



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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January 26, 2005

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon *JAP*
Staff Director

FROM: Lawrence H. Norton *LHN*
General Counsel

Rosemary C. Smith *RCS*
Associate General Counsel

Brad C. Deutsch *BCD*
Assistant General Counsel

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Attorney

SUBJECT: Final Rules and Explanation and Justification on Contributions by
Minors (11 CFR 110.19)

AGENDA ITEM

For Meeting of: 01-27-05

SUBMITTED LATE

Attached are Final Rules and an Explanation and Justification for Commission consideration. The Final Rules would amend the Commission's regulations regarding contributions by individuals aged seventeen years or younger, in light of the decision of the United States Supreme Court in *McConnell v. FEC*, 540 U.S. 93 (2003).

Recommendation:

The Office of General Counsel recommends that the Commission approve the attached Final Rules and Explanation and Justification for publication in the *Federal Register* and transmittal to Congress.

Attachment

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FEDERAL ELECTION COMMISSION

11 CFR Part 110

[NOTICE 2005 - ■]

CONTRIBUTIONS AND DONATIONS BY MINORS

AGENCY: Federal Election Commission.

ACTION: Final Rules and Transmittal of Rules to Congress.

SUMMARY: The Federal Election Commission is amending its rules regarding contributions and donations by individuals aged 17 years or younger (“Minors”). These final rules conform to the decision of the United States Supreme Court in McConnell v. Federal Election Commission. In McConnell, the Supreme Court held unconstitutional section 318 of the Bipartisan Campaign Reform Act of 2002, which prohibited Minors from contributing to candidates and from contributing or donating to political party committees. Accordingly, this final rule amends the Commission’s regulations to reflect the Supreme Court’s decision by removing the regulatory prohibitions on contributions by Minors to candidates, and on contributions and donations by Minors to political party committees. Additional information appears in the Supplementary Information section.

1 **EFFECTIVE**
2 **DATE:**

The effective date for the revisions to 11 CFR Part 110 is
3 [INSERT DATE THIRTY DAYS AFTER DATE OF
4 PUBLICATION IN THE FEDERAL REGISTER].

5 **FOR FURTHER**
6 **INFORMATION**
7 **CONTACT:**

Mr. Brad C. Deutsch, Assistant General Counsel, or Ms. Amy
8 L. Rothstein, Attorney, 999 E Street N.W., Washington, D.C.
9 20463, (202) 694-1650 or (800) 424-9530.

10 **SUPPLEMENTARY**
11 **INFORMATION:**

12 Section 318 of the Bipartisan Campaign Reform Act of 2002, Pub. L. 107-155,
13 116 Stat. 81 (Mar. 27, 2002) (“BCRA”), amended the Federal Election Campaign Act of
14 1971, as amended, 2 U.S.C. 431 et seq. (the “Act”), to prohibit individuals aged 17 years
15 or younger (“Minors”) from contributing to candidates, and from contributing or donating
16 to political party committees.¹ See 2 U.S.C. 441k. The Commission promulgated
17 regulations to implement the new statutory prohibitions in late 2002. See Final Rules and
18 Transmittal of Regulations to Congress, 67 Fed. Register 69,928 (Nov. 19, 2002). The
19 2002 rules amended the regulations governing contributions by Minors previously found
20 at 11 CFR 110.1 and redesignated the regulations as 11 CFR 110.19. The 2002 rules also
21 made conforming amendments to 11 CFR 110.1, regarding contributions by persons
22 other than multi-candidate political committees, and 11 CFR 110.5, regarding aggregate

¹ Before BCRA, the Commission’s regulations had addressed only contributions, not donations, by Minors. A contribution includes a gift, subscription, loan, advance, or deposit of money or anything of value by any person for the purpose of influencing any election for Federal office. See, e.g., 11 CFR 100.52(a). A donation is a payment, gift, subscription, loan, advance, deposit or anything of value given to a person, other than a contribution. See, e.g., 11 CFR 300.2(e).

