

Campaign Must Retain Designations

The campaign must retain copies of contribution designations for three years. If the designation appears on the check (or other written instrument), the campaign must retain a full-size photocopy. 102.9(c) and (f); 110.1(l)(1).

5. Date Contribution Is Made vs. Date of Receipt

The date a contribution is made by the contributor and the date the contribution is received by the campaign are significant for purposes of the contribution limits. It is important to understand the distinction.

Date Contribution is Made

The date a contribution is made is the date the contributor relinquishes control over it. 110.1(b)(6). For example:

- A hand-delivered contribution is considered made on the date it is delivered by the contributor to the campaign. 110.1(b)(6).
- A mailed contribution is made on the date of the postmark. 110.1(b)(6). Note that if a campaign wishes to rely on a postmark as evidence of the date a contribution was made, it must retain the envelope or a copy of it. 110.1(l)(4).
- An in-kind contribution is made on the date that the goods or services are provided by the contributor. See AOs 2004-36 and 1996-29.
- A contribution made via the Internet is considered made on the date the contributor electronically confirms making the transaction. AO 1995-09.
- An earmarked contribution is considered made during the election cycle in which the contribution is actually made, regardless of the year in which the election is held. See AOs 2008-08 and 2006-30 (footnote 5). (Note that the conduit must forward this information to the campaign.) See Appendix A for more information.

Date Contribution is Received

The date of receipt is the date the campaign (or a person acting on the campaign's behalf) actually receives the contribution. 102.8(a). This is the date used by the campaign for reporting purposes, but it also affects the application of the net debts outstanding rule (discussed in Section 8 of this chapter).

Contributions Charged on Credit Cards

When the committee receives contributions through credit card charges, the date of receipt is the date on which the committee receives the contributor's signed authorization to charge the contribution. The treasurer should retain a copy of the authorization form in the committee's records. See AOs 1995-09 and 1990-04.

In-Kind Contributions

The date of receipt for an in-kind contribution is the date the goods or services are provided to the committee, even if the contributor pays the bill for the goods or services after they are provided. See 110.1(b)(6).

Effect of Dates on Undesignated Contributions

The date an undesignated contribution is made determines which election limit it counts against. The date of receipt, however, does not affect the application of the contribution limits. An undesignated contribution made on or before Election Day counts against the donor's limit for that election, even if the date of receipt is after Election Day and even if the campaign has no net debts outstanding. On the other hand, an undesignated contribution made after an election counts against the donor's limit for the candidate's next election. 110.1(b)(2)(ii).

Effect of Dates on Designated Contributions

Both the date of receipt and the date a contribution is made affect the application of the net debts outstanding rule to a designated contribution. The date the contribution is made determines whether the rule will apply, while the date of receipt governs

whether the contribution is acceptable under the rule. For example, a contribution designated for the primary and made before that election will not be subject to the net debts outstanding rule, even if the campaign receives the contribution after the primary. By contrast, a contribution designated for—but made after—the primary is acceptable only to the extent the campaign has net debts outstanding for the primary on the date of receipt. 110.1(b)(3)(i) and (iii). See Section 8 of this chapter.

Date of Deposit

While all contributions must be deposited within 10 days, the date of deposit is not used for reporting or contribution limit purposes.

6. Joint Contributions

A joint contribution is a contribution that is made by more than one person using a single check or other written instrument. Although each individual has a separate contribution limit, joint contributors may combine their contribution limits by contributing a joint contribution (for example, a check for \$5,000 for a candidate's primary election) as long as both sign the check (or an attached statement), as explained below. 110.1(k).

Each Contributor Must Sign the Check

When making a joint contribution, each contributor must sign the check (or other written instrument) or a statement that accompanies the contribution. 110.1(k)(1). Note that if the check or an accompanying statement of attribution is not signed by each contributor, the entire contribution will be attributed only to the party who signed the check. 104.8(c). However, under certain circumstances the committee may presumptively reattribute the excessive portion of a contribution. See “Reattribution” below.

Exception: Partnerships and LLCs

Contributions from partnerships and certain LLCs are not considered joint contributions, but do trigger special attribution requirements; see Appendix B.

Attribution

If the check or statement does not indicate how much should be attributed to each donor, the recipient committee must attribute the contribution in equal portions. 110.1(k)(1) and (2). For example, if a committee receives a \$1,000 joint contribution signed by two individuals but with no written attribution, the committee must attribute a \$500 contribution to each donor.

A campaign may request that a contribution be reattributed, as explained below.

7. Remediating an Excessive Contribution

When a committee receives an excessive contribution—one which exceeds the contributor's limit or the campaign's net debts outstanding for an election—the committee may remedy the violation by refunding the excessive amount or by seeking a redesignation or reattribution of it within 60 days.

Step-by-step procedures for obtaining a reattribution or redesignation are explained below.

Redesignation

By Contributor

With a redesignation, the contributor instructs the committee to use the excessive portion of a contribution for an election other than the one for which the funds were originally given. For example, the contributor may redesignate the excessive portion of a contribution made for the primary election so that it counts against his or her limit with respect to the general election (provided the contributor has not already contributed the maximum for the general election).

When requesting a redesignation, the committee must inform the contributor that he or she may, alternatively, request a refund of the excessive amount. 110.1(b)(5).

Presumptive Redesignation by Committee

Under certain circumstances, the committee may make a presumptive redesignation of an excessive contribution. When an individual or a non-multican-