



FEDERAL ELECTION COMMISSION
Washington, DC

VIA ELECTRONIC MAIL

July 29, 2021

Oonagh McQuarrie

Tempe, AZ 85234

RE: MUR 7857
Oonagh McQuarrie

Dear Ms. McQuarrie:

On November 18, 2020, the Federal Election Commission (“Commission”) notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the “Act”). On July 13, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission found no reason to believe that you violated provisions of the Act. The Commission then closed its file in this matter. 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). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Roy Q. Luckett

BY: Roy Q. Luckett
Acting Assistant General Counsel

Enclosure:

Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Oonagh McQuarrie MUR 7857
Fair Fight and Camille Johnson in her official capacity as Treasurer

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.

13 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.

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Factual and Legal Analysis

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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).