



FEDERAL ELECTION COMMISSION
Washington, DC

VIA ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 29, 2021

Colleen M Moulton

Gilbert, Arizona 85234

RE: MUR 7857
Oonagh McQuarrie
Fair Fight
and Camille Johnson, as Treasurer

Dear Ms. Moulton:

The Federal Election Commission reviewed the allegations in your complaint received on November 16, 2020. On July 13, 2021, based upon the information provided in the complaint, and information provided by the respondents, the Commission found no reason to believe that Oonagh McQuarrie, and Fair Fight and Camille Johnson, in her official capacity as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on July 13, 2021. A copy of the Factual and Legal Analysis, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Roy Q. Lockett

BY: Roy Q. Lockett
Acting Assistant General Counsel

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

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3 RESPONDENTS: Oonagh McQuarrie MUR 7857
4 Fair Fight and Camille Johnson in her official capacity as Treasurer
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I. INTRODUCTION

7 The Complaint alleges that Oonagh McQuarrie, a purported foreign national, made a
8 contribution to Fair Fight and encouraged others to make contributions in a social media post.¹
9 Respondents assert that McQuarrie is a lawful permanent resident of the United States and,
10 therefore, permitted to donate to Fair Fight. In light of Respondents' assertion and the copy of
11 McQuarrie's permanent resident card provided by Respondents, the Commission finds no reason
12 to believe that Respondents violated 52 U.S.C. § 30121.

II. FACTUAL AND LEGAL ANALYSIS

14 Commission records indicate that McQuarrie made a \$3.33 contribution to ActBlue on
15 November 10, 2020, that was earmarked for Fair Fight.² The Complainant appears to believe
16 that McQuarrie, an Arizona resident, is a foreign national and prohibited from making a
17 contribution in connection with a federal, state, or local election under 52 U.S.C. § 30121.³

¹ Compl. at 1-2 (Nov. 16, 2020). Fair Fight is a non-connected Political Action Committee that first registered with the Commission in January 2019. *See* Amended Statement of Organization (Nov. 6, 2019).

² *See* ActBlue 2020 Post-General Report (Dec. 3, 2020). Commission records indicate that McQuarrie also made a \$5.00 contribution to ActBlue on June 30, 2019, that was earmarked for Warren for President, Inc., *see* ActBlue 2019 Year-End Report (January 31, 2019), a \$3.33 contribution to ActBlue on November 6, 2020, that was earmarked for Georgia Federal Elections Committee - Federal Account, *see* ActBlue 2020 Post-General Report, a \$1.00 non-earmarked contribution to ActBlue on November 6, 2020, *id.*, a \$3.34 contribution to ActBlue on November 10, 2020, that was earmarked for Jon Ossoff for Senate, *id.*, and a \$3.33 contribution to ActBlue on November 10, 2020, that was earmarked for Warnock for Georgia, *id.*

³ Compl. at 1.

1 McQuarrie responds that she has been a permanent resident of the United States since
2 2004 and included a copy of her Permanent Residency “green card” with her response.⁴ Fair
3 Fight also responds that McQuarrie is eligible to contribute to Fair Fight because she is a
4 Permanent Resident.⁵

5 The Federal Election Campaign Act of 1971, as amended (“Act”), and Commission
6 regulations prohibit any “foreign national” from “directly or indirectly” making a contribution or
7 donation of money or any other thing of value, or an expenditure, independent expenditure, or
8 disbursement, in connection with a federal, state, or local election.⁶ The Act’s definition of
9 “foreign national” includes an individual who “is not a citizen of the United States or a national
10 of the United States . . . and who is not lawfully admitted for permanent residence[.]”⁷

11 The Act further provides that no person shall knowingly solicit, accept, or receive a
12 prohibited foreign national contribution or donation.⁸ The term “knowingly” is defined as
13 having “actual knowledge” that the source is a foreign national, or being aware of “facts that
14 would lead a reasonable person to conclude that there is a substantial probability that” or “facts
15 that would lead a reasonable person to inquire whether” the source is a foreign national.⁹

16 The available information demonstrates that McQuarrie is a permanent resident of the
17 United States. Thus, the Commission finds no reason to believe that Oonagh McQuarrie, and
18 Fair Fight and Camille Johnson in her official capacity as treasurer violated 52 U.S.C. § 30121.

⁴ McQuarrie Resp. at 1 (Nov. 30, 2020).

⁵ Fair Fight Resp. at 1 (Dec. 1, 2020). Fair Fight also attached a copy of McQuarrie’s Permanent Resident card. *Id.*, Exh. A.

⁶ 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b).

⁷ 52 U.S.C. § 30121(b); 11 C.F.R. § 110.20(a)(3).

⁸ 52 U.S.C. § 30121(a)(2).

⁹ 11 C.F.R. § 110.20(a)(4).