

- A monthly billing statement; or
- The customer receipt for each transaction; and
- The canceled check used to pay the credit card account.

102.9(b)(2)(ii).

Credit Union Checks or Share Drafts

Carbon copies of share drafts or checks drawn on credit union accounts may be used as records, provided the monthly account statement (showing that the draft or check was paid by the credit union) is also retained. 102.9(b)(2)(iii).

Best Efforts to Document Disbursements

If a treasurer fails to receive a receipt, invoice or canceled check (required for disbursements exceeding \$200), he or she can demonstrate his or her best efforts to obtain the information by making at least one written effort per transaction to obtain a duplicate copy of the needed documentation. 102.9(d).

4. Recording Debts and Loans

Although the Act does not contain specific recordkeeping requirements for debts and loans owed by (or to) the campaign, committees are required to keep detailed records of transactions required to be disclosed on the committee's FEC reports. See 104.14(b).

5. Treasurer's Best Efforts

Committees and their treasurers must make best efforts to obtain and maintain (and ultimately report) the information required by law with respect to itemized receipts and disbursements. When reporting information is incomplete, the committee and the treasurer will be in compliance with the law if they can demonstrate that they used "best efforts" in trying to obtain, maintain and report the needed information. 102.9(d) and

104.7(a). The criteria for making "best efforts" vary, depending on the type of transaction.

Contributor Information

If an individual who has contributed more than \$200 during the election cycle fails to provide the required recordkeeping information (i.e., name, mailing address, occupation and employer), the committee must be able to show that it made "best efforts" to obtain, maintain and report that information. To demonstrate "best efforts," the committee must be able to show that it requested the information—first, in the solicitation materials that prompted the contribution and, second, if the information is not obtained, in a follow-up request. 104.7(b)(1) and (2). Furthermore, if the requested information is not received until after the contribution has been reported, the committee must report the information using one of the procedures described under "File Amendments if Necessary," below. 104.7(b)(4).

Solicitation Materials³

To satisfy the "best efforts" standard, the solicitation must include a statement explaining that the campaign is required to use its best efforts to obtain and report certain information from the contributor. This statement is referred to as the "best efforts" notification; two examples are listed below:

- "Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 in an election cycle;" or
- "To comply with Federal law, we must use our best efforts to obtain, maintain and submit the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 per election cycle."

104.7(b)(1)(i)(B)

³ Any contribution which is reported by a committee with all required contributor information will meet the reporting requirements, whether or not the committee asked for the information or used the language specified under "Solicitation Materials." See the Explanation and Justification published with the final rule, 58 Fed. Reg. 57725, 57727 (October 27, 1993).

The request for the information and the best efforts notification must be clear and conspicuous. If the committee solicitations include response materials, the best efforts notice and the request for the contributor information must be placed on these materials. The notice will not be considered to be “clear and conspicuous” if:

- The notification is printed in smaller type than the solicitation and response materials;
- The printing is difficult to read; or
- The notification is placed where it can be easily overlooked. 104.7(b)(1).

Follow-Up Request Within 30 Days

If the contributor does not provide sufficient reporting information when making a contribution, the committee must make at least one request for the information after the contribution is received. This follow-up request must be made for any solicited or unsolicited contribution that exceeds the \$200 threshold and lacks the necessary information (see “Contributions Aggregating over \$200” in Section 2 of this chapter).

The request must be made within 30 days of receipt of the contribution; it may not include an additional solicitation or material on any other subject, but it may thank the contributor. The follow-up request may be made orally or in writing, but a written request must be accompanied by a pre-addressed postcard or envelope for the response. Oral requests must be documented in a memorandum. 104.7(b)(2). A political committee may also use e-mail to request missing contributor information. AOs 1999-17 and 1995-09. Committees must retain records of follow-up requests. 102.9(d).

Use of Information from Prior Records

If the contributor does not respond to the follow-up request, but the committee possesses the information in its contributor records, fundraising records or prior reports filed during the same two-year election cycle, then the committee must use that information when disclosing the contribution. 104.7(b)(3).

File Amendments If Necessary

If requested information about a contribution is received after the contribution has been disclosed on a report, the committee must either:

- File a Schedule A with its next regularly scheduled report, containing memo entries listing all contributions for which new contributor information has been received; or
- File amendments to the original reports.

In either case, the entries must cross-reference the prior reports to which they relate. However, the committee is only required to submit the information for contributions received during the current two-year election cycle. 104.7(b)(4)(ii). See Chapter 13, Section 26, “Filing Amendments,” for instructions on filing amendments.