

# FEC Permits PACs, Candidates and Parties to Use Electronic Redesignations

May 2011

In March 2011, the Federal Election Commission (FEC) issued an interpretive rule permitting electronic redesignation of contributions, effective immediately. FEC regulations require a federal political committee to remedy an excessive contribution within 60 days of receipt of the excessive contribution in one of two ways: refund the contribution or obtain the contributor's permission to redesignate the contribution for another election.

Prior to this interpretive ruling, FEC regulations required contribution redesignations to be made in writing and signed by the contributor. The interpretive rule now allows contributors to redesignate their contributions electronically. The FEC approved the specific method below, but announced that it would consider other methods on a case-by-case basis through the Advisory Opinion process.

In order for an electronic contribution redesignation to comply with this interpretive rule:

- The political committee must inform contributors through postal mail that they may redesignate their contributions by visiting a website and that if they do not redesignate their contributions, they will receive a refund automatically.
- The political committee may follow up with contributors through email informing contributors that they may redesignate their contributions by clicking on a provided link that directs them to the appropriate website and that if they do not redesignate their contributions, they will automatically receive a refund.
- The political committee's website must require contributors to fill out an electronic form affirmatively authorizing the

## Authors

Michael E. Toner  
Partner  
202.719.7545  
mtoner@wiley.law

redesignation and verifying the contributors' identities by asking them to provide their name, address, phone number, email address, occupation and name of employer.

- The website must provide contributors with a "receipt" upon completion of the redesignation.
- The political committee must retain records of electronic redesignations in a manner consistent with the current recordkeeping requirements for written redesignations.

The complete interpretive rule may be found online at [www.fec.gov/agenda/2011/mtgdoc\\_1113a.pdf](http://www.fec.gov/agenda/2011/mtgdoc_1113a.pdf).