1 bi-annual contribution limits for individuals, to exclude from their scope contributions by
2 Minors prohibited under new 11 CFR 110.19. See 11 CFR 110.1(a) and 11 CFR 110.5(a)
3 (2002).

4 The United States Supreme Court held BCRA section 318 to be unconstitutional
5 in McConnell v. Federal Election Commission, 540 U.S. 93 (2003) ("McConnell").
6 Accordingly, the Commission is amending its regulations at 11 CFR 110.19 to reflect the
7 Supreme Court's decision by removing the prohibitions on contributions by Minors to
8 candidates, and on contributions and donations by Minors to political party committees.
9 This rulemaking also makes conforming amendments to 11 CFR 110.1, regarding
10 contributions by persons other than multi-candidate political committees, and 11 CFR
11 110.5, regarding aggregate bi-annual contribution limits for individuals, to reflect that
12 these regulations apply to contributions made by Minors.

13 The practical effect of these changes is to return the substance of the regulations
14 to its pre-BCRA state, with a single exception. The Commission has amended the
15 requirement that a Minor exclusively own or control the funds, goods, or services
16 contributed. Further information appears in the Explanation & Justification, below.

17 These final rules are based on proposed rules that the Commission published for
18 comment in the Federal Register in April 2004. See Notice of Proposed Rulemaking, 69
19 Fed. Register 18,841 (Apr. 9, 2004) ("NPRM"). The comment period closed on May 10,
20 2004. The Commission received two comments in response to the NPRM.²

21 Under the Administrative Procedure Act, 5 U.S.C. 553(d), and the Congressional
22 Review of Agency Rulemaking Act, 5 U.S.C. 801(a)(1), agencies must submit final rules

² The Commission received written comments from The National Youth Rights Association and from the Oakland County (Michigan) Democratic Party.

1 to the Speaker of the House of Representatives and the President of the Senate, and
2 publish them in the Federal Register at least 30 calendar days before they take effect.

3 The final rules that follow were transmitted to Congress on [REDACTED].

4 **Explanation and Justification**

5 11 CFR 110.1 – Contributions by Persons Other Than Multicandidate Political 6 Committees (2 U.S.C. 441a(a)(1))

7 This rulemaking amends 11 CFR 110.1(a) by deleting the reference to 11 CFR
8 110.19. Section 110.1 concerns contributions to candidates and political party
9 committees by persons other than multi-candidate political committees. After BCRA
10 section 318 prohibited Minors from making contributions to candidates and political
11 committees, the Commission amended 11 CFR 110.1(a) to exclude individuals prohibited
12 from making contributions under 11 CFR 110.19 (ie., Minors). See 11 CFR 110.1(a)
13 (2002).

14 The Commission is returning 11 CFR 110.1(a) to its pre-BCRA state because the
15 statutory prohibition on contributions by Minors no longer exists. As revised,
16 contributions by Minors are once again subject to the provisions of 11 CFR 110.1.

17 11 CFR 110.5 – Aggregate Biennial Contributions Limitation for Individuals (2 U.S.C. 18 441a(a)(3))

19
20 This rulemaking amends 11 CFR 110.5(a) by deleting the reference to 11 CFR
21 110.19. Section 110.5 sets out aggregate biennial contribution limits for individuals.
22 After BCRA section 318 prohibited Minors from making contributions to candidates and
23 political committees, the Commission amended 11 CFR 110.5(a) to exclude individuals
24 prohibited from making contributions under 11 CFR 110.19 (ie., Minors). See 11 CFR
25 110.5(a) (2002).

1 The Commission is returning 11 CFR 110.5(a) to its pre-BCRA state, because the
2 statutory prohibition on contributions by Minors no longer exists. As revised,
3 contributions by Minors are once again subject to the aggregate biennial limitations of 11
4 CFR 110.5.

