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MEMORANDUM

TO: The Commission
FROM: Vice Chairman Karl J. Sandstrom *KJ*
DATE: 08/15/2002

SUBJECT: Amendment to Agenda Document 02-57-A

AGENDA ITEM
For Meeting of: 8-15-02

SUBMITTED LATE

I wish to include the attached proposed rules as an agenda document. These will supercede p. 5, line 14 -- p.8 of Agenda Document 02-57-A.

Insert on p. 35, line 10:

(5) * * *

(ii) (A) A contribution shall be considered to be redesignated for another election if—

(1) The treasurer of the recipient authorized political committee requests that the contributor provide a written redesignation of the contribution and informs the contributor that the contributor may request the refund of the contribution as an alternative to providing a written redesignation; and

(2) Within sixty days from the date of the treasurer's receipt of the contribution, the contributor provides the treasurer with a written redesignation of the contribution for another election, which is signed by the contributor.

Alternative 1-A

(B) Notwithstanding paragraph (b)(5)(ii)(A) of this section or any other provision of this section, the treasurer of the recipient authorized political committee may treat all or part of the amount of the contribution that exceed the contribution limits in paragraph (b)(1) of this section as made with respect to the general election, provided that:

(1) The contribution was made before the primary

election:

(2) The contribution was not designated for a particular

election:

(3) The contribution would exceed the limitation on contributions set forth in 11 CFR 110.1(b)(1) if it were treated as a contribution made for the primary election; and

(4) Such redesignation would not cause the contributor to exceed any of the limitations on contributions set forth in paragraph (b)(1) of this section.

Alternative 1-B

(B) Notwithstanding paragraph (b)(5)(ii)(A) of this section or any other provision of this section, the treasurer of the recipient authorized political committee may treat all or part of the amount of the contribution that exceed the contribution limits in paragraph (b)(1) of this section as made with respect to the general election, provided that:

(1) The contribution was made before the primary election:

(2) The contribution was not designated for a particular election;

(3) The contribution would exceed the limitation on contributions set forth in 11 CFR 110.1(b)(1) if it

were treated as a contribution made for the primary election;

(4) Such redesignation would not cause the contributor to exceed any of the limitations on contributions set forth in paragraph (b)(1) of this section;

(5) The treasurer of the recipient authorized political committee notifies the contributor of how the contribution was redesignated and that the contributor may request a refund of the contribution; and

(6) Within thirty days from the date of the treasurer's receipt of the contribution, the treasurer shall provide notification required in paragraph (b)(5)(ii)(B)(5) to the contributor in writing; by electronic mail; or through oral communication with the contributor, provided that the treasurer makes a contemporaneous, signed record of the conversation.

* * * * *

Insert on p. 37, line 6:

(k) * * *

(3) * * *

- (ii) (A) A contribution shall be considered to be reattributed to another contributor if –
- (1) The treasurer of the recipient authorized political committee asks the contributor whether the contribution is intended to be a joint contribution by more than one person, and informs the contributor that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution; and
 - (2) Within sixty days from the date of the treasurer's receipt of the contribution, the contributor provides the treasurer with a written reattribution of the contribution, which is signed by each contributor, and which indicates the amount to be attributed to each contributor if equal attribution is not intended.

Alternative 2-A

(B) Notwithstanding paragraph (k)(3)(ii)(A) of this section or any other provision of this section, a contribution described in paragraph (k)(3)(i) of this section that was made by a written instrument that is imprinted with the names of more than one account holder may be apportioned equally between the account holders, unless a different instruction is provided by the account holder(s) on the instrument or in

a separate writing, provided that such apportionment would not cause a contributor to exceed any of the limitations on contributions set forth in paragraph (b)(1) of this section.

Alternative 2-B

- (B) (1) Notwithstanding paragraph (k)(3)(ii)(A) of this section or any other provision of this section, a contribution described in paragraph (k)(3)(i) of this section that was made by a written instrument that is imprinted with the names of more than one account holder may be apportioned equally between the account holders, unless a different instruction is provided by the account holder(s) on the instrument or in a separate writing, provided that such apportionment would not cause a contributor to exceed any of the limitations on contributions set forth in paragraph (b)(1) of this section.
- (2) The treasurer of the recipient authorized political committee shall notify each account holder of how the contribution was apportioned and that the contributors may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Within thirty days from the date of the treasurer's receipt of the contribution.

the treasurer shall provide such notification to each
account holder in writing; by electronic mail; or
through oral communication, provided that the
treasurer makes a contemporaneous, signed record
of the conversation(s).

* * * * *

Insert on p. 45, line 6:

Add the word “knowingly” after “shall not.”

Insert on p. 46, line 4:

Add the phrase “paragraph (c) and” after “For purposes of.”