the Commission to ultimately vote 5-0 to close the file without further action.⁶⁵ Two Commissioners who voted to close the file released a Statement of Reasons explaining their opinion that all of the conduct described in MUR 7350 constituted “an egregious violation of federal law” and “serious violations of the foreign national ban.”⁶⁶

Therefore, it is clear from the Matters analyzed above that foreign nationals and the committees that hire them violate the foreign national ban when foreign nationals are “in a position to make decisions about targeting voters and messaging, helping to shape the Committees’ election-related spending decisions and administration,” even if they do not hold “management positions” within a campaign.⁶⁷ Particularly suspect are scenarios in which foreign nationals

⁶¹ *Id.*

⁶² *Id.* at 23.

⁶³ *Id.* (emphasis added).

⁶⁴ *Id.* at 25.

⁶⁵ Federal Election Commission, *Certification*, MUR 7350 (Oct. 4, 2021), https://eqs.fec.gov/eqsdocsMUR/7350_47.pdf.

⁶⁶ Federal Election Commission, *Statement of Reasons of Chair Shana M. Broussard & Commissioner Ellen L. Weintraub MURs 7350, 7351, 7357, & 7382* (Nov. 4, 2021), https://eqs.fec.gov/eqsdocsMUR/7350_57.pdf.

⁶⁷ Federal Election Commission, *First General Counsel’s Report*, MUR 7587, at 11.

“instruct campaigns on which messages go where and to who,” thereby “helping committees determine both the content and target audience for their campaign communications.”⁶⁸ “[F]inal decision-making authority or final say” is not necessary to establish a violation, so long as the foreign nationals in question are “providing strategic advice to committee leaders authorized to make final decisions.”⁶⁹

And, of course, the Commission has previously warned that La Machine’s operations are of the type that *could* violate the foreign national prohibition given sufficient evidence about the committees served and the services performed. Unlike the Complainant in MUR 7712, here we *can* provide evidence that the Gallego campaign and the DSCC have made disbursements—in the hundreds of thousands of dollars—to pay La Machine for the kinds of services that are crucial to winning elections and intimately intertwined with campaign strategy. Indeed, Gallego even once paid Valdovinos as a full-time campaign staffer specializing in field operations.

DSCC and Voter Canvassing

According to the DSCC’s public statements, the Party’s “field operations” were the most important component of its strategy for the 2022 midterm elections. The DSCC proudly bragged about making a “big bet on election strategy” to POLITICO, “revealing that for the first time in recent history officials spent more on the party’s field operation than on television advertising in their bid to keep the majority.”⁷⁰ Thus, voter canvassing was central—not incidental—to the DSCC’s 2022 strategy. Moreover, the \$710,000 that the DSCC reported paying La Machine for voter canvassing services last year is a substantial sum—particularly given that La Machine only reports six employees on its website⁷¹—and further supports the inference that La Machine was performing an essential, not merely an incidental, function for the DSCC.

Importantly, La Machine’s description of its own activities has not changed since the FEC General Counsel first expressed concern in September 2020 over the type of work the firm performed for campaigns. La Machine’s website still touts the six services it offers clients as “Field Operations,” “Campaign Strategy,” “Digital Organizing,” “Multilingual Phones,” “Paid Canvass,” and “Direct Mail.”⁷² The following pop-up descriptions appear when one hovers the mouse over particular categories:

- Field Operations: “Strategy and timing are just as important as volume, and this is what sets La Machine apart.”
- Campaign Strategy: “We are data driven by the changing trends and the communities that make up an electorate.”
- Paid Canvass: “We create winning, data-driven, strategic field plans, that are well timed, for every campaign.”

⁶⁸ Federal Election Commission, *First General Counsel’s Report*, MUR 7350, at 21.

⁶⁹ *Id.* at 25.

⁷⁰ Marianne LeVine, *Senate Democrats’ Campaign Arm Made a Big Bet on Election Strategy This Year, Spending More on its Field Operations Than On TV Ads*, Politico (Nov. 8, 2022), available at: <https://www.politico.com/minutes/congress/11-8-2022/dscc-big-bet/>

⁷¹ La Machine, *The La Machine Team*, available at: <https://lamachineconsulting.com/people-powered/>.

⁷² La Machine, *Our Services*, available at: <https://lamachineconsulting.com/services/>.

La Machine advertises the fact that it specializes in helping campaigns make strategic decisions concerning where to spend campaign funds, which groups of voters to target, and when to contact those voters with particular messages. These are precisely the kinds of activities that the Commission has expressly prohibited foreign nationals from participating in.

Gallego for Arizona

Likewise, Gallego for Arizona—the principal campaign committee for Representative and now-U.S. Senate candidate Ruben Gallego—has reported making nine disbursements to La Machine within the five-year statute of limitations. All nine disbursements were for “petition signature gathering services” or “consulting services,” and amount to \$141,800 in total.⁷³ Based upon the description of the services and La Machine’s own statements about its particular areas of expertise, it is clear that La Machine was advising and assisting Gallego for Arizona on implementing a critical element of campaign strategy.

Further, Gallego for Arizona cannot plead ignorance about Valdovinos’s status as a foreign national. Candidate Gallego and Valdovinos have worked together for nearly a decade, dating back to Valdovinos’s tenure as a paid field organizer on Rep. Gallego’s 2014 congressional campaign.⁷⁴ According to the committee’s public reporting, Valdovinos was paid over \$25,000 for his work on that campaign.⁷⁵ Gallego and Valdovinos remained close, with Rep. Gallego inviting Valdovinos as his guest to the 2018 State of the Union Address.⁷⁶ Valdovinos’s company, La Machine, has also profited from their relationship, with La Machine collecting nearly \$900,000 in disbursements from the DSCC and Gallego for Congress in the 2022 election cycle despite being run by a foreign national. This conduct is a clear violation of the foreign national ban.

PRAYER FOR RELIEF

1. Wherefore, the Commission should find expedited reason to believe that Respondent La Machine is engaging in an ongoing, knowing, and willful violation of 52 U.S.C. § 30121 and move expeditiously to prevent the DSCC, Arizona Democratic Party, Rubén Gallego, and Gallego for Arizona from accepting contributions from foreign nationals in the future.
2. Further, the Commission should determine and impose appropriate sanctions for any and all violations, should enjoin respondent(s) from any and all violations in

⁷³ Fed. Election Comm’n, *Disbursements*, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00558627&recipient_name=la+machine (search “Gallego for Arizona” as the spender and “La Machine” as the recipient).

⁷⁴ Fed. Election Comm’n, *Disbursements*, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00558627&recipient_name=Valdovinos%2C+Antonio&two_year_transaction_period=2014 (search disbursements with “Gallego for Arizona” as spender and “Valdovinos, Antonio” as recipient).

⁷⁵ *Id.*

⁷⁶ See Office of Rep. Ruben Gallego, *Rep. Ruben Gallego Announces State of the Union Guest* (Jan. 30, 2018), available at: <https://rubengallego.house.gov/media-center/press-releases/rep-ruben-gallego-announces-state-of-the-union-guest>.

the future, and should impose such additional remedies as are necessary and appropriate to ensure compliance with the FECA.

Dated: September 26, 2023

Respectfully submitted,

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Subscribed and sworn to before me on this _____ day of September, 2023.

Notary Public