

**BEFORE THE UNITED STATES
FEDERAL ELECTION COMMISSION**

Darrell Issa for Congress and Jen Slater, Treasurer
9070 Irvine Center Dr., Suite 150
Irvine, CA 92618

Darrell Issa
c/o P.O. Box 463007
Escondido, CA 92046

Respondents.

COMPLAINT

This Complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) against Darrell Issa, Darrell Issa for Congress, and Jen Slater in her official capacity as Treasurer (collectively, “Respondents”). On October 6, congressional candidate Issa sent a fundraising solicitation to his campaign mailing list soliciting federally prohibited funds for the San Diego County Republican Party and several candidates for state and local office in California, and inviting recipients to an impermissible fundraiser on October 8. The Commission should immediately investigate this violation.

I. FACTUAL BACKGROUND

Darrell Issa is a candidate for Congress in California’s Fiftieth Congressional District. Darrell Issa for Congress is his principal campaign committee. Mr. Issa was a member of Congress from 2001 to 2019, most recently representing California’s Forty-Ninth District. In 2018, he lost re-election in that district, and he was considered for an appointment in the Trump Administration. After failing an FBI background check, Mr. Issa’s nomination was stalled, and he declared his candidacy for Congress in the Fiftieth District.

On October 6, 2020, Darrell Issa for Congress sent an email to its list signed by Mr. Issa. A true and correct copy of the email, with the name of the recipient redacted, is provided as Attachment A to this Complaint. That email stated “Congressman Darrell Issa invites you to a fundraiser for East County [Candidates] benefiting” a list of 15 candidates for state and local office. The email further stated that contributions would be “accepted payable to The Republican Party of San Diego County or to the candidate of your choice.” The email also indicated that Mr. Issa would be present at a fundraising event to be held on October 8, 2020. The email did not contain any disclaimers limiting the amount or sources of donations to the benefiting committees, nor did it identify that contributions to the Republican Party of San Diego County would be used in connection with federal elections.

II. LEGAL BACKGROUND AND ANALYSIS

The Federal Election Campaign Act, as amended by the Bipartisan Campaign Reform Act of 2002, prohibits federal candidates and officeholders from raising “soft money” – that is, money outside of

the federal contribution limits and source restrictions – in connection with an election.¹ A solicitation is “an oral or written communication that, construed as reasonably understood in the context in which it is made, contains a clear message asking, requesting, or recommending that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value.”²

Commission rules provide several ways that candidates *may* support nonfederal committees consistent with BCRA’s soft money prohibition. First, a federal candidate may appear on publicity for a nonfederal fundraising event containing a nonfederal solicitation so long as the candidate is identified as a special guest, featured speaker, or some other role “not specifically related to fundraising” and the solicitation contains a clear and conspicuous disclaimer that the candidate is not soliciting funds.³ Moreover, a federal candidate may appear on a solicitation for an event that is limited to soliciting federally permissible funds.⁴ However, a federal candidate may *not* sign a solicitation that seeks soft money or extend an invitation to an event where soft money will be raised.⁵

Mr. Issa plainly violated this rule. He extended an invitation to an event and issued a general solicitation on behalf of several committees that are not subject to the federal contribution limits and source restrictions. Specifically:

- California law permits nonfederal candidates and party committees to accept contributions from corporations and unions.⁶
- California law permits candidates for the Assembly to accept contributions of up to \$4,700 per election,⁷ an amount well in excess of the federal limits, and yet the email issues a general solicitation for Randy Voepel, a candidate for the Assembly.
- California law does not limit the contributions that a candidate for municipal office may accept. While some jurisdictions impose their own limits, many – including Padre Dam Water District, El Cajon, Cajon Valley USD, Grossmont-Cuyamaca Community College District, and La Mesa – do not. The email issues a general solicitation on behalf of candidates for these offices.⁸
- California permits the nonfederal account of a political party committee to accept unlimited contributions. The email issues a general solicitation on behalf of the Republican Party of

¹ 52 U.S.C. § 30125(e)(1).

