



FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, DC 20463

John M. Templeton, Jr., M.D.  
601 Pembroke Road  
Bryn Mawr, PA 19010

May 15, 2001

Dear Dr. Templeton;

Thank you for your recent letter and for the detail description of the campaign contributions made during the 1999 and 2000 election year cycle. Your analysis is helpful and will assist in concluding this matter. Although there are differences in the total contributions noted in your letter of April 26<sup>th</sup> with the amount listed with the FEC, those differences are not significant relative to the aggregate total allowed in any election year.

Before addressing the questions raised in your letter, let me reiterate our goal of assisting in promoting compliance with the Act and understanding of the regulations governing contributions to federal election campaigns.

There is one issue that needs to be addressed before we can conclude this matter. Your letter lists two donations that you report should have been attributed to your wife, Dr. Josephine Templeton. You will note that those donations of \$5,000 each also were listed on the FEC's records. The regulations governing federal elections campaigns provide that contributions are to be recorded as coming from the last person signing the check, "absent evidence to the contrary", 11 C.F.R. § 104.8(c). Contributions may not be attributed to any other individual unless otherwise specified by that person. 11 C.F.R. § 100.7(c). There also is provision in 11 C.F.R. § 110.1(k)(3)(ii) for reattribution of contributions to another person which must be done within sixty days of receipt of the contribution by the treasurer of the committee. Finally, if the contribution is a joint contribution each contributor must sign the check or a statement accompanying the contribution, 11 C.F.R. § 110.1(k).

The allocation of the two aforementioned contributions, as you noted, were attributed in the FEC's records to your aggregate total for 1999-2000 election year cycle. It is these contributions that I referred in my letters of April 11<sup>th</sup> and 18<sup>th</sup> and that according to the FEC's records indicated that you had exceeded the aggregate annual limits specified in the FECA. It would be helpful if you could clarify how those two contributions were attributed to you rather than to your wife.

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In the meantime, let me address the questions raised in your recent letter. Individuals may contribute up to a \$1,000 to any candidate and his authorized political committee with respect to any primary or general election for Federal office. Primary and general elections are treated as separate elections as are the contribution limits. In calculating aggregate totals, it is the year of the election that determines if a contribution applies to the annual limit. Contributions to a candidate made in a non-election year will be considered to be made during the calendar year in which such an election is held. See 2 U.S.C. §441a(3). It would be a mistake to say that donations are counted twice when calculating annual aggregate totals. Contributions made in an off-year are included in the following year's total and count toward that year's total because it is the election in the following year for which the funds are being raised and contributed. I trust this clarification is helpful.

I look forward to hearing from you and, as I mentioned, concluding our discussions on this matter.

Sincerely,

Allan D. Silberman,  
Director, ADR Office