

didate committee makes an excessive contribution to a candidate's authorized committee, the campaign may presumptively redesignate the excessive portion to the general election if the contribution:

- Is made before that candidate's primary election;
- Is not designated in writing for a particular election;
- Would be excessive if treated as a primary election contribution; and
- As redesignated, does not cause the contributor to exceed any other contribution limit. 110.1(b)(5)(ii)(B)(1)-(4).

Also, the excessive portion of an undesignated contribution made after the primary, but before the general election, may be automatically applied to the primary if the campaign's net debts outstanding from the primary equal or exceed the amount redesignated. 110.1(b)(5)(ii)(C). See Section 8 in this chapter.

The committee is required to notify the contributor in writing of the presumptive redesignation within 60 days of the treasurer's receipt of the contribution, and must offer the contributor the option to receive a refund instead. 110.1(b)(5)(ii)(C).

It is important to note that presumptive redesignations may be made only within the same election cycle. Also, presumptive redesignation is not an option when the contributor is a multicandidate committee.

Reattribution

By Contributor

With a reattribution, the contributor instructs the committee in writing to attribute the excessive portion of a joint contribution to another individual. For example, if the committee receives an excessive contribution drawn on a joint checking account, but signed by only one account holder, the committee may seek a reattribution signed by each contributor of the excessive amount to the other account holder. 110.1(k)(3). (A joint contribution may also be reattributed so that a different amount is attributed to

each contributor.¹⁰) Note that a joint contribution must represent the personal funds of each contributor because contributions made in the name of another are prohibited. 110.4(b).

When requesting reattributions, the committee must also inform contributors that they may, alternatively, ask for a refund of the excessive portions of their contributions. 110.1(k)(3).

Presumptive Reattribution By Committee

When a committee receives an excessive contribution made via a written instrument with more than one individual's name imprinted on it, but only one signature, the committee may attribute the permissible portion to the signer. The committee may make a presumptive reattribution of the excessive portion to the other individual whose name is imprinted on the written instrument, without obtaining a second signature, so long as the reattribution does not cause the contributor to exceed any other contribution limit. 110.1(k)(3)(ii)(B)(1).

The committee is required to notify the contributors in writing of the presumptive reattribution within 60 days of the treasurer's receipt of the contribution, and must offer the contributors the option to receive a refund if it was not intended to be a joint contribution. 110.1(k)(3)(ii)(B)(2)-(3).

When to Request Resignations and Reattributions

In many circumstances, the committee will be able to presumptively redesignate or reattribute contributions. For all other circumstances, contributions can be redesignated or reattributed only by the individual contributor.

A committee may ask a contributor to redesignate and/or reattribute a contribution (within 60 days of the treasurer's receipt), for example, when the committee receives:

¹⁰ See the Explanation and Justification published with the final rule, 52 Fed. Reg. 760, 765-766 (January 9, 1987), available online at http://www.fec.gov/law/cfr/ej_compilation/1987/1987-1.pdf.