² 11 C.F.R. § 300.2(m).

³ *Id.* § 300.64(c)(3).

⁴ *Id.* § 300.64(c)(3).

⁵ *Id.* § 300.64(c)(3)(v).

⁶ See Cal. Gov’t Code § 85301 (authorizing contributions from “persons”); *id.* § 82047 (defining “person” as including a corporation or any other association)

⁷ Cal. Code Regs. tit. 2, § 18545(a)(1).

⁸ A list of the local campaign finance ordinances in California is available at <http://www.fppc.ca.gov/the-law/local-ordinances.html>.

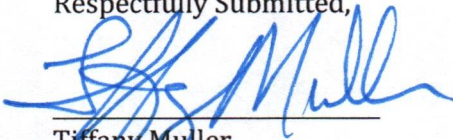
San Diego County, but does not specify that the funds are subject to federal limits or that the funds will be used in connection with a federal election and is, therefore, a solicitation for the party's nonfederal account.⁹

This is not an area where Mr. Issa can claim ignorance. This is Mr. Issa's twelfth campaign for federal office,¹⁰ and he was a Member of Congress when Congress debated and passed BCRA. Thus, not only has Mr. Issa violated BCRA's soft money ban - it appears that his violation was knowing and willful. Moreover, because Mr. Issa has taken on a fundraising role in this event - inviting attendees and signed the solicitation - he cannot permissibly appear at the event without committing a further violation.¹¹

III. CONCLUSION

There is indisputable proof that Mr. Issa violated the Act by soliciting soft money for a number of nonfederal committees; there is strong evidence his violation was knowing and willful; and, should he appear at the advertised fundraising event, it would be a further illegal soft money solicitation. The Commission should promptly investigate this matter, fine Respondents the maximum amount permitted by law, enjoin Respondents from any future violations, and take such other action as the Commission deems appropriate.

Respectfully Submitted,



Tiffany Muller
President and Executive Director
End Citizens United

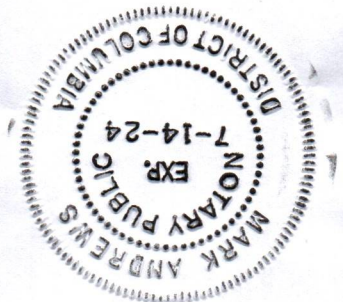
SUBSCRIBED AND SWORN to before me this 7th day of October 2020.

Mark Andrews

Notary Public

MARK ANDREWS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires July 14, 2024

My Commission Expires: _____



⁹ See 11 C.F.R. § 102.5(a)(2).

¹⁰ In addition to this campaign and his previous 10 congressional races, Mr. Issa unsuccessfully ran for U.S. Senate in 1998. FEC: Issa, Darrell E, Candidate for House: <https://www.fec.gov/data/candidate/H0CA48024/?cycle=2018>; FEC: Issa, Darrell Edward, Candidate for Senate: <https://www.fec.gov/data/candidate/S8CA00135/>

¹¹ See 11 C.F.R. § 300.64(c)(3)(v).

EXHIBIT A

From: Darrell Issa <info@darrellissa.com>

Sent: Tuesday, October 6, 2020 11:37 AM

To:

Subject: Thursday, Oct 8, 5:30P - 7:30P - East County Candidate Fundraiser

[View this email in your browser](#)



Congressman Darrell Issa invites you to a fundraiser for East County Candidates

I hope you can join me THIS Thursday, October 8th from 6:30pm-7:30pm at the **Lakeside GOP office** (10038 Marathon Pkwy, Lakeside, CA 92040) to support East County Candidates that need your help.

Must RSVP to irey@teamiissa.com to attend.

Sincerely,



Darrell Issa



Contribute to Help Our Campaign

To contribute by mail, please send a personal check to "Issa for Congress" at:

Issa for Congress
9870 Irvine Center Drive, #150
Irvine, CA 92618

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