5 11 CFR 110.19 – Contributions by Minors

6 1. Deleted Paragraphs

7 Consistent with McConnell, section 110.19 is being revised by deleting the
8 following paragraphs found in the former rule: paragraph (a), which prohibited Minors
9 from contributing to Federal candidates; paragraph (b), which prohibited Minors from
10 contributing or donating to political party committees; and paragraph (c)(4), which
11 prohibited Minors from making certain earmarked contributions. The following
12 provisions in former 11 CFR 110.19 are also being deleted because they are no longer
13 necessary: paragraph (d), which specified that Minors may provide volunteer services to
14 Federal candidates and political committees and paragraph (e), which defined the phrase
15 “directly or indirectly establish, finance, maintain, or control.”

16 2. Redesignated and Revised Paragraphs

17 The Supreme Court’s decision in McConnell invalidated BCRA’s prohibition on
18 donations by Minors. Accordingly, the Commission is revising the heading of 11 CFR
19 110.19 by deleting the reference to donations by Minors.

20 Although it no longer regulates donations by Minors, revised 11 CFR 110.19
21 continues to regulate contributions by Minors. Specifically, revised 11 CFR 110.19
22 permits Minors to contribute to Federal candidates and political committees in an amount
23 that does not exceed the contribution limits that apply to individuals generally, so long as

1 three conditions are met. These conditions are virtually identical to those currently in 11
2 CFR 110.19(c)(1) through (c)(3), which themselves were taken from the Commission's
3 pre-BCRA rule governing contributions by Minors.³ See 11 CFR 110.1(i) (2001).

4 Accordingly, the Commission is redesignating former 11 CFR 110.19(c) as
5 revised 11 CFR 110.19. It is redesignating former paragraph (c)(1) as revised 11 CFR
6 110.19(a); revising and redesignating former paragraph (c)(2) as revised 11 CFR
7 110.19(b); and redesignating former paragraph (c)(3) as revised 11 CFR 110.19(c).
8 As redesignated, the conditions in revised 11 CFR 110.19 will apply to all contributions
9 by Minors.

10 The Commission's regulations have imposed special conditions on contributions
11 by Minors since 1977. See 11 CFR 110.1(i)(2) (1977). Historically, the regulations
12 permitted Minors to contribute to any candidate or political committee, including political
13 party committees, within the limits that applied to contributions by individuals generally,
14 so long as (1) the Minor made the decision to contribute knowingly and voluntarily; (2)
15 the Minor had exclusive ownership or control of the funds, goods or services contributed;
16 and (3) the contribution was not made from the proceeds of a gift, the purpose of which
17 was to provide funds to be contributed, and was not controlled in any other way by
18 another individual. The purpose of the conditions was "to assure that minors are not
19 conduits for contributions which should be attributed to others, e.g. parents, guardians or
20 other adults." Advisory Opinion 1983-13.

³ Consistent with the nomenclature of the pre-BCRA rule governing contributions by Minors, the Commission is substituting the term "the Minor" – defined as an individual who is 17 years old or younger – for "that individual" in the revised 11 CFR 110.19. Because the substitution occurs throughout the revised rule and is for the convenience of the reader, rather than substantive, this Explanation and Justification does not identify it separately each time it appears.

1 Revised 11 CFR 110.19(a) – Knowing and voluntary

2 Revised paragraph (a) of 11 CFR 110.19 requires the decision to contribute to a
3 Federal candidate or political committee to be made knowingly and voluntarily by the
4 Minor. This condition is identical to the proposed rule in the NPRM and former 11 CFR
5 110.19(c)(1).

6 Consistent with the Supreme Court’s decision in McConnell that Congress could
7 not establish 18 years as the minimum age for making contributions and donations, in the
8 NPRM the Commission invited comments on whether there was any age below which it
9 should prohibit individuals from making contributions, “recognizing that those
10 individuals lack the capacity to manage their finances and dispose of property and
11 therefore could not knowingly and voluntarily contribute on their own behalf.” 69 Fed.
12 Register at 18,842. Both of the commenters strongly recommended against establishing a
13 minimum age for making contributions, unless the Commission were to establish an
14 extremely low minimum age.

