



FEDERAL ELECTION COMMISSION  
Washington, DC

July 29, 2021

**VIA ELECTRONIC MAIL**

[lindenbaum@sandlerreiff.com](mailto:lindenbaum@sandlerreiff.com)

Dara Lindenbaum  
Sandler Reiff Lamb Rosenstein & Birkenstock, P.C.  
1090 Vermont Ave NW, Suite 750  
Washington, D.C. 20005

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

Dear Ms. Lindenbaum:

On November 18, 2020, the Federal Election Commission ("Commission") notified your clients, Fair Fight and Camille Johnson, in her official capacity as treasurer, 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 Fair Fight and Camille Johnson, in her official capacity as treasurer, 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. Lockett*

BY: Roy Q. Lockett  
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

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

### II. FACTUAL AND LEGAL ANALYSIS

Commission records indicate that McQuarrie made a \$3.33 contribution to ActBlue on November 10, 2020, that was earmarked for Fair Fight.<sup>2</sup> The Complainant appears to believe that McQuarrie, an Arizona resident, is a foreign national and prohibited from making a contribution in connection with a federal, state, or local election under 52 U.S.C. § 30121.<sup>3</sup>

---

<sup>1</sup> 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).

<sup>2</sup> *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.*

<sup>3</sup> 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.<sup>4</sup> Fair  
3   Fight also responds that McQuarrie is eligible to contribute to Fair Fight because she is a  
4   Permanent Resident.<sup>5</sup>

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.<sup>6</sup> 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[.]”<sup>7</sup>

11          The Act further provides that no person shall knowingly solicit, accept, or receive a  
12   prohibited foreign national contribution or donation.<sup>8</sup> 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.<sup>9</sup>

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.

---

<sup>4</sup>       McQuarrie Resp. at 1 (Nov. 30, 2020).

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

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

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

<sup>8</sup>       52 U.S.C. § 30121(a)(2).

<sup>9</sup>       11 C.F.R. § 110.20(a)(4).