15 The Commission has decided not to establish a minimum age for the making of
16 contributions. In rejecting BCRA’s minimum age of 18 years in McConnell, the
17 Supreme Court confirmed that Minors “enjoy the protection of the First Amendment,”
18 which includes the right to make political contributions. McConnell, 540 U.S. at 231.
19 While there may be a lower minimum age that the Supreme Court would uphold, an
20 inflexible rule would run the risk of not being able to accommodate cases involving
21 Minors below that age who desire to exercise their First Amendment rights.

22 In the NPRM, the Commission also invited comments on whether it should
23 establish a rebuttable presumption that individuals below a certain age cannot

1 “knowingly and voluntarily” decide to make a contribution, or whether it should combine
2 a categorical prohibition with a rebuttable presumption similar to the approach adopted
3 by some jurisdictions with regard to the tort liability of children. One commenter
4 rejected the analogy to tort law, arguing that the age at which a child should be held
5 responsible for negligence is not a valid indicator of when a child can make a knowing
6 decision to give away money. The other commenter embraced the analogy to tort law
7 and recommended that the Commission establish a three-tiered approach, with any child
8 below seven years of age rebuttably presumed not to have knowingly and voluntarily
9 decided to make a contribution; any child between seven and 14 years of age rebuttably
10 presumed to have knowingly and voluntarily decided to make a contribution; and any
11 child above the age of 14 years being treated as an adult.

12 The Commission considers the approach advocated by the commenter to be
13 unnecessarily complicated and unwieldy. It also concludes that a rebuttable presumption
14 is not a sufficiently flexible means of ensuring that contributions by others are not made
15 in the names of Minors. Accordingly, the Commission has decided not to adopt any
16 presumptions in the revised rule.

17 In light of the fact that the Commission is returning the “knowing and voluntary”
18 standard in revised 11 CFR 110.19(a) to its pre-BCRA state, the Commission takes this
19 opportunity to provide general guidance on the types of factors that it has considered in
20 past enforcement actions to determine whether a Minor made a contribution “knowingly
21 and voluntarily.” The Commission emphasizes, however, that it determines the outcome
22 of each enforcement action involving contributions by Minors in light of all relevant and

1 available facts. In any given case, the Commission may consider factors in addition to
2 those listed here, and need not consider all of the factors listed.

3 One factor that the Commission typically considers is the age of the Minor at the
4 time the contribution was made. Sec. e.g., MUR 4252, MUR 4254 and MUR 4255. The
5 younger the Minor, the closer the Commission will scrutinize the contribution to
6 determine whether the Minor knowingly and voluntarily decided to provide something of
7 value “for the purpose of influencing” a federal election. 2 U.S.C. 431(8)(A)(i); 11 CFR
8 100.52 (a contribution is “a gift, subscription, loan . . . advance, or deposit of money or
9 anything of value made by any person for the purpose of influencing any election for
10 Federal office”).

11 The Commission has also considered whether the value of the Minor’s
12 contribution, if attributed to an adult member of the Minor’s immediate family (such as a
13 parent, legal guardian, or sibling), would cause that family member to exceed the
14 contribution limitations of the Act and Commission regulations. Sec. e.g., MUR 4255. A
15 contribution that would not put any adult family member over the legal limit is less likely
16 to be a disguised contribution by an adult family member.

17 Another potential consideration is whether the Minor has a history of making
18 routine financial decisions. Minors with a history of making routine decisions about their
19 personal finances, such as how to earn money, how to manage and invest their money,
20 and how to spend their money, may be more likely to make a knowing and voluntary
21 decision to spend their money on political contributions than Minors without such a
22 history.

1 Other potentially relevant factors include the Minor’s history of donating funds
2 and the source of the funds contributed. A Minor with a history of donating funds to
3 social, political, or cultural groups or causes may be more likely to make a knowing and
4 voluntary decision to contribute than would a Minor whose giving pattern does not
5 demonstrate a personal and substantial interest in social, political or cultural issues. By
6 the same token, a Minor who makes a contribution from funds that the Minor earned
7 through, for example, an after-school job, may have a greater personal interest in how
8 those funds are spent, and thus be more likely to make a knowing and voluntary decision
9 to contribute, than would a Minor who makes a contribution from passive income that the
10 Minor received from, for example, a family trust.

11 Revised 11 CFR 110.19(b) – Ownership or Control of the Funds Contributed

12 Revised paragraph (b) of 11 CFR 110.19 requires the funds, goods or services
13 contributed to be owned or controlled by the Minor. As examples of the types of funds
14 that could meet the requirement, the regulation lists income earned by the Minor, the
15 proceeds from a trust for which the Minor is the beneficiary, or funds withdrawn by the
16 Minor from a financial account opened and maintained in the Minor’s name.

17 Revised paragraph (b) is the same as the proposed rule in the NPRM and former
18 11 CFR 110.19(c)(2), with two exceptions. The first exception concerns the requirement
19 in the proposed rule and former 11 CFR 110.19(c)(2) that the funds, goods or services
20 contributed be owed or controlled “exclusively” by the Minor. NPRM, 69 Fed. Register
21 at 18,842; 11 CFR 110.19(c)(2) (2004). The revised rule continues to require a Minor to
22 own or control the funds, goods or services contributed, but it no longer requires the
23 Minor to exercise exclusive ownership or control.

1 In the NPRM, the Commission invited comments on whether the exclusivity
2 requirement in former 11 CFR 110.19(c)(2) was permissible in light of the Supreme
3 Court’s decision in McConnell. The Commission asked whether it should maintain the
4 exclusivity requirement, “considering that in many jurisdictions a minor may not be able,
5 for example, to open a bank account without a parent’s or guardian’s signature or manage
6 an investment account without adult direction[.]” NPRM, 69 Fed. Register at 18,842.

7 The commenters opined that the exclusivity requirement was not narrowly
8 tailored, and that it created a potential conflict with state laws governing a Minor’s ability
9 to control assets without parental consent. One commenter suggested that the
10 Commission remove the word “exclusively” from the regulation. The other commenter
11 suggested that the Commission amend the regulation to focus on whether a Minor has
12 unlimited control over or access to the funds contributed, by prohibiting contributions
13 from accounts over which the Minor has no control, such as accounts established under
14 the Uniform Gifts to Minors Act and the Uniform Transfers to Minors Act, and by
15 permitting contributions from accounts to which the Minor has complete access through
16 checks issued in only the Minor’s name or an ATM card issued to the Minor, even if a
17 parent or legal guardian co-signed for the account.

18 The Commission is deleting the requirement that the ownership or control that a
19 Minor must exercise over the funds, goods or services contributed be exclusive. The
20 Supreme Court reaffirmed in McConnell that Minors have a constitutional right to make
21 contributions to Federal candidates and political committees. Retaining the exclusivity
22 requirement in 11 CFR 110.19 would run the risk of effectively precluding some Minors
23 from making contributions from their personal financial accounts for no other reason than

1 because the Minor maintains an account in a jurisdiction or in a financial institution that
2 requires an adult co-signatory on such accounts. The exclusivity requirement could also
3 disadvantage some Minors vis-à-vis their similarly situated peers merely on the basis of
4 where the Minors happen to bank. That is not the Commission's intention.

5 Removing the exclusivity requirement will help to focus future inquiries on the
6 substance of a Minor's contribution, rather than on the form of a Minor's bank account.⁴
7 The Commission does not intend, however, for removal of the exclusivity requirement to
8 signal a loosening of the standards for conduit contributions through Minors. To the
9 contrary, conduit contributions through Minors remain a serious violation of both the Act
10 and the Commission's regulations, which continue to prohibit contributions in the name
11 of another. See 2 U.S.C. 441f; 11 CFR 110.4(b). Furthermore, revised 11 CFR
12 110.19(b) continues to require a Minor to own or control the funds, goods or services
13 contributed, even if the Minor no longer need exercise exclusive ownership or control.

14 In addition, the remaining criteria in 11 CFR 110.19 have not changed. The
15 decision to contribute must still be made "knowingly and voluntarily" by the Minor, and
16 the contribution cannot be "made from the proceeds of a gift, the purpose of which was to
17 provide funds to be contributed, or is not in any other way controlled by another
18 individual."

19 The second way in which revised 11 CFR 110.19(b) differs from the proposed
20 rule in the NPRM and former 11 CFR 110.19(c)(2) is in one of the examples. The
21 proposed rule and former 11 CFR 110.19(c)(2) listed "a savings account opened and

⁴ The Commission has long permitted adults to make contributions from joint accounts.
See 11 CFR 110.1(k).

1 maintained exclusively in the Minor's name" as an example of the types of funds that
2 could qualify under former 11 CFR 110.19(c)(2). 11 CFR 110.19(c)(2) (2004).

3 The Commission is making three changes to this example in revised 11 CFR
4 110.19(b), for purposes of conformity and clarification. First, the Commission is deleting
5 the word "exclusively" from the example, in conformity with the change to the text of 11
6 CFR 110.19(b), as discussed above. Second, the Commission is inserting the words
7 "funds withdrawn by the Minor from" before "a savings account" in the example. As
8 originally worded, the example seemed to require a Minor to contribute his or her entire
9 account, which was not the Commission's intent. Third, the Commission is substituting
10 the term "financial account" for "savings account" in the example, in recognition of the
11 different kinds of accounts that a Minor might maintain today with banks, credit unions,
12 brokerage firms, and similar institutions.

13 Revised 11 CFR 110.19(c) – Gift proceeds

14 Revised paragraph (c) in 11 CFR 110.19 provides that a contribution must not be
15 made from the proceeds of a gift, the purpose of which was to provide funds to be
16 contributed, or is not in any other way controlled by an individual other than the Minor.
17 This requirement is identical to the proposed rule in the NPRM and former 11 CFR
18 110.19(c)(3).

19 **Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)**

20
21 The Commission certifies that the attached rules will not have a significant
22 economic impact on a substantial number of small entities. The basis of this certification
23 is that these rules apply only to individuals 17 years of age or younger. Such individuals
24 are not small entities under 5 U.S.C. 601. Moreover, these rules remove existing

1 restrictions in accordance with controlling Supreme Court precedent and do not impose
2 any additional costs on contributors, candidates, or political committees.

3 **List of Subjects**

4 11 CFR Part 110

5 Campaign funds

6 Political committees and parties

7

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1 For the reasons set forth in the preamble, the Federal Election Commission is
2 amending Subchapter A of Chapter 1 of Title 11 of the Code of Federal Regulations as
3 follows:

4 **PART 110-CONTRIBUTION AND EXPENDITURE LIMITATIONS AND**
5 **PROHIBITIONS**

6 1. Revise the authority citation for Part 110 to read as follows:

7 **Authority:** 2 U.S.C. 431(8), 431(9), 432(c)(2), 437d, 438(a)(8), 441a, 441b,
8 441d, 441e, 441f, 441g, 441h and ~~441k~~, 36 U.S.C. 510.

9 2. Amend § 110.1 by revising paragraph (a) to read as follows:

10 **§ 110.1 Contributions by persons other than multicandidate political committees (2**
11 **U.S.C. 441a(a)(1)).**

12 (a) Scope. This section applies to all contributions made by any person as defined in
13 11 CFR 110.10, except multicandidate political committees as defined in 11 CFR
14 100.5(e)(3) or entities and individuals prohibited from making contributions under 11
15 CFR ~~110.19~~ and 110.20 and 11 CFR parts 114 and 115.

16 * * * * *

17 3. Amend § 110.5 by revising paragraph (a) to read as follows:

18 **§ 110.5 Aggregate biennial contribution limitation for individuals (2 U.S.C.**
19 **441a(a)(3)).**

20 (a) Scope. This section applies to all contributions made by any individual, except
21 individuals prohibited from making contributions under 11 CFR ~~110.19~~ and 110.20 and
22 11 CFR part 115.

23 * * * * *

1 4. Amend § 110.19 by revising it to read as follows:

2 ~~§ 110.19 Contributions and donations by minors.~~

3 ~~(a) Contributions to candidates. An individual who is 17 years old or younger shall~~
4 ~~not make a contributions to a candidate for Federal office, including a contribution to any~~
5 ~~of the following:~~

6 ~~(1) A principal campaign committee designated pursuant to 11 CFR 101.1(a);~~

7 ~~(2) Any other political committee authorized by a candidate under 11 CFR~~
8 ~~101.1(b) and 102.13 to receive contributions or make expenditures on~~
9 ~~behalf of such candidate; or~~

10 ~~(3) Any entity directly or indirectly established, financed, maintained or~~
11 ~~controlled by one or more Federal candidates.~~

12 ~~(b) Contributions and donations to committees of political parties. An individual~~
13 ~~who is 17 years old or younger shall not make a contribution or donation to:~~

14 ~~(1) A national, State, district, or local committee of a political party, including~~
15 ~~a national congressional campaign committee;~~

16 ~~(2) Any entity directly or indirectly established, financed, maintained or~~
17 ~~controlled by a national, State, district, or local committee of a political~~
18 ~~party, including a national congressional campaign committee; or~~

19 ~~(3) Any account of a committee or entity described in paragraphs (b)(1) and~~
20 ~~(b)(2) of this section.~~

21 ~~(c) Contributions to political committees that are not authorized committees or~~
22 ~~committees of political parties. An individual who is 17 years old or younger may make~~
23 ~~contributions to a political committee not described in paragraph (a) or (b) of this section~~

1 that in the aggregate do not exceed the limitations or contributions of 11 CFR 110.1 and
2 110.5, if —

3 (1) ~~The decision to contribute is made knowingly and voluntarily by that~~
4 individual;

5 (2) ~~The funds, goods, or services contributed are owned or controlled~~
6 ~~exclusively by that individual, such as income earned by that individual,~~
7 ~~the proceeds of a trust for which that individual is the beneficiary, or a~~
8 ~~savings account opened and maintained exclusively in that individual's~~
9 ~~name;~~

10 (3) ~~The contribution is not made from the proceeds of a gift, the purpose of~~
11 ~~which was to provide funds to be contributed, or is not in any other way~~
12 ~~controlled by another individual; and~~

13 (4) ~~The contribution is not earmarked or otherwise directed to one or more~~
14 ~~Federal candidates, authorized committees, political party committees, or~~
15 ~~other organizations covered by paragraph (a) or (b) of this section. See 11~~
16 ~~CFR 110.6.~~

17 (d) ~~Volunteer Services.~~ Nothing in this section shall prohibit an individual who is 17
18 years old or younger from providing volunteer services to any Federal candidate or
19 political committee.

20 (e) ~~Definition of directly or indirectly establish, finance, maintain, or control.~~

21 ~~Directly or indirectly establish, finance, maintain or control has the same meaning as in~~
22 ~~11 CFR 300.2(e).~~

23 **§ 110.19 Contributions by minors.**

1 An individual who is 17 years old or younger (a Minor) may make contributions
2 to any candidate or political committee that in the aggregate do not exceed the limitations
3 on contributions of 11 CFR 110.1 and 110.5, if --

4 (a) The decision to contribute is made knowingly and voluntarily by the Minor;

5 (b) The funds, goods, or services contributed are owned or controlled by the Minor,
6 such as income earned by the Minor, the proceeds of a trust for which the Minor is the
7 beneficiary, or funds withdrawn by the Minor from a financial account opened and
8 maintained in the Minor's name; and

9 (c) The contribution is not made from the proceeds of a gift, the purpose of which
10 was to provide funds to be contributed, or is not in any other way controlled by another
11 individual.

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Scott E. Thomas
Chairman
Federal Election Commission

DATED: _____
BILLING CODE: 6715-01-U